

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

July 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, July 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, 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 July 15, 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. Schuler, seconded by Mr. Salm to approve the minutes for the June 17, 2024 meeting. 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 on-site minutes for the July 9, 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

JBLA Properties LLC – Owners of property located at 19817 Kunish Ln., in Govt. Lot 1, Section 3, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, parcel number (016-003-013-002.00), 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 JBLA Properties LLC. Mr. Andrew Pfister, property owner, answered 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. Andrew Pfister had nothing to add to the appeal.

Mr. Andrew Pfister 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 JBLA Properties LLC.

Mr. Gaedtke 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. Christel to approve the 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. 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 not a congested location.
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 determined by state sanitary code with a maximum occupancy of 10 people. Currently, sanitary records show the septic is sized for a three bedroom home or for 6 people. Therefore only six people can occupy the home unless the septic system is increased.
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. Any other type of sign shall meet 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 for renters but are allowed for family members and owners.
10. There shall be a designated area for campfires.
11. No parking allowed on roads. All parking must occur on the property.
12. The discharge of firearms is prohibited.
13. The use of fireworks and artificial noises are prohibited.
14. Owner(s) must obtain all State and County Health Department Licenses.

Second by: Mr. Schuh.

Upon vote: The motion was unanimously approved.

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

Randy Fretwell – Owner of property located at 19707 U.S. HWY 57, in the SW¼, SW¼, Section 35, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, parcel number (016-515-000-017.00), wherein a variance is being requested to construct a 14’ x 42’ deck/entrance at 75 feet from the center line of the road, located in a RR, Rural Residential zoned district.

Chairperson Schuh opened the public hearing for Randy Fretwell.

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. Fretwell had nothing to add to the appeal.

Mr. Fretwell 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 Randy Fretwell.

Mr. Gaedtke 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. Salm to approve the variance request.

Reasons for Approval:

1. The proximity of the existing house to the road creates a hardship for the property owner.
2. The owner is burdened because the house is within the setback and no matter what he built on the house it would require a variance.
3. The structure will not have a negative impact because the house has been at that distance for years without any issues.

Second by: Mr. Schuler.

Upon vote: The motion was unanimously approved.

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

James and Kelly Eells Trust – Owner of property located at 98 Crystal Springs Rd., in the E½, NW¼, SE¼, Section 20, T20N-R24E, Town of Two Rivers, Manitowoc County, Wisconsin, parcel number (018-120-014-006.00), wherein a conditional use permit is being requested to operate a soap making business, located in a RR, Rural Residential, zoned district.

Chairperson Schuh opened the public hearing for James and Kelly Eells Trust.

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. & Mrs. Eells had nothing to add to their appeal.

Mr. & Mrs. Eells 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 James and Kelly Eells Trust.

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 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 is a low impact operation.
4. No proof was brought forward to show the use would discourage development in the area.
5. There was no information or proof 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 Monday through Friday 7:00 a.m. to 7:00 p.m. or by appointment.
3. In addition to the owners, they can have one employee.
4. Outdoor lighting must be residential type and it must shine down onto the property.
5. A 32 sq/ft sign is permitted according to county code.
6. Customer parking must occur on the property. Parking on the road is prohibited.

Second by: Mr. Salm.

Upon vote: The motion was unanimously approved.

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

Dwight Brubaker – Owner of property located at 35 West Samz Rd., in the NW¼, NE¼, Section 8, T20N-R24E, Town of Mishicot, Manitowoc County, Wisconsin, parcel number (013-008-002-000.00), wherein a conditional use permit is being requested to operate a shed and outdoor decoration

manufacturing and sales business and to also sell produce and crafts, located in a RR, Rural Residential, zoned district.

Chairperson Schuh opened the public hearing for Dwight Brubaker.

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. Brubaker made clarification to his appeal.

Mr. Brubaker 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 Dwight Brubaker.

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 because the road is not heavily traveled.
3. The use is compatible with the surrounding area. Mostly farmland with very few neighbors.
4. The intensity won't have a negative effect to surrounding properties because the work will be done inside a building.
5. The parcel is large enough to allow the use to fit on the property and there's adequate road frontage.
6. There is proper access for this type of use and the owner has petitioned the township for an additional driveway to make it even better.
7. The structures associated with this type of use are acceptable.
8. No evidence was brought forward to show this type of use would have a negative effect on property values.
9. There are no objectionable factors associated with this use that would be any different from other permitted uses in the area.
10. The use will not endanger the public's health, safety or welfare.

Conditions of Approval:

1. Days of operation shall be Monday thru Friday and also Saturday mornings.
2. Hours of operation shall be Monday through Friday 8:00 a.m. to 6:00 p.m. and Saturdays from 8:00 a.m. to 12:00 noon.
3. Number of employees shall be four.

4. Manufacturing to occur inside the building.
5. Storage of products shall be on the north, south and east sides of the new building.
6. All products and materials shall be stored at least 60 feet from the center line of the road.
7. A sign is permitted and it shall meet code requirements.
8. Outdoor lighting must be residential type lighting and it must shine down onto the property and not onto neighboring property or the road.
9. Customer parking must occur on the property. Parking on the road is prohibited.
10. Truck unloading on the road shall only be incidental in nature but primarily be confined to the property.

Second by: Mr. Christel.

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, August 19, 2024 at 7:00pm and the onsite meeting for Tuesday, August 13, 2024 at 9:30am. (Dates and times are subject to change.)

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. Salm.

Upon vote: The motion was unanimously approved.

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

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

Respectfully submitted,



Ken Schuler

Secretary



Date