



Village Office 2990 S. Pine Tree Rd, Hobart, WI
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**Board of Appeals – Meeting Minutes
Tuesday, June 27, 2017**

MEETING MINUTES – BOARD OF APPEALS

Date/Time: Tuesday, June 27th, 2017 - 5:30 P.M.

Location: Village Office

ROUTINE ITEMS TO BE ACTED UPON:

1. Call to Order, Roll Call. Meeting called to order by R. Happel at 5:45pm. Roll call of members: Richard Happel, Jeff Johnson, John Rehn. Absent: David Bertler, Chris Iglar
2. Verify/Modify/Approve Agenda: Motion made by J. Rehn, second by R. Happel to approve the agenda as presented. The motion passed unanimously.

ACTION ITEMS

3. HB-1491-A-215; Lot 15 Choctaw Woods, seeks a variance allowing a house to be built using a 35-foot setback to the ordinary high-water mark of a navigable waterway, whereas *section 293-5. A. Setbacks from Water* requires a 75-foot setback to the average high-water mark of any navigable body of water. The property owner, Carol Weinbauer and her husband Ken, purchased the lot in 2004. At that time, they checked with the DNR and found that the DNR had rendered a non-navigable status for the waterway traversing this lot, which would allow for the building of a home. The subdivision was platted in 1987-1988 and the lot was a legal lot at that time. The elevations in the neighborhood show steep topography and the lot is higher than the road elevation as well as the downstream culverts. They have the letter from the DNR regarding the status of the property. However, a determination performed in recent history, using present day standards the subdivision has become subject to the 75-foot setback requirements, and now requires a variance to build on this parcel. Section 293-10E Variances, provides the Village with the authority to grant variances to dimensional standards required by chapter 293. This hearing was noticed in the PRESS for two weeks prior to this meeting and notices were mailed out to the all property owners in the required radius. One letter objecting to this reduced setback was received from the neighbor to the east, and Mr. and Mrs. Hansen were present to object to the change stating wildlife habitat and possible damage to the creek if a home was constructed. The setback does not effect that parcel. Allyn Dannhoff, Director of Neighborhood Services, discussed other homes within the subdivision that were built prior to the new requirements that also would need a reduced setback to build today. Motion made by J. Rehn, second by J. Johnson to approve the 35' setback for parcel HB:1491-A-215. The motion passed unanimously.

4. HB-2730, 4882 Isabella Circle, seeks a variance allowing a fence to be built in the Street Yard, whereas *section 295-137 I. Fences (2) Location/Height (c)* prohibits fences in street yards. The applicants, Mr. and Mrs. Adam Stapel, are requesting to construct a fence in their “rear” yard consisting of a 5’ tall fence along the west property line, that would be reduced to a 4’ tall fence as it traverses the berm parallel to centennial Centre Blvd., continuing with a 4’ tall fence parallel to and 5’ from the road rights of way / public sidewalks. Being able to enclose rear yards with fences is a common home improvement project, providing for safety and security of children and pets, and privacy when privacy fences are employed. Mr. and Mrs. Stapel are proposing an aluminum, picket style fence in an effort to maintain the open/uncluttered feel intended by the ordinance. Staff reviewed the site, and suggested 5-foot setback between the proposed fence and the road right of way to provide for reasonable comfort for pedestrians and bicyclists on the public sidewalk. Staff also proposed the fence should not project higher than 5’ above the sidewalk grade, except where traversing the berm in a perpendicular fashion across the berm. Motion made by J. Rehn, second by R. Happel to approve the fence project as proposed and submitted in the application, aluminum, picket type fencing from Custom Fence, Inc. The motion passed unanimously.
5. Adjourn: Motion made by J. Rehn, second by J. Johnson to adjourn. The motion passed unanimously. The meeting adjourned at 6:10pm.