

GREEN LAKE COUNTY

571 County Road A, Green Lake, WI 54941

The following documents are included in the packet for the *Green Lake County Board of Adjustment* business meeting and public hearing that is scheduled for <u>Friday, November 1, 2018</u>. The business meeting begins at 9:00 a.m. The public hearing will begin at 10:30 a.m.

Packet Pages:

- 1. Agenda
- 2-5. Minutes of 07-20-18
- 6. 2019 Meeting Calendar
- 7. Public Hearing Notice

8-18. <u>Item I</u>:

Item I: Owners/Applicants: Richard L & Carla Ann Hargrave **Site Description**: W620 Miller Rd, Parcel #006-00420-0200, Part of the NE¼ of Section 23, T15N, R13E, Town of Green Lake **Request**: Variance from Section 350-41.D.(2) of the Zoning Ordinance to allow for a 23' 2" rear-yard setback; whereas, a 25' rear-yard setback is required.



GREEN LAKE COUNTY

Board of Adjustment

571 County Road A, Green Lake, WI 54941

Office: (920) 294-4156 FAX: (920) 294-4198

Board of Adjustment Meeting Notice

Date: November 16, 2018 Time: 9:00 AM

Green Lake County Government Center, Room #0902 571 County Road A, Green Lake, WI 54941

571 County Road A, Green Lake,WI 54941 <u>AGENDA</u>							
Adjustment Members:	2. Roll call						
Members:	3. Pledge of Allegiance						
Janice Hardesty	4. Certification of open meeting law						
Board Chair	5. Agenda 7. Approve 07/20/18 minutes						
Bour a Criairi	7. Approve 07/20/18 minutes8. Approve 2019 meeting calendar						
Ron Triemstra	9. Adjourn for field inspection						
Board Vice Chair	7. Adjourn for field hispection						
	Public hearing matters will not begin before 9:30 a.m.						
Kathleen Moore	10. Public hearing matters						
John Gende Alternate 1	Item I: Owners/Applicants: Richard L & Carla Ann Hargrave Site Description: W620 Miller Rd, Parcel #006-00420-0200, Part of the						
Vacant Alternate 2	NE ¹ / ₄ of Section 23, T15N, R13E, Town of Green Lake Request : Variance from Section 350-41.D.(2) of the Zoning Ordinance to allow for a 23' 2" rear-yard setback; whereas, a 25' rear-yard setback is required.						
	a. Public Hearing						
Carole	b. Board Discussion & Deliberation						
DeCramer,	c. Board Decision						
Board Secretary							
	Please Note: Meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or audio assistance should contact Carole DeCramer at 920-294-4156 the day before the meeting no later than noon.						

Page 1 of 1

GREEN LAKE COUNTY BOARD OF ADJUSTMENT

Meeting Minutes – Friday, July 20, 2018

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by Land Use Planning and Zoning Director Matt Kirkman at 9:02 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, Court Reporter, Worth Court Reporting

PLEDGE OF ALLEGIANCE

ELECTION OF BOARD OF ADJUSTMENT CHAIR AND VICE CHAIR

Kirkman asked for nominations for Chair.

Nomination of Janice Hardesty as Chair offered by Kathleen Moore. No other nominations.

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

Chair Hardesty conducted the remainder of the meeting.

Hardesty asked for nominations for Vice Chair.

Nomination of Ron Triemstra as Vice Chair offered by Kathleen Moore.

Motion by Moore/Hardesty, unanimously carried, to close nominations and cast a unanimous ballot for Ron Triemstra.

APPROVAL OF AGENDA

Motion by Moore/Triemstra, unanimously carried, to approve the agenda.

APPROVAL OF MINUTES

Motion by Triemstra/Moore, unanimously carried, to approve the 4/20/18 minutes.

CORRECT MINUTES OF 05/20/16 AND 06/16/16

<u>Kirkman</u> – Explained why it is necessary to correct the May 20th and June 16th minutes. After listening to the audio of the May 20th meeting (Semler request), it was discovered that the two sets of minutes did not accurately reflect what the Board intended.

Motion by Moore/Triemstra, unanimously carried, to correct the May 20th and June 16th, 2016, minutes as presented.

