

**VILLAGE OF WESTON  
NOTICE OF PUBLIC HEARINGS**



**NOTICE IS HEREBY GIVEN** that a public hearing will be held before the Village of Weston Plan Commission, on Monday, August 12, 2019, 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:

**An Ordinance to Amend Section 94.16.16 (1) Village Plan Commission Duties.**

**Project #20191319** Scott Wessel, of SC Swiderski Land Company, LLC, 401 Ranger Street, Mosinee, WI 54455, on behalf of property owner, Larry Burns, 2180 Bluejay Lane, Mosinee, WI 54455, requesting a rezone from SF-L (Single-Family Residential – Large Lot) with WHP-B (Wellhead Protection – Zone B) Overlay District to MF (Multiple Family Residential) with WHP-B (Wellhead Protection – Zone B) Overlay District, to allow for the construction of two 20-unit residential apartment buildings, on vacant land described as:

Part of the southeast  $\frac{1}{4}$ , of the southeast  $\frac{1}{4}$ , and the east 30 rods of the south 26  $\frac{2}{3}$  rods thereof, in Section 15, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin; excepting CSM #12201, Volume 52, Page 89, Document 1262185 (road right-of-way). This vacant parcel consists of 4.570 acres and is located along the east side of 7110 Callon Avenue. This parcel is also identified as PIN 192-2808-154-0975.

**Project #20191323** Jennifer Higgins, of Village of Weston, 5500 Schofield Avenue, Weston, WI 54476, requesting a rezone from INT (Institutional) to AR (Agricultural and Residential), to allow for a 43.58-foot strip of land to be combined to a strip of vacant land, serving as a driveway to the adjacent parcel to the west (owned by Mitchell and Polly Marcott), which will allow that vacant parcel to meet the 60-foot minimum public street frontage requirement (per Figure 5.01(1) of the Chapter 94 Zoning Code). The 43.58-foot strip of land to be rezoned is described as:

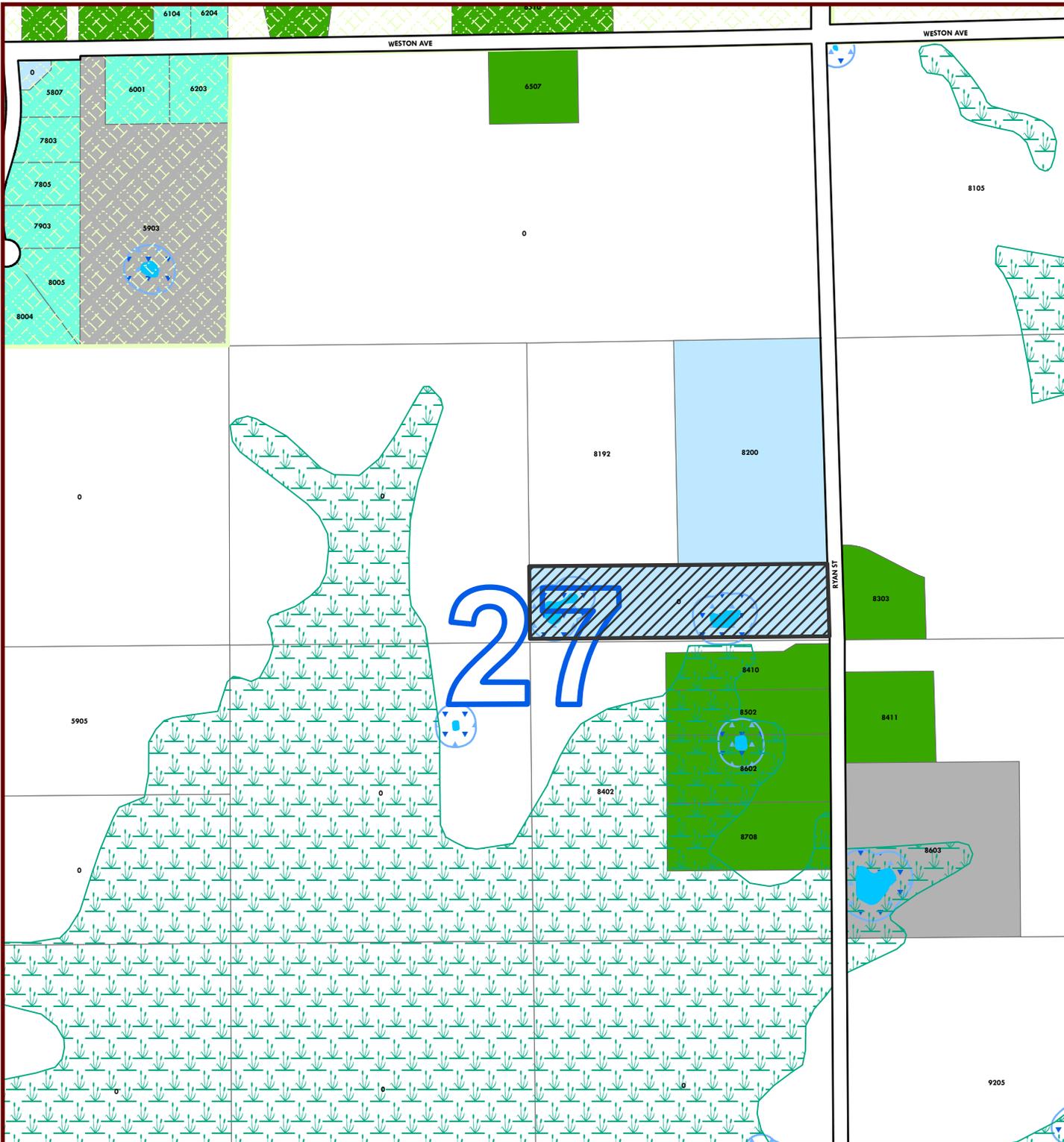
The south 43.58 feet of Lot 3 of Certified Survey Map #15470, recorded in Volume 70 of Surveys, on Page 52, located in the southwest  $\frac{1}{4}$ , of the northeast  $\frac{1}{4}$ , of Section 27, Township 28 North, Range 8 East, Village of Weston, Wisconsin, Marathon County, Wisconsin. This 43.58-foot strip of land is also identified as part of PIN 192-2808-271-0996.

