



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

DATE: Monday, January 9, 2012
TIME: 9:00 a.m.
PLACE: Manitowoc County Office Complex
4319 Expo Drive, Manitowoc WI 54220

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. Other Business

The Board may convene in closed session pursuant to Wis. Stat. § 19.85 (1) (g) to consider the following matter:

Confer with legal counsel with respect to State of Wisconsin v.
Manitowoc County Board of Adjustment, Case No. 2011-CV-617

If the Board has convened in closed session, it will reconvene in open session.

IV. New Business

1. **Town of Eaton** – NW¼, NE¼, Section 28, T18N-R21E,
Town of Eaton – Conditional Use Permit and Variance Request

V. Adjournment

Date: January 3, 2012

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 9, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, January 9, 2012 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, Charlie Nate and Laurel Vondrachek.

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 January 9, 2012 meeting. 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 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 unanimously approved.

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

A motion was made by, Ms. Schneider seconded by Mr. Glaeser to reconvene in open session at 9:11 a.m. Upon vote, the motion was unanimously approved.

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

The Board received their folder containing the January 16, 2012 hearing application.

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

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

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: Monday, January 16, 2012
TIME: 7:00 P.M.
PLACE: Manitowoc County Office Complex
4319 Expo Dr., Manitowoc, WI 54220

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. **Town of Eaton** – NW¼, NE¼, Section 28, T18N-R21E,
Town of Eaton – Conditional Use Permit and Variance Request
- V. OTHER BUSINESS.
 - 1. Schedule Next Meeting
- VI. ADJOURNMENT

Date: January 3, 2012

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 16, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, January 16, 2012 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 Ms. Schneider to approve the December 14, 2011 minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by Mr. Nate, seconded by Ms. Vondrachek to approve the January 9, 2012 onsite meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by Mr. Glaeser, seconded by Ms. Vondrachek to approve the agenda for the January 16, 2012 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.

New Business

Town of Eaton – Owner of property located at 21333 CTH C, in the NW¼, NE¼, Section 28, T18N-R21E, Town of Eaton, Manitowoc County, Wisconsin; parcel (04-028-002-002.00) wherein a conditional use permit and variances are being requested by US Cellular, the applicant, to construct a 300' tall communication tower at 184.3 feet from the northwest property line and at 155.5 feet from the south property line in a GA, General Agricultural zoned district.

Chairperson Bonde opened the public hearing for the Town of Eaton and US Cellular.

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

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

The Board asked Todd Anderson, representative for US Cellular, questions regarding the conditional use permit and variance requests.

Mr. Anderson submitted two documents showing the both the current cell coverage in the area and then the proposed coverage if the tower would be approved (copy on file).

Town of Eaton Chairperson, Dan Christopherson stated the Town of Eaton was in favor of the project and the money from the tower would benefit all the citizens of Eaton.

People in attendance opposed to the request: None.

There being no further comments, Chairperson Bonde closed the public hearing for the Town of Eaton and US Cellular.

Deliberation

Motion by: Ms. Vondracheck to approve the variances and conditional use permit request to construct a 300' communication tower at 184.3 feet from the northwest property line and at 155.5 feet from the south property line in a GA, General Agricultural zoned district, on the basis of evidence submitted and conditions listed below.

Reasons for Approval:

1. People need better coverage in that area.
2. It's not contrary to the public interest because the public is in favor of having the tower.
3. The location of the tower is within the orderly development of the district.
4. There is no one living within 1500 feet of the tower location.

Conditions of Approval:

1. The tower will be fenced.
2. FAA and DOT approval is needed prior to construction.

Second by: Mr. Nate

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 February 20, 2012 and the on-site meeting for February 13, 2012 provided they have at least 3 applications.

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, February 13, 2012
TIME: 9:00 a.m.
PLACE: County Office Complex
4319 Expo Dr., Manitowoc

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. New Business
 1. **Richard Nicklaus** – NW¼, SE¼, Section 4, T18N-R21E, 3505 Collins Road, Town of Eaton – Conditional Use Permit Request
 2. **Gordon and Helen Stanskas** – Govt. Lot 6, Section 24, 18408 Split Rail Lane, Town of Schleswig - Variance Request
 3. **Eric Burrows** - SE¼, NW¼, Section 20, 15612 Westwood Lane, Town of Meeme – Variance Request
- IV. Adjournment

Date: February 3, 2012

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 13, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, February 13, 2012 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, Charlie Nate and Laurel Vondrachek.

Staff present: Reed Gaedtke.

A motion was made by, Mr. Glaeser seconded by Ms. Schneider to approve the agenda for the February 13, 2012 meeting. Upon vote, the motion was unanimously approved.

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

The Board received their folder containing the February 20, 2012 hearing applications and Mr. Gaedtke gave a quick overview of each request.

Mr. Gaedtke handed out a staff analysis of the shoreland variance requests. The Board was informed the analysis is not a recommendation, ideal, or report but simply an analysis of the facts of the request submitted by the applicant and regulations listed in State and County codes.

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: Monday, February 20, 2012
TIME: 7:00 P.M.
PLACE: County Office Complex
4319 Expo Dr., Manitowoc

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. **Richard Nicklaus** – NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 4, T18N-R21E, 3505 Collins Road, Town of Eaton – Conditional Use Permit Request
 2. **Gordon and Helen Stanskas** – Govt. Lot 6, Section 24, 18408 Split Rail Lane, Town of Schleswig - Variance Request
 3. **Eric Burrows** - SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 20, 15612 Westwood Lane, Town of Meeme – Variance Request
- V. OTHER BUSINESS.
 1. Schedule Next Meeting
- VI. ADJOURNMENT

Date: February 3, 2012

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**

February 20, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, February 20, 2012 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 Mr. Nate to approve the January 16, 2012 minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by Mr. Nate, seconded by Ms. Vondrachek to approve the February 13, 2012 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. Glaeser to approve the agenda for the February 20, 2012 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.

New Business

Richard Nicklaus – Owner of property located at 3505 Collins Rd., in the NW¼, SE¼, Section 4, T18N-R21E, Town of Eaton, Manitowoc County, Wisconsin; parcel (04-004-014-001.00) wherein a conditional use permit is being requested by Craig Nicklaus, the applicant, to operate a landscape and lawn care business in a RR, Rural Residential, zoned district.

Chairperson Bonde opened the public hearing for Richard and Craig Nicklaus.

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

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

The Board asked Craig Nicklaus, the applicant, questions regarding the conditional use permit request.

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 Eaton Chairperson, Dan Christopherson, in favor of the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Richard and Craig Nicklaus.

Deliberation

Motion by: Mr. Glaeser to approve the conditional use permit as submitted and with the following conditions.

1. No piles or material can be stored in front of the buildings all piles must be behind the buildings.
2. Permitted as a 1 man operation.
3. The buildings that are there can be used for the business.
4. The building that burned down can be replaced and used for the business.
5. Any other new structures would require the applicant to come back before the Board for approval.

Second by: Ms. Schneider

Upon vote: The motion was unanimously approved.

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

Gordon and Helen Stanskas – Owners of property located at 18408 Split Rail Ln., located in Govt. Lot 6, Section 24, T17N-R21E, Town of Schleswig, Manitowoc, County Wisconsin; parcel (16-024-003-009.08) wherein a variance is being requested to construct a 32'x52' two story home in the same footprint as the old home at 34 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 Gordon and Helen Stanskas.

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

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

The Board asked Gordon Stanskas questions regarding the variance request.

Mr. Stanskas was asked to explain the septic system location.

Mr. Stanskas replied the tank was on the side of the house and the vent was behind the house at the fence opposite of the lake. He also stated there was no room to put a different septic in across the road.

The Board was concerned with the type of foundation under the existing house and Mr. Stankas stated there is a full 8' high foundation under the structure.

Mr. Stankas also stated the current roof line allows snow to pile up a few feet high on the back side of the house and has even cracked a window. Photos and descriptions of the existing house were submitted to show the part of the home which is a mobile home and to show the back yard area (photos on file).

Mr. Stankas also explained that he was planning to keep the front part of the house over looking the lake which he called the deck.

The Board was concerned with the current footings being sufficient for a new house. Mr. Stankas stated both he and his architect looked at the footings and felt they would work.

Mr. Gaedtke informed the Board if the request was approved and later found out the footings needed to be replaced the request would not have to be republished because the design wouldn't be changing.

Town of Schleswig Chairperson, Dennis Salzman stated the Town of Schleswig was in favor of the project because there would be little to no ground disturbance by rebuilding on the existing foundation. There is a steep 20' drop off in front of the house going to the lake and room needs to remain on the lot to provide for a new septic system someday.

People in attendance opposed to the request: None.

Mr. Gaedtke read a letter from the Wisconsin Department of Natural Resource Water Specialist, Tom Blake, recommending denial of the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Gordon and Helen Stankas.

Deliberation

Motion by: Ms. Schneider to approve the variance request at 54 feet from the ordinary high water mark for the following reasons.

1. There is no hardship and they do have use of the property but the owner wants a year round home; and to do that they need a solid foundation. So moving it back further from the water is what's best for the State.
2. Moving the structure back is not contrary to the public interest because it's not interfering with the public at all.
3. We're trying to protect the septic system and access for servicing the septic.
4. The owner is burdened because the existing house is partially a trailer and just a seasonal home, not a year round livable structure.

Second by: None

- No one provide a second to the motion after being asked by the Chairman so the motion died.

New Motion by: Ms. Vondrachek to postpone the request until the March meeting because the Board was confused by the application and wants to make sure the WDNR is aware that part of the house is going to remain intact.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Eric Burrows – Owner of property located at 15612 Westwood Lane, located in the SE¹/₄, NW¹/₄, Section 20, T17N-R22E, Town of Meeme, Manitowoc County, Wisconsin; parcel (12-000-000-000.00) wherein a variance is being requested to construct a 152' x 121' fence around his property at varying distance from 11 to 17 feet from the ordinary high water mark of Horseshoe Lake, in a C1, Conservancy, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Eric Burrows.

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

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

The Board asked Greg Becker, from Becker fencing and representative for Mr. Burrows, questions regarding the variance request. Mr. Becker was unable to provide answers for all the Board's questions because he was unsure of the answers.

The Board asked if there were alternative areas for the fence and stated a smaller area could be created for one (1) child to play. Mr. Becker was unsure.

People in attendance who spoke in favor of the request: None.

People in attendance who spoke opposed to the request: None.

Mr. Gaedtke read a statement from Town of Meeme supervisor and neighbor, Robert Christian who stated he approved of the request.

Mr. Gaedtke read a letter from the Wisconsin Department of Natural Resource Water Specialist Tom Blake who recommended denial of the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Eric Burrows.

Deliberation

Motion by: Mr. Glaeser to postpone until the March meeting so Mr. Burrows can be present to answer questions and show an alternate place for the fence location.

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 March 19, 2012 and the on-site meeting for March 12, 2012.

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 12, 2012

TIME: 9:00 a.m.

PLACE: County Office Complex
4319 Expo Dr., Manitowoc

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. Old Business
 1. **Gordon and Helen Stanskas** – Govt. Lot 6, Section 24, 18408 Split Rail Lane, Town of Schleswig - Variance Request
 2. **Eric Burrows** - SE¼, NW¼, Section 20, 15612 Westwood Lane, Town of Meeme – Variance Request
- IV. New Business
 1. **Mark Seehafer** – SE¼, NE¼, Section 34, T20N-R24E, 3060 Cottage Road, Town of Two Rivers – Variance Requests
- V. Adjournment

Date: March 5, 2012

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 12, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, March 12, 2012 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

Staff present: Reed Gaedtke.

A motion was made by, Mr. Glaeser seconded by Ms. Vondrachek to approve the agenda for the March 12, 2012 meeting. Upon vote, the motion was unanimously approved.

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

The Board received their folder containing the March 19, 2012 hearing application and Mr. Gaedtke gave a quick overview of the request.

Mr. Gaedtke handed out a staff analysis of the shoreland variance request. The Board was informed the analysis is not a recommendation but simply an analysis of the facts of the request submitted by the applicant and some of the regulations listed in State and County codes.

Mr. Gaedtke informed the Board that Mr. Stanskas located the vent for the septic system and would have the location posted on his fence.

