

LINCOLN COUNTY ZONING BOARD OF ADJUSTMENT

Thursday, August 27, 2020 at 9:00am

Meeting Location: Lincoln County Service Center, 801 N. Sales St, Room #257, Merrill, WI 54452

Via Teleconference and In-Person Attendance

In-Person Attendance: Due to public health recommendations regarding COVID-19 and mass gatherings, you are encouraged to attend by phone. For those attending in person, please observe social distancing by staggering your arrival time and by maintaining spacing between attendees of at least 6 feet. Attendees should spread out around the perimeter of the room. Consistent with Governor Evers' Emergency Order #1 (Executive Order #82), face coverings will be required of all attendees with the limited exceptions set forth in Emergency Order #1.

Teleconference Attendance: Persons wishing to attend the meeting by phone may call into the telephone conference beginning ten minutes prior to the start time indicated above using the following number:

Conference Call: 1 443-606-0661

Access Code: 773 372 462#

Meeting ID: meet.google.com/wut-hfsn-xrk

The teleconference cannot start until the host (department head) dials in and enters the host password.

All public participants' phones, microphones, and chat dialog boxes will be muted or disabled during the meeting. If "public comment" appears on the agenda, before the meeting is called to order, the clerk will ask teleconference attendees whether any public comment is being offered. When call up on by the clerk or chair, any person offering public comment should state their name and comments.

MEETING AGENDA

Action where applicable and necessary

- 1) 9:00 a.m. Call Meeting to Order
- 2) Approve minutes from July 23, 2020 public hearing
- 3) **9:00 a.m. Public Hearing** – Testimony will be taken on the appeal hearings as noticed (See public hearing notice). Following each hearing for a variance there will be Discussion, Deliberations, Findings of Fact, Conclusions and Determinations
 - a) A request for variance by Richard and Charmaine Kaiser from section 17.4.10 of Lincoln County Ordinance to allow for the building of a structure which is less than the minimum required street yard setback from the town road right-of-way and the town road centerline. The property is Lot 28 Mohawksin Lake Point Sub-Div located in the W ½ NE ¼ of Section 31, T35N, R6E, in the Town of Bradley and has a parcel number of 004-3506-314-9870, with an address of N9955 Mohawksin Road.
- 4) Next meeting date and time
- 5) Adjourn

DISTRIBUTION:

Zoning Board of Adjustment Members –Kim Brixius, Mike Prain, Phillip Rausch, & Curtis Powell
County Board Supervisors
Administrative Coordinator
Department Heads

Others

News Media - Notified on _____ at _____ .m by _____

Bulletin Boards

Service Center – Posted on _____ at _____ .m by _____

While there may be a quorum of other Lincoln County committees present at this meeting, no other Lincoln County committee business will be conducted at this meeting.

Requests for reasonable accommodations for disabilities or limitations should be made prior to the date of this meeting. Please contact the Lincoln County Clerk at 715-539-1019 as early as possible so that proper arrangements may be made. Requests are kept confidential.

GENERAL REQUIREMENTS:

1. Must be held in a location which is reasonably accessible to the public.
2. Must be open to all members of the public unless the law specifically provides otherwise.

NOTICE REQUIREMENTS:

1. In addition to any requirements set forth below, notice must also be in compliance with any other specific statute.
2. Chief presiding officer or his/her designee must give notice to the official newspaper and to any members of the news media likely to give notice to the public.

MANNER OF NOTICE:

Date, time, place, and subject matter, including subject matter to be considered in a closed session, must be provided in a manner and form reasonably likely to give notice to the public.

TIME FOR NOTICE:

1. Normally, a minimum of 24 hours prior to the commencement of the meeting.
2. No less than 2 hours prior to the meeting if the presiding officer establishes there is a good cause that such notice is impossible or impractical.

EXEMPTIONS FOR COMMITTEES AND SUB-UNITS:

Legally constituted sub-units of a parent governmental body may conduct a meeting during the recess or immediately after the lawful meeting to act or deliberate upon a subject which was the subject of the meeting, provided the presiding officer publicly announces the time, place, and subject matter of the sub-unit meeting in advance of the meeting of the parent governmental body.

PROCEDURE FOR GOING INTO CLOSED SESSION:

1. Motion must be made, seconded, and carried by roll call majority vote and recorded in the minutes.
2. If motion is carried, chief presiding officer must advise those attending the meeting of the nature of the business to be conducted in the closed session, and the specific statutory exemption under which the closed session is authorized.

