



**MANITOWOC COUNTY
BOARD OF ADJUSTMENT
ADVISORY MEETING NOTICE**

DATE: Monday, January 10, 2011
TIME: 9:00 a.m.
PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. Call to Order - Roll Call
- II. Approval of Agenda – Approval of Minutes
"Open Meeting Law Compliance"
- III. Unfinished Business
 1. None
- IV. New Business
 1. **Casey Litz** – SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 18, T17N-R21E, 23410 Fish and Game Rd, Town of Schleswig, Conditional Use Permit
 2. **Dale Meyer and WPS** – NE $\frac{1}{4}$, SW $\frac{1}{4}$ and SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 29, T19N-R23E, West Custer Street, Town of Manitowoc Rapids, Conditional Use Permit
 3. **Joseph Leitner** – Govt. Lot 2, Section 23, T17N-R21E, 18814 Twin Bay Lane, Town of Schleswig, Variance Request
- IV. Adjournment

Date: January 4, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made.

Any person wishing to travel on the on-sites with the Board, should contact the Manitowoc County Planning and Park Commission office at 920-683-4185 at least two business days before the meeting is scheduled so that appropriate accommodations can be made.

Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
ONSITE MEETING MINUTES**

January 10, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:05 A.M. on Monday, January 10, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the vice chairperson. Members present: Earl Glaeser, Laurel Vondrachek, Orville Bonde, and Marian Schneider. Staff present: Reed Gaedtke.

A motion was made by, Ms. Vondrachek seconded by Ms. Schneider to approve the agenda for the January 10, 2010 meeting. Upon vote, the motion was approved.

Aye: Bonde, Vondracheck, Schneider, and Glaeser; No: none

The Board was given their book containing the hearing applications for the January 17, 2011 meeting.

The Board preceded to their onsite locations and returned to the Manitowoc County office Complex when completed.

ADJOURNMENT

Motion by: Ms. Schneider to adjourn.

Seconded by: Mr. Glaeser

Upon vote: The motion was approved.

Aye: Bonde, Vondracheck, Schneider, and Glaeser; No: none

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE



DATE: January 17, 2011
TIME: 7:00 P.M.
PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. ROLL CALL AND CALL TO ORDER
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF MINUTES - APPROVAL OF AGENDA
- IV. UNFINISHED BUSINESS
 - 1. None
- IV. PUBLIC HEARINGS
 - 1. **Casey Litz** – SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 18, T17N-R21E, 23410 Fish and Game Rd, Town of Schleswig, Conditional Use Permit
 - 2. **Dale Meyer and WPS** – NE $\frac{1}{4}$, SW $\frac{1}{4}$ and SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 29, T19N-R23E, West Custer Street, Town of Manitowoc Rapids, Conditional Use Permit
 - 3. **Joseph Leitner** – Govt. Lot 2, Section 23, T17N-R21E, 18814 Twin Bay Lane, Town of Schleswig, Variance Request
- VI. OTHER BUSINESS.
 - 1. Schedule Next Meeting
- VII. ADJOURNMENT

Date: January 4, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made. Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: January 31, 2011
TIME: 7:00 P.M.
PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. ROLL CALL AND CALL TO ORDER
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF MINUTES - APPROVAL OF AGENDA
- IV. UNFINISHED BUSINESS
 - 1. None
- IV. PUBLIC HEARINGS
 - 1. **Casey Litz** – SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 18, T17N-R21E, 23410 Fish and Game Rd, Town of Schleswig, Conditional Use Permit
 - 2. **Dale Meyer and WPS** – NE $\frac{1}{4}$, SW $\frac{1}{4}$ and SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 29, T19N-R23E, West Custer Street, Town of Manitowoc Rapids, Conditional Use Permit
 - 3. **Joseph Leitner** – Govt. Lot 2, Section 23, T17N-R21E, 18814 Twin Bay Lane, Town of Schleswig, Variance Request
- VI. OTHER BUSINESS.
 - 1. Schedule Next Meeting
- VII. ADJOURNMENT

Date: January 18, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made. Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES**

January 31, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, January 31, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Charlie Nate, Laurel Vondrachek and Orville Bonde. Members Absent: Marian Schneider. Staff present: Reed Gaedtke.

A motion was made by Mr. Glaeser, seconded by Mr. Nate to approve the November 15, 2010 regular meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, and Glaeser; No: none; Absent: Schneider

A motion was made by Ms. Vondrachek, seconded by Mr. Nate to approve the January 10, 2011 onsite meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, and Glaeser; No: none; Absent: Schneider

A motion was made by Mr. Glaeser, seconded by Ms. Vondrachek to approve the agenda for the January 31, 2011 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, and Glaeser; No: none; Absent: Schneider

Mr. Gaedtke explained the procedure that would follow. He also stated that within 10 days of the closure of this meeting, copies of the decisions will be delivered to the applicants.

Unfinished Business

None

New Business

Casey Litz – Owner of property located at 23410 Fish and Game Rd., in the SE¼, SE¼, Section 18, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin wherein an after the fact conditional use permit is being requested to continue operating an automobile repair and sales business in an A1, Agricultural, zoned district.

Chairperson Bonde opened the public hearing for Casey Litz.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Mr. Litz questions regarding his after the fact conditional use permit request regarding fencing, number of vehicles for sale, vehicles used for parts, and customer parking.

Town of Schleswig Chairperson, Dennis Salzman, said the Town was in favor of the proposed request provided a fence is constructed and a number given to the amount of vehicles on the property.

Mr. Gaedtke read a letter from neighboring property owner, Robert Voigt, who was opposed to the project. (Copy on file)

There being no further comments, Chairperson Bonde closed the public hearing for Casey Litz.

Deliberation

Motion by: Mr. Glaeser to approve the conditional use permit request with the following conditions:

1. Total number of cars allowed on the property shall be 30 vehicles total which can consist of no more than 3 vehicles for sale; no more than 12 unlicensed; and the remaining amount to be customer vehicles.
2. A six foot high fence of treated lumber shall be installed on the property beginning at the NW corner of Mr. Litz's house, extending north to the north property line then heading west along that property line to the same distance as the western side of the existing garage then head south to the NW corner of that garage. (Map on file)
3. No unlicensed or parts vehicles located outside of the fenced area.
4. Business hours shall be Monday thru Friday from 6:30 am to 5:00 pm and Saturday 8:00 am to 12:00 pm and to include emergency hours as needed.
5. Number of employees shall be 5.
6. Business sign shall be located on the building.
7. No parking allowed on the road or within the road right-of-way.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved

Aye: Bonde, Vondracheck, Nate, and Glaeser; *No:* none; *Absent:* Schneider

Dale Meyer – Owner of property located on West Custer St., in the NE¼, SW¼, and in the SE¼, SW¼, Section 29, T19N-R23E, Town of Manitowoc Rapids, Manitowoc County, Wisconsin; parcel numbers (10-027-012-002.00 and part of parcel 10-027-009-002.00). Wherein a conditional use permit is being requested by Wisconsin Public Service, the applicant, to construct and operate a utility service natural gas regulator in an A3, Agricultural, zoned district.

Chairperson Bonde opened the public hearing for Dale Meyer and Wisconsin Public Service (WPS).

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Jerry Peot, agent for WPS, and Mr. Meyer questions regarding the conditional use permit request.

Mr. Gaedtke also asked the Board if they all received the letter from David Less, City of Manitowoc, stating that the City was concerned about the layout of the property fitting in with the City's surrounding industrial park and had asked for approval requirements regarding the properties landscaping. All members of the Board answered yes they had received the letter.

The Board asked Mr. Peot questions regarding the look and location of the building and the proposed landscaping for the project.

Mr. Peot informed the Board that there was conversation with Mr. Braun from the City and they would be willing to talk with the City regarding the Landscaping. Mr. Peot stated that WPS did not want to spend the additional money to put brick on the building. They would rather have the building look something like the neighboring business to the east and put the money towards landscaping.

Mr. Meyer informed the Board that other businesses had the opportunity to purchase his land for expansion but chose not to.

There being no further comments, Chairperson Bonde closed the public hearing for Dale Meyer and WPS.

Deliberation

Motion by: Ms. Vondracheck to approve the conditional use permit request to operate a natural gas regulator on this property with the following conditions.

1. No brick is needed on the proposed building. The building can be similar to the neighboring business to the east.
2. WPS should come to an agreement with the City of Manitowoc regarding the landscaping and how it should look.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, and Glaeser; *No:* None; *Absent:* Schneider

Joseph Leitner – Owner of property located at 18814 Twin Bay Ln., located in Govt. Lot 2, Section 23, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin; parcel (016-023-015-006.00). Wherein an after the fact variance is being requested to reconstruct a 26.5'x 32' two story house with an exposed basement and to include a 15'x47' two story house addition with an attached 30'x 32' garage with living space above; in its original location at 26 feet from the ordinary high water mark of Cedar Lake, in an LR, Lake Residential, S1, Shoreland, zoned district.

Chairperson Bonde opened the public hearing for Joseph Leitner.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Joseph Leitner, Cindy Jetzer, Mr. Leitner's builder, Dave Last, and his attorney, John Stangel, questions regarding the after the fact variance request.

Mr. Raymond Brickner, neighboring property owner to the west, said he was in favor of the project.

Mr. Phil Knauf, neighboring property owner to the east, stated he also was in favor of the project.

Town of Schleswig Chairperson, Dennis Salzman, stated the Town Board and the Town Planning Commission was opposed to the project because there's room to move the structure back 45 feet

from the ordinary high water mark. He also stated a number of concerned citizens called him who had wanted to do similar projects and were denied and had to move back further from the lake.

Mr. Leitner, Ms. Jetzer, Mr. Last and Attorney Stangel made final statements.

There being no further comments, Chairperson Bonde closed the public hearing for Joseph Leitner.

Deliberation

Motion by: Ms. Vondracheck to modify the request, to build at 26 feet from the ordinary high water mark, to 40 feet from the ordinary high water mark;

1. The footings must be removed and the cottage moved back to a distance of 40 feet from the ordinary high water mark.
2. The original 26' setback request would be contrary to public interest because it would cause concern with others who wanted to do similar projects but were required to move back because the size of their lot permitted.
3. There is no way to justify letting the applicant rebuild a new house in the same location at 26 feet from the ordinary high water mark.
4. The request to allow a new house at 26 feet from the ordinary high water mark is completely different from the previous request made July 19, 2010 because previously the building existed and only extra living space was needed, now the structure is gone and there is room to build further back.
5. There isn't much of a hardship because the owner removed the cottage and now it can be moved back. Also, the location of the existing garage shouldn't prevent the new house from being moved back because the garage could also be moved back to provide more room.
6. There are no physical limitations preventing the new house and existing garage from being moved further back because the lot is long and deep enough to do so.
7. Needing both garages because the applicant has a lot of stuff and needs the room isn't a reason to consider for keeping the existing garage and allowing the house at 26 feet.
8. The septic tank may have to be relocated to allow room for the new house.
9. The average distance between neighboring houses and the ordinary high water mark is greater than 26 feet.
10. A site plan and application must be submitted and variances obtained for any retaining walls needed to stabilize the land for the new house.
11. The previous patio approval and green space requirements from the July 19, 2010 hearing still apply.

Second by: Mr. Glaeser

Upon vote: The motion was

Aye: Bonde, Nate, Glaeser, and Vondracheck,; No: None; Absent: Schneider

Other Business

The Board scheduled their next meeting for February 21, 2011.

Mr. Gaedtke informed the Board of an upcoming training seminar in Wisconsin Rapids.

Mr. Gaedtke and the Board discussed the possibility of having the March meeting on a different day because of scheduling problems. The Board decided the Tuesday after their normal meeting

date (March 22, 2011) would be an alright day to have the meeting if the room could not be reserved for their normal monthly meeting scheduled for March 21, 2011.

ADJOURNMENT

Motion by: Mr. Nate.

Seconded by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, and Glaeser; *No:* none; *Absent:* Schneider

Respectfully submitted,

Charles Nate, Secretary

Date



**MANITOWOC COUNTY
BOARD OF ADJUSTMENT
ADVISORY MEETING NOTICE**

DATE: Monday, February 14, 2011
TIME: 9:00 a.m.
PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. Call to Order - Roll Call
- II. Approval of Agenda – Approval of Minutes
"Open Meeting Law Compliance"
- III. Unfinished Business
 1. None
- IV. New Business
 1. **Lawrence Wohlend III** – NW¼, SE¼, Section 21, T21N-R22E, 12029 CTH Z, Town of Cooperstown, Conditional Use Permit
 2. **John Skidmore** – SW¼, SW¼, Section 32, T19N-R22E, 2410 Shadyside Rd, Town of Manitowoc Rapids, Variance Request
 3. **James Dittmar** – Govt. Lot 2, Section 24, T17N-R21E, 18003 Klemme Rd, Town of Schleswig, Variance Request
 4. **Audrey Niquette** - NE¼, NW¼, Section 10, T19N-R24E, 2309 East Goodwin Rd, Town of Two Rivers, Conditional Use Permit
- IV. Adjournment

Date: February 7, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made.

Any person wishing to travel on the on-sites with the Board, should contact the Manitowoc County Planning and Park Commission office at 920-683-4185 at least two business days before the meeting is scheduled so that appropriate accommodations can be made.

Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
ONSITE MEETING MINUTES**

February 14, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, February 14, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Laurel Vondrachek, Charlie Nate, Orville Bonde, and Marian Schneider. Staff present: Reed Gaedtke.

A motion was made by, Mr. Glaeser seconded by Ms. Schneider to approve the agenda for the February 14, 2010 meeting. Upon vote, the motion was approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; No: none

The Board received their book containing the February 21, 2011 hearing applications.

The Board preceded to the onsite locations and returned to the Manitowoc County office Complex when completed.

ADJOURNMENT

Motion by: Ms. Schneider to adjourn at 11:30 a.m.

Seconded by: Mr. Nate

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; No: none

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: February 21, 2011
TIME: 7:00 P.M.
PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. ROLL CALL AND CALL TO ORDER
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF MINUTES - APPROVAL OF AGENDA
- IV. UNFINISHED BUSINESS
 - 1. None
- IV. PUBLIC HEARINGS
 - 1. **Lawrence Wohlend III** – NW¼, SE¼, Section 21, T21N-R22E, 12029 CTH Z, Town of Cooperstown, Conditional Use Permit
 - 2. **John Skidmore** – SW¼, SW¼, Section 32, T19N-R22E, 2410 Shadyside Rd, Town of Manitowoc Rapids, Variance Request
 - 3. **James Dittmar** – Govt. Lot 2, Section 24, T17N-R21E, 18003 Klemme Rd, Town of Schleswig, Variance Request
 - 4. **Audrey Niquette** - NE¼, NW¼, Section 10, T19N-R24E, 2309 East Goodwin Rd, Town of Two Rivers, Conditional Use Permit
- VI. OTHER BUSINESS.
 - 1. Schedule Next Meeting
- VII. ADJOURNMENT

Date: February 7, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

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**MANITOWOC COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES**

February 21, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, February 21, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Marian Schneider, Charlie Nate, Laurel Vondrachek and Orville Bonde. Staff present: Reed Gaedtke.

A motion was made by Ms. Vondrachek, seconded by Mr. Nate to approve the January 31, 2010 regular meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; No: none.

A motion was made by Ms. Schneider, seconded by Ms. Vondrachek to approve the February 14, 2011 onsite meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; No: none.

A motion was made by Mr. Glaeser, seconded by Ms. Schneider to approve the agenda for the February 21, 2011 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; No: none.

Mr. Gaedtke explained the procedure that would follow. He also stated that within 10 days of the closure of this meeting, copies of the decisions will be delivered to the applicants.

Unfinished Business

None.

New Business

Lawrence Wohlend III – Owner of Z Best Storage located at 12029 CTH Z, in the NW¼, SE¼, Section 21, T21N-R22E, Town of Cooperstown, Manitowoc County, Wisconsin, parcel (03-021-014-001.02); wherein a conditional use permit is being requested to expand the existing self storage business by adding a 50'x 120' self storage unit to business operating in an A1, Agricultural, zoned district.

Chairperson Bonde opened the public hearing for Lawrence Wohlwendt.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Lawrence Wohlwendt, owner of Z-Best mini-storage, questions regarding his conditional use permit request.

Mr. Wohlwendt informed the Board the new building would be far enough from the centerline of the road and doesn't need a variance.

No one spoke in favor of the request.

No one spoke opposed to the request.

Mr. Gaedtke stated Board members received a copy of the Town letter in favor of the conditional use permit request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Lawrence Wohlwendt.

Deliberation

Motion by: Ms. Vondrachek to approve the conditional use permit request to add an additional 50'x120' building to the mini storage business because no variances are needed and it is in harmony with the orderly development of that area.

Second by: Mr. Nate.

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; *No:* none.

John Skidmore – Owner of property located at 2410 Shadyside Rd., in the SW¹/₄, SW¹/₄, Section 32, T19N-R22E, Town of Manitowoc Rapids, Manitowoc County, Wisconsin, parcel (10-032-011-002.00); wherein a variance is being requested to construct a 34'x40' garage at 40 feet from the centerline of Shadyside Rd. in an A1, Agricultural, A3, Agricultural, S1 Shoreland zoned district.

Chairperson Bonde opened the public hearing for John Skidmore.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked John Skidmore, questions regarding his variance request and the location of the garage.

No one spoke in favor of the request.

No one spoke opposed to the request.

Mr. Gaedtke read an email from the Town of Manitowoc Rapids in favor of the variance request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for John Skidmore.

Deliberation

Motion by: Mr. Glaeser to approve the variance request to construct a 34'x40' garage at 40 feet from the centerline of the road.

1. The proposed location is the best place for an additional garage.

2. The physical limitations located south of the house, such as the sloping ground and the location of the mound system prevents the garage from being located to that area.
3. The steep slope behind the existing garage creates a hardship which prevents the new garage from being moved further west.
4. All the land across the road is zoned A3 farmland and is not developed.

Second by: Ms. Vondrachek

Upon vote: The motion was approved with a 4 to 1 vote.

Aye: Bonde, Vondracheck, Nate, and Glaeser; *No:* Schneider.

