

## 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, May 27, 2021**, at 212 River Drive Room 5 Wausau WI 54403.

The meeting site identified above will be open to the public. However, due to the COVID-19 pandemic and associated public health directives, Marathon County encourages the Board members and the public to attend this meeting remotely. To this end, instead of attendance in person, Board members and the public may attend this meeting by telephone conference. If Board members or members of the public cannot attend remotely, Marathon County requests that appropriate safety measures, including adequate social distancing, be utilized by all in-person attendees.

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: 146 270 5670

**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 April 22, 2021 minutes.
2. The application of Michael Vaughn on behalf of Tony Peterson (Dynamite Properties LLC) for a conditional use permit per Section 17.404.44 of the General Zoning Code of Ordinances for Marathon County Chapter 17 Zoning Code for an Outdoor Recreational Use in the G-A General Agricultural zoning district, described as part of the SW ¼ of the NE ¼ Section 29, Township 30N, R09E, Town of Hewitt, described as PIN# 040-3009-291-0997.
3. The application of Michael Vaughn on behalf of Tony Peterson (Dynamite Properties LLC) for a conditional use permit per Section 17.404.44 of the General Zoning Code of Ordinances for Marathon County Chapter 17 Zoning Code for an Outdoor Recreational Use in the G-A General Agricultural zoning district, described as part of the NW ¼ of the NE ¼ Section 28, Township 30N, R09E, described as PIN# 040-3009-281-0998; and part of the SW ¼ of the NE ¼ of Section 28, Township 30N, R09E, described as PIN# 040-3009-281-0996; and part of the NW ¼ of the SE ¼ of Section 28, Township 30N, R09E, described as PIN# 040-3009-284-0998, Address 240791 Howling Pines Lane, Wausau WI 54403; and part of the SW ¼ of the SE ¼ of Section 28, Township 30N, R09E Town of Hewitt, described as PIN# 040-3009-284-0997.
4. Board education and training as needed
5. Board Appointments
6. Announcements and Requests
7. Adjourn.

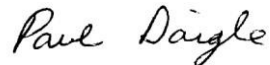
All interested persons will be provided the opportunity to provide testimony at the public hearing. Those planning to attend this meeting who need some type of special accommodation in order to participate

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.



Karen Piel, Chairman  
Board of Adjustment



Land and Water Program Director  
Conservation Planning and Zoning Department

**Publish: May 10<sup>th</sup> and May 17<sup>th</sup>, 2021**

E-mailed to Wausau Daily Herald on May 6, 2021, at 8:15 a.m. /cek

## MINUTES MARATHON COUNTY BOARD OF ADJUSTMENT

Members present in person: Richard Lawson, Karen Piel and Kerry Brimmer

Members present remotely: Carolyn Opitz

Members not present: Arnold Schlei, Jim Servi and Roger Zimmerman

Also present remotely via phone / WEBEX or in person: Teal Fyksen, Diane Hanson, Dominique Swangstu, Lane Loveland, Cindy Kraeger, Jared Mader, Nicole Fehl, Jean Kopplin, Rita Kloehn, Bill Stuttgart, Keith Nemec, Terry Brost, Susann Bugar, Paul Bugar, Brian Camlek, and Nicole Hoesly.

**Called to order** at 9:00 a.m., 210 River Drive, Wausau by Chair Piel, who explained the **rules of the hearing** and the reason for the establishment of the Board of Adjustment.

**1. Approve February 25, 2021 minutes – Motion** / second by Lawson / Brimmer to approve the February 25, 2021 minutes as distributed. Motion **carried** by voice vote, no dissent.

**2. The application** of Paul Bugar Jr. on behalf of Bugar Land LLC for a conditional use permit per 17.204.54 “Nonmetallic Mining” of the General Code of Ordinances for Marathon County Chapter 17 Zoning Code, for the purpose of operating a nonmetallic mining operation on property currently owned by Paul Bugar Jr. The property is located in the F-P Farmland Preservation district, on property described as part of the SE¼ NW ¼, and part of the NE ¼ NW FRL ¼ Section 2, T27N, 2E, Town of Brighton, further described as PIN# 010.2702.022.0994 and 010.2702.022.0999

Teal Fyksen was sworn in and asked the Board to use the determination worksheets in their decisions and cited the provisions of law which apply. This hearing served as the reclamation hearing as per the nonmetallic mining ordinance. Fyksen explained the staff report **Exhibit 1** which was included in the meeting packet. Fyksen discussed Ordinance Section 17.204.54 related to the requirements of nonmetallic mining within the Code. The parcel is not located within a mapped floodplain. The parcel is not located within DNR mapped wetlands. The parcel is located within the shoreland overlay district. There are no known violations on the parcel. Paul Bugar operates the nonmetallic mines to the east and west of the proposed nonmetallic mine which is owned by Rita Kloehn. The applicant is proposing to meet any and all other required regulations.

Lawson questioned the trucking travel for transporting the material. Fyksen stated there are two options heading out of the pit going east to Highway F or heading south to Highway P. Fyksen discuss the email that was received from James Greisbach, Marathon County Highway Commissioner who is in the favor of the nonmetallic mine and does not have a concern with the access out of the mine site. Additionally, one of the access points for this proposed mine as shown going to the east (to County Highway F) would connect with an existing NMM and access route currently under lease by Mr. Bugar.

Brimmer questioned the end land use of the mine being reclaimed aquaculture and following the proposed reclamation plan 30-50 years from now. Loveland was sworn in and explained reclamation plans do change over time and when the reclamation plan changes is the proposed change a major change; does it still follow the land use rules along with state and local regulations.

The following people sworn in and gave testimony in favor of Paul Bugar Jr. on behalf of Bugar Land LLC for a conditional use permit:

Brian Camlek was sworn in and is the agent for Paul Bugar Jr and put the plan together which includes safety measures for protecting the resources of the surrounding area. He stated there are two quarries in the adjacent parcels and encourages the Board to approve the plan as proposed.

Brimmer questioned how the aquaculture would be stock. Camlek stated no stock has been confirmed at this time and the reclamation plan may change in the future based on market trends. Yet if BOA approval is needed for a change in the reclamation plan in the future (if it is substantially different from the approved plan) the applicants/owners will need to get BOA and CPZ approval prior to the change and approval.

Paul Bugar Jr was sworn in and stated Marathon County Highway Department recommended the traffic flow pattern from the two existing mines; therefore he does not see a need to place a condition on the permit as recommended from the Town. Bugar discussed the Town of Brighton meeting was changed from April 19<sup>th</sup> to April 14<sup>th</sup> and was not made aware of this change nor were the property owners notified.

Terry Brost was sworn in and stated mining has been going on for the past 25-30 years and does not see the need for change in the traffic flow. He expressed disappointment of the change of meeting date with the Town of Brighton not notifying landowners.

**MINUTES  
MARATHON COUNTY BOARD OF ADJUSTMENT**

Susan Bugar was sworn in and is owner of the parcel. She stated it was her father's dream and the next generation dream to have this nonmetallic mine. Material from the mine is used for highway projects.

Nicole Hoesly was sworn in and is a third generation of the Bugar land and it is a goal of the family to make materials and have a working nonmetallic mine.

The following people sworn in and gave testimony in opposition of Paul Bugar Jr. on behalf of Bugar Land LLC for a conditional use permit.

Rita Kloehn was sworn in and is the owner of the two adjacent parcels. A contract was signed with Paul Bugar for a 10 year lease this year with no intentions to open another pit. Strongly opposed to another pit opening.

Keith Nemec was sworn in and stated there has been 20-30 years of active mining that is already permitted; no need for an additional nonmetallic mine. Concerned with not following road limit regulations and concerned with the noise coming from the mine.

Piel questioned if Nemec was made aware of the change of the meeting date and he stated he was not aware of the change.

Brimmer questioned the Town stated concerns about local businesses being negatively impacted. Nemec didn't see a negative impact or any potential for a direct impact based on the surrounding parcels and proximity to businesses in the area.

Chair Piel asked for any additional testimony.

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 10:30 a.m.

**Motion** / second by Lawson / Opitz to **grant** the conditional use request as proposed.

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

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

**3. Board education and training as needed** – None.

**4. Board Appointments** – Hanson mentioned that Jim Servi expressed interest in possibly serving on the Board of Adjustment as an alternate, rather than a full member capacity. Carolyn Opitz is interested in a full time member position. This was informational only.

**5. Announcements and Requests** – None.

**Next meeting date** – May 27, 2021 at 9:00 am, 212 River Drive, Wausau Room 5 / remotely

**6. Meeting adjourned** – **Motion** / second by Brimmer / Lawson to adjourn at 10:37 am. Motion **carried** by voice vote, no dissent.

Respectfully submitted,  
Kerry Brimmer on behalf of Secretary Arnold Schlei  
Marathon County Board of Adjustment

RL/cek

**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: Mike Vaughn  
Mailing Address: 237257 STAR Rd Amivv, WI 54408  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Cellphone: 608-445-6149 Email: theblastusk@gmail.com  
Owner Name: (if different) Tony Peterson  
Mailing Address: 235290 Maplewood Dr Weston, WI 54476  
Telephone: 715-297-6773 Fax: \_\_\_\_\_

**PARCEL INFORMATION**

Parcel ID # (PIN): 040 3009 291 0997  
(If more than one parcel is included in this application, list all parcel numbers & legal descriptions on a separate sheet.)

Legal Description: Government Lot See Attached or \_\_\_\_\_  
Section \_\_\_\_\_, T \_\_\_\_\_, N, R \_\_\_\_\_, E, Town of \_\_\_\_\_  
Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision \_\_\_\_\_

Property Address: PIN above is on STAR Rd - connected to 240791 Howling Pines Rd  
Parcel size: 40 Acres or \_\_\_\_\_ Sq. Ft. Wausau, WI 54403

Zoning District: \_\_\_\_\_

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

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?  
Provide pheasant hunts to the public Sept - May  
not placed in designated fields for hunters to harvest pheasants with or without  
class. Pkg Training May - Sept

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

Provide the following information if this box is checked

Proposal has additional development standards in Section 17.204.44. 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:

Check if submitable	Initial of staff	
<input type="checkbox"/>		Completed application including signatures.
<input checked="" type="checkbox"/>	DS	Map with all required information.
<input checked="" type="checkbox"/>	DS	Additional documents, as needed (lot combination forms, boating/fishing shelter application, etc.)
<input type="checkbox"/>	NA	Zoning Permit application
<input checked="" type="checkbox"/>	DSx	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)

*[Handwritten Signature]*

Date

*02/25/21*

Agent / Person responsible for work Signature (required)

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

For office use

For office use

Amount Received: \$

Date Stamp:

© 1997 Wisconsin DNRMS Conditional Use Permit Application Form

## Proposal- Star Rd Property

Describe specifically the nature of the request?

- Privately guided pheasant hunts and dog training grounds by appointment.
- Birds will be placed in designated fields and clients will harvest them (both aided and unaided by trained hunting dogs)
- 2 hunting fields with a maximum of 4 hunters per field
- A total of 6 hunts per day (3 hunts per field per day)
- Hunts will be available to clients 7 days a week. Through the months of September thru May.
  - Legal hunting hours as set forth in WI DNR Hunting Regulations
- Dog training will be available to clients 7 days a week. Through the months of June thru August.
  - 6am- dark (daylight hours vary by month)

Explain how your proposal meet or exceeds requirements of Section 17.204.44

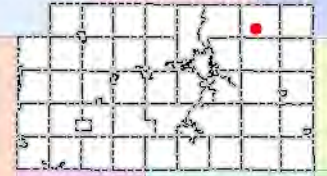
- Parking will occur off Star Rd on the West end of the property.
- 2 designated parking areas of 20x60 for maximum of 5 vehicles per parking area.
- Parking areas are shown on provided maps at each pre-existing culvert.
- Field boundaries will remain 50 yards (150 feet) off each property line.
- Field boundaries will be marked 50 feet off Star Road per Wisconsin DNR Hunting Regulations.



