

**The following documents are included in the packet for the *Green Lake County Board of Adjustment* business meeting and public hearing that is scheduled for Friday, September 15, 2017. The business meeting begins at 9:00 a.m. The public hearing will begin at 10:15 a.m.**

**Packet Pages:**

- 1. Agenda**
- 2-5. Minutes of 08/18/17**
- 6. Public Hearing Notice**
- 7-16. Meeting materials for Public Hearing Item I:  
**Jason A. & Crystal G. Hunt – Town of Manchester****



# GREEN LAKE COUNTY BOARD OF ADJUSTMENT

Carole DeCramer  
Board Secretary

Number: 920-294-4156  
Email: [cdecramer@co.green-lake.wi.us](mailto:cdecramer@co.green-lake.wi.us)

## Board of Adjustment Meeting Notice

**Date: September 15, 2017 Time: 9:00 AM**  
**Green Lake County Government Center, 571 County Road A, Green Lake, WI**  
**West Wing, Lower Level, County Board Room #0902**

### AGENDA

*All line items are subject to any and all action by this Board, unless noted.*

**Board of  
Adjustment  
Members:**

*Janice Hardesty  
Board Chair*

*Ron Triemstra  
Board Vice Chair*

*Kathleen Moore*

*John Gende  
Alternate 1*

*Vacant Alternate 2*

**NOTE:** Meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or audio assistance should contact Carole DeCramer at 920-294-4156 the day before the meeting no later than noon.

1. *Call to order*
2. *Roll call*
3. *Pledge of Allegiance*
4. *Certification of open meeting law*
5. *Agenda*
6. *Minutes: 08/18/17*
7. *Adjourn for field inspection*

**Public hearing matters will not begin before 10:15 a.m.**

8. *Public hearing matters*

**Item I: Owners/Applicants:** Jason A & Crystal G Hunt **Site Description:** N1165 Proscarian Rd, Parcel #012-00393-0102, Lot 2 Certified Survey Map 3403, Part of the NE¼ of Section 21, T14N, R12E, ±1.3 acres **Request:** Variance request from Section 350-51 of the County Zoning Ordinance to alter a building within the highway setback.

- a. *Public Hearing*
- b. *Board Discussion & Deliberation*
- c. *Board Decision*

9. *Correspondence*
10. *Next meeting date*
11. *Adjournment*

**GREEN LAKE COUNTY  
BOARD OF ADJUSTMENT  
Meeting Minutes – Friday, August 18, 2017**

**CALL TO ORDER**

The meeting of the Board of Adjustment was called to order by Land Use Planning and Zoning Director Matt Kirkman at 9:01 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: John Gende, Janice Hardesty, Ron Triemstra

Absent: Kathleen Moore

Also present: Matt Kirkman, Land Use Planning and Zoning Director  
Krista Kamke, Code Enforcement Officer  
Carole DeCramer, Board Secretary

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

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

**APPROVAL OF 12/16/16 MINUTES**

**Motion by Hardesty/Triemstra, unanimously carried, to approve the 12/16/16 minutes.**

**ELECTION OF BOARD OF ADJUSTMENT CHAIR**

Kirkman asked for nominations for Chair.

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

**Motion by Triemstra/Gende, unanimously carried, to close nominations and cast a unanimous ballot for Janice Hardesty.**

Chair Hardesty conducted the remainder of the meeting.

**ELECTION OF BOARD OF ADJUSTMENT VICE CHAIR**

Chair Hardesty asked for nominations for Vice Chair.

Nomination of Ron Triemstra as Vice Chair offered by Hardesty.

**Motion by Gende/Hardesty, unanimously carried, to close nominations and cast a unanimous ballot for Triemstra.**

**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 9:40 a.m.

Chair Hardesty read the Rules of Order.

**Item I:** Owners/Applicants: Matt Wagner & Letty Kinas **Site Description:** N6188 N. Lawson Dr., Parcels #004-00386-0000, #004- 00386-0100, #004-00386-0200 & #004-01025-0000, Lots 9-13 of the Plat of Riverside Park, and part of the SE¼ of Section 16, T16N, R13E, ±3.31 acres **Request:** Variance request from Section 350-20.C of the County Zoning Ordinance to construct a detached garage within the 67ft State Highway setback, as well as a variance to Section 350-38.B of the County Zoning Ordinance to construct a detached garage in excess of 1500sqft.

a. Public hearing

Kirkman – Explained that there are two components to the request. He suggested discussing the setback variance request first and then the detached garage size variance request.

