

April 25, 2024
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, Kerry Brimmer, Tom Seubert, Carolyn Opitz

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

Members not present: Jim Servi

Also present remotely via phone / WEBEX or in person: Shad Harvey, Garrett Pagel, Teal Fyksen, Nicole Delonay, Krista Gerrits, Laurie Miskimins -Conservation, Planning & Zoning; Stanford Troyer, Andy Kunkel, Tamera Cable, Kurt Cable, & Matt Eslinger

Called to order at 9:00 a.m., 210 River Drive, 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 February 22nd and March 28th, 2024 minutes** –

Motion / second by Seubert/Lawson to approve the March 28th, 2024, minutes as distributed. Motion **carried** by voice vote, no dissent.

Motion / second by Seubert/Lawson to approve the February 22nd, 2024, minutes as distributed. Motion **carried** by voice vote, no dissent.

2. **The application** of application of Stanford Troyer 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 in the Rural Estate zoning district, located in part of the Southwest ¼ of the Southwest ¼, Section 4, Township 26 North, Range 2 East, Town of Spencer; Pin # 074.2602.043.0985. Property address 208171 Andrews Road, Spencer, WI 54479.

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 to operate a Major Home Occupation/Home Professional Business in Rural Estate zoning district, to the Marathon County Board of Adjustment.

Stanford Troyer was affirmed and stated that their primary residence is currently being built on this property with intentions to move there Lawn care Business to this location. Troyer stated that the business is currently being operated at a family members residence.

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 9:20 am.

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

Motion/second by Lawson/Seubert to **grant** the conditional use permit with conditions for Stanford Troyer as requested.

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

3. **The application** of Kurt and Tamara Cable for Area Variances from the terms of Marathon County General Code of Ordinances Chapter 17-Zoning Code Sections 17.202.03(G)(2)c relating to setbacks to the road, Section 17.805.12(A)

relating to enlargement of a non-conforming structure exceeding 50% of the existing building footprint over the life of the structure within the U-R Urban Residential district, being a part of Government Lot 1, Section 18 Township 27 North, Range 10 East, and Government Lot 2 Section 18, Township 27 North, Range 10 East, Town of Elderon; PIN # 022.2710.185.0033. Property address 215010 Lakefront Drive, Hatley, WI 54440.

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 Sections 17.202.03(G)(2)c & 17.805.12(A), to the Marathon County Board of Adjustment.

Harvey indicated that the town of Elderon submitted a town resolution after the staff packet was sent out. Harvey also noted that previous variances have been approved for other homes around Pike Lake.

Lawson clarified some past situations.

Harvey noted that the rock wall on the property is a pre-existing structure and gave a summary of what an unnecessary hardship entails according to the zoning code.

Seubert gave his reasoning as to why he believes this variances safety concern is an unnecessary hardship.

Tamera (Tammy) Cable was sworn in.

Kurt Cable was sworn in.

Tammy provided the history of the home and the devastating fire that claimed the house in 2012. The home was subsequently reconstructed in its original footprint and the Cables made this property their permanent residence. Cable then elaborated on their safety concerns regarding snow and ice removal, as well as the location of the driveway. Cable referenced a prior discussion with the CPZ Zoning Department dating back to 2014 and provided a brief overview of the topics discussed at that time.

Harvey gave his understand of what shoreland statue updates took place from years 2010-2015.

Kurt Cable elaborated on the misguidance provided in 2014 and why they are bringing this variance to the Board of Adjustment today.

Tammy Cable read a letter from a neighbor into the record. (Exhibit 1)

Lawson confirmed that Mr. Cables fall took place on the property in discussion.

Opitz asked for clarification as to where the new garage is being proposed.

Andy Kunkel was sworn in and stated he has been contracted by the Cables to construct the garage addition. Kunkel explained his rationale for proposing the garage in the specific location under consideration.

The board discussed the definition of an “unnecessary hardship”.

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 10:40 am.

The board continued discussion regarding the “unnecessary hardship” definition.

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

Motion/second by Lawson/Seubert to **grant** the variance as applied for.

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

4. **The application** of American Asphalt of WI for a Conditional Use Permit per Section 17.204.61 of the General Zoning Code of Ordinances under Marathon County Chapter 17 – Zoning Code to construct and operate a temporary concrete and/or blacktop mix plant, processing, stockpiling, and recycling of road building materials facility located within the General Agricultural District, on property described as PT SE 1/4 SW 1/4 & PT OF SW 1/4 SE 1/4 Section 29, Township 27 North, Range 9 East, Town of Reid; PIN# 064.2709.294.0990. Property address: 211155 Budnick Road, Hatley, WI 54440.

Fyksen 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 Sections 17.204.61 to construct and operate a temporary concrete and/or blacktop mix plant, processing, stockpiling, and recycling of road building materials facility, to the Marathon County Board of Adjustment. Fyksen read an email from the County Highway Commissioner in favor of this temporary plant. (Exhibit 2)

Matt Eslinger was sworn in and stated that he is a representative of American Asphalt. He verified the duration of this pit and outlined the proposed projects. Additionally, Eslinger provided a summary of the roads for which this plant is anticipated to produce asphalt for.

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 11:07 am.

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

Motion/second by Ritter/Seubert to **grant** the conditional use permit with conditions for American Asphalt of WI as requested.

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

5. **Board Reappointments** – None.
6. **Board education and training as needed** – None.
7. **Announcements and Requests** – None.
8. **Next meeting date** – May 23, 2024, at 9:00 a.m., 500 Forest Street, Wausau, WI 54403
9. **Meeting adjourned** – **Motion/second** by Ritter/Opitz to adjourn the meeting at 11:14 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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