

NOTICE FOR PUBLIC HEARING

A public hearing as required by the General Code of Ordinances for Marathon County Chapter 17 Zoning Code will be held by the **Marathon County Board of Adjustment** at **9:00 a.m., Thursday, November 16, 2023**, at 210 River Drive, Wausau WI 54403.

Persons wishing to attend the meeting by phone may call into the telephone conference beginning fifteen (15) minutes prior to the start time indicated above using the following number:

Phone Number: 1-408-418-9388
Access Code/Meeting Number: 2482 290 3069



PLEASE NOTE: If you are prompted to provide an “Attendee Identification Number” enter the # sign. No other number is required to participate in the telephone conference.

When you enter the telephone conference, **PLEASE PUT YOUR PHONE ON MUTE!**

1. Approval of the September 28, 2023 minutes.
2. The application of Bill and Patti Kitchell for a conditional use permit per Section 17.401.01 of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning code to Construct an accessory Building prior to a Principal Structure (For personal/private use and/or accessory to the principal use of the lot) in the LDR Low Density Residential district, located in part of the Southwest ¼ of the Northeast ¼, Section 21, Township 26 North, Range 7 East, Town of Knowlton; Pin # 048.2607.211.0986 with a site address of 150378 Redfield Rd. Mosinee, WI 54455.
3. The application of Jason Brecke on Gerald and Patricia Brecke’s property for a conditional use permit per Section 17.204.46 of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning code to operate a vehicle sales, service, or rental (new and/or used) business in the G-A General Agriculture district, located in part of the Northeast ¼ of the Northwest Fractional ¼, Section 4, Township 29 North, Range 2 East, Town of Holton; Pin # 042.2902.042.0999 with a site address of 103627 Countyline Rd, Stetsonville, WI 54480.
4. Board Education and Training as needed.
5. Board Reappointments
6. Announcements and Requests
 - a. 2024 BOA Dates
7. Adjourn

All interested persons will be provided the opportunity to provide testimony at the public hearing. Those planning to attend this meeting who need some type of special accommodation in order to participate should call the County Clerk’s Office at 715-261-1500. Please call at least one business day in advance of the meeting.

In the event you are unable to attend the public hearing and wish to provide written testimony, please contact the Conservation, Planning and Zoning Department at 715-261-6000 for assistance.

 Pat Schreiner, Chairman Board of Adjustment
 Laurie Miskimins, Director
Conservation Planning and Zoning Department

Publish: October 30th and November 6th, 2023
E-mailed to Wausau Daily Herald on October. 26, 2023, at 12:30 p.m. /nd

September 28, 2023
9:00 a.m.

500 Forest St, Wausau WI

MINUTES

MARATHON COUNTY BOARD OF ADJUSTMENT

Members present in person: Pat Schreiner, Richard Lawson, Mike Ritter, Carolyn Opitz, Kerry Brimmer

Members present via WebEx / phone: **None**

Members not present: Jim Servi, Tom Seubert

Also present remotely via phone / WEBEX or in person: Shad Harvey, Garrett Pagel, Laurie Miskimins, Conservation, Planning & Zoning; Deb Derfus, Town of McMillan, Erlan Wenzel

Called to order at 9:00 a.m., 500 Forest St, Wausau by Chair Pat Schreiner, who explained the **rules of the hearing** and the reason for the establishment of the Board of Adjustment.

1. **Approve July 27, 2023, minutes – Motion** / second by Lawson/Ritter to approve the July 27, 2023, minutes as distributed. Motion **carried** by voice vote, no dissent.
2. **The application** of Erlan and Tammy Wenzel for a conditional use permit per Section 17.204.07 of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning code to operate a Kennel and Pet Boarding Facility in the R-E Rural Estate district, located in part of the Northwest ¼ of the Southwest ¼, Section 16, Township 26 North, Range 3 East, Town of McMillan; Pin # 056.2603.163.0975 with a site address of 205303 County Road E, Marshfield, WI 54449.

Harvey was sworn in and asked the Board to use the determination worksheets in their decisions and cited the provisions of law which apply. Harvey reviewed the staff report and discussed Ordinance Section 17.204.07 for the purpose of operating a Kennel and Pet Boarding Facility in R-E Rural Estate District. Harvey reviewed the sections of Chapter 17 that apply to this request and the information shared by the applicant to address the questions that apply. Harvey stated the Town of McMillan gave their approval to the petition at their July 10th, 2023, meeting. Erlan Wenzel is currently the constable for the Town of McMillan.

Questions arose regarding the details of the kennel facility. Staff answered the Board's questions or directed them to clarify with applicant.

Erlan Wenzel - 205303 County Road E, Marshfield, WI - was sworn. Wenzel stated there are currently no dogs at the facility. He stated there will be 8 kennels, and 4-6 dogs will be boarded monthly. The kennel relies solely on word-of-mouth marketing and does not advertise. Wenzel stated that the garage disposal service appropriately disposes of the dog waste. Stray cats are occasionally kept briefly at the site, but more commonly are transported to a Marshfield Animal intake center and not kept at this facility.

Deb Derfus (Town of McMillan Chairman) – 113133 Roman Rd, Marshfield, WI - was sworn in. Derfus stated the Town of McMillan may use other facilities in the future if Mr. Wenzel does not stay the town constable, but they have no concerns with the CUP.

There was no additional testimony in favor, opposed, or as interest may appear via in person, or virtually. Testimony portion of the hearing closed at 9:35 am.

Motion/second by Lawson/ Ritter to **grant** the conditional use permit with conditions for Erlan and Tammy Wenzel as requested. The conditions are as follows:

1. Permit shall expire if a change of ownership occurs.
2. All other required federal, state, and local permits and approvals shall be obtained and followed.

The Board deliberated and completed the *Conclusion of Law and Decision Sheet*.

Motion **carried** 4 yes, 0 no, 1 abstain. Roll call vote.

3. **The application** of Elvin Schrock for a conditional use permit per Section 17.204.57 of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning Code to operate a Major Home Occupation/Home Professional Business of a mechanic and vehicle sales in the FP Farm Preservation District, located in part of the Northwest ¼ of the Southwest ¼, Section 12, Township 28 North, Range 2 East Town of Hull; Pin # 044.2802.123.0992 with the site address of 226153 County Road F, Colby, WI 54421.

Harvey was sworn in and asked the Board to use the determination worksheets in their decisions and cited the provisions of law which apply. Harvey reviewed the staff report and discussed Ordinance Section 17.204.57 for the purpose of operating a Major Home Occupation/Home Professional Business of a mechanic and vehicle sales in the FP Farm Preservation District. Harvey reviewed the sections of Chapter 17 that apply to this request and the information shared by the applicant to address the questions that apply. Harvey stated the Town of Hull gave their approval to the petition at their September 17th, 2023, meeting. Harvey presented the centerline setbacks and explained the WDNRs regulation on non-domestic waste.

Elvin Schrock – 226153 County Road F, Colby WI - was sworn in. Schrock asked for clarification on the centerline setbacks. Schrock explained there will be no car washing will take place in the shop, and there currently is not water in the building. Schrock indicated he has yet to explore the septic system options.

There was no additional testimony in favor, opposed, or as interest may appear via in person, or virtually. Testimony portion of the hearing closed at 10:12 am.

Motion/second by Brimmer/Ritter to **grant** the conditional use permit with conditions for Elvin Schrock as requested. The conditions are as follows:

1. Permit shall expire if there is a change of ownership.
2. Hours of operation shall be between 7:00 AM-5:00 PM.
3. Floor drains redirected into DNR approved holding tank (or written correspondence from WDNR stating holding tank is not needed).
4. Proper septic system be installed if a septic system is required for waste.
5. Applicant is allowed to park vehicles for display up to but not encroaching into the road right of way of County Rd F. (42 feet from the centerline)
6. All other required federal, state, and local permits and approvals shall be obtained and followed.

The Board deliberated and completed the *Conclusion of Law and Decision Sheet*. Brimmer expressed concerns regarding the holding tank required by the DNR.

Motion **carried** 5 yes, 0 no, no abstain. Roll call vote.

4. Board Reappointments – None

5. Board education and training as needed - None

6. Announcements and Requests

- a. 2024 BOA Dates Discussed

Motion/ Second by Brimmer/ Opitz to adopt the 2024 BOA Meeting dates as presented. –
Motion **carried** by voice vote, no dissent.

7. Next meeting date – November 16, 2023, at 9:00 a.m., **TO BE HELD AT: 210 River Drive, Wausau WI 54403**

8. Meeting adjourned – **Motion/second** by Opitz/Brimmer to adjourn the meeting at 10:33 a.m.

Motion **carried**.
by voice vote, no dissent.

Respectfully submitted,
Carolyn Opitz, Secretary
Marathon County Board of Adjustment

cc: Board of Adjustment (6), County Clerk, Town Clerk

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APPLICATION FOR CONDITIONAL USE PERMIT
MARATHON COUNTY BOARD OF ADJUSTMENT

The applicant hereby requests the Board of Adjustment to hear and decide upon this application as prescribed by Section 17.803 of the Marathon County Zoning Ordinance. **Use a separate sheet if necessary.**

Name of Applicant: Jason Brecke
Mailing Address: 237314 Reynolds Ave Douchester, WI 54425
Telephone: 714-333-6555 Fax: _____
Cellphone: 714-333-6555 Email: Jason@doctruck.com
Owner Name: (if different) Gerald Brecke
Mailing Address: 237314 Reynolds Ave Douchester, WI 54425
Telephone: 715-965-1781 Fax: _____

PARCEL INFORMATION

Parcel ID # (PIN): 042-2902-042-0999
(If more than one parcel is included in this application, list all parcel numbers & legal descriptions on a separate sheet.)
Legal Description: Government Lot: — or NE 1/4 NW 1/4 FRL Section: 4, T29 N, R2 E,
Town of Holtan
Lot — Block — Subdivision —
Property Address: 103627 Countyline Rd Stetsonville, WI 54480
Parcel size: 56.97 Acres or _____ ft² Zoning District: GA

Present use of property (List all current uses, i.e. home, store, farm field, wooded, etc.):
Farm

Existing improvements (Structures, well, septic, etc.):
Structures, Home, septic

PROPOSAL

Describe specifically the nature of this request (be sure to list all proposed uses of the parcel). What do you plan to do?
Truck storage for used vehicle sales

If this application is for a use that will be restricted to part of the parcel, specify the exact dimensions of the affected area.

See site plan for location
west half of building 5,500 sq feet

Provide the following information if this box is checked

Proposal has additional development standards in Section 17.204.46. Explain how your proposal meets or exceeds these requirements.

See separate page

Use separate/additional sheet(s) if necessary

INSTRUCTIONS TO APPLICANT

1. Be sure to complete **all items** on the application. This includes a **brief, but complete explanation** of the current use and proposed new use.
2. Prepare a **map at a scale which is reproducible** (11" x 17" or smaller). For maps larger than 11" x 17", be prepared to provide as many copies as needed for transmittal. In no instance may the scale of the map be less than 1 inch equals 200 feet. There are instances where a cross-section of the property or contours will be helpful, and in some cases one or both may be required. Narrative or photos may be included as supporting documentation.

