

**May 20, 2016**

**The following documents are included in the packet for the *Green Lake County Board of Adjustment* public hearing that is scheduled for Friday, May 20, 2016. The business meeting begins at 9:00 a.m. The public hearing will begin at 10:00 a.m.**

**Packet Pages:**

- 1. Cover Sheet**
- 2. Agenda**
- 3-8. Minutes of June 19, 2015 & January 15, 2016**
- 9. 2016 Board of Adjustment Calendar**
- 10. WI-DNR, Dale Rezabek, letter regarding variance requests**
- 11. Public hearing notice**
- 12-21. Meeting materials for Public Hearing Item I: Owners: Steven & Kathleen Semler Agent: Davis Custom Builders, Inc. Variance Request**

**Post Meeting Information:**

- 22. WI-DNR letter from the Board of Adjustment**
- 23. Exhibit 1 - Kinas Excavating, Inc. soil boring**
- 24. Exhibit 2 - Town of Princeton response to request**
- 25-31. Exhibit 3 - New site plan (Semler request)**



# GREEN LAKE COUNTY BOARD OF ADJUSTMENT

Carole DeCramer, Board Secretary Number #920-294-4156  
Email: [cdecramer@co.green-lake.wi.us](mailto:cdecramer@co.green-lake.wi.us)

## Board of Adjustment Meeting Notice

**Date: May 20, 2016 Time: 9:00 AM**

**Green Lake County Government Center, 571 County Road A, Green Lake, WI  
West Wing, Lower Level, County Board Room #0902**

### AGENDA

*All line items are subject to any and all action by this Board, unless noted.*

**Board of  
Adjustment  
Members:**

*Janice Hardesty,  
Board Chair*

*Nancy Hill*

*Kathleen Moore  
Board Vice Chair*

*John Gende,  
Alternate 1*

*Ron Triemstra,  
Alternate 2*

1. Call to order
2. Roll call
3. Pledge of Allegiance
4. Certification of open meeting law
5. Agenda
6. Minutes: 06/19/15 and 01/15/16
7. Approve the 2016 Board of Adjustment calendar
8. Election of Chair and Vice Chair
9. Board of Adjustment requests for WI-DNR's variance opinions
10. Adjourn for field inspection

**Public hearing matters will not begin before 10:00 a.m.**

11. Public hearing matters

**Item I: Owner:** Steven & Kathleen Semler **Agent:** Davis Custom Builders Inc **Site Description:** N4486 S Lakeshore Dr, Parcel #016-01510-0100, Part of the NE¼, Section 9, T15N, R12E, Town of Princeton **Request:** The owners are requesting a variance from Section 338-23 of the Green Lake County Shoreland Zoning Ordinance to construct a new home within the 25' streetyard setback.

- a. Public Hearing
- b. Board Discussion & Deliberation
- c. Board Decision

12. Correspondence
13. Next meeting date
14. Adjournment

**NOTE:** Meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or audio assistance should contact Carole DeCramer at 920-294-4156 the day before the meeting no later than noon.

*Kindly arrange to be present. If unable to do so, please notify the  
Land Use Planning & Zoning Department at (920)294-4156.*

**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:**

**GREEN LAKE COUNTY  
BOARD OF ADJUSTMENT  
Meeting Minutes – Friday, January 15, 2016**

**CALL TO ORDER**

The meeting of the Board of Adjustment was called to order by Acting Chair Nancy Hill at 9:03 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, Ron Triemstra, John Gende  
Absent: Janice Hardesty, Kathleen Moore  
Also present: Matt Kirkman, Code Enforcement Officer  
Carole DeCramer, Board Secretary  
Kate Worth, Worth Court Reporting

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

**The Board asked that the minutes not be approved at this time since two of the board members who attended the June 19, 2015 meeting are absent. The approval of the minutes will be placed on the next agenda.**

**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 10:34 a.m.

Acting Chair Hill read the Rules of Order.

**Item I: Owners/Applicants:** Duane J. & Alice M. Winger **Site Description:** W6388 Lakeview Drive, Parcel #014-00928-0000, Lot 13 of the Gettelman Plat, part of Government Lot 2, Section 33, T15N, R11E, Town of Marquette **Request:** The owners/applicants are requesting a variance from Sections 350-20 of the County Zoning Ordinance and 338-21, 338-23 & 338-47 of the Shoreland Zoning Ordinance to construct a breezeway between their dwelling and their detached garage that is located within the required side yard and shoreyard setbacks

- a. Public hearing.

Alice M. Winger, W6388 Lakeview Drive – Spoke in favor of the request.

Public hearing closed at 10:40 a.m.

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

The Board discussed the request in greater detail.

**Motion by Hill/Triemstra, unanimously carried, to allow the Board to ask the Wingers questions.**

Questions were asked the Wingers regarding entrances and safety issues regarding ice.

The public hearing portion was closed.

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

*1. Is there unnecessary hardship in this case?*

Hill - The hardship is the unsafe condition in the winter with the ice and snow and trying to maneuver the 8' gap between the house and garage. It is an unsafe condition as it exists now. The board members concurred with those statements. They can live with the safety issue, close the gap (which would be unreasonably burdensome), and doing nothing is not unreasonably burdensome.

Triemstra – It seems, after reading the staff report, there should be some remedy to avoid the hazardous conditions. This board should grant some relief to that in all fairness.

Gende - It is seasonal; a burden is a burden. Seasonal is not an argument. It is significantly burdensome, seasonally.

Hill – The Wingers do need a safe passage between the two structures. That is reasonable. The board should not consider the property as a whole, just this particular area.

*2. Are there physical limitations of the property?*

Hill – The property is not unique to the area. The Wingers looked at alternate designs and there are none that meet the needs of this property.

Triemstra – Agreed with Hill. There is no other alternative within reason to alleviate this situation.

Gende – Concurred with the statements.

Kirkman - When looked at more deeply, the staff report talks about the uniqueness. Limitation is limited to the location of the buildings location. It's not the lot that's unique, it's the situation.

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

Hill – Since it doesn't impinge upon the ordinary high water mark (OHWM), there wouldn't be a harm to the public interest. Expressed concerns with the sideyard setback. As has been mentioned, a variance would be required before additional building could be done. Minimal relief would be 8X13' from the front of the garage to the entrance to the house.

Kirkman – It would be from the entrance of the garage to the entrance to the house.

Hill - The board could also grant a variance that would extend that area to the front of the house to the lakeside of the garage. In that case, the dimensions of the breezeway would be 8X22'.

Gende – When considering the dimensions, the roof overhang should also be taken in account.

Triemstra – If the board feels comfortable with granting the variance, the motion would be to grant the request based upon the plans submitted by the petitioner. The plan requested an area from the front of the garage to the back of the garage. The detail with overhang is just part of the plan.

c. Board decision.

**Motion by Triemstra/Gende, to grant a variance from Sections 350-20 of the County Zoning Ordinance and 338-21, 338-23 & 338-47 of the Shoreland Zoning Ordinance to construct a breezeway between their dwelling and their detached garage that is located within the required side-yard and shoreyard setbacks per submitted plans.**

**The approval would include the following conditions:**

- 1. Prior to land use permit issuance, the owners provide to the Land Use Planning & Zoning Department a Certificate of Survey to establish the current lot layout, identifying, but not limited to, all lot lines, existing structures (including retaining walls), the OHWM, access roads, and driveways.**
- 2. The patio area, within the 75 foot shoreyard setback and waterward of the detached garage, shall be removed and revegetated.**
- 3. Create and install storm water management practices that will infiltrate all of the storm water runoff from the existing dwelling, breezeway & detached garage for a 2-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.**

Further discussion:

Hill – Questioned the wording in condition #2. Having the word “revegetated” limits the Wingers as to what they can do there. There are other options.

Triemstra – It has to be permeable so that condition #3 applies.

**On a motion by Triemstra/Gende, unanimously carried on roll call, the original motion was amended to change condition #2 to read as follows**

- 2. The patio area, within the 75 foot shoreyard setback and waterward of the detached garage, shall be made permeable.**

### **CORRESPONDENCE**

Kirkman reported that Act 55 stated that the WI-DNR can no longer appeal a decision made by a Board of Adjustment; however, they still welcome municipalities to send requests to them for input as to what should be considered when deciding the request. However, to do so, the Board of Adjustment must formally request WI-DNR input, in writing. This will be placed on the next agenda.

### **ADJOURN**

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

Time: 11:27 a.m.

### **RECORDED BY:**

Carole DeCramer  
Board of Adjustment Secretary

### **APPROVED ON:**

# 2016

## Green Lake County Board of Adjustment Public Hearings



592 County Road A  
P.O. Box 3188  
Green Lake, WI  
54941-3188

Phone: (920) 294-4156  
Fax: (920) 294-4176

[www.co.green-lake.wi.us](http://www.co.green-lake.wi.us)

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## Land Use Planning & Zoning Department

County Government Center  
571 County Road A P.O. Box 3188  
Green Lake, WI 54941

Phone 920-294-4156 Website: <http://www.co.green-lake.wi.us/>

Land Development Code Enforcement County Surveyor GIS Land Information

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April 15, 2016

Dale Rezabek  
Regional Shoreland Specialist  
Wisconsin Department of Natural Resources  
625 E. County Road Y, Suite 700  
Oshkosh, WI 54901

RE: Green Lake County BOA Request for WDNR Variance Opinions

Dear Mr. Rezabek:

Per Legislature Act 55 and s. 59.692(4)(b) Wis. Stats. the WDNR may only issue opinions on variance requests upon the request of a County Board of Adjustment.

The purpose of this correspondence is to formally request the Wisconsin Department of Natural Resources to issue its opinions as to whether to grant or not to grant variance requests for any and all variance requests that come before the Green Lake County Board of Adjustment.

