

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – Friday, October 20, 2017**

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by Chair Hardesty at 9:00 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 (alternate), 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

Kate Worth, Worth Court Reporting

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Triemstra/Gende, unanimously carried, to approve the 09/15/17 minutes.

RECESS FOR FIELD INSPECTION

Time: 9:02 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 10:00 a.m.

Chair Hardesty read the Rules of Order.

Item I: Owner/Applicant: John Rozek **Site Description:** N2913 State Road 44, Parcel #006-01272-0000, Pleasant Point Plat Lot 1, Part of Government Lot 4 of Section 29, T15N, R13E **Request:** Section 350-38.E.(1) of the Zoning Ordinance to construct a 26' x 24' detached accessory structure that would be set back 29' from the front lot line; whereas, a 67' setback is required. Also covered within 350-38.E.(1) is the request for relief from the rear-yard setback, with the proposed structure 14' from the rear lot line; whereas, a 25' setback is required.

a. Public hearing

John Rozek, N2913 State Road 44 – Spoke in favor of the request.

The Board discussed with Mr. Rozek the following:

- The home is not a permanent residence.
- It is used for seasonal storage.
- It is open year round.

Code Enforcement Officer Krista Kamke reviewed the request for the Board. She explained that the staff report covered alternative building sites. There is not much buildable area. By the time the setbacks are factored in, he has 140-150 sqft left for buildable space. It is a half-acre lot, but it's a corner lot with intense setbacks. Mr. Rozek wishes to build a two-car detached garage. The hardship, in staff's opinion, is the limited building space. The impervious surfaces with the proposed garage would be under the standard maximum of 15% on the property, as required by the Shoreland Zoning Ordinance. The flood fringe area is present on the property but only along the shoreline of Little Green Lake.

Chair Hardesty read, for the record, two pieces of correspondence (see attached).

Exhibit 1 – A letter from Mike and Carla Burns, property owners at N2921 State Road 44. They were unable to attend the meeting and asked if the letter could be read into the record for consideration by the Board of Adjustment. They asked that their list of concerns be addressed.

Exhibit 2 – An email sent by Kelly Nicolaus, Access Management Coordinator, North Central Region, Wisconsin Rapids, Wisconsin Department of Transportation. Ms. Nicolaus stated that, after reviewing their files, the Department of Transportation has determined that they do not have highway setbacks on this property.

10:11 a.m. Motion by Triemstra/Gende, unanimously carried, to close the public hearing portion of the meeting.

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

Motion by Triemstra/Gende, for the purpose of discussion, to grant the variance request from Section 350-38.E.(1) of the County Zoning Ordinance to construct a 26'X24' detached accessory structure that would be set back 29' from the front lot line; whereas, a 67' setback is required. Also covered within 350-38.E.(1) is the request for relief from the rear-yard setback, with the proposed structure 14' from the rear lot line; whereas, a 25' setback is required.

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

- *Unnecessary hardship*

Hardesty – There is very little space and it is an oddly-shaped lot. It is a hardship for him without a variance.

Triemstra – Researched property taxes for that area and the assessor is assessing that property equally to the surrounding properties that do not have the setback limitations. The value of Mr. Rozek's property should be different from the neighbors'. It's a hardship in that he is paying the same amount of taxes that everyone else is paying, yet cannot utilize his land the way everyone else can.

Gende – Concurred with Triemstra.

- *Unique property limitations*

Hardesty – After looking at the aerial photo with setbacks highlighted, there is no buildable location.

Triemstra - There is a nice spot for garage except it falls within the 75' setback. The location Mr. Rozek has chosen is probably the most reasonable for what he wants to accomplish. The suggestion, offered by the

correspondence sent by Mike and Carla Burns, does not alleviate the situation he's in. (Hardesty concurred.) The property is not conducive for putting something more on it. Gende added that he is still adding another garage. Kamke added that it is still under the 15% impervious surface standard.

- *Harm to the public*

Triemstra – This property encroaches the county's highway setback. State Road 44, in this area, is flat and the speed limit is reduced to 45 mph because of accesses. There is not much traffic, it is seasonally heavy, and there are several large trees that the property owner said will remain. The trees act as a natural barrier, and putting a garage behind the trees is of no harm to the public. Hardesty added that the trees are, at least, 10' away.

At this point in the discussion, Kirkman added that this proposal was structured based on accessing the garage from neighbors' property. According to the correspondence received from the neighbors, that may not be an option. After further discussion, Hardesty stated that this isn't part of this jurisdiction and the Board will vote on the request as presented. The easement issue is between Mr. Rozek and his neighbors, which becomes a civil matter and not for this Board to decide. Kirkman suggested reopening the public hearing to ask further questions of Mr. Rozek and the Board replied that they were not in favor of that.

c. Board decision.

The Board agreed upon a friendly amendment which would include the three conditions, as listed in the staff report, to the above motion:

- 1. As-built Certificate of Survey to be provided to the county upon completion of construction showing finished location.**
- 2. Require property owner to re-vegetate impervious surfaces associated with the lot equal to the square footage of the proposed garage.**

Roll call: Gende – aye, Hardesty - aye, Triemstra - aye. Motion approved.

CORRESPONDENCE - None

NEXT MEETING DATE

November 17, 2017

ADJOURN

Motion by Triemstra/Hardesty, unanimously carried, to adjourn.

Time: 10:30 a.m.

RECORDED BY:

Carole DeCramer

Board of Adjustment Secretary

APPROVED ON:

November 17, 2017