

## 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, March 23, 2023**, at 500 Forest Street, 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 February 23, 2023 minutes.
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.
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 Wein; Pin#: 084.2804.021.0999.
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#:018.2909.191.0983.
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.
6. Board Education and Training as needed
7. Board Reappointments and Election of Chair
8. Announcements and Requests
9. 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.

*Richard M. Larson*  
*Laine Miskinn*

Vice Chairman Board of Adjustment  
Director Conservation Planning and Zoning Department

**Publish: March 6<sup>th</sup> and March 13<sup>th</sup>, 2023**

**E-mailed to Wausau Daily Herald on March 2, 2023, at 12:30 p.m. / nd**

**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: Steven & Kimberly Brown  
Mailing Address: 204401 Harmony Lane, Mosinee, WI. 54455  
Telephone: 715-630-1000 Fax: \_\_\_\_\_  
Cellphone: 715-630-1000 Email: sklbrown95@gmail.com  
Owner Name: (if different) \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

**PARCEL INFORMATION**

Parcel ID # (PIN): 048-2607-192-0985  
(If more than one parcel is included in this application, list all parcel numbers & legal descriptions on a separate sheet.)

Legal Description: Government Lot csm vol 21 pg 216 or \_\_\_\_\_<sup>1</sup>/<sub>4</sub> \_\_\_\_\_<sup>1</sup>/<sub>4</sub>  
Section 19, T 26 N, R 07 E, Town of Knowlton  
Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Property Address: 204401 Harmony Lane, Mosinee WI 54455  
Parcel size: 2.7100 Acres or \_\_\_\_\_ Sq. Ft.  
Zoning District: Town of Knowlton

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

**Existing improvements** (Structures, well, septic, etc.):  
House with well & septic in place.

**PROPOSAL**

Describe **specifically** the nature of this request (be sure to **list all proposed uses** of the parcel). What do you plan to do?  
Add a 40' x 60' storage building on the west end of property 75' from the road right of way. Building is consistent with surrounding properties and will be less square footage than both storage buildings on the north and south neighboring properties.

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

**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

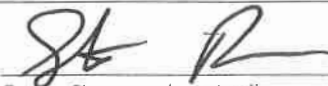
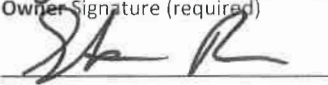
3. **Include the \$600 fee** when you submit the application. Please make checks payable to Marathon County.

**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 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)	1/13/2023 _____ Date
 _____ Agent / Person responsible for work Signature (required)	1/13/2023 _____ 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
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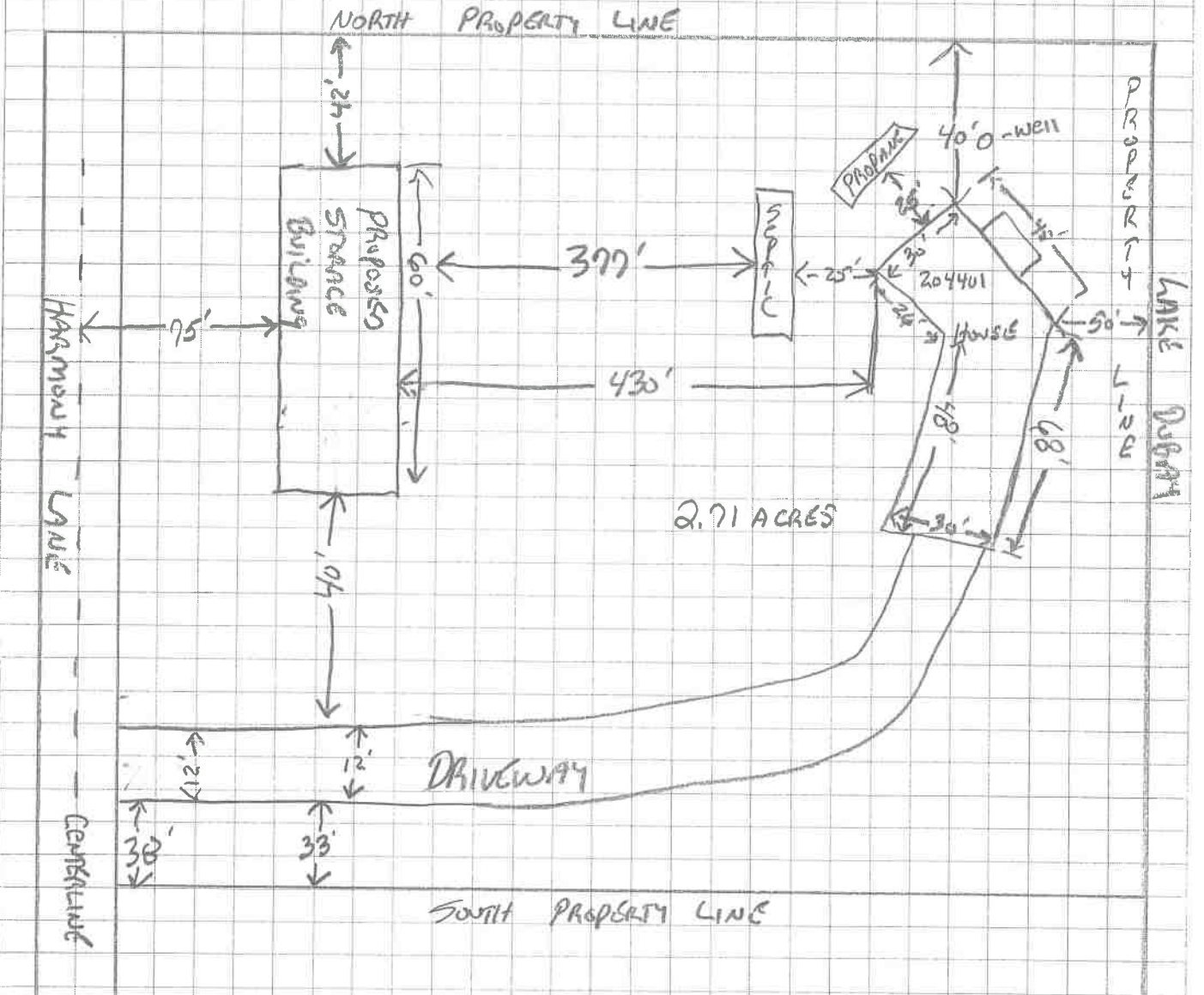
For office use	For office use	For office use
Amount Received: \$ <u>600.00</u> <u>Jan 13, 2023</u>	Date Stamp:	





# SITE PLAN

Permit #	Date:	Notes/Comments:	1" = ___' 
Pin #	048-2607-192-0985		
Owner(s):	STEVEN + KIMBERLY BROWN		
Address:	204401 HARMONY LN		
Project Type:	STORAGE BUILDING		



\* NOT TO SCALE \*

**Requirements to be shown:**

- ◆ Location and dimensions of all existing & proposed buildings.
- ◆ Location of existing or proposed private onsite wastewater treatment system, wells, and driveways.
- ◆ **Proposed setback distances** to side and rear property lines, roads (either right-of-

- way line and/or centerline), septic system components (tanks and/or drain fields), and unique site features such as wetlands and waterways.
- ◆ Indicate & label the location of any public and private street.
- ◆ Location and proposed setback to any recorded access easements.

- Road Setback: \_\_\_ ft from centerline
- Side Yard Setbacks: \_\_\_ ft and \_\_\_ ft
- Rear Yard Setback: \_\_\_ ft
- Max. Building Height: \_\_\_ ft
- Setback from Ordinary High Water Mark \_\_\_ ft
- Setback from Mapped Wetland Areas \_\_\_ ft
- Septic Component Setbacks: \_\_\_ ft and \_\_\_ ft
- Lot Width at Building Line: \_\_\_ ft

POLE BARN TO CENTER OF ROADWAY (HARMONY LANE)



POLE BARN TO HOUSE



POLE BARN TO LAKE DUBAY





# POLE BARN TO SEPTIC FIELD



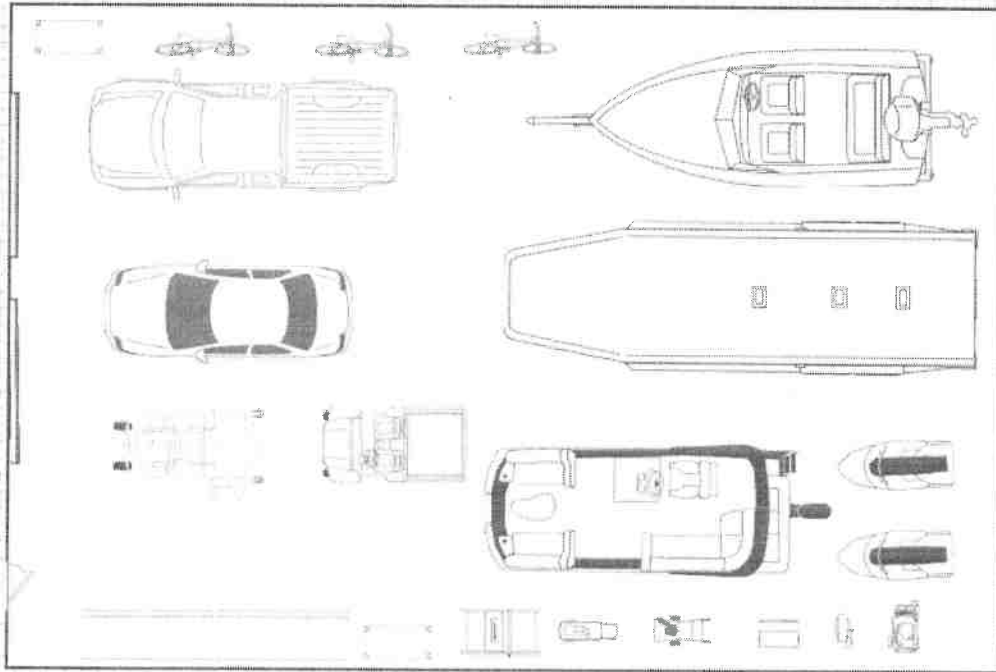
# POLE BARN TO PROPERTY LINE WITH NEIGHBOR TO THE SOUTH



# POLE BARN TO PROPERTY LINE WITH NEIGHBOR TO THE NORTH



Building Dimensions  
Length 60 ft      Width 40 ft

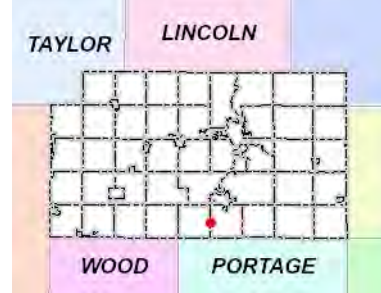


Designed using the Midwest Manufacturing Building Floorplanner tool  
For other helpful project planning tools visit  
[www.midwestmanufacturing.com](http://www.midwestmanufacturing.com)

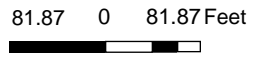




# Land Information Mapping System



- ### 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



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**

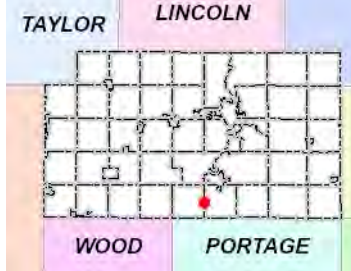
### Notes

NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet





# Land Information Mapping System



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163.75 0 163.75 Feet



NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet

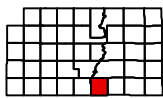
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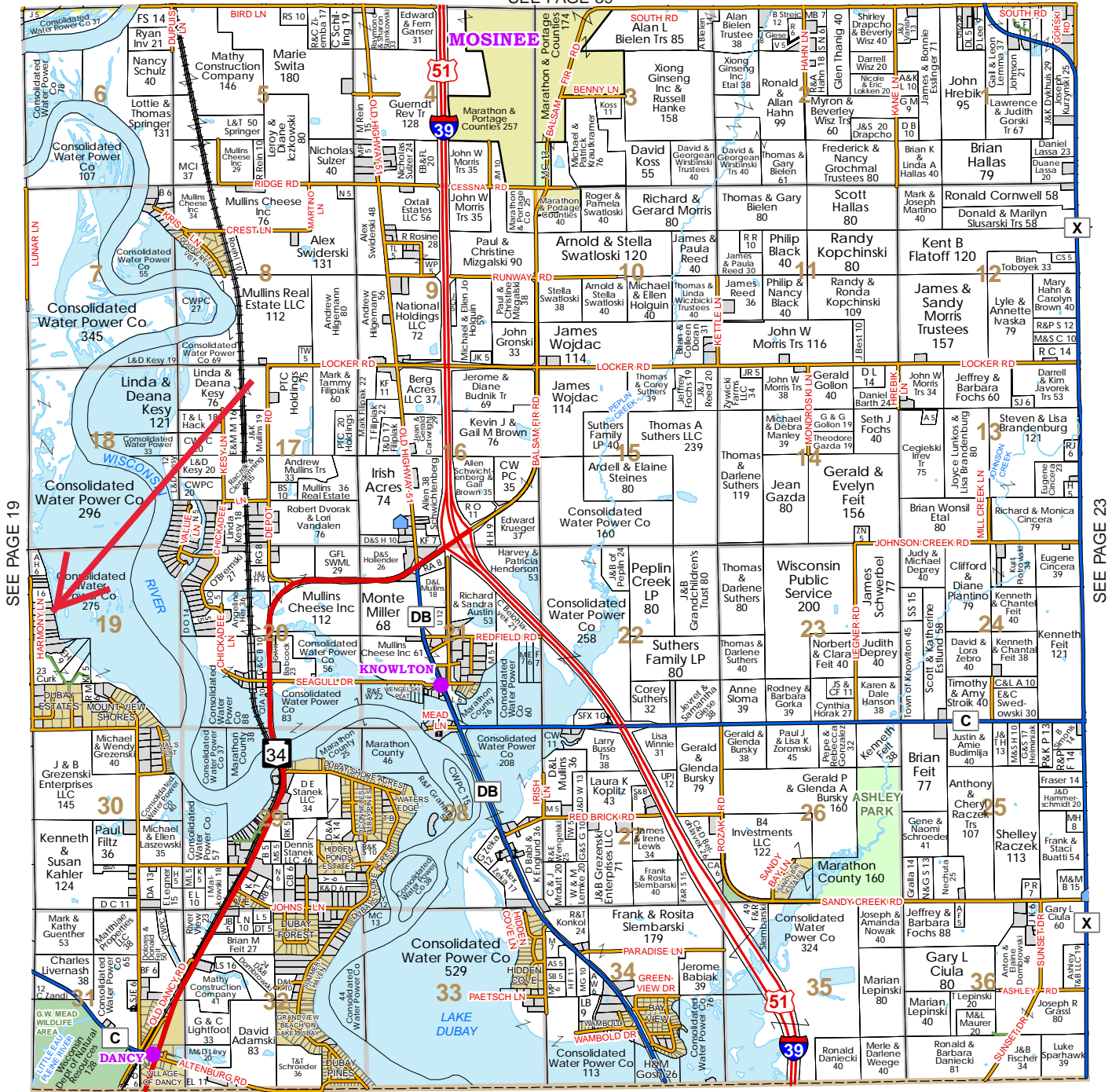
## Notes







SEE PAGE 39



PORTAGE COUNTY

**Tim Schindler**  
**Auctioneer LLC**  
**FARM • HOUSEHOLD • ESTATE**  
 N14555 Sandhill Ave. • Curtiss, WI 54422  
 (715) 223-4014  
[www.schindlerauction.com](http://www.schindlerauction.com)  
[info@schindlerauction.com](mailto:info@schindlerauction.com)



**Steven and Kimberly Brown**  
**Conditional Use Permit Application**  
**Staff Report, March 23<sup>rd</sup>, 2023**  
**Marathon County Board of Adjustment**

**PETITIONER:**

Steven and Kimberly Brown – 204401 Harmony Lane, Mosinee, WI 54455

**PROPERTY OWNERS:**

Steven and Kimberly Brown – 204401 Harmony Lane, Mosinee, WI 54455

**REQUEST:**

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.

**PUBLIC HEARINGS/MEETINGS:**

- Town of Knowlton Town Board Meeting: **TBD**
- Marathon County Board of Adjustment Meeting: March 23rd, 2023; 9:00AM

**Legal Notification:**

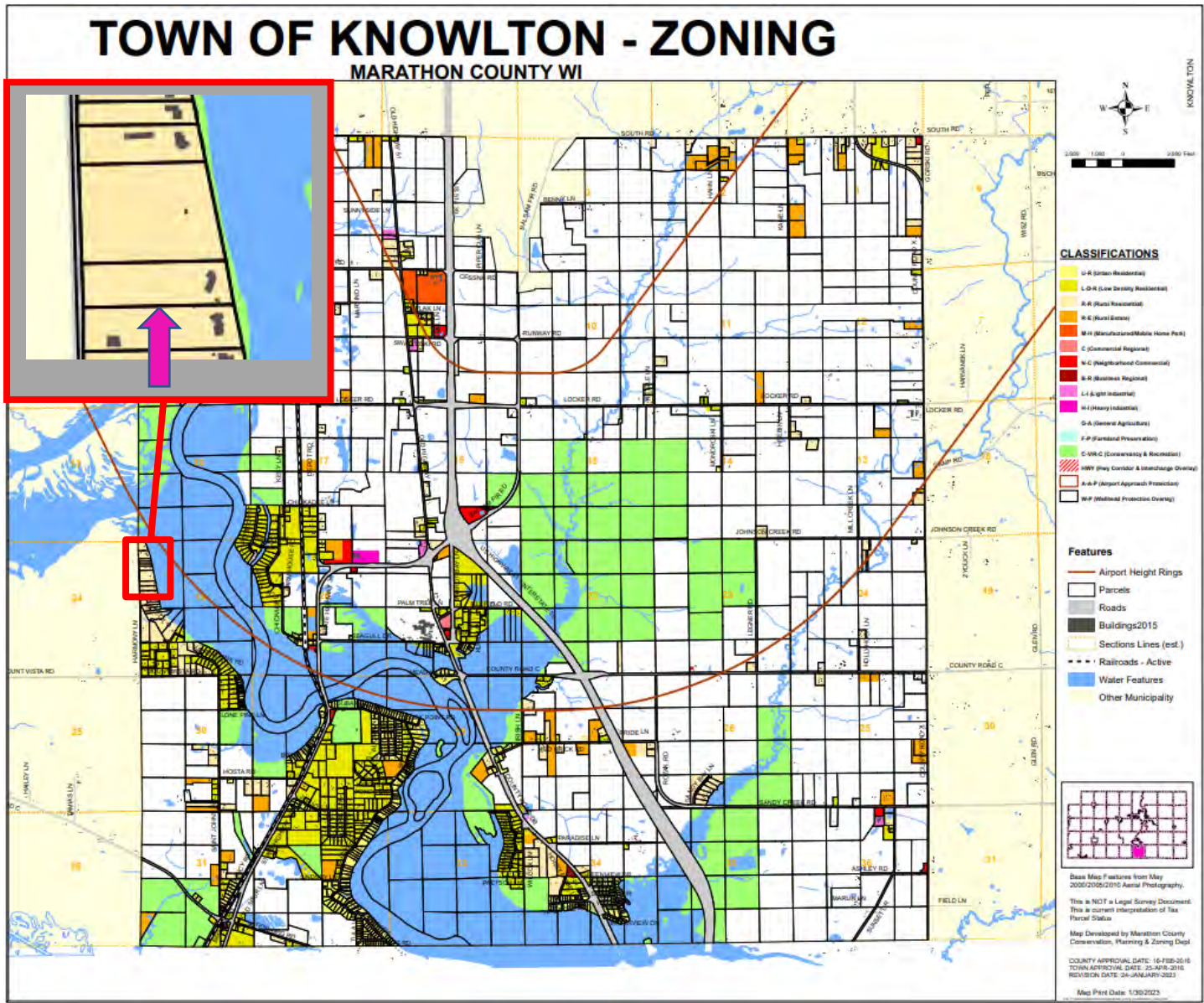
A legal advertisement was published in the *Wausau Daily Herald*. Notice of the CUP was also sent by regular mail to adjacent property owners within 300 feet of the subject property.

