

## MINUTES MARATHON COUNTY BOARD OF ADJUSTMENT

Members present in person: Richard Lawson, Karen Piel, Roger Zimmerman, Carolyn Opitz and Jim Servi

Members present via WebEx / phone: None.

Also present remotely via phone / WEBEX or in person: Diane Hanson, Dominique Swangstu, Cindy Kraeger and Laurie Miskimins, Preston Vande Voort, Robert Hoffman, Kenneth Edwards, Kerry Brimmer, Alvin Merkel and Luke Mullins.

**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.

Piel acknowledged the passing of Arnold Schlei and his years of service with the Board of Adjustment in which he will be truly missed.

Piel appointed Opitz as **Acting Secretary**.

**1. Approve September 23, 2021 minutes – Motion** / second by Zimmerman / Lawson to approve the September 23, 2021 minutes as distributed. Motion **carried** by voice vote, no dissent.

**2. The application** of Alvin and Mariann Merkel for a conditional use permit per Section 17.401.02 of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning Code to construct a detached accessory structure for personal use with dimensions differing from the standards in the R-R Rural Residential district, part of the NW¼ of the SW¼ and part of the SW¼ of the NW¼ of Section 26, T26N, R03E, Town of McMillan. Described as Lot #1 of CSM Vol. 72 Pg. 165 (Doc#1579456) PIN # 056.2603.262.0979 with a property address of: 202485 Staadt Ave, 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 with dimensions that differ from the standards of the R-R zoning district. The proposed development location on this parcel is not within a mapped floodplain; not located within DNR wetlands and it is not located within the shoreland overlay district. The zoning ordinances allows for 1,800 square feet of floor area, 14' side walls, 24' overall height, 12' overhead garage doors. This application is for a 3,000 square foot detached accessory structure applied for under Section 17.401.02(E)(2), all other applicable dimensional standards are proposed to be adhered to. The detached accessory structure will be used for storage of personal items and equipment. 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. The Town of McMillan recommends approval of this Conditional Use Permit.

Swangstu read two letters received into the record that are in favor of the conditional use permit.

(1) Letter submitted by Bernadette James – Mailing address: 8534 N. 66<sup>th</sup> Street Brown Deer WI, with property located south of the parcel in question at 202401 Staadt Ave, Marshfield WI – Is in favor of the conditional use permit.

(2) Letter submitted by Tim Merkel second owner listed for the property at 202401 Staadt Ave Marshfield WI – Is in favor of the Conditional Use Permit request.

The Committee decided to postpone the public hearing since the applicant did not appear in person or via WEBEX or phone. The Recording Secretary will try to reach Alvin via phone.

The Committee moved ahead to the next Conditional Use permit.

**3. The application** of Kenneth and Jody Edwards for a conditional use permit per Section 17.401.02 of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning Code to construct a detached accessory structure for personal use with dimensions differing from the standards in the R-R Rural Residential district, part of the SW¼ of the NW¼ of Section 11, T26N, R03E, Town of McMillan. Parcel PIN # 056.2603.112.0995 with a property address of: 207521 Staadt Ave, 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 with dimensions that differ from the standards of the R-R zoning district. The proposed development location on this parcel is not within a mapped floodplain; not located within DNR wetlands and it is not located within the shoreland overlay district. The zoning ordinances allows for 1,800 square feet of floor area, 14' side walls, 24' overall height, 12' overhead garage doors. This application is for a 3,080 square foot detached accessory structure with 16' side walls and 14' garage door height and maximum height of 25' applied for under Section 17.401.02(E)(2). There are no active or past violations on the property. The proposal will exceed the maximum size as well as the garage door height,

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side wall height, as well as the maximum height for an accessory structure within the R-R zoning district, all other applicable regulations and standards will be met. The Town of McMillan recommends approval of this Conditional Use permit.

Kenneth Edwards was sworn in and is the owner of the parcel. The detached accessory structure would be used for storage of personal items and other equipment. Edwards stated the existing accessory building onsite is too small and/or too short to store some equipment and vehicles.

Luke Mullins was sworn in and is in favor of the proposed conditional use permit and stated he has no issues with the proposal (Mullins property is located approx. 1,400 feet north west of the property in question).

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 9:40 a.m.