Attorney Kristin Galatowitsch, representing the Semlers – Asked that the committee explain what they had corrected in the minutes so that she could make sure that her records were consistent with what they had done. It was her understanding that both sets of minutes would be corrected and she wants to make sure that the committee corrected the May and June minutes.

Since there was some confusion as to whether or not the committee received all of the minutes, the committee discussed adjourning the meeting to do the site visit and then continue this discussion during the public hearing portion of the meeting at which time they would have copies of those minutes.

On a motion by Moore/Triemstra, unanimously carried, the committee adjourned the discussion of the May and June minutes until the public hearing portion of the meeting.

The committee recessed for field inspection.

Attorney Galatowitsch asked that the committee continue the discussion because the minutes were available, and emailed to the committee prior to the meeting, and it would be difficult for her and the Semlers to return in an hour and a half for the public hearing portion of the meeting.

The committee reconvened the meeting for continued discussion. Kirkman explained that the June 16, 2016, minutes, the date that was listed in red on page 2 of 3, incorrectly stated 05/20/18 rather than 05/20/16.

Motion by Triemstra/Hardesty, unanimously carried, to correct the date to 05/20/16 in the notated paragraph of the 06/16/16 minutes.

On a motion by Triemstra/Moore, unanimously carried, the committee approved the corrections to the meeting minutes of 05/20/16 and 06/16/16.

RECESS FOR FIELD INSPECTION

Time: 9:20 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 10:55 a.m.

Chair Hardesty read the Rules of Order.

Item I: Owner/Applicant: Randy S. & Linda J. Matzke **Site Description**: W2072 Melmar Dr., Parcel #006-01409-0000, Frei's Plat, Lot 18, Part of Government Lot 3 of Section 32, T15N, R13E **Request**: Variance from Section 350-38.D.(1)(c) of the Zoning Ordinance and Section 338-32.C(3) of the Shoreland Zoning Ordinance to construct an attached garage with breezeway that would be set back 10' from the street right-of-way/front-lot line; whereas, a 25' setback is required.

a. Public hearing

<u>Randy Douglas</u>, <u>Badger Engineering</u>, <u>Princeton</u>, <u>representing the applicants</u> – Explained the request; spoke in favor of the request.

<u>Linda Matzke</u>, 589 S. Fawn Avenue, Grand Marsh, WI – Spoke in favor of the request.

Public hearing closed.

b. Board discussion and deliberation to include relevant correspondence.

Motion by Triemstra/Moore to grant the variance request from Section 350-38.D.(1)(c) of the Zoning Ordinance and Section 338-32.C(3) of the Shoreland Zoning Ordinance to construct an attached garage with breezeway that would be set back 10' from the street right-of-way/front-lot line; whereas, a 25' setback is required.

Discussion:

The Board discussed the following:

- Criteria 1 Unnecessary Hardship
- Criteria 2 Unique Property Limitations
- Criteria 3 Harm to Public Interest
- c. Board decision.

Motion by Moore/Triemstra to add a friendly amendment to the aforementioned motion. The amendment includes the following conditions:

- 1. Certified Survey Map to be recorded and provided to the Department prior to issuance of a Land Use Permit to construct the garage.
- 2. The property owners must mitigate any increase in impervious surfaces according to the Shoreland Zoning Ordinance.
- 3. A Certificate of Survey to be completed and submitted to the Land Use Planning & Zoning Department once the garage has been constructed. The COS also to include exact location and size of the garage authorized by this variance as well as any infiltration practices / structures.

Motion unanimously carried on roll call.

Item II: Owner/Applicant: Steven C. Blaha & Nancy J. Ausloos **Site Description**: W2416 Eagles Roost Ln., Estates of Lawsonia, Lot 41, Parcel #004-02141-0000 (±.51 acres), Part of the NW¹/₄ of Section 30, T16N, R13E **Request:** Variance from Section 350-38.E(1) of the Zoning Ordinance to place an accessory building 14' from the rear-yard lot line; whereas, a 25' rear-yard setback is required.

a. Public hearing

Steve C. Blaha, W2416 Eagles Roost Lane – Asked if he could amend the request to a 12' setback.

Moore questioned whether or not that can be done since the request had been noticed as 14'. Kirkman advised that they proceed with the request with the information that was published (14').

Public hearing closed.

b. Board discussion and deliberation to include relevant correspondence.

