

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, November 18, 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 September 23, 2021 minutes.
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 NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and part of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ 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
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 SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ 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
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 $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 21, T26N, R07E, Town of Knowlton. Parcel PIN # 048.2607.212.0984.
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 $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 21, T26N, R07E, Town of Knowlton. Parcel PIN # 048.2607.212.0984.
6. Board education and training as needed
7. Announcements and Requests
8. 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: November 1st and November 8th, 2021

E-mailed to Wausau Daily Herald on October 28, 2021, at 8:15 a.m. /cek

**MINUTES
MARATHON COUNTY BOARD OF ADJUSTMENT**

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

Members present via WebEx / phone: Arnold Schlei

Members not present: Jim Servi

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

Called to order at 9:00 a.m., 210 River Drive, Wausau by Chair Piel, who explained the **rules of the hearing** and the reason for the establishment of the Board of Adjustment. Kerry Brimmer will be participating but not voting.

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

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

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

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

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

Rick Seefeldt was sworn in County Board Supervisor #14 and is in support of the Conditional Use Permit application. There was no additional testimony in favor, opposed, or as interest may appear via in person, or virtually. Testimony portion of the hearing closed at 9:20 a.m.

Motion / second by Lawson / Opitz to **grant** the conditional use request for Thomas Thompson Conditional Use permit as requested.

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

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

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

Swangstu was sworn in and asked the Board to use the determination worksheets in their decisions and cited the provisions of law which apply. Swangstu reviewed the staff report and discussed Ordinance Section 17.202.02 (table 2) related to the side yard setback requirements. The proposed development location on this parcel is not located within a mapped floodplain; not located within DNR mapped wetlands and not located within the shoreland overlay district. The minimum

**MINUTES
MARATHON COUNTY BOARD OF ADJUSTMENT**

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

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

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

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

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

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

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

There was no additional testimony in favor, opposed, or as interest may appear via in person, or virtually. Testimony portion of the hearing closed at 9:52 a.m.

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

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

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

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

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

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

There was no additional testimony in favor, opposed, or as interest may appear via in person, or virtually. Testimony portion of the hearing closed at 10:13 a.m.

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

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

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

**MINUTES
MARATHON COUNTY BOARD OF ADJUSTMENT**

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

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

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

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

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

KP/cek

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

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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: ALVIN MERKEL
 Mailing Address: 2024 BS STAABT AVE MARSHFIELD, WI 54449
 Telephone: 715-207-2997 Fax:
 Cellphone: Email:
 Owner Name: (if different)
 Mailing Address:
 Telephone: Fax:

PARCEL INFORMATION

Parcel ID # (PIN): 056-2603-262-0979
(If more than one parcel is included in this application, list all parcel numbers & legal descriptions on a separate sheet.)
 Legal Description: Government Lot or SW 1/4 NW 1/4
 Section 26, T 26 N, R 03 E, Town of MCALLAN
 Lot 1 Block Subdivision
 Property Address: 2024 BS STAABT AVE MFLD, WI 54449
 Parcel size: 3 ACRES Acres or Sq. Ft.
 Zoning District: RONA Residential

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

Existing improvements (Structures, well, septic, etc.):
NOT FOR 10 YEARS (Home)

PROPOSAL

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

If this application is for a use that will be restricted to part of the parcel, specify the exact dimensions of the affected area.
50' x 60' x 12' High 3,000 sq. ft.

Provide the following information if this box is checked

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

EXCEEDS MAXIMUM SIZE STANDARD BY 1,200 SQ/FT
MAXIMUM ALLOWED IN RR IS 1,800 SQ. FT.

Use separate/additional sheet(s) if necessary

DS
09/24/21

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

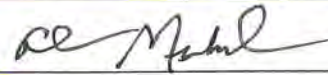
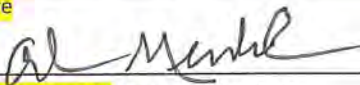
3. **Include the \$425 fee** when you submit the application. Please make checks payable to Marathon County.

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 checked="" type="checkbox"/>		Completed application including signatures.
<input checked="" type="checkbox"/>		Map with all required information.
<input checked="" type="checkbox"/>	AS	Additional documents, as needed (lot combination forms, hunting/fishing shelter application, etc.)
<input checked="" type="checkbox"/>	JL	Zoning Permit application
<input checked="" type="checkbox"/>	JL	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.

	9/23/21
Owner Signature	Date
	9/23/21
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

Amount Received: \$ 600.00

Q:\CPZ\Ordinances\FORMS\ConditionalUsePermitApplication.docx 7/13/16

For office use

Date Stamp:

RECEIVED

SEP 23 2021

MARATHON CO. CONSERVATION,
PLANNING & ZONING DEPT

For office use

15894



DOC# 1579456

This map DOES NOT transfer property ownership. Sale or transfer of property requires a recorded deed.

BADGER - LAND SURVEYING, INC. 2610 WEST GRAND AVE. WISCONSIN RAPIDS, WI. 54495 © 2010, BADGER-LAND SURVEYING, INC.	PHONE: (715) 424 - 5900 FAX: (715) 424 - 5901 E-MAIL: blsurvey@wctc.net www.badgerlandsurveying.com	PREPARED FOR: ALVIN MERKEL 7585 U.S.H. 10" EAST MARSHFIELD, WI 54449
	<small>IF THE SURVEYOR'S SEAL IS NOT READ IN COLOR, THIS MAP IS A COPY AND SHOULD BE ASSIGNED TO CONTACT UNAUTHORIZED ALTERATIONS. THE CERTIFICATION DOES NOT APPLY TO COPIES.</small>	DRAWN BY: KW JOB#: 72010

MARATHON COUNTY CERTIFIED SURVEY MAP NO. 15894

BEING PART OF THE SW1/4 NW1/4 AND PART OF THE NW1/4 SW1/4 OF SECTION 26, TOWNSHIP 26 NORTH, RANGE 3 EAST, TOWN OF McMILLIAN, MARATHON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, KEVIN M. WHIPPLE, REGISTERED LAND SURVEYOR, hereby certify;

That I have surveyed, divided and mapped this survey located in part of the SW1/4 NW1/4 and part of the NW1/4 SW1/4 of Section 26, Township 26 North, Range 3 East, Town of McMillan, Marathon County, Wisconsin, bounded and described as follows;

Commencing at the W1/4 COR. 26-26-3E;
 Thence along the E - W 1/4 Line a bearing of S 89°47'27" E, a distance of 330.00' to an iron monument being the POINT OF BEGINNING;
 Thence parallel to the West Line of the NW1/4 a bearing of N 0°59'35" E, a distance of 239.37' to an iron monument;
 Thence parallel to the E - W 1/4 Line a bearing of S 89°47'27" E, a distance of 330.00' to an iron monument;
 Thence parallel to the West Line of the NW1/4 a bearing of S 0°59'35" W, a distance of 239.37' to an iron monument;
 Thence parallel to the West Line of the SW1/4 a bearing of S 0°39'44" W, a distance of 146.67' to an iron monument;
 Thence parallel to the E - W 1/4 Line a bearing of N 89°47'27" W, a distance of 330.00' to an iron monument;
 Thence parallel to the West Line of the SW1/4 a bearing of N 0°39'44" E, a distance of 146.67' to an iron monument being the POINT OF BEGINNING; subject to right-of-ways, easements, restrictions and reservations of record, IF ANY.

That I have made such survey at the direction of
ALVIN MERKEL
7585 U.S.H. 10" EAST
MARSHFIELD, WI 54449

That such map is a correct representation of the exterior boundaries of the land surveyed and the subdivision thereof made; That I have complied fully with the provisions of Chapter 236.34, and Section AE7 of Wisconsin Statutes and the Marathon County Subdivision Ordinance to the best of my knowledge and belief.

Kevin M. Whipple
 KEVIN M. WHIPPLE, L.S. 2444
 Drafted By: KEVIN WHIPPLE



NOTE: R/W CANNOT BE DETERMINED FROM PUBLIC RECORD. PRESUMED TO BE 66' IN WIDTH PURSUANT TO CHAPTER 88.31.

- 1" O.D. X 18" IRON PIPE SET (1.13#/FT)
- ⊕ GOV'T CORNER OF RECORD

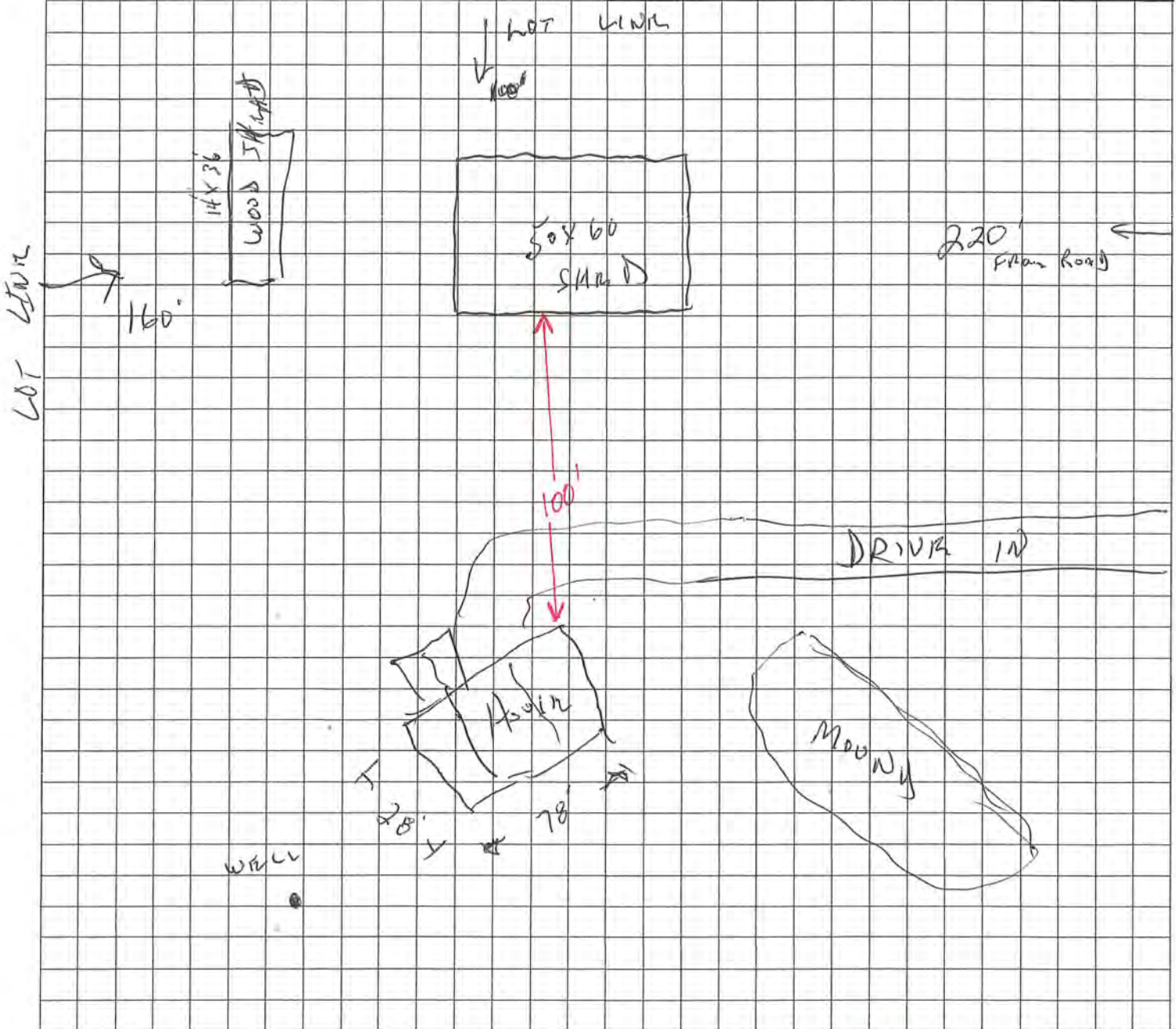
BASIS FOR BEARINGS: THE WEST LINE OF THE SW 1/4 ASSIGNED A BEARING OF N 0°39'44" E FOR THIS MAP.	SCALE: 1" = 100' 0 50 100 200
Approved for recording under the terms of the Marathon County Land Division Regulations. BY: <i>Emily K Pierce</i> DATE: 10-06-10 MARATHON CO. CONSERVATION, PLANNING & ZONING DEPT.	NORTH SEAL
VOL. _____ PAGE _____	

056.4: 2603.262.0979



SITE PLAN

Permit # <u>2021-2-</u>	Date: <u>9/23/21</u>	Notes/Comments:	1" = <u> </u> '
Pin # <u>056-2603-262-0979</u>			
Owner(s): <u>Alvin Mehl</u>			
Address: <u>202485 SINDY Ave MFD WIS</u>			
Project Type: <u>SHED</u>			



202485 SINDY Ave MFD WIS 59445

(75) 207-2997

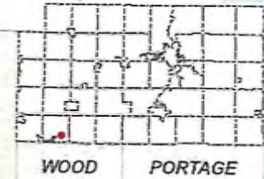
Requirements to be shown: ♦ Location and dimensions of all existing & proposed buildings. ♦ Location of existing or proposed private onsite wastewater treatment system, wells, and driveways. ♦ Proposed setback distances to side and rear property lines, roads (either right-of-	way line and/or centerline), 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: <u>220</u> ft from centerline Side Yard Setbacks: <u>100</u> ft and <u>+200</u> ft Rear Yard Setback: <u>160</u> ft Max. Building Height: <u>12</u> ft Setback from Ordinary High Water Mark <u> </u> ft Setback from Mapped Wetland Areas <u> </u> ft Septic Component Setbacks: <u>100</u> ft and <u> </u> ft Lot Width at Building Line: <u> </u> ft
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WAUSAU

Land Information Mapping System

TAYLOR LINCOLN



Legend

- Flood Study
- Cross Sections
 - FEMA
 - OTHER
- Road Names
- ▭ Parcels
- Parcel Lot Lines
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Named Places
- ▭ Municipalities
- ▭ DNR Wetland Areas
- Floodplain
 - ▨ A
 - ▨ AO
 - ▨ AE
 - ▨ AE FLOODWAY
 - ▨ AE ADMINISTRATIVE FLOODWAY
 - ▨ 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- Shoreland Overlay Zoning 2020 Orthos Countywide
 - ▨ Red: Band_1
 - ▨ Green: Band_2
 - ▨ Blue: Band_3

36.21 0 36.21 Feet

NAD_1983_HARN_WISCRS_Marathon_County_Feet

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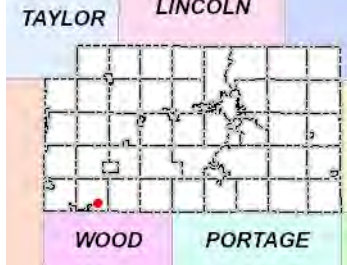
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

*Supplied by
CP2 SLOA
09/27/21*



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

52.51 0 52.51 Feet

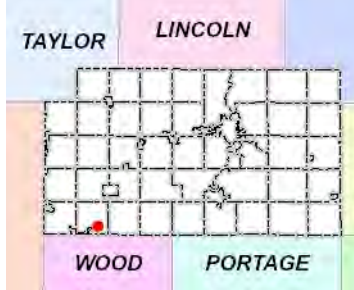


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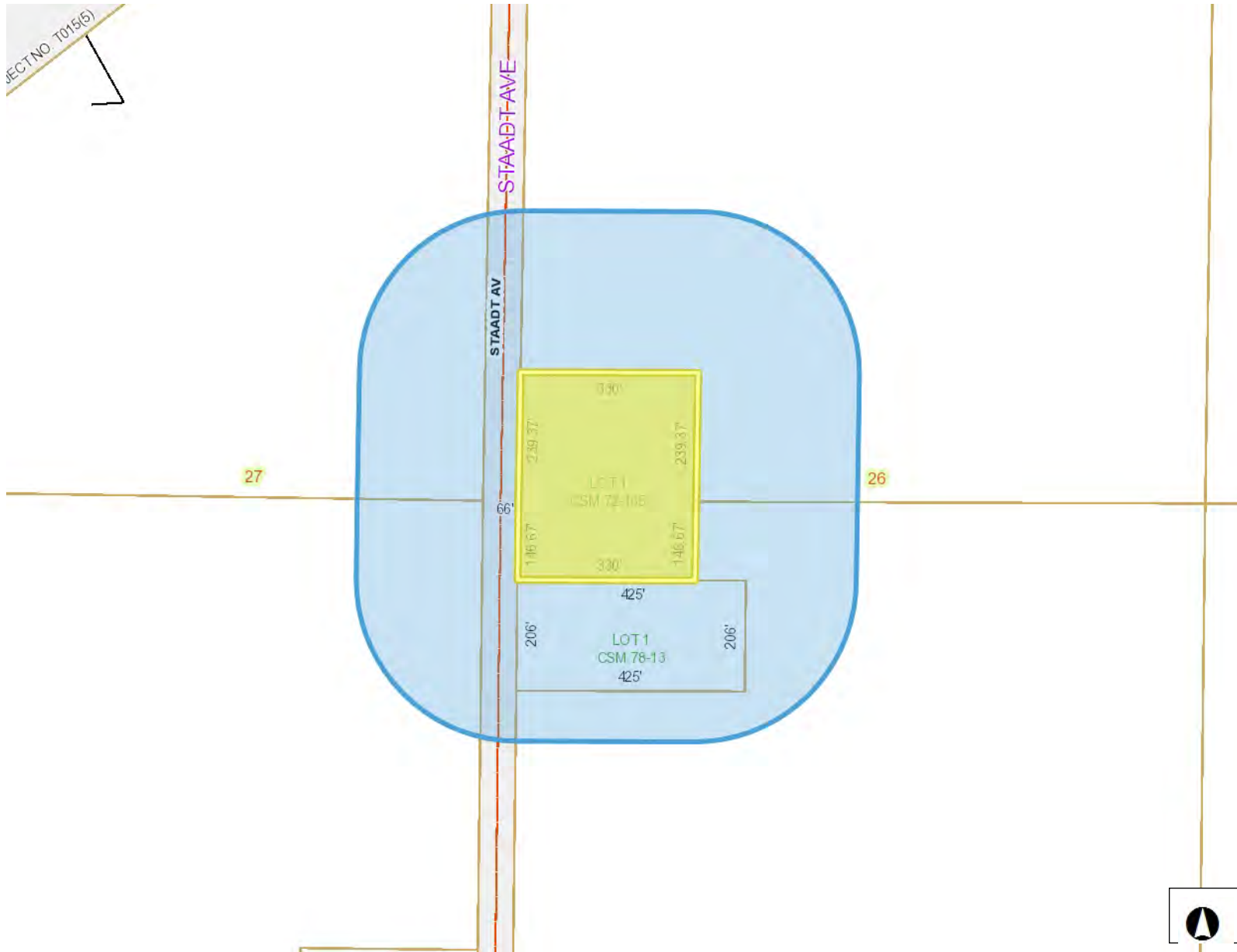
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



PROJECT NO. T015(6)



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



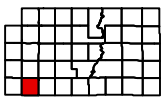
138.43 0 138.43 Feet

NAD_1983_HARN_WISCRS_Marathon_County_Feet

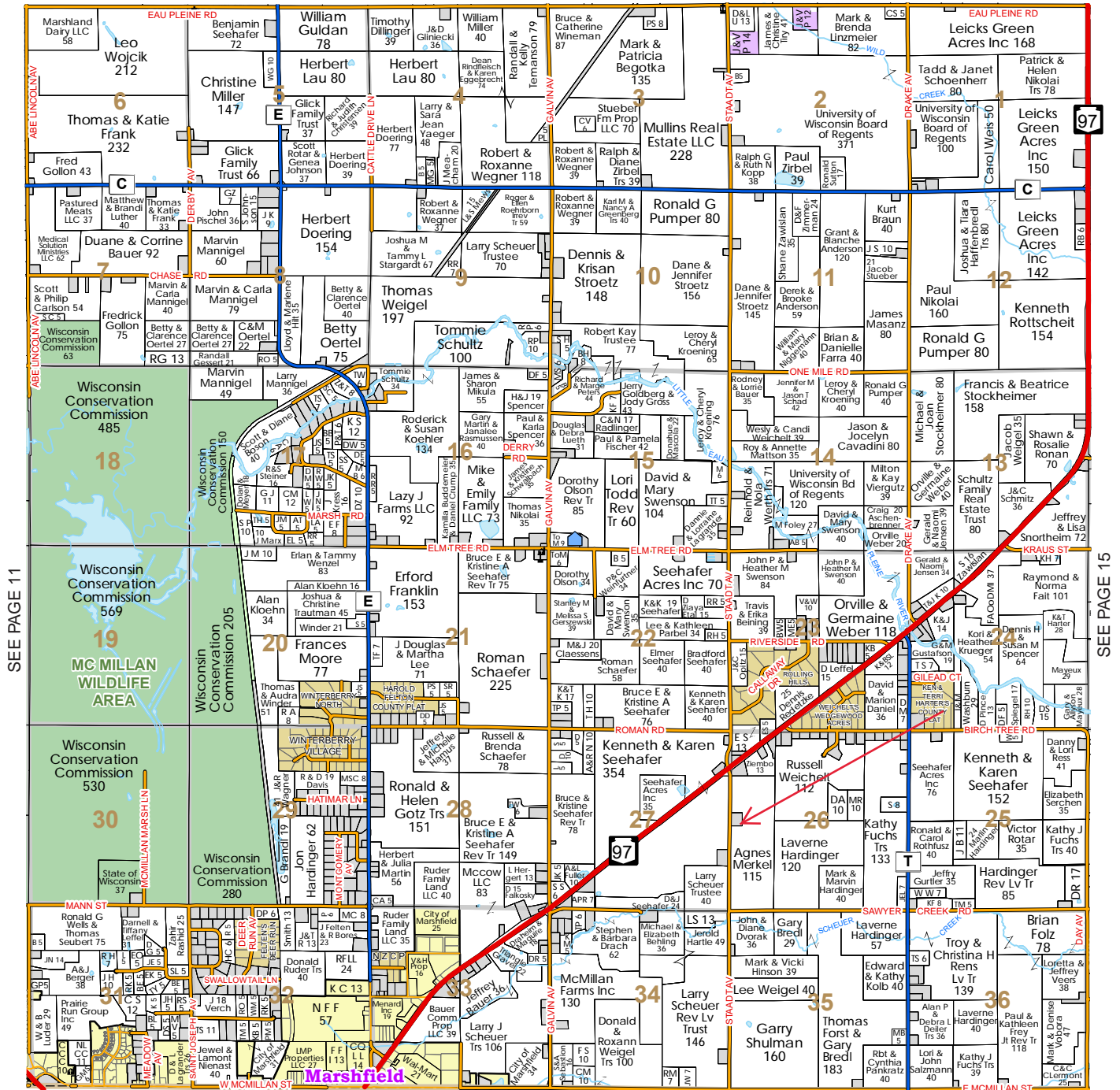
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Notes



SEE PAGE 31



WOOD COUNTY

Sternweis & Sons

Serving the Area Since 1972

BLOCK PLANT
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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

STATE OF WISCONSIN)
MARATHON COUNTY)
TOWN OF MCMILLAN

TOWN RESOLUTION OF RECOMENDATION

TO THE MARATHON COUNTY BOARD OF ADJUSTMENT

I, Patti Rahn, Clerk of the Town of McMillan, 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 McMillan Town Board at a meeting held on the 8th day of November, 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 McMillan.

