

Board of Adjustment Virtual Meeting Housekeeping Welcome!

We ask that you please:

- Mute your microphone/device when your are not speaking
- Enable your camera
- State your name when participating in discussion

Other helpful tips:

- The “chat box” is being monitored by the host, if you have any questions.
- All presentation materials have been emailed, if you have connectivity problems.

Board of Adjustment
Public Hearing
September 24, 2020



Applications

Application 1:

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

NOTE:

The applicant has requested the Conditional Use Permit Application be withdrawn.

Application 2:

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 $\frac{1}{4}$ NE $\frac{1}{4}$ Lot 1 Section 09, Township 26N, R2E, Town of Spencer, described as PIN# 074.2602.091.0993.

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

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CONCLUSION OF LAW

Based on the facts presented in the application and at the September 24, 2020 public hearing, the Board concludes that:

1. **There are no current violations on this site.**

Yes (There are no violations) No (There is a violation) Insufficient information

Not Applicable

Comments:

2. **The conditional use permit is: applicable to the proposed land use, valid in perpetuity, and inextricably associated with the parcel. (Unless altered by the BOA)**

Yes No Insufficient information Not Applicable

Comments:

3. **Additional conditions to be placed upon the permit.**

Yes No Insufficient information Not Applicable

Comments:

Condition as follows:

4. **The applicant shows substantial evidence demonstrating that they will meet the requirements and conditions necessary to obtain a conditional use permit.**

Yes No Insufficient information Not Applicable

Comments:

Determination Worksheet (continued)

5. Is granting the Conditional Use Permit contrary with the purpose and intent of the General Code of Ordinances for Marathon County?

This code is adopted to secure and provide the following objectives for the County of Marathon:

1. To promote the public health, safety, comfort, and welfare of the residents of the County of Marathon;
2. To establish and maintain zoning districts in order to protect the property rights of all individuals by assuring the compatibility and efficient relationships of uses and practices within districts;
3. To facilitate the provision of public utilities and public services;
4. To provide the proper arrangement of streets or highways in relation to existing or proposed streets and highways (and the county's transportation plan);
5. To promote orderly, efficient, and appropriate development of land;
6. To provide uniform procedures and standards for observance by both the approving authority and the subdivider for the division, subdivision, and development of land;
7. To provide standards and guidelines for compatibility of designs, materials, layout, landscaping, and effective use of land for quality commercial development;
8. To provide reasonable and appropriate visual identification of commercial establishments;
9. To ensure adequate provision of open space for light, air, and fire safety;
10. To manage traffic via access points and other planning tools;
11. To preserve and protect existing trees and vegetation, flood plains, stream corridors, and other areas of scenic and environmental significance from adverse impacts of land development;
12. To provide guidelines for development of recreational uses;
13. To require the adequate and safe provision of transportation, water, sewage, and drainage in the county;
14. To preserve the character and quality of residential neighborhoods;
15. To preserve the character and quality of agricultural areas;
16. To provide appropriate technical assistance to towns during the planning and zoning phase of extraterritorial zoning discussions; and to assure the County's policy of providing an opportunity for towns to opt out of county zoning by conducting a comprehensive revision of zoning ordinances at a minimum of ten-year intervals

Yes

No

Insufficient information

Not Applicable

Comments _____

Provisions of Law – General Standards

17.803.03 Basis of Determination (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:

- ◇ The location and screening of vehicular circulation and parking areas in relation to surrounding development.
- ◇ The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- ◇ 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.
- ◇ The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.

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

3) Compliance with Applicable Regulations. The proposed conditional use shall be in compliance with all applicable federal, state, and local laws and ordinances.

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

5) Public Services. The proposed conditional use will be served adequately by essential public facilities and services including but not necessarily limited to utilities, highways, streets, police and fire protection, drainage structures, refuse disposal, and school(s); unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the conditional use is completed.

Provisions of Law – General Standards (Cont'd)

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:

- ◇ Proximity and access to major thoroughfares.
- ◇ Estimated traffic generated by the proposed use.
- ◇ Proximity and relation to intersections.
- ◇ Adequacy of driver sight distances.
- ◇ Location of and access to off-street parking.
- ◇ Required vehicular turning movements.
- ◇ Provision of pedestrian traffic (if applicable).

7) Enhancement of Surrounding Environment. The proposed conditional use shall provide the maximum feasible enhancement of the surrounding environment, and shall not unreasonably interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. In determining whether this requirement has been met, consideration shall be given to:

- ◇ 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.
- ◇ The bulk, placement, and materials of construction of proposed structures in relation to surrounding uses.

