



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, February 18, 2022. The business meeting begins at 9:00 a.m. The public hearing will not begin before 9:45 a.m.

Packet Pages:

- 2 Agenda
- 3-4 Draft Meeting Minutes from January 21, 2022
- 5 Public Hearing Notice
- 6-17 Public Hearing Items

Item I: Owner: Green Lake County **Applicant:** Land Conservation Department
Site location: W3306 Cty Rd K **General legal description:** 006-00732-0000, part of the SE $\frac{1}{4}$ S10 and 006-00870-0000, part of the NE $\frac{1}{4}$ S15, T15N, R12E, Town of Green Lake **Request:** Variance from Section 338-32A of the County Shoreland Zoning Ordinance to construct a boat wash station within the 75ft shoreland setback.

If you have questions or need additional information,
please contact the Land Use Planning & Zoning Department at (920) 294-4156.



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

Date: February 18, 2022 Time: 9:00 AM

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

AGENDA

Board of Adjustment Members:

Janice Hardesty
Board Chair

Ron Triemstra
Board Vice Chair

Ed Roepsch
Member

Rick Dornfeld
Alternate

Brian Zimmerman
Alternate

1. Call to order
2. Roll call
3. Pledge of Allegiance
4. Certification of open meeting law
5. Approval of Minutes: 1/21/2022
6. Recess for field inspection
7. Public Hearing (Not to begin before 9:45AM)

Item I: Owner: Green Lake County **Applicant:** Land Conservation Department
Site location: W3306 Cty Rd K **General legal description:** 006-00732-0000, part of the SE¼ S10 and 006-00870-0000, part of the NE¼ S15, T15N, R12E, Town of Green Lake **Request:** Variance from Section 338-32A of the County Shoreland Zoning Ordinance to construct a boat wash station within the 75ft shoreland setback.

- a. Public Hearing
- b. Board Discussion & Deliberation
- c. Board Decision

8. Adjourn

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. Remote access can be obtained through the following link:

Topic: Board of Adjustment Meeting
 Time: Feb 18, 2022 09:00 AM Central Time (US and Canada)

<https://us06web.zoom.us/j/5022456162?pwd=V2lvUTFFb2o3MWNqUFFDcFRtMIBJQT09>

Meeting ID: 502 245 6162 Passcode: 345536

Dial by your location

- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US (Chicago)
- +1 929 436 2866 US (New York)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 669 900 6833 US (San Jose)

Find your local number: <https://us06web.zoom.us/j/5022456162?pwd=V2lvUTFFb2o3MWNqUFFDcFRtMIBJQT09>

Green Lake County
BOARD OF ADJUSTMENT
Meeting Minutes - Friday, January 21, 2022

The meeting of the Green Lake County Board of Adjustment was called to order by Chair Janice Hardesty on Friday, January 21, 2022 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
Rick Dornfeld (Alternate)

Absent: Ed Roepsch
Brian Zimmermann (Alternate)

Other County employees present:

Karen Werlein, BOA Secretary
Aaron Ogle, P&Z Land Use Specialist

Matt Kirkman, P&Z Director
Caleb Edwards, P&Z Land Use Specialist

MINUTES

Motion/second (Triemstra/Dornfeld) to approve minutes of April 4, 2021, and February 19, 2021 with no additions or corrections.

Motion carried with no negative vote.

BOAT WASH STATION PRESENTATION

Skipped due to absence of presenter.

APPROVAL OF 2022 CALANDER

Motion/second (Triemstra/Dornfeld) to approve the 2022 BOA Calendar. Motion carried with no negative vote.

ADJOURN FOR FIELD INSPECTION

Chair Hardesty called for recess for field inspection at 9:05am.

PUBLIC HEARING – 10:35 AM

Board of Adjustment reconvened at 10:35AM for the Public Hearing

- **Owner: Three Four Five LLC**
- **Applicant: Brian Urbanowski**
- **Agent: Attorney Mitchell Olson**
- **Site Description: W6613 Marine Ct, parcel #014-00377-0000**
- **Request: Variance from Section 350-38.E.(1) of the County Zoning Ordinance to construct a patio with a street yard setback of 12ft, whereas a 25ft street yard setback is required.**

Chair Hardesty read the rules for the Public Hearing. P&Z Director Matt Kirkman read the request for a variance to construct a patio within the street yard setback.

