



# **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, November 15, 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
- 3-4         Draft Meeting Minutes from October 18, 2024
- 5            Public Hearing Notice
- 6-12        Variance Application Materials
- 13-15      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: November 15, 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: 10/18/2024
6. Recess for field inspection
7. Public Hearing (not to begin before 9:30am)

**Item #1: Owner/Applicant:** Todd & Jacqueline Schulz, **Location:** W2138 Melmar Drive, **Parcel:** 006-01398-0000, **General legal description:** Located in the SE ¼ of NE ¼ of Section 31, T15N, R13E, Town of Green Lake, **Request:** Variance from 350-18.A of the County Zoning Ordinance to create a new lot that is not at least 100 feet in average 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: November 15, 2024, 09:00 AM Central Time (US and Canada)

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

**[Join the meeting now](#)**

Meeting ID: 241 881 556 392

Passcode: 6oChtX

**Dial in by phone**

[+1 920-515-0745](tel:+19205150745), [709758802#](tel:+1709758802) United States, Appleton

[Find a local number](#)

Phone conference ID: 709 758 802#

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

Please accept at your earliest convenience.

Thank you!

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

**Green Lake County**  
**BOARD OF ADJUSTMENT**  
October 18, 2024

The meeting of the Green Lake County Board of Adjustment was called to order by Chair Ron Triemstra on Friday, October 18, 2024, at 9:01 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 remote access. The requirements of the open meeting law were certified as being met. The Pledge of Allegiance was recited.

**ROLL CALL**

**Present:** Ron Triemstra, Chair  
Brian Zimmerman

**Absent:** Rick Dornfeld  
Peter Wallace

**Other County employees present:**

Karissa Block, Deputy County Clerk, Matt Kirkman, P&Z Director; Noah Brown, Land Use and Shoreland Specialist; Ryan Schinke, Land Use Coordinator/Technician (10:17AM)

**MINUTES**

**Motion/second (Triemstra/Zimmerman)** to approve the minutes of the 8/16/2024 meeting. Motion carried with no negative vote.

**RECESS FOR FIELD INSPECTION**

Committee waited a few minutes for Rick Dornfeld to arrive to the meeting. No show of Dornfeld.

Recessed for Field Inspection – 9:11AM

Chair Triemstra called the meeting back in order – 10:17AM

**PUBLIC HEARING**

**Item #1: Owner/Applicant:** John & Kelly Francis, Location: W2955 Hillside Road, **Parcel:** 004-00917-0100, **General legal description:** Lot 1 of CSM 3794, located in Section 35, T16N, R12E, Town of Brooklyn, **Request:** Variance to Section 338-32.E of the Shoreland Zoning Ordinance to build a retaining wall within 75' setback of ordinary high-water mark of Green Lake.

Chair opened the public hearing at 10:20AM. Deputy County Clerk, Karissa Block, read Item #1. Brian Zimmerman from LandWorks, presented his presentation to the board. Zimmerman welcomed any questions. Discussion held.

Chair Triemstra closed the public hearing at 10:48AM

Matt Kirkman gave his staff report. Chair Triemstra apologized for not asking if anyone from the public would like to speak during the public hearing. Chair Triemstra asked for public comment 3 times. Hearing none, the board moved on to discussion. Discussion held.

***Motion/Second (Triemstra/Zimmerman)*** to deny this variance request for the retaining wall and to ask the applicant to come up with a different solution. Ayes – 2, Nays – 0, Absent – 2 (Peter Wallace and Rick Dornfeld), Abstain – 0. Motion passed.

**COMMITTEE DISCUSSION**

- a. Next meeting date – 11/15/2024
- b. Future agenda items for action & discussion

**ADJOURN**

Chair Triemstra adjourned the meeting at 11:25AM.