STATUTORY EXEMPTIONS UNDER WHICH CLOSED SESSIONS ARE PERMITTED:

1. Deliberation of judicial or quasi-judicial matters. Sec. 19.85(1)(a)
2. Considering dismissal, demotion, or discipline of any public employee or the investigation of charges against such person and the taking of formal action on any such matter; provided that the person is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action is taken. The person under consideration must be advised of his/her right that the evidentiary hearing be held in open session and the notice of the meeting must state the same. Sec. 19.85(1)(b).
3. Considering employment, promotion, compensation, or performance evaluation data of any public employee. Sec. 19.85(1)(c).
4. Considering strategy for crime detection or prevention. Sec. 19.85(1)(d).
5. Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Sec. 19.85(1)(e).
6. Considering financial, medical, social, or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of specific charges, which, if discussed in public would likely have an adverse effect on the reputation of the person referred to in such data. Sec. 19.85(1)(f).
7. Conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. Sec. 19.85(1)(g).
8. Considering a request for advice from any applicable ethics board. Sec. 19.85(1)(h).

CLOSED SESSION RESTRICTIONS:

1. Must convene in open session before going into closed session.
2. May not convene in open session, then convene in closed session and thereafter reconvene in open session within twelve (12) hours unless proper notice of this sequence was given at the same time and in the same manner as the original open meeting. Sec. 19.85(2).
3. Final approval or ratification of a collective bargaining agreement may not be given in closed session.

BALLOTS, VOTES, AND RECORDS:

1. Secret ballot is not permitted except for the election of officers of the body or unless otherwise permitted by specific statutes.
2. Except as permitted above, any member may require that the vote of each member be ascertained and recorded.
3. Motions and roll call votes must be preserved in the record and be available for public inspection.

USE OF RECORDING EQUIPMENT:

The meeting may be recorded, filmed, or photographed, provided that it does not interfere with the conduct of the meeting or the rights of the participants.

LEGAL INTERPRETATION:

1. The Wisconsin Attorney General will give advice concerning the applicability or clarification of the Open Meeting Law upon request.
2. The municipal attorney will give advice concerning the applicability or clarification of the Open Meeting Law upon request.

PENALTY:

Upon conviction, any member of a governmental body who knowingly attends a meeting held in violation of Subchapter IV, Chapter 19, Wisconsin Statutes, or who otherwise violates the said law shall be subject to forfeiture of not less than \$25.00 nor more than \$300.00 for each violation.

**Lincoln County Board of Adjustment
Minutes of Thursday, July 23, 2020 at 9:00 a.m.
Lincoln County Service Center, Meeting room #257**

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

Members Absent:

Department Heads/Staff (In-Person): Matt Bremer (Land Services Administrator), Mike Huth (Zoning Program Manager), and Elizabeth Peronto (Program Assistant)

Visitors (In-Person): Dan Drexler, Dale Kunkel, Karen Kunkel, Mary Jo Wheeler-Schueller, Zach Wheeler-Saboy

Visitors (Virtual): Dora Gorski

1. Open meeting and Call to Order – Meeting was called to order by Chair Rausch at 9:05am

2. Approve minutes from the November 19, 2019 meeting –

M/S Brixius/Powell to approve the minutes. Motion carried unanimously on a roll call vote.

3. 9:00am Public Hearing – Public Hearing was called to order at 9:05am by Chair Rausch. Chair Rausch explained the rules of conduct for public hearings.

Variance

- a) A request for variance by Sun Prairie Investments LLP (Co-applicant: Wheelers Property of Merrill represented by Mary Jo Wheeler-Schueller, President) from section 17.6.06(1)(d) of Lincoln County Ordinances to exceed the permitted maximum freestanding sign height which is 30 feet along 4-lane highways. The property tax pin is 024-3107-324-9979, located in Section 32, T31N, R07E, in the Town of Scott and has an address of N259 Brandenburg Ave.

An onsite visit prior to the public hearing was not conducted. A video depicting the site and the area of proposed development was prepared by Land Services Staff in advance and presented at this time.

Mary Jo Wheeler-Schueller (co-applicant) was present and sworn in. Wheeler-Schueller explained their request. They are intending to open a GM (Chevrolet) dealership in the proposed location and the GM Brand has preset branding/sign standards based on the type of roadway it is to be displayed to. Wheeler-Schueller handed out visual evidence that the signs previously erected (by another auto dealership) before they purchased the property were the same size signs they are requesting now in the variance.

Powell asked the co-applicant if she was aware of a freestanding sign previously erected on the property. She stated she was and clarified that there were two signs and she is requesting only one.

Brixius asked the co-applicant if GM would deny a franchise due to the denial of this specific signage. The co-applicant said she believed they would not but it is difficult working with the differences between GM standards and local zoning sign requirements.

