

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

DATE OF HEARING: August 1, 2016

APPLICANT: Mark and Lisa Sweet

ZONING DISTRICT: Recreational/Residential

The applicant is requesting a Variance to Sections 70.17(B)(3) of the Marquette County Zoning Ordinance for the construction of a dwelling at a reduced setback to the centerline of a town road.

SECTION 70.17(B)(3):

The setback from a Class C highway shall be sixty-three (63) feet from the centerline of the highway or thirty (30) feet from the right-of-way line, whichever is greater.

The applicant is proposing a setback of 34ft 4in to the closet point of construction.

PETITION FOR VARIANCE
MARQUETTE COUNTY BOARD OF ADJUSTMENT

Date filed: 6-17-2016 **\$300.00 fee (non-refundable)** 612124

Applicant: MARK AND LISA SWEET
Address: 1333 LIVSEY PL., WATERTOWN WI 53094
Phone: 920 261-1630 OFC 920 342-2005CELL

Legal Description: Lot 5, Shorewood Plat NE $\frac{1}{4}$ -NW $\frac{1}{4}$, Section 2, T17N R8E
SEE ATTACHED csm 1/4, N, R E

Township: SPRINGFIELD **Tax Parcel Number:** 26-103 **Fire No.** N9298 5th Dr

Zoning District: Lot aea:0.35 acres, 15,100 sq ft

Current use and improvements: 620 sq ft cottage-1 bath

Variance requested


Section of ordinance	Section 70.17(B)(3) of the Marquette County Zoning Ordinance
Variance requested:	Change road setback to 34' 4" Construction of a dwelling at a reduced setback to the centerline of a town road

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... SEE ATTACHED EXPLANATION

- 2) Compliance with the terms of the ordinance is prevented by unique features of this property...SEE ATTACHED EXPLANATION

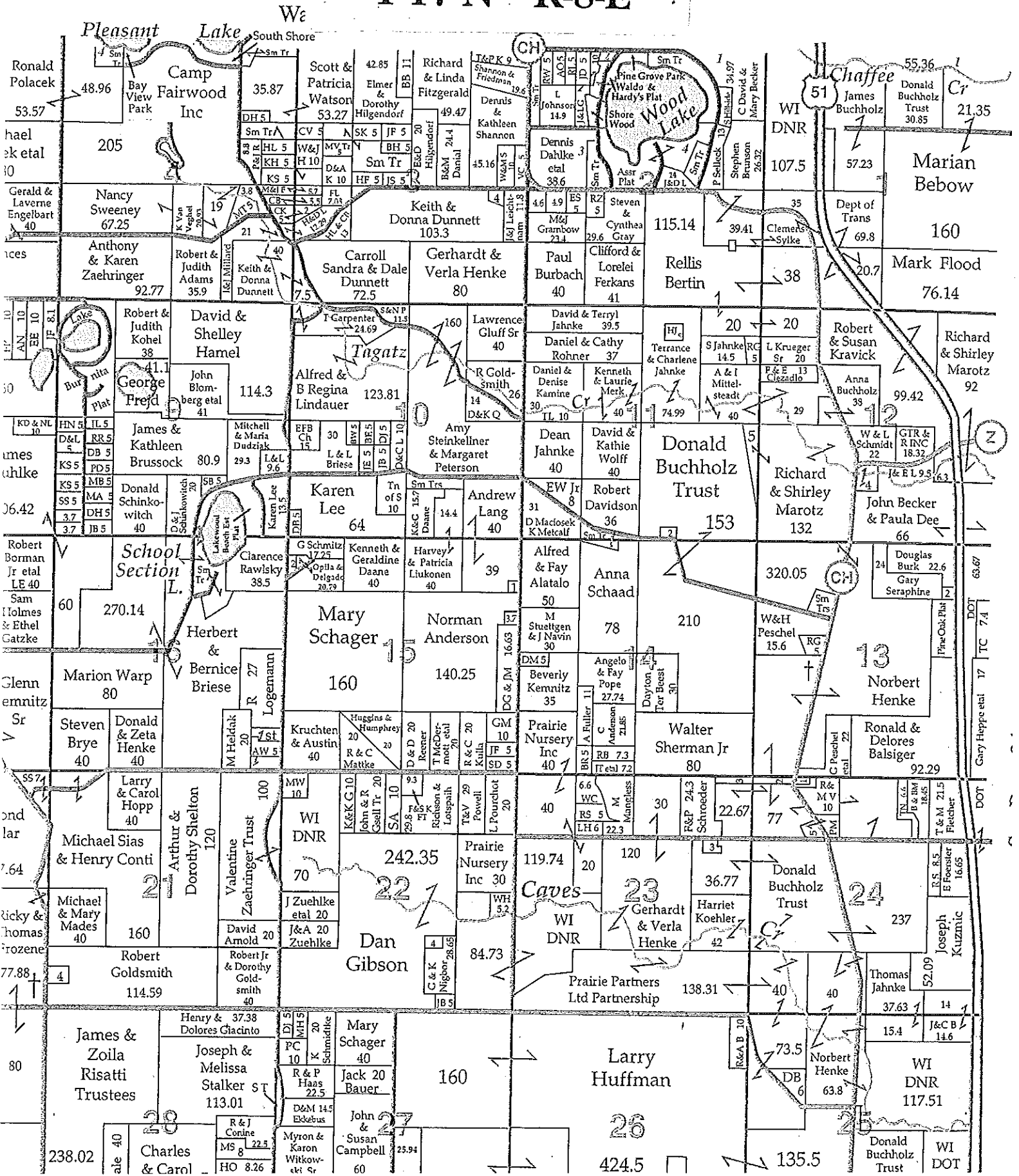
- 3) A variance will not be contrary to the public interest because...SEE ATTACHED EXPLANATION

