

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

February 17, 2025

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 7:00 P.M. on Monday, February 17, 2025 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: Brian Kraemer. Staff present: Reed Gaedtke.

A motion was made by, Mr. Christel, seconded by Mr. Salm to approve the February 17, 2025 meeting agenda. 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 minutes for the January 20, 2025 meeting. 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. Christel to approve the on-site minutes for the February 11, 2025 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- None

New Business-

Ron Gerrits – Owner of property located at 693 S. Neumeyer Ln., in the SW¼, NW¼, of Section 19, T19N-R21E, Town of Rockland, Manitowoc County, Wisconsin, parcel number (015-019-007-005.00) wherein the yearly review will take place for the existing conditional use permit to operate a vacation home rental located in a RR, Rural Residential, S1, Shoreland, zoned district.

Chairperson Schuh opened the public hearing for Ron Gerrits.

Mr. Gaedtke read the reason for the review. (copy on file).

Mr. Gerrits updated the Board on how things are going.

Mr. Gerrits requested an increase in the number of guests.

Mr. Gerrits answered questions for the Board.

People in attendance in favor of the request:

Jeff Loveland, adjacent property owner, spoke in favor of the conditional use permit.

Nick Baumen, neighbor, spoke in favor of the conditional use permit.

Henry Horn, adjacent property owner, spoke in favor of the conditional use permit.

Larry Boettcher, neighbor, spoke in favor of the conditional use permit.

Greg Petersen, neighbor, spoke in favor of the conditional use permit.

Adam Weier, neighbor, spoke in favor of the conditional use permit.

Dan Babltz, neighbor, spoke in favor of the conditional use permit.

Katherine Horn, adjacent property owner, spoke in favor of the conditional use permit.

Kristin Loveland, adjacent property owner, spoke in favor of the conditional use permit.

People in attendance opposed to the request: none.

Mr. Schuh stated multiple correspondence had been received. (copies on file)

There being no further comments, Chairperson Schuh closed the public hearing for Ron Gerrits.

Deliberation

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

Reasons for Approval:

1. Sufficient evidence from the applicant, on-site visit and testimony warrants an approval.
2. The use will not impede the orderly development of the district.
3. The use is compatible with the surrounding area.
4. The intensity of the operation will not have a negative effect on surrounding area or properties based upon the conditions that are imposed.
5. The use fits on the parcel size.
6. The property and location has proper road access for this use.
7. The nature location and height of structures associated with the use are acceptable for the area and surrounding community.
8. The use will not discourage appropriate development or use of adjacent land or buildings.
9. The use will not impair the value of surrounding properties.
10. There are no factors or unsafe issues that are more objectionable than any other allowable principal use in that district.
11. The use will not endanger the public's health, safety or welfare.
12. The use is not a business but a residential use that complies with state and county administrative rules and laws.

Conditions of Approval:

1. Owner/manager contact information sign shall be posted on the front of the residence and according to code.
2. Sign(s) shall meet county setback, size and other regulations.
3. Maximum number of occupancy shall be 12 people. However, it shall remain at 8 people until the owner can show the septic system has been upgraded to allow for 12 people.
4. There shall be working smoke alarms and fire extinguishers present in the home.
5. All parking shall be on the property. No parking allowed on the road or on Neumeyer Lane.

6. Owners shall comply with all state and County Health Department regulations and licensing.
7. The septic system and well shall be maintained and meet code requirements.
8. Fireworks or the discharging of firearms is prohibited.
9. Days of operation shall be seven days a week.
10. Hours of operation will be twenty-four hours a day.
11. No more than 2 pets allowed on the premise and they shall be leashed when outdoors.
12. Quiet time on the property shall be from 10:00 p.m. to 7:00 a.m. and shall be posted inside the residence.
13. No more than two trailers allowed on the property.
14. There shall be a one year review of the conditional use permit. Subsequent reviews will be determined at that time.
15. Motorized recreational vehicles are prohibited from being used on the property and from accessing the lake from the property.

Second by: Mr. Christel.

Upon vote: The motion was unanimously approved.

