

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

November 05, 2007

A meeting of the Manitowoc County Board of Adjustment was called to order by Chairperson Bonde at 7:00 P.M. on Monday, November 05, 2007 in the Manitowoc County Office Complex, 4319 Expo Drive, Manitowoc, WI 54220.

The roll was called by the secretary. Members present: Earl Glaeser, Charlie Nate, Laurel Vondrachek and Orville Bonde, Marian Schneider was excused. Staff present: Reed Gaedtke and Pete Tarnowski.

A motion was made by Mr. Glaeser, seconded by Ms. Vondrachek to approve the agenda for today's meeting. Upon vote, the motion was unanimously approved.

Mr. Gaedtke explained the procedure that would follow. He stated that notice of these hearings was published on October 22, 2007 and October 29, 2007 in the Herald Times Reporter. He also stated that an on-site inspection of the applicant's properties was held on October 29, 2007. Mr. Gaedtke stated that within 10 days of the closure of this meeting, copies of the decisions will be delivered to the applicants.

PUBLIC HEARINGS

Adam & Melissa Noskowiak – Owners of property located at 3003 south 19th street, in the NE¼, SE¼, Section 6, T18N-R24E, Town of Manitowoc, Manitowoc County, Wisconsin wherein a variance is being requested to construct a 26'x37' garage at 55 feet from the centerline of South 19th street in an R-3, Residential zoned district.

Chairperson Bonde opened the public hearing for Adam Noskowiak.

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

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

Ms. Vondrachek asked the applicant why you are not having the garage doors in the front of the garage and Mr. Noskowiak replied because it's only 55' and with the kids there, if there's a vehicle parked in the yard and the kids are on their bikes I don't want them close to the road. This way everything is towards the back and is safer and he doesn't have to worry about the kids.

Mr. Glaeser asked if the applicant obtained a building permit from the Town and Mr. Noskowiak replied for the house but not for the garage. Not until the variance would pass.

Mr. Glaeser stated that normally there shouldn't be a footing in place until after it is okayed from the Board and asked who put the footing in. Mr. Noskowiak replied, yes, then stated that he installed the footing. The reason it was put in was because he had Holschbach Excavating come in to dig the hole for the addition and since they were

already there and it would cost him \$600.00 to have them come back and dig the footings at a later date, he had them dig the footings in at that time. Instead of waiting on the blocking and putting a driveway in to have the slab down anyway was part of the driveway and is at ground level so it's going to be buried either way.

Ms. Vondrachek asked if the Town gave the applicant a permit for the addition for the house and then stated that he gutted the house out and Mr. Noskowiak replied yes to both statements.

The Town of Manitowoc sent a letter stating that the Town had no objections towards Mr. Noskowiak building his garage 55' from the centerline of the road.

There being no further comments, Chairperson Bonde closed the public hearing for Adam Noskowiak.

Mr. Nate asked Mr. Gaedtke if the applicant would be subject to a highway release and Mr. Gaedtke replied yes. Then Mr. Nate explained to Mr. Noskowiak what that meant.

Tom Davidson – Owner of property located at 5816 Danmar Rd., in the SE ¼, SE ¼, Section 30, T20N-R23E, Town of Kossuth, Manitowoc County, Wisconsin wherein a variance is being requested to construct a 24'x30' garage at 48 feet from the centerline of Danmar Rd. in an A-1, Agricultural, S-1, Shoreland zoned district.

Chairperson Bonde opened the public hearing for Tom Davidson.

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

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

Mr. Bonde asked Mr. Davidson if he had anything to add to the appeal.

Mr. Davidson replied by stating that their driveway is kind of narrow and would like to put a turn around in so that it is safer to access the road. Currently they have to back out into the road and with the location of the cedar trees it is kind of hard to see any cars coming. Also if they set the garage back 60' their backyard would be nil and that's where their son plays and they have their barbeque grill.