Motion by Triemstra/Hardesty to grant the variance request from Section 350-38.E(1) of the Zoning Ordinance to place an accessory building 14' from the rear-yard lot line; whereas, a 25' rear-yard setback is required. The variance approval would include the following condition:

1. As the concrete slab has already been sited on the property prior to land use permit issuance, an After-the-Fact fee shall be collected, per Section 350-76.A.(3).

Correspondence includes:

Exhibit 1:

Statement of Agreement of Property Owners or Grantor Agent of Property Bordering Parcel 004-02141-0000. Signed by Sandy and Robert Kleinpaste, and Ben C. K. Mott

The Board discussed the following:

- Criteria 1 Unnecessary Hardship
- Criteria 2 Unique Property Limitations
- Criteria 3 Harm to Public Interest
- c. Board decision.

Roll call vote on the motion to approve the variance request as presented: Triemstra – nay, Moore – nay, Hardesty – nay. Variance denied.

CORRESPONDENCE - None

NEXT MEETING DATE

To be determined.

ADJOURN

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

Time: 11:43 a.m.

RECORDED BY:

Carole DeCramer Board of Adjustment Secretary

APPROVED ON:

2019 Green Lake County Board of Adjustment Meetings

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NOTICE OF PUBLIC HEARING

The Green Lake County Board of Adjustment will hold a Public Hearing in County Board Room #0902 of the Green Lake County Government Center, 571 County Road A, Green Lake, Wisconsin, on *Friday, November 16, 2018, at 9:00 a.m.* The meeting will adjourn for site inspection of the following item:

Item I: Owners/Applicants: Richard L & Carla Ann Hargrave **Site Description**: W620 Miller Rd, Parcel #006-00420-0200, Part of the NE¹/₄ of Section 23, T15N, R13E, Town of Green Lake **Request**: Variance from Section 350-41.D.(2) of the Zoning Ordinance to allow for a 23' 2" rear-yard setback; whereas, a 25' rear-yard setback is required.

The Board of Adjustment will reconvene at approximately **9:30 a.m.** to consider the item listed above. All interested persons wishing to be heard at the public hearing are invited to be present. Please note that *it is not uncommon for an owner/applicant to withdraw a request at the last minute*. Call the Green Lake County **Land Use Planning and Zoning Department at (920) 294-4156** for further detailed information concerning this notice, to verify that the agenda item you may be interested in has not been withdrawn from the agenda, or for information related to the outcome of the public hearing item.

Publish: November 1, 2018, and November 8, 2018

PUBLIC HEARING

ITEM I: VARIANCE

OWNERS/APPLICANTS: Richard & Carla Hargrave

REQUEST: The owners/applicants are requesting a variance from Section 350-41.D.(2) of the Zoning Ordinance to provide a rear yard setback of 23' 2"; whereas, a 25-foot setback is required.

<u>PARCEL NUMBER / LOCATION:</u> Parcel #006-00420-0200, is located in the NE¼ of Section 23, T15N, R13E, Town of Green Lake. Property is located at W620 Miller Road.

EXISTING ZONING AND USES OF ADJACENT AREA: The subject site is currently zoned A-1, Farmland Preservation District. The surrounding properties are also zoned A-1 and A-2, General Agriculture. The subject site is used as a full-time residence. There are no mapped wetlands, no floodplain and no shoreland zoning jurisdiction on this parcel.

ADDITIONAL INFORMATION / ANALYSIS: According to the variance application, the owner is proposing to rezone the house and garage from A-1 to R-4, Rural Residential (3 acres minimum). When the proposed survey was submitted, it was discovered the garage setback to the rear lot line would be less than the 25 feet minimum. There is a large pole shed located directly north of the garage. If the property owner moves the lot line to the north to achieve the 25 feet setback for the garage, the setback for the pole shed becomes non-conforming. Additionally, the pole shed to the north could be incorporated into the certified survey map to resolve the rear yard setback issue, however, since its well over 1,500 sqft in area, it would not conform to the accessory structure area standards of the R-4 district.

<u>VARIANCE CRITERIA:</u> To qualify for a variance, it must be demonstrated that the property meets the following 3 requirements: (Wisconsin Act 67 (2017) codified Case Law as applied to variance criteria, §59.694(7)(c)2., with No Harm To Public Interest already codified and now renumbered to §59.694(7)(c)3.)