Hardesty – Agreed that the board will proceed as suggested.

Bill Kinas, N6205 Lawson Drive – Spoke in favor of the request.

Letty Kinas, N6188 N. Lawson Drive – Spoke in favor of the request.

Brittney J. Gerig, N6162 N. Lawson Drive – Stated that, since the applicants are considering having a hobby farm on this property, would this change whether or not she would now be able to have chickens at her residence.

Hardesty explained that the Board of Adjustment does not decide the use of the property. The purpose of this public hearing is to decide a variance request for the size and placement of a particular building. Triemstra advised her to talk to the Land Use Planning and Zoning Department to see if she could be rezoned to the district that allows chickens.

The following questions were asked by the board:

1. *What is the intended use of the building?*

Ms. Kinas advised the board that it would be for agricultural use and as a garage.

2. *What is the concrete hardship you have that would justify the board to grant this variance request for a building that is 50% larger than allowed?*

Ms. Kinas stated that the lot itself has unique characteristics. She is able to construct several smaller buildings; however, it doesn't make sense to do that when a larger building could be built instead.

3. *The land on the other side of the property is going to be used recreationally. What kind of activities would that include?*

Ms. Kinas explained that she would like to plant fruit trees and grape vines.

Gende stated that the State of Wisconsin said that they do not intend to do anything with that right-of-way. That could change down the road and cause problems if a building is located in a right-of-way that they now need. Ms. Kinas advised that there isn't enough room in that area to take care of the water if they did decide to do something with that area.

Hardesty asked the board members if they could foresee any possible harm to the public interest. Triemstra replied that, because it is located on a dead-end street, traffic has to be minimal. The property is also bordered by a river and a highway.

Triemstra asked Kirkman if the department is getting feedback that the maximum square footage of 1,500 is restrictive. If so, has the Land Use Planning and Zoning Committee considered increasing the maximum size? Kirkman responded that the committee is now in the process of amending the zoning ordinance. In the process, the department proposed to the committee that the maximum building size be increased to 3,000 square feet for the R-4 Residential District. The committee soundly rejected the proposal. They stated that the R-4 Rural Residence District was never meant to have a significant agricultural use. By limiting the size, the committee feels that they are limiting the number of problems that could occur. With the Kinas/Wagner variance request, there would not be a problem with setting a precedent if the property meets the uniqueness criterion. However, the Board of Adjustment may create a precedent if they allow the variance without the uniqueness criterion being met.

Public hearing closed at 10:08 a.m.

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

The board discussed the three criteria for deciding a variance request:

- *Unnecessary hardship*  
There doesn't appear to be a hardship other than the size and placement of the building. The applicant, by her own admission, has stated that there is no hardship.
- *Unique property limitations*  
There is another spot, if necessary, apart from the highway setback.
- *Harm to the public*  
The variance would not create any harm to the public.

- c. Board decision.

**Motion by Triemstra/Gende to grant the variance request from Section 350-20.C of the County zoning Ordinance to construct a detached garage within the 67ft State Highway setback, as well as a variance to Section 350-38.B of the County Zoning Ordinance to construct a detached garage in excess of 1500sqft. Roll call vote: Triemstra – nay, Gende – nay, Hardesty – nay. The request is denied.**

#### **CORRESPONDENCE**

Kirkman – Kathleen Moore was appointed by the County Board for another three-year term on the Board of Adjustment.

#### **NEXT MEETING DATE**

September 15, 2017

#### **ADJOURN**

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

Time: 10:30 a.m.

**RECORDED BY:**

Carole DeCramer  
Board of Adjustment Secretary

**APPROVED ON:**

DRAFT

## NOTICE OF PUBLIC HEARING

The Green Lake County Board of Adjustment will hold a Public Hearing in County Board Room #0902 of the Green Lake County Government Center, 571 County Road A, Green Lake, Wisconsin, on *Friday, September 15, 2017, at 9:00 a.m.* The meeting will adjourn for site inspection of the following item:

**Item I: Owners/Applicants:** Jason A & Crystal G Hunt **Site Description:** N1165 Proscarian Rd, Parcel #012-00393-0102, Lot 2 Certified Survey Map 3403, Part of the NE¼ of Section 21, T14N, R12E, ±1.3 acres **Request:** Variance request from Section 350-51 of the County Zoning Ordinance to alter a building within the highway setback.

