



# 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 17, 2020. The business meeting begins at 9:00 a.m. The public hearing will begin at 10:30 a.m.

## Packet Pages:

2-3 Agenda

4-5 Minutes

6 Public Hearing Notice

**7-14 Item I: Owners:** First National Bank of Berlin, DBA Fortifi Bank  
**Applicant:** Loni Meiborg **Site Description:** N6230 State Road 49, Parcel #004-00307-0200, Lot 2 of CSM 252, Lot 3 of CSM 1141 and other meets & bounds, Located in part of the SW<sup>1</sup>/<sub>4</sub> of Section 15, T16N, R13E, Town of Brooklyn **Request:** Variance from Section 350-43.B.(4)(a) of the County Zoning Ordinance to have one 59 square foot sign and one 11 square foot sign attached to a building, whereas the ordinance allows for only one sign, with a maximum gross area of 32 square feet, to be attached to a building.

**15-26 Item II: Owners:** Scott M Heilman and Amy M. Bliss **Applicant:** Scott M. Heilman **Site Description:** N4045 Grace St., Parcel #014-00883-0100, Lot 1 of Certified Survey Map 3658, Located in the NW<sup>1</sup>/<sub>4</sub> of Section 15, T15N, R12E, Town of Marquette **Request:** Variance from Section 350-38.E.(1) of the County Zoning Ordinance to construct an accessory building with a street yard setback of 26 feet whereas a 40 foot street 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

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

<b>Board of Adjustment Meeting Notice</b>	
<p><b>Date: July 17, 2020 Time: 9:00 AM</b></p> <p><b>Green Lake County Government Center, Room #0902</b>  <b>571 County Road A, Green Lake, WI 54941</b></p>	
<b><u>AGENDA</u></b>	
<p><b><i>Board of Adjustment Members:</i></b></p> <p><i>Janice Hardesty</i> <i>Board Chair</i></p> <p><i>Ron Triemstra</i> <i>Board Vice Chair</i></p> <p><i>Ben Moderow</i></p> <p><i>Michael Lehner</i> <i>Alternate</i></p> <p><i>Rick Dornfeld</i> <i>Alternate</i></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. Approve 02/21/20 minutes</li> <li>6. Adjourn for field inspection</li> </ol> <p style="text-align: center;"><b><u>Public hearing matters will not begin before 10:30 a.m.</u></b></p> <ol style="list-style-type: none"> <li>7. Public hearing matters           <p style="margin-left: 20px;"><b>Item I: Owners:</b> First National Bank of Berlin, DBA Fortifi Bank  <b>Applicant:</b> Loni Meiborg <b>Site Description:</b> N6230 State Road 49, Parcel #004-00307-0200, Lot 2 of CSM 252, Lot 3 of CSM 1141 and other meets &amp; bounds, Located in part of the SW¼ of Section 15, T16N, R13E, Town of Brooklyn <b>Request:</b> Variance from Section 350-43.B.(4)(a) of the County Zoning Ordinance to have one 59 square foot sign and one 11 square foot sign attached to a building, whereas the ordinance allows for only one sign, with a maximum gross area of 32 square feet, to be attached to a building.</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> </li> <li><b>Item II: Owners:</b> Scott M. Heilman and Amy M. Bliss <b>Applicant:</b> Scott M. Heilman <b>Site Description:</b> N4045 Grace St., Parcel #014-00883-0100, Lot 1 of Certified Survey Map 3658, Located in the NW¼ of Section 15, T15N, R12E, Town of Marquette <b>Request:</b> Variance from Section 350-38.E.(1) of the County Zoning Ordinance to construct an accessory building with a street yard setback of 26 feet whereas a 40 foot street yard setback is required.           <ol style="list-style-type: none"> <li>a. Public Hearing</li> <li>b. Board Discussion &amp; Deliberation</li> <li>c. Board Decision</li> </ol> </li> </ol>
	<p><b><i>Please Note:</i></b> Meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or audio assistance should contact Matt Kirkman at 920-294-4156 the day before <i>the meeting no later than noon.</i></p>
<b>Page 1 of 2</b>	



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

**Date: July 17, 2020 Time: 9:00 AM**

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

**AGENDA**

<p><b><i>Board of Adjustment Members:</i></b></p> <p><i>Janice Hardesty</i> <i>Board Chair</i></p> <p><i>Ron Triemstra</i> <i>Board Vice Chair</i></p> <p><i>Ben Moderow</i></p> <p><i>Michael Lehner</i> <i>Alternate</i></p> <p><i>Rick Dornfeld</i> <i>Alternate</i></p>	<p>If you care to join via Zoom please follow these instructions:</p> <p>Join Zoom Meeting click on link:  <a href="https://zoom.us/j/93388219263?pwd=cXgyZk03U2toWC8vWTdhdCtNaHpJUT09">https://zoom.us/j/93388219263?pwd=cXgyZk03U2toWC8vWTdhdCtNaHpJUT09</a></p> <p><b>Or Dial 1-301-715-8592 US</b></p> <p>Meeting ID: 933 8821 9263          Password: 872168</p>
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**Please Note:** Meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or audio assistance should contact Matt Kirkman at 920-294-4156 the day before *the meeting no later than noon.*

**BOARD OF ADJUSTMENT**  
**February 21, 2020**

The meeting of the Green Lake County Board of Adjustment was called to order by Chair Janice Hardesty on Friday, February 21, 2020 at 9:00 AM in the Green Lake County Board Room, Green Lake County Government Center, 571 County Road A, Green Lake, WI. The requirements of the open meeting law were certified as being met. The pledge of allegiance was recited.

Present: Janice Hardesty  
Michael Lehner (Alternate)

Absent: Ben Moderow  
Ron Triemstra  
Rick Dornfeld (Alternate)

Other County employees present:  
Liz Otto, County Clerk  
Caleb Edwards, P&Z employee

Matt Kirkman, P&Z Director  
Krista Kamke, P&Z employee

**MINUTES**

***Motion/second (Lehner/Hardesty)*** to approve the minutes of September 20, 2019 with no additions or corrections. Motion carried with no negative vote.

**APPROVE 2020 CALENDAR**

***Motion/second (Hardesty/Lehner)*** to approve the 2020 calendar. Motion carried with no negative vote.

**ADJOURN FOR FIELD INSPECTION**

***Motion/second (Lehner/Hardesty)*** to recess for field inspection at 9:06 AM. Motion carried with no negative vote.

**PUBLIC HEARING – 10:30 AM**

Board of Adjustment reconvened at 10:30 AM for the Public Hearing

- **Owners: Melanie Cole Petrasek, Diane Lisa Cole Applicant: Attorney Steven R. Soreson, Von Briesen & Roper, SC Site Description: N4162 S. Lakeshore Dr., Parcel #016-01217-000, Town of Princeton**

Chair Hardesty read the rules for the Public Hearing. P&Z Director Matt Kirkman read the request for a variance to construct a new deck within the shoreland setback area and expand the footprint of a variance-authorized structure within the shoreland setback area. Attorney Steve Sorenson initiated a discussion on the presence of a quorum which was confirmed by Kirkman. Sorenson gave opening statements. Melanie Cole Petrasek gave testimony based on the plumber's and contractor's information. Questions and discussion followed. Sorenson summarized the variance request. No opposition to the request. Kirkman outlined the staff report regarding the variance criteria including unnecessary hardship, unique property limitations, and no harm to public interest. Chair Hardesty read one piece of correspondence from the Wisconsin Department of Natural Resources stating that this case is a self created hardship. Chair Hardesty closed the public hearing at 11:38 AM. Deliberations followed. ***Motion/second (Lehner/Hardesty)*** to approve the request for a variance. Roll call vote – Lehner – nay, Hardesty – nay. Motion

failed, variance denied. Kirkman confirmed that if the owners choose to reconstruct the deck the existing variance standards would be in effect.

Chair Hardesty recessed the Public Hearing for 5 minutes at 11:45 AM.

Public Hearing reconvened at 11:50 AM.

- **Owners: Bauer Haus, LLC and George P. Bauer Applicant: Attorney Steven R. Soreson, Von Briesen & Roper, SC Site Description: N5316 Shore Dr., Parcels #004-00934-0200 & 004-00933-0101, Town of Brooklyn**

P&Z Director Matt Kirkman read the request for a variance to create a lot with an average lot width of +/- 66 feet. Attorney Steve Soreson spoke on behalf of the owners and submitted a revised version of the proposed changes to the current CSM to allow access to a public road. Chair Hardesty closed the Public Hearing at 12:28 PM. Deliberations followed. Lehner stated all three criteria have been met including unnecessary hardship, unique property limitations, and harm to public interest. *Motion/second (Lehner/Hardesty)* to grant the variance as proposed in the amended CSM (Exhibit A) and to include the staff report CSM condition. Lehner – aye, Hardesty – aye. Motion carried, variance granted.

#### **ADJOURNMENT**

Chair Hardesty adjourned the Board of Adjustment meeting at 12:32 PM.

Submitted by,

  
Liz Otto  
County Clerk

## 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 17, 2020, at 9:00 a.m.** The meeting will adjourn for site inspection of the following item:

**Item I: Owners:** First National Bank of Berlin, DBA Fortifi Bank **Applicant:** Loni Meiborg **Site Description:** N6230 State Road 49, Parcel #004-00307-0200, Lot 2 of CSM 252, Lot 3 of CSM 1141 and other meets & bounds, Located in part of the SW¼ of Section 15, T16N, R13E, Town of Brooklyn **Request:** Variance from Section 350-43.B.(4)(a) of the County Zoning Ordinance to have one 59 square foot sign and one 11 square foot sign attached to a building, whereas the ordinance allows for only one sign, with a maximum gross area of 32 square feet, to be attached to a building.

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The Board of Adjustment will reconvene at approximately **10:30 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 and to verify that the agenda item you may be interested in has not been withdrawn from the agenda.

*Publish: July 2 & 9, 2020*

Item I: Variance

**Owners/Applicants:** First National Bank of Berlin, DBA Fortifi Bank      Loni Meiborg - Agent

**Request:** The owner/applicant is requesting a variance from Section 350-43.B.(4)(a) of the Zoning Ordinance to have one 59 square foot sign and one 11 square foot sign attached to a building, whereas the ordinance allows for only one sign, with a maximum gross area of 32 square feet, to be attached to a building.

