MANITOWOC COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES

July 13, 2020

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Schuh at 7:00 P.M. on Monday, July 13, 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, Dave Christel and Ken Schuler. Members absent: None. Staff present: Reed Gaedtke.

Mr. Gaedtke stated, with Mr. Bonde stepping down as chairman of the Board of Adjustment after 36 years of service and with the new term year starting; the first order of business should be the election of officers. A motion was made by Mr. Hoffman, seconded by Mr. Christel to nominate Mr. Schuh as chairman, Mr. Hoffman as vice chairperson and Mr. Knorr as secretary.

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.

A motion was made by, Mr. Hoffman, seconded by Mr. Knorr to change the new business order and approve the July 13, 2020 meeting agenda. This change in order consists of moving Debra Schrank to #6 to allow the town additional time to meet. Upon vote, the motion was unanimously approved.
Aye: Knorr, Schuh, Hoffman, Christel and Schuler; No: none.

A motion was made by, Mr. Schuler, seconded by Mr. Knorr to approve the minutes for the June 15, 2020 meeting. Upon vote, the motion was unanimously approved.
Aye: Knorr, Schuh, Hoffman, Christel and Schuler; No: none.

A motion was made by, Mr. Hoffman, seconded by Mr. Knorr to approve the on-site minutes for the July 6, 2020 meeting. Upon vote, the motion was unanimously approved.
Aye: Knorr, Schuh, Hoffman, Christel, and Schuler; No: none.

New Business

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' house/garage in a NA, Natural Area zoned district.

Chairperson Schuh opened the public hearing for Jacqueline Wiebensohn.

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

Mr. Knorr 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. Wiebensohn.

Mrs. Wiebensohn 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 Kossuth stating they are in favor of the request (copy on file).

There being no further comments, Chairperson Schuh closed the public hearing for Randy & Jacqueline Wiebensohn.

Deliberation

Motion by: Mr. Hoffman 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. The use does not impede the orderly development of the district because it is in a natural area and is located away from the road.
3. The use is compatible with the surrounding area because the land is natural area and it will be a good location for a house.
4. The intensity of the use will not have a negative effect on the area or surrounding properties because it will be a house that will add more property value to the area.
5. The proposed use fits on the parcel.
6. There is an existing well graded driveway that allows for proper access to the road.
7. The nature, location and height of the proposed structure is acceptable for this property.
8. The use will not discourage appropriate development or use of adjacent land or buildings.
9. The use will not impair property values but rather raise property values in the area.
10. There are no unsafe issues, fumes, flashing lights or other issues that are more objectionable then the properties current allowable use.
11. The use will not endanger the public's health, safety or welfare.

Conditions of Approval:

1. Only one residence (living quarters) allowed on the property.

Second by: Mr. Knorr
Upon vote: The motion was unanimously approved.
Aye: Knorr, Schuh, Hoffman, Christel and Schuler; No: none.

Roger Basler – Owner of property located at 2507 Nelson Ln. in the NW¼, NW¼, of Section 6, T18N-R24E, Town of Manitowoc, Manitowoc County, Wisconsin, parcel number (009-006-006-013.00); wherein variance is being requested to construct a 36' x 45' house at 3 feet from the neighboring east property line located in a RR, Rural Residential zoned district.

Chairperson Schuh opened the public hearing for Roger Basler.

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

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

The Board asked if there was anything to add to the appeal. Mr. Basler stated that the neighbors would like him to take down the house and start over.

Mr. Basler 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 neighbor to the east in favor of the request (copy on file).

There being no further comments, Chairperson Schuh closed the public hearing for Roger Basler.

Deliberation

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

Reasons for approval:

1. The lot is narrow, which creates a hardship for the owner. Due to the location of the existing garage and septic system the area left to construct a home is limited.
2. The owner is burdened because in order to reasonably use the property, he needs to have a house. However, the lot is small and there isn't a lot of room for building.
3. The new house will be further from the lot line than the existing structure.
4. It will not harm or have a negative effect on the public because the existing home is dilapidated and a new house will add to the area and increase property values.