Respectfully Submitted,

Karissa Block  
Deputy 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, November 15, 2024, at 9:00 a.m.** The meeting will recess for site inspection of the following item:

**Item #1: Owner/Applicant:** Todd & Jacqueline Schulz, **Location:** W2138 Melmar Drive, **Parcel:** 006-01398-0000, **General legal description:** Located in the SE ¼ of NE ¼ of Section 31, T15N, R13E, Town of Green Lake, **Request:** Variance from Section 350-18.A of the County Zoning Ordinance to create a new lot that is not at least 100 feet in average 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: October 31, 2024*

VARIANCE APPLICATION – GREEN LAKE COUNTY

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

Date Received: 9/17/24

Fee Received: 9-17-24

Owner Name Todd + Jacqueline Schultz

Applicant Name same

Owner Signature Todd + Jacqueline Schultz

Applicant Signature —

Mailing Address W2138 Melmar Dr.

Mailing Address —

City Markeban WI State WI Zip 53946

City — State — Zip —

Home Phone 920-398-2620 Work/Cell Phone 920-763-6316

Home Phone — Work/Cell Phone —

Email address jackieSchultz72@yahoo.com

Email address —

Site Address W2138 Melmar Dr.

Tax Parcel ID # 006 - 01398 - 0000

Lot metes Block bounds Subdivision/Plat na  
Lot — CSM # — Town of GreenLake

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:

We wish to create a new riparian lot that is substandard to the 100 ft average lot width zoning ordinance requirement.

2. Explain the hardship imposed by the Ordinance:

As explained below, the only way to split our lot without a variance is to tear down or move the perfectly good nonconforming structures (residence + bait shop). The proposed new lot configuration is only \_\_\_\_\_ ft from meeting the ordinance standard of 100 ft average width.

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

This variance request would not be necessary if it weren't for the locations of the residence and the bait shop. Both structures are in great shape and were present prior to our purchasing the property. To tear down or relocate these structures would be a very expensive and potentially damaging event. Also to move these structures they both would have to be greater than 75' from the lake.

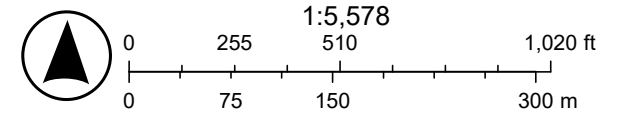
4. Explain why the proposed variance will not harm the public interest:

The vast majority of neighboring lots are an average width of 60 ft. The lot we are proposing is much wider than these neighboring lots. Therefore, the proposed lot is less problematic than the neighboring lots as it relates to lot width.

