



VILLAGE OF WESTON NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Zoning Board of Appeals on **Wednesday, April 15, 2015, at 5:00 p.m.**, at the Village Municipal Center located at 5500 Schofield Avenue, Weston, Wisconsin, to hear comments and concerns related to the following setback variance request:

ETZ-VARI-2-15-1500 – Donald and Cheryl Wild, of 5002 River Bend Road, Weston, WI 54476, requesting an 8-foot, 5-inch variance to the Principal Other Side Yard setback (east side property line), to allow for the continuation of the construction of a home, at 9040 Kersten Road, Town of Weston, where the basement foundation is currently located only 11-feet, 7-inches from the property line. The zoning was RR Rural Residential, which required a 20 foot Principal Other Side Yard setback at the time of building permit issuance. The property is described as: Part of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Lot 2 of Certified Survey Map #14055, in Volume 62, Page 62, Document #1423491, within Section 1, Township 28 North, Range 8 East, Town of Weston, Marathon County, Wisconsin. This parcel consists of 2.760 acres, and is addressed as 9040 Kersten Road.

Beginning Wednesday, April 1, 2015, the application material will be available for public inspection in the office of the Village Clerk, and will also be available on the Village of Weston website located at <http://westonwi.gov/421/Public-Hearing-Notices>.

Written testimony may be forwarded to the Village of Weston Zoning Board of Appeals, Valerie Parker, Zoning Board of Appeals Secretary, 5500 Schofield Avenue, Weston, WI 54476, or e-mailed to vparker@westonwi.gov, **by noon on the day of the public hearing**. All interested persons 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 Valerie Parker, Administrative Specialist, Planning and Development Department, at 715-241-2607.

Dated this 27th day of March, 2015

Sherry L. Weinkauf
Village Clerk

Variance Application

Planning and Development
Village of Weston
Date: ~~11/26/2014~~ 02/24/15 (VP)

Permit No.: ETZ-VARI-2-15-1500
Payment: Cash Check No. 2075



5500 Schofield Avenue
Weston, WI 54476
(715) 359-6114

Variance

\$400.00 FEE ✓ [48/4890]

-- ALL FIELDS MUST BE FILLED OUT TO BE PROCESSED PLEASE PRINT LEGIBLY --

Applicant Information:

Business Name: _____
Contact Name: Donald & Cheryl Wild
Mailing Address: 5002 River Bend Rd
Weston, Wi. 54476
Phone Number: 715-613-3239
Email Address: Wilds@sl@gmail.com

Owner Information:

Business Name: _____
Contact Name: same
Mailing Address: _____
Address: _____
Phone Number: _____
Email Address: _____

Applicant is: Owner Agent Other: _____

If applicant is not the owner, a Letter of Authorization from ALL PROPERTY OWNERS must be provided.

Property Information:

Property Site Address: 9040 Kersten Rd Weston, Wi 54476 PIN: 082-2808-013-0985
Parcel Size: 2.76 Acres
Acquisition Date: 01/28/2013 Existing Zoning: RR (old) / RR-2 (new)

Existing Use of Property: Was vacant building lots for home sites. Detached garage was built in 2013. Home to be constructed now.

Have there been previous applications for variances been filed in connection with these premises? Explain.

no

Reason request:

Hold "Ctrl" to select multiple items

- Reduction in Yard Requirements
- Insufficient Lot Area
- Insufficient Lot Width
- Reduction in Setback Requirements
- Same Off-Street Parking Facilities for Two of More Uses
- Reduction In Off-Street Loading Facilities

Please provide the following on separate documents:

- One copy of a registered surveyor's plat of survey or legal description
- In detail, state the variance request and reasoning regarding the aforementioned selected item. Explain why the variance is necessary and why the request is not considered a self-induced hardship.

I hereby depose and say that all the above statements and all accompanying statements and drawings are correct and true.

Signature: Donald Wild Date: 11/26/2014

APPLICANT ATTENDENCE AT THE HEARING IS MANDATORY.

