

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

October 17, 2016

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, October 17, 2016 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The Board elected a secretary pro tempore for tonight's meeting due to the secretary being absent. A motion was made by, Earl Glaeser nominating Ralph Schuh as secretary pro tempore for the night. Seconded by Ms. Vondrachek . Upon vote, the motion was unanimously approved.
Aye: Bonde, Vondrachek, Schuh and Glaeser; No: none.

The roll was called by the secretary. Members present: Earl Glaeser, Ralph Schuh, 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 October 17, 2016 meeting. Upon vote, the motion was unanimously approved.
Aye: Bonde, Vondrachek, Schuh and Glaeser; No: none.

A motion was made by, Ms. Vondrachek, with a minor change, seconded by Mr. Schuh to approve the September 19, 2016 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 Mr. Schuh to approve the October 12, 2016 onsite meeting minutes. Upon vote, the motion was unanimously approved.
Aye: Bonde, Vondrachek, Schuh and Glaeser; No: none.

Mr. Gaedtke asked for a moment of silence out of respect for secretary, Charles Nate, who recently passed away.

Mr. Gaedtke explained the procedure for tonight's 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.

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

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 informed the Board the Town of Gibson is still working with the Menonite church regarding the cemetery request, so the request would remain postponed.

New Business

Thomas Thuecks – Owner of property located at 10622 Sunny Vista Lane, located in Govt. Lot 4, Wilke's Lake Subd. Lot 22, Section 2, T17N-R21E, Town of Schleswig, Manitowoc County, Wisconsin,

tax parcel number (016-540-000-022.00); wherein a variance is being requested to construct a 40' x 78' house with an attached garage at 21 feet 1 inch 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 Thomas Thuecks.

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

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

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

Mr. Thuecks stated he is looking to use this for his retirement home.

Mr. Gaedtke informed the Board Mr. Thuecks applied for the variance prior to the new shoreland ordinance, therefore the old shoreland regulations would apply.

The Board asked Thomas Thuecks questions regarding his variance request.

Ken Smasal, from the Town of Schleswig, spoke stating the Town was in favor of the request.

People in attendance opposed to the request: none.

There being no further comments, Chairperson Bonde closed the public hearing for Thomas Thuecks.

Deliberation

Motion by: Ms. Vondrachek to approve the variance request at 21 feet 1 inch based on averaging.

Reasons for Approval:

1. A development pattern exists in which the neighboring homes are located within the 75 foot setback from the ordinary high water mark.
2. Based on the averaging method used in the ordinance at the time the application was submitted, the average of the two adjacent homes from the ordinary high water mark is 21 feet 1 inch.

Second by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Anthony Swetlik – Owners of property located at 10318 Popelar Rd., in the SW¼, NE¼, Section 8, T20N-R23E, Town of Kossuth, Manitowoc County, Wisconsin, tax parcel number (007-008-003-004.00); wherein a conditional use permit is being requested to operate a landscape business in a GA, General Agricultural zoned district.

Chairperson Bonde opened the public hearing for Anthony Swetlik.

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

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

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

Mr. Swetlik stated the business had currently been running for the past 30 years under a conditional use permit at a different location and there have never been any problems.

The Board asked Anthony Swetlik if he was going to purchase the business and move its entirety.

Mr. Swetlik informed the Board, it is his intent to purchase the business and move it, but wanted to get the conditional use first.

The Board questioned where the sign will be located and if it will be lighted.

Mr. Swetlik stated he was planning to put up a 3x3 foot sign near the road and it will not be lighted.

The Board had questions regarding the hours of operation.

Mr. Swetlik stated in springtime he may operate until around 6:30 p.m. during the week and sometimes Saturdays.

Jim Froelich, from the Town of Kossuth, stated the Town has 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 Anthony Swetlik.

Deliberation

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

Reasons for Approval:

1. The use does not impede the orderly development of the district.
2. The use is compatible with the surrounding area and consistent with a conditional use for a GA district.
3. The intensity of the use will not negatively affect the area or the surrounding properties.
4. The use fits on the parcel size.
5. There is proper access from the town road to the site.
6. The nature, location and height of the structures already exist and are acceptable for this business use.
7. The use does not discourage appropriate development or use of adjacent land or buildings.
8. It will not impair the value of surrounding properties.
9. There are no other factors that would be any different or allowable than any other principal use.
10. There will be no danger to the public's health, safety or welfare.

Conditions of Approval:

1. Days and hours of operation will be Monday thru Friday from 7:00 a.m. to 7:00 p.m.
2. Saturdays are only allowed from April 1 to July 1 and the hours will be from 7:00 a.m. to 4:00 p.m.
3. The number of employees allowed is 5. This number includes the owner.
4. The sign cannot be lighted.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Ryan Ross – Owner of property located at 7721 STH 147, in the SW¼, NE¼, Section 22, T20N-R24E, Town of Two Rivers, Manitowoc County, Wisconsin, tax parcel number (018-122-003-002.00); wherein a conditional use permit is being requested to operate a small business consisting of a repair and storage shop for his landscape vehicles and equipment to be located in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Ryan Ross.

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

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

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

The Board questioned the number of employees and hours of operation.