NOW, THEREFORE BE IT RESOLVED that the Town of McMillan Town Board considered on the 8th day of November, 2021, 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

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 Patti Rahn

Town Board Mike Schroeder

Robert Sping

Ann [unclear]

Thomas [unclear]

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 October 28, 2021 to:

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



Alvin and Mariann Merkel Conditional Use Permit Application Staff Report, November 18th, 2021 Marathon County Board Of Adjustment

Findings of Fact

REQUEST:

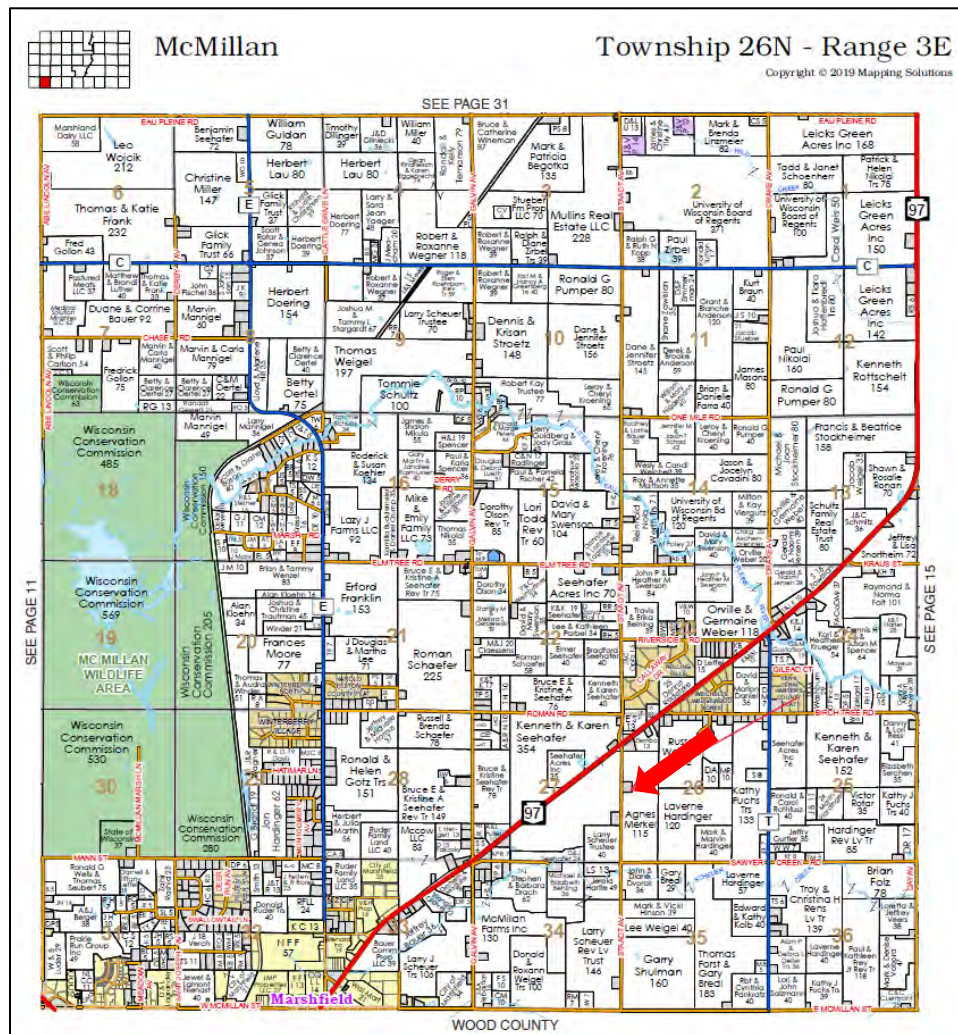
The application of Alvin and Mariann Merkel for a conditional use permit per Section 17.401.02 of the General Zoning Code of Ordinances under Marathon County Chapter 17 Zoning Code to construct a detached accessory structure for personal use with dimensions differing from the standards in the R-R Rural Residential district, part of the NW¹/₄ of the SW¹/₄ and part of the SW¹/₄ of the NW¹/₄ 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 Stadt Ave, Marshfield WI 54449.

PUBLIC HEARINGS/MEETINGS:

- Town of McMillan Plan Commission Meeting (October 25th, 2021)
- Town of McMillan Town Board Meeting (November 8th, 2021)
- Marathon County Board of Adjustment Meeting (November 18th, 2021 at 9:00am)

APPLICANT(s): Alvin and Mariann Merkel – 202485 Stadt Ave, Marshfield WI 54449

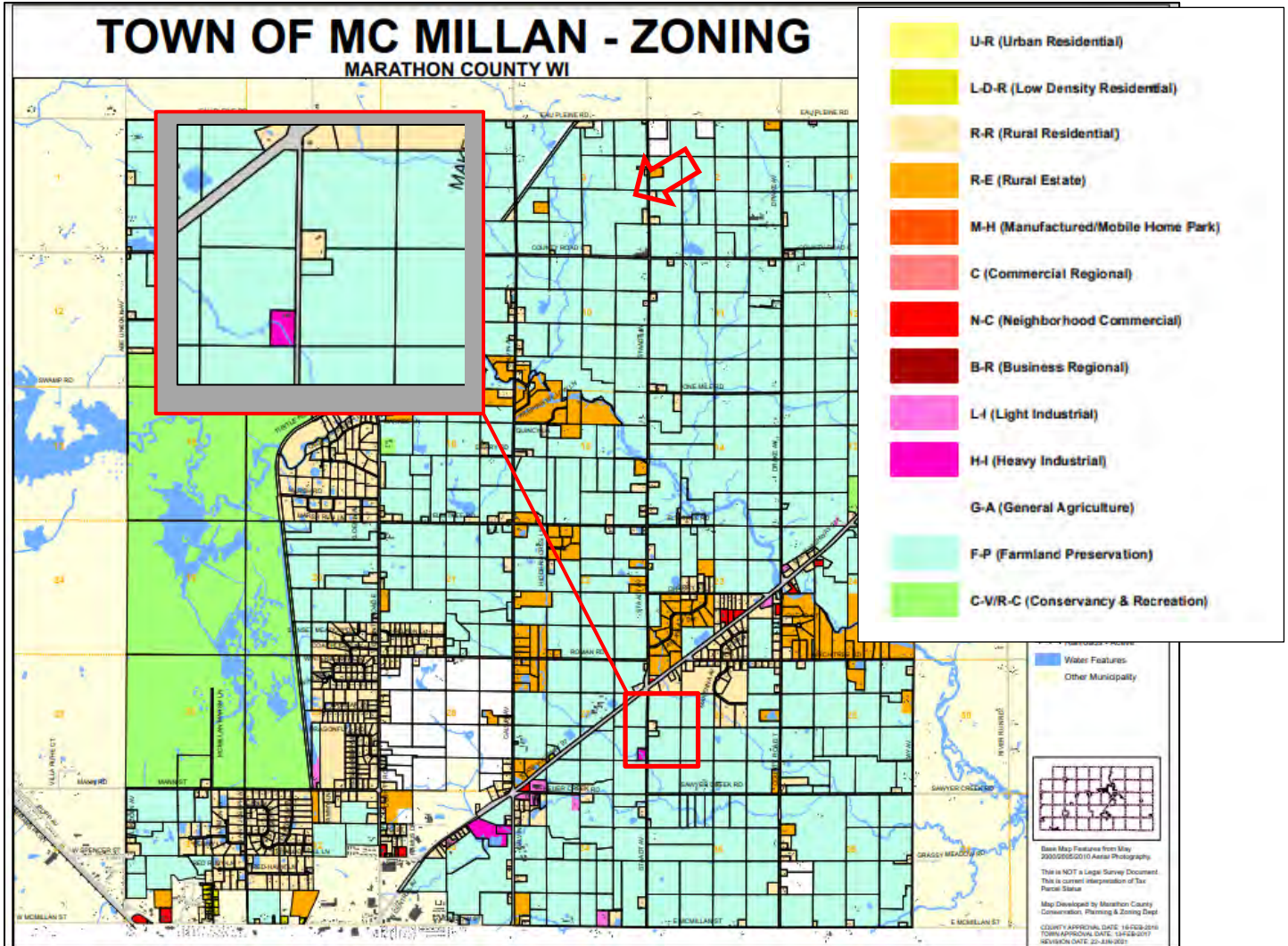
PROPERTY OWNER: (same) Alvin and Mariann Merkel – 202485 Stadt Ave, Marshfield WI 54449
Map 1: Location of Conditional Use Permit Request



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.

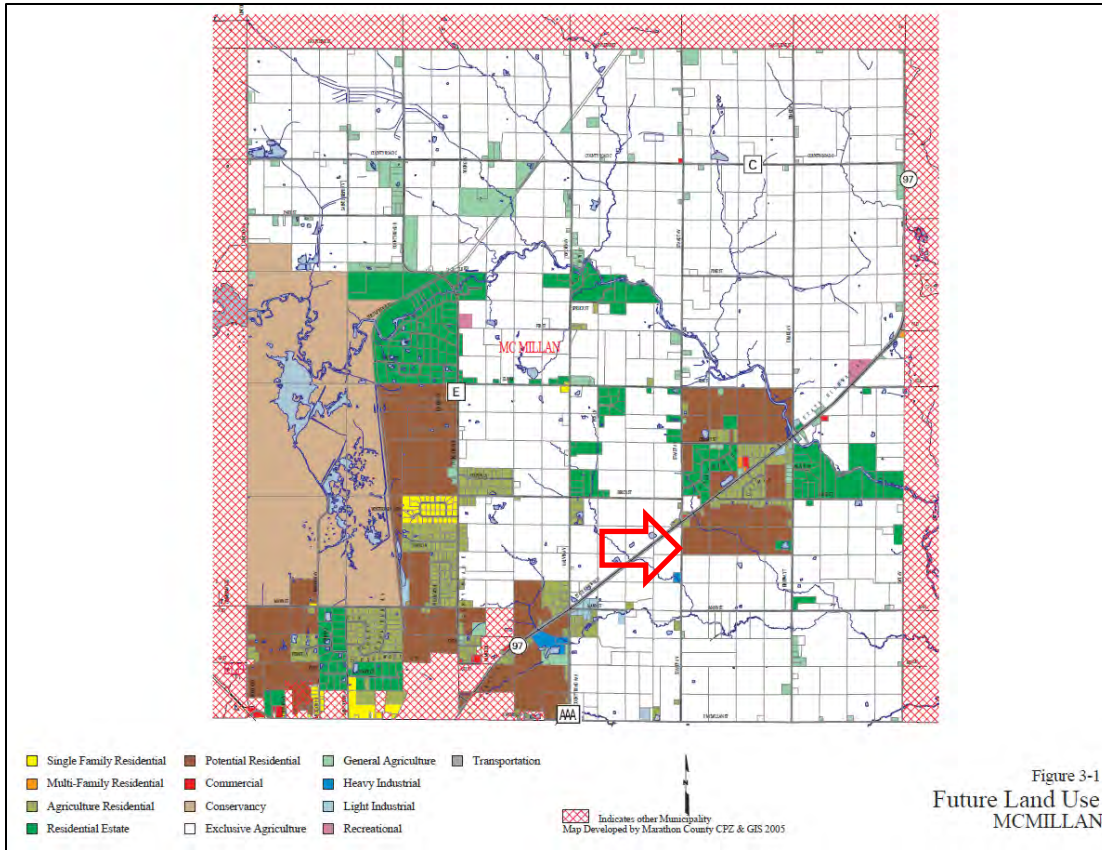
EXISTING ZONING DISTRICT MAP: Adjacent parcels and parcels within close proximity are zoned Farmland Preservation.



ACREAGE:
2.9240 Acres

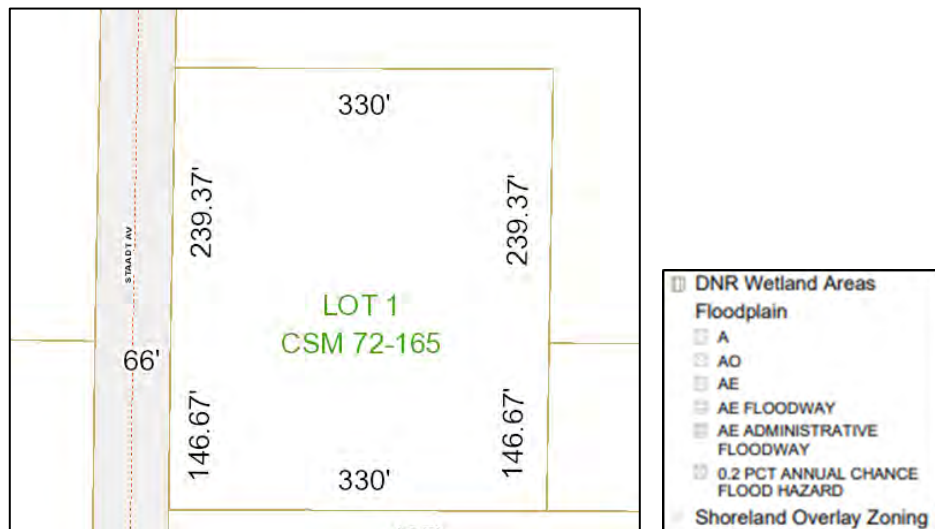
Legal Notification:
A legal advertisement was published in the *Wausau Daily Herald*. Notice of the zoning change request was also sent by regular mail to adjacent property owners within 300 feet of the subject property.

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

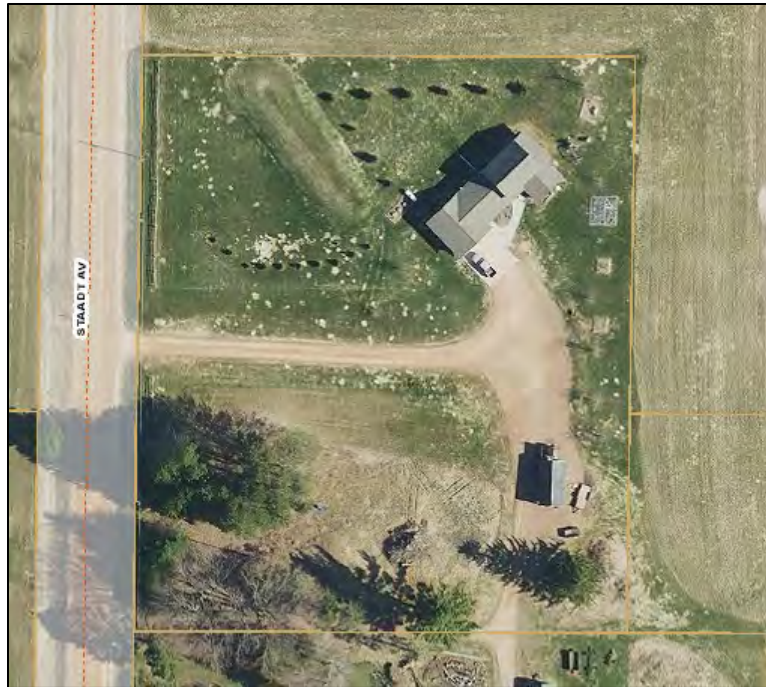


SPECIFIC PARCEL LIMITATIONS OR NATURAL FEATURES:

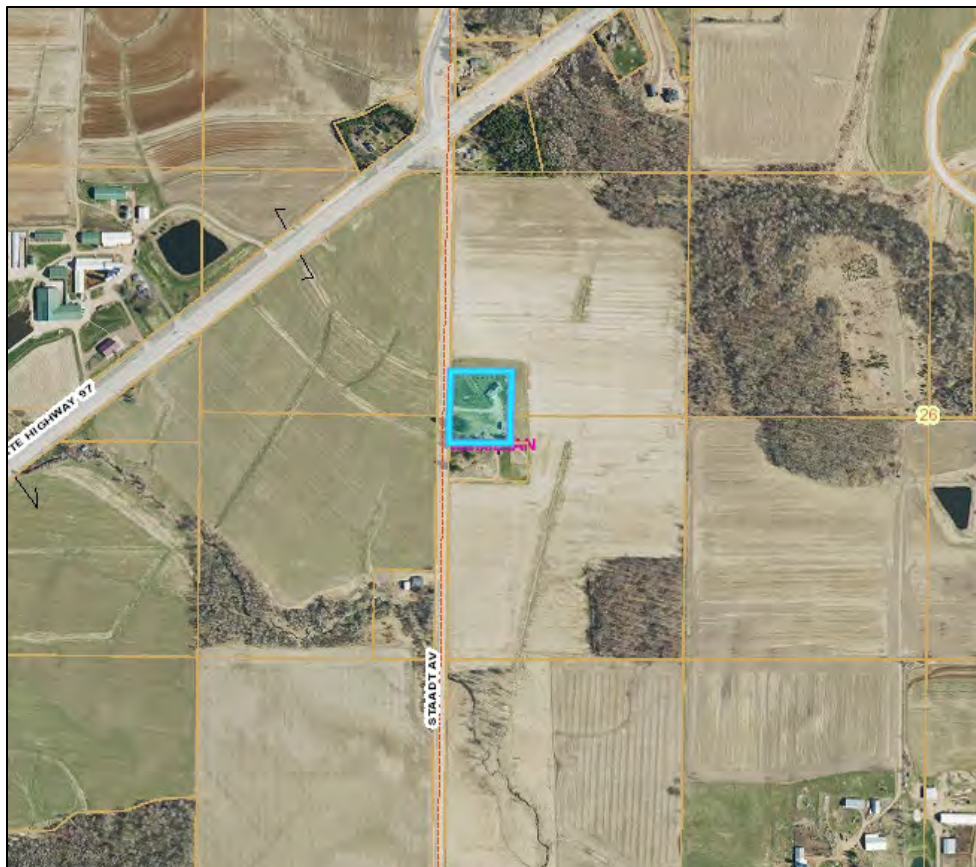
- The proposed development location on this parcel is:
 - **Not** located within mapped floodplain
 - **Not** located within DNR mapped wetlands, or water features.
 - The parcel and proposed development is not located within the shoreland overlay district.



