

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

May 19, 2025

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 7:00 P.M. on Monday, March 19, 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, Brian Kraemer and Ken Schuler. Members absent: None. Staff present: Reed Gaedtke.

A motion was made by, Mr. Salm, seconded by Mr. Kraemer to approve the May 19, 2025 meeting agenda. Upon vote, the motion was unanimously approved.

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

A motion was made by Mr. Christel, seconded by Mr. Schuler to approve the minutes from the March 17, 2025 meeting. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Salm, seconded by Mr. Kraemer to approve the on-site minutes from the May 13, 2025 meeting. Upon vote, the motion was unanimously approved.

Aye: Schuh, Salm, Christel, Kraemer 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.

Chairperson Schuh set a 3 minute time limit on public input.

Old Business- None

New Business-

Bob and Denise Baus – Owner of property at 18906 Twin Bay Ln. in the SE¼, SE¼, Section 23, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, tax parcel number (016-023-015-010.00) wherein variances are being requested to construct a 2' x 16' retaining wall at 30 feet from the ordinary high water mark of Cedar Lake, and to construct a 2' x 16' retaining wall at 27 feet from the ordinary high water mark of Cedar Lake; and to construct a 21' x 23' patio at 23 feet from the ordinary high water mark of Cedar Lake located in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for Bob and Denise Baus. Mark Schad (Builder) was also present as a representative.

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. Baus had nothing to add to his appeal.

Bob and Denise Baus, and Mark Schad answered questions for the Board.

People in attendance in favor of the request:

Richard Hoerth, Town of Schleswig, spoke in favor of the request and stated if the Board approved the patio the town wants it to be permeable pavers instead of concrete.

People in attendance opposed to the request: None

Mr. Gaedtke stated he received an email from Richard Grossenbach in favor of the request. (copy on file)

Mr. Gaedtke stated he received a letter from WDNR representative Dale Rezabek opposed to the request. (copy on file)

There being no further comments, Chairperson Schuh closed the public hearing Bob and Denise Baus.

Deliberation

Motion by: Mr. Christel to approve the retaining wall requests and to deny the patio request.

Reasons for Retaining Wall Approval:

1. An unnecessary hardship and physical limitation of the property is present based upon the slope of the lot and the natural drainage path.
2. The owners would be burdened by the presence of water draining towards the back of the property and they would not have reasonable use of the property due to the water draining near the house, causing a problem for the owners.
3. The retaining walls will not be contrary to the public interest because the water runoff will run away from the neighboring lots and over areas of sufficient vegetation where it will be absorbed.

Reasons for Patio Denial:

1. The applicant did not fulfill the requirement for proving there is an unnecessary hardship of the property requiring an uncovered patio. There is no hardship or unique physical limitation of the property that requires the homeowners to have an uncovered patio within the lake setback area.
2. The owners stated the reason for the patio is to aid in transfer of movement for visiting individuals. It's not based on unique limitations of the property.
3. The owners could still have a fire pit without having a patio around it.
4. Answering the other questions is a moot point since there is no physical hardship or unique property limitation for a patio.

Second by: Mr. Schuh.

Upon vote: The motion was unanimously approved.

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

Brian and Dyann Nowack – Owners of property at 11810 CTH R, in SE¼, SW¼, Section 31, T21N-R23E, Town of Gibson, Manitowoc County, Wisconsin, parcel numbers (006-031-012-003.00), wherein a variance is being requested to reconstruct a 21' x 25.5' deck at 66 feet from the centerline of CTH R and within the road site triangle located in a RR, Rural Residential zoned district.

Chairperson Schuh opened the public hearing for Brian and Dyann Nowack.

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. Nowack answered questions for the Board.

People in attendance in favor of the request: Duane Argall.

People in attendance opposed to the request: None.

Mr. Gaedtke stated the board received an email from the Town of Gibson in favor of the request (copy on file).

There being no further comments, Chairperson Schuh closed the public hearing for Brian and Dyann Nowack.

