

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – Friday, June 19, 2015**

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by Chair Janice Hardesty at 9:01 a.m. 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: Nancy Hill, Janice Hardesty, Kathleen Moore

Absent: Ron Triemstra, John Gende

Also present: Matt Kirkman, Code Enforcement Officer

Missy Sorenson, Code Enforcement Officer

Carole DeCramer, Board Secretary

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Hill/Moore, unanimously carried, to approve the corrected August 15, 2014, minutes.

RECESS FOR FIELD INSPECTION

Time: 9:05 a.m.

The tape recorder was inoperable so audio of the board discussion is not available. A transcript of the meeting is available upon request from Worth Court Reporting, Kate Worth.

PUBLIC HEARING MATTERS

Board reconvened at 10:11 a.m.

Chair Hardesty read the Rules of Order.

Item I: Owner/Applicant: Michael G & Judy E Zeman **Agent:** Outdoor Impact Landscaping **Site Description:** N4756 N Lakeshore Dr, Parcel #016-01562-0000, Lot 1 Certified Survey Map 3069, located in part of the NW¼, Section 3, T15N, R12E, Town of Princeton **Request:** The owners/applicant are requesting a variance from Section 338-23 of the Shoreland Zoning Ordinance to construct a patio within the 75' shoreland setback.

a. Public hearing.

Jennifer Hawley, Outdoor Impact Landscaping – Spoke in favor of the request.

Michael Zeman, N4756 N. Lakeshore Drive – Spoke in favor of the request.

Matt Kirkman asked that a site plan, drawn by Green Lake Surveying Company, be entered into the record as Exhibit 1.

Also entered into the record as Exhibit 2 was a letter to the Board of Adjustment from Dale Rezabek, Regional Shoreland Specialist, Wisconsin Department of Natural Resources (DNR). Mr. Rezabek stated that

he would not be opposed to a variance decision that would benefit public interests, improve water quality by preventing and controlling water pollution, protect near-shore fish and wildlife habitat, and increase natural scenic beauty. He also stated that he concurs with the staff report's suggested conditions.

The board had a lengthy discussion with the property owner and agent regarding questions and concerns they have about the request.

Public hearing closed at 11:08 a.m.

b. Board discussion and deliberation to include relevant correspondence.

The board continued discussion and applied the criteria to the request. Chair Hardesty asked the following questions:

1. Is there unnecessary hardship in this case?

The board agreed that it does not create an unnecessary hardship for the property owner.

2. Are there physical limitations of the property?

There was a general consensus that there were some unique physical limitations not shared by other properties in the vicinity; however, if some things were done to mitigate some of the issues, the limitations may go away. There was no clear-cut answer to this question.

3. Is there harm to the public interest if the request is approved?

Hill responded that it does impact the public in a negative way; there could be cumulative affects with others requesting the same thing. On the other hand, Hill continued, it does add to permeable surface area and adds to habitat and aesthetics in significant ways. Moore responded that it is beneficial to the lake by eliminating runoff to the lake. Hardesty stated that it will harm the public usage of the lake.

Kirkman reminded the board to remember the purpose and intent of the ordinance. The goal is to improve the impact of development on the water resource.

c. Board decision.

Motion by Moore/Hill, to approve the variance request from Section 338-23 of the Shoreland Zoning Ordinance to construct a patio within the 75' shoreland setback. The approval would include the following conditions:

1. Create and install storm water management practices that will infiltrate all of the storm water runoff from the existing dwelling and proposed raised patio for a 10-year rainfall event into appropriately sized rain gardens (in accordance with WDNR PUB-WT-776 (2003)) or any other infiltration method may be used as approved by the Land Use Planning & Zoning (LUP&Z) Department.

Motion by Hardesty/Moore, unanimously carried, to amend condition #1 from a 5-year rainfall event to a 10-year rainfall event.

2. Prior to land use permit issuance, the owners provide to the LUP&Z Department a maintenance plan for the permeable patio and other stormwater management practices. Said plan shall be approved by the LUP&Z Department and, indicate how the owners intend to maintain the

patio's permeability over its lifetime, and shall be recorded in the County's Register of Deed's office.

3. That a shoreland restoration plan, measured landward from the OHWM of Green Lake to the top of the slope, be designed by a qualified 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 Department prior to Land Use Permit issuance, and be installed within one year of land use permit issuance.

4. The shoreland restoration project shall be maintained via the shoreland vegetative buffer agreement that shall be recorded in the County's Register of Deeds office.

5. All flagstone between the residence and the top of the hill has to be removed and re-vegetated.

6. Prior to land use permit issuance, the owners shall submit a soil test for department review.

7. The dimensions of the raised patio to not exceed dimensions depicted on the variance application site plan (Exhibit A).

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

ELECTION OF CHAIR AND VICE CHAIR

Kirkman asked for nominations for Chair.

Nomination of Janice Hardesty as Chair offered by Nancy Hill. No other nominations.

Motion by Hill/Moore, unanimously carried, to close nominations and cast a unanimous ballot for Janice Hardesty.

ELECTION OF BOARD OF ADJUSTMENT VICE CHAIR

Hardesty asked for nominations for Vice Chair.

Nomination of Kathleen Moore as Vice Chair offered by Nancy Hill. No other nominations.

Motion by Hardesty/Hill, unanimously carried, to close nominations and cast a unanimous ballot for Kathleen Moore.

ADJOURN

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

Time: 11:48 a.m.

RECORDED BY:

Carole DeCramer

Board of Adjustment Secretary

APPROVED ON:

November 18, 2016