

NOTICE FOR PUBLIC HEARING

A public hearing as required by the General Code of Ordinances for Marathon County Chapter 17 Zoning Code will be held by the **Marathon County Board of Adjustment** at **9:00 a.m., Thursday, September 24, 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: 146 432 1079

Attendee ID / Number Meeting Password: 1234

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

1. Approval of the July 30, 2020 minutes.
2. The continuation of the public hearing regarding Eric Wendell request for a conditional use permit from July 30, 2020.

*Note: Mr. Wendell withdrew his application and it will be noted in the record.

3. The application of Henry Glick for a conditional use permit per Section 17.204.33 of the General Zoning Code of Ordinances for Marathon County Chapter 17 Zoning Code to construct a K-12 school in the General Agriculture district on property owned by Bethany Mennonite Church, described as part of the NE ¼ NE ¼ Lot 1 Section 09, Township 26N, R2E, Town of Spencer, described as PIN# 074.2602.091.0993.
4. Board education and training as needed.
5. Announcements and Requests; Proposed 2021 meeting schedule
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 at least one business day before the meeting.

Karen Piel / cek

Karen Piel, Chairman
Board of Adjustment

Paul Daigle

Land and Water Program Director
Conservation Planning and Zoning Department

Publish: September 7th and September 14th, 2020

E-mailed to Wausau Daily Herald on September 3, 2020, at 9:00 a.m. /cek

**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

**MINUTES
MARATHON COUNTY BOARD OF ADJUSTMENT**

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 WI 54449.

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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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: Henry Glick
Mailing Address: W913 State Hwy 98 Loyal, WI 54446
Telephone: _____ Fax: _____
Cellphone: 715-613-8834 Email: hrglick@gmail.com
Owner Name: (if different) Bethany Christian School
Mailing Address: _____
Telephone: _____ Fax: _____

PARCEL INFORMATION

Parcel ID # (PIN): 074-2602-091-0993
(If more than one parcel is included in this application, list all parcel numbers & legal descriptions on a separate sheet.)
Legal Description: Government Lot Section 26 Part of NW 1/4 NW 1/4 Lot 2
Section _____, T _____, N, R _____, E, Town of _____
Lot _____, Block _____, Subdivision _____
Property Address: Hwy C Spencer WI 54479
Parcel size: 6 Acres or _____ Sq. Ft.
Zoning District: _____

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

Existing improvements (Structures, well, septic, etc.):
54196 schoolhouse, well, septic, parking lot, ball diamond with sand in field could possibly have lights

PROPOSAL

Describe specifically the nature of this request (be sure to list all proposed uses of the parcel). What do you plan to do?
We would like to build a schoolhouse have a parking lot and ball diamond. Our normal school operations would be 8-3 with grades K-12. There would possibly be an occasional ball game

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

Provide the following information if this box is checked

Proposal has additional development standards in Section 17.204.33. Explain how your proposal meets or exceeds these requirements.

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

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

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

<p><u>Henry Glick</u> Owner Signature (required)</p> <p><u>Henry Glick</u> Agent / Person responsible for work Signature (required)</p>	<p><u>July 30 2020</u> Date</p> <p><u>July 30 2020</u> Date</p>
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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

For office use	For office use	For office use
Amount Received: \$ <u>600.00</u>	Date Stamp: <u>8/3/2020</u>	

