

## 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, June 24, 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 May 27, 2021 minutes.
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.
3. Board education and training as needed
4. Board Appointments
5. Announcements and Requests
6. 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

Laurie Miskimins

Digitally signed by  
Laurie Miskimins  
Date: 2021.06.02  
15:57:56 -05'00'

Director  
Conservation Planning and Zoning Department

**Publish: June 7<sup>th</sup> and June 14<sup>th</sup>, 2021**

E-mailed to Wausau Daily Herald on June 3, 2021, at 8:15 a.m. /cek

**MINUTES  
MARATHON COUNTY BOARD OF ADJUSTMENT**

Members present in person: Richard Lawson, Karen Piel and Kerry Brimmer (alternate #2 attended and was not called upon to vote, since a quorum was present)

Members present remotely: Arnold Schlei, Carolyn Opitz and Roger Zimmerman

Members not present: Jim Servi

Also present remotely via phone / WEBEX or in person: Diane Hanson, Dominique Swangstu, Lane Loveland, Cindy Kraeger, Jean Kopplin, Mike Vaughn, Anna Vamnostrand, Tony Peterson and Colleen Sniezewski

**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 April 22, 2021 minutes – Motion** / second by Lawson / Opitz to approve the April 22, 2021 minutes as distributed. Motion **carried** by voice vote, no dissent.

**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.

Dominique Swangstu was sworn in and asked the Board to use the determination worksheets in their decisions and cited the provisions of law which apply. Swangstu explained the staff report Exhibit 1 which was included in the meeting packet. Swangstu discussed Ordinance Section 17.404.44 related the privately owned and/or operated outdoor recreational facilities. The proposed development is not located within a mapped floodplain. The parcel does have some DNR mapped wetlands on the Northwest and Southwest corners of the lot. The parcel and proposed parcel is not located within shoreland zoning. There are no active or past zoning violations on the property. The request to provide privately guided pheasant hunts and dog training grounds by appointment; 2 hunting fields with a maximum of 4 hunters per field; 6 hunts per day (3 hunts per field per day). The hunts would be available to clients 7 days a week from September through May. Legal hunting hours as set forth in WI DNR hunting regulations. Dog training will be available for clients 7 days a week from June through August from 6am to dark (daylight hours vary by month). Parking will occur off Star Rd on the west end of the property.

The applicant will meet any other required regulations.

Michael Vaughn was sworn in and is currently operating a privately guided pheasant hunt on property owned by Dana Dahm in the Town of Hewitt since 2018 and would like to propose pheasant hunting on this parcel. Vaughn reviewed the proposal with the Committee keeping the safety of the landowners and neighbors a priority.

Colleen Sniezewski was sworn in and is in opposition of the Conditional Use Permit. Sniezewski is concerned about the wildlife leaving the area due to the noise of the guns and dogs getting loose and entering her property. Lawson questioned the location of the parcel is not immediately adjacent to the parcel where the hunting will occur parcel. Sniezewski stated there are 20 acres of land in between. Schlei questioned if the 20 acre parcel is wooded and Sniezewski responded it is wooded. Brimmer asked if any fencing is around the proposed hunting parcel. Vaughn replied there is no fencing.

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 9:25 a.m.

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

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 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.

Dominique Swangstu was sworn in and asked the Board to use the determination worksheets in their decisions and cited the provisions of law which apply. Swangstu explained the staff report Exhibit 1 which was included in the meeting packet. Swangstu discussed Ordinance Section 17.404.44 related the privately owned and/or operated outdoor recreational

**MINUTES  
MARATHON COUNTY BOARD OF ADJUSTMENT**

facilities. The applicant submitted the same proposal with this Conditional Use Permit application as the previous Conditional Use Permit application request, yet at a different location within the Town of Hewitt. The applicant will meet any other required regulations set forth by the zoning ordinance as well as any additional conditions placed by the board. Michael Vaughn was sworn in and stated the parcels are within one mile of the previous Conditional Use Permit and the approved Conditional Use Permit in July 2018. Vaughn stated the field boundaries will remain 50 yards (150 feet) off each property line in which hunting should not affect the property owners.

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 9:42 a.m.

**Motion** / second by Lawson / Zimmerman to **grant** the conditional use request as presented.

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

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

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

**5. Board Appointments** – Hanson discussed the Board appointments will be going to the Environmental Resources Committee Meeting on June 1, 2021 as informational purposes only and to County Board for action in June.

**6. Announcements and Requests**

- Discussion occurred regarding future meetings in Room 5 with Board, staff and public in person and still offering WEBEX and call in as options. Future meetings will be held in Room 5.

**Next meeting date** – June 24, 2021 at 9:00 am, 212 River Drive, Wausau Room 5 / remotely

**7. Meeting adjourned** – **Motion** / second by Lawson / Opitz to adjourn at 9:50 am. Motion **carried** by voice vote, no dissent.

Respectfully submitted,  
Arnold Schlei, Secretary  
Marathon County Board of Adjustment

KP/cek



ATF

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: Adam McBreath  
Mailing Address: 183403 Divide Rd  
Telephone: 715 571-7955 Fax: N/A  
Cellphone: Same Email: Crow Raven Farm @ yahoo  
Owner Name: (if different) Same  
Mailing Address: Same  
Telephone: Same Fax: N/A

PARCEL INFORMATION

Parcel ID # (PIN): 02227100220981  
(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 NE 1/4 NW 1/4  
Section 02, T 27 N, R 10 E, Town of Elderon  
Lot # 1 . Block \_\_\_\_\_ Subdivision Vol. 70 Pg 38 (Part 1539695)  
Property Address: 183403 Divide Rd  
Parcel size: 11.02 Acres or \_\_\_\_\_ Sq. Ft.  
Zoning District: General Agriculture

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

Existing improvements (Structures, well, septic, etc.):  
home on site, assembly building, Removed Barn put Shipping containers to house the animals

PROPOSAL

Describe specifically the nature of this request (be sure to list all proposed uses of the parcel). What do you plan to do?  
Permanent use of Shipping Container to house animals.

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

Provide the following information if this box is checked

Proposal has additional development standards in Section 17.401.01. Explain how your proposal meets or exceeds these requirements.

Use of parcel not change. Location meets all 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.

<p><u>Adam J. McArthur</u>                  _____                  Owner Signature (required)</p>	<p style="text-align: center; font-size: 1.5em;">4-28-2021</p> _____ Date
_____ 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
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For office use Amount Received: \$ <u>600.00</u> <small>O:\CPZ\Ordinances\FORMS\ConditionalUsePermitApplication.docx</small>	For office use Date Stamp: <u>04/28/21</u> <u>RS</u>	For office use
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**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.

\_\_\_\_\_ no change in use adj to ag. \_\_\_\_\_

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.

\_\_\_\_\_ no anticipated conflict \_\_\_\_\_

3. **Compliance with Applicable Regulations.** The proposed conditional use shall be in compliance with all applicable federal, state, and local laws and ordinances.

\_\_\_\_\_ purpose use will be in compliance \_\_\_\_\_

4. **Use of Adjacent Property.** The proposed conditional use shall not interfere with the use and enjoyment of adjacent property.

\_\_\_\_\_ no change in use \_\_\_\_\_

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.

\_\_\_\_\_ N/A \_\_\_\_\_

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).

None

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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.

meet all standards

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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.

none anticipated.

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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.

Surrounded By Ag.

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10. Substantial Evidence. Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions.

location of structure meets all standards.

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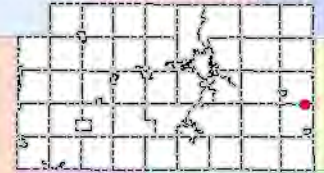




