

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

January 15, 2024

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 7:00 P.M. on Monday, January 15, 2024 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.

A motion was made by, Mr. Christel, seconded by Ms. Timm to approve the January 15, 2024 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 December 18, 2023 meeting. Upon vote, the motion was unanimously approved.

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

The January 9, 2024 onsite meeting was not held due to inclement weather.

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. Schuh stated; Mr. Giroux sent an email requesting to remain postponed. The Board left the request postponed and moved onto the next applicant.

New Business

Christine Schadrie – Owner of property located at 12395 Sandy Bay Rd. in the NE¹/₄, SE¹/₄, of section 36, T21N-R24E, Town of Two Creeks, Manitowoc County, Wisconsin, parcel number (017-036-013-002.00), wherein an after the fact variance is being requested to construct a 16' 2" x 20' 6" covered porch/entrance at 53 feet from the center line of the road located in a LE, Large Estate Residential zoned district.

Chairperson Schuh opened the public hearing for Christine Schadrie.

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.

Ms. Schadrie had nothing to add to the appeal, she did clarified the reason for the “after the fact”.

Ms. Schadrie answered questions for the Board.

People in attendance in favor of the request:

Roger Sinkula, Town of Two Creeks Supervisor, stated that the Board did not take action on this request however off the record the Town Supervisors have no objection.

People in attendance opposed to the request: none.

Mr. Gaedtke stated the Town of Two Creeks sent a letter stating they are leaving the decision up to the Board of Adjustment. (copy on file).

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

Deliberation

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

Reasons for approval:

1. The existing building which has been in place for years is located close to the road which creates a hardship for the owner who was in need of replacing the patio.
2. The owner is burdened because the old porch was in need of repair and a new porch with overhang is needed to provide safe access in inclement weather.
3. New entrance/porch will not have a negative effect on the public interest because it will be an improvement from the old access and there is a reduced speed limit on that short road so motorists aren't driving as fast and it is setback far enough for this area.

Second by: Ms. Timm.

Upon vote: The motion was unanimously approved.

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

Francis Linsmeier – Owner of property located off of Moncada Ln., in the SW¼, NE¼, of section 13, T19N-R22E, Town of Cato, Manitowoc County, Wisconsin, parcel number (001-013-003-000.00) wherein a conditional use permit and variances are being requested by Jim's Excavating, the applicant, to expand an existing sand and gravel pit to the north; and to excavate within 1000 feet from eight neighboring residences. The property is located in an EA, Exclusive Agricultural, zoned district.

Chairperson Schuh opened the public hearing for Francis Linsmeier. James Sauer representing Jim's Excavating was present.

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. Sauer had nothing to add to the appeal.

Mr. Sauer answered questions for the Board.

People in attendance in favor of the request:

Wayne Pearson, neighbor (closest neighboring property), spoke in favor of the request.

Tom Zich, neighbor (2nd closest neighboring property), spoke in favor of the request.

People in attendance opposed to the request: none.

Mr. Gaedtke stated the Town of Cato sent a copy of their town meeting minutes stating the town was in favor of the request. (copy on file).

There being no further comments, Chairperson Schuh closed the public hearing for Francis Linsmeier.

Deliberation

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

Reasons for Conditional Use Permit 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 same operation has been operating on adjacent land without restricting orderly development. Once the excavating is completed the land will be reclaimed so it can be used for agricultural purposes.
3. The intensity of this use won't have a negative effect on surrounding properties because it's been in operation and there has been no evidence of negative effects. In fact the two closest property owners spoke in favor of the request.
4. There was no evidence to show it would discourage development and neighbors spoke in favor of the request.
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 use will not endanger the public's health, safety or welfare since it's been in use for years with no problems.
7. Excavation will not occur at or below ground water levels.
8. The amount of traffic and that access to the property will stay the same.
9. There will be no blasting.

Conditions of Conditional Use Permit Approval:

1. Days and hours of operation shall be, Monday through Friday from 6:00 a.m. to 6:00 p.m. and Saturdays from 6:00 a.m. to 12:00 p.m. (noon), all year as weather permits.
2. Number of employees shall be two.
3. Types of equipment will be as listed in the application.
4. Fencing or lighting is not required.
5. If the owner wants to have a sign; it shall meet code setbacks, size and other requirements.
6. There shall be operating mufflers on all equipment.
7. Blasting is prohibited.
8. Extraction shall not occur at or below ground water level.
9. The conditional use permit shall sunset in 10 years to match the lease agreement or upon new operating owners.
10. The operation shall use the same access.
11. The sand extraction operation has been continuous since May 15, 2000 and this approval includes the continued operation of the business and these conditions supersede the old conditions.

Second by: Mr. Salm.

Upon vote: The motion was unanimously approved.

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

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

The approved distances from excavation to residences would be:

- 999' from the house located at 1704 Highway H Rd.
- 999' from the house located at 10880 Summerset Ln.
- 997' from the house located at 10915 Summerset Ln.
- 983' from the house located at 1590 Moncada Ln.
- 881' from the house located at 1944 Moncada Ln.
- 690' from the house located at 1587 Moncada Ln.
- 528' from the house located at 1864 Summerset Ln.
- 451' from the house located at 1802 Moncada Ln.

Reasons for Variance Approval:

1. The new ordinance setbacks, that took into account blasting in gravel pits, were put in place after this pit had already been operating on an adjacent parcel, and therefore creates a hardship by greatly reducing the operating area on the new parcel where blasting will not be occurring.
2. The owner is burdened because they would not be permitted to operate anymore and without mining the land down, it would be too steep to be farmed.
3. It would not be contrary to the public interest because the pit has been operating on adjacent land since 1995 without any problems and it will be reclaimed back to farm land.

Second by: Mr. Salm.

Upon vote: The motion was unanimously approved.

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

Other Business

Schedule Next Meeting:

The next Board of Adjustment meeting is tentatively scheduled for Monday, February 19, 2024 and the onsite meeting for Monday, February 12, 2024. (Dates and times are subject to change.)

Correspondence not related to a hearing item:


Mr. Gaedtke discussed with the Board changing the August onsite and September regular meeting dates due to the availability of the Code Administrator. After a brief discussion the August onsite meeting date will be Monday, August 12, 2024 and the September regular meeting date has been moved to Tuesday September 17, 2024.

Adjournment


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

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

Respectfully submitted,


Name (printed): Kenneth Schuler

Title:


Date