



GREEN LAKE COUNTY

571 County Road A, Green Lake, WI 54941

The following documents are included in the packet for the *Green Lake County Board of Adjustment* business meeting/public hearing that is scheduled for **Friday, August 21, 2020**. The business meeting begins at 9:00 a.m. The public hearing will begin at 10:30 a.m.

Packet Pages:

1-2 Agenda

3-4 Minutes (July)

5 Public Hearing Notice

6-15 Item I: Owners/Applicant: Edwin Troyer **Site Description:** W5080 County Road KK, parcel # 014-00516-0000, located in SW-SE, Sect. 36, T15N, R11E, ±40 acres, Town of Marquette **Request:** Variance to construct two buildings with 4 foot street yard setbacks whereas a 40 foot street yard setback is required.

16-24 Item II: Owners: Williams Living Trust **Applicant:** Jane Williams **Site Description:** N3062 N. Kearley Road, parcel # 006-01702-0000, located NE-SE, Sect. 30, T15N, R13E being Lot 5 of Block 2 of Eric's Plat, Town of Green Lake **Request:** Variance to construct a tram and landing platform with a 7 foot 6 inch side yard setback whereas a 12 foot side 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

Board of Adjustment Meeting Notice	
<p>Date: August 21, 2020 Time: 9:00 AM</p> <p>Green Lake County Government Center, Room #0902 571 County Road A, Green Lake, WI 54941</p>	
<u>AGENDA</u>	
<p><i>Board of Adjustment Members:</i></p> <p><i>Janice Hardesty</i> <i>Board Chair</i></p> <p><i>Ron Triemstra</i> <i>Board Vice Chair</i></p> <p><i>Michael Lehner</i> <i>Alternate</i></p> <p><i>Rick Dornfeld</i> <i>Alternate</i></p> <p><i>Sue Kiener,</i> <i>Secretary</i></p>	<ol style="list-style-type: none"> 1. Call to order 2. Roll call 3. Pledge of Allegiance 4. Certification of open meeting law 5. Approve 07/17/20 minutes 6. Election of Chair & Vice Chair 7. Recess for field inspection <p><u>Public hearing matters will not begin before 10:15 a.m.</u></p> <ol style="list-style-type: none"> 8. Public hearing matters <p>Item I: Owners/Applicant: Edwin Troyer Site Description: W5080 County Road KK, parcel # 014-00516-0000, located in SW-SE, Sect. 36, T15N, R11E, ±40 acres, Town of Marquette Request: Variance to construct two buildings with 4 foot street yard setbacks whereas a 40 foot street yard setback is required.</p> <ol style="list-style-type: none"> a. Public Hearing b. Board Discussion & Deliberation c. Board Decision <p>Item II: Owners: Williams Living Trust Applicant: Jane Williams Site Description: N3062 N. Kearley Road, parcel # 006-01702-0000, located NE-SE, Sect. 30, T15N, R13E being Lot 5 of Block 2 of Eric's Plat, Town of Green Lake Request: Variance to construct a tram and landing platform with a 7 foot 6 inch side yard setback whereas a 12 foot side yard setback is required.</p> <ol style="list-style-type: none"> a. Public Hearing b. Board Discussion & Deliberation c. Board Decision <ol style="list-style-type: none"> 9. Adjourn
	<p>Please Note: Meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or audio assistance should contact Sue Kiener at 920-294-4156 the day before <i>the meeting no later than noon.</i></p>
Page 1 of 2	



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

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

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

AGENDA

If you care to join via Zoom please follow these instructions:

Join Zoom Meeting click on link:

<https://zoom.us/j/91115605990?pwd=YzdOVDZoaFh6aWg3Z1djVG1YdjAwQT09>

Or Dial 1-301-715-8592 US

Meeting ID: 911 1560 5990

Passcode: 973158

Please Note: Meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or audio assistance should contact Sue Kiener at 920-294-4156 the day before *the meeting no later than noon.*

BOARD OF ADJUSTMENT
July 17, 2020

The meeting of the Green Lake County Board of Adjustment was called to order by Chair Janice Hardesty on Friday, July 17, 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
Ron Triemstra
Mike Lehner

Absent:

Other County employees present:

Matt Kirkman, P&Z Director
Aaron Ogle, P&Z employee
Sue Kiener, Secretary

AGENDA

Motion/second (Triemstra/Lehner) to approve the Agenda as presented.

MINUTES

Motion/second (Lehner/Hardesty) to approve the minutes of February 21, 2020 with no additions or corrections. Motion carried with no negative vote.

RECESS FOR FIELD INSPECTION

Motion/second (Lehner/Hardesty) to recess for field inspection at 9:03 AM. Motion carried with no negative vote.

PUBLIC HEARING – 10:30 AM

Board of Adjustment reconvened at 10:30 AM for the Public Hearing.
Chair Hardesty read the rules for the Public Hearing.

- **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.**
P&Z Director Matt Kirkman read the request for a variance for additional signage for the Fortifi business. Loni Meiborg explained the need for additional signage. No one spoke in opposition. No one spoke in favor. Testimony closed: ***Motion/Second (Treimstra/Lehner)*** Motion for approval: ***Motion/Second (Lehner/Hardesty)***. Treimstra stated this was worthy of consideration as his vehicle was stopped at the stop and go lights and he did not see any signage as he was parallel to the sign. Lehner stated ordinance does not deal with corner lots, and there were customers that complained about not seeing signs and feels unnecessary hardship has been met, has unique property limitations, and not having signage there could be harmful to the public interest. Hardesty concurs. Kirkman stated the way the ordinance was structured was

to deal with traditional lots, and this is a situation. Roll call vote to pass variance: Lehner: yea, Hardesty: yea, Triemstra: yea. Motion passed.

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 NW¼ of Section 15, T15N, R12E, Town of Marquette.

P&Z Director Matt Kirkman read the request for a variance to construct an accessory building with a street yard setback of 26 feet, whereas a 40-foot street yard setback is required. Triemstra noted the side yard setback would have a 10-foot setback and not a 12-foot setback as originally told. Heilman stated his intention was to build a garage on the property and feels the space that is buildable is not going to be large enough for his intentions. No one spoke in opposition. No one spoke in favor. Testimony of public hearing closed: *Motion/Second (Triemstra/Lehner) Moved to discuss variance approval: all in favor, none opposed.* For the purpose of discussion, Triemstra moves that the variance petition be granted, Lehner second. Hardesty says it is not harmful to the public, it is a self-created hardship. Triemstra said the building could be reconfigured to 24' x 60' and get the same square footage as the size proposed. Lehner said the property is unique, there is no harm to the public, but unnecessary hardship does not apply. Roll call vote to pass variance: Lehner: nay, Hardesty: nay, Triemstra: nay. Motion denied.

ADJOURNMENT

Motion/Second (Triemsta/Lehner) to adjourn.

Chair Hardesty adjourned the Board of Adjustment meeting at 11:10 AM.

Submitted by,

Sue Kiener, Secretary

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, August 21, 2020, at 9:00 a.m.*** The meeting will adjourn for site inspection of the following item:

Item I: Owners/Applicant: Edwin Troyer **Site Description:** W5080 County Road KK, parcel # 014-00516-0000, located in SW-SE, Sect. 36, T15N, R11E, ±40 acres, Town of Marquette **Request:** Variance to construct two buildings with 4 foot street yard setbacks whereas a 40 foot street yard setback is required.

Item II: Owners: Williams Living Trust **Applicant:** Jane Williams **Site Description:** N3062 N. Kearley Road, parcel # 006-01702-0000, located NE-SE, Sect. 30, T15N, R13E being Lot 5 of Block 2 of Eric's Plat, Town of Green Lake **Request:** Variance to construct a tram and landing platform with a 7 foot 6 inch side yard setback whereas a 12 foot side yard setback is required.

The Board of Adjustment will reconvene at approximately **10:15 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: August 6, 2020

BOARD OF ADJUSTMENT STAFF REPORT

August 21, 2020

PUBLIC HEARING

ITEM I: VARIANCE

OWNERS: Edwin & Susan Troyer

Applicant: Edwin Troyer

REQUEST: The owners/applicant are requesting a variance from Sections 350-50 of the Zoning Ordinance to locate two buildings within 4 feet of the road right-of-way whereas a 40 foot street yard setback is required.

PARCEL NUMBER / LOCATION: Parcel #014-00516-0000, is located in the SW¼ of Section 36, T15N, R11E, Town of Marquette. Property is located at W5080 County Road KK.

EXISTING ZONING AND USES OF ADJACENT AREA: The subject site is currently zoned A-1, Farmland Preservation District and used agriculturally as a farm. The surrounding properties are mostly zoned A-1 and used accordingly. Immediately across Nicolet Road to the west are three small lots zoned R-2, Single-family Mobile Home Residence District. All three seem to be used residentially.

ADDITIONAL INFORMATION / ANALYSIS: According to the variance application, the owner is proposing to locate two agricultural buildings within 4 feet of the Town Road right-of-way. The application describes the reason for the variance request to be due to a downhill slope. Essentially, if the applicant were to have to meet the required 40 foot setback, the buildings would have to be constructed further to the east and down the hill. The applicant stated that the result would be that there would be more excavation to prepare the site. The applicant understands that the BOA has the authority to deny, grant or grant a lesser variance that he has requested.

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**

- ❑ Compliance with the standards does not appear to be unreasonably burdensome.
- ❑ There is no hardship associated with having to prepare a more extensive construction site, if required, in an area that has less than 4% slopes.
- ❑ The circumstances of the applicants do appear to be a factor.
- ❑ It is obvious that code-compliant locations are available on this 40 acre parcel. It is the applicant's duty to prove to the BOA that there is no code-compliant location on the 40 acre parcel. The application falls short in making that case.
- ❑ It does seem the application is stating that construction further away from the road would cost more time and effort which usually are economic concerns.

2) Unique Property Limitations

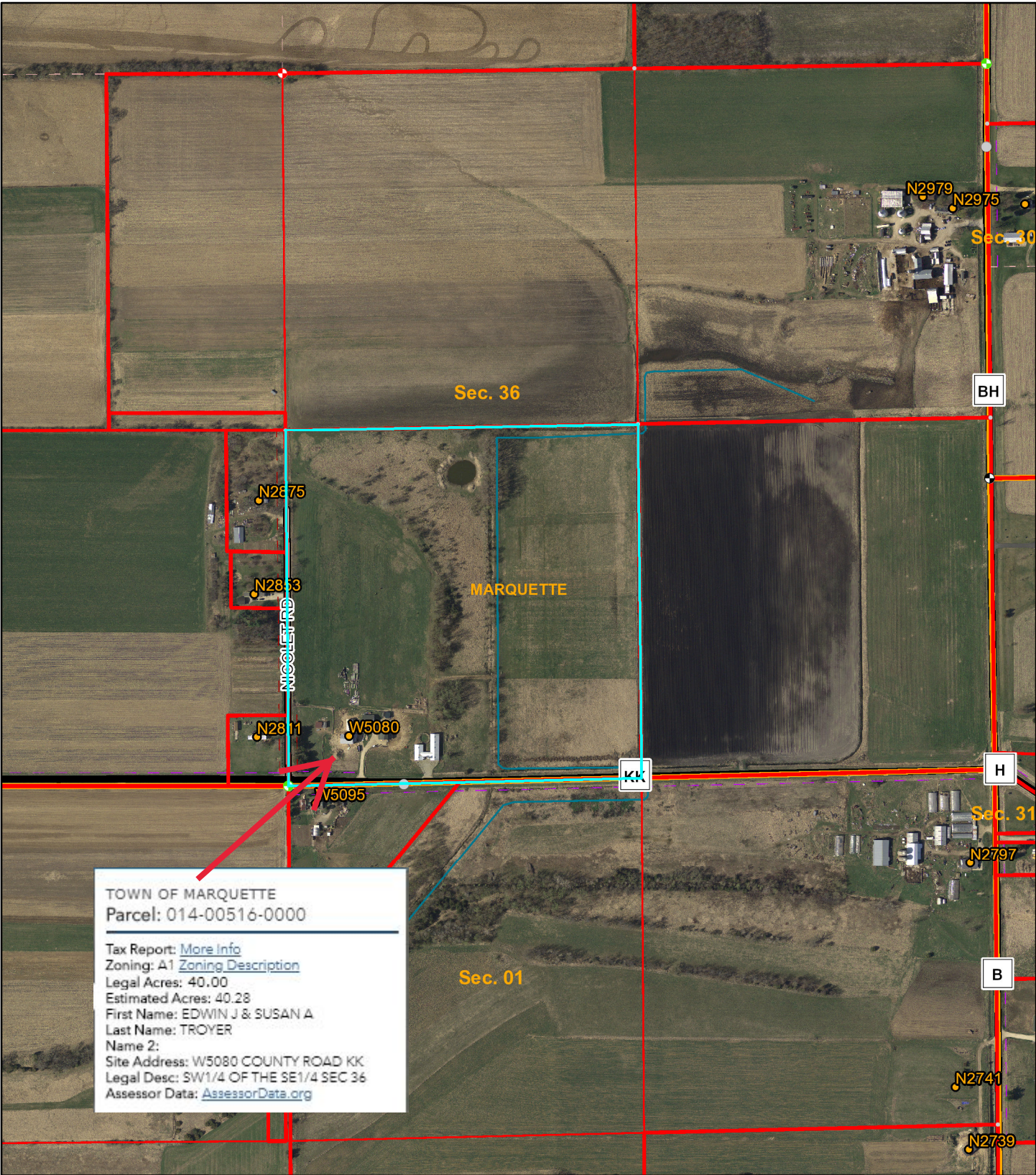
- ❑ The applicants have identified a limiting condition, which is they have a property that drops in elevation as you move to the east. However, the approximate slope is about 3.5% and not a qualifying limiting condition.
- ❑ As shown above a 3.5% slope does not make this property unique and thus is not a limiting condition that is or is not common to a number of other properties. Although, there are many properties in Green Lake County that would have a similar slope or steeper that have been developed without the need for a variance.
- ❑ Alternative locations have been investigated, but the applicant ruled them out in hopes of obtaining a variance to construct closer to Nicolet Road.

3) Harm to Public Interest

- ❑ Keeping buildings away from roadways, even lesser travelled roadways, is a public safety issue. Street setbacks are used to lessen congestion in and promote the safety and efficiency of the streets and highways. Further, as buildings are setback from road-right-of-ways the aesthetics of zoned properties increases in a positive way.
- ❑ Only if the BOA were to grant a variance that does not meet the criteria would there be any short or long term effects on the public interest.
- ❑ When an unnecessary hardship, driven by the property's uniqueness has been proven, resolution comes through minimal relief from the ordinance. If the BOA sees a way that the variance request can be granted, the BOA should weigh carefully what the requisite "minimal relief" to relieve the qualifying hardship against the protection of the public interest.

