

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, July 30, 2020**, at 212 River Drive Room 5 Wausau WI.

The meeting site identified above will be open to the public. However, due to the COVID-19 pandemic and associated public health directives, Marathon County encourages (Committee/Board/Commission) members and the public to attend this meeting remotely. To this end, instead of attendance in person, (Committee/Board/Commission) members and the public may attend this meeting by telephone conference. If (Committee/Board/Commission) members or members of the public cannot attend remotely, Marathon County requests that appropriate safety measures, including adequate social distancing, be utilized by all in-person attendees.

Persons wishing to attend the meeting by phone may call into the telephone conference beginning five (5) minutes prior to the start time indicated above using the following number:

Phone Number: 1-408-418-9388

Access Code: 146 073 4795

Attendee ID / Number Meeting Password: 1234

When you enter the telephone conference, PLEASE PUT YOUR PHONE ON MUTE!

1. Approval of the June 25, 2020 minutes.
2. The application of 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.
3. 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 WI 54449.
4. Board education and training as needed.
5. Announcements and Requests
6. Adjourn.

All interested persons will be given the opportunity to be heard. Written testimony may be forwarded to the Board of Adjustment, c/o Conservation, Planning & Zoning Department, 210 River Drive, Wausau WI 54403-5449. Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk's Office at 715-261-1500 or e-mail infomarathon@mail.co.marathon.wi.us at least one business day before the meeting.

Richard Lawson / cek

Richard Lawson, Chairman
Board of Adjustment

Rebecca J. Frisch

Rebecca Frisch, Director
Conservation Planning and Zoning Department

Publish: July 13 and July 20, 2020

E-mailed to Wausau Daily Herald on July 8, 2020, at 6:40 p.m. /cek

**MINUTES
MARATHON COUNTY BOARD OF ADJUSTMENT**

Members present remotely: Richard Lawson, Arnold Schlei, Karen Piel, Jim Servi, Carolyn Opitz, Kerry Brimmer
(alternate #2 attended remotely and was not called upon to vote, since a quorum was present)

Members not present: Roger Zimmerman

Also present remotely via phone: Don Southworth Jr.

Also present via WEBEX: Teal Fyksen, Brenda Iczkowski, Diane Hanson, Dominique Swangstu, Lane Loveland, Becky Frisch, Paul Daigle, Jared Mader, Don Napiwocki, Chris Mrdutt, Jeff Peterson, Dustin Vreeland, David Krautkramer, Andrew Altenhofen, Mark Kolbe.

Called to order at 9:06 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 May 28, 2020 minutes – Motion / second by Servi / Schlei to approve the May 28, 2020 minutes as distributed. Motion **carried** by voice vote, no dissent.

2. The application of Robert and Heidi Pachniak for a conditional use permit per Section 17.401.02 of the General Code of Ordinances for Marathon County Chapter 17 Zoning Code for the purpose to construct a detached accessory structure for personal use with floor area differing from the standards in the L-D-R Low Density Residential district, described as part of the NW ¼ NW ¼ Section 27, Township 26N, Range 8E, Town of Guenther, described as Lot 1 on Certified Survey Map #175018, further described as, PIN # 032.2608.272.0988 with a property address of: 160499 County Road C, Mosinee, WI 54455.

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 Guenther has adopted county zoning. The property is not located in shoreland zoning or a mapped floodplain. There are no mapped wetlands on the property. There are no known violations on the site. Exhibit 2 – Petition for Conditional Use Permit application. Exhibit 3 Location within township. Exhibit 4 – Certified Survey Map. Exhibit 5 – Proposed site plan. Exhibit 6 – Proposed sidewall and height dimensions. Exhibit 7 – Future land use map. Exhibit 8 – Surrounding zoning. Exhibit 9 – Aerial Photo wide angle. Exhibit 10 – Aerial photo. Exhibit 11 – Required vs Proposed dimensions. Exhibit 12 –Town of Guenther resolution.

Fyksen discussed Ordinance Section 17.401.02 related to the construction of detached structures outside of the building standards. Code allows for 1200 square feet of floor area, 14’ side walls, 24’ overall height, 12’ overhead garage doors. This application is for 1792 square foot detached accessory structure. Fyksen stated that the proposed building square footage did not meet the code, all other applicable regulations would be met. The detached accessory structure would be used for personal use.

The Applicants were not present to provide any additional testimony.

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 9:23 a.m.

Motion / second by Piel / Schlei to **grant** the conditional use 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.

3. The application of KLM Acres for a conditional use permit per 17.204.54 “Nonmetallic Mining” of the General Code of Ordinances for Marathon County Chapter 17 Zoning Code, for the purpose of boundary expansion and continued operation of an existing permitted nonmetallic mining operation (Reclamation Permit #15-003) on properties currently owned by Randolph and Teresa Konkol. The property is located in the G-A General Agricultural district, on parcel described as part of the NW¼ NW ¼ Section 34, T26N, 7E Town of Knowlton further described as PIN# 048.2607.342.0980 with a property address of: 201631 County Road DB, Mosinee, WI 54455.

Teal Fyksen 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 Knowlton has adopted county zoning. The property is located in shoreland zoning. The property is not located in a mapped floodplain. There are mapped wetlands located on the property. There are no known violations on this site. Exhibit 2 – Petition for Conditional Use Permit application. Exhibit 3 – Narrative. Exhibit 4 – Aerial photo mine site. Exhibit 5 – Aerial photo future pond. Exhibit 6 – Aerial photo two lane access road. Exhibit 7 – Approximate project area. Exhibit 8 – DNR wetlands. Exhibit 9 – Project Site – G-A Zoning District. Exhibit 10 – Aerial photo Knowlton pit. Exhibit 11 – Location within township. Exhibit 12 – Future land use map. Exhibit 13 – Site

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contours. Exhibit 14 – Site Map. Exhibit 15 – Mine profile north-south. Exhibit 16 – Mine profile east-west. Exhibit 17 – Town of Knowlton resolution.

Fykseen discussed Ordinance Section 17.204.54 related to the requirements of nonmetallic mining within the Code. The purpose of this application is for renewal and expansion of the current mine. The Town of Knowlton approved the request with the following conditions: Hours of Operation - 7:30 am- 6pm Monday through Friday, 7:30 am-12 pm Saturday; setback from County DB right of way of 250', total excavated area limited to 12 acres, limited to 10 years expiring on 06/01/2030 and must provide map reflecting setback and area conditions. All other applicable setbacks will be met.

Servi questioned where the setback discussions originated. Fykseen responded that the discussions were at the Town Plan Commission meeting and then moved on to the full Town Board discussion.

Servi questioned in Exhibit 12 related to the small ponds in the northeast portion of the property and whether they had been created via mining activities. Fykseen stated to his knowledge, the small ponds were excavated and permitted but felt that the applicant could answer the question better.

Brimmer stated the Town of Knowlton didn't request a setback but the applicant had asked for a setback because the applicant may parcel off lots along County Highway DB. Brimmer also stated that the town has always opposed the mine since the beginning.

Lawson asked if the revised setback limit would allow for the actual area of the mine to be no more than 12 acres that the town also specified. Fykseen answered yes.

Schlei questioned about the buffer of trees along County Hwy. DB, and if the trees would be removed if any future development of the property occurred.

Fykseen responded that would be referred to the future land use and the owner would be able to better answer the question and the trees are in the right of way which would be up to the County Highway department to remove them.

Mrdutt was sworn in. In response to the question regarding the ponds on the property, Mrdutt stated that they are recreational ponds that were created due to mining of less than 1 acre which did not require a permit. Mrdutt further explained the history of the current mine site. Mrdutt also stated that Exhibit 12 shows the buffer of trees which is on the KLM acre property. Currently, there is no need to remove the buffer of trees. There are currently no plans to develop this area but want the option for the future.

Servi asked the applicant if he had any concerns with the Towns conditions. Mrdutt stated they welcomed the conditions, and are willing to comply with all of the conditions. Many of the conditions the applicant provided.

Lawson questioned Exhibit 13. Does that satisfy the last recommended condition of the town requesting an updated map showing the setbacks? Mrdutt added the map shows the setback and the maximum acreage to be mined of 11.17 acres.

Lawson asked approximately how much of the total area proposed for the mine has been currently mined? Mrdutt stated that approximately 25-33% of the site has been mined.

Lawson asked if Integrity is still working the site and will continue into the future. Mrdutt stated that Integrity is the operator and will continue operating the mine on this site.

Piel asked for information on the truck traffic in and out of the mine site. Mrdutt explained that a large quantity of materials removed from the mine is being hauled to Mosinee with about 15-20 trucks in/out of the mine site per hour and as low as 3-5 trucks an hour. Signs are place on Highway DB with trucks entering/hauling. The operation is also set up for black dirt or smaller loads of dirt for neighbors.

Lawson asked if Integrity Grading has complied with the conditions in the prior permit. Mrdutt responded that they have.

Lawson asked if any accessory, office area parking uses will be at least 75 feet from the right of way. Mrdutt answered yes.

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 9:54 a.m.

Motion / second by Servi / Piel to **grant** the conditional use request with conditions as requested by the Town.

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

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

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4. The continuation of the public hearing regarding the James Peterson Sons, Inc. request for a conditional use permit application from the April 23, 2020 Board of Adjustment meeting.

Teal Fyksen 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 Marathon has adopted county zoning. Part of the property is located in shoreland zoning. Part of the property is located in a mapped floodplain. There are mapped wetlands on the property. There are no known violations on the site. Exhibit 2 – Petition for Conditional Use Permit application. Exhibit 3 – Parcel owners. Exhibit 4 – Narrative. Exhibit 5 – Location within township. Exhibit 6 – Future land use map. Exhibit 7 – Surrounding zoning. Exhibit 8 – Aerial Photo (wide angle). Exhibit 9 – Aerial photo PIN# 054.2806.013.0998. Exhibit 10 – Aerial photo PIN# 054.2806.013.0993. Exhibit 11 – Existing site currently permitted. Exhibit 12 – Proposed Pond (reclamation). Exhibit 13 – Pond Profile 1. Exhibit 14 – Pond Profile 2. Exhibit 15 – Revised Proposed Pond (reclamation). Exhibit 16 – Revised Pond Profile 1. Exhibit 17 – Revised Pond Profile 2. Exhibit 18 – Town of Marathon Input. Exhibit 19 – Letter of Opposition – Southworth. Exhibit 20 – Letter of Opposition – Kolbe/Paul Sturgis WI Agronomy Crops IMS. Exhibit 21 – Letter of Opposition – Jack & Cheryl Fenn. Exhibit 22 – Town of Marathon Resolution. Exhibit 23 – Basis of Determination Town of Marathon. Exhibit 24 – Peterson Letter Responding to Town’s Recommendation of Denial

Fyksen discussed Ordinance Section 17.204.54 related to the requirements of nonmetallic mining within the Code. Fyksen stated the Town of Marathon recommended denial. Servi asked why the Town of Marathon recommended denial and asked for their reasoning for recommending denial. Fyksen couldn’t speak on the Town of Marathon’s behalf and was not in attendance at the Town of Marathon meetings when this was discussed.

