



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

DATE: Monday, January 12, 2015
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. **Manitowoc Properties** – NW ¼, NE ¼, Section 35, T20N-R25E, 5622 CTH R, Town of Kossuth – Variance Request
 2. **Chris and Kim Beloin** – E ¼, NE ¼, SE ¼, Section 27, T20N-R24E, 3103 CTH VV, Town of Two Rivers – Conditional Use Permit
- IV. Other Business
 1. **Kandy Konitzer** – Compliance Review - SW ¼ SE ¼, and the SE ¼ SW ¼, Section 21, T18N-R22E, 14402 CTH C, Town of Liberty
 2. **William Neuman** – Compliance Review – SW ¼, SW ¼, Section 33, T20N-R23E, Town of Kossuth and the NW ¼, NW ¼, Section 4, T19N-R23E, Town of Manitowoc Rapids
- V. Adjournment

Date: January 5, 2015

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 12, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, January 12, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

Staff present: Reed Gaedtke.

A motion was made by Mr. Glaeser; seconded by Mr. Schuh to approve the agenda for the January 12, 2015 meeting. Upon vote, the motion was unanimously approved. *Aye: Bonde, Nate, Schuh, Vondrachek and Glaeser; No: none;*

The Board received their folders containing the January 19, 2015 hearing request.

The Board discussed changing the start of their regular meetings time to an earlier time.

Mr. Gaedtke stated meeting time may depend on court reporter accessibility informing the board a court reporter is needed for the meetings.

It was decided the time should stay at 7:00 p.m. for the regular meetings.

The Board proceeded to the on-sites.

The Board returned to the Manitowoc County Office Complex when completed.

ADJOURNMENT

Motion by: Mr. Nate to adjourn.

Seconded by: Mr. Schuh.

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: MONDAY, JANUARY 19, 2015
TIME: ► 5:00 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. NEW BUSINESS

Discussion and possible action on:

1. **Manitowoc Properties** – NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 35, T20N-R25E, 5622 CTH R, Town of Kossuth – Variance Request
2. **Chris and Kim Beloin** – E $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 27, T20N-R24E, 3103 CTH VV, Town of Two Rivers – Conditional Use Permit

VI. OTHER BUSINESS

1. **Kandy Konitzer** – Compliance Review - SW $\frac{1}{4}$ SE $\frac{1}{4}$, and the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, T18N-R22E, 14402 CTH C, Town of Liberty
2. **William Neuman** – Compliance Review – SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, T20N-R23E, Town of Kossuth and the NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 4, T19N-R23E, Town of Manitowoc Rapids
3. Set February Meeting Date

VII. ADJOURNMENT

Date: January 5, 2015

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 19, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 5:00 P.M. on Monday, January 19, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

A motion was made by, Mr. Schuh, seconded by Ms. Vondrachek to approve the November 17, 2014 meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Glaeser, seconded by Mr. Nate to approve the January 12, 2015 onsite meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Ms. Vondrachek, seconded by Mr. Nate to approve the agenda for the January 19, 2015 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Schuh 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

Manitowoc Properties – Owner of property located at 5622 CTH R, in the NW¼, NE¼, Section 35, T20N-R25E, Town of Kossuth, Manitowoc County, Wisconsin, wherein two after the fact variances are being requested for constructing a 7' 6" x 28' 6" deck over an existing dilapidated concrete slab at approximately 27 feet 5 inches from the centerline of CTH R and within the road right-of-way; and for constructing a 5' x 6' 1" entryway at 30 feet 4 inches from the centerline of CTH R and within the road right-of-way in a CB, Commercial Business zoned district.

Chairperson Bonde opened the public hearing for Manitowoc Properties.

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

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

The Board asked Mary Jo McBurney, owner of Manitowoc Properties, questions regarding the variance requests.

Ms. McBurney submitted a copy of the insurance inspection of the property and informed the Board the deck had to be replaced because it was a safety issue with the insurance company.

Town of Kossuth Chairperson, John Hutterer, spoke in favor of the request and let the Board now that since the building was constructed the road was widened at least two times.

People in attendance opposed to the request; none present.

There being no further comments, Chairperson Bonde closed the public hearing for Manitowoc Properties.

Deliberation

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

Reasons for approval:

1. The front of the building is protected.
2. There's a reduced speed limit and curb.
3. The replaced deck and entrance was needed for liability reasons.
4. The unique lot size and proximity to the expanded road created a hardship for the owner.
5. The owner was burdened by the location of the existing house to the road which limits the location for constructing a safe entrance into the building.
6. The addition of the railing makes is safer for residents and their children.
7. The structures are in the same general location as the old one and therefore not contrary to the public's interest.

Conditions of Approval:

1. The railing on the deck must be enclosed on the road side.
2. A highway release from must be signed.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Chris and Kim Beloin – Owners of property located at 3103 CTH VV, in the E¹/₂, NE¹/₄, SE¹/₄, Section 27, T20N-R24E, Town of Two Rivers, Manitowoc County, Wisconsin; wherein a conditional use permit is being requested to operate a vacation home rental in an SE, Small Estate Residential zoned district.

Chairperson Bonde opened the public hearing for Chris and Kim Beloin.

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

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

The Board asked Kim Beloin questions regarding the conditional use permit request.

The Town of Two Rivers Chairperson spoke in favor of the request and read a letter from the Fire Department concerning smoke detector, fire extinguisher and carbon monoxide detector requirements (copy on file).

People in attendance opposed to the request; none present.

Mr. Gaedtke read a letter from the Town of Two Rivers approving the request (copy on file).

Mrs. Beloin informed the Board that all appliances and furnace were electric. There was no gas hooked up to the house so no need for carbon monoxide detectors.

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

Deliberation

Motion by: Ms. Vondrachek to approve the conditional use permit request to operate a vacation home rental at 3103 CTH VV in a SE, Small Estate Residential zoned district

Conditions of Approval:

1. Due to the size of the existing septic system they can only have 4 guests.
2. If the owners replace or enlarge the septic system to allow for more guests; the owners can increase the number of people but only up to a maximum of 8 guests. No more than 8 overnight guests allowed; even with a septic upgrade.
3. If the owners want more than 8 guests and the septic is sized accordingly the owner's would need to go back to the board to update the permit.
4. No guests allowed in or beyond the pines.
5. Smoke detectors and fire extinguishers shall be installed according to fire departments requirements.
6. Carbon monoxide detectors are only required if gas is hooked to the house and then they should be installed according to fire department requirements.
7. No employees.

Reasons for approval:

1. The sign location on the building is sufficient.
2. The use is not more objectionable to area properties because the house is staying the same.
3. No neighboring houses are very close or in view of this property.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Other Business:

Kandace Konitzer - Review of conditional use permit's condition number one.

The Boards determination:

- The fence meets condition number one requirements.

William Neumann - Annual conditional use permit review.

The Boards determination:

- The property is currently in compliance with the conditional use permit.
- The locations of the planted trees are approved by the Board and meet the permit condition.

Schedule Next Meeting

The Board scheduled their next regular meeting for February 16, 2015 at 7:00 p.m. and the onsite for February 9, 2015 at 9:00 a.m. (Dates and times are subject to change.)

Adjournment

Motion by: Mr. Schuh to adjourn.

Seconded by: Mr. Nate.

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles Nate, Secretary

Date



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

DATE: Monday, February 9, 2015
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. **Z Best Storage LLC** – NW¹/₄, SE¹/₄, Section 21, T21N-R22E, 12029 CTH Z, Town of Cooperstown – Conditional Use Permit Request
 2. **James Loefer** – Tract 7 of CS V2 P49 Govt. Lot 1 & Tract 7-A of CS in V5 P7, Section 6, T19N-R21E, 24215 E. North Shore Dr., Town of Rockland – Variance Request
 3. **Michael Wagner** - SE¹/₄, NE¹/₄, Section 29, T18N-R22E, 8010 Sinawa Rd., Town of Liberty – Conditional Use Permit Request
- IV. Other Business
- V. Adjournment

Date: January 28, 2015

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 9, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, February 9, 2015 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, Orville Bonde. Absent; Ralph Schuh

Staff present: Reed Gaedtke.

A motion was made by Ms. Vondrachek; seconded by Mr. Nate to approve the agenda for the February 9, 2015 meeting. Upon vote, the motion was unanimously approved. *Aye: Bonde, Nate, Vondrachek and Glaeser; No: none; Absent: Schuh.*

The Board received their folders containing the February 16, 2015 hearing request.

Mr. Gaedtke gave a quick overview of each request.

The Board proceeded to the on-sites.

The Board 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, Nate, Vondrachek, and Glaeser; No: none; Absent: Schuh.

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: MONDAY, FEBRUARY 16, 2015
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. NEW BUSINESS

Discussion and possible action on:

1. **Z Best Storage LLC** – NW¼, SE¼, Section 21, T21N-R22E, 12029 CTH Z, Town of Cooperstown – Conditional Use Permit Request
2. **James Loefer** – Tract 7 of CS V2 P49 Govt. Lot 1 & Tract 7-A of CS in V5 P7, Section 6, T19N-R21E, 24215 E. North Shore Dr., Town of Rockland – Variance Request
3. **Michael Wagner** - SE¼, NE¼, Section 29, T18N-R22E, 8010 Sinawa Rd., Town of Liberty – Conditional Use Permit Request

VI. OTHER BUSINESS

1. Set February Meeting Date

VII. ADJOURNMENT

Date: January 28, 2015

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 16, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, February 16, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

A motion was made by, Mr. Schuh, seconded by Ms. Vondrachek to approve the January 19, 2015 meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Glaeser, seconded by Mr. Nate to approve the February 9, 2015 onsite meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Nate, seconded by Mr. Vondrachek to approve the agenda for the February 16, 2015 meeting with the understanding to amend the meeting date in the 'Other Business' section from February to March. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Schuh 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

Z Best Storage LLC – Owner of property located at 12029 CTH Z, in the NW¼, SE¼, Section 21, T21N-R22E, Town of Cooperstown, Manitowoc County, Wisconsin, wherein a Conditional Use Permit is being requested to expand an existing ministorage business by constructing a 60'x 130' storage unit in a GA, General Agricultural zoned district.

Chairperson Bonde opened the public hearing for Z Best Storage LLC.

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

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

The Board asked Mr. Wohlwend, owner of Z Best Storage LLC, questions regarding the Conditional Use permit request.

Mr. Wohlwend stated he would be removing the trees in the new building location. Mr. Schuh asked what the timeframe was for improving the west side for drainage and vegetation. Mr. Wohlwend stated it would be done later this year.

People in attendance in favor of the request; none present.

People in attendance opposed to the request; none present.

Mr. Gaedtke read a letter from Charles and Bernadette Duescher about property line disputes and other issues with Mr. Wohlwend (copy on file).

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

There being no further comments, Chairperson Bonde closed the public hearing for Z Best Storage LLC.

Deliberation

Motion by: Mr. Glaeser to approve the conditional use permit request to expand an existing ministorage business by adding a 60'x130' building.

Conditions of Approval:

1. Drainage on the west side of the property needs to be directed so it drains to the road ditch and not the neighboring property.
2. The new area being graded for drainage needs to be seeded.

Reasons for approval:

1. The business already exists which is in harmony with the orderly development of the area.
2. The business and three units already exist and did not have a negative effect on surrounding properties so the addition of one more unit would not have a negative effect either.
3. The addition of one more building does not discourage the development or use of surrounding properties. The driveway and open areas are already there and usable.
4. The addition of one more building does not impair the value of surrounding properties. Most of the surrounding area is farmland.
5. It is not more objectionable to nearby properties.
6. The use does not endanger the public's health, safety and welfare.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

James Loefer – Owner of property located at 24215 E. North Shore Dr., in Tract 7 of CS V2 P49 Govt. Lot 1 & Tract 7-A of CS in V5 P7, Section 6, T19N-R21E, Town of Rockland, Manitowoc County, Wisconsin; wherein a variance is being requested to construct a 24' x 24' home addition at 48 feet from the ordinary high watermark of Long Lake in an LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for James Loefer.

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

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

The Board asked James Loefer questions regarding the variance request.

Mr. Loefer stated the addition would have a basement at lake level and be one story above that at the driveway. He also stated the holding tank limits him from moving farther from the lake.

Mr. Gaedtke informed the Board of the potential of the Administrative Code NR 115 for allowances.

Town Chairman Randall Brandes stated he would like to see the house expanded rather than the farmland taken out of zoning for a new house.

People in attendance opposed to the request; none present.

Mr. Gaedtke read a letter from the Town of Rockland approving the request (copy on file).

Mr. Gaedtke read a letter from WDNR Shoreland Specialist, Dale Rezabek opposing the request (copy on file).

Mr. Loefer asked the Board if they could table the request to allow him more time to try and come up with a new plan for the addition.

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

Deliberation

Motion by: Mr. Glaeser to postpone the variance request to construct a 24' x 24' home addition until the next meeting in March.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Michael Wagner – Owner of property located at 8010 Sinawa Rd, in the SE¼, NE¼, Section 29, T18N-R22E, Town of Liberty, Manitowoc County, Wisconsin; wherein a conditional use permit is being requested to operate a vacation home rental in an SE, Small Estate Residential zoned district.

Chairperson Bonde opened the public hearing for Michael Wagner.

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

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

Mr. Schuh asked Carol Brodtke, representative for Mr. Wagner, if there are wired smoke alarms in the home. She replied she would have to check with Mr. Wagner.

Mr. Schuh asked if there is an escape window downstairs, and Ms. Brodtke replied yes.

People in attendance in favor of the request; none present.

Bill Pitz, Town Chairman, stated he did receive a letter but the Town of Liberty's Planning Commission did not receive notice and did not rule on the issue.

There being no further comments, Chairperson Bonde closed the public hearing for Michael Wagner.

Deliberation

Motion by: Mr. Nate to postpone the hearing until next month, to allow the issue to go before the Town Of Liberty's Planning Commission.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Other Business:

Schedule Next Meeting

The Board scheduled their next regular meeting for March 16, 2015 at 7:00 p.m. and the onsite for March 9, 2015 at 9:00 a.m. (Dates and times are subject to change.)

Adjournment

Motion by: Mr. Schuh to adjourn.

Seconded by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles Nate, Secretary

Date



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

DATE: Monday, March 9, 2015
TIME: 9:00 a.m.
PLACE: Manitowoc County Office Complex
4319 Expo Drive, 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 discussed at the meeting:

- I. Call to Order - Roll Call
- II. Approval of Agenda
"Open Meeting Law Compliance"
- III. Old Business
 1. **James Loefer** – Tract 7 of CS V2 P49 Govt. Lot 1 & Tract 7-A of CS in V5 P7, Section 6, T19N-R21E, 24215 E. North Shore Dr., Town of Rockland – Variance Request
 2. **Michael Wagner** - SE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 29, T18N-R22E, 8010 Sinawa Rd., Town of Liberty – Conditional Use Permit Request
- IV. New Business
 1. **Sonnenburg's Sonny's Acres LLC** – NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, T18N-R22E, 9321 South Shore Drive., Town of Liberty – Conditional Use Permit Request
 2. **Terry Graf** - SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 12, T17N-R22E, 10416 CTH X, Town of Meeme – Variance Request
 3. **David Dirkse** – Govt. Lot 3, Lot 15, 16, and 17 of Cedar Terrace Subdivision, Section 24, T17N-R21E, 13925 Cedar Terrace Rd., Town of Schleswig – Variance Requests
- V. Other Business
- VI. Adjournment

Date: February 27, 2015

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 9, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, March 9, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

Staff present: Reed Gaedtke.

A motion was made by Mr. Schuh; seconded by Ms. Vondrachek to approve the agenda for the March 9, 2015 meeting. Upon vote, the motion was unanimously approved.

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

The Board received their folders containing the March 16, 2015 hearing request.

Mr. Gaedtke gave a quick overview of each request.

The Board proceeded to the on-sites.

The Board 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, Nate, Vondrachek, Schuh and Glaeser; No: none.

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: MONDAY, MARCH 16, 2015
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. **James Loefer** – Tract 7 of CS V2 P49 Govt. Lot 1 & Tract 7-A of CS in V5 P7, Section 6, T19N-R21E, 24215 E. North Shore Dr., Town of Rockland – Variance Request
 - 2. **Michael Wagner** - SE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 29, T18N-R22E, 8010 Sinawa Rd., Town of Liberty – Conditional Use Permit Request
- VI. NEW BUSINESS
 - Discussion and possible action on:
 - 1. **Sonnenburg's Sonny's Acres LLC** – NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, T18N-R22E, 9321 South Shore Drive., Town of Liberty – Conditional Use Permit Request
 - 2. **Terry Graf** - SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 12, T17N-R22E, 10416 CTH X, Town of Meeme – Variance Request
 - 3. **David Dirkse** – Govt. Lot 3, Lot 15, 16, and 17 of Cedar Terrace Subdivision, Section 24, T17N-R21E, 13925 Cedar Terrace Rd., Town of Schleswig – Variance Requests
- VII. OTHER BUSINESS
 - 1. Set April Meeting Date
- VIII. ADJOURNMENT

Date: February 27, 2015

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 16, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, March 16, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

A motion was made by, Mr. Glaeser, seconded by Mr. Schuh to approve the February 16, 2015 meeting minutes. Upon vote, the motion was unanimously approved.
Aye: Bonde, Vondrachek, Nate, Schuh and Glaeser; No: none.

A motion was made by, Mr. Nate, seconded by Ms. Vondrachek to approve the March 9, 2015 onsite meeting minutes. Upon vote, the motion was unanimously approved.
Aye: Bonde, Vondrachek, Nate, Schuh and Glaeser; No: none.

A motion was made by, Ms. Vondrachek, seconded by Mr. Nate to approve the agenda for the March 16, 2015 meeting. Upon vote, the motion was unanimously approved.
Aye: Bonde, Vondrachek, Nate, Schuh 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

James Loefer – Owner of property located at 24215 E. North Shore Dr., in Tract 7 of CS V2 P49 Govt. Lot 1 & Tract 7-A of CS in V5 P7, Section 6, T19N-R21E, Town of Rockland, Manitowoc County, Wisconsin; wherein an amended variance is being requested to construct a 17' x 30' addition onto the west side of the existing house at 59 feet from the ordinary high watermark of Long Lake in an LR, Lake Residential, S1, Shoreland zoned district.

Mr. Gaedtke informed the public that Mr. Loefer had applied for a variance last month and at the February meeting the Board of Adjustment moved to postpone Mr. Loefer's request. All public input for the previous request was taken at the last hearing but since the request was amended and republished the Board will be taking public input for the amended application.

Chairperson Bonde opened the postponed hearing for James Loefer.

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

Mr. Nate did not read the application criteria since it was read at the February hearing (copy on file).

The Board asked James Loefer questions regarding the amended variance request.

The Board determined the average setback to the lakeshore to be 59 ½ feet.

People in attendance in favor of the request; none present.
People in attendance opposed to the request; none present.

Mr. Gaedtke read a letter from the Town of Rockland approving the amended request (copy on file).

Mr. Gaedtke read a letter from WDNR Shoreland Specialist, Dale Rezabek regarding the amended request (copy on file).

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

Deliberation

Motion by: Ms. Vondrachek to approve the variance request based on averaging.

Reasons:

1. Averaging was used to determine the setback. The addition is further back from the ordinary high watermark than the original proposal and within the average setback distance of 59 ½ feet.
2. There was limited space to construct the addition due to the unique lot size and lot dimensions which significantly limits the building potential of the property.
3. The lot is unusual as it has a steep slope on it and then a shared road directly north of the home which cuts through the property leaving an unbuildable area to the north. Building on the east side of the house would put the addition closer to the lake.

Conditions of approval:

1. The two lots must be combined into one and have a survey done.
2. More shrubs and trees shall be planted within the front 10 feet of the lakeshore to provide screening and slow water runoff.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Michael Wagner – Owner of property located at 8010 Sinawa Rd, in the SE¼, NE¼, Section 29, T18N-R22E, Town of Liberty, Manitowoc County, Wisconsin; wherein a conditional use permit is being requested to operate a vacation home rental in an SE, Small Estate Residential zoned district.

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

Seconded by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Chairperson Bonde opened the postponed hearing for Michael Wagner.

Mr. Gaedtke informed the public that the hearing was postponed to allow the Town of Liberty more time to rule on the request and send comments to the Board. All the public hearing information was taken at the February hearing except for the Town's recommendation which would be heard tonight.

Mr. Gaedtke read a letter from the Town of Liberty approving of the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Michael Wagner.

Deliberation

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

Conditions of Approval:

1. The size of the septic system will determine the amount of guests allowed.
2. At least one of the renters must be an adult.
3. Maximum of two vehicles allowed on the property overnight.
4. No firearms or fireworks allowed to be discharged.
5. Smoke detectors and fire extinguishers shall be installed.
6. Secondary egress shall be provided for lower level.
7. Property needs to be well kept.
8. Must follow all other county regulations.

Reasons for approval:

1. The use does not impede growth to the area.
2. It is a low impact use and it fits on the parcel size.
3. The property has enough road frontage.
4. There are not additional structures being proposed.
5. There is suitable maintenance and care provided for the facility.
6. There's no flashing lights, fumes, or noise that would make the use objectionable to nearby property owners.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

New Business

Sonnenburg's Sonny's Acres LLC – Owners of property located at 9321 South Shore Drive, in the NE¼, SW¼, Section 33, T18N-R22E, Town of Liberty, Manitowoc County, Wisconsin, wherein a conditional use permit is being requested to construct a two family residence in a LR, Lake Residential, S1 Shoreland zoned district.

Chairperson Bonde opened the public hearing for Sonnenburg's Sonny's Acres LLC.

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

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

The Board asked Amy Doepke and Peggy Sonnenberg, co-owners of Sonnenburg's Sonny's Acres LLC, and Lynn Bichler the architect, questions regarding the conditional use permit request.