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

Jayme & Stephanie Hetland – Owners of property located at 19600 Point Creek Rd., SW¼, SW¼, Lot 4 CSM V35, P269, Section 2, T17N–R21E, Town of Schleswig, Manitowoc County, Wisconsin, parcel number (016-002-009-014.00); wherein a conditional use permit is being requested to operate a mini-warehouse business in a RR, Rural Residential, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for Jayme and Stephanie Hetland.

Mr. Gaedtke read the reason for the appeal (copy on file).

Mr. Schuler & Mr. Christel read the application (copy on file).

The Board asked if there was anything to add to the appeal.

Mr. Hetland shared he administered a survey himself to the residents of Wilke Lake regarding a mini-warehouse business.

Mr. Hetland 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 we received a copy of Mr. Hetlands surveys and a copy of the minutes from the Town of Schleswig meeting stating they are in favor of the request (copy on file).

There being no further comments, Chairperson Schuh closed the public hearing for Jayme & Stephanie Hetland.

Deliberation

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

Reasons for Approval:

1. Sufficient evidence from the meeting testimony and the updated application which addressed past Board of Adjustment concerns, warrants an approval.
2. The town was in favor of the request.
3. This use would not impede the orderly development of the district there is correspondence to show this is a wanted use in the area.
4. Due to the need of this type of use in this area, it would be compatible with the surrounding area and due to the updated plans and addressing past concerns with access and drainage, there's no evidence to show the use would have a negative impact on the area or create any hardships.
5. Due to the updated site plan, the use will fit on the property. There is adequate setback clearance on all sides and retention ponds to slow and hold runoff water.
6. There will be proper access to the parcel with a widened driveway.
7. The structures associated with this type of use are acceptable to the area.
8. There was no evidence to show this type of use would impair property values.
9. There was no evidence or testimony brought forward to show the use would endanger the public's health, safety or welfare.

Conditions of Approval:

1. Days of operation shall be seven days per week.
2. Hours of operation shall be 24 hours per day.
3. Owner is allowed an on premise sign according to Manitowoc County Code.
4. All lighting shall be directed down at the ground and shall not leave the property or be pointed at neighboring properties.
5. Outside storage is prohibited.
6. Driveway access shall be expanded to 45-foot-wide driving surface; subject to town of Schleswig approval.
7. Planted trees shall be spruce trees or coniferous trees that are fully branched to the ground.
8. All trees being planted shall be a minimum of three feet tall to start.
9. The retention pond and the trees being planted shall be designed and located according to the site plan and applicants testimony. This includes
 - a. Buried downspouts shall run to the retention pond.
 - b. Swales shall be placed between the building rows and slope towards the retention pond to collect runoff water.
 - c. Detention pond shall be located north of the buildings and parking lot as shown in the submitted site plan.
 - d. Trees shall be planted north of the detention pond and wrap around the sides of it to the storage buildings as shown on the submitted site plan.
 - e. Pond depth shall be minimum of five feet deep according to applicant testimony.
 - f. Pond size shall be 50' x 140' according to applicant testimony.

Second by: Mr. Schuh.

Upon vote: The motion was unanimously approved.

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

Craig Wilkum – Owner of property at 14409 Woodside Ln., in Govt. Lot2, SE¼, SE¼, Section 23, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, parcel numbers (016-023-013-021.00), wherein a variance is being requested to construct a 14' x 17' screen room over the existing deck located at 15 feet from the ordinary high water mark of Cedar Lake, in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for Craig Wilkum. Bonnie Wilkum present to answer questions.

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.

Bonnie Wilkum clarified their request.

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

Bonnie Wilkum 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 an email with a copy of the minutes from the Town of Schleswig meeting were received in favor of the request along with a letter from the DNR. (copy on file).

There being no further comments, Chairperson Schuh closed the public hearing for Craig Wilkum.

Deliberation

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

Reasons for Approval:

1. An unnecessary hardship or physical limitation is present based upon the fact that the existing structure was built in the early 70's within 75 feet of the ordinary high water mark and due to the lot size and shape; the lot doesn't allow for any expansion outside the 75' setback.
2. The screened area will allow the owners to use the house and enjoy the outdoors without being bothered by the existing bad bug population problem.
3. No evidence was brought forward to show the enclosure would have a negative effect on the public interest. The structure already exists and it's not going any closer to the lake. It's just being enclosed. Also, the impervious surface will not increase.

