

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

April 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, April 15, 2024 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 15, 2024 meeting agenda. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Salm, seconded by Mr. Schuler to approve the minutes for the March 18, 2024 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. Schuler to approve the on-site minutes for the April 9, 2024 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.

**Old Business - None**

**New Business**

**Bradley and Tori Garber** – Owners of property located at 12536 County Road Q, in the SE¼, NE¼, of section 33, T21N-R23E, Town of Gibson, Manitowoc County, Wisconsin, parcel number (006-033-004-001.00), wherein a conditional use permit is being requested to operate a metal garden art business, located in a RR, Rural Residential zoned district.

Mr. Gaedtke stated a letter was received from the Town of Gibson requesting they have more time to discuss the request. Therefore, the request was never opened so it will be opened at the May Board of Adjustment meeting.

**Dave and Cheryl Schneider** – Owners of property located at 14133 Cedar Lake Rd., Part of Govt. Lot 3, section 24, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, parcel number (016-024-003-004.00), wherein a conditional use permit is being requested to operate a vacation home rental business, located in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for Dave & Cheryl 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:

Richard Glomski, Town of Schleswig Chairperson, spoke for the Town in favor of the request.

People in attendance opposed to the request: none.

There being no further comments, Chairperson Schuh closed the public hearing for Dave and Cheryl Schneider.

Mr. Schuh stated a letter was received from the Town of Schleswig stating they are in favor of the request. (copy on file).

### **Deliberation**

*Motion by:* Mr. Schuler 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. The request is compatible with the surrounding area and won't have a negative effect on surrounding properties because there are other vacation rental properties in the area.
4. The use fits on the parcel.
5. There is adequate parking and road access.
6. The structure is acceptable to the area.
7. The use will not discourage area development.
8. The use 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 seven days a week.
2. Hours of operation will be 24 hours per day.
3. There shall be a quiet time from 10:00 p.m. to 7:00 a.m.
4. A 2000 gallon holding tank is required to allow for the maximum 6 people in the home as requested. If the holding tank is does not meet the minimum 2000 gallon requirement then either the number of people allowed to stay in the home shall be reduced to meet septic requirements, or, the septic tank has to be increased to allow for 6 people.
5. Working fire alarms shall be up to date and installed in the home.
6. Pets are not allowed.

7. No parking allowed on the public road.
8. The discharge of firearms is prohibited.
9. The use of fireworks is prohibited.
10. All signage must meet Manitowoc County Code Requirements.
11. There must be a contact sign posted in a conspicuous location as required by county code.
12. Must obtain all State and County Health Department Licenses.

*Second by:* Mr. Salm.

*Upon vote:* The motion was unanimously approved.

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

**Michael Lambert** – Owner of property located off of Two Creeks Rd., in the SW¼, SW¼, of section 7, T21N-R24E, Town of Mishicot, Manitowoc County, Wisconsin, parcel number (013-107-011-004.00), wherein an after the fact conditional use permit and variances are being requested to operate a non-metallic mining operation and to excavate within 1000 feet of eight residences and within the road center line setback, within the 200 foot road right-of-way setback and within the 100 foot property line setback of some adjacent parcels, located in an EA, Exclusive Agricultural zoned district.

Chairperson Schuh opened the public hearing for Michael Lambert.

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. Lambert had nothing to add to his appeal.

Mr. Michael Lambert and Mr. Tom Lambert answered questions for the Board.

People in attendance in favor of the request:

Lee Stefaniak, Town of Mishicot Chairperson, spoke in favor of the requests.

People in attendance opposed to the request: none.

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

Town of Mishicot sent a letter stating they approved of the requests, provided two conditions be added to the permit. (copy on file).

Mr. Gaedtke stated he received a phone call from Christine Pongratz, adjacent property owner, stating she was in favor of the request but could not attend the meeting.

### **Deliberation**

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

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 and won't have a negative effect on surrounding properties because it is located in a field and will be reclaimed back to a field within a few months.
3. The use is compatible with the area and will benefit agricultural production once the sand is removed and that pit is reclaimed.
4. The use fits on the parcel and has adequate access to a town road.
5. There are no buildings proposed for this use.
6. The use will not discourage development because it will go back to being a field.
7. The use will not impair the value of surrounding properties and should improve the value of the property and future crop growth.
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. The site shall be fully reclaimed by August 31, 2024.
2. Any additional mining after August 31, 2024, shall require approval of a new conditional use permit.
3. Days of operation shall be Monday thru Friday.
4. Hours of operation shall be 7:00 a.m. to 5:00 p.m.
5. The owners are allowed two employees.
6. Signage is not required.
7. At a minimum, a temporary barrier fence shall be installed between the field access and neighboring house property lines for safety purposes.
8. Trucks shall enter from the west and exit to the west and go towards CTH B. Trucks are prohibited from going east or coming from the east.
9. Weight of trucks shall comply with Town road limit requirements.

*Second by:* Mr. Schuler.

*Upon vote:* The motion was unanimously approved.

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

*Motion by:* Mr. Schuler to approve the variance requests.

The variances granted from excavation to residences and a bar are as follows:

1. At 78 feet from the house located at 621 Two Creeks Rd.
2. At 221 feet from the house located at 622 Two Creeks Rd.
3. At 270 feet from the house located at 275 Two Creeks Rd.
4. At 447 feet from the house located at 16920 Lambert Rd.
5. At 953 feet from the bar/restaurant located at 15506 CTH B.

Reasons for Variance Approval:

1. Testimony and evidence showed, not leveling the area off and removing the "bad" sand would create a hardship on the owner and be detrimental to crop grown in that field.
2. The owner of the property is burdened because not removing that specific sand would make crop growth harder. By having that sand gone the field would be leveled making it easier to cultivate crops and crop production better.
3. The use would not be contrary to the public use because the board did not receive any objections to this request. In fact one neighbor and the Town of Mishicot spoke in favor of the request.

*Second by:* Ms. Timm.

*Upon vote:* The motion was unanimously approved.

*Aye:* Schuh, Salm, Timm 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, May 20, 2024 at 7:00pm and the onsite meeting for Tuesday, May 14, 2024 at 9:00am. (Dates and times are subject to change.)

**Adjournment**

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

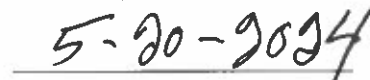
*Aye:* Schuh, Salm, Timm and Schuler; *No:* none.

Respectfully submitted,



Ken Schuler

Secretary



Date