

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – June 18, 2010**

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by Chair Ahonen at 9:07 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, Roger Ladwig (Alternate 2), Charles Lepinski (Alternate 1)
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/Ahonen, to approve the agenda. Motion carried.

APPROVAL OF MINUTES

Motion by Ahonen/Lepinski, unanimously carried, to approve the May 21, 2010, minutes, with the understanding that the court reporter's transcript of that meeting become a part of the minutes.

Audio tape is available for verbatim discussion.

RECESS FOR FIELD INSPECTION

Time: 9:09 a.m.

PUBLIC HEARING MATTERS

Board reconvened at 10:05 a.m.

Board Chair Ahonen read the Rules of Order.

See Transcript of Proceedings for verbatim testimony:

Item I: Owner/Applicant: Tomas & Judi Olenick **Address:** W3045 Pheasant Run, Parcel #004-00930-0600, Lot 3 Certified Survey Map 998, Section 35, T16N R12E and Section 2, T15N R12E, Town of Brooklyn **Explanation:** The owners are requesting a variance from Section 350-15.A.(4)(e) of the Green Lake County Zoning Ordinance to allow for the construction of a twenty-foot tall detached garage/woodworking shop.

- a. Public hearing for the first variance request.

Melvin Maynard, W3042 Orchard Avenue – Spoke against the request.

Kristin Sundberg, W3014 Orchard Avenue - Spoke against the request.

Vera Lukanich, W2984 W. Orchard Avenue – Spoke against the request.

Jacqueline Tajnai - W2992 Orchard Avenue – Requested of the neighbor that the noise and hour of operation be considered.

Jim Harder, representing Dick Verkler and Nicole Finitzo, W3024 Pheasant Run – They don't object as long as there is some sort of water study done on this property.

Shirley Ciske, W3002 Orchard Avenue - Spoke against the request.

Eric Arnetveit, Design Specialty Builders, applicants' contractor – Spoke in favor of the request.

Vernon Ciske, W3002 Orchard Avenue - In this 25-ft addition, can a second floor be added?

Ahonen – They're asking for 12 feet, not 25 feet. They're asking for a 12' wall height on the garage they want to build.

Arnetveit – The wall height is only nine feet.

Ahonen – The wall height would be nine feet. It would be a small crawl space.

Attorney Haase – That's not what this is about.

Thomas Olenick, 621 Waveland Road, Lake Forest, and W3045 Pheasant Run, applicant – Spoke in favor of the request, also addressed neighbors' concerns.

Ladwig – Did you consider building something within the limits?

Olenick – I wanted this as high as a normal garage inside so that you can do things in there and not feel that you're in a house.

Ahonen – What about a flat roof on the existing garage?

Olenick – I do care about esthetics. I want some type of tie in to my existing house. It wouldn't be esthetically pleasing.

Public hearing closed.

b. Board discussion and deliberation.

Ahonen – Just to refresh our memories, Lynn Markham, University of Wisconsin Extension-Stevens Point, sent a two-page letter outlining points that board members should be taking into account when

studying and reviewing the variance requests. The key point is that the board's job is to apply the zoning ordinance and appropriate legal standards to the facts in each case. The board meeting and public hearings are open to the public and we are taping this. We're, basically, operating like a court, but we're not allowed to be amending zoning ordinances unless the three-prong test is met by the applicant.

Matt Kirkman entered three letters into the record:

1. Vera Lukanich, W2984 Orchard Avenue – Spoke against the request. **Exhibit A**
2. Richard L. Verkler and Nicole Finitzo, W3024 Pheasant Run – Expressed concern about additional stormwater and the impact it will have on their property. **Exhibit B**
3. Vernon A. Ciske, W3002 Orchard Avenue – Spoke against the request. **Exhibit C**

Ahonen asked Kirkman if the Wisconsin Department of Natural Resources had responded to the request; there was no response.

The committee reviewed the criteria:

1. Ordinance standards that are unnecessarily burdensome in view of the ordinance purpose meet the unnecessary hardship standard. Ordinance standards that create a personal inconvenience do not meet the unnecessary hardship standard.

Ahonen asked the board members if, after visiting the property, they felt that it was unnecessarily burdensome to the applicant. Ladwig/Lepinski agreed that it was not a hardship.

Ahonen – A hardship that has been self-created by the act of the property owner does not qualify as a hardship from which the board of appeals can grant relief by granting a variance. Does it seem that this is a self-created hardship? Or would the 25% slope and the average method of computing the garage height come in to play? He's increasing the slope of the roof to blend in with the home more. If that slope wasn't there and if it was completely flat, would that still be above 15'. (Directed to the builder, Eric Arnetveit)

Arnetveit – It would still exceed 15'.

Ahonen – The method of average computing the garage height, because of that slope, comes into play. Economic hardships, such as loss of profit or financial difficulties, do not justify a variance. Has the applicant said that there are economic or financial reasons to build this like this? Ladwig/Lepinski agreed that they do not believe so.

