

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – Friday, August 15, 2014**

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by Chair Janice Hardesty at 9:00 a.m. in County Board Room 0902 of the Government Center, Green Lake, WI. The requirements of the open meeting law were certified as being met.

Present: Nancy Hill, Janice Hardesty, Kathleen Moore, Ron Triemstra
Absent: John Gende
Also present: Matt Kirkman, Code Enforcement Officer
Missy Sorenson, Code Enforcement Officer
Diane Muelemans, Corporation Counsel
Carole DeCramer, Board Secretary

APPROVAL OF AGENDA

Motion by Hill/Moore, unanimously carried, to approve the agenda. Motion carried.

APPROVAL OF MINUTES

Motion by Hill/Moore, unanimously carried, to approve the June 21, 2013, July 19, 2013, and March 21, 2014, minutes.

RECESS FOR FIELD INSPECTION

Time: 9:01 a.m.

Audio of Board discussion is available upon request from the Green Lake County Land Use Planning and Zoning Department.

PUBLIC HEARING MATTERS

Board reconvened at 10:06 a.m.

Chair Hardesty read the Rules of Order.

Item I: Owner/Applicant: Wisconsin Gas, LLC **Agent:** Kenneth Bode, WE Energies **Site Description:** N1787 State Road 44/73, Parcel #012-00177-0000, located in the SE¼, Section 10, T14N, R12E, Town of Manchester **Request:** The owner/applicant is requesting a variance from Section 350-50.A. of the Zoning Ordinance to construct a building that would be set back 54 feet from the front-lot line, whereas a 67-foot setback is required.

- a. Public hearing.

Kenneth Bode, WE Energies – Spoke in favor of the request.

The Board asked questions of the applicant regarding safety concerns and possible erosion concerns. Kirkman also answered questions regarding the legal non-conforming use of the existing building.

William Laehn, WE Energies – Explained the procedures for dealing with an emergency.

Public hearing closed at 10:17 a.m.

- b. Board discussion and deliberation to include relevant correspondence.

Moore asked Kirkman if this is a permitted use in the A-1 Exclusive Agriculture zoning district. Kirkman answered that it's not a permitted use, but it is an established use and this is considered an upgrade to an established non-conforming use. It's a modernization of the facility. There was no zoning in the Town of Manchester when this was first established. The existing building would be taken down.

Mr. Bode answered questions regarding safety issues.

- c. Board decision.

Motion by Hill/Hardesty, to approve the variance request from Section 350-50.A. of the Zoning Ordinance to construct a building that would be set back 54 feet from the front-lot line. The approval would include the following conditions as stated in the staff report:

- 1) **An "as built" certificate of survey be completed by WE Energies upon completion of work including (but not limited to) the locations of all lot lines, driveways, the building site (and other structures), and adjacent public roads.**

Moore inquired about making erosion control a condition of approval. Kirkman replied that it wasn't included in the staff report because there didn't seem to be an issue with it. Hardesty stated that she didn't see a need to add erosion control as a condition. It would be in their best interest to do that on their own.

Hardesty addressed the three criteria for approving a variance:

1. Is there unnecessary hardship in this case? Moore stated that she believes there is. They don't have room to meet the required setbacks because the site is too small. It's not self-created because they're trying to deal with an existing lot.
2. Is there an economic hardship with this? Hill stated that this has not been brought up for consideration.
3. Are there unique conditions? Moore reiterated that the parcel is small and has steep slopes are reasons to grant this variance. It doesn't seem practical to have to cut off the gas supply to relocate it to a conforming location.
4. Is there harm to the public interest? Moore said that she believes that it is in the public's interest to upgrade this site. Hill added that she doesn't believe that it will harm the public interest by bringing it closer to the highway. There seems to be adequate space; it's 54' from the front lot line.
5. Is there any obstacle in grant this variance? The three board members agreed that there were none.

Roll call: Moore - aye, Hardesty – aye, Hill - aye. Motion carried.

CORRESPONDENCE - None

ELECTION OF CHAIR AND VICE CHAIR

Kirkman asked for nominations for Chair.

Nomination of Janice Hardesty as Chair offered by Nancy Hill. No other nominations.

Motion by Hill/Moore, unanimously carried, to close nominations and cast a unanimous ballot for Janice Hardesty.

ELECTION OF BOARD OF ADJUSTMENT VICE CHAIR

Hardesty asked for nominations for Vice Chair.

Nomination of Kathleen Moore as Vice Chair offered by Nancy Hill. No other nominations.

Motion by Hardesty/Hill, unanimously carried, to close nominations and cast a unanimous ballot for Kathleen Moore.

ADJOURN

On a motion by Hill/Moore, unanimously carried, to adjourn.

Time: 10:27 a.m.

Recorded by:

Carole DeCramer

Board of Adjustment Secretary

APPROVED ON:

June 19, 2015