Mr. Gaedtke handed out variance and conditional use permit guides that could be used as an educational reference.

Mr. Gaedtke distributed copies of the court ruling regarding the Department of Justice's appeal of the Rebecca Rach patio variance stating the DNR could appeal the courts decision.

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. Vondrachek

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: Monday, March 19, 2012
TIME: 7:00 P.M.
PLACE: County Office Complex
4319 Expo Dr., Manitowoc

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. **Gordon and Helen Stanskas** – Govt. Lot 6, Section 24, 18408 Split Rail Lane, Town of Schleswig - Variance Request
- 2. **Eric Burrows** - SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 20, 15612 Westwood Lane, Town of Meeme – Variance Request

V. PUBLIC HEARINGS

- 1. **Mark Seehafer** – SE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 34, T20N-R24E, 3060 Cottage Road, Town of Two Rivers – Variance Requests

VI. OTHER BUSINESS.

- 1. Schedule April Meeting

VII. ADJOURNMENT

Date: March 12, 2012

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 19, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, March 19, 2012 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. Glaeser to approve the agenda for the March 19, 2012 meeting. Upon vote, the motion was unanimously approved.

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

A motion was made by Mr. Nate, seconded by Ms. Schneider to approve the February 20, 2012 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 March 12, 2012 onsite meeting minutes. 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.

Old Business

Gordon and Helen Stanskas – Owners of property located at 18408 Split Rail Ln., located in Govt. Lot 6, Section 24, T17N-R21E, Town of Schleswig, Manitowoc, County Wisconsin; parcel (16-024-003-009.08) wherein a variance is being requested to construct a 32'x52' two story home in the same footprint as the old home at 34 feet from the ordinary high water mark of Cedar Lake in an LR, Lake Residential, S1, Shoreland zoned district.

During the February 20, 2012 hearing a motion was made to postpone the decision because the Board was confused by the application and wanted to make sure the WDNR was aware that part of the house was going to remain intact. Only comments from the WDNR and questions from the Board would be allowed during this hearing because public input was taken at the February hearing.

Chairperson Bonde reopened the hearing for Gordon and Helen Stanskas to ask more questions.

The Board asked about the conflicting setback distances stating one document mentioned 34 feet and another mentioned 35 feet.

Mr. Stankas stated that there is a one (1') overhang on the house and 34 feet was measured to the overhang and the 35 feet is measured to the wall of the house.

Mr. Stankas submitted photos showing the current foundation.

There being no further questions from the Board, Chairperson Bonde closed the hearing for Gordon and Helen Stankas.

Deliberation

Motion by: Ms. Vondracheck to approve the variance request to reconstruct a 32'x52' two story home over the existing foundation at 35 feet from the ordinary high water mark of Cedar Lake.

Facts and reasons for Approval;

1. Since the house was built around a mobile home it can not be used for year round living which creates a hardship for the owner. The mobile home portion needs to be removed from what is currently located on the foundation in order to be lived in all year.
2. The shape of the lot and lack of room for a drainfield also creates a hardship; the lot shape is unique. The drainfield is located in back of the home and if the applicant has to stay back 75' he would be on the back lot line and need a new septic area.
3. The great room walls and the front wall that were built around an old mobile home are going to remain on the existing foundation and the new structure will also be built on the existing foundation.
4. Moving the house back to 75 feet would be unnecessarily burdensome to the owner. If the home is moved back 75 feet from the water it would be tight to the back lot line; room is needed for a drainfield and a replacement drainfield could not be put in the existing house location because the drainfield must be located in undisturbed soil. So complying with the ordinance would unnecessarily burden the property owner.
5. The request will not harm or negatively affect the public interest because the lot is wooded at the waters edge and the house would barely be seen from the water. There are native grasses planted by the water for screening and more will be planted. Also, by building on the existing foundation the owner will not be disturbing the soil so there would be no negative affect from runoff into the water.
6. The structure will be located 35 feet from the ordinary high water mark.

Conditions of approval:

1. More native grasses and plants will be planted near the water.

Second by: Mr. Nate

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

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

Eric Burrows – Owner of property located at 15612 Westwood Lane, located in the SE¼, NW¼, Section 20, T17N-R22E, Town of Meeme, Manitowoc County, Wisconsin; parcel (12-000-000-000.00) wherein a variance is being requested to construct a 152' x 121' fence around his property at varying distance from 11 to 17 feet from the ordinary high water mark of Horseshoe Lake, in a C1, Conservancy, S1, Shoreland zoned district.

The hearing was postponed to allow the applicant the opportunity to appear before the Board to answer questions and show an alternate location for the fence.

Eric Burrows did not attend the meeting.

Deliberation

Motion by: Ms. Schneider made a motion to postpone a decision until the next regular meeting and stated this would be the last postponement.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

New Business

Mark Seehafer– Owner of property located at 3060 Cottage Ln., in the SE¼, NE¼, Section 34, T20N-R24E, Town of Two Rivers, Manitowoc County, Wisconsin wherein variances are being requested to construct a 20' x 30' house addition and attached garage at 72 feet from the ordinary high water mark of the West Twin River, at 8 feet from the west property line and at 33 feet from the centerline of a town road; and to construct a private screen fence varying in height from 4' to 8' and 88' long at 37.5 feet from the ordinary high water mark of the West Twin River located in a C1, Conservancy, S1 shoreland zoned district.

Chairperson Bonde opened the public hearing for Mark Seehafer.

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

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

The Board asked Mark Seehafer and Jody Deering questions regarding the variance requests.

Ms. Schneider wanted to know the size of the proposed garage and the dimensions of the existing house.

Ms. Schneider also wanted to know if the existing garage across the road could be used and if the proposed garage could be setback further from the side yard. Mr. Seehafer stated the existing garage is used but they need more room.

Mr. Seehafer also stated the neighboring property owner to the west, Mr. Altergot, has agreed to sell an additional five (5') feet of land to Mr. Seehafer and that would allow the house addition and garage to be setback 13.6 feet from the side property line rather than the proposed 8.6 feet.

Mr. Glaser asked if the number of bathrooms would be increasing and Mr. Seehafer stated that no more bathrooms would be added.

Mr. Nate wanted to know if the proposed plan would correct the mold problem and Mr. Seehafer stated that it would.

Mr. Vondrachek asked about the existing well and Mr. Seehafer told the Board that he would be digging his own well.

The Board opened the meeting to public input.

Town Chairperson, Bill Wilfert, stated the Town approved of the requests and also said the Town had no problem with the location of the structure to the road. Mr. Wilfert also stated it would be a blessing if Mr. Seehafer had his own well.

Karl Walesh, neighboring property owner to the west, spoke in favor of the request.

Jim Reif spoke in favor of the request and addressed the garage size.

People in attendance opposed to the request: None.

Mr. Gaedtke read a letter from neighboring property owner Candice Alex; opposed to the request (copy on file).

Mr. Gaedtke read a statement from the Town of Two Rivers; in favor of the request (copy on file).

Mr. Gaedtke read the Wisconsin Department of Natural Resources (WDNR) Shoreland Specialist, Tom Blake's, recommendation for the fence and house addition into record (copy on file).

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

Deliberation

Motion by: Mr. Glaeser to approve the request to construct the house and garage addition at 72.2 feet from the ordinary high water mark and then modified and approves the variance requests to the side property line and to the centerline of the road and denies the request to locate a fence at 37.5 feet from the ordinary high water mark for the reasons listed below.

Reasons and conditions for approval:

1. Considering averaging which is allowed in the ordinance; the neighboring houses on both sides average 49.5 feet from the ordinary high water mark, the applicant is asking to be 72.2 feet from the OHWM which is located further back than the average setback so they are allowed to build at 72.2 feet.
2. The request to locate a fence within 75 feet of the ordinary high water mark was denied. Natural vegetation, such as trees and shrubs or other vegetation, that is 4' to 5' tall when planted, can be planted from the ordinary high water mark to the 75 foot setback to create a natural vegetative screening within the 75' setback. The remainder of the fence starting at the 75 foot mark and going towards the road is allowed.
3. The garage and addition must be located at 13.6 feet from the west property line. The applicant can either purchase land from the neighbor to get the additional setback distance or shorten up the proposed structure.
4. The old cottage and its deck must be removed and planted with grass or other natural vegetation; it can not be patio block.

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 April 16, 2012 and the on-site meeting for April 9, 2012 provided they have at least 3 applications. They will have a meeting if they have two new applications and the postponement.

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 9, 2012
TIME: 9:00 a.m.
PLACE: County Office Complex
4319 Expo Dr., Manitowoc

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. Old Business
 1. **Eric Burrows** - SE¼, NW¼, Section 20, 15612 Westwood Lane, Town of Meeme – Variance Request
- IV. New Business
 1. **Gary and Bernadine Maigatter** – SW¼, NW¼, Section 11, T21N-R24E, 17425 STH 42, Town of Creeks – Conditional Use Permit Requests
 2. **John and Nan Morris** – Govt. Lot 1, Section 7, T18N-R23E, 9131 North Lake Road, Town of Newton – Variance Request
 3. **Reed Beiersdorf** – Govt. Lot 6, Section 24, T17N-R21E, 18420 Split Lane, Town of Schleswig - Variance Request
- V. Adjournment

Date: April 2, 2012

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 9, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, April 9, 2012 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, Charlie Nate and Laurel Vondrachek.

Staff present: Reed Gaedtke.

A motion was made by, Ms. Vondrachek seconded by Ms. Schneider to approve the agenda for the April 9, 2012 meeting. Upon vote, the motion was unanimously approved. *Aye: Bonde, Vondrachek, Nate, Schneider and Glaeser; No: none*

The Board received their folder containing the April 16, 2012 hearing applications and Mr. Gaedtke gave a quick overview of each request.

Mr. Gaedtke handed out a staff analysis concerning the shoreland variance requests. The Board was reminded the analysis is not a recommendation, suggestion or ideal, but simply an analysis of the facts of the request submitted by the applicant and regulations listed in State and County codes.

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, April 16, 2012
TIME: 7:00 P.M.
PLACE: Manitowoc County Office Complex
4319 Expo Dr., Manitowoc

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. **Eric Burrows** - SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 20, 15612 Westwood Lane, Town of Meeme – Variance Request

V. NEW BUSINESS

1. **Gary and Bernadine Maigatter** – SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 11, T21N-R24E, 17425 STH 42, Town of Creeks – Conditional Use Permit Requests
2. **John and Nan Morris** – Govt. Lot 1, Section 7, T18N-R23E, 9131 North Lake Road, Town of Newton – Variance Request
3. **Reed Beiersdorf** – Govt. Lot 6, Section 24, T17N-R21E, 18420 Split Lane, Town of Schleswig - Variance Request

VI. OTHER BUSINESS.

1. Schedule May Meeting

VII. ADJOURNMENT

Date: April 2, 2012

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 16, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, April 16, 2012 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 March 19, 2012 minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by Mr. Nate, seconded by Ms. Vondrachek to approve the April 9, 2012 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 April 16, 2012 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.

Old Business

Eric Burrows – Owner of property located at 15612 Westwood Lane, located in the SE¹/₄, NW¹/₄, Section 20, T17N-R22E, Town of Meeme, Manitowoc County, Wisconsin; parcel (12-000-000-000.00) wherein a variance is being requested to construct a 152' x 121' fence around his property at varying distance from 11 to 17 feet from the ordinary high water mark of Horseshoe Lake, in a C1, Conservancy, S1, Shoreland zoned district.

The hearing was postponed to allow the applicant the opportunity to appear before the Board to answer questions and show an alternate location for the fence.

Eric Burrows did not attend the meeting.

Mr. Gaedtke read a statement from Mr. Burrows agent, Marie, who stated on the phone that Mr. Burrows no longer wanted to pursue the fence variance.

Deliberation

Motion by: Ms. Vondrachek to remove the request from the table.

Second by: Ms. Schneider

Upon vote: The motion was unanimously approved.

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

Motion by: Ms. Vondrachek to deny the fence request.

Second by: Ms. Schneider

Upon vote: The motion was unanimously approved.