At a minimum the map must include:

- The location, dimensions, and parcel identification number of the lot or lots including a legal description.
- Location of any and all nearby public and private streets.
- Dimensions of the lot and the location of all existing and proposed buildings or structures, and location of existing or proposed private onsite wastewater treatment (septic) system.
- Required front, rear, and side yard areas, open space, and parking.
- On residential parcels, the number of dwelling units contained within each building and proposed number of bedrooms.
- Location and dimensions of all buildings or structures to be erected, structurally altered, or moved.
- Wetlands and floodplains
- Screening/Buffers
- Lighting
- Parking


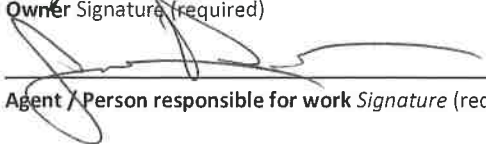
3. **Include the \$600 fee** when you submit the application. Please make checks payable to Marathon County.

We cannot consider an application complete until the following are submitted to this office:

<i>Check if submitted</i>	<i>Initial of staff</i>	
<input type="checkbox"/>	_____	Completed application including signatures.
<input type="checkbox"/>	_____	Map with all required information.
<input type="checkbox"/>	_____	Additional documents, as needed (lot combination forms, hunting/fishing shelter application, etc.)
<input type="checkbox"/>	_____	Zoning Permit application
<input type="checkbox"/>	_____	Fee

Please contact the Marathon County Conservation, Planning and Zoning Department with any questions: 715-261-6000.

IMPORTANT: The applicant or authorized representative **must be present at the hearing** or Board **may deny** the application without prejudice.

 _____ Owner Signature (required)	9-25-2023 _____ Date
 _____ Agent / Person responsible for work Signature (required)	9-15-23 _____ Date

Conditional Use Permits expire six (6) months from the latest date of signature on the approval letter signed by Chairman and the Secretary of the Board of Adjustment if the proposed construction or preparation of land for use has not commenced. The Zoning Administrator may grant an extension for up to six (6) months upon show of valid cause.

<u>Return to:</u>	Board of Adjustment Marathon County CPZ Department 210 River Drive Wausau, WI 54403-5449	Telephone: 715-261-6000 Toll free within Marathon County: 1-800-236-0153 Facsimile: 715-261-6016
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For office use
Amount Received: \$ 600.00

For office use
Date Stamp: **RECEIVED**

For office use

SEP 25 2023
MARATHON CO. CONSERVATION,
PLANNING & ZONING DEPT.

Transport and Diagnostic Consultants LLC

A. Trucks will be parked indoors on concrete floors.

B₁. Display Area will be inside

2. Not adjacent to residential zoning district.

3. ~~Outside~~ Display Area will be inside.

C. No outside maintenance will be done. Sales only

D. No vehicles will be dismantled.

E. All vehicles sold will be in good working condition

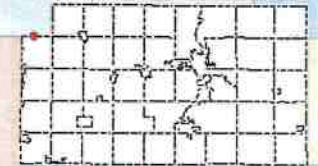
F. No impounding



Land Information Mapping System

TAYLOR

LINCOLN



WOOD

PORTAGE

Total: 164.93 ft

164.93 ft

328.66

T29 R2

Parking
4600sq.ft

Building mounted sign 1ftx2ft

Building Mounted Sign 1ftx2ft

Sales Building

Farm Building

Legend

- Road Names
- Parcels
- Parcel Lot Lines
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Named Places
- Municipalities
- 2020 Orthos Countywide
- Red: Band_1
- Green: Band_2
- Blue: Band_3

29.32 0 29.32 Feet



NAD_1983_HARN_WISCRS_Marathon_County_Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

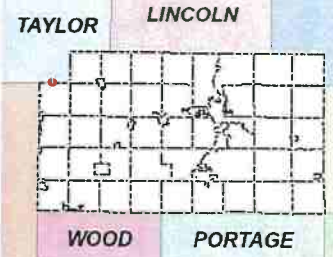
Notes

We agree with this Site Plan

Applicant



Land Information Mapping System



Legend

- Road Names
 - ▭ Parcels
 - ⊠ Parcel Lot Lines
 - Land Hooks
 - ⊠ Section Lines/Numbers
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Redd beam



58.64 0 58.64 Feet



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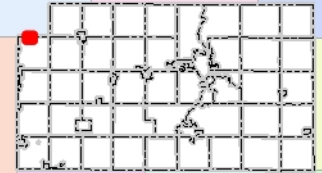
We agree with this Site Plan
 Applicant: *[Signature]*



Land Information Mapping System

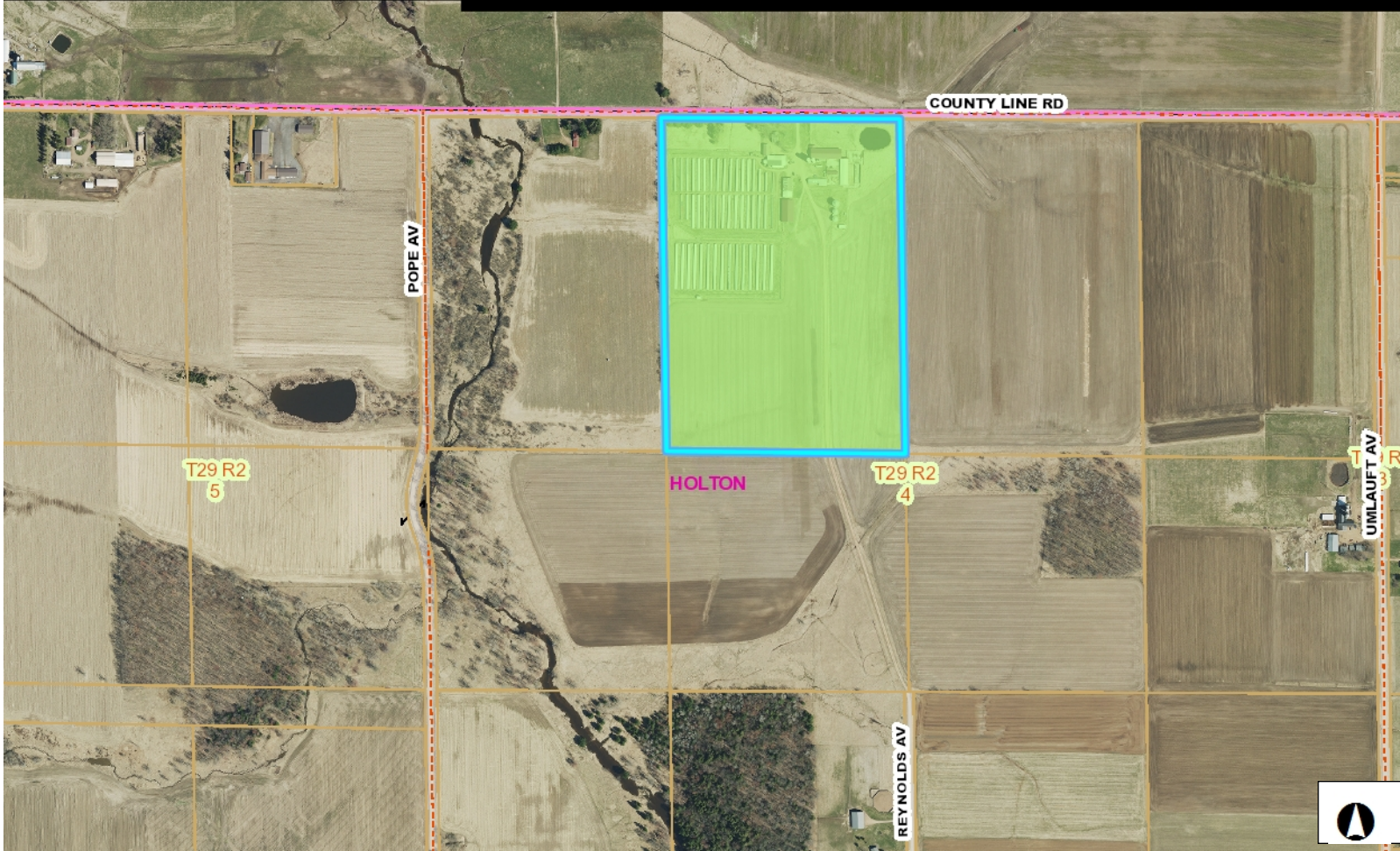
TAYLOR

LINCOLN



WOOD

PORTAGE



Legend

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462.43 0 462.43 Feet



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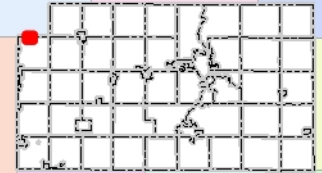
Notes



