



# **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 Friday, April 19, 2024. The meeting begins at 9:00 a.m. The Public Hearing is not to begin before 9:30 a.m.**

**Packet Pages:**

- 2            Agenda
- 3-5         Draft Meeting Minutes from February 20, 2024
- 6            Public Hearing Notice
- 7-11        Variance Application
- 12-14      Neighbor endorsement letters
- 15-17      LUP&Z Committee Staff Report

**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: April 19, 2024, Time: 9:00 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

*Peter Wallace,*  
Member

*Brian Zimmerman,*  
First Alternate

*Vacant-TBD,*  
Second alternate

*Karissa Block,*  
BOA Secretary

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.

This agenda gives notice of a meeting of the Board of Adjustment. It is possible that individual members of other governing bodies of Green Lake County government may attend this meeting for informative purposes. Members of the Green Lake County Board of Supervisors or its committees may be present for informative purposes but will not take any formal action. A majority or a negative quorum of the members of the Green Lake County Board of Supervisors and/or any of its committees may be present at this meeting. See State ex rel. Badke v. Vill. Bd. of Vill. of Greendale, 173 Wis.2d 553, 578, 494 N.W. 2d 408 (1993).

1. Call to order
2. Roll call
3. Pledge of Allegiance
4. Certification of open meeting law
5. Approval of Minutes: 2/20/2024
6. Recess for field inspection
7. Public Hearing (not to begin before 9:30am)

**Owner/Applicant:** Timothy Brightbill & Ruth Gates, **Location:** W3038 Longview Lane, **Parcel:** 006-00756-0000, **General legal description:** Lot 1 of CSM 3817, Section 11, T15N, R12E, Town of Green Lake, **Request:** Variance to create a lot that is 75 feet in average width whereas Section 350-38.C. of the County Zoning ordinance requires 100 feet of average lot width.

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

8. 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: April 19, 2024 09:00 AM Central Time (US and Canada)

**Microsoft Teams** [Need help?](#)

[Join the meeting now](#)

Meeting ID: 297 903 655 595

Passcode: uJB7VQ

**Dial-in by phone**

[+1 920-515-0745,430599694#](#) United States, Green Bay

[Find a local number](#)

Phone conference ID: 430 599 694#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

Please accept at your earliest convenience. Thank you!

[Org help](#) | [Privacy and security](#)

**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.**

**Green Lake County**  
**BOARD OF ADJUSTMENT**  
February 20,2024

The meeting of the Green Lake County Board of Adjustment was called to order by Chair Ron Triemstra on Tuesday, February 20, 2024, at 9:00am 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 remote access. The requirements of the open meeting law were certified as being met. The Pledge of Allegiance was recited.

**ROLL CALL**

<b>Present:</b> Ron Triemstra, Chair Rick Dornfeld, Vice-Chair Peter Wallace BJ Zirger (Alternate) - remote	<b>Also Present:</b> Crystal Fieber, Hopp Law Offices Kevin Clark, von Breisen & Roper Tony Goebel, Owner of Little Green Lodge
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**Other County employees present:**

Karissa Block; Deputy County Clerk, Cate Wylie; County Administrator, Jeff Mann; Corp Counsel; Matt Kirkman, P&Z Director; Maxwell Richards, Land Use and POWTS Specialist; Tami Toth, Legal Assistant

**APPROVAL OF 2024 BOARD OF ADJUSTMENT CALENDAR**

*Motion/second (Triemstra/Dornfeld)* to amend the 2024 Board of Adjustment Calendar due to a typo under the December column. Motion carried with no negative vote.

**MINUTES**

*Motion/second (Wallace/Dornfeld)* to approve the minutes of the 1/16/2024 meeting. Motion carried with no negative vote.

**ADJOURN FOR FIELD INSPECTIONS**

Chair Triemstra called the meeting into recess at 9:06am for Field Inspection

Chair Triemstra called the meeting back into session at 10:02am

\*Maxwell Richards left the meeting at 10:02am

**PUBLIC HEARING – 10:02AM**

Chair Triemstra read the Operational Procedure Guidelines

Tony Goebel – Owner of Little Green Lodge LLC gave his presentation.

Kevin Clark – Von Briesen and Roper Attorney, representing Joe and Brian Wroblewski, started with a testimony with John Vandebrink, a previous owner of Little Green Lodge for 19 years. Clark then went into his presentation.

