



**VILLAGE OF WESTON
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Plan Commission, on Monday, April 11, 2022, at approximately, 6:00 p.m., or shortly thereafter, at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476, to take testimony relative to the following:

- 1. Project #20220096** – Chuck Thatcher, Thatcher Construction & Remodeling, 218397 County Road Q, Hatley, 54440, on behalf of property owners Kurt & Doedie Swanson, 5005 Apache Lane, Weston, requesting a Conditional Use Permit to allow a proposed addition to an existing accessory structure (for residential use) where the addition exceeds the maximum allowable height of 15 feet (by 2 feet) and where the addition causes the overall accessory structure to exceed the maximum allowable square footage of 1,000 square feet (by 8 square feet), within the SF-L (Single Family Residential – Large Lot), on property known as 5005 Apache Lane (PIN 192-2808-151-0031, consisting of .57 acres). The addition to the existing accessory building is proposed to be 17 feet tall, and the overall accessory structure with the addition will become a total of 1,008 square feet.
- 2. Project #20220044** – Dan Higginbotham, Plover River Land Company, 2625 Northwestern Avenue, Wausau, 54403, on behalf of property owner Darrell Will, 223565 Ranch Road, Ringle, 54471, requesting a rezone from RR-5 (Rural Residential – 5-Acre) to RR-2 (Rural Residential – 2-Acre), on 4.41 acres of the existing overall 17.5 acre vacant parcel, to allow for the division and creation of two residential parcels (to consist of 2.11 acres and 2.30 acres). This vacant parcel is known as PIN 192-2808-241-0999, and is located north of Schofield Avenue, abutting the eastern border of the Village of Weston.

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 Village of Weston Plan Commission, Valerie Parker, Plan Commission Secretary, 5500 Schofield Avenue, Weston, WI 54476, or emailed to vparker@westonwi.gov, by noon on Tuesday, April 5, 2022, to be included in the Plan Commission Meeting Packet. **All interested persons wishing to provide testimony during the Public Hearing will be given an opportunity to be heard. Interested persons who are unable to attend the meeting in-person have the option to attend the meeting via a Zoom link that will be provided on the meeting agenda, where they can still participate and comment.**

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

Dated this 24th day of March 2022

Valerie Parker
Plan Commission Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, March 28, 2022, and Monday, April 4, 2022.

REQUEST FOR CONSIDERATION

Public Mtg/Date:	Plan Commission, April 11, 2022
Description:	Public Hearing – Project #20220096– Chuck Thatcher, Thatcher Construction & Remodeling, 218397 County Road Q, Hatley, 54440, on behalf of property owners Kurt & Doedie Swanson, 5005 Apache Lane, Weston, requesting a Conditional Use Permit to allow for the proposed building addition to a Detached Accessory Structure (for Residential Use) which will exceed the maximum accessory building height (of 15 feet) and will cause the overall accessory structure to exceed the maximum allowable square footage (of 1,000 square feet), on a property within the SF-L (Single Family Residential - Large Lot) Zoning District at 5005 Apache Lane (PIN 192 2808 151 0031).
From:	Jennifer Higgins, Planning & Development Director/Zoning Administrator Scott Tatro, Building Inspector Roman Maguire, Property Inspector
Question:	Should the Plan Commission approve the Conditional Use Permit application as requested by Chuck Thatcher and Kurt & Doedie Swanson for the building addition to their current Detached Accessory Structure (For Residential Use) which the addition will exceed 15 feet in height and the addition will cause the overall building to exceed 1,000 square feet, at 5005 Apache Lane?

BACKGROUND

The contractor for the owners would like to build an addition to the front of an existing accessory structure, which would cause the highest point of the addition to exceed the maximum allowable 15 feet height by 2 feet (bringing it to 17 feet) and the addition will cause the overall building to exceed the maximum allowable square footage of 1,000 square feet, by 8 square feet (bringing it to 1,008 square feet).

The ordinance does allow for property owners to request an increase in height and size of an accessory structure by Conditional Use Permit (Sec. 94.5.05(1)b. The accessory building will be set towards the rear of the property, with a 10-foot setback from both the side and rear property lines.

