

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

July 11, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, July 11, 2016 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

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

A motion was made by, Mr. Schuh, seconded by Mr. Glaeser to approve the agenda for the July 11, 2016, meeting. Upon vote, the motion was unanimously approved.

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

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

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

A motion was made by, Mr. Glaeser, seconded by Mr. Schuh to approve the July 5, 2016, onsite meeting minutes. Upon vote, the motion was unanimously approved.

Aye: Bonde, Vondrachek, Nate, 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.

New Business

Mark Kornely – Owner of property located at 5916 Pleasant View Ln., in the SE¼, NW¼, Section 19, T20N-R25E, Town of Two Rivers, Manitowoc County, Wisconsin, tax parcel number (018-219-008-002.00); wherein a conditional use permit is being requested to operate a mini storage business in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Mark Kornely.

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

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

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

Mr. Kornely stated this is just a project he's working on toward retirement and is hoping this will help out.

The Board questioned where the sign will be located.

Mr. Kornely stated the sign will probably go where you drive in by the lane.

People in attendance in support of the request: none.

People in attendance opposed to the request: none.

The Board questioned out of the three buildings how many units will be in each one.

Mr. Kornely stated one building will be all 10 x 20's and the other two will contain some 10 x 30's and all will have 10 foot openings, but will be different lengths.

There being no further comments, Chairperson Bonde closed the public hearing for Mark Kornely.

Deliberation

Motion by: Ms. Vondrachek to approve the conditional use request to build four storage units.

Reasons for Appeal:

1. The request doesn't impede the orderly development of the area because he is on a dead end road and the property is screened with trees.
2. It's compatible with the district because it's on a dead end road and only has agricultural land around it.
3. The intensity will not affect the area or surrounding properties because it's on a dead end road and no houses nearby.
4. The use fits on the parcel size.

Conditions of Appeal:

1. The permit allows four mini storage units to be constructed on the property.
2. No employees.
3. No fencing required.
4. Can be open 24 hours a day; seven days a week.
5. Dusk to dawn lighting shall be installed wherever it is needed.
6. Owner can have one on premise sign 32 sq./ft. in size.
7. Customer parking will be on the property by the storage units.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Expedition Log Homes LLC – Owner of property located at 17765 W Washington Rd., in the NW¼, SE¼, Section 25, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin, tax parcel number (016-025-014-001.00); wherein variances are being requested to construct three on premise business signs on the same property; and to have two of the signs approximately 25 feet tall; and to construct a 5' x 8'9" third sign, which is greater than the 32 sq./ft. minimum in a GA, General Agricultural zoned district.

Chairperson Bonde opened the public hearing for Expedition Log Homes LLC .

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

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

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

Mr. Ken Smasal, Town of Schleswig Supervisor, spoke stating the signs are far enough back and inside a fence. The Town Planning Commission is in favor of the request.

Katherine Ristow, neighbor across the street, spoke opposed to the request, stating a sign that large is visual pollution on an agricultural road.

Mr. Gaedtke read a letter from the Town of Schleswig in favor of the variance request.

Mr. Schuh questioned how much truck traffic there is for deliveries and pickups.

Ms. Jan Koepsell informed they have deliveries and pickups several times a week; it's not daily.

There being no further comments, Chairperson Bonde closed the public hearing for Expedition Log Homes LLC.

Deliberation

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

Reasons for Approval:

1. The steep slope creates an unnecessary hardship for the owner to construct a sign that meets the height requirement. In order to anchor the signs properly they need to be taller because of the slope. Also, the business is located in a deep depression and signs are needed to provide direction to vehicles looking for the business.
2. The property owner would not have reasonable use of the property for signs because the location is on top of a hill with a steep slope behind them. The business is located at the bottom of the depression.
3. The signs are far enough back from the road, they are behind a fence and there is agricultural land across the road.
4. Having the signs will make it easier and safer for trucks looking for the property entrance. They won't need to stop on the road and back up or have to turn around.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Lakeside Country Store – Owner of property located at 12124 STH 42 in the NE¼, SE¼, Section 34, T21N-R24E, Town of Two Creeks, Manitowoc County Wisconsin, tax parcel number (017-034-013-002.00); wherein a conditional use permit is being requested to expand an existing business to include the display and sale of outdoor furniture, seasonal plants and portable storage sheds, located in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Lakeside County Store.