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

New Business

Gary and Bernadine Maigatter – Owners of property located at 17425 STH 42, in the SW¼, NW¼, Section 11, T21N-R24E, Town of Two Creeks, Manitowoc County, Wisconsin; parcel (17-011-007-001.00) wherein a conditional use permit is being requested for a two family residence in an RR, Rural Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Gary and Bernadine Maigatter.

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

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

The Board asked Bernadine Maigatter, the applicant, questions regarding the conditional use permit request.

Mr. Glaeser asked about having a bunch of unused vehicles on the property and stated that the Board doesn't want to see someone coming in and keeping a bunch of junk vehicles on the property.

Roger Sinkula, representative for the Town of Two Creeks, spoke in favor of the request stating the Town was in favor of the conditional use permit and that a Town building permit is needed for work being done on the house.

People in attendance opposed to the request: None.

There being no further comments, Chairperson Bonde closed the public hearing for Gary and Bernadine Maigatter.

Deliberation

Motion by: Mr. Glaeser to approve the conditional use permit with the following conditions and for the following reasons.

Conditions of Approval:

1. Permit approval is pending County Board's approval of the rezone to the RR district.

Reasons for Approval:

1. The proposed request is compatible to the surrounding area.
2. The use fits on the proposed parcel size listed.
3. The location is properly situated with a good access for the requested use.
4. The location and height of the structure is acceptable for the area and in line with the ordinance.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

John and Nan Morris – Owners of property located at 9131 North Lake Rd., in Govt. Lot 1, Section 7, T18N-R23E, Town of Newton, Manitowoc County, Wisconsin; parcel (14-007-001-004.00) wherein a variance is being requested to enclose an existing deck by turning it into a 10'x22' porch located at 56 feet from the ordinary high water mark of English Lake, in a S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for John and Nan Morris.

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

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

The Board asked Nan Morris, the applicant, questions regarding the variance request.

An issue came up with the new stairs that were observed during the onsite visit. Mr. Gaedtke stated that although a variance was granted in 2008 for the replacement of the stairs a zoning/setback permit had not been obtained from the Planning and Zoning Department.

Mr. Gaedtke also stated that the permit for the stairs could be taken care of as a separate issue and that the hearing did not have to be postponed for republication because a variance was previously obtained for the stairs.

The Board asked questions regarding other potential locations to construct the porch on the property.

Ms. Morris stated that on the east side of the house the egress windows, which are needed, would be blocked by any addition and that the septic tank is located on that side of the house.

Ms. Morris stated that the area between the road and the house currently requires stairs to come up into the house which would cause a problem, and that the bathroom window vents to the landward side of the house. If the porch were built in this area the bathroom window would open into the porch.

Ms. Morris also stated the porch would not be heated.

Carol Entringer, the English Lake management district chairperson, spoke in favor of the request.

People in attendance opposed to the request: None.

Mr. Gaedtke read a letter into record from Wisconsin Department of Natural Resources (WDNR) Shoreland Specialist, Tom Blake which include his recommendation for the enclosed porch (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for John and Nan Morris.

Deliberation

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

1. The property has a unique lot shape (it's small and narrow) which creates a hardship because there isn't enough room on the sides of the house to construct the porch.
2. The porch would not work on the landward side of the home near the road because steps would be needed to go into the room which would create a problem.
3. If the porch would be built on the landward side of the home where the bathroom is located; the window or vent-fan would vent into the porch creating a hardship and burden because a bathroom window or vent-fan needs to vent outside.
4. The home has a tile base which accepts rain water from the downspouts and funnels the water to the lake. If the porch was located someplace else there would be no way to route the porch runoff to the tile area. This would cause water problems and create an unnecessary burden on the home owner.
5. Locating the porch on the seaward side of the home allows rain water to be spread out along a 22 foot area which would reduce water runoff from concentrating in one area and running into the lake. The proposed location of the porch allows water to disperse along a wider area where it would be absorbed into the soil and filtered before getting to the lake.
6. The request is not contrary to the public interest because the owners are good stewards of the land, and there already is a good vegetative base around the home. Only the steps accessing the lake are concrete, there is no other concrete located around the home.

Second by: Ms. Vondrachek

Upon vote: The motion was approved with a 4 to 1 vote in favor of the motion.

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

Reed Beiersdorf – Owner of property located at 18420 Split Rail Ln., in Govt. Lot 6, Section 24, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin; parcel (16-024-003-009.04) wherein a variance is being requested to construct a 15' long x 2' high retaining wall within the 75' setback from Cedar Lake, and wherein after the fact variances are being requested for constructing a 6'x12' deck/walkway along the back of the house at 47 feet from the ordinary high water mark of Cedar Lake and for a 10'x18'

replacement deck at 5 ½ feet from the east property line and at 45 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 Reed Beiersdorf.

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

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

The Board asked Reed and Connie Beiersdorf, the applicants, questions regarding their variance requests.

Mr. Beiersdorf informed the Board that they have toddler grandchildren and that the new deck and walkway was needed for safety purposes because the old walkway and deck are were in need of repair and it was a safety concern. They also wanted to protect the sliding hillside by raising the deck off the ground to reduce the pressure on the slumping steep hillside.

Mr. Beiersdorf read a letter from his neighbor who was in favor of the request and submitted the letter and some additional photos into the record.

When asked about the retaining wall Mr. Beiersdorf informed the Board that it would consist of timbers and rocks to provide support to the path accessing the shoreline; similar to what is there now.

Mr. Beierdorf also informed the Board that their septic is on the south side of the house and that the deck was needed for protection and to tie into the deck/walkway. He also pointed out that the new deck and walkway is smaller than the old one.

Dennis Salzman, Chairman for the Town of Schleswig, stated the planning committee for the Town looked at the property and approved of the request. He also stated that there is less total deck area than there was before and that something needed to be done for safety reasons. The Town of Schleswig agreed with their planning committee's approval of the request.

People in attendance opposed to the request: None.

Mr. Gaedtke read a letter into record from Wisconsin Department of Natural Resources (WDNR) Shoreland Specialist, Tom Blake with his recommendation for the deck, walkway, and retaining wall (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Reed Beiersdorf.

Deliberation

Motion by: Ms. Schneider to approve the variance request for the following reasons and with the following condition.

Reasons:

1. A hardship is present on the property because there is an exceedingly steep slope on the property between the house and lake.
2. This is a repair and reconstruction of something that has existed for a long time at this site.
3. Averaging was used to determine the setback from adjacent structures to the ordinary high water mark. One of the adjacent houses was located at 20' from the ordinary high water mark and the other was at 46 feet giving them an average of 33 feet. Since the ordinance allows for averaging; and the proposed structure is as 45 feet from the ordinary high water mark; the deck and deck/walkway requests are approved.
4. The deck, walkway and retaining wall are needed to access the shoreline. Not having them would place an unnecessary burden on the home owners.
5. The requests are not contrary to the public interest because they are well hidden from view by natural vegetation.

Condition:

1. Shrubs or trees should be planted to help hold the new retaining wall in place.

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 May 21, 2012 and the on-site meeting for May 14, 2012.

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, May 14, 2012
TIME: 9:00 a.m.
PLACE: County Office Complex
4319 Expo Dr., Manitowoc, WI 54220

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. New Business
 1. **Terry Graf** – SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 12, T17N-R21E, 10416 CTH X,
Town of Meeme – Variance Requests
 2. **Anthony Simon** – NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 19, T18N-R21E, CTH A, Town of
Liberty – Conditional Use Permit and Variance Requests
- IV. Adjournment

Date: May 2, 2012

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 14, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, May 14, 2012 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, Charlie Nate and Laurel Vondrachek.

Staff present: Reed Gaedtke.

A motion was made by, Ms. Schneider seconded by Ms. Vondrachek to approve the agenda for the May 14, 2012 meeting. Upon vote, the motion was unanimously approved.

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

The Board received their folder containing the May 21, 2012 hearing applications and Mr. Gaedtke gave a quick overview of each request.

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. 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 MEETING NOTICE

DATE: Monday, May 21, 2012
TIME: 7:00 P.M.
PLACE: County Office Complex
4319 Expo Dr., Manitowoc, WI 54220

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. NEW BUSINESS
 - 1. **Terry Graf** – SE¼, SE¼, Section 12, T17N-R21E, 10416 CTH X,
Town of Meeme – Variance Requests
 - 2. **Anthony Simon** – NW¼, SW¼, Section 19, T18N-R21E, CTH A, Town of
Liberty – Conditional Use Permit and Variance Requests
- V. OTHER BUSINESS.
 - 1. Schedule June Meeting
- VI. ADJOURNMENT

Date: May 2, 2012

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 21, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, May 21, 2012 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 Mr. Nate to approve the April 16, 2012 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 May 14, 2012 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 May 21, 2012 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.

Old Business

None.

New Business

Terry Graf – Owner of property located at 10416 CTH X, in the SE¼, SE¼, Section 12, T17N-R22E, Town of Meeme, Manitowoc County, Wisconsin; parcel (12-012-016-001.00) wherein variances are being requested to construct a 32'x 44' garage at 58 feet from the ordinary high water mark of a navigable waterway and to relocate the existing 14'x24' garge at 33 feet from the ordinary high water mark of the navigable waterway and at 2 feet from the north property line and at 2 feet from the east property line in an SE, Small Estate, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Terry Graf.

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

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

The Board asked Terry Graf, the applicant, questions regarding the variance requests.

The Board was concerned with the size of the main garage and questioned whether or not the waterway on Mr. Graf's property was really considered navigable.

The Board questioned the location of the septic tank and the location of the forcemain to the proposed garage.

Mr. Graf stated the garage would be located as close to the line as possible without covering it in case it needed to be serviced.

Mr. Gaedtke informed the Board of the required setbacks for a septic tank from a building.

The Board stated they wanted to know more about the waterway before making their decision and discussed postponing the hearing until next month to have the DNR make a navigability determination.

There being no further comments, Chairperson Bonde closed the public hearing for Terry Graf.

Deliberation

Motion by: Mr. Glaeser to postpone the variance requests until next months meeting and have Planning and Zoning Dept. check with the Wisconsin Department of Natural Resources check on the navigability of the waterway.

Second by: Ms. Schneider

Upon vote: The motion was unanimously approved.

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

Anthony Simon – Owner of property located on the east side of CTH A in the NW¹/₄, SW¹/₄, Section 19, T18N-R21E, Town of Liberty, Manitowoc County, Wisconsin; parcel (08-019-010-001.00) wherein a conditional use permit and variances are being requested by Wisconsin Public Service, the applicant, to construct a 12'x15' natural gas regulator utility station at 7 feet from the north property line and at 77 feet from the centerline of CTH A, in an EA, Exclusive Agricultural, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for 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 Gerold Peot, representative for WPS, questions regarding the conditional use permit and variance requests.

The Board asked about potential noise from the gas regulator and also about the roof pitch of the structure.

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 Liberty planning committee representative, Joel Aulik, who stated the Town had no objections to the conditional use or variance requests.

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

Deliberation

Motion by: Mr. Nate to approve the conditional use permit and variance requests for the following reasons.

Reasons for Approval:

1. There is a need for the service in the community.
2. It has operated there for 30+ years without any problems.
3. The shed will improve the aesthetics of the area because the pipes will be located in a building.
4. The area is located far enough away from other structures so it shouldn't bother anyone.

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 June 18, 2012 and the on-site meeting for June 11, 2012.

Mr. Gaedtke informed the Board that so far there was an application for a road variance for a garage.

Mr. Gaedtke also informed the Board that the 141 speedway located off of CTH R is up for its yearly review during the next meeting. Mr. Glaeser asked to have a copy of the previously approved conditional use permit so that the Board will have a list of the conditions when they visit the property next month during on-sites.

Mr. Gaedtke reminded the Board that Charlie Nate and Marian Schneider are up for reappointment this year and would need to contact Mr. Ziegelbauer, before the next County Board meeting, to let him know and to request reappointment.

