



# GREEN LAKE COUNTY

571 County Road A, Green Lake, WI 54941

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The following documents are included in the packet for the *Green Lake County Board of Adjustment* business meeting/public hearing that is scheduled for Friday, July 19, 2019. The business meeting begins at 9:00 a.m. The public hearing will begin at 10:00 a.m.

## Packet Pages:

1. **Agenda**
  2. **Public Hearing Notice**
  - 3-19. **Item I: Owner/Agent:** Wisconsin Power & Light; John Lund, Agent  
**Site Description:** N6499 Berlin Rd, Parcel #004-00322-0100 (±1.18 acres), Located at the section corner of Sections 9, 10, 15 & 16, T16N, R13E, Town of Brooklyn **Request:** Variance from Section 350-50.A of the County Zoning Ordinance to rebuild an electricity distribution substation including a switchgear building, transformer, high-side circuit breaker, & other components that would provide a 14-foot street-yard setback; whereas, a 67-foot street-yard setback is required.
  - 20-32. **Item II: Owners:** Wayne & Sandy Kieck **Applicant:** Wesley Smith  
**Site Description:** W6586 Puckaway Rd, Parcel #014-00349-0000 (±2.48 acres), Lot 1 Certified Survey Map 1336, Located in Government Lot 1, Section 32, T15N, R11E, Town of Marquette  
**Request:** Variance from Section 350-18 of the County Zoning Ordinance to create a lot with an average lot width of 94.25 feet; whereas, all newly created lots are required to be an average width of 100 feet.
  - 33-35. **Minutes of 04/18/19**
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**GREEN LAKE COUNTY**  
**Board of Adjustment**  
**571 County Road A, Green Lake, WI 54941**

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

Email: [zoning@green-lake.wi.us](mailto:zoning@green-lake.wi.us)

<b>Board of Adjustment Meeting Notice</b>	
<b>Date: July 19, 2019 Time: 9:00 AM</b> <b>Green Lake County Government Center, Room #0902</b> <b>571 County Road A, Green Lake, WI 54941</b>	
<b><u>AGENDA</u></b>	
<p><b>Board of Adjustment Members:</b></p> <p><i>Janice Hardesty</i> Board Chair</p> <p><i>Ron Triemstra</i> Board Vice Chair</p> <p><i>Ben Moderow</i></p> <p><i>Michael Lehner</i> Alternate</p> <p><i>Rick Dornfeld</i> Alternate</p> <p><i>Carole DeCramer,</i> Board Secretary</p>	<ol style="list-style-type: none"> <li>1. Call to order</li> <li>2. Roll call</li> <li>3. Pledge of Allegiance</li> <li>4. Certification of open meeting law</li> <li>5. Agenda</li> <li>6. Approve 04/18/19 minutes</li> <li>7. Election of Chair and Vice Chair</li> <li>8. Adjourn for field inspection</li> </ol> <p><b><u>Public hearing matters will not begin before 10:00 a.m.</u></b></p> <ol style="list-style-type: none"> <li>9. Public hearing matters</li> </ol> <p><b>Item I: Owner/Agent:</b> Wisconsin Power &amp; Light; John Lund, Agent  <b>Site Description:</b> N6499 Berlin Rd, Parcel #004-00322-0100 (±1.18 acres), Located at the section corner of Sections 9, 10, 15 &amp; 16, T16N, R13E, Town of Brooklyn <b>Request:</b> Variance from Section 350-50.A of the County Zoning Ordinance to rebuild an electricity distribution substation including a switchgear building, transformer, high-side circuit breaker, &amp; other components that would provide a 14-foot street-yard setback; whereas, a 67-foot street-yard setback is required.</p> <ol style="list-style-type: none"> <li>a. Public Hearing</li> <li>b. Board Discussion &amp; Deliberation</li> <li>c. Board Decision</li> </ol> <p><b>Item II: Owners:</b> Wayne &amp; Sandy Kieck <b>Applicant:</b> Wesley Smith  <b>Site Description:</b> W6586 Puckaway Rd, Parcel #014-00349-0000 (±2.48 acres), Lot 1 Certified Survey Map 1336, Located in Government Lot 1, Section 32, T15N, R11E, Town of Marquette  <b>Request:</b> Variance from Section 350-18 of the County Zoning Ordinance to create a lot with an average lot width of 94.25 feet; whereas, all newly created lots are required to be an average width of 100 feet.</p> <ol style="list-style-type: none"> <li>a. Public Hearing</li> <li>b. Board Discussion &amp; Deliberation</li> <li>c. Board Decision</li> </ol> <ol style="list-style-type: none"> <li>10. Adjourn</li> </ol>
	<p><b>Please Note:</b> 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 <i>the meeting no later than noon.</i></p>
<b>Page 1 of 1</b>	

## 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, July 19, 2019, at 9:00 a.m.* The meeting will adjourn for site inspections of the following items:

**Item I: Owner/Agent:** Wisconsin Power & Light; John Lund, Agent **Site Description:** N6499 Berlin Rd, Parcel #004-00322-0100 ( $\pm 1.18$  acres), Located at the section corner of Sections 9, 10, 15 & 16, T16N, R13E, Town of Brooklyn **Request:** Variance from Section 350-50.A of the County Zoning Ordinance to rebuild an electricity distribution substation including a switchgear building, transformer, high-side circuit breaker, & other components that would provide a 14-foot street-yard setback; whereas, a 67-foot street-yard setback is required.

**Item II: Owners:** Wayne & Sandy Kieck **Applicant:** Wesley Smith **Site Description:** W6586 Puckaway Rd, Parcel #014-00349-0000 ( $\pm 2.48$  acres), Lot 1 Certified Survey Map 1336, Located in Government Lot 1, Section 32, T15N, R11E, Town of Marquette **Request:** Variance from Section 350-18 of the County Zoning Ordinance to create a lot with an average lot width of 94.25 feet; whereas, all newly created lots are required to be an average width of 100 feet.

The Board of Adjustment will reconvene at approximately **10:00 a.m.** to consider the items 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: July 4, 2019,  
July 11, 2019*

## BOARD OF ADJUSTMENT STAFF REPORT

July 19, 2019

### PUBLIC HEARING

#### ITEM I: VARIANCE

**OWNERS/APPLICANTS:** Wisconsin Power & Light (WP&L), Jerry Lund, Agent

**REQUEST:** The owners/applicant are requesting a variance from Section 350-50.A. of the County Zoning Ordinance to rebuild an electricity distribution substation including a switchgear building, transformer, high-side circuit breaker, and other components that would provide a 14-foot street-yard setback; whereas, a 67-foot street-yard setback is required.

**PARCEL NUMBER / LOCATION:** Parcel #004-00322-0100 is located at the section corner of Sections 9, 10, 15 & 16, T16N, R13E, Town of Brooklyn. The property is located at N6499 Berlin Road.

**EXISTING ZONING AND USES OF ADJACENT AREA:** The subject site is currently zoned C-2, Extensive Commercial District. The surrounding properties are mostly zoned A-1, Farmland Preservation District. There are lands to the south that are zoned R-1, Single-Family Residence District. There are no mapped wetlands or mapped floodplain jurisdiction on this parcel. There is a mapped intermittent stream to the east but it is not navigable and, therefore, shoreland zoning does not apply.

**ADDITIONAL INFORMATION/ANALYSIS:** In 1997, this electricity distribution substation was installed by Wisconsin Power & Light Company. At the time, the structures (transformers, power poles, etc.) were permitted without a variance, to be constructed as close as 40 feet to the street lot line. A 67-foot setback should have been required. This could be explained by Section 350-52.A. of the County Zoning Ordinance whereby power transmission poles and lines are allowed within the highway setback. Possibly the previous administration extended the exemption to other transmission and distribution equipment. Presently, the Department's interpretation of this ordinance standard is that the structures being installed on this subject site do not qualify for this highway setback exemption.

The purpose of this project, as stated in the variance application, is for WP&L to upgrade the standard voltage to a more reliable voltage. That it is "in the public interest that the power grid be as reliable as possible." The new electricity distribution equipment being proposed to be located within the highway setback includes an enclosed switchgear building (16ft x 45ft x 11ft tall), a new power transformer, bus termination structure, high-side circuit breaker, pad-mount transformer, dead-end and static poles and a new fenced-in area.

When reviewing a variance request, the uniqueness of the subject property must be examined. The subject site is about 85 feet wide along the north lot line. The required highway setback is 67 feet and the rear-yard setback is 25 feet. This leaves a net minus 7 feet of buildable area. The subject site increases in width to about 105 feet, which nets about 15 feet of buildable area. However, this area is already occupied by the existing power supply equipment. Further south, the parcel widens to about 250 feet. The application does not explain why this area could not be incorporated into the substation upgrade. Possibly, to use this area, additional easements and land may be necessary.

Secondarily, the uniqueness of the property must create an unnecessary hardship by which it would be unnecessarily burdensome to comply with the ordinance standards. WP&L should be able to explain the burden of having to use lands not within the highway setback. If the burden rises to the level of being unnecessarily burdensome, then this criterion can be met.

Finally, a variance cannot be granted if the project would harm the public interest. Obviously the public interest is harmed when a variance is granted for a project that could be located in a code-compliant



## Variance – Wisconsin Power &amp; Light

location. The Board of Adjustment (BOA) must guard against this outcome. However, if there is more harm to the public by not allowing the variance than to grant the variance, the BOA should consider this criterion met.

**VARIANCE CRITERIA:** 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 the sole 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 sole 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**

- If it can be shown that the re-arrangement of the transmission and distribution lines and supporting appurtenances, although possible, would be unreasonably burdensome, then variance may still be granted.
- Based on the application, it appears that alternative locations would require additional land and/or easements. The current configuration of the property, with its associated improvements, is the creation of WP&L; however, their close proximity to the right-of-way is not self-created. Green Lake County may have allowed the reduced setback for the existing substation.
- The driving force behind this project is that WP&L wants to provide a more reliable electricity source for its customers. Staff understands that any investor-owned utility or electric cooperative would have the same interest.
- The northern and narrow portion of the property has been considered in the variance request. The BOA should hear testimony from the applicants as to why the southern and wider portion of the property is not a viable alternative for this project.
- A re-arrangement of the transmission and distribution lines as well as securing additional lands or easements most definitely would impact the economics of the project. However, economics cannot be the sole justification for an unreasonable burden. If WP&L can fortify their case for hardship beyond economic burden the variance may still be granted.

## Variance – Wisconsin Power &amp; Light

**2) Unique Property Limitations**

- The parcel is uniquely shaped being narrow on the north end and then widens out further south. The transmission lines appear to enter the property from the north which has the least code-compliant buildable area.
- The property is utilized for public utility purposes. There is no commonality with other adjacent or nearby properties. However, the BOA must consider that properties used for public utilities must still be unique in design and character and not simply be unique based on their intended use.
- The variance application indicates that the property owners have looked at alternative locations and designs for this substation upgrade. The company has settled on the proposed project design due to its ease of completion, economics of scale, and the least amount of downtime its customers would experience. The BOA must obtain testimony from WP&L substantiating these claims in order to move forward in granting the request.

