



**VILLAGE OF WESTON
NOTICE OF PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that public hearings will be held before the Village of Weston Plan Commission, on Monday, June 13, 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 #20220119** – John Enzenroth, 6306 Canoe Street, Weston, requesting a Conditional Use Permit to allow a proposed accessory structure (for residential use) where the structure would exceed the maximum allowable height of 15 feet (by 12.5 feet) and where the structure would exceed the maximum allowable square footage of 800 square feet (by 32 square feet), within the SF-S (Single Family Residential – Small Lot), on property known as 6306 Canoe Street (PIN 192-2808-102-0238, consisting of 0.69 acres). The building is proposed to be 27.5 feet tall and be a total of 832 square feet.
- 2. Project #20220161** – Robert Beauchene and Lisa Pye, 5808 Mary Ln, Weston, requesting a Conditional Use Permit to allow a proposed accessory structure (for residential use) where the structure would exceed the maximum allowable height of 15 feet (by 10.5 feet) and where the structure would exceed the maximum allowable square footage of 800 square feet (by 96 feet), within the SF-S (Single Family Residential – Small Lot), on property known as 5808 Mary Lane, described as Parcel 2 of CSM #12014 in Vol 51 Pg 102 and of Lot 7, Block 3 of Wandering Springs West Addition located in the NW ¼ of the NW ¼ of Sec 22, T28N, R8E, Village of Weston, Marathon County, Wisconsin. The building is proposed to be 25.5 feet tall and be a total of 896 square feet.
- 3.** An amendment to Figure 3-1 *Village of Weston Future Land Use Designation and Policies* Which would allow SF-L (Single Family Residential – Large Lot) Zoning District as a typical implementing zoning district in the Single Family Residential – Unsewered Future Land Use Designation.

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, June 7, 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 26th day of May 2022

Valerie Parker
Plan Commission Secretary

Published as a legal ad in the Wausau Daily Herald on Sunday, May 29, 2022, and Monday, June 6, 2022.

REQUEST FOR CONSIDERATION

Public Mtg/Date:	Plan Commission, June 13, 2022
Description:	Public Hearing – Project #20220119– John Enzenroth, 6306 Canoe Street, Weston, requesting a Conditional Use Permit to allow for a proposed Detached Accessory Structure (for Residential Use) exceeding the maximum accessory building height and exceeding the maximum accessory building floor area, on a property within the SF-S (Single Family Residential - Small Lot) Zoning District at 6306 Canoe Street (PIN 192 2808 102 0238).
From:	Emily Wheaton, Assistant Planner
Question:	Should the Plan Commission approve the Conditional Use Permit application as requested by John Enzenroth for the construction of a Detached Accessory Structure (For Residential Use) exceeding 15 feet in height and exceeding 800 square feet at 6306 Canoe Street?

BACKGROUND

John Enzenroth is proposing to build a 832 square foot (32 feet x 26 feet) detached accessory building on his property at 6306 Canoe Street. The property is zoned Single Family Residential – Small Lot Zoning District. Within this zoning district, the maximum accessory structure height is 15 feet. The applicant’s proposed garage is proposed to be 27.5-feet tall, which exceeds the height maximum per code. The applicant’s proposed garage square footage also exceeds the 800 square foot maximum per code (proposed 836 square feet). The ordinance does allow for property owners to request an increase in height and footprint of an accessory structure by Conditional Use Permit (Sec. 94.5.05(1)b and 94.4.09(2)k). The accessory building will be set behind the house, with a 6-foot setback from the side property line and 16 feet from the rear property line.

Attached Docs:	Draft Determination, Current Zoning Map, and Draft Conditional Use Permit #20220119, 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 #20220119, allowing a Detached Accessory Structure (for Residential Use) exceeding 15 feet in height and exceeding 800 square feet at 6306 Canoe Street.