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, June 11, 2012
TIME: 9:00 a.m.
PLACE: Manitowoc County Office Complex
4319 Expo Dr., Manitowoc WI 54220

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. Distribution of Rebecca Rach Appeal Brief
- IV. Unfinished Business
 1. **Terry Graf** – SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 12, T17N-R21E, 10416 CTH X, Town of Meeme – Variance Requests
- V. New Business
 1. **George Kluck and Patricia Fleming** - NE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 9, T21N-R24E, 4125 Zander Rd., Town of Mishicot – Variance Request
 2. **William Neumann** - SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, T20N-R23E, 4613 Thunder Rd., Town of Kossuth and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, T19N-R23E, Village Dr., Town of Manitowoc Rapids – Conditional Use Permit Request
 3. **Brudon Enterprise LLC** – 12812 CTH R, Town of Gibson – Review of Conditional Use Permit
- VI. Adjournment

Date: June 1, 2012

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 11, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, June 11, 2012 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, Charlie Nate and Laurel Vondrachek.

Staff present: Reed Gaedtke.

A motion was made by, Ms. Vondrachek seconded by Ms. Schneider to approve the agenda for the June 11, 2012 meeting. Upon vote, the motion was unanimously approved.

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

The Board received their folder containing the June 18, 2012 hearing applications and Mr. Gaedtke gave a quick overview of each 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, Vondrachek, Nate, Schneider, and Glaeser; No: none

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: Monday, June 18, 2012
TIME: 7:00 P.M.
PLACE: Manitowoc County Office Complex
4319 Expo Dr., Manitowoc WI 54220

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. **Terry Graf** – SE¼, SE¼, Section 12, T17N-R21E, 10416 CTH X,
Town of Meeme – Variance Requests
- V. PUBLIC HEARINGS
 1. **George Kluck and Patricia Fleming** - NE¼, NE¼, Section 9, T21N-R24E,
4125 Zander Rd., Town of Mishicot – Variance Request
 2. **William Neumann** - SW¼, SW¼, Section 33, T20N-R23E, 4613 Thunder Rd.,
Town of Kossuth and NW¼ NW¼, Section 4, T19N-R23E, Village Dr.,
Town of Manitowoc Rapids – Conditional Use Permit Request
- VI. NEW BUSINESS
 1. **Brudon Enterprise LLC** – 12812 CTH R, Town of Gibson – Review of
Conditional Use Permit
- VII. OTHER BUSINESS.
 1. Schedule July Meeting
- VIII. ADJOURNMENT

Date: June 1, 2012

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 18, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, June 18, 2012 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 21, 2012 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 June 11, 2012 onsite meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by Mr. Nate, seconded by Ms. Schneider to approve the agenda for the June 18, 2012 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

Terry Graf – Owner of property located at 10416 CTH X, in the SE¼, SE¼, Section 12, T17N-R22E, Town of Meeme, Manitowoc County, Wisconsin; parcel (12-012-016-001.00) wherein variances are being requested to construct a 32'x 44' garage at 58 feet from the ordinary high water mark of a navigable waterway and to relocate the existing 14'x24' garage at 33 feet from the ordinary high water mark of the navigable waterway and at 2 feet from the north property line and at 2 feet from the east property line in an SE, Small Estate, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Terry Graf.

The Board asked Terry Graf, the applicant, more questions regarding the variance requests.

Mr. Graf's stated he wasn't going to relocate the one garage in the back of the property any longer.

The Board asked if he would reduce the size of the proposed new garage and Mr. Graf said that he could reduce it and would try to relocate it further from the creek.

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 Meeme Chairperson, Dennis Graf, stating he was in favor of the request.

Mr. Gaedtke read a letter from Wisconsin Department of Natural Resources (WDNR), shoreland specialist, Tom Blake regarding the proposed requests (copy on file).

Mr. Gaedtke read an email from WDNR wetland regulation specialist, Carrie Webb who did a navigability determination on the waterway and determined that it is navigable (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Terry Graf.

Deliberation

Motion by: Ms. Vondrachek to deny the request to relocate an existing 14'x24' garage at 33 feet from the ordinary high water mark of a navigable waterway and at 2 feet from the north and east property lines; and to reduce the proposed new garage dimensions to 36'x30' and have it be located 72 feet from the ordinary high water mark of the navigable waterway.

Conditions

1. The dimensions of the new garage were reduced from 32'x44' down to 36'x30'.
2. The new garage will be set back 72 feet from the ordinary high watermark.

Reasons

1. The approved garage is not contrary to the public interest because there are no neighbors close by; so no one will be affected by the garage location.
2. Also, the new garage will be located further from the waterway than the existing structure.
3. The new garage will be wider so it will be located closer to the house which provides more shelter for the children when they have to go out during inclement weather.
4. The unique lot limitations such as the size of the lot and the low wet area located east of the driveway create a hardship. (There is a 100' setback from the road as well).
5. Although the small garage was denied; the owner can do regular maintenance to that existing garage; such as replacing windows, door, siding, etc.
6. The owner has tried to work with the garage layout and was willing to do things to keep it as far back from the waterway as he can. He would be unnecessarily burdened if he was to comply with the ordinance because he has no where else to go with the garage and he needs a garage.
7. A 3 foot variance is acceptable because very seldom is there water, if any, in the waterway so the garage location will not affect the water.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Public Hearings

George Kluck and Patricia Fleming – Owners of property at 4125 Zander Rd., located in the NE¼, NE¼, Section 9, T21N-R24E, Town of Mishicot, Manitowoc County, Wisconsin; parcel (13-109-001-001.00) wherein a variance is being requested by to construct a 20'x 20' garage at 57 feet from the centerline of Zander Rd., in an EA, Exclusive Agricultural, zoned district.

Chairperson Bonde opened the public hearing for George Kluck and Patricia Fleming.

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

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

The Board asked George Kluck and Patricia Fleming questions regarding the variance request.

Chuck Hoffman, Town Chairperson for the Town of Mishicot, spoke in favor of the request.

People in attendance opposed to the request: None.

Mr. Gaedtke read a statement from the Town of Mishicot, in favor of the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for George Kluck and Patricia Fleming.

Deliberation

Motion by: Mr. Nate to approve the variance requests to construct a 20'x20' garage at 57 feet from the centerline of the road. The town board and planning committee are in favor of the request.

Second by: Ms. Schneider.

Upon vote: The motion was unanimously approved.

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

William Neumann – Owner of properties located at 4613 Thunder Rd. in the SW¼, SW¼, Section 33, T20N-R23E, Town of Kossuth, parcel (07-033-011-002.00) and the adjacent parcel to the south located on Village Dr. in the NW¼, NW¼, Section 4, T19N-R23E, Town of Manitowoc Rapids, parcel (10-004-006-006.00), Manitowoc County,

Wisconsin; wherein a conditional use permit is being requested to operate a trucking business in an RR, Rural Residential Agricultural, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for William Neumann.

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

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

The Board asked William Neumann questions regarding his conditional use permit request.

The Board wanted to know how many people would be working there.

Mr. Neumann stated there's one dispatcher that works from her home, 6 full time truckers, and 4 part time workers that usually bring loads down from Green Bay on the weekend so the trucks are ready to go out on Monday.

Ms. Vondrachek asked if he thought about starting the business in an industrial zoned district.

Mr. Neumann stated no.

Ms. Vondrachek commented that a small business is usually only two or three trucks.

Mr. Neumann stated he had two and three trucks; now he's up to six and he didn't think about moving to a different location because he lives ¼ mile from the site and it is convenient for him.

The Board asked about truck traffic on the roads and where most of the trucks will go.

Mr. Neumann stated the trucks are fuelled in Branch on weekends so they would go south down Village drive.

There was concern with the bridge handling the trucks weight, and Mr. Glaeser also commented that the proposed parking area on site seemed small.

Ms. Vondrachek asked if only trucks would be kept on this property and Mr. Neumann stated no; sometimes trailers will be kept there as well.

Mr. Neumann stated he did not plan on increasing the size of the shop and that there was no water or septic at the shop.

Mr. Nate asked about the amount of noise which may come from the trucks warming in winter.

Mr. Neumann replied that the trucks are warmed with an electric heater so there's no noise from them but they drivers do start the trucks and let them run while they inspect them; which can be 10 to 15 minutes before leaving the yard.

Joseph Resch, neighboring property owner to the north, spoke in favor of the request; stating that Mr. Neumann has \$100,000.00 invested in the property; that it is quiet over there and that the aesthetics of the property looks better than before.

People in attendance opposed to the request: None.

Mr. Gaedtke read a statement from the Town of Kossuth requesting postponement of the conditional use permit so their Town has more time to look at the request (copy on file).

Mr. Gaedtke read a letter from the Town of Manitowoc Rapids requesting postponement of the conditional use permit until the Town's Planning Committee has had more time to look at the proposal and discuss it with the Town Board (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for William Neumann.

Deliberation

Motion by: Mr. Glaeser to postpone the hearing until the next meeting to allow the Towns more time to look at this request and comment on it. Since there was no opposition to the request at tonight's meeting, only input from the Towns will be taken at the next meeting. Depending on what the Towns determine; they should include any suggested conditions.

Second by: Ms. Vondrachek.

Upon vote: The motion was unanimously approved.

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

New Business

Bruden Enterprise LLC's conditional use permit review.

Bruden Enterprises LLC was granted a conditional use permit on May 16, 2011. One of the conditions of that approval was an annual review.

The Board asked Mr. and Mrs. Conard questions regarding the past year's operation.

Ms. Vondrachek asked who owned the mobile home located in the northwest corner of the property and wanted to know what's going on with it.

Mr. Bruden stated that it was on the property and that they will be getting rid of it.

Mr. Glaeser stated overall he was pleased with the condition of the property but was concerned with the slow progress the tree plantings had taken. Mr. Bruden said they did plant some trees but not all of them and that they planted three (3) foot high trees instead of five (5) foot high trees because of the cost.

Mr. Bruden also stated he was concerned with the location of the trees in relation to the south property lines because the cattle may be able to reach them.

Mr. Glaeser stated that the conditional use permit stated five (5) foot tall trees and Mr. Bruden said he understood that.

Mr. Gaedtke clarified the use of conditions by the Board to the Bruden's. It was stated that failure to follow the conditions set forth by the Board could result in the Board changing or revoking a permit for failing to comply with their conditions.

Mr. Gaedtke also informed the Board that if they would want to change, one or more of the previous conditions such as the time length for review; the issue would need to be published and then handled as a hearing at a future meeting.

Mr. Glaeser stated he would like to see some more progress with the trees.

Other Business

The next regular meeting was scheduled for July 16, 2012.

Mr. Gaedtke informed the Board that their annual election of officers will take place during the July meeting.

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 9, 2012

TIME: 9:00 a.m.

PLACE: Manitowoc County Office Complex
4319 Expo Dr., Manitowoc, WI 54220

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. Unfinished Business
 1. **William Neumann** - SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, T20N-R23E, 4613 Thunder Rd., Town of Kossuth and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, T19N-R23E, Village Dr., Town of Manitowoc Rapids – Conditional Use Permit Request
- IV. Adjournment

Date: July 2 , 2012

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 9, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, July 9, 2012 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

Staff present: Reed Gaedtke.

A motion was made by, Mr. Glaeser seconded by Ms. Vondrachek to approve the agenda for the July 9, 2012 meeting. Upon vote, the motion was unanimously approved.

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

The Board received their folder containing the July 16, 2012 postponed application and Mr. Gaedtke gave a quick update of the request.

The Board proceeded to the onsite location and returned to the Manitowoc County Office Complex when completed.

ADJOURNMENT

Motion by: Mr. Nate to adjourn.

Seconded by: Ms. Vondrachek.

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: Monday, July 16, 2012
TIME: 7:00 P.M.
PLACE: Manitowoc County Office Complex
4319 Expo Dr., Manitowoc WI 54220

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. **William Neumann** - SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, T20N-R23E, 4613 Thunder Rd., Town of Kossuth and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, T19N-R23E, Village Dr., Town of Manitowoc Rapids – Conditional Use Permit Request
- V. OTHER BUSINESS
 - 1. Election of Officers
 - 2. Schedule August Meeting
- VI. ADJOURNMENT

Date: July 2, 2012

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**

July 16, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, July 16, 2012 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. Staff present: Reed Gaedtke.

A motion was made by Ms. Vondrachek, seconded by Mr. Glaeser to approve the June 18, 2012 minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Glaeser seconded by Ms. Vondrachek to approve the July 9, 2012 onsite meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Ms. Vondrachek seconded by Mr. Nate to approve the agenda for the July 16, 2012 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate 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

William Neumann – Owner of properties located at 4613 Thunder Rd. in the SW¼, SW¼, Section 33, T20N-R23E, Town of Kossuth, parcel (07-033-011-002.00) and the adjacent parcel to the south located on Village Dr. in the NW¼, NW¼, Section 4, T19N-R23E, Town of Manitowoc Rapids, parcel (10-004-006-006.00), Manitowoc County, Wisconsin; wherein a conditional use permit is being requested to operate a trucking business in an RR, Rural Residential Agricultural, S1, Shoreland zoned district.

Chairperson Bonde informed the public that testimony regarding this hearing was permitted at the June 2012 hearing and that this request was postponed at the June 2012 hearing to allow the Towns of Kossuth and Manitowoc Rapids more time to review and comment on the proposed request.

Chairperson Bonde opened the meeting to hear from the Towns.

Mr. Gaedtke read a letter from the Town of Manitowoc Rapids who approved the request by a 2 to 1 vote in favor of the request. The approval was made with recommendations for conditions (copy on file).

Mr. Gaedtke read an email statement from the Town of Kossuth requesting postponement of the conditional use permit for another month to allow more time for their Planning Committee and Town Board to review the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for William Neumann.

Deliberation

Motion by: Mr. Glaeser to postpone the request until next month to allow the Town of Kossuth more time to comment on the application.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Other Business

The next regular meeting was scheduled for August 20, 2012.

The Board conducted their annual election of officers.

Chairman Bonde opened the floor for nominations.

Mr. Glaeser nominated Orville Bonde as Chairperson, Laurel Vondrachek as Vice Chairperson and Charlie Nate as the Secretary.

Chairman Bonde Closed Nominations.

Motion by: Mr. Glaeser to cast a unanimous vote for Bonde, Vondrachek and Nate.

Second by: Ms. Vondrachek.

Upon vote: The motion was unanimously approved.

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

ADJOURNMENT

Motion by: Mr. Nate to adjourn.

Seconded by: Mr. Glaeser.

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT ADVISORY MEETING NOTICE

DATE: Monday, August 13, 2012

TIME: 9:00 a.m.

PLACE: Manitowoc County Office Complex
4319 Expo Dr., Manitowoc, WI 54220

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 discussed at the meeting:

- I. Call to Order - Roll Call
- II. Approval of Agenda
"Open Meeting Law Compliance"
- III. Unfinished Business
 1. **William Neumann** - SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, T20N-R23E, 4613 Thunder Rd., Town of Kossuth and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, T19N-R23E, Village Dr., Town of Manitowoc Rapids – Conditional Use Permit Request
- IV. New Business
 1. **Harlan and Caroline Gaedtke** - NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, T19N-R23E, 2134 Wimmer Rd, Town of Manitowoc Rapids – Variance Request
 2. **James and Gail Kapellen** – Govt. Lot 4, Section 2, T17N-R21E, 10729 Sunny Vista Ln, Town of Schleswig –Variance Requests
- V. Adjournment

Date: August 6, 2012

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 13, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, August 13, 2012 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

Staff present: Reed Gaedtke.

A motion was made by, Ms. Vondrachek seconded by Mr. Nate to approve the agenda for the August 13, 2012 meeting. Upon vote, the motion was unanimously approved.

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

The Board received their folders containing containing the August 20, 2012 hearing applications the postponed application and the previously approved conditions for Mr. Schultz's conditional use permit then Mr. Gaedtke gave a quick overview of each.

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, Vondracheck, Nate and Glaeser; No: none

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: Monday, August 20, 2012
TIME: 7:00 P.M.
PLACE: Manitowoc County Office Complex
4319 Expo Dr., Manitowoc, WI 54220

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 at the meeting:

- I. ROLL CALL AND CALL TO ORDER
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF MINUTES
- IV. APPROVAL OF AGENDA
- V. UNFINISHED BUSINESS

Discussion and possible action on:

- 1. **William Neumann** - SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, T20N-R23E, 4613 Thunder Rd., Town of Kossuth and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, T19N-R23E, Village Dr., Town of Manitowoc Rapids – Conditional Use Permit Request

VI. NEW BUSINESS

Discussion and possible action on:

- 1. **Harlan and Caroline Gaedtke** - NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, T19N-R23E, 2134 Wimmer Rd, Town of Manitowoc Rapids – Variance Request
- 2. **James and Gail Kapellen** – Govt. Lot 4, Section 2, T17N-R21E, 10729 Sunny Vista Ln, Town of Schleswig –Variance Requests

VII. OTHER BUSINESS

- 1. Dean Schultz Conditional Use Permit Review – Discussion and possible action
- 2. Schedule September Meeting

VIII. ADJOURNMENT

Date: August 6, 2012

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 20, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, August 20, 2012 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. Staff present: Reed Gaedtke.

A motion was made by Ms. Vondrachek, seconded by Mr. Nate to approve the July 16, 2012 minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Glaeser seconded by Ms. Vondrachek to approve the August 13, 2012 onsite meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Nate seconded by Ms. Vondrachek to approve the agenda for the August 20, 2012 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondracheck, Nate 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

William Neumann – Owner of properties located at 4613 Thunder Rd. in the SW¹/₄, SW¹/₄, Section 33, T20N-R23E, Town of Kossuth, parcel (07-033-011-002.00) and the adjacent parcel to the south located on Village Dr. in the NW¹/₄, NW¹/₄, Section 4, T19N-R23E, Town of Manitowoc Rapids, parcel (10-004-006-006.00), Manitowoc County, Wisconsin; wherein a conditional use permit is being requested to operate a trucking business in an RR, Rural Residential Agricultural, S1, Shoreland zoned district.

Chairperson Bonde informed the public that testimony regarding this hearing was permitted at the June 2012 hearing and that this request was postponed to allow the Towns of Kossuth and Manitowoc Rapids more time to review and comment on the proposed request.

Motion by: Mr. Glaeser to remove the request from the table and open the hearing.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Chairperson Bonde opened the meeting to hear from the Towns.

Mr. Glaeser asked the Town of Manitowoc Rapids what they suggested be done with the dirt area by the site triangle and the Town stated they would like to see it planted in grass, mowed, and up kept.

Mr. Gaedtke read an email statement from the Town of Kossuth approving of the request provided conditions were placed on the permit and listed suggested conditions (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for William Neumann.

The Board began deliberation and Mr. Neumann wanted to speak to the Board after he heard some of the conditions. The Board also wanted to have the Towns clarify one of their suggested conditions so the Board decided to reopen the hearing to hear from Mr. Neumann and ask the Towns a question.

Mr. Neumann stated that if he could only have 4 tractors and 4 trailers on the property he would have to lay people off. He stated he was under the impression that the Towns were allowing him to have 8 total units which meant 8 tractors and 8 trailers on the property.

Mr. Gaedtke informed Mr. Neumann that even though the Town may approve something or provide a suggested condition, when it comes to approving a conditional use permit, the conditions placed are at the discretion of the Board, not the Towns.

The Board asked each Town to clarify what was meant by 8 units. Both Towns, Manitowoc Rapids and Kossuth, stated that they meant 8 total units which meant 8 tractors and 8 trailers.

There being no further comments, Chairperson Bonde closed the public hearing for William Neumann.

Deliberation

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

Conditions of Approval:

1. Trucks must enter and exit from Thunder Road to Village Drive and go east.
2. No trucks allowed to go south on Village Drive.
3. There will be a permanent hedge or trees planted along the east perimeter of the property and shall be approximately 4 feet tall when planted.
4. The hedge or trees must be planted within two years of the approval.
5. The existing ground area between the gravel parking lot and the road will be planted in grass and must be clipped. No shrubs or trees allowed in this area.
6. There will be no outside storage of parts or junk.
7. There will be no more than 7 total units located on the property. Each unit consists of a truck and trailer.
8. The existing graveled area where the trucks and trailers are to be parked shall be black topped within 4 years.
9. There will be a 1 year review of the permit unless complaints are received, then a review could take place sooner.
10. Total number of employees at this location shall be 13 full time and 3 part time employees.
11. The sign shall be located no closer than 60 feet from the centerline of the road.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

New Business

Harlan and Caroline Gaedtke – Owners of property at 2134 Wimmer Rd., located in the NW¼, SE¼, Section 33, T19N-R23E, Town of Manitowoc Rapids, Manitowoc County, Wisconsin; parcel (10-033-014-004.00) wherein a variance is being requested to reconstruct a 6'x 12'x3' high porch with stairs at 73 feet 4 inches from the centerline of U.S. Highway 151 and within the 200' site triangle of a class 3 highway intersection, in an RR, Rural Residential, zoned district.

Chairperson Bonde opened the public hearing for Harlan and Caroline Gaedtke.

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

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

The Board asked Harlan and Caroline Gaedtke, the applicants, questions regarding the variance request.

Mr. Glaeser stated the highway has been widened every time it's been worked on which keeps decreasing the applicants front yard.

The Town of Manitowoc Rapids chairperson, David Korte spoke in favor of the request stating the Town did not have a problem with the request.

People in attendance opposed to the request. None.

There being no further comments, Chairperson Bonde closed the public hearing for Harlan and Caroline Gaedtke.

Deliberation

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

1. The location of the stop sign to the porch does not cause a site problem.
2. The existing porch is dilapidated.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

James and Gail Kapellen – Owner of property located at 10729 Sunny Vista Ln., located in Govt. Lot 4, Section 2, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin; parcel (16-540-000-009.00), wherein a variance is being requested to construct a 3'x27' deck addition at 34 feet from the ordinary high water mark of Wilke Lake, and to resurface the existing wrap around deck with new floor boards and railings and to construct 4'x16' wrap around deck stairs at 34 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 James and Gail Kapellan.

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

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

The Board asked Dan Jones, the building contractor, questions regarding the variance requests.

People in attendance in favor of the request; none.

People in attendance opposed to the request; none.

Mr. Gaedtke read a letter from the Wisconsin DNR with suggestions to the deck addition request and stating opposition to the wrap around stair request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for James and Gail Kapellan.

Deliberation

Motion by: Ms. Vondracheck to approve a decreased deck addition of 2'x27' at 35 feet from the ordinary high water mark and to deny the wrap around stair request.

Facts and reasons for Approval;

1. The average distance from adjacent houses to the lakeshore came to 32 feet. The ordinance allows for averaging; provided the distance is not reduced to less than 35 feet. Therefore 35 feet is the closest the deck addition can be built to the ordinary high water mark.
2. The deck is in need of repair.
3. An unnecessary burden is caused by having such a small area to exit the house onto the deck. The end of the deck is so close to the patio doors it creates a safety hazard for anyone needing to exit the home in case of an emergency.
4. It is not contrary to the public interest. The deck is preexisting; the two foot addition is providing a safer area.
5. The proposed wrap around stairs is denied; if the existing stairs need to be repaired or replaced they must meet the standards listed in the ordinance which states they can be no wider than 42 inches.

Conditions of approval:

1. Shrubs must be replaced in front of the deck addition to screen the deck from the public's view from the water.
2. New railings would be good and should be a natural color. The proposed black would also be fine.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Other Business

Dean Schultz Conditional Use Permit Review;

The Board called Mr. Schultz to the front to ask him some questions. Mr. Glaeser asked about the berm extending around the corner of the property.

Mr. Schultz stated that they will eventually berm the back side as well so they won't have to worry about any other issues in the future.

Mr. Schlitz also informed the Board that some of the trees have died because of the harsh dry summer and stated they are replanting the dead ones and they are also going to plant a shrub along the front which can take drought better and has a nice flower which grows on it. This would make a visually appealing screen.

Mr. Schultz also stated that he has put on a new roof and painted the building and cleaned up the property.

Mr. Schultz asked if reviews could be moved out further instead of every year.

Mr. Gaedtker explained the process for that to occur.

Ms. Vondracek stated that for now; an annual review would remain.

The Board stated they were impressed with what they saw and said they approve the review.

The Board excused Mr. Schultz.

Meeting Schedule –

The next regular meeting was scheduled for September 17, 2012 and onsites would be on September 10, 2012.