Variance Conditions:

- 1.



TOWN OF MARQUETTE
Parcel: 014-00516-0000

Tax Report: [More Info](#)
 Zoning: A1 [Zoning Description](#)
 Legal Acres: 40.00
 Estimated Acres: 40.28
 First Name: EDWIN J & SUSAN A
 Last Name: TROYER
 Name 2:
 Site Address: W5080 COUNTY ROAD KK
 Legal Desc: SW1/4 OF THE SE1/4 SEC 36
 Assessor Data: [AssessorData.org](https://gis.co.green-lake.wi.us/)

1 inch = 516 feet

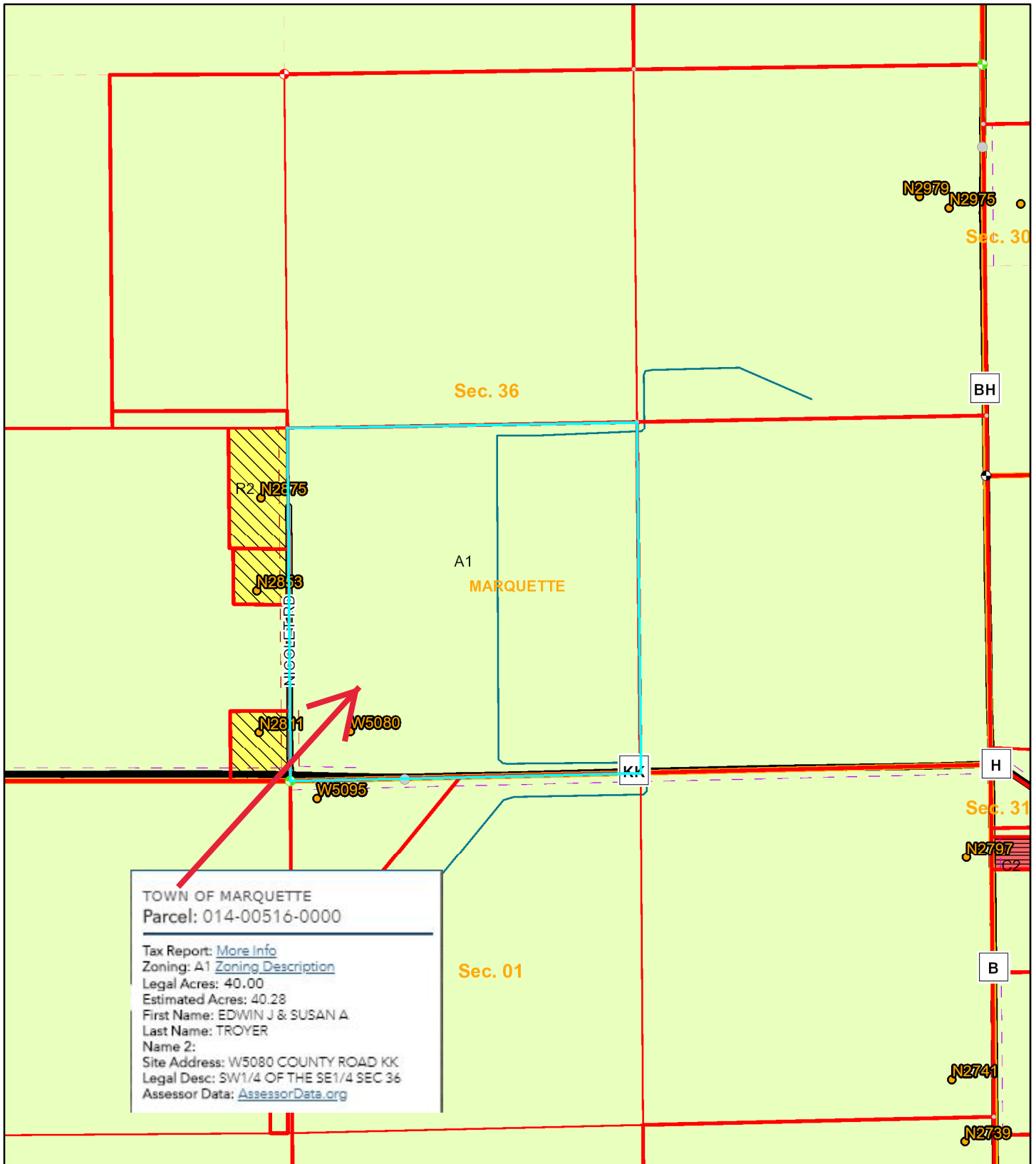
Geographic Information System (GIS)
<https://gis.co.green-lake.wi.us/>

Edwin Troyer Variance Request
 Green Lake County, WI

Time: 9:23:59 AM
 Date: 8/13/2020

Note:





TOWN OF MARQUETTE
Parcel: 014-00516-0000

Tax Report: [More Info](#)
 Zoning: A1 [Zoning Description](#)
 Legal Acres: 40.00
 Estimated Acres: 40.28
 First Name: EDWIN J & SUSAN A
 Last Name: TROYER
 Name 2:
 Site Address: W5080 COUNTY ROAD KK
 Legal Desc: SW1/4 OF THE SE1/4 SEC 36
 Assessor Data: [AssessorData.org](#)

1 inch = 516 feet

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

Edwin Troyer Variance Request Zoning
 Green Lake County, WI

Time: 9:27:55 AM
 Date: 8/13/2020

Note:



VARIANCE APPLICATION – GREEN LAKE COUNTY

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

Date Received: 5-27-20

Fee Received: \$375.⁰⁰ ck. No. 1992

Edwin Troyer
Owner Name

Same
Applicant Name

Edwin Troyer 5-22-20
Owner Signature Date

Same Same
Applicant Signature Date

W15080 CR KK
Mailing Address

Same
Mailing Address

Markesan WI 53946
City State Zip

Same
City State Zip

N/A N/A
Home Phone Work/Cell Phone

Home Phone Work/Cell Phone

N/A
Email address

Email address

Site Address W15080 CR KK Markesan WI 53946

Tax Parcel ID # 014 - 00516 - 0000

Lot SW 1/4, Block SE 1/4, Section 36, T 15 N, R 11 E
Subdivision/Plat

Lot CSM # 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:

I would like to build our proposed chicken House at 30' off of Nicolet Rd. So as to bring East side of Chicken House Straight North and South with east side of existing Goat Barn. I understand that required dimensional standards are 75' off of Nicolet Rd.

2. Explain the hardship imposed by the Ordinance:

To go 75' off of Nicolet Rd. would take our proposed chicken barn farther east and down hill. It would take more excavating to prepare site.

Our 1st choice is to start our proposed building at 30' off of Nicolet Rd. If that is unacceptable, could some other measurement under 75' be granted?

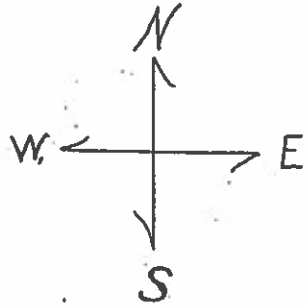
3. Describe unique property feature(s) that create the hardship:

We would like to start our proposed building at 30' off of Nicolet Rd. because of the grade downhill and also because of the layout of our other existing buildings.