The Board of Adjustment will reconvene at approximately **10:15 a.m.** to consider the item listed above. All interested persons wishing to be heard at the public hearing are invited to be present. Please note that *it is not uncommon for an owner/applicant to withdraw a request at the last minute.* Call the Green Lake County **Land Use Planning and Zoning Department at (920) 294-4156** for further detailed information concerning this notice, to verify that the agenda item you may be interested in has not been withdrawn from the agenda, or for information related to the outcome of the public hearing item.

*Publish August 31, 2017 and September 7, 2017*



- 2) Unique Property Limitations
  - ❑ limitations such as steep slope, wetland, shape or size that are not shared by other properties and prevent compliance with ordinance (State v. Kenosha BOA)
  - ❑ circumstances of the applicant, such as a growing family or the need for a larger garage, are not a factor in considering variances (Snyder)
  - ❑ limitations common to a number of properties are not a justification (Arndorfer v. Sauk County BOA)
  - ❑ alternative designs and locations on the property have been investigated (State v. Winnebago County)
- 3) No Harm to Public Interest
  - ❑ ordinance purpose and intent, variance may not harm public interest (State v. Winnebago County)
  - ❑ only allow minimal relief for use of property, may include conditions (Robert M. Anderson, *American Law of Zoning*)

**STAFF COMMENTS:** Staff has the following comments related to this request:

**1) Unnecessary Hardship**

- ❑ Compliance is unreasonably burdensome as the property has a very limited area to build a new structure.
- ❑ The short-term, long-term, and cumulative effect on the public interest would be a structure that would remain in the highway setback area longer than may seem necessary.
- ❑ The hardship is not self-created as the barn has been in existence for over 100 years, before Proscarian Road was a town road.
- ❑ There are other possible sites to build a new storage shed. However, the owner would like to utilize the existing building and restore it for storage space.
- ❑ The owner/applicant has not described either economic or financial hardships in this case.

**2) Unique Property Limitations**

- ❑ The subject site has a steep upslope on the west side of the property which limits his usable space for building. Also, the highway setback completely encompasses the building.
- ❑ The applicant's circumstances do not appear to be a factor in this variance request.
- ❑ It does appear that the subject site is unique as there is a steep slope on the west side of the lot that decreases usable space for development.
- ❑ The owner has investigated alternative sites on the lot and believes the proposal is the most viable option. The alternative would require further excavating of the upslope which could be viewed as unreasonably burdensome.

**3) Harm to Public Interest**

- ❑ The intent of the ordinance standard is to eliminate structures in close proximity to highway traffic. Over time, the areas adjacent to highways would become free of obstructions. Allowing this structure to remain less than 20 feet from moving traffic is not in the public's interest. However, the BOA may view this request as not harmful to the public interest as the existing barn has been within the right-of-way for 100 years without

incident and approximately 10 foot higher in elevation than the town road. Further, the Town of Manchester doesn't object to the building remaining adjacent to their road.

- The request may be seen as minimal relief as the owner/applicant is proposing to keep the same footprint and not expand towards the road.

**GREEN LAKE COUNTY  
VARIANCE APPLICATION**

*Provide the following information and any other detailed information related to the variance.*

Date Received: 7-20-17

Fee Received: \$375

JASON HUNT

same

Owner Name

Applicant Name

Jason Hunt 7-20-17

Applicant Signature Date

1165 Proscarian Rd

Mailing Address

Mailing Address

Manchester ND 53946

City State Zip

City State Zip

920-398-2982 920-296-4682

Home Phone Work/Cell Phone

Home Phone Work/Cell Phone

Site Address 1165 Proscarian Rd

Tax Parcel ID # 012 - 00393 - 0102

SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 21, T 14 N, R 12 E

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision/Plat \_\_\_\_\_

Lot 2 CSM # 3403 Town of Manchester

For the Board of Adjustment to grant a variance, the owner/applicant must clearly demonstrate that there is an unnecessary hardship present when strictly applying an ordinance standard; that the hardship is due to unique site limitations; and in granting a variance the public interest is being protected.

