

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

January 18, 2021

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 7:00 P.M. on Monday, January 18, 2021 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Ralph Schuh, Chuck Hoffman, James Knorr, Dave Christel and Ken Schuler. Members absent: None. Staff present: Reed Gaedtke.

A motion was made by, Mr. Hoffman, seconded by Mr. Schuler to approve the January 18, 2021 meeting agenda. Upon vote, the motion was unanimously approved.

Aye: Christel, Schuler, Knorr, Schuh and Hoffman; No: none.

A motion was made by, Mr. Knorr, seconded by Mr. Christel to approve the minutes for the December 21, 2020 meeting. Upon vote, the motion was unanimously approved.

Aye: Christel, Schuler, Knorr, Schuh and Hoffman; No: none.

A motion was made by, Mr. Schuler, seconded by Mr. Hoffman to approve the on-site minutes for the January 11, 2021 meeting. Upon vote, the motion was unanimously approved.

Aye: Christel, Schuler, Knorr, Schuh and Hoffman; 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.

New Business

Jonathan and Chelsey Duchow – Owner of property located at 14789 Clarks Mills Rd., in the SW¼, SW¼, of section 21, T19N-R22E, Town of Cato, Manitowoc County, Wisconsin, parcel number (001-021-011-008.00) wherein a conditional use permit is being requested to operate an automobile sales and service business in a RR, Rural Residential, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for Jonathan and Chelsey Duchow.

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

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

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

Jonathan and Chelsey Duchow had nothing to add to their appeal.

Jonathan and Chelsey Duchow answered questions for the Board.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

Mr. Gaedtke received a letter from neighbors Jake and Stephanie Kaderabek in opposition of the request and minutes from the Town of Cato meeting stating they are in favor of the request if they can meet the

following two conditions. The maximum number of cars on the property should not be more than 20 and the property should stay neat and clean (copy on file).

There being no further comments, Chairperson Schuh closed the public hearing for Jonathan and Chelsey Duchow.

Deliberation

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

Reasons for approval:

1. Sufficient evidence was provided from the applicant, on-site visit and testimony to warrant an approval.
2. The use does not impede the orderly development of the district because the building looks nice and conditions are in place to keep the property looking nice.
3. The use is compatible with the surrounding area because it's allowable with a conditional use permit and there are other large out buildings in the area located on other properties.
4. The intensity of the operation will not have a negative effect on the area or surrounding properties because it will be kept neat and orderly and there are other large out buildings in the neighborhood.
5. The proposed use fits on the large parcel. There is plenty of room for the business and house.
6. There is an existing driveway that allows for proper access.
7. The nature, location and height of the proposed and existing structures are acceptable on the property because there are other large buildings located on neighborhood parcels.
8. The use will not discourage appropriate development or use of adjacent land or buildings. This will be a family owned business next to their home.
9. The use will not impair property values.
10. There are no unsafe issues, fumes, flashing lights or other issues that are more objectionable than the properties current allowable use. The compressor used by the owner will be located in an insulated room within the building and a muffler located on the compressor.
11. The use will not endanger the public's health, safety or welfare.

Conditions of Approval:

1. Hours of operation when the business is part-time shall be 3:00 p.m. to 7:00 p.m.; Monday through Friday and from 8:00 a.m. to 12:00 p.m. (noon) on Saturdays.
2. Hours of operation when the business is full-time shall be 8:00 a.m. to 6:00 p.m. Monday through Friday and from 8:00 a.m. to 12:00 p.m. (noon) on Saturdays.
3. Shall not work past the listed hours.
4. Total number of employees will be six.
5. The air compressor being used shall have a muffler and it shall be located in an insulated room within the building.
6. The east and west tree lines must be maintained to help with screening and noise.
7. Can lights are allowed on the building to shine down.
8. They are allowed one light on the sign according to code.
9. One sign is allowed according to code. (32 sq./ft. maximum and at least 60 feet from the centerline of the road.)
10. Maximum number of combined vehicles allowed on the property shall be 20. This includes vehicles for sale, on the property for parts or customers cars for repair or any other types of vehicles for the business.
11. Any outside storage of scrap material parts or any other material shall be completely screened from public view of all property lines, river and roadway.

12. Waste oil shall be stored in approved containers within the building and pumped properly.
13. Scrap metal shall be stored in a bin inside the building and hauled away.
14. The property shall be kept neat, clean and orderly.
15. Vehicles for repair and being used for body work shall not be located on the north side of the building and shall not be visible from the road.
16. Only vehicles for sale are allowed on the north side of the building.
17. There shall be a two year review of the conditional use permit.
18. The conditional use permit will expire if the business is sold to someone outside the immediate family or if the property is sold.

Second by: Mr. Knorr

Upon vote: The motion was unanimously approved.

Aye: Christel, Schuler, Knorr, Schuh and Hoffman; *No:* none.

Z Best Storage LLC – Owner of property located at 12029 CTH Z, in the NW¼, SE¼, of section 21, T21N-R22E, Town of Cooperstown, Manitowoc County, Wisconsin, parcel number (003-021-014-001.02) wherein a conditional use permit is being requested to expand an existing ministorage business in a GA, General Agricultural zoned district.

Chairperson Schuh opened the public hearing for Lawrence Wohlwend III.

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

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

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

Mr. Wohlwend had nothing to add at this time.

Mr. Wohlwend answered questions for the Board.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

Mr. Gaedtke received a letter from the Town of Cooperstown in favor of the request if the following conditions are met. All water flow from buildings 3 & 4 along with the 2 new proposed buildings flow to the south to alleviate water issues. Mr. Gaedtke also received a letter from the property owner to the west, Bernadette, Charles and Pat Fischer. They are not opposed to the request, however, they would like to see the water flow to a retention pond on the south (copy on file).

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

Motion by: Mr. Christel to postpone the conditional use request until the next scheduled meeting for more information regarding storm water runoff and retention control methodology.

Second by: Mr. Hoffman

Upon vote: The motion was unanimously approved.

Aye: Christel, Schuler, Knorr, Schuh and Hoffman; *No:* none.

Todd Graf – Owner of property located at 13227 County Rd. M, in the SE¼, SE¼, of section 17, T17N-R22E, Town of Meeme, Manitowoc County, Wisconsin, parcel number (012-017-016-006.00) wherein a

conditional use permit is being requested to operate a metal fabrication business in a GA, General Agricultural zoned district.

Chairperson Schuh opened the public hearing for Todd Graf.

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

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

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

Mr. Graf commented on his application and answered questions for the Board.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

There being no further comments, Chairperson Schuh closed the public hearing for Mr. Graf.

Mr. Gaedtke stated he did not receive any correspondence from the Town of Meeme.

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

Second by: Mr. Knorr

Upon vote: The motion was unanimously approved.

Aye: Christel, Schuler, Knorr, Schuh and Hoffman; *No:* none.

Deliberation

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

Reasons for approval:

1. Sufficient evidence was provided from the applicant, on-site visit and testimony to warrant an approval.
2. The use does not impede the orderly development of the district because the parcel is surrounded by farmland. The owner's house is located between the shop and neighbors.
3. The use is compatible with the surrounding area because the zoning allows for this type of use with a conditional permit.
4. The intensity of the operation will not have a negative effect on the area or surrounding properties because the most noise will be contained in the building. The business will not use press or punches but rather a screw type compressor used for laser cutting which is quieter.
5. The proposed use fits on the parcel. The building already exists and there's room for parking.
6. There is an existing driveway. However, a wider access may be needed for semis.
7. The nature, location and height of the proposed and existing structures are acceptable on the property. The building already exists and there is additional room to the east as well as screening from the trees to the south and east.
8. The use will not discourage appropriate development or use of adjacent land or buildings.
9. The use will not impair property values.
10. There are no unsafe issues, fumes, flashing lights or other issues that are more objectionable than the properties current allowable use because no punches or presses will be used.
11. The use will not endanger the public's health, safety or welfare.

Conditions of Approval:

1. Days of operation will be Monday through Saturday.
2. Hours of operation will be 7:00 a.m. to 5:00 p.m.
3. Number of employees will be three.
4. Type of equipment allowed will be laser cutting fabrication equipment.
5. L.E.D. lighting allowed outdoors on the building.
6. No punching or press equipment allowed.
7. The compressor being used shall be located in a room within the building, to help keep noise at a minimum.
8. A 4' x 8' sign is allowed according to code.
9. Customer and employee parking shall be on site; not allowed on the road.
10. There shall be two metal roll off storage containers for scrap metal to be located on the south of the building. The existing trees will help screen them from view.
11. Outside area shall be kept clean and orderly.
12. This conditional use permit sunsets (expires) when the property or business is sold.

Second by: Mr. Knorr

Upon vote: The motion was unanimously approved.

Aye: Christel, Schuler, Knorr, Schuh and Hoffman; *No:* none.

Old Business

POSTPONED: Fredrick Fels the current property owner and CAREW Concrete and Supply Co. Inc. the applicant, of land located south of Frelich Rd. and north of CTH Z which is described as being in the NE¼, SW¼ and the SE¼, SW¼, of section 18 T21N-R22E, Town of Cooperstown, Manitowoc County, Wisconsin, parcel numbers (003-018-009-000.00 and 003-018-012-000.00). Wherein a conditional use permit is being requested to operate a sand and gravel extraction operation and wherein ten variances are being requested. The variances being requested are for excavating at 100 feet from the Frelich Rd. right-of-way line; at 100 feet from the CTH Z right-of-way line; at approximately 133 feet from the centerline of Frelich Rd.; at approximately 136 feet from the centerline of CTH Z; at 25 feet from the west property line; within 1000 feet of three neighboring residences located off of CTH Z and within 1000 feet of two residences located off of Frelich Rd. The proposed use is located in an EA, Exclusive Agricultural zoned district.

Motion by: Mr. Schuler to remove Fredrick Fels & CAREW Concrete and Supply Co Inc's postposed request from the table.

Second by: Mr. Knorr

Upon vote: The motion was unanimously approved.

Aye: Christel, Schuler, Knorr, Schuh and Hoffman; *No:* none.

Chairperson Schuh convened the public hearing for Fredrick Fels and CAREW Concrete and Supply Co. Inc.

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

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

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

Mr. John Carew, President of CAREW and Tim Trap, Aggregates Manager commented and answered questions for the Board.

People in attendance in favor of the request: none.

Marti Zellner, adjacent property owner, spoke and submitted documents and a letter opposed to the requests (copy on file).

Ron Frelich, adjacent property owner, spoke and submitted a letter opposed to the requests (copy on file).

Tom Kapinos, adjacent property owner, spoke opposed to the requests.

Dave Frelich, adjacent property owner, spoke opposed to the requests.

Jim Zellner, adjacent property owner, spoke. Mr. Zellner commented on the discrepancy in depth from what they provided and noted he is opposed to the requests.

Tayten Brunner, adjacent property owner, spoke opposed to the requests.

Jennifer Brunner, adjacent property owner, spoke opposed to the requests.

Mr. John Carew, spoke in rebuttal and answered further questions for the Board.

Mr. Gaedtke received numerous correspondences as listed below:

- a phone call from Bruce Schneider in opposition of the requests (copy on file)
- a phone call from Pat VanGroll, citizen of Cooperstown, he would like to see the requests postponed until CAREW is able to answer all the questions that arose during the town meeting
- an email from Ron & Joy Frelich in opposition of the requests (copy on file)
- an email from Clayton Craanen in opposition of the requests (copy on file)
- a letter sent electronically and paper copy from Marti Zelner in opposition of the requests (copy on file)
- a letter from William Collins in favor of the requests (copy on file)
- a letter from the Town of Cooperstown in favor with conditions (copy on file)

There being no further comments, Chairperson Schuh closed the public hearing for Mr. Fels and Carew Concrete and Supply Co Inc.

Motion by: Mr. Knorr to postpone deliberations and decision until the next scheduled meeting to allow more time to review the testimony and provided information.

Second by: Mr. Christel

Upon vote: The motion was unanimously approved.

Aye: Christel, Schuler, Knorr, Schuh and Hoffman; *No:* none.

Other Business

Correspondence not related to a hearing item: None

Schedule Next Meeting:

The next Board of Adjustment meeting is tentatively scheduled for Monday, February 15, 2021 and the onsite meeting for Monday, February 8, 2021. (Dates and times are subject to change.)

Adjournment

A motion was made by Mr. Hoffman and seconded by Mr. Knorr to approve the adjournment. Upon vote, the motion was unanimously approved.

Aye: Christel, Schuler, Knorr, Schuh and Hoffman; No: none.

Respectfully submitted,


James Knorr, Secretary

2-15-21
Date