**Variance Application
Review**

Planning and Development
Village of Weston
Date: 02-24-15

Permit No.: ETZ-VARI-2-15-1500

Payment: Cash Check No. 2075



5500 Schofield Avenue
Weston, WI 54476
(715) 359-6114

Variance Requested: Requesting an 8'5" side-yard (east) setback variance to allow them to continue with the construction of their home. The existing foundation is 11'7" from the property line. The current setback requirements for side yard is 30'.

Hearing Notice Published in WDH on 04-01-15 and 04-08-15

Hearing Notice Mailed to Surrounding Property Owners on 04-02-15

Forwarded to the Zoning Board of Appeals on: 04-10-15

Public Hearing Date: 04-15-15

Application: Approved Denied

Chairperson Signature

Date submitted to Register of Deeds: _____

Document Number: _____

Date Recorded: _____

The property at 9040 Kersten Road was purchased by my wife and I in January of 2013 for the purpose of constructing a heated garage to store our boats and extra personal belongings that do not fit at our permanent residence on River Bend Road. The longer term plan was to eventually build our retirement home on the property as we got closer to our retirement projecting that to be in the next 10-12 years.

As we began the process to get the necessary permits to build the garage on the property, we were informed by Scott Tatro that we would need to build a primary structure on the property in order to be allowed to build the garage. We were also told that the secondary building could be no larger than 60% of the primary structure. The garage space needed was a minimum of 1800 sq ft so that would make the primary home requirement needing to be 3000 sq ft or larger. Building a retirement home larger than our current home wasn't desirable but as we found out this code, we adjusted our home plans to satisfy the >3000 sq ft requirement. I looked up the zoning codes and found in Sec.95.154 (4)a. that
In RTF, R1, R-2, R-3, R-4 and R-5 Districts the floor area is limited to a maximum of 60% of the dwelling unit's footprint (excluding attached garage). The detached garage must architecturally match the principal building in color, building materials and style.

With that confirmation I followed through and looked up what the requirements for building setbacks needed to be in these zoning districts. That requirement listed in Article XI. District Regulations, Division 1. Generally Sec.94.174 Zoning district numerical regulation shows that Residential single family R-1 and R-2 setback side yard to be 8 ft.

With this information we paid for the permits and built the garage in the fall of 2013. Now following the requirement to build the primary structure, we began that building in late summer 2014. The home was positioned on the remaining property to stay outside the wetland high mark to the west and be out of the front area of the lot where water runs across from the neighboring property to the east when it rains. After the foundation was poured and the first inspection occurred, the determination was that the foundation was less than 20 feet from the side yard property line and construction was halted. The property is not zoned R-1 as we assumed, but RR and that brings us to the dilemma that we are in need of solving.

We are requesting that the town zoning board consider granting us a variance to resume construction of the home at 9040 Kersten Road with a reduced East side property setback of 11 ft. The home was placed at 12 ft from the property line 4 ft farther than the assumed 8 ft minimum distance and after resurveying the property, the actual distance is 11 ft 7 inches.

We believe that no adjacent property owner is being harmed or encroached upon by granting this variance. The nearest adjacent building is greater than 100 ft to the east of the property line and therefore 110 ft minimum from our foundation. Our building lies within the existing property lines.

LRS10801
LRS108I

Land Records
Browse

3/03/15
13:16:53

PIN 082 2808 013 0985 Town of WESTON
Parcel 41 012808 011 006 00 00 Status: **ACTIVE**
Adr 1 9040 KERSTEN RD SCHOFIELD 54476 0000
Own 1 WILD CHERYL L P

Parcel Descriptions:

1 Description(s) on File

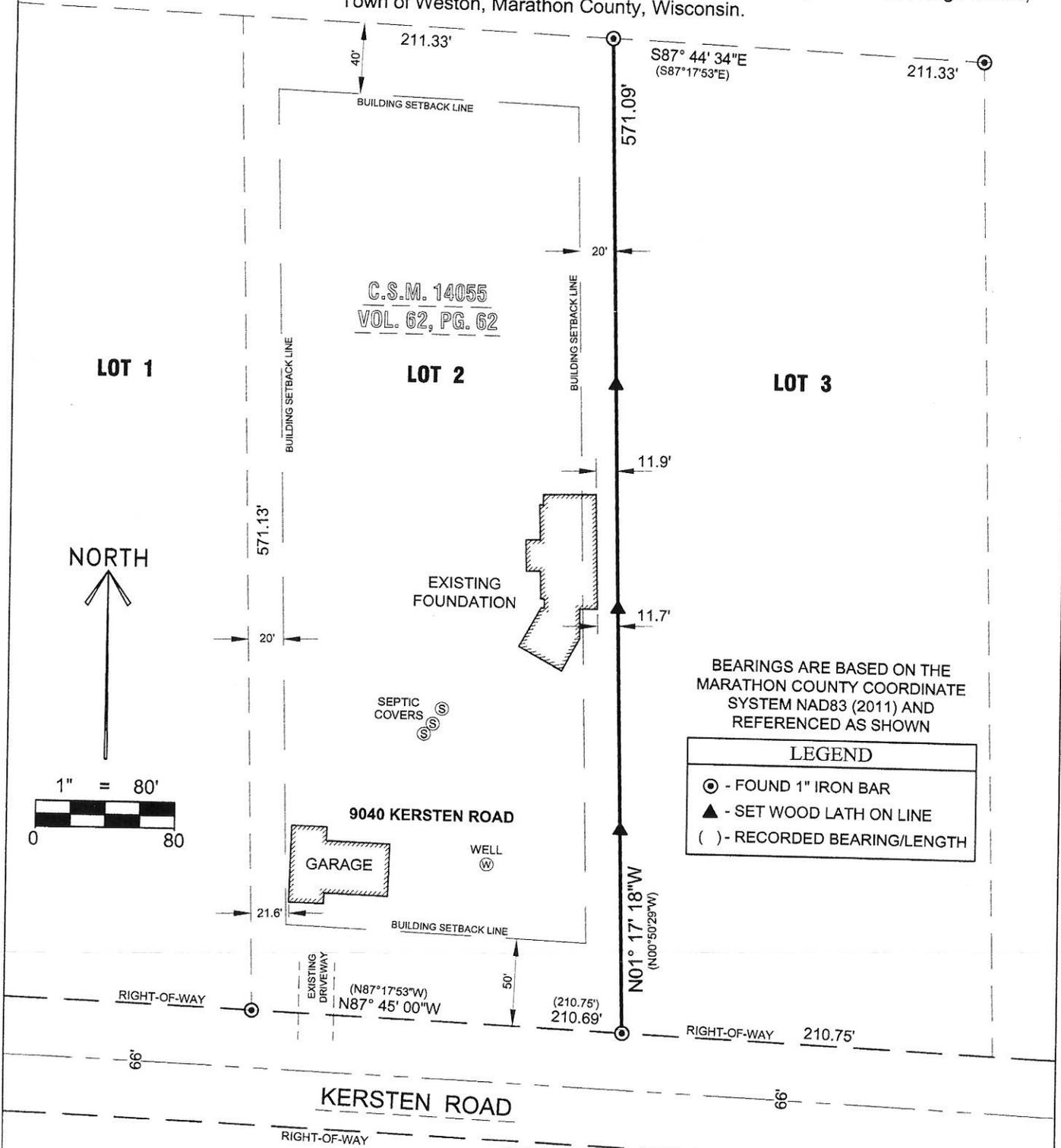
Year	Acres	Front	Depth	Flood Line	Description
2005	2.760				
				1	SEC 01-28-08
				2	PT OF SW 1/4 SW 1/4 - LOT 2
				3	CSM VOL 62 PG 62 (#14055)
				4	(DOC #1423491)

F2=Assessments

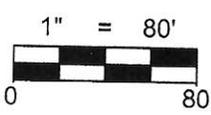
F3=Exit F4=Prompt F7=Previous F8=Next F24=More

EXHIBIT MAP

Of the East line of Lot 2 of Certified Survey Map Number 14055 as recorded in Volume 62 of Certified Survey Maps on Page 62 located in part of the Southwest 1/4 of the Southwest 1/4 of Section 1, Township 28 North, Range 8 East, Town of Weston, Marathon County, Wisconsin.



