NOTICE OF MEETING

SHEBOYGAN COUNTY BOARD OF ADJUSTMENT

Wednesday, April 15, 2026 1:00 PM

Administration Building
508 New York Avenue
3rd Floor, Conference Room 302
Sheboygan, WI

AGENDA

Call to Order
Roll Call
Seating of Alternates
Certification of Compliance with Open Meeting Law
Public Input and Comments on Non-Agenda Items
Approval of Minutes of the September 17, 2025 Board of Adjustment Meeting

Public Hearing and Action on the following item:

> Rockland Dairy LLC (Case No. V-26-01-S) application for a variance to allow the installation of a holding tank as a replacement private sewage system for an existing residence in Section 25, Town of Sherman, parcel #59028426500; said proposal failing to meet the requirements of Section 70.08(6) of the *Sheboygan County Sanitary Ordinance.* **Onsite of the subject property (N851 State Highway 57, Town of Sherman) to occur on Wednesday, April 15, 2026 at 11:30 AM.**

Deliberations and Determinations

Close Public Hearing

Deliberations and Determinations on the following item:

Korry Ardell (Case No. R-24-01-E) on remand from Sheboygan County Circuit Court Case No. 24 CV 550: whether the Sheboygan County Planning and Conservation Department may require Korry Ardell to obtain an Erosion Control and Stormwater Management Permit under Sheboygan County Code Sections 75.07(1)(c) and 75.17(1)(c) for his limestone parking area for storage of vehicles, equipment, trailers, and other items on his property located at W2002 Garton Road, Town of Mosel, Parcel # 59014185242, and therefore,

- Reverse the decision of the Planning and Conservation Department as provided in a letter dated May 23, 2024, from the Department to Korry Ardell,
  OR
- Affirm but modify the decision of the Planning and Conservation Department as provided in a letter dated May 23, 2024, from the Department to Korry Ardell, to require Mr. Ardell to obtain an after the fact Erosion Control and Stormwater Management Permit pursuant to Sheboygan County Code Sections 75.07(1)c and 75.17 (1)(c).

Adjournment

Posted on 4/8/2026 at 10:00 AM

Prepared by: Sharon Harvey, Recording Secretary Approved by: Ed Harvey, Chairperson

A majority of the members of the County Board of Supervisors or of any of its committees may be present at this meeting to listen, observe, and participate. If a majority of any such body is present, their presence constitutes a "meeting" under the Open Meeting Law as interpreted in *State ex rel. Badke v. Greendale Village Board*, 173 Wis. 2d 553 (1993), even though the visiting body will take no action at this meeting. Persons with disabilities needing assistance to attend or participate are asked to notify the County Planning & Conservation Office, 920-459-1370, prior to the meeting so that accommodations may be arranged.

Posted on 4/8/2026 at 10:00 AM

BOARD OF ADJUSTMENT MINUTES

Administration Building
508 New York Avenue
Sheboygan, WI

Wednesday, September 17, 2025 Called to Order: 1:00 P.M. Adjourned: 2:13 P.M.

MEMBERS PRESENT	Ed Harvey, Pete Scheuerman, BJ Reenders, Sarah DeZwarte, Kenneth Sonntag, Charles Born
MEMBERS ABSENT	Marjean Pountain
ALSO PRESENT	Attorney Crystal Fieber, Kathryn Fabian (Planning & Conservation), Nick Tasche (Planning & Conservation), Aaron Brault (Planning & Conservation), Megan Nasgovitz (Planning & Conservation), Sharon Harvey (BOA Recording Secretary), Ryan Lampe (Architect), Kristen Lampe (Owner), Erik Lampe (Owner), Tyler Kober (Project Manager), and Scott Thiel (Neighbor)

Chairperson Harvey called the meeting to order and called the roll.

Ms. Harvey reported the meeting notice was posted on September 12, 2025 at 10:00 A.M. in compliance with the open meeting law.