# 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



184.42 0 184.42 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

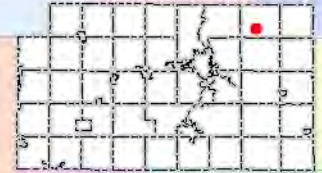




# Land Information Mapping System

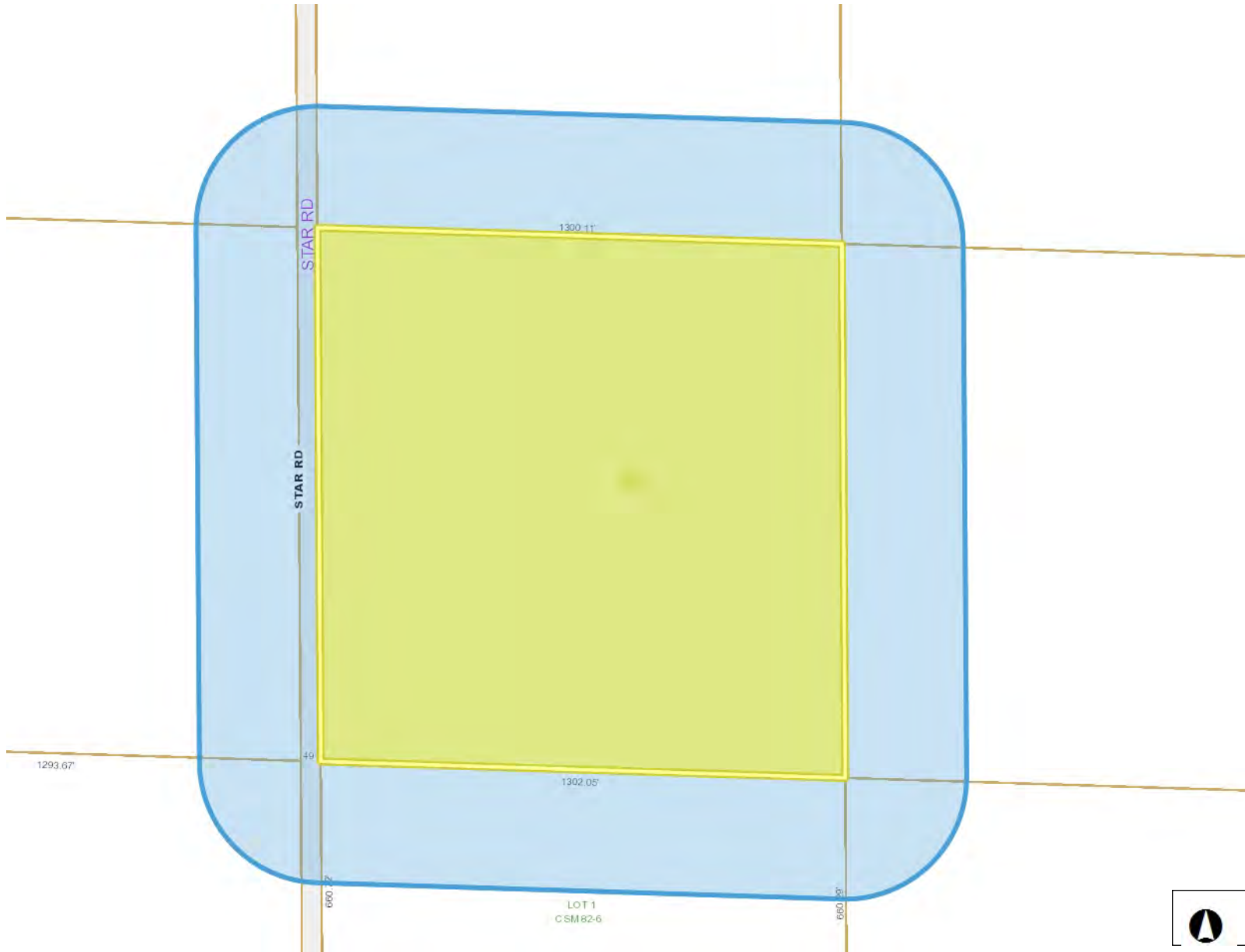
TAYLOR

LINCOLN



WOOD

PORTAGE



## Legend

- Road Names
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- Parcel Lot Lines
- Land Hooks
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184.42 0 184.42 Feet

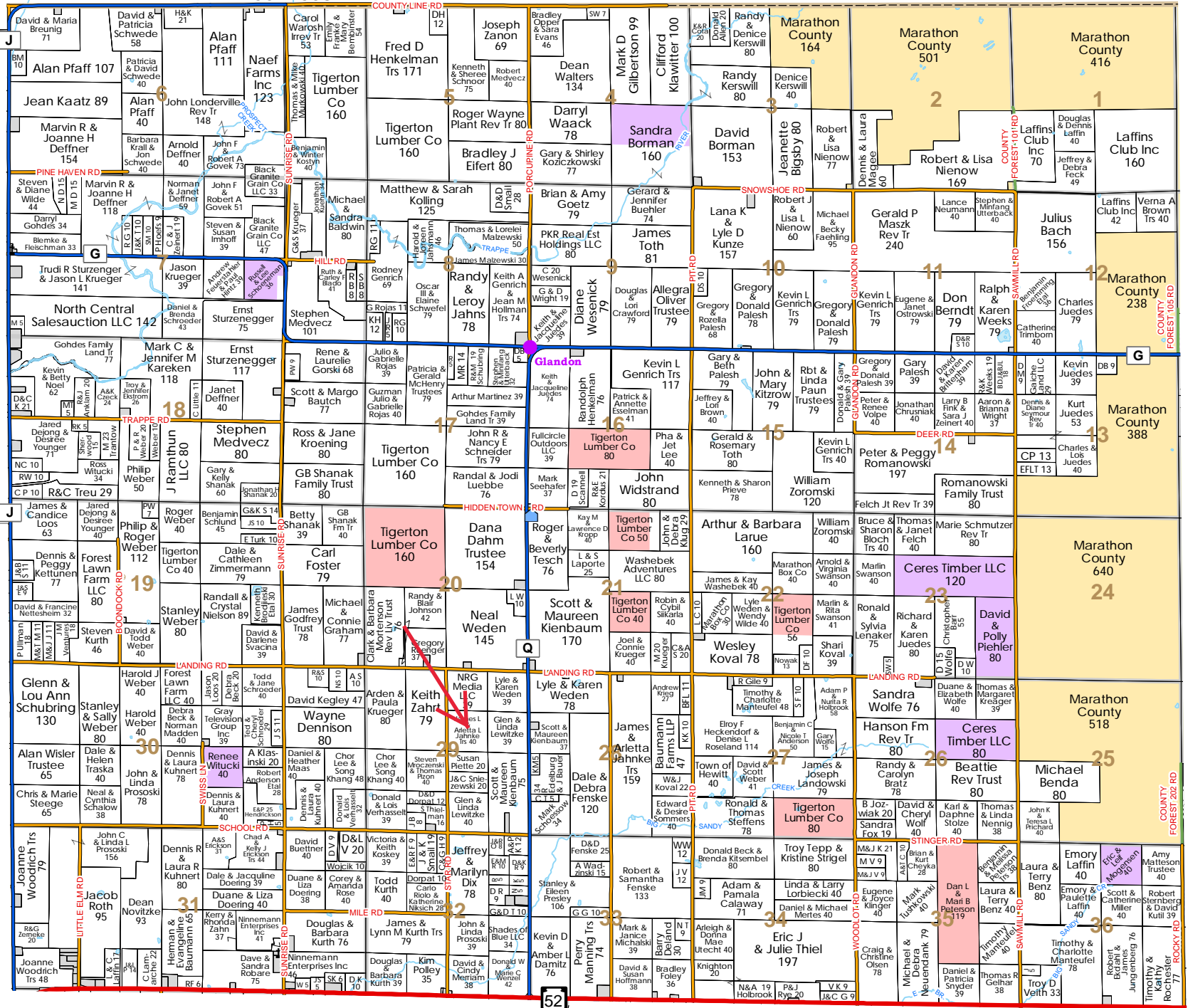


NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet

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## Notes



Hewitt



Township 30N - Range 9E

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SEE PAGE 93

SEE PAGE 97

SEE PAGE 79

STATE OF WISCONSIN )  
MARATHON COUNTY )  
TOWN OF HEWITT

**TOWN RESOLUTION OF RECOMENDATION**

TO THE MARATHON COUNTY BOARD OF ADJUSTMENT

I, Maya Sturzenegger, Clerk of the Town of Hewitt, 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 Hewitt Town Board at a meeting held on the 10<sup>th</sup> day of May, 2021.

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 Hewitt.

NOW, THEREFORE BE IT RESOLVED that the Town of Hewitt Town Board considered on the 10<sup>th</sup> day of May, 2021, the application of Michael Vaughn on behalf of Tony Peterson (Dynamite Properties LLC) for a conditional use permit per Section 17.404.44 of the General Zoning Code of Ordinances for Marathon County Chapter 17 Zoning Code for an Outdoor Recreational Use in the G-A General Agricultural zoning district, described as part of the SW ¼ of the NE ¼ Section 29, Township 30N, R09E, Town of Hewitt, described as PIN# 040-3009-291-0997

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 Maya Sturzenegger  
Town Board Thudig Sturzenegger  
Don Verhasselt  
Paul Probst

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 May 20, 2021 to:

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

**RECEIVED**

**MAY 13 2021**

**MARATHON CO. CONSERVATION,  
PLANNING & ZONING DEPT**



**Mike Vaughn on Behalf of Dynamite Properties LLC  
Conditional Use Permit Application  
Staff Report, May 27<sup>th</sup>, 2021  
Marathon County Board Of Adjustment**

**Findings of Fact**

**REQUEST:**

The application of Michael Vaughn on behalf of Tony Peterson (Dynamite Properties LLC) for a conditional use permit per Section 17.404.44 of the General Zoning Code of Ordinances for Marathon County Chapter 17 Zoning Code for an Outdoor Recreational Use in the G-A General Agricultural zoning district, described as part of the SW ¼ of the NE ¼ Section 29, Township 30N, R09E, Town of Hewitt, described as PIN# 040-3009-291-0997.

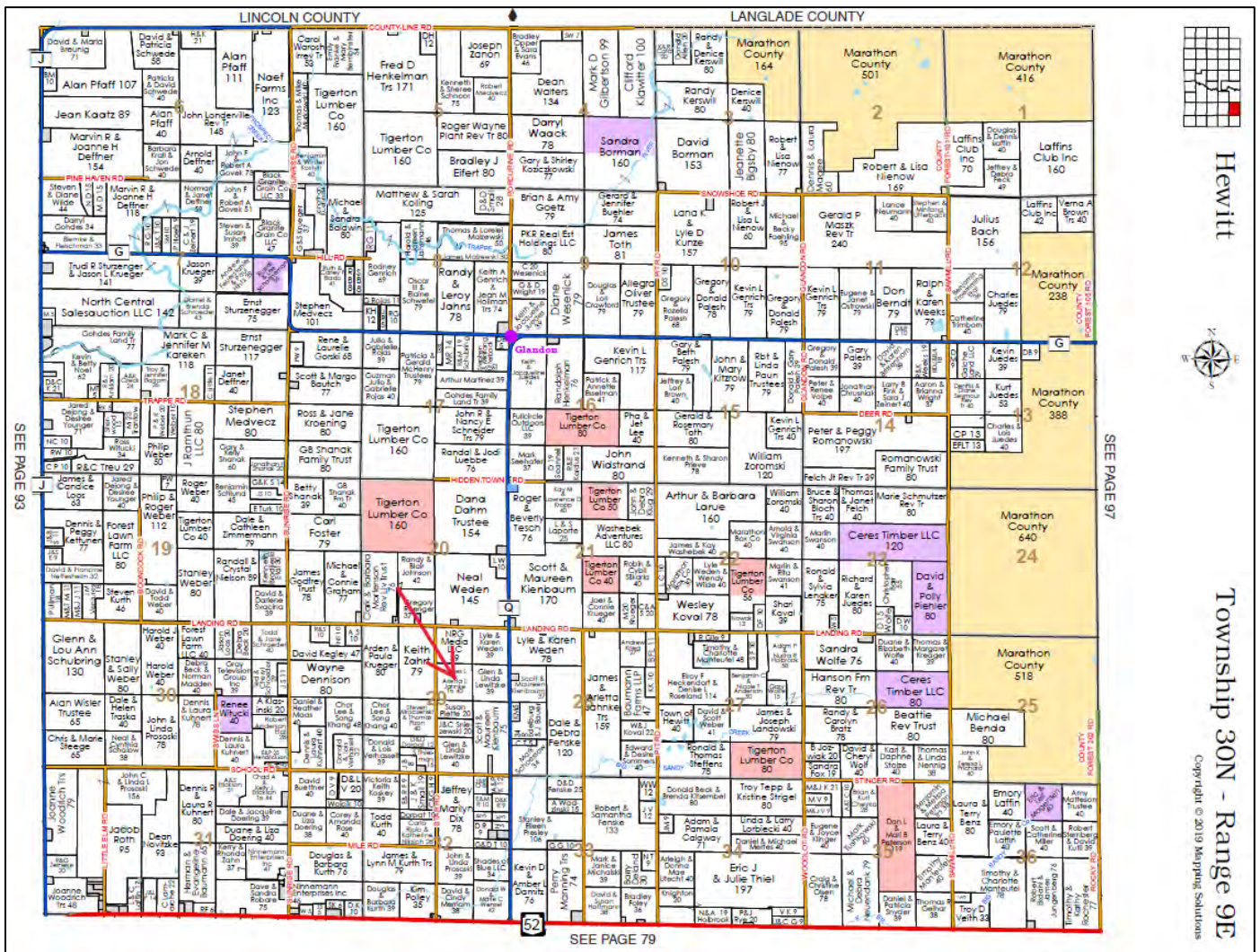
**PUBLIC HEARINGS/MEETINGS:**

- Town of Hewitt Town Board Meeting (May 10<sup>th</sup>, 2021)
- Marathon County Board of Adjustment Meeting (May 27<sup>th</sup>, 2021 at 9:00am)

