

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – Friday, September 15, 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, Kathleen Moore, Ron Triemstra

Absent:

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/Moore, unanimously carried, to approve the agenda.

APPROVAL OF MINUTES

Motion by Triemstra/Moore, unanimously carried, to approve the 08/18/17 minutes.

RECESS FOR FIELD INSPECTION

Time: 9:01 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 10:23 a.m.

Chair Hardesty read the Rules of Order.

Item I: Owners/Applicants: Jason A & Crystal G Hunt **Site Description:** N1165 Proscarian Road, Parcel #012-00393-0102, Lot 2 Certified Survey Map 3403, Part of the NE¼ of Section 21, T14N, R12E, ±1.3 acres
Request: Variance request from Section 350-51 of the County Zoning Ordinance to alter a building within the highway setback.

- a. Public hearing

Jason Hunt, N1165 Proscarian Road – Spoke in favor of the request.

The Board discussed with Mr. Hunt the following:

-Will the building be repaired or rebuilt?

Hunt - It depends what is found when repairs begin. It is possible that the building is too far gone and a new building will have to be constructed. It is assessed at \$500 right now.

-There is a conditional use permit for the commercial use. Are there conditions in that permit regarding the size and use of that building?

Kirkman – The conditional use permit has conditions that stipulate that, if he’s adding a building to the business, the permit needs to be updated. This particular building was never a part of the business because it was being used for personal storage. To make this building part of the commercial use, Mr. Hunt would have to amend his conditional use permit.

Hunt: The building would be used for personal and commercial storage. Mr. Hunt also explained that he would like to have a wood shed attached to it for the wood stove. He asked the Board to consider the fact that the building is +100 years old. The dimensions are 34’X27’ and will stay two stories. It will be used for personal storage and for the commercial operation storage. Materials are now being stored outside on a skid loader.

-What is the estimate for repairing the building?

Hunt - \$35,000 to repair it. This includes the foundation. They may find that it isn’t worth repairing and a new building would have to be built. Building it in a new location could mean a huge excavation bill. It would be cheaper to fix or rebuild where it is.

- There are other locations where the building could be built that would be code compliant. Have you considered those locations? Why are there so many vehicles parked there?

Hunt – There is limited parking now. There are vehicles that are ready to be picked up, but the owners don’t come to get them for various reasons. Another issue is that we’re short of help right now and can’t keep up with the work so the vehicles sit until we can get to them.

-(Directed to Kirkman) Does Green Lac County have the 50% rule?

Kirkman: First of all, the ordinance does not allow for building within a highway setback. If it did, it would be subject to the 50% rule. However, if the Board of Adjustment were to issue this variance request, the Board of Adjustment would be allowing for the 50% rule to be exceeded.

Chair Hardesty read a letter of support from the Town of Manchester asking that the Board consider approving of this variance request (Exhibit 1).

The Board viewed a topographical map showing where there were two possible alternative sites for the building (Exhibit 2).

10:52 a.m. Motion to close by Triemstra/Moore, unanimously carried, to close the public hearing portion of the meeting.

b. Board discussion and deliberation to include relevant correspondence.

Motion by Triemstra/Moore, for the purpose of discussion, to grant the variance request from Section 350-51 of the County Zoning Ordinance to alter a building within the highway setback.

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

- Unnecessary hardship

Moore – There are no unnecessary hardships; there are other locations for the building in the same area.

Hardesty – I can't justify the expense of fixing up an old building that is nonconforming when there is a place to build a code-compliant building.

Triemstra – Agreed that there are at least two locations where the building would fit. It would take some rearranging and excavation, but it's not a big economic thing to dig into the hill. The goal is to repair but he may have to replace it. The building, as it stands, has walls that have caved in and the ceiling rafters are rough-cut limber. There are alternate places to locate a building of this size or bigger.

- *Unique property limitations*

Hardesty – The property is unique with the property lines and slope. Parts have been leveled out and there are suitable areas for parking and storage. Some limitations have been rectified. I don't believe that the nonconforming building is the best use as it stands.

Moore – The terrain to the west is all in the 25' setback.

Triemstra – The uniqueness that may have existed may be gone. It's been excavated. Even in the northwest corner, it's a minimum to open up that corner. There is nothing that is unique about this site. Not having enough room does not make it unique.

Hardesty – The uniqueness is at the back of the property, not the front.

- *Harm to the public*

Moore – It is not appropriate to allow buildings in the highway right-of-way. If a town or utility company wants to work within the right-of-way, they would have to buy that portion of the building. It's a safety issue with people traveling that area.

Hardesty – There's a possibility that the building would have to be torn down and that would open up a can of worms.

Triemstra – If the building didn't exist and he asked for a variance to build a new one in that location, we would say no. There is a remote harm to the public. It is a concern with the location of that building or a new building.

c. Board decision.

Roll call: Hardesty - nay, Moore - nay, Triemstra - nay.

Motion denied.

CORRESPONDENCE - None

NEXT MEETING DATE

October 20, 2017

ADJOURN

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

Time: 11:06 a.m.

RECORDED BY:

Carole DeCramer
Board of Adjustment Secretary

APPROVED ON:

October 20, 2017

**TOWN OF MANCHESTER
W2715 COUNTY ROAD S
MARKESAN, WI 53946**

Green Lake County
Board of Adjustment
P.O. Box 3188
Green Lake, Wi 54941

Dear Members of the Board of Adjustment,

During the Town of Manchester Board meeting on Monday, August 14, 2017, Mr. Jason Hunt presented his request for a variance to alter a building within the highway setback. Several of the board members had viewed the site and were familiar with his plan. Discussion was held and the Board expressed approval of this variance. The Board wishes to have this approval considered by the Green Lake County Board of Adjustment at the time of the public hearing on September 15, 2017.

Your consideration of this request is greatly appreciated.

Sincerely,

Corrine Krueger

Corrine Krueger
Town Clerk

cc: Jason Hunt
Alan Vinz
Brian Lager
Dan Vinz

EXHIBIT

Hunt 9-15-17
Ex 1 KFW

Hunt 9-15-17
Ex. 2 KFW



Green Lake County

1 inch = 64 feet

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

Hunt Variance Exhibit 2
Green Lake County, WI

Time: 11:06:11 AM
Date: 9/15/2017

Note:

