

**Board of Adjustment
September 2, 2010
Minutes**

1. Meeting was called to order in the Wausaukee Town Hall at 1:30 p.m.

Members Present: Jim Shea
Daniel Zeitler
Pat Ravet
Carl Turkiewicz, Alternate
Todd Stepien, Alternate

Others Present: John Lefebvre, Director, Land Information Department
Mike Dura,
Robert and Marilyn Hartwig
John and Carol Guderyahn
Shirley Prudhomme, Peshtigo Times

2. ELECTION OF CHAIR, VICE CHAIR AND SECRETARY

Nominations for Chairperson

Zeitler nominated Shea for Chairperson.

Motion (Zeitler/Ravet) to close the nominations for Chairperson and cast a unanimous ballot for Shea. Motion carried, no negative votes.

Nominations for Vice Chairperson

Zeitler nominated Ravet for Vice Chairperson.

Motion (Zeitler/Shea) to close the nominations for Vice Chairperson and cast a unanimous ballot for Ravet. Motion carried, no negatives votes.

Nominations for Secretary

Shea nominated Zeitler for Secretary.

Motion (Shea/Ravet) to close the nominations for Secretary and cast a unanimous ballot for Zeitler. Motion carried, no negatives votes.

3. HEARINGS

See written decision of the Zoning Board of Adjustment for Constance Paterson, Reginald and Sally Phillips, and Robert and Marilyn Hartwig.

4. ADJOURN

Motion (Zeitler/Shea) to adjourn. Motion carried. No negative votes. (Meeting adjourned at 2:30 p.m.)

Minutes prepared by:



John Lefebvre, Director
Land Information Department

DECISION OF ZONING BOARD OF ADJUSTMENT

Robert and Marilyn Hartwig

MARINETTE COUNTY, WISCONSIN

FINDINGS OF FACT

Having heard the testimony and considered the evidence presented, the board finds the following facts:

Filing Date: August 16, 2010

Notice Dates: August 18th and 25th, 2010 Peshtigo Times

Hearing Date: September 2, 2010

Hearing Location: Wausauke Town Hall

Members Present: Jim Shea/Daniel Zeitler/Pat Ravet

Alternates Members Present: Carl Turkiewicz and Todd Stepien

Others Present: John Lefebvre, Director, Land Information Department
Robert and Marilyn Hartwig
Carol and John Guderyahn

1. The applicant is: Robert and Marilyn Hartwig
(name and address) 130 Cindy Lane
Oak Creek, WI 53154
2. The applicant is the owner of the following described property which is the subject of the application for appeal: Lot 11 Black Walnut Estates Sec 7 T32N R21E, Parcel # 016-01463.000, Town of Niagara, Marinette County, Lake Noquebay.
3. The property is presently in use as recreational property.
4. The applicant proposes (brief project description/attach plans).
To construct a 40 by 20 foot single story garage 4 feet from the existing lot lines on the north and south sides of the structure and 12 feet to the lot line on the west side of the structure.
5. The applicant requests:
A variance from Section 21.05 (2) Side Yards.
6. The features of the proposed construction and property which relate to the granting of the application for appeal are:
Lot is only 30 feet wide.
Lot was created prior to the County's adoption of the Shoreland/Wetland Zoning Ordinance.
Applicant intends to use the garage for storage.
The adjoining property owner expressed concern over the possible use of the garage for living quarters and has a concern over the existing septic system that services the inhabited structure on the property.

CONCLUSIONS OF LAW

Based on the above findings of fact, the Board concludes that:

VARIANCE –

- A. Unnecessary hardship is present in that a literal enforcement of the terms of the zoning ordinance would be unnecessarily burdensome.
- B. The hardship is due to physical limitations of the property rather than the circumstances of the applicant because the lot is only 30 feet wide.
- E. The variance will not be contrary to the public interest as expressed by the objectives of the ordinance since the proposed garage will not near any other buildings on adjoining lots.

ORDER AND DETERMINATION

On the basis of the above findings of fact, conclusions of law and the record in this matter, the Board orders:

VARIANCE – The requested variance is granted. (Zeitler-grant, Shea-grant & Ravet-grant)

The Land Information Director is directed to issue a zoning permit.

This decision may be appealed by filing an action in certiorari in the Circuit Court of Marinette County within 30 days after the filing of this decision. The County assumes no liability for and makes no warranty as to reliance on this decision if construction continues prior to expiration of this 30 day period.

