

**Lincoln County Board of Adjustment
Minutes of Thursday, August 27, 2015 at 8:30 a.m.
Lincoln County Service Center, Meeting room #156**

1. Open meeting and Call to Order – Meeting was called to order at 8:30 a.m. in the Zoning Office. Members present: Lamer, Hornischer, Adams, Brixius & Alternate Prain. Also present were Diane Wessel; Land Services Administrator and June Winters; Zoning Program Assistant. Alternate Rausch will meet the Board at the tour site.
2. Tour the site in the Town of Bradley that is the subject of the Public Hearing to be held at 10:00 a.m. - Board Members & Wessel left to tour the site. The Board & Wessel returned to Room #156 and reconvened at 10:00 a.m. to continue the meeting.
3. Approve minutes from the May 28, 2015 meeting - M/S Adams /Hornischer to approve the minutes from May 28, 2015 meeting. Motion carried all ayes.

Members present for the public hearing: Lamer, Hornischer, Brixius, Adams, and Alternates Prain & Rausch. Visitors: Diane Wessel; Land Services Administrator, June Winters; Zoning Program Assistant and 2 others.

4. Public Hearing – The public hearing was opened for the request listed below.

Variance

1. A request for a variance by Darwin Schiller from sections 21.07 & 17.4.10 of Lincoln County Ordinances to allow for the building of a home and garage which is less than the required 63 feet from a town road. The property is located in Section 04, T35N, R06E, in the Town of Bradley and has a parcel number of 04.043506.018.068.01.02.

Darwin Schiller was present and sworn in. He explained their request. They have been trying to sell this parcel for years. He believes that it is not selling because it would only allow for a small home under current regulations. He said that the lot is beautiful but needs a variance to allow a larger home. He said that they need some type of allowance to make this lot appealing to potential buyers. He said that he has paid almost \$25K in taxes on this lot since purchasing it and they just want to have some flexibility. Brixius asked the maximum size of a home allowed. Prain thought the size allowed under regulations would be smaller & not consistent with other homes in the area. There was discussion on the variance that was granted 15 years ago. Schiller said that he is just looking for the relief that was previously granted and that others have been granted in this area. Brixius said that a hardship needs to be proved and this is a buildable lot as is. Hornischer commented that this was previously granted 15 years ago and said that while this is an inordinate amount of time for it not to be exercised, there must have been a reason it was granted at that time.

Schiller explained that the variance in 2000 was applied for by the previous owner when Schillers were looking at buying the lot. It was granted for 10 years. This lot is next door to where they currently live but they probably would not have purchased the lot had the variance not been granted. In 2010 they were still deciding whether to build again themselves or sell the lot and asked for a 10 year extension and were granted a 5 year extension. Hornischer asked Schiller if he had read & understood the staff report opinion recommending denial or if granted would be only be valid for the 2 year time frame with no extensions. After discussion Schiller said that he understood that.

Prain questioned why the lot depth appears to have changed over the years. Adams asked if when Schillers first purchased the parcel they intended to build. Schiller said that in 1995 they built on the lot that they currently reside now and looked at buying this adjoining lot for privacy at that time

with the possibly of building or selling in the future. There was discussion on the lot dimension discrepancy on different surveys. There was discussion on the previous variance and the variance process.

Diane Wessel, Land Services Administrator, came to the podium and was sworn in. She reviewed the staff report. The lot does have a buildable area. She explained the ordinance standards she was citing in the staff report. Prain asked Wessel if she could explain the difference in lot dimensions from the original plat to the 1994 survey. She said she could not and explained the diagram that staff had provided was from the best information that we have. Prain asked how the Ordinary High Water Mark is set and Wessel & Schiller said that in this case was done by Dan Miller when the original variance was granted.

Lamer closed the public hearing for the Schiller variance request. The Board reviewed and completed the Findings of Fact, Conclusions of Law, and Order and Determination.

M/S Hornischer/Prain to APPROVE the request. Hornischer clarified the applicant needs to understand that he has the 2 year time frame to exercise this variance and may ask for a 1 year extension before expiration. Hornischer said he believes that should give them adequate time to market the property.

Motion carried 4-1, with Brixius voting nay.

5. Mardell Ingman Trust - (VAR-13-003 granted 8/1/13) – requesting a 1 year extension. - Wessel explained that the applicant had initially requested a one year extension and after reviewing the recent changes to shoreland zoning (Act 55) in effect with the Budget Bill passing, their request no longer requires a variance so there is no extension necessary and they can proceed with the land split by applying for a minor subdivision review.
6. Board re-organization & election of officers – Winters shared with the Board that Adams & Brixius had been reappointed to the Board of Adjustment at the June 16, 2015 County Board meeting. On August 24, 2015 Board member Steffenhagen submitted her resignation from the Board. The County Clerk will need to advertise for her replacement.

Nominations for Chairman were called. Hornischer nominated Lamer, seconded by Adams. There were no other nominations. Unanimous vote cast for Lamer. Lamer remains the Board Chairman.

Lamer called for nominations for Vice Chairman. Adams nominated Hornischer, seconded by Brixius. There were no other nominations. Unanimous vote cast for Hornischer. Hornischer remains the Board Vice-Chairman.

Lamer called for nominations for Secretary. Hornischer nominated Brixius, seconded by Adams. There were no other nominations. Unanimous vote cast for Brixius. Brixius remains the Board Secretary.
7. Update on Shoreland Zoning – Wessel gave a PowerPoint presentation regarding recent shoreland regulation changes as a result of Act 55 and how it may affect the Board of Adjustment. There was lengthy discussion on the changes and the impact of those changes. There was discussion on the variance process itself.
8. Adjourn – Motion by Hornischer, seconded by Adams to adjourn at 11:35 a.m. Motion carried all ayes.