

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

May 16, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, May 16, 2016 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

Board elected a secretary pro tempore for tonight's meeting due to the secretary being absent. A motion was made by, Ms. Vondrachek nominating Earl Glaser as secretary for the night and seconded by Ralph Schuh. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Schuh and Glaeser; No: none.

The roll was called by Earl Glaeser. Members present: Earl Glaeser, Ralph Schuh, Laurel Vondrachek and Orville Bonde. Members Absent: Charles Nate. Staff present: Reed Gaedtke.

A motion was made by, Ms. Vondrachek, seconded by Mr. Schuh to approve the March 21, 2016 meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Schuh and Glaeser; No: none.

A motion was made by, Mr. Schuh, seconded by Mr. Glaeser to approve the May 9, 2016 onsite meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Schuh and Glaeser; No: none.

A motion was made by, Mr. Glaeser, seconded by Ms. Vondrachek to approve the agenda for the May 16, 2016 meeting. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Schuh and Glaeser; No: none.

Mr. Gaedtke explained the procedure 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.

Chairman Bonde informed the audience during public input each person would be limited to five minutes.

Old Business

Manitowoc County – Owner of property located at 3500 STH 310, in the NE¼, SW¼, Section 36, T20N-R23E, Town of Kossuth, Manitowoc, County, Wisconsin, tax parcel number (007-036-009-001.00); wherein a variance is being requested to excavate sand, gravel and rock at 25 feet from the adjacent north property lines located in an ID, Industrial, S1, Shoreland zoned district.

Chairperson Bonde opened the postponed public hearing for Manitowoc County.

Mr. Gaedtke read a letter from Carmeuse Lime and Stone, property owners to the north, requesting the item be tabled until a signed agreement is on file (copy on file).

Mr. Gaedtke stated the Highway Department is in favor of tabling the request until obtaining a signed agreement.

There being no further comments, Chairperson Bonde closed the public hearing for Manitowoc County.

Deliberation

Motion by: Ms. Vondrachek to postpone until next month or until the Highway Department and Carmeuse Lime and Stone has a signed pre blasting notification agreement.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondrachek, Schuh and Glaeser; *No:* none.

New Business

Mark and Sue Hilbelink – Owners of property located at 9226 Pigeon Lake Rd., in the SW¼, NE¼, Section 33, T18N-R22E, Town of Liberty, Manitowoc County, Wisconsin, tax parcel number (008-033-003-006.00); wherein a variance is being requested to construct a 30' long x 4' high retaining wall at 21 feet from the ordinary high water mark of Pigeon Lake in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Mark and Sue Hilbelink.

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

Mr. Glaeser read the application (copy on file).

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

Ms. Sue Hilbelink, property owner spoke to the Board and stated they are not sure about the type of building materials they are going to use if that makes a difference.

Mr. Schuh questioned what the other walls were made of; concrete.

Mr. Gaedtke questioned if one or two walls were being replaced because the Town letter mentioned two walls.

Ms. Hilbelink stated they are doing one, but got recommendation from contractors to put one on the other side of the steps as well. It was not listed on the request.

Mr. Gaedtke stated the hearing could continue or be postponed until next month to republish.

Ms. Hilbelink asked Mr. Gaedtke about replacing a nonconforming structure with the same type of structure & material.

After some deliberation Mr. Gaedtke stated under new NR115 regulations any nonconforming beyond 35 feet might be replaced. However, this was at 21 feet. He went on to say that the Manitowoc County hasn't adopted NR115 and has allowed replacements of walls in the past provided they were the same size and location so it could be replaced with same type timbers in same location without a variance, but a permit was needed.

Ms. Hilbelink informed the Board to proceed with the hearing.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

The Board determined the Town had the Hilbelink & Meidl letters mixed together, so that was fixed.

Mr. Gaedtke read a letter from the Town of Liberty approving the variance request.

There being no further comments, Chairperson Bonde closed the public hearing for Mark and Sue Hilbelink.

Deliberation

Motion by: Ms. Vondrachek to approve the variance request.

Reasons for approval:

1. The unique lot which is narrow and has a steep hillside, near the lake create a hardship for the homeowners because the current house is located closer to the lake and a retaining wall is needed to stabilize the soil between the house and lakeshore.
2. The steep slope and erodible soils cause an unnecessary burden because without the wall the hill would erode into the lake and jeopardize the structural integrity of the deck and stairs.
3. The request will not be contrary to the public because the wall will be far enough from neighboring property lines, it won't interfere with water drainage and it will keep erodible soils from running into the lake.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondrachek, Schuh and Glaeser; No: none.

Shirley Meidl – Owner of property located at 14418 S. Shore Rd., in the NE¼, SW¼, Section 33, T18N-R22E, Town of Liberty, Manitowoc County, Wisconsin, tax parcel number (008-033-009-010.00); wherein variances are being requested to construct an approximate 48' long x 6' high retaining wall at 0 feet from the east and west property lines and at 21 feet from the ordinary high water mark of Pigeon Lake; and to construct an approximate 45' long x 6' high retaining wall at 0 feet from the west property line; at 3 feet from the east property line and at 31 feet from the ordinary high water mark of Pigeon Lake, located in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Shirley Meidl.

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

Mr. Glaeser read the application (copy on file).

The Board asked if there was anything to add to the appeal, there was not.

The Board confirmed the retaining walls were going to be made out of concrete.

Ms. Vondrachek questioned if there are going to be stairs and another Board member questioned what they will be made of.

Mr. Gene Meidl, property owner's son stated there will be stairs and they will be composite.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

Mr. Gaedtke read a letter from an adjacent neighbor in favor of the requests (copy on file).

Mr. Gaedtke read a letter from the Town of Liberty approving the variance requests (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Shirley Meidl.

Deliberation

Motion by: Mr. Glaeser to approve the variance requests.

Reasons for Approval:

1. The house is located within the 75 foot setback because the lot is very small and has a very steep slope between the house and lakeshore, which limits the location for constructing the needed retaining walls.
2. The steep slope and erodible soils create a burden for the owner which affects the use of their property because the retaining walls are needed to stabilize the hill and protect the house.
3. The request is not contrary to the public because the retaining walls will stabilize the hill and prevent erosion into the lake.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondrachek, Schuh and Glaeser; *No:* none.

James Kiefer - Owner of property located at 10506 Paradise Lane, in Govt. Lot 2, Section 2, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, tax parcel number (016-002-008-007.00); wherein a variance is being requested to construct a 30' x 36' detached garage at 40' from the centerline of a town road, located in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for James Kiefer.

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

Mr. Glaeser read the application (copy on file).

The Board asked if there was anything to add to the appeal, there was not.

There were no questions from the Board.

Mr. James James Hansen, Town Planning Commission, stated the Town saw no reason why the variance shouldn't be approved.

People in attendance opposed to the request: none.

There being no further comments, Chairperson Bonde closed the public hearing for James Kieffer.

Deliberation

Motion by: Mr. Glaeser to approve the variance requests.

Reasons for Approval:

1. The small and narrow lot drops off towards the back of the lot with a steeper slope which creates a hardship for the owner that prevents him from moving the garage further back from the road.
2. The small odd shaped lot and steep slope cause an unnecessary burden to the owner preventing him from being able to construct a garage on his property which is needed for storage during inclement weather.
3. The request will not be contrary to the public because the garage is located on a dead end town road that is not well traveled, it is not blocking any view and no one would be bothered by it because there are only fields located to the west of its location.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondrachek, Schuh and Glaeser; *No:* none.

Allen Horst - Owner of property located at 12219 STH 42, in the NW¼, SW¼, Section 35, T21N-R24E, Town of Two Creeks, Manitowoc County, Wisconsin, tax parcel number (017-035-010-000.00) wherein an after the fact conditional use permit is being requested to operate a repair shop business in a GA, General Agricultural zoned district.

Chairperson Bonde opened the public hearing for Allen Horst.

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

Mr. Glaeser read the application (copy on file).

