

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – Friday, May 18, 2012**

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by Land Use Planning and Zoning Director Al Shute at 9:00 a.m., in the County Board Room, Courthouse, Green Lake, WI. The requirements of the open meeting law were certified as being met.

Present: Janice Hardesty, Nancy Hill, Roger Ladwig,
Absent: Kathleen Moore (Alternate 1)
Also present: Corporation Counsel Dan Sondalle
Al Shute, County Surveyor/Land Development Director
Carole DeCramer, Board Secretary

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Hardesty/Hill, unanimously carried, to approve the corrected September 16, 2011, minutes.

ELECTION OF A BOARD OF ADJUSTMENT CHAIR

Shute asked for nominations for Chair.

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

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

ELECTION OF BOARD OF ADJUSTMENT VICE CHAIR

Shute asked for nominations for Vice Chair.

Nomination of Nancy Hill as Vice Chair offered by Janice Hardesty. No other nominations.

Motion by Hardesty/Ladwig, unanimously carried, to close nominations and cast a unanimous ballot for Nancy Hill.

CORRESPONDENCE

a. Approve 2012 Calendar

The Board acknowledged the proposed 2012 calendar.

RECESS FOR FIELD INSPECTION

Time: 9:07 a.m.

PUBLIC HEARING MATTERS

Board reconvened at 10:29 a.m.

Chair Hardesty read the Rules of Order.

The committee was given correspondence that was received in regard to the following request:

Item I: Owner/Applicant: Greg J & Debra S Schaller **Legal Description:** N3160 Central Ave, Parcel number 014-00393-0000, Lot 1 CSM 716, Section 32, T15N, R11E, Town of Marquette
Request: The owners are requesting a variance to allow for the construction of an attached garage within the street-yard setback whereas Section 338-32.2.B.(c)[3] of the Shoreland Protection Ordinance states that there shall be no expansion of a nonconforming principal structure, on any level, into the required street-yard setback area.

- a. Public hearing.

Greg J. Schaller, N3160 Central Avenue, Markesan – Spoke in favor of the request.

James Stellmacher, Town of Marquette Chairman, W4025 County Road H – Spoke in favor of the request.

Public hearing closed.

- b. Board discussion and deliberation.

Motion by Hill/Ladwig, to approve the variance request for the construction of an attached garage within the street-yard setback.

Hill – One issue that I have with the request is that this request does not meet the standard of unnecessary hardship. The ordinance standards that would create a personal inconvenience, such as the size of the garage, do not meet the unnecessary hardship standard which indicates that, for personal needs someone wants a larger facility. This is according to *Snyder vs. Waukesha County*.

Hardesty – I agree somewhat with Nancy (Hill). Part of the problem is people who own the house, the Schallers, bought the house without the knowledge of previous variances and the fact that it was not compliant. The addition of the garage facility would create some additional problems with that. It's not the mind of this board, at least not for me as an individual, to judge whether or not a garage should be made because somebody wants to store a pontoon boat. I like to look at it with the interest of the public and what could happen in the future. Also, this piece of property does form part of a corner lot and if we were to look at the setbacks on the map, referenced in the meeting packet, you would see that the proposed garage addition, as it's pictured, would be within the setbacks. If it were to be tilted a different way, it might make a bit of a difference. We need to look at that it may not be pleasing to the eye, but we really need to look at it's not our fault that there's a variance. It's always, "Let the buyer beware."

Hill – It's my understanding that a previous variance shouldn't be taken into consideration regarding this.

Hardesty – Right.

Ladwig – I really don't think it's a hardship. It could be built elsewhere, too. Also, the drainage to the hill.

Hardesty – I agree. If you have to dig up a septic system and part of it is beneath a building, it's going to create a problem even if it's very, very deep. I believe that there are other areas that could be identified to build this garage if it needs to have that 23' depth, depending on what's being stored. A pontoon may not fit, but 23' is a pretty standard garage.

Hill – I agree that they could meet the building standard if the size is reduced.

Hardesty – Are there unique conditions with this property other than it being a corner lot?

Hill – I don't believe so because it's the same slope as the other lots in the area.

Ladwig – It's a big lot.

Hardesty – It's pretty common. Is there a harm to the public interest if we were to allow this variance?

Hill – I think there would be a harm to public interest if we granted this because there would be part of an accumulative affect. If this variance is granted, other people may feel that there is a reason to grant them a similar variance.

Hardesty – In other words, to go within the setbacks.

Hill – Yes.

Roll call vote: Hill - no, Ladwig - no, Hardesty - no. Motion denied.

CORRESPONDENCE

Kirkman – There were two letters regarding the Schaller project. These were given to you to read prior to the public hearing. The first is from Michael Wenholz, WI-DNR, the second letter is from Robert and Kathleen Moore.

Hardesty – These should be entered as exhibits.

NEXT MEETING DATE

June 15, 2012

ADJOURN

Motion by Hill/Ladwig, unanimously carried, to adjourn.

Time: 11:05 a.m.

Recorded by,
Carole DeCramer
Board of Adjustment Secretary

APPROVED ON:
June 15, 2012