**3) Harm to Public Interest**

- Allowing property owners to subvert the zoning ordinance through the variance process when their request has been proven to not meet the required criteria is not in the public's interest. The BOA must investigate the request and obtain the details enough to make sure that the request does meet all three variance criteria.
- The effects of granting a variance of this nature are that similar requests may 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 (suggested by zoning staff):**

1. *A land use permit shall be applied for and obtained prior to the project commencing.*
2. *A Certificate of Survey (COS) shall be completed and filed with the Green Lake County Surveyor's Office once the project has been completed. The Survey shall identify all lot lines, include all existing and new structures, including but not limited to: fenced areas, power poles, transformers, circuit breaker, switchgear, access driveways, gates, easements, etc.*

VARIANCE APPLICATION – GREEN LAKE COUNTY

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

Date Received: 5-14-19

Fee Received: \$375 (C5215)

Wisconsin Power + Light

Jerry Lund

Owner Name

Applicant Name

Owner Signature

Date

Applicant Signature

Date

4902 N. Biltmore Lane

4902 N. Biltmore Lane

Mailing Address

Mailing Address

Madison WI 53718

Madison WI 53718

City

State

Zip

City

State

Zip

(608) 695-0427

(608) 695-0427

Home Phone

Work/Cell Phone

Home Phone

Work/Cell Phone

Email address

Email address

Site Address NG499 Berlin Rd

Tax Parcel ID # 004 - 00322 - 0100

NE ¼, NE ¼, Section 16, T 16 N, R 13 E

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision/Plat \_\_\_\_\_

Lot \_\_\_\_\_ CSM # Meets & bounds Town of Brooklyn

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

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

1. Explain your proposed plans and how they vary from the required dimensional standards:

Substation rebuild requires a location that would place substation components as close as 14.7 feet from front lot line where a 67 ft setback is required.

2. Explain the hardship imposed by the Ordinance:

Without a variance to the street yard setback the transmission lines would have to be relocated to the west requiring new easements and other increased costs to this project.

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

Property is located "in-line" with American Transmission Company's transmission lines in north portion. North portion is a narrow land area that has no feasible building location. Also required state highway street setback is 67 feet and rear setback is 25 feet.

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

This project is being done to upgrade the standard voltage to a more reliable voltage. It is in the public interest that the power grid is as reliable as possible. This project would not impair and would be a positive to the community.

# WP&L DARTFORD ELECTRIC SUBSTATION – TOWN OF BROOKLYN

## OPERATIONS PLAN

(NO CHANGE FROM CURRENT OPERATIONS)

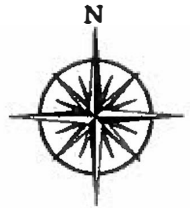
### Electric Substation Operations Plan

1. Type of Activity Proposed
  - a. Alliant Energy is proposing to rebuild a distribution substation that will provide a system upgrade for the existing electric grid in the surrounding areas.
2. Hours of operation:
  - a. 24/7
3. Number of employees
  - a. 0 when in operation
4. Outside Storage
  - a. None
5. Outdoor activities
  - a. Occasional inspections and maintenance
6. Outdoor lighting
  - a. Two (2) dusk to dawn building mounted lights with occupancy sensor to reduce light levels when the site is unoccupied.
  - b. One (1) pole mounted area light, dusk to dawn controlled for security.
  - c. Approximately six (6) pedestal mounted flood lights used during maintenance and emergency operations. Normally off.
7. Outside loudspeakers
  - a. None
8. Proposed signs
  - a. Small, fence mounted identification and warning signs.
9. Trash removal
  - a. Not normally required. Alliant Energy will remove trash as needed for activities that require it.



Located in the SE 1/4 of the SE 1/4 of Section 9,  
 and the SW 1/4 of the SW 1/4 of Section 10,  
 and the NW 1/4 of the NW 1/4 of Section 15,  
 and the NE 1/4 of the NE 1/4 of Section 16,  
 all in T16N-R13E, Town of Brooklyn,  
 Green Lake County, Wisconsin.

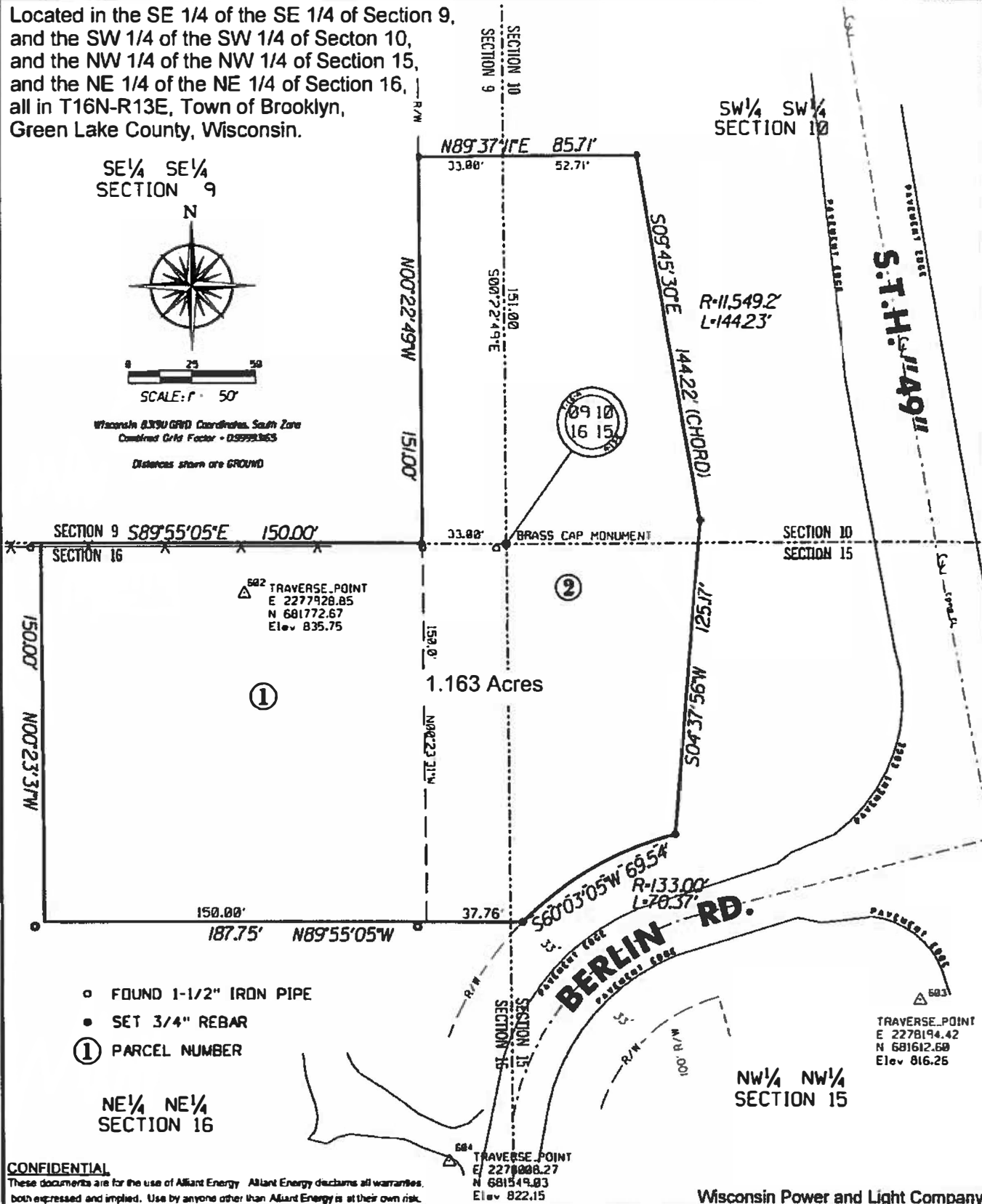
SE 1/4 SE 1/4  
 SECTION 9



SCALE: 1" = 50'

Wisconsin 83X90 GRID Coordinates, South Zone  
 Combined Grid Factor = 0.9999365

Distances shown are GROUND



- FOUND 1-1/2" IRON PIPE
- SET 3/4" REBAR
- ① PARCEL NUMBER

NE 1/4 NE 1/4  
 SECTION 16

**CONFIDENTIAL**

These documents are for the use of Alliant Energy. Alliant Energy disclaims all warranties, both expressed and implied. Use by anyone other than Alliant Energy is at their own risk.

Wisconsin Power and Light Company

DARTFORD SUBSTATION GREEN LAKE, WI



Property Card Drawing  
 N-6499 Berlin Rd. Green Lake, WI  
 Location Code 16196 - Property Card 0182

Scale: 1"=50'

H-2584-A

NO.	DATE	REVISION	BY

DWG NO.

File: 8FILES

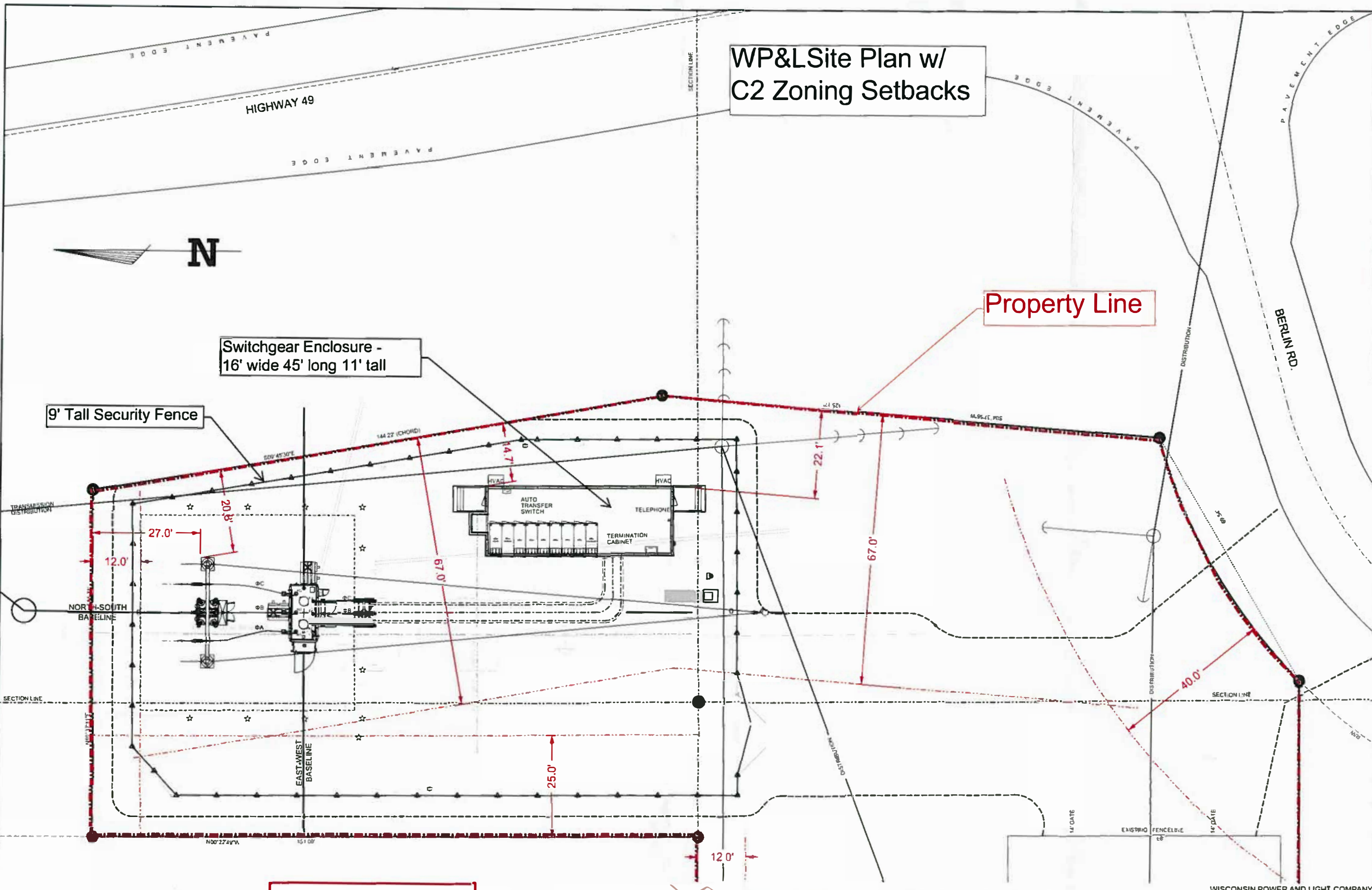
Plotted: 8DATES

# WP&L Site Plan w/ C2 Zoning Setbacks

Property Line

Switchgear Enclosure -  
16' wide 45' long 11' tall

9' Tall Security Fence



09-MAY-2019  
 Plotted: \\fuel.com\itg\Projects\2019\19\_0056\Drawings\16196-02-0X-setbacks.dgn