Land Information Mapping System

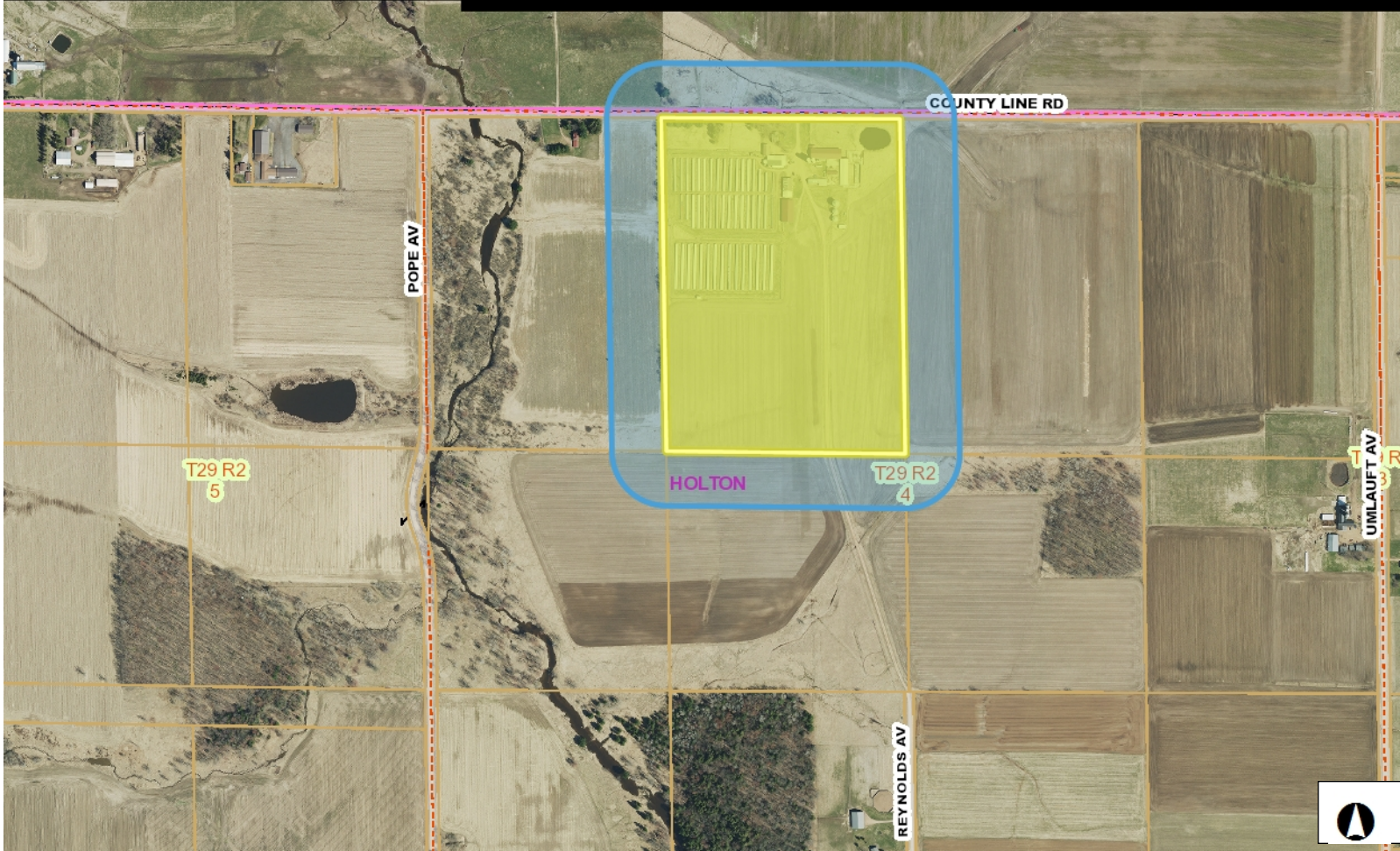
TAYLOR

LINCOLN



WOOD

PORTAGE



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462.43 0 462.43 Feet

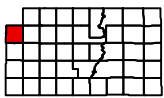


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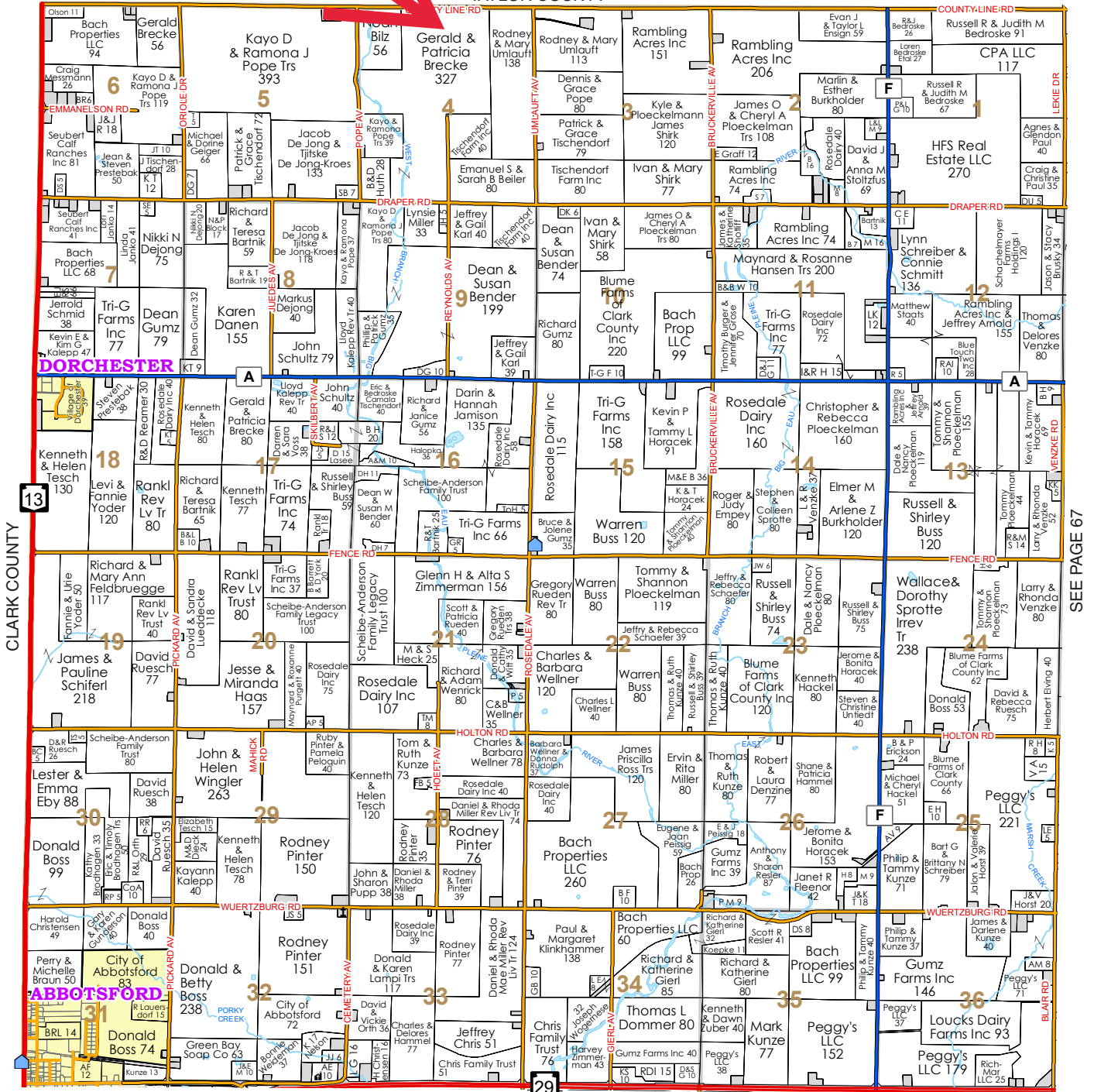


Holton

Township 29N - Range 2E

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TAYLOR COUNTY



SEE PAGE 47





Jason Brecke
Conditional Use Permit Application
Staff Report, November 16th, 2023
Marathon County Board of Adjustment

PETITIONER:

Jason Brecke – 237314 Reynolds Ave, Dorchester, WI 54425

PROPERTY OWNERS:

Gerald and Patricia Brecke- 237314 Reynolds Ave, Dorchester, WI 54425

REQUEST:

The application of Jason Brecke on Gerald and Patricia Brecke’s property for a conditional use permit per Section 17.204.46 of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning code to operate a vehicle sales, service, or rental (new and/or used) business in the G-A General Agriculture district, located in part of the Northeast ¼ of the Northwest Fractional ¼, Section 4, Township 29 North, Range 2 East, Town of Holton; Pin # 042.2902.042.0999 with a site address of 103627 Countyline Rd, Stetsonville, WI 54480.

PUBLIC HEARINGS/MEETINGS:

- Town of Holton Town Board Meeting: **TBD**
- Marathon County Board of Adjustment Meeting: November 16th, 2023; 9AM

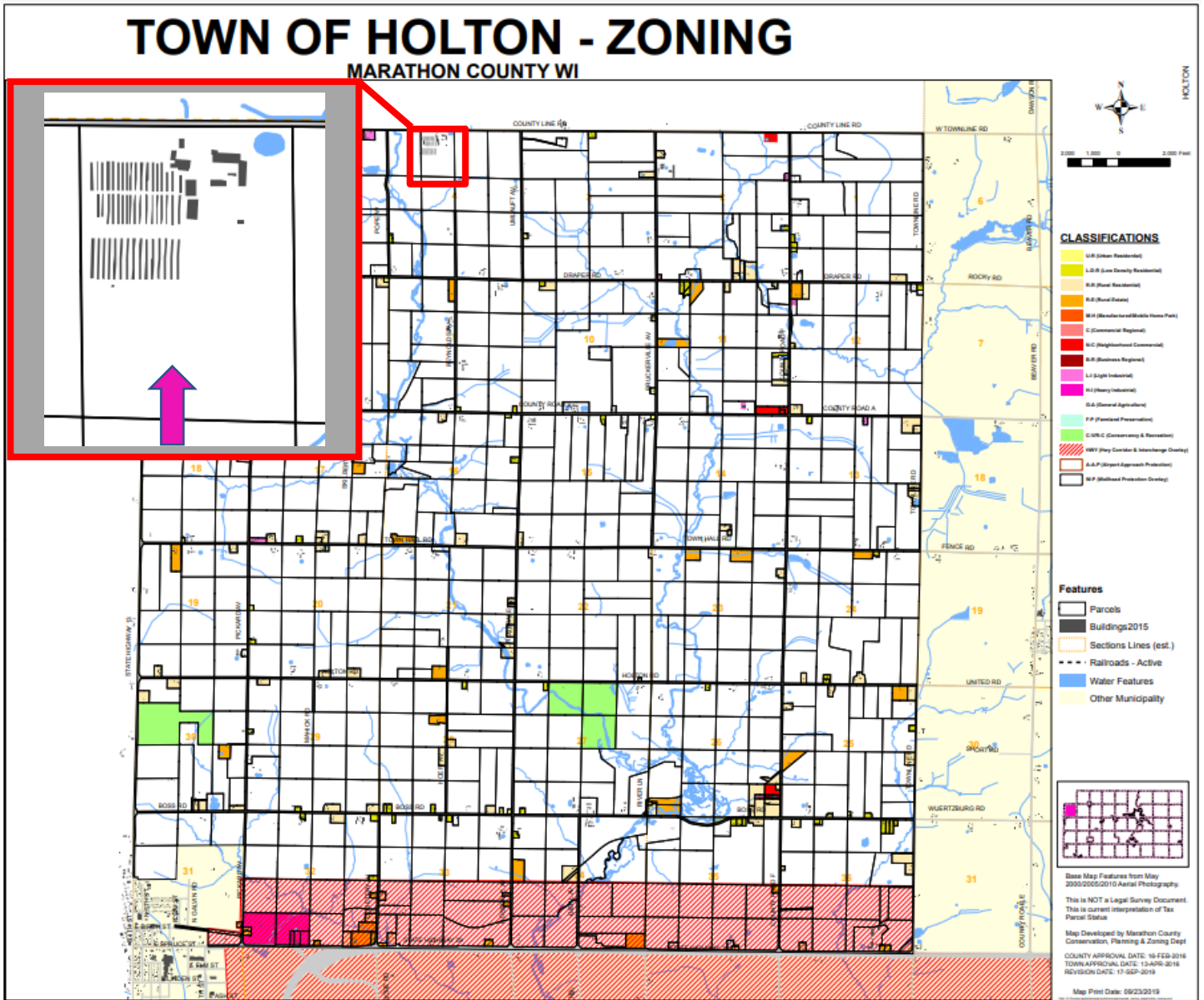
Legal Notification:

A legal advertisement was published in the *Wausau Daily Herald*. Notice of the CUP was also sent by regular mail to adjacent property owners within 300 feet of the subject property.