NORTH



BEARINGS ARE BASED ON THE MARATHON COUNTY COORDINATE SYSTEM NAD83 (2011) AND REFERENCED AS SHOWN

LEGEND	
⊙	- FOUND 1" IRON BAR
▲	- SET WOOD LATH ON LINE
()	- RECORDED BEARING/LENGTH

SHEET 1 OF 1

RIVERSIDE LAND SURVEYING LLC
 6304 KELLY PLACE WESTON, WI 54476
 PH 715-241-7500 - FAX 715-355-6894
 email - mail@riversidelandsurveying.com

DRAWN BY M.F.L.	DATE DECEMBER 10, 2014
CHECKED BY K.J.W.	PROJECT NO. 2245
PREPARED FOR: DONALD & CHERYL WILD	

SECTION 1-28-8
PK MAIL (FOUND)

MARATHON COUNTY CERTIFIED SURVEY MAP
OF PARCEL 1 OF CERTIFIED SURVEY MAP NUMBER 9819, RECORDED IN VOLUME 40
OF CERTIFIED SURVEY MAPS, PAGE 42; LOCATED IN THE SOUTHWEST 1/4 OF THE
SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 28 NORTH, RANGE 8 EAST, TOWN OF
WESTON, MARATHON COUNTY, WISCONSIN.

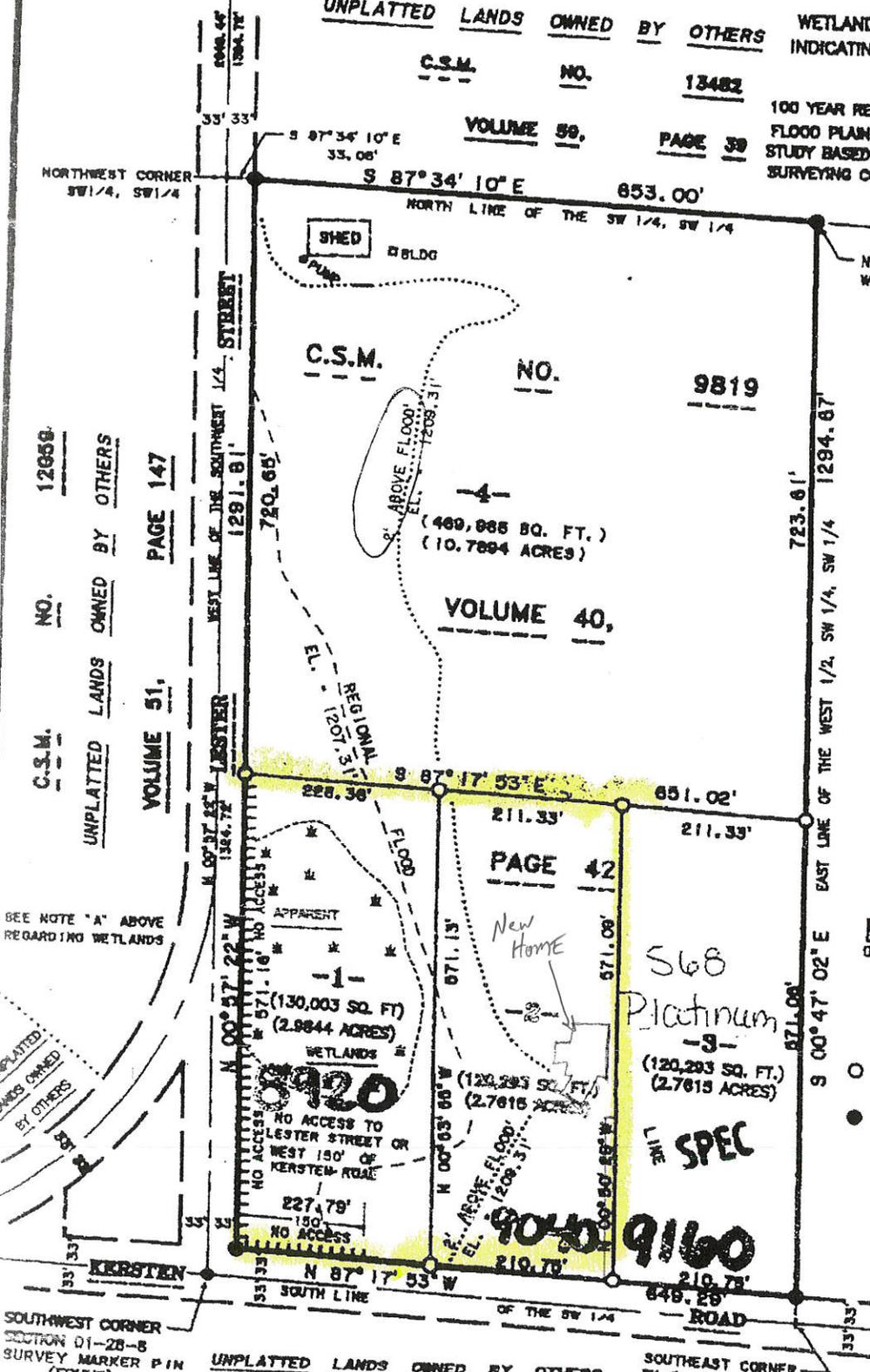
NOTE "A"