**LEGEND:**  
 --- SETBACKS

**CLASSIFIED : CONFIDENTIAL PCII**

SEED FILE: SGS-00-01  
 REV: 7 DATE: 12-13-2017

NO.	DATE	REVISION	BY	CHKD	APPRD
1	07/20/18	SUBMIT FOR REVIEW (REVISED FROM PERMITS)			
2	08/01/18	REVISED PER PERMITS			
3	08/01/18	REVISED PER PERMITS			
4	08/01/18	REVISED PER PERMITS			
5	08/01/18	REVISED PER PERMITS			
6	08/01/18	REVISED PER PERMITS			
7	12-13-2017				

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WISCONSIN POWER AND LIGHT COMPANY  
 DARTFORD SUBSTATION  
 GREEN LAKE, WI

**SETBACKS**

SCALE: 1" = 10'-0"

16196-02-0X



WI-49  
Green Lake, Wisconsin  
Google  
Street View - Aug 2018

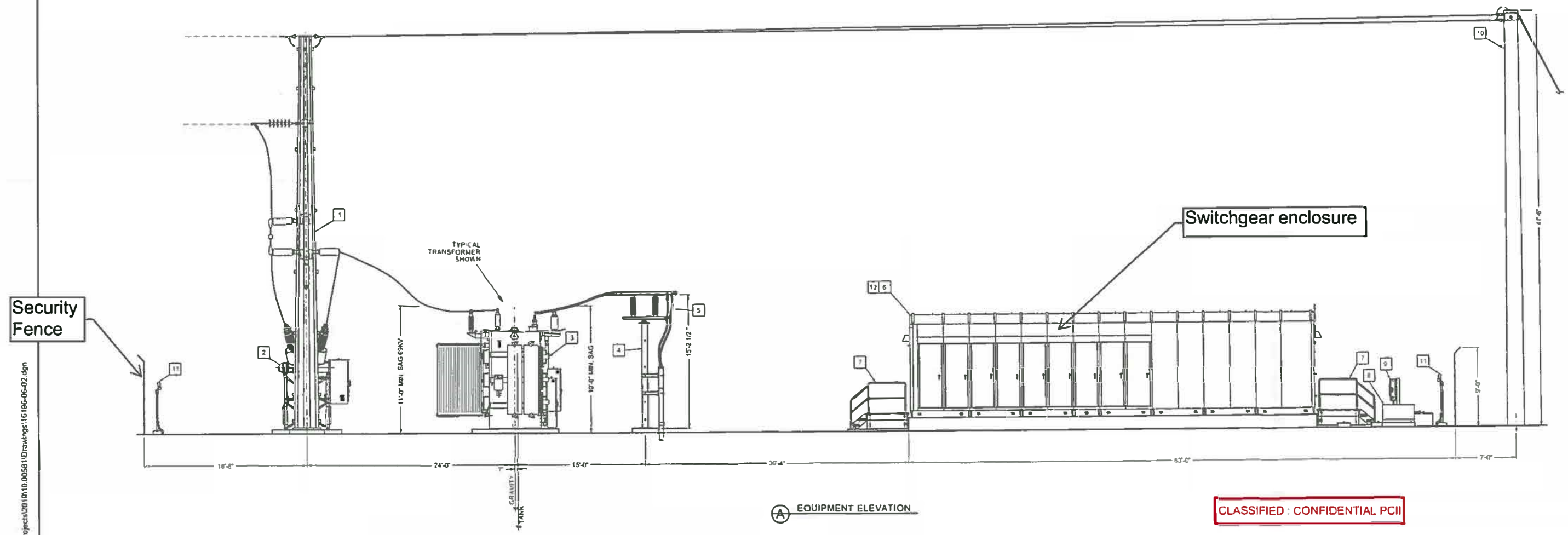
Existing WP&L Facilities - USH 49 to West





EQUIPMENT SCHEDULE		
ITEM	DESCRIPTION	DRAWING
1	DEAD END STRUCTURE	08-01
2	HIGH SIDE CIRCUIT BREAKER	08-02
3	POWER TRANSFORMER	08-03
4	BUS TERMINATION STRUCTURE (2000A)	08-04
5	POWER CABLE ASSEMBLY	08-05
6	METALCLAD SWITCHGEAR	05-01
7	STAIRS	08-06
8	PADMOUNT TRANSFORMER	08-07
9	SAFETY SWITCH	08-07
10	STATIC POLE	08-08
11	MAINTENANCE FLOODLIGHT	08-09
12	TELEPHONE AND SUMP PUMP ASSEMBLY	05-10
13	-	-
14	-	-
15	DUCT BANK	03-77
16	OIL CONTAINMENT SYSTEM	03-77

# WP&L Dartford Substation Elevation - West



Security Fence

Switchgear enclosure

(A) EQUIPMENT ELEVATION

CLASSIFIED : CONFIDENTIAL PCI

T:\181819  
 Plot: 09-MAY-2019  
 File: I:\e\com\all\p\projects\16196-06-02.dgn

SEED FILE: SGS-06-02  
 REV: 6 DATE: 4-27-2018

NO.	DATE	REVISION	BY	CHKD	APVCD

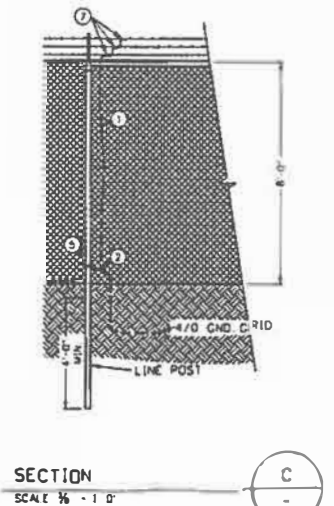
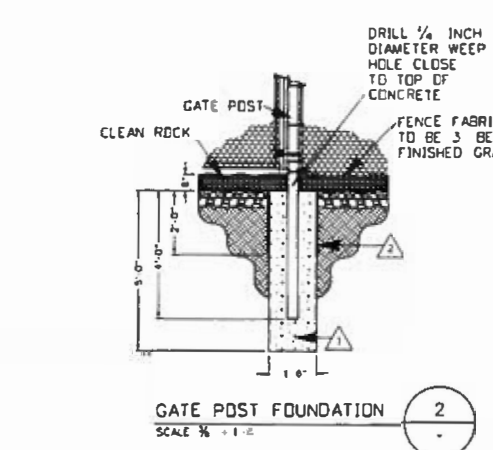
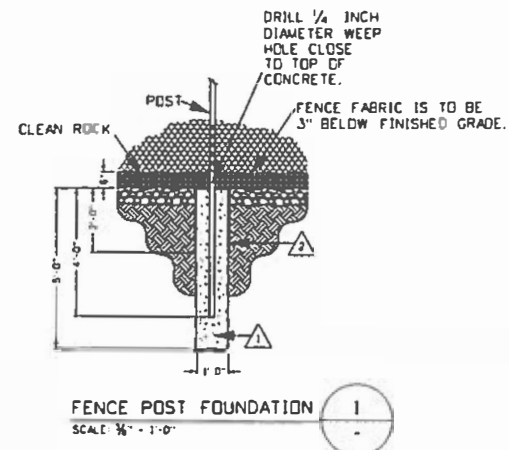
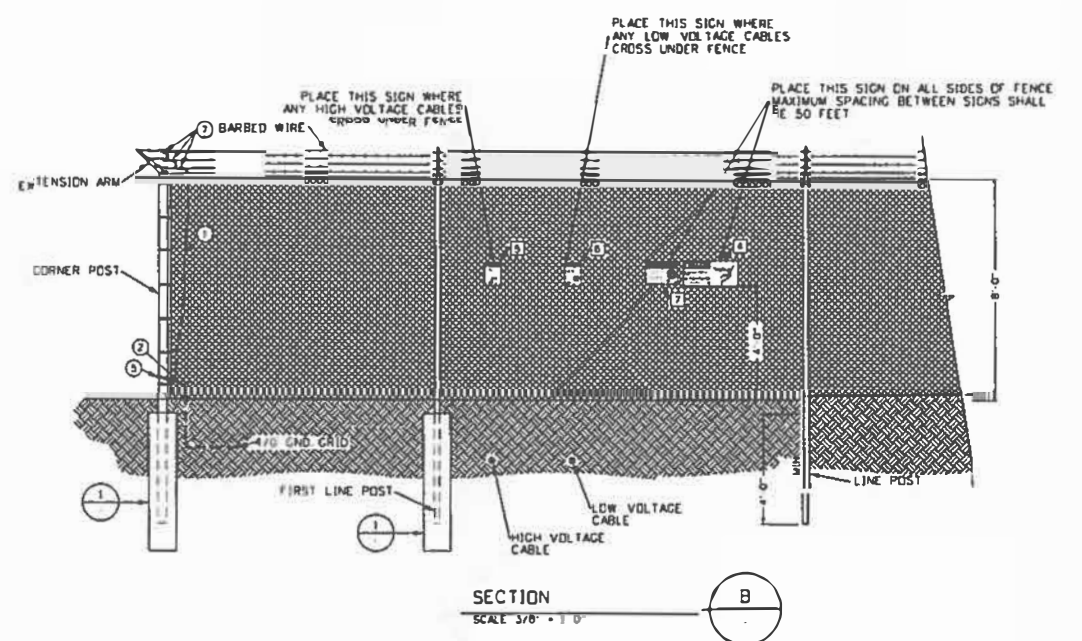
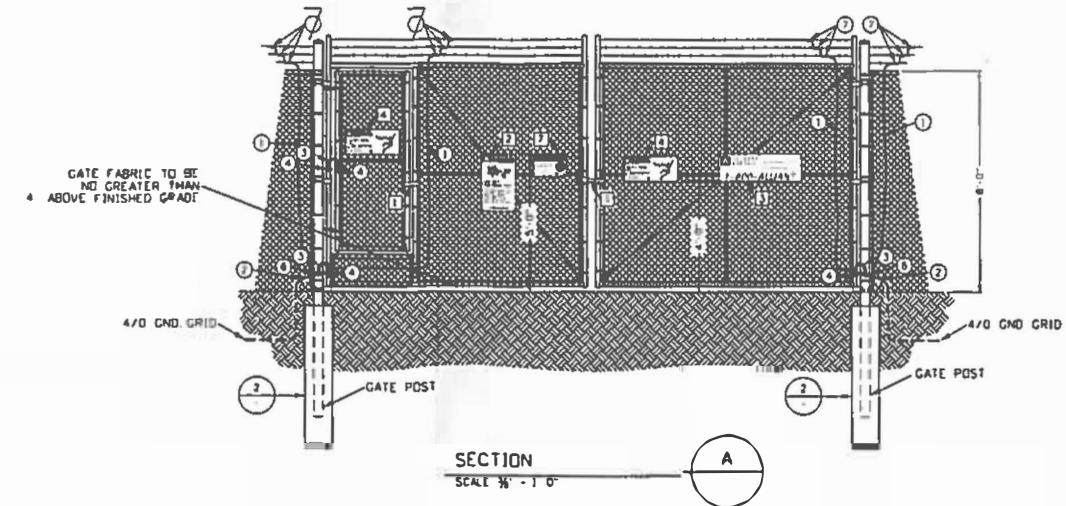