EXISTING ZONING DISTRICT:

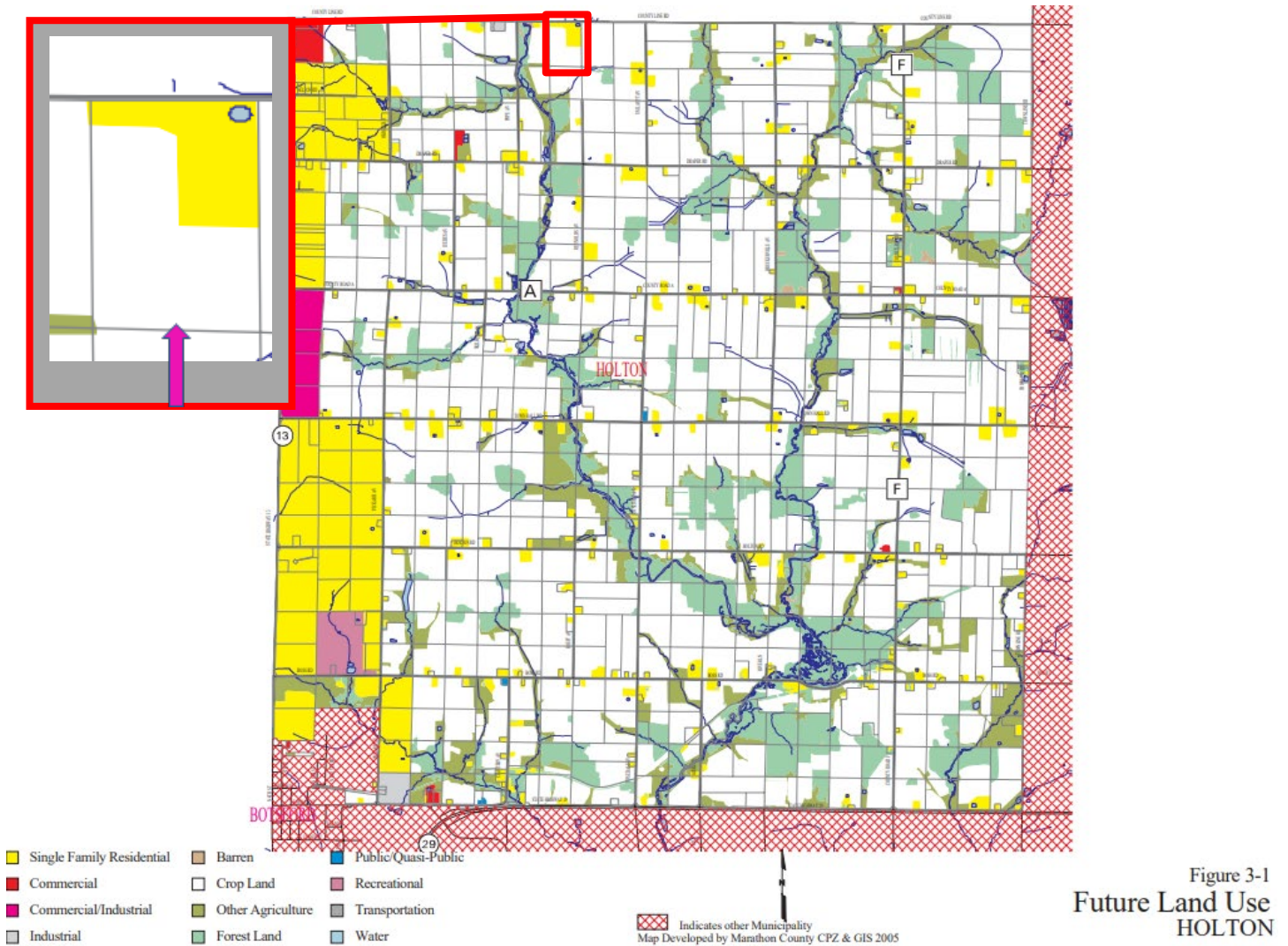
- A. **G-A General Agricultural.** The purpose of the G-A district is designed to foster the preservation and use of agricultural land related uses and to provide for limited residential uses in a rural environment but not the division of land as classified in 18.07(2) and (3) into five or more tracts, parcels or lots within a five-year period. This district provides for limited residential development with modest densities that require relatively large land areas that are compatible with the surrounding rural land use activities. The district is intended to provide towns with multiple options to guide growth and development in concert with the comprehensive planning efforts.

Town of Holton Zoning Map: The parcel proposed is currently zoned General Agriculture



Parcel Acreage: 56.97

Town Comprehensive Plan Future Land Use Map (2006): The parcel is shown to be designated as Single Family Residential and Cropland in the Town of Holton's Future Land Use Map.



SPECIFIC PARCEL LIMITATIONS OR NATURAL FEATURES:

- The proposed area is:
 - **Not** located within mapped floodplain
 - **Not** located within DNR mapped wetlands, or water features.
 - **Not** located within the shoreland overlay district.

VIOLATIONS

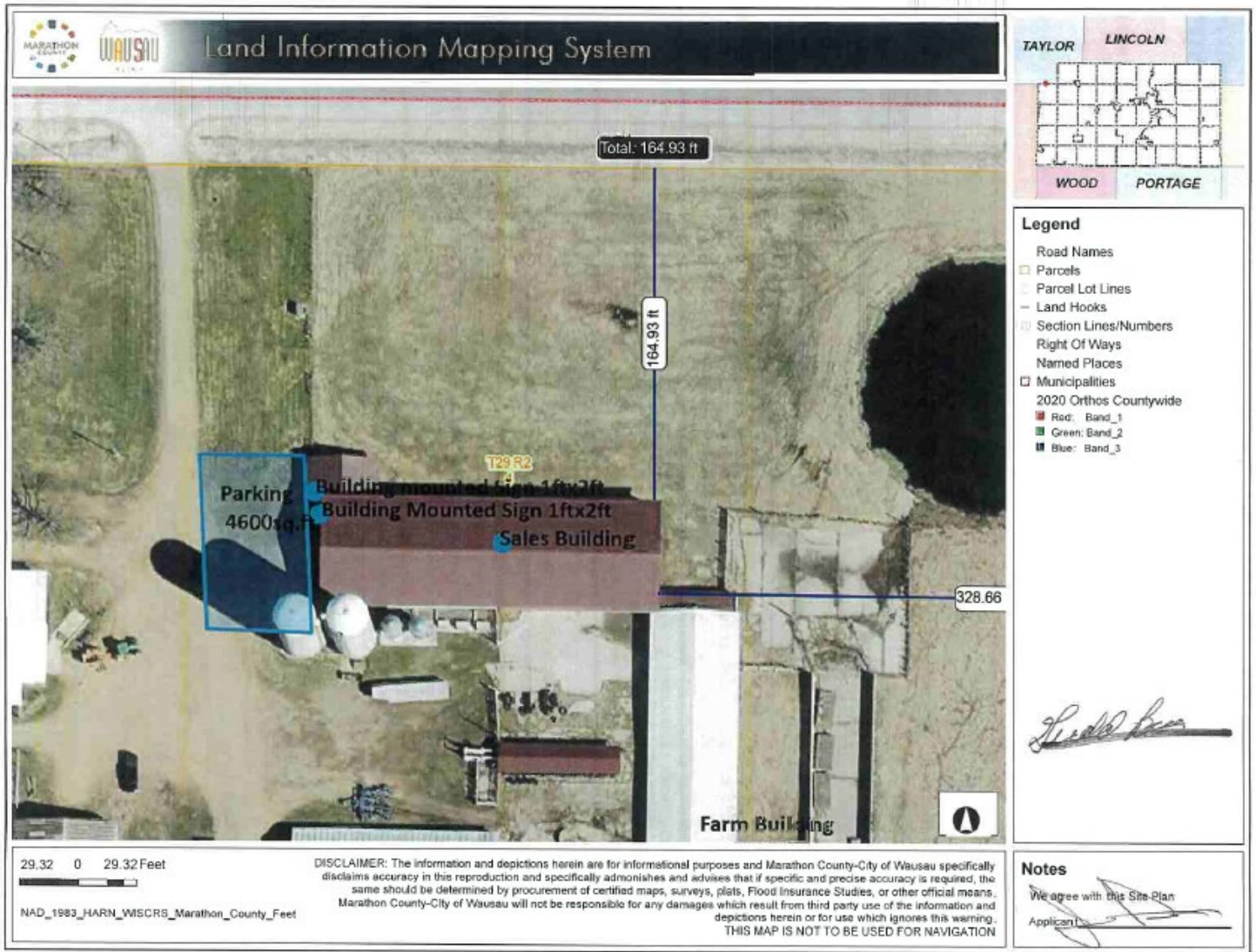
There are no known violations on the property.

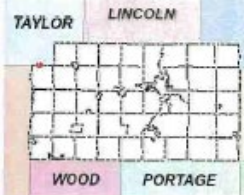
Aerial Photo



Site Plans

Proposed





Legend

- Road Names
- Parcels
- Parcel Lot Lines
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Named Places
- Municipalities
- 2020 Orthos Countywide
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

Rudolf



58.64 0 58.64 Feet



NAD_1983_HARN_WSCRS_Marathon_County_Feet

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Notes

We agree with this Site Plan
Applicant: *[Signature]*

Chapter 17 Sections that apply to this application

Table 3. Uses Permitted by District

USE	Key: P Permitted Use C Conditional Use (Blank) Use Not Permitted												Development Standards
	Residential Districts				Agricultural Districts			Nonresidential Districts					
	U-R	L-D-R	R-R	R-E	F-P	G-A	C-V/R-C	N-C	C	B-R	L-I	H-I	
COMMERCIAL, OFFICE, and SERVICE USES													
Adult Entertainment									C				Section 17.204.35
Bank or Financial Institution								P	P	P			
Bar, Tavern, or Micro-Brewery						C		P	P	P			
Bed and Breakfast			C	C		C		C					Section 17.204.36
Business Service Establishment						C		P	P	P			
Car Wash						C		C	C	C			Section 17.204.37
Drive-Through Facility (Accessory to a principal use)								P	P				Section 17.204.38
Gas Station								C	C				Section 17.204.39
Motel or Hotel								C	C	C			
Office, Research, Professional Services								P	P	P	P	P	
Personal Service Establishment						C		P	P	P			
Gun Ranges					C	C	C						Section 17.204.40
Archery Range					P	P	P						Section 17.204.41
Place of Assembly						C		P	P				Section 17.204.49
Public or Self-Storage						C		P					Section 17.204.42
Recreation, Indoor		C	C	C		C	C	P	P				Section 17.204.43
Recreation, Outdoor		C	C	C		C	C	C	C				Section 17.204.44
Restaurant						C		P	P	P			
Retail Sales (outdoor)						C		C	C				Section 17.204.45
Vehicle Sales, Service, or Rental (New and/or Used)						C		P	P	C	P		Section 17.204.46

*Applicants response to standards

Section 17.204.46 VEHICLE SALES, SERVICE OR RENTAL (NEW AND/OR USED)

- A. **Pavement.** All areas subject to vehicular use shall be encouraged to be paved with durable dust-free surfacing, with appropriate bumper guards where needed.
Trucks will be parked indoors on concrete floor.
- B. **Display Areas.**
1. Display areas shall be set back a minimum of 10 feet from any front property line.
Display area will be inside.
 2. When adjacent to a residential zoning district, display, and storage areas shall comply with the setback requirements applicable to a principal building, and a minimum six-foot obscuring wall or buffer shall be provided.
Not adjacent to residential zoning district.
 3. When adjacent to a nonresidential zoning district, display, and storage areas shall be set back a minimum of 10 feet from any side or rear property line.
Display area will be inside.
- C. **Parking Limitation.** Any motor vehicle that is being serviced shall not remain on the premises for more than 30 days. No vehicle shall remain on the premises for more than 10 days if deemed the vehicle will not be serviced, unless, otherwise authorized by the ordinance.
No outside maintenance will be done. Sales only.
- D. **Dismantling Prohibited.** No vehicle shall be dismantled unless said vehicle is being repaired and said repair shall be accompanied by a repair order showing the description of the automobile, owner, and the description of the work required. A valid and current license plate shall be displayed on all vehicles.
No vehicles will be dismantled.
- E. **Sales Prohibited.** No vehicle parked on the property shall be dismantled for the purposes of selling, bartering, swapping, or giving of any part or parts of said vehicle.
All vehicles sold will be in good working condition.
- F. **Impounding Prohibited.** The impounding of vehicles shall not be permitted pursuant to the conditions of this section.
No impounding.