- 1) Unnecessary Hardship
 - □ compliance with standards would be unreasonably burdensome (Snyder)
 - hardship may not be self-created (State ex rel. Markdale Corp. v. Board of Appeals)
 - circumstances of the applicant, such as a growing family or the need for a larger garage, are not a factor in considering variances (snyder)
 - property, as a whole, must be considered, not just a portion (State v. Winnebago County)
 - economic or financial hardship is not a justification (State v. Winnebago County)
- 2) Unique Property Limitations
 - □ limitations such as steep slope, wetland, shape or size that are not shared by other properties and prevent compliance with ordinance (State v. Kenosha BOA)
 - ☐ limitations common to a number of properties are not a justification (Arndorfer v. Sauk County BOA)
 - □ alternative designs and locations on the property have been investigated (State v. Winnebago County)
- 3) No Harm to Public Interest
 - ordinance purpose and intent, variance may not harm public interest (State v. Winnebago County)
 - □ short-term, long-term, and cumulative effects on public interest in neighborhood, community, and even the state (Ziervogel)
 - □ only allow minimal relief for use of property, may include conditions (Robert M. Anderson, American Law of Zoning)

STAFF COMMENTS:

1) Unnecessary Hardship

- □ The purpose of rear setbacks is to respect the surrounding properties, prevent creation of unusable space between adjacent structures along lot lines, and promote health and safety standards in regards to fire suppression. The existing buildings were constructed 37 years ago by a previous owner. It could be viewed as unreasonably burdensome to tear down buildings to comply with a setback.
- □ The hardship does not appear to be self-created by the current owners. The buildings were constructed by a previous owner. The present owners wish to sell off the house and garage, as this is not their homestead. They intend to retain the pole shed and land for agricultural use.
- □ The circumstances of the applicants do not appear to be a factor. They wish to sell the house and garage, which currently exist. They are asking for minimum relief to the setback with the proposed lot line.
- ☐ The property as a whole is not a factor in this situation. The applicants aren't looking to construct a new building. They are requesting minimum relief to existing structures so they can sell the house and garage.
- ☐ The owners are not claiming an economic / financial hardship.

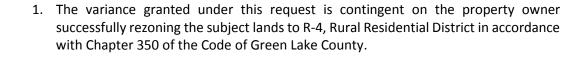
2) Unique Property Limitations

- □ The applicants have identified limiting conditions, first of moving the walls to either the pole shed or garage. This does not seem to be a practical solution. Also, they could add the pole shed to the proposed new lot, but the R-4 zoning district does not allow detached accessory structures of that size (1500sqft maximum, existing building is close to 5700sqft). The BOA has to determine if these, or other conditions as discovered through the public hearing process, would create an unnecessary burden on any owner of this lot.
- □ This parcel shares identical setback requirements with the nearby similarly-zoned parcels. The BOA must determine if this lot is substantially different and therefore unique from neighboring properties.
- Again, the variance application indicates that the property owners have looked at moving the north wall of the garage or the south wall of the pole shed to comply with the setbacks as well as including the pole shed with the proposed lot.

3) Harm to Public Interest

- □ There does not appear to be a harm to public interest. Per the variance application, the buildings have existed in situ for 37 years. The applicants are asking for the minimum relief. The new owners would have adequate room in the rear yard with a 23.2 foot setback to the rear lot line.
- □ The effects of granting a variance of this nature are that similar requests will also be heard by the BOA. No precedent is set and no harm to public interest is observed as long as each future request meets the variance criteria. If the BOA approves a variance for a property that does not meet all three statutory criteria, then the short- and long-term effects will be significant.
- □ When a hardship has been proven, resolution comes through minimal relief from the ordinance. It is always staff's opinion that minimal relief should be balanced with protection of the public interest.

Variance Conditions:



GREEN LAKE COUNTY

VARIANCE APPLICATION

Provide the following information and any other detailed information related to the variance.

