

TOWN OF RHINE
BOARD OF APPEALS MINUTES
Wednesday, June 24, 2020 7:00 pm
W5250 CTH FF, Elkhart Lake, WI 53020

Present: Jon Rost, Darrell Abston, Paul Boocher, Mark Pfaller, Christa Johanson (remotely)
Also present: Legal Counsel, Paul Dirkse and Clerk/Treasurer

1. **Call to Order:** 7:00 pm by Jon Rost.
2. **Determination of compliance with Open Meeting Law:** Published and posted as required. Media was notified.
3. **Minutes of Jan. 22, 2020 to be approved:** Motion to approve by Boocher. 2nd by Abston. All in favor.
4. **Discuss and possibly act on the following requests:**

*A. Ben and Gloria Miller of W6393 Forest Road, Plymouth, WI for a variance to remodel their home at N7343 County Road J in Plymouth, WI. (Parcel 59018260990) **The proposed setback is 19.4 feet from the centerline and the side yard is 10.6 feet.***

Regarding the above, town ordinance 4.10 (4) (5) (a) 2 states, the setback is "Sixty feet (60') from centerline except in platted subdivisions where the setback distance shall be thirty-six feet (36') from the right-of-way lines, as shown on the recorded plat but not less than thirty-six feet (36') from outside of and nearest point on the boundary line of the highway."

Ordinance 4.06 (1) (e) (2) states, "Side - Sum of widths shall be thirty feet (30'); single side yard a minimum of twelve feet (12')." The proposed yard is 10.6 feet.

Public Comments: None.

Deliberation by board:

Ben Miller addressed the board and presented a slide show presentation of his application, including maps, photos and an overall explanation of their request and the hardships involved. He reviewed how the proposed enhancements would be beneficial to the town, as well as his own property.

Johanson asked for the emails received by the clerk to be read into the record, so Rost did. Each one expressed support for the Miller's request.

Pfaller expressed to the Millers that this was an excellent presentation. He expressed that this request is a "no-brainer".

Boocher agrees with Pfaller. For the record, he wished to compliment the Millers for their efforts and the excellent package they presented.

Abston agrees with the request and thinks it is a very good request.

Johanson concurs with the other comments. Rost also commented on the excellence and quality of their package.

Paul Dirkse noted that the road is actually a class B highway.

Roll call vote to approve the request: Johanson – yes. Paul Booher – yes. Mark Pfaller – yes. Darrell Abston – yes. Jon Rost – yes.

B. Thomas and Sarah Awe of N7952 Deer Run Lane, Elkhart Lake, WI for a variance to build their home at the same address. Parcel 59018257663. Town ordinance 4.05 (2) (c) 2 states the rear yard should have a setback of 100 feet. Proposal is 25 feet.

Public Comments:

William Zingraf, a neighbor, spoke. He said he sees no problem in the requested variance.

There were no other public comments.

Deliberation by board:

Rost read 2 emails into the record. Both of these neighbors are in support of Awe's request.

Rost commented that he made a visit to the site. There is not a substantial difference in the existing location of the house and the proposed location.

Booher asked if there is a reason why the building could not be moved more in line with the old house. Awe explained that the proposed location is necessary due to the new septic system and proper distancing that needs to be maintained. The proposed location is to honor the septic system requirements.

Booher asked about moving it to the southeast. Awe explained the proposed plans for the driveway, etc. and that his plans would create more green space and would eliminate driveway problems. Discussion followed on reasons for proposed location. Booher feels a 25 foot variance when the ordinance requires 100 feet is somewhat severe. Pfaller is understands the justification for the proposed location.

The building inspector, Tony Leonard, provided clarification on the application and proposed location of the new house and why it is needed. It is not possible to get a 100 foot setback.

Paul Dirkse gave more explanation of the easement. Deer Run Lane is actually an easement, not a road, and so there is no real setback issue.

Abston noted that the board has approved a similar request at an earlier time.

Johanson is in support of the variance request.

*Roll call vote: Abston – aye. Pfaller – yes. Booher – yes. Johanson – yes. Rost – yes.
Request approved.*

- 5. Old Business:** There was a request to change the time of future Board of Appeals meetings to 6:30 instead of 7:00 pm. All members were in favor of making this change.

Booher would like to require future survey maps to be larger than 8.5 x 11. The applicant guide will be changed to reflect a requirement that maps be at least 11 x 17 inches or to scale in the future.

- 7. Next Meeting:** TBD

- 8. Adjournment:** Motion to adjourn at 8:11 by Rost. 2nd by Pfaller. All in favor.

Approved