Attached Docs:	Draft Determination, Current Zoning Map, and Draft Conditional Use Permit #20220096, Site Plan and Building Elevations.
Committee Action:	None to date.
Fiscal Impact:	None
Recommendation:	Staff recommends approval of the Conditional Use Permit with the attached conditions.

RECOMMENDED LANGUAGE FOR OFFICIAL ACTION

I move to [approve / deny] Conditional Use Permit #20220096, allowing a the addition to an existing Detached Accessory Structure (for Residential Use), where the addition will exceed the maximum allowable 15 feet in height by 2 feet,

REQUEST FOR CONSIDERATION

and where the addition will cause the overall accessory structure to exceed the maximum allowable size of 1,000 square feet by 8 feet, at 5005 Apache Lane.

ADDITIONAL ACTION: Notify applicant of [approval / denial] [Staff]

If approved, record CUP with the Marathon County Register of Deeds (MCROD)
[Staff]



Application for Conditional Use Permit
**CONDITIONAL PERMIT DETERMINATION BY THE VILLAGE OF WESTON
PLAN COMMISSION**

Application/Petition No.: **20220096** Hearing Date: **April 11, 2022**
Applicant: **Chuck Thatcher, Thatcher Construction & Remodeling, on behalf of property owners
Kurt & Doedie Swanson**
Location: **5005 Apache Lane, Weston, WI 54476**
Description: **A conditional use permit application proposing the building addition to an existing
Detached Accessory Structure (for Residential Use) at the above-stated property, which
the addition is proposed to exceed that maximum allowable 15 feet in height (by 2 feet),
and where the addition will cause the overall structure to exceed the maximum allowable
square footage of 1,000 square feet (bringing it to 1,008 square feet) .**

The Department of Planning and Development of the Village of Weston, pursuant to the Village of Weston Zoning Code, Article 16 Processes, Section 94.16.06 Conditional Use Permits, hereby makes the following findings and evaluation to the Village of Weston Plan Commission:

GENERAL INFORMATION:

- Zoning: **Single Family Residential – Large Lot (SF-L) Zoning District**
- Definition: 94.2.02(1)(b) 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. The SF-L district is intended for areas planned for single family residential development, or for portions of areas planned for neighborhood development, within the Comprehensive Plan. (Predecessor district: S-R Suburban Residence and R-E Residential Estate)
- Definition: 94.4.09(2) **Detached Accessory Structure (for Residential Use).** An accessory structure serving a residential principal land use and building (e.g., a house or apartment building), but not attached to the principal building. Includes detached residential garages and carports (where permitted) designed primarily to shelter parked passenger vehicles, utility sheds as defined in Section 94.17.04, private recreation structures such as gazebos, and detached elevated decks or walkways associated with residential uses.
- Performance Standards:
1. No Detached Accessory Structure (for Residential Use) shall be constructed on any lot prior to establishment of a principal use on that same lot.
 2. Except within the AR and RM zoning districts, no hoop building, tarp shed, or carport shall be a permitted as a Detached Accessory Structure (for Residential Use), except on a temporary basis for a maximum of five consecutive days within a 30-day period for a special event such as a sale on the property following issuance of a temporary use permit.
 3. The roof of each Detached Accessory Structure (for Residential Use), including those permitted under standard 2, shall be designed to withstand a minimum of a 40-pounds per square foot of snow load.
 4. All driveways built to serve Detached Accessory Structures (for Residential Use) are subject to associated standards under Section 94.12.08. Each Detached Accessory Structure (for Residential Use) shall be served by a driveway connected to a public road if used to shelter a motor vehicle or trailer, or where vegetative ground cover to an overhead door cannot be maintained in the determination of the Zoning Administrator or Building Inspector.

