

**TOWN OF RHINE BOARD OF APPEALS
PUBLIC HEARING AND GENERAL MEETING
Wednesday, August 24, 2011**

1. CALL TO ORDER

The Town of Rhine Board of Appeals Public Hearing was called to order by Vice Chairman Mark Pfaller at 7:00 PM on Wednesday, August 24, 2011 in the Rhine Town Hall, W5250 CTH FF, Elkhart Lake, WI. A quorum was present which consisted of the following:

Vice Chairman: Mark Pfaller

Members: Paul Booher, Ron Book, Ron Platz, Darrell Abston

Absent: Chairman Jon Rost

Clerk/Treasurer: Bonnie Stoelting. Office Assistant: Robin Grabinski

- 2. Determination of compliance with Open Meeting Law.** Published on Tuesday, August 2 and August 9, 2011. Posted Tuesday, August 2, 2011. Agenda posted on August 18, 2011.
- 3. Minutes of February 23, 2011.** A motion to approve the minutes with a correction to the call to order as written was made by **Booher**, second by **Abston**. Discussion: None. Motion carried with no nay votes.
- 4. To hear public comment and consider the request William Stroo, N7429 Lake Terrace Dr., Plymouth, WI. to change a flat roof on a shed to a gable roof.** Section 4.06(1)(f) requires every building hereafter erected or structurally altered on lots abutting the lake shall have one acre and be 100 ft. in width. Section 4.06(1)c(2) requires 8,000 sq. ft. of property. The current property is 93 ft. wide by 146 ft. deep for a total of 15,373 sq. ft. Section 4.10(5)(a) requires 60 ft. from the centerline of 36 ft. from the right of way.

Booher indicated a discrepancy in the square footage of 13,784 rather than 15,373. Consensus of the Board of Appeals was this is not significant.

Mr. Stroo indicated he bought the property 10 years ago. He restated his request and also indicated that he intended to rebuild the entire shed. Bob Grimes, a neighbor, supported Mr. Stroo's request. An e-mail from Alan and Carla Ambrosious is support of the gabled roof request. Mr. Stroo stated his hardship was for storing tools and equipment. With no further public comment, the Public Hearing was closed.

- 5. Action on the Stroo Request.** BOA member **Book** indicated that the publication was a flat roof to a gable roof rather than replacing the entire shed. Mr. Stroo indicated that he structure would not get any larger and be on the same footprint. **Booher** felt the Building Inspector incorrectly denied the Building Permit, based on 4.06(1)(f), (platted before 1990), 4.06.(1)c(2) (sewered parcels) , and 4.10(5)(a) (set-back). He felt that Mr. Stroo should not have been required to request a variance and indicated that the \$400.00 fee should be returned by Independent Inspections.

Pfaller stated that the request was noticed and published as a flat roof going to a gable. **Abston** indicated the verbiage was not Mr. Stroo was actually trying to do and had no problem with the Variance Request. **Booher** felt that if the new proposed Guide for Applicants had been available, this situation would not have occurred and felt the meeting was totally unnecessary. Section 4.11(5)(a) which indicates that "to hear and decide appeals where it is alleged there is error in any order requirement, decision or determination made by an administrating official in the enforcement of this Ordinance". **Pfaller** pointed out that the BOA has 20 days to make a decision and suggested Counsel be contacted and then issue a letter to the Stroo's. A motion to have the Clerk instruct the Building Inspector to issue a Building Permit for the entire shed replacement which a gabled roof as it is the feeling of the BOA that the Building Inspector made an error was made by **Book**, second by **Booher**. Discussion: The motion was restated. Motion carried with no nay votes.

- 6. Discuss and possibly act on revisions to Guide for Applicants.** A motion to approve the changes to the Variance Application was made by **Booher**, second by **Abston**. Discussion: None. Motion carried with no nay votes. A motion to approve the changes to the Guide to Applicants was made by **Booher**, second by **Abston**. Discussion: None. Motion carried with no nay votes.

7. **Old Business.** None.
8. **Correspondence.** None.
9. **Next Meeting** – September 28, 2011 if required.
10. **Adjournment.** At 8:00 PM, a motion to adjourn was made by **Abston**, second by **Book**. Discussion: None. Motion carried with no nay votes.

Respectfully submitted,

Bonnie Stoelting, Clerk/Treasurer
Town of Rhine