# Land Information Mapping System

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

128.32 0 128.32 Feet



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

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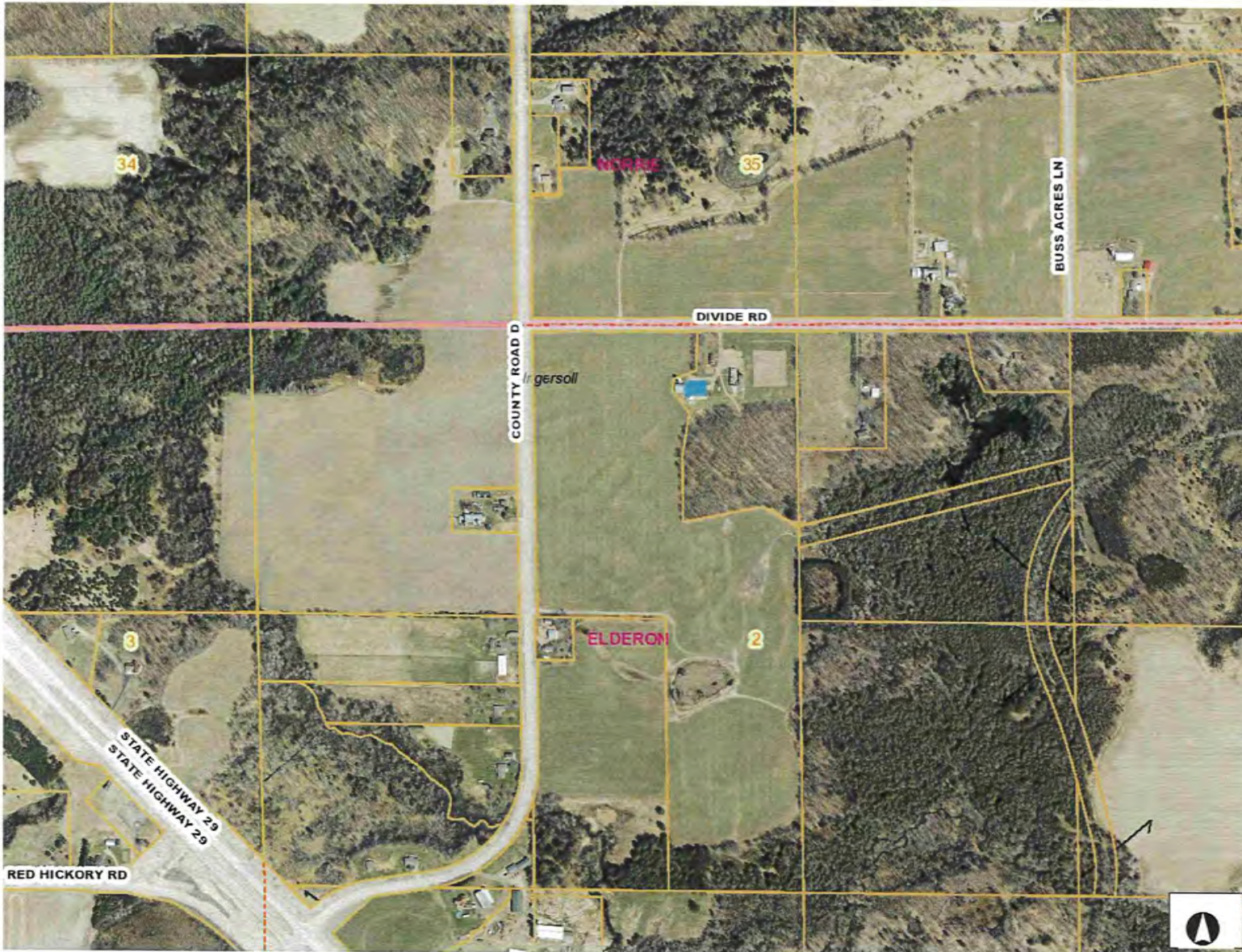
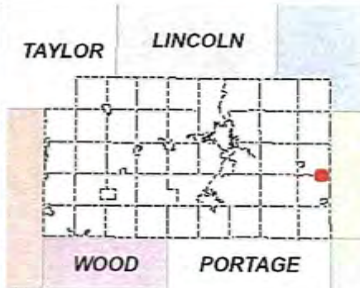
## Notes





WAUSAU

# Land Information Mapping System



## Legend

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360.00 0 360.00 Feet



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## Notes

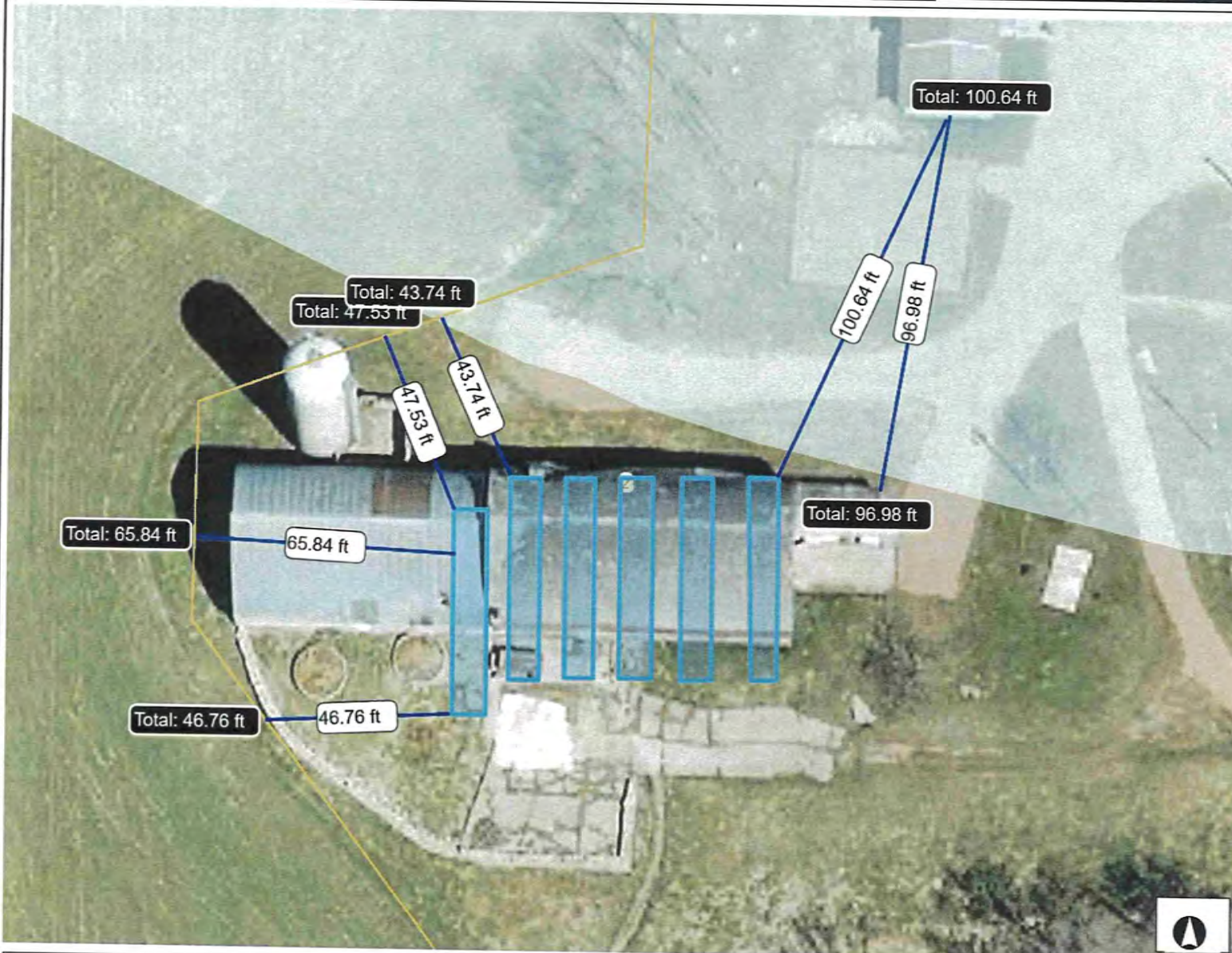
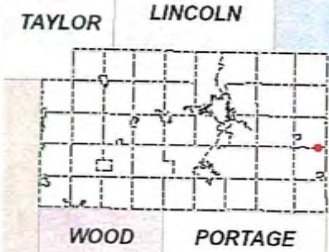
Surrounding Properties 2020





WAUSAU

# Land Information Mapping System



## Legend

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- Right Of Ways
- Named Places
- Municipalities
- Streams-Rivers
- Lake-Ponds
- DNR Wetland Areas
- Floodplain
  - A
  - AO
  - AE
  - AE FLOODWAY
  - AE ADMINISTRATIVE FLOODWAY
  - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- Shoreland Overlay Zoning 2020 Orthos Countywide
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

18.75 0 18.75 Feet



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## Notes

CPZ Staff Created Site Plan - DS  
05/06/2021

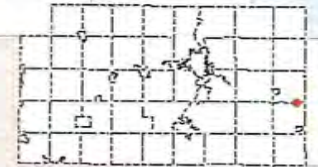




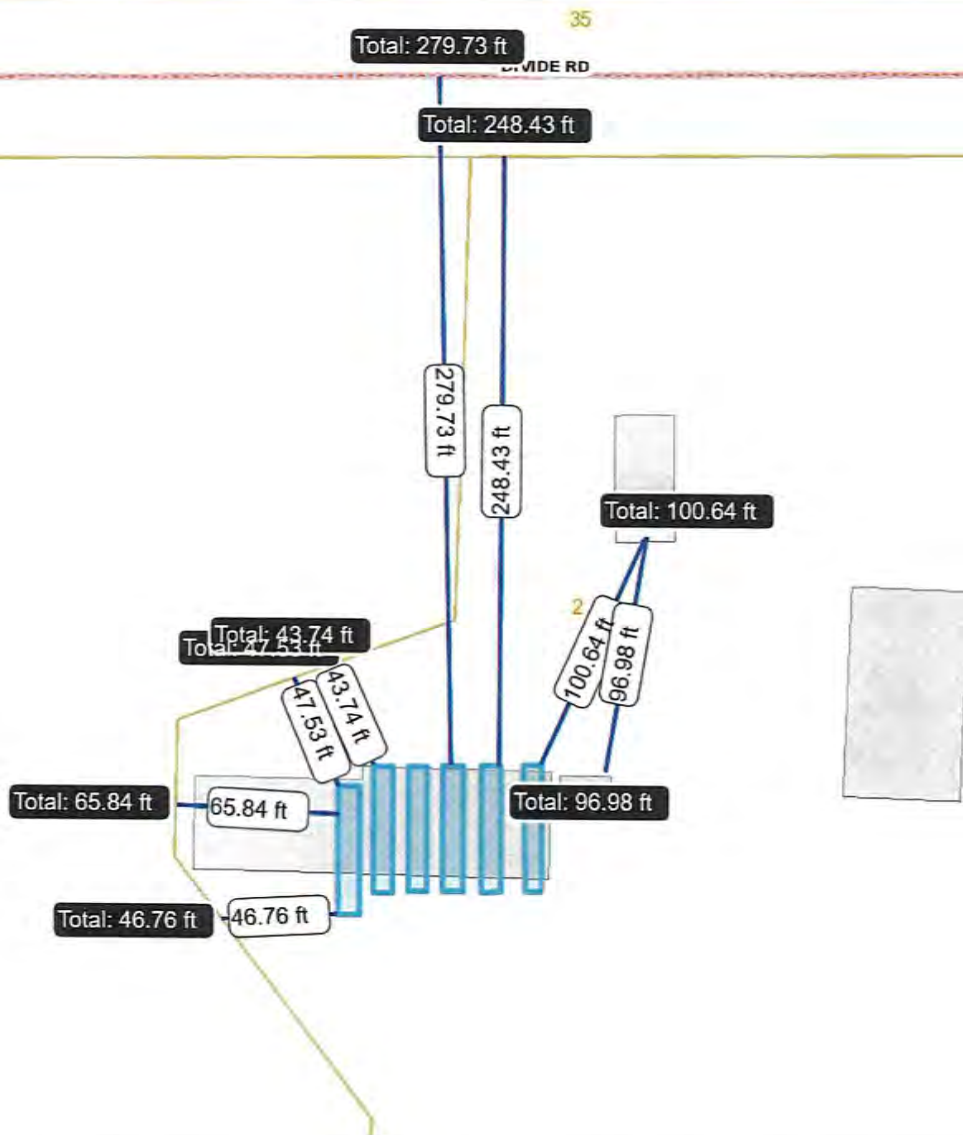
WAUSAU

# Land Information Mapping System

TAYLOR LINCOLN



WOOD PORTAGE



## Legend

- Road Names
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- Section Lines/Numbers
- Right Of Ways
- County-wide Buildings 2020
- Named Places
- Municipalities
- Streams-Rivers
- Lake-Ponds
- DNR Wetland Areas
- Floodplain
  - A
  - AO
  - AE
  - AE FLOODWAY
  - AE ADMINISTRATIVE FLOODWAY
  - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