Aerial Photo of the Property:



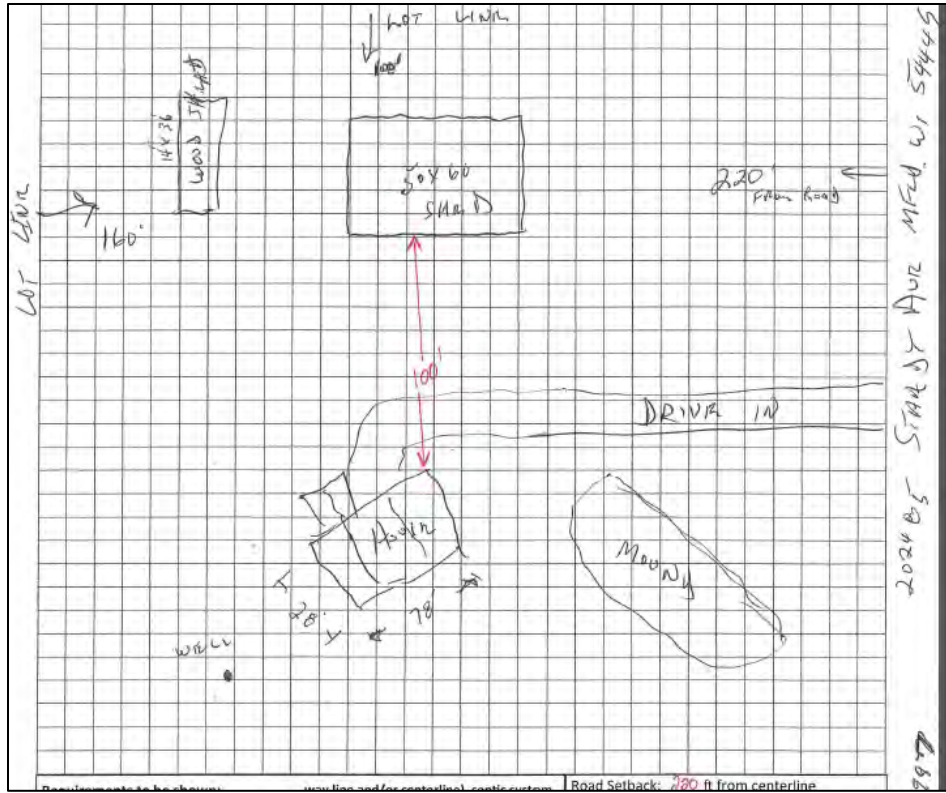
Aerial Photo of adjacent lands:



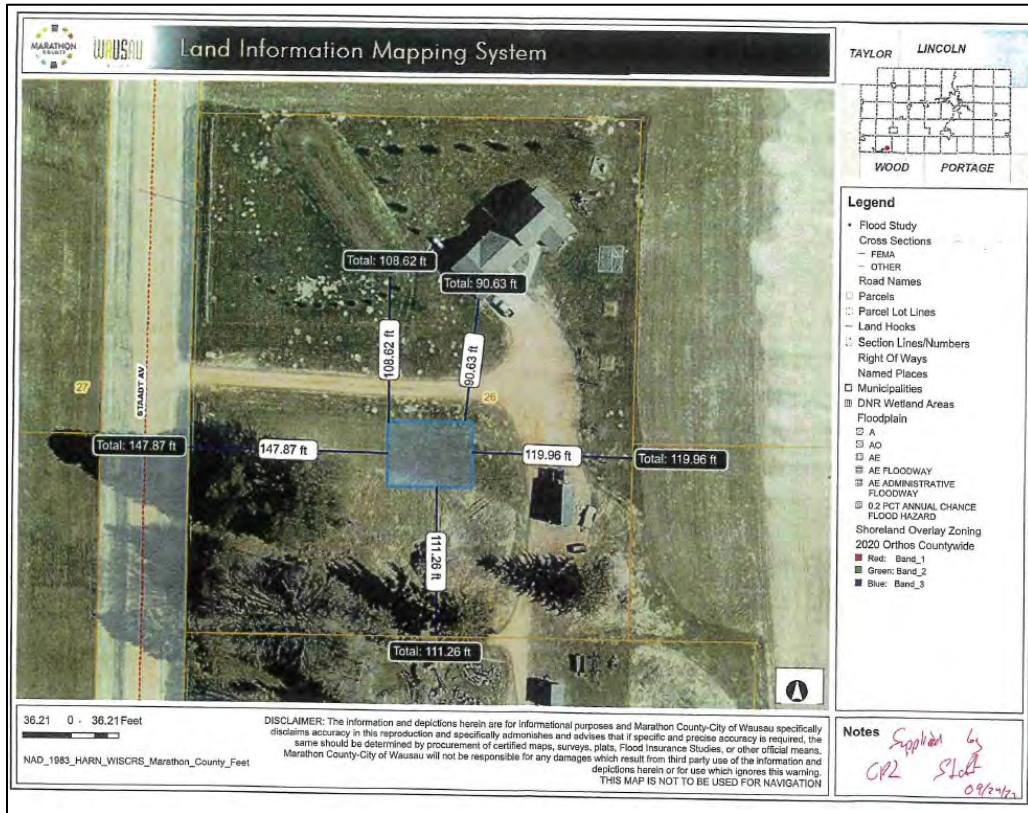
Violations:

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

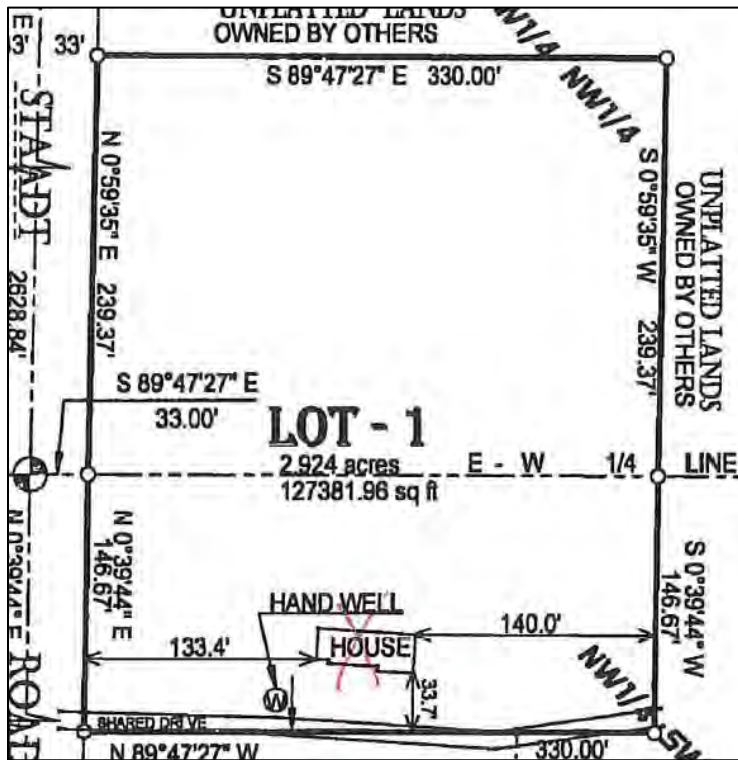
Site Plan #1: (Submitted by the Applicant)



Supporting Documentation: (Submitted by Staff)



Existing Certified Survey Map (CSM):



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
ACCESSORY, TEMPORARY, and OTHER USES												
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	Section 17.401.02(E)

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
<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
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	100+ feet
from side property line	7 feet	200+ feet
from rear property line	7 feet	160+ feet
Lot Coverage %	30%	Approx. 5.1%
Maximum side wall height	14 feet	<14 feet
Maximum garage door height	12 feet	<12 feet
Maximum Size	1800 sq. ft.	3,000 sq.ft. (Exceeds standard by 1,200 sq.ft.)
Maximum Height (**)	24 feet	<24 feet

TOWN RECOMMENDATION:

On November 8th, 2021 **Town of McMillan** Town Board Recommended Approval to Marathon County's Board of Adjustment.

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 McMillan.

NOW, THEREFORE BE IT RESOLVED that the Town of McMillan Town Board considered on the 8th day of November, 2021, 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

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 Patti Kaha

Town Board Mike Piro

Robert Spis

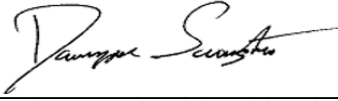
Ken Jones

Thomas Dunlap

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:



10/26/2021 (Revised 11/15/2021)

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: Kenneth D Edwards II
Mailing Address: 207521 Street Ave Marshfield WI 54449
Telephone: _____ Fax: _____
Cellphone: 715-615-4650 Email: edwardsconstructionllc@msn.com
Owner Name: (if different) _____
Mailing Address: _____
Telephone: _____ Fax: _____

PARCEL INFORMATION

Parcel ID # (PIN): 056-2603-112-0995
(If more than one parcel is included in this application, list all parcel numbers & legal descriptions on a separate sheet.)

Legal Description: Government Lot _____ or SW 1/4 NW 1/4
Section 11 T 26 N, R 3 E, Town of McMillan
Lot _____ Block _____ Subdivision _____
Property Address: 207521 Street Ave Marshfield WI 54449
Parcel size: 1.850 Acres or _____ Sq. Ft.
Zoning District: RR

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

Existing improvements (Structures, well, septic, etc.):
Two story Home Detached Garage w/ septic

PROPOSAL

Describe specifically the nature of this request (be sure to list all proposed uses of the parcel). What do you plan to do?
To Build a new storage shed garage to store and work on equipment. I have a crane truck and camper that will not fit in a 12' tall garage door. I need 16' sidewalls and 14' garage doors.

If this application is for a use that will be restricted to part of the parcel, specify the exact dimensions of the affected area.
- max height = 25' Total Sq. ft. = 3080
- Garage height = 14'
- Side wall height 16'

Provide the following information if this box is checked

Proposal has additional development standards in Section 17.401.02. Explain how your proposal meets or exceeds these requirements.
44x70 = 3,080 sq. ft. proposed (Exceeds maximum by 1,280 sq. ft.)
Height exceeds max by 1 foot, max Garage door height exceeded by 2 feet
Side wall height exceeded by 2 feet

JS
09/27/21

Use separate/additional sheets if necessary

SEP 27 2021
MARATHON CO. CONSERVATION,
PLANNING & ZONING DEPT.

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:

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

 Owner Signature (required)

Sept. 26 2021
 Date

 Agent / Person responsible for work Signature (required)

 Date

Conditional Use Permits expire six (6) months from the latest date of signature on the approval letter signed by Chairman and the Secretary of the Board of Adjustment if the proposed construction or preparation of land for use has not commenced. The Zoning Administrator may grant an extension for up to six (6) months upon show of valid cause.

Return to: Board of Adjustment
 Marathon County CPZ Department
 210 River Drive
 Wausau, WI 54403-5449

Telephone: 715-261-6000
 Toll free within Marathon County: 1-800-236-0153
 Facsimile: 715-261-6016

For office use

For office use

RECEIVED

For office use

Amount Received: \$ 09/27/21
09/24/21

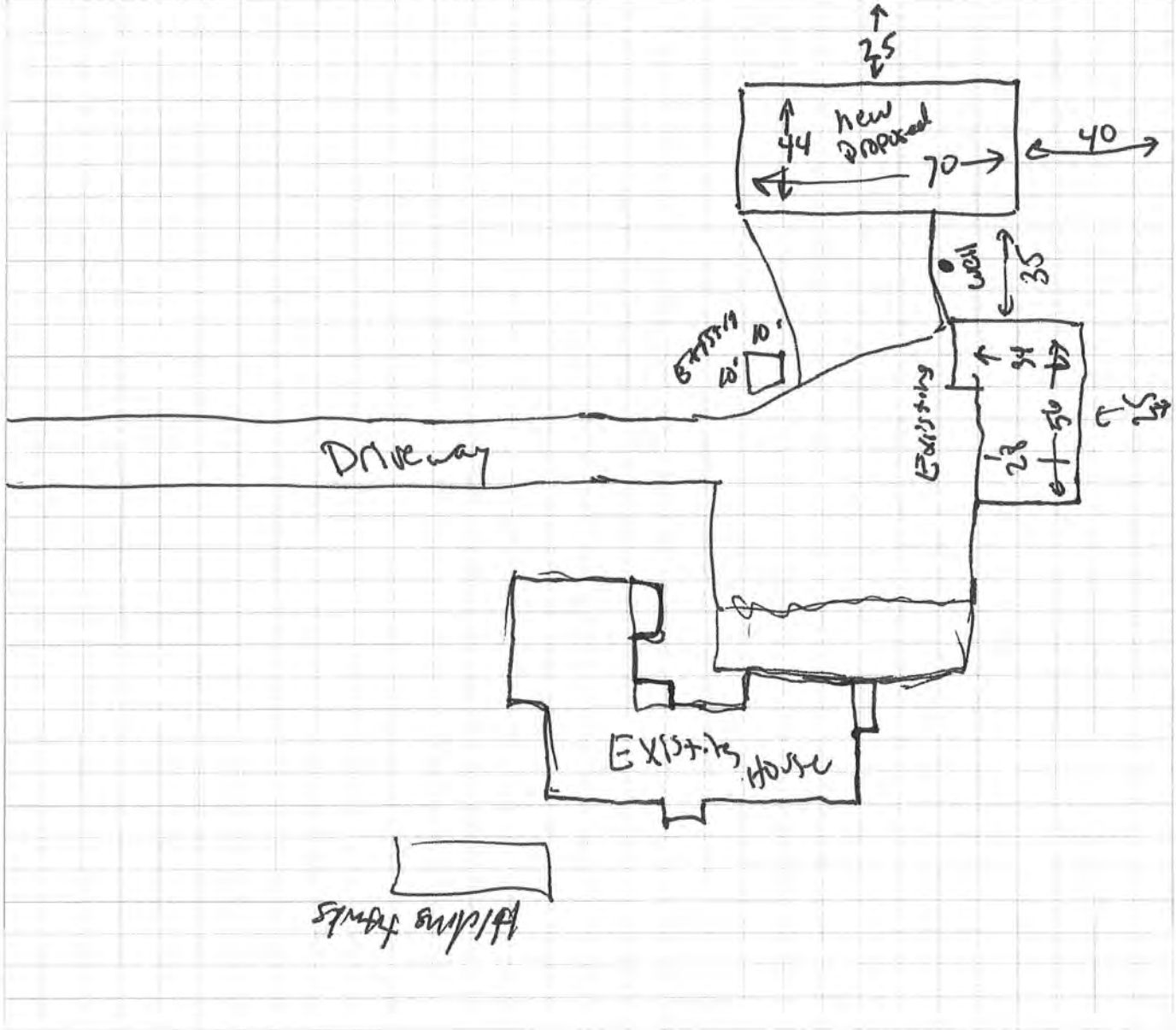
Date Stamp: SEP 28 2021



SITE PLAN

Permit # 2021-2-000262	Date: 9-8-2021	Notes/Comments:	$1" = 40'$
Pin # 052603 N20995			
Owner(s): Kenneth + Jody Edwards			
Address: 207521 Staadt Ave 54449			
Project Type: New Detached Garage			

Staadt Ave

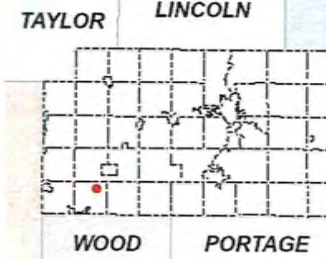


Requirements to be shown: ♦ Location and dimensions of all existing & proposed buildings. ♦ Location of existing or proposed private onsite wastewater treatment system, wells, and driveways. ♦ Proposed setback distances to side and rear property lines, roads (either right-of-	way line and/or centerline),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



WAUSAU

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

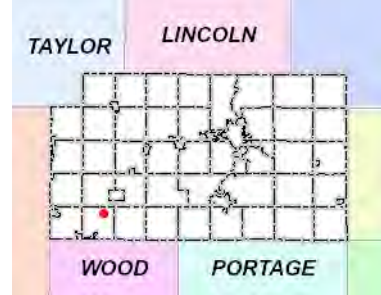
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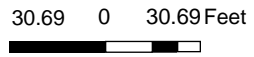
Notes



Land Information Mapping System



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NAD_1983_HARN_WISCRS_Marathon_County_Feet

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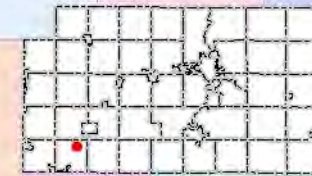
Notes



Land Information Mapping System

TAYLOR

LINCOLN

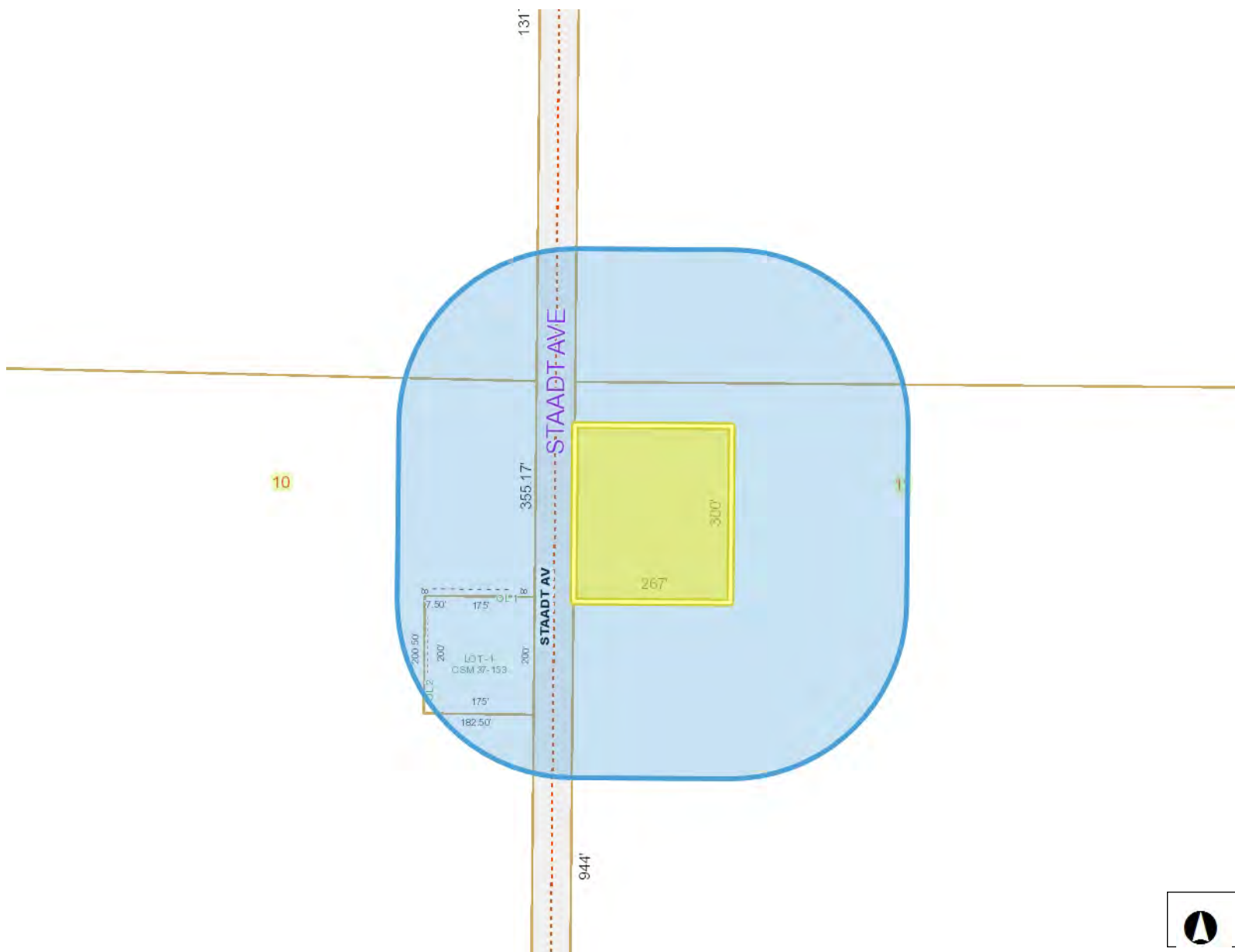


WOOD

PORTAGE

Legend

- Road Names
- Parcels
- Parcel Lot Lines
- Land Hooks
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- Right Of Ways
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- Municipalities



126.45 0 126.45 Feet

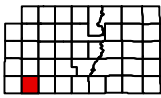


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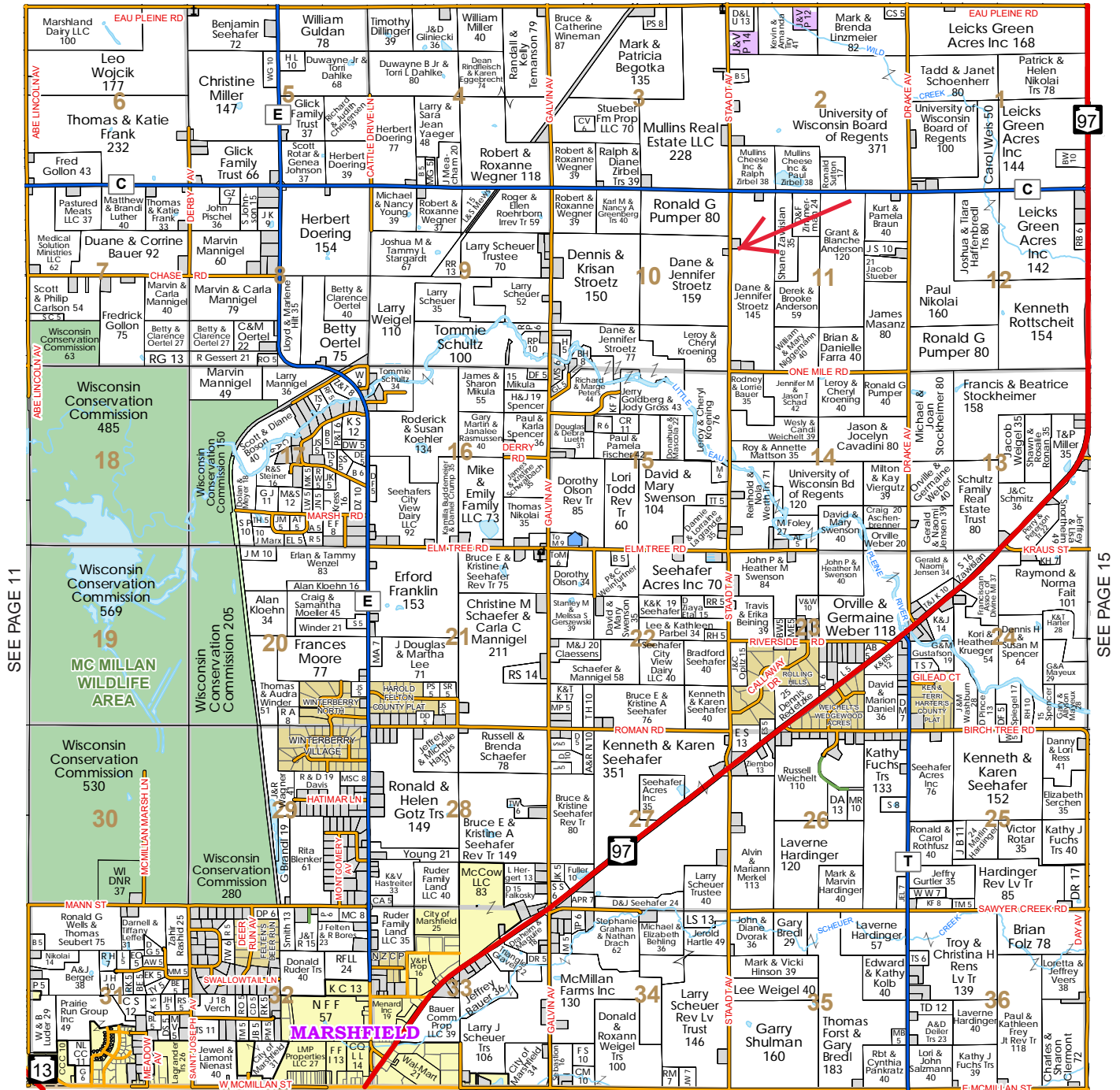
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Notes



SEE PAGE 31



WOOD COUNTY

Sternweis & Sons

Serving the Area Since 1972

BLOCK PLANT
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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
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STATE OF WISCONSIN)
MARATHON COUNTY)
TOWN OF MCMILLAN)

TOWN RESOLUTION OF RECOMENDATION

TO THE MARATHON COUNTY BOARD OF ADJUSTMENT

I, Patti Rahn, Clerk of the Town of McMillan, 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 McMillan Town Board at a meeting held on the 8th day of November, 2021.