Date Received:	10-04-18		Fee Received:	第375	
Richard Ha Carla Ann	rgrave <u>Hargrave</u>	Source ATTA	Same as a	when	
Owner Name Richard 1	Hargrave	9-28-18	Applicant Name	;	
Carlo Ann	Hargrave	9-28-18			
Owner Signature	•	Date	Applicant Signa	ture	Date
N4154 Mo	edy Lake R	<u>d</u>			
Mailing Address	,		Mailing Address	S	
Sarona	ωI	54870		2.24	
City	State	Zip	City	State	Zip
	920-57	3-a 2 31			
Home Phone	Work/	Cell Phone	Home Phone	Work/0	Cell Phone
	Site Address _\u00eb	1630 Mille	er Road		
	Tax Parcel ID #	006 - 0	0420 - 080	00	
	<u>5W 1/4, N</u>	E 1/4, Section	13, T <u>15</u>	N, R <u>13</u> E	
Lot	Block		ion/Plat		
Lot	_ CSM #	т	own of Green	Lake	

For the Board of Adjustment to grant a variance, the owner/applicant must clearly demonstrate that there is an unnecessary hardship present when strictly applying an ordinance standard; that the hardship is due to unique site limitations; and in granting a variance the public interest is being protected.

The burden of proof rests upon the property owner to show all 3 criteria are being met.

A variance is <u>not</u> a convenience to the property owner and should not be granted routinely.

Attach additional sheets, if necessary, to provide the information requested.

1.	Explain your proposed	plans and how they	vary from the required	dimensional standards:
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The proposed plan is to rezone our parcel from Ag1 to Ry. The
reasoning is to sell the house and a car garage on the property. The
distance needed between the garage and agricultural pole shed is
37 feet. The current distance between them is 35.5 feet.
A shortage of 1.5ft.

2. Explain the hardship imposed by the Ordinance:

There are 4 options aptions land 2 are to move a wall an either the garage or pole shed 1.5 ft. The garage has a 4ft poured cement wall and cement block construction making it difficult to move. The estimated cost to move the wall on the pole shed is 10-15,000. Both aptions 152 would be difficult scartly. The 3rd aption would be to put the pole shed in with the R4 but due to its Size (5500 ft²) it would be not be compliant for R4 zoning. It would be 4000 soft too large for R4. Option 4: allow a 1.5 ft variance

3. Describe unique property seature(s) that create the hardship:

The pas	ition of the	buildingo	were b	vilt 37 ye	ars_ago
by the	previous ow	hers.		Hallow The Man	•

4. Explain why the proposed variance will not harm the public interest:

We see no harm to the public with the proposed variance

5. Explain why the property can not be utilized without a variance: (USE VARIANCES ONLY)

GREEN LAKE SURVEYING COMPANY

P.O. BOX 131

Green Lake, Wisconsin 54941

Phone: (920) 294-6666

survey@greenlakesurveyingcompany.com

www greenlakesurveyingcompany.com

CONCEPT PLAN

CONCEPT PLAN FOR RICHARD L. AND CARLA ANN HARGRAVE, LOCATED IN PART OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 23, TOWN 15 NORTH, RANGE 13 EAST, TOWN OF GREEN LAKE, GREEN LAKE COUNTY, WISCONSIN.

PROPERTY ADDRESS: W620 MILLER ROAD MARKESAN, WISCONSIN 53946 Donald W. Lenz, WI P.L.S. No. S-2003 Dated this 28th day of September, 2018. GREE. W. SURVINIA SCALE: 1" = 80'**RICHARD L. HARGRAVE** 80' AND **CARLA ANN HARGRAVE** SEC. 23 PARCEL NO. 006-00420-0200 A-1 ZONING SW 1/4 UNPLATTED NE 1/4 **LANDS** LONNIE M. **HARGRÄVE R-4 ZONING RICHARD L. HARGRAVE AND** LOT 1 **PROPOSED CARLA ANN HARGRAVE CSM NO. 3275** LOT 1 **GROSS AREA** PART OF PARCEL NO. 006-00420-0200 3.6351 ACRES 158.343.61 SQ. FT. **NET AREA** 3.1045 ACRES 135,231.80 SQ. FT. 15 FOOT WIDE PARCEL NO. INGRESS AND **EGRESS ACCESS** 006-00421-0200 EASEMENT