WISCONSIN POWER AND LIGHT COMPANY  
 DARTFORD SUBSTATION GREEN LAKE, WI  
 SUBSTATION ELEVATION VIEW

SCALE: 1/4" = 1'-0"

16196-06-02

# Security Fence Detail Sheet



FENCE GROUNDING MATERIAL						
ITEM NO.	DESCRIPTION	ITEM ID	QUANTITY SECTION A	QUANTITY SECTION B	QUANTITY SECTION C	QUANTITY TOTAL
1	CONDUCTOR 4AL SOL BARE EC ANLD, 25LB SPOOL	100317	47 FT	11 FT	11 FT	335 FT
2	CONN. BL. PARALLEL 2 4/0 ACSR RUN, 6 2/0 TAP, VICE TYPE	150989	2	1	1	26
3	CABLE GROUNDING FLEX #2/0 CU, 21KA MAX FAULT CURRENT	101580	5	N/A	N/A	10
4	CLAMP GRND 1 1/2 PS 1 5/8 IN TO 1 7/8 IN DIA, 2/0 250	107747	4	N/A	N/A	8
5	CLAMP GRND 2 1/2 IN TPS, 2 1/2 TO 2 7/8 IN DIA, 2/0 250	125029	N/A	1	1	22
6	CLAMP GRND 3 1/2 IN TPS, 3 1/2 TO 4 IN, 2/0 250 CU	125030	2	N/A	N/A	4
7	CONN. BL. PARALLEL 6 2 ACSR RUN AND TAP, VICE TYPE, AL	103897	12	3	3	90

TOTAL QUANTITY FOR 2A, 6B, AND 16C ADJUST IF NEEDED.

SAFETY EQUIPMENT MATERIAL				
ITEM NO.	DESCRIPTION	ITEM ID	QUANTITY SECTION A	QUANTITY TOTAL
1	PADLOCK 1ES KEY, 1 5/8 IN SHACKLE OPENING, 2 IN BODY	108022	2	4
1	PADLOCK WPL KEY, 1 1/2 IN SHACKLE OPENING, 5/16 SHACKLE	103889	2	2
2	SIGN, DANGER, NO HV INSIDE NR DOOR, 15 1/4 W X 25 H X 0 1/4	100013	1	2
3	SIGN, SUBSTATION NAME	D/C	1	1
4	SIGN, DANGER NO HAZV IN, (SUB FEN), 24 1/4 X 11 X 0 1/4	101183	2	15
5	SIGN, CAUTION HV BUR CABLE, 10X7 BLACK & SAFETY YELLOW	101248	N/A	8
6	SIGN, WARNING, 18X12: DO NOT DIG BURIED CABLE BELDW	158661	N/A	1
7	SIGN, NOTICE, TRESPASSERS & VANDALS, 14 W X 10 H X 0 1/4	151071	1	13
8	RING FENCING, 1 1/2 X 1/8 IN O.D., GALV. BEAR NO 4, 9 GAUGE	154921	26	308

ITEM NO. 3 TO ORDER SUBSTATION SIGN, CONTACT FACILITIES DEPT OR MATERIALS COORDINATOR

APPROX 5 LBS (65 PER LB)

LEGEND:  
 Δ FENCE POST  
 NOTES:  
 1 FENCE POST FOUNDATION SHALL BE USED ON CORNERS, GATES, AND FIRST LINE POSTS AFTER CORNERS AND GATES  
 2 FENCE POSTS SHALL BE 10' 0" ON CENTER, UNLESS OTHERWISE NOTED  
 3 PLAN VIEW SECTION OF THIS DRAWING SHOWS ACTUAL SIGN PLACEMENT LOCATIONS  
 4 SEE FENCE SPEC NO. 0062 FOR MORE INFORMATION  
 5 GROUND FENCE TO CORNER POST ALONG THIS SIDE ALSO

FENCE POST FOUNDATION, DETAIL 1			
ITEM NO.	DESCRIPTION	ITEM ID	QUANTITY
1	CONCRETE - 4000 PSI AT 28 DAYS	102351	0.15 CU YD
2	FORM FOUNDATION 12" DIA TUBE	108499	2 FT

MATERIAL LIST ABOVE IS FOR 1 REQUIRED  
 VERIFY NUMBER REQUIRED

GATE POST FOUNDATION, DETAIL 2			
ITEM NO.	DESCRIPTION	ITEM ID	QUANTITY
1	CONCRETE - 4000 PSI AT 28 DAYS	102351	0.33 CU YD
2	FORM FOUNDATION 18" DIA TUBE	D/C	2 FT

MATERIAL LIST ABOVE IS FOR 1 REQUIRED  
 VERIFY NUMBER REQUIRED

18-01-01 31-JAN-2017 Plotted: 31-JAN-2017 File V:\Substation Engineering\CAD\AE Standard Templates\WIP\WIP - Jordan\SGDB-03-04-69.dgn

SECC FILE SGDB-03-04-69  
 REV 2 DATE 01/31/2017

NO.	DATE	REVISION	BY	CHKD	APPVD

CONFIDENTIAL  
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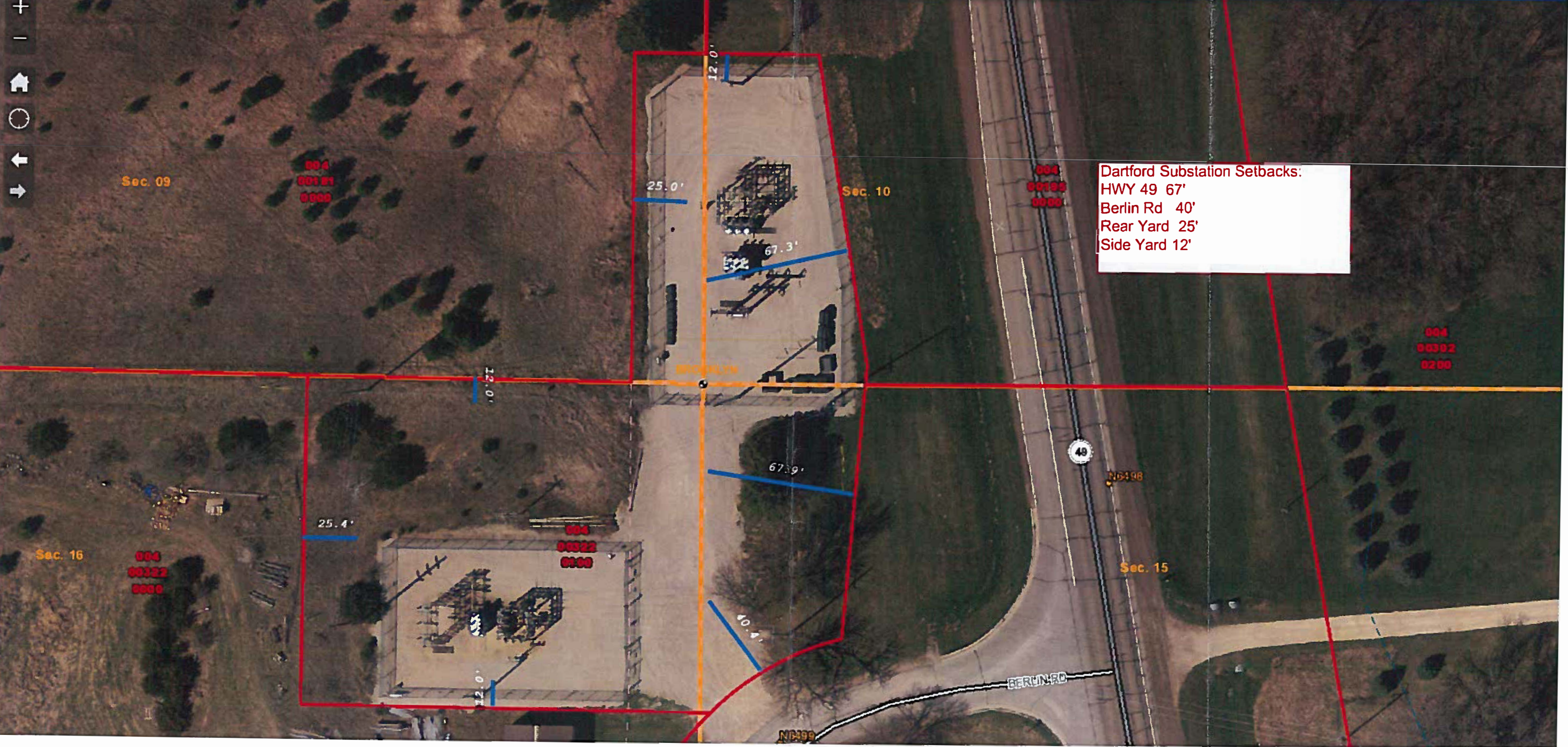
ALLIANT ENERGY

SUBSTATION NAME: \_\_\_\_\_ CITY, ST: \_\_\_\_\_  
 FENCE PLAN AND DETAILS

SCALE: 1/16" = 1'-0"