The Board asked questions related to the business.

Mr. Allen Horst answered the Board's questions.

Mr. Gaedtke asked if the lot was wooded.

Mr. Horst answered yes, along the north & west sides of the shop.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

There being no further comments, Chairperson Bonde closed the public hearing for Allen Horst.

Deliberation

Motion by: Ms. Vondrachek to approve the after the fact conditional use permit request.

Reasons for Approval:

1. The request does not impede the orderly development of the area which is primarily surrounded by agricultural land.

2. The use is compatible with this area because there are woods on two sides of the structure which helps screen it and there are agricultural fields around the property.
3. The intensity of the use will not affect the surrounding properties because it is a small business.
4. The use only consists of a garage and a parking area which fit on the existing parcel.
5. The use does not discourage the appropriate development of adjacent land nor would it impair the value of the surrounding properties because they are surrounded by agricultural fields and another small business across the road.
6. This use will not affect the public's safety because it is set far enough back from the road and it is a small repair business.

Conditions of approval:

1. The business shall be a repair business for agricultural related equipment and trucks.
2. Days of operation shall be Monday thru Saturday.
3. Hours of operation shall be 8:00 a.m. to 5:00 p.m.
4. No fencing is required but it can be used if needed.
5. Lights shall be on the south and west sides of the building.
6. No outside storage of materials, old parts or junk.
7. There can only be three repaired or completed pieces of farm equipment or trucks parked in view of the highway.
8. All other fixed equipment and equipment waiting to be repaired, must be parked on the north or east side of the building. The intent of this condition is to keep the property looking neat and orderly.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondrachek, Schuh and Glaeser; *No:* none.

Other Business

William Neumann Review

Mr. Gaedtke gave an overview of the previous months review and some instances that have come up.

Mr. Gaedtke explained the Town was concerned about how trucks are to go east on Village Dr. and a couple instances they had gone south on Village Dr., which are violations of the conditions and another issue of having more trucks parked on the property than allowed. He also stated the Town had requested going back to an annual review to see how things progressed. He also stated he talked with Mr. Neumann who was ok with an annual review.

There being no further comments, Chairperson Bonde closed the review for William Neumann.

Motion by: Mr. Glaeser to approve the review and do yearly reviews for a while to see how the conditional use permit progressed and go longer between reviewing later on, if needed.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondrachek, Schuh and Glaeser; *No:* none.

Dean Schultz Review

Motion made by Mr. Glaeser to have Mr. Schultz come up to talk and seconded by Mr. Schuh. The motion was unanimously approved.

Mr. Gaedtke explained the reason for a late review and an issue that has arisen with the berm being opened to drain water. Another issue was not having two rows of trees along the south side as required by the conditions.

Mr. Schultz explained his reason for not having the trees grow and is willing to put up a fence if the Board wanted in lieu of the trees.

Mr. Schultz explained the reason for opening up the berm was to drain water.

Mr. Gaedtke stated no one at Manitowoc Planning and Zoning is related to Mr. Schultz as it was suggested to an officer.

There being no further comments, Chairperson Bonde closed the review for Dean Schultz.

Motion by: Ms. Vondrachek that the Board is satisfied with the review for now but wanted to reopen the hearing to possibly modify some of the conditions.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondrachek, Schuh and Glaeser; *No:* none.

Schedule Next Meeting: The Board scheduled their next regular meeting for June 20, 2016 and the onsite for June 13, 2016 (Dates and times are subject to change.)

Adjournment

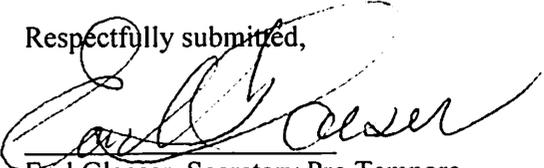
Motion by: Mr. Schuh to adjourn.

Seconded by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

Aye: Bonde, Vondrachek, Schuh and Glaeser; *No:* none.

Respectfully submitted,



Earl Glaeser, Secretary Pro Tempore

6.20.16
Date