



**VILLAGE OF WESTON
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Village of Weston Plan Commission will hold a public hearing on Monday, February 10, 2025 at 6 pm in the Board Room of the Weston Municipal Center, 4747 Camp Phillips Road to discuss the revocation of Site Plan Approvals and a Conditional Use Permit issued to allow for a Personal Storage Facility to be constructed and operated on the property addressed as 8211& 8311 Schofield Avenue, Weston. The property is legally described as Certified Survey Map #1806, recorded in Volume 7, Page 192, Document No. 738369, excepting Document #1171717 (Highway), and Parcels 1 & 2 of Certified Survey Map #1929, recorded in Volume 8, Page 13, Document No. 743188, excepting Document #1171719 (Highway), located in part of the Northwest 1/4 of the Northeast 1/4 of Section 23, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin (PIN 192 2808 231 0955). (Project #20230188).

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 submitted by noon on the date of the hearing to the Village of Weston Plan Commission, Valerie Parker, Plan Commission Secretary, 4747 Camp Phillips Road, Weston, WI 54476, or emailed to vparker@westonwi.gov, will be brought to the hearing and entered into the hearing record.

All interested persons wishing to provide oral or written testimony during the Public Hearing will be given an opportunity to be heard.

Any person with questions or planning to attend needing additional special accommodation in order to participate, should call Valerie Parker, Planning Technician, Planning and Development Department, at 715-241-2607.

Dated this 23rd day of January 2025

Valerie Parker
Plan Commission Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, January 27, 2025, and Monday, February 3, 2025.

LETTER FOR REVOCATION OF CONDITIONAL USE PERMIT

January 27, 2025

Sent by certified mail

MID-WEST MINI STORAGE P1 LLC
TRAVIATA LLC
1424 SCHOFIELD AVE
SCHOFIELD, WI 54476

RE: Revocation of Site Plan Approval and Conditional Use Permit for Apex Capital Ventures at property known as 8211 Schofield Avenue, Weston and sold to Mid-West Mini Storage P1, LLC & Traviata, LLC via Quit Claim Deed, June 12, 2024

The Village of Weston Plan Commission approved a site plan and a conditional use permit dated August 21, 2023 (Recorded at the Marathon County Register of Deeds as Document # 1887313). A Development Agreement signed by Apex Capital Ventures President, Owen Jones, on August 25, 2023 and Village President, Mark Maloney, on September 5, 2023 was also recorded at the Marathon County Register of Deeds by a Memorandum of Agreement on September, 11, 2023 at the Marathon County Register of Deeds in Document # 1887312. The Conditional Use and Agreement were granted to allow for a Personal Storage Facility to be constructed and operated at 8211 Schofield Avenue.

The Conditional Use Permit, Site Plan and Development Agreement were all amended following a Public Hearing held December 11, 2023 and recorded as an amended conditional use permit, dated December 11, 2023 (Recorded at the Marathon County Register of Deeds as Doc# 1892257). The Development Agreement was updated to reflect the new site plan that was submitted and approved for the project.

The first building permit for the project was issued May 29, 2024. A Stop Work Order was issued to the entire project on November 22, 2024, as we learned you had been renting multiple buildings without receiving required inspections for occupancy. Village staff has continued over the last 60+ days to work with you to receive inspections and resolve the issues on site. Inspections staff spoke with Owen Jones via phone on January 16, 2025, however, he did not have firm answers as to when the remaining outstanding items would be addressed, nor had he had any contact with Korey Stern the project manager and founder of Apex Capital. Mr. Stern has also not been responsive to staff since December 12, 2024, leaving us no choice but to begin the process per Sec. 94.16.06(11) to revoke the conditional use permit and site plan approvals on this property, effective immediately. The



Jennifer Higgins,
Director of Planning and
Development
715-241-2638
jhiggins@westonwi.gov

4747 Camp Phillips Rd
Weston, WI 54476
715-359-6114
www.westonwi.gov

revocation will become final upon a hearing to be held by the Plan Commission on February 10, 2025 at 6pm where you will have the opportunity to show why the permit should not be revoked.