Deliberation

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

Reasons for Approval:

1. An unnecessary hardship and physical limitation is present based upon the fact that the property has a unique shape and how the road angles back towards the house. The house is an existing nonconforming structure within the road setback.
2. The deck is located behind the house and away from the road.
3. If the ordinance was strictly enforced, the owner would be burdened because he couldn't use his house as designed.
4. Due to the location of the deck in relation to the house and detached garage the deck would not be contrary to the public interest because it would be behind the other structures.

Second by: Mr. Kraemer.

Upon vote: The motion was unanimously approved.

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

Michael Demcak – Owner of property at 18609 CTH XX, in NE¼, NE¼, Section 23, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, parcel number (016-023-001-001.00), wherein after the fact variances are being requested to build a 14.1' x 12.75' chicken coop at 48 feet from the centerline of Cedar Lake Rd. and at 83 feet from CTH XX and within the road site triangle and to also construct a 30' x 30'

garage addition at 83 feet from the centerline of CTH XX, and within the 200 site triangle located in a RR, Rural Residential zoned district.

Chairperson Schuh opened the public hearing for Michael Demcak.

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. Demcak 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 Michael Demcak.

Deliberation

Motion by: Mr. Kraemer to approve the coop request and to deny the garage addition request.

Reasons for Garage Addition Denial:

1. The garage addition is a safety hazard because it is blocking more of the site triangle and would have a negative effect on the public interest.
2. The owner is not burdened because he has a garage and there is room to build further to the west.

Reasons for Coop Approval:

1. The coop shall be moved further to the west so that it is located next to the east side of the existing garage.
2. The coop shall also be pushed back to the south as far as possible and therefore won't impede upon the existing site triangle than what's already there.
3. Being next to the existing garage will not jeopardize anymore of the site triangle and therefore not be contrary to the public's interest.
4. The owner is burdened by not having the coop.

Second by: Mr. Salm.

Upon vote: The motion was unanimously approved.

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

Karl Lindgren and Michelle Keehan – Owners of property at 15601 Keehan Rd., in SW¼, SE¼, Section 17, T21N-R22E, Town of Cooperstown, Manitowoc County, Wisconsin, parcel numbers (003-017-015-000.00), wherein an after the fact conditional use permit is being requested to operate a small business automotive car restoration, modern car upgrade and tractor service business located in a GA, General Agricultural zoned district.

Chairperson Schuh opened the public hearing for Karl Lindgren and Michelle Keehan.

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. Lindgren answered questions for the Board.

People in attendance in favor of the request: Tom Keehan

People in attendance opposed to the request:

Brian Swetlik- safety and noise concerns

Colten Swetlik- showed videos to the board regarding noise and safety concerns

Brianna Worden- noise and safety concerns

Mr. Gaedtke stated the board received an email from the Town of Cooperstown in favor of the request (copy on file).

Mr. Gaedtke stated the board received an email from Brian Swetlik opposed to the request (copy on file).

There being no further comments, Chairperson Schuh closed the public hearing for Karl Lindgren and Michelle Keehan.

Deliberation

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

Reasons for Approval:

1. Sufficient evidence from the meeting testimony and onsite warrants an approval.
2. The town was in favor of the request.
3. This use would not impede the orderly development of the district.
4. With proper conditions, and an annual review, the use would not have a negative impact on surrounding properties
5. The use would not discourage development in the area.
6. There was no evidence or testimony to show this type of use would impair property values.
7. 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 Monday through Friday.
2. Hours of operation shall be from 9:00 a.m. to 5:00 p.m.
3. Number of employees shall be one.
4. The owner is allowed an on-premise sign according to Manitowoc County Code.

5. The number of customer vehicles or pieces of equipment allowed outside for drop off or pick up shall be 3. All other customer vehicles being worked on and pieces of equipment shall be kept indoors.
6. No noise from the business is allowed to occur outside the building. Operating the dynamometer shall occur indoors and all doors to the building shall remain closed during dynamometer operation.
7. The owner shall keep a business log of customer dynamometer use which shows the day, time and duration.
8. There shall be a one-year review which shall include review of the dynamometer records.
9. The conditions of this permit are for business uses only.