Please see the attached public hearing minutes where this subject was motioned, seconded and voted on by this Board.

Thank you very much for your time and attention to this matter.

All the best,

Board Chair  
Board of Adjustment  
Green Lake County  
Wisconsin



## NOTICE OF PUBLIC HEARING

The Green Lake County Board of Adjustment will hold a Public Hearing in County Board Room #0902 of the Green Lake County Government Center, 571 County Road A, Green Lake, Wisconsin, on *Friday, May 20, 2016, at 9:00 a.m.* The meeting will adjourn for site inspection of the following item:

**Item I: Owner:** Steven & Kathleen Semler **Agent:** Davis Custom Builders Inc **Site Description:** N4486 S Lakeshore Dr, Parcel #016-01510-0100, Part of the NE¼, Section 9, T15N, R12E, Town of Princeton **Request:** The owners are requesting a variance from Section 338-23 of the Green Lake County Shoreland Zoning Ordinance to construct a new home within the 25' streetyard setback.

The Board of Adjustment will reconvene at approximately **10:00 a.m.** to consider the item listed above. All interested persons wishing to be heard at the public hearing are invited to be present. Please note that *it is not uncommon for an owner/applicant to withdraw a request at the last minute.* Call the Green Lake County **Land Use Planning and Zoning Department** at **(920) 294-4156** for further detailed information concerning this notice, to verify that the agenda item you may be interested in has not been withdrawn from the agenda, or for information related to the outcome of the public hearing item.

*Publish May 5, 2016 and May 12, 2016*





From a staff perspective, this discrepancy between the street yard setback and the Shoreland Zoning Ordinance's purpose and intent, had been identified to the Land Use Planning & Zoning (LUP&Z) Committee. However, the LUP&Z Committee chose to include street yard setbacks in the Shoreland Zoning Ordinance nevertheless.

**VARIANCE CRITERIA:** To qualify for a variance, it must be demonstrated that the property meets the following 3 requirements:

- 1) Unnecessary Hardship
  - compliance with standards would be unreasonably burdensome (Snyder)
  - hardship may not be self-created (State ex rel. Markdale Corp. v. Board of Appeals)
  - circumstances of the applicant, such as a growing family or the need for a larger garage, are not a factor in considering variances (Snyder)
  - property, as a whole, must be considered, not just a portion (State v. Winnebago County)
  - economic or financial hardship is not a justification (State v. Winnebago County)
  
- 2) Unique Property Limitations
  - limitations such as steep slope, wetland, shape or size that are not shared by other properties and prevent compliance with ordinance (State v. Kenosha BOA)
  - limitations common to a number of properties are not a justification (Arndorfer v. Sauk County BOA)
  - alternative designs and locations on the property have been investigated (State v. Winnebago County)
  
- 3) No Harm to Public Interest
  - ordinance purpose and intent, variance may not harm public interest (State v. Winnebago County)
  - short-term, long-term and cumulative effects on public interest in neighborhood, community, and even the state (Ziervogel)
  - only allow minimal relief for use of property, may include conditions (Robert M. Anderson, *American Law of Zoning*)

**STAFF COMMENTS:** Staff has the following comments related to this request:

**1) Unnecessary Hardship**

- Stormwater management is a difficult task on any riparian property. Based on the topography of this site it would appear that by locating the dwelling on a 25% slope would present a more difficult situation. Additionally, driveway access to the property would present difficulties due to the significant downslope.
- It appears that the hardship has to do with the owners having to locate their dwelling further downslope. It is difficult for staff to characterize this variance request as self-created as the slope appears to be controlling.
- The owners' interest in locating the replacement dwelling in the same approximate area as the existing building is not exclusive.
- There are sloping areas of the subject site and flat areas. The BOA shall determine which location presents the least burden to the owners. If there is a lesser burden to locate the dwelling in a code-compliant location, then the variance should be denied.
- The owners are not claiming an economic / financial hardship.

## **2) Unique Property Limitations**

- ❑ The variance application contends that the subject site is unique due to slope as well as its downslope position in relation to the Town Road and other upslope properties. In addition, the subject site is at the end of a Town Road. Staff agrees that these present challenges, but the BOA must determine if the subject site is truly unique to a point where adjacent properties do not share the same attribute.
- ❑ The neighboring properties all present 25% slopes, however these properties have been developed differently. The BOA shall discern whether there is enough about this property to qualify it as “unique.” These neighboring properties are dissimilar in that the subject site is the last property on the road (Dead End).
- ❑ The variance application does not indicate that owners have investigated alternative construction sites; however, their hardship claims of locating the dwelling on the 25% slope or the flats by the lake seem valid.

## **3) Harm to Public Interest**

- ❑ There is no basis (purpose and intent) in the Shoreland Zoning Ordinance to require street yard setbacks and there is no indication that any harm to the public interest, relating to the purpose and intent of the Shoreland Zoning Ordinance, would occur.
- ❑ The cumulative effect, if this variance is granted or denied, will be a re-evaluation of street yard setbacks in the Shoreland Zoning Ordinance by the Land Use Planning & Zoning Committee.
- ❑ Minimal relief needs to resolve the proven hardship. If the BOA agrees with hardship presented any deviation from the proposed building location will conflict with that resolution. If the BOA doesn't agree with the hardship the variance request should be denied.

**GREEN LAKE COUNTY  
VARIANCE APPLICATION**

*Provide the following information and any other detailed information related to the variance.*

Date Received: 4-6-16

Fee Received: 4-6-16 (C4136)

STEVEN SEMLER

Owner Name

DAVIS CUSTOM BUILDERS INC.

Applicant Name

\_\_\_\_\_  
Owner Signature

Date

Randy S. Davis 4/6/16

Applicant Signature Date

314 E. EASTMAN ST.

Mailing Address

P.O. BOX 537

Mailing Address

ARLINGTON HEIGHTS IL. 60004

City State Zip

RIPON WI 54971

City State Zip

\_\_\_\_\_  
Home Phone Work/Cell Phone 847-791-6312

\_\_\_\_\_  
Home Phone Work/Cell Phone 920-570-3956

Site Address N 4486 S. LAKESHORE DR.

Tax Parcel ID # 0116 - 01510 - 0100

Lot 3 Block - Subdivision/Plat -  
SE ¼, NE ¼, Section 9, T 15 N, R 12 E

Lot \_\_\_\_\_ CSM # 3430 Town of PRIACETON

For the Board of Adjustment to grant a variance, the owner/applicant must clearly demonstrate that there is an unnecessary hardship present when strictly applying an ordinance standard; that the hardship is due to unique site limitations; and in granting a variance the public interest is being protected.

The burden of proof rest upon the property owner to show all 3 criteria are being met.

A variance is not a convenience to the property owner and should not be granted routinely.

Attach additional sheets, if necessary, to provide the information requested.

1. Explain your proposed plans and how they vary from the required dimensional standards:

EXISTING HOUSE'S FOOTPRINT IS  $3\frac{1}{2}$ ' FROM FRONT LOT LINE AND WE WOULD LIKE TO BUILD IN THE SAME GENERAL AREA. THE SHORELAND ZONING ORDINANCE REQUIRES THE NEW HOME TO BE LOCATED 25' DOWN SLOPE OF THE FRONT PROPERTY LINE

2. Explain the hardship imposed by the Ordinance:

BY PLACING THE NEW HOME 25' FROM THE ROAD, A MORE SIGNIFICANT DRIVEWAY WILL BE NECESSARY AND WOULD HAVE TO PITCH DOWN TO THE HOUSE. THIS IN COMBINATION WITH THE SIGNIFICANT SLOPE OF THE LAND AND THE PITCH OF THE TOWN ROAD CREATES A STORM MANAGEMENT NIGHTMARE.

3. Describe unique property feature(s) that create the hardship:

THE LOT IS UNIQUE - 1) SLOPE - WEST END IS A STEEP GRADE GOING DOWN ALMOST 20' AS YOU GO EAST. AND BASICALLY FLAT TO THE LAKE AFTER THAT. 2) THE LOT IS AT THE END OF LAKESHORE DRIVE AND THE PAVED ROAD ACTUALLY PITCHES WITHIN THE RIGHT OF WAY TOWARDS OUR PROPERTY

4. Explain why the proposed variance will not harm the public interest:

1) MINIMIZE IMPERVIOUS STRUCTURE 2) BETTER FOR THE LAKE TO BUILD AS FAR BACK AS POSSIBLE 3) MAINTAINING THE NATURAL FLAT LAND AS MUCH AS POSSIBLE FOR STORM WATER MANAGEMENT 4) IF SAFETY IS A CONCERN WHICH IT SHOULDN'T BE AS THIS IS A SHORELAND ZONING STANDARD, THIS PROPERTY IS LOCATED AT A DEAD END

