



# **GREEN LAKE COUNTY**

**571 County Road A, Green Lake, WI 54941**

---

The following documents are included in the packet for the *Green Lake County Board of Adjustment* business meeting and public hearing that is scheduled for Friday, April 20, 2018. The business meeting begins at 9:00 a.m. The public hearing will begin at 10:00 a.m.

**Packet Pages:**

1. Agenda
- 2-3. Minutes of 11/17/17
4. 2018 Calendar
5. Public Hearing Notice
- 6-16. **Meeting materials for Public Hearing Item I:**  
Steven & Terrie Sterett, Town of Green Lake  
Variance request to construct a detached accessory structure  
that would be set back five feet from the side lot line.



# 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: April 20, 2018 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*

**Board of  
Adjustment  
Members:**

*Janice Hardesty  
Board Chair*

*Ron Triemstra  
Board Vice Chair*

*Kathleen Moore*

*John Gende  
Alternate 1*

*Vacant Alternate 2*

**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.

1. Call to order
2. Roll call
3. Pledge of Allegiance
4. Certification of open meeting law
5. Agenda
6. Minutes: 11/17/17
7. Election of Chair and Vice Chair
8. Approve 2018 calendar
9. Adjourn for field inspection

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

10. Public hearing matters

**Item I: Owner/Applicant:** Steven & Terrie Sterett **Site Description:** W2848 Oak Terrace Ln, Parcel #006-00810-0000, ±.335 acres, Part of Government Lot 4 of Section 12, T15N, R12E **Request:** Variance from Section 350-38.E.(1) of the Zoning Ordinance to construct a detached accessory structure that would be set back 5 feet from the side lot line; whereas, a 10-foot setback is required.

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

11. Correspondence
12. Next meeting date
13. Adjournment

**GREEN LAKE COUNTY  
BOARD OF ADJUSTMENT  
Meeting Minutes – Friday, November 17, 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

Missy Sorenson, 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 Gende/Triemstra, unanimously carried, to approve the 10/20/17 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 10:01 a.m.

Chair Hardesty read the Rules of Order.

**Item I: Owner:** Del Monte Foods, Inc., Jay Ruenger, Plant Manager **Applicant:** Linda Kurtz, Agent for WE Energies, Mi-Tech Services, Inc. **Site Description:** W1866 County Road S, Parcel #010-00108-0000, Part of the NE¼ of Section 8, T14N, R13E; ±29.46 acres; Town of Mackford **Request:** Variance from Section 350-20 B. Front, side and rear-yard regulations of the Zoning Ordinance, to construct a building over the existing heater unit of a natural gas regulator station 7' from the side yard setback; whereas, a 20' setback is required.

a. Public hearing

Dan Boettcher, Mi-Tech Services (Linda Kurtz replacement) – Spoke in favor of the request.

Ken Brakke, WE Energies – Spoke in favor of the request.

10:08 a.m. Public hearing closed.

- 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 350-20 B. Front, side and rear-yard regulations of the Zoning Ordinance, to construct a building over the existing heater unit of a natural gas regulator station 7' from the side yard setback; whereas, a 20' setback is required.**

The Board discussed the three criteria for deciding a variance request: 1) unnecessary hardship, 2) unique property limitations, and 3) harm to the public.

Hardesty – There are no real concerns on site. It's a minimum building size and it doesn't impede on the neighbors' properties other than the setback that's adjacent to a vacant lot. There is no unnecessary hardship. There is no hardship to anyone else. It's a matter of securing the pipeline. The property has unique conditions. The adjacent property is unique in that they haven't done anything to maintain it. The only harm would be if something went awry.

Triemstra – There would be greater harm if this isn't done. This building will maintain a constant flow of gas no matter what the temperature is. It's important that this be done.

Kirkman – If I may, the unnecessary hardship would be, if you denied the variance, they would have to relocate the equipment 10' to the north to meet setbacks. This would be costly and the downtime that would be involved is not in the public interest. It would be a hardship for residents and the company.

- c. Board decision.

**Roll call: Gende-aye, Hardesty-aye, Triemstra-aye. Motion carried. The request is approved.**

#### **CORRESPONDENCE**

Kirkman – There is a board of adjustment training that will be held in Waupaca. The information will be emailed to the board. If anyone is interested, let staff know. A second alternate will have to be appointed and, once that happens, there may be a chance to have a training session here.

#### **NEXT MEETING DATE**

The board discussed the fact that, because of absenteeism over the next few months, it may be best not to schedule meetings January through March.

**Motion by Triemstra/Gende, unanimously carried to not schedule board of adjustment meetings for the months of January through March unless it is determined by the Land Use Planning and Zoning Director that the request constitutes a special meeting.**

#### **ADJOURN**

**Motion by Triemstra/Gende, unanimously carried, to adjourn.**

Time: 10:20 a.m.