The burden of proof rest upon the property owner to show all 3 criteria are being met.

A variance is not a convenience to the property owner and should not be granted routinely.

Attach additional sheets, if necessary, to provide the information requested.

1. Explain your proposed plans and how they vary from the required dimensional standards:

restore/replace Building in the road rightaway

2. Explain the hardship imposed by the Ordinance:

The Building was there before Prosserian RD became a Road. Now that Prosserian is a Road it is completely in the road rightaway

3. Describe unique property feature(s) that create the hardship:

The property is mostly hill and there is really no other place to move it to the building right now is a Two Story Building to loose that space would be a less storage area

4. Explain why the proposed variance will not harm the public interest:

The building has been there since late 1800s and before any zoning codes

5. Explain why the property can not be utilized without a variance:

The Building is in the road rightaway and is set back and there is no room to build it elsewhere



CSM3403

RECORDED ON:  
08/06/2012 10:45AM

REC FEE: \$30.00

VOL. 19 OF CSM PG. 3403

*Flora Leman*

REGISTER OF DEEDS  
GREEN LAKE, WI  
TRANSFER FEE:

As prepared by:

**GA GROTHMAN & ASSOCIATES S.C.**  
LAND SURVEYORS

625 EAST SLIFER STREET, P.O. BOX 373 PORTAGE, WI. 53901  
PHONE: PORTAGE: (608) 742-7788 SAUK: (608) 644-8877  
FAX: (608) 742-0434 E-MAIL: surveying@grothman.com  
(RED LOGO REPRESENTS THE ORIGINAL MAP)

SEAL:



G & A FILE NO. 212-82



DRAFTED BY: J. BROST

CHECKED BY: T.A.A.

PROJ. 212-82

DWG. 21282CSM SHEET 1 OF 3

6-05-12

**GREEN LAKE COUNTY CERTIFIED SURVEY MAP NO. 3403**

GENERAL LOCATION

Volume 19, Page 3403

BEING LOT 1, C.S.M. 867 AS RECORDED IN VOL 3 OF C.S.M.'S PG 867, LOCATED IN THE SE1/4 OF THE NE1/4, SECTION 21, AND THE SW1/4 OF THE NW1/4, SECTION 22, T. 14 N, R 12 E, TOWN OF MANCHESTER, GREEN LAKE COUNTY, WISCONSIN

CONTAINING: 136,452 SQ. FT.  
3.13 ACRES

SCALE: 1" = 100'

UNPLATTED  
LANDS BY  
OTHERS

LINE TABLE

LINE	BEARING	DIST.
1-2	N00°19'52"E	572.98
2-3	N89°39'57"W	134.42
2-4	N00°19'52"E	2070.11
1-4	N00°19'52"E (N00°27'32"E)	2643.09 (2643.11')
5-2	N89°39'57"W	65.58

**BASIS OF BEARINGS:** IS THE EAST LINE OF THE NE1/4, SECTION 21, WHICH BEARS N00°19'52"E AS REFERENCED TO THE GRID NORTH, GREEN LAKE COUNTY COORDINATE SYSTEM, NAD83(91).

LEGEND

- 3/4" X 24" IRON ROD SET (WT. = 1.5 LBS./L.F.)
- R.R. SPIKE SET
- ⊙ 1" IRON PIPE FND.
- △ P.K. NAIL SET
- ⊙ 2" IRON PIPE WITH BRASS CAP FND.
- ⊘ POWER POLE
- OHE- OVERHEAD UTILITY LINE
- ( ) PREVIOUS SURVEY OR RECORD DATA.