5. Explain why the property can not be utilized without a variance: (use variances only)





**VISBEEN**  
architects

www.visbeen.com  
616•285•9901

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PROJECT No.:  
**16.2.01**

STAFF CREDITS  
DRAWN  
**Paul Fikse**  
PROJECT MANAGEMENT  
**Paul Fikse**

PROJECT  
**Steve &  
Kathleen  
SEMLER  
Cottage**

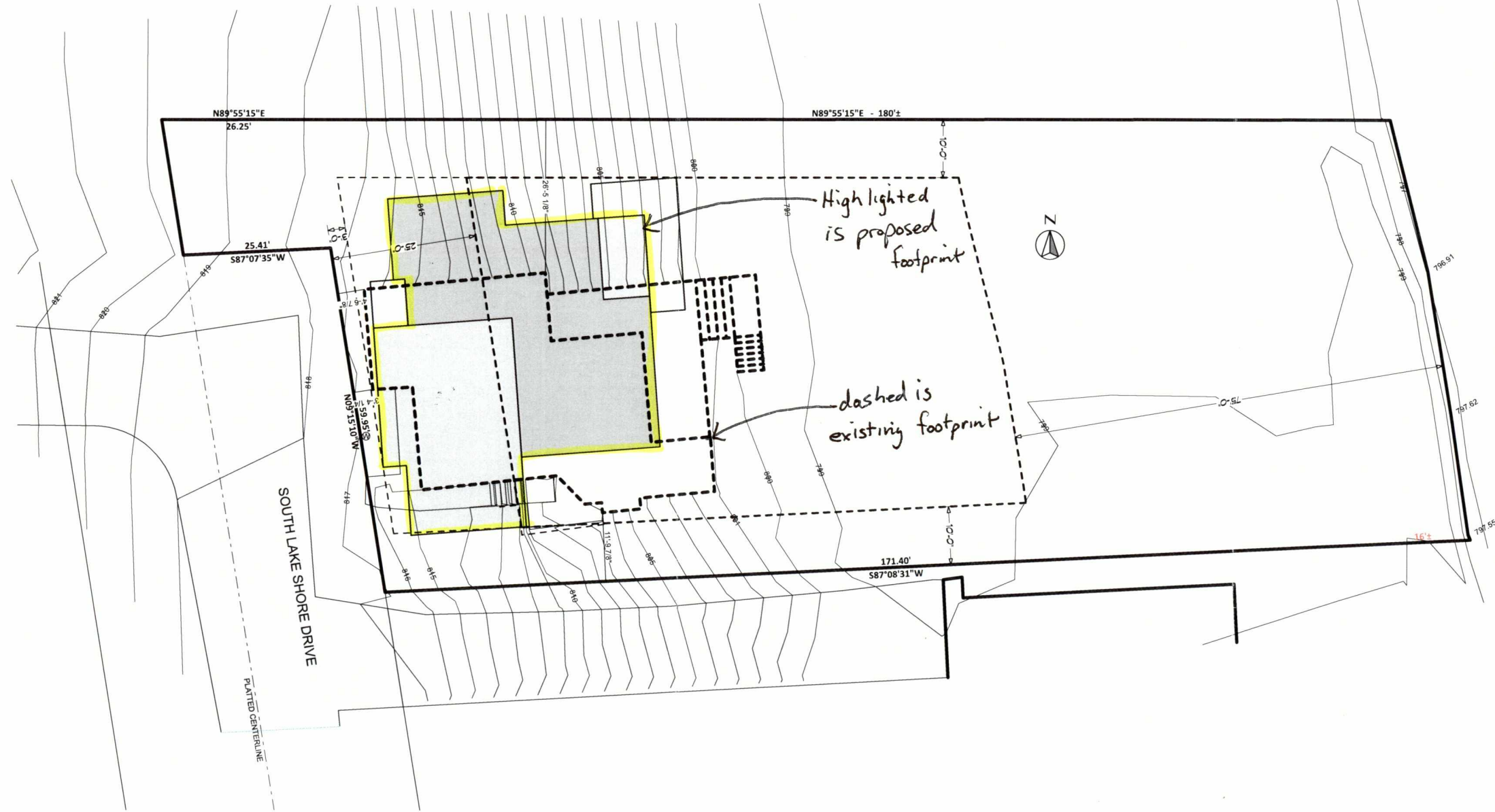
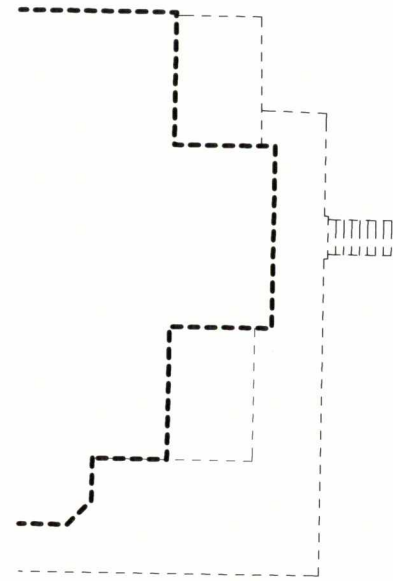
**GREEN LAKE  
Wisconsin**