**Motion** / second by Zimmerman / Lawson to **grant** the conditional use permit for Kenneth and Jody Edwards 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 Luke Mullins on behalf of Don Mullins for a conditional use permit per Section 17.203.05 Table of Permitted uses and Section 17.204.63 of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning Code for the establishment and operation of a (1) Bar, Tavern, or Micro Brewery; (2) Restaurant; and (3) Outdoor Dining (Accessory to Permitted Restaurant Use). Parcel in question is described as part of the E ½ of the NW¼ of Section 21, T26N, R07E, Town of Knowlton. Parcel PIN # 048.2607.212.0984.

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 17.203.05 as well as the other applicable regulations related to the proposal. The proposed development location on this parcel is not within a mapped floodplain; not located within DNR wetlands yet has a pond that may be considered navigable/natural, if this pond is deemed to be navigable/natural the parcel is located within the shoreland overlay district. Swangstu reviewed other requirements, standards and approvals including but not limited to DNR Stormwater Permit, State Sanitary permitting, Exterior lighting plan, sign permitting, health department licenses and approvals, zoning permit issuance for all proposed structures onsite as well as other potential approvals. The existing zoning district is General Agriculture and surrounding parcels are zoned General Agriculture or Rural Estate. Swangstu stated the committee is determining the proposed use of the application and not approving the specific dimensions of the rooms and locations of the structure, yet if they deem it necessary to place any conditions related to the size or location of any of the proposed aspects/uses of the project they have the right to do so.

Swangstu reviewed the site plans which were included in the meeting packet. The restaurant, micro-brewery, outdoor dining – for “Knowlton House Distillery” will be dedicated to manufacturing distilled spirits (vodka, gin, whiskey) from agricultural products (milk, sugar and grains). While most of the facility will focus on production and supporting employee areas, hospitality spaces will provide opportunities for customers to further interact with and purchase products. The square footage of the facility will be determined once the building design is complete but roughly 12,000 square feet is currently be proposed.

The Town Board provided comments based on determination which Swangstu discussed with the Committee related to turn lanes on County Road DB to ensure safe and adequate access to the parcel.

Swangstu discussed the proposed parking spaces based on the site plan and square footage - 47 spaces will be required but is subject to change (dependent on final building design and maximum occupancy of the structure and outdoor dining areas).

The proposed uses and standards shall be designed to meet all regulations through the general zoning permit review and approval process.

There are no active or past violations on the property. All other applicable regulations are proposed to be met. The Town of Knowlton recommends approval of this Conditional Use permit with a condition to investigate the need for turn lanes into the facility for safe access on County Road DB. Swangstu reached out to James Griesbach, Marathon County Highway Commissioner prior to the public hearing, but did not hear back. Swangstu stated the board may want to take this into consideration and list it as a condition on the permit. Swangstu also stated this application is strictly for the proposed uses as identified in the public hearing notice, any future uses proposed onsite that fall outside of this application will need to be addressed separately.

Piel questioned if the zoning code failed to consider the distillery name in the ordinance. The distillery would fall under the same use regardless of the type of beverage that will be provided, there is no specific/separate use within Chapter 17 for distilleries. Distilleries and other related uses will be discussed during the revision process of the zoning code this

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winter to determine if a revision is needed to provide clarity.

Luke Mullins was sworn in discussed the reason of keeping the parcel General Agriculture due to future uses of possible having animals and a greenhouse. The main purpose is production of the materials from milk, sugar and grains and to educate the people with Wisconsin Dairy History. Mullins discussed Round-About is in the process at the intersection of DB and Highway 34 starting in July 2022. The proposed timeline of soft opening was provided for around October 2022, yet there are variable factors that may speed up or slow down the proposed opening date such as building materials and costs.

Kerry Brimmer was sworn in and acted on behalf of a member of the Town of Knowlton Planning and Zoning Committee. Brimmer stated Mullins have cleaned up the parcel and discussed the Town of Knowlton approval of the conditional use permit with the only reservation of the turn lanes that would be considered. The other question was lighting which would be regulated through CPZ.

There was no additional testimony in favor, opposed, or as interest may appear via in person, or virtually. Testimony portion of the hearing closed at 10:30 a.m.

**Motion** / second by Lawson / Servi to **grant** the conditional use permit for Luke Mullins on behalf of Don Mullins for the establishment and operation of a (1) Bar, Tavern, or Micro Brewery; (2) Restaurant; and (3) Outdoor Dining (Accessory to Permitted Restaurant Use) as requested. The Board deliberated and completed the Conclusion of Law and Decision Sheet with the condition to investigate and install one or two turn lanes if deemed necessary by the County Highway Department. Motion **carried** 5 yes, 0 no, roll call vote.