Lawson asked if the Department has been aware of any violations on/at this site since the staff report shows there were no known violations on record. Fyksen has reviewed the file for this mine site and did not find any complaints or violations in the file. The statement that there were complaints/violations on this site is inconsistent with CPZ files.

Lawson asked what specific conditions were placed on this mine site under the current permit and when the permit was granted. Fyksen stated the conditions per the letter dated April 14, 2004, the special exception permit from 2004 had the following conditions: setbacks along the Gertschen property are 20 feet and the slope is 10 to 1, all material is hauled offsite to the North onto County Road NN.

Lawson asked if a permit expiration date was given. Fyksen responded there was not an expiration date identified in the permit records. The applicant has been compliant with their existing Conditional Use Permit. Lawson questioned why the application is being presented if the applicant already has a permit with no expiration date. Fyksen stated the applicant is changing the final reclamation plan from a farm field to a pond and will be going deeper with the excavation. The applicant’s proposal is to mine to a depth of 44 feet (28 foot depth increase).

Servi asked about the towns concerns with possible well water contamination. Fyksen stated that the applicant is working with a hydrologist to study this issue of concern.

The following people were sworn in and gave testimony **in favor** of the James Peterson Sons Inc. Conditional Use Permit request:

Dustin Vreeland, 6103 Dawn St Weston, WI. Vreeland stated that Peterson and Sons have been working with a hydrologist from REI Engineering Inc. and DNR regarding the groundwater concerns. They received a map from the DNR showing the ground water flow to the north. The Southworth’s are to the south of the property so the ground water would not flow toward the Southworth property. The DNR has requirements on setbacks with a minimum 500 feet from all existing wells and this mine site will be exceeding this setback. Submitted into evidence was the map from the DNR referenced by Vreeland. The other concern in the Town’s denial recommendation was stormwater management specifically affected Mr. Kolbe’s property. Petersons will continue to work with Mr. Kolbe to make sure there will be no stormwater runoff impacts to his property. The Petersons have built berms around their sites to keep the stormwater runoff from going onto neighboring properties.

Servi asked for clarification of Exhibit 23 which in the packet was Exhibit 16, the Town of Marathon’s rational for denying the application. Vreeland addressed the concerns in the denial. Since the water contamination was just discussed, Vreeland explained the “tracking” on County Road NN. In discussion with County Highway Commissioner Jim Griesbach regarding the tracking, Griesbach stated to Vreeland that he has had no complaints or violations related to this mine operation.

Vreeland then discussed dust control and stated that there have been no complaints or violations for dust on roads.

Peterson’s will continue to use water trucks as needed to control the dust and are in compliance with DNR guidelines. In regard to the hours of operations concern, there are no violations or complaints.

Fyksen asked Vreeland for clarification on the expansion of the mine site. Vreeland stated that the boundary of the mine site will not change, Peterson’s will be excavating deeper only.

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Servi asked for the current approved hours of operation. Vreeland stated that under the current permit there are no restrictions on the hours of operation. The applicant is recommending hours of operation as 7am- 7pm Monday through Friday and no Saturday hours.

Piel asked the length of the current permit. Fyksen stated the existing special exception permit does not have an expiration date. The zoning permit runs concurrently with the reclamation permit. The conditional use permit is specific to the land use related to the depth of mine expansion.

Piel questioned the applicants understanding of the length of time for the permit and how long they anticipate mining this site. Vreeland stated it will depend on the market and the need for sand.

Jeff Peterson, PO Box 120, Medford WI. Peterson provided a history of the mining activity at the site and amount of material being removed. In 2004-2005, with the Interstate 39 and Highway 51 projects, approximately 600,000 yards of materials were taken out. Currently, 8,000 - 14,000 yards mined annually depending on the need and areas of work. The timeframe for the mining will depend on the needs of the communities and area roadwork.

Peterson stated they have never had any issues with complaints from neighbors and that he talked with Mr. Kolbe and another neighbor to discuss their issues of concern. Schlei asked if any crushing is being done in the mine. Peterson responded it is just a course sand product and no screening or crushing is done.

Fyksen shared Exhibit 24 the letter from Mr. Peterson regarding working with an engineer in response to the concerns listed in the Town's denial that was referenced earlier.

Lawson asked Mr. Peterson why the proposed pond is smaller than it had been. Peterson said it is the result of listening to the Zoning Committee and DNR. The pond was reduced in size to make sure there was room to meet all setbacks.

Lawson added as Mr. Vreeland suggested, James Peterson Sons is willing to construct berms so Mr. Kolbe won't suffer any reduction in his cropland area for manure spreading. Peterson stated that is part of the stormwater plan that the DNR requires. Fyksen included that after the April 23rd, 2020 hearing, he talked to the Marathon County Conservation staff asking for solutions to mitigate the restriction area for Mr. Kolbe's manure spreading. The Conservation staff concurred that a berm could be a possible solution. Peterson added that Matt Repking, Conservation Analyst with CPZ, stated Mr. Kolbe has 470 acres of land in the Farmland Preservation Program of which in 2020 he used 50 acres for manure spreading. Peterson wants to work with Mr. Kolbe so that he can manage his cropland as he wants.

Opitz stated that she has some reservations regarding the Town's decision if the Town Board voted to deny without the Planning Committee's knowledge of the additional information and changes. Peterson state that he was told that it didn't pay for him to attend the Town Board meeting. Vreeland was not allowed to speak at the Town Board meeting. Opitz asked if the Town Board had all the information before their denial. Peterson stated the only thing that has changed is the contours and the 500 feet or more setback. There are multiple mine sites within the area and all these sites are doing the same thing.

Opitz asked Fyksen if the recommendation for denial came from the Plan Commission or the Town Board. Fyksen stated that the Plan Commission recommended denial of the application to the Town Board. The Town Board approved the resolution recommending denial to the Board of Adjustment.

The following people were sworn in and gave testimony **in opposition** to the James Peterson Sons Inc. Conditional Use Permit request:

Mark Kolbe, 144398 Whippoorwill Rd Marathon, WI. Lawson asked Kolbe if he testified at the April 23, 2020 hearing. He stated that he had. Kolbe serves on the Town of Marathon Plan Commission but is testifying today representing himself and farm. Kolbe addressed the timing issues between the Plan Commission and Town Board. Kolbe also stated that his concern relates to the added liability or risk to his farm operation related to water runoff and would like this looked at. He opposes installing a berm. Schlei asked Kolbe about his concerns with the berm. Kolbe stated that on the northern part of the property near County Road NN, the area collects water and naturally runs across the property line. If the berm is built, it will only block of the runoff to his property and would limit the natural water flow of the area.

Servi asking if there was pumping of the water out of the mine site would it affect Kolbe's property? Kolbe stated that the water naturally runs that way, it's how the land is sloped. Kolbe concerns are with the surface water quality management restrictions for manure spread and it would restrict a large part of the field from manure spreading. Schlei asked Kolbe if he feels if there was a waterway or drainage ditch put in would it solve his concerns. Kolbe feels it would solve the water issue. Schlei asked the applicant(s) if they feel they could work up a solution. Vreeland stated Peterson s will work on a berm with a grass ditch to continue the natural water flow. Lawson asked Vreeland as previously testified that Petersons will do whatever measures necessary to make sure Mr. Kolbe's manure spreading is not limited and water doesn't pond up on his property. Vreeland agreed.

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The following people were sworn in and gave testimony in as interest may appear to the James Peterson Sons Inc. Conditional Use Permit request:

David Krautkramer, 225601 Marathon Road, Marathon WI. Krautkramer Town Board Supervisor, stated when the Town voted for denial, the Town was unaware of any of the changes. The Town Board typically votes based on the decision of the Plan Commission vote. Servi asked Krautkramer that with the new changes, would he still recommend denying. Krautkramer stated that he could not speak for the Town right now. Lawson stated that the changes that have been proposed since the Town vote do address many of the concerns that were in the Basis of Determination. Krautkramer replied that the Town Board was not aware of the changes. Krautkramer responded the changes would have to be brought before the Plan Commission for any decision change.

Frisch advised the Committee to get better clarification of Mr. Kolbe involvement in the Plan Commission. Kolbe stated he was appointed Chair of the Planning Committee but when this application came before the Committee, Mr. Kolbe removed himself as chairperson and appointed an alternate chair and then he sat in the audience. Lawson asked if Kolbe offered any input as a witness or otherwise at the hearing. Kolbe spoke of only the information that he presented at the last BOA hearing that was presented to Swangstu. Peterson had contacted Kolbe after the hearing to discuss the issues and he did not discuss this with the Planning Committee. Opitz asked Kolbe if he participated in the vote on the Planning Committee meeting. Kolbe stated he did not participate.

Frisch commented that it is important for everyone to know as the Board moves forward with a decision, they have to base their decision on what is in the record. Depending upon the decision, there can be an appeal of the decision and that appeal would go to the circuit court.

Piel asked if we have the date the Plan Commission met. Lawson said the Exhibit from the Town Board was dated June 8, 2020. Swangstu stated the petitioner is currently looking through his files for that specific date of the meeting and requested to provide any additional comments. Piel asked for clarification around who completed the Basis of Determination (Town Board or Planning Committee). Swangstu stated Mr. Kolbe is ready to speak and the Plan Commission meeting was May 28, 2020. Kolbe believes Francis Martin was appointed as the secretary for the meeting and believes that he completed the Basis of Determination and then it was turned over to the Town of Marathon Secretary Kelley Bloome. Lawson asked Kolbe about the Basis of Determination (Exhibit 23), was prepared by someone on the Plan Commission at the May 28, 2020 meeting. Kolbe answered yes that the Plan Commission completed the Basis for Determination and that person called him for clarification on a name when he was doing the minutes. Lawson asked if Mr. Peterson still wished to address this issue or something else. Peterson stated that someone mentioned about why some of this information was not presented to the Town Board. Peterson stated that the Board did not open this up for discussion and he was told not to show up. Vreeland was at the meeting but wasn't given the opportunity. The water issues, the runoff issues and the dust issues are all regulated by the DNR.

Schlei questioned when the Plan Commission met, and why the Commission was not given any of information related to addressing the concerns. Peterson stated that the Plan Commission met and all of these concerns came out at that time. Immediately after that meeting, Peterson's talked to Mr. Kolbe, other landowners, and the Highway Commissioner to discuss and gather additional information. Concerns regarding road issues with the dust were not found. The Peterson's tried to and were willing to present the additional information but were told not it was not necessary for them to attend the Town Board meeting. Peterson discussed the information with Fyksen, asking for guidance. Fyksen told him to bring the information to the Board of Adjustment So that is what they did.