Ms. Vondrachek asked how big the garage was going to be and if it would fit between the two trees they saw when they were out doing the onsite and Mr. Davidson replied if they located the garage in that spot they would not be able to get the garage door open.

Ms. Vondrachek then asked where Mr. Davidson wants the garage door located, so he got up and showed her on the drawing.

Correspondence from the Town of Kossuth was read by Mr. Gaedtke explaining that the Town called Planning and Parks to let them know that the Town has no objections to Mr. Davidson building his garage 48' from the centerline of Danmar Rd.

There being no further comments, Chairperson Bonde closed the public hearing for Tom Davidson.

Fred Ebeling - Owner of property located in the SE ¼, SE ¼, Section 2, T21N-R2E, Town of Cooperstown, Manitowoc County, Wisconsin where in a conditional use permit is being requested by WTRW Incorporated to install four 165' AM radio Towers, and a variance is requested to construct tower #3 within the 165' side yard setback in an A-3, Agricultural zoned district.

Chairperson Bonde opened the public hearing for Fred Ebeling.

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

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

Mr. Heller explained that he is the purchaser of Mr. Ebeling's property in Cooperstown and informed the BOA that two years and 1 week ago his radio station applied to the Federal Government to move 16 miles away from Two Rivers.

Mr. Heller went on to explain that his radio station was negatively affected by the 21 million dollar Eggers Industries plant. The one piece steel roof absorbed almost the entire radio signal going towards the Green Bay market.

Mr. Heller also explained that Mr. Ebeling is over 80 years old and that he did not want to participate in the hearing, so Mr. Heller was at the meeting in place of Mr. Ebeling.

Mr. Heller went on to say that there was a leased area next to the property that he is purchasing. He's not buying it because Mr. Ebeling did not want to sell that part of the property and Mr. Heller didn't want to have to buy it.

Mr. Nate stated that the area was quite low and asked if it would be better to find a higher location and Mr. Heller replied, no, stating that FM works on high locations and AM works where the area is good and moist and that going towards Green Bay there is a woody swamp area that would be beneficial to the station.

Mr. Nate said that by having a higher site it may be cheaper. To which, Mr. Heller replied with "I don't know." And then explained that north of Denmark the ground conductivity turns to limestone and the radio signals don't go as well. They narrowed the area down to a location south of Denmark, west of "R", and a little east of I-43.

Mr. Nate then asked about the problem with Eggers and wasn't it anticipated when the building was being built. Mr. Heller responded by saying that he screamed like wild people and they put aside \$55,000.00 to repair the Tower to get over the 21 foot tall Eggers building and the city accidentally gave the money to Eggers and Eggers never gave the money back.

Mr. Heller went on to say that they were not going to sue a neighbor or an industrialist that is bringing 205 jobs into the city. He also stated that he would like to stay in Two Rivers but he can't.

Mr. Bonde asked Mr. Heller if he leased the property because of the possible falling of one of the Towers and Mr. Heller answered yes; it is just to meet the requirements of the ordinance. He went on to say that the Towers almost never fall that way.

Mr. Bonde then asked if anyone in the audience wanted to speak for or against this issue and Don Dickrell announced that he would like to speak.

Mr. Dickrell explained he lived on Hwy R and was concerned with TV reception and high voltage in the area due to the radio towers. He restated that Mr. Heller explained that in limestone you don't get the proper signal but in swampy land you do. He then wanted to know what that does to high voltage in the surrounding area and Mr. Heller responded by saying that there has never been a study showing that AM radio contributes to the problems they are having with farms between bad grounds and milking problems. He went to say that he and his family live 315' from his 239' tall tower in Two Rivers and 115' from a cell phone tower. If he thought there was a health concern with the Towers he wouldn't be living that close to them and that he's never seen a study showing high voltage problems.

Mr. Dickrell reiterated that Mr. Heller had never seen a study and Mr. Heller explained the Government studies areas where there are Towers and people working or living near them.

