

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

September 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, September 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, Dave Christel, Bob Salm, and Ken Schuler. Members absent: None. Staff present: Reed Gaedtke.

A motion was made by, Mr. Christel seconded by Mr. Salm to approve the September 17, 2024 meeting agenda. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Salm, seconded by Mr. Schuler to approve the minutes for the August 19, 2024 meeting. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Schuler, seconded by Mr. Salm to approve the on-site minutes for the September 10, 2024 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, 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

Ross and Daisy Sippel – Owners of property located at 20620 CTH X, in the SE¼, SW¼, Section 10, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, parcel number (016-010-012-002.00), wherein a variance is being requested to construct a 24' x 28' house addition at 82 feet from the center line of CTH X, located in a LE, Large Estate Residential zoned district.

Motion by: Mr. Schuh to remove the request from the table.

Second by: Mr. Christel.

Upon vote: The motion was unanimously approved.

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

Chairperson Schuh opened the public hearing for Ross and Daisy Sippel.

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. Sippel had nothing to add to his appeal.

Mr. Ross Sippel 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 Ross and Daisy Sippel.

Mr. Gaedtke stated a copy of the minutes from the Town of Schleswig meeting were received in favor of the request. (copy on file).

Deliberation

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

Reasons for Approval:

1. The location of the existing house to the road and the well to the north and septic system to the east creates a hardship for the owner by limiting the area where an addition can be built.
2. The owner is burdened because the house is already within the road setback and moving the addition back to meet the road setback would almost detach it from the house. The new addition will allow for safe space in the basement and reduce the uneven existing space that is currently unsafe for the homeowner to use.
3. The new addition will not have a negative impact on the public because the owner is setting the addition two feet further back from the road than the existing house. There's adequate room to relocate a driveway if needed; and the structure would not create any blind spots or block the view of the road.

Second by: Mr. Schuler.

Upon vote: The motion was unanimously approved.

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

Wieslaw Labaj – Owner of property located at 5405 S. 10th Street., in Govt. Lot 2, Section 18, T18N-R24E, Town of Manitowoc, Manitowoc County, Wisconsin, parcel number (009-018-006-003.03), wherein a conditional use permit is being requested to operate a vacation home rental business, located in a RR, Rural Residential, S1, Shoreland zoned district.

Motion by: Mr. Schuler to remove the request from the table.

Second by: Mr. Salm.

Upon vote: The motion was unanimously approved.

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

Chairperson Schuh opened the public hearing for Wislaw Labaj.

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. Labaj had nothing to add to his appeal.

Mr. Labaj 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 Wieslaw Labaj.

Deliberation

Motion by: Mr. Schuh 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.
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 and the use is permitted with a conditional use permit in that district.
4. The use fits on the parcel size.
5. There is proper access for this use.
6. The structure is a single family home and is adequate in size for the proposed occupancy.
7. The use will not discourage area development because its' a residence.
8. No proof was brought forward to show the use would impair property values.
9. There are no proposed noise, fumes, flashing lights or other factors that will make this use unsafe or more objectionable than any other principal use in the RR zoning district.
10. With the conditions applied below 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 7 people. Current, sanitary records show the septic is sized for a five bedroom home.
4. There shall be a code compliant sign located outside in a conspicuous area showing emergency contact information for the property.
5. Working smoke detectors and fire extinguishers shall be up to date and installed in the home.
6. No parking allowed on the road. All parking must occur on the property.
7. All state and county licensing and codes must be followed.
8. The septic system and well must be up to code and maintained.
9. The discharge of firearms and use of fireworks and other artificial noises are prohibited.
10. Pets are not allowed for renters but are allowed for family members and owners.
11. There shall be a quiet time from 10:00 p.m. to 7:00 a.m.
12. Property lines must be delineated so renters know the property boundaries.

Second by: Mr. Christel.

Upon vote: The motion was unanimously approved.

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

NEW BUSINESS:

Siemers Holstein Farm Inc. – Owner of property at 14421 Mineral Springs Rd. and located in the NE¼, SE¼, Section 21, T17N-R22E, Town of Meeme, Manitowoc County, Wisconsin, parcel number (012-021-013-001.00), wherein a conditional use permit is being requested to operate a utility, Renewable Natural Gas Injection facility, located in an EA, Exclusive Agricultural zoned district.

Chairperson Schuh opened the public hearing for Siemers Holstein Farm Inc. Mr. Steve Paplham, Wisconsin Public Service, 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. Paplham had nothing to add to the appeal.