Attach a plot plan and a description of your construction plans.
Signed:  **Date:** 6-17-2016
 Applicant/Agent/Owner

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

SPRINGFIELD

T-17-N • R-8-E



Petition for Variance – Marquette County Board of Adjustment

Date: 17 June, 2016

Applicants: Mark and Lisa Sweet

Property Address: N9298 5th Drive, Town of Springfield, Wood Lake

1. **UNNECESSARY HARDSHIP:** The strict application and enforcement of the zoning setbacks of both the shoreline and road unreasonably restrict the options this property has to replace the existing non-conforming structure with a year round structure and garage. While trying to add an attached garage to the new structure and to maintain compliance with the 75'-0" shoreline setback, the conceded 50'-0" road setback in conjunction with the unique characteristics of this property cause a real and unnecessary hardship. Several factors including the topography of the property, the varied and competing angles of the shoreline and road setbacks, the location of a utility pole which feeds several surrounding homes, and a neighboring lot with a non-conforming structure built very close to the shared side property line cause unique problems for appropriately and responsibly locating the principal dwelling and garage structure on the lot. Without a variance which reduces the road setback, it is nearly impossible to design and build a structure with an attached garage located in a manner that respects existing neighboring structures and reduces the overall development impact of the site. Additionally, as shown on the attached Plot Plan, Sheet 1.1, a detached garage would not be able to be placed within the setbacks as they exist.

2. **UNIQUE PHYSICAL LIMITATIONS:**
 - a. **Irregular Setback Geometry** - The unique configuration of both the shoreline setback and the road setback on this particular property are at competing angles to one another, forming an irregular and tapered boundary for the area of allowable development. Under the current setbacks (and using the conceded 50'-0" reduced road setback) the buildable depth from North to South of the lot goes from 48'9" to 24', a decrease in depth of 51%. The 24' depth does not allow the garage structure (26' depth) to be placed towards the south end of the lot and encourages development of the principal dwelling and attached garage to the northern, deeper part of the lot. With the desire to locate the entire structure in compliance with the shoreline setback and providing for a septic drainage field to the north side of the property (the recommended location, opposite to the well), the logical and resulting attached garage location extends towards the road. A portion of the garage extends beyond the 50'-0" road setback.