***Motion/second (Dornfeld/Wallace)*** to move into recess at 11:44am. Motion carried with no negative vote.

Chair Triemstra resumed the meeting at 11:54am

\*Cate Wylie left the meeting at 11:54am

Gabel was able to make comments/ ask questions.

**-Hearing was opened to the public**

Emily Trusk at 236 Clinton St N Fond Du Lac spoke in favor of Little Green Lodge.

**-Public Hearing Closed at 12:08pm**

***Motion/second (Triemstra/Wallace)*** to reopen the Public Hearing to permit the Land Use Planning Committee to speak. Motion carried with no negative vote.

Matt Kirkman, Planning & Zoning Director gave his report. Discussion held.

\*Wylie joined the meeting remotely at 12:27PM

Crystal Fieber held deliberations and discussion with the board.

***Motion/second (Dornfeld/Wallace)*** to approve that the structure is an accessory to the principal use of the property. Motion carried with no negative vote.

Follow up discussion held.

***Motion/second (Triemstra/Dornfeld)*** to grant a conditional use permit to Little Green Lodge. Motion carried with no negative vote.

***Motion/second (Triemstra/Dornfeld)*** to reopen the public comment at 1:35PM for a discussion to be held with the petitioner. Motion carried with no negative vote.

Discussion held on Little Green Lodge and its quiet hours. Goebel spoke on current quiet hours.

***Motion/second (Triemstra/Dornfeld)*** to amend the motion made for the conditional use permit with conditions 1-6 listed on page 44-45 in the packet. Motion carried with no negative vote.

*Motion/second (Triemstra/Dornfeld)* to approve authorizing Crystal Fiber as the board's legal counsel to draft findings of the fact, conclusions of law, and decision memorializing the board's action and further authorizing the board chair to execute the file the same. Motion carried with no negative vote.

**ADJOURNMENT**

*Motion/second (Triemstra/Wallace)* to adjourn the meeting at 1:50PM. Motion carried with no negative vote.

Respectfully Submitted,

Karissa Block  
Deputy County Clerk

DRAFT

## 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 19, 2024, at 9:00 a.m.** The meeting will recess for site inspection of the following item:

**Item #1: Owner/Applicant:** Timothy Brightbill & Ruth Gates, **Location:** W3038 Longview Lane, **Parcel:** 006-00756-0000, **General legal description:** Lot 1 of CSM 3917, Section 11, T15N, R12E, Town of Green Lake, **Request:** Variance to create a lot that is 75 feet in average width whereas Section 350-38.C. of the County Zoning ordinance requires 100 feet of average lot width.

The Board of Adjustment will reconvene at approximately **9:30 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: April 11, 2024*

# VARIANCE APPLICATION – GREEN LAKE COUNTY

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

Date Received: 2-26-24

Fee Received: 375

Timothy C. Brightbill & Ruth E. Gates

Timothy C. Brightbill

Owner Name Ruth E. Gates

Applicant Name

T.C. Brightbill 2/23/2024

T.C. Brightbill 2/23/2024

Owner Signature Date

Applicant Signature Date

1612 Orchard St.

1612 Orchard St.

Mailing Address

Mailing Address

Alexandria VA 22302

Alexandria VA 22302

City State Zip

City State Zip

202-468-2823

202-468-2823

Home Phone Work/Cell Phone

Home Phone Work/Cell Phone

tbrightbill@wiley.law

tbrightbill@wiley.law

Email address

Email address

Site Address W3038 Longview Lane

Tax Parcel ID # 006 - 00756 - 0000

NW  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 11, T 15 N, R 12 E

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision/Plat \_\_\_\_\_

Lot 1 CSM # 3817 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:

SEE ATTACHED

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2. Explain the hardship imposed by the Ordinance:

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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**ATTACHMENT TO VARIANCE APPLICATION  
GREEN LAKE COUNTY  
TIMOTHY C. BRIGHTBILL**

