

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – Friday, April 19, 2013**

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by Chair Janice Hardesty at 9:02 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: Janice Hardesty, Nancy Hill, Kathleen Moore
Absent:
Also present: Matt Kirkman, Code Enforcement Officer
Al Shute, Land Use Planning and Zoning Director
Attorney Dan Hurst, Corporation Counsel
Carole DeCramer, Board Secretary

PLEDGE OF ALLEGIANCE

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 August 17, 2012, minutes.

RECESS FOR FIELD INSPECTION

Time: 9:05 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 10:00 a.m.

Chair Hardesty read the Rules of Order.

Item I: Owner/Applicant: Dennis & Susan Jackowski **Agent:** Ben Moderow **Site Description:** W2896 Wick Rd, Parcel #006-00820-0000, Lot 1 Certified Survey Map 338, located in the NW¼, Section 12, T15N, R12E, Town of Green Lake **Request:** The owner/applicant is requesting an administrative appeal of the decision by the Land Use Planning & Zoning Department to deny issuance of a land use permit based on the department determination of Section 338-47.C.(4)(d) of the Shoreland Zoning Ordinance.

- a. Public hearing.

Attorney Steve Sorenson, Davis Kuelthau Attorneys at Law, Oshkosh, WI, representing the applicants – Before proceeding with the request, asked that the applicant have the last word after all of the testimony is heard.

Ben Moderow was sworn in by Court Reporter Kate Worth.

Ben Moderow, W1170 Center Road, Markesan, WI 53946, agent for the applicants – Answered Attorney Sorenson’s questions; spoke in favor of the request.

Attorney Sorenson requested that the meeting packet that he and the members of the Board of Adjustment received prior to the meeting be entered as *Exhibit 1*.

Susan Jackowski was sworn in by Court Reporter Kate Worth.

Susan Jackowski, 7137 Hickory Run, Waunakee, WI 53597 – Answered Attorney Sorenson’s questions; spoke in favor of the request.

Matt Kirkman was sworn in by Court Reporter Kate Worth.

Matt Kirkman, Code Enforcement Officer, Green Lake County – Answered Attorney Sorenson’s questions regarding the denial of the land use permit application.

Moore asked that Kirkman clarify the department’s proposal versus the applicants’. Kirkman was also asked about the impervious surface standard for the Jackowski lot.

Hardesty questioned Kirkman on the origin and adoption date of the shoreland protection ordinance. Hardesty also asked what happens when the building is torn down and nothing is on the property for a short period of time. This was answered by Attorney Sorenson.

Donald Ahonen was sworn in by Court Reporter Kate Worth.

Donald Ahonen, W920 Wick Road, Markesan, WI 53946 – Spoke in favor of the request.

Al Shute was sworn in by Court Reporter Kate Worth.

Al Shute, Land Use Planning and Zoning Director/County Surveyor - Answered questions asked by Corporation Counsel Dan Hurst. Clarified the square footage of the principal structure, and the square footage that would remain within the 75’ setback, as proposed by the applicants/agent. The purpose and intent of the shoreland protection ordinance was also explained/interpreted by Shute as was the basis for the department’s denial of the land use permit.

Hardesty asked Shute to explain the dimensions of the proposed building. Moore asked Shute to explain the 50’ house setback and 45’ the deck setback in the shoreland area. Hardesty asked Shute if more work needs to be done on the ordinance. Shute replied that the Land Use Planning and Zoning Committee will discuss this with corporation counsel; it is hard to predict at this time.

Attorney Sorenson questioned Shute on which aspect of the ordinance troubles him in regard to this request. Sorenson stated that there is no reference in the purpose statement to eliminating nonconforming structures; Shute agreed.

Closing statements by Attorney Steve Sorenson and Corporation Counsel Dan Hurst followed by Sorenson's rebuttal.

Hardesty stated that they received two pieces of correspondence. Corporation Counsel Hurst asked if there were objections to the letters being entered into the record as exhibits. Attorney Sorenson stated that he would not be in favor of that since the individuals were not present to cross examine. Hardesty said that they would be entered into the record as exhibits of correspondence and not testimony.

The two pieces of correspondence are:

1. Exhibit 2 – Michael D. Wenholz, WI-DNR, Bureau of Watershed Management - Regional Shoreland Specialist – Spoke against the request.
2. Exhibit 3 – Ronald J. Schowalter, W2900 Wick Road, Markesan, WI 53946 – Spoke in favor of the request.

Public hearing closed at 11:36 a.m.

- b. Board discussion and deliberation.

Motion by Moore/Hill to approve the request of the applicants to appeal the decision of the Land Use Planning and Zoning Department based on their determination of Section 338.47(C)4(d) of the Green Lake County shoreland zoning ordinance.

The board further discussed the various aspects of that section of the shoreland zoning ordinance.

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

Moore - The Land Use Planning and Zoning Department needs to go back to the Planning and Zoning Committee to refine this language so there is not misinterpretation. It should be clear to the public. Be more specific and know what the issues are, especially with Section d. Talk to the committee and see if they want to change it. I strongly encourage the committee to look at it again.

Hill – I think there has to be an inclusion in the ordinance that pertains more to the action that the Land Use Planning and Zoning Committee and department can use for determination.

Hardesty – I agree with the two of you. It needs to be more proscribed so that we have a target to shoot at. It's difficult to be Soloman when you're on review here. The guidelines need to be clearer, and certainly not every situation is going to be the same. We have a shell right now. We're making statements based on how we hope the shell will transform at the county level. If we can work with the committee to set up parameters because we need a number to shoot at.

CORRESPONDENCE

- a. Approve 2013 Board of Adjustment calendar

The board agreed to meet the third Friday of each month. If anyone has ideas for alternates, let the department know.

NEXT MEETING DATE

May 17, 2013

ADJOURN

Time: 11:55 a.m.

Recorded by,
Carole DeCramer
Board of Adjustment Secretary

APPROVED ON:

May 17, 2013