Mr. Ross informed the Board he has 5 to 9 employees and hours of operation would include Saturday's.

The Board questioned the type of lighting is being proposed at the site.

Mr. Ross stated there is a LED light that shines down on the sign.

The Board questioned what would be done with the house and other debris once the house is taken down.

Mr. Ross informed the Board he was going to have an excavating company or demolition company remove it from the property.

The Board had questions about the current storage building that was previously approved.

Mr. Gaedtke clarified the old conditional use conditions and septic system.

People in attendance in favor of 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 conditional use request.

There being no further comments, Chairperson Bonde closed the public hearing for Ryan Ross.

Deliberation

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

Reasons for Approval:

1. The use fits on the existing parcel size.
2. The nature, location and height of the structures associated with the use are acceptable for this business and area.
3. The lot has an odd shape with a large slope located at the rear of the property.
4. The use does not discourage appropriate development or use of adjacent land or buildings.
5. It will not impair the value of surrounding properties as long as the property is kept neat in appearance.

6. There are no other factors that would be any different or allowable than any other principal use.
7. There will be no danger to the public's health, safety or welfare.

Conditions of Approval:

1. The existing house with the attached garage and all other debris must be completely removed from the property.
2. No debris or structural material from the house can be pushed to the back of the property.
3. Days and hours of operation will be Monday thru Friday from 5:00 a.m. to 5:00 p.m.
4. Saturdays are allowed from 7:00 a.m. to 5:00 p.m.
5. Maximum number of employees is 9.
6. The majority of work will be performed offsite other than general maintenance of equipment.
7. Only four trailers are allowed to be stored outside.
8. No trucks stored outside.
9. Fencing is not required.
10. Appropriate outside lighting is allowed.
11. A 32 sq./ft. on premise business sign is allowed on the building.
12. A vegetative buffer must be planted in the southeast corner of the property behind the ministorage unit as indicated on the site plan.
13. No other residence or buildings can be built on this property. The approval of the proposed building for this conditional use permit takes the place of the previous 20'x 200' ministorage unit that was approved in conditional use permit ZPA-010-15 on July 20, 2015. The existing ministorage unit on the south end of the property is allowed to remain; however, this condition prevents the second ministorage unit from being built.

Second by: Mr. Schuh

Upon vote: The motion was unanimously approved.

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

Other Business

141 Speedway Conditional Use Permit Review

Mr. Gaedtke gave an overview of the permit and informed the Board of some complaints that the Planning and Zoning Department has been receiving about the race track.

Motion by: Mr. Glaeser that the Board does not approve the review and request to reopen the hearing in order to talk with the owners, obtain public input and look at possibly modifying or changing some permit conditions.

Second by: Ms. Vondrachek

Upon vote: The motion was unanimously approved.

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

Clarification of Condition #12 of the SportComp. Conditional use permit.

Mr. Gaedtke explained that he had received a phone call from a neighboring property owner regarding the Sportcomp property which had played a radio station over the PA system starting at 6:40 a.m. on the Sunday September 25, 2016. The complainant stated Sportcomp was playing loud music on the PA system and it was so loud they could hear the name of the station over the PA system.

Mr. Gaedtke went on to inform the Board that based on condition number 12 it did not appear that music could be played over the PA system. Mr. Rick Anschutz of Sportcomp Inc. was called to find out more information and he admitted he was playing the radio over the PA system and that he was broadcasting

the Green Bay Packer's game over the radio. He also stated he started broadcasting at 7:00 a.m. as his condition stated.

Mr. Gaedtke went on to inform the Board that a violation notice was issued to Sportcomp Inc. and after receiving the notice Mr. Anshutz requested clarification of condition number 12 because he was under the impression he could play what he wanted on the PA provided it was under the allowed dB requirement and it was played during the time listed in his permit.

The Board clarified condition number 12 as follows: the intent of the use of the PA system was that it would not be loud or continuous and that the PA system would be used on an intermittent basis for the purpose of running an organized activity.

The Board stated an example would be to use the PA system to organize size or age classes of participants for specialized events. The PA system is to only be used on event days and only during the hours of approved operation.

They went on to explain that the intermittent use to run an orderly event was one of the criteria and the other criteria was for safety purposes. For example, if someone had an accident or was injured during an event, the PA system could be used to stop activity. But in no way was the PA system intended to be continuous or used to broadcast music or rebroadcast other television, radio music, packer games or other sport activities; nor is it to be used for play by play maneuver commentary of the events.

As far as the sound level issue was concerned, the Board stated that the sound level part of the condition was based upon the testimony provided at the hearing of a maximum of 96 dba.

Schedule Next Meeting: The Board scheduled their next regular meeting for Monday November 21, 2016 and the onsite for Tuesday November 15, 2016 (Dates and times are subject to change.)

Adjournment

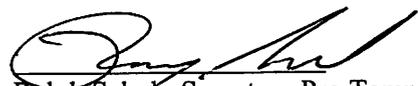
Motion by: Mr. Schuh to adjourn.

Seconded by: Mr. Glaeser

Upon vote: The motion was unanimously approved.

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

Respectfully submitted,



Ralph Schuh, Secretary Pro Tempore

11/21/16
Date