Ahonen – Is the hardship due to unique property limitations, steep slopes, wet lands, erosion issues? But is that preventing compliance with the ordinance? He has quite a bit of land there that would seem to offer alternate sites.

Ladwig – It depends what he wants and what he can put there by regulation. I think you have to accept what you have. I think there are some alternative things that you could do there. As far as building it to match the house, I don't think you can even see the house now. I don't think that has anything to do with it and we don't design buildings anyway. We're just worried about the height and

if that complies with regulations. I know it's a problem with the slope and everything, but, we all have property that we sometimes can't do things with because of the limitations.

Ahonen - Is the back lot, Lot 4 CSM771, part of the same tax parcel as Lot 3?

Kirkman - It's a separate tax parcel.

Ahonen - Regarding harm to the public interest, a variance may not be granted which results in harm to the public interest. In applying this test, items of public interest that should be reviewed are those in the purpose and intent sections of an ordinance. Review of the short-term, long-term impacts of the proposal and the cumulative impacts of similar projects on the interest of neighbors, community, and even the state, review should focus on general public interest rather than the narrow interest of neighbors, patrons, or residents in the vicinity of the project. I was keeping track of the remarks that were being made, where people were concerned mainly with erosion and noise. The applicant indicated that he was not having an outside exhaust, doing extensive lacquering or anything like that. We're not dealing with that anyway.

Motion by Lepinski/Ladwig, unanimously carried on roll call (1-ayes, 2-nays) to approve the variance request to allow for the construction of a twenty-foot tall detached garage/woodworking shop. The variance is approved with the following conditions:

- 1) That a registered land surveyor stake out the site prior to wall forms being placed.**
- 2) That the owner/applicant consults with the Land Conservation Department to:**
 - a. Determine, through the scope of the proposed project, the need for a stormwater management plan or a stormwater drainage plan, if any.**
 - b. Create, if deemed necessary by the Land Conservation Department, a stormwater management plan or a stormwater drainage plan that will address the stormwater issues identified in a. above.**
 - c. Execute the stormwater plan pursuant to standards developed by the Land Conservation Department.**

Findings:

Ahonen - The motion is denied. There is not an unnecessary hardship. There are other places on the property to build this with a different roof design that would accommodate the zoning ordinance. This hardship is self-created. The property did have unique property limitations, with high volume water shed, but even that could be dealt with. There was no harm to the public interest. It was the way that the applicant was proposing to build it. It was in an area that would be out of view than if it was built as a stand alone building. They were proposing to put in dry wells and rain gardens to control rain shed, but they did not meet the unnecessary hardship rule and all three had to be met.

CORRESPONDENCE

Ahonen - There was a letter addressed to Al Shute from Lynn Markham. We thank her for her input.

Ladwig - It was very useful information.

Shute - After the meeting in May, I received a letter from Shirley Parker indicating her retirement from the Board of Adjustment effective July 1st. She is moving from her residence to the City of Markesan. City residents are not allowed to serve on the board. At the last county board meeting, Chairman Priske appointed Janice Hardesty to fill Jill Ladwig's position. She is from the Town of Princeton and will be serving as a regular member. Since Shirley retired short of expiration of her term, the chairman appointed Roger Ladwig to complete Shirley's term as a regular member. Chuck Lepinski will remain as Alternate 1 until June 30, 2011. In the mean time, we will be doing the work to fill the vacancy. Let me know if you have suggestions to fill the Alternate 2 position.

Ahonen - On another matter, we talked about this three years ago. At that time, we asked the zoning office to try to ask to get the 15' height restriction amended. This is not a workable situation, especially in a county where we have a lot of unusual terrain and construction of homes is taking place. We would ask that this be brought up again and we'd be happy to contact the builders again to get a more definite effort to the county regarding that.

Shute - In response, we did visit the issue with the Planning & Zoning Committee. The word went out to the builders. We had a good response at the meeting with attendance from the builders. The committee is willing to take up the issue. We've been amending all different sections of the ordinance and, with staff limitations we have and the multiple hats we wear, amendments to those ordinances don't come quickly. The committee is actually looking at bringing in some outside consulting help and maybe doing a revision of the entire zoning ordinance and not do the band-aid approach we've been doing for the last fifteen years. I will bring it back to the committee.

Ahonen - It's particularly important with the melt down in the work that's available to independent contractors today. These little, what we consider small buildings, these garage additions, are, basically, 90% of what is keeping people active today. We would ask, even though it's a band-aid approach, that they look at this with vigor and get it adjusted.

BOARD DISCUSSION - None

NEXT MEETING DATE

August 20, 2010

ADJOURN

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

Time: 11:50 p.m.

Recorded by,
Carole DeCramer
Board of Adjustment Secretary

APPROVED ON:

August 20, 2010