Schlei and Opitz discussed typical processes between a Town Planning Commission/Committee and the Town Board. Typically, the Town Board will accept the recommendation of the Town Planning Commission/Committee. Schlei and Opitz provided input on how their respective Towns work through these types of applications.

Frisch cautioned Chairman Lawson to ensure discussion is relevant to the application and not what a town board did or did not do in relation to how other town boards work. She encouraged the Board to focus on the facts that have been submitted, who submitted the facts and whether or not the Board has the information needed to make a decision and whether or not the information provides substantial evidence. If there is missing information, the Board has the ability to request more information.

Schlei asked Frisch a procedural question, related to when questions should be asked, after the hearing is closed, during deliberation or when. Lawson responded if anyone has any questions relevant to a decision that the Board will be making today, they should ask the question now before the hearing is closed. Lawson commented that the information on the history of the Plan Commissions/Committees and town boards are mute points and from what he heard today, many of the concerns have been addressed by the applicant and he thinks there is substantial evidence provided for the Board to make a decision.

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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 11:36 a.m.

The Board deliberated and completed the Conclusion of Law and Decision Sheet. Discussion occurred on conditions for the permit. Piel discussed conditions from the 2004 Special Exception Permit and whether those terms should be considered and also the information presented in the application as Attachment 2 and in testimony today. Swangstu noticed a numbering error in the Decision Sheet and Fyksen corrected this.

Motion / second by Piel / Schlei to **grant** the James Peterson Conditional Use Permit with the hours as noted in Question #4 and the operational specifics as noted in Question 6 on the Decision Sheet.

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

5. Board education and trainings as needed – None.

6. Announcements and Requests – Fyksen shared the staff report will be changing starting with the July meeting.

Next meeting date – July 30, 2020 at 9:00 a.m., 212 River Drive, Wausau Room 5 / remotely

7. Meeting adjourned – **Motion** / second by Schlei /Opitz to adjourn at 11:58 a.m. Motion **carried** by voice vote, no dissent.

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

AS/bi

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

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PETITION FOR VARIANCE

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to the

MARATHON COUNTY BOARD OF ADJUSTMENT

Name of Applicant: Abbotstard Evangelical Free Church Phone # 715-223-4445
 Applicant's Address: 228936 Cemetery Ave, Abbotstard, WI 54405
 E-Mail Address: michael.jahnke78@gmail.com
 Owner (if different than applicant): _____ Phone # _____
 Owner's Address: _____

Town of Holton Parcel ID#: 042-2902-324-0987 Zoning District: _____
 Property Legal Description: SE 1/4, SE 1/4, Section 32, T 29 N, R 02 E
 Lot _____, Block _____, Subdivision _____
 Site Address: 228936 Cemetery Ave, Abbotstard, WI 54405

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

The applicant hereby requests the Board of Adjustment to hear and decide upon the following (Use additional sheets if necessary):
 A use/area variance from the terms of Section(s) 17.702.03 of the General Code of Ordinances for Marathon County relating to the Area, Setback, Yard, Height, Other: _____

A. Strict application of the regulations would cause **unnecessary hardship** because the current height restrictions prevent our sign to be visible to the travelers on Hwy 29.

B. The hardship is due to the following **unique physical limitations of the property**: the separation from the highway because of Cemetery Ave, and our property being lower than the road (as well as the hill to the north from the highway). All these features interfere with line-of-site from Hwy 29.

C. The variance would **not harm public interest** because: all other aspects of the project follow the standards contained within the chapter 17 zoning code

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

Present Use of Property: Church + school Improvements upon Land: Construction of church + school
 Date Property Acquired: 1993 Area Affected (Sq. ft. or acres): .65 acres
 Applicant / Owner Signature(s): [Signature]

→ → A fee of **\$600** payable to Marathon County **must** be submitted with this application. ← ←
 → → Failure of the applicant or his agent to appear at the hearing will cause the Board to deny this appeal. ← ←

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RECEIVED

APR 04 2020

MARATHON CO. CONSERVATION,
PLANNING & ZONING DEPT

Variance Application

Location:

Abby Free Church

Abbotsford, WI 54405

Unnecessary hardship

- The existing sign is out-of-date in both design and technology, which requires a completely new sign. (the old sign is unsightly and old/warped wood.
- The proposed sign currently is taller than allowed due our position from the highway. Our property is lower than the frontage road (Cemetery Ave.). This road also separates us from the highway, which is also going down-hill and turning away. Due to these factors, our sign can barely be seen it its current height.
- Building the sign to the current code would keep our sign mostly out-of-site from the highway traffic.

Unique Physical Limitations of the Property

- The bottom of the existing sign is level with the frontage road, and approximately 10 feet higher than the highway.
- The church sign needs to be visible to the highway because that was originally the purpose of this location, and Cemetery Ave. has very low traffic. When the bypass went around Abbotsford, it cut off our location from traffic.
- The top of our sign is at 12 feet, and the additional 3 feet will not accomplish much for visibility due to our lower position from our road which separates us form the highway.
- The cross is about 26 inches tall on top and is included in the height of 20 feet, so the top of the sign is approximately 18 feet tall. Because of the land position of our church behind the small hill created by the road and the burn from highway 29, the added 3 feet for the sign would be beneficial.

Not Harm Public Interest

- All other aspects of the sign will be according to the zoning requirements. Only the height is in question.
- The new sign will not be unsightly or overbearing. It will still not be prominent from the highway or even unsightly from cemetery avenue. Our goal is merely to be visible with an attractive sign, while respecting the zoning requirements. As a church in the community, our desire is to send a message of hope and encouragement – our sign aims to assist in this goal.

Two Foot Contours Map

- This is difficult to obtain is it would require a photograph to be taken from the highway.

Site Plan #2


- We contacted the Marathon County Zoning only.

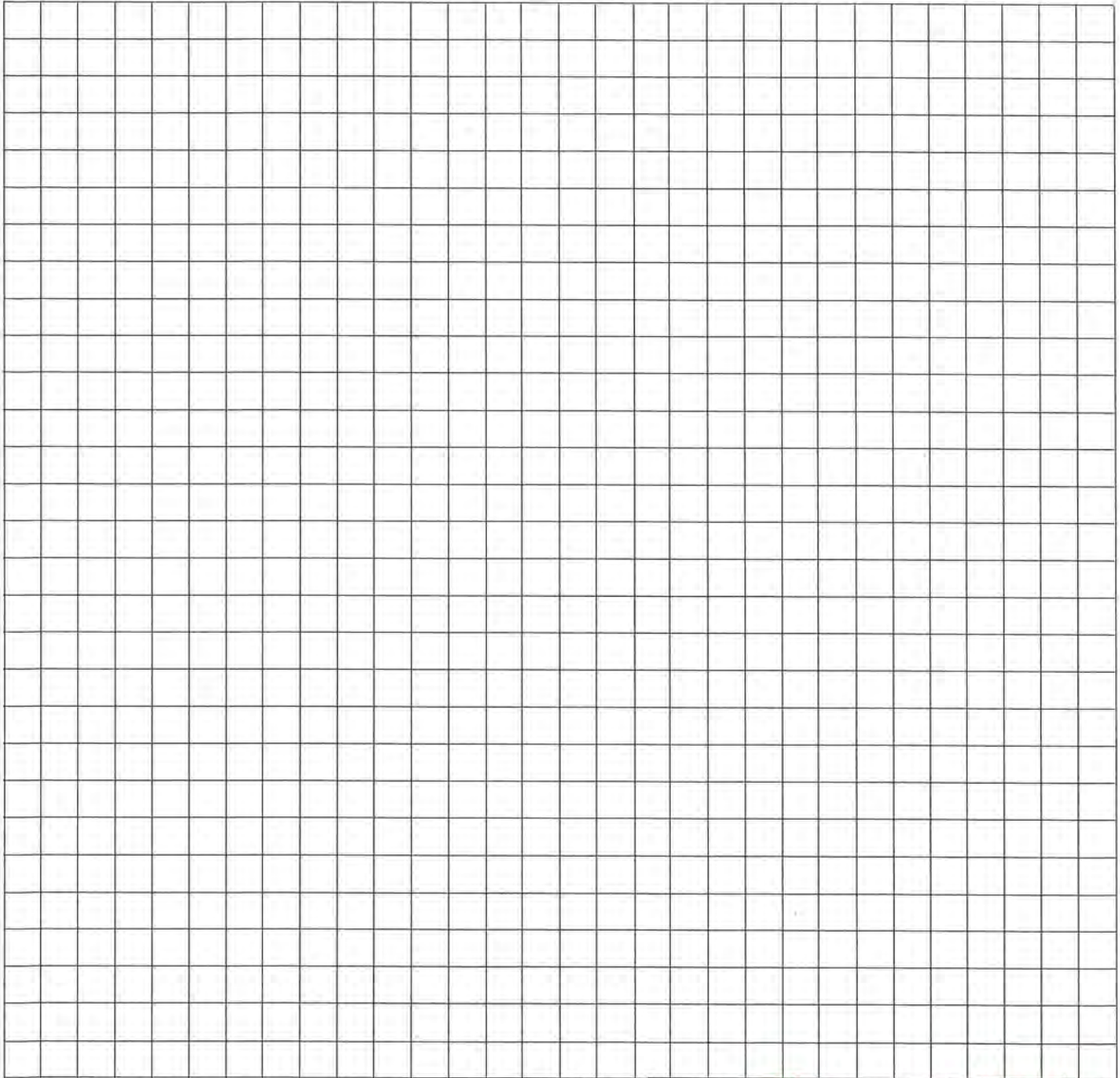
Proposed Sign Design

- Total square footage (see attached sheet)
- Total height (see attached sheet)

- The sign is double-sided
- The plan is for it to be illuminated from the interior
- Currently, there will be six faces - including the letter board. We can change it easily to four faces.
- We would possibly change the letter board to a digital board.