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](mailto:vparker@westonwi.gov), by noon on Tuesday, August 6, 2019, 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 Valerie Parker, Planning Technician, Planning and Development Department, at 715-241-2607.

Dated this 25th day of July 2019

Valerie Parker  
Plan Commission Secretary



# Village of Weston Marathon County, WI



## OFFICIAL ZONING MAP



Map Date: 8/1/2019  
Adoption Date: 2/21/2019



### LEGEND

Village of Weston Property

### MUNICIPAL FEATURES

Village of Weston Incorporated Boundary

Right-of-Way

Tax Increment Finance District Boundary

Wetland Presence

Surface Water

Village of Weston Shoreland Overlay

### ZONING DISTRICT

AR Agriculture and Residential

PR Parks and Recreation

RR-5 Rural Residential-5 Acre

RR-2 Rural Residential-2 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 Mix

# REQUEST FOR CONSIDERATION

**Public Mtg/Date:** Plan Commission, August 12 2019

**Description:** Public Hearing – Village of Weston requesting a rezone from INT (Institutional) to AR (Agricultural and Residential), to allow for a 43.58-foot strip of land to be combined to a strip of vacant land, serving as a driveway to the adjacent parcel to the west (owned by Mitchell and Polly Marcott), which will allow that vacant parcel to meet the 60-foot minimum public street frontage requirement (per Figure 5.01(1) of the Chapter 94 Zoning Code). This 43.58-foot strip of land is also identified as part of PIN 192-2808-271-0996. (Project #20191323)

**From:** Jennifer Higgins, Director of Planning and Development

**Question:** Should the Plan Commission recommend to the Board of Trustees to approve draft ordinance 19-010 to rezone a 43.58-foot portion of land in the proposed Certified Survey Map from INT to AR, as requested by the applicant?

## BACKGROUND

Per County Land Records and verification with the Office of Property Description, the lot was created in 1987. Under the 1982 code, the lot was allowed to be created; however, at that time, it was not considered a buildable lot, so only activities that did not require the use of a structure were permitted. The lot was not buildable because single-family designed buildings required a minimum lot width of 150 feet and agriculture required a minimum lot width of 200 feet. The lot width is defined as being “the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first 30 feet of lot depth immediately in back of the front yard setback line.”