#### **RECORDED BY:**

Carole DeCramer, Board of Adjustment Secretary

#### **APPROVED ON:**

# Green Lake County

## 2018 County Board of Adjustment Calendar

### JANUARY

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

### FEBRUARY

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

### MARCH

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

### APRIL

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

### MAY

S	M	T	W	T	F	S
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

### JUNE

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

### JULY

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

### AUGUST

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

### SEPTEMBER

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

### OCTOBER

S	M	T	W	T	F	S
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

### NOVEMBER

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

### DECEMBER

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					



= No Meeting



= Business Meeting & Public Hearing

## 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, April 20, 2018, at 9:00 a.m.* The meeting will adjourn for site inspection of the following item:

**Item I: Owner/Applicant:** Steven & Terrie Sterett **Site Description:** W2848 Oak Terrace Ln, Parcel #006-00810-0000, ±.335 acres, Part of Government Lot 4 of Section 12, T15N, R12E  
**Request:** Variance from Section 350-38.E.(1) of the Zoning Ordinance to construct a detached accessory structure that would be set back 5 feet from the side lot line; whereas, a 10-foot setback is required.

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: April 5, 2018 and April 12, 2018*

**ITEM I: VARIANCE**

**OWNER:**

Steven & Terrie Sterett

**APPLICANT:**

same

**REQUEST:** The owners/applicants are requesting a variance from Section 350-38.E.(1) of the Zoning Ordinance to construct a 26 foot x 34 foot detached accessory structure that would be set back 5 feet from the side lot line; whereas, a 10-foot setback is required.

**PARCEL NUMBER / LOCATION:** Parcel #006-00810-0000, is located in Government Lot 4 of Section 12, T15N, R12E, Town of Green Lake, and located at W2848 Oak Terrace Lane.

**EXISTING ZONING AND USES OF ADJACENT AREA:** The subject site is located on the south shore of Green Lake, along the private drive of Oak Terrace Lane. The surrounding properties are entirely zoned R-1, Single-Family Residence District, with additional lands set off the lake and abutting County Road K which are zoned A-1, Farmland Preservation District, and used agriculturally. The subject site and adjacent lots are used as full-time residences.

Due to the subject site's proximity to Green Lake, it is within the jurisdiction of the County's Shoreland Zoning ordinance and does have mapped flood-fringe on the parcel; however, the flood fringe is limited to the shoreline area and is not over the area of interest for this request. Wetlands are present to the south of this parcel, but this request does not infringe on mapped wetlands.

**ADDITIONAL INFORMATION / ANALYSIS:** According to the variance application, the owner is proposing to construct a detached garage in conflict with the zoning ordinance standard related to setbacks from lot lines. The applicants would like to build this accessory structure within 5 feet of the east lot line; whereas, the zoning ordinance requires all structures to be setback 10 feet from side lot lines. The proposed location meets three of the four required setbacks. The subject site is roughly 14,525 sqft in size (0.33 acres) not including the private road access, and will be 16,450 sqft with the road access included. No code-conforming area exists to serve as an alternate location that would not also require a variance for this request.

Oak Terrace Lane is a private road with residents not having ownership of but an easement to use the road. Of importance to note is that when this area was subdivided, the property under the road was retained by the subdivider. From a zoning perspective, this means the lots south of the road are divided and separate from the lots north of the road, even though they may have the same parcel number, because a separately owned property is between the lots. This creates a problem for the property owner to place structures on the south portion of the parcel, as the zoning ordinance does not allow for the placement of accessory structures without an established principal structure.

The applicants' westerly neighbor had a need for additional garage space. He was able to overcome their similar southern lot situation by building a second house that included the required additional garage storage space. The applicants are unable to pursue this route, as the lot is too small. The code-conforming buildable area on the southern lot does not allow for both a code-conforming home and a useable amount of garage space. The applicants are working with the presumptive heir of the developer (the late Harvey Kahl) to transfer ownership of the property currently separating his northerly lot from his southerly lot. Once all three lots are surveyed together via Certified Survey Map, as recommended below as a condition of variance approval, the conflict with this portion of the zoning ordinance will be resolved.