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

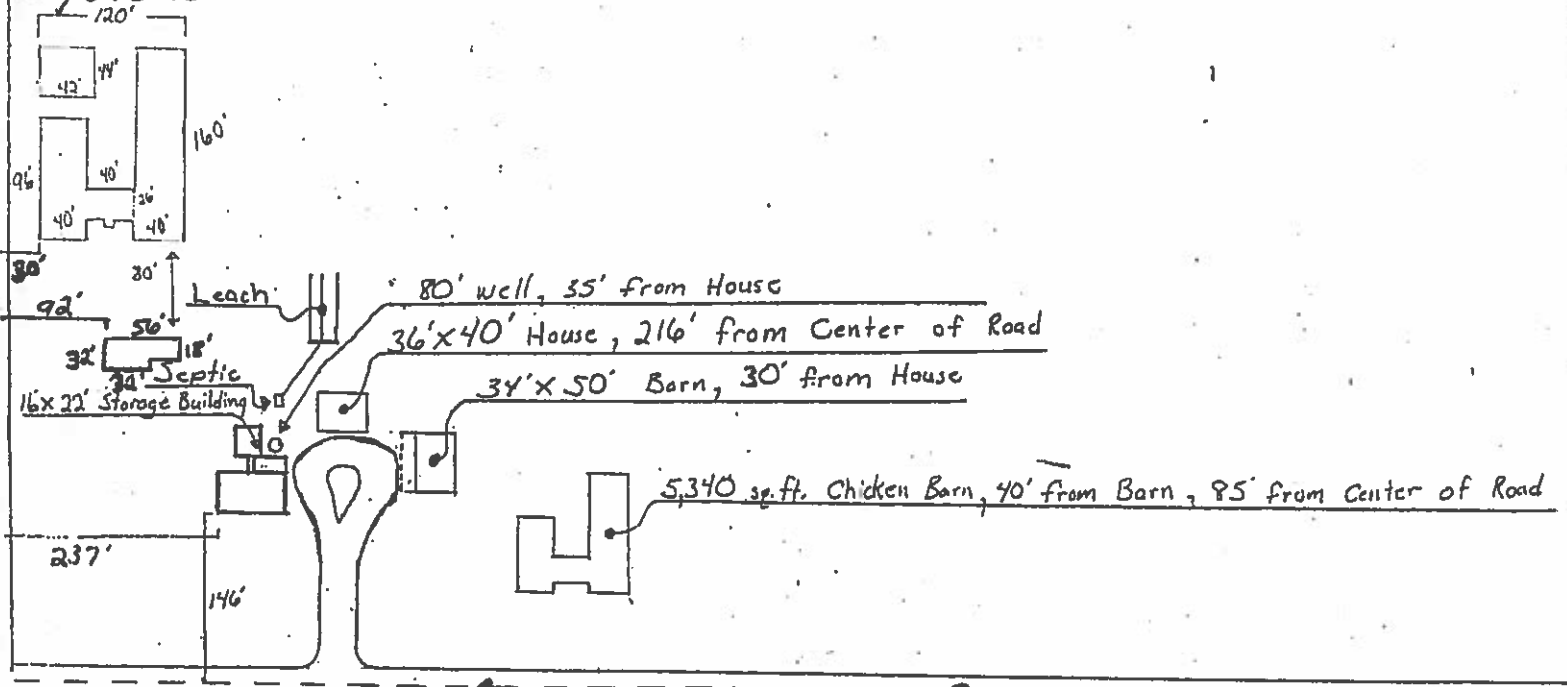
With Nicolet Rd being a short dead end gravel road and only one person living on Nicolet Rd there is very little traffic and activity.

West line \leftarrow to 1,312' \rightarrow East line



Scale - $\frac{1}{8}'' = 20'$

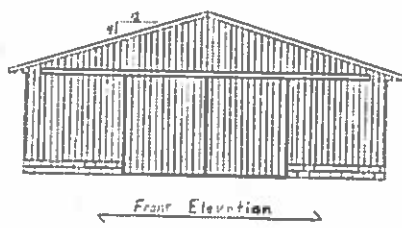
Nicholet Rd.



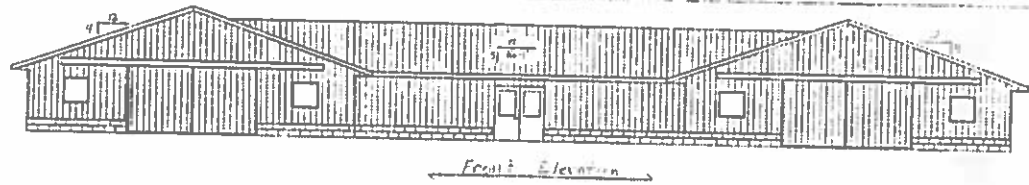
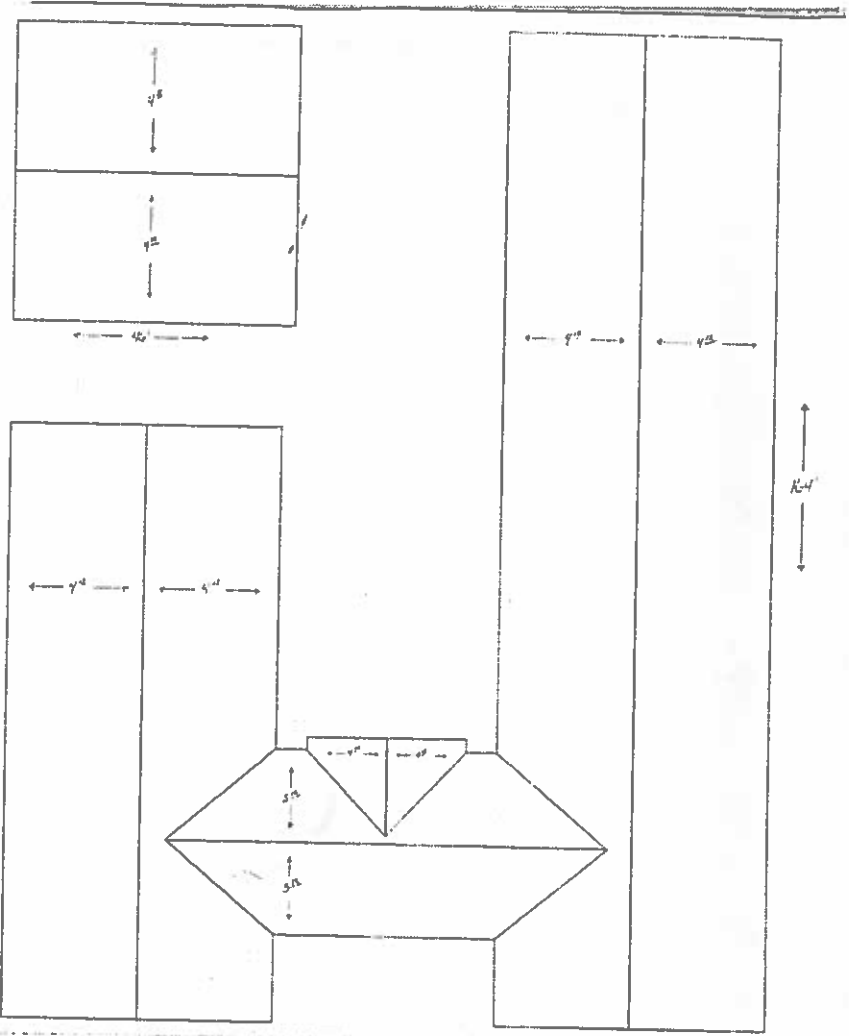
Cty. Rd. Kk.