**EXISTING ZONING DISTRICT:**

**R-R Rural Residential District.** The purpose of the R-R district is to accommodate single-family residential use along existing streets, to preserve the rural character while promoting open space single-family residential development (involving the extension of new streets), and to separate agricultural uses from other more extensive community development within the county. Limited agricultural activities are permitted in this district. These areas may or may not be serviced by municipal water and sanitary sewer.



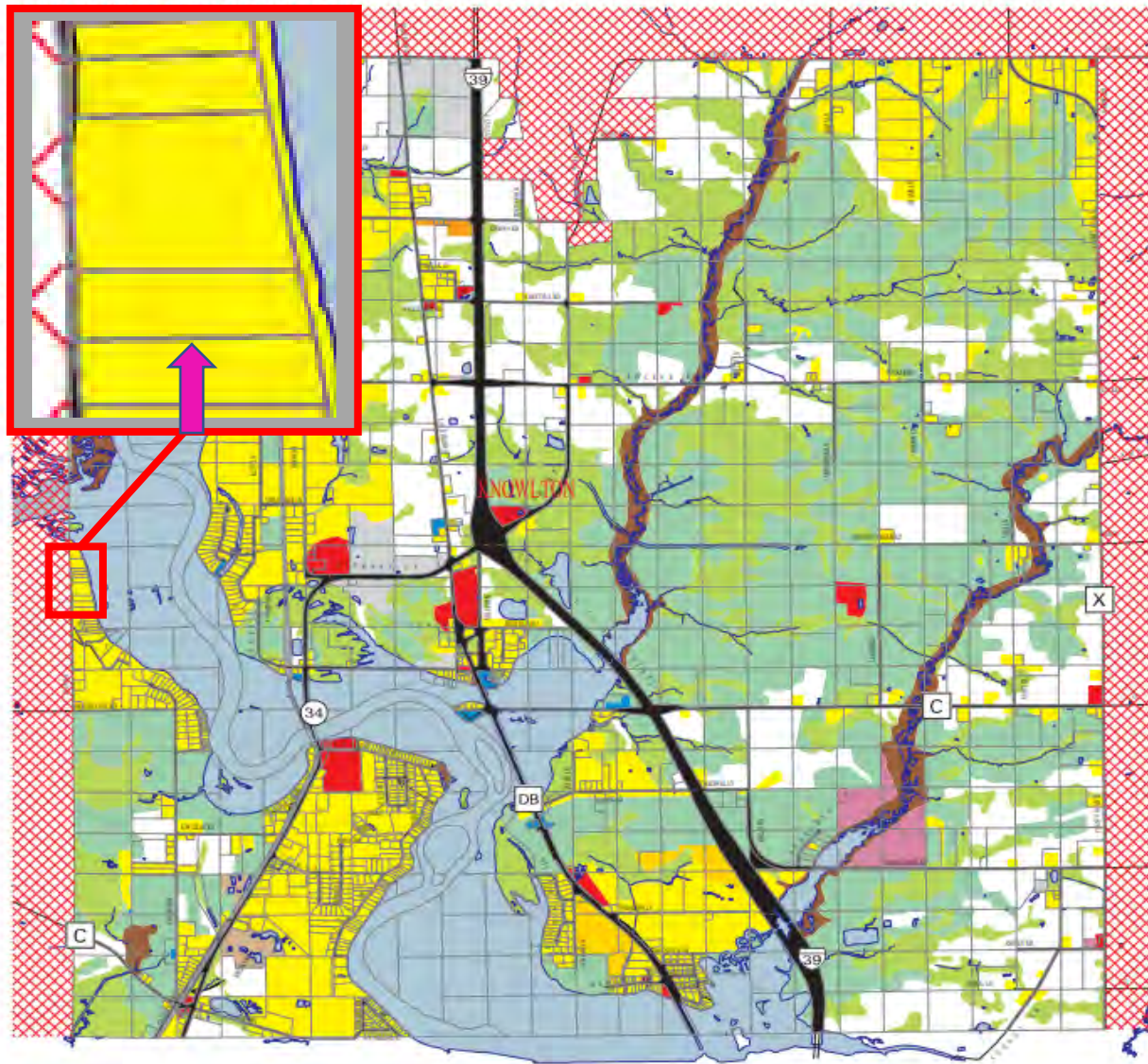
**Town of Knowlton Zoning Map:** The current zoning district of the property is Rural Residential, Adjacent zoning districts are comprised of Rural Residential and General Agriculture,



**Acreage: 2.71 Acres**



**Town Comprehensive Plan Future Land Use Map:** The parcel is shown to be designated as Residential and Commercial in the Town of Knowlton Future Land Use Map (2006)



- |                                  |                    |                     |                              |
|----------------------------------|--------------------|---------------------|------------------------------|
| Single Family Residential        | Industrial         | Forest Land         | Recreational                 |
| Single Family Residential/Forest | Quarry             | Wetlands            | Railroad                     |
| Multi-Family Residential         | Farm Land          | Floodplain          | Transportation               |
| Commercial                       | Forest/Agriculture | Public/Quasi-Public | Water                        |
|                                  |                    |                     | Indicates other Municipality |
- Map Developed by Marathon County CPZ & GIS 2005

Figure 3-1  
Future Land Use  
KNOWLTON

**SPECIFIC PARCEL LIMITATIONS OR NATURAL FEATURES:**

- The proposed structure on this parcel is:
  - **Not** located within mapped floodplain but is very close.
  - **Not** located within DNR mapped wetlands, or water features.
  - Located within the shoreland overlay district.

**VIOLATIONS**

There are no known violations on the property.

**Aerial Photo**



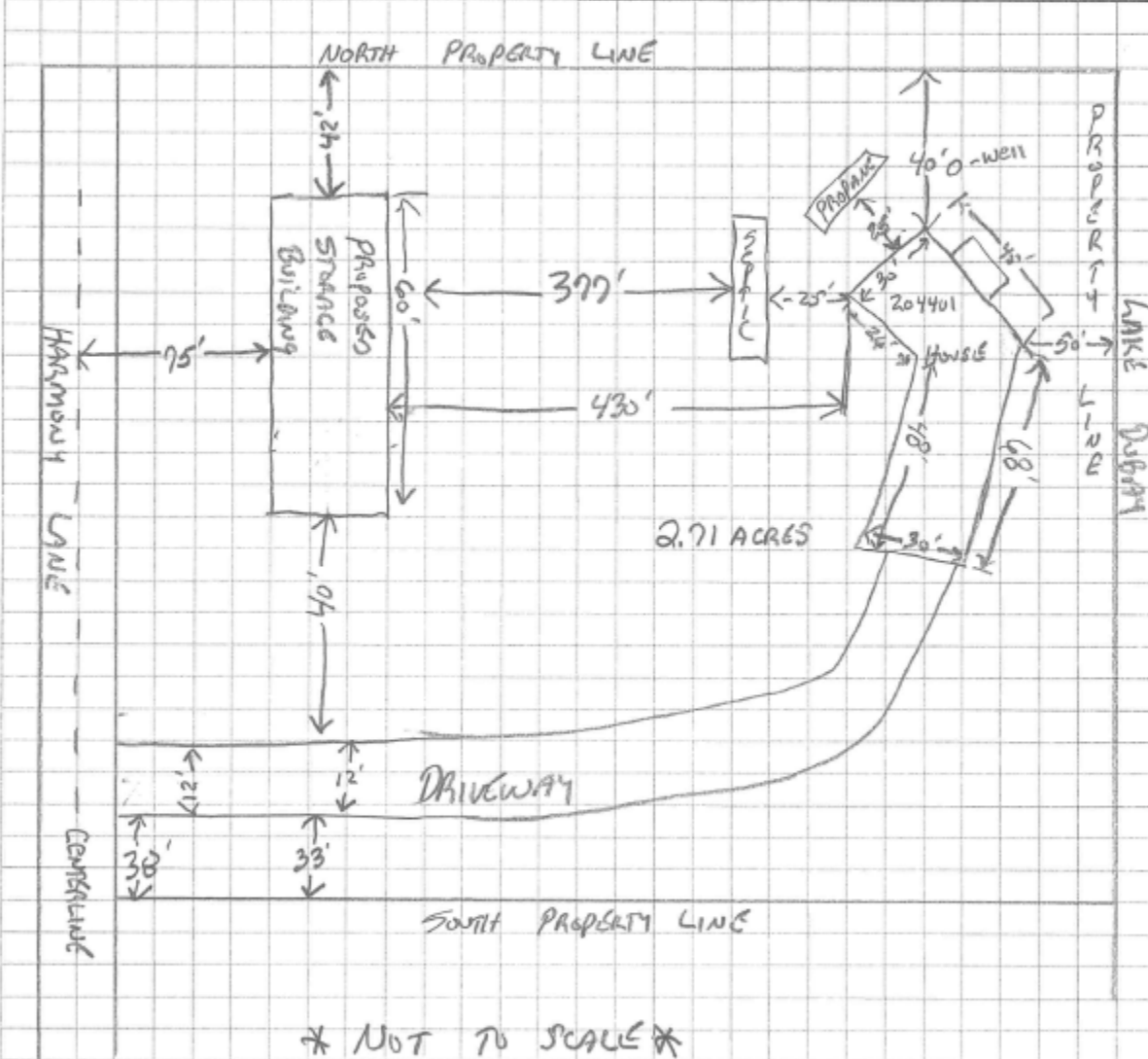


# Site Plans



## SITE PLAN

Permit #	Date:	Notes/Comments:	1" = ___' 
Pin #	048-2607-192-0985		
Owner(s):	STEVEN + KIMBERLY BROWN		
Address:	204401 HARMONY LN		
Project Type:	STORAGE BUILDING		



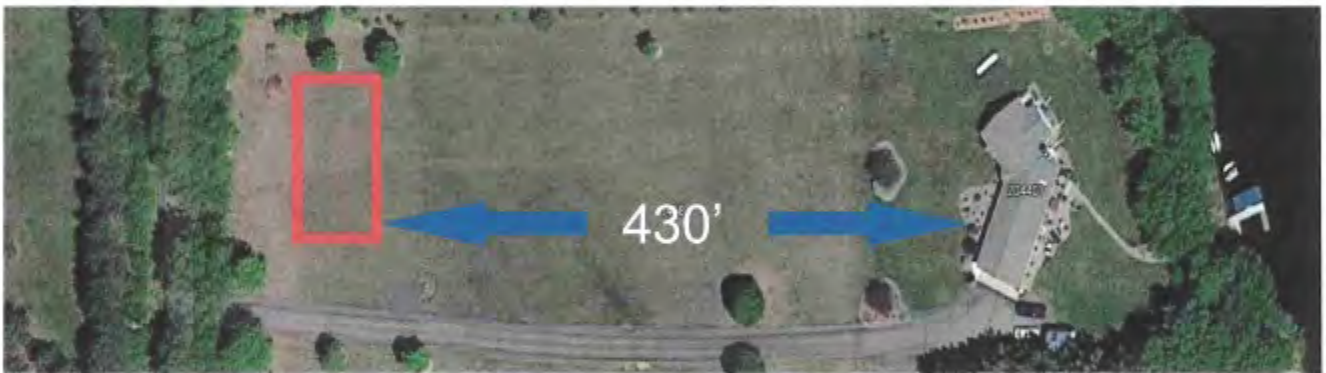
<b>Requirements to be shown:</b> ♦ Location and dimensions of all existing & proposed buildings. ♦ Location of existing or proposed private onsite wastewater treatment system, wells, and driveways. ♦ Proposed setback distances to side and rear property lines, roads (either right-of-	way line and/or centerline), septic system components (tanks and/or drain fields), and unique site features such as wetlands and waterways. ♦ Indicate & label the location of any public and private street. ♦ Location and proposed setback to any recorded access easements.	Road Setback: _____ ft from centerline Side Yard Setbacks: _____ ft and _____ ft Rear Yard Setback: _____ ft Max. Building Height: _____ ft Setback from Ordinary High Water Mark _____ ft Setback from Mapped Wetland Areas _____ ft Septic Component Setbacks: _____ ft and _____ ft Lot Width at Building Line: _____ ft
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POLE BARN TO CENTER OF ROADWAY (HARMONY LANE)



POLE BARN TO HOUSE



POLE BARN TO LAKE DUBAY



# POLE BARN TO SEPTIC FIELD



# POLE BARN TO PROPERTY LINE WITH NEIGHBOR TO THE SOUTH

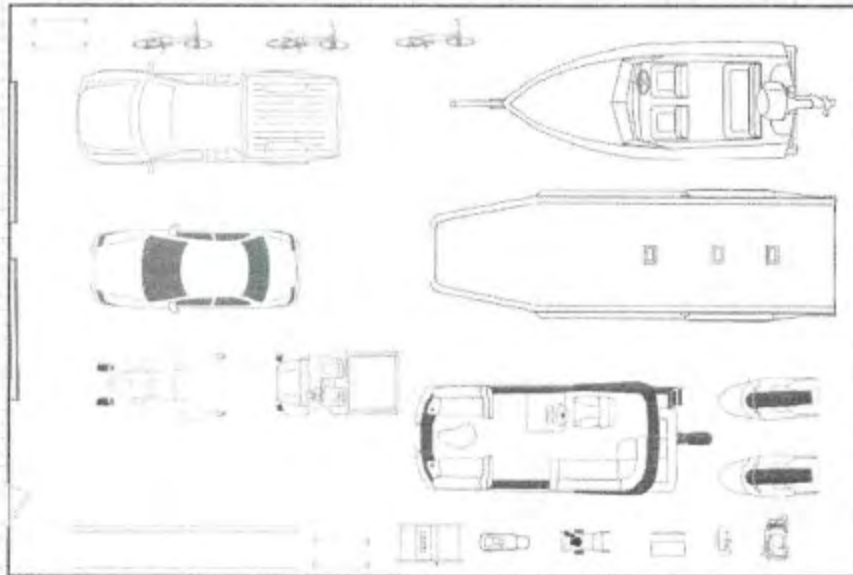


# POLE BARN TO PROPERTY LINE WITH NEIGHBOR TO THE NORTH





Building Dimensions  
Length 60 ft      Width 40 ft



Designed using the Midwest Manufacturing Building Floorplanner tool  
For other helpful project planning tools visit  
[www.midwestmanufacturing.com](http://www.midwestmanufacturing.com)

## 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	
<b>ACCESSORY, TEMPORARY, and OTHER USES</b>													
Accessory Buildings, Structures, and Uses	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Chapter 17.401</a>
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						<a href="#">Section 17.401.01(A)</a>
Accessory Building(s) exceeding the dimensional limitations of Table 6. (For personal/private use and/or accessory to the principal use of the lot)	C	C	C	C	C	C	C	C	C	C	C	C	<a href="#">Section 17.401.02(E)</a>
Permanent use of Storage/Shipping containers as an accessory structure				C	P	P	C	P	P	P	P	P	<a href="#">Section 17.401.01</a>
Concrete and/or Blacktop Mix Plant, processing, stockpiling, and recycling of road building materials					C	C					C	C	<a href="#">Section 17.204.62</a>

### Section 17.401.02 ACCESSORY BUILDINGS

The use of the accessory building must be secondary and incidental to the principle use.

- A. **Attached Accessory Buildings.** An accessory building which is attached to the main building by a common wall and roof shall comply with all the requirements and regulations that are applicable to the principle building.
- B. **Detached Accessory Buildings.** Detached accessory buildings shall not be used as a separate dwelling unit and shall comply with the requirements of the following [Table 6](#):
- C. **Accessory Structures housing Livestock:** Section [17.204.01 \(A\) \(3\)](#)
- D. **Accessory Structures within shoreland jurisdiction:** Existing and new accessory buildings shall comply with all Marathon County shoreland regulations and provisions.
- E. **Construction of Detached Accessory Structures exceeding the dimensional building standards:**
  1. A conditional Use Permit may be applied for the construction of a detached accessory structure with floor area and components differing from the dimensional and maximum lot coverage standards listed in [Table 6](#).
  2. When considering a conditional use permit under this section the following standards shall apply.
    - a. The applicant shall provide evidence demonstrating the need for the proposed accessory structure which exceeds the dimensional standards of the zoning district in [Table 6](#).
    - b. The proposed accessory structure shall not be contrary to public interest.
    - c. The accessory structure shall not interfere or unnecessarily affect the adjacent property owner(s) ability to use their property.

**Applicant Statement Regarding Section 17.401.02(E)**

- a. The need is for additional storage to protect personal property see interior site plan.
- b. Proposed structure is smaller than accessory structures built on the property to the North and South.
- c. No affect on neighboring properties expected as similar structure are to the North and South.

**Table 6. Detached Accessory Building Standards**

<b>Requirement</b>	<b>Residential Districts (U-R or L-D-R)</b>	<b>Residential Districts (RR)</b>	<b>Residential District (RE)</b>	<b>Agricultural Districts (GA &amp; FP)</b>	<b>Any Other Zoning District</b>
<b>Location</b>	Rear , side or front yard	Rear, side or front yard	Rear, side or front yard	Rear, side or front yard	Rear, side or front yard
<b>Setback Requirements</b>					
<i>from principle structure</i>	15 feet	15 feet	15 feet	15 feet	15 feet
<i>from side property line</i>	7 feet	7 feet	7 feet	7 feet	Minimum setback required in zoning district
<i>from rear property line</i>	7 feet	7 feet	7 feet	7 feet	Minimum setback required in zoning district
<b>Maximum side wall height</b>	14 feet	14 feet	None	None	None
<b>Maximum garage door height</b>	12 feet	12 feet	None	None	None
<b>Maximum Size</b>	1200 sq. ft.	1800 sq. ft. <b>Request: 2400sq. ft. 600sq.ft over</b>	NONE	NONE	NONE
<b>Maximum Height (**)</b>	24 feet	24 feet	35 feet **	35 feet **	35 feet **

\* In Shoreland areas: Refer to Chapter 22 Marathon County Shoreland, Shoreland-Wetland, and Floodplain Regulations.