Mr. Gaedtke explained that there may be an issue with the existing old well and it may need to be abandoned according to code.

Mr. Gaedtke also informed the applicants that all structures including the patio would need to be located beyond 75 feet from the lake or variances would be required.

People in attendance in favor of the request; none present.

People in attendance opposed to the request; none present.

Mr. Gaedtke read a letter from the Town of Liberty in favor of the request which included suggested conditions (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Sonnenburg's Sonny's Acres LLC.

Deliberation

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

Reasons for approval:

1. The use does not impede the orderly development of the area. There are other residences located on the lake.
2. The use is compatible with the area because it is a residence which is allowable in that district with a conditional use permit and it will be located within the required setbacks.
3. The 75 foot setback is for all structures including any patios or decks.
4. The lot is big enough to allow for a two family home.
5. It does not discourage the appropriate development of adjacent land. There are existing houses on the neighboring lots already.
6. It's not more objectionable than any other residence out there nor would it produce any noise, fumes or lights that would offend the neighborhood.
7. The structure would not endanger the public health and safety.
8. The road is narrow but help is available. The owners should also have smoke alarms and fire extinguishers in the house.

Conditions of Approval:

1. Property shall not be divided and have individual residential units sold as separate units.
2. Well should be checked with Wisconsin Department of Natural Resources to determine if the old well needs to be abandoned.
3. If the old well needs to be abandoned it must be abandoned according to code.
4. Property must comply with sanitary district rules.
5. Should follow all other county, state and federal rules.

Second by: Ralph Schuh

Upon vote: The motion was unanimously approved.

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

Terry Graf – Owner of property located at 10416 CTH X., in the SE¼, SE¼, Section 12, T17N-R22E, Town of Meeme, Manitowoc County, Wisconsin; wherein a variance is being requested to construct a 20' x 39' home addition at 60 feet from the centerline of CTH X in a SE, Small Estate Residential, 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 questions regarding his variance request.

Dennis Graf, Town Chairperson for the Town of Meeme stated the Town had no problem with the request. It is setback far enough and the road is straight.

People in attendance opposed to the request; none present.

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

Deliberation

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

Reasons for approval:

1. The septic system, well, road, and the unique wet area near the back of the property creates a hardship preventing the owner from building the structure within the setback requirements.
2. The road is straight and the structure is still set back off the road so it is not contrary to the public.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

David Dirkse – Owner of property located at 13925 Cedar Terrace Rd., in Govt. Lot 3, Lot 15, 16, and 17 of Cedar Terrace Subdivision, Section 24, T17N-R21E, Town of Schleswig, Manitowoc, County, Wisconsin; wherein variances are being requested to construct a 32' x 52' home addition at 50 feet from the ordinary high water mark of Cedar Lake, and at approximately 33 feet from the centerline of Cedar Terrace Rd. in an LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for David Dirkse.

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

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

The Board asked David Dirkse, the owner, and Tom De ST. Aubin, the builder, questions regarding the variance requests.

Dennis Salzman, chairperson for the Town of Schleswig, stated the Town was in favor of the request but would like to see a vegetative buffer reestablished at the shoreline. Mr. Salzman also informed the Board that the town was not going to give up the deeded road going through Mr. Dirkse's property.

People in attendance opposed to the request; none present.

Mr. Schuh asked if any consideration was given toward moving closer to the road and Mr. St. Aubin stated that the septic tank is located in that area and the structure must stay five feet from the tanks. So they decided to go no closer to the lake than the existing structure and as the addition continues it actually gets further from the lake.

Mr. Gaedtke read a letter from WDNR Shoreland Specialist, Dale Rezabek regarding the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for David Dirkse.

Deliberation

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

Reasons for approval:

1. The large steep hill to the east and the road turnaround to the north and the higher property to the west create a unique physical hardship.
2. The property to the west and east are higher than this lot and there are natural drainage areas on this property creating a burden to the property as far as where they can build.
3. The existing structure foundation would not allow for vertical expansion.
4. The proposed structure would not have a negative effect on the public because it is set back far enough from the road to allow access and future expansion of the road, it is setback at least the same distance from the lake as the existing structure and even further in some areas, and the reestablishment of trees and shrubs along the shoreline will provide more screening for a one story structure and also help to reduce water runoff.

Conditions of approval:

1. No patio or structure allowed closer than 50 feet to the ordinary high water mark.
2. Trees and shrubs need to be planted along the shoreline between the house and lake to provide screening.

Second by: Ms.Vondrachek

Upon vote: The motion was unanimously approved.

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

Other Business:

Schedule Next Meeting: The Board scheduled their next regular meeting for April 20, 2015 at 7:00 p.m. and the onsite for April 13, 2015 at 9:00 a.m. (Dates and times are subject to change.)

Adjournment

Motion by: Mr. Glaeser to adjourn.

*Seconded by:*Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles Nate, Secretary

Date



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

DATE: Monday, April 13, 2015
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. **Steven Bonde** – SW ¼, SW ¼, Section 6, T17N-R22E, Town of Meeme – Variance Request
 2. **Ryan & Tara Ross** – SW ¼, NE ¼, Section 22, T20N-R24E, Town of Two Rivers – Conditional Use Request
 3. **John Delsman** – NE ¼, NE ¼, Section 22, T20N-R23E, Town of Kossuth – Variance Request
 4. **Chad & Heather Pokorsky** – SE ¼, SE ¼, and the SW ¼, SE ¼, Section 26, T20N-R23E, Town of Kossuth – Variance Request
 5. **David Dvorachek** – SW ¼, NW ¼, Section 13, T19N-R22E, Town of Cato – Variance Request
 6. **David Dirkse** – SW ¼, NW ¼, and part of Lot 16 of Govt. Lot 3 of Cedar Terrace Subdivision, Section 24, T17N-R21E, Town of Schleswig – Variance Request
- IV. Other Business
- V. Adjournment

Date: April 2, 2015

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 13, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, April 13, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

Staff present for advisory meeting: Reed Gaedtke and Andrea Raymakers

A motion was made by Mr. Schuh; seconded by Mr. Nate to approve the agenda for the April 13, 2015 meeting. Upon vote, the motion was unanimously approved.

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

The Board received their folders containing the April 20, 2015 hearing request.

Mr. Gaedtke gave a quick overview of each request.

The Board proceeded to the on-sites.

Staff present for onsite inspections: Andrea Raymakers

The Board 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, Nate, Vondrachek, Schuh and Glaeser; No: none.

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: MONDAY, APRIL 20, 2015
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. NEW BUSINESS

Discussion and possible action on:

1. **Steven Bonde** – SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 6, T17N-R22E, Town of Meeme – Variance Request
2. **Ryan & Tara Ross** – SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 22, T20N-R24E, Town of Two Rivers – Conditional Use Request
3. **John Delsman** – NE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 34, T20N-R23E, Town of Kossuth – Variance Request
4. **Chad & Heather Pokorsky** – SE $\frac{1}{4}$, SE $\frac{1}{4}$, and the SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 26, T20N-R23E, Town of Kossuth – Variance Request
5. **David Dvorachek** – SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 13, T19N-R22E, Town of Cato – Variance Request
6. **David Dirkse** – SW $\frac{1}{4}$, NW $\frac{1}{4}$, and part of Lot 16 of Govt. Lot 3 of Cedar Terrace Subdivision, Section 24, T17N-R21E, Town of Schleswig – Variance Request

VI. OTHER BUSINESS

1. Set May Meeting Date

VII. ADJOURNMENT

Date: April 2, 2015

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 20, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, April 20, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Ralph Schuh, 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 16, 2015 meeting minutes. Upon vote, the motion was unanimously approved.
Aye: Bonde, Vondrachek, Nate, Schuh and Glaeser; No: none.

A motion was made by, Ms.Vondrachek, seconded by Mr.Schuh to approve the April 13, 2015 onsite meeting minutes. Upon vote, the motion was unanimously approved.
Aye: Bonde, Vondrachek, Nate, Schuh and Glaeser; No: none.

A motion was made by, Mr. Nate, seconded by Mr. Schuh to approve the agenda for the April 20, 2015 meeting. Upon vote, the motion was unanimously approved.
Aye: Bonde, Vondrachek, Nate, Schuh 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

Steven Bonde – Owner of property located at 10815 CTH A, in the SW¼, SW¼, Section 6, T17N-R22E, Town of Meeme, Manitowoc County, Wisconsin; wherein a variance is being requested to construct a 40' x 40' garage at 56 feet from the centerline of CTH A in a SE, Small Estate Residential zoned district.

Chairperson Bonde opened the public hearing for Steve Bonde.

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

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

The Board asked Mr. Bonde if he intended to completely remove the existing building. Mr. Bonde replied yes. He was then asked if he could move the new building back to where the existing building is now. Mr. Bonde replied yes. Mr. Gaedtke informed the Board about the wetland around the old garage and stated if they were to push the new building back it may affect what fill needs to be brought in and the DNR may have issues with this.

People in attendance in favor of the request; none present.

People in attendance opposed to the request; none present.

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

Deliberation

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

Reasons for approval:

1. The location of newly mapped wetlands around the old garage and property creates a burden and unique hardship for the owner by limiting the location for constructing the new garage. The wetlands were never shown to be present on the old maps.
2. The request is not contrary to the public due to the location of the garage on the property and CTH A which is straight in that area and allows for safe driving.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Ryan & Tara Ross – Owners of property located at 7721 HWY 147, in the SW¹/₄, NE¹/₄, Section 22, T20N-R24E, Town of Two Rivers, Manitowoc County, Wisconsin; wherein a conditional use permit is being requested to operate a mini-warehouse business consisting of one 40'x140' building in a RR, Rural Residential zoned district.

Mr. Gaedtke informed the Board that Mr. Ross submitted an email requesting a postponement of this hearing until May. The application needs to be amended after finding out the HWY 147 right-of-way is wider than originally noted. A variance may be needed as well.

Deliberation

Motion by: Ms. Vondrachek to postpone the hearing until May.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

John Delsman – Owner of property located at 5504 Wagon Wheel Rd., in the NE¹/₄, NE¹/₄, Section 34, T20N-R23E, Town of Kossuth, Manitowoc, County, Wisconsin; wherein a variance is being requested to construct a new 68'x70' house at 10 feet from the rear (west) property line, in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for John Delsman.

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

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

The Board asked Mr. Delsman if there was any more information to add to his appeal. Mr. Delsman replied that his existing house is in the right-of-way so he wouldn't be able use the same footprint to build. The old house will be demolished after the new one is built.

James Froelich, Town of Kossuth Supervisor spoke in favor of the request.

People in attendance opposed to the request; none present.

Mr. Gaedtke reminded the Board of the letter received from the Town of Kossuth in favor of the project (copy on file).

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

Deliberation

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

Reasons for approval:

1. The size of the lot creates a hardship for the owner because the lot is narrow and long preventing him from meeting the setbacks.
2. The owner is burdened because if he complies with one setback the structure ends up infringing upon a different setback.
3. The request would not be contrary to the public because the new house will be located further from the road and meet the required road setback. Whereas the existing house is located within the road right-of-way.

Conditions of approval:

1. The old house must be removed from the property within 180 days after the new home is occupied.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Chad and Heather Pokorsky - Owners of property located at 5916 CTH R, in the SE¹/₄, SE¹/₄, and the SW¹/₄, SE¹/₄, Section 26, T20N-R23E, Town of Kossuth, Manitowoc County, Wisconsin; wherein a variance is being requested to construct a new 26'x40' garage at 2 feet from the side (south) property line, in a RR, rural residential zoned district.

Chairperson Bonde opened the public hearing for Chad and Heather Pokorsky.

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

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

The Board asked Chad & Heather Pokorsky questions regarding the variance request.

James Froelich, Town of Kossuth Supervisor spoke in favor of the request.

Tom Arndt, who lives on CTH R to the north of Pokorsky, stated he was in favor of the request.

People in attendance opposed to the request; none present.

Mr. Gaedtke informed the Board of a phone call from a neighboring property owner, Christine Waack who stated she was okay with the request.

Mr. Gaedtke reminded the Board of a letter received from the Town of Kossuth in favor the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Chad and Heather Pokorsky.

Deliberation

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

Reasons for approval:

1. The hardship is not self-created, the lots are small and the old garage has been there since 1951.
2. The unique lot size and shape, which is very small, restricts the building location and creates a hardship and burden on the owner.
3. The owner can't do anything else and has no other location to build the garage.
4. The request is not contrary to the public because all the houses and structures in that area are close to the road or property lines so this would be no different.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

David Dvorachek – Owner of property located at 1803 N Cty Rd. S, in the SW¹/₄, NW¹/₄, Section 13, T19N-R22E, Town of Cato, Manitowoc County, Wisconsin; wherein a variance is being requested to construct a 16'x24' garage addition at 85 feet from the centerline of CTH S and located in a LE, Large Estate Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for David Dvorachek.

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

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

People in attendance in favor of the request; none present.

People in attendance opposed to the request; none present.

Mr. Gaedtke informed the Board, Mary Muench, Clerk for the Town of Cato, phoned indicating the Town supports this request.

There being no further comments, Chairperson Bonde closed the public hearing for David Dvorachek.

Deliberation

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

Reasons for approval:

1. The lot has an odd shape with a steep slope that wraps around the north side of the lot creating a hardship for the owner preventing him from moving further away from the road.
2. The existing garage is located 85 feet from the highway and the new addition will be located a little further from the road.
3. The owner is burdened by the ordinance because there is no other place to build the addition except to the north between the existing garage and steep slope.
4. The request is not contrary to the public because there are no neighbors next to the property that would be bothered by the addition and there is a steep hill between the garage addition and the road which would prevent anyone from going of the road and hitting the garage.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

David Dirkse – Owner of property located at 13925 Cedar Terrace Rd., in the SW¹/₄, NW¹/₄, and part of Lot 16 of Govt. Lot 3 of Cedar Terrace Subdivision, Section 24, T17N-R21E, Town of Schleswig, Manitowoc, County, Wisconsin; wherein variances are being requested to construct a 22' x 40' garage at 10.5 feet from the west right-of-way of Cedar Terrace road's turn around and at 17.6 feet from the south dedicated right-of-way of Cedar Terrace Rd. in an LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for David Dirkse.

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

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

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

Mr. Gaedtke stated he did not receive correspondence from the Town of Schleswig. Ms. Vondrachek stated the Town did address this issue at the last Town meeting and the Town was in favor of this request.

Mr. Dirkse stated one tree will be removed to access the garage.

People in attendance in favor of the request; none present.

People in attendance opposed to the request; none present.

There being no further comments, Chairperson Bonde closed the public hearing for David Dirkse.

Deliberation

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

Reasons for approval:

1. The lot is small and there is a high steep hill next to the proposed garage location which creates a hardship and burden on the owner because there is no other place to build a garage.
2. Due to inclement weather the owner needs a garage.
3. The main lot has a house and septic located on it and doesn't allow room for a garage.

4. The request is not contrary to the public because not many people drive down that road and there is a turn around, before the garage, which allows for easy access out.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Other Business:

Schedule Next Meeting: The Board scheduled their next regular meeting for May 18, 2015 at 7:00 p.m. and the onsite for May 11, 2015 at 9:00 a.m. (Dates and times are subject to change.)

Adjournment

Motion by: Mr. Schuh to adjourn.

Seconded by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles Nate, Secretary

Date



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

DATE: Monday, May 11, 2015
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. **Thomas Crist** - NE¹/₄, SW¹/₄, Section 2, T21N-R23E, Town of Gibson – Variance Request
 2. **Mark and Sue Hilbelink** – SW¹/₄, NE¹/₄, Section 33, T18N-R22E, Town of Liberty – Variance Requests
 3. **Michael Murawski** – SE¹/₄, SE¹/₄, Section 26, T20N-R23E, Town of Kossuth – Variance Request
 4. **Ross and Lisa Frisch** – NE¹/₄, NE¹/₄, Section 4, T18N-R21E, Town of Eaton – Conditional Use Request
 5. **Carmeuse Lime and Stone** – NW¹/₄, NW¹/₄, the NE¹/₄, NW¹/₄, the SW¹/₄, NW¹/₄, and the SE¹/₄, NW¹/₄, all in Section 36, T20N-R23E, Town of Kossuth – Variance Request
- IV. Old Business
 1. **Ryan & Tara Ross** - SW¹/₄, NE¹/₄, Section 22, T20N-R24E, Town of Two Rivers – Conditional Use and Variance Requests
- V. Other Business
- VI. Adjournment

Date: May 1, 2015

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 11, 2015

Mr. Gaedtke explained both the President and Vice president were absent for this meeting. Mr. Gaedtke informed the Board that a President Pro Tempore would be needed to administer the duties of the President only for this meeting. The President would resume their normal duties at the next meeting.

A motion made by Mr. Nate to have Mr. Glaeser serve as the President Pro Tempore for this meeting; seconded by Mr. Schuh. Upon vote, the motion was unanimously approved. *Aye: Glaeser, Nate, Schuh and Kracht; No: none.*

A meeting of the Manitowoc County Board of Adjustment was called to order by President Pro Tempore Glaeser at 9:00 A.M. on Monday, May 11, 2015 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, Ralph Schuh and Allen Kracht. Absent; Orville Bonde and Laurel Vondrachek.

Staff present for advisory meeting: Reed Gaedtke

A motion was made by Mr. Schuh; seconded by Mr. Kracht to approve the agenda for the May 11, 2015 meeting. Upon vote, the motion was unanimously approved. *Aye: Glaeser, Nate, Schuh, and Kracht; No: none;*

The Board received their folders containing the May 18, 2015 hearing request.

Mr. Gaedtke gave a quick overview of each request.

The Board proceeded to the on-sites.

The Board returned to the Manitowoc County Office Complex when completed.

ADJOURNMENT

Motion by: Mr. Schuh to adjourn.

Seconded by: Mr. Kracht.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Glaeser, Nate and Kracht; No: none.

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: MONDAY, MAY 18, 2015
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. **Ryan & Tara Ross** - SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 22, T20N-R24E, Town of Two Rivers–
Conditional Use and Variance Requests

- VI. NEW BUSINESS

Discussion and possible action on:

1. **Thomas Crist** - NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 2, T21N-R23E, Town of Gibson – Variance Request
2. **Mark and Sue Hilbelink** – SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 33, T18N-R22E, Town of Liberty–
Variance Requests
3. **Michael Murawski** – SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 26, T20N-R23E, Town of Kossuth – Variance Request
4. **Ross and Lisa Frisch** – NE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 4, T18N-R21E, Town of Eaton –
Conditional Use Request
5. **Carmeuse Lime and Stone** – NW $\frac{1}{4}$, NW $\frac{1}{4}$, the NE $\frac{1}{4}$, NW $\frac{1}{4}$, the SW $\frac{1}{4}$, NW $\frac{1}{4}$, and the
SE $\frac{1}{4}$, NW $\frac{1}{4}$, all in Section 36, T20N-R23E, Town of Kossuth – Variance Request

- VII. OTHER BUSINESS

1. Set June Meeting Date

- VIII. ADJOURNMENT

Date: May 1, 2015

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 18, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, May 18, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Ralph Schuh, Charlie Nate, Alternate Allen Kracht and Orville Bonde. Staff present: Reed Gaedtke.

A motion was made by, Mr. Schuh, seconded by Mr. Nate to approve the April 20, 2015 meeting minutes. Upon vote, the motion was unanimously approved.
Aye: Bonde, Kracht, Nate, Schuh and Glaeser; No: none.

A motion was made by, Mr. Glaeser, seconded by Mr. Kracht to approve the May 11, 2015 onsite meeting minutes. Upon vote, the motion was unanimously approved.
Aye: Bonde, Kracht, Nate, Schuh and Glaeser; No: none.

A motion was made by, Mr. Nate, seconded by Mr. Glaeser to approve the agenda for the May 18, 2015 meeting. Upon vote, the motion was unanimously approved.
Aye: Bonde, Kracht, Nate, Schuh 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

Ryan & Tara Ross - Owners of property located at 7721 HWY 147, in the SW¼, NE¼, Section 22, T20N-R24E, Town of Two Rivers, Manitowoc County, Wisconsin; wherein a conditional use permit and variances are being requested to operate a mini-warehouse business consisting of four buildings ranging in size from 40' x 140' to 40' x 200' at 0 feet from the right-of-way of STH 147 in a RR, Rural Residential zoned district.

Motion made by Mr. Glaeser and seconded by Mr. Schuh to remove this postponed item from the table. Upon vote, the motion was unanimously approved.
Aye: Bonde, Kracht, Nate, Schuh and Glaeser; No: none.

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

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

The Board asked Mr. Ross if he had anything to add to his appeal.

Mr. Ross gave some points as to why appeal should be approved.

The Board asked Mr. Ross questions regarding the appeal. The Board expressed concerned of the amount of fill being brought in to create the slope and how the water was going to be controlled and room for backing up.

Mr. Ross stated his intent was to trench runoff underground and to the north.

Mr. Gaedtke informed the Board the setback is 100 feet to a State Hwy Centerline but due to the road being moved, the right of way distance is 101.1 feet.

People in attendance in favor of the request; none present.

Mark and Sue Ollendorf spoke opposed to the request.

Mr. Ollendorf expressed concern of snowmelt, rainwater runoff, his septic system and the effect on his property value.

Mr. Gaedtke briefly read a letter received from Mark and Sue Ollendorf and stated they are opposed to the variance request.

Mr. Gaedtke read a letter from the Town of Two Rivers supporting the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Ryan Ross.

Deliberation

Motion by: Mr. Glaeser to postpone the hearing until June to give applicant and neighbor a chance to work out any issues.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

New Business

Thomas Crist – Owner of property located at 2532 W. Zander Rd., in the NE¼, SW¼, Section 2, T21N-R23E, Town of Gibson, Manitowoc County, Wisconsin; wherein a variance is being requested to construct a 26' x 38' garage at 5 feet from the south property line in a LE, Large Estate Residential zoned district.

