

MINUTES MARATHON COUNTY BOARD OF ADJUSTMENT

Members present remotely: Richard Lawson, Roger Zimmerman, Arnold Schlei, Karen Piel, and Carolyn Opitz.

Members not present: Jim Servi and Kerry Brimmer.

Also present remotely via phone: Penelope (Penny) Mahringer, Ray & Margaret Kennedy, Kale Bryan.

Also present via WEBEX: Teal Fyksen, Becky Frisch, Cindy Kraeger, Diane Hanson, Dominique Swangstu, Lane Loveland, and Michael Jahnke.

Called to order at 9:08 a.m., 210 River Drive, Wausau by Chair Lawson, who explained the **rules of the hearing** and the reason for the establishment of the Board of Adjustment.

1. Approve June 25, 2020 minutes – Motion / second by Piel / Schlei to approve the June 25, 2020 minutes as distributed. Motion **carried** by voice vote, no dissent.

2. Election of Officers: Chairman, Vice-Chairman, and Secretary

Frisch discussed the election of officers with the interest to move Lawson as current Chairman to the Vice Chairman position and Piel from current Vice Chair position to the Chairman position effective September 24, 2020. Frisch called for nominations for Chair. Schlei nominated Piel. After requesting nominations 3 times, there were no other nominations.

Motion / second by Schlei /Opitz to close nominations and cast a unanimous ballot for Piel as Chairman effective September 24, 2020. Motion **carried** by unanimous roll call vote.

Frisch then called for nominations for Vice Chair. Opitz nominated Lawson. After requesting nominations 3 times, there were no other nominations.

Motion / second by Opitz /Zimmerman to close nominations and cast a unanimous ballot for Lawson as Vice-Chairman effective September 24, 2020. Motion **carried** by unanimous roll call vote.

Frisch then called for nominations for Secretary. Piel nominated Schlei to remain as Secretary. After requesting nominations 3 times, there were no other nomination.

Motion / second by Piel /Opitz to close nominations and cast a unanimous ballot for Schlei to continue to serve as Secretary. Motion **carried** by unanimous roll call vote.

3. The application Abbotsford Evangelical Free Church for a variance from the terms of Section 17.702.03 of the General Code of Ordinances for Marathon County Chapter 17 Zoning Code to construct a new sign differing from the dimensional and height standards in the R-E Rural Estate district, on property owned by Abbotsford Evangelical Free Church Inc. described as part of SE ¼, SE ¼, Section 32, T29N, R2E, Town of Holton, further described as PIN # 042.2902.324.0987 with a property address of 228936 Cemetery Avenue – Abbotsford, WI 54405.

Teal Fyksen was sworn in for case and all additional cases, asked the Board to use the determination worksheets in their decisions and cited the provisions of law which apply. Exhibit 1 – Staff report: Town of Holton has adopted county zoning. A portion of the property is located in shoreland zoning and a mapped floodplain. There are mapped wetlands on the property. There are no known violations on the site; Existing sign Photo facing south; Existing Sign Dimensions. Exhibit 2 – Petition for Variance application. Exhibit 3 – Application Narrative. Exhibit 4 – Location within township. Exhibit 5 – Future Land Use Map. Exhibit 6 – Aerial Photo. Exhibit 7 – Proposed Site Plan. Exhibit 8 – Location of existing sign. Exhibit 9 – Viewing angles and visibility. Exhibit 10 – Contours Map. Exhibit 11 – Quote for proposed sign. Exhibit 12 – Proposed sign details and expanded view. Exhibit 13 –Photo #1 view from Hwy. 29 (west-bound lane). Exhibit 14 – Photo 2 view from Hwy. 29 (east-bound lane). Exhibit 15 – Required vs. proposed requirements. Exhibit 16 - Basis of determination – Town of Holton. Exhibit 17 - Basis of Determination Page 2. Exhibit 18 – Town of Holton Resolution.

Fyksen discussed Ordinance Section 17.702.03 related to on premise ground signs differing from the dimensional and height standards in the R-E district 1 per road frontage; 32 square feet total maximum area; 15 feet maximum height; 15 feet from the street right of way; 25 feet from side lot line; 100 feet from residential district boundary; 25% of non-changeable area or 25% of total sign area whichever is less. The applicant is proposing replacing the sign in the current location with a total maximum area of 54 sq. ft; maximum height of 20 feet; changeable copy percentage is 63.6% of non-changeable; 38.8% of total.

It was noted that on the Provisions of Law Slide there was an error in the maximum height under the BR- zoning district which should be 15 feet instead of 10 feet.

Fyksen indicated no permitting from the Wisconsin Department of Transportation is required for the proposed sign at the proposed location.

Lawson questioned when the existing sign which is not in compliance was built. Fyksen stated there are no permit records on file with the department. Lawson asked Fyksen to explain the height and area regulations applicable to the zoning code. Fyksen stated it is to protect and enhance the physical appearance of the community that recognizes the rights of property

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owners; enhance property values; attractiveness; public safety and to control the design and size of signs to ensure their appearance will preserve the aesthetics in the zoning district.

Michael Jahnke was sworn in and discussed the request of the new sign due to the physical limitations of land surrounding the church and Highway 29. Jahnke would be willing to reduce sign modifications if recommended by the Board. Lawson questioned the hardship relative to the size of the sign. Jahnke stated it would be more visible from the frontage road and for the members of the community.

Chair Lawson asked for any additional testimony.

There was no additional testimony in favor, opposed, or as interest may appear. Testimony portion of the hearing closed at 10:04 a.m.

Motion / second by Piel / Opitz to **grant** the variance request, without any additional conditions.

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 Eric Wendell for a conditional use permit per Section 17.204.56 and 17.401.02 E of the General Code of Ordinances for Marathon County Chapter 17 Zoning Code for the purposes of operating a minor home professional business and to construct a detached accessory structure with dimensions exceeding the standards in the R-R Rural Residential District, described as part of the NE ¼ SW ¼ Section 32, Township 26N, R3E, Town of McMillan, described as PIN# 056.2603.323.0991 with a property address of 111482 Red Hawk Lane, Marshfield WI54449.

Teal Fyksen stated a letter was received from Eric Wendell requesting that the hearing for this case be recessed to the September 24, 2020 meeting date due to the Town of McMillan Town Board not having this application on their Town Board agenda before the Board of Adjustment hearing.

Public in attendance, Penny Mahringer, Ray and Margaret Kennedy and Kale Bryan had no opposition to this request.

Hearing postponed until September 24, 2020.

5. Board education and training as needed – Fyksen discussed the new series of zoning webinars being offered by the Center of Land Use Education. CPZ will be hosting the webinars and members are encouraged to attend.

Frisch provided guidance and discussed the finer points of deliberating as a Board on a decision.

6. Announcements and Requests – Frisch announced her retirement effective on September 3, 2020. The Committee thanked her for her years of service and stated that she will be missed.

Next meeting date – September 24, 2020 at 9:00 a.m., 212 River Drive, Wausau Room 5 / remotely

7. Meeting adjourned – **Motion** / second by Piel / Schlei to adjourn at 10:35 a.m. Motion **carried** by voice vote, no dissent.

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

AS/cek

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

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