

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
November 19, 2020



Applications

Application 1:

The application of Scott Pietrowski for a conditional use permit per Section 17.401.02 of the General Zoning Code of Ordinances for Marathon County Chapter 17 Zoning Code to construct a detached accessory structure for personal use prior to principle structure with dimensions differing from the standards in the R-R Rural Residential district, described as part of the NE ¼ NE ¼ Section 28, Township 29N, R5E, Town of Rib Falls, described as PIN# 066.2905.281.0994 with a property address of: 132009 County Rd U Edgar WI 54426

The application of Scott Pietrowski for a conditional use permit per Section 17.401.02 of the General Zoning Code of Ordinances for Marathon County Chapter 17 Zoning Code to construct a detached accessory structure for personal use prior to principle structure with dimensions differing from the standards in the R-R Rural Residential district, described as part of the NE ¼ NE ¼ Section 28, Township 29N, R5E, Town of Rib Falls, described as PIN# 066.2905.281.0994 with a property address of: 132009 County Rd U Edgar WI 54426.

CONCLUSION OF LAW

Based on the facts presented in the application and at the November 19, 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

Section 17.401.02 ACCESSORY BUILDINGS

The use of the accessory building must be secondary and incidental to the principle use.

E. Construction of Detached Accessory Structures exceeding the dimensional building standards:

1. A conditional Use Permit may be applied for the construction of a detached accessory structure with floor area and components differing from the dimensional and maximum lot coverage standards listed in [Table 6](#).

Requirement	Residential Districts (U-R or L-D-R)	Residential Districts (RR)	Residential District (RE)	Agricultural Districts (GA & FP)	Any Other Zoning District
Location	Rear, side or front yard	Rear, side or front yard	Rear, side or front yard	Rear, side or front yard	Rear, side or front yard
Accessory Structure allowed prior to Principle Structure	conditional use permit required	conditional use permit required	YES	YES	NO
Setback Requirements from principle structure	15 feet	15 feet	15 feet	15 feet	15 feet
from side property line	7 feet	7 feet	7 feet	7 feet	Minimum setback required in zoning district
from rear property line	7 feet	7 feet	7 feet	7 feet	Minimum setback required in zoning district

Provisions of the Law – Specific

Section 17.401.02 ACCESSORY BUILDINGS

The use of the accessory building must be secondary and incidental to the principle use.

Table 6. Detached Accessory Building Standards

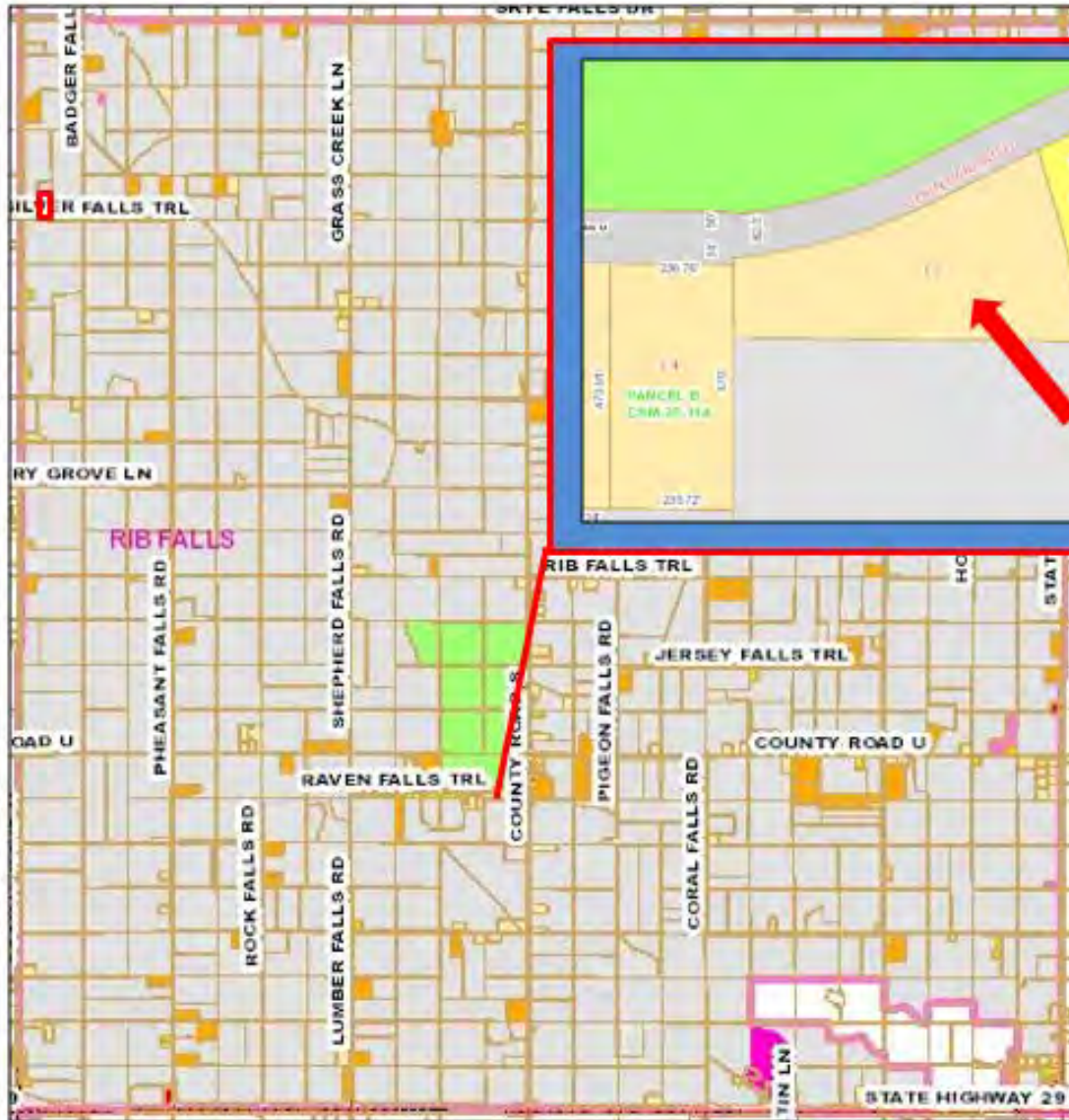
Requirement	Residential Districts (U-R or L-D-R)	Residential Districts (RR)	Residential District (RE)	Agricultural Districts (GA & FP)	Any Other Zoning District
Maximum Lot Coverage (*)	25% of buildable area	10% of buildable area	10% of buildable area	--	25% of buildable area
Maximum side wall height	14 feet	14 feet	None	None	None
Maximum garage door height	12 feet	12 feet	None	None	None
Maximum Size	1200 sq. ft.	1800 sq. ft.	NONE	NONE	NONE
Maximum Height (**)	24 feet	24 feet	35 feet ***	35 feet ***	35 feet ***