**Parcel Number/ Location:** Parcel number #004-00307-0200, Lot 2 CSM 252, Lot 3 CSM 1141 and a meets and bounds parcel, located in the NW¼ of Section 15, T16N, R13E, Town of Brooklyn. The property is located at N6230 State Road 49.

**Existing Zoning and Uses of Adjacent Area:** The current zoning for this parcel is C-2, Extensive Commercial District. The neighboring parcels to the north and the east are zoned A-2, General Agriculture District. The parcels to the northwest are zoned as I, Industrial District. The parcels to the west are zoned as C-2, Extensive Commercial District. The parcels to the south are located in the City of Green Lake.

**Additional Information/ Analysis:** This property was originally zoned as Ag-3, Agriculture Land Holding District. It was rezoned from Ag-3 to C-1, General Commercial District on July 18, 1995 to allow for a car wash. On August 25, 1998 the property transferred to First National Bank of Berlin who is currently the owner of the parcel. The property was rezoned once again from C-1 to C-2, Extensive Commercial, on December 2, 1998.

On April 20, 1999 a land use permit was granted to allow for the building of a bank. On May 25, 1999 a variance was granted which allowed for the parking lot to be within 25' of the front lot line setback instead of the required 67' setback at that time. On January 27, 2000, a variance was granted for a free-standing advertising sign to be erected within 12' of the front lot line setback, a height of 26' and a gross area of 400 square feet. Based on staff research of the parcel file and aerial photography, it does not appear that the year 2000 sign variance was ever fully implemented. A freestanding sign was erected in the street yard setback, but it was not 26ft tall nor was it 400 sqft in area.

**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)
- Alternate designs and locations on the property have been investigated (State v. Winnebago County)

3. 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 have expressed a concern that without the variance potential customers may not be aware of their banking facility. The BOA has to determine if the sign area requirements represent an unnecessary burden.
- The owners have linked their signage request to the property and its location and not solely their self-interests.
- The application indicates “multiple complaints” as they relate to customers not being able to find their Green Lake branch. The BOA could interpret these complaints as a circumstance of the applicant, but as a commercial lot, it would appear any business might have the same issue.
- The ordinance does allow for both a free-standing and a building-mounted advertising sign. The ordinance did not consider advertising signs on corner lots. It does seem problematic to have a business face a roadway and not have a means of identifying itself.
- The ability for a business to advertise itself is directly related to a financial / economic hardship. This coupled with the application’s hopes of resolving customer complaints and not creating an attractive nuisance further justifies the request.

### 2. Unique Property Limitations:

- The property faces State Highway 49 to the west and State Highway 23 to the South. Further the property sits downhill from the highway.
- The application describes poor sightlines to the bank due to topography, trees, and the 4-way intersection. These characteristics are not uncommon in the County, but certainly are not prevalent. The BOA may be able to qualify this property as unique?
- The ordinance requires one free-standing and one building-attached advertising sign, so with a building that has highway exposure on two sides there is no alternative design that can accomplish business exposure goals.

### 3. Harm to the Public Interest:

- The purpose and intent of the sign regulations is to promote well-maintained and attractive signage for adequate business identification, advertising and communication; and to protect the safety and efficiency of the County’s transportation system by reducing confusion or distractions to motorists. The request aims to place signage on two sides of the building that are to a scale that the owners feel will be sufficient. The BOA has to consider if the proposal meets the above purpose and intent.
- The short-term effects of approving this variance are that additional requests for larger or additional advertising signs will be submitted. If the BOA uses thoughtful reasoning in this variance request whereby they can communicate why this variance was granted and others may not, then the short and long term effects will be minimized.
- To truly advertise a business to motorists on both street yards a business might ask for two free-standing signs as well as two larger building-mounted signs. Here we have an existing free-standing sign and a larger sign facing State Road 23 and a smaller but still identifiable sign along State highway 23. The BOA may be able to determine that the proposed signage plan is minimal relief.



VARIANCE APPLICATION – GREEN LAKE COUNTY

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

Date Received: 1/31/2020

Fee Received: \$375

Fortifi Bank

Loni Meiborg

Owner Name

Applicant Name

[Handwritten signature]

Loni Meiborg

Owner Signature Date

Applicant Signature Date

PO Box 506

PO Box 310

Mailing Address

Mailing Address

Green Lake WI 54941

Berlin WI 54923

City State Zip

City State Zip

920.354.4081

920.229.4293

Home Phone Work/Cell Phone

Home Phone Work/Cell Phone

lmeiborg@fortifibank.com

lmeiborg@fortifibank.com

Email address

Email address

Site Address N6230 State Road 49 Green Lake 54941

Tax Parcel ID # 004 - 00307 - 0200

NW 1/4, SW 1/4, Section 15, T 16 N, R 13 E

Lot Block Subdivision/Plat

Lot CSM # 1141 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:

We are purposing to add signage in two locations on the building. One location includes bank naming including the logo, which is a leaf. The secondary location is more of a brand indicator and beacon for entry to the building.

These two placements do exceed the square footage requirements set forth by Green Lake County. Placement of the first sign equals 54 sq ft, and the second equals 7.4 sq ft

2. Explain the hardship imposed by the Ordinance:

The limitation to 32 sq ft by the ordinance hinders us from installing a proportionate sign fit for our size building and lot. Lack of signage creates a visibility and awareness issue for our bank. In a saturated financial market, inadequate visibility hinders our possible success acquiring new customers.

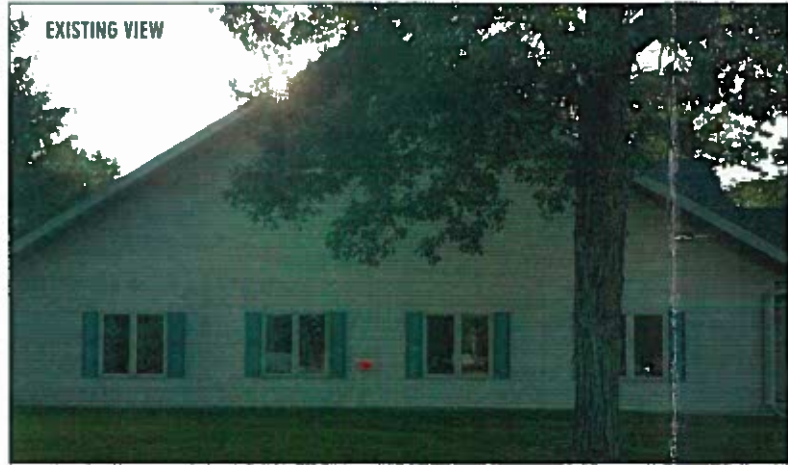
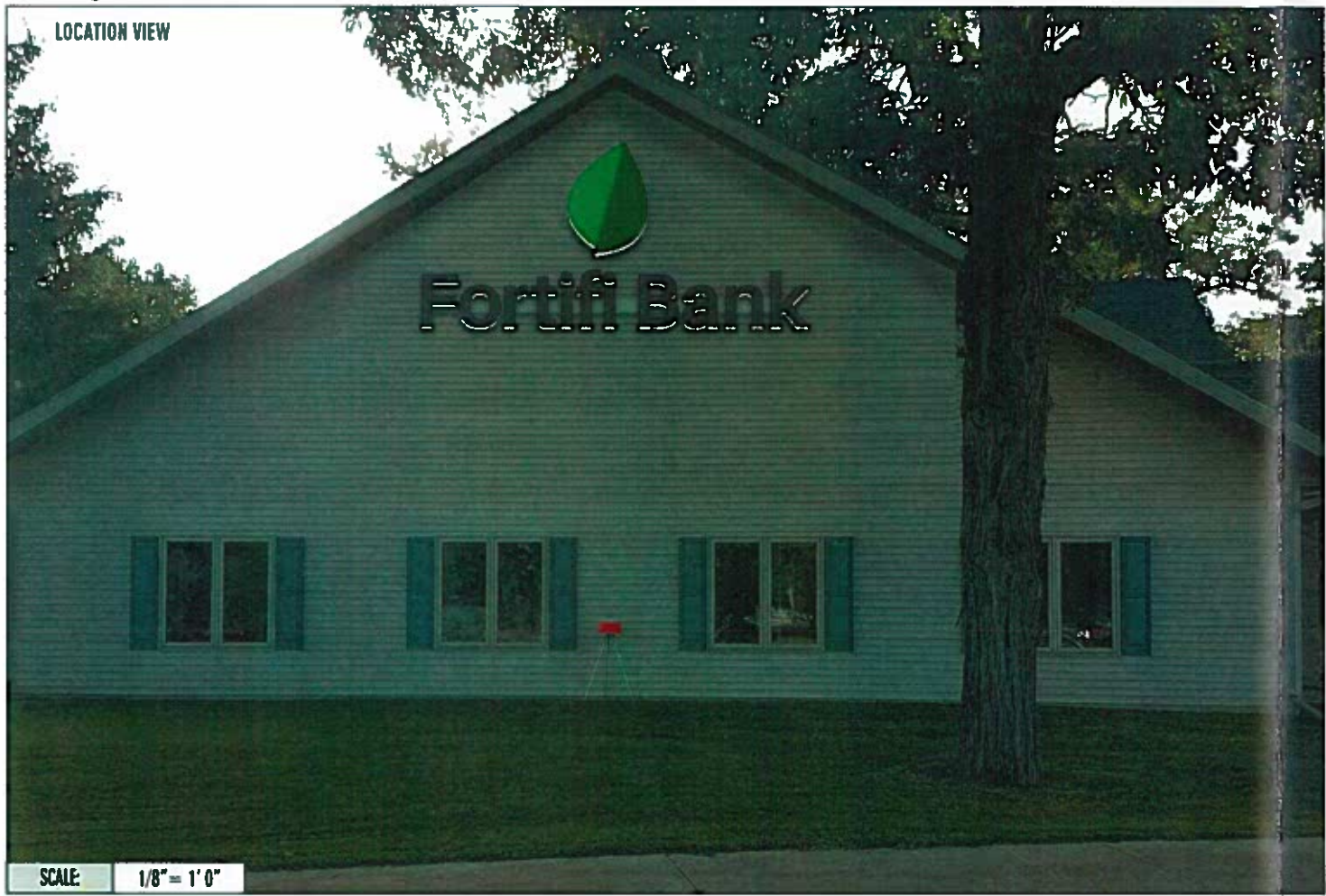
3. Describe unique property feature(s) that create the hardship:

When we chose to develop that property in Green Lake County, we were not aware of the poor sightlines to our bank. Being set down on a hill and on a corner with limited lighting and visibility, our pylon sign is not enough to draw the consumer's eye towards us. Located on a 4-way intersection, the angle of that sign is not visible from every direction. In addition, the preservation of many trees, disguises our business from passerbys. We struggle with multiple complaints about not being able to find our Green Lake branch.

