

**MINUTES**  
**MARATHON COUNTY BOARD OF ADJUSTMENT**

Members present in person: Richard Lawson, Karen Piel, Carolyn Opitz, Tom Seubert, Mike Ritter and Kerry Brimmer

Members present via WebEx / phone: None

Member not present: Jim Servi

Also present remotely via phone / WEBEX or in person: Shad Harvey, Nicole Delonay, Laurie Miskimins, Garrett Pagel, Tom Rooney, Ashlee Bekish, Scott Poremba, Merle Martin, Michael Puerner, Jeff Pritchard

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

1. **Approve May 26, 2022, minutes – Motion** / second by Seubert/ Opitz to approve the May 26, 2022, minutes as distributed. Motion **carried** by voice vote, no dissent.
2. **The application** of Tom Rooney on behalf of Ashlee M. Bekish for an Area Variance from the terms of Sections 22.208.03 (B) and (E) of the General Code of Ordinances for Marathon County relating to the setback from Ordinary High Water Mark (OHWM) within the U-R Urban Residential district, being a part of Government Lot 1, Oak Park Addition part of Lot 3 and all of lot 4 of CSM Volume 35 Page 19, DOC# 1061522, Section 13, T27N, R9E, Town of Reid PIN # 064.2709.135.0003

Laurie Miskimins was sworn in and stated this application is for a conditional use permit per Ordinance Chapter 22 Section 22.401.12 Section A from the terms of Section 22.208.03 (B) and (E) of the General Code of Ordinances, related to the requirements of a shoreland variance. Miskimins reviewed the current property ownership, parcel location, current zoning districts, and the future land use plans per the Town of Reid Plan. The parcel is not located within a mapped floodplain or DNR mapped wetland but is located within the shoreland overlay district which requires the Chapter 22 variance. There are no known violations on the property. Miskimins reviewed the section of Chapter 22 that apply to this request and the information shared by the applicant to address the questions that apply. Miskimins stated the Town of Reid gave their approval to the petition at their June 14, 2022, meeting.

Shad Harvey was sworn in and stated the original building on the property is classified as a shed.

Tom Rooney - 215338 Lakefront Drive was sworn in and explained the purpose of the buildings on the property and what the intent of the addition is for.

Piel questioned the reasoning for this variance.

Ritter questioned if the POWTS will support the addition associated with this conditional use. Staff indicated this would need to be evaluated separate from the variance request before the BOA.

Miskimins read 4 letters (exhibit A-D) for the record from neighboring properties who are all in favor of the conditional use.

The applicant will need to meet any other required regulations associated with the zoning and sani

Chair Piel asked for any additional testimony in favor of the proposal.

There was no additional testimony in favor, opposed, or as interest may appear via in person, or virtually. Testimony portion of the hearing closed at 9:38am.

**Motion/second** by Lawson/Seubert to **grant** the conditional use permit for Ashlee Bekish as requested.

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

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

3. **The application** of Susan R. Poremba 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 U-R Urban Residential district, part of the SW¼ of the NW¼ of Section 10, T26N, R05E, Town of Green Valley; PIN # 030.2605.102.0963 with a property address of: 132518 Dockside Drive, Mosinee, WI 54455.

Miskimins was sworn in and asked the Board to use the determination worksheets in their decisions and cited the provisions of law which apply. Miskimins reviewed the staff report and discussed Ordinance Section 17.401.02 (E)

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related to constructing an accessory structure for personal use with dimensions differing from the standards in the U-R Urban Residential District. Miskimins explained that a shoreland alteration permit will be required through the CPZ office prior to construction. There are no known violations on the property. Miskimins reviewed the sections of Chapter 17 that apply to this request and the information shared by the applicant to address the questions that apply. Miskimins stated the Town of Green Valley gave their approval to the petition at their June 14, 2022, meeting.

Chair Piel questioned the non-conformity of the structure.

Scott Poremba was sworn in and stated he is one of the property owners and explained the neighboring properties. He then informed the Board where the shed will be built and explained why they need the size of shed as applied for.

Harvey explained the zoning districts that allow detached accessory building standards vary.

Seubert questioned the want for the larger than acceptable shed.

There was no additional testimony in favor, opposed, or as interest may appear via in person, or virtually. Testimony portion of the hearing closed at 10:00am.

**Motion** / second by Seubert/ Ritter to **grant with conditions previous stated in the staff report**, the conditional use permit for Susan Poremba as requested subject to the following conditions:

- Structure cannot exceed 2400 square feet

The Board deliberated and completed the Conclusion of Law and Decision Sheet. Motion **carried** 5 yes, 0 no, roll call vote.