 - b. **Natural Topography:** Also unique to this particular lot is the natural topography, sloping from the NW corner road elevation down to the SE and shoreline. The road setback orientation runs cross slope when overlaid with the natural topography pattern of the site. The shoreline setback, however, at least the southern half of it, does follow the sloping topography profile of the lot. Therefore, the most sensible and best building practice would be to locate and align the new principal structure with the southern half shoreline setback, as is proposed in the attached Plot Plan, with the Garage and driveway then to be more logically located further upslope and in closer proximity to

the road. In the proposal, the driveway is aligned with and follows the natural slope of the land, reducing the grading impact. Conversely, locating the garage at least 50' away from the road would require excessive site disturbance due to the amount of grading and retaining that would be needed to maintain either a longer driveway slope or a driveway that does not follow the slope of the surrounding land.

- c. **Utility Pole limiting driveway access to the site:** A utility pole sits at the midpoint of the property width, located on the property line nearest the road. The proposed placement of the garage and the driveway must take into consideration the location of the utility pole as it forces the driveway to pass to either side. By placing the garage in the location as proposed, we avoid the utility pole and limit the amount of excavation necessary for a driveway for reasons noted in item b.
- d. **Existing Non-Conformity of Neighboring Principal Residence to the North:** The principal residence on the adjacent lot to the north of our subject lot is located in a non-conforming location that is within the side setback of our shared property line and only 4'-9" off of the property line. In an attempt to create a distance buffer that a normal, fully compliant lot would be afforded, between this neighboring structure and any proposed structure on our own property, we are encouraged to locate a new principal structure further away from this side lot line than would normally be necessary. This situation further makes a case to locate the home as shown on the proposed Plot Plan.

- 3. **HARM TO PUBLIC INTERESTS:** In keeping with the goals of the Shoreland Zoning Ordinance, it is our objective to pursue a site development strategy that preserves the natural features of the site and in doing so, we are aiming for a design and site management solution that respects the pattern of development of our neighbors, reduces amount of excavation and grading as well as preserves mature trees and vegetation. The variance requested is to allow the garage structure to extend beyond the reduced 50'-0" road setback to a point where it is determined to be the average setback for neighboring properties (shown on the attached Site Location Plan, Sheet 1.0). The garage structure will be a single story and will accessory to the main house, not serving as "living space". It will be visually integrated into the volume and character of the main house. The finish floor will be approximately 4 feet below the average grade of the roadbed. It will not protrude beyond the point of where many of the adjoining neighboring properties are located in comparison to the center of the road and as shown on the attached Site Location Plan. We feel that in this way, this proposal does not present any harm to the public interests of our community.

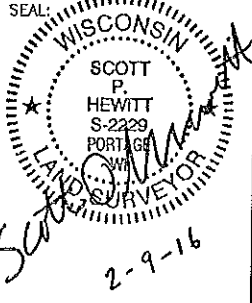
Description of Construction Plans:

The intent is to remove the existing cottage structure of approximately 620 sq. ft. and build a new year round home of approximately 1,100 sq. ft. on the main level and a 900 sq. ft. basement exposed on the lake side. The structure will include an attached 2 car garage with no living space above.

As prepared by:

GA GROTHMAN & ASSOCIATES S.C.

LAND SURVEYORS
625 EAST SLIFER STREET, P.O. BOX 373 PORTAGE, WI 53901
PHONE: PORTAGE: (608) 742-7788 SAUK: (608) 544-8877
FAX: (608) 742-0434 E-MAIL: surveying@grothman.com
(RED LOGO REPRESENTS THE ORIGINAL MAP)



G & A FILE NO. 1215-745

DRAFTED BY: S. STACHOWSKI

CHECKED BY: TG

PROJ. 1089-357

DWG. 1215-745

SHEET 1 OF 2

MARQUETTE COUNTY CERTIFIED SURVEY MAP NO. _____ GENERAL LOCATION

Volume _____, Page _____

BEING LOTS 5 & 6, PLAT OF SHOREWOOD, LOCATED IN GOVERNMENT LOT 2, SECTION 2, T. 17 N, R. 8 E, TOWN OF SPRINGFIELD, MARQUETTE COUNTY, WISCONSIN.