SITE PLAN

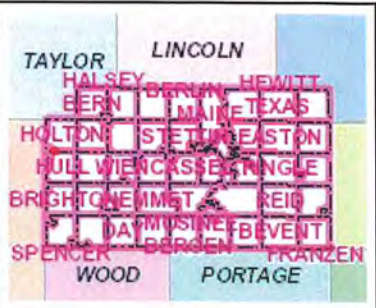
Permit #	Date: <u>3/16/20</u>	Notes/Comments: <i>"see attached map"</i> <i>-RAH</i>	1" = <u> </u> '
Pin # <u>042-2902-324-0987</u>			
Owner: <u>Abbotsford Evangelical Free Church</u>			
Address: <u>228936</u>			
Project: <u>New Sign</u>			



- Requirements to be shown:**
- ◆ Location and dimensions of all current and proposed buildings;
 - ◆ Location of existing or proposed private onsite wastewater treatment system and wells.
 - ◆ Dimensions of driveways and indicate type (paved, gravel, etc.);
 - ◆ Indicate and label the location of any public and private street;
 - ◆ Required front, rear, side yard area, open space, and parking

Road Setback: 46 ft from centerline R-OW line
 Side Yard Setbacks: 131 ft and 635 ft
 Rear Yard Setback: ft
 Max Building Height: 20 ft
 Setback from Ordinary High Water Mark: NA ft
 Lot Width at Building Line: ft

Information Mapping System



- Legend**
- Parcel Annotations
 - Parcels
 - Land Hooks
 - Section Lines/Numbers
 - Right Of Ways
 - Municipalities
 - 2015 Orthos
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

** OFF OF STATE HWY: 29*

#1: view of sign completely inhibited.

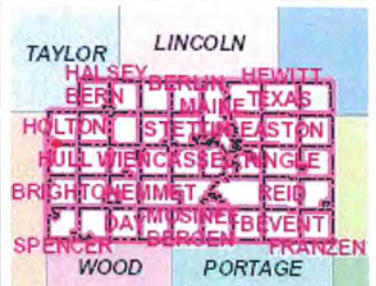
#2: view of sign completely inhibited.

#3: ability to view sign is minimal.

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Notes: *46.39' to R-O-W*
131.4' to side propline
635.3' to side propline.

Information Mapping System



- Legend**
- Parcel Annotations
 - Parcels
 - Land Hooks
 - ▭ Section Lines/Numbers
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 - 2015 Orthos
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Notes - Current location of sign and proposed location of future new sign. -RAH

ART PROOF

SHEET 1 of 1

Order ID: <<Order Number>>

PO #: <<PO Number>>

Client: Abby Free Church

Project: Sign

Contact: Michael Jahnke

Phone: 715-362-7666

Email: michaeljahnke78@gmail.com

Project Mgr: Justin Rothamer

Drawn By: Kelsey Lueddecke

PROOF DATES

P1: 05.15.19 P2: 08.23.19

P3: 09.19.19 P4: 05.22.20

P5: 00.00.00 P6: 00.00.00

File Name: A; Abby Free Church

Signature 2019

Notes:

<<Notes>>

- APPROVED
- Approved w/ noted revisions
- Revise and submit new proof

Signature

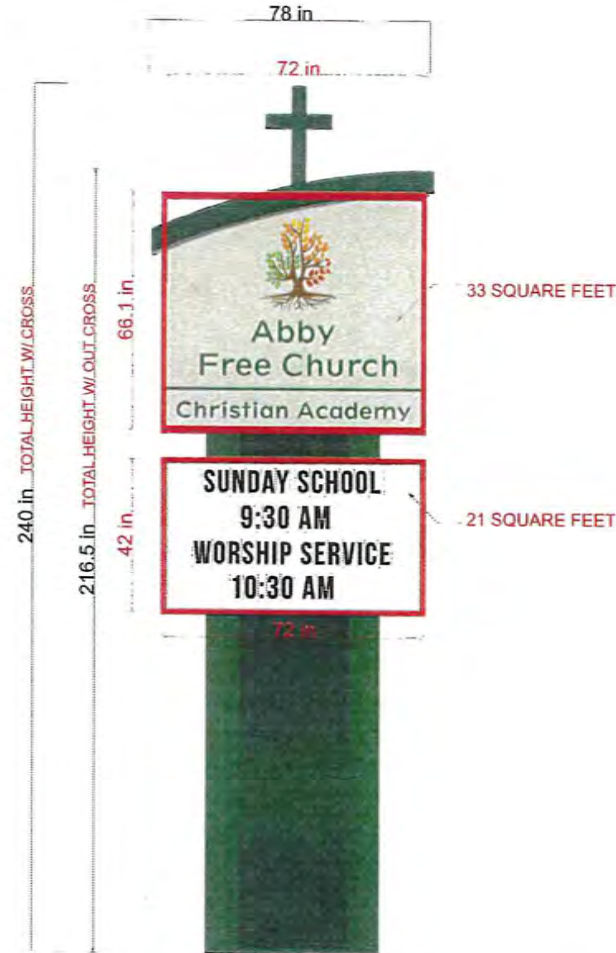
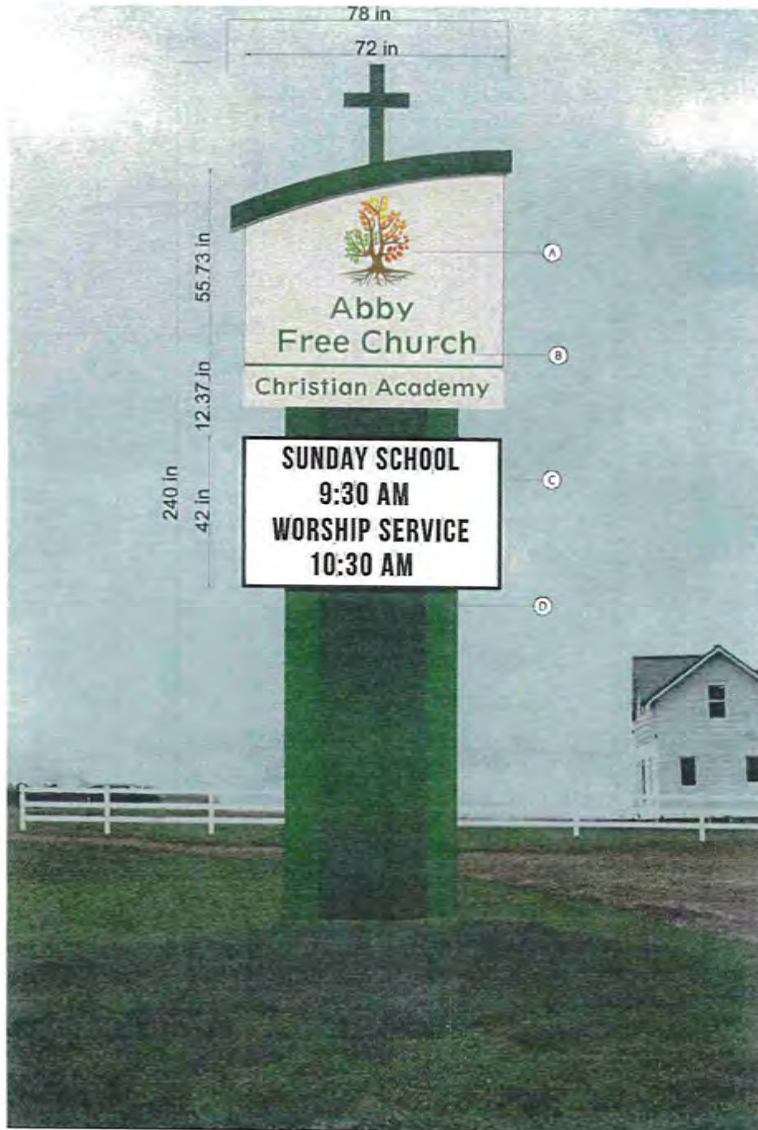
Date

These drawings will be released to production once signed. SSC is not responsible for errors. Please check for misspellings, correct phone numbers & addresses, details regarding renderings, shop drawings, quantities, color, etc. Colors shown are for representation only. PMS colors must be requested at time of order to ensure accuracy and may not be guaranteed. Additional fee will apply if PMS sample is required. Any detail or dimension change may delay completion and may incur additional fee. All artwork is property of SSC and cannot be reproduced without permission. Fee may apply if reproduced by others.