Public Comments/Discussion:

Attorney Mitchell Olson initiated a discussion stating the intent for the patio and that the location is the most logical place to construct based on the limited building area of the property. He also stated the proposed placement is for privacy and safety. Questions and discussion followed. Matt Kirkman read letters from Mark White, of N3164 Fiann St., Kim Zills and Greg Navulis, of W6612 Marine Ct., and Jan Prenot, of W6617 Marine Ct., who were all opposed to the variance request.

Motion/second (Dornfeld/Triemstra) to close the public hearing portion of the meeting. Motion carried with no negative vote.

Motion/second (Triemstra/Hardesty) to approve the request for a variance.

The board deliberated the variance criteria including unnecessary hardship, unique property limitations, and harm to public.

Roll call vote – Dornfeld – Nay, Triemstra– Nay, Hardesty – Nay.

Motion failed; variance denied.

NEXT MEETING DATE

February 18, 2022

ADJOURNMENT

Chair Hardesty adjourned the Board of Adjustment meeting at 11:29AM.

Submitted by,

Karen Werlein
BOA 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, February 18, 2022, at 9:00 a.m.** The meeting will adjourn for site inspection of the following item:

Item I: Owner: Green Lake County **Applicant:** Land Conservation Department **Site location:** W3306 Cty Rd K **General legal description:** 006-00732-0000, part of the SE¼ S10 and 006-00870-0000, part of the NE¼ S15, T15N, R12E, Town of Green Lake **Request:** Variance from Section 338-32A of the County Shoreland Zoning Ordinance to construct a boat wash station within the 75ft shoreland setback.

The Board of Adjustment will reconvene at approximately **9:45 a.m.** to consider the item above.

All interested persons wishing to be heard at the public hearing are invited to attend. Please note that *it is not uncommon for an owner/applicant to withdraw a request at the last minute.* For further detailed information concerning this notice contact **Land Use Planning and Zoning** at (920) 294-4156.

Publish: February 3, 2022

BOARD OF ADJUSTMENT

Public Hearing

February 18, 2022

Item I: Variance

Owners:

Green Lake County

Applicant:

Paul Gunderson

Request: The owner/applicant is requesting a variance to locate a boat decontamination station inside the shoreland setback.

Parcel Number/ Location: The request affects parcel 006-00732-0000 & 006-00870-0000 located in the SE 1/4 of Section 10 and the NE 1/4 of Section 15, T15N, R12E, Town of Green Lake. The site address is W3306 County Road K.

Existing Zoning and Uses of Adjacent Area: The subject site is currently zoned as RC, Recreation District and is used as a public boat launch. To the north of the subject site is Green Lake, to the west is the thin strip of land that County Road K follows between Green Lake and the slough, and to the south is the Green Lake slough. The land to the east is more of the slough and Dodge Memorial County Park.

Floodplain and Shoreland zoning apply to the subject site.

Additional Information/ Analysis: Involved in this proposed project are Green Lake County Land Conservation Department, Green Lake Sanitary District, Green Lake Association, and Golden Sands RC&D. Boat wash stations work by dispensing pressurized water to decontaminate boats and other watercraft of aquatic invasive species before they would enter Green Lake. According to the applicant, the boat wash station is needed as aquatic invasive species are commonly transported from infected lakes by improperly cleaned boats and trailers. The applicant states that the thousands of boats that use Green Lake's public launches each year increase the possibility of introducing a new invasive species in Green Lake. There will be no county tax dollars going to this project, it is funded primarily from boat launch fees. According to the applicant, a petition from the Green Lake Association shows that residents want to see action taken to prevent aquatic invasive species in Green Lake.

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

- Aquatic hitchhikers are a significant concern for lake owners as well as lake users. The interest that the County, as well as the other interest groups, has in protecting the lake is not a self-created hardship.
- The desire to provide the boat wash station at this location is not derived from a specific issue/concern of the owner/applicant, rather the desire is meant to address the public interest in protecting and preserving the lake.
- Considering the property as a whole, there would be no alternative location for the boat wash station and infiltration area other than the existing parking area. This location would create a significant loss in parking stalls and would produce traffic congestion.
- There is no economic or financial hardship stated in the variance request.

