



# **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, April 16, 2021. The business meeting begins at 9:00 a.m. The public hearing will not begin before 10:00 a.m.

**Packet Pages:**

**2**      **Agenda**

**3-4**    **Minutes (February 2021)**

**5-6**    **Public Hearing Notice**

**7-15 Item I: Owner:** Matt Boelter Farms, LLC **Applicant:** Chad Boelter **Site Description:** W2470 County Rd AW, Parcel #010-00613-0000, located in SW-SW, Sect. 31, T14N, R13E, ±42 acres, Town of Mackford **Request:** Variance to locate a building addition 23ft from the highway right-of-way, whereas a 40ft highway 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>	
<b>Date: April 16, 2021 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><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>Ed Roepsch</i> <i>Member</i></p> <p><i>Rick Dornfeld</i> <i>Alternate</i></p> <p><i>Brian Zimmerman</i> <i>Alternate</i></p> <p><i>Liz Otto,</i> <i>County Clerk,</i> <i>as BOA</i> <i>Secretary</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 02/19/21 minutes</li> <li>6. Recess 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>7. Public hearing matters:           <p style="margin-left: 40px;"><b>Item I: Owner:</b> Matt Boelter Farms, LLC <b>Applicant:</b> Chad Boelter  <b>Site Description:</b> W2470 County Rd AW, parcel # 010-00613-0000, located in the SW¼, of SW¼, Sec. 31, T14N, R13E, ±42 acres, Town of Mackford <b>Request:</b> Variance to locate a building addition 23ft from the highway right-of-way, whereas a 40ft highway 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> </li> <li>8. Adjourn</li> </ol> <p style="background-color: yellow; padding: 5px;">Due to the COVID-19 pandemic, this meeting will be conducted and available through in person attendance (6 ft. social distancing and face masks required) or audio/visual communication.</p> <p style="background-color: yellow; padding: 5px;">Remote access can be obtained through the following link:  <a href="https://zoom.us/j/96259038947?pwd=WFpFdUVPOE01Q2drczNSZVdHY1ZrQT09">https://zoom.us/j/96259038947?pwd=WFpFdUVPOE01Q2drczNSZVdHY1ZrQT09</a></p> <p>Or Dial: 1-312-626-6799</p> <p>Meeting ID: 962 5903 8947            Passcode: 335193</p>
	<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 Matt Kirkman at 920-294-4175 the day before <i>the meeting no later than noon.</i></p>
<b>Page 1 of 1</b>	

**BOARD OF ADJUSTMENT**  
**February 19, 2021**

The meeting of the Green Lake County Board of Adjustment was called to order by Chair Janice Hardesty on Friday, February 19, 2021 at 9:00 AM in the Green Lake County Board Room, Green Lake County Government Center, 571 County Road A, Green Lake, WI. The meeting was held both in person and via Zoom due to the COVID-19 pandemic. The requirements of the open meeting law were certified as being met. The pledge of allegiance was recited.

Present: Janice Hardesty  
Brian Zimmerman  
Rick Dornfeld

Other County employees present:  
Liz Otto, County Clerk  
Caleb Edwards, P&Z Land Use Specialist  
Matt Kirkman, P&Z Director

**MINUTES**

**Motion/second (Hardesty/Zimmerman)** to approve the minutes of 09/17/2020 meeting with no additions or corrections. Motion carried with no negative vote.

**ADJOURN FOR FIELD INSPECTION**

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

**PUBLIC HEARING**

**Motion/second (Dornfeld/Zimmerman)** to reconvene the Board of Adjustment reconvened at 9:29 AM for the Public Hearing. Motion carried with no negative vote.

- **Owner:** KDR Woodworking LLC **Applicant:** Kaleb Ranker **Site Description:** W1238 N. Lawson Dr., parcel #004-00312-0000, located in the NW1/4, of SW1/4, Sec. 15, T16N, R13E +/- 2 acres, Town of Brooklyn **Request:** Variance to locate a building addition and a shipping container to be setback 12 ft. from the highway right-of-way, whereas a 67 ft. highway setback is required.