ADDITIONAL ACTION:	Notify applicant of [approval / denial] [Staff] If approved, record CUP with the Marathon County Register of Deeds (MCROD) [Staff]
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Application for Conditional Use Permit
**CONDITIONAL PERMIT DETERMINATION BY THE VILLAGE OF WESTON
PLAN COMMISSION**

Application/Petition No.: **20220119** Hearing Date: **June 13, 2022**
Applicant: **John Enzenroth, 6306 Canoe Street, Weston, WI 54476**
Location: **6306 Canoe Street, Weston, WI 54476**
Description: **A conditional use permit application proposing the construction of a Detached Accessory Structure (for Residential Use) at the above stated property, which is proposed to exceed 15 feet in height and exceed 800 square feet in area.**

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 – Small Lot (SF-S) Zoning District**

Definition: The **SF-S district** is intended for mainly single family detached residential development, along with compatible home occupations and small-scale institutional and recreational uses. Development within this district is served by public sanitary sewer and water services, and roadways with an urban cross section (e.g., curbs, storm sewer). The SF-S district enables smaller lot sizes than other single family residential districts. The SF-S district is intended for areas planned for single family residential development, or portions of those areas planned for neighborhood development, within the Comprehensive Plan. (Predecessor districts: R-1 Residential Single Family and R-2 Residential-Single Family)

Definition: **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:

John Enzenroth is proposing to build a 832 square foot (32 feet x 26 feet) detached accessory building on his property at 6306 Canoe Street. The property is zoned Single Family Residential – Small Lot Zoning District. Within this zoning district, the maximum accessory structure height is 15 feet. The applicant's proposed garage is proposed to be 27.5-foot tall, which exceeds the height maximum per code. The applicant's proposed garage square footage also exceeds the 800 square foot maximum per code (proposed 836 square feet). The ordinance does allow for property owners to request an increase in height and footprint of an accessory structure by Conditional Use Permit (Sec. 94.5.05(1)b and 94.4.09(2)k). Th accessory building will be set behind the house, with a 6-foot setback from the side property line and 16 feet from the rear property line.

CURRENT PROPERTY CONDITIONS:

The property is a 0.69-acre lot, located on Canoe Street. It is a wooded parcel with an existing single-family home.

PLAN COMMISION ACTION OPTIONS:

- 1) Approve the Conditional Use Permit for the use of a Detached Accessory Structure (for Residential Use) exceeding 15 feet in height and exceeding 800 square feet in area, at 6306 Canoe Street, 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 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 use of a Detached Accessory Structure (for Residential Use) exceeding 15 feet in height and exceeding 800 square feet in area, at 6306 Canoe Street.

VILLAGE OF WESTON, MARATHON COUNTY, WI
CONDITIONAL USE PERMIT #20220119

This CONDITIONAL USE PERMIT is issued as of 13th day of June 2022, by the PLAN COMMISSION of the VILLAGE OF WESTON to JOHN ENZENROTH of 6306 Canoe Street, Weston, Wisconsin, 54476.

WHEREAS, JOHN ENZENROTH is the owner of the property described below in the Village of Weston, and which property is subject to an agreement whereby JOHN ENZENROTH intends to build thereon a DETACHED ACCESSORY STRUCTURE (FOR RESIDENTIAL USE) EXCEEDING 15 FEET IN HEIGHT AND EXCEEDING 800 SQUARE FEET IN AREA, related use. The said property upon which said activity is to take place is more particularly described as follows:

Lot 403, of Sandy Meadow North Subdivision, Third Addition, Village of Weston, Marathon County, Wisconsin. (192-2808-102-0238)

WHEREAS, the property described above is in the SF-S SINGLE FAMILY RESIDENTIAL – SMALL 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 800 SQUARE FEET IN AREA in said zoning district by conditional use permit; and

WHEREAS, JOHN ENZENROTH has requested a conditional use permit for the property, per Section 94.5.05(1)b Exceptions to Maximum Height Regulations and Section 94.4.09(2)k Detached Accessory Structure (for Residential Use) of the Village of Weston Zoning Ordinance, so as to allow the construction of a DETACHED ACCESSORY STRUCTURE (FOR RESIDENTIAL USE) EXCEEDING 15 FEET IN HEIGHT AND EXCEEDING 800 SQUARE FEET IN AREA 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 June 13, 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 800 SQUARE FEET IN AREA 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 JOHN ENZENROTH 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 800 SQUARE FEET IN AREA as defined in 94.5.05(1)b and 94.4.09(2)k 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 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,