In the 1991 revision of the code, which was in effect until March 18, 2015, the parcel was still considered unbuildable and at that time it was also considered to be a legal nonconforming lot due to the lot not having the required 33 feet of street frontage.

Mr. Marcott purchased the property in 2014 with the intent to build a home on the property, though staff had a conversation with Mr. Marcott stating the lot was not buildable in its current configuration. A letter was sent to Mr. Marcott on March 27, 2018 outlining his options to rectify the situation. One of the options was to purchase property and combine with his own to meet the required street frontage. At the time of the letter, the Village Board was not in favor of sell any portion of the Ryan Street Facility. At this time, the Village Board has approved the sale of 43.5-foot strip of land, which is required to be rezoned to AR to be combined with Mr. Marcott’s property.

**Attached Docs:** Proposed Certified Survey Map, Draft Determination, Current Zoning Map, and Draft Ordinance 19-010

**Committee Action:** None

**Fiscal Impact:** All associated costs are to be covered by Mitchell Marcott

**Recommendation:** Staff recommends approval; however, and construction of a single-family detached dwelling should be mindful of any potential for future development, including a subdivision plat.

## RECOMMENDED LANGUAGE FOR OFFICIAL ACTION

## REQUEST FOR CONSIDERATION

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**I move to recommend approval of Draft Ordinance 19-010 to rezone a 43.58-foot portion of land in the proposed Certified Survey Map from INT to AR, as requested by the applicant.**

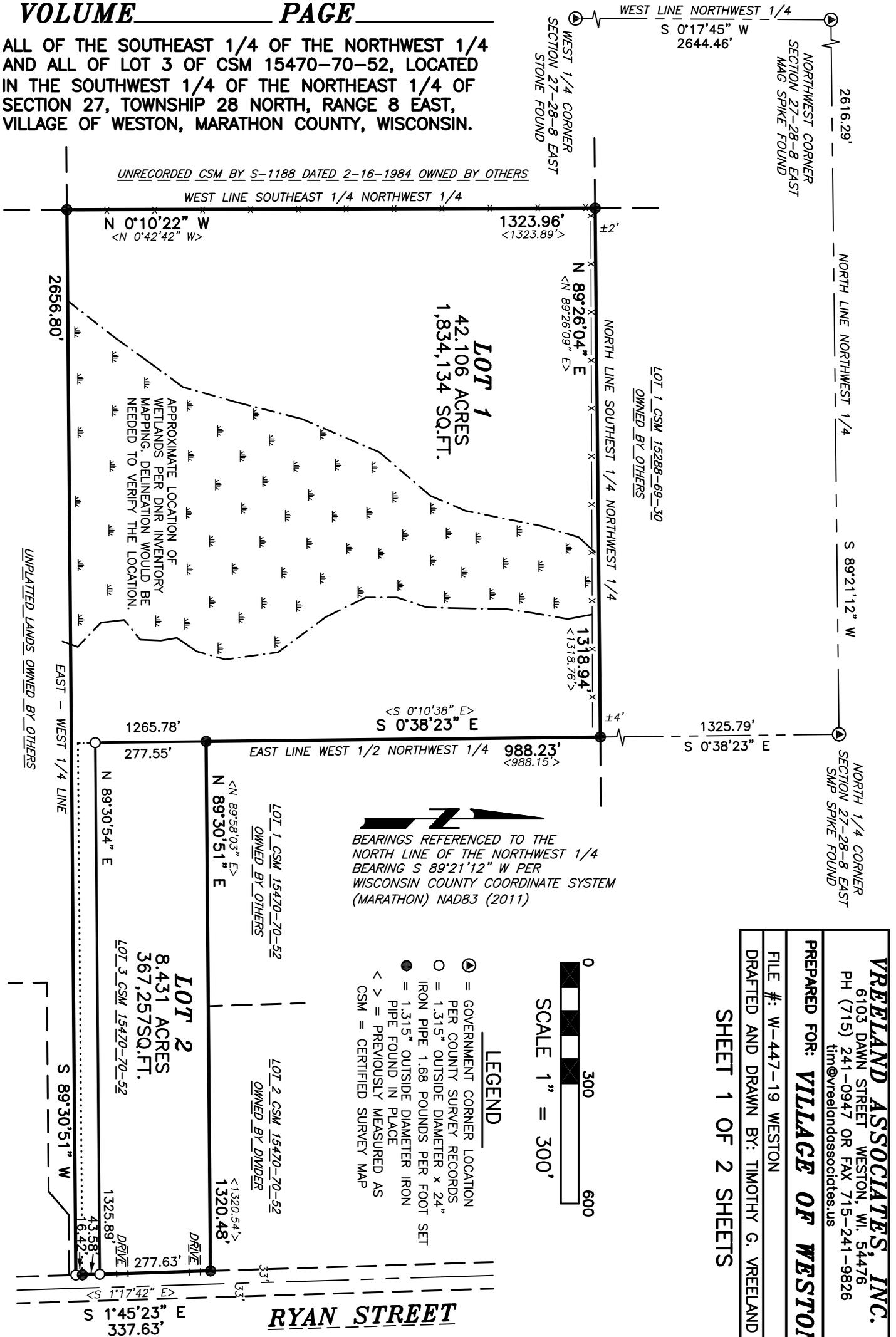
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**ADDITIONAL ACTION:** Forward recommendation to the Board of Trustees for the August 17 meeting.