ADJOURNMENT

Motion by: Mr. Glaeser to adjourn.

Seconded by: Mr. Nate.

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracek, Nate and Glaeser; *No:* none

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT ADVISORY MEETING NOTICE

DATE: Monday, September 10, 2012

TIME: 9:00 a.m.

PLACE: Manitowoc County Office Complex
4319 Expo Dr., Manitowoc, WI 54220

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 discussed at the meeting:

- I. Call to Order - Roll Call
- II. Approval of Agenda
"Open Meeting Law Compliance"
- III. New Business
 1. **Stephen Hummer and Jean Andrews** – Govt. Lot 3, Section 24, T17N-R21E, Cedar Terrance Road, Town of Schleswig – Variance Requests
 2. **Terry and Lisa Behnke** – SW¼, SE¼, Section 19, T19N-R21E, 23720 CTH JJ, Town of Rockland –Variance Request
- IV. Adjournment

Date: September 4, 2012

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 10, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, September 10, 2012 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Rose Kocourek, Orville Bonde, Charlie Nate and Laurel Vondrachek.

Staff present: Reed Gaedtke.

A motion was made by, Mr. Glaeser seconded by Ms. Vondrachek to approve the agenda for the September 10, 2012 meeting. Upon vote, the motion was unanimously approved. *Aye: Bonde, Vondracheck, Nate, Kocourek and Glaeser; No: none*

The Board received their folders containing the September 17, 2012 hearing applications; the previously approved conditions for Mr. Martins conditional use permit; and the reconsideration letter from Mr. Neumann regarding his conditional use permit.

Mr. Gaedtke gave a quick overview of each.

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. Kocourek.

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: Monday, September 17, 2012
TIME: 7:00 P.M.
PLACE: Manitowoc County Office Complex
4319 Expo Dr., Manitowoc, WI 54220

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 at the meeting:

- I. ROLL CALL AND CALL TO ORDER
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF MINUTES
- IV. APPROVAL OF AGENDA
- V. NEW BUSINESS

Discussion and possible action on:

- 1. **Stephen Hummer and Jean Andrews** – Govt. Lot 3, Section 24, T17N-R21E, Cedar Terrance Road, Town of Schleswig – Variance Requests
- 2. **Terry and Lisa Behnke** – SW¼, SE¼, Section 19, T19N-R21E, 23720 CTH JJ, Town of Rockland –Variance Request

VI. OTHER BUSINESS

- 1. Martin Hoffman Conditional Use Permit Review– Discussion and possible action
- 2. William Neuman Reconsideration – Discussion and possible action
- 3. Schedule October Meeting

VII. ADJOURNMENT

Date: September 4, 2012

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 17, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, September 17, 2012 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Rose Kocourek, 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 August 20, 2012 minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Nate seconded by Mr. Glaeser to approve the September 10, 2012 onsite meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Ms. Vondrachek seconded by Ms. Kocourek to approve the agenda for the September 17, 2012 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Kocourek 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

Stephen Hummer and Jean Andrews– Neighboring owners of properties located on Cedar Terrace Rd.; both in Govt. Lot 3, Section 24, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin; parcels (16-500-001-010.00 and a portion of parent parcel 16-024-003-003.02) wherein variances are being requested by John Brotz, the applicant, to construct a 24'6" x 24'6" garage at approximately 20 feet 3 inches from the center line of Cedar Terrace Rd.; and to construct an approximate 91.5' long x 5' high retaining wall at approximately 14 feet 4 inches from the center line of the road; and to also construct an approximate 88' 2" long x 5' high retaining wall at approximately 13 feet 8 inches from the center line of Cedar Terrace Rd. located in an A1 Agricultural, LR, Lake Residential, S1 Shoreland zoned district.

Chairperson Bonde opened the public hearing for Stephen Hummer, Jean Andrews, and John Brotz.

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

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

The Board asked John Brotz, the applicant, questions regarding the variance requests.

Ms. Vondrachek asked about the construction of the retaining walls.

Mr. Brotz stated he was thinking about using block and explained the process he plans to use for constructing the walls.

People in attendance in favor of the request; none.

People in attendance opposed to the request; none.

Ms. Vondrachek asked Mr. Brotz if he would fix the walls himself if they were to ever fail.

Mr. Brotz stated that if the walls failed they should not reach the road so there should be no problem. He also stated that the way they will be constructed should help route water away from the area and spread out the drainage to reduce the chance of failure.

Mr. Gaedtke read a statement from the Town of Schleswig Chairperson, Dennis Salzmann who said the Town looked at this request and was in favor of the project.

There being no further comments, Chairperson Bonde closed the public hearing for Stephen Hummer, Jean Andrews, and John Brotz.

Deliberation

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

1. A hardship is present on the property because the steep slope close to the road limits the area to build and the proposed location of the garage and retaining walls are the best and most efficient location on the property to construct them. The walls are needed to help stabilize the steep slope.
2. This is a very unique site and there is no other location to construct a garage and the owner needs to have a garage. It would be very burdensome and cumbersome to try and locate them in some other area.
3. The request is not contrary to the public because there are other walls and garages in the area that are located approximately the same distance to the centerline of the road.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondracheck, Nat, Kocourek and Glaeser; *No:* none.

Terry and Lisa Behnke – Owners of property located at 23720 CTH JJ, located in the SW¼, SE¼, Section 19, T19N-R21E, Town of Rockland, Manitowoc County, Wisconsin; parcel (15-019-015-001.00), wherein a variance is being requested to construct a 24'x50' milk parlor addition at 45 feet 6 inches from the center line of a county highway and at 6 inches from the right-of-way line in an EA, Exclusive Agricultural zoned district.

Chairperson Bonde opened the public hearing for Terry and Lisa Behnke.

Mr. Gaedtke read a statement from Mr. Behnke asking the Board to postpone his request so that he could amend his application to include a larger milk parlor and also to replace a dilapidated barn wall.

Deliberation

Motion by: Mr. Nate to postpone Mr. Behnke's request until the October meeting to allow him more time to amend his application.

Second by: Ms. Kocourek

Upon vote: The motion was unanimously approved.

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

Other Business

Martin Hoffman Conditional Use Permit Review; The Board agreed that permit conditions have been met and stated that there will no longer be an annual review of the business. The Board would only review the conditional use permit if violations or complaints came from the Town.

William Neumann Conditional use permit reconsideration;

Mr. Gaedtke read Mr. Neumann's letter requesting a reconsideration of this conditional use permit to operate a trucking business in an RR district.

Mr. Neumann was questioning the condition which didn't allow him to use his new driveway to the east.

Mr. Neumann submitted a permit from the Town of Manitowoc Rapids which he did not when the request was originally heard by the Board.

Mr. Gaedtke also informed the Board that there has been a question on who has access at this location and showed the Board information from the Town of Manitowoc Rapids which shows that the access in question belongs to the neighbor.

Due to the new information; the Board decided to grant the reconsideration.

Motion by: Ms. Vondrachek to grant the reconsideration and stated that they would like the Towns to provide specific details and the reasoning for any Town conditions regarding this permit.

Seconded by: Mr. Nate.

Upon vote: The motion was unanimously approved.

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

Meeting Schedule –

The next regular meeting was not going to be scheduled for the third Monday in October because too many Board members would be absent so Mr. Gaedtke was asked to see if the Board could have their meeting on October 22 or October 23. If those two dates did not work, he should try and get whatever date he could. The onsite meeting would take place on October 8, 2012.

ADJOURNMENT

Motion by: Mr. Glaeser to adjourn.

Seconded by: Mr. Nate.

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY MEETING NOTICE

DATE: Monday, October 8, 2012
TIME: 9:00 a.m.
PLACE: Manitowoc County Office Complex
4319 Expo Drive, Manitowoc, WI 54220

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 discussed at the meeting:

- I. Call to Order - Roll Call
- II. Approval of Agenda
"Open Meeting Law Compliance"
- III. New Business
 1. **Kurt Bratz** – Lot 1 & W ½ Lot 2 Block 7, Section 27, T19N-R21E, Town of Rockland, 20831 Calumet St. – Variance Requests
 2. **William Neumann** – SW¼, SW¼, Section 33, TN-R23E, Town of Kossuth, and NW ¼, NW¼, Section 4, T19N-R23E, Town of Manitowoc Rapids, 4613 Thunder Road – Reconsideration of Conditional Use Permit
 3. **Ned Christopherson** – Govt. Lot 2, Section 4, T20N-R25E, Town of Two Rivers, 11407 County Rd O – Variance Requests
 4. **Mary Shimek** – NW ¼, SE ¼, Section 33, T18N-R22E, Town of Liberty, 9408 Pigeon Lake Road – Variance Requests
 5. **Kris Desmond** – NE ¼, SW¼, Section 33, T18N-R22E, Town of Liberty, 9508 Pigeon Lake Road – Variance Requests
- IV. Other Business
 1. **Terry and Lisa Behnke** - SW¼, SE¼, Section 19, T19N-R21E, Town of Rockland, 23720 CTH JJ – Variance Requests
- V. Adjournment

Date: October 1, 2012

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 8, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, October 8, 2012 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Rose Kocourek, Orville Bonde, Charlie Nate and Laurel Vondrachek.

Staff present: Reed Gaedtke.

A motion was made by, Ms. Vondrachek seconded by Ms. Kocourek to approve the agenda for the October 8, 2012 meeting. Upon vote, the motion was unanimously approved.

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

The Board received their folders containing the October 18, 2012 hearing applications and Mr. Gaedtke gave a quick overview of each.

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. Kocourek.

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles Nate, Secretary

Date

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

October 18, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Thursday, October 18, 2012 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Rose Kocourek, 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 September 17, 2012 minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Ms. Vondrachek seconded by Ms. Kocourek to approve the October 8, 2012 onsite meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Ms. Vondrachek seconded by Mr. Nate to approve the agenda for the October 18, 2012 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Kocourek 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

Terry and Lisa Behnke – Owners of property located at 23720 CTH JJ, located in the SW¼, SE¼, Section 19, T19N-R21E, Town of Rockland, Manitowoc County, Wisconsin; parcel (15-019-015-001.00), wherein a variance is being requested to construct a 24'x50' milk parlor addition at 45 feet 6 inches from the center line of a county highway and at 6 inches from the right-of-way line in an EA, Exclusive Agricultural zoned district.

Chairperson Bonde opened the public hearing for Terry and Lisa Behnke.

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

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

The Board asked Terry Behnke questions regarding the variance request.

People in attendance in favor of the request; none.

People in attendance opposed to the request; none.

The Town of Rockland submitted a letter that they were in favor of the requests.

There being no further comments, Chairperson Bonde closed the public hearing for Terry and Lisa Behnke.

Deliberation

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

Reasons:

1. Over the years the road has been rebuilt and widened a number of times which has infringed upon the owners property and structures and has created a unique hardship which prevents him from meeting the setback.
2. Fifty feet of wall is approved because when a person has to work with old stone walls; most of the time more and more of the wall begins to crumble away and needs to be replaced.
3. When you operate a farm; the milking parlor and holding area must connect in order for it to work. They cannot be located in different areas. Therefore the parlor is needed on the roadside end of the barn; otherwise they could not reasonably use the barn.
4. The variance is not contrary to the public interest because the highway is straight in this area, and there has been a structure located at the same distance for years which has not been contrary or had a negative affect.

Conditions of Approval:

1. A highway release form must be signed.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

New Business

Kurt Bratz – Owner of property located at 20831 Calumet St., in Collins Lot 1 & W ½ Lot 2 Block 7, Section 27, T19N-R21E, Town Rockland, Manitowoc County, Wisconsin; parcel (15-500-007-001.00), wherein variances are being requested to construct a 25'x60' garage at 28 feet from the centerline of Center St., at 73 feet from the center line of CTH JJ and within the 200 foot site triangle, located in a HD, High Density Residential zoned district.

Chairperson Bonde opened the public hearing for Kurt Bratz.

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

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

The Board asked Kurt Bratz questions regarding the variance requests.

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 Kurt Bratz.

Deliberation

Motion by: Ms. Vondrachek to approve the variance requests.