The conditional use permit includes the following condition that is currently not being met:

4. No use is hereby authorized unless the use is conducted in a lawful, orderly, and peaceful manner. Nothing herein shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law, ordinance, order or rule by the Village, Marathon County, State of Wisconsin, United States or other duly constituted authority, except only to the extent that it authorizes the use of the Subject Property in any specific respects described herein.

The Signed Development Agreement also authorizes the revocation process for the Site Plan to begin if the Zoning Administrator determines that the use, its operation, and/or associated improvements are not in compliance with the terms of the Village's Zoning Code. The fact that Midwest Mini Storage P1 LLC and Traviata LLC have rented out three buildings to the public without receiving final occupancy on the buildings is a violation of Sec. 94.16.10 Certificate of Occupancy Procedures. Per Sec. 94.16.10(1) **Certificates Required.** *No building or addition hereafter constructed or structurally altered shall be used for any purpose, and no addition to a previously existing building shall be occupied, no land (except land used for garden or public recreation purposes and land without buildings or structures), and no change in a use shall occur until a Certificate of Occupancy has been issued by the Zoning Administrator. Every Certificate of Occupancy shall state that the use of occupancy complies with all of the provisions of this Chapter.*

Please be advised that, until the revocation hearing can be held you should not be renting any more units to the public. Please contact Building Inspector, Roman Maguire, to address any outstanding items he may have with the property prior to the public hearing to avoid further action from the Village.

Sincerely,



Jennifer Higgins
Director of Planning & Development/Zoning Administrator

Cc: Village Board
Plan Commission
Roman Maguire, Building Inspector
Jami Gebert, Village Administrator



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Sec 94.16.06 Conditional Use Permits

1. **Purpose and Applicability.** The development and execution of this Chapter is based upon the division of the Village and its ETZ Area into zoning districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use at a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to their location, development, and operation. Such uses are classified as conditional uses and require a conditional use permit except as specified under subsection (14).
2. **Initiation of Conditional Use Permit.** Any person, firm, corporation, or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest that may become a freehold interest or an exclusive possessory interest, and that is specifically enforceable on the land for which a conditional use is sought, may file an application to use such land for one or more of the conditional uses in the zoning district in which such land is located.
3. **Application for Conditional Use Permit.** No application for a conditional use permit shall be placed on any agenda as an item to be acted upon unless the Zoning Administrator has certified acceptance of a complete application. Prior to publication of the required Notice of Public Hearing, the applicant shall provide the Zoning Administrator with the complete application certified by the Zoning Administrator, including an easily reproducible electronic copy plus hard copies in a quantity directed by the Zoning Administrator. Said complete application shall be comprised of all of the following:
 - a. A completed conditional use permit application form furnished by the Zoning Administrator.
 - b. A scale map of the subject property showing all lands for which the conditional use permit is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
 - c. A written description of the proposed conditional use describing the type, duration, and density of activities, buildings, and structures proposed for the subject property and their general locations, plus such additional information as may be required for the particular land use under Article 4.
 - d. A site plan of the subject property, with any alterations as may be proposed to accommodate the conditional use. Said site plan shall conform to any applicable requirements of Section 94.16.09, and any additional requirements as may be specified for the particular land use under Article 4. If the conditional use will make use of existing site improvements only, a site plan need only be of sufficient detail to confirm the portion of the site used by the conditional use.
 - e. Written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth in this Section and all applicable requirements of this Chapter.

- f. Any other plans and information deemed necessary by the Zoning Administrator or the Plan Commission (or Extraterritorial Zoning Committee if in the ETZ Area) to ensure that the requirements of this Chapter are or will be fulfilled.
- g. Any required fee per the fee schedule approved by the Village Board.

