

PETITION FOR VARIANCE
MARQUETTE COUNTY BOARD OF ADJUSTMENT

Date filed: 10-6-16 \$300.00 fee (non-refundable) 612 739

Applicant:	<u>ANDREW J Heuling</u>
Address:	<u>W4382 Co Rd K, Montello, WI 53949</u>
Phone:	<u>(920) (296-1398)</u>

Legal Description: ^{SW-NE,} SE 1/4, ^{SE-NW, NE-SW} NE 1/4, Section 26, T17 N, R10 E
004-01028-0000

Township: Crystal Lake Tax Parcel Number: 4-1028 Fire No. W2302

Zoning District: ^{AG-2} General Agricultural Lot area: 31.75 acres

Current use and improvements: residential

Variance requested

Section of ordinance:	<u>70.26(B)</u> of the Marquette County Zoning Ordinance
Variance requested:	<u>REDUCED SETBACK TO LOTLINE</u>

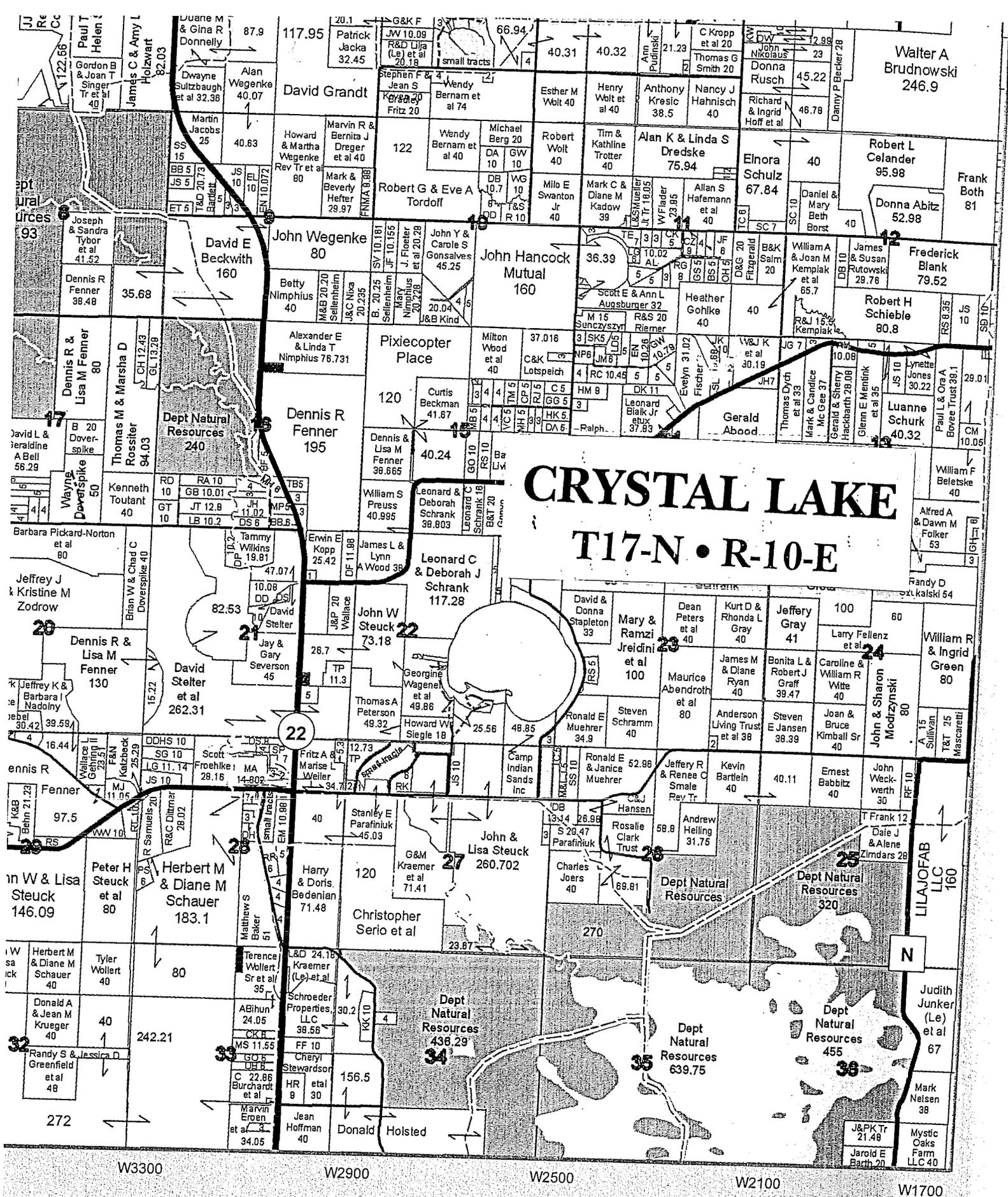
for the construction of a dwelling at a reduced setback to a lotline

Address each of the following criteria for granting a variance as described in the notice of requirements (attach additional pages if necessary):

- 1) Unnecessary hardship is present because... of the established layout of the present area, including septic, well, electric, AND trees
- 2) Compliance with the terms of the ordinance is prevented by unique features of this property... The measurements of the right away to the 30acre plot doesn't comply with the ordinance 1.75 acre right away
- 3) A variance will not be contrary to the public interest because... There is no residential near this project. There will NOT be any effect on adjoining properties from this project

Attach a plot plan and a description of your construction plans.
Signed: Andrew J Heuling Date: 10-6-16
Applicant/Agent/Owner

Remit to: Marquette County Zoning, P.O. Box 21, Montello, WI 53949
(608) 297-3036



CRYSTAL LAKE

T17-N • R-10-E

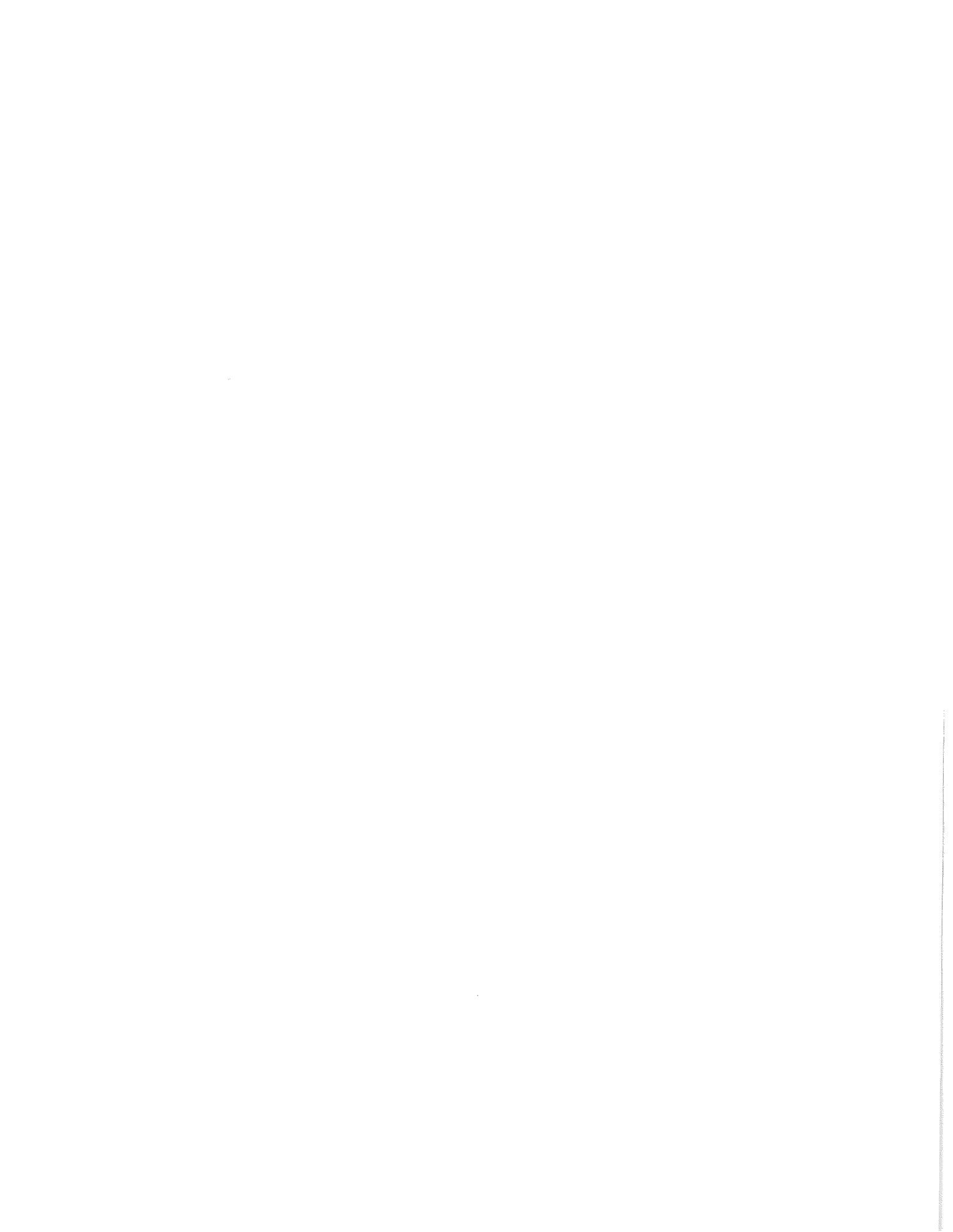
W3300 W2900 W2500 W2100 W1700

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1-800-729-2570

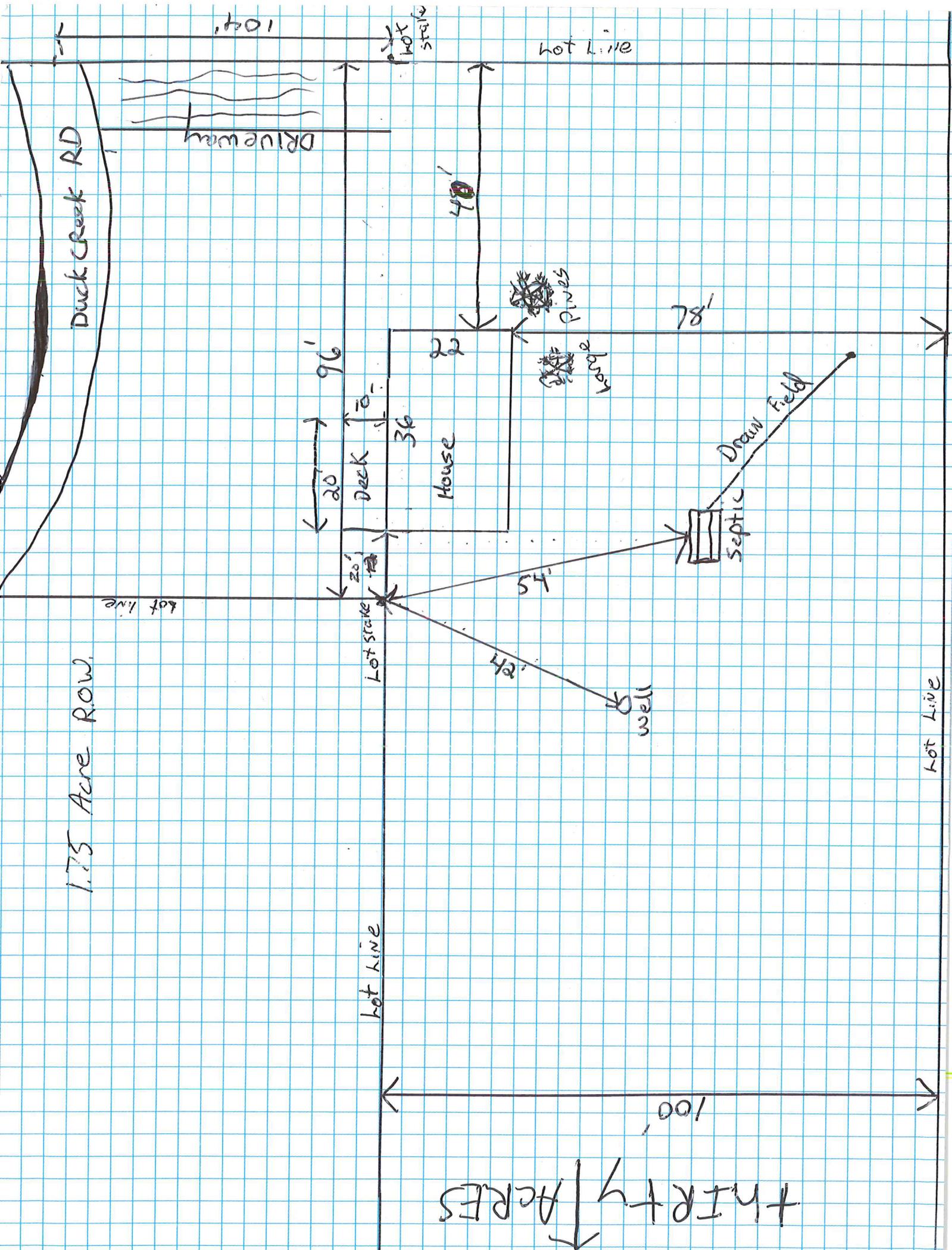
www.karschners.com

It takes all ages...



THIRTY ACRES

1.75 Acre ROW.



Duck Creek RD

DRIVEWAY

lot line

lot line

hot stake

20'

20'

Deck

House

22'

hot stake

hot line

48'

Pines

Landscape

78'

Draw Field

Septic

well

54'

42'

hot line