Rausch asked if there were any other supporters/proponents for the request. Dan Drexler from the Stratford Sign Company was present and was sworn in. Drexler explained that he was present for a meeting in 2015 with regard to zoning sign requirements for this same property with similar requests. Drexler explained that he feels the size of the sign will fit the property and not cause an eyesore. It will be fitting for a four lane highway.

Powell asked when the most recent sign ordinance update has occurred. Bremer stated that Huth will answer that question in his staff overview.

Rausch asked if any opponents to the request were present and desired to testify. Dale Kunkel was present and sworn in. Kunkel is an adjacent neighbor east of the property and feels that past allowances in signs and lights cause undue bright lights for area residents including their property. Kunkel feels that it deters future property owners from establishing residences in that area and decreases the land value. They are opposed to any further allowances with regard to sign height, lights, or any other fixtures that would affect the area residents.

Powell asked Kunkel if they are concerned about light pollution for their property. Kunkel explained that they are. Powell asked if they are concerned with additional lumens. Kunkel said they are.

Brixius asked Kunkel if he is okay with a sign the same size as the previous. Kunkel said they were. Brixius asked Kunkel if they are opposed to anything larger. Kunkel said that they are opposed to a larger sign. They were opposed to the original sign, but also more opposed to a larger sign.

Rausch asked if there were any others present in opposition to the request.

Mike Huth (Zoning Dept Manager) was present and sworn in. Huth presented the positive recommendation from the Town of Scott for the public hearing record. He gave an overview of the staff report for the Board including a history of past sign permitting at this property. Huth gave a brief overview of the history of county zoning signs ordinance changes from 2010-2015. Per the staff report (including analysis) provided in advance, approval of the variance is not recommended inasmuch as there is not a hardship present and legal alternatives (meeting County Zoning Ordinance standards) are available to erect the sign on the parcel.

Further discussion followed between Huth, Bremer, and BOA members regarding the timeline for past sign permits and what the impact now is that the existing freestanding sign had been entirely removed.

Rausch asked if there was any other input from the public. There was none.

Rausch closed the public hearing for the variance request.

The Board reviewed and completed the Findings of Fact, Conclusions of Law, and Order and Determination.

M/S Powell/Prain to APPROVE THE REQUEST with conditional items 1-4 as reflected in the staff report. Motion carried on a roll call vote with the following conditional items:

1. The variance must be exercised within 24 months as required by 17.8.60(9).
2. Freestanding signs shall be set back from all lot lines and street right-of-ways a minimum distance that is equivalent to their height.
3. Signs adjacent to State and Federal highways shall also be subject to setback requirements associated with TRANS 233, Wis. Adm. Code.
4. All other applicable regulations shall be met.

Member	Vote
Rausch	Yes
Prain	Yes
Powell	Yes
Brixius	No

Rausch asked if the co-applicant understands the conditions of the variance approval. Wheeler-Schueller indicated that she does.

4. Update on vacant Board Member Positions – Bremer gave an overview of the Board positions open and the Towns that are available for applicants to be drawn from.
5. Next Meeting Date and Time – The next meeting will be on August 27th, 2020 at 9:00am.
6. Adjourn – M/S Brixius/Rausch to adjourn at 10:11a.m. Motion carried unanimously on a roll call vote.

Minutes prepared by Elizabeth Peronto

NOTICE OF PUBLIC HEARING

The Lincoln County Board of Adjustment will hold a Public Hearing on Thursday August 27, 2020 at 9:00 a.m. to take testimony on the items listed below. The public hearing will be held at the Lincoln County Service Center, Meeting room #255/257/260, at 801 N. Sales St., Merrill, WI. The public may attend either in person or via telephone conference (details may be found in agenda once it is posted at <https://co.lincoln.wi.us/meetings>).

VARIANCE

1. A request for variance by Richard and Charmaine Kaiser from section 17.4.10 of Lincoln County Ordinance to allow for the building of a structure which is less than the minimum required street yard setback from the town road right-of-way and the town road centerline. The property is Lot 28 Mohawksin Lake Point Sub-Div located in the W ½ NE ¼ of Section 31, T35N, R6E, in the Town of Bradley and has a parcel number of 004-3506-314-9870, with an address of N9955 Mohawksin Road.

The above hearings will be held in **Meeting room #255/257/260 of the Lincoln County Service Center, at 801 N. Sales Street, Merrill, WI.** All parties wishing to be heard are requested to be present. Both written and oral testimony will be entered into the record and considered when making the decisions. All those wishing to testify must be sworn in. Original materials may be viewed in the Lincoln County Zoning office at 801 N. Sales St. Merrill, WI.

NOTE: A final decision on any of the above requests may be made at a later date. Items not acted upon or laid over will come before the Board again as "Old Business." The Board may but is not obligated to take any additional testimony.