**APPLICANT(s):** Mike Vaughn – 237255 Star Road, Aniwa WI 54408

**PROPERTY OWNER:** Dynamite Properties LLC (Tony Peterson) – 225210 Maplewood Drive, Weston WI 54476

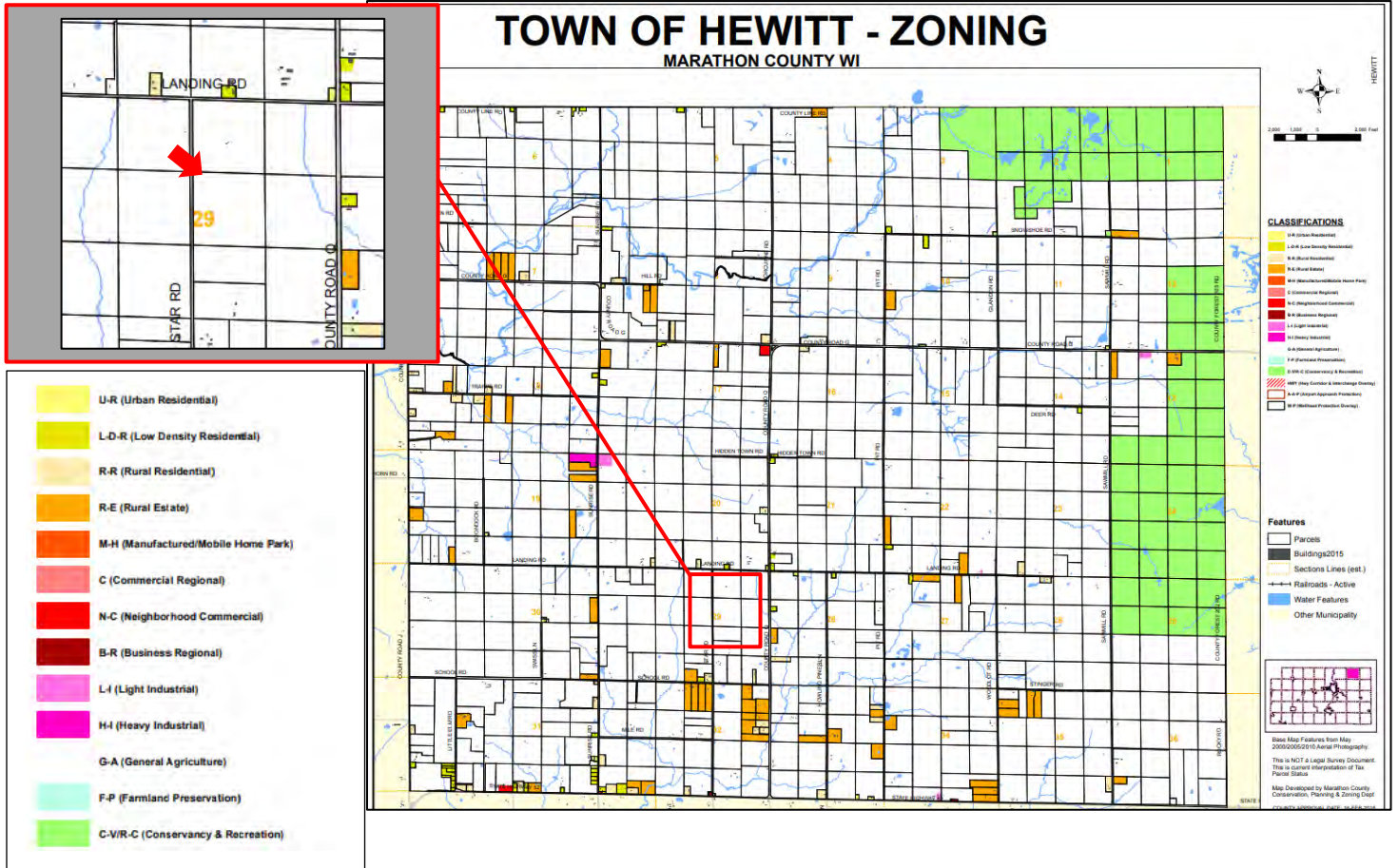
*Map 1: Location of Conditional Use Permit Request*



**EXISTING ZONING DISTRICT:**

**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.

**EXISTING ZONING DISTRICT MAP:** Adjacent parcels and parcels are zoned General Agricultural (white) with a few smaller residential parcels within close proximity (as seen below).



**ACREAGE:**  
40.0 Acres

**Legal Notification:**  
A legal advertisement was published in the *Wausau Daily Herald* on Monday May 10<sup>th</sup>, 2021 and May 17<sup>th</sup>, 2021. Notice of the zoning change request was also sent by regular mail to adjacent property owners within 300 feet of the subject property.

**TOWN COMPREHENSIVE PLAN FUTURE LAND USE MAP (2006):** The parcel in question is shown to be designated as Woodland and Crop Land Uses in the Town of Hewitt’s Comprehensive Plan Future Land Use Map.

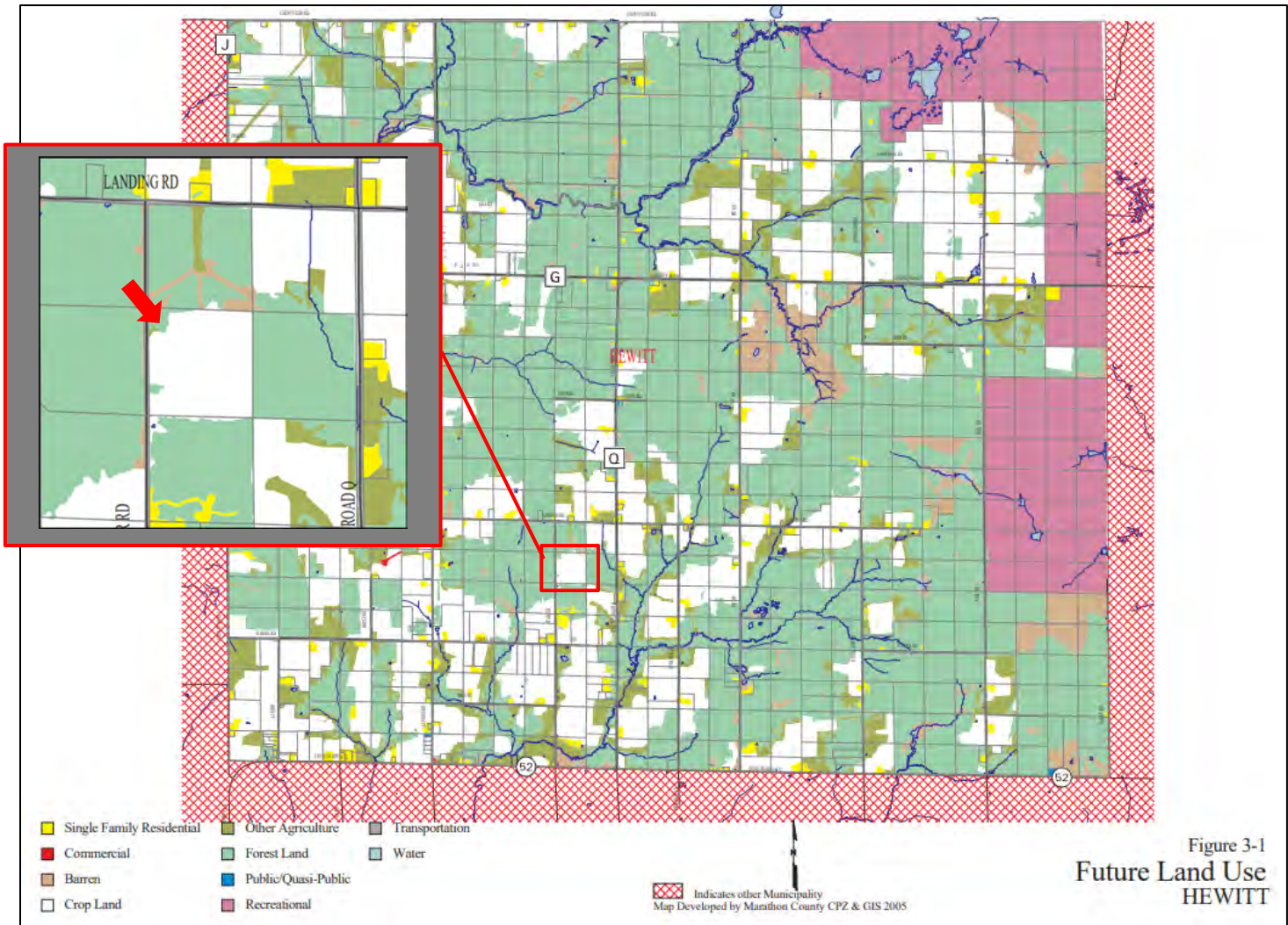
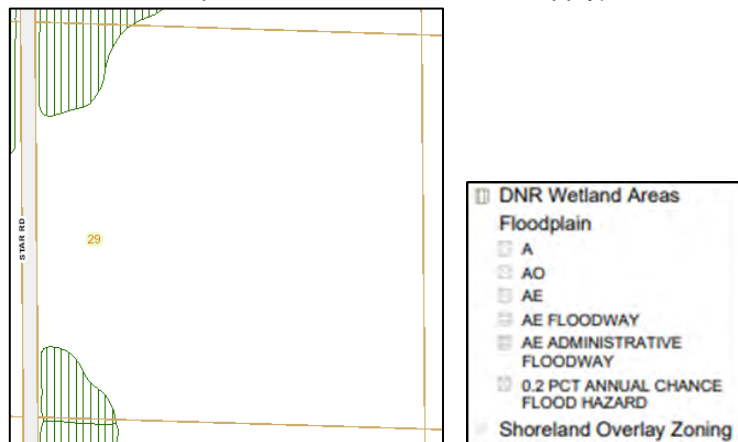


Figure 3-1  
Future Land Use  
HEWITT

**SPECIFIC PARCEL LIMITATIONS OR NATURAL FEATURES:**

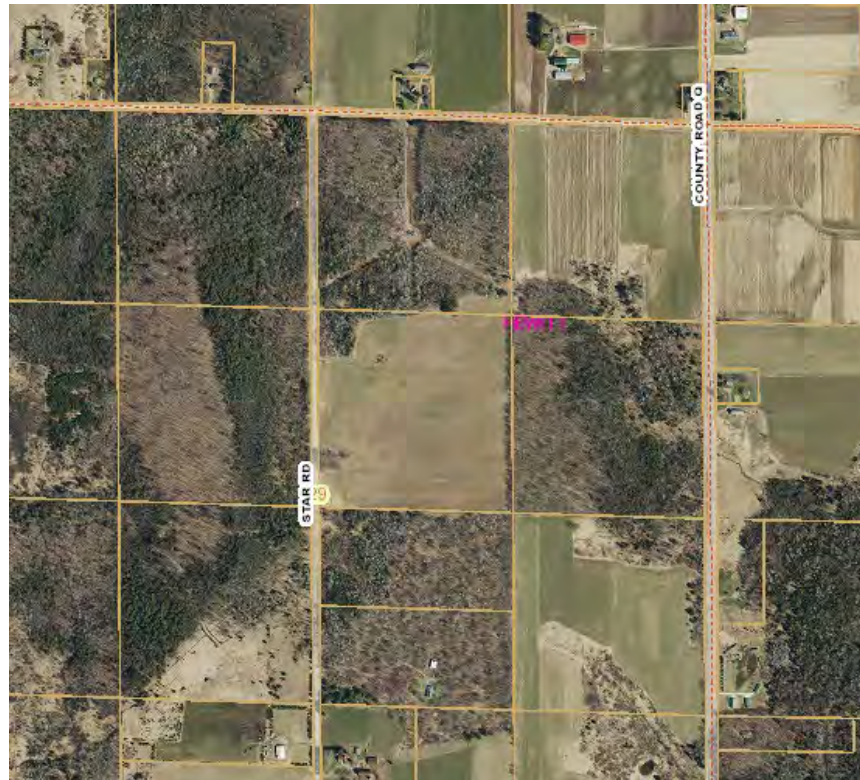
- The proposed development location on this parcel is:
  - **Not** located within mapped floodplain
  - Parcel does have some DNR Mapped wetlands on the Northwest and Southwest corners of the lot
  - The parcel and proposed development is **Not** located within the shoreland overlay district (therefore the Chapter 22 Shoreland, Shoreland-Wetlands, Floodplain Ordinance would **NOT** apply).



**Aerial Photo of the Property:**



**Aerial Photo of adjacent lands:**



**Violations:**

There are no active or past zoning violations on the property in question.

**Site Plan (submitted by the applicant):**



**Supporting Documentation (submitted by the applicant)**

Proposal- Star Rd Property

Describe specifically the nature of the request?

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- Birds will be placed in designated fields and clients will harvest them (both aided and unaided by trained hunting dogs)
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- Dog training will be available to clients 7 days a week. Through the months of June thru August.
  - 6am- dark (daylight hours vary by month)

Explain how your proposal meet or exceeds requirements of Section 17.204.44

- Parking will occur off Star Rd on the West end of the property.
- 2 designated parking areas of 20x60 for maximum of 5 vehicles per parking area.
- Parking areas are shown on provided maps at each pre-existing culvert.
- Field boundaries will remain 50 yards (150 feet) off each property line.
- Field boundaries will be marked 50 feet off Star Road per Wisconsin DNR Hunting Regulations.



**Provisions of Law – General Standards (Reminder)**

**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.
2. Comprehensive Plan.
3. Compliance with Applicable Regulations.
4. Use of Adjacent Property.
5. Public Services.
6. Impact of Traffic.
7. Enhancement of Surrounding Environment.
8. Impact on Public Health, Safety, and Welfare.
9. Isolation of Existing Uses.
10. Substantial Evidence.

**Specific Provision of Law:**

USE	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>COMMERCIAL, OFFICE, and SERVICE USES</b>													
Recreation, Outdoor		C	C	C		C	C	C	C				<a href="#">Section 17.204.44</a>

**Section 17.204.44 RECREATION, OUTDOOR**

An outdoor recreational use is generally operated as a business or non-profit organization. Such facilities may accommodate individual, organized or franchised sports, athletic training and/or recreational amusements. This intensive use, conducted wholly outdoors, may or may not include spectator seating and encompasses a variety of activities including, but not limited to picnic areas, parks, playgrounds, athletic fields, swimming facilities, tennis clubs, golf courses, driving ranges, riding academies, country clubs, paintball courses, tracks for motorized and non-motorized sports. Such a facility may provide regular organized, franchised and/or charitable events. All facilities and uses permitted pursuant to this section are subject to the following:

- A. **General.** All facilities and activities permitted pursuant to this section shall remain in compliance with all applicable standards including the performance standards of Chapter [17.407](#) and shall meet the following requirements:
  1. Natural Barriers. Site locations shall provide natural or man-made barriers that would lessen the effect of intrusion into an area.
  2. Accessory Uses. Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted and shall include such uses as refreshment stands, souvenir stands, and concession stands.
  3. Supervision; Nuisance. All activities, programs, and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.
- B. **Residential Districts.** Recreational facilities pursuant to this section located in any residential district shall meet the following requirements:
  1. Property Line Setback. All structures and activity areas, except off street parking areas, shall be located at least 100 feet from all property lines.
  2. Ingress/Egress Separation. All points of entrance or exit shall be located no closer than 50 feet from the intersection of two major thoroughfares and/or no closer than 50 feet from the intersection of a major thoroughfare and a collector street.