Chairperson Bonde opened the public hearing for Thomas Crist.

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

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

The Board had no questions for Mr. Crist.

Richard Wegner, Town of Gibson Chairperson, spoke in favor of this request.

People in attendance opposed to the request; none present.

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

Deliberation

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

Reasons for approval:

1. The wetlands and floodplain around the property creates a hardship and burden on the homeowner because it reduces the location for constructing the garage.
2. The septic system has to be located on higher ground, so the septic location and power lines also create a hardship and burden for the owner.
3. The owner picked the best location he could to construct the garage.
4. The request is not contrary to the public because there are no neighbors in the immediate vicinity and the adjacent property is an agricultural field.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Mark and Sue Hilbelink – Owners of property located at 9226 Pigeon Lake Rd., in the SW¼, NE¼, Section 33, T18N-R22E, Town of Liberty, Manitowoc County, Wisconsin; wherein variances are being requested to construct a 14' x 23' first floor deck at 31.5 feet from the ordinary high water mark of Pigeon Lake and to construct a 14' x 16' at grade turn around deck at 41.5 feet from the ordinary high water mark of Pigeon Lake in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Mark and Sue Hilbelink.

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

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

The Board asked Mark and Sue Hilbelink questions regarding the variance requests.

People in attendance in favor of the request; none present.

People in attendance opposed to the request; none present.

Mr. Gaedtke read a letter from the Town of Liberty supporting this request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Mark and Sue Hilbelink.

Deliberation

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

Reasons for approval:

1. The steep slope, erodible soils, and lot size create a hardship and burden on the homeowner preventing him from locating the decks someplace else.
2. The steep slope and erodible soils cause an unnecessary burden because without the decks it would prevent them from exiting the rear of the house and safely accessing the shoreline.
3. The first floor deck is needed for safety reasons because the old deck is in need of repair and the owners have patio doors at the rear of the house over a steep slope.
4. The first floor deck will be further from the water than the existing lower level deck so the impervious surface will not be increasing.
5. The request will not be contrary to the public because the side deck and walking area will be removed which will decrease impervious surface area.
6. The turnaround deck is needed because the existing paver stones are uneven causing a safety concern and the back yard has a steep slope which requires a turnaround from the first floor deck to access the stairway which will extend down to the lakeshore.

7. The turnaround deck will be gapped to allow water to run off the deck and the existing paver stone underneath the turnaround deck will be removed to allow the water from the deck to permeate the soil; therefore the impervious surface of that area will decrease.

Conditions of approval:

1. The turnaround deck must be gapped as much as possible so runoff water can permeate the ground below.
2. The existing stone below the proposed turnaround deck must be removed and filled with ground to give the runoff water a permeable area.
3. The existing side deck and walkway on the south side must be removed according to the proposed plan.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Michael Murawski – Owner of property located at 5825 CTH R, in the SE¼, SE¼, Section 26, T20N-R23E, Town of Kossuth, Manitowoc, County, Wisconsin; wherein a variance is being requested to construct a 42' x 45' attached garage at approximately 3 feet from the south property line in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Michael Murawski.

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

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

The Board had no questions for Mr. Murawski.

John Hutterer, Chairperson from the Town of Kossuth stated the Town was in favor of the request.

People in attendance opposed to the request; none present.

Mr. Gaedtke reminded the Board of the letter received from the Town of Kossuth in favor of the project (copy on file).

Mr. Gaedtke read a letter from Mr. Kunz, whose mother is an adjacent property owner to Mr. Murawski. Mr. Kunz stated he is in favor of the variance request.

There being no further comments, Chairperson Bonde closed the public hearing for Michael Murawski.

Deliberation

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

Reasons for approval:

1. The Town was in favor of the request.
2. The old garages have water damage and need to be removed do to drainage problems in the area. The new garage will alleviate that burden and help the owner.
3. The water flow and drainage in the area and small lot creates a hardship and unnecessary burden on the home owner preventing him from locating the new garage closer to the rear property line.
4. A garage is needed for inclement weather and allows safe ingress and egress to the home.

5. The new garage would not be contrary to the public because it is in the same general location as the old attached garage and removing the damaged detached garage at the rear of the property should help with drainage problems in the area.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Ross and Lisa Frisch - Owners of property located at 21035 Marsh Rd., in the NE¹/₄, NE¹/₄, Section 4, T18N-R21E, Town of Eaton, Manitowoc County, Wisconsin; wherein a conditional use permit is being requested to operate a wellness gathering center and publishing business consisting of a 40' x 45' building in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Ross and Lisa Frisch.

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

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

The Board asked Ross and Lisa Frisch questions regarding the conditional use permit.

Lisa Frisch stated the intended use is for a health wellness center for uses such as yoga, health and wellness, nutritionist and exercise classes.

People in attendance in favor of the request; none present.

People in attendance opposed to the request; none present.

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

Deliberation

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

Reasons for approval:

1. The business does not impede the orderly development of the district because it is a very low impact business.
2. It is compatible with the surrounding area as there are no neighbors or anyone in the immediate vicinity. The area is surrounded by farmland.
3. The use fits on the parcel size and the proposed building will fit within the borders of the property.
4. It has proper access for the clientele and parking area.
5. The proposed use does not discourage the appropriate development use of adjacent land or buildings or impair the value of any surrounding properties.
6. There are no flashing lights, fumes, vibrations or other factors or unsafe issues that are objectionable over the allowable principal use.
7. It does not endanger the public's health safety or welfare, simply by virtue of it being a low impact gathering center.

Conditions of approval:

1. Days and hours of operation will be Monday through Friday from 9 a.m. to 9 p.m. and Saturdays from 8 a.m. to noon.

2. There can be one employee in addition to the owner.
3. The on premise sign must be sized and located according to code.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Carmeuse Line and Stone – Owner of property located next to 4110 Rockwood Rd. and east of the rail road tracks in the NW¼, NW¼, and the NE¼, NW¼, and the SW¼, NW¼, and the SE¼, NW¼, all in Section 36, T20N-R23E, Town of Kossuth, Manitowoc County, Wisconsin; wherein variances are being requested to excavate sand, gravel and rock on their property east of the railroad tracks within 1000 feet of residences located on Rockwood Rd. at distances ranging between 320 to 986 feet; and to also excavate at 125 feet from the railroad track right-of-way; and at 253 feet from the centerline of Rockwood Rd. in an ID, Industrial zoned district.

Mr. Gaedtke read a request by Carmeuse and the Town of Kossuth both requesting postponement until the June 2015 meeting.

Motion by: Mr. Schuh to postpone until June 2015 meeting.

Second by: Mr. Kracht

Upon vote: The motion was unanimously approved.

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

Other Business:

Schedule Next Meeting: The Board scheduled their next regular meeting for June 15, 2015 at 7:00 p.m. and the onsite for June 8, 2015 at 9:00 a.m. (Dates and times are subject to change.)

Adjournment

Motion by: Mr. Kracht to adjourn.

Seconded by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles Nate, Secretary

Date



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

DATE: Monday, June 8, 2015
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. **Nick Sheeter** - NE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 27, T20N-R24E, Town of Two Rivers – Conditional Use Request
 2. **Country Visions Co-op** – SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 31, T19N-R22, Town of Cato –Variance Request
 3. **Daniel Karbon** – N $\frac{1}{2}$, SE $\frac{1}{4}$, Section 5, T19N-R23E, Town of Manitowoc Rapids – Conditional Use Request
 4. **Gregory Pantzlaff** – SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 35, T21N-R22E, Town of Cooperstown – Variance Request
 5. **Mary Shimek** -- NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 33, T18N-R22E, Town of Liberty - Variance Requests
 6. **Badgerland Aggregates LLC** - NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 35, T21N-R23E, Town of Gibson - Conditional Use Request and Variance Requests
- IV. Old Business
 1. **Ryan & Tara Ross** - SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 22, T20N-R24E, Town of Two Rivers – Conditional Use and Variance Requests
 2. **Carmeuse Lime and Stone** – NW $\frac{1}{4}$, NW $\frac{1}{4}$, the NE $\frac{1}{4}$, NW $\frac{1}{4}$, the SW $\frac{1}{4}$, NW $\frac{1}{4}$, and the SE $\frac{1}{4}$, NW $\frac{1}{4}$, all in Section 36, T20N-R23E, Town of Kossuth – Variance Request
- V. Other Business
- VI. Adjournment

Date: June 1, 2015

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 8, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, June 8, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

Staff present for advisory meeting: Reed Gaedtke

A motion was made by Mr. Schuh; seconded by Ms. Vondrachek to approve the agenda for the June 8, 2015 meeting. Upon vote, the motion was unanimously approved.
Aye: Bonde, Nate, Schuh, Vondrachek and Glaeser; No: none;

The Board received their folders containing the June 15, 2015 hearing request.

Mr. Gaedtke gave a quick overview of each request.

The Board proceeded to the on-sites.

The Board 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, Nate, Vondrachek, Schuh and Glaeser; No: none.

Respectfully submitted,

Charles Nate, Secretary

Date



**MANITOWOC COUNTY
BOARD OF ADJUSTMENT
MEETING NOTICE**

DATE: MONDAY, JUNE 15, 2015
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. NEW BUSINESS

Discussion and possible action on:

1. **Nick Sheeter** - NE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 27, T20N-R24E, Town of Two Rivers – Conditional Use Request
2. **Country Visions Co-op** – SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 31, T19N-R22, Town of Cato – Variance Request
3. **Daniel Karbon** – N $\frac{1}{2}$, SE $\frac{1}{4}$, Section 5, T19N-R23E, Town of Manitowoc Rapids – Conditional Use Request
4. **Gregory Pantzlaff** – SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 35, T21N-R22E, Town of Cooperstown – Variance Request
5. **Mary Shimek** -- NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 33, T18N-R22E, Town of Liberty - Variance Requests
6. **Badgerland Aggregates LLC** - NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 35, T21N-R23E, Town of Gibson - Conditional Use Request and Variance Requests

VI. OLD BUSINESS

1. **Ryan & Tara Ross** - SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 22, T20N-R24E, Town of Two Rivers – Conditional Use and Variance Requests
2. **Carmeuse Lime and Stone** – NW $\frac{1}{4}$, NW $\frac{1}{4}$, the NE $\frac{1}{4}$, NW $\frac{1}{4}$, the SW $\frac{1}{4}$, NW $\frac{1}{4}$, and the SE $\frac{1}{4}$, NW $\frac{1}{4}$, all in Section 36, T20N-R23E, Town of Kossuth – Variance Request

VII. OTHER BUSINESS

1. Set July Meeting Date

VIII. ADJOURNMENT

Date: June 1, 2015

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 15, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, June 15, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

A motion was made by, Mr. Glaeser, seconded by Mr. Schuh to approve the May 18, 2015 meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Nate, seconded by Ms. Vondrachek to approve the June 8, 2015 onsite meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Ms. Vondrachek, seconded by Mr. Nate to approve the agenda for the June 15, 2015 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Schuh 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

Nick Sheeter – Owner of property located at 3106 Woodview Ln., in the NE¼, NE¼, Section 27, T20N-R24E, Town of Two Rivers, Manitowoc County, Wisconsin, parcel (018-127-001-002.00); wherein a conditional use permit is being requested to operate a mini-warehouse businesses consisting of one existing building and one new 50'x136' building located in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Nick Sheeter.

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

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

The Board asked Nick Sheeter questions regarding his conditional use permit request.

William Wilfert, Town of Two Rivers Chairperson, stated the Town was in favor of the request.

People in attendance opposed to the request; none present.

Mr. Gaedtke read a letter from the Town of Two Rivers approving the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Nick Sheeter.

Deliberation

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

Reasons for Approval:

1. The use does not impede the orderly development of the area.
2. The use is compatible with the surrounding area and a good spot for two mini-warehouses.
3. The intensity of the use will not have a negative effect on the surrounding properties because it is located off the main highway and in a good area.
4. The use fits on the property and the layout of the lot allows you to see in every direction.
5. The nature, location and height of the structures associated with the use are acceptable for this size parcel.
6. The use does not discourage the appropriate development or use of adjacent land.
7. The use will not impair the value of surrounding properties.
8. There will be no flashing lights, fumes, or noise which would be objectionable to the area.
9. The proposed use will not endanger the public's health, safety and welfare. He does not have access onto 147; it is located on a side road which is not heavily traveled.

Conditions of Approval:

1. Days and hours of operation will be seven days a week and twenty four hours a day.
2. Allows for indoor storage only.
3. No employees other than the owner.
4. No heavy equipment located on lot.
5. No fencing.
6. Can have wall lights for lighting.
7. One on premise business sign allowed on the building.
8. No landscaping is required.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Country Visions Co-op – Owner of property located at 2513 Marken Rd., in the SE¼, SE¼, Section 31, T19N-R22, Town of Cato, Manitowoc County, Wisconsin, parcel (001-031-016-002.00); wherein a variance is being requested to construct a 12' x 90' truck scale at 45 feet from the centerline of Marken Rd. in a CB, Commercial Business zoned district.

Chairperson Bonde opened the public hearing for Country Visions Co-op.

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

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

The Board asked Paul Sattler, representative for Country Visions Co-op, questions regarding the variance request.

People in attendance in favor of the request; none present.

People in attendance opposed to the request; none present.

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

There being no further comments, Chairperson Bonde closed the public hearing for Country Visions Co-op.

Deliberation

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

Reasons for Approval:

1. The scale is needed for the operation of the business.
2. The scale fits in the area and is still located far enough back from the road so it will not have a negative effect on the public.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Daniel Karbon – Owner of property located at 3826 Branch River Rd., in the N½, SE¼, Section 5, T19N-R23E, Town of Manitowoc Rapids, Manitowoc County Wisconsin, parcel (010-005-014-004.00); wherein a conditional use permit is being requested to operate a transportation terminal business for two local businesses which will consist of storing 7 semi-trailers and 8 waste haul trucks on the property located in a CB, Commercial Business zoned district.

Chairperson Bonde opened the public hearing for Daniel Karbon.

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

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

The Board asked Daniel Karbon questions regarding his conditional use permit request.

Mr. Karbon stated that no semi-tractors would be stored on the property; just semi-trailers but there are BM waste haul trucks that would be parked in a different location and he thought one may be a tractor.

Bill Neumann spoke in favor of the request stating there is already some truck traffic from Country Visions Co-op which utilizes the entrance from highway 10, and some trucks stay overnight at Country Visions and this would only be trailers at this site. Mr. Neumann also stated that there were two accesses to the property and there are trees and buildings in the area to help with buffering.

Wilbert Loppnow spoke opposed to the request and stated he was concerned about noise and privacy and would like to see those two issues addressed. Mr. Loppnow also stated he was concerned with trucks utilizing the Branch River Road access.

Lisa Seefeldt spoke opposed to the request and stated she was concerned with noise and the time of day and hours of operation.

Mr. Karbon informed the Board that no semi-trucks would be going to Branch River Rd. they would use the STH 10 access so the entrance point would be approximately 300 feet from the concerned neighbors.

There being no further comments, Chairperson Bonde closed the public hearing for Daniel Karbon.

Deliberation

Motion by: Ms. Vondrachek to approve the conditional use permit request.

Reasons for Approval:

1. The business will not impede the orderly development of the area because it already has trucks parking on the property and it is a business zoned district.
2. There is plenty of room and the use fits on the parcel.
3. The parcel is surrounded by trees and buildings which provide a lower impact.
4. There will be no flashing lights fumes, or vibrations that would be more objectionable than an allowed principal use.
5. It will not endanger the public health and safety because the trailers and other trucks are being parked on the property.

Conditions of Approval:

1. The permit allows for seven (7) semi-trailers to be parked in the south west corner of the lot on the new gravel area. No semi-tractors are allowed.
2. The permit also allows for three (3) waste haul trucks to be parked inside the building and four (4) waste haul trucks can be parked outside as shown on the site diagram; for a total of seven (7) B&M waste haul trucks.
3. The new gravel area must be located at least 25 feet from property lines.

4. The semi-trucks can only enter and exit the property from US HWY 10. Semi-trucks cannot use the Branch River Rd. access.
5. Days and hours of operation will be 24 hours a day 7 days a week because they are just picking up the trailers and dropping them off at certain times then leaving, so it would not be that busy.
6. No employees.
7. Cedar trees or shrubs shall be planted from the fence or where the existing shrubs are on the south property line and extend to the west property line in order to help screen the operation, provide privacy and reduce noise.
8. Cedar trees or shrubs must be at least 4 feet high and close enough to provide screening and privacy and fill in any gaps from existing trees along the south property line.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Gregory Pantzlaff – Owner of property located at 12711 CTY RD. T, in the SW¼, NW¼, Section 35, T21N-R22E, Town of Cooperstown, Manitowoc County, Wisconsin, parcel (003-035-007-004.00); wherein a variance is being requested to replace a dilapidated garage with a new 30' x 45' detached garage at 3½ feet from the north property line in a SE, Small Estate residential zoned district.

Chairperson Bonde opened the public hearing for Gregory Pantzlaff.

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

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

The Board asked Arlene Pantzlaff, representative for Gregory Pantzlaff, questions regarding the variance request.

People in attendance in favor of the request; none present.

People in attendance opposed to the request; none present.

There being no further comments, Chairperson Bonde closed the public hearing for Gregory Pantzlaff.

Deliberation

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

Reasons for Approval:

1. The structure was part of the old farm and the lot was separated from the farm years ago leaving an odd shaped lot which creates a hardship.
2. The owner needs to have a bigger garage and the existing garage is dilapidated. Therefore the lot shape and dilapidated garage are creating a burden for the owner.

3. The garage would not have a negative effect on the public because it's an accessory use and it fits in the rural setting.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Mary Shimek – Owner of property located at 9408 Pigeon Lake Rd., located in the NW¼, SE¼, Section 33, T18N-R22E, Town of Liberty, Manitowoc County Wisconsin; parcel (08-033-014-006.00); wherein variances are being requested to construct an approximate 10' x 50' pervious patio with a mini retaining wall and attached 5' x 5' wash area at a distance ranging from 1' to 7' from the south property line and at approximately 26 to 27 feet from the ordinary high water mark of Pigeon Lake; and to construct a 13' long x 3.5' high retaining wall at 0' from the south property line and at 55 feet from the ordinary high water mark of Pigeon Lake; and to construct a 12' long x 3' high retaining wall at 0 feet from the south property line and at 36 feet from the ordinary high water mark of Pigeon lake in a 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 requests.

Ms. Shimek stated she was concerned with the severe erosion taking place on the property and that she does not have a safe ingress or egress for the lower level of the house.

The Board was concerned with the proper installation of the retaining walls.

Ms. Shimek stated pervious block would be used for the patio area and connect the stairway to the door for safe access.

People in attendance in favor of the request; none present.

Dave Christel from the Town of Liberty spoke opposed to the request stating the Town Planning Commission did not get the item on their agenda due to notification requirements and would like the request to go to the Town first.

The Board Stated there was an erosion problem and were concerned with it getting worse.

Mr. Gaedtke clarified the decision process and informed the Board they make the final decision. He went on to say the Board can either choose to postpone having the Town look at the issue or rule on the issue tonight.

Motion by: Mr. Glaeser to reopen public input to talk to the Town of Liberty representative.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

The Town of Liberty representative, Dave Christel, informed the Board that Ms. Shimek did contact the Township but the public notification date had past. He also stated there were concerns with the shoulder of the road and that maybe something could be done to help alleviate some of the problem.

Mr. Gaedtke informed the Town that neighbors were notified by Planning and Zoning as they always are. He went on to say that alleviating some of the problem would be good but it would not repair the severe erosion that already had occurred so even if water can be reduced or redirected; if retaining walls are the only way to repair the current erosion damage why make the owner wait.

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

Deliberation

Motion by: Mr. Glaeser to postpone the variance request to allow the Town of Liberty time to review the request at their meeting.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Badgerland Aggregates LLC – Owners of property located south of STH 147, east of Jambo Creek Rd. and west of Cherney Rd. in the NW¼, NW¼, Section 35, T21N-R23E, Town of Gibson, Manitowoc County, Wisconsin, parcel (006-035-006-001.00); wherein a conditional use permit and variances are being requested to expand an existing sand and gravel operation into an adjacent parcel. The variances are being requested to excavate sand, gravel, and rock within the 1000 foot setback to ten residences at distances ranging between 110 and 980 feet; and to excavate at 280 feet from the centerline of STH 147; and at 175 feet from STH 147 right-of-way; and at 108 feet from the centerline of Jambo Creek Rd; and at 75 feet from Jambo Creek Rd. right-of-way; and at 110 feet from the centerline of Cherney Rd.; and at 75 feet from Cherney Rd. right-of-way; and to also excavate within 100 feet of 7 adjacent property lines at distances ranging from 0 to 75 feet in an EA, Exclusive Agricultural zoned district.

Chairperson Bonde opened the public hearing for Badgerland Aggregates LLC.

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

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

The Board asked Badgerland Aggregates LLC representatives, Josh Radandt, William Vochon, and Jeff Maples questions regarding the conditional use permit and variance requests.

Mr. Vochon gave a quick power point presentation explaining the request.

Mr. Gaedtke clarified sand, gravel, and rock extraction setbacks.

Richard Wegner, Town of Gibson Chairman stated the town was in favor of the request and stated there never had been a problem with wells in the area. He also stated this type of operation is needed.

Gale Kronforst spoke opposed to the request. He was concerned with having an environmental impact statement, no plan for reclaiming the mine and wanted to know who monitored the operation.

Wayne Milquet spoke opposed to the request stating he didn't want to have to look at a berm and listen to the noise associated with the gravel pit. He was also concerned about his well failing.

Melissa Colby spoke opposed to the request stating concerns with not having an environmental impact study, potential well problems, noise problems, dust issues, blasting, and loss of property value.

Sharron Kopa spoke opposed to the request stating concerns with dust, well depth, noise, hours of operation because the pit starts up at 5:00 a.m. sometimes, and concerns with potential sink holes.

