

**GREEN LAKE COUNTY  
BOARD OF ADJUSTMENT  
Special Meeting Minutes – Thursday, June 16, 2016**

**CALL TO ORDER**

The meeting of the Board of Adjustment was called to order by Chair Hardesty at 12:00 noon in County Board Room 0902 of the Government Center, Green Lake, WI. The requirements of the open meeting law were certified as being met.

Present: Janice Hardesty, Nancy Hill, Kathleen Moore

Absent: John Gende, Ron Triemstra

Also present: Matt Kirkman, Interim Land Development Director/Code Enforcement Officer

Carole DeCramer, Board Secretary

Corporation Counsel Dawn Klockow, representing the Land Use Planning & Zoning staff

Attorney Kristin Galatowitsch, representing the applicants/owners

Attorney Ronald Stadler, representing the Board of Adjustment, via teleconference

Marge Bostelmann, Green Lake County Clerk/Administrative Coordinator

**APPROVAL OF AGENDA**

Motion by Moore/Hill, unanimously carried, to approve the agenda.

**CORRESPONDENCE** - None

**CLOSED SESSION PER WIS. STAT. S. 19.85(1)(G) TO CONFER WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED. RE: 05/20/2016 VARIANCE FOR SEMLER PROPERTY.**

12:05 p.m. On a motion by Hill/Moore, unanimously carried on roll call (3-ayes, 0-nays) to move to closed session per Wis. Stat. s. 1985(1)(g) to confer with legal counsel for the government body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Re: 05/20/16 Variance for Semler property

Those present for the closed session included: the Board of Adjustment, Board Secretary, and the County Clerk. Attorney Stadler was present via teleconferencing.

**RECONVENE TO OPEN SESSION FOR FURTHER ACTION**

12:19 p.m. On a motion by Hill/Moore, unanimously carried on roll call (3-ayes, 0-nays), to reconvene to open session for further action.

**CONSIDER MOTION TO RECONSIDER BOA MAY 20, 2016 ACTION RELATING TO VARIANCE FOR STEVEN AND KATHLEEN SEMLER AGENT: DAVIS CUSTOM BUILDERS INC SITE DESCRIPTION: N4486 S LAKESHORE DR, PARCEL #016- 01510-0100, PART OF THE NE¼, SECTION 9, T15N, R12E, TOWN OF PRINCETON REQUEST: THE OWNERS ARE REQUESTING A VARIANCE FROM SECTION 338-23 OF THE GREEN**

**LAKE COUNTY SHORELAND ZONING ORDINANCE TO CONSTRUCT A NEW HOME WITHIN THE 25' STREETYARD SETBACK.**

On a motion by Hill/Moore, unanimously carried on roll call (3-ayes, 0-nays), to reconsider the May 20, 2016, Board of Adjustment action relating to a variance for Steven and Kathleen Semler, N4486 S. Lakeshore Drive, Parcel #016-01510-0100, part of the NE¼ of Section 9, T15N, R12E, Town of Princeton. The owners are requesting a variance from Section 338-23 of the Green Lake County Shoreland Zoning Ordinance to construct a new home within the 25' streetyard setback.

**POSSIBLE CONSIDERATION WHETHER TO ISSUE VARIANCE FOR STEVEN & KATHLEEN SEMLER AGENT: DAVIS CUSTOM BUILDERS INC. SITE DESCRIPTION: N4486 S LAKESHORE DR, PARCEL #016- 01510-0100, PART OF THE NE¼, SECTION 9, T15N, R12E, TOWN OF PRINCETON REQUEST: THE OWNERS ARE REQUESTING A VARIANCE FROM SECTION 338-23 OF THE GREEN LAKE COUNTY SHORELAND ZONING ORDINANCE TO CONSTRUCT A NEW HOME WITHIN THE 25' STREETYARD SETBACK AND POSSIBLE CONDITIONS OF THAT VARIANCE.**

**Motion by Hill/Moore to grant a variance from Section 338-23 of the Shoreland Zoning Ordinance to construct a new home within the 25' streetyard setback.**

