

**MINUTES  
MARATHON COUNTY BOARD OF ADJUSTMENT**

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

Members present via WebEx / phone: Arnold Schlei

Members not present: Jim Servi

Also present remotely via phone / WEBEX or in person: Diane Hanson, Dominique Swangstu, Cindy Kraeger and Laurie Miskimins, Andrew Lynch, Preston Vande Voort, Thomas Winder, Thomas Thompson, Mary Ostrowski, Rick Seefeldt, Daniel Day and Travis Ostrowski.

**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. Kerry Brimmer will be participating but not voting.

**1. Approve June 24, 2021 minutes – Motion** / second by Zimmerman / Lawson to approve the June 24, 2021 minutes as distributed. Motion **carried** by voice vote, no dissent.

**2. The application** of Thomas Thompson for a conditional use permit per Section 17.401.02 of the General Zoning Code of Ordinances for Marathon County Chapter 17 Zoning Code to construct a detached accessory structure for personal use with dimensions differing from the standards in the L-D-R Low Density Residential district, described as Pt of Govt. Lot 1 Section 18, Township 27N, R10E, Town of Elderon, described as PIN # 022-2710-185-0984 with a property address of: 215161 Lakefront Drive, Hatley WI 54440.

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 reviewed the staff report and discussed Ordinance Section 17.401.02 related to the construction of the detached accessory structure with dimensions that differ from the standards of the L-D-R zoning district. The proposed development location on this parcel is not within a mapped floodplain; not located within DNR wetlands or water features, but it is located within the 1000' shoreland overlay district from Pike Lake therefore the Chapter 22 Shoreland, Shoreland -Wetlands Floodplain Ordinance would apply. The zoning ordinances allows for 1,200 square feet of floor area, 14' side walls, 24' overall height, 12' overhead garage doors. This application is for a 1,944 square foot detached accessory structure applied for under Section 17.401.02(E)(2). The detached accessory structure will be used for storage of personal items and vehicles. There are no active or past violations on the property. The proposal will only exceed the maximum size and all other applicable regulations and standards will be met.

Thomas Thompson was sworn in. The detached accessory structure would be used to store his personal equipment. Thompson stated we would like the larger building to house is vehicles, equipment, as well as will be used to clean up his property allowing for him to put items inside the building verse having them site outside. There is no opposition from the neighbors.

Mary Ostrowski was sworn in and is speaking on behalf of the Town Clerk of Elderon. The Town Board approved the Conditional Use Permit application at their town board meeting. Swangstu questioned and verified that Mary Ostrowski was testifying as a town official rather than a Town of Elderon resident.

Rick Seefeldt was sworn in County Board Supervisor #14 and is in support of the Conditional Use Permit application.

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 9:20 a.m.

**Motion** / second by Lawson / Opitz to **grant** the conditional use request for Thomas Thompson 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. The application** of Travis and Lydiah Ostrowski for a variance from the terms of Chapter 17.202.02 (Table 2) of the Marathon County General Code of Ordinances to construct a Single Family Residential attached garage addition that does not meet the side yard setback requirements in the L-D-R Low Density Residential District. The parcel is described as: part of the NE ¼, NE ¼, Section 10, T27N, R10E, LOT 2 CSM VOL 68 PG 1 (DOC #1500820), Town of Elderon, further described as, PIN# 022.2710.101.0991 with a property address of: 217384 Black Cherry Dr Eland, WI 54427.

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 reviewed the staff report and discussed Ordinance Section 17.202.02 (table 2) related to the side yard setback requirements. The proposed development location on this parcel is not located within a mapped floodplain; not located within DNR mapped wetlands and not located within the shoreland overlay district. The minimum

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side yard setback for principle structures is 15 feet. The petition is proposing a 7.9 and 8.0 feet side yard setback (to the southern property line). There is an active violation on the property for the start of construction associated with this application. Footings/foundation already started and confirmed on August 30, 2021. A stop work order was issued related to the violation and the applicant ceased construction on this part of the residential addition. Swangstu stated a zoning permit was recently issued for the construction of a separate addition to the home located to the rear of the house in which construction is occurring and allowed (all applicable standards and requirements have been met for such addition). It was confirmed through a drive by inspection that no additional work or construction has continued on the garage addition that requires the variance approval. Once the variance is approved and the related zoning permit is issued the violation will be closed and the stop work order will be lifted.

Travis Ostrowski was sworn in and is the owner of the parcel. The previous owner (grandfather of the current owner) built the home and wanted to preserve as much farmland as possible and built his home at the end of the property near the side yard lot line. Ostrowski would like to add an additional third stall onto the existing garage (10 feet further to the south), noting the existing home is already quite close to the southern lot line (17.9ft and 18ft). Ostrowski stated the contractor was performing work on the already permitted addition (to the west) and poured footings/foundation for the southern addition that needed the variance since he was onsite. The neighbors have no opposition to variance to the minimum side yard setback.

Lawson questioned the LP tank which is located on the neighbors' property would be moved from that location. The field to the south is an empty field.

Mary Ostrowski was previously sworn in and is speaking on behalf of the Town Clerk of Elderon. The Town Board approved the variance at their town board meeting.

Rick Seefeldt was previously sworn in and is in favor of the variance.

Piel questioned Seefeldt on self-created hardship. Seefeldt responded the neighbor does not want to sell any property to Ostrowski. There is a field to the south of the proposed construction and the neighbors are in favor of the variance request.

Daniel Day was sworn in. Day is in favor of the variance request as the adjacent property owner whose property is south of the development in question. Day stated he would not sell his property to Ostrowski therefore there are no other alternatives at this location.

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 9:52 a.m.

**Motion** / second by Lawson / Schlei to **grant** the variance for Travis and Lydiah Ostrowski as requested.

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

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

**4. The application** of Thomas and Audra Winder for a conditional use permit per Section 17.401.02 of the General Zoning Code of Ordinances for Marathon County Chapter 17 Zoning Code to construct a detached accessory structure addition for personal use with dimensions differing from the standards in the R-R Rural Residential district, part of the SW ¼ of the SE ¼ of Section 20, T26N, R03E, Lots 18-19, Town of McMillan. Described as PIN # 056.2603.204.0021 with a property address of: 203500 Sunset Meadow Drive, Marshfield WI 54449.

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 reviewed the staff report and discussed Ordinance Section 17.401.02 related to the construction of the detached accessory structure outside of the building standards. The proposed development location on this parcel is not located within a floodplain or DNR wetlands or shoreland district. The code allows for 1800 square feet of floor area, 14' side walls, 24' overall height, 12' overhead door height and a maximum height of 24'. This application is for a 2,368 square foot detached accessory structure (640sq.ft addition to the existing 1,728 sq.ft accessory building resulting in a structure 2,368sq.ft in size). The detached accessory structure would be used for storage of personal items. There are no active or past violations on the property. All other applicable regulations will be met. The Town of McMillan recommends approval of this Conditional Use permit.

Tom Winder was sworn in. The detached accessory structure would be used to store his personal equipment. There is no opposition from the neighbors.

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 10:13 a.m.

**Motion** / second by Zimmerman / Opitz to **grant** the conditional use permit for Thomas and Audra Winder as requested.

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

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

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5. **Board education and training as needed** – Swangstu discussed Teal is currently working with the POWTS staff, Non-metallic mining and 30% zoning coverage. Miskimins discussed the POWTS opening and possible funding for a Limited Term Employee (LTE) Zoning employee in 2022 during the building season.

6. **Announcements and Requests** – Kraeger reviewed the 2022 proposed meeting schedule. **Consensus** to approve the 2022 meeting schedule.

**Next meeting date** – November 18, 2021 at 9:00 am, 212 River Drive, Room 5, Wausau, remotely.

7. **Meeting adjourned** – Chair Piel adjourned the meeting at 10:23 am. Motion **carried** by voice vote, no dissent.

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

KP/cek

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

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