# Chapter 17.407 Performance Standards

## Section 17.407.01 GENERAL PERFORMANCE STANDARDS

All uses and activities established after the effective date of this Zoning Ordinance shall comply with the following standards:

- A. **Vibrations.** No use shall cause earth vibrations or concussions detectable without the aid of instruments beyond its lot lines with the exception of vibration produced as a result of construction or demolition operations.
  - 1. Nonmetallic mining operations shall be regulated by the State of Wisconsin, Department of Safety and Professional Services, Chapter SPS 307.
- B. **Dust, Fumes, Vapors and Gases.**
  - 1. The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, animals, vegetation, or property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, is prohibited.
- C. **Heat.** No use shall produce heat detectable without the aid of instruments beyond its lot lines.
- D. **Glare.** No use shall produce a strong, intense light or a reflection thereof beyond its lot lines.
- E. **Storage and Waste Disposal in Industrial Districts.**
  - 1. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above the ground, except tanks or drums of fuel directly connected with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.
  - 2. All outdoor storage facilities for fuel, raw materials and products, and all fuel, raw materials and products stored outdoors, shall be enclosed by an approved safety fence.
  - 3. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.

### **TOWN RECOMMENDATION:**

On May 10<sup>th</sup>, 2021 the **Town of Hewitt** Town Board Recommended **Approval** to Marathon County's Board of Adjustment.

#### 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 Hewitt.

NOW, THEREFORE BE IT RESOLVED that the Town of Hewitt Town Board considered on the 10<sup>th</sup> day of May, 2021, the application of Michael Vaughn on behalf of Tony Peterson (Dynamite Properties LLC) for a conditional use permit per Section 17.404.44 of the General Zoning Code of Ordinances for Marathon County Chapter 17 Zoning Code for an Outdoor Recreational Use in the G-A General Agricultural zoning district, described as part of the SW ¼ of the NE ¼ Section 29, Township 30N, R09E, Town of Hewitt, described as PIN# 040-3009-291-0997

and hereby recommends:

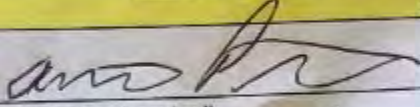
Marathon County Board of Adjustment **APPROVE** application

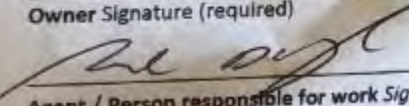
Marathon County Board of Adjustment **DENY** application

Staff Note: Application Signature(s)

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) \_\_\_\_\_ Date 2/25/21

  
Agent / Person responsible for work Signature (required) \_\_\_\_\_ Date 02/25/21

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:



05/13/2021

SIGNATURE

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: Mike Vaughn  
 Mailing Address: 237255 STAR Rd Anson, WI 54408  
 Telephone: 608-445-6149 Fax: \_\_\_\_\_  
 Cellphone: \_\_\_\_\_ Email: theblastwsk@gmail.com  
 Owner Name: (if different) TONY Peterson  
 Mailing Address: 225210 Maplewood Dr N°star, WI 54476  
 Telephone: 715-297-6773 Fax: \_\_\_\_\_

**PARCEL INFORMATION**

Parcel ID # (PIN): See Separate Sheet of paper - 4 pin parcels  
(If more than one parcel is included in this application, list all parcel numbers & legal descriptions on a separate sheet.)  
 Legal Description: Government Lot See Attached or \_\_\_\_\_  
 Section \_\_\_\_\_ T \_\_\_\_\_ N, R \_\_\_\_\_ E, Town of \_\_\_\_\_  
 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Property Address: 240791 Hauling Pines LN WAUSAU WI 54403  
 Parcel size: 0.160 Acres or \_\_\_\_\_ Sq. Ft.  
 Zoning District: \_\_\_\_\_

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

Existing improvements (Structures, well, septic, etc.):  
Old Farm Shed - unoccupied

**PROPOSAL**

Describe specifically the nature of this request (be sure to list all proposed uses of the parcel). What do you plan to do?  
provide pheasant hunts to the public, birds will be placed in designed holes for hunters to harvest them with/without the aid of dogs Sept - May, dog training May - Sept

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

Provide the following information if this box is checked

Proposal has additional development standards in Section 17.204.44 Explain how your proposal meets or exceeds these requirements.

Use separate/additional sheets 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:

Check if submitted	Initial of staff	
<input type="checkbox"/>		Completed application including signatures.
<input checked="" type="checkbox"/>	DS	Map with all required information.
<input checked="" type="checkbox"/>	DS	Additional documents, as needed (lot combination forms, hunting/fishing shelter application, etc.)
<input type="checkbox"/>	NA	Zoning Permit application
<input checked="" type="checkbox"/>	DS	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 style="font-size: 2em; margin: 0;">[Handwritten Signature]</p> <p>Owner Signature (required)</p>	<p style="font-size: 1.5em; margin: 0;">11/26/21</p> <p>Date</p>
<p style="font-size: 2em; margin: 0;">[Handwritten Signature]</p> <p>Agent / Person responsible for work Signature (required)</p>	<p style="font-size: 1.5em; margin: 0;">01/20/21</p> <p>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><b>Return to:</b></p> <p>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: 1-800-296-0153 Facsimile: 715-261-6016</p>	
--------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------	--

For office use	For office use	For office use
Amount Received: \$ _____	Date Stamp: _____	

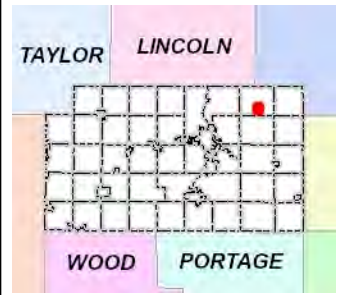
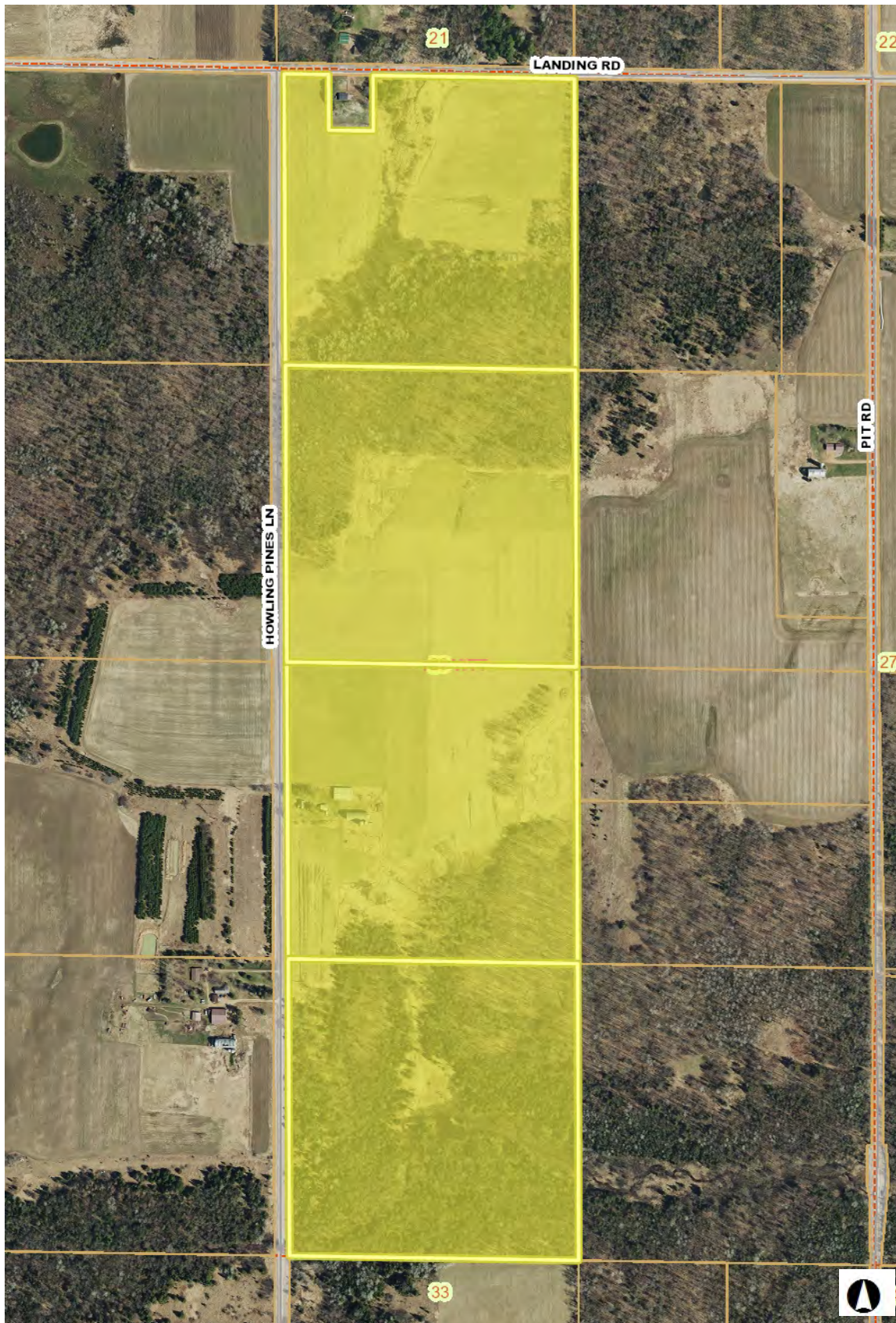
## Proposal- Howling Pines Road Property

Describe specifically the nature of the request?

- Privately guided pheasant hunts and dog training grounds by appointment.
- Birds will be placed in designated fields and clients will harvest them (both aided and unaided by trained hunting dogs)
- 3 hunting fields with a maximum of 4 hunters per field
- A total of 9 hunts per day (3 hunts per field per day)
- Hunts will be available to clients 7 days a week. Through the months of September thru May.
  - Legal hunting hours as set forth in WI DNR Hunting Regulations
- Dog training will be available to clients 7 days a week. Through the months of June thru August.
  - 6am- dark (daylight hours vary by month)

Explain how your proposal meet or exceeds requirements of Section 17.204.44

- 3 designated parking areas of 20x60 for maximum of 5 vehicles per parking area.
- One parking area will occur on the North end of the property off Landing Road (see map).
- Second parking area will be off Howling Pines Road at pre-existing culvert (see map).
- Third parking area will be behind pre-existing farmstead (see map).
- Field boundaries will remain 50 yards (150 feet) off each property line.
- Field boundaries will be marked 50 feet off Landing Road and Howling Pines Road per Wisconsin DNR Hunting Regulations.



### Legend

- Road Centerlines
  - US
  - State
  - County
  - Local
  - Private
- 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

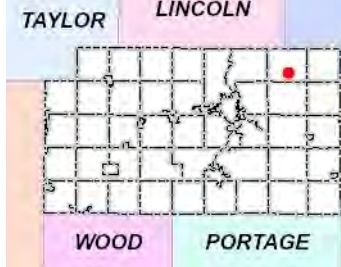
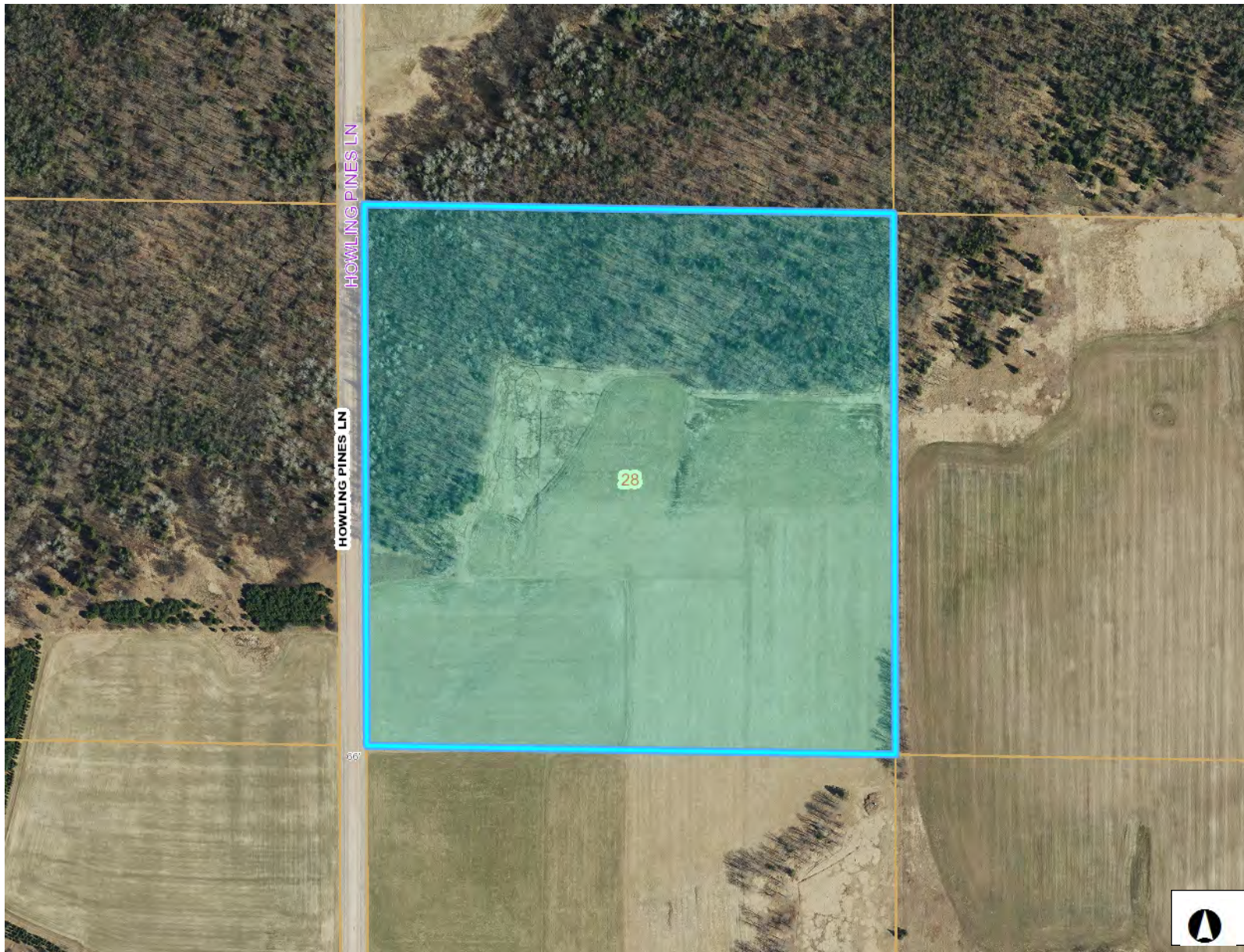
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333.33 0 333.33 Feet

