

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – Friday, January 15, 2016**

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by Acting Chair Nancy Hill at 9:03 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, Ron Triemstra, John Gende
Absent: Janice Hardesty, Kathleen Moore
Also present: Matt Kirkman, Code Enforcement Officer
Carole DeCramer, Board Secretary
Kate Worth, Worth Court Reporting

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

The Board asked that the minutes not be approved at this time since two of the board members who attended the June 19, 2015 meeting are absent. The approval of the minutes will be placed on the next agenda.

RECESS FOR FIELD INSPECTION

Time: 9:04 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 10:34 a.m.

Acting Chair Hill read the Rules of Order.

Item I: Owners/Applicants: Duane J. & Alice M. Winger **Site Description:** W6388 Lakeview Drive, Parcel #014-00928-0000, Lot 13 of the Gettelman Plat, part of Government Lot 2, Section 33, T15N, R11E, Town of Marquette **Request:** The owners/applicants are requesting a variance from Sections 350-20 of the County Zoning Ordinance and 338-21, 338-23 & 338-47 of the Shoreland Zoning Ordinance to construct a breezeway between their dwelling and their detached garage that is located within the required side yard and shoreyard setbacks

- a. Public hearing.

Alice M. Winger, W6388 Lakeview Drive – Spoke in favor of the request.

Public hearing closed at 10:40 a.m.

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

The Board discussed the request in greater detail.

Motion by Hill/Triemstra, unanimously carried, to allow the Board to ask the Wingers questions.

Questions were asked the Wingers regarding entrances and safety issues regarding ice.

The public hearing portion was closed.

The board continued discussion and applied the criteria to the request. Acting Chair Hill asked the following questions of the board:

1. Is there unnecessary hardship in this case?

Hill - The hardship is the unsafe condition in the winter with the ice and snow and trying to maneuver the 8' gap between the house and garage. It is an unsafe condition as it exists now. The board members concurred with those statements. They can live with the safety issue, close the gap (which would be unreasonably burdensome), and doing nothing is not unreasonably burdensome.

Triemstra – It seems, after reading the staff report, there should be some remedy to avoid the hazardous conditions. This board should grant some relief to that in all fairness.

Gende - It is seasonal; a burden is a burden. Seasonal is not an argument. It is significantly burdensome, seasonally.

Hill – The Wingers do need a safe passage between the two structures. That is reasonable. The board should not consider the property as a whole, just this particular area.

2. Are there physical limitations of the property?

Hill – The property is not unique to the area. The Wingers looked at alternate designs and there are none that meet the needs of this property.

Triemstra – Agreed with Hill. There is no other alternative within reason to alleviate this situation.

Gende – Concurred with the statements.

Kirkman - When looked at more deeply, the staff report talks about the uniqueness. Limitation is limited to the location of the buildings location. It's not the lot that's unique, it's the situation.

3. Is there harm to the public interest if the request is approved?

Hill – Since it doesn't impinge upon the ordinary high water mark (OHWM), there wouldn't be a harm to the public interest. Expressed concerns with the sideyard setback. As has been mentioned, a variance would be required before additional building could be done. Minimal relief would be 8X13' from the front of the garage to the entrance to the house.

Kirkman – It would be from the entrance of the garage to the entrance to the house.

Hill - The board could also grant a variance that would extend that area to the front of the house to the lakeside of the garage. In that case, the dimensions of the breezeway would be 8X22'.

Gende – When considering the dimensions, the roof overhang should also be taken in account.

Triemstra – If the board feels comfortable with granting the variance, the motion would be to grant the request based upon the plans submitted by the petitioner. The plan requested an area from the front of the garage to the back of the garage. The detail with overhang is just part of the plan.

c. Board decision.

Motion by Triemstra/Gende, to grant a variance from Sections 350-20 of the County Zoning Ordinance and 338-21, 338-23 & 338-47 of the Shoreland Zoning Ordinance to construct a breezeway between their dwelling and their detached garage that is located within the required side-yard and shoreyard setbacks per submitted plans.

The approval would include the following conditions:

- 1. Prior to land use permit issuance, the owners provide to the Land Use Planning & Zoning Department a Certificate of Survey to establish the current lot layout, identifying, but not limited to, all lot lines, existing structures (including retaining walls), the OHWM, access roads, and driveways.**
- 2. The patio area, within the 75 foot shoreyard setback and waterward of the detached garage, shall be removed and revegetated.**
- 3. Create and install storm water management practices that will infiltrate all of the storm water runoff from the existing dwelling, breezeway & detached garage for a 2-year rainfall event into appropriately sized rain gardens (in accordance with WDNR PUB-WT-776 (2003)) or any other infiltration method may be used as approved by the Land Use Planning & Zoning (LUP&Z) Department.**

Further discussion:

Hill – Questioned the wording in condition #2. Having the word “revegetated” limits the Wingers as to what they can do there. There are other options.

Triemstra – It has to be permeable so that condition #3 applies.

On a motion by Triemstra/Gende, unanimously carried on roll call, the original motion was amended to change condition #2 to read as follows

- 2. The patio area, within the 75 foot shoreyard setback and waterward of the detached garage, shall be made permeable.**

CORRESPONDENCE

Kirkman reported that Act 55 stated that the WI-DNR can no longer appeal a decision made by a Board of Adjustment; however, they still welcome municipalities to send requests to them for input as to what should be considered when deciding the request. However, to do so, the Board of Adjustment must formally request WI-DNR input, in writing. This will be placed on the next agenda.

ADJOURN

On a motion by Triemstra/Gende, unanimously carried, to adjourn.

Time: 11:27 a.m.

RECORDED BY:

Carole DeCramer
Board of Adjustment Secretary

APPROVED ON:

November 18, 2016