SE1/4-NE1/4

UNPLATTED  
LANDS BY  
OTHERS



**NOTE:** THE PURPOSE OF THIS C.S.M. IS TO SEPARATE THE EXISTING HOUSE FROM THE OTHER BUILDINGS.

SW1/4-NW1/4

UNPLATTED  
LANDS BY  
OTHERS

C1	C5
DELTA = 00°09'12"	DELTA = 03°29'48"
ARC = 8.13	ARC = 140.37
RAD = 3040.34 (3040.26')	RAD = 2300.00
BEARING = S06°37'04"E (S06°29'59"E)	BEARING = S04°55'03"E
DIST = 8.13	DIST = 140.34
TANGENT IN = S06°30'45"E	TANGENT IN = S06°39'57"E
TANGENT OUT = S06°39'57"E	TANGENT OUT = S03°10'09"E

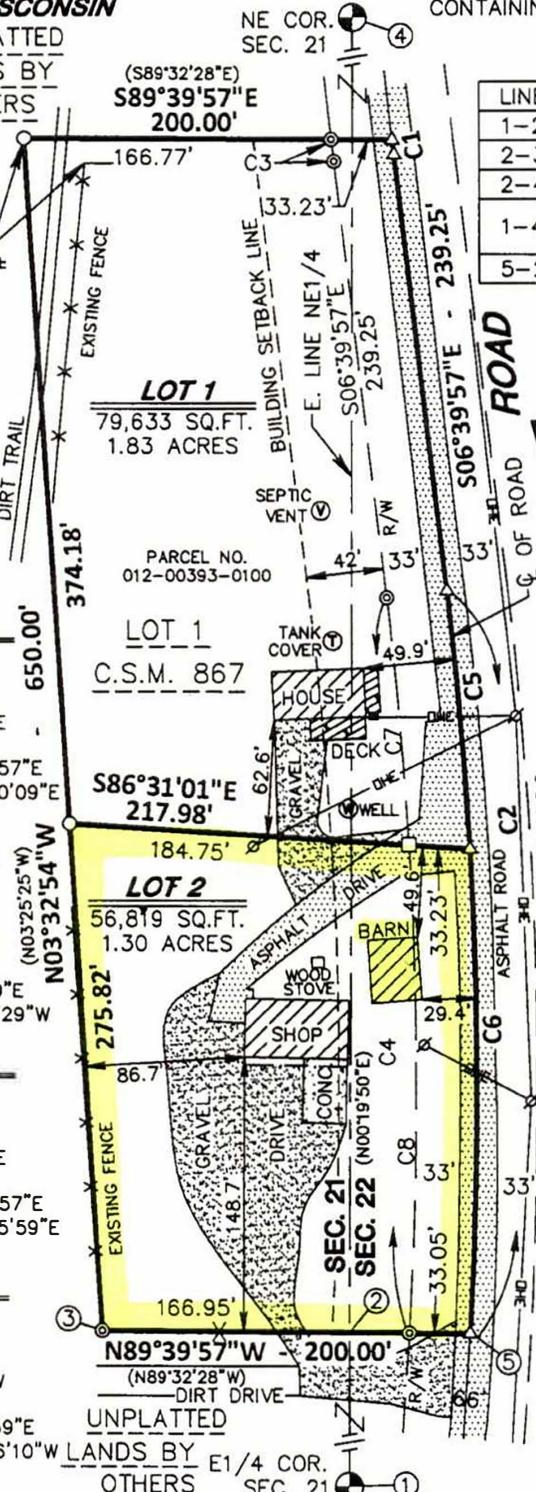
C2	C6
DELTA = 10°03'26"	DELTA = 06°33'38"
ARC = 403.73	ARC = 263.36
RAD = 2300.00	RAD = 2300.00
BEARING = S01°38'14"E (S01°30'45"E)	BEARING = S00°06'40"W
DIST = 403.21	DIST = 263.22
TANGENT IN = S06°39'57"E	TANGENT IN = S03°10'09"E
TANGENT OUT = S03°23'29"W	TANGENT OUT = S03°23'29"W

C3	C7
DELTA = 00°13'37"	DELTA = 03°23'58"
ARC = 12.17	ARC = 134.51
RAD = 3073.34 (3073.26)	RAD = 2267.00
BEARING = S06°33'19"E (S06°27'04"E)	BEARING = S04°57'58"E
DIST = 12.17	DIST = 134.49
TANGENT IN = S06°26'20"E	TANGENT IN = S06°39'57"E
TANGENT OUT = S06°39'57"E	TANGENT OUT = S03°15'59"E

