

**MINUTES  
MARATHON COUNTY BOARD OF ADJUSTMENT**

Members present in person: Richard Lawson, Karen Piel, Roger Zimmerman, Kerry Brimmer and Carolyn Opitz

Members not present: Arnold Schlei and Jim Servi

Also present remotely via phone / WEBEX or in person: Teal Fyksen, Diane Hanson, Lane Loveland, Cindy Kraeger and Laurie Miskimins, Adam McGrath and Rebecca McGrath.

**Called to order** at 9:00 a.m., 212 River Drive Room 5, Wausau by Chair Piel, who explained the **rules of the hearing** and the reason for the establishment of the Board of Adjustment. Opitz was appointed secretary in Arnold Schlei's absence.

**1. Approve May 27, 2021 minutes – Motion** / second by Zimmerman / Brimmer to approve the May 27, 2021 minutes as distributed. Motion **carried** by voice vote, no dissent.

**2. The application** of Adam and Rebecca McGrath for a conditional use permit per Section 17.401.01 of the General Zoning Code of Ordinances for Marathon County Chapter 17 Zoning Code for the Permanent use of Storage/Shipping containers as accessory structures within the G-A General Agricultural district, described as Lot 1 of CSM 15456, recorded in Volume 70 on Page 38 as document number 1539695, being part of the NE ¼ NW FRL ¼ Section 02, Township 27N, R10E, Town of Elderon, described as PIN# 022.2710.022.0981, Address: 183403 Divide Road, Eland WI 54427.

Fyksen was sworn in and asked the Board to use the determination worksheets in their decisions and cited the provisions of law which apply. Fyksen reviewed the staff report. He discussed Ordinance Section 17.401.01 related to permanent use of storage/shipping containers as accessory structures. The proposed development is not located within mapped floodplain or mapped wetlands. The parcel is partially located within the shoreland overlay district in which Chapter 22 Shoreland, Shoreland -Wetlands, Floodplain Ordinance would apply to these areas. There is one active violation on the property related to the failure to obtain a zoning permit for the storage/shipping containers. This violation would be resolved by approval of this Conditional Use Permit application. The applicant will meet any other required regulations.

Lawson questioned the definition of a shipping container. Fyksen stated that the structures specific to this conditional use permit application meet the definition of an accessory structure.

Adam McGrath was sworn in and is the owner of the parcel. The farm has been in the family since 1923 and he is currently raising pigs. The barn was in poor condition and had to be taken down so he utilized shipping containers for housing for his animals. The shipping containers are placed on the footprint of the existing barn and were placed on the property one year ago. McGrath was unaware of needing a permit for the shipping containers use. McGrath presented Exhibit 2 – a photo of shipping container with exhaust fan and electrical hook ups. The dimensions of the shipping containers measure 8x8x40. All six buildings house pigs. The area of the shipping containers to house the pigs is totally enclosed with a fence.

Lawson questioned the heat affecting the pigs. McGrath stated an exhaust fan is installed in each shipping container controlled by a thermostat.

Piel questioned the different types of uses of the shipping storage containers. Fyksen stated due to the increase lumber costs, more people are using these type of containers for accessory structures and also for storage.

Lawson questioned if screening was needed. Fyksen stated no recommendation for screening was recommended by staff or required by ordinance.

Brimmer stated the storage containers on this property appear nice and orderly.

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 9:28 a.m.

**Motion** / second by Opitz / Brimmer to **grant** the conditional use request for Adam and Rebecca McGrath Conditional Use permit as requested.

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

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

**3. Board education and training as needed** – Hanson updated the Board on information related to decisions by Board members who also serve on Town Boards/Town Planning Committees. She stated that per Lynn Markham with the Center for Land Use Education – Stevens Point, Board members who also serve on a town board/committee can only vote once on the petition. A member would need to recuse themselves if they have voted previously at the Town level on a Board of Adjustment case. Discussion followed on this issue.

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Loveland discussed that CPZ is looking closer into the solutions for compliance with storage/shipping containers in different zoning districts. Further information will be forthcoming as decisions are made related to compatible zoning districts for storage/shipping containers.

**4. Board Appointments** - Re-appointments will start on July 1, 2021.

**5. Announcements and Requests** – Hanson introduced Laurie Miskimins. Piel welcomed Laurie and is looking forward to working with her in the future.

**Next meeting date** – September 23, 2021 at 9:00 am, 212 River Drive, Wausau Room 5 / remotely.

**6. Meeting adjourned** – **Motion** / second by Zimmerman / Lawson to adjourn at 10:03 am. Motion **carried** by voice vote, no dissent.

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

KP/cek

cc: Board of Adjustment (7), County Clerk, Town Clerk

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