\*\* For height exemptions refer to Section [17.202.07](#).

**Please note:** This Conditional Use Permit is regulated by the Marathon Chapter 17 – Zoning Code that was adopted on March 22, 2022. This complete application was supplied to the county before the 2023 revisions where adopted.

### 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.
      - 6) Sureties.
      - 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.

3. 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)
  - Specify size approved
  - Garage door height
  - Side wall height

**TOWN RECOMMENDATION:**

The **Town of Knowlton** Town Boards Recommend **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

03/09/2023  
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: James Peterson Sons Inc
Mailing Address: PO Box 120 Medford WI 54451
Telephone: 175-748-1376 Fax: 715-748-4530
Cellphone: 920-377-1806 Email: mike.kleist@psbp.com
Owner Name: (if different) Dawn Durr
Mailing Address: 421 E Beech St Edgar WI 54426
Telephone: 715-680-1885 Fax:

PARCEL INFORMATION

Parcel ID # (PIN): 084-2804-021-0999
Legal Description: Government Lot Section 2, T 28, N, R 4, E. Town of Wien
Property Address: STH 29 and Aspen Rd, Sec 02-28-04 FRL N 1/2 NE 1/4 EX M762-1318 (RD)
Parcel size: 52.99 Acres or Sq. Ft.
Zoning District: HWY Frontage

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

Existing improvements (Structures, well, septic, etc.):
none

PROPOSAL

Describe specifically the nature of this request (be sure to list all proposed uses of the parcel). What do you plan to do?
As part of the STH 29 reconstruct this summer we propose to use approx 6 adjacent acres of this field to stockpile concrete/gravel/rock for the purpose of recycling (crushing and screening) reprocessing to reuse in the project. The temporary use would begin in spring and be complete in december 2023. Please see attached site plan. We would strip the existing topsoil, stockpile materials, crush and reprocess materials, stockpile new materials at this site. M-F 6am to 7pm, possibly Sat. 6am to 4pm (if needed to maintain schedule)

If this application is for a use that will be restricted to part of the parcel, specify the exact dimensions of the affected area.
we would use approximately 6 acres adjacent to STH 29, approx 500 x 500 ft; see attached site plan. At project completion we would re-spread the existing topsoil and the land would return to farmland

Provide the following information if this box is checked

Proposal has additional development standards in Section 17.204.12. Explain how your proposal meets or exceeds these requirements.

RECEIVED
JAN 29 2023
MARATHON COUNTY BOARD OF ADJUSTMENT
PLANNING DEPT.

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"/>	<b>SH</b>	Completed application including signatures.
<input checked="" type="checkbox"/>	<b>SH</b>	Map with all required information.
<input checked="" type="checkbox"/>	<b>SH</b>	Additional documents, as needed (lot combination forms, hunting/fishing shelter application, etc.)
<input checked="" type="checkbox"/>	<b>SH</b>	Zoning Permit application
<input checked="" type="checkbox"/>	<b>SH</b>	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.

*Dawn D...*  
 Owner Signature (required)

*1/27/23*  
 Date

*M. Klento*  
 Agent / Person responsible for work Signature (required)

*1/27/23*  
 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.

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**

Amount Received: \$ *600.00*

**For office use**

Date Stamp: *2/2/2023*

**For office use**

Edgar, Wisconsin  
Google Street View  
Sep 2022 See more dates





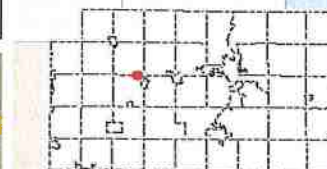


WAUSAU

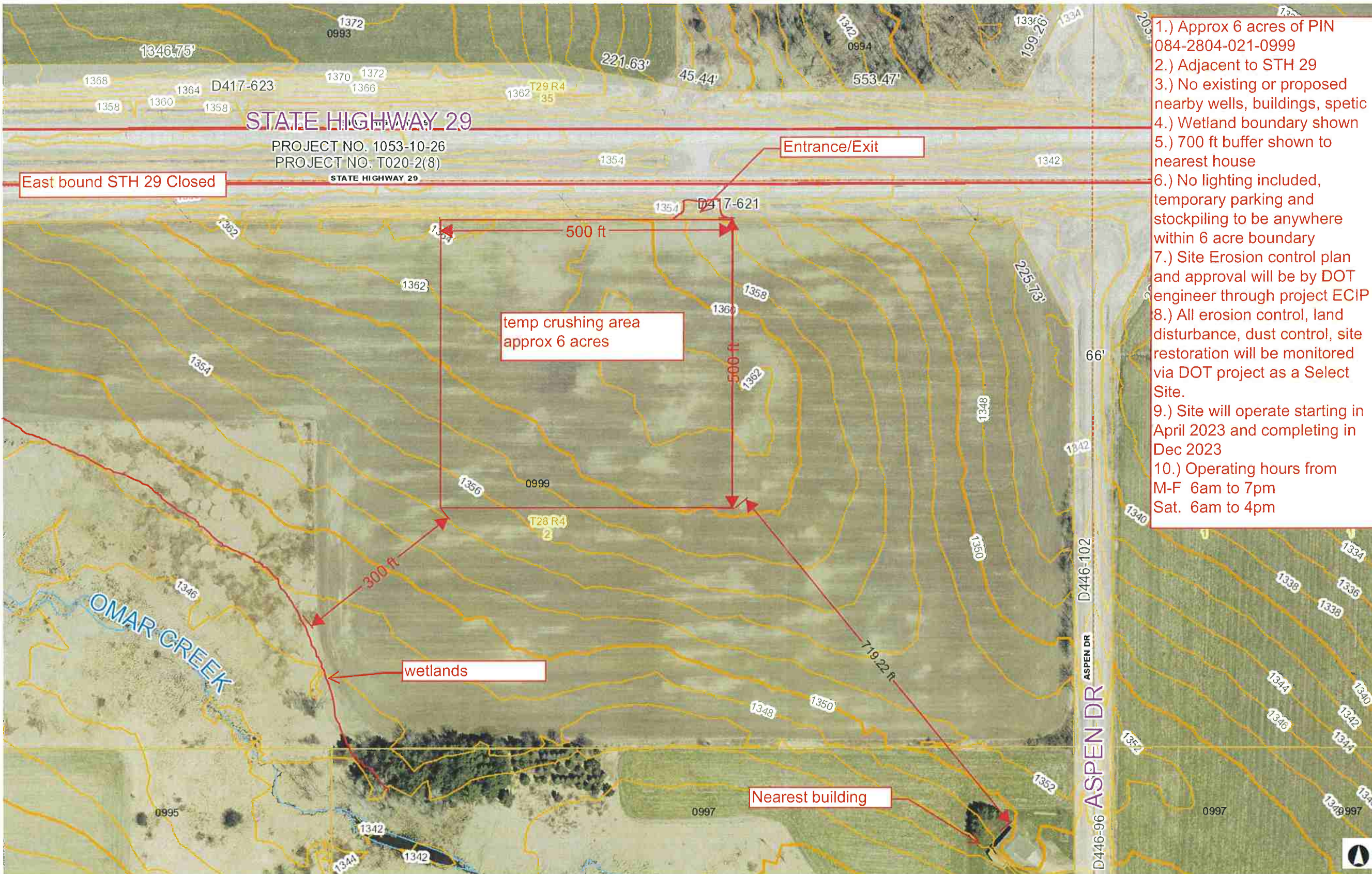
Land Information Mapping System

JAMES PETERSON SONS INC  
TEMPORARY RECYCLE SITE FOR STH 29 PROJECT 2023

TAYLOR LINCOLN



WOOD PORTAGE



- 1.) Approx 6 acres of PIN 084-2804-021-0999
- 2.) Adjacent to STH 29
- 3.) No existing or proposed nearby wells, buildings, septic
- 4.) Wetland boundary shown
- 5.) 700 ft buffer shown to nearest house
- 6.) No lighting included, temporary parking and stockpiling to be anywhere within 6 acre boundary
- 7.) Site Erosion control plan and approval will be by DOT engineer through project ECIP
- 8.) All erosion control, land disturbance, dust control, site restoration will be monitored via DOT project as a Select Site.
- 9.) Site will operate starting in April 2023 and completing in Dec 2023
- 10.) Operating hours from M-F 6am to 7pm Sat. 6am to 4pm

- Legend**
- Road Centerlines
    - US
    - State
    - County
    - Local
    - Private
    - Forest
    - Park
  - Road Names
  - Parcel ID
  - Parcels
  - Parcel Lot Lines
  - Land Hooks
  - Section Lines/Numbers
  - Right Of Ways
  - Named Places
  - Municipalities
  - 2ft Contour Labels
  - County-wide 2ft Contours (2012)
  - Index
  - Intermediate
  - Streams-Rivers
  - 2020 Orthos Countywide
    - Red: Band\_1
    - Green: Band\_2
    - Blue: Band\_3

83.33 0 83.33 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.

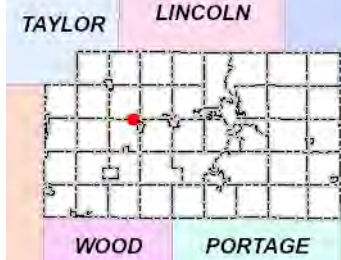
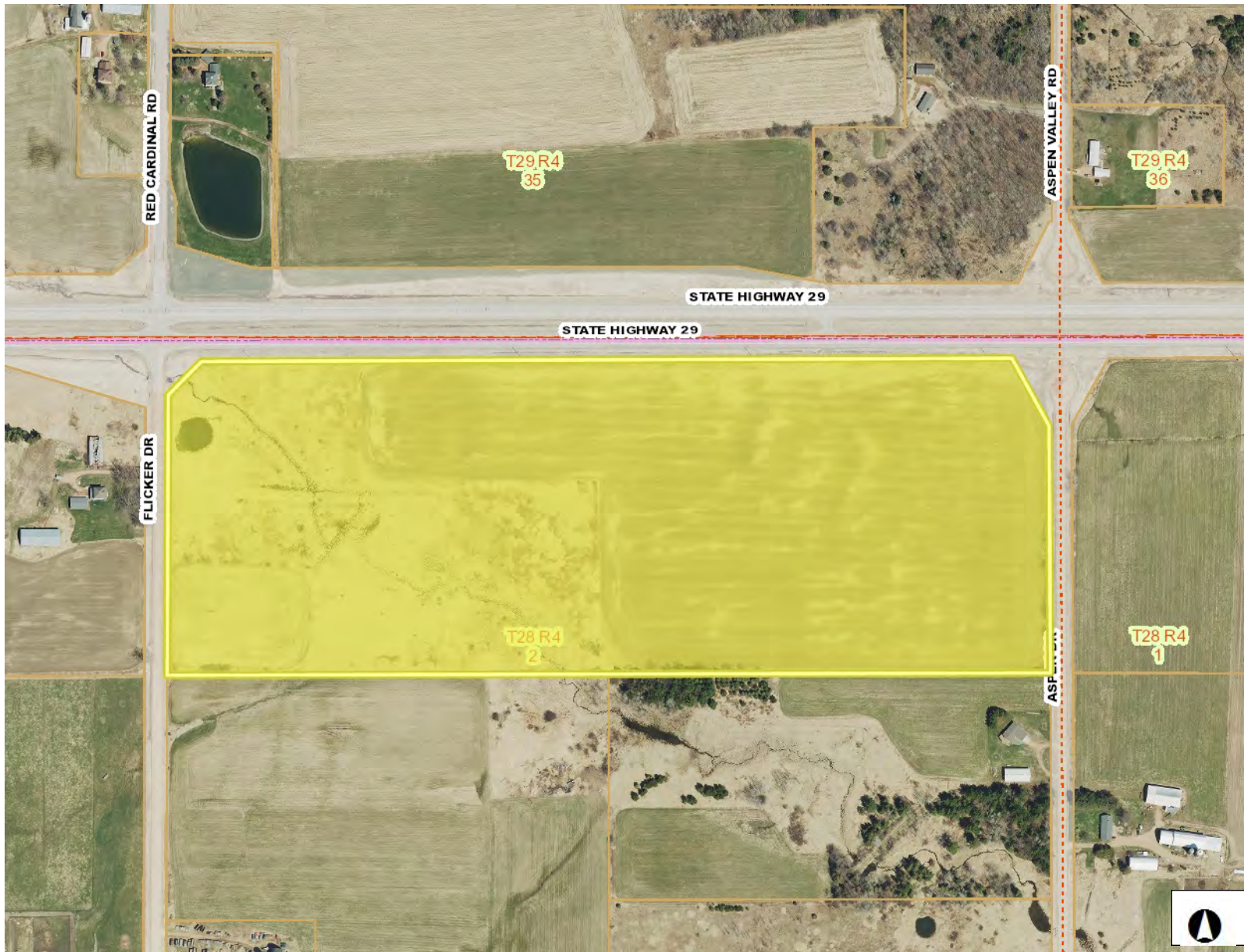
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



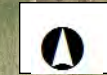


# Land Information Mapping System



### 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



217.53 0 217.53 Feet



NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet

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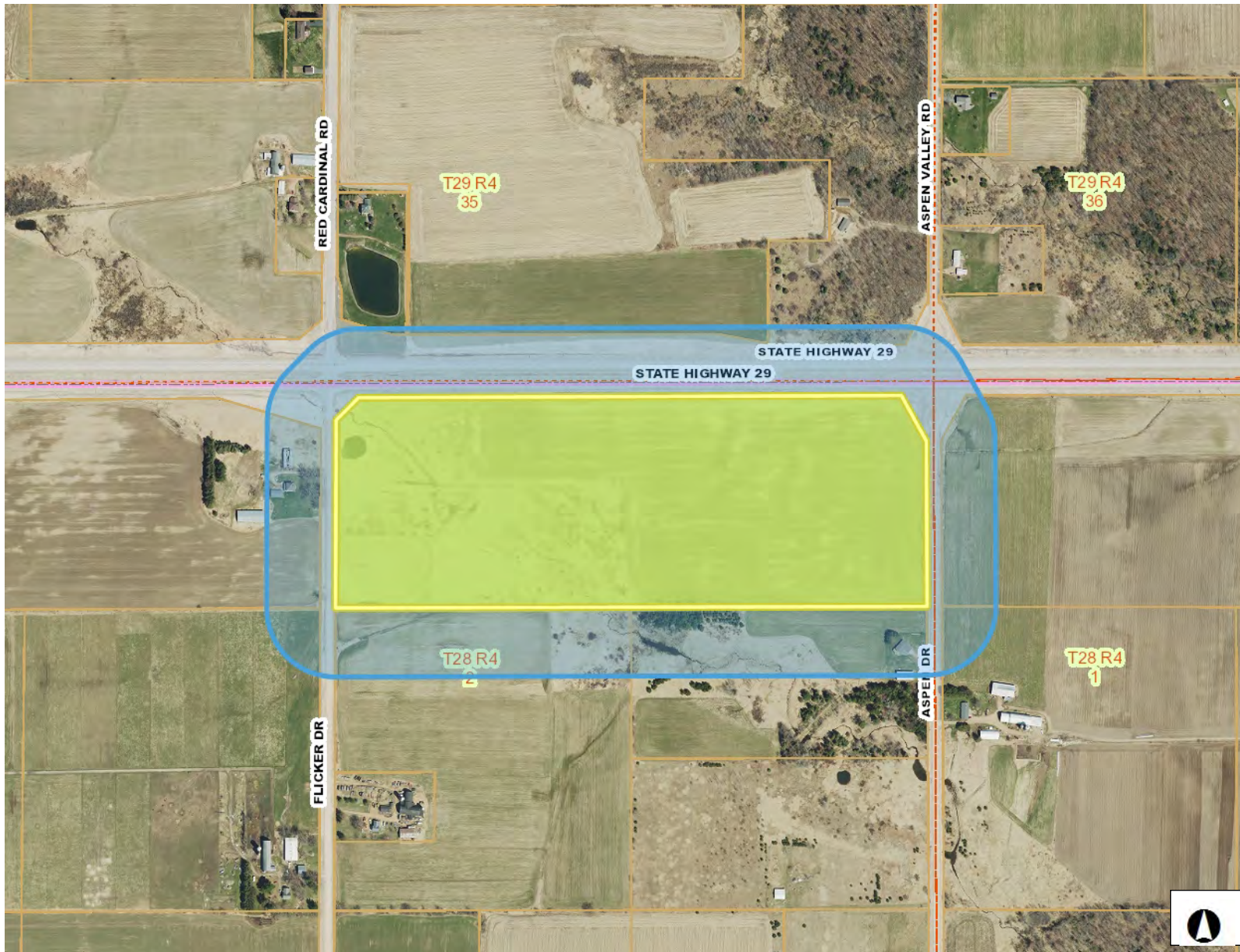
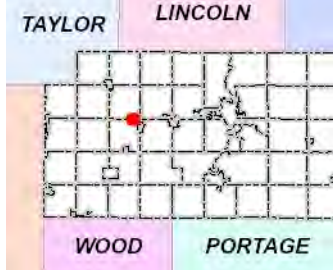
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

### Notes





# Land Information Mapping System



## 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

324.52 0 324.52 Feet



NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet

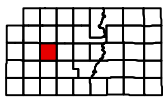
DISCLAIMER: The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement 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**