Reasons:

1. Due to the size of the lot and the unique shape a hardship is created which doesn't allow the owner any other place to build.
2. They need a garage and having to meet ordinance requirements would prevent them from using the property because space is limited and they need a garage.
3. The structure is far enough back from the highway that it will not block site within the site triangle.
4. There is no place to park on the street so without the garage and a parking area there is no other place to park.
5. The average setback for this class 4 highway in this area would be approximately 66 feet and the applicant will be further than the average from the centerline of the county highway.

Conditions:

1. Owner must sign a highway release form.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

William Neumann – Owner of properties located at 4613 Thunder Rd. in the SW¼, SW¼, Section 33, T20N-R23E, Town of Kossuth, parcel (07-033-011-002.00) and the adjacent parcel to the south located on Village Dr. in the NW¼, NW¼, Section 4, T19N-R23E, Town of Manitowoc Rapids, Manitowoc County, Wisconsin; parcel (10-004-006-006.00) wherein a conditional use permit for operating a trucking business in a RR, Rural Residential zoned district is being reconsidered.

Chairperson Bonde made note that the Town of Manitowoc Rapids was asking for a postponement.

Mr. Gaedtke read an email request from the Town asking for postponement until next month.

Motion by: Mr. Glaeser to postpone the hearing until the next month.

Second by: Ms. Kocourek

Upon vote: The motion was unanimously approved.

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

Ned Christopherson – Owner of property located at 11407 County Rd. O, in Govt. Lot 2, Section 4, T20N-R25E, Town of Two Rivers, Manitowoc County, Wisconsin; parcel (18-204-008-022.00) wherein variances are being requested to construct a 70' long x 4' high open fence at 30 feet from the ordinary high water mark of Lake Michigan; and to construct a 36'x 36' one or two story home at 90 feet from the centerline of CTH O; and to also construct a 14'x 30' detached garage at 90 feet from the centerline of CTH O located in an HD, High Density Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Ned Christopherson.

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

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

The Board asked Ned Christopherson questions regarding the variance request.

People in attendance in favor of the request; none.

People in attendance opposed to the request; none.

Mr. Gaedtke read a letter from the Wisconsin DNR shoreland specialist, Tom Blake, stating the DNR was opposed to the request.

There being no further comments, Chairperson Bonde closed the public hearing for Ned Christopherson.

Deliberation

Motion by: Ms. Vondrachek to approve the garage and house variances at 90 feet from the centerline of the road.

Reasons for Approval;

1. The variance for the garage and house from the road will not be contrary to the public interest because the road has a 35mph speed limit and the structures will be 90 feet from the centerline which allows for enough room for safety.
2. The shape of the lot due to the lake and the easement that is located on the lot creates a unique limitation on that property which prevents the owner from meeting ordinance requirements.
3. The easement also prevents the owner from using the property because the easement is so large it takes up a lot of the buildable area.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Another motion was made regarding the fence.

Motion by: Ms. Vondrachek to deny the fence request to build within the ordinary high watermark setback.

Fence Denial;

1. Portions of the fence are to be removed so that it is located no closer than 75 feet from the ordinary high water mark. Shrubs and trees can be planted within the 75 foot setback to allow for screening and lot line separation.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Mary Shimek – Owner of property located at 9408 Pigeon Lake Rd., located in the NW ¼, SE ¼, Section 33, T18N-R22E, Town of Liberty, Manitowoc County Wisconsin; parcel (08-033-014-006.00) wherein variances are being requested to construct a 48' 8" x 56' 9" house with an exposed basement at 20 feet from the ordinary high water mark of Pigeon Lake and at 53 feet 8 inches from the centerline of the road; and to construct 42" wide stairs and a 20'x46' 7" concrete patio at 20 feet from the ordinary high water mark of the lake and to also construct approximately a 10'x19' pergola at approximately 31 feet from the ordinary high watermark of Pigeon Lake in an LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Mary Shimek.

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

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

The Board asked Mary Shimek questions regarding the variance request.

The Board was concerned with protecting the front 35 feet of lake frontage and asked questions about possibly changing the layout of the proposed home so that it would be located beyond 35 feet from the lake.

Ms. Shimek stated the structure was very dilapidated and needs to be rebuilt. Ms. Shimek also stated that due to the size of the lot, she wanted to keep enough room between the house and road to park cars.

Jerry Gospodarik spoke in favor of the request stating that snow removal along the road gets pushed to the opposite side where no one lives and that all the properties along that side of the lake are at a disadvantage because the area of land to build between the road and lake is so small. Mr. Gospodarik felt that home owners are being penalized just for trying to build an average size home because the lot is small. Ms. Shimek is building part of the house over the existing footprint and that she is just trying to make the house safer.

People in attendance opposed to the request; none.

Mr. Gaedtke read a letter from the WDNR shoreland specialist, Tom Blake, which stated concerns with the proposed house and that the patio and pergola should be denied.

Mr. Gaedtke also read an email statement from the Town of Liberty supervisor, Joel Aulik, which stated the Town was requesting more time to have their planning commission look at the proposal before the Town made a recommendation to the Board of Adjustment.

Motion by: Ms. Vondrachek to postpone the hearing until next month to allow the Town time to comment on the request and see if Ms. Shimek could come up with different building designs.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Kris Desmond – Owner of property at 9508 Pigeon Lake Rd., located in the NE¼, SW¼, Section 33, T18N-R22, Town of Liberty, Manitowoc County, Wisconsin; parcel (08-033-009-008.01) wherein variances are being requested to reconstruct an 8' x 28' screened in porch at 15 feet from the ordinary high water mark of Pigeon Lake; and to construct a new 9'x28' second story deck at 15 feet from the ordinary high water mark of the lake; and to also construct a new 12' 6" x 47' wrap around deck with stairs at 11 feet from the ordinary high water mark of the lake and at 0 feet from the north property line and at 1 foot from the south property line on a property located in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Kris Desmond.

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

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

The Board asked Mark Waniger, Ms. Desmond's builder, questions regarding the variance request.

Mr. Waniger was asked about the existing patio block and he stated the existing patio block would remain where it was to act as a retaining wall to help keep the ground stabilized. Then a walking wooden deck would be constructed over the top of the paver brick with stairs extending closer to the water and over the top of the exiting paver brick stairs.

When asked about the second story deck, Mr. Waniger stated the upper deck would be the same dimensions as the screened in porch below it.

People in attendance in favor of the request; none.

People in attendance opposed to the request; none.

Mr. Gaedtke read a letter from the WDNR shoreland specialist, Tom Blake, which stated the patio and pergola should be denied and explained the DNR's position of the screened in porch.

Mr. Gaedtke also read an email statement from the Town of Liberty supervisor, Joel Aulik, which stated the Town was requesting more time to have their planning commission look at the proposal before the Town made a recommendation to the Board of Adjustment.

Motion by: Ms. Vondrachek to postpone the hearing until next month to allow the Town time to comment on the issue, to hear from Mr. Waniger, and to request the DNR elaborate on the second story deck.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Other Business

The next meeting was scheduled for Tuesday November 27, 2012 and the onsite meeting scheduled for Monday November 12, 2012

ADJOURNMENT

Motion by: Mr. Glaeser to adjourn.

Seconded by: Mr. Nate.

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Kocourek and Glaeser; *No:* none

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

MEETING NOTICE

DATE: Thursday, October 18, 2012
TIME: 7:00 P.M.
PLACE: Manitowoc County Office Complex
4319 Expo Drive, Manitowoc, WI 54220

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 at the meeting:

I. ROLL CALL AND CALL TO ORDER

II. OPEN MEETING LAW COMPLIANCE

III. APPROVAL OF MINUTES

IV. APPROVAL OF AGENDA

V. OLD BUSINESS

1. **Terry and Lisa Behnke** - SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 19, T19N-R21E, Town of Rockland, 23720 CTH JJ – Variance Requests – Discussion and possible action

VI. NEW BUSINESS

Discussion and possible action on:

1. **Kurt Bratz** – Lot 1 & W $\frac{1}{2}$ Lot 2 Block 7, Section 27, T19N-R21E, Town of Rockland, 20831 Calumet St. – Variance Requests
2. **William Neumann** – SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, TN-R23E, Town of Kossuth, and NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 4, T19N-R23E, Town of Manitowoc Rapids, 4613 Thunder Road – Reconsideration of Conditional Use Permit
3. **Ned Christopherson** – Govt. Lot 2, Section 4, T20N-R25E, Town of Two Rivers, 11407 County Rd O – Variance Requests
4. **Mary Shimek** – NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 33, T18N-R22E, Town of Liberty, 9408 Pigeon Lake Road – Variance Requests
5. **Kris Desmond** – NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, T18N-R22E, Town of Liberty, 9508 Pigeon Lake Road – Variance Requests

VII. OTHER BUSINESS

1. Schedule November Meeting

VIII. ADJOURNMENT

Date: October 1, 2012

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

ADVISORY MEETING NOTICE

DATE: Monday, November 12, 2012
TIME: 9:00 a.m.
PLACE: Manitowoc County Office Complex
4319 Expo Drive, Manitowoc, WI 54220

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 discussed at the meeting:

- I. Call to Order - Roll Call
- II. Approval of Agenda
"Open Meeting Law Compliance"
- III. New Business
 1. **Trinity Lutheran Church** – NW ¼, NW ¼, Section 13, T18N-R22E, Town of Liberty, 11303 Wehausen Road – Variance Request
 2. **Aaron Nelson** - SW ¼, SW ¼, Section 33, T20N-R23E, Town of Kossuth, 7630 Village Drive – After the Fact Conditional Use Permit
- IV. Other Business
 1. **Mary Shimek** – NW ¼, SE ¼, Section 33, T18N-R22E, Town of Liberty, 9408 Pigeon Lake Road – Variance Requests
 2. **Kris Desmond** – NE ¼, SW¼, Section 33, T18N-R22E, Town of Liberty, 9508 Pigeon Lake Road – Variance Requests
 3. **William Neumann** – SW¼, SW¼, Section 33, TN-R23E, Town of Kossuth, and NW ¼, NW¼, Section 4, T19N-R23E, Town of Manitowoc Rapids, 4613 Thunder Road – Reconsideration of Conditional Use Permit
- V. Adjournment

Date: November 5, 2012

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.

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 12, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, November 12, 2012 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Rose Kocourek, Orville Bonde, Charlie Nate and Laurel Vondrachek.

Staff present: Reed Gaedtke.

A motion was made by, Ms. Vondrachek seconded by Ms. Kocourek to approve the agenda for the November 12, 2012 meeting. Upon vote, the motion was unanimously approved.

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

The Board received their folders containing the November 27, 2012 hearing applications and Mr. Gaedtke gave a quick overview of each.

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. Kocourek.

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles Nate, Secretary

Date



**MANITOWOC COUNTY
BOARD OF ADJUSTMENT
MEETING NOTICE**

DATE: TUESDAY, November 27, 2012
TIME: 7:00 P.M.
PLACE: Manitowoc County Office Complex
4319 Expo Drive, Manitowoc, WI 54220

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 at the meeting:

- I. ROLL CALL AND CALL TO ORDER
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF MINUTES
- IV. APPROVAL OF AGENDA
- V. OLD BUSINESS

Discussion and possible action on:

- 1. **Mary Shimek** – NW ¼, SE ¼, Section 33, T18N-R22E, Town of Liberty, 9408 Pigeon Lake Road – Variance Requests
- 2. **Kris Desmond** – NE ¼, SW ¼, Section 33, T18N-R22E, Town of Liberty, 9508 Pigeon Lake Road, - Variance Requests
- 3. **William Neumann** - SW¼, SW¼, Section 33, T20N-R23E, Town of Kossuth and NW ¼ , NW ¼ , Section 4, T19N-R23E, Town of Manitowoc Rapids, 4613 Thunder Road – Reconsideration of Conditional Use Permit

VI. NEW BUSINESS

Discussion and possible action on:

- 1. **Trinity Lutheran Church** – NW ¼, NW ¼, Section 13, T18N-R22E, Town of Liberty, 11303 Wehausen Road - Variance Request
- 2. **Aaron Nelson** – SW ¼, SW ¼, Section 33, T20N-R23E, Town of Kossuth, 7630 Village Drive – After the Fact Conditional Use Permit

VII. OTHER BUSINESS

- 1. Schedule December Meeting

VIII. ADJOURNMENT

Date: November 5, 2012

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 27, 2012

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Tuesday, November 27, 2012 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Rose Kocourek, 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 October 18, 2012 minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Ms. Vondrachek seconded by Ms. Kocourek to approve the November 12, 2012 onsite meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Nate seconded by Mr. Glaeser to approve the agenda for the November 27, 2012 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Kocourek 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

Mary Shimek – Owner of property located at 9408 Pigeon Lake Rd., located in the NW ¼, SE ¼, Section 33, T18N-R22E, Town of Liberty, Manitowoc County Wisconsin; parcel (08-033-014-006.00) wherein variances are being requested to construct a 48' 8" x 56' 9" house with an exposed basement at 20 feet from the ordinary high water mark of Pigeon Lake and at 53 feet 8 inches from the centerline of the road; and to construct 42" wide stairs and a 20'x46' 7" concrete patio at 20 feet from the ordinary high water mark of the lake and to also construct approximately a 10'x19' pergola at approximately 31 feet from the ordinary high watermark of Pigeon Lake in an LR, Lake Residential, S1, Shoreland zoned district.

