

MINUTES
TOWN OF RHINE PLANNING COMMISSION
Wednesday, February 14, 2018

GENERAL MEETING

Chair: Todd Purkey

Members Present: Larry Eberle, Zimmerman, , Fiorenza

Also Present: Lexann Hoogstra, Clerk/Treasurer

1. Call to Order – Compliance with Open Meeting Requirements:

Called to order at 6:32 by Todd Purkey. Meeting was posted and published Jan 31, 2018 and February 7, 2018.

2. Pledge to the Flag:

3. Minutes of January 10, 2018: A motion to accept the minutes as written was made by Zimmermann. 2nd by Fiorenza. All in favor. No nay votes.

4. Public Comments: No public comments of a general nature.

5. Public Hearing:

To consider the application of Michelle Barbieri of W5740 Garton Road, Plymouth, WI 53073, for a Conditional Use permit to operate Taouschek's Pine Lodge Country Bed and Breakfast as the new owner. (parcel # 59018256400)

Public Comments: None

Planning Committee Deliberation:

Fiorenza requested clarification as to how many employees the applicant proposes to have.

Michelle Barbieri stated her goal is to try to operate by herself during low season. During high season she will need additional staff., and she is estimating she will need at least one additional staff member during those times and possibly two part-time employees.

Eberle asked if she was aware of the previous CUP on the property. The clerk provided a copy of this to her, and it was reviewed..

Eberle brought up an issues with item #3. He feels that the sign needs to be removed off of the town's Right of Way. He feels that this sign needs to be moved to be in compliance with the town's sign ordinance. Zimmermann explained the easement requirements. There was a discussion on how to correct the situation.

Purkey asked for clarification of the signage location and requirements. He said he doesn't know what happened 14 years ago and what the ordinance was then. He asked if this sign could be grandfathered in so that it didn't have to be moved. He commented that in order for Michelle to be confident the sign was moved to the correct location that she might need to get a survey. Eberle said he would be comfortable just using the utility lines. He also commented that no one has actually measured the sign. It's just on town property in the easement area, and he feels it should be moved now.

Michelle commented that there is electricity running to the sign. This will not be an easy or inexpensive move. She wants to understand the town ordinance and why she has to spend money to move her sign one foot.

Fiorenza commented that she is very pro small business. She is not aware of any complaint about the applicant's sign. Fiorenza DOES have experience with the sign business. She feels it might cost approximately \$500.00. She has her own complaints about other signs that are interfering with the aesthetics of the neighborhood. Michelle's sign does not interfere with that.

The actual name should read Taouschek's Pine Lodge Country Inn. She plans on dropping the "Taouschek's" off of her business name in approximately several months or a year. Eberle moves that she can wait to change the sign until she can also change the name on it.

Motion to approve the CUP with the change in line 1 that she be permitted to have two part-time employees and the signage be changed within 16 months by Eberle. 2nd by Fiorenza. No further discussion.

Roll call vote: Zimmermann – yes. Eberle – yes. Fiorenza – yes. Purkey, chair – yes.

Application will be sent to the Town Board for approval.

7. Public Hearing:

To consider the application of Daniel and Tammy Scharenbrock of 852B Crystal Rd., Kiel, WI 53042 to rezone their property at that address from A1 to R1. Parcel # 59018251142.

Public comments:

Kelly Ninmer: She gave a history of the use of the land and boundaries. She states that the Scharenbrocks moved the survey stakes a few years ago. She provided a survey from Mike Kober showing this land is hers. There is ½ acre in dispute. She has paid taxes on that land for the last 30 years. She wants the boundary dispute corrected before the land is rezoned.

Dan Scharenbroch: He rebutted that if you look at the plot of survey, there is a little sliver on the north end. He said the only person who has an issue with boundaries is the Ninmers. The other neighbors do not have any issue with it. His survey shows the area is .4 acres and that it is his land. His survey was done by Tony Lulof, and it is only one year old. Both parties feel that they have paid for that piece of land. He feels he is being held up with his request because of this “dispute”.

Both Kelly Ninmer and Dan Scharenbroch commented on their personal feelings about the land in dispute and why they believe they are the rightful owners

There were no other public comments.

Planning commission deliberation:

Chairman Purkey mentioned that it is difficult for the Planning Commission to follow through with a rezone request when there is still a conflict and civil issue between property owners. He feels that the civil issue has to be settled first. Zimmermann does not feel that the Planning Commission or the Town Board should be accountable for determining what the property boundary lines are. It is a civil issue which needs to be solved before this decision can be made.

Tammy Scharenbroch commented that they did everything properly when they purchased the land. When they bought the land they paid for a survey so that there would NOT be any discrepancies with the property lines and boundaries. The surveyor placed property lines at that time. She feels like she has done exactly what they were supposed to do in order to do things properly and to officially determine lot lines. During the process some of the survey stakes were moved. She said if they are delayed it will affect their builder and their plans.

Dan Scharenbroch said this is an issue between the Ninmers and the Scharenbrochs. He will go to court with the Ninmers if necessary, but the Ninmers don't want to pay to go to court. If they want the property, they need to take them to court. Purkey explained again that it is difficult to determine or allow a rezone while there is a civil matter.

Purkey has a question about the home they want to build. Building a home on A1 does not have to be rezoned if there is 35 acres or more. Eberle said if they have more than 35 acres so they don't have to rezone in order to build their house. The town set up the 35 acres designation for that zoning for years.

The application to rezone has been rescinded. No action is needed. This will be discussed at the next Town Board.

8. **Chairman information report:** There will be a joint meeting with the Town of Plymouth on Feb 28 at 6:30 to review the boundary agreement request of RaceTrack Town Homes at the Town of Plymouth.

9. **Next meeting date:** – Feb. 28, 2018.

10. **Adjournment:** Motion to adjourn by Zimmermann at 7:10 p.m. . 2nd by Fiorenza. All in favor. No nays.

Respectfully submitted,
Lexann Hoogstra, Clerk/Treasurer
Town Rhine