

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – September 21, 2007**

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by Board Chair Ahonen at 9:03 a.m., in the County Board Room, Courthouse, Green Lake, WI. The requirements of the open meeting law were certified as being met.

Present: Donald Ahonen, Jill Ladwig, Roger Ladwig (Alternate 2),
Charles Lepinski (Alternate 1), Shirley Parker

Absent:

Also present: Al Shute, County Surveyor/Land Development Director
Matt Kirkman, Code Enforcement Officer
Carole DeCramer, Board Secretary
Kate Worth, Court Reporter

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 minutes of the July 20, 2007, meeting. Motion carried.

Motion by J. Ladwig/Parker, unanimously carried, to approve the minutes of the August 17, 2007, meeting. Motion carried.

RECESS FOR FIELD INSPECTION

Time: 9:06 a.m.

PUBLIC HEARING MATTERS

Board reconvened at 10:41 a.m.

Board Chair Ahonen read the Rules of Order.

See Transcript of Proceedings for verbatim testimony:

Item I: Owner: Green Lake Conference Center **Agent:** Brad Carroll **Site Address:** N5224 Lawson Drive, Town of Brooklyn, Parcel #004-00936-0000, Part of NE¼, Section 36, T16N R12E, in the Town of Brooklyn **Explanation:** The owner is requesting a variance from Section 338.14.A. of the Shoreland Protection Ordinance to allow a boat rental building within the 75-foot shoreyard setback.

- a. Public Hearing

Brad Carroll – Agent for Green Lake Conference Center, reside at 72623 N. Bellview Drive, Green Lake – Explained the project and spoke in favor of the request.

Stan Arnetveit, Design Specialty Builders – Stated that he felt it would be dangerous to place a building closer to the road.

Attorney Steve Sorenson, Ripon, WI – Stated his opinion on the definition of a structure per county ordinance.

Shute – Read the letter from the Town of Brooklyn and Jerry Buhrows (building inspector) stating that the Green Lake Conference Center had not applied for permits and that the building has not been inspected.

Public hearing closed.

- b. Board Discussion and Deliberation
- c. Board Decision

Motion by Parker/J. Ladwig to approve the variance request. Ahonen – nay, Parker – nay, J. Ladwig – nay. Motion denied.

Findings –

Ahonen – We found that the ordinance standards affecting this variance request were not unnecessarily burdensome, and the owner had alternate areas to perform the cashier procedure at that location. The owner didn't seem to have looked at alternative areas or designs for servicing the area. The safety to the public is that it's private property and it's the responsibility of the company that owns the property on how it's staffed. We could not find a hardship that existed on this property. The property did not seem to be unique to other similar types of properties. Leaving the building at the present location was, actually, a detriment to the public interest. It was an expansion of the previous building size, a substantial expansion, and it was in the public's best interest, since it could comply, to have it comply with the 75-foot setback.

Item II: Owners: Susan Ann Bogwill & Helen P Wilk **Applicants:** James A. Lesnan & Susan A. Bogwill-Lesnan **Site Address:** W2783 Oakwood Beach Rd, Parcel #006-1534-0000, White Sales Plat Lot 15, Section 12, T15N, R12E in the Town of Green Lake **Explanation:** The applicants are requesting a variance from Section 338.32.2B(3)(b) of the Shoreland Protection Ordinance to expand a nonconforming principal structure within the required front and rear yard setbacks areas.

- a. Public Hearing

James Lesnau, with Susan Bogwill Lesnau (wife) – Explained the project and spoke in favor of the request. Mr. Lesnau had questions on the original variance granted in 1973.

Shute – Answered Mr. Lesnau's questions.

Stan Arnetveit – 509 South Street, Green Lake – Contractor for the applicants; spoke in favor of the request.

Attorney Steve Sorenson, Ripon, WI – Gave opinion on the board of adjustment’s power to modify a variance request per county ordinance.

Public hearing closed.

- b. Board Discussion and Deliberation
- c. Board Decision

Motion by Parker/J. Ladwig, unanimously carried on roll call, to approve a modified variance request for the building of the sun room/dining room addition with a crawl space and foundation, but deny the request for an 8X10’ deck area, front wooden deck, and the 16X20’ garage addition. Motion carried.

Findings:

Parker - Uniqueness of the backyard was not self created; it was something they inherited. It should not have impact on any of the public. It does not interfere with the visual area, and should not have any impact on anything else.

Ahonen – The hardship was created because it’s the uniqueness of the lot itself. It’s a corner lot requiring two front yard 40’ setbacks leaving virtually very limited amount of space in the back yard. Without the variance, the use of the existing deck in the 12X28’ area, would be an improvement by having a sun room addition added to the home rather than keeping the deteriorating outdoor wood deck. The area is sewered and there is no harm to the public.

