



# **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 that is scheduled for Thursday, January 20, 2023. The meeting begins at 8:30 a.m.

**Packet Pages:**

- 2            Agenda
- 3            2023 Meeting Calendar
- 4            Draft Meeting Minutes from December 20, 2022
- 5-6         Draft Meeting Minutes from December 22, 2022

**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@greenlakecountywi.gov](mailto:zoning@greenlakecountywi.gov)

**Board of Adjustment Meeting Notice**

**Date: January 20th, 2023 Time: 8:30 AM**  
**Green Lake County Government Center, Room #0902**  
**571 County Road A, Green Lake, WI 54941**

**AGENDA**

***Board of Adjustment Members:***

*Ron Triemstra,  
Chair*

*Rick Dornfeld,  
Vice-Chair*

*Brian Zimmerman,  
First alternate*

*BJ Zirger,  
Second alternate*

*Karen Werlein,  
BOA Secretary*

1. Call to order
2. Roll call
3. Pledge of Allegiance
4. Certification of open meeting law
5. Approval of 2023 Board of Adjustment Calendar
6. Approval of Minutes: 12/20/2022 & 12/22/2022
7. Adjourn

**This meeting will be conducted through in person attendance or audio/visual communication. Remote access can be obtained through the following link:**

Topic: Board of Adjustment Meeting  
Time: January 20, 2023 08:30 AM Central Time (US and Canada)

**Microsoft Teams meeting**

**Join on your computer, mobile app or room device**

[Click here to join the meeting](#)

Meeting ID: 292 402 682 06

Passcode: nUvn9u

[Download Teams](#) | [Join on the web](#)

**Or call in (audio only)**

[+1 920-659-4248,459516510#](#)

United States, Green Bay

Phone Conference ID: 459 516 510#

[Find a local number](#) | [Reset PIN](#)

Please accept at your earliest convenience. Thank you!

Virtual attendance at meetings is optional. If technical difficulties arise, there may be instances when remote access may be compromised. If there is a quorum attending in person, the meeting will proceed as scheduled.

**Please note: Meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or audio assistance, should contact the Land Use Planning & Zoning office, no later than 3 days before date of the meeting.**

# Board of Adjustment

## 2023

### Meeting Dates:

January 20
<b>February 17</b>
March 17
<b>April 21</b>
May 19
<b>June 16</b>
July 21
<b>August 18</b>
September 15
<b>October 20</b>
November 17
<b>December 15</b>

January						
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**Green Lake County  
BOARD OF ADJUSTMENT  
Meeting Minutes - Thursday, December 20, 2022**

The meeting of the Green Lake County Board of Adjustment was called to order by Vice Chair Rick Dornfeld on Thursday, December 20, 2022 at 10:00AM in the Green Lake County Board Room, Green Lake County Government Center, 571 County Road A, Green Lake, WI.

**ROLL CALL**

Present:

Brian Zimmermann (Alternate)  
Rick Dornfeld  
Andy Phillips, BOA counsel

Absent:

Ron Triemstra  
BJ Zirger

Other County employees present:

Karen Werlein, BOA Secretary

Matt Kirkman, P&Z Director

**PLEDGE OF ALLEGIANCE**

Recited

**CERTIFICATION OF OPEN MEETING LAW**

The requirements of the open meeting law were certified as being met. Posted on the County's bulletin board, county website, and newspaper.

**RECESS FOR FIELD INSPECTION**

Vice Chair Dornfeld called recess for field inspection at 10:01AM. Located at the intersection of County Road K and Brooklyn G Road.

The meeting will adjourn at the site.

**NEXT MEETING DATE**

December 22<sup>nd</sup> at 9:30AM

**ADJOURNMENT (On site)**

Vice Chair Dornfeld adjourned the Board of Adjustment meeting at 10:30AM

Submitted by,  
Karen Werlein  
BOA Secretary

**Green Lake County  
BOARD OF ADJUSTMENT**

**Meeting Minutes - Thursday, December 22, 2022**

The meeting of the Green Lake County Board of Adjustment was called to order by Vice Chair Rick Dornfeld on Thursday, December 22, 2022 at 09:32AM in the Green Lake County Board Room, Green Lake County Government Center, 571 County Road A, Green Lake, WI.

**ROLL CALL**

Present:

Brian Zimmermann (Alternate)  
Rick Dornfeld  
Andy Phillips, BOA counsel

Absent:

Ron Triemstra  
BJ Zirger

Other County employees present:

Karen Werlein, BOA Secretary  
Caleb Edwards, Land Use Specialist

Matt Kirkman, P&Z Director

**PLEDGE OF ALLEGIANCE**

Recited

**CERTIFICATION OF OPEN MEETING LAW**

The requirements of the class two open meeting law were certified as being met. Posted on the County's bulletin board, county website, and posted in the Berlin Journal Newspaper two consecutive weeks.