UNPLATTED LANDS OWNED BY OTHERS
C.S.M. NO. 13482
VOLUME 58, PAGE 39

WETLAND INVENTORY MAPS SHOW SPOT SYMBOL
INDICATING SMALL OR LOCALIZED WETLAND AREA.

NOTE "B"

100 YEAR REGIONAL FLOOD ELEVATION OF 1207.31' DERIVED FROM
FLOOD PLAIN STUDY BY MARATHON TECHNICAL SERVICES, LLC; SAID
STUDY BASED ON FIELD ELEVATION SURVEY PERFORMED BY LHM
SURVEYING CONDUCTED IN APRIL, 2005.



UNPLATTED LANDS OWNED BY OTHERS

N

BEARINGS REFERENCED TO THE WEST LINE OF THE SOUTHWEST 1/4
OF SECTION 1, T 28 N, R 8 E, RECORDED TO BEAR N 00° 57' 22" W.

SCALE 1" = 200'



LEGEND

- — SET 1" O.D. X 18" ROUND IRON BAR WEIGHING 2.670 LBS/LINEAL FT.
- — FOUND 1.315" O.D. IRON PIPE

REVIEWED AND APPROVED
UNDER CHAPTER 16 OF
TOWN STATUTES

BY *Mildred J. DeLoe*
DATE 9-6-05

REVIEWED AND APPROVED
UNDER CHAPTER 74 OF
VILLAGE ORDINANCE

BY *Al Brun*
DATE 9-20-05

APPROVED FOR RECORDING
UNDER THE TERMS OF THE
MARATHON CO. LAND DIVISION
REGULATIONS

BY *James B. Brown*
DATE September 20, 2005

MARATHON COUNTY CONSERVATION,



L.H.M. SURVEYING

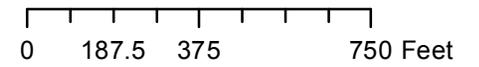
Town of Weston Extraterritorial Zoning



Official Zoning Map

Map Date: 03/31/2015

County Board Approval Date: 03/18/08



Legend

9040 Kersten Road

Parcel Boundaries

Zoning Districts

M-1

R-1

R-2

R-E

ROW

RR

RR10

SR