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

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

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

Ms. Vondrachek questioned how many storage units are planning to be there.

Mr. Benjamin Diller stated there will be eight, but no more than ten.

The Board had questions about having only plants or will there be chips, bark or gravel as well.

Mr. Benjamin Diller informed the Board there is only going to be plants.

Mr. Ronald Mueller, nearby neighbor, spoke in favor of the request stating it has improved the property and is a benefit to the area.

People in attendance opposed to the request: none.

Mr. Gaedtke read a letter from the Town of Two Creeks approving the request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Lakeside Country Store.

Deliberation

Motion by: Mr. Schuh to approve and modify the original request by removing condition #9 and add conditions.

Reasons for Approval:

1. The use does not endanger the public's health and safety.
2. The use is compatible with the surrounding area.
3. The use won't impair the value of surrounding properties it will enhance the value.
4. The business will not be contrary to the public because it is a big enough property and there's enough space to allow this type of business.
5. The owner would be burdened by having the sign further from the centerline of the road because the sign would be harder to read by people driving by.
6. The owner has a hardship because he needs a sign for the business which can be seen from the road.

Conditions of Approval:

1. Days of operation will be Monday through Saturday.
2. Hours of operation will be 8:00 a.m. to 6:00 p.m.
3. Number of employees will be 4 to 6.
4. An on premises business sign is permitted.
5. Customer parking is to be as shown on the application.
6. No parking is allowed on the road.
7. Delivery trucks are allowed as listed in the application.
8. No junk or old cars are to be stored or for sale on the property.
9. An annual review is not required.
10. Existing septic system must be inspected for the business to see if it's sized correctly.

11. All sanitary and building permits must be obtained prior to construction.
12. There will be 2 lights allowed on or near the building and 1 light on the sign to show the face(s) of the sign.
13. The sign will need to be within 50 feet of the driveway, parking lot or the business being advertised.
14. The sign will need to be at least 75 feet from the centerline of the road.
15. The sign cannot be built within or overhang the highway right-of-way.
16. The light that will shine up from the ground cannot glare or be directed at any portion of the traveled ways of the highway or interfere with any driver's operation of a motor vehicle.
17. Seasonal food, plants and furniture is allowed.
18. Only 10 portable storage sheds allowed on the property at any time.
19. No items for sale are allowed in the road right-of-way.

Second by: Mr. Nate

Upon vote: The motion was unanimously approved.

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

Daniel Messman – Owner of property located on Hillview Rd., in the SE¼, NW¼, Section 24, T21N-R23E, Town of Gibson, Manitowoc County Wisconsin, tax parcel number (006-024-008-000.00); wherein a conditional use permit is being requested by the applicant, Lakeside Mennonite Church, to construct and operate a church, school, and cemetery in a proposed RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Daniel Messman.

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

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

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

The Board had questions regarding the amount of families and children and whether or not those amounts will be able to support the school.

Mr. Titus Beachy, deacon and Mr. Benjamin Diller, applicants answered questions from the Board.

Mr. Diller informed the Board there are 14 families and 21 children. He also stated he does feel they can support the school as they have done it at their current location.

The Board questioned if they had contact with the Town or State regarding what parameters they have for starting a cemetery.

Mr. Diller stated they did as much as they could by talking to surveyors and various individuals. He also stated the surveyor wanted the conditional use permit approved before doing any work.

The Board questioned if they have considered burring their loved ones in a public cemetery.

Mr. Diller stated they have considered this, but make it a practice to put a cemetery by the church.

The Board questioned if a house would be built for the deacon.

Mr. Beachy informed the Board they are building a church house but not a private house.

Mr. Richard Wegner, Town of Gibson Chairperson, spoke in favor of the church and school, but would like it postponed until the Town has a chance to discuss financial securities for the cemetery.

Mr. Dan Chevalier, neighbor, spoke concerned about kids running around, traffic and the noise. He stated he is opposed to the cemetery.