William Vochon, representative for Badgerland Aggregates LLC, addressed the Board to try and answer some of the concerned questions.

Mr. Vochon stated the existing pit has been in existence since 1972 so there should be no surprise on property values. He went on to say the company estimates there is approximately 10 years' worth of material at this location and after the material is gone it would be reclaimed according to the plan on file at the Planning and Zoning Department.

Mr. Vochon went on to say dust would be minimal since this would not be a crushing site and there is dust retardant that could be used to control dust.

Mr. Vochon addressed the environmental impact concerns (EIS) by explaining that an EIS is not required nor is it necessary and that a phase 1 audit was done on the property during the property transfer.

Mr Vochon also stated that this parcel is for sand and gravel extraction only and that no blasting would occur on this parcel.

Mr. Vochon also addressed well concerns by stating the pit has been there for approximately 50 years and there have not been any well issues. He also mentioned that with the depth of the pit and the depth of the wells in the area if water was to go lower, the shallowest well in the area would still have 30 feet of water in the well column.

Mr. Schuh asked what the hours of operation are for the existing pit and Mr. Radandt stated there never was a set time and they would like to keep the hours of operation for this additional parcel the same. He informed the Board they need the longer hours in summer so they can wash and stockpile stone for the winter months.

There being no further comments, Chairperson Bonde closed the public hearing for Badgerland Aggregates LLC.

Deliberation

Motion by: Mr. Glaeser to postpone the decision until next month in order to give the Board enough time to review and evaluate the information provided.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Old Business

Ryan & Tara Ross - Owners of property located at 7721 HWY 147, in the SW¼, NE¼, Section 22, T20N-R24E, Town of Two Rivers, Manitowoc County, Wisconsin; wherein a conditional use permit and variances are being requested to operate a mini-warehouse business consisting of four buildings ranging in size from 40' x 140' to 40' x 200' at 0 feet from the right-of-way of STH 147 in a RR, Rural Residential zoned district.

Motion made by Mr. Glaeser and seconded by Mr. Nate to remove the postponed request from the table.

Upon vote, the motion was unanimously approved.
Aye: Bonde, Vondrachek, Nate, Schuh and Glaeser; No: none.

Mr. Schuh asked what Mr. Ross and his neighbors Mr. and Mrs. Ollendorf had concluded regarding the proposed request.

Mr. Ross stated they agreed not to have the first building go over 100 feet in length and to have gutters on the buildings.

Mr. Ross also submitted an amended site plan showing the shortened building next to the Ollendorf's property and also stated he checked other mini-warehouse businesses and the average space between buildings was 27 to 30 feet apart. So he made one of his buildings narrower to allow more room between the buildings for getting things in and out of the storage units. This amendment was also shown on the revised site plan (copy on file).

The Board asked Mr. Ross questions regarding the appeal. The Board expressed concerned of the amount of fill being brought in to create the slope and how the water was going to be controlled and room for backing up.

Mr. Schuh made a motion to open the hearing back up to hear from the neighbor and anyone else in favor or opposed to the amended request.

Motion was seconded by Mr. Glaeser.
Upon vote, the motion was unanimously approved.
Aye: Bonde, Vondrachek, Nate, Schuh and Glaeser; No: none.

People in attendance in favor of the request; none present.

Cornel Eis, adjacent property owner, spoke opposed to the request stating concerns with increased water run off coming down the hill and going onto his property.

Mark and Sue Ollendorf, neighboring property owners, still spoke opposed to the request but stated that if it would be approved they would like to see that first building next to their property shortened.

Mr. Wilfert read a letter from the Town of Two Rivers which stated they were rescinding their previous letter of approval (copy on file).

William Wilfert, Town of Two Rivers Chairman, represented the Township and spoke opposed to the request stating concerns with the grade, water runoff, and the effects of bringing in a lot of fill.

There being no further comments, Chairperson Bonde closed the public hearing for Ryan Ross.

Deliberation

Motion by: Mr. Nate to postpone the hearing until July so the Board can take another look at the site and water runoff concerns that were discussed.

Second by: Mr. Schuh
Upon vote: The motion was unanimously approved.
Aye: Bonde, Vondrachek, Nate, Schuh and Glaeser; No: none.

Carmeuse Lime and Stone – Owner of property located next to 4110 Rockwood Rd. and east of the railroad tracks in the NW¹/₄, NW¹/₄, and the NE¹/₄, NW¹/₄, and the SW¹/₄, NW¹/₄, and the SE¹/₄, NW¹/₄, all in Section 36, T20N-R23E, Town of Kossuth, Manitowoc County, Wisconsin; wherein variances are being requested to excavate sand, gravel and rock on their property east of the railroad tracks within 1000 feet of residences located on Rockwood Rd. at distances ranging between 320 to 986 feet; and to also excavate at 125 feet from the railroad track right-of-way; and at 253 feet from the centerline of Rockwood Rd. in an ID, Industrial zoned district.

Mr. Gaedtke informed the Board Carmeuse representative John Johnson requested the hearing be postponed until the July because he was unable to attend tonight's meeting.

Motion by: Mr. Nate to postpone until July 2015 meeting as requested by Carmeuse Lime and Stone.

Seconded by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Other Business:

Schedule Next Meeting: The Board scheduled their next regular meeting for July 20, 2015 and the onsite for June 13, 2015 (Dates and times are subject to change.)

Adjournment

Motion by: Mr. Glaeser to adjourn.

Seconded by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY
BOARD OF ADJUSTMENT
ADVISORY MEETING NOTICE

DATE: Monday, July 13, 2015
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. Old Business
 1. **Ryan & Tara Ross** - SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 22, T20N-R24E, Town of Two Rivers – Conditional Use and Variance Requests
 2. **Mary Shimek** -- NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 33, T18N-R22E, Town of Liberty - Variance Requests
 3. **Badgerland Aggregates LLC** - NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 35, T21N-R23E, Town of Gibson - Conditional Use Request and Variance Request
 4. **Carmeuse Lime and Stone** – NW $\frac{1}{4}$, NW $\frac{1}{4}$, the NE $\frac{1}{4}$, NW $\frac{1}{4}$, the SW $\frac{1}{4}$, NW $\frac{1}{4}$, and the SE $\frac{1}{4}$, NW $\frac{1}{4}$, all in Section 36, T20N-R23E, Town of Kossuth – Variance Request
- IV. New Business
 1. **Carl & Marilyn Toepel** - NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, T18N-R22E, Town of Liberty – Variance Request
 2. **Bill & Felicia Hennessy** – NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, T18N-R22, Town of Liberty – Variance Requests
 3. **Sally Rae Temple** – Pigeon Lake Tract A, Section 33, T18N-R22E, Town of Liberty – Variance Request
 4. **Pete Augustine** – Govt. Lot 1, Section 7, T18N-R23E, Town of Newton – Variance Request
 5. **Kevin Binversie** – PRT of Lots 8 & 9 Block 1, NKA Lot 1, Section 8, T17N-R22E, Town of Meeme – Conditional Use and Variance Request
 6. **Matthew & Dawn Faust** – Wilke's Lake Subd. Lots 1, 2 and 3 Govt. Lot 4 (EASM 1103-697) and also PRT of G.L. 4 ADD, Section 2, T17N-R21E, Town of Schleswig – Conditional Use Request
- V. Other Business
- VI. Adjournment

Date: July 1, 2015

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 13, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, July 13, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

Members absent: Ralph Schuh.

Staff present for advisory meeting: Reed Gaedtke

A motion was made by Ms. Vondrachek; seconded by Mr. Nate to approve the agenda for the July 13, 2015 meeting. Upon vote, the motion was unanimously approved.

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

The Board received their folders containing the July 20, 2015 hearing request.

Mr. Gaedtke gave a quick overview of each request.

The Board proceeded to the on-sites.

The Board 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, Nate, Vondrachek, and Glaeser; No: none.

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: MONDAY, JULY 20, 2015
TIME: 6:00 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. **Ryan & Tara Ross** - SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 22, T20N-R24E, Town of Two Rivers – Conditional Use and Variance Requests
 2. **Mary Shimek** -- NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 33, T18N-R22E, Town of Liberty - Variance Requests
 3. **Badgerland Aggregates LLC** - NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 35, T21N-R23E, Town of Gibson - Conditional Use and Variance Requests
 4. **Carmeuse Lime and Stone** – NW $\frac{1}{4}$, NW $\frac{1}{4}$, the NE $\frac{1}{4}$, NW $\frac{1}{4}$, the SW $\frac{1}{4}$, NW $\frac{1}{4}$, and the SE $\frac{1}{4}$, NW $\frac{1}{4}$, all in Section 36, T20N-R23E, Town of Kossuth – Variance Request
- VI. NEW BUSINESS
Discussion and possible action on:
 1. **Carl & Marilyn Toepel** - NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, T18N-R22E, Town of Liberty – Variance Request
 2. **Bill & Felicia Hennessy** – NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, T18N-R22, Town of Liberty – Variance Requests
 3. **Sally Rae Temple** – Pigeon Lake Tract A, Section 33, T18N-R22E, Town of Liberty – Variance Request
 4. **Pete Augustine** – Govt. Lot 1, Section 7, T18N-R23E, Town of Newton – Variance Request
 5. **Kevin Binversie** – PRT of Lots 8 & 9 Block 1, NKA Lot 1, Section 8, T17N-R22E, Town of Meeme – Conditional Use and Variance Request
 6. **Matthew & Dawn Faust** – Wilke's Lake Subd. Lots 1, 2 and 3 Govt. Lot 4 (EASM 1103-697) and also PRT of G.L. 4 ADD, Section 2, T17N-R21E, Town of Schleswig – Conditional Use Request
- VII. OTHER BUSINESS
 1. Set August Meeting Date

VIII. ADJOURNMENT

Date: July 1, 2015

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 20, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 6:00 P.M. on Monday, July 20, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

A motion was made by, Mr. Schuh, seconded by Ms. Vondrachek to approve the June 15, 2015 meeting minutes. Upon vote, the motion was unanimously approved.
Aye: Bonde, Vondrachek, Nate, Schuh and Glaeser; No: none.

A motion was made by, Mr. Nate, seconded by Mr. Glaeser to approve the July 13, 2015 onsite meeting minutes. Upon vote, the motion was unanimously approved.
Aye: Bonde, Vondrachek, Nate, Schuh and Glaeser; No: none.

A motion was made by, Mr. Schuh, seconded by Mr. Glaeser to approve the agenda for the July 20, 2015 meeting. Upon vote, the motion was unanimously approved.
Aye: Bonde, Vondrachek, Nate, Schuh 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.

Chairman Bonde informed the audience; due to the large number of people attending tonight's meeting he would be placing a 5 minute time limit, per person, on public input.

Old Business

Ryan & Tara Ross - Owners of property located at 7721 HWY 147, in the SW¼, NE¼, Section 22, T20N-R24E, Town of Two Rivers, Manitowoc County, Wisconsin; wherein a conditional use permit and variances are being requested to operate a mini-warehouse business consisting of four buildings ranging in size from 40' x 140' to 40' x 200' at 0 feet from the right-of-way of STH 147 in a RR, Rural Residential zoned district.

Motion made by Ms. Vondrachek and seconded by Mr. Nate to remove the postponed request from the table.

Upon vote, the motion was unanimously approved.
Aye: Bonde, Vondrachek, Nate, Schuh and Glaeser; No: none.

Mr. Gaedtke reminded the public and the Board the request had been postponed until tonight's meeting; that public input had been taken at prior meetings and the public input portion of the hearing was closed. Mr. Gaedtke stated if the Board wanted to hear from the public, Town, or Mr. Ross, they would need to reopen that part of the meeting prior to accepting input.

Motion made by Mr. Glaeser and seconded by Mr. Schuh to open input only to hear from Mr. Ross and ask him some questions.

Upon vote, the motion was unanimously approved.
Aye: Bonde, Vondrachek, Nate, Schuh and Glaeser; No: none.

Mr. Ross submitted an amended site diagram showing two proposed buildings rather than four. The building to the north was still long and the building to the south had been shortened. Mr. Ross said the amended layout would address the reduced run off area concerns.

The Board asked Mr. Ross questions regarding the amended site diagram and water run off issue.

There being no further information, Chairperson Bonde closed the public hearing for Ryan Ross.

Deliberation

Motion by: Mr. Glaeser to modify and approve the conditional use permit and variance requests to operate a 2 unit mini-warehouse business. One 40' x 100' building can be constructed on the south end of the property and one 20' x 200' building can be constructed on the north end of the property. Due to the widened right-of-way, variances were approved to construct the buildings at 0 feet from the right-of-way or 100 feet from the centerline; whichever distance was greater.

Reasons for Approval:

1. The oversized right-of-way at the front of the lot and steep slope at the rear of the property creates a hardship for the owner to locate the structures within the required road setback.
2. The owner would be burdened by the ordinance setback because the wide right-of-way and rear slope would prevent him from constructing the buildings and using the property.
3. The request is not contrary to the public interest because there is a ditch and very wide right-of-way which provides enough room from the building to the road for safety purposes.
4. The use does not impede the orderly development of the district.
5. The use is compatible to the surrounding area; there is a mini storage business located to the north of this property.
6. The proposed operation will not have a negative effect on the area. The new site plan addressed fill and drainage concerns.
7. The changes to the site plan allow the use to fit on the property.
8. Proper access is provided which allows people to enter and exit safely.
9. The structure to the south was made shorter to address the potential runoff concerns that could have occurred from having a larger building which would have required more fill. The shorter building uses less fill and addresses the runoff concern to the neighbor's structure located adjacent to the rear of this parcel.
10. The use does not impair the value of the surrounding properties nor is it more objectionable to the area because there are other mini warehouse businesses in the immediate area.
11. It will not endanger the health safety or welfare of the public because it is setback from the road and the runoff from the structures will be directed to the ditch.

Conditions of Approval:

1. The water runoff from the buildings must run to the ditch to reduce run off down the hill.
2. No employees.
3. One 4' x 8' sign is allowed according to code.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Mary Shimek – Owner of property located at 9408 Pigeon Lake Rd., located in the NW¼, SE¼, Section 33, T18N-R22E, Town of Liberty, Manitowoc County Wisconsin; parcel (08-033-014-006.00); wherein variances are being requested to construct an approximate 10' x 50' pervious patio with a mini retaining wall and attached 5' x 5' wash area at a distance ranging from 1' to 7' from the south property line and at approximately 26 to 27 feet from the ordinary high water mark of Pigeon Lake; and to construct a 13' long x 3.5' high retaining wall at 0' from the south property line and at 55 feet from the ordinary high water mark of Pigeon Lake; and to construct a 12' long x 3' high retaining wall at 0 feet from the south property line and at 36 feet from the ordinary high water mark of Pigeon lake in a LR, Lake Residential, S1, Shoreland zoned district.

Motion made by Ms. Vondrachek and seconded by Mr. Glaeser to remove the postponed request from the table.

Upon vote, the motion was unanimously approved.

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

Mr. Gaedtke reminded the public and Board the hearing had been postponed to allow the Town of Liberty time to look at the variance request. Public input had been taken at the June meeting and was closed so if the Board wanted to hear from the Town of Liberty they would need to reopen that portion of the meeting.

Ms. Vondrachek stated the Board had a letter from the Town approving the request and felt the Board had enough information to make a decision.

Deliberation

Motion by: Ms. Vondrachek to approve the variance request to construct an approximate 10' x 50' pervious patio with a mini retaining wall and attached 5' x 5' wash area at a distance ranging from 1' to 7' from the south property line and at 25 feet from the ordinary high water mark of Pigeon Lake; and to construct a 13' long x 3.5' high retaining wall at 0' from the south property line and at 55 feet from the ordinary high water mark of Pigeon Lake; and to construct a 12' long x 3' high retaining wall at 0 feet from the south property line and at 36 feet from the ordinary high water mark of Pigeon Lake.

Reasons for approval:

1. The very steep slope, the erodible soils and shortened lot shape creates a hardship for the owner preventing her from meeting the setback requirements.
2. The owner is burdened by the steep slope and erodible soils which is causing erosion problems and issues with accessing the lake.
3. The owner would be burdened if the patio was not allowed. The patio is needed to provide safe access from the stairs to the rear entry due to the steep hill and it also allows safe access to the shoreline from inside the home for family members and visitors who are unable to use the outside stairs.
4. There is enough room for water runoff between the patio and lake and the paver blocks will also be pervious so it will not be contrary to the public.
5. The retaining walls will not be contrary to public interest because they will slow down the fast moving runoff from the side of the house preventing eroded soil from entering the lake. The retaining walls will also help stabilize the hill.

Conditions of approval:

1. A catch basin shall be installed to collect water at the top of the hill and divert it downhill with drainage tile. The tile opening at the bottom of the hill must terminate at least 12 to 15 feet from the lake. No closer.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Badgerland Aggregates LLC – Owners of property located south of STH 147, east of Jambo Creek Rd. and west of Cherney Rd. in the NW¼, NW¼, Section 35, T21N-R23E, Town of Gibson, Manitowoc County, Wisconsin, parcel (006-035-006-001.00); wherein a conditional use permit and variances are being requested to expand an existing sand and gravel operation into an adjacent parcel. The variances are being requested to excavate sand, gravel, and rock within the 1000 foot setback to ten residences at distances ranging between 110 and 980 feet; and to excavate at 280 feet from the centerline of STH 147; and at 175 feet from STH 147 right-of-way; and at 108 feet from the centerline of Jambo Creek Rd; and at 75 feet from Jambo Creek Rd. right-of-way; and at 110 feet from the centerline of Cherney Rd.; and at 75 feet from Cherney Rd. right-of-way; and to also excavate within 100 feet of 7 adjacent property lines at distances ranging from 0 to 75 feet in an EA, Exclusive Agricultural zoned district.

Motion made by Mr. Schuh and seconded by Ms. Vondrachek to remove the postponed request from the table.

Upon vote, the motion was unanimously approved.

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

Mr. Gaedtke reminded the public and Board the hearing had been postponed to allow the Board of Adjustment time to review and evaluate all the information presented at the June meeting, and public input had been taken during the June meeting and is closed.

Mr. Gaedtke also informed the Board they received a copy of a letter from a citizen requesting to have the meeting postponed until August because he had not been notified by the Town about their last Town meeting. Mr. Gaedtke went on to say the person who sent the letter was sent a notice by the Planning and Zoning Department on May 28, 2015 in regards to the Board of Adjustment hearing and a copy of the address label was on file.

Mr. Gaedtke went on to say if the Board wanted to postpone until next month to allow for additional input from the Town or citizens, or if they wanted to hear additional information from the public, Town, or Badgerland Aggregates at tonight's meeting it would require a motion and approval to do so.

Mr. Gaedtke stated Badgerland Aggregates LLC had submitted a letter and amended drawing showing they would be increasing the setback distance along the north and northeast property lines to comply with the 100 foot property line setback. If the Board wanted Badgerland Aggregates LLC to explain the amendment, the Board would need to reopen that portion of the hearing.

Motion made by Mr. Schuh and seconded by Mr. Nate to have Mr. Gaedtke read the letter from Badgerland aggregates which explained the increased setback distance to meet the ordinance requirement.

Upon vote, the motion was unanimously approved.

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

Mr. Gaedtke read Badgerland Aggregate LLC's letter (copy on file) and explained the amendment to the Board.

Motion made by Mr. Glaeser and seconded by Ms. Vondrachek to have Badgerland Aggregates LLC provide some more information to the Board and allow the Board to ask more questions.

Upon vote, the motion was unanimously approved.

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

The Board asked Badgerland Aggregates LLC representatives, Josh Radandt, William Vochon, and Jeff Maples questions regarding the amended conditional use permit and variance requests.

Badgerland Aggregate representatives stated they would propose the required bond; they did not want to have any restrictions on the hours of operations; and stated if Badgerland caused problems with the surrounding wells, they would correct the problem. They also went on to say there has never been a well issue caused from that pit in the past and the pit has been operating since 1972.

The Board discussed possible conditions.

Mr. Gaedtke asked the Board if they wanted to open public input up to anyone else such as anyone who didn't have a chance to speak in June or to the Township in case they had further input. A motion would be needed to do so.

Motion made by Mr. Schuh and seconded by Ms. Vondrachek to reopen the hearing to allow the Town representative a chance to speak about the letter that was received.

Upon vote, the motion was unanimously approved.
Aye: Bonde, Vondrachek, Nate, Schuh and Glaeser; No: none.

Richard Wegner, Town of Gibson Chairman, stated the town would like more time so the Town can notify neighboring property owners and rehear the request.

There being no further comments, Chairperson Bonde closed the public hearing for Badgerland Aggregates LLC.

Deliberation

Motion by: Mr. Glaeser to postpone the decision until next month in order to give the Town more time to rehear the issue and notify their citizens but to only hear from the Town at next month's meeting.

Second by: Ms. Vondrachek
Upon vote: The motion was unanimously approved.
Aye: Bonde, Vondrachek, Nate, Schuh and Glaeser; No: none.

Carmeuse Lime and Stone – Owner of property located next to 4110 Rockwood Rd. and east of the rail road tracks in the NW¹/₄, NW¹/₄, and the NE¹/₄, NW¹/₄, and the SW¹/₄, NW¹/₄, and the SE¹/₄, NW¹/₄, all in Section 36, T20N-R23E, Town of Kossuth, Manitowoc County, Wisconsin; wherein variances are being requested to excavate sand, gravel and rock on their property east of the railroad tracks within 1000 feet of residences located on Rockwood Rd. at distances ranging between 320 to 986 feet; and to also excavate at 125 feet from the railroad track right-of-way; and at 253 feet from the centerline of Rockwood Rd. in an ID, Industrial zoned district.

Mr. Gaedtke reminded the public and Board this hearing had been postponed until tonight's meeting as requested by the applicant's representative and public input had not been heard by the Board so the meeting would proceed as a normal hearing.

Chairperson Bonde opened the public hearing for Carmeuse Lime and Stone.

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

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

Mr. Gaedtke informed the Board the land had been owned by Carmeuse Lime and Stone and was part of their existing operation therefore a conditional use permit to operate was not needed because the land was included in the original operation plan. However, since work in the new area will be infringing upon the existing setbacks, Carmeuse needs to meet the setback requirements or obtain a variance. The company currently could operate in this area even if the variances were not granted.

The Board asked representatives, John Johnson (Carmeuse Lime and Stone), David Dolphin (Viking Explosives), Richard Stroesenreuther (Viking Explosives) and Bernard Fenelon (well monitor), questions regarding the variance requests.

Mr. Johnson explained the well monitoring and replacement program and stated the company would address any well problems caused by the expansion. Mr. Johnson said, Carmeuse is guaranteeing they would replace wells they dried up.

Mr. Fenelon explained the technical details regarding the well monitoring and assessment which included 10 to 15 transducers placed in neighboring wells to record well levels.

Mr. Johnson stated the existing quarry west of the track is approximately 125 feet deep and the proposed depth east of the tracks would be 125 feet.

The Board asked if well replacement was a onetime deal and Mr. Johnson stated Carmeuse was willing to provide continuous protection. If someone's well goes dry two or more times Carmeuse would replace the well each time and provide temporary water to the home owner until the problem was resolved.

People in favor of the request:

Tina Waack representing the Kortens family farm spoke in favor of the request, supported the well monitoring proposed but was concerned with people outside of the one mile monitoring area and would like to see them included.

Jim Froelich, Town of Kossuth Supervisor, spoke for the Town Board and himself stating they both are in favor of the variance request but would like the Board to wait on making a decision until the well monitors are installed and insurance was provided for good water if something should happen to the wells. He went on to inform the Board of a large vegetable farm in the area which also causes a draw down to some area wells each growing season. The proposed monitors would help show if the draw down is being caused by Carmeuse or by agricultural usage.

Ed Kocourek spoke in favor of the request but was concerned about potential well issues and would like to have some more information.

People opposed to the request:

Peggy Basken stated she was not necessarily opposed to the request but stated she lives at the monitoring cutoff area and would like more information about the project. She also stated there are people near her that did not know of the proposal and felt they should be given more time to find out about the issue. She also mentioned the water level in her well has gone down over time. Mathew Heckenlable stated he lived 1 ¼ mile north of the project, had a 160' well which is now down to 80 feet. Currently he doesn't have a problem but would like more information regarding well monitoring before a decision was made.

Bruce Barbarossa stated he lived close to Rockwell Lime and there is a history of well problems in the area and he had some concerns with blasting.

Brett Vogel stated he had a lack of information about the well protection and would like more information before a decision was made and favored a well monitor.

Ken Reedy stated he has had well problems due to the quarry in the past and was not helped by the company at all.

Correspondence

Mr. Gaedtke read an email from Wisconsin Department of Natural Resource water supply specialist, Liz Heinen, stating an expansion of a quarry within 500 feet of a private well would require a variance from the DNR to each of the wells (copy on file).

Mr. Gaedtke read a letter from the Town of Kossuth sent prior to the June meeting which stated concerns with well monitoring and replacement and requested postponement until more information was provided (copy on file).

Mr. Gaedtke read a letter from Tina Waack with concerns about the blasting and quarry depth which has caused well problems on the Kortens's family farm (copy on file).

Mr. Gaedtke read a letter from Ed Kocourek who informed the board he has had issues with reduced water levels in his well and wanted to know what needed to be done to protect his home from issues that could arise from blasting (copy on file).

Mr. Gaedtke read a letter from Tim Kortens who was concerned about his well. Mr. Kortens went on to say he had an artesian well and once Rockwell Lime and Stone lowered the quarry floor his well went dry.

The well drew down again and he had to put in a pump. He also stated he would like to be included in the well monitoring program (copy on file).

Questions from the Board and statements from Carmeuse Lime and Stone:

Mr. Schuh asked if the well replacement program also covered businesses and commercial areas. Mr. Johnson from Carmeuse replied; absolutely.

Mr. Johnson went on to say if someone lives on the boundary area and the monitors near that area are being affected then they would look at those areas. If the furthest monitors from the quarry show no draw down or effect from the quarry but people beyond those monitors are being affected then that would suggest those wells are being impacted by some other source such as agricultural irrigation.

Mr. Fenelon explained a quarry vs. agricultural related drawdown problem stating a quarry would show a drawdown all year long whereas agricultural drawdowns tend to be seasonal.

Mr. Gaedtke asked Mr. Johnson if people could call Carmeuse to find out more about the project and well monitoring program.

Mr. Johnson stated people could contact him and he would explain everything.

Mr. Schuh asked if Carmeuse would be open to conducting an informational meeting at the Town of Kossuth and Mr. Johnson replied he would not be opposed to it.

Mr. Johnson stated people beyond the monitoring site would be covered by the replacement proposal if the quarry caused the problems.

There being no further comments, Chairperson Bonde closed the public hearing for Carmeuse Lime and Stone.

Deliberation

Motion by: Mr. Schuh to postpone the decision until next month in order to allow the Town time to have a public information meeting with Carmeuse and then hear from the Town of Kossuth at the next month's hearing.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

New Business

Carl and Marilyn Toepel – Owners of property located at 9505 South Shore Dr., in the NE¼, SW¼, Section 33, T18N-R22E, Town of Liberty, Manitowoc County, Wisconsin, parcel (008-033-009-015.00); wherein an after the fact variance is being requested for constructing a 12' x 14' screened porch at 71 feet from the ordinary high water mark of Pigeon Lake in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Carl and Marilyn Toepel.

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

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

The Board asked Carl and Marilyn Toepel questions regarding their variance request.

People in attendance in favor of the request; none.

People in attendance opposed to the request:

Dave Christel, from the Town of Liberty planning Commission and resident, spoke opposed to the request.

Mr. Gaedtke read a letter from WDNR representative Dale Rezabek regarding the request (copy on file).

Mr. Gaedtke read an informational document from the Town of Liberty which showed the Town Planning Commission voted in favor of the request and the Town Board voted opposed to the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Carl and Marilyn Toepel.

Deliberation

Motion by: Ms. Vondrachek to use averaging to approve the request to construct a 12' x 14' screen porch at 71 feet from the ordinary high water mark of Pigeon Lake.

Findings:

1. Neighbor to the north is 78 feet from the lake and the neighbor to the south is 42' 8".
2. A development pattern exists.
3. The structure is located outside of neighbors view corridor.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Bill and Felicia Hennessy – Owners of property located at 14436 South Shore Dr., in the NE¼, SW¼, Section 33, T18N-R22, Town of Liberty, Manitowoc County, Wisconsin, parcel (008-033-009-005.02); wherein variances are being requested to construct a 24' x 30' garage at 42 feet from the ordinary high water mark of Little Pigeon Lake and at 3 feet from the east property line; and to construct a 4' x 6' entrance pad at the rear of the garage at 38 feet from the ordinary high water mark of Little Pigeon Lake; and reconstruct a 25' L x 1' W x 6' H retaining wall to the west of the garage at 42 feet from the ordinary high water mark of Little Pigeon Lake and to reconstruct a 3'L x 1'W x 6'H retaining wall to the east of the garage at 42 feet from the ordinary high water mark from Little Pigeon Lake and at approximately 0 feet from the east property line in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Bill and Felicia Hennessy.

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

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

Mr. Gaedtke informed the Board Mr. and Mrs. Hennessy was unable to attend the meeting due to his father's death. Mr. Hennessy had contacted Mr. Gaedtke and asked the Board to proceed without him being present.

Mr. Gaedtke informed the Board they could proceed as normal and make a decision, postpone until the applicant can attend the meeting, or proceed as normal and if questions arise postpone until they can be answered by the applicant.

Mr. Gaedtke informed the Board of some more details Mr. Hennessy made known to him such as the dilapidating flag stone foundation of the parking area and construction of stairs by the west retaining wall to access the shoreline.

Town of Liberty Chairman, Bill Pitz, stated the Town was in favor of the request because the foundation was bad and needs repair. Mr. Pitz's also stated, at the Town meeting, Mr. Hennessy mentioned the garage would not have water, sewer, or living quarters.

People in attendance opposed to the request; none present.

Mr. Gaedtke read a letter from the Town of Liberty approving the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Bill and Felicia Hennessy.

Deliberation

Motion by: Mr. Schuh to approve the variance requests to construct a 24' x 30' garage at 42 feet from the ordinary high water mark of Little Pigeon Lake and at 3 feet from the east property line; and to construct a 4' x 6' entrance pad at the rear of the garage at 38 feet from the ordinary high water mark of Little Pigeon Lake; and to reconstruct a 25' L x 1' W x 6' H retaining wall to the west of the garage at 42 feet from the ordinary high water mark of Little Pigeon Lake and to reconstruct a 3'L x 1'W x 6'H retaining wall to the east of the garage at 42 feet from the ordinary high water mark of Little Pigeon Lake and at approximately 0 feet from the east property line.

Reasons for approval:

1. The small size and steep slope of the lot to the proximity of the roadway creates a physical hardship preventing the structures from meeting the setbacks.
2. The retaining walls are needed to prevent erosion to the lake.
3. The existing foundation of the parking area and garage is dilapidated causing voids in the structure and foundation creating safety concerns and therefore needs to be replaced.
4. The owner is burdened because the ordinance requirements on the sloped small lot would not allow the walls or garage to be replaced and they are needed to prevent erosion and provide shelter during inclement weather.
5. It is not contrary to public interest because it will improve the current conditions of the structure foundation and walls and make the area safer; it will improve real estate value and control water run off to Little Pigeon Lake.
6. The small entrance pad is needed for safe ingress and egress.

Conditions of approval:

1. The stairs must conform to county code.
2. The gutters on the east side of the garage must drain to the north into the proposed infiltration area.
3. The gutters on the west side of the garage must drain to the south landscaped area.
4. There should be no interference with the neighbors view corridor.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Sally Rae Temple – Owner of property located at 9222 Pigeon Lake Rd., described as Pigeon Lake Tract A, Section 33, T18N-R22E, Town of Liberty, Manitowoc County Wisconsin, parcel (008-033-003-005.00); wherein an after the fact variance is being requested for constructing a 37' 3.25" long x 2' 8" high retaining wall at approximately 33.4 to 32 feet from the centerline of Pigeon Lake Rd. and at approximately 0 feet from the Pigeon Lake Rd. right-of-way line in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Sally Rae Temple.

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

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

The Board asked Sally Rae Temple and her son-in-law, Joe Benvenuto, questions regarding the variance request.

Dave Christel from the Town of Liberty stated the Town Planning Commission and Board were both in favor of the request and informed the Board the Town was okay with having a portion of the retaining wall at 32 feet from the centerline which was approximately one foot within their right-of-way.

Town of Liberty Chairman, Pill Pitz, stated the Town took the 32 foot distance into consideration and was okay with having it one foot within the right-of-way.

Mr. Gaedtke clarified the variance approval from the Board of Adjustment could only be for 0 feet from the right-of-way and any portion of the structure located in the right-of-way was regulated by the Town of Liberty and had to be approved by the Town.

People in attendance opposed to the request; none present.

Mr. Gaedtke read a letter from the Town of Liberty approving the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Sally Rae Temple.

Deliberation

Motion by: Mr. Glaeser to approve the after the fact variance request to construct a 37' 3.25" long x 2' 8" high retaining wall at approximately 33.4 to 33 feet from the centerline of Pigeon Lake Rd. and at 0 feet from the Pigeon Lake Rd. right-of-way line.

Reasons for Approval:

1. The Town was okay with the south end of the wall being at approximately 32 feet from the centerline. The Board regulates and approved the request at 33 feet from the centerline. The right-of-way is regulated by the Town of Liberty who gave the owner approval from the Town to have that small portion of the wall within the town's right-of-way.
2. The owner moved the new wall further from the road.
3. The old wall was dilapidated and needed to be repaired.
4. The owner would be burdened without the wall and parking area because it allows them the ability to back into the area and safely exit onto the road.
5. The retaining wall will not be contrary to the public because there is a reduced speed limit on the road, a sizeable ditch, trees and a driveway which would keep anyone from leaving the road and hitting the structure.
6. Adding more gravel between the existing shed and house for a new parking area would reduce the lots impervious surface area.
7. The lot is narrow and has a large area used for filtration and drainage which creates a hardship for the owner and a reduced parking area.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Pete Augustine – Owner of property located at 9221 N. Lake Dr., in Govt. Lot 1, Section 7, T18N-R23E, Town of Newton, Manitowoc County, Wisconsin, parcel (014-007-001-009.00); wherein a variance is being requested to construct an approximate 10' x 30' deck with stairs at 40 feet from the ordinary high water mark of English Lake in a S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Pete Augustine.

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

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

The Board asked Charles Parra, representative for Mr. Augustine, questions regarding the variance request.

Janet Augustine spoke in favor of the request.

People in attendance opposed to the request; none present.

There being no further comments, Chairperson Bonde closed the public hearing for Pete Augustine.

Deliberation

Motion by: Ms. Vondrachek to use averaging to approve the variance request to construct a 10' x 30' deck with stairs at 40 feet from the ordinary high water mark of English.

Reasons for Approval:

1. The house to the east was located at 24' 6" from the ordinary high water mark and the house to the west was located at 43' 4" from the ordinary high water mark.
2. A development pattern exists.
3. The deck and stairs are needed for safety purposes. There is a safety concern with the old structure that has voids and cracks.
4. The stairs shall be constructed according to Manitowoc County Code.
5. The deck is not blocking the neighbors view corridor.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Kevin Binversie – Owner of property located at 12115 Marken Rd., in PRT of Lots 8 & 9 Block 1, NKA Lot 1, Section 8, T17N-R22E, Town of Meeme, Manitowoc County Wisconsin; parcel (012-500-001-009.01); wherein a conditional use permit is being requested to operate a custom woodworking business; and wherein an after the fact variance is being requested for constructing an on premise sign larger than 32 sq. /ft. in a RR, Rural Residential, zoned district.

Mr. Gaedtke read a letter from the Town of Meeme requesting postponement to allow the Town time to review the request (copy on file).

Deliberation

Motion by: Ms. Vondrachek to postpone until next month allowing the Town of Meeme time to review the conditional use permit request.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Matthew and Dawn Faust – Owners of property located at 19580 Point Creek Rd., in the Wilke's Lake Subd. Lots 1, 2 & 3 Govt. Lot 4 (EASM 1103-697) and also PRT of G.L. 4 ADD, Section 2, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, parcels (016-540-000-001.00 and 016-002-010-038.00); wherein a conditional use permit is being requested to operate a vacation home rental in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Matthew and Dawn Faust.

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

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

The Board asked Dawn Faust questions regarding the conditional use permit request.

Mrs. Faust stated the sign would be located according to code.

Mr. Gaedtke informed the Board the existing septic system is sized for six people.

People in attendance in favor of the request; none present.

People in attendance opposed to the request; none present.

There being no further comments, Chairperson Bonde closed the public hearing for Matthew and Dawn Faust.

Deliberation

Motion by: Mr. Schuh to approve the conditional use permit request to operate a vacation home rental property at 19580 Point Creek Rd. located in a LR, Lake Residential, S1, Shoreland zoned district, on the basis of evidence submitted and reasons listed below:

Reasons for Approval:

1. There is ample room for parking and recreational activities on the property.
2. The use does not impede the orderly development of the district.
3. The use is compatible with the district and surrounding area because it is a home same as the other structures along the lake.
4. It will not affect the area or surrounding properties because of the restriction to firearms, fireworks, and noise.
5. The use fits on the 4 acre parcel.
6. There is adequate access off of the town road and no modifications proposed for the structure.
7. The use does not discourage future development or use of adjacent land and it does not impair the value of surrounding properties because it is a residence used for residential purposes.
8. There are no proposed unsafe issues, noise, fumes, flashing lights or other factors which would be more objectionable than any other use in the area. Therefore there should be no endangerment to the public's health safety and welfare.
9. Septic is sized properly.

Conditions of Approval:

1. Sign must be designed and located according to code.
2. No more than 6 occupants allowed at one time.
3. Must comply with the county's licensing requirements.
4. There shall be fire alarms and fire extinguishers provided according to code.
5. The owners must maintain and keep the natural vegetative buffers.
6. There shall be no firearms, shooting, or fireworks allowed.
7. The person renting the property must be an adult.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Other Business:

Schedule Next Meeting: The Board scheduled their next regular meeting for August 17, 2015 and the onsite for August 10, 2015 (Dates and times are subject to change.)

Mr. Gaedtke informed the Board election of officers will occur at the August meeting.

Adjournment

Motion by: Mr. Glaeser to adjourn.

Seconded by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles Nate, Secretary

Date



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

DATE: Monday, August 10, 2015
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. Old Business
 1. **Kevin Binversie** – PRT of Lots 8 & 9 Block 1, NKA Lot 1, Section 8, T17N-R22E, Town of Meeme – Conditional Use and Variance Request
 2. **Badgerland Aggregates LLC** - NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 35, T21N-R23E, Town of Gibson - Conditional Use Request and Variance Requests
 3. **Carmeuse Lime and Stone** – NW $\frac{1}{4}$, NW $\frac{1}{4}$, the NE $\frac{1}{4}$, NW $\frac{1}{4}$, the SW $\frac{1}{4}$, NW $\frac{1}{4}$, and the SE $\frac{1}{4}$, NW $\frac{1}{4}$, all in Section 36, T20N-R23E, Town of Kossuth – Variance Request
- IV. New Business
 1. **William and Muriel Janssen and Triple P Inc.** - SW $\frac{1}{4}$, SW $\frac{1}{4}$, and the NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 18, T21N-R22E, Town of Cooperstown – Variance Requests
 2. **Cherie Iseppi** –SW $\frac{1}{4}$, Section 5, T18N-R22E, Town of Manitowoc – Conditional Use Request
- V. Other Business
 1. **Kandy Konitzer** – Annual Review - SW $\frac{1}{4}$ SE $\frac{1}{4}$, and the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, T18N-R22E, 14402 CTH C, Town of Liberty
- VI. Adjournment

Date: August 1, 2015

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 10, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, August 10, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

Staff present for advisory meeting: Reed Gaedtke

A motion was made by Ms. Vondrachek; seconded by Mr. Nate to approve the agenda for the August 10, 2015 meeting. Upon vote, the motion was unanimously approved. *Aye: Bonde, Schuh, Nate, Vondrachek and Glaeser; No: none;*

The Board received their folders containing the August 17, 2015 hearing request.

Mr. Gaedtke gave a quick overview of each request and the review.

The Board proceeded to the on-sites.

The Board 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, Schuh, Nate, Vondrachek, and Glaeser; No: none.

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: MONDAY, AUGUST 17, 2015
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. **Kevin Binversie** – PRT of Lots 8 & 9 Block 1, NKA Lot 1, Section 8, T17N-R22E, Town of Meeme – Conditional Use and Variance Request
 2. **Badgerland Aggregates LLC** - NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 35, T21N-R23E, Town of Gibson - Conditional Use and Variance Requests
 3. **Carmeuse Lime and Stone** – NW $\frac{1}{4}$, NW $\frac{1}{4}$, the NE $\frac{1}{4}$, NW $\frac{1}{4}$, the SW $\frac{1}{4}$, NW $\frac{1}{4}$, and the SE $\frac{1}{4}$, NW $\frac{1}{4}$, all in Section 36, T20N-R23E, Town of Kossuth – Variance Requests
- VI. NEW BUSINESS
Discussion and possible action on:
 1. **William and Muriel Janssen and Triple P Inc.** - SW $\frac{1}{4}$, SW $\frac{1}{4}$, and the NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 18, T21N-R22E, Town of Cooperstown – Variance Requests
 2. **Cherie Iseppi** –SW $\frac{1}{4}$, Section 5, T18N-R22E, Town of Manitowoc – Conditional Use Request
- VII. OTHER BUSINESS
 1. **Kandy Konitzer** – Annual Review - SW $\frac{1}{4}$ SE $\frac{1}{4}$, and the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, T18N-R22E, 14402 CTH C, Town of Liberty
 2. Election of Officers
 3. Set September Meeting Date

VIII. ADJOURNMENT

Date: August 1, 2015

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 17, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, August 17, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

A motion was made by, Mr. Schuh, seconded by Mr. Glaeser to approve the July 20, 2015 meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Nate, seconded by Ms.Vondrachek to approve the August 10, 2015 onsite meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Ms. Vondrachek, seconded by Mr. Glaeser to approve the agenda for the August 17, 2015 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Schuh 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.

Chairman Bonde informed the audience during public input each person would be limited to five minutes.

Old Business

Kevin Binversie – Owner of property located at 12115 Marken Rd., in PRT of Lots 8 & 9 Block 1, NKA Lot 1, Section 8, T17N-R22E, Town of Meeme, Manitowoc County Wisconsin; parcel (012-500-001-009.01); wherein a conditional use permit is being requested to operate a custom woodworking business; and wherein an after the fact variance is being requested for constructing an on premise sign larger than 32 sq. /ft. in a RR, Rural Residential, zoned district.

Chairperson Bonde opened the public hearing for Kevin Binversie.

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

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

The Board asked Kevin Binversie questions regarding their variance request.

Mr. Binversie stated he wouldn't have any lighting over the sign.

Richard Salm, representative for the Town of Meeme, informed the Board that the Town of Meeme made a motion to approve the requests

People in attendance opposed to the request: none.

Mr. Binversie stated he would either use fencing to screen items from view or store the items in buildings.

There being no further comments, Chairperson Bonde closed the public hearing for Kevin Binversie.

Deliberation

Motion by: Mr. Glaeser to approve the conditional use permit and after the fact variance requests.

Reasons for Approval:

1. There is a large parking area which provides off street parking and allows for easy access.
2. The use does not impede the orderly development of the district because it is allowed in an RR district.
3. The use is comparable to the surrounding area and will not have a negative effect on the area.
4. The use fits on the property.
5. It does not discourage future development or use of adjacent land nor does it impair the value of surrounding properties. There was a business on the property for over 40 years.
6. It will not endanger the public's health safety or welfare.
7. The building and parking area have been there for a long time.
8. There are no flashing lights or fumes that would be objectionable to neighbors.
9. The large paved area creates a hardship making it difficult for the owner to construct a sign near the road. There is no other place to put it.
10. The owner would be burdened by placing the sign in the parking lot because it could reduce parking area, be in the way of people coming in and out, and would be costly to tear up the parking lot.
11. Years ago the other business use to have a sign located on the building.
12. The sign is better on the building because it is out of the way of the traveling public and therefore not contrary to the public.

Conditions of Approval:

1. Days and hours of operation will be Monday thru Friday from 6:00 a.m. to 5:00 p.m. and Saturdays from 6:00 a.m. to 12:00 p.m. (noon).
2. Outdoor storage of materials will be aesthetically screened from view of the immediate neighbors and Marken Rd.
3. An 8'x 15' on premise sign is allowed.
4. No lighting allowed over the sign.
5. Limit of 5 employees.
6. Deliveries are allowed two or three times a month.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Badgerland Aggregates LLC – Owners of property located south of STH 147, east of Jambo Creek Rd. and west of Cherney Rd. in the NW¼, NW¼, Section 35, T21N-R23E, Town of

Gibson, Manitowoc County, Wisconsin, parcel (006-035-006-001.00); wherein a conditional use permit and variances are being requested to expand an existing sand and gravel operation into an adjacent parcel. The variances are being requested to excavate sand, gravel, and rock within the 1000 foot setback to ten residences at distances ranging between 110 and 980 feet; and to excavate at 280 feet from the centerline of STH 147; and at 175 feet from STH 147 right-of-way; and at 108 feet from the centerline of Jambo Creek Rd; and at 75 feet from Jambo Creek Rd. right-of-way; and at 110 feet from the centerline of Cherney Rd.; and at 75 feet from Cherney Rd. right-of-way; and to also excavate within 100 feet of 7 adjacent property lines at distances ranging from 0 to 75 feet in an EA, Exclusive Agricultural zoned district.

Motion made by Mr. Schuh and seconded by Mr. Glaeser to remove the postponed request from the table.

Upon vote, the motion was unanimously approved.

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

Mr. Gaedtke reminded the public and Board the request had been postponed to give the Town more time to rehear the issue and notify their citizens but to only hear from the Town at this month's meeting.

Mr. Gaedtke also informed the Board he had received a letter from a citizen and that other people may want to speak at this meeting who weren't at one of the previous meeting. Mr. Gaedtke also stated he had another letter from Badgerland Aggregates to be read into record regarding conditions they had addressed.

Mr. Gaedtke went on to inform the Board they could choose to hear from everyone wanting to speak, including the letter from the citizen, or they could choose to only hear from the Town. No matter what they chose to do, they would need a motion to open the hearing back up for input.

The Board discussed this matter and decided to open the hearing up to hear from the town, have the letter from the citizen read into record and to hear from anyone who hadn't spoke at a prior meeting.

Motion made by Mr. Schuh and seconded by Mr. Glaeser to reopen public input for any new testimony which included the letters from Badgerland and the citizen.

Upon vote, the motion was unanimously approved.

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

Mr. Gaedtke read Badgerland Aggregate LLC's letter regarding possible conditions (copy on file).

The Board asked Badgerland Aggregates LLC representatives, Josh Radandt, William Vochon, and Jeff Maples questions regarding the amended conditional use permit and variance requests.

Badgerland Aggregates LLC informed the Board that one of the requested conditions that came from the Town meeting would require a 4'x8' sign at the entrance to the pit which would be located according to code.

James Falkowski, County Board Supervisor, spoke regarding the request.

Richard Wegner, Town of Gibson Chairman, spoke in favor of the request and stated the Town had addressed possible conditions which included items such as hours and days of operation, dust control, reclamation and financial assurances, travel routes, berms, and other issues.

Mr. Gaedtke read the citizens letter into record (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Badgerland Aggregates LLC.

Deliberation

Motion by: Mr. Schuh to deny the original application request regarding the property line setbacks of 75 feet from the property lines located at 13001 Jambo Creek Rd., 13003 Jambo Creek Rd., and 13005 Jambo Creek Rd. and at 12916 Cherney Rd.

Mr. Schuh then approved the amended variance requests which proposed a 100 foot setback to the above residence property lines and included the following variances and conditional use permit request to operate a sand and gravel operation consisting of a depth of 60 feet in an EA, Exclusive Agricultural zoned district.

Variances were granted for excavating a 60 foot deep, sand and gravel operation to be located approximately 75 feet from the Jambo Creek Rd. and Cherney Rd. right-of-ways; at 108 feet from the centerline of Jambo Creek Rd.; at 110 feet from the centerline of Cherney Rd.; and within 1000 feet from the following residences at approximately:

1. 250 feet from the house located at 12924 Jambo Creek Rd.
2. 290 feet from the house located at 13008 Jambo Creek Rd.
3. 595 feet from the house located at 2811 US HWY 147.
4. 257 feet from the house located at 13001 Jambo Creek Rd.
5. 190 feet from the house located at 13003 Jambo Creek Rd.
6. 135 feet from the house located at 13005 Jambo Creek Rd.
7. 885 feet from the house located at 2323 US HWY 147.
8. 340 feet from the house located at 12916 Cherney Rd.
9. 300 feet from the house located at 12622 Cherney Rd.

Variances were also granted to operate the mining operation within 100 feet of the following property lines; at approximately;

1. 75 feet from the property line at 12622 Cherney Rd.
2. 0 feet from Badgerland's existing south property line.
3. 0 feet from Badgerland's existing west property line.

These variances and the conditional use permit were granted on the basis of evidence submitted and reasons listed below:

Reasons for Conditional Use Permit Approval:

1. The proposed use does not impede the orderly development of the district. It is compatible with this district. There are other extraction sites located in the immediate area.
2. It will not affect the area by reason of establishing berms and appropriate setbacks.
3. The use fits on the parcel.

4. The pit already exists.
5. The use has proper access and allows for ingress and egress.
6. The nature location and height of structures are allowable because there are no structures other than a sign which will comply to county codes.
7. The use does not discourage the use of surrounding properties because the use is exclusive to this 34 acre site.
8. It does not impair the value of surrounding properties because there already is a high level of sand and gravel extraction sites that exist in the area. This would be no different.
9. Noise, traffic or other concerns of the pit have been addressed in the conditions so it would not be any more objectionable than any other permitted use.
10. It will not affect the public's health, safety, and welfare because the pit is in compliance with existing operations and the new conditions provide safety and welfare.

Reasons for Variance Approvals:

1. An unnecessary hardship exists based upon the shape of the 34 acre parcel and the amount of road frontage that surrounds it and the fact that the appellant owning adjacent parcels prevents the owner from operating and utilizing the sand and gravel as needed.
2. It doesn't make sense to have the pit owner meet a property line setback when they own the adjacent property.
3. The ordinance creates a burden by preventing the owner from extracting adequate amounts of sand and gravel from the site do to all of the setbacks.
4. Since a reclamation plan is being filed or on file and the owner is being flexible with the residents in the area; it minimizes the impact.
5. The request will not have a negative effect on the public interest because of all the sand and gravel extraction which already exists in this area and by including the conditions of reclamation for the entire site and the permit; it will do more good in the long run than being left the way it is.

Conditions of Approval:

1. The permit is for sand and gravel extraction.
2. Days and hours of operation will be 6:00 a.m. to 8:00 p.m. Monday thru Friday; 7:00 a.m. to 3:00 p.m. on Saturdays. No operating on Sundays or holidays. With an exception in case of emergencies.
3. No blasting allowed.
4. Badgerland Aggregates must perform well depth and turbidity tests at the houses located at 12916 Cherney Rd., at 13001 and at 13003 Jambo Creek Rd. in order to establish a base line for the wells.
5. Must have a reclamation plan on file.
6. Financial assurance must be provided for the entire pit not just this 34 acre parcel.
7. One on premise sign is allowed. The sign shall be located at the Jambo Creek Rd. entrance to the pit and shall not exceed 4' x 8' and it must be located according to the required setbacks.
8. Berms shall be constructed to surround the property. (No berm needed where Badgerland's property connects to their existing parcel to the south.)
9. Berms shall have at least a 3 to 1 slope. The location and height is up to Badgerland but they must be high enough to block the view of the operation and to provide safety to the public along the roads.
10. Dust shall be controlled.
11. Pit shall be reclaimed according to State and County code.

12. Badgerland must use the existing driveway.
13. Only empty trucks are allowed to use Jambo Creek Rd.
14. Full trucks must enter and exit off of CTH Q.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Carmeuse Lime and Stone – Owner of property located next to 4110 Rockwood Rd. and east of the rail road tracks in the NW¼, NW¼, and the NE¼, NW¼, and the SW¼, NW¼, and the SE¼, NW¼, all in Section 36, T20N-R23E, Town of Kossuth, Manitowoc County, Wisconsin; wherein variances are being requested to excavate sand, gravel and rock on their property east of the railroad tracks within 1000 feet of residences located on Rockwood Rd. at distances ranging between 320 to 986 feet; and to also excavate at 125 feet from the railroad track right-of-way; and at 253 feet from the centerline of Rockwood Rd. in an ID, Industrial zoned district.

Chairperson Bonde opened the public hearing for Carmeuse Lime and Stone.

Mr. Gaedtker informed the Board and public the Town of Kossuth had contacted the Planning and Zoning Department to request continued postponement of the hearing for another month until the well monitoring begins.

Chairperson Bonde closed the public hearing for Carmeuse Lime and Stone.

Deliberation

Motion by: Mr. Glaeser to postpone the decision until next month as requested by the Town of Kossuth.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

New Business

William & Muriel Janssen Revoc Trust – Owners of property located between CTH Z and Froelich Rd. and East of CTH NN, in the SW¼, SW¼, and also the NW¼, SW¼, Section 18, T21N-R22, Town of Cooperstown, Manitowoc County, Wisconsin, parcels (003-018-011-000.00 and 003-018-010-001.00); wherein variances are being requested by the proposed new owners and applicant, **Triple P Inc.**, to expand the existing sand, gravel and rock operation within the required setback areas. Variances are being requested to excavate sand, gravel, and rock 20 to 25 feet deep within 1000 feet of 6 area residences at distances ranging between 218 and 990 feet; to extract sand gravel and rock at 30 feet from the Frelich Rd. right-of-way; at 63 feet from the centerline of Frelich Rd.; at 30 feet from the east property lines; at 0 feet from their own property line; at 75 feet from CTH NN and CTH Z right-of-way's; at 115 feet from the centerline of CTH NN; and at 125 feet from the centerline of CTH Z located in an EA, Exclusive Agricultural zoned district

Chairperson Bonde opened the public hearing for William & Muriel Janssen Rev. Trust and Triple P Inc.

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

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

The Board asked Triple P representative, Jeff Beyer, questions regarding the conditional use permit request.

Mr. Beyer informed the Board he would be unable to use the property without the variances because it would not be economically feasible.

Mr. Gaedtke informed the Board the pit was considered active because the active fee for the pit was always paid; therefore only variances were required.

Mr. Beyer stated the depth of rock they were looking at was approximately 20 to 25 feet deep.

There were questions about blasting near wells so Mr. Gaedtke read an email from Wisconsin DNR water specialist, Elizabeth Heinen which stated blasting within 500 feet of wells requires variances from the WDNR (copy on file).

Mr. Beyer stated he did not anticipate any dewatering of wells and noted rock would be crushed on site but not washed.

James Falkowski, County Board Supervisor, spoke in favor of how the communication process was handled by the applicant at the Town meeting.

Tom Kapinos spoke, not necessarily opposed to the request, but was concerned about potential well problems. He stated he would like to have wells tested prior to operating. Mr. Kapinos also had concerns regarding the hours of operation stating that operating from dawn to dusk was too long and thought there should be set hours. He would like conditions that would address his concerns.

Lori Smith spoke about concerns with having the blasting and the majority of excavating occurring on the south end of the property near her home. She stated the same rock being blasted runs under her house and she is concerned the blasting will affect her houses foundation.

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

There being no further comments, Chairperson Bonde closed the public hearing for William & Muriel Janssen Rev. Trust and Triple P Inc.

Deliberation

Motion by: Mr. Nate to approve the variance requests for excavating sand, gravel, and rock within the road, road right-of-way, property line and residence setbacks in an EA, Exclusive Agricultural zoned district.

Variances were granted for excavating a 20 to 25 foot depth sand, gravel and rock operation at 30 feet from the Frelich Rd. right-of-way; at 63 feet from the centerline of Frelich Rd.; at 75 feet from CTH NN and CTH Z right-of-way's; at 115 feet from the centerline of CTH NN.; at 125

feet from the centerline of CTH Z and within 1000 feet from the following residences at approximately:

1. 990 feet from the house located at 7222 CTH NN.
2. 743 feet from the house located at 7296 CTH NN.
3. 444 feet from the house located at 15729 CTH NN.
4. 202 feet from the house located at 15707 CTH NN.
5. 291 feet from the house located at 7308 CTH NN.
6. 218 feet from the house located at 15029 CTH Z.

Variations were also granted to operate the mining operation within 100 feet of the following property lines; at approximately;

1. 30 feet from the east property lines.
2. 0 feet from Janssen's existing property line separating their parcels.

These variances were granted on the basis of evidence submitted and reasons listed below:

Reasons for Approval:

1. It is an existing pit.
2. There are roads on three sides of the pit creating a greater number of setback requirements which limits the amount of the pit that can be used. This creates a hardship which prevents the owner from utilizing the pit to its fullest extent.
3. The owner is burdened by the ordinance due to the location of the pit surrounded by three roads which increases the amount of setbacks which restricts operation. They couldn't use the property due to the setback restrictions.
4. The request is not contrary to the public interest because the required conditions cover safety concerns and protects the public by helping to make the area safer.

Conditions of Approval:

1. Hours of operation shall be from 6:00 a.m. to 8:00 p.m. Monday thru Friday and 7:00 a.m. to 3:00 p.m. on Saturday. This includes hauling and crushing. No operating on Sundays or Holidays. There is an exception for emergencies.
2. Hours of operation for blasting shall be from 8:00 a.m. to 4:00 p.m. Monday thru Friday; no weekends or holidays. Exception for emergencies.
3. There shall be a gate to close the entrance of the mine.
4. Dust control must be used according to regulations.
5. Home owners within ½ mile of the mine must be notified at least 24 hours before blasting and a horn sounded at least 10 minutes before blasting occurs.
6. A seismograph is to be placed at the nearest home if requested, or at a position requested by a homeowner within ½ mile of the mine.
7. Pit owners shall conduct foundation inspections, on the surrounding homes listed in the variance, prior to any blasting.
8. Pit owners shall conduct water level and turbidity well inspections, for the houses listed in the variance, prior to operating.
9. The road site triangles viewing corridor located at CTH Z and CTH NN cannot be blocked. This means the existing trees blocking the view corridor must be removed.

10. A berm is required around the entire mine except for the east property lines along the agricultural fields. (If the mine owner wants to place a berm along the east property lines they could do so.)
11. The berm shall have at least a 3 to 1 slope, be a minimum of 3 feet high, higher in areas where there are depressions so that the berm is a consistent height and it must be at least 3 feet above road elevations.
12. Financial assurance for the entire pit must be provided before work begins.
13. A reclamation plan is required.
14. No washing plant is allowed.
15. Blasting can only occur in the approximate 12 acres located at the south end of the pit.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Cherie Iseppi – Owner of property located at 3607 South 10th St., in the SW¼, Section 5, T18N-R24E, Town of Manitowoc, Manitowoc County, Wisconsin, parcel (009-500-005-007.02); wherein a conditional use permit is being requested to operate a vacation home rental in a RR, Rural Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Cherie Iseppi.

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

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

The Board asked Cherie Iseppi questions regarding their variance request.

Catherine Egger spoke in favor of the request and informed the Board the adjacent Manitowoc Public Utility land had a water intake pipe located on it. She also stated Ms. Iseppi had obtained approval from the Manitowoc County Health Department.

People in attendance opposed to the request: none.

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

There being no further comments, Chairperson Bonde closed the public hearing for Cherie Iseppi.

The Board had a question about the sign that would be placed on the property.

Mr. Gaedtke informed the Board if they wanted more information regarding the sign, the Board could make a motion to reopen the hearing and obtain input from the applicant.

Motion by Mr. Glaeser and seconded by Ms. Vondrachek to reopen the hearing to obtain input regarding the on premise sign.

Upon vote: The motion was unanimously approved.

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

Ms. Egger, who is working with Ms. Iseppi, informed the Board about the sign size and location.

There being no further comments, Chairperson Bonde closed the public hearing for Cherie Iseppi.

Deliberation

Motion by: Ms. Vondrachek to approve the conditional use permit request to operate a vacation home rental business at 3607 S. 10th St.

Reasons for Approval:

1. There is ample room for parking on the property.
2. The use does not impede the orderly development of the district.
3. The use is compatible with the district and surrounding area because it is a home same as the other structures in the area.
4. It will not affect the area or surrounding properties because of the restriction to firearms and fireworks.
5. The use fits on the parcel.
6. The use does not discourage future development or use of adjacent land and it does not impair the value of surrounding properties because it is a residence used for residential purposes.
7. There are no proposed unsafe issues, noise, fumes, flashing lights or other factors which would be more objectionable than any other use in the area. Therefore there should be no endangerment to the public's health safety and welfare.
8. It is an acceptable use of the property.

Conditions of Approval:

1. A legible sign must be designed and located according to code.
2. No fencing needed.
3. The sign can be by the trees or on the garage and must meet setback requirements and allow for easy viewing.
4. No more than 6 overnight occupants allowed.
5. Must comply with the Health Department's licensing requirements.
6. There shall be fire detectors and fire extinguishers provided according to code.
7. One part time manager allowed.
8. Days of operation can vary and hours to be 24 hours a day.
9. There shall be no firearms or fireworks allowed.
10. No flashing lights or objectionable use allowed.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Other Business:

Kandy Konitzer – Annual Review of existing Conditional Use Permit.

Mr. Gaedtke stated he has not been contacted by the Town or public regarding any issues with the property.

The Board stated it looked to be in compliance.

The Board approved the review and determined no more annual reviews would be needed unless the Board would receive complaints regarding the conditional use.

Motion by: Mr. Glaeser to approve the annual review stating no more annual reviews are required at this point.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Election of Officers

Motion by: Mr. Glaeser to keep the same Chairman, Vice Chairperson, and Secretary.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Schedule Next Meeting: The Board scheduled their next regular meeting for September 21, 2015 and the onsite for September 14, 2015 (Dates and times are subject to change.)

Adjournment

Motion by: Mr. Schuh to adjourn.

Seconded by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles E Nate
Charles Nate, Secretary

9-21-2015
Date



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

DATE: Monday, September 14, 2015
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. Old Business
 1. **Carmeuse Lime and Stone** – NW $\frac{1}{4}$, NW $\frac{1}{4}$, the NE $\frac{1}{4}$, NW $\frac{1}{4}$, the SW $\frac{1}{4}$, NW $\frac{1}{4}$, and the SE $\frac{1}{4}$, NW $\frac{1}{4}$, all in Section 36, T20N-R23E, Town of Kossuth – Variance Request
- IV. New Business
 1. **Kandy Konitzer** – SW $\frac{1}{4}$ SE $\frac{1}{4}$, and the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, T18N-R22E, Town of Liberty - Conditional Use Permit Expansion
 2. **Brian Nowak** – SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 10, T20N-R24E, Town of Mishicot – Conditional Use Request
- V. Adjournment

Date: September 1, 2015

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 14, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, September 14, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

Staff present for advisory meeting: Reed Gaedtke

A motion was made by Mr. Schuh; seconded by Ms. Vondrachek to approve the agenda for the September 14, 2015 meeting. Upon vote, the motion was unanimously approved. *Aye: Bonde, Schuh, Nate, Vondrachek and Glaeser; No: none;*

The Board received their folders containing the September 21, 2015 hearing request.

Mr. Gaedtke gave a quick overview of each request.

The Board proceeded to the on-sites.

The Board returned to the Manitowoc County Office Complex when completed.

ADJOURNMENT

Motion by: Mr. Glaeser to adjourn.

Seconded by: Mr. Nate.

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles E. Nate
Charles Nate, Secretary

9-21-2015
Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: MONDAY, SEPTEMBER 21, 2015
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. **Carmeuse Lime and Stone** – NW $\frac{1}{4}$, NW $\frac{1}{4}$, the NE $\frac{1}{4}$, NW $\frac{1}{4}$, the SW $\frac{1}{4}$, NW $\frac{1}{4}$, and the SE $\frac{1}{4}$, NW $\frac{1}{4}$, all in Section 36, T20N-R23E, Town of Kossuth – Variance Requests

- VI. NEW BUSINESS

Discussion and possible action on:

1. **Kandy Konitzer** – SW $\frac{1}{4}$ SE $\frac{1}{4}$, and the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, T18N-R22E, Town of Liberty - - Conditional Use Permit Expansion
2. **Brian Nowak** – SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 10, T20N-R24E, Town of Mishicot – Conditional Use Request

- VII. OTHER BUSINESS

1. Set October Meeting Date

- VIII. ADJOURNMENT

Date: September 1, 2015

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 21, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, September 21, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Ralph Schuh, 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 August 17, 2015 meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Schuh, seconded by Mr. Nate to approve the September 14, 2015 onsite meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Glaeser, seconded by Ms. Vondrachek to approve the agenda for the September 21, 2015 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Schuh 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.

Chairman Bonde informed the audience during public input each person would be limited to five minutes.

Old Business

Carmeuse Lime and Stone – Owner of property located next to 4110 Rockwood Rd. and east of the rail road tracks in the NW¼, NW¼, and the NE¼, NW¼, and the SW¼, NW¼, and the SE¼, NW¼, all in Section 36, T20N-R23E, Town of Kossuth, Manitowoc County, Wisconsin; wherein variances are being requested to excavate sand, gravel and rock on their property east of the railroad tracks within 1000 feet of residences located on Rockwood Rd. at distances ranging between 320 to 986 feet; and to also excavate at 125 feet from the railroad track right-of-way; and at 253 feet from the centerline of Rockwood Rd. in an ID, Industrial zoned district.

Chairperson Bonde opened the public hearing for Carmeuse Lime and Stone.

Mr. Gaedtke questioned if anyone was present for this business, which there was none. He suggested the business be postponed for another month being no one was present.

Chairperson Bonde closed the public hearing for Carmeuse Lime and Stone.

Deliberation

Motion by: Mr. Schuh to postpone the decision until next month.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

New Business

Kandace Konitzer – Owner of property located at 14402 CTH C, in the SW¼, SE¼, and the SE¼, SW¼, Section 21, T18N-R22E, Town of Liberty, Manitowoc County, Wisconsin, tax parcel numbers (008-021-015-002.00 and 008-021-012-001.00) wherein a conditional use permit is being reevaluated to expand an existing dog kennel located in an LE large Estate Residential, zoned district.

Chairperson Bonde opened the public hearing for Kandace Konitzer.

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

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

The Board asked Kandace Konitzer if there was anything she'd like to add regarding the conditional use permit expansion request.

Ms. Konitzer stated to the Board she would prefer to not have a limit placed on the number of dogs she could have.

The Board asked Ms. Konitzer questions regarding how she is picked to receive dogs and questions regarding the amount of rooms dedicated to the dogs in the home.

Ms. Konitzer informed the Board that dogs come to her in different ways; some of which are by individuals contacting her or from a rescue that she used to work with.

Mr. Glaeser asked about the Town's letter stating 12 dogs.

Ms. Konitzer stated the Town's interpretation of her request is 12 dogs, but she had stated she did not want a limit on the number of dogs at the Town meeting, just as she stated at this meeting.

Mr. Gaedtke asked Ms. Konitzer if she made the Town aware of her no limit request and she said she did.

People in attendance in support to the request: none.

People in attendance opposed to the request: none.

Mr. Gaedtke read a letter from the Town of Liberty in favor of expanding to 12 dogs (copy on file).

Mr. Glaeser asked Ms. Konitzer what she'd like him to do. He went on to explain the Town approved 12 dogs and said he would be willing to postpone a decision until next month to allow her time to go back to the Town Board to ask for more dogs. Otherwise, he will support expanding the permit to allow 12 dogs.

Ms. Konitzer stated the Town's letter is not what she said.

Mr. Glaeser asked Ms. Konitzer why she didn't question the Town after the letter was sent.

Ms. Konitzer stated that the Town of Liberty will not work with her and she is not going back to the town.

There being no further comments, Chairperson Bonde closed the public hearing for Kandace Konitzer.

Deliberation

Motion by: Mr. Glaeser to approve going from 10 to 12 dogs with recommendations from the Town and keeping all other conditions the same.

Reasons for approval:

1. This conditional use request should not impede the orderly development of the area because there are no near neighbors. It's surrounded mostly by agricultural land.
2. The Town of Liberty recommended approval of 12 dogs.

Conditions of approval:

1. A full perimeter fence, 6 foot minimum, shall be installed prior to any dogs being brought on-site.
2. An interior fence around the two yards shall be a minimum of 4 feet high.
3. Dog waste shall be disposed of at least every two weeks and double bagged.
4. There shall be no exterior kennels.
5. The dogs shall only be left out of home when owner or caretaker are present.
6. This operation shall comply with all local, county, state and federal human and animal health or welfare laws.
7. There shall be a maximum of 12 dogs on this property.
8. All dogs must have a Manitowoc County dog license.
9. The owner should have liability insurance.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Brian Nowak – Owner of property located at 2104 Steiners Corners Rd., in the SW¼, NW¼, Section 10, T20N-R24E, Town of Mishicot, Manitowoc County, Wisconsin, parcel (013-010-007-006.00); wherein a conditional use permit is being requested by the applicant and future home owners Kia Vanden Bush and Benjamin Thiem to operate a dog kennel business in a SE, Small Estate Residential zoned district.

Chairperson Bonde opened the public hearing for Brian Nowak.

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

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

The Board asked if there was anything to add to the appeal and there was not.

Mr. Schuh asked Ms. Vanden Bush if this facility would be a breeding or boarding facility.

Ms. Vanden Bush informed the Board the purpose of this facility is to board dogs while the owners are on vacation, out of town or while training them. It is going to be only a certain extended period of time and there is not going to be any permanent dogs at the facility except their own.

Ms. Vondrachek asked if kennels would have outdoor dog runs.

Mr. Thiem stated that kennels will be inside a soundproof building with a door going to an outside fenced in area for them to play.

Mr. Schuh questioned the amount of dogs in the facility based on the size of the building.

Mr. Thiem stated the facility will have a training area, an office with a bathroom and the kennels will be approximately 4x4, which will allow enough room for 25 kennels.

Ms. Vondrachek asked if the outside area was going to be cement or grass and had concern of disinfecting and cleanup after a dog leaves.

Ms. Vanden Bush and Mr. Thiem stated that there is both grass and cement areas in the outside fenced area, but the dogs are separated inside the kennel.

Brian Nowak, seller of this property spoke in favor of the request. He stated he will be living nearby and thinks it will be good for the neighborhood.

Chuck Hoffman, neighbor to the South of the property spoke in favor of the request and stated the run will be 250 ft. from his bedroom window. He also stated he would like to see two conditions placed on the conditional use permit. The first condition for anytime the ownership changes, the new owners would need to apply for a new conditional use permit and the second condition for anytime there are two complaints called into local authorities a recall of the conditional use permit should be done. Also, the conditional use should be set at 25 dogs as that is what the building can hold.

Bob Desjarlais, Town of Mishicot Board Supervisor, spoke of his approval but would like the Town letter to include a 25 dog limit rather than a 30 dog limit and to include that a change of ownership would require the new owners to go back before the Board.

Kay Nucker, neighbor across the street addressed a couple concerns. Her husband works 2nd shift and is concerned about the noise level of the dogs, the safety and security of the neighborhood.

People in attendance opposed to the request: none.

Mr. Gaedtke read a letter from neighboring property owners Chuck and Karen Hoffman in favor of the request with requested conditions (copy on file).

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

Ms. Vanden Bush stated that they are going to make sure the building is soundproof and stated they are going to be sensitive to the noise concerns.

Mr. Schuh asked what would be done with feces.

Mr. Thiem stated feces would be placed in bags and tossed in a dumpster.

There being no further comments, Chairperson Bonde closed the public hearing for Brian Nowak.

Deliberation

Motion by: Ms. Vondrachek to approve the conditional use permit request to operate a dog kennel business at 2104 Steiners Corners Rd.

Reasons for Approval:

1. The use does not impede the orderly development of the area.
2. The use is compatible with the surrounding area.
3. The neighbors are in favor of the request.
4. The intensity of the use will not have a negative effect on the surrounding properties.
5. The use fits on the property.
6. The use is in harmony with the orderly development of the district.
7. The use will not affect the nearby property values.
8. There will be no flashing lights, fumes, or noise which would be objectionable to the area because of the conditions that are in place.
9. There won't be much traffic coming in and out.
10. The proposed use will not endanger the public's health, safety and welfare.

Conditions of Approval:

1. The building in which the dogs are kept shall be make sound proof.
2. Dogs must have all their vaccinations and be licensed from the town which they are from.
3. Dogs must be kept inside after dusk.
4. Maximum capacity shall not exceed 25 dogs.
5. When the dogs are outside they must be in a fenced in area. The fencing shall be a minimum of 8 feet high and consist of either chain link or solid fencing.
6. Any change of ownership automatically revokes this conditional use permit and would require the new owners to reapply for a new conditional use permit.
7. Anytime 2 complaints are reported to local authorities and substantiated by local authorities; this conditional use permit will be recalled. If the owners would want to continue to operate they would need to apply for a new conditional use permit at the owner's expense.
8. Animal waste must be disposed of in a self-contained unit or dumpster to prevent offensive odors.
9. There shall be a two year review of this permit.
10. The building shall be approximately 30' x 36'.
11. No parking allowed on the road.
12. Days of operation will be seven days a week, including holidays.
13. Hours of operation will be by appointment only.
14. Number of employees will be 2.
15. The building shall be climate controlled.

Second by: Mr. Bonde

Upon vote: The motion was unanimously approved.

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

Schedule Next Meeting: The Board scheduled their next regular meeting for October 19, 2015 and the onsite for October 12, 2015 (Dates and times are subject to change.)

Adjournment

Motion by: Mr. Glaeser to adjourn.

Seconded by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles E. Nate
Charles Nate, Secretary

10-19-2015
Date



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

DATE: Monday, October 12, 2015
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. **Kathy Hardrath** - Owner of property located at 7702 Carstens Lake Rd., in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 16, T18N-R23E, Town of Newton – Variance Request
 2. **Todd and Rachelle Zorn** – Owners of property located at 9426 Pigeon Lake Rd., in the NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 33, T18N-R22E, Town of Liberty – Variance Requests
- IV. Old Business
 1. **Carmeuse Lime and Stone** – NW $\frac{1}{4}$, NW $\frac{1}{4}$, the NE $\frac{1}{4}$, NW $\frac{1}{4}$, the SW $\frac{1}{4}$, NW $\frac{1}{4}$, and the SE $\frac{1}{4}$, NW $\frac{1}{4}$, all in Section 36, T20N-R23E, Town of Kossuth – Variance Request
- V. Other Business
- VI. Adjournment

Date: October 1, 2015

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 12, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, October 12, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

Members Absent: Earl Glaeser and Ralph Schuh,

Staff present for advisory meeting: Reed Gaedtke

A motion was made by Ms. Vondrachek; seconded by Mr. Nate to approve the agenda for the October 12, 2015 meeting. Upon vote, the motion was unanimously approved. *Aye: Bonde, Nate, and Vondrachek; No: none;*

The Board received their folders containing the October 19, 2015 hearing request.

Mr. Gaedtke gave a quick overview of each request.

The Board proceeded to the on-sites 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, Nate and Vondrachek; No: none.

Respectfully submitted,

Charles E Nate
Charles Nate, Secretary

10-19-2015
Date



**MANITOWOC COUNTY
BOARD OF ADJUSTMENT
MEETING NOTICE**

DATE: MONDAY, OCTOBER 19, 2015
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. NEW BUSINESS

Discussion and possible action on:

1. **Kathy Hardrath** - Owner of property located at 7702 Carstens Lake Rd., in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 16, T18N-R23E, Town of Newton – Variance Request
2. **Todd and Rachelle Zorn** – Owners of property located at 9426 Pigeon Lake Rd., in the NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 33, T18N-R22E, Town of Liberty – Variance Requests

VI. OLD BUSINESS

Discussion and possible action on:

1. **Carmeuse Lime and Stone** – NW $\frac{1}{4}$, NW $\frac{1}{4}$, the NE $\frac{1}{4}$, NW $\frac{1}{4}$, the SW $\frac{1}{4}$, NW $\frac{1}{4}$, and the SE $\frac{1}{4}$, NW $\frac{1}{4}$, all in Section 36, T20N-R23E, Town of Kossuth – Variance Request

VII. OTHER BUSINESS

1. Set November Meeting Date

VIII. ADJOURNMENT

Date: October 1, 2015

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

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

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

October 19, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, October 19, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

A motion was made by, Ms. Vondrachek, seconded by Mr. Nate to approve the September 21, 2015 meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Nate, seconded by Mr. Glaeser to approve the October 12, 2015 onsite meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Schuh, seconded by Ms. Vondrachek to approve the agenda for the October 19, 2015 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Schuh 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.

Chairman Bonde informed the audience during public input each person would be limited to five minutes.

New Business

Kathy Hardrath – Owner of property located at 7702 Carstens Lake Rd., in the SW¼, SW¼, Section 16, T18N-R23E, Town of Newton, Manitowoc County, Wisconsin, tax parcel number (014-016-011-002.00); wherein a variance is being requested to construct an approximate 24'x 65' house addition with an attached garage at 68.5 feet from the ordinary high water mark of an unnamed tributary to Carstens Lake located in an S1, Shoreland, zoned district.

Chairperson Bonde opened the public hearing for Kathy Hardrath.

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

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

The Board asked if there was anything to add to the appeal and there was not.

The Board had questions regarding the water in the creek and runoff from the ditch. They also stated there is a large culvert under the roadway/driveway.

Ms. Hardrath informed the Board the creek has some water in spring and dries up in the summer and there is not a lot of water standing after rainfalls.

Mr. Gaedtke asked Ms. Hardrath the approximate size of the house addition.

Ms. Hardrath showed Mr. Gaedtke an official drawing of the addition and it was determined the house addition is approximately 112 sq. ft.

Mr. Gaedtke stated this would be considered under ACT 55 as a legal nonconforming structure due to the square footage of the addition being less than 200 sq. ft. and a variance would not be required. This was not known at the time Ms. Hardrath applied.

People in attendance in support to the request: none.

People in attendance opposed to the request: none.

Mr. Gaedtke read a letter from DNR Representative, Dale Rezabek regarding the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Kathy Hardrath.

Deliberation

Motion by: Ms. Vondrachek to approve Ms. Hardrath's variance request for her addition at 7702 Carstens Lake Rd., Manitowoc, WI.

Reasons for approval:

1. The house addition is less than 200 sq./ft. and being constructed on an existing nonconforming structure.
2. The existing house is closer to the drainage ditch than the small addition.
3. The drainage ditch wrapping around three sides of the owner's home is a unique limitation and her property is the only one where the ditch in front of the house is considered a navigable stream. This unique feature creates a hardship for the owner preventing her from constructing the addition.
4. The owner would be burdened without the addition and attached garage because it is needed for storage and to provide safe ingress and egress during inclement weather.
5. The request is not contrary to the public because the addition is located behind the existing house, the garage is beyond 75 feet from the OHWM and there is plenty of area to absorb water runoff.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Todd and Rachelle Zorn – Owners of property located at 9426 Pigeon Lake Rd., in the NW¼, SE¼, Section 33, T18N-R22E, Town of Liberty, Manitowoc County, Wisconsin, parcel (008-033-014-015.00); wherein variances are being requested to construct a 6' x 8' storage shed at 40 feet from the ordinary high water mark of Pigeon Lake and at 40 feet from the centerline of Pigeon Lake Rd.; and to construct an approximate 44' long by 5' high retaining wall with stairs at 40 feet from the ordinary high water mark of the lake and at 40 feet from the centerline of Pigeon Lake Rd.; and to construct an approximate 36' long x 4' high retaining wall with stairs at 26 feet from the ordinary high water mark of Pigeon Lake in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Todd and Rachelle Zorn.

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

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

The Board asked if there was anything to add to the appeal.

Mr. Zorn stated the design of the retaining wall as a shed and the stairs was a combination and balance between the road and high water mark. He also stated he has approval from both adjoining neighbors with letters and approval from the Town of Liberty.

Mr. Gaedtke asked if there would be erosion problems without retaining walls.

Mr. Zorn confirmed erosion problems and they are trying to maximize the natural filtration.

People in attendance in support to the request: none.

People in attendance opposed to the request: none.

Mr. Gaedtke read a letter from neighboring property owners Ken & Marianne Deja in favor of the request (copy on file).

Mr. Gaedtke read a letter from neighboring property owner Don Gospodarek in favor of the request (copy on file).

Mr. Gaedtke read a letter from DNR Representative, Dale Rezabek regarding the request (copy on file).

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

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

Deliberation

Motion by: Mr. Schuh to approve the variance for retaining walls, stairway and shed request at 9426 Pigeon Lake Rd., Valders, WI.

Reasons for Approval:

1. The small and narrow lot along with the steep slope and present soils between the road and lake create a hardship for the owner by restricting his ability to provide proper erosion control and access to the lakeshore without infringing upon a setback.
2. The owner is burdened by the ordinance because due to the slope and close proximity of the road to the lake; there is no way to create and maintain proper erosion control outside of the required setbacks.
3. The retaining walls and shed are the minimum amount of relief needed for storage and to help protect the lake from any negative impact caused by eroding soil.
4. The request will not affect the public because the retaining walls and shed are located far enough from the road and will prevent sediment from running into Pigeon Lake.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.
Aye: Bonde, Vondrachek, Nate, Schuh and Glaeser; *No:* none.

Old Business

Carmeuse Lime and Stone – Owner of property located next to 4110 Rockwood Rd. and east of the rail road tracks in the NW¼, NW¼, and the NE¼, NW¼, and the SW¼, NW¼, and the SE¼, NW¼, all in Section 36, T20N-R23E, Town of Kossuth, Manitowoc County, Wisconsin; wherein variances are being requested to excavate sand, gravel and rock on their property east of the railroad tracks within 1000 feet of residences located on Rockwood Rd. at distances ranging between 320 to 986 feet; and to also excavate at 125 feet from the railroad track right-of-way; and at 253 feet from the centerline of Rockwood Rd. in an ID, Industrial zoned district.

Chairperson Bonde opened the public hearing for Carmeuse Lime and Stone.

Mr. Gaedtke questioned if anyone was present for this business, which there was none. He suggested the business be postponed for another month being no one was present.

Chairperson Bonde closed the public hearing for Carmeuse Lime and Stone.

Deliberation

Motion by: Mr. Schuh to extend the postponement of the request until the next scheduled meeting.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Schedule Next Meeting: The Board scheduled their next regular meeting for November 16, 2015 and the onsite for November 9, 2015 (Dates and times are subject to change.)

Adjournment

Motion by: Mr. Schuh to adjourn.

Seconded by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles E. Nate
Charles Nate, Secretary

11-16-2015
Date



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

DATE: Monday, November 9, 2015
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. **Shirley Meidl** – Owner of property located at 14418 S. Shore Rd., in the NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, T18N-R22E, Town of Liberty – Variance Requests
 2. **David Dirkse** – Owner of property located at 13925 Cedar Terrace Rd., in Cedar Terrace Lots 15, 16, and 17, Govt. Lot 3, Section 24, T17N-R21E, Town of Schleswig – Variance Request
 3. **Tim Thor** – Owner of tax parcel number 015-009-002-003.00 located in the NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 9, T19N-R21E, Town of Rockland – After the Fact Variance Request
 4. **Thor Carlson** – Owner of property located at 9524 STH 147 in the SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 9, T20N-R24E, Town of Mishicot – Variance Request
- IV. Old Business
 1. **Carmeuse Lime and Stone** – NW $\frac{1}{4}$, NW $\frac{1}{4}$, the NE $\frac{1}{4}$, NW $\frac{1}{4}$, the SW $\frac{1}{4}$, NW $\frac{1}{4}$, and the SE $\frac{1}{4}$, NW $\frac{1}{4}$, all in Section 36, T20N-R23E, Town of Kossuth – Variance Request
- V. Other Business
- VI. Adjournment

Date: October 29, 2015

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

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made. Any person wishing to travel on the on-sites with the Board, should contact the Manitowoc County Planning and Park Commission office at 920-683-4185 at least two business days before the meeting is scheduled so that appropriate accommodations can be made.

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

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

November 9, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, November 9, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

Staff present for advisory meeting: Reed Gaedtke

A motion was made by Mr. Schuh; seconded by Ms. Vondrachek to approve the agenda for the November 9, 2015 meeting. Upon vote, the motion was unanimously approved. *Aye: Glaeser, Schuh, Bonde, Nate, and Vondrachek; No: none;*

The Board received their folders containing the November 16, 2015 hearing request.

Mr. Gaedtke gave a quick overview of each request.

The Board proceeded to the on-sites and returned to the Manitowoc County Office Complex when completed.

ADJOURNMENT

Motion by: Mr. Nate to adjourn.

Seconded by: Mr. Schuh.

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles E. Nate

Charles Nate, Secretary

11-16-2015

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: MONDAY, NOVEMBER 16, 2015
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. NEW BUSINESS

Discussion and possible action on:

1. **Shirley Meidl** – Owner of property located at 14418 S. Shore Rd., in the NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, T18N-R22E, Town of Liberty – Variance Requests
2. **David Dirkse** – Owner of property located at 13925 Cedar Terrace Rd., in Cedar Terrace Lots 15, 16, and 17, Govt. Lot 3, Section 24, T17N-R21E, Town of Schleswig – Variance Request
3. **Tim Thor** – Owner of tax parcel number 015-009-002-003.00 located in the NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 9, T19N-R21E, Town of Rockland – After the Fact Variance Request
4. **Thor Carlson** – Owner of property located at 9524 STH 147 in the SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 9, T20N-R24E, Town of Mishicot - Variance Request

VI. OLD BUSINESS

Discussion and possible action on:

1. **Carmeuse Lime and Stone** – NW $\frac{1}{4}$, NW $\frac{1}{4}$, the NE $\frac{1}{4}$, NW $\frac{1}{4}$, the SW $\frac{1}{4}$, NW $\frac{1}{4}$, and the SE $\frac{1}{4}$, NW $\frac{1}{4}$, all in Section 36, T20N-R23E, Town of Kossuth – Variance Request

VII. OTHER BUSINESS

1. Set December Meeting Date

VIII. ADJOURNMENT

Date: October 29, 2015

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 16, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Vice Chairperson Vondrachek at 7:00 P.M. on Monday, November 16, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

A motion was made by, Mr. Schuh, seconded by Mr. Nate to approve the agenda for the November 16, 2015 meeting. Upon vote, the motion was unanimously approved.

Aye: Vondrachek, Nate, Schuh and Glaeser; No: none.

A motion was made by, Mr. Glaeser, seconded by Mr. Schuh to approve the October 19, 2015 meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Vondrachek, Nate, Schuh and Glaeser; No: none.

A motion was made by, Mr. Schuh, seconded by Mr. Nate to approve the November 9, 2015 onsite meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Vondrachek, Nate, Schuh 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.

Mr. Gaedtke also explained since the Chairperson was absent the Vice Chairperson would be fulfilling the Chairperson duties for tonight's meeting.

Vice Chairperson Vondrachek informed the audience during public input each person would be limited to five minutes.

New Business

Shirley Meidl – Owner of property located at 14418 S. Shore Rd., in the NE¼, SW¼, Section 33, T18N-R22E, Town of Liberty, Manitowoc County, Wisconsin, tax parcel number (008-033-009-010.00); wherein variances are being requested to replace a dilapidated house and decks with a new 26' x 32' exposed basement home at 32 feet from the ordinary high water mark of Pigeon Lake and at 4 feet from the west property line; and to construct a 7' x 26' deck off the walk out basement at 25 feet from the ordinary high water mark of Pigeon Lake and at 4 feet from the west property line; and to construct an 8' x 26' first floor deck at 24 feet from the ordinary high water mark of Pigeon Lake and at 4 feet from the west property line; and to construct a 9' long retaining wall on the east side of the house at 42 feet from the ordinary high water mark of Pigeon Lake and at 0 feet from the east property line in a LR, Lake Residential, S1, Shoreland zoned district.

Vice Chairperson Vondrachek opened the public hearing for Shirley Meidl.

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

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

The Board asked if there was anything to add to the appeal.

Eugene Meidl, representative for Shirley Meidl, spoke stating they will be raising the cottage up higher than what it is currently.

The Board had questions regarding the gas line and moving the home back 3 feet.

Mr. Meidl informed the Board that the home could be moved back 3 feet, but was not sure what is underground for the sanitary line between the house and road. There is also a gas line between the house and road; but unsure of any setbacks.

Mr. Gaedtke mentioned averaging the home and decks.

The Board had questions regarding how high the home will be raised up.

Mr. Meidl stated about 4 feet.

The Board questioned how averaging would work.

Mr. Gaedtke informed the Board how to figure out averaging and how it would work and discussed other options.

People in attendance in support to the request: none.

People in attendance opposed to the request: none.

Mr. Gaedtke read a letter from DNR representative, Dale Rezabek regarding the request (copy on file).

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

There being no further comments, Vice Chairperson Vondrachek closed the public hearing for Shirley Meidl.

Deliberation

Motion by: Mr. Schuh to modify and approve a house at 35 feet because a development pattern exists within the 75 foot setback with an average of 25 feet. Since the average distance is 25 feet from the ordinary high water mark and the ordinance allows for averaging provided the structure is no closer than 35 feet; the new home shall be no closer than 35 feet from the ordinary high water mark. Since the road and utilities prevents the structure from being moved further from the water, the decks shall be reduced in size to 6' x 26' and located a minimum of 29 feet from the ordinary high water mark. The owners can build the decks wider if they are able to move the house further from the lake provided the decks are no closer than 29 feet from the ordinary high water mark at 14418 S. Shore Rd.

Reasons for approval:

1. The existing home is dilapidated and in need of replacement. It would be difficult to keep the structure habitable with just repairing.

2. The house is allowed at 35 feet because a development pattern exists within the 75 foot setback with an average of 25 feet. Since the average distance is 25 feet from the ordinary high water mark and the ordinance allows for averaging provided the structure is no closer than 35 feet; the new home shall be no closer than 35 feet from the ordinary high water mark.
3. Since the road and utilities prevents the structure from being moved further from the water, the decks shall be reduced in size to 6' x 26' and located a minimum of 29 feet from the ordinary high water mark. The owners can build the decks wider if they are able to move the house further from the lake provided the decks are no closer than 29 feet from the ordinary high water mark.
4. The lot is deep and narrow and has a private road going through the middle of it along with major utilities (gas and sewer) between the road and existing house. There is also a steep slope with erodible clay soils going towards the lake that the existing house is sitting on. These issues create hardships for the owner and restrict the buildable location.
5. The private road, utilities, soils, and slope create a burden on the owner by preventing them from having a reasonable place to construct the home and still comply with current side yard and lake setbacks.
6. The request is not contrary to the public because it allows for the replacement of the dilapidated structure further from the lake and a retaining wall that will help stabilize the hill and prevent erosion into the lake.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

David Dirkse – Owner of property located at 13925 Cedar Terrace Rd., in Cedar Terrace Lots 15, 16, and 17, Govt. Lot 3, Section 24, T17N-R21E, Town of Schleswig, Manitowoc, County, Wisconsin, tax parcel number (016-505-000-015.00); wherein a variance is being requested to construct a 13.5' x 22' second story home addition at 50 feet from the ordinary high water mark of Cedar Lake, and at approximately 33 feet from the centerline of Cedar Terrace Rd. in an LR, Lake Residential, S1, Shoreland zoned district.

Vice Chairperson Vondrachek opened the public hearing for David Dirkse.

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

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

The Board asked if there was anything to add to the appeal.

Mr. Dirkse stated they would be living out there and need an addition bedroom for the grandkids. He stated they cannot go towards the east due to a hill and well, and can't go closer to the lake, cannot go north due to the road and septic and doesn't want to go any further to the west.

Ms. Vondrachek questioned how many bedrooms.

Mr. Dirkse stated there are two bedrooms now, the last addition(s) will add a third and this will make it a four bedroom.

The Board questioned if the existing septic system will accommodate the extra bedroom.

Mr. Dirkse informed the Board that it will.

The Board questioned if they were going closer to the lake then they are now.

Mr. Dirkse stated they are not. They are going above the office area.

Ken Smasal, Town of Schleswig Supervisor stated the Town is in favor of the variance. No site lines or setbacks would be affected.

People in attendance opposed to the request: none.

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

Mr. Gaedtke read a letter from DNR representative, Dale Rezabek regarding the request (copy on file).

Mr. Dirkse informed the Board it would not be four bedrooms, it will be three bedrooms because one of the rooms will be a laundry room.

There being no further comments, Vice Chairperson Vondrachek closed the public hearing for David Dirkse.

Deliberation

Motion by: Mr. Glaeser to approve the variance request at 13925 Cedar Terrace Rd., Manitowoc County, WI.

Reasons for Approval:

1. The location of the septic, well, the road to the north and the large steep slope to the east create a unique physical hardship on the lot preventing the owner from constructing the addition anyplace else.
2. The owner would be burdened by not being able to live there year round due to the restricted building area.
3. When the last variance was granted it was thought that this would just be a summer home so the request at that time was sufficient. However, things have changed and the owner stated this is going to be a year round home which is why they needed the additional bedroom. This request provides the minimum relief needed to live at the property year round.
4. This request will not affect the public because it is a vertical expansion, it's no closer to the lake than the existing structure or proposed first floor addition and it is not increasing impervious surface area.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Tim Thor – Owner of tax parcel number 015-009-002-003.00 located in the NW¼, NE¼, Section 9, T19N-R21E, Town of Rockland, Manitowoc, County, Wisconsin; wherein an after the fact variance is being requested for constructing the majority of a 72.5' x 110.9' building addition at distances ranging between 18.3 feet and 23.7 feet from the east property line in an ID, Industrial zoned district.

Vice Chairperson Vondrachek opened the public hearing for Tim Thor.

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

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

The Board asked if there was anything to add to the appeal.

Mr. Thor stated when he applied for permits he spoke with staff and was under the impression he was good.

Mr. Glaeser questioned who owns the land between him and the neighbor and if there is a possibility of buying some land from them.

Mr. Thor stated the neighbors to the east own that land and doesn't think they'd sell, but he would be willing to buy.

The Board questioned if the neighbors could see the building from their house.

Mr. Thor informed the Board, no because of the trees.

Mr. Gaedtke asked why the building needed to be that close.

Mr. Thor informed the Board that the state wanted the high low condition of the roof to line up so the snow load wouldn't cause a problem. Mr. Thor also stated the extra area allows enough room for big trucks to back in and out.

Mr. Nate questioned where the surface water drains.

Mr. Thor stated the water goes to the south and on the east it goes into a stone trench along the building and then into the grass.

Mr. Gaedtke questioned what was inside the building.

Mr. Thor stated tools and equipment and an overhead crane that runs the perimeter.

People in attendance in support to the request: none.

People in attendance opposed to the request: none.

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

Mr. Gaedtke read a letter from adjacent property owner, Corey Geiger in favor of the request (copy on file).

Mr. Gaedtke read a letter from Attorney Alison Petri, representing James and Nancy Cambell, neighboring residential property owners to the east, opposed to the request (copy on file).

The Board questioned how rezoning to Industrial changed things.

Mr. Gaedtke gave an overview of how rezoning to an Industrial District affected past conditional use permits.

Mr. Glaeser was concerned about not having gutters on the east side.

Mr. Thor stated he could put gutters on the east side.

There being no further comments, Vice Chairperson Vondrachek closed the public hearing for Tim Thor.

Deliberation

Motion by: Mr. Nate to postpone the request to the next scheduled meeting in order for Mr. Thor to propose purchasing land from the neighbor through their attorney and allow the Board time to review information from the hearing.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Thor Carlson – Owner of property located at 9524 STH 147 in the SE¼, SE¼, Section 9, T20N-R24E, Town of Mishicot, Manitowoc, County, Wisconsin, tax parcel number (013-009-016-002.00); wherein a variance is being requested to construct a 24' x 96' greenhouse at 78 feet from the centerline of STH 147 in a GA, General Agricultural zoned district.

Vice Chairperson Vondrachek opened the public hearing for Thor Carlson.

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

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

The Board asked if there was anything to add to the appeal and Mr. Carlson stated there was not.

The Board questioned the distance between the greenhouses.

Mr. Carlson informed the Board the distance is about 10 feet so snow can fit between because there are no gutters on them.

Mr. Carlson stated the reason for this variance is because they do business with a large lawn & garden retailer (Stein Gardens and Gifts) who approached them wanting them to grow additional plants and they would like to supply the retailer with the request.

People in attendance in support to the request: none.

People in attendance opposed to the request: none.

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

Mr. Carlson stated the DOT stopped out and said there was a 40 foot right of way.

There being no further comments, Vice Chairperson Vondrachek closed the public hearing for Thor Carlson.

Deliberation

Motion by: Mr. Nate to approve the variance request to construct a 24' x 96' greenhouse at 78 feet from the centerline of STH 147, Town of Mishicot, WI.

Reasons for approval:

1. The business is in need of expansion and the proposed location is the only place left to build.
2. The property is well kept.
3. The request will not be contrary to the public because there is a gradual ditch, row of trees and fence along the road which would prevent anyone from leaving the road and hitting the greenhouse.
4. The floodplain and wetland near the back of the property create a physical hardship and burden to the owner preventing him from constructing the greenhouse in a different location.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Old Business

Carmeuse Lime and Stone – Owner of property located next to 4110 Rockwood Rd. and east of the rail road tracks in the NW¼, NW¼, and the NE¼, NW¼, and the SW¼, NW¼, and the SE¼, NW¼, all in Section 36, T20N-R23E, Town of Kossuth, Manitowoc County, Wisconsin; wherein variances are being requested to excavate sand, gravel and rock on their property east of the railroad tracks within 1000 feet of residences located on Rockwood Rd. at distances ranging between 320 to 986 feet; and to also excavate at 125 feet from the railroad track right-of-way; and at 253 feet from the centerline of Rockwood Rd. in an ID, Industrial zoned district.

Vice Chairperson Vondrachek opened the public hearing for Carmeuse Lime and Stone.

Mr. Gaedtke read a statement from the Town of Kossuth requesting postponement of the hearing.

Vice Chairperson Vondrachek closed the public hearing for Carmeuse Lime and Stone.

Deliberation

Motion by: Mr. Schuh to extend the postponement of the request until the next scheduled meeting.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Schedule Next Meeting: The Board scheduled their next regular meeting for December 21, 2015 and the onsite for December 14, 2015 (Dates and times are subject to change.)

Adjournment

Motion by: Mr. Nate to adjourn.
Seconded by: Ms. Vondrachek
Upon vote: The motion was unanimously approved.
Aye: Vondrachek, Nate, Schuh and Glaeser; *No:* none.

Respectfully submitted,

Charles E Nate
Charles Nate, Secretary

12-21-2015
Date



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

DATE: Monday, December 14, 2015
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. **Bay Investment Properties LLC** – Owner of property located at 4317 South 10th Street, in Govt. Lot 1, Section 7, T18N-R24E, Town of Manitowoc – Variance Request
 2. **Peter Schad** – Owner of property located at 16108 County Road X, in tract 6 CSM V11 P229, Section 8, T17N-R23E, Town of Meeme – Conditional Use Request
- IV. Old Business
 1. **Carmeuse Lime and Stone** – NW $\frac{1}{4}$, NW $\frac{1}{4}$, the NE $\frac{1}{4}$, NW $\frac{1}{4}$, the SW $\frac{1}{4}$, NW $\frac{1}{4}$, and the SE $\frac{1}{4}$, NW $\frac{1}{4}$, all in Section 36, T20N-R23E, Town of Kossuth – Variance Request
 2. **Tim Thor** – Owner of tax parcel number 015-009-002-003.00 located in the NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 9, T19N-R21E, Town of Rockland – After the Fact Variance Request
- V. Other Business
- VI. Adjournment

Date: November 30, 2015

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

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

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

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

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

December 14, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, December 14, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Charlie Nate, Laurel Vondrachek, Earl Glaeser, Ralph Schuh, Allen Kracht (Alt.) and Orville Bonde.

Staff present for advisory meeting: Reed Gaedtke

A motion was made by Ms. Vondrachek; seconded by Mr. Schuh to approve the agenda for the December 14, 2015 meeting. Upon vote, the motion was unanimously approved. *Aye: Glaeser, Schuh, Bonde, Nate, Kracht (Alt.) and Vondrachek; No: none;*

The Board received their folders containing the December 21, 2015 hearing request.

Mr. Gaedtke gave a quick overview of each request.

Mr. Kracht (Alt.) left the meeting and did not attend on-sites.

The Board proceeded to the on-sites 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: Schuh, Glaeser, Bonde, Nate and Vondrachek; No: none.

Respectfully submitted,

Charles E Nate

Charles Nate, Secretary

12-21-2015

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: MONDAY, DECEMBER 21, 2015
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. NEW BUSINESS

Discussion and possible action on:

1. **Bay Investment Properties LLC** – Owner of property located at 4317 South 10th Street, in Govt. Lot 1, Section 7, T18N-R24E, Town of Manitowoc – Variance Request
2. **Peter Schad** – Owner of property located at 16108 County Road X, in tract 6 CSM V11 P229, Section 8, T17N-R23E, Town of Meeme – Conditional Use Request

VI. OLD BUSINESS

Discussion and possible action on:

1. **Carmeuse Lime and Stone** – NW $\frac{1}{4}$, NW $\frac{1}{4}$, the NE $\frac{1}{4}$, NW $\frac{1}{4}$, the SW $\frac{1}{4}$, NW $\frac{1}{4}$, and the SE $\frac{1}{4}$, NW $\frac{1}{4}$, all in Section 36, T20N-R23E, Town of Kossuth – Variance Request
2. **Tim Thor** – Owner of tax parcel number 015-009-002-003.00 located in the NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 9, T19N-R21E, Town of Rockland – After the Fact Variance Request

VII. OTHER BUSINESS

1. Set January Meeting Date

VIII. ADJOURNMENT

Date: November 30, 2015

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**

December 21, 2015

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, December 21, 2015 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

A motion was made by, Mr. Schuh, seconded by Mr. Glaeser to approve the November 16, 2015 meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Ms. Vondrachek, seconded by Mr. Nate to approve the December 14, 2015 onsite meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Glaeser, seconded by Mr. Schuh to approve the agenda for the December 21, 2015 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, Schuh 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.

Chairman Bonde informed the audience during public input each person would be limited to five minutes.

New Business

Bay Investment Properties LLC – Owner of property located at 4317 South 10th Street, in Govt. Lot 1, Section 7, T18N-R24E, Town of Manitowoc Manitowoc, County, Wisconsin, tax parcel number (009-007-004-015.00); wherein a variance is being requested to construct a 24' x 24' garage addition at 12 feet from the neighboring property line in a RR, Rural Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Bay Investment Properties LLC.

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

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

The Board asked if there was anything to add to the appeal and there was not.

The Board had questions regarding the distance from the property line.

Ms. Yetter, the applicant, answered questions for the Board.

People in attendance in support to the request: none.

People in attendance opposed to the request: none.

There being no further comments, Chairperson Bonde closed the public hearing for Bay Investment Properties LLC.

Deliberation

Motion by: Mr. Glaeser to approve Bay Investment Properties LLC variance request at 12 ft. from the property line for the addition at 4317 South 10th Street, Manitowoc, WI.

Reasons for approval:

1. The house exists close to the southwest property line already.
2. The lot is long and narrow creating a hardship for the owner. They need to expand and change the footprint of the house to provide easier and safer accessibility for the new owner who has a disability. The narrow lot restricts the amount of space available to construct the needed addition.
3. The owner would be burdened by the ordinance because they would not be able to construct the layout needed for her parents who are going to live at the residence and need plenty of room to easily get around due to a disability.
4. The addition would not have a negative effect on the public or neighbor because there is still plenty of room between the house and property line and the addition doesn't interfere with or damage any neighbor's property.
5. The neighbor hasn't opposed the request.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Peter Schad – Owner of property located at 16108 County Road X, in tract 6 CSM V11 P229, Section 8, T17N-R23E, Town of Meeme, Manitowoc County, Wisconsin, tax parcel number (012-008-011-001.05); wherein a conditional use permit is being requested by, applicant and future property owner, Derenz Transport LLC to operate a small trucking business in a RR, Rural Residential zoned district.

Mr. Gaedtke explained the Town's letter to have the hearing postponed.

Deliberation

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

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Old Business

Carmeuse Lime and Stone – Owner of property located next to 4110 Rockwood Rd. and east of the rail road tracks in the NW¼, NW¼, and the NE¼, NW¼, and the SW¼, NW¼, and the SE¼, NW¼, all in Section 36, T20N-R23E, Town of Kossuth, Manitowoc County, Wisconsin; wherein variances are being requested to excavate sand, gravel and rock on their property east of the railroad tracks within 1000 feet of residences located on Rockwood Rd. at distances ranging between 320 to 986 feet; and to also excavate at 125 feet from the railroad track right-of-way; and at 253 feet from the centerline of Rockwood Rd. in an ID, Industrial zoned district.

Mr. Gaedtke stated he had no update from Carmeuse Lime and Stone.

Mr. Schuh stated they are still monitoring the wells and checking on the battery usage.

Chairperson Bonde closed the public hearing for Carmeuse Lime and Stone.

Deliberation

Motion by: Mr. Schuh to postpone the request until the next scheduled meeting.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Tim Thor - Owner of tax parcel number 015-009-002-003.00 located in the NW¼, NE¼, Section 9, T19N-R21E, Town of Rockland, Manitowoc, County, Wisconsin; wherein an after the fact variance is being requested for constructing the majority of a 72.5' x 110.9' building addition at distances ranging between 18.3 feet and 23.7 feet from the east property line in an ID, Industrial zoned district.

Motion by: Mr. Schuh to remove the variance request from the table.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Each Board member had received letters from the neighbor's attorney to be included as part of the record.

Mr. Gaedtke explained why the hearing was postponed last month and explained the letter(s) received by the neighbor's attorney.

Mr. Thor rejected the proposal outlined in the attorney's letter.

People in attendance in support to the request: none.

People in attendance opposed to the request: none.

There being no further comments, Chairperson Bonde closed the public hearing for Tim Thor.

Deliberation

Motion by: Mr. Schuh to approve the after the fact variance request.

Reasons for approval:

1. Moving the structure would be unnecessarily burdensome and costly to the owner because an overhead crane, which is needed for the business, is located in the building and supported by the buildings foundation so it could not be effectively moved or relocated. Also, slanting the buildings wall to meet the setback would render the crane nonfunctional.
2. The lot is longer than it is wide which creates a hardship for the owner because he needs plenty of room on the west side of the building for customer's with large heavy equipment to easily maneuver in and out of the work area. Moving the structure to the west would reduce that area creating a burden.
3. The structure was shifted further to the east from the original site plan because the owner stated the state inspector informed him the peak lines of the roof should be lined up in order to reduce the chance of snow overload on the structure. Not having the roof peaks lined up could overload the roof and jeopardize the buildings structural integrity.
4. The original building nearest the road was the principal use and structure for the business. The added additions were accessory to the existing use and building and permitted as accessory structures, and charged accessory structure fees. If the additions were detached from the principal structure they would only need to be 10 feet from property lines rather than 25 feet. The impact is the same whether the addition is attached or detached.
5. All the activity for the business takes place on the west side of the building which minimizes noise impact to the neighboring property to the east.
6. The variance will have minimal effect to the public and the neighboring property. The house to the east is approximately 300 feet away from the building with vegetation between them which makes it difficult to see the building. The added conditions also alleviate any impacts.

Conditions of approval:

1. Gutters shall be placed on the building to direct any building water runoff, to the west and south, away from the neighbor's property to the east.
2. The gutters shall be installed with leaf guards.
3. A row of 4' - 6' high conifer type trees must be planted next to the existing row of coniferous trees and staggered to create a solid wall screen.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Schedule Next Meeting: The Board scheduled their next regular meeting for January 18, 2016 and the onsite for January 11, 2016 (Dates and times are subject to change.)

Adjournment

Motion by: Mr. Glaeser to adjourn.

Seconded by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles E. Nate
Charles Nate, Secretary

1-18 2016
Date