

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

**DATE OF HEARING:** November 7, 2016

**APPLICANT:** WE Energies

**ZONING DISTRICT:** Prime Agriculture (AG-1)

The applicant is requesting Variances under Sections 70.17(B)(2) and 70.27(C) for the construction of additional buildings at an existing substations at reduced setbacks to lot lines and the centerline of Co Rd M.

**Section 70.17(B)(2):**

The setback from a Class B highway shall be seventy-five (75) feet from the centerline of the highway or forty-two (42) feet from the right-of-way line, whichever is greater.

**Section 70.27(C):**

In addition to the setbacks required in Section 70.17, all buildings shall have a minimum setback of fifty (50) feet from all lot lines.

**PETITION FOR VARIANCE**  
**MARQUETTE COUNTY BOARD OF ADJUSTMENT**  
 CK# 9269

**Date filed:** October 3, 2016       **\$300.00 fee (non-refundable)** 612725

WI Gas, 231 W Michigan St, Milwaukee, WI 53203      *Agent*

<b>Applicant:</b>	<i>WE Energies c/o Ryan Lavin / Mi-Tech Services, Inc. c/o Linda Kurtz</i>
<b>Address:</b>	<i>PO Box 1699, Appleton WI 54912 / 1700 Industrial Drive, Green Bay, WI 54302</i>
<b>Phone:</b>	<i>(920) 428-3038 / (920) 288-8945</i>

**Legal Description:** SE 1/4, NW1/4, Section 13, T16 N, R8 E

**Township:** Westfield      **Tax Parcel Number:** 028-00507-0000      **Fire No.** 0

**Zoning District:** AG-1      **Lot area:** 100' x 100' (.23Ac)

**Current use and improvements:** Natural Gas Regulation Station - "Westfield Reg."

**Variance requested**

<b>Section of ordinance:</b>	Sections <u>70.27C 70.17 B(2)</u> of the Marquette County Zoning Ordinance
<b>Variance requested:</b>	<i>Reg bldg: 47' from W prop line, 46' from N PL, 43' from E PL, 38' from S PL. Htr bldg 20' from S PL, 31' from E PL</i>

Construction of additional buildings at an existing substation at reduced setbacks to lot lines and the centerline of Co Rd M

**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... *Industry standards are dictating additional safety. Installing small shelters to house the gas piping equipment in a locked building helps secure the equipment from unauthorized access. Additional property would need to be acquired and piping moved.*
- 2) Compliance with the terms of the ordinance is prevented by unique features of this property... *This property is only 100' by 100' wide. It was in existence since 1967. The setbacks required now are 50' from all lot lines and 42' from LTHM R/W line. This prevents any building from being installed on the property.*
- 3) A variance will not be contrary to the public interest because... *A building already exists on the property. The Station serves Agriculture by allowing for natural gas service to area farms. The station will be rebuilt in its existing location. Meeting the setbacks would require additional land - likely land that would need to be out of crop production.*