5. The exterior walls of each Detached Accessory Structure (for Residential Use) shall be sided with wood, masonry, concrete, stucco, Masonite, horizontal vinyl or metal lap siding, or similar material approved by the Zoning Administrator. Vertical siding is also allowed in all RM and rural and open space zoning districts aside from RR-2. All exterior siding shall extend to the top of the foundation. If the top of the foundation is below grade, the siding shall extend to the ground.
6. Roofs of Detached Accessory Structures (for Residential Use) shall be surfaced with any of the following materials: wood shakes; asphalt, composition, or wood shingles; clay, concrete or metal tiles; slate; built-up gravel materials; screw down metal roofing; rubber membrane (for flat roofs or roofs with no greater than a 1:12 pitch); or similar material approved by the Zoning Administrator.
7. Pole or ladder constructed buildings shall be permitted only within the RM and rural and open space zoning districts, except for the RR-2 district, and shall be subject to subsections 5. and 6. of this section.
8. No Detached Accessory Structure (for Residential Use) shall involve or include the conduct of any business, trade, or industry, except for home occupations and residential businesses as described and limited elsewhere in this Article 4.
9. No Detached Accessory Structure (for Residential Use) shall be occupied as a dwelling unit or otherwise used for human habitation, unless it has first been approved for such use by the Building Inspector and meets all applicable requirements of the State for a dwelling and under Section 94.4.09(8).
10. In all residential, RR-2, and non-residential and mixed-use zoning districts, and for all Multifamily Residences regardless of district, no portion of a Detached Accessory Structure (for Residential Use) shall occupy any land between the principal building on a residential lot and a street right-of-way, except where approved by the Plan Commission as part of an approved site plan.
11. See Figures 5.01(1) and 5.01(2) for other setback, floor area, building height, and coverage standards associated with Detached Accessory Structures in residential zoning districts. Maximum floor area and total building coverage shall not exceed the maximums set forth in Figure 5.01(1), except as allowed by a conditional use permit, subject to the procedures in Section 94.16.06 and all of the following standards for the Detached Accessory Structure:
 - a) Not taller or have more floors above ground level than the principal building.
 - b) Has a similar roof slope and overhang width as the principal building. If the principal building has multiple roof slopes and/or overhang widths, the roof slopes and widths of the accessory structure shall reflect those principal building roof characteristics that are most visible from the public street.
 - c) Shingles or other roof surface shall be of a similar material and color as the roof surface of the principal building.
 - d) Siding shall be of a similar material and color as the siding on the principal building, except that where the siding on the principal building is stone or brick, another compatible material may be selected.
 - e) May not be located further toward the front lot line than the principal building.
 - f) Shall meet all setback requirements normally applicable to principal buildings per Figure 5.01(2).
12. Detached garages serving Multi-Family Residences shall be accompanied by a bufferyard meeting the requirements of Section 94.11.02(3)(d) between the garage and (a) the public right-of-way and (b) a property line abutting any residentially zoned property.

DETERMINATION (To be completed by the Plan Commission):

1. Is the proposed conditional use consistent with the Comprehensive Plan, this Chapter, and all other plans, programs, and ordinances adopted by the Village
2. 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.
3. Does 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.
4. Is the proposed conditional use 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.
5. Do 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.

BACKGROUND INFORMATION:

Chuck Thatcher, of Thatcher Construction & Remodeling, is the contractor for Kurt and Doedie Swanson, who are requesting a building addition to their existing detached accessory structure (for residential use) at 5005 Apache Lane. The code (for SF-L Zoning District) allows for a maximum height of 15 feet and a maximum accessory building square footage of 1,000 square feet. The proposed addition will be 17-feet tall and this addition will cause the overall building to be 1,008 square feet in size.

The ordinances does allow for property owners to request an increase in height and size of an accessory structure by Conditional Use Permit (Sec. 94.5.05(1)b. The accessory building is located in the rear of the property, and the addition will be on the front of the existing building.

CURRENT PROPERTY CONDITIONS:

The property is a .57-acre lot, located at 5005 Apache Lane. It is an open parcel with an existing single-family home and existing detached accessory structure.

PLAN COMMISION ACTION OPTIONS:

- 1) **Approve the Conditional Use Permit for the addition to an existing Detached Accessory Structure (for Residential Use), where the addition exceeds 15 feet in height and causes the overall structure to exceed 1,000 square feet, at 5005 Apache Lane, with the following conditions:**

1. The construction of the structure thereon shall be for those uses defined within, and shall be constructed per the attached site plan and building plans, as attached as "Exhibit A;"
2. Upon the use expanding beyond the terms listed within the site plan and building plans, attached as "Exhibit A," then the owner/applicant of said use shall resubmit a new Conditional Use Permit application;
3. The construction of the addition to the existing detached accessory structure shall be in accordance with the building site plan approved by the Village Approval Authority within 6 months of the signing of this conditional use permit. Any future additions, modifications or changes in said site plan and/or building plan must be approved by the Village Approval Authority, in advanced of any construction;
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.
5. Should any paragraphs or phase of herein be determined by a court of competent jurisdiction to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the remainder of this conditional use and the remainder shall continue in full force and effect.