Mr. Harvey requested all those attending to introduce themselves for the record. Then, Mr. Erik Lampe introduced the project they are proposing to expand the house on their property. He noted that throughout the process, they evaluated many different options to improve the lot and add to the neighborhood all the while making their best faith effort to keep the bluff safe and meeting the needs of their family.

There were no public comments regarding non-agenda items.

Mr. Scheuerman made a motion to approve the minutes of the August 20, 2025 hearing. Motion seconded by Mr. Reenders and was approved. Mr. Sonntag abstained.

Mr. Harvey opened the hearing for the variance request to the Sheboygan County Shoreland Ordinance for Erik & Kristen Lampe (Case No. V-25-01-F) construction of a home addition on property located at parcel #59024357920 within the shoreland jurisdiction in the Town of Sheboygan.

Mr. Harvey then asked the neighbor, Mr. Thiel, if he would like to elaborate on his written comments regarding the application. Mr. Thiel confirmed that he would like to speak. He stated that he has some concerns regarding the ground water in the area and what impact excavating for the addition would have. He added that in 1987 when the bluff was re-enforced they did a phenomenal job. He stated that his concern is with disturbing the area, what will happen with that with the water. Mr. Thiel then described a project completed near the lakeshore that resulted in the lake bank inching forward to a neighboring property. He also stated that he is concerned about where the water from the addition's roof was going to go. Mr. Thiel said that although the building plans look beautiful and that it will enhance the neighborhood, he is still concerned about the impact on the soil conditions around the bluff. He stated that he is opposed to allowing this variance based on his concerns.

Mr. Harvey then asked the architect, Mr. Ryan Lampe, to come forward and explain the building plans.

Mr. Ryan Lampe explained that they had considered a lot of different options on how to complete an addition without requiring a variance from the county. He stated that the plan presented is the best location on the property, from the bluff perspective. He added that Miller Engineering created a great report that stated that the bluff has not moved since they did the revetment system and it doesn't show any signs of moving any time soon. Mr. Ryan Lampe then stated that he wanted to address Scott Thiel's concerns. He stated that the only place they would be digging down to a full-depth basement is beneath the two-story portion of the addition. Mr. Lampe reiterated the fact that the need for the variance is due to the two-story portion of the addition and there were other options for additions that could possibly be worse for the land and visual impact. He then asked the board members if they had any questions about the proposal.

Mr. Sonntag asked if the proposed plan included a full basement under the two-story portion of the addition. Mr. Ryan Lampe replied yes. He added that underneath the garage will be slab on grade for a low frost line.

Mr. Reenders asked if he was granted the variance and continued with the project if he anticipated keeping Miller Engineers involved. Mr. Ryan Lampe replied that they will keep them involved if needed. He stated that the engineer is not anticipating them encountering issues with the proposed addition.

Mr. Sonntag asked if they have had any soil borings done. Mr. Ryan Lampe replied that they did not. He added that the neighboring lot with active erosion you can essentially see the layers including the line where the shelf of clay that Mr. Thiel was referring to.

Ms. DeZwarte asked where the water that hits the roof will end up. Mr. Ryan Lampe replied that the sump pump discharge gets drained to a seepage pit that is buried below ground on the south side of the house. They are looking at various options to make sure the grading isn't dumping water into the neighbor's yard. He stated that he has a large yard, and there is plenty of room to discharge the water somewhere on his own property.

Mr. Sonntag asked if there are any water issues in the basement of the existing home. Mr. Ryan Lampe replied that they have not noticed any water in the basement. He said the last time we had a significant rainfall was the only time that they heard the sump pump running, otherwise you can be at the home almost all day and it rarely kicks on. He then explained again that the current sump pump has a seepage pit that has a 300 or 500 gallon tank south of the house.