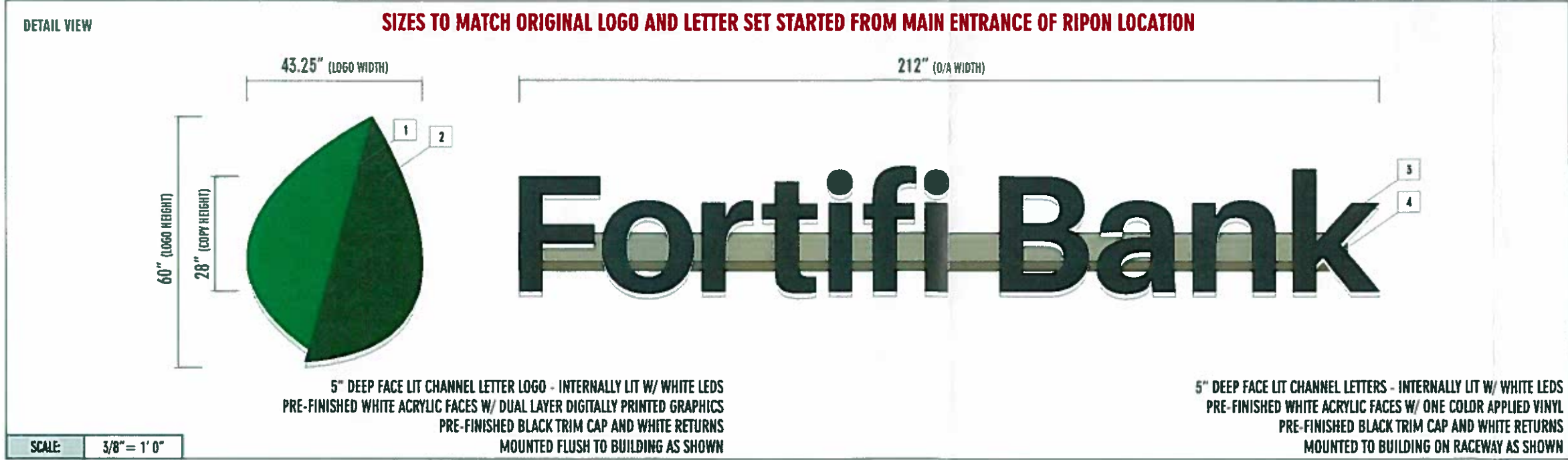
4. Explain why the proposed variance will not harm the public interest:

Our parcel is located within a bussiness district. All surrounding properties conduct busineses and rely on visibility. Noting the medical clinic, gas station, grocery store, and the dollar store all have pylon and buidling signage. We are only requesting such signage that fits with the surrounding businesses and compliments the proportional size of the buidling. Since there are no surrounding residential properties, we do not feel that our proposed signage will interfere with any public interest or cause any harm.

Project 1



CUSTOMER TO TRIM TREE TO MAKE SIGN MORE VISIBLE



2400 Holly Road • Neenah, WI 54956  
Tel: 920.734.1601 • Fax: 920.734.1622  
[www.AppletonSIGN.com](http://www.AppletonSIGN.com)

CLIENT:	FORTIFI
STREET ADDRESS:	N6230 STATE RD 49
CITY / STATE:	GREEN LAKE, WI
SCOPE:	BUILDING SIGNAGE
DATE:	9/5/19
SALES:	MONICA SCHNEIDER
DESIGNER:	MIKE FRASSETTO

**GENERAL SPECIFICATIONS**

VOLTAGE:	
POWER DRAW:	
SQUARE FOOTAGE:	

**COLOR SCHEDULE**

1	PRINT: MATCH PANTONE 363C
2	PRINT: MATCH PANTONE 2266C
3	VINYL: SMOKE DAY NIGHT FILM
4	PAINT: TO MATCH BUILDING - TBD

**REQUIRED ITEMS**

CLEAN ART?	
X FIELD SURVEY?	ANY PRICE ASSOCIATED WITH THIS DESIGN CAN NOT BE GUARANTEED. FINDINGS DURING A FIELD SURVEY MAY IMPACT ESTIMATED TIME/MATERIALS
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MISC. ITEMS?	

**REVISION SCHEDULE**


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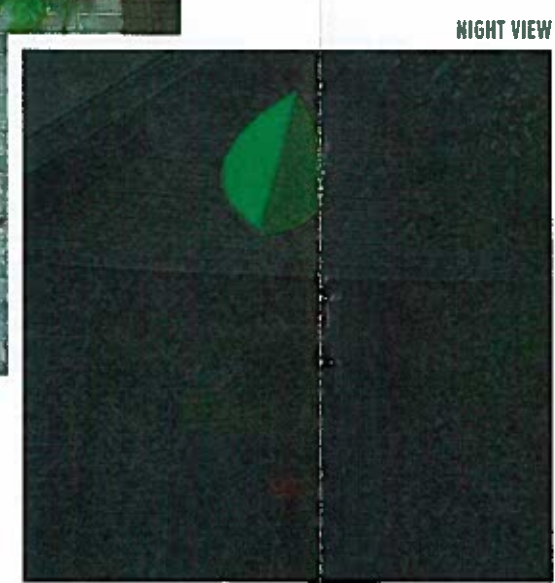
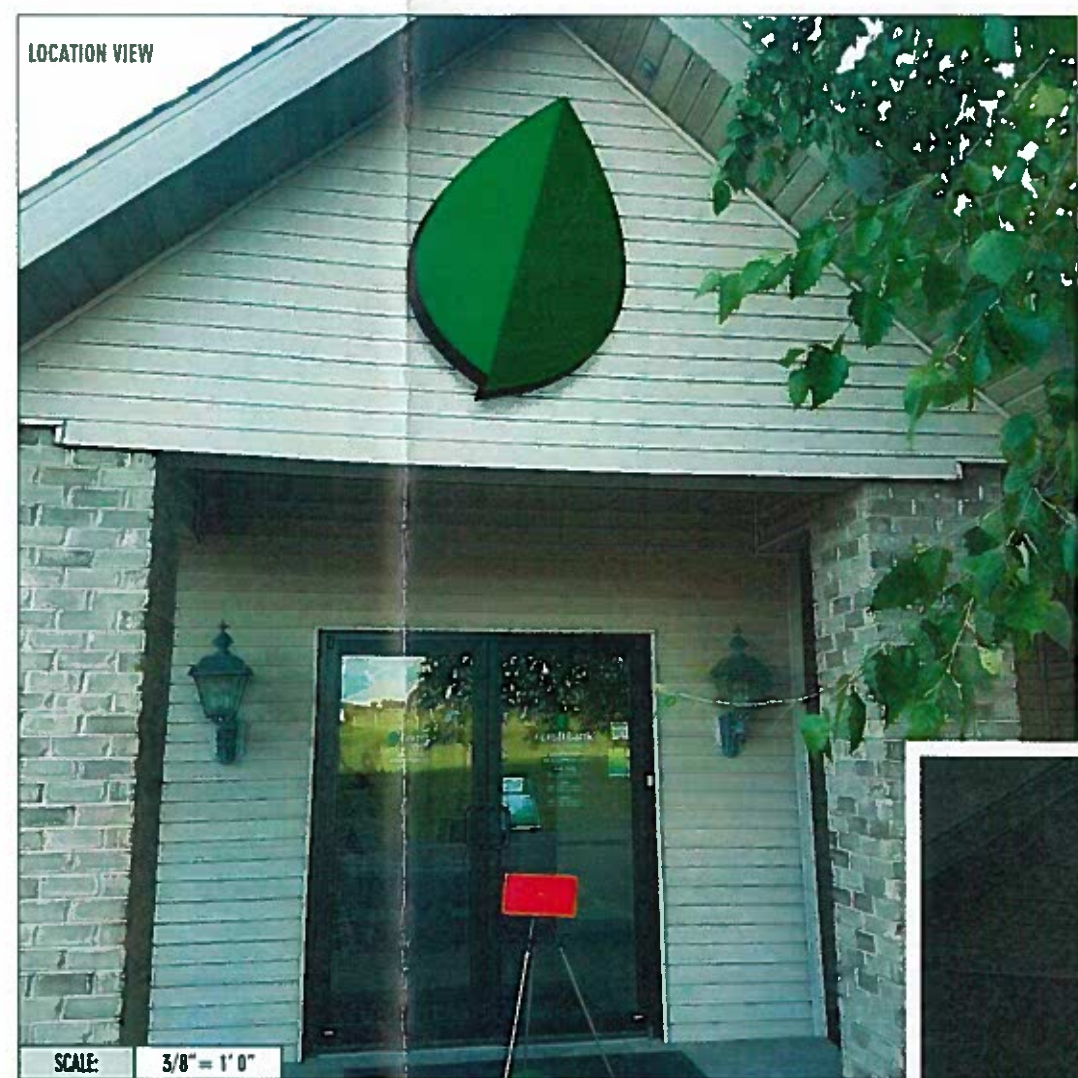
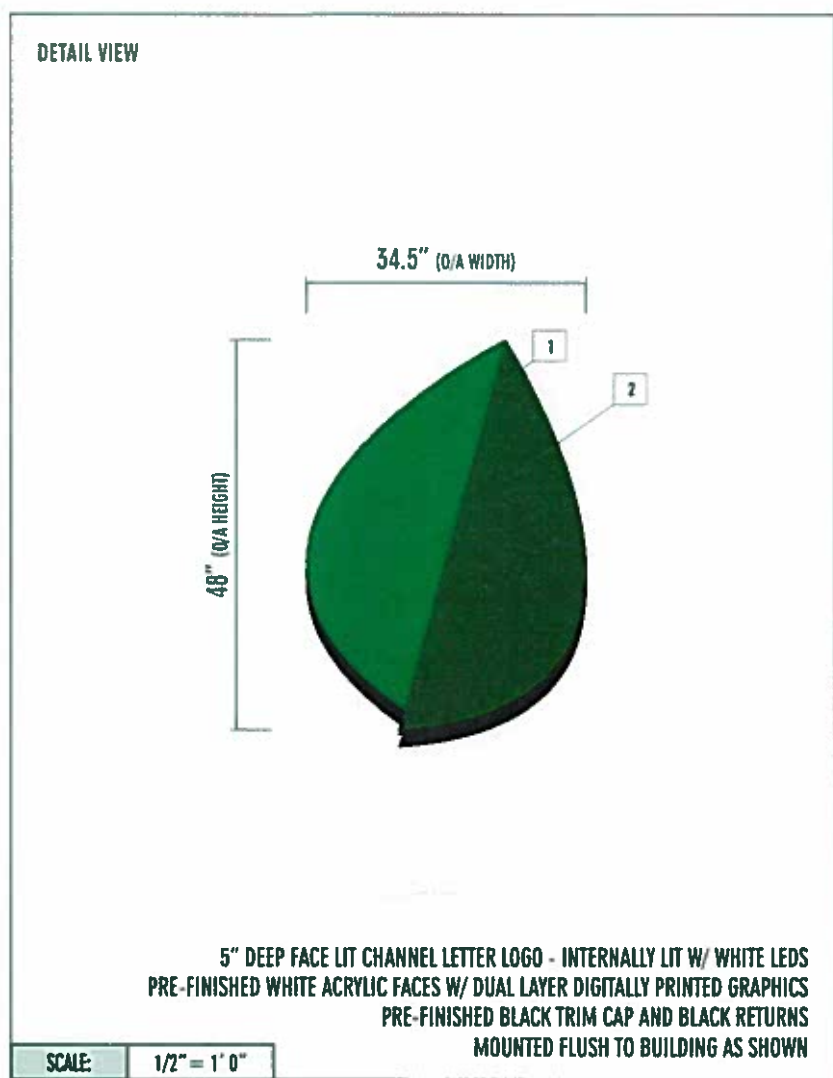
**FABRICATE AND INSTALL ONE(1) LOGO ON FRONT OF BUILDING AND ONE(1) LOGO AND LETTERS SET ON SIDE OF BUILDING**