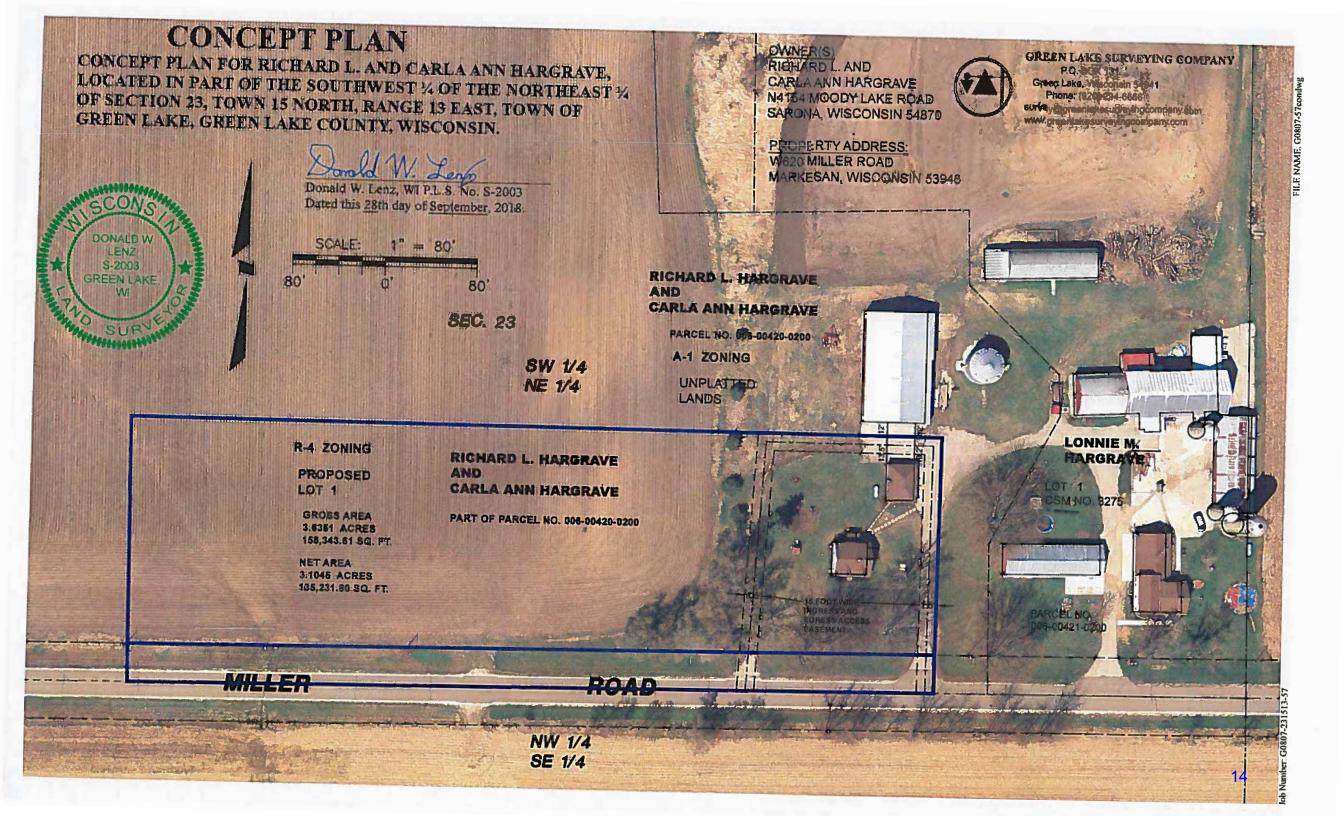
OWNER(S)