SHEET TITLE  
**SITE  
PLAN**

DATE  
**4/12/16**

ISSUE DESCRIPTION  
**DESIGN  
DEVELOPMENT**

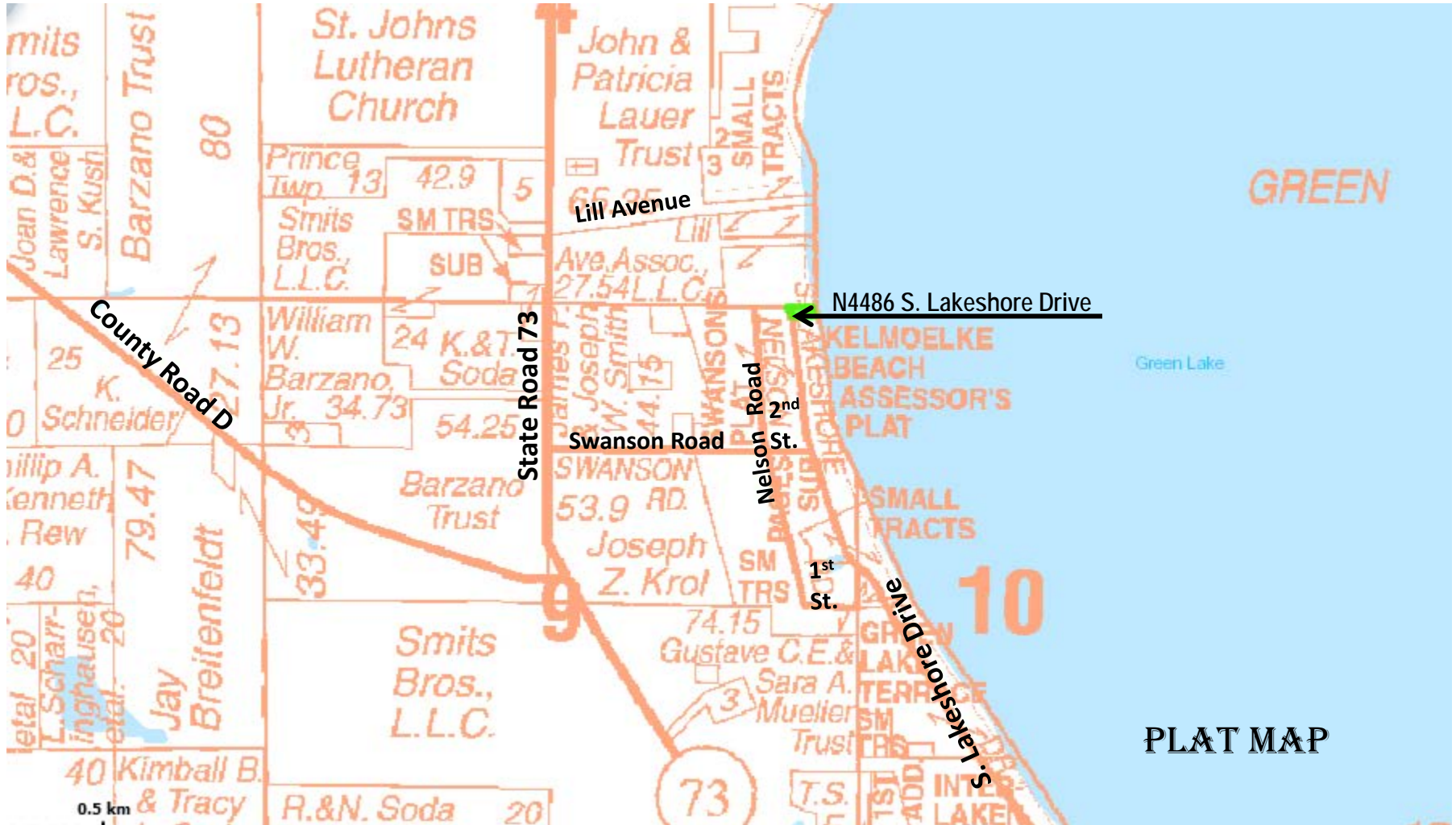
SHEET NO.  
**A0.1**



**1 SITE PLAN**  
SCALE: 1" = 10'



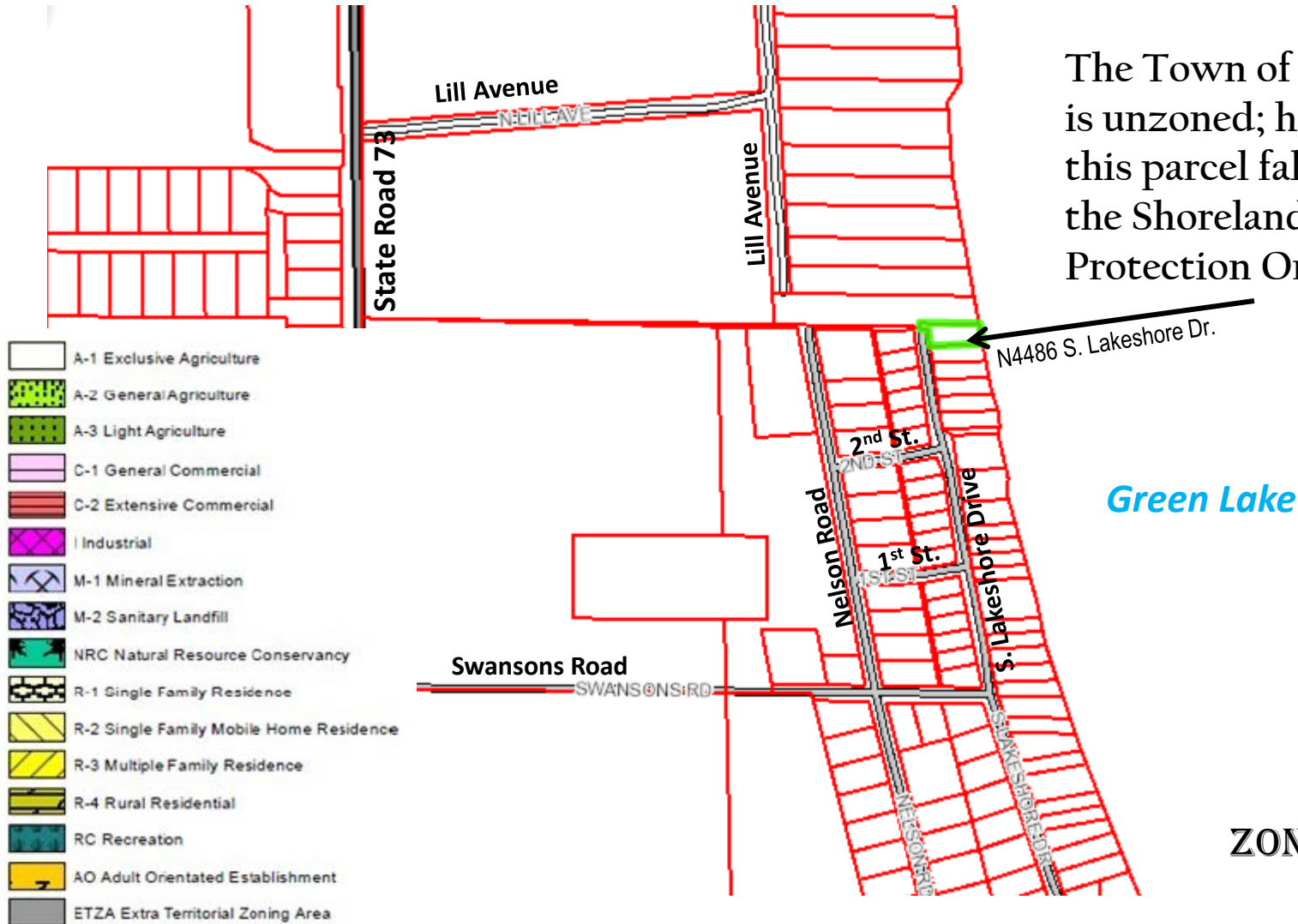
Owners: Steven D. and Kathleen M. Semler Applicant: Davis Custom Builders, Inc.  
N4486 S. Lakeshore Drive, Parcel #016-01510-0100, Part of the NE¼  
Section 9, T15N, R12E, Lot 3 Certified Survey Map 3430, Town of Princeton



Board of Adjustment Public Hearing 05/20/16

**Owners: Steven D. and Kathleen M. Semler Applicant: Davis Custom Builders, Inc.  
 N4486 S. Lakeshore Drive, Parcel #016-01510-0100, Part of the NE¼  
 Section 9, T15N, R12E, Lot 3 Certified Survey Map 3430 , Town of Princeton**

The Town of Princeton is unzoned; however, this parcel falls under the Shoreland Protection Ordinance.



**ZONING MAP**



**Owners: Steven D. and Kathleen M. Semler Applicant: Davis Custom Builders, Inc.  
N4486 S. Lakeshore Drive, Parcel #016-01510-0100, Part of the NE¼  
Section 9, T15N, R12E, Lot 3 Certified Survey Map 3430 , Town of Princeton**





**Owners: Steven D. and Kathleen M. Semler Applicant: Davis Custom Builders, Inc.  
N4486 S. Lakeshore Drive, Parcel #016-01510-0100, Part of the NE¼  
Section 9, T15N, R12E, Lot 3 Certified Survey Map 3430, Town of Princeton**





## Land Use Planning & Zoning Department

County Government Center  
571 County Road A P.O. Box 3188  
Green Lake, WI 54941

Phone 920-294-4156 Website: <http://www.co.green-lake.wi.us/>

Land Development Code Enforcement County Surveyor GIS Land Information

May 20, 2016

Dale Rezabek  
Regional Shoreland Specialist  
Wisconsin Department of Natural Resources  
625 E. County Road Y, Suite 700  
Oshkosh, WI 54901

**COPY**  
mailed 5-23-16

RE: Green Lake County BOA Request for WDNR Variance Opinions

Dear Mr. Rezabek:

Per Legislature Act 55 and s. 59.692(4)(b) Wis. Stats. the WDNR may only issue opinions on variance requests upon the request of a County Board of Adjustment.

The purpose of this correspondence is to formally request the Wisconsin Department of Natural Resources to issue its opinions as to whether to grant or not to grant variance requests for any and all variance requests that come before the Green Lake County Board of Adjustment.

Please see the attached public hearing minutes where this subject was motioned, seconded and voted on by this Board.

Thank you very much for your time and attention to this matter.

All the best,

Janice E. Hardesty  
Board Chair  
Board of Adjustment  
Green Lake County  
Wisconsin

## Kinas Excavating, Inc.

Basements • Driveways • Septic systems - all types • Mound Systems  
Site Preparation • Land Clearing • Demolition • Topsoil • Trucking  
Soil and Site Evaluation • Sewer & Water - mains, laterals, repairs • Ponds  
Rip-rapping • Ditch Cleaning  
N6205 N. Lawson Drive, Green Lake, WI 54941  
Green Lake (920) 294-3879 • Markesan (920) 398-3431 • Fax (920) 294-3455

May 11, 2016


Davis Custom Builders  
Attn: Jim  
PO Box 537  
Ripon, WI 54971

Re: Semler Site

On May 4, 2016 Bill Kinas, of Kinas Excavating, dug an auger bore at N4486 Lakeshore Dr., Princeton at the request of Davis Custom Builders.

A bore was dug approximately 30' east of the present house location. The bore was dug to a depth of 40". The first 18" was sand fill before going into the original sand. This showed some Mottling. From 18" to 36" the soil was mottled heavily with free water running in at a depth of 36".

The purpose of the bore was to determine the depth to free water. The bore was not done with the intention for any structural bearing capabilities.

  
Bill Kinas  
Kinas Excavating

**EXHIBIT**  
Semler 5-20-16  
Ex. 1 KFW  
23



Town of Princeton  
Green Lake County, WI

May 12, 2016

Hello:

The board for the Town of Princeton has reviewed the variance request for Mr. Steven and Kathleen Semler at N4486 South Lakeshore Dr. in the Town of Princeton. The Town Board would ask the variance be denied to construct a new home within the 25' street yard setback.

A road way is built within a road right of way with a crown in a road so storm water drains from the road way into the right of way which is to convey water down away from the road bed. In the winter time snow is pushed from the roadway into the right of way clearing the pavement.

When a house is built right on the edge of the right of way, there is no place for personal property to park off the right of way on private property; rather these personal items are parked within the right of way.

One reason for a 25' setback is a front yard for personal property. The right of way is part of the storm water management and storage of snow in winter. When the right of way is plugged with driveways and personal property this cannot happen.

The town would ask for consideration of the intent of right of way as part of storm water management and not a place for personal property.

Thank you,

Allan Weckwerth

Town of Princeton Chair

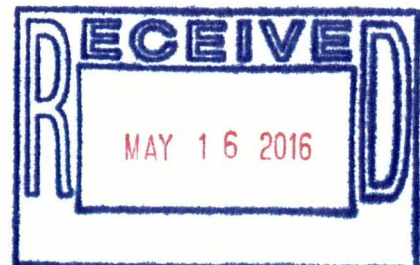
W4350 Old Green Lake Rd.

