

Marquette County Board of Adjustment  
January 26, 2023  
3:00pm  
County Board Room-Services Center

Members present: Mary Walters-Chair, Lance Achterberg, Adam Malsack

Others present: In person: Tom Onofrey, Natalie Bussan-Corp Counsel, Jim Brossman, Tracy Waldinger, Brian and Tina Hake, Tom Breiling. Attending virtually: Tomas Toro, Richard Reeck, John Czerpinski, Robert and Krystina Brown.

The Chair called the meeting to order. Motion by Chair to approve the minutes, second by Malsack. Minutes approved 2-0 with Achterberg abstaining. Member introductions made by Chair. Chair explained meeting procedure. Onofrey explained appealing a Board of Adjustment decision.

**Chair opened the public hearing for an application by Ryan Menke, Owner, N6897 3<sup>rd</sup> Rd, Westfield, WI 53964** is applying for a Special Exception under Section 70.25(E)(4) of the Marquette County Code of Ordinances Chapter 70-Zoning for the construction of mini warehouses. Legal description is Lot 2 of CSM 2651 Being part of Government Lot 1, Section 5, T16N R08E, Town of Westfield. Chair reviewed application materials. Applicant made a statement and showed a drone video of the property. Board viewed video of the property done by the Zoning Administrator. Chair asked if the applicant had any additional information. None given. Chair opened the hearing to comments from those in attendance. No comments in favor. Chair asked for comments from anyone opposed to the application. Jim Brossman spoke in opposition. Tracy Waldinger-Attorney for Robert Brown spoke in opposition and showed a video of the applicant's property from her client's property. Robert and Krystina Brown spoke in opposition. Richard Reeck spoke in opposition. Chair closed the public hearing. Malsack asked Corp Counsel what impact the deed restriction has on the request. Attorney Bussan stated it was not something the Board could consider, and it is a civil matter between property owners. Malsack asked the applicant if there were any other construction plans other than what is shown on the plan. Applicant stated no. Total units discussed and it will be a total of 24 units with both buildings. Malsack asked Tomas Toro about the infiltration plan. Mr. Toro explained the level of retention that would have to be met under DNR rules exceeds what is currently being retained on the property. Malsack asked for Mr. Toro's qualifications. He stated that he is a licensed civil engineer and surveyor with 16 years of experience in Wisconsin. Discussion followed. Motion by Malsack to require if approved the following conditions: 1) A stormwater/infiltration plan must be approved by the Land and Water Conservation Department and implemented by the applicant. 2) One access on to Eagle Avenue. 3) Buildings must be the size and location as shown on plot plan. 4) The existing vegetation on the perimeter of the property must be maintained for a depth of 20 feet. Applicant not responsible for replacing vegetation destroyed by an act of nature. 5) One sign is permitted up to 4ft x 8ft in size. Second by Achterberg. Motion carried: 3-0. Malsack stated with the conditions he is in favor of the application because with the site being over 400 feet from the nearest home there will not be a negative impact on neighbors, with only 24 units traffic will be very intermittent, use is consistent with commercial activity on adjacent property which is a campground, buildings exceed required setbacks, access is reasonable. Achterberg stated he is in favor of the application with conditions because any impact on the lake will be mitigated with the stormwater management plan, it is compatible with the area being adjacent to a campground and the traffic to and from the site will be seasonal. Chair stated she is in favor of the application with conditions because the use is compatible with neighboring campground, the nature of the business is low traffic, vegetation buffer will help with visual concerns, there is a plan for any potential runoff and the access is safe. Application approved with conditions 3-0.

**Chair opened the public hearing for an application by Scott J & Tina R Jones Rev Living Trust, Owners, PO Box 124, Lancaster, WI 53813 / Brian & Tina Hake, Agents, 216 County Rd B, Platteville, WI 53818,** are applying for Variances under Sections 70.17(B)(3) and 70.52(B)(3) of the Marquette County Code of Ordinances Chapter 70-Zoning for the construction of additions to an existing dwelling at reduced setbacks to the right of way/centerline of a Town Road. Legal description is Erwin's Plat Lot 9, Section 22, T15N R11E, Town of Mican. Property address: N3511 Lotus Dr. Chair reviewed materials. Board viewed video of the property. Chair asked the applicant if they had anything else to add. Applicants stated no. Chair opened the public hearing to those in favor of the request. Tom Breiling spoke in favor. Chair noted no one else in attendance. Chair closed the public hearing and the Board deliberated. Achterberg stated he is in favor

of the application because it is a low traffic road so there are no safety concerns, the additions are no closer than the existing house, intended use of the property is residential. Chair stated she is in favor because the lot is unique being narrow and on a corner, the construction is at the same setback as the existing house, existing house is small and there are no safety issues. Malsack stated he is in favor because there are no safety concerns because it is a low traffic road and the ordinance is unnecessarily burdensome in this case because of the road on 2 sides and the lot being narrow. Application approved: 3-0.

Chair asked for other business. No February meeting.

Chair adjourned the meeting at 5:05pm.