

**MARQUETTE COUNTY ZONING DEPARTMENT
BOARD OF ADJUSTMENT APPLICATION SUMMARY**

DATE OF HEARING: November 7, 2016

APPLICANT: Deborah and Gregg Huckabone

ZONING DISTRICT: Agriculture Residential (AG-3)

The applicants are requesting a Variance under Section of the Marquette County Zoning Ordinance for the construction of a dwelling at a reduced setback to a lot line.

SECTION 70.25(C):

In addition to the setbacks required in Section 70.17, all buildings shall have a minimum setback of twenty (20) feet from all lot lines.

The applicants are proposing to build a new home in the location where a mobile home previously existed. The mobile home was destroyed by fire and had been 13 feet from the lot line. The applicants are requesting a setback of 10 feet.

PETITION FOR VARIANCE
MARQUETTE COUNTY BOARD OF ADJUSTMENT

Date filed: 9-28-16 \$300.00 fee (non-refundable)

Applicant:	<u>Deborah and Gregg Huckabone</u> , N3563 Catfish Trail,
Address:	<u>N4479 22 Court</u> Montello, WI <u>53949</u>
Phone:	<u>920-295-0200</u>

Legal Description: NW 1/4, NW 1/4, Section 10, T15 N, R11 E

Township: Mecon **Tax Parcel Number:** 010-0098-000 **Fire No.** N4479 22nd Court

Zoning District: AG-3, Agricultural **Lot area:** .46 of an acre

Residential Plan to

Current use and improvements: Build a single family home

Variance requested

Section of ordinance:	70.25 (C) of the Marquette County Zoning Ordinance
Variance requested:	Construction of a dwelling at a reduced setback to a lot line <u>10 FT North of Property line</u>

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...
Placement of septic system and existing paved driveway
- 2) Compliance with the terms of the ordinance is prevented by unique features of this property... House will not fit on property without variance, because of retaining walls along existing driveway.
- 3) A variance will not be contrary to the public interest because...
It's a joining private property, no public access.

Attach a plot plan and a description of your construction plans.

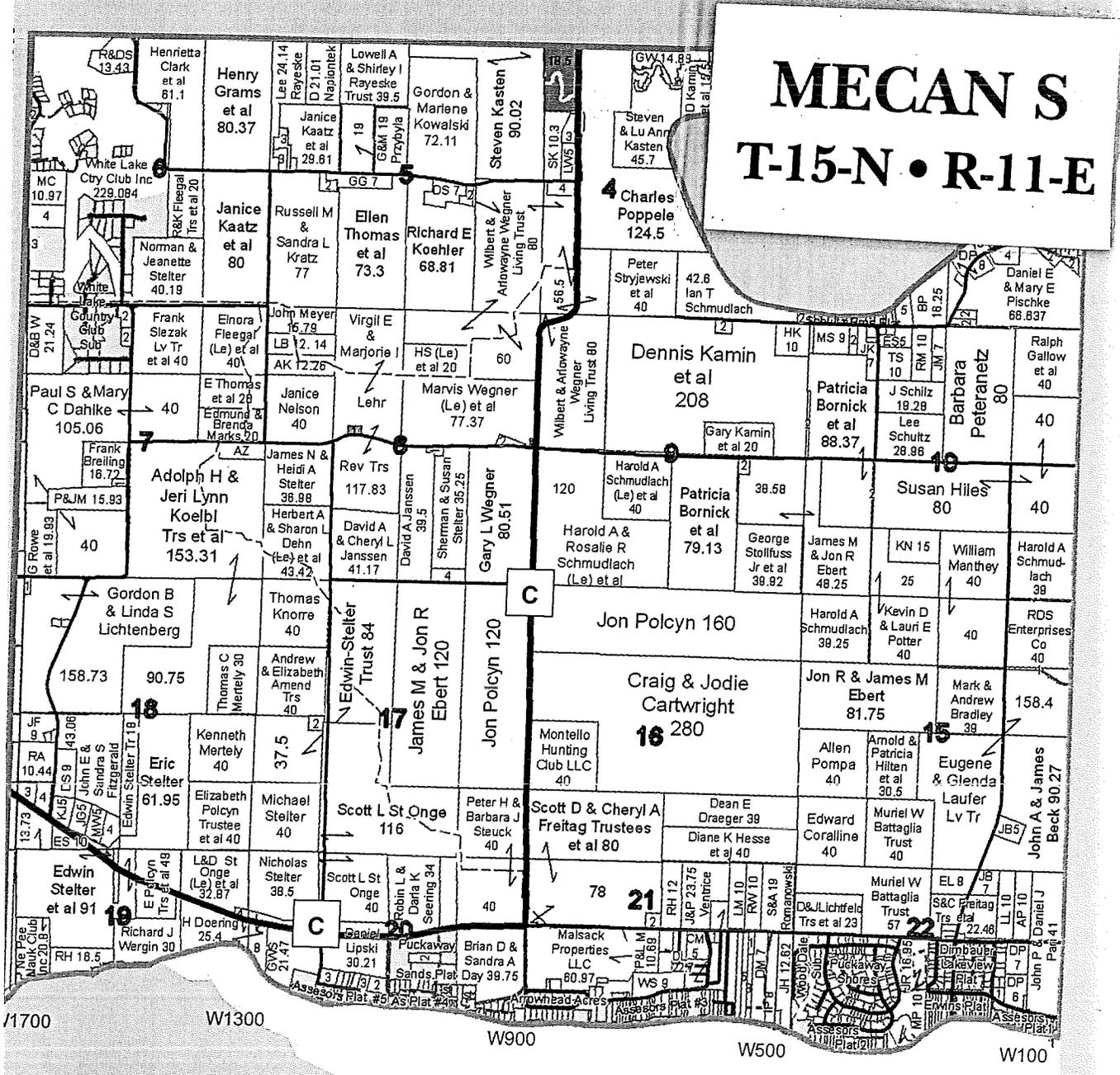
Signed: Gregg Huckabone
 Applicant/Agent/Owner

Date: 9-28-2016

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

MECAN S

T-15-N • R-11-E



Green Lake

Frac, Sec: 3

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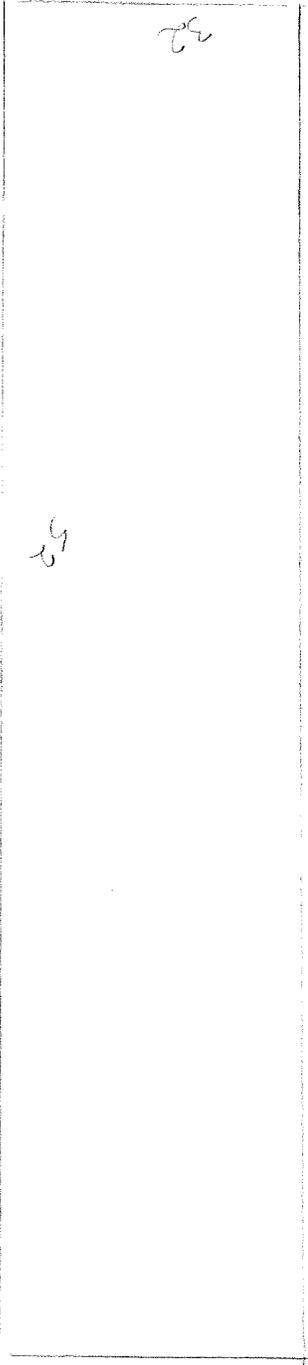
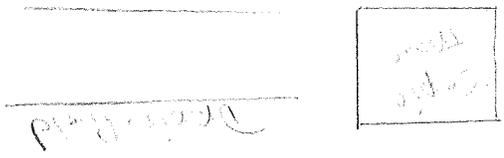
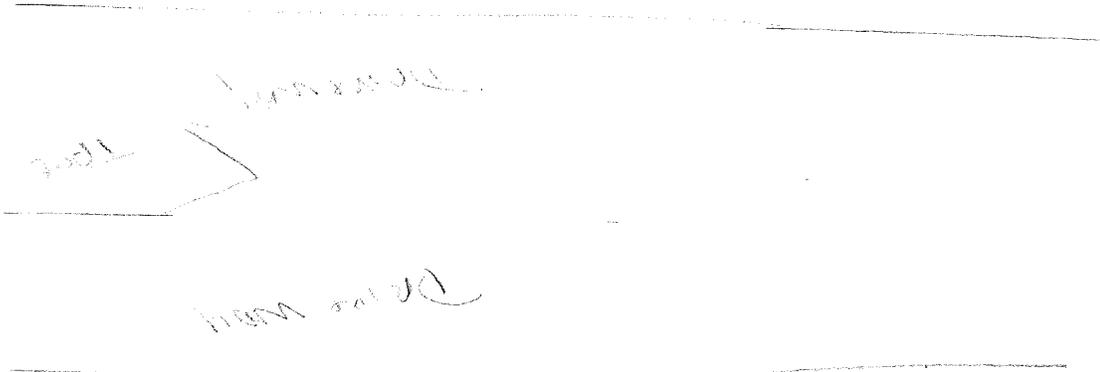
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22ND CT

0 100 200 300ft

Disclaimer: Use of this map is subject to the disclaimer to be found in the accompanying report. The accuracy of the information shown on this map is the responsibility of the user.



WALL



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: Deborah and Gregg Huckabone
Hearing date: November 7, 2016

PARCEL INFORMATION

Property location: Part of the NW1/4-NW1/4, Section 10, Town of Mecan.

The property is zoned Agriculture Residential (AG-3) and ½ acre in size.

BACKGROUND

The applicants purchased a property that was previously occupied by a mobile home, which was destroyed by fire. The mobile home was approximately 13 feet from the lot line and under the ordinance the applicants could place a home within the same footprint and at the same setback because it was destroyed by fire. The applicants are seeking a Variance to allow construction at a 10 foot setback to build a site constructed home and not place another single wide manufactured home on the property. The applicants state that they are prevented from moving to the required setback because of a paved driveway and the location for the septic system.

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 applicants have a parcel which is one quarter the size of the minimum lot size requirement under AG-3 zoning and the lot is 100 feet wide, which is one half of the lot width requirement. With these factors and the existing paved driveway it would be unnecessarily burdensome to not allow a setback of 10 feet.



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

September 29, 2016

TOWN OF MECAN OFFICIALS

Dear Officials:

Deborah & Gregg Huckabone, N3563 Catfish Tr., Montello, WI 53949 are requesting a Variance under Section 70.25(C) of the Marquette County Zoning Ordinance for the construction of a dwelling at a reduced setback to a lot line on a parcel located in the NW $\frac{1}{4}$ -NW $\frac{1}{4}$, Section 10, T15N R11E, Town of Mecan. Fire # N4479 22nd Court

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. & Ms. Huckabone 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.

Town of Mekan

Marquette County Wisconsin

Date : October 14, 2016

TO: Marquette County Zoning Department

RE: Deborah & Gregg Huckabone, Variance Marquette County Zoning

At our Town of Mekan meeting October 11 2016, Mr. & Mrs. Huckabone requested a variance under section 70.25(c) for the construction of a dwelling at a reduced setback to a lot line. I personally viewed the property and had conversation with a neighbor in regards to the setback. The neighbor or myself can see no reason why the county should not approve the Huckabones variance. The Town Of Mekan hasn't any issue's with, and recommends Mr. & Mrs. Huckabone's variance be approved.

The Town Board of Mekan voted (3 for) (0 against).

Signed: _____

Michael S. Radtke
Chairman Town of Mekan

Rec'd
OCT 17 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

September 29, 2016

Deborah & Gregg Huckabone
N3563 Catfish Trail
Montello, WI 53949

Dear Mr. & Ms. Huckabone:

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 Mecan 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 Mecan 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: Mike Raddatz, W460 Huron Bay Dr, Montello, WI 53949
920-295-6882

Town Clerk: Caroline Gemoll, N3544 W Tomahawk Tr., Montello, WI 53949
920-295-6724



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: **DEBORAH & GREGG HUCKABONE**

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: GREGG & DEBORAH HUCKABONE

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

Todd Voros
5224 N 108th Ct
Milwaukee, WI 53225

Edward & Joanne Zillmer
N1438 Town Hall Rd
Walworth, WI 53184

Todd & Julie Salerno
P.O. Box 34
Montello, WI 53949

John & Arlene Tutke
13707 SE 87th Ave
Summerfield, FL 34491

Jeff & Cherie Kamin
W13149 Cork St
Ripon, WI 54971

Martin Moeller
Liana Moeller
W440 River View Dr
Montello, WI 53949

Alfred Jankuc
Anna Jankuc
8346 S Narragansett Ave
Burbank, IL 60459

Dolores Schilz
W124 S6624 Hawthorne Rd
Muskego, WI 53150

Mark & Deb Psichulis
208 N Honey Lake Rd
Burlington, WI 5105

Mary Louise Wessendorf-Martel
941 Brunswick Ct
Schaumburg, IL 60193

Barbara Peteranetz
W299 Riverview Dr
Montello, WI 53949

Steve Radaj
W192 Riverview Dr
Montello, WI 53949

Peter Stryjewski
1314 Haines Ave
Columbus, OH 43212-3548

Robert & Kim Martin
1185 S Springdale Rd
Waukesha, WI 53186

304166

Document Number

WARRANTY DEED

This Deed, made between Thomas V. Breiling, Grantor and Gregg C. Huckabone and Deborah A. Huckabone, husband and wife as survivorship marital property, Grantee.