Table 8: MINIMUM PARKING REQUIREMENTS

USE	MINIMUM REQUIRED OFF-STREET PARKING SPACES
Schools, Public or Private	Elementary and Middle: 2 spaces per classroom High: 7 spaces per classroom
Stables, Commercial	1 space per 2 horse stalls
Vehicle Equipment Sales, Leasing and Services: Car Wash, Automated or Self-Service Car Wash, Full Service Commercial Vehicle/Equipment Sales and Rental; New and Used Fueling Facility	2 spaces minimum 10 spaces minimum 1 space per 250 sq. ft. of indoor retail 1 space per 100 sq. ft. of convenience retail sales
Motor Vehicle Sales and Leasing, <u>New and Used</u> Vehicle Services	plus 2 spaces per service bay 1 space per 250 sq. ft. of interior display space; plus 1 space per 3 service bays; plus 1 space per 25 vehicles displayed outdoors 3 spaces per service bay plus 1 space per 100 sq. ft. of office and sales area

Parking Calculations

Indoor display space: 5000Ft² (Interior area is only half of the overall building)

Parking space size 9'x 23'= 207ft²

Parking spaces needed= 20 spaces= 4140ft²

Space reserved for parking per site plan 4600ft².

Section 17.803.01 PURPOSE AND AUTHORITY

- A. **Purpose.** Certain uses are of such a nature, or their effects are as dependent upon specific circumstances as to make impractical the determination in advance of where and when and under what conditions they should be permitted. Provision has been made in this chapter for the determination of such uses as conditional uses. Conditional uses are land uses listed as such in [Table 3](#) Uses Permitted by District. They may be established in such district only upon approval by the Board of Adjustment.

The procedures and standards in this Chapter are intended to provide a consistent and uniform method for review of conditional use permit proposals. These review procedures and standards are intended to accomplish the following purposes:

1. Ensure full compliance with the standards contained in this ordinance and other applicable local ordinances, and state and federal laws.
2. Achieve efficient use of the land.
3. Prevent adverse impact on adjoining or nearby properties.
4. Protect natural resources.
5. Facilitate development in accordance with the County's land use objectives per the Comprehensive Plan.

Section 17.803.02 APPLICATION PROCEDURES

- I. **Board of Adjustment Determination.** The Board of Adjustment shall review the application for conditional use, together with the previous meetings' findings and reports and recommendations from the Zoning Administrator, public safety officials, and other reviewing agencies. The Board of Adjustment shall then make a determination on the conditional use application, as set forth in Section [17.803.03](#) and based on the Substantial Evidence, other requirements and standards of this ordinance. The Board of Adjustment may approve, approve with conditions, or deny a conditional use request as follows:
1. **Approval.** Upon determination by the Board of Adjustment that the final plan for conditional use is in compliance with the standards and requirements of this ordinance and other applicable ordinances and laws, approval shall be granted.
 2. **Approval with Conditions.** The Board of Adjustment may impose reasonable conditions with the approval of a conditional use proposal, to the extent authorized by law. Conditions imposed shall meet all of the following requirements:
 - a. Conditions must be to the extent of practical and measurable
 - b. Conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - c. Conditions shall be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - d. Conditions shall be necessary to meet the intent and purpose of this ordinance, related to the standards established in this ordinance for the land use or activity under consideration, and necessary to insure compliance with those standards. These conditions may include, but are not limited to the following:
 - 1) Permit duration, transfer or renewal
 - 2) Setback and yard dimensions.
 - 3) Specified sewage disposal and water supply facilities.
 - 4) Landscaping and planting screens.
 - 5) Operational controls.
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 - 7) Deed restrictions.
 - 8) Location of structures, docks, piers or signs.
 - 9) Location and amount of parking facilities.
 - 10) Type of construction.
 - 11) The obtaining of other permits required by the state or federal government agencies, and other county requirements based upon other ordinances as conditions that must be met before issuance of such permit.
 1. **Denial.** Upon determination by the Board of Adjustment that a conditional use proposal does not comply with the spirit or intent or standards and regulations set forth in this ordinance, or would constitute a nuisance by reason of noise,

dust, smoke, odor, or other similar factors, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the county, the conditional use proposal shall be denied.

Section 17.803.03 BASIS OF DETERMINATION

- A. **Conformance with Requirements.** The applicant shall be required to establish by clear and convincing evidence that the applicable standards of this Chapter, the specific standards pertinent to each conditional use, including site plan review criteria set forth for applicable site development standards for specific uses set forth elsewhere in this Chapter (refer to Chapter [17.204](#), Development Standards for Specific Uses) have been met.
- B. **General Standards.** The Board of Adjustment shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards:
1. **Compatibility with Adjacent Uses.** The proposed conditional use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
 - a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - c. The hours of operation of the proposed use. Approval of a conditional use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
 - d. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
 2. **Comprehensive Plan.** The proposed conditional use will be harmonious with and in accordance with the general objectives or with any specific objective of the town and county comprehensive plan.
 3. **Compliance with Applicable Regulations.** The proposed conditional use shall be in compliance with all applicable federal, state, and local laws and ordinances.
 4. **Use of Adjacent Property.** The proposed conditional use shall not interfere with the use and enjoyment of adjacent property.
 5. **Public Services.** The proposed conditional use will be served adequately by essential public facilities and services including but not necessarily limited to utilities, highways, streets, police and fire protection, drainage structures, refuse disposal, and school(s); unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the conditional use is completed.
 6. **Impact of Traffic.** The location of the proposed conditional use shall, within the zoning district, minimize the impact of traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:
 - a. Proximity and access to major thoroughfares.
 - b. Estimated traffic generated by the proposed use.
 - c. Proximity and relation to intersections.
 - d. Adequacy of driver sight distances.
 - e. Location of and access to off-street parking.
 - f. Required vehicular turning movements.
 - g. Provision of pedestrian traffic (if applicable).
 7. **Enhancement of Surrounding Environment.** The proposed conditional use shall provide the maximum feasible enhancement of the surrounding environment and shall not unreasonably interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. In determining whether this requirement has been met, consideration shall be given to:
 - a. The provision of landscaping and other site amenities. Provision of additional landscaping over and above the specific requirements of this Ordinance may be required as a condition of approval of a conditional use.
 - b. The bulk, placement, and materials of construction of proposed structures in relation to surrounding uses.
 8. **Impact on Public Health, Safety, and Welfare.** The proposed conditional use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed in a manner that is detrimental to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, and environmental impact.

9. Isolation of Existing Uses. The location of the proposed conditional use shall not result in a small residential area being substantially surrounded by non-residential development, and further, the location of the proposed conditional use shall not result in a small non-residential area being substantially surrounded by incompatible uses.
10. Substantial Evidence. Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions.

RECOMMENDATIONS FOR THE CUP

If granted, the CUP should consider including the following conditions:

- The Board of Adjustment should specify in their decision (and subsequently the letter that is issued to the applicant)
 - Expiration of permit
 - Hours of operation
 - Proper waste disposal
 - All other required federal, state, and local permits and approvals shall be obtained and followed.

TOWN RECOMMENDATION:

The **Town of Holton** Town Board Recommends **TBD** to Marathon County's Board of Adjustments.

THE STAFF RESERVE THE RIGHT TO AMEND THIS REPORT BASED ON NEW EVIDENCE PRESENTED PRIOR TO AND/OR DURING THE PUBLIC HEARING.

DECISIONS OF THE BOARD ARE SUBJECT TO APPEAL AS PROVIDED IN SS.59.694(10) WIS. STATS.

RESPECTFULLY SUBMITTED:



SIGNATURE

10/23/2023
DATE

APPLICATION FOR CONDITIONAL USE PERMIT
MARATHON COUNTY BOARD OF ADJUSTMENT

The applicant hereby requests the Board of Adjustment to hear and decide upon this application as prescribed by Section 17.803 of the Marathon County Zoning Ordinance. **Use a separate sheet if necessary.**

Name of Applicant: Bill and Patti Kitchell
 Mailing Address: 113 Winton Ave Rothschild WI 54474
 Telephone: Bill's Cell: 715-573-9123 Fax: _____
 Cellphone: Patti's : 715-218-6001 Email: billkitchell@yahoo.com ; plutzke@hotmail.com
 Owner Name: (if different) -
 Mailing Address: -
 Telephone: - Fax: -

PARCEL INFORMATION

Parcel ID # (PIN): 048-2607-211-0986
 (If more than one parcel is included in this application, list all parcel numbers & legal descriptions on a separate sheet.)

Legal Description: Government Lot _____ or SW 1/4 NE 1/4
 Section 21 T 26 N, R 7 E, Town of Knowlton
 Lot 3 Block _____ Subdivision Red Parrot
 Property Address: 150378 Redfield Rd. Mosinee WI 54455
 Parcel size: 6.289 Acres or 273,968 Sq. Ft.
 Zoning District: LDR - Low Density Residential

Present use of property (List all current uses, i.e. home, store, farm field, wooded, etc.):
There are basically 3 parts to our lot: north of pond (1.2 acres), the pond (3.3 acres) + south of the pond (1.8 acres). These 1.8 acres are all wooded except where there is access to the property via a dirt/grass road + scattered sumac in a field area between the driveway and where the woods starts (approximately 100 feet).

Existing improvements (Structures, well, septic, etc.):
Of the 1.8 acres, this summer we cleared out an area near the shore ... cutting down trees, removed stumps and had it raked over. We also put in a dock (20 feet).
we plan to build a home in 2 yrs.