Village and Town of Weston
Marathon County, Wisconsin



OFFICIAL ZONING MAP

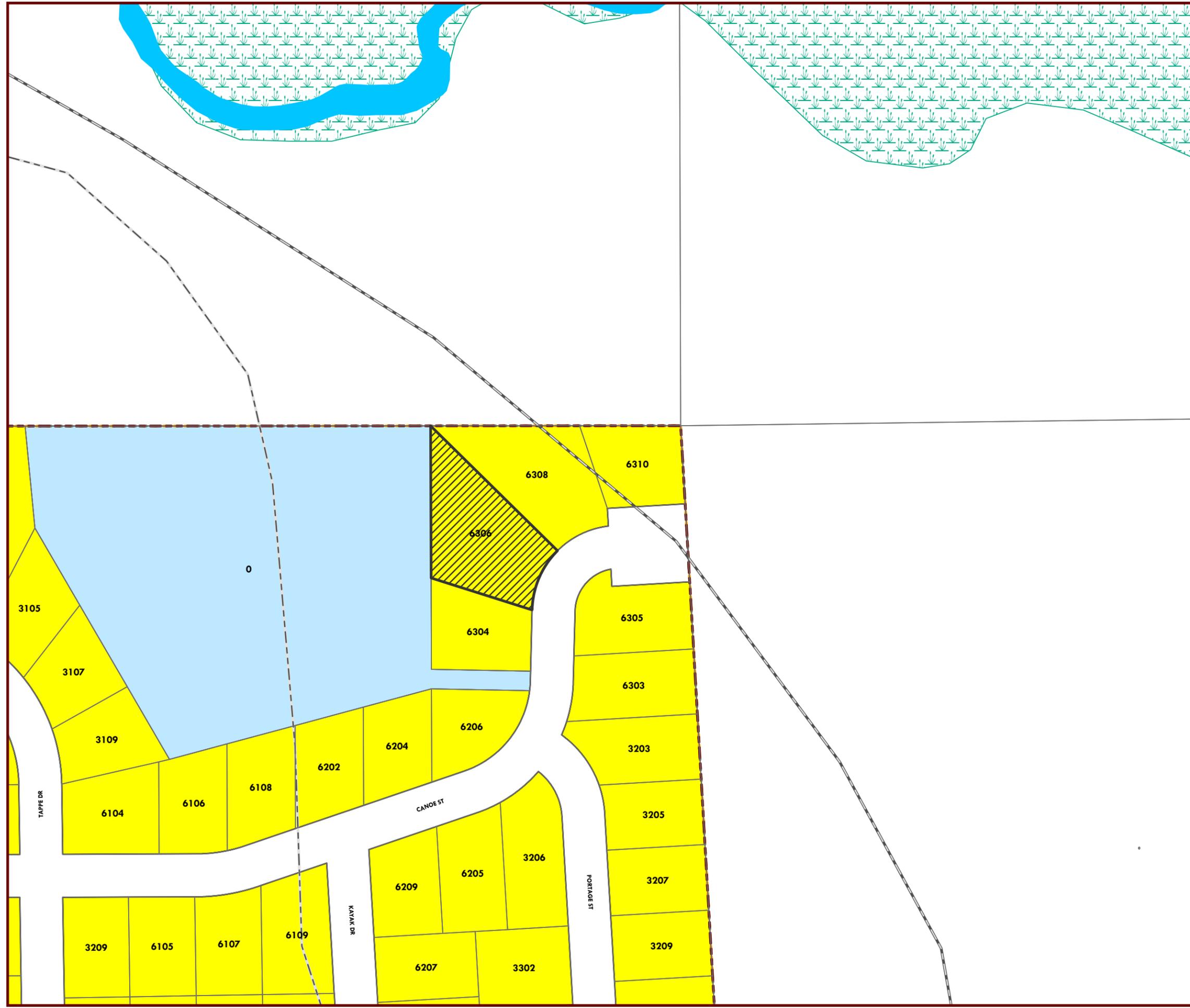


Map Date: 5/31/2022
Adoption Date (Village): 4/XX/2018
Adoption Date (ETZ): 4/XX/2018
Adoption Date (Town): 1/23/2016



