MANITOWOC COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES

July 18, 2022

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 7:00 P.M. on Monday, July 18, 2022 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Ralph Schuh, Bob Salm, Dave Christel, Bonnie Timm and Ken Schuler. Members absent: None. Staff present: Reed Gaedtke.

A motion was made by, Mr. Salm, seconded by Mr. Christel to approve the July 18, 2022 meeting agenda. Upon vote, the motion was unanimously approved.
Aye: Schuler, Salm, Christel, Schuh and Timm; No: none.

A motion was made by, Ms. Timm, seconded by Mr. Schuler to approve the minutes for the June 20, 2022 meeting. Upon vote, the motion was unanimously approved.
Aye: Schuler, Salm, Christel, Schuh and Timm; No: none.

A motion was made by, Mr. Schuler, seconded by Mr. Salm to approve the on-site minutes for the July 12, 2022 meeting. Upon vote, the motion was unanimously approved.
Aye: Schuler, Salm, Christel, Schuh and Timm; 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

Joseph Horst – Owner of property located at 5711 Nuclear Rd., in the NE¼, NW¼, Section 26, T21N-R24E, Town of Two Creeks, Manitowoc County, Wisconsin, tax parcel number (017-026-005-000.00) wherein a conditional use permit is being requested to operate an auto repair and welding business in a GA, General Agricultural, zoned district.

Chairperson Schuh opened the public hearing for Mr. Horst.

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

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

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

Mr. Horst had nothing to add to their appeal.

Mr. Horst answered questions for the Board.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

Mr. Gaedtke stated the Town of Two Creeks sent a letter stating no opposition or objection to the request.

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

Deliberation

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

Reasons for Approval:

1. Sufficient evidence from the applicant, on-site visit and testimony warrants an approval.
2. The proposed use does not impede the orderly development of the district.
3. With the conditions put in place by the Board, this use is compatible with the surrounding area.
4. The intensity will not have a negative effect to the area or surrounding properties because it is surrounded by farmland and a solar farm.
5. The use fits on the parcel size. There is adequate road frontage and buildings.
6. There is proper access.
7. The nature, location and height of the existing structures are acceptable for this type of activity in this area.
8. The use will not discourage appropriate development or use of adjacent land.
9. The use will not impair the value of surrounding properties.
10. There are no proposed unsafe factors, fumes, flashing lights or other issues that are more objectionable then the properties current allowable use. Conditions will be in place to mitigate any future issues and therefore the use will not endanger the public's health, safety or welfare.

Conditions of Approval:

1. Days of operation shall be Monday through Saturday.
2. Hours of operation shall be 7:00 a.m. to 6:00 p.m. Monday thru Friday and 7:00 a.m. to 2:00 p.m. on Saturdays.
3. Any sandblasting and other noise from equipment shall be contained inside the building to limit noise and fugitive dust.
4. All scrap metal shall be confined to a bin dedicated for that purpose and the bin shall be emptied regularly to keep it from overflowing.
5. Fluid containment from vehicles shall be contained in some manner and also in accordance with WDNR requirements.
6. Vehicles waiting to be repaired may not sit outside longer than 30 days.
7. Vehicles for salvage shall be removed from the property within 30 days or contained inside a building.

Second by: Ms. Timm.
Upon vote: The motion was unanimously approved.
Aye: Schuler, Salm, Christel, Schuh and Timm; No: none.

Richard Carr Trust – Owner of property located at 19536 Henning Rd., in G.L. 3, Section 2, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, tax parcel number (016-530-002-006.00) wherein a variance is being requested to construct a house/cabin at 37 feet from the ordinary high water mark of Wilke Lake, located in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for Mr. Carr.

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

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

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

Mr. Carr had nothing to add to his appeal.

Mr. Carr answered questions for the Board.

People in attendance in favor of the request:

David Detroye, neighbor, spoke in favor of the request.

People in attendance opposed to the request: none.

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

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

Deliberation

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

Reasons for approval:

1. The small lot and dilapidated foundation and cabin create a hardship for the owner to fit a new livable structure on the parcel.
2. The new building and deck will not be any closer to the lake than the existing cabin and deck.
3. The owner is burdened because the existing cabin is dilapidated and the foundation is failing. The owner needs to be able to safely use the property.
4. The proposed structure won't have a negative effect on the public because any additional runoff will be treated and the Town and a neighbor are in favor of the request.

Second by: Mr. Salm.
Upon vote: The motion was unanimously approved.
Aye: Schuler, Salm, Christel, Schuh and Timm; No: none.

Michael Lindgren – Owner of property located at 8904 Pigeon Lake Rd., in the NW¼, NE¼, and the SW¼, NE¼, of Section 33, T18N-R22E, Town of Liberty, Manitowoc County, Wisconsin, tax parcel numbers (008-033-003-008.01 and 008-033-002-001.02) wherein a variance is being requested to

construct a detached garage at 42 feet from the centerline of Pigeon Lake Rd. and at 45 feet from the ordinary high water mark of Pigeon Lake located in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for Mr. Lindgren.

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

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

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

Mr. Lindgren had nothing to add to his appeal.

Mr. Lindgren 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 Liberty in favor of the request (copy on file).

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

Deliberation

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

Reasons for approval:

1. The unique shape of the lot and the steep slope create a hardship for the owner which restricts the buildable area.
2. The new garage will be placed over an existing paved area.
3. The owner is burdened because the use of the home year round limited without a garage for inclement weather.
4. The proposed garage will not have a negative effect on the public because water runoff will be split into two separate flow areas of which one of them will be slightly further from the lake; the garage will not impede any neighbors line of site to the lake or to the road; and the impervious surface will remain the same or be reduced.

Second by: Mr. Schuler.
Upon vote: The motion was unanimously approved.
Aye: Schuler, Salm, Christel, Schuh and Timm; No: none.

Mark & Janet Scharenbrock – Owners of property located at 10634 Sunny Vista Ln., in GL. 4, of Section 2, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, tax parcel number (016-540-000-019.00) wherein a variance is being requested to construct a new home at 7.9 feet from the ordinary high water mark of Wilke Lake, located in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for Mark & Janet Scharenbrock.

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

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

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

Mr. Scharenbrock had nothing to add to his appeal.

Mr. & Mrs. Scharenbrock answered questions for the Board.

Peter Kraus, Kraus Construction, added details on size of proposed house.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

Mr. Gaedtke received letters from the neighbors in favor of the request (copy on file).

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

There being no further comments, Chairperson Schuh closed the public hearing for Mark & Janet Scharenbrock.

Deliberation

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

Reasons for Approval:

1. The small lot is not very deep and the owner has physical limitations that must be taken into consideration. Both create hardships for the owner.
2. The new will not be any closer to the lake than the existing house.
3. The owner is burdened due to physical limitations which require changes for the applicant to utilize the property, such as having stairs indoors rather than outside.
4. The structure will not have a negative effect on the public because raingardens are designed to treat any increase in impervious surface and the new home will not impede any neighbor's line of sight to the lake.

Conditions of Approval:

1. Any trees being removed to allow for the new home, must be replaced with trees in kind (native), within 35' of the ordinary high water mark.

Second by: Ms. Timm.
Upon vote: The motion was unanimously approved.
Aye: Schuler, Salm, Christel, Schuh and Timm; No: none.

Richard & Christine Hoerth – Owners of property located at 13709 Steinthal Rd., in the N½, NW¼, of Section 21, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, tax parcel number (016-021-005-001.00), wherein a conditional use permit is being requested to construct a single family home and garage in a NA, Natural Area, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for Richard Hoerth.

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

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

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

Mr. Hoerth had nothing to add to his appeal.

Mr. Hoerth 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 an email from the Town of Schleswig in favor of the request (copy on file).

There being no further comments, Chairperson Schuh closed the public hearing for Richard & Christine Hoerth.

Deliberation

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

Reasons for Appeal:

1. Sufficient evidence from the applicant, on-site visit and testimony warrants an approval.
2. The request complies with zoning regulations.
3. The request doesn't impede the orderly development of the area because it will be a house.
4. It's compatible with the surrounding area.
5. The intensity will not affect the area or surrounding properties.
6. The use fits on the parcel size.
7. There is an existing driveway that allows for proper access.
8. The nature, location and height of the proposed structure is acceptable on the property.
9. The use will not discourage appropriate development or use of adjacent land or buildings.
10. The use will not impair the value of surrounding properties.
11. There are no unsafe issues, fumes, flashing lights or other issues that are more objectionable then the properties current allowable use.
12. The use will not endanger the public's health, safety or welfare.

Second by: Ms. Timm.

Upon vote: The motion was unanimously approved.
Aye: Schuler, Salm, Christel, Schuh and Timm; No: none.

Old Business: **None**

Other Business:

Correspondence not related to a hearing item:

Mr. Gaedtke informed the Board that he received a complaint regarding a motor cross business. Mr. Schuh suggested that we keep the complaint on file and if it progresses at that time we will contact the owner.

Mr. Gaedtke informed the Board that we are going to return to the 2nd Monday of the month for onsite meetings.

Election of Officers

Motion by: Mr. Schuler to cast a unanimous vote to have Mr. Schuh as chairman; Mr. Christel as vice chairman; and Mr. Schuler as secretary.
Second by: Ms. Timm.
Upon vote: The motion was unanimously approved.
Aye: Schuler, Salm, Christel, Schuh and Timm; No: none.

Schedule Next Meeting:

The next Board of Adjustment meeting is tentatively scheduled for Monday, August 15, 2022 and the onsite meeting for Monday, August 8, 2022. (Dates and times are subject to change.)

Adjournment

A motion was made by Ms. Timm and seconded by Mr. Salm to approve the adjournment. Upon vote, the motion was unanimously approved.
Aye: Schuler, Salm, Christel, Schuh and Timm; No: none.

Respectfully submitted,

Ken Schuler

Ken Schuler, Secretary

9/19/2022

Date