Chair Hardesty read the rules for the Public Hearing. P&Z Director Matt Kirkman read the request for a variance. Kaleb Ranker, KDR Woodworking, stated the intent of the shipping container and the building addition is for overflow storage of excess furniture supplies. The shipping container will be removed after the addition is done. Jerry Thiel, owner of the property west of Ranker, stated he is concerned with the property lines on the north side of the property. He stated there needs to be an approved easement with Kopplin & Kinas depending on the CSM results. Questions and discussion followed. No opposition to the request. Chair Hardesty closed the Public Hearing at 9:50 AM. Kirkman outlined the staff report regarding the variance criteria including unnecessary

hardship, unique property limitations, and no harm to public interest. Deliberations followed. ***Motion/second (Zimmerman/Dornfeld)*** to approve the request for a variance with the following conditions:

- 1) Prior to land use permit issuance, the subject site shall be surveyed by a State of Wisconsin Professional Land Surveyor. The surveyor shall create a Certificate of Survey (C.O.S.) map identifying all existing buildings, building setback dimensions to lot (or parcel) boundary lines, structural encroachments, access locations, easements, well(s) and approximate location of the septic tank and drain field.
- 2) Prior to land use permit issuance, the property owner shall provide a copy of the easement to the Land Use Planning & Zoning Department that allows ingress and egress to and from the northern portion of the subject site.
- 3) The approval of this variance is contingent on the owner/applicant obtaining a conditional use permit to expand the woodworking business.
- 4) Once the proposed building addition is constructed, the shipping container also authorized by this variance, shall be removed from the property.
- 5) The approval of this variance satisfies “minimal relief” for the use of this property. The BOA shall consider any future variance request(s) relating to expansion(s) of the commercial and/or industrial use of this property to exceed “minimal relief” and a harm to the public interest.

Roll call vote – Zimmerman - aye, Dornfeld – aye, Hardesty – aye. Motion carried, variance approved.

**ADJOURNMENT**

***Motion/second (Zimmerman/Dornfeld)*** to adjourn the Board of Adjustment meeting at 10:21 AM. Motion carried with no negative vote.

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, April 16, 2021, at 9:00 a.m.** The meeting will adjourn for site inspection of the following item:

**Item I: Owner:** Matt Boelter Farms, LLC **Applicant:** Chad Boelter **Site Description:** W2470 County Rd AW, parcel # 010-00613-0000, located in the SW<sup>1</sup>/<sub>4</sub>, of SW<sup>1</sup>/<sub>4</sub>, Sec. 31, T14N, R13E, ±42 acres, Town of Mackford **Request:** Variance to locate a building addition 23ft from the highway right-of-way, whereas a 40ft highway setback is required.

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 and to verify that the agenda item you may be interested in has not been withdrawn from the agenda.

*Publish: April 1, 2021*

## **NOTICE OF PUBLIC HEARING SUMMARY**

The Green Lake County Board of Adjustment will hold a Public Hearing in room #0902 of the Government Center, 571 County Road A, Green Lake, WI on *Friday, April 16, 2021, at 9:00 a.m.* The meeting will adjourn for site inspection of:

**Item I: Owner:** Matt Boelter Farms, LLC **Request:** Variance to locate a building addition 23ft from the highway right-of-way, whereas a 40ft highway setback is required.

The Board of Adjustment will reconvene not before **10:00 a.m.** to consider the above item.

On *April 1, 2021* the full text of the Notice of Public Hearing was published in Berlin Journal Newspapers and is available for viewing at the Berlin Journal, at [www.co.green-lake.wi.us](http://www.co.green-lake.wi.us), at [www.wisconsinpublicnotice.org](http://www.wisconsinpublicnotice.org) and on the public meeting notices board at the Green Lake County Court Government Center.

*Publish: April 8, 2021*

## BOARD OF ADJUSTMENT

Public Hearing

April 16, 2021

### Item I: Variance

**Owners:**

Matt Boelter Farms, LLC

**Applicant:**

Chad Boelter

**Request:** The owners/applicant are requesting a variance to locate a building addition 23ft from the highway right-of-way, whereas a 40ft highway setback is required.