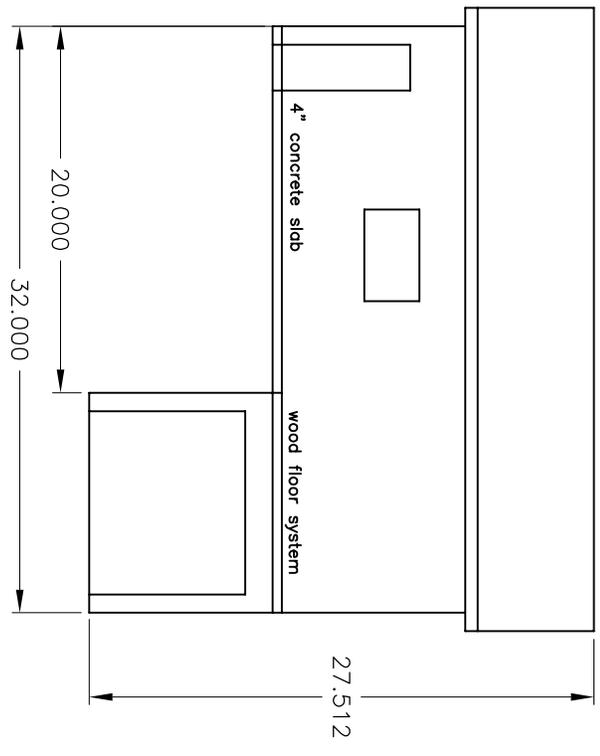
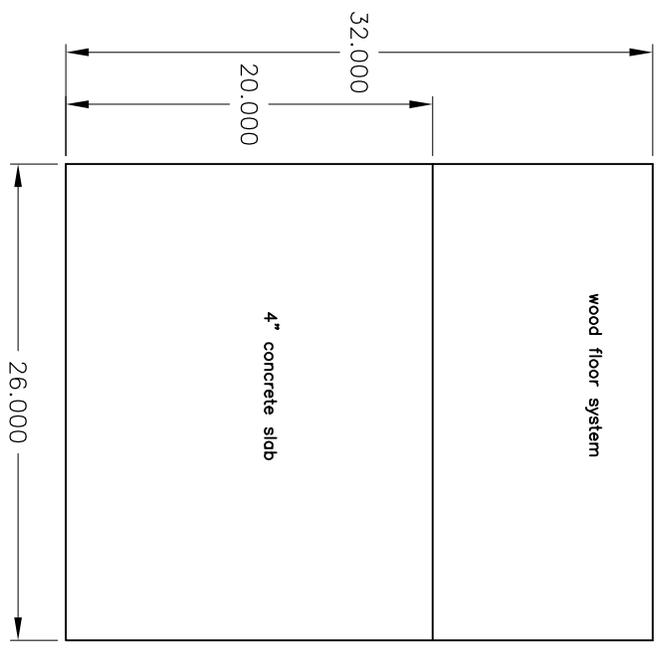
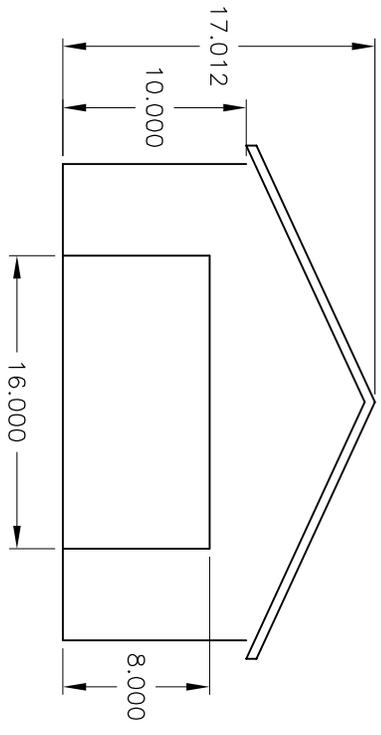
LEGEND