**4. The application** of Merle E. Martin for a conditional use permit per Section 17.204.57 of the General Zoning Code of Ordinance under Marathon County Chapter 17 Zoning Code to add a building for the purpose of operating a Major Home Occupation/Home Professional Business supporting metal fabrication within the R-R Rural Residential district, part of the SE¼ of the SW¼ INCL LOT 1 CSM VOL 39 PG 189 (DOC #1109835) of Section 28, 29-10, T29N, R10E, Town of Plover; PIN # 062.2910.283.0990 with a property address of: 179820 Pine View Road, Birnamwood, WI 54414.

Miskimins was sworn in and asked the Board to use the determination worksheets in their decisions and cited the provisions of law which apply. Miskimins reviewed the staff report and discussed Ordinance Section 17.204.57 related to operating a major home occupation/ home professional business supporting metal fabrication within the R-R Rural Residential district. There are no known violations on the property. Miskimins reviewed the sections of Chapter 17 that apply to this request and the information shared by the applicant to address the questions that apply. Miskimins stated the Town of Plover gave their approval to the petition at their July 12, 2022, meeting. Miskimins also explained that the dimensions the building associated with the major home occupation/home professional business needs to be specified by the BOA if they grant the CUP.

Harvey indicated the square footage does exceed the size limit allowed for the zoning district R-R Rural Residential.

Piel questioned the reasoning for the 8am-7pm times of operation, recommended by CPZ. Miskimins said it was to strike a balance in an area zoned residential.

Harvey explained the use for the property being a secondary use.

Piel questioned if the conditional use could carry to new ownership in the current owner would choose to sell. CPZ staff said it would depend on conditions BOA applies to the permit.

Merle Martin 179820 Pine View Road – was sworn in and explained what the fabrication business consists of. Martin Explained about 2-4 semis a week go down the road, and the current hours of operation are 7am- 5pm. The business currently has 5 employees with the possibility of adding a few additional in the future. Martin also explained the plans for the new building.

Harvey explained the preexisting business will stay in place.

Seubert asked for clarification when the town of Plover adopted County Zoning why was this rezone was not provided by the Town of Plover.

Discussion occurred related to the rezone option over the conditional use being necessary.

Lawson questioned if staff would allow additional employees in the future.

Chair Piel questioned the conditions that are being recommended by CPZ staff.

Seubert questioned what restrictions the board has when setting a limit on employees.

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Miskimins reached out to Corporation Counsel for clarification.

Harvey explained why a CUP was chosen over a rezone. Single family homes are not allowed within Light Industrial.

Michael Puerner from Corporation Counsel was sworn in.

Harvey informed Puerner regarding the question, can the Board place a condition based on the number of employees for the business? Harvey also explained why this applicant is required to go through this conditional use process.

Jeff Pritchard was sworn in. Both Pritchard and Puerner agreed the Board could include a condition regarding number of employees, regardless of what the county Ordinance states about numbers associated with a business.

Harvey explained that if the board places a condition of a certain number of additional employees, and he exceeds this in the future, Mr. Martin would need to reapply for another Conditional Use Permit. Miskimins/Harvey also stated enforcement of number of employees on the existing versus the new structure would be difficult to enforce.

Ritter explained the farm traffic being significant on that specific road.

Lawson questioned the hours of operation being 7am-5pm.

Miskimins stated given applicant testimony, CPZ would take no issue with these hours.

Opitz questioned the proximity of the closest neighbors. To which Martin owns the house adjacent to the property in question.

Chair Piel asked for clarification on what is being proposed to build.

Harvey explained the proposed garage door exceeds allowable height and is at maximum square footage requirements.

Martin explained what will be stored/ fabricated within the new building.

Lawson questioned if the building will be insulated for noise.

Martin explained the existing barn is and will be the tallest building on the property.

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 11:05am.

**Motion** / second by Seubert/Lawson to **grant with conditions previous stated in the staff report**, the conditional use permit for Merle Martin as requested subject to the following conditions:

- The number of employees that do not reside at the onsite residence shall not exceed 10 employees
- The building shall not exceed 3680 square feet
- The maximum garage door height shall not exceed 14'6"
- Hours of operation shall be restricted to 7A.M to 6 P.M, Monday through Friday

The Board deliberated and completed the Conclusion of Law and Decision Sheet. Motion **carried** 5 yes, 0 no, roll call vote.

**5. Board education and training as needed** None.

**6. Board Reappointments**

**7. Announcements and Requests**

- Reimbursement forms

-Moving all meetings moving forward to the Courthouse Assembly Room

**Next meeting date** – September 22, 2022, at 9:00 am, Courthouse Assembly Room

**8. Meeting adjourned** – By consensus, Piel adjourned the meeting at 11:20pm Motion **carried** by voice vote, no dissent.

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

KP/nd

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

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