2) Unique Property Limitations

- Ideally the County would like for as many people to be able to access Green Lake as possible, but the subject site is significantly shallow in depth. This lack of depth results in a fixed number of parking stalls for launch users. The number of parking stalls is further limited by the necessity for users to safely maneuver their towing vehicles and trailers throughout the launch.
- There are no other boat launches nearby, however, there is the Sunset Park boat launch (County Road A) that would also share these same limitations.
- Alternative code-complaint designs have been discussed with Department staff, but the alternative locations would reduce parking and increase congestion.

3) Harm to Public Interest

- Allowing the project to be constructed in the shoreland setback, when the above hardship and uniqueness criteria are perceived by the BOA to

be met, is not contrary to the public interest. Furthermore, the project when implemented, will provide the public a way to help protect Green Lake from aquatic invasive species. Finally, there would not be a harm to public interest as the impervious surface addition would be treated by the filter diaphragm.

- From a regulatory perspective there do not appear to be any short-term and long-term effects of granting this variance. The worry is that future variance requests could be derived from this particular request. I think this worry is not of concern as very few variance requests can claim that their project has a public benefit.
- As explained above, the addition of the boat wash station is not sized for the convenience of the applicant but rather for the convenience of the public.

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). The coffin inlet shall be cleaned daily or earlier as necessary to keep larger matter from restricting flow into the filter diaphragm.
- 2.) The infiltration system shall be serviced and maintained in order to effectively reduce invasive species from making it past the filter diaphragm and into the ditch running along the north side of County Road K.
- 3). Any traffic control, information or directional notice signs, that are necessary for the boat wash station to be used efficiently and safely are allowed on the subject site without a land use permit.

VARIANCE APPLICATION – GREEN LAKE COUNTY

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

Date Received: 12/14/21

Fee Received: \$ 375.00

Green Lake County

Paul Gunderson

Owner Name

Applicant Name

Owner Signature _____ Date _____

 12-14-21
Applicant Signature _____ Date _____

571 County Road A

571 County Road A

Mailing Address

Mailing Address

Green Lake WI 54941

Green Lake WI 54941

City State Zip

City State Zip

920-294-4051

920-294-4051

Home Phone Work/Cell Phone

Home Phone Work/Cell Phone

pgunderson@greenlakecountywi.gov

Email address

Email address

Site Address W3306 County Road K, Markesan, WI 53946

Tax Parcel ID # 006-00732-0000 & 006-00870-0000

SE ¼, SE ¼, Section 10, T 15 N, R 12 E

NE ¼, NE ¼, Section 15, T 15 N, R 12 E

Lot _____ Block _____ Subdivision/Plat _____

Lot _____ CSM # _____ Town of Green Lake

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:**

This will be a pressurized boat decontamination station designed specifically to decontaminate boats from aquatic invasive species before entering Green Lake. Boaters will also be encouraged to decontaminate their boats after exiting Green Lake as to not spread other unwanted aquatic invasive species to other bodies of water throughout the county and state.

This decontamination station will be the first one ever installed in our county.

2. **Explain the hardship imposed by the Ordinance:**

The ordinance requires a 75' setback which is not attainable for this boat decontamination project anywhere on the property due to Green Lake bordering on the north side of the proposed project area and County Highway K bordering the south side of the proposed project area with a large portion of the project area containing an existing parking lot.

The longest dimension between the OHWM and CTH K is approximately 172' and due to restricting features on 3 sides we have only this area where we can fit the project. With our project being 111' in length we will not be able to meet the 75' setback no matter how we orient the pad for the decontamination station.

The asphalt pad is designed to be wide enough to fit 2 vehicle's pulling boat trailers side by side with a coffin inlet between the two stalls where the water will flow in to. We incorporated a couple extra feet of width and length for safety purposes since everybody has varying skills when towing boats and trailers. We wanted to offer enough room for a person to make the 90 degree turn before pulling straight up onto the asphalt wash pad while maintaining a safe distance from other vehicles and boat trailers. This will allow one boat to be pressure washed while a second vehicle pulls onto the pad and prepares their boat for washing. Allowing 2 vehicles onto the pad simultaneously will keep boater traffic flowing quicker through the line which will also keep traffic from backing up onto/near Highway K.

