

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

June 17, 2024

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 7:00 P.M. on Monday, June 17, 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, Mr. Christel, seconded by Ms. Timm to approve the June 17, 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 Ms. Timm to approve the minutes for the May 20, 2024 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 11, 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**

**Eric and Erica Berg** – Owners of property located at 3068 Cottage Ln., in the SE¼, NE¼, Section 34, T20N-R24E, Town of Two Rivers, Manitowoc County, Wisconsin, parcel number (018-134-004-002.00), wherein an after the fact conditional use permit is being requested to continue operating a vacation home rental business, located in a RR, Rural Residential, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for Eric and Erica Berg. Ken Berg, agent (and father to Eric Berg) representing the Bergs.

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. Ken Berg had nothing to add to the appeal.

Mr. Ken Berg 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 Eric and Erica Berg.

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

### **Deliberation**

*Motion by:* Mr. Christel to approve the after the fact 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 permitted use in that zoning district with a conditional use permit, and has operated as a vacation rental before.
3. The request is compatible with the surrounding area and won't have a negative effect on surrounding properties.
4. The use will not discourage area development. It was a vacation rental before with no problems.
5. The use will not impair the value of surrounding properties. No proof was brought forward to show otherwise.
6. The use will not endanger the public's health, safety or welfare.
7. The board did not receive any negative feedback on the property when it was previously operating as a vacation home rental.

#### 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 can be one.
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. There shall be a quiet time from 10:00 p.m. to 7:00 a.m.
7. Working smoke detectors and fire extinguishers shall be updated and installed in the home.
8. Pets are not allowed.
9. No additional fencing is required.
10. There shall be a designated area for campfires.
11. No parking allowed on the road. All parking shall occur on the property.
12. Employee parking shall occur on the property.
13. The discharge of firearms is prohibited.
14. The use of fireworks or other artificial noise is prohibited.
15. Must obtain all State and County Health Department Licenses.

*Second by:* Ms. Timm.

*Upon vote:* The motion was unanimously approved.

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

**Sixel Cottage LLC** – Owners of property located at 14006 Woodside Ln., in the SW¼, NE¼, Section 20, T17N-R22E, Town of Meeme, Manitowoc County, Wisconsin, parcel number (012-020-003-014.00), wherein an after the fact conditional use permit is being requested to continue operating a vacation home rental business, located in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for Sixel Cottage 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.

Ms. Diane Sixel, representing Sixel Cottage LLC, had nothing to add to the appeal.

Ms. Sixel 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 Sixel Cottage LLC.

### **Deliberation**

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

Reasons for Approval:

1. Sufficient evidence from the applicant, the on-site visit and testimony, warrants an approval.
2. The request doesn't impede the orderly development of the district. It has already operated as a vacation rental property without any problems and the use is permitted in the ordinance with a conditional use permit.
3. The request is compatible with the surrounding area and won't have a negative effect on surrounding properties because it is a residence just like all the other buildings in the area.
4. The use will not discourage area development because it's a residence.
5. No proof was brought forward to show the use would impair property values.
6. 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. Maximum number of occupants shall be 4.
4. Residential type lighting can be used but it shall be pointed down onto the property and not shine onto neighboring property or roads.
5. There shall be a code compliant sign located outside in a conspicuous area showing emergency contact information for the property.
6. There shall be a quiet time from 10:00 p.m. to 7:00 a.m.
7. Working smoke detectors and fire extinguishers shall be up to date and installed in the home.

8. Pets are not allowed for renters but are allowed for family members and owners.
9. There shall be a designated area for campfires.
10. No parking allowed on roads. All parking must occur on the property.
11. The discharge of firearms, use of fireworks and artificial noises are prohibited.
12. Owner(s) must obtain all State and County Health Department Licenses.

*Second by:* Ms. Timm.

*Upon vote:* The motion was unanimously approved.

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

**Joe and Alice Oberbroeckling** – Owners of property located at 8809 Pigeon Lake Rd., in the NW¼, NE¼, Section 33, T18N-R22E, Town of Liberty, Manitowoc County, Wisconsin, parcel number (008-033-002-001.08), wherein an after the fact conditional use permit is being requested to continue operating a vacation home rental business, located in a, SE, Small Estate Residential, zoned district.

Chairperson Schuh opened the public hearing for Joe and Alice Oberbroeckling.

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. Joe Oberbroeckling added to his appeal.

Mr. Joe Oberbroeckling answered questions for the Board.

People in attendance in favor of the request: none.

People in attendance opposed to the request:

Gary Brachmann, neighbor, spoke in opposition to the request.

Mr. Oberbroeckling spoke in rebuttal.

There being no further comments, Chairperson Schuh closed the public hearing for Joe and Alice Oberbroeckling.