PROPOSAL

Describe specifically the nature of this request (be sure to list all proposed uses of the parcel). What do you plan to do?
Our request here is to put in a shed where the woods starts to the right of the dirt/grass road. The purpose for the shed is for storage of our current trailer which we use to haul our lawn mower. We plan to buy a four-wheeler next year, we'd also store this there.
 If this application is for a use that will be restricted to part of the parcel, specify the exact dimensions of the affected area.
The shed would be 15' x 40'. Of these 1.8 acres, from the water to Redfield Rd. is 220' in length. From from where the grass/dirt road starts (where land starts) it is 289' wide. We would like to situate the shed about 100' to the right of the dirt road (where the woods starts) and about 60' from Redfield Rd.

Provide the following information if this box is checked

Proposal has additional development standards in Section _____ Explain how your proposal meets or exceeds these requirements.

Use separate/additional sheet(s) if necessary

INSTRUCTIONS TO APPLICANT

1. Be sure to complete **all items** on the application. This includes a **brief, but complete explanation** of the current use and proposed new use.
2. Prepare a **map at a scale which is reproducible** (11" x 17" or smaller). For maps larger than 11" x 17", be prepared to provide as many copies as needed for transmittal. In no instance may the scale of the map be less than 1 inch equals 200 feet. There are instances where a cross-section of the property or contours will be helpful, and in some cases one or both may be required. Narrative or photos may be included as supporting documentation.

At a minimum the map must include:

- The location, dimensions, and parcel identification number of the lot or lots including a legal description.
- Location of any and all nearby public and private streets.
- Dimensions of the lot and the location of all existing and proposed buildings or structures, and location of existing or proposed private onsite wastewater treatment (septic) system.
- Required front, rear, and side yard areas, open space, and parking.
- On residential parcels, the number of dwelling units contained within each building and proposed number of bedrooms.
- Location and dimensions of all buildings or structures to be erected, structurally altered, or moved.
- Wetlands and floodplains
- Screening/Buffers
- Lighting
- Parking

3. **Include the \$600 fee** when you submit the application. Please make checks payable to Marathon County.

We cannot consider an application complete until the following are submitted to this office:

<i>Check if submitted</i>	<i>Initial of staff</i>	
<input checked="" type="checkbox"/>	GP	Completed application including signatures.
<input checked="" type="checkbox"/>	GP	Map with all required information.
<input checked="" type="checkbox"/>	GP	Additional documents, as needed (lot combination forms, hunting/fishing shelter application, etc.)
<input checked="" type="checkbox"/>	GP	Zoning Permit application
<input checked="" type="checkbox"/>	GP	Fee

Please contact the Marathon County Conservation, Planning and Zoning Department with any questions: 715-261-6000.

IMPORTANT: The applicant or authorized representative **must be present at the hearing** or Board **may deny** the application without prejudice.

Patti Kitchell
Owner Signature (required)

9-14-23
Date

Agent / Person responsible for work Signature (required)

Date

Conditional Use Permits expire six (6) months from the latest date of signature on the approval letter signed by Chairman and the Secretary of the Board of Adjustment if the proposed construction or preparation of land for use has not commenced. The Zoning Administrator may grant an extension for up to six (6) months upon show of valid cause.

Return to: Board of Adjustment
Marathon County CPZ Department
210 River Drive
Wausau, WI 54403-5449

Telephone: 715-261-6000
Toll free within Marathon County: 1-800-236-0153
Facsimile: 715-261-6016

For office use

For office use

For office use

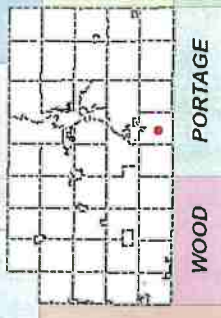
Amount Received: \$ 600.00

Date Stamp:



Land Information Mapping System

TAYLOR LINCOLN



Legend

- Road Names
- Parcels
- Parcel Lot Lines
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Named Places
- Municipalities
- DNR Wetland Areas
- 2020 Orthos Countywide
- Red: Band_1
- Green: Band_2
- Blue: Band_3



37.09 0 37.09 Feet



NAD_1983_HARN_WISCRS_Marathon_County_Feet

DISCLAIMER: The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Marathon County-City of Wausau will not be responsible for any damages which result from third party use of the information and depictions herein or for use which ignores this warning.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

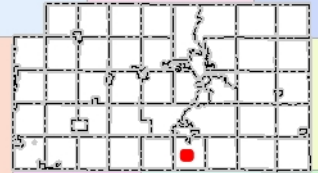
Notes



Land Information Mapping System

TAYLOR

LINCOLN



WOOD

PORTAGE



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323.04 0 323.04 Feet



NAD_1983_HARN_WISCRS_Marathon_County_Feet

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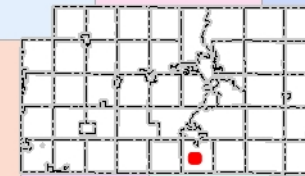
Notes



Land Information Mapping System

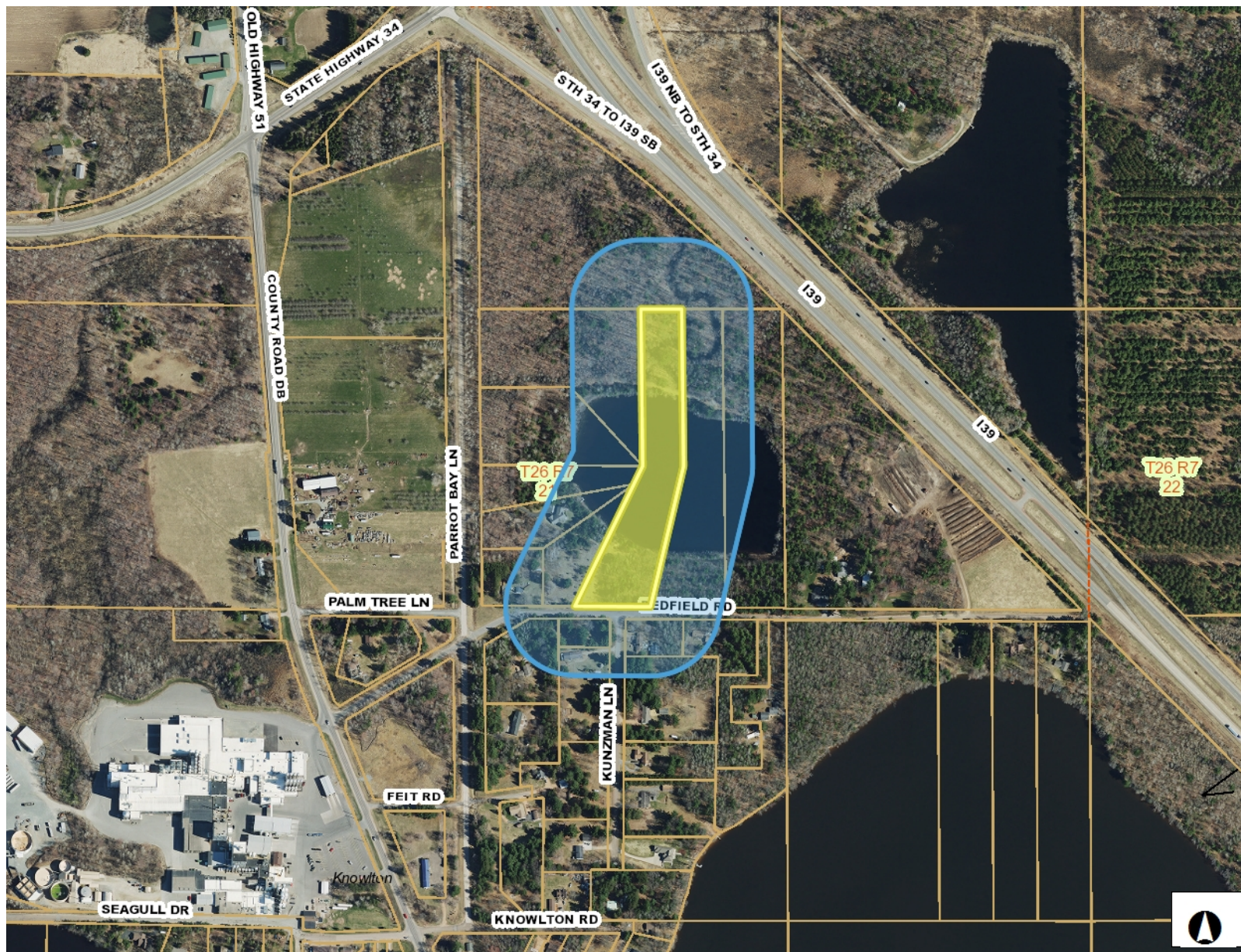
TAYLOR

LINCOLN



WOOD

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323.04 0 323.04 Feet

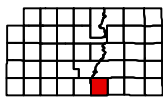


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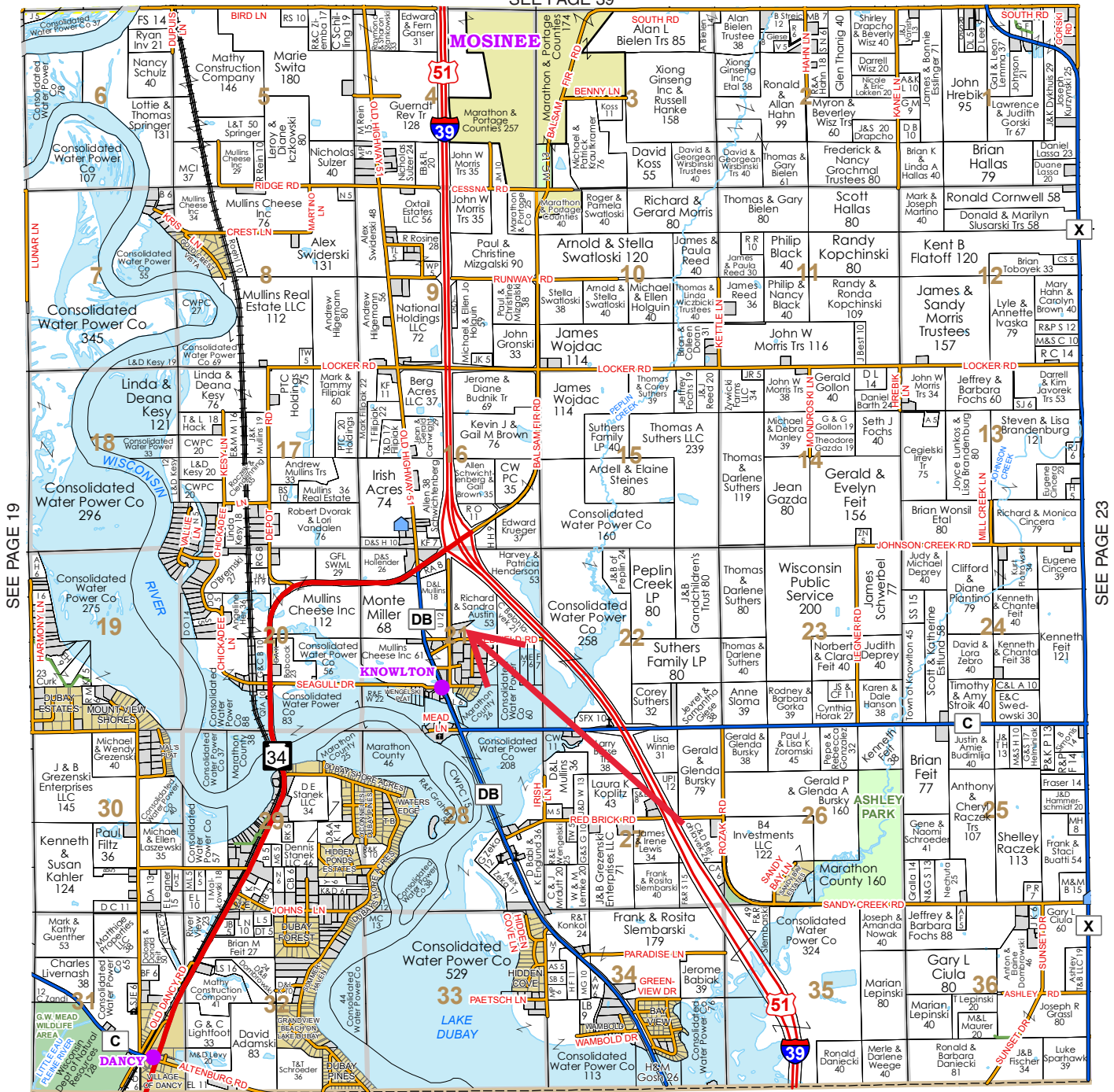
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Notes