Kim Brixius, Secretary

RECEIVED

PETITION FOR VARIANCE

Variance # VAR-20-002

2020

Date filed 7/09/2020

Fee \$ 450.00

Receipt # 14357

Owner Information: Name Richard + Charmaine Kaiser

Mailing Address: N9955 Mohawksin Rd Tomahawk, WI 54487

Daytime Telephone Number: (317) 223-1805

Legal description of the property: NW/NE + SW/NE Sec 31, T. 35 N., R. 6 E

and/or Lot Number 28, Subdivision Name Mohawksin Lake Point Sub-Div

Property Address N9955 Mohawksin Rd Tomahawk, WI

Tax Parcel Number 00435063149870 PIN 04.313506.021.000.28.01

Zoning district RR1 Lot size .49 Acres

Current use and improvements 2 bedroom Home with 1 car attached garage +

1 car detached garage + shed

Proposed use and improvements 20x20 Garage for storage

Ordinance section relating to variance request 6.3 F setback from center line of road

Relief is requested to allow: 47 FT setback from center line of road

for 20x20 garage.

Address each of the following criteria for granting a variance (please be specific).

1) Unnecessary hardship is present because... Lot has 15 FT of water frontage 15 at a 45 degree angle not allowing for any access to a boat house for storage from the lake on lot. Severe soil, ground + tree + shoreline disturbance would be needed to correct this

2) Unique features of this property prevent compliance with the terms of the ordinance; they include... Lot is only 144 FT deep with current setback regulations of 75 FT from water + 6.3 FT from center line of road 20x20 will not fit. Also 45 degree angle of shoreline will not allow access from water.

3) A variance will not be contrary to the public interest because... proposed building will meet all other required setbacks from adjoining properties and there are already several buildings in the subdivision which are close to the road

Names of adjoining property owners:

Mark A Kaiser, John Graf

Owner Kaiser Last Name, Richard + Charmaine First Name, Tax Parcel # 004-3506-314-9870, Town Bradley, Subdiv. Mohawksin Lake Point Sub-Div, Block 28, Lot 6 E, N. R. 35, T. 31, NW/NE 1/4 SW/NE 1/4, Sec. 31, Property Desc (.49 acres), GL

A SCALE DRAWING MUST BE ATTACHED that accurately depicts the following:

1. The location and size of the property including all lot line dimensions
2. Indicate north
3. Show the location and names of all surrounding roads / highways
4. Show the location of all area water bodies (lakes, rivers, streams, ponds, etc.)
5. Indicate all existing buildings and mark with "EB"
6. Indicate all wells and sanitary systems and mark as such
7. Include all directly abutting properties and structures, sanitary systems, etc.
8. Show the requested change or construction and include the following measurements:
 - a. Distance from the centerline of all roads
 - b. Distance from the right-of-way of all roads
 - c. Distance to all lots lines
 - d. Distance to all water bodies
 - e. Distance from sanitary system drainfield and tanks
 - f. Distance from well

Application will be returned/dismissed if not completed in full.

Applicants are required to clearly mark on their property the location of:

1. The proposed change or construction
2. All property lines
3. Sanitary system components (drain fields, tanks, etc.)
4. Wells
5. Other physical features pertinent to the decision

These features should be marked with high visibility flags, tape, or stakes.

Additional information beyond what has been specifically requested in this application may be required by the Lincoln County Board of Adjustment before rendering a decision. Failure to provide all requested information could result in the dismissal or denial of your application. The Lincoln County Board of Adjustment is governed by Rules of Procedure. A copy of the Rules of Procedure are available to any interested party upon request.

To the Lincoln County Zoning Administrator / Lincoln County Board of Adjustment: The undersigned hereby makes application for a PETITION FOR VARIANCE for work described and located as shown herein. The undersigned agrees that all work shall be done in accordance with the requirements of the Lincoln County Zoning Ordinance and with all other applicable County Ordinances and the laws and regulations of the State of Wisconsin. I declare that the information that I am supplying is true and accurate to the best of my knowledge and I acknowledge that this information will be relied upon for the issuance of this permit. By signing this application I am also granting permission to the zoning department staff to enter my property at any reasonable time for the purpose of inspection to assure compliance with the zoning laws relative to the issuance of this permit.