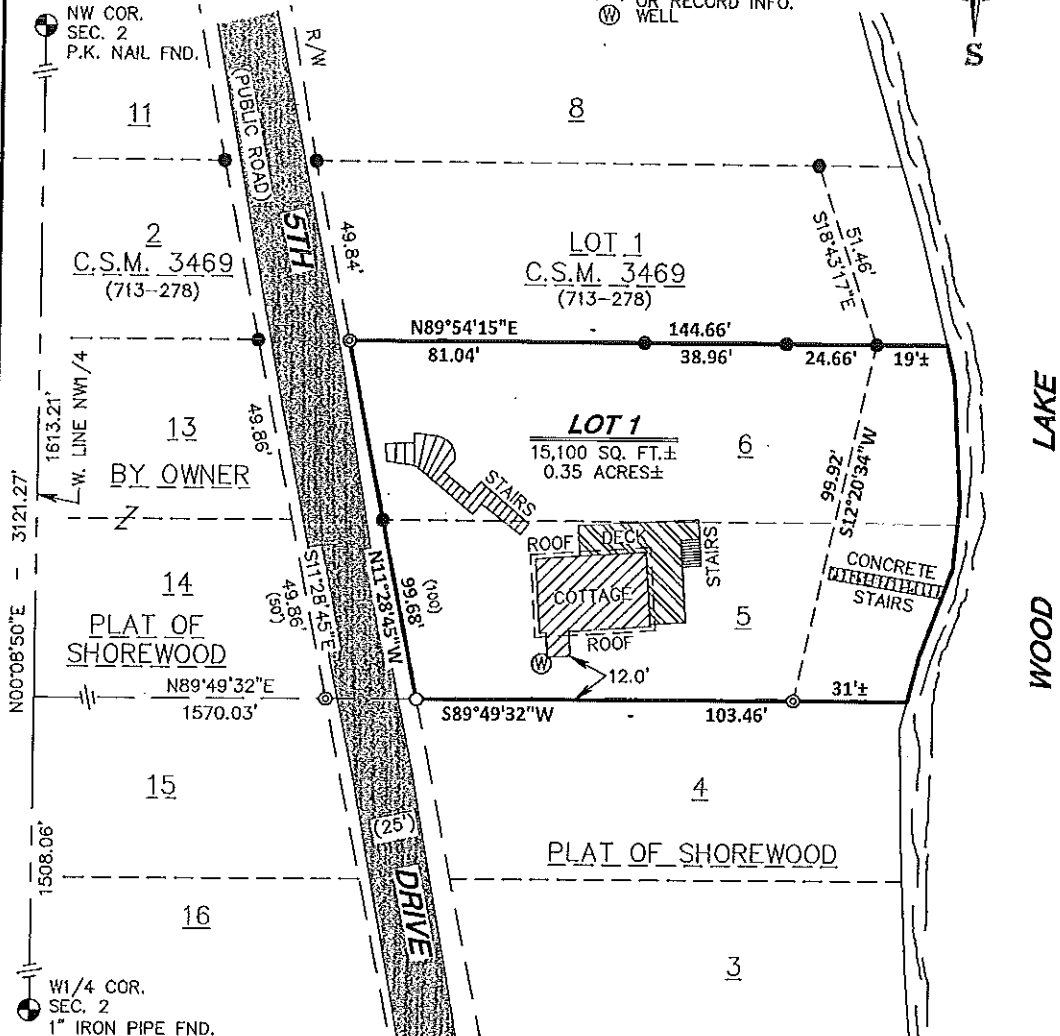
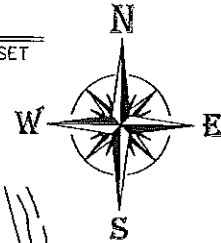
BASIS OF BEARINGS: IS THE WEST LINE OF THE NW1/4, SECTION 2 WHICH IS RECORDED TO BEAR N00°08'50"E PER C.S.M. NO. 3469.