Witnesseth, That the said Grantor, for a valuable consideration conveys to Grantee the following described real estate in Marquette County, State of Wisconsin:

DOCUMENT NUMBER 304166
Marquette County
Bette L. Krueger
Register of Deeds
Recorded on 01/18/2016
at 01:30 PM
Transfer fee \$27.00
Exempt

Recording Area
Name and Return Address

Central Wisconsin Title (TR-7012)
P O Box 117
Montello WI 53949

010-00919-0000
(Parcel Identification Number)

Part of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 10, Township 15 North, Range 11 East, Town of Mecan, Marquette County, Wisconsin, more particularly described as follows: Commencing at a point lying 389.59 feet N88°47'W and 250.00 feet S00°05'W of the southeast corner of Schultz Brothers Plat; thence S00°05'W, 100.00 feet; thence N88°47'W, 200.00 feet; thence N00°05'E, 100.00 feet; thence S88°47'E, 200.00 feet to the place of beginning.

This is not homestead property.

Exceptions to warranties:
Municipal and zoning ordinances, recorded easements for public utilities, building and use restrictions, if any.

Dated this 18th day of January, 2016.

*
* (Signature lines)

Thomas V. Breiling
*Thomas V. Breiling
* (Signature and name)

AUTHENTICATION

Signature(s)
authenticated this ___ day of ___, ___.
signature
type or print name

ACKNOWLEDGMENT

STATE OF WISCONSIN
MARQUETTE COUNTY
Personally came before me this 18 day of January, 2016 the above named Thomas V. Breiling to me known to be the person(s) who executed the foregoing instrument and acknowledge the same.

signature
type or print name Kristin K. Galatowitsch
Notary Public-Marquette County, Wisconsin
My commission is permanent. (If not, state expiration date:)

TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY
Attorney Donna Cacic Wissbaum
P O Box 100
Montello WI 53949

*Names of persons signing in any capacity should be typed or printed below their signatures.



(Signatures may be authenticated or acknowledged. Both are not necessary.)

Alt. Parcel #: 1010151122050

010 - TOWN OF MECAN
MARQUETTE COUNTY, WISCONSIN

Current

Creation Date Historical Date Map # Sales Area Application # Permit # Permit Type # of Units

Tax Address:
GREGG C & DEBORAH A HUCKABONE

N3563 CATFISH TR
MONTELLO WI 53949

Districts: SC = School SP = Special
Type Dist # Description
SC 3689 MONTELLO SCH DIST
SP 0400 MADISON AREA MATC

Legal Description: Acres: 0.460
A PARCEL OF NW-NW JOINING HENRY SCHULTZ
DESC AS LOT A 0.46A

Owner(s): O = Current Owner, C = Current Co-Owner
O - HUCKABONE, GREGG C & DEBORAH A

Property Address(es): * = Primary
* N4479 22ND CT

Notes:

Parcel History:

Date	Doc #	Vol/Page	Type
01/18/2016	304166		WD
12/03/2014	300381		TRD
08/21/2013	296154		WD
10/09/2012	292723		TOD110 more...

Plat: * = Primary
* N/A-NOT AVAILABLE

Tract: (S-T-R 40% 160% GL) **Block/Condo Bldg:**
10-15N-11E NW NW

2016 SUMMARY

Bill #: **Fair Market Value:** 0 **Assessed with:**

Valuations:

Last Changed: 03/14/2016

Description	Class	Acres	Land	Improve	Total	State	Reason
RESIDENTIAL	G1	0.460	5,000	8,600	13,600	NO	8

Totals for 2016:

General Property	0.460	5,000	8,600	13,600
Woodland	0.000	0		0

Totals for 2015:

General Property	0.460	5,000	12,300	17,300
Woodland	0.000	0		0

Lottery Credit:

Claim Count: 0 **Certification Date:** 03/12/2012 **Batch #:** 2012

Specials:

User Special Code **Category** **Amount**

Total **Special Assessments** 0.00 **Special Charges** 0.00 **Delinquent Charges** 0.00