100'

104'



MARQUETTE COUNTY

Zoning Department



Administrator—Thomas Onofrey
Secretary--Nora Beskow

P.O. Box 21 Montello, WI 53949
(608) 297-3036

Technician—Dustin Grant

Zoning Department Staff report to the Marquette Board of Adjustment

Prepared by: Tom Onofrey-Zoning Administrator
Applicant: Andrew Heiling
Hearing date: November 7, 2016

PARCEL INFORMATION

Property location: Part of the SE1/4-NW1/4, SW1/4-NE1/4 and NE1/4-SW1/4, Section 26, Town of Crystal Lake.

The property is zoned General Agriculture (AG-2) and 31.75 acres in size.

BACKGROUND

The applicant owns 31.27 acres that is accessed by a portion of the property that is 96 feet in width, which is the highest portion of the property and the location of his existing dwelling. The remainder of the 31.75 acres is lower ground with approximately 30 acres being assessed as swamp and wasteland. The applicant is seeking a variance to replace an older mobile home with a site constructed dwelling in the same location as the mobile home. The proposed setback is 18 feet to the lot line.

DISCUSSION

The application is an area Variance and the Board must determine if the ordinance is unnecessarily burdensome and if it prevents the applicant from using the property for its intended purpose which is residential.

RECOMMENDATION