**5. The application** of Luke Mullins on behalf of Don Mullins for a conditional use permit per Section 17.204.49 of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning Code for a Place of Assembly. Parcel in question is described as part of the E ½ of the NW¼ of Section 21, T26N, R07E, Town of Knowlton. Parcel PIN # 048.2607.212.0984.

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 17.204.49 for a place of assembly. The proposed development location on this parcel is not within a mapped floodplain; not located within DNR wetlands but is partially located within the shoreland overlay district from a nearby pond. Swangstu reviewed other requirements, standards and approvals including but not limited to DNR Stormwater Permit, state sanitary permitting, and exterior lighting plan. Gatherings would include anniversaries, weddings or other musical events 4 -12 per year. Swangstu stated given the relatively open-ended definition of "Place of Assembly" if there are no additional conditions or standards placed on the application (if approved) the applicant would be allowed to pursue any related use that falls under the definition and category of "Place of Assembly". The board could place conditions on the types of events and number of attendees if it wishes yet it is up to the board to make a determination if this type of restriction would be needed to limit the proposed development and uses onsite.

Swangstu reviewed the definition of a place of assembly with the Committee. Stating the use could allow for anything as included in the definition including but not limited to Festivals, Conference Centers, Wedding venues, Theatres, Arena, and other related uses related to recreational, charitable, or commercial purposes without any specific conditions or restrictions on the proposed CUP application. Depending on the uses that are proposed and the number of occupants the related parking standards would vary yet based on the size of the parcel and proposed parking areas there appears to be adequate parking for the type of uses discussed during the application process as was as during the public hearing.

Adequate assigned/designated parking areas and overflow spaces for parking would be onsite to avoid the need or risk of having patrons park on County Road DB (if restricted to do so by the County Highway Department). As a part of the zoning permitting process, once the final design of the building and uses are identified, adequate overflow parking areas will be designated onsite to ensure in the event there are more vehicle than paved parking spots there is a location for such parking.

All other applicable regulations and standards will be met. Prior to any construction onsite or the start of such uses, all applicable local, state, and federal permits and approvals shall be obtained to ensure the proposed uses adhere to all pertinent regulations and standards.

Luke Mullins was asked to address any additional information he would like to add. Mullins stated this use would be compatible with the previous CUP application. Stating they will have some music acts but do not intend to have anything near the level of "Hodag", he is not opposed to any conditions that may be placed on the proposed use related to restricting the type or size of events.

Jim Servi asked Kerry Brimmer if the Town of Knowlton has any applicable event or gathering permits that would further regulate this type of use. Brimmer stated there are some uses that require a gather permit yet, based on the type of proposal in question the town did not find a need to further regulate the proposed place of assembly.

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There was no one in favor, opposed, or as interest may appear via in person, or virtually. Testimony portion of the hearing closed at 10:50 a.m.

**Motion** / second by Servi / Opitz to **grant** the conditional use permit for Luke Mullins on behalf of Don Mullins as requested. The Board deliberated and completed the Conclusion of Law and Decision Sheet.

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

**The application** of Alvin and Mariann Merkel for a conditional use permit

The Recording Secretary was able to connect with Alvin Merkel via phone and the public hearing continued.

Alvin Merkel was sworn in at 11:57 am. The applicant stated the detached accessory structure would be used to store his personal equipment, stating he has equipment, vehicles, etc., that would be stored related to the need for the building at its proposed size and dimension.

Richard Lawson wanted to verify the related need for the building at its proposed size based on the what the building was proposed to be used for. Merkel specified that the building would store mowers, campers, vehicles, etc. and stated there would be no business related activities within the building.

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 11:00 a.m.

**Motion** / second by Lawson / Servi to **grant** the conditional use request for Alvin and Mariann Merkel 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.

**6. Board education and training as needed** None.

**7. Announcements and Requests** – Miskimins discussed the replacement of the BOA member and the process of the County Board Chairman, appointing a new member to the Board. Dominique Swangstu will be taking a position with the Village of Plover and will be missed greatly. Robert Hoffman will be working with the BOA. The Board thanked Swangstu for his work with the Board and wished him the best of luck and welcomed Robert Hoffman. Swangstu, thanked the board for there continued support and professionalism related to past applications over the years.

**8. Next meeting date** – February 24, 2022 at 9:00 am, 212 River Drive, Room 5, Wausau, remotely.

**9. Meeting adjourned** – Motion / second by Zimmerman / Opitz to adjourn the meeting at 11:10 am. Motion **carried** by voice vote, no dissent.

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

KP/cek

cc: Board of Adjustment (6), County Clerk, Town Clerk

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