



**VILLAGE OF HOBART
MINUTES BOARD OF APPEALS
July 31, 2018
2990 S. Pine Tree Rd. Hobart WI
5:30 PM**

1. **Call to Order:** Richard Happel called the meeting to order at 5:30pm.
2. **Roll Call:** David Bertler, Chris Iglar, Richard Happel, John Rehn, and Jeff Johnson were present. Also present were Aaron Kramer, Administrator, Mary Smith, Clerk/Treasurer, Mr. and Mrs. E. Van Hout.
3. **Hearing:**

a. HB-196-1-1; 2095 Green Acres Ct. Seeking variance from required yard setback.

R. Happel opened the hearing and read the requirements the Board has to follow regarding granting of variances. Mr. Happel stated that in his opinion, with the requirements that the law places on granting variances, the Board is unable to grant this variance. The setback stated in the village code is 40' from the right of way. The barn being constructed is only approximately 20' from the right of way. Which the applicant confirmed.

Mr. Van Hout took out his own building permit and is doing the construction. He signed the building permit which states 40' setbacks. C. Iglar said that if the Board were to consider this it would be setting a precedent. The rules are in place for a purpose.

Mr. Van Hout said that he is disappointed that this variance was not considered when he first asked Allyn Dannhoff, Building Inspector about it. Dannhoff's employment with the Village ended on July 13, 2018. Mr. Van Hout stated that he asked to shift the barn because he did not want it in front of the pond. Another reason is that there is underground electric for the pond. This information was not discussed at the first variance meeting, according to the minutes of that meeting, which were provided to Mr. Van Hout and the Board members.

He went on to say it was his mistake, that he had measured off the road. It is a hardship because it is not possible to move and reconstruct the building financially. He went on to say that the inspector had been onsite two times to examine the foundation and did not order it corrected on the spot but allowed him to continue to build. The Van Hout's said that the inspector was not competent. Mr. Van Hout said again it was his mistake, he could not find the lot marker. He went on to say they just replaced the lot marker due to construction of a new home to the west of his property. Mrs. Van Hout said that they were both hardworking people and that they had both attended universities, pay a large amount of taxes, and wanted to make their home here. She asked what their options are. The question was asked if they could remove the north side lean-to and have the 40-foot clearance. Mr. Van Hout said no, that would not give them 40 feet, he had measured incorrectly.

R. Happel said that the Board's hands are tied due to the court cases. D. Bertler said that at the first variance meeting the only things discussed were the architecture and the size/height of the building, not the pond or the setback to Cyrus Road. J. Rehn added that this pond information was not discussed at the other variance meeting. R. Happel again stated the three tests that a variance must meet. This is a self-made hardship and a variance can not be granted for this reason.

Motion made by Richard Happel, second by Dave Bertler to not grant the variance to reduce the setback and that the building must be moved or reconstructed to meet the setback. Roll call vote was taken David Bertler, aye; Chris Iglar, aye; Richard Happel, aye; John Rehn, aye; Jeff Johnson, aye. Vote was 5 – 0 carried.

Mr. Kramer, Village Administrator said that the building permit was signed by the applicant showing the setback of 40-feet, showing that he knew the setback should be 40-feet. He also provided the Van Houts a copy of the Board's decision as well as the State Statutes outlining his options for appeal

4. **Adjourn:** Motion made by J. Rehn, second by R. Happel to adjourn. The motion passed unanimously. Meeting adjourned 6:30pm.