

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING COMMITTEE
Public Hearing Minutes – May 2, 2007 – 6:00 p.m.**

CALL TO ORDER

Committee Chair Sue McConnell called the meeting of the Land Use Planning and Zoning Committee to order at 6:00 p.m. in the Green Lake County Courthouse, County Board Room, Green Lake, Wis. The requirements of the open meeting law were certified as being met.

Present: **Susan McConnell, Gus Mueller, Howard Sell, Wallace Williams**

Absent: **Orville Biesenthal**

Also Present: **Al Shute, County Surveyor/Land Development Director**

Dan Sondalle, Assistant Corporation Counsel

Carole DeCramer, Committee Secretary

Orrin Helmer, County Board Chair

APPROVAL OF AGENDA

Motion by Mueller/Williams, unanimously carried, to approve the agenda. Motion carried.

PUBLIC HEARING MATTERS

Chair McConnell read the Rules of Order.

Audio of testimony is available upon request from the Green Lake County Land Use Planning and Zoning Department.

Item I: Owner: Henry F & Bette J Dusel **Tax Parcel # and Description:** 016-1578-0000 & 016-1579-0000 – Beyer Cove Assessor Plat Lots 16 & 17, Sec 3, T15N R12E, Town of Princeton **Location of Premises Affected:** N4846 N Lakeshore Dr **Explanation:** Variance request to allow the modification of a lot line between two adjacent riparian lots that will not provide for the minimum 66 feet of frontage and ownership access on a public road and will not provide for an average lot width of 100 feet and lot area of 20,000 square feet.

a) Public Hearing

Shute – Explained the amended staff report that deleted “shoreland protection” and inserted “land division.” This area is still within the shoreland area, but the ordinance that is being applied is the land division ordinance.

Attorney Ludwig Wurtz, Ripon, Wisconsin, representing Mr. and Mrs. Dusel – Appeared on behalf of the petitioners; spoke in favor of the variance request. Also presented a letter from an adjoining property owner, Barb Rickmeyer, stating that they have no objections to the Dusel request.

Henry Dusel – Spoke in favor of the request.

Nancy Hill, Executive Director of the Green Lake Association, 506 Mill Street, Green Lake – Asked for clarification on the required 100-foot average lot width. Stated that she had no opposition to the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Sondalle – Referred the committee to the staff report. Reminded them that this is a variance request and that the criteria include the three-prong step. The staff recommendation, along with the recommended eight conditions, should also be considered.

c) Committee Decision

Motion by Mueller/Sell, unanimously carried on roll call (4-eyes, 0-nays), to approve the variance request with the following conditions:

- 1) **The more westerly dwelling on Lot 17 shall be razed and its footprint shall be brought back to grade and re-vegetated.**
- 2) **The small shed along the shoreline of Lot 17 shall be removed from the shoreyard and its footprint re-vegetated.**
- 3) **The blacktop driveway that crosses the proposed lot line shall be removed and the exposed area shall be re-vegetated.**
- 4) **The maximum percentage of impervious surfaces on Lot 16 shall not exceed 20%, and Lot 17 shall not have any increase in impervious surfaces.**
- 5) **That a Certified Survey Map be prepared for the two (2) tax parcels in accordance with the County Land Division Ordinance standards.**
- 6) **A primary shoreland buffer be designed for Lots 16 and 17 by an RSVP certified professional (in accordance with NRCS Interim Standard #643A, Shoreland Habitat and Wisconsin Biology Technical Note 1: Shoreland Habitat), evaluated and approved by the Land Use Planning & Zoning Office, and installed within one year of variance approval.**
- 7) **The primary shoreland buffer shall be maintained via the Shoreland Vegetative Buffer Agreement that shall be recorded in the County's Register of Deeds Office.**
- 8) **The granting of this variance is to create two more uniform lots with respect to square footage and water frontage. The remaining single-family dwelling's nonconforming status (Lot 17) shall remain in effect and be resolved independently of this request.**

Motion carried.

Findings:

McConnell – Staff comments recommend that this is a self-imposed or unnecessary hardship, however the size of the proposed lots would lend itself better to existing size and character of the neighborhood by making the alteration. The proposed area for Lots 16 and 17 would be sufficient for residential development. Modifying the lot line between Lots 16 and 17 is not likely to have a negative impact on the public interest in the short term or the long term. By making the modification, we will equalize the two lots and make it a more equitable situation for the neighborhood and property owners. Removing the cottage and the shed would make the lots more attractive. Regarding the uniqueness, the lots would be sufficient for residential development.

d) Execute Determination Form/Ordinance

Item II: Owner: Jason R & Hope A Prochnow **Tax Parcel # and Description:** 006-0287-0000 & 006-0287-0100 – Lots 1 & 2 Certified Survey Map 3033, Sec 16, T15N R13E, Town of Green Lake (±39.53 Acres) **Location of Premises Affected:** N4049 CTH N **Explanation:** Dual rezone from A-3 Light Agriculture District to A-1 Exclusive Agriculture District and R-1 Single-Family Residence District.

a) Public Hearing

Jim Prochnow – Father of Jason and adjoining property owner. Spoke in favor of the rezone request.

Jim Fox – Town of Green Lake Chairman – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion and Deliberation

Sondalle – Reminded the committee to consider the staff report. The Town of Green Lake is in favor of the request.

c) Committee Decision

Motion by Mueller/Williams, unanimously carried on roll call (4-ayes, 0-nays), to recommend approval of the rezone request as presented and forward to the county board for action. Motion carried.

d) Execute Determination Form/Ordinance

Item III: Applicant: Green Lake County **Explanation:** Public hearing related to inclusion of the City of Berlin Agricultural Preservation Plan into the County's plan. Plan is available for review and inspection at the County Land Use Planning & Zoning Department.

a) Public Hearing

Mary Lou Neubauer, City of Berlin Zoning Administrator – Explained that the plan has been approved by the Department of Agriculture.

Public hearing closed.

b) Committee Discussion and Deliberation

Sondalle – The state is requiring Green Lake County to incorporate into the County's plan the City of Berlin's agricultural preservation plan.

c) Committee Decision

Motion by Mueller/Sell, unanimously carried on roll call (4-ayes, 0-nays), to recommend approval of the City of Berlin's Agricultural Preservation Plan and forward to the county board for action. Motion carried.

d) Execute Determination Form/Ordinance

Item IV: Applicant: Green Lake County Land Use Planning and Zoning Committee **Explanation:** Revisions to the Green Lake County Non-metallic Mining Reclamation Ordinance. Ordinance is available for review and inspection at the County Land Use Planning & Zoning Department.

a) Public Hearing

Fox – Questioned if the proposed changes are required.

Shute – Explained that the ordinance has not been amended since 2001; the DNR wants some clarification in the ordinance. The most significant change is in the fee structure.

Fox – Questioned mine inspections.

Shute – The County verifies acreages by aerial photography. Also depend on the public and/or neighbors for leads on violations.

Fox – When I notice something that looks wrong, I contact the owner. There is one on O, not far from K, right now that keeps filling and dumping and the site is becoming a significant hill. Questioned regulation on that.

Shute – If it's not in a wetland, it's not Land Use Planning & Zoning. Suggested contacting Land Conservation for assistance.

Public hearing closed.

b) Committee Discussion and Deliberation

Shute – Contacted the DNR for their review of the proposed ordinance. No response as yet.

Sondalle – Recommended laying it over until the business meeting in May allowing the DNR time to respond.

c) Committee Decision

Motion by Mueller/Williams, unanimously carried on roll call (4-ayes, 0-nays) to lay the committee decision over until the business meeting on May 23rd. Motion carried.

PUBLIC APPEARANCES - None

PUBLIC COMMENT

Fox – Discussed his concern with farm owners building on their land and then, down the road, wanting to parcel that off and sell it. It ends up having to be rezoned to residential.

Eugene Henke, Town of Green Lake – This committee can't run away from this problem.

Nancy Hill – Appreciates the committee including the staff recommendations during their discussions/deliberations.

Orrin Helmer, County Board Chair – Expressed concern with the fact that most of the rezone requests do not comply with the comprehensive plans. In 2010, we have to comply with the plans. It seems to start at the township level and the town approves it. Either rezone everything or amend the comprehensive plans.

Hill – It's hard to say no when you're a town board representative because these are people you know. In 2010, it will be the law and the personal choice won't be an option. The towns need to review their plans.

CORRESPONDENCE - None

FUTURE DEPARTMENT/COMMITTEE ACTIVITY

Shute – We will continue to work on the agricultural districts and animal siting ordinances.

GENERAL COMMITTEE DISCUSSION - None

NEXT MEETINGS DATES

May 23, 2007 – Business Meeting – 6 p.m.

June 6, 2007 – Public Hearing – 6 p.m.

ADJOURN

Motion by Mueller/Sell, unanimously carried, to adjourn. Motion carried.

Time: 7:21 p.m.

Recorded by Carole DeCramer
Committee Secretary

APPROVED ON:

May 23, 2007