



GREEN LAKE COUNTY

571 County Road A, Green Lake, WI 54941

November 18, 2016

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, November 18, 2016**. The business meeting begins at 9:00 a.m. The public hearing will begin at 10:00 a.m.

Packet Pages:

1. Agenda
2. Public Hearing Notice
- 3-33. **Meeting materials for Public Hearing Item I:**
Zodang, LLC, Owner Matthew D. Greget, Applicant
Variance request to construct two advertising signs within the 25'
streetyard setback
- 34-47. Minutes of 06/19/15, 01/15/16, 05/20/16, and 06/20/16



GREEN LAKE COUNTY BOARD OF ADJUSTMENT

Carole DeCramer,
Board Secretary

Number: 920-294-4156
Email: cdecramer@co.green-lake.wi.us

Board of Adjustment Meeting Notice

Date: November 18, 2016 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*

Nancy Hill

*Kathleen Moore
Board Vice Chair*

*John Gende,
Alternate 1*

*Ron Triemstra,
Alternate 2*

1. Call to order
2. Roll call
3. Pledge of Allegiance
4. Certification of open meeting law
5. Agenda
6. Minutes: 06/19/15, 01/15/16, 5/20/16, and 6/20/16
7. Adjourn for field inspection

Public hearing matters will not begin before 10:00 a.m.

8. Public hearing matters

Item I: Owner: Zodang, LLC **Applicant:** Matthew D. Greget **Site Description:** W4713 State Road 23/73, Parcel #016-00077- 0000, Part of the SW¼, Section 19, T16N, R12E, Town of Princeton **Request:** The owner is requesting a variance from Section 338-23 of the Green Lake County Shoreland Zoning Ordinance to construct two advertising signs within the 25' streetyard setback.

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

9. Correspondence
10. Next meeting date
11. Adjournment

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.

Kindly arrange to be present. If unable to do so, please notify the
Land Use Planning & Zoning Department at (920) 294-4156.

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, November 18, 2016, at 9:00 a.m.** The meeting will adjourn for site inspection of the following item:

Item I: Owner: Zodang, LLC **Applicant:** Matthew D. Greget **Site Description:** W4713 State Road 23/73, Parcel #016-00077-0000, Part of the SW¼, Section 19, T16N, R12E, Town of Princeton **Request:** The owner is requesting a variance from Section 338-23 of the Green Lake County Shoreland Zoning Ordinance to construct two advertising signs within the 25' streetyard setback.

The Board of Adjustment will reconvene at approximately **10:00 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 November 3, 2016 and November 10, 2016

this discrepancy between the street yard setback and the Shoreland Zoning Ordinance's purpose and intent, had been identified to the Land Use Planning & Zoning (LUP&Z) Committee. However, the LUP&Z Committee chose to include street yard setbacks in the Shoreland Zoning Ordinance nevertheless. The Committee was concerned that riparian property owners of unzoned lands would construct their buildings at their front lot lines. Their fear was that this would result in unsafe and unsightly conditions. The Committee's concerns, although necessary from a general zoning ordinance perspective, are not applicable to a shoreland zoning ordinance.

VARIANCE CRITERIA: To qualify for a variance, it must be demonstrated that the property meets the following 3 requirements:

- 1) Unnecessary Hardship
 - compliance with standards would be unreasonably burdensome (Snyder)
 - hardship may not be self-created (State ex rel. Markdale Corp. v. Board of Appeals)
 - circumstances of the applicant, such as a growing family or the need for a larger garage, are not a factor in considering variances (Snyder)
 - property, as a whole, must be considered, not just a portion (State v. Winnebago County)
 - economic or financial hardship is not a justification (State v. Winnebago County)

- 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)
 - 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)
 - short-term, long-term and cumulative effects on public interest in neighborhood, community, and even the state (Ziervogel)
 - 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

- It is not unreasonably burdensome to require the owners to locate their advertising signs back 25 feet from the road right-of-way. The owners could choose to construct larger signs to create the same visual impact as smaller signs located closer to traffic. The owner's point is well-founded that street yard setbacks in a shoreland zoning ordinance do not make sense; however, street yard setbacks exist in the Shoreland Zoning Ordinance, nonetheless.
- It appears that a hardship has to do with the owners having to locate their signs further back from their targeted audience (traffic). If the owners were to create larger signs they could manage the same visual

impact further away from traffic. The property owners' decision not to build a larger sign seems to be creating the hardship in this case.

- ❑ The variance application does not indicate any personal circumstances; however, there may be a specific reason for the overall sign dimensions. There may be reluctance to building a larger sign due overall costs.
- ❑ The owners have focused in on the area of their property that provides the closest proximity to the traffic. There is plenty of useable space not on the right-of-way where a larger sign could be placed that would not require a variance.
- ❑ The owners are not claiming an economic / financial hardship.

2) Unique Property Limitations

- ❑ The owner's contend that the unique property limitations of the subject site rest on a street yard setback being imposed on their project solely due to the project's proximity to a navigable stream. Although it is clear that a street yard setback in a Shoreland Zoning Ordinance is unfounded and unsupported by the purpose and intent of the same, there is no uniqueness present just by shoreland association.
- ❑ Applying a street yard setback to shoreland properties is not a new practice. Green Lake County has been doing this for years. What is unique here is that an applicant has questioned the validity of this practice. The variance process requires a unique property limitation.
- ❑ The owners have investigated alternative sign designs, but feel that the proposed project is the most beneficial for them.

3) Harm to Public Interest

- ❑ As stated earlier, there is no basis (purpose and intent) in the Shoreland Zoning Ordinance to require street yard setbacks and there is no indication that any harm to the public interest, relating to the purpose and intent of the Shoreland Zoning Ordinance, would occur.
- ❑ The cumulative effect, if this variance is granted or denied, may be a re-evaluation of street yard setbacks in the Shoreland Zoning Ordinance by the Land Use Planning & Zoning Committee.
- ❑ Based on the nature of the request, minimal relief does not apply. The variance request is to eliminate the required street yard setback and locate these signs at the road right-of-way.

GREEN LAKE COUNTY
VARIANCE APPLICATION

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

Date Received: 9-29-16

Fee Received: 375.⁰⁰ C4330

Zodang, LLC

Owner Name

Matthew D. Greget

Applicant Name



Owner Signature 2/29/16
Date



Applicant Signature 2/29/16
Date

P.O. Box 34

Mailing Address

P.O. Box 34

Mailing Address

Princeton WI 54968

City State Zip

Princeton WI 54968

City State Zip

John Zodrow 229-2709

Home Phone Work/Cell Phone

920 229-5690

Home Phone Work/Cell Phone

Site Address W4713 STH 23 + 73

Tax Parcel ID # 016 - 00077 - 0000

NE 1/4, SW 1/4, Section 19, T 16 N, R 12 E
See attached Legal Description

Lot _____ CSM # _____ Town of Princeton

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:

Plans are to construct (2) V-type billboards along STH 23+73. Want to locate each sign as close to road right-of-way as possible. County Shoreland Ordinance requires billboards to be setback an additional 25 feet. With 66 ft R.O.W width from center of STH 23 and 73 both signs will be over 90 ft from center of road.

2. Explain the hardship imposed by the Ordinance:

The Shoreland Zoning Ordinance purpose + intent does not indicate a need or benefit to the river/stream of highway setbacks. Obviously a shoreland setback makes sense, but there is no comparable benefit of a highway setback in this case. Strict compliance in this case will be unnecessarily burdensome.

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

A navigable stream runs along this property's northwest lot line, crosses STH 23+73 and then runs parallel to the STH. The property is in an unzoned town, so without the stream no highway setback would be required. With the stream both signs (proposed) fall within 300 ft of the stream and highway setbacks are required.

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

The purpose and intent of the Shoreland Zoning Ordinance is to preserve + protect water courses like the stream in this case. By locating these billboards 25' closer to the state highway that is already using up 66 feet of right-of-way south of its centerline will have no negative effect on the public interest. Rather the public will be able to safely observe the advertisements on these signs as they are

5. Explain why the property can not be utilized without a variance: closer to the flow of traffic.

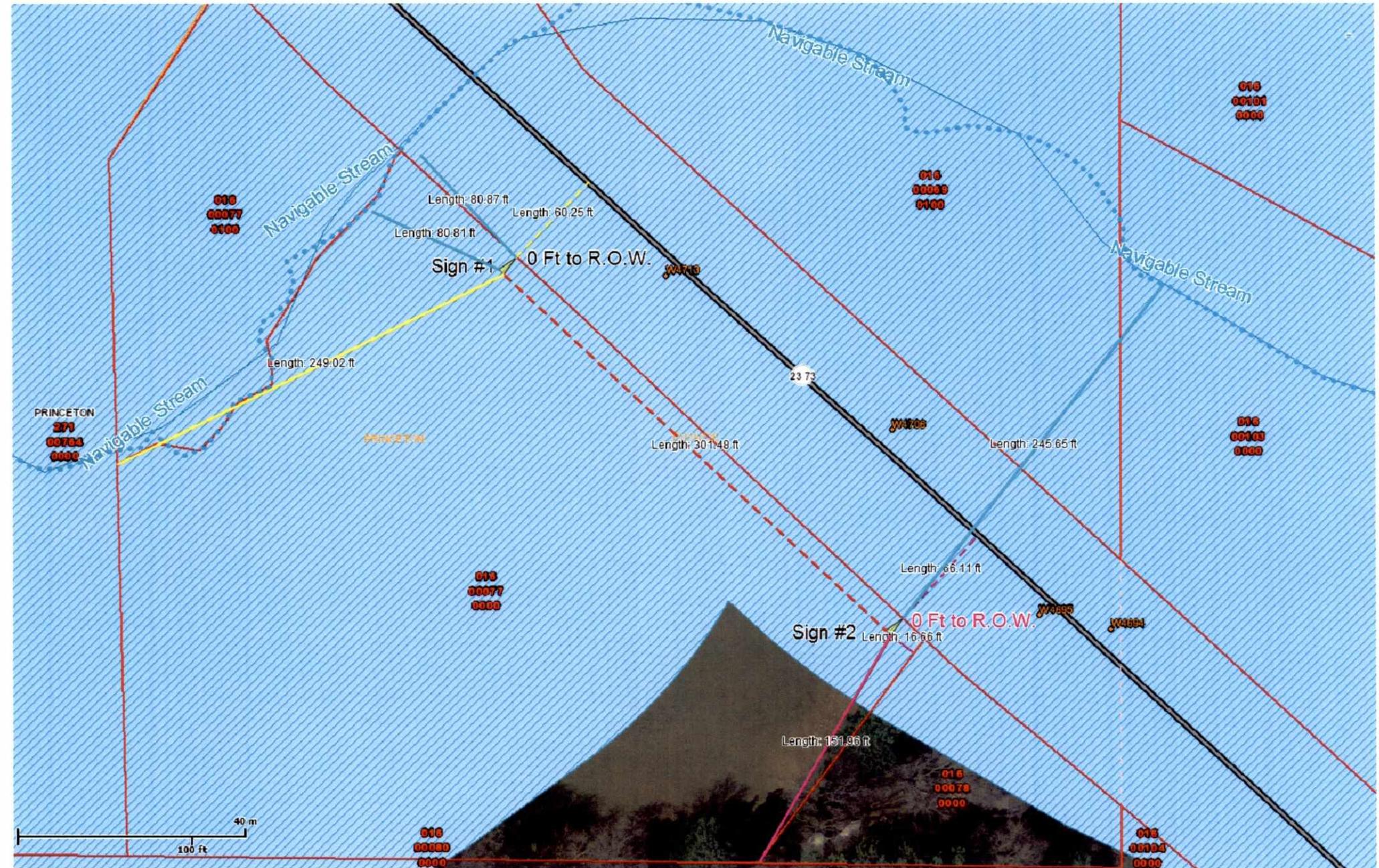
USE variance only

Zodang, LLC Legal Description

That part of the Northeast Quarter of the Southwest Quarter of Section number 19, in Township 16 North, Range number 12 East, more particularly described as Commencing at a point 20 rods north of the southeast corner of the Northeast Quarter of the Southwest Quarter of said Section 19, in Town 16 North, Range 12 East, and running thence west 8.85 chains; thence north 8.22 chains to center of Dartford road; thence southeasterly along center line of said road to east line of said N.E. $\frac{1}{4}$ of S.W. $\frac{1}{4}$, and thence south to the place of beginning. EXCEPT, That part of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 19-16-12 described as: Commencing at a point marked by an iron stake 20 rods north of the southeast corner of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ aforesaid, thence north along the east line of said quarter quarter section 61 feet, more or less, to a point marked by an iron stake on the south edge of State Trunk Highway 73 and 23, formerly known as the Dartford Road, thence northwesterly along the south edge of said highway 120 feet to a point, thence southwesterly at a right angle to the south edge of said highway 191.5 feet, more or less, to a point 20 rods north of the south line of the aforesaid quarter quarter section, and thence east 220 feet, more or less to the point of Beginning. ALSO EXCEPTING Lot One (1) of Certified Survey Map No. 2259. ALSO EXCEPTING that part of Lot One (1) of Certified Survey Map No. 1516 lying therein. Town of Princeton, Green Lake County, Wisconsin.

