

## BOARD OF ADJUSTMENT MINUTES

Administration Building  
508 New York Avenue  
Room 302  
Sheboygan, WI

**Wednesday, August 4, 2021**

**Called to Order: 1:00 PM**

**Adjourned: 2:15 PM**

**MEMBERS PRESENT:** Mark Pfaller (Chair), Pete Scheuerman, BJ Reenders (alternate)

**MEMBERS ABSENT:** Jeff Stroub, Kelly Johnson, Ed Harvey, Charles Born (alternate)

**ALSO PRESENT:** Karsen Gosh (P&C; Recording Secretary); Kevin Stange (P&C Code Administrator); Aaron Brault (P&C Director); Asst. Corporation Counsel Paul Dirkse; Applicants Dale & Louise Robson and Mike Denning; Michael Larsen.

Chairperson Pfaller called the meeting to order and called the roll. Mr. Pfaller seated alternate BJ Reenders.

Karsen Gosh reported the meeting notice was posted on August 2, 2021 at 9:00 AM in compliance with the open meeting law.

Mr. Scheuerman made a motion to approve the minutes of the March 17, 2021 Board of Adjustment meeting. Motion seconded by Mr. Pfaller. Motion carried unanimously.

Chairman Pfaller gave an overview of the meeting procedures and agenda. Mr. Pfaller stated that he would rearrange the meeting agenda to conduct the public hearing prior to addressing the Board's business items.

### **ROBSON VARIANCE:**

**1. Public Hearing:** The Board commenced the public hearing on the Dale and Louise Robson (Case No. V-21-04-S) application for a variance to allow the installation of a holding tank to serve a recreational travel trailer on the property located at N4024 State Highway 32, in the NE ¼, NE ¼, Section 14, Town of Lima, said development failing to meet the requirements of Section 70.08(4) of the *Sheboygan County Sanitary Ordinance*.

Mike Larsen, Building Inspector for the Town of Lima, read a statement regarding the Town of Lima's zoning regulations. Mr. Larsen provided that the Robsons' proposal fails to comply with the Town's zoning ordinance. Attorney Dirkse clarified that the Board should only consider the installation of the holding tank only, as the Town of Lima's zoning is solely the Town's responsibility to enforce. Mr. Scheuerman asked Kevin Stange to further expound upon the sections of the *Sheboygan County Sanitary Ordinance* ("Sanitary Ordinance") upon which the sanitary permit application submitted by the Robsons had been denied.

Mr. Stange stated that Section 70.08(4)(b) in the Sanitary Ordinance allows for the installation of a holding tank to serve a use with an Estimated Wastewater Flow (EWF) of less than 100 gallons per day. This provision gives the authority to the Department to require the property owner to install another type of system if any change or occupancy or

use occurs which results in an EWF which equals or exceeds 100 gallons per day. Aaron Brault stated that the State plumbing code does allow for the installation of holding tanks, however, it also gives the authority to County Departments to be more restrictive than the State which is why this variance would be required.

Chairman Pfaller commended the applicants on their thorough variance application packet. Mr. Pfaller also explained to the applicants that his concern, should this application be approved, would be that it would set a precedent that allows more holding tanks throughout the County. The County has found regulating holding tanks to be a time-consuming and costly endeavor. Mr. Pfaller asked Counsel to clarify if the Board could make an approval with conditions. Attorney Dirkse provided that the Board is able to set conditions should approval be granted. He further expounded on the matter that an approval in this scenario would not necessarily set a precedent moving forward as each situation in which a variance is sought must meet the standards for approval.

Louise Robson and Mike Denning explained to the Board all of the options that they have explored that ultimately led to their application for a variance. Mr. Stange re-stated that Section 70.08(4)(b) of the Sanitary Ordinance could allow for the installation of a holding tank provided that water usage data would show that less than 100 gallons per day is used, however there is currently no data on water usage in tiny homes.

Mr. Scheuerman stated that he felt uncomfortable with the hardship being listed on the application as a financial reason. Mr. Pfaller agreed and that it seemed there were other options for the property owners, however it seemed that money was the only limited factor that they were basing their application on. Mr. Scheuerman suggested, since he was aware that the Robsons intended to build a new house on their adjacent lot, that they could consider obtaining a sanitary permit for the septic system for the proposed home and connect the tiny home to the new system until they are ready to build the new house. Mr. Stange reiterated that if the Robsons were granted a variance to allow for the holding tank installation and water meter data showed that their usage remained under 100 gallons per day, they would be allowed to continue the use of that holding tank and not be required to install a new septic system. Mr. Denning, whose family is intending to live in the tiny home, provided water usage records from their previous residence showing that their family used an average of 135 gallons of water per day. At the time of these records, they were operating an in-home salon and had standard flushing toilets. Within the proposed tiny home, they would not have the salon and their toilet waste is now handled through incinerating toilets. The point of this is to show that their family could be capable of keeping their water usage below 100 gallons per day.

Attorney Dirkse recommended to the Board, after hearing from the applicants and audience members, that the Chairperson hear any remaining comments and then close the public comment portion of the hearing.

**2. Deliberation & Vote:** Attorney Dirkse recited the standards of special conditions, unnecessary hardship, spirit of the ordinance, substantial justice, and public interest, for which a roll call vote was taken on each standard:

***A. Does the property possess unique or special conditions that prevent compliance with the Ordinance?***

**Scheuerman – no, Reenders – no, Pfaller – no.**

**Standard is NOT met.**

**B. Do the property's unique or special conditions result in unnecessary hardship on the applicant?**

Scheuerman – no, Reenders – no, Pfaller – no.  
Standard is NOT met.

**C. Does granting the variance observe the spirit and intent of the Ordinance?**

Scheuerman – no, Reenders – no, Pfaller – no.  
Standard is NOT met.

**D. Will substantial justice be done by granting the variance?**

Scheuerman – no, Reenders – no, Pfaller – no.  
Standard is NOT met.

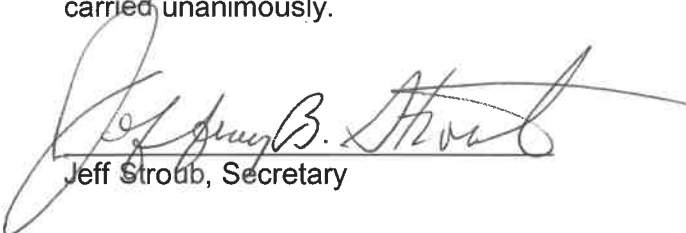
**E. Would granting the variance be contrary to the public interest?**

Scheuerman – yes, Reenders – yes, Pfaller – no.  
Standard is NOT met.

**3. Decision: Because the necessary standards are NOT met the variance request is DENIED.**

Chairperson Pfaller made a recommendation to the other Board members that they postpone the business agenda items until a future meeting when the majority of the members are present. A motion was made by Mr. Scheuerman to postpone action on the business items. The motion was seconded by Reenders. The motion carried unanimously.

Mr. Scheuerman made a motion to adjourn. The motion was seconded by Mr. Reenders and carried unanimously.



Jeff Stroub, Secretary

Karsen Gosh, Recording Secretary