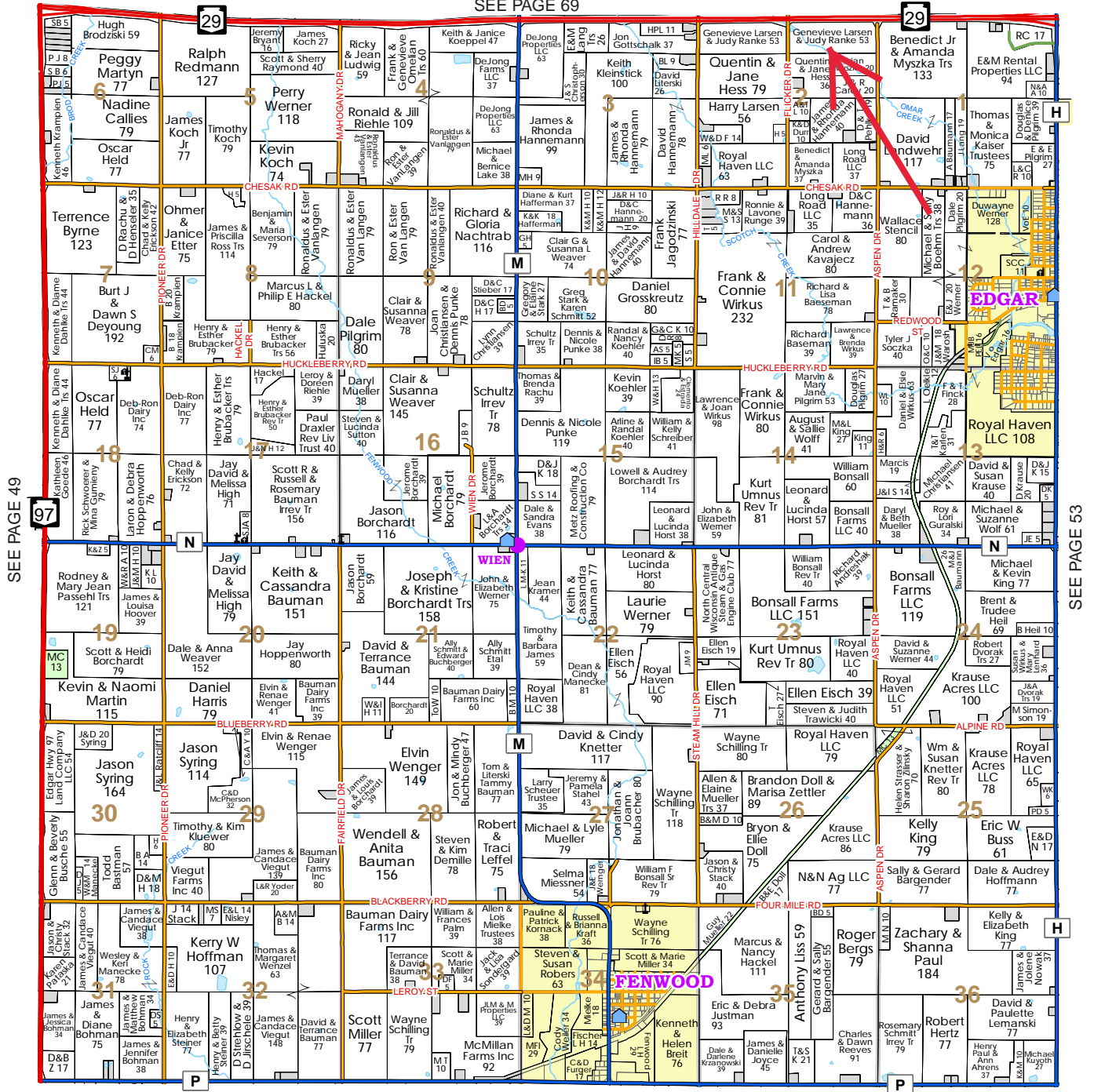
## Notes







SEE PAGE 69



SEE PAGE 49

SEE PAGE 53

SEE PAGE 33



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Wausau, WI 54402

STATE OF WISCONSIN )  
MARATHON COUNTY )  
TOWN OF WIEN )

**TOWN RESOLUTION OF RECOMENDATION**

TO THE MARATHON COUNTY BOARD OF ADJUSTMENT

I, Diane Drinsinger, Clerk of the Town of Wien Marathon County, State of Wisconsin, do hereby certify that the following is a true and correct copy of a resolution adopted by the Town of Wien Town Board at a meeting held on the 13th day of February, 2023.

RESOLUTION

WHEREAS, the Marathon County Board of Adjustment is established for the purpose of hearing certain appeals, applications and granting variances in harmony with the general purpose and intent of land use regulations, and

WHEREAS, such a hearing is scheduled to come before the Board affecting lands within the Town of Wien,

NOW, THEREFORE BE IT RESOLVED that the Town of Wien Town Board considered on the 13th day of February, 2023, the application of James Peterson Sons INC. for a conditional use permit per Section 17.204.62 of the General Zoning Code or 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 the fractional North 1/2, Northeast 1/4 of Section 2, Township 28 North, Range 4 East, Town of Wien; Pin#: 084.28.04.021.0999.

and hereby recommends:

- Marathon County Board of Adjustment **APPROVE** application
- Marathon County Board of Adjustment **DENY** application

Comments, conditions and reasons for recommended action:

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Clerk Diane Drinsinger  
Town Board Don Calvin Tschek  
Kelly  
David Baum

NOTE: If you recommend disapproval of this request, please make every effort to send a representative to the Board of Adjustment Public Hearing. Town input at the hearing is always appreciated.

Please return this form before March 10, 2023 to:

Board of Adjustment  
Marathon County Conservation, Planning and Zoning Department  
210 River Drive  
Wausau, WI 54403



**James Peterson Sons Inc.**  
**Conditional Use Permit Application**  
**Staff Report, March 23<sup>rd</sup>, 2023**  
**Marathon County Board of Adjustment**

**PETITIONER:**

James Peterson – PO Box 120, Medford, WI 54451

**PROPERTY OWNERS:**

Dawn Durr – 421 E Beech Street, Edgar, WI 54426

**REQUEST:**

The application of James Peterson Sons INC. for a conditional use permit per Section 17.204.62 of the General Zoning Code or 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 the fractional North ½, Northeast ¼ of Section 2, Township 28 North, Range 4 East, Town of Wein; Pin#: 084.28.04.021.0999.

**PUBLIC HEARINGS/MEETINGS:**

- Town of Wein Town Board Meeting: February 13<sup>th</sup>, 2023
- Marathon County Board of Adjustment Meeting: March 23, 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 Wien Zoning Map:** The parcel proposed is currently zoned General Agriculture and is located in the Highway corridor and Interchange overlay.

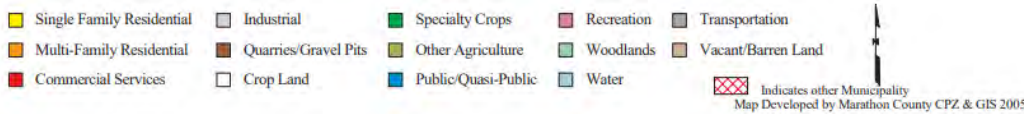
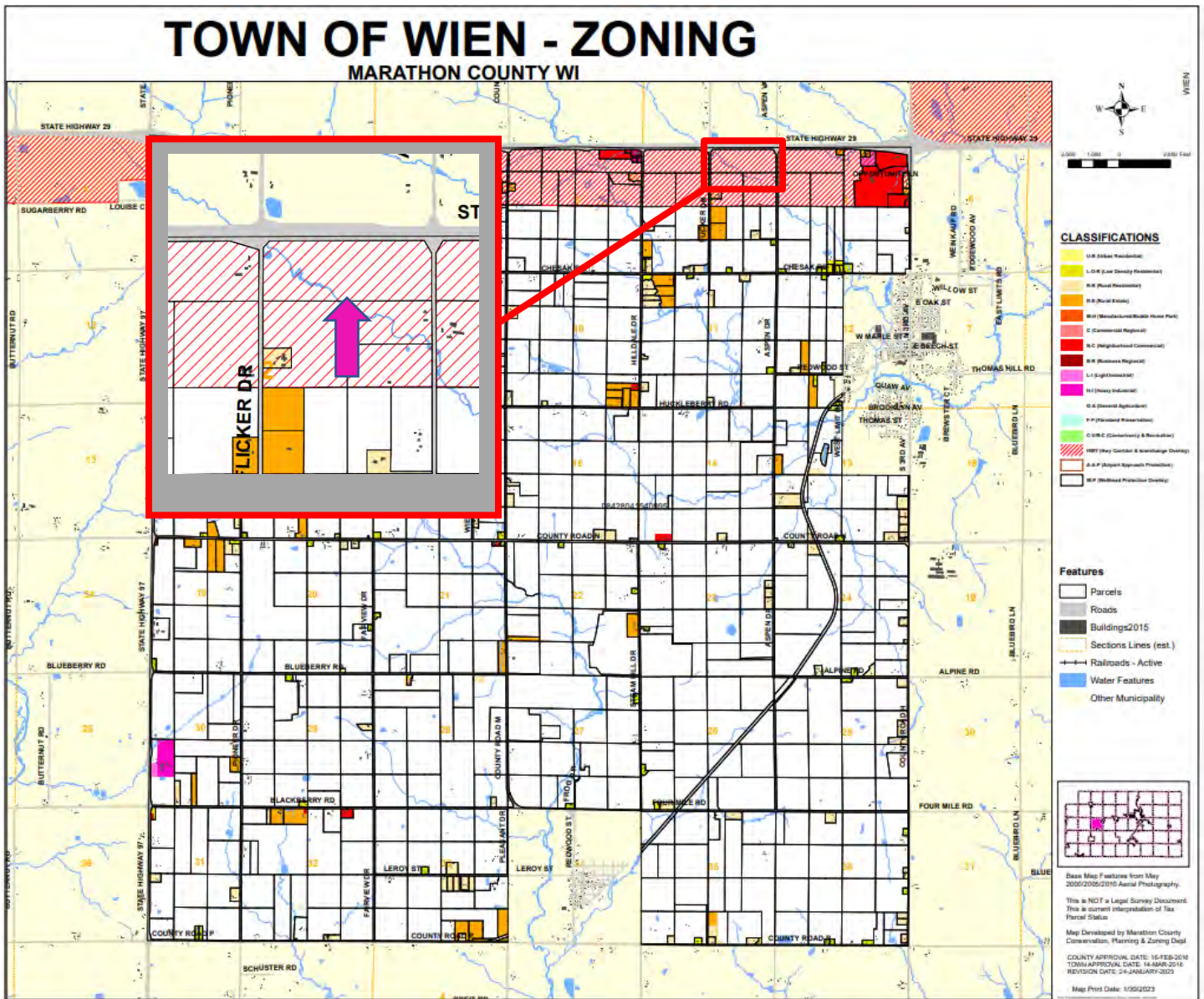


Figure 4-1  
2000 Landuse/Landcover  
GREENVALLEY

**Acreeage: 1.87 Acres**



**Town Comprehensive Plan Future Land Use Map:** The parcel is shown to be designated as Crop Land, Other Agriculture, and Single Family Residential in the Town of Wein's Future Land Use Map (2005)

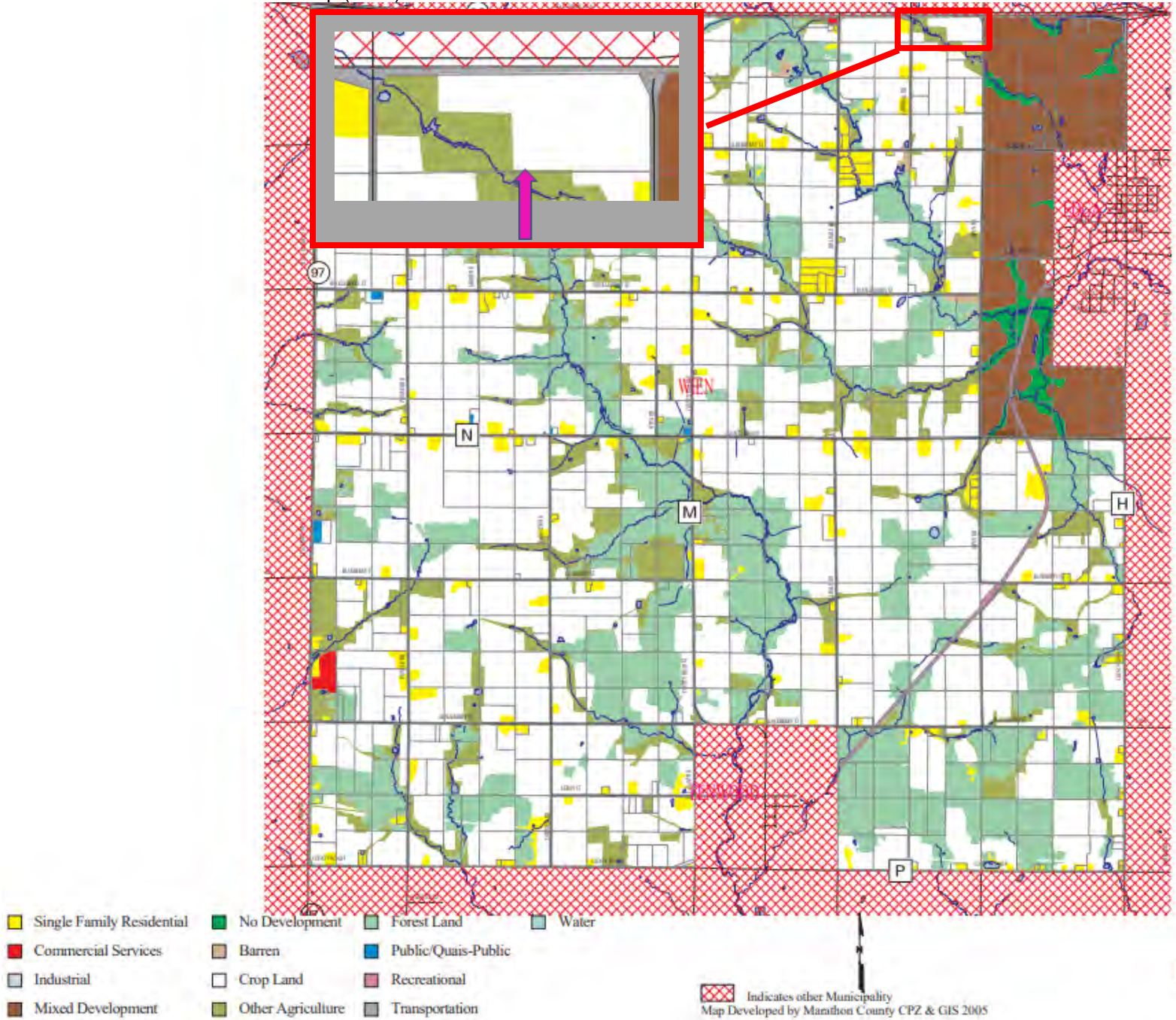


Figure 3-1  
Future Land Use  
WIEN

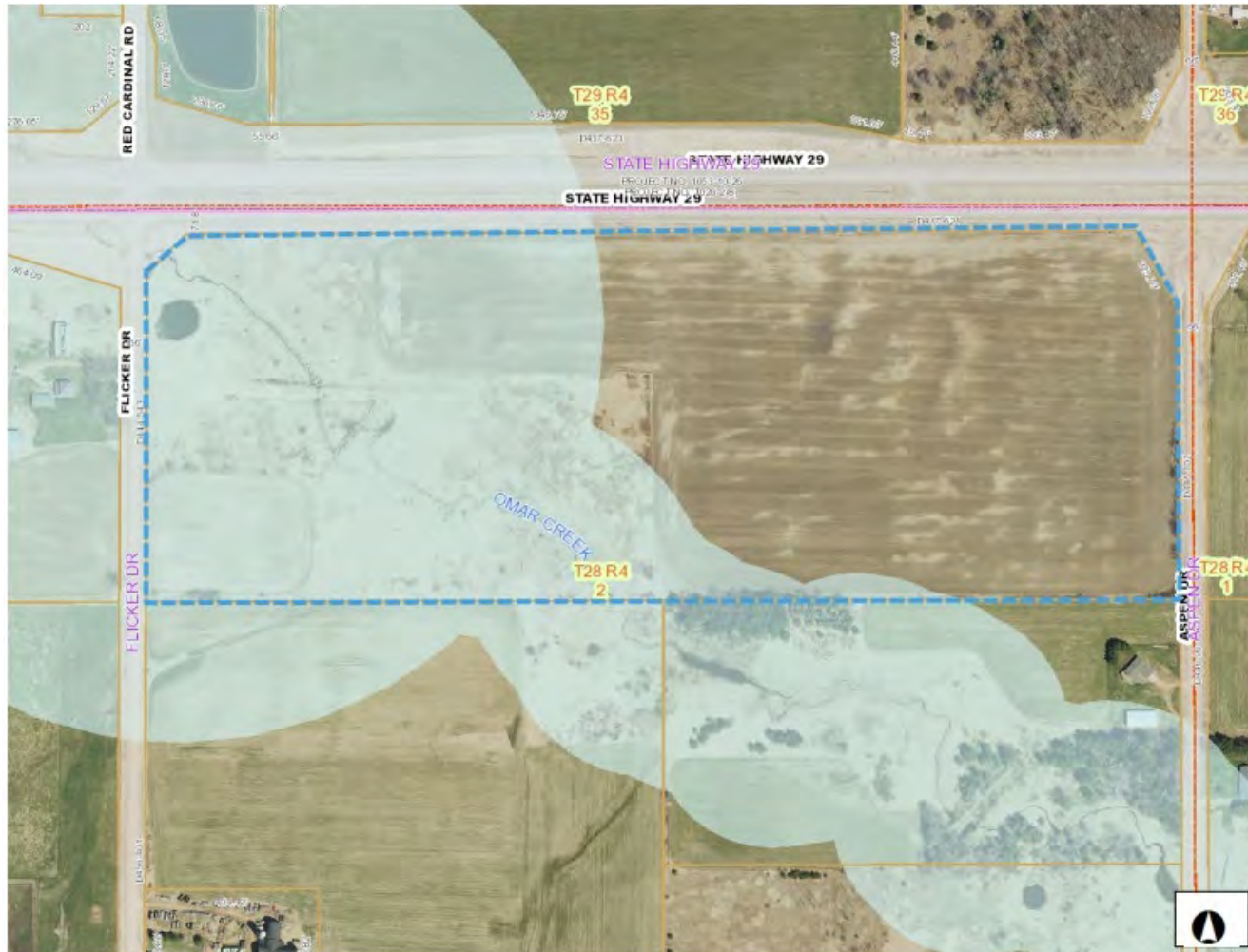
## SPECIFIC PARCEL LIMITATIONS OR NATURAL FEATURES:

- The proposed structure on this parcel is:
  - **Not** located within mapped floodplain but is very close.
  - **Not** located within DNR mapped wetlands, or water features.
  - located within the shoreland overlay district.