Zodang Site Plan, TPR (Shoreland)

Green Lake County, WI



GIS Viewer Map. Green Lake County, WI. Tue Mar 1 2016 09:58:13 AM.

[Handwritten signature] 2/22/16

Zodang Site Plan, TPR

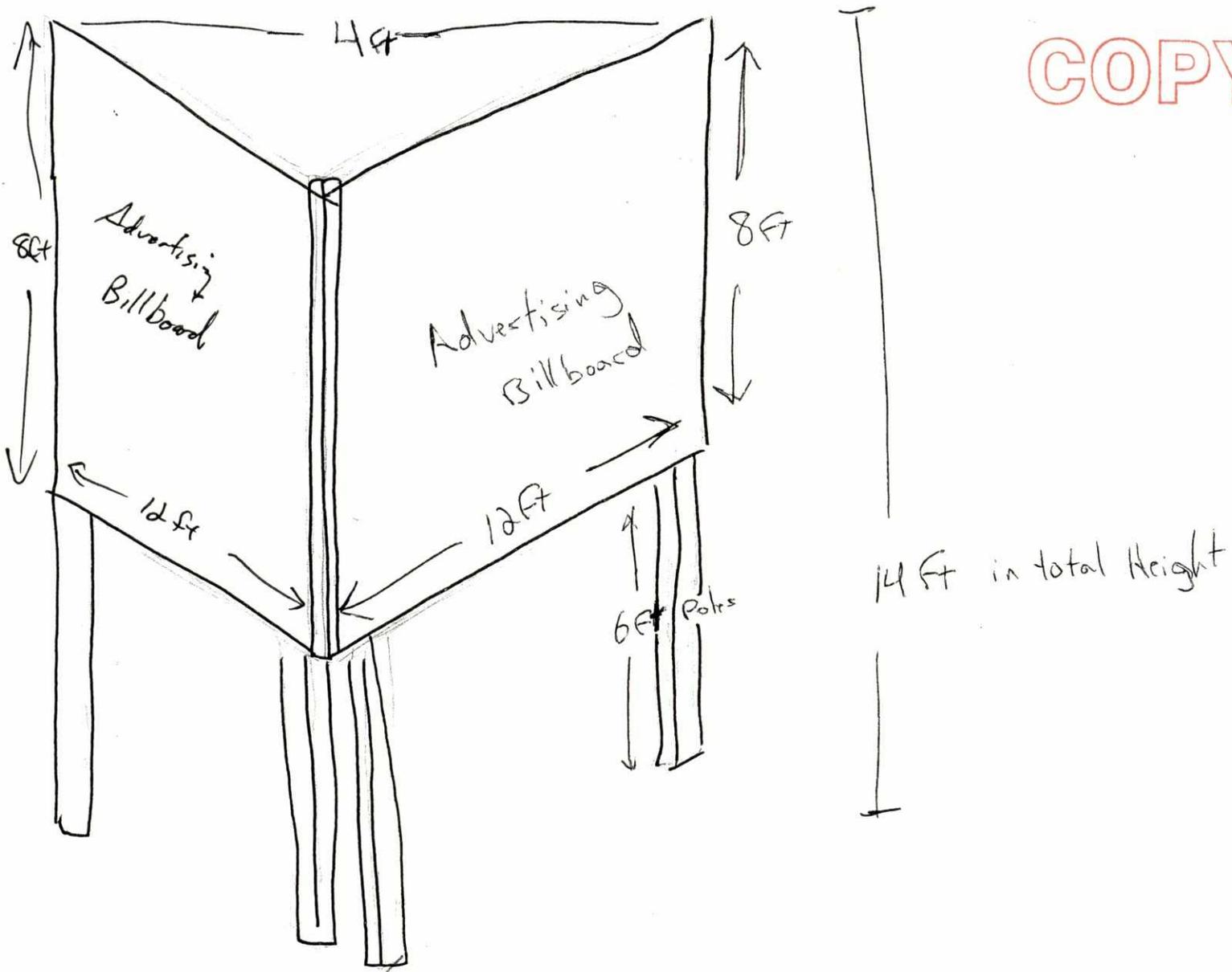
Green Lake County, WI



GIS Viewer Map, Green Lake County, WI. Tue Mar 1 2016 09:57:23 AM.

[Handwritten signature] 2/29/16

COPY



Sketch of Billboard



Division of Transportation
 System Development
 North Central Region
 1681 Second Avenue South
 Wisconsin Rapids, WI 54495

APPLICANT COPY
 APPLICANT COPY

Scott Walker, Governor
 Mark Gottlieb, P.E., Secretary
 Internet: www.dot.wisconsin.gov

Telephone: 715-421-8301
 Facsimile (FAX): 715-423-0334

E-mail: ncr.dtsd@dot.wi.gov

West Sign

Certified Mail

DECEMBER 17, 2015

ZODANG LLC
 P.O. BOX 3
 PRINCETON, WI 54968

Dear Madam / Sir:

Subject: Outdoor Advertising Sign (s.84.30)
 Permit # 24-20651-15
 Green Lake County
 WIS 23
 --IMPORTANT INFORMATION REGARDING THE ATTACHED PERMIT--

Enclosed is your approved State permit for the signing identified and described. The department issuing this permit recognizes your sign and sign location complies to the requirements of both sections 84.30 and 86.19 of the Wis. State Statutes, and also complies to the Wis. Administrative Code, Trans 201 rules and all other state laws and guidelines currently applicable.

This permit is in effect until superseded, revoked and/or cancelled. If we find your permit application included misrepresentation and/or your signing is noncompliant with applicable regulations at the time of issuance, (issued in error), it may result in the revocation/cancellation of your permit.

The department monitors the installation and maintenance of permitted signs. The applicant is also reminded that access from any highway travel lane for installation, maintenance, or repair of a sign is expressly prohibited.

Please Note: Additional sign permits from the county or other local governments may be required. The Department of Transportation recommends you contact these units of government, to satisfy their signing guideline needs, if applicable. This effort will help you, the sign owner, avoid possible future misunderstandings that could lead to potential signing problems.

These conditions and restrictions stated above are listed on the backside of your enclosed copy of the completed and approved application form along with others. Please read the contents of titled areas "PERMIT CONDITIONS" and "PERMIT RESTRICTIONS". It is beneficial for you to know and understand some important facts inclusive with your sign permit.

If you have any questions, please call me at 715-421-8082 or 1-800-238-5575 ext. 8082.

Sincerely,

 Anthony Culbert
 Outdoor Advertising Sign Program Coordinator
 North Central Region - Wis. Rapids & Rhinelander Offices

APPLICANT COPY

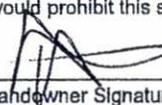
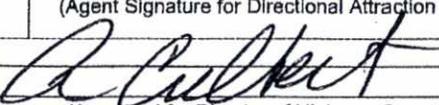
OUTDOOR SIGN INSTALLATION APPLICATION AND PERMIT

Wisconsin Department of Transportation

DT1680 6/2006 s.84.30 Wis. Stats. **This Permit is Revocable.**

For Locations Adjacent to Interstate and Federal Aid Primary Highways and the National Highway System

Mail Application to Regional Office

Applicant - Sign Owner Zodang LLC		Area Code - Telephone Number 920-229-2709	
Address, City, State, ZIP Code P.O. Box 3 Princeton WI 54968			
X  (Permit Applicant Signature)		E-Mail Address greenlakezodang@gmail.com	
		Date 12.2.15	
An agreement/lease with the landowner that allows installation of the described sign and continued access to the sign site must be obtained prior to approval of this application for all categories except on-premise. Nothing herein requires a property owner to have or to retain a sign on their land.			
Landowner Name - Print same ZODANG LLC		Area Code - Telephone Number	
Address, City, State, ZIP Code P.O. Box 3, Princeton, WI 54968			
By my signature, I acknowledge that I am aware of the Permit Conditions and Restrictions listed herein and I affirm there are no easements or restrictions that would prohibit this sign from being erected.			
X  (Landowner Signature)		Date 12.2.15	
Installer Name same		License Number	
Address, City, State, ZIP Code			
Highway/s 23 LRS	County Green Lake	<input checked="" type="checkbox"/> Town <input type="checkbox"/> City <input type="checkbox"/> Village Princeton	Highway Side <input type="checkbox"/> N <input checked="" type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W
Land Zoning (Supply proof) Standard UNZON40	Date of Zoning 5-21-85	Sign to Face <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W <input type="checkbox"/> N/S <input checked="" type="checkbox"/> E/W	
Sign Location (Legal Description) NE 1/4 of the SW 1/4 of Section 19 Township 16 North, Range 12 East West			
Distance from sign to the pavement centerline of the closest road that intersects with the highway along which the sign will be erected. 54 ft. FROM OLD Green Lake Rd E. (Feet) (East, West, North, South) (Identify road measured from)			
Distance from highway right of way to sign 2 ft.	Sign Illumination <input checked="" type="checkbox"/> Steady Light <input type="checkbox"/> No Light <input type="checkbox"/> Changeable Message		Height Above Ground Level (HAGL) 46 ft.
Sign Category and Fee		Sign Design	
<input checked="" type="checkbox"/> On Premises Free Standing - \$175		Type 1 (Choose one)	
<input type="checkbox"/> On Premises On Building - \$175		<input type="checkbox"/> Single Face	
<input type="checkbox"/> Real Estate along Interstate - \$175		<input type="checkbox"/> Back-to Back	
<input checked="" type="checkbox"/> Off Property - \$175		<input checked="" type="checkbox"/> "V" Type	
<input type="checkbox"/> Service Club Meeting Notice - No Fee		<input type="checkbox"/> Side by Side	
<input type="checkbox"/> Religious Meeting Notice - No Fee		<input type="checkbox"/> Over Under	
<input type="checkbox"/> Agricultural Test Plot - \$175		<input checked="" type="checkbox"/> On Building	
<input type="checkbox"/> Sign on officially designated school bus stop shelter; Affidavit from school officials required - \$175		<input checked="" type="checkbox"/> Does Not Apply	
<input type="checkbox"/> Directional as defined by sec. TRANS. 201.05 Wis. Adm. Code If box is checked, provide signature to the right - \$175			
<input type="checkbox"/> Official (City, Village, Town, County, or State official to be applicant) If box is checked, provide signature to the right - No Fee		(Agent Signature for Directional Attraction or Official)	
			
Completed by Wisconsin Department of Transportation			
• Sign is on WisDOT Project No. N/A			
• Cancel existing permit as condition of issuing this permit? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
If the answer is "Yes", provide permit number and issue date			
R.P. Number 175+0.160	Inventory Sort Highway 23	Inventory Direction E	Direction of Travel <input type="checkbox"/> N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input type="checkbox"/> W
Highway Side <input type="checkbox"/> Left <input checked="" type="checkbox"/> Right	Sign Area (Plus border & trim) 192 sq. ft.		
660 ft. + from R/W	Scenic Byway <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Check Number 5109	Trans. 233 Setback <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Issue Date 12-17-15	Permit Number 20651	

24-70651-15
13

Applicant Instructions

This is page 2 of this 3-page form. To be complete, ALL 3 pages must be submitted with your application.