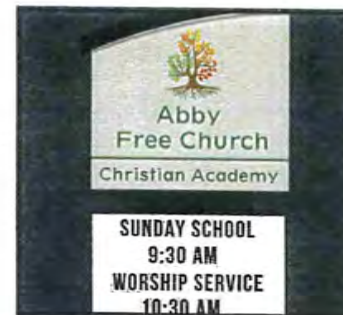
Sign

Double Sided - Internally Lit
Changeable Letter Cabinet

QTY: 1



Night View
Full Face Lighting



(A) Sign Graphics
Printed 3M Translucent
Vinyl with Gloss Lamination

(B) Sign Graphics
Diecut 3M Translucent Vinyl
Green 3630-26

(C) Changeable Letter Cabinet
72" x 40"
8" High Letters

(D) Sign Graphics
Printed 3M HP Vinyl
with Gloss Lamination



phone 888-264-4459 ▶ 715-687-3250
fax 715-687-4657

Customer Name

Abbotsford Evangelical Free Church
4868 Cemetery Ave
Abbotsford, WI 54460

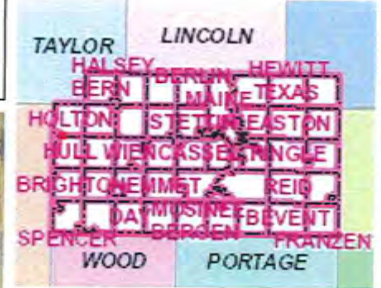
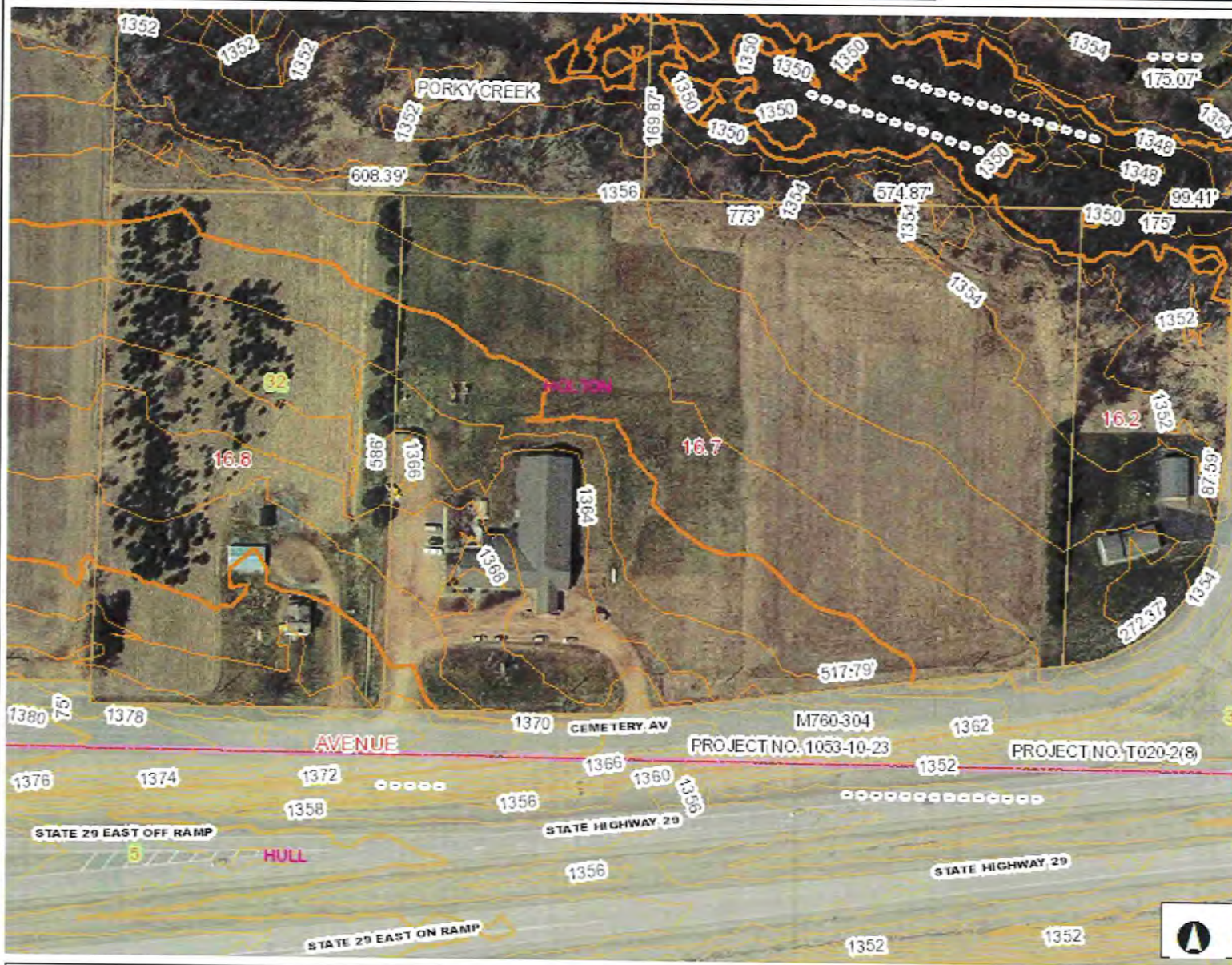
Customer Quote

Date	Quote Number
10/7/2019	1292159

Description	Quantity	Per Item Cost	TOTAL
<p>Abby Free Church Pylon</p> <p>1. Qty. (1) 20' H x 78" W x 24" deep Double sided - Internally illuminated "Abby Free Church" pylon sign per the approved layout. Sign cabinets will have formed and welded .080" thk aluminum bodies. Sign will consist of (2) sign cabinets as shown in layout. Cabinet faces will be .150" thk white lexan w/ our standard 1-1/2" aluminum panel retainer and HP 3M double layered printed translucent graphics. Sign will have a formed and welded .080" thk aluminum roof cap. Cross located at the top of the sign will be a reverse can fabricated non-lit accent that will be 2" deep w/ .040" aluminum returns. Sign will have a fabricated .080" thk aluminum pole cover and reveals. Lighting will be supplied by white LEDs, 120V power supplies, photo eye and switch. Sign supports will consist of 6" square steel w/ a steel base plate and (4) 1-1/4" dia steel J-bolt anchors. Changeable letter track cabinet will have 6" square steel w/ top and bottom match plates, allowing the sign to be bolted together. Construction of sign will also allow cabinet to be removed when future electronic message center is added. Top sign cabinet will have 4" square heavy wall aluminum w/ aluminum match plate allowing the top of the sign to be independent of the main sign structure. Entire sign will have a urethane paint finish w/ a satin clear coat per approved colors.</p>	1	8,055.00	8,055.00
<p>Changeable Letter Track Cabinet (OPTIONAL)</p> <p>2. Qty. (1) 42" H x 72" W x 24" deep Double sided - Internally-illuminated "Changeable Letter Track" cabinet per the provided layout. Sign cabinet will have a formed and welded .080" thk aluminum body. Sign faces will be .150" thk white lexan w/ our standard 1-1/2" aluminum panel retainer for faces. Faces will have changeable letter top trim, bottom trim and divider trim to hold (4) rows of letters. Letter sets included in quoted price for customer to display and change message when required. Lighting will be supplied by white LEDs, 120V power supplies, photo eye and switch. Entire cabinet will have a urethane paint finish w/ a satin clear coat per approved colors.</p>	1	2,780.00	2,780.00
TOTAL			



Land Information Mapping System



- ### Legend
- Parcel Annotations
 - Parcels
 - Land Hooks
 - Section Lines/Numbers
 - Right Of Ways
 - Municipalities
 - County-wide 2ft Contours (2012)
 - Index
 - Intermediate
 - 2015 Orthos
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3



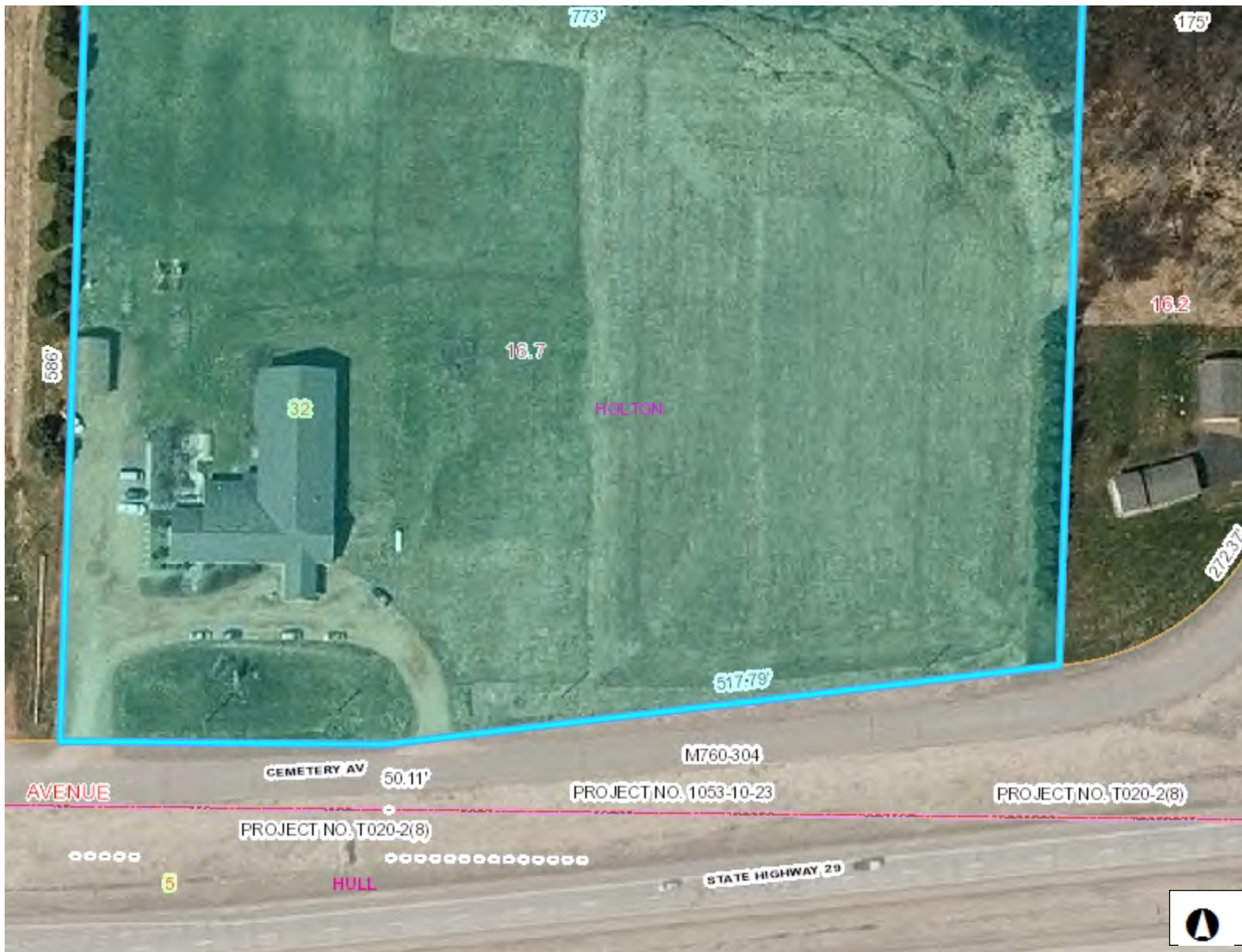
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Notes

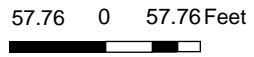
NAD_1983_HARN_WISCRS_Marathon_County_Feet



Land Information Mapping System



- ### Legend
- Parcel Annotations
 - Parcels
 - Land Hooks
 - Section Lines/Numbers
 - Right Of Ways
 - Municipalities
 - 2015 Orthos
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3