## VIOLATIONS

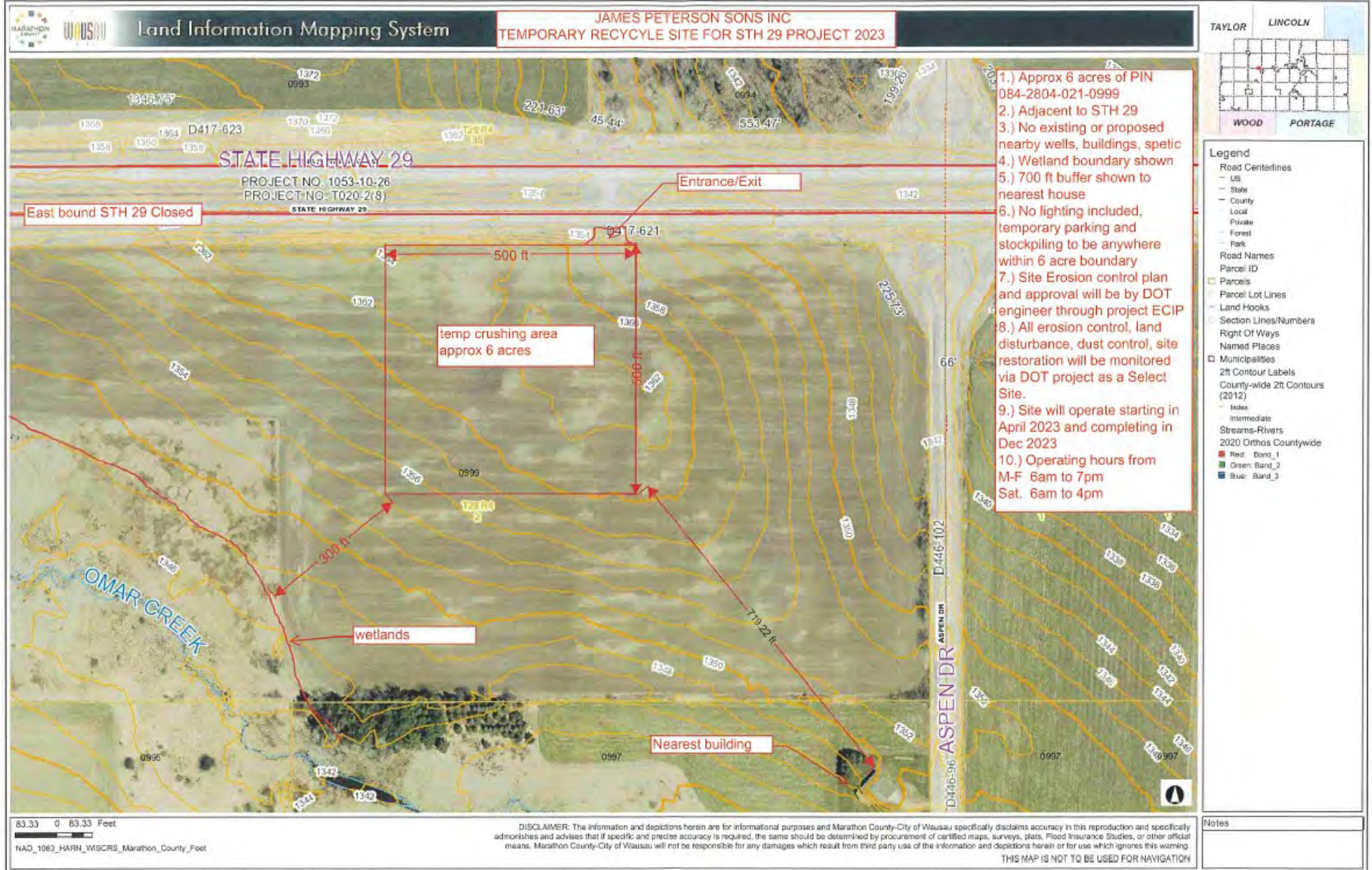
There are no known violations on the property.

## Aerial Photo





# Site Plans





## Chapter 17 Sections that apply to this application

**Table 3. Uses Permitted by District**

USE	Key:												Development Standards
	P Permitted Use				C Conditional Use				(Blank) Use Not Permitted				
	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	
<b>ACCESSORY, TEMPORARY, and OTHER USES</b>													
Accessory Buildings, Structures, and Uses	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Chapter 17.401</a>
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						<a href="#">Section 17.401.01(A)</a>
Accessory Building(s) exceeding the dimensional limitations of Table 6. (For personal/private use and/or accessory to the principal use of the lot)	C	C	C	C	C	C	C	C	C	C	C	C	<a href="#">Section 17.401.02(E)</a>
Permanent use of Storage/Shipping containers as an accessory structure				C	P	P	C	P	P	P	P	P	<a href="#">Section 17.401.01</a>
Concrete and/or Blacktop Mix Plant, processing, stockpiling, and recycling of road building materials					C	C					C	C	<a href="#">Section 17.204.62</a>
Garage, Yard, and Estate Sales	P	P	P	P	P	P	P						<a href="#">Section 17.204.55</a>

### Section 17.204.62 CONCRETE AND/OR BLACKTOP MIX PLANT, PROCESSING, STOCKPILING, AND RECYCLING OF ROAD BUILDING MATERIALS

- A. The proposed plant is strongly advised to be located within an existing permitted nonmetallic mine where there are currently no violations.
- B. The proposed plant shall not be located within 100 feet of a residence (unless it is the owner or operator's residence).
- C. Hours of operation shall be limited to Monday through Friday 7 am-7 pm (unless otherwise specified by the BOA).
- D. The proposed plant permit shall be valid for a maximum of 2 years (unless otherwise specified by the BOA).
- E. No portion of the batch plant or its operation shall be located on a public or private street.
- F. The proposed plant shall be operated in a manner that eliminates unnecessary dust, noise, and odor.
- G. The site must be clear of all equipment, material and debris upon completion of the project or upon expiration of the permit, whichever comes first.

#### Section 17.204.62(E) Responses

- A. **The proposed site is not located in an existing non-metallic mine and there are currently no know violations.**
- B. **Per Site Plan and Aerial images:** There are no residence withing 100-feet of the project area.
- C. **Per application:** Requested hours are from 6:00am-7:00pm Monday through Friday and 6:00am-4:00pm Saturday.
- D. **Per application:** Project length will begin in spring 2023 and project completion in December 2023
- E. **Per Site Plan:** No portion of plant will be located on a public or private street.
- F. **Per applicant:** Haul roads will be watered and crushing equipment will have sprayers to reduce dust. No odor anticipated but will mitigate if it becomes an issue. Will not operate near residence during nighttime hours to control noise, all equipment is equipped with factor exhaust systems, propose hours are listed in application.
- G. **Per application:** Topsoil from 6-acre area would be stripped and stockpiled prior to star of processing. At project completion site equipment and material would be removed and topsoil would be respread. The site would return to farmland.

**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.
      - 6) Sureties.
      - 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.
3. **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)
  - Dust control
  - Hours of operation
  - Change of operator
  - Expiration date of permit

**TOWN RECOMMENDATION:**

The **Town of Wein** Town Boards Recommend **Approval** 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

03/9/2022  
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: Marlin Lehman  
Mailing Address: 233532 Highpoint Rd Ringle, WI 54471  
Telephone: 715-551-8746 Fax: \_\_\_\_\_  
Cellphone: ↑ Email: Marlin@TrimCraftersLLC.com  
Owner Name: (if different) \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

PARCEL INFORMATION

Parcel ID # (PIN): 01829091910980  
(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 ~~1/4~~ <sup>NE</sup> 1/4 NE 1/4 Section: 19, T29 N, R 9 E,  
Town of Easton  
Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Property Address: 233532 Highpoint Rd Ringle WI 54471  
Parcel size: 4.67 Acres or \_\_\_\_\_ ft<sup>2</sup> Zoning District: RR

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

home, wooded

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

home, garage, well, 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?

I would like to build a 60x40 shed with 20x40 finished for office/man cave. Above office would be extra storage.

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

\_\_\_\_\_  
\_\_\_\_\_

Provide the following information if this box is checked

Proposal has additional development standards in Section 17.401.02(E)(2). Explain how your proposal meets or exceeds these requirements.

\_\_\_\_\_  
\_\_\_\_\_

Use separate/additional sheet(s) if necessary

RECEIVED

JAN 20 2023

MARATHON COUNTY CONSERVATION  
PLANNING & ZONING



## 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"/>	_____	Completed application including signatures.
<input checked="" type="checkbox"/>	<u>SH</u>	Map with all required information.
<input checked="" type="checkbox"/>	<u>SH</u>	Additional documents, as needed (lot combination forms, hunting/fishing shelter application, etc.)
<input checked="" type="checkbox"/>	<u>SH</u>	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.

<p><u>Mark Lehman</u> Owner Signature (required)</p>	<p><u>12-24-22</u> Date</p>
<p><u>Mark Lehman</u> Agent / Person responsible for work Signature (required)</p>	<p><u>12-24-22</u> Date</p>

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.

<p><u>Return to:</u> Board of Adjustment Marathon County CPZ Department 210 River Drive Wausau, WI 54403-5449</p>	<p>Telephone: 715-261-6000 Toll free within Marathon County: 1-800-230-0153 Facsimile: 715-261-6016</p>
---	---

For office use

Amount Received: \$ 600.00

For office use

Date Stamp:

RECEIVED

For office use

JAN 20 2023

MARATHON CO. CONSERVATION  
& ZONING

To Whom it may concern,

I am writing in regards to obtaining a permit for an oversized shed on my property. The reason for the structure that exceeds the dimensional standards of our zoning district is for storage of personal equipment. I own a tractor, camper, boat, personal trailer, and lawn mower. I do not like storing things outside for property cosmetic reasons. I believe keeping things stored inside and a tidy appearance gives a positive value to property.

I have spoken to my neighbors that would be directly influenced by the shed and they have voiced they would not be opposed to an oversized shed on my property. I showed them where it would be placed and explained the size and appearance of the shed in detail.

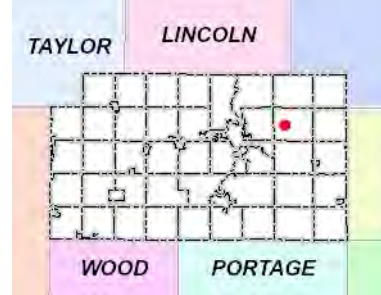
We have 5 acres of property and the shed will be 25 feet from the closest property line. I spoke to the owner of that property and explained where it would be placed and he was in agreement with the location and size. He agreed it would not affect their property in any way. There isn't any other property that would be directly affected by the placement of the shed.

Thank you for your time and consideration,  
Marlin Lehman

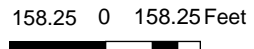




# Land Information Mapping System



- 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



**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**

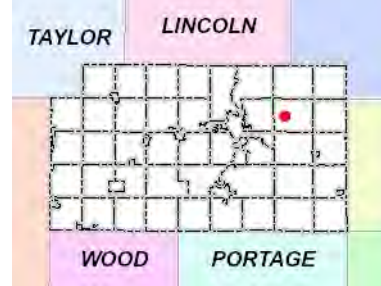
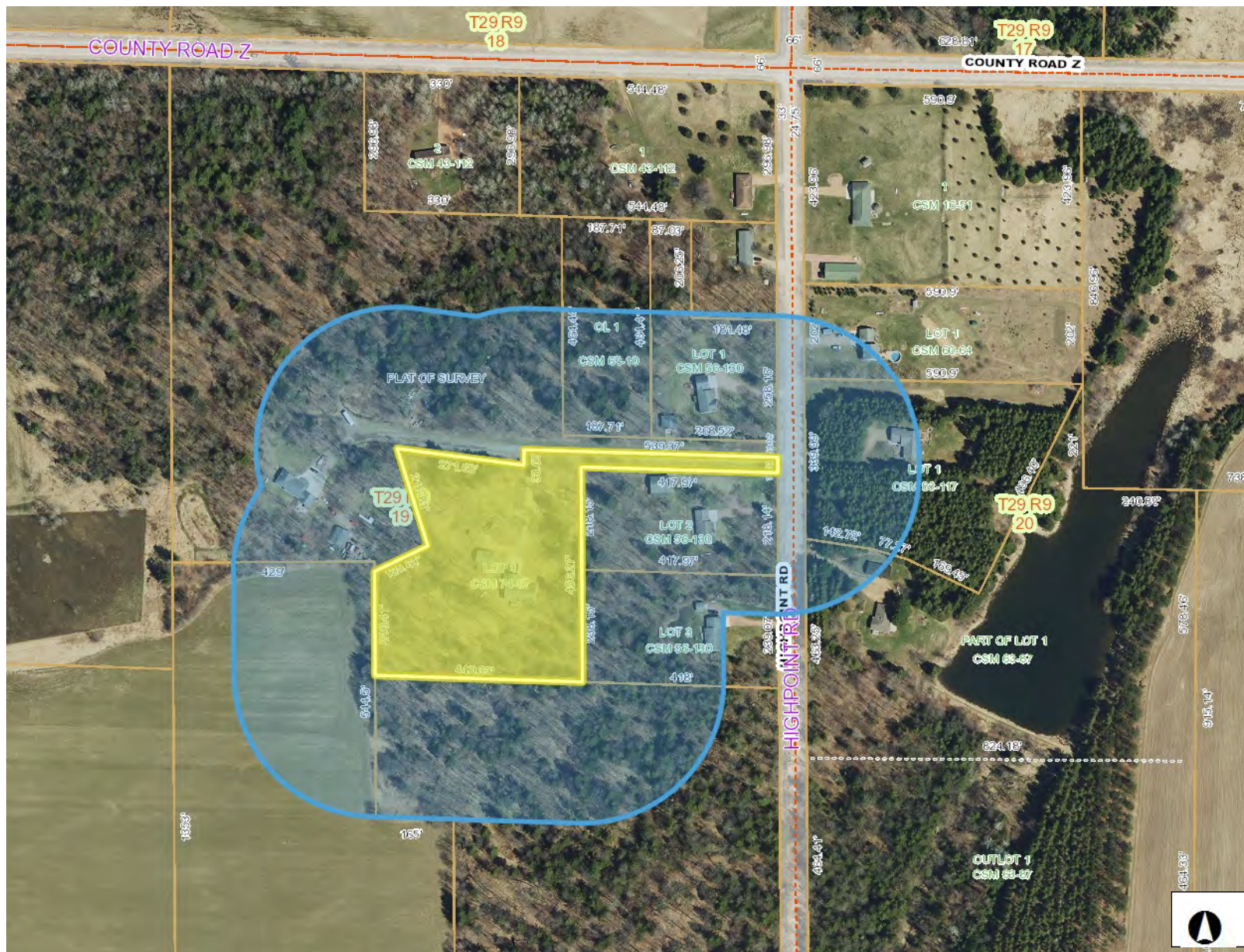
**Notes**

NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet





# Land Information Mapping System



- 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

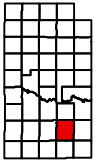
158.25 0 158.25 Feet

NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Notes**





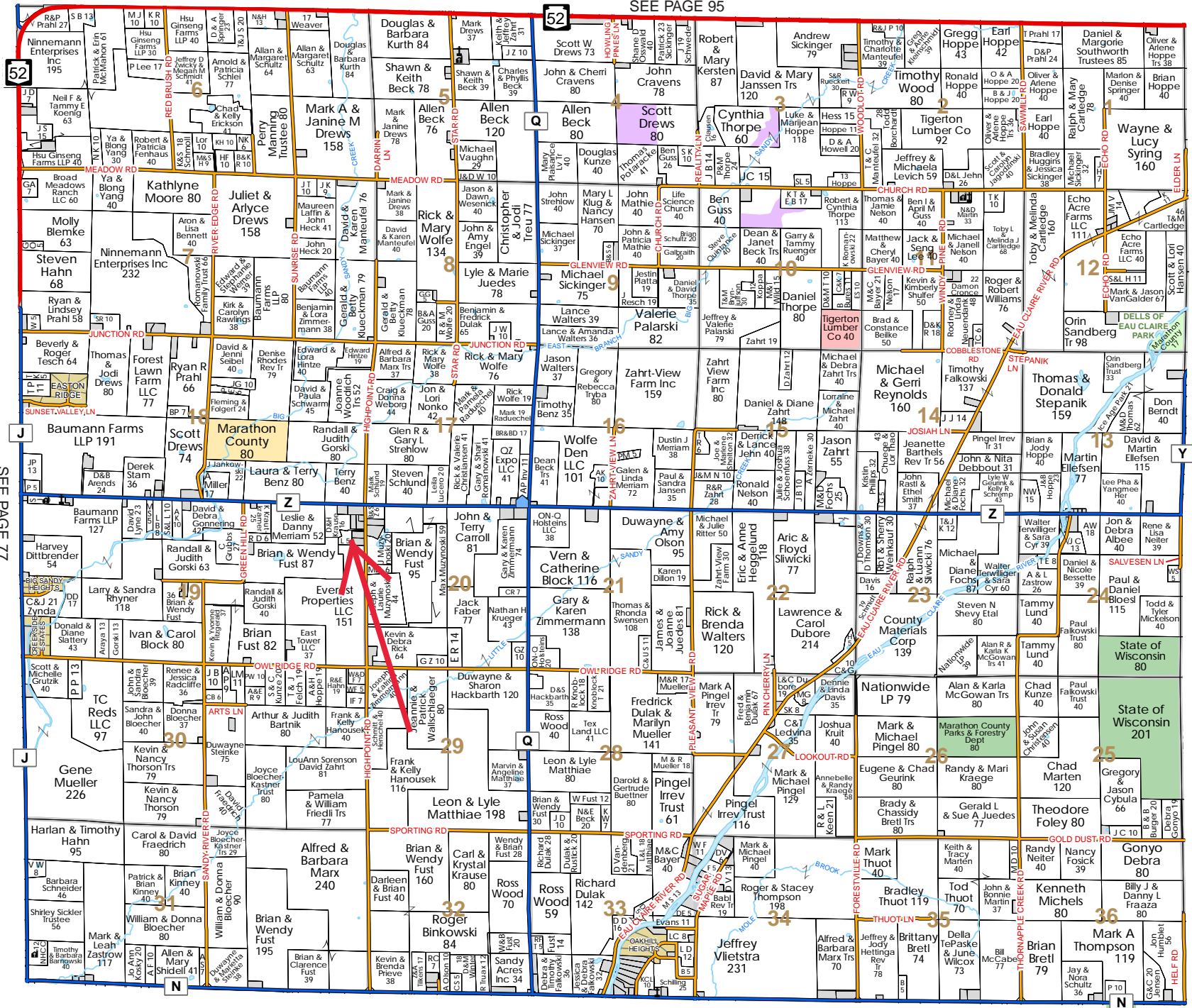
Easton



Township 29N - Range 9E

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SEE PAGE 95



SEE PAGE 77

SEE PAGE 81

SEE PAGE 61



**Marlin Lehman**  
**Conditional Use Permit Application**  
**Staff Report, March 23<sup>rd</sup>, 2023**  
**Marathon County Board of Adjustment**

**PETITIONER:**

Marlin Lehman – 233532 Highpoint Road, Ringle, WI 54471

**PROPERTY OWNERS:**

Marlin Lehman – 233532 Highpoint Road, Ringle, WI 54471

**REQUEST:**

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#:018.2909.191.0983.