# CERTIFIED SURVEY MAP

MARATHON COUNTY NO. \_\_\_\_\_  
 VOLUME \_\_\_\_\_ PAGE \_\_\_\_\_

ALL OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4  
 AND ALL OF LOT 3 OF CSM 15470-70-52, LOCATED  
 IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF  
 SECTION 27, TOWNSHIP 28 NORTH, RANGE 8 EAST,  
 VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.



**VREELAND ASSOCIATES, INC.**  
 6103 DAWN STREET WESTON, WI. 54476  
 PH (715) 241-0947 OR FAX 715-241-9826  
 tim@vreilandassociates.us

**PREPARED FOR: VILLAGE OF WESTON**

**FILE #: W-447-19 WESTON**

**DRAFTED AND DRAWN BY: TIMOTHY G. VREELAND**

**SHEET 1 OF 2 SHEETS**

# CERTIFIED SURVEY MAP

MARATHON COUNTY NO. \_\_\_\_\_ VOL. \_\_\_\_\_ PAGE \_\_\_\_\_

ALL OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND ALL OF LOT 3 OF CSM 15470-70-52, LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 28 NORTH, RANGE 8 EAST, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.

SHEET 2 OF 2 SHEETS

## SURVEYORS CERTIFICATE

I, TIMOTHY G. VREELAND, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF JENNIFER HIGGINS AND THE VILLAGE OF WESTON, I SURVEYED, MAPPED AND DIVIDED ALL OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND ALL OF LOT 3 OF CERTIFIED SURVEY MAP NUMBER 15470, RECORDED IN VOLUME 70 OF SURVEYS ON PAGE 52, LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 28 NORTH, RANGE 8 EAST, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 27; THENCE S 0°38'23" E ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 1325.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 0°38'23" E ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 988.23 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE N 89°30'51" E ALONG THE NORTH LINE OF SAID LOT 3 1320.48 FEET TO THE WEST LINE OF RYAN STREET; THENCE S 1°45'23" E ALONG THE WEST LINE OF RYAN STREET 337.63 FEET; THENCE S 89°30'51" W ALONG THE EAST - WEST 1/4 LINE 2656.80 FEET; THENCE N 0°10'22" W ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 1323.96 FEET; THENCE N 89°26'04" E ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 1318.94 FEET TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD AND USE.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION AND THE CERTIFIED SURVEY MAP THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH SECTION 236.34 OF THE WISCONSIN STATUTES IN SURVEYING, MAPPING AND DIVIDING THE LANDS, CHAPTER A-E 7 OF THE WISCONSIN ADMINISTRATIVE CODE AND THE LAND DIVISION ORDINANCE OF THE VILLAGE OF WESTON, ALL TO THE BEST OF MY KNOWLEDGE AND BELIEF IN SURVEYING, DIVIDING AND MAPPING THE SAME.

