

Marquette County Board of Adjustment
March 25, 2021
3pm
Services Center

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

The Chair called the meeting to order at 3pm. Member introductions made by Chair. The Chair asked for additions or corrections to the previous meeting minutes. None given. Motion by Achterberg to approve minutes, second by Walters. Motion carried: 2-0. Chair asked if proper public notification had been given for the meeting. Onofrey confirmed it had. Onofrey explained the appeal process.

Chair opened the public hearing on an application by Sharon Lindow and Robert Stollfuss, 2775 Daniel Ct., Green Bay, WI 54311 who are applying for an after the fact Variance under Section 70.15(M) and 70.53(A) of the Marquette County Code of Ordinances Chapter 70-Zoning for the construction of a deck at a reduced setback to the highwater mark on Tuttle Lake. The legal description of the property is Lot 24 of the unrecorded plat Tuttle Lake SE, being part of Gov't Lot 2, NW1/4-SW1/4, Section 23, T17N R10E, Town of Crystal Lake. Property Address: N7911 Tuttle Lake Rd. Chair reviewed materials and a video was shown of the property. Malsack asked the applicant how far the side door was from the front of the house. Applicant stated 10 feet. Applicant stated he was at a Town meeting and they are not opposed to his request as well as the neighbors he has talked to. Applicant stated this deck is replacing one that was the same size but was removed when the basement was done after the 2007 variance. Discussion about previous deck and Onofrey stated this was the first he has heard about a previous deck. Applicant stated he did not bring pictures of previous deck. Kile Lindow explained how the deck was built and that it meets all code requirements. Discussion followed. Chair opened the public hearing to those in attendance. No one spoke either in favor or against. Chair closed the public hearing and the Board deliberated. Achterberg stated he is opposed to the variance because the applicants can utilize the house with a smaller deck that meets the setback. Malsack stated that he is in favor of the variance because the property limits the ability of meeting the setback and the new deck is smaller than what the applicant states was there before. Walters stated that she is opposed to the variance because downsizing the deck to meet the setback will still give the applicants use of the property. Application denied: 2-1

Chair opened the public hearing on an application by David Evert and Debra Evans, 4613 Elgar Ln, Madison, WI 53704 are applying for an after the fact Special Exception under Section 70.50(L) of the Marquette County Code of Ordinances Chapter 70-Zoning for the placement of an accessory building on a vacant parcel across an easement from the lot with their single family dwelling. The easement separating the parcels is under other ownership and not owned by the applicants. The legal description of the parcel is Lot 1, CSM 1703 being part of Lot 17, Assessors Plat No 4 in the NE1/4-SE1/4, Section 20, T15N R11E, Town of Mecan. Chair reviewed materials and a video was shown of the property. Chair read letter from the Town Board. Applicant stated he was considering removing the shipping container and just building an accessory building because of the cost for enclosing the shipping container. Discussion followed. Chair opened the public hearing to those in attendance. No comments in favor or against the application. Chair closed the public hearing and the Board deliberated. Motion by Walters to attach the following conditions if the application is approved: 1) Shipping container shall be sided on 3 sides and door shall be painted to match siding. A pitched roof with a 4/12 pitch shall be installed the entire length of the shipping container. Final approval of plans to enclose must be approved by the Zoning Administrator. 2) Shipping container must be enclosed or removed from the property by September 15, 2021. Second by Malsack. Motion carried :3-0. Walters stated that with the conditions she is in favor of the request and that the use is compatible with the surrounding area. Malsack stated he is in favor with the conditions because it meets the criteria and will not be detrimental to neighboring properties. Achterberg is in favor with conditions because there is no room on the lot with the home and it will be compatible with the area. Application with conditions approved: 3-0