Plans for Proposed
 Chicken Barn
 and
 Litter Storage Shed
 for

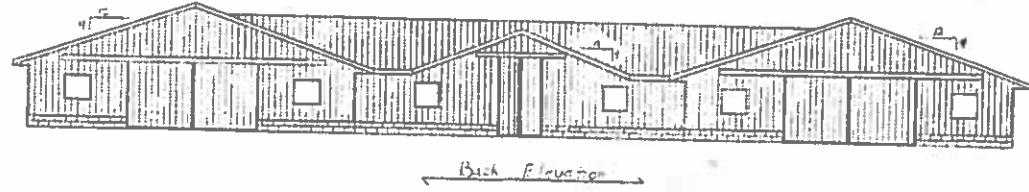
Edwin ^{AND} Susan Troyer
 W5080 CR KK
 Markesan WI 53946



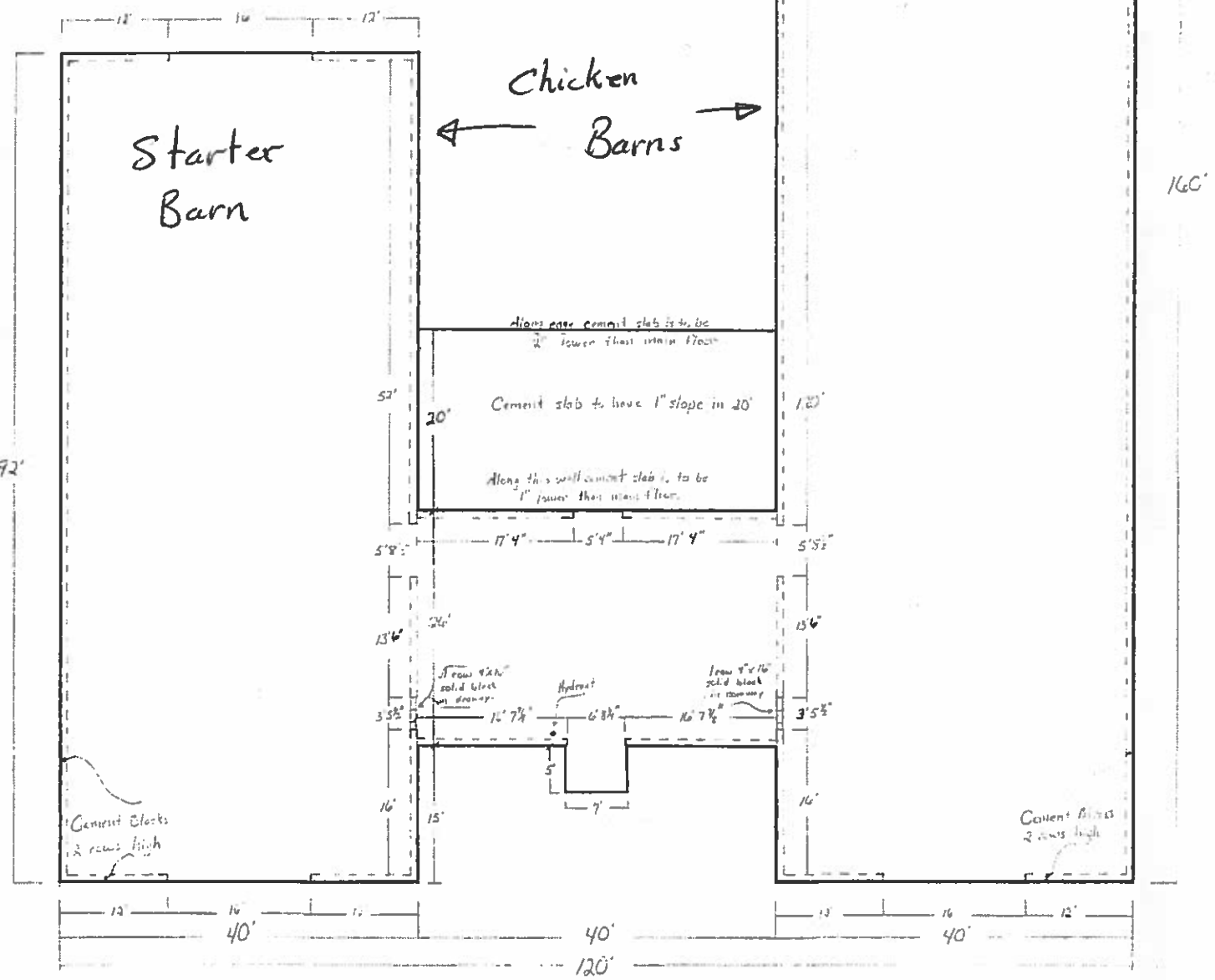
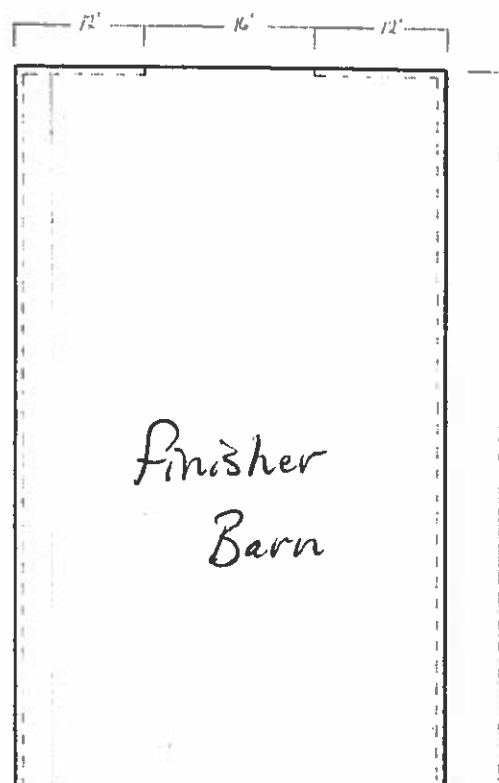
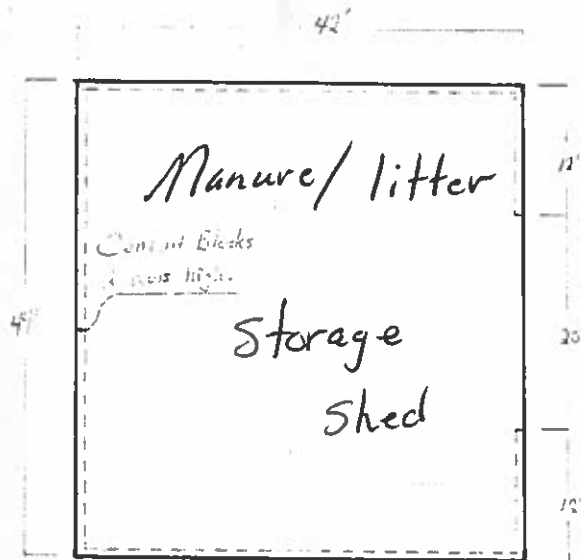
Front Elevation