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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 Patti Rahn
Town Board Michelle First
James Dwyer
Robert Spitz

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 October 28, 2021 to:

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



Kenneth & Jody Edwards Conditional Use Permit Application Staff Report, November 18th, 2021 Marathon County Board Of Adjustment

Findings of Fact

REQUEST:

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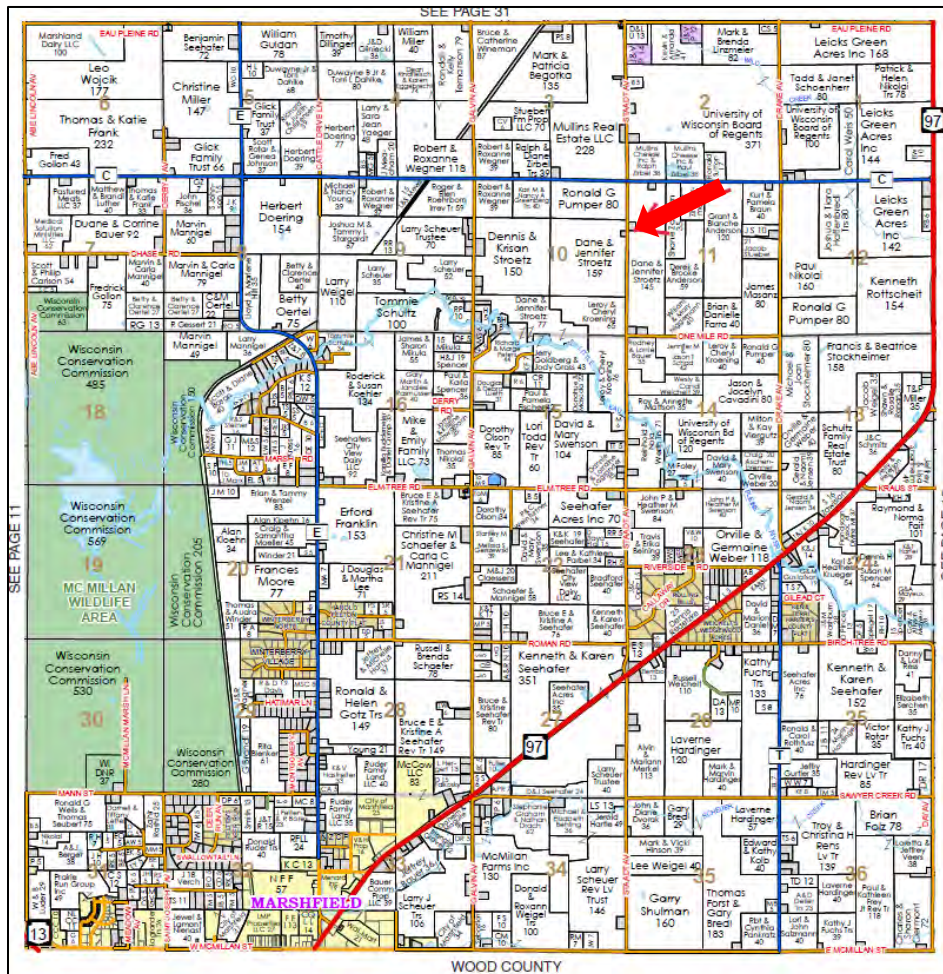
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APPLICANT(s): Kenneth & Jody Edwards – 207521 Staadt Ave, Marshfield WI 54449

PROPERTY OWNER: (*same*) Kenneth & Jody Edwards – 207521 Staadt Ave, Marshfield WI 54449

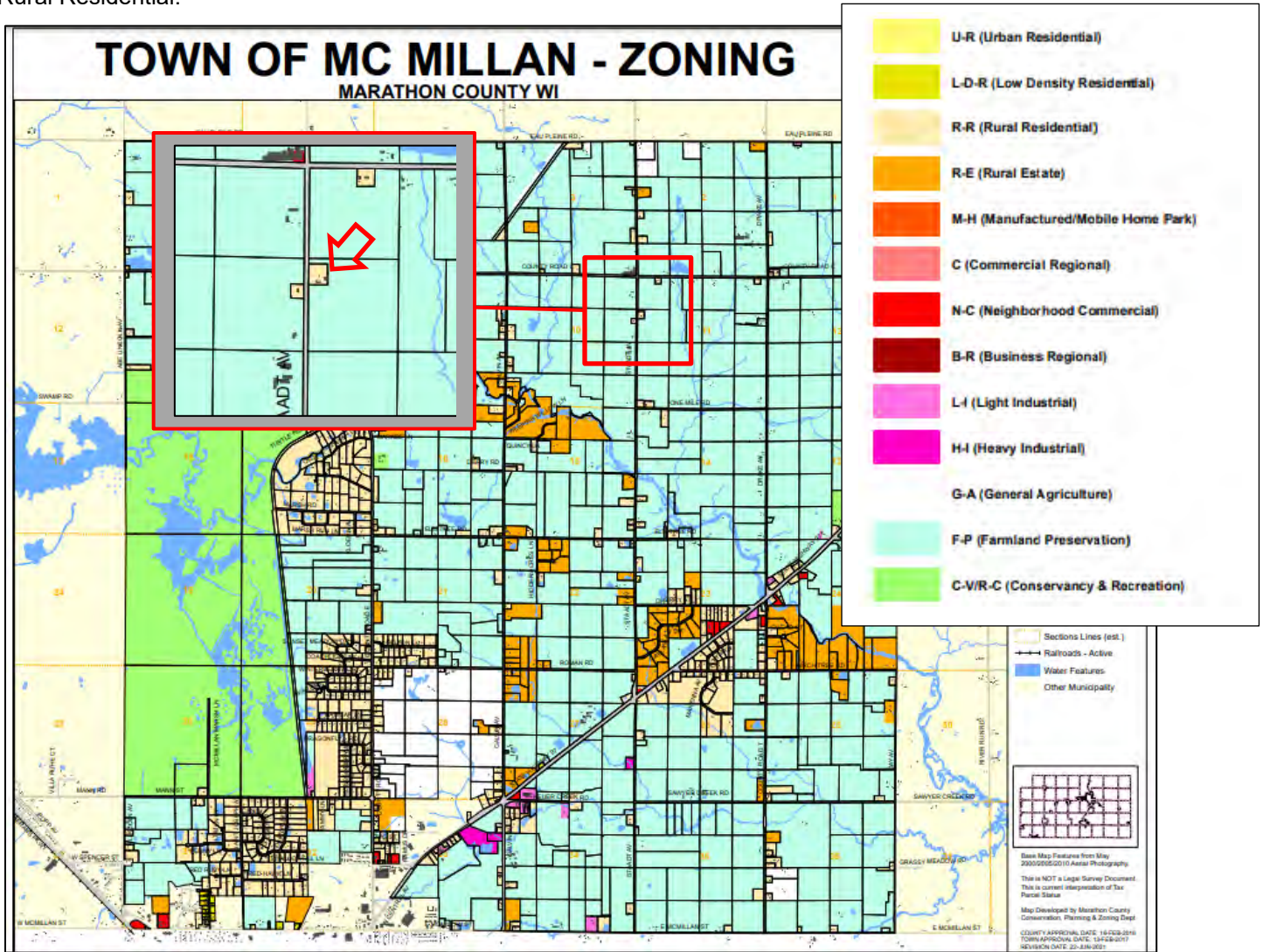
Map 1: Location of Conditional Use Permit Request



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.

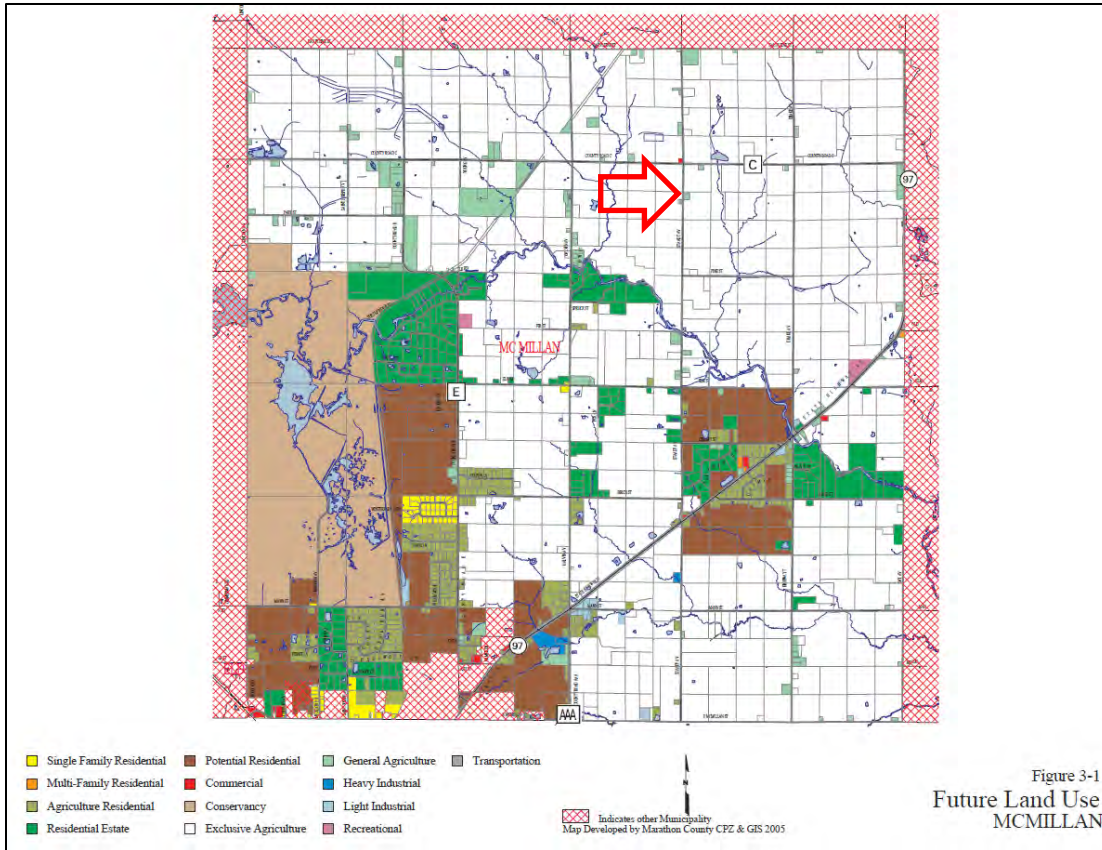
EXISTING ZONING DISTRICT MAP: Adjacent parcels and parcels within close proximity are zoned Farmland Preservation and Rural Residential.



ACREAGE:
1.85 Acres

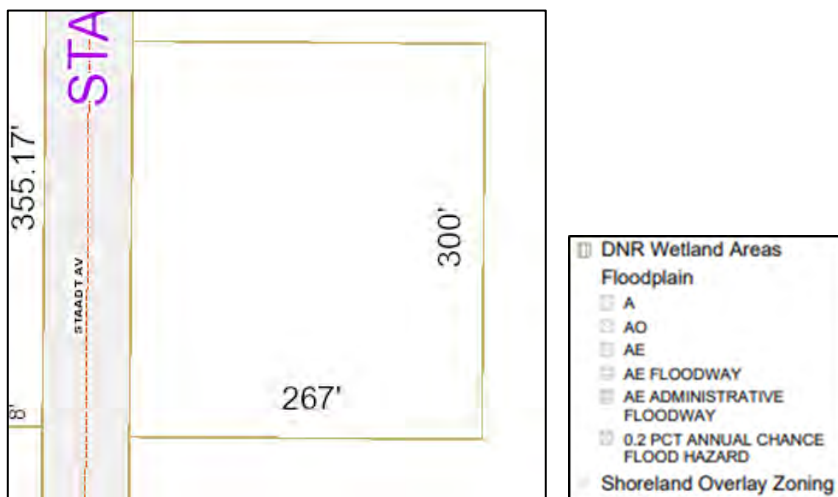
Legal Notification:
A legal advertisement was published in the *Wausau Daily Herald*. Notice of the zoning change request was also sent by regular mail to adjacent property owners within 300 feet of the subject property.

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



SPECIFIC PARCEL LIMITATIONS OR NATURAL FEATURES:

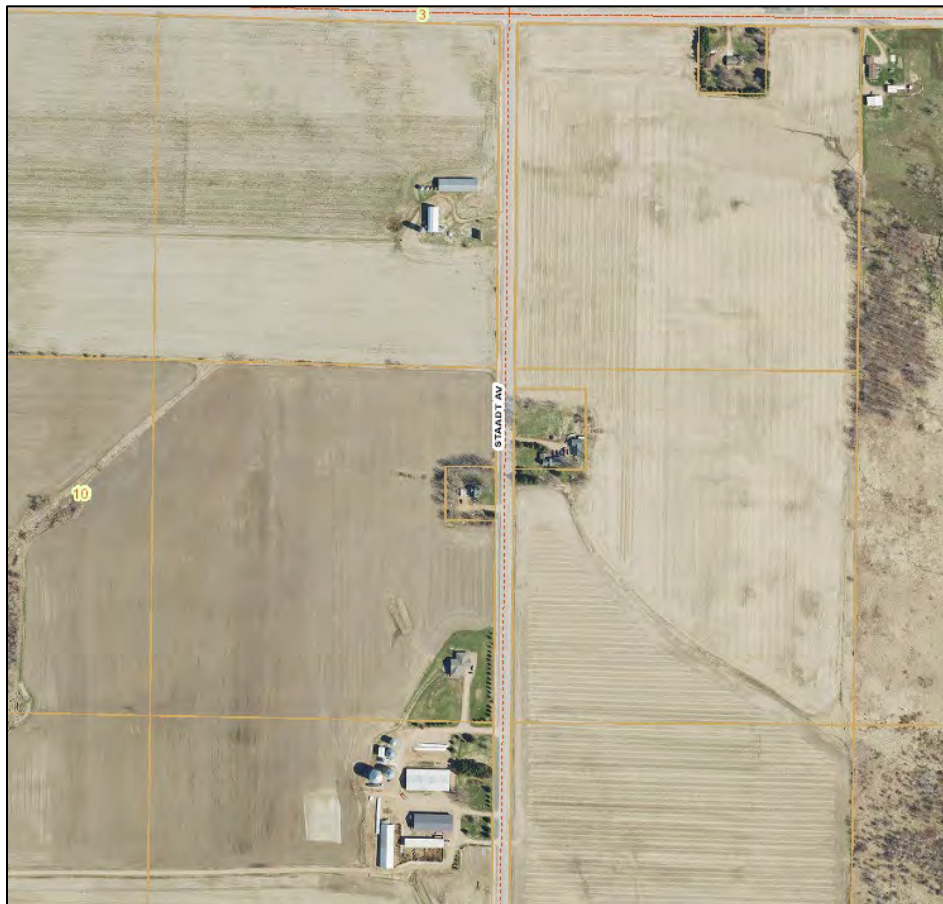
- The proposed development location on this parcel is:
 - **Not** located within mapped floodplain
 - **Not** located within DNR mapped wetlands, or water features.
 - The parcel and proposed development is not located within the shoreland overlay district.



Aerial Photo of the Property:



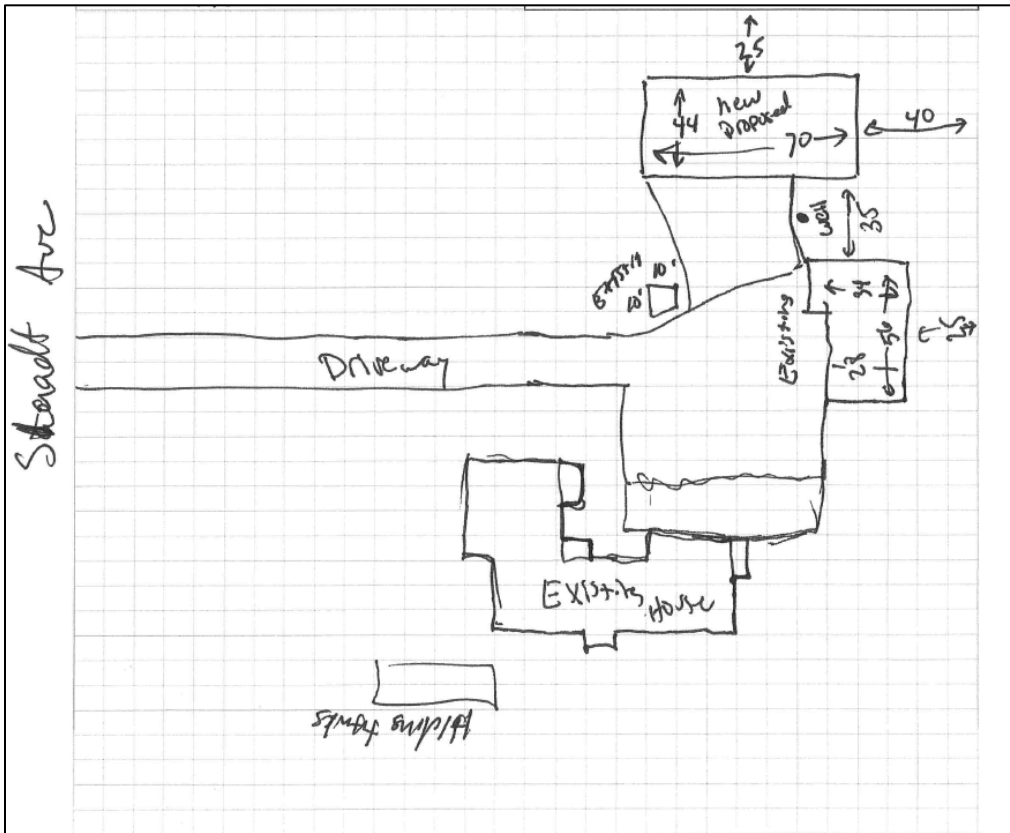
Aerial Photo of adjacent lands:



Violations:

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

Site Plan #1: (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:

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
ACCESSORY, TEMPORARY, and OTHER USES													
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	Section 17.401.02(E)

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	60+ feet
from side property line	7 feet	100+ feet
from rear property line	7 feet	150+ feet
Lot Coverage %	30%	Approx. 9.4%
Maximum side wall height	14 feet	16 feet
Maximum garage door height	12 feet	14 feet
Maximum Size	1800 sq. ft.	3,080 sq.ft. (Exceeds standard by 1,280 sq.ft.)
Maximum Height (**)	24 feet	25 feet

TOWN RECOMMENDATION:

On November 8th, 2021 the **Town of McMillan** Town Board Recommended Approval to Marathon County's Board of Adjustment.

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 McMillan.

NOW, THEREFORE BE IT RESOLVED that the Town of McMillan Town Board considered on the 8th day of November, 2021, 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 Staat Ave, Marshfield WI 54449

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 Patti Hahn
Town Board Nick Christ
Thomas English
Robert Spitz

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:



10/26/2021 (Updated 11/15/2021)

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: Luke Mullins
 Mailing Address: 4780 Blackberry Lane, Junction City, WI 54443
 Telephone: 715-252-6898 Fax: N/A
 Cellphone: 715-252-6898 Email: mullinsdistillery@gmail.com
 Owner Name: (if different) Don Mullins
 Mailing Address: 202901 Irish Lane, Mosinee, WI 54455
 Telephone: 715-573-6055 Fax: N/A

PARCEL INFORMATION

25 Parcel ID # (PIN): 048-2607-212-0984 *(See attached description + CSM)*
 (If more than one parcel is included in this application, list all parcel numbers & legal descriptions on a separate sheet.)

Legal Description: Government Lot _____ or NW $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 21, T 26N, N, R 7E, E, Town of Knowlton
 Lot 11, Block _____ Subdivision CSM Vol. 88 Pg. 100 (Doc # 1764163)
 Property Address: Currently no address
 Parcel size: 17.910 Acres or _____ Sq. Ft.
 Zoning District: Agriculture

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

Existing improvements (Structures, well, septic, etc.):
None

PROPOSAL

Describe **specifically** the nature of this request (be sure to **list all proposed uses** of the parcel). What do you plan to do?
 Primary use: Construct a distillery that converts agricultural products (corn/wheat/barley/milk sugars) to distilled spirits for onsite sales and distribution.
 Supporting uses: The distillery would also include a tasting room, event space, bar/restaurant, green house, green space, as well as possibly grow some of the ingredients onsite and raise animals to dispose of some spent grains. CUP #1 is for bar/restaurant/micro-brewery/outdoor dining (see attachment).

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

Provide the following information if this box is checked

- 25* *06/2/21* Proposal has additional development standards in Section See below. Explain how your proposal meets or exceeds these requirements.
Table #2 Section 17.203.05 Table of Permitted Uses
 1 - Bar, Tavern, or Micro Brewery (Table #3)
 2 - Restaurant (Table #3)
 3 - Outdoor Dining (Accessory to permitted Restaurant Use) - 17.204.63

Use separate/additional sheet(s) if necessary

INSTRUCTIONS TO APPLICANT

1. Be sure to complete **all items** on the application. This includes a **brief, but complete explanation** of the current use and proposed new use.
2. Prepare a **map at a scale which is reproducible** (11" x 17" or smaller). For maps larger than 11" x 17", be prepared to provide as many copies as needed for transmittal. In no instance may the scale of the map be less than 1 inch equals 200 feet. There are instances where a cross-section of the property or contours will be helpful, and in some cases one or both may be required. Narrative or photos may be included as supporting documentation.

At a minimum the map must include:

- The location, dimensions, and parcel identification number of the lot or lots including a legal description.
- Location of any and all nearby public and private streets.
- Dimensions of the lot and the location of all existing and proposed buildings or structures, and location of existing or proposed private onsite wastewater treatment (septic) system.
- Required front, rear, and side yard areas, open space, and parking.
- On residential parcels, the number of dwelling units contained within each building and proposed number of bedrooms.
- Location and dimensions of all buildings or structures to be erected, structurally altered, or moved.
- Wetlands and floodplains
- Screening/Buffers
- Lighting
- Parking

3. **Include the \$600 fee** when you submit the application. Please make checks payable to Marathon County.