2) Deny the Conditional Use Permit for the addition to the existing Detached Accessory Structure (for Residential Use) exceeding 15 feet in height and exceeding 1,000 square feet, at 5005 Apache Lane.

Village of Weston Marathon County, WI



ZONING MAP



Map Date: 3/30/2022
Adoption Date: 2/14/2022



LEGEND

5005 Apache Ln

MUNICIPAL FEATURES

Village of Weston Incorporated Boundary

Right-of-Way

Wetland Presence

Surface Water

ZONING DISTRICTS

PR - Parks and Recreation

SF-L - Single Family Residential-Large Lot

SF-S - Single Family Residential-Small Lot

INT - Institutional

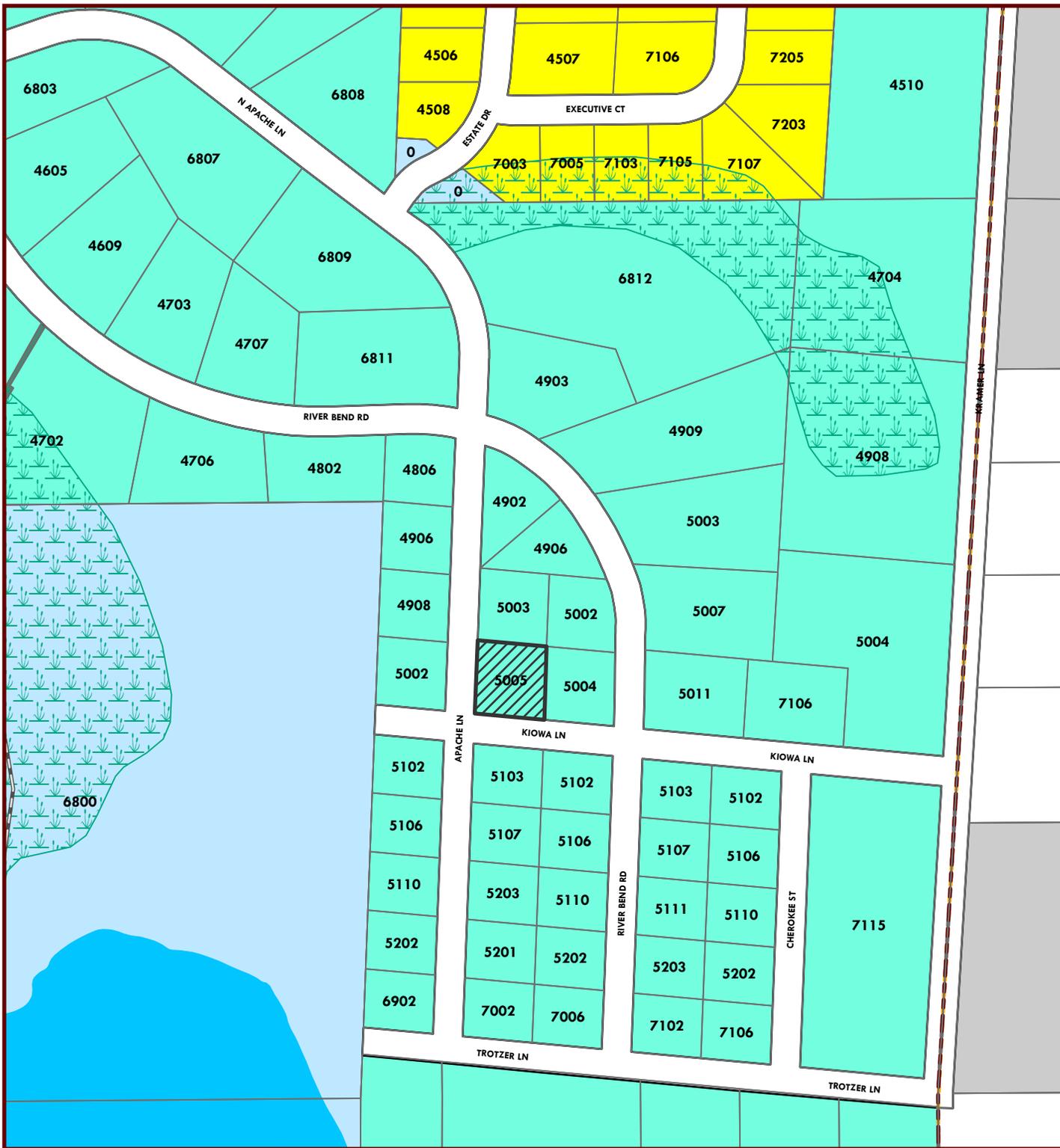
OVERLAY DISTRICTS

D-CO

D-R

D-RT

D-WM



VILLAGE OF WESTON, MARATHON COUNTY, WI
CONDITIONAL USE PERMIT #20220096

This CONDITIONAL USE PERMIT is issued as of 11th day of April, 2022, by the PLAN COMMISSION of the VILLAGE OF WESTON to KURT & DOEDIE SWANSON, of 5005 Apache Lane, Weston, Wisconsin, 54476.

WHEREAS, KURT & DOEDIE SWANSON are the owners of the property described below, in the Village of Weston, and which property is subject to an agreement whereby KURT & DOEDIE SWANSON intend to build thereon an addition to an existing DETACHED ACCESSORY STRUCTURE (FOR RESIDENTIAL USE) EXCEEDING 15 FEET IN HEIGHT, AND CAUSING THE OVERALL STRUCTURE TO EXCEED 1,000 SQUARE FEET, related use. The said property upon which said activity is to take place is more particularly described as follows:

Lot 30, of River Bend Estates First Addition, Village of Weston, Marathon County, Wisconsin. (192-2808-151-0031)

WHEREAS, the property described above is in the SF-L (SINGLE FAMILY RESIDENTIAL – LARGE LOT) Zoning District of the Village of Weston, which permits the use of a DETACHED ACCESSORY STRUCTURE (FOR RESIDENTIAL USE) EXCEEDING 15 FEET IN HEIGHT AND EXCEEDING 1,000 SQUARE FEET in said zoning district by conditional use permit; and

