

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

June 20, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, June 20, 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, Kracht and Glaeser; No: none.

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

A motion was made by, Mr. Schuh, seconded by Ms. Vondrachek to approve the agenda for the June 20, 2016 meeting. Upon vote, the motion was unanimously approved.

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

A motion was made by, Mr. Glaeser, seconded by Mr. Schuh to approve the May 16, 2016 meeting minutes. Upon vote, the motion was unanimously approved.

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

A motion was made by, Ms. Vondrachek, seconded by Mr. Glaeser to approve the June 13, 2016 onsite meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Kracht, 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 three 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.

Motion made by Ms. Vondrachek to remove Manitowoc County request from the table and seconded by Mr. Glaeser. The motion was unanimously approved.

Chairperson Bonde reopened the tabled hearing for Manitowoc County.

Mr. Gaedtke read an agreement from the Highway Commissioner, Marc Holsen & John Johnson from Carmeuse Lime and Stone (copy on file).

The Board had questions regarding the distance from property lines. Mr. Holsen confirmed the distance from the property line would be 50 feet, not 25 feet as originally requested.

Jim Froelich, Town of Kossuth Supervisor, spoke in favor of the request now that a signed agreement is on file.

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

Deliberation

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

Reasons for Approval:

1. The material can only be taken from certain areas and there is no other place on the property to obtain the material. A small river located on the east side of the property limits the available area to extract material which creates a hardship and burden on the owners.
2. Manitowoc County and the property to the north owned by Carmeuse Lime and Stone are both excavating rock in this area.
3. It will not affect the public because the surrounding areas are pits owned by excavating companies.
4. A notification agreement has been signed by Manitowoc County Highway Department and Carmeuse Lime and Stone.

Conditions of approval

1. There shall be verbal conversation between Manitowoc County Highway Department and Carmeuse Lime and Stone regarding blast warnings.
2. A call notification log shall be kept by Manitowoc County Highway Department when they verbally notify Carmeuse Lime and Stone of blasting.
3. Manitowoc County Highway Department will provide a main contact telephone number to Carmeuse Lime and Stone.
4. Carmeuse Lime and Stone will provide a main contact telephone number to Manitowoc County Highway Department.
5. The party to perform the blasting operation shall notify the other affected party 24 hours in advance with an estimated blasting timeframe of the following day and again thirty (30) minutes prior to the actual activity by telephone. The parties must have a verbal conversation and clearly understand the communication. Only leaving a voicemail or message shall not be an acceptable option.
6. Each party shall have a warning siren system in place (either actual owner or blasting subcontractor). This warning siren shall sound five (5) minutes before every actual event. The purpose of the siren is to warn employees in the quarries and allow the areas to be cleared.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

New Business

Dean Schultz – Owner of property located at 5202 Sunset Rd. (aka. 5132 Remiker Ln.), in Govt. Lot 1, Section 14, T19N-R23E, Town of Manitowoc Rapids, Manitowoc County, Wisconsin wherein the Board of Adjustment has requested a hearing to review the conditions of a conditional use permit for an existing landscaping and woodcutting business, in an RR, Rural Residential, zoned district.

Chairperson Bonde opened the public hearing for Dean Schultz.

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

The Board discussed removing the wood cutting portion from the condition.

Mr. Schultz stated he agreed to remove the wood cutting conditions from the permit.

Mr. Glaeser talked about the berm and issues with trees not growing to provide screening.

Mr. Schultz answered and explained the berm issues.

Tom Deets, neighbor down the road, spoke and stated Mr. Schultz is doing a good job and had no complaints. He also stated no vehicles are being parked on the street.

Dan Reimer, property owner to the south and west sides, spoke opposed to the request. He stated the berm is over the property line and it will kill big trees that were already there. He stated grass clippings stink and make the property smell and he continued to state that black ground had been stripped from the property, there was a dead chicken, plastic bottles, glass and a deer head in the berm and voiced concern that a fence would act like a snow fence against his property. He also stated burning occurs there.

Dave Boehm, neighbor on Remiker Ln., spoke opposed to the request. He stated there are garbage bags in the berm and dust and dirt blowing on his property.

Deborah Belland, neighbor on Remiker Ln., spoke and agreed with the other people opposed to the request. There is garbage in the berm and chickens running in people's yards. She stated he should have to abide by Oak Parks Developments requirements.

Jim Reimer, neighbor to the south spoke opposed to the request. He stated the southwest corner has always been the worst and the berm was supposed to be nice and it never has. He also stated aerial photos show the fence is close to the property line and the berm is over.

Mr. Gaedtke read a letter listed as being from Remiker Lane residents into record.

Mr. Schuh commented on the fact that the property is in Manitowoc Rapids and not in the City of Manitowoc so subdivision regulations and city regulations would not apply for that property.

Mr. Schultz replied to the issues that were spoken of. He stated they had an issue with the DNR, who has inspected the property, but have cleared. The issue with the chickens was a one-time situation. He went on to state he paid for a state survey and said the berm is on his property and that grass cutting was done 3 times this year already. There was some garbage in the dirt but that was taken out. He elaborated by saying the garbage is mixed into the dirt sometimes from customers where he gets some of it.