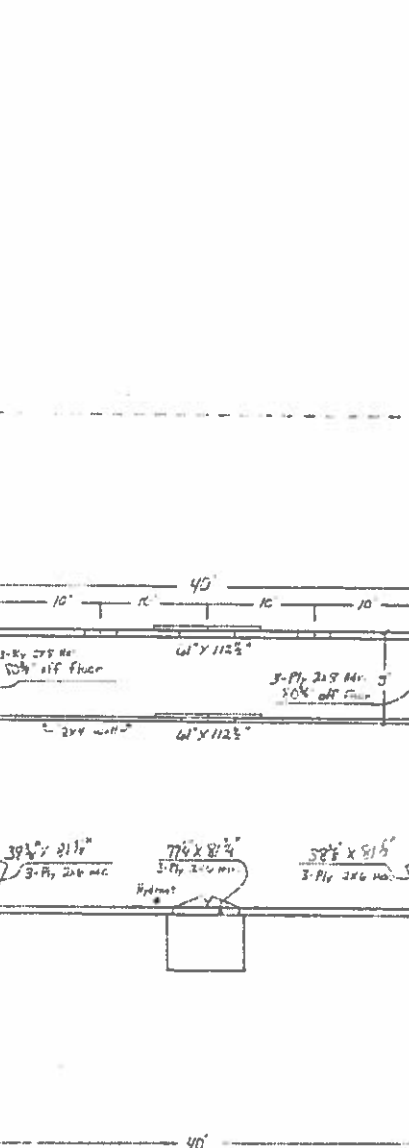
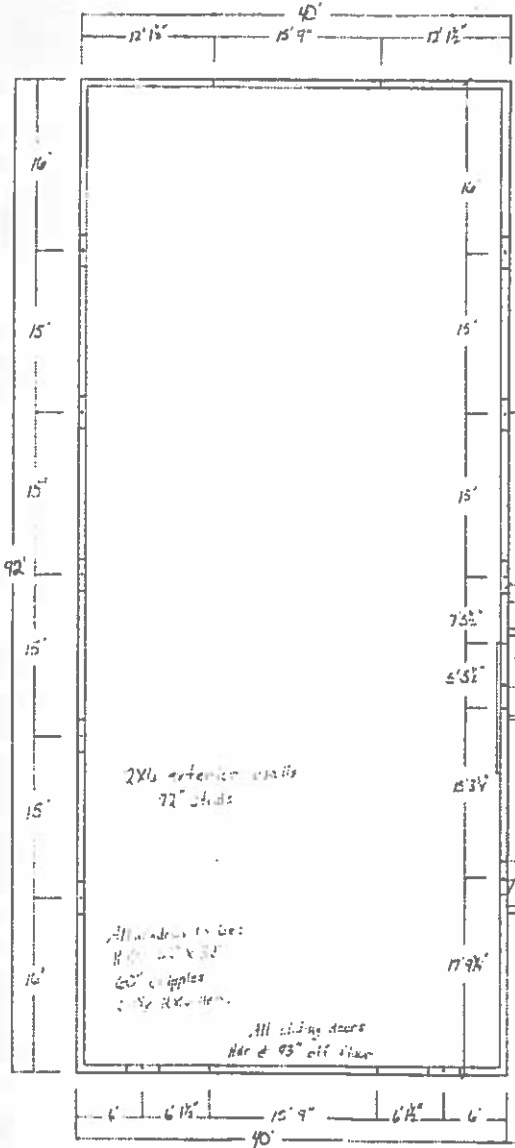
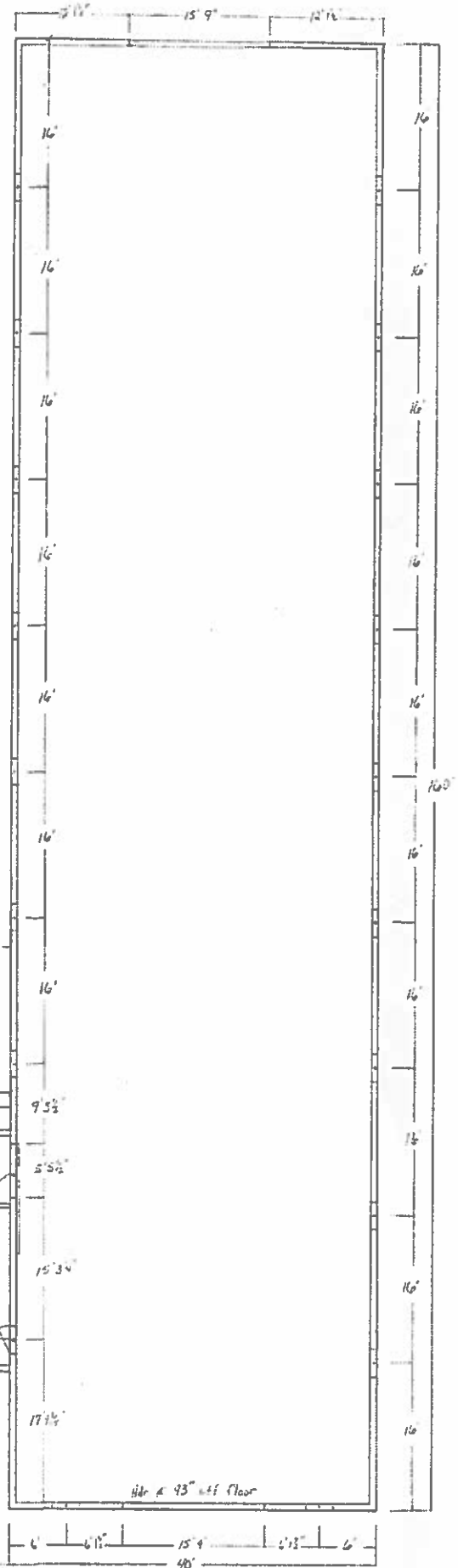
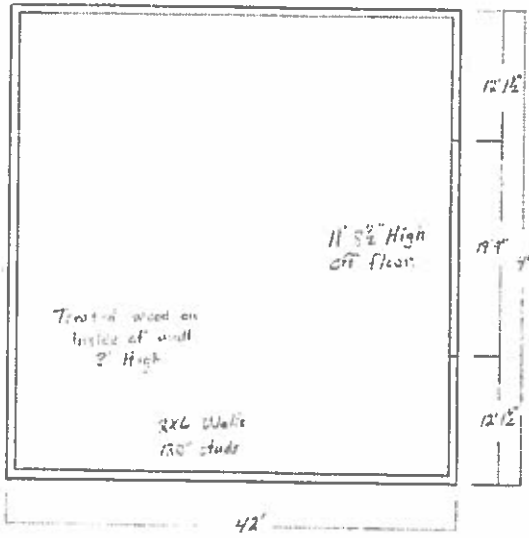


Front Elevation



Back Elevation





11' 3/4" High off floor

Treated wood on inside of wall 2' High

2x6 Walls 150" studs

42'

40' 12' 1/2" 15' 9" 12' 1/2"

10' 15' 15' 92' 15' 15' 16'

2x6 exterior walls 72" studs

All windows to be: 11' 0" x 32" 60" casings 1/2" x 2x4 nos.

All sliding doors 48" x 93" off floor

6' 6' 1/2" 15' 9" 6' 1/2" 6' 40'

3-By 2x8 No. 1 10% off floor

40' x 11 1/2"

3-By 2x8 No. 1 10% off floor

2x4 walls

40' x 11 1/2"

39 1/2" x 2 1/2" 3-By 2x4 nos.

Hydrant

58 1/2" x 5 1/2" 3-By 2x6 nos.