Mr. Steve Paplham, Wisconsin Public Service, spoke and 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 Siemers Holstein Farm Inc.

Motion by: Mr. Christel to reopen public input to hear testimony from the town.

Second by: Mr. Schuler.

Upon vote: The motion was unanimously approved.

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

Mr. Henry Langenhahn, Town of Meeme Supervisor, spoke in favor of the request.

There being no further comments, Chairperson Schuh closed the public hearing for Siemers Holstein Farm Inc.

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 because a utility is allowed in this zoning district with a conditional use permit and is a byproduct of an agricultural operation.
3. The request is compatible with the surrounding area and won't have a negative effect on surrounding properties because there is adequate land for this type of use and it's in close proximity to manure digesters which are needed for this process.

4. The use fits on the parcel and the land is zoned for this use.
5. There is proper access for this use.
6. The structure(s) associated with this use is acceptable.
7. The use will not discourage area development.
8. No evidence was submitted to show the use would impair property values.
9. There are no proposed noise, fumes, flashing lights or other factors that will make this more objectionable than any other principal use in this zoning district. The shed will have warning lights for gas monitoring and the use is still agricultural related.
10. The use, as presented through the application, meeting and questioning should not endanger the health, safety or welfare of the public.

Conditions of Approval:

1. Days of operation shall be 365 days a year.
2. Hours of operation shall be 24 hours per day.
3. Number of employees allowed shall be one.
4. Type of equipment used shall be pipes, valves, odorizers, analyzers, regulators and remote monitoring transmitters, trucks and other equipment associated with this type of project.
5. A minimum six foot high fence shall be installed around the area with barbwire at the top.
6. There shall be a minimum 3' x 4' emergency sign with contact information located on the fence or building.
7. Outdoor lighting is allowed but is shall shine down onto the property and not leave the property or shine onto the road or neighbors land.
8. Applicant and operator shall abide by all State, Federal and County licenses and regulations.
9. Only gas and manure generated by a Siemers Holstein Dairy farm operation shall be processed through this facility.
10. The transfer station shall be maintained in a secure manner.

Second by: Mr. Schuh.

Upon vote: The motion was unanimously approved.

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

Ethan Binish – Owner of property located at 13307 Rameker Rd., in the W½, SE¼, Section 32, T21N-R22E, Town of Cooperstown, Manitowoc County, Wisconsin, parcel number (003-032-015-000.00), wherein a conditional use permit is being requested to operate a small salon business in a GA, General Agricultural zoned district.

Chairperson Schuh opened the public hearing for Ethan Binish.

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. Ethan & Cayla Binish spoke and answered questions for the Board.

People in attendance in favor of the request:

Stephen Deidrich 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 Ethan Binish.

Mr. Gaedtke stated a letter was received from the Town of Cooperstown 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, the on-site visit and testimony, warrants an approval.
2. The use doesn't impede the orderly development of the district. There is very little impact.
3. The use is compatible with the surrounding area and won't have a negative effect on surrounding properties because it's low impact and located inside a building.
4. There is plenty of room on the parcel for this type of use.
5. There is an existing access on the property and it is sized properly for this use.
6. The proposed structure is acceptable and part of a machine shed.
7. The use will not discourage area development, it's not close to any other parcels.
8. No proof was brought forward to show the use would impair property values. It's a long way from any other properties and there is no visible impact.
9. There are no noises, fumes or lights that would be any more objectionable than any other permitted use in this district.
10. With the conditions applied below the use will not endanger the public's health, safety or welfare. It is a very low impact to the area and the public will be well served to have this type of business in the area.

Conditions of Approval:

1. Days of operation shall be Monday through Friday.
2. Hours of operation shall be 9:00 a.m. to 7:00 p.m.
3. Number of employees shall be one plus the owner.
4. Residential type lighting can be used but it shall be pointed down onto the property and not shine onto neighboring property or roads.

Second by: Mr. Christel.

Upon vote: The motion was unanimously approved.

Aye: Schuh, Salm, 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, October 21, 2024 at 7:00pm and the onsite meeting for Tuesday, October 15, 2024 at 9:30am. (Dates and times are subject to change.)

Adjournment

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

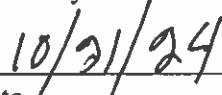
Aye: Schuh, Salm, Christel and Schuler; No: none.

Respectfully submitted,



Ken Schuler

Secretary



Date