**VARIANCE CRITERIA:** To qualify for a variance, it must be demonstrated that the property meets the following 3 requirements: (Case Law applied to variance criteria)

- 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 (Amdorfer 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 (Zlervogel)
  - only allow minimal relief for use of property, may include conditions (Robert M. Anderson, American Law of Zoning)

**STAFF COMMENTS:**

- 1) **Unnecessary Hardship**
  - To comply with all setback standards, a structure of this size is not allowed on the parcel. However, a detached garage that is 20 feet wide could be permitted without a variance. The BOA has to determine if a 20 foot-wide garage presents as unreasonably burdensome.
  - If there are “reasonable” alternative locations, then the hardship is self-created, so long as the detached garage is of reasonable size. However, if there are no other reasonable locations, then the hardship is derived from the uniqueness of the parcel and, therefore, not self-created. In this case, the setbacks indicate a code-compliant building width that is roughly 20ft. Popular widths for standard two-car garages range from 22-28ft.
  - The applicants’ wish to construct the detached garage that is 26 feet wide. It is the applicants’ belief that any homeowner would request to have this size garage for storage at this year-round home.
  - As a whole, the lot is in a position that the north lot is unbuildable due to existing home structure and setbacks: 75ft shoreland setback, 10ft side lot line setbacks. The property owners’ argument that buildable area on the south lot is such that it makes development without a variance unfeasible, but does not take into account the option for a 20 foot-wide detached garage.
  - The owners are not claiming an economic / financial hardship.
  
- 2) **Unique Property Limitations**
  - The applicants have identified limiting conditions. From staff’s perspective the limiting condition has to be the narrow dimension of the lot.



- This parcel is more unique from its neighbors' in that it is the smallest on the private lane.
- The variance application indicates that the property owners have looked at their entire property in their effort to identify other locations on which to build their garage. Further, the applicants have contemplated wider or narrower options and have settled on the request before the BOA.

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

- The purpose and intent of side-yard setbacks is many-faceted and all aim to not infringe on the shared rights of the public. Setbacks historically were used to impede the spread of fire in an emergency and to maintain space between buildings for emergency response vehicle access. Setbacks allow for windows to be placed on all sides which maximize natural daylight into the structure. They also preserve infiltration capacity of the lot and help minimize surface runoff and erosion. This proposed structure will adhere to two of the three required setbacks and the footprint will be offset by mitigation efforts for infiltration. For these reasons, it is staff's belief the granting of this variance would not harm the public interest.
- The effects of granting a variance of this nature are that similar requests will also be heard by the BOA. No precedent is set and no harm to public interest is observed as long as each future request meets the variance criteria. The BOA is the judge as to whether the request meets the variance criteria. If the BOA approves a variance for a property that does not meet all three statutory criteria, then the short- and long-term effects will be significant.  
As mentioned earlier, in addition to lot line setbacks, this parcel is also subject to shoreland zoning jurisdiction and the articles relating to impervious surfaces. This parcel is currently at <15% and will remain at that percentage as any additional surfaces must be offset through infiltration.
- Minimal relief needs to resolve the proven hardship. It is staff's opinion that minimal relief should be balanced with protection of the public interest. The variance, hypothetically, could be granted to provide minimal relief from the one setback yet not approve the garage plan as proposed. As stated above, standard two-car garages range from 22-26ft wide and this request is for a 26ft wide structure.

#### **Variance Conditions:**

1. Certified Survey Map to be recorded and provided to the Department prior to issuance of a Land Use Permit to construct the garage.
2. The property owners must mitigate any increase in impervious surfaces according to the Shoreland Zoning Ordinance.
3. A Certificate of Survey to be completed and submitted to the Land Use Planning & Zoning Department once the detached garage has been constructed. The COS also to include exact location and size of the detached garage authorized by this variance as well as any infiltration practices / structures.