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# Land Information Mapping System



## Legend

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  - Blue: Band\_3

181.89 0 181.89 Feet



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

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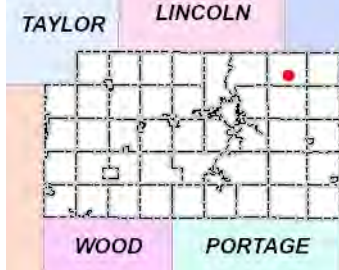
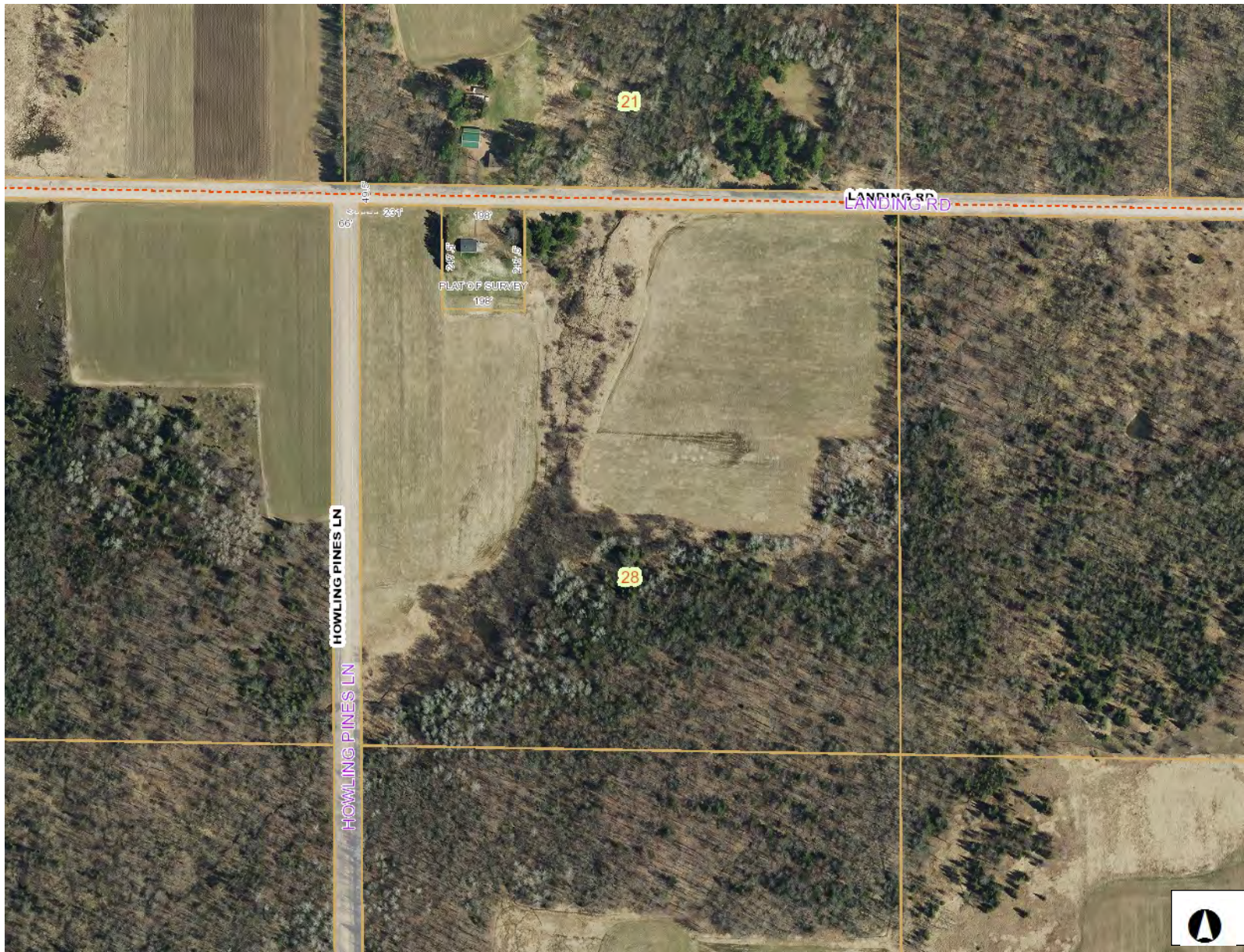
## Notes

040-3009-281-0996





# Land Information Mapping System



- Legend**
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  - Parcels
  - Parcel Lot Lines
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  - 2020 Orthos Countywide
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    - Blue: Band\_3

178.58 0 178.58 Feet



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

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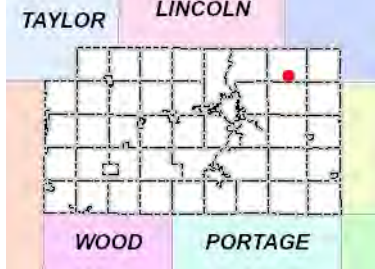
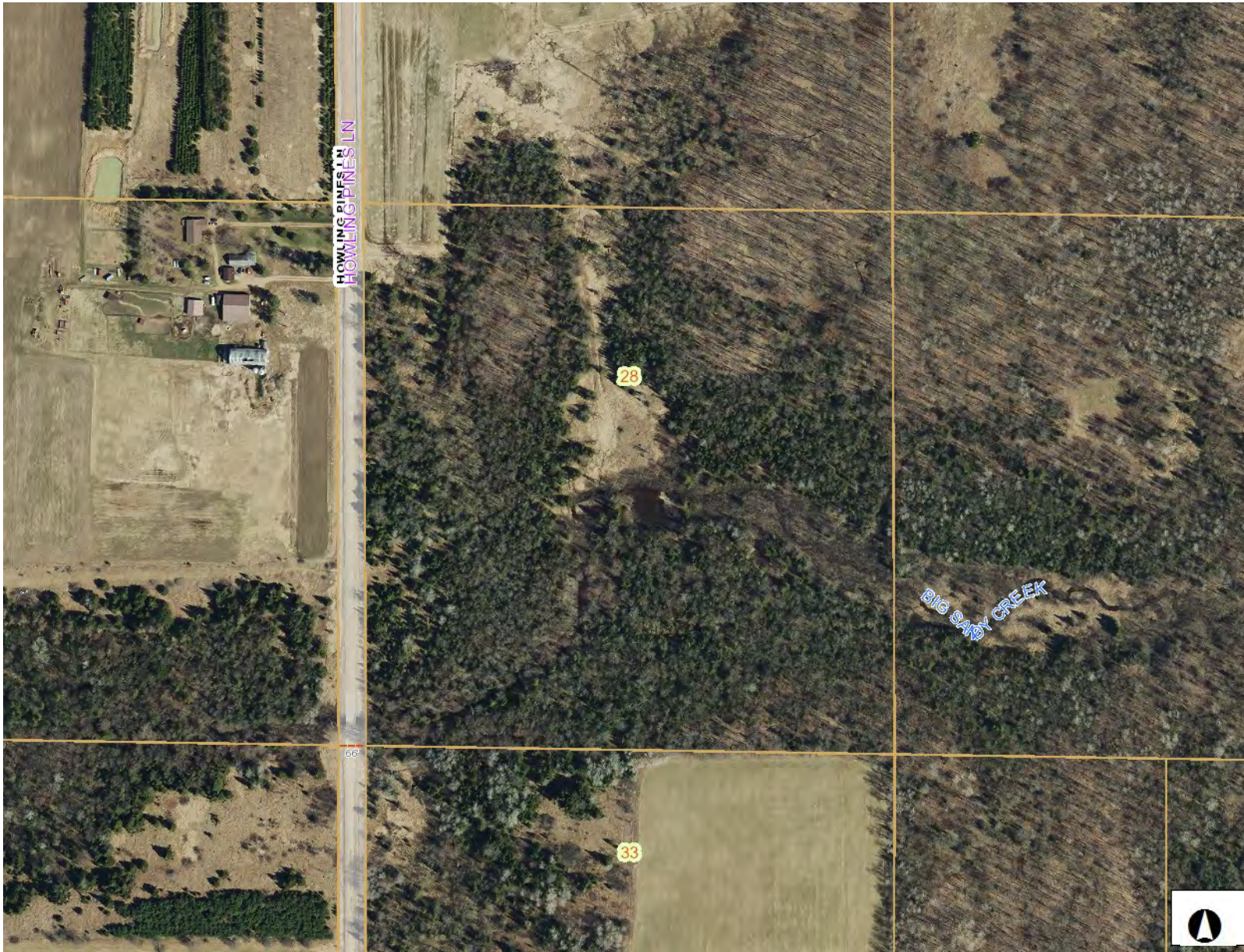


## Notes

040-3009-281-0998



# Land Information Mapping System



## Legend

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181.78 0 181.78 Feet



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

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## Notes

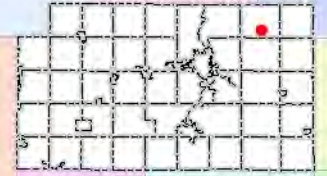
PIN# 040-3009-284-0997



# Land Information Mapping System

TAYLOR

LINCOLN



WOOD

PORTAGE



## Legend

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- Municipalities
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  - Blue: Band\_3



181.83 0 181.83 Feet

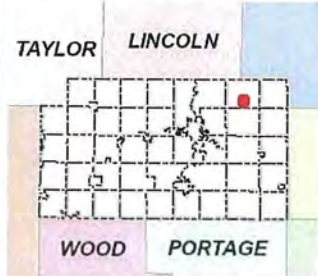


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## Notes



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**Notes**  
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 04030092810996  
 04030092840998, 04030092840997  
 (300 foot buffer)

354.17 0 354.17 Feet

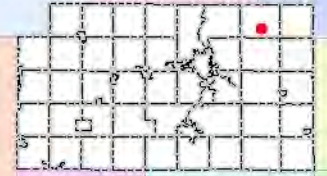
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# Land Information Mapping System

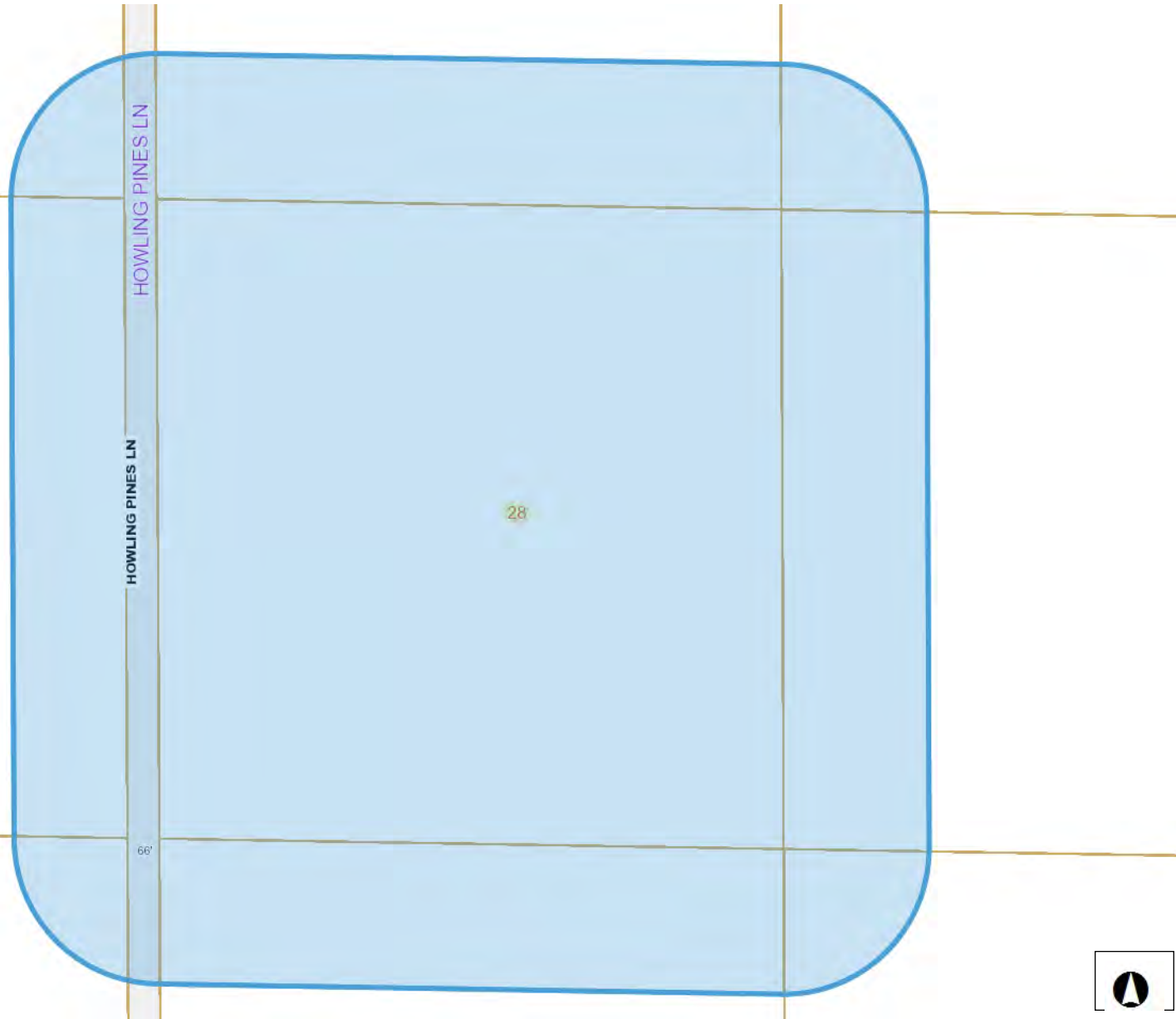
TAYLOR

LINCOLN



WOOD

PORTAGE



## Legend

- Road Names
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164.53 0 164.53 Feet



