

**Lincoln County Board of Adjustment**  
**Minutes of Thursday, October 26, 2023 at 8:30 a.m.**  
**Lincoln County Service Center, Meeting room #247**  
Meeting recording available on the Lincoln County website  
**\*\*AMENDED\*\***

Members Present for Meeting (In-Person): Kim Brixius, Curt Powell, and Phil Rausch

Members Absent:

Department Heads/Staff (In-Person): Mike Huth (Zoning Program Manager/Land Services Administrator), Karry Johnson (Corporation Counsel), Laura Boquist (Shoreland Specialist), and Elizabeth Peronto (Program Assistant)

Department Heads/Staff (Virtual): none

Visitors (In Person): See attached sign-in sheet

Visitors (Virtual): See attached sign-in sheet

1. Call Meeting to Order – Meeting was called to order by Chair Rausch at 8:35am
2. Roll Call - Quorum present.
3. Adopt Agenda – M/S Powell/Brixius to change the agenda order so that item #5b is heard before item #5a but otherwise adopt the agenda as presented. Motion carried on a voice vote.
4. October 12, 2023 BOA Meeting Minutes – Elizabeth Peronto presented two proposed corrections. The first correction is to the last paragraph in item 5a correcting the language in the motion/second to accurately reflect the variance. The second correction in the last paragraph in item 5b correcting the language in the motion/second to accurately reflect the variance.

M/S Powell/Brixius to approve the minutes from the 10/12/2023 BOA Meeting with the two proposed corrections by Elizabeth Peronto. Motion carried on a voice vote.

OLD BUSINESS

None

NEW BUSINESS

5. 8:30am Public Hearing - Testimony will be taken on the hearings as noticed (see public hearing notice). Following each hearing for a variance there will be Discussion, Deliberations, Findings of Fact, Conclusions and Determinations.

**Variance**

- b) A request for variance by MNM Income Trust from Lincoln County Shoreland section 21.07(6)(2)(b) to allow for the building of a new boathouse exceeding maximum size allowances and from section 21.07(6)(2)(d) to allow for the building of a new boathouse outside of the allowable view and access corridor.

Rausch asked if there were any proponents for the request. Michael Marcell, the applicant, was present, sworn in, and requested a layover of this discussion and decision in order to prepare a response to the staff report.

M/S Powell/Brixius to approve of the layover of the hearing to a future meeting. Motion carried on a voice vote.

**Appeal**

- a) An appeal by Skanawan Property Owners Association, U.A. for an Appeal of Administrative Decision of the Land Services Committee which approved a Conditional Use Permit (CUP-96-1075) for Milestone Materials a division of Mathy Construction Co. regarding an expansion of a non-metallic mineral (NMM) extraction use (sand and gravel pit).

Rausch stated that in Lincoln County Ordinance 17.8.12(2)(b), the Zoning Board of Adjustment shall have the specific duty to hear and decide appeals where it is alleged that there is an error in any decision of the Land Services Committee related to a conditional use permit request, with such review limited to determining whether the Committee's action considered the appropriate standards and met the requirements of this chapter, as opposed to the Board of Adjustment conducting a de novo review.

By request of Powell, Huth gave an overview of what documents were in the packet with regard to the public meeting record. Further discussion by Board of Adjustment members occurred regarding the Board of Adjustment's role in this appeal of the Land Services Committee's decision with regard to the Lincoln County Code of Ordinance.

M/S Powell/Brixius to deny the appeal. Motion carried on a roll call vote.

<b>Member</b>	<b>Vote</b>
Rausch	Aye
Powell	Aye
Brixius*	Aye

ANNOUNCEMENTS

- 6. Next Meeting Date and Time – The next meeting will be call of the Chair.
- 7. Adjourn – M/S Powell/Brixius to adjourn at 8:55am. Motion carried on a voice vote.

Minutes prepared by Elizabeth Peronto and Mike Huth

**LINCOLN COUNTY SIGN-IN SHEET FOR COMMITTEE MEETING**

Board of Adjustment	Lincoln County Service Center Meeting Room #247	8:30am Meeting - 9:00am <i>UP</i>
<b><u>COMMITTEE</u></b>	<b><u>LOCATION</u></b>	<b><u>TIME CALLED TO ORDER</u></b>

**DATE: October 26, 2023**

**MEMBERS PRESENT:**

**DEPARTMENT HEAD**

MIKE HATH  
Harry Johnson

**CHAIR** PHIL RAYSON  
**MEMBER** Kim Brixius  
**MEMBER** Chad Bauer  
**ALTERNATE** \_\_\_\_\_  
**ALTERNATE** \_\_\_\_\_

\* = Attended Virtually

**VISITORS MUST SIGN-IN (PLEASE PRINT LEGIBLY)**

<u>Elizabeth Perento</u>	<u>Kathleen Henry</u>	_____
<u>Jim Beaumont</u>	<u>Chere Lathin</u>	_____
<u>JOE DOZAN</u>	<u>Mike Plese</u>	_____
<u>JOHN LAZARZ</u>	<u>Jim Small</u>	_____
<u>Laura Boquist</u>	<u>Wally Hoovik</u>	_____
<u>Mary Kraus</u>	<u>Jacqueline Horabek</u>	_____
<u>TOM BURCH</u>	_____	_____
<u>BOB SERVIS</u>	<u>*Attorney Craig Nienow</u>	_____
<u>JOHN HECKENDORF</u>	<u>*Attorney Eric McLeod</u>	_____
<u>Ryan R. Smith</u>	<u>*Anthony Tomashak</u>	_____
<u>Michael W Marcell</u>	_____	_____

Turn Over for More Spaces

8:55am  
 Time of Adjournment

TBD Lincoln County Service Center  
 Date, Time, & Place of Next Meeting

(revised 7/8/19)

Recording Secretary *[Signature]*