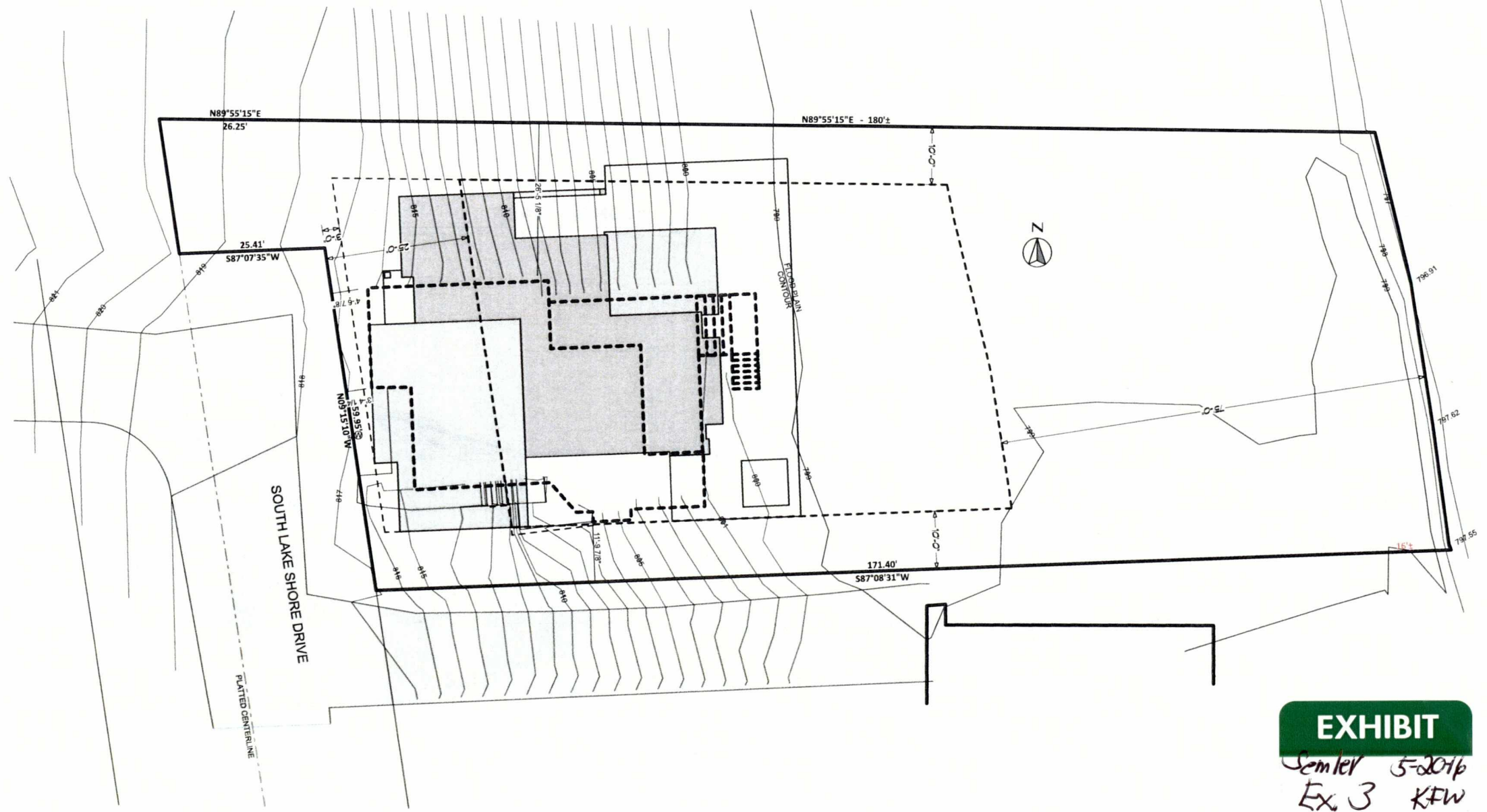
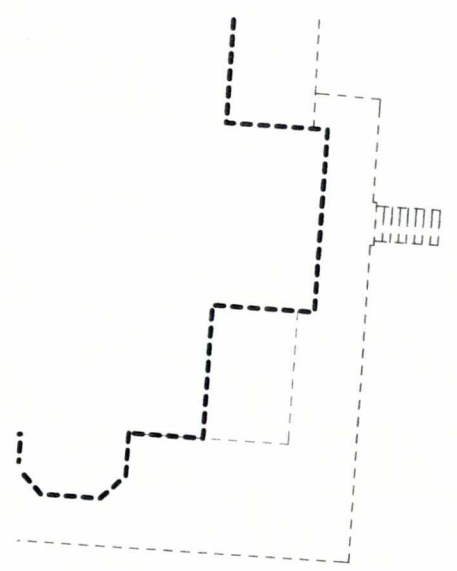
Princeton, WI 54968

920-295-4057

**EXHIBIT**

*Semler 5-2016  
Ex. 2 KFW*





1 SITE PLAN  
SCALE = 10'

**EXHIBIT**  
Semler 5-2016  
Ex. 3 KFW



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PROJECT No.:  
**16.2.01**

STAFF CREDITS  
DRAWN  
**Paul Fikse**  
PROJECT MANAGEMENT  
**Paul Fikse**

PROJECT  
**Steve & Kathleen SEMLER Cottage**  
**GREEN LAKE Wisconsin**

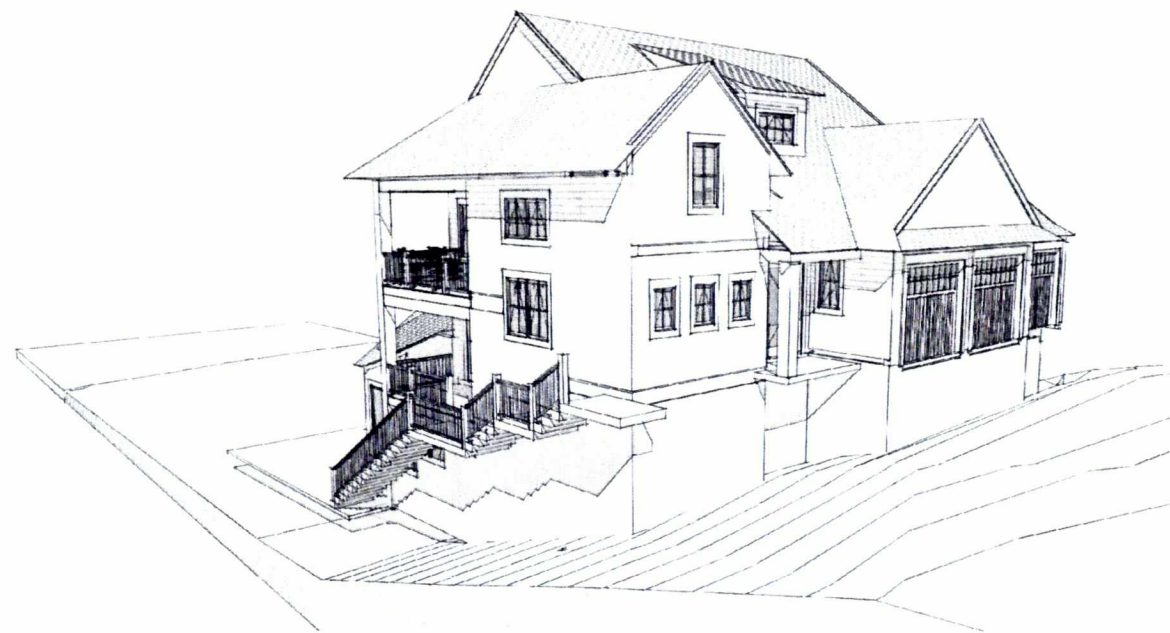
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**SITE PLAN**