Mr. Dickrell asked about the towers being unlit and unmarked and if there was any danger. Mr. Heller replied saying the red and white marking doesn't have to be on a tower until it reaches 200' and the lights required on towers are also at 200'. Mr. Heller went on to say that the towers were engineered so that they didn't have to be lit or colored so that neighbors didn't have to see colored lit towers nearby. He also explained there was no airport within 10 miles so the FAA didn't require anything.

Mr. Dickrell told Mr. Heller that he knows of a neighbor that has a plane that is used in the area, and Mr. Heller explained that he knew about that but the plane location was not recorded with the FAA.

Mr. Nate asked if that would make a difference and Mr. Heller said no. Then stated that there is a high embankment in front of the property and the towers will be tucked behind that so the towers will not seem like 165' tall they will appear shorter. Then he went on to say that because of the location of I-43 his radio station does not have to worry about any factories being built too close to him.

Mr. Nate asked why Mr. Ebeling wouldn't just sell the extra property to Mr. Heller instead of leasing it and Mr. Heller responded by saying that Mr. Ebeling didn't want to.

Mr. Gaedtke read a note sent by Mr. Heller that stated the nearby houses are greater than 500' from the towers and that all other conditions of the ordinance are met.

Mr. Nate asked if there was anything from the Town and Mr. Gaedtke said no.

Mr. Heller then explained there may be a conflict with the Town because the Town of Cooperstown chairman is renting the land and Mr. Heller didn't think they wanted to comment on the procedure because of a conflict of interest.

Mr. Glaeser asked if the Town gave Mr. Heller a blessing.

Mr. Heller explained that he went there one time and the next week they blew the whole Board up so he had to go back a second time.

There being no further comments, Chairperson Bonde closed the public hearing for Fred Ebeling.

DELIBERATIONS

Adam Noskowiak

Motion by: Mr. Glaeser made a motion to approve the variance request to construct a 26' x 37' garage at 55' from the centerline of South 19th St. in a R-3, Residential zoned district.

Second by: Mr. Nate.

Upon vote: The motion was unanimously approved.

Tom Davidson

Motion by: Ms. Vondrachek made a motion to approve the variance request to construct a 24' x 30' garage at 48' from the centerline of Danmar Rd. in an A-1, Agricultural, S-1, Shoreland zoned district based on the following findings:

1. To provide safer access onto Danmar Rd. by having a turn around in their driveway.

Second by: Mr. Glaeser.

Upon vote: The motion was unanimously approved.

Fred Ebeling

Motion by: Mr. Nate made a motion to approve the conditional use permit to locate four (4) 165' AM radio towers on Mr. Ebeling's property and to grant the variance request to locate tower #3 within 165' of the northwest property line in an A-3, Agricultural zoned district based on the following findings:

1. Eggers Industries building interferes with the usefulness of WTRW's signal into the Green Bay area.
2. That there is very little opposition from neighbors.
3. The towers are tucked into the property and will not look as high as stated.

Second by: Ms. Vondrachek.

Upon vote: The motion was unanimously approved.

MISCELLANEOUS AND COMMUNICATION

Mr. Tarnowski communicated to the Board to read through the findings provided by Corporation Counsel regarding the Dennis Damm hearing because it will be brought back to the Board in December.

Mr. Bonde asked when the next meeting is scheduled.

Mr. Gaedtke informed him that unless the Board agrees to meet early, the next Board of Adjustment meeting will be held on December 17, 2007 at 1:00pm and the onsite will be the week prior.

The Board debated on whether to meet early for a tower request and decided that do to the time needed for publishing they would not meet early.

ADJOURNMENT

Motion by Mr. Glaeser to adjourn at 8:00 P.M. Seconded by Mr. Nate. Upon vote the motion was unanimously approved.

Respectfully submitted,

Charles Nate, Secretary

Date