We cannot consider an application complete until the following are submitted to this office:

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

Please contact the Marathon County Conservation, Planning and Zoning Department with any questions: 715-261-6000.

IMPORTANT: The applicant or authorized representative **must be present at the hearing** or Board **may deny** the application without prejudice.

<p><u>Donald G. Melloni</u> _____ Owner Signature (required)</p>	<p><u>9/28/21</u> _____ Date</p>
<p><u>[Signature]</u> _____ Agent / Person responsible for work Signature (required)</p>	<p><u>9/28/21</u> _____ Date</p>

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

RECEIVED

For office use	For office use	For office use
Amount Received: \$ <u>600.00</u>	Date Stamp: <u>09/28/21</u>	SEP 28 2021

MARATHON CO. CONSERVATION,
 PLANNING & ZONING DEPT.
 210 RIVER DRIVE
 WAUSAU, WI 54403-5449

RECORDED

August 14, 2018 1:40 PM

DEAN J. STRATZ, REGISTER OF DEEDS

CERTIFIED SURVEY MAP

MARATHON COUNTY NO. 18121
VOLUME 88 PAGE 100

PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 26 NORTH, RANGE 7 EAST, TOWN OF KNOWLTON, MARATHON COUNTY, WISCONSIN.

DOC# 1764163 PAGES: 2



1764163
Dean J. Stratz

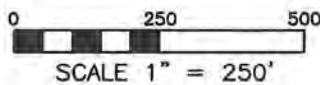
NORTH 1/4 CORNER SECTION 21-26-7 EAST 1 1/4" REBAR FOUND

VREELAND ASSOCIATES, INC.	
6103 DAWN STREET WESTON, WI. 54476	
PH (715) 241-0947 OR TOLL FREE (866) 693-3979	
FAX (715) 241-9826 tim@vreelandassociates.us	
OWNER:	KEN ULRICH
FILE #:	M-586-18 MULLINS
DRAFTED AND DRAWN BY: TIMOTHY G. VREELAND	

SHEET 1 OF 2 SHEETS



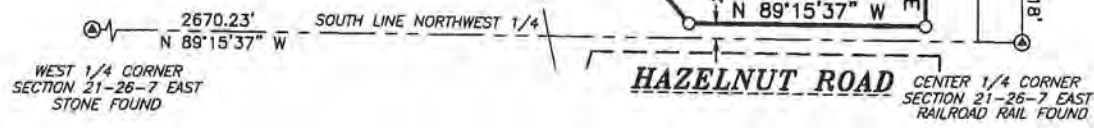
BEARINGS REFERENCED TO THE EAST LINE OF THE NORTHWEST 1/4 BEARING S 0°20'21" E PER WISCONSIN COUNTY COORDINATE SYSTEM (MARATHON) NAD83 (2011)



LEGEND

- ⊙ = GOVERNMENT CORNER LOCATION PER COUNTY SURVEY RECORDS
- = 1.315" OUTSIDE DIAMETER x 24" IRON PIPE 1.68 POUNDS PER FOOT SET

NOTE: THE CENTERLINE OF THE OLD RAILROAD LOCATION IS PER STATIONING FROM RIGHT OF WAY PROJECT F 05-3 (32) AND EXISTING BED TO THE WEST OF THIS PROPERTY.



HAZELNUT ROAD

CENTER 1/4 CORNER SECTION 21-26-7 EAST RAILROAD RAIL FOUND

CERTIFIED SURVEY MAP

MARATHON COUNTY NO. 18121 VOL. 88 PAGE 100

PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 26 NORTH, RANGE 7 EAST, TOWN OF KNOWLTON, MARATHON COUNTY, WISCONSIN.

SHEET 2 OF 2 SHEETS

SURVEYORS CERTIFICATE

I, TIMOTHY G. VREELAND, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF DON MULLINS, I SURVEYED, MAPPED AND DIVIDED THAT PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 26 NORTH, RANGE 7 EAST, TOWN OF KNOWLTON, MARATHON COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 OF SAID SECTION 21; THENCE S 0°20'21" E ALONG THE EAST LINE OF THE NORTHWEST 1/4 537.11 FEET; THENCE S 70°47'33" W 162.93 FEET TO THE WEST LINE OF MILLER LANE AND TO THE POINT OF BEGINNING; THENCE S 0°35'00" E ALONG THE WEST LINE OF MILLER LANE 1728.84 FEET; THENCE S 89°25'00" W ALONG THE WEST LINE OF MILLER LANE 20.00 FEET; THENCE S 0°35'00" E 282.60 FEET TO THE NORTH LINE OF HAZELNUT ROAD; THENCE N 89°15'37" W ALONG THE NORTH LINE OF HAZELNUT ROAD 407.57 FEET TO THE EAST LINE OF COUNTY ROAD "DB"; THENCE N 40°40'01" W ALONG THE EAST OF COUNTY ROAD "DB" 354.84 FEET; THENCE N 4°40'01" W ALONG THE EAST LINE OF COUNTY ROAD "DB" 402.60 FEET; THENCE S 85°19'59" W ALONG THE EAST LINE OF COUNTY ROAD "DB" 17.00 FEET; THENCE N 4°40'01" W ALONG THE EAST LINE OF COUNTY ROAD "DB" 1070.76 FEET TO THE CENTERLINE OF THE FORMER RAILROAD; THENCE N 70°47'33" E ALONG THE CENTERLINE OF THE FORMER RAILROAD 820.81 FEET TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD AND USE.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION AND THE CERTIFIED SURVEY MAP THEREOF MADE.

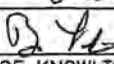
THAT I HAVE FULLY COMPLIED WITH SECTION 236.34 OF THE WISCONSIN STATUTES IN SURVEYING, MAPPING AND DIVIDING THE LANDS, CHAPTER A-E 7 OF THE WISCONSIN ADMINISTRATIVE CODE AND THE LAND DIVISION ORDINANCE OF THE TOWN OF KNOWLTON, ALL TO THE BEST OF MY KNOWLEDGE AND BELIEF IN SURVEYING, DIVIDING AND MAPPING THE SAME.



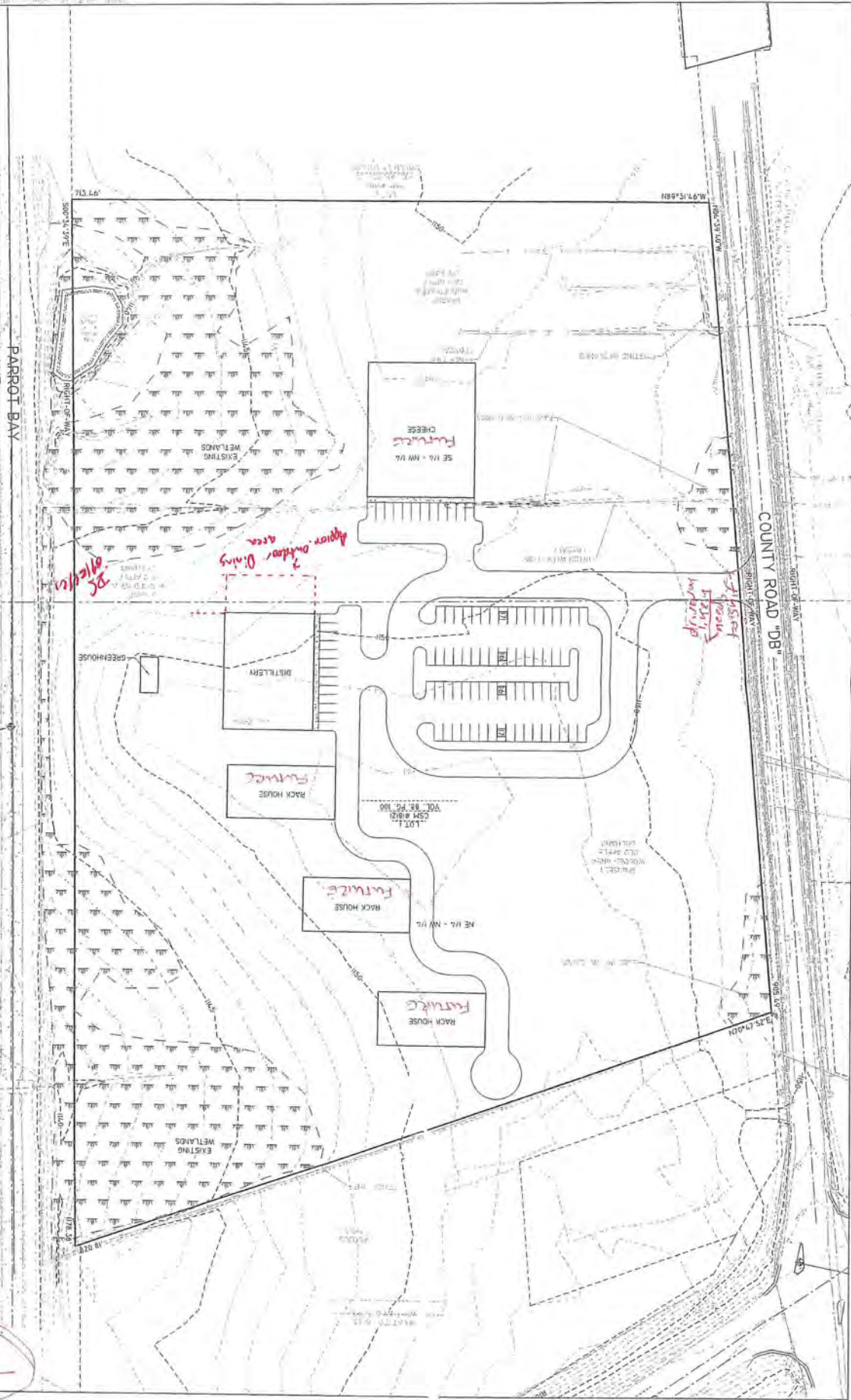
DATED THIS 26TH DAY OF JULY, 2018
SURVEY PERFORMED JULY 24TH, 2018

TIMOTHY G. VREELAND P.L.S. 2291

REVIEWED AND APPROVED FOR
RECORDING BY THE TOWN OF
KNOWLTON.

DATE: 8-13-18

TOWN OF KNOWLTON

Proposed Concept 1



REI Engineering, Inc.
 4050 N. 20th Avenue
 Suite 100
 Phoenix, AZ 85016
 Phone: (602) 998-1111
 Email: info@rei-engineering.com

REI
 CIVIL & ENVIRONMENTAL
 ENGINEERING, SURVEYING

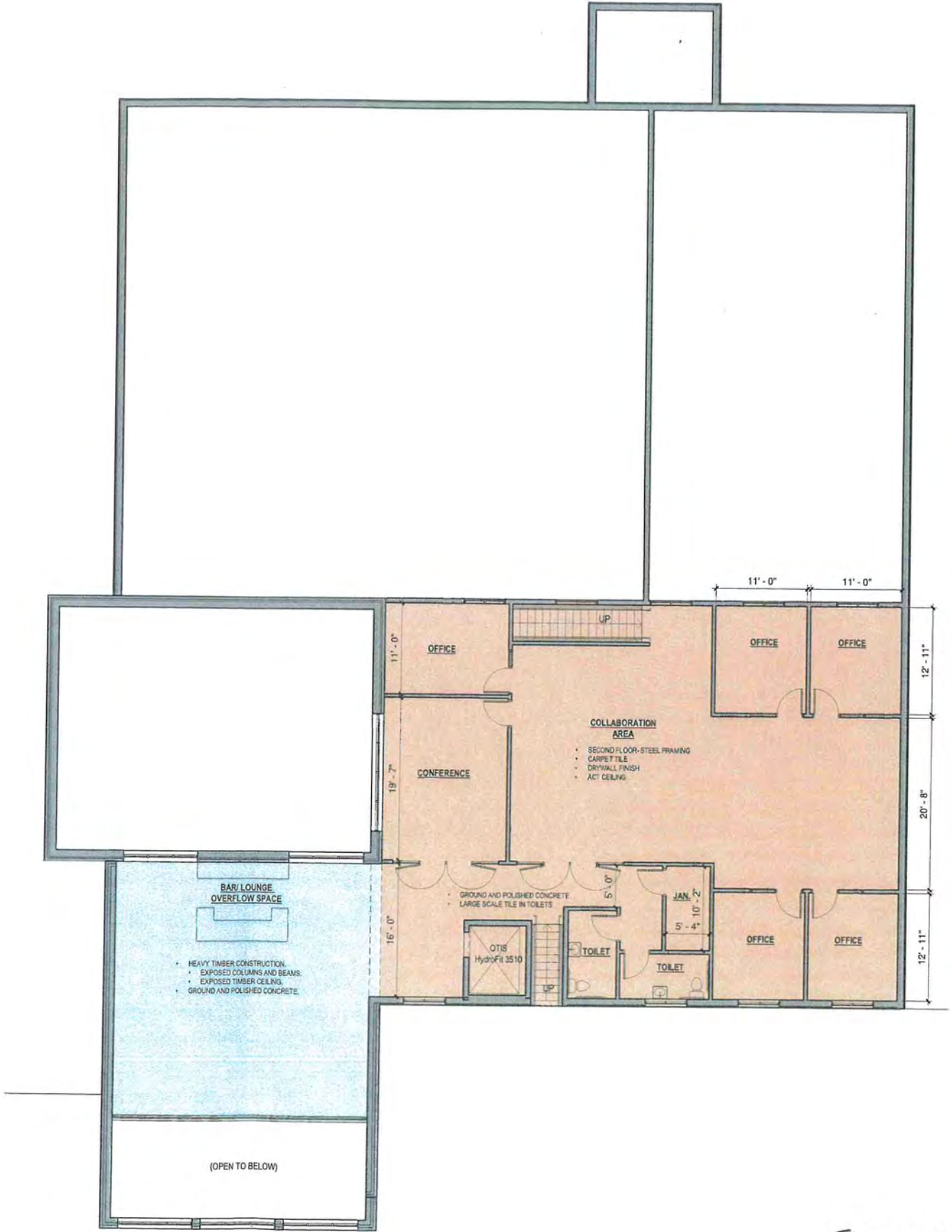
SCALE
 0 50 100

DATE	REVISION	BY	CHKD	APPROVED BY	DATE

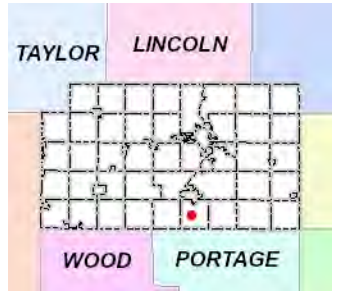
DESIGNED BY	DESIGNED DATE	DESIGNED BY	DESIGNED DATE
DAVID	5/11/2008	DAVID	5/11/2008

HILLSIDE CHEESE ORCHARD PROPERTY
 TOWN OF HAVANNAH, ARIZONA

REI No. 59133C
 SHEET DESIGN



Second Floor



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

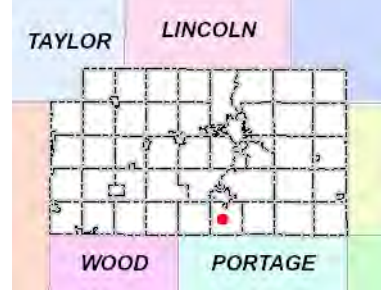
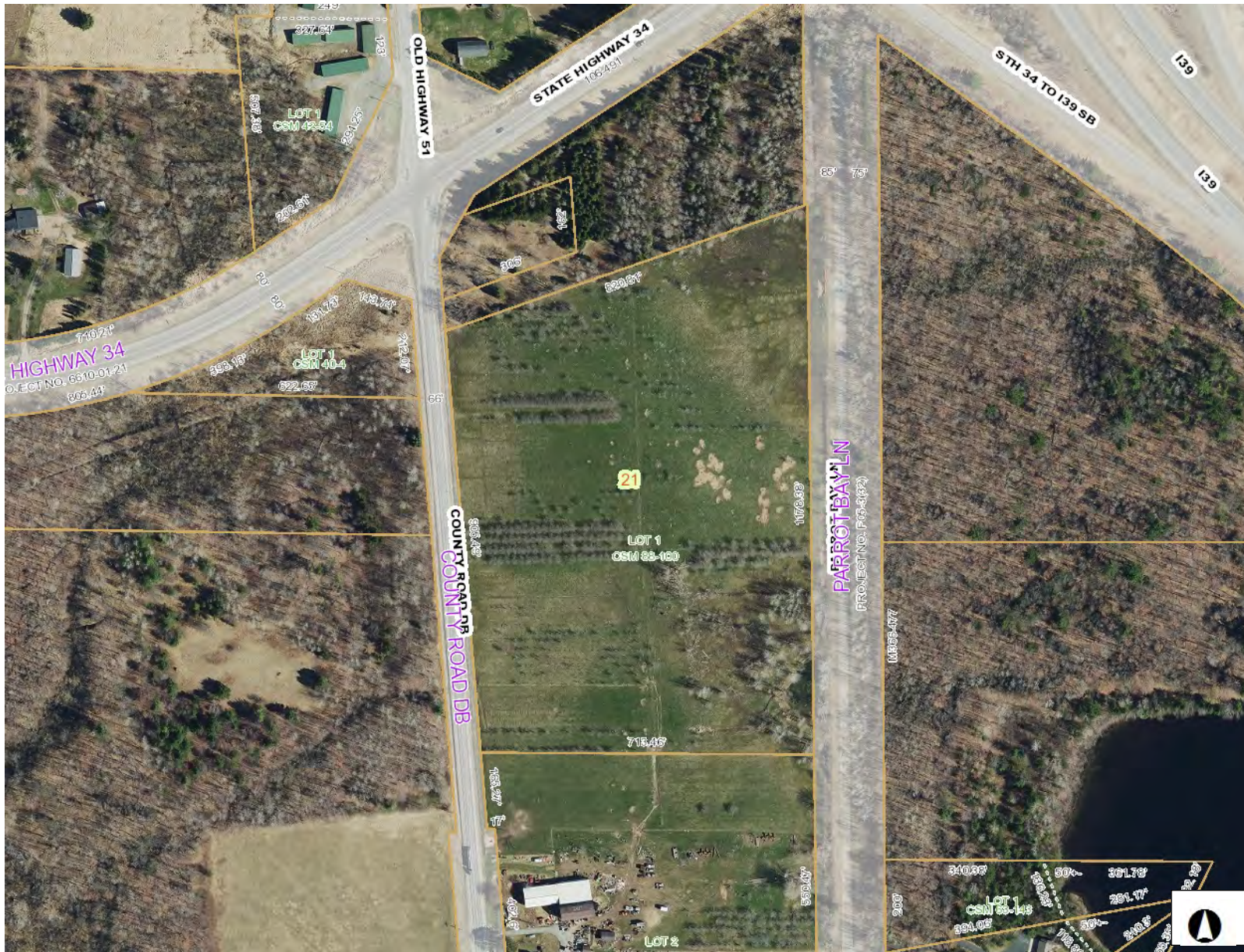
Notes

83.33 0 83.33 Feet

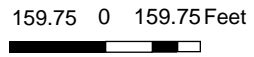
DISCLAIMER: The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement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



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
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 - Blue: Band_3



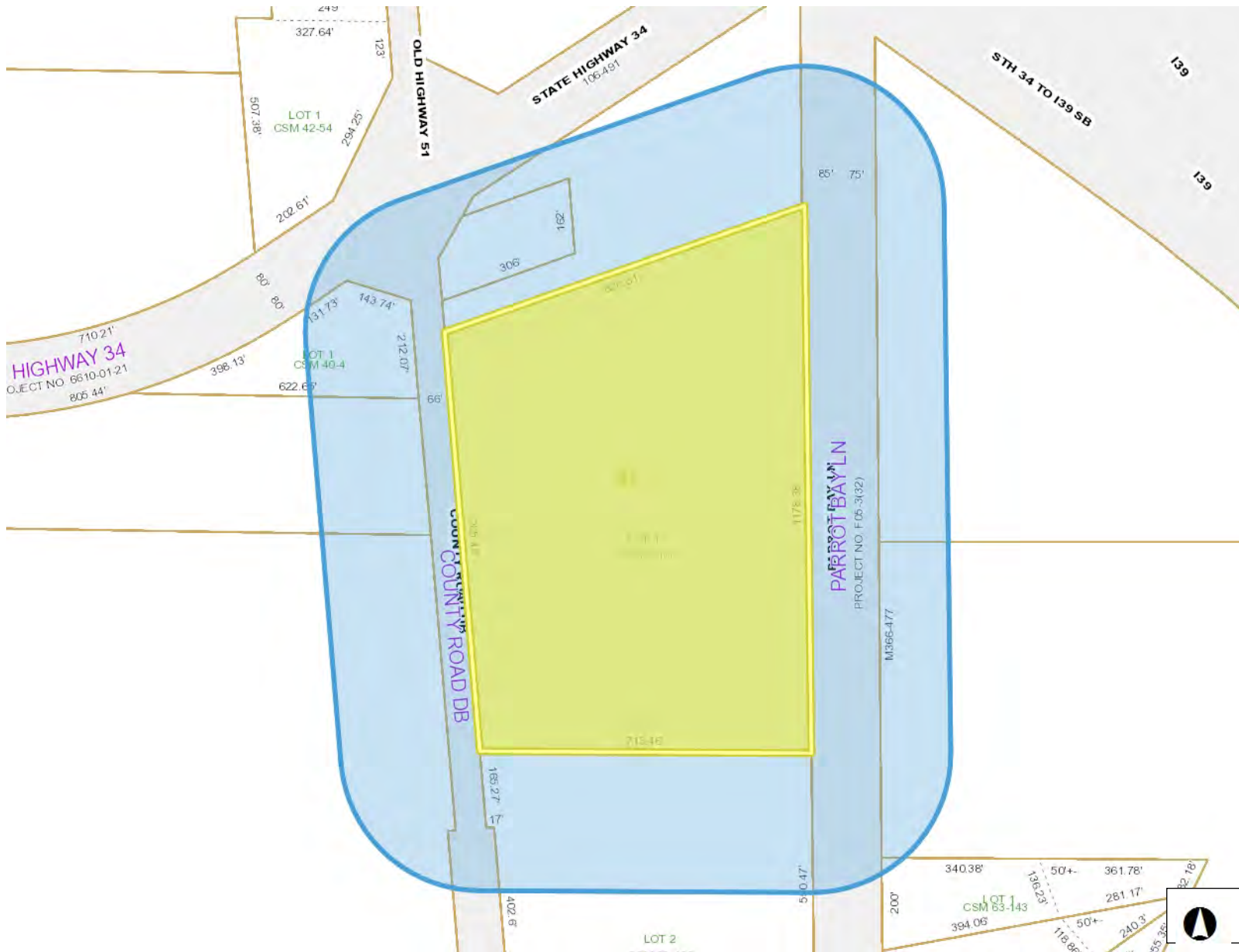
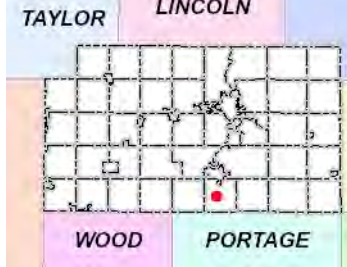
NAD_1983_HARN_WISCRS_Marathon_County_Feet

