

**GREEN LAKE COUNTY  
BOARD OF ADJUSTMENT  
Meeting Minutes – October 19, 2007**

**CALL TO ORDER**

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

Present: Donald Ahonen, Jill Ladwig, Roger Ladwig (Alternate 2),  
Shirley Parker  
Absent: Charles Lepinski (Alternate 1),  
Also present: Al Shute, County Surveyor/Land Development Director  
Matt Kirkman, Code Enforcement Officer  
Melissa Sorenson, Code Enforcement Officer  
Carole DeCramer, Board Secretary  
Kate Worth, Court Reporter  
Jeff Haase, Assistant Corporation Counsel  
John Blazel, Counsel for the Board of Adjustment regarding Item II

**APPROVAL OF AGENDA**

**Motion by Parker/J. Ladwig, unanimously carried, to approve the agenda. Motion carried.**

**APPROVAL OF MINUTES**

**Motion by Parker/ J. Ladwig, unanimously carried, to approve the minutes of the September 21, 2007, meeting. Motion carried.**

**Audio Tape is available for verbatim discussion:**

Prior to adjournment for site visits, Shute read the email sent to the board secretary by Attorney John Blazel, counsel for the board of adjustment regarding Item II. Attorney Blazel recommended that the board not visit the Crosby site. Attorney Maureen Martin, representing the Howalds and Kneesels (Item II), requested that the board render a decision as to whether or not they would conduct a site visit at the Crosby property. After discussion, the board decided that a site visit was not necessary. Attorney Martin objected, stating her reasons. Attorney Jenna E. Walker, representing Crosbys (Item II), countered stating that she supports the board's decision that it is not necessary to re-visit the site. After further discussion, the board decided that they would not visit the Crosby site.

Shute emphasized that the site visits are conducted for the board's benefit to become familiar with the site. Further questions and discussion should only occur after the board reconvenes for the public hearing.

**RECESS FOR FIELD INSPECTION**

Time: 9:10 a.m.

## PUBLIC HEARING MATTERS

Board reconvened at 9:50 a.m.

Board Secretary Carole DeCramer read the Rules of Order.

### See Transcript of Proceedings for verbatim testimony:

**Item I: Applicant:** Todd & Nancy Henderson **Represented by:** Attorney Jenna E. Walker, Sorenson Law Office **Site Address:** Horner Road Right-of-Way, Town of Green Lake town road known as Horner's Landing (Road) that is shown on Certified Survey Map 2522 **Explanation:** The applicants are appealing the decision of the Director of the Land Use Planning & Zoning Department not to require a variance or sanitary permit for a port-a-potty type privy.

#### a. Public Hearing

Nancy Hill, Executive Director of the Green Lake Association, 506 Mill Street, Green Lake – Spoke in favor of the decision of the Land Use Planning Department to not require a variance or permit.

Attorney Jenna E. Walker, Sorenson Law Office, P.O. Box 311, Ripon (business), and W1049 Illinois Avenue (personal), Green Lake – Representing Todd Henderson and Nancy Butkus Henderson (applicants), explained the reason for Mr. and Mrs. Henderson appealing the director's decision to not require a permit or variance.

Charlie Marks, Sanitary District Administrator – Explained that this was on the sanitary district's agenda this summer; no action was taken. The sanitary district has a cooperative working relationship with the Town of Green Lake; i.e. the district provides the electricity and lighting for that area, and the town provides the facility.

Nancy Butkus Henderson, Horner Road, Green Lake – Adjoining property owner and applicant, explained why she and her husband feel that the port a potty either needs a permit or a variance to be placed on a town road.

Mike Norton, W4410 Huckleberry Road, Princeton, local fishing guide serving Big Green Lake – Spoke in favor of not permitting the port a potty or requiring a variance.

Mike Miller, W1510 Sandstone – Adjacent property owner speaking in favor of permitting the facility; opposes the port a potty 100 feet from his property.

Jim Fox, Town of Green Lake Chairman, N3195 Luedtke Road – Opposed the county becoming involved by issuing a permit or variance because he feels this is a town issue.

Al Shute, Director of the Land Use Planning and Zoning Department – Explained the department's position based on the research that was done in coming up with a decision to not permit this facility. It is the department's opinion that this facility is not subject to county ordinance 334.

Assistant Corporation Counsel Jeff Haase, 120 E. Huron Street, Berlin – Reminded the board that the issue is whether or not a permit is necessary to place the port a potty. Suggested that the board think about history and precedents.

Public hearing closed.

- b. Board Discussion & Deliberation
- c. Board Decision

**Motion by Parker/J. Ladwig to approve the Todd and Nancy Henderson appeal. Ahonen - nay, J. Ladwig – nay, Parker – nay. Motion denied.**

The board took a ten-minute recess at 10:55 a.m.

*Before Item II was announced, Chairman Ahonen explained that Jill Ladwig was not present during the April, 2007, public hearing for the Kneesel/Howald appeal. Participating board members at that time were Don Ahonen, Shirley Parker, and Roger Ladwig. Mrs. Ladwig stepped down and Mr. Ladwig was seated for the following item.*

Attorney John Blazel, Board of Adjustment Counsel for Item II – Stated that the board is here to determine whether the appellants are aggrieved by the issuance of the permit. A letter was included in the meeting packet that set forth some opinions that focused primarily on the 50% rule. When the application was filed, the applicants listed seven points that they were appealing. Some of the points fall under the 50% rule. Advised the board to look at all seven points during discussion. The board decision is two decisions; i.e. what you think the particular facts are and how should the ordinance be read. A motion has been received from the applicants and they are requesting to present additional evidence that has come to light since the hearing. The first thing the board should do is to consider that motion by the appellants.