Place a stake or lath with ribbon or flag that is visible from the highway at the sign's proposed location, then submit:

- Three copies of this form, with all entries completed down to the broken line, to the office shown on the front face.
- Three copies of a sign sketch illustrating the size, dimensions, height above ground, shape, color scheme, and message of the proposed display.
- Three copies of a site plan showing distances from the sign to the highway right of way and to adjacent buildings, direction/s of the sign's facing/s, and whether the sign will be on a building or free standing. Include the locations of property lines, the nearest cross street, and development features, such as customer parking lots. Indicate how this proposed sign site will be accessed.
- One copy of proof of zoning from the jurisdictional zoning authority on the attached *Documentation of Zoning*. If the property is unzoned, include a statement from the jurisdictional zoning authority to that effect.
- A \$175 check or money order made payable to the Wisconsin Department of Transportation. Do not send cash.

Permit Conditions

Initial Permit Approval: This is an application for a permit to erect a sign under s.84.30, Wis. Stats. and TRANS 201, Wis. Adm. Code. This permit authorizes installation and maintenance of the specific advertising or informative display described at the precise location defined. This permit expires one year after its issuance date if the sign is not erected by that time, unless otherwise provided by rule.

Application Fees and Compliance: A non-refundable permit application fee of \$175 must be submitted with this application, in accordance with TRANS 201.07, Wis. Adm. Code. All applicants are encouraged to confirm that the proposed sign will comply with all of the regulations, laws, and codes described below before submitting an application. When multiple or conflicting controls exist in relation to any aspect of the sign, its structure, or its location, the more restrictive regulations shall apply. The permittee shall comply with all of the following:

- s.84.30, Wis. Stats. and TRANS 201, Wis. Adm. Code as amended from time to time.
- All other state laws and regulations.
- All federal laws and regulations.
- All local laws and regulations including, but not limited to, local zoning or outdoor advertising control ordinances.

Issuance of a permit by the Department does not relieve the applicant from obtaining all other permits required by law from any other state or federal agency, county, or municipality.

Permit Renewals: Most signs are subject to an annual permit fee of \$35. Signs exempt from this requirement are listed in TRANS 201.035(9), Wis. Adm. Code. This permit shall expire upon the due date for payment unless the annual fee for the sign has been paid. Signs with expired permits are subject to removal.

Directional Signs: If this application is for a "directional sign" as defined in TRANS 201.05, Wis. Adm. Code, the sign is permitted only so long as the activity described in the application is the only activity displayed on the sign. This permit shall be revoked upon a change of message on the sign to advertise any activity other than the activity described in this permit application. A new permit application is required to make a message change. TRANS 201.08(3)(b), Wis. Adm. Code. The annual fee for a sign in this category is \$50.

Agricultural Test Plot Signs: If this application is for an agricultural test plot area, the signs in the test plot area must be removed within seven days after harvest of the test plot crop, but no later than November 1 of that year. TRANS 201.18, Wis. Adm. Code.

Transfer of Ownership: The new sign owner shall accept all the terms and conditions of this permit. The permittee is responsible for notifying the Department promptly of a change in sign ownership per TRANS 201.035(3), Wis. Adm. Code and for assuring that the new owner is aware of the terms and conditions of this permit.

Enforcement and Penalties: A person who erects or maintains any sign, sign structure, or other object for outdoor advertising subject to the provisions of s.84.30, Wis. Stats. and TRANS 201, Wis. Adm. Code without complying with those regulations is liable for a civil penalty. A person who misrepresents information in a permit form is guilty of a misdemeanor. A sign erected or maintained under a permit falsely obtained shall be deemed to be illegal and will be removed without compensation.

Permit Restrictions

Alteration of Vegetation: This permit does not authorize the alteration of vegetation, including without limitation, trimming, pruning, relocating, removing, cutting, chemically treating, destroying, or damaging any vegetation. Altering vegetation within a right of way without consent of the Director of the Bureau of Highway Operations of the Department of Transportation and any other person owning an interest in the vegetation is grounds for immediate revocation of the permit for any sign visible from the area in which the vegetation was altered, as well as criminal or civil prosecution. Altering vegetation outside the right of way without the consent of the landowner may result in criminal or civil prosecution.

Access to Sign Site: No person shall access a sign or sign site from a travel lane, interchange ramp, or right of way of an interstate highway, freeway, or other controlled access highway. Illegal access to a sign or sign site is grounds for permit revocation and removal of the sign.

Use of Right of Way: s.86.07(2) Wis. Stats. requires a permit for any work on or use of State Trunk Highway (STH) right of way. No portion of STH right of way may be used to construct, maintain, or repair a sign unless prior approval in the form of a separate permit is obtained from the department.

Chapter 338

SHORELAND PROTECTION

[**HISTORY: Adopted by the Board of Supervisors of Green Lake County 5-21-1985 by Ord. No. 303-85. Amendments noted where applicable.**]

GENERAL REFERENCES

Comprehensive Plan — See Ch. 280.
Construction site erosion control and stormwater management — See Ch. 284.
Floodplain zoning — See Ch. 300.
Land division and subdivision — See Ch. 315.
Private sewage systems — See Ch. 334.
Zoning — See Ch. 350.

ARTICLE I
Introduction

§ 338-1. Statutory authorization.

This chapter is adopted pursuant to the authorization in §§ 59.69, 59.692, 59.694, 87.30 and 281.31, Wis. Stats.

§ 338-2. Finding of fact.

Uncontrolled use of the shorelands and pollution of the navigable waters of Green Lake County would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and preserve shore cover and natural beauty. This responsibility is hereby recognized by Green Lake County, Wisconsin.

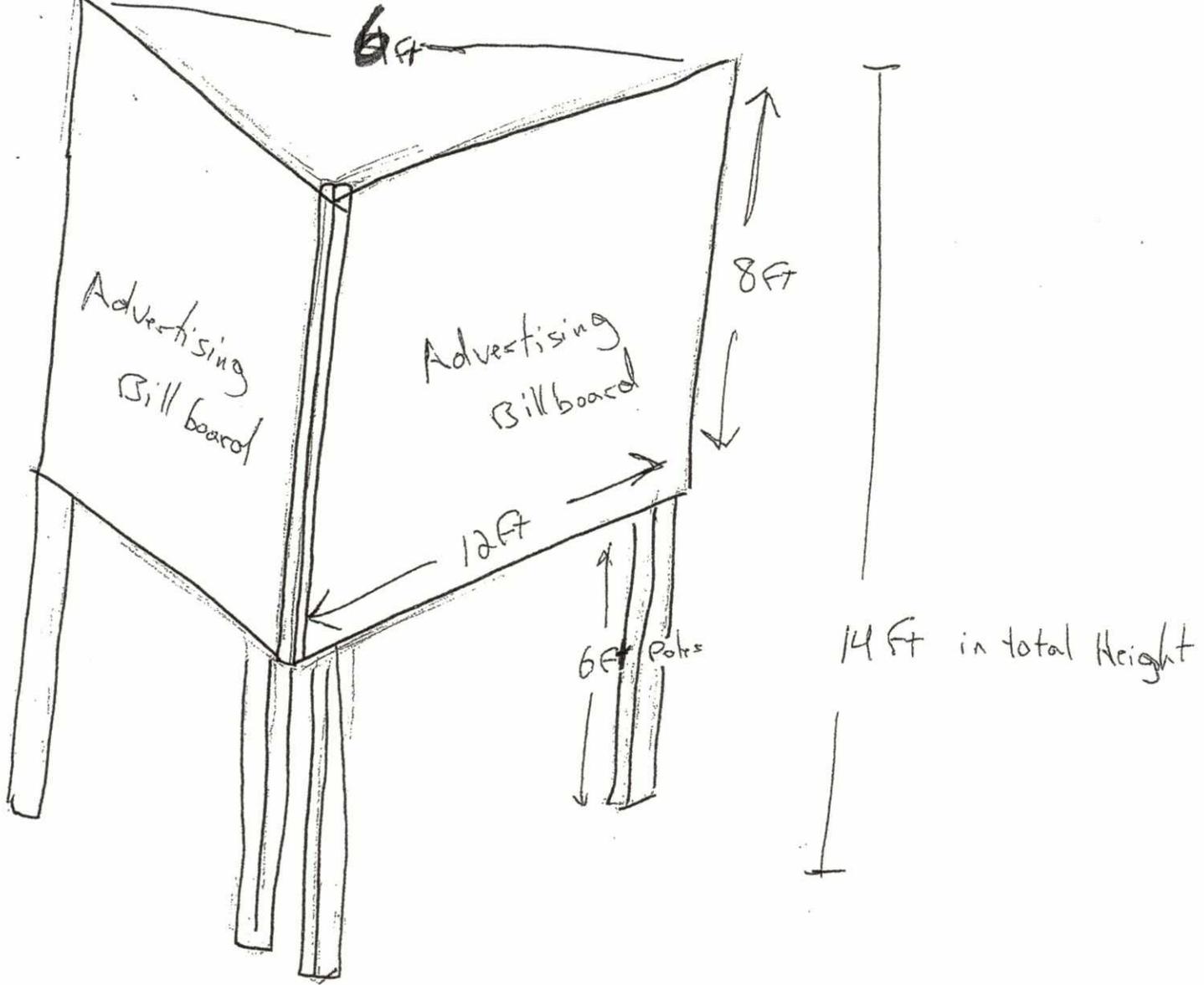
§ 338-3. Purpose.

For the purpose of promoting the public health, safety, convenience and welfare, this chapter has been established to:

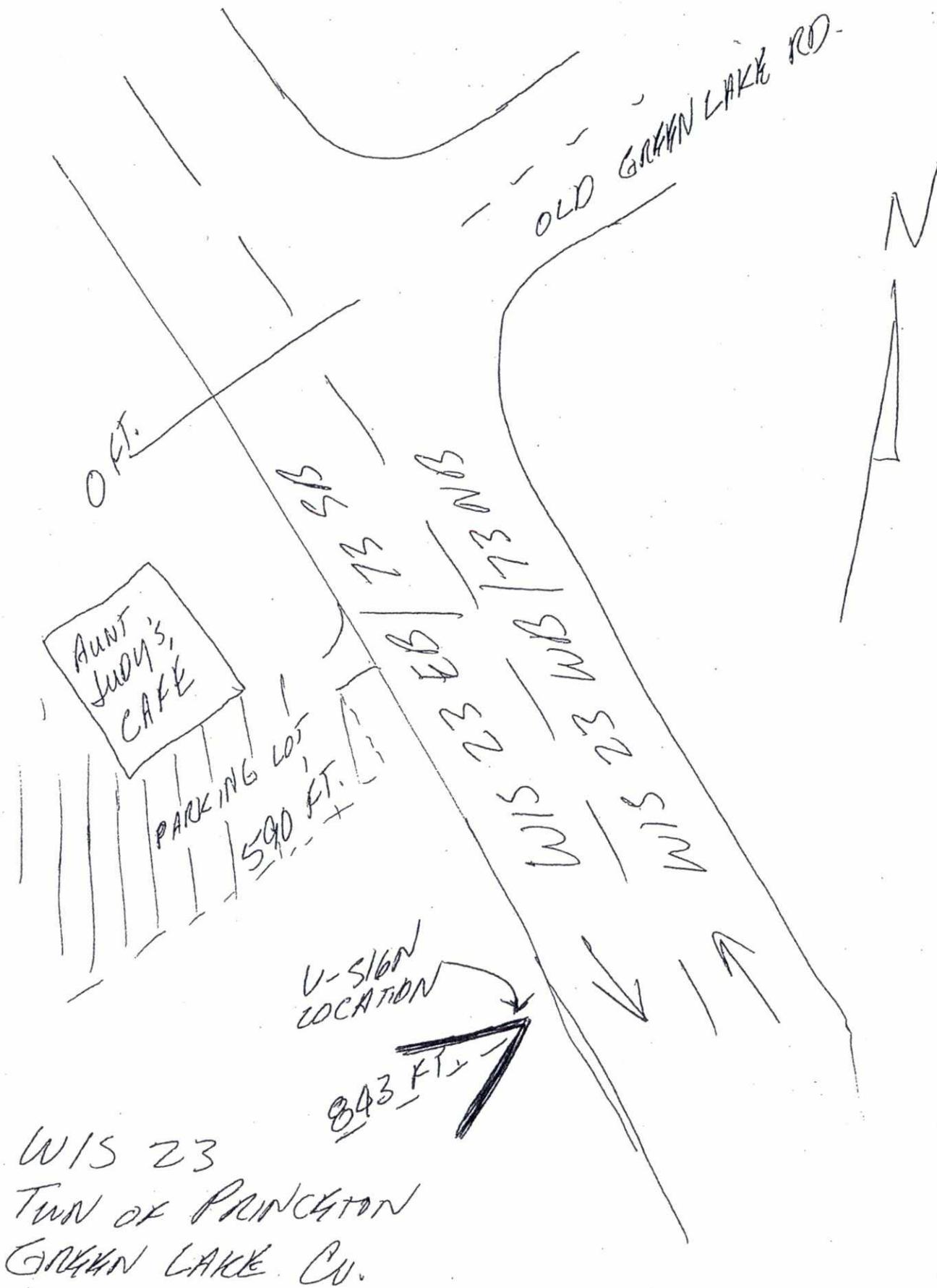
- A. Further the maintenance of safe and healthful conditions and prevent and control water pollution through:
- (1) Limiting structures to those areas where soil conditions will provide a safe foundation.
 - (2) Establishing minimum lot sizes to provide adequate area for private sewage disposal facilities.
 - (3) Controlling filling and grading to prevent serious soil erosion problems.

Exhibit A

That part of the Northeast Quarter of the Southwest Quarter of Section number 19, in Township 16 North, Range number 12 East, more particularly described as Commencing at a point 20 rods north of the southeast corner of the Northeast Quarter of the Southwest Quarter of said Section 19, in Town 16 North, Range 12 East, and running thence west 8.85 chains; thence north 8.22 chains to center of Dartford road; thence southeasterly along center line of said road to east line of said N.E. $\frac{1}{4}$ of S.W. $\frac{1}{4}$, and thence south to the place of beginning. EXCEPT, That part of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 19-16-12 described as: Commencing at a point marked by an iron stake 20 rods north of the southeast corner of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ aforesaid, thence north along the east line of said quarter quarter section 61 feet, more or less, to a point marked by an iron stake on the south edge of State Trunk Highway 73 and 23, formerly known as the Dartford Road, thence northwesterly along the south edge of said highway 120 feet to a point, thence southwesterly at a right angle to the south edge of said highway 191.5 feet, more or less, to a point 20 rods north of the south line of the aforesaid quarter quarter section, and thence east 220 feet, more or less to the point of Beginning. ALSO EXCEPTING Lot One (1) of Certified Survey Map No. 2259. ALSO EXCEPTING that part of Lot One (1) of Certified Survey Map No. 1516 lying therein. Town of Princeton, Green Lake County, Wisconsin.



Sketch of Billboard



OFF-PREMISE SIGNS CHECKLIST

Wisconsin Department of Transportation
DT1685 3/2007 s.84.30(4), Wis. Stats.

This checklist will help in determining when the criteria established for this sign category is met. Use this **in addition to** the "Applicant Instructions" on form DT1680 Outdoor Sign Installation Application and Permit.

1. Complete page three of the permit application to verify that the land on which the sign will be located is zoned for business (commercial, industrial, manufacturing, etc.) as based upon the criteria below. Agricultural zoning is not considered business zoning for the purposes of signing. Conditional use zoning cannot be used for the purposes of signing.

Along interstate highways:

- The land must have been within the corporate boundary of a city or village on or before September 1, 1959 and today zoned commercial or industrial (written proof of corporate inclusion is required); **OR**
- The land must have been zoned commercial or industrial on or before September 1, 1959 and is still similarly zoned.

Along highways other than interstates:

- The land shall be zoned for business. The following are indications of business zoning: access roads, public utilities and services, complementary zoning and use of surrounding parcels, and taxation as a business.

- b. If the land is unzoned, there shall be a functioning business within 800 feet of the proposed sign, on the same side of the highway.
(NOTE: The following items are examples of the types of evidence that will be considered when evaluating whether an unzoned area qualifies for outdoor advertising signs: a seller's permit, a sales tax number, on-property signing, media ads, and credits for eligible business expenses on IRS tax forms.)

2. If the proposed sign is **outside** of an incorporated city or village, the sign shall be at least 300 feet* (500 feet* along interstates or other freeways) from:

- Any intersection at-grade, or from any interchange ramp end, as applicable, **and**
- Any other sign (except on-property or official signs), on the same side of the highway.

If the proposed sign is **inside** an incorporated city or village, the sign shall be at least 100 feet* (500 feet* for interstates or other freeways) from any other sign (except on-property or official signs), on the same side of the highway.

3. If the proposed sign is along an interstate or other freeway **and** outside of an incorporated city or village, the sign shall be at least 500 feet* from any rest area or wayside.

4. The proposed sign shall not display any flashing or moving lights.

5. The proposed sign shall not be placed in a park, rest area, or officially designated scenic area.

6. There are no scenic easements or deed restrictions, which apply at the proposed sign site.

7. The proposed sign shall not resemble an official highway sign or device.
COUNTY SHORELAND ZONING... SEE ATTACHED

8. If erected, the proposed sign shall not become a highway hazard. For example, the sign shall not block the vision of a motorist on a side road or street.

9. The proposed sign shall not block the motorist's view of an official highway sign or device, or any other lawfully erected sign.

APPLICANT COPY



Division of Transportation
System Development
North Central Region
1681 Second Avenue South
Wisconsin Rapids, WI 54495

Scott Walker, Governor
Mark Gottlieb, P.E., Secretary
Internet: www.dot.wisconsin.gov

Telephone: 715-421-8301
Facsimile (FAX): 715-423-0334

E-mail: ncr.dtsd@dot.wi.gov

East Sign

Certified Mail

DECEMBER 17, 2015

ZODANG LLC
P.O. BOX 3
PRINCETON, WI 54968

Dear Madam / Sir:

Subject: Outdoor Advertising Sign (s.84.30)
Permit # 24-20652-15
Green Lake County
WIS 23
--IMPORTANT INFORMATION REGARDING THE ATTACHED PERMIT--

Enclosed is your approved State permit for the signing identified and described. The department issuing this permit recognizes your sign and sign location complies to the requirements of both sections 84.30 and 86.19 of the Wis. State Statutes, and also complies to the Wis. Administrative Code, Trans 201 rules and all other state laws and guidelines currently applicable.

This permit is in effect until superseded, revoked and/or cancelled. If we find your permit application included misrepresentation and/or your signing is noncompliant with applicable regulations at the time of issuance, (issued in error), it may result in the revocation/cancellation of your permit.

The department monitors the installation and maintenance of permitted signs. The applicant is also reminded that access from any highway travel lane for installation, maintenance, or repair of a sign is expressly prohibited.

Please Note: Additional sign permits from the county or other local governments may be required. The Department of Transportation recommends you contact these units of government, to satisfy their signing guideline needs, if applicable. This effort will help you, the sign owner, avoid possible future misunderstandings that could lead to potential signing problems.

These conditions and restrictions stated above are listed on the backside of your enclosed copy of the completed and approved application form along with others. Please read the contents of titled areas "PERMIT CONDITIONS" and "PERMIT RESTRICTIONS". It is beneficial for you to know and understand some important facts inclusive with your sign permit.

If you have any questions, please call me at 715-421-8082 or 1-800-238-5575 ext. 8082.

Sincerely, 
Anthony Culbert
Outdoor Advertising Sign Program Coordinator
North Central Region - Wis. Rapids & Rhinelander Offices

APPLICANT COPY

OUTDOOR SIGN INSTALLATION APPLICATION AND PERMIT

Wisconsin Department of Transportation

DT1680 6/2006 s.84.30 Wis. Stats. **This Permit is Revocable.**

For Locations Adjacent to Interstate and Federal Aid Primary Highways and the National Highway System

Mail Application to Regional Office

Applicant - Sign Owner Zodang LLC		Area Code - Telephone Number 920-229-2709	
Address, City, State, ZIP Code PO Box 3 Princeton WI 54968			
X (Permit Applicant Signature)		12.2.15 (Date)	
E-Mail Address greenlakezodangandsnow@gmail.com			
An agreement/lease with the landowner that allows installation of the described sign and continued access to the sign site must be obtained prior to approval of this application for all categories except on-premise. Nothing herein requires a property owner to have or to retain a sign on their land.			
Landowner Name - Print same ZODANG LLC		Area Code - Telephone Number 920-229-2709	
Address, City, State ZIP Code P.O. Box 3, Princeton, WI 54968			
By my signature, I acknowledge that I am aware of the Permit Conditions and Restrictions listed herein and I affirm there are no easements or restrictions that would prohibit this sign from being erected.			
X (Landowner Signature)		12.2.15 (Date)	
Installer Name same		License Number	
Address, City, State ZIP Code			
Highway/s 23 695	County Green Lake	<input checked="" type="checkbox"/> Town <input type="checkbox"/> City <input type="checkbox"/> Village princeton	Highway Side <input type="checkbox"/> N <input checked="" type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W
Land/Zoning (Supply proof) UNZONED	Date of Zoning 5/21/85	Sign to Face <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W <input type="checkbox"/> N/S <input checked="" type="checkbox"/> EW	
Sign Location (Legal Description) NE 1/4 of the SW 1/4 of Section 19 Township 16 North, Range 12 East West			
Distance from sign to the pavement centerline of the closest road that intersects with the highway along which the sign will be erected. 153' EB FROM Old Green Lake Rd (Feet) (East West, North, South) (Identify road measured from)			
Distance from highway right of way to sign 2 ft.	Sign Illumination <input checked="" type="checkbox"/> Steady Light <input type="checkbox"/> No Light <input type="checkbox"/> Changeable Message		Height Above Ground Level (HAGL) 6 ft.
Sign Category and Fee		Sign Design	
<input checked="" type="checkbox"/> On Premises Free Standing - \$175		<input type="checkbox"/> Type 1 (Choose one)	
<input type="checkbox"/> On Premises On Building - \$175		<input type="checkbox"/> Single Face	
<input type="checkbox"/> Real Estate along Interstate - \$175		<input type="checkbox"/> Back-to Back	
<input checked="" type="checkbox"/> Off Property - \$175		<input checked="" type="checkbox"/> "V" Type	
<input type="checkbox"/> Service Club Meeting Notice - No Fee		<input checked="" type="checkbox"/> Type 2 (Choose one)	
<input type="checkbox"/> Religious Meeting Notice - No Fee		<input type="checkbox"/> Side by Side	
<input type="checkbox"/> Agricultural Test Plot - \$175		<input type="checkbox"/> Over Under	
<input type="checkbox"/> Sign on officially designated school bus stop shelter; Affidavit from school officials required - \$175		<input checked="" type="checkbox"/> On Building	
<input type="checkbox"/> Directional as defined by sec. TRANS. 201.05 Wis. Adm. Code If box is checked, provide signature to the right - \$175		<input checked="" type="checkbox"/> Does Not Apply	
<input type="checkbox"/> Official (City, Village, Town, County, or State official to be applicant) If box is checked, provide signature to the right - No Fee		(Agent Signature for Directional Attraction or Official)	
Completed by Wisconsin Department of Transportation		 (Approved for Director of Highway Operations)	
• Sign is on WisDOT Project No. N/A			
• Cancel existing permit as condition of issuing this permit? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If the answer is "Yes", provide permit number and issue date			
R.P. Number 75+0.218	Inventory Sort Highway 23	Inventory Direction E	Direction of Travel <input type="checkbox"/> N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input type="checkbox"/> W
Highway Side <input type="checkbox"/> Left <input checked="" type="checkbox"/> Right	Sign Area (Plus border & trim) 192 sq. ft.		
660 ft. + from RW	Scenic Byway <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Check Number 5110	Trans. 233 Setback <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Issue Date 12-17-15	Permit Number 20652	

12-2016-22-15

Applicant Instructions

This is page 2 of this 3-page form. To be complete, ALL 3 pages must be submitted with your application.

Place a stake or lath with ribbon or flag that is visible from the highway at the sign's proposed location, then submit:

- Three copies of this form, with all entries completed down to the broken line, to the office shown on the front face.
- Three copies of a sign sketch illustrating the size, dimensions, height above ground, shape, color scheme, and message of the proposed display.
- Three copies of a site plan showing distances from the sign to the highway right of way and to adjacent buildings, direction/s of the sign's facing/s, and whether the sign will be on a building or free standing. Include the locations of property lines, the nearest cross street, and development features, such as customer parking lots. Indicate how this proposed sign site will be accessed.
- One copy of proof of zoning from the jurisdictional zoning authority on the attached *Documentation of Zoning*. If the property is unzoned, include a statement from the jurisdictional zoning authority to that effect.
- A \$175 check or money order made payable to the Wisconsin Department of Transportation. Do not send cash.

Permit Conditions

Initial Permit Approval: This is an application for a permit to erect a sign under s.84.30, Wis. Stats. and TRANS 201, Wis. Adm. Code. This permit authorizes installation and maintenance of the specific advertising or informative display described at the precise location defined. This permit expires one year after its issuance date if the sign is not erected by that time, unless otherwise provided by rule.

Application Fees and Compliance: A non-refundable permit application fee of \$175 must be submitted with this application, in accordance with TRANS 201.07, Wis. Adm. Code. All applicants are encouraged to confirm that the proposed sign will comply with all of the regulations, laws, and codes described below before submitting an application. When multiple or conflicting controls exist in relation to any aspect of the sign, its structure, or its location, the more restrictive regulations shall apply. The permittee shall comply with all of the following:

- s.84.30, Wis. Stats. and TRANS 201, Wis. Adm. Code as amended from time to time.
- All other state laws and regulations.
- All federal laws and regulations.
- All local laws and regulations including, but not limited to, local zoning or outdoor advertising control ordinances.

Issuance of a permit by the Department does not relieve the applicant from obtaining all other permits required by law from any other state or federal agency, county, or municipality.

Permit Renewals: Most signs are subject to an annual permit fee of \$35. Signs exempt from this requirement are listed in TRANS 201.035(9), Wis. Adm. Code. This permit shall expire upon the due date for payment unless the annual fee for the sign has been paid. Signs with expired permits are subject to removal.

Directional Signs: If this application is for a "directional sign" as defined in TRANS 201.05, Wis. Adm. Code, the sign is permitted only so long as the activity described in the application is the only activity displayed on the sign. This permit shall be revoked upon a change of message on the sign to advertise any activity other than the activity described in this permit application. A new permit application is required to make a message change. TRANS 201.08(3)(b), Wis. Adm. Code. The annual fee for a sign in this category is \$50.

Agricultural Test Plot Signs: If this application is for an agricultural test plot area, the signs in the test plot area must be removed within seven days after harvest of the test plot crop, but no later than November 1 of that year. TRANS 201.18, Wis. Adm. Code.

Transfer of Ownership: The new sign owner shall accept all the terms and conditions of this permit. The permittee is responsible for notifying the Department promptly of a change in sign ownership per TRANS 201.035(3), Wis. Adm. Code and for assuring that the new owner is aware of the terms and conditions of this permit.

Enforcement and Penalties: A person who erects or maintains any sign, sign structure, or other object for outdoor advertising subject to the provisions of s.84.30, Wis. Stats. and TRANS 201, Wis. Adm. Code without complying with those regulations is liable for a civil penalty. A person who misrepresents information in a permit form is guilty of a misdemeanor. A sign erected or maintained under a permit falsely obtained shall be deemed to be illegal and will be removed without compensation.

Permit Restrictions

Alteration of Vegetation: This permit does not authorize the alteration of vegetation, including without limitation, trimming, pruning, relocating, removing, cutting, chemically treating, destroying, or damaging any vegetation. Altering vegetation within a right of way without consent of the Director of the Bureau of Highway Operations of the Department of Transportation and any other person owning an interest in the vegetation is grounds for immediate revocation of the permit for any sign visible from the area in which the vegetation was altered, as well as criminal or civil prosecution. Altering vegetation outside the right of way without the consent of the landowner may result in criminal or civil prosecution.

Access to Sign Site: No person shall access a sign or sign site from a travel lane, interchange ramp, or right of way of an interstate highway, freeway, or other controlled access highway. Illegal access to a sign or sign site is grounds for permit revocation and removal of the sign.

Use of Right of Way: s.86.07(2) Wis. Stats. requires a permit for any work on or use of State Trunk Highway (STH) right of way. No portion of STH right of way may be used to construct, maintain, or repair a sign unless prior approval in the form of a separate permit is obtained from the department.

**Documentation of Zoning
for
Outdoor Advertising Sign (Billboard) Permit**

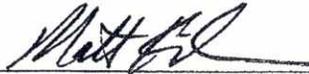
County <p style="text-align: center; font-size: 1.2em;">Green Lake</p>
Township <p style="text-align: center; font-size: 1.2em;">Town of Princeton</p>
Highway <p style="text-align: center; font-size: 1.2em;">Hwy 23</p>
Legal Description of Property <p style="text-align: center; font-size: 1.2em;">see attached "Exhibit A"</p>
Zoning Classification <p style="text-align: center; font-size: 1.2em;">Shoreland Zoning</p> <ul style="list-style-type: none"> • Please attach a copy of the zoning ordinance in effect in your community. Unzoned (not applicable) • Before a state permit for most signs may be issued, a review is required of the primary permitted uses in the zoning classification appearing above to assure compliance with state and federal regulations.
DATE SO ZONED – if Interstate Highway, provide documentation of zoning as of September 1, 1959. <p style="text-align: center; font-size: 1.2em;">5-21-1985</p>
Is a local sign permit (not building permit) required to erect this advertising sign? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes

As the duly authorized zoning administrator or their agent, I verify the zoning information indicated.

Matt Kirkman
(Name - Print)

571 CTHA
(Mailing Address)

Green Lake, WI 54941
(Municipality, State ZIP Code)

 12-2-15
(Signature) (Date)

Code Enforcement Officer
(Title – County Zoning Administrator/Town Clerk/etc.)

920 294-4027
(Area Code – Telephone Number)

Chapter 338

SHORELAND PROTECTION

[HISTORY: Adopted by the Board of Supervisors of Green Lake County 5-21-1985 by Ord. No. 303-85. Amendments noted where applicable.]

GENERAL REFERENCES

Comprehensive Plan — See Ch. 280.
Construction site erosion control and stormwater management — See Ch. 284.
Floodplain zoning — See Ch. 300.
Land division and subdivision — See Ch. 315.
Private sewage systems — See Ch. 334.
Zoning — See Ch. 350.

ARTICLE I
Introduction

§ 338-1. Statutory authorization.

This chapter is adopted pursuant to the authorization in §§ 59.69, 59.692, 59.694, 87.30 and 281.31, Wis. Stats.

§ 338-2. Finding of fact.

Uncontrolled use of the shorelands and pollution of the navigable waters of Green Lake County would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and preserve shore cover and natural beauty. This responsibility is hereby recognized by Green Lake County, Wisconsin.

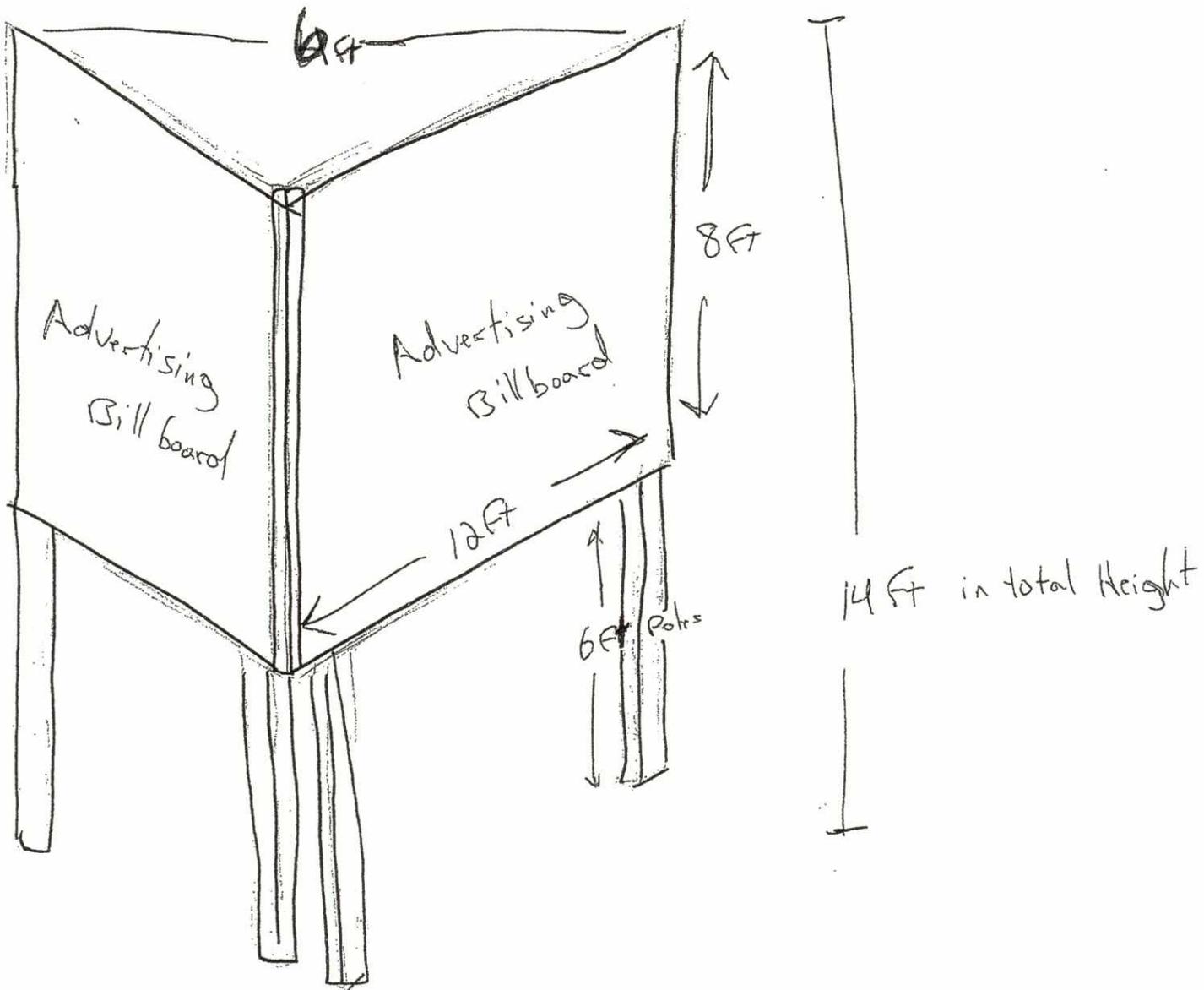
§ 338-3. Purpose.

For the purpose of promoting the public health, safety, convenience and welfare, this chapter has been established to:

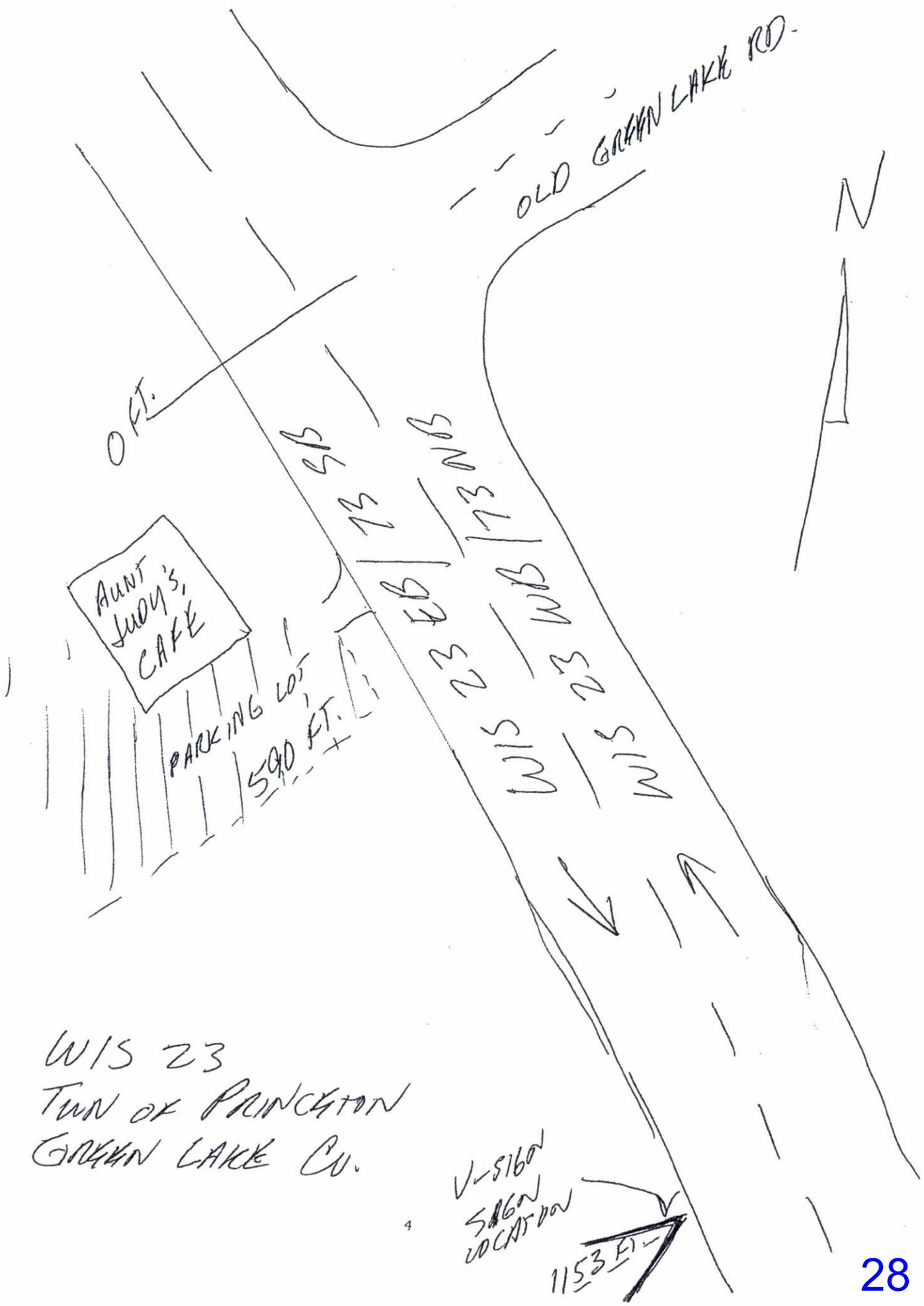
- A. Further the maintenance of safe and healthful conditions and prevent and control water pollution through:
- (1) Limiting structures to those areas where soil conditions will provide a safe foundation.
 - (2) Establishing minimum lot sizes to provide adequate area for private sewage disposal facilities.
 - (3) Controlling filling and grading to prevent serious soil erosion problems.

Exhibit A

That part of the Northeast Quarter of the Southwest Quarter of Section number 19, in Township 16 North, Range number 12 East, more particularly described as Commencing at a point 20 rods north of the southeast corner of the Northeast Quarter of the Southwest Quarter of said Section 19, in Town 16 North, Range 12 East, and running thence west 8.85 chains; thence north 8.22 chains to center of Dartford road; thence southeasterly along center line of said road to east line of said N.E. $\frac{1}{4}$ of S.W. $\frac{1}{4}$, and thence south to the place of beginning. EXCEPT, That part of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 19-16-12 described as: Commencing at a point marked by an iron stake 20 rods north of the southeast corner of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ aforesaid, thence north along the east line of said quarter quarter section 61 feet, more or less, to a point marked by an iron stake on the south edge of State Trunk Highway 73 and 23, formerly known as the Dartford Road, thence northwesterly along the south edge of said highway 120 feet to a point, thence southwesterly at a right angle to the south edge of said highway 191.5 feet, more or less, to a point 20 rods north of the south line of the aforesaid quarter quarter section, and thence east 220 feet, more or less to the point of Beginning. ALSO EXCEPTING Lot One (1) of Certified Survey Map No. 2259. ALSO EXCEPTING that part of Lot One (1) of Certified Survey Map No. 1516 lying therein. Town of Princeton, Green Lake County, Wisconsin.



Sketch of Billboard



WIS 23
 TURN OFF PRINCETON
 GREEN LAKE CO.

V-SIBON
 SIBON
 VOUCHER
 1153 FT.

OFF-PREMISE SIGNS CHECKLIST

Wisconsin Department of Transportation
DT1685 3/2007 s.84.30(4), Wis. Stats.

This checklist will help in determining when the criteria established for this sign category is met. Use this **in addition to** the "Applicant Instructions" on form DT1680 Outdoor Sign Installation Application and Permit.

1. Complete page three of the permit application to verify that the land on which the sign will be located is zoned for business (commercial, industrial, manufacturing, etc.) as based upon the criteria below. Agricultural zoning is not considered business zoning for the purposes of signing. Conditional use zoning cannot be used for the purposes of signing.

Along interstate highways:

- The land must have been within the corporate boundary of a city or village on or before September 1, 1959 and today zoned commercial or industrial (written proof of corporate inclusion is required); **OR**
- The land must have been zoned commercial or industrial on or before September 1, 1959 and is still similarly zoned.

Along highways other than interstates:

- The land shall be zoned for business. The following are indications of business zoning: access roads, public utilities and services, complementary zoning and use of surrounding parcels, and taxation as a business.
- If the land is unzoned, there shall be a functioning business within 800 feet of the proposed sign, on the same side of the highway.
(NOTE: The following items are examples of the types of evidence that will be considered when evaluating whether an unzoned area qualifies for outdoor advertising signs: a seller's permit, a sales tax number, on-property signing, media ads, and credits for eligible business expenses on IRS tax forms.)

2. If the proposed sign is **outside** of an incorporated city or village, the sign shall be at least 300 feet* (500 feet* along interstates or other freeways) from:
- Any intersection at-grade, or from any interchange ramp end, as applicable, **and**
 - Any other sign (except on-property or official signs), on the same side of the highway.

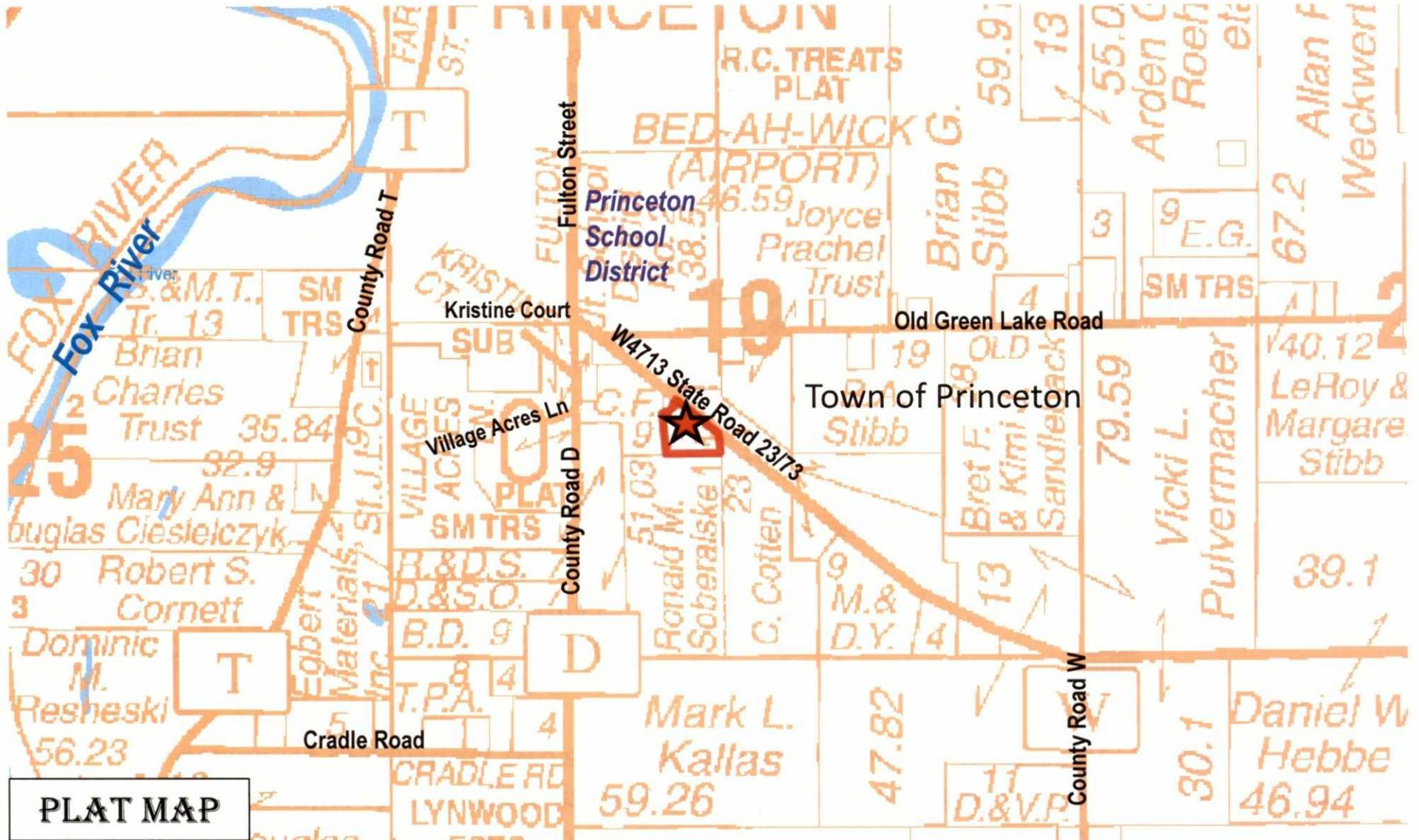
If the proposed sign is **inside** an incorporated city or village, the sign shall be at least 100 feet* (500 feet* for interstates or other freeways) from any other sign (except on-property or official signs), on the same side of the highway.

- N/A*
3. If the proposed sign is along an interstate or other freeway **and** outside of an incorporated city or village, the sign shall be at least 500 feet* from any rest area or wayside.
4. The proposed sign shall not display any flashing or moving lights.
5. The proposed sign shall not be placed in a park, rest area, or officially designated scenic area.
6. There are no scenic easements or deed restrictions, which apply at the proposed sign site.
COUNTY SHORELAND ZONING... SEE ATTACHED
7. The proposed sign shall not resemble an official highway sign or device.
8. If erected, the proposed sign shall not become a highway hazard. For example, the sign shall not block the vision of a motorist on a side road or street.
9. The proposed sign shall not block the motorist's view of an official highway sign or device, or any other lawfully erected sign.