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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

159.75 0 159.75 Feet



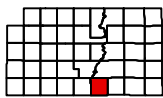
NAD_1983_HARN_WISCRS_Marathon_County_Feet

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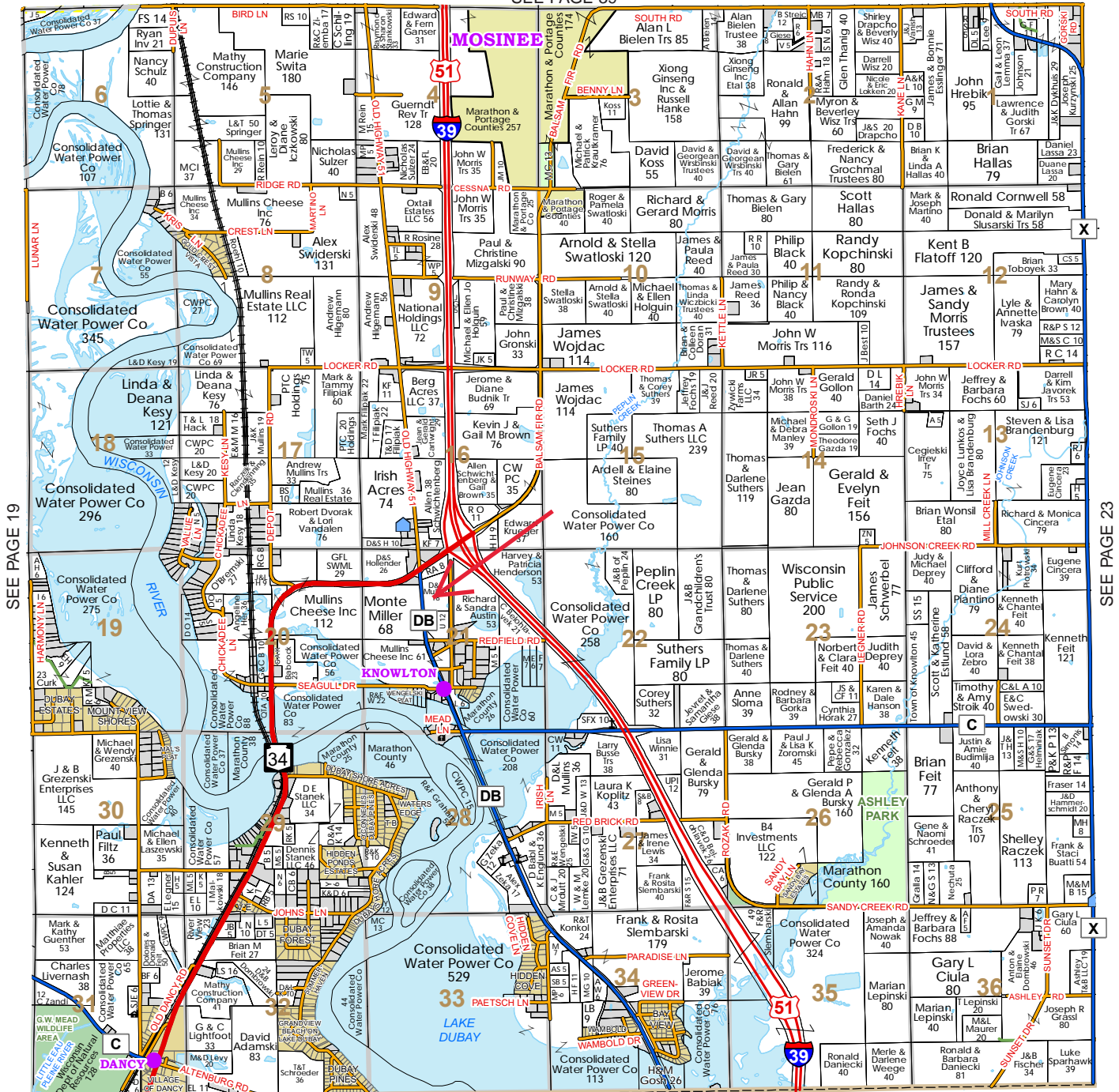
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes





SEE PAGE 39



PORTAGE COUNTY

Tim Schindler
Auctioneer LLC
FARM • HOUSEHOLD • ESTATE
 N14555 Sandhill Ave. • Curtiss, WI 54422
 (715) 223-4014
www.schindlerauction.com
info@schindlerauction.com

STATE OF WISCONSIN)
MARATHON COUNTY)
TOWN OF KNOWLTON

TOWN RESOLUTION OF RECOMENDATION

TO THE MARATHON COUNTY BOARD OF ADJUSTMENT

I, Alan Foehs, Clerk of the Town of Knowlton, 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 Knowlton Town Board at a meeting held on the 8th day of November, 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 Knowlton.

NOW, THEREFORE BE IT RESOLVED that the Town of Knowlton Town Board considered on the 8th day of November, 2021, 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 1/2 of the NW 1/4 of Section 21, T26N, R07E, Town of Knowlton. Parcel PIN # 048.2607.212.0984

and hereby recommends:

- Marathon County Board of Adjustment **APPROVE** application
- Marathon County Board of Adjustment **DENY** application

Comments, conditions and reasons for recommended action:

On condition that Marathon County investigate the need for turn lanes on County DB at the entrance to the distillery.

Clerk Alan Foehs
Town Board Jim Brown
Jim Brown
Jim Brown

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 October 28, 2021 to:

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

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.
Yes, compatible with adjacent uses. Good area for commercial activity.

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.
Future use is commercial.

3. Compliance with Applicable Regulations. The proposed conditional use shall be in compliance with all applicable federal, state, and local laws and ordinances.
NO issue

4. Use of Adjacent Property. The proposed conditional use shall not interfere with the use and enjoyment of adjacent property.
NO issue

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.
Possible need for turn lane.

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).

Would like County to investigate the need for turn lanes on county DB

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.

Should be nicely landscaped but it is in the best interest of applicant to do so.

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.

Lighting plan to comply with County Zoning Ordinance.

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.

NA

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



**Luke Mullins on behalf of Don Mullins
Conditional Use Permit Application
Revised Staff Report, November 18th, 2021
Marathon County Board Of Adjustment**

Findings of Fact

REQUEST:

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.

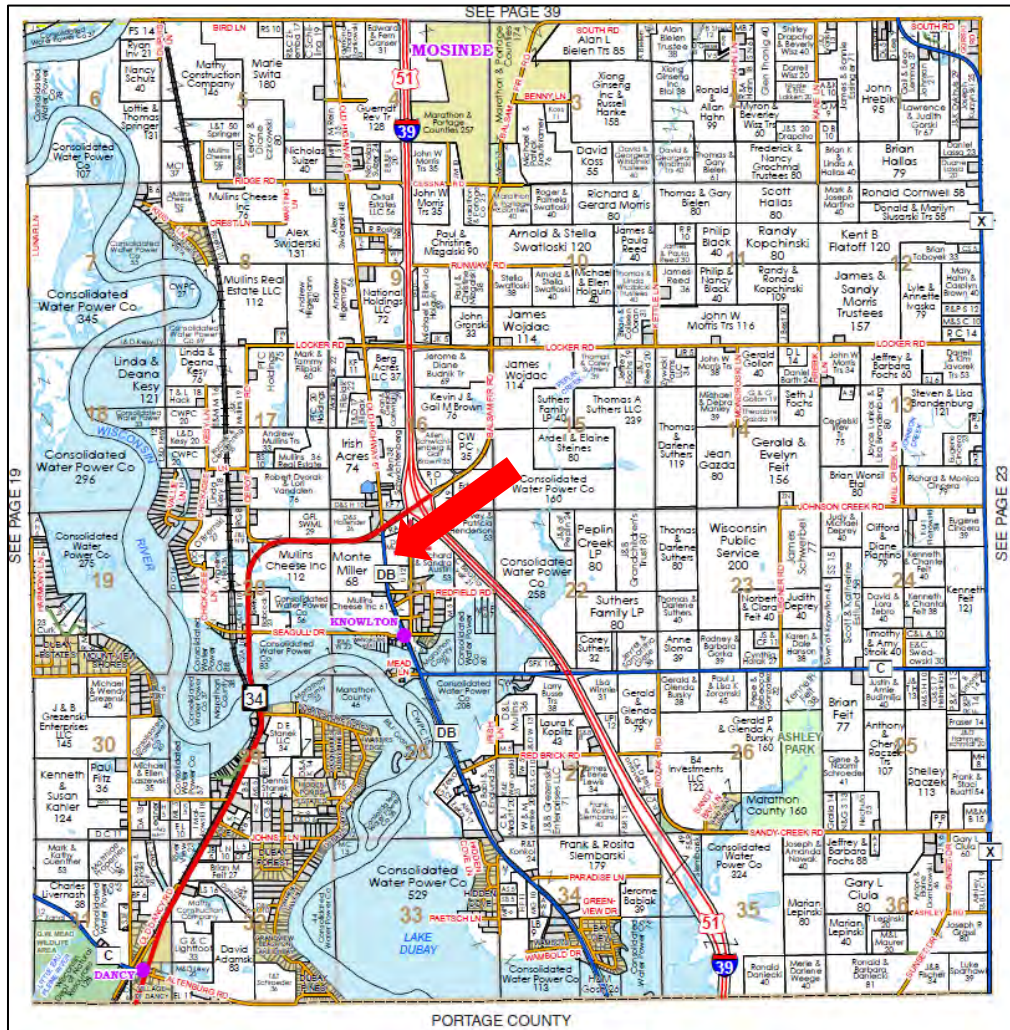
PUBLIC HEARINGS/MEETINGS:

- Town of Knowlton Plan Commission Meeting (October 26th, 2021)
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- Marathon County Board of Adjustment Meeting (November 18th, 2021 at 9:00am)

APPLICANT(s): Luke Mullins – 4780 Blackberry Lane, Junction City, WI 54443

PROPERTY OWNER: Donald and Londa Mullins – 202901 Irish Lane, Mosinee WI 54455

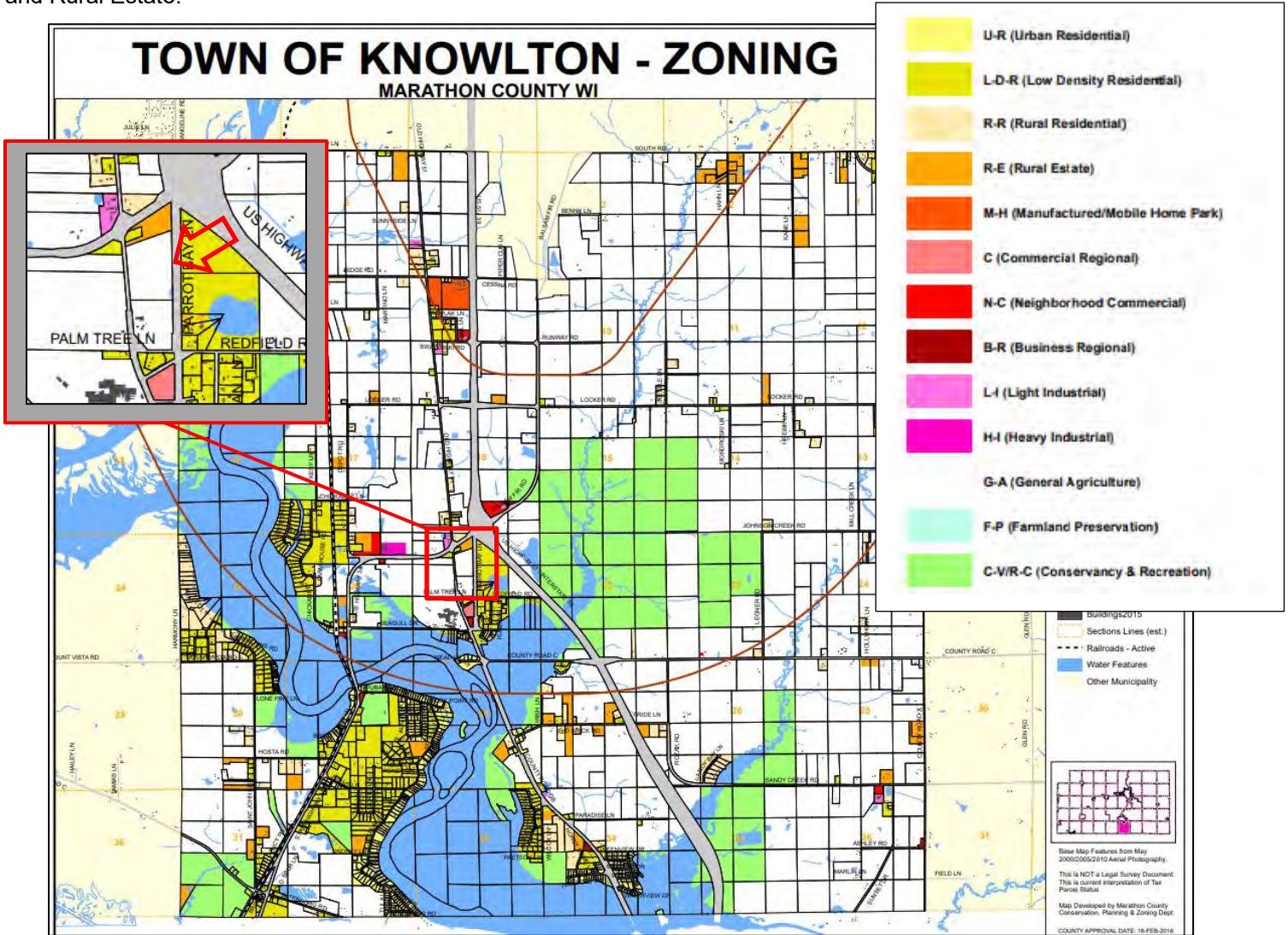
Map 1: Location of Conditional Use Permit Request



EXISTING ZONING DISTRICT:

G-A General Agricultural. The purpose of the G-A district is designed to foster the preservation and use of agricultural land related uses and to provide for limited residential uses in a rural environment but not the division of land as classified in 18.07(2) and (3) into five or more tracts, parcels or lots within a five year period. This district provides for limited residential development with modest densities that require relatively large land areas that are compatible with the surrounding rural land use activities. The district is intended to provide towns with multiple options to guide growth and development in concert with the comprehensive planning efforts.

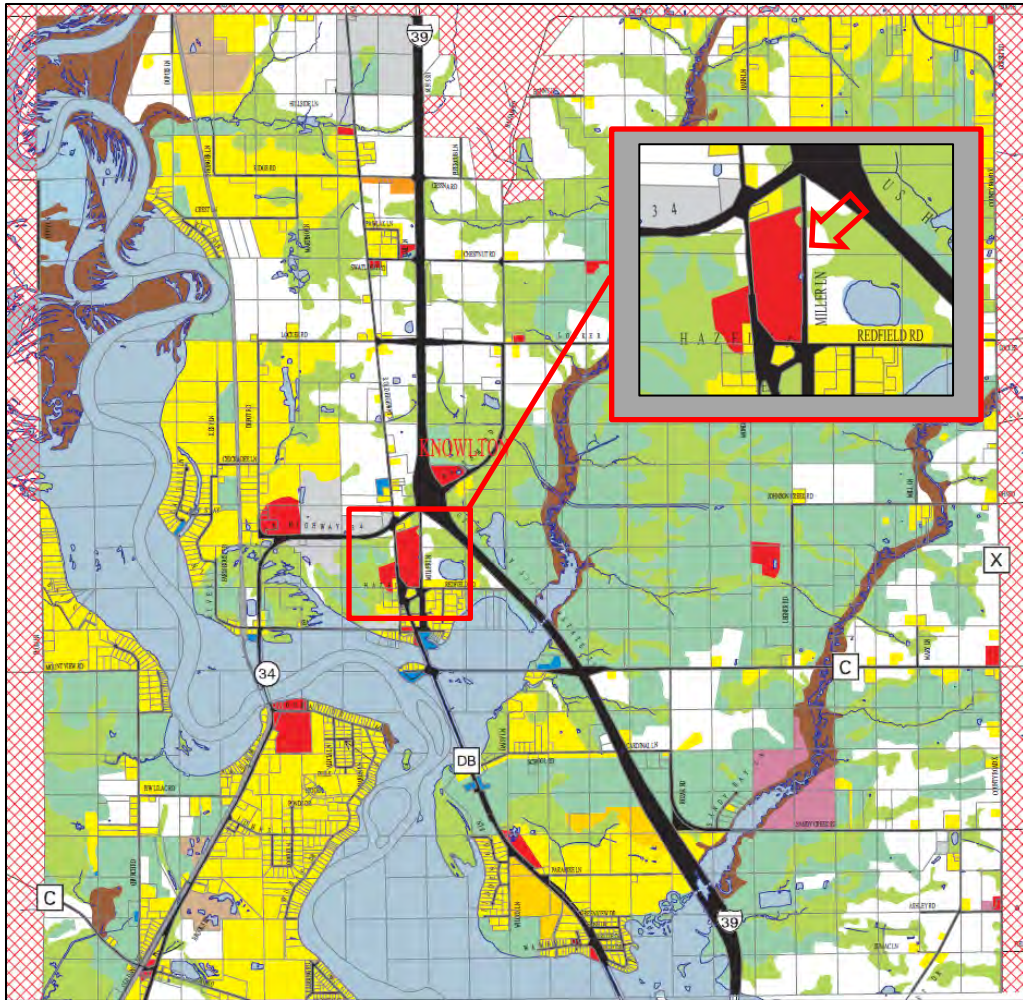
EXISTING ZONING DISTRICT MAP: Adjacent parcels and parcels within close proximity are zoned General Agriculture and Rural Estate.



ACREAGE:
17.9070 Acres

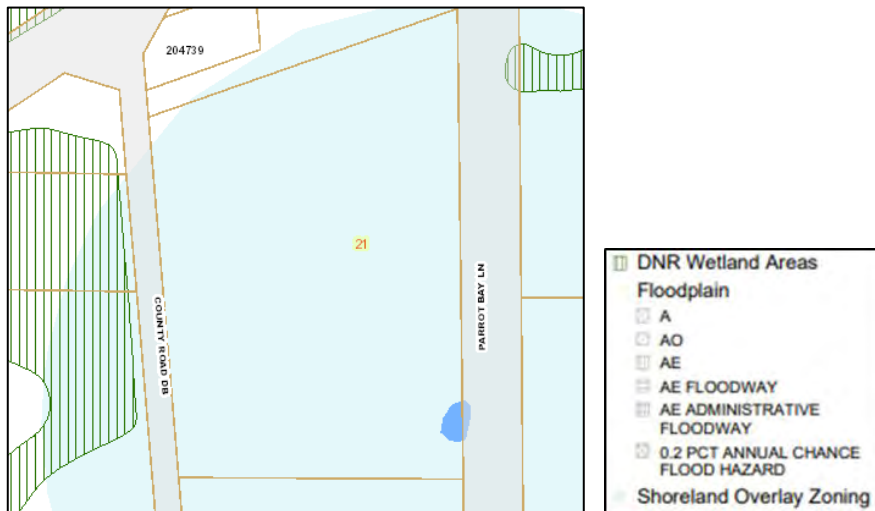
Legal Notification:
A legal advertisement was published in the *Wausau Daily Herald*. Notice of the zoning change request was also sent by regular mail to adjacent property owners within 300 feet of the subject property.

TOWN COMPREHENSIVE PLAN FUTURE LAND USE MAP: The parcel in question is shown to be designated as Commercial land uses in the Town of Knowlton's Comprehensive Plan Future Land Use Map (2005).