Signed: *Robert E. Hank* Date: 7-8-2020
property owner's signature(s) required

Signed: *Charmaine Kaiser* Date: 7-8-2020
property owner's signature(s) required

Co-Applicant information (other than owner)

Name _____

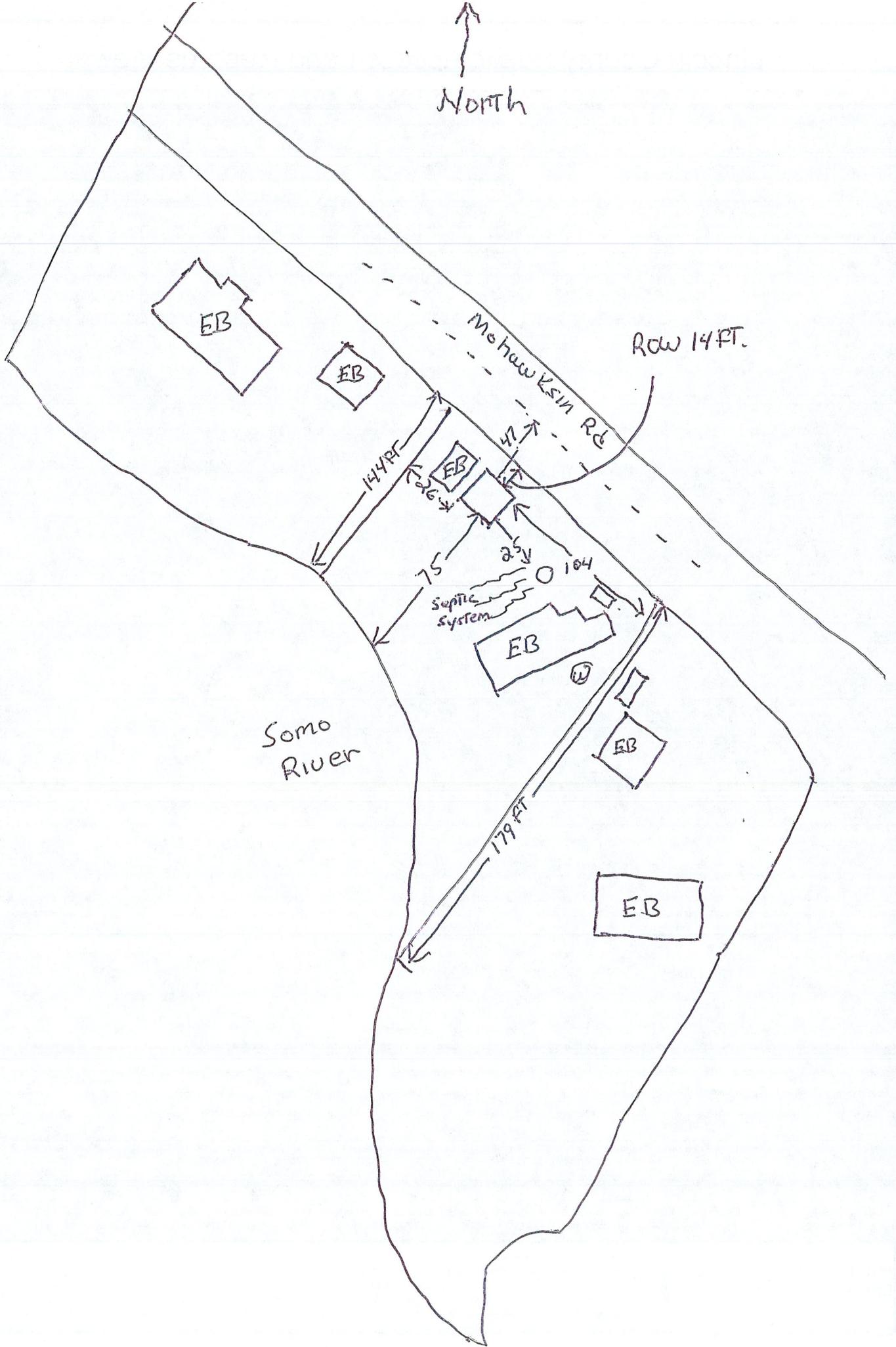
Address _____

City, ST, Zip _____

Phone # () _____

IF GRANTED, NO CONSTRUCTION SHALL BEGIN UNTIL A LAND USE PERMIT HAS BEEN ISSUED

North



Lincoln County Public Access Land Records Viewer



Author: Public
Date Printed: 7/9/2020



The information depicted on this map is a compilation of public record information including aerial photography and other base maps. No warranty is made, express or implied, as to the accuracy of the information used. The data layers are a representation of current data to the best of our knowledge and may contain errors. It is not a legally recorded map and cannot be substituted for field-verified information. Map may be reproduced with permission of the Lincoln County Land Services Department. Errors should be reported to Land Services Department, 801 North Sales St, Merrill, WI, 54452. Copyright © 2015 Phone (715) 539-1049.