SCALE: 1" = 40'

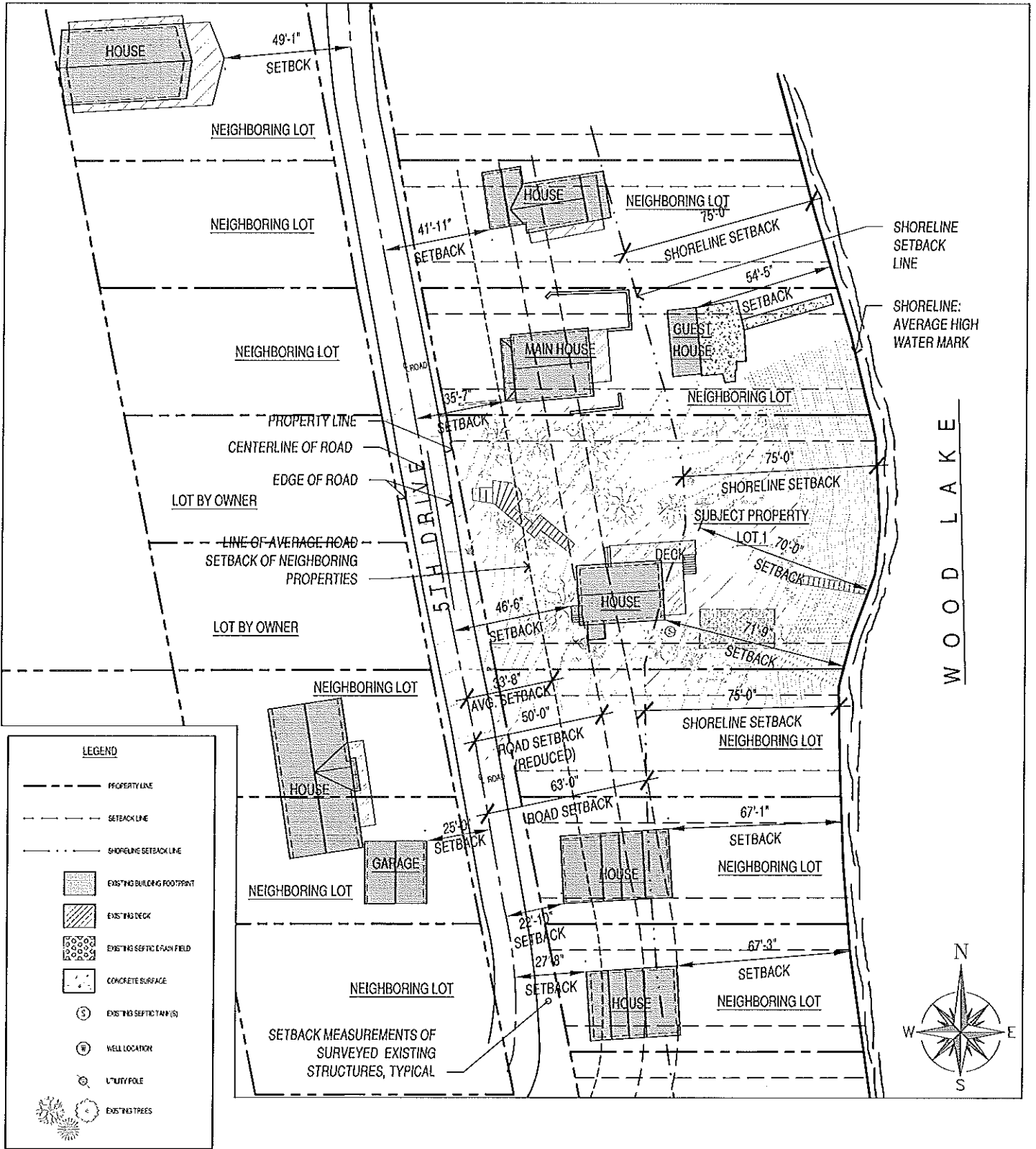


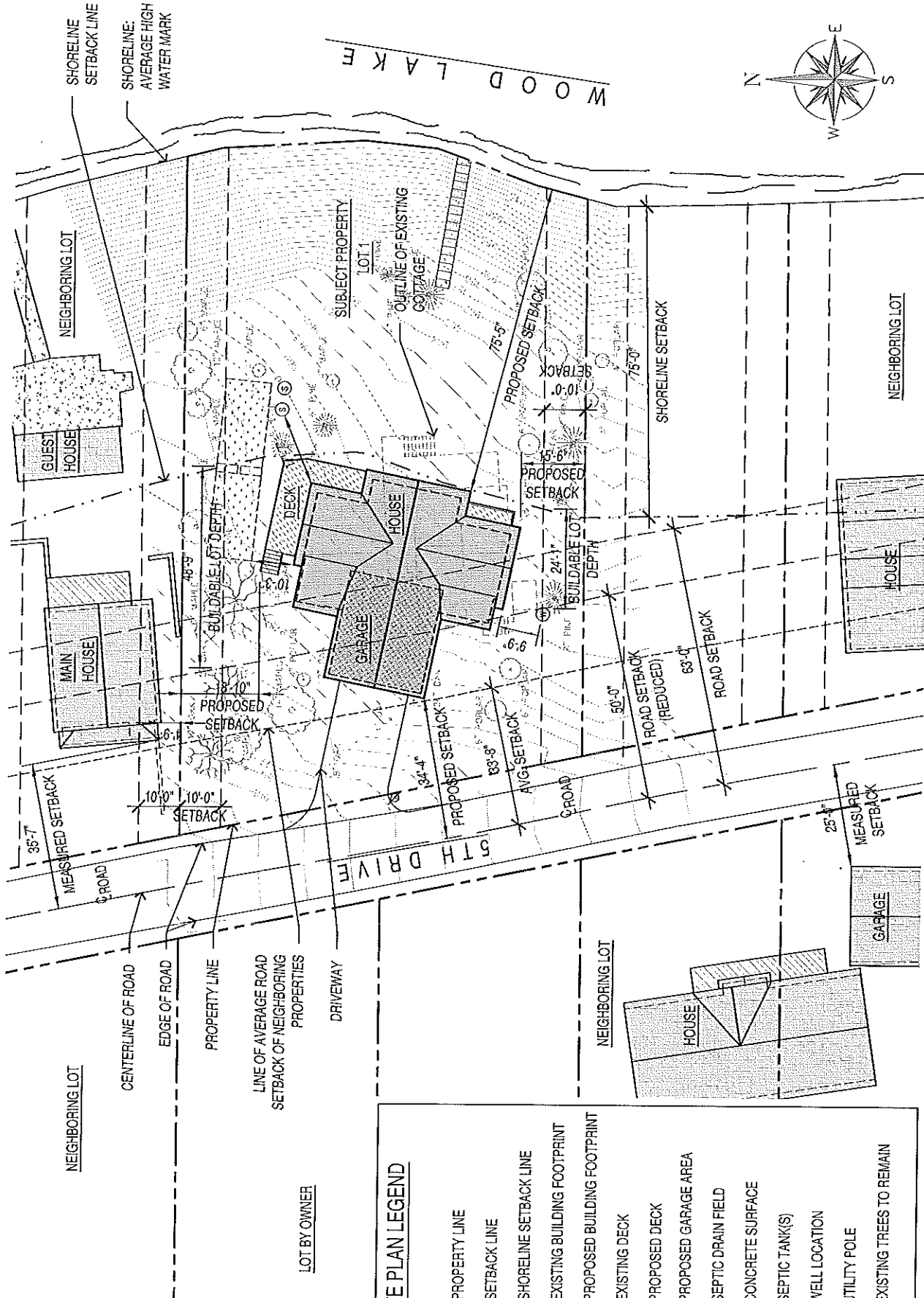
LEGEND

- 3/4" X 24" IRON ROD SET (WT. = 1.5 LBS. / L.F.)
- 3/4" IRON ROD FND.
- ⊙ 1" IRON PIPE FND.
- ⊙ 1/2" IRON PIPE FND.
- () PREVIOUS SURVEY OR RECORD INFO.
- ⊕ WELL



