

**TOWN OF RHINE BOARD OF APPEALS  
PUBLIC HEARING AND GENERAL MEETING  
Wednesday, March 20, 2019**

**1. CALL TO ORDER:**

The Town of Rhine Board of Appeals Public Hearing was called to order by Chairman Jon Rost at 7:00 PM on Wednesday, March 20, 2019 in the Rhine Town Hall, W5250 CTH FF, Elkhart Lake, WI. A quorum was present which was made up of the following:

Chairman: Jon Rost  
Members: Mark Pfaller, Ron Book, Christa Johanson, Paul Booher  
Clerk/Treasurer: Lexann Hoogstra  
Town of Rhine Council: Paul Dirkse

- 2. Determination of compliance with Open Meeting Law:** Published on March 6, 8, and 13, 2019 and posted in 3 places as well as on the town's website.
- 3. Minutes of August 22, 2018:** A motion to approve the minutes as presented was made by Johanson. 2<sup>nd</sup> by Pfaller. Discussion - none. Motion approved with no nay votes.
- 4.** To hear public comment and consider the request of Michael Dobrynio and Julie Lutz Dobrynio of W6646 E. Shore land Rd., Elkhart Lake, WI 53020 for a variance to change the grade of their property in an R1 District within 12 feet of the lot line adjacent to W6650 E Shoreleand Road, to Town Zoning Code sec. 4.04 (2) g.

**5. Public Comments on Dobrynio Request:**

Joe Majerus of Landmark Landscapes addressed the board with a power point presentation which reviewed the highlights of the variance request and presented the suggested solutions and landscaping. The proposed solution revolves around a series of landscaped terraces. The variance is being requested mainly to correct safety issues on the property.

Dan Waibel feels that more engineering details are needed before a decision can be made.

Roger Miller of Miller Engineering noted that he has worked with Waibels as an engineering on their project. He has concerns about the suggested land modifications. He has concerns about the geogrid and the use of rounded boulders. He would like to ensure that if the variance is granted, that certain conditions be written into it and that there is a way to review and enforce them.

A question and answer period regarding the engineering process and construction over the past 2 years followed.

Jesse Burg, contractor for the Dobrynios, noted that his homeowner has the right to change his mind. The requirements do not require the Dobrynios to have a geotechnical engineer. Majerus is highly qualified and experienced to do the landscaping work. Johanson verified that as a professional he carries insurance. So does Majerus.

## **6. Deliberation and Action on Dobrynio Request:**

Majerus explained his response to the letter from Miller Engineers. (A copy of the letter is in the file.) He pointed out that some of the comments in Miller's letter are false and inaccurate.

Book has a concern that the County Planning approval was just signed today. Book motions to open public comments again. 2<sup>nd</sup> by Booher. Roll call vote: Johanson - no. Pfaller - no. Booher - yes. Book - yes. Rost - yes.

Rost noted 3 letters received by email. Each supports the request of Dobrynio as presented. Majerus commented on the county's approval of the project which was given today.

No other public comments. Public comments session closed again.

Johanson made a motion to approve the request of Dobrynio under the condition that the landscaped terraces not exceed a 1 to 3 composite grade pursuant to section (4.04) (2) (g) of the town ordinances. 2<sup>nd</sup> by Book. Roll call vote: Johanson - yes. Pfaller - yes. Booher - yes. Book - yes. Rost - yes.

## **7. Old Business:**

Johanson mentioned that the packet for the BoA has been worked on recently. She is working on an updated application. This will be reviewed at the next BoA meeting

**8. Next Meeting:** April 24, 2019 at 7:00 p.m. for the purpose of reviewing the BoA packet. Annual meeting is April 16<sup>th</sup> at 7 pm (elections 2<sup>nd</sup>, TB 9<sup>th</sup>, annual 16<sup>th</sup>)

**9. Adjournment:** Motion to adjourn made by Johanson at 8:37. 2<sup>nd</sup> by Booher. All in favor.

Respectfully submitted,  
Lexann Hoogstra

Clerk/Treasurer

Approved

Approved