**Parcel Number/ Location:** The request affects parcel 010-00613-0000 (±42.0 acres) located in the SW¼ of the SW¼ of Section 31, T14N, R13E, Town of Mackford. The site address is W2470 County Road AW.

**Existing Zoning and Uses of Adjacent Area:** The subject site is currently zoned as A-1, Farmland Preservation District. Neighboring properties to the north, east and west are also zoned A-1. Neighboring properties to the south are located in Dodge and Columbia Counties.

Floodplain and Shoreland zoning do not apply to the subject site.

**Additional Information/ Analysis:** This site has been a working dairy farm for many years. Through the years the Boelters have upgraded and expanded their operation to provide the most efficient processes along with the most marketable milk product. Back in 2004, the Boelters requested a variance to expand their milk cooler as well as a small 8ft x 12ft building addition to be 35ft from the highway right-of-way. The BOA, at that time, approved of that variance request.

Presently, in an effort to increase efficiency and reduce costs, as well as provide milk at a more consistent temperature, the Boelters would like to upgrade their milk cooling system and eliminate the bulk tanks and addition approved by the 2004 variance. The new cooling system would not store milk. It would cool the milk down to a desired temperature prior to being loaded onto a tanker. The cooling system upgrade requires the elimination of the storage tanks. Consequently, two tanker trucks have to be connected up to the loading dock so that once one tanker is loaded the second can be brought on line without delay and without backing up the milking process.

In order to accomplish the upgrade the Boelters have proposed to construct a 12ft x 22ft building addition (with 4ft wide x 10ft long breezeway) about 40ft east of the existing 2004 addition approved by variance. The depth and size of the building addition allow for two tankers to be backed-up opposite each other without creating ingress or egress conflicts on the farm and onto County AW. Zoning Staff have inquired about the reason for the 22ft depth as the tanker trucks are usually 8.2ft in width. The Boelters explained that the 22ft depth is necessary to allow for a driver to safely back up to the loading area without hitting the sides of the milk parlor building.

Another aspect of this variance request is the extra right-of-way width of County AW. The zoning ordinance makes an assumption that all county road right-of-ways are 33 feet in width. In the case of County AW, the right-of-way width is 42 feet. Essentially, this extra right-of-way width provides an extra 9 feet of setback that most other county roads do not have.

**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
  - ❑ 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 / 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**

- To integrate the new cooling system into the existing milking parlor would require extensive alterations to the milking parlor, and a reduction in building square-footage.
- The State of Wisconsin has upgraded its milk quality standards, and the milk industry is requiring its suppliers to provide milk at the desired temperature utilizing new technologies. The Boelters could simply ignore these requirements and sell their milk at a reduced profit, **but** creating an incentive for inefficiency, less quality and less profit is not the purpose and intent of the zoning ordinance.



- On the surface it appears that the Boelters are choosing a better milk cooling system. But as a person digs deeper, it becomes apparent that these quality standards are not under the milk producer's control.
- There are other locations that the building addition could physically be located, but not without compromising safety for ingress and egress.
- In business, economics is always a consideration, but the main purpose of the addition is to provide a better quality product.


## 2) Unique Property Limitations

- The subject site is a 42 acre parcel and if it were undeveloped would not qualify for a variance based on unique property limitations. However, the property has been developed in accordance with their milking process, culminating at the milking parlor. The milking parlor is code-compliant to the street yard setback, but only by a few feet. In order to meet milk loading requirements a building addition is required. The building addition's location is limited by the required building setbacks.
- Staff is unaware of other properties that have a common limitation that would justify denial of this request.
- Alternative designs / locations have been investigated but the requirement to back up two tanker trucks to the same milk loading building while avoiding safety issues relative to ingress and egress may not be feasible. However, the BOA should press the applicants to better support their need for a 22ft long building addition (requiring the 23ft setback variance).