SGDB-03-04-69



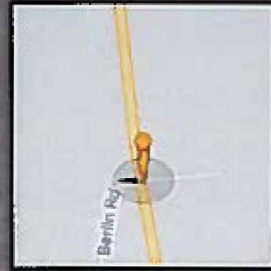






Wi-49  
Green Lake, Wisconsin  
Google  
Street View - Aug 2018

Existing WP&L Facility - Berlin Road Intersection

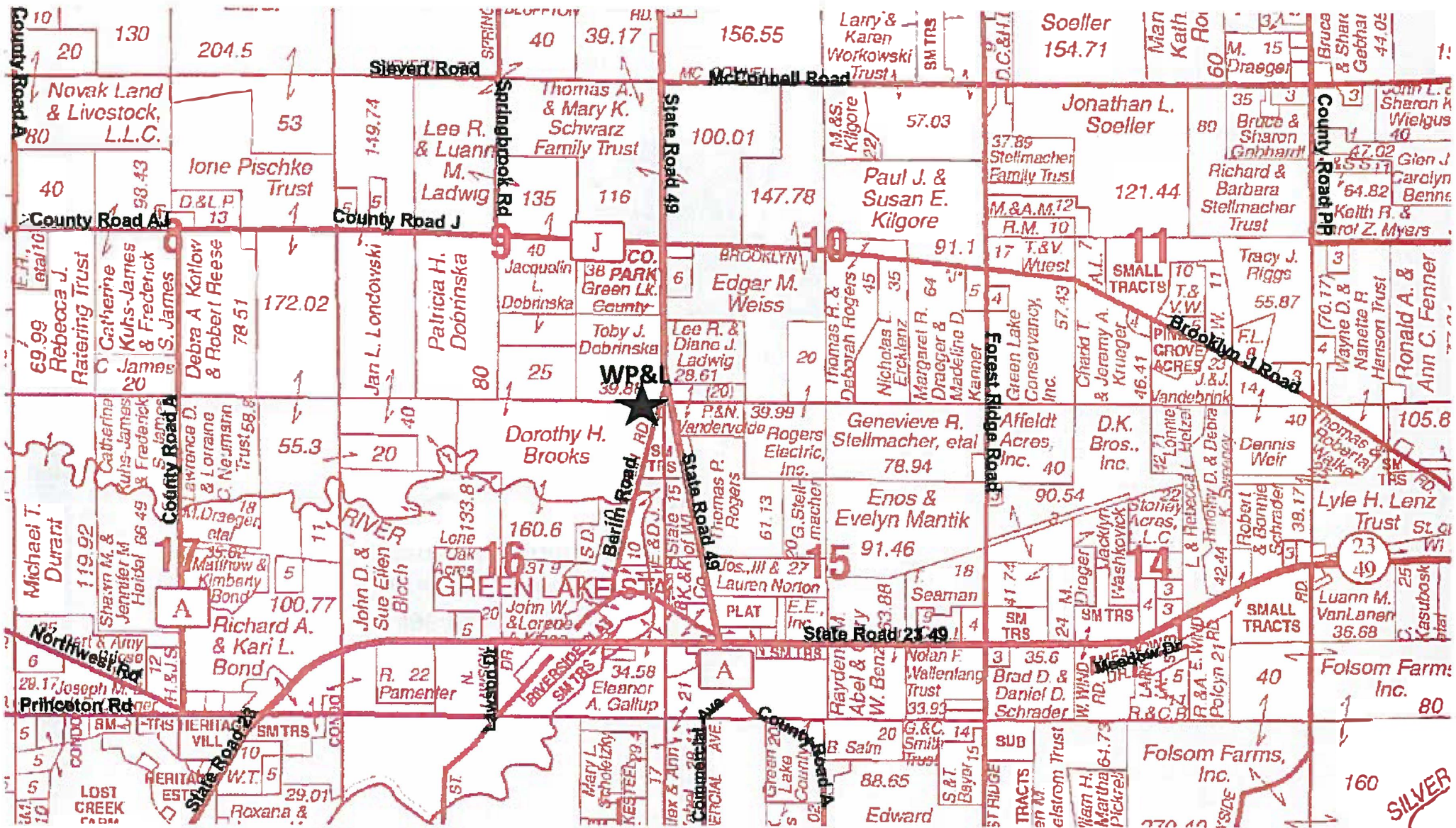




Wisconsin Power & Light, Owner – Jerry Lund, Applicant – N6499 Berlin Road - Town of Brooklyn

Parcel #004-00322-0100, Part of the NE¼ of Section 16, T16N, R13E

The owner/applicant is requesting a variance from Section 350-50.A. of the County Zoning Ordinance to rebuild a substation that would provide a 14.7-foot setback from the state highway right-of-way; whereas, a 67-foot setback is required.



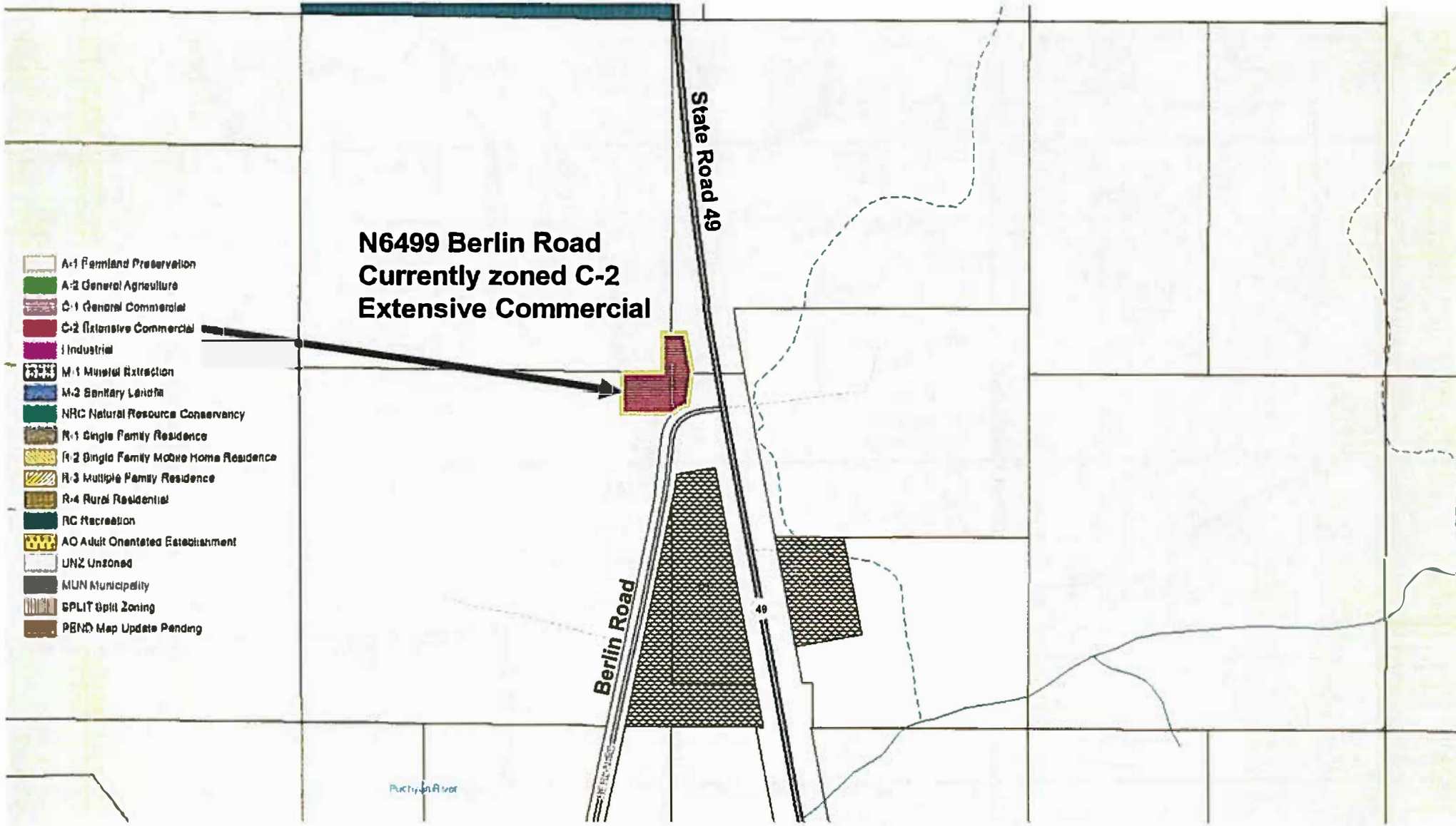
Green Lake County Board of Adjustment Public Hearing 07/19/19



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Green Lake County Board of Adjustment Public Hearing 07/19/19



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**Green Lake County Board of Adjustment Public Hearing 07/19/19**



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**Green Lake County Board of Adjustment Public Hearing 07/19/19**



**BOARD OF ADJUSTMENT STAFF REPORT**

July 19, 2019

**PUBLIC HEARING**

**ITEM II: VARIANCE**

**OWNERS/APPLICANTS:** Wayne & Sandy Kieck, Wesley Smith, Agent

**REQUEST:** The owners/applicant are requesting a variance from Section 350-18 of the County Zoning Ordinance to create a lot with an average lot width of 94.25 feet; whereas, all newly created lots are required to be an average width of 100 feet.

**PARCEL NUMBER / LOCATION:** Parcel #014-00349-0000, Lot 1 of Certified Survey Map (CSM) 1336, located in Government Lot 1, Section 32, Town 15 North, Range 11 East, in the Town of Marquette. The property is located at W6586 Puckaway Road.

**EXISTING ZONING AND USES OF ADJACENT AREA:** The subject site is currently zoned R-1, Single-family Residential District. The surrounding properties are mostly zoned R-1, Single-family Residence District, with the exception of A-1, Farmland Preservation District and RC, Recreational District across Puckaway Road to the south. Lake Puckaway lies to the north as the subject lot and its adjacent lots are riparian lots. The subject lot and adjacent lots are all in the flood-fringe.

**ADDITIONAL INFORMATION/ANALYSIS:** Based on the variance application, this request is the result of the adjacent neighbor's (to the west) interest in purchasing portions of the property owners' lot in order to make the neighbor's lot more conforming, as well as resolve several issues the narrowness of the neighbor's lot presents. Presently, and based on historical surveys, it is understood that the Kieck lot has a code-compliant average lot width of 100 feet. If the variance is approved, the proposed CSM indicates that the Kieck lot width will average just under 100 feet in width.

The property owners' variance application states that they would like to sell a portion of their lot to their westerly neighbor in order to help the neighbor better access the lake as well as to improve the neighbor's side lot line building setback. The westerly neighboring lot is a 50 foot-wide lot. The property owners' application indicates that the hardship, in this case, is that the property owners have to put up with the westerly neighbor trespassing on their property because accessibility to the lake and other structures on the neighbor's lot are hindered by a number of obstructions.

For all intents and purposes, the subject lot is 100 feet wide stretching about 1064 feet from Puckaway Road to Lake Puckaway. This makes the subject site just over 2.4 acres in size. There are four 50-foot wide lots, two to the west and two to the east that surround the subject lot. Further, to the west there are mostly 100-foot wide CSM lots with the exception of four 60-foot wide lots along the lake. To the east of the subject site are lots, the majority of which are at least 100 feet wide.

A variance cannot be granted if the project would harm the public interest. Obviously, the public interest is harmed when a variance is granted for a project that does not meet the required criteria. The Board of Adjustment (BOA) must guard against this outcome. Is there a qualified hardship derived from a limitation(s) related to the specifications and characteristics associated with the Kieck lot?

**VARIANCE CRITERIA:** 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 the sole 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 sole 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 owners are attempting to convince the BOA that it is unreasonably burdensome to require them to maintain their lot's current configuration as it forces their neighbor to trespass on their property. The lot width ordinance standards are set at 100 feet (average width) as minimum. When all newly-created lots are required to be at least 100 feet in width, it becomes problematic to argue that it would be unreasonably burdensome to maintain a lot with 100 feet of average lot width.
- If the hardship is truly that the property owners are relegated to being trespassed against by their neighbor, then this hardship is self-created. Trespassing is an illegal act and the property owners need to take the appropriate actions to stop their neighbor from trespassing.
- The driving force behind this lot reconfiguration is the property owners' westerly neighbor. Without this influence, there would be no need for the variance. Another property owner may simply better define his/her lot line thereby eliminating the ability for a neighbor to trespass.
- As the property in question is already at the minimum lot width, there is no additional lot area to consider. Therefore, the entire lot is being considered in this request.
- Economic or financial hardships have not been presented in this request.

**2) Unique Property Limitations**

- The subject lot is 100 feet wide and 1064 feet deep. Based on these dimensions, the lot is 2.4 acres in area. The slope is not unlike the slopes of the neighboring lots. Based on these characteristics, the subject lot does not appear to have any unique property limitations.
- The subject lot shares a lot width with the majority of the lots in the neighborhood. These lots all being at least 100 feet in average width. This continuity, coupled with the conformity with ordinance standards, is not a justification for reducing the subject lot's average width.

## Variance – Kieck

- The variance application does not identify alternative lot configurations, although the proposed would reduce the subject lot by about 5 feet of average lot width.