Mr. Gaedtke stated the only correspondence was a statement from Mr. Deets, who called earlier in the day to voice his approval of the conditional use permit (copy on file).

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

Deliberation

Motion by: Mr. Schuh to approve the continued operation of the business under new conditions as the Board feels fit.

Reasons for approval:

1. There was no need to have wood cutting or conditions listed on the permit since it no longer operated as a business.
2. The reason for the berm and fence was to help screen from view.
3. The fence would not impact the neighboring property any differently than trees as far as snow accumulation is concerned. The berm already exists and the trees would have been located closer to the property line. The fence will be shorter than trees and located further from the property line. Therefore, no difference from the original intent.

Conditions of approval:

1. Wood cutting for business purposes could not occur.
2. Four foot high berms shall be located on the east and south sides of the property.
3. A 40 inch high wood fence shall be located on top of the south berm.
4. The south fence should be consistent with the same design and structure as the east fence.
5. Bark, mulch or grass shall be used to cover the berms. (The berms cannot have bare ground.)
6. Weed control must be done to keep the weeds off the outside portion of the east and south berms which face adjacent properties.
7. Snow removal as part of the business can occur anytime.
8. Snow from off premise sites cannot be stored on the property.
9. No piles of rubbish, debris or junk shall be located on the berm, on either side of the east and south fences.
10. The fence, berm and berm cover shall be in place by November 1, 2016.
11. There will be an annual review of the property to occur from this June 2016 approval date. However, the first review will take place at the first meeting that occurs after November 1, 2016.
12. Board can extend the review at any time.
13. If the berm is planted in grass it shall be mowed and well kept.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Jon and Jennifer Eis – Owners of property located at 9412 HWY 42, in the SE¼, SE¼, Section 12, T20N-R24E, Town of Two Rivers, Manitowoc, County, Wisconsin, tax parcel number (018-112-016-000.00); wherein a variance is being requested to construct a 12' x 25' 6" home addition at 88 feet from the centerline of HWY 42 in an EA, Exclusive Agricultural, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Jon and Jennifer Eis.

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.

Mrs. Eis, property owner, stated that north was the only direction to build due to other out buildings and the driveway on the other sides.

Ms. Vondrachek questioned where the septic system was located.

Mrs. Eis informed the Board the septic system is north of their house and will be more than the 10 feet that is required.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

Mr. Gaedtke read a letter from the Town of Two Rivers in favor of the variance requests (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Jon and Jennifer Eis.

Deliberation

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

Reasons for Approval:

1. The addition is located two feet further back from the centerline of the road.
2. The house is located within the road setback and there was no other location to construct the addition due to the driveway and outbuildings on the property, which creates a burden and hardship for the owners.
3. It will not affect the public because there is a ditch along the road and trees between the house and road which will help screen and protect the addition from vehicles.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Robert Haddley - Owner of property located at 10518 Paradise Lane, in Govt. Lot 2, Section 2, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, tax parcel number (016-002-008-002.00); wherein a variance is being requested to construct a 32' x 60' house addition with an attached garage at 35 feet from the ordinary high water mark of Wilke Lake in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Robert Haddley.

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. Gaedtke informed the Board averaging can be used, but no closer than 35 feet to the ordinary high water mark.

Ken Smasel, from the Town, stated there is a private road in front of him and they measured the distance at 36 feet from the ordinary high water mark. He also stated the Town is in favor of the request.

People in attendance opposed to the request: none.

Mr. Gaedtke read an email from Town of Schleswig Chairman, Joe Meyer stating the Town is in favor of the variance request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Robert Haddley.

Deliberation

Motion by: Ms. Vondrachek to approve the variance request using averaging, but no closer than 35 feet to the ordinary high water mark.

Reasons for Approval:

1. A building pattern for principal structures exists within the setback area.
2. The average distance from the two adjacent residences came to 33 feet. Since the ordinance doesn't allow anything closer than 35 feet the request was approved at 35 feet.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Steve Konen - Owner of property located at 16728 Lax Chapel Rd. in the NE¼, SW¼, Section 34, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, tax parcel number (016-034-009-007.01); wherein a variance is being requested to construct a 40' x 50' detached garage at 45 feet from the centerline of Lax Chapel Rd. in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Steve Konen.

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.

Ken Smasel, Town of Schleswig Planning Commission, spoke of the Town being in favor of the request and the property drops off in the back.

People in attendance opposed to the request: none.

Mr. Gaedtke read a letter from Town of Schleswig in favor of the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Steve Konen.

Deliberation

Motion by: Mr. Glaeser to approve a 40 x 50 foot garage at 45 feet from the center line.

Reasons for Approval:

1. The location of the septic and well on the property along with the sloping back yard create a hardship and burden on the owner preventing him from locating the garage near the house where it is needed.
2. The request does not affect the public interest because it is located far enough from the road, there is a reduced speed limit and the road is located downhill from the garage site

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Clark Rudd – Owner of property located at 9318 S Lake Dr., in Govt. Lot 3, Section 7, T18N-R23E Town of Newton, Manitowoc County, Wisconsin, tax parcel number (014-007-014-004.00); wherein a variance is being requested to construct a 24' x 32' house at 54 feet from the ordinary high water mark of English Lake in a S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Clark Rudd.