DATE  
**5/3/16**

ISSUE DESCRIPTION  
**DESIGN DEVELOPMENT**

SHEET NO.  
**A0.1**





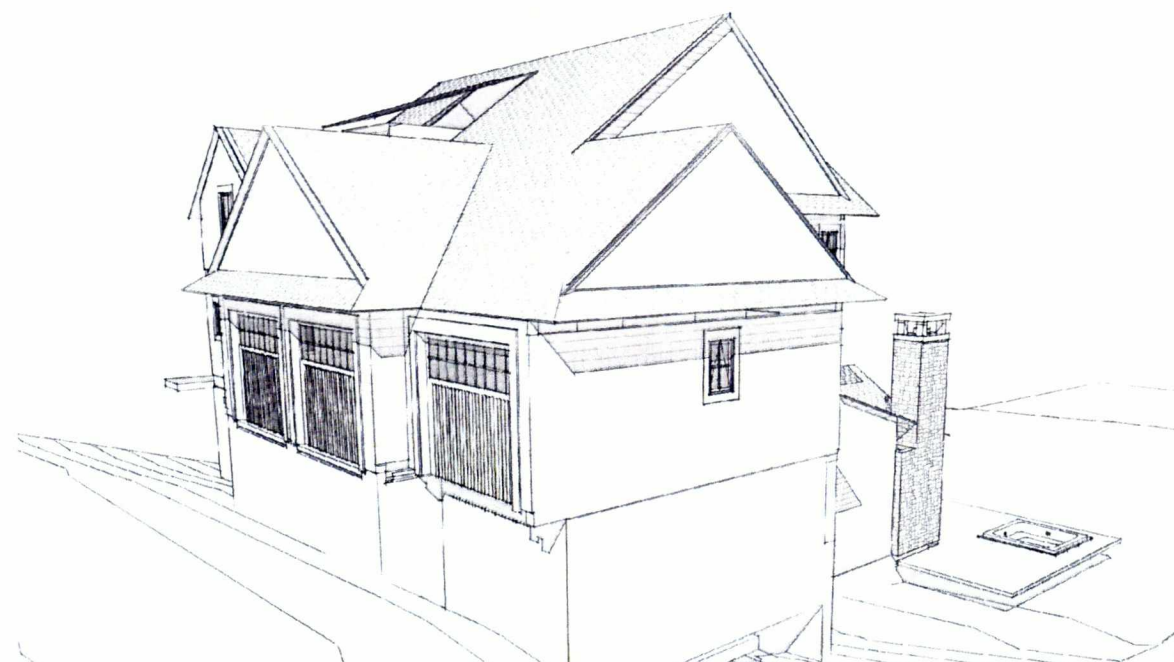
1 NORTH WEST



2 NORTH EAST



3 SOUTH EAST



4 SOUTH WEST



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PROJECT No:  
**16.2.01**

STAFF CREDITS  
DRAWN: **PF +**  
PROJECT MANAGEMENT:  
**Paul Fikse**

PROJECT  
**Steve &  
Kathleen  
SEMLER  
Cottage**

**GREEN LAKE  
Wisconsin**

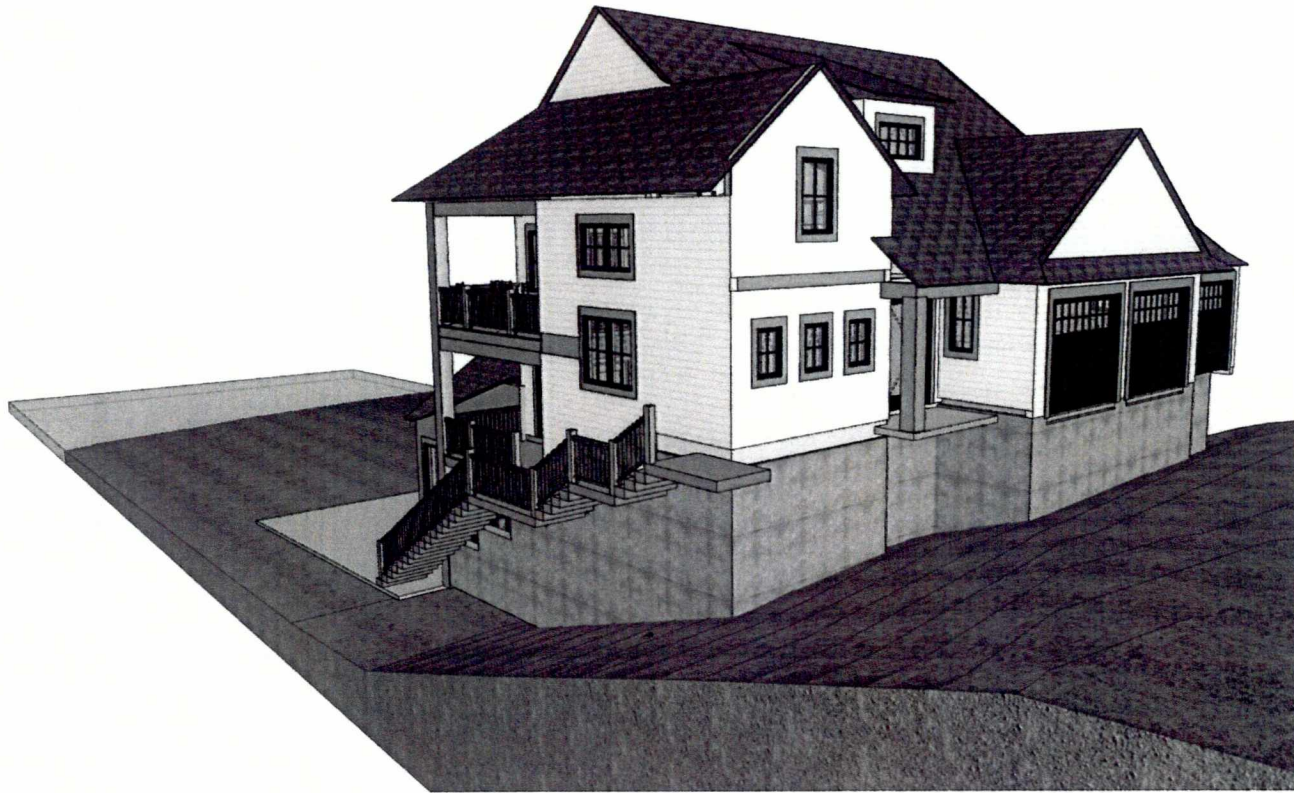
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**CADD  
MODEL  
VIEWS  
Rendered  
Type**

DATE  
**5/3/16**

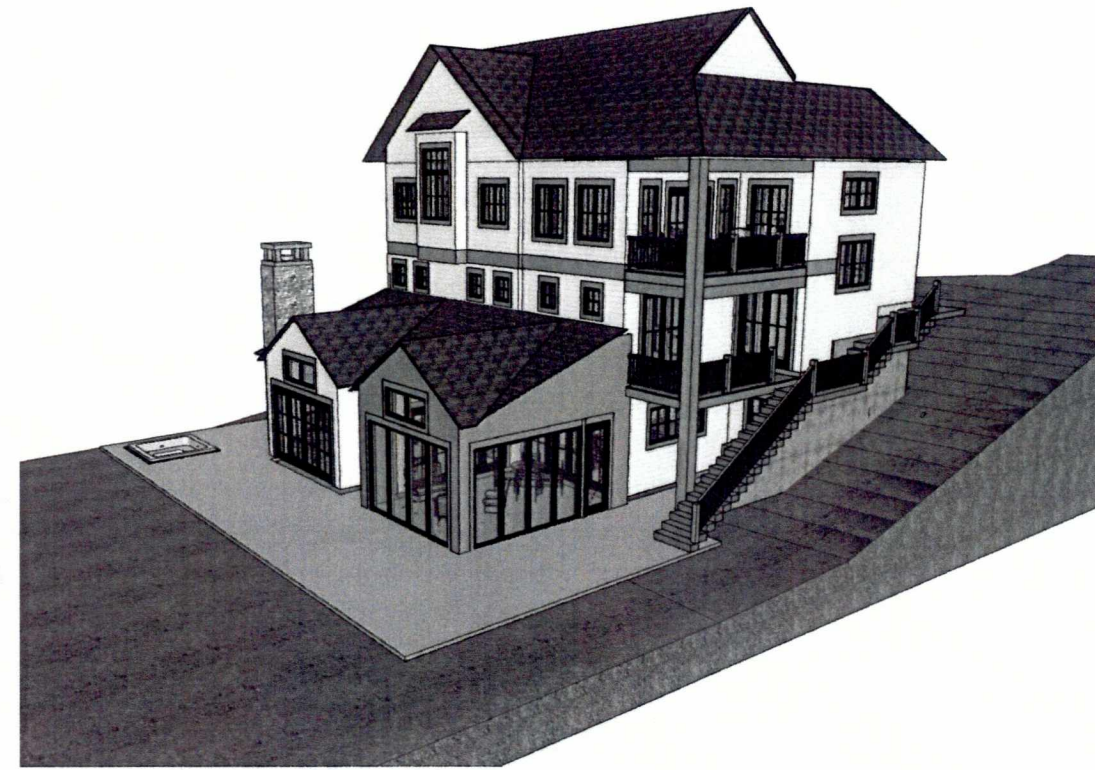
ISSUE DESCRIPTION  
**DESIGN  
DEVELOPMENT**

SHEET NO.  
**A0.4**

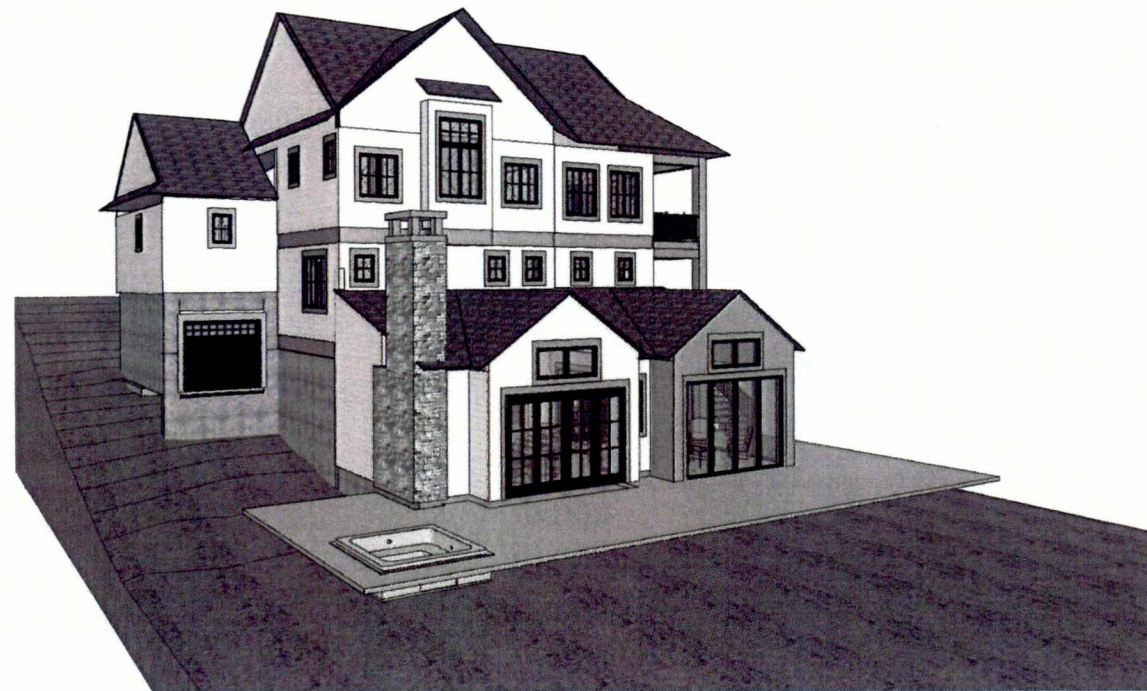




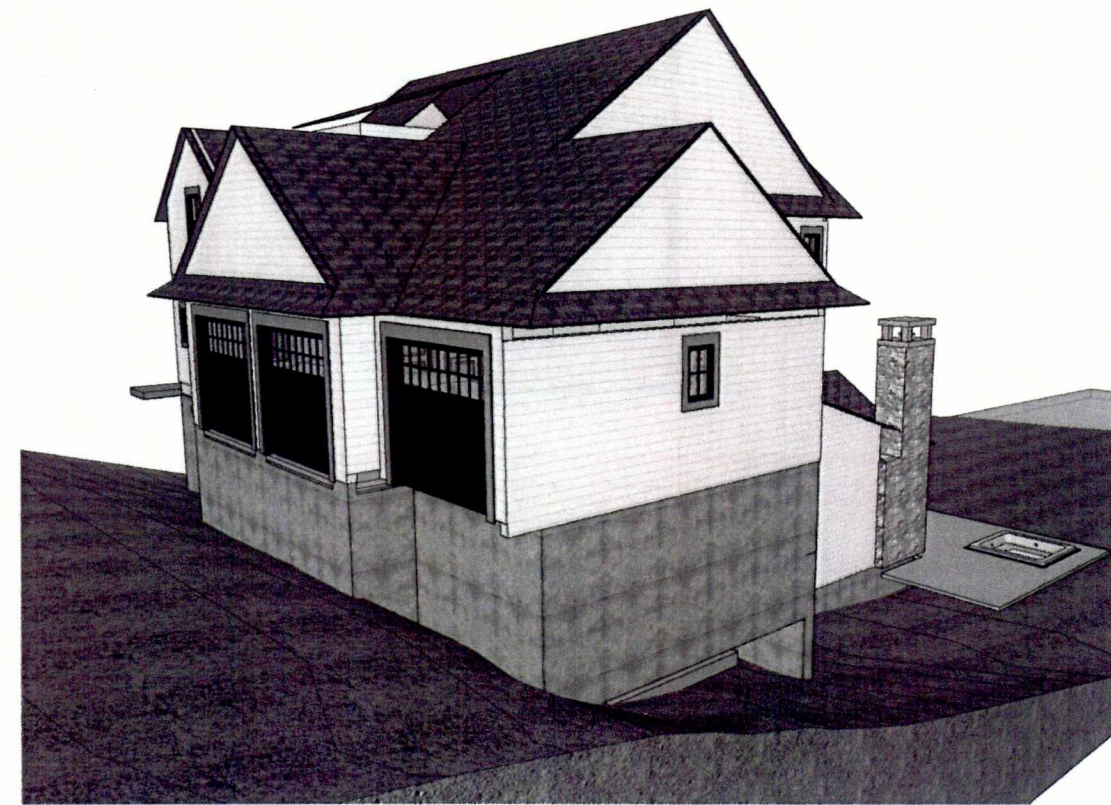
① NORTH WEST



② NORTH EAST



③ SOUTH EAST



④ SOUTH WEST



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**16.2.01**

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**Paul Fikse**

PROJECT  
**Steve &  
Kathleen  
SEMLER  
Cottage**  
  
**GREEN LAKE  
Wisconsin**

SHEET TITLE  
**CADD  
MODEL  
VIEWS  
Model Type**

DATE  
**5/3/16**

ISSUE DESCRIPTION  
**DESIGN  
DEVELOPMENT**

SHEET NO.  
**A0.5**





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PROJECT MANAGEMENT  
**Paul Fikse**

