



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, September 22, 2020 @ 4:00 pm

This meeting was a virtual meeting through GoToMeeting – Meeting code 177-957-117

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

2. Approval of minutes for June 24, 2020.

Motion by Gellman and seconded by Daugherty to approve as submitted; motion carried unanimously.

3. Action on Appeal of Dan Handle, 8755 N Dean Cir regarding the Building Inspector's denial of a building permit application for installation of solar array that would have a side yard setback of 51 feet. This is a violation of the Village of River Hills Ordinance Section 7.030 where the minimum side yard setback is 75 feet.

Homeowner Dan Handle appeals to the board that his reasoning for requesting this variance is that moving it would present an unnecessary hardship and injustice to the parcel. No neighbors have complained about the proposed location and it doesn't make sense to move it to the middle of the yard.

Justin Van Camp of Arch Electric adds that the current proposed location the array is partially blocked by a line of pine trees. If the array is to be moved south it would be more visible from Brown Deer Rd. It would also cause the electrical components to be farther away from the array which will result in voltage and performance drop.

Chairman Steve Spector inquiries if anyone has contacted the State of Wisconsin or Milwaukee County to see if they have any opposition to the location within the Right of Way. Justin Van Camp responds that he has reached out to Milwaukee County to get additional information and approval and is currently waiting to hear back.

Board member Chris Beidel asks for additional clarification on where the distances came from and why the setbacks are different for this particular project. Deputy Clerk Stephanie Waala clarifies that because the side yard of this property is a road, then the setback is based off of the road right of way which for Brown Deer Rd the ROW is 33 feet and that is taken away from the 75 feet to make the setback 42 feet from the proposed property line.

Board member Billie Smith questions sightline of the array and whether if it is installed in the current proposed location or within the setbacks it will still be visible driving down Brown Deer

Rd. Mr Handle agrees that he would be willing to put in additional pine trees to block said view coming east bound on Brown Deer Rd.

Board member Smith suggests the array be moved closer to the barn to offset any difference in voltage that would be lost by also pushing the array south within the setbacks. Mr Handle expresses his concern that moving it closer to the barn would cause shading in the morning which will bring down productivity as well.

Board member Rosalie Gellman questions what a hardship really is and what can we be more lenient on. It was determined that clarification on hardship will be sent to the board members as well as a review of previous decisions made by the board to see what the current precedence is.

Motion by Daugherty and seconded by Beidel to table item for further submission of hardship documentation; motion carried unanimously.

4. Adjourn

Motion by Daugherty and seconded by Beidel to adjourn at 4:52 p.m., motion carried unanimously.

Created by Stephanie Waala, Deputy Clerk, on October 9, 2020.