8) Impact on Public Health, Safety, and Welfare. The proposed conditional use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed in a manner that is detrimental to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, and environmental impact.

Provisions of the Law – Specific

Table 3. Uses Permitted by District

Key: USE	P Permitted Use				C Conditional Use			(Blank) Use Not Permitted					
	Residential Districts				Agricultural Districts			Nonresidential Districts					Development Standards
	U-R	L-D-R	R-R	R-E	F-P	G-A	C-V/R-C	N-C	C	B-R	L-I	H-I	
COMMUNITY, CIVIC, and INSTITUTIONAL USES													
K-12 School	C	C	C	C		C				C			Section 17.204.33

Section 17.204.33 K-12 SCHOOLS

- A. **Property Line Setback.** All structures and activity areas, except off-street parking areas, shall be located at least 100 feet from all property lines.
- B. **Ingress/Egress Separation.** All points of entrance or exit shall be located no closer than 200 feet from the intersection of two major thoroughfares and/or no closer than 200 feet from the intersection of a major thoroughfare and a collector street.
- C. **Minimum Lot Size.** The minimum lot size shall be 3 acres.

Exhibit #1 – CUP Application

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: 715-643-8834 Email: hrglick@gmail.com
Owner Name (if different): Bethany Christian School
Mailing Address: _____
Telephone: _____ Fax: _____

PARCEL INFORMATION

Parcel ID # (PIN): 074-2602-091-0393
(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 N1/2 NW 1/4 Lot 3
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.):

5400 Schoolhouse, well, septic, parking lot
ball diamond with sand infield, 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?

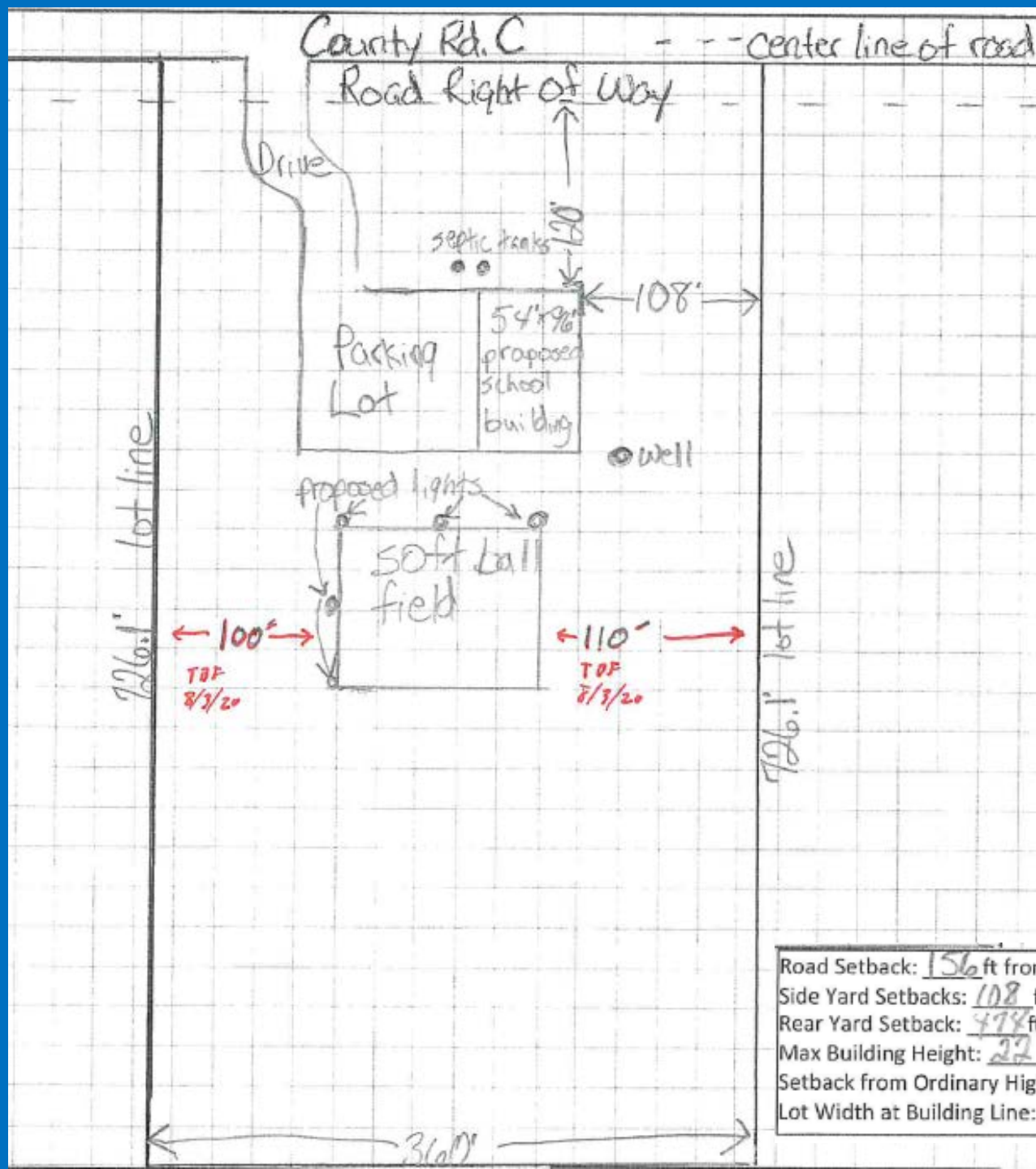
We would like to build a schoolhouse, have a parking lot
and ball diamond, our parent school operations would be 2-3 with
grades K-12. There would possibly be an occasional ball game