OWNER/CLIENT: MARK SWEET
1333 LIVSEY PLACE
WATERTOWN, WI 53094





SITE PLAN LEGEND

	PROPERTY LINE
	SETBACK LINE
	SHORELINE SETBACK LINE
	EXISTING BUILDING FOOTPRINT
	PROPOSED BUILDING FOOTPRINT
	EXISTING DECK
	PROPOSED DECK
	PROPOSED GARAGE AREA
	SEPTIC DRAIN FIELD
	CONCRETE SURFACE
	SEPTIC TANK(S)
	WELL LOCATION
	UTILITY POLE
	EXISTING TREES TO REMAIN

MAAS DESIGN
 21 CARSON ST.
 SAN FRANCISCO, CA

SWEET RESIDENCE
 N9298 5TH DRIVE, WOOD LAKE
 TOWN OF SPRINGFIELD, WI

PROPOSED PLOT PLAN
 DATE: JUNE 16, 2016
 SCALE: 1/32" = 1'-0"

SURVEYOR'S CERTIFICATE

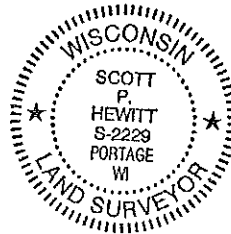
I, **SCOTT P. HEWITT**, Professional Land Surveyor, do hereby certify that by the order of **Mark Sweet**, I have surveyed, monumented, and mapped Lots 5 and 6, Plat of Shorewood, located in Government Lot 2, Section 2, Town 17 North, Range 8 East, Town of Springfield, Marquette County, Wisconsin, described as follows:

Beginning at the Southwest corner of Lot 5, Plat of Shorewood;
thence North 11°28'45" West along the West line of Lots 5 and 6, Plat of Shorewood and the East right-of-way line of 5th Drive, 99.68 feet to the Northwest corner of said Lot 6;
thence North 89°54'15" East along the North line of said Lot 6, 144.66 feet to a point which bears South 89°54'15" West, 19 feet, more or less, from the water's edge of Wood Lake and the beginning of a meander line along said lake;
thence South 12°20'34" West along said meander line, 99.92 feet to a point in the South line of said Lot 5, said point bearing South 89°49'32" West, 31 feet more or less, from the water's edge of Wood Lake and the end of this meander line along said lake;
thence South 89°49'32" West along the South line of said Lot 5, 103.46 feet to the point of beginning;
Containing 15,100 square feet, (0.35 acres), more or less. Intending to include all lands lying between the meander line herein described and the water's edge of Wood Lake lying between true Easterly extensions of the Northerly and Southerly lines herein described. Being subject to servitudes and easements of use or record if any.

I DO FURTHER CERTIFY that this is a true and correct representation of the boundaries of the land surveyed and that I have fully complied with the Provisions of Chapter 236.34 of the Wisconsin State Statutes and the Marquette County Subdivision Ordinance in surveying and mapping the same to the best of my knowledge and belief.

Scott P. Hewitt

SCOTT P. HEWITT
Professional Land Surveyor, No. 2229
Dated: February 9, 2016
File No: 1215-745





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

June 20, 2016

TOWN OF SPRINGFIELD OFFICIALS

Dear Officials:

Mark & Lisa Sweet, 1333 Livsey Pl, Watertown, WI 53094 are requesting a Variance to Sections 70.17(B)(3) of the Marquette County Zoning Ordinance for the construction of a dwelling at a reduced setback to the centerline of a town road on Lot 5, Shorewood Plat, in the NE¼-NW¼, Section 2, T17N R8E, Town of Springfield. Fire # N9298 5th Dr

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. Sweet 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

June 20, 2016

Mark & Lisa Sweet
1333 Livsey Pl
Watertown, WI 53094

Dear Mr. & Ms. Sweet:

We have scheduled you for an August 1, 2016 public hearing before the Board of Adjustment.

It is advisable for you to contact the Town Board of Springfield 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 Springfield 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: Terry Janke, N7603 Co Rd M, Westfield, WI 53964
608-296-2096

Town Clerk: Megan Hockerman, N7088 Co Rd A, Westfield, WI 53964
608-296-1982