

TOWN OF RHINE
BOARD OF APPEALS MINUTES

Wednesday, May 26, 2021 at 6:30 pm
Held at Town of Rhine Town Hall, W5250 CTH FF, Elkhart Lake, WI 53020

Present: Jon Rost, Mark Pfaller, Ron Book, Paul Booher. Legal counsel, Paul Dirkse,
(Christa Johanson entered the building but declined to come in and participate because no one was wearing a mask.)

1. **Call to order:** Meeting was called to order at 6:33 pm by Jon Rost.
2. **Determination of compliance with open meeting law:** The meeting was posted and published as required. The media was notified.
3. **Minutes of September 23, 2020 to be approved:** Booher made a motion to approve the minutes as presented. 2nd by Ron Book. All in favor.
4. **Public comments:** None
5. **Deliberation of the board members:**

Mr. Hemb explained his hardship to the board. He stated that he owns about 8 older cars and others. He also plans on purchasing a motor home or a 5th wheel with an air conditioner on top. These vehicles would not fit inside a garage without the added height. If he has to store these items at a rental unit it would get quite costly.

Booher expressed he does not believe those reasons qualify as a hardship. He suggested that perhaps a flat roof would allow him to have a higher garage door.

There was discussion to clarify the situation with a 12-foot utility easement and the actual location of the proposed building. Dirkse explained that Hemb has to keep the 12 feet utility easement distance. There is no reason to add another 3 feet between the easement and the building.

Pfaller commented on the overhang. He would like to have the building plotted on the survey by the surveyor. His problem is not with the height, but wants to be sure the building is located in the proper spot. Rost concurs.

Rost explained that the applicant must show a legitimate hardship in order to obtain a variance. Has there been demonstration of a significant hardship been met? Has the applicant demonstrated the need for the board to grant the variance?

Roll call vote: Booher – no. Pfaller – yes. Book – no. Rost – no. The variance was denied.

Rost suggested to redesign the garage so that it met code and overhang setbacks.

Pfaller suggested that perhaps scissors truss could be used which could possibly lower the height and pitch. Booher suggested that perhaps a flat roof or one with just a slight pitch could solve the problem.

6. **Old Business:** Booher had suggestions to improve the Guide to Applicant section of the application. Rost suggested that he provide his suggestions to the clerk.

7. **Motion to adjourn** at 7:20 by Book. 2nd by Pfaller. All in favor.