James Dittmar – Owner of property located at 18003 Klemme Rd., located in Govt. Lot 2, Section 24, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, parcel (16-036-012-001.00); wherein a variance is being requested to construct a 24'x24' second story house addition at 33 feet 2 inches from the ordinary high water mark of Cedar Lake and at 5 feet from the neighboring side property line in an LR, Lake Residential, S1, Shoreland, zoned district.

Chairperson Bonde opened the public hearing for James Dittmar.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked James Dittmar questions regarding his variance request.

Mr. Dittmar informed the Board that the roof on the porch may have to be rebuilt because it is dilapidated and damaged from water and the new addition may require the a change to the roofs pitch.

Mr. Gaedtke informed Mr. Dittmar and the Board; reconstruction of a roof within 75' of an ordinary high water mark requires variance approval and proper public notice.

Mr. Dittmar was given the choice of either postponing the decision until a determination could be made regarding the porch roof or having the Board rule on his current request and then resubmit a new application for the porch if reconstruction was needed.

Mr. Dittmar chose to have his decision postponed until the March meeting.

The Board decided to take all public information at this meeting and then rule on the request at the March meeting.

No one spoke in favor of the request.

No one spoke opposed to the request.

Mr. Gaedtke stated the Board received copies of the adjacent property owner's letter which did not object to the variance request (copy on file).

Mr. Gaedtke read a statement from the Town of Schleswig Chairperson, Dennis Salzman, which stated the Town was in favor of the second story variance request (copy on file).

There being no further comments, Chairperson Bonde closed the hearing for James Dittmar.

Deliberation

Motion by: Ms. Vondrachek to postpone the hearing to see if the porch roof needs to be included in the variance request.

Second by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; *No:* None.

Audrey Niquette – Owner of property located at 2309 East Goodwin Rd., located in NE¹/₄, NW¹/₄, Section 10, T197N-R24E, Town of Two Rivers, Manitowoc County, Wisconsin, parcel (18-010-005-003.00); wherein a conditional use permit is being requested by, Daniel Niquette, the applicant, to operate Aquatic Solutions LLC business in an A1, Agricultural, zoned district.

Chairperson Bonde opened the public hearing for Audrey and Daniel Niquette.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Daniel Niquette, the applicant, questions regarding the conditional use permit request.

Town of Two Rivers Chairperson, Bill Wilfert said the Town of Two Rivers was in favor of the project provided no digging or equipment used for digging is stored on the property.

No one spoke opposed to the project.

Mr. Gaedtke read a letter from the Town of Two Rivers in favor of the project (copy on file).

Mr. Gaedtke read a letter from Woodland Dunes Nature Center in favor of the project as described in the application (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Audrey and Daniel Niquette.

Deliberation

Motion by: Mr. Nate to approve the conditional use permit request with the following conditions.

1. No construction or excavating equipment can be stored on the property.
2. Allowed 3 employees.

Second by: Ms. Schneider.

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

Other Business

The Board scheduled their next meeting for March 21, 2011

ADJOURNMENT

Motion by: Mr. Glaeser to adjourn.

Seconded by: Mr. Nate

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; *No:* none

Respectfully submitted,

Charles Nate, Secretary

Date



**MANITOWOC COUNTY
BOARD OF ADJUSTMENT
ADVISORY MEETING NOTICE**

DATE: Monday, March 14, 2011
TIME: 9:00 a.m.
PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. Call to Order - Roll Call
- II. Approval of Agenda – Approval of Minutes
"Open Meeting Law Compliance"
- III. Unfinished Business
 1. **James Dittmar** – Govt. Lot 2, Section 24, T17N-R21E, 18003 Klemme Rd, Town of Schleswig, Variance Request
- IV. New Business
 1. **Tom and Chris Forsterling** – Govt. Lot 1, Section 23, T17N-R21E, 14231 Woodside Lane, Town of Schleswig, Variance Request
 2. **Johnathon Business Services LLC** – Lot 16 & N½ Lot 17 BLK 1, Section 24, T17N-R21E, 14117 Cedar Terrace Rd, Town of Schleswig, Variance Request
 3. **David and Debera Musial** (current owner) and **MEW Leasing, LLC** (proposed owner) - SE¼, NE¼, Section 24, T20N-R23E, 7718 CTH Q, Town of Kossuth, Conditional Use Permit
 4. **Chris Bellin** - NW¼, SW¼, Section 25, T19N-R22E, 1033 S CTH S, Town of Cato, Conditional Use Permit and Variance Request
 5. **Mark Gamerdinger** - SE¼, SW¼, Section 36, T17N-R21E, 18210 County Line Rd, Town of Schleswig, Conditional Use Permit
- V. Other Business
 1. **Dean Schultz**, Conditional Use Permit update
- VI. Adjournment

Date: March 1, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made.

Any person wishing to travel on the on-sites with the Board, should contact the Manitowoc County Planning and Park Commission office at 920-683-4185 at least two business days before the meeting is scheduled so that appropriate accommodations can be made.

Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

MANITOWOC COUNTY BOARD OF ADJUSTMENT ONSITE MEETING MINUTES

March 14, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, March 14, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Laurel Vondrachek, Charlie Nate, Orville Bonde, and Marian Schneider. Staff present: Reed Gaedtke.

A motion was made by, Ms. Vondrachek seconded by Ms. Schneider to approve the agenda for the March 14, 2011 meeting. Upon vote, the motion was approved.

Aye: Bonde, Vondrachek, Nate, Schneider, and Glaeser; No: none

The Board received their book containing the March 21, 2011 hearing applications.

Mr. Nate asked why six hearings were published in the paper and only five listed on the agenda.

Mr. Gaedtke informed the Board that there were only 5 new hearings and one that was postponed. The postponed hearing needed to be republished because the owner changed the original variance request.

Mr. Gaedtke provided the Board with a copy of the site plan the City of Manitowoc approved of regarding WPS gas regulator conditional use permit.

Mr. Gaedtke informed the Board of the following update regarding the Dean Schultz conditional use permit.

Mr. Gaedtke received a phone call from a City Alderman regarding a citizen who questioned whether Mr. Schultz could use his property as a snow dumping station.

All parties involved were informed the current conditional use permit only allows Mr. Schultz to do snow removal offsite. Since the original application never stated using the property as a snow dumping station; snow can not be stored on the property unless a new application, to include the additional use, is submitted to the Board. Without Board approval, the property could not be used as a snow dumping station.

Mr. Gaedtke went on to say the wood pile has been removed according to the Boards conditions and the area appears to have been cleaned up. However, the berm and tree screening conditions have not been completed yet.

Mr. Gaedtk also stated that he received a phone call from Mr. Schultz's attorney stating they thought snow storage was included in the snow removal condition. The attorney stated it was a misunderstanding and they thought they were operating according to the conditions given by the Board. He also stated that snow would be taken to other sites for now but Mr. Schultz may decide to apply for a conditional use permit to include snow storage on his property.

The Board preceded to the onsite locations and returned to the Manitowoc County office Complex when completed.

ADJOURNMENT

Motion by: Mr. Nate to adjourn.

Seconded by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* none

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: March 21, 2011
TIME: 7:00 P.M.
PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. ROLL CALL AND CALL TO ORDER
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF MINUTES - APPROVAL OF AGENDA
- IV. UNFINISHED BUSINESS
 1. **James Dittmar** – Govt. Lot 2, Section 24, T17N-R21E, 18003 Klemme Rd, Town of Schleswig, Variance Request
- V. PUBLIC HEARINGS
 1. **Tom and Chris Forsterling** – Govt. Lot 1, Section 23, T17N-R21E, 14231 Woodside Lane, Town of Schleswig, Variance Request
 2. **Johnathon Business Services LLC** – Lot 16 & N½ Lot 17 BLK 1, Section 24, T17N-R21E, 14117 Cedar Terrace Rd, Town of Schleswig, Variance Request
 3. **David and Debra Musial** (current owner) and **MEW Leasing, LLC** (proposed owner) - SE¼, NE¼, Section 24, T20N-R23E, 7718 CTH Q, Town of Kossuth, Conditional Use Permit
 4. **Chris Bellin** - NW¼, SW¼, Section 25, T19N-R22E, 1033 S CTH S, Town of Cato, Conditional Use Permit and Variance Request
 5. **Mark Gamerdinger** - SE¼, SW¼, Section 36, T17N-R21E, 18210 County Line Rd, Town of Schleswig, Conditional Use Permit
- VI. OTHER BUSINESS.
 1. Schedule Next Meeting
- VII. ADJOURNMENT

Date: March 1, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made. Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES**

March 21, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, March 21, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Marian Schneider, Charlie Nate, Laurel Vondrachek and Orville Bonde. Staff present: Reed Gaedtke.

A motion was made by Ms. Vondrachek, seconded by Mr. Nate to approve the February 21, 2011 regular meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; No: none.

A motion was made by Mr. Nate, seconded by Ms. Schneider to approve the March 14, 2011 onsite meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; No: none.

A motion was made by Ms. Vondrachek, seconded by Mr. Glaeser to approve the agenda for the March 21, 2011 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; No: none.

Mr. Gaedtke explained the procedure that would follow. He also stated that within 10 days of the closure of this meeting, copies of the decisions will be delivered to the applicants.

Unfinished Business

James Dittmar – Owner of property located at 18003 Klemme Rd., located in Govt. Lot 2, Section 24, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, parcel (16-036-012-001.00); wherein a variance is being requested to construct a 24'x24' second story house addition at 33 feet 2 inches from the ordinary high water mark of Cedar Lake and at 5 feet from the neighboring side property line in an LR, Lake Residential, S1, Shoreland, zoned district.

Chairperson Bonde opened the public hearing for James Dittmar and informed everyone that public testimony was taken during the February 21, 2011 meeting.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

James Dittmar informed the Board that the roof will need to be replaced on the patio and thanked the Board for postponing the meeting to include the porch roof in the original request.

There being no further comments, Chairperson Bonde closed the public hearing for James Dittmar.

Deliberation

Motion by: Ms. Schneider to approve the variance request to replace the aging porch roof and allow the second story addition. The physical limitations of the property create a hardship because of the steep bank located behind the house and the houses proximity to the shoreline.

It won't be contrary to the public because the footprint isn't changing.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

New Business

Tom and Chris Forsterling – Owners of property located at 14231 Woodside Ln., in Govt. Lot 1, Section 23, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin wherein an existing variance is being requested to correct the distance of an approved deck from 38 feet to 32 feet from the ordinary high water mark of Cedar Lake, in an LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Tom and Chris Forsterling.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board stated the request was to amend a mistake regarding the distance shown on the past approved deck variance and the Forsterlings confirmed the statement.

Terry Regenwether, neighboring property owner spoke in favor of the request.

Dennis Salzman, Town of Schleswig Chairperson, stated the Town was still in favor of the request and said it is a safety issue.

There being no further comments, Chairperson Bonde closed the public hearing for Tom and Chris Forsterling.

Deliberation

Motion by: Mr. Nate to approve the variance request amendment for a previously issued deck variance.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; *No:* none.

Johnathon Business Services LLC – Owner of property located at 14117 Cedar Terrace Rd., in Lot 16 & N½, Lot 17 BLK 1, Section 24, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin parcel (16-500-001-016.00); wherein a variance is being requested by Larry Krubsack, controlling member, to replace an existing dilapidated deck with a 13'x15' deck at 65 feet from the ordinary high water mark of Cedar Lake, in an LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Johnathon Business Services LLC.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Larry Krubsack, owner of Johnathon Business Services LLC, questions regarding his variance request.

Dennis Salzman, Town of Schleswig Chairperson, stated the Town approved the request because it's not changing the footprint of the old deck.

There being no further comments, Chairperson Bonde closed the public hearing for Johnathon Business Services LLC.

Deliberation

Motion by: Mr. Glaeser to approve the request to update the deck and allow it at 65 feet from the OHWM of the lake because it is no closer to the water than the existing structure, the old stairs will be removed and create more green space on the property.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

David and Debera Musial – Current owners and MEW Leasing LLC, the proposed owner of property located at 7718 CTH Q, located in SE¼, NE¼, Section 24, T20N-R23E, Town of Kossuth, Manitowoc County, Wisconsin; parcel (007-024-004-003.00); wherein a conditional use permit is being requested by Precision Machine Werks Inc., the applicant, to operate a manufacturing business, in an A1, Agricultural, zoned district..

Chairperson Bonde opened the public hearing for MEW Leasing LLC and Precision Machine Werks Inc.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Michael and Mark Weston, owners of MEW Leasing and Precision Werks, questions regarding the conditional use permit request. They wanted to know what type of business is being requested and how much of the junk located around the building would be removed.

James Froelick, Town of Kossuth Supervisor, informed the Board the Town was requesting postponement because the applicants did not go before the Town Board with their request, and the Town had concerns regarding junk, noise, traffic and other issues they want answered. The added time would allow the applicants time appear before the Town Board and also allow the Town time to submit recommendations to the Board of Adjustment concerning the project.

There being no further comments, Chairperson Bonde closed the public hearing for MEW Leasing LLC and Precision Machine Werks Inc.

Deliberation

Motion by: Mr. Glaeser to postpone the hearing for month to allow the applicant time to appear before the Town.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; *No:* None.

Chris Bellin – Owner of property located at 1033 Sth CTH S, in the NW¼, SW¼, Section 25, T19N-R22E, Town of Cato, Manitowoc County, Wisconsin; parcel (001-025-010-001.00); wherein a conditional use permit is being requested to operate a riding stable business and wherein a variance is being requested to enclose the end of an existing unfinished barn by constructing a 24'x36' addition at 56 feet from the ordinary high water mark of a stream, in an A3, Agricultural, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Chris Bellin and Ginger Schinktgén.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Chris Bellin and Ginger Schinktgén, the applicants, questions regarding the conditional use permit request and stated concerns with manure being stored on the property near a navigable body of water.

Mr. Gaedtke read a letter stating the Town of Cato in favor of the variance and conditional use project.

There being no further comments, Chairperson Bonde closed the public hearing for Chris Bellin and Ginger Schinktgén.

Deliberation

Motion by: Ms. Vondrachek to approve the variance and conditional use permit request for the following reasons and with the listed conditions.

1. The addition will not be contrary to public interest because part of the addition is already there and is just going to be enclosed.
2. No manure to be stored outside within 75 feet of the creek.

3. Vegetation must be planted between the manure location and the ravine leading to the creek to provide a buffer zone and filter for potential runoff.
4. They are allowed one employee.
5. Business hours will be Monday thru Saturday from 8:00 a.m. to 7:00 p.m.
6. Parking area shall be adjacent to the riding arena.

Second by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

Mark Gamerdinger – Owner of property located at 18210 County Line Rd., located in the SE¹/₄, SW¹/₄, Section 36, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin; parcel (016-036-012-001.00); wherein a conditional use permit is being requested to operate a small auto sales lot and resale shop, in an A1, Agricultural, zoned district.

Chairperson Bonde opened the public hearing for Mark Gamerdinger.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Mark Gamerdinger, the applicant, questions regarding the conditional use permit requests.

Dennis Salzman, Chairperson for the Town of Schleswig, stated the Town approved of the request but wanted the Board to curtail the conditions of the business such as the size of the sign, maximum number of vehicles allowed on the property should be about 12 to 15, state how many vehicles can be for sale at one time, height of the lights, and the existing old vehicles located on the property.

Gordon Lane, neighboring property owner, was opposed to the request because of existing old vehicles parked on the property which could be viewed from different locations from his property. He was also concerned with property values going down, noise from the business, the amount of traffic the business would generate, lighting of the property and storage of vehicles on the land and wanted a full environmental impact study completed.

Mr. Lane also submitted a petition with neighbors signatures opposed to the project.

Eric Kirchner, neighboring, property owner, spoke opposed to the project. He also had concerns regarding property value, the number of vehicles on the property, and also requested an environmental impact study.

Mr. Gamerdinger was given time to respond to the opposing concerns. He stated no repair work would be conducted on his property so there would be minimal if any impact. If the vehicles would need anymore work done on them they would be taken someplace to get fixed. He wants to be self employed and just want to sell the cars.

He would only have 15 cars for sale and would only be cleaning the cars to get them ready to be sold so he wasn't sure why there was a concern about noise. The only noise generated from the

business would be from a vehicle driving in or out of the driveway; there would be no additional noise.

Most of what he will sell for the resale shop will be done on the internet.

Mr. Gamerdinger was also willing to get rid of the six old vehicles which currently sit on his property and were only being used for parts to fix his collector cars. He also stated the sign would not be a large sign, located 60 feet from the centerline of the road and it would be one of the lighted arrow signs which can be moved. The lights on the sign would not be blinking and he would like some type of light to be used for protection and to show the vehicles being sold. He proposed using dusk to dawn type light which is the same as his existing yard light.

There being no further comments, Chairperson Bonde closed the public hearing for Mark Gamerdinger.

Deliberation

Motion by: Ms. Vondrachek to approve the conditional use permit for the following reasons and with the listed conditions.

Reasons:

1. This type of business is in harmony with the orderly development of the area.
2. The property is neat and if kept neat would not impact property values. No junk cars allowed on the property because they can deter property value.
3. There's no evidence that small lots like this would impair the value of neighboring land.

Conditions:

7. Allowed one employee.
8. Junk cars are not allowed to be standing around on the property.
9. The existing old vehicles that have been stored on the property have to be removed before he can start selling vehicles.
10. Can have 12 to 15 vehicles to be sold at one time.
11. Shall not exceed more than 15 vehicles total on the property at one time.
12. Auto sale business hours of operation; 8:00 a.m. to 5:00 p.m. Monday thru Friday.
Saturdays from 8:00 a.m. to 1:00 p.m.
13. One day a week the business can stay open until 8:00 p.m. (Owner can choose the day.)
14. No outside storage of auto parts.
15. Lights for the car lot must be dusk to dawn type lights and no more than two are allowed.
16. The lights can be no higher than twenty-five (25') feet.
17. The sign needs to be located sixty (60') from the centerline of the road.
18. Flashing lights are not allowed.
19. The resale shop is also approved and the summer kitchen hours of operation will be 8:00 a.m. to 5:00 p.m. Monday thru Friday; Saturdays from 8:00 a.m. to 1:00 p.m. and Sundays from 12:00 p.m. to 3:00 p.m.
20. There will be a one year review of the conditional use permits at the March 2012 Board of Adjustment meeting.

Second by: Ms. Schneider

Upon vote: The motion was approved by a vote of four to one in favor of approval.