**1. Explain your proposed plans and how they vary from required dimensional standards:**

The requested variance is from the dimensional standard of 100' average width of a lot to be created by land division within the shoreland zoning areas of Green Lake. The current width of the one waterfront lot to be created would be approximately 75 feet in average width. It is 77.44 feet at the meaner line and 72.86 feet at the rear property line at the point it intersects with the private road servicing the property. The second lot in the proposed lot division would have an average width in excess of 200 feet and would meet all other area requirements under the applicable ordinances. In requesting this variance on the front lot, it should be noted the lot is a sewered lot. The current ordinance would allow for a 75 foot lot as conforming if it were an existing lot that we were requesting a land use permit to construct a residence. It is only because this is a lot division that the larger width number becomes relevant. Additionally, the request to take the existing parcel and divide it into two parcels is a return to the original condition of the property as it existed for many years. It is only recently that the two lots were combined by the previous owner into one large lot. This was done to save taxes because the previous owner never wished to develop the back lot. Your applicant is simply asking to return the lot configuration to what it was for many years.

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

The hardship imposed by the Ordinance is that the ordinance is intended to avoid creating new lots of less than 100 feet in the shoreland zoning district. The intent of the ordinance is not to prevent returning the configuration of a lot to a condition that existed for many years. Nor is the intent to prohibit the creation of a lot configuration that is consistent with the neighborhood which has several lots that are 75 feet in width. If one were to attempt to comply with the strict language of the ordinance, one would have to extend the front lot into the backlot in a manner that would make no sense. The only way to reach a 100-foot average would be to take a portion of the back lot and blend the 200-foot width with the 75-foot width, which would create an average of width of 100 feet. The result would be two mis-shaped lots with the back lot remnant basically unusable. This illogical division would also create access problems, utility issues, and a very strange lot configuration.

The drafters of this ordinance could not have anticipated this kind of a situation when they drafted this portion of the lot division ordinance. This is why the current hardship exists through no fault of anyone. Clearly the intent of the shoreland ordinance is to see

that sewered lots are approximately 75 feet in width and have a width consistent with the neighborhood. Therefore, the hardship is that there does not exist a methodology, other than returning the property to its original design as two lots, to accomplish the creation of two buildable lots. This is a return to the way it was originally designed and not a new configuration. Approval of this variance would assist both the Town and County by creating two buildable lots consistent with the existing neighborhood.

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

The unique feature of the property that creates the hardship is the unique shape of the lot (flag lot) and the existence of the private roadway easement that bisects the current lot. The unusual configuration is a result of ignoring the original intent of the two lots. A person looking at this parcel of land would automatically perceive the existence of two distinct building areas separated by a roadway. In fact, that is how the property existed for years. To try to create a 100' average width lot now would be to create a substantially unusable portion of the second lot and an unusual lot line that would not be consistent with the neighborhood, the existing roadway or the utilities serving the property. To approve the variance request and allow the division as requested is to make it conform with the neighborhood and create two buildable residential lots consistent with the surrounding land development.

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

The variance provides no harm to the public in that it simply returns the property back to its previous consistent use and in conformity with all the surrounding properties. The single lot when divided into two lots will be substantially larger than many of the surrounding lots in the neighborhood. The area is sewered so there is no concern with creating an overused septic system. Also, both parcels would have access to a public highway. The current lot has a right-of-way that divides the existing lot in two, which is another reason for requesting the variance. There is no harm to the public and there will be a benefit resulting from the increase in property value given the fact that the current lot (which is a combination of the two previous historical lots) could not sustain any additional residential development because two residences are not permitted on one lot no matter its size if it is in the shoreland district.

**Conclusion:**

In closing I would like to personally thank you on behalf of myself and my family for your consideration of this matter. We are pleased to be part of the Green Lake community and look forward to many years enjoying our planned new home which this variance will facilitate.

