

**TOWN OF WESTON  
NOTICE OF PUBLIC HEARINGS**



**NOTICE IS HEREBY GIVEN** that a public hearing will be held before the Town of Weston Plan Commission, on Tuesday, August 7, 2018, at approximately, 6:00 p.m., at the Weston/Schofield Municipal Court Room, 5301 Mesker Street, Weston, WI 54476 to take testimony relative to the following:

Conditional Use Permit request by Dan Higginbotham, 156 Kent Street, Wausau, WI 54403, to allow for a Bed and Breakfast Land Use, within the RR-5 (Rural Residential – 5 Acre) Zoning District, on property addressed as 2625 Northwestern Avenue (082-2808-082-0982), described as that part of the Weston one-half (W ½) of the Northwest quarter (NW ¼) of Section (8), Township twenty-eight (28) North, Range eight (8) East, lying south of Northwestern Avenue; Excepting that part described in Warranty Deed in Document No. 1493323; Also Excepting the C&N W Railroad right-of-way, in the Town of Weston, Marathon County, Wisconsin. This parcel consists of 14.380 acres (Project 20180047).

Rezone request by Milton Olson, 9805 Townline Road, Wausau, WI 54403, Weston, requesting a rezone from SF-L (Single-Family – Large Lot) and AR (Agriculture and Residential) to RR-2 (Rural Residential – 2 Acre), to allow him to reconfigure two existing parcels (PIN 082-2808-011-0996/9805 Townline Road and 082-2808-011-0997/vacant parcel), resulting in 2 acres of land serving his residence, at 9805 Townline Road, and the remaining 38.47 acres serving as agricultural and wooded lands. The area to be rezoned is described as the West 269 feet of the East 561.05 Feet of the North 365.08 Feet of the Northwest ¼ of the Northeast Fractional ¼ of Section 1, Township 28 North, Range 8 East, Town of Weston except the northerly 2.5 Rods reserved for Road purposes (Project 20180044).

The hearing notice with application materials are available for public inspection on the Village of Weston website located at <http://westonwi.gov/421/Public-Hearing-Notices>.

Written testimony must be submitted to the Town Zoning Administrator, Jennifer Higgins, 5500 Schofield Avenue, Weston, WI 54476, or emailed to [jhiggins@westonwi.gov](mailto:jhiggins@westonwi.gov), by 10:00 a.m. on Tuesday, July 31, 2018, to be included in the Plan Commission Meeting Packet. All interested persons attending the Public Hearing will be given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call Milton Olson, Town Chair, at 715-842-5397.

Dated this 17th day of July, 2018

Robin Huempfer  
Town Clerk/Plan Commission Secretary

Published as a legal ad in the Wausau Daily Herald on Tuesday, July 24, 2018 and Tuesday, July 31, 2018.

# REQUEST FOR CONSIDERATION

**PUBLIC MTG/DATE:** PLAN COMMISSION, AUGUST 7, 2018

**DESCRIPTION:** ORD No. 2018-002: AN ORDINANCE TO APPROVE THE REZONING OF A 2-ACRE PARCEL OF LAND FROM SF-L SINGLE-FAMILY RESIDENTIAL-SMALL LOT TO RR-2 RURAL RESIDENTIAL-2 ACRE; LOCATED APPROXIMATELY A QUARTER MILE WEST OF THE INTERSECTION COUNTY ROAD J AND COUNTY ROAD N (TOWNLINER ROAD), AT 9805 TOWNLINER ROAD, TOWN OF WESTON, MARATHON COUNTY, WISCONSIN.

**FROM:** JARED WEHNER, ASSISTANT PLANNER, PLANNING AND DEVELOPMENT  
JENNIFER HIGGINS, DIRECTOR OF PLANNING AND DEVELOPMENT / ZONING ADMINISTRATOR

**QUESTION:** SHOULD THE PLAN COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE APPROVAL OF THE REZONE REQUEST APPLICATION AS PROPOSED BY THE APPLICANT TO ADOPT THE AMENDMENT TO THE OFFICIAL ZONING MAP VIA ORDINANCE No. 2018-02 (DRAFT ATTACHED)?