There being no further comments, Chairperson Bonde closed the public hearing for Daniel Messman.

Deliberation

Motion by: Mr. Glaeser to table the request until next month to see if the Town can reach an agreement on the cemetery.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Greg Goins – Owner of property located at 959 Crystal Springs Rd., in the NE¼, NW¼, and part of the W½, NW¼, NE¼, Section 28, T20N-R24E, Town of Two Rivers, Manitowoc County, Wisconsin, tax parcel numbers (018-128-005-001.00 and 018-128-002-002.01); wherein a conditional use permit is being requested to operate a private air strip/landing field in a GA, General Agricultural zoned district.

Chairperson Bonde opened the public hearing for Greg Goins.

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

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

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

Mr. Greg Goins, applicant, spoke and explained his process for rezoning the property, applying for the conditional use permit for the air strip and getting FAA approval.

The Board had questions about the amount of land the applicant has and if it will only operate during daytime hours.

Mr. Goins informed the Board that it will only be operating during daytime hours and will be a minimal amount of operation.

The Board questioned if 2000 feet would be enough and if the strip would be paved.

Mr. Goins stated that 2000 feet would be enough and no, he would not pave the strip.

The Board questioned the honest weekly or monthly use of the strip.

Mr. Goins informed the Board the strip will be used several times a week provided there is good weather conditions.

The Board questioned if there is any commercial purpose and how many planes Mr. Goins owns.

Mr. Goins stated there is no commercial purpose and he currently does not own a plane.

The Board questioned where the location of the next closest air strip is.

Mr. Goins informed the Board the Manitowoc County Airport is the closest air strip excluding private air strips.

Mr. James Wheeler, spoke in favor of the request. He stated the air strip wouldn't be any noisier than snowmobiles or motorcycles driving by.

Mr. Gary Huempfer, spoke in favor of the request. He agrees with Mr. Wheeler the only noise will be from takeoff and will be less noisy than tractors in the fields at night or Harley motorcycles.

Mr. Leon Sigman, flight instructor at Manitowoc County Airport, spoke in favor of Mr. Goins character and supports the request.

Mr. Pete Kober, neighbor, spoke in favor of the request and stated Mr. Goins is a good neighbor and person.

Mr. Marty Kober, spoke in favor of the request, stating he doesn't think there would be a noise problem. He hears dogs barking, lawn mowers and chainsaws all day long. He continued to state you would only hear noise during takeoff and Mr. Goins is a very safe person. He also stated he sees nice houses around airfields so it will not affect property values.

Mr. Clark Shoblaska, neighbor, spoke in favor of the request, and stated Mr. Goins is a good person.

Mr. Greg Klein, spoke in favor of the request, stating he has a private air strip that he had operated for 14 years and has schools come in once in a while to show them planes and stated Greg's strip will look nice.

Mr. Ronald Mueller spoke in favor of the request and stated he used to have a private grass strip located on the charts. By having it on the charts it's restricted for others to land there unless the owner grants someone permission.

Mr. Rick Anschutz, neighbor, spoke in favor of the request. He stated the strip is far off the road and it's Mr. Goins property and feels he should be able to do what he wants provided he has permits and it's not illegal or immoral.

Mr. Greg Veith, adjacent property owner, spoke and stated he is on the fence of what can be done. He feels people should do what they want with the land they own. He is ok with the request as long as there is not a bunch of people flying in and out. He also stated he lived by an airport and once the planes are gone the noise is over. He questioned if there is a club that will land on the strip, but he is in favor of the request if there is not a club that will be using the strip.

Ms. Kelly Koepke, spoke opposed to the request stating she does not want this strip in her backyard.

Mr. Richard Kummer, spoke opposed to the request, stating 33 people signed a petition against the request and is concerned about the noise and feels the value of his land will go down. He is concerned if the fire department can handle the strip and he commented about Mr. Goins's buddies swooping over his land.

Mr. Brian Waskow who lives in the last house on Daisy Ln., spoke opposed to the request, stating it was the first time he seen Greg. He also stated saw planes flying low over his house and is concerned about safety.

