

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – July 20, 2007**

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by Vice-Chair Shirley Parker 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: Roger Ladwig (Alternate 2), Jill Ladwig, Charles Lepinski (Alternate 1),
Shirley Parker
Absent: Donald Ahonen
Also present: Al Shute, County Surveyor/Land Development Director
Bernie Sorenson, Code Enforcement Officer
Matt Kirkman, Code Enforcement Officer
Carole DeCramer, Secretary
Jeff Haase, Assistant Corporation Counsel
John Blazel, Counsel for the Board of Adjustment
Fay Francois, Court Reporter

APPROVAL OF AGENDA

Motion by Lepinski/J. Ladwig, unanimously carried, to approve the agenda. Motion carried.

APPROVAL OF MINUTES

Motion by Lepinski/J. Ladwig, unanimously carried, to approve the minutes of June 15, 2007. Motion carried.

RECESS FOR FIELD INSPECTION

Time: 9:03 a.m.

PUBLIC HEARING MATTERS

Board reconvened at 10:19 a.m.

Vice-Chair Parker read the Rules of Order.

Vice-Chair Parker stated that, with Chair DePue's resignation, she will conduct the public hearing today. Jill Ladwig was recently appointed and will begin her term today.

Jill Ladwig asked that she be recused from any discussion and decision on Item I (Kanelos) since she is a neighbor and has, for a previous public hearing, sent a letter to the board regarding this request. Roger Ladwig sat in on the original discussion at a preceding meeting and will be seated in Jill Ladwig's position for this item; Charles Lepinski (Alternate I) will be seated in Don Ahonen's absence.

See Transcript of Proceedings for verbatim testimony:

Item I: Owner: James C Kanelos **Site Address:** N4249 Lakeshore Dr, Town of Princeton, Parcel #016-1268-0000, Lot 1 of Block 10 of the Green Lake Terrace Plat located in the NW ¼ of the SW ¼ of Section 10, T15N R12E, in the Town of Princeton **Explanation:** The landowner is appealing the decision by the Land Use Planning & Zoning Department to deny an application for a county land use permit.

a. Public Hearing

Attorney Maureen Martin, W3643 Judy Lane, Town of Princeton, Green Lake County – With Attorney Matt Chier, representing James Kanelos. Questioned Mr. Kanelos during his testimony.

James Kanelos, N4249 Lakeshore Drive, Princeton, WI – Owner of the property; explained his reason for appealing the department’s decision to deny his land use application.

Alan K. Shute, Land Use Planning & Zoning Department Head/Director – Stated the department’s position.

Jeff Haase, Green Lake County Assistant Corporation Counsel – Reiterated the department’s position.

Attorney Matt Chier – Representing Mr. Kanelos, re-enforced the position of the applicant.

Public hearing closed.

b. Board Discussion & Deliberation

Blazel – Gave his opinion on what the law is regarding this issue. In his opinion, the county was in error.

c. Board Decision

Motion by R. Ladwig/Lepinski to approve the appeal of James C. Kanelos regarding the department’s denial of his county land use permit.

R. Ladwig – nay, Lepinski – nay, Parker – nay. Motion denied.

Findings:

R. Ladwig – The reason I voted nay was because of the past variance that stated conditions and I feel that he should have followed the past conditions of the past variance that was voted by the Board of Adjustment.

Lepinski – That is the same reason I voted no. I highlighted it here. The conditions that it comply that set forth in the letter.

Parker – I would like to retract my vote. I would like to establish that the front yard is where they say it is; it’s Lakeshore Drive. If that is the case, a variance wasn’t required in the first place and that this would not have had to take place. I was going off in a different direction. I was confused on my vote and I intended to vote yes.

Blazel – Let the record reflect that you were confused as to how you intended to vote. You intended to vote contrary to what you had done.

Chier – For the record, there is the issue of the front yard. Establish that for clarity and for the record.

R. Ladwig – Looking at it from here, Lakeshore Drive is the front of the lot. He said he has a mailbox there. The garage would be in the back and the front entrance is in the front. That would be the front lot.

Lepinski – IF that were my place, Lakeshore Drive would be the front of the house. You wouldn't want to be looking at the garage; you'd want the lake for the view.

Parker - That, too, is my opinion. He's planning to build with a front porch facing that way, it's kind of a blank on the north side. I definitely feel that is the front yard. There is no porch or door on the north side. You wouldn't want to look north, south, or west.

Jill Ladwig replaced Roger Ladwig for the remainder of the meeting.

The Board decided to hear Item III before Item II.

