

**MINUTES
MARATHON COUNTY BOARD OF ADJUSTMENT**

Members present in person: Richard Lawson, Pat Schreiner, Thomas Seubert, Mike Ritter, and Kerry Brimmer

Members present via WebEx / phone:

Member not present: Jim Servi and Carolyn Optiz

Also present remotely via phone / WEBEX or in person: Shad Harvey, Nicole Delonay, Laurie Miskimins, Garrett Pagel, Michael Puerner, Steven Brown, Mike Kleist, Scott Reuden, & Marlin Lehman

Called to order at 9:00 a.m., 500 Forest St, Wausau by Vice Chair Lawson, who explained the **rules of the hearing** and the reason for the establishment of the Board of Adjustment and welcomed new BOA member Pat Schreiner. Miskimins shared his biography.

1. **Approve February 23, 2023, minutes** – **Motion** / second by Seubert/ Ritter to approve the February 23, 2023, minutes as distributed. Motion **carried** by voice vote, no dissent.
2. **The application** of Steven & Kimberly Brown for a conditional use permit per Section 17.401.02(E) of the General Zoning Code of Ordinances under Marathon county Chapter 17 Zoning code to construct a detached accessory structure for personal use with dimensions differing from the standards in the R-R Rural Residential district, part of the South ½, Northwest Fractional ¼, Section 19, Township 26 North, Range 7 East, Town of Knowlton; Pin#: 048.2607.192.0985 with a property address of: 204401 Harmony Lane, Mosinee, WI, 54455.

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 17.401.02(E) for the purpose of constructing a detached accessory structure for personal use with dimensions differing from the standards in the R-R Rural Residential 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 Knowlton gave their approval to the petition at their March 13th, 2023, meeting.

Steve Brown was sworn in and stated he is the homeowner of the property and noted the structure will be for personal use. 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 9:25 am. Brimmer recused himself from vote due to voting at the town level.

Motion/second by Ritter/ Seubert to **grant** the conditional use permit with conditions for Steven & Kimberly Brown as requested. The conditions are as follows:

1. Structure shall not exceed 2,400 square feet as stated on the application.

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 James Peterson Sons INC. for a conditional use permit per Section 17.204.62 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 Agriculture zoning district. Property described as part of the North ½, Northeast Fractional ¼ of Section 2, Township 28 North, Range 4 East, Town of Wien; Pin#: 084.2804.021.0999.

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 17.204.62 for the purpose of constructing and operating a temporary concrete and/or blacktop mix plant, processing, stockpiling, and recycling of road building materials facility located within the General Agriculture zoning 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 Wien gave their approval to the petition at their February 13, 2023, meeting.

Lawson questioned who is responsible for the dust control procedure.

Mike Kleist was sworn in and is with the company James Peterson Sons Inc. Kleist stated the project will start at County Road E and go to the Edgar exit. The project is projected to last all summer 2023 and concede by the December 31st, 2023. Kleist explained the exiting and entering of trucks from the site. All plants have dust control regulations from the DNR, and the DOT monitors the dust as well. A water truck is used if needed. The crusher also has a limiter for dust control. Kleist explained the hours of operation as stated on the application.

There was no additional testimony in favor, opposed, or as interest may appear via in person, or virtually. Testimony

MINUTES
MARATHON COUNTY BOARD OF ADJUSTMENT

portion of the hearing closed at 9:46 am. Schreiner recused himself from vote due to prior involvements with the project.

Motion/second by Seubert/ Brimmer to **grant** the conditional use permit with conditions for James Peterson Sons Inc. as requested. The conditions are as proposed on the application.

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

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

4. The application of Marlin Lehman for a conditional use permit per Section 17.401.02(E) of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning code to construct a detached accessory structure for personal use with dimensions differing from the standards in the R-R Rural Residential district, part of the Southeast ¼, Northeast ¼, Section 19, Township 29 North, Range 9 East, Town of Easton; Pin#:018.2909.191.0980.

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 17.401.02(E) for the purpose of a detached accessory structure for personal use with floor area and components differing from the dimensional and maximum lot coverage standards in the R-R Rural Residential district. property 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 Easton gave their approval to the petition at their March 13, 2023, meeting.

Marlin Lehman was sworn in and indicated he is the owner of the property; he is proposing this project to have an indoor location for his personal belongings. Lehman indicated he already has a holding tank approved for this garage.

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 9:58 am.

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

1. Side wall height shall not exceed 14 feet.
2. Garage door height shall not exceed 12 feet.
3. Structure shall not exceed 2,400 square feet as stated in the application.

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

Motion **carried** 5 yes, 0 no, roll call vote.

5. The application of Scott Rueden for a conditional use permit per Section 17.401.02(E) of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning code to construct a detached accessory structure for personal use with dimensions differing from the standards in the R-R Rural Residential district, part of the Southeast ¼, Northeast ¼, Section 21, Township 29 North, Range 9 East, Town of Holton; Pin#:042.2902.211.0995.

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 17.401.02(E) for the purpose of constructing a detached accessory structure for personal use with dimensions differing from standards in the R-R Rural Residential District. property 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 Holton gave their approval to the petition at their March 8th, 2023, meeting.

Scott Rueden was sworn in and indicated he is the owner of the property, and the proposed building will be a 40x70 garage and the existing garage has a foundation that is starting to fail that will be torn down. Rueden clarified the needs for a 12 - foot garage doors and 16- foot side walls.

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 10:13 am.

Motion/second by Brimmer/ Seubert to **grant** the conditional use permit with conditions for Scott Rueden as requested. The conditions are as follows:

1. Will not exceed 12-foot garage doors.
2. Will not exceed a 16-foot sidewall height.
3. Will not exceed 2,800 square feet as stated in the application.

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

Motion **carried** 5 yes, 0 no, roll call vote.

**MINUTES
MARATHON COUNTY BOARD OF ADJUSTMENT**

6. Board education and training as needed

Miskimins indicated new trainings will be worked into forthcoming meetings.

7. Board Reappointments and Election of Chair

1. County Board appointed Pat Schreiner to the BOA, effective March 21, 2023, to serve the remainder of the term vacated by Karen Piel. This term expires June 30, 2024.
2. Appointment of BOA Chairman – Nominating Pat Schreiner
There was no additional testimony in favor or opposed. Lawson called for any other nominations. Testimony portion of the hearing closed at 10:18 am

Motion/second by Seubert/ Ritter, to appoint Pat Schreiner as Chairman of the BOA effective the May 25th, 2023, meeting.

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

8. Announcements and Requests

1. Updates to Chapter 17.401.02 will be further explained at forthcoming meetings.
2. Reminder about the Marathon County Board Reimbursement form
3. At a forthcoming meeting an agreement will be discussed between the BOA and WI DNR when discussing shoreland variances

9. Next meeting date – April 27, 2023, at 9:00 am, 500 Forest Street

10. Meeting adjourned – **Motion/second** by Seubert/ Ritter, Lawson adjourned the meeting at 10:22 am 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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RL/nd