PROJECT  
**Steve &  
Kathleen  
SEMLER  
Cottage**  
  
**GREEN LAKE  
Wisconsin**

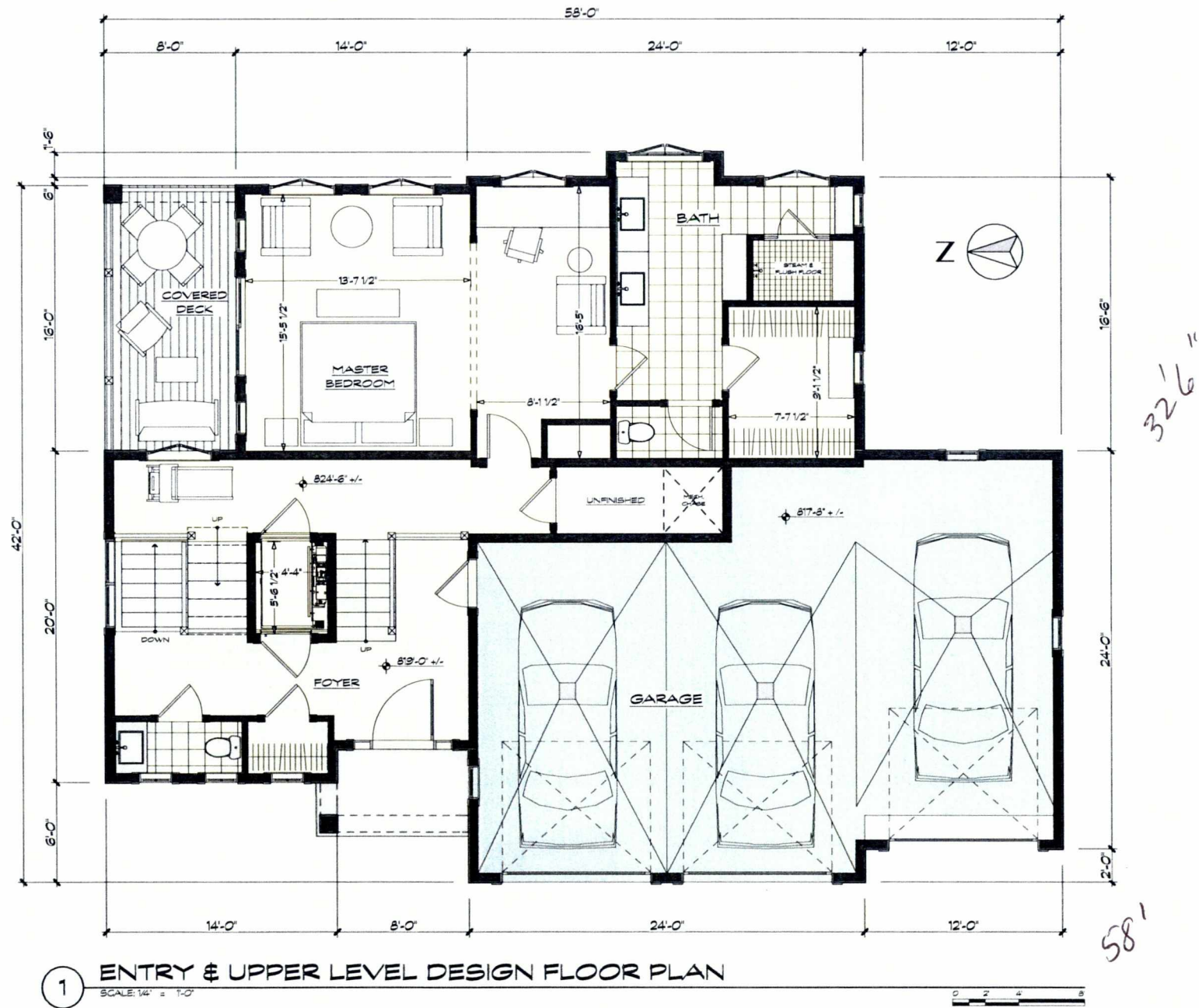
SHEET TITLE  
**ENTRY &  
UPPER  
LEVEL  
DESIGN  
FLOOR  
PLAN**

DATE  
**5/3/16**

SSS DESCRIPTION  
**DESIGN  
DEVELOPMENT**

SHEET NO.  
**A2.1**

Square Footage:	
INTERIOR	817 sq ft
ENTRY LEVEL	235 sq ft
GARAGE	790 sq ft
UNFINISHED	48 sq ft