9' 3 1/2" 5' 5 1/2" 15' 3 1/4" 17' 1 1/2"

48" x 93" off floor

6' 6' 1/2" 15' 9" 6' 1/2" 6' 40'

BOARD OF ADJUSTMENT STAFF REPORT

August 21, 2020

PUBLIC HEARING

ITEM II: VARIANCE

OWNERS/APPLICANTS: Williams Living Trust

Applicant: Jane Williams

REQUEST: The owners/applicant are requesting a variance from Sections 350-20 of the Zoning Ordinance and 338-32.C of the Shoreland Zoning Ordinance to locate a tram and landing 7.5 feet from the side lot line whereas a 12 foot side yard setback is required.

PARCEL NUMBER / LOCATION: Parcel #006-01702-0000, is located in the NE¼ of Section 30, T15N, R13E, Town of Green Lake. Property is located at N3062 N. Kearley Road.

EXISTING ZONING AND USES OF ADJACENT AREA: The subject site is currently zoned R-1, Single Family Residence District. The surrounding properties are also zoned R-1. The subject site is used as a single-family residence as are the adjacent properties. There is mapped flood-fringe on this property but it is outside the scope of the proposed project site.

ADDITIONAL INFORMATION / ANALYSIS: According to the variance application, the owner is proposing to locate a tram and platform (for loading and unloading the tram) within the side yard setback. The BOA should be aware that the tram rails and car have already been constructed. The landing platform has not been constructed as of yet. The BOA has always looked at these after-the-fact requests from a perspective of the structure not being constructed to eliminate any unnecessary influence to their decision.

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**

- ❑ Compliance with the standards may be unreasonably burdensome in the event that additional land disturbing activities (tree, soil, bedrock removal) are necessary to create a more acceptable slope for the tram than already exists partly within the side yard setback.
- ❑ There is no hardship associated with having to move the tram if there is no uniqueness driving the hardship. With a uniqueness present, the hardship would not be self-created as it would be derived from the natural and stable shoreland of Little Green Lake.
- ❑ The circumstances of the applicants do not appear to be a factor.
- ❑ It is obvious that code-compliant locations are available on this 90ft wide lot, however, the BOA must determine whether there were code-compliant locations on the lot that would have been possible that would not have involved regrading and destabilizing the existing slope.
- ❑ The owners are not claiming an economic / financial hardship.

2) Unique Property Limitations

- ❑ The applicants have identified a limiting condition, which is they have a steep slope (70%) that drops about 55 feet in 79 feet of horizontal distance. In addition to the steep slope the application calls out rock outcroppings, trees and other vegetation as impediments to tram location.
- ❑ The lots to the east and west also are a part of the same hillside, but aerial topography (LiDAR) indicate that the subject site has a steeper slope concentrated closer to the lake. This steep slope would contain more rock outcroppings as well as would be more susceptible to erosion from land disturbing activities.
- ❑ Alternative locations has been investigated, but were all more difficult from slope and land disturbance perspective than where the tram is currently located.

3) Harm to Public Interest

- ❑ Anytime the BOA issues a variance where the requisite criteria are not met there is a harm to the public interest. If the BOA determines this a qualifying variance request, the purpose and intent of this ordinance standard is to provide adequate greenspace between buildings for natural infiltration as well as fire safety, this area of the property would be outside of those concerns.
- ❑ Only if the BOA were to grant a variance that does not meet the criteria would there be any short or long term effects on the public interest. Future variance requests like this should be accompanied with serious development limitations that unreasonable prevent the property owner from a permitted use.
- ❑ When an unnecessary hardship, driven by the property's uniqueness 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.



TOWN OF GREEN LAKE
 Parcel: 006-01702-0200

 Tax Report: [More info](#)
 Zoning: R1 [Zoning Description](#)
 Legal Acres: 0.00
 Estimated Acres: 0.68
 First Name:
 Last Name: WILLIAMS LIVING TRUST
 Name 2:
 Site Address: N3062 N KEARLEY RD
 Legal Desc: ERIC'S PLAT LOT 5 BLK 2
 Assessor Data: [AssessorData.org](#)

Green Lake County
 1 inch = 130 feet
 Geographic Information System (GIS)
<https://gis.co.green-lake.wi.us/>

Williams Living Trust Variance Request
 Green Lake County, WI

Time: 9:06:09 AM
 Date: 8/13/2020

Note:





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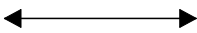
Williams Living Trust Zoning Map
 Green Lake County, WI

Time: 9:20:06 AM
 Date: 8/13/2020

Note:



1 inch = 130 feet



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

VARIANCE APPLICATION – GREEN LAKE COUNTY

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

Date Received: 6-25-2020

Fee Received: \$375.00

Williams Living Trust Tom & Jane Williams
Owner Name

Jane Williams
Applicant Name

Jane L Williams 6/16/20
Owner Signature Date

Jane L Williams 6/16/20
Applicant Signature Date

350 W. 6th St.
Mailing Address

350 W. 6th St.
Mailing Address

Richland Ctr. WI 53581
City State Zip

Richland Ctr. WI 53581
City State Zip

608 647-2031 608 604-6014
Home Phone Work/Cell Phone

608 647-2031 608 604-6014
Home Phone Work/Cell Phone

willfam8@charter.net
Email address

willfam8@charter.net
Email address

Site Address N 3062 N. Kearley Rd. Markesan, WI

Tax Parcel ID # 006 - 01702 - 0000

Lot NE 1/4, SE 1/4, Section 30, T 15 N, R 13 E
Lot 5 Block 2 Subdivision/Plat Eric's Plat
Lot _____ CSM # 3117 or 848 Town of Green Lake Township

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:

The original proposed plans: permit# 12509 is attached. The plan was to keep the tram 12 feet from the property lot line. During the construction of the tram, the installation process proved to be quite difficult due to the severe slope. The top of the tram is 13 feet from the lot line and stays within the 12 feet for 35 to 40 feet down. Continuing down the next 50 feet it then starts to gradually get closer and becomes a little less than 9 feet from the lot line at the bottom. Reasons for this occurrence:

- a. The lot line runs at an angle from the existing steps on the neighbor's lot, which gives an illusion in which you think the tram should run parallel with steps.
- b. The steep slope and vegetation and uneven terrain lend one to go down the path of least resistance, which happened, but does not happen to be within the 12 feet.
- c. The contractor also had in his mind that it was 10 feet, not 12 and felt that he was within a reasonable measurement during the installation. Our lot is 89 feet wide. Less than 85-foot lots only require 10-foot clearance. After discovering the error, the contractor took total responsibility for the mistake. But, upon looking at possibly moving the tram, it was determined that the tram is in the best place that it could be. If we are required to move the tram, he would probably have to refund our money and we would not have a tram.

We are requesting that our tram along with a platform for loading and unloading at the tram be closer than the 12 feet proposed.

2. Explain the hardship imposed by the Ordinance:

We would like to enjoy our lake front property by being able to access the lake front. Prior to contracting with Hillside Trams, we had inquired about steps. Because of the steep slope and terrain, we were told it would be extensive and expensive and that would only be if we actually found someone willing to do it. Because of the steep slope and 100 steps depending... It seemed obvious that if we really wanted to enjoy our property, a tram would be the best. If we could have a variance it would allow us reasonable use of our lake front.