**Signed:** *Linda Kurtz*  
 Applicant/Agent/Owner

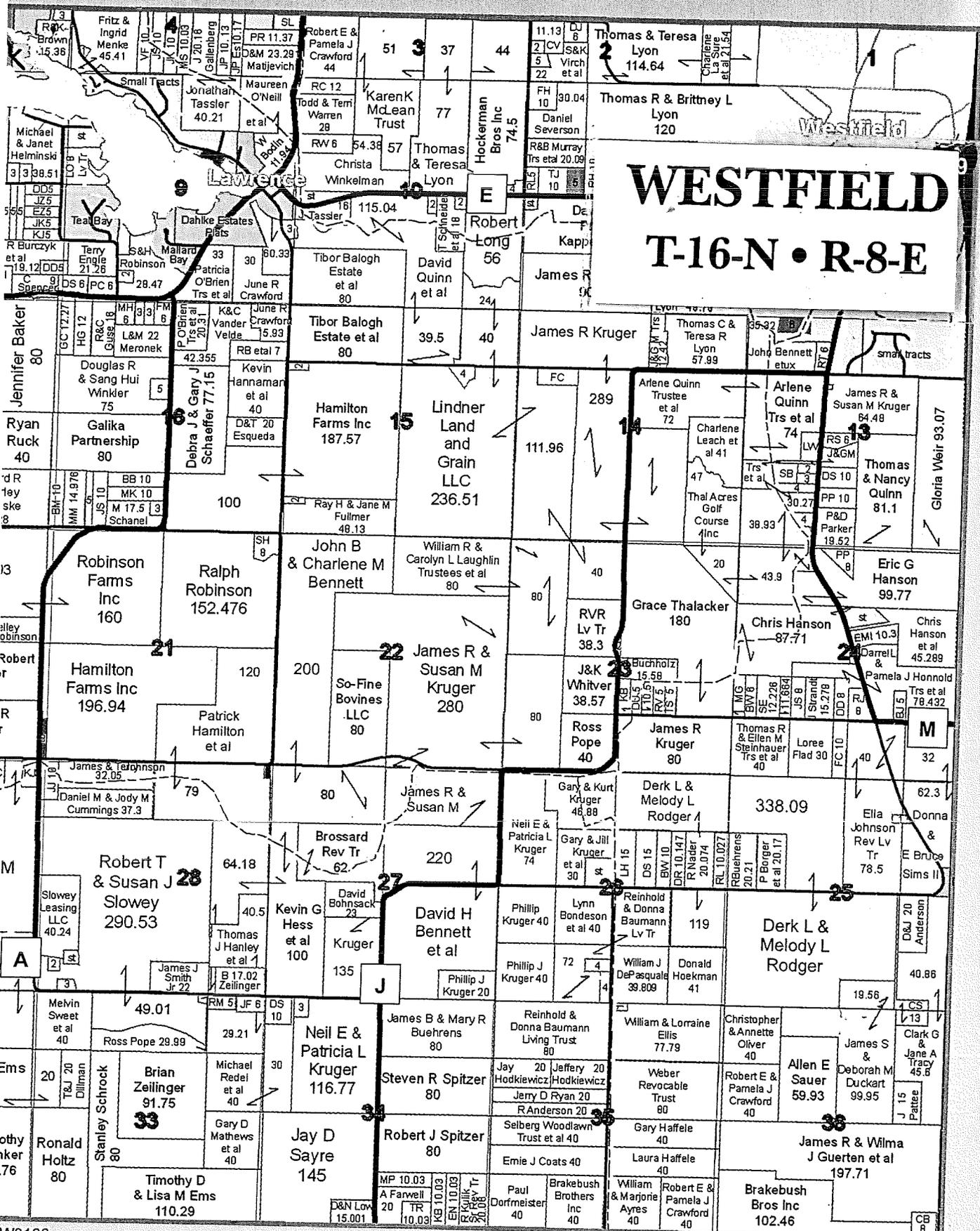
**Date:** 9-26-16

*Mi-Tech Services Inc, 1700 Industrial Drive, Green Bay WI 54302*

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

