

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – Friday, August 18, 2017**

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by Land Use Planning and Zoning Director Matt Kirkman 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: John Gende, Janice Hardesty, Ron Triemstra
Absent: Kathleen Moore
Also present: Matt Kirkman, Land Use Planning and Zoning Director
Krista Kamke, Code Enforcement Officer
Carole DeCramer, Board Secretary

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Motion by Hardesty/Triemstra, unanimously carried, to approve the agenda.

APPROVAL OF 12/16/16 MINUTES

Motion by Hardesty/Triemstra, unanimously carried, to approve the 12/16/16 minutes.

ELECTION OF BOARD OF ADJUSTMENT CHAIR

Kirkman asked for nominations for Chair.

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

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

Chair Hardesty conducted the remainder of the meeting.

ELECTION OF BOARD OF ADJUSTMENT VICE CHAIR

Chair Hardesty asked for nominations for Vice Chair.

Nomination of Ron Triemstra as Vice Chair offered by Hardesty.

Motion by Gende/Hardesty, unanimously carried, to close nominations and cast a unanimous ballot for Triemstra.

RECESS FOR FIELD INSPECTION

Time: 9:04 a.m.

Audio of Board discussion is available upon request from the Green Lake County Land Use Planning and Zoning Department.

PUBLIC HEARING MATTERS

Board reconvened at 9:40 a.m.

Chair Hardesty read the Rules of Order.

Item I: Owners/Applicants: Matt Wagner & Letty Kinas **Site Description:** N6188 N. Lawson Dr., Parcels #004-00386-0000, #004- 00386-0100, #004-00386-0200 & #004-01025-0000, Lots 9-13 of the Plat of Riverside Park, and part of the SE¼ of Section 16, T16N, R13E, ±3.31 acres **Request:** Variance request from Section 350-20.C of the County Zoning Ordinance to construct a detached garage within the 67ft State Highway setback, as well as a variance to Section 350-38.B of the County Zoning Ordinance to construct a detached garage in excess of 1500sqft.

a. Public hearing

Kirkman – Explained that there are two components to the request. He suggested discussing the setback variance request first and then the detached garage size variance request.

Hardesty – Agreed that the board will proceed as suggested.

Bill Kinas, N6205 Lawson Drive – Spoke in favor of the request.

Letty Kinas, N6188 N. Lawson Drive – Spoke in favor of the request.

Brittney J. Gerig, N6162 N. Lawson Drive – Stated that, since the applicants are considering having a hobby farm on this property, would this change whether or not she would now be able to have chickens at her residence.

Hardesty explained that the Board of Adjustment does not decide the use of the property. The purpose of this public hearing is to decide a variance request for the size and placement of a particular building. Triemstra advised her to talk to the Land Use Planning and Zoning Department to see if she could be rezoned to the district that allows chickens.

The following questions were asked by the board:

1. *What is the intended use of the building?*

Ms. Kinas advised the board that it would be for agricultural use and as a garage.

2. *What is the concrete hardship you have that would justify the board to grant this variance request for a building that is 50% larger than allowed?*

Ms. Kinas stated that the lot itself has unique characteristics. She is able to construct several smaller buildings; however, it doesn't make sense to do that when a larger building could be built instead.

3. *The land on the other side of the property is going to be used recreationally. What kind of activities would that include?*

Ms. Kinas explained that she would like to plant fruit trees and grape vines.

Gende stated that the State of Wisconsin said that they do not intend to do anything with that right-of-way. That could change down the road and cause problems if a building is located in a right-of-way that they now need. Ms. Kinas advised that there isn't enough room in that area to take care of the water if they did decide to do something with that area.

Hardesty asked the board members if they could foresee any possible harm to the public interest. Triemstra replied that, because it is located on a dead-end street, traffic has to be minimal. The property is also bordered by a river and a highway.

Triemstra asked Kirkman if the department is getting feedback that the maximum square footage of 1,500 is restrictive. If so, has the Land Use Planning and Zoning Committee considered increasing the maximum size? Kirkman responded that the committee is now in the process of amending the zoning ordinance. In the process, the department proposed to the committee that the maximum building size be increased to 3,000 square feet for the R-4 Residential District. The committee soundly rejected the proposal. They stated that the R-4 Rural Residence District was never meant to have a significant agricultural use. By limiting the size, the committee feels that they are limiting the number of problems that could occur. With the Kinas/Wagner variance request, there would not be a problem with setting a precedent if the property meets the uniqueness criterion. However, the Board of Adjustment may create a precedent if they allow the variance without the uniqueness criterion being met.

Public hearing closed at 10:08 a.m.

- b. Board discussion and deliberation to include relevant correspondence.

The board discussed the three criteria for deciding a variance request:

- *Unnecessary hardship*
There doesn't appear to be a hardship other than the size and placement of the building. The applicant, by her own admission, has stated that there is no hardship.
- *Unique property limitations*
There is another spot, if necessary, apart from the highway setback.
- *Harm to the public*
The variance would not create any harm to the public.

- c. Board decision.

Motion by Triemstra/Gende to grant the variance request from Section 350-20.C of the County zoning Ordinance to construct a detached garage within the 67ft State Highway setback, as well as a variance to Section 350-38.B of the County Zoning Ordinance to construct a detached garage in excess of 1500sqft. Roll call vote: Triemstra – nay, Gende – nay, Hardesty – nay. The request is denied.

CORRESPONDENCE

Kirkman – Kathleen Moore was appointed by the County Board for another three-year term on the Board of Adjustment.

NEXT MEETING DATE

September 15, 2017

ADJOURN

On a motion by Triemstra/Gende, unanimously carried, to adjourn.

Time: 10:30 a.m.

RECORDED BY:

Carole DeCramer
Board of Adjustment Secretary

APPROVED ON:

September 15, 2017