Condition(s) of Approval:

1. The roof line shall not exceed the existing decks size of 14' x 17'.

Second by: Mr. Salm.

Upon vote: The motion was unanimously approved.

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

PMK Wisconsin LLC – Owner of property located at 6000 CTH JJ, in the SW¼, SE¼, Section 15, T19N-R23E, Town of Manitowoc Rapids, Manitowoc County, Wisconsin, parcel number (010-015-015-004.00), wherein a conditional use permit is being requested by Basudev Adhikari, the applicant, to operate a truck stop with public showers, along with a gas station, convenience store and restaurant located in a CB, Commercial Business zoned district.

Chairperson Schuh opened the public hearing for PMK Wisconsin LLC.

Mr. Joseph Bendaly and Mr. Gary Gartman with Quasis Construction representing the applicant.

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. Bendaly had nothing new to add to the appeal.

Mr. Bendaly and Mr. Gary Gartman answered questions for the Board.

People in attendance in favor of the request:

Mr. Wetenkamp, Town of Manitowoc Rapids Supervisor, spoke in favor of the request.

Jim Petersen, neighboring property owner, spoke in favor of the request.

People in attendance opposed to the request:

Sally Reid, adjacent property owner, spoke opposed to the request.

William Schisel, neighbor, spoke with concerns about water drainage.

Eric Coehnen, concerned about how it will look in the future.

Sally Reid, adjacent property owner, spoke again with concerns about water drainage.

Mr. Gaedtke stated he received a letter from the Town of Manitowoc Rapids in favor of the request (copy on file).

Mr. Bendaly and Mr. Gary Gartman answered additional questions for the Board.

There being no further comments, Chairperson Schuh closed the public hearing for PMK Wisconsin LLC.

Deliberation

Motion by: Mr. Schuler to deny the conditional use permit request.

Reasons for Denial:

1. Sufficient evidence from the meeting, on-site visit and testimony warrants a denial.
2. The use is not compatible with the surrounding area because the direction of the truck would be required to enter and exit.
3. This use would impede the orderly development of the district because based on testimony given regarding coverage of lights. Noise and water issues.
4. It's not compatible with the surrounding area because the direction of the trucks entering and exiting. It appears to be dangerous to the public entering the convenience store.
5. Testimony was given to support a negative impact on property values based on lights, noise and drainage issues.
6. The use would endanger the public's health, safety or welfare. The roads do not appear wide enough for truck access and trucks would be entering and exiting the same area the public would walk to enter the convenience store.

✓No second motion made, motioned failed.

Motion by: Mr. Christel to postpone the conditional use permit request.

Items to be addressed at next meeting:

1. Truck entrance and flow through the parking lot. Site plan shows a danger and blocks off people walking in the lot and a lot of congestion.
2. Concerns about bright lights shining at neighbors, or roadway, noise from trucks idling in winter and water runoff concerns with neighboring properties.
3. Doesn't appear to fit on the lot size. The existing plan is not compatible with the lot size.
4. Does not have proper access for the amount of traffic and large trucks.
5. Property value concern.
6. Objectionable factors are traffic flow, unsafe issues, and the public access to the truck stop.
7. Is the town road able to withstand the use and is the access onto JJ adequate. (Check with town.)
8. Show there's adequate room for drainage, retention pond, and berms.
9. Show the minimum height and location of the berms and what type of vegetative cover would be on top.

Second by: Mr. Salm.

Upon vote: The motion was approved 3-1.

Aye: Schuh, Salm, and Christel; *No:* Schuler.

Other Business

Schedule Next Meeting:

The next Board of Adjustment meeting is tentatively scheduled for Monday, March 17, 2025 at 7:00pm and the onsite meeting for Tuesday, March 11, 2025 at 9:30am. (Dates and times are subject to change.)

Correspondence not related to a hearing item:

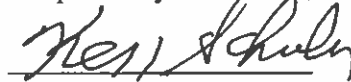
Discussion on reviewing IC Investments conditional use permit application, Board instructed Mr. Gaedtke to send a letter.

Adjournment

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

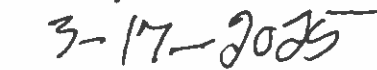
Aye: Schuh, Salm, Christel and Schuler; *No:* none.

Respectfully submitted,



Ken Schuler

Secretary



Date