## 3) Harm to Public Interest

- The purpose of the road right-of-way setback is to allow for the safe flow of traffic on highways and roads within the county. The current location has been utilized for many years as the milk load out area. The tankers are separated from County AW traffic and have good visibility when exiting and entering the subject site.
- Due to the proposed milk load out location having been utilized for this purpose for years, the building addition and accompanying tanker traffic would not produce negative impacts on the public interest.
- In the event that the BOA is in favor of granting the variance, the BOA should only grant minimal relief to alleviate the unnecessary hardship. The Boelters have proposed a 22ft long building addition to accommodate two tankers back to back. We know that a tanker truck is about 8.2 feet in width. The 22ft long building seems to be more length than is necessary.

**VARIANCE CONDITIONS:** In the event that the Board finds that the variance application meets the required criteria, the Land Use Planning & Zoning Staff suggests the following conditions:

- 1). 



Green Lake County

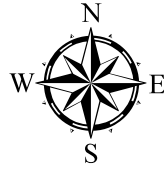
1 inch = 63 feet

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

**Prideview Dairy LLC**  
 Green Lake County, WI

Time: 2:53:14 PM  
 Date: 3/1/2021

Note:



VARIANCE APPLICATION – GREEN LAKE COUNTY

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

Date Received: 3-1-2021

Fee Received: \$375.00

Matt Boelter Farms LLC

Applicant Name

Owner Name

Chad Boelter 3-1-2021

Applicant Signature Date

Owner Signature Date

W2470 County AW

Mailing Address

Mailing Address

Randolph WI 53956

City State Zip

City State Zip

(920) 229-4920

Home Phone Work/Cell Phone

Home Phone Work/Cell Phone

mboelter@yahoo.com

Email address

Email address

Site Address W2470 County AW

Tax Parcel ID # 010 - 00013 - 0000

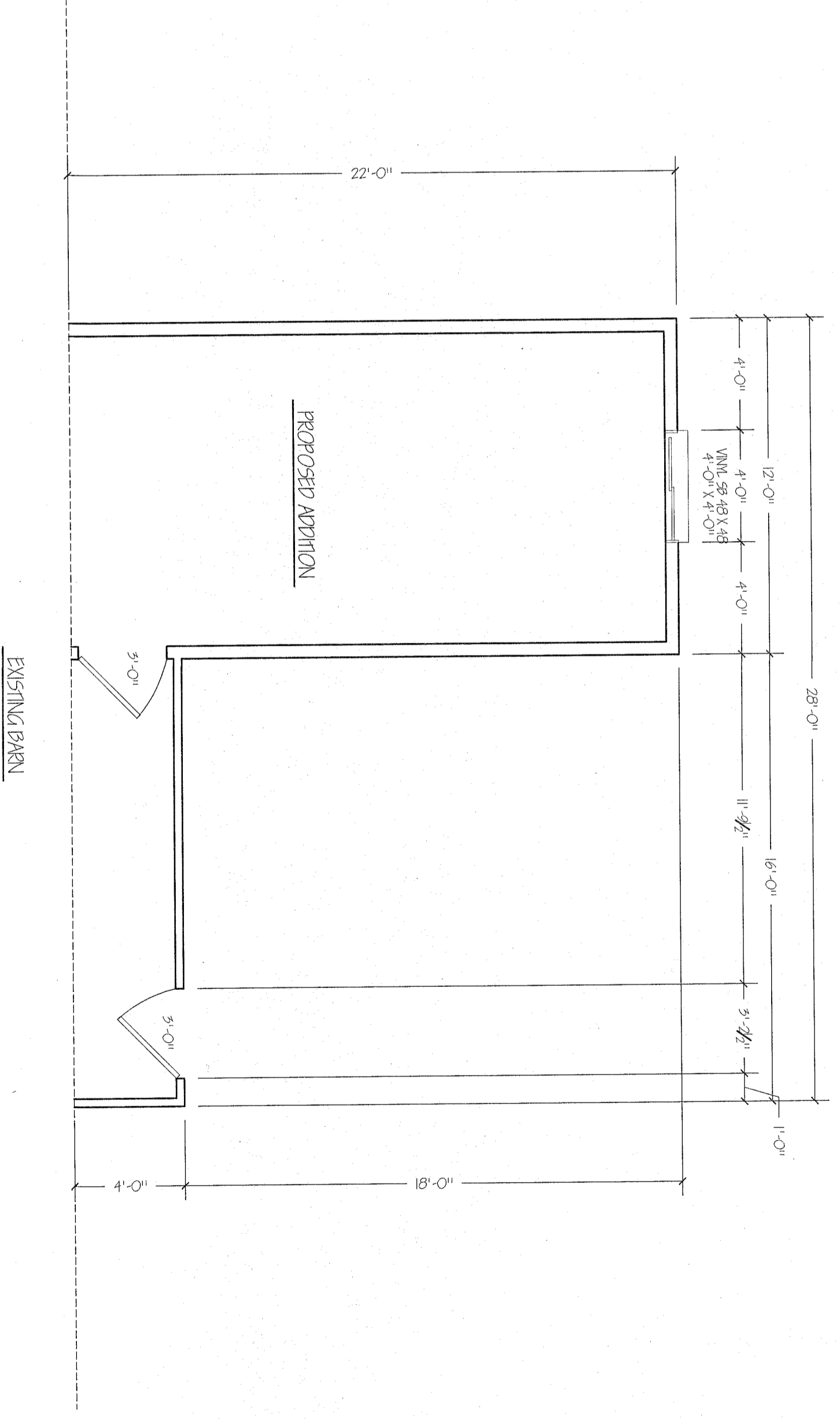
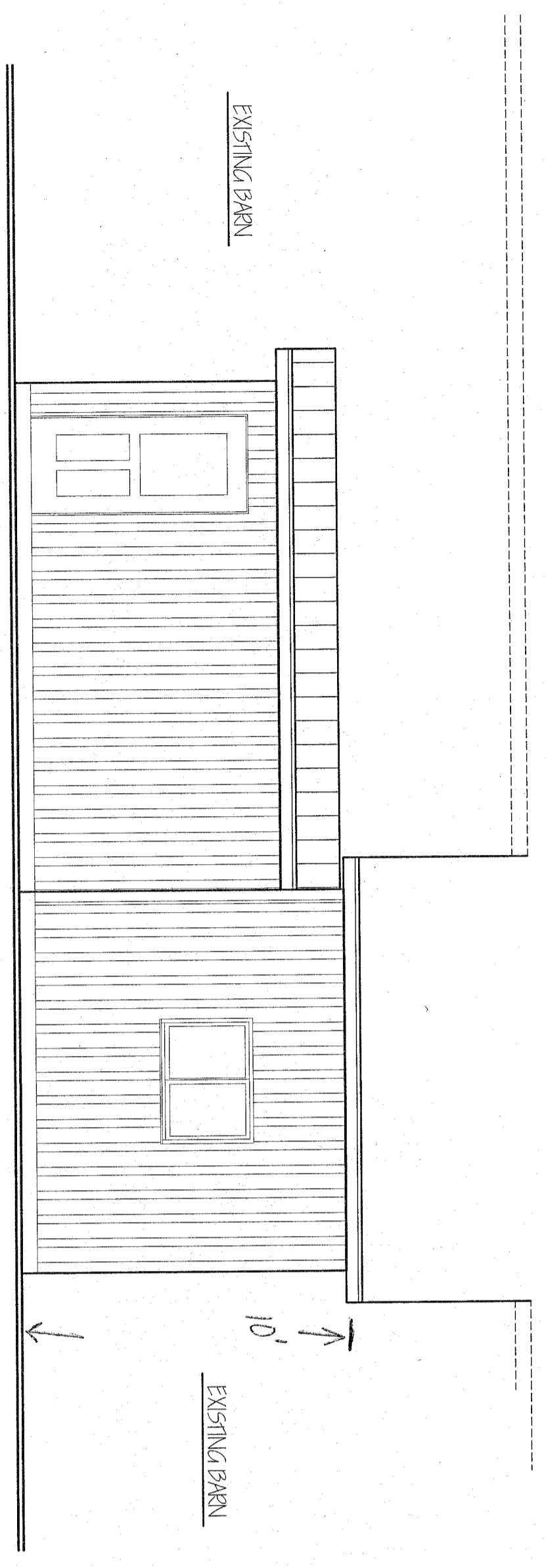
Lot SW  $\frac{1}{4}$ , Block SW  $\frac{1}{4}$ , Section 31, T 14 N, R 13 E