RECEIVED

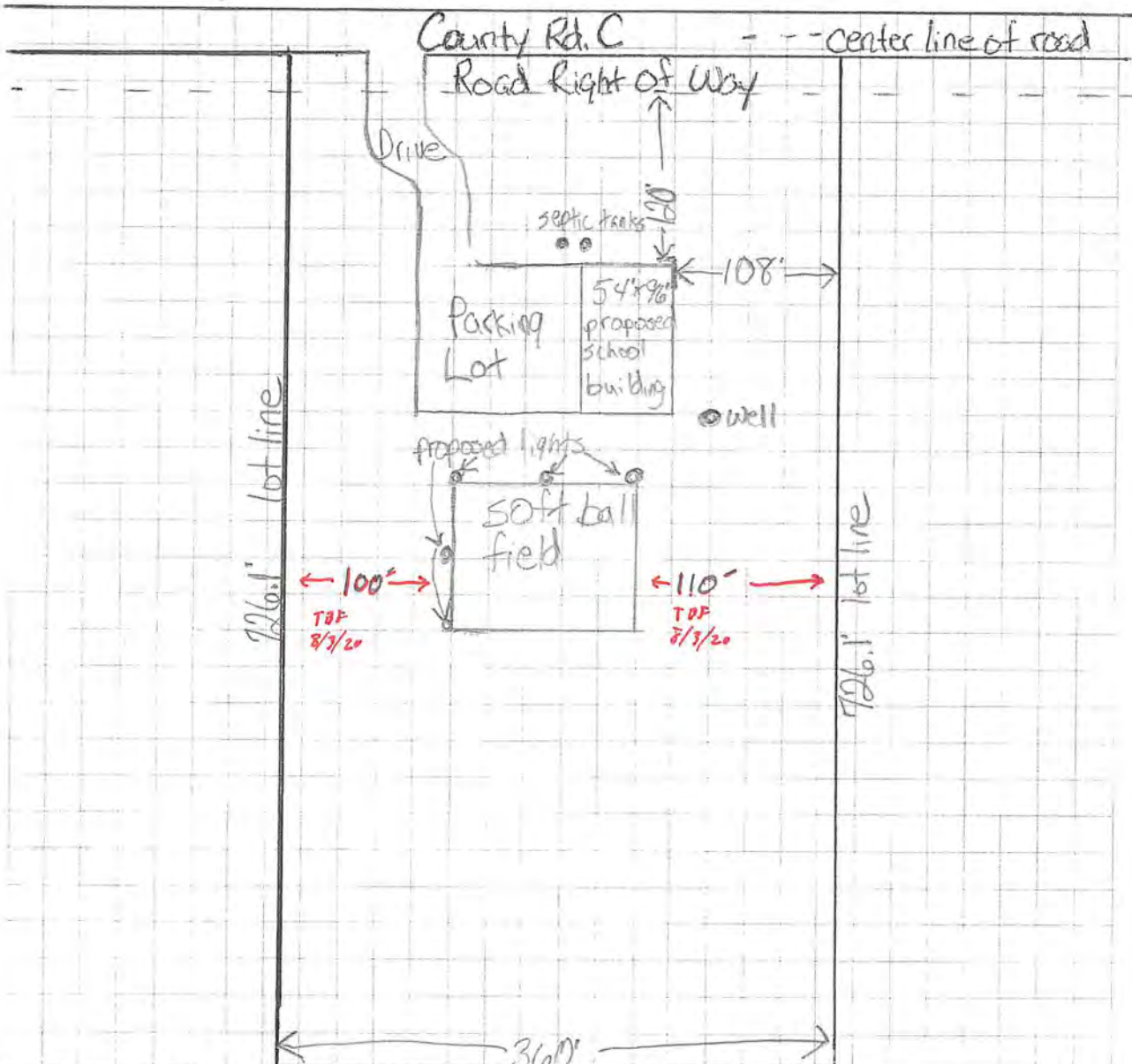
AUG 03 2020

MARATHON CO. CONSERVATION,
PLANNING & ZONING DEPT

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SITE PLAN

Permit #	Date: <u>7-1-20</u>	Notes/Comments:	1" = _____'
Pin # <u>074-21009-091-0993</u>			
Owner: <u>Henry Glick</u>			
Address: <u>City Rd C Spencer WI 54477</u>			
Project: <u>Building School house</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: 156 ft from centerline
 Side Yard Setbacks: 108 ft and 197 ft
 Rear Yard Setback: 497 ft
 Max Building Height: 22 ft
 Setback from Ordinary High Water Mark: _____ ft
 Lot Width at Building Line: 360 ft



