

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – November 21, 2008**

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, Charles Lepinski (Alternate 2)
Absent: Roger Ladwig (Alternate 1)
Also present: Matt Kirkman, Code Enforcement Officer
Carole DeCramer, Board Secretary
Kate Worth, 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 May 16, 2008, and October 17, 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 10:15 a.m.

Chair Don Ahonen read the Rules of Order.

See Transcript of Proceedings for verbatim testimony:

Item I: Owner: Southshore Terrace Home Owners Association, Inc. **Applicants:** Patrick & Karen Croak **Address:** W1325 Spring Grove Rd, Com 318.68' W of the SE Cor Govt Lot 1 Sec 33; Thence S 665.96'; W 1011.03'; N 663.38'; E 1011.02' to POB (Incl Lot 1 Certified Survey Map 1956 V8), Section 33, T16N R13E, Town of Green Lake **Explanation:** The applicants are requesting a variance to allow for a screen porch addition to be located 70 feet from the ordinary high water mark of an unnamed tributary to Hill Creek, 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.

a. Public Hearing

Patrick Croak, W1325 Spring Grove Rd, Space 52, Southshore Terrace – Explained the request and spoke in favor of the request.

The Board asked Matt Kirkman to explain the difference between a use variance and an area variance.

Exhibit A - Each of the Board members received a copy of the letter from Mike Russo, WI-DNR, stating that the applicant had not met the burden of proof and that the Board should deny the request.

Nancy Hill, W1399 Spring Grove Road, adjacent property to the west – Spoke against the request.

Public hearing closed.

b. Board Discussion & Deliberation

c. Board Decision

Motion by J. Ladwig/Parker to approve the Patrick and Karen Croak variance request as presented: Ahonen – nay, J. Ladwig – nay, Parker – nay. Motion denied.

Findings:

Ahonen – There was not a demonstration of unreasonably burdensome restriction and there are other options available to the applicants. The WI-DNR has recommended denial.

Item II: Owners/Applicants: Gilbert M. & Donna J. Zelasko **Address:** W3579 South Lawn, Green Lake Terrace Lot 7 Blk 14, Section 10, T15N R12E, Town of Princeton **Explanation:** The owners/applicants are requesting a variance to construct a ten foot by forty-seven foot (10'X47') deck addition with a thirty foot (30') front yard setback, whereas Section 338-14.B.(1)(a) of the Green Lake County Shoreland Protection Ordinance requires a forty foot (40') front yard setback.

a. Public Hearing

Attorney Steve Sorenson, Sorenson Law Office, representing the petitioners – Introduced applicant Gilbert Zelasko, W3579 South Lawn, and asked him questions relevant to the request. Spoke in favor of the request.

Exhibit 1 – Attorney Sorenson presented a petition, signed by neighbors, requesting that a permit be issued to the Zelaskos.

Nancy Hill, Executive Director of the Green Lake Association, 506 Mill Street – Reminded the Board that they can grant something less than what the petitioner is requesting.

Public hearing closed.

b. Board Discussion & Deliberation

The Board agreed that part of the problem is that there is not a clear County definition of a back yard or front yard.

c. Board Decision

Motion by J. Ladwig/Parker, unanimously carried on roll call (3-eyes, 0-nays), to approve the variance request as applied for with the following condition:

- 1) That a registered land surveyor create a COS (certificate of survey) of the lot depicting the “as built” conditions for the proposed project, showing the location of all lot lines, buildings, structures, and driveways.**

Motion carried.

Findings:

Ahonen – It was determined that there are too many front yards. The Board determined what was the front yard and what was the rear yard. The hardship is that there are two front yards and Green Lake County has no clear definition of what is a front yard and a rear yard. It would be creating a hardship if he wasn’t able to build his deck in the rear yard; he’d be lacking any privacy which would be unnecessarily burdensome use of the property. The uniqueness, again, is that it has two front yards on it and a lack of definition from the County. There is no harm to the public’s interest; it doesn’t affect fish, wildlife, shoreland quality. The property is sewerred and is also a low-traffic area.

CORRESPONDENCE

Motion by Parker/J. Ladwig, unanimously carried, to approve the 2009 calendar. Motion carried.

BOARD DISCUSSION – None

NEXT MEETING DATE

January 16, 2009

ADJOURN

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

Time: 11:50 a.m.

Recorded by,
Carole DeCramer
Board of Adjustment Secretary

APPROVED ON:

January 16, 2009