

May 25, 2023  
9:00 a.m.

500 Forest St, Wausau WI

## MINUTES MARATHON COUNTY BOARD OF ADJUSTMENT

Members present in person: Richard Lawson, Thomas Seubert, Mike Ritter, Carolyn Opitz, Kerry Brimmer

Members present via WebEx / phone:

Members not present: Jim Servi, Pat Schreiner

Also present remotely via phone / WEBEX or in person: Shad Harvey, Laurie Miskimins, and Garrett Pagel, Marathon County. Joel Seidlitz, Tabitha Seidlitz, Janet Kniess, Tom Kniess, Sonya Landwehr.

**Called to order** at 9:01 a.m., 500 Forest St, Wausau by Vice Chair Lawson, who explained the **rules of the hearing** and the reason for the establishment of the Board of Adjustment.

1. **Approve April 27, 2023, minutes – Motion** / second by Seubert/Brimmer to approve the April 27, 2023, minutes as distributed. Motion **carried** by voice vote, no dissent.

2. **The application** of Monster Hall Events LLC for a conditional use permit per Section 17.204.44 of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning code to operate an Outdoor Recreation Facility for the purposes of hosting Music Concerts, Motor Sport Racing, Tractor Pulls, Demolition Derbies, Monster Trucks, Flea Markets, Swap Meets, Car Shows, Community Fundraising events as well as a conditional use permit per Section 17.204.24 of the General Zoning Code to Operate a Primitive Campground for temporary camping associated with events held on the grounds in the CV/RC Conservancy/Recreation district, located in part of the Northeast ¼ of the Northwest Fractional ¼ and part of the Northwest ¼ of the Northeast Fractional ¼, Section 1, Township 27 North, Range 2 East, Town of Brighton; Pin # 010.2702.011.0994 with a site address of 218967 County Road F, Unity, WI54488.

Harvey was sworn in and asked the Board to use the determination worksheets in their decisions and cited the provisions of law which apply. Harvey reviewed the staff report and discussed Ordinance Section 17.204.44 for the of hosting Music Concerts, Motor Sport Racing, Tractor Pulls, Demolition Derbies, Monster Trucks, Flea Markets, Swap Meets, Car Shows, Community Fundraising events as well as a conditional use permit per Section 17.204.24 of the General Zoning Code to Operate a Primitive Campground for temporary camping associated with events held on the grounds in the CV/RC Conservancy/Recreation district. Harvey reviewed the sections of Chapter 17 that apply to this request and the information shared by the applicant to address the questions that apply. Harvey stated the Town of Brighton gave their approval to the petition at their March 9th, 2023, meeting.

Additional testimony in favor/from applicant Joel and Tabitha Seidlitz (owners of Monster Hall Events LLC). They are new owners, taking ownership of the site in the last year. The previous owner largely did stock car racing, which the CUP covered, but did not cover the activities they are interested in having, and the old CUP will expire in June, because at that point no stock car race will have been held in more than a year. The applicant provided additional information on what determined their request, hours of operation, and what protections they are putting in place, the roadway easement, traffic, parking, emergency, and general event management components they are implementing for events.

Additional testimony opposed to the petition was provided from Sonja Landwehr. Landwehr is the nearest neighbor. Landwehr explained concerns with management of events at this site in the past/with past owners, and would prefer the Board postpone a decision until the owners have done a few permitted special events (are limited to three without a CUP)

Additional testimony as interested to the petition was provided from Janet and Tom Kniess, owners of Spring Lake Campground, across the pond from the applicant's land. Generally, the Kniess' support Joel and Tabitha in music events, swap meets, tractor pulls, flea marts, and community fundraising, just no racing events, demolition derbies, or monster trucks. They expressed concern with the behaviors of the attendees at these types of events, and potential for them to overflow on to their land. They stated that their campground is largely full year-round with permanent campers, who may opt to leave if noisy events, like racing were to continue.

The hearing was closed at 10:57 a.m.

The hearing was re-opened at 10:58 a.m. to request response from the applicant to testimony given and get additional clarification from Marathon County staff.

The applicant testified and asked and stated they would like to modify their application to remove the request for motor sport racing, demolition derbies, and monster truck shows. It was added in as a possibility they might like to explore, but it is not their normal type of business, and have no problems with not moving forward with these events at this time.

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

portion of the hearing closed at 11:03 a.m.

The board discussed possible conditions.

**Motion/second** by Seubert/Ritter to **grant** the conditional use permit for Music Concerts, Tractor Pulls, Flea Markets, Swap Meets, Car Shows, and Community Fundraising Events (**not to include motor sport racing, demolition derbies, or monster trucks**) with conditions for Monster Hall Events LLC. The conditions are as follows:

1. The hours of operation shall be as listed in the application for amended list of permitted events which include Music Concerts, Tractor Pulls, Flea Markets, Swap Meets, Car Shows, and Community Fundraising Events not to include any motor sports racing, demolition derbies, or monster trucks. Hours of operation are as follows.
  - a. Music Fest/Concerts: 12:00 PM-1:00 AM
  - b. Tractor Pulls: 11:00 AM-9:00 PM
  - c. Car Show/Flea Market/Swap Meet/Community Fundraising Events: 9:00 AM-10:00 PM
2. Maximum Capacity 2999 Persons
3. Property shall have a minimum of 772 parking spaces.
4. All parking shall remain on the subject property.
5. Primitive Temporary Camping shall occur for associated events only.
6. Permit shall expire in 5 years or at the time of change of ownership.
7. Documented complaints shall be brought forth to Marathon County Conservation, Planning, and Zoning, verified as accurate, and shall be resolved to the satisfaction of that department.
8. Ingress Egress shall be maintained to provide safe adequate access to events and surrounding property owners.
9. Ingress Egress traffic speed shall be controlled to ensure public safety.
10. Shall obtain all necessary permits from Federal, State and Local regulators.

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

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

**3. Board education and training as needed.**

Lynn Markham gave a presentation on CUPs and variances. Marathon County staff, board members, and Markham discussed considerations for updating the code and/or procedures to ensure cases consider/review more thoroughly the CUP standards as listed in Chapter 17, and possibly consider updating CUP criteria in the future to be more measurable. A checklist for the BOA to follow/review related to the common CUP standards and case specific standards, or writing out a more detailed staff report to show how the applicant addressed each standard may be developed.

**4. Board Reappointments - None**

**5. Announcements and Requests**

**6. Next meeting date** – July 27, 2023, at 9:00 a.m., 500 Forest Street

**7. Meeting adjourned** – **Motion/second** by Ritter/ Opitz to adjourn the meeting at 12:01 p.m.

Motion **carried**.

by voice vote, no dissent.

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

RL/lm

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

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