PETITION FOR VARIANCE REQUEST
STAFF REPORT

Report Date: August 19, 2020
Hearing Date: August 27, 2020
Property Owner: Richard and Charmaine Kaiser
Property Address: N9955 Mohawksin Road
Town of: Bradley
Tax Parcel Number: 004-3506-314-9870
Zoning District: RR1-Rural Residential
Zoning District Overlay: Shoreland
Staff Reviewer: Mike Huth – Zoning Program Manager
Submitted Materials: Request for Variance Application and supporting documents

OVERVIEW

REQUEST

A request for variance by Richard and Charmaine Kaiser from section 17.4.10 of Lincoln County Ordinances to allow for the building of a structure which is less than the minimum required street yard setback from the town road right-of-way and the town road centerline.

SITE CHARACTERISTICS

The approximate 0.49 acre partially wooded parcel is located south of Mohawksin Road, a town road in Section 31 Town of Bradley. It is located in the Rural Residential (RR1) zoning district. With the close proximity of the parcel to the Somo River and Lake Mohawksin, located southwest of the property, the property is within the S-Shoreland overlay zoning district. The proposed structure (garage) location is in the overlay zoning district, but the proposed structure location will be meeting the 75’ setback to the ordinary high water mark (OHWM). Additionally, a portion of the property contains the general Flood Plain (Zone AE) designation on the western edge of the property along the Somo River. The proposed project would not be near the floodplain area.

PROPERTY HISTORY AND SUMMARY OF NOTEWORTHY TOPICS

In 2012, the property owner was approved to construct a small detached structure. At that time shoreland overlay ordinance allowed for a reduced setback to the roadway as long as the applicant went through the shoreland buffer agreement process, which they did. With the most recent shoreland zoning ordinance changes, a reduced road setback is not allowed. Most recently, in 2018-2019, the property was permitted for rebuilding of the dwelling with an attached small garage, removal of a small shed, and reconstruction of a patio. The attached garage was required to be reduced in size when re-built due to some of it being located in the town road ROW. Additionally, a reconnection permit was issued to connect to the existing septic system. All of these projects met the most current shoreland zoning ordinance

regulations, most notably, rebuilding within the existing footprints and minimally expanding to allowable square footages so that encroachment into side/road/OHWM setbacks, did not occur.

PUBLIC NOTIFICATION

The legal notice of the request was noticed in the proper manner. Staff mailed notices of the petitioner's request to neighboring property owners within 300' from the property boundary and the Town of Bradley. At the date of this report, staff has received one positive formal comment from neighboring property owner, which has been included in the packet for BOA review.

APPLICABLE ORDINANCE SECTIONS

The general purpose of the Lincoln County Ordinance is to "of protect the public health, safety, morals, comfort, convenience and general welfare of the residents of Lincoln County". While the intent of the residential district where the property is located is "for single-family and two-family dwellings on relatively small rural lots." In the RR1 zoning district, setback lines from roads must comply with the requirements specified under general provisions for Lincoln County. The property abuts a town roadway and therefore has a setback requirement is 63' from the centerline or 30' to the edge of the ROWs (Whichever is greater). The proposed structure would be 14' from the ROW and 47' from the town road centerline.

- *17.8.60 (1) - VARIANCE REVIEW AND APPROVAL PROCEDURE. PURPOSE.* The purpose of this section is to provide regulations which enable the Board of Adjustment to hear and decide requests for permitted variation from the terms of this chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done; as provided for by Wisconsin Statutes and applicable case law.
- *17.8.60 (9) TIME LIMITS ASSOCIATED WITH VARIANCES.* An approved variance shall expire 24 months from the date issued if the work described in the permit is not commenced, unless a one-time, one-year extension is applied for, without fee, from the Board of Adjustment prior to the expiration date.
- *17.4.10(1) MINIMUM REQUIRED STREET YARDS.* Minimum required street yards, also known as "highway setbacks," shall apply to all yards which abut public roads. Such minimum required yards shall vary depending on the type of public road.

EVALUATION

APPROVAL CRITERIA

The Board of Adjustment shall review all variance petitions against the standards provided under Wisconsin Statutes and applicable case law, and with the consideration to the following three legal standards of the Lincoln County Zoning Ordinance. The petitioner has submitted responses to the variance standards outlined in the variance application (see variance application in packet) and below is the staff analysis of the request.

- 1) Unnecessary Hardship – Compliance with variance standards would unreasonably prevent the owner from use of the property for a permitted purpose, or would be unnecessarily burdensome.**

Staff Analysis: In the case of the standard "Unnecessary Hardship", the applicant does provide clear evidence that denial of the variance would unreasonably prevent them from using this property for a permitted purpose, and would be unnecessarily burdensome to construct a garage. The property topography along the shoreline and the limited area for construction/placement of a structure in conjunction with the proximity to the OHWM setbacks from the Somo River present unique factors to the subject residential property. Thus, preventing compliance with the ordinance setback standards from the town roadway.