**3) Harm to Public Interest**

- Allowing property owners to subvert the zoning ordinance through the variance process when their request has been proven to not meet the required criteria is not in the public's interest. The BOA must investigate the request and obtain the details enough to make sure that the request does meet all three variance criteria.
- The effects of granting a variance of this nature are that similar requests may 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 (suggested by zoning staff):**

1. *A certified survey map shall be prepared and approved in accordance with the County's Land Division and Subdivision Ordinance as well as Chapter 236, Wis Stats. The CSM shall be recorded in the Green Lake County Register of Deeds Office as well as submitted to the Green Lake County Surveyor's Office.*

VARIANCE APPLICATION – GREEN LAKE COUNTY

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

Date Received: 5/9/19

Fee Received: \$ 375.00

Wayne + Sandy Kieck

Owner Name

Wesley Smith

Applicant Name

Wayne Kieck Sandy Kieck 5/26/19

Owner Signature Date

Wesley Smith 5/9/14

Applicant Signature Date

W1798 BARRY RD

Mailing Address

527 Wellington Dr

Mailing Address

DALTON WI 53926

City State Zip

West Bend WI 53090

City State Zip

920 394 3667 920 291 7035

Home Phone Work/Cell Phone

414-852-8076 Same

Home Phone Work/Cell Phone

WSKieck@juno.com

Email address

Wes@hadllc.com

Email address

Site Address W6586 Pickaway Rd

Tax Parcel ID # 014 - 00349 - 0000

GOVERNMENT LOT 1, Section 32, T 15 N, R 11 E

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision/Plat \_\_\_\_\_

Lot 1 CSM # 1336 Town of MARQUETTE

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



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

1. Explain your proposed plans and how they vary from the required dimensional standards:

Presently I own a slightly nonconforming riparian lot located on Lake Puckaway. The average lot width is 99.96 feet and the County's zoning and shoreland ordinance require all newly created lots to be at least 100 feet in average width. It is my intention, if granted a variance, to sell my neighbor some of my nonconforming lot to help him better access the lake as well as improve his buildings' setbacks to the side lot line.

2. Explain the hardship imposed by the Ordinance:

Presently due to a number of obstructions on my neighbor's property, my neighbor has to utilize my lake frontage to bring his boat around to the lake, And maintain his current frontage, not withstanding the current flooding of Lake Puckaway which over the last couple of years has required more access to my property to repair his frontage. Rather than having to be continuously trespassed against by my neighbor, I feel a much better solution would be to sell 10 feet of my frontage to my neighbor. Furthermore, my lot is already nonconforming in average lot width and thusly cannot be subdivided any further to create another buildable lot (without a variance to do so). Consequently, it is no advantage to me to maintain a lot that is so much larger in area than my neighbors on either side.

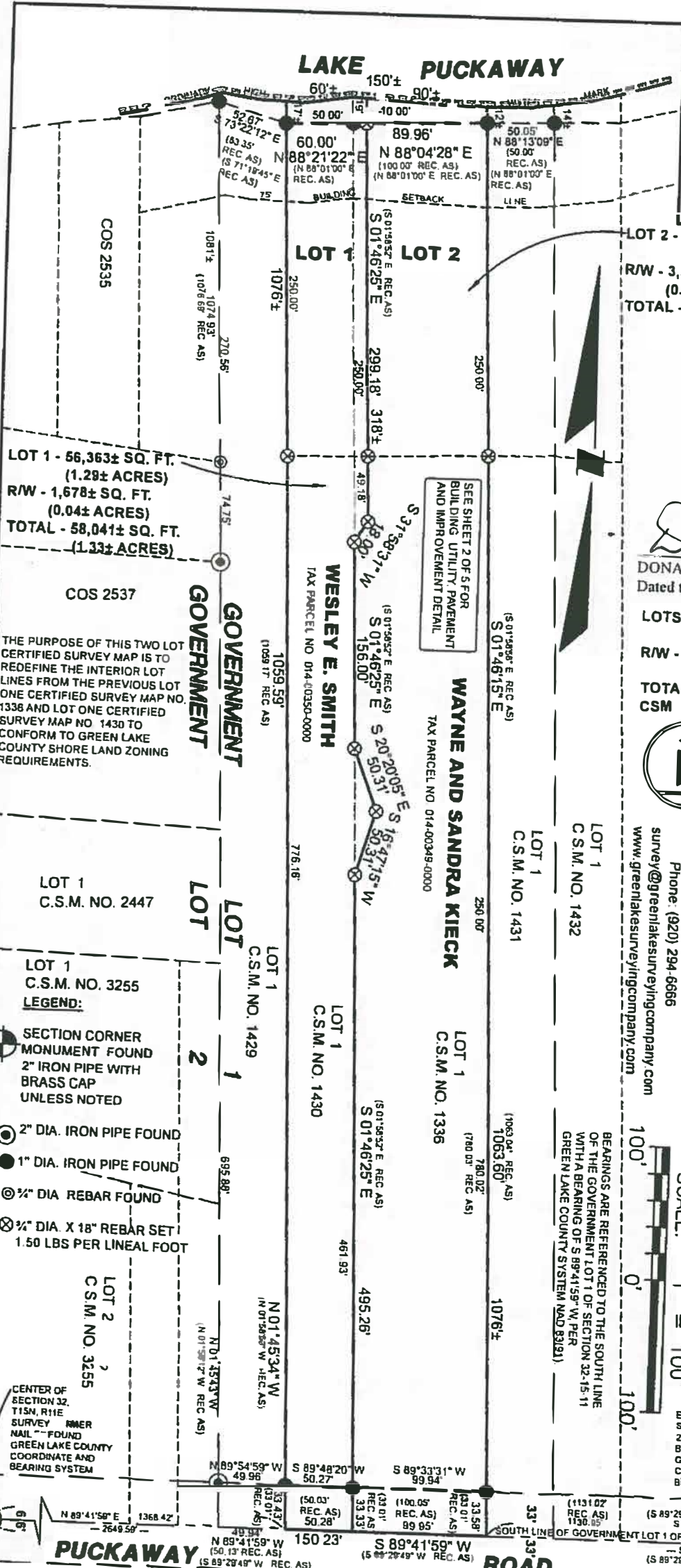
3. Describe unique property feature(s) that create the hardship:

The lot dimensions of my lot are about 1064 feet north to south and 99.96 feet east to west. Both neighbors to the east and to the west have 50 foot wide lots with the same (or similar) lot depths to my lot. Further east is a larger lot that is 140 feet in width and even further east is a 100 foot-wide lot. Reducing the lot width of my lot will bring my lot into conformity with the neighboring lots.

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

The lot reductions proposed in this variance request would reduce the average lot width of my lot from 99.96 feet to 94.25 feet. This reduction, from a property owner perspective, does not place any of my buildings or improvements within any required setbacks, does not reduce my property beyond any required dimensional standard that would detract from the neighborhood's desirability, and would improve the setback and lake access situation for my neighbor.

**LAKE PUCKAWAY**



LOT 2 - 100,347± SQ. FT.  
(2.30± ACRES)  
R/W - 3,343± SQ. FT.  
(0.08± ACRES)  
TOTAL - 103,690± SQ. FT.  
(2.38± ACRES)



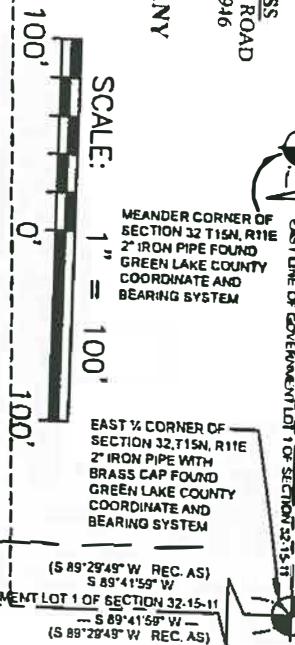
*Donald W. Lenz*  
DONALD W. LENZ - Wis. Reg. No. S-2003  
Dated this 22nd Day of April, 2019

LOTS - 156,710± SQ. FT.  
(3.59± ACRES)  
R/W - 5,021± SQ. FT.  
(0.12± ACRES)  
TOTAL - 161,731± SQ. FT.  
CSM (3.71± ACRES)



**GREEN LAKE SURVEYING COMPANY**  
P.O. BOX 131  
Green Lake, Wisconsin 54941  
Phone: (920) 294-6666  
survey@greenlakesurveyingcompany.com  
www.greenlakesurveyingcompany.com

**CERTIFIED SURVEY MAP**  
CERTIFIED SURVEY MAP BEING A RE-DIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 1336 AND LOT 1 OF CERTIFIED SURVEY MAP NO. 1430, LOCATED IN PART OF GOVERNMENT LOT 1 OF SECTION 32, TOWN 15 NORTH, RANGE 11 EAST, TOWN OF MARQUETTE, GREEN LAKE COUNTY, WISCONSIN. OWNERS: WESLEY E. SMITH; WAYNE AND SANDRA KIECK OWNERS)



- LEGEND:**
- SECTION CORNER MONUMENT FOUND 2" IRON PIPE WITH BRASS CAP UNLESS NOTED
  - 2" DIA. IRON PIPE FOUND
  - 1" DIA. IRON PIPE FOUND
  - ⊙ ½" DIA REBAR FOUND
  - ⊗ ½" DIA. X 18" REBAR SET 1.50 LBS PER LINEAL FOOT

CENTER OF SECTION 32, T15N, R11E SURVEY RNER MAIL FOUND GREEN LAKE COUNTY COORDINATE AND BEARING SYSTEM

# CERTIFIED SURVEY MAP

CERTIFIED SURVEY MAP BEING A RE-DIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 1336 AND LOT 1 OF CERTIFIED SURVEY MAP NO. 1430, LOCATED IN PART OF GOVERNMENT LOT 1 OF SECTION 32, TOWN 15 NORTH, RANGE 11 EAST, TOWN OF MARQUETTE, GREEN LAKE COUNTY, WISCONSIN.