# GREEN LAKE COUNTY

## VARIANCE APPLICATION

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

Date Received: 1/29/18

Fee Received: \$375 on 1/29/18

Steven Sterett

Owner Name

Applicant Name

*Steven Sterett*

Owner Signature

Date

Applicant Signature

Date

W2848 DAK TERRACE LN

Mailing Address

Mailing Address

WAUKESHA WI 53946

City

State

Zip

City

State

Zip

9208963944

Home Phone

Work/Cell Phone

Home Phone

Work/Cell Phone

Site Address W2848 Oak Terrace Ln

Tax Parcel ID # 006 - 00810 - 0000

Part of Government Lot 4

SW 1/4, NW 1/4, Section 12, T 15 N, R 12 E

Lot \_\_\_\_\_

Block \_\_\_\_\_

Subdivision/Plat

Lot \_\_\_\_\_

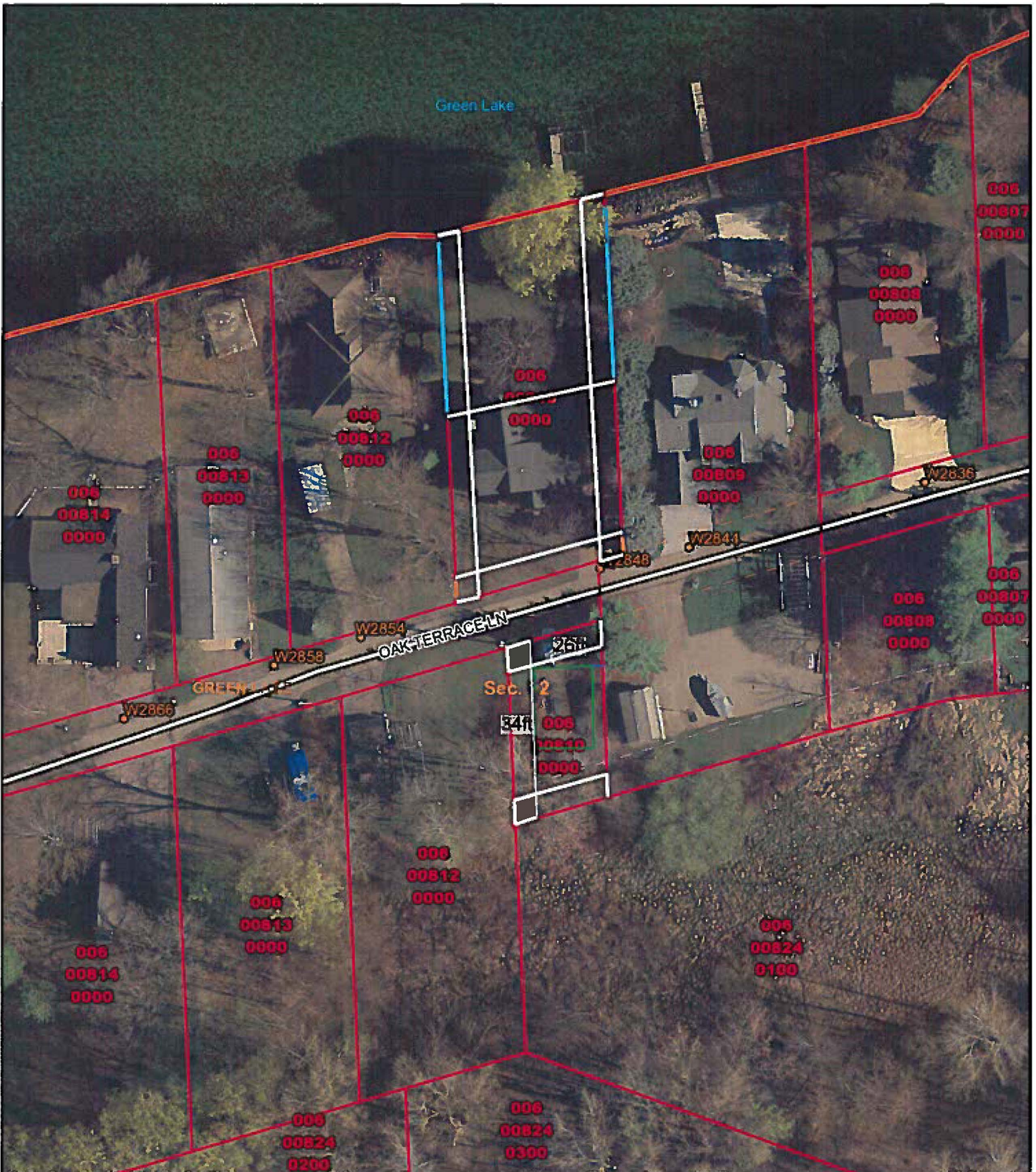
CSM # \_\_\_\_\_

Town of Green Lake

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 rests 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.