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.

Mr. Rudd, property owner, stated they will not be going any closer to the high water mark than the current structure is.

The Board had questions regarding the existing shed and if it is going to be raised or replaced and the size.

Mr. Rudd explained the shed will be raised and it is approximately 8 x 12 feet in size.

The Board questioned if the septic system was currently replaced or upgraded.

Mr. Rudd confirmed, yes that is correct.

Laura Henning Lorenz, neighbor to the east, spoke in favor of the request.

Gregory Zahn, neighbor two properties to the east, had no objection to the request.

People in attendance opposed to the request: none.

There being no further comments, Chairperson Bonde closed the public hearing for Clark Rudd.

Deliberation

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

Reasons for Approval:

1. The parcel is small and has a unique shape which creates a hardship to locate the structure in a different location. There is also a private dead end road located behind the house which limits the buildable area and creates a burden and hardship on the owner.
2. The current structure is small which creates a burden on the owner because it needs to be updated and bigger to live in.
The house will not have a negative effect on the public because it will be located the same distance from the lake and an existing outbuilding, which is located between the house and ordinary high water mark, will be removed from the property.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Michael Oswald – Owner of property located at 7521 STH 42, in the NW¼, SW¼, Section 19, T20N-R25E, Town of Two Rivers, Manitowoc County, Wisconsin, tax parcel number (018-129-010-002.00); wherein a conditional use permit is being requested to operate an auto-repair business in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Michael Oswald.

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 questioned if the business would be full time occupation or part time business.

Mr. Oswald informed the Board it will start out as part time but hopefully in time it will be full time.

Ms. Vondrachek questioned the current tires and parts sitting outside and whether or not there were going to be a storage garage. She is concerned about how the property would look once the business starts if there's stuff already stored outside.

Mr. Oswald agreed that those things will need to go and he would store excess items by someone else's place.

The Board questioned how many feet behind the garage he will have as a concern to having vehicles possibly stored back there.

Mr. Oswald stated at about 32 feet it gets wet back there as well, so there is no way he could and he wouldn't put things back there.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

Mr. Gaedtke read a letter from Town of Two Rivers in favor of the request with conditions (copy on file).

Mr. Schuh stated the property was wet and the fill on the property and location it would not be feasible for fencing to screen from the public view.

There being no further comments, Chairperson Bonde closed the public hearing for Michael Oswald.

Deliberation

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

Reasons for Approval:

1. The use doesn't impede the orderly development of the district by virtue of the conditions placed on the permit.
2. The use is compatible with the area and the conditions are meant to make sure the site stays orderly and neat in appearance.
3. The intensity of the use will not affect surrounding properties.
4. The conditions limit the size of the business to fit on the parcel.
5. The height, location and size of structures are appropriate for the business level that is anticipated.
6. The use does not discourage any other appropriate development of adjacent land or buildings.
7. The use does not impair the value of surrounding properties.
8. There will be no flashing lights, excessive fumes, noise, vibrations or excessive traffic that would be more objectionable than any other allowed principal use and therefore no danger to the public health safety and welfare.

Conditions of Appeal:

1. No outside storage of salvage parts, material or scrap metal unless it is located in a luger type box that doesn't allow you to see the scrap inside.
2. The luger type boxes cannot be overflowing with scrap, debris or garbage.
3. Luger boxes to be stored on the north or south side of the building.
4. No parking of any kind allowed on either roadway.
5. If the owner decides to use fencing or screening; it cannot obstruct the site triangle.
6. An on premise sign must conform to code requirements.
7. No more than 4 vehicles are allowed to be awaiting repair, outside, at any time.
8. Any lighting for the business needs to be directed away from neighbors and roads.
9. Days of operation will be Monday thru Saturday.
10. Hours of operation will be 6:00 a.m. to 5:00 p.m.
11. Number of employees will be one plus the owner.
12. When the property is sold to a new owner or if the business changes ownership the conditional use permit will become null and void and the new owner shall apply for a new conditional use permit.
13. The conditional use permit can be revoked at any time if there are excessive vehicles or junk accumulation on the property.
14. There will be an annual inspection for the first year and after that the Board can modify the duration, if conditions are satisfactory.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Schedule Next Meeting: The Board scheduled their next regular meeting for July 11, 2016 and the onsite for July 5, 2016 (Dates and times are subject to change.)

Adjournment

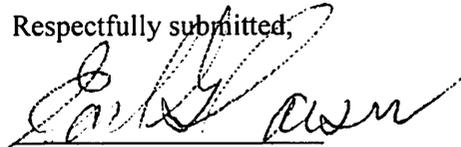
Motion by: Ms. Vondrachek to adjourn.

Seconded by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,



Earl Glaeser, Secretary Pro Tempore

7 - 11 - 16

Date