**PUBLIC HEARINGS/MEETINGS:**

- Town of Easton Town Board Meeting: **TBD**
- Marathon County Board of Adjustment Meeting: March 23<sup>rd</sup>, 2023; 9:00AM

**Legal Notification:**

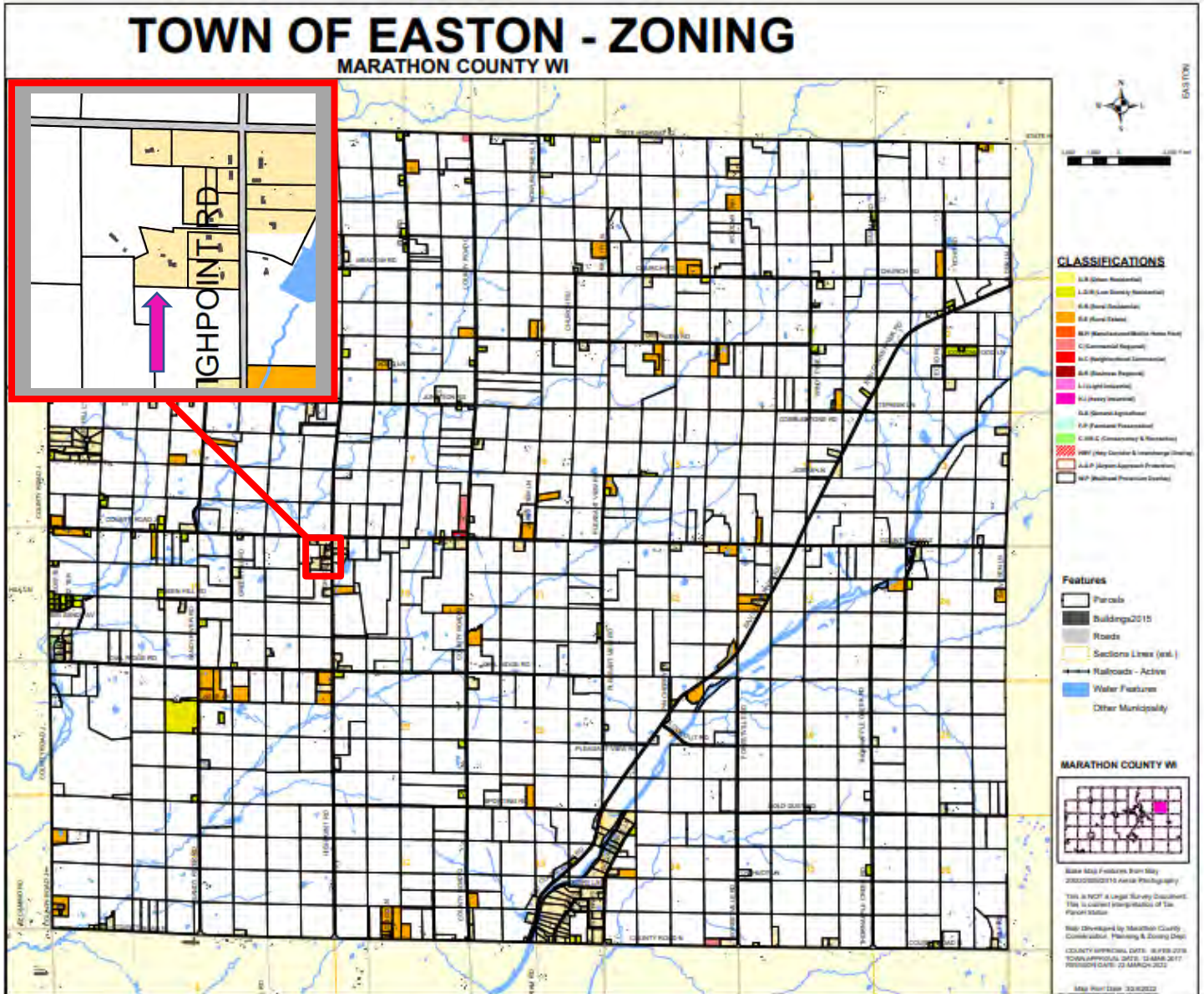
A legal advertisement was published in the *Wausau Daily Herald*. Notice of the CUP request was also sent by regular mail to adjacent property owners within 300 feet of the subject property.

**EXISTING ZONING DISTRICT:**

**R-R Rural Residential District.** The purpose of the R-R district is to accommodate single-family residential use along existing streets, to preserve the rural character while promoting open space single-family residential development (involving the extension of new streets), and to separate agricultural uses from other more extensive community development within the county. Limited agricultural activities are permitted in this district. These areas may or may not be serviced by municipal water and sanitary sewer.



**Town of Easton Zoning Map:** The current zoning district of the property is Rural Residential, Adjacent zoning districts are comprised of Rural Residential and General Agriculture.



**Acreeage: 4.67 Acres**



**Town Comprehensive Plan Future Land Use Map:** The parcel is shown to be designated as Residential and Commercial in the Town of Easton Future Land Use Map (2006)

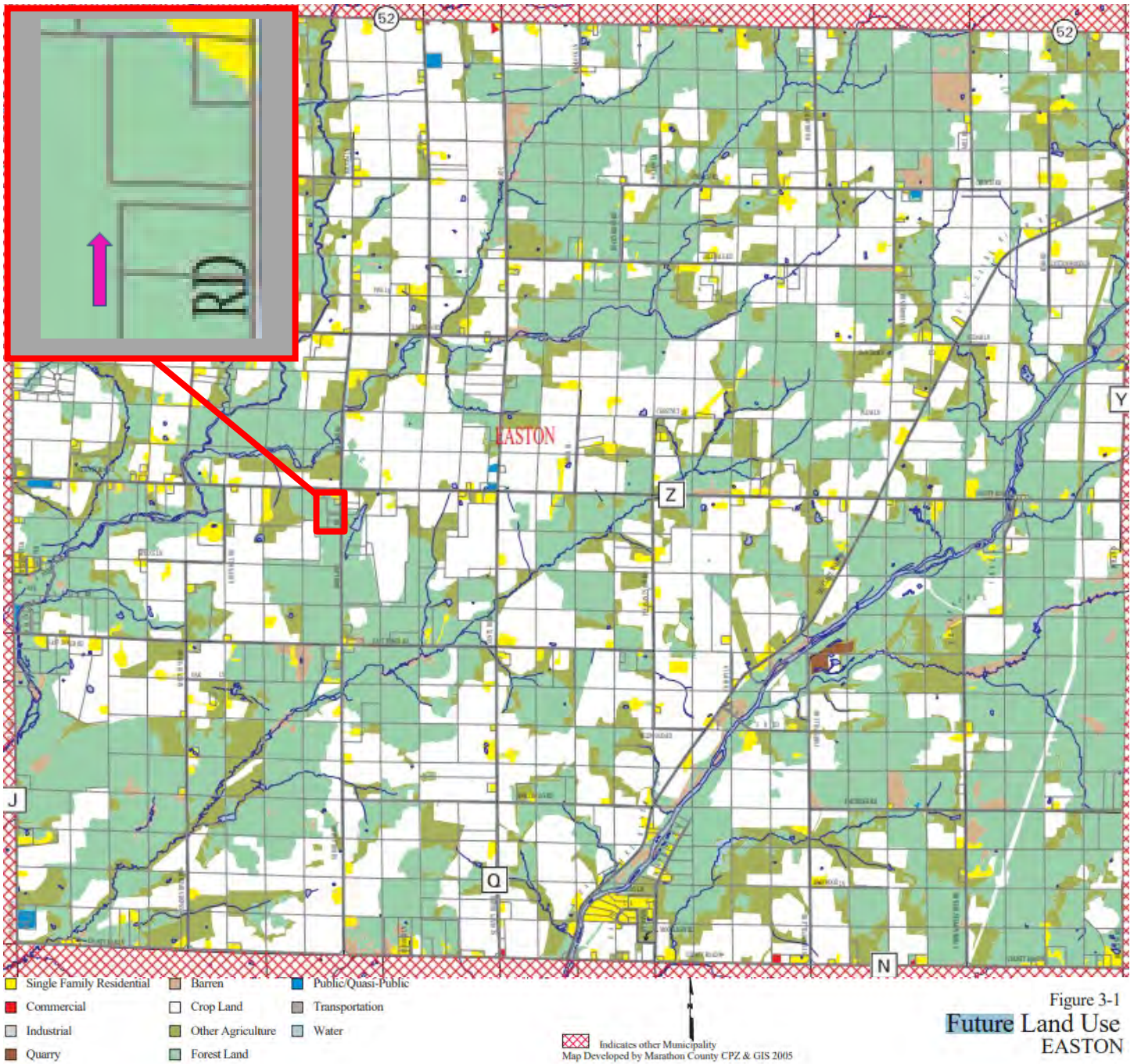


Figure 3-1  
**Future Land Use**  
**EASTON**



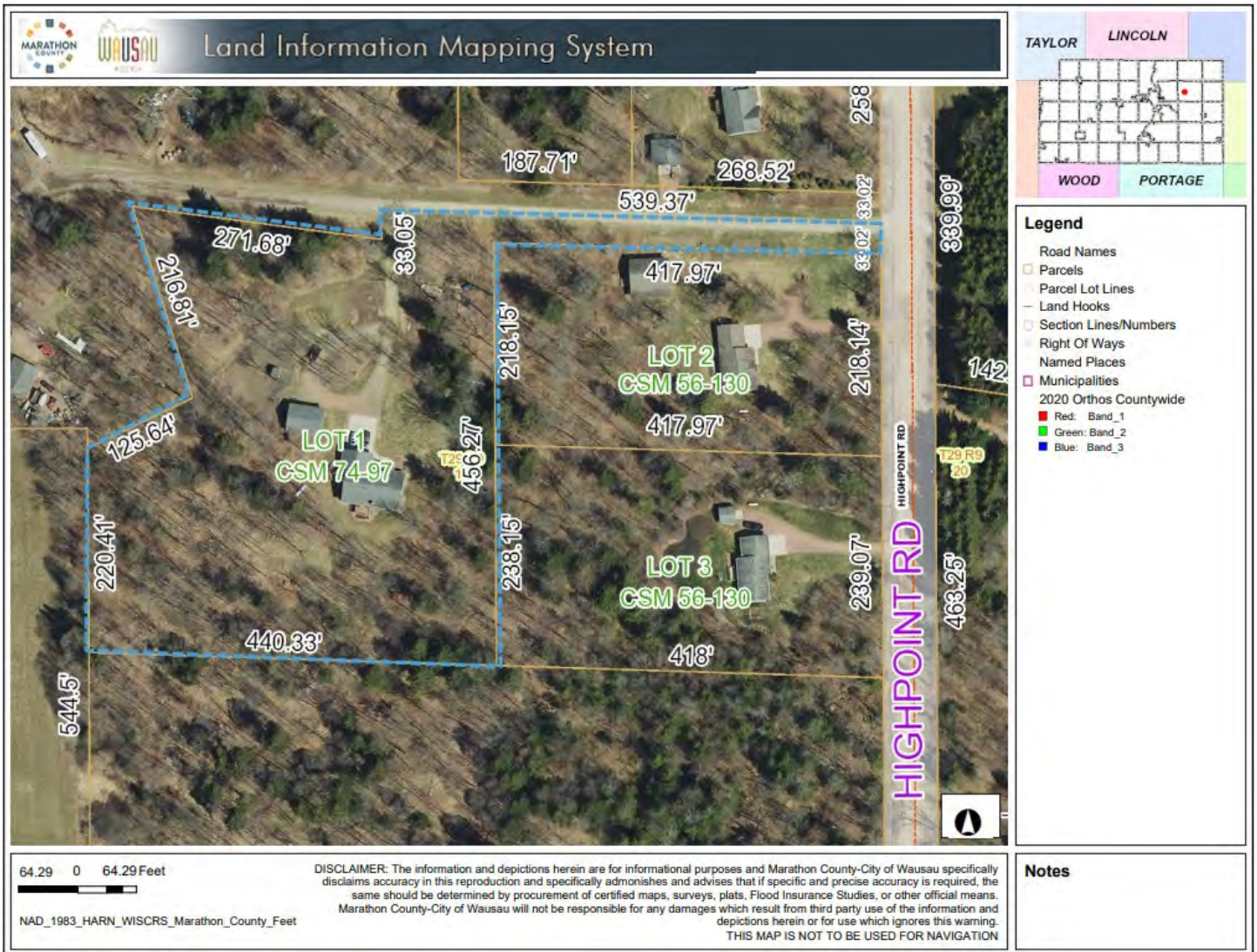
**SPECIFIC PARCEL LIMITATIONS OR NATURAL FEATURES:**

- The proposed structure on this parcel is:
  - **Not** located within mapped floodplain but is very close.
  - **Not** located within DNR mapped wetlands, or water features.
  - **Not** located within the shoreland overlay district.

**VIOLATIONS**

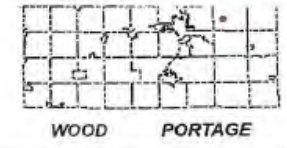
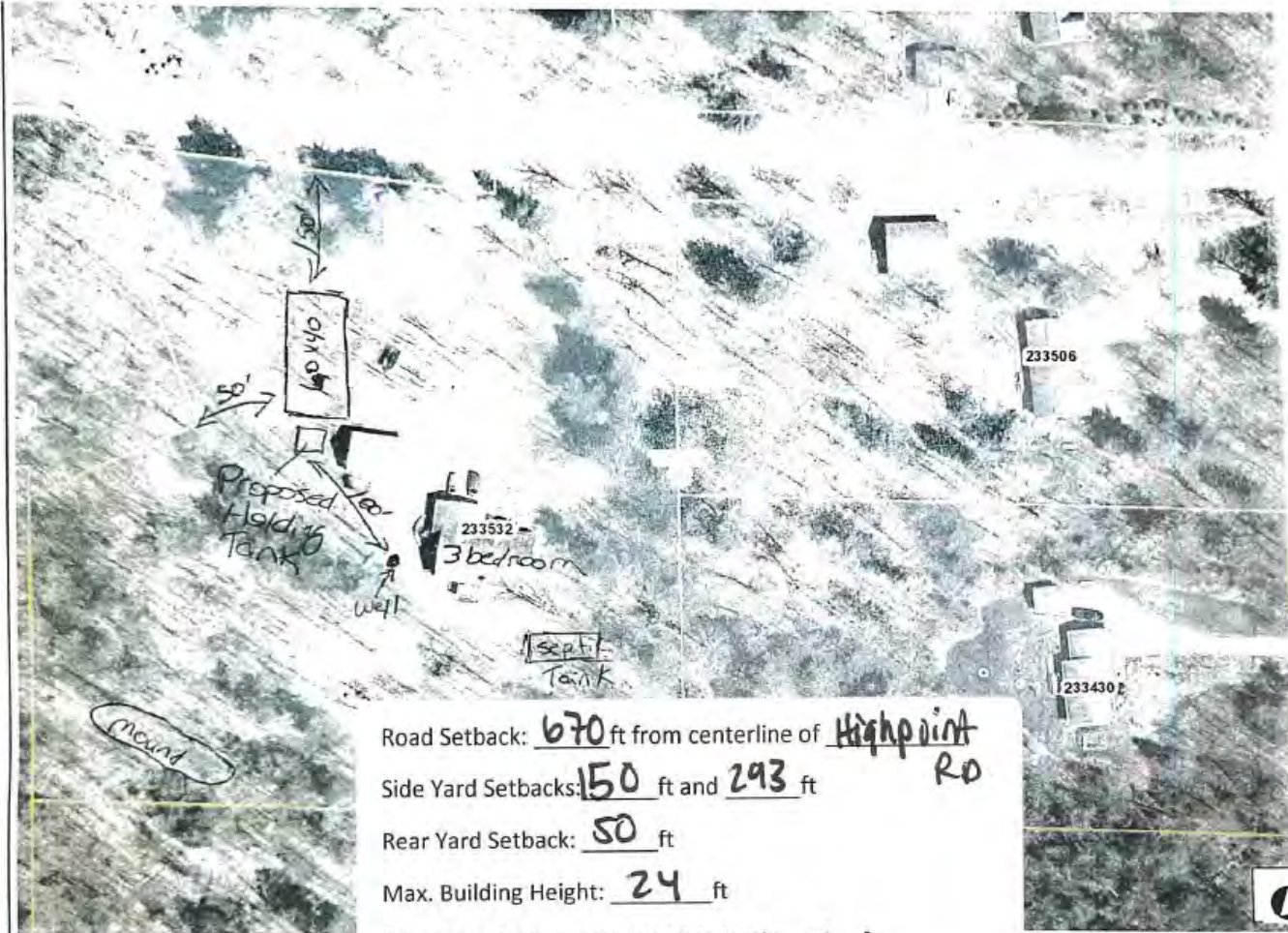
There are no known violations on the property.

**Aerial Photo**





# Site Plans



**Legend**

- Road Names
- Parcels
- Parcel Lot Lines
- Land Hooks
- Address Points
- Section Lines/Numbers
- Right Of Ways
- Named Places
- Municipalities
- DNR Wetland Areas
- Floodplain
  - A
  - AO
  - AE
  - AE FLOODWAY
  - AE ADMINISTRATIVE FLOODWAY
  - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- 2020 Orthos Countywide
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

Parcel #  
01829091910980

Road Setback: 670 ft from centerline of Highpoint Rd

Side Yard Setbacks: 150 ft and 293 ft

Rear Yard Setback: 50 ft

Max. Building Height: 24 ft

Setback to Ordinary High Water Mark: — ft

Setback from Mapped Wetland Areas: — ft

Septic component Setbacks: 200 ft and 250 ft

Accessory structure: 18 ft

53.45 0 53.45 Feet

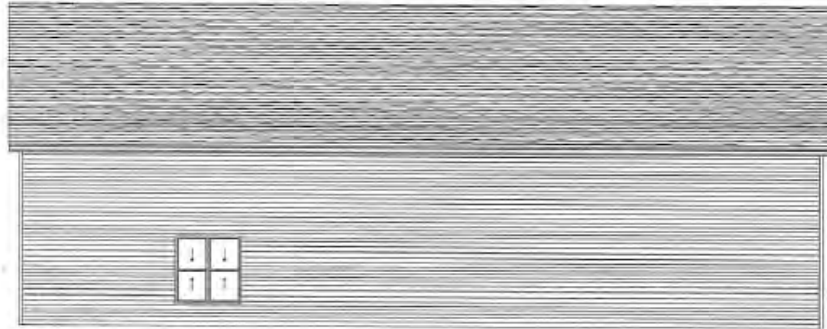


NAD\_1983\_HARN\_WISCRS\_Marathon\_Count

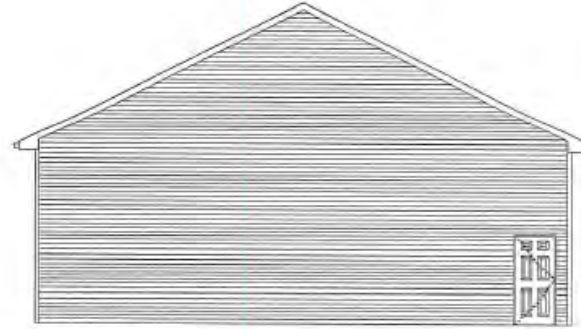
Marathon County-City of Wausau specifically specific and precise accuracy is required, the od Insurance Studies, or other official means. ult from third party use of the information and herein or for use which ignores this warning. AP IS NOT TO BE USED FOR NAVIGATION

**Notes**  
Sec. 19, T29N, R9E  
Sec 19-37-09 PT OF  
NE 1/4 NE 1/4 - Lot 2





REAR  
SCALE: 1/4" = 1'-0"



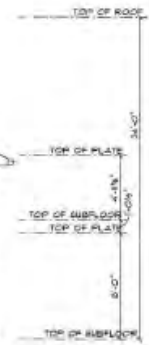
LEFT SIDE  
SCALE: 1/4" = 1'-0"