  
 Green Lake County  
 1 inch = 59 feet  
  
 Geographic Information System (GIS)  
<https://gis.co.green-lake.wi.us/>

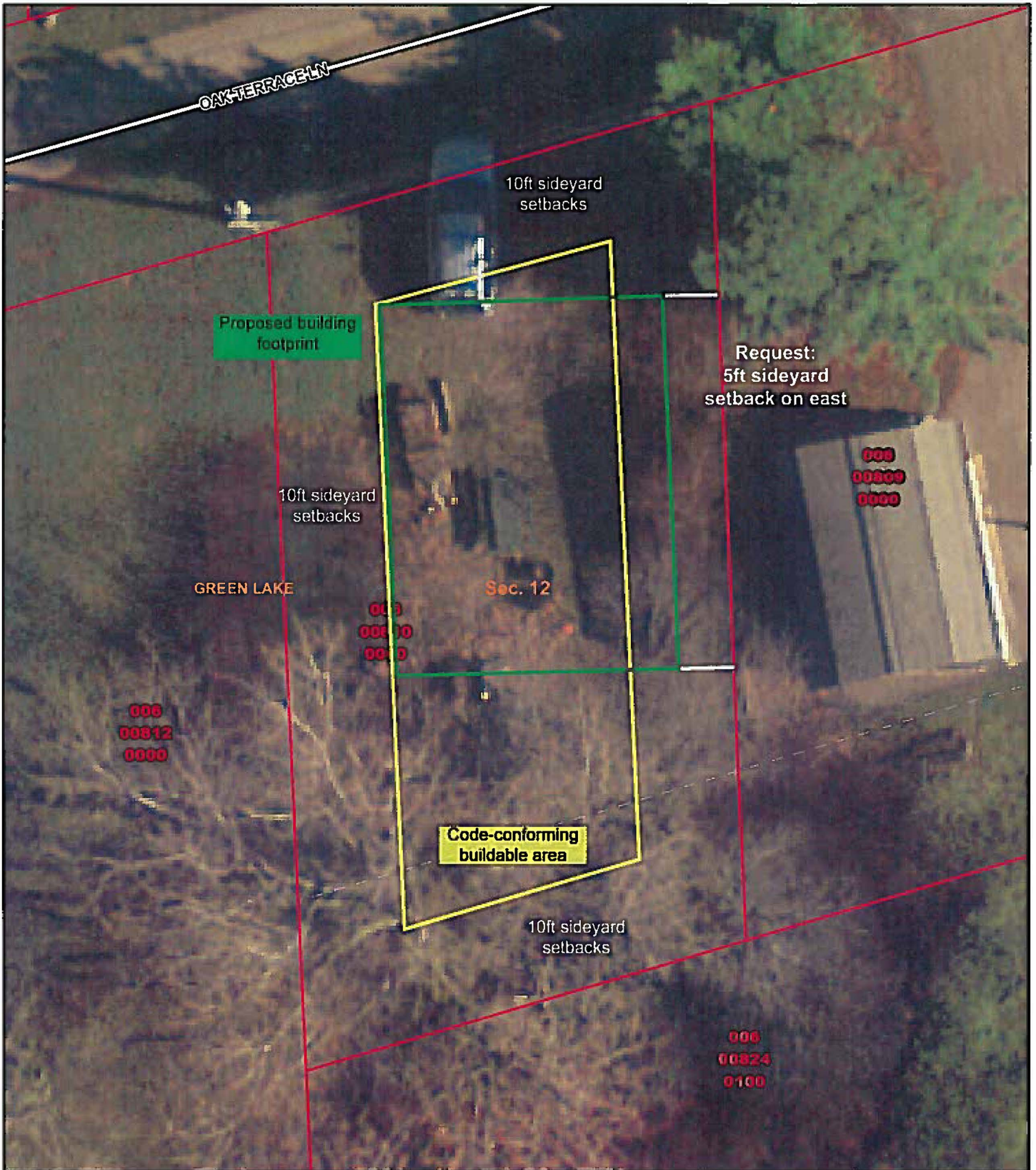
**Sterett Aerial**  
 Green Lake County, WI

Updated 1/29/18

34ftx26ft accessory building on property south of private Oak Terrace Ln  
 Meets western side yard and southern side yard setbacks (10ft each).  
 Does not meet eastern side yard setback (is as close as 5ft)

*Alex Sterett 1-29-18*





Green Lake County

1 inch = 13 feet

Geographic Information System (GIS)  
<https://gis.co.green-lake.wi.us/>

**GIS Viewer Map**  
 Green Lake County, WI

Note:



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

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

The proposal is to build a 2 car garage with space enough for 2 vehicles. The garage dimensions would be 26' wide by 34' long. The 26' width dimensions would allow for a safe egress of 2' on each side to allow for vehicle doors to be opened with little obstruction.

The variance request is for the 10' setback from the East boundary line to be relaxed to a 5' setback.

Remaining building dimensions would fall into compliance with the setback standards for a rear yard.

2. Explain the hardship imposed by the Ordinance:

The property value would be impacted because there would be limitations on this property that the surrounding properties located on Oakwood Terrace do not have.

Even by having the smallest setback it is restrictive to building on the parcel.

If the dimensions of the ordinance were imposed there would be vehicles parked on the street and lawn equipment parked outside causing a nuisance to the neighbors and the right of way easement traffic.

Also, being a full time resident at this address and not having enough available existing storage space has caused vehicles and lawn equipment to be parked outside during our inclement winter weather.

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

When the private lane of Oak Terrace was deeded, the right of way was not included with the parcel. I have done everything to rectify this by obtaining a deed to include the easement with the parcel.

The property has a right of way easement between the front and rear yard. Rear yard lot dimensions are 42' by 76' +/- . The front yard has an existing building 38'x40'+/- that has a setback of 75' on the lake side and an easement on East side which has utility lines and driveway which prohibits a building attachment. The yard tapers from 75' wide to 42' wide. This unique feature does not allow enough space for a 10' set back on each side for a 2 vehicle garage. This unique parcel size which is the smallest on Oak Terrace Ln creates the hardship.