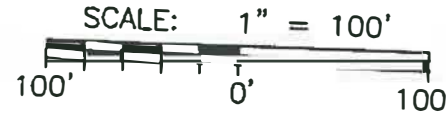
OWNER(S)  
WESLEY E SMITH

OWNER(S)  
WAYNE AND SANDRA KIECK

PROPERTY ADDRESS  
W6592 PUCKAWAY ROAD  
MARKESAN, WI 53946

PROPERTY ADDRESS  
W6586 PUCKAWAY ROAD  
MARKESAN, WI 53946

### BUILDING, UTILITY, PAVEMENT SETBACK AND IMPROVEMENT DETAIL

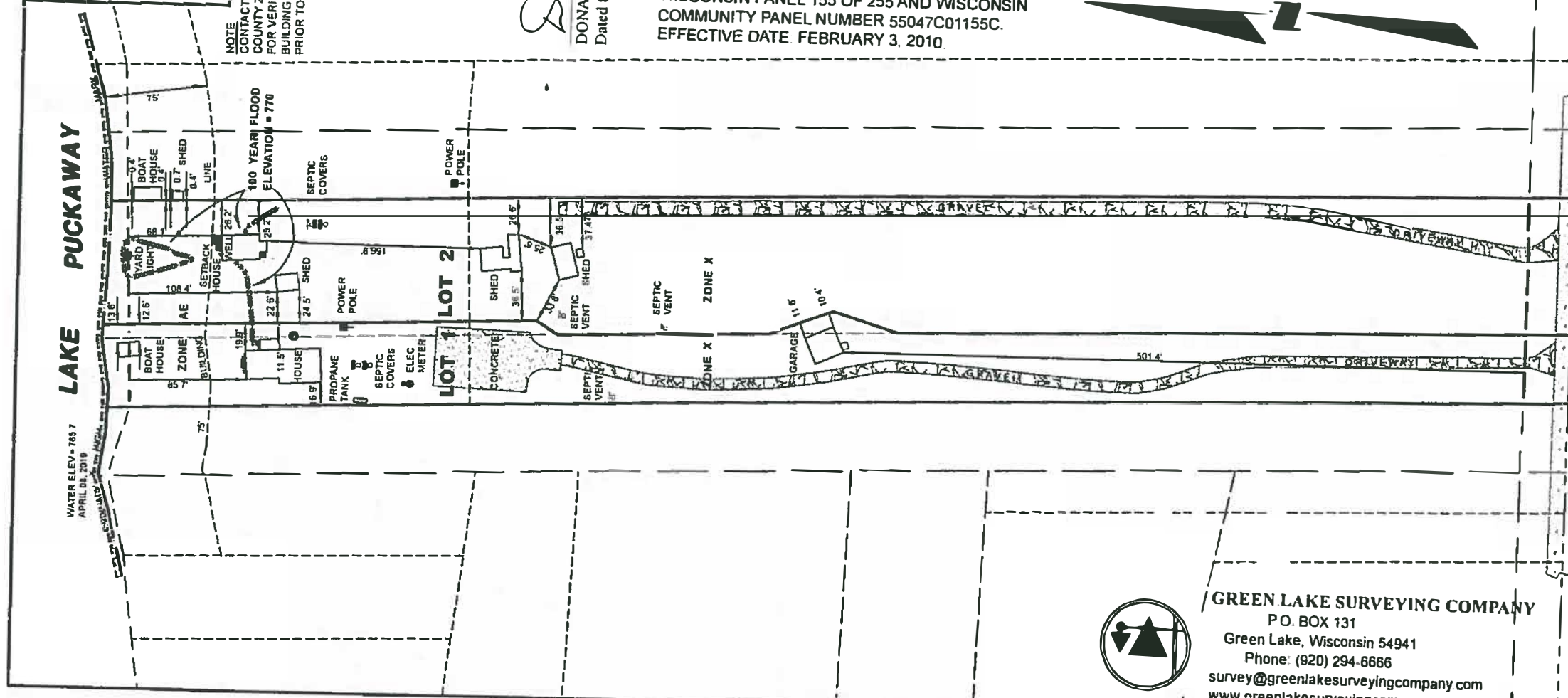


FLOOD INSURANCE RATE MAP GREEN LAKE COUNTY, WISCONSIN PANEL 155 OF 255 AND WISCONSIN COMMUNITY PANEL NUMBER 55047C01155C. EFFECTIVE DATE: FEBRUARY 3, 2010



*Donald W. Lenz*  
DONALD W. LENZ - Wis. Reg. No. S-2003  
Dated this 22nd Day of April, 2019

NOTE  
CONTACT GREEN LAKE COUNTY ZONING OFFICE FOR VERIFICATION OF 75' BUILDING SETBACK LINE PRIOR TO ANY CONSTRUCTION



LAKE PUCKAWAY

PUCKAWAY ROAD

**GREEN LAKE SURVEYING COMPANY**  
P.O. BOX 131  
Green Lake, Wisconsin 54941  
Phone: (920) 294-6666  
survey@greenlakesurveyingcompany.com  
www.greenlakesurveyingcompany.com





Owners: Wayne & Sandy Kieck Applicant: Wesley Smith

W6586 Puckaway Road, Town of Marquette, Parcel #014-00349-0000 (± 2.48 acres), Lot 1 Certified Survey Map 1336

Variance request to create a lot with an average lot width of 94.25 feet; whereas, all newly created lots are required to be an average width of 100 feet.

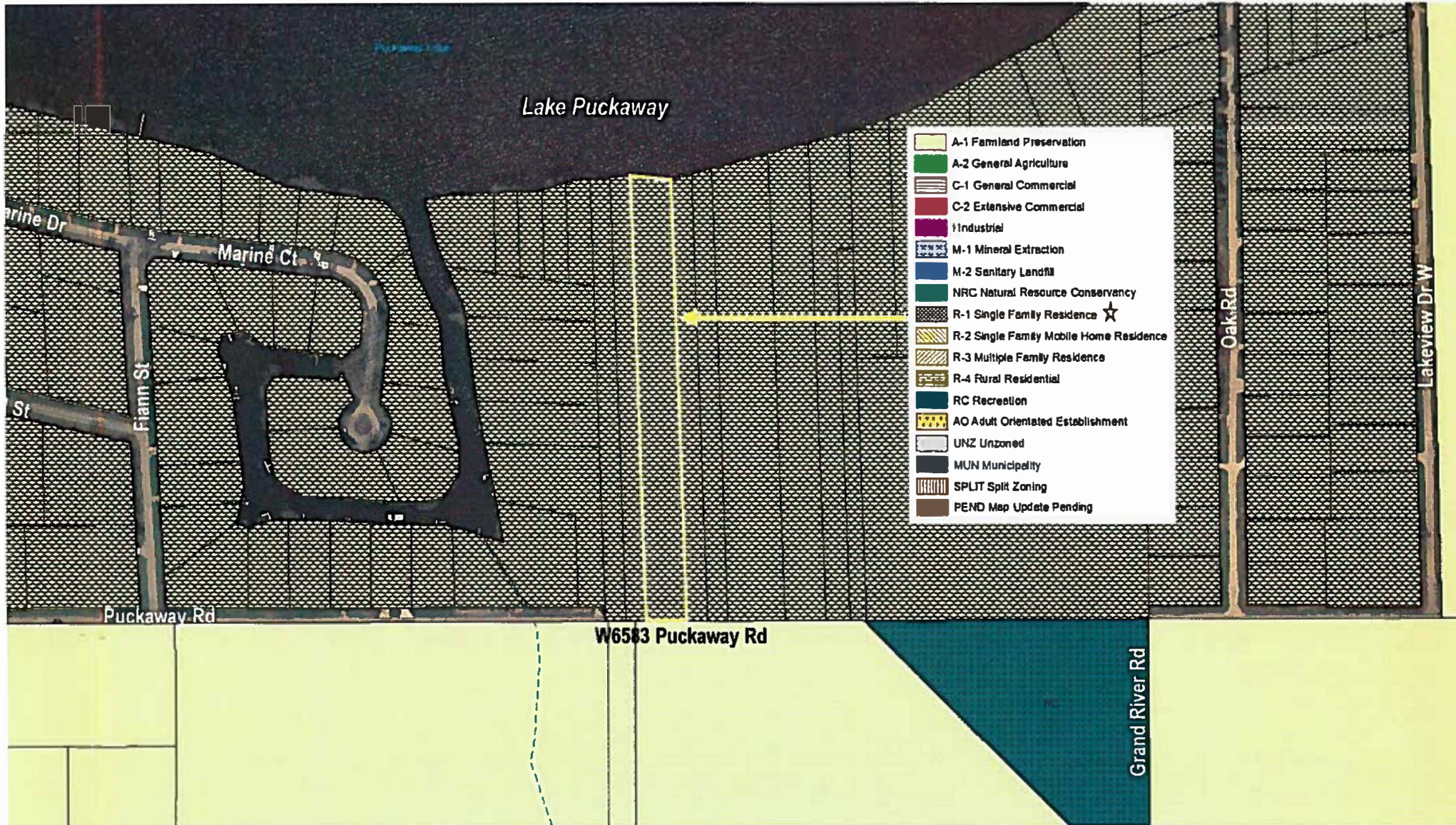


Green Lake County Land Use Planning & Zoning Committee Public Hearing 07/19/19



W6586 Puckaway Road, Town of Marquette, Parcel #014-00349-0000 (± 2.48 acres), Lot 1 Certified Survey Map 1336

Variance request to create a lot with an average lot width of 94.25 feet; whereas, all newly created lots are required to be an average width of 100 feet.





**Owners: Wayne & Sandy Kieck    Applicant: Wesley Smith**

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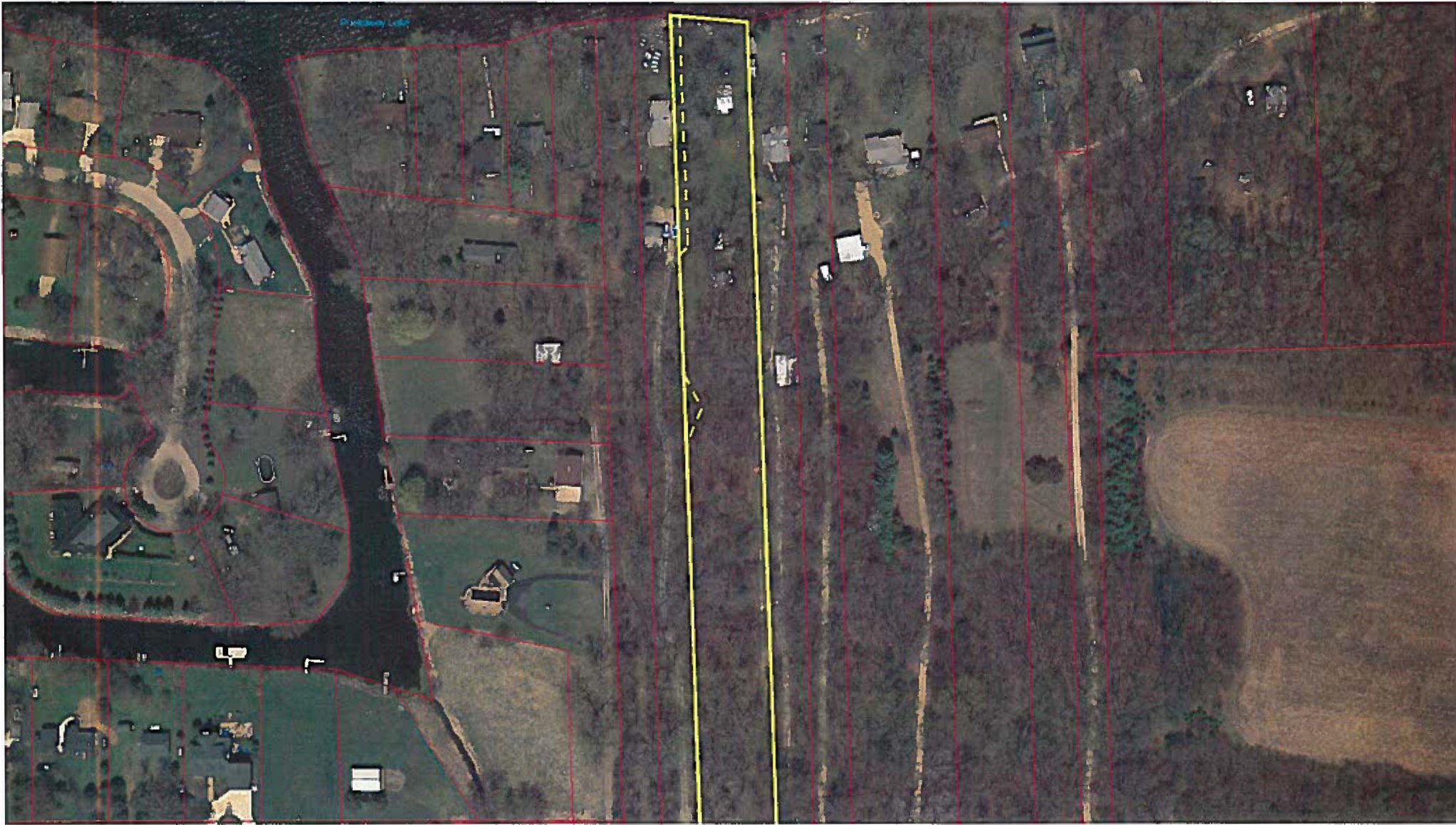
**Green Lake County Land Use Planning & Zoning Committee Public Hearing 07/19/19**



