



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY & ON-SITE MEETING NOTICE

DATE: Monday, January 9, 2023
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. **Tracey and Lisa Temme** – Owners of property located at 7668 Seidl Rd., in the SE¼, NW¼, of Section 21, T20N-R23E, Town of Kossuth - Conditional Use Request.
 2. **Kooroush and Jolene Saeian** – Owners of property located at 14501 N. Shore Dr., in the N½, NW¼, of Section 33, T18N-R22E, Town of Liberty - Variance Requests.
 3. **Holschbach Excavating** – Owner of property located off of USH 310, in the NW¼, SE¼, Section 36, T20N-R23E, Town of Kossuth - Variance Request.
- IV. Old Business - **None**
- V. Other Business
 1. Correspondence
- VI. On-sites
- VII. Adjournment

Date: December 28, 2022

Ralph Schuh, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made. Any person wishing to travel on the on-sites with the Board, should contact the Manitowoc County Planning and Park Commission office at 920-683-4185 at least two business days before the meeting is scheduled so that appropriate accommodations can be made. Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

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

January 9, 2023

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 9:00 A.M. on Monday, January 9, 2023 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Ralph Schuh, Robert Salm, Ken Schuler and Bonnie Timm. Members Absent: Dave Christel.

A motion was made by Ms. Timm; seconded by Mr. Salm to approve the agenda for the January 9, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm and Schuler; No: none;

Staff present for advisory meeting: Kaila Boeckman.

Guest attendance for advisory meeting: Greg Grotegut, Highway Commissioner.

The Board received their folders containing the January 16, 2023 hearing requests.

Ms. Boeckman 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. Schuler to adjourn.

Seconded by: Ms. Timm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm and Schuler; No: none

Respectfully submitted,


Robert Salm, Secretary Pro Tempore

1-18-23
Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT REGULAR MEETING NOTICE

DATE: Monday, January 16, 2023
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. CALL TO ORDER AND ROLL CALL
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
- V. OLD BUSINESS - **NONE**
- VI. NEW BUSINESS

Discussion and possible action on:

- 1. **Tracey and Lisa Temme** – Owners of property located at 7668 Seidl Rd., in the SE $\frac{1}{4}$, NW $\frac{1}{4}$, of Section 21, T20N-R23E, Town of Kossuth - Conditional Use Request.
- 2. **Kooroush and Jolene Saeian** – Owners of property located at 14501 N. Shore Dr., in the N $\frac{1}{2}$, NW $\frac{1}{4}$, of Section 33, T18N-R22E, Town of Liberty - Variance Requests.
- 3. **Holschbach Excavating** – Owner of property located off of USH 310, in the NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 36, T20N-R23E, Town of Kossuth - Variance Request.

VII. OTHER BUSINESS

- 1. Set February meeting date.
- 2. Correspondence

VIII. ADJOURNMENT

Date: December 28, 2022

Ralph Schuh, Board Chair
By: Reed Gaedtke, Code Administrator

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

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

January 16, 2023

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 7:00 P.M. on Monday, January 16, 2023 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, Mr. Christel nominating Mr. Salm as secretary for the meeting and seconded by Ms. Timm. Upon vote, the motion was unanimously approved.

Aye: Schuh, Christel, Salm and Timm; No: none.

The roll was called by the secretary pro tempore. Members present: Ralph Schuh, Dave Christel, Bob Salm and Bonnie Timm. Members absent: Ken Schuler. Staff present: Reed Gaedtke.

A motion was made by, Ms. Timm, seconded by Mr. Christel to approve the January 16, 2023 meeting agenda. Upon vote, the motion was unanimously approved.

Aye: Schuh, Christel, Salm and Timm; No: none.

A motion was made by, Ms. Timm, seconded by Mr. Salm to approve the minutes for the November 21, 2022 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Christel, Salm and Timm; No: none.

A motion was made by, Ms. Timm, seconded by Mr. Salm to approve the on-site minutes for the January 9, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Christel, Salm 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.

Old Business - None

New Business

Tracey and Lisa Temme – Owners of property located at 7668 Seidl Rd., in the SE¼, NW¼, of Section 21, T20N-R23E, Town of Kossuth, Manitowoc County, Wisconsin, parcel number (007-021-008-001.00) wherein a conditional use permit is being requested to construct a single family home in a NA, Natural Area, zoned district

Chairperson Schuh opened the public hearing for Tracey Temme.

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

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

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

Mr. Temme had nothing to add to his appeal.

Mr. Temme 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 Tracey Temme.

Deliberation

Motion by: Mr. Christel 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 doesn't impede the orderly development of the area because it will be a house and that's in line with other structures and uses in the area.
3. It's compatible with the surrounding area where there are other residences.
4. The use fits on the parcel size.
5. The nature, location and height of the proposed and existing structure are acceptable on the property because it will be a house.
6. The use will not discourage appropriate development or use of adjacent land or buildings.
7. The construction of a house will not impair the value of surrounding properties.
8. There are no unsafe fumes, flashing lights or other factors that are more objectionable than any other principal use in that district.
9. The use will not endanger the public's health, safety or welfare.

Second by: Mr. Salm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Christel, Salm and Timm; *No:* none.

Kooroush and Jolene Saeian – Owners of property located at 14501 N. Shore Dr., in the N½, NW¼, of Section 33, T18N-R22E, Town of Liberty, Manitowoc County, Wisconsin, parcel number (008-033-005-004.00) wherein variances are being requested to reconstruct three retaining walls at 0 feet from the west property line and at various distances, ranging between 2 feet 8 inches to 9 feet 8 inches from the ordinary high water mark of Pigeon Lake; and to construct two retaining walls at 0 feet from the east property line and at 14 feet 6 inches to 4 feet 6 inches from the ordinary high water mark of Pigeon Lake, and to construct a 4' x 25.5' boardwalk at 2.5 feet from the ordinary high water mark of Pigeon Lake; and to construct a 8' x 12' patio at 14 feet 6 inches from the ordinary high water mark of Pigeon Lake, located in a LR, Lake Residential and S1, Shoreland zoned district.

Motion by: Ms. Timm for agenda amendment and hold this till the end of meeting.

Second by: Mr. Salm.

Upon vote: The motion was unanimously approved.

Aye: Christel, Salm, Schuh and Timm; *No:* none.

Holschbach Excavating – Owner of property located off of USH 310, in the NW¼, SE¼, Section 36, T20N-R23E, Town of Kossuth, Manitowoc County, Wisconsin, parcel numbers (007-036-014-000.00 and 007-036-013-002.00) wherein a variance is being requested to blast and excavate sand, gravel and rock at 0 feet from the west property line and at 50 feet from the north property lines, in a GA, General Agricultural zoned district.

Chairperson Schuh opened the public hearing for Holschbach Excavating. Steve Holschbach representing Holschbach Excavating and Nate Swinton representing Lannon Stone.

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

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

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

Mr. Holschbach had nothing to add to the appeal.

Mr. Holschbach & Mr. Swinton answered questions for the Board.

People in attendance in favor of the request: none.

People in attendance opposed to the request:

James Froelich, neighboring property, spoke in opposition. Mr. Froelich showed a rock from the blast that landed on his property, photos taken for the record.

Tom Mohr, neighboring property, spoke in opposition.

Dave Endries spoke in opposition.

Michelle Endries spoke in opposition.

Ed Kocourek spoke in opposition.

Gregory Schuette spoke in opposition.

Jeff Froelich spoke in opposition.

Mr. Holschbach & Mr. Nate Swinton spoke in rebuttal.

Mr. Gaedtke stated that he received a letter from the Town of Kossuth. The Town is okay with the 0' to the west but no comment on the request to the north (copy on file).

There being no further comments, Chairperson Schuh closed the public hearing for Holschbach Excavating.

Deliberation

Motion by: Mr. Christel to deny the variance request to the north property line and approve the variance request 0' to the west property line.

Reasons for Denial:

1. There is no physical hardship of the property preventing the owner from meeting the 100 foot setback to the north. They can still operate and remove material from the existing pit.
2. The owner is not burdened by following the ordinances 100 foot setback to the north. They can still remove material from the pit. It's already in operation.
3. A reduced setback to the north would affect the public because the blasting that is currently occurring from the pit affects neighboring properties. The Board heard from seven individuals who had concerns about operating closer to the property line. Therefore, operating closer to the north property line would not be in the public's best interest.

Reasons for Approval:

1. There is a steep slope and falling rocks along the west property line which creates a hardship and unsafe situation for the owner.
2. The height of the wall on the west side of the pit and the adjacent neighbor's 0 foot setback from the west property line creates a burden and safety concerns for the owner.
3. The 0 foot setback from the west property line to remove the wall, won't affect the neighboring property to the west because the removal of that wall will make the area safer for both properties and create a level pit floor. Also, there are no residences within close proximity to the west property line of this parcel.

Conditions of Approval:

1. If needed, a drainage ditch shall be installed to keep water from draining into the Manitowoc County pit.
2. The owner is responsible for protecting the power lines located on Manitowoc County pit during excavation of the wall. They are responsible for the replacement and any cost associated with damage to those lines from operations occurring on the Holschbach site.
3. The operator can excavate within 0 feet of the west property line to the same elevation as the adjacent Manitowoc County pit. Any excavation to a lower elevation than the county pit will require a 100 foot setback to the west property line.

Second by: Ms. Timm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Christel, Salm and Timm; *No:* none.

Kooroush and Jolene Saeian – Owners of property located at 14501 N. Shore Dr., in the N½, NW¼, of Section 33, T18N-R22E, Town of Liberty, Manitowoc County, Wisconsin, parcel number (008-033-005-004.00) wherein variances are being requested to reconstruct three retaining walls at 0 feet from the west property line and at various distances, ranging between 2 feet 8 inches to 9 feet 8 inches from the ordinary high water mark of Pigeon Lake; and to construct two retaining walls at 0 feet from the east property line and at 14 feet 6 inches to 4 feet 6 inches from the ordinary high water mark of Pigeon Lake, and to construct a 4' x 25.5' boardwalk at 2.5 feet from the ordinary high water mark of Pigeon Lake; and to

construct a 8' x 12' patio at 14 feet 6 inches from the ordinary high water mark of Pigeon Lake, located in a LR, Lake Residential and S1, Shoreland zoned district.

Motion by: Ms. Timm to postpone until the next meeting.

Second by: Mr. Christel.

Upon vote: The motion was unanimously approved.

Aye: Christel, Salm, Schuh and Timm; *No:* none.

Other Business

Correspondence not related to a hearing item:

Mr. Gaedtke informed the Board of a violation against Mr. Degroff. Violation consisted of too many pets and advertising of more than the maximum number of occupants. The Board instructed Mr. Gaedtke to send him a letter to meet conditions or the Board of Adjustments will rehear the request for failing to follow conditions.

Schedule Next Meeting:

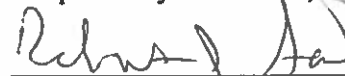
The next Board of Adjustment meeting is tentatively scheduled for Monday, February 20, 2023 and the onsite meeting for Monday, February 13, 2023. (Dates and times are subject to change.)

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: Schuh, Christel, Salm and Timm; *No:* none.

Respectfully submitted,



Robert Salm

Secretary pro tempore

3-20-23

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT ADVISORY & ON-SITE MEETING NOTICE

DATE: Monday, March 13, 2023
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. **Leroy Schneider** – Owner of property located at 2414 Nelson Ln., in the S¼, W½, NW¼, NW¼, Section 6, T18N–R24E, Town of Manitowoc – Variance Request.
2. **Christine Schadrie** – Owner of property located at 8537 Pine Rd., and described as being located in Leclair Beach Subd. G.L. 3, Lot 8, BLK 6 of Section 4, T20N–R25E, Town of Two Rivers – Conditional Use Permit 2 Year Review.

IV. Old Business –

1. **Postponed: Kooroush and Jolene Saeian** – Owners of property located at 14501 N. Shore Dr., in the N½, NW¼, of Section 33, T18N–R22E, Town of Liberty - Variance Requests.

V. Other Business

1. Correspondence

VI. On-sites

VII. Adjournment

Date: March 3, 2023

Ralph Schuh, 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 13, 2023

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 9:00 A.M. on Monday, March 13, 2023 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Ralph Schuh, Robert Salm, Ken Schuler and Bonnie Timm. Members Absent: Dave Christel.

A motion was made by Ms. Timm; seconded by Mr. Schuler to approve the agenda for the March 13, 2023 meeting. Upon vote, the motion was unanimously approved.
Aye: Schuh, Salm, Timm and Schuler; No: none;

Staff present for advisory meeting: Reed Gaedtke.

The Board received their folders containing the March 20, 2023 hearing requests.

Mr. Gaedtke gave a quick overview of each request.

The Board did not proceed to any on-site visits due to the heavy snowfall.

ADJOURNMENT

Motion by: Mr. Salm to adjourn.


Seconded by: Mr. Schuler.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm and Schuler; No: none

Respectfully submitted,


Ken Schuler, Secretary


Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT REGULAR MEETING NOTICE

DATE: Monday, March 20, 2023
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. CALL TO ORDER AND ROLL CALL
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
- V. NEW BUSINESS

Discussion and possible action on:

1. **Leroy Schneider** – Owner of property located at 2414 Nelson Ln., in the S $\frac{1}{4}$, W $\frac{1}{2}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 6, T18N–R24E, Town of Manitowoc – Variance Request.
2. **Christine Schadrie** – Owner of property located at 8537 Pine Rd., and described as being located in Leclair Beach Subd. G.L. 3, Lot 8, BLK 6 of Section 4, T20N–R25E, Town of Two Rivers – Conditional Use Permit 2 Year Review.

VI. OLD BUSINESS

Discussion and possible action on:

1. **Postponed: Kooroush and Jolene Saeian** – Owners of property located at 14501 N. Shore Dr., in the N $\frac{1}{2}$, NW $\frac{1}{4}$, of Section 33, T18N–R22E, Town of Liberty - Variance Requests.

VII. OTHER BUSINESS

1. Set April meeting date.
2. Correspondence

VIII. ADJOURNMENT

Date: March 3, 2023

Ralph Schuh, 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 20, 2023

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 7:00 P.M. on Monday, March 20, 2023 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

A motion was made by, Ms. Timm, seconded by Mr. Christel to approve the March 20, 2023 meeting agenda. Upon vote, the motion was unanimously approved.

Aye: Schuh, Christel, Salm, Timm and Schuler; No: none.

A motion was made by, Mr. Salm, seconded by Mr. Schuler to approve the minutes for the January 16, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Christel, Salm, Timm and Schuler; No: none.

A motion was made by, Ms. Timm, seconded by Mr. Salm to approve the on-site minutes for the March 13, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Christel, Salm, Timm and Schuler; 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

Leroy Schneider – Owner of property located at 2414 Nelson Ln., in the S¼, W½, NW¼, NW¼, Section 6, T18N–R24E, Town of Manitowoc, Manitowoc County, Wisconsin, parcel number (009-006-006-004.00); wherein variances are being requested to construct a house at 10 feet from the west property line; and to construct a new 24' x 32' garage at 5 feet from the east property line and to relocate an existing 16' x 30' shed at 5 feet from the west property line located in a RR, Rural Residential zoned district.

Chairperson Schuh opened the public hearing for Leroy Schneider.

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. Schneider had nothing to add to his appeal.

Mr. Schneider 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 Manitowoc with no opposition of the request (copy on file).

There being no further comments, Chairperson Schuh closed the public hearing for Leroy Schneider.

Deliberation

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

Reasons for approval:

1. The small substandard lot size creates a hardship and burdened on the owner because the lot is so narrow it difficult to fit a house, septic and garage on the property.
2. Buildable space is limited due to the narrow lot and the rear of the property drops down to a ravine creating a burden on the owner being able to meet the setbacks. Without variances, the owner would be unable to use the property for a residence and a suitable garage.
3. The proposed structures won't have a negative effect on the public because the town is in support of it and it is located on a private road so there is no frontage issue.

Second by: Mr. Schuler.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Christel, Salm, Timm and Schuler; *No:* none.

Christine Schadrie – Owner of property located at 8537 Pine Rd., and described as being located in Leclair Beach Subd. G.L. 3, Lot 8, BLK 6 of Section 4, T20N–R25E, Town of Two Rivers, Manitowoc County, Wisconsin, parcel number (018-510-006-008.00); wherein the Board of Adjustment has scheduled a required two year review of the conditional use permit which allows for the operating of a vacation home rental business in a HD, High Density, S1, Shoreland zoned district.

Chairperson Schuh opened the review for Christine Schadrie.

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

Christine Schadrie spoke in review of the last two years of operation.

Mr. Gaedtke stated he has not heard of any complaints or issues.

There being no further comments, Chairperson Schuh closed the review for Christine Schadrie.

Motion by: Ms. Timm to close the review Christine Schadrie.

The Board determined the property is in compliance with the conditions of the permit. This meeting fulfills the required two year review. As long as the business continues to operate as it has the last couple of years there will be no more reviews unless a problem or permit violation occurs.

Second by: Mr. Salm.

Upon vote: The motion was unanimously approved.

Aye: Schuler, Salm, Christel, Schuh and Timm; No: none.

Old Business -

Postponed: Kooroush and Jolene Saeian – Owners of property located at 14501 N. Shore Dr., in the N½, NW¼, of Section 33, T18N-R22E, Town of Liberty, Manitowoc County, Wisconsin, parcel number (008-033-005-004.00) wherein variances are being requested to reconstruct three retaining walls at 0 feet from the west property line and at various distances, ranging between 2 feet 8 inches to 9 feet 8 inches from the ordinary high water mark of Pigeon Lake; and to construct two retaining walls at 0 feet from the east property line and at 14 feet 6 inches to 4 feet 6 inches from the ordinary high water mark of Pigeon Lake, and to construct a 4' x 25.5' boardwalk at 2.5 feet from the ordinary high water mark of Pigeon Lake; and to construct a 8' x 12' patio at 14 feet 6 inches from the ordinary high water mark of Pigeon Lake, located in a LR, Lake Residential and S1, Shoreland zoned district.

Motion by: Mr. Schuler to remove Kooroush and Jolene Saeian postponed variance requests from the table.

Second by: Ms. Timm.

Upon vote: The motion was unanimously approved.

Aye: Schuler, Salm, Christel, Schuh and Timm; No: none.

Chairperson Schuh opened the public hearing for Kooroush and Jolene Saeian.

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. Justin Saein, spoke in representation for his father, Kooroush. Justin stated there was nothing to add to the appeal.

Mr. Justin Saein answered questions for the Board. Mr. Kooroush Saeian, answered additional questions via a cellular phone call.

People in attendance in favor of the request: none.

People in attendance opposed to the request:

Mr. Gaedtke stated that he 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 Kooroush and Jolene Saeian.

Deliberation

Motion by: Mr. Christel to modify the variance request by denying the request to construct a new 8' x 12' patio; and denying the requests to lengthen the retaining walls; approving the variance request to replace the six retaining walls in the same locations which can also be increased in width up to 24 inches as needed for stabilization purposes; and to reconstruct the existing boardwalk in approximately the same area along the east side of the pier so that it is the same size in square feet but at a distance of 0 feet from the ordinary high water mark of Pigeon Lake located in a LR, Lake Residential, S1, Shoreland zoned district on the basis of evidence submitted and the reasons listed below. The part of the boardwalk extending over the water can be reconfigured onto the east side of the boardwalk or the entire structure can be moved back towards railroad tie # 5 so that it no longer extends over the ordinary high water mark.

Retaining wall #1 cannot be extended 4 inches longer but it can be rebuilt the same length, widened up to 24" and located at the same distance from the OHWM of Pigeon Lake which is 9 feet 8 inches.

Retaining wall #2 cannot be extended 4 inches longer but it can be built at the same length, widened up to 24" and located at the same distance from the OHWM of Pigeon Lake which is 6 feet 8 inches.

Retaining wall #3 cannot be extended 2 feet longer but it can be rebuilt at the same length, widened up to 24" and located at the same distance from the OHWM of Pigeon Lake which is 2 feet 8 inches.

Retaining wall #4 cannot be extended 1 foot 4 inches longer but it can be rebuilt at the same length, widened up to 24" and located at the same distance from the OHWM of Pigeon Lake which is 14 feet 6 inches.

Retaining wall #5 cannot be extended 2 feet longer but it can be rebuilt to the same length, widened up to 24" and located at the same distance from the OHWM of Pigeon Lake which is 4 feet 6 inches.

Retaining wall #6 to remain the same size, in the same location at 2.5 feet from the OHWM of Pigeon Lake and it be widened up to 24" if needed.

If the retaining walls are widened then the impervious surface calculations must be updated.

Reasons for denial:

1. The request to a new patio do not meet the variance criteria of a need due to a physical hardship of the property. The property does allow for a suitable use and sitting area to be reconfigured along the boardwalk to the east. A new patio sitting area is a personal preference and not something created by an unnecessary hardship because of a physical feature of the property.
2. The retaining wall extensions are denied due to concern of property line location and insufficient testimony to prove the need for the extensions when the current wall length and locations would be adequate.

Reasons for approval:

1. Reconfiguring the boardwalk extension to the east is necessary due to the steep slope and would be a benefit to the public interest by removing the cantilevered portion of the deck that is existing.

2. The retaining walls are needed to hold back slumping or erosion of the steep slope which is present on the property and unique to this lot. The walls can be widened as needed up to 24 inches to allow for an adequate footprint to properly retain the hillside because without them erosion into Pigeon Lake would occur.
3. The new retaining walls and reconfigured boardwalk 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: Ms. Timm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Schuler, Christel, Salm and Timm; *No:* none.

Other Business

Correspondence not related to a hearing item:

Mr. Gaedtke informed the Board of violations regarding the conditional use permits for Christopher Robinson, Russ Alberts and Sportcomp. The Board advised Mr. Gaedtke to send letters to each.

Schedule Next Meeting:

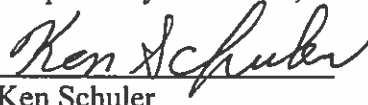
The next Board of Adjustment meeting is tentatively scheduled for Monday, April 17, 2023 and the onsite meeting for Monday, April 10, 2023. (Dates and times are subject to change.)

Adjournment

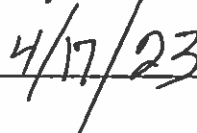
A motion was made by Mr. Christel and seconded by Mr. Salm to approve the adjournment. Upon vote, the motion was unanimously approved.

Aye: Schuh, Christel, Salm, Timm and Schuler; *No:* none.

Respectfully submitted,


Ken Schuler

Secretary


Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY & ON-SITE MEETING NOTICE

DATE: Monday, April 10, 2023
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. **Joseph Bessert** – Owner of property located at 20621 Carstens Lake Rd., in the NE¼, NW¼, Section 22, T18N–R21E, Town of Eaton – Conditional Use Permit Request.
 2. **John and Paula Winkel** – Owners of property located at 3509 Sunset Ln., in Govt. Lot 2, of Section 6, T19N–R21E, Town of Rockland – Variance Request.
 3. **Vicki & Juinor Ritchie** – Owners of property located at 15512 Westwood Ln., in the SW¼, NE¼, Section 20, T17N–R27E, Town of Meeme – Variance Request.
- IV. Old Business – None
- V. Other Business
 1. Correspondence
- VI. On-sites
- VII. Adjournment

Date: April 3, 2023

Ralph Schuh, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made. Any person wishing to travel on the on-sites with the Board, should contact the Manitowoc County Planning and Park Commission office at 920-683-4185 at least two business days before the meeting is scheduled so that appropriate accommodations can be made. Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

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

April 10, 2023

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 9:00 A.M. on Monday, April 10, 2023 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, Ms. Timm nominating Robert Salm as secretary for the meeting and seconded by Mr. Schuh. Upon vote, the motion was unanimously approved.

Aye: Schuh, Timm and Salm; No: none;

The roll was called by the secretary. Members present: Ralph Schuh, Bonnie Timm and Robert Salm. Members Absent: Ken Schuler and Dave Christel.

Staff present for advisory meeting: Reed Gaedtke and Andrea Raymakers.

The Board received their folders containing the April 17, 2023 hearing requests.

Mr. Gaedtke gave a quick overview of each request and other items.

The Board proceeded to the on-sites and returned to the Manitowoc County Office Complex when completed.

ADJOURNMENT

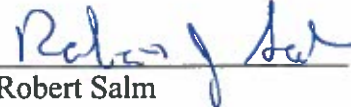
Motion by: Ms. Timm to adjourn.

Seconded by: Mr. Salm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Timm and Salm; No: none;

Respectfully submitted,


Robert Salm
Secretary pro tempore


Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT REGULAR MEETING NOTICE

DATE: Monday, April 17, 2023
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. CALL TO ORDER AND ROLL CALL
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
- V. NEW BUSINESS

Discussion and possible action on:

1. **Joseph Bessert** – Owner of property located at 20621 Carstens Lake Rd., in the NE¼, NW¼, Section 22, T18N–R21E, Town of Eaton – Conditional Use Permit Request.
2. **John and Paula Winkel** – Owners of property located at 3509 Sunset Ln., in Govt. Lot 2, of Section 6, T19N–R21E, Town of Rockland – Variance Request.
3. **Vicki & Juinor Ritchie** – Owners of property located at 15512 Westwood Ln., in the SW¼, NE¼, Section 20, T17N–R27E, Town of Meeme – Variance Request.

VI. OLD BUSINESS

Discussion and possible action on: None

VII. OTHER BUSINESS

1. Set May meeting date.
2. Correspondence

VIII. ADJOURNMENT

Date: April 3, 2023

Ralph Schuh, Board Chair
By: Reed Gaedtke, Code Administrator

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

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

April 17, 2023

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 7:00 P.M. on Monday, April 17, 2023 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, Bonnie Timm and Ken Schuler. Members absent: Dave Christel. Staff present: Reed Gaedtke.

A motion was made by, Ms. Timm, seconded by Mr. Salm to approve the April 17, 2023 meeting agenda. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm and Schuler; No: none.

A motion was made by, Mr. Schuler, seconded by Ms. Timm to approve the minutes for the March 20, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm and Schuler; No: none.

A motion was made by, Ms. Timm, seconded by Mr. Salm to approve the on-site minutes for the April 10, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm and Schuler; 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 Bessert – Owner of property located at 20621 Carstens Lake Rd., in the NE¼, NW¼, Section 22, T18N–R21E, Town of Eaton, Manitowoc County, Wisconsin, parcel number (004-022-005-003.00); wherein a conditional use permit is being requested to operate a custom cabinet and woodworking business on his property located in a RR, Rural Residential zoned district.

Chairperson Schuh opened the public hearing for Joseph Bessert.

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. Bessert had nothing to add to his appeal.

Mr. Bessert 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 Joseph Bessert.

Deliberation

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

Reasons for Approval:

1. Sufficient evidence from the applicant, on-site visit and testimony warrants an approval.
2. The request doesn't impede the orderly development of the district.
3. It's compatible with the surrounding area and won't have a negative effect on surrounding properties because it is a low intensity use.
4. The use fits on the parcel.
5. There is adequate access to the property.
6. The nature, location and height of the proposed and existing structure are acceptable to the area because it is a house and detached garage.
7. The use will not discourage appropriate development or use of adjacent land.
8. The business will not impair the value of surrounding properties.
9. There are no unsafe fumes, flashing lights or other factors that are more objectionable than any other allowable principal use in that district.
10. The use will not endanger the public's health, safety or welfare.

Conditions of Approval:

1. Days of operation shall be Monday through Friday.
2. Hours of operation will be 7:00 a.m. through 5:00 p.m.
3. No Employees.
4. All work shall be done inside the new 50' x 113' building shown on the site plan.

Second by: Ms. Timm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm and Schuler; *No:* none.

John and Paula Winkel – Owners of property located at 3509 Sunset Ln., in Govt. Lot 2, of Section 6, T19N–R21E, Town of Rockland, Manitowoc County, Wisconsin, parcel number (015-006-010-002.02); wherein a variance is being requested to reconstruct a 2' x 20.2' wall at approximately 66.5 feet from the ordinary high water mark of Long Lake located in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for John and Paula Winkel.

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.

Mrs. Winkel clarified their appeal.

Mr. & Mrs. Winkel 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 Wisconsin DNR informing the Board to apply the three criteria and a letter from the Town of Rockland in favor of the request (copy on file).

There being no further comments, Chairperson Schuh closed the public hearing for John and Paula Winkel.

Deliberation

Motion by: Mr. Salm to deny the variance permit request.

Reasons for denial:

1. There is no hardship or unique physical limitation present on the property. Therefore, there's no justification for approval.
2. There is no burden to the owners because the residence is useful in its existing size.
3. The additional two feet would not affect the public interest. However, since the first two variance questions cannot be proven the variance criteria is not met and therefore the request is denied.

Second by: Ms. Timm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm and Schuler; *No:* none.

Vicki & Juinor Ritchie – Owners of property located at 15512 Westwood Ln., in the SW¼, NE¼, Section 20, T17N–R27E, Town of Meeme, Manitowoc County, Wisconsin, parcel number (012-020-003-009.00); wherein a variance is being requested to construct a 8' x 45' deck at approximately 44 feet from the ordinary high water mark of Horseshoe Lake, located in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for Vicki and Junior Ritchie.

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.

Mrs. Ritchie expanded on their appeal.

Mr. & Mrs. Ritchie 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 Wisconsin DNR requesting the Board apply the three criteria when making a decision and a letter from the Town of Meeme in favor of the request (copy on file).

There being no further comments, Chairperson Schuh closed the public hearing for Vicki & Juinor Ritchie.

Deliberation

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

Reasons for approval:

1. The slope of the land, location of retaining walls and the very unique lot shape create a hardship for the owner as well as the inability relocate utilities in a reasonable manor inside the home.
2. The owners are burdened because of the unique shape of the lot and based upon the slope change on the property prevent the deck and egress area from meeting the setback. Also a house fire required utilities to be moved to the first floor. A second point of ingress/egress is required at the back of the house for safety purposes.
3. The covered deck will not affect the public interest because it will be further away from the lake than the existing structure and the impervious surface area of the lot will be reduced because the old deck will be removed.

Conditions of approval:

1. The existing deck on the side of the house must be removed and that area revegetated.

Second by: Mr. Schuler.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm and Schuler; *No:* none.

Old Business - None

Other Business

Correspondence not related to a hearing item:

Mr. Gaedtke updated the Board regarding the conditional use permit violation for Christopher Robinson.

Schedule Next Meeting:

The next Board of Adjustment meeting is tentatively scheduled for Monday, May 15, 2023 and the onsite meeting for Monday, May 8, 2023. (Dates and times are subject to change.)

Adjournment

A motion was made by Ms. Timm and seconded by Mr. Schuler to approve the adjournment. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm and Schuler; No: none.

Respectfully submitted,



Ken Schuler

Secretary

5-19-2023

Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY & ON-SITE MEETING NOTICE

DATE: Monday, May 8, 2023
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. **Russell Albert II** – Owner of property located at 12121 County Rd. XX., in the NE¼, SW¼, of Section 23, T17N-R22E, Town of Meeme - Compliance Review of a Conditional Use Permit.
 - 2. **Jayne & Stephanie Hetland** – Owner of property located at 19600 Point Creek Rd., Lot 4, Section 2, T17N-R21E, Town of Schleswig - Conditional Use Permit Request.
 - 3. **Michael Horn** – Owner of property located at 7230 Oakwood Rd., in the SE¼, SE¼, and the NE¼, SE¼, Section 19, T20N-R21E, Town of Maple Grove - Conditional Use Permit Request.
 - 4. **Signature Enterprises LLC** – Owner of property located at 14124 CTH C, in the SW¼, SE¼, Section 21, T18N-R22E, Town of Liberty - Conditional Use Permit Request.
- IV. Old Business – None
- V. Other Business
 - 1. Correspondence
- VI. On-sites
- VII. Adjournment

Date: April 28, 2023

Ralph Schuh, 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 8, 2023

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 9:00 A.M. on Monday, May 8, 2023 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, Ms. Timm nominating Robert Salm as secretary for the meeting and seconded by Mr. Schuh. Upon vote, the motion was unanimously approved.

Aye: Schuh, Timm and Salm; No: none;

The roll was called by the secretary pro tempore. Members present: Ralph Schuh, Bonnie Timm and Robert Salm. Members Absent: Dave Christel and Ken Schuler.

A motion was made by Ms. Timm; seconded by Mr. Salm to approve the agenda for the May 8, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm and Timm; No: none;

Staff present for advisory meeting: Reed Gaedtke and Andrea Raymakers.

The Board received their folders containing the May 15, 2023 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: Ms. Timm to adjourn.

Seconded by: Mr. Salm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm and Timm; No: none

Respectfully submitted,



Bob Salm, Secretary Pro-Tempore

5-15-2023
Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT REGULAR MEETING NOTICE

DATE: Monday, May 15, 2023
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. CALL TO ORDER AND ROLL CALL
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
- V. NEW BUSINESS

Discussion and possible action on:

1. **Russell Albert II** – Owner of property located at 12121 County Rd. XX., in the NE $\frac{1}{4}$, SW $\frac{1}{4}$, of Section 23, T17N-R22E, Town of Meeme – Compliance Review of a Conditional Use Permit.
2. **Jayme & Stephanie Hetland** – Owner of property located at 19600 Point Creek Rd., Lot 4, Section 2, T17N-R21E, Town of Schleswig - Conditional Use Permit Request.
3. **Michael Horn** – Owner of property located at 7230 Oakwood Rd., in the SE $\frac{1}{4}$, SE $\frac{1}{4}$, and the NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 19, T20N-R21E, Town of Maple Grove - Conditional Use Permit Request.
4. **Signature Enterprises LLC** – Owner of property located at 14124 CTH C, in the SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 21, T18N-R22E, Town of Liberty - Conditional Use Permit Request.

VI. OLD BUSINESS

Discussion and possible action on: None

VII. OTHER BUSINESS

1. Set June meeting date.
2. Correspondence.

VIII. ADJOURNMENT

Date: April 28, 2023

Ralph Schuh, 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 15, 2023

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 7:00 P.M. on Monday, May 15, 2023 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. Timm nominating Mr. Salm as secretary for the meeting and seconded by Mr. Christel. Upon vote, the motion was unanimously approved.

Aye: Schuh, Christel, Salm and Timm; No: none.

The roll was called by the secretary pro tempore. Members present: Ralph Schuh, Dave Christel, Bob Salm and Bonnie Timm. Members absent: Ken Schuler. Staff present: Reed Gaedtke and Peter Conrad, Corporation Counsel.

A motion was made by, Ms. Timm, seconded by Mr. Christel to approve the May 15, 2023 meeting agenda. Upon vote, the motion was unanimously approved.

Aye: Schuh, Christel, Salm and Timm; No: none.

A motion was made by, Mr. Salm, seconded by Ms. Timm to approve the minutes for the April 17, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Christel, Salm and Timm; No: none.

A motion was made by, Ms. Timm, seconded by Mr. Salm to approve the on-site minutes for the May 8, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Christel, Salm 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.

Old Business - None

New Business

Russell Albert II – Owner of property located at 12121 County Rd. XX., in the NE¼, SW¼, of Section 23, T17N-R22E, Town of Meeme, Manitowoc County, Wisconsin, parcel number (012-023-009-002.00) and located in a GA, General Agricultural district; wherein the Manitowoc County Planning and Zoning Department is requesting the Board of Adjustment conduct a compliance review of a conditional use permit granted in 2019 to operate a hydro-vac trucking business.

Chairperson Schuh opened the conditional use permit review for Russell Albert II.

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

Mr. Albert answered questions for the Board.

People in attendance in favor of the request: none.

People in attendance opposed to the request:

Val Jean Marcoe, spoke in opposition.

Ian Quinn, spoke in opposition.

Mike Zolltheis, spoke in opposition.

Mr. Albert made final comments to the Board.

Mr. Gaedtke read the letter he received a letter from the Town of Meeme. (copy on file).

There being no further comments, Chairperson Schuh closed the conditional use permit compliance review for Russell Albert II.

Deliberation

Manitowoc Corporation Counsel, Peter Conrad, spoke to the Board of Adjustment.

Motion by: Ms. Timm to revoke the conditional use permit request for failing to comply with permit conditions.

Reasons for Revoking the Conditional Use Permit:

1. Sufficient evidence from the meeting, on-site visit and testimony warrants revoking the conditional use permit.
2. The property was not kept in a neat and orderly clean fashion for 3 ¾ years.
3. Trucks were not placed into a building as required by the permit.
4. The owner did not meet the condition requirements in a timely manner.
5. Condition number 4 states: "All trucks with the exception of a van box shall be stored inside." However, as of May 15, 2023 the building is not complete and all trucks remain parked outside.
6. Condition number 9 states: "Vehicles shall be backed into the building so the truck lights do not cross over any neighbors houses." However, the building isn't complete so the trucks remain outside.
7. Condition number 10 states: "All outside storage of any materials (such as concrete blocks, machine parts, building parts, metal(s) unused fencing, junk tires etc.) must be completely screened from public view of CTH XX." However, according to testimony by Mr. Albert a fence was first completed the day of the compliance review. (May 15, 2023)
8. Reason number 4 for approving the original permit stated: "The use will not have a negative effect on surrounding properties provided it is kept clean and orderly." However, the property was not kept neat and orderly.
9. Reason number 8 for approving the original permit stated: "The nature, structures and location associated with the use is acceptable because a new building will be constructed to house the trucks." However, the building still isn't completed and trucks remain outside.
10. Reason number 10 states: "It won't impair the value of surrounding properties. The new building will look nice." However, the new building wasn't finished.

11. Three of the reasons for approving the original conditional use permit have not been met based on testimony given this evening as well as visual documentation over the last month.
12. Not only were the permit conditions not met but some of the reasons for approval have not carried through as well.

Second by: Mr. Salm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Christel, Salm and Timm; *No:* none.

Jayme & Stephanie Hetland – Owner of property located at 19600 Point Creek Rd., Lot 4, Section 2, T17N–R21E, Town of Schleswig, Manitowoc County, Wisconsin, parcel number (016-002-009-014.00); wherein a conditional use permit is being requested to operate a mini-warehouse business in a RR, Rural Residential zoned district.

Chairperson Schuh opened the public hearing for Jayme & Stephanie Hetland.

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

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

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

Mr. Hetland had nothing to add to the appeal.

Mr. Hetland answered questions for the Board.

People in attendance in favor of the request: none.

People in attendance opposed to the request:

Monica Parra, adjacent property owner, spoke in opposition.

Lee Parra, adjacent property owner, spoke in opposition.

There being no further comments, Chairperson Schuh closed the public hearing for Jayme & Stephanie Hetland.

Deliberation

Motion by: Mr. Christel to deny the conditional use permit request.

Reasons for Denial:

1. Sufficient evidence from the meeting, on-site visit and testimony warrants a denial.
2. This use would impede the orderly development of the district because even though it's currently agricultural and was rezoned to rural residential for this use, it was originally zoned as small estate for residential purposes and the surrounding properties in the area are also zoned residential.

3. It's not compatible with the surrounding area because this use has the potential to negatively affect the surrounding residential properties. However, the full extent of the affect can't be assessed without the actual use in place.
4. The use would discourage appropriate development of adjacent land and buildings due to the residential zoned parcels in the area and the impact a business like this would have on them.
5. The business could reduce the value of surrounding residential properties.
6. The use would endanger the public's health, safety or welfare. The roads aren't as wide as they should be for amount of traffic you would potentially see for this type of use. Also the lack of town input regarding this type of use and the road, it is unknown if there would be any changes to the road to ensure the public's health safety and welfare would be protected.

Second by: Ms. Timm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Christel, Salm and Timm; *No:* none.

Michael Horn – Owner of property located at 7230 Oakwood Rd., in the SE¼, SE¼, and the NE¼, SE¼, Section 19, T20N–R21E, Town of Maple Grove, Manitowoc County, Wisconsin, parcel number (011-019-016-000.00); wherein a conditional use permit is being requested by Mr. Horn and Lucas Wenzel, the applicants, to operate a farm equipment and milk truck repair and milk hauling business in a GA, General Agricultural zoned district.

Chairperson Schuh opened the public hearing for Michael Horn.

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

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

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

Mr. Horn had questions regarding signage requirements.

Mr. Horn 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 Michael Horn.

Deliberation

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

Reasons for Approval:

1. Sufficient evidence from the applicant, on-site visit and testimony warrants an approval.
2. The request doesn't impede the orderly development of the district.
3. It's compatible with the surrounding area and won't have a negative effect on surrounding properties because it's an agricultural business use.

4. The use fits on the parcel.
5. The property has adequate road access.
6. The nature, location and height of the proposed structure is acceptable to the area because the property is mainly surrounded by agricultural fields.
7. The use will not discourage appropriate development or use of adjacent land.
8. The business will not impair the value of surrounding properties because it's agricultural land.
9. There are no unsafe fumes, flashing lights or other factors that are more objectionable than any other allowable principal use in that district. Tractors, milk trucks and farm equipment are allowed in an agricultural area.
10. The use will not endanger the public's health, safety or welfare.

Conditions of Approval:

1. Days of operation shall be seven days a week.
2. Hours of operation will be twenty-four hours a day.
3. Number of employees shall be six.
4. Any scrap metal or junk shall be stored inside or screened from view.
5. Milk hauling is the only type of hauling allowed. (Milk tanker trucks)
6. Outside lighting shall be as listed in the application and directed downward onto the property. The lighting cannot shine off the property.
7. Truck maintenance shall take place inside the building.
8. Farm equipment maintenance can occur inside or outside due to the size of some equipment.
9. Trucks shall be stored inside the building; not parked outside.
10. The storage of fluids shall be contained within the building.
11. Any storm water runoff shall run to a sufficient grass area for filtration.

Second by: Mr. Christel.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Christel, Salm and Timm; *No:* none.

Signature Enterprises LLC – Owner of property located at 14124 CTH C, in the SW¼, SE¼, Section 21, T18N–R22E, Town of Liberty, Manitowoc County, Wisconsin, parcel number (008-021-015-001.00); wherein a conditional use permit is being requested to operate a landscape business located in a proposed GA, General Agricultural zoned district.

Chairperson Schuh opened the public hearing for Signature Enterprises LLC.

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

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

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

Mr. Shane Mulhaney, representing Signature Enterprises LLC had nothing to add to his appeal.

Mr. Mulhaney 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 that he 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 Signature Enterprises LLC.

Deliberation

Motion by: Mr. Christel to postpone the conditional use permit request until next meeting.

Second by: Ms. Timm

Upon vote: The motion was unanimously approved.

Aye: Schuh, Christel, Salm and Timm; *No:* none.

Other Business

Correspondence not related to a hearing item:

Mr. Gaedtke informed the Board of a complaint with regards to dust at 141 Speedway.

Mr. Gaedtke received clarification from the Board regarding Silver Creek Nurseries condition to plant a vegetative buffer on the east and west sides of the property for screening purposes. Mr. Gaedtke will send correspondence to Silver Creek Nurseries.

Mr. Gaedtke updated the Board regarding the notice of violation letter sent to Sportcomp. Mr. Gaedtke read into record a copy of an email he sent to the Board detailing his conversation with Mr. Anschutz. (copy on file) The Board stated that condition #6 regarding the number of event pertains to nonmember events only. The condition does not limit the number of member events, since they are members they already have use of the property during regular hours.

Schedule Next Meeting:

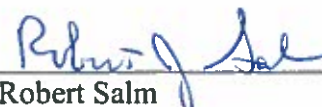
The next Board of Adjustment meeting is tentatively scheduled for Monday, June 19, 2023 and the onsite meeting for Tuesday, June 13, 2023. (Dates and times are subject to change.)

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: Schuh, Christel, Salm and Timm; *No:* none.

Respectfully submitted,


Robert Salm
Secretary pro tempore

6/19/23
Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY & ON-SITE MEETING NOTICE

DATE: Tuesday, June 13, 2023
TIME: 9:00 a.m.
PLACE: Manitowoc County Office Complex
4319 Expo Drive, Manitowoc, WI 54220

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

- I. Call to Order - Roll Call
- II. Approval of Agenda
"Open Meeting Law Compliance"
- III. Old Business –
 1. **Postponed: Signature Enterprises LLC** – Owner of property located at 14124 CTH C, in the SW¼, SE¼, Section 21, T18N–R22E, Town of Liberty - Conditional Use Permit Request.
- IV. New Business –
 1. **Matthew and Nicole Kapellen** – Owner of property located at 14127 Cedar Terrace Rd. Govt. Lot 3, Section 24, T17N–R21E, Town of Schleswig - Conditional Use Permit Request.
 2. **Johnathan Giroux** – Owner of property located at 3407 S 10th St. Govt. Lot 3, Section 5, T18N–R24E, Town of Manitowoc- Conditional Use Permit Request.
 3. **Chad Koeppel** – Owner of property located at 7326 Reifs Mills Rd., in the SE¼, SW¼, Section 21, T20N–R23E, Town of Kossuth – Conditional Use Permit Request.
- V. Other Business
 1. Correspondence
- VI. On-sites
- VII. Adjournment

Date: June 5, 2023

Ralph Schuh, 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, 2023

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 9:00 A.M. on Tuesday, June 13, 2023 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Ralph Schuh, Robert Salm, Ken Schuler and Bonnie Timm. Members Absent: Dave Christel.

A motion was made by Ms. Timm; seconded by Mr. Schuler to approve the agenda for the June 13, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm and Schuler; No: none;

Staff present for advisory meeting: Reed Gaedtke and Kaila Boeckman.

The Board received their folders containing the June 19, 2023 hearing requests.

Mr. Gaedtke gave a quick overview of each request.

Mr. Dave Christel, board member, arrived during the overview.

The Board proceeded to the on-sites (Mr. Salm, did not attend) and returned to the Manitowoc County Office Complex when completed.

ADJOURNMENT

Motion by: Ms. Timm to adjourn.

Seconded by: Mr. Schuler.

Upon vote: The motion was unanimously approved.

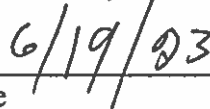
Aye: Schuh, Christel, Timm and Schuler; No: none

Respectfully submitted,



Ken Schuler, Secretary

Date



Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT REGULAR MEETING NOTICE

DATE: Monday, June 19, 2023
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. CALL TO ORDER AND ROLL CALL
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES

V. OLD BUSINESS

Discussion and possible action on:

- 1. **Postponed: Signature Enterprises LLC** – Owner of property located at 14124 CTH C, in the SW¼, SE¼, Section 21, T18N–R22E, Town of Liberty - Conditional Use Permit Request.

VI. NEW BUSINESS

Discussion and possible action on:

- 1. **Matthew and Nicole Kapellen** – Owner of property located at 14127 Cedar Terrace Rd. Govt. Lot 3, Section 24, T17N–R21E, Town of Schleswig - Conditional Use Permit Request.
- 2. **Johnathan Giroux** – Owner of property located at 3407 S 10th St. Govt. Lot 3, Section 5, T18N–R24E, Town of Manitowoc- Conditional Use Permit Request.
- 3. **Chad Koeppel** – Owner of property located at 7326 Reifs Mills Rd., in the SE¼, SW¼, Section 21, T20N–R23E, Town of Kossuth – Conditional Use Permit Request.

VII. OTHER BUSINESS

- 1. Set July meeting date.
- 2. Correspondence

VIII. ADJOURNMENT

Date: June 5, 2023

Ralph Schuh, 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 19, 2023

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 7:00 P.M. on Monday, June 19, 2023 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, Bonnie Timm, Dave Christel and Ken Schuler. Members absent: None. Staff present: Reed Gaedtke.

A motion was made by, Mr. Christel, seconded by Ms. Timm to approve the June 19, 2023 meeting agenda. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; No: none.

A motion was made by, Ms. Timm, seconded by Mr. Salm to approve the minutes for the May 15, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; No: none.

A motion was made by, Ms. Timm, seconded by Mr. Schuler to approve the on-site minutes for the June 12, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; 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.

Old Business

Signature Enterprises LLC – Owner of property located at 14124 CTH C, in the SW¼, SE¼, Section 21, T18N–R22E, Town of Liberty, Manitowoc County, Wisconsin, parcel number (008-021-015-001.00); wherein a conditional use permit is being requested to operate a landscape business located in a proposed GA, General Agricultural zoned district.

Motion by: Mr. Christel to remove the request from the table to rule on it.

Second by: Ms. Timm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; No: none.

Deliberation

Motion by: Mr. Christel to approve the conditional use permit request with the reasons and conditions listed.

Reasons for Approval:

1. Sufficient evidence from the applicant, on-site visit and testimony warrants an approval.

2. The request does not impede the orderly development of the district. It's a low impact business with a minimum amount of neighbors.
3. It's compatible with the surrounding area and won't have a negative effect on surrounding properties because it is far enough away from the adjacent neighbor and it's surrounded by agricultural fields and Town of Liberty property.
4. The use fits on the parcel.
5. There is adequate access to the property. It is unique because it has access to two separate roads which allows for safe access to the property.
6. The use will not discourage appropriate development or use of adjacent land.
7. The business will not impair the value of surrounding properties.
8. There are no unsafe fumes, flashing lights or other factors that are more objectionable than any other allowable principal use in that district.
9. 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 will be 6:00 a.m. through 5:00 p.m.; Monday through Friday and 6:00 a.m. to 2:00 p.m.; on Saturday.
3. Number of employees will be 8.
4. Low impact lighting. All lighting shall be directed downward onto the property and shall not leave the property.
5. A sign shall not be larger than 32 square feet and follow county ordinances.
6. Crushing of materials is prohibited on site.
7. Screening of materials is allowed on site. (top soil).
8. Building runoff shall run to the ditch or a grass infiltration area. It cannot be tied into a field tile.
9. Any new or used fluids for equipment must be stored inside the buildings.
10. Any scrap material to be stored outside must be kept within some type of container and emptied on a regular basis or screened from public view.

Second by: Ms. Timm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

New Business

Matthew and Nicole Kapellen – Owner of property located at 14127 Cedar Terrace Rd. Govt. Lot 3, Section 24, T17N–R21E, Town of Schleswig, Manitowoc County, Wisconsin, parcel number (016-024-003-004.03); wherein a conditional use permit is being requested to operate a vacation home rental business in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for Matt & Nicole Kapellan.

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. Kapellan expanded on his appeal and permit activity.

Mr. Kapellan answered questions for the Board.

Mr. Gaedtke stated the septic system for the property would allow for 8 people to stay at the residence as requested by the applicant.

People in attendance in favor of the request:

Tyler Leroy, spoke in favor of the request. Mr. Leroy will help manage the property and give his phone number to the neighbors for contact purposes.

People in attendance opposed to the request: none.

Mr. Kapellan answered additional questions for the Board.

There being no further comments, Chairperson Schuh closed the public hearing for Matt & Nicole Kapellan.

Deliberation

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

Reasons for Approval:

1. Sufficient evidence from the applicant, on-site visit and testimony warrants an approval.
2. The request doesn't impede the orderly development of the district based on the conditions listed. Also, there are other properties rented on the lake and this use would fall in line with existing practices.
3. The use is compatible with the surrounding area and won't have a negative effect on surrounding properties because a new septic system has been installed, and the structure is a typical three bedroom home which is no different than other home on the lake. Other home owners on the lake wouldn't utilize the lake any differently.
4. The use does not discourage adjacent properties because surrounding properties are already developed.
5. The business will not impair the value of surrounding properties because it has been improved, which would increase its value as well as neighboring properties.
6. The use will not endanger the public's health, safety or welfare based on the listed conditions. Traffic and emergency vehicle access will not be blocked.
7. The lake has a public boat access and any additional boat traffic to the lake could be present regardless of this property's conditional use being granted.

Conditions of Approval:

1. Days of operation shall be seven days a week.
2. Hours of operation will be twenty-four hours a day.
3. Quiet time on the property shall be from 10:00 p.m. to 6:00 a.m. and shall be posted inside the residence.
4. Number of employees shall be two.

5. Maximum number of occupancy shall be 8 people.
6. Fireworks or the discharging of firearms is prohibited.
7. There's an existing fence. If the owners want a new fence, they would have to follow ordinance regulations.
8. Ambient and scone lighting is permitted. However, all outdoor lighting shall be directed onto the property and not towards the road or other properties.
9. No artificial loud noise allowed.
10. Sign(s) shall meet county setback, size and other regulations.
11. All parking shall be located on the property and not on town roads or the public boat landing parking lot.
12. No pets allowed.
13. Owner and manager contact information shall be posted according to code. It shall also be posted inside the building, along with local town and lake regulations.
14. Owners are required to meet state and Health Department regulations and licensing.
15. There shall be working smoke alarms and fire extinguishers present in the home.

Second by: Ms. Timm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

Jonathan Giroux – Owner of property located at 3407 S 10th St. Govt. Lot 3, Section 5, T18N–R24E, Town of Manitowoc, Manitowoc County, Wisconsin, parcel number (009-500-005-002.02); wherein a conditional use permit is being requested to operate a vacation home rental business in a RR, Rural Residential, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for Jonathan Giroux.

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. Giroux commented on his appeal.

Mr. Schuh shared that an email was received from the Town of Manitowoc requesting a postponement to allow them time to meet with Mr. Giroux regarding his request.

Deliberation

Motion by: Mr. Schuler to postpone until the next meeting.

Second by: Mr. Christel.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

Chad Koeppel – Owner of property located at 7326 Reifs Mills Rd., in the SE¼, SW¼, Section 21, T20N–R23E, Town of Kossuth, Manitowoc County, Wisconsin, parcel number (007-021-012-001.00); wherein an after the fact conditional use permit is being requested to operate a concrete masonry business in a RR, Rural Residential zoned district.

Chairperson Schuh opened the public hearing for Chad Koeppel.

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. Koeppel commented on his appeal.

Mr. Koeppel 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 Chad Koeppel.

Deliberation

Motion by: Mr. Christel to approve the Conditional Use permit request.

Reasons for Approval:

1. Sufficient evidence from the applicant, on-site visit and testimony warrants an approval.
2. The request doesn't impede the orderly development of the district. It has operated at that location for a number of years with no issues.
3. The use is compatible with the surrounding area and will not have a negative effect on surrounding properties or discourage appropriate development. The business has been established and there have been no complaints, no negative effects to surrounding properties, or no discouragement of any development.
4. The business will not impair the value of surrounding properties in its current well maintained condition. Materials are stored at the back of the property away from the road.
5. The use will not endanger the public's health, safety or welfare because most of the work is performed off site.

Conditions of Approval:

1. Days of operation shall be Monday through Friday with occasional Saturdays.
2. Hours of operation will be Monday through Friday from 6:00 a.m. to 6:00 p.m. and Saturdays from 6:00 a.m. to 12:00 noon.
3. Number of employees shall be no greater than 15.
4. Types of equipment shall be equipment listed in the application and associated with concrete installation.
5. Lighting shall be directed onto the property and not shine onto the road or neighboring properties.
6. No screening or crushing of materials allowed.
7. Any activity not currently occurring on the property, that would create a new source of artificial noise or dust, is prohibited.

8. A sign is allowed according to code.
9. All customer and employee parking shall occur on the property.
10. Parking is prohibited on the road.
11. This conditional use permit will sunset with the sale of the property. A new owner would have to reapply and go before the board of adjustment for a new permit.

Second by: Mr. Schuler.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

Other Business

Correspondence not related to a hearing item:

Schedule Next Meeting:

The next Board of Adjustment meeting is tentatively scheduled for Monday, July 17, 2023 and the onsite meeting for Tuesday, July 11, 2023. (Dates and times are subject to change.)

Mr. Gaedtke shared a list of conditions with regards to special event request.

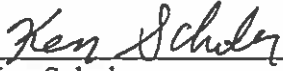
Mr. Gaedtke updated the Board regarding Russ Alberts.

Adjournment

A motion was made by Mr. Schuler and seconded by Ms. Timm to approve the adjournment. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

Respectfully submitted,


Ken Schuler
Secretary

8-21-2023
Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY & ON-SITE MEETING NOTICE

DATE: Tuesday, August 15, 2023
TIME: 9:00 a.m.
PLACE: Manitowoc County Office Complex
4319 Expo Drive, Manitowoc, WI 54220

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

I. Call to Order - Roll Call

II. Approval of Agenda
"Open Meeting Law Compliance"

III. Old Business –

1. **POSTPONED: Johnathan Giroux** – Owner of property located at 3407 S 10th St. Govt. Lot 3, Section 5, T18N–R24E, Town of Manitowoc- Conditional Use Permit Request.

IV. New Business –

1. **Peter Lindemann** – Owner of property located at 12023 Newton Rd., and located in the NE¼, NW¼, of Section 35, T18N-R22E, Town of Liberty – Conditional Use Permit Request.
2. **Silver Creek Nurseries Inc.** – Owner of property located at 1909 Silver Creek Rd., in the NE¼, NW¼, of Section 7, T18N-R24E, Town of Manitowoc – Conditional Use Permit Review

V. Other Business

1. Correspondence

VI. On-sites

VII. Adjournment

Date: July 31, 2023

Ralph Schuh, 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 15, 2023

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 9:00 A.M. on Tuesday, August 15, 2023 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Ralph Schuh, Robert Salm, Ken Schuler, Dave Christel and Bonnie Timm. Members Absent: None.

A motion was made by Ms. Timm; seconded by Mr. Christel to approve the agenda for the August 15, 2023 meeting. Upon vote, the motion was unanimously approved.
Aye: Schuh, Salm, Timm, Christel and Schuler; No: none;

Staff present for advisory meeting: Reed Gaedtke and Kaila Boeckman.

The Board received their folders containing the August 21, 2023 hearing requests.

Mr. Gaedtke gave a quick overview of each request.

The Board proceeded to the on-sites (Mr. Christel, did not attend) and returned to the Manitowoc County Office Complex when completed.

ADJOURNMENT

Motion by: Mr. Schuler to adjourn.

Seconded by: Ms. Timm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm and Schuler; No: none

Respectfully submitted,



Ken Schuler, Secretary

8-21-2023
Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT REGULAR MEETING NOTICE

DATE: Monday, August 21, 2023
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. CALL TO ORDER AND ROLL CALL
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES

V. OLD BUSINESS

Discussion and possible action on:

- 1. **POSTPONED: Johnathan Giroux** – Owner of property located at 3407 S 10th St. Govt. Lot 3, Section 5, T18N–R24E, Town of Manitowoc- Conditional Use Permit Request.

VI. NEW BUSINESS

Discussion and possible action on:

- 1. **Peter Lindemann** – Owner of property located at 12023 Newton Rd., and located in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, of Section 35, T18N-R22E, Town of Liberty – Conditional Use Permit Request.
- 2. **Silver Creek Nurseries Inc.** – Owner of property located at 1909 Silver Creek Rd., in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, of Section 7, T18N-R24E, Town of Manitowoc – Conditional Use Permit Review

VII. OTHER BUSINESS

- 1. Election of Officers.
- 2. Set September meeting date.
- 3. Correspondence

VIII. ADJOURNMENT

Date: July 31, 2023

Ralph Schuh, 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 21, 2023

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 7:00 P.M. on Monday, August 21, 2023 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, Bonnie Timm, Dave Christel and Ken Schuler. Members absent: None. Staff present: Reed Gaedtke.

A motion was made by, Mr. Salm, seconded by Mr. Schuler to approve the August 21, 2023 meeting agenda. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; No: none.

A motion was made by, Ms. Timm, seconded by Mr. Salm to approve the minutes for the June 19, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; No: none.

A motion was made by, Ms. Timm, seconded by Mr. Schuler to approve the on-site minutes for the August 15, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; 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.

Old Business

POSTPONED: Jonathan Giroux – Owner of property located at 3407 S 10th St. Govt. Lot 3, Section 5, T18N–R24E, Town of Manitowoc, Manitowoc County, Wisconsin, parcel number (009-500-005-002.02); wherein a conditional use permit is being requested to operate a vacation home rental business in a RR, Rural Residential, S1, Shoreland zoned district.

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

Second by: Mr. Christel.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; No: none.

Chairperson Schuh opened the public hearing for Jonathan Giroux.

Chairperson Schuh asked if there was anything to add to the appeal.

Mr. Giroux commented on his appeal.

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

Mr. Giroux addressed the letter from the Town of Manitowoc (copy on file) and answered questions for the Board.

People in attendance in favor of the request: none.

People in attendance opposed to the request:

Theresa Ohlrogge, adjacent property owner, spoke in opposition to the request.

Jeffrey Jones, adjacent property owner, spoke in opposition to the request.

Angela Katsma, adjacent property owner, spoke in opposition to the request.

Mr. Giroux spoke in rebuttal.

Motion by: Mr. Schuler to postpone hearing for more adequate information prior to the next meeting.

Second by: Mr. Salm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

New Business

Peter Lindemann – Owner of property located at 12023 Newton Rd., and located in the NE¼, NW¼, of Section 35, T18N-R22E, Town of Liberty, Manitowoc County, Wisconsin, parcel number (008-035-005-000.00) wherein a conditional use permit is being requested by Peter Lindemann Jr., the applicant, to operate mini-warehouse business in a RR, Rural Residential zoned district.

Chairperson Schuh opened the public hearing for Peter Lindemann.

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. Lindemann had nothing to add to his appeal.

Mr. Lindemann 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 Peter Lindemann.

Deliberation

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

Reasons for Approval:

1. Sufficient evidence from the applicant, on-site visit and testimony warrants an approval.
2. The request doesn't impede the orderly development of the district and won't have a negative effect on surrounding properties because the surrounding property is mainly agricultural land with limited residential areas nearby
3. The use will not impair the value of surrounding properties.
4. There is adequate access to the property and no residences across from the driveways and they are several hundred feet away so lights from vehicles leaving the property will not shine into a residence.
5. The use will not discourage appropriate development or use of adjacent land and water runoff flow will be addressed in the conditions below.
6. There are no unsafe fumes, flashing lights or other factors that are more objectionable than any other allowable principal use in that district.
7. The use will not endanger the public's health, safety or welfare. The buildings are not being occupied by residents so it's a low impact use of the area.

Conditions of Approval:

1. Days of operation shall be seven days a week.
2. Hours of operation will be 24 hours per day.
3. No Employees.
4. No fencing required.
5. Outdoor lighting must be must shine down onto the property. No floodlights shining onto the building directing light away from the property.
6. A 32 sq/ft sign is permitted according to county code.
7. Water runoff shall be directed to the road ditch and not impact neighboring properties.
8. Shipping containers are not allowed.
9. Outside storage is prohibited.
10. The number of buildings shall be based off the total amount of square feet of structure allowed on the property.
11. The total amount of square feet allowed, under roof, shall not exceed 50,000 square feet.

Second by: Mr. Salm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; No: none.

Silver Creek Nurseries Inc. – Owner of property located at 1909 Silver Creek Rd., in the NE¼, NW¼, of Section 7, T18N-R24E, Town of Manitowoc, Manitowoc County, Wisconsin, parcel number (009-007-005-002.00), wherein the Board of Adjustment will conduct an annual review of an existing conditional use permit for a masonry, storage and snow removal business in a GA, General Agricultural zoned district.

Chairperson Schuh opened the public hearing for Silver Creek Nurseries Inc.

Jeff Edgar in attendance for Silver Creek Nurseries and Anthony Seiler for SC Concrete.

Mr. Gaedtke read the reason for the review, stating it is a condition of their Conditional Use Permit.

Chairperson Schuh asked the representatives for an update on how things are going.

Mr. Seiler and Mr. Edgar each gave an update.

Chairperson Schuh informed the representatives that a list of concerns/complaints from a neighboring property owner was received. A copy of the letter was supplied to the representatives and the Board members. (copy on file)

The representatives answered questions for the Board.

People in attendance in favor of the request:

Jane Sleep, adjacent land owner, spoke in favor of the operations.

Geri Gilbert, Town Clerk/Treasurer, stated that they have not received any complaints since August 2022.

People in attendance opposed to the request:

Sue Klinker, adjacent land owner, spoke stating that she feels condition #9 & #10 were not met.

Dan Cichantek, neighboring property owner, stated he has no opposition to the business as long as the screener continues to not be operational.

Steve Klinker, adjacent land owner, submitted a letter regarding concerns/complaints.

Mr. Gaedtke reminded the Board this is a review, not a renewal.

Mr. Edgar and Mr. Seiler spoke in rebuttal.

Motion by: Mr. Schuh to postpone the review until next month to allow for review of the letter of concerns received.

Second by: Mr. Schuler.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

Other Business

Correspondence not related to a hearing item:

Mr. Gaedtke stated he received an inquiry regarding the membership numbers at Sportcomp and the Board addressed that concern by stating that Sportcomp is required to keep record of membership numbers. In addition, the Board had no concerns and felt they are operating as specified.

Election of Officers

Motion by: Ms. Timm to cast a unanimous vote to have Mr. Schuh as chairman; Mr. Christel as vice chairman; and Mr. Schuler as secretary.

Second by: Mr. Schuler.

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, September 18, 2023 and the onsite meeting for Tuesday, September 12, 2023. (Dates and times are subject to change.)

Adjournment

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

Aye: Schuh, Salm, Timm, Christel and Schuler; No: none.

Respectfully submitted,



Ken Schuler

Secretary

9-18-2023

Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY & ON-SITE MEETING NOTICE

DATE: Tuesday, September 12, 2023
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. **David & Debra Bauknecht** – Owners of property located at 3832 CTH W, in the NE¼, SE¼, of Section 3, T19N-R21E, Town of Rockland – Variance Request.
 2. **Andrea Uptgrow** – Owner of property located at 6410 Old Q Rd., in the SW¼, NW¼, of Section 30, T20N-R24E, Town of Kossuth – Conditional Use Permit Request.
 3. **TLG Holdings LLC** – Owner of property located at 3921 Branch River Rd., in the NE¼, SE¼, of Section 5, T19N-R23E, Town of Manitowoc Rapids – Variance Request.
- IV. Old Business -
 1. **POSTPONED: Johnathan Giroux** – Owner of property located at 3407 S 10th St. Govt. Lot 3, Section 5, T18N-R24E, Town of Manitowoc- Conditional Use Permit Request.
 2. **POSTPONED: Silver Creek Nurseries Inc.** – Owner of property located at 1909 Silver Creek Rd., in the NE¼, NW¼, of Section 7, T18N-R24E, Town of Manitowoc – Conditional Use Permit Review.
- V. Other Business
 1. Correspondence
- VI. On-sites
- VII. Adjournment

Date: September 6, 2023

Ralph Schuh, 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 12, 2023

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 9:00 A.M. on Tuesday, September 12, 2023 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Ralph Schuh, Robert Salm, Ken Schuler and Bonnie Timm. Members Absent: Dave Christel.

A motion was made by Ms. Timm; seconded by Mr. Schuler to approve the agenda for the September 12, 2023 meeting. Upon vote, the motion was unanimously approved.
Aye: Schuh, Salm, Timm and Schuler; No: none;

Staff present for advisory meeting: Reed Gaedtke and Andrea Raymakers.

The Board received their folders containing the September 18, 2023 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. Schuler to adjourn.

Seconded by: Ms. Timm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm and Schuler; No: none

Respectfully submitted,



Ken Schuler, Secretary

9-18-2023
Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT REGULAR MEETING NOTICE

DATE: Monday, September 18, 2023
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. CALL TO ORDER AND ROLL CALL
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
- V. NEW BUSINESS

Discussion and possible action on:

1. **David & Debra Bauknecht** – Owners of property located at 3832 CTH W, in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, of Section 3, T19N-R21E, Town of Rockland – Variance Request.
2. **Andrea Uptgrow** – Owner of property located at 6410 Old Q Rd., in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, of Section 30, T20N-R24E, Town of Kossuth – Conditional Use Permit Request.
3. **TLG Holdings LLC** – Owner of property located at 3921 Branch River Rd., in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, of Section 5, T19N-R23E, Town of Manitowoc Rapids – Variance Request.

VI. OLD BUSINESS

Discussion and possible action on:

1. **POSTPONED: Johnathan Giroux** – Owner of property located at 3407 S 10th St. Govt. Lot 3, Section 5, T18N-R24E, Town of Manitowoc- Conditional Use Permit Request.
2. **POSTPONED: Silver Creek Nurseries Inc.** – Owner of property located at 1909 Silver Creek Rd., in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, of Section 7, T18N-R24E, Town of Manitowoc – Conditional Use Permit Review

VII. OTHER BUSINESS

1. Set October meeting date.
2. Correspondence

VIII. ADJOURNMENT

Date: September 6, 2023

Ralph Schuh, 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 18, 2023

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 7:00 P.M. on Monday, September 18, 2023 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, Bonnie Timm, Dave Christel and Ken Schuler. Members absent: None. Staff present: Reed Gaedtke.

A motion was made by, Ms. Timm, seconded by Mr. Salm to approve the September 18, 2023 meeting agenda. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; No: none.

Mr. Schuh stated that the postponed agenda item from Jonathan Giroux will be postponed again until the next Board of Adjustment meeting. This request was made by Mr. Giroux.

A motion was made by, Ms. Timm, seconded by Mr. Salm to approve the minutes for the August 21, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; No: none.

A motion was made by, Ms. Timm, seconded by Mr. Salm to approve the on-site minutes for the September 12, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; 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

David & Debra Bauknecht – Owners of property located at 3832 CTH W, in the NE¼, SE¼, of Section 3, T19N-R21E, Town of Rockland, Manitowoc County, Wisconsin, parcel number (015-003-013-003.00) wherein a variance is being requested by Manitowoc County Parks Department, the applicant, to locate a snowmobile bridge and approach at approximately 75 feet from the centerline of CTH W and at 0 feet from the road right-of-way line, located in a GA, General Agricultural, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for David & Debra Bauknecht. Representing the applicant, Manitowoc County Parks Department is Mr. Pete Tarnowski, Manitowoc County Parks Manager.

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. Tarnowski gave an update.

People in attendance in favor of the request:

Richard Rothmund, spoke in favor of the project.

People in attendance opposed to the request: none.

There being no further comments, Chairperson Schuh closed the public hearing for David & Debra Bauknecht.

Deliberation

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

Reasons for approval:

1. The creek that passes through the property is a unique physical limitation that creates a hardship for the owner because snowmobiles to travel onto the highway which is a safety hazard for the property owner, motorists and the snowmobilers.
2. There is a burden without having the bridge in that location because it is needed to keep safe access to the snowmobile recreational trail and the best place for the grooming equipment to easily navigate over the creek.
3. The bridge will not have a negative affect on the public interest because it will be an improvement for safety for vehicles on CTH W and snowmobiles; and it's only being used for a limited time throughout the year during the winter months.

Second by: Mr. Schuler.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

Andrea Uptgrow – Owner of property located at 6410 Old Q Rd., in the SW¼, NW¼, of Section 30, T20N-R24E, Town of Kossuth, Manitowoc County, Wisconsin, parcel number (007-130-007-007.00), wherein Latia Bolden, the applicant, wishes to obtain a conditional use permit to operate a community assisted living facility in a RR, Rural Residential zoned district.

Chairperson Schuh opened the public hearing for Andrea Uptgrow.

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.

Ms. Uptgrow had nothing to add to her appeal.

Mr. Gaedtke read into record Wisconsin state statutes to address why Ms. Uptgrow is required to obtain a conditional use permit.

In addition, Mr. Gaedtke read a letter from Ms. Uptgrow to clarify her intentions for the property.

Ms. Uptgrow and Ms. Bolden answered questions for the Board.

People in attendance in favor of the request: none.

People in attendance opposed to the request:

Ms. Kelly Ewen, adjacent property owner, spoke in opposition of the request.

Mr. John Tegen, adjacent property owner, spoke in opposition of the request.

Richard Rothmund, adjacent property owner, spoke in opposition of the request.

Ms. Uptgrow spoke in rebuttal.

Ms. Uptgrow and Ms. Bolden answered additional questions for the Board.

There being no further comments, Chairperson Schuh closed the public hearing for Andrea Uptgrow.

Deliberation

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

Reasons for Denial:

1. Sufficient evidence from the meeting, on-site visit and testimony warrants the denial.
2. There were concerns the board had regarding number of workers on site, and safety for patients and neighbors that were left unanswered by the applicant. Safety concerns for this type of use could impede the orderly development of the district.
3. Based on questions and testimony, the use is not compatible with the area.
4. Neighboring residents are already worried and concerned which constitutes a negative effect.
5. The use does not fit on the parcel, because of a lack of adequate parking available to keep vehicles off the road. Part of the circle driveway is located in the right-of-way and any response from an emergency vehicle would require them to park on the road.
6. The nature and location of the structure would normally not be used for this type of facility. The location of the structure is not acceptable for this type of use because it is located out in the county away from quick emergency responses.
7. The use will discourage appropriate development or use of adjacent land due to the uncertainty of this use and unknown parameters for people living there.
8. Neighbors had concerns about their property being devalued and the applicant did not provide any evidence to show property values would not be affected.
9. Due to the location, there are more objectionable factors with this type of use, rather than a typical residence, because as patient occupancy levels increase so would traffic and parking concerns which create road safety hazards.
10. The public's health, safety or welfare would be endanger due to safety concerns and lack of off road parking.

Second by: Mr. Salm.

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

Aye: Schuh, Salm, Timm and Schuler; No: Christel.

TLG Holdings LLC – Owner of property located at 3921 Branch River Rd., in the NE¼, SE¼, of Section 5, T19N-R23E, Town of Manitowoc Rapids, Manitowoc County, Wisconsin, parcel number (010-005-013-002.00) wherein a variance is being requested by, Scott Valleskey, the applicant, to construct a covered porch/entrance onto an existing building at 0 feet from the Branch River Road right-of-way; and at 0 feet from USH 10 right-of-way; and within the USH 10 site triangle located in a CB, Commercial Business zoned district.

Chairperson Schuh opened the public hearing for TLG Holdings LLC.

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. Scott Valleskey, applicant, had nothing to add to his appeal.

Mr. Scott Valleskey answered questions for the Board.

People in attendance in favor of the request:

John Jost, Town of Manitowoc Rapids Supervisor, spoke reaffirming the Town is in favor.

People in attendance opposed to the request: none.

There being no further comments, Chairperson Schuh closed the public hearing for TLG Holdings LLC.

Deliberation

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

Reasons for approval:

1. The existing building which has been in place for years prior to setbacks and is located next to the right-of-way which creates a hardship for the owner by limiting the location to construct a safe access for his patrons. This location was the only reasonable place for the new access. It could not go further to the west.
2. The owner is burdened because he would not have safe access to the structure and limit the owner from using the property.
3. New entrance/porch will not have a negative effect on the public interest because it will be an improvement from the old access which was in the right-of-way and faced the road. The new entrance will be safer for both motorists and pedestrians.
4. The entrance is far enough from the road that it will not impede the line of site for oncoming traffic in the site triangle

5. There is a reduced speed limit on that short road so motorists aren't driving as fast and the post for the overhang is a 4"x4" post which would snap off if struck by a vehicle.
6. There was no opposition or concern from the township or WDOT.

Second by: Ms. Timm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

Old Business

POSTPONED: Jonathan Giroux – Owner of property located at 3407 S 10th St. Govt. Lot 3, Section 5, T18N-R24E, Town of Manitowoc, Manitowoc County, Wisconsin, parcel number (009-500-005-002.02); wherein a conditional use permit is being requested to operate a vacation home rental business in a RR, Rural Residential, S1, Shoreland zoned district.

As previously noted in the beginning of the meeting, Mr. Giroux requested postponement until the next meeting.

POSTPONED: Silver Creek Nurseries Inc. – Owner of property located at 1909 Silver Creek Rd., in the NE¼, NW¼, of Section 7, T18N-R24E, Town of Manitowoc, Manitowoc County, Wisconsin, parcel number (009-007-005-002.00), wherein the Board of Adjustment will conduct an annual review of an existing conditional use permit for a masonry, storage and snow removal business in a GA, General Agricultural zoned district.

Motion by: Mr. Schuler to remove the request from the table.

Second by: Ms. Timm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

Jeff Edgar in attendance for Silver Creek Nurseries and Anthony Seiler for SC Concrete.

Chairperson Schuh asked if Mr. Edgar and Mr. Seiler had time to look over the information provided at the last meeting.

Anthony Seiler responded to the list of complaints.

Deliberation

Motion by: Mr. Christel to approve the review with conditions as is, with clarification discussed. Further reviews as Board deems warranted, no more annual.

Second by: Ms. Timm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *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, October 16, 2023 and the onsite meeting for Tuesday, October 10, 2023. (Dates and times are subject to change.)

Adjournment

A motion was made by Ms. Timm and seconded by Mr. Schuler to approve the adjournment. Upon vote, the motion was unanimously approved.

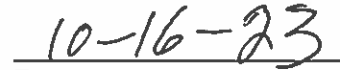
Aye: Schuh, Salm, Timm, Christel and Schuler; No: none.

Respectfully submitted,



Ken Schuler

Secretary



Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY & ON-SITE MEETING NOTICE

DATE: Tuesday, October 10, 2023
TIME: 9:00 a.m.
PLACE: Manitowoc County Office Complex
4319 Expo Drive, Manitowoc, WI 54220

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

- I. Call to Order - Roll Call
- II. Approval of Agenda
"Open Meeting Law Compliance"
- III. Old Business –
 1. **POSTPONED: Johnathan Giroux** – Owner of property located at 3407 S 10th St. Govt. Lot 3, Section 5, T18N–R24E, Town of Manitowoc- Conditional Use Permit Request.
- IV. New Business –
 1. **Michael Miller** – Owner of property located at 4906 Danmar Rd, in the NE¼, SE¼, of Section 31, T20N-R23E, Town of Kossuth - Conditional Use Permit Request.
 2. **Gene Erdmann** – Owner of property located at 2408 Silver Creek Rd., in the SW¼, SW¼, of Section 6, T18N-R24E, Town of Manitowoc – After the Fact Variance Request.
 3. **David Wolf** – Owner of property located at 12624 Lakeshore Rd. in the E½, NE¼, of Section 36, T21N-R24E, Town of Two Creeks – Conditional Use Permit Request.
 4. **Tim Lohr** – Owner of property located at 2908 CTH O, in the SW¼, NE¼, of Section 31, T20N-R25E, Town of Two Rivers – Variance Request.
- V. Other Business
 1. Correspondence
- VI. On-sites
- VII. Adjournment

Date: October 2, 2023

Ralph Schuh, 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 10, 2023

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 9:00 A.M. on Tuesday, October 10, 2023 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Ralph Schuh, Robert Salm, Ken Schuler, Dave Christel and Bonnie Timm. Members Absent: None.

A motion was made by Ms. Timm; seconded by Mr. Salm to approve the agenda for the October 10, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; No: none;

Staff present for advisory meeting: Reed Gaedtke and Kaila Boeckman.

The Board received their folders containing the October 16, 2023 hearing requests.

Mr. Gaedtke gave a quick overview of each request.

The Board proceeded to the on-sites (Mr. Christel, did not attend) and returned to the Manitowoc County Office Complex when completed.

ADJOURNMENT

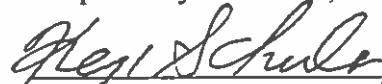
Motion by: Mr. Schuler to adjourn.

Seconded by: Ms. Timm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm and Schuler; No: none

Respectfully submitted,



Ken Schuler, Secretary

10-16-23

Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT REGULAR MEETING NOTICE

DATE: Monday, October 16, 2023
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. CALL TO ORDER AND ROLL CALL
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
- V. OLD BUSINESS

Discussion and possible action on:

- 1. **POSTPONED: Johnathan Giroux** – Owner of property located at 3407 S 10th St. Govt. Lot 3, Section 5, T18N–R24E, Town of Manitowoc- Conditional Use Permit Request.

VI. NEW BUSINESS

Discussion and possible action on:

- 1. **Michael Miller** – Owner of property located at 4906 Danmar Rd, in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, of Section 31, T20N-R23E, Town of Kossuth - Conditional Use Permit Request.
- 2. **Gene Erdmann** – Owner of property located at 2408 Silver Creek Rd., in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, of Section 6, T18N-R24E, Town of Manitowoc – After the Fact Variance Request.
- 3. **David Wolf** – Owner of property located at 12624 Lakeshore Rd. in the E $\frac{1}{2}$, NE $\frac{1}{4}$, of Section 36, T21N-R24E, Town of Two Creeks – Conditional Use Permit Request.
- 4. **Tim Lohr** – Owner of property located at 2908 CTH O, in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, of Section 31, T20N-R25E, Town of Two Rivers – Variance Request.

VII. OTHER BUSINESS

- 1. Set November meeting date.
- 2. Correspondence

VIII. ADJOURNMENT

Date: October 2, 2023

Ralph Schuh, 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 16, 2023

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 7:00 P.M. on Monday, October 16, 2023 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, Bonnie Timm, Dave Christel and Ken Schuler. Members absent: None. Staff present: Reed Gaedtke.

A motion was made by, Ms. Timm, seconded by Mr. Schuler to approve the October 16, 2023 meeting agenda. Mr. Schuh suggested moving the postponed hearing for Mr. Giroux to the end of the meeting as he was not present at this time. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; No: none.

A motion was made by, Mr. Salm, seconded by Mr. Christel to approve the minutes for the September 18, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; No: none.

A motion was made by, Ms. Timm, seconded by Mr. Salm to approve the on-site minutes for the October 10, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; 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

Michael Miller – Owner of property located at 4906 Danmar Rd, in the NE¼, SE¼, of Section 31, T20N-R23E, Town of Kossuth, Manitowoc County, Wisconsin, parcel number (007-031-013-003.00) wherein a conditional use permit is being requested by Amy Jo Miller, the applicant, to operate a barn event venue located in a GA, General Agricultural, zoned district.

Chairperson Schuh opened the public hearing for Michael Miller and Amy Miller.

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.

Ms. Miller stated they may want to increase the number of employees than stated on the application.

Mr. & Ms. Miller answered questions for the Board.

People in attendance in favor of the request:

Andrew Eisner, adjacent property owner, spoke in favor of the project.

People in attendance opposed to the request: none.

There being no further comments, Chairperson Schuh closed the public hearing for Michael Miller.

Deliberation

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

Reasons for Approval:

1. Sufficient evidence from the meeting, on-site visit and testimony warrants the approval.
2. The request doesn't impede the orderly development of the district because there is adequate space for this venue and the zoning allows for this type of business with a conditional use permit.
3. It's compatible with the surrounding area and won't have a negative effect on surrounding properties. Public input showed there were no problems with past events.
4. The use will not discourage appropriate development or use of adjacent land. There is adequate land available for this use.
5. No evidence was presented to show it would negatively impair property values.
6. The use will not endanger the public's health, safety or welfare.
7. The owner shall follow Health Department guidelines.

Conditions of Approval:

1. Days of operation shall be 7 days a week.
2. Hours of operation will be 10:00 a.m. to 12:00 a.m. (midnight)
3. Maximum number of employees shall be 20.
4. No additional fencing is required at this time.
5. Outdoor lighting shall be directed down onto owner's property and shall not onto neighbor's property or the road.
6. Outdoor lighting for events shall be turned off 30 minutes after an event ends.
7. All bands and other music shall be no louder than what neighbors can hear and shall be done by midnight.
8. A code compliant on premise sign is permitted provided it meets setbacks.
9. The venue occupancy shall be sized according to whatever the local fire department deems appropriate for that size structure with a maximum capacity of 200 people.
10. Adequate parking for customers and employees shall be provided on the property. Parking is prohibited on the road and right-of-way.
11. Waste water and septic shall be treated according to code.
12. All garbage shall be picked up and put into a dumpster or other type of container within 24 hours after an event ends.
13. Owner shall obtain all other county and state licensing.

Second by: Mr. Salm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

Gene Erdmann – Owner of property located at 2408 Silver Creek Rd., in the SW¼, SW¼, of Section 6, T18N-R24E, Town of Manitowoc, Manitowoc County, Wisconsin, parcel number (009-006-011-013.00) wherein an after the fact variance is being requested to construct a garage addition at 12 feet from the west property line located in a RR, Rural Residential zoned district.

Chairperson Schuh opened the public hearing for Gene Erdman and Mike Mecca Jr.

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

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

Mr. Erdman gave an overview of the project.

Mr. Erdman and Mr. Mecca answered questions for the Board.

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

Mr. Erdman and Mr. Mecca answered additional 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 Gene Erdman.

Deliberation

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

Reasons for approval:

1. The narrow lot; the lack of a standard size garage and the fact that the existing house is currently within the side yard setback creates a hardship on the owner and creates a burden by preventing him from constructing a standard size garage which is needed for inclement weather.
2. Building to the west is the only way for the owner to expand the garage which is needed.
3. An existing ramp was removed from the west side of the house to make room for the garage addition. Therefore the new structure is almost within the same footprint as the old ramp.
4. The garage addition will not have a negative effect on the public interest because a slightly smaller structure was already in that space. Which means the space is being repurposed for the new addition what won't affect the adjacent property. The neighboring property also has a similar setback distance from the property line to house.

Second by: Mr. Schuler.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

David Wolf – Owner of property located at 12624 Lakeshore Rd. in the E½, NE¼, of Section 36, T21N-R24E, Town of Two Creeks, Manitowoc County, Wisconsin, parcel number (017-036-004-002.00), wherein a conditional use permit is being requested to operate a dog boarding kennel in a LE, Large Estate zoned district.

Chairperson Schuh opened the public hearing for David Wolf and Carrie Wolf.

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. David Wolf, applicant, added to his appeal.

Mr. David Wolf 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 David Wolf and Carrie Wolf.

Deliberation

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

Reasons for Approval:

1. Sufficient evidence from the meeting, on-site visit and testimony warrants an approval.
2. The use doesn't impede the orderly development of the district because it is compatible to the area.
3. The use will not have a negative effect on the area due to the conditions required with this permit.
4. The use fits on the parcel and has proper access.
5. The structures associated with the use are acceptable.
6. It will not discourage the use of adjacent land.
7. No evidence was presented to show it would impair property values.
8. The required conditions will help manage the property.
9. There are no factors more objectionable to the property by way of lights. The type of night lighting as stated by the applicant will be adequate for this type of use.
10. The use will not endanger the public's health, safety or welfare because the dogs will be contained within the building and a fenced area.

Conditions of Approval:

1. Days of operation shall be 7 days per week.
2. Hours of operation shall be 24 hours per day for taking care of the dogs.
3. Daily drop off and pick up times shall be limited to the hours between 5:00 a.m. to 9:00 p.m.

4. Number of employees shall be 2 plus the owners.
5. A minimum five foot high solid privacy fence shall be installed according to the applicant's site plan, along the east and south sides. Chain link fence shall be used for the dog enclosure.
6. The owner is required to have adequate waste removal for the dogs and keep the area clean.
7. This conditional use permit sunsets with the transfer of owners. A new owner would have to come back to the board with a new request.
8. Any review(s) of this conditional use permit shall be based off of future complaints from citizens or the township.

Second by: Mr. Salm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

Tim Lohr – Owner of property located at 2908 CTH O, in the SW¼, NE¼, of Section 31, T20N-R25E, Town of Two Rivers, Manitowoc County, Wisconsin, parcel number (018-231-003-005.00) wherein a variance is being requested to construct a house addition at 12 feet from the north property line located in a RR, Rural Residential, zoned district.

Chairperson Schuh opened the public hearing for Tim Lohr.

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. Tim Lohr, applicant, had nothing to add to his appeal.

Mr. Tim Lohr 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 Tim Lohr.

Deliberation

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

Reasons for approval:

1. The wedge shape of the lot and location of the house creates a hardship for the owner.
2. Even if the applicant came in prior to construction starting a variance still would have been required.
3. The tapered shape of the lot is unique and burdens the owner from expanding his house/garage. A garage is needed for inclement weather.

4. The structure will not affect the public interest. The adjacent neighbors sent letters approving of the request and the township approved the request and the addition is not visible to the general public.

Second by: Mr. Salm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

Old Business

POSTPONED: Jonathan Giroux – Owner of property located at 3407 S 10th St. Govt. Lot 3, Section 5, T18N–R24E, Town of Manitowoc, Manitowoc County, Wisconsin, parcel number (009-500-005-002.02); wherein a conditional use permit is being requested to operate a vacation home rental business in a RR, Rural Residential, S1, Shoreland zoned district.

As previously noted in the beginning of the meeting, Mr. Giroux was not present and did not show before the end of the meeting resulting in no action being taken. This request will remain postponed.

Other Business

Correspondence not related to a hearing item: None

Schedule Next Meeting:

The next Board of Adjustment meeting is tentatively scheduled for Monday, November 20, 2023 and the onsite meeting for Tuesday, November 14, 2023. (Dates and times are subject to change.)

Adjournment

A motion was made by Mr. Schuler and seconded by Ms. Timm to approve the adjournment. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

Respectfully submitted,



Ken Schuler

Secretary



Date



MANITOWOC COUNTY

BOARD OF ADJUSTMENT

ADVISORY & ON-SITE MEETING NOTICE

DATE: Tuesday, December 12, 2023
TIME: 9:00 a.m.
PLACE: Manitowoc County Office Complex
4319 Expo Drive, Manitowoc, WI 54220

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

- I. Call to Order - Roll Call
- II. Approval of Agenda
"Open Meeting Law Compliance"
- III. Old Business –
 1. **POSTPONED: Johnathan Giroux** – Owner of property located at 3407 S 10th St. Govt. Lot 3, Section 5, T18N–R24E, Town of Manitowoc- Conditional Use Permit Request.
- IV. New Business -
 1. **Riverside Dairy LLC** – Owner of property located at 16216 Clarks Mills Rd. in the SE¼, SE¼, of Section 19, T19N-R22E, Town of Cato –Variance Requests.
 2. **John and Sandra Buchholz** – Owner of property located at 12819 State Road 67, in the SW¼, NW¼, of Section 17, T17N-R21E, Town of Schleswig – Conditional Use Permit Request.
 3. **Riverlands Wisconsin LLC** – Owner of property located at 13927 CTH C, in the NE¼, NE¼, of Section 28, T18N-R22E, Town of Liberty – Conditional Use Permit Request.
 4. **Peter Flesvig** – Owner of property located at 13105 Lakeshore Rd., in the SW¼, SW¼, of Section 30, T21N-R25E, Town of Two Creeks – Conditional Use Permit Request.
 5. **Ron Gerrits** – Owner of property located at 693 Neumeyer Ln., in the SW¼, NW¼, of Section 19, T19N-R21E, Town of Rockland – Conditional Use Permit Request.
 6. **David Grumann and Cynthia Pinchard** – Owner of property located at 13105 Lakeshore Rd., in the SW¼, SW¼, of Section 30, T21N-R25E, Town of Two Creeks – Conditional Use Permit Request.
 7. **Brett Pereira** – Owner of property located at 7919 CTH Q, in the NW¼, NW¼, of Section 19, T20N-R24E, Town of Kossuth - Conditional Use Permit Request.
- V. Other Business
 1. Correspondence
- VI. On-sites
- VII. Adjournment

Date: November 30, 2023

Ralph Schuh, Board Chair
By: Reed Gaedtke, Code Administrator

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made. Any person wishing to travel on the on-sites with the Board, should contact the Manitowoc County Planning and Park Commission office at 920-683-4185 at least two business days before the meeting is scheduled so that appropriate accommodations can be made. Persons who are members of another governmental body, but who are not members of this board, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

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

December 12, 2023

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 9:00 A.M. on Tuesday, December 12, 2023 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Ralph Schuh, Robert Salm, Ken Schuler and Bonnie Timm. Members Absent: Dave Christel.

A motion was made by Ms. Timm; seconded by Mr. Salm to approve the agenda for the December 12, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm and Schuler; No: none;

Staff present for advisory meeting: Reed Gaedtke and Kaila Boeckman.

The Board received their folders containing the December 18, 2023 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. Schuler to adjourn.

Seconded by: Ms. Timm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm and Schuler; No: none

Respectfully submitted,


Ken Schuler, Secretary

12-18-23
Date



MANITOWOC COUNTY BOARD OF ADJUSTMENT REGULAR MEETING NOTICE

DATE: Monday, December 18, 2023
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. CALL TO ORDER AND ROLL CALL
- II. OPEN MEETING LAW COMPLIANCE
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
- V. OLD BUSINESS

Discussion and possible action on:

1. **POSTPONED: Johnathan Giroux** – Owner of property located at 3407 S 10th St. Govt. Lot 3, Section 5, T18N–R24E, Town of Manitowoc- Conditional Use Permit Request.

VI. NEW BUSINESS

Discussion and possible action on:

1. **Riverside Dairy LLC** – Owner of property located at 16216 Clarks Mills Rd. in the SE¼, SE¼, of section 19, T19N-R22E, Town of Cato –Variance Requests.
2. **John and Sandra Buchholz** – Owner of property located at 12819 State Road 67, in the SW¼, NW¼, of section 17, T17N-R21E, Town of Schleswig – Conditional Use Permit Request.
3. **Riverlands Wisconsin LLC** – Owner of property located at 13927 CTH C, in the NE¼, NE¼, of section 28, T18N-R22E, Town of Liberty – Conditional Use Permit Request.
4. **Peter Flesvig** – Owner of property located at 13105 Lakeshore Rd., in the SW¼, SW¼, of section 30, T21N-R25E, Town of Two Creeks – Conditional Use Permit Request.
5. **Ron Gerrits** – Owner of property located at 693 Neumeyer Ln., in the SW¼, NW¼, of section 19, T19N-R21E, Town of Rockland – Conditional Use Permit Request.
6. **David Grumann and Cynthia Pinchard** – Owner of property located at 4935 Cardinal Ln., in the NE¼, NW¼, of Section 25, T20N-R25E, Town of Two Rivers – Conditional Use Permit Request.
7. **Brett Pereira** – Owner of property located at 7919 CTH Q, in the NW¼, NW¼, of section 19, T20N-R24E, Town of Kossuth - Conditional Use Permit Request.

VII. OTHER BUSINESS

1. Set January meeting date.
2. Correspondence

VIII. ADJOURNMENT

Date: November 30, 2023

Ralph Schuh, Board Chair
By: Reed Gaedtke, Code Administrator

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

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

December 18, 2023

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 7:00 P.M. on Monday, December 18, 2023 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, Bonnie Timm, Dave Christel and Ken Schuler. Members absent: None. Staff present: Reed Gaedtke.

A motion was made by, Ms. Timm, seconded by Mr. Salm to approve the December 18, 2023 meeting agenda. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; No: none.

A motion was made by, Mr. Salm, seconded by Ms. Timm to approve the minutes for the October 16, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; No: none.

A motion was made by, Mr. Schuler, seconded by Mr. Christel to approve the on-site minutes for the December 12, 2023 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; 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.

Old Business

POSTPONED: Jonathan Giroux – Owner of property located at 3407 S 10th St. Govt. Lot 3, Section 5, T18N–R24E, Town of Manitowoc, Manitowoc County, Wisconsin, parcel number (009-500-005-002.02); wherein a conditional use permit is being requested to operate a vacation home rental business in a RR, Rural Residential, S1, Shoreland zoned district.

Mr. Giroux was not in attendance.

New Business

Riverside Dairy LLC – Owner of property located at 16216 Clarks Mills Rd. in the SE¼, SE¼, of section 19, T19N-R22E, Town of Cato, Manitowoc County, Wisconsin, parcel number (001-019-016-001.00), wherein variances are being requested to construct a 15' x 100'; and a 20' x 118' and a 20' x 45' barn additions at approximately 30 feet from the centerline of Gintner Rd. and at 0 to 4 feet from the right-of-way line located in an EA, Exclusive Agricultural, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for Riverside Dairy LLC.

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. Andy Fischer had nothing to add to his appeal.

Mr. Andy Fischer 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 Riverside Dairy LLC.

Deliberation

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

Reasons for Approval:

1. The floodplain to the west creates a hardship for the owner by limiting the area needed to expand their buildings.
2. The owner is burdened because he needs to expand his dairy to modernize his milking parlors.
3. It will not have a negative effect on the public because it's on a dead end road and there is limited traffic on the road.

Second by: Mr. Christel.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

John and Sandra Buchholz – Owner of property located at 12819 State Road 67, in the SW¼, NW¼, of section 17, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, parcel number (016-017-007-002.00) wherein a conditional use permit is being requested to operate a small lavender products sales business located in a RR, Rural Residential, zoned district.

Chairperson Schuh opened the public hearing for John and Sandra Buchholz.

Mr. Salm informed Chairperson Schuh that he would like to recuse himself, he is the applicant's cousin.

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.

John & Sandra added some clarification.

John & Sandra Buchholz 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 John and Sandra Buchholz.

Deliberation

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

Reasons for Approval:

1. Sufficient evidence from the applicant, on-site visit and testimony warrants an approval.
2. The request doesn't impede the orderly development of the district because the building will be setback far enough from the road and out of site.
3. The use is compatible with the surrounding area and won't have a negative effect on surrounding properties because it consists of growing an agricultural product which is in harmony with the zoning district and it is visually pleasing.
4. The use does not discourage adjacent properties. It's in harmony with adjacent properties.
5. There is proper road access.
6. The use will not impair the value of surrounding properties.
7. 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 will be from 10:00 a.m. to 5:00 p.m.
3. Owners are allowed one on premise sign according to code.
4. All parking must occur on the property. Parking on the road or in the right-of-way is prohibited.

Second by: Ms. Timm.

Upon vote: The motion was approved with a 4-0 vote.

Aye: Schuh, Salm, Timm and Schuler; *No:* None; (Mr. Salm recused)

Riverlands Wisconsin LLC – Owner of property located at 13927 CTH C, in the NE¼, NE¼, of section 28, T18N-R22E, Town of Liberty, Manitowoc County, Wisconsin, parcel number (008-028-001-001.00) wherein conditional use permit is being requested to operate a vacation home rental located in a LE, Large Estate Residential zoned district.

Chairperson Schuh opened the public hearing for Riverlands Wisconsin LLC.

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. Joseph Westhoff, property owner, clarified employee information.

Mr. Joseph Westhoff 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 Riverlands Wisconsin LLC.

Deliberation

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

Reasons for Approval:

1. Sufficient evidence from the applicant, on-site visit and testimony warrants an approval.
2. The use will not impede the orderly development of the district.
3. It is compatible with the surrounding area because it is a residential use.
4. The intensity of the operation will not affect the surrounding properties.
5. The use fits on the parcel and has adequate road access.
6. The use does not discourage appropriate development and use of adjacent properties.
7. The use will not impair the value of surrounding properties.
8. There are no factors that are more objectionable than any other allowable principal use in that district.
9. The use will not endanger the public's health, safety or welfare.

Conditions of Approval:

1. Owner and manager contact information shall be posted according to code.
2. Days of operation shall be seven days a week.
3. Hours of operation will be twenty-four hours a day.
4. Maximum number of occupancy shall be 8 people according to existing septic system. However, if the septic system is increased according to code and approved; the maximum number for occupancy can go up to 12.
5. There shall be working smoke alarms and fire extinguishers in the home.
6. Parking on the road or in the road right-of-way is prohibited. All parking shall occur on the property.
7. State and Health Department licensing and codes must be followed.
8. The septic system and well shall be maintained and meet code requirements.
9. Fireworks and the discharging of firearms is prohibited.
10. No more than 2 pets allowed and they shall be leashed when outdoors.
11. Quiet hours, for renters of the property, shall be from 10:00 p.m. to 7:00 a.m. and shall be posted inside the residence.
12. Camp fires to occur only in designated fire pit area(s).
13. Sign(s) shall meet county setback, size and other regulations.

Second by: Mr. Schuler.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

Peter Flesvig – Owner of property located at 13105 Lakeshore Rd., in the SW¼, SW¼, of Section 30, T21N-R25E, Town of Two Creeks, Manitowoc County, Wisconsin, parcel number (017-130-001-005.01) wherein a conditional use permit is being requested to operate a vacation home rental located in a LE, Large Estate Residential, S1, Shoreland, zoned district.

Chairperson Schuh opened the public hearing for Peter Flesvig.

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. Peter Flesvig, applicant, clarified the desire of the conditional use permit and updates to his application.

Mr. Peter Flesvig answered questions for the Board.

People in attendance in favor of the request:

Lee Engelbrecht, Town of Two Creeks Chairperson, spoke reaffirming the Town has no objections.

People in attendance opposed to the request: none.

There being no further comments, Chairperson Schuh closed the public hearing for Peter Felsvig.

Deliberation

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

Reasons for Approval:

1. Sufficient evidence from the applicant, on-site visit and testimony warrants an approval.
2. The request falls within the orderly development of the district.
3. The use is compatible with the surrounding area and won't have a negative effect on surrounding properties.
4. There are other rental properties in the area.
5. There is enough room for off street parking because there the parcel size is adequate and there is a proper road access.
6. The use does not discourage development of adjacent properties. It is in line with orderly development of the district.
7. There are no factors that are more objectionable than any other allowable principal use in that district.
8. The use will not impair the value of surrounding properties.
9. The use will not endanger the public's health, safety or welfare.

Conditions of Approval:

1. Days of operation shall be seven days a week.
2. Hours of operation will be twenty-four hours a day.
3. Quiet hours for renters shall be from 10:00 p.m. to 7:00 a.m. and shall be posted inside the residence.
4. Lighting shall be controlled.
5. Sign(s) shall meet county setback, size and other regulations.
6. Owner/manager contact information shall be posted according to code outside the home.
7. All parking shall be located on the property and not on roads or road right-of-ways.
8. No pets allowed.
9. Camp fires to occur in designated fire pit area(s).
10. Maximum number of occupancy shall be 8 people according to septic size.
11. There shall be working smoke alarms and fire extinguishers present in the home.
12. Owners are required to meet state and Health Department regulations and licensing.
13. The well and septic system shall be maintained.
14. Fireworks or the discharging of firearms is prohibited.

Second by: Mr. Salm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

Ron Gerrits – Owner of property located at 693 Neumeyer Ln., in the SW¼, NW¼, of section 19, T19N-R21E, Town of Rockland, Manitowoc County, Wisconsin, parcel number (015-019-007-005.00) wherein a conditional use permit is being requested to operate a vacation home rental located in a RR, Rural Residential, S1, Shoreland, zoned district.

Chairperson Schuh opened the public hearing for Ron Gerrits.

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. Ron Gerrits, applicant, clarified that his sign noted in his application will meet compliance.

Mr. Ron Gerrits answered questions for the Board.

People in attendance in favor of the request: none.

People in attendance opposed to the request:

Deb & Craig Pautz spoke opposed to the request.

Karen Novy spoke opposed to the request.

Mr. Gaedtke, stated he received letters in favor of the request from Henry Horn, Michael & Jessica Krueger, Nick Dallman and Larry & Judy Boettcher.

Mr. Gaedtke, stated he also received a letter from Attorney Troy Schneider on behalf of Greg & Deb Pautz in opposition of the request.

Mr. Gaedtke stated he did not receive any town correspondence.

Mr. Gerrits continued to answer questions for the board.

There being no further comments, Chairperson Schuh closed the public hearing for Ron Gerrits.

Deliberation

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

Reasons for Approval:

1. Sufficient evidence from the applicant, on-site visit and testimony warrants an approval.
2. The use will not impede the orderly development of the district.
3. The use is compatible with the surrounding area.
4. The intensity of the operation will not have a negative effect on surrounding area or properties based upon the conditions that are imposed.
5. The use fits on the parcel size.
6. The property and location has proper road access for this use.
7. The nature location and height of structures associated with the use are acceptable for the area and surrounding community.
8. The use will not discourage appropriate development or use of adjacent land or buildings.
9. The use will not impair the value of surrounding properties.
10. There are no factors or unsafe issues that are more objectionable than any other allowable principal use in that district.
11. The use will not endanger the public's health, safety or welfare.
12. The use is not a business but a residential use that complies with state and county administrative rules and laws.

Conditions of Approval:

1. Owner/manager contact information sign shall be posted on the front of the residence and according to code.
2. Sign(s) shall meet county setback, size and other regulations.
3. Maximum number of occupancy shall be 8 people.
4. There shall be working smoke alarms and fire extinguishers present in the home.
5. All parking shall be on the property. No parking allowed on the road or on Neumeyer Lane.
6. Owners shall comply with all state and County Health Department regulations and licensing.
7. The septic system and well shall be maintained and meet code requirements.
8. Fireworks or the discharging of firearms is prohibited.
9. Days of operation shall be seven days a week.
10. Hours of operation will be twenty-four hours a day.
11. No more than 2 pets allowed on the premise and they shall be leashed when outdoors.
12. Quiet time on the property shall be from 10:00 p.m. to 7:00 a.m. and shall be posted inside the residence.
13. No more than two trailers allowed on the property.

14. There shall be a one year review of the conditional use permit. Subsequent reviews will be determined at that time.
15. Motorized recreational vehicles are prohibited from being used on the property and from accessing the lake from the property.

Second by: Mr. Salm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

David Grumann and Cynthia Pinchard – Owner of property located at 4935 Cardinal Ln., in the NE¼, NW¼, of Section 25, T20N-R25E, Town of Two Rivers, Manitowoc County, Wisconsin, parcel number (018-125-005-005.00) wherein a conditional use permit is being requested to operate a vacation home rental located in a RR, Rural Residential, zoned district.

Chairperson Schuh opened the public hearing for David Grumann & Cynthia Pinchard.

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. David Grumann, applicant, had nothing to add to his appeal.

Mr. David Grumann 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 David Grumann & Cynthia Pinchard.

Mr. Gaedtke stated he received a letter from the Town of Two Rivers in favor of the conditional use permit request.

Deliberation

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

Reasons for Approval:

1. Sufficient evidence from the applicant, on-site visit and testimony warrants an approval.
2. The use will not endanger the public's health, safety or welfare.
3. The use is in harmony with the orderly development of the district.
4. No evidence was shown that the use would impair the value of surrounding properties. So there would not be an effect.
5. There are no factors that are more objectionable than any other allowable principal use in that district.

6. The previous owner had animals outside.
7. Vacation rental is a residential use so it should not be any more objectionable.
8. The use does not discourage the use or development of adjacent properties.
9. Township and adjacent neighbor gave support for the request.

Conditions of Approval:

1. Days of operation shall be seven days a week.
2. Hours of operation will be twenty-four hours a day.
3. Quiet time, for renters, shall be from 10:00 p.m. to 7:00 a.m. and shall be posted in the residence.
4. Number of employees can be two.
5. Typical residential lighting is permitted.
6. Maximum number of occupancy shall be 6 people. Septic must be sized appropriately.
7. Fireworks and the discharging of firearms are prohibited.
8. Owner and manager contact information sign shall be posted outside the home according to code.
9. Sign(s) shall meet county setback, size and other regulations.
10. All parking shall be located on the property and not on roads or road right-of-ways.
11. No more than 2 pets allowed on the premise and they shall be leashed when outdoors.
12. The septic system and well shall be maintained.
13. Camp fires to occur in designated fire pit area(s).
14. Owners are required to meet state and Health Department regulations and licensing.
15. There shall be working smoke alarms and operating fire extinguishers in the home.

Second by: Ms. Timm.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

Brett Pereira – Owner of property located at 7919 CTH Q, in the NW¼, NW¼, of section 19, T20N-R24E, Town of Kossuth, Manitowoc County, Wisconsin, parcel number (007-119-006-002.00) wherein a conditional use permit is being requested to operate a firearms sales and gunsmith business located in a RR, Rural Residential, zoned district.

Chairperson Schuh opened the public hearing for Brett Pereira.

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. Brett Pereira, applicant, clarified the number of employees.

Mr. Brett Pereira answered questions for the Board.

People in attendance in favor of the request: none.

People in attendance opposed to the request:

Suzanne Zipperer, on behalf of Zips Donkey Acres, spoke opposed to the request.

Carol Sisel, spoke opposed to the request.

Gerald Sisel, spoke opposed to the request.

Ryan Wilfert, spoke opposed to the request.

Brad Weibensohn, spoke opposed to the request.

Anita Zipperer, spoke opposed to the request.

Mr. Brett Pereira spoke in rebuttal.

There being no further comments, Chairperson Schuh closed the public hearing for Brett Pereira.

Deliberation

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

Reasons for Approval:

1. Sufficient evidence from the applicant, on-site visit and testimony warrants an approval.
2. The use will not endanger the public's health, safety or welfare based on the listed conditions. The owner is required to follow ATF guidelines for gun and ammunition security and has stated he will eliminate personal and public shooting on the property which also increases safety of this use.
3. The request doesn't impede the orderly development of the district. A small business is allowed in the RR zoning district.
4. No zone change is needed for this use.
5. There was no documentation presented at the meeting that would show this type of use would have a negative effect on property values.
6. The elimination of firearm discharge is safer and an improvement to the area.
7. No documentation to show this type of use would decrease property values.
8. There are no factors that are more objectionable than any other allowable principal use in that district. Because of the owner agreeing to not discharge any firearms on the property, it will actually be an improvement to the area.
9. The use does not discourage adjacent properties because surrounding properties, and no documentation was provided to prove otherwise.

Conditions of Approval:

1. Days of operation shall be Friday and Saturday.
2. Hours of operation shall be from 8:00 a.m. to 4:00 p.m.
3. Number of employees shall be one.
4. Discharging of any firearms is prohibited on the property. (This includes personal use.)
5. If the owner wants to have a sign; it shall meet code setbacks, size and other requirements.
6. All parking shall be located on the property and not on the road or road right-of-way.
7. Adequate turnaround space shall be provided for customers and delivery trucks so they can leave the property facing the road.
8. ATF licensing is required.

9. There shall be a one year review of this permit.
10. The conditional use permit shall sunset upon the sale of property.

Second by: Mr. Schuler.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *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, January 15, 2024 and the onsite meeting for Tuesday, January 9, 2024. (Dates and times are subject to change.)

Adjournment

A motion was made by Ms. Timm and seconded by Mr. Christel to approve the adjournment. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Timm, Christel and Schuler; *No:* none.

Respectfully submitted,



Secretary Pro-tempore

Robert Salm

01/15/2024

Date