

**GREEN LAKE COUNTY  
BOARD OF ADJUSTMENT  
Meeting Minutes – January 16, 2009**

**CALL TO ORDER**

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

Present: Don Ahonen, Jill Ladwig, Shirley Parker, Roger Ladwig (Alternate 1)  
Absent: Charles Lepinski (Alternate 2)  
Also present: Matt Kirkman, Code Enforcement Officer  
Missy Sorenson, Code Enforcement Officer  
Cory Zibung, Code Enforcement Officer  
Al Shute, County Surveyor/Land Development Director  
Carole DeCramer, Board Secretary  
Holly Ford, Court Reporter  
Jeff Haase, Assistant Corporation Counsel

**APPROVAL OF AGENDA**

**Motion by Parker/J. Ladwig, unanimously carried, to approve the agenda. Motion carried.**

**APPROVAL OF MINUTES**

**Motion by J. Ladwig/Parker, unanimously carried, to approve the November 21, 2008, minutes. Motion carried.**

**Audio tape is available for verbatim discussion.**

**RECESS FOR FIELD INSPECTION**

Time: 9:02 a.m.

**PUBLIC HEARING MATTERS**

Board reconvened at 10:30 a.m.

Chair Don Ahonen read the Rules of Order.

**See Transcript of Proceedings for verbatim testimony:**

Per the written request submitted by Brad Carroll, the American Baptist Assembly requested that their variance request be postponed until the March 20<sup>th</sup> Board of Adjustment public hearing.

**Item I: Owner:** American Baptist Assembly **Applicants:** Brad Carroll **Address:** N5224 Lawson Drive, Parcel #004-00936-0100, That Parcel (Boat House) as desc V429 P509 Lying in Govt Lot 1, Section 36, T16N R12E, Town of Brooklyn **Explanation:** The applicant is requesting a variance to

allow a marina sales building within the 75-foot shoreyard setback, whereas Section 338-14.A. of the Green Lake County Shoreland Protection Ordinance requires all structures to be at least 75 feet from the ordinary high water mark of navigable waters.

**Item II: Owners/Applicants:** Mark & Tess Stellmacher **Address:** N2757 Hilltop Rd, Parcel #014-00797-0100, Lot 1 Certified Survey Map 2747 V13, Section 32, T15N R12E, Town of Marquette

**Explanation:** The owners are requesting a variance to allow an above-ground pool and deck within the 42-foot front yard setback, whereas Section 350-27F.(1) of the Green Lake County Zoning Ordinance requires a 42-foot front yard setback.

a. Public Hearing

Mark Stellmacher, N2757 Hilltop Road – Spoke in favor of the request.

Chair Ahonen read a letter from Keith Frederick, neighbor and Town of Marquette Chairman, stating that he personally had no objection to the request and, as the Town Board Chair, the Town has no objection as well.

Missy Sorenson, Code Enforcement Officer - Stated that Bernard Sorenson, previous code enforcement officer who had communicated with Mrs. Stellmacher, had written a letter stating his position (part of the meeting packet).

Matt Kirkman, Code Enforcement Officer - Stated that the pool and deck are considered structures, need a land use permit, and must comply with setback rules.

Public hearing closed.

b. Board Discussion & Deliberation

Board discussed that the Stellmachers did try to do the right thing. Parker feels that they were either misled or misinformed and have no other place to put the pool. Ahonen questioned that, as a normal household with children, is it unnecessarily burdensome not to have a deck off the house? Sticking with the variance criteria with hardship, there is no other place to put the pool. Possibly have a condition regarding if the Town expanded Hilltop Road, they would remove it. Objections are only from staff comments. The unique property situation with the slope and drainage is a problem. The Marquette Fire Department sent a letter stating that this would be a source of water. Harm to the public interest, Town of Marquette, states that there is none. Ahonen asked if staff could, from now on, respond to such requests in writing.

Director Al Shute - Stated that the department can not respond in writing to every inquiry. Also, permits have always been required for decks and pools and does not believe that staff would respond that the Stellmachers wouldn't need a permit.

Attorney Jeff Haase – Advised that the variance could not be granted with conditions.

**Motion by Parker/J. Ladwig, unanimously carried, to suspend the rules to allow Tess Stellmacher to speak. Motion carried.**

Tess Stellmacher, N2757 Hilltop Road - Stated her opinion on the communication between her and staff.

Missy Sorenson – Stated that the Stellmachers had applied for pool permits in the past.

c. Board Decision

**Motion by J. Ladwig/Parker, unanimously carried on roll call (3-eyes, 0-nays), to approve the Mark and Tess Stellmacher variance request as presented. Motion carried.**

**Findings:**

**Ahonen – The hardship is that it’s unnecessarily burdensome to relocate the pool any other place on the lot. The unique property limitations are the wetlands and drainage because of the steep slope to the north and the sanitary system that’s installed on the north area of the home. We received a letter from one of the neighbors and also from the Town of Marquette stating that they have no objection to it. The Town of Marquette said that they have no plans at this time to improve Hilltop Road, so it appears that there is no harm to the public or other safety issues.**

**CORRESPONDENCE**

Matt Kirkman told the Board that he is finalizing plans for a February 20<sup>th</sup> training session. The training will be offered to board of adjustment members from the area. The Center for Land Use Education in Stevens Point will provide the guest speakers

**BOARD DISCUSSION – None**

**NEXT MEETING DATE**

**March 20, 2009**

**ADJOURN**

**On a motion by Parker/J. Ladwig, unanimously carried, the meeting was adjourned. Motion carried.**

Time: 11:40 a.m.

Recorded by,  
Carole DeCramer  
Board of Adjustment Secretary

**APPROVED ON:**

**March 20, 2009**