## BACKGROUND

MILTON OLSON IS CORRECTING THE PROPERTY BOUNDARY OF THE RESIDENTIAL LOT AT 9805 TOWNLINER ROAD TO MEET THE REQUIRED SETBACKS FOR THE ACCESSORY STRUCTURE AND THE SEPTIC SYSTEM BY CREATING A 2-ACRE PARCEL. SUBSEQUENTLY, THE APPLICANT IS PROPOSING TO REZONE THE PROPERTY TO RR-2 RURAL RESIDENTIAL-2 ACRE.

**ATTACHED DOCS:** DETERMINATION FORM, DRAFT ORDINANCE 18-002, PRELIMINARY CERTIFIED SURVEY MAP AND CURRENT ZONING MAP

**COMMITTEE ACTION:** NONE

**FISCAL IMPACT:** NONE

**RECOMMENDATION:** ZONING ADMINISTRATOR RECOMMENDS APPROVAL

## RECOMMENDED LANGUAGE FOR OFFICIAL ACTION

**I MOVE TO RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE ORDINANCE 18-002, REZONING OF A 2-ACRE PARCEL OF LAND FROM SF-L SINGLE-FAMILY RESIDENTIAL-LARGE LOT TO RR-2 RURAL RESIDENTIAL-2 ACRE (PROJECT 20180044) AS REQUESTED BY THE APPLICANT.**

**ADDITIONAL ACTION:** FORWARD THE RECOMMENDATION TO THE BOARD OF SUPERVISORS FOR DISCUSSION AND POSSIBLE ACTION AT THE AUGUST 21, 2018 MEETING (STAFF).



Application for Rezone  
**REZONE DETERMINATION BY THE TOWN OF WESTON  
PLAN COMMISSION**

Project Number: **20180044 ORD 2018-02** Hearing Date: **AUGUST 7, 2018**  
Applicant: **Milton Olson and Kay Olson of the Milton & Kay Olson Trust, 9805 Townline Road, Wausau, WI 54403**  
Location: **9805 Townline Road, Wausau, WI 54403**  
Description: **Lot 2 of the proposed Certified Survey Map to be recorded by the Register of Deeds of Marathon County, Wisconsin lying in part of the northwest ¼ of the northeast fractional 1/1 of Section 1, Township 28, Range 8 East, Town of Weston, Marathon County, Wisconsin; more commonly known as 9805 Townline Road.**

The Department of Planning and Development of the Town of Weston, pursuant to the Town of Weston Zoning Code, Article 16 Processes, Section 94.16.03 Amendments to the Official Zoning Map (Rezoning), hereby makes the following findings and evaluation to the Town of Weston Plan Commission:

**GENERAL INFORMATION:**

Current Zoning: **SF-L Single Family Residential-Large Lot**  
Definition: 94.2.02(1)(c) The SF-L Single Family Residential-Large Lot. The SF-L district is intended for mainly single family detached residential development, along with compatible home occupations and small-scale institutional and recreational uses. New development within this district shall be served by public sanitary sewer and water services, but may have roadways with a rural cross section (e.g., roadside swales). The SF-L district generally requires a minimum lot size between those required in the RR and SF-S districts.

Proposed Zoning **RR-2 Rural Residential-2 Acre**  
Definition: 94.2.02(2)(a) The RR-2 district is intended for mainly single family detached residential development on minimum two acre sized rural lots, along with compatible home occupations, small-scale institutional and recreational uses, and low-intensity agricultural uses. Development within this district may be served by private on-site wastewater treatment systems (POWTS), and roadways within a rural cross section.

Future Land Use: **Agriculture and Rural**  
FLU Description: Agricultural, forested, and other open lands. Also includes and is intended to accommodate farmsteads, limited non-farm housing in accordance with associated zoning policies, associated home occupations and family businesses, and other uses allowed in implementing zoning districts.

**DETERMINATION:**

1. Is the proposed rezoning consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?  
**Yes, the proposed zoning change is decreasing the density by creating a larger 2-acre lot, which is the minimum lot size suggested lot size of this future land use designation.**
2. Does the rezoning further the purpose and intent of this Chapter?  
**Yes, this rezoning is furthering purposes:**  
**(2) Implementing the Comprehensive Plan to the extent possible under zoning;**  
**(6) Encouraging the protection of natural resources;**  
**(7) Preventing the overcrowding of land and undue concentration of population;**  
**(8) Preserving and enhancing property values;**  
**(11) Managing growth and the impacts of land development; and**

**(12) Preserving and enhancing community appearance and quality of life.**

- 3. Does rezoning address any of the following that are not properly addressed on the current Official Zoning Map?
  - 1. A mistake was made in mapping on the Official Zoning Map. That is, an area is or has developed in a manner and purpose different from that for which it is mapped. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Town may intend to stop an undesirable land use pattern from being perpetuated.
  - 2. **Factors have changed, such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes, making the subject property more appropriate for a different zoning district.**
  - 3. Growth patterns or rates have changed, thereby creating the need for a rezoning.

