

**GREEN LAKE COUNTY  
BOARD OF ADJUSTMENT  
Meeting Minutes – August 17, 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: Donald Ahonen, Jill Ladwig, Roger Ladwig (Alternate 2),  
Charles Lepinski (Alternate 1), Shirley Parker

Absent:

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  
Kate Worth, Court Reporter

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Minutes for July 20, 2007, will be approved at the September meeting.

**RECESS FOR FIELD INSPECTION**

Time: 9:02 a.m.

**PUBLIC HEARING MATTERS**

Board reconvened at 9:58 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.

**See Transcript of Proceedings for verbatim testimony:**

**Item I: Owner:** Robert G & Tina M Gruenstern **Site Address:** N4792 N Lakeshore Dr, Town of Princeton, Parcel #016-1569-0000, Beyer Cove Assessor Plat the NE'ly 55' of Lot 8, Section 3, T15N R12E, in the Town of Princeton **Explanation:** The owner is requesting a variance from Section 338.14.A. of the Shoreland Protection Ordinance to allow two retaining walls within the 75' shoreyard setback.

a. Public Hearing

Wesley Stibb, Outdoor Impact Landscaping, N5499 CTH T, Green Lake – Landscaping contractor for the applicants. Explained the project and the need for a variance.

Lisa Reas, L.J. Reas Environmental Consulting Services – Explained that she was contacted by Mr. Stibb for her opinion. She'd like to see the field stone off but questions the stability of the slope. Suggested taking out every other band and then re-vegetating.

Robert Gruenstern, N4792 N Lakeshore Dr. – Appeared with wife to explain that they'd like to get the area back to the original condition. Would like to replace the wooden walls; the real goal is to get the rock off in a way that makes sense.

Public hearing closed.

b. Board Discussion & Deliberation

c. Board Decision

**Motion by Ahonen/J. Ladwig, unanimously carried, to approve the request with the four conditions listed in the staff report:**

- 1) That a primary shoreland buffer (OHWM to a depth of 35 feet) be designed for this site by an RSVP certified professional and be installed within one year of variance approval and that the primary shoreland buffer be maintained via recorded affidavit in the Register of Deeds Office.**
- 2) That the owner applies for and is issued a Land Use Permit for the retaining walls and the primary shoreland buffer mentioned above.**
- 3) That the existing shoreyard contours be maintained to the maximum extent practicable so as to not trigger a Special Exception Permit.**
- 4) That prior to issuance of a land use permit, the property owner provide written determination, certified by a qualified professional, that the design of the retaining walls will withstand the lateral forces exerted upon them.**

**Motion carried.**

**Findings:**

**Parker – The hardship is the lay of the land. It is a steep hill and the concern for water runoff is a real concern. It is in real bad shape. The steps are not safe and some of the rocks are leaving us. The property owners did not create this hardship; it was created by a previous owner. It's not economically based. It's for improvement. The uniqueness of the property limits it to a lot. The steep slopes prevent lake access problem. The slope limitations are shared with riparian owners and the project is making use of an existing access corridor. We have looked at alternate designs and ideas and this seems to be the best one. I do not think there is public harm due to the cumulative affects of granting shoreyard retaining wall variances. Shoreline disturbance will have to be kept at a minimum. In this case, the material constitutes the retaining wall is changing but, I think it will hold the soil while there doing the construction.**

**Owners: Michael & Susan Crosby Applicants: Rose & Walter Howald, Elizabeth Kneesel Site Address: N4870 N Lake Shore Dr, Parcel #016-1584-0000, Beyer Cove Assessor Plat Lot 1 Certified Survey Map 374 (Lot 22)of Section 3, T15N R12E, in the Town of Princeton Explanation: The applicants are appealing the decision of the Land Use Planning & Zoning Department to issue land use permit #10278. The applicants are requesting that the Board of Adjustment review the land use permit and determine if the permit was issued in accordance with Chapter 338, County Shoreland Protection Ordinance. Section 338-38(2) of the Shoreland Protection Ordinance states that the Board of Adjustment shall hear and decide appeals where it alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement and administration of this chapter. (Evidence for this item was presented at the April 20, 2007, public hearing.)**

- a. **Board Discussion & Deliberation**
- b. **Board Decision**

**Motion by Ahonen/Parker, carried on a 2-1 vote (Ahonen – aye, J. Ladwig – aye, Parker – nay) to postpone the Crosby/Howald/Kneesel issue until September. Motion carried.**

**CORRESPONDENCE – None**

#### **ELECTION OF OFFICERS FROM MEMBERS**

The election of officers was conducted by Al Shute.

- a. **Board Chair**

**Motion by Parker/J. Ladwig, unanimously carried, to nominate and cast a unanimous ballot for Don Ahonen for Board Chairman. Motion carried.**

- b. **Board Vice-Chair**

**Motion by J. Ladwig/Ahonen, unanimously carried, to nominate and cast a unanimous ballot for Shirley Parker for Board Vice Chair. Motion carried.**

#### **BOARD DISCUSSION**

The Board discussed the need for legal representation during the Crosby issue. They agreed that counsel is expected to attend scheduled meetings. They also discussed the legal representation giving directions and not opinions.

The Board suggested that a form that was discussed at a training session be included in each meeting packet to aid in the decision-making process.

Also discussed was the type of discussion that had taken place at the April public hearing. Attorney Blazel permitted the type of examination that took place and the board had not decided if that was the type of testimony they wanted to hear. This should be a board decision.

J. Ladwig asked Assistant Corporation Counsel Jeff Haase if it is permissible to visit a site independently and was advised that it is not.

**NEXT MEETING DATE**

October 19, 2007 – 9:00 a.m.

**ADJOURN**

**Motion by Ahonen/J. Ladwig, unanimously carried, to adjourn. Motion carried.**

Time: 11:22 a.m.

Recorded by,  
Carole DeCramer  
Board of Adjustment Secretary

**APPROVED ON:  
September 21, 2007**