- 6306 Canoe St
- MUNICIPAL FEATURES**
- Village of Weston Incorporated Boundary
- Right-of-Way
- Wetland Presence
- Surface Water
- Weston.DBO.AddressPoint_w
- Weston.DBO.AddressPoint_t
- ZONING DISTRICTS**
- AR - Agriculture and Residential
- PR - Parks and Recreation
- RR-2 - Rural Residential-2 Acre
- RR-5 - Rural Residential-5 Acre
- SF-L - Single Family Residential-Large Lot
- SF-S - Single Family Residential-Small Lot
- 2F - Two Family Residential
- MF - Multiple Family Residential
- MH - Manufactured Home
- INT - Institutional
- B-1 - Neighborhood Business
- B-2 - Highway Business
- B-3 - General Business
- BP - Business Park
- LI - Limited Industrial
- GI - General Industrial
- RM - Rural Mixed
- Code_**
- AR
- INT
- RR-2
- RR-5
- SF-L
- SF-S
- <all other values>
- OVERLAY DISTRICTS**
- D-CO
- D-R
- D-RT
- D-WM
- MUNICIPAL FEATURES**
- Weston.DBO.wetlands_t
- AR-Cluster (Number of building symbols equals maximum units allowed)
- 3311 Schofield Ave
- 5005 Apache Ln
- Parcel 192-2808-241-0999



REVISION	

	SYM



PART NO.	MAT'L	GUAGE	DESCRIPTION	QUANTITY
---	---	---	---	---
TITLE		---		
SCALE		1/7		
DRAWING NO.		---		

Project 20220119
John Enzenroth
6306 Canoe St.
Weston, WI 54475
715-297-9854

A written description of the proposed conditional use describing the type of activities, building, and structures proposed for the subject property and their general locations is required to be attached to this application. Has the written description and location been attached?

Activities – Hobbies and general storage

Building – Typical stick frame garage construction

Structure – footprint of 26ft wide x 32ft long, see attached layout for details

Location – See attached location illustration

Written justification is required 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 below. Has the written justification been attached?

Property currently has 12x12 shed (144 sq. ft.) and the request is to build an additional 26x32 (976 sq. ft.) detached garage, total combined sq. ft. is 976.

Justification of the garage footprint – 32 ft length is needed to park a pontoon in the garage, overall length when on the trailer requires slightly over 30ft. 26ft width is requested to adequately park a full-size vehicle alongside the pontoon trailer.

Peak height facing the road -Requested peak height is roughly 17.5ft high. This structure matches the existing garage on the home, 8ft door height, 10ft walls and 6/12 roof pitch.

Peak height non-road side - Requested peak height is roughly 27.5ft high. This property has a steep slope that caters well to a two-story structure on the back side. Allowing a two story structure on the back side would be far less invasive than bringing in extensive amounts of fill to reduce the overall peak height.

Does the Conditional Use Permit involve exterior building or site improvements?

Proposed garage would be an additional exterior building on the property

Site improvements – excavating would be required, remove top soil, structural footings, leveling of land

Is the conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies, and standards of the Village of Weston Comprehensive Plan: zoning ordinance: and any other plan, program or ordinance adopted or under consideration? Explain how, or why not. (Consult with Zoning Administrator as necessary on applicable plans.)

I believe the additional structure leads to a much cleaner appearance without the clutter of trailers and other items visible from the road.

Will the proposed conditional use in this location, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, the natural environment, traffic, parking, public

improvements, public property or right-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? Explain how, or why not.

This proposal will not have adverse effects on nearby properties. The structure will be set back on the subject property with a wood line in between the structure and the property to the south. I do not believe the structure will be visible from the property from the north. The property to the west is owned by Weston and is unbuildable with a wood line in-between both properties.

Character of the neighborhood – This structure will be the same construction as the main house/garage which is the same construction as all adjacent properties.

The driveway leading to Canoe st from the proposed structure is unaltered and does not have an additional effect on the general public.

Will the proposed conditional use maintain the desired consistency of the land uses, land use intensities, and land use impacts as related to the environments of the subject property? How?

Yes, this proposed conditional use will mirror the consistency as related to the environments of the subject property. The proposed structure will have adequate grading, landscaping and water runoff provisions as the current structure.

Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, and of the improvements, facilities, utilities, or services provided by public agencies serving the subject property? Explain how this has been evaluated.

This structure will not be imposing as a burden as it is near the back of the property. All utilities and services are on the roadside near the front of the property. Adjacent property behind the proposed structure is unbuildable.

What are the public benefits of this proposal? Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use?

Cleaner neighborhood due to increased storage and less items outside on the property.

Increased taxable items that lead to additional funds to service the public.

I believe the proposed project out weights the minor impacts of the proposal. The additional square footage requested is a minor percent in the total square footage of the combined structures. Additional, if the roof pitch is less than the proposed it will be an eye sore to the public and will not match the roof lines of other adjacent properties.