* Buildable area as used in Table 6 is the area of the lot remaining after allowing for the minimum required side, rear and front yard setback requirements.

Exhibit #2 – Zoning

EXISTING ZONING DISTRICT MAP: Adjacent parcels are zoned General Agricultural (Grey), Rural Residential (Tan), Low Density Residential (Yellow) and Conservancy & Recreational (Green) to the North of County Road U.

	U-R (Urban Residential)
	L-D-R (Low Density Residential)
	R-R (Rural Residential)
	R-E (Rural Estate)
	M-H (Manufactured/Mobile Home Park)
	C (Commercial Regional)
	N-C (Neighborhood Commercial)
	B-R (Business Regional)
	L-I (Light Industrial)
	H-I (Heavy Industrial)
	G-A (General Agriculture)
	F-P (Farmland Preservation)
	C-V/R-C (Conservancy & Recreation)



Map #2 Town of Rib Falls Zoning District

Exhibit #4 - 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 17.80 of the Marathon County Zoning Ordinance. Use a separate sheet if necessary.

Name of Applicant: Scott Pietrowski
Mailing Address: 212525 Tradition ST
Telephone: 715 650 7731 Fax: _____
Cellphone: _____ Email: Scott.Pib Falls Fab @gmail.com
Owner Name: (if different) _____
Mailing Address: _____
Telephone: _____ Fax: _____

PARCEL INFORMATION

Parcel ID # (PIN): 066-2905-281-0994
(If more than one parcel is included in this application, list all parcel numbers & legal descriptions on a separate sheet.)
Legal Description: Government Lot (Attached) or NE 1/4 NE 1/4
Section 28 T 29 N. R. 05 E. Town of Rib Falls
Lot _____ Block _____ Subdivision _____
Property Address: 132009 CT-1 Road W Edgar WI 54426
Parcel size: 3.74 Acres or _____ Sq. Ft.
Zoning District: Rural Residential

Present use of property (List all current uses, i.e. home, store, farm field, wooded, etc.):
Storage shed
Existing improvements (Structures, well, septic, etc.):
Driveway

PROPOSAL

Describe specifically the nature of this request (be sure to list all proposed uses of the parcel). What do you plan to do?
Private Storage Building 50'x50' (4,000 sq ft)
side wall height 16 ft Roof height 19 ft Peak Ht. 25'
If this application is for a use that will be restricted to part of the parcel, specify the exact dimensions of the affected area.
Not Applicable

Provide the following information if this box is checked

Propose the additional development standards in Section 17.401.02. Explain how your proposal meets or exceeds these requirements.
It will be exceeding the wall height to 16 feet
Door height to 14 ft maximum size with
Be 4,000 sq ft
AND
Accessory structure prior to principle structure

TDF 10/3/20

USE APPLICATOR CONDITIONAL PERMIT IF NECESSARY

Exhibit #5 – Narrative

Teal Fyksen

From: Dominique Swangstu
Sent: Sunday, August 16, 2020 10:31 PM
To: Teal Fyksen
Subject: FW: [EXTERNAL] Re: Conditional Use Permit application

FYI, we can discuss this week.