Second by: Mr. Schuler
Upon vote: The motion was unanimously approved.
Aye: Knorr, Schuh, Hoffman, Christel and Schuler; No: none.

Paul Martin – Owner of property located at 9710 STH 147, located in NE¼, SE¼, of Section 9, T20N-R24E, Town of Mishicot, Manitowoc County, Wisconsin, parcel number (013-009-013-003.00) wherein a variance is being requested to construct a 24' x 32' building addition with a 6'x12' porch at 82 feet from the centerline of STH 147 located in a CB, Commercial Business zoned district.

Chairperson Schuh opened the public hearing for Paul Martin.

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

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

The Board asked if there was anything to add to the appeal. Mr. Martin stated he spoke with the neighbors and they are all in favor of the request.

The Board had questions for Mr. Martin.

Mr. Martin 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 Mishicot in favor of the request (copy on file).

There being no further comments, Chairperson Schuh closed the public hearing for Paul Martin.

Deliberation

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

Reasons for approval:

1. The location of the existing building on the small lot creates a hardship for the owner to construct an entrance onto the building and meet the required setback.
2. The owner is burdened because he needs to have a main entrance on the building and this would be practical and the best location.
3. It won't have a negative effect on the public because it doesn't affect visibility and the neighbors did not object to the request.

Second by: Mr. Hoffman
Upon vote: The motion was unanimously approved.
Aye: Knorr, Schuh, Hoffman, Christel and Schuler; No: none.

David Beine – Owner of property located at 11707 CTH Z, located in the NE¼, SE¼, of Section 21, T21N-R22E, Town of Cooperstown, Manitowoc County, Wisconsin, parcel # (003-021-013-001.00) wherein after the fact variances are being requested for constructing a 12' x 16' deck at approximately 95 feet from CTH Z; and at 37 feet from Rosecrans Rd.; and within the road site triangle located in a RR, Rural Residential, zoned district.

Chairperson Schuh opened the public hearing for David Beine.

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

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

The Board asked if there was anything to add to the appeal. Mr. Beine said that he was approved by the Town of Cooperstown and that the building is more of obstruction than the deck.

The Board had questions for Mr. Beine.

Mr. Beine answered questions for the Board and the reason for the after the fact variance request.

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).

There being no further comments, Chairperson Schuh closed the public hearing for David Beine.

Deliberation

Motion by: Mr. Knorr to approve the after the fact variance.
Reasons for approval:

1. The lot is smaller and bordered on two sides by roads. The existing building is located within the setbacks and site triangle creating a hardship.
2. The owner is burdened because a safe access is needed off the back of the building and the access is within the road setbacks.
3. The structure is within the site triangle, however, the deck does not restrict visibility because the building is already located within the site triangle.
4. The owner stopped construction in order to correct the problem after he found out a permit was needed.

Second by: Mr. Christel
Upon vote: The motion was unanimously approved.
Aye: Knorr, Schuh, Hoffman, Christel and Schuler; No: none.

Matthew Leclair – Owner of property located at 619 Pit Rd, in the NW¼, SW¼, and the NE¼, SW¼, of Section 31, T21N – R24E, Town of Mishicot, Manitowoc County, Wisconsin, parcel numbers (013-131-009-005.00 and 013-131-010-006.00) wherein a variance is being requested to construct a 40' x 60' garage at 54 feet from the ordinary high water mark of Johnson Creek, located in a RR, Rural Residential, S1, Shoreland zoned district.

Chairperson Schuh opened the public hearing for Matthew Leclair.

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

Mr. Knorr 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. Leclair.

Mr. Leclair answered questions for the Board.

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

The Board had another question for Mr. Leclair.

Mr. Leclair answered a question for the Board.

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

There being no further comments, Chairperson Schuh closed the public hearing for Matthew Leclair.

Deliberation

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

Reasons for approval:

1. The lot has a unique shape and slope which drops off to the creek creating a hardship for the owner. Much of the lot area is located on the other side of the creek which limits the buildable area.

2. The owner is burdened because he needs a garage and there is no other place to construct the garage due to a 10 to 12 foot slope to the creek.
3. It will not have a negative effect on the public because the property is located at the end of a dead end road and it will be approximately 13 feet from the neighboring property line and 15 feet from sloping area.