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PROJECT No.:  
**16.2.01**

STAFF CREDITS  
DRAWN: **Paul Fikse**  
PROJECT MANAGEMENT: **Paul Fikse**

PROJECT  
**Steve & Kathleen  
SEMLER  
Cottage**  
**GREEN LAKE  
Wisconsin**

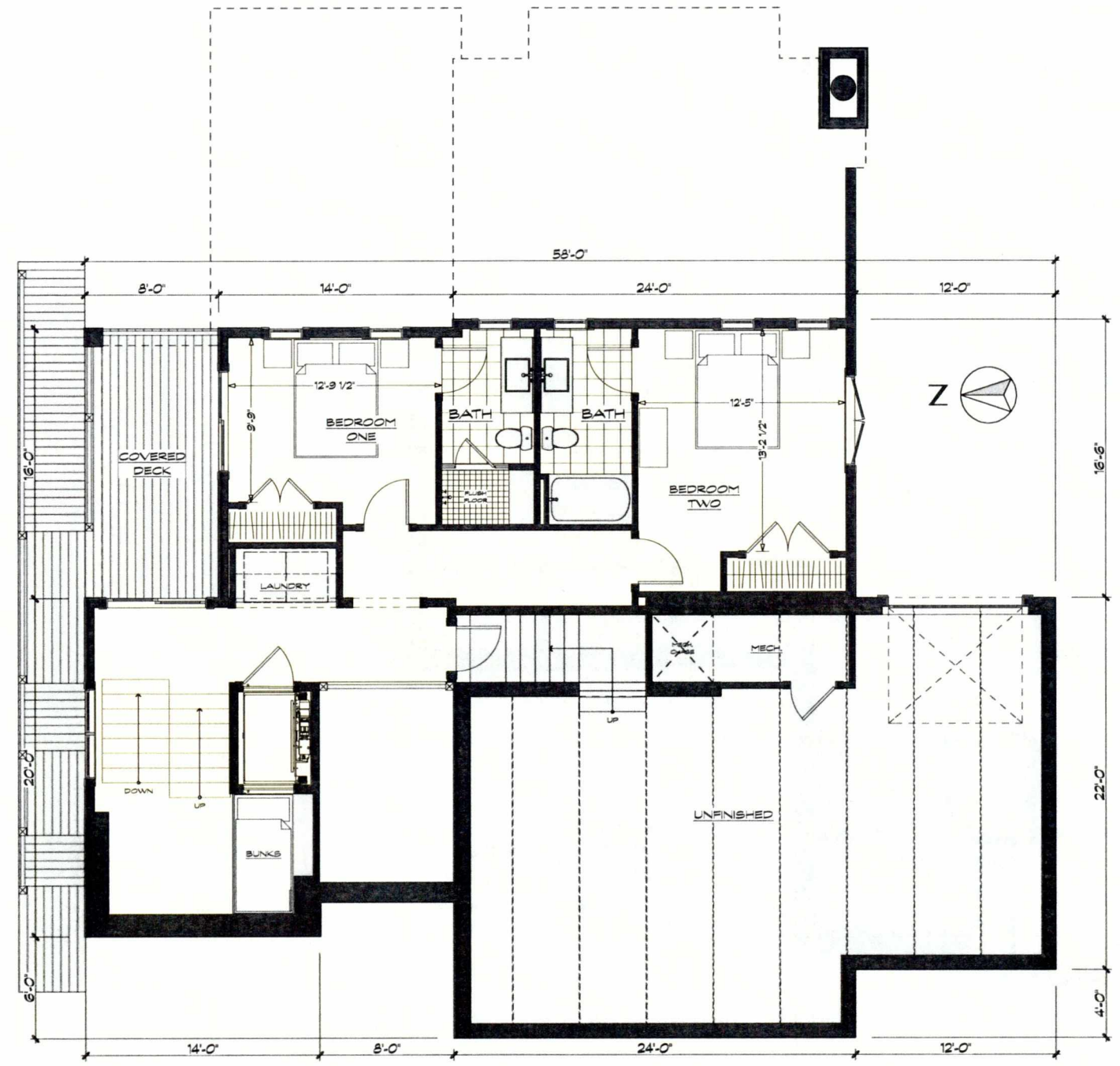
SHEET TITLE  
**MID  
LEVEL  
DESIGN  
FLOOR  
PLAN**

DATE  
**5/3/16**

ISSUE DESCRIPTION  
**DESIGN  
DEVELOPMENT**

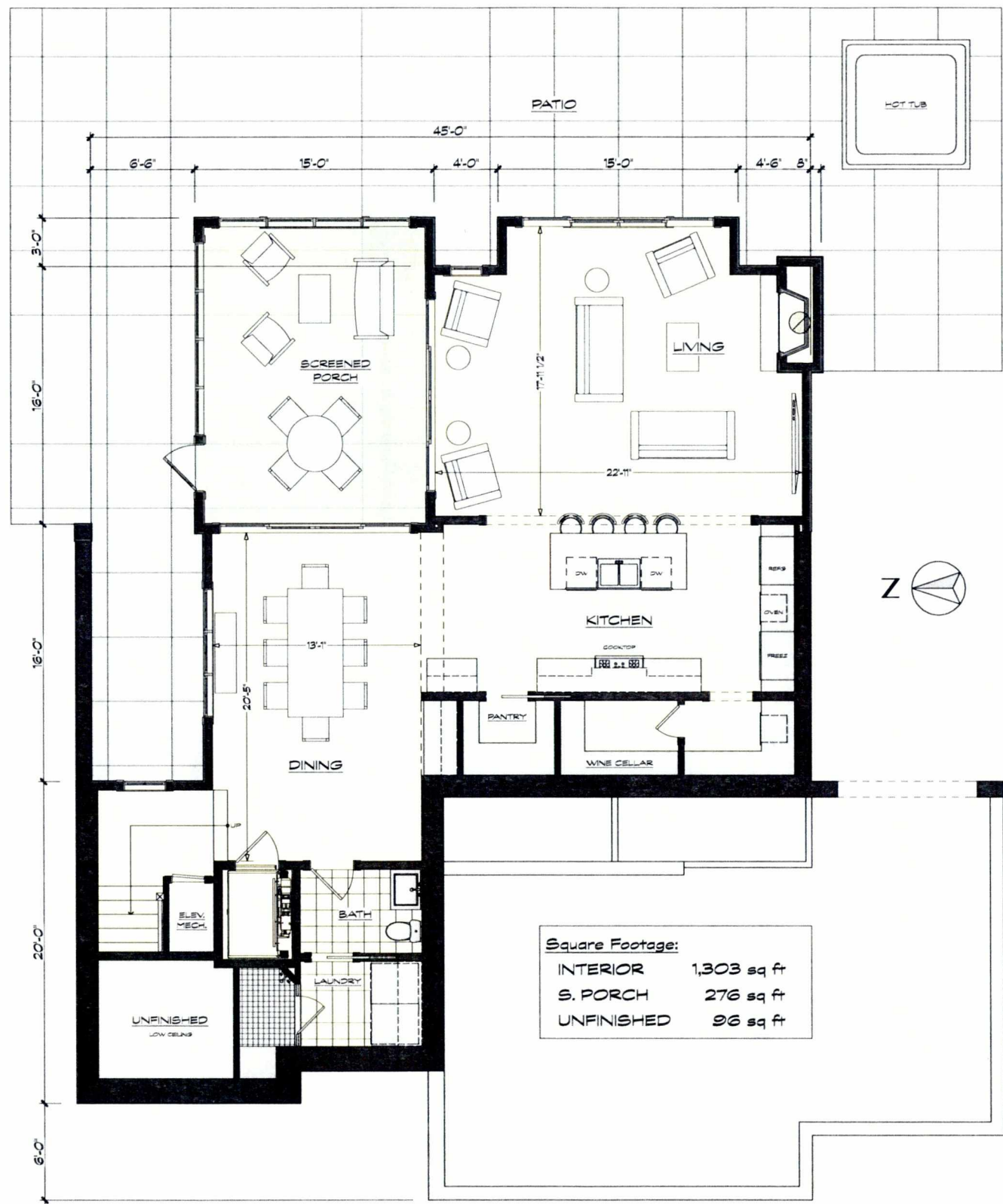
SHEET NO.  
**A2.2**

Square Footage:  
INTERIOR 917 sq ft  
UNFINISHED 778 sq ft



1 MID LEVEL DESIGN FLOOR PLAN  
SCALE: 1/4" = 1'-0"





**Square Footage:**

INTERIOR	1,303 sq ft
S. PORCH	276 sq ft
UNFINISHED	96 sq ft

**2 LOWER LEVEL DESIGN FLOOR PLAN**  
SCALE 1/4" = 1'-0"



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PROJECT No.  
**16.2.01**

STAFF CREDITS  
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**Paul Fikse**  
PROJECT MANAGEMENT  
**Paul Fikse**

PROJECT  
**Steve & Kathleen SEMLER Cottage**  
  
GREEN LAKE  
Wisconsin

SHEET TITLE  
**LOWER LEVEL DESIGN FLOOR PLAN**

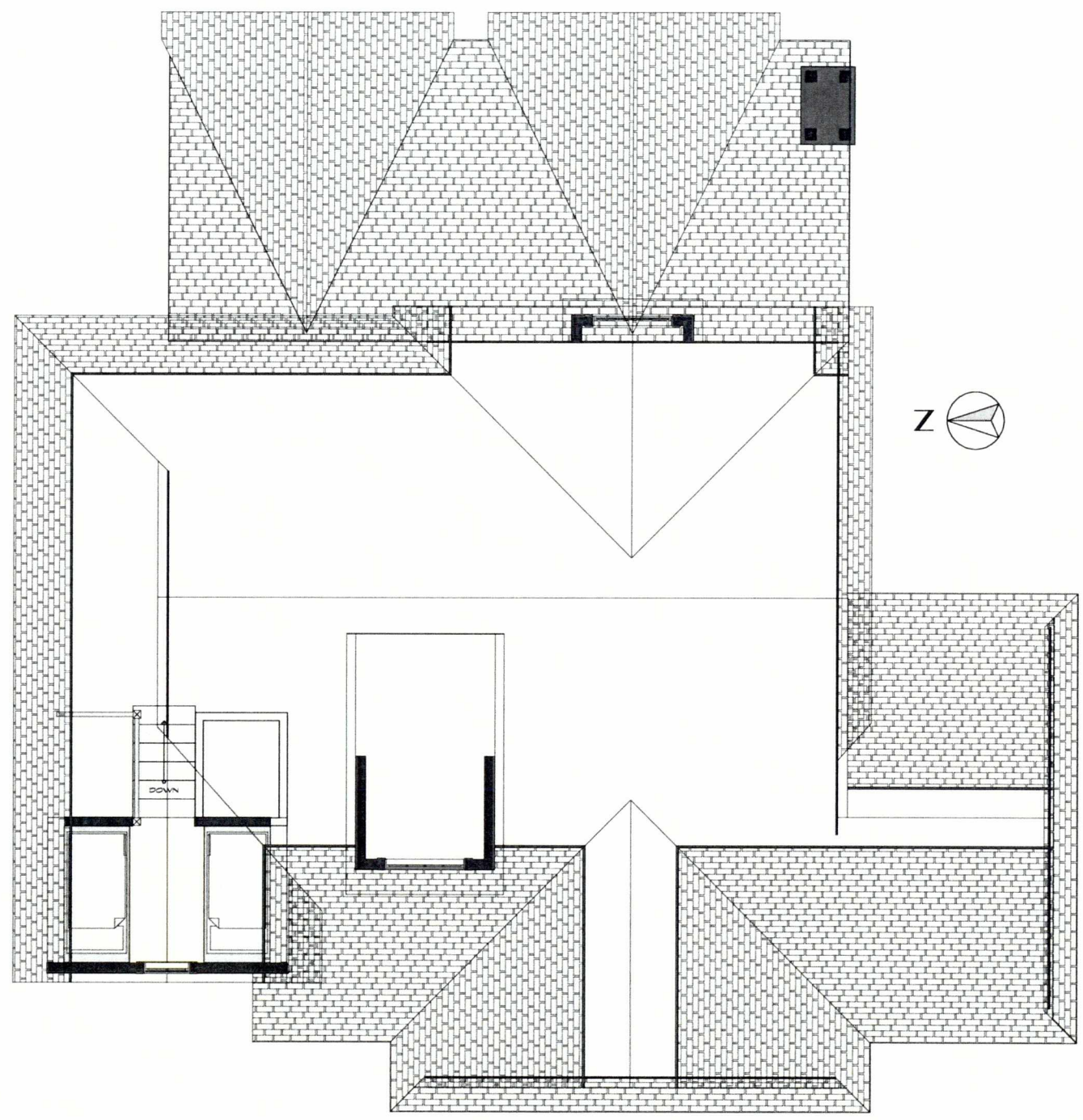
DATE  
**5/3/16**

ISSUE DESCRIPTION  
**DESIGN DEVELOPMENT**

SHEET NO.  
**A2.3**



Square Footage:  
 INTERIOR 107 sq ft



1 LOFT LEVEL DESIGN FLOOR PLAN  
 SCALE 1/4" = 1'-0"



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PROJECT No. 1  
**16.2.01**

STAFF CREDITS  
 DRAWN Paul Fikse  
 PROJECT MANAGEMENT Paul Fikse

PROJECT  
**Steve & Kathleen  
 SEMLER  
 Cottage**  
 GREEN LAKE  
 Wisconsin

SHEET TITLE  
**LOFT  
 LEVEL  
 DESIGN  
 FLOOR  
 PLAN**

DATE  
**5/3/16**

ISSUE DESCRIPTION  
**DESIGN  
 DEVELOPMENT**

SHEET NO.  
**A2.4**