

Marquette County Board of Adjustment  
April 28, 2022  
3pm  
Services Center

Members present: In Person: Mary Walters-Chair, Lance Achterberg Mike Johnson-Alternate  
Remote: Fred Wollenburg-Alternate

Others present: Tom Onofrey, Natalie Bussan-Remote, Jean Potter

The Chair called the meeting to order at 3:06 pm. Member introductions made by Chair. The Chair requested minutes of the April 25, 2022, meeting be read. Minutes read by Potter. Chair asked for additions or corrections to the previous meeting minutes. None given. Motioned and seconded to approve minutes. Motion carried: 3-0. Chair asked if proper public notification had been given for the meeting. Tom Onofrey confirmed it had. Onofrey explained the appeal process.

Chair opened the public hearing on an application by:

1. **Carlos Gonzalez and Erin Bentley, 198 Kilby Lake Rd, Montello, WI 53949**, applied for a Special Exception under Sections 70.18(F) and 70.22(G)(10) of the Marquette County Code of Ordinances Chapter 70-Zoning for the operation of a firewood processing business on Lot 1, CSM 3485, being part of the SE1/4-SW1/4 and the SW1/4-SE1/4, Section 27, T15N R10E, Town of Montello. N2960 and N2954 S.T.H. 22. Chair reviewed materials and video shown. Chair allowed discussion between members and applicants. Members asked for clarification on definition of sawmill; operating procedures of current sawmill work and discussion relating to the berm identified in application materials. Chair opened public hearing to those in attendance, including in-person and remote attendees. Chair acknowledged those speaking in favor of the application, in-person and remote:

Joel Braun, N2509 State Road 22, Montello  
Paul Walker, N2967 State Road 22, Montello  
Dale Daggett, W3948 Evergreen Lane, Montello

Chair acknowledged those speaking against application, in-person and remote:

Joel Helmeke, N2826 State Road 22, Montello  
Todd Bennett, Attorney to Joel Helmeke  
Judy Helmeke, Saint Peter, MN

Speaking remotely neither in favor or against the application:

Heidi Rattner, UMOS attorney, property location: N2912 State Road 22

Chair closed the public hearing, allowed follow up clarification and discussion on points brought up during hearing and the Board deliberated. Johnson made a motion with second by Achterberg to approve application with conditions. Conditions read into record as follows:

1. Hours of operation for processing equipment, which includes saws and debarking tumbler shall be 7am-6pm, Monday-Friday and 7am-noon on Saturdays with no Sundays or the following holidays: Easter, Memorial Day, 4<sup>th</sup> of July, Labor Day, Thanksgiving, Christmas Eve Day, Christmas Day, New Years Day.

2. Berms between the processing equipment and the South property line shall be constructed to a height of 15 feet at a minimum. The Zoning Administrator may require the berms to be lengthened or increased if height if needed to provide additional buffering.
3. Noise decibel levels limit not to exceed 70 decibels at property line excluding road right of way.
4. Applicant must reimburse the County for the purchase of a decibel meter to test levels, as needed.
5. Applicant must meet the noise level limit by August 1, 2022.
6. During any 2-year period if the applicant exceeds the noise level limit they will have a period of 30 days to comply on the 1<sup>st</sup> offense. A 2<sup>nd</sup> offense will result in a special hearing being held by the Board of Adjustment to consider what action must be taken and could result in revocation of the Special Exception.

Chair allowed further discussion on conditions between the members and applicants. Johnson proposed amended condition on number 1 to read:

1. Hours of operation for all processing equipment, including the loading and unloading of trucks, shall be 7am-6pm, Monday-Friday and 7am-noon on Saturdays with no Sundays or the following holidays: Easter, Memorial Day, 4<sup>th</sup> of July, Labor Day, Thanksgiving, Christmas Eve Day, Christmas Day, New Years Day.

Motion seconded by Achterberg. Amended conditions approved: 3-0. Deliberation of special exception application with amended conditions occurred. Chair indicated this was a reasonable request and is compatible with the commercial business in the area, now and past; Chair approved with amended conditions. Johnson approved with amended conditions as the state statutes have been met. Achterberg approved with amended conditions stating the berm addresses the potential health and safety issues associated with the application and the location is already in a commercial area. **Approved with conditions: 3-0.**

2. **Jon and Kimberly Hodkiewicz, N4110 Fish Haven Ct, Oxford, WI 53952**, applied for a Variance under Section 70.53(A) of the Marquette County Code of Ordinances Chapter 70-Zoning for the construction of an addition at a reduced setback to the ordinary highwater mark/wetland boundary on parts of Lots 9-10, Fish Haven Plat, Section 8, T15N R8E, Town of Oxford. N4110 Fish Haven Ct. Chair reviewed materials and video shown. Chair allowed discussion between members and applicants. Chair opened public hearing to those in attendance, including in-person and remote attendees. Chair indicated there was no persons in attendance, in-person or remote, for public hearing. Board deliberations occurred. Achterberg proposed condition to require applicants to work with the County Land and Water Conservation Department to develop a plan to stabilize the slope to the creek. Motion by Achterberg, 2<sup>nd</sup> by Johnson; motion passed 3-0. Achterberg approved variance with condition as the lot is unique in size with slope to water and the size of the addition is reasonable. Johnson approved variance with conditions stating the added condition addresses the protection of the property's stream bank, downstream creek and allows for the addition in the proposed location. Chair approved with condition as the request is compatible with other properties and is reasonable in nature for full-time residency use. **Approved with condition: 3-0.**
3. **Bernardo and Debra Sanchez Trustees, Sanchez Family Trust, PO Box 113, Packwaukee, WI 53953**, applied for an after the fact Variance under Section 70.17(B)(2) of the Marquette County Code of Ordinances Chapter 70-Zoning for the construction of a shed at a reduced setback to the centerline of a county road on Lots 1 & 2, CSM 3677, being part of the NW1/4-NE1/4, Section 20, T15N R9E, Town of Packwaukee. W5803 Co Rd C. Chair reviewed materials and video shown. Chair noted the Town of Packwaukee Town Board voted to deny the variance request. Chair allowed discussion between members and applicants. Chair opened public hearing to those in attendance, including in-person and remote attendees. Chair indicated there were no persons in attendance, in-person or remote, for public hearing. Board deliberations occurred. Chair denied variance application stating the safety issues associated with location near county road, lack of permitting prior to construction on a parcel large enough

to allow for a compliant location and if applicant had followed the established application process this application would not be required. Johnson denied variance application stating that by obtaining a permit prior to construction the applicant would not be requesting a variance for a location with safety concerns associated with curve in county road. Achterberg stated he would abstain from decision as he had acted in his capacity as Town of Packwaukee Board Chairman when the request was denied by Town Board. Denied: 2-0, Achterberg abstained.

Chair asked for other business. None presented. Next meeting is June 23, 2022, at 3pm for normally scheduled applications.

Chair adjourned the meeting at 6:15 pm.

Respectfully Submitted by: Jean Potter