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

71.73 0 71.73 Feet



NAD_1983_HARN_WISCRS_Marathon_County_Feet

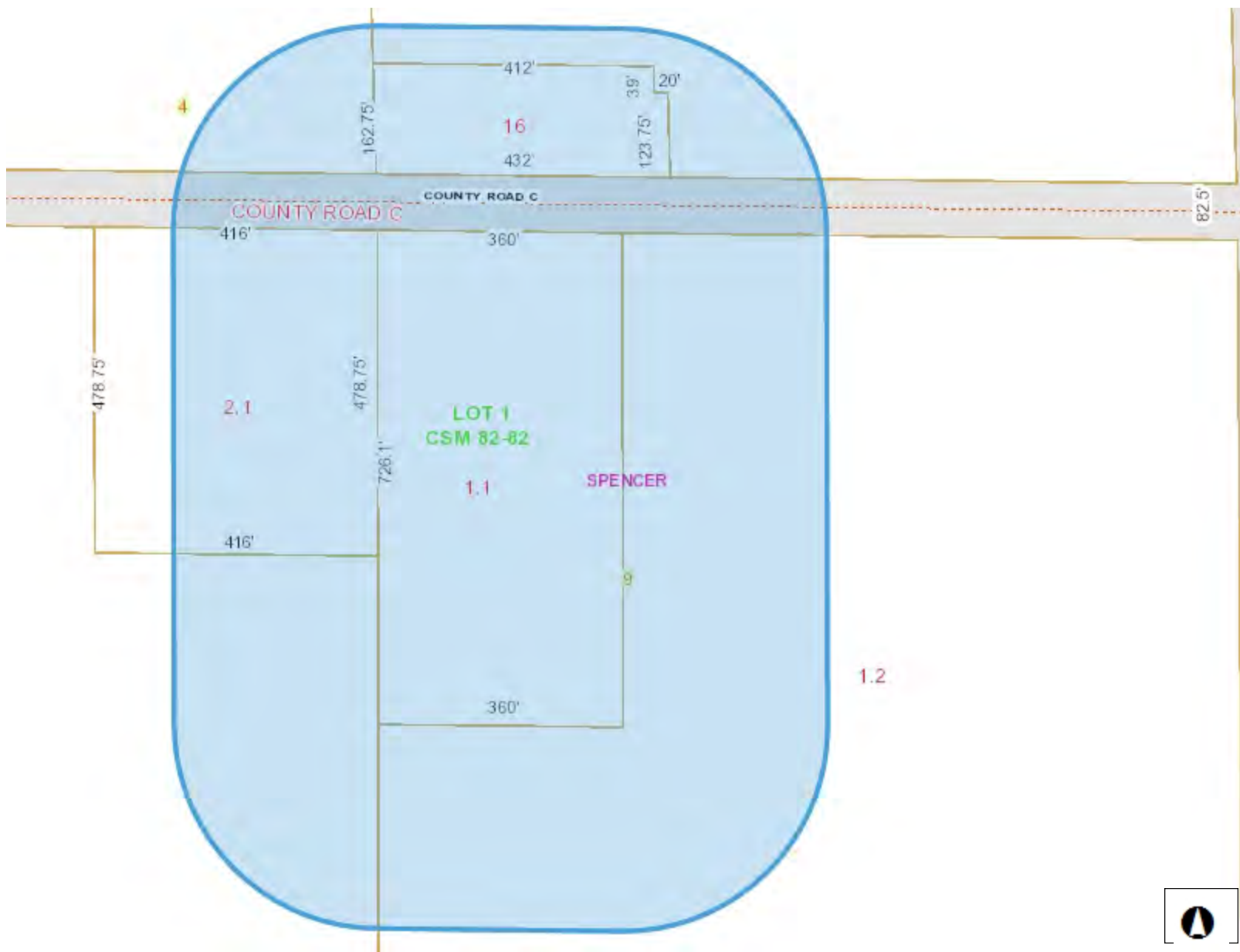
DISCLAIMER: The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Marathon County-City of Wausau will not be responsible for any damages which result from third party use of the information and depictions herein or for use which ignores this warning.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Land Information Mapping System



Legend

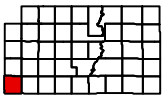
- Parcel Annotations
- Parcels
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Municipalities