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.

Exhibit #2- Proposed Site Plan



Road Setback: 156 ft from centerline
 Side Yard Setbacks: 108 ft and 198 ft
 Rear Yard Setback: 474 ft
 Max Building Height: 22 ft
 Setback from Ordinary High Water Mark: _____ ft
 Lot Width at Building Line: 360 ft

Exhibit #3 – Location within Township

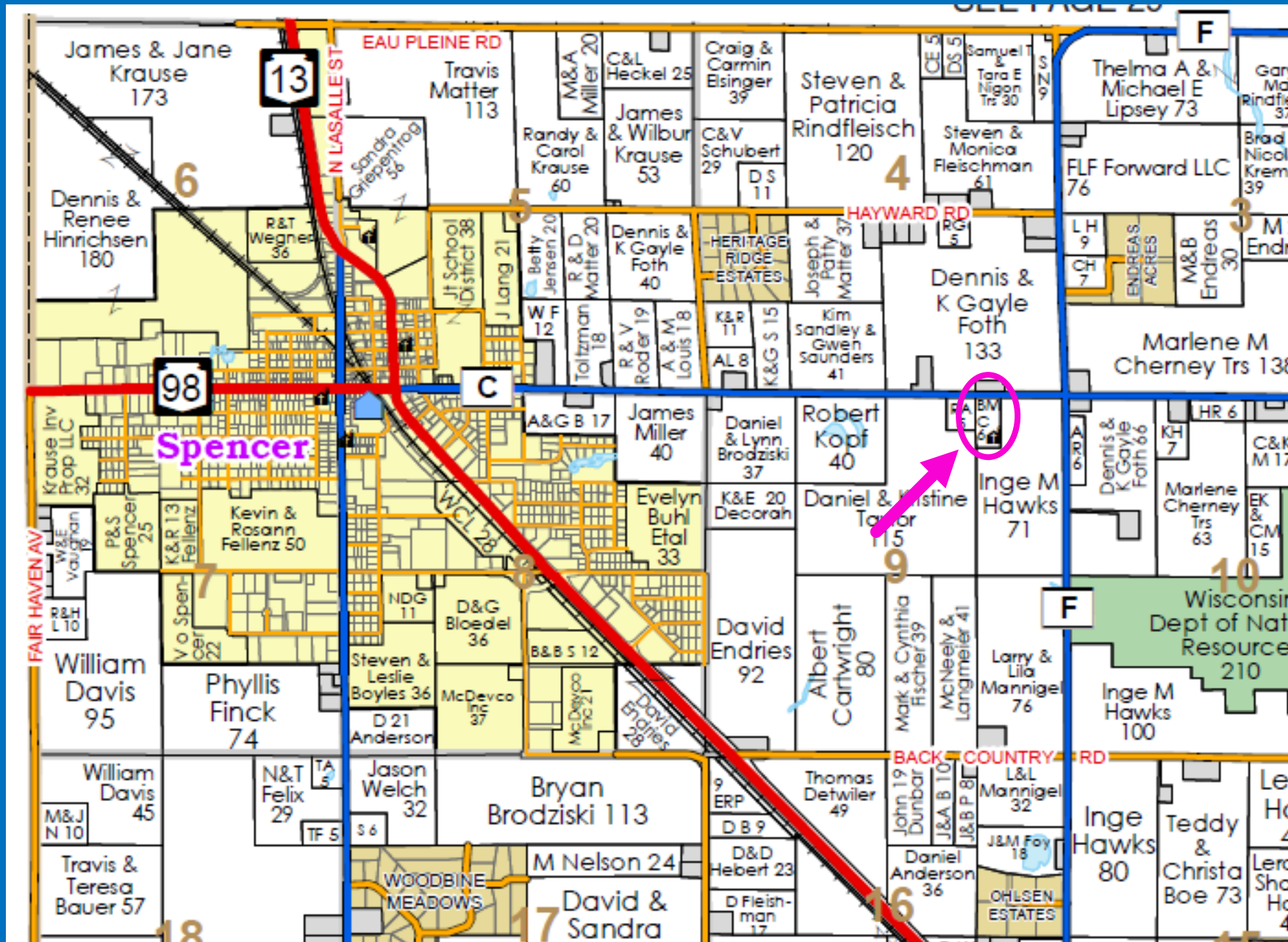


Exhibit #4 – Aerial Photo



Exhibit #5 – Zoning