From: RibFalls Fabrication [mailto:scott.ribfallsfab@gmail.com]
Sent: Sunday, August 16, 2020 6:34 PM
To: Dominique Swangstu <Dominique.Swangstu@co.marathon.wi.us>
Subject: [EXTERNAL] Re: Conditional Use Permit application

Hello,

The proposed building will be used for personal storage and will not be associated with a business or commercial use. We will be constructing the building to be used for storage of personal items while we are constructing our new primary home on the property. After our primary home is built, it will be used for storage of trailers, boats, antique tractor and other antique vehicles, and an RV or camper.

The only plumbing planned is floor drains. We don't intend to live in it.

I am not sure how to complete the attached Basis of Determination form, as there are no questions, only statements of standards. Should we just state that yes we are meeting each standard?

We own a commercial business property less than one mile away that has all of our equipment and tools for our manufacturing process. There would be no need for us to use this new property for any business use. It is for personal storage only.

Thank you for your help,

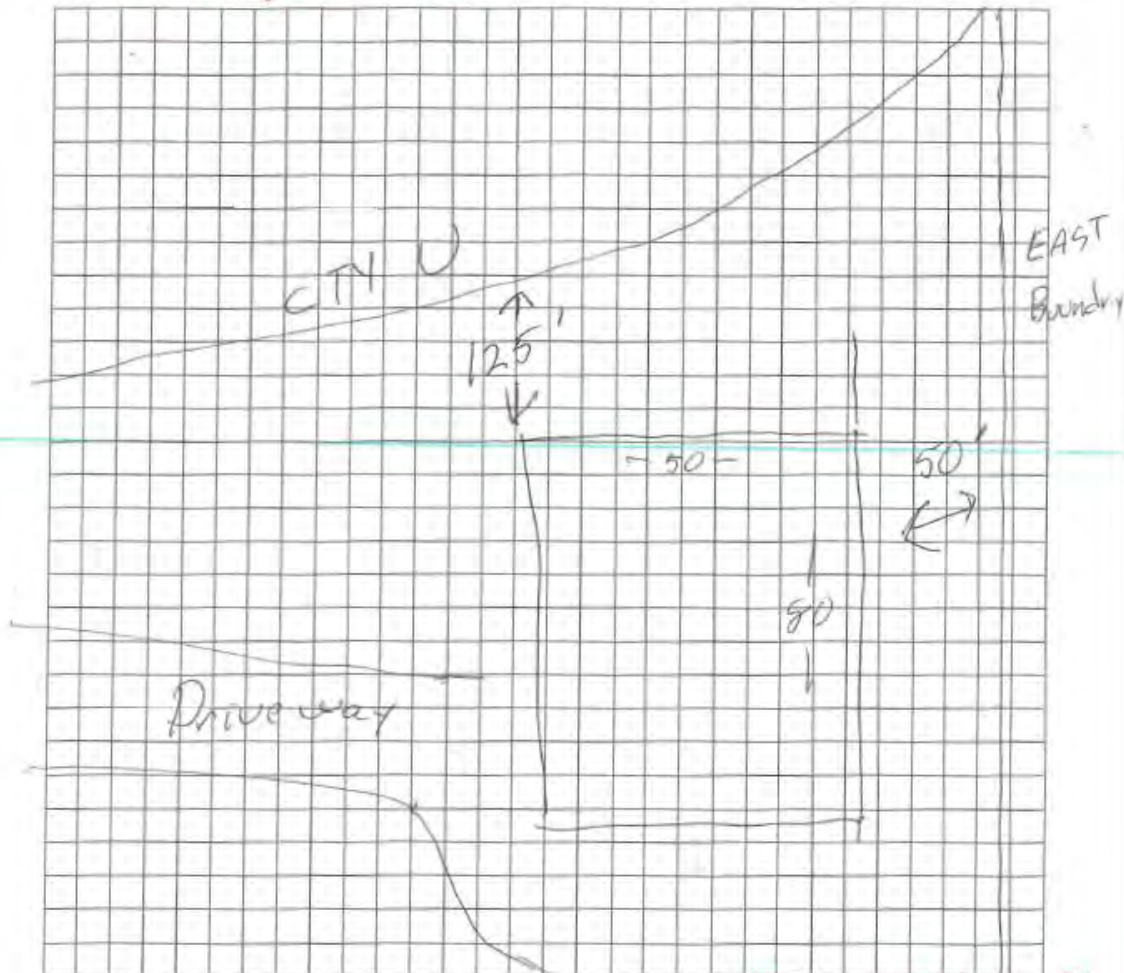
Scott Pietrowski
Rib Falls Waterjet.
715-650-7734