SPECIFIC PARCEL LIMITATIONS OR NATURAL FEATURES:

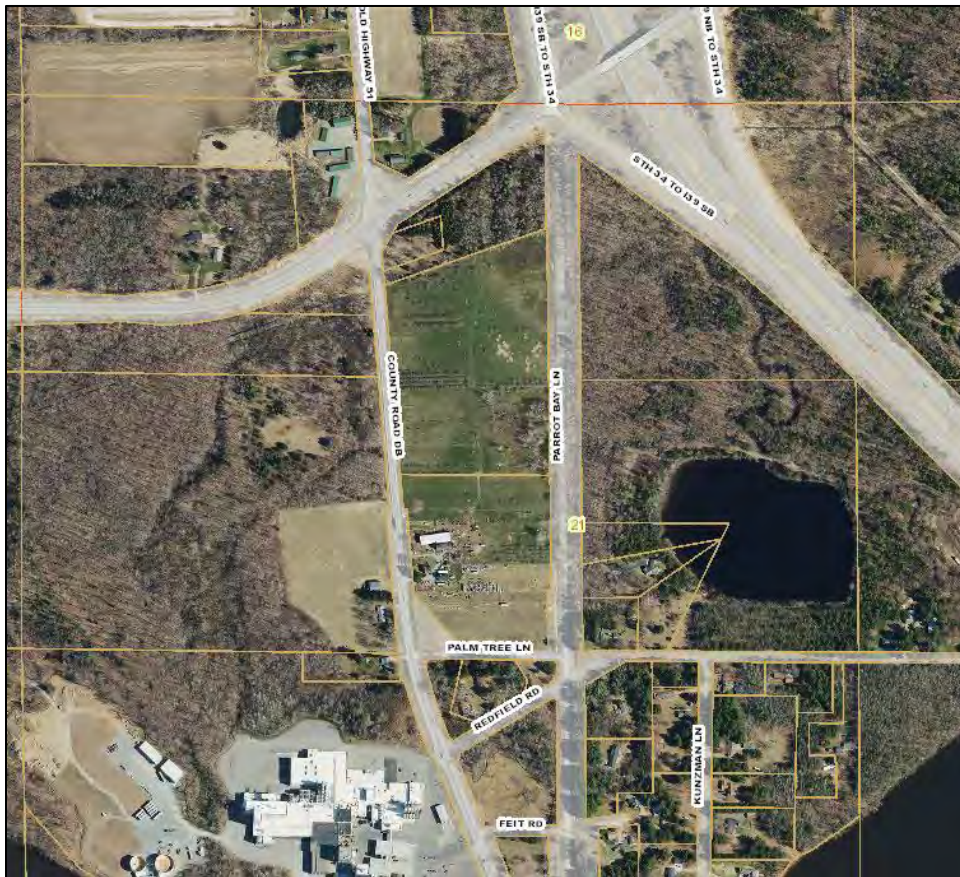
- The proposed development location on this parcel is:
 - **Not** located within mapped floodplain
 - **Not** located within DNR mapped wetlands, or water features.
 - The parcel and proposed development **is** located within the shoreland overlay district from a nearby pond.



Aerial Photo of the Property:



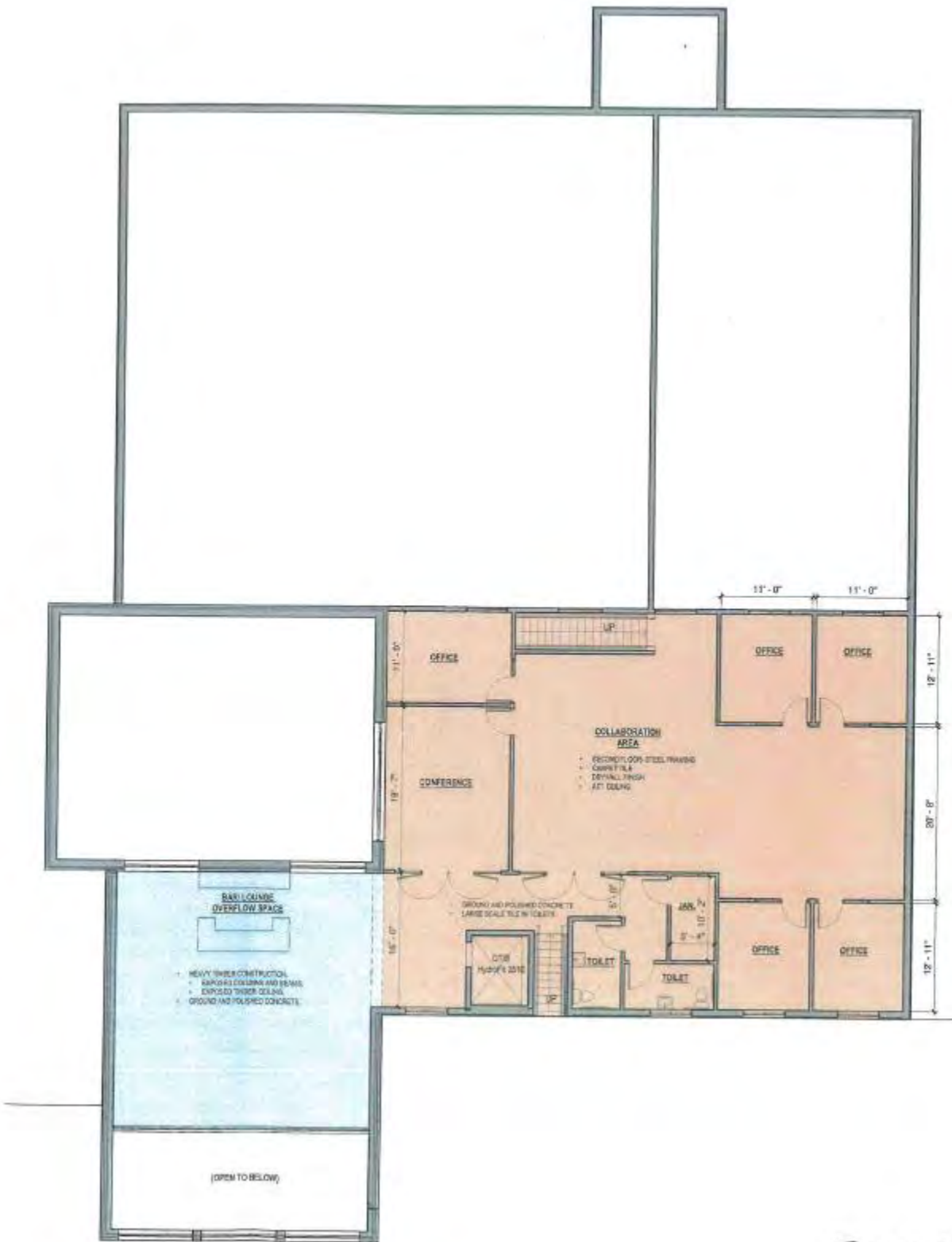
Aerial Photo of adjacent lands:



Violations:

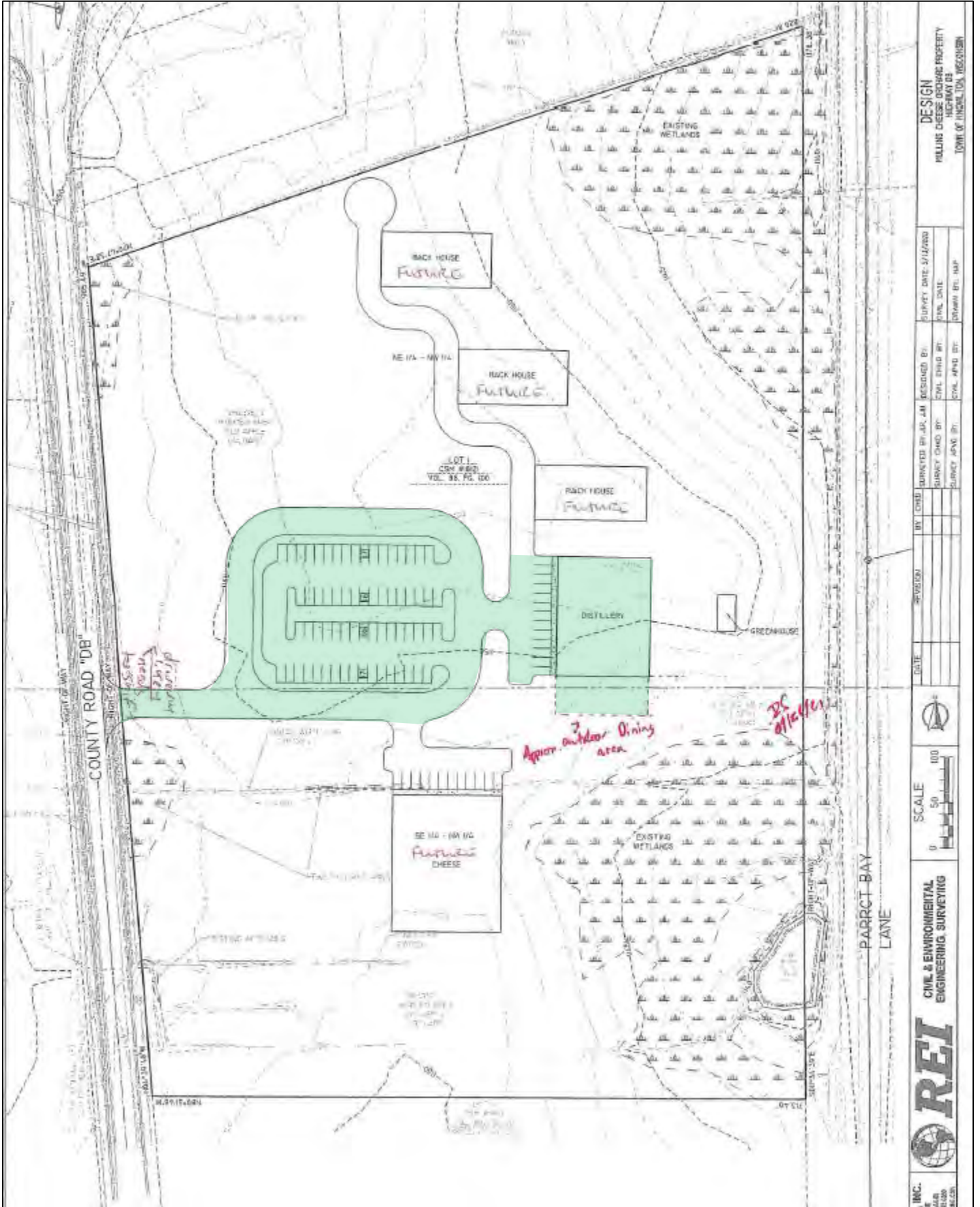
There are no active or past zoning violations on the property in question.

Site/Building Plan #2: (Submitted by the Applicant)



Second Floor

Site/Building Plan #3: (Submitted by the applicant):



Supporting Documentation provide by the Applicant:

CUP #1 (restaurant, micro-brewery, outdoor dining)

Knowlton House Distillery will be dedicated to manufacturing distilled spirits (vodka/gin/whiskey) from agricultural products (milk sugar & grains). While the majority of the facility will focus on production (& supporting employee areas), hospitality spaces will provide opportunities for customers to further interact with & purchase our products. These spaces include a tasting room, retail area, cocktail bar, restaurant & outdoor patio seating.

A small amount of beer will also be produced and sold on-site to diversify customer offerings at the cocktail bar. While distilled spirits will be distributed off-site, beer is currently only intended to be sold at the distillery, with no plans for shipping or distribution.

Maximum occupancy of the facility will be determined once the building design is complete. This is still being finalized, but roughly 12,000ft² are currently planned:

- 7,500ft² of production space
 - warehouse/brewing/distilling/barrel aging/lab/mechanical room
- 1,500ft² of supporting employee space
 - offices/break area/employee restroom/kitchen
- 3,000ft² of hospitality space
 - Tasting area/retail/restrooms/restaurant/beer & cocktail bar
 - Note: outdoor patio spaces will be added adjacent to the cocktail bar & restaurant spaces for use when weather permits

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.
 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.
 3. **Compliance with Applicable Regulations.** The proposed conditional use shall be in compliance with all applicable federal, state, and local laws and ordinances.
 4. **Use of Adjacent Property.** The proposed conditional use shall not interfere with the use and enjoyment of adjacent property.

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

Specific Provision(s) of Law:

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	
COMMERCIAL, OFFICE, and SERVICE USES													
Bar, Tavern, or Micro-Brewery						C		P	P	P			
Restaurant						C		P	P	P			
Outdoor Dining (accessory to a permitted restaurant use)						C	C	P	P	P			Section 17.204.63

Section 17.204.63 OUTDOOR DINING

Outdoor dining and table service, including but not limited to patios and sidewalk cafes, are subject to the following requirements:

- A. The sales and service of food outdoors shall be incidental to a similar principle use indoors and adjacent to that principle use.
- B. Outdoor dining areas shall not obstruct the entrance to any building or sidewalk. If outdoor dining areas are located on a sidewalk in front of a building, a minimum five foot wide clear pedestrian travel way shall be maintained on the sidewalk or pathway.

- C. Temporary, manufactured, or free standing food service providers are not considered outdoor dining uses.
- D. The outside table service shall be located in a manner which will not interfere with visibility, vehicular or pedestrian mobility or access to County or public utility facilities. The determination of whether the outside table service (or any part thereof) interferes shall be made by the Zoning Administrator at the time of application based on the characteristics of each proposed site.
- E. The height of any barrier or installed landscaping shall not exceed 3½ feet. Any barriers permitted in a public right-of-way shall be entirely portable.
- F. Signs are not allowed in the outside table service area with the exception of a menu sign. Business names may be allowed on the valence of awnings and/or umbrellas.
- G. All outside table services must be readily accessible to, and useable by, individuals with disabilities.
- H. Approval of a right of way use permit by the agency with jurisdiction.
- I. Use and occupation of the public right-of-way which is allowed under this ordinance may be temporarily suspended, without prior notice or hearing when, in the discretion of the Zoning Administrator and Town Chairperson, any such use, occupation or obstruction may interfere with public safety efforts or programs, special events, street improvement activities, construction activities, cleaning efforts, or other similar activities or with the health, welfare, or safety of the citizens of the County.

Section 17.502.02 MINIMUM NUMBER OF REQUIRED PARKING SPACES

Table 8. Minimum Parking Requirements

USE	MINIMUM REQUIRED OFF-STREET PARKING SPACES
Eating and Drinking Establishments Restaurants, Bars, Night Clubs	1 space per 100 sq. ft.; plus 1 space per 400 sq. ft. of outdoor dining area

Table 9. Barrier Free Spaces Required

Total Spaces in Parking Lot	Total Accessible Spaces Required (including both 60" and 96" aisles)	Van Accessible Spaces Required (96" wide access aisle)
1 to 25	1	1
26 to 50	2	1

Proposal as it relates to parking standards:

	Sq. Ft	Minimum Parking	Total Parking Spaces Required
Approx. Indoor sq.ft (open to public)	4,324 sq.ft	43	47 Spaces Required (2 ADA barrier free spaces required)
Approx. Outdoor sq.ft (Outdoor dining)	1,920 sq.ft	4.8 (5)	

Parking requirements are derived from the publicly available spaces within and outside the building(s) in question (may change dependent on approval and uses, yet standards apply)

(Approx.) Indoor Areas

- Dining Area = 44 x 23 = 1,012
- Lounge/Bar Area = 42 x 30 = 1,260
- Second Floor Bar/Lounge Area = 30 x 24 = 720
- Merchandise Area = 28 x 19 = 532
- Hall = 24 x 10 = 240
- Tasting Room = 20 x 28 = 560

(Approx.) Outdoor Areas

- Outdoor dining = 96 x 20 = 1,920

Other Requirements, Standards, and Approval's: Including but not limited to...

- **DNR Stormwater Management Permit**
 - Other state and federal approvals and requirements
- **State Sanitary Permitting (Commercial Use)**
- **Exterior Lighting Plan (where applicable)**
 - Parking Lot
 - Signage (if applicable)
 - Building Lighting (Exterior)
- **Sign Permitting (if applicable)**
- **Marathon County Zoning Permit Issuance (for all proposed structures) - General and Shoreland Zoning**
 - Shoreland Alteration Permitting (where applicable)

TOWN RECOMMENDATION:

On November 8th, 2021 the **Town of Knowlton** Town Board Recommended Unknown to Marathon County's Board of Adjustment.

The Town Resolution was not submitted to CPZ at the time this staff report was created.

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:



10/26/2021 (Revised 11/09/2021)

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: Luke Mullins
 Mailing Address: 4780 Blackberry Lane, Junction City, WI 54443
 Telephone: 715-252-6898 Fax: N/A
 Cellphone: 715-252-6898 Email: mullinsdistillery@gmail.com
 Owner Name: (if different) Don Mullins
 Mailing Address: 202901 Irish Lane, Mosinee, WI 54455
 Telephone: 715-573-6055 Fax: N/A

PARCEL INFORMATION

Parcel ID # (PIN): 048-2607-212-0984
 (If more than one parcel is included in this application, list all parcel numbers & legal descriptions on a separate sheet.)

Legal Description: Government Lot _____ or NW $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 21, T 26N, N, R 7E, E, Town of Knowlton
 Lot #1, Block _____ Subdivision CSM Vol. 88 Pg. 100 (Doc # 1764163)
 Property Address: Currently no address
 Parcel size: 17.910 Acres or _____ Sq. Ft.
 Zoning District: Agriculture

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

Existing improvements (Structures, well, septic, etc.):
None

PROPOSAL

Describe **specifically** the nature of this request (be sure to **list all proposed uses** of the parcel). What do you plan to do?
~~Primary use: Construct a distillery that converts agricultural products (corn/wheat/barley/milk sugars) to distilled spirits for onsite sales and distribution.~~
 Supporting uses: The distillery would also include a tasting room, event space, bar/restaurant, green house, green space, as well as possibly grow some of the ingredients onsite and raise animals to dispose of some spent grains. CUP #2 is for hosting events or 'place of assembly' (see attachment).

If this application is for a use that will be restricted to part of the parcel, specify the **exact dimensions** of the affected area.
- whole parcel to be utilized + Bar + Bar overlaid area
- variable dependent on future uses & development.

Provide the following information if this box is checked

Proposal has additional development standards in Section 17.204.49. Explain how your proposal meets or exceeds these requirements.
Place of Assembly

Use separate/additional sheet(s) if necessary

*DS
09/20/20*

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"/>	DS	Completed application including signatures.
<input checked="" type="checkbox"/>	DS	Map with all required information.
<input checked="" type="checkbox"/>	DS	Additional documents, as needed (lot combination forms, hunting/fishing shelter application, etc.)
<input type="checkbox"/>	N/A	Zoning Permit application
<input checked="" type="checkbox"/>	DS	Fee

Please contact the Marathon County Conservation, Planning and Zoning Department with any questions: 715-261-6000.

IMPORTANT: The applicant or authorized representative **must be present at the hearing** or Board **may deny** the application without prejudice.

<p><u>Donald A. Mullin</u> Owner Signature (required)</p>	<p><u>9/28/21</u> Date</p>
<p><u>Mike Maly</u> Agent / Person responsible for work Signature (required)</p>	<p><u>9/28/21</u> Date</p>

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.

<u>Return to:</u>	Board of Adjustment Marathon County CPZ Department 210 River Drive Wausau, WI 54403-5449	Telephone: 715-261-6000 Toll free within Marathon County: 1-800-236-0153 Facsimile: 715-261-6016
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For office use

Amount Received: \$ 600.00

For office use

Date Stamp: 09/28/21

RECEIVED

SEP 28 2021

MARATHON CO. CONSERVATION
PLANNING & ZONING DEPT.

Fax: (715) 261-6016

STATE OF WISCONSIN)
MARATHON COUNTY)
TOWN OF KNOWLTON

TOWN RESOLUTION OF RECOMENDATION

TO THE MARATHON COUNTY BOARD OF ADJUSTMENT

I, Alan Fochs, Clerk of the Town of Knowlton, 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 Knowlton Town Board at a meeting held on the 8th day of November, 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 Knowlton.

NOW, THEREFORE BE IT RESOLVED that the Town of Knowlton Town Board considered on the 8th day of November, 2021, 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 1/2 of the NW 1/4 of Section 21, T26N, R07E, Town of Knowlton. Parcel PIN # 048.2607.212.0984

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 Alan Fochs
 Town Board Jim Morris
Kevin Brown

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 October 28, 2021 to:

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

The packet information for the Mullins Conditional Use Permit #2 is the same as the information in the previous application.

Please refer to pages 21-29.



**Luke Mullins on behalf of Don Mullins
Conditional Use Permit Application #2
Revised Staff Report, November 18th, 2021
Marathon County Board of Adjustment**

Findings of Fact

REQUEST:

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.

