

Marquette County Board of Adjustment  
April 25, 2024  
3:00pm  
County Board Room-Services Center

Members present: Mary Walters-Chair, Lance Achterberg, Michael Johnson, Fred Wollenburg (alternate)

Others present: Tom Onofrey(virtual), Jean Potter, Megan Stalker, David Nowak, Troy Murphy, Gina Worden, Kenneth Jalowiec, Sandra Jalowiec

The Chair called the meeting to order. Member introductions made by Chair. Chair asked for a motion to approve the minutes. Motion by Achterberg, second by Johnson. Motion carried: 3-0. Chair explained instructions for hearing procedures. Potter explained appealing a Board of Adjustment decision.

**David and Antoinette Shoopman, W194 Riverview Dr. Montello, WI 53949**, applied for a Variance 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 a deck at a reduced setback to the centerline of the road. Legal description: Lot 1, CSM 3488, Section 3 T15N R11E, Town of Mekan. W194 Riverview Dr. Megan Stalker present as agent to Shoopman. Chair reviewed application materials and read the Town of Mekan approval letter that came after posting of application materials on website. Chair asked agent for any additional comments. Agent had no comments. No additional comments from board members. Video of property shown to board members. Chair opened public meeting. Requested participation for or against application by public. None given. Chair closed the public hearing and the Board deliberated. Johnson approved indicating this is reasonable to desire and allow expansion since deck needs to be replaced; no closer to road and safety is not a problem and no water encroachment issues presented. Achterberg granted approval indicating the lightly traveled road with same distance to road as original structure and no wider, just longer. Chair approved noting this is the main entrance to home and no effect or encroachment to lake area and compliant with adjacent properties. Application approved: 3-0.

**David and Cynthia Nowak, W194S7764 Overlook Bay Rd Apt G, Muskego, WI 53150**, applied for a Variance 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 a garage at a reduced setback to the centerline of the road. Legal Description: Lot 2, CSM 211, Silver Springs Subdivision, Section 3, T17N R11E, Town of Neshkoro. N9307 White Birch Ln. David Nowak present as applicant. Chair reviewed application materials as presented. Applicant had no additional comments with no additional comments from committee. Video of property shown. Chair opened public hearing. Requested participation for or against application by public. None given. Chair closed public hearing and the Board deliberated. Achterberg approved stating existing house and septic are in compliant locations and garage requested is an adequate size with no safety concerns. Johnson approved variance as it is reasonable to expect additional storage needs; lot is limited for garage location and will not be any closer to lake. Chair approved stating it is not unreasonable to request more storage and septic and drainfield take up large portions of lot. Request compliant with other nearby residential properties. Approved 3-0.

**Troy Murphy, PO Box 112, Lyndon Station, WI 53944**, requested a Special Exception under Sections 70.28(E)(2) and 70.24(E)(3) of the Marquette County Code of Ordinances Chapter 70-Zoning for the establishment and operation of a resort. Legal Description: Lot 2, CSM 2595 Section 31, T14N R8E, Town of Douglas. W8666 S.T.H 23. Troy Murphy present as applicant. Chair reviewed application materials as presented and noted the town board has given no opinion on application. Chair asked applicant to expand on plans to establish and operate a resort. Applicant explained the existing building were built in the 1960s and the retrofitting of those buildings would be cost prohibitive. Public interest would be a positive thing for promotion in community and encourage patronage of other businesses and quiet hours will be in effect. Video shown of property to board. Board and applicant discussed specifics to septic, well and cabin locations from video. Chair opened public hearing. Requested participation in favor of request. None given. Chair asked for those speaking against with Kenneth Jalowiec, Sandra Jalowiec, and Gina Worden speaking in opposition to application. Reasons given included noise, vandalism, trespassing, fencing, campfires, and accessing property from adjacent or shared driveways. Board asked for clarification from opponents on multiple issues. Chair closed hearing and board requested to see the video again. Board questioned applicant for clarification as to opponents concerns. Chair stated the shared driveway issues are civil and outside of zoning jurisdiction. Achterberg made a motion to add conditions: 1. Quiet time from 11pm until 6am, 2. Minimum of two parking spaces per cabin, 3. If dogs are permitted, they must be leashed at all times, and 4. Outdoor lighting shall be

directed away from neighboring properties. Second by Johnson. 3-0 motion carries. Achterberg approved with conditions stating this is a complicated issue with the historic resort and current rental cabins but the zoning ordinance allows for this use. Johnson approved with conditions stating the two cabins being currently non-conforming would be compliant and meet the resort requirements. Applicant can control renters with approvals through online booking procedures. Chair in favor to approve application with conditions as the prior use sets a precedent and the two cabins currently are used as rentals; a resort now make sense and compatible with other uses in vicinity with less impact from this use than potential other businesses that might cause more traffic or ingress/egress concerns; there is always concern that this type of business affects others but the zoning code allows for this type of business. Approved with conditions: 3-0.

Meeting adjourned 4:32pm. Next meeting to be held May 30, 2024, 3:00pm