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

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## Notes

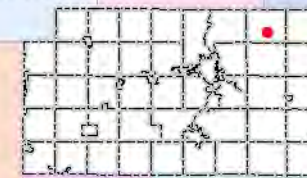
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# Land Information Mapping System

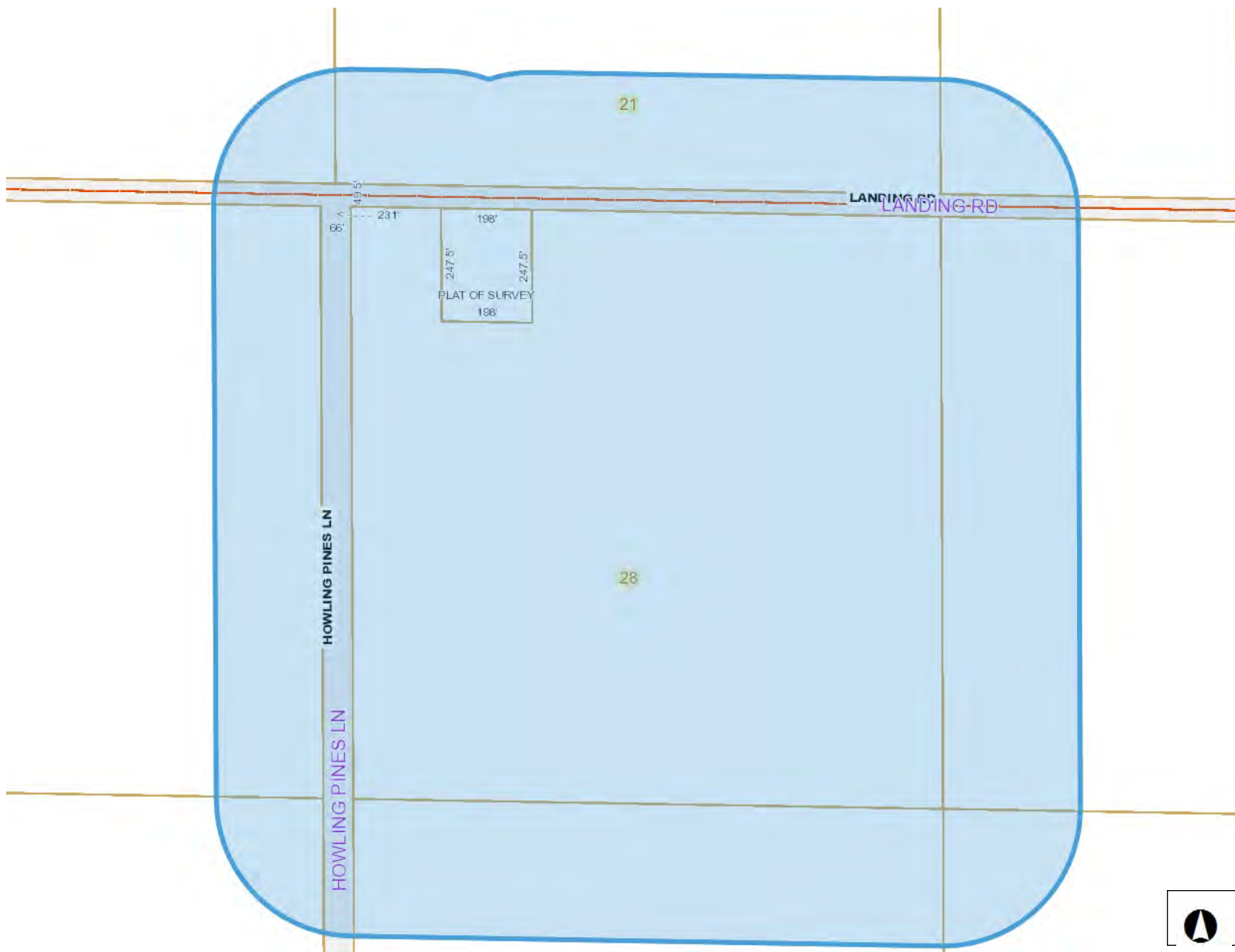
TAYLOR

LINCOLN



WOOD

PORTAGE



## Legend

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162.47 0 162.47 Feet



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

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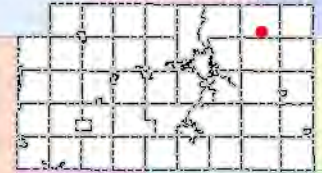
PIN# 040-3009-281-0998



# Land Information Mapping System

TAYLOR

LINCOLN



WOOD

PORTAGE

HOWLING PINES LN  
HOWLING PINES LN

BIG SANDY CREEK

## Legend

- Road Names
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181.78 0 181.78 Feet



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

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## Notes

040-3009-284-0997

841.5'



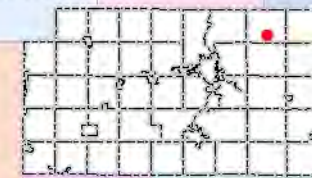
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# Land Information Mapping System

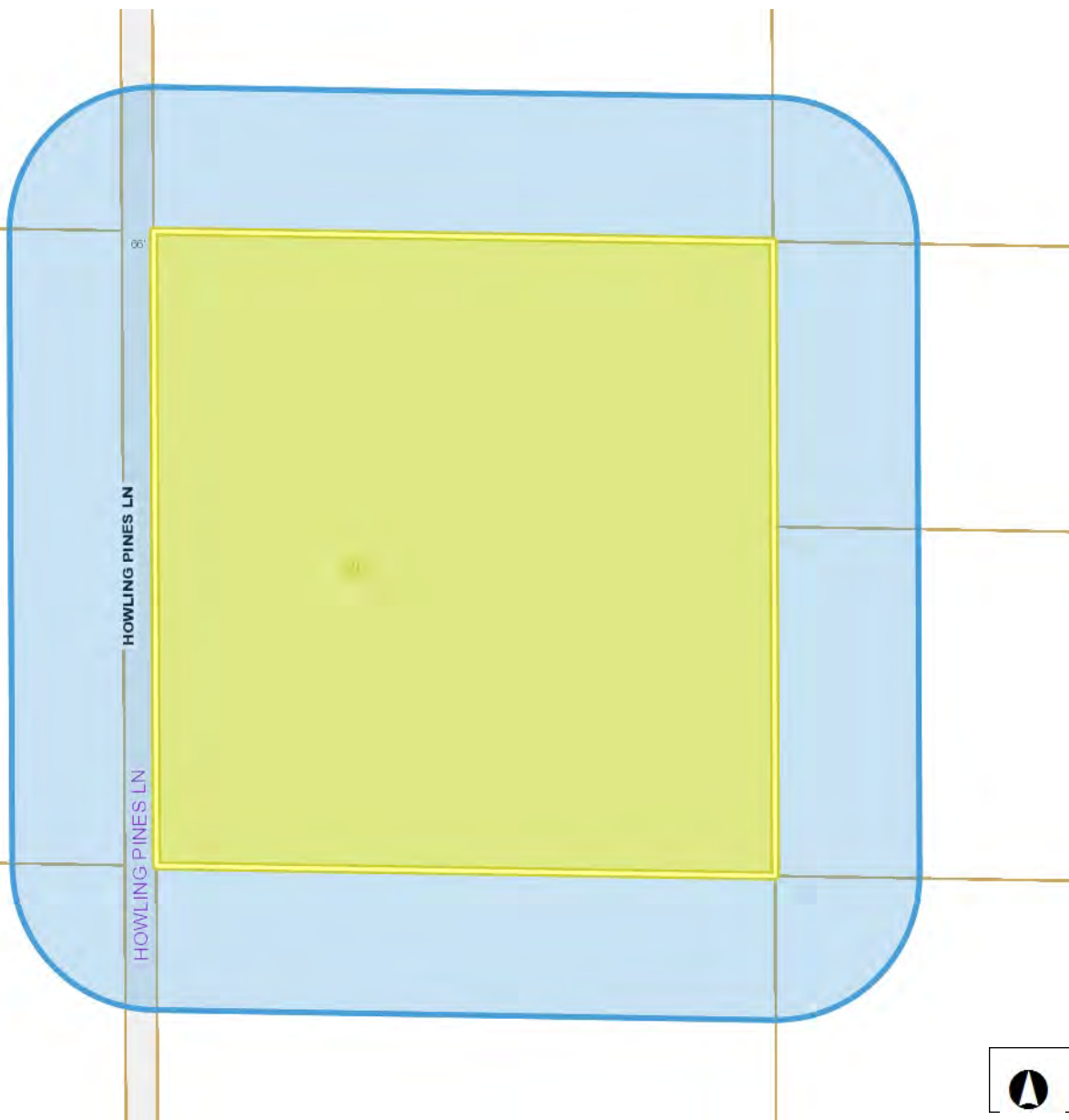
TAYLOR

LINCOLN



WOOD

PORTAGE



## Legend

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181.83 0 181.83 Feet



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

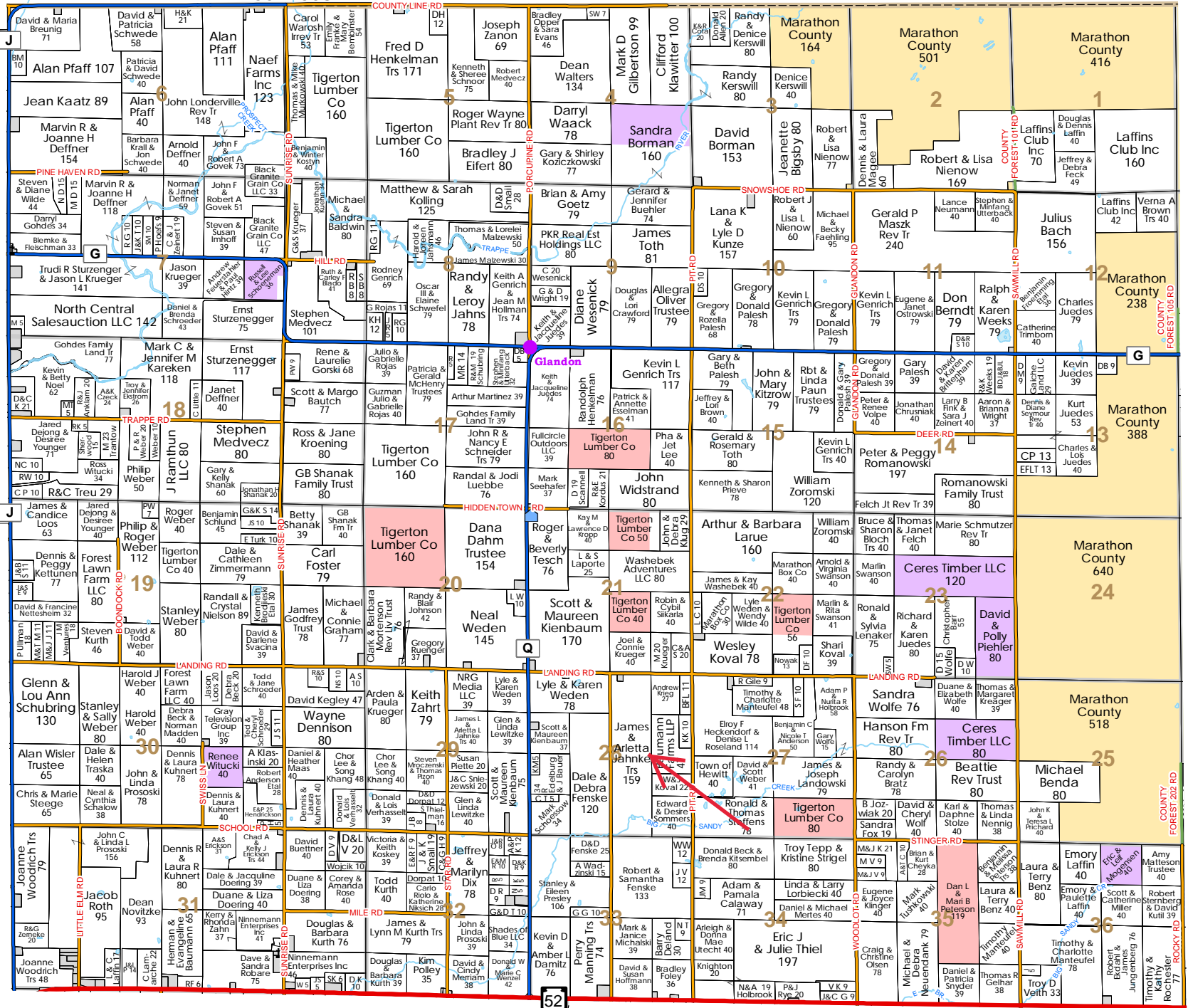
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## Notes

PIN# 040-3009-284-0998





Hewitt



Township 30N - Range 9E

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SEE PAGE 93

SEE PAGE 97

STATE OF WISCONSIN )  
MARATHON COUNTY )  
TOWN OF HEWITT

**TOWN RESOLUTION OF RECOMENDATION**

TO THE MARATHON COUNTY BOARD OF ADJUSTMENT

I, Maya Sturzenegger, Clerk of the Town of Hewitt, 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 Hewitt Town Board at a meeting held on the 10<sup>th</sup> day of May, 2021.