Exhibit #7 – Preliminary Proposed Site Plan

SITE PLAN

Preliminary Site Plan

Permit #	2020-2-	Date:	8/12/20	Notes/Comments:	
Pin #	066-2905-281-0994				
Owner:	Scott Pietrowski				
Address:	132009 City Rd J				
Project:	New Storage shed 80' x 50'				



- 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.

Road Setback: 125 ft from centerline Right-of-way line.

Side Yard Setbacks: _____ ft and 50 ft

Rear Yard Setback: _____ ft

Max Building Height: _____ ft

Setback from Ordinary High Water Mark: _____ ft

Lot Width at Building Line: _____ ft

Exhibit #8 – Proposed Site Plan Layout Depicting Future Home

This diagram is illustrating the
proposed future principle structure

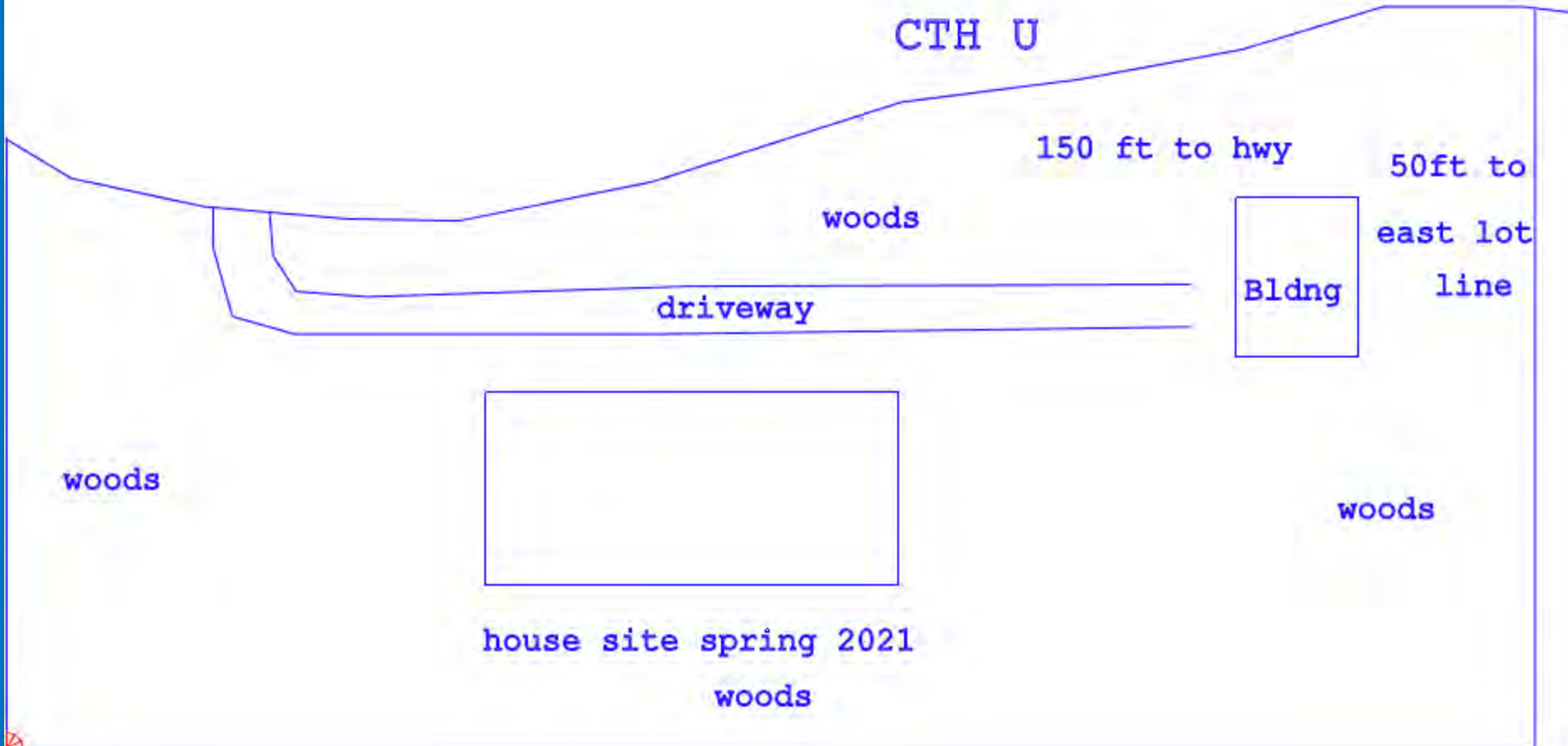
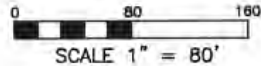