C4	C8
DELTA = 10°06'07"	DELTA = 06°42'09"
ARC = 399.71	ARC = 265.20
RAD = 2267.00	RAD = 2267.00
BEARING = S01°36'52"E (S01°29'24"E)	BEARING = S00°05'07"W
DIST = 399.18	DIST = 265.04
TANGENT IN = S06°39'57"E	TANGENT IN = S03°15'59"E
TANGENT OUT = S03°26'10"W	TANGENT OUT = S03°26'10"W



**OWNER:** JASON A. HUNT & CRYSTAL G. HUNT  
N1165 PROSCARIAN ROAD  
MARKESAN, WI 53946

**CLIENT:** JASON A. HUNT  
N1165 PROSCARIAN ROAD  
MARKESAN, WI 53946

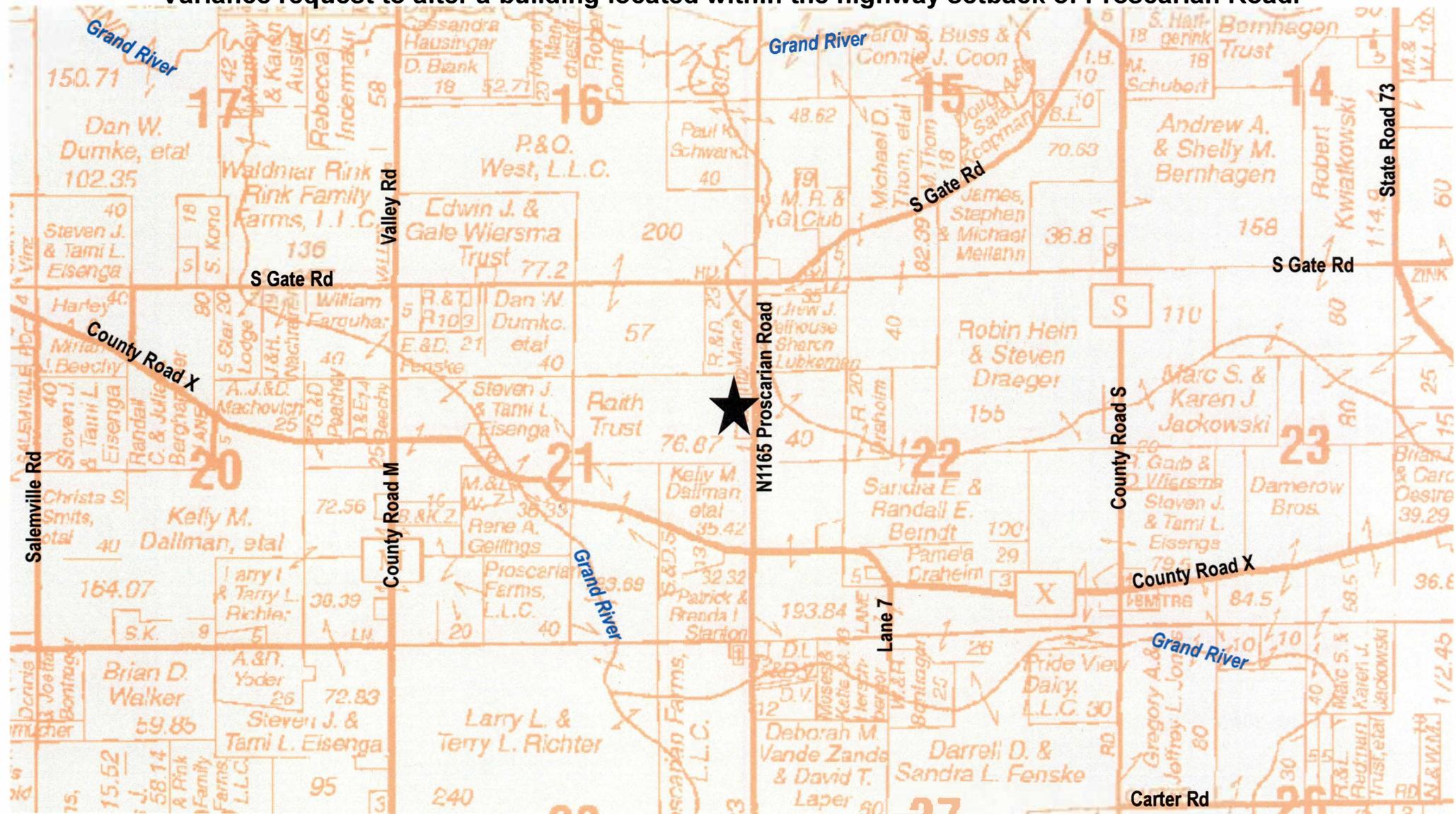
3403

Jason A. & Crystal G. Hunt

N1165 Proscarian Road, Parcel #012-00393-0102, Lot 2 Certified Survey Map 3403,

Part of the NE¼ of Section 21, T14N, R12E, ±1.30 acres, Town of Manchester

Variance request to alter a building located within the highway setback of Proscarian Road.