Mr. Harvey then asked Ms. Fabian of the Sheboygan County Planning and Conservation department to speak. Ms. Fabian explained that the 75' setback from the ordinary high-water mark on the lake is easily met. She added that there is a strip of land that is owned or dedicated to the City of Sheboygan, so the property does not go all the way down to the rip rap and the sheet piling. She stated that the house still meets the ordinary high water mark setback, it is just the bluff setback that is the issue today. She added that at the site there was a question about using an average setback. She said that is not something that is available per the ordinance for the bluff setback. She said that would only be for a brand new house to the ordinary high water setback, so that is not an option. She said as far as impervious surfaces go, if the plan is approved as proposed, they would need a couple of mitigation points and she would work with the property owners to figure out how to best achieve those mitigation points. She added that the home is connected to city sewer, so they do not have to worry about a septic system. She stated that in the code, it does address the bluff setback, and it states that the Board of Adjustment may approve as a variance under the provisions of sections 72.25, a reduction of the bluff setback upon presentation by the applicant of applicable engineering studies

documenting lower recession rates, more stable slope conditions, plans for structural protection against wave attack, and plans for stabilization of the bluff or shoreline. She encouraged the Board members, when working through the conditions of the variance, to keep that in mind and try to decide if the report from Miller addresses those conditions.

Mr. Harvey asked to see the original shoreland permit for the revetment which Ms. Fabian provided. He asked what was the depth of the sheet piling in the original shoreland permit for this property. Ms. Fabian responded that it was listed as about 8ft. The board then passed around the photos attached to the original shoreland permit for the revetment.

Mr. Brault then added that he wanted to follow up on some of Mr. Thiels' statements. He added that Mr. Thiel was concerned about this creating a precedence, that this could potentially snowball into more of these requests. Mr. Brault said that in his 19 years he believes this is his second time that this situation has come up, where they have seen a bluff setback issue on the landward side. Mr. Brault also added that the sand/clay layers are not unique to this property, that the entire lakeshore north of the harbor and up to Manitowoc County have similar characteristics.

Mr. Harvey then asked if the homeowners had anything they would like to add. Mr. Erik Lampe then added that they have been trying to put their best faith effort forward to use this property properly. He stated that there were other options available that would have satisfied the ordinance, but would not necessarily have been the best for the land or the neighborhood. He stated that he is proud of where they are and the proposal that they have. Mr. Ryan Lampe echoed the sentiment. Mr. Kober added that they could dig 200 sq ft on the side of the house if they wanted per the ordinance, but they are going landward to try to avoid the bluff.

Mr. Sonntag made a motion to close the public hearing. Motion seconded by Mr. Scheuerman. Motion carried unanimously.

The board began deliberation on the variance request. Mr. Harvey asked the board members if they had any additional comments regarding the site visit.

Mr. Reenders stated that he observed that the bluff is steep, but it seems very stable. He added the difference between the protected area versus the area to the north. His thoughts on it, after reading the ordinance, he says all the criteria has been met over the last 40 years. He stated that he read through the engineering report, and said they did a very good job on it.

Mr. Scheuerman said that in comparison to the flanking properties that this property has had some substantial improvements made to it. He then went into detail on the current revetment of the bluff and mentioned items that were stated on the Miller engineering report. He stated that he has some concerns regarding the construction process and the toll it will take on the ground in the area.

Ms. Fieber then clarified the ordinance and what criteria they are looking at.

Mr. Sonntag stated that he has been on the property in previous years and did not notice any notable changes to the bluff. He said he did not believe that there was any protection for the top of the bluff. He stated that he did not like the idea of any excavation on the site. He added that excavation work can change a lot of things and that if this project didn't include excavation, he would be more in favor of it. He stated that the preparation work by the homeowner and the architect is phenomenally done and that he appreciates that. He stated that he is most concerned about the unknown parts of the future of the land.

Ms. DeZwarte stated that all the plans were very thorough, and she appreciated that. She agreed that the bottom of the bluff seems to be very stable, and that she is also concerned about the top of the bluff. She stated that she has seen homes that were built close to bluffs and the damage that can happen because of compromising.

Mr. Sonntag made a motion to re-open the public hearing momentarily. Motion seconded by Mr. Scheuerman. Motion carried unanimously.