The Zoning Department recommends that the application be approved. The property is unique in that the majority is not suitable for development. The applicant's proposal to replace in the same location is reasonable considering the amount of lowland and the location of his access to the road. Moving the dwelling over is not possible because it would encroach on the opposite lot line. The setback requirement in this case is unnecessarily burdensome because of the unique layout of the property which makes it difficult to meet the setback requirement.



MARQUETTE COUNTY

Zoning Department



Administrator—Thomas Onofrey
Secretary—Nora Beskow

P.O. Box 21 Montello, WI 53949
(608) 297-3036

Technician—Dustin Grant
Secretary—Nadine Klapoetke

October 7, 2016

TOWN OF CRYSTAL LAKE OFFICIALS

Dear Officials:

Andrew J Heiling, W4382 Co Rd K, Montello, WI 53949 is requesting a Variance under Section 70.26(B) of the Marquette County Zoning Ordinance for the construction of a dwelling at a reduced setback to a lot line on parts of the SW $\frac{1}{4}$ -NE $\frac{1}{4}$, SE $\frac{1}{4}$ -NW $\frac{1}{4}$, SE $\frac{1}{4}$ -NW $\frac{1}{4}$ & NE $\frac{1}{4}$ -SW $\frac{1}{4}$, Section 26, T17N R10E, Town of Crystal Lake. Fire # W2302 Duck Creek Rd

We have enclosed copies of the information we currently have available. A public notice will be sent later as the hearing date gets closer.