SEE PAGE 39



SEE PAGE 19

SEE PAGE 23

PORTAGE COUNTY

Tim Schindler

Auctioneer LLC

FARM • HOUSEHOLD • ESTATE

N14555 Sandhill Ave. • Curtiss, WI 54422

(715) 223-4014

www.schindlerauction.com

info@schindlerauction.com



Bill and Patti Kitchell
Conditional Use Permit Application
Staff Report, November 16th, 2023
Marathon County Board of Adjustment

PETITIONER:

Bill and Patti Kitchell – 113 Winton Ave, Rothschild, WI 54474

PROPERTY OWNERS:

Bill and Patti Kitchell – 113 Winton Ave, Rothschild, WI 54474

REQUEST:

The application of Bill and Patti Kitchell for a conditional use permit per Section 17.401.01 of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning code to Construct an accessory Building prior to a Principal Structure (For personal/private use and/or accessory to the principal use of the lot) in the LDR Low Density Residential district, located in part of the Southwest ¼ of the Northeast ¼, Section 21, Township 26 North, Range 7 East, Town of Knowlton; Pin # 048.2607.211.0986 with a site address of 150378 Redfield Rd. Mosinee, WI 54455.

PUBLIC HEARINGS/MEETINGS:

- Town of Knowlton Town Board Meeting: **TBD**
- Marathon County Board of Adjustment Meeting: November 16th, 2023; 9AM

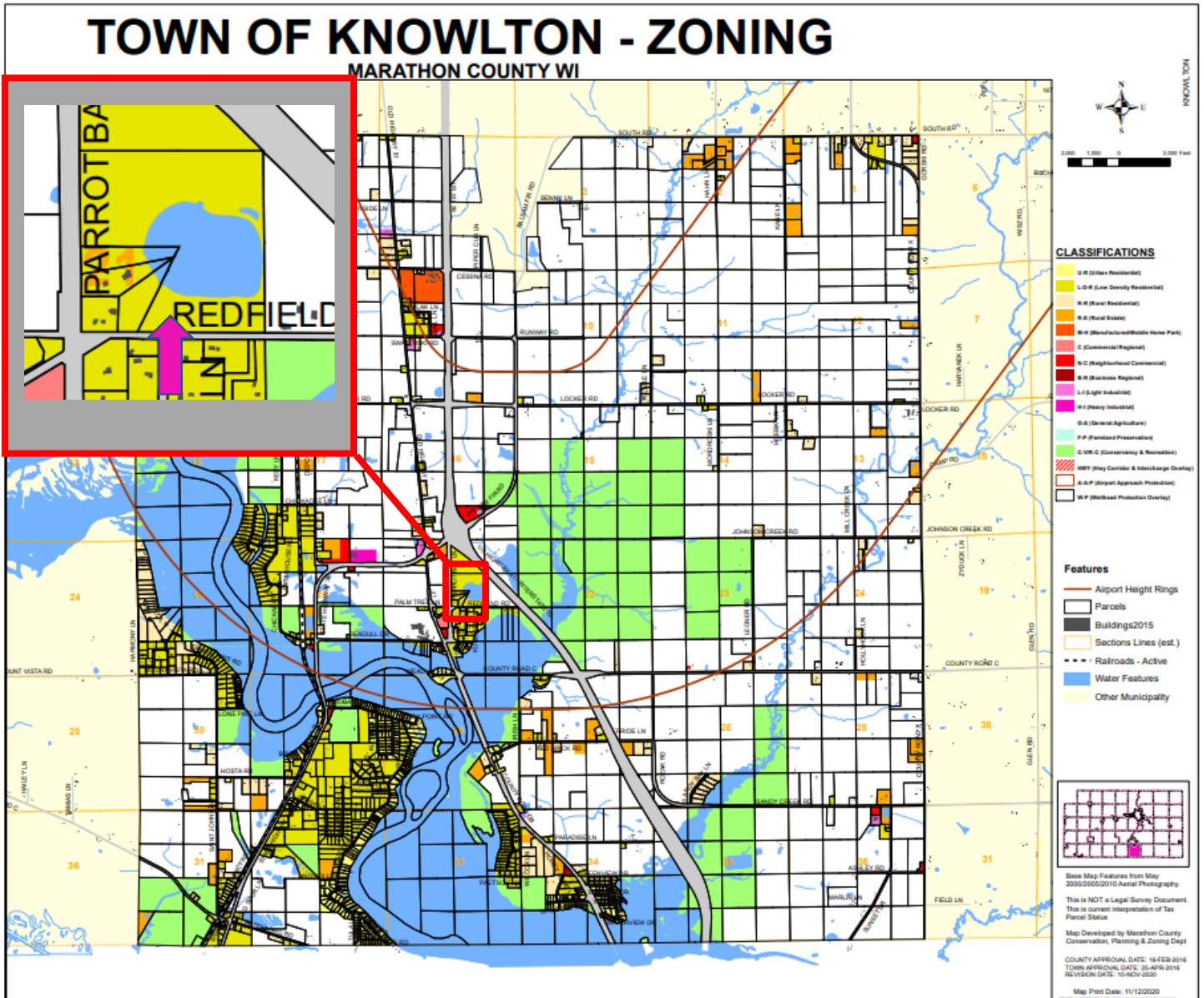
Legal Notification:

A legal advertisement was published in the *Wausau Daily Herald*. Notice of the CUP was also sent by regular mail to adjacent property owners within 300 feet of the subject property.

EXISTING ZONING DISTRICT:

- A. **L-D-R Low Density Residential District.** The purpose of the L-D-R district is to accommodate single-family residential use along existing streets and to promote single-family residential development (involving the extension of new streets) where sanitary sewer and municipal water may be available. The densities are intended to provide for areas of suburban character in the community and to prevent excessive demands on sewerage and water systems, streets, schools, and other community facilities. The districts are intended to avoid overcrowding by requiring certain minimum yards, open spaces, and site area while making available a variety of dwelling types and densities to serve a wide range of individual requirements and thereby providing a more orderly and efficient extension of public facilities.

Town of Knowlton Zoning Map: The parcel proposed is currently zoned Low Density Residential



Parcel Acreage: 6.2890

Town Comprehensive Plan Future Land Use Map (2006): The parcel is shown to be designated as Single Family Residential, Water, and Wetlands in the Town of Knowlton's Future Land Use Map.

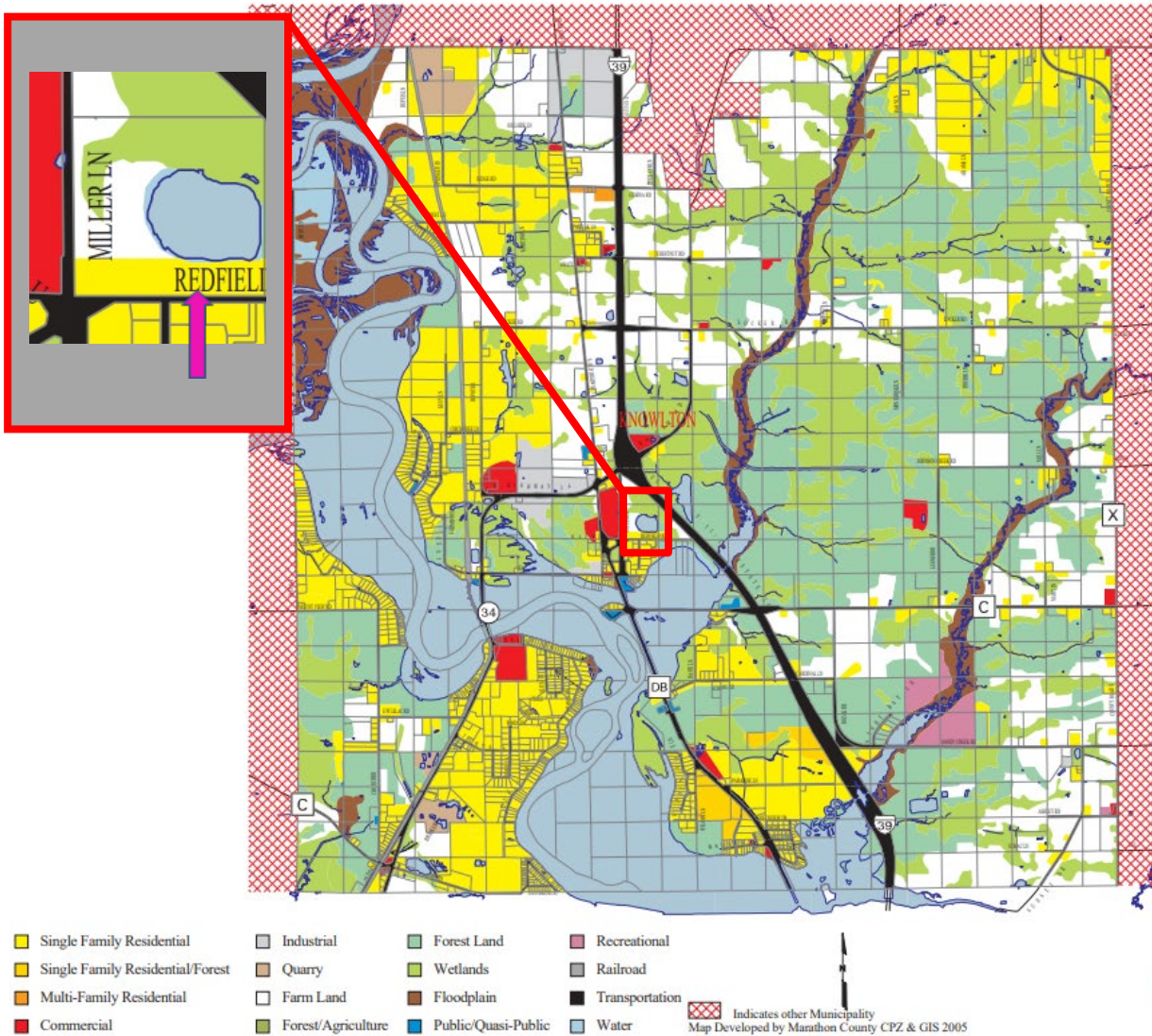


Figure 3-1
Future Land Use
KNOWLTON

SPECIFIC PARCEL LIMITATIONS OR NATURAL FEATURES:

- The proposed area is:
 - **Not** located within mapped floodplain
 - **Has** DNR mapped wetlands, or water features on the property (not in construction area).
 - **Is** located within the shoreland overlay district.

