

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

June 15, 2020

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, June 15, 2020 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: James Knorr, Ralph Schuh, Chuck Hoffman, Orville Bonde, and Ken Schuler. Members absent: None. Staff present: Reed Gaedtke.

A motion was made by, Mr. Schuh, seconded by Mr. Knorr to approve the June 15, 2020 meeting agenda. Upon vote, the motion was unanimously approved.

*Aye: Knorr, Schuh, Hoffman, Bonde and Schuler; No: none.*

A motion was made by, Mr. Hoffman, seconded by Mr. Schuh to approve the minutes for the February 17, 2020 meeting. Upon vote, the motion was unanimously approved.

*Aye: Knorr, Schuh, Hoffman, Bonde and Schuler; No: none.*

A motion was made by, Mr. Schuh, seconded by Mr. Knorr to approve the on-site minutes for the June 8, 2020 meeting. Upon vote, the motion was unanimously approved.

*Aye: Knorr, Schuh, Hoffman, Bonde, and Schuler; No: none.*

Mr. Gaedtke explained the procedure for the 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.

**New Business**

**Jim Brick** – Owner of property located at 9738 USH 10, in the SE¼, NW¼, of Section 6, T19N-R23E, Town of Manitowoc Rapids, Manitowoc County, Wisconsin, parcel number (010-006-008-004.00); wherein a conditional use permit is being requested to expand an existing mini-storage business located in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Jim Brick.

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

Mr. Hoffman 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 for Mr. Brick.

Mr. Brick answered questions for the Board.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

Mr. Gaedtke received a letter from the Town of Manitowoc Rapids stating they are in favor of the request (copy on file).

**Deliberation**

*Motion by:* Mr. Hoffman to approve the request.

Reasons for approval:

1. Sufficient evidence was provided from the applicant, the on-site visit and testimony to warrant an approval.
2. The use does not impede the orderly development of the district because there is an existing storage business and buildings on the property.
3. The use is compatible with the surrounding area because zoning allows for this type of use with a conditional permit.
4. The intensity of the operation will not have a negative effect on the area or surrounding properties because it is currently being used as a mini-storage business.
5. The proposed use fits on the parcel.
6. An appropriate highway access already exists.
7. The nature, location and height of the proposed structure is compatible with the use and structures already located on the property.
8. The use will not discourage appropriate development or use of adjacent land or buildings.
9. The use will not impair property values.
10. There are no unsafe issues, fumes, flashing lights or other issues that are more objectionable than the properties current allowable use.
11. The use will not endanger the public's health, safety or welfare.

Conditions of Approval:

1. Hours and days of operation will be 24 hours a day, seven days a week.
2. No fencing needed.
3. A 32 square foot sign is permitted to be located 100 feet from centerline of the highway.
4. Minimal area lighting is allowed for safety purposes.

*Second by:* Mr. Schuh

*Upon vote:* The motion was unanimously approved.

*Aye:* Knorr, Schuh, Hoffman, Bonde and Schuler; *No:* none.

**Michael Krey and Cynthia Breunig** – Owners of property located at 8635 Beech Rd. in Govt. Lot 2 of Section 4, T20N-R25E, Town of Two Rivers, Manitowoc County, Wisconsin, parcel number (018-204-008-020.00); wherein an after the fact variance is being requested for constructing a 12'x14' shed at 50 feet from the centerline of CTH O; and at 43.5 feet from the centerline of Beech Rd.; and within the road site triangle on property located in a HD, High Density zoned district.

Chairperson Bonde opened the public hearing for Michael Krey.

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

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

Mr. Krey explained the reason for the after the fact variance request.

Mr. Krey answered questions for the Board.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

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

**Deliberation**

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

Reasons for approval:

1. The lot is small and bordered by roads on two sides which is a unique physical limitation of the lot creating a hardship.
2. The location of the well and septic system limit buildable space on the property.
3. They need a space for storage and there is no other place available.
4. The size of the structure is small and reasonable in size.
5. The structure is within the site triangle, however, the way the two roads intersect, the shed is no more obstructive than the existing woodland, trees and house. Because of this, the shed is not an impediment to visibility on the highway and therefore doesn't have a negative effect on the public interest.