- 2) Unique Property Features - this hardship is created because of unique qualities of the property, not the circumstances of the owner.**

Staff Analysis: To meet this standard the hardship must be because of unique property features, rather than the circumstances of the owner. Examples of unique property features could include steep slopes, existing building configurations, or existing septic layout/location

which prevent building in compliance with the ordinance. This property does have unique characteristics which create a hardship to meet the roadway setbacks.

3) Public Interest – the variance would not harm the public interest, which is the purposed and intent of the ordinance.

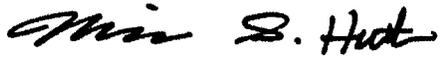
Staff Analysis: Under standard three the variance cannot be contrary to public interest or the intent of the zoning district. This standard is met by this application. By encroaching on the setback to the town road, the structure would not impede driver visibility or reduce public safety.

STAFF RECOMMENDATION

Based on the evidence available in the application and meeting the three variance standards, staff recommends **approval** of the variance to allow for the building of a structure 14' from the ROW and 47' from the town road centerline.

Staff recommends the following conditions be placed upon a favorable approval:

1. The variance must be exercised within 24 months as required by 17.8.60(9).
2. All other applicable regulations shall be met.



Lincoln County - Zoning Program Manager

8/19/20

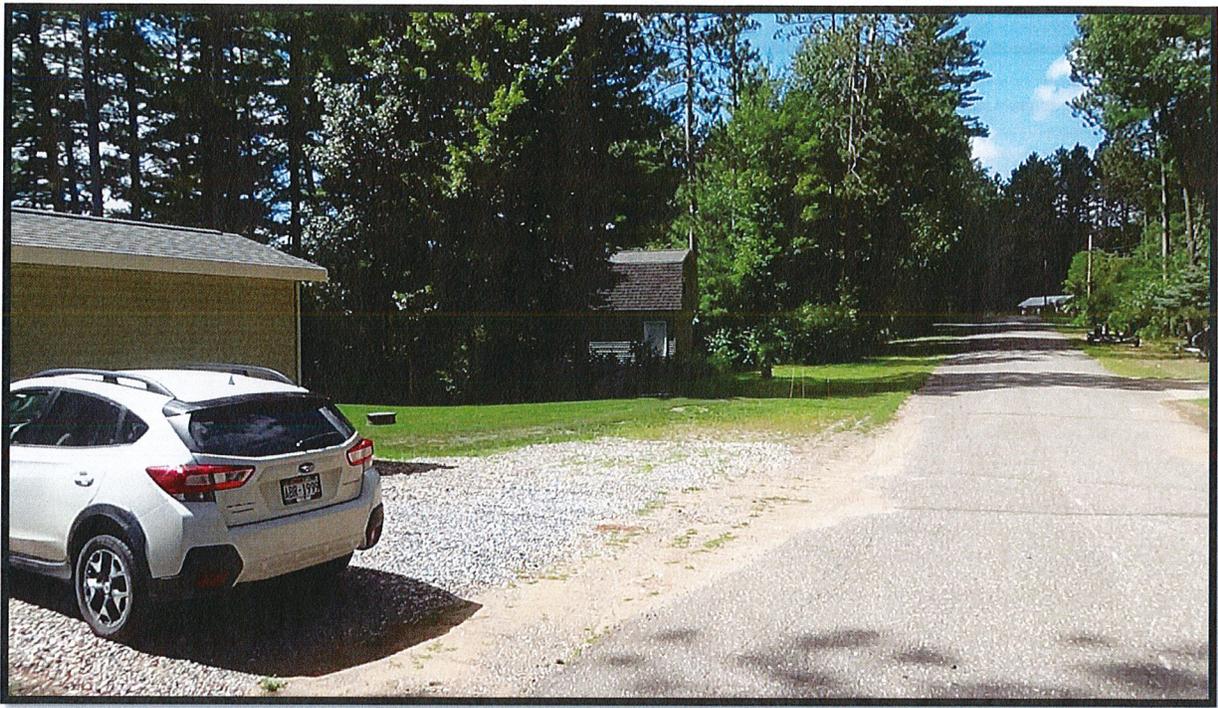
Date



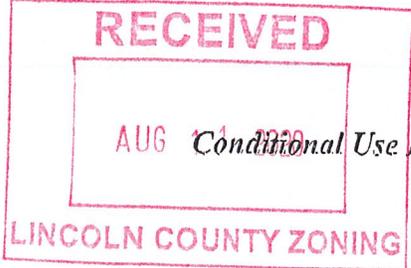
Looking South



Looking Southeast



Looking Northwest



Town Recommendation Form

Conditional Use Request, Petition for Modification of Subdivision Ord., Plat Approval

Town of Bradley

Lincoln County

Name of Applicant: Richard and Charmaine Kaiser

Request: Variance Request for property located at Lot 28 Mohawksin Lake Point Sub-Div located in the W1/2 NE1/4 of Section 31, T35N, R6E, parcel #004-3506-314-9870 with an address of N9955 Mohawksin Road, Tomahawk, WI, Town of Bradley.