Chair opened the public hearing on an application by Paul and Teresa Pickarts, 2116 N Pontiac Dr, Janesville, WI 53545 are applying for Variances under Sections 70.17(B)(2), 70.52(B)(2), 70.20(C) and 70.51(B) of the Marquette County Code of Ordinances Chapter 70-Zoning for the construction of a garage at reduced setbacks to the centerline of a county road and to a lot line on Lot 11, Buffalo Heights Subdivision, being part of Gov't Lot 6, Section 18, T15N R10E, Town of Montello. Property Address: W3909 Co Rd C. Chair reviewed materials. Video of property shown. Applicant stated they may keep

the existing small shed if they can relocate it to a different area on the property. Chair opened the public hearing to those in attendance. No comments in favor or against. Chair closed the public hearing and the Board deliberated. Achterberg stated he is in favor of the application because lot size limits the ability to meet the setbacks and a garage is a reasonable request for a residential use. Walters is in favor of the request because lot size limits the ability to build a garage and a garage is a reasonable request for a residential lot. Also, the proposed setback conforms to the pattern of development in the area. Malsack stated he is in favor of the request because lot size limits ability to build garage and a garage is a reasonable request. Application approved: 3-0.

Chair opened the public hearing on an application by Kimberly Crump and Bryce Lind, N4831 3rd Avenue, Oxford, WI 53952 are applying for a Special Exception under Section 70.25(E)(9) of the Marquette County Code of Ordinances Chapter 70-Zoning for the operation of a septic pumping business as a Home Based Business on the South Part of Lot 58 of the 1st Addition Glacier Lake Subdivision, Section 4, T15N R8E, Town of Oxford. Property Address: N4831 3rd Avenue. Chair reviewed materials and read correspondence. Video of property shown. Malsack asked the applicant about outside storage. Bryce Lind stated only one truck. There will not be a porta potty business. Malsack asked about smell. Lind stated he is not allowed to park a full truck on the property. Lind stated the truck will not be operating on the property and this is not a permanent arrangement for the business. He does not intend on expanding on this property and there will be no employees. He explained there will be no signage, no shed for business, no customers coming and going and no deliveries. Achterberg asked how long he thought he would need to operate from this property. Lind stated 2-3 years. Chair opened the public hearing to comments from those in attendance. Kevin Crump spoke in favor. Chair asked for comments from those opposed: Sue Sierkierski, Donna Barto, Sandy Fenn, Tim Houslet, Mark Sierkierski, Tony Hermann and Andy Garcia spoke in opposition to the request. Chair closed the public hearing and the Board deliberated. Malsack made a motion that if approved the Special Exception expires when Bryce Lind no longer lives on property, second by Achterberg. Motion approved: 2-1. Malsack stated that he does believe the proposal meets the criteria of both a Special Exception and Home Based Business. He believes it would not detract from other properties, it could convert back to residential easily and that it is compatible with the area. Malsack made a motion to limit the only outside storage to one pumping truck, second by Achterberg. Motion carried: 2-1. Malsack stated with the conditions and for the reasons stated he is in favor of the request. Walters stated she does not believe it is compatible with a subdivision and that use is different from a Home Based Business. She also takes seriously the Town Board opposition to the request. Motion by Walters to attach the following conditions if the application is approved. 1) 18 month limit and then permit expires. 2) Only one pumper truck. 3) Must comply with DNR rules for maintaining the cleanliness of the truck. 4) No other parts of business may be outside on the property. Second by Malsack after Walters agreed to change condition #1 to 18 months. Motion carried: 3-0. Walters stated she is opposed to the request because it is not compatible, and it goes against Town Board decision. Malsack confirmed his approval with the new conditions. Achterberg stated he understands neighbor concerns and that there is a lot to consider with the application. He stated he believes the use is compatible with the area and that the conditions address the concerns of neighbors. Achterberg stated he is favor of the request because it fits the definition of Home Based Business. Application with conditions approved: 2-1 with Chair voting no.

Chair asked for other business. Onofrey stated that there would be an April 29th meeting and that all meetings will now be held in the Services Center. Chair adjourned the meeting at 5:25pm.