# Schulz Variance

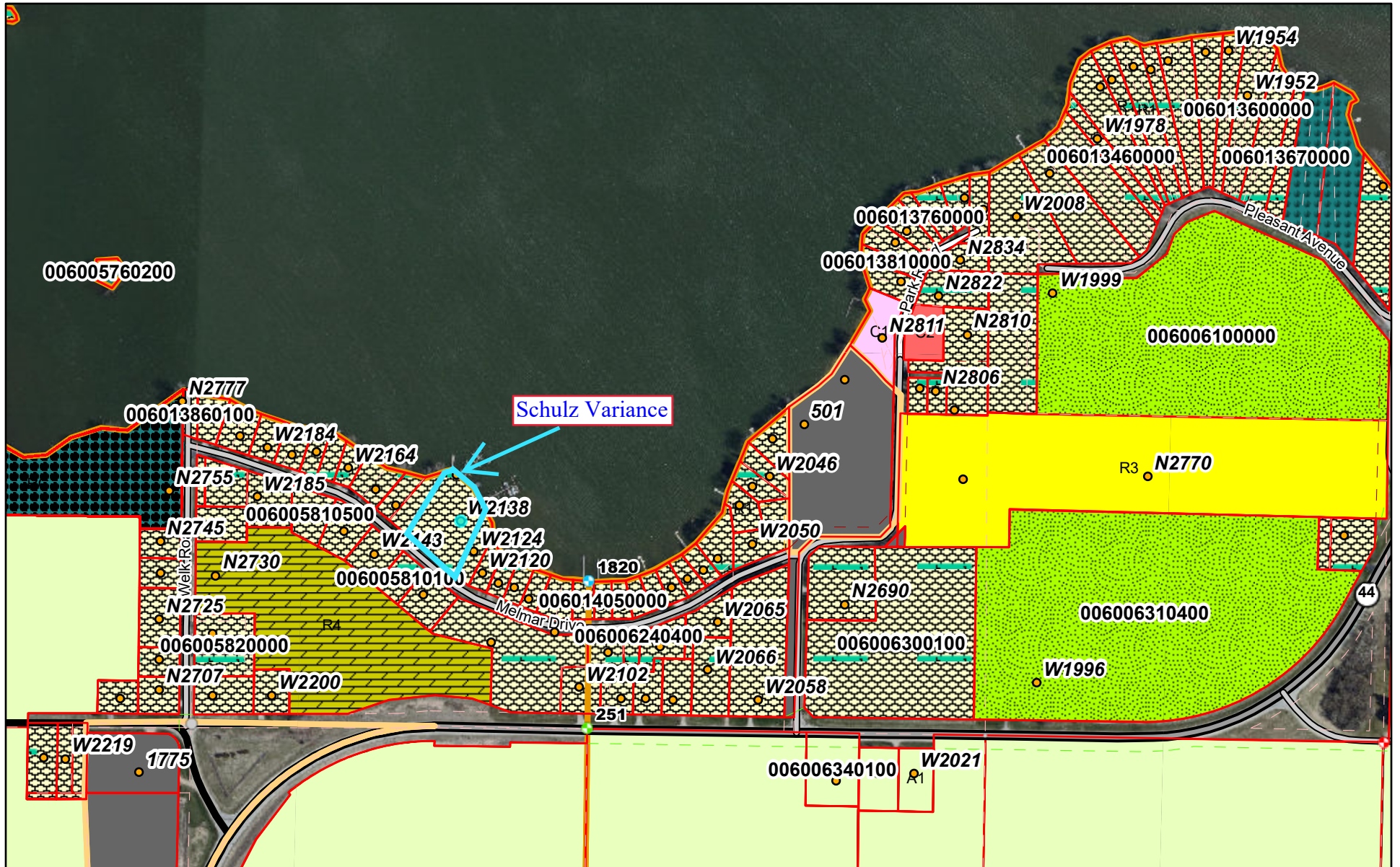


11/7/2024, 11:21:16 AM

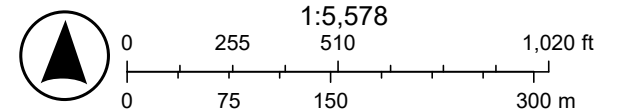




# Schulz Zoning Variance



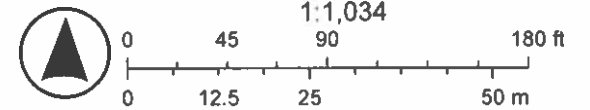
11/7/2024, 11:26:16 AM



# GIS Viewer Map



9/17/2024, 10:47:08 AM



# CONCEPT PLAN

DESCRIPTION OF LANDS BEING A RE-DIVISION OF LOT 12 OF FREI PLAT LOCATED IN PART OF GOVERNMENT LOT 1 OF SECTION 31, TOWN 15 NORTH, RANGE 13 EAST, TOWN OF GREEN LAKE, GREEN LAKE COUNTY, WISCONSIN.

GREEN LAKE SURVEYING COMPANY  
A DIVISION OF GENERAL ENGINEERING COMPANY  
Green Lake, Wisconsin

*Donald W. Lenz*

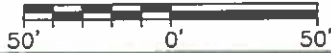
Donald W. Lenz, P.L.S. No. S-2003

Dated this 16<sup>th</sup> day of September, 2024.