37.50 0 37.50 Feet



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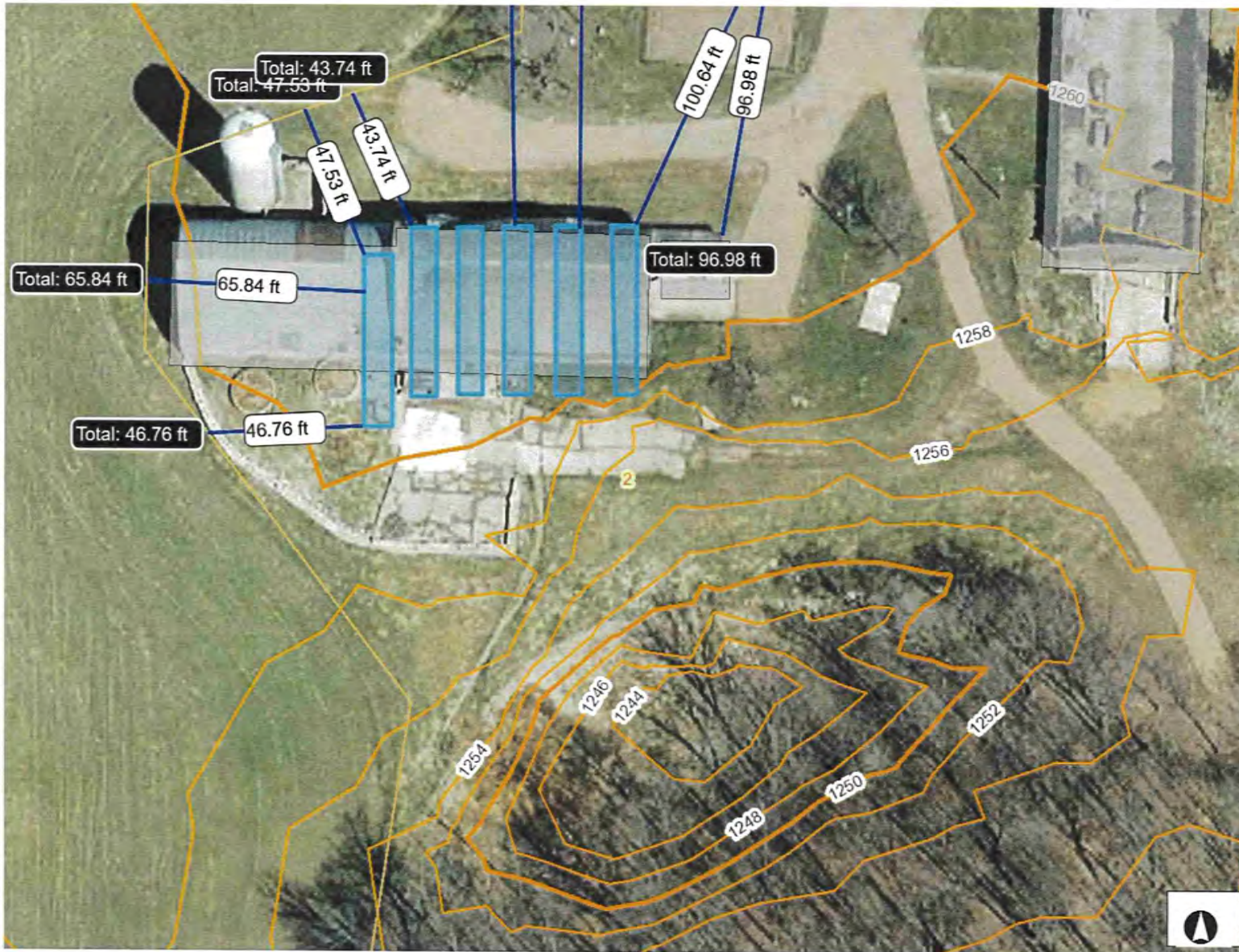
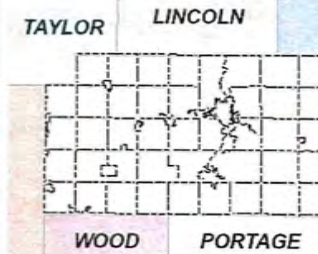
CPZ Staff Created Site Plan - DS  
05/06/2021





WAUSAU

# Land Information Mapping System



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- Right Of Ways
- County-wide Buildings 2020
- Named Places
- Municipalities
- 2ft Contour Labels
- County-wide 2ft Contours (2012)
  - Index
  - Intermediate
- Streams-Rivers
- Lake-Ponds
- DNR Wetland Areas
- Floodplain
  - A
  - AO
  - AE
  - AE FLOODWAY
  - AE ADMINISTRATIVE FLOODWAY
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- 2020 Orthos Countywide
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22.50 0 22.50 Feet



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

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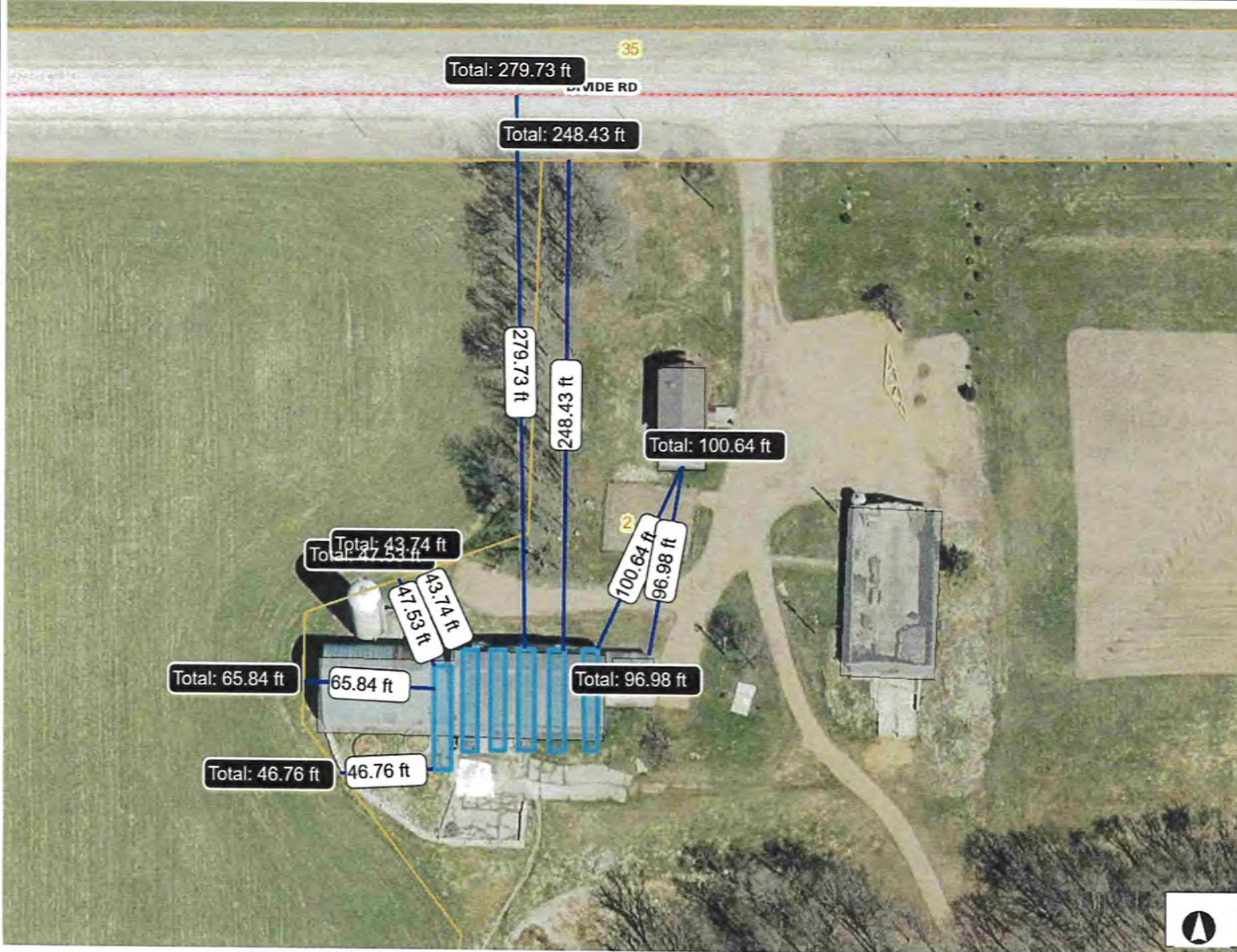
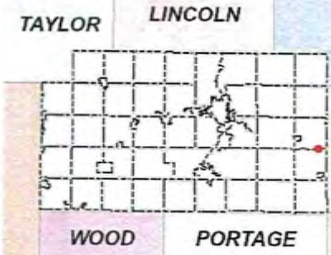
## Notes