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

Oak Terrace Lane is a private lane so it will not harm any public interest.

The request for the East side setback variance from 10' to 5' will only impact one neighbor located at 2844 Oak Terrace Ln. This neighbor (Jody Factor) has written a letter (see att.) confirming he has no objection with the 5' setback and has agreed to a 3' setback if requested.

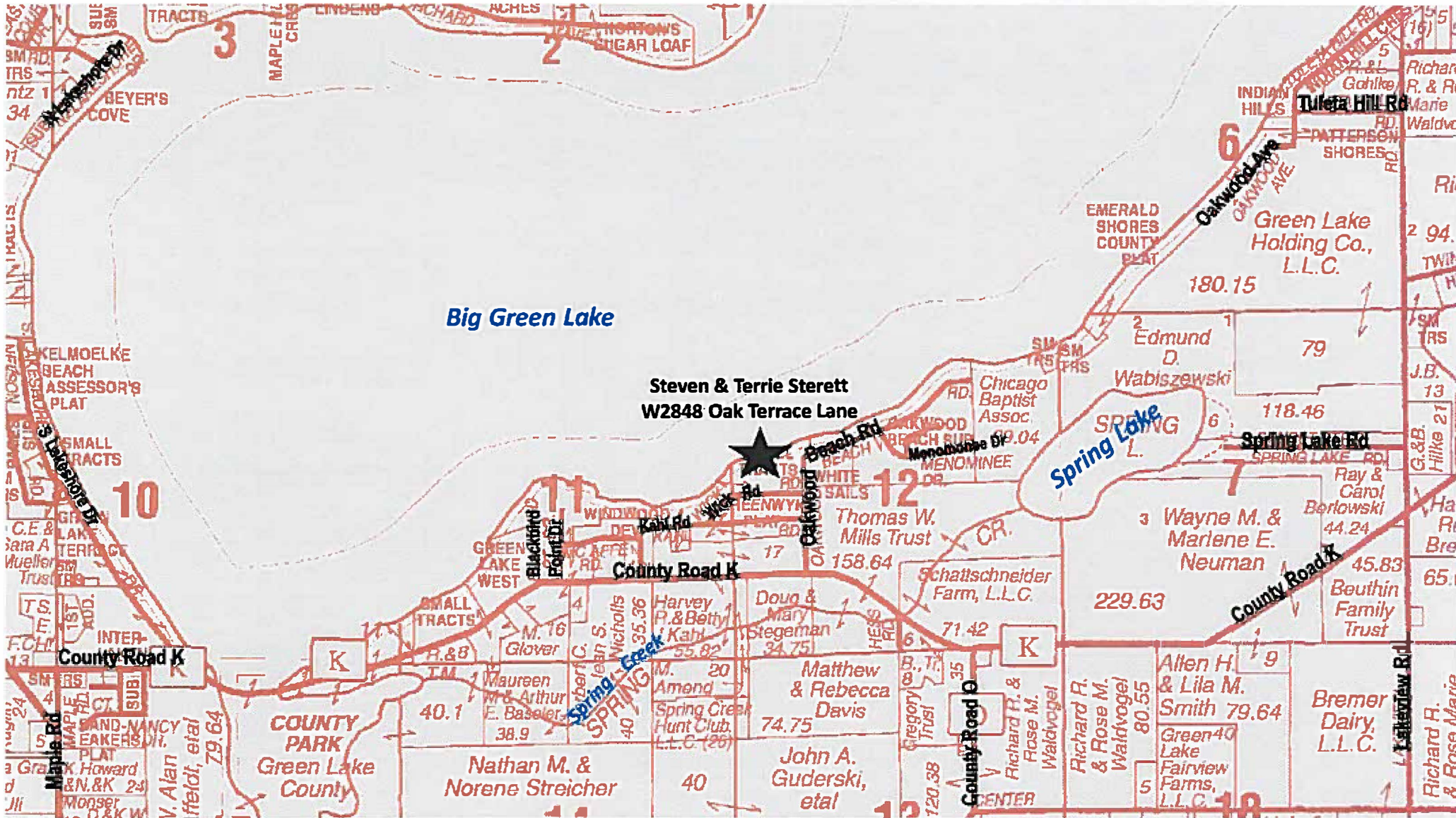
The setback on the West side will be 10' which will allow emergency vehicles and utility vehicles access if needed.

The garage will fit in esthetically with other properties located in the area. ( see att.)