DRAFTED BY: WRB  
OWNER(S)  
TODD C. SCHULZ AND  
JACQUELINE R. SCHULZ

PROPERTY ADDRESS  
2138 MELMAR DR  
MARKESAN, WISCONSIN 53946

SCALE: 1" = 50'



Green Lake Surveying Company  
A Division Of



General Engineering Company

P.O. Box 131 • N6205 Busse Road Green Lake, WI 54941  
920-294-6666 (Green Lake Office)  
dlenz@generalengineering.net



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GREEN LAKE SURVEYING COMPANY  
A DIVISION OF GENERAL ENGINEERING COMPANY  
Green Lake, Wisconsin

*Donald W. Lenz*  
Donald W. Lenz, P.L.S. No. S-2663  
Dated this 16<sup>th</sup> day of September, 2024.

DRAFTED BY: WRB  
OWNER(S)  
TODD C. SCHULZ AND  
JACQUELINE R. SCHULZ

PROPERTY ADDRESS  
2138 MELMAR DR.  
MARKESAN, WISCONSIN 53946

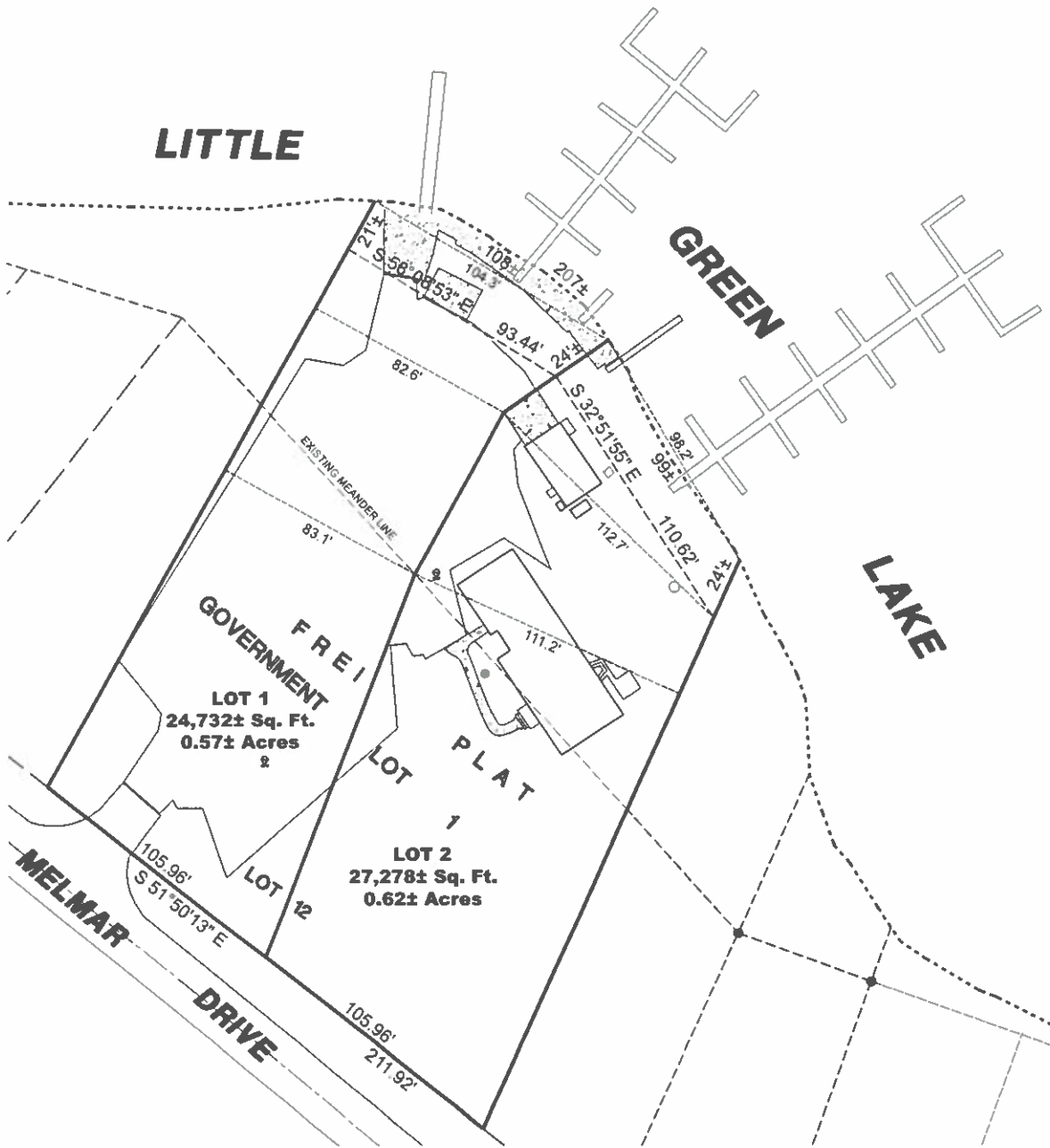
SCALE: 1" = 50'  
50' 0' 50'