Aye: Bonde, Vondracheck, Nate, and Schneider; *No:* Glaeser.

Other Business

The Board scheduled their next meeting for April 18, 2011

ADJOURNMENT

Motion by: Mr. Glaeser to adjourn.

Seconded by: Mr. Nate

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; *No:* none

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY MEETING NOTICE

DATE: Monday, April 11, 2011
TIME: 9:00 a.m.
PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. Call to Order - Roll Call
- II. Approval of Agenda – Approval of Minutes
"Open Meeting Law Compliance"
- III. Unfinished Business
 1. **David and Debra Musial** (previous owner) and **MEW Leasing, LLC** (new owner) – SE¼, NE¼, Section 24, T20N-R23E, 7718 CTH Q, Town of Kossuth, Conditional Use Permit
- IV. New Business
 1. **Todd and Beth Buchanan** – NW¼, NW¼, Section 29 and 30 T18N-R22E, 7528 Marken Road, Town of Liberty, Variance Request
 2. **Russ and Michelle Minaker** – Govt. Lot 4, Section 31, T21N-R25E, 152 Park Road, Town of Two Creeks, Variance Request
 3. **Jason and Amy Unger** – Govt. Lot 1, Section 23, T17N-R21E, 14207 Woodside Ln, Town of Schleswig, Variance Request
 4. **Steve Fidlin** - W½ of Lot 9 Blk 5, Section 8, T17N-R22E, 1215 Mill Place, Town of Meeme, Variance Request
 5. **Thomas Rahmlow** - NW¼, SE¼, Section 23, T21N-R23E, 2001 Hillview Rd, Town of Gibson, Variance Request
 6. **Joseph Leitner**, Govt. Lot 2, Section 23, T17N-R21E, 18814 Twin Bay Lane, Town of Schleswig, Variance Request
- V. Adjournment

Date: March 30, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made.

Any person wishing to travel on the on-sites with the Board, should contact the Manitowoc County Planning and Park Commission office at 920-683-4185 at least two business days before the meeting is scheduled so that appropriate accommodations can be made.

Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
ONSITE MEETING MINUTES**

April 11, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, April 11, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Laurel Vondrachek, Charlie Nate, Orville Bonde, and Marian Schneider. Staff present: Reed Gaedtke.

A motion was made by, Ms. Vondrachek seconded by Ms. Schneider to approve the agenda for the April 11, 2011 meeting. Upon vote, the motion was approved.

Aye: Bonde, Vondrachek, Nate, Schneider, and Glaeser; No: none

The Board received their book containing the April 18, 2011 hearing applications.

Mr. Gaedtke gave a brief summary of what each applicant is asking for.

The Board preceded to the onsite locations and returned to the Manitowoc County office Complex when completed.

ADJOURNMENT

Motion by: Mr. Glaeser to adjourn.

Seconded by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Schneider, and Glaeser; No: none

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: Monday, April 18, 2011
TIME: 7:00 P.M.
PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. ROLL CALL AND CALL TO ORDER
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF MINUTES - APPROVAL OF AGENDA
- IV. UNFINISHED BUSINESS
 1. **David and Debra Musial** (previous owner) and **MEW Leasing, LLC** (new owner) – SE¼, NE¼, Section 24, T20N-R23E, 7718 CTH Q, Town of Kossuth, Conditional Use Permit
- V. PUBLIC HEARINGS
 1. **Todd and Beth Buchanan** – NW¼, NW¼, Section 29 and 30 T18N-R22E, 7528 Marken Road, Town of Liberty, Variance Request
 2. **Russ and Michelle Minaker** – Govt. Lot 4, Section 31, T21N-R25E, 152 Park Road, Town of Two Creeks, Variance Request
 3. **Jason and Amy Unger** – Govt. Lot 1, Section 23, T17N-R21E, 14207 Woodside Ln, Town of Schleswig, Variance Request
 4. **Steve Fidlin** - W½ of Lot 9 Blk 5, Section 8, T17N-R22E, 1215 Mill Place, Town of Meeme, Variance Request
 5. **Thomas Rahmlow** - NW¼, SE¼, Section 23, T21N-R23E, 2001 Hillview Rd, Town of Gibson, Variance Request
 6. **Joseph Leitner**, Govt. Lot 2, Section 23, T17N-R21E, 18814 Twin Bay Lane, Town of Schleswig, Variance Request
- VI. OTHER BUSINESS.
 1. Schedule Next Meeting
- VII. ADJOURNMENT

Date: March 30, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made. Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES**

April 18, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, April 18, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Marian Schneider, Charlie Nate, Laurel Vondrachek and Orville Bonde. Staff present: Reed Gaedtke.

A motion was made by Mr. Glaeser, seconded by Ms. Schneider to approve the March 21, 2011 regular meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; No: none.

A motion was made by Ms. Schneider, seconded by Ms. Vondrachek to approve the April 11, 2011 onsite meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; No: none.

A motion was made by Ms. Vondrachek, seconded by Mr. Nate to approve the agenda for the April 18, 2011 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; No: none.

Mr. Gaedtke explained the procedure that would follow. He also stated that within 10 days of the closure of this meeting, copies of the decisions will be delivered to the applicants.

Unfinished Business

David and Debera Musial – Previous owners and MEW Leasing LLC, the new owner of property located at 7718 CTH Q, located in SE¼, NE¼, Section 24, T20N-R23E, Town of Kossuth, Manitowoc County, Wisconsin; parcel (007-024-004-003.00); wherein a conditional use permit is being requested by Precision Machine Werks Inc., the applicant, to operate a manufacturing business, in an A1, Agricultural, zoned district..

Chairperson Bonde opened the public hearing for MEW Leasing LLC and Precision Machine Werks Inc to allow the Town of Kossuth an opportunity to comment on the proposed conditional use permit. He stated that all other public input was taken at the March 21, 20011 meeting and only the Town will be permitted time to comment on the issue.

The Town of Kossuth sent a letter stating the Town approved of the conditional use permit request.

The Board Mark Weston, an owner of MEW Leasing and Precision Werks, questions regarding the conditional use permit request.

There being no further comments, Chairperson Bonde closed the public hearing for MEW Leasing LLC and Precision Machine Werks Inc.

Deliberation

Motion by: Mr. Nate to approve the conditional use permit with the following conditions.

1. They are allowed 10 employees.
2. Hours of operation are Monday through Friday from 7:00 am to 11:00 pm.
3. Continue to clean the property up.
4. No outside storage of materials.
5. Sign allowed on the building.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; *No:* None.

New Business

Todd and Beth Buchanan – Owner of property located at 7528 Marken Rd., in the NW¹/₄, NW¹/₄, Section 29 and 30 T18N-R22E, Town of Liberty, Manitowoc County Wisconsin, parcels (08-029-006-007.00 and 08-030-001-004.00) wherein a variance is being requested to construct a 30'x40' attached garage at 11 feet from the neighboring west property line and at 9 feet from the neighboring south property line in an A1, Agricultural zoned district.

Chairperson Bonde opened the public hearing for Todd and Beth Buchanan.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Todd Buchanan questions regarding his variance request.

Joel Aulik from the Town of Liberty spoke in favor of the request.

Mr. Gaedtke read a letter from the Town of Liberty approving of the variance request providing the applicant followed the descriptions listed in his application.

There being no further comments, Chairperson Bonde closed the public hearing for Todd and Beth Buchanan.

Deliberation

Motion by: Mr. Glaeser to approve the variance request. The Town approves of the request, and there is an old existing garage that will be removed and replaced with this new one.

Second by: Ms. Schneider

Upon vote: The motion was unanimously approved

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; *No:* none.

Russ and Michelle Minaker— Owners of property located at 152 Park Rd., in Govt. Lot 4, Section 31, T21N-R25E, Town of Two Creeks, Manitowoc County, Wisconsin parcel (17-131-012-002.00) wherein a variance is being requested to construct an attached 30'x35' garage and breezeway at 15 feet from the north property line, in an A2, Agricultural, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Russ and Michelle Minaker.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Russ Minaker questions regarding his variance request.

Jim Knorr, representative for Two Rivers Land Use Committee stated both the Committee and Town Board approved of Mr. Minaker's request.

Mr. Gaedtke read an email from the neighboring property owner to the north stating the neighbor did not object to the variance request.

There being no further comments, Chairperson Bonde closed the public hearing for Russ and Michelle Minaker.

Deliberation

Motion by: Ms. Schneider to approve the variance request. It will not be contrary to the public because it will not interfere with any development on the neighboring properties and the location of a power pole, well, and septic system prevents the addition from being located elsewhere.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Schneider, and Glaeser; *No:* None.

Jason and Amy Unger – Owners of property located at 14207 Woodside Ln., in Govt. Lot 1, Section 23, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin; parcel (16-023-013-004.00) wherein a variance is being requested to construct a 7'x8' landing with stairs at 35 feet from the ordinary high water mark of Cedar Lake, in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Jason and Amy Unger.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Jason Unger questions regarding his variance request.

Mr. Unger informed the Board that he was planning on having the new house sit on a concrete slab but the building inspector told him the uniform dwelling code requires the house to be set on

a pier and beam foundation which raised the house 38" from grade which is why the stairs are now needed to access the house.

There being no further comments, Chairperson Bonde closed the public hearing for Jason and Amy Unger.

Deliberation

Motion by: Ms. Vondrachek to approve the variance requests for the stairs for the following reasons.

1. The UDC codes require the structure be built on a pier and beam foundation not on a slab. This requirement raises the door access creating not only a hardship for the owner but also prevents them from reasonable use.
2. They need to have ingress and egress of their home and meet the code requirements.
3. The stairs will provides safe access to the house giving the homeowner reasonable use.
4. It would not be contrary to the public because the homeowner needs access to his home and it is still located 35 feet from the ordinary high water mark.

Second by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

Steve Fidlin— Owner of property located at 1215 Mill Place, in the W½ of Lot 9 Blk 5, Section 8, T17N-R22E, Town of Meeme, Manitowoc County, Wisconsin; parcels (012-500-005-009.01 and parcel 012-500-005-0083.00) wherein variances are being requested by, Warren and Diane Fidlin, the applicants, to construct a 16'x 22' garage addition at 55 feet from centerline of Mill Place; at 0 feet from their other parcels property line (lot 8) and within the 200' site triangle of a class 2 highway intersection located in a R3, Residential, zoned district.

Chairperson Bonde opened the public hearing for Steve, Warren, and Diane Fidlin.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Warren Fidlin, the applicant, questions regarding the variance requests.

There being no further comments, Chairperson Bonde closed the public hearing for Steve, Warren and Diane Fidlin.

Deliberation

Motion by: Mr. Glaeser to approve the variances from the road, property line and within the site triangle for reasons listed below.

1. He owns both lots and if a certified survey is done he can get rid of the middle property line.
2. The structure will be setback 55 feet from the centerline of the road where there is a reduced speed limit.

3. The size of the existing lot and structures create a hardship because they are already located within the site triangle.
4. It won't be contrary to the public because the site triangle isn't completely blocked and both roads have reduced speed limits.

Second by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracek, Nate, Schneider, and Glaeser; *No:* None.

Thomas Rahmlow – Owner of property located at 2001 Hillview Rd., located in the NW¼, SE¼, Section 23, T21N-R23E, Town of Gibson, Manitowoc County, Wisconsin parcel (006-023-014-000.00); wherein a variance is being requested to construct a 171'x 400' barn at 50 feet from the ordinary high water mark of an unnamed stream, in an A3 Agricultural zoned district.

Chairperson Bonde opened the public hearing for Thomas Rahmlow.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Thomas Rahmlow questions regarding the variance request.

Mr. Gaedtke read a letter from neighboring property owner Ford Thompson in favor of Mr. Rahmlow's request.

Mr. Gaedtke read a letter from the Manitowoc County Soil and Water Department Director, Jerry Halverson, who was in favor of the project because it would eliminate an existing manure runoff problem to the stream from existing outdoor concrete and earth lots.

There being no further comments, Chairperson Bonde closed the public hearing for Thomas Rahmlow.

Deliberation

Motion by: Mr. Nate to approve the variance request.

Reasons:

1. The DNR isn't sure if the stream is navigable. A study will be done this summer.
2. It will not be contrary to the public because the location of the new barn will be an improvement for the property and for the neighborhood because the design and location of the structure will prevent farm runoff from entering a possible navigable stream.
3. There is a definite problem with manure runoff entering the drainage area and a need to provide more room to house the growing farm and give the owner use of the property.
4. The Soil and Water Department approves of the location to alleviate the runoff problems.

Conditions:

1. The variance is approved provided all permits are obtained from the proper agencies.

Second by: Mr. Glaeser.

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

Joseph Leitner – Owner of property located at 18814 Twin Bay Ln., located in Govt. Lot 2, Section 23, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin; parcel (016-023-015-006.00). Wherein variances are being requested to construct a 29' long x 12' high retaining wall on the east side of the property at 15 feet from the ordinary high water mark of Cedar Lake; to construct a 51' long x 12' high retaining wall on the west side of the property at 8 feet from the ordinary high water mark; and to construct a new 20'x 50' patio at 30 feet from the ordinary high water mark of the lake; and to construct a 42' x 12' long walkway at 11.5 feet from the ordinary high water mark which will merge into the existing west walkway for access to the shoreline, in an LR, Lake Residential, S1, Shoreland, zoned district.

Chairperson Bonde opened the public hearing for Joseph Leitner.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Joseph Leitner questions regarding the variance requests.

Kent Smasle from the Town of Schleswig stated that the neighbor was in favor of the retaining walls and adding green space to the front of the property and the Town Board had no objections to the proposal.

Mr. Gaedtke read a letter from DNR official Tom Blake stating reasons why the requests should not be approved for the patio and walkways and other means should be looked into other than the use of retaining walls within 75 feet of the ordinary high water mark of a lake.

The Board asked the applicant questions regarding issues brought up by Mr. Blake.

There being no further comments, Chairperson Bonde closed the public hearing for Joseph Leitner.

Deliberation

Motion by: Ms. Vondrachek to approve the retaining walls, walk ways, and patio as requested with some conditions.

Retaining Walls and Railing

1. The retaining walls need to be “friendly” to the environment by having coniferous trees or vines planted in front of them for screening.
2. The retaining walls are needed for safety purposes for the owners to reasonably use the property.
3. The topography of the lot creates a hardship unique to the property because the lot is narrow and the slope is steep requiring stabilization. Excavating couldn't provide the same amount of safety because there's not enough room.
4. Excavating the hill within the narrow lot could cause the neighboring trees from being undercut and destroyed.

5. The retaining walls will not be contrary to the public because they will prevent soil from running into the lake and will be screened with coniferous trees and vegetation creating a buffer.

Patio

1. The patio must be constructed at grade and not a raised patio.
2. A portion of the patio will be located under the deck which won't impact the lake anymore than the existing structure.
3. The old existing patio which was previously approved at an earlier meeting in 2010; must be completely removed and green grass planted to provide open green space between the shoreline and new patio.
4. The new patio will not be contrary to the public's interest because the patio is further from the shoreline than the old one and it provides more green space along the shoreline for the public.
5. Without the presence of the patio, a handicap person could not get around when they go outside preventing them from using the property and creating a hardship.

Walkways

1. The walkways won't be contrary to the public interest because they allow the owner access to the shoreline. The walkways also prevent the open area from being worn down to a bare path.
2. The existing steps which have been there forever help provide access to the water and shoreline over the existing rip rap which is located along the shoreline.
3. The walkways provide reasonable use for the owner or someone with a disability to access the shoreline. Without the walkways a handicap person would not be able to reasonably use the property to access the shoreline.
4. Without the walkways to the shoreline the property is unreasonably burdensome to anyone with a disability which creates a hardship.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

Other Business

The Board questioned the number of applications for the next meeting.

Mr. Gaedtke informed them that 5 applications were already received and 3 of them could be bigger issues because they were conditional use permits for businesses.

The Board voted unanimously to only take 6 applications for the May 2011 hearing.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

The Board scheduled their next meeting for May 16, 2011

ADJOURNMENT

Motion by: Mr. Nate to adjourn.

Seconded by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; *No:* none

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY MEETING NOTICE

DATE: Monday, May 9, 2011
TIME: 9:00 a.m.
PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. Call to Order - Roll Call
- II. Approval of Agenda – Approval of Minutes
"Open Meeting Law Compliance"
- III. New Business
 1. **FPL Energy Point Beach LLC** - NE $\frac{1}{4}$, E 25 Ac, NE $\frac{1}{4}$, NW $\frac{1}{4}$ E 2 Ac of SE $\frac{1}{4}$, NW $\frac{1}{4}$, & SE $\frac{1}{4}$, Section 23, T21N-R24E, Town of Two Creeks – Conditional Use Permit
 2. **Dale Rahmlow** – SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 5, T20N-R24E, 402 W. Church St., Town of Mishicot, Variance Request
 3. **Brudon Enterprises LLC** – NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 31, T21N-R23E, 12730 CTH R, Known as 141 Speedway, Town of Gibson, Conditional Use Permit
 4. **Jerry and Miri Ney** - NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 32, T21N-R23E, 12307 Melnik Rd, Town of Gibson, Variance Request
 5. **RA Braun Development LLC** – (current owner) NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 19, T18N-R22E, 7003 CTH A, Town of Liberty, Conditional Use Permit (being requested by Greg Pankratz, proposed new owner)
 6. **Steven Pisaro**, NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 33, T20N-R21E, 21315 US HWY 10, Town of Maple Grove, Conditional Use Permit
- IV. Other Business
 1. Discussion of DNR Memo regarding Shoreland variances
- V. Adjournment

Date: May 2, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made.

Any person wishing to travel on the on-sites with the Board, should contact the Manitowoc County Planning and Park Commission office at 920-683-4185 at least two business days before the meeting is scheduled so that appropriate accommodations can be made.

Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
ONSITE MEETING MINUTES**

May 9, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, May 9, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Laurel Vondrachek, Charlie Nate, Orville Bonde, and Marian Schneider. Staff present: Reed Gaedtke.

A motion was made by, Ms. Vondrachek seconded by Ms. Schneider to approve the agenda for the May 9, 2011 meeting. Upon vote, the motion was approved.

Aye: Bonde, Vondrachek, Nate, Schneider, and Glaeser; No: none

The Board received their folder containing the May 16, 2011 hearing applications.