**OPT. #1 12842 1**

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Project 2



2400 Holly Road • Neenah, WI 54956  
 Tel: 920.734.1601 • Fax: 920.734.1622  
 www.AppletonSIGN.com

CLIENT:	FORTIFI
STREET ADDRESS:	N6230 STATE RD 49
CITY / STATE:	GREEN LAKE, WI
SCOPE:	BUILDING SIGNAGE
DATE:	9/5/19
SALES:	MONICA SCHWEIDER
DESIGNER:	MIKE FRASSETTO

**GENERAL SPECIFICATIONS**

VOLTAGE:	
POWER DRAW:	
SQUARE FOOTAGE:	

**COLOR SCHEDULE**

1	PRINT: MATCH PANTONE 363C
2	PRINT: MATCH PANTONE 2266C

**REQUIRED ITEMS**

CLEAN ART?	
FIELD SURVEY?	
COLORS?	
MISC. ITEMS?	

**REVISION SCHEDULE**

REVISION	DATE

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OPT. #1 12842 2

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**DETAILED DESIGN!  
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# Variance Request

## Green Lake County, WI

### Floodplain Zoning Districts 02-03-2010

MAP NUMBER 55047C0<PANEL>C

- █ Floodway ZONE AE
- █ Flood-Fringe ZONE AE
- █ General Floodplain ZONE A
- areas not A or AE are ZONE X
- Map Panel
- Cross Section
- Flood Water Surface Elevation

### Zoning Districts

- A-1 Farmland Preservation
- A-2 General Agriculture
- C-1 General Commercial
- C-2 Extensive Commercial
- I Industrial
- M-1 Mineral Extraction
- M-2 Sanitary Landfill
- NRC Natural Resource Conservancy
- R-1 Single Family Residence
- R-2 Single Family Mobile Home Residence
- R-3 Multiple Family Residence
- R-4 Rural Residential
- RC Recreation
- AO Adult Orientated Establishment
- UNZ Unzoned
- MUN Municipality
- SPLIT Split Zoning
- PEND Map Update Pending

### Land Use

- Agriculture
- Commercial
- Industrial
- Mixed Use
- Public
- Residential



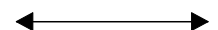
### Base Map

- Parcel
- Address
- City Village Town
- Section
- State Road
- County Road
- City Village Town Road
- Private Road
- Lake River
- River Stream

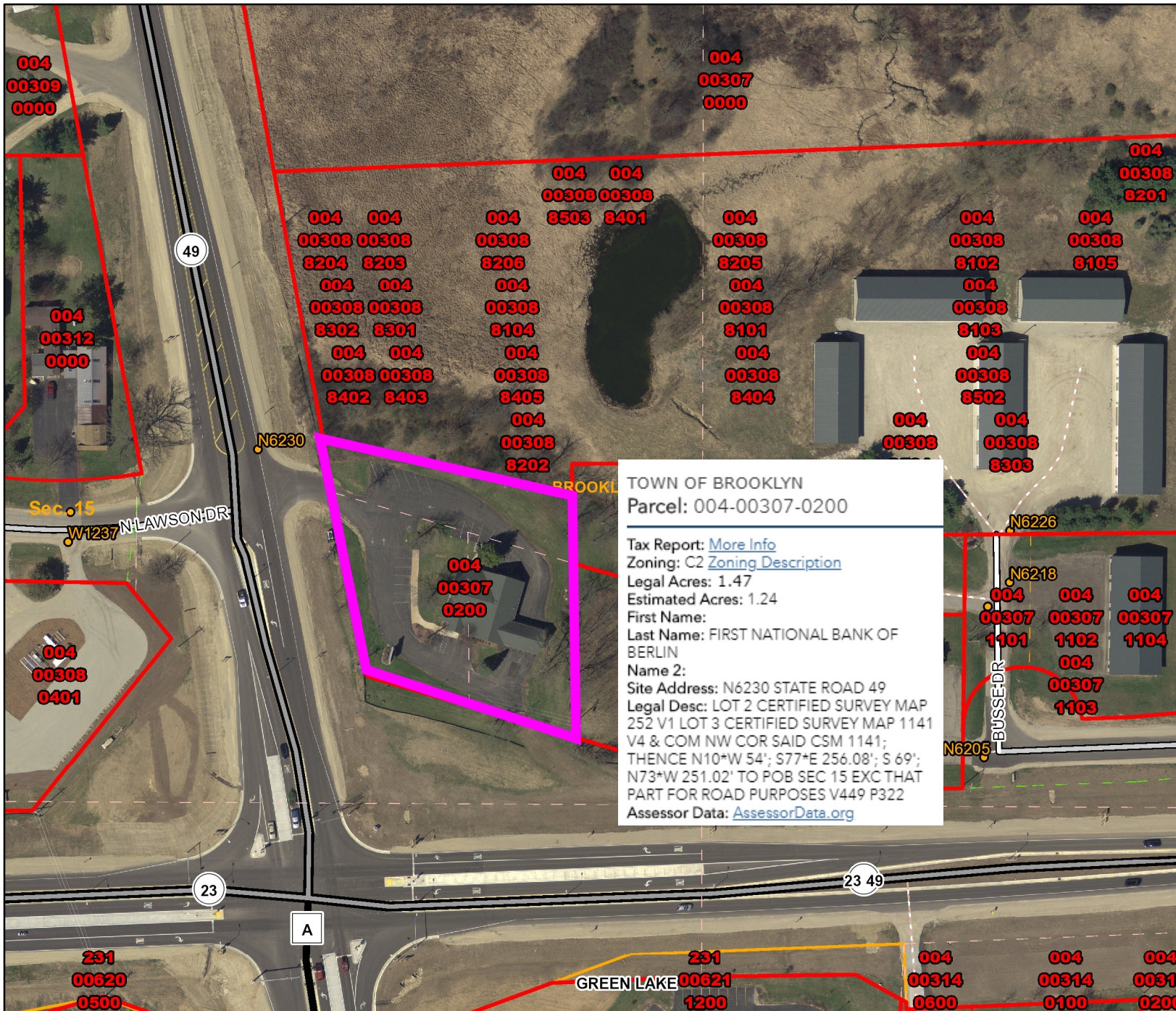
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Date: 2/25/2020

1 inch = 140 feet



Geographic Information System (GIS)  
https://gis.co.green-lake.wi.us/



**TOWN OF BROOKLYN**  
Parcel: 004-00307-0200

Tax Report: [More Info](#)  
Zoning: C2 [Zoning Description](#)  
Legal Acres: 1.47  
Estimated Acres: 1.24  
First Name:  
Last Name: FIRST NATIONAL BANK OF BERLIN  
Name 2:  
Site Address: N6230 STATE ROAD 49  
Legal Desc: LOT 2 CERTIFIED SURVEY MAP 252 V1 LOT 3 CERTIFIED SURVEY MAP 1141 V4 & COM NW COR SAID CSM 1141; THENCE N10°W 54'; S77°E 256.08'; S 69'; N73°W 251.02' TO POB SEC 15 EXC THAT PART FOR ROAD PURPOSES V449 P322  
Assessor Data: [AssessorData.org](#)

Note:

# Variance Request Green Lake County, WI

## Floodplain Zoning Districts 02-03-2010

MAP NUMBER 55047C0<PANEL>C

- █ Floodway ZONE AE
- █ Flood-Fringe ZONE AE
- █ General Floodplain ZONE A
- areas not A or AE are ZONE X
- Map Panel
- Cross Section
- Flood Water Surface Elevation

### Zoning Districts

- A-1 Farmland Preservation
- A-2 General Agriculture
- C-1 General Commercial
- C-2 Extensive Commercial
- I Industrial
- M-1 Mineral Extraction
- M-2 Sanitary Landfill
- NRC Natural Resource Conservancy
- R-1 Single Family Residence
- R-2 Single Family Mobile Home Residence
- R-3 Multiple Family Residence
- R-4 Rural Residential
- RC Recreation
- AO Adult Oriented Establishment
- UNZ Unzoned
- MUN Municipality
- SPLIT Split Zoning
- PEND Map Update Pending