NAD_1983_HARN_WISCRS_Marathon_County_Feet

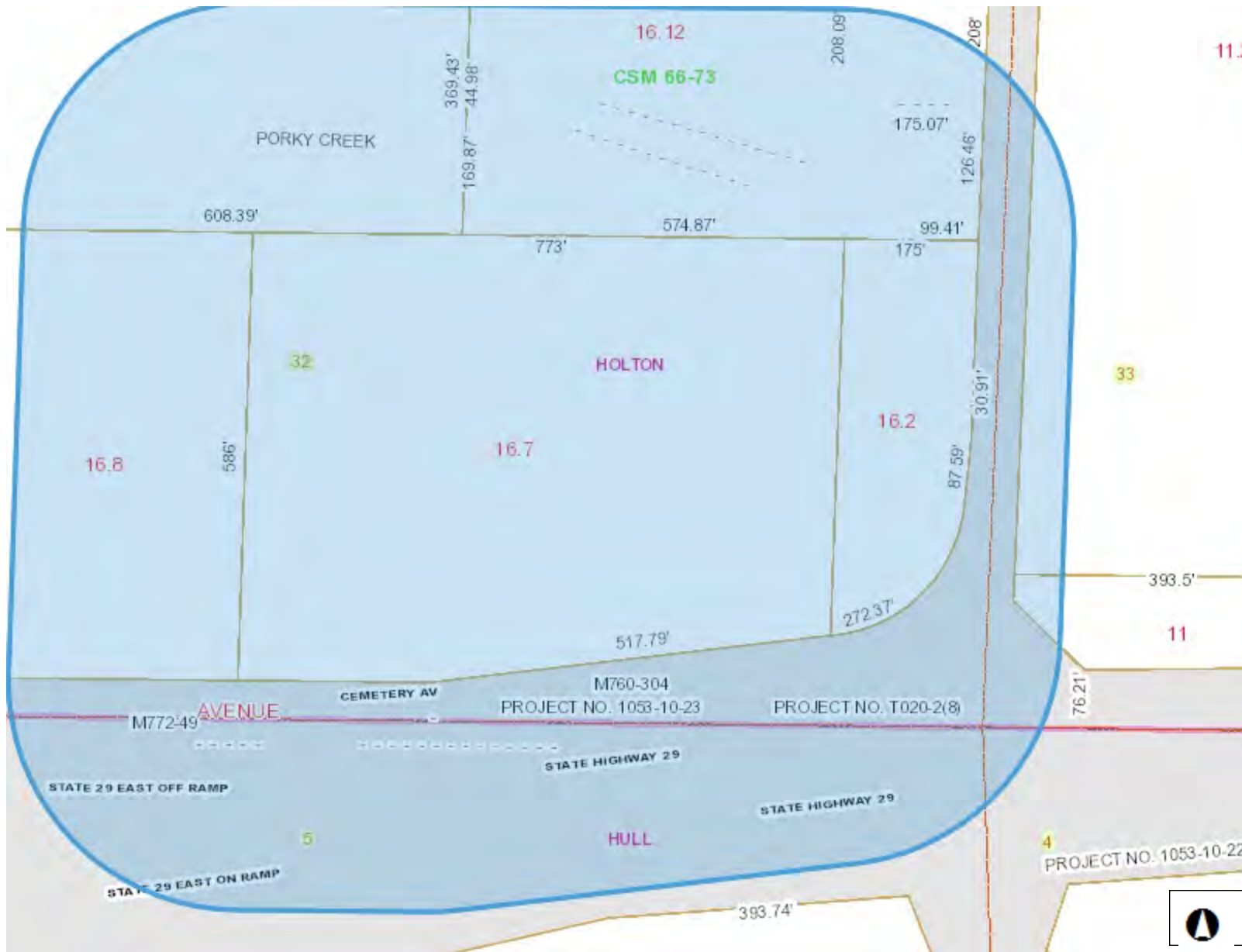
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Notes



Land Information Mapping System



Legend

- Parcel Annotations
- Parcels
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Municipalities

97.24 0 97.24 Feet



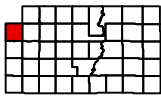
NAD_1983_HARN_WISCRS_Marathon_County_Feet

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Notes



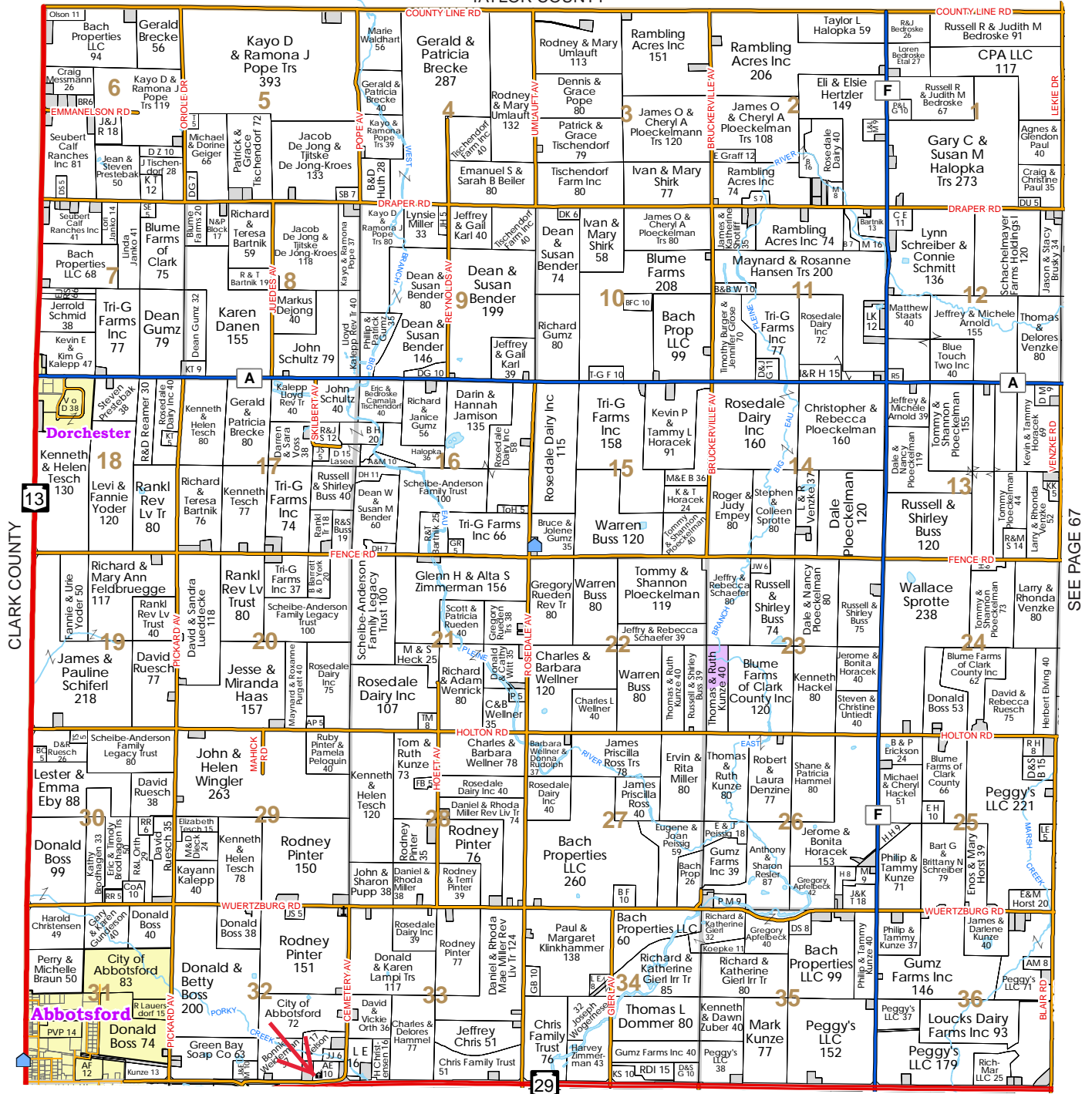


Holton

Township 29N - Range 2E

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TAYLOR COUNTY



SEE PAGE 47



Untitled Map

Write a description for your map.

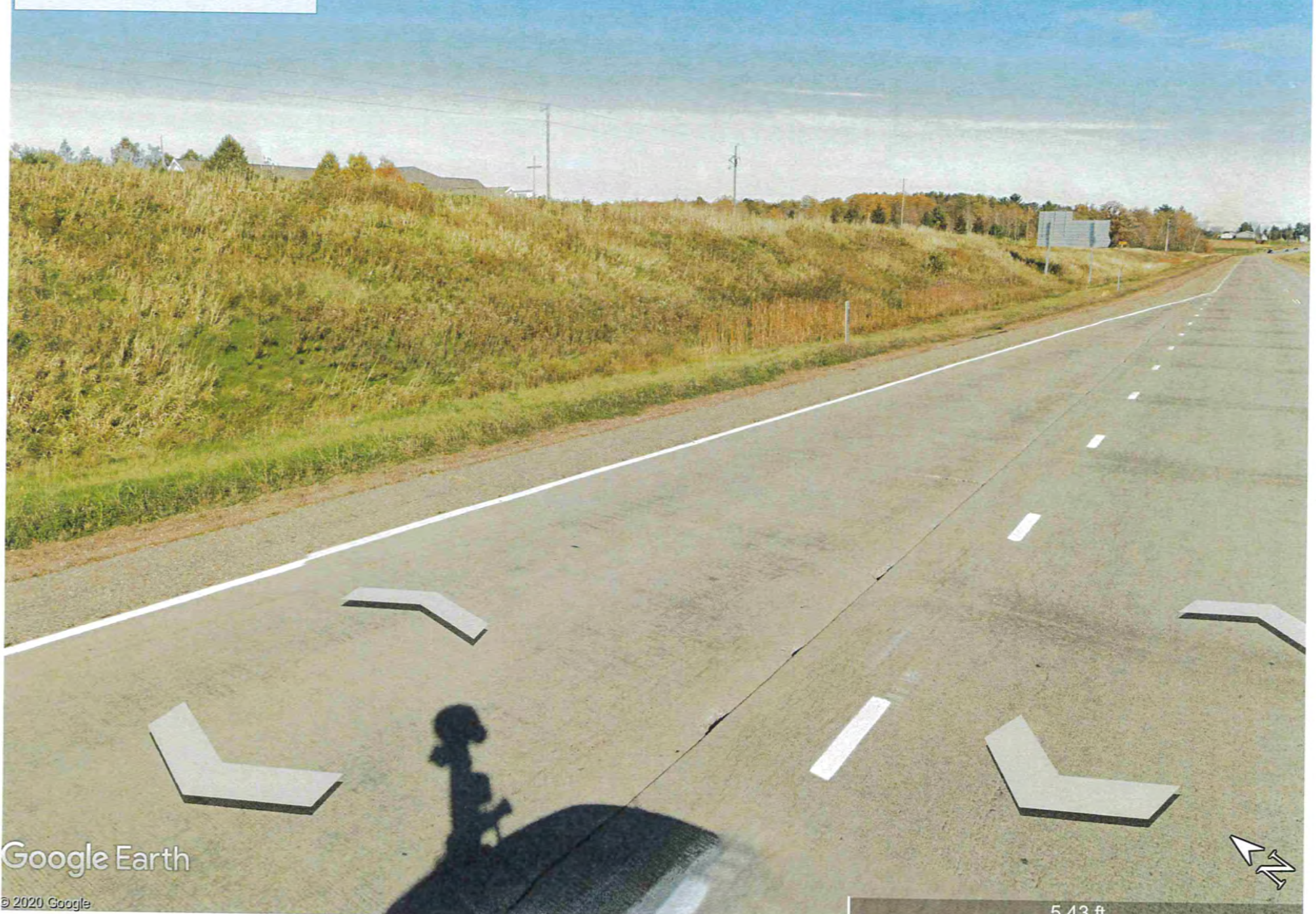
Legend



Untitled Map

Write a description for your map.

Legend



Google Earth

© 2020 Google

5.43 ft

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: Eric Wentzell
 Mailing Address: 10832 W. 5th St Newell WI 54441
 Telephone: 715-207-8532 Fax: _____
 Cellphone: 715-207-8532 Email: eric@decorativecrete.net
 Owner Name: (if different) _____
 Mailing Address: _____
 Telephone: _____ Fax: _____

PARCEL INFORMATION

Parcel ID # (PIN): 056-21003-323-0991
(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 NE 1/4 SW 1/4
 Section 32, T 26 N, R 3 E, Town of McMillan
 Lot _____ Block _____ Subdivision _____
 Property Address: 111482 Red Hawk Lane Marshfield WI 54449
 Parcel size: 3.59 Acres or _____ Sq. Ft.
 Zoning District: R-R

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

Existing improvements (Structures, well, septic, etc.):
Well, septic, detached second garage (30x40)

PROPOSAL

Describe specifically the nature of this request (be sure to list all proposed uses of the parcel). What do you plan to do?
Build a shop for business storage. Exceeding 1800 Sq. Ft
44x44 in size. Siderwall height 14 ft, Peak height 24 ft
Garage door height 12 ft utilizing a 12x12 ft door.
 If this application is for a use that will be restricted to part of the parcel, specify the exact dimensions of the affected area.

Provide the following information if this box is checked

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

RECEIVED

JUN 23 2020

MARATHON CO. CONSERVATION,
 PLANNING & ZONING DEPT

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:

<i>Check if submitted</i>	<i>Initial of staff</i>	
<input checked="" type="checkbox"/>	TBF	Completed application including signatures.
<input checked="" type="checkbox"/>	TBF	Map with all required information.
<input checked="" type="checkbox"/>	TBF	Additional documents, as needed (lot combination forms, hunting/fishing shelter application, etc.)
<input checked="" type="checkbox"/>	TBF	Zoning Permit application
<input checked="" type="checkbox"/>	TBF	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 style="font-size: 2em; font-family: cursive;">J. Wendell</p> <hr/> <p>Owner Signature (required)</p>	<p style="font-size: 2em; font-family: cursive;">6-13-20</p> <hr/> <p>Date</p>
<hr/> <p>Agent / Person responsible for work Signature (required)</p>	<hr/> <p>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.

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

For office use	For office use	For office use
<p>Amount Received: \$ <u>600.00</u></p> <p style="font-size: 0.8em;">O:\CPZ\Ordinances\FORMS\ConditionalUse\PermitApplication.docx</p>	<p>Date Stamp: <u>6/5/20 TBF</u></p>	

TRUSTEE'S DEED

Document Number

Document Name

THIS DEED, made between Priscilla K. Brink as Trustee of Bruce Brink and Priscilla Brink Revocable Trust dated ** and Eric T. Wendell and Tabitha L. Wendell, husband and wife, as survivorship marital property.

Grantor conveys to Grantee, without warranty, the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in Marathon County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

** September 24, 1998 and restated October 23, 2007.

Lot Two (2) of Marthon County Certified Suvay Map #3728, recorded in Volume 14 of Survey Maps, page 23, as Document #830981, being located in the Northeast Quarter of the Southwest Quarter (NE 1/4 - SW 1/4) of Section 32, Township 26 North, Range 3 East, Town of McMillan, Marathon County, Wisconsin.

Recording Area

Name and Return Address

Badger Title 307 W Upham Marshfield, WI 54449

#056-2603-323-0991

Parcel Identification Number (PIN)

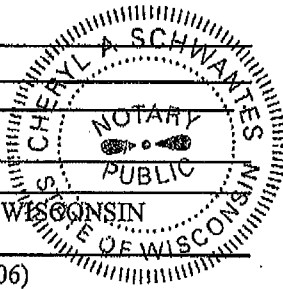
Dated June 16, 2020 Priscilla K. Brink (SEAL) * Priscilla K. Brink, Trustee

(SEAL) *

AUTHENTICATION

Signature(s)

authenticated on



TITLE: MEMBER STATE BAR OF WISCONSIN (If not, authorized by Wis. Stat. § 706.06)

THIS INSTRUMENT DRAFTED BY:

C. Schwantes for Priscilla K. Brink - 307 W Upham, Marshfield, WI 54449

(Signatures may be authenticated or acknowledged. Both are not necessary.)

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

TRUSTEE'S DEED

STATE BAR OF WISCONSIN

FORM No. 7-2003

*Type name below signatures.

ACKNOWLEDGMENT

STATE OF WISCONSIN

Wood COUNTY ss.

Personally came before me on 06/16/2020 the above-named Priscilla Brink

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

* Cheryl A Schwantes

Notary Public, State of Wisconsin

My Commission (is permanent) (expires: 08/14/2022.)

Wendell CUP Narrative*

To County Commission for CUP for 111482 Red Hawk Lane, in the township of McMillan in Marathon County.

I Eric Wendell recently moved to 111482 Red Hawk Lane in the township of McMillan. I am proposing bringing my business with me to the new residence for the reason of being closer to my children when working at the shop, or at night working on equipment etc. I have 2 full time employees with a couple of seasonal kids that help out as needed throughout the summer time months. We currently work generally between the hours of 6 am and 6 pm Mon-Fri. Occasional on Saturdays as well. During the winter time there is no work or very minimal work taking place and we will limit hours in the spring and fall months due to daylight hours, etc.

The primary focus for this CUP is to allow us to build a storage facility which would be a total of 44' x 44' with 6' of one of the sides being a lean-to. with closed off walls. Our current residence has an attached 2 car garage and we also have an existing 30x40 Structure which is going to be located approx. 200' away from the proposed structure. My business currently has 2 pick up trucks, a smaller 2 ton dump truck, and a small GVRW truck of 32K lbs. There is room to store trucks as needed inside structures as 2 of the 4 will be stored inside at all times at night. We also have a few trailers, 2 equipment trailers and 3 job trailers. Trailers will primarily be outside at all times except in winter they would be stored away. Occasionally these trailers are on jobs and never go to shop.

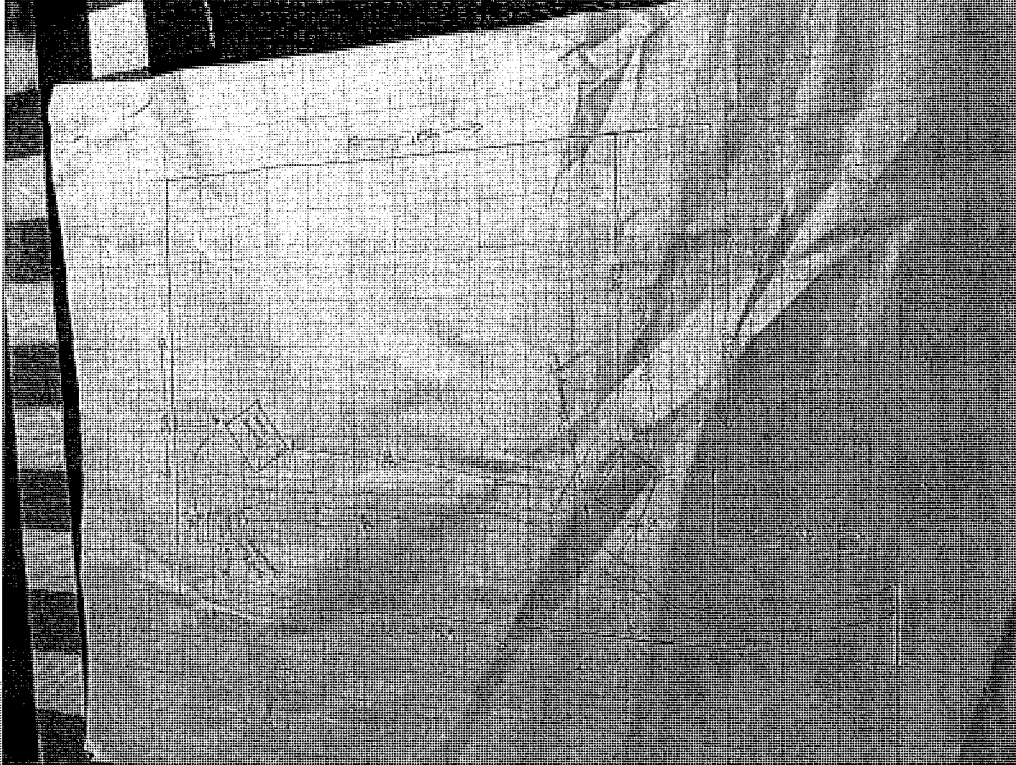
Our home office will be located within the walls of the house and we plan to use the shop areas for both personal use/storage and well as business storage to keep such items out of bad weather. Our crew of workers will show up at the shop at the same time on occasion but mostly it will be only 2 workers showing up in morning at shop to grab vehicle and supplies and head to job.

Thank you for taking time to consider our permit.

* This narrative was reproduced from email correspondence with the applicant, Eric Wendell

Teal Fyksen

From: Eric Wendell <eric@decorativecrete.net>
Sent: Monday, June 22, 2020 11:55 AM
To: Teal Fyksen
Subject: [EXTERNAL] Fwd: Storage Building



On Mon, Jun 22, 2020 at 10:47 AM Hembrook, Bryce <Bryce.Hembrook@ci.marshfield.wi.us> wrote:

Good Morning,

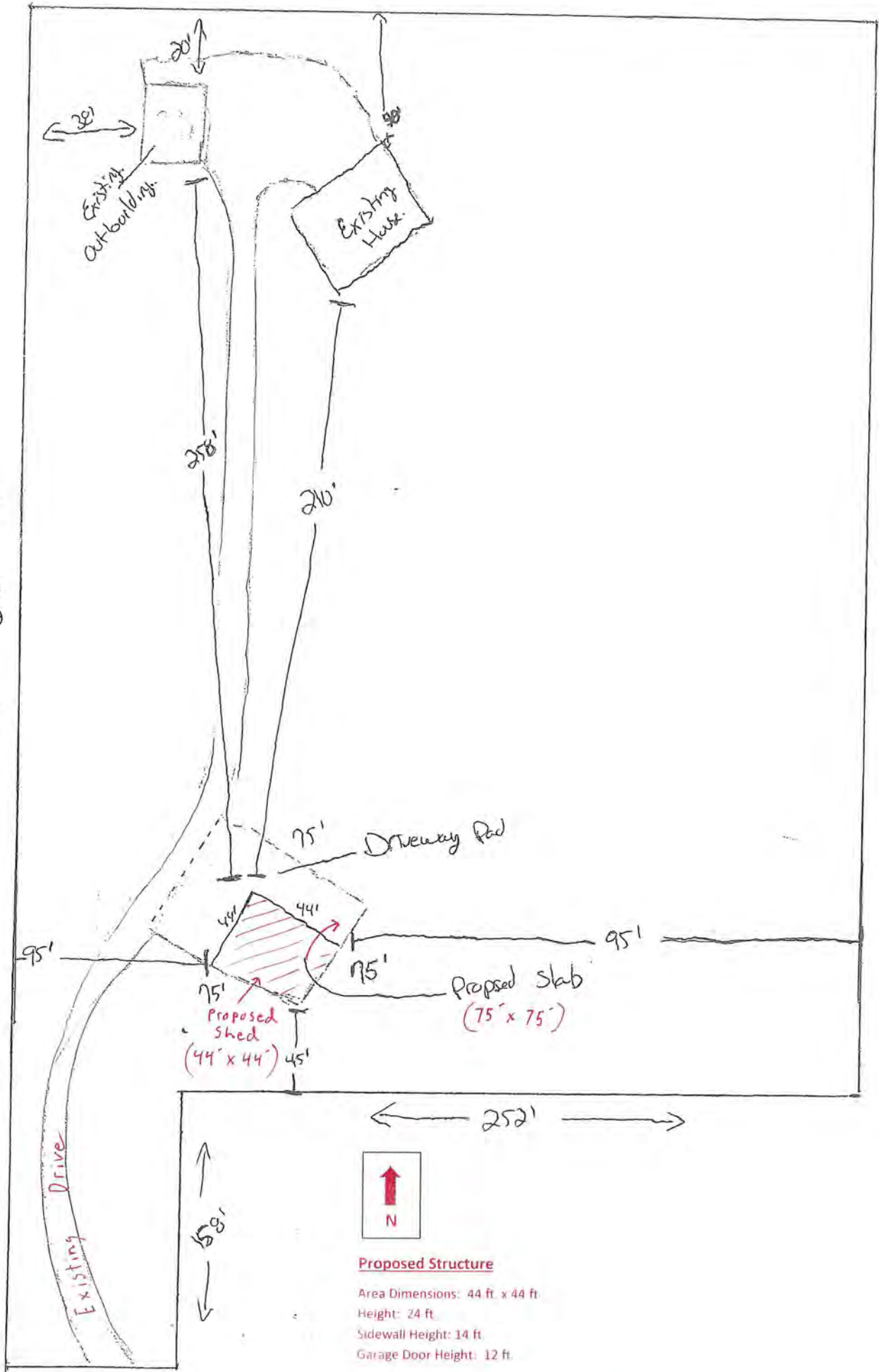
The City does not oppose to the proposed storage building on your property.

Thanks,



Bryce Hembrook

City Planner



1254

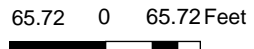


Land Information Mapping System



Legend

- Parcel Annotations
- Parcels
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Municipalities
- 2015 Orthos
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3



NAD_1983_HARN_WISCRS_Marathon_County_Feet

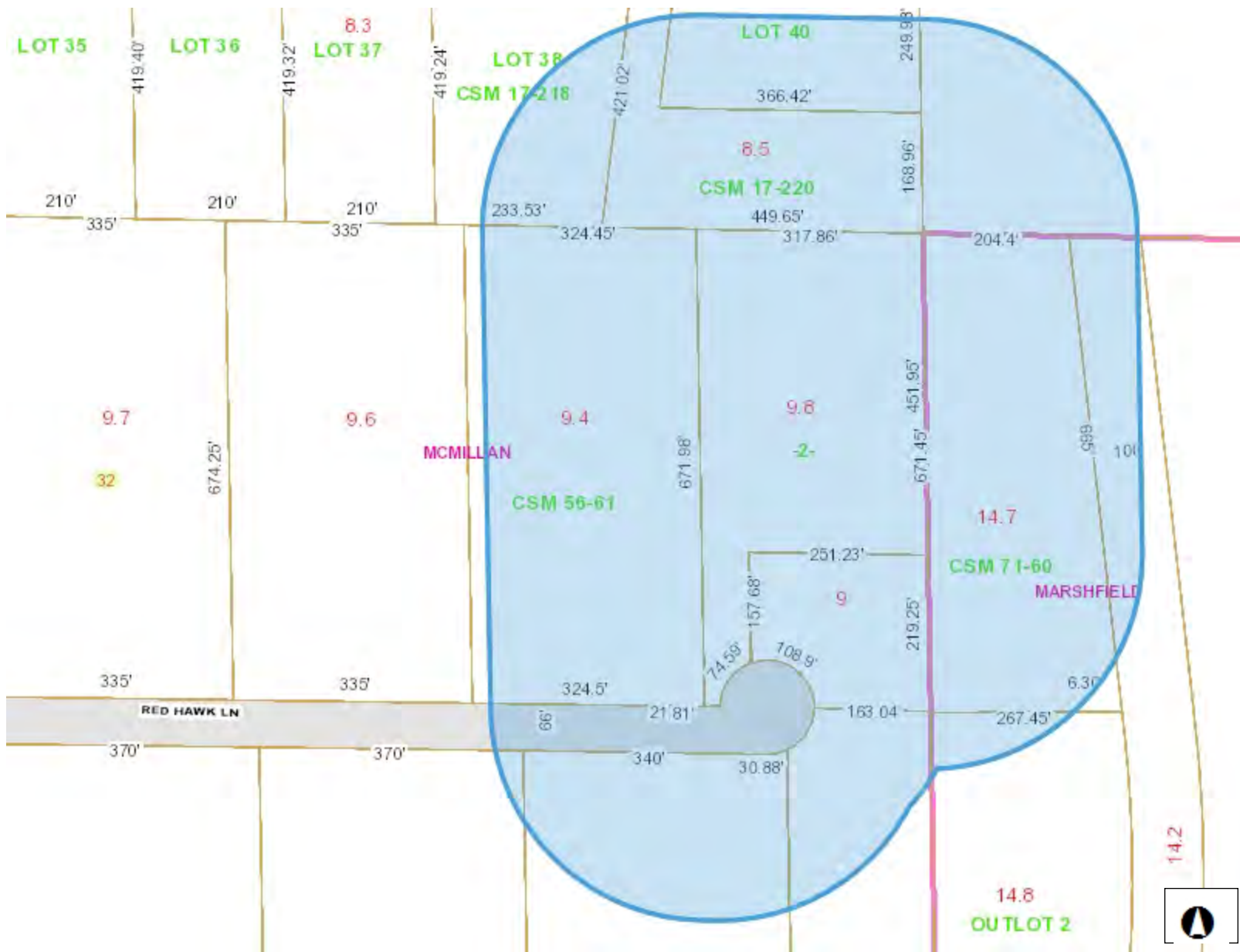
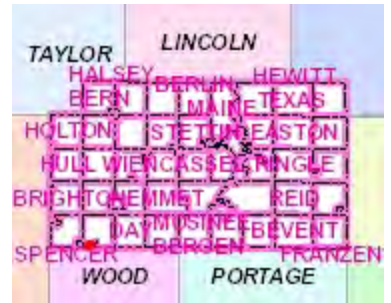
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Notes



Land Information Mapping System



Legend

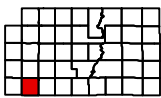
- Parcel Annotations
- Parcels
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Municipalities

Notes

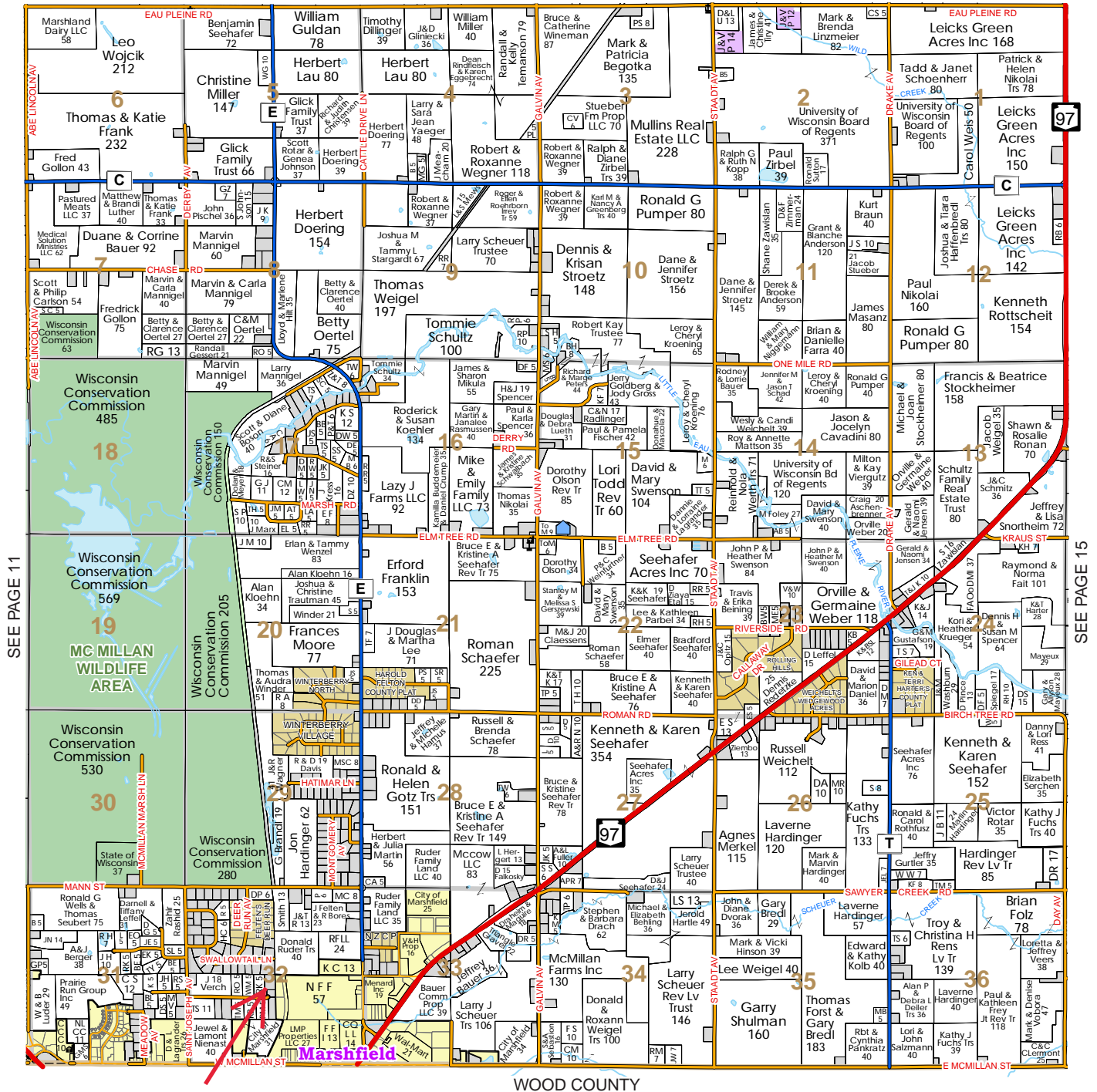
103.88 0 103.88 Feet

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NAD_1983_HARN_WISCRS_Marathon_County_Feet



SEE PAGE 31



SEE PAGE 11

SEE PAGE 15

WOOD COUNTY

Sternweis & Sons^{INC}

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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