3. Describe unique property features that create the hardship:

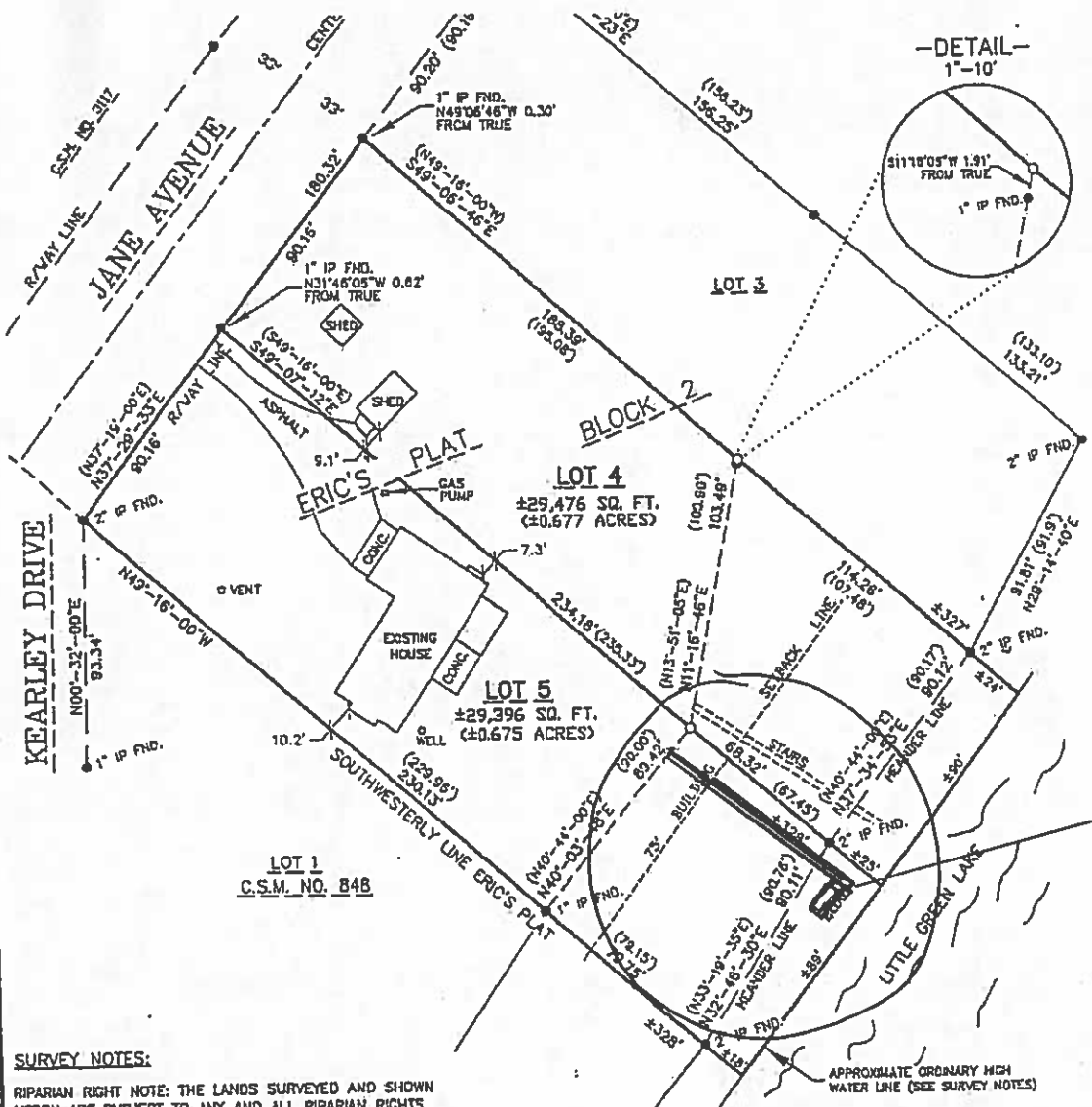
The 89-foot-wide lot is made up of steep rock outcroppings and trees and vegetation. We removed a couple trees in what is considered our lake viewing area and the least steep so would also be the best to gain access to the lake. Trying to move the tram to another location would greatly increase earth disturbing action and shoreline vegetation removal. There is no area on the property that you can get down to the lake safely. As the property owner I was asked, "Why not just make the contractor move the tram?". I have a firm

belief that the tram is in the best possible place it can be to keep the integrity of the shoreline and our safe passage. * See below for additional info from Hillside Trams

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

There have been no complaints about the tram. Our nearest neighbor Jason Jerome has offered to submit in writing if you need verification that they are not bothered by the tram location.

*Moving the tram to meet the 12-foot rule would involve moving it to an area the cliff rock protrudes out with tree stumps on top of it; continuing, the cliff gets steeper, more uneven with trees, etc. This would be an area we would avoid not only because it would be much steeper, but would also include more problems with dirt, debris, rocks etc. falling on the track area. The tram detects a bump and can cause the brakes to engage. Maintenance to the track area would also be more difficult near rock cliffsides making it more difficult and unsafe.



See attached for details view of tram, plat and bath

SURVEY NOTES:

RIPARIAN RIGHT NOTE: THE LANDS SURVEYED AND SHOWN HERON ARE SUBJECT TO ANY AND ALL RIPARIAN RIGHTS LYING BETWEEN THE ORDINARY HIGH WATER LINE AND THE WATERS EDGE OF LITTLE GREEN LAKE.

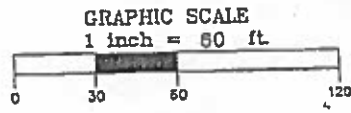
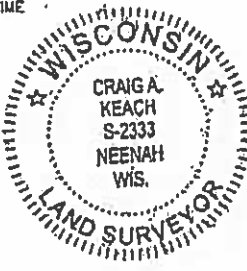
CONTACT GREEN LAKE COUNTY ZONING DEPARTMENT FOR VERIFICATION OF THE 75' SETBACK LINE FROM THE ORDINARY HIGH WATER MARK PRIOR TO ANY CONSTRUCTION. THE LOCATION IS APPROXIMATE BASED ON VEGETATION AND VISUAL OBSERVATION AT THE TIME OF THE SURVEY.

SURVEYOR'S CERTIFICATE

I, Craig A. Keach, Wisconsin Registered Land Surveyor of Meridian Surveying, LLC, certify that I have surveyed the described property and that the map shown is a true and accurate representation thereof to the best of my knowledge and belief.

Dated this 20th day of FEBRUARY, 2012.

Craig A. Keach
 WISCONSIN REGISTERED LAND SURVEYOR
 Craig A. Keach, S-2333



-LEGEND-

- = 1" IRON PIPE FOUND
- = 1" X 18" IRON PIPE SET (1.130 LB./FT.)
- () = RECORDED INFORMATION

BEARINGS REFERENCED TO THE SOUTHWESTERLY LINE OF ERIC'S PLAT, RECORDED AS: S49-16-00"E

MERIDIAN SURVEYING, LLC 18774 Firelane 1 Menasha, WI 54952 Office: 920-993-0881 Fax: 920-273-8037	DRAWN BY: J.D.	FIELD WORK DATE: 1-12-12	SURVEYED FOR: OPAL HUETNER 11077 W. FORREST HOME AVENUE APT. E201 HALES CORNERS, WI 53130
	CHECKED BY: C.A.K.	FIELD BOOK: M-23, PG. 38-39	
JCB NO.: 6568-A117	SHEET 1 of 1		

Site plan for variance application
 Jane Williams 6/24/20

Site plan detail:

