

## 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, September 23, 2021**, at 212 River Drive Room 5 Wausau WI 54403.

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 June 24, 2021 minutes.
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.
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.
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.
5. Board education and training as needed
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



Director  
Conservation Planning and Zoning Department

**Publish: September 5<sup>th</sup> and September 13<sup>th</sup>, 2021**

E-mailed to Wausau Daily Herald on September 2, 2021, at 8:15 a.m. /cek

## 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.

**MINUTES  
MARATHON COUNTY BOARD OF ADJUSTMENT**

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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DRAFT

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: Thomas L. Thompson  
Mailing Address: 215161 Lakefront Dr. Hatley WI 54440  
Telephone: - Fax: -  
Cellphone: 715-459-3174 Email: -  
Owner Name: (if different) -  
Mailing Address: -  
Telephone: - Fax: -

PARCEL INFORMATION

Parcel ID # (PIN): 022-2710-185-0984  
(If more than one parcel is included in this application, list all parcel numbers & legal descriptions on a separate sheet.)  
Legal Description: Government Lot 1 or 1/4 1/4  
Section 18, T 27 N, R 10 E, Town of Elderon  
Lot 2, Block - Subdivision -  
Property Address: 215161 Lakefront Dr.  
Parcel size: 1.66 Acres or - Sq. Ft.  
Zoning District: L-D-R

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

home

Existing improvements (Structures, well, septic, etc.):

home, 2 wells, 1 septic, 1 detached garage

PROPOSAL

Describe specifically the nature of this request (be sure to list all proposed uses of the parcel). What do you plan to do?

Build a pole shed for storage

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 17.401.02(E) Explain how your proposal meets or exceeds these requirements.

Exceeding 1200 Sq Ft.

Proposed 4,944 Sq. Ft.

DS 07/27/21

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 \$425 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 **will deny** the application without prejudice.

X <u>Thomas L. Thompson</u> Owner Signature	<u>7-26-21</u> Date
_____ Agent / Person responsible for work Signature	_____ 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	For office use	For office use
Amount Received: \$ <u>600.00</u>	Date Stamp:	

**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.

The building is consistant with present useage of parcel. No changes in use.

- 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.

The proposed structure is consistant with area parcels.

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

All permits will be obtained prior to building.

- 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.

No need for change.

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

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.

The buiding will clean up property

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

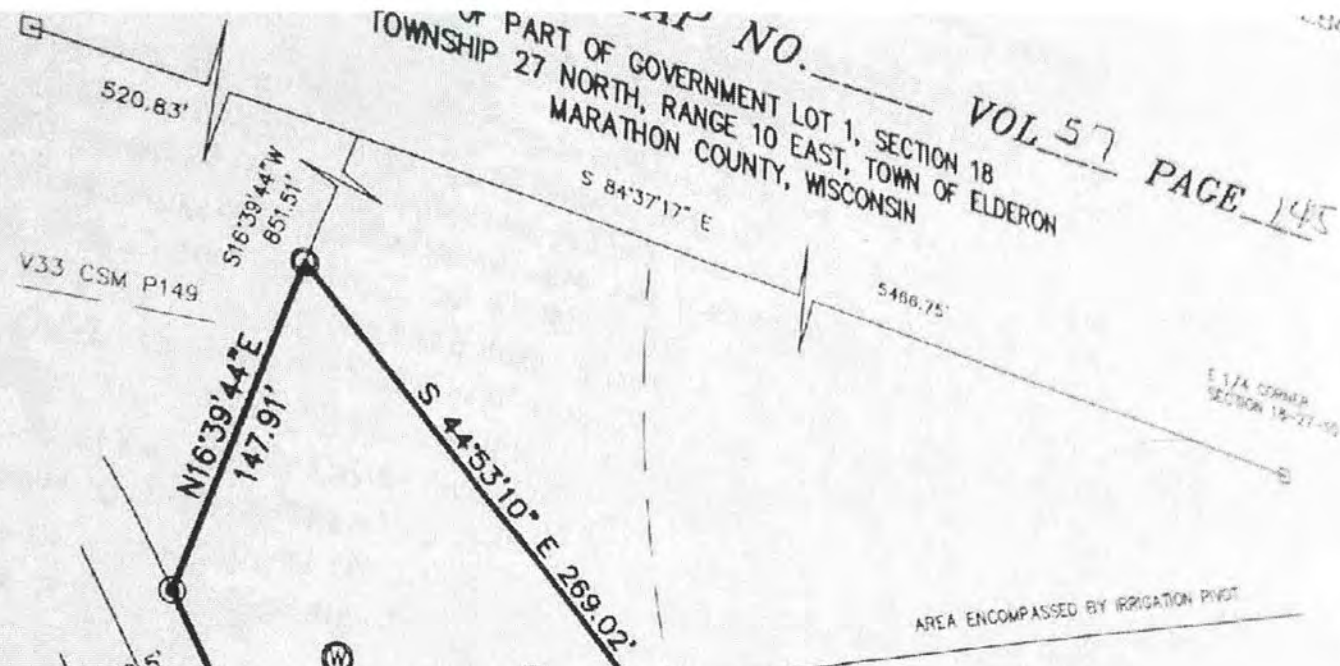
9. Isolation of Existing Uses. The location of the proposed conditional use shall not result in a small residential area being substantially surrounded by non-residential development, and further, the location of the proposed conditional use shall not result in a small non-residential area being substantially surrounded by incompatible uses.

None

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

Proposed structure meets all provisions except building size





*Handwritten signature*

4-04

DANIEL F. HIGGINBOTHAM  
 S-1935  
 BIRNDAWOOD,  
 WI

SURVEYOR

FRANKLIN PARK 2ND ADDITION

Lakefront Drive

Lake View Drive

PIKE LAKE ROAD

LOT 1

LOT 2

CSM 49

CSM P49

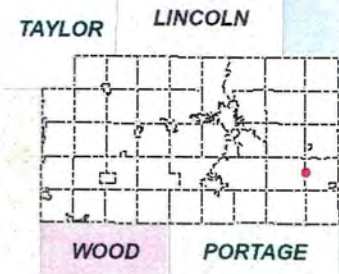
LOTS 1 AND 2 ARE NOT TO BE STAND ALONE  
 BUT ARE TO BE TRANSFERRED TO LOTS  
 CSM P49 RESPECTIVELY.

*Handwritten note:*  
 not this parcel



WAUSAU

# Land Information Mapping System



- Legend**
- Road Names
  - Parcels
  - Parcel Lot Lines
  - Land Hooks
  - Section Lines/Numbers
  - Right Of Ways
  - Named Places
  - Municipalities
  - Streams-Rivers
  - 2020 Orthos Countywide
    - Red: Band\_1
    - Green: Band\_2
    - Blue: Band\_3

45.37 0 45.37 Feet



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

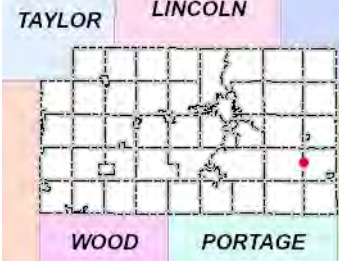
DISCLAIMER: The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement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

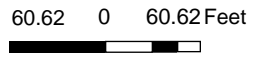


*DS 07/07/21*

**Notes** *No proposed gravel or concrete driveway to new buildings, will remain grass*



- ### Legend
- Road Names
  - Parcels
  - Parcel Lot Lines
  - Land Hooks
  - Section Lines/Numbers
  - Right Of Ways
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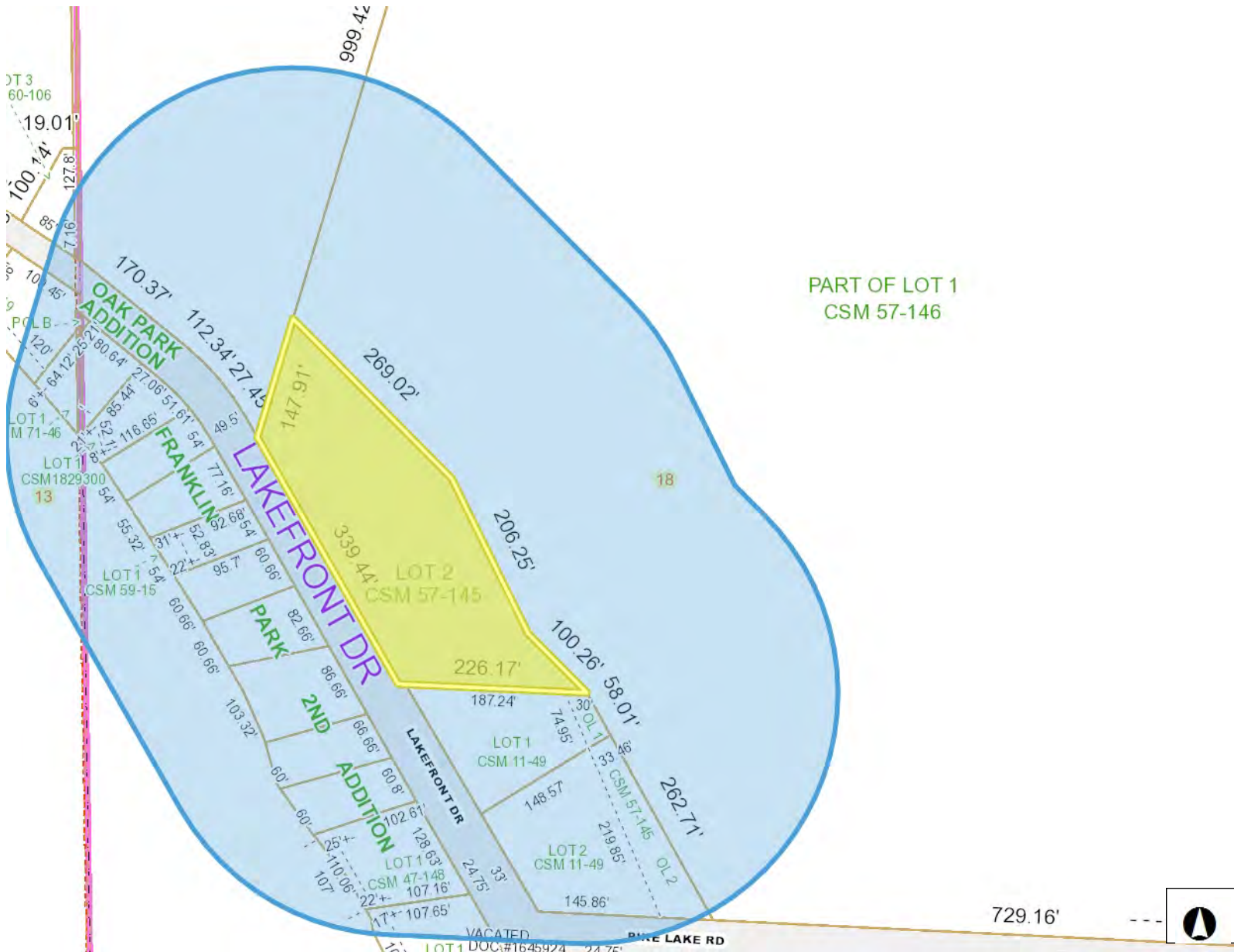
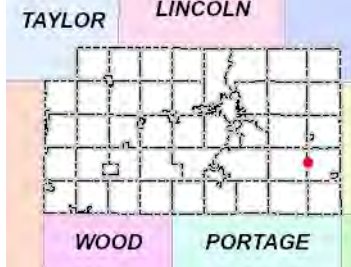
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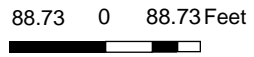
### Notes



# Land Information Mapping System



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

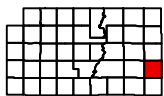


NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet

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**Notes**

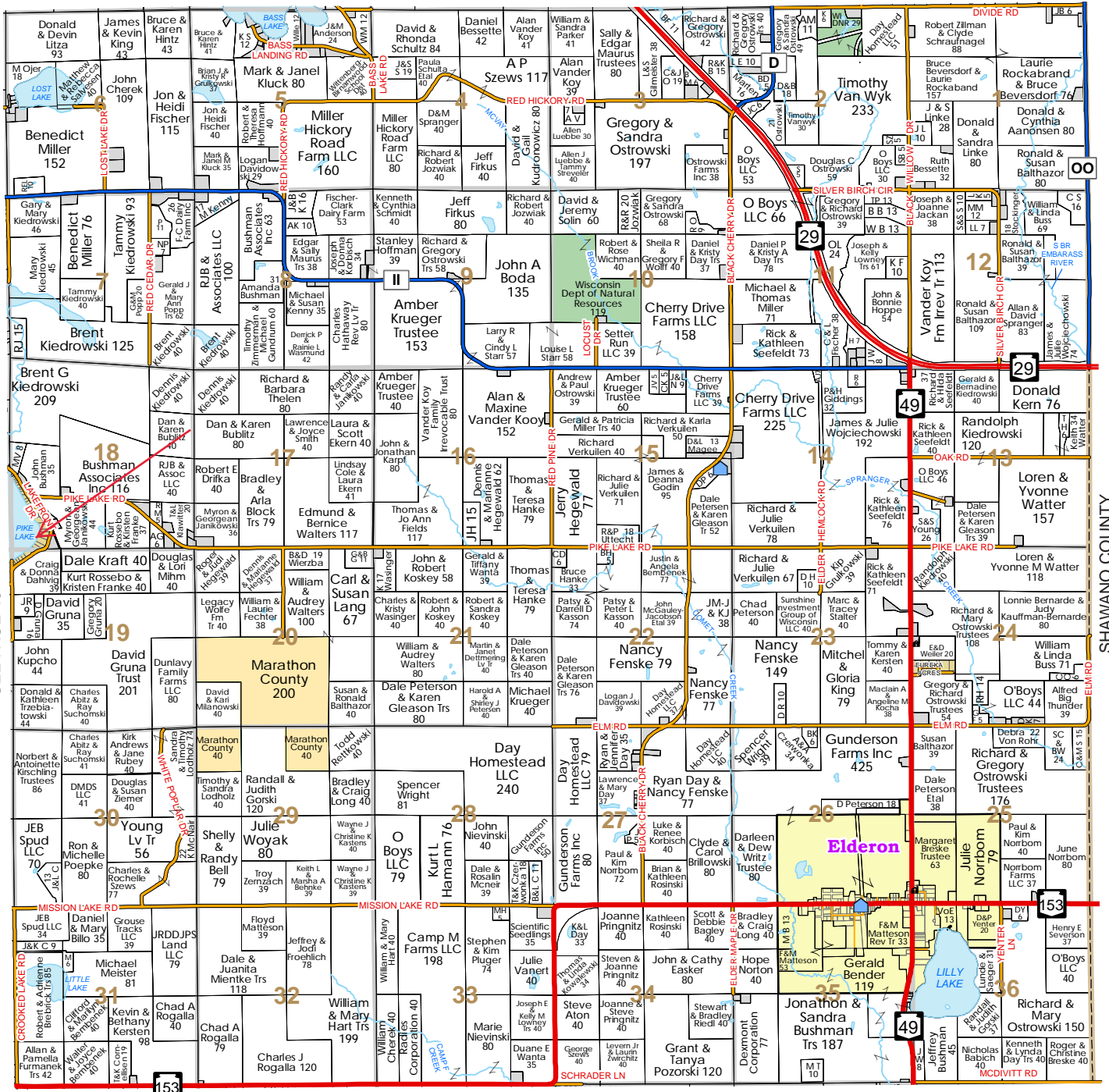


# Elderon

# 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 what appears to be data or code. In the bottom left corner, there is a green 4-H clover logo. 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 \_\_\_\_ day of

Aug. 10, 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 10 day of Aug., 2021, 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

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  
Town Board

Mary Ostrowski  
Don Cameron  
Michael Hupperts  
Craig Ostrowski

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 September 2, 2021 to:

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



**Thomas and Sandra Thompson  
Conditional Use Permit Application  
Staff Report, September 23<sup>rd</sup>, 2021  
Marathon County Board Of Adjustment**

**Findings of Fact**

**REQUEST:**

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.

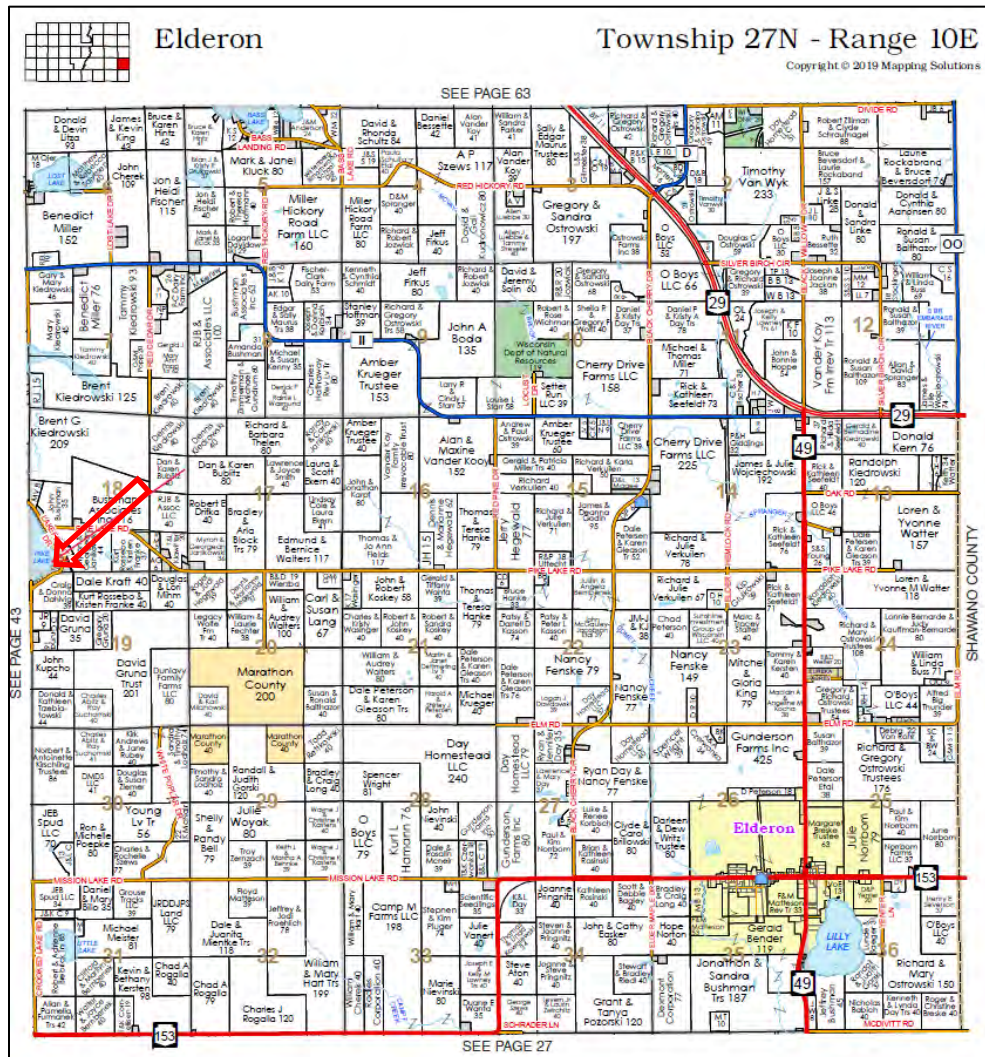
**PUBLIC HEARINGS/MEETINGS:**

- Town of Elderon Town Board Meeting (August 10<sup>th</sup>, 2021)
- Marathon County Board of Adjustment Meeting (September 23<sup>rd</sup>, 2021 at 9:00am)

**APPLICANT(s):** Thomas & Sandra Thompson – 215161 Lakefront Drive, Hatley WI 54440.

**PROPERTY OWNER:** (same) Thomas & Sandra Thompson – 215161 Lakefront Drive, Hatley WI 54440.

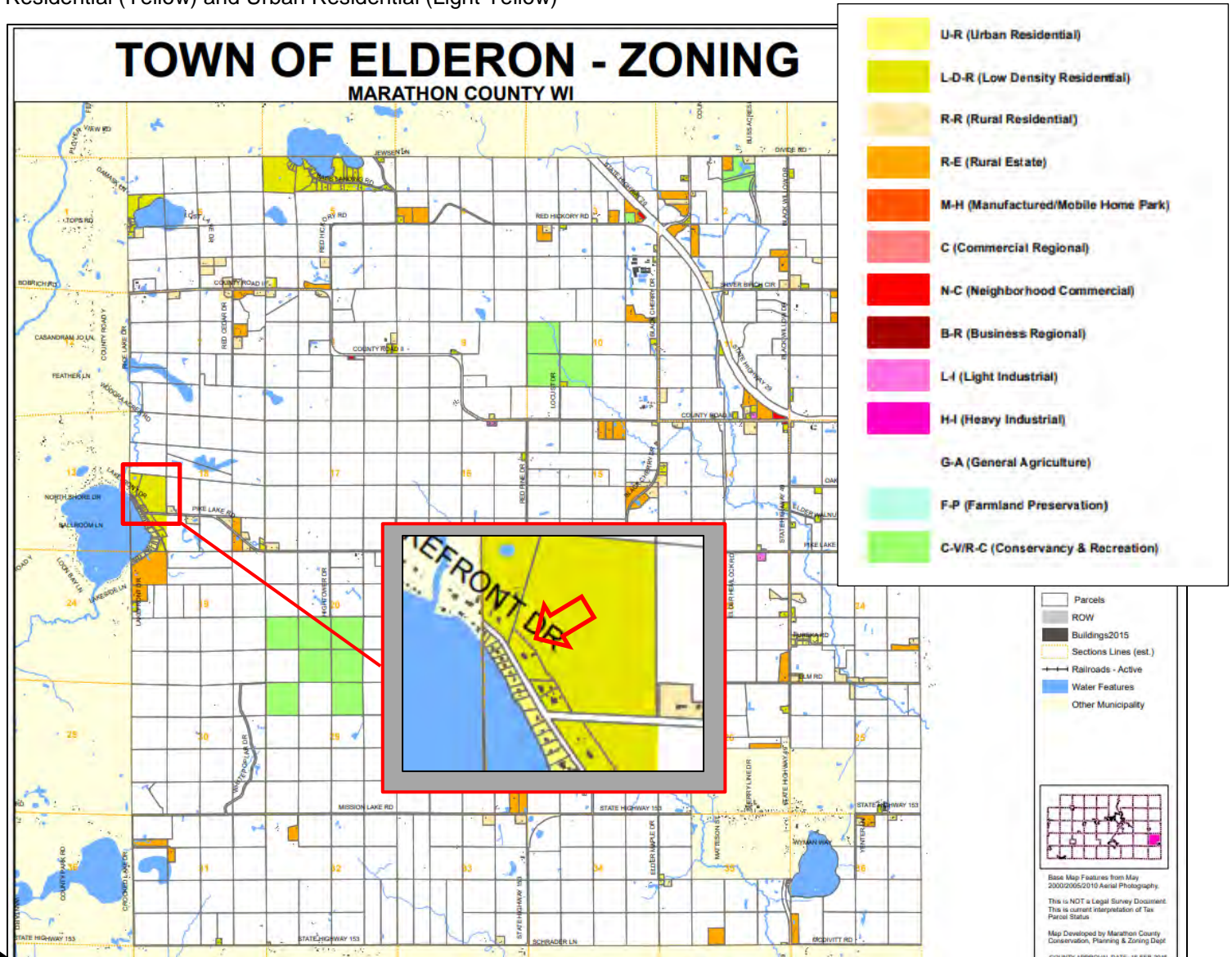
*Map 1: Location of Conditional Use Permit Request*



**EXISTING ZONING DISTRICT:**

**L-D-R Low Density Residential District.** The purpose of the L-D-R district is to accommodate single-family residential use along existing streets and to promote single-family residential development (involving the extension of new streets) where sanitary sewer and municipal water may be available. The densities are intended to provide for areas of suburban character in the community and to prevent excessive demands on sewerage and water systems, streets, schools, and other community facilities. The districts are intended to avoid overcrowding by requiring certain minimum yards, open spaces, and site area while making available a variety of dwelling types and densities to serve a wide range of individual requirements and thereby providing a more orderly and efficient extension of public facilities.

**EXISTING ZONING DISTRICT MAP:** Adjacent parcels and parcels within close proximity are zoned Low Density Residential (Yellow) and Urban Residential (Light Yellow)

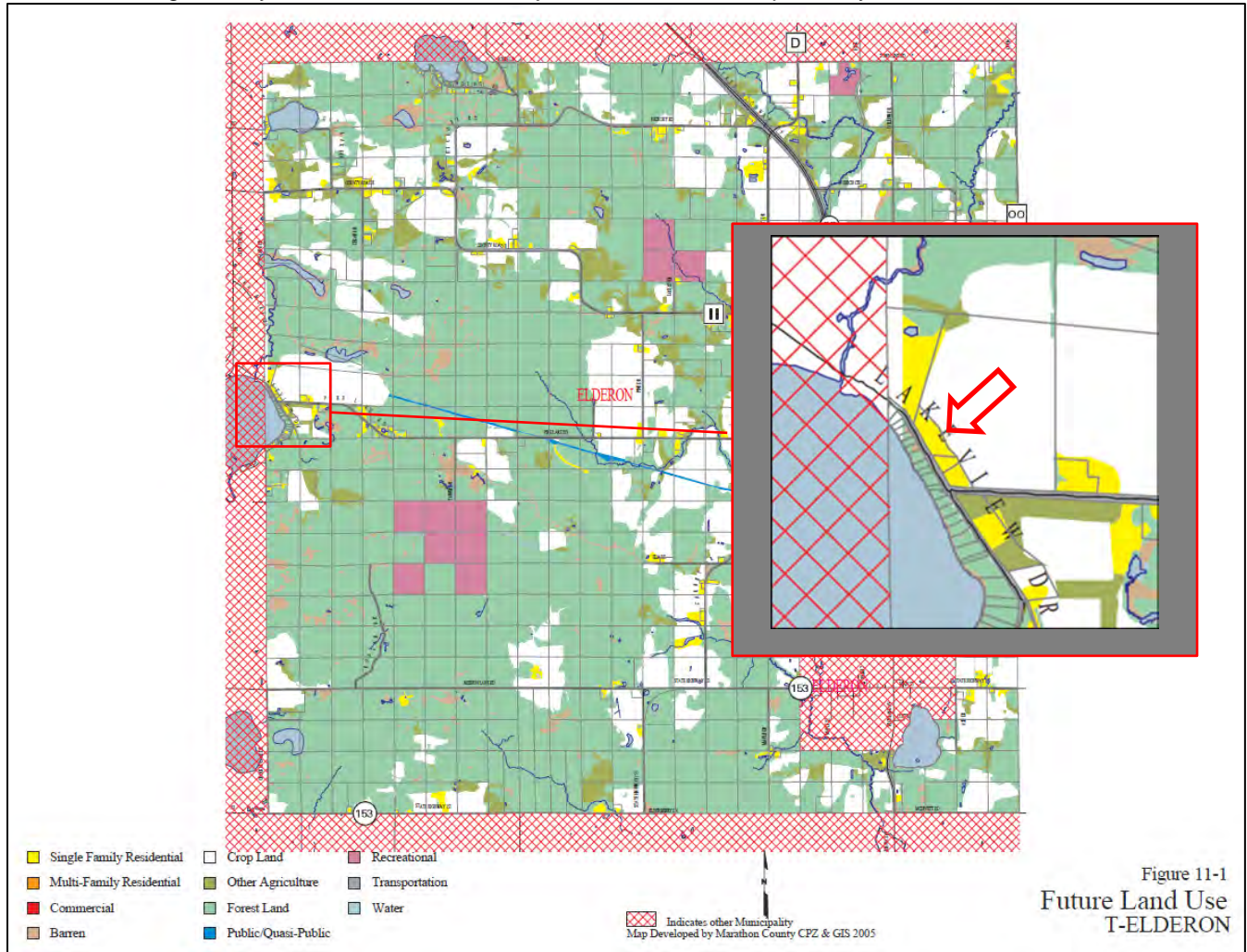


**ACREAGE:**  
1.66 Acres

**Legal Notification:**  
A legal advertisement was published in the *Wausau Daily Herald*. Notice of the zoning change request was also sent by regular mail to adjacent property owners within 300 feet of the subject property.

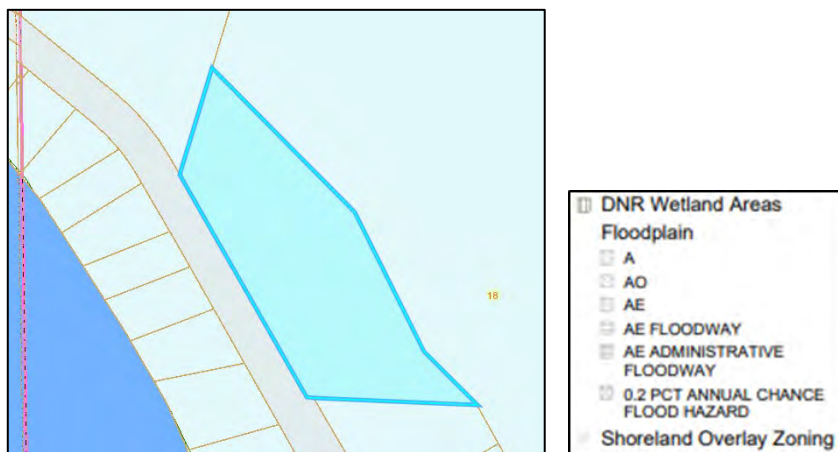


**TOWN COMPREHENSIVE PLAN FUTURE LAND USE MAP:** The parcel in question is shown to be designated as Single Family Residential in the Town of Elderon's Comprehensive Plan Future Land Use Map. Additionally, there is some agricultural and single family residential land uses adjacent to within close proximity.



**SPECIFIC PARCEL LIMITATIONS OR NATURAL FEATURES:**

- The proposed development location on this parcel is:
  - **Not** located within mapped floodplain
  - **Not** located within DNR mapped wetlands, or water features.
  - The parcel and proposed development is located within the shoreland overlay district from Pike Lake (therefore the Chapter 22 Shoreland, Shoreland-Wetlands, Floodplain Ordinance would apply).



**Aerial Photo of the Property:**



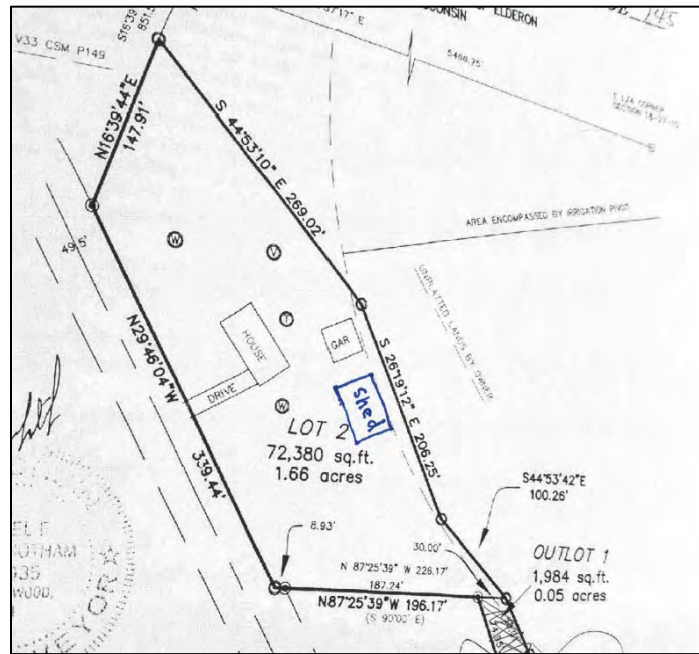
**Aerial Photo of adjacent lands:**



**Violations:**

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

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



**Supporting Documentation (Submitted by Staff)**



**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					
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>ACCESSORY, TEMPORARY, and OTHER USES</b>													
Accessory Buildings and Structures exceeding the dimensional and lot coverage standards of Table 6.	C	C	C	C	C	C	C	C	C	C	C	C	<a href="#">Section 17.401.02(E)</a>

**Section 17.401.02 ACCESSORY BUILDINGS**

The use of the accessory building must be secondary and incidental to the principle use.

A. **Attached Accessory Buildings.** An accessory building which is attached to the main building by a common wall and roof shall comply with all the requirements and regulations that are applicable to the principle building.

B. **Detached Accessory Buildings.** Detached accessory buildings shall not be used as a separate dwelling unit and shall comply with the requirements of the following [Table 6](#):

C. **Accessory Structures housing Livestock:** [Section 17.204.01 \(A\) \(3\)](#)

D. **Accessory Structures within shoreland jurisdiction:** Existing and new accessory buildings shall comply with all Marathon County shoreland regulations and provisions.

E. **Construction of Detached Accessory Structures exceeding the dimensional building standards:**

1. A conditional Use Permit may be applied for the construction of a detached accessory structure with floor area and components differing from the dimensional and maximum lot coverage standards listed in [Table 6](#).
2. When considering a conditional use permit under this section the following standards shall apply.
  - a. The applicant shall provide evidence demonstrating the need for the proposed accessory structure which exceeds the dimensional standards of the zoning district in [Table 6](#).
  - b. The proposed accessory structure shall not be contrary to public interest.
  - c. The accessory structure shall not interfere or unnecessarily affect the adjacent property owner(s) ability to use their property.

**Chapter 17 - Table 6: Detached Accessory Building Standards**

Requirement	Residential Districts (U-R or L-D-R)	Residential Districts (RR)	Residential District (RE)	Agricultural Districts (GA & FP)	Any Other Zoning District
Location	Rear , side or front yard	Rear, side or front yard	Rear, side or front yard	Rear, side or front yard	Rear, side or front yard
Accessory Structure allowed prior to Principle Structure	conditional use permit required	conditional use permit required	YES	YES	NO
Setback Requirements from principle structure	15 feet	15 feet	15 feet	15 feet	15 feet
from side property line	7 feet	7 feet	7 feet	7 feet	Minimum setback required in zoning district
from rear property line	7 feet	7 feet	7 feet	7 feet	Minimum setback required in zoning district
Maximum side wall height	14 feet	14 feet	None	None	None
Maximum garage door height	12 feet	12 feet	None	None	None
Maximum Size	1200 sq. ft.	1800 sq. ft.	NONE	NONE	NONE
Maximum Height (**)	24 feet	24 feet	35 feet ***	35 feet ***	35 feet ***

**Proposal as it relates to the applicable accessory building standards:**

Applicable Setbacks, Dimensions, and Requirements	Code Requirement Low Density Residential (L-D-R)	Proposed Setbacks and Dimensions per the application
Location	Rear , side or front yard	Rear/side yard
Setback Requirements from principle structure	15 feet	88+ feet
from side property line	7 feet	56+ feet
from rear property line	7 feet	31+ feet
Lot Coverage %	30%	Approx. 7.1%
Maximum side wall height	14 feet	<14 feet
Maximum garage door height	12 feet	<12 feet
Maximum Size	1200 sq. ft.	1,944 sq.ft. (Exceeds standard by 744 sq.ft.)
Maximum Height (**)	24 feet	<24 feet

**TOWN RECOMMENDATION:**

On August 10, 2021 the **Town of Elderon** Town Board Recommended **Approval** to Marathon County's Board of Adjustment.

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 \_\_\_\_ day of Aug. 10, 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 10 day of Aug., 2021, 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 I-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

and hereby recommends:

Marathon County Board of Adjustment **APPROVE** application

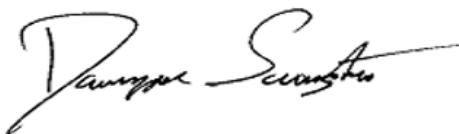
Marathon County Board of Adjustment **DENY** application

Comments, conditions and reasons for recommended action:

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:



08/30/2021

SIGNATURE

DATE

# PETITION FOR VARIANCE

to the  
**MARATHON COUNTY BOARD OF ADJUSTMENT**

Name of Applicant: TRAVIS Lydiah Ostrowski Phone # 715-302-1859  
Applicant's Address: 217384 Black Cherry Dr. Eland, WI. 54427  
E-Mail Address: travisostrowski@yahoo.com  
Owner (if different than applicant): \_\_\_\_\_ Phone # \_\_\_\_\_  
Owner's Address: \_\_\_\_\_

Town of Elderon Parcel ID#: 022-2710-101-0991 Zoning District: L-O-R  
Property Legal Description: NE 1/4 NE 1/4, Section 10, T 27 N, R 10 E  
Lot 2, Block \_\_\_\_\_, Subdivision \_\_\_\_\_  
Site Address: 217384 Black Cherry Dr. Eland, WI. 54427

The Marathon County Board of Adjustment is authorized by §59.694(7)(c) to authorize upon appeal, in specific cases, variances from the terms of the ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

The applicant hereby requests the Board of Adjustment to hear and decide upon the following (Use additional sheets if necessary):  
A use/area variance from the terms of Section(s) 12.202.02 (Table 2) of the General Code of Ordinances for Marathon County relating to the  Area,  Setback,  Yard,  Height,  Other: side yard

- A. Strict application of the regulations would cause unnecessary hardship because See attached.
- B. The hardship is due to the following unique physical limitations of the property: See attached.
- C. The variance would not harm public interest because: See attached.

Attach additional information to specifically describe the nature of your request, why such changes are deemed necessary, alternatives you have considered, and how A, B, & C above apply to this project. Include detailed and scaled drawings that illustrate your case. Show existing and proposed improvements such as property lines, roads, utilities, septic, well, slopes, water, wetlands, floodplain, and anything else that will illustrate hardship, unique physical characteristics, and effects of the variance on the public interest. Any photos submitted will be kept as a part of the record.

Present Use of Property: residential Improvements upon Land: n/a  
Date Property Acquired: 2016 Area Affected (Sq. ft. or acres): \_\_\_\_\_  
Applicant / Owner Signature(s) (required): Travis Ostrowski

A fee of \$600.00 payable to Marathon County must be submitted with this application.  
Failure of the applicant or his agent to appear at the hearing will cause the Board to deny this appeal.  
D:\CPZ\ORDINANCES\FORMS\Variance Application.doc

June 23, 2021

Marathon County Board of Adjustment,

I am requesting a setback variance for a garage addition.

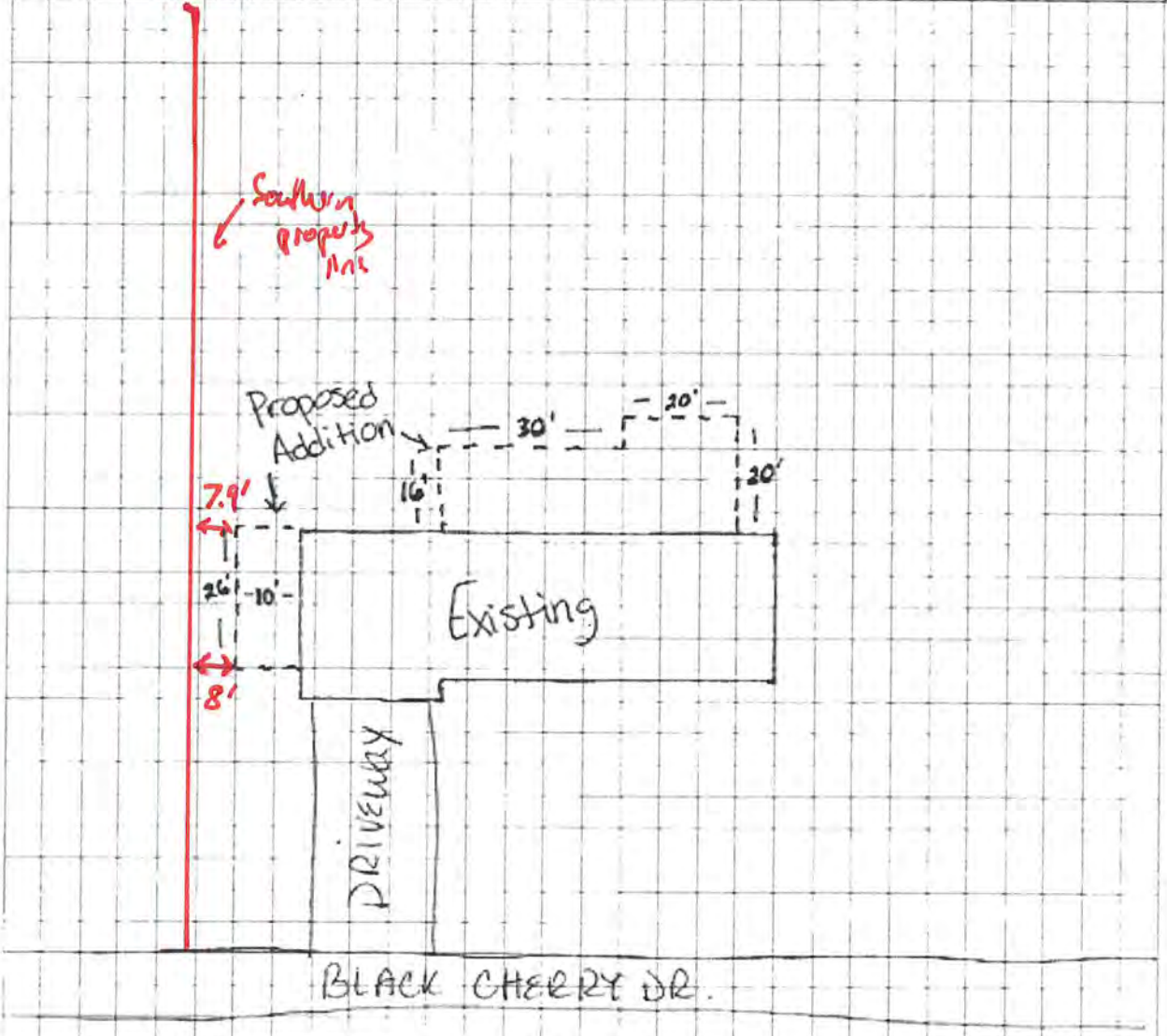
- A. Strict application of the regulations would cause unnecessary hardship because..... 50 years ago when my Grandpa built his new home he did not want to take anymore of the farm field than was absolutely necessary so he carved out one acre on the end of his property. I purchased the home after he passed away in 2015. I am now married and have three children. The size of the garage makes it impossible to open the car doors and get the kids in and out of their car seats. I am looking to add a third stall onto the garage to accommodate my growing family.
- B. The property is limited in the aspect that there is no other direction to go with the garage addition.
- C. This variance would not harm public interest because there is a neighboring field next to the property that is owned by my former AG teacher and good friend of mine that has given his approval to the proposed addition. No other public facilities would be harmed.





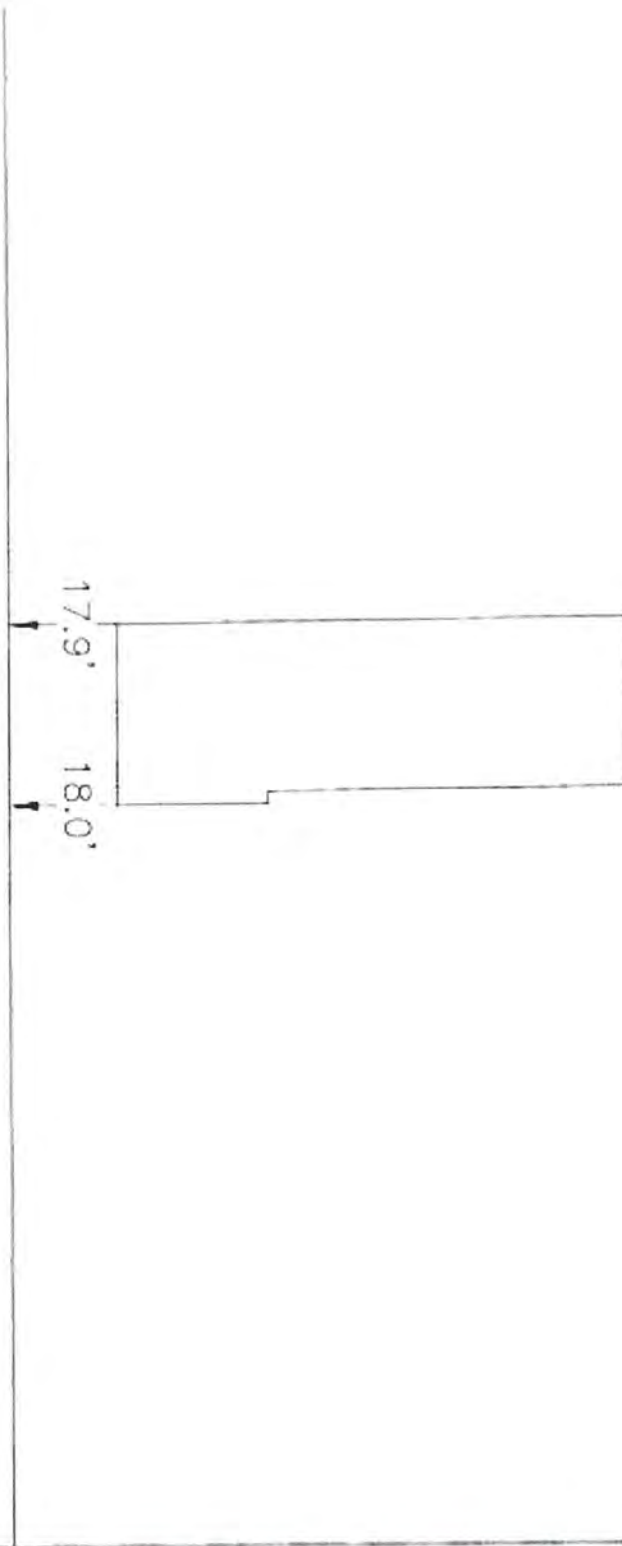
# SITE PLAN

Permit #	Date:	Notes/Comments:
Pin # 022-2710-101-0991		
Owner(s): Travis Lydian Ostrowski		
Address: 2173 & 4 Black Cherry Dr. Eland, WI 54427		
Project Type: Addition		



*Proposed setbacks to side yard.*  
*DS*  
*02/03/21*

<b>Requirements to be shown:</b> ♦ Location and dimensions of all existing & proposed buildings. ♦ Location of existing or proposed private onsite wastewater treatment system, wells, and driveways. ♦ <u>Proposed setback distances</u> to side and rear property lines, roads (either right-of-	way line and/or centerline), septic system components (tanks and/or drain fields), and unique site features such as wetlands and waterways. ♦ Indicate & label the location of any public and private street. ♦ Location and proposed setback to any recorded access easements.	Road Setback: ___ ft from centerline Side Yard Setbacks: ___ ft and ___ ft Rear Yard Setback: ___ ft Max. Building Height: ___ ft Setback from Ordinary High Water Mark ___ ft Setback from Mapped Wetland Areas ___ ft Septic Component Setbacks: ___ ft and ___ ft Lot Width at Building Line: ___ ft
---	---	--



Existing setbacks as provided  
by the property owner's surveyor.

J.S.  
08/03/21

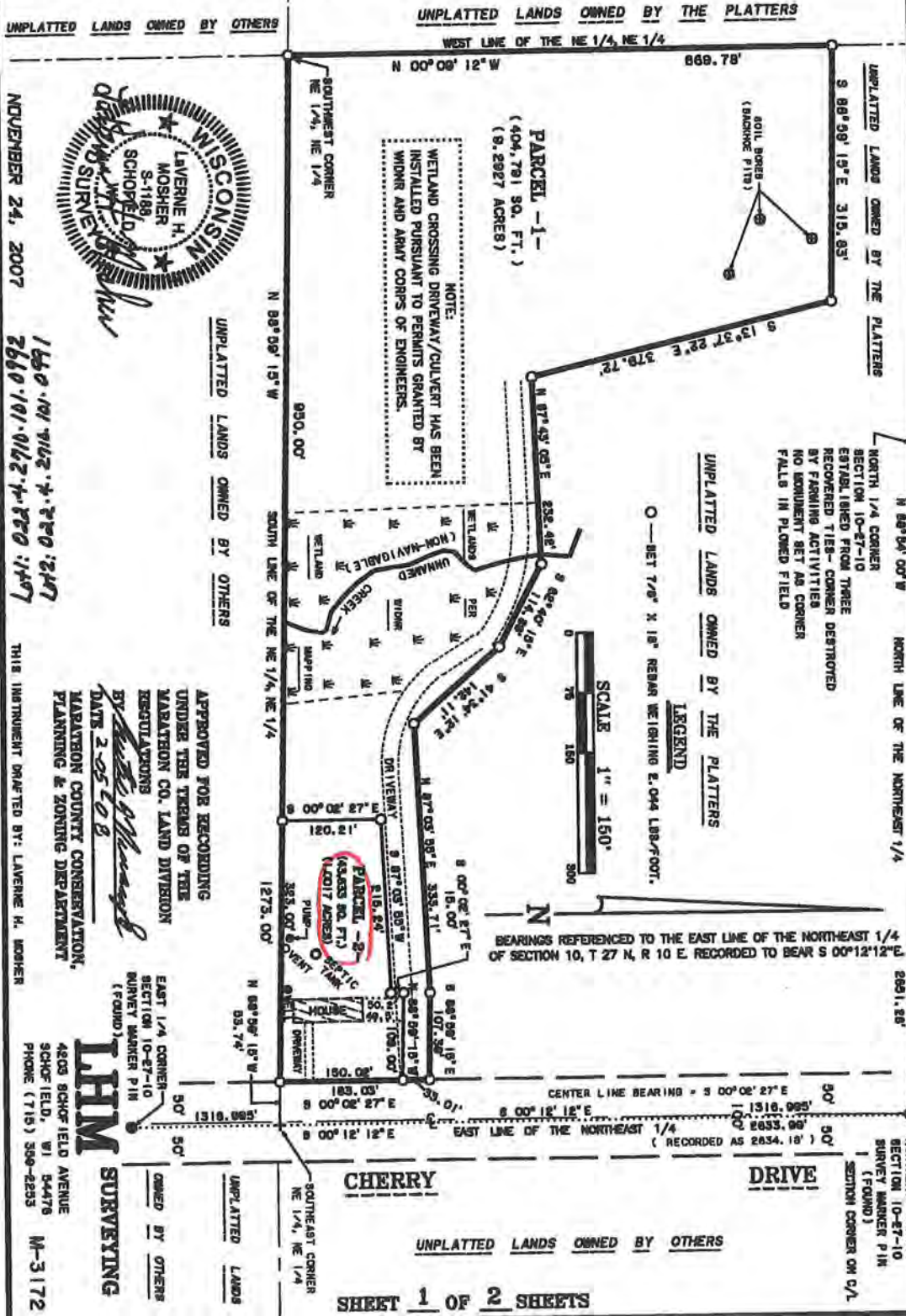
15079  
 CHG LHM13.00  
 " " 3.00copy.



DOC# 1500820

*Michael J. Sydow*

**MARATHON COUNTY CERTIFIED SURVEY MAP**  
 OF PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 27 NORTH,  
 RANGE 10 EAST, TOWN OF ELDERON, MARATHON COUNTY, WISCONSIN.



NOVEMBER 24, 2007

15079-101-916-247  
 2660-101-010-022-4-247

APPROVED FOR RECORDING  
 UNDER THE TERMS OF THE  
 MARATHON CO. LAND DIVISION  
 REGULATIONS  
 BY *Laverne H. Mosher*  
 DATE 2-05-10  
 MARATHON COUNTY CONSERVATION,  
 PLANNING & ZONING DEPARTMENT

**IHM** SURVEYING  
 4203 SCHOFFIELD AVENUE  
 SCHOFFIELD, WI 54478  
 PHONE (715) 599-2235  
 M-31172



BEARINGS REFERENCED TO THE EAST LINE OF THE NORTHEAST 1/4  
 OF SECTION 10, T 27 N, R 10 E. RECORDED TO BEAR S 00°12'12" E.

**CHERRY DRIVE**

**MARATHON COUNTY CERTIFIED SURVEY MAP**

I, LaVerne H. Mosher, Registered Land Surveyor, hereby certify:  
That I have surveyed, divided and mapped that part of the Northeast 1/4 of the  
Northeast 1/4 of Section 10, Township 27 North, Range 10 East, Town of Elderon,  
Marathon County, Wisconsin, described as follows:

Commencing at the Northeast corner of said Section 10, Township 27 North, Range 10 East; thence  
S 00° 12' 12" E along the East line of the said Northeast 1/4 of Section 10, 1316.995 feet to the Southeast  
corner of the said Northeast 1/4 of the Northeast 1/4; thence N 88° 59' 15" W along the South line of the  
said Northeast 1/4 of the Northeast 1/4, 53.74 feet to a point on the West line of Cherry Drive; said point  
also being the point of beginning of the parcel to be described; thence continuing N 88° 59' 15" W along  
the South line of the said Northeast 1/4 of the Northeast 1/4, 1273.00 feet to the Southwest corner of the  
Northeast 1/4 of the Northeast 1/4; thence N 00° 09' 12" W along the West line of the said Northeast 1/4  
of the Northeast 1/4, 669.78 feet; thence S 88° 59' 15" E, 315.83 feet; thence S 13° 37' 22" E, 379.72 feet;  
thence N 87° 43' 05" E, 232.42 feet; thence S 62° 40' 15" E, 114.89 feet; thence S 41° 34' 12" E, 142.11  
feet; thence N 87° 03' 55" E, 333.71 feet; thence S 88° 59' 15" E, 107.39 feet to a point on the said West  
right-of-way line of Cherry Drive; thence S 00° 02' 27" E along the said West right-of-way line of Cherry  
Drive, 183.03 feet to the point of beginning.

That I have made such survey, land division and plat by the direction of Richard  
Ostrowski.

That such plat is a correct representation of all exterior boundaries of the land  
surveyed and the subdivision thereof made.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin  
Statutes, Chapter A-E 7 of the Wisconsin Administrative Code and the Subdivision  
Regulations of Marathon County and the Town of Elderon in surveying, dividing and  
mapping the same.

Dated this 24th day of November, 2007.



*LaVerne H. Mosher*

LaVerne H. Mosher  
R. L. S. No. S-1188

Prepared by:  
LHM SURVEYING  
4203 SCHOFIELD AVENUE  
SCHOFIELD, WI 54476

SHEET 2 of 2 SHEETS

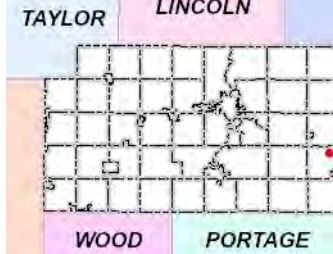
Prepared for:  
Richard Ostrowski  
2171 Cherry Drive  
Eland WI 54427



DOC # 1500820



# Land Information Mapping System



## 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

25.00 0 25.00 Feet



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

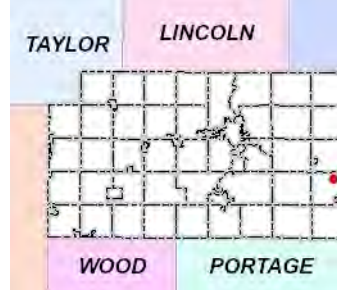
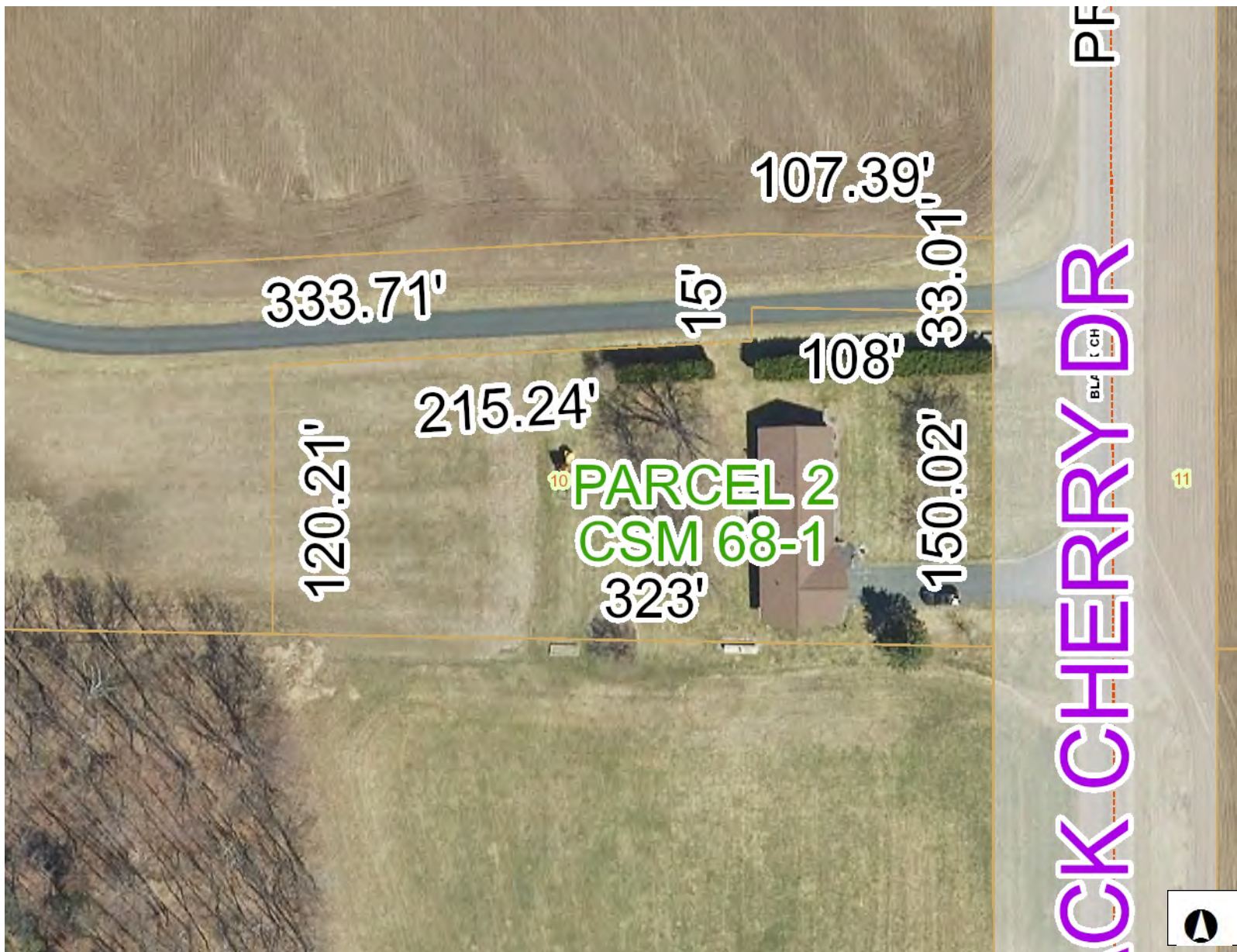
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes



# Land Information Mapping System



- 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

33.33 0 33.33 Feet



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

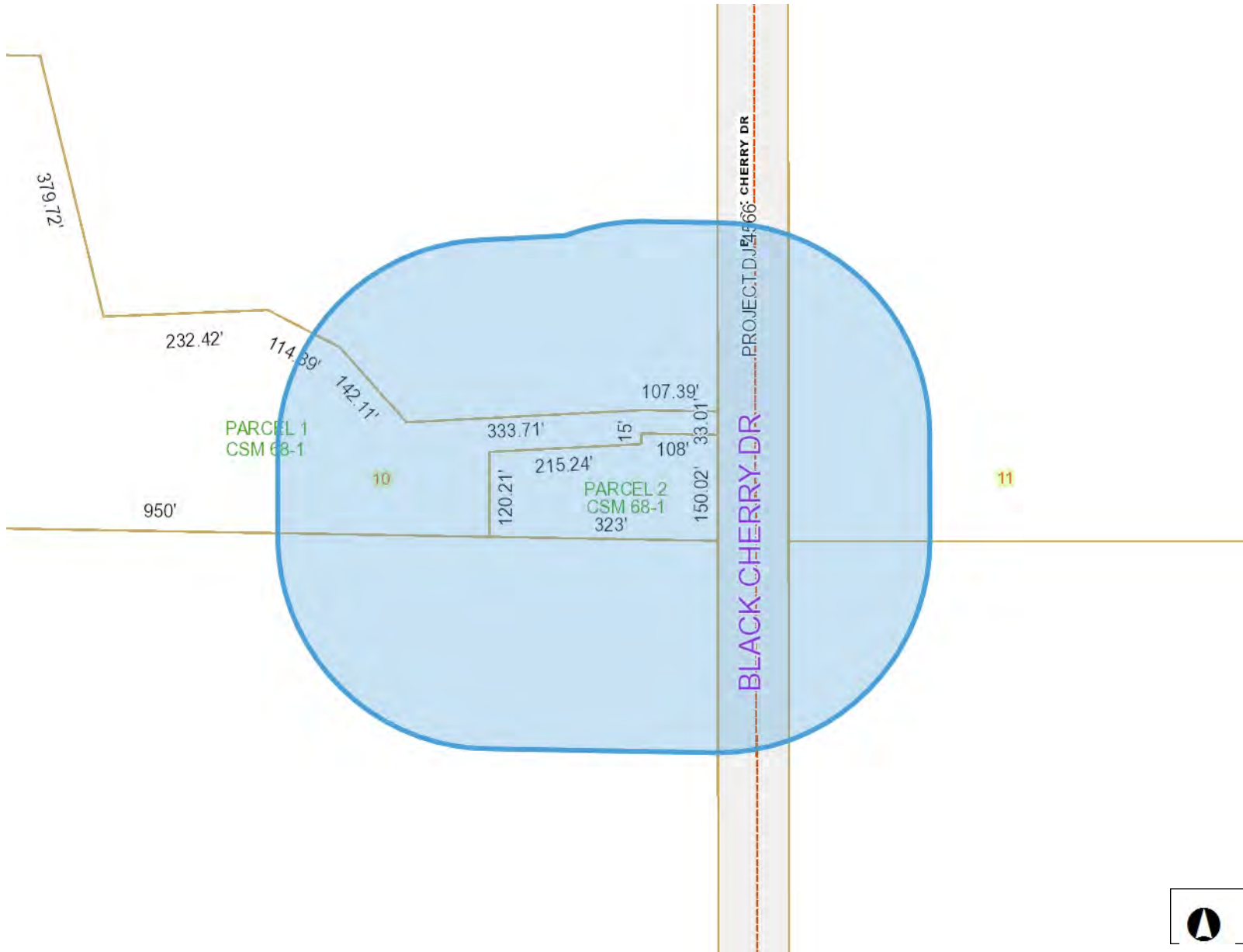
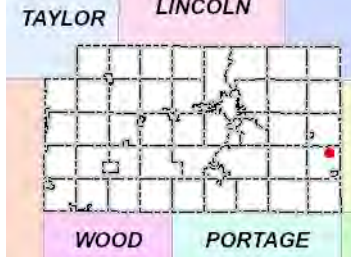
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Notes



# Land Information Mapping System



## Legend

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



105.43 0 105.43 Feet

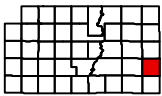


NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet

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## Notes

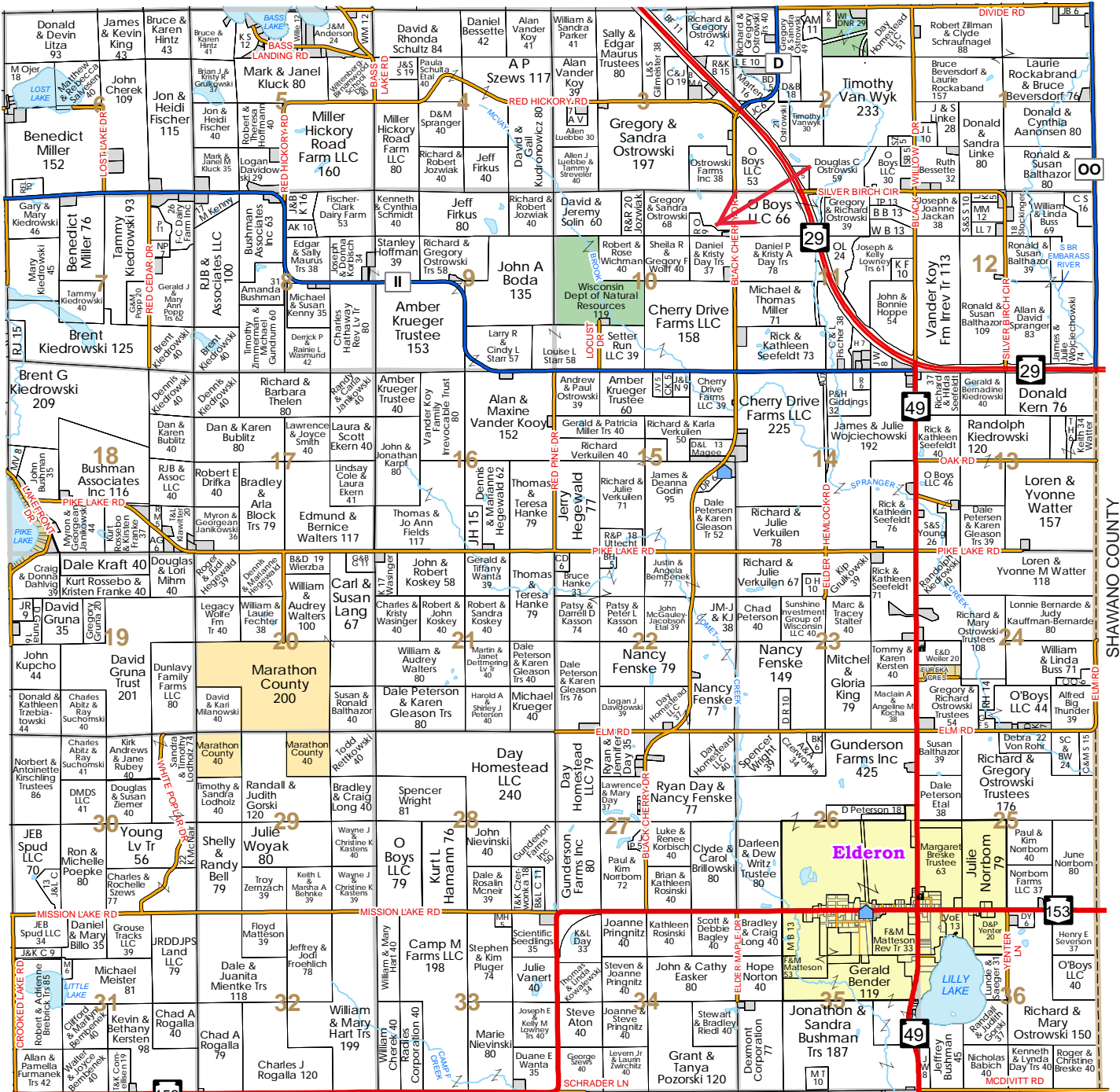


# Elderon

# 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 blue-tinted data or code. A 4-H clover logo is in the bottom left corner of the image.



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 10 day of August, 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 10 day of Aug, 2021, 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 1/4, NE 1/4, Section 10, T27N, R10E, LOT 2 CSM VOL. 68 PG 1 (LXX #1500820), Town of Elderon, further described as, PIN# 022.2710.101.0991 with a property address of 217384 Black Cherry Dr Uland, 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:

Clerk  
Town Board

*Mary Ostrowski*  
*Don Anderson*  
*Michael Berg*  
*Craig Ostrowski*

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 September 2, 2021 to:

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



**Travis and Lydiah Ostrowski  
Variance Petition (Application)  
Staff Report, September 23<sup>rd</sup>, 2021  
Marathon County Board Of Adjustment**

**Findings of Fact**

**REQUEST:**

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.

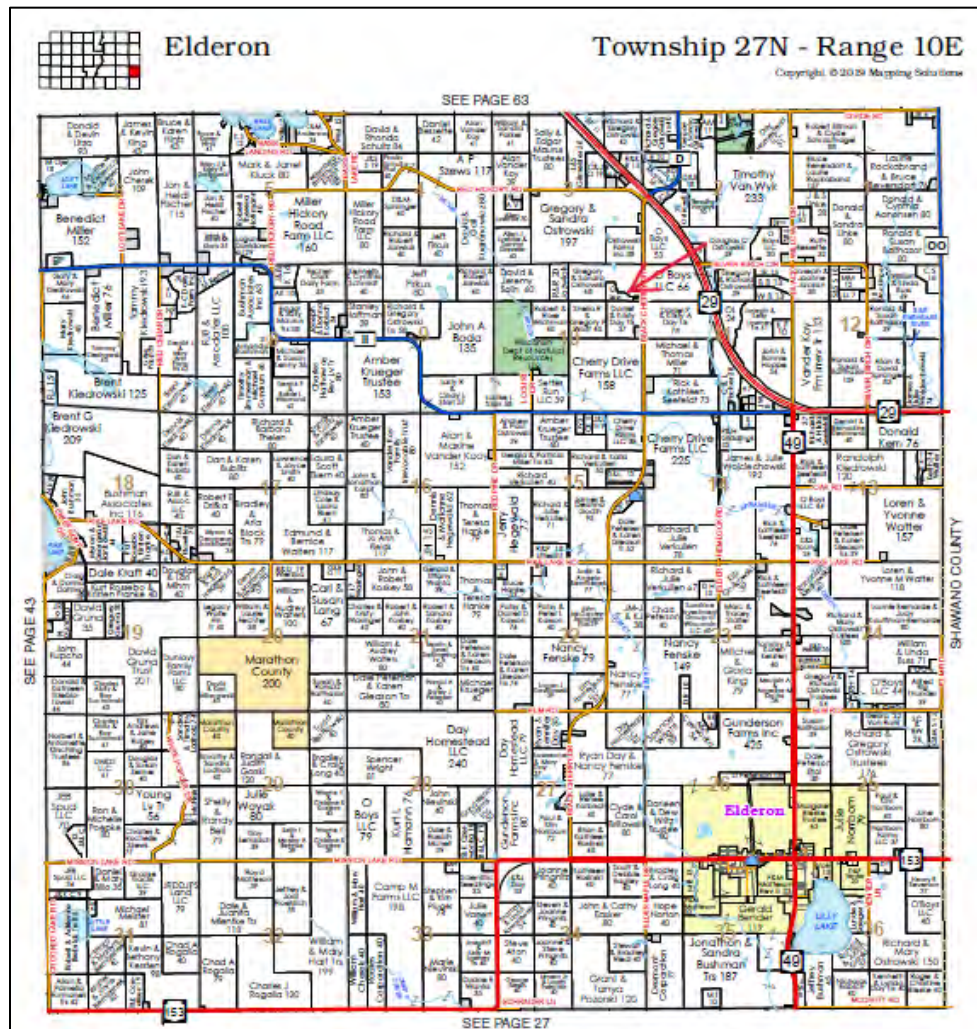
**PUBLIC HEARINGS/MEETINGS:**

- Town of Elderon Town Board Meeting (August 10<sup>th</sup>, 2021)
- Marathon County Board of Adjustment Meeting (September 23<sup>rd</sup>, 2021 at 9:00am)

**APPLICANT(s):** Travis and Lydiah Ostrowski – 217384 Black Cherry Drive, Eland, WI 54427

**PROPERTY OWNER:** (Same) Travis and Lydiah Ostrowski – 217384 Black Cherry Drive, Eland, WI 54427

*Map 1: Location of Variance Request*

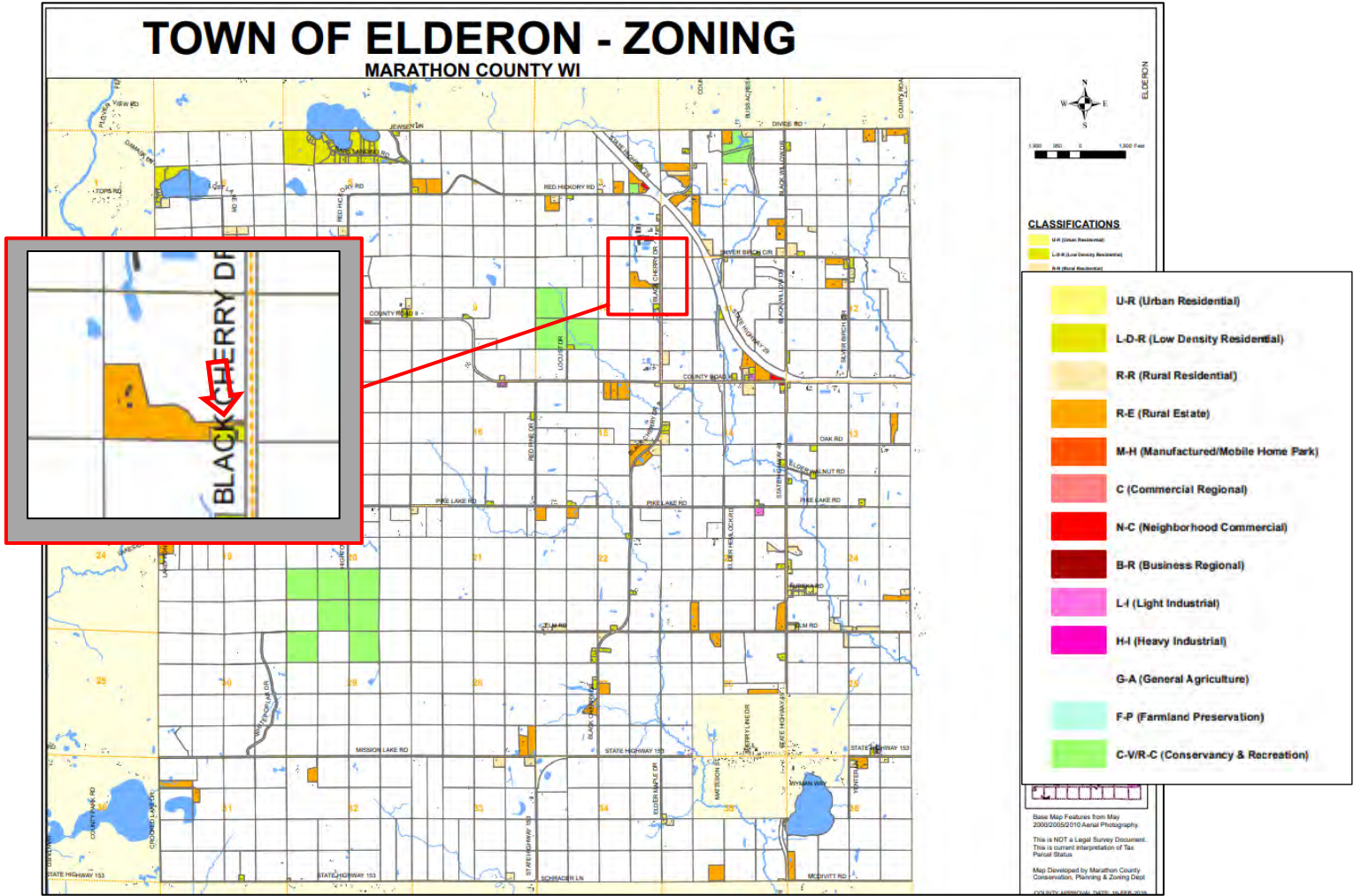


**EXISTING ZONING DISTRICT:**

**L-D-R Low Density Residential District.** The purpose of the L-D-R district is to accommodate single-family residential use along existing streets and to promote single-family residential development (involving the extension of new streets) where sanitary sewer and municipal water may be available. The densities are intended to provide for areas of suburban character in the community and to prevent excessive demands on sewerage and water systems, streets, schools, and other community facilities. The districts are intended to avoid overcrowding by requiring certain minimum yards, open spaces, and site area while making available a variety of dwelling types and densities to serve a wide range of individual requirements and thereby providing a more orderly and efficient extension of public facilities.

**EXISTING ZONING DISTRICT MAP:**

Adjacent parcels are zoned General Agriculture (White) and Rural Residential (Orange) with parcels zoning General Agriculture (white) within close proximity.



**Legal Notification:**

A legal advertisement was published in the *Wausau Daily Herald*. Notice of the zoning change request was also sent by regular mail to adjacent property owners within 300 feet of the subject property.

**ACREAGE:**  
1.00 Acres

**TOWN COMPREHENSIVE PLAN FUTURE LAND USE MAP:**

The parcel in question is shown to be designated as Single Family Residential in the Town of Elderon’s Comprehensive Plan Future Land Use Map. Additionally, there is some forest land, single family residential, and crop land uses within close proximity to the parcel in question.

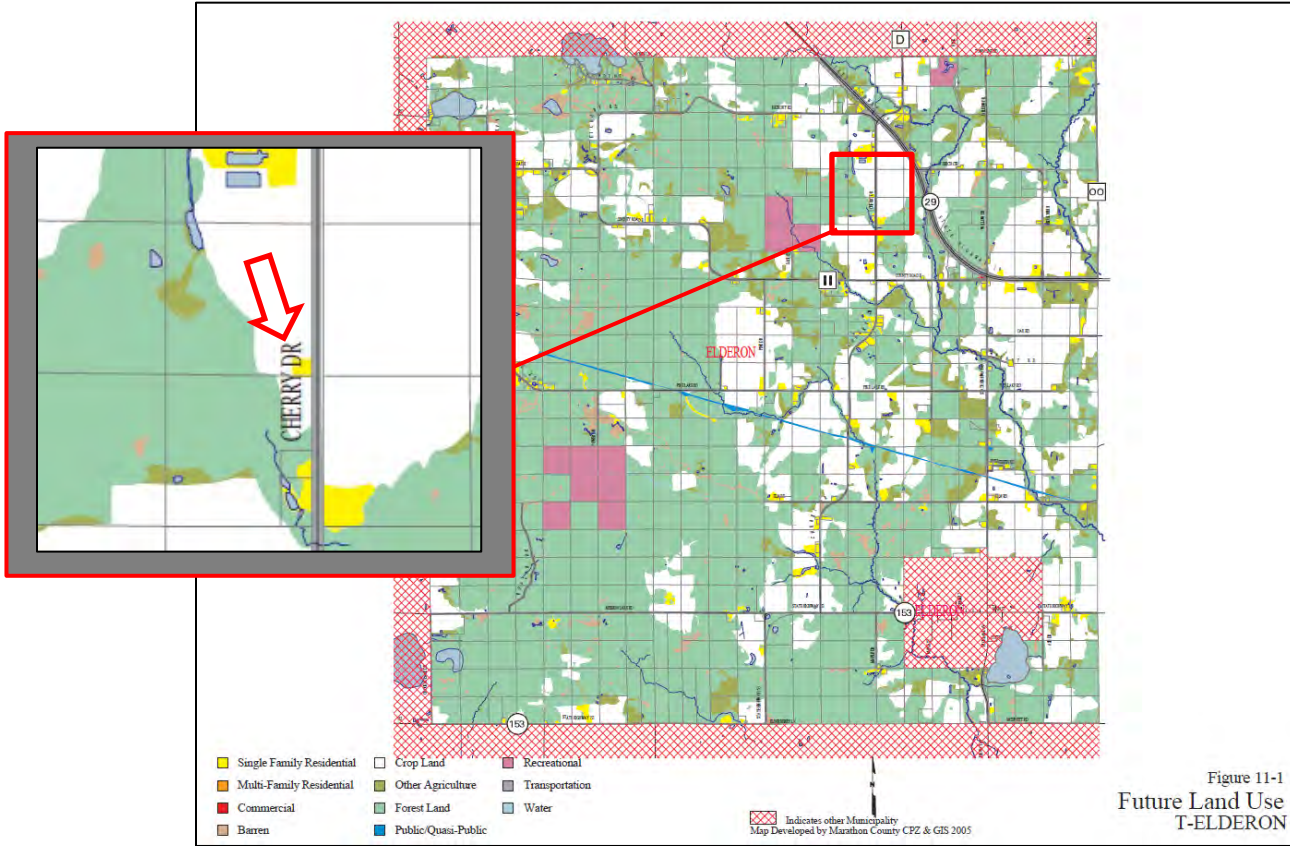
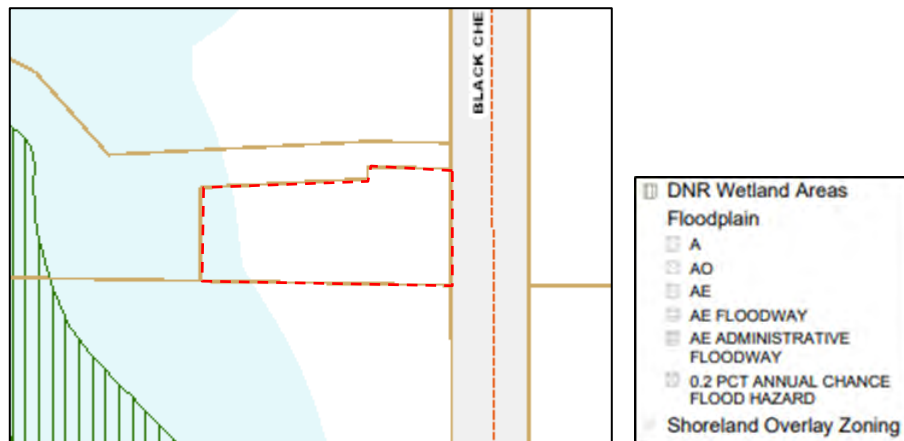


Figure 11-1  
Future Land Use  
T-ELDERON

**SPECIFIC PARCEL LIMITATIONS OR NATURAL FEATURES:**

- The proposed development location on this parcel is:
  - **NOT** located within mapped floodplain.
  - **NOT** located within DNR mapped wetlands.
  - **NOT** located within the shoreland overlay district.



**Aerial Photo of the Property:**

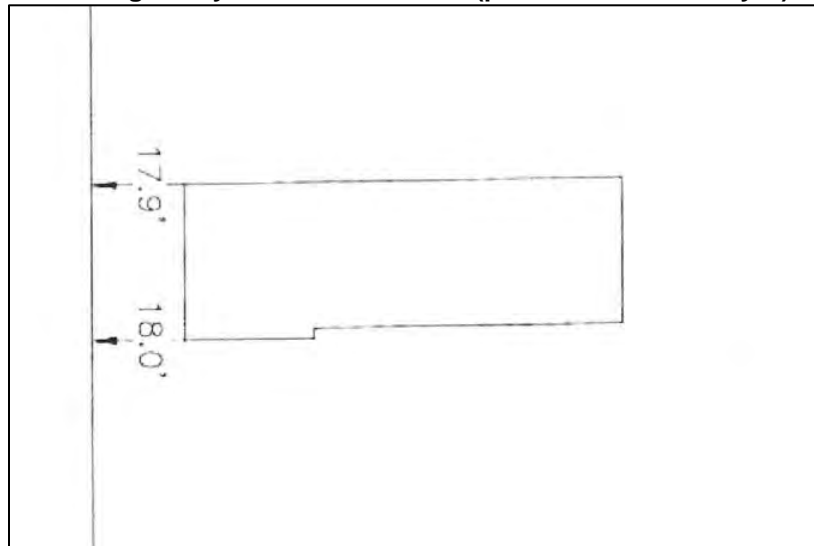


**Aerial Photo of Adjacent Lands:**

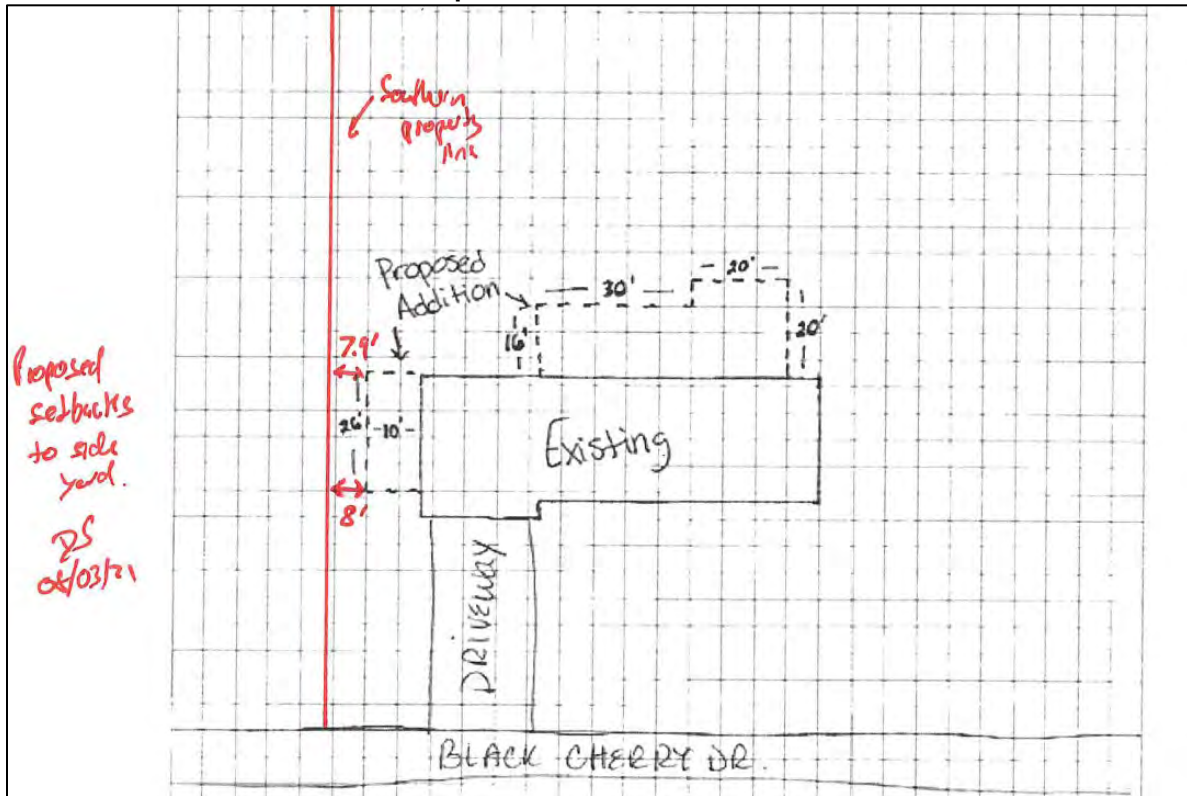


**Site Plan(s) submitted by the applicant**

Existing side yard setback shown (per a licensed surveyor)



Proposed Setbacks Shown #2



Supporting documentation submitted by the applicant with the variance petition:

June 23, 2021

Marathon County Board of Adjustment,

I am requesting a setback variance for a garage addition.

- A. Strict application of the regulations would cause unnecessary hardship because..... 50 years ago when my Grandpa built his new home he did not want to take anymore of the farm field than was absolutely necessary so he carved out one acre on the end of his property. I purchased the home after he passed away in 2015. I am now married and have three children. The size of the garage makes it impossible to open the car doors and get the kids in and out of their car seats. I am looking to add a third stall onto the garage to accommodate my growing family.
- B. The property is limited in the aspect that there is no other direction to go with the garage addition.
- C. This variance would not harm public interest because there is a neighboring field next to the property that is owned by my former AG teacher and good friend of mine that has given his approval to the proposed addition. No other public facilities would be harmed.

**Section 17.804.05 STANDARDS FOR VARIANCES AND APPEALS**

Variances and appeals shall be granted only in accordance with and based on the findings set forth in this section. The burden of proof for variances and appeals shall be upon the applicant. The extent to which the following factors, standards, and criteria apply to a specific case shall be determined by the Board of Adjustment.

**A. Area Variances.**

1. No variance may be granted unless there is an unnecessary hardship present in that a literal enforcement of the terms of the zoning ordinance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or render conformity with such restrictions unnecessarily burdensome. The Board of Adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests.
2. No variance may be granted unless there is a hardship due to the unique physical limitations of the property such as steep slopes or wetlands rather than the circumstances of the applicant.
3. No variance may be granted that is contrary to the public interest as expressed by the objectives of the ordinance.

**Specific Provision of Law:** Section 17.202.02 (Table 2)

Zoning District	Minimum Lot			Minimum Yard Setback <sup>(A)</sup>			MAX. Building Height (feet)	Max Lot Coverage (C)
	Lot Area (sq. ft.)(acre) ** Easement Acreage	Frontage (at street in feet)	Width (at building line in feet)	Road <sup>(F)</sup> (setback in feet from Right of Way)	Side (feet)	Rear (feet)		
L-D-R Low Density Residential w/o sanitary sewers & public water	43,560 <sup>(B)</sup> (1 ac)	80 <sup>(E)</sup>	80	See Section <a href="#">17.202.03(F)</a>	15	35	35	30%

Minimum 15 foot setback for principle structures

**Standards vs. Proposed:**

<u>Chapter 17 – Zoning Code Standard(s)</u>	<u>Setback</u>	<u>Proposed</u>
Minimum Setback to the side yard (southern property line)	15 – feet	7.9 feet & 8.0 feet

**Violations:**

There **IS** an active violation on the property in question, 2021-VIO-030 for the start of construction associated with the variance application in question. Footings/foundation already started, confirmed on 08/30/2021.



**Town Recommendation/Resolution:**

On August 10<sup>th</sup>, 2021 the Town of Elderon Town Board Recommended Approval to Marathon County's Board of Adjustment (*with no additional conditions*).

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 10 day of August, 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 10 day of Aug, 2021, the application of Travis and Lydiab 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 1/4, NE 1/4, Section 10, T27N, R10E, L01 2 CSM VOL 68 PG 1 (BOOK #1500820), Town of Elderon, further described as, PIN# 022.2710.101.0991 with a property address of 217384 Black Cherry Dr Eland, WI 54427

and hereby recommends:

Marathon County Board of Adjustment **APPROVE** application

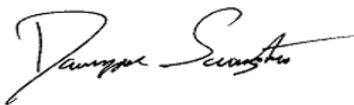
Marathon County Board of Adjustment **DENY** application

Comments, conditions and reasons for recommended action:

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:



08/27/2021

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: Thomas L. and Audra A. Winder  
 Mailing Address: 203500 Sunset Meadow Drive **203500 Sunset Meadow Drive** **XS**  
 Telephone: 715-207-0439 Fax: \_\_\_\_\_  
 Cellphone: 715-207-7066 Email: twinderag@gmail.com  
 Owner Name: (if different) \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

**PARCEL INFORMATION**

Parcel ID # (PIN): 055-2503-204-0021 (alternate: 28-0881-000-019-01-00)  
 (If more than one parcel is included in this application, list all parcel numbers & legal descriptions on a separate sheet.)

Legal Description: Government Lot 18 & 19 or SE 1/4 NE 1/4  
 Section 20, T25 N, R3 E, Town of McMillan  
 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision Winterberry North 1st add CMS Vol 76 pg 142  
 Property Address: 203500 Sunset Meadow Drive  
 Parcel size: 4.27 Acres or \_\_\_\_\_ Sq. Ft.  
 Zoning District: \_\_\_\_\_

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

Existing improvements (Structures, well, septic, etc.):  
Addition of 2 stall to existing de-tached garage

**PROPOSAL**

Describe specifically the nature of this request (be sure to list all proposed uses of the parcel). What do you plan to do?  
Adding a 20' x 32' garage stall to an existing garage.  
To be used for storage of auto/lawn/garden equipment.

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

Provide the following information if this box is checked

Proposal has additional development standards in Section 17.401.02(E). Explain how your proposal meets or exceeds these requirements.

proposed to add 640 sq. ft. to the existing garage that  
is 1,728 sq. ft. in size. proposal will exceed the maximum  
size by 568 sq. ft.

**XS**  
**05/10/21**

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:**

<i>Check if submitted</i>	<i>Initial of staff</i>	
<input checked="" type="checkbox"/>	JL	Completed application including signatures.
<input checked="" type="checkbox"/>	JS	Map with all required information.
<input checked="" type="checkbox"/>	XJS	Additional documents, as needed (lot combination forms, hunting/fishing shelter application, etc.)
<input checked="" type="checkbox"/>	XJS	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.

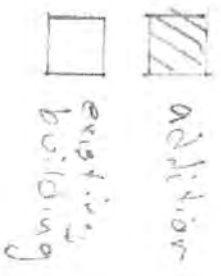
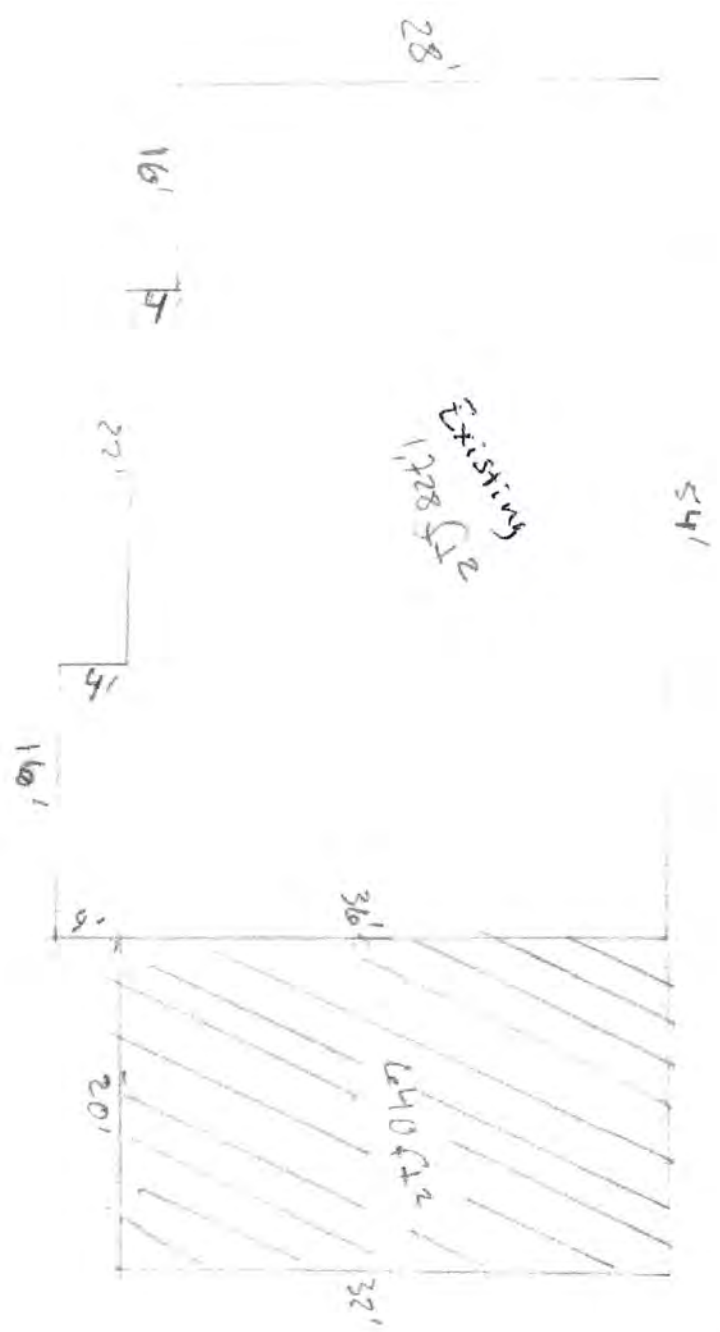
<i>Thane W. W...</i> Owner Signature (required)	8/10/2021 Date
 Agent / Person responsible for work Signature (required)	8/10/2021 Date

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 Telephone: 715-261-6000  
 Marathon County CPZ Department Toll free within Marathon County: 1-800-236-0153  
 210 River Drive Facsimile: 715-261-6016  
 Wausau, WI 54403-5449

<b>For office use</b>	<b>For office use</b>	<b>For office use</b>
Amount Received: \$	Date Stamp:	

Winded Lot I  
 McMillan Twn  
 203500 Sunset Meadows Dr.  
 Massfield, WI



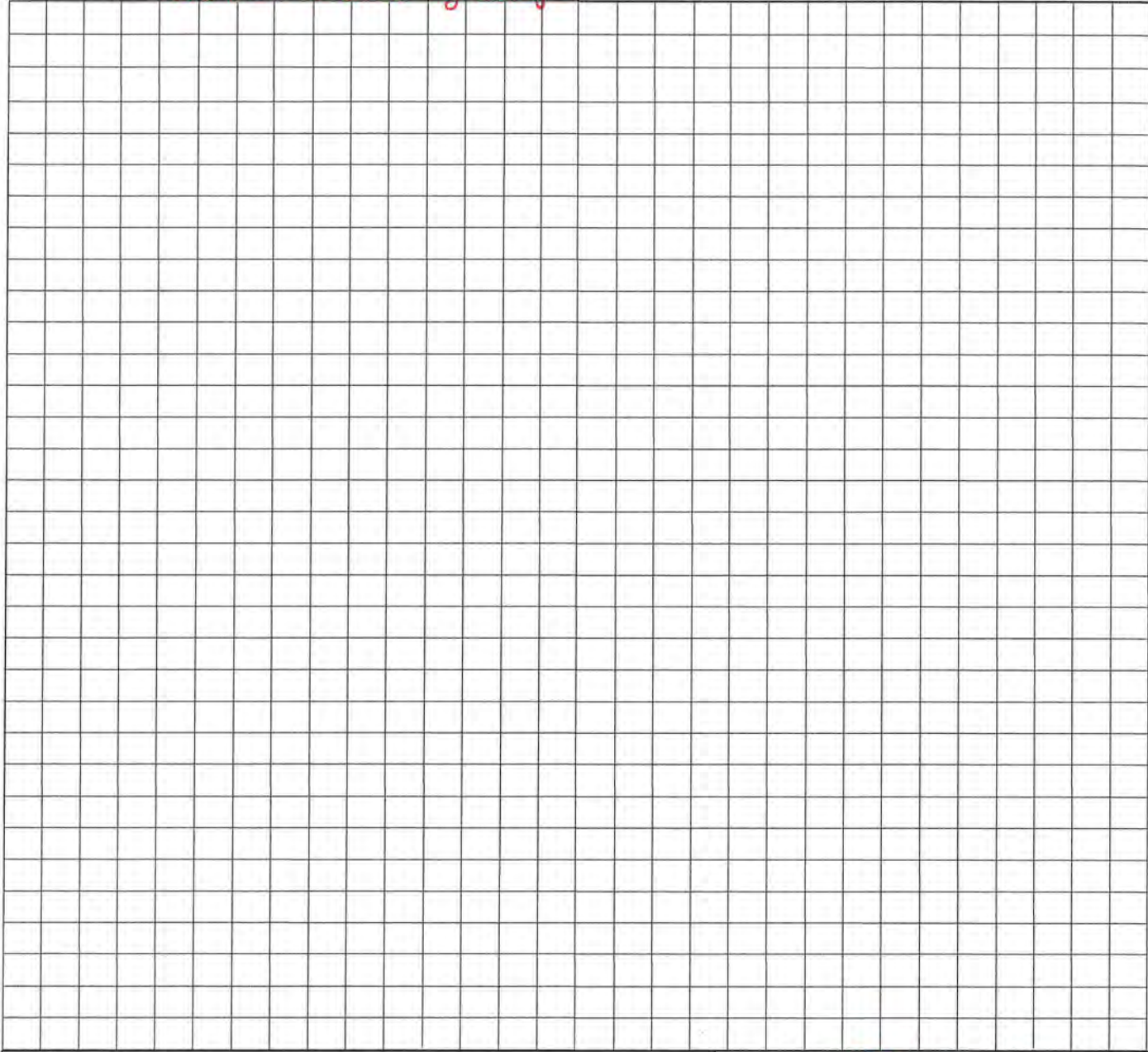
Parcel 10 0560-2603-2011-0021 (out 28-0881-000-018-01-00)  
 Lot 1810A on SE 1/4 NE 1/4 Sec 20 T 26 N, R 3 E, Twn McMillan



# SITE PLAN

Permit # <u>2021-2-199</u>	Date: <u>8/1/21</u>
Pin # <u>036-2603-204-0021</u>	
Owner(s): <u>Tom &amp; Audra Winder</u>	
Address: <u>203500 Sunset Meadow Dr</u>	
Project Type: <u>Addition to Existing Garage</u>	

Notes/Comments:	1" = _____'



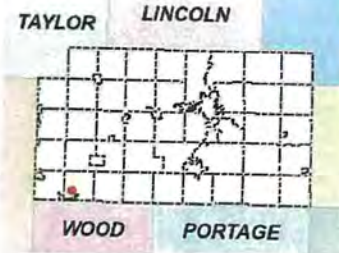
- Requirements to be shown:**
- ◆ Location and dimensions of all existing & proposed buildings.
  - ◆ Location of existing or proposed private onsite wastewater treatment system, wells, and driveways.
  - ◆ **Proposed setback distances to side and rear property lines, roads (either right-of-**

- way line and/or centerline), septic system components (tanks and/or drain fields), and unique site features such as wetlands and waterways.**
- ◆ Indicate & label the location of any public and private street.
- ◆ Location and proposed setback to any recorded access easements.

Road Setback: 377 ft from centerline  
Side Yard Setbacks: ~~62~~ <sup>41</sup> ft and 290 ft  
Rear Yard Setback: 190 ft  
Max. Building Height: 18 ft  
Setback from Ordinary High Water Mark N/A ft  
Setback from Mapped Wetland Areas 125 ft  
Septic Component Setbacks: 285 ft and \_\_\_\_\_ ft  
Lot Width at Building Line: 354 ft

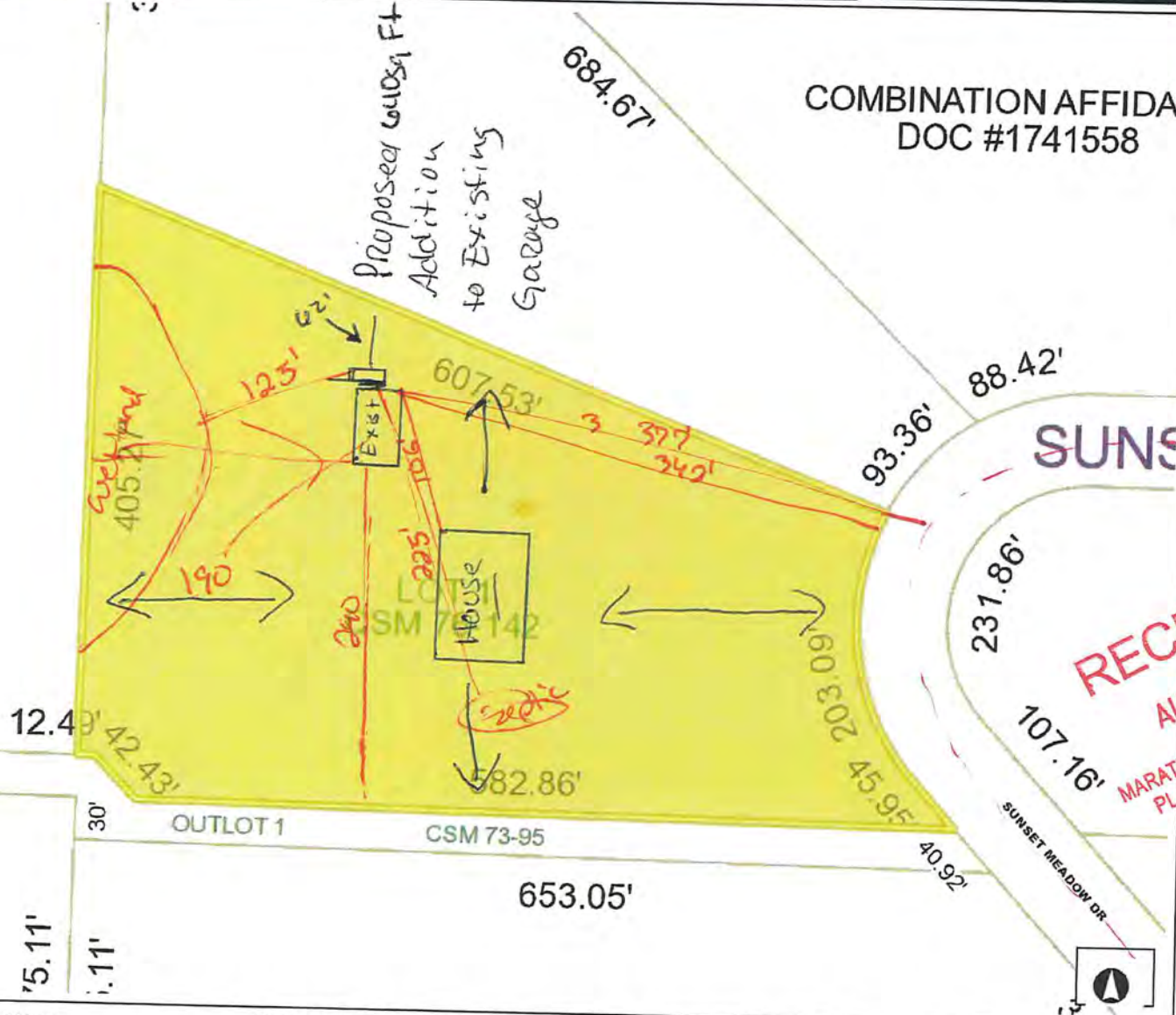


# Land Information Mapping System



COMBINATION AFFIDAVIT  
DOC #1741558

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



**RECEIVED**  
AUG 04 2021  
MARATHON CO. CONSERVATION,  
PLANNING & ZONING DEPT

55.36 0 55.36 Feet

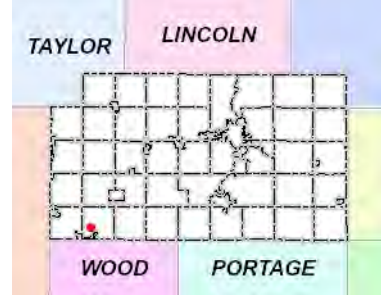
NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet

**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



- 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

41.67 0 41.67 Feet



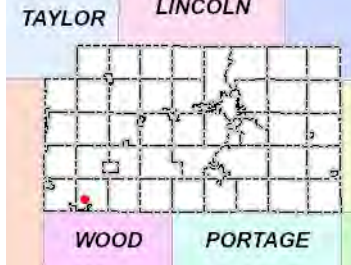
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**Notes**



# Land Information Mapping System



## Legend

- Road Names
- Parcels
- Parcel Lot Lines
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- Section Lines/Numbers
- Right Of Ways
- Named Places
- Municipalities
- 2020 Orthos Countywide
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

41.67 0 41.67 Feet



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

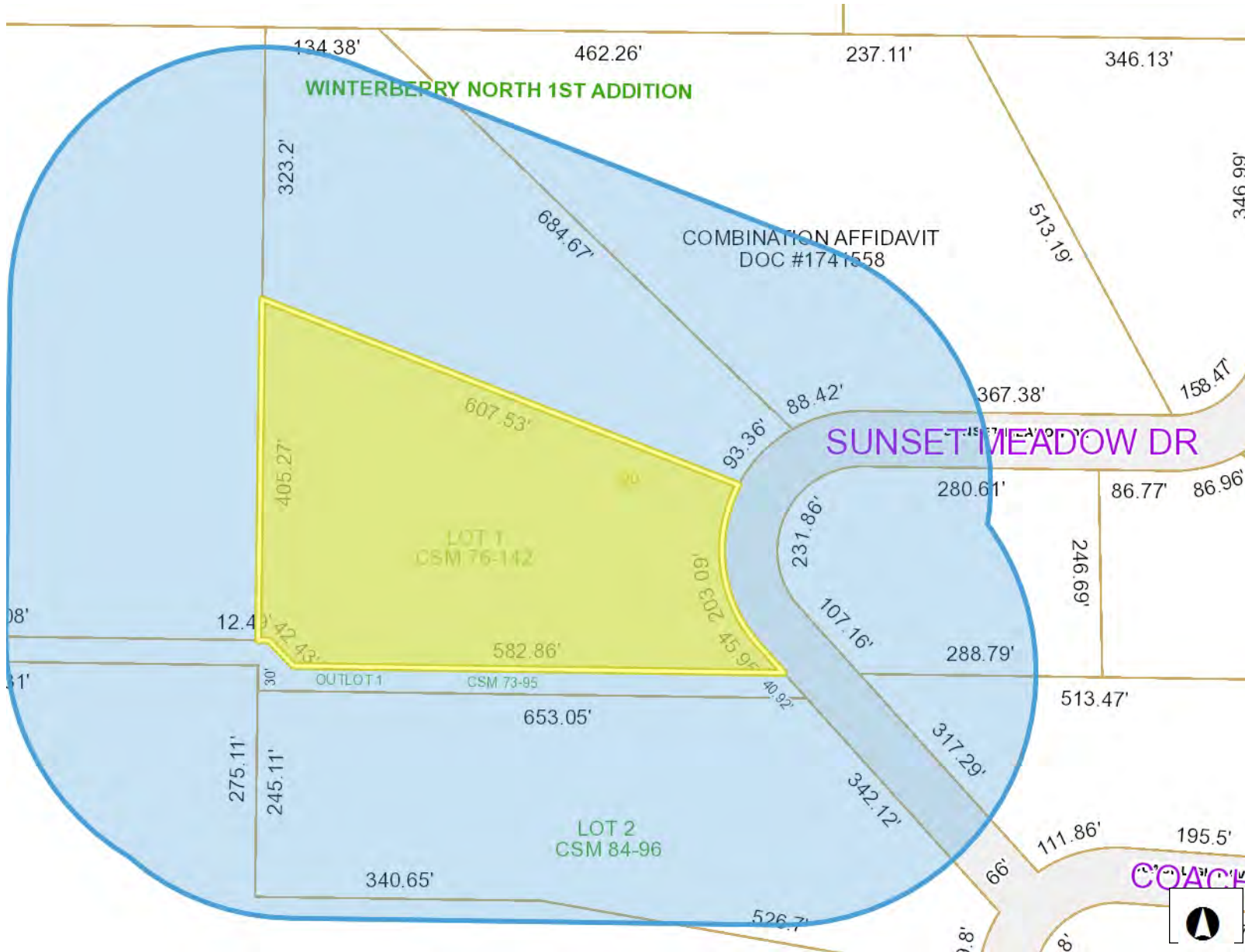
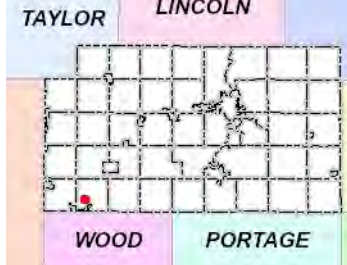
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## Notes



# Land Information Mapping System



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

88.48 0 88.48 Feet



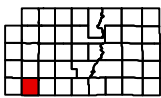
NAD\_1983\_HARN\_WISCRS\_Marathon\_County\_Feet

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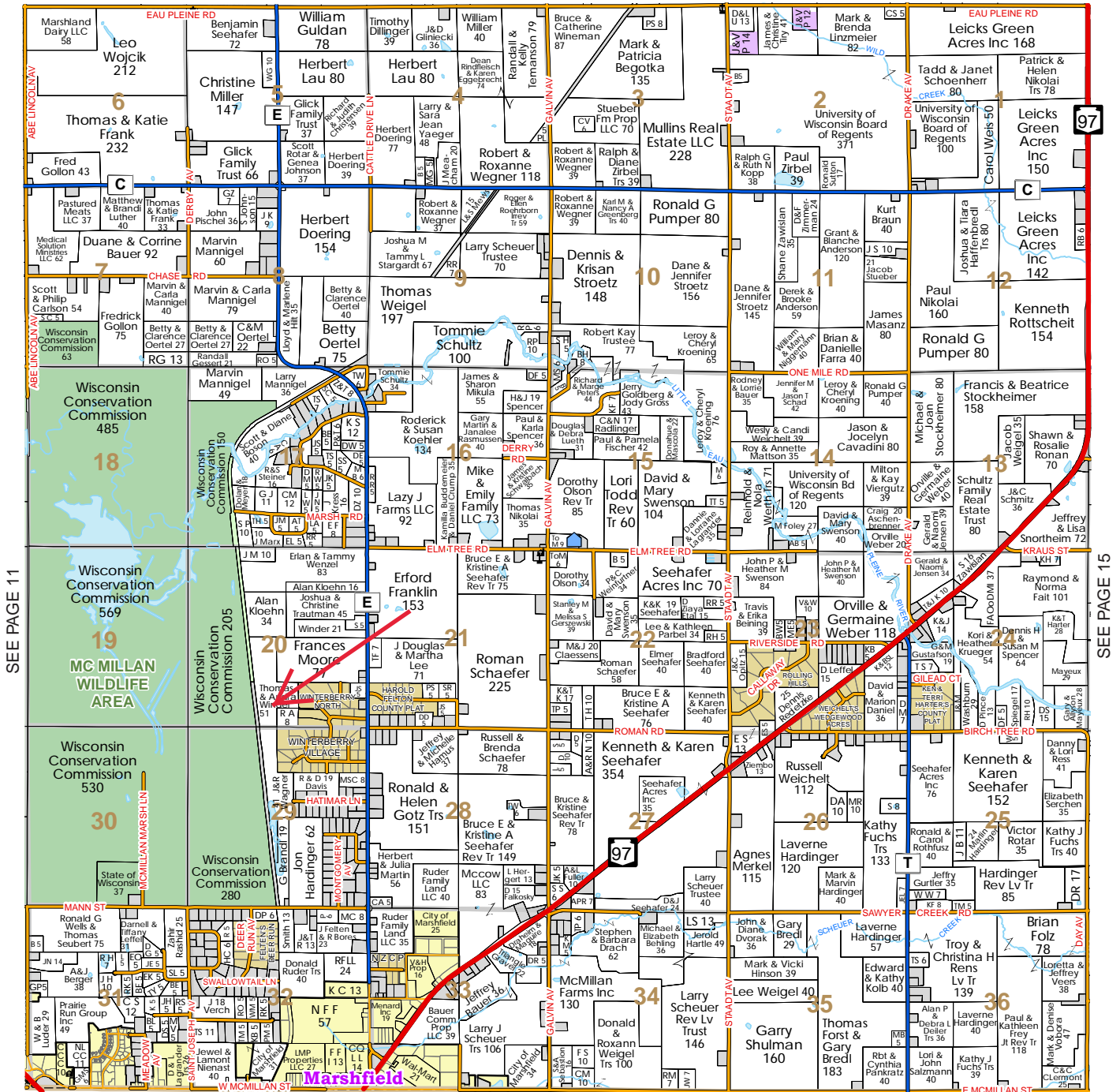
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

**Notes**





SEE PAGE 31



WOOD COUNTY

# Sternweis & Sons

Serving the Area Since 1972

BLOCK PLANT  
(715) 384-4870  
400 East Arnold  
Marshfield

REDI-MIX  
(715) 384-8995  
11397 Wren Road  
Marshfield

REDI-MIX CONCRETE • CONCRETE PUMPING  
CONCRETE BLOCK  
KOZY HEAT FIREPLACE HEATING SYSTEMS  
GLASS BLOCK & CERAMIC TILE  
PATIO & RETAINING BLOCK  
SATURDAY A.M. DELIVERY • HEATED IN WINTER  
SAND & STONE • REINFORCING MATERIALS  
OUTDOOR KITS • BRICK • CONCRETE PRODUCTS  
CHIMNEY & FIREPLACE SUPPLIES



**Thomas & Audra Winder  
Conditional Use Permit Application  
Staff Report, September 23<sup>rd</sup>, 2021  
Marathon County Board Of Adjustment**

**Findings of Fact**

**REQUEST:**

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.

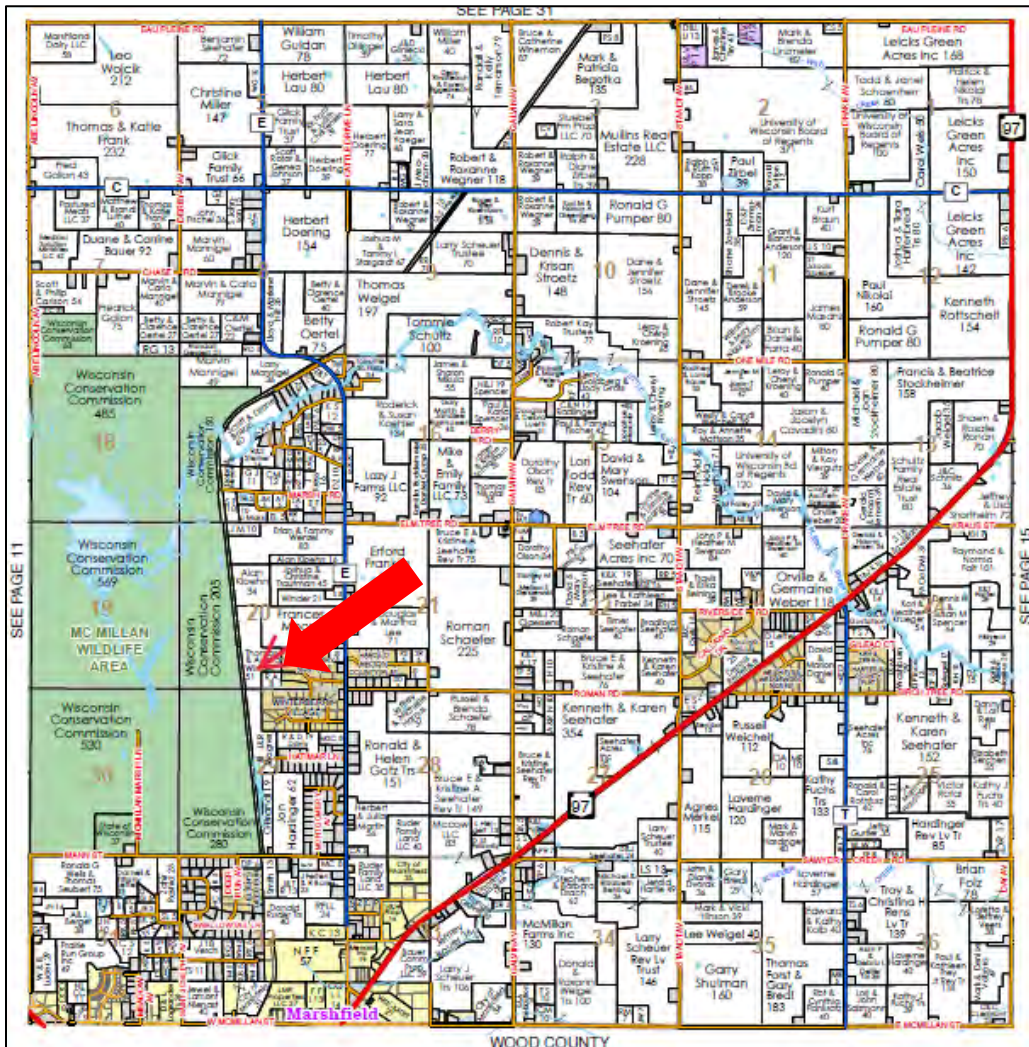
**PUBLIC HEARINGS/MEETINGS:**

- Town of McMillan Town Board Meeting (**To be determined**)
- Marathon County Board of Adjustment Meeting (September 23<sup>rd</sup>, 2021 at 9:00am)

**APPLICANT(s):** Thomas & Audra Winder – 203500 Sunset Meadow Drive, Marshfield WI 54449.

**PROPERTY OWNER:** (*same*) Thomas & Audra Winder – 203500 Sunset Meadow Drive, Marshfield WI 54449.

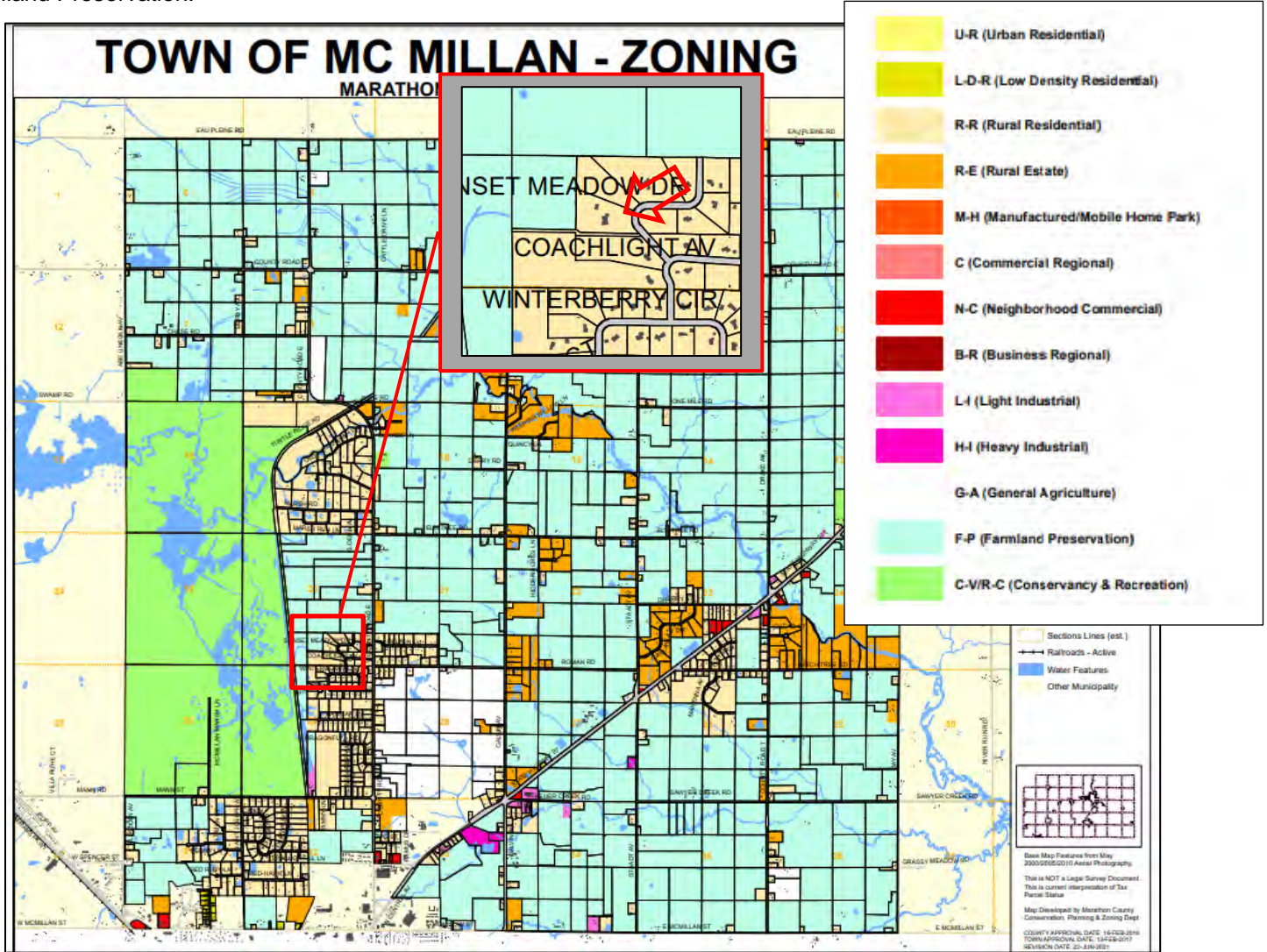
*Map 1: Location of Conditional Use Permit Request*



**EXISTING ZONING DISTRICT:**

**R-R Rural Residential District.** The purpose of the R-R district is to accommodate single-family residential use along existing streets, to preserve the rural character while promoting open space single-family residential development (involving the extension of new streets), and to separate agricultural uses from other more extensive community development within the county. Limited agricultural activities are permitted in this district. These areas may or may not be serviced by municipal water and sanitary sewer.

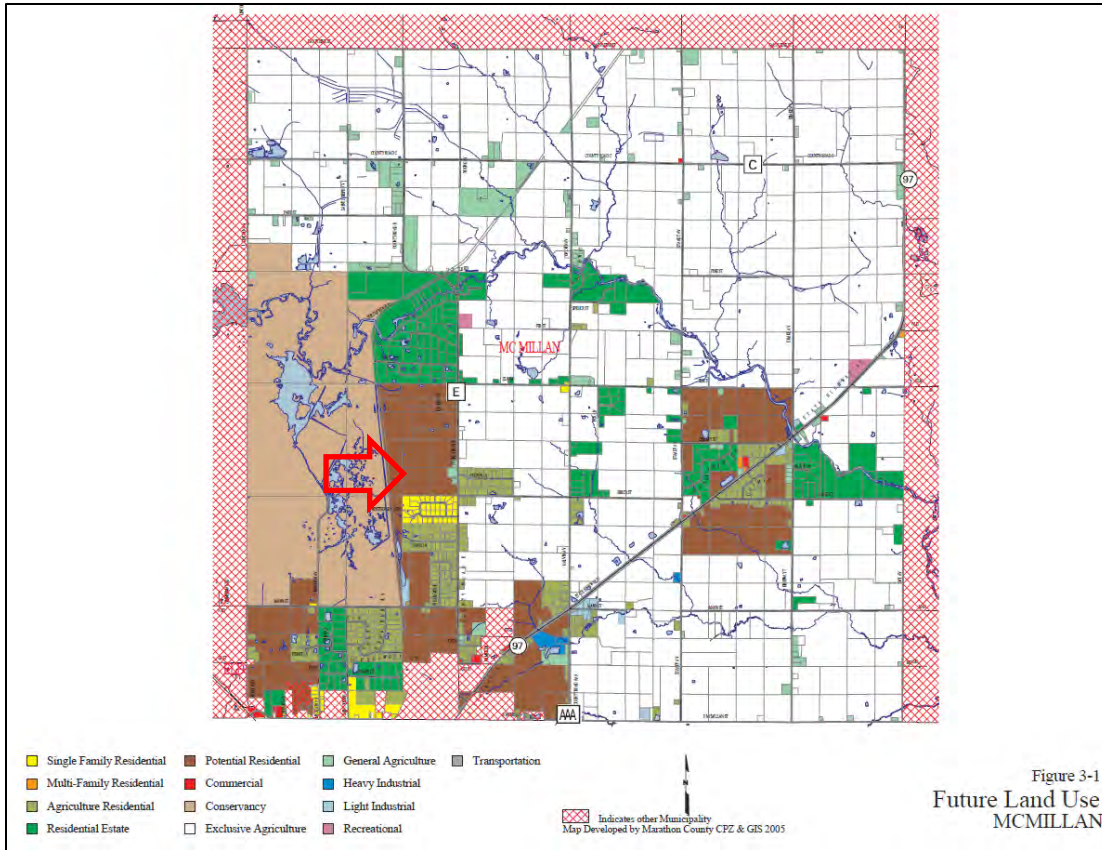
**EXISTING ZONING DISTRICT MAP:** Adjacent parcels and parcels within close proximity are zoned Rural Residential and Farmland Preservation.



**ACREAGE:**  
4.272 Acres

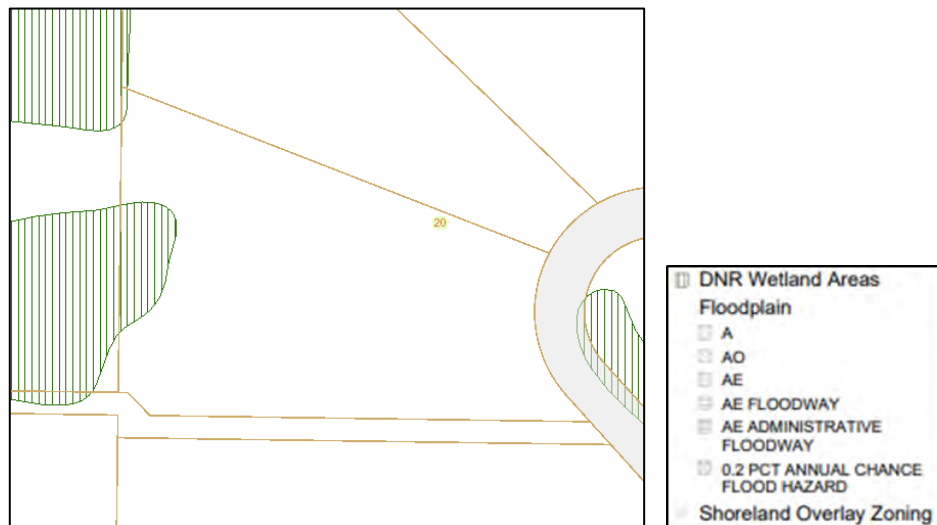
**Legal Notification:**  
A legal advertisement was published in the *Wausau Daily Herald*. Notice of the zoning change request was also sent by regular mail to adjacent property owners within 300 feet of the subject property.

**TOWN COMPREHENSIVE PLAN FUTURE LAND USE MAP:** The parcel in question is shown to be designated as Potential Residential in the Town of McMillan’s Comprehensive Plan Future Land Use Map (2005).



**SPECIFIC PARCEL LIMITATIONS OR NATURAL FEATURES:**

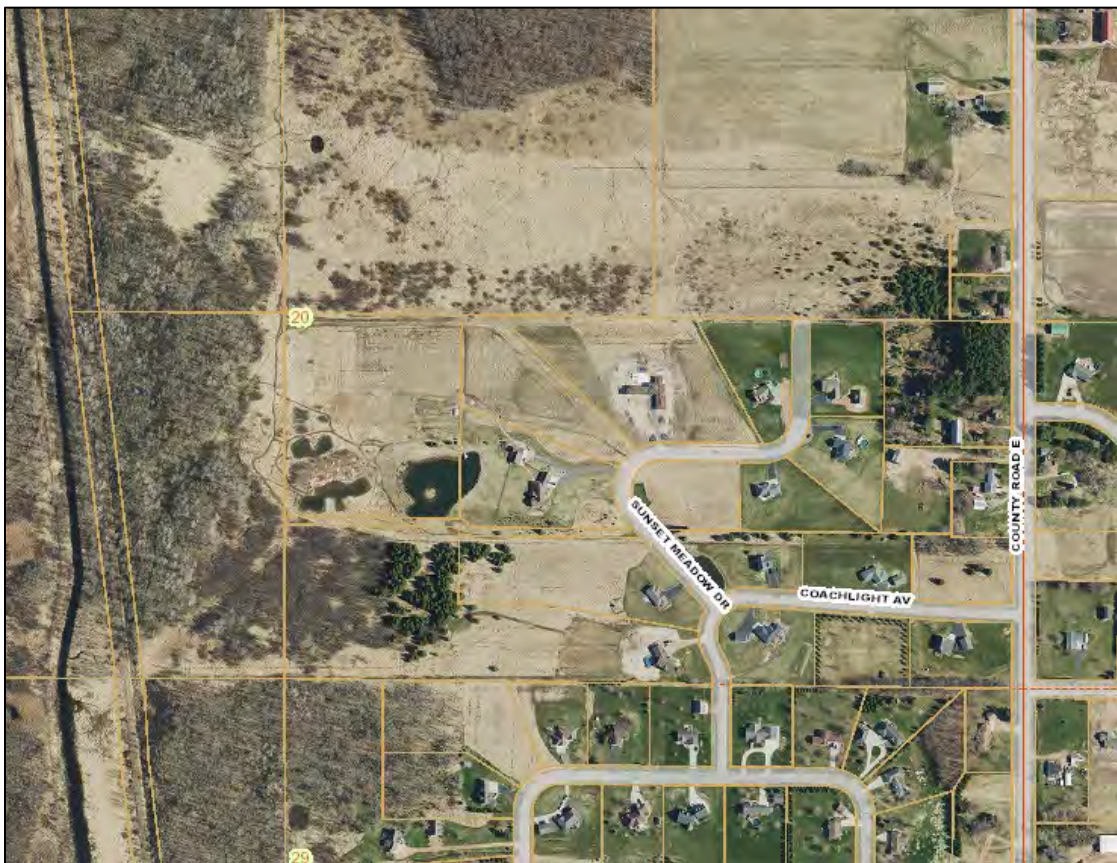
- The proposed development location on this parcel is:
  - **Not** located within mapped floodplain
  - **Not** located within DNR mapped wetlands, or water features.
  - The parcel and proposed development is not located within the shoreland overlay district.



**Aerial Photo of the Property:**



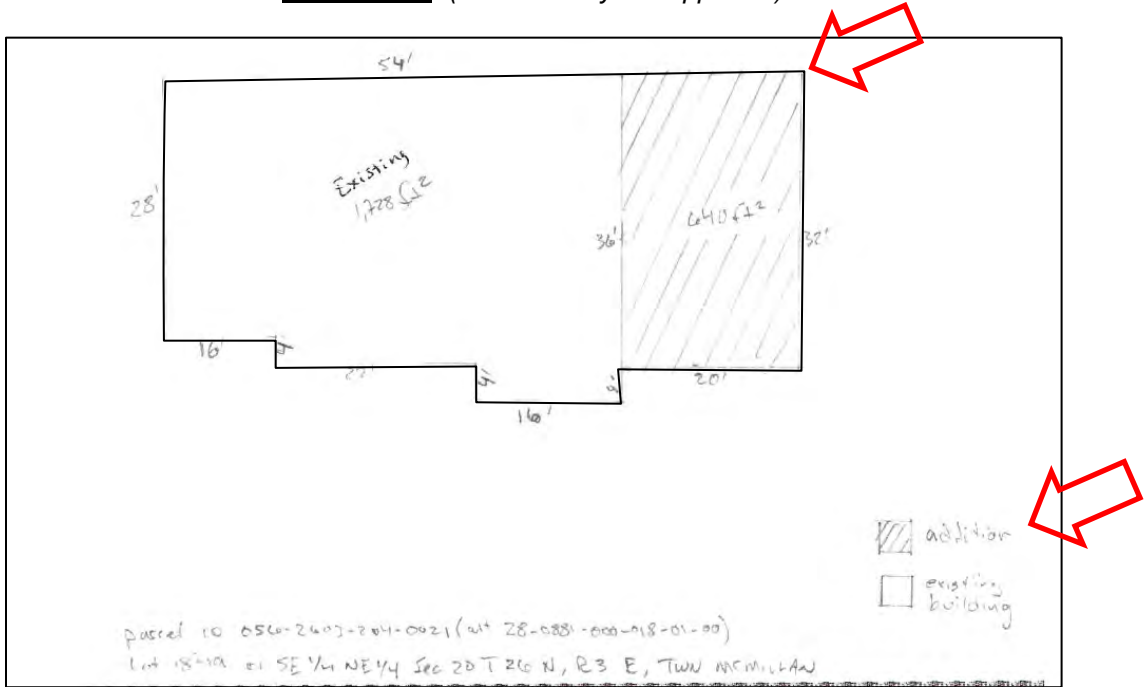
**Aerial Photo of adjacent lands:**



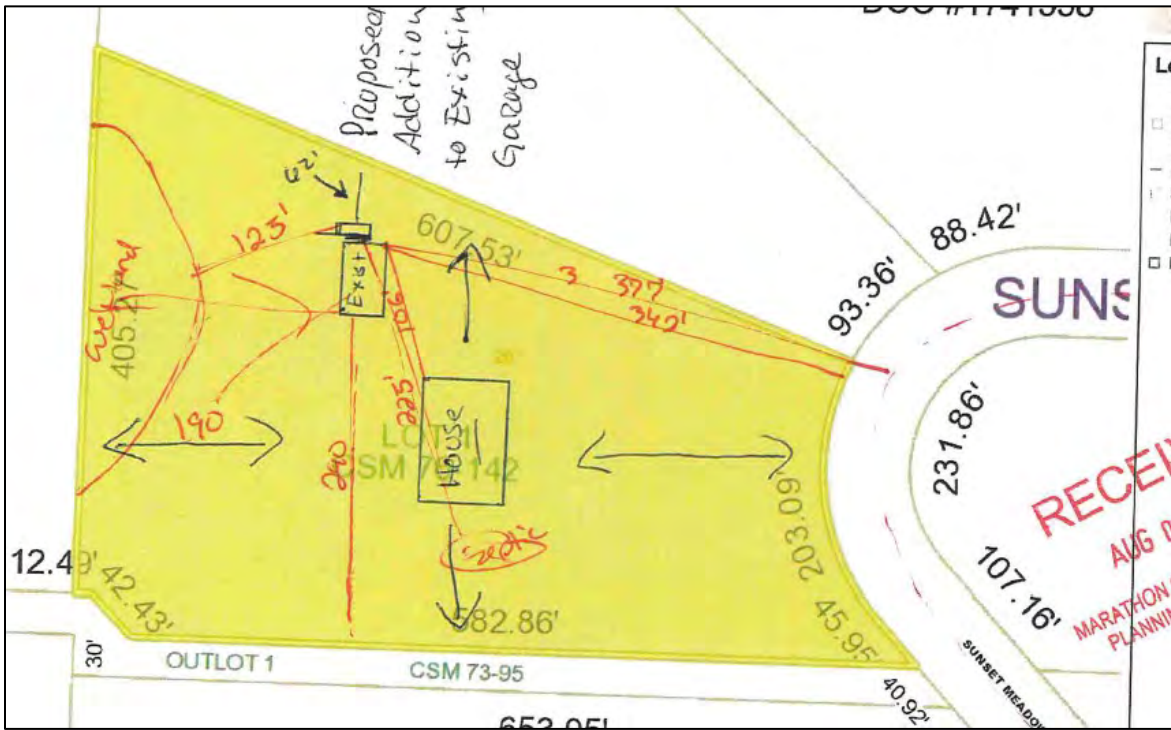
**Violations:**

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

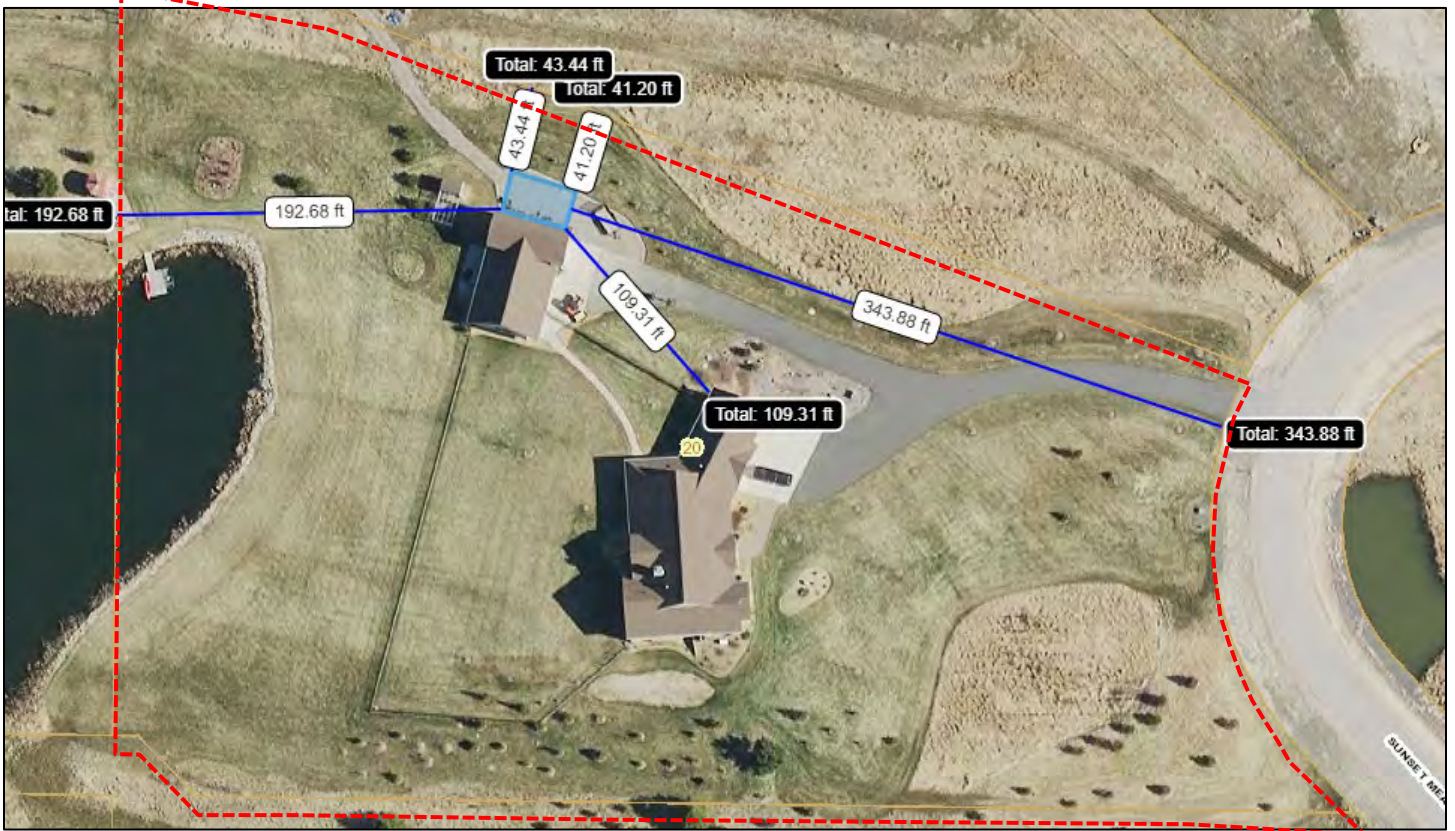
**Site Plan #1:** (Submitted by the Applicant)



**Site Plan #2:** (Submitted by the Applicant)



**Supporting Documentation:** (Submitted by Staff)



Red line above indicates the approx. property lines per Gis.

**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					
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>ACCESSORY, TEMPORARY, and OTHER USES</b>													
Accessory Buildings and Structures exceeding the dimensional and lot coverage standards of Table 6.	C	C	C	C	C	C	C	C	C	C	C	C	<a href="#">Section 17.401.02(E)</a>

## Section 17.401.02 ACCESSORY BUILDINGS

The use of the accessory building must be secondary and incidental to the principle use.

- A. **Attached Accessory Buildings.** An accessory building which is attached to the main building by a common wall and roof shall comply with all the requirements and regulations that are applicable to the principle building.
- B. **Detached Accessory Buildings.** Detached accessory buildings shall not be used as a separate dwelling unit and shall comply with the requirements of the following [Table 6](#):
- C. **Accessory Structures housing Livestock:** Section [17.204.01 \(A\)\(3\)](#)
- D. **Accessory Structures within shoreland jurisdiction:** Existing and new accessory buildings shall comply with all Marathon County shoreland regulations and provisions.
- E. **Construction of Detached Accessory Structures exceeding the dimensional building standards:**
  - 1. A conditional Use Permit may be applied for the construction of a detached accessory structure with floor area and components differing from the dimensional and maximum lot coverage standards listed in [Table 6](#).
  - 2. When considering a conditional use permit under this section the following standards shall apply.
    - a. The applicant shall provide evidence demonstrating the need for the proposed accessory structure which exceeds the dimensional standards of the zoning district in [Table 6](#).
    - b. The proposed accessory structure shall not be contrary to public interest.
    - c. The accessory structure shall not interfere or unnecessarily affect the adjacent property owner(s) ability to use their property.

**Chapter 17 - Table 6: Detached Accessory Building Standards:**

Requirement	Residential Districts (U-R or L-D-R)	Residential Districts (RR)	Residential District (RE)	Agricultural Districts (GA & FP)	Any Other Zoning District
<b>Location</b>	Rear , side or front yard	Rear, side or front yard	Rear, side or front yard	Rear, side or front yard	Rear, side or front yard
<b>Accessory Structure allowed prior to Principle Structure</b>	conditional use permit required	conditional use permit required	YES	YES	NO
<b>Setback Requirements from principle structure</b>	15 feet	15 feet	15 feet	15 feet	15 feet
<i>from side property line</i>	7 feet	7 feet	7 feet	7 feet	Minimum setback required in zoning district
<i>from rear property line</i>	7 feet	7 feet	7 feet	7 feet	Minimum setback required in zoning district
<b>Maximum side wall height</b>	14 feet	14 feet	None	None	None
<b>Maximum garage door height</b>	12 feet	12 feet	None	None	None
<b>Maximum Size</b>	1200 sq. ft.	1800 sq. ft.	NONE	NONE	NONE
<b>Maximum Height (**)</b>	24 feet	24 feet	35 feet ***	35 feet ***	35 feet ***



**Proposal as it relates to the applicable accessory building standards:**

Applicable Setbacks, Dimensions, and Requirements	Code Requirement Low Density Residential (L-D-R)	Proposed Setbacks and Dimensions per the application
Location	Rear , side or front yard	Rear/side yard
Setback Requirements from principle structure	15 feet	88+ feet
from side property line	7 feet	56+ feet
from rear property line	7 feet	31+ feet
Lot Coverage %	30%	Approx. 7.1%
Maximum side wall height	14 feet	<14 feet
Maximum garage door height	12 feet	<12 feet
Maximum Size	1800 sq. ft.	2,368 sq.ft. (Exceeds standard by 568 sq.ft.)
Maximum Height (**)	24 feet	<24 feet

**TOWN RECOMMENDATION:**

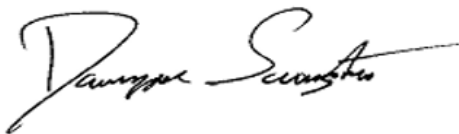
On to be determined the **Town of McMillan** Town Board Recommended to be determined to Marathon County's Board of Adjustment.

*Town Resolution/Recommendation was not submitted to CPZ prior to the creation of this staff report.*

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:



08/31/2021

SIGNATURE

DATE