### Land Use

- Agriculture
- Commercial
- Industrial
- Mixed Use
- Public
- Residential

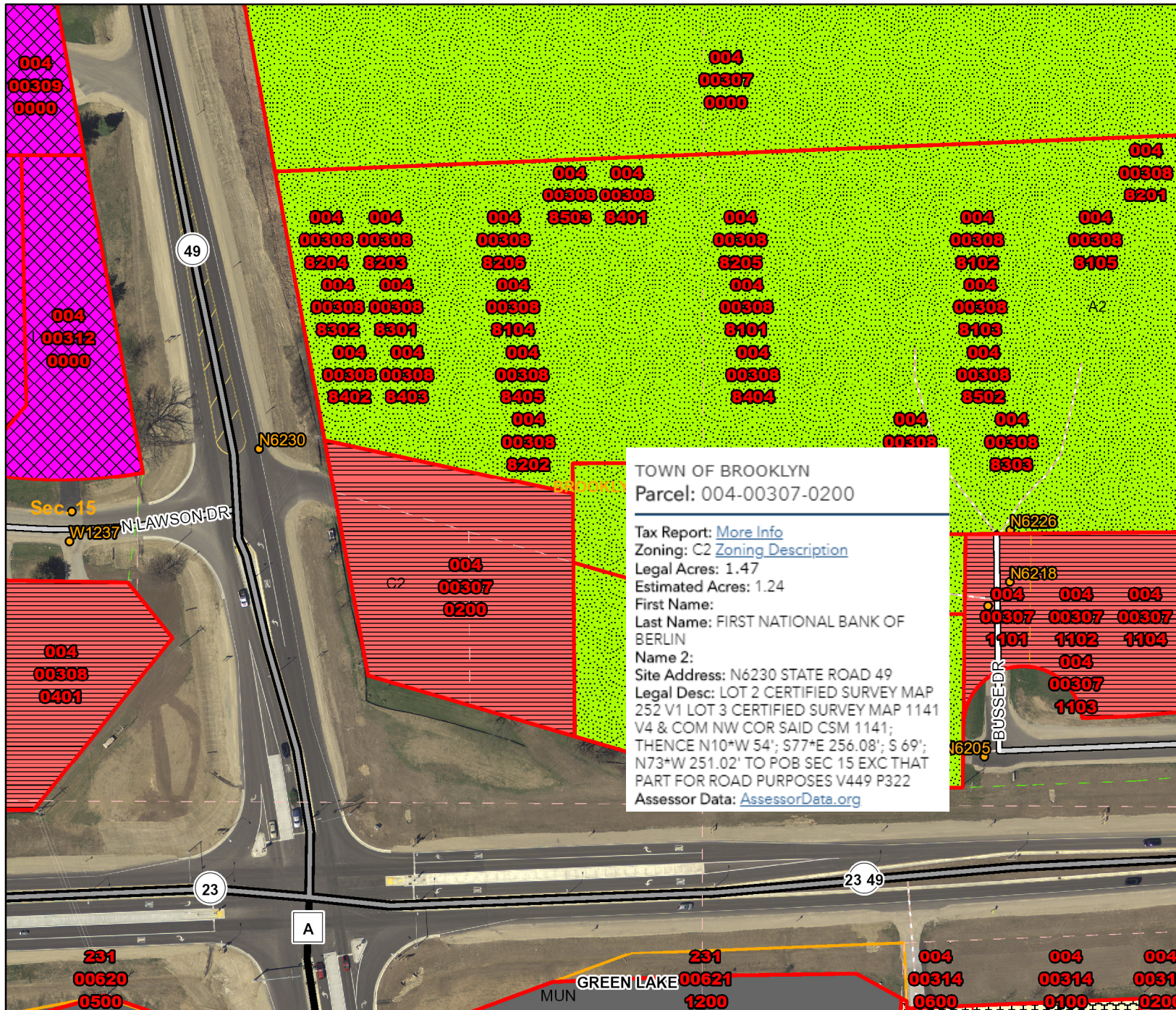


### Base Map

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Time: 11:55:44 AM  
Date: 2/25/2020  
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**TOWN OF BROOKLYN**  
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Note:

**BOARD OF ADJUSTMENT STAFF REPORT**

March 20, 2020

PUBLIC HEARING

**ITEM II: VARIANCE**

**OWNER/APPLICANT:** Scott & Amy Heilman

**APPLICANT:** Scott Heilman

**REQUEST:** The owner is requesting a variance from Section 350-38 E (1) of the Green Lake County Zoning Ordinance, to construct a new detached garage within the street yard setback area.

**PARCEL NUMBER / LOCATION:** Parcel #014-00883-0100 is located in the NW¼ of Section 15, T15N, R12E, Town of Marquette. The property is located at N4045 Grace Street.

**EXISTING ZONING AND USES OF ADJACENT AREA:** The subject site is zoned R-1, Single Family Residence District, with surrounding lands zoned the same. There are A-1, Farmland Preservation district lands to the east of the property. There are no mapped wetlands, no shoreland zoning ordinance jurisdiction, and no floodplain designation on the subject site.

**ADDITIONAL INFORMATION/ANALYSIS:** The owners purchased lots 10 and 11 of Spring Bay View Plat in 2013. In 2018, those two plat lots were combined by Certified Survey Map, which was only undertaken as part of preparations for obtaining a land use permit to build a detached accessory structure. The current lot configuration has three 40ft street yard setbacks as it fronts on three town roads: Grace St, Rex St, and Nancy St. This circumstance is listed as the uniqueness of the property not shared by adjacent properties.

The driveway for the home is located along Grace Street, the driveway for the proposed structure would be along Rex Street, and Nancy Street is where the town road is not centered within the dedicated town road right-of-way. There is one 12ft side lot line setback and no “rear” lot setback, as the ordinance states that in the case of two or more front setbacks, a rear lot is the lot line opposite the shorter of the two front lot lines. This means the north lot line is a side lot line, not a rear.

Zoning ordinance standards indicate that of the ±0.396 acres or 17,244sqft of the property, ±3,443 sqft is code-conforming buildable space to County ordinances, or 19.97% of the lot area. However, a power easement bisects the property along the old shared lot line between plat lots 10 and 11, removing 15ft on either side of that old property line from owners’ buildable area. This deed-recorded easement leaves two 22.84ft x 60ft areas to construct within, each equaling approximately 1,370sqft for a total of 2,740sqft. This space does allow for a building less than 1,500sqft to be constructed, which is permitted by the zoning district, but in a layout currently unacceptable to the owners. Of the owners’ total land area, the numbers come out to 15.89% of the lot being code-conforming and unencumbered by other easements for siting of a new structure.

Case law and statutes direct the Board of Adjustment only to approve requests where there is a demonstrated hardship in following the ordinance, where the hardship must derive from the unique property feature(s), and where no harm to the public interest can be found. The Board of Adjustment (BOA) must deny the variance application if the owners are requesting a variance for personal convenience.

**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 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 standards do minimize the buildable area of the lot, from 75ft lot dimension to 22.86ft buildable per setbacks. While this is substantially smaller, the Board may find that a garage structure may still be constructed within that 22ft dimension. It does not seem unreasonably burdensome to require any owner of this property to adhere to right of way setbacks from public roads.
- ❑ The hardship may appear to be self-created by the current owners as they are seeking a desired design layout as opposed to a design layout that would not require a variance.
- ❑ The circumstances of the applicant do appear to be a factor in that they are claiming the need for a larger garage stems from the desire to store two boats and a towing vehicle within their selected dimensions of a structure. While the lot circumstance with the abutting roadways is unique to this lot, this request seems to be driven by the specific desires of the owners/applicant and not through a common need that any owner of this property would encounter.
- ❑ The property, as a whole, is supposed to be a factor when considering variance applications. The owners have considered the whole of the lot, and no part of the lot allows for construction of the proposed structure without an approved variance.
- ❑ The owners are not claiming an economic/financial hardship in their application.

**2) Unique Property Limitations**

- ❑ The applicants identify the unique property feature of the three abutting roadways, which is not shared by any parcels in this neighborhood. Few parcels throughout the county share the same set of encumbrances as presented in this request.
- ❑ This parcel shares road right-of-way setback requirements with all homes in the plat, but presents as the only lot with three right-of-way setbacks.



- ❑ No alternative designs have been submitted to this department for consideration. As stated earlier, a code-complaint design (22.84' x 60f) could be permitted without a variance. Alternative locations have been reviewed; based on the setbacks no building with the proposed footprint may be permitted on the property. There is no alternate location to place the proposed structure without a variance or changing of proposed footprint size.

### 3) Harm to Public Interest

- ❑ A general intent of the Zoning Ordinance is to regulate the location and size of structures within the County, as well as to promote the safety and efficiency of the streets and highways (§350-4.A.). When on-site, with no knowledge of the extents of the Town's road right-of-way, the subject site appears to have sufficient space to construct the desired accessory structure. When these extents are identified, it is easy to see that the Town road was constructed with its centerline 25 feet south of the center of the right-of-way, creating this perception. Although the Town may have no immediate or even future plans of relocating Nancy Street to the center of the road right-of-way, the possibility certainly exists. If that road relocation were to occur, the accessory structure that would be constructed with this variance would be significantly closer to the road than currently proposed.
- ❑ 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:

- 1.
- 2.

