



**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**

### **Wednesday, June 24, 2020 @ 4:00 pm**

**This meeting was a virtual meeting through GoToMeeting – Meeting code 213-616-797**

- 1. Roll Call:** was answered at 4 p.m. by Chairman Steven Spector, Rosalie Gellman, Billie Smith, Chris Beidel and Kieran Donohue. Don Daugherty was absent. Also present: Village Manager Tammy LaBorde and Building Inspector Tod Doebler.
- 2. Approval of minutes for June 11, 2020.**

Board member Beidel suggested amending the minutes related to Mr. Kimmel's comments – that he did not object to chickens and that he had no problem with the noise.

Motion by Smith and seconded by Beidel to approve the June 11, 2020 minutes as amended; motion carried unanimously.

- 3. Action on Appeal of Michael Roginskiy, 8685 N Dean Circle regarding the Building Inspector's denial of a building permit application for installation of an in-ground pool that would have a side yard setback of 43 feet. This is a violation of the Village of River Hills Ordinance Section 7.030 where the minimum side yard setback is 75 feet.**

Homeowners Michael & Yulia Roginskiy were present. They stated there are six mature trees to be removed and the seventh is a pine tree that was thrown in as freebee. There are several scenarios to review. They talked with their pool company and moving the pool 17' to the west, the pool builder refuses to do this as they would hit groundwater. The pool can't go to the west as it will be in the floodplain. They met with Mustafa the Village Engineer and he stated there would be an issue with groundwater.

Board member Donohue asked where the other trees came from as originally there were only four trees. Mr. Roginskiy stated that the trees obstruct the pool location. Mrs. Roginskiy stated that they are not cutting down six trees. Board member Beidel asked to see the other quotes for tree removal. Mrs. Roginskiy will send them.

Chairman Spector asked which pool version they were going with. Mrs. Roginskiy stated that they are looking at the pool with the diving board, stairs, and basketball hoop.

Board member Smith asked about putting the pool parallel to the house. Chairman Spector asked if the pool could fit if it was north/south. Inspector Doebler stated that a 75' setback brings it to where the garage is. A north/south pool he would have to look at the setback from the house and staying away from the floodplain. The floodplain comes closer to the east side of the house. Board member Donohue asked what the main reason was for not running the pool north/south.

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Mrs. Roginskiy stated that the main reasons were the removal of trees, the floodplain, and the ground water. Further discussion took place regarding the setbacks and locations of the deck and patio.

Mr. Roginskiy noted that he has three sump pumps running all of the time on his property. If the pool were to go to the west they will hit the water table.

Board member Smith asked what would be feasible yet meet the requirements – a southern location, a mid location, or a northern location. Mr. Roginskiy stated that the pool builder and Mustafa said the best location was the southern location.

Doebler stated the four options:

1. Southern location
2. Can bring pool in and can meet the setback – appears would fit but does not have the information from the engineer regarding groundwater
3. Mid section – pool north/south – should meet the setbacks
4. Mid section – pool east/west – different to meet the setbacks

Board member Smith stated that the village attorney had stated that no variance could be based on economic loss as the hardship – what is the hardship?

Chairman Spector stated that someone needs to technically evaluate the location for the pool whether it is the Village Engineer or another group that is hired by Mr. Roginskiy. The Board needs all of the facts in order to make a determination.

Moved by Spector and seconded by Smith to recommend to have the Village Engineer provide an opinion as to which locations for the pool are plausible; motion carried unanimously.

Chairman Spector noted that in all future hearings, the filing fee must be paid in advance of scheduling the Board of Appeals meeting.

#### **4. Adjourn**

Motion by Smith and seconded by Gellman to adjourn at 4:46 p.m., motion carried unanimously.

Created by Tammy LaBorde, Clerk, on June 29, 2020.