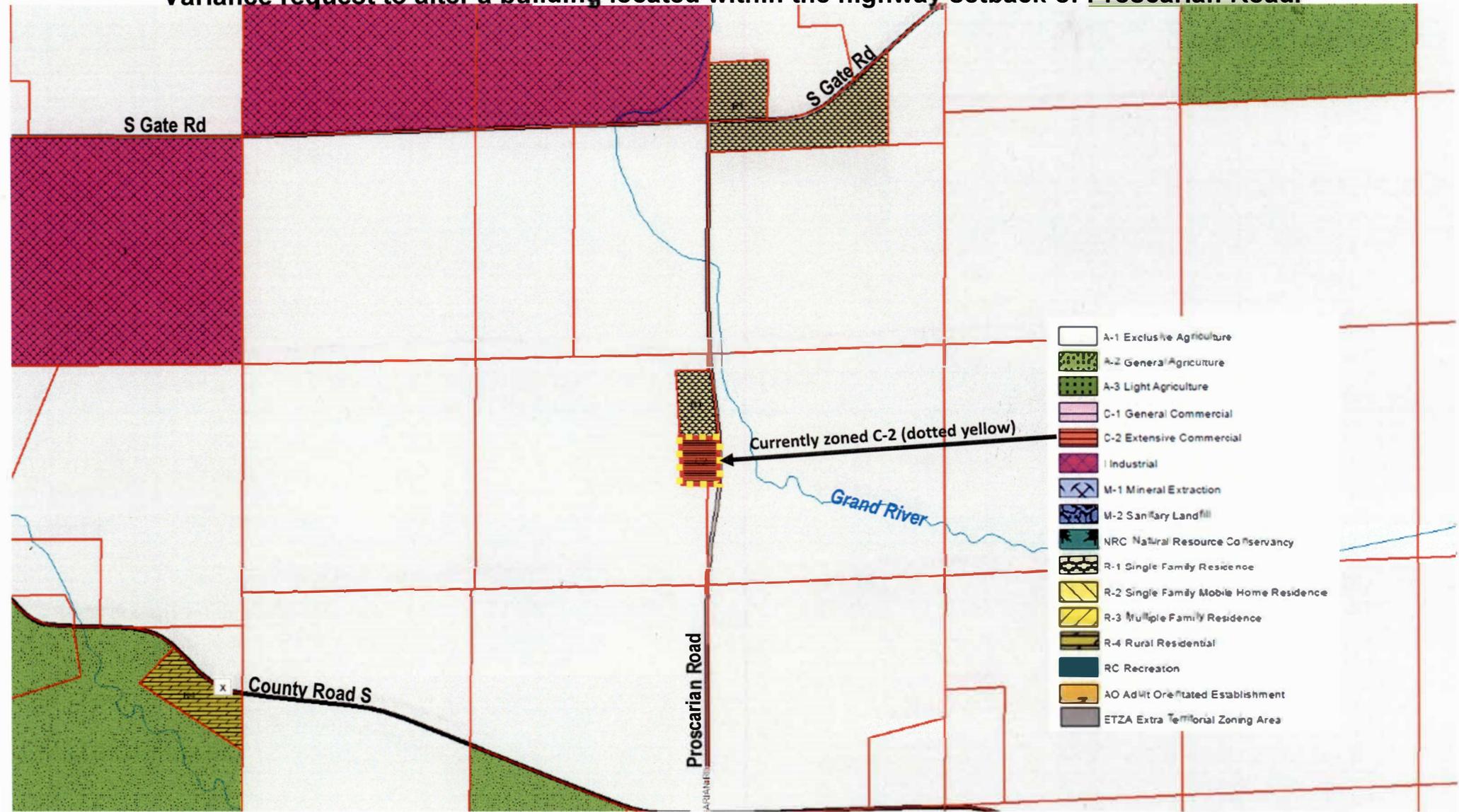
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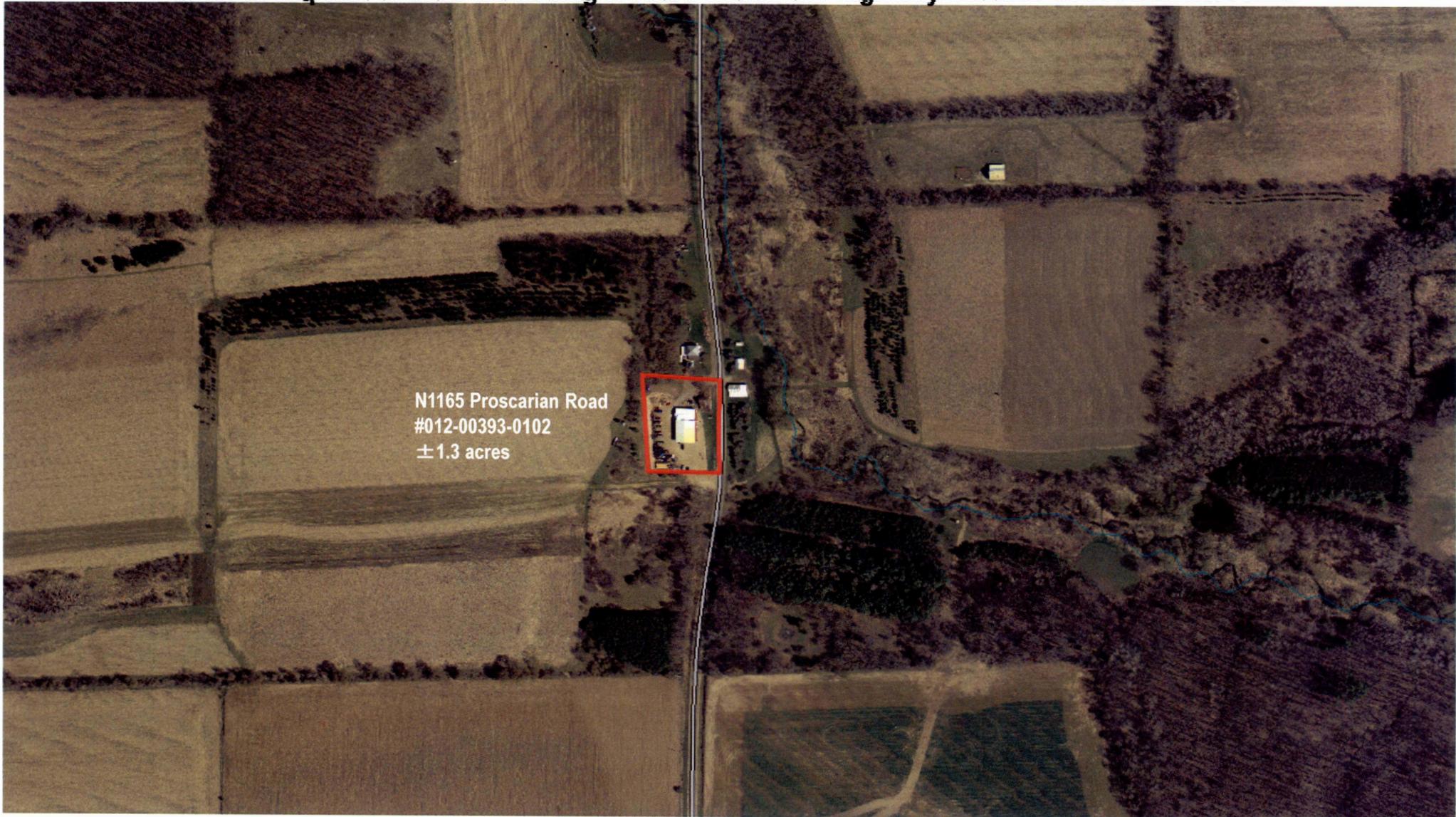
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**Green Lake County Board of Adjustment Public Hearing 09/15/17**