*Second by:* Mr. Knorr

*Upon vote:* The motion was unanimously approved.

*Aye:* Knorr, Schuh, Hoffman, Bonde and Schuler; *No:* none.

**Kenneth and Janice Gessert** – Owners of property located at 4016 CTH Q, located in SW¼, NW¼, of Section 6, T17N-R21E, Town of Manitowoc, Manitowoc County, Wisconsin, parcel number (009-106-007-002.00) wherein a variance is being requested to construct a 42' x 64' garage at 79 feet from the centerline of CTH Q in a RR, Rural Residential zoned district.

Chairperson Bonde opened the public hearing for Janice Gessert.

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

Mr. Hoffman 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 for Mrs. Gessert.

Mrs. Gessert answered questions for the Board.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

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

Mr. Gaedtke asked Mrs. Gessert if the garage was for private storage.

Mrs. Gessert stated it was for private storage.

Mrs. Gessert inquired on how long variance would be good for?

Mr. Gaedtke informed her a variance stays with the property.

## **Deliberation**

*Motion by:* Mr. Knorr to approve the variance request.

Reasons for approval:

1. The lot is narrow and long and the entrance from the drive limits where they can build and creates a burden on the owners.
2. The owners are also burdened because there is other place to store their vehicles and no location that would allow them to meet the road setback.
3. The garage will not negatively affect the public

*Second by:* Mr. Schuh

*Upon vote:* The motion was unanimously approved.

*Aye:* Knorr, Schuh, Hoffman, Bonde and Schuler; *No:* none.

**Gregory Gremore** – Owner of property located off of CTH NN, in the NW¼, SW¼, of Section 31, T21N-R22E, Town of Cooperstown, Manitowoc County, Wisconsin, tax parcel number (003-031-010-002.00) wherein a conditional use permit is being requested by Jamie Kozloski, the applicant, to operate a community based educational non-native animal rescue facility in a LE, Large Estate, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Jamie Kozloski and Shane Meyer.

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

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

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

Mr. Meyer inquired about driveway access.

The Board directed him to contact the County Highway Department for more information.

The Board had questions for Ms. Kozloski.

Ms. Kozloski and Mr. Meyer answered questions for the Board.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

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

## **Deliberation**

*Motion by:* Mr. Schuler to approve the conditional use permit.

Reasons for approval:

1. Sufficient evidence was provided from the applicant, on-site visit and testimony to warrant an approval.
2. There was no objection to the request and the Town of Cooperstown submitted a letter in favor of the request.

3. A hardship is present and having this facility would be a benefit to the community.
4. The way the use was proposed and according to the site diagram there wouldn't be any negative impact to surrounding properties.
5. The site is compatible with the surrounding area because the parcel is located out in the country, surrounded by farmland and not in a highly populated area.
6. The intensity of the operation will not have a negative effect on surrounding properties.
7. The proposed use fits on the parcel. There is plenty of room for the proposed buildings and use and it will be very compatible for visitors.
8. The nature, location and height of the proposed structures are acceptable. Nothing is being proposed that would be very high.
9. The use will not discourage appropriate development or use of adjacent land or buildings. The property is surrounded by farmland and wetlands.
10. The use will not impair property values. The proposed buildings and layout of the site will keep the area looking nice.
11. There are no unsafe issues, fumes, flashing lights or other issues that are more objectionable than the properties allowable uses.
12. The use will not endanger the public's health, safety or welfare. Animals will be confined to a fenced in area or within a building.

Conditions of Approval:

1. The total number of employees and volunteers combined will be 5.
2. Days and hours of operation shall be 9:00 a.m. to 6:00 p.m. seven days per week.
3. An emergency contact sign must be posted at the entrance so people know who to contact in case of an emergency.
4. Any state, local or federal licenses must be obtained prior to taking in a certain species.
5. Animal waste must be disposed of properly. It cannot be placed in the septic system.