VARIANCE APPLICATION – GREEN LAKE COUNTY

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

Date Received: 1/28/2020

Fee Received: \$375.00

Scott Heilman
Owner Name

Scott Heilman
Applicant Name

Scott Heilman 1/26/2020
Owner Signature Date

Scott Heilman 1/26/2020
Applicant Signature Date

2212 Sauber Ave.
Mailing Address

2212 Sauber Ave.
Mailing Address

Rockford IL 61103
City State Zip

Rockford IL 61103
City State Zip

N/A (815) 566-9952
Home Phone Work/Cell Phone

N/A (815) 566-9952
Home Phone Work/Cell Phone

sheilman@sbcglobal.net
Email address

sheilman@sbcglobal.net
Email address

Site Address N4045 Grace St Markesan

Tax Parcel ID # 014 - 00883 - 0100

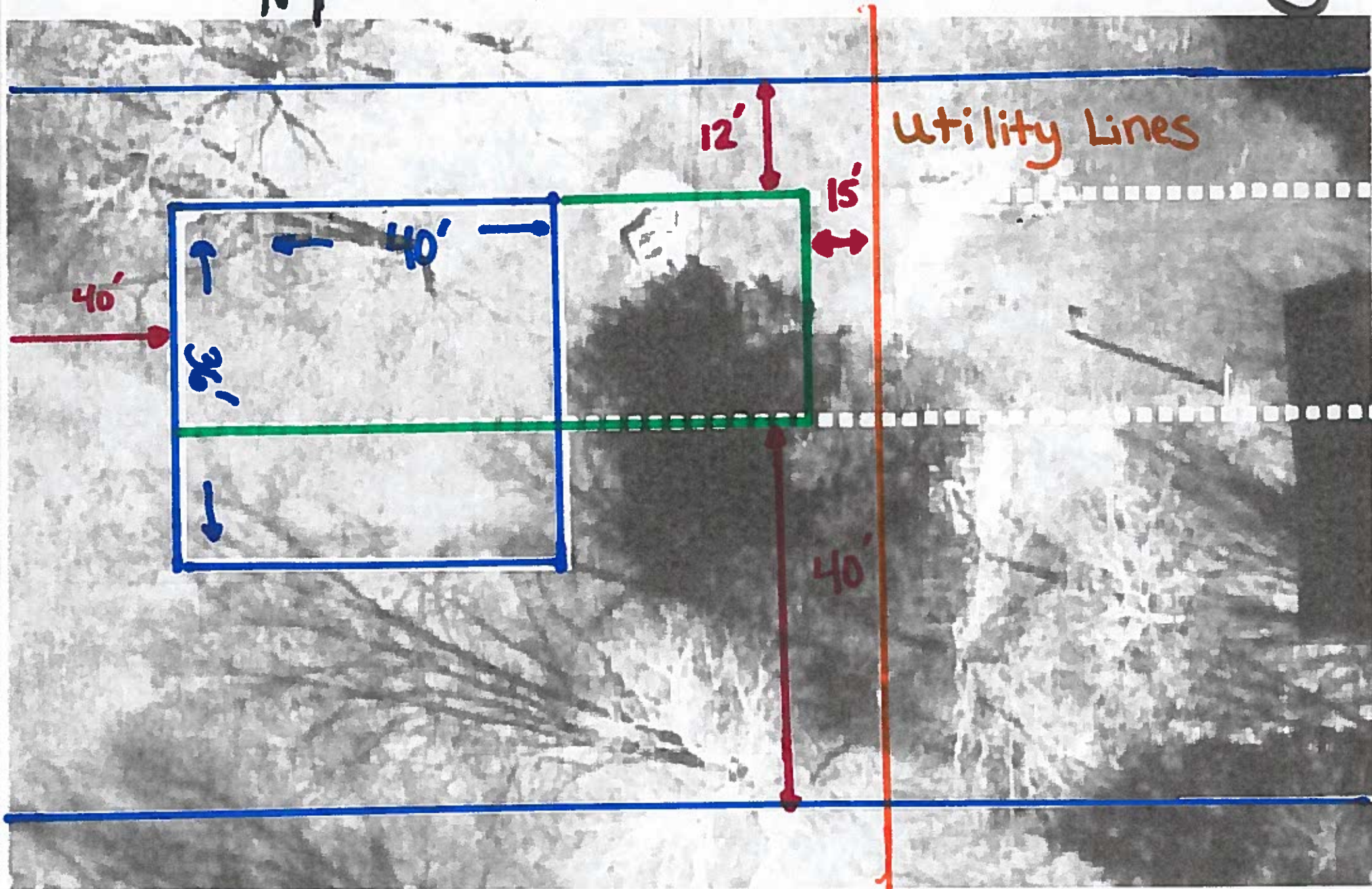
NW 1/4, NW 1/4, Section 15, T 15 N, R 12 E
Lot 1 Block Subdivision/Plat
CSM # 3658 Town of Marquette

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.

1. My proposed plan is to build a 36' x 40' garage. The proposed use is to house a pontoon, a fishing boat and a tow vehicle. My intention for this property is to ultimately retire here. The planned location of the structure extends beyond the approved zoning parameters. The North-South dimension of 36ft will extend 13.2ft into the 40ft setback off of Nancy St. (refer to diagram on page 1)
2. By definition the property has one front and three sides with no defined rear of property. (a Rear set back is zoned at 25ft) The property is encompassed by three streets (Grace, Nancy, and Rex) each with a 40ft setback. (refer to diagram on page 3)
3. The said property is .3959 acres (74.84ft x 230.35ft) The total applied setback on the North-South plain is 52ft of the total area of 75ft. This deems 69.5% of the area unbuildable. (refer to diagram on page 2)
4. With the accepted variance the distance from the structure to Nancy St is 66ft. The distance from the structure to Rex St. would be 62ft. (refer to diagram on page 4) This ensures safe driving visibility from both streets and the corner.



N ↑



Utility Lines

40'

36'

40'

12'

15'

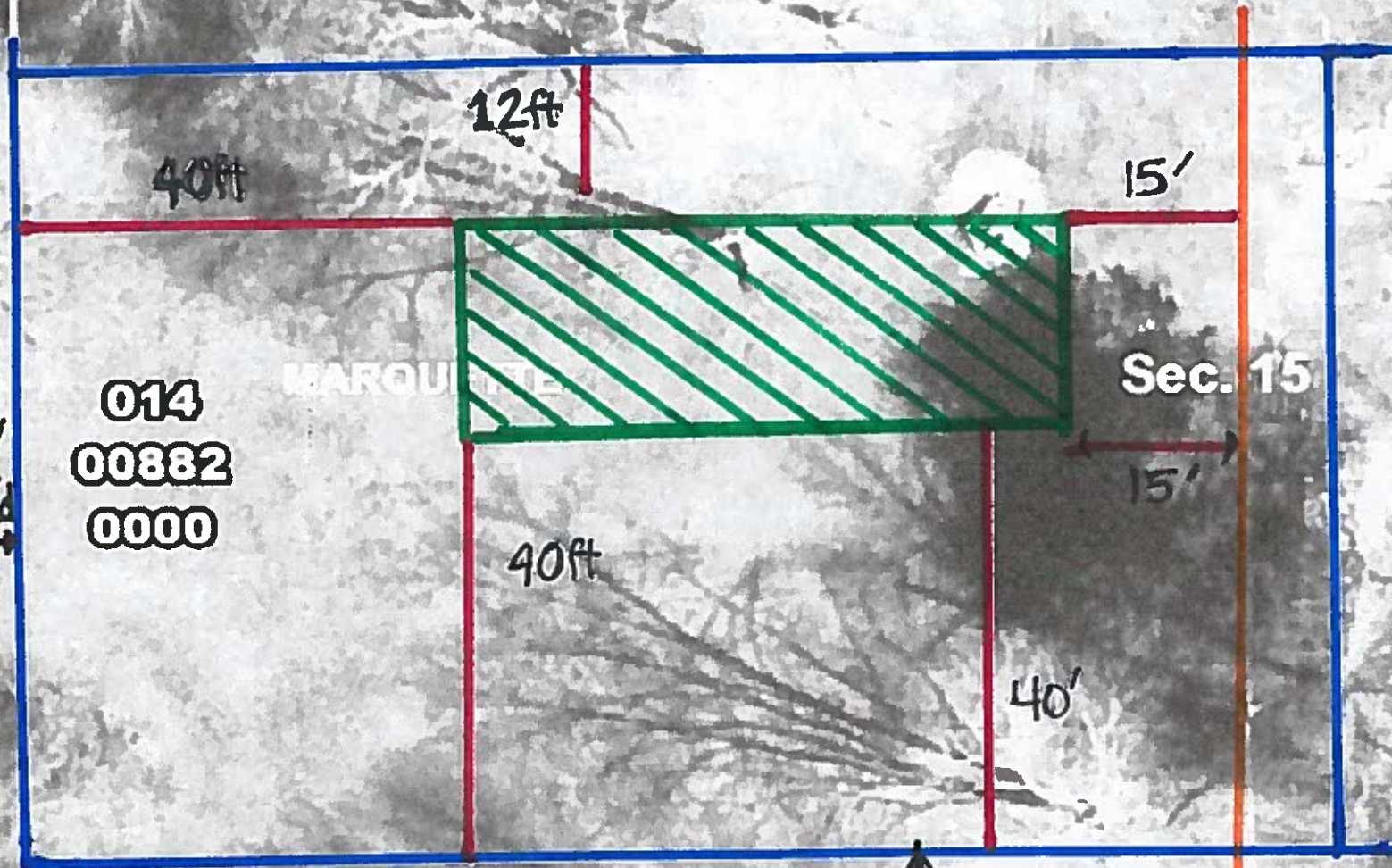
40'

