

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – Friday, July 20, 2012**

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by Chair Janice Hardesty at 9:02 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: Janice Hardesty, Nancy Hill, Roger Ladwig, Kathleen Moore (Alternate 2)

Absent:

Also present: Matt Kirkman, Code Enforcement Officer
Al Shute, County Surveyor/Land Development Director
Carole DeCramer, Board Secretary

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Hill/Hardesty, unanimously carried, to approve the corrected June 15, 2012, minutes.

CORRESPONDENCE - None

RECESS FOR FIELD INSPECTION

Time: 9:04 a.m.

PUBLIC HEARING MATTERS

Board reconvened at 10:35 a.m.

Chair Hardesty read the Rules of Order.

Item I: Owner/Applicant: Ronald J. Triemstra **Legal Description:** W6634 Marine Court, Parcel #014-00372-0000, Lot 1 Certified Survey Map 503, Section 32, T15N, R11E, Town of Marquette **Request:** The owner is requesting a variance to Section 338.32.5.A(2), Mitigation System, of the Shoreland Protection Ordinance for a reduced level of mitigation from the required standard for the expansion of a nonconforming principal structure.

- a. Public hearing.

Ronald J. Triemstra, W6634 Marine Court – Spoke in favor of the request.

Michael Wenholz, Water Management Specialist, WI-DNR – Stated in an email that the Department of Natural Resources believes that the applicant has not met all criteria required for granting a variance, i.e. unnecessary hardship. The hardship is self-imposed and there are other options. The

department believes that the request should be denied. If the Board of Adjustment grants the variance, the Department of Natural Resources requests two conditions: 1) Requirement implementation of the engineered plan that will infiltrate all runoff from the existing dwelling as well as the proposed addition, as is mentioned in the staff report for this request. 2) Consider whether or not an appropriate amount of shoreland buffer should be installed.

Public hearing closed.

b. Board discussion and deliberation.

Hardesty – The board will go through the criteria one question at a time.

1. Unnecessary hardship from strict enforcement of the ordinance.

The board asked Mr. Triemstra questions. Does he own the home with his brother? Has he considered alternative locations? What purpose does he have in mind for this basement? Is it a finished basement? Has he considered an entry through the garage?

2. The property has unique conditions not common to others in the area.

Hardesty stated that not everyone has water on two sides and the amount of shoreline is a factor when consideration of mitigation. Mr. Triemstra didn't have any say on where the house was built. Ladwig said that it's a big lot. Hill stated that the living space will be larger by putting the steps on the outside and that she doesn't believe that's a factor in unique property limitations because it's not a circumstance under which a unique property limitation is acceptable.

Hardesty and Ladwig concurred that Triemstra has not proven that it is unique situation and that there are alternative designs.

3. There is no harm to the public interest as established in the purpose and intents section of the ordinance.

Hardesty said that she doesn't believe that there is harm to the public. The public will not be affected adversely or positively by granting the variance. It's a moot point. Hill expressed concerns about mitigation. He's considering that it would be an economic burden. That's not allowable under the unnecessary hardship. It's not a justification. The mitigation is important to be of the maximum size because it's just not runoff, it's also a concern that the vegetation provide habitat for birds and other animals. The length of the mitigation is important in that, if the mitigation is fragmented, the animals become subject to predators. The economic justification issue is just not a justification to grant the variance and there are other alternatives available.

Motion by Hill/Ladwig, to approve the variance request for a reduced level of mitigation from the required standard for the expansion of a nonconforming principal structure with the following conditions:

- 1) Create and install stormwater management practices that will infiltrate all stormwater runoff from impervious surfaces of the principal structure and proposed addition for a 2-year rainfall event into appropriately sized rain gardens (in accordance with WDNR PUB-WT-776 (2003)) or any other infiltration**

methods may be used as approved by the Land Use Planning and Zoning Department.

Hill then amended the motion, with Ladwig agreeing, to include the information provided in the Michael Wenholz, WI-DNR, correspondence.

Motion by Hill/Ladwig, to approve the variance request for a reduced level of mitigation from the required standard for the expansion of a nonconforming principal structure with the following conditions:

- 1. Create and install stormwater management practices that will infiltrate all stormwater runoff from impervious surfaces of the principal structure and proposed addition for a 2-year rainfall event into appropriately sized rain gardens (in accordance with WDNR PUB-WT-776 (2003)) or any other infiltration methods may be used as approved by the Land Use Planning and Zoning Department.**
- 2) To create and maintain a 20' deep, less the viewing access corridor, shoreland buffer along the shoreline.**

Roll call: Hill - yes, Ladwig - no, Hardesty - no. Motion denied.

Hardesty - The motion is defeated; the variance is not granted. The telling point is that there are other options given the space limitations created.

NEXT MEETING DATE

August 17, 2012

ADJOURN

Moved by Ladwig/Hill to adjourn.

Time: 11:15 a.m.

Recorded by,
Carole DeCramer
Board of Adjustment Secretary

APPROVED ON:

August 17, 2012