**The rezone and CSM are correcting setback issues on the property and creating a lot that fits within the Future Land Use Map designation of Future Agriculture & Residential of the Town of Weston Comprehensive Plan.**

- 4. Does the proposed zoning district maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

**Yes. This rezone will decrease the density of development due to the configuration of the residential lot increasing in size to 2 acres.**

**BACKGROUND INFORMATION:**

The owners of 9805 Townline Road are reconfiguring the residential lot due to the encroachments the accessory structure and the septic system on the neighboring parcel. This correction will address these issues as well as further the Comprehensive Plan by decreasing the density of this area of the Town.

**STAFF ANALYSIS AND COMMENT:**

The RR-2 district requires a larger minimum lot size, thus decreasing the possible density. The newly proposed lot would be at the threshold of the minimum lot size of the new zoning district. Staff is in favor of this rezone and the corrective actions of the proposed Certified Survey Map.

**CURRENT PROPERTY CONDITIONS:**

The configuration of the 4.88-acre lot is long and narrow and the house was constructed toward the east side of the lot due to the wetlands on the property.

**PLAN COMMISSION ACTION OPTIONS [Process is outlined in Sec. 94.16.03(6)]:**

- 1) Plan Commission recommends approval of the rezone request and forwards the recommendation on to the Town Board at the August 21, 2018 meeting.
- 2) Plan Commission recommends denial of the rezone request and forwards the recommendation on to the Town Board at their August 21, 2018 meeting.
- 3) Plan Commission takes no action and the request moves on to the Town Board at their August 21, 2018 meeting with no recommendation.

**ACTIONS TAKEN:**

<b>Town Plan Commission Determination - August 7, 2018:</b>	<b>RECOMMEND / NO RECOMMENDATION</b>
<b>Town Board of Supervisors Action - August 21, 2018:</b>	<b>APPROVE / DENY</b>
<b>County Board of Supervisors Action – September 18, 2018:</b>	<b>APPROVE / DENY</b>