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

Mr. Gaedtke also stated a letter and an email were received from Mr. Brachmann (copy on file).

### **Deliberation**

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

Reasons for Approval:

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

2. The request doesn't impede the orderly development of the district. It's a residence and a vacation rental is allowable in this district with a conditional use permit.
3. The request is compatible with the surrounding area and won't have a negative effect on surrounding properties.
4. No proof was brought forward that shows the use would impair property values.
5. The use will not discourage area development.
6. The use will not endanger the public's health, safety or welfare. Any concerns are addressed with the listed conditions.

Conditions of Approval:

1. Days of operation shall be seven days a week, 365 days per year.
2. Hours of operation will be 24 hours per day.
3. Number of employees will be two.
4. Maximum number of occupancy shall be 8.
5. Fencing is not required. However, all property lines shall be clearly marked and maintained.
6. Residential lighting is allowed but it must shine down onto the property and not onto neighboring property.
7. There shall be a quiet time from 10:00 p.m. to 7:00 a.m.
8. The discharge of firearms, fireworks and other artificial noises are prohibited.
9. There shall be a code compliant sign located outside, in a conspicuous area, showing emergency contact information for the property.
10. All parking shall occur on the property. Parking on the road is prohibited.
11. Smoke detectors and fire extinguishers shall be installed and up to date.
12. No more than two pets allowed at a time and they must be leashed when they are outside.
13. There shall be a designated area for campfires.
14. Must obtain all State and County Health Department Licenses.

*Second by:* Mr. Salm.

*Upon vote:* The motion was unanimously approved.

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

**Andy Boncher** – Owner of property located at 12419 CTH NN, in the SW¼, NW¼, section 31, T21N-R22E, Town of Cooperstown, Manitowoc County, Wisconsin, parcel number (003-031-007-002.00), wherein a variance is being requested for replacing an old garage with a new 30' x 50' garage at 37 feet from the ordinary high water mark of a small stream located in a RR, Rural Residential, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for Andy Boncher.

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. Boncher had nothing to add to his appeal.

Mr. Boncher answered questions for the Board.

People in attendance in favor of the request:

Mr. Boncher's girlfriend, a Denmark resident, 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 Andy Boncher.

Mr. Gaedtke stated he received a letter from the DNR. In addition, he received a copy of the town minutes from the Town of Cooperstown in favor of the request. (copy on file).

### **Deliberation**

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

Reasons for Approval:

1. The layout of the lot with the mound to the south and the creek going through the property cutting it almost in half, creates a hardship on the owner and restricts his buildable area. There's no other place for the owner to build.
2. The owner is burdened because he needs to have a place to store equipment and personal belongings and to have them inside during inclement weather.
3. The town approved of the location and request.
4. It will not be contrary to public interest because there is a garage there now and there will be sufficient vegetative buffering between the new garage and the creek.

*Second by:* Mr. Schuler.

*Upon vote:* The motion was unanimously approved.

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

**Jonathan W. Thompson** – Owner of property located at 2817 Basswood Rd., in the SE¼, NW¼, Section 24, T19N-R23E, Town of Manitowoc Rapids, Manitowoc County, Wisconsin, parcel number (010-011-008-005.00), wherein a variance is being requested to construct a 37' x 50' building addition at 15 feet from the road right-of-way line located in a ID, Industrial zoned district.

Chairperson Schuh opened the public hearing for Jonathan W. Thompson.

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. Thompson had nothing to add to his appeal.

Mr. Thompson 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 a letter and a copy of the Town Board meeting minutes were received from the Town of Manitowoc Rapids stating they are in favor of the request (copy on file).

An email was also received from Gerry Neuser, Director of Public Works, stating the Public Works Committee approved the request. Approval from the Planning & Park Commission would still be required (copy on file).

There being no further comments, Chairperson Schuh closed the public hearing for Jonathan W. Thompson.

**Deliberation**

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

Reasons for Approval:

1. The abnormally wider than typical right of way in this area creates a hardship and burdens the owner by restricting the owner's area to build.
2. The owner is already going to have to relocate the holding tank to make room for the addition.
3. It will not have a negative effect on the public because the structure will still meet the setback from the centerline of the road and it will also be located outside the site triangle.

*Second by:* Mr. Salm.

*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:**

**141 Speedway** – Mr. Gaedtke stated he received an email from the speedway stating they ran late that night. By morning he had received a call from an upset citizen stating they operated late.

**Schedule Next Meeting:**

The next Board of Adjustment meeting is tentatively scheduled for Monday, July 15, 2024 at 7:00pm and the onsite meeting for Tuesday, July 9, 2024 at 9:30am. (Dates and times are subject to change.)

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

Respectfully submitted,



Ken Schuler

Secretary

7-15-2024

Date