Motion by: Ms. Vondrachek to open the postponed hearing.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Chairperson Bonde opened the public hearing for Mary Shimek.

Joel Aulik, representative for the Town of Liberty, stated Ms. Shimek was working on plans to redesign the house to fit into the Town of Liberty's requested setback distances. He said that the Town was in favor of the house however they wanted to see it kept at 60 feet from the centerline of the road and 35 feet from the ordinary high water mark.

Mr. Aulik also said that Ms. Shimek would present those new plans to the Town of Liberty at their December meeting and the Town would make a recommendation to the Board of Adjustment before their next meeting.

There being no further comments, Chairperson Bonde closed the public hearing for Mary Shimek.

Deliberation

Motion by: Mr. Glaeser to postpone the hearing until the next regular monthly hearing to see if Ms. Shimek could come up with different building designs according to Towns request and to wait for the Towns recommendation.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Kris Desmond – Owner of property at 9508 Pigeon Lake Rd., located in the NE¹/₄, SW¹/₄, Section 33, T18N-R22, Town of Liberty, Manitowoc County, Wisconsin; parcel (08-033-009-008.01) wherein variances are being requested to reconstruct an 8' x 28' screened in porch at 15 feet from the ordinary high water mark of Pigeon Lake; and to construct a new 9'x28' second story deck at 15 feet from the ordinary high water mark of the lake; and to also construct a new 12' 6" x 47' wrap around deck with stairs at 11 feet from the ordinary high water mark of the lake and at 0 feet from the north property line and at 1 foot from the south property line on a property located in a LR, Lake Residential, S1, Shoreland zoned district.

Motion by: Ms. Vondrachek to open the postponed hearing.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Chairperson Bonde opened the public hearing for Kris Desmond.

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

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

The Board asked Mark Waniger, Ms. Desmond's builder, questions regarding the variance request changes.

Mr. Gaedtke clarified that nothing had been approved yet.

There was a discrepancy with the size of the proposed second story deck and porch because the application stated 7 feet and the drawing showed 8 feet. Mr. Waniger clarified that it would be the existing size of the current porch which he thought was 7 feet.

Town of Liberty representative, Joel Aulik, stated the Town was in favor of the porch provided it was the same size, the second story deck was allowed, but the Town was not in favor of the wrap around deck.

Mr. Gaedtke read a letter from the Town of Liberty recommending the porch and second story deck approval provided it's the same size as the current porch and to deny the wrap around deck.

People in attendance opposed to the request; none.

There being no further comments; Chairperson Bonde closed the public hearing for Kris Desmond.

Deliberation

Motion by: Ms. Vondrachek to approve the screened in porch within the existing footprint of the old porch and at 15 feet from the ordinary high water mark of Pigeon Lake; and to construct a second story deck above the porch and the same dimensions as the porch and at 15 feet from the ordinary high water mark of the lake; and to construct a second story deck above the porch and the same dimensions as the porch at 15 feet from the ordinary high water mark of the lake; and to deny the request to construct a new 12' 6" x 47' wrap around deck at 11 feet from the ordinary high water mark of the lake.

Conditions of Approval:

1. The screened in porch is to be built in the same footprint and no larger than the existing dilapidated porch.
2. The porch is approved at 15 feet from the ordinary high water mark.
3. The floor inside the screened in porch can be repaired or replaced with wood.
4. The porch can have a door for ingress and egress.
5. Code compliant stairs can be constructed to access the porch door.
6. Stairs are to be no wider than forty-two inches (42").
7. The wrap around lower deck is denied.
8. The second story deck above the proposed porch is approved provided it is the same size as the porch and located no closer than 15 feet from the ordinary high water mark.

Reasons for Approval:

1. The porch and second story deck are not contrary to the public interest because nothing along the shoreline is changing. The structure being replaced will be located within the existing footprint.
2. A hardship is present because of the steep slope on the property located so close to the water along with the size of the existing structure, and the proximity of the structure to the ordinary high water mark; there area to add onto the house anywhere else is limited.
3. The existing structure is small and extra space is needed to allow the owner reasonable use of the property. Without the porch and upper deck the structure would be very small.
4. The second story deck does not increase impervious surface area because it's the same size as the porch so the overall footprint of the structure is not changing. The porch and deck provide extra room and another exit on the top level of the cottage for the owners.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

William Neumann – Owner of properties located at 4613 Thunder Rd. in the SW¹/₄, SW¹/₄, Section 33, T20N-R23E, Town of Kossuth, parcel (07-033-011-002.00) and the adjacent parcel to the south located on Village Dr. in the NW¹/₄, NW¹/₄, Section 4, T19N-R23E, Town of Manitowoc Rapids, Manitowoc County, Wisconsin; parcel (10-004-006-006.00) wherein a conditional use permit for operating a trucking business in a RR, Rural Residential zoned district is being reconsidered.

Motion by: Ms. Vondrachek to open the postponed hearing.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Chairperson Bonde opened the public hearing for William Neumann.

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

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

The Board asked Mr. Neumann, questions regarding the reconsidered conditional use permit request.

Mr. Neumann stated the Town of Manitowoc Rapids agreed to not have black top on the parking lot and that he wanted 14 individual units instead of 7 total units for the number of trucks and to be able to enter and exit off the proposed east driveway.

Mr. Gaedtke clarified the truck directions when entering and exiting the property.

Mr. Neumann stated all the trucks and trailers would be parked in his gravel yard.

The Board was concerned with having a gravel parking lot because the gravel would be carried out onto the road and cover it making it messy and when it rained, the lot would be muddy and dirtier.

The Board asked who Mr. Neumann checked with regarding black topping the parking lot and Mr. Neumann said it was a Manitowoc company but didn't remember their name.

The Board asked if Mr. Neumann checked on using some other types of substrate such as reconstituted black top and Mr. Neumann stated that he did not.

The Board discussed the black top issue and was concerned about keeping the dust down on the yard if it were just graveled and they were also concerned about gravel washing out and being pushed down to the ditches during snow removal.

Mr. Glaeser asked Mr. Neumann if he would prefer having 6 to 8 years before having to black top the driveway.

Mr. Neumann answered yes but then noted that if the Board was concerned about the mess and gravel runoff, it should probably be addressed before 8 years.

The Board discussed possible solutions to the situation.

Mr. Glaeser restated that he was concerned about gravel erosion to the ditches and wanted to make sure it was stopped and that there would be no dust being produced from the yard.

Ms. Vondrachek restated that she did not want to see gravel being carried out onto the roads.

Town of Kossuth Supervisor, Ralph Schuh spoke for the Town in favor of the request but stated that condition number 7 regarding the number of tractors and trailers on the property was addressed by the Town of Kossuth. The Town stated during the original request that they were supportive of 8 total units (16 pieces) and that the Town would support a total of 14 individual units but no more than 8 of those individual units could be trailers.

Neighboring property owner to the east, Aaron Nelson, stated he did not object to the request but also wanted to note that this is a residential area. He also said that during the Town meeting neither he nor anyone else at the meeting thought about the potential issue of having 14 individual tractors or trailers on the property all the time. Then he restated that this is a residential area.

People in attendance opposed to the request; none.

There being no further comments, Chairperson Bonde closed the public hearing for William Neumann.

Deliberation

Motion by: Mr. Glaeser to postpone the hearing until the next regular meeting to find out from the Town if that proposed driveway to the east can be used or not.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

New Business

Trinity Lutheran Church – Owner of property located at 11303 Wehausen Rd., in the NW¼, NW¼, Section 13, T18N-R22E, Town Liberty, Manitowoc County, Wisconsin; parcel (008-013-006-002.00), wherein a variance is being requested to construct a 5'6" high x 56" wide x 12" deep sign at 39 feet from the centerline of Wehausen Rd.; located in a SE, Small Estate Residential zoned district.

Chairperson Bonde opened the public hearing for Trinity Lutheran Church.

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

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

Mr. Glaeser informed the Board and the general public that he would not be voting on this issue because he is a member of Trinity Lutheran Church.

The Board asked Harold Bratz and Fred Wehausen; representatives for Trinity Church, questions regarding the variance request.

Ms. Kocourek asked what the speed limit was in front of the cemetery and Mr. Bratz stated it the speed limit was 45 miles per hour.

People in attendance in favor of the request; none.

People in attendance opposed to the request; none.

Mr. Gaedtke also read an email statement from the Town of Liberty supervisor, Joel Aulik, which stated the Town approved of the request.

There being no further comments, Chairperson Bonde closed the public hearing for Trinity Lutheran Church.

Deliberation

Motion by: Mr. Nate to approve the variance request for a sign to be located no closer to the centerline of Wehausen Rd. than the existing church (approximately 39 feet).

Reasons:

1. There has been a tremendous increase in the interest of ancestors and cemetery visits and the placement of a sign allows reasonable use of the property.
2. The sign is not contrary to the public interest because without a sign, people may not find the cemetery where their ancestors are buried. Also, the sign is going no closer the centerline of the road than the existing church (approximately 39 feet) and there is a reduced speed limit in this area.
3. The number of graves and the location of the graves on the site create a hardship because there is no other location for the sign to be placed where it could be easily viewed by passersby.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Aaron Nelson – Owner of property located at 7630 Village Dr. in the SW¹/₄, SW¹/₄, Section 33, T20N-R23E, Town of Kossuth, Manitowoc County, Wisconsin; parcel (07-033-011-001.00) wherein an after the fact conditional use permit is being requested for operating a small trucking business in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Aaron Nelson.

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

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

The Board asked Aaron Nelson questions regarding the after the fact conditional use permit request.

Mr. Nelson stated he had 3 other trucks but they were located out of this area. At his location he had his truck, occasionally one other truck and a part time secretary.

Mr. Nelson stated he is trying to keep his business low impact in the neighborhood because it is a residential area.

William Neuman, neighboring property owner to the west spoke in favor of the conditional use permit request and stated he had no problem with Mr. Nelson trucking from that location. He went on to say that Mr. Nelson's trucks and area are kept clean, it is low impact on the area and is nice.

Town of Kossuth representative, Ralph Schuh, stated the Town's Planning Committee reviewed the request and was in favor of the request; however the Town Board did not have time to review it. The Town was requesting more time to review the request so they can make a formal recommendation to the Board of Adjustment at their next meeting.

Mr. Schuh also said that Mr. Nelson has operated at that location for some time and it is a low impact on the neighborhood.

People in attendance opposed to the request; none.

There being no further comments, Chairperson Bonde closed the public hearing for Aaron Nelson.

Deliberation

Motion by: Ms. Vondrachek to postpone the hearing until the next regular meeting to allow the Town of Kossuth time to review and comment on the request.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Other Business

The next meeting was scheduled for Monday January 21, 2013 and the onsite meeting scheduled for Monday January 14, 2013

ADJOURNMENT

Motion by: Mr. Nate to adjourn.

Seconded by: Mr. Glaeser.

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Kocourek and Glaeser; *No:* none

Respectfully submitted,

Charles Nate, Secretary

Date