

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

May 20, 2024

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 7:00 P.M. on Monday, May 20, 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, Dave Christel and Ken Schuler. Members absent: None. Staff present: Reed Gaedtke.

A motion was made by, Ms. Timm, seconded by Mr. Christel to approve the May 20, 2024 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 Mr. Schuler to approve the minutes for the April 15, 2024 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. Salm to approve the on-site minutes for the May 14, 2024 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 - 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.

Chairperson Schuh opened the public hearing for Bradley and Tori Garber.

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. Garber had nothing to add to his appeal.

Mr. Garber answered questions for the Board.

People in attendance in favor of the request:

Richard Wegner, Town of Gibson Chairperson, spoke for the Town in favor of the request.

Chris Schultz, spoke 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 Bradley and Tori Garber.

An email was received from the Town of Gibson stating they are in favor of the request (copy on file).

Mr. Gaedtke stated a letter was received from Badgerland Aggregates, adjacent property owner, in favor of the request (copy on file).

### **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 it's permitted as a conditional use.
3. The intensity won't have a negative effect to surrounding properties because the business will occur within an insulated building so it will be quiet. There are greater noises coming from other neighboring properties.
4. There is minimal exposure outside.
5. The use will not endanger the public's health, safety or welfare. This use has very little impact to the area.

Conditions of Approval:

1. Days of operation shall be seven days a week.
2. Hours of operation will be Monday through Friday 4:00 p.m. to 7:00 p.m. and weekends from 7:00 a.m. to 7:00 p.m.
3. The only employees will be the owners.
4. Type of equipment used will be fabrication equipment and technologies for this type of work.
5. Outdoor lighting must be residential type lighting and it must shine down onto the property.
6. A 32 sq/ft sign is permitted according to county code.
7. Customer parking must occur on the property. Parking on the road is prohibited.
8. Any storage of scrap metal shall be out of view of the roads.
9. Aerosol or hand painting of the metal is permitted.
10. A single pallet or one scrap luger type container is permitted for storage of scrap. All scrap must be stored on the pallet or within the container.

*Second by:* Mr. Schuh.

*Upon vote:* The motion was unanimously approved.

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

**Trinity Ev. Lutheran Church** – Owner of property located at 11303 Wehausen Rd., in the NW¼, NW¼, of section 13, T18N-R22E, Town of Liberty, Manitowoc County, Wisconsin, parcel number (008-013-006-002.00 and 008-013-006-001.00), wherein a conditional use permit and variances are being requested to expand a cemetery onto a new parcel of land and to locate burial plots and structures approximately 60' from the centerline of Wehausen Rd. and at 25 feet from the road right-of-way line, located in a RR, Rural Residential zoned district.

Chairperson Schuh opened the public hearing for Trinity Ev. Lutheran Church.

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. Brad Buechel, Meridian Surveying, representing Trinity Ev. Lutheran Church, stated they have received approval from the Town of Liberty earlier this year.

Mr. Buechel 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 Trinity Ev. Lutheran Church.

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

### **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 a cemetery already exists on the parcel and this is just an expansion of that cemetery.
3. The use will not have a negative impact on surrounding properties because it's surrounded by agricultural land and has been there for a number of years.
4. The use will not discourage area development.
5. The use will not impair property values. It's surrounded by agricultural fields and a cemetery has existed there for years without any issues to property values.
6. The use will not endanger the public's health, safety or welfare. The new area will actually be further from the road than the older existing part of the cemetery and there were no problems with the older cemetery location.

*Second by:* Mr. Timm.

*Upon vote:* The motion was unanimously approved.

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

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

Reasons for Variance Approval:

1. The hardship for the property is that a cemetery already exists and not allowing them to expand onto the other area would limit them to the amount of land needed for the cemetery.
2. The church needs more space.
3. The church is burdened because they need to expand their cemetery and only have the land would be allowed to be utilized and the parcel size is limited due to steeper slopes and wetter conditions towards the south.
4. The cemetery will not have a negative effect on the public interest because it has existed for years without any issues or accidents; and it won't impede the roads line of site.

*Second by:* Mr. Schuler.

*Upon vote:* The motion was unanimously approved.

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

**Dave and Cheryl Schneider** – Owners of property located at 14136 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 variance is being requested to relocate a 24' x 26' garage at 32' from the centerline of Cedar Lake Rd. and 6 feet from the road right-of-way line, located in a CB, Commercial Business, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for Dave & Cheryl Schneider.

Mr. Brad Buechel, Meridian Surveying, joined Mr. Schneider to answer questions for the Board.

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. Buechel gave some history regarding the parcel.

Mr. Buechel and Mr. Schneider 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 Dave and Cheryl Schneider.

Mr. Christel informed Chairperson Schuh that he would like to recuse himself.

## **Deliberation**

*Motion by:* Mr. Salm to approve the variance request.

Reasons for Approval:

1. The road was originally located in the wrong location and it was determined to be closer to the owner's lot.
2. The owner is burdened because the existing road is closer to his property than what is shown. The road location was put in a different area from what surveys show and the new location limits where he can build.
3. The request will not have a negative effect on the area because it is not increasing impervious surface, the roadway will actually become wider to allow for easier snow removal; and there is a reduced speed limit in that location.

*Second by:* Ms. Timm.

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

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

**Don Mjelde** – Owner of property located at 13231 Lakeshore Rd., in Govt. Lot 3, of section 30, T21N-R25E, Town of Two Creeks, Manitowoc, County, Wisconsin, parcel number (017-130-011-002.00), wherein a variance is being requested to construct a 20' x 20' shed at 50 feet from the toe of the bluff and the ordinary high water mark of Lake Michigan, located in a LE, Large Estate Residential, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for Don Mjelde.

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. Mjelde added an adjustment to the shed dimensions.

Mr. Mjelde answered questions for the Board.

People in attendance in favor of the request:

Bill Schwerma, Supervisor, Town of Two Creeks, 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 Don Mjelde.

The Town of Two Creeks sent a copy of the town minutes in favor of the request. (copy on file).

## **Deliberation**

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

Reasons for Approval:

1. The small lot and it's unique configuration, along with the steep slope to the east, the mound and road to the west and the house to the south, creates a hardship for the owner which limits his buildable area for a shed which is needed. There is no other logical place for a shed on this lot.
2. The owner is burdened because he would not have any storage for his small lot, which is needed in this area due to inclement weather. The shed size is adequate for this lot.
3. The shed will not have a negative effect on the public interest because of its size and ability to be moved fairly easy if erosion were to occur.

*Second by:* Mr. Salm.

*Upon vote:* The motion was unanimously approved.

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

**Chris and Brittany Schultz** – Owners of property located at 3722 Branch River Rd., in the NE¼, SE¼, and NW¼, SE¼, section 5, T19N-R23E, Town of Manitowoc Rapids, Manitowoc County, Wisconsin, parcel number (010-005-013-006.00), wherein a conditional use permit is being requested to operate a vacation home rental business, located in a HD, High Density Residential, zoned district.

Chairperson Schuh opened the public hearing for Chris and Brittany Schultz.

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. Schultz added that he spoke to his direct two neighbors and informed them of their intent for the vacation home rental.

Mr. and Mrs. Schultz answered questions for the Board.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

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

There being no further comments, Chairperson Schuh closed the public hearing for Chris and Brittany Schultz.

**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. It's a rural area with a field on one side.
3. The request is compatible with the surrounding area and won't have a negative effect on surrounding properties.
4. There is adequate parking and road access.
5. The structure(s) are acceptable to the area.
6. The use will not discourage area development.
7. The use 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 this district.
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 24 hours per day.
3. Number of employees will be two.
4. Maximum number of occupancy shall be 6.
5. There shall be a code compliant sign located outside in a conspicuous area showing emergency contact information for the property.
6. Owners are allowed a 32 square foot on premise business sign provided it meets setbacks and other code requirements.
7. There shall be a quiet time from 10:00 p.m. to 7:00 a.m.
8. Working smoke detectors and fire extinguishers shall be up to date and installed in the home.
9. Pets are not allowed.
10. No parking allowed on the public road.
11. The discharge of firearms is prohibited.
12. The use of fireworks is prohibited.
13. Must obtain all State and County Health Department Licenses.

*Motion by:* Mr. Schuler to pause deliberation to ask the applicants additional questions.

*Second by:* Mr. Salm.

*Upon vote:* The motion was unanimously approved.

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

The Board asked the applicants additional questions.

Mr. & Mrs. Schultz answered additional questions for the Board.

Chairperson Schuh closed the additional input from Chris and Brittany Schultz and continued with deliberations.

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

*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:**

**Silver Creek Nurseries Inc** – Discussion was had between the Board members with regards to condition number nine on the conditional use permit.

The Board stated the fence that was installed on part of the west side for screening purposes is acceptable. However, the open areas on the west side of the property between the trees and below the pine tree branches, where there is not fence, must be screened with evergreen vegetation or a privacy fence like they currently have towards the back of the property.

If vegetation is planted on the west side in lieu of fencing, the vegetation should cover the areas below the existing tree limbs and placed in an area where they can get sunlight and grow.

*Motion by:* Mr. Schuler to send letter regarding condition clarification and complaint as stated.

*Second by:* Ms. Timm.

*Upon vote:* The motion was unanimously approved.

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

**141 Speedway** – Mr. Gaedtke stated he received a phone call complaint about running after hours. Owners called and notified office they ran long one night.

**Schedule Next Meeting:**

The next Board of Adjustment meeting is tentatively scheduled for Monday, June 17, 2024 at 7:00pm and the onsite meeting for Tuesday, June 11, 2024 at 9:00am. (Dates and times are subject to change.)

**Adjournment**

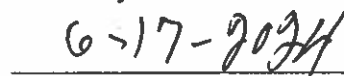
A motion was made by Mr. Schuler and seconded by Ms. Timm to approve the adjournment. Upon vote, the motion was unanimously approved.

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

Respectfully submitted,



Ken Schuler  
Secretary



Date