# WESTFIELD

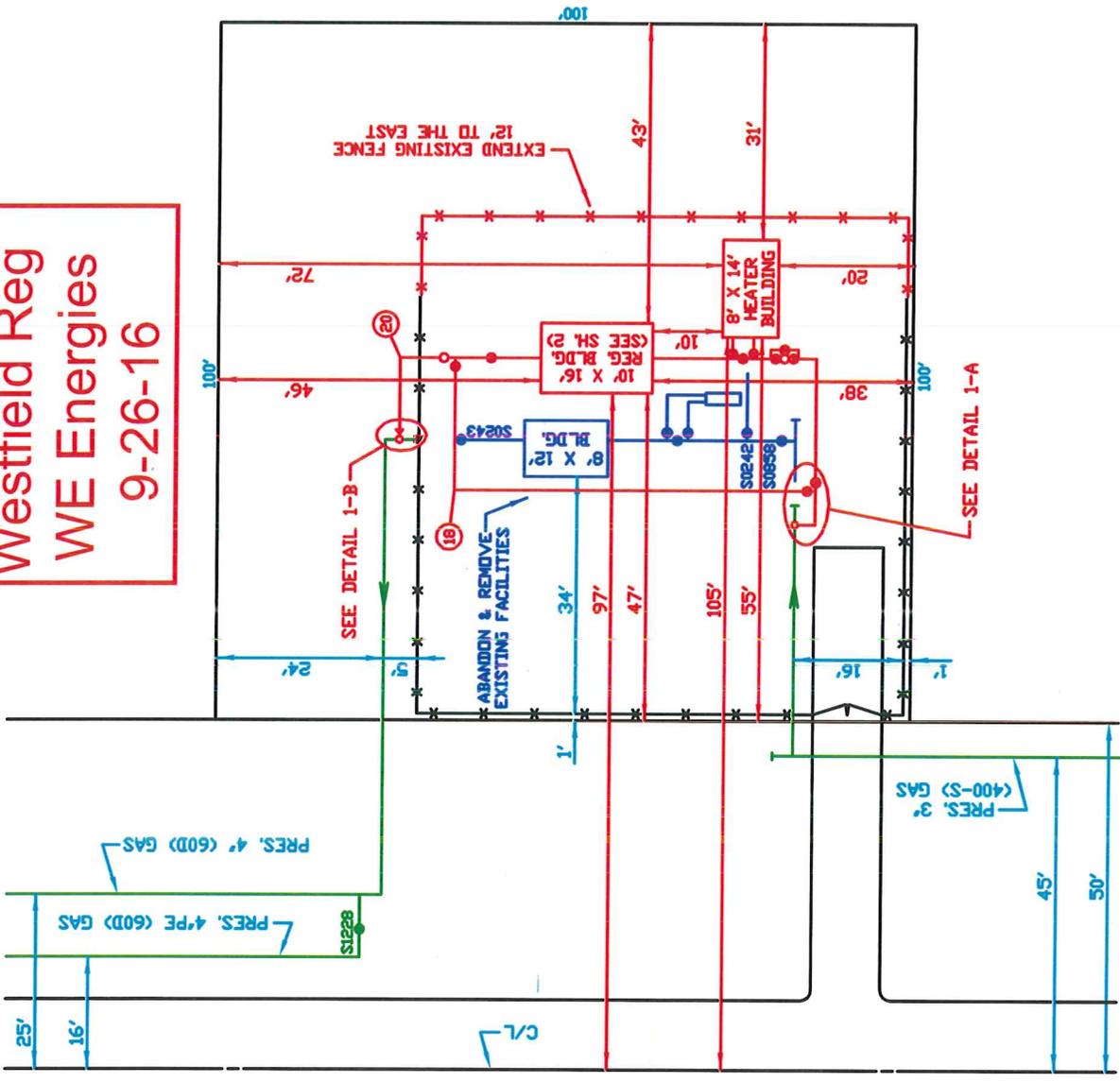
## T-16-N • R-8-E



See Page 16

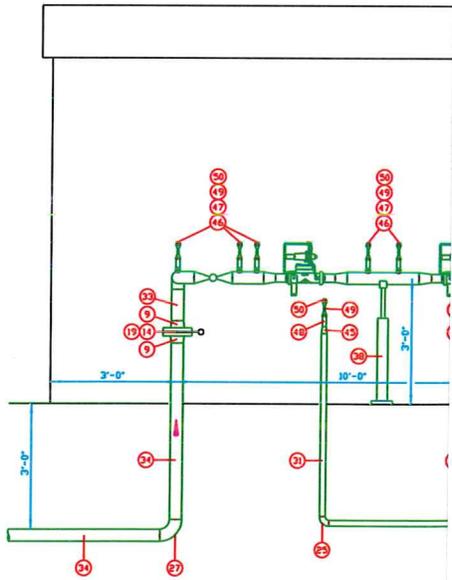
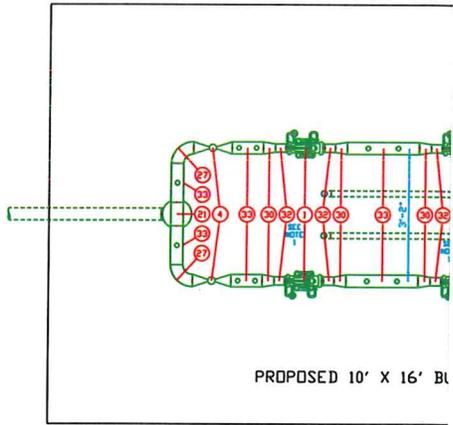
W8100                      W7700                      W7300                      W6900                      W6500

Westfield Reg  
WE Energies  
9-26-16

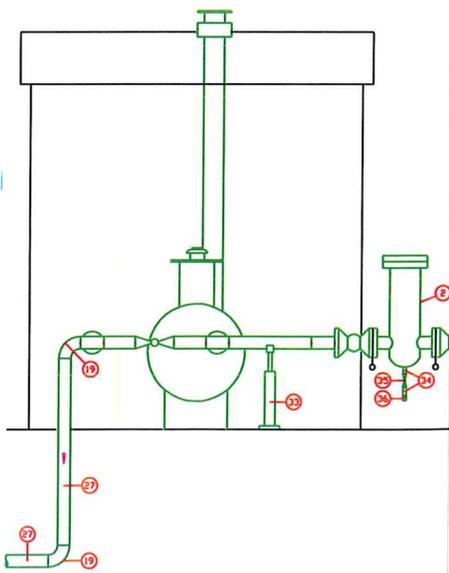
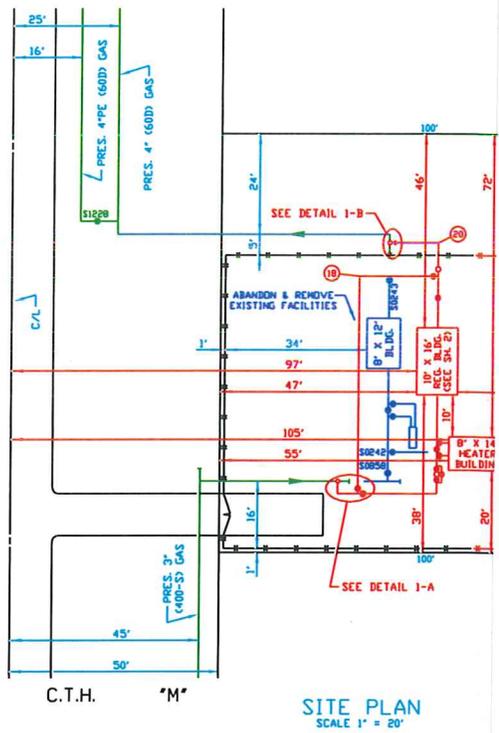


SITE PLAN  
SCALE 1" = 20'

C.T.H. "M"



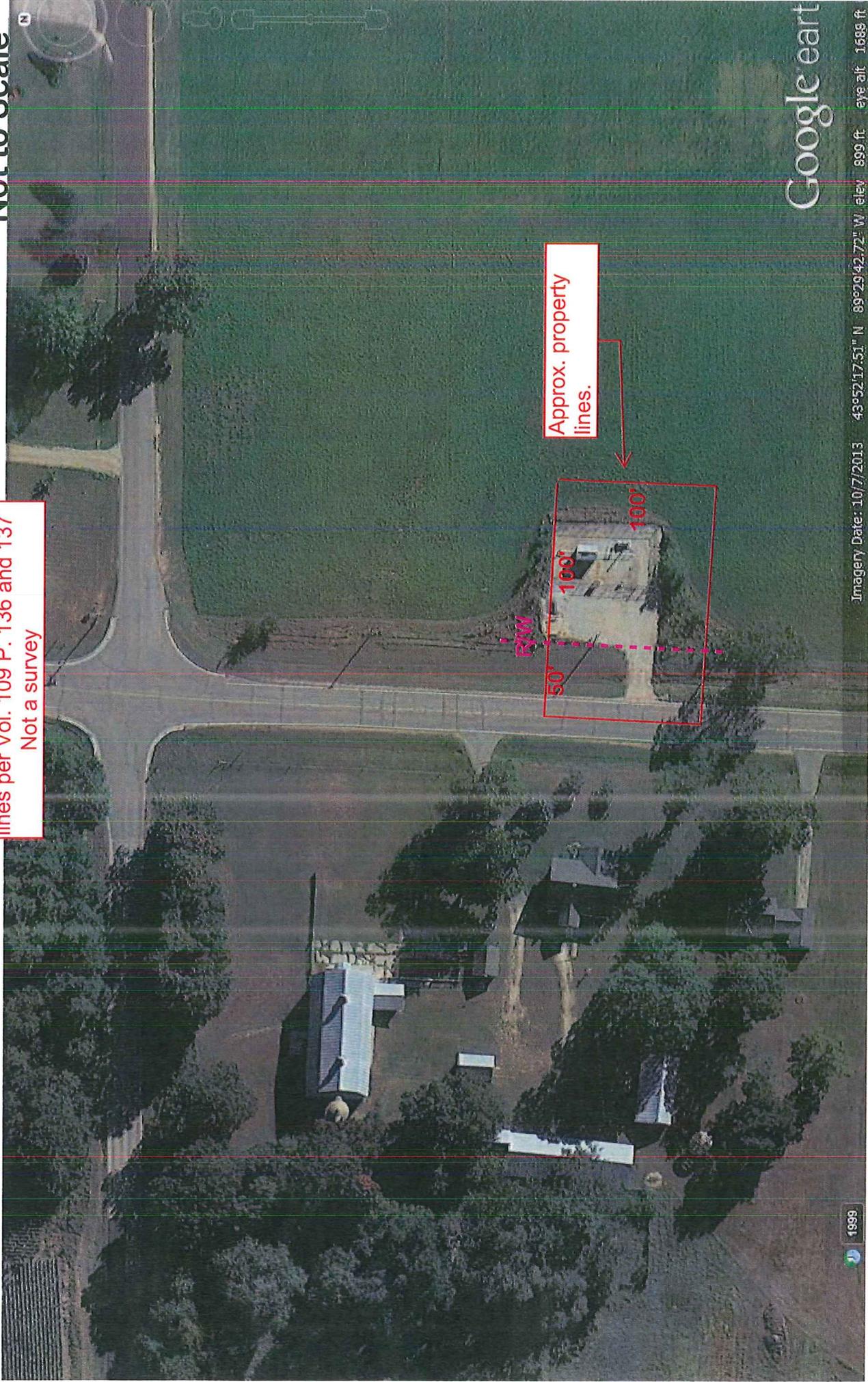
- GENERAL NOTES:
1. REMOVE ALL INTERNAL REG
  2. ALL EXPOSED AND UNCOATE
  3. NITROGEN TEST ENTIRE INS
  4. VISUAL INSPECTION AND AI
  5. 100% OF ALL BUTT WELDS.
  6. PROVIDE AS BUILT DRAWIN



Westfield Reg - 2013 Google Earth photo. Approx. property lines per Vol. 109 P. 136 and 137 Not a survey



Not to Scale



Imagery Date: 10/7/2013

43°52'17.51" N 89°29'42.72" W elev 899 ft eye alt 1689 ft

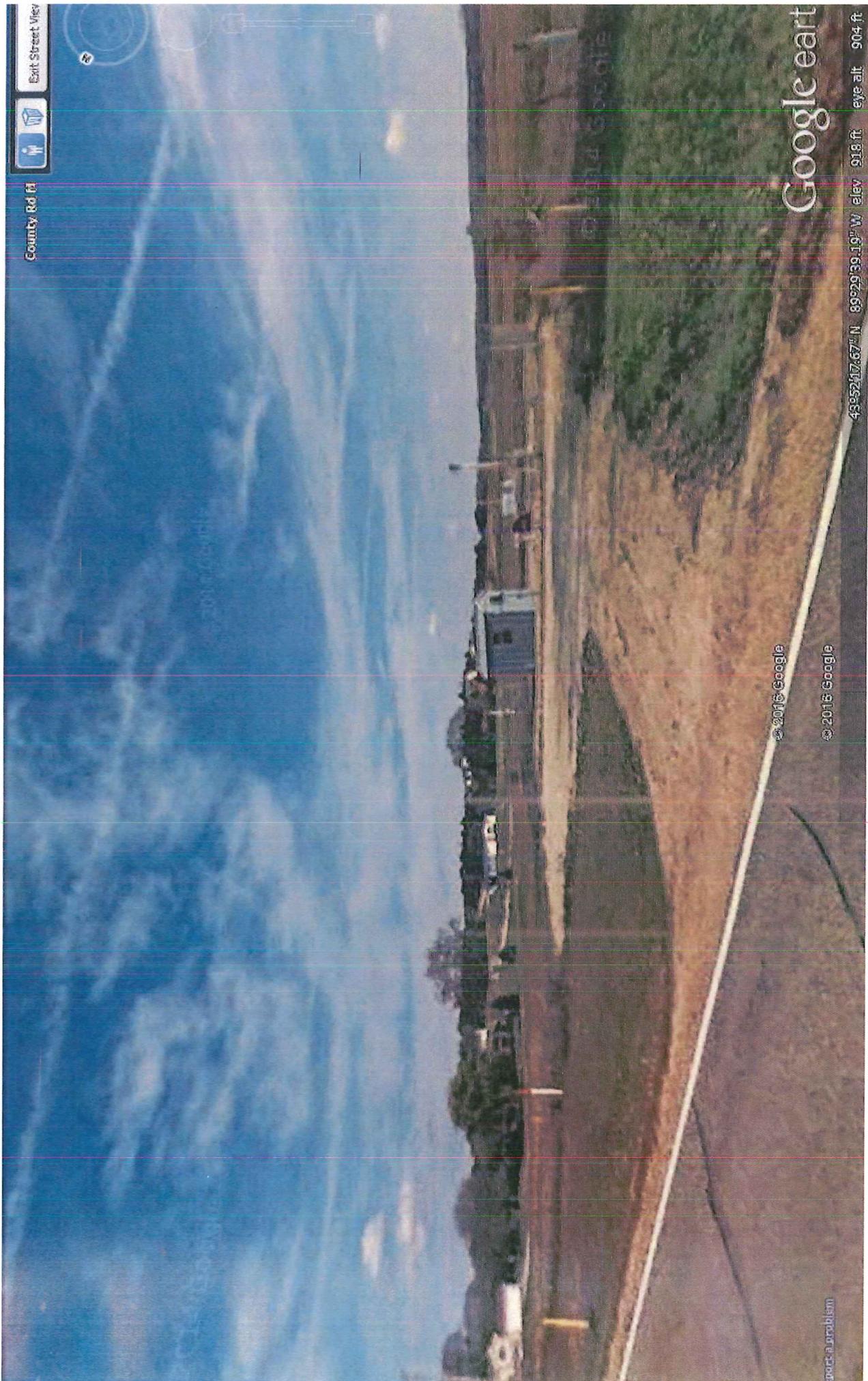
1999

Google eart

County Rd 11



Exit Street View



© 2016 Google

© 2016 Google

Google eart

43°52'17.67" N 89°29'39.19" W elev 918 ft eye alt 904 ft

reports a problem



# 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: WE Energies  
Hearing date: November 7, 2016

#### PARCEL INFORMATION

Property location: Part of the SE1/4-NW1/4, Section 13, Town of Westfield

The property is zoned Prime Agriculture (AG-1) and .23 acres in size.

#### BACKGROUND

The applicants own a natural gas station on Co Rd M, which has existed since 1967. As is common with such facilities the area owned is only what is needed for the use and in this case it is a plot of land 100ft x 100ft. The applicant states that additional shelters are needed to meet industry safety standards and that the size of the lot prevents compliance with the ordinance.

#### 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 as a natural gas station.

#### RECOMMENDATION

The Zoning Department recommends that the application be approved. The property is unique for the AG-1 zoning district and to apply a 50 foot setback would be unnecessarily burdensome and prevent the property from being used for its intended purpose. In addition, industry standards require the new shelters.



# 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 4, 2016

TOWN OF WESTFIELD OFFICIALS

Dear Officials:

WE Energies, Owner, % Ryan Lavin, P.O. Box 1699, Appleton, WI 54912; Wisconsin Gas LLC, Owner, 231 W Michigan St, Milwaukee, WI 53203 and Mi-Tech Services, Inc, Agent, % Linda Kurtz, 1700 Industrial Dr, Green Bay, WI 54302 are requesting Variances under Sections 70.17(B)(2) and 70.27(C) for the construction of additional buildings at an existing substation at reduced setbacks to lots lines and the centerline of Co Rd M on a parcel in the SE¼-NW¼, Section 13, T16N R8E, Town of Westfield.

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 WE Energies, Ryan Lavin/Mi-Tech Services, Linda Kurtz 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.



# 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 4, 2016

WE Energies, Owner  
% Ryan Lavin  
P.O. Box 1699  
Appleton, WI 54912

Mi-Tech Services Inc, Agent  
% Linda Kurtz  
1700 Industrial Dr  
Green Bay, WI 54302

Dear Mr. Lavin & Ms. Kurtz:

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 Westfield 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 Westfield 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: Karl Schulz, W8700 Co Rd E, Oxford, WI 53952  
608-296-2554

Town Clerk: Molly Buchholz, N6980 5<sup>th</sup> Ave, Westfield, WI 53964  
608-296-1314



# 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: **WE ENERGIES, OWNER/MI-TECH SERVICES, AGENT**

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: WE ENERGIES/WI GAS/Mi-TECH SERVICES

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, 20 16

Respectfully submitted,

*Thomas Onofrey*  
Zoning Administrator  
Marquette County

James Snow  
N6459 Co Rd M  
Westfield, WI 53964

Billie Puls Baumann  
N6467 Co Rd M  
Westfield, WI 53964

Jean Hooper  
N6464 Co Rd JM  
Westfield, WI 53964

Nancy Johnson  
2497 Co Rd G  
Grand Marsh, WI 53936

Dept of Transportation  
1681 Second Ave S  
Wisconsin Rapids, WI 54495

James & Susan Kruger  
N6221 Co Rd J  
Westfield, WI 53964

Marquette County  
P.O. Box 398  
Montello, WI 53949

Attn: Tax Dept  
Ferrell Gas  
One Liberty Plaza  
Liberty, MO 64068

Merna Frozene  
N6495 Co Rd M  
Westfield, WI 53964

Richard & Joann Janke  
N6470 Co Rd M  
Westfield, WI 53964

Richard Thalacker  
P.O. Box 101  
Westfield, WI 53964

Ruth Mui  
N6498 Co Rd M  
Westfield, WI 53964

Dominic & Sunny Ferraro  
N6480 Co Rd M  
Westfield, WI 53964

Luetta Wyss  
N6251 Co Rd M  
Westfield, WI 53964



VOL 517 PAGE 324

Exhibit "A"

Part of the Southeast 1/4 of the Northwest 1/4 of Section 13, Township 16 North, Range 8 East, Township of Westfield, Marquette County, Wisconsin, described as follows: Commencing at the Northwest corner of Section 13; thence South  $3^{\circ} 03'$  East 1320.00 feet; thence North  $86^{\circ} 42'$  East along the centerline of C.T.H. "J" 1853.40 feet; thence South along the centerline of 6th Town Road 236.00 feet for a place of beginning, thence East at right angles 150.00 feet; thence South at right angles 100.00 feet; thence West at right angles 150.00 feet; thence North along the centerline of 6th Town Road 100.00 feet to the place of beginning. The Westerly 50.00 feet of this description is subject to use for highway purposes.

Tax Key No. 2813160824020