You have no legal responsibility to act on a Board of Adjustment application, but if you take some type of action, please send us a copy of your monthly meeting minutes for our file prior to the hearing.

We have advised Mr. Heiling to be in touch with the Town Board to be placed on your monthly meeting agenda if you desire to discuss the proposal.

If you have any questions please let us know.

Sincerely,

Nora J. Beskow
Zoning Department Staff
Marquette County

NJB: n
Encl.

NOTICE OF TOWN BOARD DECISION

The Crystal Lake Town Board heard the

Variance Request of Andrew Heiling

at their October 13, 2016 Town Board Meeting.

The Town Board took the following action:

Approved Variance Request
 Denied Variance Request
 Took no action on Variance Request

Sandra Vaughan
Sandra Vaughan, Town Clerk

10/21/16
Date

Rec'd
OCT 26 2016
Zoning Dept.



MARQUETTE COUNTY

Zoning Department



Administrator—Thomas Onofrey
Secretary--Nora Beskow

P.O. Box 21 Montello, WI 53949
(608) 297-3036

Technician—Dustin Grant
Secretary—Nadine Klapoetke

October 7, 2016

Andrew J Heiling
W4382 Co Rd K
Montello, WI 53949

Dear Mr. Heiling:

We have scheduled you for a November 7, 2016 public hearing before the Board of Adjustment.

It is advisable for you to contact the Town Board of Crystal Lake to be placed on their monthly meeting agenda should they have any questions regarding your proposal. This should be done promptly if you have not already done so.

We have forwarded copies of your proposal/application to the Crystal Lake Town Board members and any additional information you have available that you could provide them would be helpful. An official public notice will be coming later as your hearing date gets closer.

If you have any questions, please let us know.

Sincerely,

Nora J. Beskow
Zoning Department Staff
Marquette County

NJB: n
Encl.

Town Chairman: Dennis Fenner, N8416 St Rd 22, Neshkoro, WI 54960
920-293-4331

Town Clerk: Sandra Vaughan, W2891 Deerborn Dr, Neshkoro, WI 54960
920-293-4681



MARQUETTE COUNTY

Zoning Department



Administrator—Thomas Onofrey
Secretary—Nora Beskow

P.O. Box 21 Montello, WI 53949
(608) 297-3036

Technician—Dustin Grant
Secretary—Nadine Klapoetke

October 24, 2016

APPLICANT/AGENT: **ANDREW J HEILING**

Your pending application is on the agenda to be heard by the Marquette County Board of Adjustment at a public hearing which will be held at the Marquette County Courthouse in Montello, WI on: **MONDAY, NOVEMBER 7, 2016 at 4:00 PM**

In addition to the information already on file, please submit the following information or documents, as soon as possible: **Your file is all in order for your hearing before the Marquette County Board of Adjustment.**

The Board of Adjustment greatly prefers to talk to the applicants directly, but you may be represented at the public hearing by agent or attorney. It is important for someone familiar with the proposal to be present in order to answer any questions that might come up. If no one appears to present your application or respond to questions, the Board may table or deny the application.

The burden is upon the applicant to establish that in the absence of a Variance being granted, no feasible use can be made of the property. Variances are not intended to be granted for reasons of convenience, personal preference, or in cases of hardship that are self-created. For Special Exceptions, the applicant must demonstrate that the proposed use is compatible with existing land uses in the area and will not harm other property owners or the general public. The Board has the authority to approve as presented, approve with modifications or conditions, or deny with justification any application within its jurisdiction.