**Item II: Owners:** Michael & Susan Crosby **Applicants:** Rose & Walter Howald, Elizabeth Kneesel

**Site Address:** N4870 N Lake Shore Dr, Parcel #016-1584-0000, Beyer Cove Assessor Plat Lot 1 Certified Survey Map 374 (Lot 22) of Section 3, T15N R12E, in the Town of Princeton

**Explanation:** The applicants are appealing the decision of the Land Use Planning & Zoning Department to issue land use permit #10278. The applicants are requesting that the Board of Adjustment review the land use permit and determine if the permit was issued in accordance with Chapter 338, County Shoreland Protection Ordinance. Section 338-38(2) of the Shoreland Protection Ordinance states that the Board of Adjustment shall hear and decide appeals where it alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement and administration of this chapter. The Board will also consider a motion/request that the applicants and any other interested persons be allowed to present additional evidence. Additional evidence may be heard depending on the outcome of the Board's decision on the motion/request. Evidence for this item was originally presented at the April 20, 2007, public hearing.

- a. Consideration of motion filed by appellants.
- b. Taking additional evidence, if authorized by the Board.

c. Discussion and decision on appeal.

After discussion, the board agreed that they would take additional testimony.

Attorney Jenna E. Walker, Sorenson Law Office – Representing Michael and Susan Crosby, stated that she did not feel that Item II was properly noticed as a public hearing. Item I has a sub-item including the words “public hearing.” Item II does not.

Blazel – Disagreed with Attorney Walker; stated that it was noticed as a public hearing. Advised the board that they can open this as a public hearing or just take additional evidence without the public hearing.

Walker – Asked that the record show that she objects and will not be offering any sort of information to the board because it was not properly noticed.

The board agreed to take additional evidence without opening the public hearing.

Attorney Maureen Martin, W3643 Judy Lane, Town of Princeton – Representing the appellants. Introduced the following pieces of evidence:

1. Affidavit filed with the circuit court clerk on May 17, 2000, signed by Al Shute.
2. Letter from Mr. Shute to Mr. and Mrs. Crosby and Sorenson Law Office dated April 26, 2007.
3. An email directed to Carole DeCramer from John Blazel dated October 17, 2007.

Asked that the board review the appeal that was filed. Also stated that they would, in the way of new evidence, call Mr. Shute for additional testimony.

Walker – Objected; this is not a contested hearing.

Ahonen – This is not a courtroom and the board will not allow attorneys calling witnesses.

Blazel – The board may ask questions of people. Mr. Shute may testify if he so chooses.

Attorney Matt Chier, Chier Law Office – Representing the appellants. Reiterated the duties and responsibilities of the board. Asked that the board visit the site and not rely on the Norwegian Ways number that was originally submitted. Encouraged the board to ask Mr. Shute his opinion.

During the process of reviewing and discussing, Mr. Shute offered pictures to aid the board in their understanding of the building project.

Walker – Objected; should not be considering new evidence.

Chier – Would like the pictures to be part of the record.

Blazel – Advised the board to decide whether or not to accept the pictures as part of the record.

There was a general board consensus to accept the pictures as part of the record. The affidavit is Exhibit 23; Mr. Shute's letter to Mr. Sorenson is Exhibit 24; the September 5, 2006, document is Exhibit 25; and the March 13, 2007, document is Exhibit 26.

Walker – Asked if the board is officially accepting Miss Martin's motion.

Blazel – The board granted her motion and the board is taking evidence.

The board addressed the list of motions listed in Attorney Martin's position paper, starting with #2.

**Motion by R. Ladwig/Parker, to approve the appeal of Rose and Walter Howald and Elizabeth Kneesel. Ahonen – aye, Ladwig – aye, Parker, aye. Motion carried.**

**Findings:**

Parker – I feel that the cost estimate was mind-boggling that you can do what they were going to do for that kind of money. I believe that it does not conform to the permitted construction.

R. Ladwig – I feel that the permit should have been denied because they didn't submit a fair estimated market value and didn't submit proper documentation. It does not conform to the ordinance. The \$58,000 that they submitted was way out for the plans they submitted. They also removed a wall that shouldn't have been. I think the department should be scrutinized more closely when granting a permit on a nonconforming building that is so close when they submit their expense so close to the 50% rule. The department should really scrutinize more closely especially with a nonconforming structure. The department should not have granted the permit.

Ahonen – I felt the construction estimate of \$58,795 was not believable based on the other evidence we've had here. It lacked any kind of detail and breakdown which could have been done. I also thought that the stormwater plan and watershed issue off the roof should have been part of this permit process building. Finally, the old concrete wall was removed and replaced. We also went through the seven items under *paragraph c* of the position paper submitted by the appellants. We had the benefit of having the appellants' counsel here and addressed each item with them. We indicated that we have addressed those issues.

**PUBLIC COMMENT** – None

**PUBLIC APPEARANCES** – None

**CORRESPONDENCE** – None

**BOARD DISCUSSION**

The board discussed the possibility of raising application fees in order to pay for counsel for the board of adjustment. This will continue to be researched by the corporation counsel.

**NEXT MEETING DATE**

December 21, 2007

**ADJOURN**

**Motion by Parker/J. Ladwig, unanimously carried, to adjourn. Motion carried.**

Time: 1:29 a.m.

Recorded by,  
Carole DeCramer  
Board of Adjustment Secretary

**APPROVED ON:  
December 21, 2007**