Exhibit #10 – Certified Survey Map

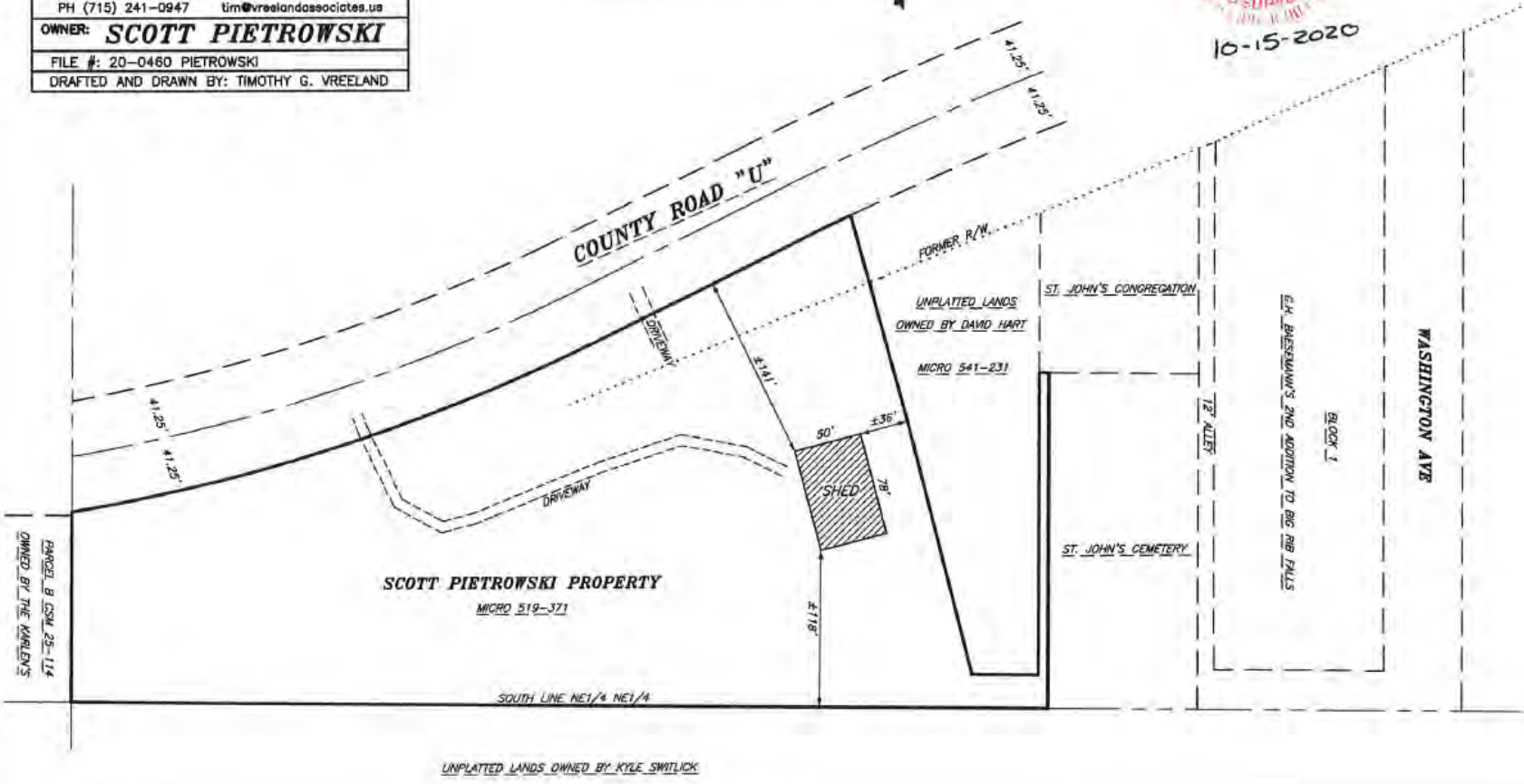
EXHIBIT MAP

PART OF THE NE1/4 OF THE NE1/4 OF SECTION 28, TOWNSHIP 29 NORTH, RANGE 5 EAST, TOWN OF RIB FALLS, MARATHON COUNTY, WISCONSIN.