Nancy Street

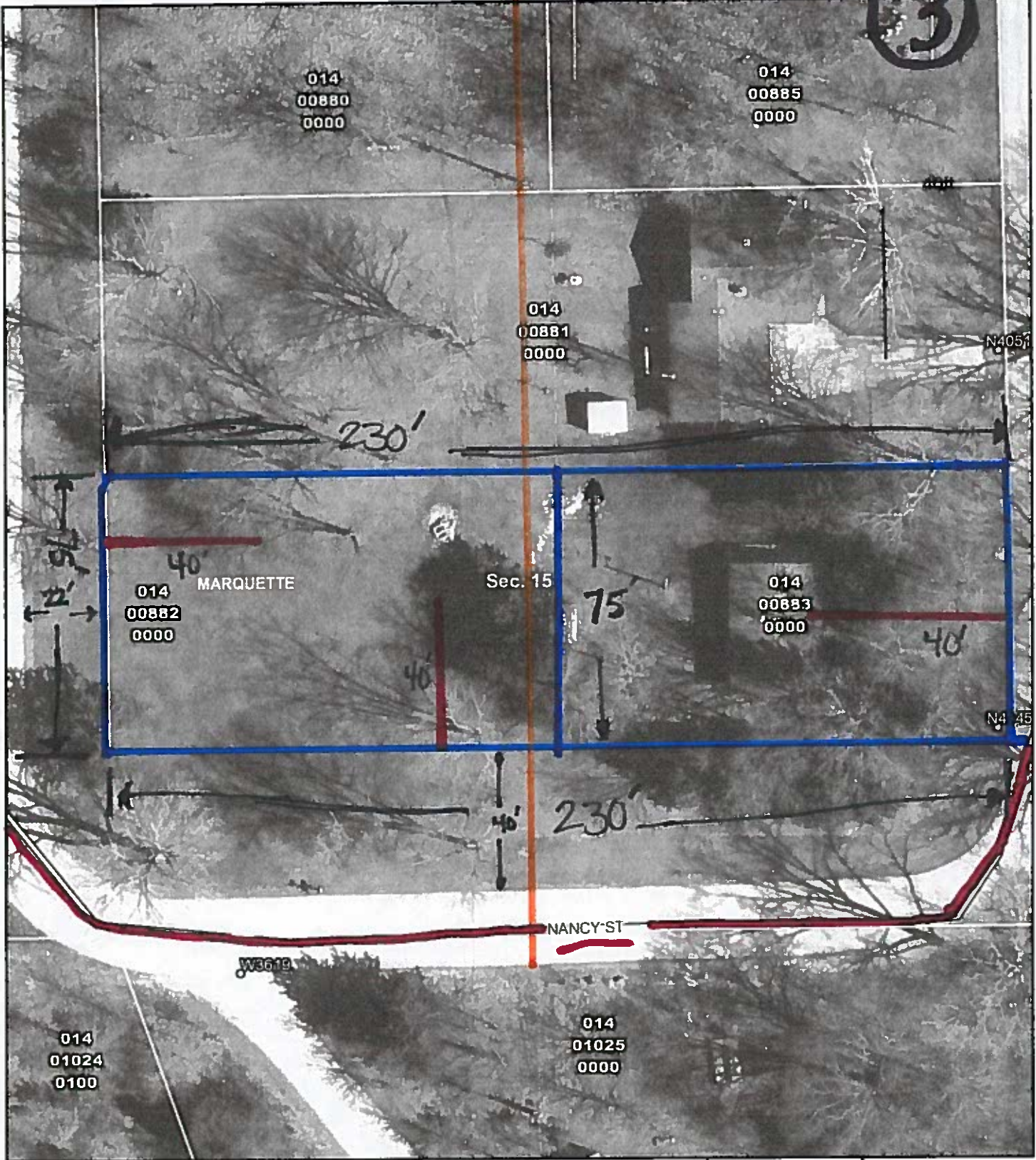
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3



1 inch = 37 feet

Geographic Information System (GIS)  
<https://gis.co.green-lake.wi.us/>

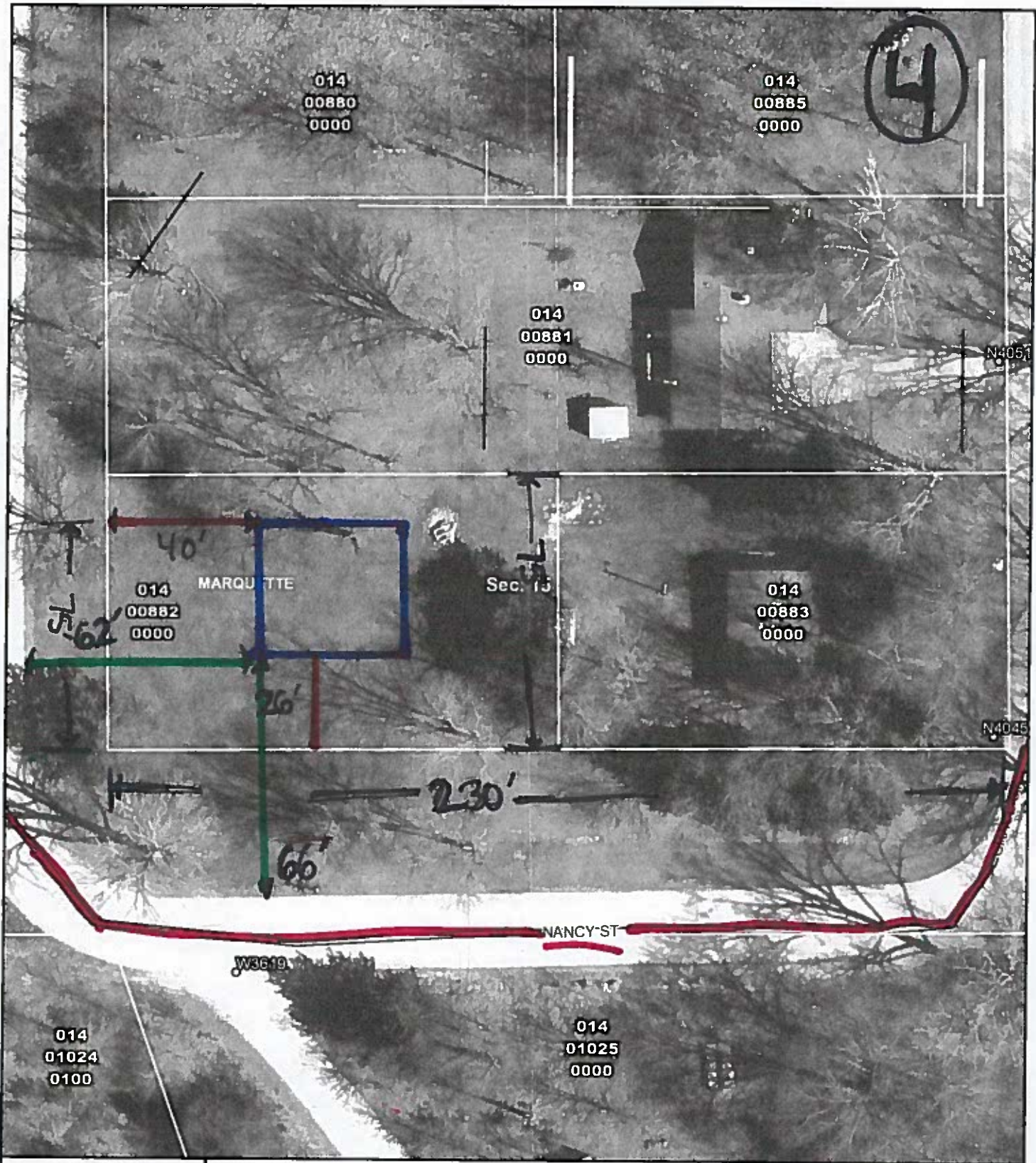
**GIS Viewer Map**  
 Green Lake County, WI

Note:

Time: 3:23:20 PM  
 Date: 6/16/2017

White is your legally buildable area. Green are street-yard setback  
 Black are distances from current road edges to your lot lines, r  
 Grey is side-yard setback distance. Pink is distance from north  
 house deck to north lot line w/neighbor. W E

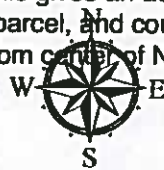


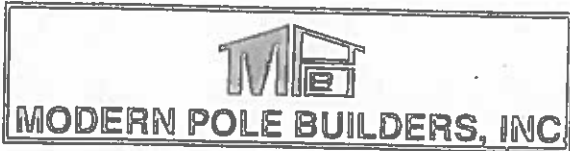


Green Lake County  
  
 1 inch = 37 feet  
  
 Geographic Information System (GIS)  
<https://gis.co.green-lake.wi.us/>

**GIS Viewer Map** The black would be one way to ask the Board of Adjustment to gra  
 Green Lake County and 183ft from centerline road. Old 60' 20' way This gives an additional 1'  
 blue to pink) of buildable area (white) to your parcel, and could be arg  
 not harm the public interest as the setbacks from center of Nancy St (E  
 are still being met.

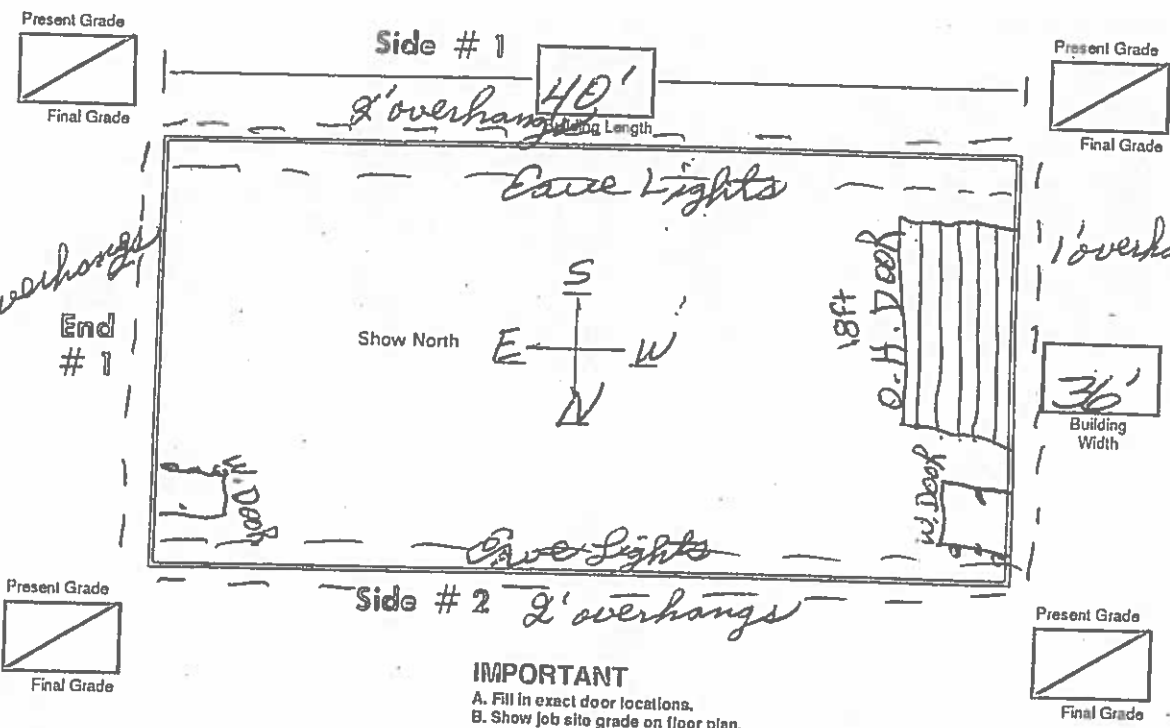
Note:

Board of Adjustment to gra  
 This gives an additional 1'  




DATE 1-9-2020  
 PROSPECT Scott Heilman  
 PHON [REDACTED]  
 TIME TO CALL anytime  
 CITY Markleson STATE WI  
 DIRECTIONS 53946  
N4045 Grace St.