WHEREAS, KURT & DOEDIE SWANSON have requested a conditional use permit for the property, per Section 94.5.05(1)b Exceptions to Maximum Height and Size Regulations of the Village of Weston Zoning Ordinance, so as to allow the construction of an addition to their existing DETACHED ACCESSORY STRUCTURE (FOR RESIDENTIAL USE) EXCEEDING 15 FEET IN HEIGHT AND CAUSING THE OVER ALL STRUCTURE TO EXCEED 1,000 SQUARE FEET on said premise; and

WHEREAS, a petition for a conditional use permit having been duly filed with the Village Zoning Administrator, and placed on the Plan Commission agenda after first being assured by Village professional staff review that the application is complete, and following staff review and Plan Commission review, investigation and a public hearing which was held April 11, 2022, the Plan Commission after giving full consideration to the criteria and standards for granting a conditional use permit, as set forth in the Village Ordinance, including Section 94.16.06, approve said application in writing; and

WHEREAS, upon the discontinuance of the use of a DETACHED ACCESSORY STRUCTURE (FOR RESIDENTIAL USE) EXCEEDING 15 FEET IN HEIGHT AND EXCEEDING 1,000 SQUARE FEET on said premise for a period exceeding 365 days, the issuance of the conditional grant shall automatically become invalidated. The burden of proof shall be on the property owner to conclusively demonstrate that the conditional use was operating during this period; and

WHEREAS, all requirements of the approved conditional use permit shall be continued regardless of ownership of the subject property and shall run with the land, except where limited by the zoning code or by a specific condition attached to this conditional use grant herein.