**APPROVAL OF MINUTES**

***Motion/second (Zimmerman/Dornfeld)*** to approve the minutes of the 9/16/22 and 11/02/22 meeting. Motion carried with no negative vote.

**PUBLIC HEARING**

Vice Chair Dornfeld read the rules for the Public Hearing

**Appellants:** Green Lake Association, Inc. Green Lake Conservancy, Inc. Green Lake Sanitary District, Ernie Neuenfeldt **Owner/applicant:** Donald Kinas, Michael McConnell **General legal description:** 004-00787-0000, \*004-00786-0000 (\*identified due to Stormwater Plans), part of the SW1/4 S36 T16N, R13E, Town of Brooklyn **Administrative Appeal:** The Board of Adjustment will conduct a de novo (new) hearing to determine whether to approve (with or without conditions) an application for a conditional use permit filed by Donald Kinas for a non-metallic mining operation at the subject property.

- a. Public Testimony/Comment: Vice Chair Dornfeld called for public input.  
Public comments held  
Vice Chair Dornfeld closed the public hearing.

- b. BOA Discussion & Deliberation:  
Deliberation and discussion were made from BOA members
- a. BOA Decision: ***Motion/second (Zimmerman/Dornfeld)*** to Uphold/Sustain the Appeal (effect is to deny permit application)

**Findings:**

**Following deliberation and consideration of the factors identified in Wis. Stat. § 91.46, Ordinance 350-27(2)(e) and Ordinance 350-56(B)(2), all of which must be met for a conditional use permit to issue, the Board makes the following Findings based upon the evidence contained in the record of the public hearing:**

1. The Applicant failed to provide the Board with substantial evidence that the operation and location of the mine in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district. The Applicant provided no evidence of an effort to locate suitable property for the proposed mine outside the farmland preservation district. (Wis. Stat. § 91.46(6)(c); Ordinance 350-27(2)(e)3)
2. As established through the testimony of the Appellants' witnesses, the operation will or may have a negative effect upon the health, safety, and general welfare of occupants of surrounding lands. In addition to the testimony provided by Appellants, the testimony of the DNR official regarding the work done to preserve the area surrounding the proposed mine, the fragile nature of the area surrounding the mine and the potential for the mine to disrupt the area was afforded weight. (Ordinance 350-56(B)(2)1)
3. As established through the testimony of the Appellants' witnesses, the operation is not designed, constructed, operated, and maintained so as to be harmonious and be appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area. The Board does not fault the design of the proposed mine and recognizes the Applicants' efforts to minimize the proposed mine's impact on the surrounding area, but the proposed mine would not be harmonious with the surrounding area and would change the essential character of the area as being preserved for farmland and related activities. (Ordinance 350-56(B)(2)2)
4. As established through the testimony of the Appellants' witnesses and public testimony, the proposed mine's operation would, or there is a significant risk it may, be hazardous or disturbing to existing or future neighboring uses. Specifically, the Appellants established the proposed mine would create a significant risk to the water quality and quantity of the nearby springs and the Applicant's testimony did not clearly establish that such risk would be eliminated. (Ordinance 350-56(B)(2)3)
5. As established through the testimony of the Appellants' witness on property valuation, the proposed mine's operation will likely be detrimental to property in the immediate vicinity or to the community as a whole. There is a significant risk that neighboring properties would suffer a decrease in value as a result of mining operations in the vicinity of the properties. (Ordinance 350-56(B)(2)4)
6. The Board finds that there is substantial evidence indicating the Applicant met or agreed to meet the additional factors and standards contained in Wis. Stat. § 91.46(6), Ordinance 350-27(2)(e) and Ordinance 350-56(B)(2) not identified above and relevant to the application for a conditional use permit application. However, given the substantial evidence showing that not all of the required factors in Wis. Stat. § 91.46, Ordinance 350-27(2)(e) and Ordinance 350-56(B)(2) are capable of being met (with or without conditions), the Board cannot issue the requested conditional use permit.

**Based upon the Findings herein, the appeal is sustained and the application for a conditional use permit is DENIED.**

**ADJOURNMENT**

Vice Chair Dornfeld adjourned the Board of Adjustment meeting at 4:22PM

Submitted by, [Karen Werlein, BOA Secretary](#)