Lot            CSM #            Town of ~~Blanchester~~ Mackford

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. Due to milk temperature requirements imposed by our milk procurement plant, based on new quality standards, upgrades to our milk cooling process are necessary. It is very important to understand that after the milk is collected the most important step is to get the milk cooled down to quality standards in as short of time as possible. Once cooled it can be loaded onto an insulated tanker. Currently, the system to cool the milk is inefficient and variable when it comes to outside temperatures. We are proposing to construct a 12ft x 22ft building addition to the existing milking center / building. The addition will be 23ft from the County Highway right-of-way, whereas the County's highway setback is supposed to be 40ft. This variance request is for at most 17 feet of setback relief.
2. The ordinance requires all buildings to be setback at least 40ft from the highway right-of-way. In order for our business to continue operation and maintain updated quality standards, the proposed building addition is necessary. There are no other suitable locations to construct the addition that would provide a safe and simple way to load the tankers with milk. The 22ft depth of the addition is necessary to provide a wide enough pathway for a driver to carefully back a tanker up and into. The lesser the depth the more likely the tanker driver could hit the building.
3. The culmination of the milking collection process happens at a single location on this property. That location is the milking center building. This makes essentially the buildable space on the rest of the property unusable for resolving the above hardship.
4. The location of the building addition has been carefully considered. There are only two other sides to the building that could be utilized for this addition. The north side location would conflict with an existing septic system holding tank, a manure storage facility, and farm's shop building, and the employee's parking lot. The west side would require that tanker drivers would have to stop on County AW and back into the milk loading addition or the removal of the farm shop building and the elimination of the employee parking area. The south side, proposed for the milking center / building addition also has its limitations, as the milking parlor as well as the main driveway, restrict where it can be placed.

ROAD SIDE ELEVATION



ROAD

PROJECT TITLE AND ADDRESS

Boelter Barn Addition  
328 SQFT

NOTICE TO CONTRACTOR

ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THESE PLANS AND CHECKING THE INFORMATION THEREON, THE RESPONSIBILITY OF THE CONTRACTOR IN CONNECTION WITH THE CONSTRUCTION OF THE PROJECT INVOLVED WITH THESE PLANS.

