



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY MEETING NOTICE

DATE: Monday, January 11, 2016
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. **Bryan and Dana Grunewald** – Owners of property located at 18712 Twin Bay Lane, in Govt. Lot 2, Section 23, T17N-R21E, Town of Schleswig – Variance Requests
- IV. Old Business
 1. **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
 2. **Carmeuse Lime and Stone** – NW¼, NW¼, the NE¼, NW¼, the SW¼, NW¼, and the SE¼, NW¼, all in Section 36, T20N-R23E, Town of Kossuth – Variance Request
- V. Other Business
- VI. Adjournment

Date: January 6, 2016

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 11, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Vice Chairperson Vondrachek at 9:00 A.M. on Monday, January 11, 2016 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 and Ralph Schuh.

Staff present for advisory meeting: Reed Gaedtke

A motion was made by Mr. Schuh; seconded by Mr. Glaeser to approve the agenda for the January 11, 2016 meeting. Upon vote, the motion was unanimously approved.
Aye: Glaeser, Schuh, Nate, and Vondrachek; No: none;

The Board received their folders containing the January 18, 2016 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, Nate and Vondrachek; No: none.

Respectfully submitted,

Charles E Nate
Charles Nate, Secretary

1-18-2016
Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: MONDAY, JANUARY 18, 2016
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. **Bryan and Dana Grunewald** – Owners of property located at 18712 Twin Bay Lane, in Govt. Lot 2, Section 23, T17N-R21E, Town of Schleswig – Variance Requests

VI. OLD BUSINESS

Discussion and possible action on:

- 1. **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
- 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 February Meeting Date

VIII. ADJOURNMENT

Date: January 6, 2016

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 18, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, January 18, 2016 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. Schuh to approve the December 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 Ms. Vondrachek to approve the January 11, 2016 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. Nate to approve the agenda for the January 18, 2016 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

Bryan and Dana Grunewald – Owners of property located at 18712 Twin Bay Lane, in Govt. Lot 2, Section 23, T17N-R21E, Town of Schleswig, Manitowoc, County, Wisconsin, tax parcel number (016-023-015-021.00); wherein variances are being requested to construct 5 retaining walls ranging in size from 20 to 40 feet long and between 4 to 8 feet high at 0 feet from the neighboring property lines and at distances ranging from 8 to 21½ feet from the ordinary high water mark of Cedar Lake and to also replace dilapidated stairs with side walls excavated into the side of the hill with new 48" wide stairs and side walls at 13½ feet from the ordinary high water mark of Cedar Lake in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Bryan & Dana Grunewald.

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. Grunewald confirmed that the walls are in bad shape currently and something needs to be done.

The Board had questions regarding the removal of the old walls.

Mr. Grunewald stated in two sections the retaining walls will remain due to severe sloping of the hill in hopes it helps provide more support and it would be safer to work on the new ones.

People in attendance in support to the request: none.

People in attendance opposed to the request: none.

Mr. Gaedtke read an email from neighbor, Dick and Carol Jens approving the request (copy on file).

Mr. Gaedtke read an email from DNR representative, Dale Rezabek with no objection to the request (copy on file).

Mr. Gaedtke explained DNR vs. County stair requirements.

There being no further comments, Chairperson Bonde closed the public hearing for Bryan & Dana Grunewald.

Deliberation

Motion by: Ms. Vondrachek to approve variances as requested.

Reasons for approval:

1. The steep slope, erodible soils and short lot create a physical hardship preventing the owner from safely accessing the shoreline.
2. The new retaining walls and stairs are needed due to the existing erosion problems and to provide safe access to the lake. The existing retaining walls are falling over and unable to support the erodible soils.
3. The dilapidated stairs and collapsing walls which could end up in the lake will be replaced.
4. The owner would be burdened by not having the retaining walls or stairs because the hill would erode and fall down into the lake. Also the steep hill requires stairs to provide safe access.
5. This request will not affect the public because it will enhance the property, protect the lake from erosion and provide safe access to the lakeshore.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Old Business

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.

Motion by: Mr. Schuh to remove the variance request from the table.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Chairperson Bonde opened the hearing for Peter Schad.

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

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

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

The Board had questions about campers on the site.

Kyle Wallander, owner of Derenz Transport stated there will not be campers or camper sales on that site and he plans on buying it from Mr. Schad.

The Board had questions about how many tractors and trailers he has currently as well as what he was looking for at max.

Mr. Wallander stated he owns 6 tractors and 10 trailers and he'd like to have 30 total, which is the limit the Town of Meeme had told him.

Mr. Gaedtke informed the Board if 30 is the amount they'd like to have, a conditional use will no longer apply. That amount is way more than what is considered for a small business. Small business is 5 maybe 6 or 7 if the area permits. A rezone would need to be done if they'd like 30.

Mr. Gaedtke had questions regarding the current sign and if that one would be used.

Mr. Wallander confirmed the current sign would be used and he'd change the face of it.

There were questions regarding parking and a garage.

Mr. Wallander stated they do not do any repairs there but might park inside the garage if it is cold out. All repairs are contracted out. He also confirmed the building is for storage and office only.

The Board had questions about days of operation.

Mr. Wallander informed the Board office work is 5 days a week, Monday thru Friday and trucks would go 6 days a week, Sunday thru Friday.

Richard Salm, Town of Meeme explained the Town's standards on this request.

Mr. Schad, current owner of the property, spoke and stated the noise doesn't bother him and he doesn't see a noise issue.

People in attendance opposed to the request: none.

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

Mr. Gaedtke stated the Town of Meeme Chairman contacted Planning and Zoning saying he saw no problem with the request.

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

Deliberation

Motion by: Mr. Glaeser to approve the Conditional Use permit with conditions.

Reasons for approval:

1. The use does not impede the orderly development of the district because it's a trucking business and the surrounding property is zoned business and agriculture.
2. The use is compatible with the surrounding area because it is located on the outskirts of School Hill and adjacent to a farm owned home.
3. The intensity of the operation will not affect the surrounding properties because the business is located on the outskirts of School Hill and adjacent to a home.
4. The use fits on the existing parcel size because it is a 1.45 acre parcel and it was the location of a previous RV sales business.
5. There is proper road access for the business.
6. The nature, location and height of the structure are acceptable to the area and surrounding community because there was a business there before and the area will not change.
7. The business does not discourage the appropriate development of land and use of the surrounding area.
8. The use does not impair the value of surrounding properties.
9. The business would not produce any noises, fumes, flashing lights, vibrations, traffic or other unsafe factors that would be more objectionable than any other allowable principal use for that zoning district.
10. The business will not endanger the public health, safety or welfare.
11. There's plenty of room for employee and customer parking.

Conditions of Approval:

1. Days of operation for the trucks will be 7 days a week.
2. Hours of operation for the trucks will be 24 hours per day.
3. Days of operation for the office will be Monday thru Friday.
4. Hours of operation for the office will be 6:00 a.m. to 6:00 p.m.
5. Number of employees for the office will be three.
6. Type of equipment allowed will be semi tractors and trailers.
7. Truck departures and arrivals are expected to operate quietly. If there is any noise complaints the Board will address the problem.
8. No fencing is needed.
9. There will be 25 foot parking setback from the west property line.
10. No parking for non-road worthy tractors or trailers.
11. No storage of junk or outside storage of materials.
12. They are allowed to have 2 deliveries per week.
13. The maximum amount of tractors or trailers allowed on the property shall be 20 of any combination.
14. The on premise sign allowed will be located on the existing sign.
15. There shall be a one year review of the conditional use permit for the first two years. After the second review the Board could decide to change the review time depending on activity.
16. If the owner does not comply with one of these conditions or if he cannot meet those conditions the owner must address the Town Board and Board of Adjustment of the issues.

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 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.

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

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Chairperson Bonde opened the hearing for Carmeuse Lime and Stone.

Mr. Gaedtke gave a brief description of the request and some history of this request.

Mr. Gaedtke read a letter agreement from Carmeuse and Town agreement.

Ralph Schuh to allow Town and Carmeuse input.

Chairperson Bonde opened the hearing for Town input on Carmeuse.

Jim Froelich spoke for the Town of Kossuth, stating they had signed agreements with Carmeuse and they have met the regulations, well monitoring is in place and had no objections to the requests.

John Johnson stated there are 14 units in place, 11 are being monitored and Carmeuse is working to get the other 3 working.

Mr. Johnson informed the Board there is a bond for reclamation set up and would include financial assurance for well replacement in a 1 mile radius.

Mr. Schuh was concerned about house distances of the elevation to the 4 closest houses.

There being no further comments, Chairperson Bonde closed the Town input for Carmeuse.

Deliberation

Motion by: Mr. Schuh to approve variance request with conditions.

Findings of Facts and Reasons for Approval:

1. A unique physical limitation does exist on the property. While the overburden layer on the subject property is thin and the depth of quality rock in the upper layer of dolomite is economical to extract, the appellant will be unable to extract a suitable volume of marketable rock over a long

period of time due to approximate 35 to 40 foot thick interburden layer that exists between shelves of dolomite. The interburden is located at approximately 100 feet of depth.

2. Strict compliance with the setback ordinance would be unnecessarily burdensome on the owners as it would result in a substantial reduction in the extraction of marketable material. The subject property has been owned by the appellant for several decades with the intended purpose of extracting dolomite. The property is also adjacent to an existing operation which exists for that purpose.
3. By accepting the amended "Well Monitoring Program" and the "Damage Response Plan" along with establishing criteria to ensure continuance and financial support to maintain the program the public interest is being served. Additionally, maintaining berms with a suitable slope and distance from the Town road right-of-way is mindful of highway safety.

Conditions of Approval:

1. The depth of excavation is limited to 100 feet below existing grade.
2. According to the Town the structure located at 3700 Rockwood Road is not a residence and therefore no variance needed to excavate within 1000 feet of it.
3. To allow the excavation of sand, gravel, and rock within 1000 feet of the residences located at 3905, 3911, 3915, 3315, and 3208 Rockwood Rd. However, the actual distance shall be a minimum of 400 feet from the residences.
4. The 400 foot setback from residences may be reduced on any of these properties that may be acquired by Carmeuse and the residence removed. All other setback and variance criteria to remain in force with regard to the remaining residences and roadway. If an existing well or residence on an acquired property is abandoned, it must be done by a qualified professional using DNR approved methods.
5. A baseline depth and turbidity test is to be conducted on each of those wells within 90 days and the result furnished to the Manitowoc County Planning and Zoning Department. Manitowoc County Planning and Zoning shall be notified of any property owner that declines the testing.
6. Allow excavation at 253 feet from the centerline of Rockwood Road in order to facilitate installation of berms from the roadway to limit snow accumulation within the roadway.
7. Berms to be sloped not steeper than a ratio of 3:1 and must be seeded and maintained to prevent the growth of woody or nuisance vegetation and noxious weeds.
8. Allow excavation at 125 feet from the railroad right-of-way.
9. Acceptance of the amended "Well Monitoring Program" and "Damage Response Plan" for water supply wells, as outlined in the amended variance application dated January 12, 2016 with three stipulations:
 - a. The "Well Monitoring Program" to consist of a minimum of 10 interspersed wells at ten various locations within one mile of the quarry location otherwise known as the "Protection Area".

- b. An annual report to be furnished to Manitowoc County Planning and Zoning that outlines the status and condition of the program and the wells being monitored.
 - c. A financial assurance guarantee to be furnished to the Manitowoc County Planning and Zoning Department for the "Well Monitoring Program" and "Damage Response Plan" to ensure its continuance by Carmeuse and its successors.
10. All other aspects of quarry and site operation with regard to blasting, dewatering, fugitive dust, erosion control, etc., to be performed in accordance with the applicable local, State, and Federal standards and guidelines.

Second by: Ms. Vondrachek

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 February 15, 2016 and the onsite for February 8, 2016 (Dates and times are subject to change.)

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 E. Nate
Charles Nate, Secretary

3-21-2016
Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY MEETING NOTICE

DATE: Monday, March 14, 2016
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 County** – Owner of property located at 3500 STH 310, in the NE¼, SW¼, Section 36, T20N-R23E, Town of Kossuth – Variance Request
 2. **Melnik Presbyterian Church** – Owner of property located at 12320 Melnik Rd., in the NE¼, SE¼, Section 31, T21N-R23E, Town of Gibson – Variance Request
 3. **Badgerland Aggregates LLC** – Owner of property located off of CTH X, known as "X Pit", in the NW¼, SW¼, Section 9, T17N-R22E, Town of Meeme – Conditional Use & Variance Request
- IV. Old Business
- V. Other Business
- VI. Adjournment

Date: February 23, 2016

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

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made. Any person wishing to travel on the on-sites with the Board, should contact the Manitowoc County Planning and Park Commission office at 920-683-4185 at least two business days before the meeting is scheduled so that appropriate accommodations can be made.

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

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

March 14, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, March 14, 2016 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, Orville Bonde and Ralph Schuh.

Staff present for advisory meeting: Reed Gaedtke

A motion was made by Mr. Schuh; seconded by Ms. Vondrachek to approve the agenda for the March 14, 2016 meeting. Upon vote, the motion was unanimously approved.
Aye: Glaeser, Schuh, Nate, Bonde and Vondrachek; No: none;

The Board received their folders containing the March 21, 2016 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. Glaeser to adjourn.

Seconded by: Mr. Schuh.

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles E Nate
Charles Nate, Secretary

3-22 - 2016
Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: MONDAY, MARCH 21, 2016
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. **Manitowoc County** – Owner of property located at 3500 STH 310, in the NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 36, T20N-R23E, Town of Kossuth – Variance Request
- 2. **Melnik Presbyterian Church** – Owner of property located at 12320 Melnik Rd., in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 31, T21N-R23E, Town of Gibson – Variance Request
- 3. **Badgerland Aggregates LLC** – Owner of property located off of CTH X, known as “X Pit”, in the NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 9, T17N-R22E, Town of Meeme – Conditional Use & Variance Request

VI. OLD BUSINESS

VII. OTHER BUSINESS

- 1. William Neumann Conditional Use Permit Review
- 2. Set April Meeting Date

VIII. ADJOURNMENT

Date: February 23, 2016

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

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

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

March 21, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, March 21, 2016 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 January 18, 2016 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 March 14, 2016 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 March 21, 2016 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

Manitowoc County – Owner of property located at 3500 STH 310, in the NE¼, SW¼, Section 36, T20N-R23E, Town of Kossuth, Manitowoc, County, Wisconsin, tax parcel number (007-036-009-001.00); wherein a variance is being requested to excavate sand, gravel and rock at 25 feet from the adjacent north property lines located in an ID, Industrial, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Manitowoc County.

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

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

The Board asked Mark Holsen, County Highway Commissioner, if there was anything to add to the appeal and he stated there was not.

Ms. Vondrachek questioned how much deeper they would consider going.

Mr. Holsen stated he would not go deeper and they have 140 feet of material to the north.

Mr. Schuh had questions about the current depth and the distance between the County and Holschbach pit.

Mr. Holsen stated the current depth is 63 feet and the distance between County and Holschbach pit is 25 feet off the county property line.

The Board asked how far off the Carmeuse Lime and Stone property line.

Mr. Holsen stated 140 feet.

The Board asked if there will be blasting.

Mr. Holsen responded yes.

James Froelich, Supervisor #1, for the Town of Kossuth, spoke stating the Town is not taking a position on the request.

People in attendance in support of the request: none.

Mr. Steve Holschbach, property owner to the east stated he was unaware of the east property line location and wanted to know where it was.

Mr. Holsen provided Mr. Holschbach with the GIS map of the location.

People in attendance opposed to the request: none.

Mr. Gaedtke read an email from DNR representative, Dale Rezabek stating the DNR had no comments regarding the request (copy on file).

Mr. Gaedtke read a letter from Carmeuse Lime and Stone, property owners to the north opposing the request due to safety concerns for their employees and equipment on their property.

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

Deliberation

Motion by: Mr. Schuh to postpone so the Highway Department can obtain more input from Carmeuse Lime and Stone regarding their safety concerns.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Melnik Presbyterian Church – Owner of property located at 12320 Melnik Rd., in the NE¼, SE¼, Section 31, T21N-R23E, Town of Gibson, Manitowoc, County, Wisconsin, tax parcel number (006-031-013-001.00); wherein a variance is being requested to construct a 16' x 28' entrance addition at 48 feet from the centerline of Melnik Rd. in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Melnik Presbyterian Church.

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. Glen Christel, representative of the church spoke to the Board and stated the church needs easier accessibility.

Mr. Phil Kenzel, pastor of the church spoke in support of the request. He stated the entrance is critical to allow for handicap accessibility for their aging congregation and the community.

Mr. Harold Just stated he is in favor of the request and needs to have an easier access into the church.

Mr. Ricahrd Wegner, Town of Gibson Chairperson spoke stating the Town is in favor of the request.

People in attendance opposed to the request: none.

Mr. Gaedtke read a letter from the Town of Gibson in favor of the variance request.

There being no further comments, Chairperson Bonde closed the public hearing for Melnik Presbyterian Church.

Deliberation

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

Reasons for approval:

1. The church has existed for years without any problems and the addition will not be any closer to the road than the existing church.
2. The ordinance setback creates a burden for the church and would prevent them from constructing the needed entry addition for their aging congregation and handicapped members.
3. The church, which is currently located within the road setback, along with the small lot size, create a hardship for the applicant by limiting their construction area.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Badgerland Aggregates LLC – Owner of property located off of CTH X, known as “X Pit”, in the NW¼, SW¼, Section 9, T17N-R22E, Town of Meeme, Manitowoc County, Wisconsin, tax parcel number (012-009-010-000.00) wherein a conditional use permit and variances are being requested to expand an existing sand and gravel mining operation into the western half of the parcel and to excavate at 25 feet from property lines, and within 1000 feet of a residence. This parcel is located in an EA, Exclusive Agricultural zoned district.

Chairperson Bonde opened the public hearing for Badgerland Aggregates LLC.

Josh Radant, Jeff Maples and Bill Vachon spoke 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 if there was anything to add to the appeal.

Mr. Vachon stated the old setbacks were 25 feet from the property line but wanted to continue along the past approved conditional use permit that had 25 foot setbacks.

Mr. Radant stated Mr. Duveneck, neighboring property owner to the north, liked the idea of having a berm along the north property line between his property and the pit.

The Board discussed requiring another well test for Mr. Duveneck's well.

Mr. Vachon stated if that was a request from the Board they would have it done.

Mr. Vachon stated the reclamation plan including new construction was submitted to Planning and Zoning.

The Board questioned if there was unlimited supply of material west of the current proposal.

Mr. Vachon explained there is adequate material on-site for the reclamation but have not explored west of the property line yet.

The Board questioned the current pit depth.

Mr. Radant stated the current depth of the pit is 40-50 feet.

Richard Salm spoke for the Town of Meeme Plan Commission in favor of the conditional use permit and stated conditions they agreed with. Mr. Salm also stated the Board does not follow up on the pit permits and then gave the Board a short lesson on how to approve a variance.

People in attendance opposed to the request: none.

Mr. Gaedtke read a letter from the Town of Meeme in favor of the conditional use permit with conditions (copy on file).

Mr. Gaedtke read a letter from the Town of Meeme approving the variance request to the house and opposing the property line variance request (copy on file).

Mr. Glaeser stated the Board did go back and look at the site a few years ago and the Board does keep track of sand and gravel operations.

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

Deliberation

Motion by: Mr. Nate to approve the Conditional Use permit with conditions and variance to the house, but to deny the property line variance request.

Reasons for Conditional Use Permit Approval:

1. The applicant had asked to operate in this area back in 2010 and it was understood by the Board that this area would be approved if things went well with the front part of the property. At the time, the Board wanted to see how things went with the front half of the parcel before this back area was approved.
2. Things have been good with the front part of the property and there haven't been any complaints on that area.
3. This area is rich in sand and gravel and you can only extract it from areas where it's located.
4. Sand and gravel extraction is allowed in this zoning district. This is a pit and there are other pits located in the general area. Therefore this addition to the existing pit is an appropriate use of this area and in harmony with the orderly development of this zoning district.
5. The use does not hurt the general welfare of the public because there are other gravel pits operating in the area and there haven't been any problems or complaints.
6. Sand and gravel extraction is allowed in this zoning district with a conditional use permit.
7. It will not hurt property value because this pit has been there for years and the use isn't changing.
8. The use would not be more objectionable to nearby properties because the use already exists and conditions are in place to control them.

Conditions of Approval:

1. Days and hours of operation will be 6:00 a.m. to 6:00 p.m. Monday thru Friday and 6:00 a.m. to 12:00 p.m. (noon) on Saturday.
2. The number of employees will be three.
3. The conditional use permit is approved for sand and gravel extraction only. No rock extraction allowed.
4. Berms shall be erected along the property lines to screen the operation from view and to help create a noise buffer. The berms shall be a minimum of six feet high and have a minimum 3 to 1 slope.
5. The excavation shall stay 15 feet above the ground water level. The ground water level needs to be determined by an independent engineering firm. Also, the bench mark elevation and location needs to be defined. All elevation references (wellhead height, groundwater level, excavation depth, etc.) need to refer to the benchmark elevation.
6. A new water level and turbidity test shall be done for the Duveneck property to the north located at 14727 Point Creek Rd.
7. A valid and updated reclamation plan along with updated financial assurance shall be filed with the Manitowoc County Planning and Zoning Department within three months from the date of this approval.
8. There will be a three year review of this permit.

Reasons for approving the variance request to excavate within 1000 feet from the residence to the north: (Even though this approval allows excavating within 1000 feet of the north residence the applicant must abide by the 100' property line setback. Therefore the distance of excavation from the residence may be greater than what was listed in the application.)

1. A 1000 foot setback seems extreme for only sand and gravel extraction because it prevents excavation of a lot of needed material which creates a hardship. This area is 20 acres in size and the 1000 foot setback would significantly reduce the applicant's area for getting material.
2. Since there is no rock extraction there would be no blasting and therefore no need to stay that far away from the residence. Because there is no blasting, there would be no flying debris to endanger anyone.

3. The applicant is burdened because the increased setback would mean there would be much less material that could be moved which would restrict the use of the property. At 1000 feet the area would be reduced by about 5 acres.
4. The existing pit is already located closer to the house.
5. There is no negative effect to the public because the pit has been there for years and there hasn't been any problems reported. No blasting will occur at this site for rock extraction so it will be safe.
6. There was no opposition.

Reasons for denying the variance request to excavate at 25 feet from property lines:

1. The rules have changed in the ordinance and the applicant hasn't shown any hardship to warrant a reduced setback.
2. Enough material can be extracted from the site. Even though it may not be maximized, the use would not be restricted.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Other Business

William Neumann Review

The Board had questions regarding expanding his operation by purchasing the neighboring property to the east, which also has a conditional use permit to allow semi-trucks to be stored on it.

Mr. Neumann stated he will be expanding. He stated he will be purchasing the adjacent property to the east this June, which also has a conditional use for 5 trucks and 5 trailers and expanding some.

The Board questioned if that expansion will meet his needs.

Mr. Neumann explained it would for a while.

The Board stated they have noticed more than the allowed vehicles on the property.

Mr. Gaedtke stated Mr. Neumann is over by three trailers and two trucks putting him in violation of his conditions and to remove the extra items immediately.

One of the Board members stated everything else looked good.

Motion by: Mr. Glaeser to approve the review and revisit in two years.

Second by: Ms. Vondrachek

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 April 18, 2016 and the onsite for April 11, 2016 (Dates and times are subject to change.)

Adjournment

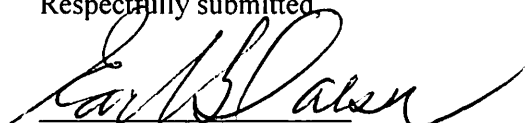
Motion by: Mr. Schuh to adjourn.

Seconded by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,


~~Charles Nate~~, Secretary

5.19.16
Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY MEETING NOTICE

DATE: Monday, May 9, 2016
TIME: 9:00 a.m.
PLACE: Manitowoc County Office Complex
4319 Expo Dr., Manitowoc, WI 54220

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

- I. Call to Order - Roll Call
- II. Approval of Agenda
"Open Meeting Law Compliance"
- III. New Business
 1. **Mark and Sue Hilbelink** – Owners of property located at 9226 Pigeon Lake Rd., in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 33, T18N-R22E, Town of Liberty – Variance Request
 2. **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 – Variances Request
 3. **James Kieffer** – Owner of property located at 10506 Paradise Lane, in Govt. Lot 2, Section 2, T17N-R21E, Town of Schleswig – Variance Request
 4. **Allen Horst** - Owner of property located at 12219 STH 42, in the NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 35, T21N-R24E, Town of Two Creeks – After the fact Conditional Use Permit Request
- IV. Old Business
 1. **Manitowoc County** – Owner of property located at 3500 STH 310, in the NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 36, T20N-R23E, Town of Kossuth – Variance Request
- V. Other Business
 1. **William Neumann Review**
 2. **Dean Schultz Review**
- VI. Adjournment

Date: April 26, 2016

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

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made. Any person wishing to travel on the on-sites with the Board, should contact the Manitowoc County Planning and Park Commission office at 920-683-4185 at least two business days before the meeting is scheduled so that appropriate accommodations can be made.

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

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

May 9, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, May 9, 2016 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, Orville Bonde and Ralph Schuh.

Staff present for advisory meeting: Reed Gaedtke

A motion was made by Mr. Glaeser; seconded by Mr. Schuh to approve the agenda for the May 9, 2016 meeting. Upon vote, the motion was unanimously approved.

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

The Board received their folders containing the May 16, 2016 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

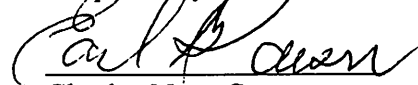
Motion by: Mr. Nate to adjourn.

Seconded by: Mr. Schuh.

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,


Charles Nate, Secretary

5.19.16
Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: MONDAY, MAY 16, 2016
TIME: 7:00 P.M.
PLACE: Manitowoc County Office Complex
4319 Expo Dr., Manitowoc, WI 54220

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

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

Discussion and possible action on:

1. **Manitowoc County** – Owner of property located at 3500 STH 310, in the NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 36, T20N-R23E, Town of Kossuth – Variance Request

VI. NEW BUSINESS

Discussion and possible action on:

1. **Mark and Sue Hilbelink** – Owners of property located at 9226 Pigeon Lake Rd., in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 33, T18N-R22E, Town of Liberty – Variance Request
2. **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
3. **James Kieffer** – Owner of property located at 10506 Paradise Lane, in Govt. Lot 2, Section 2, T17N-R21E, Town of Schleswig – Variance Request
4. **Allen Horst** - Owner of property located at 12219 STH 42, in the NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 35, T21N-R24E, Town of Two Creeks – After the fact Conditional Use Permit Request

VII. OTHER BUSINESS

1. William Neumann Review
2. Dean Schultz Review
3. Set June Meeting Date

VIII. ADJOURNMENT

Date: April 26, 2016

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

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

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

May 16, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, May 16, 2016 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

Board elected a secretary pro tempore for tonight's meeting due to the secretary being absent. A motion was made by, Ms. Vondrachek nominating Earl Glaser as secretary for the night and seconded by Ralph Schuh. Upon vote, the motion was unanimously approved.

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

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

A motion was made by, Ms. Vondrachek, seconded by Mr. Schuh to approve the March 21, 2016 meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Schuh, seconded by Mr. Glaeser to approve the May 9, 2016 onsite meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Glaeser, seconded by Ms. Vondrachek to approve the agenda for the May 16, 2016 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, 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

Manitowoc County – Owner of property located at 3500 STH 310, in the NE¼, SW¼, Section 36, T20N-R23E, Town of Kossuth, Manitowoc, County, Wisconsin, tax parcel number (007-036-009-001.00); wherein a variance is being requested to excavate sand, gravel and rock at 25 feet from the adjacent north property lines located in an ID, Industrial, S1, Shoreland zoned district.

Chairperson Bonde opened the postponed public hearing for Manitowoc County.

Mr. Gaedtke read a letter from Carmeuse Lime and Stone, property owners to the north, requesting the item be tabled until a signed agreement is on file (copy on file).

Mr. Gaedtke stated the Highway Department is in favor of tabling the request until obtaining a signed agreement.

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

Deliberation

Motion by: Ms. Vondrachek to postpone until next month or until the Highway Department and Carneuse Lime and Stone has a signed pre blasting notification agreement.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

New Business

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, tax parcel number (008-033-003-006.00); wherein a variance is being requested to construct a 30' long x 4' high retaining wall at 21 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. Glaeser read the application (copy on file).

The Board asked if there was anything to add to the appeal.

Ms. Sue Hilbelink, property owner spoke to the Board and stated they are not sure about the type of building materials they are going to use if that makes a difference.

Mr. Schuh questioned what the other walls were made of; concrete.

Mr. Gaedtke questioned if one or two walls were being replaced because the Town letter mentioned two walls.

Ms. Hilbelink stated they are doing one, but got recommendation from contractors to put one on the other side of the steps as well. It was not listed on the request.

Mr. Gaedtke stated the hearing could continue or be postponed until next month to republish.

Ms. Hilbelink asked Mr. Gaedtke about replacing a nonconforming structure with the same type of structure & material.

After some deliberation Mr. Gaedtke stated under new NR115 regulations any nonconforming beyond 35 feet might be replaced. However, this was at 21 feet. He went on to say that the Manitowoc County hasn't adopted NR115 and has allowed replacements of walls in the past provided they were the same size and location so it could be replaced with same type timbers in same location without a variance, but a permit was needed.

Ms. Hilbelink informed the Board to proceed with the hearing.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

The Board determined the Town had the Hilbelink & Meidl letters mixed together, so that was fixed.

Mr. Gaedtke read a letter from the Town of Liberty approving the variance request.

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

Deliberation

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

Reasons for approval:

1. The unique lot which is narrow and has a steep hillside, near the lake create a hardship for the homeowners because the current house is located closer to the lake and a retaining wall is needed to stabilize the soil between the house and lakeshore.
2. The steep slope and erodible soils cause an unnecessary burden because without the wall the hill would erode into the lake and jeopardize the structural integrity of the deck and stairs.
3. The request will not be contrary to the public because the wall will be far enough from neighboring property lines, it won't interfere with water drainage and it will keep erodible soils from running into the lake.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

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 construct an approximate 48' long x 6' high retaining wall at 0 feet from the east and west property lines and at 21 feet from the ordinary high water mark of Pigeon Lake; and to construct an approximate 45' long x 6' high retaining wall at 0 feet from the west property line; at 3 feet from the east property line and at 31 feet from the ordinary high water mark of Pigeon Lake, located in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Shirley Meidl.

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

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

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

The Board confirmed the retaining walls were going to be made out of concrete.

Ms. Vondrachek questioned if there are going to be stairs and another Board member questioned what they will be made of.

Mr. Gene Meidl, property owner's son stated there will be stairs and they will be composite.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

Mr. Gaedtke read a letter from an adjacent neighbor in favor of the requests (copy on file).

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

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

Deliberation

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

Reasons for Approval:

1. The house is located within the 75 foot setback because the lot is very small and has a very steep slope between the house and lakeshore, which limits the location for constructing the needed retaining walls.
2. The steep slope and erodible soils create a burden for the owner which affects the use of their property because the retaining walls are needed to stabilize the hill and protect the house.
3. The request is not contrary to the public because the retaining walls will stabilize the hill and prevent erosion into the lake.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

James Kiefer - Owner of property located at 10506 Paradise Lane, in Govt. Lot 2, Section 2, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, tax parcel number (016-002-008-007.00); wherein a variance is being requested to construct a 30' x 36' detached garage at 40' from the centerline of a town road, located in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for James Kiefer.

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

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

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

There were no questions from the Board.

Mr. James Hansen, Town Planning Commission, stated the Town saw no reason why the variance shouldn't be approved.

People in attendance opposed to the request: none.

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

Deliberation

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

Reasons for Approval:

1. The small and narrow lot drops off towards the back of the lot with a steeper slope which creates a hardship for the owner that prevents him from moving the garage further back from the road.
2. The small odd shaped lot and steep slope cause an unnecessary burden to the owner preventing him from being able to construct a garage on his property which is needed for storage during inclement weather.
3. The request will not be contrary to the public because the garage is located on a dead end town road that is not well traveled, it is not blocking any view and no one would be bothered by it because there are only fields located to the west of its location.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Allen Horst - Owner of property located at 12219 STH 42, in the NW¼, SW¼, Section 35, T21N-R24E, Town of Two Creeks, Manitowoc County, Wisconsin, tax parcel number (017-035-010-000.00) wherein an after the fact conditional use permit is being requested to operate a repair shop business in a GA, General Agricultural zoned district.

Chairperson Bonde opened the public hearing for Allen Horst.

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

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

The Board asked questions related to the business.

Mr. Allen Horst answered the Board's questions.

Mr. Gaedtke asked if the lot was wooded.

Mr. Horst answered yes, along the north & west sides of the shop.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

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

Deliberation

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

Reasons for Approval:

1. The request does not impede the orderly development of the area which is primarily surrounded by agricultural land.

2. The use is compatible with this area because there are woods on two sides of the structure which helps screen it and there are agricultural fields around the property.
3. The intensity of the use will not affect the surrounding properties because it is a small business.
4. The use only consists of a garage and a parking area which fit on the existing parcel.
5. The use does not discourage the appropriate development of adjacent land nor would it impair the value of the surrounding properties because they are surrounded by agricultural fields and another small business across the road.
6. This use will not affect the public's safety because it is set far enough back from the road and it is a small repair business.

Conditions of approval:

1. The business shall be a repair business for agricultural related equipment and trucks.
2. Days of operation shall be Monday thru Saturday.
3. Hours of operation shall be 8:00 a.m. to 5:00 p.m.
4. No fencing is required but it can be used if needed.
5. Lights shall be on the south and west sides of the building.
6. No outside storage of materials, old parts or junk.
7. There can only be three repaired or completed pieces of farm equipment or trucks parked in view of the highway.
8. All other fixed equipment and equipment waiting to be repaired, must be parked on the north or east side of the building. The intent of this condition is to keep the property looking neat and orderly.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Other Business

William Neumann Review

Mr. Gaedtke gave an overview of the previous months review and some instances that have come up.

Mr. Gaedtke explained the Town was concerned about how trucks are to go east on Village Dr. and a couple instances they had gone south on Village Dr., which are violations of the conditions and another issue of having more trucks parked on the property than allowed. He also stated the Town had requested going back to an annual review to see how things progressed. He also stated he talked with Mr. Neumann who was ok with an annual review.

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

Motion by: Mr. Glaeser to approve the review and do yearly reviews for a while to see how the conditional use permit progressed and go longer between reviewing later on, if needed.

Second by: Ms. Vondracheck

Upon vote: The motion was unanimously approved.

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

Dean Schultz Review

Motion made by Mr. Glaeser to have Mr. Schultz come up to talk and seconded by Mr. Schuh. The motion was unanimously approved.

Mr. Gaedtke explained the reason for a late review and an issue that has arisen with the berm being opened to drain water. Another issue was not having two rows of trees along the south side as required by the conditions.

Mr. Schultz explained his reason for not having the trees grow and is willing to put up a fence if the Board wanted in lieu of the trees.

Mr. Schultz explained the reason for opening up the berm was to drain water.

Mr. Gaedtke stated no one at Manitowoc Planning and Zoning is related to Mr. Schultz as it was suggested to an officer.

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

Motion by: Ms. Vondrachek that the Board is satisfied with the review for now but wanted to reopen the hearing to possibly modify some of the conditions.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Schedule Next Meeting: The Board scheduled their next regular meeting for June 20, 2016 and the onsite for June 13, 2016 (Dates and times are subject to change.)

Adjournment

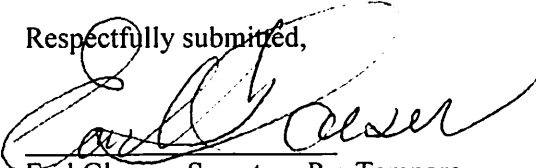
Motion by: Mr. Schuh to adjourn.

Seconded by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,



Earl Glaeser, Secretary Pro Tempore

6.20.16
Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY MEETING NOTICE

DATE: Monday, June 13, 2016
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. **Dean Schultz** – Owner of property located at 5202 Sunset Rd. aka. 5132 Remiker Ln., in Govt. Lot 1, Section 14, T19N-R23E, Town of Manitowoc Rapids – Conditional Use Review
 - 2. **Jon & Jennifer Eis** – Owners of property located at 9412 HWY 42, in the SE¼, SE¼, Section 12, T20N-R24E, Town of Two Rivers – Variance Request
 - 3. **Robert Haddley** – Owner of property located at 10518 Paradise Lane, in Govt. Lot 2, Section 2, T17N-R21E, Town of Schleswig – Variance Request
 - 4. **Steve Konen** - Owner of property located at 16728 Lax Chapel Rd. in the NE¼, SW¼, Section 34, T17N-R21E, Town of Schleswig – Variance Request
 - 5. **Clark Rudd** - Owner of property located at 9318 S Lake Dr. in Govt. Lot 3, Section 7, T18N-R23E, Town of Newton – Variance Request
 - 6. **Michael Oswald** – Owner of property located at 7521 STH 42, in the NW¼, SW¼, Section 19, T20N-R25E, Town of Two Rivers – Conditional Use Request
- IV. Old Business
 - Manitowoc County** – Owner of property located at 3500 STH 310, in the NE¼, SW¼, Section 36, T20N-R23E, Town of Kossuth – Variance Request
- V. Other Business
- VI. Adjournment

Date: June 2, 2016

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

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made. Any person wishing to travel on the on-sites with the Board, should contact the Manitowoc County Planning and Park Commission office at 920-683-4185 at least two business days before the meeting is scheduled so that appropriate accommodations can be made.

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

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

June 13, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, June 13, 2016 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

Board elected a secretary pro tempore for today's meeting due to the secretary being absent. A motion was made by, Ralph Schuh nominating Earl Glaser as secretary for the meeting and seconded by Ms. Vondrachek. Upon vote, the motion was unanimously approved.

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

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

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 13, 2016 meeting. Upon vote, the motion was unanimously approved.

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

The Board received their folders containing the June 20, 2016 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

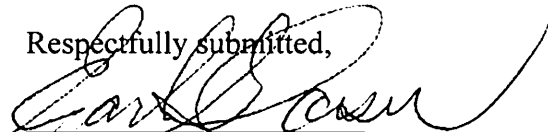
Motion by: Mr. Glaeser to adjourn.

Seconded by: Mr. Schuh.

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,


Earl Glaeser, Secretary Pro Tempore

6-20-16
Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: MONDAY, JUNE 20, 2016
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. **Manitowoc County** – Owner of property located at 3500 STH 310, in the NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 36, T20N-R23E, Town of Kossuth – Variance Request

VI. NEW BUSINESS

Discussion and possible action on:

- 1. **Dean Schultz** – Owner of property located at 5202 Sunset Rd. aka. 5132 Remiker Ln., in Govt. Lot 1, Section 14, T19N-R23E, Town of Manitowoc Rapids – Conditional Use Review
- 2. **Jon & Jennifer Eis** – Owners of property located at 9412 HWY 42, in the SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 12, T20N-R24E, Town of Two Rivers – Variance Request
- 3. **Robert Haddley** – Owner of property located at 10518 Paradise Lane, in Govt. Lot 2, Section 2, T17N-R21E, Town of Schleswig – Variance Request
- 4. **Steve Konen** - Owner of property located at 16728 Lax Chapel Rd. in the NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 34, T17N-R21E, Town of Schleswig – Variance Request
- 5. **Clark Rudd** - Owner of property located at 9318 S Lake Dr. in Govt. Lot 3, Section 7, T18N-R23E, Town of Newton – Variance Request
- 6. **Michael Oswald** – Owner of property located at 7521 STH 42, in the NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 19, T20N-R25E, Town of Two Rivers – Conditional Use Request

VII. OTHER BUSINESS

VIII. ADJOURNMENT

Date: June 2, 2016

Orville Bonde, Board Chair

By: Reed Gaedtke, Code Administrator

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

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

June 20, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, June 20, 2016 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

Board elected a secretary pro tempore for tonight's meeting due to the secretary being absent. A motion was made by, Ms. Vondrachek nominating Earl Glaser as secretary for the night and seconded by Ralph Schuh. Upon vote, the motion was unanimously approved.

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

The roll was called by Earl Glaeser. Members present: Earl Glaeser, Ralph Schuh, Laurel Vondrachek, Allen Kracht and Orville Bonde. Members Absent: Charles Nate. Staff present: Reed Gaedtke.

A motion was made by, Mr. Schuh, seconded by Ms. Vondrachek to approve the agenda for the June 20, 2016 meeting. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Glaeser, seconded by Mr. Schuh to approve the May 16, 2016 meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Ms. Vondrachek, seconded by Mr. Glaeser to approve the June 13, 2016 onsite meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Kracht, 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 three minutes.

Old Business

Manitowoc County – Owner of property located at 3500 STH 310, in the NE¼, SW¼, Section 36, T20N-R23E, Town of Kossuth, Manitowoc, County, Wisconsin, tax parcel number (007-036-009-001.00); wherein a variance is being requested to excavate sand, gravel and rock at 25 feet from the adjacent north property lines located in an ID, Industrial, S1, Shoreland zoned district.

Motion made by Ms. Vondrachek to remove Manitowoc County request from the table and seconded by Mr. Glaeser. The motion was unanimously approved.

Chairperson Bonde reopened the tabled hearing for Manitowoc County.

Mr. Gaedtke read an agreement from the Highway Commissioner, Marc Holsen & John Johnson from Carmeuse Lime and Stone (copy on file).

The Board had questions regarding the distance from property lines.

Mr. Holsen confirmed the distance from the property line would be 50 feet, not 25 feet as originally requested.

Jim Froelich, Town of Kossuth Supervisor, spoke in favor of the request now that a signed agreement is on file.

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

Deliberation

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

Reasons for Approval:

1. The material can only be taken from certain areas and there is no other place on the property to obtain the material. A small river located on the east side of the property limits the available area to extract material which creates a hardship and burden on the owners.
2. Manitowoc County and the property to the north owned by Carmeuse Lime and Stone are both excavating rock in this area.
3. It will not affect the public because the surrounding areas are pits owned by excavating companies.
4. A notification agreement has been signed by Manitowoc County Highway Department and Carmeuse Lime and Stone.

Conditions of approval

1. There shall be verbal conversation between Manitowoc County Highway Department and Carmeuse Lime and Stone regarding blast warnings.
2. A call notification log shall be kept by Manitowoc County Highway Department when they verbally notify Carmeuse Lime and Stone of blasting.
3. Manitowoc County Highway Department will provide a main contact telephone number to Carmeuse Lime and Stone.
4. Carmeuse Lime and Stone will provide a main contact telephone number to Manitowoc County Highway Department.
5. The party to perform the blasting operation shall notify the other affected party 24 hours in advance with an estimated blasting timeframe of the following day and again thirty (30) minutes prior to the actual activity by telephone. The parties must have a verbal conversation and clearly understand the communication. Only leaving a voicemail or message shall not be an acceptable option.
6. Each party shall have a warning siren system in place (either actual owner or blasting subcontractor). This warning siren shall sound five (5) minutes before every actual event. The purpose of the siren is to warn employees in the quarries and allow the areas to be cleared.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

New Business

Dean Schultz – Owner of property located at 5202 Sunset Rd. (aka. 5132 Remiker Ln.), in Govt. Lot 1, Section 14, T19N-R23E, Town of Manitowoc Rapids, Manitowoc County, Wisconsin wherein the Board of Adjustment has requested a hearing to review the conditions of a conditional use permit for an existing landscaping and woodcutting business, in an RR, Rural Residential, zoned district.

Chairperson Bonde opened the public hearing for Dean Schultz.

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

The Board discussed removing the wood cutting portion from the condition.

Mr. Schultz stated he agreed to remove the wood cutting conditions from the permit.

Mr. Glaeser talked about the berm and issues with trees not growing to provide screening.

Mr. Schultz answered and explained the berm issues.

Tom Deets, neighbor down the road, spoke and stated Mr. Schultz is doing a good job and had no complaints. He also stated no vehicles are being parked on the street.

Dan Reimer, property owner to the south and west sides, spoke opposed to the request. He stated the berm is over the property line and it will kill big trees that were already there. He stated grass clippings stink and make the property smell and he continued to state that black ground had been stripped from the property, there was a dead chicken, plastic bottles, glass and a deer head in the berm and voiced concern that a fence would act like a snow fence against his property. He also stated burning occurs there.

Dave Boehm, neighbor on Remiker Ln., spoke opposed to the request. He stated there are garbage bags in the berm and dust and dirt blowing on his property.

Deborah Belland, neighbor on Remiker Ln., spoke and agreed with the other people opposed to the request. There is garbage in the berm and chickens running in people's yards. She stated he should have to abide by Oak Parks Developments requirements.

Jim Reimer, neighbor to the south spoke opposed to the request. He stated the southwest corner has always been the worst and the berm was supposed to be nice and it never has. He also stated aerial photos show the fence is close to the property line and the berm is over.

Mr. Gaedtke read a letter listed as being from Remiker Lane residents into record.

Mr. Schuh commented on the fact that the property is in Manitowoc Rapids and not in the City of Manitowoc so subdivision regulations and city regulations would not apply for that property.

Mr. Schultz replied to the issues that were spoken of. He stated they had an issue with the DNR, who has inspected the property, but have cleared. The issue with the chickens was a one-time situation. He went on to state he paid for a state survey and said the berm is on his property and that grass cutting was done 3 times this year already. There was some garbage in the dirt but that was taken out. He elaborated by saying the garbage is mixed into the dirt sometimes from customers where he gets some of it.

Mr. Gaedtke stated the only correspondence was a statement from Mr. Deets, who called earlier in the day to voice his approval of the conditional use permit (copy on file).

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

Deliberation

Motion by: Mr. Schuh to approve the continued operation of the business under new conditions as the Board feels fit.

Reasons for approval:

1. There was no need to have wood cutting or conditions listed on the permit since it no longer operated as a business.
2. The reason for the berm and fence was to help screen from view.
3. The fence would not impact the neighboring property any differently than trees as far as snow accumulation is concerned. The berm already exists and the trees would have been located closer to the property line. The fence will be shorter than trees and located further from the property line. Therefore, no difference from the original intent.

Conditions of approval:

1. Wood cutting for business purposes could not occur.
2. Four foot high berms shall be located on the east and south sides of the property.
3. A 40 inch high wood fence shall be located on top of the south berm.
4. The south fence should be consistent with the same design and structure as the east fence.
5. Bark, mulch or grass shall be used to cover the berms. (The berms cannot have bare ground.)
6. Weed control must be done to keep the weeds off the outside portion of the east and south berms which face adjacent properties.
7. Snow removal as part of the business can occur anytime.
8. Snow from off premise sites cannot be stored on the property.
9. No piles of rubbish, debris or junk shall be located on the berm, on either side of the east and south fences.
10. The fence, berm and berm cover shall be in place by November 1, 2016.
11. There will be an annual review of the property to occur from this June 2016 approval date. However, the first review will take place at the first meeting that occurs after November 1, 2016.
12. Board can extend the review at any time.
13. If the berm is planted in grass it shall be mowed and well kept.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Jon and Jennifer Eis – Owners of property located at 9412 HWY 42, in the SE¼, SE¼, Section 12, T20N-R24E, Town of Two Rivers, Manitowoc, County, Wisconsin, tax parcel number (018-112-016-000.00); wherein a variance is being requested to construct a 12' x 25' 6" home addition at 88 feet from the centerline of HWY 42 in an EA, Exclusive Agricultural, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Jon and Jennifer Eis.

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

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

The Board asked if there was anything to add to the appeal.

Mrs. Eis, property owner, stated that north was the only direction to build due to other out buildings and the driveway on the other sides.

Ms. Vondrachek questioned where the septic system was located.

Mrs. Eis informed the Board the septic system is north of their house and will be more than the 10 feet that is required.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

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

There being no further comments, Chairperson Bonde closed the public hearing for Jon and Jennifer Eis.

Deliberation

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

Reasons for Approval:

1. The addition is located two feet further back from the centerline of the road.
2. The house is located within the road setback and there was no other location to construct the addition due to the driveway and outbuildings on the property, which creates a burden and hardship for the owners.
3. It will not affect the public because there is a ditch along the road and trees between the house and road which will help screen and protect the addition from vehicles.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Robert Haddley - Owner of property located at 10518 Paradise Lane, in Govt. Lot 2, Section 2, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, tax parcel number (016-002-008-002.00); wherein a variance is being requested to construct a 32' x 60' house addition with an attached garage at 35 feet from the ordinary high water mark of Wilke Lake in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Robert Haddley.

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

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

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

There were no questions from the Board.

Mr. Gaedtke informed the Board averaging can be used, but no closer than 35 feet to the ordinary high water mark.

Ken Smasel, from the Town, stated there is a private road in front of him and they measured the distance at 36 feet from the ordinary high water mark. He also stated the Town is in favor of the request.

People in attendance opposed to the request: none.

Mr. Gaedtke read an email from Town of Schleswig Chairman, Joe Meyer stating the Town is in favor of the variance request (copy on file).

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

Deliberation

Motion by: Ms. Vondrachek to approve the variance request using averaging, but no closer than 35 feet to the ordinary high water mark.

Reasons for Approval:

1. A building pattern for principal structures exists within the setback area.
2. The average distance from the two adjacent residences came to 33 feet. Since the ordinance doesn't allow anything closer than 35 feet the request was approved at 35 feet.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Steve Konen - Owner of property located at 16728 Lax Chapel Rd. in the NE¼, SW¼, Section 34, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, tax parcel number (016-034-009-007.01); wherein a variance is being requested to construct a 40' x 50' detached garage at 45 feet from the centerline of Lax Chapel Rd. in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Steve Konen.

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

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

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

There were no questions from the Board.

Ken Smasel, Town of Schleswig Planning Commission, spoke of the Town being in favor of the request and the property drops off in the back.

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).

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

Deliberation

Motion by: Mr. Glaeser to approve a 40 x 50 foot garage at 45 feet from the center line.

Reasons for Approval:

1. The location of the septic and well on the property along with the sloping back yard create a hardship and burden on the owner preventing him from locating the garage near the house where it is needed.
2. The request does not affect the public interest because it is located far enough from the road, there is a reduced speed limit and the road is located downhill from the garage site

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Clark Rudd – Owner of property located at 9318 S Lake Dr., in Govt. Lot 3, Section 7, T18N-R23E Town of Newton, Manitowoc County, Wisconsin, tax parcel number (014-007-014-004.00); wherein a variance is being requested to construct a 24' x 32' house at 54 feet from the ordinary high water mark of English Lake in a S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Clark Rudd.

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

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

The Board asked if there was anything to add to the appeal.

Mr. Rudd, property owner, stated they will not be going any closer to the high water mark than the current structure is.

The Board had questions regarding the existing shed and if it is going to be raised or replaced and the size.

Mr. Rudd explained the shed will be raised and it is approximately 8 x 12 feet in size.

The Board questioned if the septic system was currently replaced or upgraded.

Mr. Rudd confirmed, yes that is correct.

Laura Henning Lorenz, neighbor to the east, spoke in favor of the request.

Gregory Zahn, neighbor two properties to the east, had no objection to the request.

People in attendance opposed to the request: none.

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

Deliberation

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

Reasons for Approval:

1. The parcel is small and has a unique shape which creates a hardship to locate the structure in a different location. There is also a private dead end road located behind the house which limits the buildable area and creates a burden and hardship on the owner.
2. The current structure is small which creates a burden on the owner because it needs to be updated and bigger to live in.
The house will not have a negative effect on the public because it will be located the same distance from the lake and an existing outbuilding, which is located between the house and ordinary high water mark, will be removed from the property.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Michael Oswald – Owner of property located at 7521 STH 42, in the NW¼, SW¼, Section 19, T20N-R25E, Town of Two Rivers, Manitowoc County, Wisconsin, tax parcel number (018-129-010-002.00); wherein a conditional use permit is being requested to operate an auto-repair business in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Michael Oswald.

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

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

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

The Board questioned if the business would be full time occupation or part time business.

Mr. Oswald informed the Board it will start out as part time but hopefully in time it will be full time.

Ms. Vondrachek questioned the current tires and parts sitting outside and whether or not there were going to be a storage garage. She is concerned about how the property would look once the business starts if there's stuff already stored outside.

Mr. Oswald agreed that those things will need to go and he would store excess items by someone else's place.

The Board questioned how many feet behind the garage he will have as a concern to having vehicles possibly stored back there.

Mr. Oswald stated at about 32 feet it gets wet back there as well, so there is no way he could and he wouldn't put things back there.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

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

Mr. Schuh stated the property was wet and the fill on the property and location it would not be feasible for fencing to screen from the public view.

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

Deliberation

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

Reasons for Approval:

1. The use doesn't impede the orderly development of the district by virtue of the conditions placed on the permit.
2. The use is compatible with the area and the conditions are meant to make sure the site stays orderly and neat in appearance.
3. The intensity of the use will not affect surrounding properties.
4. The conditions limit the size of the business to fit on the parcel.
5. The height, location and size of structures are appropriate for the business level that is anticipated.
6. The use does not discourage any other appropriate development of adjacent land or buildings.
7. The use does not impair the value of surrounding properties.
8. There will be no flashing lights, excessive fumes, noise, vibrations or excessive traffic that would be more objectionable than any other allowed principal use and therefore no danger to the public health safety and welfare.

Conditions of Appeal:

1. No outside storage of salvage parts, material or scrap metal unless it is located in a luger type box that doesn't allow you to see the scrap inside.
2. The luger type boxes cannot be overflowing with scrap, debris or garbage.
3. Luger boxes to be stored on the north or south side of the building.
4. No parking of any kind allowed on either roadway.
5. If the owner decides to use fencing or screening; it cannot obstruct the site triangle.
6. An on premise sign must conform to code requirements.
7. No more than 4 vehicles are allowed to be awaiting repair, outside, at any time.
8. Any lighting for the business needs to be directed away from neighbors and roads.
9. Days of operation will be Monday thru Saturday.
10. Hours of operation will be 6:00 a.m. to 5:00 p.m.
11. Number of employees will be one plus the owner.
12. When the property is sold to a new owner or if the business changes ownership the conditional use permit will become null and void and the new owner shall apply for a new conditional use permit.
13. The conditional use permit can be revoked at any time if there are excessive vehicles or junk accumulation on the property.
14. There will be an annual inspection for the first year and after that the Board can modify the duration, if conditions are satisfactory.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Schedule Next Meeting: The Board scheduled their next regular meeting for July 11, 2016 and the onsite for July 5, 2016 (Dates and times are subject to change.)

Adjournment

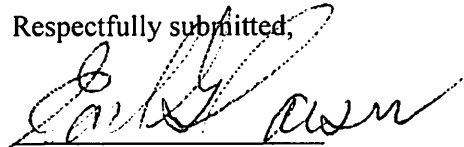
Motion by: Ms. Vondrachek to adjourn.

Seconded by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Earl Glaeser', written over a horizontal line.

Earl Glaeser, Secretary Pro Tempore

7 - 11 - 16

Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY MEETING NOTICE

DATE: Tuesday, July 5, 2016
TIME: 1:00 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 discussed at the meeting:

- I. Call to Order - Roll Call
- II. Approval of Agenda
"Open Meeting Law Compliance"
- III. New Business
 1. **Mark Kornely** – Owner of property located at 5916 Pleasant View Ln., in the SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 19, T20N-R25E, Town of Two Rivers – Conditional Use Request
 2. **Expedition Log Homes LLC** – Owner of property located at 17765 W Washington Rd., in the NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 25, T17N-R21E, Town of Schleswig – Variance Requests
 3. **Lakeside Country Store** – Owner of property located at 12124 STH 42 in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 34, T21N-R24E, Town of Two Creeks - Conditional Use Request
 4. **Daniel Messman** – Owner of property located on Hillview Rd., in the SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 24, T21N-R23E, Town of Gibson – Conditional Use Request
 5. **Greg Goins** – Owner of property located at 959 Crystal Springs Rd., in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, and part of the W $\frac{1}{2}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 28, T20N-R24E, Town of Two Rivers – Conditional Use Request
- IV. Old Business
- V. Other Business
- VI. Adjournment

Date: June 24, 2016

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 5, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 1:00 P.M. on Tuesday, July 5, 2016 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, Orville Bonde and Ralph Schuh.

Staff present for advisory meeting: Reed Gaedtke

A motion was made by Ms. Vondrachek seconded by Mr. Schuh to approve the agenda for the July 5, 2016 meeting. Upon vote, the motion was unanimously approved.

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

The Board received their folders containing the July 11, 2016 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. Schuh to adjourn.

Seconded by: Mr. Nate.

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles E Nate
Charles Nate, Secretary

7-11-2016
Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: MONDAY, JULY 11, 2016
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
- VI. NEW BUSINESS

Discussion and possible action on:

- 1. **Mark Kornely** – Owner of property located at 5916 Pleasant View Ln., in the SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 19, T20N-R25E, Town of Two Rivers – Conditional Use Request
- 2. **Expedition Log Homes LLC** – Owner of property located at 17765 W Washington Rd., in the NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 25, T17N-R21E, Town of Schleswig – Variance Requests
- 3. **Lakeside Country Store** – Owner of property located at 12124 STH 42 in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 34, T21N-R24E, Town of Two Creeks - Conditional Use Request
- 4. **Daniel Messman** – Owner of property located on Hillview Rd., in the SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 24, T21N-R23E, Town of Gibson – Conditional Use Request
- 5. **Greg Goins** – Owner of property located at 959 Crystal Springs Rd., in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, and part of the W $\frac{1}{2}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 28, T20N-R24E, Town of Two Rivers - Conditional Use Request

VII. OTHER BUSINESS

- 1. Clarification of the fence requirements from Dean Schultz's conditional use permit.
- 2. Election of Officers
- 3. Set August meeting date

VIII. ADJOURNMENT

Date: June 28, 2016

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 11, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, July 11, 2016 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 agenda for the July 11, 2016, meeting. 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 June 20, 2016, 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 July 5, 2016, onsite meeting minutes. 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 three minutes.

New Business

Mark Kornely – Owner of property located at 5916 Pleasant View Ln., in the SE¼, NW¼, Section 19, T20N-R25E, Town of Two Rivers, Manitowoc County, Wisconsin, tax parcel number (018-219-008-002.00); wherein a conditional use permit is being requested to operate a mini storage business in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Mark Kornely.

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. Kornely stated this is just a project he's working on toward retirement and is hoping this will help out.

The Board questioned where the sign will be located.

Mr. Kornely stated the sign will probably go where you drive in by the lane.

People in attendance in support of the request: none.

People in attendance opposed to the request: none.

The Board questioned out of the three buildings how many units will be in each one.

Mr. Kornely stated one building will be all 10 x 20's and the other two will contain some 10 x 30's and all will have 10 foot openings, but will be different lengths.

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

Deliberation

Motion by: Ms. Vondrachek to approve the conditional use request to build four storage units.

Reasons for Appeal:

1. The request doesn't impede the orderly development of the area because he is on a dead end road and the property is screened with trees.
2. It's compatible with the district because it's on a dead end road and only has agricultural land around it.
3. The intensity will not affect the area or surrounding properties because it's on a dead end road and no houses nearby.
4. The use fits on the parcel size.

Conditions of Appeal:

1. The permit allows four mini storage units to be constructed on the property.
2. No employees.
3. No fencing required.
4. Can be open 24 hours a day; seven days a week.
5. Dusk to dawn lighting shall be installed wherever it is needed.
6. Owner can have one on premise sign 32 sq./ft. in size.
7. Customer parking will be on the property by the storage units.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Expedition Log Homes LLC – Owner of property located at 17765 W Washington Rd., in the NW¼, SE¼, Section 25, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, tax parcel number (016-025-014-001.00); wherein variances are being requested to construct three on premise business signs on the same property; and to have two of the signs approximately 25 feet tall; and to construct a 5' x 8'9" third sign, which is greater than the 32 sq./ft. minimum in a GA, General Agricultural zoned district.

Chairperson Bonde opened the public hearing for Expedition Log Homes LLC .

Mr. Gaedtker 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, there was not.

Mr. Ken Smasal, Town of Schleswig Supervisor, spoke stating the signs are far enough back and inside a fence. The Town Planning Commission is in favor of the request.

Katherine Ristow, neighbor across the street, spoke opposed to the request, stating a sign that large is visual pollution on an agricultural road.

Mr. Gaedtke read a letter from the Town of Schleswig in favor of the variance request.

Mr. Schuh questioned how much truck traffic there is for deliveries and pickups.

Ms. Jan Koepsell informed they have deliveries and pickups several times a week; it's not daily.

There being no further comments, Chairperson Bonde closed the public hearing for Expedition Log Homes LLC.

Deliberation

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

Reasons for Approval:

1. The steep slope creates an unnecessary hardship for the owner to construct a sign that meets the height requirement. In order to anchor the signs properly they need to be taller because of the slope. Also, the business is located in a deep depression and signs are needed to provide direction to vehicles looking for the business.
2. The property owner would not have reasonable use of the property for signs because the location is on top of a hill with a steep slope behind them. The business is located at the bottom of the depression.
3. The signs are far enough back from the road, they are behind a fence and there is agricultural land across the road.
4. Having the signs will make it easier and safer for trucks looking for the property entrance. They won't need to stop on the road and back up or have to turn around.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Lakeside Country Store – Owner of property located at 12124 STH 42 in the NE¼, SE¼, Section 34, T21N-R24E, Town of Two Creeks, Manitowoc County Wisconsin, tax parcel number (017-034-013-002.00); wherein a conditional use permit is being requested to expand an existing business to include the display and sale of outdoor furniture, seasonal plants and portable storage sheds, located in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Lakeside County Store.

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, there was not.

Ms. Vondrachek questioned how many storage units are planning to be there.

Mr. Benjamin Diller stated there will be eight, but no more than ten.

The Board had questions about having only plants or will there be chips, bark or gravel as well.

Mr. Benjamin Diller informed the Board there is only going to be plants.

Mr. Ronald Mueller, nearby neighbor, spoke in favor of the request stating it has improved the property and is a benefit to the area.

People in attendance opposed to the request: none.

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

There being no further comments, Chairperson Bonde closed the public hearing for Lakeside Country Store.

Deliberation

Motion by: Mr. Schuh to approve and modify the original request by removing condition #9 and add conditions.

Reasons for Approval:

1. The use does not endanger the public's health and safety.
2. The use is compatible with the surrounding area.
3. The use won't impair the value of surrounding properties it will enhance the value.
4. The business will not be contrary to the public because it is a big enough property and there's enough space to allow this type of business.
5. The owner would be burdened by having the sign further from the centerline of the road because the sign would be harder to read by people driving by.
6. The owner has a hardship because he needs a sign for the business which can be seen from the road.

Conditions of Approval:

1. Days of operation will be Monday through Saturday.
2. Hours of operation will be 8:00 a.m. to 6:00 p.m.
3. Number of employees will be 4 to 6.
4. An on premises business sign is permitted.
5. Customer parking is to be as shown on the application.
6. No parking is allowed on the road.
7. Delivery trucks are allowed as listed in the application.
8. No junk or old cars are to be stored or for sale on the property.
9. An annual review is not required.
10. Existing septic system must be inspected for the business to see if it's sized correctly.

11. All sanitary and building permits must be obtained prior to construction.
12. There will be 2 lights allowed on or near the building and 1 light on the sign to show the face(s) of the sign.
13. The sign will need to be within 50 feet of the driveway, parking lot or the business being advertised.
14. The sign will need to be at least 75 feet from the centerline of the road.
15. The sign cannot be built within or overhang the highway right-of-way.
16. The light that will shine up from the ground cannot glare or be directed at any portion of the traveled ways of the highway or interfere with any driver's operation of a motor vehicle.
17. Seasonal food, plants and furniture is allowed.
18. Only 10 portable storage sheds allowed on the property at any time.
19. No items for sale are allowed in the road right-of-way.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Daniel Messman – Owner of property located on Hillview Rd., in the SE¼, NW¼, Section 24, T21N-R23E, Town of Gibson, Manitowoc County Wisconsin, tax parcel number (006-024-008-000.00); wherein a conditional use permit is being requested by the applicant, Lakeside Mennonite Church, to construct and operate a church, school, and cemetery in a proposed RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Daniel Messman.

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, there was not.

The Board had questions regarding the amount of families and children and whether or not those amounts will be able to support the school.

Mr. Titus Beachy, deacon and Mr. Benjamin Diller, applicants answered questions from the Board.

Mr. Diller informed the Board there are 14 families and 21 children. He also stated he does feel they can support the school as they have done it at their current location.

The Board questioned if they had contact with the Town or State regarding what parameters they have for starting a cemetery.

Mr. Diller stated they did as much as they could by talking to surveyors and various individuals. He also stated the surveyor wanted the conditional use permit approved before doing any work.

The Board questioned if they have considered burring their loved ones in a public cemetery.

Mr. Diller stated they have considered this, but make it a practice to put a cemetery by the church.

The Board questioned if a house would be built for the deacon.

Mr. Beachy informed the Board they are building a church house but not a private house.

Mr. Richard Wegner, Town of Gibson Chairperson, spoke in favor of the church and school, but would like it postponed until the Town has a chance to discuss financial securities for the cemetery.

Mr. Dan Chevalier, neighbor, spoke concerned about kids running around, traffic and the noise. He stated he is opposed to the cemetery.

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

Deliberation

Motion by: Mr. Glaeser to table the request until next month to see if the Town can reach an agreement on the cemetery.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Greg Goins – Owner of property located at 959 Crystal Springs Rd., in the NE¼, NW¼, and part of the W½, NW¼, NE¼, Section 28, T20N-R24E, Town of Two Rivers, Manitowoc County, Wisconsin, tax parcel numbers (018-128-005-001.00 and 018-128-002-002.01); wherein a conditional use permit is being requested to operate a private air strip/landing field in a GA, General Agricultural zoned district.

Chairperson Bonde opened the public hearing for Greg Goins.

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. Greg Goins, applicant, spoke and explained his process for rezoning the property, applying for the conditional use permit for the air strip and getting FAA approval.

The Board had questions about the amount of land the applicant has and if it will only operate during daytime hours.

Mr. Goins informed the Board that it will only be operating during daytime hours and will be a minimal amount of operation.

The Board questioned if 2000 feet would be enough and if the strip would be paved.

Mr. Goins stated that 2000 feet would be enough and no, he would not pave the strip.

The Board questioned the honest weekly or monthly use of the strip.

Mr. Goins informed the Board the strip will be used several times a week provided there is good weather conditions.

The Board questioned if there is any commercial purpose and how many planes Mr. Goins owns.

Mr. Goins stated there is no commercial purpose and he currently does not own a plane.

The Board questioned where the location of the next closest air strip is.

Mr. Goins informed the Board the Manitowoc County Airport is the closest air strip excluding private air strips.

Mr. James Wheeler, spoke in favor of the request. He stated the air strip wouldn't be any noisier than snowmobiles or motorcycles driving by.

Mr. Gary Huempfer, spoke in favor of the request. He agrees with Mr. Wheeler the only noise will be from takeoff and will be less noisy than tractors in the fields at night or Harley motorcycles.

Mr. Leon Sigman, flight instructor at Manitowoc County Airport, spoke in favor of Mr. Goins character and supports the request.

Mr. Pete Kober, neighbor, spoke in favor of the request and stated Mr. Goins is a good neighbor and person.

Mr. Marty Kober, spoke in favor of the request, stating he doesn't think there would be a noise problem. He hears dogs barking, lawn mowers and chainsaws all day long. He continued to state you would only hear noise during takeoff and Mr. Goins is a very safe person. He also stated he sees nice houses around airfields so it will not affect property values.

Mr. Clark Shoblaska, neighbor, spoke in favor of the request, and stated Mr. Goins is a good person.

Mr. Greg Klein, spoke in favor of the request, stating he has a private air strip that he had operated for 14 years and has schools come in once in a while to show them planes and stated Greg's strip will look nice.

Mr. Ronald Mueller spoke in favor of the request and stated he used to have a private grass strip located on the charts. By having it on the charts it's restricted for others to land there unless the owner grants someone permission.

Mr. Rick Anschutz, neighbor, spoke in favor of the request. He stated the strip is far off the road and it's Mr. Goins property and feels he should be able to do what he wants provided he has permits and it's not illegal or immoral.

Mr. Greg Veith, adjacent property owner, spoke and stated he is on the fence of what can be done. He feels people should do what they want with the land they own. He is ok with the request as long as there is not a bunch of people flying in and out. He also stated he lived by an airport and once the planes are gone the noise is over. He questioned if there is a club that will land on the strip, but he is in favor of the request if there is not a club that will be using the strip.

Ms. Kelly Koepke, spoke opposed to the request stating she does not want this strip in her backyard.

Mr. Richard Kummer, spoke opposed to the request, stating 33 people signed a petition against the request and is concerned about the noise and feels the value of his land will go down. He is concerned if the fire department can handle the strip and he commented about Mr. Goins's buddies swooping over his land.

Mr. Brian Waskow who lives in the last house on Daisy Ln., spoke opposed to the request, stating it was the first time he seen Greg. He also stated saw planes flying low over his house and is concerned about safety.

Ms. Trisha Jeske, spoke opposed to the request, stating she has an autistic child and said loud noises set him off. She continued to state they had a low flying plane that freaked her out. She is concerned about crashes, maintenance and spills that could occur and to their request she does not want those things in her backyard.

Mr. Daryl Jeske, spoke stating planes were flying over low which made his son upset because they were right above the tree line. He is also concerned about Shoto Fire Department respond time.

Ms. Carrie Taddy, spoke opposed to the request, stating her garden is in her backyard next to the air strip. She stated she wants an organic quiet place to live and this would ruin her dream of a quiet area.

Mr. Goins spoke in rebuttal. He stated he values the privacy and peacefulness of neighbors and talked with lots of people in the neighborhood. He stated he feels Mr. Kummerow attacked his character. He went on to state you can't see the strip. When he would fly the plans to warm up by his barn and head west down the strip for takeoff. The noise would not be any louder than a Harley Davidson or sports car and if he needed to come in from the east it would be due to weather and rare.

Mr. Schuh questioned if Mr. Goins would be sponsoring any fly in events or club events.

Mr. Goins informed Mr. Schuh there will not be any club events, but in winter a few ski planes for a cookout.

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

Deliberation

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

Reasons for Approval:

1. Owner has obtained all his required permits from FAA.
2. The request does not endanger the public health, safety and welfare. He is an experience pilot and all operations will be handled with the upmost safety.
3. The use is in harmony with the orderly development of this district. It is a large area zoned GA which allows for an airstrip.
4. It will not significantly impair the value of surrounding properties. It's never been proven that airstrips have a negative effect on property values.
5. The airstrip is hidden from view. It's just a grass strip.
6. The sounds from the plane will be of very short durations during takeoff and landing.
7. Takeoffs and landings will typically be made during fair weather days.
8. The owner's intention is to take off going west and land going east to minimize flying over neighboring houses.
9. There won't be a lot of structures associated with this use. Only a barn and a wind sock.
10. There can be year round operations with less use in the winter.
11. It's not a business.
12. It's a grass runway rather than a black top runway.
13. Takeoff and landing noises are usually only 20 seconds or a little more.

14. Some of the petition signatures opposing the airstrip were signed under false pretenses.
15. The area is open and the driveway is well kept to allow for easy access to the airstrip for fire trucks and emergency personnel if needed.
16. There's always noise in the country from tractors, cars and motorcycles and the plane noise will be of a shorter duration than those.

Conditions of Approval:

1. The size of the airstrip shall be 75 feet wide by 2000 feet long.
2. The airstrip is for private use only.
3. Year round operation is allowed with fewer times in the winter.
4. Time of operation will be from sunrise to sunset only. No night time use allowed.
5. It cannot be used as a business.
6. The runway shall remain grass.
7. No signs allowed.
8. No lighting allowed for the airstrip.
9. There shall be an annual review of the conditional use permit.
10. Efforts shall be made to avoid overflight of houses in the area whenever possible.
11. Landing by other parties is allowed by owner permission only.
12. The preferred direction for takeoff shall be to the west and landing to the east.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Other Business

Clarification of Dean Schultz's conditional use permit fence condition:

Mr. Gaedtke gave an overview of the current fence conditions and Mr. Schultz's proposal.

Motion by: Mr. Schuh to accept proposal of Dean Schultz and to clarify fence design to be offset every 40 feet by at least 4 feet and with a 36" gap between them as shown on the submitted site diagram. This design meets the intent of the fence requirement, which is to help screen the property while allowing access to the other side of the fence.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Election of Officers:

Motion by: Ms. Vondrachek to have Orville Bonde as Chairperson, Charles Nate as Secretary and Earl Glaeser as Vice Chairperson.

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 August 15, 2016 and the onsite for August 8, 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

8-15-2016

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT ADVISORY MEETING NOTICE

DATE: Monday, August 8, 2016
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. **Jeff and Debbie Saduske** – Owners of property located at 17434 Jambo Creek Rd., in the N $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 11, T21N-R23E, Town of Gibson – Conditional Use Request
 2. **Brian Wojta** – Owner of property located off of Melnik Rd., in the W $\frac{1}{2}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 19, T21N-R23E, Town of Gibson – Conditional Use Request
 3. **Sport Comp Inc.** – Owner of property located at 11224 Zander Rd., in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 3, T21N-R22E, Town of Cooperstown – Conditional Use Request
- IV. Old Business
 1. **Daniel Messman** – Owner of property located on Hillview Rd., in the SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 24, T21N-R23E, Town of Gibson – Conditional Use Request
- V. Other Business
- VI. Adjournment

Date: July 27, 2016

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

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

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

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

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

August 8, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Monday, August 8, 2016 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, Orville Bonde and Ralph Schuh.

Staff present for advisory meeting: Reed Gaedtke and Peter Tarnowski

A motion was made by Mr. Glaeser seconded by Ms. Vondrachek to approve the agenda for the August 8, 2016 meeting. Upon vote, the motion was unanimously approved.
Aye: Glaeser, Schuh, Nate, Bonde and Vondrachek; No: none;

The Board received their folders containing the August 15, 2016 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. Mr. Glaeser and Mr. Bonde will conduct on-sites on their own time.

ADJOURNMENT

Motion by: Mr. Schuh to adjourn.

Seconded by: Mr. Nate.

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles E Nate
Charles Nate, Secretary

8-15-2016
Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: MONDAY, AUGUST 15, 2016
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. **Daniel Messman** – Owner of property located on Hillview Rd., in the SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 24, T21N-R23E, Town of Gibson – Conditional Use Request

VI. NEW BUSINESS

Discussion and possible action on:

- 1. **Jeff and Debbie Saduske** – Owners of property located at 17434 Jambo Creek Rd., in the N $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 11, T21N-R23E, Town of Gibson – Conditional Use Request
- 2. **Brian Wojta** – Owner of property located off of Melnik Rd., in the W $\frac{1}{2}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 19, T21N-R23E, Town of Gibson – Conditional Use Request
- 3. **Sport Comp Inc.** – Owner of property located at 11224 Zander Rd., in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 3, T21N-R22E, Town of Cooperstown – Conditional Use Request

VII. OTHER BUSINESS

- 1. Set September meeting date

VIII. ADJOURNMENT

Date: July 27, 2016

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

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

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

August 15, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, August 15, 2016 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. Nate to approve the agenda for the August 15, 2016, meeting. 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 July 11, 2016, 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 8, 2016, onsite meeting minutes. 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 three minutes.

Old Business

Daniel Messman – Owner of property located on Hillview Rd., in the SE¼, NW¼, Section 24, T21N-R23E, Town of Gibson, Manitowoc County Wisconsin, tax parcel number (006-024-008-000.00); wherein a conditional use permit is being requested by the applicant, Lakeside Mennonite Church, to construct and operate a church, school, and cemetery in a proposed RR, Rural Residential zoned district.

Mr. Gaedtke read a letter from the Town of Gibson requesting postponement for one more month (copy on file).

The Board left the request on the table and went on to New Business.

New Business

Jeff and Debbie Saduske – Owners of property located at 17434 Jambo Creek Rd., in the N½, SW¼, NW¼, Section 11, T21N-R23E, Town of Gibson, Manitowoc County, Wisconsin, tax parcel number (006-011-007-000.00); wherein an conditional use permit is being requested to construct a single family home in a NA, Natural Area zoned district.

Chairperson Bonde opened the public hearing for Jeff and Debbie Saduske.

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, there was not.

Ms. Vondrachek questioned the width of the driveway at 25 ft.

Mr. Saduske informed the Board that the driveway was already in with the required 25 ft. turnouts.

Mr. Richard Wegner, Town of Gibson Chairman, spoke stating the Town is in favor of the request.

People in attendance opposed to the request: none.

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

There being no further comments, Chairperson Bonde closed the public hearing for Jeff and Debbie Saduske.

Deliberation

Motion by: Mr. Schuh to approve the conditional use request to construct a single family home.

Reasons:

1. The use does not impede the orderly development of the district.
2. The use is compatible with the surrounding area.
3. The intensity of a single family residence with an attached garage, will not negatively affect the area or surrounding properties.
4. The use fits on the existing parcel.
5. It will not impair the value of surrounding properties.
6. The location is a thoughtful use of the buildable area of the parcel.
7. There are no height problems.
8. This request had previously been approved but the permit expired.
9. The driveway has already constructed and it is the appropriate width and has the required turnouts for emergency vehicles due to its length.
10. The Town approves of the use.
11. There is no proposed flashing lights, fumes, noises, vibrations or other factors that would be objectionable.
12. The owner agreed to plow snow towards the south and away from the fence line to the north.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Brian Wojta – Owner of property located off of Melnik Rd., in the W½, SE¼, SE¼, Section 19, T21N-R23E, Town of Gibson, Manitowoc County, Wisconsin, tax parcel number (006-019-016-002.00); wherein an conditional use permit is being requested to construct a single family home in a NA, Natural Area zoned district.

Chairperson Bonde opened the public hearing for Brian Wojta.

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, there was not.

The Board had questions regarding if the driveway was wide enough and if it was a private driveway.

Mr. Wojta informed the Board that he did widen the driveway since the on-site meeting and now it is approximately 20-25 ft. wide. Wide enough for two vehicles to be side by side.

Mr. Richard Wegner, Town of Gibson Chairman, spoke stating the Town was in favor of the request.

People in attendance opposed to the request: none.

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

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

Deliberation

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

Reasons for Approval:

1. The use was approved by the Town Board.
2. The property was rezoned to Natural Area to allow this use and it doesn't spoil any good land.
3. The house is back in the woods and will not affect anyone.
4. The driveway is sufficient for ingress and egress.
5. The use fits on the property.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Sportcomp Inc. – Owner of property located at 11224 Zander Rd., in the SE¼, SW¼, Section 3, T21N-R22E, Town of Cooperstown, Manitowoc County, Wisconsin, tax parcel number (003-003-012-001.00); wherein a conditional use permit is being requested to operate a recreational vehicle park, a campsite and to operate a small business consisting of bicycle and running related events and obstacle courses in a GA, General Agricultural zoned district.

Chairperson Bonde opened the public hearing for Sportcomp Inc.

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.

Rick Anschutz and his attorney Ross Kronowske answered questions for the Board.

Mr. Kronowske stated the average amount of riders on the property is 1½ riders per day and stated there is no riding allowed at night. He also informed the Board the highest number of riders at the park at one time was 12 and the next highest amount was 4. Also he stated there is not constant dust or noise at the property.

The Board had questions about how many riders would be expected for the 4th of July.

Mr. Anschutz informed the Board for an event they usually have about 100 to 120 riders and about 400 to 500 people total through the gate.

The Board had questioned parking areas and the duration of the events.

Mr. Anschutz stated there is plenty of parking on the property and there would be no parking on the street. He went on to inform the Board that events usually run from about 7a.m. until 4p.m. Sometimes to 5p.m. or 6p.m. if they need to stop and water the track.

The Board had questions about having sufficient liability.

Mr. Anschutz informed the Board he has liability insurance for events and liability insurance for open riding.

Mr. Anschutz would like to know what an event would cover.

The Board had questions about a daily use limit.

Mr. Anschutz stated he has a limit of 100 members and currently the members are at 84.

The Board questioned the 12 events listed on the application.

Mr. Anschutz stated he's not sure what he wants to do or where he'll be in 10 years and wants to plan for the future. He currently runs 3 to 5 events per year.

The Board had questions about lighting.

Mr. Anschutz informed the Board lighting would only be by the buildings and not on the track.

Mr. Anschutz stated he started racing there as a member in 1977 and just wants a safe place for people to ride.

The Board questioned if there was consideration of having snowmobile races.

Mr. Anschutz informed he would like to have a winter event to offer snowmobilers and that he is right next to the snowmobile trail for convenience.

Mr. Gaedtke asked Mr. Anschutz if an event lasted one day or two days.

Mr. Anschutz stated all of his events are currently held on Sundays only. Most events are one day but a double header event would be a Saturday and Sunday event.

The Board had questioned the time frame for having bicycles, snowmobiles and things currently not running on the property.

Mr. Anschutz stated he'd like to do snowmobiles and is just covering his basis for the future in case the opportunity arises for other types of events.

People in attendance who spoke in support of the request

Mr. Darius Torres spoke in support stating he enjoys the opportunity to ride there.

Mr. David Schmit spoke in support stating he rode there for 14 years and it gives kids something good to do.

Ms. Sari Griffin spoke in support stating it helps support local businesses.

Ms. Shawn Miller spoke in support. She stated her kids and husband ride there, people are respectful and it helps teach kids respect.

Mr. Edward Wagner spoke in support stating he rode there from 1975 to 1978 and stated it gave him something to do and will help kids focus on something good.

Mr. Mel Piontek spoke in support stating he belonged to the old club and said it is better now than it was before. He rode for 40 plus years and they are family type events.

Mr. Rich Rothmund spoke in support stating it gets people outside and helps keep businesses, like his, going.

Ms. Pam Kobalt spoke in support. She has lived .6 miles from the track for approximately 38 years and to track operating then. She stated she was on the plan commission for the Town and at that time a place was needed for recreation.

Mr. Dave Elby spoke in support stating he was the original owner who bought the track in 1970 and started having races in 1971. They had 300 to 450 riders for motocross at that time. He also stated Mr. Anschutz will have a max of 150 riders and that the track was already there so everyone that lives out there had built after the track was there.

Mr. Timothy Verkuilen spoke in support stating he chose to buy a house in the area because of the track and became a track member.

Mr. James Falkowski spoke in support and stated the Town is County zoned, not Town zoned.

Mr. Monty Griffin spoke in support stating he moved his family here from Utah in 1999 and could not find many places in Wisconsin to ride. This place gave him and his boys a place to ride.

Mr. John Kronenburg spoke in support of the request.

Mr. Kelly Froelich spoke in support stating he personally rides and is the president of an atv club in Kewaunee. He also stated people have family fun at these events and it economically helps areas.

Mr. Jeff Pelishek spoke in support stating he has spent hours working with Mr. Anschutz trying to make the property better and safer for everyone.

Ms. Jessica Ladd spoke in support and would like to see the track stay open so she can continue riding.
People in attendance opposed to the request

Mr. Mike Boeselager spoke opposed stating large events bring strangers into the area and he is concerned with noise, dust and that the track impairs the value of surrounding properties.

Mr. Edward Kass spoke opposed stating he is concerned with increasing the number of events and recreational vehicles. The expansion would have a negative effect on his property and property value.

Ms. Cindy Smeester, who lives next to the track spoke opposed. She stated she has left her house during past events and does not want to have to leave even more because of an increase of events.

Ms. Kathy Enz, lives adjacent to the track and spoke opposed and was concerned if a motorcycle goes off the track and something happens on her property. She's worried she'd be liable. She also questioned who would be liable if something happened on the County trail.

Mr. William Enz spoke as a Town Board member and stated the Town had road stipulations and there already were 2 violations with the property. He also stated concern about the need for more fire and rescue and informed the Board that the track did not run continually since 1971; it was down for 2 to 4 years.

Mr. Pat VanGroll, Town Supervisor spoke opposed and would like to see the members and owner be more neighbor friendly. He'd like to see more restrictions and conditions if approved.

Mr. Gaedtke read letters of correspondence (copies on file).

Mr. Anschutz and Mr. Ross Kronowske gave a final comment.

Mr. Kronowske addressed the issue of dust and stated there is no substantiated evidence of dust.

Mr. Anschutz addressed noise concerns and explained that 70 to 80 decibels is the level of normal talking. He gave an example of shooting a gun which he said is more than 100 decibels and said you couldn't hunt with an 80 decibel requirement.

Mr. Anschutz also stated they are doing what they can to comply with concerns. As far as days and hours of operation of what he is asking for, it is less than what is allowed on the county snowmobile trail.

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

Deliberation

Motion by: Mr. Glaeser to postpone allowing the Board time to review material and no more input will be taken.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Schedule Next Meeting: The Board scheduled their next regular meeting for September 19, 2016 and the onsite for September 13, 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 Nate, Secretary

Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY MEETING NOTICE

DATE: Tuesday, September 13, 2016
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. **Fredrick Beachy** – Owner of property located at 3613 East Assman Rd., in the NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 28, T21N-R24E, Town of Mishicot – Conditional Use Request
 - 2. **Paul & Vickie Hurda** – Owners of property located at 7310 Stone Rd., in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 21, T20N-R23E, Town of Kossuth – Variance Request
 - 3. **North Rock Hill LLC** – Owner of property located on the southwest corner of the intersection of CTH VV and Riverview Dr. in the SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 25, T20N-R24E, Town of Two Rivers – Variance Request
 - 4. **Luke Koenigs** – Owner of property located at 22008 Townline Rd., in the NW $\frac{1}{4}$, SW $\frac{1}{4}$, and the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, T18N-R21E, Town of Eaton– Variance Request
 - 5. **Michael and Lou Ann Herzog** - Owners of property located off of Point Creek Rd., in the SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 5, T17N-R22E, Town of Eaton – Conditional Use Request
 - 6. **Richard and Mary Haupt Trust**– Owner of property located on Homestead Rd., in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 11, T19N-R23E, Town of Manitowoc Rapids – Conditional Use Request
- IV. Old Business
 - 1. **Daniel Messman** – Owner of property located on Hillview Rd., in the SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 24, T21N-R23E, Town of Gibson – Conditional Use Request
 - 2. **Sportcomp Inc.** - Owner of property located at 11224 Zander Rd., in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section T21N-R22E, Town of Cooperstown – Conditional Use Request
- V. Other Business
- VI. Adjournment

Date: August 30, 2016

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 13, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Tuesday, September 13, 2016 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, and Orville Bonde. Absent: Ralph Schuh.

Staff present for advisory meeting: Reed Gaedtke

A motion was made by Mr. Glaeser seconded by Ms. Vondrachek to approve the agenda for the September 13, 2016 meeting. Upon vote, the motion was approved.

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

The Board received their folders containing the September 19, 2016 hearing requests.

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. Glaeser.

Upon vote: The motion was approved.

Aye: Glaeser, Nate, Bond, and Vondrachek; Absent: Schuh; No: none;

Respectfully submitted,

Charles Nate, Secretary

Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

MEETING NOTICE

DATE: MONDAY, September 19, 2016
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. **Daniel Messman** – Owner of property located on Hillview Rd., in the SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 24, T21N-R23E, Town of Gibson – Conditional Use Request
- 2. **Sport Comp Inc.** – Owner of property located at 11224 Zander Rd., in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 3, T21N-R22E, Town of Cooperstown – Conditional Use Request

VI. NEW BUSINESS

Discussion and possible action on:

- 1. **Fredrick Beachy** – Owner of property located at 3613 East Assman Rd., in the NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 28, T21N-R24E, Town of Mishicot – Conditional Use Request
- 2. **Paul & Vickie Hurda** – Owners of property located at 7310 Stone Rd., in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 21, T20N-R23E, Town of Kossuth – Variance Request
- 3. **North Rock Hill LLC** – Owner of property located on the southwest corner of the intersection of CTH VV and Riverview Dr. in the SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 25, T20N-R24E, Town of Two Rivers – Variance Request
- 4. **Luke Koenigs** – Owner of property located at 22008 Townline Rd., in the NW $\frac{1}{4}$, SW $\frac{1}{4}$, and the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33, T18N-R21E, Town of Eaton– Variance Request
- 5. **Michael and Lou Ann Herzog** - Owners of property located off of Point Creek Rd., in the SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 5, T17N-R22E, Town of Eaton – Conditional Use Request
- 6. **Richard and Mary Haupt Trust**– Owner of property located on Homestead Rd., in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 11, T19N-R23E, Town of Manitowoc Rapids – Conditional Use Request

VII. OTHER BUSINESS

- 1. Set October meeting date

VIII. ADJOURNMENT

Date: August 30, 2016

Orville Bonde, Board Chair

By: Reed Gaedtke, Code Administrator

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

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

September 19, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, September 19, 2016 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 September 19, 2016 meeting. 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 August 15, 2016 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 September 13, 2016 onsite meeting minutes. 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 each person would be limited to three minutes during public input.

Old Business

Daniel Messman – Owner of property located on Hillview Rd., in the SE¼, NW¼, Section 24, T21N-R23E, Town of Gibson, Manitowoc County Wisconsin, tax parcel number (006-024-008-000.00); wherein a conditional use permit is being requested by the applicant, Lakeside Mennonite Church, to construct and operate a church, school, and cemetery in a proposed RR, Rural Residential zoned district.

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

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Mr. Gaedtke read a letter from the Town of Gibson approving of the church and school but asked for the cemetery portion of the application to remain postponed (copy on file).

Deliberation

Motion by: Ms. Vondrachek to approve the conditional use request for the school and church but to postpone the cemetery request until the Board of Adjustment receives further notice from the Town of Gibson.

Reasons for Approval:

1. The use does not impede the orderly development of the district.
2. The church and school fit on the parcel.
3. The use is compatible with the surrounding area.
4. The use will not discourage the appropriate development or use of the adjacent agricultural land or resident next door.
5. There will be no flashing lights, fumes, noise or vibrations that would be objectionable.
6. The church and school will not endanger the public's health, safety or welfare.

Conditions of Approval:

1. Dusk to dawn lighting will be located on the buildings according to the application.
2. They are allowed an on premise sign that meets ordinance requirements.
3. Number of teachers will be 2 according to the application.
4. Days for school will be Monday thru Friday.
5. Days for church will be Sunday, as requested in the application.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Sportcomp Inc. – Owner of property located at 11224 Zander Rd., in the SE¼, SW¼, Section 3, T21N-R22E, Town of Cooperstown, Manitowoc County, Wisconsin, tax parcel number (003-003-012-001.00); wherein a conditional use permit is being requested to operate a recreational vehicle park, a campsite and to operate a small business consisting of bicycle and running related events and obstacle courses in a GA, General Agricultural zoned district.

Motion by: Mr. Glaeser to remove the request from the table for deliberation.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Mr. Gaedtke stated public input was taken at the August meeting and the Board stated they would make their decision at tonight's meeting.

The Board discussed what constitutes an event.

They Board wanted clarification on some issues and requested Mr. Rick Anschutz answer some questions.

Motion by: Mr. Glaeser to open the hearing and have Mr. Anschutz come forward and answer some questions.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

The Board asked Mr. Anschutz questions regarding the number of events, hours, employees and the PA system.

Mr. Anshutz stated he didn't know what the Board of Adjustment considered an event. He stated if an event is considered 2 days then he would need 6 events total but if an event is considered 1 day; then he would need 12 event days.

The Board wanted to know who was allowed to use the property during non-event times and Mr. Anschutz stated only members could use the property during non-event times.

The Board excused Mr. Anschutz and Chairperson Bonde closed the public hearing.

Deliberation

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

Findings of Facts and Reasons for Approval:

1. The use of the motocross track on Zander Rd. had been initiated in 1971 for the purpose of operating motorcycles and ATV's. While there is conflicting information and testimony regarding whether or not it was continuous and thereby non-conforming but grandfathered by virtue of the request to expand the use to snowmobile events, bicycles, running, sledding and overnight camping; a conditional use permit is required.
2. The proposed use fits on the parcel size as proposed.
3. The town board of Cooperstown has approved the use of the property for motorsports as applied for with the exception of snowmobiles. While they have allowed the current use in the past, no rationale or reasoning has been provided for the snowmobile exclusion. Additionally, there was conflicting testimony given by town board members that limits the value of the town board's input in this case.
4. Some local residents testified there is a fear that their property values will be negatively impacted by the activity on this property. However there was no substantiation of that claim. Furthermore, there was testimony of other local residents that they actually moved there because of the existence of the track. Therefore a significant impairment of real estate values or further development is not evident.
5. The main issues with regard to the motorsports use at the property are fugitive dust, noise, traffic, and hours of operation. These issues are addressed by the conditions being imposed upon the activity.

Conditions of Approval:

1. Motorcycles, ATV's and UTV's may only be used on the property during normal membership times.
2. Motorcycles, ATV's, UTV's, snowmobiles, bicycles, sledding, running and camping may only be used for scheduled events relating to those activities.
3. No other motorized vehicle activity is authorized except for track maintenance.
4. The use of the property is restricted to the owner, employees, and members with the exclusion of events.
5. Membership is capped at 100 members. A membership is defined as a single person or a family. A family is defined as: "an immediate family in whole or part, consisting of father, mother, sons and daughters under the age of 18 years".
6. Events shall be limited to 12 per year. Each day of activity by non-members shall constitute an event.
7. Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. or dusk, whichever is earlier; all year. Except for events which shall be allowed from 7:00 a.m. to 8:00 p.m. or dusk, whichever is earlier. With the exception of a single July 4th event which is extended to 11:00 p.m.
8. Days of operation for members will be 7 days per week.
9. Fireworks are not permitted without a Town permit.

10. Dust control measures shall be employed regularly in an effort to minimize fugitive dust. Especially during events or dry weather.
11. Engine noise shall not exceed 96 dB, and shall be measured at the source using proper instruments in a prescribed manner by the manufacturer and by using commonly accepted practices.
12. Use of a public address system is acceptable for announcements and safety purposes; however the volume must not be excessive. The hours for using the PA system is the same hours as listed for events.
13. Safety fencing must be maintained to separate spectators from participant activity.
14. A maximum of ten employees are allowed.
15. The normal 60 foot setback from Zander Rd. must be maintained for the track or any motorized activity; excluding maintenance.
16. There will not be any additional lighting allowed for night events or after hours operations, parking, or camping areas. Lighting will be restricted to normal building perimeter lighting.
17. Camping is restricted to members, employees and participants and cannot be continuous. A camper cannot be left on the premise for more than 5 consecutive days without being removed from the property for at least 7 days.
18. No alcoholic beverages will be sold.
19. Camping, food, and beverage service shall comply with Health Department regulations.
20. Signage will be limited to a single code conforming sign at the property entrance.
21. There will be no parking on any town roads by employees, participants, or attendees.
22. Trash and garbage shall be picked up and removed routinely to ensure a sanitary and clean environment and not accumulate on the property or become windblown.
23. This conditional use permit will be subject to a one year performance review by the Board of Adjustment. Subsequent timing of additional reviews will be at the discretion of the Board of Adjustment based upon the findings at the time.
24. The owner shall keep records regarding memberships, events, watering and frequency of property use, and any other pertinent information to be used for review purposes.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

New Business

Fredrick Beachy – Owner of property located at 3613 East Assman Rd., in the NW¼, SE¼, Section 28, T21N-R24E, Town of Mishicot, Manitowoc County, Wisconsin, tax parcel number (013-128-014-003.00); wherein a conditional use permit is being requested to operate a small wood working business with a showroom in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Fredrick Beachy.

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

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

The Board asked Mr. Beachy questions regarding his conditional use permit request.

People in attendance in favor of request: none.

People in attendance opposed to the request: none.

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

Deliberation

Motion by: Mr. Glaeser to approve the conditional use request to operate a wood finishing business with a showroom.

Reasons for approval:

1. The use does not impede the orderly development of the district.
2. The use is compatible with the surrounding area.
3. The use will not have a negative effect on surrounding properties.
4. The use fits on the existing parcel size.
5. The location has proper access that would be sufficient for the use.
6. The structure is acceptable to the surrounding community.
7. The use does not discourage appropriate development of the surrounding properties or buildings.
8. It will not impair the value of surrounding areas.
9. There are no proposed flashing lights, fumes, noises, vibrations, traffic or other factors that would be objectionable.
10. The use will not endanger the public's health, safety or welfare.

Conditions of approval:

1. Days of operation will be Monday thru Saturday.
2. Hours of operation will be 7:30 a.m. to 5:00 p.m.
3. Number of employees will be 5.
4. No fencing is needed.
5. Lighting will be a pole light on the building.
6. An on premise 32 sq./ft. sign is allowed.
7. Must have at least two customer parking spaces provided by the shop.
8. Five employee parking spaces.
9. Outside deliveries can occur one time per week.
10. Owner must check with the Township regarding any requirements for unloading on the road.
11. No outside storage of junk or materials.
12. A dumpster is allowed.
13. Approval is subject to rezone approval by the County Board.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Paul & Vickie Hurda – Owners of property located at 7310 Stone Rd., in the NE¼, SE¼, Section 21, T20N-R23E, Town of Kossuth, Manitowoc County, Wisconsin, tax parcel number (007-021-013-001.00); wherein a variance is being requested to construct a 60' x 96' agricultural building at 0 feet from the west property line in an SE, Small Estate Residential zoned district.

Chairperson Bonde opened the public hearing for Paul & Vickie Hurda.

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

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

The Board asked Paul & Vickie Hurda questions regarding their variance request.

The Board was concerned about trying to repair the building in the future if the property to the west was ever sold and the building was located right on the property line.

Mr. Hurda mentioned the well which currently limits his ability to get some items in the building, may be changed to a cased well in the future.

People in attendance in favor of request: none.

People in attendance opposed to the request: none.

Mr. Gaedtke read a letter from the Town of Kossuth opposed to the 0' setback but approving of a 5' setback if the Board's findings allowed for it (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Paul & Vickie Hurda.

Deliberation

Motion by: Mr. Glaeser modified the original request and then approved the modified variance request to construct a 60' x 96' agricultural and storage building at 5 feet from the west property line.

Reasons for Approval:

1. The narrow lot, location of the pit well and the layout of the existing buildings create a hardship and unreasonable burden on the home owner preventing him from meeting the required setback for the size of the structure needed to store equipment and trailers.
2. The structure does not harm or negatively affect the public's interest. He owns the property to the west.
3. This building will help organize the property.
4. Items should not be lying around the property and should be stored in the new building.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

North Rock Hill LLC – Owner of property located on the southwest corner of the intersection of CTH VV and Riverview Dr. in the SE¼, NW¼, Section 25, T20N-R24E, Town of Two Rivers, Manitowoc County, Wisconsin, tax parcel number (018-125-008-010.02); wherein variances are being requested by the applicant, Jeff Check, to construct a 60' 6" x 61' 2" home with an attached deck and an attached 20' x 30' carport at 73 feet from the center line of CTH VV and at 40 feet from the ordinary high water mark of the East Twin River and within the road site triangle; and to construct a 28' x 49' detached garage with a carport at 63 feet from the centerline of CTH VV and at 35 feet from the ordinary high water mark of the East Twin River; and to construct an approximate 6' high x 170' long retaining wall at 5 feet from the east property line and at 35 feet from the ordinary high water mark of the East Twin River; and to construct a driveway with a 30' wide boat ramp access at 0 feet from the ordinary high water mark of the East Twin River located in a RR, Rural Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for North Rock Hill LLC.

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

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

The Board asked Jeff Check, owner of North Rock Hill LLC, and Allen Bergseth, the proposed buyer, questions regarding the appeal.

Mr. Bergseth stated the structures will be located outside of the site triangle and that the County Highway Department wanted the driveway located greater than 200' from Riverview Drive.

People in attendance who spoke in support of the request: Phil and Julia Clenny stated they were in favor of the request because it won't impede their view of the river.

People in attendance opposed to the request: none.

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

Mr. Gaedtke read a letter from the Wisconsin Department of Natural Resources representative; Dale Rezabek opposed to the variance requests (copy on file).

Mr. Bergseth stated he would be willing to put a drain in the driveway to collect water runoff and divert it to some type of retention pond.

There being no further comments, Chairperson Bonde closed the public hearing for North Rock Hill LLC.

Deliberation

Motion by: Ms. Vondrachek to approve the variance request as proposed with conditions.

Reasons for Approval:

1. The very steep slope and erodible soils along with the very unique lot shape creates an unnecessary hardship for the owner.
2. The steep slope and unique lot shape also reduce the buildable area and create a burden on the owner that prevents him from reasonably using the property.
3. The request does not have a negative effect on the public interest because the approved structures will improve the area and the retaining wall and retention pond will reduce sediment going into the river.
4. The retaining wall will help reduce runoff and erosion by holding back soils and water runoff.

Conditions of Approval:

1. Owner must install a centrally located drain in the driveway to catch most of the driveway's water runoff and carry it to a retention pond or rain garden.
2. The front 35 feet from the ordinary high water mark along the width of the lot shall remain natural vegetation and undisturbed.
3. No sheds, boathouses or any other structure is allowed in the front 35 feet of the ordinary high water mark with the exception of the approved boat ramp.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Luke Koenigs – Owner of property located at 22008 Townline Rd., in the NW¼, SW¼, and the SW¼, SW¼, Section 33, T18N-R21E, Town of Eaton, Manitowoc County, Wisconsin, tax parcel number (004-033-010-005.00); wherein a variance is being requested to construct a 12' x 22' home addition at 47 feet from the center line of the road in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Luke Koenigs.

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

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

The Board asked Luke Koenigs questions regarding his variance request.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

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

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

Deliberation

Motion by: Ms. Vondrachek to approve the variance request to construct a 12' x 22' home addition at 47 feet from the center line of the road.

Reasons for Approval:

1. The steep slope at the front of the property and the unique lot size creates an unnecessary hardship and burden for the owner to construct the needed addition.
2. The owner is burdened because the house and deck are located close to the road already.
3. The request will not have a negative effect on the public because the addition will be up on a hill and there is a steep slope and trees that would prevent any vehicle from hitting the addition.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Michael and Lou Ann Herzog - Owners of property located off of Point Creek Rd., in the SE¼, SE¼, Section 5, T17N-R22E, Town of Meeme, Manitowoc County, Wisconsin, tax parcel number (012-005-016-000.00); wherein a conditional use permit is being requested to construct a single family residence and a detached garage in a NA, Natural Area zoned district.

Chairperson Bonde opened the public hearing for Michael and Lou Ann Herzog.

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

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

The Board asked Michael and Lou Ann Herzog questions regarding their conditional use permit request.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

Mr. Gaedtke read an email from DNR Wetland Regulator, Carrie Webb, regarding the existing driveway through a wetland area stating if the driveway is widened the owners would need a permit from the DNR (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Michael and Lou Ann Herzog.

Deliberation

Motion by: Mr. Glaeser to approve the conditional use request for a home and detached garage in an NA zoned district.

Reasons:

1. The proposed use does not endanger the public's health, safety or welfare.
2. The use is in harmony with the orderly development of the district.
3. The use fits on the existing parcel; it is a large parcel with a field area.
4. The parcel has a proper access for the proposed use.
5. The area is one of the best sites in the county for constructing a home.
6. The use does not impede the orderly development of the district.
7. The use will not impair the value of the surrounding properties because it is a home.
8. There will be no proposed flashing lights, fumes, noises, vibrations or other factors that would be objectionable.
9. Even though there is an existing driveway; it must meet ordinance requirements.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Richard and Mary Haupt Trust– Owner of property located on Homestead Rd., in the SW¼, NW¼, Section 11, T19N-R23E, Town of Manitowoc Rapids, Manitowoc County, Wisconsin, tax parcel number (010-011-007-003.00); wherein a conditional use permit is being requested by the applicants, JSL Real Estate LLC and Mitch Wallin, to operate a small auto repair and sales business in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Richard and Mary Haupt Trust.

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

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

The Board asked John Lukas, from JSL Real Estate LLC, and Mitch Wallin, the proposed business operator, questions regarding the conditional use permit request.

People in attendance in favor of the request: John Jost, Supervisor for the Town of Manitowoc Rapids, stated the town was in favor of the request.

People in attendance opposed to the request: none.

Mr. Gaedtke read a letter from the Town of Manitowoc Rapids in favor of the variance request with a request that a condition be added that no junk cars are allowed to be placed on the property (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Richard and Mary Haupt Trust.

Deliberation

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

Reasons for approval:

1. No one spoke out against the request.
2. The Town of Manitowoc Rapids was in favor of the request.
3. The use does not impede the orderly development of the district.

Conditions of approval:

1. There will be no outside storage of materials.
2. A sign is allowed on the property.
3. Hours of operation will be 9:00 a.m. to 5:00 p.m.
4. Days of operation will be Monday thru Saturday.
5. Number of employees will be 2.
6. No more than 8 cars can be displayed for sale at any time and no more than 10 vehicles can be sitting on the property waiting to be repaired. Therefore, the total number of vehicles allowed on the property would be 18.
7. The 10 vehicles waiting to be repaired must be parked behind the garage on the north side of the building.
8. There will be a 2 year review of the property.
9. No junked vehicles allowed on the property.

Second by: Ms. Vondrachek

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 Monday October 17, 2016 and the onsite for Wednesday October 12, 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,


Ralph Schuh, Secretary Pro Tempore

10/17/16
Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY MEETING NOTICE

DATE: Wednesday, October 12, 2016
TIME: 9:00 a.m.
PLACE: Manitowoc County Office Complex
4319 Expo Dr., Manitowoc, WI 54220

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

- I. Call to Order - Roll Call
- II. Approval of Agenda
"Open Meeting Law Compliance"
- III. New Business
 - 1. **Thomas Thuecks** – Owner of property located at 10622 Sunny Vista Ln., in Govt. Lot 4, Wilke's Lake Subd. Lot 22, Section 2, T17-R21E, Town of Schleswig – Variance Request
 - 2. **Anthony Swetlik** – Owner of property located at 10318 Popelar Rd., in the SW¼, NE¼, Section 8, T20N-R23E, Town of Kossuth – Conditional Use Request
 - 3. **Ryan Ross** – Owner of property located at 7721 STH 147, in the SW¼, NE¼, Section 22, T20N-R24E, Town of Two Rivers– Conditional Use Request
- IV. Other Business
 - 1. **Daniel Messman** – Owner of property located on Hillview Rd., in the SE¼, NW¼, Section 24, T21N-R23E, Town of Gibson – cemetery portion of Conditional Use Request
 - 2. **141 Speedway Review**
- V. Adjournment

Date: September 28, 2016

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, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Wednesday, October 12, 2016 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

A motion was made by Mr. Bonde, seconded by Ms. Vondrachek to elect Ralph Schuh as the secretary pro tem for today's meeting. Upon vote, the motion was approved.

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

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

Staff present for meeting: Reed Gaedtke and Andrea Raymakers

A motion was made by Ms. Vondrachek seconded by Mr. Glaeser to approve the agenda for the October 12, 2016 meeting. Upon vote, the motion was approved.

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

The Board received their folders containing the October 17, 2016 hearing requests.

Mr. Gaedtke gave a quick overview of each request.

The Board proceeded to the on-sites along with Ms. Raymakers and returned to the Manitowoc County Office Complex when completed. Mr. Bonde was unable to attend the on-site portion of the meeting.

ADJOURNMENT

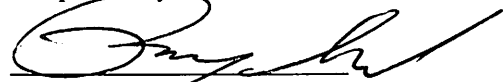
Motion by: Ms. Vondrachek to adjourn.

Seconded by: Mr. Schuh

Upon vote: The motion was approved.

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

Respectfully submitted,



Ralph Schuh, Secretary Pro Tempore

10/17/16
Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT MEETING NOTICE

DATE: Monday, October 17, 2016
TIME: 7:00 P.M.
PLACE: Manitowoc County Office Complex
4319 Expo Dr., Manitowoc, WI 54220

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

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

Discussion and possible action on:

1. **Daniel Messman** – Owner of property located on Hillview Rd., in the SE¼, NW¼, Section 24, T21N-R23E, Town of Gibson – cemetery portion of the Conditional Use Request

VI. NEW BUSINESS

Discussion and possible action on:

1. **Thomas Thuecks** – Owner of property located at 10622 Sunny Vista Ln., in Govt. Lot 4, Wilke's Lake Subd. Lot 22, Section 2, T17-R21E, Town of Schleswig – Variance Request
2. **Anthony Swetlik** – Owners of property located at 10318 Popelar Rd., in the SW¼, NE¼, Section 8, T20N-R23E, Town of Kossuth – Conditional Use Request
3. **Ryan Ross** – Owner of property located at 7721 STH 147, in the SW¼, NE¼, Section 22, T20N-R24E, Town of Two Rivers– Conditional Use Requests

VII. OTHER BUSINESS

1. 141 Speedway Annual Review
2. Clarification on condition number 12 of the Sportcomp Inc. conditional use permit.
3. Set October meeting date

VIII. ADJOURNMENT

Date: October 3, 2016

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

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

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

October 17, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, October 17, 2016 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The Board elected a secretary pro tempore for tonight's meeting due to the secretary being absent. A motion was made by, Earl Glaeser nominating Ralph Schuh as secretary pro tempore for the night. Seconded by Ms. Vondrachek. Upon vote, the motion was unanimously approved.

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

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

A motion was made by, Mr. Schuh, seconded by Mr. Glaeser to approve the agenda for the October 17, 2016 meeting. Upon vote, the motion was unanimously approved.

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

A motion was made by, Ms. Vondrachek, with a minor change, seconded by Mr. Schuh to approve the September 19, 2016 meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Glaeser, seconded by Mr. Schuh to approve the October 12, 2016 onsite meeting minutes. Upon vote, the motion was unanimously approved.

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

Mr. Gaedtke asked for a moment of silence out of respect for secretary, Charles Nate, who recently passed away.

Mr. Gaedtke explained the procedure for tonight's meeting 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 each person would be limited to three minutes during public input.

Old Business

Daniel Messman – Owner of property located on Hillview Rd., in the SE¼, NW¼, Section 24, T21N-R23E, Town of Gibson, Manitowoc County Wisconsin, tax parcel number (006-024-008-000.00); wherein a conditional use permit is being requested by the applicant, Lakeside Mennonite Church, to construct and operate a church, school, and cemetery in a proposed RR, Rural Residential zoned district.

Mr. Gaedtke informed the Board the Town of Gibson is still working with the Menonite church regarding the cemetery request, so the request would remain postponed.

New Business

Thomas Thuecks – Owner of property located at 10622 Sunny Vista Lane, located in Govt. Lot 4, Wilke's Lake Subd. Lot 22, Section 2, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin,

tax parcel number (016-540-000-022.00); wherein a variance is being requested to construct a 40' x 78' house with an attached garage at 21 feet 1 inch from the ordinary high water mark of Wilke Lake in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Thomas Thuecks.

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

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

The Board asked if there was anything to add to the appeal.

Mr. Thuecks stated he is looking to use this for his retirement home.

Mr. Gaedtke informed the Board Mr. Thuecks applied for the variance prior to the new shoreland ordinance, therefore the old shoreland regulations would apply.

The Board asked Thomas Thuecks questions regarding his variance request.

Ken Smasal, from the Town of Schleswig, spoke stating the Town was in favor of the request.

People in attendance opposed to the request: none.

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

Deliberation

Motion by: Ms. Vondrachek to approve the variance request at 21 feet 1 inch based on averaging.

Reasons for Approval:

1. A development pattern exists in which the neighboring homes are located within the 75 foot setback from the ordinary high water mark.
2. Based on the averaging method used in the ordinance at the time the application was submitted, the average of the two adjacent homes from the ordinary high water mark is 21 feet 1 inch.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Anthony Swetlik – Owners of property located at 10318 Popelar Rd., in the SW¹/₄, NE¹/₄, Section 8, T20N-R23E, Town of Kossuth, Manitowoc County, Wisconsin, tax parcel number (007-008-003-004.00); wherein a conditional use permit is being requested to operate a landscape business in a GA, General Agricultural zoned district.

Chairperson Bonde opened the public hearing for Anthony Swetlik.

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

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

The Board asked if there was anything to add to the appeal.

Mr. Swetlik stated the business had currently been running for the past 30 years under a conditional use permit at a different location and there have never been any problems.

The Board asked Anthony Swetlik if he was going to purchase the business and move its entirety.

Mr. Swetlik informed the Board, it is his intent to purchase the business and move it, but wanted to get the conditional use first.

The Board questioned where the sign will be located and if it will be lighted.

Mr. Swetlik stated he was planning to put up a 3x3 foot sign near the road and it will not be lighted.

The Board had questions regarding the hours of operation.

Mr. Swetlik stated in springtime he may operate until around 6:30 p.m. during the week and sometimes Saturdays.

Jim Froelich, from the Town of Kossuth, stated the Town has no objection to the request.

People in attendance opposed to the request: none.

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

Deliberation

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

Reasons for Approval:

1. The use does not impede the orderly development of the district.
2. The use is compatible with the surrounding area and consistent with a conditional use for a GA district.
3. The intensity of the use will not negatively affect the area or the surrounding properties.
4. The use fits on the parcel size.
5. There is proper access from the town road to the site.
6. The nature, location and height of the structures already exist and are acceptable for this business use.
7. The use does not discourage appropriate development or use of adjacent land or buildings.
8. It will not impair the value of surrounding properties.
9. There are no other factors that would be any different or allowable than any other principal use.
10. There will be no danger to the public's health, safety or welfare.

Conditions of Approval:

1. Days and hours of operation will be Monday thru Friday from 7:00 a.m. to 7:00 p.m.
2. Saturdays are only allowed from April 1 to July 1 and the hours will be from 7:00 a.m. to 4:00 p.m.
3. The number of employees allowed is 5. This number includes the owner.
4. The sign cannot be lighted.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Ryan Ross – Owner of property located at 7721 STH 147, in the SW¼, NE¼, Section 22, T20N-R24E, Town of Two Rivers, Manitowoc County, Wisconsin, tax parcel number (018-122-003-002.00); wherein a conditional use permit is being requested to operate a small business consisting of a repair and storage shop for his landscape vehicles and equipment to be located in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Ryan Ross.

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

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

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

The Board questioned the number of employees and hours of operation.

Mr. Ross informed the Board he has 5 to 9 employees and hours of operation would include Saturday's.

The Board questioned the type of lighting is being proposed at the site.

Mr. Ross stated there is a LED light that shines down on the sign.

The Board questioned what would be done with the house and other debris once the house is taken down.

Mr. Ross informed the Board he was going to have an excavating company or demolition company remove it from the property.

The Board had questions about the current storage building that was previously approved.

Mr. Gaedtke clarified the old conditional use conditions and septic system.

People in attendance in favor of request: none.

People in attendance opposed to the request: none.

Mr. Gaedtke read a letter from the Town of Two Rivers in favor of the conditional use request.

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

Deliberation

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

Reasons for Approval:

1. The use fits on the existing parcel size.
2. The nature, location and height of the structures associated with the use are acceptable for this business and area.
3. The lot has an odd shape with a large slope located at the rear of the property.
4. The use does not discourage appropriate development or use of adjacent land or buildings.
5. It will not impair the value of surrounding properties as long as the property is kept neat in appearance.

6. There are no other factors that would be any different or allowable than any other principal use.
7. There will be no danger to the public's health, safety or welfare.

Conditions of Approval:

1. The existing house with the attached garage and all other debris must be completely removed from the property.
2. No debris or structural material from the house can be pushed to the back of the property.
3. Days and hours of operation will be Monday thru Friday from 5:00 a.m. to 5:00 p.m.
4. Saturdays are allowed from 7:00 a.m. to 5:00 p.m.
5. Maximum number of employees is 9.
6. The majority of work will be performed offsite other than general maintenance of equipment.
7. Only four trailers are allowed to be stored outside.
8. No trucks stored outside.
9. Fencing is not required.
10. Appropriate outside lighting is allowed.
11. A 32 sq./ft. on premise business sign is allowed on the building.
12. A vegetative buffer must be planted in the southeast corner of the property behind the ministorage unit as indicated on the site plan.
13. No other residence or buildings can be built on this property. The approval of the proposed building for this conditional use permit takes the place of the previous 20'x 200' ministorage unit that was approved in conditional use permit ZPA-010-15 on July 20, 2015. The existing ministorage unit on the south end of the property is allowed to remain; however, this condition prevents the second ministorage unit from being built.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Other Business

141 Speedway Conditional Use Permit Review

Mr. Gaedtke gave an overview of the permit and informed the Board of some complaints that the Planning and Zoning Department has been receiving about the race track.

Motion by: Mr. Glaeser that the Board does not approve the review and request to reopen the hearing in order to talk with the owners, obtain public input and look at possibly modifying or changing some permit conditions.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Clarification of Condition #12 of the SportComp. Conditional use permit.

Mr. Gaedtke explained that he had received a phone call from a neighboring property owner regarding the Sportcomp property which had played a radio station over the PA system starting at 6:40 a.m. on the Sunday September 25, 2016. The complainant stated Sportcomp was playing loud music on the PA system and it was so loud they could hear the name of the station over the PA system.

Mr. Gaedtke went on to inform the Board that based on condition number 12 it did not appear that music could be played over the PA system. Mr. Rick Anschutz of Sportcomp Inc. was called to find out more information and he admitted he was playing the radio over the PA system and that he was broadcasting

the Green Bay Packer's game over the radio. He also stated he started broadcasting at 7:00 a.m. as his condition stated.

Mr. Gaedtke went on to inform the Board that a violation notice was issued to Sportcomp Inc. and after receiving the notice Mr. Anshutz requested clarification of condition number 12 because he was under the impression he could play what he wanted on the PA provided it was under the allowed dB requirement and it was played during the time listed in his permit.

The Board clarified condition number 12 as follows: the intent of the use of the PA system was that it would not be loud or continuous and that the PA system would be used on an intermittent basis for the purpose of running an organized activity.

The Board stated an example would be to use the PA system to organize size or age classes of participants for specialized events. The PA system is to only be used on event days and only during the hours of approved operation.

They went on to explain that the intermittent use to run an orderly event was one of the criteria and the other criteria was for safety purposes. For example, if someone had an accident or was injured during an event, the PA system could be used to stop activity. But in no way was the PA system intended to be continuous or used to broadcast music or rebroadcast other television, radio music, packer games or other sport activities; nor is it to be used for play by play maneuver commentary of the events.

As far as the sound level issue was concerned, the Board stated that the sound level part of the condition was based upon the testimony provided at the hearing of a maximum of 96 dba.

Schedule Next Meeting: The Board scheduled their next regular meeting for Monday November 21, 2016 and the onsite for Tuesday November 15, 2016 (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, Schuh and Glaeser; *No:* none.

Respectfully submitted,


Ralph Schuh, Secretary Pro Tempore

11/21/16
Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY MEETING NOTICE

DATE: Tuesday, November 15, 2016
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. **Robert Popp** – Owner of property located on Cimarron Ct., in the NW¼, SW¼, Section 6, T18NR24E, Town of Manitowoc – Conditional Use Request
 - 2. **KRR Enterprises LLC** – Owner of property located at 12812 CTH R (a.k.a. 141 Speedway), in the NW¼, NW¼, Section 31, T21N-R23E, Town of Gibson – Conditional Use Permit Conditions Review
- IV. Old Business
 - 1. **Daniel Messman** – Owner of property located on Hillview Rd., in the SE¼, NW¼, Section 24, T21N-R23E, Town of Gibson – cemetery portion of Conditional Use Request
 - 2. **Dean Schultz** – Conditional use permit review of fence conditions.
 - 3. **Ryan Ross** - Conditional use permit reconsideration request
- V. Other Business
- VI. Adjournment

Date: October 26, 2016

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 15, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 9:00 A.M. on Tuesday, November 15, 2016 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

A motion was made by Ms. Vondrachek, seconded by Mr. Glaeser to elect Ralph Schuh as the secretary pro tempore for today's meeting. Upon vote, the motion was approved.

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

The roll was called by the secretary pro tempore. Members present: Laurel Vondrachek, Earl Glaeser, Ralph Schuh, Chuck Hoffman and Orville Bonde.

Staff present for meeting: Reed Gaedtke

A motion was made by Ms. Vondrachek seconded by Mr. Hoffman to approve the agenda for the November 15, 2016 meeting. Upon vote, the motion was approved.

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

The Board received their folders containing the November 21, 2016, hearing requests.

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. Schuh to adjourn.

Seconded by: Mr. Hoffman

Upon vote: The motion was approved.

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

Respectfully submitted,


Ralph Schuh, Secretary Pro Tempore

11/21/16
Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

MEETING NOTICE

DATE: Monday, November 21, 2016
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. ELECTION OF SECRETARY
- VI. OLD BUSINESS

Discussion and possible action on:

- 1. **Daniel Messman** – Owner of property located on Hillview Rd., in the SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 24, T21N-R23E, Town of Gibson – cemetery portion of the Conditional Use Request

VII. NEW BUSINESS

Discussion and possible action on:

- 1. **Robert Popp** – Owner of property located on Cimarron Ct., in the NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 6, T18NR24E, Town of Manitowoc – Conditional Use Request
- 2. **KRR Enterprises LLC** – Owner of property located at 12812 CTH R (a.k.a. 141 Speedway), in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 31, T21N-R23E, Town of Gibson – Conditional Use Permit Conditions Review

VIII. OTHER BUSINESS

Discussion and possible action on:

- 1. **Dean Schultz** - Conditional use permit review of fence condition.
- 2. **Ryan Ross** - Conditional use permit reconsideration request.
- 3. Set December meeting date

IX. ADJOURNMENT

Date: November 8, 2016

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 21, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, November 21, 2016 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The Board elected a secretary. A motion was made by, Earl Glaeser nominating Ralph Schuh as secretary. Seconded by Ms. Vondrachek. Upon vote, the motion was unanimously approved.

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

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

A motion was made by, Ms. Vondrachek, seconded by Mr. Hoffman to approve the agenda for the November 21, 2016 meeting. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Glaeser, seconded by Mr. Schuh to approve the October 17, 2016 meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Schuh, seconded by Ms. Vondrachek to approve the November 15, 2016 onsite meeting minutes. Upon vote, the motion was unanimously approved.

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

Mr. Gaedtke explained the procedure for the meeting 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 each person would be limited to three minutes during public input.

Old Business

Daniel Messman – Owner of property located on Hillview Rd., in the SE¼, NW¼, Section 24, T21N-R23E, Town of Gibson, Manitowoc County Wisconsin, tax parcel number (006-024-008-000.00); wherein a conditional use permit is being requested by the applicant, Lakeside Mennonite Church, to construct and operate a church, school, and cemetery in a proposed RR, Rural Residential zoned district.

Mr. Gaedtke informed the Board the Town of Gibson is still working on the issue regarding the cemetery request, so the request would remain postponed.

New Business

Robert Popp – Owner of property located on Cimarron Ct., in the NW¼, SW¼, Section 6, T18N-R24E, Town of Manitowoc, Manitowoc County, Wisconsin, tax parcel number (009-006-010-014.02); wherein a conditional use permit is being requested to construct a 60'x74' two family home in a RR, Rural Residential, zoned district.

Chairperson Bonde opened the public hearing for Robert Popp.

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

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

The Board asked if there was anything to add to the appeal.

Mr. Popp stated the material on the property was purchased prior to knowing a conditional use permit was required and if this permit does not get approved he will remove it.

Mr. Popp went on to state that him and his son developed Cimarron Court and all properties are valued approximately the same and also that there was a covenant in Cimarron Court.

Mr. Popp informed the Board he builds, manages and owns the existing duplexes.

The Board asked what the covenant covered.

Mr. Popp informed the Board when they started the subdivision they wanted to keep the houses all similar; and not have manufactured homes or burning barrels. He stated there is nothing in the covenant about duplexes; in fact he stated they encourage them. He informed the Board four duplexes were there prior to the single family homes being constructed.

The Board questioned when Mr. Popp initiated the development.

Mr. Popp and Mr. Popp Jr. stated they believe development was initiated in 2001/2002.

People in attendance in support to the request: none.

Mr. Kyle Deroche, stated his real estate agent said there is approximately a 5% decrease in value of his home with a duplex next to it; he is opposed to this request.

Mr. Rich Brey, spoke opposed to the request of having a rental property between single family homes.

Mr. Travis Petersen, a neighbor spoke opposed to the request.

Mr. Mike Wech, homeowner in the neighborhood, spoke opposed to the request.

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

Mr. Gaedtke read a letter from the Town of Manitowoc, which did not state an approval nor denial recommendation of the request. (copy on file).

Deliberation

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

Reasons for Approval:

1. The use does not impede the orderly development of the district.
2. The use is compatible with the surrounding area and consistent with a conditional use for a RR district.
3. The intensity of the use will not negatively affect the area or the surrounding properties. It's a residence.
4. The nature, location and height of the structure will be in harmony with other development in the area.

5. The use does not discourage appropriate development or use of adjacent land or the buildings surrounding the property.
6. People need to apply and meet the renter's conditions.
7. It will not impair the value of surrounding properties because it is a residence that will have brick enhancement on the front and will look like some of the other homes in the area.
8. The property is locally controlled. There's not an out of state company renting the property. There are local owners taking local control of it.
9. The Towns 20 year comprehensive plan allows for single family and duplex residences.

Second by: Mr. Hoffman

Upon vote: The motion was unanimously approved.

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

KRR Enterprises LLC – Owner of property located at 12812 CTH R (a.k.a. 141 Speedway), in the NW¼, NW¼, Section 31, T21N-R23E, Town of Gibson, Manitowoc County, Wisconsin, tax parcel number (006-031-006-002.00) wherein the Board of Adjustment has requested a hearing to obtain public input and review the conditions of the existing conditional use permit for a race track and tavern; and wherein KRR Enterprises LLC is proposing changes for some of the permit conditions, on property located in a CB, Commercial Business, zoned district.

Chairperson Bonde opened the public hearing for KRR Enterprises LLC.

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

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

The Board asked if there was anything to add to the appeal.

Mr. Toby Karst, one of the owners of the track, answered questions and stated they would like to extend track times as a cushion in case of inclement weather or unforeseen circumstances. He stated starting earlier makes it difficult to control the dust because of the heat of the day and he also stated they have the highest amount of racing contestants in the U.S.

The Board had questions about #7 of the conditional use permit regarding changing the number of 30 employees to 30 full-time employees and the Board stated there must be part-time employees also.

Mr. Karst stated they would like to change to 30 full-time employees due to increase car count and they had to increase employees. There would be many more part-time employees; approximately 30-40 and approximately 5 full-time on the high end.

The Board questioned if they use dust deterrents.

Mr. Karst stated yes, they do and they have tried several different deterrents.

The Board questioned the track lights being on late and how many concerts they plan on having.

Mr. Karst informed the Board the majority of lights can be turned off after the races are done and concerts would be one per year.

The Board asked about speaker noise and why they are on late at night.

Mr. Karst stated once the races are done, the speakers can be shut down.

People present in favor of the request:

Mr. James Falkowski, spoke in favor of the request.

Mr. Jim Stannard, Vice President of IMCA, who sanctions the races, spoke of the track doing good for the community and was in favor of the request.

Mr. Jim Theyerl, spoke in favor of the request and stated the good things the track does for the community.

Mr. Dave Gauger, spoke in favor of the request.

Mr. Dan Ratajczk, one of 141 Speedway owners, spoke in favor of the request.

People present opposed to the request:

Ms. Amy Vos, spoke opposed to the request stating the track had not been in operation for the entire time since it was first built and the dust coming off the track on a Sunday practice is worse than the actual race. She stated she would like to see an earlier start time than going later in the night. She also stated she'd like to have events defined.

Mr. Shane Liptow, spoke opposed to extending the hours later at night and was concerned about people crossing the road to go to the parking area across the road. He stated the people don't care as they are walking across the road and could be an accident.

Larry and Lois Schneider, neighbors to the south, spoke opposed, stating they used to live next to the track and said the dust is intense. He also stated they would like to have events defined.

Mr. Shane Hills, spoke opposed stating he is concerned about the dust and amount of security for all the people and stated the pits should be closed after 1 hour to keep after hour noise down.

Mr. Andy Pantzlaff, land owner to the east, spoke opposed stating the noise is horrible and goes on until 11:00 p.m. even 1:00 p.m. with fireworks. He continued they go over their condition of operating only 3 days per week, but stated they are good with cleaning the property and doing things for the community.

Mr. Lloyd Pantzlaff, spoke opposed to the request stating the track purchased 40 acres across the road and wanted to know what that was for.

Ms. Kathy Pantzlaff, spoke opposed to the request stating the increased attendance make it unsafe on the road for crossing patrons and motorists. She continued to state that there were a few Sundays where the track started at 9:00 a.m. and the noise is a problem.

Ms. Sandra Pantzlaff, spoke opposed to the request stating noise is 4 days a week, it's the PA system loud and is on playing music, and during practices its loud because even when there is only 1 car on the track the other racers sit and rev up their engines.

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

Deliberation

Motion by: Mr. Glaeser to postpone the request and public input is closed.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Other Business

Dean Schultz Fence Review - Conditional use permit review of fence condition.

Mr. Gaedtke read a letter from Mr. Schultz informing the Board the fence was not complete and stated reasons why.

The Board discussed a 60 day extension to complete the fence by January 21, 2017. They also stated that no other extensions will be allowed.

Deliberation

Motion by: Mr. Glaeser to not approve the review because the fence had not been completed but to grant a 60 day extension and no other extensions would be entertained.

Seconded by: Mr. Hoffman

Upon vote: The motion was unanimously approved.

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

Ryan Ross – Conditional use permit reconsideration request.

Mr. Gaedtke informed the Board Mr. Ross submitted a letter for reconsideration of his October conditional use permit request. He stated Mr. Ross wants to operate the landscape business from this property and not just store his equipment there.

Deliberation

Motion by: Mr. Hoffman to reconsider Mr. Ross's conditional use request to operate a landscape business.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Schedule Next Meeting: The Board scheduled their next regular meeting for Monday, January 16, 2017 and the onsite for Tuesday, January 10, 2016 (Dates and times are subject to change.)

Adjournment

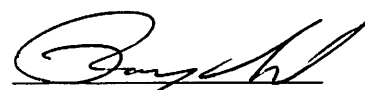
Motion by: Ms. Vondrachek to adjourn.

Seconded by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,


Ralph Schuh, Secretary

1/30/17
Date