# Town of Weston



## Marathon County, WI

### OFFICIAL ZONING MAP



Map Date: 7/26/2018  
Adoption Date: 4/18/2018



#### LEGEND

9805 Townline Rd

#### MUNICIPAL FEATURES

Town of Weston Unincorporated Boundary

Right-of-Way

Wetland Presence

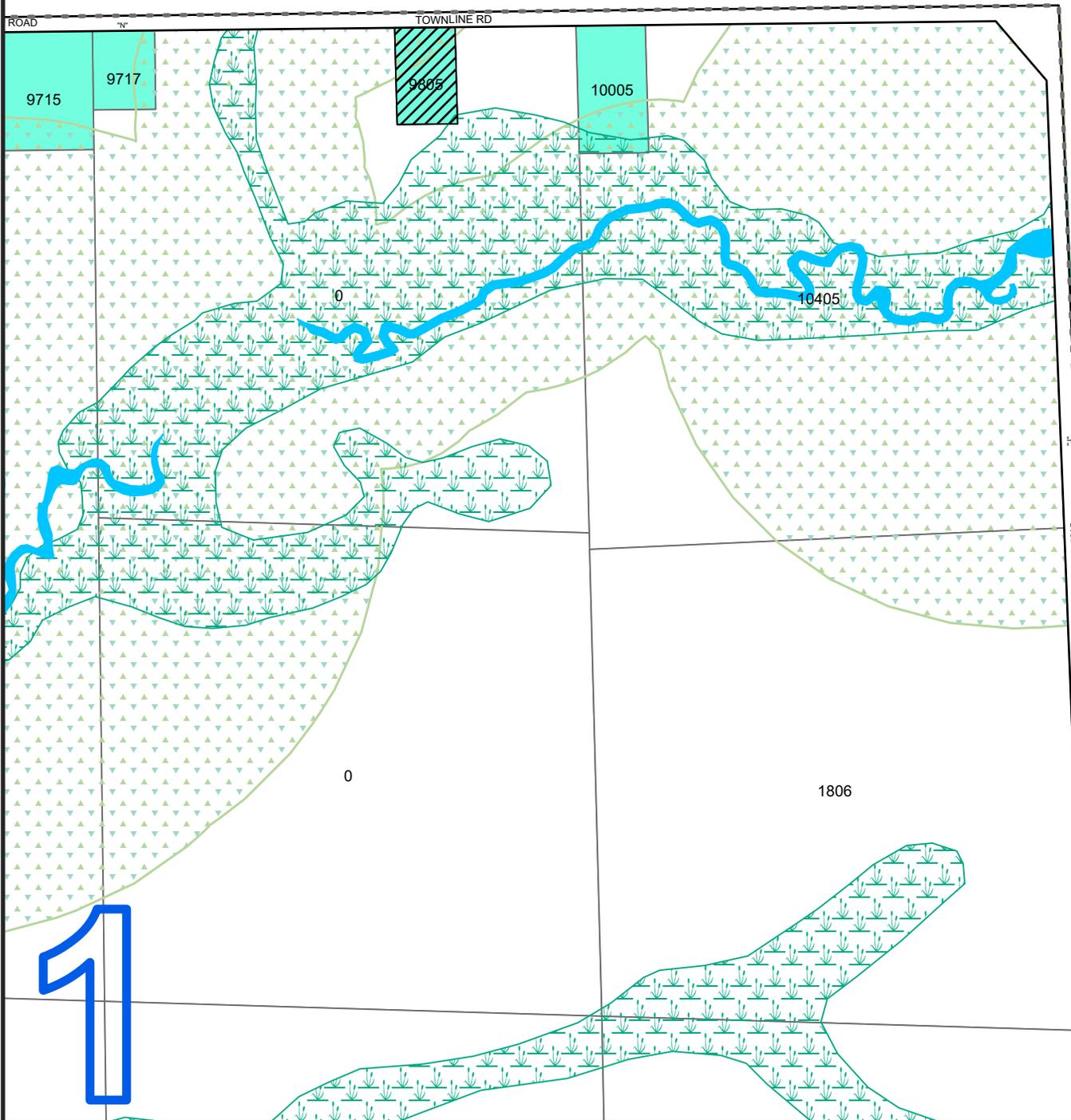
Surface Water

#### ZONING DISTRICT

AR

SF-L

Marathon County Shoreland Overlay

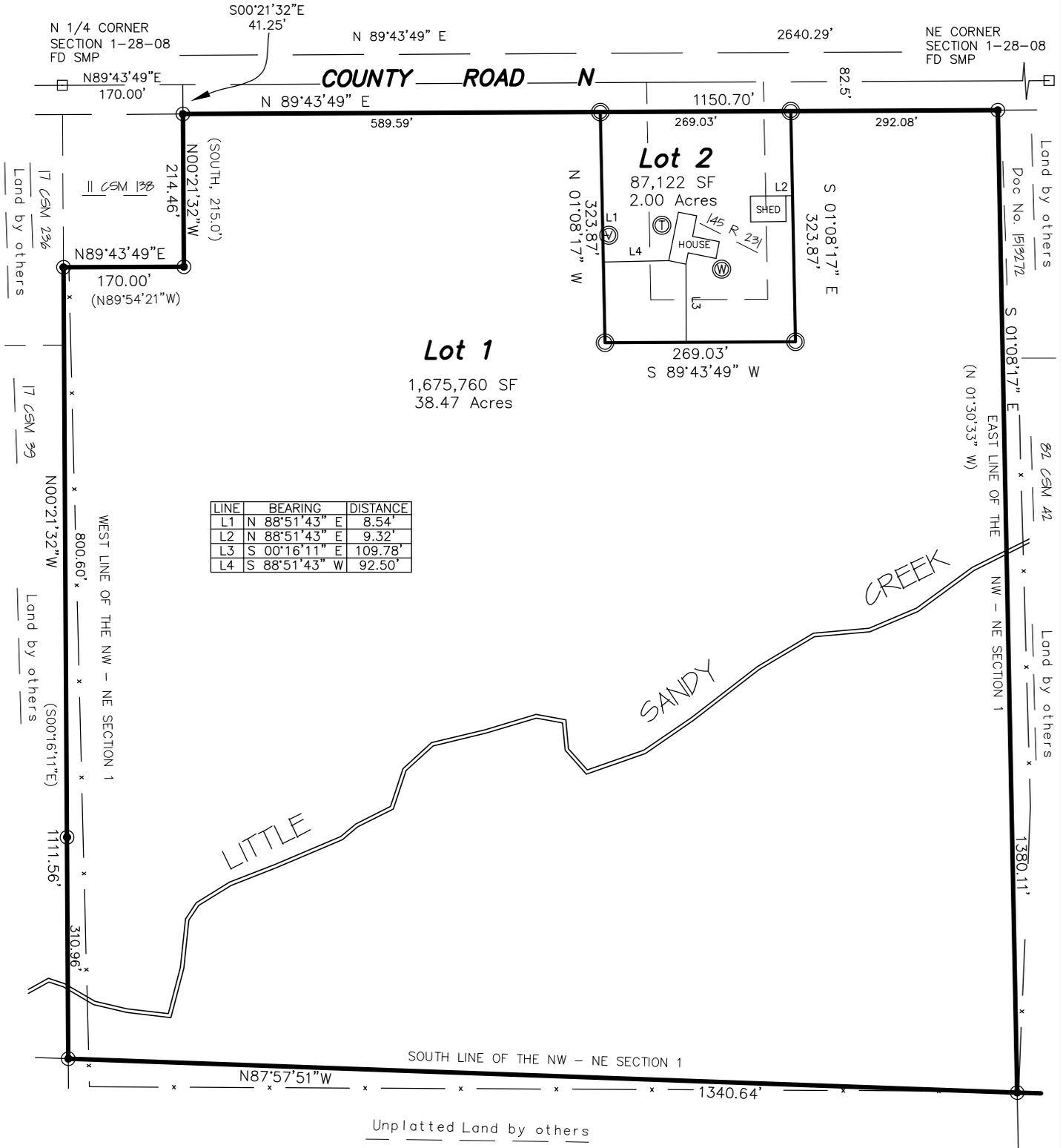


Milt Olson is adding .87 acres of land from his vacant 37.930 acre AR zoned parcel (PIN 082-2808-011-0997) to his residential 1.130 acre SF-L zoned parcel (PIN 082-2808-011-0996, addressed as 9805 Townline Rd), to create a 2-acre parcel.

The purpose of this project is to bring his property into conformance, as the shed and septic system on his residential lot both cross over the property line. Since the residential parcel will be increasing to 2 acres, he is then rezoning the then 2-acre residential parcel to RR-2, which allows more land use options in the future.

