

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – October 22, 2010**

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by Chair Ahonen 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: Don Ahonen, Janice Hardesty, Roger Ladwig, Charles Lepinski (Alternate 1),
Kathleen Moore (Alternate 2)

Absent:

Also present: Matt Kirkman, Code Enforcement Officer
Al Shute, County Surveyor/Land Development Director
Carole DeCramer, Board Secretary
Kate Worth, Court Reporter

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Ladwig/Hardesty, unanimously carried, to approve the September 17, 2010, minutes with the following correction: Page 3, second line – high *ground* water level.

Audio tape is available for verbatim discussion.

RECESS FOR FIELD INSPECTION

Time: 9:04 a.m.

PUBLIC HEARING MATTERS

Board reconvened at 10:05 a.m.

Board Chair Ahonen read the Rules of Order.

See Transcript of Proceedings for verbatim testimony:

Item I: Owner/Applicant: Gene A & Gloria A Smedema **Address:** N4784 N Lakeshore Dr, Parcel #016-01568-0000, Beyers Cove Assessor Plat Lot 7, Section 3, T15N R12E, Town of Princeton **Explanation:** The owners are requesting a variance from Section 338-14.B. of the Shoreland Protection Ordinance to allow for the construction of a new residence within the required 75' shoreyard setback.

- a. Public hearing.

Attorney Steven Sorenson, Sorenson Law Office, 479 Golf Court, Green Lake, WI, representing the applicants – Spoke in favor of the request. Entered Exhibits 1-5 into the record.

Exhibit 1 – Sorenson Law Statement of the Law: Legal Standards to Grant a Variance

Exhibit 2 – Green Lake Sanitary Sewer District Sanitary Sewer Right-of-Way Easement

Exhibit 3 – Green Lake Surveying Company, Survey of Smedema Property

Exhibit 4 – Beyer’s Cove Assessors Plat

Exhibit 5 – Six Pictures of the Excavated Smedema Site

Gene Smedema, N4204 Savage Road, Brandon, WI – Spoke in favor of the request.

Gloria Smedema, N4204 Savage Road, Brandon, WI – Spoke in favor of the request.

Public hearing closed.

- b. Board discussion and deliberation.

There was no correspondence from the Wisconsin Department of Natural Resources or from adjoining property owners.

Motion by Hardesty/ Ladwig to approve the variance request to allow for the construction of a new residence within the required 75’ shoreyard setback, with the following conditions:

1. **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), be evaluated and approved by the Land Use Planning & Zoning Office prior to land use permit issuance, and be installed within one year of permit issuance.**
2. **The shoreland restoration project shall be maintained via the Shoreland Vegetative Buffer Agreement that shall be recorded in the County ROD’s Office.**
3. **That the owner/applicant consults with the Land Conservation Department to:**
 - a. **Determine through the scope of the proposed project the need for a stormwater management plan or a stormwater drainage plan, if any.**
 - b. **Create, if deemed necessary by the Land Conservation Department, a stormwater management plan or a stormwater drainage plan that will address the stormwater issues identified in a. above.**
 - c. **Execute the stormwater plan pursuant to standards developed by the Land Conservation Department.**

Roll call: Hardesty – nay, Ahonen – aye, Ladwig – nay.

Findings:

Hardesty:

1) Has the landowner proven unnecessary hardship based on the criterion?

No, the structure can be constructed without the variance if five feet are removed from the footprint towards the front.

2) *Has the landowner proven unique property limitations based on the criterion?*

Yes, it's a small lot with an invasive sewer easement.

3) *Has the landowner proven no harm to public interest based on the criterion?*

No, most homes in the area are single or one and a half stories. The proposed dwelling is three stories or two and a half stories, whichever way you want to describe it in your information.

That is why I voted to deny it.

Ladwig:

I had just about the same thing in a shorter version. There is a hardship because of the shoreline. The other two questions I said no because I believe the house can be made smaller.

CORRESPONDENCE – None

BOARD DISCUSSION

The board would like to discuss the possibility of swearing in witnesses during the public hearing process. This will be placed on the next agenda.

NEXT MEETING DATE

December 17, 2010

ADJOURN

On a motion by Ladwig/Hardesty, unanimously carried, the meeting was adjourned.

Time: 11:20 a.m.

Recorded by,
Carole DeCramer
Board of Adjustment Secretary

APPROVED ON:

February 18, 2011