The Town Planning Commission has made a recommendation on this date: N/A to:

 Approve the Request: by a vote of For and 0 Against

Conditions: _____

 Deny the Request: by a vote of For and Against

 Delay the Request for 30 days: by a vote of For and Against

Comments/Reasons for any of the above recommendations: _____

The Town Board has made a recommendation on this date: August 10, 2020.

Approve the Request: by a vote of 4 For and 0 Against

Conditions: _____

 Deny the Request: by a vote of For and Against

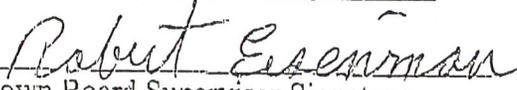
 Delay the Request for 30 days: by a vote of For and Against

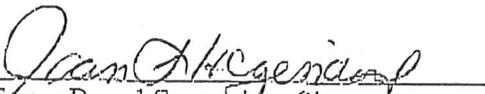
Comments/Reasons for any of the above recommendations: _____

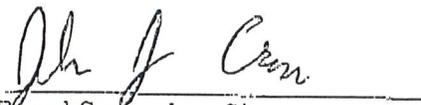
 (Check here if:) The Town hereby waives its right to make a formal recommendation on this Request to the Lincoln County Land Services Committee.

Dated this 10th day of August, 2020


Town Chairman Signature


Town Board Supervisor Signature


Town Board Supervisor Signature


Town Board Supervisor Signature

Monday, August 10, 2020

To Whom it may Concern:



My wife Nina and I currently own the property at N9975 Mohawksin Road and recently received the notice from Lincoln County concerning the petition for variance request from Richard and Charmaine Kaiser (N9995 Mohawksin Road; Variance #VAR-20-002). I will be unable to attend the meeting in person on 8/27 and would like to share my support for approval of the request. The Kaiser's have made several improvements to the property over the past 10 years and in all cases have done so with the utmost quality and care which I believe increases the value of the neighboring properties. Adding the storage area will be another improvement that I am confident they will professionally install and properly maintain.

In full transparency Richard is my younger brother; unfortunately for me he got the brains and the looks.

Thank you for taking time to consider this matter; please let me know if you have any questions.

Regards,

A handwritten signature in black ink that reads "Mark A. Kaiser".

Mark A. Kaiser
N9975 Mohawksin Road
Tomahawk, WI 54487
920-713-4160
mkaiser@lmc-corp.com

Mark and Nina Kaiser
1670 Berkshire Drive
Green Bay, WI 54313

RECEIVED

AUG 11 2020

NOTICE OF PUBLIC HEARING

The Lincoln County Board of Adjustment will hold a Public Hearing on Thursday August 27, 2020 at 9:00 a.m. to take testimony on the items listed below. The public hearing will be held at the Lincoln County Service Center, Meeting room #255/257/260, at 801 N. Sales St., Merrill, WI. The public may attend either in person or via telephone conference (details may be found in agenda once it is posted at <https://co.lincoln.wi.us/meetings>).

VARIANCE

1. A request for variance by Richard and Charmaine Kaiser from section 17.4.10 of Lincoln County Ordinance to allow for the building of a structure which is less than the minimum required street yard setback from the town road right-of-way and the town road centerline. The property is Lot 28 Mohawksin Lake Point Sub-Div located in the W ½ NE ¼ of Section 31, T35N, R6E, in the Town of Bradley and has a parcel number of 004-3506-314-9870, with an address of N9955 Mohawksin Road.

The above hearings will be held in **Meeting room #255/257/260 of the Lincoln County Service Center, at 801 N. Sales Street, Merrill, WI.** All parties wishing to be heard are requested to be present. Both written and oral testimony will be entered into the record and considered when making the decisions. All those wishing to testify must be sworn in. Original materials may be viewed in the Lincoln County Zoning office at 801 N. Sales St. Merrill, WI.

NOTE: A final decision on any of the above requests may be made at a later date. Items not acted upon or laid over will come before the Board again as "Old Business." The Board may but is not obligated to take any additional testimony.

Kim Brixius, Secretary

To Whom it may concern,

I am support of the Kaisers request for additional building opportunity + variance that they are asking for. They have done an excellent job in improving the neighbor hood + I believe they will continue to do so, with this variance.

Jim Schroeter
N 9976 Mohawksin Rd
Tomahawk Wis 54487