NOW, THEREFORE, BE IT RESOLVED, the PLAN COMMISSION of the Village of Weston, in Marathon County, Wisconsin, here by grant KURT & DOEDIE SWANSON a conditional use permit for the property described above, for the use of a DETACHED ACCESSORY STRUCTURE (FOR RESIDENTIAL USE) EXCEEDING 15 FEET IN HEIGHT AND EXCEEDING 1,000 SQUARE FEET as defined in 94.5.05(1)b of the Village Zoning Ordinance. The conditions for the issuance of the conditional use permit are as follows:

1. The construction of the structure thereon shall be for those uses defined within and shall be constructed per the attached site plan and building plans as attached as “Exhibit A;”
2. Upon the use expanding beyond the terms listed within the site plan and building plans, attached as “Exhibit A,” then the owner/applicant of said use shall resubmit a new Conditional Use Permit application;
3. The construction of the addition to the existing detached accessory structure shall be in accordance with the building site plan approved by the Village Approval Authority within 6 months of the signing of this conditional use permit.

Proposed garage Addition

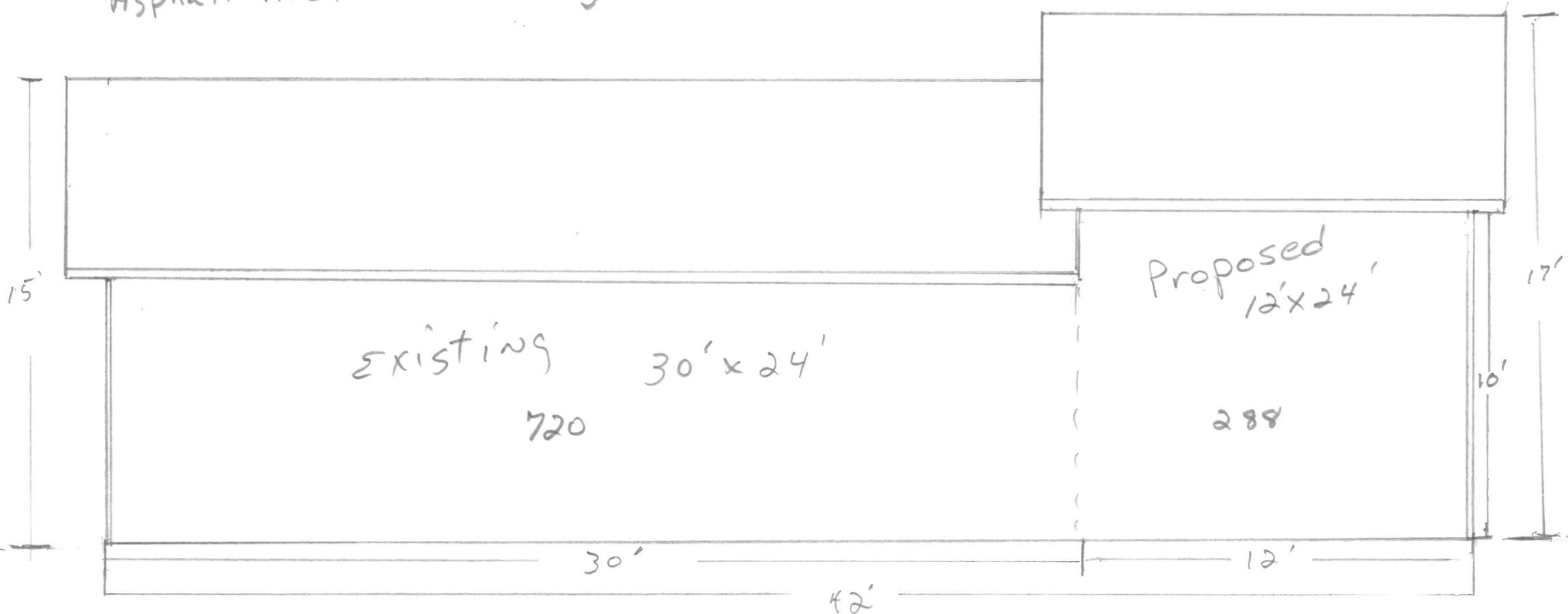
Kurt & Dodie Swanson
5005 Apache Ln
Weston, WI,
Kurt cell 715-571-2210