**Steven & Terrie Sterett – Town of Green Lake**

**W2848 Oak Terrace Lane, Parcel #006-00810-0000 (± .335 acres), Part of Government Lot 4 of Section 12, T15N, R12E**

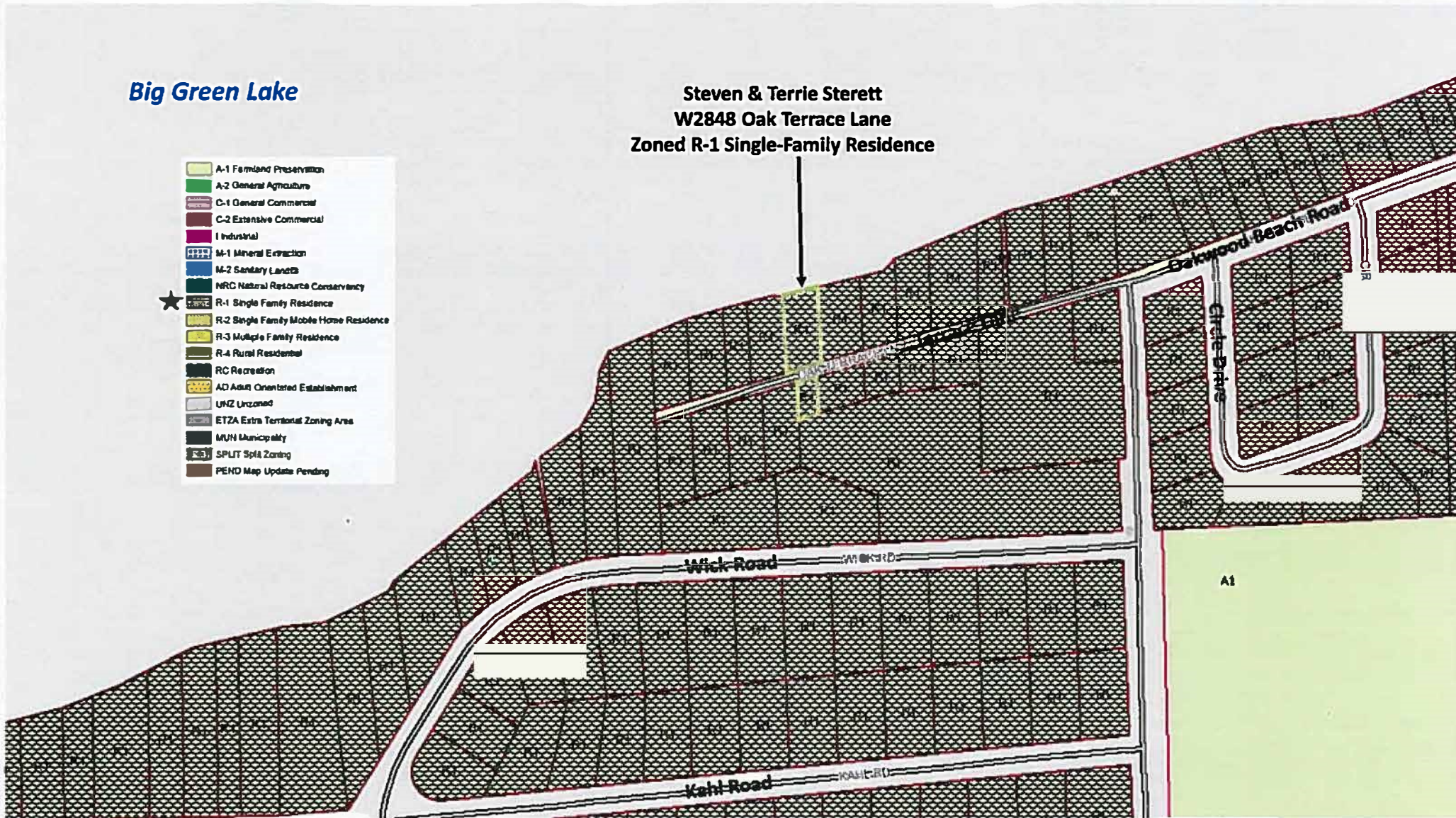
**The owner/applicant is requesting a variance from Section 350-38 E. (1) of the Zoning Ordinance to construct a detached accessory structure that would be set back 5 feet from the side lot line; whereas, a 10-foot setback is required.**