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 Hewitt.

NOW, THEREFORE BE IT RESOLVED that the Town of Hewitt Town Board considered on the 10<sup>th</sup> day of May, 2021, the application of Michael Vaughn on behalf of Tony Peterson (Dynamite Properties LLC) for a conditional use permit per Section 17.404.44 of the General Zoning Code of Ordinances for Marathon County Chapter 17 Zoning Code for an Outdoor Recreational Use in the G-A General Agricultural zoning district, described as part of the NW ¼ of the NE ¼ Section 28, Township 30N, R09E, described as PIN# 040-3009-281-0998; and part of the SW ¼ of the NE ¼ of Section 28, Township 30N, R09E, described as PIN# 040-3009-281-0996; and part of the NW ¼ of the SE ¼ of Section 28, Township 30N, R09E, described as PIN# 040-3009-284-0998, Address 240791 Howling Pines Lane, Wausau WI 54403; and part of the SW ¼ of the SE ¼ of Section 28, Township 30N, R09E Town of Hewitt, described as PIN# 040-3009-284-0997

and hereby recommends:

Marathon County Board of Adjustment **APPROVE** application

Marathon County Board of Adjustment **DENY** application

Comments, conditions and reasons for recommended action:

---

---

---

Clerk Maya Sturzenegger  
Town Board Judi Sturzenegger  
Don Verhagelt  
John Kasey

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 May 20, 2021 to:

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

**RECEIVED**

**MAY 13 2021**

**MARATHON CO. CONSERVATION,  
PLANNING & ZONING DEPT**



**Mike Vaughn on Behalf of Dynamite Properties LLC  
Conditional Use Permit Application (#2)  
Staff Report, May 27<sup>th</sup>, 2021  
Marathon County Board Of Adjustment**

**Findings of Fact**

**REQUEST:**

The application of Michael Vaughn on behalf of Tony Peterson (Dynamite Properties LLC) for a conditional use permit per Section 17.404.44 of the General Zoning Code of Ordinances for Marathon County Chapter 17 Zoning Code for an Outdoor Recreational Use in the G-A General Agricultural zoning district, described as part of the NW ¼ of the NE ¼ Section 28, Township 30N, R09E, described as PIN# 040-3009-281-0998; and part of the SW ¼ of the NE ¼ of Section 28, Township 30N, R09E, described as PIN# 040-3009-281-0996; and part of the NW ¼ of the SE ¼ of Section 28, Township 30N, R09E, described as PIN# 040-3009-284-0998, Address 240791 Howling Pines Lane, Wausau WI 54403; and part of the SW ¼ of the SE ¼ of Section 28, Township 30N, R09E Town of Hewitt, described as PIN# 040-3009-284-0997.

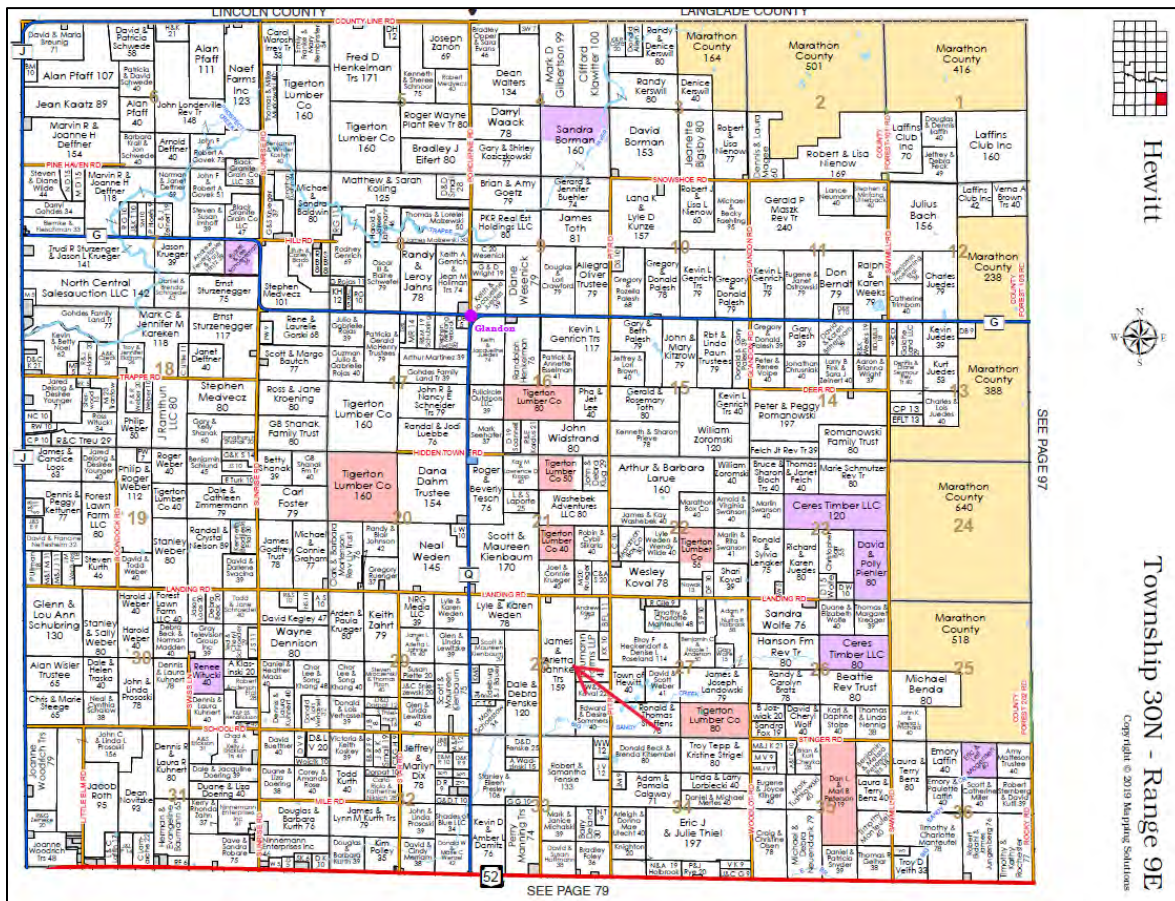
**PUBLIC HEARINGS/MEETINGS:**

- Town of Hewitt Town Board Meeting (May 10<sup>th</sup> , 2021)
- Marathon County Board of Adjustment Meeting (May 27<sup>th</sup>, 2021 at 9:00am)

**APPLICANT(s):** Mike Vaughn – 237255 Star Road, Aniwa WI 54408

**PROPERTY OWNER:** Dynamite Properties LLC (Tony Peterson) – 225210 Maplewood Drive, Weston WI 54476

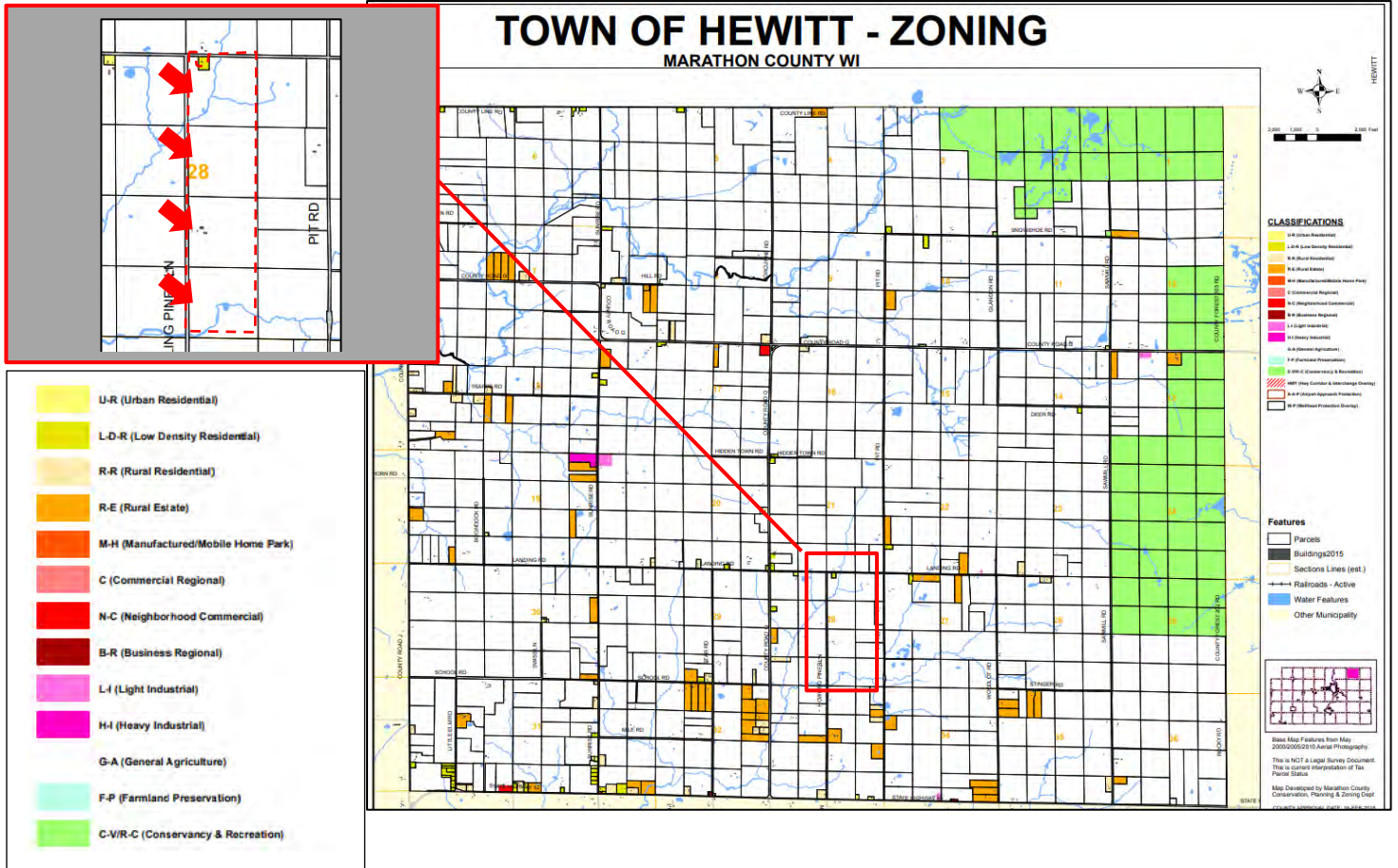
*Map 1: Location of Conditional Use Permit Request*



**EXISTING ZONING DISTRICT:**

**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.

**EXISTING ZONING DISTRICT MAP:** Adjacent parcels and parcels are zoned General Agricultural (white), there are some residentially zoned parcels within close proximity (as see below).



**ACREAGE:**  
158.7 Acres

**Legal Notification:**  
A legal advertisement was published in the *Wausau Daily Herald* on Monday May 10<sup>th</sup>, 2021 and May 17<sup>th</sup>, 2021. Notice of the zoning change request was also sent by regular mail to adjacent property owners within 300 feet of the subject property.

**TOWN COMPREHENSIVE PLAN FUTURE LAND USE MAP (2006):** The parcels in question are shown to be designated as Woodland, Residential, Other Agriculture, and Crop Land Uses in the Town of Hewitt's Comprehensive Plan Future Land Use Map, with a small area designated for Single Family Residential and Other Agriculture Land Uses.