Item III: Owner: Daniel M Gelinsky **Site Address:** W5140 Oxbow Trail, Parcel #016-1631-0000, Spooner Plat Lot 1, Section 36, T16N R11E, in the Town of Princeton **Explanation:** The owner is requesting a variance from Section 338-14. of the Shoreland Protection Ordinance to allow a retaining wall structure within the 75-foot shoreyard setback

a. Public Hearing

Daniel M. Gelinsky, W5140 Oxbow Trail, Princeton – Owner stating his reasons for the variance request.

Public hearing closed.

b. Board Discussion & Deliberation

c. Board Decision

Motion by J. Ladwig/Lepinski, to approve the variance request with the five recommendations listed in the staff report.

- 1) **An RSVP certified professional must determine that vegetation alone cannot accomplish the stabilization of this slope and that the retaining wall, if necessary, be only a part of an overall shoreland restoration project.**
- 2) **That the owner applies for and is issued an “After the Fact” Land Use Permit for the construction of a retaining wall for the purposes of slope stabilization.**
- 3) **That the retaining wall's height be minimized to the maximum extent practicable and concealed via native plantings.**
- 4) **That prior to issuance of a land use permit, the design of the retaining wall is certified by a qualified professional verifying the structural integrity of the wall and its ability to withstand the forces exerted upon it.**

5) The owner will provide written determination made by a qualified professional assuring the retaining wall is designed to withstand the forces exerted upon it.
J. Ladwig – aye, Lepinski – aye, Parker – aye. Motion carried.

Findings:

Parker - There is some real hardship here in the lay of the land and, actually, although after the fact, before the fact, actually, he started putting some retaining walls up to really improve the situation because of run off of the sand and so forth. It's rather a unique lot. It has its limitations certainly. As far as harm to the public, there is none. He is going to improve it, if anything.

Item II: Owner: Daniel M Gelinskey **Site Address:** W5140 Oxbow Trail, Parcel #016-1631-0000, Spooner Plat Lot 1, Section 36, T16N R11E, in the Town of Princeton **Explanation:** The owner is requesting a special exception permit for filling and grading of approximately 1800 square feet on a slope of more than 20% as required by Section 338-24A.(1) of the Green Lake County Shoreland Protection Ordinance.

a. Public Hearing

Daniel M. Gelinskey, W5140 Oxbow Trail, Princeton – Owner of the property stating his reason for the special exception request.

Public hearing closed.

b. Board Discussion & Deliberation

c. Board Decision

Motion by J. Ladwig/Lepinski to approve the special exception permit for Daniel Gelinskey with the six conditions listed in the staff report.

- 1) That a qualified drainage professional be retained by the owner to evaluate the site and determine the effect of storm water both entering and exiting the site and to make recommendations to minimize any potential adverse impacts to the adjacent properties and to the Fox River.
- 2) That the owner implement the recommendations made by the qualified professional in item 1 above to minimize adverse storm water impacts, within 12 months.
- 3) That a shoreland restoration plan be designed by an RSVP certified professional (in accordance with NRCS Interim Standard #643A, Shoreland Habitat and Wisconsin Biology Technical Note 1: Shoreland Habitat), evaluated and approved by the Land Use Planning & Zoning Office, and installed within one year of special exception 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) That the sand that was deposited onto the shoreland wetland at the base of the hill be removed to the satisfaction of the Land Use Planning & Zoning Department.

6) That the owner applies for, and is issued, an “After the Fact” Land Use Permit for the shoreland restoration project.

J. Ladwig – aye, Lepinski – aye, Parker – aye. Motion carried.

Standards:

Parker – Number one says maintenance of safe and healthful conditions. Just sliding down in the sand was a condition that we all found unhealthful. It is going to prevent and control water pollution. Erosion is the primary factor and, of course, protection of our shore lands. I feel that it is just going to be a better condition the way Dan (Gelinsky) is going about it. He’s conservation minded and is willing to improve the property so that there is less erosion.

Lepinski – There will have to be a lot of trees and shrubs to stop that erosion because sand just goes.

PUBLIC COMMENT – None

PUBLIC APPEARANCES – None

CORRESPONDENCE – None

ELECTION OF OFFICERS FROM MEMBERS

The Board decided that, since Don Ahonen was absent today, officers will be elected at the next meeting.

BOARD DISCUSSION – None

NEXT MEETING DATE

August 17, 2007 – 9:00 a.m.

ADJOURN

Motion by Lepinski/J. Ladwig, unanimously carried, to adjourn. Motion carried.

Time: 12:31 a.m.

Recorded by,
Carole DeCramer
Board of Adjustment Secretary

**APPROVED ON:
September 21, 2007**