While there is already quite a bit of asphalt area to possibly place this boat decontamination project within the existing parking area, we opted to create our own, separate area off the west end of the existing parking lot for numerous reasons. Our goal in creating our own space is to preserve all the existing parking area so that it can be accessible and used for the public. This existing parking area is valuable to the users of Big Green when they need a place to park their vehicle and trailer while out boating. Parking space is already in high demand and examples of this can be seen on a typical summer day when vehicles with boat trailers are parked down both sides of Hwy K in this area due to a shortage of parking. If we incorporated our project into the existing parking lot, we would take even more of this valuable parking area away from the public which might deter boaters and visitors from using our public resources.

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

Since our decontamination wash unit is meant to wash boats before entering and after exiting Big Green, we must be located close to the boat launches at Dodge Memorial Park for convenience to the boaters. Due to this requirement of close proximity, our only workable area for the footprint of the project is within the 75' ordinance setback. The closer we are to the actual boat launches, the more efficient and effective we can be at decontaminating boats while not impeding the flow of traffic.

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

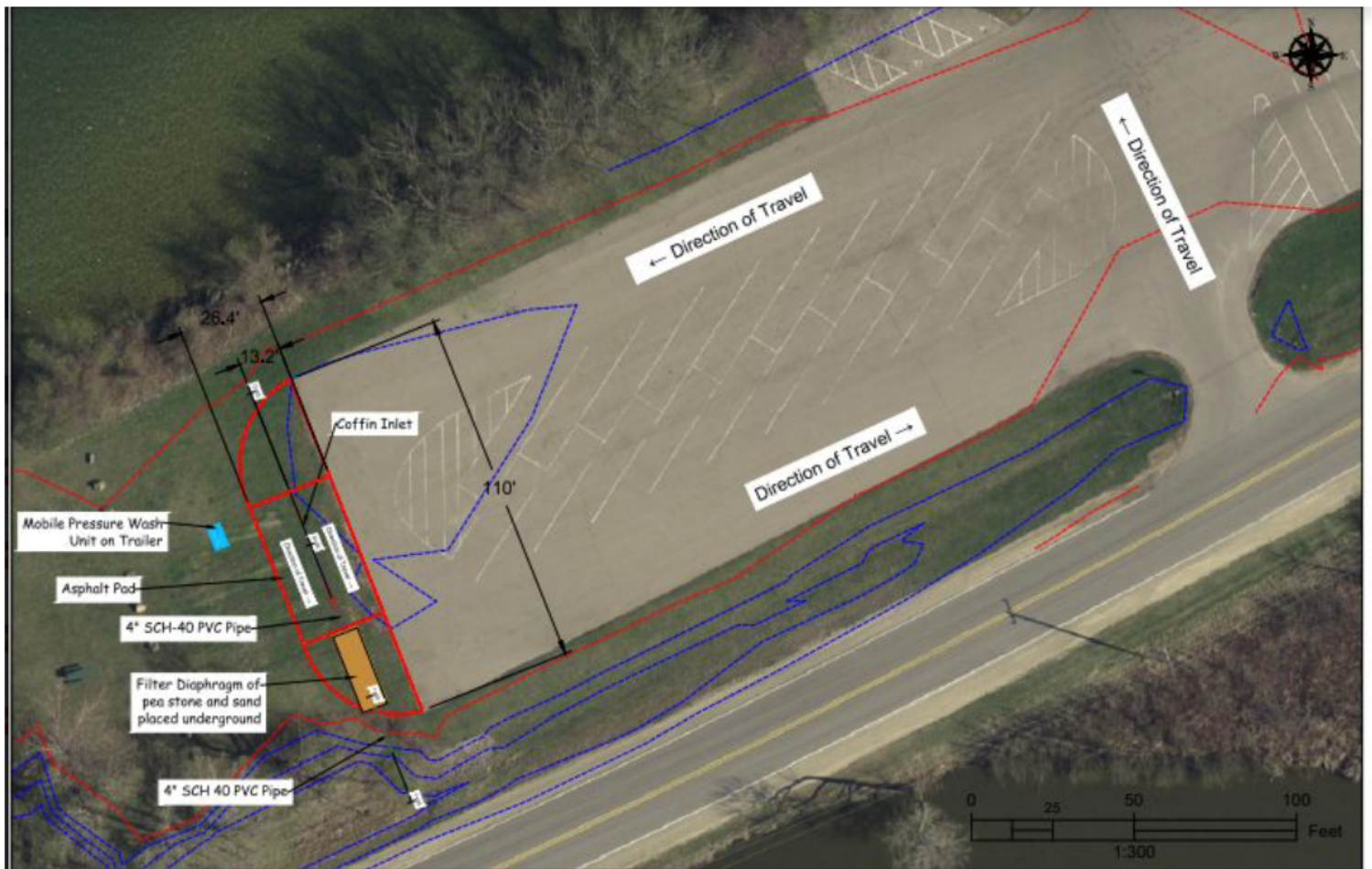
The decontamination station is a project that will prevent aquatic invasive species from entering Green Lake and, likely, other lakes in the county and state. The project has been designed to make the least impact on the flow of boater traffic while being located close to the launches we intend to serve. All runoff water produced by the decontamination unit will enter a coffin inlet drain before getting directed to the underground filter diaphragm where all contaminants will get filtered out of the water. In order to accomplish this, the asphalt pad containing the coffin inlet will be sloped from all four sides toward the middle of the pad where the coffin inlet will accept the water. At this point the water will flow into the underground filter diaphragm where the media will filter out small aquatic invasive species as the water infiltrates back into the soil. Any overflow water that has been filtered will flow into the road ditch per the DNR before re-entering Big Green Lake.