DATED THIS 8TH DAY OF JULY, 2019  
SURVEY PERFORMED JULY 3RD, 2019

\_\_\_\_\_  
TIMOTHY G. VREELAND P.L.S. 2291

REVIEWED AND APPROVED FOR  
RECORDING BY THE VILLAGE OF  
WESTON.

DATE: \_\_\_\_\_

\_\_\_\_\_  
VILLAGE OF WESTON



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

Application/Petition No.: **20191323** Hearing Date: **August 12, 2019**  
Applicant: **Mitchell "Buck" Marcott, 8602 Ryan Street, Weston, WI 54476**  
Location: **No Address**  
Description: **The south 43.58 feet of lot 3 of Certified Survey Map number 15470 (Village of Weston), recorded in Volume 70 of Surveys on Page 52, located in the southwest ¼ of the northeast ¼ of Section 27, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.**

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

**GENERAL INFORMATION:**

Current Zoning: **INT Institutional**  
Definition: 94.2.02(3)(a) The INT district enables a range of public, semi-public, educational, religious, and other "gathering" type uses generally intended for non-commercial purposes, subject to performance standards to ensure compatibility between institutional uses and surrounding uses, zoning districts, and infrastructure. Development within this district is generally served by public sanitary sewer and water services, and roadways with an urban cross section (e.g., curbs, storm sewer). The INT district is intended for areas planned for public/quasi-public uses within the Comprehensive Plan, and for other non-residential, non-agricultural use.

Proposed Zoning: **AR Agriculture and Residential**  
Definition: 94.2.02(1)(b) The AR district is primarily intended to preserve agricultural, forested, and other open lands until ripe for non-agricultural development, including residential, commercial, and industrial development, and to allow for very low-density residential development. The AR district is also intended for areas planned for denser development in the Comprehensive Plan, but not yet suited for such denser development due to lack of public utilities or services in the area, inadequate roads, a sufficient supply of lands zoned for development elsewhere, and other factors.

Future Land Use: **Agriculture**  
FLU Description: Agricultural, forested, and other open lands, including farmland preservation areas and other lands not planned for intensive development in the planning period. Includes low density residential development per the policies to the right. Also includes and is intended to accommodate farmsteads, limited non-farm housing in accordance with the policies to the right, associated home occupations and family businesses, and other uses identified as permitted and conditional uses in implementing zoning districts.

Density Within AR district, minimum lot size of 20 acres, or minimum lot size of 2 acres if density of one home per every 20 acres is maintained.

**Development Policies:**

- 1. Support continued farming and forestry where in accordance with property owner and town wishes.**

2. **Support ag research operations, seed production operations, operations that process farm products grown mainly on-site and where farming remains the primary activity, and agricultural entertainment.**
3. **Support density-based approach for limited residential development. See zoning ordinance.**
4. **Assure that rural uses do not impede future urban development or road or utility extensions.**

**Typical Implemented Zoning Districts:**

- **AR Agriculture and Residential**
- **Limited other zoning districts, such as RR-5 and B-3, may be appropriate in small areas to accommodate isolated rural residents and businesses**

1. Is the proposed rezoning consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?

**Yes, the proposed zoning change is AR Agriculture and Residential, which is prescribed in the Comp Plan.**

2. Does the rezoning further the purpose and intent of this Chapter?

**Yes, the purpose and intent of the zoning code is being upheld to the standards intended.**

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 Village 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.

**Yes, the property that is proposed to be rezoned is being detached and attached to a neighboring parcel to create a conforming AR parcel, with the required 60 feet of street frontage.**

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 not affect the planned density of this portion of Ryan Street. The impact of the rezone will not deviate from the future land use map. However, and construction of a single-family detached dwelling should be mindful of any potential for future development, including a subdivision plat.**

**BACKGROUND INFORMATION:**

Per County Land Records and verification with the Office of Property Description, the lot was created in 1987. Under the 1982 code, the lot was allowed to be created; however, at that time, it was not considered a buildable lot, so only activities that did not require the use of a structure were permitted. The lot was not buildable because single-family designed buildings required a minimum lot width of 150 feet and agriculture required a minimum lot width of 200 feet. The lot width is defined as being “the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first 30 feet of lot depth immediately in back of the front yard setback line.”