**Owners: Wayne & Sandy Kieck    Applicant: Wesley Smith**

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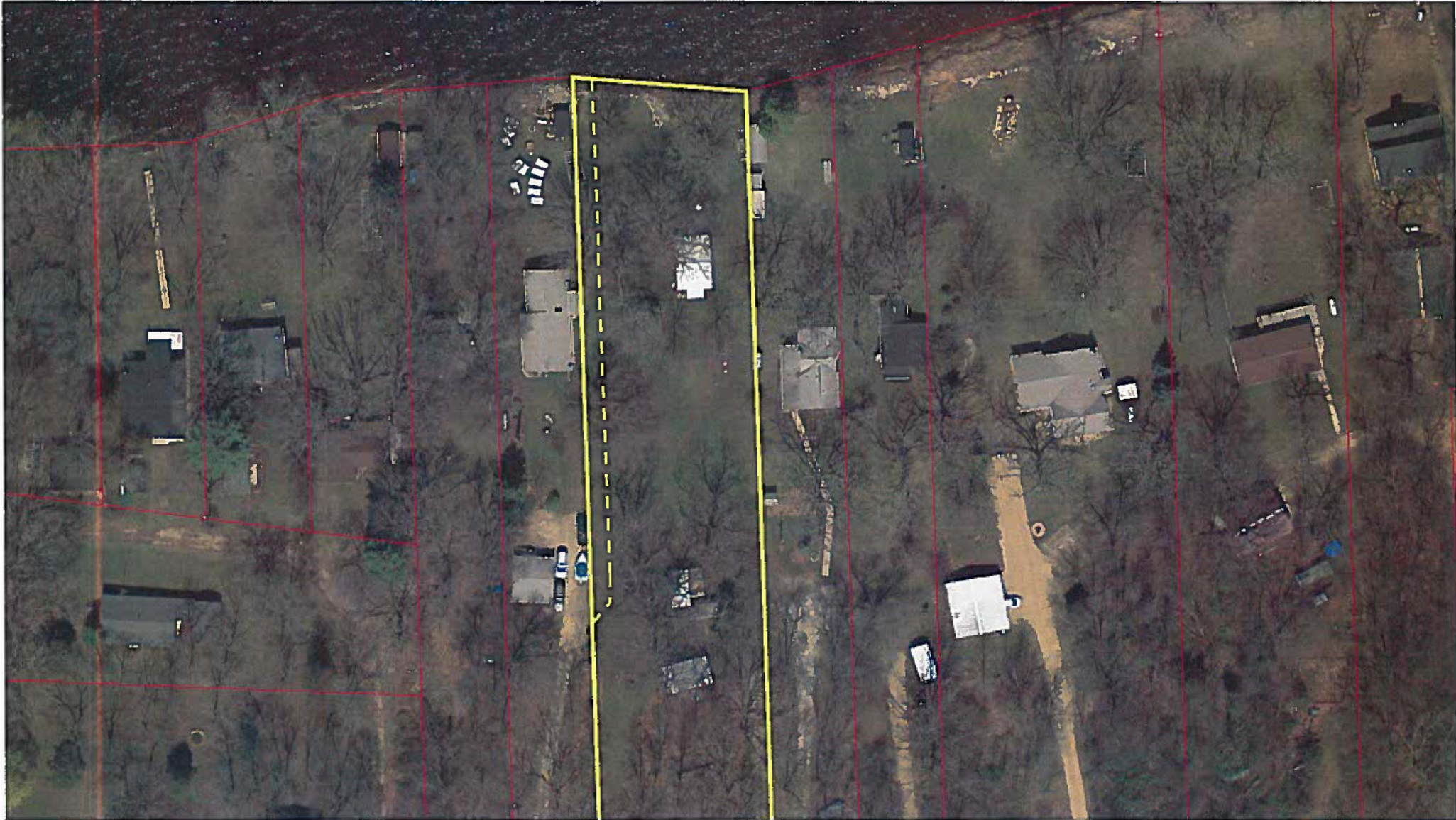




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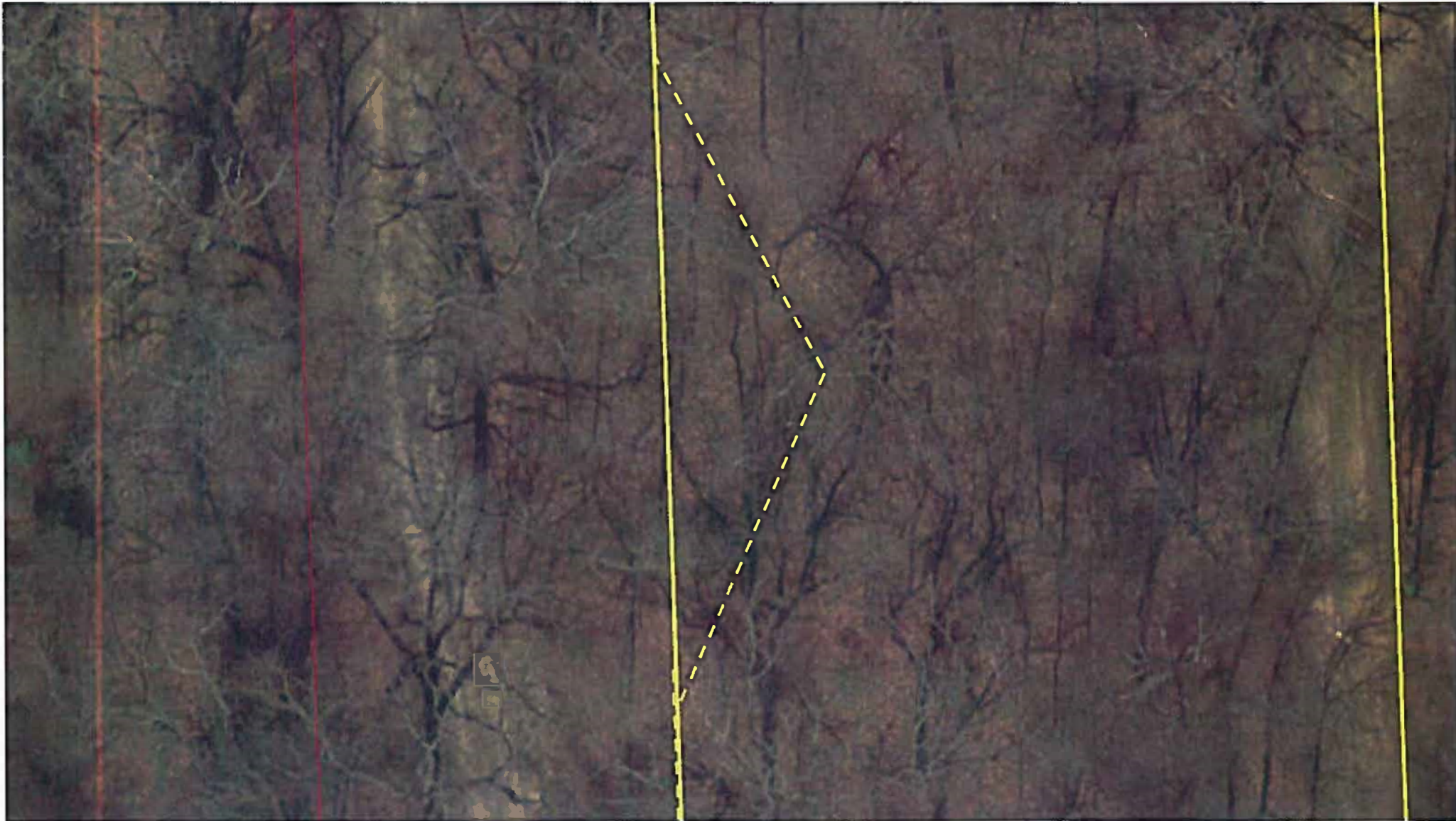




**Owners: Wayne & Sandy Kieck    Applicant: Wesley Smith**

**W6586 Puckaway Road, Town of Marquette, Parcel #014-00349-0000 (± 2.48 acres), Lot 1 Certified Survey Map 1336**

**Variance request to create a lot with an average lot width of 94.25 feet; whereas, all newly created lots are required to be an average width of 100 feet.**



**GREEN LAKE COUNTY  
BOARD OF ADJUSTMENT  
Meeting Minutes – Thursday, April 18, 2019**

**CALL TO ORDER**

The meeting of the Board of Adjustment was called to order by Chair Janice Hardesty at 9:00 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: Janice Hardesty, Michael Lehner, Kathleen Moore, Ron Triemstra

Absent: Ben Moderow

Also present: Matt Kirkman, Land Use Planning and Zoning Director

Carole DeCramer, Board Secretary

Kate Worth, Court Reporter, Worth Court Reporting

**PLEDGE OF ALLEGIANCE**

**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 01/18/19 minutes.**

**RECESS FOR FIELD INSPECTION**

Time: 9:02 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 10:23 a.m.

Chair Hardesty read the Rules of Order.

**Item I: Owners/Applicants:** St John's Lutheran Church, Richard Dornfeld **Site Description:** N483 County Road M, Parcel #012-00567-0300 (±1.68 acres), Part of the SW¼ of Section 29, T14N, R12E, Town of Manchester **Request:** Variance from Section 350-27.A.(3)(c)[1][b] of the County Zoning Ordinance to construct a basement addition that would provide a ±19-foot street-yard setback; whereas, a 40' street-yard setback is required, as well as to construct the retaining walls that would provide a 10' street-yard setback; whereas, a 40' street-yard setback is required.

a. Public hearing

Rick Dornfeld, Agent for St. John's Lutheran Church, N765 Salemville Road – Explained the request and spoke in favor of it.

Frank Rose, Pastor for St. John's Lutheran Church – Spoke in favor of the request.



**Motion by Triemstra/Moore, unanimously carried, to close the public hearing.**

- b. Board discussion and deliberation to include relevant correspondence.

The Board discussed the conditions listed in the staff report.

The Board also discussed the following:

- Criteria 1 – Unnecessary Hardship
- Criteria 2 – Unique Property Limitations
- Criteria 3 – Harm to Public Interest

- c. Board decision.

**Motion by Moore/Hardesty, unanimously carried on roll call (3-ayes, 0-nays), to grant the variance from Section 350-27.A.(3)(c)[1][b] of the County Zoning Ordinance to construct a basement addition that would provide a ±19-foot street-yard setback; whereas, a 40' street-yard setback is required, as well as to construct the retaining walls that would provide a 10' street-yard setback; whereas, a 40' street-yard setback is required. The variance approval includes the following conditions:**

1. The basement area located within the street-yard setback only be used for mechanicals as well as church storage. In no case shall this area be used for church activities, meetings, etc.
2. Maximum retaining wall height not to exceed two feet of exposure from finished grade.
3. Cross section of the wall showing the backfill and stabilization of the wall
4. Constructed of flat stones; no higher than 2 feet from the finished grade

**The Board further discussed the request with the four conditions.**

**Hardesty called for a vote on the motion: Moore – aye, Hardesty – nay, Triemstra – nay. Motion failed.**

**Motion by Triemstra/Hardesty unanimously carried on roll call (3-ayes, 0-nays), to grant the variance from Section 350-27.A.(3)(c)[1][b] of the County Zoning Ordinance to construct a basement addition that would provide a ±19-foot street-yard setback; whereas, a 40' street-yard setback is required, as well as to construct the retaining walls that would provide a 10' street-yard setback; whereas, a 40' street-yard setback is required. The variance approval includes the following conditions:**

1. The basement area located within the street-yard setback only be used for mechanicals as well as church storage. In no case shall this area be used for church activities, meetings, etc.
2. Maximum retaining wall height not to exceed two feet of exposure from finished grade.

**After further discussion, Hardesty called for a vote on the motion: Hardesty – aye, Moore - aye, Triemstra – aye. Motion carried.**

**CORRESPONDENCE - None**

**NEXT MEETING DATE**

To be determined.

**ADJOURN**

**Motion by Triemstra/Moore, unanimously carried, to adjourn.**

Time: 10:58 a.m.

**RECORDED BY:**

Carole DeCramer

Board of Adjustment Secretary

**APPROVED ON:**

DRAFT