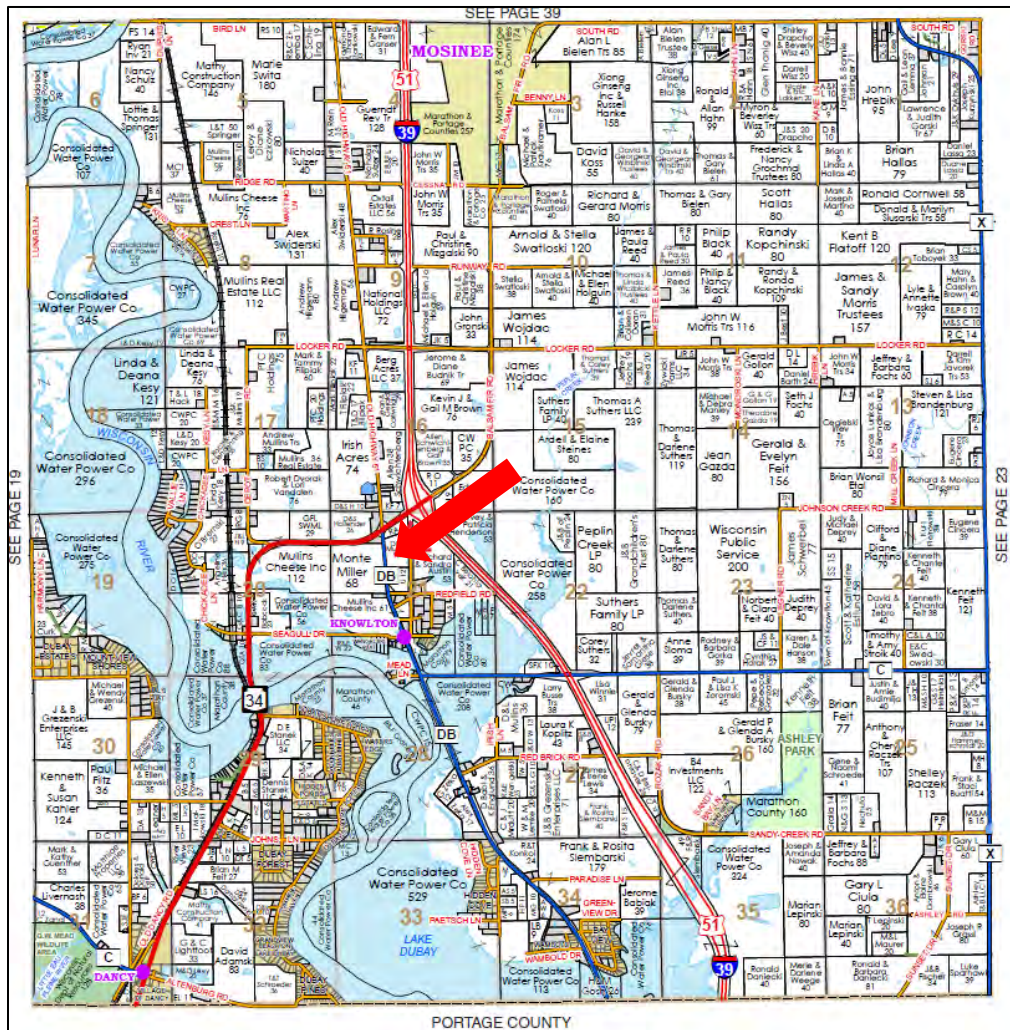
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APPLICANT(s): Luke Mullins – 4780 Blackberry Lane, Junction City, WI 54443

PROPERTY OWNER: Donald and Londa Mullins – 202901 Irish Lane, Mosinee WI 54455

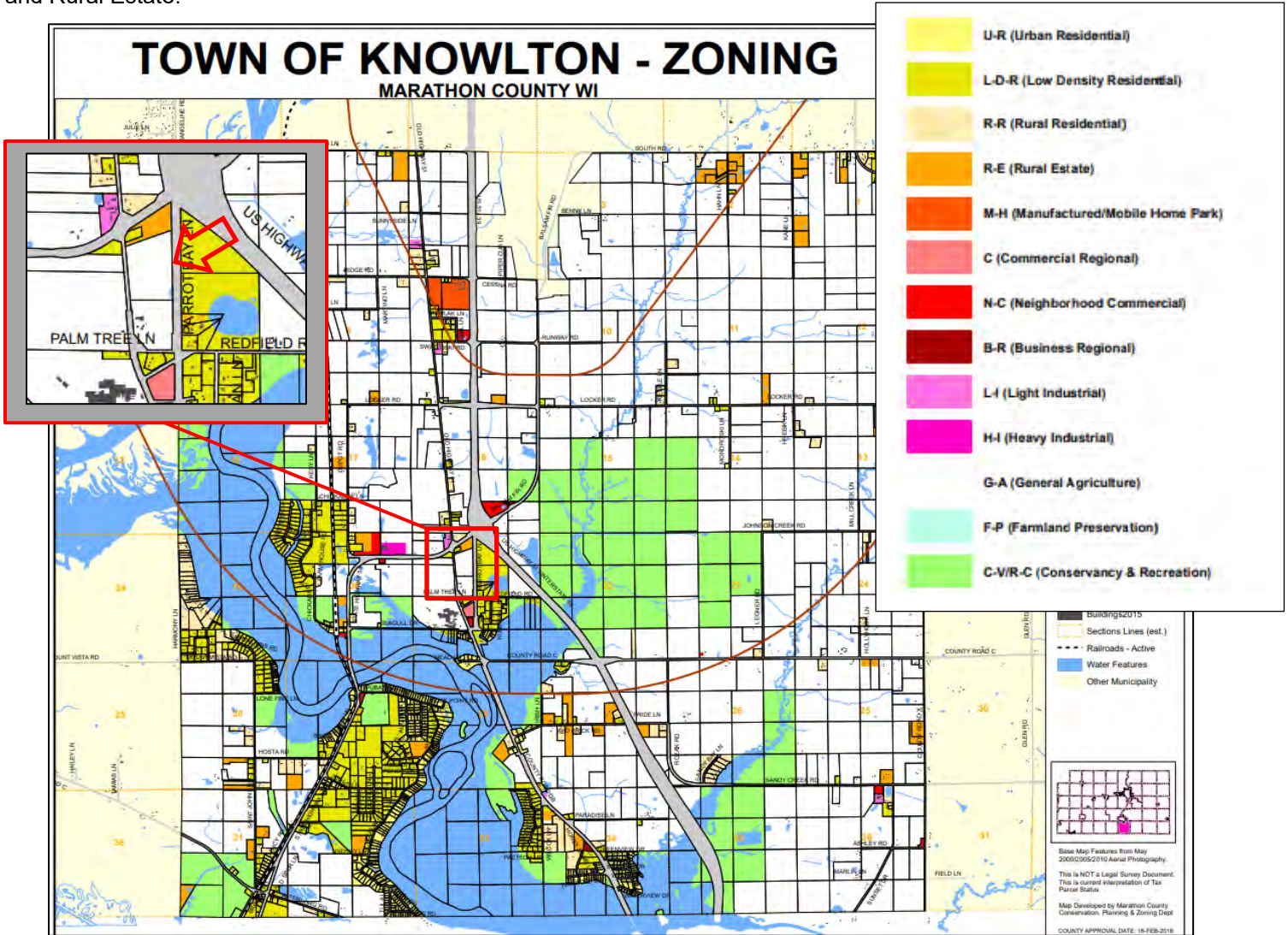
Map 1: Location of Conditional Use Permit Request



EXISTING ZONING DISTRICT:

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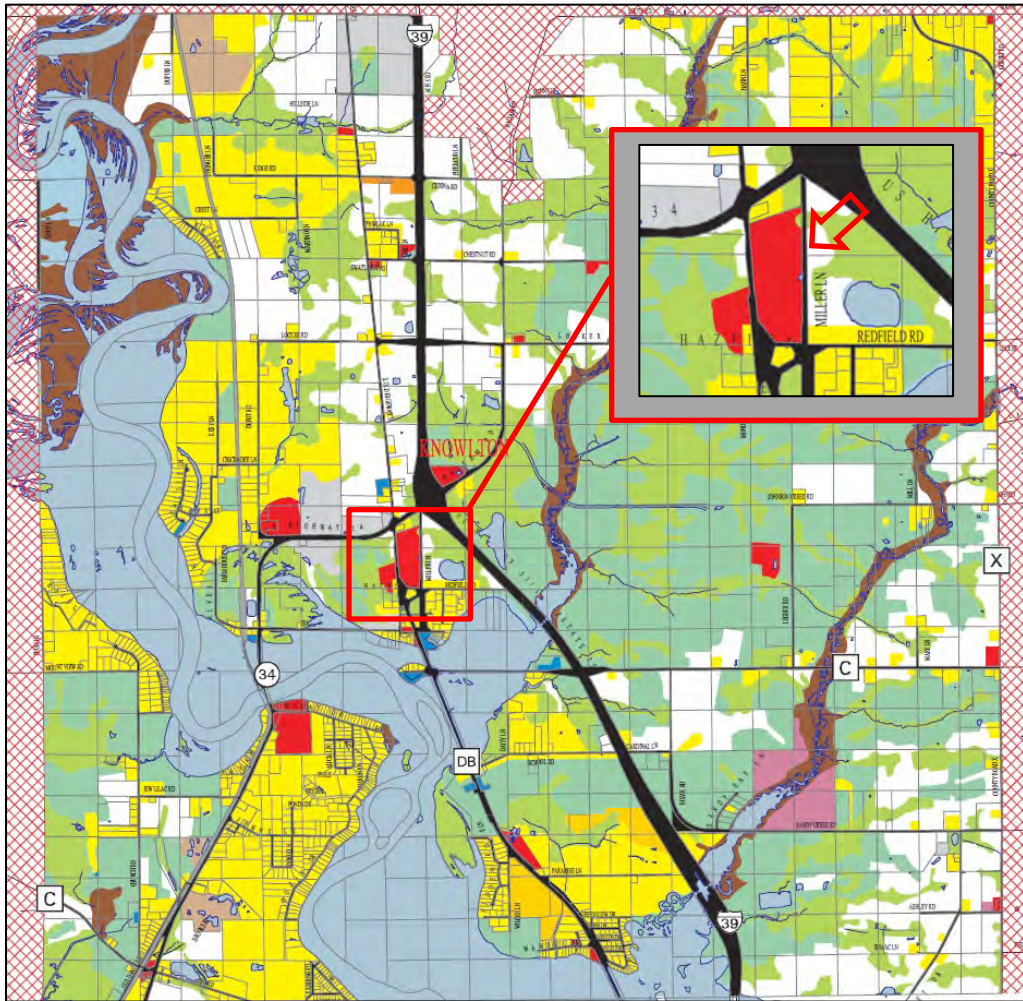
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17.9070 Acres

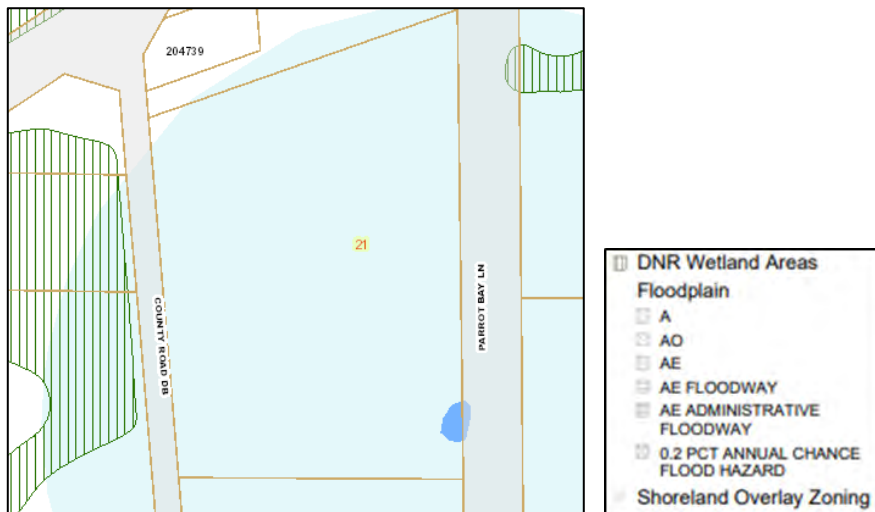
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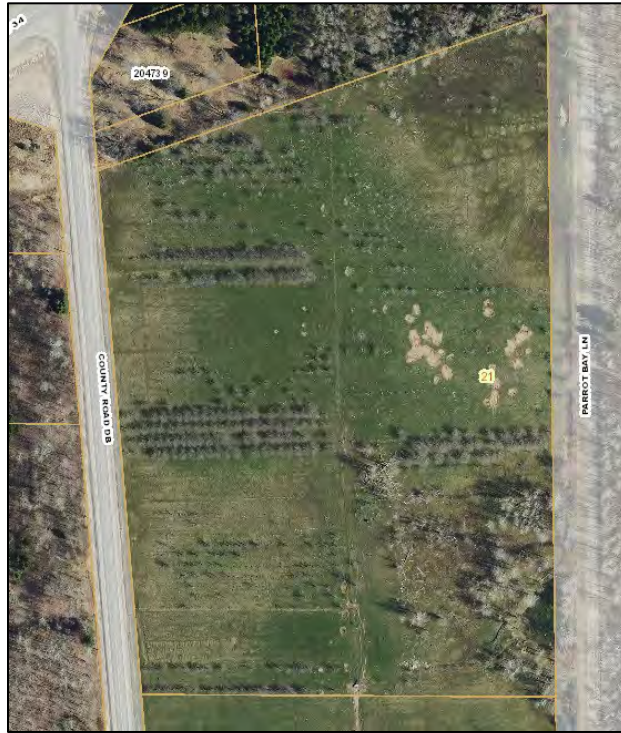


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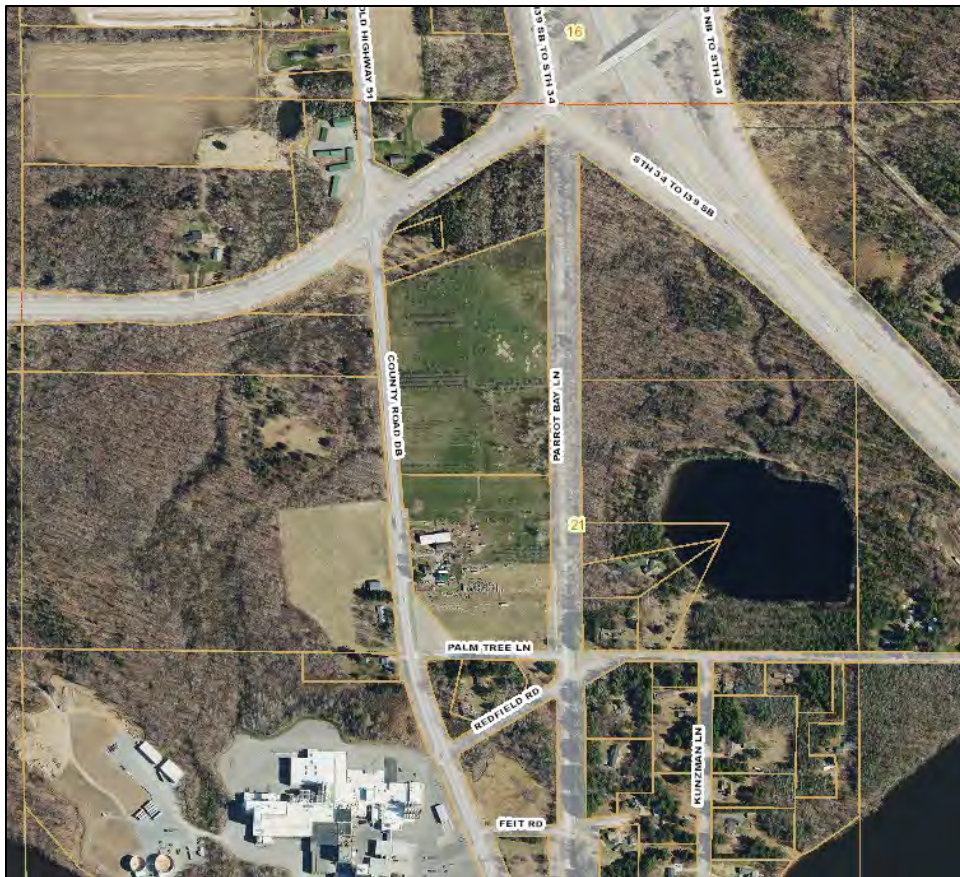
- The proposed development location on this parcel is:
 - **Not** located within mapped floodplain
 - **Not** located within DNR mapped wetlands, or water features.
 - The parcel and proposed development **is** located within the shoreland overlay district from a nearby pond.



Aerial Photo of the Property:



Aerial Photo of adjacent lands:



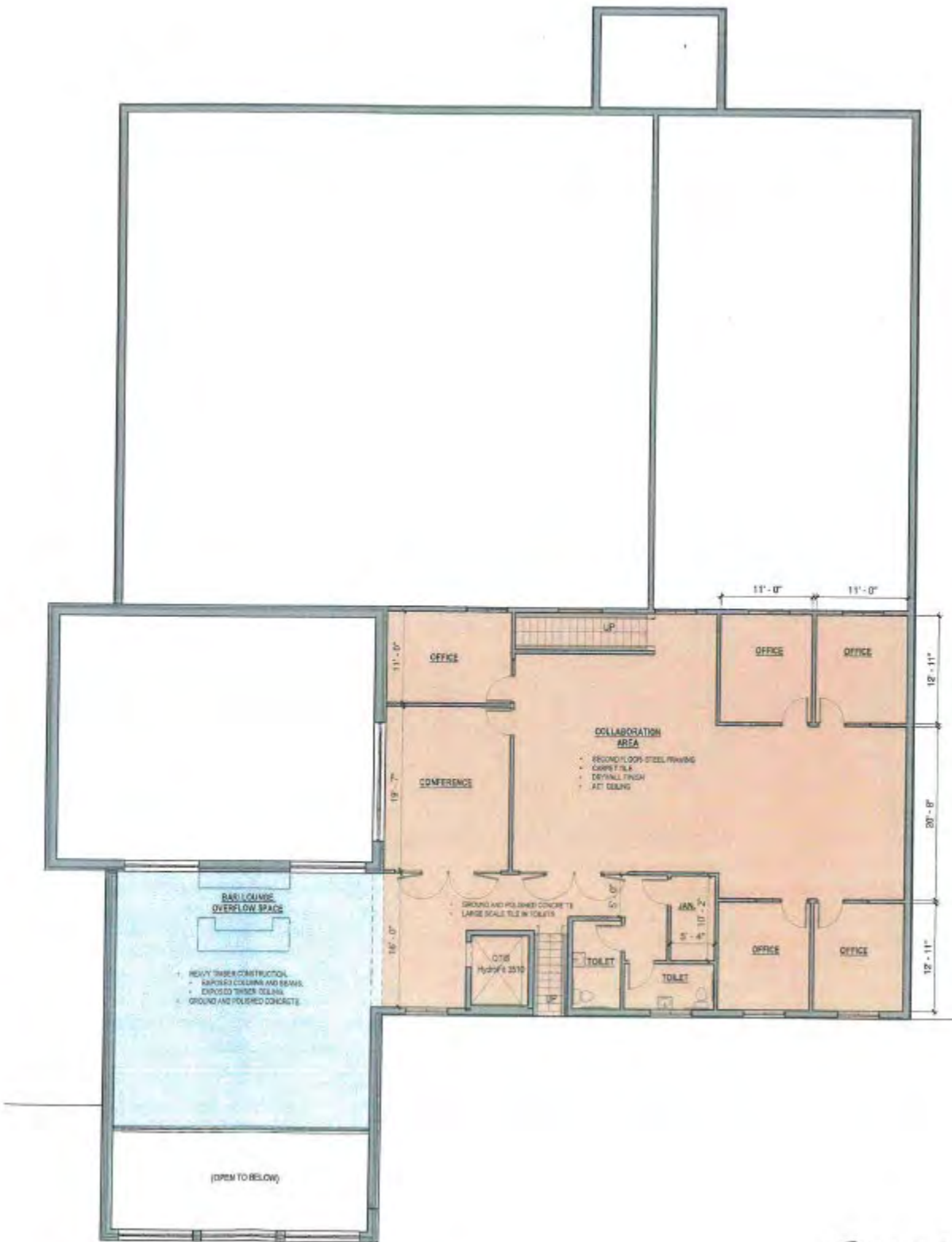
Violations:

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

Site/Building Plan #1: (Submitted by the Applicant)



Site/Building Plan #2: (Submitted by the Applicant)



Second
Floor

CUP #2 (place of assembly)

While the restaurant and distillery will have indoor and patio spaces available for small to mid-sized gatherings, we would potentially use outdoor space for additional periodic gatherings. These would primarily be internally driven, including (but not limited to) distillery anniversary or seasonal celebrations, special release parties, and small musical acts. While not the primary source of outdoor gatherings, it's possible external groups may wish to infrequently use the space for activities such as weddings or other celebrations.

The exact space used would vary based on the size and type of gathering. Primarily, outdoor activities would take place on the facility's south side patio (just outside the dining room), on the empty field on the South side or in/near a future barrel warehouse. This would allow ample space for mid to larger gatherings such as an anniversary party or musical act that attracts 50 or more people at a time. Attendance would be capped based on safety guidelines and permitting. Weather allowing, small to mid-sized gatherings that are taking place inside the facility (such as in the tasting or barrel room) may potentially flow to outside spaces adjacent to their gathering room. For instance, a small gathering taking place in the tasting room on the West side of the building may wish to flow out onto a patio or green area connected to the room for cocktail hour.

Larger, internally-driven gatherings such as an anniversary or seasonal party would likely take place 2-3 times annually. The number of additional gatherings, such as those created around a musical act, will vary based on popularity. We are expecting roughly 4-12 gathering of this sort annually.

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.
 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.
 3. **Compliance with Applicable Regulations.** The proposed conditional use shall be in compliance with all applicable federal, state, and local laws and ordinances.
 4. **Use of Adjacent Property.** The proposed conditional use shall not interfere with the use and enjoyment of adjacent property.

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

Specific Provision(s) of Law:

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	
COMMERCIAL, OFFICE, and SERVICE USES													
Place of Assembly						C		P	P				Section 17.204.49

Section 17.204.49 PLACES OF ASSEMBLY

- A. **Wedding Barns.**
 1. Agricultural Building must be brought into compliance with the Wisconsin Commercial Building Code.
 2. If building is to be used for public use or as a place of employment on a temporary basis, a temporary event must be issued under SPS 361.03(12) and SPS 314.01(5).

Definition: Per Chapter 17 Zoning Code of Ordinance

Place of Assembly. A facility for public assembly including, but not limited to arenas, auditoriums, conference facilities, banquet facilities, convention centers, exhibition halls, theatres, performing arts centers, or any other use where people gather for recreational, charitable, or commercial purposes.

Section 17.502.02 MINIMUM NUMBER OF REQUIRED PARKING SPACES

Table 8. Minimum Parking Requirements

USE	MINIMUM REQUIRED OFF-STREET PARKING SPACES
Default Parking Requirement	
Community, Civic, and Institution Uses*	1 space per 3 persons permitted at maximum occupancy

Final Determination regarding minimum parking spots for the Place of Assembly use is dependent on final building code max capacity of the building as well as the event size(s).

Table 9. Barrier Free Spaces Required

Total Spaces in Parking Lot	Total Accessible Spaces Required (including both 60" and 96" aisles)	Van Accessible Spaces Required (96" wide access aisle)
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1,000	2% of total parking provided in lot	1/8 of total accessible spaces required

Other Requirements, Standards, and Approval's: Including but not limited to...

- **DNR Stormwater Management Permit**
 - Other state and federal approvals and requirements
- **State Sanitary Permitting (Commercial Use)**
 - Temp restrooms for events may be applicable
- **Exterior Lighting Plan (where applicable)**
 - Parking Lot
 - Signage (if applicable)
 - Building Lighting (Exterior)

TOWN RECOMMENDATION:


On November 8th, 2021 the **Town of Knowlton** Town Board Recommended Unknown to Marathon County's Board of Adjustment.

The Town Resolution was not submitted to CPZ at the time this staff report was created

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:



10/26/2021 (Revised 11/09/2021)

SIGNATURE

DATE