Second by: Mr. Knorr
Upon vote: The motion was unanimously approved.
Aye: Knorr, Schuh, Hoffman, Christel and Schuler; No: none.

Debra Schrank – Owner of property located in the SE¼, SE¼, of Section 22, T21N-R24E, Town of Two Creeks, Manitowoc County, Wisconsin, tax parcel number (017-022-016-001.00) wherein a conditional use permit is being requested to operate a dog kennel in a LE, Large Estate zoned district.

Chairperson Schuh opened the public hearing for Mrs. & Mr. Schrank.

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

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

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

Mr. Gaedtke stated he received a call from the Town of Two Creeks in favor of the request however they had 3 concerns.

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

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

People in attendance in favor of the request: none.

People in attendance opposed to the request: none.

Mr. Schrank had another question for the Board.

The Board answered Mr. Schranks question.

There being no further comments, Chairperson Schuh closed the public hearing for Debra Schrank.

Deliberation

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

Reasons for approval:

1. Sufficient evidence was provided from applicant(s), on-site visit and testimony to warrant an approval.
2. The use does not impede the orderly development of the district because there is sufficient property for this type of business and it is an allowable use in this zoning district.
3. 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.

4. The intensity of the operation will not have a negative effect on surrounding properties because of the number of animals being proposed and the required two year review.
5. The proposed use fits on the parcel. There is plenty of room and the use is permitted in this zoning district as a conditional use.
6. There is existing access to the property that is acceptable.
7. The nature, location and height of the proposed structures are acceptable.
8. The use, as proposed, will not discourage appropriate development or use of adjacent land.
9. The use will not impair property values. It is permitted and there are large agricultural fields around the property as well as being in a rural setting.
10. There are no unsafe issues, fumes, flashing lights or other issues that are more objectionable then the properties allowable uses. Not as proposed in the application.
11. The use will not endanger the public's health, safety or welfare. There will be no interaction with the general public other than those utilizing this service.

Conditions of Approval:

1. Waste shall be disposed of in an acceptable manner on site or according to the Towns waste disposal guidelines. Waste shall not be viewable from outside the property.
2. All dogs using this service must be licensed. The applicant shall keep records of that information.
3. Total number of dogs allowed on site for this business will be 6 little dogs in the house and 10 large outside dogs.
4. Little dogs shall be defined as 15 pounds or less.
5. The total number of volunteers allowed will be two.
6. Days and hours of operation shall be 6:00 a.m. to 6:00 p.m. seven days per week; with the exception of overnight boarding.
7. Fencing will be wood and chain link.
8. A sign is permitted and must meet ordinance requirements.
9. There shall be a two year review at the B.O.A. request.

Second by: Mr. Knorr
Upon vote: The motion was unanimously approved.
Aye: Knorr, Schuh, Hoffman, Christel and Schuler; No: none.

<u>Other Business</u>

Correspondence not related to a hearing item:

Complaint:

Mr. Gaedtke stated a letter was sent to Sportcomp by the Board requesting to hear their side of the story to see what type of dust retardant was being used and how often it was being used.

Mr. Gaedtke received a correspondence from Sportcomp regarding water records for the weekend of July 10-12 however not for the weekend in question.

The Board instructed Mr. Gaedtke to send a letter to Sportcomp instructing that they need to do a better job watering and that the next dust complaint determined to be a violation will result in reopening the conditional use permit to allow the Board to take action regarding a violation.

Education:

Mr. Gaedtke inquired with the Board if they would be interested in some education opportunities.

Schedule Next Meeting:

The next Board of Adjustment meeting is tentatively scheduled for Monday August 17, 2020 and the onsite meeting for August 10, 2020. (Dates and times are subject to change.)

Adjournment

A motion was made by Mr. Schuler and seconded by Mr. Knorr to approve the adjournment. Upon vote, the motion was unanimously approved.
Aye: Knorr, Schuh, Hoffman, Christel and Schuler; No: none.

Respectfully submitted,

James Knorr, Secretary

6-17-20

Date