Owner: Zodang, LLC Applicant: Matthew D. Greget

W4713 State Road 23/73, #016-00077-0000, Part of the SW¼, Section 19, T16N, R12E

The owner & applicant are requesting a variance from Section 338-23 of the Shoreland Zoning Ordinance to construct two advertising signs within the 25' streetyard setback.

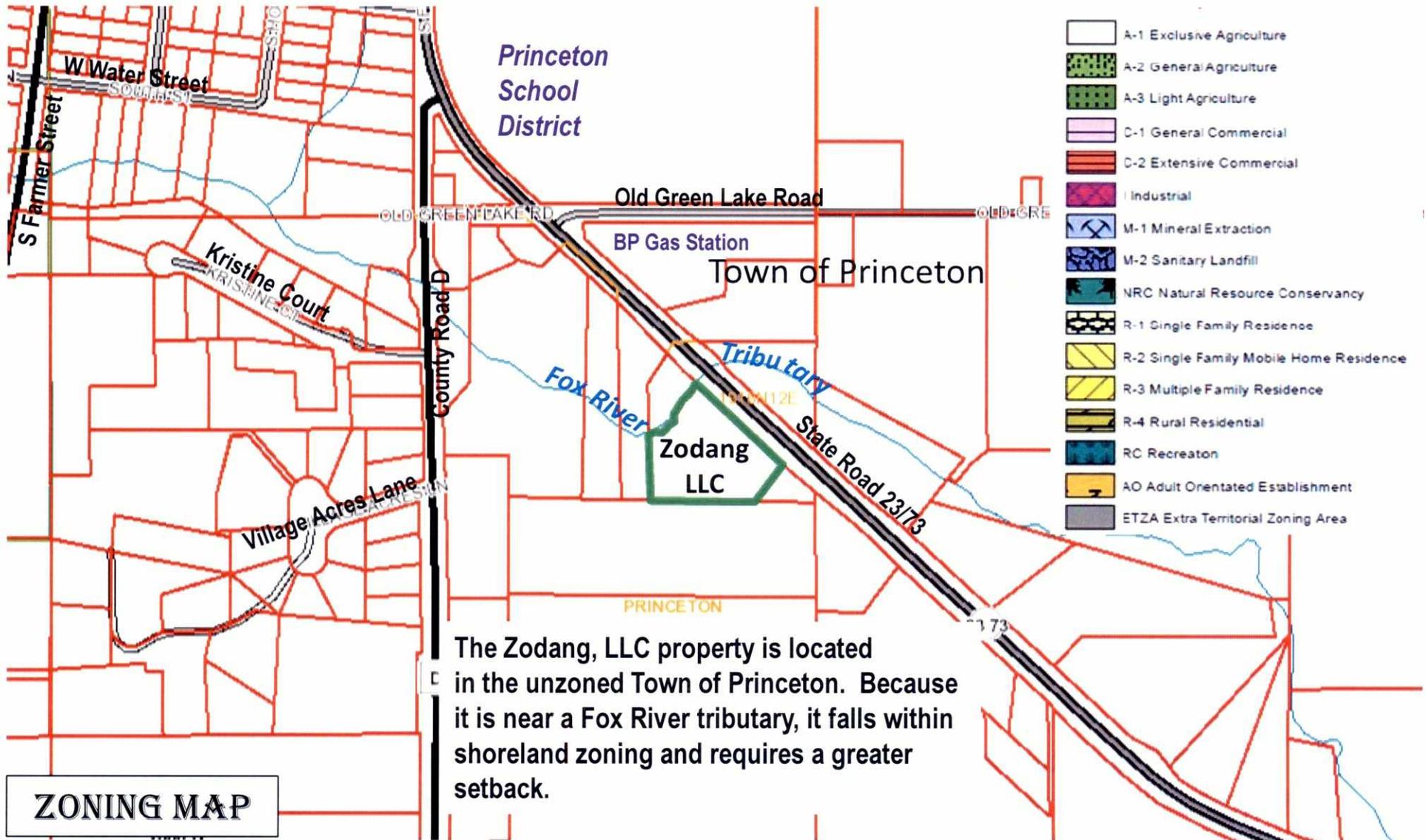


Green Lake County Board of Adjustment Public Hearing 11/18/16

Owner: Zodang, LLC Applicant: Matthew D. Greget

W4713 State Road 23/73, #016-00077-0000, Part of the SW¹/₄, Section 19, T16N, R12E

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The owner & applicant are requesting a variance from Section 338-23 of the Shoreland Zoning Ordinance to construct two advertising signs within the 25' streetyard setback.



Green Lake County Board of Adjustment Public Hearing 11/18/16

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – Friday, June 19, 2015**

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by Chair Janice Hardesty 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: Nancy Hill, Janice Hardesty, Kathleen Moore
Absent: Ron Triemstra, John Gende
Also present: Matt Kirkman, Code Enforcement Officer
Missy Sorenson, Code Enforcement Officer
Carole DeCramer, Board Secretary

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Hill/Moore, unanimously carried, to approve the corrected August 15, 2014, minutes.

RECESS FOR FIELD INSPECTION

Time: 9:05 a.m.

The tape recorder was inoperable so audio of the board discussion is not available. A transcript of the meeting is available upon request from Worth Court Reporting, Kate Worth.

PUBLIC HEARING MATTERS

Board reconvened at 10:11 a.m.

Chair Hardesty read the Rules of Order.

Item I: Owner/Applicant: Michael G & Judy E Zeman **Agent:** Outdoor Impact Landscaping **Site Description:** N4756 N Lakeshore Dr, Parcel #016-01562-0000, Lot 1 Certified Survey Map 3069, located in part of the NW¼, Section 3, T15N, R12E, Town of Princeton **Request:** The owners/applicant are requesting a variance from Section 338-23 of the Shoreland Zoning Ordinance to construct a patio within the 75' shoreland setback.

a. Public hearing.

Jennifer Hawley, Outdoor Impact Landscaping – Spoke in favor of the request.

Michael Zeman, N4756 N. Lakeshore Drive – Spoke in favor of the request.

Matt Kirkman asked that a site plan, drawn by Green Lake Surveying Company, be entered into the record as Exhibit 1.

Also entered into the record as Exhibit 2 was a letter to the Board of Adjustment from Dale Rezabek, Regional Shoreland Specialist, Wisconsin Department of Natural Resources (DNR). Mr. Rezabek stated that

he would not be opposed to a variance decision that would benefit public interests, improve water quality by preventing and controlling water pollution, protect near-shore fish and wildlife habitat, and increase natural scenic beauty. He also stated that he concurs with the staff report's suggested conditions.

The board had a lengthy discussion with the property owner and agent regarding questions and concerns they have about the request.

Public hearing closed at 11:08 a.m.

b. Board discussion and deliberation to include relevant correspondence.

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

1. Is there unnecessary hardship in this case?

The board agreed that it does not create an unnecessary hardship for the property owner.

2. Are there physical limitations of the property?

There was a general consensus that there were some unique physical limitations not shared by other properties in the vicinity; however, if some things were done to mitigate some of the issues, the limitations may go away. There was no clear-cut answer to this question.

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

Hill responded that it does impact the public in a negative way; there could be cumulative affects with others requesting the same thing. On the other hand, Hill continued, it does add to permeable surface area and adds to habitat and aesthetics in significant ways. Moore responded that it is beneficial to the lake by eliminating runoff to the lake. Hardesty stated that it will harm the public usage of the lake.

Kirkman reminded the board to remember the purpose and intent of the ordinance. The goal is to improve the impact of development on the water resource.

c. Board decision.

Motion by Moore/Hill, to approve the variance request from Section 338-23 of the Shoreland Zoning Ordinance to construct a patio within the 75' shoreland setback. The approval would include the following conditions:

1. Create and install storm water management practices that will infiltrate all of the storm water runoff from the existing dwelling and proposed raised patio for a 10-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.

Motion by Hardesty/Moore, unanimously carried, to amend condition #1 from a 5-year rainfall event to a 10-year rainfall event.

2. Prior to land use permit issuance, the owners provide to the LUP&Z Department a maintenance plan for the permeable patio and other stormwater management practices. Said plan shall be approved by the LUP&Z Department and, indicate how the owners intend to maintain the

patio's permeability over its lifetime, and shall be recorded in the County's Register of Deed's office.

3. That a shoreland restoration plan, measured landward from the OHWM of Green Lake to the top of the slope, be designed by a qualified professional (in accordance with NRCS Interim Standard #643A, Shoreland Habitat and Wisconsin Biology Technical Note 1: Shoreland Habitat), be evaluated and approved by the Land Use Planning & Zoning Department prior to Land Use Permit issuance, and be installed within one year of land use permit issuance.

4. The shoreland restoration project shall be maintained via the shoreland vegetative buffer agreement that shall be recorded in the County's Register of Deeds office.

5. All flagstone between the residence and the top of the hill has to be removed and re-vegetated.

6. Prior to land use permit issuance, the owners shall submit a soil test for department review.

7. The dimensions of the raised patio to not exceed dimensions depicted on the variance application site plan (Exhibit A).

Roll call: Hill – aye, Moore - aye, Hardesty – aye. Motion carried.

ELECTION OF CHAIR AND VICE CHAIR

Kirkman asked for nominations for Chair.

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

Motion by Hill/Moore, unanimously carried, to close nominations and cast a unanimous ballot for Janice Hardesty.

ELECTION OF BOARD OF ADJUSTMENT VICE CHAIR

Hardesty asked for nominations for Vice Chair.

Nomination of Kathleen Moore as Vice Chair offered by Nancy Hill. No other nominations.

Motion by Hardesty/Hill, unanimously carried, to close nominations and cast a unanimous ballot for Kathleen Moore.

ADJOURN

On a motion by Hill/Moore, unanimously carried, to adjourn.

Time: 11:48 a.m.

RECORDED BY:

Carole DeCramer
Board of Adjustment Secretary

APPROVED ON:

**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:

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – Friday, May 20, 2016**

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by 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, Nancy Hill, Kathleen Moore, Ron Triemstra

Absent:

Also present: Matt Kirkman, Interim Land Development Director/Code Enforcement Officer
Carole DeCramer, Board Secretary
Kate Worth, Worth Court Reporting
Attorney Kristin Galatowitsch, representing the applicants

APPROVAL OF AGENDA

Motion by Hardesty/Hill, unanimously carried, to approve the agenda noting that the minutes, inadvertently not included with the meeting packet, be approved at the next meeting.

APPROVAL OF MINUTES

Per the previous motion, the minutes of June 19, 2015 and January 15, 2016 will be approved at the next scheduled meeting.

APPROVE THE 2016 BOARD OF ADJUSTMENT CALENDAR

Motion by Hill/Moore, unanimously carried, to approve the 2016 Board of Adjustment calendar.

ELECTION OF A BOARD OF ADJUSTMENT CHAIR

Kirkman asked for nominations for Chair.

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

Motion by Hardesty/Hill, 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

Hardesty asked for nominations for Vice Chair.

Nomination of Nancy Hill as Vice Chair offered by Moore.

Nomination of Kathleen Moore as Vice Chair offered by Hardesty. Moore respectfully declined.

Motion by Moore/Hill, unanimously carried, to close nominations and cast a unanimous ballot for Nancy Hill.

BOARD OF ADJUSTMENT REQUESTS FOR WI-DNR'S VARIANCE OPINIONS

Kirkman – Explained that, with the implementation of Act 170, the state legislature has mandated that the WI-DNR can no longer appeal Board of Adjustment decisions. Further, the WI-DNR cannot send their opinions to the Board of Adjustment unless expressly asked by the Board of Adjustment.

Motion by Hardesty/Hill, unanimously carried, to request an opinion from the WI-DNR for issues that appear before the Board. A copy of the letter is filed with the 05/20/16 minutes.

RECESS FOR FIELD INSPECTION

Time: 9:11 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 10:25 a.m.

Chair Hardesty read the Rules of Order.