ADDRESS: 132009 COUNTY ROAD "U" EDGAR, WI 54428 PARCEL ID NO. 066-2095-281-0994



VREELAND ASSOCIATES, INC.	
6103 DAWN STREET WESTON, WI. 54478	
PH (715) 241-0947	tim@vreelandassociates.us
OWNER: SCOTT PIETROWSKI	
FILE #: 20-0460 PIETROWSKI	
DRAFTED AND DRAWN BY: TIMOTHY G. VREELAND	



UNPLATTED LANDS OWNED BY KYLE SMITLICK

Exhibit #10 (continued) – Certified Survey Map (zoomed in)

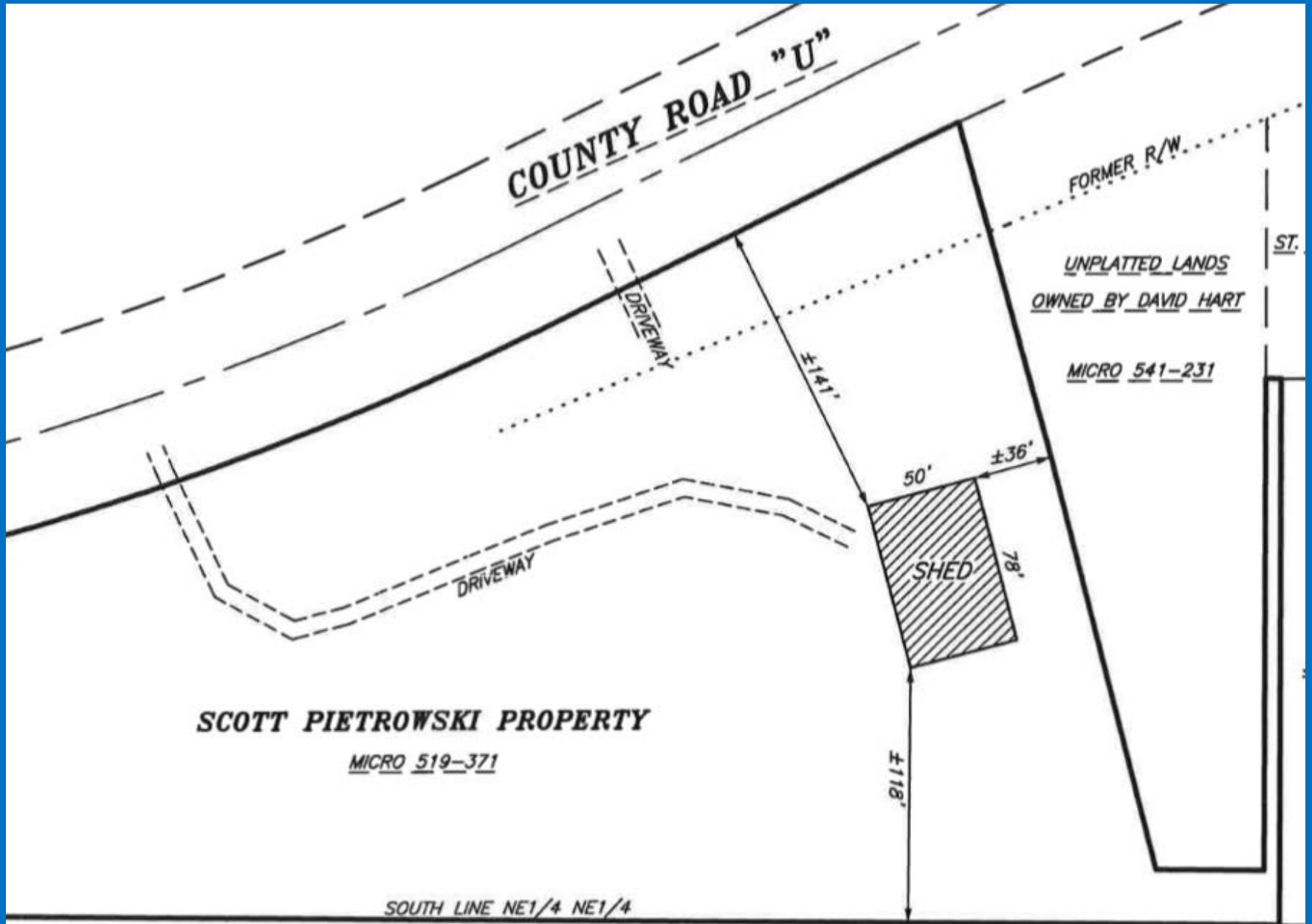


Exhibit #11 – Table: Proposed vs. Required

Scott Pietrowski Conditional Use Permit Application

Applicable Setbacks, Dimensions and Requirements	CODE REQUIREMENT Rural Residential Required (R-R)	Site Inspection Findings & Application
Setback from side property lines	7 feet	36 feet (east) >200 feet (west) Satisfies code requirement
Setback from rear property line	7 feet	118 feet (south) Satisfies code requirement
Right-of-Way Setback	83 feet from centerline OR 42 feet from ROW, whichever is greater	114 feet (ROW) Satisfies code requirement
Maximum side wall height	14 feet	16 feet proposed Differs from code requirement CUP Required (application submitted)