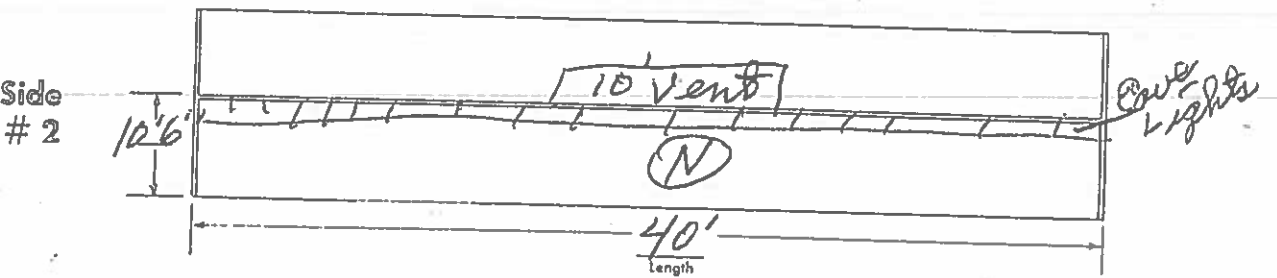
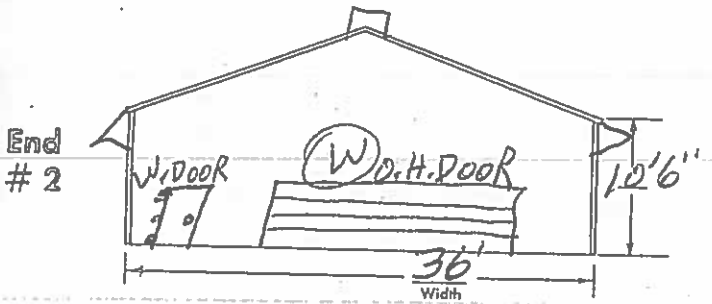
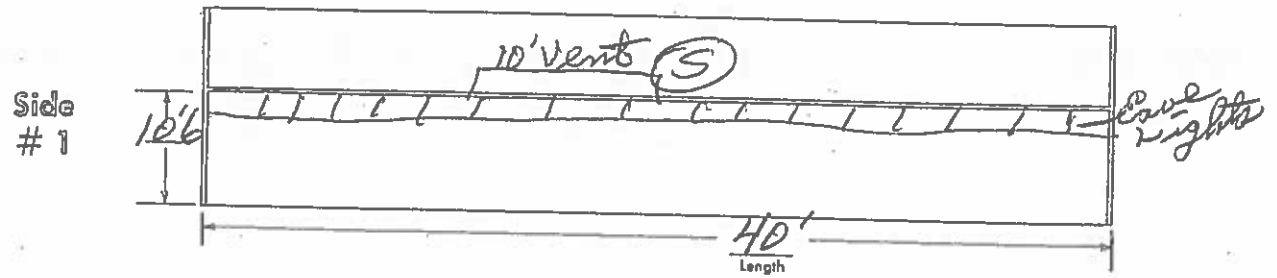
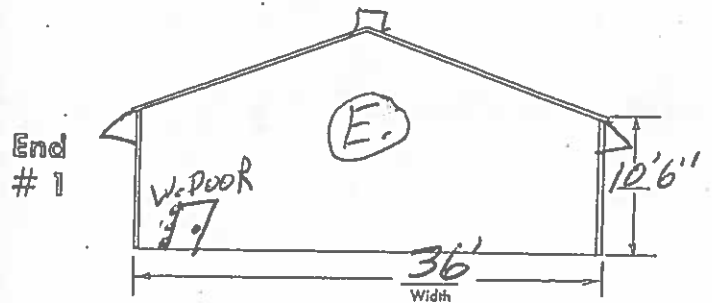
REMARKS Contact M.P. B. person  
Jerry Huser  
[REDACTED]



**FINISH FILL**

<input type="checkbox"/>	SAND
<input type="checkbox"/>	GRAVEL
<input type="checkbox"/>	CLAY
<input type="checkbox"/>	STONE

**IMPORTANT**  
 A. Fill in exact door locations.  
 B. Show job site grade on floor plan.  
 C. Submit this form with each building order.  
 D. Indicate Directions.  
 E. Indicate Building Overhang with dashed line (- -).



WALL: NEW   
 EXISTING   
 POURED   
 BLOCK   
 FOOTING: SPREAD   
 POST & BEAM

**IMPORTANT**  
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 C. Submit this form with each building order.  
 D. Indicate direction.  
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# Variance Request

## Green Lake County, WI

### Floodplain Zoning Districts 02-03-2010

MAP NUMBER 55047C0<PANEL>C

- Floodway ZONE AE
- Flood-Fringe ZONE AE
- General Floodplain ZONE A
- areas not A or AE are ZONE X
- Map Panel
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- Flood Water Surface Elevation

### Zoning Districts

- A-1 Farmland Preservation
- A-2 General Agriculture
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Time: 11:38:26 AM

Date: 2/25/2020

1 inch = 70 feet



Geographic Information System (GIS)  
https://gis.co.green-lake.wi.us/



**TOWN OF MARQUETTE**  
Parcel: 014-00883-0100

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Tax Report: [More Info](#)  
Zoning: R1 [Zoning Description](#)  
Legal Acres: 0.40  
Estimated Acres: 0.39  
First Name: SCOTT M  
Last Name: HEILMAN  
Name 2: AMY M BLISS  
Site Address: N4045 GRACE ST  
Legal Desc: LOT 1 CERTIFIED SURVEY MAP 3658  
Assessor Data: [AssessorData.org](#)







Note:

# Variance Request



















## Green Lake County, WI

Floodplain Zoning Districts  
02-03-2010

MAP NUMBER 55047C0<PANEL>C

-  Floodway ZONE AE
-  Flood-Fringe ZONE AE
-  General Floodplain ZONE A
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-  Flood Water Surface Elevation

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-  A-2 General Agriculture
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-  C-2 Extensive Commercial
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-  M-1 Mineral Extraction
-  M-2 Sanitary Landfill
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-  Industrial
-  Mixed Use
-  Public
-  Residential



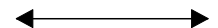
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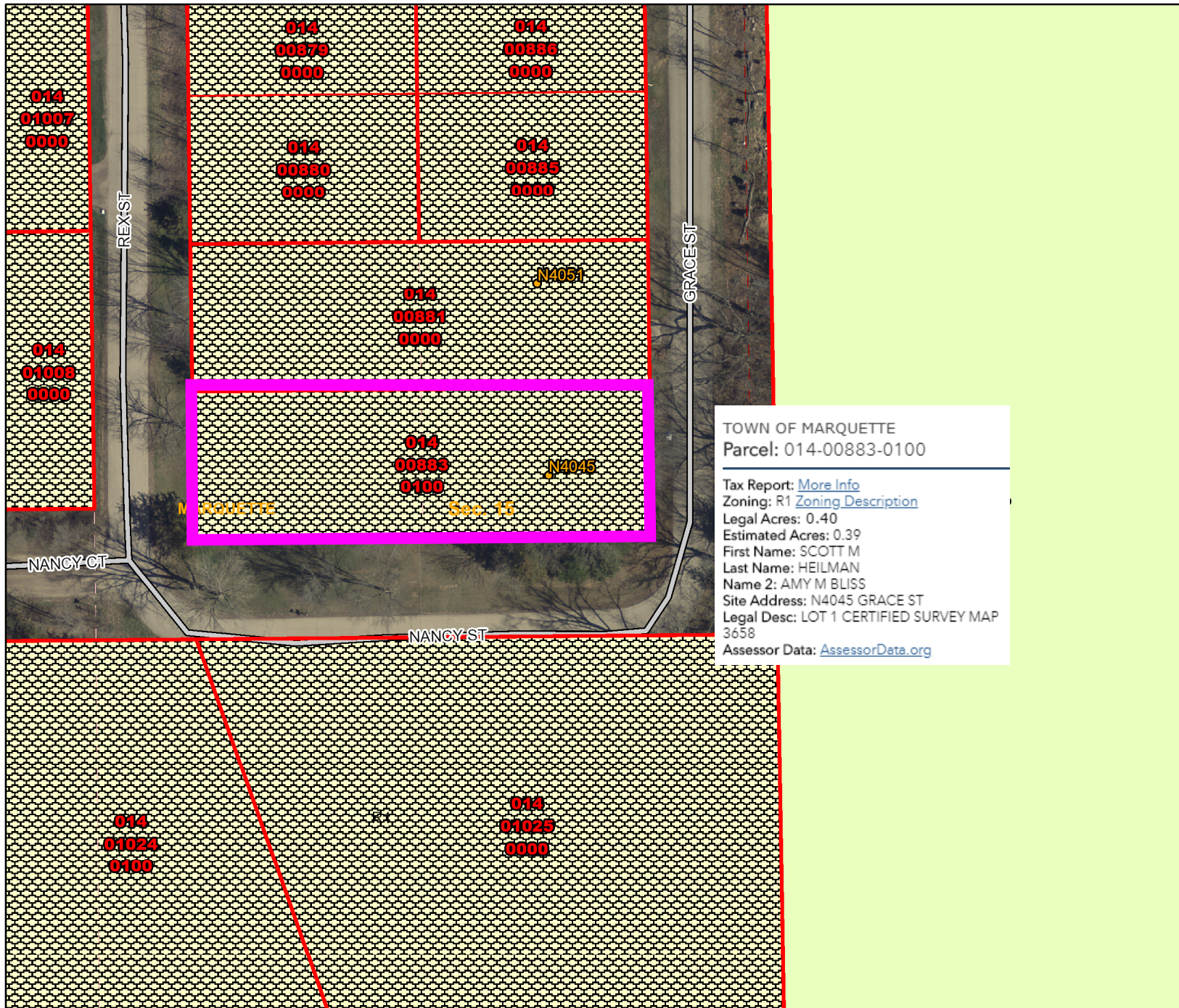
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Date: 2/25/2020

1 inch = 70 feet



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TOWN OF MARQUETTE  
Parcel: 014-00883-0100

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 Estimated Acres: 0.39  
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 Last Name: HEILMAN  
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 Legal Desc: LOT 1 CERTIFIED SURVEY MAP 3658  
 Assessor Data: [AssessorData.org](#)

Note: