

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – June 15, 2007**

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by Vice-Chair Shirley Parker at 9:00 a.m., in the County Board Room, Courthouse, Green Lake, WI. The requirements of the open meeting law certified as being met.

Present: Donald Ahonen, Roger Ladwig (Alternate 1), Charles Lepinski (Alternate 2),
Shirley Parker
Absent: Bill DePue,
Also present: Al Shute, County Surveyor/Land Development Director
Bernie Sorenson, Code Enforcement Officer
Matt Kirkman, Code Enforcement Officer
Carole DeCramer, Secretary
Jeff Haase, Assistant Corporation Counsel
Kate Worth, Court Reporter

Vice-Chair Parker was seated in Mr. DePue's absence; Alternate #1 Ladwig was seated in Mrs. Parker's position.

APPROVAL OF AGENDA

Motion by Ahonen/Ladwig, unanimously carried, to approve the agenda. Motion carried.

APPROVAL OF MINUTES

Motion by Ahonen/Ladwig, unanimously carried, to approve the minutes of April 20, 2007, and April 25, 2007. Motion carried.

RECESS FOR FIELD INSPECTION

Time: 9:04 a.m.

PUBLIC HEARING MATTERS

Board reconvened at 10:25 a.m.

Vice-Chair Parker read the Rules of Order.

See Transcript of Proceedings for verbatim testimony:

Item I: Owner: James C Kanelos **Site Address:** N4249 Lakeshore Dr, Town of Princeton, Parcel #016-1268-0000, Lot 1 of Block 10 of the Green Lake Terrace Plat located in the NW ¼ of the SW ¼ of Section 10, T15N R12E, in the Town of Princeton **Explanation:** The landowner is appealing the decision by the Land Use Planning & Zoning Department to deny an application for a county land use permit.

Attorney Maureen Martin – with Attorney Matthew G. Chier, Berlin, on behalf of Mr. Kanelos. As we previously discussed with counsel for the department, Jeff Haase, I believe that it is the intent of the Board, with which we concur, to adjourn until the Board can attain counsel.

Parker – We would like to hear whatever anyone has to say. We are here to discuss it somewhat and make a decision. I asked the other two board members if they'd like to proceed and, if we get into a bind, then table this.

Attorney Matt Chier – Our thought process is, because this is a legal record that needs to be established, I don't think we should do it in piece-meal fashion. I think both sides would concur that if there is an attorney going to be representing the board, the attorney should probably be present for all evidence, not just the deliberations or part of the evidence. We would totally agree to that. I think it would be appropriate to adjourn the public hearing and everything so everybody can come back on a different date, present their evidence on both sides with counsel present for the board. I think that would be the best for all parties concerned. That's our recommendation. We can certainly proceed, if that's what the board decides.

Martin – One thing I would be willing to do, if it would help the board, is describe in general fashion what it was that we planned to state at a hearing and what sort of testimony we were looking at. I would say, generally, it's almost entirely legal arguments based on facts that I think are pretty much of record except for a few we would like to add.

Ladwig – Is there anything in case it goes to court? If we didn't have legal counsel, would we be challenged in court?

Ahonen – I think, since I've been on the board, this is the first time that we have not had legal counsel pointing out the procedure to us. I don't know why that happened.

Jeff Haase, Assistant Corporation Counsel – I did speak briefly with the former Assistant Corporation Counsel, Dan Sondalle, concerning this matter and given the issues that arise to this particular case, I'm in a position where I have to decide if I'm counsel for the department or for the board. Going over the legal issues in this matter, in all likelihood there could possibly be a chance of an appeal of any decision made here. Given the facts that would come out and that I would be representing the department down the road, I believe I had to choose the department. Coming to that conclusion and looking at this information in trying to decide where we go, we haven't had an opportunity to consult other attorneys yet as to who would represent the board. Given the fact that it does look primarily like a legal issue here, personally, from the department's point of view, I'd feel comfortable with proceeding only if the board had an attorney present.

Ahonen – That answers that question.

**Motion by Ahonen/Ladwig, unanimously carried, to adjourn Item I (Kanelos) until such time that Green Lake County can supply the Board of Adjustment with legal representation.
Motion carried.**

Martin – I have one request, and it is only a request. I was thinking this morning when the board came out for its site inspection that it might have been helpful to have both Mr. Haase and an attorney for the board to look at the project.

Chier – I think possibly Jeff (Haase) and John Blazel, for example, could do that even without the board.

Martin – We will get notice of the new date?

Parker – Yes.

Item II: Owners: Grand River Cooperative – Michael Hinz, President **Applicant:** Terry Zimdars
Site Address: W1705 CTH S, Parcel #010-0168-0000, Lot 1 CSM 246, V1 Sec 8 also a R/W; also Com at the SW Cor of CSM 246 then S18°W120; S60°E3256.70'; N155', N60°W205.94' to POB and that part of NW¼ SW¼ Sec 9 and the NE¼ SE¼ Sec 8 lying N of Grand River & S of RR R/W V227 P565 exc Parcel 168.1 of Section 3, Section 9, T14N R13E, in the Town of Mackford **Explanation:** The owner is request a variance to Section 350-20.B. Front, Side and Read Yard Regulations to allow a roof addition and a dry fertilizer storage addition, both with 0-foot side yard setbacks, whereas a 20-foot minimum setback is required.

a. Public Hearing

Terry Zimdars, General Manager for Grand River Coop, W13404 Carter Road, Ripon, WI – Speaking for the request.

Eugene Henke, W1039 Lake Maria Road, Town of Mackford Supervisor – The Town of Mackford is in favor of this request.

Public hearing closed.

b. Board Discussion & Deliberation

c. Board Decision

Motion by Ahonen/Ladwig, unanimously carried on roll call (3-ayes, 0-nays), to approve the variance request with the following three conditions:

1. That the loading/unloading canopy be designed to be an open-sided structure.
2. The applicant must record the variance in the county Register of Deeds office and send a copy to the Green Lake County Land Use Planning & Zoning Department.
3. The applicant be required to apply for a Conditional Use Permit for the industrial use occurring on the property.

Motion carried.

Findings: Parker – There is no negative impact on the area. The hardship is the land itself. It seems as though everyone has approval of the DOT, DNR, Town of Mackford Board. It's a good way to improve this situation. The whole area is a unique property.

PUBLIC COMMENT – None

PUBLIC APPEARANCES – None

CORRESPONDENCE

The board discussed the two letters that Nancy Cederholm had written regarding the Kanelos variance. They also discussed Bill DePue's letter of resignation and Jill Ladwig's, Town of Princeton, interest in becoming a board member. That appointment would be made on June 19th at the county board meeting.

BOARD DISCUSSION – None

NEXT MEETING DATE

July 20, 2007 – 9:00 a.m.

ADJOURN

Motion by Ladwig/Ahonen, unanimously carried, to adjourn. Motion carried.

Time: 11:14 a.m.

Recorded by,
Carole DeCramer
Board of Adjustment Secretary

APPROVED ON:

July 20, 2007