4. **Zoning Administrator Review and Recommendation.**

- a. The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. Only a complete application in the determination of the Zoning Administrator shall entitle a public hearing under subsection (4). The Zoning Administrator shall inform the applicant if the application is incomplete in his or her determination.
- b. Once the Zoning Administrator determines that the application is complete, the Zoning Administrator or designee shall authorize the public hearing and prepare a written evaluation of the application based on the criteria for evaluating conditional use permits in subsection (8) below. The Zoning Administrator shall forward a copy of the evaluation to the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area).

5. **Public Hearing.** The Village Clerk shall schedule a public hearing before the Plan Commission (or Extraterritorial Zoning Committee for land in the ETZ Area) to be held within 45 days after acceptance of a complete application as determined by the Zoning Administrator. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance with the requirements of Wis. Stats. § 62.23(7)(d) and (de). The Village Clerk shall also send said notice to the applicant, owners of record of all lands within 300 feet of the boundaries of the subject property, and the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter at least ten days prior to the date of such public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.

6. **Review and Action by the Plan Commission or Extraterritorial Zoning Committee.** Within 60 days after the public hearing, or an extension of said period requested in writing or electronic format by the applicant and granted by the Commission or Committee, the Plan Commission or Extraterritorial Zoning Committee shall take final action on the conditional use permit request. Prior to acting on a conditional use permit application, the Plan Commission or the Extraterritorial Zoning Committee may request further information and/or additional reports from the Zoning Administrator, the applicant, outside experts and/or any other source. The Commission or Committee may approve the conditional use as originally proposed, may approve the proposed conditional use with conditions or modifications, or may deny approval of the proposed conditional use and include reasons for denial. Any action to approve or amend the proposed conditional use permit requires a majority vote of Commission or Committee members in attendance. Nothing in this Chapter requires town plan commission or town board action on proposed conditional use permits in the ETZ Area.

7. **Appeal to the Village Board.** An appeal of a decision under subsection (6) may be taken to the Village Board by any person, firm or corporation; any officer, department, board, commission or agency of the Village or, in the case of lands within the ETZ Area, the town in which the affected land is located, who is aggrieved by the decision. Such appeal shall be made in writing to the Zoning Administrator within ten days after the date of the Commission's or Committee's decision. In the case of an appeal:

- a. The Zoning Administrator and Building Inspector shall issue no permits to enable commencement or continuation of building and other activities authorized by the conditional use permit and shall issue a "stop work" order for any such activities already commenced.

- b. The Zoning Administrator shall immediately notify the applicant and property owner of the appeal in writing and shall schedule the appeal for Village Board consideration.
- c. The Village Board shall, by resolution, make a final decision to grant, with or without conditions, or to deny each application for a conditional use permit after receiving and reviewing the Commission's or Committee's findings and making its own findings as to whether or not the proposed use will satisfy the criteria for approval set forth in section (8), and shall have all of the powers of the Commission under this Section. The Village Board's determination shall be final and subject to appeal to the circuit court under any procedure authorized by statute.

8. Review Criteria for Conditional Use Permit.

- a. If the applicant meets, or agrees to meet, all of the applicable requirements specified in this Chapter and conditions imposed by the Plan Commission or the Extraterritorial Zoning Committee, the Commission or Committee shall under Wis. Stats. § 62.23(7)(de)2.a. grant the conditional use permit. The Village may require written agreement from the applicant in a form prescribed by the Village Attorney.
- b. Any decision to grant or deny the conditional use permit must be supported by substantial evidence, as that term is defined in Wis. Stats. § 62.23(7)(de)1.b. Any condition or modification must be related to the purpose of this Chapter, reasonable, measurable to the extent practicable, and based on substantial evidence.
- c. To the extent consistent with Subsections (a) and (b), no conditional use permit shall be granted unless the Plan Commission or the Extraterritorial Zoning Committee finds that the use authorized thereby meets the following criteria:
 - i. The proposed conditional use is consistent with the Comprehensive Plan, this Chapter, and all other plans, programs, and ordinances adopted by the Village.
 - ii. The proposed conditional use, in its proposed location and as depicted on the required site plan, will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or all other plans, programs, and ordinances adopted by the Village.
 - iii. The proposed conditional use will maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
 - iv. The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.
 - v. The potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