Item III: Owners/Applicants: Stewart C & Bonnie I Orzoff **Site Address:** W2704 Oakwood Beach Rd **Explanation:** The applicants are requesting a variance from Section 338.14B.(1) of the Shoreland Protection Ordinance to construct a single-family dwelling with a 15-foot front yard setback whereas a 40-foot setback is required.

- a. Public Hearing

Since counsel for staff and counsel for the board of adjustment were unable to attend today’s meeting, the board discussed the possibility of postponing the Orzoff request until October. One of the adjoining property owners, Frank Gribble, objected to the postponement because he made a special trip from Illinois for this meeting. The board discussed taking testimony and possibly postponing the discussion, deliberation, and decision.

Attorney Steve Sorenson, Ripon, WI – Stated that he felt counsel needs to be in attendance for the public hearing. He also said that he will be discussing the current state of the law.

J. Ladwig said that she would prefer to wait until counsel is present. Ahonen stated that he is comfortable in proceeding without counsel. Parker announced that she had to leave to go to work and

that Alternate #1 Charles Lepinski would have to substitute for her and help make that decision. Ahonen excused Parker and requested Lepinski replace her. The discussion continued and Lepinski said that he did not have any problem with proceeding without counsel.

Ahonen – Stated that he knows the applicants from five to six years ago and has had an incidental, non-verbal communication on another transaction with them through another real estate company. It was a secondary-type communication. Doesn't feel that he will have a problem with rendering a fair opinion on the decision on what's in front of the board.

The board secretary read the letter that was sent to the Land Use Planning & Zoning Department from Steve Schowalter, an adjoining property owner, opposing the request

Frank Gribble – 2696 Oakwood Beach Road – Adjoining property owner opposing the variance request.

Attorney Steve Sorenson, Ripon, WI, attorney for applicants – Spoke in favor of the request.

Stan Arnetveit, Design Specialty Builders, contractor for the applicants – Spoke in favor of the request.

Stewart and Bonnie Orzoff, 2462 W. Course Drive, Riverwoods, IL, applicant and property owner – Spoke in favor of the request.

Frank Gribble, 2696 Oakwood Beach Road, adjoining property owner – Spoke in opposition to the request.

Public hearing closed.

b. Board Discussion and Deliberation

c. Board Decision

Motion by J. Ladwig/Lepinski, unanimously carried on roll call, to approve the construction of a single-family dwelling with an attached garage having a 15-foot front yard setback with the following conditions:

- 1. A drainage plan be approved by the Green Lake County Land Conservation Department.**
- 2. All perimeter boundaries of the proposed structure be staked by a licensed land surveyor.**

Motion carried.

Findings:

Ahonen – Because of the uniqueness of the lot, not granting the variance would be unnecessarily burdensome on the property owner. The lot is narrower than most lots and has a steep slope on the southern portion of it requiring special design for the construction of the garage. The hardship is the uniqueness of the lot and steep slope. We have not found any harm in the public's interest. This area is sewered and it is in conformity with the surrounding subdivision lots in the area.

KNEESEL/HOWALD APPEAL

Owners: Michael & Susan Crosby **Applicants:** Rose & Walter Howald, Elizabeth Kneesel **Site Address:** N4870 N Lake Shore Dr, Parcel #016-1584-0000, Beyer Cove Assessor Plat Lot 1 Certified Survey Map 374 (Lot 22) of Section 3, T15N R12E, in the Town of Princeton **Explanation:** The applicants are appealing the decision of the Land Use Planning & Zoning Department to issue land use permit #10278. The applicants are requesting that the Board of Adjustment review the land use permit and determine if the permit was issued in accordance with Chapter 338, County Shoreland Protection Ordinance. Section 338-38(2) of the Shoreland Protection Ordinance states that the Board of Adjustment shall hear and decide appeals where it alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement and administration of this chapter.

(Evidence for this item was presented at the April 20, 2007, public hearing.)

- a. Consideration of motion filed by appellants.
- b. Discussion and decision on appeal.

Motion by J. Ladwig/Lepinski, unanimously carried, to lay over the Rose and Walter Howald & Elizabeth Kneesel appeal until the October 19th board of adjustment meeting. Motion carried.

PUBLIC COMMENT – None

PUBLIC APPEARANCES

Nancy Hill – W1399 Spring Grove Road – Requested that staff clarify the notion of conformity in the neighborhood as well as hardship no longer being a standard when considering a variance request.

Shute – The training he has taken is contrary to what Attorney Sorenson stated regarding neighborhood conformity and variance standards.

CORRESPONDENCE – None

BOARD DISCUSSION – None

NEXT MEETING DATE

October 19, 2007 – 9:00 a.m.

ADJOURN

Motion by Ahonen/J. Ladwig, unanimously carried, to adjourn. Motion carried.

Time: 2:06 a.m.

Recorded by,
Carole DeCramer, Board of Adjustment Secretary

APPROVED ON: October 19, 2007