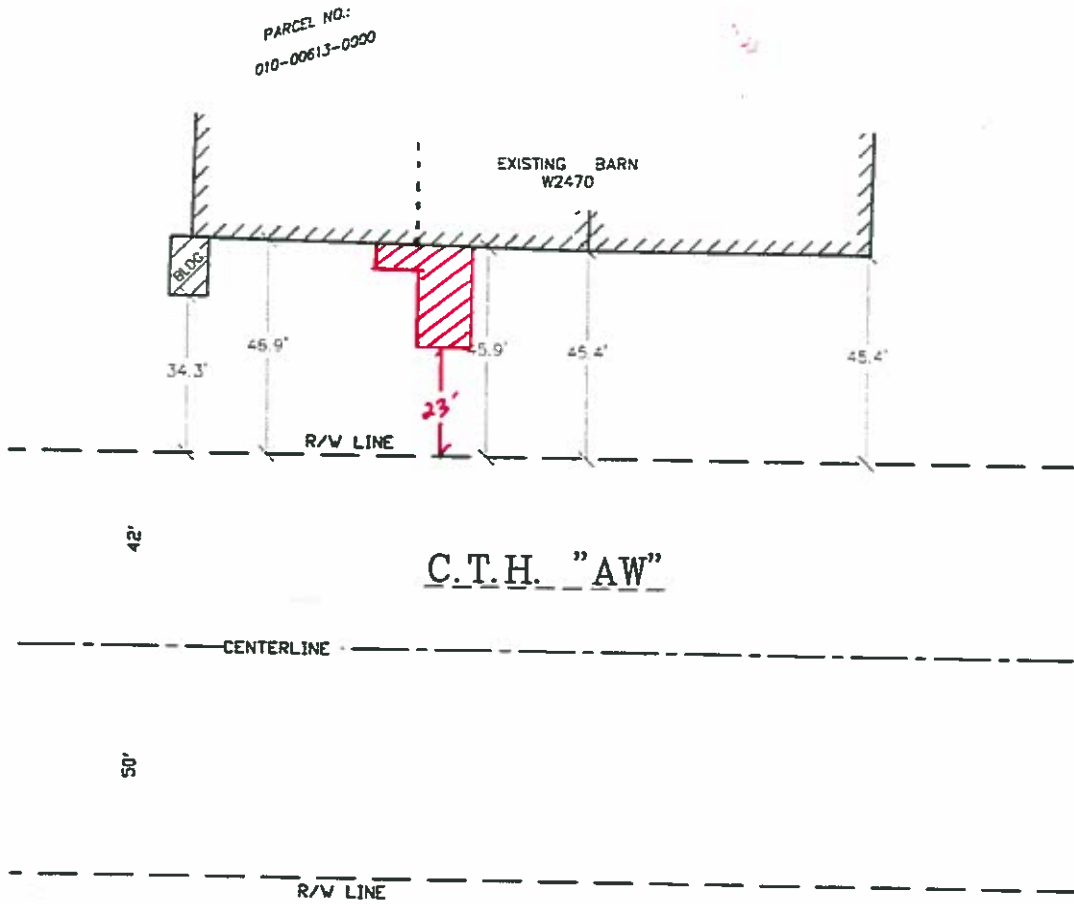
DRAWING SCALE:	1/4" = 1'-0"	DRAWING DATE:	3/2/21
REVISION DATE:		REVISION DATE:	
REVISION DATE:		REVISION DATE:	
DESIGNED BY:	JCook	CHECKED BY:	