9. Issuance, Notice, and Recording of Conditional Use Permit or Denial. Within 30 days following the granting of a conditional use permit, the Zoning Administrator shall issue to the applicant the approved conditional use permit. Said permit shall enumerate the details of the conditional use permit, including an identifiable description of the use and subject property and

any specific conditions or requirements of approval. The Zoning Administrator shall record the conditional use permit against the property, assigning all costs thereof to the applicant, and shall make record of the conditional use permit on the Official Zoning Map. In the case of a denial of a conditional use permit, the Zoning Administrator shall provide written notification to the applicant that the conditional use permit was denied, including the reasons for denial.

10. **Effect of Denial.** No conditional use permit application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors relative to the review criteria in subsection (8) that are found valid by the Zoning Administrator.
11. **Penalties, Revocation, or Modification of an Approved Conditional Use Permit.**
 - a. Any violation of an approved conditional use permit shall be subject to Section 94.16.19.
 - b. A conditional use permit shall be automatically revoked if:
 - i. All buildings and other improvements authorized by the conditional use permit have not been developed, and the conditional use has not commenced operation, within two years of final site plan approval, unless the Commission or Committee has extended this period by request of the applicant, based on reasons beyond the reasonable control of the applicant.
 - ii. Once initially made operational, the operation of the conditional use has been discontinued for a period exceeding one year. The burden of proof shall be with the conditional use permit holder or operator to conclusively demonstrate that the conditional use was operational during this period.
 - c. A conditional use permit may be revoked or modified by the Plan Commission or the Extraterritorial Zoning Committee, where the Commission or Committee determines that the use, its operation, and/or associated improvements are not in compliance with (i) the terms of this Chapter including one or more criteria in subsection (8) and/or (ii) the approved conditional use permit including any associated plan or approval condition. The Commission, Committee, or Zoning Administrator may commence proceedings to consider revocation or modification, with such proceedings following the process in subsections (5) and (6). An appeal of any such decision shall be allowed per subsection (7).
12. **Duration and Transfer.** The Commission or Committee may approve a conditional use permit with a limitation on the Permit's start date, duration, and/or transfer if such limitations(s) relate to the purpose of this Chapter and the conditional use permit review criteria in subsection (8). Unless the Commission or Committee approved a conditional use permit with a transfer limitation, or Article 4 prescribes a transfer limitation for the particular conditional use, all requirements of the approved conditional use permit shall be continued regardless of ownership or operation of the subject property or use and shall run with the land, except as otherwise limited by this Chapter or by a specific condition attached to the conditional use permit.
13. **Amendments to Approved Conditional Use.** Any expansion of or amendment to a previously approved conditional use permit or grandfathered conditional use, including any change in an associated plan or approval condition found to be material by the Zoning Administrator, shall be processed in accordance with subsections (2) through (10), except where its initial approval allowed expansion or amendment by some other process.
14. **Uses Now Regulated as Conditional Uses That Were Legal Land Uses (Permitted-by-Right or as Conditional Uses) Prior to the Effective Date of This Chapter.** A use regulated as a conditional use under Figures 3.04 and 3.05 or elsewhere this Chapter that was a legal land use--either permitted-by-right or as a conditional use--prior to March 18, 2015 shall be

considered a legal, conforming land use so long as any previously approved conditions of use and site plan are followed. Any substantial expansion or modification of such use or any previously approved condition of such use, in the determination of the Zoning Administrator, shall require application and Village consideration of a conditional use permit under this Section.

HISTORY

Amended by Ord. [16-008](#) on 4/20/2016

Amended by Ord. [19-001](#) on 1/23/2019