The Board of Adjustment discussed the original conditions from the May 20, 2016, public hearing:

1. Record a deed restriction, in accordance with the 05/03/16 plans, stating that a patio, no more than 8'X10', can be allowed.
2. Record a deed restriction stating that, if the Town of Princeton or subsequent municipality finds it necessary to expand the right-of-way, the improvement that is within that expansion and authorized by this variance approval, be removed at the owners' expense.
3. The vegetative buffer be maintained on the north side of the property when construction is complete.
4. The property owners will work with the Green Lake County Land Conservation Department to install storm water practices that will infiltrate all of the storm water run-off from a two-year rain-fall event.

When deliberating on the original four conditions, the Board agreed that conditions #1, #3, and #4 should be included, if approved. Condition #2 affects the constitutional rights of the property owner; therefore, this condition should be deleted.

**The approval would include the following amended conditions:**

1. Record a deed restriction, in accordance with the 05/03/16 plans, stating that a patio, no more than 8'X10', can be allowed.
2. The vegetative buffer be maintained on the north side of the property when construction is complete.
3. The property owners will work with the Green Lake County Land Conservation Department to install storm water practices that will infiltrate all of the storm water run-off from a two-year rain-fall event.

**Roll call: Hill – aye, Moore – aye, Hardesty – nay. Motion carried.**

**See subsequent corrected 06/16/16 minutes. Also, see minutes of 05/20/16 and 07/20/18**

**ADJOURN**

**On a motion by Hill/Moore, unanimously carried, to adjourn.**

Time: 12:29 a.m.

**RECORDED BY:**

Carole DeCramer  
Board of Adjustment Secretary

**APPROVED ON:**

November 18, 2016

**Corrected Minutes**

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Marge Bostelmann, Green Lake County Clerk/Administrative Coordinator

**APPROVAL OF AGENDA**

**Motion by Moore/Hill, unanimously carried, to approve the agenda.**

**CORRESPONDENCE** - None

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The Board of Adjustment discussed the original conditions from the May 20, 2016, public hearing:

1. Record a deed restriction, in accordance with the 05/03/16 plans, stating that a patio, no more than 8'X10', can be allowed.
2. Record a deed restriction stating that, if the Town of Princeton or subsequent municipality finds it necessary to expand the right-of-way, the improvement that is within that expansion and authorized by this variance approval, be removed at the owners' expense.
3. The vegetative buffer be maintained on the north side of the property when construction is complete.
4. The property owners will work with the Green Lake County Land Conservation Department to install storm water practices that will infiltrate all of the storm water run-off from a two-year rain-fall event.

When deliberating on the original four conditions, the Board agreed that conditions #1, #3, and #4 should be included, if approved. Condition #2 affects the constitutional rights of the property owner; therefore, this condition should be deleted.

***Note: In June, 2018, upon reviewing the audio tape of the 05/20/18 meeting, the original conditions of approval were found to be recorded incorrectly. The following is the list of corrected conditions as listed on the audio tape and, per the above motion, including the deletion of the condition requiring the applicants to record a deed restriction stating that, if the Town of Princeton or subsequent municipality finds it necessary to expand the right-of-way, the improvement that is within that expansion and authorized by this variance approval, be removed at the owners' expense. The corrected minutes/conditions read as follows:***

1. The property owners will install stormwater management practices that will infiltrate all of the stormwater run-off from the impervious surfaces of the principal building structure for a two-year rain-fall event.
2. Record a deed restriction, in accordance with the 05/03/16 plans, stating that a patio, no

## Corrected Minutes

more than 8'X10', can be allowed.

3. The vegetative buffer be maintained on the north side of the property when construction is complete.

Roll call: Hill – aye, Moore – aye, Hardesty – nay. Motion carried.

### **ADJOURN**

On a motion by Hill/Moore, unanimously carried, to adjourn.

Time: 12:29 a.m.

### **RECORDED BY:**

Carole DeCramer  
Board of Adjustment Secretary

### **APPROVED ON:**

November 18, 2016