

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – June 19, 2009**

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by Board Chair Don Ahonen at 9:00 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, Jill Ladwig, Roger Ladwig (Alternate 1),
Charles Lepinski (Alternate 2)
Absent: Shirley Parker
Also present: Matt Kirkman, Code Enforcement Officer
Missy Sorenson, Code Enforcement Officer
Cory Zibung, Code Enforcement Officer
Al Shute, County Surveyor/Land Development Director
Carole DeCramer, Board Secretary
Kate Worth, Court Reporter

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by J. Ladwig/R. Ladwig, unanimously carried, to approve the March 20, 2009, minutes. Motion carried.

Audio tape is available for verbatim discussion.

RECESS FOR FIELD INSPECTION

Time: 9:03 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: Richard A Guderski **Address:** N3798 State Rd 73, Parcel #014-00540-0100, Lot 1 Certified Survey Map 2372 V11, Section 15, T15N R12E, Town of Marquette
Explanation: The owner is requesting a variance to allow for a detached garage to be located 60 feet from the ordinary high water mark of navigable waters of a pond and a retaining wall to be located 55 feet from the same pond, whereas Section 338-14.A. of the Green Lake County Shoreland Protection Ordinance requires all structures to be at least 75 feet from the ordinary high water mark of navigable waters.

a. Public Hearing

Richard A. Guderski, N3798 State Road 73, Markesan – Spoke in favor of the request.

The Board discussed the septic system replacement area with Code Enforcement Officer Missy Sorenson. Mr. Guderski is proposing to place the garage in the replacement area.

Public hearing closed.

b. Board Discussion and Deliberation

Read into the record by Chair Ahonen:

Exhibit 1: Letter written by David and Helene Severson – In favor of the request.

Exhibit 2: Letter from the Town of Marquette Town Board – In favor of the request.

No response from the DNR.

Public hearing re-opened.

Dick Severson, builder on record for the Guderski home – Spoke in favor of the request.

Public hearing closed.

Motion by J. Ladwig/R. Ladwig, to approve the variance request for the garage only, and not the retaining wall, with the following conditions:

- 1. A shoreland buffer be designed for the subject site 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 Department, and installed within one year of variance approval.**
- 2. The shoreland buffer shall be maintained via the Shoreland Vegetative Buffer Agreement that shall be recorded in the County Register of Deeds office.**
- 3. A drainage plan be submitted and approved by Land Conservation Department prior to issuing a land use permit. If the Land Conservation Department determines a retaining wall be required, this variance shall include the approval of the retaining wall.**

Carried on a 2-1 vote: D. Ahonen – aye, J. Ladwig – aye, R. Ladwig – nay. Motion carried.

Findings of fact:

Ahonen – We found that the landowner had unnecessary hardship because of the existing layout of the septic system, the steep slope of the property to the north of the septic system, the highway setbacks, and that addressing alternate sites and modifying a driveway over the septic system would cause freezing problems, creating less green grass drainage area, and potential drainage problems. The unique property limitation in this case was the steep slope of the entire

property, but especially north of the house, and the drainage field. Regarding the public's interest, we find that there was not any harm to the public's interest because any possible harm will be minimized by the shoreland buffer prepared by the RSVP certified professional. There will be a drainage plan from Land Conservation provided prior to issuing the permit. The DNR did not respond with any interest or concern. There was a lack of response from the DNR.

CORRESPONDENCE – None

BOARD DISCUSSION – None

NEXT MEETING DATE

August 21, 2009

ADJOURN

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

Time: 11:43 a.m.

Recorded by,
Carole DeCramer
Board of Adjustment Secretary

APPROVED ON:

August 21, 2009