VIOLATIONS

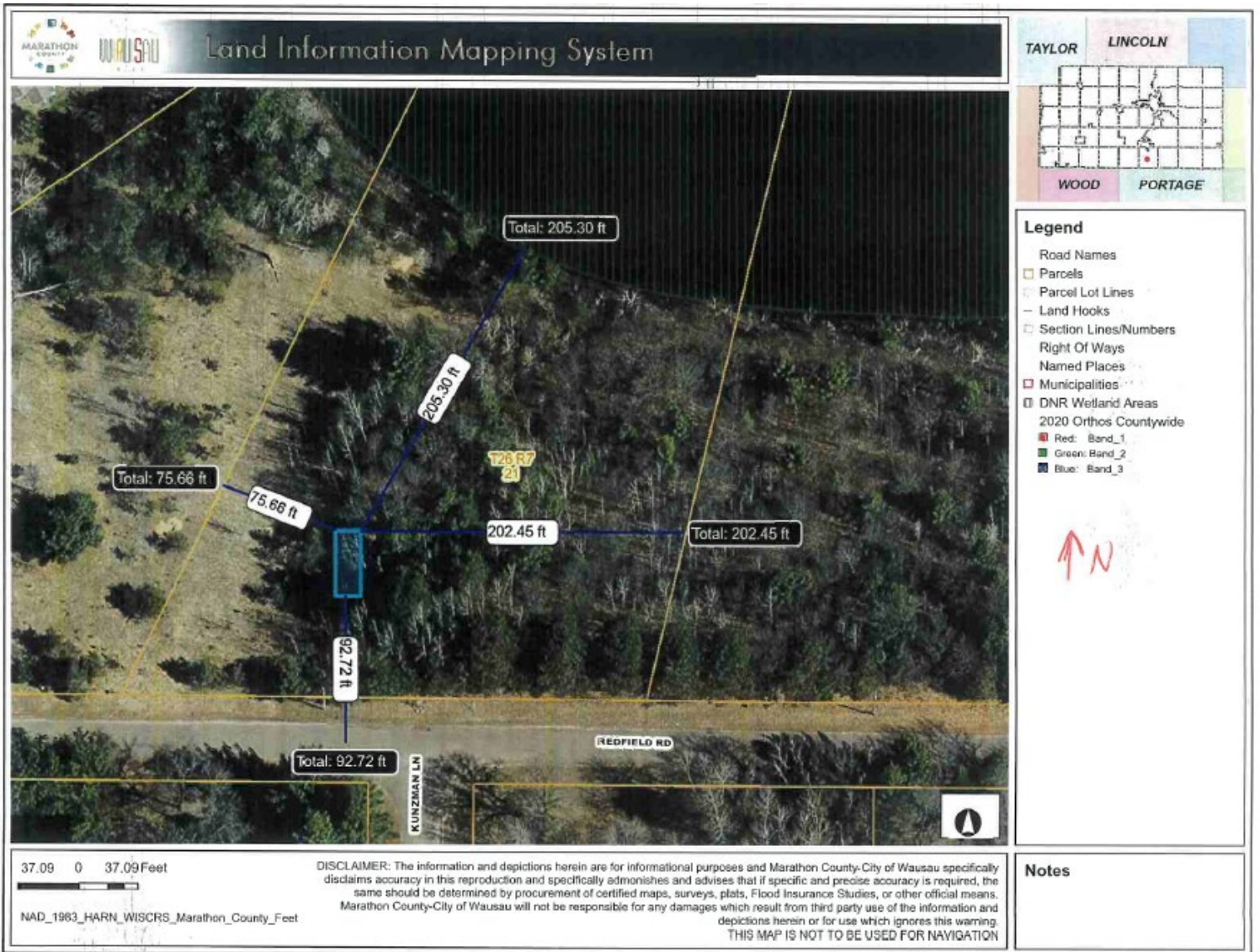
There are no known violations on the property.

Aerial Photo



Site Plans

Proposed



Chapter 17 Sections that apply to this application

Table 3. Uses Permitted by District

USE	P Permitted Use				C Conditional Use				(Blank) Use Not Permitted				
	Residential Districts				Agricultural Districts				Nonresidential Districts				Development Standards
	U-R	L-D-R	R-R	R-E	F-P	G-A	C-V/R-C	N-C	C	B-R	L-I	H-I	
ACCESSORY, TEMPORARY, and OTHER USES													
Accessory Buildings, Structures, and Uses	P	P	P	P	P	P	P	P	P	P	P	P	Chapter 17.401
Accessory Building(s) prior to a Principal Structure (For personal/private use and/or accessory to the principal use of the lot)	C	C	C	P	P	P	C						Section 17.401.01(A)

Section 17.401.01 GENERAL STANDARDS APPLICABLE TO ALL ACCESSORY STRUCTURES

- A. **Principal Structure Required.** In U-R, L-D-R, and R-R districts, accessory structures or buildings shall only be constructed or placed on a lot that contains a principal structure, unless a conditional use permit is obtained from the Board of Adjustment. The standards of [17.401.02\(E\)\(2\)](#) also apply to all conditional use permit applications under this section, the structure shall also adhere to any additional conditions placed on the permit by the Board of Adjustment. Refer to [Table 3](#) for all permitted and conditional use options by zoning district.

*Applicants response to standards (from petition)

The purpose for the shed is for storage of our current trailer which we use to haul our lawn mower. We plan to buy a four-wheeler next year; we would also store this there.

Chapter 17.803

Conditional Use Permits

Section 17.803.01 PURPOSE AND AUTHORITY

A. **Purpose.** Certain uses are of such a nature, or their effects are as dependent upon specific circumstances as to make impractical the determination in advance of where and when and under what conditions they should be permitted. Provision has been made in this chapter for the determination of such uses as conditional uses. Conditional uses are land uses listed as such in [Table 3](#) Uses Permitted by District. They may be established in such district only upon approval by the Board of Adjustment.

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I. **Board of Adjustment Determination.** The Board of Adjustment shall review the application for conditional use, together with the previous meetings' findings and reports and recommendations from the Zoning Administrator, public safety officials, and other reviewing agencies. The Board of Adjustment shall then make a determination on the conditional use application, as set forth in Section [17.803.03](#) and based on the Substantial Evidence, other requirements and standards of this ordinance. The Board of Adjustment may approve, approve with conditions, or deny a conditional use request as follows:

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 - a. Conditions must be to the extent of practical and measurable
 - b. Conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - c. Conditions shall be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - d. Conditions shall be necessary to meet the intent and purpose of this ordinance, related to the standards established in this ordinance for the land use or activity under consideration, and necessary to insure compliance with those standards. These conditions may include, but are not limited to the following:
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 - 2) Setback and yard dimensions.
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 - 5) Operational controls.
 - 6) Sureties.

- 7) Deed restrictions.
 - 8) Location of structures, docks, piers or signs.
 - 9) Location and amount of parking facilities.
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 - 11) The obtaining of other permits required by the state or federal government agencies, and other county requirements based upon other ordinances as conditions that must be met before issuance of such permit.
1. **Denial.** Upon determination by the Board of Adjustment that a conditional use proposal does not comply with the spirit or intent or standards and regulations set forth in this ordinance, or would constitute a nuisance by reason of noise, dust, smoke, odor, or other similar factors, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the county, the conditional use proposal shall be denied.

Section 17.803.03 BASIS OF DETERMINATION

- A. **Conformance with Requirements.** The applicant shall be required to establish by clear and convincing evidence that the applicable standards of this Chapter, the specific standards pertinent to each conditional use, including site plan review criteria set forth for applicable site development standards for specific uses set forth elsewhere in this Chapter (refer to Chapter [17.204](#), Development Standards for Specific Uses) have been met.
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 - b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
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 5. **Public Services.** The proposed conditional use will be served adequately by essential public facilities and services including but not necessarily limited to utilities, highways, streets, police and fire protection, drainage structures, refuse disposal, and school(s); unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the conditional use is completed.
 6. **Impact of Traffic.** The location of the proposed conditional use shall, within the zoning district, minimize the impact of traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:
 - a. Proximity and access to major thoroughfares.
 - b. Estimated traffic generated by the proposed use.
 - c. Proximity and relation to intersections.
 - d. Adequacy of driver sight distances.
 - e. Location of and access to off-street parking.
 - f. Required vehicular turning movements.
 - g. Provision of pedestrian traffic (if applicable).
 7. **Enhancement of Surrounding Environment.** The proposed conditional use shall provide the maximum feasible enhancement of the surrounding environment and shall not unreasonably interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. In determining whether this requirement has been met, consideration shall be given to:

- a. The provision of landscaping and other site amenities. Provision of additional landscaping over and above the specific requirements of this Ordinance may be required as a condition of approval of a conditional use.
 - b. The bulk, placement, and materials of construction of proposed structures in relation to surrounding uses.
8. Impact on Public Health, Safety, and Welfare. The proposed conditional use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed in a manner that is detrimental to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, and environmental impact.
 9. Isolation of Existing Uses. The location of the proposed conditional use shall not result in a small residential area being substantially surrounded by non-residential development, and further, the location of the proposed conditional use shall not result in a small non-residential area being substantially surrounded by incompatible uses.
 10. Substantial Evidence. Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions.

RECOMMENDATIONS FOR THE CUP

If granted, the CUP should consider including the following conditions:

- The Board of Adjustment should specify in their decision (and subsequently the letter that is issued to the applicant)
 - All other required federal, state, and local permits and approvals shall be obtained and followed.

TOWN RECOMMENDATION:

The **Town of Knowlton** Town Board Recommends **TBD** to Marathon County's Board of Adjustments.

THE STAFF RESERVE THE RIGHT TO AMEND THIS REPORT BASED ON NEW EVIDENCE PRESENTED PRIOR TO AND/OR DURING THE PUBLIC HEARING.

DECISIONS OF THE BOARD ARE SUBJECT TO APPEAL AS PROVIDED IN SS.59.694(10) WIS. STATS.

RESPECTFULLY SUBMITTED:

A handwritten signature in black ink, appearing to be "Shawn H.", written in a cursive style.

10/23/2023

SIGNATURE

DATE