

**MINUTES OF
GREEN COUNTY BOARD OF ADJUSTMENT
Wednesday, May 17, 2023**

1. CALL TO ORDER AND ROLL CALL

The Board of Adjustment met in the County Board Room of the Green County Courthouse in Monroe on Wednesday, May 17, 2023. At 7:00 p.m., the meeting was called to order by Chairman Fahey. Roll call was taken and present were Ted Fahey, Cal Wasserstrass, Wayne Dieckhoff, Larry Eakins and Joni Waelchli-Buehl. Also present were Adam Wiegel, Zoning Administrator and Sara Patterson, Zoning Technician

2. CONSIDER THE MINUTES

Motion by Dieckhoff, second by Wasserstrass to approve the minutes from the January 18, 2023 meeting. Motion carried.

3. VIRTUAL SITE VISIT(S)

- A. Timothy and Amy Brown, landowners: located at W974 State Road 92, section 26, Town of Brooklyn.
Application for a variance for the construction of a barn in the setback area of State Road 92, 70'3" from the centerline vs county code minimum of 110'.
- B. Daniel and Ashley Wegmueller, landowners: located at W4358 Montgomery Road, section 5, Town of Jefferson.
Applications to amend a conditional use permit for a vacation rental and for the operation of an outdoor recreational facility for horseback riding and equestrian activities.
- C. Kathi and Ronald Esser, landowners: located at N6296 Conservation Road, section 17, Town of Albany.
Application for a variance for the construction of a greenhouse in the setback area of Conservation Road, 50' from the centerline vs county code minimum of 63'.
- D. Ewa Roszczynski, landowner: located at N3940 Park Road, section 15, Town of Decatur.
Application for a conditional use permit for the operation of a lodging house/boarding house.

4. SCHEDULE NEXT MONTH'S MEETING DATES:

Site visits/Public hearings(s)-Wednesday June 21, 2023, at 7:00 p.m. in the County Board Room. Motion by Waelchli-Buehl, second by Dieckhoff to recess the meeting until 7:30. Motion carried.

5. CONDUCT HEARING(S)

- A. At 7:30 p.m., Fahey called the Brown public hearing to order, stating that the purpose was to consider application 2023-179 for the issuance of a variance to Tim and Amy Brown, for the construction of a barn in the setback area of State Road 92, 70'3" from the centerline of State Road 92 vs county code minimum of 110'. The land is zoned agricultural and is located at W974 State Road 92, section 10, Town of Brooklyn. Roll call of the parties of interest was taken and present were Timothy and Amy Brown, landowners; Daniel Ott and Herbert Hanson, adjoining landowners. All other parties of interest were absent. For testimony and evidence presented at the public hearing refer to shared Public Hearings APP 2023-179. After hearing all testimony and evidence presented at the public hearing, Wasserstrass made a motion that was seconded by Dieckhoff to approve the variance as requested. Roll call on the motion was as follows: Wasserstrass, aye, Waelchli-Buehl, no, Eakins, aye and Dieckhoff, aye. The motion carried. Motion by Dieckhoff, second by Wasserstrass to recess the public hearing. The motion carried.

- B. At 8:00 p.m., Fahey called the WEGMUELLER public hearing to order, stating that the purpose was to consider applications 2023-188 and 2023-189 to consider amending conditional use permit 2018-074 for a vacation rental and the issuance of a conditional use permit for an outdoor recreational facility for horseback riding and equestrian activities. The land is zoned agricultural and is located at W4358 Montgomery Road, section 5, Town of Jefferson. Roll call of the parties of interest was taken and present were Daniel and Ashley Wegmueller, landowners. All other parties of interest were absent. For testimony and evidence presented at the public hearing, refer to shared/Public Hearings APP 2023-188 and 2023-189. After hearing all testimony and evidence presented at the public hearing, Waelchi-Buehl made a motion that was seconded by Wasserstrass to amend condition number three of conditional use permit 2018-074 to read: no ATV's, fireworks or firearms. Roll call on the motion was as follows: Waelchi-Buehl, aye, Dieckhoff, aye, Eakins, aye and Wasserstrass, aye. The motion carried. Motion by Dieckhoff, second by Waelchi-Buehl to approve the conditional use permit for outdoor recreational activities with the following conditions:
1. Horses housed on the property owned by current owner or employees;
 2. No competitive events;
 3. Limited to existing buildings;
 4. No parking of vehicles or trailers on the public road; and
 5. Trail rides limited to maximum amount of 20 horses.
- Roll call on the motion was as follows: Waelchi-Buehl, aye, Dieckhoff, aye, Eakins, aye and Wasserstrass, aye. The motion carried. Motion by Wasserstrass, second by Eakins to recess. The motion carried by unanimous voice vote.
- C. At 8:30 p.m. Fahey called the ESSER public hearing to order, stating that the purpose was to consider application 2023-148 for the issuance of a variance to Kathi and Ronald Esser for the construction of a greenhouse in the setback area of Conservation Road, 50' to the centerline vs county code minimum of 63'. The land is zoned agricultural and is located at N6296 Conservation Road, section 17, Town of Albany. Roll call of the parties of interest was taken and present were Kathi and Ronald Esser, landowners and Dennis and Jody Nussbaum, adjoining landowners. All other parties of interest were absent. For testimony and evidence presented at the public hearing refer to shared Public Hearings APP 2023-148. After hearing all testimony and evidence presented at the public hearing, Waelchi-Buehl made a motion that was seconded by Wasserstrass to deny the variance as requested, since a hardship was not proven. Roll call on the motion was as follows: Wasserstrass, aye, Waelchi-Buehl, aye, Eakins, aye and Dieckhoff, aye. The motion carried. Motion by Dieckhoff, second by Waelchi-Buehl to recess the public hearing. The motion carried.
- D. At 9:00 p.m. Fahey called the ROSZCZYSKI public hearing to order, stating that the purpose was to rehear application 2023-196 for a conditional use permit from Ewa Roszczyński, landowner for the operation of a lodging house/boarding house. The land is zoned agricultural and is located at N3940 Park Road, section 15, Town of Decatur. Roll call of the parties of interest was taken and present were Ewa Roszczyński; landowner; Allen Schneider, Town of Decatur; Jeramy and Jessica Sorrenson, Kathleen Jernegan and Jennifer and Michael Krause, adjoining landowners. For testimony and evidence presented at the public hearing refer to shared Public Hearings APP 2023-196. After hearing all testimony presented at the public hearing Eakins made a motion that was seconded by Wasserstrass approve the conditional use permit request with the following conditions:
1. Maximum of 5 guests with correct septic sizing;
 2. Verification of a code compliant septic system;
 3. No pets are allowed except service animals;
 4. Quiet hours: 9pm-9am;

5. No commercial photography or drones;
6. No parties or events;
7. No loud events or loud music allowed at the property at any time;
8. No guns, fireworks or ATV's allowed on the property;
9. Contract with local property manager on file with Zoning Office;
10. Property boundaries clearly marked and fenced with post and 2 boards minimum; and
11. Permit expires 1 year after permit is issued

Roll call on the motion was as follows: Waelchi-Buehl, no, Dieckhoff, no, Eakins, aye, Wasserstrass, aye and Fahey, aye. The motion carried. Motion by Eakins, second by Dieckhoff to recess the public hearing. The motion carried by unanimous voice vote.

6. ADJOURNMENT

Motion by Waelchi-Buehl, second by Wasserstrass to adjourn. The motion carried by unanimous voice vote

Larry Eakins
Secretary

Adam M. Wiegel
Acting Secretary