CPZ Staff Created Site Plan - DS  
05/06/2021

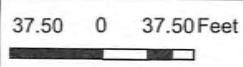




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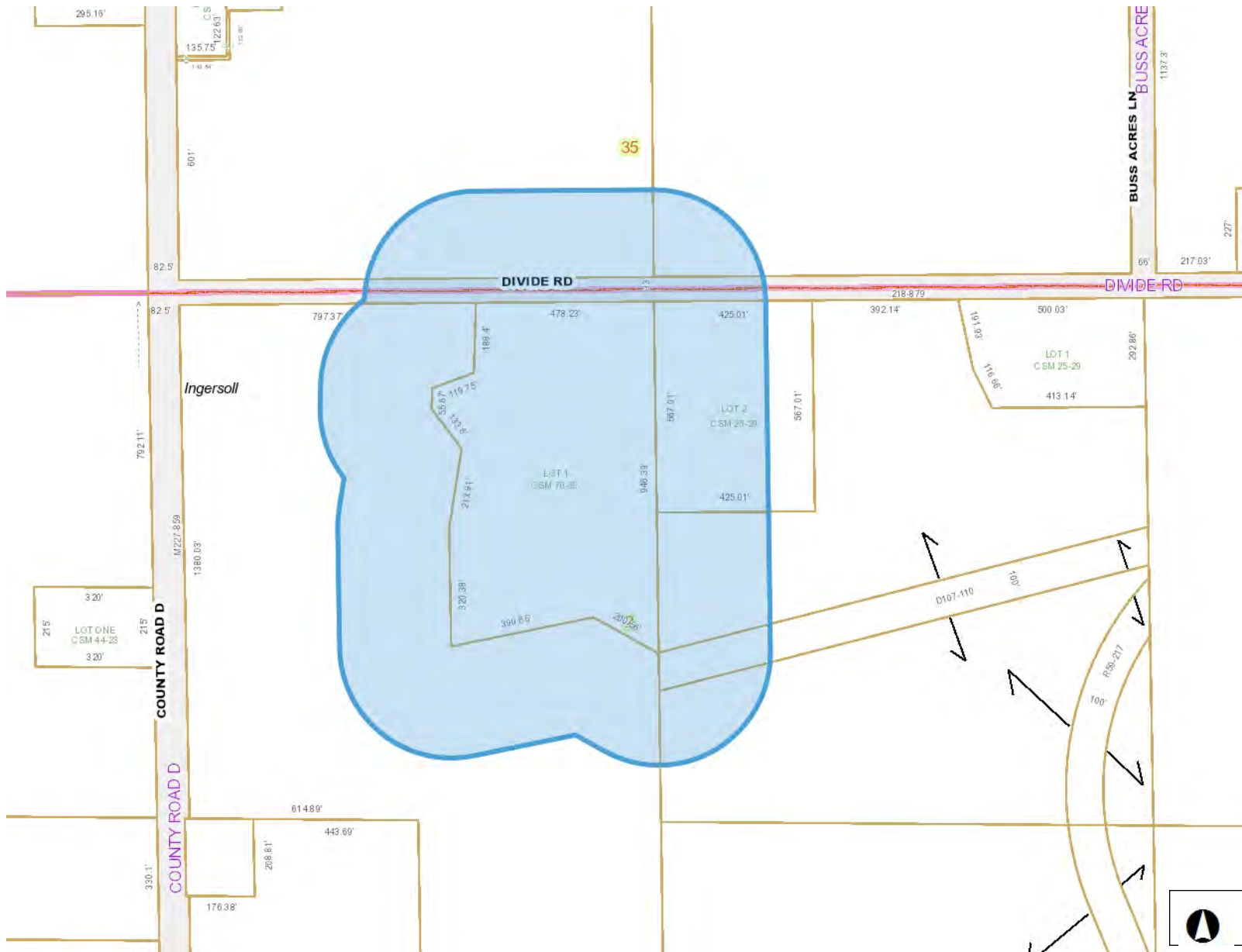
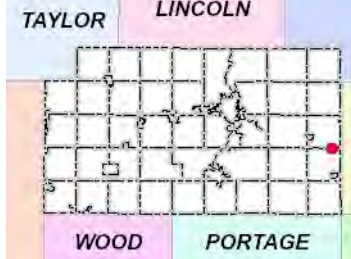
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**Notes**

CPZ Staff Created Site Plan - DS  
05/06/2021





### Legend

- Road Names
- Parcels
- Parcel Lot Lines
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Named Places
- Municipalities

200.00 0 200.00 Feet



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

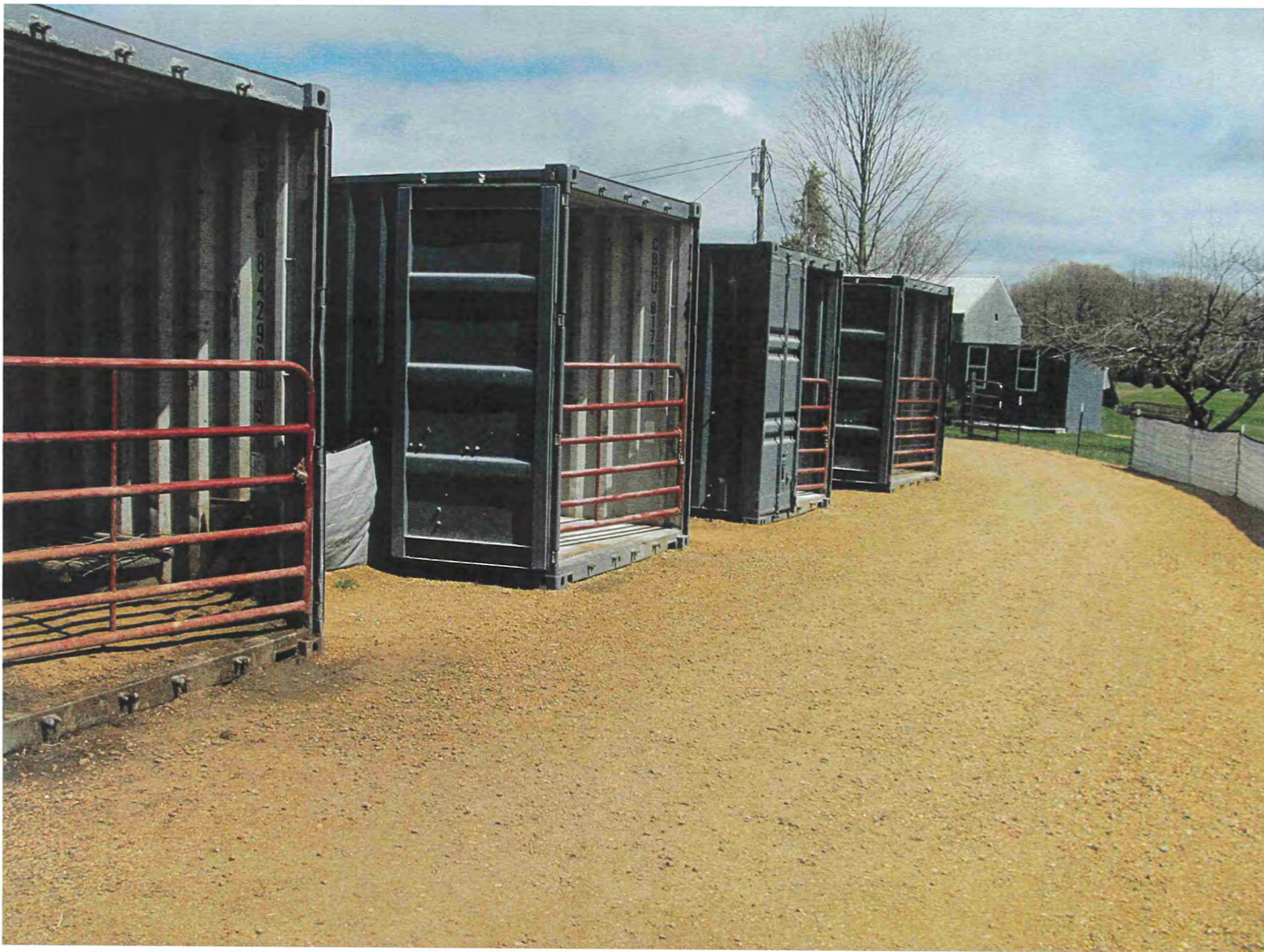
**DISCLAIMER:** The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement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









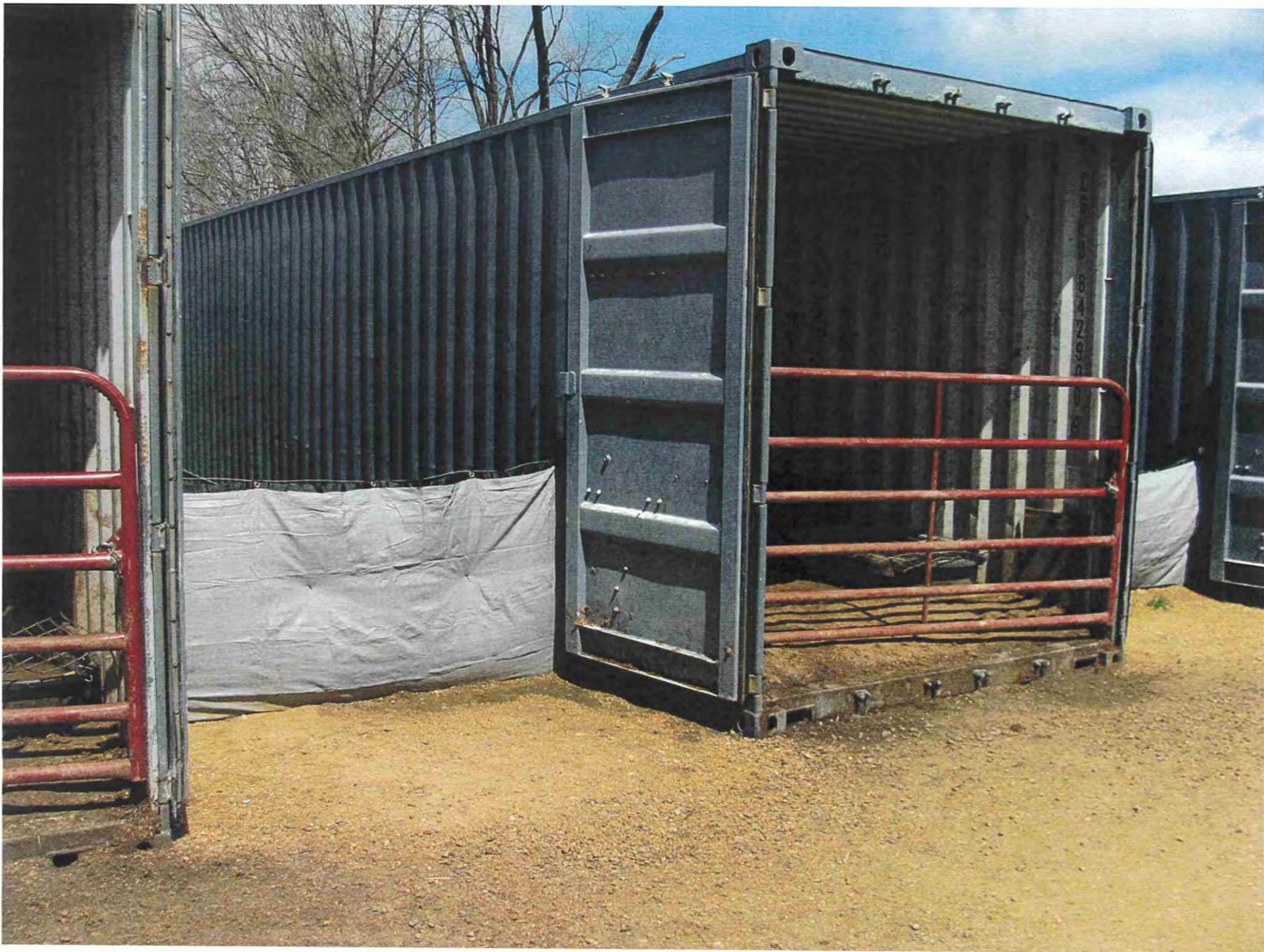




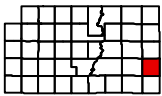










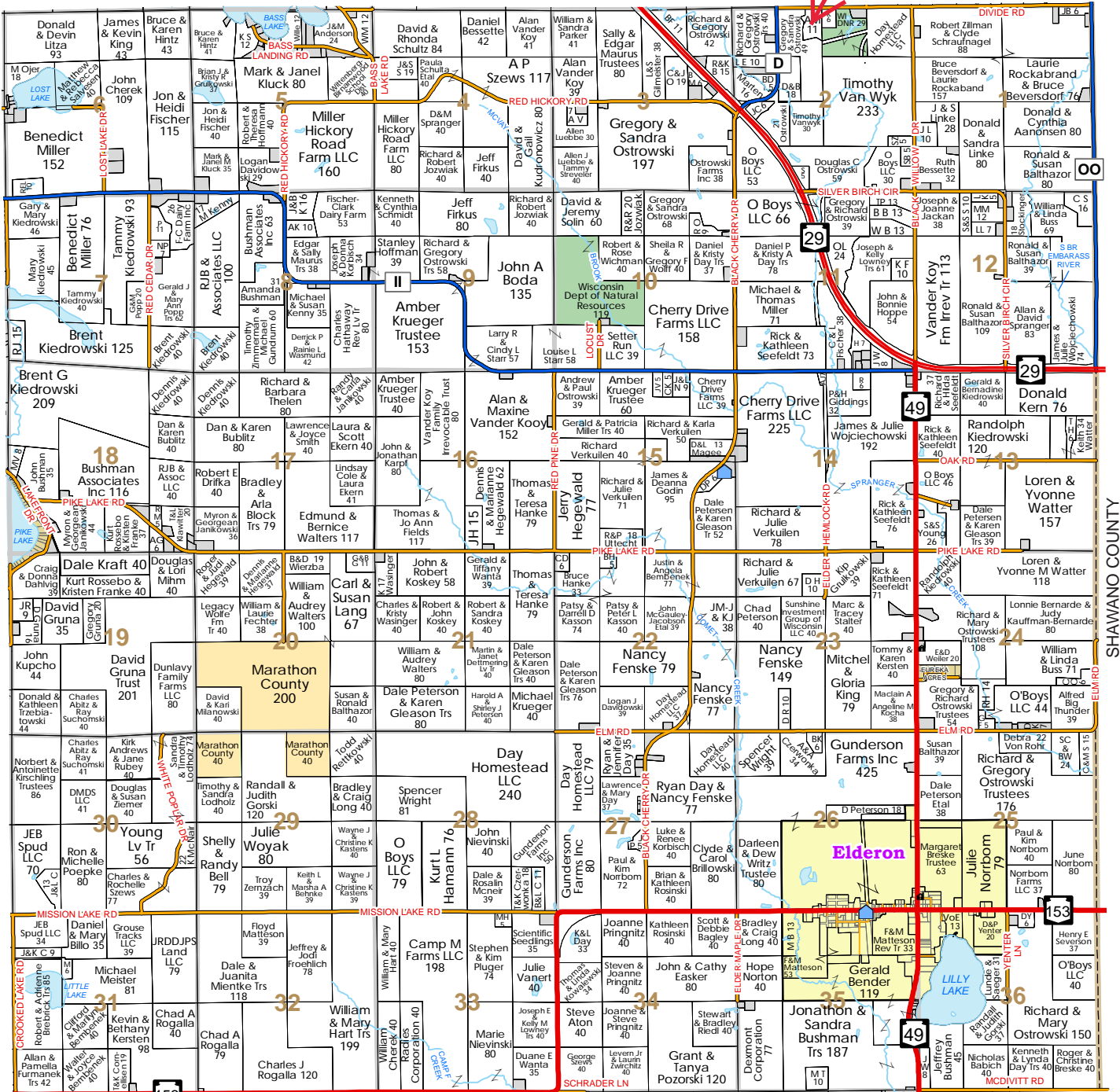


# Elderon

# Township 27N - Range 10E

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SEE PAGE 63



SEE PAGE 27

4-H programs use hands-on activities in robotics, rocketry, computer science and electrical engineering to teach problem solving, creative and critical thinking, and build excitement for engineering and technology.

The image shows two computer monitors on a desk, displaying various data and graphs. In the bottom left corner, there is a green 4-H clover logo with the letters 'H', 'H', 'H', 'H' inside the leaves. The background is a dark, blue-toned image of a city skyline at night.



STATE OF WISCONSIN    )  
MARATHON COUNTY        )  
TOWN OF ELDERON

**TOWN RESOLUTION OF RECOMENDATION**

TO THE MARATHON COUNTY BOARD OF ADJUSTMENT

I, Mary Ostrowski, Clerk of the Town of Elderon, 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 Elderon Town Board at a meeting held on the 12 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 Elderon.

NOW, THEREFORE BE IT RESOLVED that the Town of Elderon Town Board considered on the 12 day of May, 2021, 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 FRI. ¼ Section 02, Township 27N, R10E, Town of Elderon, described as PIN# 022.2710.022.0981, Address: 183403 Divide Road, Eland WI 54427

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 Mary Ostrowski  
Town Board Bob Anderson  
Michael Reynolds

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 June 16, 2021 to:

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





# Adam & Rebecca McGrath Conditional Use Permit Application Staff Report, June, 24<sup>th</sup> 2021 Marathon County Board Of Adjustment

## Findings of Fact

### REQUEST:

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.

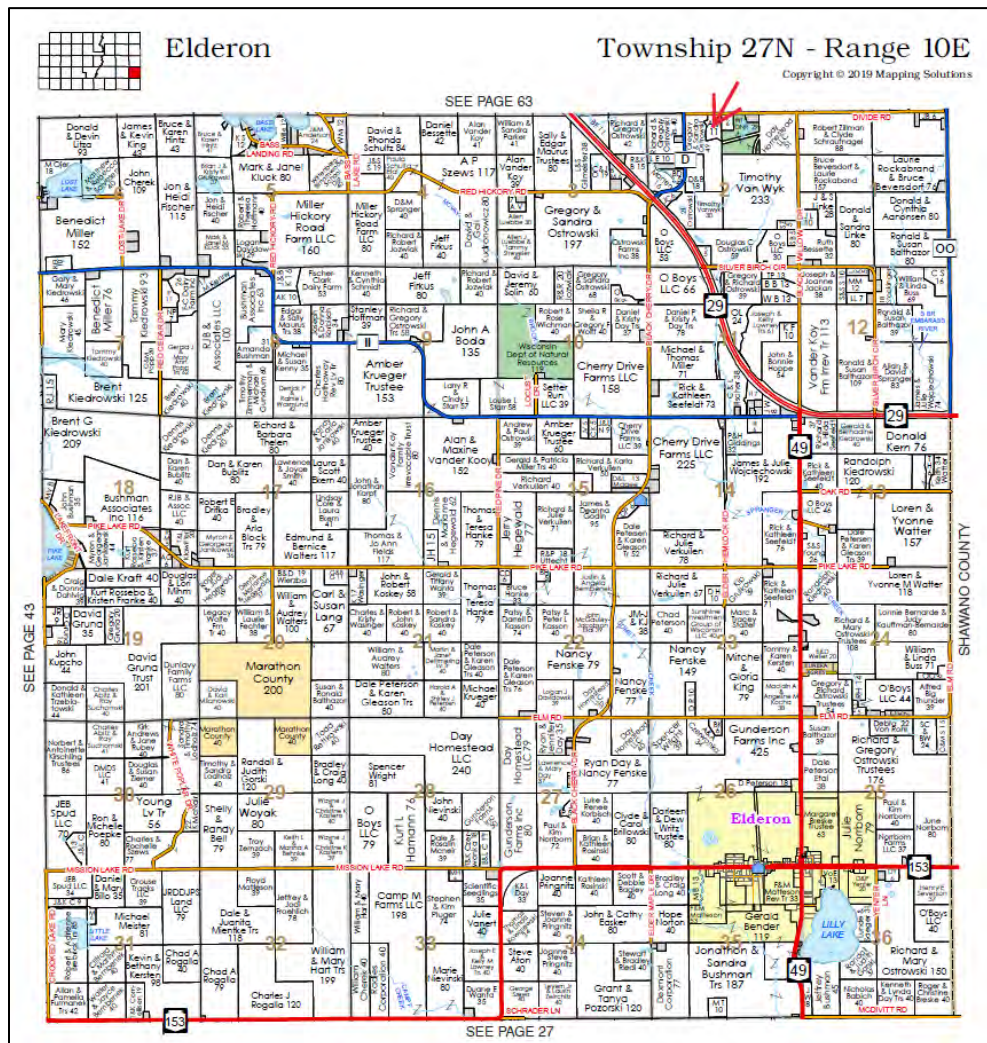
### PUBLIC HEARINGS/MEETINGS:

- Town of Elderon Town Board Meeting (May 12<sup>th</sup> , 2021)
- Marathon County Board of Adjustment Meeting (June 24<sup>th</sup> , 2021 at 9:00am)

**APPLICANT(s):** Adam & Rebecca McGrath – 183403 Divide Road, Eland WI 54427

**PROPERTY OWNER:** (*Same*) Adam & Rebecca McGrath – 183403 Divide Road, Eland WI 54427

Map 1: Location of Conditional Use Permit Request

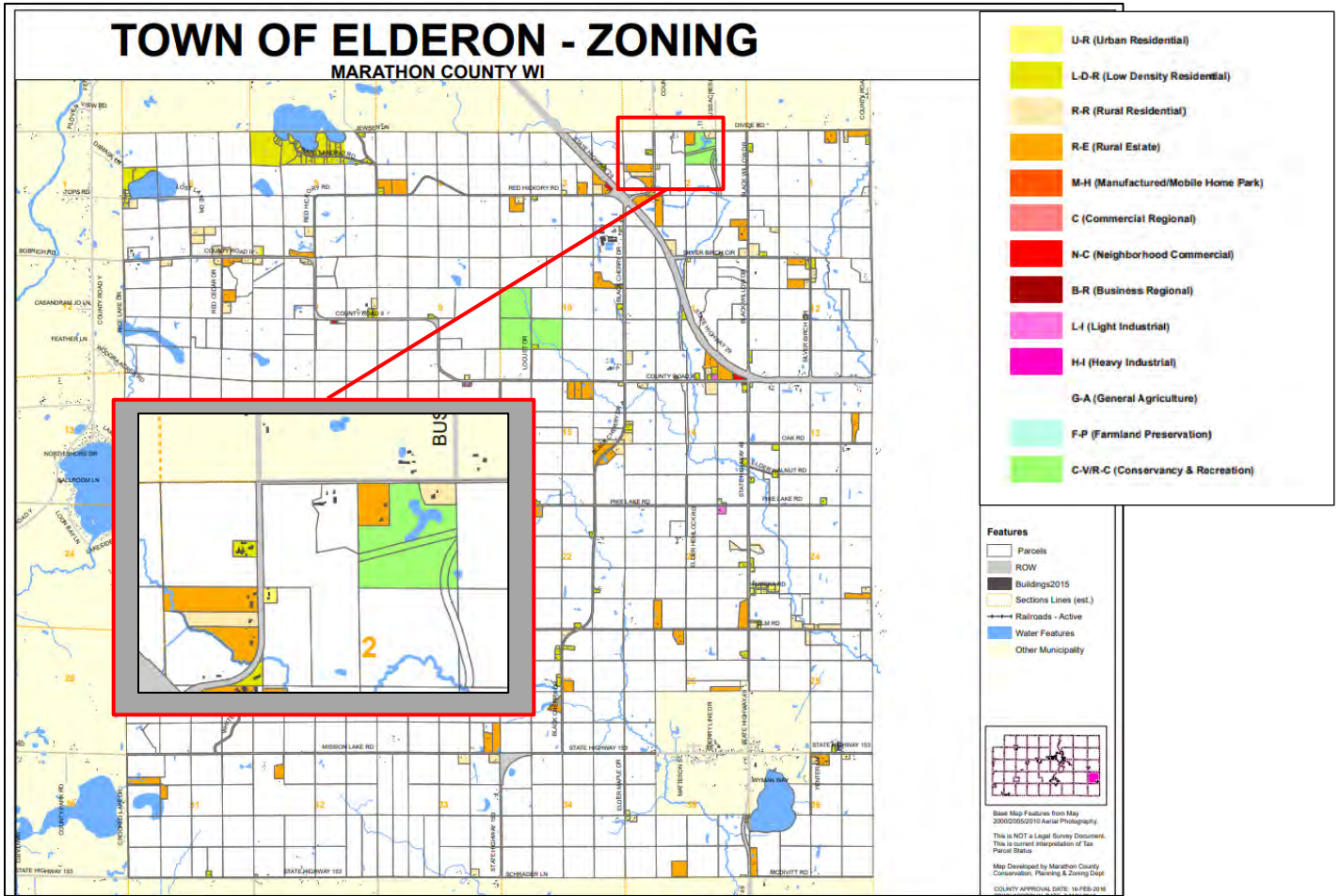




**EXISTING ZONING DISTRICT:**

**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 are zoned General Agricultural (white), Rural Estate (Orange), and Conservancy/Recreation (Green). There are other smaller residential parcels within close proximity (as seen below). The parcel in question is also located on the southern boundary of the Town of Norrie (non-zoned) and the Town of Elderon.

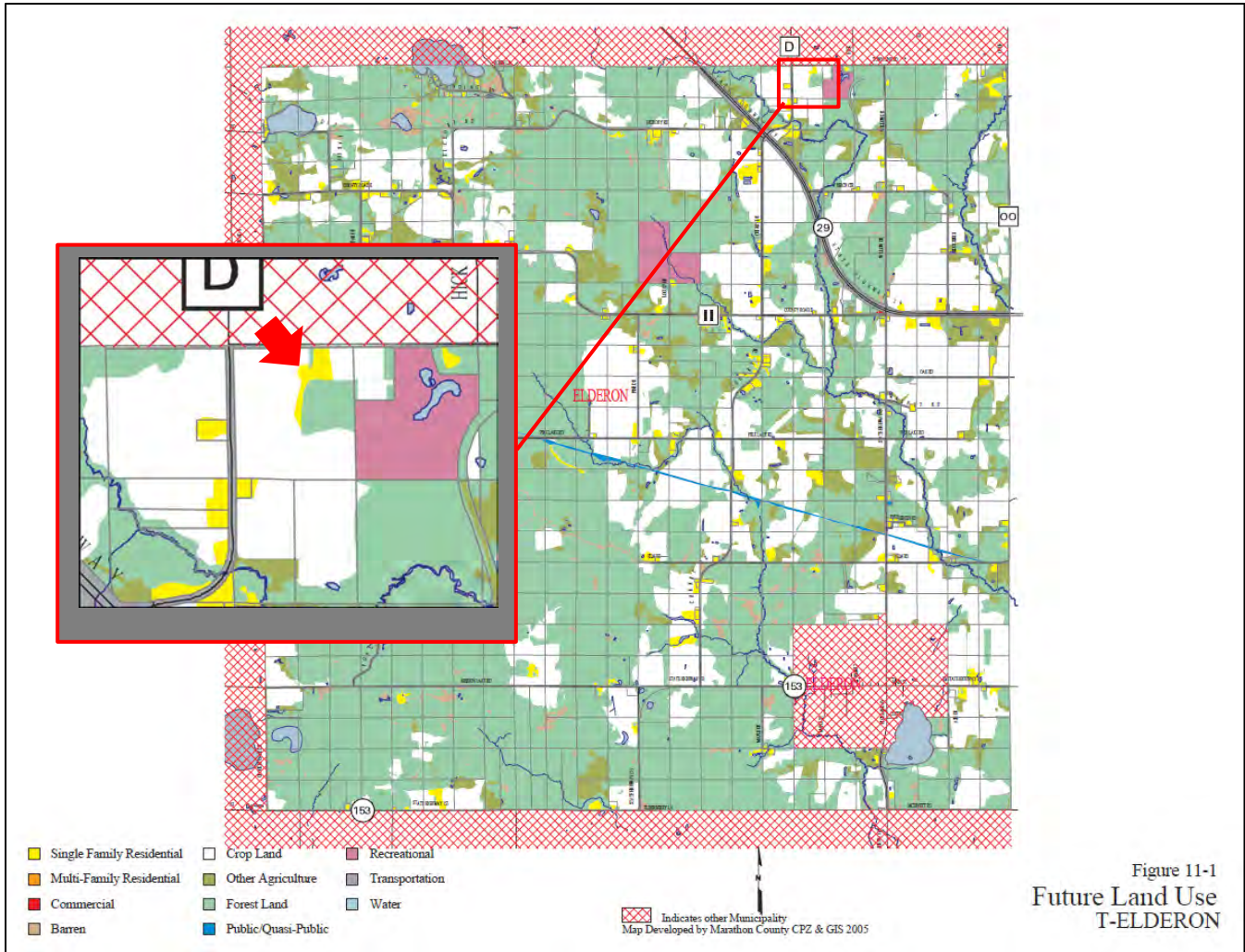


**ACREAGE:**  
11.0220 Acres

**Legal Notification:**  
A legal advertisement was published in the *Wausau Daily Herald* on Monday June 7<sup>th</sup>, 2021 and June 14<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.

