

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

August 15, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, August 15, 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. Nate to approve the agenda for the August 15, 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. Glaeser to approve the July 11, 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. Nate, seconded by Ms. Vondrachek to approve the August 8, 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.

Old Business

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.

Mr. Gaedtke read a letter from the Town of Gibson requesting postponement for one more month (copy on file).

The Board left the request on the table and went on to New Business.

New Business

Jeff and Debbie Saduske – Owners of property located at 17434 Jambo Creek Rd., in the N½, SW¼, NW¼, Section 11, T21N-R23E, Town of Gibson, Manitowoc County, Wisconsin, tax parcel number (006-011-007-000.00); wherein an conditional use permit is being requested to construct a single family home in a NA, Natural Area zoned district.

Chairperson Bonde opened the public hearing for Jeff and Debbie Saduske.

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 the width of the driveway at 25 ft.

Mr. Saduske informed the Board that the driveway was already in with the required 25 ft. turnouts.

Mr. Richard Wegner, Town of Gibson Chairman, spoke stating the Town is in favor of the request.

People in attendance opposed to the request: none.

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

There being no further comments, Chairperson Bonde closed the public hearing for Jeff and Debbie Saduske.

Deliberation

Motion by: Mr. Schuh to approve the conditional use request to construct a single family home.

Reasons:

1. The use does not impede the orderly development of the district.
2. The use is compatible with the surrounding area.
3. The intensity of a single family residence with an attached garage, will not negatively affect the area or surrounding properties.
4. The use fits on the existing parcel.
5. It will not impair the value of surrounding properties.
6. The location is a thoughtful use of the buildable area of the parcel.
7. There are no height problems.
8. This request had previously been approved but the permit expired.
9. The driveway has already constructed and it is the appropriate width and has the required turnouts for emergency vehicles due to its length.
10. The Town approves of the use.
11. There is no proposed flashing lights, fumes, noises, vibrations or other factors that would be objectionable.
12. The owner agreed to plow snow towards the south and away from the fence line to the north.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Brian Wojta – Owner of property located off of Melnik Rd., in the W $\frac{1}{2}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 19, T21N-R23E, Town of Gibson, Manitowoc County, Wisconsin, tax parcel number (006-019-016-002.00); wherein an conditional use permit is being requested to construct a single family home in a NA, Natural Area zoned district.

Chairperson Bonde opened the public hearing for Brian Wojta.

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 if the driveway was wide enough and if it was a private driveway.

Mr. Wojta informed the Board that he did widen the driveway since the on-site meeting and now it is approximately 20-25 ft. wide. Wide enough for two vehicles to be side by side.

Mr. Richard Wegner, Town of Gibson Chairman, spoke stating the Town was in favor of the request.

People in attendance opposed to the request: none.

Mr. Gaedtke stated the Town of Gibson sent a letter in favor of the variance request (copy on file).

There being no further comments, Chairperson Bonde closed the public hearing for Brian Wojta.

Deliberation

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

Reasons for Approval:

1. The use was approved by the Town Board.
2. The property was rezoned to Natural Area to allow this use and it doesn't spoil any good land.
3. The house is back in the woods and will not affect anyone.
4. The driveway is sufficient for ingress and egress.
5. The use fits on the property.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Sportcomp Inc. – Owner of property located at 11224 Zander Rd., in the SE¼, SW¼, Section 3, T21N-R22E, Town of Cooperstown, Manitowoc County, Wisconsin, tax parcel number (003-003-012-001.00); wherein a conditional use permit is being requested to operate a recreational vehicle park, a campsite and to operate a small business consisting of bicycle and running related events and obstacle courses in a GA, General Agricultural zoned district.

Chairperson Bonde opened the public hearing for Sportcomp Inc.

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.

Rick Anschutz and his attorney Ross Kronowske answered questions for the Board.

Mr. Kronowske stated the average amount of riders on the property is 1½ riders per day and stated there is no riding allowed at night. He also informed the Board the highest number of riders at the park at one time was 12 and the next highest amount was 4. Also he stated there is not constant dust or noise at the property.

The Board had questions about how many riders would be expected for the 4th of July.

Mr. Anschutz informed the Board for an event they usually have about 100 to 120 riders and about 400 to 500 people total through the gate.

The Board had questioned parking areas and the duration of the events.

Mr. Anschutz stated there is plenty of parking on the property and there would be no parking on the street. He went on to inform the Board that events usually run from about 7a.m. until 4p.m. Sometimes to 5p.m. or 6p.m. if they need to stop and water the track.

The Board had questions about having sufficient liability.

Mr. Anschutz informed the Board he has liability insurance for events and liability insurance for open riding.

Mr. Anschutz would like to know what an event would cover.

The Board had questions about a daily use limit.

Mr. Anschutz stated he has a limit of 100 members and currently the members are at 84.

The Board questioned the 12 events listed on the application.

