

**TOWN OF RHINE PLAN COMMISSION MINUTES**  
**with public hearing**  
**Wednesday, March 10, 2021 at 6:30 PM**

Join Zoom Meeting

<https://zoom.us/j/98052396232?pwd=OUFnZlJlOzMzE2eC9QVTJlPVJFkL0ttdz09>

Meeting ID: 980 5239 6232

Passcode: 575821

Present: Jacob, Fiorenza, Eberle (remotely) and Pfaller and Booher in person.

1. **Call to Order and Compliance with Open Meeting Requirements:** Called to order at 6:33 pm by Bill Jacob. The meeting was posted and published as required by law, and the media was notified.
2. **Pledge of Allegiance:**
3. **Approve Minutes of the January 13, 2021 meeting:** Motion to approve by Eberle. Fiorenza would like a notation in the Allman request section, stating that the request would be in compliance with the LRP. Per Jacob, we will make note that Allman's request IS consistent with the long range plan. 2<sup>nd</sup> by Booher. All in favor.
4. **Public Comments (general nature):** None.
5. **Public Hearing - discuss and possibly act on:**
  - A. **Jeff Ebersole of W4637 County Rd. EH, Elkhart Lake, WI 53020 to rezone his property located on County Rd. A, ¼ mile west of Highway 57, from A1 to A2. Parcels are 59018256800 (20 acres) and 59018256790 (40 acres).**

Public Comments on this request: Ebersole gave a summary of his request and why he wants it. He will retain the property and split it in two parcels. He would like to give one to his daughter and one to his son; neither have intentions of building in the near future.

Darrel Abston sent a letter to the clerk. However, now that he understands the request he has no problem with the request.

Hans Kuhn spoke. Fundamentally, the LRP is meant to maintain open and agricultural space. He thinks this request would support that. If the children don't intend to build right away, he has no objections. He wants to maintain the Agricultural zoning. He doesn't mind dividing the land, as long as it remains A1.

There were no other public comments.

Committee Discussion:

Jacob asked for clarification of previous requests. Ebersole explained that a previous request applied to the parcel that he lives on. These are different parcels.

His request is for A2 because he believes that would allow a house to be built on each parcel. He is open to what zone best suits the township, if it can be built on later.

Pfaller had questions for Ebersole. He believed that the previous request was to gift land to his kids. Ebersole clarified that. Pfaller understands the request for A2, but the board is reluctant to do that because it would split land even further. Ebersole would continue to farm the land for now; it is leased out.

Fiorenza would like the land to remain A1. If Ebersole's intent is to give the land to his children, the zoning would not need to change.

Booher asked if the land stays A1, could a home be built on the new smaller parcels. Jacob replied that a home could not be built on an A1 parcel of 30 acres.

Pfaller agrees with Kuhn. There is no reason Ebersole can't give the land to his children and keep it A1. If they want to build on it later, they could come to the town at that time.

Eberle noted that he could rezone to A1 and put it in their names. When the children want to build they would have to come to the town and apply at that time.

Ebersole says he should leave the land as A1 now and his children can come to the town at a later date. He would still need to split the land.

Eberle made a motion to deny the request, as Ebersole can split the property and leave it as A1, noting that a home could not be built on a parcel of less than 35 acres, zoned A1. 2<sup>nd</sup> by Pfaller. Booher says no action needs to be taken. Roll call vote: Eberle – yes. Pfaller – yes. Fiorenza – yes. Booher – no. Jacob – yes. Motion carried.

**B. Peter and Alice Schaff of 1034 Chestnut Avenue, Wilmette, IL 60091 to rezone property at W6654 county Road A North, Elkhart Lake, WI 53020 from A1 to A5 for 12 acres of parcel 59018258791. The remaining 39.63 acres would remain zoned as A1.**

Public comments on this request:

Mrs. Schaff gave a brief review of their request. They plan on purchasing this property, and they are interested in protecting the property from future development. The zoning is A1 and only supports one home as is. They would like to be able to have 2 homes, the existing one and a new one. The request to rezone 12 acres to A5 and leave the remaining acres as A1. Their new home would be built on the 39 acres and they would like to sell the other 12 acres to a preservation/conservation minded owner.

Several individuals expressed their support for the request. There were no negative comments about the request.

There were no other public comments.

### Committee Discussion:

Fiorenza is in favor of the request. She asked how the town can confirm that the request would actually go through, as far as the conservation achievement. Mr. Schaff explained the research and work they have done to ensure this. The application for the easement with Glacial Lakes has been made. There are time restraints they must agree with for this to happen.

Glacial Lakes Conservancy is in agreement with the proposal and in working with the Schaff's. (Abby from CLL noted that it will be taken to their board meeting next week.) The Schaff's hopes to have the approve from CLL by April's Town Board meeting.

Eberle asked what a conservation easement covers and what the regulations for that are. Abby of GLC explained that it preserves conservation of the building, it stays with the property forever.

Eberle would suggest that instead of rezoning to A2, the town should consider an upland conservancy zone of C2, for the 12 acres. He explained the major difference between a C2 and A5 zone. Booher noted that a C2 would essentially give the parcel owner the same uses as an A1 or A2.

There was a brief conversation between the committee members regarding the appropriate choices of zoning.

The applicant wants to ensure they could sell that property with the hopes that a future buyer could restore the existing buildings. He asked if someone could renovate and expand the existing home, if that could be done.

Pfaller read the C2 guidelines into the record.

Booher made note that the Schaff's do not currently own the property and that at some point the current owner might need to be involved. Schaffs hold a binding contract to purchase the property. They don't want to finalize the purchase if the rezone is not approved.

Motion by Booher to recommend to the Town Board to approve the rezone of 12 acres to C2 and the remaining parcel to be left as A1, on the condition that this approval is contingent upon finalizing and completing the sale of the property to the Schaff's. 2<sup>nd</sup> by Fiorenza.

Roll call vote: Eberle – yes, Booher – yes, Joanie – yes, Pfaller – yes, Jacob – yes.

- C. **Continue work on review of application form for plan commission:** There is a need to upgrade and improve the current application. Fiorenza and Eberle will continue to work on an improved application.

Jacob noted that the county has denied the Allman request to rezone due to an issue with a 66 - foot setback required by the county. Fiorenza has spoken to Tyler Betry at the County Planning Department regarding this.

There is another situation with the Elgin warehouse and CUP. The state Safety Inspector questions whether the property is commercial or agricultural. He deems it to be a commercial

building because of the way it is being used. Mr. Elgin has stated that the town will be hearing from his attorney.

In light of these situations, Paul Dirkse is working on a hold harmless clause to be added to future applications and rezone/CUP approvals.

7. **Next meeting date:** April to adjourn at 7:46 by Fiorenza. 2<sup>nd</sup> by Pfaller.
- 8 **Adjournment:** Motion to ap

APPROVED