DALTON LUMBER & SUPPLY INC  
18875 FINE ST  
DULLES, VA 22028  
QUALITY DESIGN BUILT

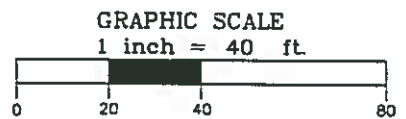
SHEET NO.	A-5
JOB NO.	09012

# EXHIBIT MAP

BEING A PART OF THE SW1/4, SECTION 31, T.14N., R.13E.,  
TOWN OF MACKFORD, GREEN LAKE COUNTY, WISCONSIN

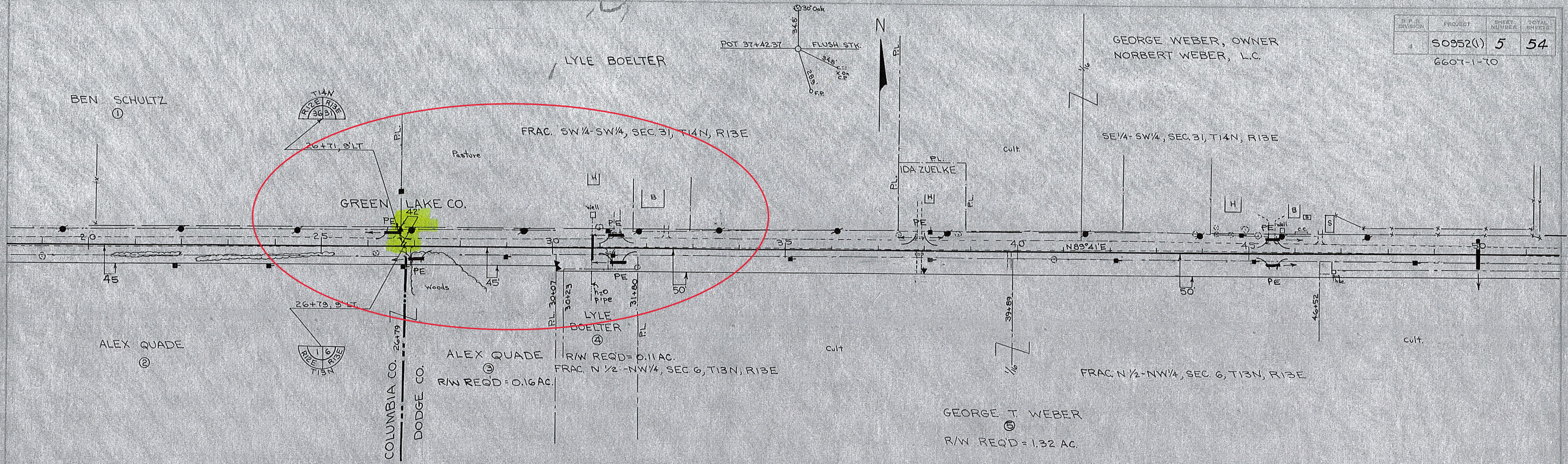


*Sig A. Kersch*  
3-10-2021  
LAND SURVEYOR



<b>MERIDIAN</b> <b>SURVEYING, LLC</b> N9637 Friendship Drive Kaukauna, WI 54130 Office: 920-993-0881 Fax: 920-273-6037	DRAWN BY: J.D.	FIELD WORK DATE: 3/09/21	SURVEYED FOR MATT BOELTER FARMS LLC. W2470 C.T.H. "AW" RANDOLPH, WI 53956
	CHECKED BY: G.A.K.	FIELD BOOK: M-11, PG. 27	
	JOB NO.: 12640	SHEET 1 of 1	

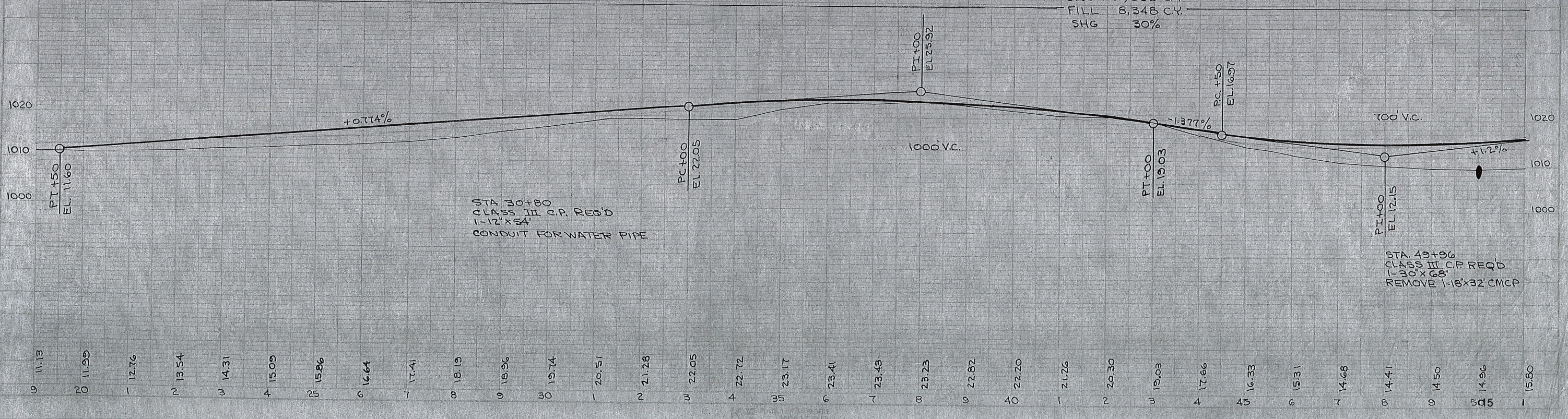
D.P. DIVISION	PROJECT	SHEET NUMBER	TOTAL SHEETS
	50952(1)	5	54
6607-1-70			



NET LENGTH OF ± STA 20 - STA 50 = 3,000 LIN. FT.

BENCH MARKS			
NO.	STATION	DESCRIPTION	ELEV.
4	26+74	SPK 45' RT.	1015.27
5	39+89	SPK 16" BOX ELDER, 125' RT.	1024.27

UNCL. 10,853 C.Y.  
 FILL 8,348 C.Y.  
 SHG 30%



V&M, Inc. 1567  
1568

V&M, Inc. 1567  
1568