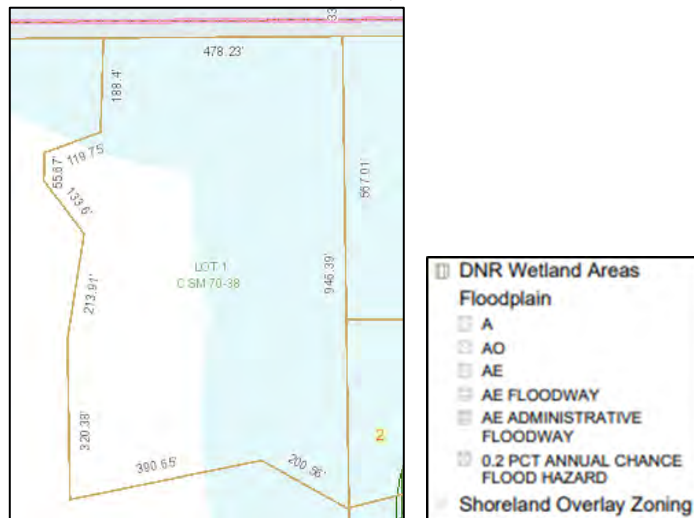


**TOWN COMPREHENSIVE PLAN FUTURE LAND USE MAP (2007):** The parcel in question is shown to be designated as Forestland, Single Family Residential, and Crop Land Uses in the Town of Elderon's Comprehensive Plan Future Land Use Map.



**SPECIFIC PARCEL LIMITATIONS OR NATURAL FEATURES:**

- The proposed development location on this parcel is:
  - **Not** located within mapped floodplain nor DNR Mapped wetlands.
  - The parcel and proposed development is **partially** located within the shoreland overlay district (therefore the Chapter 22 Shoreland, Shoreland-Wetlands, Floodplain Ordinance would apply to these areas).

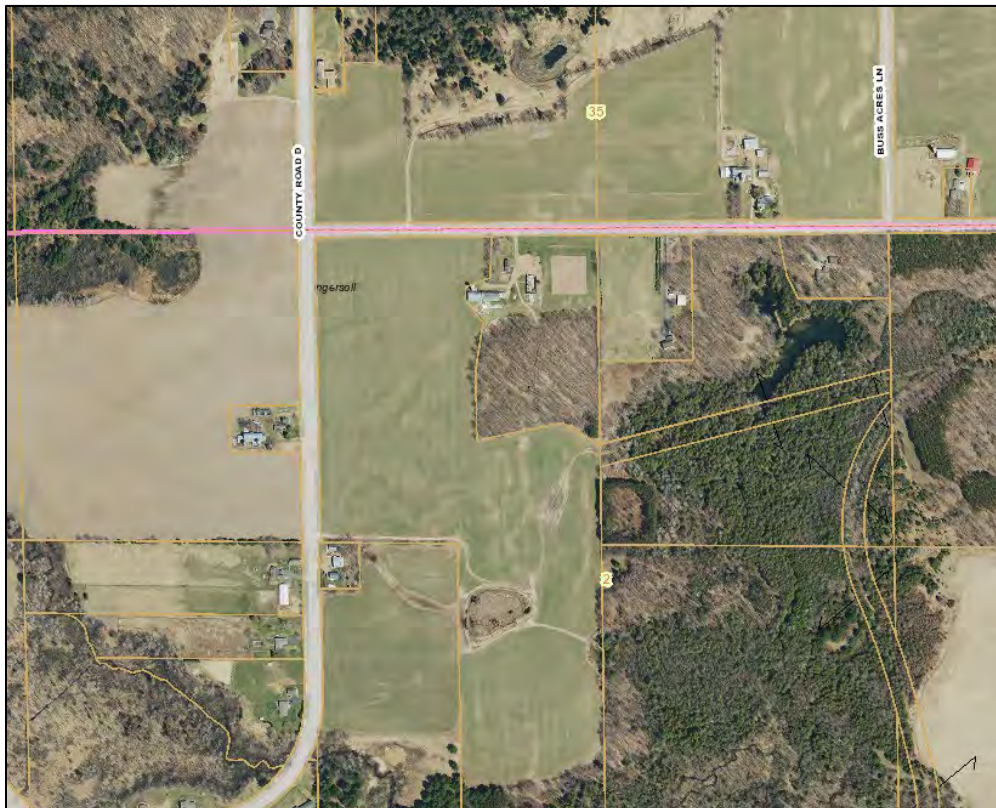




**Aerial Photo of the Property:**



**Aerial Photo of adjacent lands:**

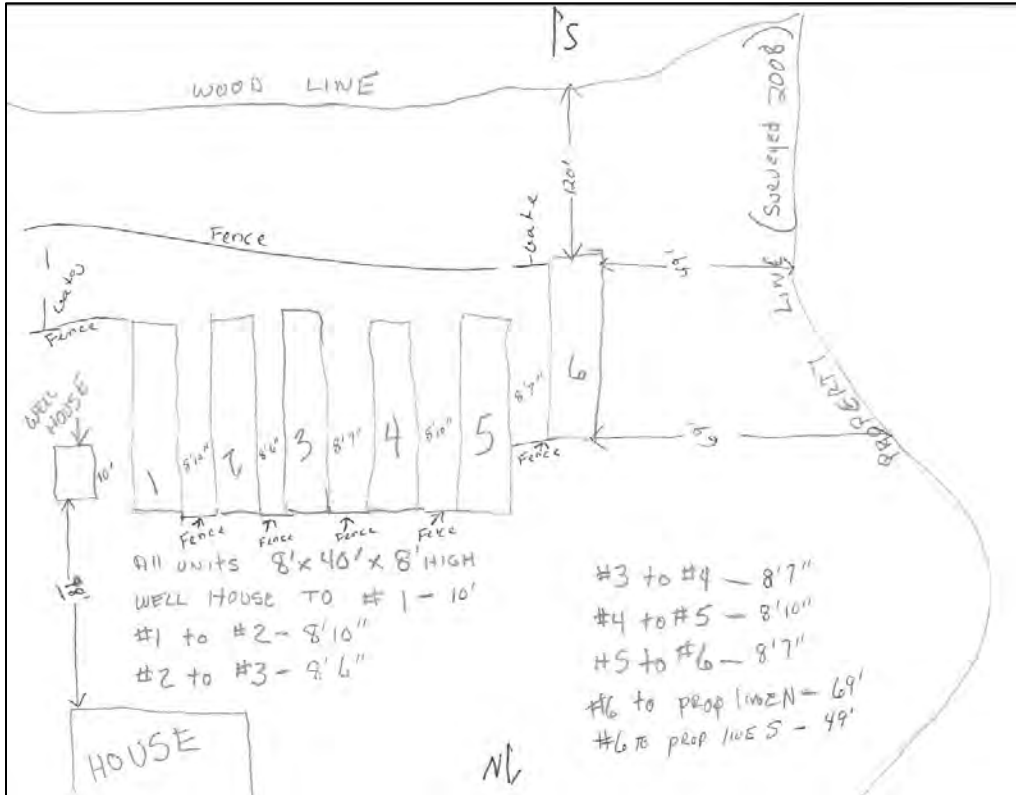




**Violations:**

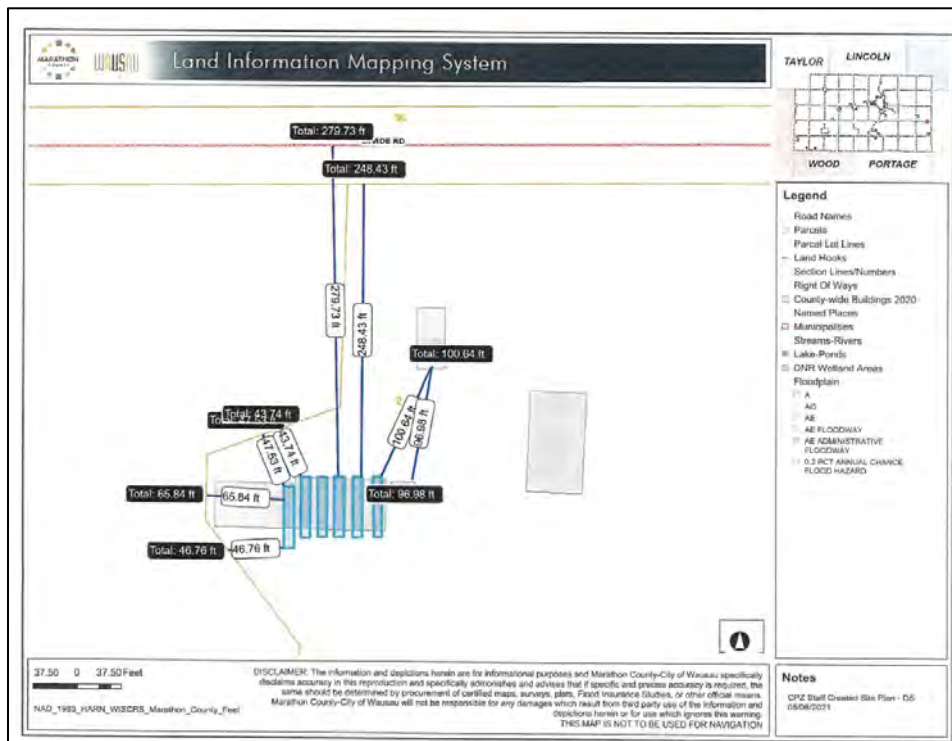
There is one active violation on the property in question (2021-VIO-10), the issuance of a Conditional Use Permit for the Shipping and Storage Containers onsite for permanent use would bring the property into compliance with the applicable zoning standards and requirements. Therefore this application is after the fact.

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



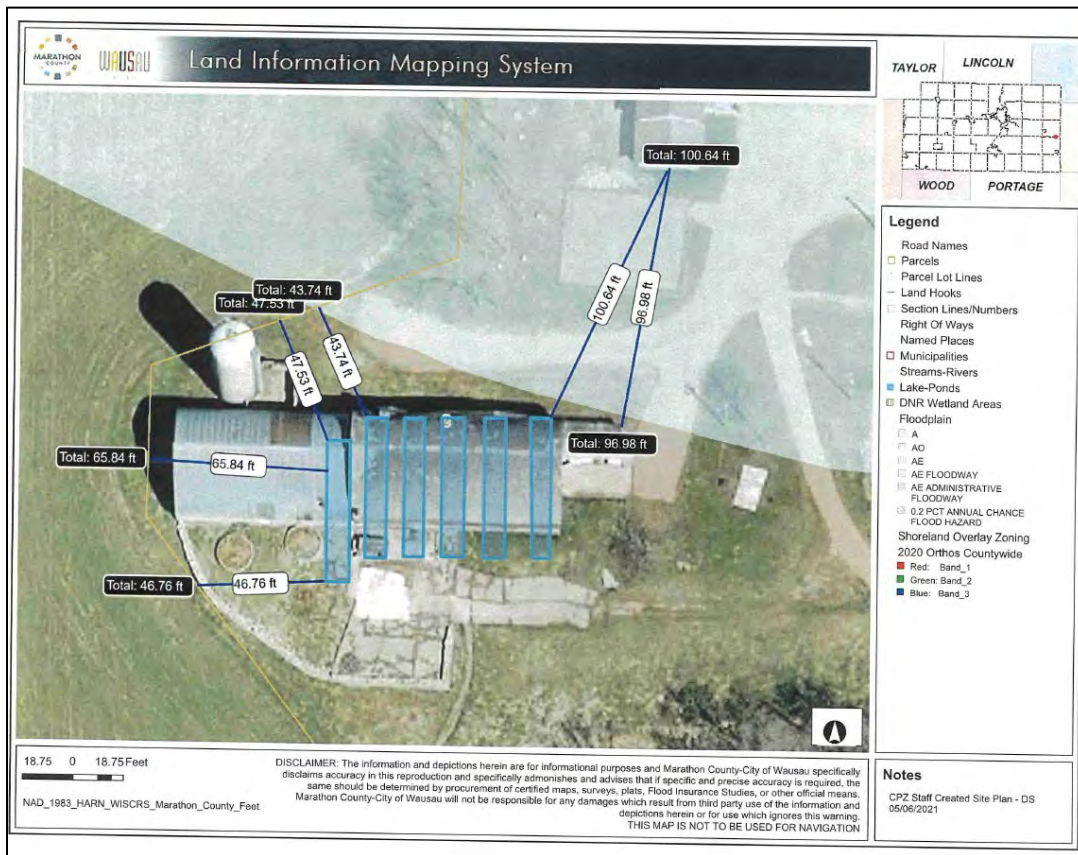
**Supporting Documentation (Created by CPZ staff with the Applicant 05/06/2021):**

#1

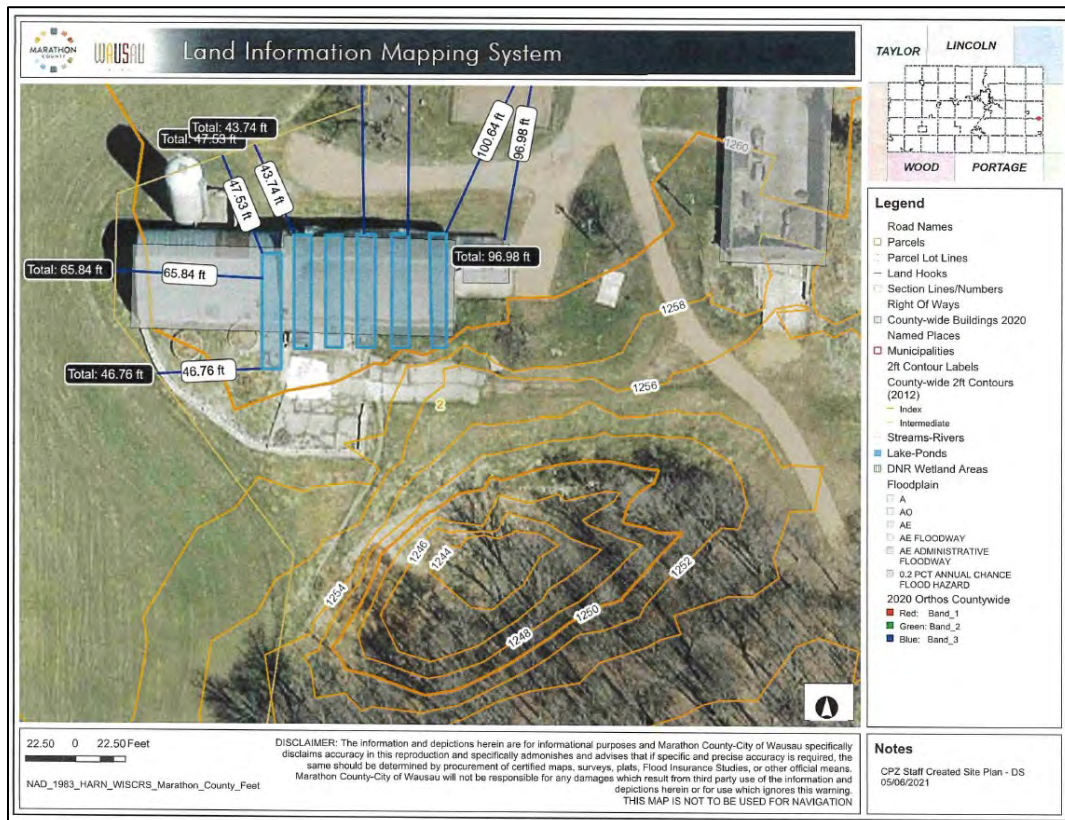




#2



#3





**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:**

Key:	P Permitted Use				C Conditional Use			(Blank) Use Not Permitted					
	Residential Districts				Agricultural Districts			Nonresidential Districts			Development Standards		
USE	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>													
Permanent use of Storage/Shipping containers as an accessory structure				C	C	C	C	C	C	C	C	C	<a href="#">Section 17.401.01(D)</a>

## Chapter 17.401

## Accessory Structures and Fences

### Section 17.401.01 GENERAL STANDARDS APPLICABLE TO ALL ACCESSORY STRUCTURES

- A. **Principle Structure Required.** In U-R, L-D-R, and R-R districts, accessory structures or buildings shall only be constructed or placed on a lot that contains a principle structure, unless a conditional use permit is obtained from the Board of Adjustment. The standards of [17.401.02\(E\)\(2\)](#) also apply to all conditional use permit applications under this section, the structure shall also adhere to any additional conditions placed on the permit by the Board of Adjustment. Refer to [Table 3](#) for all permitted and conditional use options by zoning district.
- B. **Materials/Appearance.** To the extent possible, the exterior façade materials, appearance and architectural design of all accessory structures are encouraged to match the character of the use to which they are accessory, as well as the district of which they are located.
1. Storage/shipping containers used as permanent accessory structures are prohibited in the U-R, L-D-R, and R-R zoning districts.
  2. Storage/shipping containers used as permanent accessory structures, may be required to be screened from roads and/or adjacent properties in those districts in which they are allowed. Where applicable, screening may be manmade and/or vegetative and shall be approved by the zoning administrator prior to the issuance of a zoning permit. See Table 3 for all permitted and conditionally approved uses designated by zoning district.



**Accessory Structure Standards and the Proposal:**

Requirement	Agricultural Districts (GA)	Proposed (x6)
Location	Rear, side or front yard	Rear/Side yard
Setback Requirements from principle structure	15 feet	96 feet +
from side property line	7 feet (25 feet for structures housing animals)	43 feet +
from rear property line	7 feet (25 feet for structures housing animals)	600 feet +
Maximum side wall height	None	8 feet
Maximum garage door height	None	N/A
Maximum Size	NONE	8' x 40' x 8' (320sq.ft - each)
Maximum Height (**)	35 feet **	8 feet

**Staff Comments:**

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>													
Permanent use of Storage/Shipping containers as an accessory structure				C	C	C	C	C	C	C	C	C	<a href="#">Section 17.401.01(D)</a>



Section 17.401.01(D) does not exist (minor error), the development standards should reference the general Standards Applicable to all Accessory Structures: Section of 17.401.01.



**TOWN RECOMMENDATION:**

On May 12<sup>th</sup>, 2021 the **Town of Elderon** Town Board Recommended **Approval** to Marathon County's Board of Adjustment.

**TOWN RESOLUTION OF RECOMENDATION**

**TO THE MARATHON COUNTY BOARD OF ADJUSTMENT**

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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 Mary Ostrowski

Town Board Don Amersa

Michal Regala



**Photos from Onsite Inspection**









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:



06/01/2021

SIGNATURE

DATE