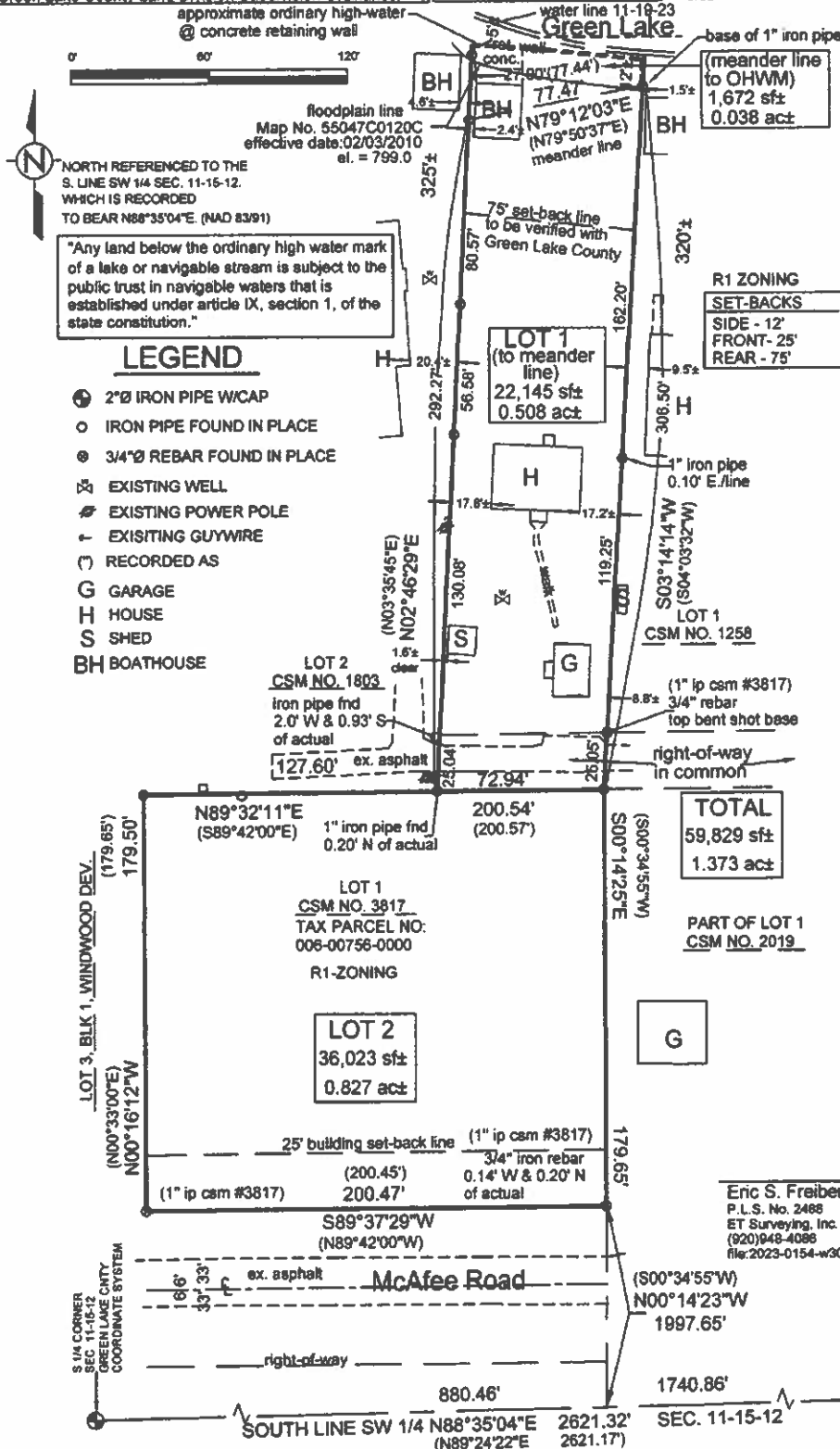
# CERTIFIED SURVEY MAP

For Timothy Brightbill & Ruth Gates

BEING A RE-DIVISION OF LOT 1 CERTIFIED SURVEY MAP NO. 3817  
 LOCATED IN GOVERNMENT LOT 2  
 OF SECTION 11, BEING LOCATED IN T. 15 N. - R. 12 E.,  
 TOWN OF GREEN LAKE, GREEN LAKE COUNTY, WISCONSIN.

The purpose of this Certified Survey Map is to divide Lot 1 of Certified Survey Map No. 3817 - Tax No:006-00756-0000 into a 2 lot Certified Survey Map complying with the Green Lake County Land Division Subdivision Ordinance.