FRONT  
SCALE: 3/4" = 1'-0"



RIGHT SIDE  
SCALE: 1/4" = 1'-0"



**TRIM & CRAFTERS**

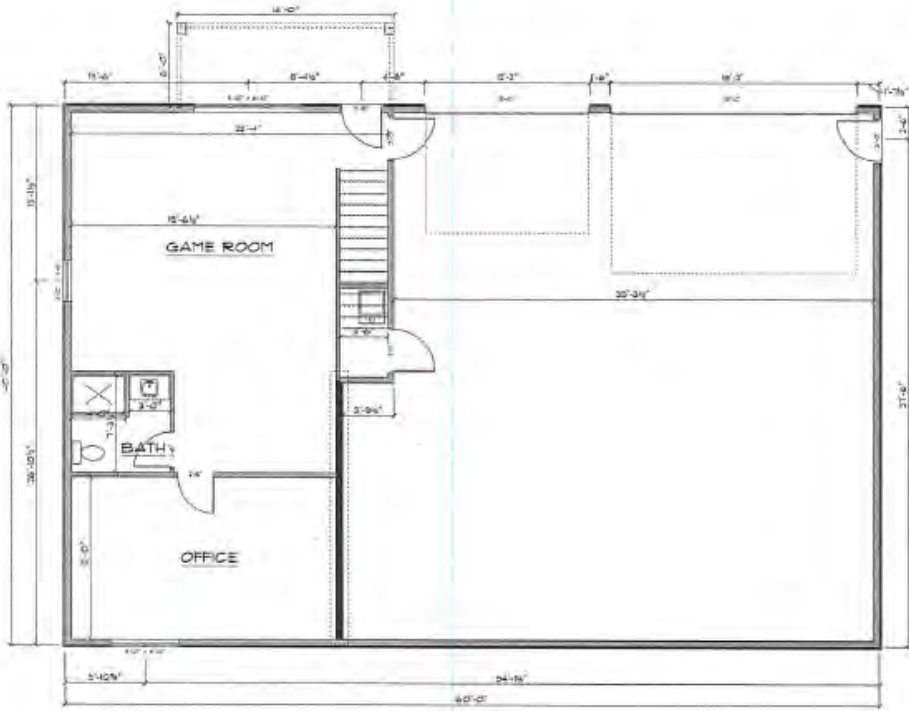
LEHMAN SHED

0028

DATE	REVISION	SCALE: 1/4" = 1'-0"	SECTION LETTER	PAGE	TOTAL
		ORDER BY: 10/14	A		
		APPROVED:	1		

1

Staff Rendering



**MAIN FLOOR 2**  
SCALE: 1/4" = 1'-0"



**LOFT 2**  
SCALE: 1/4" = 1'-0"



LEHMAN SHED

2

CONSULT WITH US FOR ALL PERMITS AND REGULATIONS.  
© 2017 TRIM CRAFTERS



DATE: 10/17/17  
 REVISIONS:  
 DRAWN BY: MMS  
 CHECKED BY: MMS

SCALE: 1/4" = 1'-0"  
 SHEET: 20001

PROJECT: 20001



## 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												
	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	
<b>ACCESSORY, TEMPORARY, and OTHER USES</b>													
Accessory Buildings, Structures, and Uses	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Chapter 17.401</a>
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						<a href="#">Section 17.401.01(A)</a>
Accessory Building(s) exceeding the dimensional limitations of Table 6. (For personal/private use and/or accessory to the principal use of the lot)	C	C	C	C	C	C	C	C	C	C	C	C	<a href="#">Section 17.401.02(E)</a>
Permanent use of Storage/Shipping containers as an accessory structure				C	P	P	C	P	P	P	P	P	<a href="#">Section 17.401.01</a>
Concrete and/or Blacktop Mix Plant, processing, stockpiling, and recycling of road building materials					C	C					C	C	<a href="#">Section 17.204.62</a>

### Section 17.401.02 ACCESSORY BUILDINGS

The use of the accessory building must be secondary and incidental to the principle use.

- A. **Attached Accessory Buildings.** An accessory building which is attached to the main building by a common wall and roof shall comply with all the requirements and regulations that are applicable to the principle building.
- B. **Detached Accessory Buildings.** Detached accessory buildings shall not be used as a separate dwelling unit and shall comply with the requirements of the following [Table 6](#):
- C. **Accessory Structures housing Livestock:** Section [17.204.01 \(A\) \(3\)](#)
- D. **Accessory Structures within shoreland jurisdiction:** Existing and new accessory buildings shall comply with all Marathon County shoreland regulations and provisions.
- E. **Construction of Detached Accessory Structures exceeding the dimensional building standards:**
  - 1. A conditional Use Permit may be applied for the construction of a detached accessory structure with floor area and components differing from the dimensional and maximum lot coverage standards listed in [Table 6](#).
  - 2. When considering a conditional use permit under this section the following standards shall apply.
    - a. The applicant shall provide evidence demonstrating the need for the proposed accessory structure which exceeds the dimensional standards of the zoning district in [Table 6](#).
    - b. The proposed accessory structure shall not be contrary to public interest.
    - c. The accessory structure shall not interfere or unnecessarily affect the adjacent property owner(s) ability to use their property.

Applicant Statement Regarding Section 17.401.02(E)

To Whom it may concern,

I am writing in regards to obtaining a permit for an oversized shed on my property. The reason for the structure that exceeds the dimensional standards of our zoning district is for storage of personal equipment. I own a tractor, camper, boat, personal trailer, and lawn mower. I do not like storing things outside for property cosmetic reasons. I believe keeping things stored inside and a tidy appearance gives a positive value to property.

I have spoken to my neighbors that would be directly influenced by the shed and they have voiced they would not be opposed to an oversized shed on my property. I showed them where it would be placed and explained the size and appearance of the shed in detail.

We have 5 acres of property and the shed will be 25 feet from the closest property line. I spoke to the owner of that property and explained where it would be placed and he was in agreement with the location and size. He agreed it would not affect their property in any way. There isn't any other property that would be directly affected by the placement of the shed.

Thank you for your time and consideration,  
Marlin Lehman



Table 6. Detached Accessory Building Standards

Requirement	Residential Districts (U-R or L-D-R)	Residential Districts (RR)	Residential District (RE)	Agricultural Districts (GA & FP)	Any Other Zoning District
Location	Rear , side or front yard	Rear, side or front yard	Rear, side or front yard	Rear, side or front yard	Rear, side or front yard
Setback Requirements <i>from principle structure</i>	15 feet	15 feet	15 feet	15 feet	15 feet
<i>from side property line</i>	7 feet	7 feet	7 feet	7 feet	Minimum setback required in zoning district
<i>from rear property line</i>	7 feet	7 feet	7 feet	7 feet	Minimum setback required in zoning district
Maximum side wall height	14 feet	14 feet	None	None	None
Maximum garage door height	12 feet	12 feet	None	None	None
Maximum Size	1200 sq. ft.	1800 sq. ft. <b>Request: 2400sq. ft. 600sq.ft over</b>	NONE	NONE	NONE
Maximum Height (**)	24 feet	24 feet	35 feet **	35 feet **	35 feet **

\* In Shoreland areas: Refer to Chapter 22 Marathon County Shoreland, Shoreland-Wetland, and Floodplain Regulations.

\*\* For height exemptions refer to Section [17.202.07](#).

**Please note:** This Conditional Use Permit is regulated by the Marathon Chapter 17 – Zoning Code that was adopted on March 22, 2022. This complete application was supplied to the county before the 2023 revisions where adopted.

**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.
      - 6) Sureties.
      - 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.



3. 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)
  - Specify size approved.
  - Garage Door Height
  - Side Wall Height

**TOWN RECOMMENDATION:**

The **Town of Easton** Town Boards Recommend **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

03/09/2023  
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: Scott Rueden  
Mailing Address: 232956 Rosedale Ave, Abbotsford, WI 54405  
Telephone: 715-316-3189 Fax: \_\_\_\_\_  
Cellphone: Same Email: scotrueden@gmail.com  
Owner Name: (if different) SAME  
Mailing Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

**PARCEL INFORMATION**

Parcel ID # (PIN): 042-2902-211-0995  
(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 SE ¼ NE ¼ Section: 21, T 29 N, R 2 E,  
Town of Holton  
Lot 1 Block - Subdivision -  
Property Address: 232956 Rosedale Ave, Abbotsford, WI 54405  
Parcel size: 1.24 Acres or \_\_\_\_\_ ft<sup>2</sup> Zoning District: Rural Residential

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

**Existing improvements** (Structures, well, septic, etc.):  
Single family home, well, septic, shed, and improved driveway.

**PROPOSAL**

Describe **specifically** the nature of this request (be sure to **list all proposed uses** of the parcel). What do you plan to do?  
Construct a 70'x40' detached garage to store my personal vehicles and equipment.

If this application is for a use that will be restricted to part of the parcel, specify the **exact dimensions** of the affected area.  
This use will be restricted to the area shown on the attached site map.

**Provide the following information if this box is checked**

Proposal has additional development standards in Section 17.401.02(E). Explain how your proposal meets or exceeds these requirements.

The need for the structure is to provide more needed storage for my personal vehicles and items. It will not cause any conflicts with adjacent parcels as it is located well inside my property lines. It is also not contrary to public interest because my lot is in a very rural area.

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

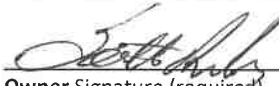

3. **Include the \$600 fee** when you submit the application. Please make checks payable to Marathon County.

**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 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.

 _____ Owner Signature (required)	3-2-23 _____ Date
 _____ Agent / Person responsible for work Signature (required)	3-2-23 _____ 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.

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
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For office use

Amount Received: \$ 600<sup>00</sup> 1/20/23

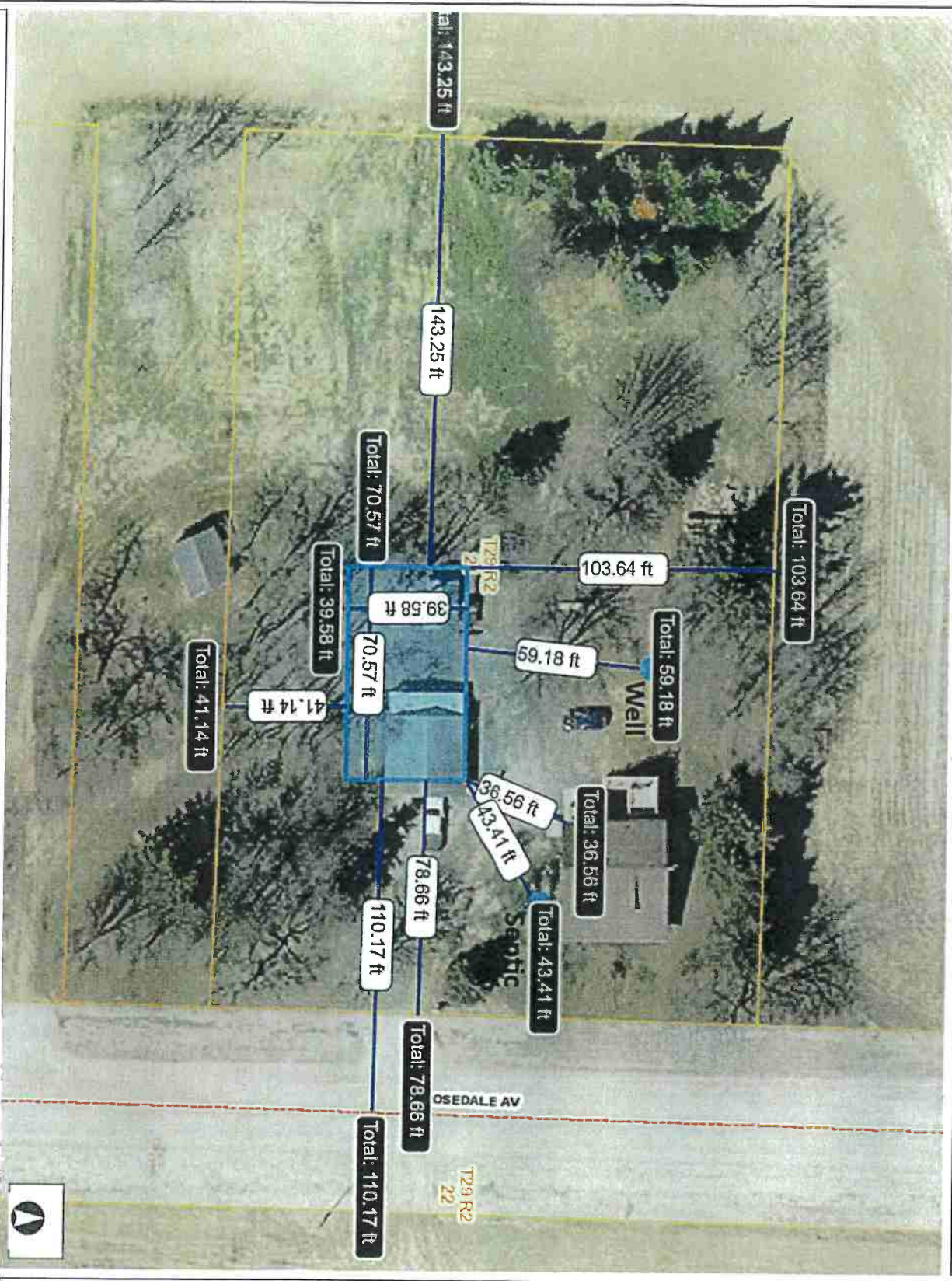
For office use

Date Stamp:

For office use

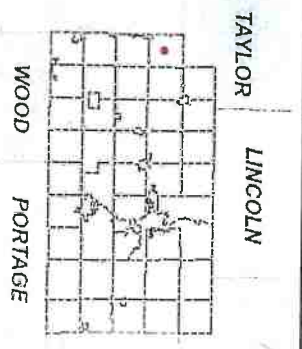
# 20230120-6

Received  
MC  
CPZ



25.00 0 25.00 Feet  
 NAD\_1983\_HARN\_WSCRS\_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 administers 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**



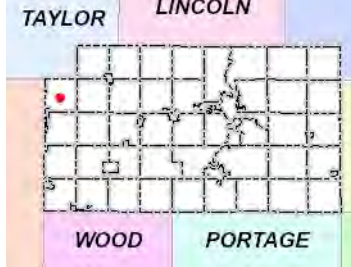
- Legend**
- Road Names
  - Parcels
  - Parcel Lot Lines
  - Land Hooks
  - Section Lines/Numbers
  - Right Of Ways
  - Named Places
  - Municipalities
  - 2020 Orthos Countywide
    - Red: Band 1
    - Green: Band 2
    - Blue: Band 3

**Notes**





# Land Information Mapping System



## 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

61.76 0 61.76 Feet



NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet

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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

## Notes

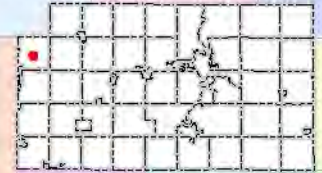




# Land Information Mapping System

TAYLOR

LINCOLN



WOOD

PORTAGE



## 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

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NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet

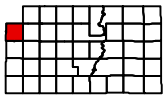
DISCLAIMER: The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement 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





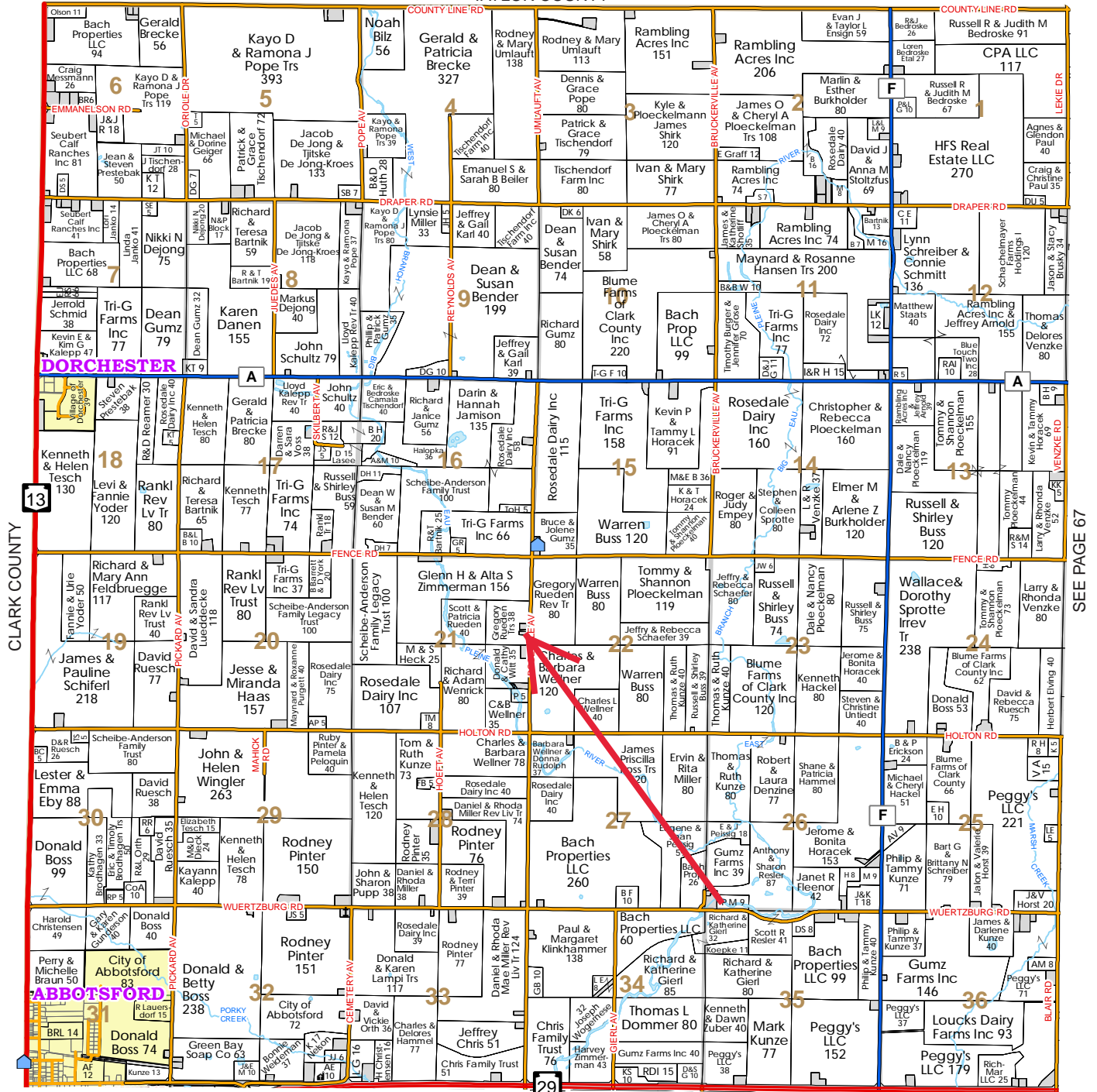


# Holton

# Township 29N - Range 2E

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TAYLOR COUNTY



STATE OF WISCONSIN )  
MARATHON COUNTY )  
TOWN OF HOLTON )

**TOWN RESOLUTION OF RECOMENDATION**

TO THE MARATHON COUNTY BOARD OF ADJUSTMENT

I, Taylor Ensign, Clerk of the Town of Holton Marathon County, State of Wisconsin, do hereby certify that the following is a true and correct copy of a resolution adopted by the Town of Holton Town Board at a meeting held on the 8<sup>th</sup> day of March, 2023.