Boat Wash Station Site Design:

The boat wash station, designed for Dodge Memorial County Park, is illustrated in Figure 1. The area to the far west end of the park, abutting the existing paved parking area (outlined in red), is where the station will be installed. The Land Conservation Department configured the site design to ensure that traffic flow through the park is not hampered by the installation of the boat wash station. The site is designed so that two boats can be sitting on the pad at the same time. The wash pad and driving lanes will be paved.

To prevent any run off from the station (that is potentially contaminated with AIS) from flowing back into Green Lake, the proposed design includes a technically-designed infiltration system to force water runoff to flow away from Green Lake and infiltrate into the ground. This design will also remove standing water concerns and potential land management problems.

Figure 1. Boat Wash Location and Layout at Dodge Memorial County Park



Sources:

1 Rothlisberger, J. D., Chadderton, W. L., McNulty, J. and Lodge, D. M. (2010), Aquatic Invasive Species Transport via Trailered Boats: What is Being Moved, Who is Moving it, and What Can Be Done. Fisheries, 35: 121-132.

2 Clean Lakes Alliance (2017), Invasive Species Highlight: Spiny Water Flea.



← Direction of Travel

← Direction of Travel

Direction of Travel →

Coffin Inlet

Mobile Pressure Wash Unit on Trailer

Asphalt Pad

4" SCH-40 PVC Pipe

Filter Diaphragm of pea stone and sand placed underground

4" SCH 40 PVC Pipe

110'

26.4'

132'

800.0

790.0

Direction of Travel →

Direction of Travel →

790.0

800.0

799.0

798.0

797.0

797.0

797.0

798.0



Coffin Inlet

Mobile Pressure Wash Unit on Trailer

Asphalt Pad

4" SCH-40 PVC Pipe

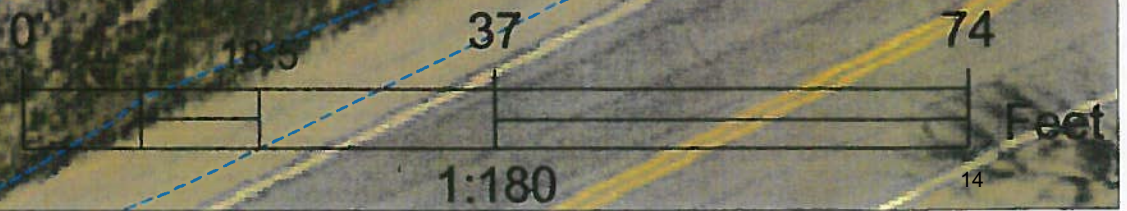
Filter Diaphragm of pea stone and sand placed underground