**Green Lake County Board of Adjustment Public Hearing 04/20/18**

# Steven & Terrie Sterett – Town of Green Lake

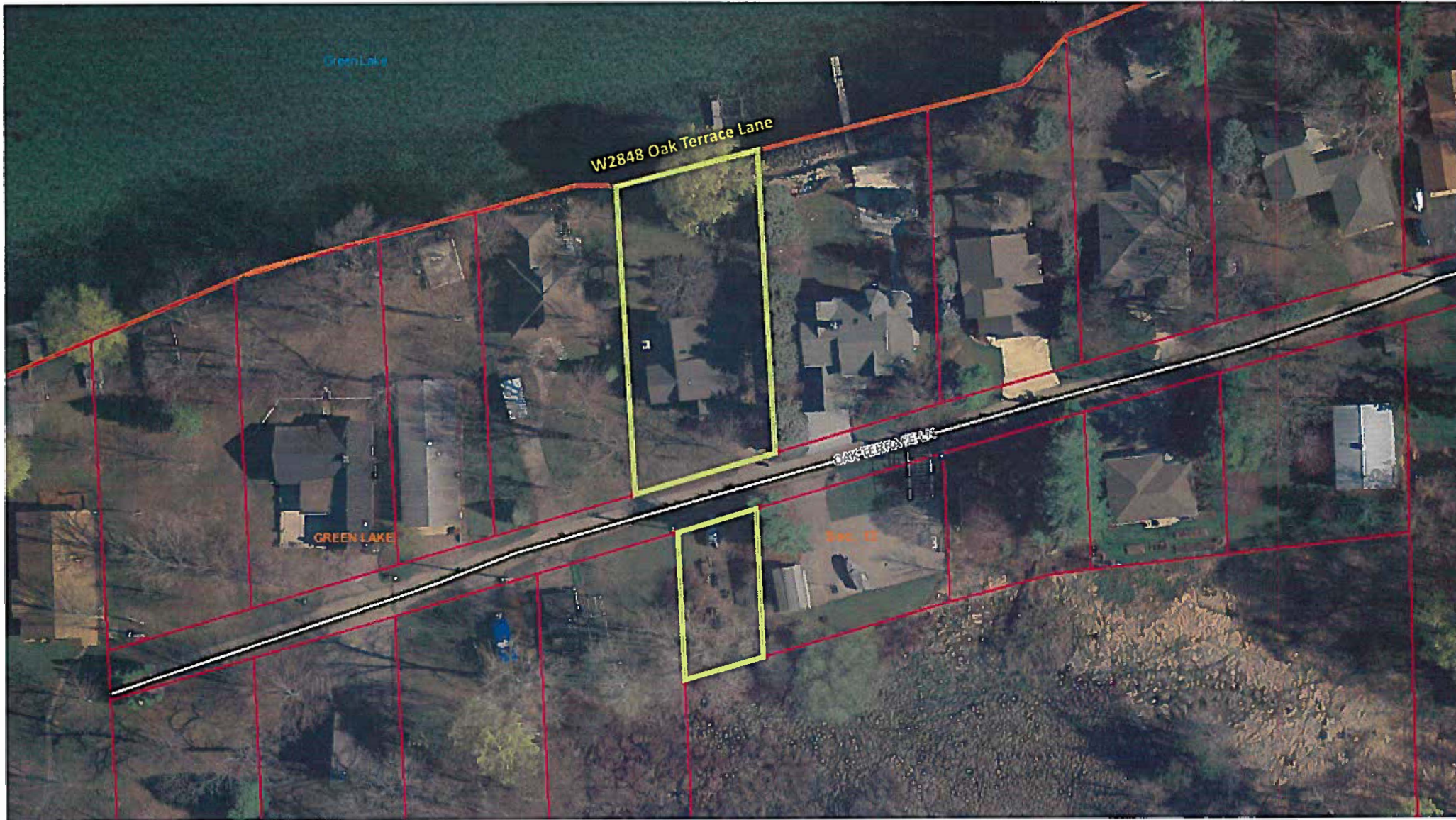
W2848 Oak Terrace Lane, Parcel #006-00810-0000 (± .335 acres), Part of Government Lot 4 of Section 12, T15N, R12E  
The owner/applicant is requesting a variance from Section 350-38 E. (1) of the Zoning Ordinance to construct a detached accessory structure that would be set back 5 feet from the side lot line; whereas, a 10-foot setback is required.



Green Lake County Board of Adjustment Public Hearing 04/20/18

**Steven & Terrie Sterett – Town of Green Lake**

**W2848 Oak Terrace Lane, Parcel #006-00810-0000 (± .335 acres), Part of Government Lot 4 of Section 12, T15N, R12E  
The owner/applicant is requesting a variance from Section 350-38 E. (1) of the Zoning Ordinance to construct a detached accessory structure that would be set back 5 feet from the side lot line; whereas, a 10-foot setback is required.**



**Green Lake County Board of Adjustment Public Hearing 04/20/18**



**Steven & Terrie Sterett – Town of Green Lake**

**W2848 Oak Terrace Lane, Parcel #006-00810-0000 (± .335 acres), Part of Government Lot 4 of Section 12, T15N, R12E  
The owner/applicant is requesting a variance from Section 350-38 E. (1) of the Zoning Ordinance to construct a detached accessory structure that would be set back 5 feet from the side lot line; whereas, a 10-foot setback is required.**



**Green Lake County Board of Adjustment Public Hearing 04/20/18**