Sincerely,

Thomas Onofrey
Zoning Administrator
Marquette County



MARQUETTE COUNTY Zoning Department



Administrator—Thomas Onofrey
Secretary—Nora Beskow

P.O. Box 21 Montello, WI 53949
(608) 297-3036

Technician—Dustin Grant
Secretary—Nadine Klapoetke

AFFIDAVIT OF MAILING

STATE OF WISCONSIN
COUNTY OF MARQUETTE

RE: ANDREW HELLING

Thomas Onofrey, being first duly sworn, deposes and says that he is the duly appointed and acting Zoning Administrator for Marquette County, and that in such capacity he sent copies of the notice of public hearing in the above-titled act on to each of those listed below, at the addresses as indicated. Said notice was deposited in the United State Mail at Montello, Wisconsin on the 12th day of October, 2016.

Respectfully submitted,

Thomas Onofrey
Zoning Administrator
Marquette County

Kevin Bartlein
W2179 Duck Creek Ave
Neshkoro, WI 54960

Jeff & Renee Smale
1131 S Silverbrook Dr
West Bend, WI 53095

Dept of Natural Resources
P.O. Box 7921
Madison, WI 53707

Ron & Janice Muehrer
1145 Westwind Ct
Neenah, WI 54956

Charles & Janice Hansen
W2365 Duck Creek Ave
Neshkoro, WI 54960

Todd Bornick
N5606 Losinski Rd
Princeton, WI 54968

Jeff Wetterau
2405 Sheridan St
Oshkosh, WI 54901

Sandra Vaughan
W2891 Deerborn Dr
Neshkoro, WI 54960

Dennis Fenner
N8416 St Rd 22
Neshkoro, WI 54960

Chris Lotspeich
N8541 17th Ave
Neshkoro, WI 54960

Terry Wollert
W3049 Co Rd E
Neshkoro, WI 54960

Subscribed and sworn before me this 12th day of

October, 2016

Debra Kemnitz
Notary Public, State of WI
My Commission Expires 1-2-17

Parcel #: 004-01028-0000

10/07/2016 01:57 PM
PAGE 1 OF 1

Alt. Parcel #: 0426171013010

004 - TOWN OF CRYSTAL LAKE
MARQUETTE COUNTY, WISCONSIN

Current

Creation Date Historical Date Map # Sales Area Application # Permit # Permit Type # of Units
01/21/2015

Tax Address:
ANDREW J HEILING

Owner(s): O = Current Owner, C = Current Co-Owner
O - HEILING, ANDREW J

W4382 COUNTY ROAD K
MONTELLO WI 53949

Property Address(es): * = Primary

* W2302 DUCK CREEK RD

Districts: SC = School SP = Special

Type	Dist #	Description
SC	6335	WESTFIELD SCH DIST
SP	0400	MADISON AREA MATC

Notes:
COMBINED WITH #4-1041 & #4-1031 FOR 2015

Legal Description: Acres: 33.560
E1/2 SW-NE, S 6RDS W1/2 SW-NE, W 10A OF
SE-NE, .25A IN SE COR OF SE-NW & .34A IN
NE COR OF NE-SW 33.56A

Parcel History:

Date	Doc #	Vol/Page	Type
05/21/2003	243015	472/16	WD
10/08/1997	207478	329/415	WD

Plat: * = Primary

* N/A-NOT AVAILABLE
N/A-NOT AVAILABLE
N/A-NOT AVAILABLE
N/A-NOT AVAILABLE

Tract: (S-T-R 40% 160% GL) **Block/Condo Bldg:**

26-17N-10E SW NE
26-17N-10E SE NE
26-17N-10E SE NW
26-17N-10E NE SW

2016 SUMMARY

Bill #: Fair Market Value: Assessed with:
0

Valuations:

Last Changed: 03/06/2015

Description	Class	Acres	Land	Improve	Total	State	Reason
RESIDENTIAL	G1	1.500	9,800	51,600	61,400	NO	
SWAMP & WASTE	G5	32.060	20,839	0	20,839	NO	

Totals for 2016:

General Property	33.560	30,639	51,600	82,239
Woodland	0.000	0	0	0

Totals for 2015:

General Property	33.560	30,639	51,600	82,239
Woodland	0.000	0	0	0

Lottery Credit:

Claim Count: 0 Certification Date: 02/17/2009 Batch #: 2004

Specials:

User Special Code	Category	Amount
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Total	Special Assessments	Special Charges	Delinquent Charges
	0.00	0.00	0.00