RICHARD L. AND

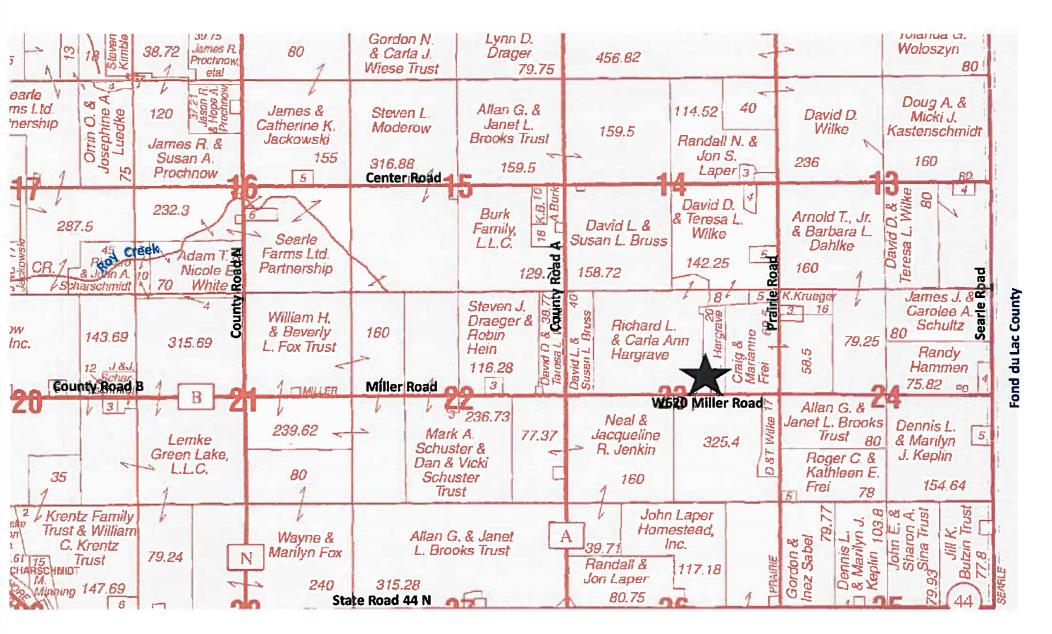
CARLA ANN HARGRAVE

N4154 MOODY LAKE ROAD

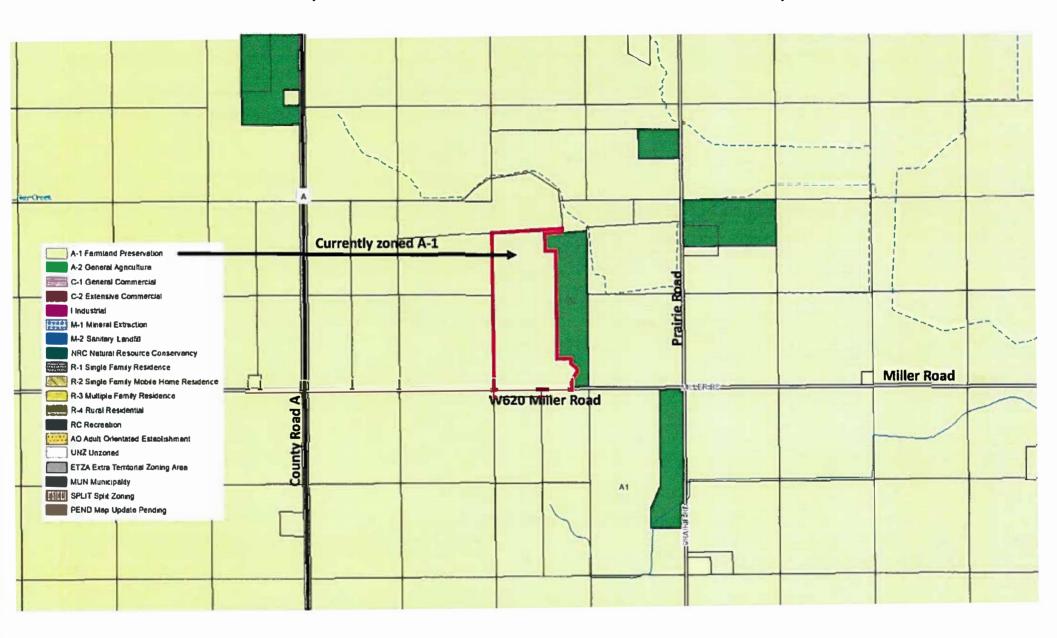
SARONA. WISCONSIN 54870



Richard L. & Carla Ann Hargrave – Town of Green Lake
W620 Miller Road, Parcel #006-00420-0200 (±3.6 acres), Part of the NE½ of Section 23, T15N, R13E
Variance request to allow for a 23' 2" setback whereas a 25' setback is required.



Richard L. & Carla Ann Hargrave – Town of Green Lake
W620 Miller Road, Parcel #006-00420-0200 (±3.6 acres), Part of the NE¼ of Section 23, T15N, R13E
Variance request to allow for a 23' 2" setback whereas a 25' setback is required.



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Richard L. & Carla Ann Hargrave – Town of Green Lake W620 Miller Road, Parcel #006-00420-0200 (±3.6 acres), Part of the NE¼ of Section 23, T15N, R13E Variance request to allow for a 23' 2" setback whereas a 25' setback is required.