Exhibit #11 (continued – Table: Proposed vs. Required

<p>Maximum garage door height</p>	<p>12 feet</p>	<p>14 feet proposed Differs from code requirement CUP Required (application submitted)</p>
<p>Maximum Area</p>	<p>1,800 sq. ft.</p>	<p>50 feet x 78 feet = 3,900 sq. ft. Differs from code requirement CUP Required (application submitted)</p>
<p>Maximum Height</p>	<p>24 feet</p>	<p>25 ft. Differs from code requirement CUP Required (application submitted)</p>
<p>Accessory structure prior to a principle structure</p>	<p>CUP required</p>	<p>Accessory structure prior to a principle structure proposed CUP Required (application submitted)</p>

Exhibit #12 – Town of Rib Falls Future Land Use

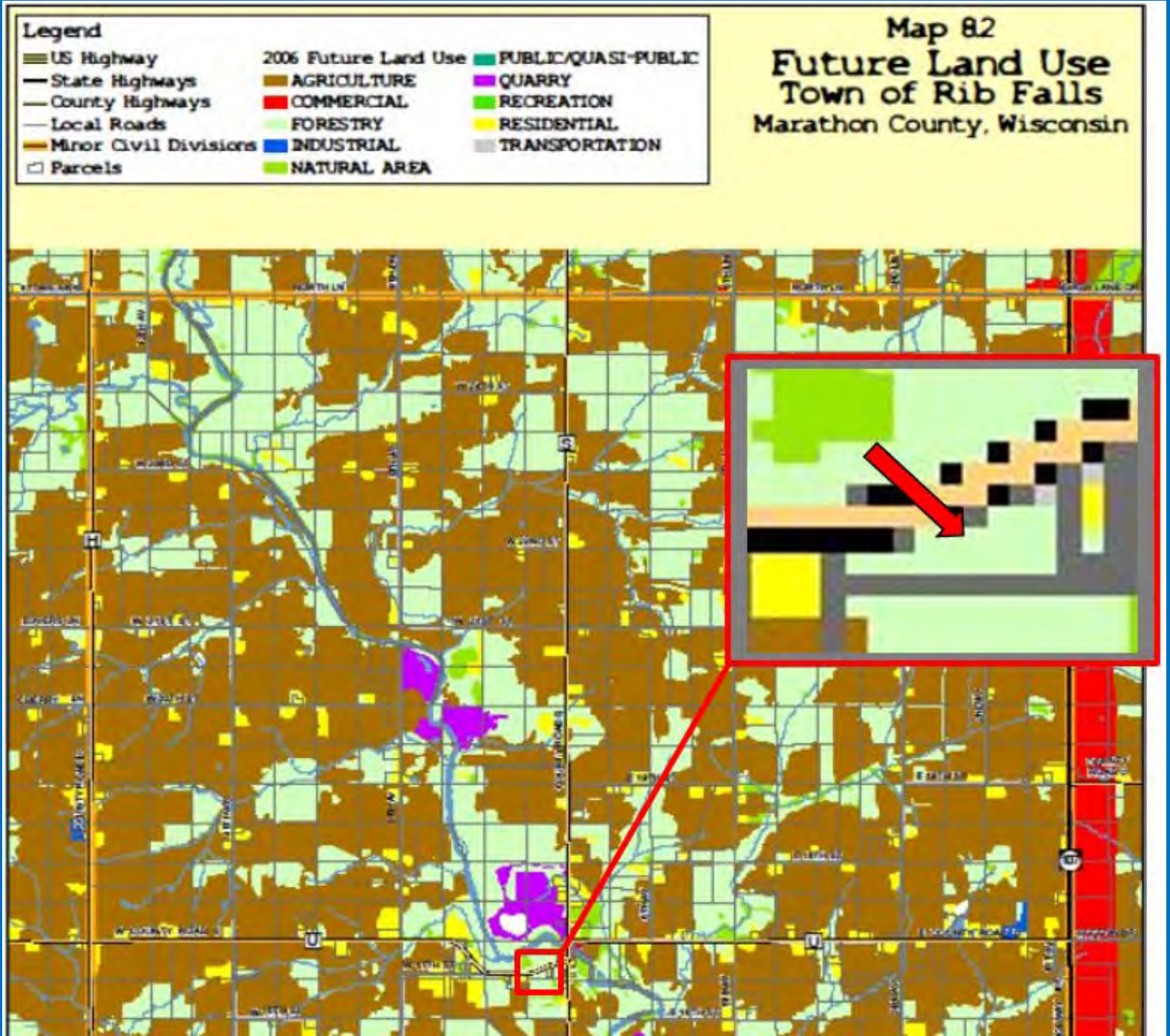


Exhibit #13 -Town of Rib Falls Resolution

RECEIVED

NOV 11 2020

MARATHON CO. CONSERVATION
PLANNING & ZONING DEPT

State of Wisconsin
Marathon County
Town of Rib Falls

Town of Rib Falls - Resolution 2020-04 of Recommendation to Approve

TO THE MARATHON COUNTY BOARD OF ADJUSTMENT

I, Alysia Seliger, Clerk of the Town of Rib Falls, 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 Rib Falls Town Board at a meeting held on the 10th day of November, 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 Rib Falls.

NOW, THEREFORE BE IT RESOLVED that the Town of Rib Falls Town Board considered on the 10th day of November, 2020 the application of Scott Pietrowski for a conditional use permit per Section 17.401.02 of the General Zoning Code of Ordinances for Marathon County Chapter 17 Zoning Code to construct a detached accessory structure for personal use prior to principle structure with dimensions differing from the standards in the R-R Rural Residential district, described as part of the NE 1/4 NE 1/4 Section 28, Township 29N, R5E, Town of Rib Falls, described as PIN# 066.2905.281.0994 with a property address of: 132009 County Rd U Edgar WI 54426..

and hereby recommends:

Marathon County Board of Adjustment APPROVE application

Comments, conditions, and reasons for recommended action:

1. August 16, 2020. Scott Petrowski notified the Marathon County Conservation, Planning, and Zoning (CPZ) Department that *"The proposed building will be used for personal storage and will not be associated with a business or commercial use. We will be constructing the building to be used for storage of personal items while we are constructing our new primary home on the property. After our primary home is built, it will be used for storage of trailers, boats, antique tractor and other antique vehicles, and an RV or camper"*.

