



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

Thursday, November 02, 2023 @ 4:00 pm

This meeting was an in person and virtual meeting through Zoom – 870 9395 1889, Passcode: 750969

1. **Roll Call:** was answered at 4:02p.m. by Chairman Steven Spector, Billie Smith, Chris Beidel, and Kieran Donohue. Alex Hawley was present via zoom. Don Daugherty excused until arrival at 4:20pm. Staff Present: Deputy Clerk Stacie Nelson and Village Attorney William Dineen. Village Manager Tammy LaBorde was present via zoom.
2. **Discussion/ Action approving of minutes from the April 24, 2023 meeting.**
Motion by Beidel, seconded by Hawley to approve minutes; motion carried unanimously.
3. **Action on Appeal of Andrew & Isabelle Holmstrom, 1045 W Calumet Rd., regarding the Building Inspector’s denial of a building permit application for installation of a ground mount photovoltaic system. This is a violation of the Village of River Hills Ordinance Section 7.0504 G5 (B) where the maximum height allowed is 10feet.**

Homeowner Andrew Holmstrom presented that they are asking for a variance from the 10foot height limit to allow the solar unit to be 12 feet in height. This will increase efficiency due to the current shading of trees. The system will be located in the back of the yard, next to the garage, with a garden under the solar array.

Chairman Spector reviewed the process of the Board of Appeals. The appellant should present and prove an unnecessary hardship, non-financial, for the variance appeal.

Holmstrom explained that the hardship would be the efficiency of the unit. The solar unit that will be installed is fixed base due to maintenance and cost. Smith inquired the distance to the garage and the trees. The system will be shorter than the tallest point of the gable on the garage. Looking at the garage, portions will be visible over the garage on the east and west sides. Evergreens have recently been planted and eventually will cover view from the street. Holmstrom used modeling software adjusting the height to obtain the most efficiency. Dual sided panels will be used to produce power on both sides, using the Village panels as an example of how it will work.

Attorney Dineen reminded the Board that unnecessary hardship and practical difficulty are synonymous. He asked if putting the unit behind the garage would reduce visibility from neighbors. Holmstrom said the unit will be placed in this particular location due to the aesthetics required by the Village.

After further discussion, the practical difficulty without the 2feet variance would be the production of the unit. There are trees outlining the property which produce shade. With the current model, efficiency would be at 69% compared to 87% with the variance.

Motion by Smith, seconded by Beidel, to grant a variance for a maximum height of 12 feet due to the practical difficulty/unnecessary hardship of the tree shading affecting the efficiency of the solar unit at the location of the solar unit; motion carried unanimously.

4. Action on Appeal of Cornerstone Development, The Grove at River Hills, regarding the Villages denial of a sign permit application for installation of a new development sign marketing the entire Grove community. This is a violation of the Village of River Hills Ordinance Section 7.0605 where the maximum sign is 6 square feet.

Joe Orendorf of Cornerstone Development discussed the community that is being built and the type of signs that have been used at previous developments along with what they are proposing for The Grove. Proposing one sign, 98 square feet, double sided panel, portrait orientation. The current ordinance reflects 6square feet, standard real estate sign. Signs used at other developments have a size of 64square feet. The proposed sign is clean, professional, and impactful for those driving along Brown Deer Rd.

Attorney Dineen provided background on the development agreement between the Village and Cornerstone that requires Cornerstone to meet certain valuation goals from the construction and sale of homes.

Orendorf referenced the standard V-shape sign that has been used in the past. One sided, landscape orientation, smaller in size at 64square feet that is solar lighted at night. The proposed sign is a cleaner look, aesthetically pleasing for Village and surrounding residents. The practical difficulty would be the opportunity to sell and promote the community. Chairman Spector inquired about promoting the community thru use of I-43 billboards for marketing. Orendorf responded that billboards have not been used due to the cost and effectiveness selling real estate.

Smith asked if the properties will be listed on MLS. The lots will eventually be listed as a home and lot package. Since addresses have not been assigned to the lots as of yet, it is hard to direct a potential buyer where to go without proper onsite marketing. Cornerstone will also market the community through their website, social media, and eventually MLS.

Discussion regarding additional signs within the community include individual lot parcels and the clubhouse, all which are contained within the community. Chairman Spector reiterated how the Board of Appeals sets precedence and we have to take this into consideration.

Donohue asked if the sign ordinance was for real estate or any signs. Attorney Dineen explained the ordinance and that the proposed sign is intended to be for the sale of real estate and while there is no permit required the size limit does apply and that is the issue to the Board. The Board can grant the variance as long as practical difficulty has been established.

Orendorf mentioned that Cornerstone would like to at least have the standard V-shape sign that is at other Cornerstone locations. He is suggesting that if the 98square foot is not approved they would like to have the 64square foot sign. The sign would be up no longer than three years. Chairman Spector discussed how the practical difficulty would be the visibility. The board had a discussion regarding the sign variations, orientation of sign, and overall features for both the 98square foot and 64square foot or different size all together.

Motion by Beidel, seconded by Daugherty, due to the practical difficulties that Cornerstone faces with a sign limited by the 2 foot by 3 foot size limit of the sign ordinance, to approve a variance from the 6 Square foot limitation on a sign to allow a sign up to 64 square feet, consisting of two - 32 square foot 4 feet in height by 8 feet in width panels in a V-shaped Landscape orientation, with an 8 foot from the ground maximum height, with solar lighting for at night, located on Brown Deer Road for a period of three years.; motion carried unanimously.

5. Adjourn

The meeting was adjourned at 5:27pm

Created by Stacie Nelson, Deputy Clerk on November 9, 2023