

MINUTES
TOWN OF RHINE PLANNING COMMISSION
Wednesday, January 10, 2018

1. **Present:** Todd Purkey, Mark Pfaller, Joanie Fiorenza, Larry Eberle, Frank Zimmermann
2. **Call to Order** – Called to order at 6:30 pm by Todd Purkey
3. **Compliance with Open Meeting Requirements.** (Published December 27, 2017 and January 3, 2018.)
4. **Pledge to the Flag**
5. **Minutes of the December 13, 2017 meeting** - Mark Pfaller said his name was not listed as attendee for Dec. or previous meeting: Clerk will correct it. Motion to accept with correction by Frank. 2nd by Larry. All in favor except Joanie. Joanie abstained. There is a majority, minutes approved.

6. Public Hearing

To consider the application of Barbara J. Ingels of N8071 CTY Rd. E, Elkhart Lake, WI for a Conditional Use permit to allow her to have a pony on her approximately 1/2 acre property for medical reasons. Property is zoned R1. (parcel # 59018256890)

Public Comments:

Todd Purkey mentioned he has a plethora of information regarding the request. He read a letter from Barbara Ingels into the record.

Paul Booher: He mentions that this is an unusual request. He wondered if the committee would have different considerations if the request was from other R1 small lot areas. He noted that in the letter from Barbara she mentioned that she has a 9 mile drive to see her pony. He suggested keeping it at the Amazing Grace Sanctuary, which is 2 miles away.

Barbara Ingels: She said that they don't accept boarding animals at Amazing Grace, only rescue animals. She has checked on other boarding possibilities, and there are none available.

Jeff Faust: He inquired about the size of the pony and if it grows to horse size.

Fred McDaniel: Mr. McDaniel has a concern about the waste, the odor and the electric fence that has been put up. If anything he would require a 6 ft fence because he doesn't want to deal with it. He has safety concerns about his grandkids visiting and the electric fence.

Barbara responded that her pony is a "big pony, not a little tiny thing". She will clean up the waste on a daily basis. She prefers to haul it weekly, but can do it more often if necessary. She replied that her fence is 4 ft. fence, not 6 ft. and that if the grandkids climb a 4 ft. fence it's not her problem. She said the electric fence is on her side of the picket fence.

No other public comments.

Planning commission:

Pfaller inquired about the zoning ordinance and if what animals are allowed in an R1 zoned area. He is concerned that the pony is categorized as a farm animal, rather than a pet. He explained that the town also has to deal with animal units, not just number of animals.

Zimmermann mentioned previous requests from residents of an R1 area that wanted farm type animals, and they were not allowed. He said that Ingels' letter sums up her real request. If it is granted, the town would have other such requests. He explained that the problem is R1.

Joanie asked if she is unhappy with where her pony is boarded now. Ingels is not, but the trip is inconvenient. Joanie has done some research regarding the minimum recommended acreage for a pony. She found no responses recommending an area of under ½ acre. She mentioned she has concerns about the welfare of the pony if it is moved to her home, which is less than ½ acre

Ingels offered to try this for a shorter period of time on a trial basis. She said the electric fence is not currently hooked up.

Zimmermann feels the simplest answer is for her to purchase 5 acres of land, zoned A2. He is uncomfortable with starting this precedent. Ingels does not want to do that. She is sensitive of the situation it could cause within the town.

Eberle mentions the lot is small. He also had concerns about her septic system. She has a holding tank which is pumped regularly.

Pfaller: Mentioned concerns about the wellbeing of the animal. His other concern is for the precedent that would be set if this is granted. Unfortunately, R1 is R1. He does concede that the property is rural, but the house to the south is only 10 feet away. The surrounding environment is R1 for all of the neighbors, not just her. He does not feel it is appropriate for the neighbors, zoning, and other issues.

He also has an issue with the electric fence. He feels that is inappropriate and not prudent in a residential area. He mentioned that he lives on Shoreland Rd and that there are 3 boarding houses within walking distance of his home. He presented that she could consider making a request to board her horse at one of those facilities.

Zimmermann motions to deny the request for a CUP . 2nd by Fiorenza. Vote: All in favor of denying the application. The planning commission will recommend to the Town Board to deny this request to board a pony at her residence. The next Town Board meeting is Feb. 6

7. **Next meeting date** – Possibly 2nd Wed of Feb, 2018

8. **Adjournment** - Motion to adjourn at 7:03 p.m. by Frank Zimmermann. 2nd By Joanie Fiorenza. All in favor. no nays.

NOTICE IS HEREBY ALSO GIVEN that although a quorum of Rhine Town Board may be present and may take part in these discussions, no formal action or vote may take place at this meeting.

ANY PERSON REQUIRING SPECIAL ASSISTANCE TO PARTICIPATE IN THE MEETING SHOULD CONTACT THE CLERK AT 876-3413 24 HOURS PRIOR TO THE MEETING