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## BOARD OF ADJUSTMENT

Public Hearing

November 15, 2024

### Item I: Variance

**Owners:**

Todd and Jacqueline Schulz

**Applicant:**

Same

**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 94ft whereas an average width of at least 100ft is required.

**Parcel Number/ Location:** The request affects parcel 006-01398-0000 (±1.16 acres) being located in the SE¼ of the NE¼ of Section 31, T15N, R13E, Town of Green Lake. The site address is W2138 Melmar Dr.

**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 utilized commercially and residentially as a bait shop and house. The commercial use of the property is a nonconforming use. Both the house and bait shop are nonconforming structures located within the shoreland setback. In the event that the variance is granted, the owners plan to discontinue the commercial business use and transition to only residential.

The current configuration of the subject property in relation to residence and commercial structures 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. However, from a zoning ordinance conflict resolution perspective, the property owner should always be moving in the direction of compliance. Therefore, any owner of the subject site would be pressed to eliminate the commercial use in the residential zoning district.

**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**

- On the surface the hardship resulting from subdividing the lot could be considered self-created. However, if the variance is not granted there is nothing in place that could force the discontinuance of the commercial use. The elimination of the commercial use could be also considered as a reason to subdivide the lot; thus, the hardship is not entirely self-created.
- The metric to use here is would any owner of the subject property encounter the same hardship. Here again, the BOA has to weigh the reasoning behind the variance request. Is hardship driven by this applicant or would any owner need this variance.
- Economic or financial hardships has not been presented. However, the two structures on the subject site are in good shape and the owners would have a financial loss if they were removed or remodeled.

**2) Unique Property Limitations**

- The owner has identified that the nonconforming residence and commercial business locations as a unique property limitation. In addition, the unique use conflict on the property is also of interest.
- These conditions are not shared with any of the surrounding lots however all the surrounding lots are zoned and used residentially unlike the subject property. Further, most of the riparian parcels surrounding the subject site are nonconforming to the 75ft average lot width requirement.
- The code-compliant alternative does exist by removing the structures so setbacks to the structures are not increasing width.

**3) Harm to Public Interest**

- The continued nonconforming commercial use of this residential lot conflicts with the County's comprehensive plan and the purpose and intent of the zoning ordinance. It could be argued that this conflict supersedes a concern that a substandard lot, that would exceed the size of all of its neighboring lots, would be created by variance.

- Eliminating the unique use conflict in this residential area would not have a short, long, or cumulative impact on the public interest. However, 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.
- 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). The above ground gas pump located on the property shall be removed.
- 2). All commercial uses shall cease, and the structures shall be utilized residentially.
- 3). Both lots shall follow the DNR pier planner standards for location, size, and number of boat slips.