In the 1991 revision of the code, which was in effect until March 18, 2015, the parcel was still considered unbuildable and at that time it was also considered to be a legal nonconforming lot due to the lot not having the required 33 feet of street frontage.

Mr. Marcott purchased the property in 2014 with the intent to build a home on the property, though staff had a conversation with Mr. Marcott stating the lot was not buildable in its current configuration. A letter was sent to Mr. Marcott on March 27, 2018 outlining his options to rectify the situation. One of the options was to purchase property and combine with his own to meet the required street frontage. At the time of the letter, the Village Board was not in favor of sell any portion of the Ryan Street Facility. At this time, the Village Board has approved the sale of 43.5-foot strip of land, which is required to be rezoned to AR to be combined with Mr. Marcott's property.

**CURRENT PROPERTY CONDITIONS:**

The 43.5-foot strip of property is mostly a tree line to buffer the activity that occurs at the Ryan Street Facility. An easement is drafted to allow for the Village's continued use of this portion of property.

**STAFF RECOMMENDATION:**

Staff recommends approval; however, and construction of a single-family detached dwelling should be mindful of any potential for future development, including a subdivision plat.

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

- 1) **RECOMMEND APPROVAL:** Plan Commission recommends approval of the rezone request and forwards the recommendation on to the Village Board 8/19/2019 meeting agenda.
- 2) **RECOMMEND DENIAL:** Plan Commission recommends denial of the rezone request and forwards the recommendation on to the Village Board 8/19/2019 meeting agenda.
- 3) **NO RECOMMENDATION:** Plan Commission takes no action and the request moves on to the Village Board 8/19/2019 meeting agenda.

**ACTION:**

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<b>Plan Commission Determination on 8/12/2019:</b>	<b>RECOMMEND</b>
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**VILLAGE BOARD POLICY CHOICES: (Process is outlined in Sec. 94.16.03(8))**

- 1) Board approves the rezone request per the PC recommendation by adopting Ord. No. 19-010 as written. (simple majority required)
- 2) Board approves the rezone request with modifications to Ord. No. 19-010 – Sec. 94.16.03(8)(b) Requires affirmative vote of  $\frac{3}{4}$  or greater of the full Village Board.
- 3) Board denies the rezone request. – Sec. 94.16.03(8)(b) Requires affirmative vote of  $\frac{3}{4}$  or greater of the full Village Board.

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<b>Board of Trustees Determination on 8/19/2019:</b>	<b>Approve / Deny</b>
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**VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN**

**ORDINANCE NO. 19-010**

**AN ORDINANCE TO APPROVE THE REZONING OF 1.326 ACRES OF LAND FROM INT INSTITUTIONAL TO AR AGRICULTURE AND RESIDENTIAL; LOCATED SOUTH OF THE INTERSECTION OF RYAN STREET AND WESTON AVENUE VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.**

WHEREAS, the Plan Commission of the Village of Weston having held a public hearing on the 12<sup>th</sup> day of August 2019, 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 Village Board, and the said Board having received and approved the recommendation of said Committee;

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

**SECTION 1:** On the application (20191323) of property owner, the Village of Weston, 5500 Schofield Avenue, Weston, WI 54476 for the following territory now comprising a part of the INT Institutional zoning district, located in Section 27, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin, is hereby designated to be and become hereafter part of the following zoning district:

**AR Agriculture and Residential** - described as the south 43.58 feet of Lot 3 of Certified Survey Map number 15470, recorded in Volume 70 of Surveys on Page 52. Located in the Southwest  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of Section 27, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.

BE IT FURTHER RESOLVED that the foregoing amendment to the zoning district designations shall take effect only upon the filing of the proposed Certified Survey Map with the Register of Deeds of Marathon County and 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 Village 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 19<sup>th</sup> day of August 2019.

BOARD OF TRUSTEES

By: \_\_\_\_\_  
Wally Sparks, its President

Attest:

\_\_\_\_\_  
Sherry Weinkauf, its Clerk

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

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

DRAFT