Ms. Trisha Jeske, spoke opposed to the request, stating she has an autistic child and said loud noises set him off. She continued to state they had a low flying plane that freaked her out. She is concerned about crashes, maintenance and spills that could occur and to their request she does not want those things in her backyard.

Mr. Daryl Jeske, spoke stating planes were flying over low which made his son upset because they were right above the tree line. He is also concerned about Shoto Fire Department respond time.

Ms. Carrie Taddy, spoke opposed to the request, stating her garden is in her backyard next to the air strip. She stated she wants an organic quiet place to live and this would ruin her dream of a quiet area.

Mr. Goins spoke in rebuttal. He stated he values the privacy and peacefulness of neighbors and talked with lots of people in the neighborhood. He stated he feels Mr. Kummerer attacked his character. He went on to state you can't see the strip. When he would fly the plane to warm up by his barn and head west down the strip for takeoff. The noise would not be any louder than a Harley Davidson or sports car and if he needed to come in from the east it would be due to weather and rare.

Mr. Schuh questioned if Mr. Goins would be sponsoring any fly in events or club events.

Mr. Goins informed Mr. Schuh there will not be any club events, but in winter a few ski planes for a cookout.

There being no further comments, Chairperson Bonde closed the public hearing for Greg Goins.

Deliberation

Motion by: Mr. Nate to approve the conditional use permit.

Reasons for Approval:

1. Owner has obtained all his required permits from FAA.
2. The request does not endanger the public health, safety and welfare. He is an experience pilot and all operations will be handled with the upmost safety.
3. The use is in harmony with the orderly development of this district. It is a large area zoned GA which allows for an airstrip.
4. It will not significantly impair the value of surrounding properties. It's never been proven that airstrips have a negative effect on property values.
5. The airstrip is hidden from view. It's just a grass strip.
6. The sounds from the plane will be of very short durations during takeoff and landing.
7. Takeoffs and landings will typically be made during fair weather days.
8. The owner's intention is to take off going west and land going east to minimize flying over neighboring houses.
9. There won't be a lot of structures associated with this use. Only a barn and a wind sock.
10. There can be year round operations with less use in the winter.
11. It's not a business.
12. It's a grass runway rather than a black top runway.
13. Takeoff and landing noises are usually only 20 seconds or a little more.

14. Some of the petition signatures opposing the airstrip were signed under false pretenses.
15. The area is open and the driveway is well kept to allow for easy access to the airstrip for fire trucks and emergency personnel if needed.
16. There's always noise in the country from tractors, cars and motorcycles and the plane noise will be of a shorter duration than those.

Conditions of Approval:

1. The size of the airstrip shall be 75 feet wide by 2000 feet long.
2. The airstrip is for private use only.
3. Year round operation is allowed with fewer times in the winter.
4. Time of operation will be from sunrise to sunset only. No night time use allowed.
5. It cannot be used as a business.
6. The runway shall remain grass.
7. No signs allowed.
8. No lighting allowed for the airstrip.
9. There shall be an annual review of the conditional use permit.
10. Efforts shall be made to avoid overflight of houses in the area whenever possible.
11. Landing by other parties is allowed by owner permission only.
12. The preferred direction for takeoff shall be to the west and landing to the east.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Other Business

Clarification of Dean Schultz's conditional use permit fence condition:

Mr. Gaedtke gave an overview of the current fence conditions and Mr. Schultz's proposal.

Motion by: Mr. Schuh to accept proposal of Dean Schultz and to clarify fence design to be offset every 40 feet by at least 4 feet and with a 36" gap between them as shown on the submitted site diagram. This design meets the intent of the fence requirement, which is to help screen the property while allowing access to the other side of the fence.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Election of Officers:

Motion by: Ms. Vondrachek to have Orville Bonde as Chairperson, Charles Nate as Secretary and Earl Glaeser as Vice Chairperson.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Schedule Next Meeting: The Board scheduled their next regular meeting for August 15, 2016 and the onsite for August 8, 2016 (Dates and times are subject to change.)

Adjournment

Motion by: Mr. Glaeser to adjourn.

Seconded by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,

Charles E Nate

Charles Nate, Secretary

8-15-2016

Date