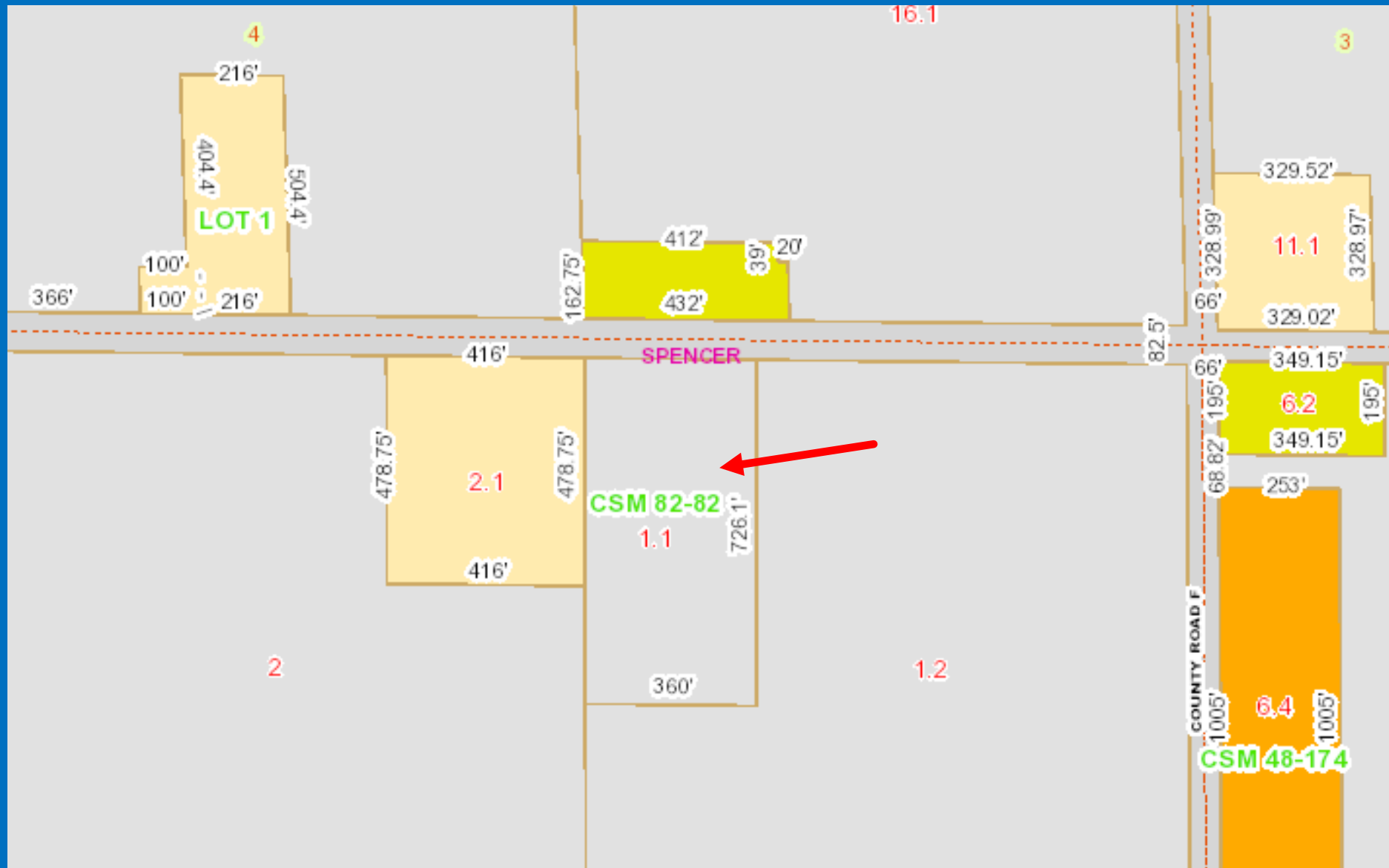


Exhibit #6 – Town of Spencer Future Land Use

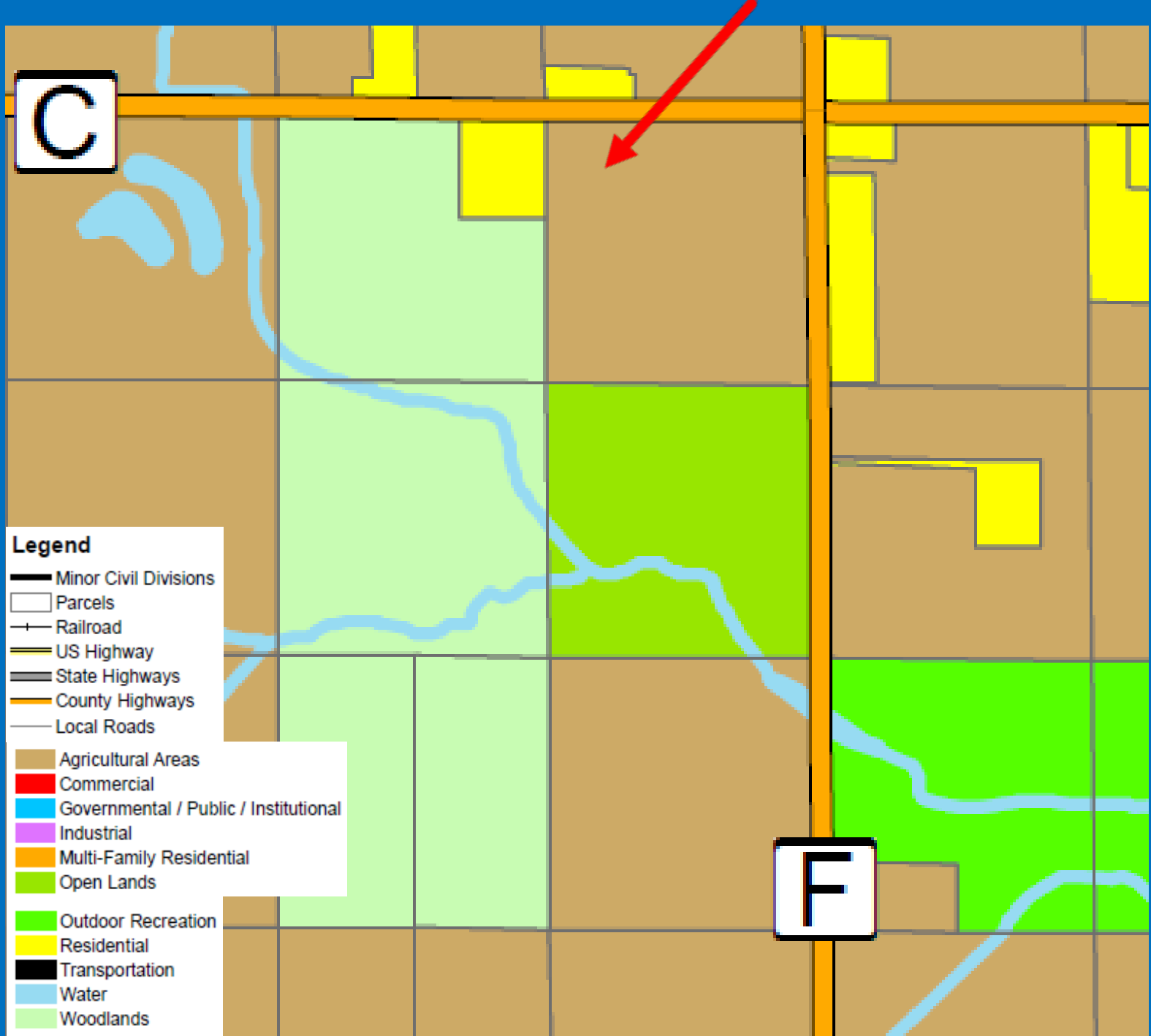


Exhibit #7 - Basis of Determination

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 areas 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

Basis of Determination (continued)

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 Cty 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.

Exhibit #8 -Town of Spencer
Resolution

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 1/4 NE 1/4 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
Town Board

Dennis Gonnering
Danna Dreisinger
Paul P. Hoff
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



MARATHON
COUNTY

Agenda Item #4
Board Education and Training

Agenda Item #5

Announcements and Requests

Proposed 2021 BOA Meeting Dates

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