Mr. Gaedtke gave a brief summary of each applicant's request.

There was a brief discussion regarding the DNR memo regarding variance approval and handicap accessibility.

The Board preceded to the onsite locations and returned to the Manitowoc County office Complex when completed.

ADJOURNMENT

Motion by: Mr. Nate to adjourn.

Seconded by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Schneider, and Glaeser; No: none

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: Monday, May 16, 2011

TIME: 7:00 P.M.

PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. ROLL CALL AND CALL TO ORDER
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF MINUTES - APPROVAL OF AGENDA
- IV. PUBLIC HEARINGS

- 1. **FPL Energy Point Beach LLC** - NE $\frac{1}{4}$, E 25 Ac, NE $\frac{1}{4}$, NW $\frac{1}{4}$ E 2 Ac of SE $\frac{1}{4}$, NW $\frac{1}{4}$, & SE $\frac{1}{4}$, Section 23, T21N-R24E, Town of Two Creeks – Conditional Use Permit
- 2. **Dale Rahmlow** – SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 5, T20N-R24E, 402 W. Church St., Town of Mishicot, Variance Request
- 3. **Brudon Enterprises LLC** – NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 31, T21N-R23E, 12730 CTH R, Known as 141 Speedway, Town of Gibson, Conditional Use Permit
- 4. **Jerry and Miri Ney** - NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 32, T21N-R23E, 12307 Melnik Rd, Town of Gibson, Variance Request
- 5. **RA Braun Development LLC** – (current owner) NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 19, T18N-R22E, 7003 CTH A, Town of Liberty, Conditional Use Permit (being requested by Greg Pankratz, proposed new owner)
- 6. **Steven Pisaro**, NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 33, T20N-R21E, 21315 US HWY 10, Town of Maple Grove, Conditional Use Permit

VI. OTHER BUSINESS.

- 1. Schedule Next Meeting

VII. ADJOURNMENT

Date: May 9, 2011

Orville Bonde, Board Chair

By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made. Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES**

May 16, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, May 16, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Marian Schneider, Charlie Nate, Laurel Vondrachek and Orville Bonde. Staff present: Reed Gaedtke.

A motion was made by Mr. Glaeser, seconded by Ms. Vondrachek to approve the April 18, 2011 regular meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; No: none.

A motion was made by Ms. Vondrachek, seconded by Mr. Nate to approve the May 9, 2011 onsite meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; No: none.

A motion was made by Mr. Nate, seconded by Mr. Glaeser to approve the agenda for the May 16, 2011 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; No: none.

Mr. Gaedtke explained the procedure that would follow. He also stated that within 10 days of the closure of this meeting, copies of the decisions will be delivered to the applicants.

Unfinished Business

NONE

New Business

FPL Energy Point Beach LLC – Owner of property located at the north east corner of the Nuclear Rd. and Twin Elder Rd. intersection, in the NE¹/₄, E 25 AC, NE¹/₄, NW¹/₄, E 2 AC of SE¹/₄, NW¹/₄, & SE¹/₄, Section 23 T21N-R24E, Town of Two Creeks, Manitowoc County Wisconsin, parcel (17-023-000-000.00) wherein a conditional use permit is being requested by Manitowoc County, the applicant, to construct a 180' communication tower, for public safety radio, in an A3, Agricultural zoned district.

Chairperson Bonde opened the public hearing for FPL and Manitowoc County.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Gerry Neuser, Public Works representative for Manitowoc County, questions regarding the request.

Doris Magyar spoke in opposition of the project. She wanted to know if the tower was self supporting or if it needed guy wires; if the tower could meet the required setbacks or if variances were needed; and if any other buildings were proposed.

Mr. Gaedtke informed Mrs. Magyar the proposed tower was self supporting, met all ordinance setback requirements and a propane tank, electrical panel, and utility shelter were also included in the request.

Mr. Gaedtke read a letter from the Town of Two Creeks in favor of the request.

Mr. Gaedtke also informed the Board that Public Works Director Jeff Beyer had called to inform Planning and Zoning that the Town of Two Creeks did not want a new driveway going to the tower. They wanted the County to use the existing entrance for the field.

There being no further comments, Chairperson Bonde closed the public hearing for FPL and Manitowoc County.

Deliberation

Motion by: Ms. Vondrachek to approve the conditional use permit for the proposed tower.

Reasons for approval:

1. The tower is a necessity for the safety of Manitowoc County.
2. The tower meets all required setbacks and guidelines.

Conditions:

1. Use the existing driveway.
2. Need fencing around the area.
3. No vegetative screening is required.

Second by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; *No:* none.

Dale Rahmlow— Owner of property located at 402 W. Church St., in the SE ¼, NW ¼, Section 5, T20N-R24E, Town of Mishicot, Manitowoc County, Wisconsin; parcels (013-005-008-002.00 and 013-005-007-000.00) wherein variances are being requested to construct a 30'x 80' farm building at 20 feet from a town road right-of-way; to construct an 11'x70' truck scale at 4 feet from a town road right-of-way; and to place a 10"x10"x16' high anchoring post at 0 feet from the road right-of-way in an A3, Agricultural, zoned district.

Chairperson Bonde opened the public hearing for Dale Rahmlow.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Dale Rahmlow questions regarding his variance requests.

Mr. Gaedtke read a letter from the Town of Mishicot in favor of the requests.

There being no further comments, Chairperson Bonde closed the public hearing for Dale Rahmlow.

Deliberation

Motion by: Mr. Glaeser to approve the variance requests. The Town approved of too.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

Brudon Enterprises LLC – Owner of property located at 12730 CTH R, known as 141 Speedway, in the NW¼, NW¼, Section 31, T21N-R23E, Town of Gibson, Manitowoc County, Wisconsin parcels (06-031-006-002.00 and 06-031-006-003.00) wherein a conditional use permit is being requested to amend an existing conditional use permit to include concerts, swap meets, car shows and modify existing conditions on the property which is located in an A1, Agricultural zoned district.

Chairperson Bonde opened the public hearing for Brudon Enterprises LLC.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Bruce Conard, representative and owner of Brudon Enterprises LLC, questions regarding the conditional use permit request.

Mr. Conard informed the Board that the fence in front was going to be replaced, 4 seasons landscaping would be planting trees on the property and that the bar is open about 4 nights per week right now.

The Town of Gibson Chairperson Richard Wegner stated the Town was in favor of the conditional use permit request.

John Reindl, a neighbor, stated he was in favor of the conditional use permit request.

David Ozarowicz spoke in opposition of the proposed requests. He stated he's lived there for 22 years and wanted to know if any study was ever done on the noise or if a study was done on the ground water in the area. He was mainly concerned about the noise and using the track all year long.

Kathy Herlache spoke in opposition of the proposed request. She stated she had no problem with the racing or with someone wanting to better themselves or their business. However with work, she only has her weekends and cannot sit on the deck at night without the noise from the race cars. She was opposed to the request for extending the hours.

Larry and Lois Schneider spoke in opposition of the proposed request. They stated their concern with concerts and loud music because in the fall of 2010 the track played loud music until 3:00

a.m. and the Schneider's were concerned about extending the hours for noise at night and allowing concerts.

Mr. Schneider stated he felt their rights would be violated if the hours were extended and asked the Board to deny the proposed requests or to take into consideration a list of proposed changes he put together regarding conditions for the race track.

Mr. Schneider handed out a copy of his proposed conditions to each Board member and one to Mr. Gaedtke to be added into the official record.

Andy Pantzlaff, neighbor to the west, spoke in opposition of the proposed request. Mr. Pantzlaff stated that when the races are going he cannot hear the television or his lawn mower when he is mowing the lawn. He stated he was against extending the hours to 11:00 p.m. because it was too late and him and his kids need to get sleep. Mr. Pantzlaff felt the racing time should be kept to 10:30 p.m. and that it shouldn't be able to start until 12:00 p.m. Mr. Pantzlaff was okay with prep work for the races being done earlier in the day.

Mr. Pantzlaff asked that the Board table the request, go to the races one night and listen to them to see how loud they really are. He also stated it would be nice not to have races on Sundays.

David Wagner, neighboring property owner, spoke in opposition to the proposed request and stated that the concert which was held in 2010 lasted all night long and was a problem. Mr. Wagner stated he didn't care what time events start but didn't want them to run longer at night.

Mr. Wagner informed the board that due to the shape and location of the track the noise goes up into the air then disperses and comes back down. He stated he only lives ½ mile away and it is less noisy by his house than it is for people living 2 miles away.

Lloyd Pantzlaff, neighbor who lives within 1 mile of the track, spoke in opposition of the proposed request. Mr. Pantzlaff stated neighbors who have to work in the morning are opposed to the requests. Mr. Pantzlaff informed the Board that because of his hearing he really can't hear the cars; however, he can hear the speakers used by the race track.

Mr. Pantzlaff also stated he felt the track has gotten louder since it was made into a dirt track. The track is shaped more like a bowl which affects the noise and the dust is worse and it does come out.

Mr. Pantzlaff stated that he never opposed racing but he didn't like the request for longer hours and he also opposes the concert request.

The Board asked Mr. Conard, owner of Bruden Enterprises, more questions regarding his conditional use permit request.

Mr. Conard stated he had heard from some of the neighbors that the new track was better because there were no more squeeling tires.

Mr. Conard informed the Board that he was alright with having 3 concerts per year and was also okay with the concerts and racing starting having hours from 12:00 p.m. to 10:30 p.m.

Mr. Conard finally informed the Board that currently the race track has 25 racing events per year and they try not to have 2 consecutive days of noise.

Mr. Gaedtke read a letter from the Town of Gibson dated April 2011 which gave tentative approval to the conditional use permit request.

There being no further comments, Chairperson Bonde closed the public hearing for Brudon Enterprises LLC.

Deliberation

Motion by: Mr. Nate to approve the conditional use permit with the following conditions.

Conditions:

1. Tavern conditions remain the same as the previous permit; no conditions.
2. Minimum 2 (two) security officers shall be provided for events over 500 people.
3. Minimum 4 (four) security officers shall be provided for events over 1000 people.
4. All litter shall be removed within 24 hours of any event.
5. No used tires allowed on the property.
6. No junk vehicles allowed on the property.
7. There shall be no more than 30 employees other than family members.
8. 3 (three) convicted violations of County Ordinances within a 12 month period shall immediately revoke this conditional use permit. (This replaces the previously approved conditional use permit condition regarding violations)
9. Racing means all types of racing. (Cars, trucks, snowmobile, atv, motorcycle, etc.)
10. All racing events, including practices, shall be limited to 3 days in a calendar week.
11. County noise ordinance shall not be exceeded.
12. Racing hours shall be 12:00 p.m. to 10:30 p.m.
13. The speaker system shall be turned off at 10:30 p.m.
14. All events shall be finished by 10:30 p.m.
15. Events include racing, car shows, concerts, and swap meets.
16. No more than 35 events allowed per year.
17. Only 3 of the 35 events can be concerts.
18. No heavy metal music allowed for concerts.
19. Concert hours shall be 12:00 p.m. to 10:30 p.m.
20. A tree line shall be planted along both the north and south property lines to help reduce noise and improve aesthetics.
21. Each tree line shall consist of two staggered rows of cedar or spruce trees.
22. The planted trees shall be a minimum 5 feet tall.
23. Lighting on the property shall be directed onto the track and parking lot.
24. Dust retardant shall be used on the track as needed.
25. A debris fence shall be erected.
26. The automobile sales business is no longer allowed on the property and has been omitted from the conditions.
27. There shall be a yearly review of the business.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

Jerry and Miri Ney– Owners of property located at 12307 Melnik Rd., in the NW¼, SW¼, Section 32, T21N-R23E, Town of Gibson, Manitowoc County, Wisconsin; parcel (06-032-010-005.00) wherein variances are being requested to construct a 12'x 14'x 6" high platform deck at 35 feet from the centerline of Melnik Rd. and to construct a two tier 10'x 20' deck at 50 feet from the centerline of Melnik Rd., in an A1, Agricultural zoned district.

Chairperson Bonde opened the public hearing for Jerry and Miri Ney.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Jerry and Miri Ney questions regarding their variance requests.

The Town of Gibson Chairperson, Richard Wegner stated the Town was in favor of the request provided the platform deck be changed to an at-grade paver brick patio.

Mr. Gaedtke read a letter from the Town of Gibson stating the Town did not approve of the platform deck but did approve of the bigger deck and would approve a paver brick patio in place of the platform deck.

There being no further comments, Chairperson Bonde closed the public hearing for Jerry and Miri Ney.

Deliberation

Motion by: Ms. Vondrachek to modify and approve the variance requests. The 12'x14' proposed platform deck was changed to a 12'x14' at-grade paver brick patio; to be located 35 feet from the centerline of Melnik Rd. and approve the requested 10'x20' two tier deck to be located 50 feet from the centerline of Melnik Rd.

Second by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

RA Braun Development LLC– Current owner of property at 7003 CTH A, in the NW¼, SW¼, Section 19, T18N-R22E, Town of Liberty, Manitowoc County, Wisconsin parcel (008-019-010-003.00); wherein a conditional use permit is being requested by Greg Pankratz, the applicant and proposed new owner; to operate an aluminum and brass foundry in the existing buildings located in an A1 Agricultural zoned district.

Chairperson Bonde opened the public hearing for RA Braun Development and Greg Pankratz.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Greg Pankratz, owner of Heritage Aluminum and Brass Foundry, and Rick Braun, owner of RA Braun Development, questions regarding the conditional use permit request.

The Town of Liberty sent a letter stating they were in favor of the conditional use permit request with conditions which they listed. The Board received a copy of this letter with the booklets they receive at the onsite meeting so the letter was not read at the meeting.

There being no further comments, Chairperson Bonde closed the public hearing for RA Braun Development and Greg Pankratz.

Deliberation

Motion by: Ms. Schneider to approve the conditional use permit with the following conditions/

1. Hours of operation to be 5:00 a.m. to 6:00 p.m. Monday thru Friday.
2. Hours of operation to be 5:00 a.m. to 12:00 p.m. on Saturday.
3. They are allowed 12 employees.
4. Surplus equipment shall be stored outside on the east side of the building and shall not be visible from CTH A.
5. Need to comply with local, County, State, and Federal regulations.
6. Previously approved conditional use permits for this property are rescinded and no longer valid.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

Steven Pisaro– Owner of property located at 21315 US HWY 10, in the NW¼, NE¼, Section 33, T20N-R21E, Town of Maple Grove, Manitowoc County, Wisconsin; parcels (011-033-003-003.00 and 011-033-002-004.00 and 011-033-004-005.01). Wherein a conditional use permit is being requested to remodel an existing garage into a clubhouse/pro-shop and to operate a disc golf course in an A1, Agricultural zoned district.

Chairperson Bonde opened the public hearing for Steve Pisaro.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Steve Pisaro questions regarding his conditional use permit request.

Mr. Gaedtke read a letter from the Town of Maple Grove stating they were in favor of the conditional use permit request for Steven Pisaro.

There being no further comments, Chairperson Bonde closed the public hearing for Steven Pisaro.

Deliberation

Motion by: Mr. Nate to approve the conditional use permit with the following conditions.

Conditions:

1. Days of operation are Monday thru Sunday. (7 days a week)

2. Course hours to be 6:00 a.m. to 12:00 am (midnight).
3. Club house hours to be 7:00 a.m. to 12:00 a.m. (midnight).
4. Events allowed.
 - a. 2 major tournaments
 - b. 2 local tournaments
 - c. 1 glow (night) tournament in October
 - d. 104 league nights or days per year.
5. Two owners and 3 future employees.
6. Merchandise can be sold in the clubhouse. Such as discs, disc golf clothing, accessories, packaged food that doesn't require a kitchen and bottle or canned beverages.
7. Occasional outside grilling for special events is permitted.
8. Traffic to consist of an average of 20 cars per day.
9. A parking lot with solar lamps will be provided.
10. Lamps to be no taller than one foot high.
11. There will be a 20' wide gravel road on the property to connect the existing driveway with the proposed parking lot.
12. A porta-potty will be located on site.
13. They are allowed one 4'x8' sign in the wets field to be a minimum of 25 feet from property lines and at least 100 feet from the highway.
14. Future additions or accessories which are allowed are: segways, shredders, golf carts, tents, an overhead parking lot light facing SW to keep light from traffic, deck onto the clubhouse, a built in grill, inside water and bathroom with approved septic, and an inside kitchen.
15. No cabins.
16. Future additions allowed to the course, provided they meet ordinance requirements, can consist of 4 to 8 shallow ponds, two foot bridges, long walking decks for low areas, steps on ridge, retaining walls, decorative fencing, and a storage shed to be located in the field.
17. Overflow parking can be located on east neighbor's property provided the neighbor grants permission.
18. No overflow parking on the west neighbors property unless the property is rezoned.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

Other Business

Mr. Gaedtke informed the Board the next meeting agenda was already full with 6 applicants and more people have been asking about getting on the June agenda even though it was full.

The Board discussed the situation and decided to expand the number of applicants for the June 2011 meeting only.

Motion by: Ms. Vondrachek to allow 8 applications, if needed, for the June 2011 meeting only.

Seconded by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; *No:* none

The Board scheduled their next meeting for June 20, 2011.

ADJOURNMENT

Motion by: Mr. Glaeser to adjourn.

Seconded by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; *No:* none

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY MEETING NOTICE

DATE: Monday, June 13, 2011
TIME: 9:00 a.m.
PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. Call to Order - Roll Call
- II. Approval of Agenda – Approval of Minutes
"Open Meeting Law Compliance"
- III. New Business
 1. **Mark Sengbusch** - NE¼, NW¼ Section 6, T19N-R21E, 24119 Manitowoc Road, Town of Rockland – Variance Requests
 2. **Dennis Fitzpatrick** – Govt. Lot 1, Section 7, T20N-R24E, 9125 North Lake Drive, Town of Newton, Variance Request
 3. **Max Maigatter** – NE¼, SE¼, Section 28, T19N-R21E, 21012 Main Street, Town of Rockland, Variance Requests
 4. **Carl Riederer** - NE¼, NE¼, Section 9, T19N-R22E, 3339 Brodtke Rd, Town of Cato, Conditional Use Permit
 5. **Warren Heckmann** – SW¼, SW¼, Section 14, T17N-R22E, 13207 Pioneer Road, Town of Meeme, Variance Request
 6. **Glen Braun** – E' 110' of lots 1&4 block 3 E 2' of W 42' of Lot 1 BLK 3, Section 28, T19N-R22E, 504 S County Rd J, Town of Cato, Variance Requests
- IV. Other Business
 1. On site visit to Premier Lawn & Garden (Dean Schultz, owner) Section 14, T19N-R23E Town of Manitowoc Rapids for berm compliance and documentation of Board response.
- V. Adjournment

Date: June 3, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made.