4" SCH 40 PVC Pipe

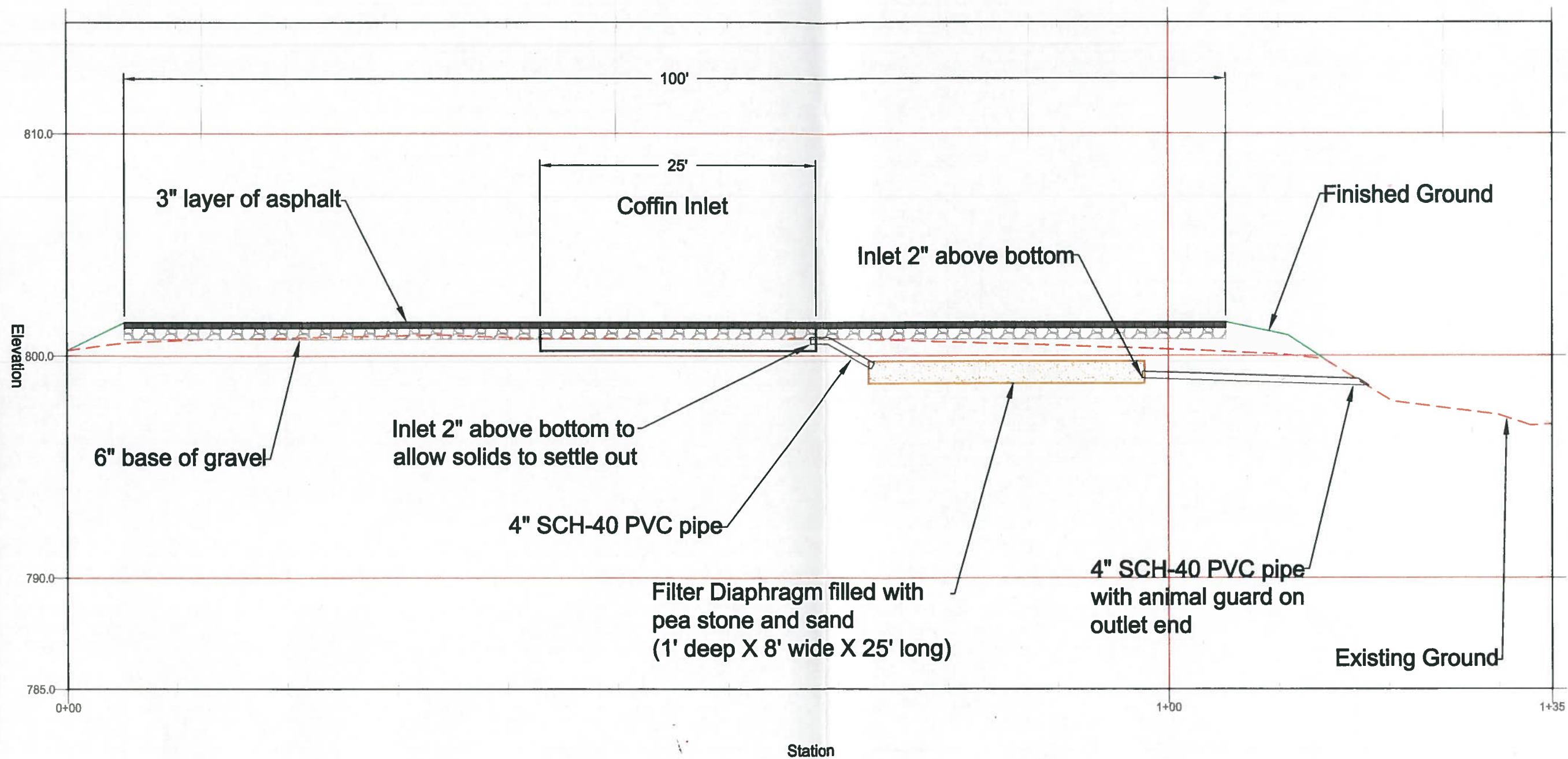
Direction of Travel →

Direction of Travel →

110'



Profile View of CL Boatwash Station



Date: 1/24/20
 Designed: J. Dornfeld
 Drawn: _____
 Checked: _____
 Approved: _____

PROFILE VIEW
 OWNER: Boatwash Station
 COUNTY: Green Lake

United States Department of Agriculture
USDA
 Natural Resources Conservation Service

Drawing Name: WI-014
 Date: 06/2018
 Sheet X15 of ###

GREEN LAKE BOAT WASH STATION PROJECT FACT SHEET

Golden Sands RC&D | Green Lake Assn. | Green Lake Co. Land Cons. | Green Lake Sanitary Dist.

