

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – February 19, 2010**

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by Chair Ahonen at 9:03 a.m., in the County Board Room, Courthouse, Green Lake, WI. The requirements of the open meeting law were certified as being met.

Present: Don Ahonen, Charles Lepinski (Alternate 1), Roger Ladwig (Alternate 2)
Absent: Jill Ladwig, Shirley Parker
Also present: Matt Kirkman, Code Enforcement Officer
Al Shute, County Surveyor/Land Development Director
Carole DeCramer, Board Secretary
Kate Worth, Court Reporter
Jeff Haase, Assistant Corporation Counsel

APPROVAL OF AGENDA

Motion by Lepinski/R. Ladwig, unanimously carried, to approve the agenda. Motion carried.

APPROVAL OF MINUTES

Motion by R. Ladwig/Lepinski, unanimously carried, to approve the December 18, 2009, minutes. Motion carried.

Audio tape is available for verbatim discussion.

RECESS FOR FIELD INSPECTION

Time: 9:05 a.m.

PUBLIC HEARING MATTERS

Board reconvened at 10:00 a.m.

Chair Don Ahonen read the Rules of Order.

See Transcript of Proceedings for verbatim testimony:

Item I: Owner/Applicant: Gene A & Gloria A Smedema **Address:** N4784 N Lakeshore Dr, Parcel #016-01568-0000, Beyers Cove Assessor Plat Lot 7, Section 3, T15N R12E, Town of Princeton **Explanation:** The owners are requesting a variance from Sections 338-14.A. and 338-14.B. of the Shoreland Protection Ordinance to allow for the construction of a new residence within the required 75' shoreyard setback and within the required 10' sideyard setback. Further, the owners are requesting a variance to Section 338-32.4.C. to allow the replacement of existing wooden terrace retaining walls within the required 75' shoreyard setback as well as the required 10' sideyard setbacks.

- a. Public hearing for the first variance request.

Ahonen – Disclosed that, as a realtor, he had sold the Smedemas this piece of property approximately five to six years ago. He has had no contact with them since that time.

Gene A. Smedema, N4204 Savage Road, Brandon, WI – Spoke in favor of the request.

Ahonen – Questioned Mr. Smedema about water runoff and erosion conditions. Mr. Smedema responded that he is not aware of any problems.

Kirkman – Explained that the staff report has error; impervious surface should read 31%. What they are proposing will be about 1% more than what is existing.

Gloria A. Smedema, N4204 Savage Road, Brandon, WI – Spoke in favor of the request.

Public hearing closed.

- b. Board discussion and deliberation for the first variance request.

There was no correspondence from the DNR or adjoining property owners.

The Board discussed the possibility of requiring rain gardens.

Shute – Recommended that the Board leave the conditions as stated. The Land Conservation Department will develop an appropriate plan.

Motion by R. Ladwig/Lepinski, unanimously carried on roll call (3-ayes, 0-nays), to approve the variance request to allow for the construction of a new residence within the required 75’ shoreyard setback and within the required 10’ sideyard setback with the following conditions:

- 1) **That a shoreland restoration plan be designed by an RSVP certified professional (in accordance with NRCS Interim Standard #643A, Shoreland Habitat and Wisconsin Biology Technical Note 1: Shoreland Habitat), be evaluated and approved by the Land Use Planning & Zoning Office prior to Land Use Permit issuance, and be installed within one year of land use permit issuance.**
- 2) **The shoreland restoration project shall be maintained via the Shoreland Vegetative Buffer Agreement that shall be recorded in the County Register of Deeds Office.**
- 3) **That the owner/applicant consults with the Land Conservation Department to:**
 - a. **Determine through the scope of the proposed project if any negative impact will occur to adjoining properties from stormwater produced on the subject site.**
 - b. **Create, if deemed necessary by the Land Conservation Department, a stormwater drainage plan that will address any stormwater issues on the subject site that will negatively impact an adjoining property.**
 - c. **Execute the stormwater drainage plan pursuant to standards developed with the Land Conservation Department.**

Motion carried.

Findings:

Ahonen – We found that it is an unnecessary hardship on the property because of the sewer easement and the narrow lot and the required setbacks in the zoning ordinance. It is a unique property, again, because the lot is a narrow, 40' in width, and that sewer easement that goes through the middle of the lot. We find no harm to the public interest. The owner is building a new structure with reduced setbacks from the existing structure. This area and this property are served by municipal sewer system. The owner will be working with Land Conservation, a landscaping professional in any of the drainage issues that will be created here.

- c. Public hearing for the second variance request.

Gloria A. Smedema, N4204 Savage Road, Brandon, WI – Spoke in favor of the request.

Exhibit A was marked for photos and displayed on the overhead projector.

Gene A. Smedema, N4204 Savage Road, Brandon, WI – Spoke in favor of the request.

Wesley Stibb, Outdoor Impact Landscaping – Spoke in favor of the request.

Public hearing closed.

- d. Board discussion and deliberation for the second variance request.

Motion by Lepinski/R. Ladwig, unanimously carried on roll call (3-ayes, 0-nays), to approve the variance to allow the replacement of existing wooden terrace retaining walls within the required 75' shoreyard setback as well as the required 10' sideyard setbacks with the following conditions:

- 1) That prior to issuance of a land use permit, the Land Use Planning and Zoning Department receive written certification by a qualified professional verifying the structural integrity of the retaining walls and their ability to withstand the forces exerted upon them.
- 2) That the new limestone walls be screened with native vegetation to minimize visual impact, and preserve the shoreline's natural scenic beauty.

Motion carried.

Findings:

Ahonen – There was unnecessary hardship here. The retaining walls not installed by the owners. They were deteriorating and were required to be replaced. The unique property limitation is the steep slope of the water front. There is no harm to the public interest. The area is sewerred. The applicant will use Land Conservation and RSVP, as well as a wall installer. This will protect the lake from wall failure and is in the best interest of the public.

CORRESPONDENCE

Motion by Lepinski/R. Ladwig, unanimously carried, to approve the 2010 calendar. Motion carried.

BOARD DISCUSSION – None

NEXT MEETING DATE

April 16, 2010

ADJOURN

On a motion by R. Ladwig/Lepinski, unanimously carried, the meeting was adjourned. Motion carried.

Time: 11:13 a.m.

Recorded by,
Carole DeCramer
Board of Adjustment Secretary

APPROVED ON:

May 21, 2010