Mr. Harvey asked who owns the area where the revetment and the sheet piling is located.

Ms. Fabian responded that the revetment is located on land dedicated to the City of Sheboygan. She stated that it was installed by the previous property owner, and she was unaware of any language in any of the property transfers that better address that.

Mr. Sonntag added that a lot of the properties have stone or different type of boulder protection that are placed in the same area along the bottom of the waters edge. He stated that it is common for the stones to be located on what the city has been deeded.

Ms. Fabian added that she believed that the area dedicated to the City of Sheboygan extends from this property southward and she didn't believe that there was property owned by the city north of this property.

Mr. Sonntag made a motion to close the public hearing portion of the meeting. Motion seconded by Mr. Scheuerman. Motion carried unanimously.

Mr. Harvey then shared what he observed at the site visit. He said the structure seems to be working. He added that you can look at properties along the lakeshore that haven't worked in the past or aren't working anymore. He added that this one seems to be working and the sheet pile seems to be responsible for that because it stops the seepage through the stone. He stated that typically the loss is initiated by wave action way at the bottom. He said that the ordinance says to reduce the rate of recession, not to stop it, and he believes that they have done that.

Mr. Harvey requested that Attorney Fieber start the voting process.

Attorney Fieber stated all of the criteria for voting for each question and explained that she would go into detail on all three as they deliberated on each question.

Deliberation & Vote:

Are there unique conditions specific to the property?
ROLL CALL VOTE:
Mr. Sonntag – N
Mr. Harvey – Y
Ms. DeZwarte – Y
Mr. Reenders – Y
Mr. Scheuerman – N

Is there an unnecessary hardship present?
ROLL CALL VOTE:
Mr. Sonntag – Y
Mr. Harvey – Y
Ms. DeZwarte –Y
Mr. Reenders – Y

Mr. Scheuerman – N

Is granting this variance in line with the public interest?
ROLL CALL VOTE:
Mr. Sonntag – Y
Mr. Harvey – Y
Ms. DeZwarte – Y
Mr. Reenders – Y
Mr. Scheuerman – N

Mr. Harvey announced that the variance request has been granted.

Mr. Sonntag made a motion to adjourn. Motion seconded by Mr. Reenders. Motion carried with no opposition.

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Kenneth Sonntag, Secretary

Sharon Harvey, Recording Secretary

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Sheboygan County
Planning & Conservation Department

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Director
Aaron C. Brault

May 23, 2024

Korry Ardell
W2002 Garton Road
Sheboygan, WI 53083

Dear Mr. Ardell,

On May 23rd, 2024, I visited your property located in the town of Mosel near the intersection of Garton Road and State Highway 42. Utilizing Sheboygan County's satellite imagery data, I noticed a significant amount of disturbance to the property in recent years. Disturbance refers to activities such as excavation, clearing and grubbing, and grading, among others. According to Sheboygan County's Erosion Control/Stormwater Management Ordinance (Chapter 75), any project that involves disturbance that exceeds one acre requires an erosion control permit. Furthermore, if there is to be over one acre of impervious surface once the project has been completed, a stormwater management permit is also necessary.

I estimated that the area of disturbance/impervious surface appears to be at least 1.5 acres. Consequently, you will need to apply for an erosion control and storm water management permit. Since the disturbance has already occurred, a double fee will apply. Additionally, you will need to work with an engineer to develop and execute an acceptable stormwater management plan, such as constructing a stormwater retention pond. Please submit a completed permit application, payment based on the size of the site, and stormwater management plans by **no later than June 22nd, 2024**.

With this letter I have included a copy of the Stormwater Management Plan Guide and the ECSM Permit Application. Don't hesitate to contact me or Tyler Betry within our office with any questions or concerns.

Sincerely,

Katie Hanson

Katie Hanson
Conservation Specialist
Sheboygan County Planning & Conservation Dept.
920-459-1375
katie.hanson@sheboygancounty.com

cc: Tyler Betry, Town of Mosel