OWNER  
 Timothy Brightbill & Ruth Gates  
 1612 Orchard Street  
 Alexandria, Virginia 22302



CERTIFIED SURVEY MAP NO. \_\_\_\_\_

VOLUME \_\_\_\_\_

PAGE \_\_\_\_\_

SHEET 1 OF 4

## Brown, Noah

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**From:** Rhonda Murray <murray.l.rhonda@gmail.com>  
**Sent:** Wednesday, April 10, 2024 3:55 PM  
**To:** Brown, Noah  
**Cc:** Kirkman, Matt  
**Subject:** Zoning Variance Request Brightbill-W3038 Longview Lane

[CAUTION: EXTERNAL SENDER This email originated from outside Green Lake County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Green Lake County  
Land Use Planning and Zoning Department  
571 County Road A  
Green Lake, WI 54941

Re: Zoning Variance Request: W3038 Longview Lane / Brightbill

Dear Mr. Brown,

I am writing on behalf of Tim and Ruth Brightbill and their request for a variance to the zoning restrictions on their property at W3038 Longview Lane.

Being the past owner, I grew up coming to the cabin my grandpa built, which is the cabin Tim and Ruth are looking to move to the "back lot". It would be an understatement to say that I am thrilled with them keeping the old heritage of "MY" Green Lake intact. The "Back Lots" were purchased by my parents directly from McAfee's. The property was just over the fence from the lake front property and went along the utility lines and fence along Longview Lane. The joining of the lots with the lakefront property was all for tax saving and simplification for us. Honestly it was just easier with fire numbers and identification. Tim and Ruth are looking to preserve the heritage of the property but at the same time have it functional for their family now, and for building a love for the preservation of the lake for future legacy generations. They have respect for the Stewardship of the lake and have been very kind and respectful to my generational Stewardship being passed on to theirs. Reversing the property to the original division (straight line division) along utilities and fence lines keeps it simple for neighbors, and utilities, and allows for Tim and Ruth, and the County, to keep things logical in this situation. They are such a good, honest and respectful family I felt very confident, in selling to them, that they will do nothing to harm neighbors and/or especially Green Lake.

Hopefully you will give Tim and Ruth Brightbill favorable consideration for their variance zoning request.

Thank you!

Rhonda L. Murray

## Brown, Noah

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**From:** Justin Ellis <justindavidellis@gmail.com>  
**Sent:** Wednesday, April 10, 2024 9:52 AM  
**To:** Brown, Noah; Kirkman, Matt  
**Subject:** W3038 Longview Lane, Parcel #006-00756-0000

[CAUTION: EXTERNAL SENDER This email originated from outside Green Lake County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Hello Matt and Noah,

My name is Justin Ellis, my wife Alison and I have lived at W3081 Mcafee Road, Markesan, WI, for nearly 20 years. I am one of the commissioners on the Green Lake Sanitary district, in addition to the work I do with many area organic farms, My wife works as a librarian at Murray Park Elementary School in Ripon, the school district where our children attend. We have raised our two sons at our current home, they are now teenagers and have been able to enjoy all this part of the county has to offer.

We met Tim and Ruth Brightbill when they purchased Rhonda Murray's house last year. This property is across the street from us, in our residential neighborhood that is mostly retirees and some rental properties. They are seeking a variance to split their current lot back to original property lines. This will allow them to move the existing lake cottage to the lots on the south side of the property and allow them to construct a modern home for their family on the lake. My wife and I fully support their request for a variance on this project. They will be able to hook both houses up to the existing sewer line, and will maintain a piece of lake history in the form of the restored cottage.

I believe they intend to remain in the Green Lake area long term, and have an interest in spending quality time with their family for years to come. This variance request will not create an issue of any kind to the permanent residents in the neighborhood, and we believe it should be granted. Please don't hesitate to reach out with any questions.

Justin and Alison Ellis  
W3081 Mcafee Road  
920 860 3268

Hi Ruth,  
Here is my letter...

I do not know how to do PDF s so you may want me to change the form???Just let me know  
Boni

Mr. Brown:

I please me to support the Brightbills in their request for a zoning variance on property #006-00756-0000. Key to my support is this paragraph from their 3/18/24 letter to the G.L. Land Use and Zoning Dept. "We would like to split the property along Longview Lane - again in the way that it was divided for many years. However, we understand to do so, the current regulations now impose a lot width requirement that would require us to take some of the back lot and "give" it to the front lot, in a way that does not make sense and creates two very odd-shaped lots. We are asking for the variance so that we can split the lots in the manner that they have always existed, and so that both lots will have their normal property lines along Longview Lane."  
My home is one house west of the Brightbill's property, W3054 Blackbird Pt. Dr. W. My ownership began in 1989, so for 35 years I have been a neighbor. I know and care about this area and see no reason to change the position of Longview Lane. It works just fine as is. As for the Brightbills, I see them enjoying their property...they have excellent plans for the future ...plus from our conversations I know them to be good stewards of both the land and water.