Notes

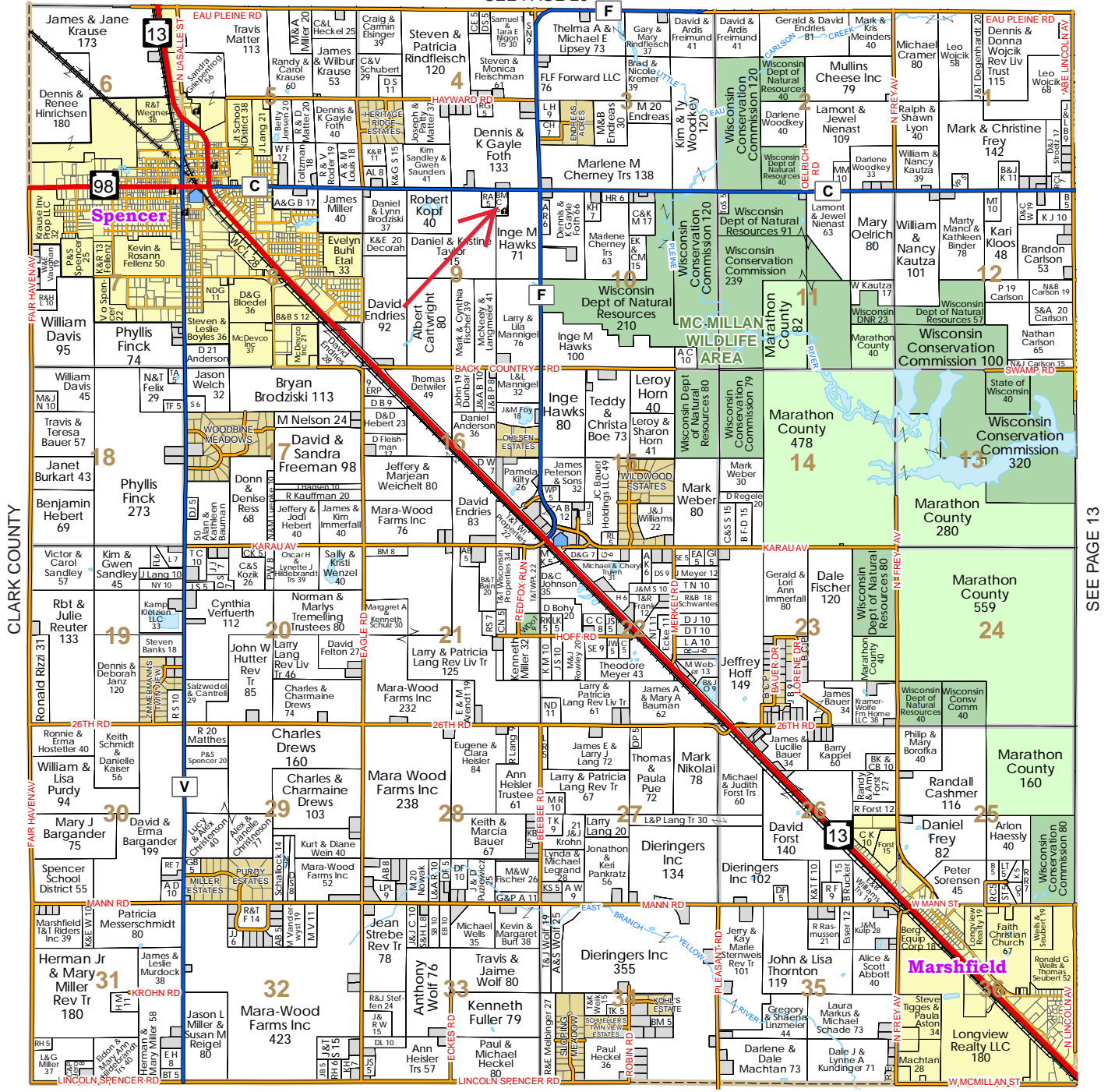
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NAD_1983_HARN_WISCRS_Marathon_County_Feet

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SEE PAGE 29



SEE PAGE 13

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PLOVER (715) 341-5808 • 2581 Post Rd

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STATE OF WISCONSIN)
MARATHON COUNTY)
TOWN OF SPENCER

RECEIVED

AUG 13 2020

TOWN RESOLUTION OF RECOMMENDATION
PLANNING & ZONING DEPT.

TO THE MARATHON COUNTY BOARD OF ADJUSTMENT

I, Dennis Gonnering, Clerk of the Town of Spencer, 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 Spencer Town Board at a meeting held on the 10 day of August, 2020.

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 Spencer.

NOW, THEREFORE BE IT RESOLVED that the Town of Spencer Town Board considered on the 10 day of August, 2020, the application of Henry Glick for a conditional use permit per Section 17.204.33 of the General Zoning Code of Ordinances for Marathon County Chapter 17 Zoning Code to construct a K-12 school in the General Agriculture district on property owned by Bethany Mennonite Church, described as part of the NE ¼ NE ¼ Lot 1 Section 09, Township 26N, R2E, Town of Spencer, described as PIN# 074.2602.091.0993.

and hereby recommends:

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

Comments, conditions and reasons for recommended action:

Please see attached letter. Falls into our comprehensive plan.

Clerk Dennis Gonnering
 Town Board Dennis Gonnering
Cliff R. Heff
Dennis R. Foth

NOTE: If you recommend disapproval of this request, please make every effort to send a representative to the Board of Adjustment Public Hearing. Town input at the hearing is always appreciated. Please return this form before September 3, 2020 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.

2. **Comprehensive Plan.** The proposed conditional use will be harmonious with and in accordance with the general objectives or with any specific objective of the town and county comprehensive plan.

The Town of Spencer Board will be harmonious with our 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.

Yes

4. **Use of Adjacent Property.** The proposed conditional use shall not interfere with the use and enjoyment of adjacent property.

We feel this is a good area to have the school, good location, nice road.

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.

Yes

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).

Only concern is the driveway, is the visibility from the East on City Rd C. We were told that the County wanted it there.

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.

Yes

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.

Yes. Okay.

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.

Yes

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

We asked questions to the representatives of the school building. Looked at the information from the county zoning dept, building plan and our comprehensive plan.

Proposed 2021 BOA Meeting Dates

- February 25th
- April 22nd
- May 27th
- June 24th
- July 29th
- September 23rd
- November 18th