Any person wishing to travel on the on-sites with the Board, should contact the Manitowoc County Planning and Park Commission office at 920-683-4185 at least two business days before the meeting is scheduled so that appropriate accommodations can be made.

Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
ONSITE MEETING MINUTES**

June 13, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, June 13, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Laurel Vondrachek, Charlie Nate, Orville Bonde, and Marian Schneider. Staff present: Reed Gaedtke.

A motion was made by, Mr. Glaeser seconded by Ms. Vondrachek to approve the agenda for the June 13, 2011 meeting. Upon vote, the motion was approved.

Aye: Bonde, Vondrachek, Nate, Schneider, and Glaeser; No: none

The Board received their folder containing the June 20, 2011 hearing applications.

Mr. Gaedtke gave a brief summary of each applicant's request.

Mr. Gaedtke informed the Board that Dean Schultz completed his berm which was a condition of the Board and stated the Board would be doing a visual inspection of the property, for compliance, during their on-sites today.

Mr. Gaedtke provided a general overview of the events of June 2, 2011; the day Mr. Schultz's berm was constructed and how it was being constructed.

The Board preceded to the onsite locations and returned to the Manitowoc County office Complex when completed.

ADJOURNMENT

Motion by: Mr. Nate to adjourn.

Seconded by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Schneider, and Glaeser; No: none

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: Monday, June 20, 2011
TIME: 7:00 P.M.
PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. ROLL CALL AND CALL TO ORDER
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF MINUTES - APPROVAL OF AGENDA
- IV. PUBLIC HEARINGS
 1. **Mark Sengbusch** - NE $\frac{1}{4}$, NW $\frac{1}{4}$ Section 6, T19N-R21E, 24119 Manitowoc Road, Town of Rockland – Variance Requests
 2. **Dennis Fitzpatrick** – Govt. Lot 1, Section 7, T20N-R24E, 9125 North Lake Drive, Town of Newton, Variance Request
 3. **Max Maigatter** – NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 28, T19N-R21E, 21012 Main Street, Town of Rockland, Variance Requests
 4. **Carl Riederer** - NE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 9, T19N-R22E, 3339 Brodtke Rd, Town of Cato, Conditional Use Permit
 5. **Warren Heckmann** – SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 14, T17N-R22E, 13207 Pioneer Road, Town of Meeme, Variance Request
 6. **Glen Braun** – E' 110' of lots 1&4 block 3 E 2' of W 42' of Lot 1 BLK 3, Section 28, T19N-R22E, 504 S County Rd J, Town of Cato, Variance Requests
- VI. OTHER BUSINESS.
 1. Schedule Next Meeting
- VII. ADJOURNMENT

Date: June 3, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made. Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES**

June 20, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, June 20, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Marian Schneider, Charlie Nate, Laurel Vondrachek and Orville Bonde. Staff present: Reed Gaedtke.

A motion was made by Mr. Glaeser, seconded by Ms. Vondrachek to approve the May 16, 2011 regular meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Glaeser and Schneider; No: none.

A motion was made by Ms. Vondrachek, seconded by Mr. Nate to approve the June 13, 2011 onsite meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Glaeser and Schneider; No: none.

A motion was made by Mr. Schneider, seconded by Mr. Nate to approve the agenda for the June 20, 2011 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Glaeser and Schneider; No: none.

Mr. Gaedtke explained the procedure that would follow. He also stated that within 10 days of the closure of this meeting, copies of the decisions will be delivered to the applicants.

Unfinished Business

NONE

New Business

Mark Sengbusch – Owner of property located at 24119 Manitowoc Rd., in the NE¹/₄, NW¹/₄, Section 6, T19N-R21E, Town of Rockland, Manitowoc County, Wisconsin wherein variances are being requested to replace 5 feet of a dilapidated barn wall on the east corner of the existing barn; and to replace a 5' 6" section of wall along the north side of the barn at 44 feet from the centerline of the road; to construct a 10'x12' feed room between the two reconstructed barn sections at 34 feet from the centerline of the road; and to relocate an existing feed bin at 36 feet from the centerline of Manitowoc Road in an A3, Agricultural, zoned district.

Chairperson Bonde opened the public hearing for Mark Sengbusch.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Mark Sengbusch questions regarding his variance requests.

Public input in support of the request; none.

Public input opposed to the request; none.

Mr. Gaedtke stated the Town of Rockland sent a letter in favor of the variance request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Mark Sengbusch.

Deliberation

Motion by: Ms. Vondrachek to approve the requests because the wall is crumbling and needs repair. The new feed room will be no closer than the existing feed bins and it will still be out of the driveway's site path.

Second by: Ms. Schneider.

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Glaeser and Schneider; *No:* none.

Dennis Fitzpatrick – Owner of property located at 9125 North Lake Dr., in Govt. Lot 1, Section 7 T18N-R23E, Town of Newton, Manitowoc County Wisconsin, parcel (14-007-001-007.00) wherein a variance is being requested to construct an 18'x24' garage at 3 feet 1 inch from the neighboring west property line; in a C1, Conservancy, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Dennis Fitzpatrick.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Eric Stelske, the projects general contractor, questions regarding the variance request.

The Board was very concerned with the proximity of the proposed garage to the road.

Mr. Stelske informed the Board they were planning on installing support posts in the corner of the garage for protection from possible vehicle collisions.

Ms. Siragusa, a neighboring property owner spoke in favor of the request.

Mr. Gaedtke read a statement from Polly Groll who didn't oppose the garage but was concerned about the garages location to the road (copy on file).

Mr. Gaedtke read a petition from neighboring property owners who were in opposition of the request due to the location of the road (copy on file).

Mr. Gaedtke read a statement from the Town of Newton in opposition of the request because of it's location to the road (copy on file).

Mr. Gaedtke informed the Board there is no rear property line setback in a C1 zoned district.

There being no further comments, Chairperson Bonde closed the public hearing for Dennis Fitzpatrick.

Deliberation

Motion by: Ms. Schneider to postpone the request for one month to see if the owner could redesign the garage so it would be further from the road.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

Max Maigatter – Owner of property located at 21012 Main St., in the NE¼, SE¼, Section 28, T19N-R21E, Town of Rockland, Manitowoc County, Wisconsin parcel (15-028-013-003.00) wherein variances are being requested to construct a 28'x28' garage at 37 feet 6 inches from the centerline of Main St; and to construct a 4'x8' second story balcony at 42 feet 6 inches from the centerline of Main St.; and to construct a 44'x44' wrap around deck with stairs at 34 feet 6 inches from the centerline of Main St. in an R3, Residential, zoned district.

Chairperson Bonde opened the public hearing for Max Maigatter.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Max Maigatter questions regarding his variance requests.

Public input in support of the request; none.

Public input opposed to the request; none.

Mr. Gaedtke informed the Board they had a letter in their folders from the Town of Rockland in favor of the variance requests (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Max Maigatter.

Deliberation

Motion by: Mr. Glaeser to approve the variance requests.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

Carl Riederer– Owner of property located at 3339 Brodtke Rd., in the NE¼, NE¼, Section 9, T19N-R22E, Town of Cato, Manitowoc County, Wisconsin; parcel (01-009-002-001.00) wherein an after the fact conditional use permit is being requested to operate a truck repair business in an A1, Agricultural zoned district.

Chairperson Bonde opened the public hearing for Carl Riederer.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Carl Riederer Jr. questions regarding the conditional use permit request.

Public input in support of the request; none.

Public input opposed to the request; none.

Mr. Gaedtke informed the Board; the Town of Cato sent a statement to Planning and Zoning in favor of the conditional use permit request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Carl Riederer.

Deliberation

Motion by: Mr. Nate to approve the conditional use permit request.

Reasons for approval:

1. The business is located far enough off the road.

Conditions:

1. Allowed 2 full time and 2 part time employees.
2. Hours of operation will be Monday thru Saturday from 7:00 a.m. to 7:00 p.m.
3. Sundays as needed.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

Warren Heckmann- Owner of property located at 13207 Pioneer Rd., in the SW ¼, SW ¼, Section 14, T17N-R22E, Town of Meeme, Manitowoc County, Wisconsin, parcel (12-014-011-007.00) wherein a variance is being requested to replace an existing deck with a 16'x 17 ½' three seasons sun room at 48 feet from the ordinary high water mark of the Meeme River, in an A1, Agricultural, S1 shoreland zoned district.

Chairperson Bonde opened the public hearing for Warren Heckmann.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Warren Heckmann questions regarding his variance request.

Public input in support of the request; none.

Public input opposed to the request; none.

Mr. Gaedtke read a letter from the Town of Meeme in favor of the variance request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Warren Heckmann.

Deliberation

Motion by: Ms. Schneider to approve the variance request.

Reasons for approval:

1. They are replacing an existing structure in the same location.
2. The proposed structure will not impact the creek.
3. The proposed structure will not impact the neighboring properties or road.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

Glen Braun- Current owner of property located at 504 S. County Rd. J, in the original plat side of river E' 110' of lots 1&4 block 3 E 2' of W 42' of Lot 1 BLK 3, Section 28, T19N-R22E, Town of Cato, Manitowoc County, Wisconsin, parcel (01-028-004-011.01) wherein variances are being requested by one of the future property owners and applicants, Matt Schuette of 3 Country Guys LLC, to construct a 10' 6" x 52' covered deck with stairs at 33 feet from the centerline of CTH J; at 30 feet from the centerline of Rockland St.; and within the 200' site triangle of CTH J and Rockland St. intersection in an R3, Residential, zoned district.

Chairperson Bonde opened the public hearing for Glenn Braun and Matt Schuette.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Matt Schuette, future owner and applicant, questions regarding the variance requests.

Public input in support of the request; none.

Maureen Lehman, neighboring property owner, stated they were concerned about noise from bottles, and patrons at the location and wanted to see what the proposed addition would look like.

Mr. Gaedtke offered Ms. Lehman the opportunity to look at the site plan of the proposed structure.

Mr. Gaedtke informed the Board the Town of Cato sent a statement to the Planning and Zoning Department in favor of the variance requests (copy on file).

Mr. Gaedtke informed Mr. Schuette that even though there was a difference of two inches; because the legal notification was published at 10 feet 6 inches it needed to be 10 feet 6 inches or less.

There being no further comments, Chairperson Bonde closed the public hearing for Glen Braun and Matt Schuette.

Deliberation

Motion by: Ms. Vondrachek to approve the variance because it will improve the existing hazardous steps; the new structure will be no closer than the existing steps; and someone at the stop sign can still see clearly.

Condition:

1. Fix the existing posts which are leaning so they stand up straight.

Second by: Mr. Glaeser.

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

Other Business

Mr. Gaedtke also informed the Board election of officers will be held at the July 2011 meeting.

The Board scheduled their next meeting for July 18, 2011.

ADJOURNMENT

Motion by: Mr. Glaeser to adjourn.

Seconded by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; *No:* none

Respectfully submitted,

Charles Nate, Secretary

Date



**MANITOWOC COUNTY
BOARD OF ADJUSTMENT
ADVISORY MEETING NOTICE**

DATE: Monday, July 11, 2011

TIME: 9:00 a.m.

PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. Call to Order - Roll Call
- II. Approval of Agenda – Approval of Minutes
"Open Meeting Law Compliance"
- III. Old Business
 1. **Dennis Fitzpatrick** – Govt. Lot. 1, Section 7, T18N-R23E, 9125 North Lake Dr., Town of Newton – Variance Request
- IV. New Business
 1. **Frank and Leah Baur** – Govt. Lot 3, Section 24, T17N-R21E, 14105 Cedar Terrace Rd, Town of Schleswig - Variance Requests
 2. **Jason and Amy Unger** – Govt. Lot 1, Section 23, T17N-R21E, 14207 Woodside Lane, Town of Schleswig – Variance Requests
 3. **Cheryl Gamble** - NW¼, SW¼, Section 4, T19N-R23E, 7709 Carbon Road, Town of Manitowoc Rapids – Variance Request
- V. Adjournment

Date: July 1, 2011

Orville Bonde, Board Chair

By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made.

Any person wishing to travel on the on-sites with the Board, should contact the Manitowoc County Planning and Park Commission office at 920-683-4185 at least two business days before the meeting is scheduled so that appropriate accommodations can be made.

Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
ONSITE MEETING MINUTES**

July 11, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, July 11, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Laurel Vondrachek, Charlie Nate, Orville Bonde, and Marian Schneider. Members Absent: Earl Glaeser. Staff present: Reed Gaedtke.

A motion was made by, Ms. Vondrachek seconded by Ms. Schneider to approve the agenda for the July 11, 2011 meeting. Upon vote, the motion was approved.

Aye: Bonde, Vondracheck, Nate, and Schneider; No: none

The Board received their folder containing the July 18, 2011 hearing applications.

Mr. Gaedtke gave a brief summary of each applicant's request.

Mr. Gaedtke informed the Board of the Wisconsin Department of Natural Resources concerns with the Board's notification process and decisions.

The Board preceded to the onsite locations and returned to the Manitowoc County office Complex when completed.

ADJOURNMENT

Motion by: Mr. Nate to adjourn.

Seconded by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, and Schneider; No: none

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: Monday, July 18, 2011

TIME: 7:00 P.M.

PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. ROLL CALL AND CALL TO ORDER
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF MINUTES - APPROVAL OF AGENDA
- IV. OLD BUSINESS
 1. **Dennis Fitzpatrick** – Govt. Lot. 1, Section 7, T18N-R23E, 9125 North Lake Dr., Town of Newton – Variance Request
- V. PUBLIC HEARINGS
 1. **Frank and Leah Baur** – Govt. Lot 3, Section 24, T17N-R21E, 14105 Cedar Terrace Rd, Town of Schleswig - Variance Requests
 2. **Jason and Amy Unger** – Govt. Lot 1, Section 23, T17N-R21E, 14207 Woodside Lane, Town of Schleswig – Variance Requests
 3. **Cheryl Gamble** - NW¼, SW¼, Section 4, T19N-R23E, 7709 Carbon Road, Town of Manitowoc Rapids – Variance Request
- VI. OTHER BUSINESS.
 1. Schedule Next Meeting
 2. Election of Officers
- VII. ADJOURNMENT

Date: July 1, 2011

Orville Bonde, Board Chair
By: Reed Gaedtko, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made. Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES**

July 18, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, July 18, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Alternate Bob Rasmussen, Marian Schneider, Charlie Nate, Laurel Vondrachek and Orville Bonde. Members Absent: Earl Glaeser. Staff present: Reed Gaedtke.

A motion was made by Ms. Vondrachek, seconded by Mr. Nate to approve the June 20, 2011 regular meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Rasmussen; No: none.

A motion was made by Ms. Schneider, seconded by Ms. Vondrachek to approve the July 11, 2011 onsite meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Rasmussen; No: none.

A motion was made by Ms. Vondrachek, seconded by Mr. Nate to approve the agenda for the July 18, 2011 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Rasmussen; No: none.

Mr. Gaedtke explained the procedure that would follow. He also stated that within 10 days of the closure of this meeting, copies of the decisions will be delivered to the applicants.

Unfinished Business

Dennis Fitzpatrick – Owner of property located at 9125 North Lake Dr., in Govt. Lot 1, Section 7 T18N-R23E, Town of Newton, Manitowoc County Wisconsin, parcel (14-007-001-007.00) wherein a variance is being requested to construct an 18'x24' garage at 3 feet 1 inch from the neighboring west property line; in a C1, Conservancy, S1, Shoreland zoned district.

Chairperson Bonde resumed the postponed public hearing for Dennis Fitzpatrick.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Ed Stelske, the building contractor, questions regarding the updated variance request.

Mr. Stelske informed the Board there would be no overhang on the back of the proposed garage and the water would not drain to the road but be directed away from the road towards the back of the lot.

Claude Siragusa, adjacent property owner, was in favor of the project stating there was plenty of room for emergency vehicles. He also informed the Board that the Fire Department has asked

him permission to pump water from the lake at his property because the road doesn't have a turn around at the end to allow for emergency vehicles to easily turn around.

Mark Knier, an EMS stated he went out and looked at the property and determined and ambulance would not have a problem getting down the road.

Randy Entringer spoke opposed to the project stating the overhang in front of the garage will be closer to the road, there will no room for snow in winter when the snow plow comes through and he was concerned about added water runoff from the structure to the lake.

Mr. Gaedtke read a letter from Newton Fire Chief Tom Hochkammer which stated the fire department would be able to protect the garage the same as any other building on the road.

Mr. Gaedtke read a statement from Town of Newton Chairperson Kevin Behnke stating the Town took no position or recommendation on the request. The Town simply looked at the request as a fire and safety issue and it was determined emergency vehicles can make it down the road (copy on file).

Mr. Gaedtke read a statement from neighboring property owner Carol Entringer who was concerned about the gas line which is located on the north side of the road near the proposed garage and she thought the setback was 5 feet. She also stated she was concerned about the loss of neighboring trees and the cost to neighboring property owners (copy on file).

Mr. Gaedtke read a statement from Ruday Baumann who was in favor of the request (copy on file).

Mr. Gaedtke read a statement from neighboring property owner Mark Barta who was opposed to the request and stated the gas line is on the north side of the road and snow plows and waste haulers have a difficult time getting down the road. He also stated the road is 12 feet wide and there are talks to widen it in the future (copy on file).

Mr. Gaedtke read a letter from neighboring property owner Douglas Quick opposed to the project (copy on file).

Mr. Gaedtke read a petition from neighboring property owners opposing the request (copy on file).

Mr. Gaedtke read a letter from neighboring property owners opposing the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Dennis Fitzpatrick.

Deliberation

Motion by: Ms. Schneider to grant the variance for an 18'x22' garage at 3' 1" from the neighboring west property line.

Reasons for Approval:

1. The unique physical limitation of the lot, which is a small irregular shaped parcel at the crest of a hill next to a narrow road, creates a hardship for the owner to meet ordinance requirements.
2. The owner does not have a garage and this is the only reasonable area to construct one.
3. Space is limited due to lot features.
4. The applicant has exhibited cooperation by down sizing the structure and moving it as far back as possible.
5. The request is not contrary to the public interest because testimony was taken from the fire department and an EMT technician who looked at this property to see if there would be any safety hazards and they found none.

Conditions of Approval:

1. Locate the gas line prior to construction.
2. No overhang on the rear of the garage.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Rasmussen; *No:* None.

New Business

Frank and Leah Baur– Owners of property located at 14105 Cedar Terrace Rd., in Govt. Lot 3, Section 24, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin; parcel (016-500-001-014.00) wherein variances are being requested to construct a 11' 10" x 26' deck with stairs at 4 feet from the north property line and at 38 feet 2 inches from the ordinary high water mark of Cedar Lake; and to reconstruct a dilapidated 8'x13' lower level deck, at 30 feet 2 inches from the ordinary high water mark of the lake; and to replace an existing 33' long x 5' high retaining wall at 18 feet from the ordinary high water mark and at 0 feet from the south property line; and to replace an existing 34' long x 4' high retaining wall at 24 feet from the ordinary high water mark and at 0 feet from the south property line; and to replace existing 42" wide steps and sidewalk/landing at 46 feet from the ordinary high water mark of Cedar Lake in an LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Frank and Leah Baur.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Glen Christel, agent and builder for Mr. and Mrs. Baur, questions regarding the variance requests.

Town of Schleswig Chairperson, Dennis Salzman stated the Town was in favor of the request because it would be correcting some problems.

Town of Schleswig Planning Commission Chairperson, Ken Smasal stated their Commission also approved of the request and the structures need repair.

Mr. Gaedtke read a letter from WDNR specialist Tom Blake, opposed to the variance requests if the States three criteria for variances could not be met. If the three criteria needed to approve a variance could be met Mr. Blake suggested vegetative screening to hide the retaining walls and to remove the small storage building near the lakeshore to help reduce impervious surface on the property (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Frank and Leah Baur.

Deliberation

Motion by: Ms. Vondrachek to modify and approve the variance with conditions. The upper deck could not be made larger.

Conditions of Approval:

1. Vegetation must be planted in front of the retaining wall closest to the lake to create a vegetative buffer which will screen the retaining wall from the lake.
2. Since the smaller deck will remain the existing storage building next to the lake must be removed from the shoreline to reduce the lots impervious surface area.

Reasons for Approval:

1. The lot is very steep preventing the owners from reasonably using the yard without the use of stairs or decks.
2. The request is not contrary to the public's interest because nothing is increasing from what is currently there. There will be less of a visual impact because the upper deck will remain the same size, the retaining wall closest to the lake will now have vegetation screening it from view of the shoreline and the shed along the shoreline will be moved creating less impervious surface for water runoff to the lake and a better view of the shoreline.
3. The topography of the lot and its unique limitations caused by the steep slope creates a hardship for accessing and using the property.
4. The topography also creates a hardship by requiring retaining walls needed to stabilize the soil and prevent erosion.
5. The steps along the house are crumbling and in dire need of being repaired or replaced.
6. The retaining walls, which are the current requested height, are falling over towards the lake creating a potential for unstable soil eroding into the lake.
7. The deck posts and the upper deck boards are unstable.
8. The upper deck can be replaced for the reasons listed but must keep its current dimensions. The upper deck cannot be constructed 16" wider to be the same width as the house and it cannot be extended 2 feet closer to the water as requested in the application.
9. The lower deck is dilapidated; the support posts are tipping over and the deck is needed to provide a strong base and safe access from the above deck stairs down the steep slope.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Rasmussen; *No:* none.

Jason and Amy Unger – Owners of property located at 14207 Woodside Ln., in Govt. Lot 1, Section 23, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin; parcel (16-023-

013-004.00) wherein variances are being requested to construct a 28'x36' cottage at 5 feet from the neighboring northeast property line, and to expand the front landing on both sides of the pre-approved stairs and landing to create a 7'x28' patio/deck at 35 feet from the ordinary high water mark of Cedar Lake and at 5 feet from the neighboring northeast property line; and to replace walls on the existing storage building, if needed, at 1 foot from the neighboring southwest property line in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Jason and Amy Unger.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Jason and Amy Unger questions regarding the variance requests.

The Town of Schleswig Plan Commission Chairperson, Ken Smasal, stated their commission was in favor of the request.

Town of Schleswig Chairperson, Dennis Salzman stated the Town was in favor of the request and that one of Mr. Unger's neighbors had called him to inform him they also approved of the request.

Opposed - none

Mr. Gaedtke read a letter from WDNR specialist Tom Blake regarding the request and in opposition of the proposed deck addition (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Jason and Amy Unger.

Deliberation

Motion by: Ms. Schneider to deny the deck request but to approve the storage building and house variance requests.

Reasons:

1. The deck was denied because the hardship is self created. The Board previously approved a 7'x8' landing with stairs for ingress and egress which is all that was needed to alleviate a hardship.
2. The applicant can reasonably use the property without the requested deck.
3. The deck would be contrary to the public interest because it would be part of the house and would bring the structure back to 35 feet from the ordinary high water mark.
4. The Board was able to move the house back from the ordinary high water mark during a previous hearing and the creation of the proposed deck would contradict that earlier motion.
5. The garage request was approved because it is in need of repair and the owner needs a storage building.
6. The size of the lot limits the space needed to meet ordinance side yard setback requirements for the garage and house.
7. The storage building can be repaired as needed.

8. The property line variance for the house and garage is approved and are not contrary to the public interest because neighboring property owners did not object to the proposed request.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Rasmussen; *No:* None.

Cheryl Gamble – Owner of property located at 7709 Carbon Rd., in the NW¼, SW¼, Section 4, T19N-R23E, Town of Manitowoc Rapids Manitowoc County, Wisconsin; parcel (10-004-010-004.00) wherein variances are being requested to construct a 16'x21' wrap around deck at 39 feet from the center line of the road and to construct a 24'x28' home addition at 55 feet from the centerline of Carbon Rd. in an R2, Residential zoned district.

Chairperson Bonde opened the public hearing for Cheryl Gamble.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked James Wester, representative for Ms. Gamble, questions regarding the variance requests.

Support – none

Jim Srnka, neighboring property owner wanted to know where the proposed deck and addition were located on the property and how far it would be from his property line.

There being no further comments, Chairperson Bonde closed the public hearing for Cheryl Gamble.

Deliberation

Motion by: Mr. Nate to approve the variance request.

Reasons:

1. The existing landing is dilapidated and the house is located within the road setback so without the use of a landing and deck the owners do not have reasonable ingress and egress.
2. The location of the requested structures is not contrary to public interest.
3. The owners need the extra room provided by the house addition which will be located behind the house which is located within the road setback creating a hardship.

Second by: Mr. Rasmussen

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Rasmussen; *No:* None.

Other Business

The Board scheduled their next meeting for August 15, 2011.

Mr. Gaedtke informed the Board there would be a 1 year review of the Dean Schultz conditional use permit at the August 15, 2011 meeting.

The Board conducted their annual election of officers.

Motion by: Ms. Vondrachek to nominate Orville Bonde as Chairperson, to close nominations and cast a unanimous vote.

Seconded by: Mr. Rasmussen

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Rasmussen; *No:* none

Motion by: Mr. Nate to nominate Laurel Vondrachek as Vice Chairperson and close nominations.

Seconded by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Rasmussen; *No:* none

Motion by: Ms. Schneider to nominate Charles Nate as Secretary and close nominations.

Seconded by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Rasmussen; *No:* none

ADJOURNMENT

Motion by: Ms. Vondrachek to adjourn.

Seconded by: Mr. Nate

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Rasmussen; *No:* none

Respectfully submitted,

Charles Nate, Secretary

Date



**MANITOWOC COUNTY
BOARD OF ADJUSTMENT
ADVISORY MEETING NOTICE**

DATE: Monday, August 8, 2011

TIME: 9:00 a.m.

PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. Call to Order - Roll Call
- II. Approval of Agenda – Approval of Minutes
"Open Meeting Law Compliance"
- III. New Business
 1. **Derrick Konz** – SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 5, T19N-R23E, 8112 Village Dr.,
Town of Manitowoc Rapids - Variance Requests
 2. **Rebecca Rach** – Govt. Lot 2, Section 2, T17N-R21E, 10336 Paradise Ln.,
Town of Schleswig – Variance Requests
 3. **Mark Johaneck** - SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 15, T21N-R24E, 5028 Johaneck Rd.,
Town of Two Creeks – Variance Request
 4. **Dean Schultz** – Section 14, T19N-R23E, 5202 Sunset Road, Town of
Manitowoc Rapids, Yearly review of previously approved conditional use
permit.
- IV. Adjournment

Date: August 1, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made.

Any person wishing to travel on the on-sites with the Board, should contact the Manitowoc County Planning and Park Commission office at 920-683-4185 at least two business days before the meeting is scheduled so that appropriate accommodations can be made.

Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
ONSITE MEETING MINUTES**

August 8, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, August 8, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Marian Schneider, Orville Bonde, Laurel Vondrachek, and Charlie Nate. Staff present: Reed Gaedtke.

A motion was made by, Ms. Vondrachek seconded by Ms. Schneider to approve the agenda for the August 8, 2011 meeting. Upon vote, the motion was approved.

Aye: Bonde, Vondrachek, Nate, Schneider and Glaeser; No: none

The Board received their folder containing the August 15, 2011 hearing applications and conditional use permit review.

Mr. Gaedtke gave a brief summary of each applicant's request including the conditional use permit review.

The Board preceded to the onsite locations and returned to the Manitowoc County office Complex when completed.

ADJOURNMENT

Motion by: Mr. Nate to adjourn.

Seconded by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Schneider, and Glaeser; No: none

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: Monday, August 15, 2011
TIME: 7:00 P.M.
PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. ROLL CALL AND CALL TO ORDER
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF MINUTES - APPROVAL OF AGENDA
- IV. PUBLIC HEARINGS
 1. **Derrick Konz** – SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 5, T19N-R23E, 8112 Village Dr., Town of Manitowoc Rapids - Variance Requests
 2. **Rebecca Rach** – Govt. Lot 2, Section 2, T17N-R21E, 10336 Paradise Ln., Town of Schleswig – Variance Requests
 3. **Mark Johaneck** - SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 15, T21N-R24E, 5028 Johaneck Rd., Town of Two Creeks – Variance Request
 4. **Dean Schultz** – Section 14, T19N-R23E, 5202 Sunset Road, Town of Manitowoc Rapids, Yearly review of previously approved conditional use permit.
- V. OTHER BUSINESS.
 1. Schedule Next Meeting
- VI. ADJOURNMENT

Date: August 1, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made. Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES**

August 15, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, August 15, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Marian Schneider, Charlie Nate, Laurel Vondrachek and Orville Bonde. Staff present: Reed Gaedtke.

A motion was made by Mr. Nate, seconded by Mr. Glaeser to approve the July 18, 2011 regular meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; No: none.

A motion was made by Ms. Vondrachek, seconded by Ms. Schneider to approve the August 8, 2011 onsite meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; No: none.

A motion was made by Mr. Glaeser, seconded by Ms. Vondrachek to approve the agenda for the August 15, 2011 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; No: none.

Mr. Gaedtke explained the procedure that would follow. He also stated that within 10 days of the closure of this meeting, copies of the decisions will be delivered to the applicants.

Unfinished Business

None

New Business

Derrick Konz – Owner of property located at 8112 Village Dr., in the SW¼, NE¼, Section 5, T19N-R23E, Town of Manitowoc Rapids, Manitowoc County, Wisconsin; wherein variances are being requested to construct a handicap ramp and a deck ranging from 6' to 16 feet wide x 110' along the front of the building at 30 feet from the centerline of the road in a B1, Business, zoned district.

Chairperson Bonde opened the public hearing for Derrick Konz.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Derrick Konz questions regarding the variance requests.

Those in favor of the request: None.

Those opposed to the request: None.

There being no further comments, Chairperson Bonde closed the public hearing for Derrick Konz.

Deliberation

Motion by: Mr. Glaeser to approve the variance request for a handicap accessible ramp and deck to be located at 30 feet from the centerline of the road.

Second by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; *No:* none.

Rebecca Rach – Owner property located at 10336 Paradise Ln., in Govt. Lot 2, Section 2, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin; parcel (16-002-008-014.00) wherein variances are being requested to construct a 40'x40' paver brick patio at 26 feet from the ordinary high water mark of Wilke Lake and to construct a 4'x50' walkway along side the house to the patio at 0' from the neighboring south property line and at 66 feet from the ordinary high water mark of Wilke Lake in an LR, Lake Residential, NA, Natural Area, S1, Shoreland, zoned district.

Chairperson Bonde opened the public hearing for Rebecca Rach.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Michael and Rebecca Rach questions regarding the variance requests.

Mr. Rach informed the Board that their parcel use to be smaller but in January land was purchased to construct a road to access Glen Flora Rd. Mr. Rach went on to say that the patio could not be placed west of their house because the Town had used most of the land for the new road and the remaining land was swamp.

Mr. Gaedtke read a letter from the Town of Schleswig Chairman, Dennis Salzman, which stated the Town was in favor of the request.

Mr. Gaedtke read a letter from Wisconsin DNR official Tom Blake, which stated reasons the Board should look at denying the request.

There being no further comments, Chairperson Bonde closed the public hearing for Rebecca Rach.

Deliberation

Motion by: Ms. Vondrachek to modify and then approve the variance to construct a 40' wide x 20' long paver brick patio at 46 feet from the ordinary high water mark of Wilke Lake and to construct a 42"x50' walkway along side the house to the patio at 5' from the neighboring south property line and at 66 feet from the ordinary high water mark of Wilke Lake with the following conditions and for the following reasons.

Conditions:

1. There must be at least a ½ inch space between all pavers.
2. The pavers must be bedded on gravel or some other type of pervious material which will catch and absorb water run off.
3. The proposed patio must be shortened from 40 feet long to 20 feet to create a bigger natural area.
4. The walkway will be reduced to 42” wide as listed in the ordinance and it must be located 5 feet from the neighboring property line because there is enough room to meet the required side yard setback.

Reasons for Approval:

1. The patio area will not be contrary to the public interest because the area will be surrounded by vegetative plantings and wood bark which will screen the patio from the lake, beautify the shoreline, and create a buffer to help prevent runoff.
2. The lack of buildable space on the existing lot and current location of the house creates a hardship. The land west of the house was first purchased in January for the purpose of constructing a road. The Town recently constructed the road which gives four families living along the lake access to Glen Flora Rd. The road used up most of the buildable area west of the house and the remaining land is to “swampy” to build.

Second by: Mr. Nate

Upon vote: The motion was approved 4 to 1.

Aye: Bonde, Vondracheck, Nate, and Glaeser; *No:* Schneider.

Mark Johanek – Owners of property located at 5028 Johanek Rd., in the SW¼, NE¼, Section 15, T21N-R24E, Town of Two Creeks, Manitowoc County, Wisconsin; parcel (17-015-003-000.00) wherein a variance is being requested to construct a 20’x152’ barn addition at 8 feet from the neighboring north property line in an A3, Agricultural zoned district.

Chairperson Bonde opened the public hearing for Mark Johanek.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Mr. Johanek questions regarding the variance request.

Those in favor of the request: none.

Those opposed to the request: none.

There being no further comments, Chairperson Bonde closed the public hearing for Mark Johanek.

Deliberation

Motion by: Glaeser to approve the variance as requested with the following condition. The 8’ area to the neighboring north property line must stay as grass which will work as a filtering strip. No concrete is allowed within that 8 foot area.

Second by: Ms. Vondracheck

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; No: None.

Dean Schultz Conditional Use Permit Review– Owner of property located at 5202 Sunset Rd., located in Section 14, T19N-R23E, Town of Manitowoc Rapids, Manitowoc County, Wisconsin parcel (10-014-006-004.00) wherein a yearly review is being conducted of a previously approved conditional use permit, to operate a landscaping and woodcutting business in an A-1, Agricultural, zoned district.

Chairperson Bonde opened the review and asked the Board for any questions or comments.

The Board asked Dean Schultz and his attorney Mr. David Pawlowski, questions regarding the business.

Ms. Vondrachek stated the property was much improved and the Board had visited the property several times and that Mr. Schultz really complied with everything on his permit; then congratulated Mr. Schultz for it.

Mr. Glaeser stated that he was originally the one who wanted to see the berm and trees planted and have no problem with the trees or the berm that Mr. Schultz constructed however he would have liked to see the trees be bigger because seedlings take a longer time to grow.

Mr. Schultz informed the Board that he has stopped commercial wood cutting because in July new ash bore laws regarding tree cutting went into effect and it was no longer cost effective. The wood on his property is being used for private use only.

Mr. Nate asked about the snow storage incident and Mr. Schultz informed the Board that he has two sites to store snow. When he brought the snow to his property he didn't know that wasn't included in with the snow removal condition on the permit. Mr. Schultz also stated this coming winter no snow would be stored on the property.

The Board wanted to hear from the public and provided opportunity for everyone wishing to speak to have a 5 minute time limit.

Attorney Ron Kaminsky represented some of the home owners who live on Remiker Lane and stated he was not asking to withdraw the conditional use permit but did submit a binder of letters from home owners who were subjected to abusive language and gestures since the business started using Remiker Ln (copy on file).

Mr. Kaminisky also submitted information regarding the Remiker Lane access granted by the City of Manitowoc (copy on file) and asked the Board to defer their comment until Corporation Counsel looks into where Mr. Schultz has road access to his property.

Dan Reimer, a neighboring property owner, informed the Board about water issues, and berm creation problems, mature trees which would die because of the berm being created and shooting incidents all occurring on Mr. Schultz's property.

Susan Emmerson who lives on Remiker Ln. spoke for children and parents with children who are concerned about their safety from vehicles going in and out of Mr. Schultz's property.

Ray Jatczak who lives on Remiker Ln. stated would not have bought their house on Remiker Ln. if he knew the business could access the road; because he wanted a safe environment for their kids.

Sandy Boehm adjacent property owner stated she fears for her grandchild's safety and that they have received threats.

Dave Pawlowski, attorney representing Mr. Schultz stated Mr. Schultz went through the proper channels when applying for permits and first came to the County after the City of Manitowoc approved the driveway access. He also stated the City of Manitowoc already addressed the access issue.

Ms. Schneider stated she wanted clarification on the outlet issue.

Mr. Bonde stated they had clarification from the City attorney at the February 2010 hearing and then read the last paragraph of the letter from the attorney.

There being no further comments, Chairperson Bonde closed the Dean Schultz review.

A motion was made by Mr. Glaeser stating Mr. Schultz pretty much covered the basis of the conditions and that he had met the conditions of his permit. He stated he wants to see the berm stay clean and well kept and wanted another 12 month review of the property. Then Mr. Glaeser added a condition to Mr. Schultz's conditional use permit stating;

1. Snow from off premise sites can not be stored on the property

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; *No:* none.

Other Business

The Board scheduled their next meeting for September 19, 2011 and the onsite meeting for September 12, 2011.

ADJOURNMENT

Motion by: Ms. Vondrachek to adjourn.

Seconded by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; *No:* none

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY MEETING NOTICE

DATE: Monday, September 12, 2011

TIME: 9:00 a.m.

PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. Call to Order - Roll Call
- II. Approval of Agenda – Approval of Minutes
"Open Meeting Law Compliance"
- III. New Business
 1. **Jeffrey Nichols** – NE¼, NE¼, Section 17, T19N-R22E, 2132 Menchalville Rd., Town of Cato - Variance Requests
 2. **Scott Elliot** – E¼ Section 6, T18N-R24E, 1513 Lone Oak Lane, Town of Manitowoc – Variance Requests
 3. **Dennis Fitzpatrick** – Govt. Lot 1, Section 7, T18N-R23E, 9125 North Lake Rd., Town of Newton – Variance Request
 4. **Jerome and Mary Jo Bolf** – Govt. Lot 3, Section 2, T17N-R21E, 19516 Henning Road, Town of Schleswig – Variance Request
 5. **Martin Hoffman** - NE¼, SE¼, Section 30, T20N-R24E, 1311 Shoto Rd., Town of Kossith – Conditional Use and Variance Request
- IV. Adjournment

Date: September 1, 2011

Orville Bonde, Board Chair

By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made.

Any person wishing to travel on the on-sites with the Board, should contact the Manitowoc County Planning and Park Commission office at 920-683-4185 at least two business days before the meeting is scheduled so that appropriate accommodations can be made.

Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
ONSITE MEETING MINUTES**

September 12, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, September 12, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Marian Schneider, Orville Bonde, Laurel Vondrachek, and Charlie Nate. Staff present: Reed Gaedtke.

A motion was made by, Mr. Glaeser seconded by Ms. Schneider to approve the agenda for the September 12, 2011 meeting. Upon vote, the motion was approved.

Aye: Bonde, Vondrachek, Nate, Schneider and Glaeser; No: none

A motion was made by Ms. Vondrachek, seconded by Mr. Nate to approve the August 15, 2011 regular meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Schneider and Glaeser; No: none.

The Board received their folder containing the September 12, 2011 hearing applications.

Mr. Gaedtke gave a brief summary of each applicant's request then the Board proceeded to the onsite locations and returned to the Manitowoc County office Complex when completed.

ADJOURNMENT

Motion by: Mr. Nate to adjourn.

Seconded by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Schneider, and Glaeser; No: none

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: Monday, September 19, 2011
TIME: 7:00 P.M.
PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. ROLL CALL AND CALL TO ORDER
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF MINUTES - APPROVAL OF AGENDA
- IV. PUBLIC HEARINGS
 1. **Jeffrey Nichols** – NE¼, NE¼, Section 17, T19N-R22E, 2132 Menchalville Rd., Town of Cato - Variance Requests
 2. **Scott Elliot** – E¼ Section 6, T18N-R24E, 1513 Lone Oak Lane, Town of Manitowoc, – Variance Requests
 3. **Dennis Fitzpatrick** – Govt. Lot 1, Section 7, T18N-R23E, 9125 North Lake Rd., Town of Newton – Variance Request
 4. **Jerome and Mary Jo Bolf** – Govt. Lot 3, Section 2, T17N-R21E, 19516 Henning Road, Town of Schleswig – Variance Request
 5. **Martin Hoffman** - NE¼, SE¼, Section 30, T20N-R24E, 1311 Shoto Rd., Town of Kossith – Conditional Use and Variance Request
- V. OTHER BUSINESS.
 1. Schedule Next Meeting
- VI. ADJOURNMENT

Date: September 1, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made. Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES**

September 19, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, September 19, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Marian Schneider, Charlie Nate, Laurel Vondrachek and Orville Bonde. Staff present: Reed Gaedtke.

A motion was made by Ms. Schneider, seconded by Ms. Vondrachek to approve the September 12, 2011 onsite meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Schneider and Glaeser; No: none.

A motion was made by Ms. Vondrachek, seconded by Mr. Nate to approve the agenda for the September 19, 2011 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Schneider and Glaeser; No: none.

Mr. Gaedtke explained the procedure that would follow. He also stated that within 10 days of the closure of this meeting, copies of the decisions will be delivered to the applicants.

Unfinished Business

None

New Business

Jeffrey Nichols – Owners of property located at 2132 Menchalville Rd., in the NE¹/₄, NE¹/₄, Section 17, T19N-R22E, Town of Cato, Manitowoc County, Wisconsin; parcel (01-017-001-002.00) wherein a conditional use permit is being requested to expand a previously approved business by constructing a 14'x26' office addition in an A1, Agricultural zoned district.

Chairperson Bonde opened the public hearing for Jeff Nichols.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Jeff Nichols questions regarding the conditional use permit request.

Mr. Nichols explained why he needed the addition.

People in attendance in favor of the request; none.

People in attendance opposed to the request; none.

Mr. Gaedtke read a statement from the Town of Cato in favor of the conditional use permit request.

There being no further comments, Chairperson Bonde closed the public hearing for Jeff Nichols.

Deliberation

Motion by: Mr. Nate to approve the conditional use permit request because the addition will allow for more office space which will help the business and the proposed addition is no closer to the road than the existing structure.

Second by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; *No:* none.

Scott Elliot – Owner property located at 1513 Lone Oak Ln., in the E ½, Section 6, T18N-R24E, Town of Manitowoc, Manitowoc County, Wisconsin, parcel (09-510-006-018.17); wherein a variance is being requested to locate a 12'x12' shed at 2 feet from the neighboring west and south property lines in an R3, Residential, zoned district.

Chairperson Bonde opened the public hearing for Scott Elliot.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Scott Elliot questions regarding the variance request.

Mr. Elliot informed the Board that there were no deed restrictions on his property regarding out buildings.

People in attendance in favor of the request; none.

People in attendance opposed to the request; none.

Mr. Gaedtke read a letter from the Town of Manitowoc in favor of the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Scott Elliot.

Deliberation

Motion by: Mr. Glaeser to approve the variance request for the following reasons.

1. Neighboring property owners do not oppose the request.
2. The septic drain field prevents the shed from being moved further from the lot lines.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

Dennis Fitzpatrick – Owner of property located at 9125 North Lake Dr., in Govt. Lot 1, Section 7 T18N-R23E, Town of Newton, Manitowoc County Wisconsin, parcel (14-007-001-007.00) wherein variances are being requested to construct a 52' high retaining wall ranging from 3' to 7' in height and located at 3 feet from the neighboring west property line and at 36 feet from the ordinary high water mark of English Lake, in a C1, Conservancy, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Dennis Fitzpatrick.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Craig Pantel from Touch the Earth Landscaping and representative for Mr. Fitzpatrick, questions regarding the variance requests.

Mr. Pantel informed the Board that the existing drainage pipe is designed to catch water which slowly weeps out the end of the pipe. The existing lawn is in good shape and that care would be taken to make sure the area remains vegetated with lawn to prevent erosion. Mr. Pantel also informed the Board that the steep slope area would be vegetated with plants such as red fescue in order to prevent erosion.

People in attendance in favor of the request; none.

People in attendance opposed to the request; none.

Mr. Gaedtke read a statement from the Town of Newton stating the Town didn't object to the request (copy on file).

Mr. Gaedtke read a letter from the WDNR with suggestions for the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Dennis Fitzpatrick.

Deliberation

Motion by: Ms. Schneider to approve the variance request.

Reasons for Approval:

1. There is an extremely steep slope to the west which is a unique limitation of the property creating a hardship for the owner to reasonably use the property. Therefore a retaining wall is required to prevent erosion and for safety purposes.
2. The retaining wall would not be contrary to the public interest because the existing wall is failing and needs to be replaced and the water needs to be channeled away from the dwelling.

Conditions of Approval:

1. Vegetative plantings are required to screen the last 5 feet of the wall from the lake.
2. The water discharge area must remain properly protected with vegetation to keep the soil stable and minimize negative effects of discharge on the lake

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

Jerome and Mary Jo Bolf - Owners of property located at 19516 Henning Rd., in Govt. Lot 3, Section 2, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, parcel (16-530-002-017.00) wherein variances are being requested to replace a failing foundation then reconstruct the 22' x 30' portion of the house over the new foundation located at 36 feet from the ordinary high

water mark of Wilke Lake and to construct a 4'x5' landing at 32 feet from the ordinary high water mark of Wilke Lake, in an LR, Lake Residential, S1, Shoreland, zoned district.

Chairperson Bonde opened the public hearing for Jerome and Mary Jo Bolf.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Glen Christel, builder and representative for Mr. and Mrs. Bolf, questions regarding the variance requests.

Mr. Christel informed the Board that the foundation is crumbling and that some type of entrance would also be needed at the garage door because of the approximate 2 ½' drop in grade and it was thought that a wooden landing would be better than impervious concrete steps.

Mr. Christel also informed the Board that the existing house deck is staying.

Ken Smasal from the Town of Schleswig Planning committee stated the Town of Schleswig inspected the property and the foundation was bad and because the foot print wasn't changing, the Town was in favor of the request.

People in attendance opposed to the request; none.

Mr. Gaedtke read a letter from neighbors Bill and Karen Schlegal who stated they were in favor of the variance requests.

Mr. Gaedtke read a letter from the WDNR with comments and suggestions to the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Jerome and Mary Jo Bolf.

Deliberation

Motion by: Ms. Vondracheck to approve the variance requests with the following conditions.

Reasons for approval:

1. The lot size and failing foundation creates a hardship which would prevent the owners from using there house.
2. The owners would not have reasonable use of the property with the failing foundation because the structure would not be supported and the house would crumble.
3. The request is not contrary to public because the area is not expanding, it is just being replaced and conditions are required to help screen the area from the lake.
4. Because of the grade elevation at the back of the garage some type of area is needed for ingress and egress and a wood constructed landing will allow rain water to run through and be absorbed by the soil verses having impervious concrete steps by the back door or a concrete walkway wrapping around the garage for needed access to the lake side of the property.

Conditions of Approval:

1. Native vegetation must be used to screen the 4'x5' landing from the lake.
2. The owner is allowed a lake frontage view corridor which shall be 30% of the lake frontage width. The remaining area along the waters edge must be screened from the lake with native plantings consisting of plants, shrubs, and trees. *(The lot is approximately 70 feet wide which means the view corridor would be 21 feet.)*

Second by: Ms. Schneider.

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; *No:* none.

Martin Hoffman – Owner of property located at 1311 Shoto Rd., in the NE¼, SE¼, Section 30, T20N-R24E, Town of Kossuth, Manitowoc County, Wisconsin; parcel (07-130-013-003.00) wherein Melissa Hoffman the applicant, wishes to obtain a conditional use permit and a variance to operate a dog grooming business and to locate a lighted 4 ½' x 6 ½' on premise sign at 42 feet from the centerline of a Town road in an A1, Agricultural zoned district.

Chairperson Bonde opened the public hearing for Martin Hoffman the owner and Melissa Hoffman the applicant.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Melissa Hoffman, the applicant, questions regarding the conditional use permit and variance request.

The Board asked Ms. Hoffman what her hours of operation were, if she owned the horses, and if she needed a lighted sign and Ms. Hoffman responded with her hours of operation that the horses were hers and a friend's and that she didn't need to have the sign lighted.

Ms. Hoffman went on to say that she had no intentions of expanding the business to hire more employees, and that it was her only income.

People in attendance in favor of the request; none.

Dave Diedrich, representative for neighboring property owners Patty and Judy White, read a letter from Ms. Patty White opposing the conditional use permit request due to noise from dog barking and added traffic to the area (copy on file).

Mr. Diedrich also read an email from Judy Barnette, an apparent realtor, commenting on the noise in the area (copy on file).

Mr. Diedrich also read an email from Shelly Vogel informing the Whites that potential property buyer's would not buy the White's house because of the noise (copy on file).

Michael Micksch neighboring property owner stated he did not have a problem with the dog grooming, just the noise coming from excessive dog barking.

Town of Kossuth Supervisor, Jim Froelich, stated the Town had concerns because the business was run and 3 buildings constructed on the property without permits, and they were concerned with added traffic to the area for motorists and people walking on the road.

Ms. Hoffman stated that she has been operating for 3 years didn't know she needed permits, and now has a lot of clients.

When asked if the Martin Hoffman was related to her; Ms. Hoffman stated the Martin Hoffman is no relation.

Ms. Hoffman also informed the Board that her six personal dogs bark mainly when other people's dogs start barking or if deer or turkey's walk by and that other people have problems with barking dogs in the area too.

There being no further comments, Chairperson Bonde closed the public input portion of the hearing for Martin and Melissa Hoffman.

The Board began discussing the issue and had some questions for Ms. Hoffman and the Town of Kossuth.

Motion by: Ms. Vondrachek to reopen the input portion to have the Town and Ms. Hoffman answer some more questions.

Seconded by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; *No:* none.

Ms. Hoffman was asked if she boarded dogs and if so how many. She responded by saying she did board them but only 1 or 2 per year and added that she is trying to get rid of the two outside dogs along with their puppies which would take care of a lot of the barking issues because they were the dogs which do all the barking.

The Town was asked questions regarding the barking dogs in the area and Town Supervisor Jim Froelich stated that there are other properties in the area that have problems with barking dogs.

The Board asked Mr. Froelich about the Town's barking ordinances.

There being no further comments, Chairperson Bonde closed the public input portion of the hearing for Martin and Melissa Hoffman.

Deliberation

The Board discussed whether it would be right to limit the number of personal dogs Ms. Hoffman could have when there are other neighbors in the area with barking dogs that would not have to limit the number they own.

Motion by: Ms. Vondrachek to deny the variance request for the sign and to approve the conditional use permit for the dog grooming business with the following conditions.

Conditions of approval:

1. Hours of operation will be 9:00 a.m. to 5:00 p.m. Monday through Saturday.
2. No work on Sundays.

3. The sign must be located 60 feet from the centerline of the road.
4. The sign can not be lighted.
5. No employees.
6. Only grooming is allowed.
7. Boarding of dogs is not allowed.
8. Her older personal dogs shall be licensed.
9. There will be a one year review of the conditional use permit.
10. The Town needs to enforce their barking ordinance and issue citations or remove her dogs if needed.

Second by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; *No:* none.

Other Business

The Board scheduled their next meeting for October 17, 2011 and the onsite meeting for October 10, 2011.

ADJOURNMENT

Motion by: Mr. Glaeser to adjourn.

Seconded by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Rasmussen; *No:* none

Respectfully submitted,

Charles Nate, Secretary

Date



**MANITOWOC COUNTY
BOARD OF ADJUSTMENT
ADVISORY MEETING NOTICE**

DATE: Monday, October 10, 2011
TIME: 9:00 a.m.
PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. Call to Order - Roll Call
- II. Approval of Agenda – Approval of Minutes
"Open Meeting Law Compliance"
- III. Other Business
The Board may convene in closed session pursuant to Wis. Stat. § 19.85 (1) (g) to consider the following matter:

the suit from the Department of Justice regarding a decision made
by the Board of Adjustment

If the Board has convened in closed session, it will reconvene in open session.

- IV. New Business
 - 1. **Steven and Suzanne Bratz** – SE¼, SE¼, Section 8, T19N-R22E,
2224 Menchalville Rd., Town of Cato - Variance Requests
 - 2. **Karen Weichart** – NE¼, SE¼, Section 28, T19N-R21E, 21110 Main St.,
Town of Rockland – Conditional Use Permit Request
 - 3. **Arlene Zajkowski** – Govt. Lot 4, Section 2, T17N-R21E, 10534 Sunny
Vista Lane, Town of Schleswig – Variance Requests
 - 4. **Joey Edler** – Govt. Lot 2, Section 23, T17N-R21E, 18830 Twin Bay
Lane, Town of Schleswig – Variance Request
- V. Adjournment

Date: October 3, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made.

Any person wishing to travel on the on-sites with the Board, should contact the Manitowoc County Planning and Park Commission office at 920-683-4185 at least two business days before the meeting is scheduled so that appropriate accommodations can be made.

Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
ONSITE MEETING MINUTES**

October 10, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, October 10, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Marian Schneider, Orville Bonde, Laurel Vondrachek, and Charlie Nate. Staff present: Reed Gaedtke. Others in attendance: Corporation Counsel, Steve Rollins.

A motion was made by, Ms. Vondracheck seconded by Ms. Schneider to approve the agenda for the October 10, 2011 meeting. Upon vote, the motion was approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; No: none

A motion was made by, Mr. Glaeser seconded by Mr. Nate to convene in closed session to consult with Corporation Counsel regarding the Department of Justice appeal of a past decision by the Board. Upon vote, the motion was approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; No: none

A motion was made by, Ms. Vondracheck seconded by Ms. Schneider to reconvene in open session at 9:32 a.m. Upon vote, the motion was approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; No: none

The Board received their folder containing the October 17, 2011 hearing applications.

Mr. Gaedtke gave a brief summary of each applicant's request.

The Board preceded to the onsite locations and returned to the Manitowoc County office Complex when completed.

ADJOURNMENT

Motion by: Ms. Schneider to adjourn.

Seconded by: Mr. Nate

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; No: none

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: Monday, October 17, 2011
TIME: 7:00 P.M.
PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. ROLL CALL AND CALL TO ORDER
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF MINUTES - APPROVAL OF AGENDA
- IV. PUBLIC HEARINGS
 1. **Steven and Suzanne Bratz** – SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 8, T19N-R22E, 2224 Menchalville Rd., Town of Cato - Variance Requests
 2. **Karen Weichart** – NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 28, T19N-R21E, 21110 Main St., Town of Rockland – Conditional Use Permit Request
 3. **Arlene Zajkowski** – Govt. Lot 4, Section 2, T17N-R21E, 10534 Sunny Vista Lane, Town of Schleswig – Variance Requests
 4. **Joey Edler** – Govt. Lot 2, Section 23, T17N-R21E, 18830 Twin Bay Lane, Town of Schleswig – Variance Request
- V. OTHER BUSINESS.
 1. Schedule Next Meeting
- VI. ADJOURNMENT

Date: October 3, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made. Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES**

October 17, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, October 17, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Marian Schneider, Charlie Nate, Laurel Vondrachek and Orville Bonde. Staff present: Reed Gaedtke.

A motion was made by Ms. Vondrachek, seconded by Mr. Nate to approve the September 19, 2011 meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; No: none.

A motion was made by Mr. Glaeser, seconded by Ms. Schneider to approve the October 10, 2011 onsite meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; No: none.

A motion was made by Ms. Vondrachek, seconded by Mr. Nate to approve the agenda for the October 17, 2011 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; No: none.

Mr. Gaedtke explained the procedure that would follow. He also stated that within 10 days of the closure of this meeting, copies of the decisions will be delivered to the applicants.

Unfinished Business

None

New Business

Steven and Suzanne Bratz – Owners of property located at 2224 Menchalville Rd., in the SE¹/₄, SE¹/₄, Section 8, T19N-R22E, Town of Cato, Manitowoc County, Wisconsin parcel (01-008-016-000.00) wherein a variance is being requested to construct an 8'x34' covered porch at 50 feet from the centerline of a Town road in an A3, Agricultural zoned district.

Chairperson Bonde opened the public hearing for Steven and Suzanne Bratz.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Steven Bratz questions regarding the variance request.

People in attendance in favor of the request: None.

People in attendance opposed to the request: None.

There being no further comments, Chairperson Bonde closed the public hearing for Steven and Suzanne Bratz.

Deliberation

Motion by: Mr. Nate to approve the variance request for an 8'x34' covered porch at 50 feet from the centerline of Menchalville Rd. and the stairs at 47' from the centerline of the road

1. Not contrary to the public interest because traffic is limited in that area.
2. The house is located close to the road creating a hardship to meet the setback.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; *No:* none.

Karen Weichart – Owner of property located at 21110 Main St., in the NE¼, SE¼, Section 28, T19N-R21E, Town of Rockland, Manitowoc County, Wisconsin, parcel (15-028-013-033.01) wherein a conditional use permit is being requested by Dawn Horswill, the applicant, to operate an athletic field construction business in a B1, Business, zoned district.

Chairperson Bonde opened the public hearing for Karen Weichart and Dawn Horswill.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Dawn and Tim Horswill, owners of H&H Construction, and Paul Dvorak, Representative for Karen Weichart, questions regarding the conditional use permit request.

The Board was concerned about the cemetery adjacent to the proposed property.

People in attendance in favor of the request: None.

People in attendance opposed to the request: None.

There being no further comments, Chairperson Bonde closed the public hearing for Karen Weichart and Dawn Horswill.

Deliberation

Motion by: Ms. Vondrachek to approve the conditional use permit with the following conditions.

Reasons for approval:

1. Mainly repair and office work done on site, construction is done off site.

The following conditions apply:

1. Business operations from April thru November and repair work and office work during the winter.
2. Hours of operation onsite to be 8:00 a.m. to 5:00 p.m. Monday thru Friday and Saturdays until noon.
3. Hours of operation off site can be from 6:00 a.m. to 8:00 p.m. Monday thru Friday and Saturdays until noon.
4. Number of employees; 8.
5. A fence must be constructed on the north property line abutting the cemetery.
6. An on premise business sign is permitted on the building.

7. A free standing business sign is prohibited.

Second by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

Arlene Zajkowski – Owner of property located at 10534 Sunny Vista Ln., in Govt. Lot 4, Section 2, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin; parcel (16-540-000-025.00) wherein variances are being requested to construct a 9’x12’ bathroom addition onto the existing home at 51 feet from the ordinary high water mark of Wilke Lake and to construct a 19’x19’ patio at 49 feet from the ordinary high water mark and for an after the fact variance for adding a 4’ high x 20’ 7” long addition onto an existing privacy fence at 16 inches from the ordinary high water and to also request a variance to update or replace the remaining 52’ of existing fence located at 22 feet from the ordinary high water mark and to construct a new 19’ portion of the fence at approximately 75 feet from the ordinary high water mark for a total fence length of 92 feet located in an LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Arlene Zajkowski.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Arlene Zajkowski questions regarding the variance requests.

Ms. Zajkowski stated the new portion of the fence has been there for about 20 years and it is needed to keep neighboring renters and pets off her property. The property to the north is rented out.

Ken Smasal, representative for the Town of Schleswig spoke in favor of the requests stating there was no change to the roof line, the patio would not be seen from the lake and the fence is in bad shape and needs to be repaired.

People in attendance opposed to the request: None.

Mr. Gaedtke read a letter from the WDNR with suggestions for the request (copy on file).

Ms. Zajkowski stated that water from the patio area doesn’t run towards the lake and that she has problems with renters on the neighboring property.

There being no further comments, Chairperson Bonde closed the public hearing for Arlene Zajkowski.

Deliberation

Motion by: Ms. Schneider to approve the request to construct a 9’x12’ bathroom addition at 51 feet from the ordinary high water mark of Wilke Lake. To deny the patio request and then modified and approved your request to replace a dilapidated privacy fence at 20 feet from the ordinary high water mark of Wilke Lake.

Reasons and Conditions:

Addition:

1. The requested addition is on the side of the house farthest from the lake and located under the existing roof line so it will not be seen from the lake or increase the properties impervious surface therefore it will not be contrary to the public interest.
2. The topography of the property has a steep slope between the road and garage preventing the addition or another structure from being built back further creating a physical limitation hardship.
3. The owner needs to have a washer, dryer and bathroom on the property in order to reasonably use the property.

Patio:

1. There is no hardship and there's use of the property without the patio. There's an existing walk way which accesses the shoreline.

Fence:

1. The neighboring property has junk on it and is a rental property which has different occupants and their pets using the property throughout the year. The renters pets run onto the property providing an unsafe environment for children; creating a hardship and unreasonable use of the property for health and safety reasons.
2. The fence is needed to keep unknown pets and people off the property.
3. The fence is not contrary to the public interest because the front portion of the fence beginning at the ordinary high water mark and going inland 20 feet will be removed and planted with shrubbery and natural vegetation to provide a natural barrier.
4. The remaining portion of the fence located 20 feet from the ordinary high water mark extending east to the private road can be repaired or replaced because it is dilapidated and a fence is needed as previously stated and to protect the property.

Conditions:

1. The maximum height of the fence shall be 4 feet high.
2. The fence shall be of a picket design allowing some space between boards so it doesn't completely screen view.

Second by: Ms. Schneider

Upon vote: The motion was approved 4 to 1 in favor of the motion.

Aye: Bonde, Vondracek, Nate, and Schneider; *No:* Glaeser.

Joey Edler – Owner of property located at 18830 Twin Bay Ln., in Govt. Lot 2, Section 23, T17N-R212E, Town of Schleswig, Manitowoc County, Wisconsin parcel (16-023-015-009.00) wherein a 2010 variance is being requested to be reopened based on an alleged manifest error; wherein an interpretation of a 2007 variance condition is being requested; wherein an interpretation of the definition of a structure is being requested; and wherein a variance is being requested to construct approximately a 60' wide x 20' to 28' long paver brick patio at 18 feet from the ordinary high water mark of Cedar Lake and at 0 feet from the neighboring property lines in an LR, Lake Residential, S-1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Joey Edler.

Mr. Gaedtke read the reason for appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Bill TeWinkle, attorney for Mr. Edler, questions regarding the interpretations, manifest error and variance requests.

Mr. Te Winkle presented Mr. Edler's issues.

People in attendance in favor of the request: None.

The Town of Schleswig representative, Ken Smasal, spoke opposed to the request.

Mr. Gaedtke read a letter from the WDNR with comments and suggestions to the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Joey Edler.

Deliberation

Motion by: Mr. Glaeser to postpone a decision until the Board has time to review material and consult with legal counsel.

Second by: Ms. Schneider.

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; *No:* none.

Other Business

Mr. Gaedtke distributed copies of Corporation Counsels reply to the Department of Justice appeal regarding a past variance decision.

The Board scheduled their next meeting for Tuesday, November 29, 2011 and the next onsite meeting for Monday, November 14, 2011.

ADJOURNMENT

Motion by: Ms. Vondrachek to adjourn.

Seconded by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; *No:* none

Respectfully submitted,

Charles Nate, Secretary

Date



**MANITOWOC COUNTY
BOARD OF ADJUSTMENT
ADVISORY MEETING NOTICE**

DATE: Monday, November 14, 2011

TIME: 9:00 a.m.

PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. Call to Order - Roll Call
- II. Approval of Agenda – Approval of Minutes
"Open Meeting Law Compliance"
- III. Other Business
The Board will meet with Corporation Counsel to consult on the matter of the Joey Edler hearing.
- IV. New Business
 1. Paul Bertler – SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 15, T20N-R24E, on the north side of Sturm Road, Town of Mishicot – Conditional Use Permit Request
 2. Mike and Tina Willeford – Govt. Lot 4, Section 2, T17N-R21E, 10728 Sunny Vista Ln., Town of Schleswig – Variance Requests
- V. Adjournment

Date: November 7, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made.

Any person wishing to travel on the on-sites with the Board, should contact the Manitowoc County Planning and Park Commission office at 920-683-4185 at least two business days before the meeting is scheduled so that appropriate accommodations can be made.

Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
ONSITE MEETING MINUTES**

November 14, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, November 14, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

A motion was made by, Ms. Vondracheck to nominate Ms. Schneider as the secretary pro tem for the November 14, 2011 meeting because Secretary Nate was absent.

The motion was seconded by Mr. Glaeser.

Upon vote, the motion was approved.

Aye: Bonde, Vondracheck, Schneider and Glaeser; No: none

The roll was called by the secretary pro tem. Members present: Earl Glaeser, Marian Schneider, Orville Bonde, and Laurel Vondracheck. Members absent: Charlie Nate.

Staff present: Reed Gaedtke.

Others present: Steven Rollins, Corporation Counsel.

A motion was made by, Mr. Glaeser seconded by Ms. Vondracheck to approve the agenda for the November 14, 2011 meeting. Upon vote, the motion was approved.

Aye: Bonde, Vondracheck, Schneider and Glaeser; No: none

The Board consulted with Corporation Counsel, Steven Rollins, regarding the Joey Edler hearing.

After the Board's consultation with Corporation Counsel; the Board received their folder containing the November 29, 2011 hearing applications.

Mr. Gaedtke gave a brief summary of each applicant's request.

The Board preceded to the onsite locations and returned to the Manitowoc County office Complex when completed.

ADJOURNMENT

Motion by: Ms. Vondracheck to adjourn.

Seconded by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Schneider, and Glaeser; No: none

Respectfully submitted,

Marian Schneider, Secretary Pro Tem

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: Tuesday, November 29, 2011

TIME: 7:00 P.M.

PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. ROLL CALL AND CALL TO ORDER
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF MINUTES - APPROVAL OF AGENDA
- IV. OLD BUSINESS
 1. **Joey Edler** – Govt. Lot 2, Section 23, T17N-R21E, 18830 Twin Bay Lane, Town of Schleswig – Variance Request – Tabled
- V. PUBLIC HEARINGS
 1. **Paul Bertler** – SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 15, T20N-R24E, on the north side of Sturm Road, Town of Mishicot – Conditional Use Permit Request
 2. **Mike and Tina Willeford** – Govt. Lot 4, Section 2, T17N-R21E, 10728 Sunny Vista Ln., Town of Schleswig – Variance Requests
- VI. OTHER BUSINESS.
 1. Schedule Next Meeting
- VII. ADJOURNMENT

Date: November 21, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made. Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

MANITOWOC COUNTY BOARD OF ADJUSTMENT REGULAR MEETING MINUTES

November 29, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, November 29, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Marian Schneider, Charlie Nate, Laurel Vondrachek and Orville Bonde. Staff present: Reed Gaedtke.

A motion was made by Ms. Vondrachek, seconded by Mr. Nate to approve the October 17, 2011 meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; No: none.

A motion was made by Mr. Glaeser, seconded by Ms. Schneider to approve the November 14, 2011 onsite meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; No: none.

A motion was made by Ms. Vondrachek, seconded by Mr. Nate to approve the agenda for the November 29, 2011 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; No: none.

Mr. Gaedtke explained the procedure that would follow. He also stated that within 10 days of the closure of this meeting, copies of the decisions will be delivered to the applicants.

Unfinished Business

Joey Edler – Owner of property located at 18830 Twin Bay Ln., in Govt. Lot 2, Section 23, T17N-R212E, Town of Schleswig, Manitowoc County, Wisconsin parcel (16-023-015-009.00) wherein a 2010 variance is being requested to be reopened based on an alleged manifest error; wherein an interpretation of a 2007 variance condition is being requested; wherein an interpretation of the definition of a structure is being requested; and wherein a variance is being requested to construct approximately a 60' wide x 20' to 28' long paver brick patio at 18 feet from the ordinary high water mark of Cedar Lake and at 0 feet from the neighboring property lines in an LR, Lake Residential, S-1, Shoreland zoned district.

Deliberation

Motion by:

Second by:

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; No: none.

New Business

Steven and Suzanne Bratz – Owners of property located at 2224 Menchalville Rd., in the SE¹/₄, SE¹/₄, Section 8, T19N-R22E, Town of Cato, Manitowoc County, Wisconsin parcel (01-008-016-000.00) wherein a variance is being requested to construct an 8'x34' covered porch at 50 feet from the centerline of a Town road in an A3, Agricultural zoned district.

Chairperson Bonde opened the public hearing for Steven and Suzanne Bratz.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Steven Bratz questions regarding the variance request.

People in attendance in favor of the request: None.

People in attendance opposed to the request: None.

There being no further comments, Chairperson Bonde closed the public hearing for Steven and Suzanne Bratz.

Deliberation

Motion by: Mr. Nate to approve the variance request for an 8'x34' covered porch at 50 feet from the centerline of Menchalville Rd. and the stairs at 47' from the centerline of the road

1. Not contrary to the public interest because traffic is limited in that area.
2. The house is located close to the road creating a hardship to meet the setback.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; *No:* none.

Karen Weichart – Owner of property located at 21110 Main St., in the NE¼, SE¼, Section 28, T19N-R21E, Town of Rockland, Manitowoc County, Wisconsin, parcel (15-028-013-033.01) wherein a conditional use permit is being requested by Dawn Horswill, the applicant, to operate an athletic field construction business in a B1, Business, zoned district.

Chairperson Bonde opened the public hearing for Karen Weichart and Dawn Horswill.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Nate read the application (copy on file).

The Board asked Dawn and Tim Horswill, owners of H&H Construction, and Paul Dvorak, Representative for Karen Weichart, questions regarding the conditional use permit request.

The Board was concerned about the cemetery adjacent to the proposed property.

People in attendance in favor of the request: None.

People in attendance opposed to the request: None.

There being no further comments, Chairperson Bonde closed the public hearing for Karen Weichart and Dawn Horswill.

Deliberation

Motion by: Ms. Vondrachek to approve the conditional use permit with the following conditions.

Reasons for approval:

1. Mainly repair and office work done on site, construction is done off site.

The following conditions apply:

1. Business operations from April thru November and repair work and office work during the winter.
2. Hours of operation onsite to be 8:00 a.m. to 5:00 p.m. Monday thru Friday and Saturdays until noon.
3. Hours of operation off site can be from 6:00 a.m. to 8:00 p.m. Monday thru Friday and Saturdays until noon.
4. Number of employees; 8.
5. A fence must be constructed on the north property line abutting the cemetery.
6. An on premise business sign is permitted on the building.
7. A free standing business sign is prohibited.

Second by: Ms. Schneider

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; *No:* None.

Other Business

The Board scheduled their next meeting for Tuesday, November 29, 2011 and the next onsite meeting for Monday, November 14, 2011.

ADJOURNMENT

Motion by: Ms. Vondrachek to adjourn.

Seconded by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; *No:* none

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY
BOARD OF ADJUSTMENT ADVISORY
AMENDED MEETING NOTICE

DATE: Wednesday, December 14, 2011
TIME: 7:30 a.m.
PLACE: County Office Complex

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered and acted upon at the meeting:

- I. Call to Order - Roll Call
- II. Approval of Agenda
"Open Meeting Law Compliance"
- III. Approval of Minutes
- IV. Adjournment
- V. *Depart for Zoning Board Workshop in Green Bay*

Date: December 5, 2011
Amended: December 13, 2011

Orville Bonde, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made.

Any person wishing to travel on the on-sites with the Board, should contact the Manitowoc County Planning and Park Commission office at 920-683-4185 at least two business days before the meeting is scheduled so that appropriate accommodations can be made.

Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

**MANITOWOC COUNTY BOARD OF ADJUSTMENT
ONSITE MEETING MINUTES**

December 14, 2011

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:30 A.M. on Wednesday, December 14, 2011 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The meeting was held to approve the November 29, 2011 meeting minutes for anyone wishing to appeal a decision from the November meeting. The next regular Board meeting is scheduled for January 2012.

The roll was called by the secretary. Members present: Earl Glaeser, Marian Schneider, Orville Bonde, Charlie Nate and Laurel Vondrachek. Staff present: Reed Gaedtke.

A motion was made by, Mr. Glaeser seconded by Ms. Schneider to approve the minutes of the November 29, 2011 meeting. Upon vote, the motion was approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; No: none

A motion was made by, Ms. Vondracheck seconded by Mr. Nate to approve the agenda for the December 14, 2011 meeting. Upon vote, the motion was approved.

Aye: Bonde, Vondracheck, Nate, Schneider and Glaeser; No: none

ADJOURNMENT

Motion by: Ms. Vondrachek to adjourn.

Seconded by: Mr. Nate

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate, Schneider, and Glaeser; No: none

Respectfully submitted,

Charles Nate, Secretary

Date