Item I: Owner: Steven & Kathleen Semler **Agent:** Davis Custom Builders, Inc. **Site Description:** N4486 S. Lakeshore Dr., Parcel #016-01510-0100, Part of the NE¼, Section 9, T15N, R12E, Town of Princeton
Request: The owners are requesting a variance from Section 338-23 of the Green Lake County Shoreland Zoning Ordinance to construct a new home within the 25' street-yard setback.

a. Public hearing.

A new site plan, provided by the builder, was emailed to staff who then forwarded the plans to the Board of Adjustment via email two days prior to the public hearing date.

Hill asked that the meeting packet pages be re-numbered to include the newly-submitted site plan. The board went through the information and numbered the pages accordingly.

Attorney Kristin Galatowitsch, representing Mr. and Mrs. Semler - Spoke for the request.
Provided **Exhibit 1** – Soil boring of the site by Kinan Excavating.

Jim Davis, Davis Custom Builders, Inc. – Spoke for the request.

John Nelson, N4462 S. Lakeshore Drive, neighbor located south of the Semler property - Spoke for the request.

Attorney Kristin Galatowitsch, representing Mr. and Mrs. Semler – Commented about the harm to public criteria.

Hardesty reported that the Board of Adjustment received a letter from Town of Princeton Chairman Alan Weckwerth asking that the variance request be denied. **Exhibit 2**

11:15 a.m. Motion by Hardesty/Hill, unanimously carried to close the public hearing portion of the request.

b. Board discussion and deliberation to include relevant correspondence.

Motion by Hill/Hardesty, unanimously carried, to suspend the rules to allow the Board to ask the audience questions.

Also present in the audience were Mr. and Mrs. Semler.

The Board discussed at length the following with the builders, owners, neighbor, and attorney:

- Road right-of-way
- Locations of easements, if any
- Soil borings
- The patio, as pictured on the newly-submitted site plan
- Habitation on the north side of the residence
- Erosion and storm water practices
- The slab height for the garage
- The differences in the two building site plans that were provided by the builder.

Motion by Hill/Moore, unanimously carried, to close the discussion.

c. Board decision.

Motion by Hill to grant a variance from Section 338-23 of the Shoreland Zoning Ordinance to construct a new home within the 25' streetyard setback.

The approval would include the following conditions:

- 1. The property owners install storm water practices that will infiltrate all of the storm water run-off from a two-year rain-fall event.**
- 2. No additional impervious surfaces be created in the form of patios, decks, the 8'X10' patio (if impervious), i.e. anything thing that falls outside of the footprint of the house.**

Kirkman reminded the Board that, with the storm water plan, they are taking the water from the house and eliminating it from running into the lake (for a two-year storm even). You could instead, rather than eliminating any impervious surface, implement a storm water management plan that deals with the principal structure and accessory structures pervious and the lot. That way, if the applicants would want to put in a patio, they can but, it would have to be incorporated into the storm water management plan.

Attorney Galatowitsch suggested that the Board limit the impervious surface to what is listed on the plan (Exhibit 3, page A0.1).

Mr. Semler, earlier in the discussion, stated that these plans are not the final plans because they are paying a lot of money for plans to be drawn; they could change again. The Board members agreed that they are not comfortable with just recently receiving the new plans and now finding out they could change. A decision cannot be made unless the plans are final. Mrs. Semler replied that the newly submitted plans are the final plans. Hill said Mrs. Semler's statement was something that the Board needed to hear. These are the plans that the Board will use to make a final decision. Attorney Galatowitsch agreed that they are the final plans, if the Semler's are granted the variance. Mr. Semler's comment about the plans changing referred to a denial of the variance request. He further stated that the Semlers are comfortable with the new plans with which the Board will make a decision.

Hardesty asked the procedural question as to whether or not this could be adjourned to a later date and not make a decision until the Board has firm plans. Mrs. Semler stated that these are the firm plans and it is now on the record as being such. The new plans are dated 05/03/16. Hardesty asked that the four-page plans be labeled *Exhibit 3*.

On a motion by Hill/Moore, unanimously carried, to withdraw the previous motion.

Motion by Hill/Hardesty, to approve the variance, based on the site plan dated 05/03/16 (*Exhibit 3*), with the following conditions:

- 1. Record a deed restriction, in accordance with the 05/03/16 plans, stating that a patio, no more than 8'X10', can be allowed.**
- 2. Record a deed restriction stating that, if the Town of Princeton or subsequent municipality finds it necessary to expand the right-of-way, the improvement that is within that expansion and authorized by this variance approval, be removed at the owners' expense.**
- 3. The vegetative buffer be maintained on the north side of the property when construction is complete.**
- 4. The property owners will work with the Green Lake County Land Conservation Department to install storm water practices that will infiltrate all of the storm water run-off from a two-year rain-fall event.**

Further discussion:

The Board discussed the following:

1. Is there unnecessary hardship in this case?

Hardesty – Read the definition of the unnecessary hardship criteria.

Moore – It's not necessary to have a 3-car garage. They have an adequate building envelope. They have a slope, but so do adjacent properties and those property owners have dealt with it. The garage to the south is pushed way back.

Hill – As discussed before, by creating a level area from 25' to the structure, so that it's level so there is no runoff to the house, would require more terracing of the house in some way as they would have to move the side of the house up. The Board does not deal with whether or not that would add increased expense to the property owner.

Kirkman reminded the Board that they can consider the expense; it just can't be their only consideration. He added that the unnecessary hardship is to be derived from the uniqueness of the property.

Hill – It would create a hardship for applicants because they're receiving water, not only from the impervious surface that they currently have, but they're also dealing with water that is running onto their property.

Hardesty – Stated that she doesn't feel that this would be a unique situation; they will still have the runoff. It's not a hardship because it already exists.

2. Are there physical limitations of the property?

Moore – One physical limitation would be the soil boring that was submitted. It is in proximity to the floodplain; the soil profile shows water seeping in at 36". The footings would be sitting in groundwater. If

they move the house lake ward, they'll probably have an issue. Alternate locations have been considered. This isn't an extremely large house. There would be a large amount of green space, which is floodplain, which is what needs to be preserved. Slopes on adjoining properties are not different; they've dealt with those.

Hardesty – If the home is moved 25' away from the road, the driveway would have to be pitched down toward the house.

Moore – The applicants did not provide evidence that they couldn't make it smaller or move it forward.

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

Hardesty – The board has already discussed access for emergency vehicles.

Moore - You can't get positive drainage on that road. There won't be harm to public if you put the deed restriction on it.

Hill – There is no harm to the public interest; it's beneficial to the public because it is preventing more runoff to the lake. Land Conservation will be used to help design and implement this plan.

**Roll call: Hardesty – nay, Hill – aye, Moore – aye.
Variance granted with conditions.**

ADJOURN

On a motion by Hill/Moore, unanimously carried, to adjourn.

Time: 12:26 a.m.

RECORDED BY:

Carole DeCramer
Board of Adjustment Secretary

APPROVED ON:

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Special Meeting Minutes – Thursday, June 16, 2016**

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by Chair Hardesty at 12:00 noon 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: Janice Hardesty, Nancy Hill, Kathleen Moore

Absent: John Gende, Ron Triemstra

Also present: Matt Kirkman, Interim Land Development Director/Code Enforcement Officer

Carole DeCramer, Board Secretary

Corporation Counsel Dawn Klockow, representing the Land Use Planning & Zoning staff

Attorney Kristin Galatowitsch, representing the applicants/owners

Attorney Ronald Stadler, representing the Board of Adjustment, via teleconference

Marge Bostelmann, Green Lake County Clerk/Administrative Coordinator

APPROVAL OF AGENDA

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

CORRESPONDENCE - None

CLOSED SESSION PER WIS. STAT. S. 19.85(1)(G) TO CONFER WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED. RE: 05/20/2016 VARIANCE FOR SEMLER PROPERTY.

12:05 p.m. On a motion by Hill/Moore, unanimously carried on roll call (3-ayes, 0-nays) to move to closed session per Wis. Stat. s.1985(1)(g) to confer with legal counsel for the government body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Re: 05/20/16 Variance for Semler property

Those present for the closed session included: the Board of Adjustment, Board Secretary, and the County Clerk. Attorney Stadler was present via teleconferencing.

RECONVENE TO OPEN SESSION FOR FURTHER ACTION

12:19 p.m. On a motion by Hill/Moore, unanimously carried on roll call (3-ayes, 0-nays), to reconvene to open session for further action.

CONSIDER MOTION TO RECONSIDER BOA MAY 20, 2016 ACTION RELATING TO VARIANCE FOR STEVEN AND KATHLEEN SEMLER AGENT: DAVIS CUSTOM BUILDERS INC SITE DESCRIPTION: N4486 S LAKESHORE DR, PARCEL #016- 01510-0100, PART OF THE NE¼, SECTION 9, T15N, R12E, TOWN OF PRINCETON REQUEST: THE OWNERS ARE REQUESTING A VARIANCE FROM SECTION 338-23 OF THE GREEN LAKE COUNTY SHORELAND ZONING ORDINANCE TO CONSTRUCT A NEW HOME

WITHIN THE 25' STREETYARD SETBACK.

On a motion by Hill/Moore, unanimously carried on roll call (3-ayes, 0-nays), to reconsider the May 20, 2016, Board of Adjustment action relating to a variance for Steven and Kathleen Semler, N4486 S. Lakeshore Drive, Parcel #016-01510-0100, part of the NE¼ of Section 9, T15N, R12E, Town of Princeton. The owners are requesting a variance from Section 338-23 of the Green Lake County Shoreland Zoning Ordinance to construct a new home within the 25' streetyard setback.

POSSIBLE CONSIDERATION WHETHER TO ISSUE VARIANCE FOR STEVEN & KATHLEEN SEMLER AGENT: DAVIS CUSTOM BUILDERS INC. SITE DESCRIPTION: N4486 S LAKESHORE DR, PARCEL #016- 01510-0100, PART OF THE NE¼, SECTION 9, T15N, R12E, TOWN OF PRINCETON REQUEST: THE OWNERS ARE REQUESTING A VARIANCE FROM SECTION 338-23 OF THE GREEN LAKE COUNTY SHORELAND ZONING ORDINANCE TO CONSTRUCT A NEW HOME WITHIN THE 25' STREETYARD SETBACK AND POSSIBLE CONDITIONS OF THAT VARIANCE.

Motion by Hill/Moore to grant a variance from Section 338-23 of the Shoreland Zoning Ordinance to construct a new home within the 25' streetyard setback.

The Board of Adjustment discussed the original conditions from the May 20, 2016, public hearing:

1. Record a deed restriction, in accordance with the 05/03/16 plans, stating that a patio, no more than 8'X10', can be allowed.
2. Record a deed restriction stating that, if the Town of Princeton or subsequent municipality finds it necessary to expand the right-of-way, the improvement that is within that expansion and authorized by this variance approval, be removed at the owners' expense.
3. The vegetative buffer be maintained on the north side of the property when construction is complete.
4. The property owners will work with the Green Lake County Land Conservation Department to install storm water practices that will infiltrate all of the storm water run-off from a two-year rain-fall event.

When deliberating on the original four conditions, the Board agreed that conditions #1, #3, and #4 should be included, if approved. Condition #2 affects the constitutional rights of the property owner; therefore, this condition should be deleted.

The approval would include the following amended conditions:

1. Record a deed restriction, in accordance with the 05/03/16 plans, stating that a patio, no more than 8'X10', can be allowed.
2. The vegetative buffer be maintained on the north side of the property when construction is complete.
3. The property owners will work with the Green Lake County Land Conservation Department to install storm water practices that will infiltrate all of the storm water run-off from a two-year rain-fall event.

Roll call: Hill – aye, Moore – aye, Hardesty – nay. Motion carried.

ADJOURN

On a motion by Hill/Moore, unanimously carried, to adjourn.

Time: 12:29 a.m.

RECORDED BY:

Carole DeCramer
Board of Adjustment Secretary

APPROVED ON:

DRAFT