Second by: Mr. Christel.

Upon vote: The motion was unanimously approved.

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

Kristen Shoop – Owner of property at 6806 Sandy Hill Ln., in SW¼, SW¼, Section 20, and also NW¼, NW¼, Section 29, T20N-R25E, Town of Two Rivers, Manitowoc County, Wisconsin, parcel numbers (018-220-011-007.01 and 018-229-006-003.00), wherein a conditional use permit is being requested to operate a vacation home rental business in a RR, Rural Residential zoned district.

Chairperson Schuh opened the public hearing for Kristen Shoop.

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. Shoop 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 the board received a letter from the Town of Two Rivers in favor of the request (copy on file).

There being no further comments, Chairperson Schuh closed the public hearing for Kristen Shoop.

Deliberation

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

Reasons for Approval:

1. Sufficient evidence from the meeting testimony and onsite inspection warrants an approval.
2. The town was in favor of the request.
3. This use would not impede the orderly development of the district.
4. No evidence was shown that the use would have a negative impact on the area.

5. The use will fit on the property.
6. There was no evidence to show this type of use would impair property values.
7. The use would not discourage appropriate development.
8. 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. A maximum of two pets are allowed at any one time.
6. A fire pit is permitted and must meet state, local and county codes.
7. Number of employees shall be one.
8. ATV's, UTV's and snowmobiles are allowed but using them must comply with local, county and state codes.
9. Maximum number of occupancy shall be 6.
10. Quiet hours shall be in effect from 10:00 p.m. to 6:00 a.m.
11. Parking on the road is prohibited
12. No artificial noise shall be generated such as discharge of firearms or fireworks or loud speakers etc.
13. Owner shall obtain all state and county licenses.

Second by: Mr. Schuh.

Upon vote: The motion was unanimously approved.

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

Bryce Fischer and Amy Johnson – Owners of property at 8623 CTH JJ, in NE¼, NW¼, Section 20, T19N-R23E, Town of Manitowoc Rapids, Manitowoc County, Wisconsin, parcel number (010-020-005-001.00), wherein a conditional use permit is being requested to operate a whole sale and retail country store, farmers market and food sales business in a GA, General Agricultural zoned district.

Chairperson Schuh opened the public hearing for Bryce Fischer and Amy Johnson.

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. Fischer answered questions for the Board.

People in attendance in favor of the request:

Randy Drumm
Joe Stanzel

People in attendance opposed to the request: None.

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

There being no further comments, Chairperson Schuh closed the public hearing for Bryce Fischer and Amy Johnson.

Deliberation

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

Reasons for Approval:

1. Sufficient evidence from the meeting and the onsite inspection warrants approval.
2. The town was in favor of the request.
3. This use would not impede the orderly development of the district and is compatible to surrounding areas.
4. The intensity of the operation will not have a negative effect on the area.
5. The use fits on the parcel and has proper access.
6. The structures associated with this type of use are acceptable to the area.
7. The use does not discourage development.
8. There was no evidence to show this type of use would impair property values.
9. No flashing lights, noise or any other factors would be more objectionable than any permitted use in that district.
10. 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 from 8:00 a.m. to 6:00 p.m.
3. Number of employees shall be six.
4. Owner is allowed a code compliant on-premise sign and needs a permit.
5. All lighting shall be directed down at the ground and shall not leave the property or be pointed at neighboring properties.
6. All state and county licenses are required.
7. Parking on the road is prohibited.

Second by: Mr. Schuler.

Upon vote: The motion was unanimously approved.

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

Other Business

Schedule Next Meeting:

The next Board of Adjustment meeting is tentatively scheduled for Monday, June 16, 2025 at 7:00pm and the onsite meeting for Monday, June 9, 2025 at 9:30am. (Dates and times are subject to change.)

Correspondence not related to a hearing item: None

Adjournment

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

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

Respectfully submitted,

Ken Schuler
Secretary

Date