

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – Friday, August 17, 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
Attorney Dan Sondalle, Corporation Counsel
Carole DeCramer, Board Secretary

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Hill/Ladwig, unanimously carried, to approve the July 20, 2012, minutes.

CORRESPONDENCE

Hardesty noted that two letters were received pertaining to today's public hearing item, Little Green, LLC. A second DNR letter was received pertaining to last month's decision and will be discussed under #10 on the agenda.

RECESS FOR FIELD INSPECTION

Time: 9:05 a.m.

PUBLIC HEARING MATTERS

Board reconvened at 10:00 a.m.

Chair Hardesty read the Rules of Order.

Item I: Owner/Applicant: Little Green, LLC **Agent:** Linda Theisen **Site Description:** W2072 Melmar Rd, Parcel #006-01409-0000, Lot 18 Frei's Plat, Section 32, T15N, R13E, Town of Green Lake **Request:** The owner/applicant is requesting a variance to Section 338.14.A, Shoreland Protection Ordinance to construct a deck within 75 feet of the ordinary high water mark of Little Green Lake.

- a. Public hearing.

Chris and Joe Thiesen, W2072 Melmar Road – Spoke in favor of the request.

Jay Shambeau, 261 Owls Lane, Kewaskum – Spoke in favor of the request.

Hardesty read the following correspondence into the record:

Exhibit 1:

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 and unique property limitations.

Exhibit 2:

Steve and Renee' Braun, W2092 Melmar Road – Submitted a letter in favor of the request.

Matt Kirkman clarified where the house sits on the property in relation to the 75' setback.

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.

Hardesty - What has changed since 2004?

Shambeau – The “gazebo rule” came into effect. That’s changed. In the past any structure wouldn’t have been allowed. We would be looking at no use of the property. Bad advice was followed when building.

Ladwig – No questions. I don’t see where it’s a hardship not to have a deck. They can have a stairway out of the house.

Hardesty – There is allowance for something else.

Ladwig – Yes. It’s a steep hill, but all of the houses are steep down to the lake. Some of the houses have a stairway down but that was put in before they had setbacks. There is not unnecessary hardship.

Hill - When was that deck was constructed?

Joe Thiesen – The first week of June, 2012.

Hill – I feel this will negatively impact the area because of public interest. Others will take this to use for bad information as an example what happened to you. It is too close to the lake and there are other alternatives. There could be a stairway to the lake and stoop outside front door and steps could commence from that.

Hardesty – At any time did you consult with DNR?

Joe Thiesen – No, we did not.

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

Hill – No. The hill on the site is similar to adjacent properties.

Ladwig – No.

Hardesty – I agree. It's still the same configuration. There are no unique features with this particular property.

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

Ladwig – There is a harm to the public interest because of the fact that the deck was built without having proper permits and, if we're allowing this, other people will think that they can do it, too.

Hardesty – You're saying that others will use the same excuse.

Ladwig – If you let them do it, others will try to build and then get a variance.

Hill – I'm also concerned because you did apply for a variance. You realized that there is a process in place. You didn't do so again.

Hardesty – Having applied and been denied, they knew what they had to do to get this deck.

Ladwig – I would agree with that.

Hill – Would it be allowable to re-grade that hillside so it wouldn't be so steep to access lake?

Kirkman – The ordinance provides for a land use permit for slopes less than 12%, no more than 2,000 sq. ft. of land disturbance. If they didn't do anything in the steeper area, we could probably do that, but we would have to look at a special exception permit for anything else.

Hardesty – They could build the stairs going down from the doorway to the house with a landing area?

Kirkman – The setbacks of this house are what they are because the house is within the 75' setback. It's nonconforming. To apply the gazebo rule, there is a standard that says that the total of all structures within the 75' setback cannot exceed 200 sq. ft. They would be over the 200 sq. ft. just with the house. It's going to be problematic to get any more square footage.

Motion by Hill/Hardesty, to approve the variance request to construct a deck within 75 feet of the ordinary high water mark of Little Green Lake.

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

Hardesty – At this time, the variance has been denied. Based on the decision by the board, there are other accommodations that could provide egress to the door. The gazebo rule may not be able to come into play with this request. For unique property limitation, it's the same hill for everybody. For harm to public interest, others will use the lack of knowledge or information even though they know the process for obtaining a variance.

DISCUSS MICHAEL WENHOLZ, WI-DNR, LETTER

Kirkman – I wanted you to be aware of the letter. Regarding last month's public hearing item, Mr. Wenzholz sent a letter with his recommendation to deny the request. The DNR doesn't always know everything about the request. They're not always looking at the request correctly. Mr. Wenzholz apologized in the letter for giving an incorrect recommendation.

NEXT MEETING DATE

October 19, 2012

ADJOURN

Moved by Ladwig/Hill, unanimously carried, to adjourn.

Time: 10:36 a.m.

Recorded by,
Carole DeCramer
Board of Adjustment Secretary

APPROVED ON:

April 19, 2013