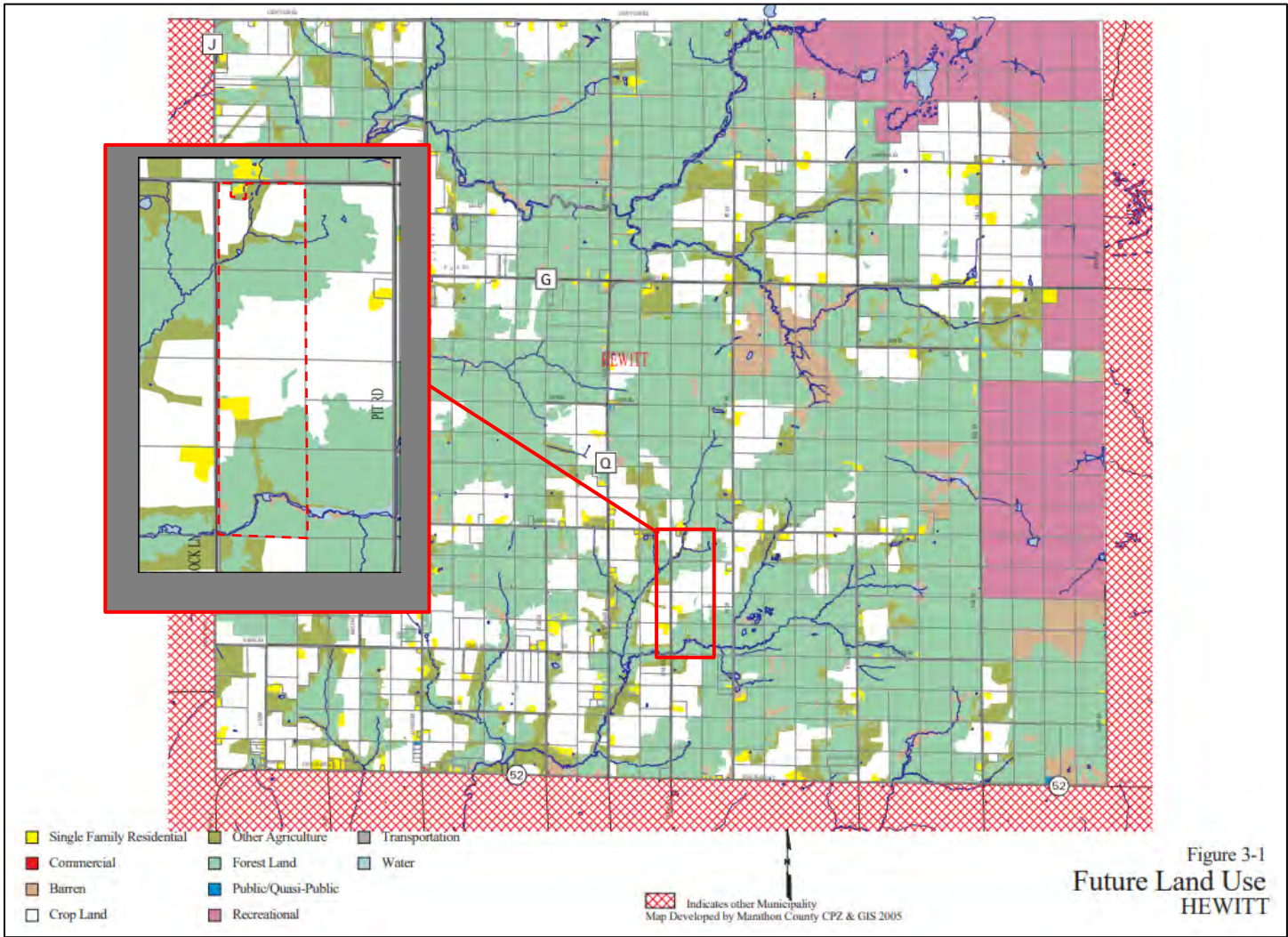
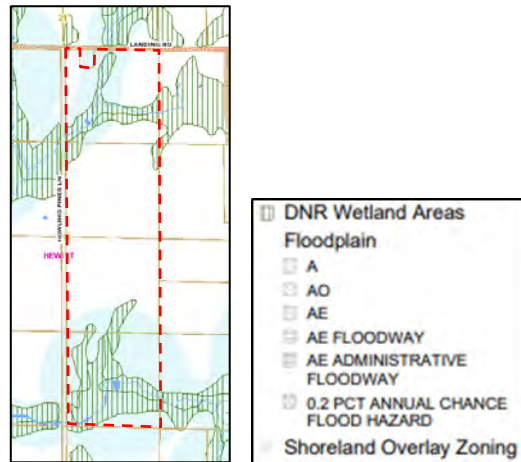


Figure 3-1  
Future Land Use  
HEWITT

**SPECIFIC PARCEL LIMITATIONS OR NATURAL FEATURES:**

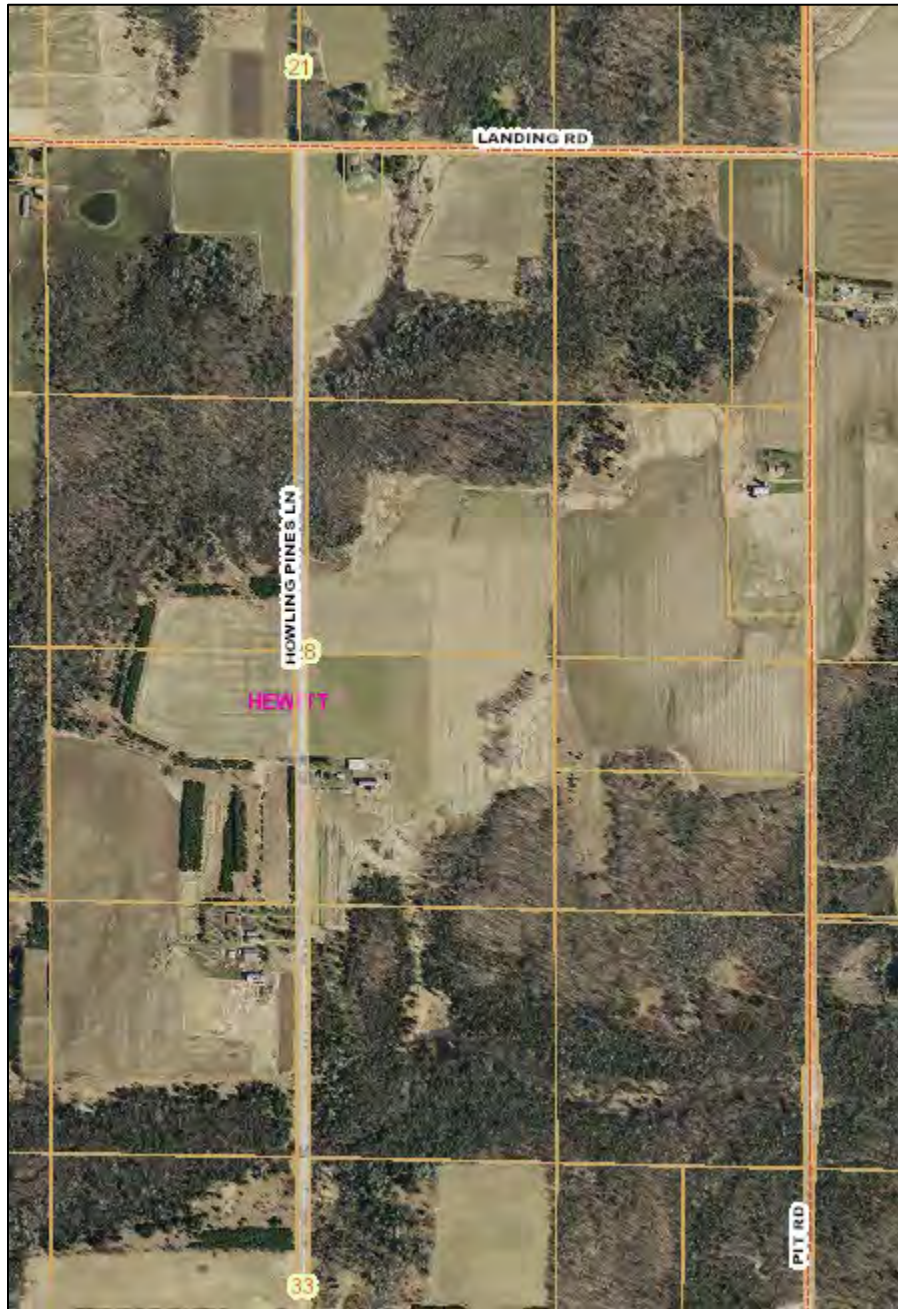
- The proposed development location on this parcel is:
  - Located (partially) within DNR mapped wetlands
  - **Not** located within any FEMA mapped floodplain
  - **Partially** located within the shoreland overlay district from a nearby waterbodies (therefore the Chapter 22 Shoreland, Shoreland-Wetlands, Floodplain Ordinance would apply to those shoreland areas).



**Aerial Photo of the Properties in Question:**



**Aerial Photo of adjacent lands:**



**Violations:**

There are no active or past zoning violations on the property in question.

Site Plan (submitted by the applicant):





## Supporting Documentation (submitted by the applicant)

Proposal- Howling Pines Road Property

Describe specifically the nature of the request?

- Privately guided pheasant hunts and dog training grounds by appointment.
- Birds will be placed in designated fields and clients will harvest them (both aided and unaided by trained hunting dogs)
- 3 hunting fields with a maximum of 4 hunters per field
- A total of 9 hunts per day (3 hunts per field per day)
- Hunts will be available to clients 7 days a week. Through the months of September thru May.
  - Legal hunting hours as set forth in WI DNR Hunting Regulations
- Dog training will be available to clients 7 days a week. Through the months of June thru August.
  - 6am- dark (daylight hours vary by month)

Explain how your proposal meet or exceeds requirements of Section 17.204.44

- 3 designated parking areas of 20x60 for maximum of 5 vehicles per parking area.
- One parking area will occur on the North end of the property off Landing Road (see map).
- Second parking area will be off Howling Pines Road at pre-existing culvert (see map).
- Third parking area will be behind pre-existing farmstead (see map).
- Field boundaries will remain 50 yards (150 feet) off each property line.
- Field boundaries will be marked 50 feet off Landing Road and Howling Pines Road per Wisconsin DNR Hunting Regulations.

## Provisions of Law – General Standards (Reminder)

**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.
2. Comprehensive Plan.
3. Compliance with Applicable Regulations.
4. Use of Adjacent Property.
5. Public Services.
6. Impact of Traffic.
7. Enhancement of Surrounding Environment.
8. Impact on Public Health, Safety, and Welfare.
9. Isolation of Existing Uses.
10. Substantial Evidence.

**Specific Provision of Law:**

USE	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	
<b>COMMERCIAL, OFFICE, and SERVICE USES</b>												
Recreation, Outdoor		C	C	C		C	C	C	C			<a href="#">Section 17.204.44</a>

**Section 17.204.44 RECREATION, OUTDOOR**

An outdoor recreational use is generally operated as a business or non-profit organization. Such facilities may accommodate individual, organized or franchised sports, athletic training and/or recreational amusements. This intensive use, conducted wholly outdoors, may or may not include spectator seating and encompasses a variety of activities including, but not limited to picnic areas, parks, playgrounds, athletic fields, swimming facilities, tennis clubs, golf courses, driving ranges, riding academies, country clubs, paintball courses, tracks for motorized and non-motorized sports. Such a facility may provide regular organized, franchised and/or charitable events. All facilities and uses permitted pursuant to this section are subject to the following:

- A. **General.** All facilities and activities permitted pursuant to this section shall remain in compliance with all applicable standards including the performance standards of Chapter [17.407 and](#) shall meet the following requirements:
  1. **Natural Barriers.** Site locations shall provide natural or man-made barriers that would lessen the effect of intrusion into an area.
  2. **Accessory Uses.** Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted and shall include such uses as refreshment stands, souvenir stands, and concession stands.
  3. **Supervision: Nuisance.** All activities, programs, and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.
- B. ~~**Residential Districts.** Recreational facilities pursuant to this section located in any residential district shall meet the following requirements:~~
  1. ~~**Property Line Setback.** All structures and activity areas, except off street parking areas, shall be located at least 100 feet from all property lines.~~
  2. ~~**Ingress/Egress Separation.** All points of entrance or exit shall be located no closer than 50 feet from the intersection of two major thoroughfares and/or no closer than 50 feet from the intersection of a major thoroughfare and a collector street.~~

*Residential Districts section 17.3204.44(B) is not applicable to this application.*

**Section 17.407.01 GENERAL PERFORMANCE STANDARDS**

All uses and activities established after the effective date of this Zoning Ordinance shall comply with the following standards:

- A. **Vibrations.** No use shall cause earth vibrations or concussions detectable without the aid of instruments beyond its lot lines with the exception of vibration produced as a result of construction or demolition operations.
  1. Nonmetallic mining operations shall be regulated by the State of Wisconsin, Department of Safety and Professional Services, Chapter SPS 307.
- B. **Dust, Fumes, Vapors and Gases.**
  1. The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, animals, vegetation, or property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, is prohibited.
- C. **Heat.** No use shall produce heat detectable without the aid of instruments beyond its lot lines.
- D. **Glare.** No use shall produce a strong, intense light or a reflection thereof beyond its lot lines.
- E. **Storage and Waste Disposal in Industrial Districts.**
  1. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above the ground, except tanks or drums of fuel directly connected with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.

2. All outdoor storage facilities for fuel, raw materials and products, and all fuel, raw materials and products stored outdoors, shall be enclosed by an approved safety fence.
3. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.

**TOWN RECOMMENDATION:**

On May 10<sup>th</sup>, 2021 the **Town of Hewitt** Town Board Recommended **Approval** to Marathon County's Board of Adjustment.

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 Hewitt.

NOW, THEREFORE BE IT RESOLVED that the Town of Hewitt Town Board considered on the 10<sup>th</sup> day of May, 2021, the application of Michael Vaughn on behalf of Tony Peterson (Dynamite Properties LLC) for a conditional use permit per Section 17.404.44 of the General Zoning Code of Ordinances for Marathon County Chapter 17 Zoning Code for an Outdoor Recreational Use in the G-A General Agricultural zoning district, described as part of the NW ¼ of the NE ¼ Section 28, Township 30N, R09E, described as PIN# 040-3009-281-0998; and part of the SW ¼ of the NE ¼ of Section 28, Township 30N, R09E, described as PIN# 040-3009-281-0996; and part of the NW ¼ of the SE ¼ of Section 28, Township 30N, R09E, described as PIN# 040-3009-284-0998, Address 240791 Howling Pines Lane, Wausau WI 54403; and part of the SW ¼ of the SE ¼ of Section 28, Township 30N, R09E Town of Hewitt, described as PIN# 040-3009-284-0997

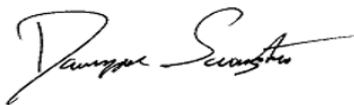
and hereby recommends:

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

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:



05/13/2021

SIGNATURE

DATE