



Village of River Hills
7650 N Pheasant Ln
River Hills, WI 53217

Village Hall: 352-8213
Public Works: 352-0080
Police: 247-2302

BOARD OF APPEALS MINUTES

Tuesday, March 10, 2020 @ 4:00 pm

1. Roll Call: was answered at 4 p.m. by Chairman Steven Spector, David Melnick, Billie Smith, and Don Daugherty. Karen Plunkett and Rosalie Gellman absent. Also present: Village Manager Tammy LaBorde, Deputy Clerk Stephanie Waala and Building Inspector Tod Doebler.

2. Approval of minutes for January 14, 2020 & February 10, 2020.

Motion by Daugherty and seconded by Smith to approve as submitted the January 14, 2020 minutes; motion carried unanimously.

Motion by Daugherty and seconded by Smith to approve as submitted the February 10, 2020 minutes; motion carried unanimously.

3. Consideration of Preliminary Matter of whether the Board of Appeals has jurisdiction to hold a Hearing in the Appeal of Jason Green, 1150 W River Ct regarding the Building Boards approval of a split rail fence in a permit issued to Tamara Miller and Jonathan Wertz, 1125 W River Ct. Further scheduling of a Hearing on the Appeal (if any) to be determined at this meeting.

Attorney Kirsten Hildebrand presented concerns of homeowner

- Notice of the fence request for installation approval was received only days before the meeting.
- Confusion around when the appeal process begins
 - Within the village ordinances there is reference to days, business days, and calendar days but do not know what the definition of any of those is.
 - There is no explanation of the process, the procedure or the timeline for the appeals process
 - Normal procedure of law requires notice be sent to affected parties after the decision has been made informing them of the decision and the steps need to be taken to appeal such decision
- Reference village ordinance 7.0904B – reasons for the Board’s determination and its finding of facts
 - Building Board minutes on December 16, 2019 state basic facts of the type of fence but there is no record as to the reasons to the board’s determination, reference to factual findings, or discussion of ordinances which will allow this type of fencing
- Requests Mr Green be allowed the ability to have a full, fair, and complete hearing
 - Reference Ordinance 7.1004B1 – alleged there is error in any order, requirement, decision, or determination made by an administrative official

Board of Appeals members Billie Smith asks Attorney Hildebrand where do you feel the village attorney made an error in his opinion of the timeline issue.

- Attorney Hildebrand references the last paragraph of the email where the village attorney states the failure to meet the timeline is his opinion but the Board of Appeals will need to address the timeliness and make its own decision

Board of Appeals member Don Daugherty asks Attorney Hildebrand if she agrees with the village attorney's letter stating the approval and filing of the minutes starts the time running for the filing of an appeal.

- Attorney Hildebrand agrees with what the ordinances are saying but claims they are vague

Board of Appeals Chairman questions the village staff if it has ever been required of them to notify affecting residents of a decision made by the Building Board.

- Village Manager Tammy LaBorde informs him no, there is a prior notice but not a follow up notice

Resident Jon Wertz informs the board that during the second meeting on the fence, January 20, 2020, the Building Board stated multiple times there would be no discussion or decision made on the split rail fence. The decision and action would only be taken on the chain-link fence.

Appellant Jason Green submitted this appeal due to sightline precedence. Currently two of the three sides of the property are surrounded by fences that were installed by adjoining neighbors. If this third fence were to be installed then the property would be completely fenced in.

Motion by Melnick and seconded by Daugherty to deny appeal on basis of not sufficient evidence because it was not timely made and no evidence was presented to change said opinion; motion carried unanimously.

4. Action on Appeal of Lance Lichter and Roxanne Davidoff, 2333 W County Line Rd regarding the Building Inspector's denial of a building permit application for construction of a new single-family home that would have a side yard setback of 36 feet. This is a violation of the Village of River Hills Ordinance Section 7.030 where the minimum side yard setback is 75 feet.

Architect John Vetter presents hardship and reasons for variance

- The property to the East is currently a vacant lot which is bordered by natural greenage
- A natural drainage swale runs through the property and the proposed location of the home would not affect it nor would it need to be moved.
- 30-40 trees would need to be cut down in order for the home to be within the setbacks

Board of Appeals member Billie Smith questions why can't the house not be rotated to run north south so it would not affect the drainage swale or trees and still be within the setbacks

- Architect John Vetter explains the proposed location would give the home the maximum solar orientation throughout the day, a natural prairie would not be disturbed, and there would be better views from this proposed location

Board of Appeals member Billie Smith questions what would be the cost to cut down the trees and relocate the drainage swale

- Architect John Vetter informs the board those numbers were not done and his opinion would be \$50,000 - \$75,000.

Board of Appeals member David Melnick questions why if there is already an existing home why not just add on to that home.

- Board of Appeals Chairman Steve Spector states he has been to the property and it would take a lot to move all the trees and the swale, plus there has been no opposition from the neighbors.

Motion by Smith and seconded by Daugherty to approve variance of side yard setback to be 36 feet; motion carried unanimously.

5. Adjourn

Motion by Spector and seconded by Smith to adjourn at 5:15 p.m.

Created by Stephanie Waala, Deputy Clerk, on March 13, 2020.