Sincerely,

Boni Jensen

## BOARD OF ADJUSTMENT

Public Hearing

April 19, 2024

### Item I: Variance

**Owners:**

Timothy C. Brightbill & Ruth E. Gates

**Applicant:**

Timothy Brightbill

**Request:** The owners are requesting a variance to Section 350-18 of the County Zoning Ordinance to create a lot with an average width of 75ft whereas an average width of at least 100ft is required.

**Parcel Number/ Location:** The request affects parcel 006-00756-0000 (±1.37 acres) being lot 1 of CSM 3817 located in the NW¼ of the SE¼ of Section 11, T15N, R12E, Town of Green Lake. The site address is W3038 Longview Lane.

**Existing Zoning and Uses of Adjacent Area:** The subject property is currently zoned as R-1, Single-Family Residence District. Neighboring properties are all zoned R-1 as well.

Floodplain and Shoreland zoning apply to the subject property.

**Additional Information/ Analysis:** The subject property is a riparian lot that had been two stand-alone lots prior to the recording of CSM 3817 on August 16, 2021. The two lots were combined by CSM by a previous property owner.

The current combined configuration of the subject property in relation to the private roadway easement is described in the variance application as the unique property condition that creates the hardship. From the application it appears that the hardship presents itself if (or when) the owner chooses to subdivide their property. That hardship being described as a code-compliant land division that would create a miss-shaped lot with portions that would be unusable and lot lines that could create access and utility issues.

**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**

- The hardship described in the application is the ordinance's requirement to create an irregular parcel that would carry with it use, access and utility concerns. It could be argued that this owner's desire to subdivide the subject property is self-created. Another owner, like the previous owner who combined their lots by CSM, may not be as bothered by the combined lot configuration.
- The metric to use here is would any owner of the subject property encounter the same hardship. It is agreed that any owner wishing to subdivide the property surely would. What is not true is that any owner past or present would encounter the same hardship. We know that the past owner combined their lots by CSM, and it is not that difficult to imagine future owners appreciating the one lot configuration that currently exists. This rationale does indicate that the desire to subdivide the parcel is a circumstance of this applicant.
- The owner has been provided a code-complaint option to subdivide the property. However, as highlighted here-in the code-compliant configuration does present other issues.
- Economic or financial hardships has not been presented.

**2) Unique Property Limitations**

- The owner has identified that the combined flag lot configuration with a private right-of-way / easement separating the subject site into two perceivable land areas as a unique property limitation.
- This condition is shared with the easterly lot, but the rest of the neighbors are wholly separate lots. Further, apart from the easterly neighbor all of the riparian parcels surrounding the subject site are nonconforming to the 75ft average lot width requirement.
- The code-compliant alternative does create a small portion of unusable space and does not result in a rectangular lot design.

**3) Harm to Public Interest**



- Allowing code-compliant lots to be subdivided so as to create substandard lots for development is a slippery slope to say the least. After all there are lot design standards in place to protect the public interest. The BOA must be careful to align any variance approval with the site-specific details related to the request. If not, they risk opening up every lot that would normally not be open to division to variance requests.
- Here again the stance that the BOA is required to assume must be based on all three statutory criteria. If any of the criteria cannot be met the variance has to be denied. The application lacks evidence of an unnecessary hardship or that the presented combined flag-lot with a private roadway easement rises to the level of the required "unique property limitations".
- Minimal relief would not make sense in this case. The BOA must rely on the other criteria for guidance.

**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). Stormwater management shall be implemented that will infiltrate the peak flow discharge of stormwater runoff on the proposed lot from the future principal structure and any future (or existing) accessory structures (existing boathouse excluded) for a two-year rainfall event into a raingarden(s) or other infiltration methods (as approved by the Land Use Planning & Zoning Department).

2). The stormwater management plan shall be provided to the and approved by the Land Use Planning & Zoning Department prior to the land use permit being issued for the construction of the principal structure.

3). The first-floor elevation of the principal structure shall not exceed the average of the first-floor elevations of the neighboring principal structures located at W3044 and W3024 Longview Lane.