

Marquette County Board of Adjustment
May 30, 2024
3:00pm
County Board Room-Services Center

Members present: Mary Walters-Chair, Michael Johnson

Others present: Jean Potter, Gregory Hall, Lori Garcia (virtual)

The Chair called the meeting to order at 3:06pm. Members introductions made by Chair. Chair asked for a motion to approve the minutes. Motion by Johnson, second by Chair. Motion carried: 2-0. Chair explained instructions for hearing procedures. Potter explained appealing a Board of Adjustment decision.

Gregory Hall, N3500 Indian Echoes Ln, Montello WI 53949, requested a Variance under Sections 70.15(N) and 70.53(A) of the Marquette County Code of Ordinances for the construction of a deck at a reduced setback to the Fox River. Legal description: Part of Gov Lot 5, Section 22 T15N R10E, Town of Montello. N3500 Indian Echoes Ln. Chair reviewed application materials. Chair asked applicant for any additional comments. Applicant explained construction project with no additional comments from board members. Video of property shown to board members. Chair opened public meeting. Chair noted for the record there were no members of the public present in the room or virtual. Chair closed the public hearing and the Board deliberated. Johnson noted the concrete pad under the screened accessory structure the applicant indicated in his application would be removed to offset part of the square footage of the proposed deck. Johnson made a motion to add the conditions if the variance is approved that the concrete pad be removed along with the accessory structure and applicant would be required to work with the Marquette County Land and Water Conservation Department to create an erosion control and revegetation plan for any disturbed areas within 75-foot setback of the river. Discussion of motion by board. Motion carried 2-0. Johnson approved variance application with conditions stating deck is a reasonable request to view waterway with the location not any closer than the existing footprint of the dwelling and appreciates the willingness of applicant to remove a non-conforming structure. Chair approved variance application with conditions stating it is not unreasonable to request a deck and there is no further encroachment to the water. Chair noted that the applicant understands the importance of waterway with removal of another structure and township approved request. Variance with conditions approved: 2-0

Matthew Allen, 5457 Vine St. Oak Forest, IL 60452, requested a Variance under Section 70.53(A) of the Marquette County Code of Ordinances Chapter 70-Zoning for the construction of a gazebo at a reduced setback to the ordinary highwater mark of Buffalo Lake. Legal description: Lot 2 of Graham Subdivision, Section 14 T15N R9E, Town of Packwaukee. W4655 County Rd C. Lori Garcia acted as agent to Matthew Allen. Chair reviewed application materials and read the Town of Packwaukee meeting minutes expressing denial of application that came after posting of application materials on website. Chair asked agent for any additional comments. Agent stated they do not know why there would be a denial as they see no harm to waterway; there is no issue with water coming up farther on shore or harm to environment. Video of property shown to board members. Members and agent discussed placement options per application materials while the video was shown. Chair opened public meeting. Chair noted for the record there were no members of the public present in the room or virtual. Chair closed the public hearing and the Board deliberated. Chair denied variance stating that a hardship does not exist and therefore must adhere to state shoreland zoning regulations. Chair noted that lake lots have some difficulties but an identified location that is compliant with the ordinance is not that steep or unworkable. The enforcement of regulations is the responsibility of the board and zoning department. The Town of Packwaukee also researched the site and their recommendation was to deny the application. Johnson denied the variance concurring with chair's statements. Johnson noted the 75-foot setback from the ordinary high-water mark is state mandated and that part of the existing dwelling and a shed are currently legal non-conforming structures within the setback. Agent countered that there should be additional options within the setback to allow structures. Johnson concluded his deliberation stating that he denied the application because of the existing encroachments and the board has no authority to change state statutes or change setbacks.

Meeting adjourned 4:15pm. Potter noted that there were no applications submitted for a June hearing. Next meeting, if required, would be scheduled for July 25, 2024.