RESOLUTION

WHEREAS, the Marathon County Board of Adjustment is established for the purpose of hearing certain appeals, applications and granting variances in harmony with the general purpose and intent of land use regulations, and

WHEREAS, such a hearing is scheduled to come before the Board affecting lands within the Town of Holton,

NOW, THEREFORE BE IT RESOLVED that the Town of Holton Town Board considered on the 8<sup>th</sup> day of March, 2023, 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.

and hereby recommends:

- Marathon County Board of Adjustment **APPROVE** application
- Marathon County Board of Adjustment **DENY** application

Comments, conditions and reasons for recommended action:

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Clerk Taylor Ensign  
Town Board Dennis Benzke  
Ann [unclear]  
Pat [unclear]

NOTE: If you recommend disapproval of this request, please make every effort to send a representative to the Board of Adjustment Public Hearing. Town input at the hearing is always appreciated. Please return this form before March 10, 2023 to:

Board of Adjustment  
Marathon County Conservation, Planning and Zoning Department  
210 River Drive  
Wausau, WI 54403





**Scott Rueden**  
**Conditional Use Permit Application**  
**Staff Report, March 23<sup>rd</sup>, 2023**  
**Marathon County Board of Adjustment**

**PETITIONER:**

Scott Rueden – 232956 Rosedale Ave, Abbotsford, WI 54405

**PROPERTY OWNERS:**

Scott Rueden – 232956 Rosedale Ave, Abbotsford, WI 54405

**REQUEST:**

1. 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  $\frac{1}{4}$ , Northeast  $\frac{1}{4}$ , Section 21, Township 29 North, Range 9 East, Town of Holton; Pin#:042.2902.211.0995.

**PUBLIC HEARINGS/MEETINGS:**

- Town of Holton Town Board Meeting: March 8<sup>th</sup>, 2023
- Marathon County Board of Adjustment Meeting: March 23<sup>rd</sup>, 2023; 9:00AM

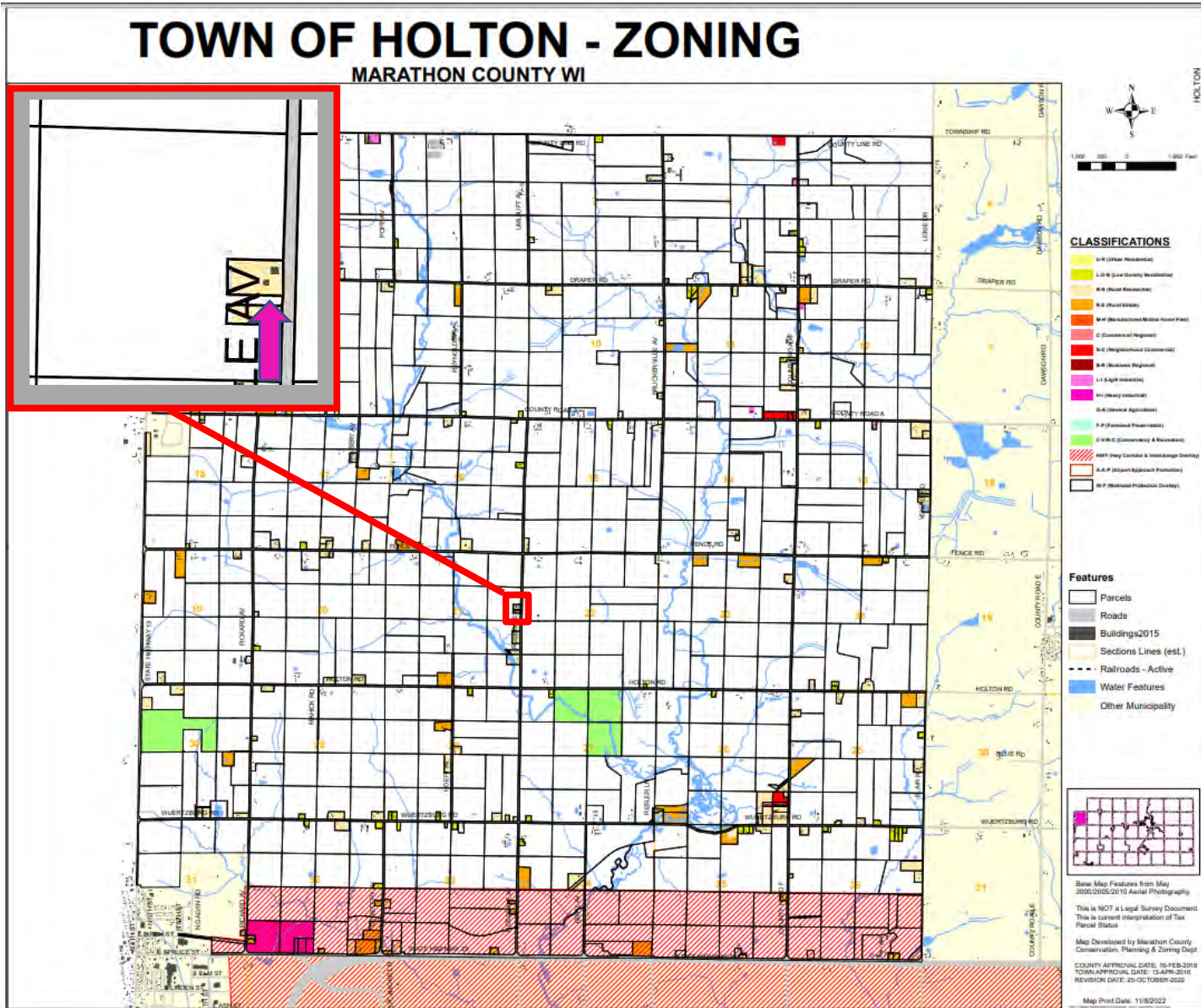
**Legal Notification:**

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:**

**R-R Rural Residential District.** The purpose of the R-R district is to accommodate single-family residential use along existing streets, to preserve the rural character while promoting open space single-family residential development (involving the extension of new streets), and to separate agricultural uses from other more extensive community development within the county. Limited agricultural activities are permitted in this district. These areas may or may not be serviced by municipal water and sanitary sewer.

**Town of Holton Zoning Map:** The current zoning district of the property is Rural Residential, Adjacent zoning districts are comprised of Rural Residential and General Agriculture,



Acreeage: 1.24 Acres



**Town Comprehensive Plan Future Land Use Map:** The parcel is shown to be designated as Residential in the Town of Holton's Future Land Use Map (2005)

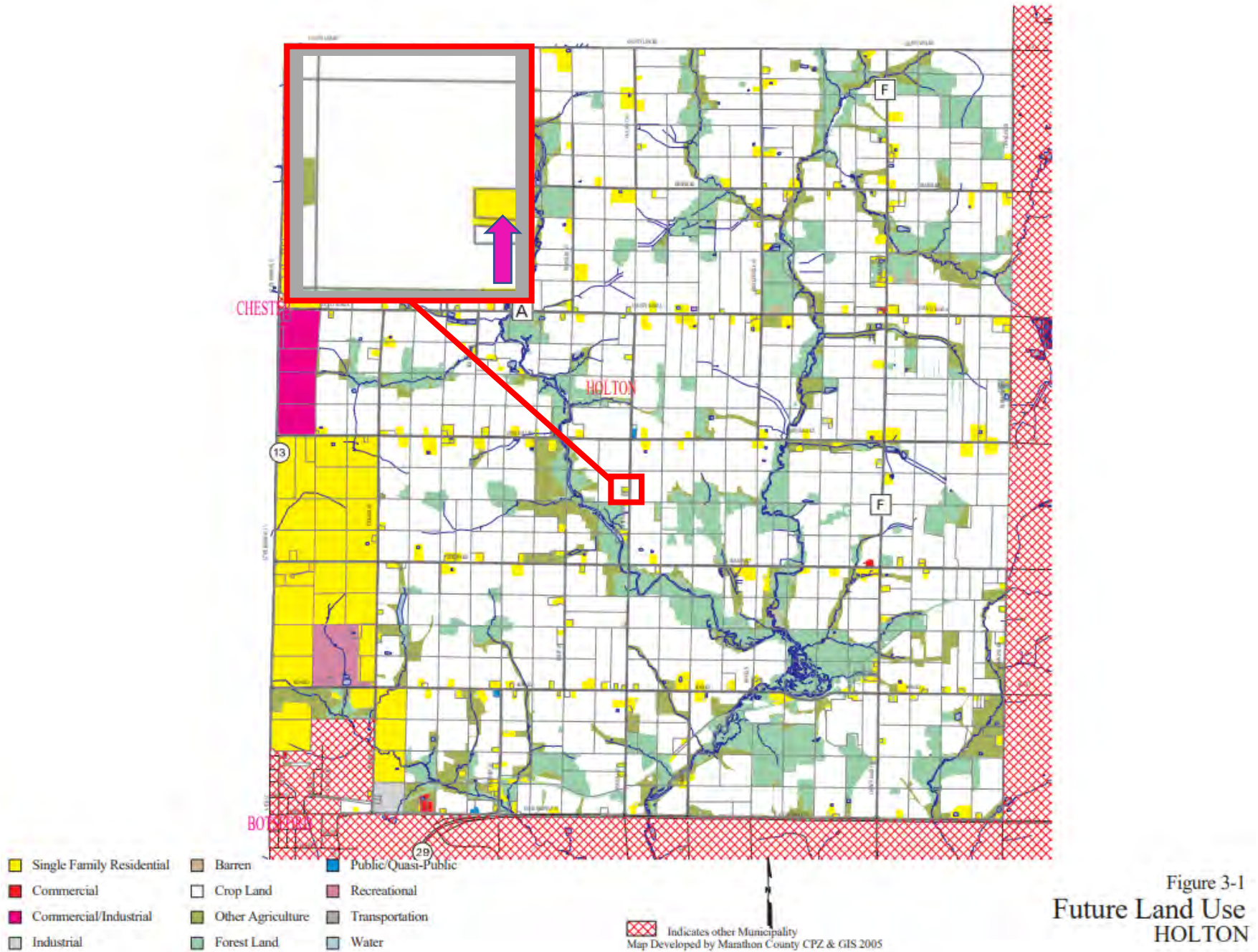


Figure 3-1  
Future Land Use  
HOLTON

### SPECIFIC PARCEL LIMITATIONS OR NATURAL FEATURES:

- The proposed structure on this parcel is:
  - **Not** located within mapped floodplain but is very close.
  - **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.

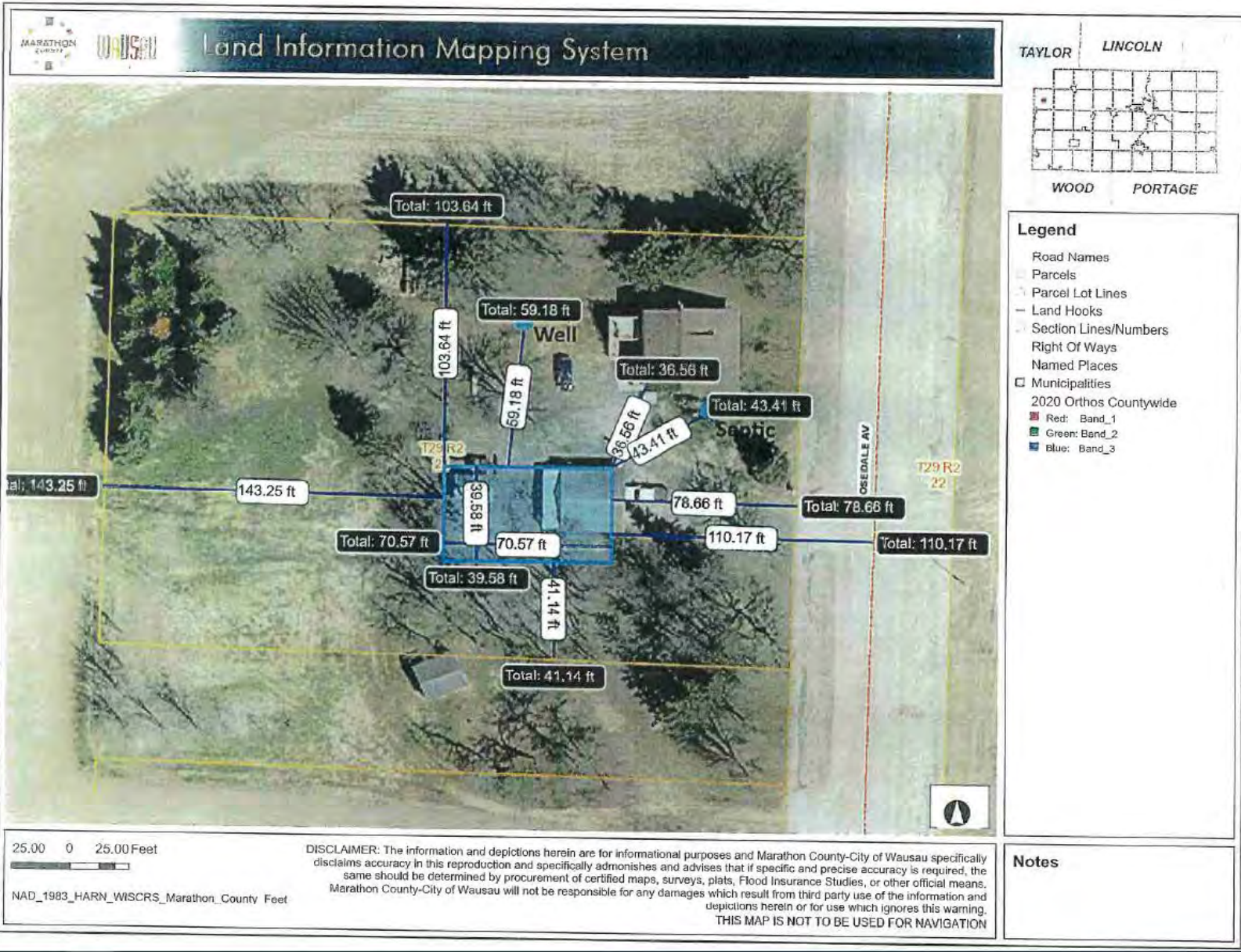
### Aerial Photos:







# Site Plans:





## 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	
<b>ACCESSORY, TEMPORARY, and OTHER USES</b>													
Accessory Buildings, Structures, and Uses	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Chapter 17.401</a>
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						<a href="#">Section 17.401.01(A)</a>
Accessory Building(s) exceeding the dimensional limitations of Table 6. (For personal/private use and/or accessory to the principal use of the lot)	C	C	C	C	C	C	C	C	C	C	C	C	<a href="#">Section 17.401.02(E)</a>
Permanent use of Storage/Shipping containers as an accessory structure				C	P	P	C	P	P	P	P	P	<a href="#">Section 17.401.01</a>
Concrete and/or Blacktop Mix Plant, processing, stockpiling, and recycling of road building materials					C	C					C	C	<a href="#">Section 17.204.62</a>

### Section 17.401.02 ACCESSORY BUILDINGS

The use of the accessory building must be secondary and incidental to the principle use.

- A. **Attached Accessory Buildings.** An accessory building which is attached to the main building by a common wall and roof shall comply with all the requirements and regulations that are applicable to the principle building.
- B. **Detached Accessory Buildings.** Detached accessory buildings shall not be used as a separate dwelling unit and shall comply with the requirements of the following [Table 6](#):
- C. **Accessory Structures housing Livestock:** Section [17.204.01 \(A\) \(3\)](#)
- D. **Accessory Structures within shoreland jurisdiction:** Existing and new accessory buildings shall comply with all Marathon County shoreland regulations and provisions.
- E. **Construction of Detached Accessory Structures exceeding the dimensional building standards:**
  1. A conditional Use Permit may be applied for the construction of a detached accessory structure with floor area and components differing from the dimensional and maximum lot coverage standards listed in [Table 6](#).
  2. When considering a conditional use permit under this section the following standards shall apply.
    - a. The applicant shall provide evidence demonstrating the need for the proposed accessory structure which exceeds the dimensional standards of the zoning district in [Table 6](#).
    - b. The proposed accessory structure shall not be contrary to public interest.
    - c. The accessory structure shall not interfere or unnecessarily affect the adjacent property owner(s) ability to use their property.

**Applicant Statement Regarding Section 17.401.02(E)**

- a. The need for the structure is to provide more needed storage for personal vehicles and items.
- b. It will not cause any conflicts with adjacent parcels as it is located well inside property lines.
- c. It is not contrary to public interest because lot is in a very rural area.

**Table 6. Detached Accessory Building Standards**

<b>Requirement</b>	<b>Residential Districts (U-R or L-D-R)</b>	<b>Residential Districts (RR)</b>	<b>Residential District (RE)</b>	<b>Agricultural Districts (GA &amp; FP)</b>	<b>Any Other Zoning District</b>
<b>Location</b>	Rear , side or front yard	Rear, side or front yard	Rear, side or front yard	Rear, side or front yard	Rear, side or front yard
<b>Setback Requirements</b> <i>from principle structure</i>	15 feet	15 feet	15 feet	15 feet	15 feet
<i>from side property line</i>	7 feet	7 feet	7 feet	7 feet	Minimum setback required in zoning district
<i>from rear property line</i>	7 feet	7 feet	7 feet	7 feet	Minimum setback required in zoning district
<b>Maximum side wall height</b>	14 feet	14 feet	None	None	None
<b>Maximum garage door height</b>	12 feet	12 feet	None	None	None
<b>Maximum Size</b>	1200 sq. ft.	1800 sq. ft. <b>Request: 2800sq. ft. 1000sq.ft over</b>	NONE	NONE	NONE
<b>Maximum Height (**)</b>	24 feet	24 feet	35 feet **	35 feet **	35 feet **

\* In Shoreland areas: Refer to Chapter 22 Marathon County Shoreland, Shoreland-Wetland, and Floodplain Regulations.

\*\* For height exemptions refer to Section [17.202.07](#).

**Please note:** This Conditional Use Permit is regulated by the Marathon Chapter 17 – Zoning Code that was adopted on March 22, 2022. This complete application was supplied to the county before the 2023 revisions were adopted.



**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.
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      - 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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      - 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.

3. 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)
  - Specify size approved.
  - Garage door height
  - Side wall height

**TOWN RECOMMENDATION:**

The **Town of Holton** Town Boards Recommend **Approval** 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

DATE

3/09/2023