*Second by: Mr. Hoffmann*

*Upon vote: The motion was unanimously approved.*

*Aye: Knorr, Schuh, Hoffman, Bonde and Schuler; No: none.*

**David & Donna Herrmann** – Owners of property located at 2415 Popp Lane, located in the SW¼, SW¼, of Section 7, T19N-R21E, Town of Rockland, Manitowoc County, Wisconsin, parcel # (015-007-011-003.00) wherein a variance is being requested to construct a 24' x 24' house addition at approximately 44 feet from the ordinary high water mark of Long Lake, in a LR, Lake Residential, S1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for David & Donna Herrmann.

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

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

The Board asked the applicant if there was anything to add to their appeal; there was none.

The Board had questions for Mr. & Mrs. Herrmann.

Mr. & Mrs. Herrmann answered questions for the Board.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

Mr. Gaedtke received a letter from the WDNR, Dale Rezabek Shoreland Specialist, describing what criteria should be looked at for variance requests (copy on file).

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

### **Deliberation**

*Motion by:* Mr. Hoffman to approve the variance request.

Reasons for approval:

1. The unique physical limitation of the property is the lot is narrow and it has a steep grade going to the road creating limited space.
2. The part of the house being replaced is sinking because it was never built on any footings; it's just sitting on bare ground.
3. Replacing this part of the house and installing footings, drainage and a water garden will help relieve the burden being caused to the owner.
4. The new addition is almost entirely within the existing footprint and a very reasonable request.
5. It will not have a negative effect on the public because the house will be safer, add value to the surrounding properties, and the proposed rain garden will reduce nutrients and runoff to the lake.

*Second by:* Mr. Schuh

*Upon vote:* The motion was unanimously approved.

*Aye:* Knorr, Schuh, Hoffman, Bonde and Schuler; *No:* none.

**Randy and Jacqueline Wiebensohn** – Owners of property located off of CTH Q in the SW¼, NW¼, of Section 1, T20N – R23E, Town of Kossuth, Manitowoc County, Wisconsin, parcel # (007-001-007-000.00) wherein a conditional use permit is being requested to construct a 40' x 60' garage in a NA, Natural Area zoned district.

Chairperson Bonde opened the public hearing for Randy and Jacqueline Wiebensohn.

Mr. Gaedtke addressed the board and stated that the Wiebensohn's have since changed their request from a garage to a house. This change requires a new public notice and suggested postponement until the next meeting.

### **Deliberation**

*Motion by:* Mr. Schuler to postpone request until next meeting.

*Second by:* Mr. Knorr

*Upon vote:* The motion was unanimously approved.

*Aye:* Knorr, Schuh, Hoffman, Bonde and Schuler; *No:* none.

### **Other Business**

#### **Correspondence not related to a hearing item:**

Kevin & Vernon Schreiber conditional use permit one year review. The board stated the applicant appears to be conforming to conditions of the conditional use permit and approved the review.

Mr. Gaedtke informed the Board a complaint was received regarding Sportcomp's conditional use permit and dust control conditions.

The Board instructed Mr. Gaedtke to follow up with SportComp regarding the dust control measures being taken.

If no information is received by Sportscomp, Mr. Gaedtke was instructed to issue a notice of violation.

Mr. Gaedtke informed the Board a noise complaint was received regarding the Brandes conditional use permit. The complaint was regarding sandblasting not being done as proposed building shown in the application.

Mr. Gaedtke was instructed to send a letter to Mr. Brandes.

**Schedule Next Meeting:** The Board discussed dates of either Monday July 13, 2020 or Tuesday July 28, 2020 for their next regular meeting and the onsite meeting for Monday, July 6, 2020 (Dates and times are subject to change.)

**Adjournment**

A motion was made by Mr. Knorr and seconded by Mr. Schuler to approve the adjournment. Upon vote, the motion was unanimously approved.

*Aye: Knorr, Schuh, Hoffman, Bonde and Schuler; No: none.*

Respectfully submitted,

  
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Chuck Hoffman, Secretary

  
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Date