Mr. Anschutz stated he's not sure what he wants to do or where he'll be in 10 years and wants to plan for the future. He currently runs 3 to 5 events per year.

The Board had questions about lighting.

Mr. Anschutz informed the Board lighting would only be by the buildings and not on the track.

Mr. Anschutz stated he started racing there as a member in 1977 and just wants a safe place for people to ride.

The Board questioned if there was consideration of having snowmobile races.

Mr. Anschutz informed he would like to have a winter event to offer snowmobilers and that he is right next to the snowmobile trail for convenience.

Mr. Gaedtke asked Mr. Anschutz if an event lasted one day or two days.

Mr. Anschutz stated all of his events are currently held on Sundays only. Most events are one day but a double header event would be a Saturday and Sunday event.

The Board had questioned the time frame for having bicycles, snowmobiles and things currently not running on the property.

Mr. Anschutz stated he'd like to do snowmobiles and is just covering his basis for the future in case the opportunity arises for other types of events.

People in attendance who spoke in support of the request

Mr. Darius Torres spoke in support stating he enjoys the opportunity to ride there.

Mr. David Schmit spoke in support stating he rode there for 14 years and it gives kids something good to do.

Ms. Sari Griffin spoke in support stating it helps support local businesses.

Ms. Shawn Miller spoke in support. She stated her kids and husband ride there, people are respectful and it helps teach kids respect.

Mr. Edward Wagner spoke in support stating he rode there from 1975 to 1978 and stated it gave him something to do and will help kids focus on something good.

Mr. Mel Piontek spoke in support stating he belonged to the old club and said it is better now than it was before. He rode for 40 plus years and they are family type events.

Mr. Rich Rothmund spoke in support stating it gets people outside and helps keep businesses, like his, going.

Ms. Pam Kobalt spoke in support. She has lived .6 miles from the track for approximately 38 years and to track operating then. She stated she was on the plan commission for the Town and at that time a place was needed for recreation.

Mr. Dave Elby spoke in support stating he was the original owner who bought the track in 1970 and started having races in 1971. They had 300 to 450 riders for motocross at that time. He also stated Mr. Anschutz will have a max of 150 riders and that the track was already there so everyone that lives out there had built after the track was there.

Mr. Timothy Verkuilen spoke in support stating he chose to buy a house in the area because of the track and became a track member.

Mr. James Falkowski spoke in support and stated the Town is County zoned, not Town zoned.

Mr. Monty Griffin spoke in support stating he moved his family here from Utah in 1999 and could not find many places in Wisconsin to ride. This place gave him and his boys a place to ride.

Mr. John Kronenburg spoke in support of the request.

Mr. Kelly Froelich spoke in support stating he personally rides and is the president of an atv club in Kewaunee. He also stated people have family fun at these events and it economically helps areas.

Mr. Jeff Pelishek spoke in support stating he has spent hours working with Mr. Anschutz trying to make the property better and safer for everyone.

Ms. Jessica Ladd spoke in support and would like to see the track stay open so she can continue riding.
People in attendance opposed to the request

Mr. Mike Boeselager spoke opposed stating large events bring strangers into the area and he is concerned with noise, dust and that the track impairs the value of surrounding properties.

Mr. Edward Kass spoke opposed stating he is concerned with increasing the number of events and recreational vehicles. The expansion would have a negative effect on his property and property value.

Ms. Cindy Smeester, who lives next to the track spoke opposed. She stated she has left her house during past events and does not want to have to leave even more because of an increase of events.

Ms. Kathy Enz, lives adjacent to the track and spoke opposed and was concerned if a motorcycle goes off the track and something happens on her property. She's worried she'd be liable. She also questioned who would be liable if something happened on the County trail.

Mr. William Enz spoke as a Town Board member and stated the Town had road stipulations and there already were 2 violations with the property. He also stated concern about the need for more fire and rescue and informed the Board that the track did not run continually since 1971; it was down for 2 to 4 years.

Mr. Pat VanGroll, Town Supervisor spoke opposed and would like to see the members and owner be more neighbor friendly. He'd like to see more restrictions and conditions if approved.

Mr. Gaedtke read letters of correspondence (copies on file).

Mr. Anschutz and Mr. Ross Kronowske gave a final comment.

Mr. Kronowske addressed the issue of dust and stated there is no substantiated evidence of dust.

Mr. Anschutz addressed noise concerns and explained that 70 to 80 decibels is the level of normal talking. He gave an example of shooting a gun which he said is more than 100 decibels and said you couldn't hunt with an 80 decibel requirement.

Mr. Anschutz also stated they are doing what they can to comply with concerns. As far as days and hours of operation of what he is asking for, it is less than what is allowed on the county snowmobile trail.

There being no further comments, Chairperson Bonde closed the public hearing for Sportcomp Inc.

Deliberation

Motion by: Mr. Glaeser to postpone allowing the Board time to review material and no more input will be taken.

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 September 19, 2016 and the onsite for September 13, 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 Nate, Secretary

Date