Furthermore, it is stated that *"We (Scott Petrowski) own a commercial business (Rib Falls Fabrication) property less than one mile away that has all of our equipment and tools for our manufacturing process. There would be no need for us to use this new property for any business use. It is for personal storage only."*

2. According to the Marathon County General Code of Ordinances Chapter 17 – Zoning Code (February 25, 2020), Table 6 Detached Accessory Building Standards, the following considerations were reviewed:

Exhibit #13 (continued) Town of Rib Falls Resolution

- a. Zoning District: Rural Residential (RR)
 - b. Purpose of Conditional Use Permit: If the construction of an accessory building is proposed on a parcel prior to construction of principal structure, a conditional use permit use permit is required.
 - c. Setback Conditions of the accessory building from:
 1. Principle structure: 15 ft OK
 2. Side property line: 7 ft OK
 3. Rear property line: 7 ft OK
 - d. Maximum Lot coverage: 10% of buildable area OK
 - e. Maximum Side Wall Height: 14 ft – Proposal 16 ft.
 - f. Maximum garage door height: 12 ft – Proposal 14 ft
 - g. Maximum Footprint area: 1800 sq ft – Proposal 4000 sq ft
 - h. Maximum height: 24 ft – Proposal 25 ft.
3. At the time when the Town of Rib Falls received the S. Pietrowski request for a conditional use approval (October 5, 2020), the accessory building construction was underway. Specifically, the concrete pad and metal framework was substantially in-place. Subsequently, the CPZ communicated to the Town the following:
- On October 14, 2020, the Marathon County CPZ issued a *Notice of Violation and Stop Work Order*.
 - On October 14, 2020, the Town was notified by CPZ staff that S. Pietrowski has hired Tim Vreeland, Surveyor to delineate property lines to ensure the setbacks of the accessory building are complaint with the zoning code.
 - The CPZ will assess the double permit fee to the landowner because the construction of the project was initiated prior to approval of the conditional use permit. \$1,200

Signatures:

Clerk:

Alycia Seliger / WRW

Town Board:

WRW

Ryan J. DeBeauvoir

John J. Hammer

NOTE: If you recommend disapproval of this request, please make every effort to send a representative to the Board of Adjustment Public Hearing. Town input at the hearing is always appreciated. Please return this form before October 27, 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