**Certified Survey Map No. \_\_\_\_\_**  
**Volume \_\_\_\_\_ Page \_\_\_\_\_**

OF PART OF THE NORTHWEST 1/4 OF THE NORTHEAST FRACTIONAL 1/4  
 OF SECTION 1, TOWNSHIP 28 NORTH, RANGE 8 EAST, TOWN OF WESTON,  
 MARATHON COUNTY, WISCONSIN



- ⊙ ⊙ SEPTIC VENT/TANK
- ⊙ WELL
- X— FENCE
- ⊙ 1" X 24"OD IRON PIPE WEIGHING 1.13 LBS/LINEAL FOOT SET
- FOUND 1" IRON PIPE
- ▲ FOUND PK NAIL OR RR SPIKE
- FOUND GOV'T CORNER
- ( ) RECORD DATA



**GRAPHIC SCALE**



1 inch = 200ft.

ALL PIPES ARE OUTSIDE DIAMETERS  
 BEARINGS ARE REFERENCED TO THE  
 NORTH LINE OF THE NE 1/4 OF SEC 1  
 ASSUMED TO BEAR N 89° 43' 49" E

MARATHON COUNTY CERTIFIED SURVEY MAP

I, Daniel E. Higginbotham, Professional Land Surveyor, hereby certify:

That I have surveyed, divided and mapped by the order of Milt and Kay Olson, a parcel of land being part of the Northwest ¼ of the Northeast fractional ¼ of Section 1, Township 28 North, Range 8 East, Town of Weston, Marathon County, Wisconsin more particularly described as follows:

Commencing at the North ¼ Corner of Section 1; thence N 89° 43' 49" E, 170.00 feet along the North line of the Northeast Fractional ¼ of Section 1; thence S 0° 21' 32" E 41.25 feet to the Southerly r/w of County Road N and the point of beginning of the parcel herein described; thence N 89° 43' 49" E, 1150.70 feet along the Southerly R/W of County Road N to the East line of the Northwest ¼ of the Fractional Northeast ¼ of Section 1; thence S 01° 08' 17" E, 1380.11 feet along the East line of the Northwest ¼ of the Northeast fractional ¼ of Section 1 to the Southeast corner thereof; thence N 87° 57' 51" W, 1340.64 feet along the South line of the Northwest ¼ of the Northeast fractional ¼ of Section 1 to the Southwest corner thereof; thence N 0° 21' 32" W, 1111.56 feet along the West line of the Northwest ¼ of the Northeast fractional ¼ of Section 1 to the Southwest corner of a parcel of land previously recorded as Volume 11 Certified Survey Maps, Page 138; thence N 89° 43' 49" E, 170.00 feet along the South line of a parcel of land previously recorded as Volume 11 Certified Survey Maps, Page 138 said CSM to the Southeast corner thereof; thence N 00° 21' 32" W, 214.46 feet along the East line of said CSM to the Southerly r/w of County Road N and the point of beginning of the parcel herein described.

Said parcel contains 1,762,882 Square Feet or 40.47 Acres.  
Subject to all roadways and easements of record.

That such plat is a correct representation of all exterior boundaries of the land surveyed and the subdivision thereof made to the best of my knowledge and belief;

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes.

Dated this 21<sup>st</sup> day of June, 2018.

\_\_\_\_\_  
P.L.S. No. S-1935

**TOWN OF WESTON**

Resolved, that this survey map is hereby approved on behalf of Town of Weston.

DATE SIGNED \_\_\_\_\_

\_\_\_\_\_  
Legal Representative

Prepared by:  
Plover River Land Co., Inc.  
156 Kent Street  
Wausau, WI 54403  
Sheet 2 of 2 Sheets

Prepared for:  
Milt Olson  
9805 Townline Road  
Wausau, WI 54403



**TOWN OF WESTON, MARATHON COUNTY, WISCONSIN**

**ORDINANCE NO. 2018-002**

**AN ORDINANCE TO APPROVE THE REZONING OF A 2-ACRE PARCEL OF LAND FROM SF-L SINGLE FAMILY RESIDENTIAL-LARGE LOT TO RR-2 RURAL RESIDENTIAL-2 ACRE; LOCATED APPROXIMATELY A QUARTER MILE WEST OF THE INTERSECTION OF COUNTY ROAD J AND COUNTY ROAD N (TOWNLINER ROAD), AT 9805 TOWNLINER ROAD, TOWN OF WESTON, MARATHON COUNTY, WISCONSIN.**

WHEREAS, the Plan Commission of the Town of Weston having held a public hearing on the 7<sup>th</sup> day of August 2018, on the application described below for the zoning of the property described herein; and

WHEREAS, the Plan Commission having thereafter filed its written recommendations and findings with the Town Board of Supervisors, and the said Board having received and approved the recommendation of said Committee;

NOW THEREFORE, the Town Board Supervisors of the Town of Weston do ordain as follows:

**SECTION 1:** On the application (Project 20180044) of Milton Olson and Kay Olson, 9805 Townline Road, Wausau, WI 54403, for the following territory now comprising a part of the SF-L Single Family Residential-Large Lot zoning district, located in Section 1, Township 28 North, Range 8 East, Town of Weston, Marathon County, Wisconsin, is hereby designated to be and become hereafter part of the following zoning district:

**RR-2 Rural Residential-2 Acre:** The area to be rezoned is described as the West 269 feet of the East 561.05 Feet of the North 365.08 Feet of the Northwest  $\frac{1}{4}$  of the Northeast Fractional  $\frac{1}{4}$  of Section 1, Township 28 North, Range 8 East, Town of Weston except the northerly 2.5 Rods reserved for Road purposes; PIN 08228080110996.

BE IT FURTHER RESOLVED that the foregoing amendment to the zoning district designation shall take effect upon the publication of this ordinance. If the rezoning of any lands by this Ordinance does not take effect within 180 days of the date hereof, this Ordinance shall become null and void and the zoning for such lands shall remain unchanged.

**SECTION 2:** The Clerk shall make necessary alterations upon the official map of the Town of Weston to reflect the changes in the zoning classifications of the property described herein.

**SECTION 3: SEVERABILITY.** If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would

not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 21<sup>th</sup> day of August 2018.

BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Tom Salzman, its Acting Chairman

Attest:

\_\_\_\_\_  
Robin Huempfer, its Clerk

APPROVED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

DRAFT