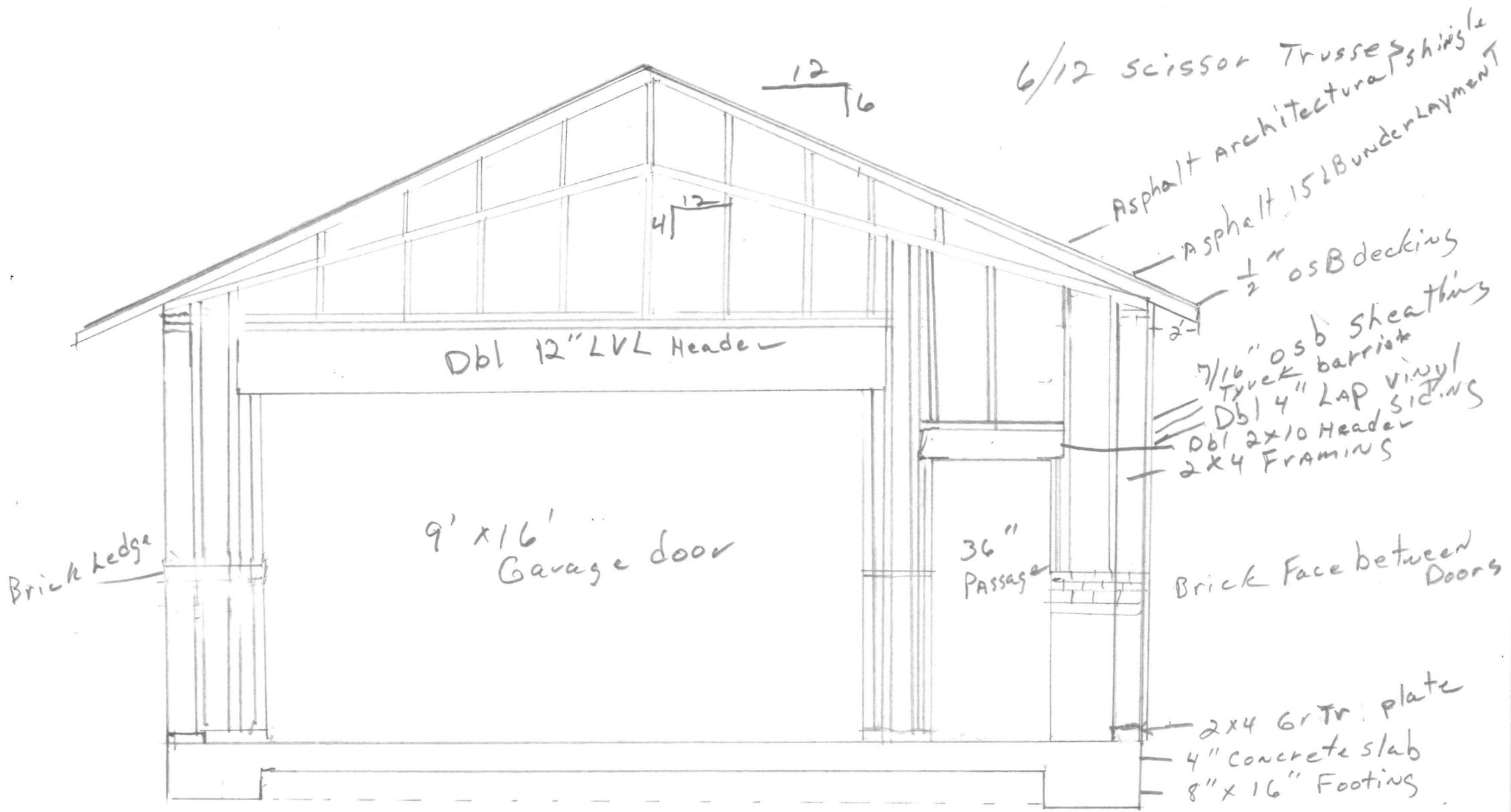
Total 1008 sq ft

Notes:

Proposed plan is to exceed square footage by 8 sq ft
Proposed plan is to exceed overall height by 2' ft

Vinyl siding to match existing bldg
Asphalt Architectural shingle to match existing building





Kurt & Dodie Swanson
 5005 Apache Ln
 Weston Wis.
 Kurt cell 715-571-2210



11'6"

11'9"

12x24
Addition

5005

15

155'

160'

66'
APACHE LN

KIOWA LN