ZONING BOARD OF ADJUSTMENT

Signed James R. Shea Chairperson Daniel Zeitler Secretary

Date Filed 9-16-10

DECISION OF ZONING BOARD OF ADJUSTMENT

Constance Paterson Thunder Mountain Ranch

MARINETTE COUNTY, WISCONSIN

FINDINGS OF FACT

Having heard the testimony and considered the evidence presented, the board finds the following facts:

Filing Date: July 29, 2010

Notice Dates: August 18th and 25th, 2010 Peshtigo Times

Hearing Date: September 2, 2010

Hearing Location: Wausaukee Town Hall

Members Present: Jim Shea/Daniel Zeitler/Pat Ravet

Alternates Members
Present: Carl Turkiewicz and Todd Stepien

Others Present: John Lefebvre, Director, Land Information Department
Mike Dura, Riverview Architecture LLC

1. The applicant is: Constance Paterson
(name and address) N9887 Caldron Falls Road
Crivitz, WI 5411
2. The applicant is the owner of the following described property which is the subject of the application for appeal: NW1/4 NE1/4 Sec 6 T37N R17E, Parcel # 032-04091.000, Town of Stephenson, Marinette County, Mountain Lake.
3. The property is presently in use as recreational property.
4. The applicant proposes (brief project description/attach plans).
To construct a 15 by 29 foot kitchen addition (north side of structure) and a 6 by 18 entry way (north side of structure).
5. The applicant requests:
A variance from Section 21.10 (3) (c) 3. c. Expansion of an existing non-conforming structure.
6. The features of the proposed construction and property which relate to the granting of the application for appeal are:

Proposed additions are on the road side of the structure and located greater than 75 feet from the OHWM.

Near shore area along the lake is a natural shoreland and has not been modified.

Existing structure was constructed prior to the adoption of the County shoreland/WetaInd Zoning Code.

Thunder Mountain Ranch has proven to be good stewards of the land and maintain all shorelands in a natural state.

CONCLUSIONS OF LAW

Based on the above findings of fact, the Board concludes that:

VARIANCE –

- A. Unnecessary hardship is present in that a literal enforcement of the terms of the zoning ordinance would be unnecessarily burdensome.
- B. The hardship is not due to physical limitations of the property.
- C. The variance will not be contrary to the public interest as expressed by the objectives of the ordinance because the proposed additions will be on the road side of the structure away from the lake.

ORDER AND DETERMINATION

On the basis of the above findings of fact, conclusions of law and the record in this matter, the Board orders:

VARIANCE – The requested variance is granted. (Zeitler-grant, Shea-grant & Ravet-grant)

The Land Information Director is directed to issue a zoning permit.

This decision may be appealed by filing an action in certiorari in the Circuit Court of Marinette County within 30 days after the filing of this decision. The County assumes no liability for and makes no warranty as to reliance on this decision if construction continues prior to expiration of this 30 day period.

ZONING BOARD OF ADJUSTMENT

Signed James R. Shea Chairperson Daniel Zeitler Secretary

Date Filed 9-13-10

DECISION OF ZONING BOARD OF ADJUSTMENT

Reginald and Sally Phillips

MARINETTE COUNTY, WISCONSIN

FINDINGS OF FACT

Having heard the testimony and considered the evidence presented, the board finds the following facts:

Filing Date: August 11, 2010

Notice Dates: August 18th and 25th, 2010 Peshtigo Times

Hearing Date: September 2, 2010

Hearing Location: Wausaukee Town Hall

Members Present: Jim Shea/Daniel Zeitler/Pat Ravet

Alternates Members
Present: Carl Turkiewicz and Todd Stepien

Others Present: John Lefebvre, Director, Land Information Department

1. The applicant is: Reginald Phillips
(name and address) W7001 Phillips Road
Niagara, WI 54151
2. The applicant is the owner of the following described property which is the subject of the application for appeal: N1/2 NE1/4 Sec 25 T38N R20E, Parcel # 020-00725.002, Town of Niagara, Marinette County, un-named creek.
3. The property is presently in use as agricultural.
4. The applicant proposes (brief project description/attach plans).
To construct a manure storage facility within 40 feet of the lot line to the wall of the structure and the overhang 38 feet from the property line.
5. The applicant requests:
A variance from Section 21.09 (2) (a) Lot Line Setback.
6. The features of the proposed construction and property which relate to the granting of the application for appeal are:

There is an existing active cattle operation on the site.

The proposed location of the manure structure will replace a barn on the property and be in close proximity to the other buildings on the premise.

The construction of this manure storage facility will reduce the runoff of manure into the unnamed creek.

CONCLUSIONS OF LAW

Based on the above findings of fact, the Board concludes that:

VARIANCE –

- A. Unnecessary hardship is present in that a literal enforcement of the terms of the zoning ordinance would be unnecessarily burdensome requiring the property owner to locate the manure storage facility away from the other supporting farm buildings.
- B. The hardship is not due to physical limitations of the property.
- D. The variance will not be contrary to the public interest as expressed by the objectives of the ordinance because the proposed facility will reduce or eliminate the potential for manure to make its way to the unnamed creek.

ORDER AND DETERMINATION

On the basis of the above findings of fact, conclusions of law and the record in this matter, the Board orders:

VARIANCE – The requested variance is granted. (Zeitler-grant, Shea-grant & Ravet-grant)

The Land Information Director is directed to issue a zoning permit.

This decision may be appealed by filing an action in certiorari in the Circuit Court of Marinette County within 30 days after the filing of this decision. The County assumes no liability for and makes no warranty as to reliance on this decision if construction continues prior to expiration of this 30 day period.

ZONING BOARD OF ADJUSTMENT

Signed James P. Shea Chairperson Daniel Zeitler Secretary

Date Filed 9-13-10