

MINUTES
TOWN OF RHINE PLANNING COMMISSION
Wednesday, April 10, 2019

Present: Bill Jacob (chair), Mark Pfaller, Larry Eberle, Christa Johanson

1. **Call to Order:** Meeting was called to order at 6:35 by Bill Jacob.
2. **Compliance with Open Meeting Requirements:** Meeting was published March 27 and April 3, 2019.
3. **Pledge to the Flag:**
4. **Approve Minutes of the March 13, 2019:** TABLED until next meeting
5. **Public Comments of a General Nature:** None
6. **Public Hearing:**

To consider the application of Daniel and Debra Heimann of W5373 County Rd. EH, Elkhart Lake, WI to rezone their property at W5373 County Road EH, Elkhart Lake, WI from A1 to A4. (approximately 3 acres of the land . Parcel # is 59018252270.

Public Comments: Johanson noted that the original application was a changed from R1 to A4. According to ordinance, she is not sure if the parcel qualifies for A4. Jacob commented that there had been discussion regarding A2 vs. A4 zoning categories.

The applicant clarified that they are not as concerned about the zone, just the ability for their son to be able to build a home on part of the land.

The committee reviewed the Heimann's application.

Johanson read a section from the town's ordinance book which gives a description of the zoning requirements for A4. She doesn't feel that the

Johanson made a motion to approve the zoning change from A1 to A4 as the application states. 2nd by Eberle. Roll call vote: Eberle – no. Johanson – no. Pfaller – no. Jacob – no.

In regards to rezoning the property from A1 to R1, Johanson feels the application is missing a couple of items as per Ordinance 4.15 (3). There is no hardship listed on the application. She would like to give the applicants time to provide more information.

Pfaller agrees with Johanson. He did state that those items listed by Johanson are stated in the ordinance book, but are not on the application itself.

Pfaller noted that the applicant is essentially asking for a new non-conforming lot to be established. When that is done, certain guidelines must be met for the new zone. He feels that a survey needs to be done first.

The applicant's son is their only heir. He will eventually own all of the land anyway. They don't really care about the zone, they just want the son to be able to build a home for himself.

Eberle and Johanson mentioned that a house could be built on the parcel now, without rezoning it.

Pfaller gave a brief history of the Town's Long Range Plan, which has been worked on and in existence for nearly 20 years. The state required every town to produce a Smart Growth Plan as well. Because of those 2 things he feels the change of getting an R1 zone are very slim. Christa suggested that the applicants review the town's zoning code within the ordinances, chapter 4, further.

Johanson feels the application is incomplete. She would like to see a different zone requested.

4.15 3 e is the section which describes the requirements for a rezone.

Scaled plat plan or survey map which shows adjacent property zonings, etc.

Eberle suggests they build the house on one of the 40 acre parcels. The house would be under their ownership though, and not the son's.

Johanson suggested that amending the parcel size to A2, which requires 5 acres, could work for rezoning.

It was noted that the town received no complaints or concerns about the request.

Jacob clarified that a CSM is not required. Johanson noted the ordinance requires it. Jacob and Eberle noted the commission has not been requiring a CSM. Eberle mentioned that if the TB approves the change, then a CSM will be required.

Eberle made a motion to change the zoning request to A2 with 5 acres. and present that to the Town Board.

No 2nd to the motion. Jacob said the request will have to come back to the planning commission with the additional information requested by Johanson.

Johanson motioned to table the request to next month so that the applicant can amend and complete their application. 2nd by Pfaller. Eberle feels that is unnecessary.

Larry – no. Johanson – yes. Pfaller – yes. Jacob – yes.

Requesting an aerial map showing the 5 acres, the new zoning change, what hardship will be suffered if denied, zoning of neighboring properties, etc.

Jacob explained that the committee's role is to be helpful and to help the applicant be successful.

New business: Johanson noted that tonight's meeting is an example of how the town has been doing a bad job of giving complete information to applicants. She recommends the ordinances be looked at. We should follow them until they are changed. She recommends the application be updated and cleaned up along with a guide on how to complete it correctly, including examples, etc. Pfaller noted that it is not the committee or the town's responsibility to solve the applicant's problem or to make their choices for them. Jacob would like to see the application process updated as well.

Discussion on updating the application and process for a rezone so that the committee can make better decisions easier. Christa will work on a draft of it.

Item 2: Johanson brought up the Town Board meeting last night. The TB voted on a recommendation from the planning commission. During the meeting there was no request by the chair for a summary of the planning commission's decision. She feels there was no consideration given to the work and deliberation that the planning commission had done previously. So she did some more research into the ordinances and requirements for a rezone. She feels the planning commission should at least be heard at some point in the Town Board meeting so that there can be explanation of their recommendation provided and be heard. In the future a recommendation should be made to the Town Board in writing. Eberle feels that it is in the minutes of the planning commission.

The code is set up as a 2 tier system to approve a rezone. That indicates how serious a rezone is. The TB should pay more attention and study and consider the recommendation from the planning commission. A summary of the planning commission's recommendation should be heard by the TB before they vote on the request.

Jacob noted that her concerns are well taken.

Johanson will make a draft of a new application for rezoning.

Motion to adjourn at 8:14 by Johanson. 2nd by Eberle. All in favor.

8. Next meeting date: May 8, 2019 at 6:30 p.m.

9. Adjournment: Motion to adjourn at 7:.

APPROVED