The Boat Wash Project was begun in 2017 as project partners met to address concerns about new aquatic invasive species (AIS) entering the lake from nearby contaminated lakes and rivers. Research has shown that the main vector of AIS into lakes in WI is from boat landings. The scope of the project varied over time; initial thoughts were to put permanent units at multiple launches. The partners, with the guidance of Anna Cisar of Golden Sands RC&D, worked over 5 years to create a streamlined project consisting of a small, portable test unit for Dodge Park. The initial cost of the project is approximately \$48,000 with \$11,500 coming from boat launch fees and the remainder from the DNR, GLA, and GLSD.

Critical points to remember for this proposed project:

- This is a pilot project; created to have minimal infrastructure and cost vs. permanent units at multiple launches for a high initial cost
 - We hope to learn more about the volume of usage, potential additional equipment needs, etc. from this project to replicate the best ideas at the other landings
- No county tax dollars going to project – the county's funding portion is primarily from boat launch fees with \$2K coming from a grant funding already acquired by the Land Conservation Department
 - Green Lake County's Boat launch fee account had \$150K as of the end of 2020
- Funding sources for the project include a DNR grant, GLA and GLSD donations, and County boat launch fees (as mentioned above).
- Boats used only on Big Green Lake do not need to be washed.
- Boats out of the water for more than 5 days do not need to be washed.
- This project will help determine if a boat wash ordinance is needed to get participation.
- Using their own boat launch fees, the City of Green Lake has created a Harbor Master position to monitor the Dartford Bay landing as boat cleanliness into and out of the landing is a problem.
- We must consider the economic value of Green Lake without spiny water flea or other worrisome invaders vs. Green Lake with AIS that limit near shore swimming, impacts to the fishery, etc.
- The GLA boat wash petition shows that residents want to see action taken to prevent AIS in Green Lake. This project can also help prevent the spread of AIS from Green Lake to other lakes.
- The Green Lake County Board of Supervisors voted unanimously to approve the project.

BIG GREEN LAKE BOAT WASH STATION

Prepared for the Board of Adjustment | February 18, 2022



The proposal:

Multiple, local groups—Golden Sands RC&D, Green Lake Association, Green Lake Sanitary District and Green Lake County Land Conservation Department—are proposing the purchase of a portable boat wash station and installation of a water infiltration design at the Dodge Memorial County Park public boat launch in Green Lake County.

How does it work?

Boat wash stations dispense pressurized water to decontaminate boats and other watercraft of aquatic invasive species (AIS) before they enter Big Green Lake. These types of units are 91% effective at removing small-bodied, invasive organisms such as spiny water fleas.¹

Why is it needed?

AIS are most commonly transported from infected lakes by improperly cleaned boats and trailers. Therefore, the thousands of boats that use Green Lake's public launches every year increase the possibility of introducing a new invasive species into Big Green. While there is no way to guarantee new AIS will not make their way into Big Green, a boat wash station will provide an extra level of protection to the lake and the results of this pilot project expand the possibility of additional boat wash stations around Green Lake in the future.

It only took one contaminated boat to transport zebra mussels from one infected lake to permanently alter the way we use Green Lake. Since 2005, zebra mussels have cut people's feet, ruined piers, exacerbated weed growth and caused the development of foul smelling filamentous algae on shore.

There are many other aquatic invasive species that Green Lake does not yet have. Our lake and local economy need to be protected from invasive species in nearby waters that could easily spread to Big Green. A recent effort calculated the costs of AIS after Lake Mendota, in Madison, was infected with spiny water fleas. After infection, the lake lost one month of clear water conditions, annually, because of this invasive species. Additionally, a study found that it would take tens of millions of dollars to return Lake Mendota's water quality to pre-spiny water flea conditions.² Lake Mendota now has the highest densities of spiny water fleas of anywhere in the world and is only 70 miles away from Green Lake. The environmental and economic burdens of AIS are clear and we must do all we can to protect Green Lake.¹⁷