

**BOARD OF APPEALS**  
**APPROVED MINUTES OF JULY 10, 2019**  
**TOWN OF BEAVER DAM**  
**W8540 COUNTY ROAD W**

Chairman Schmitt called the meeting to order at 7:03pm.

Roll call taken. Present: Chairman Jeff Schmitt, Del Guenther, Susan Recheck, Harold Hicks, Howard Bohl, Land Use Administrator Dan Prunuske. Absent: Alan Mannel. Town Board members present: John Kuzniewicz, Joe Kern, Jesse Hanks.

Meeting was posted and published June 25, 2019.

Motion (Guenther/Bohl) to approve the minutes of June 12, 2019 with the correction and removal of Jesse Hanks as absent. Motion carried.

Chairman opened the public hearing on the application of CEE Media, LLC. for a variance to the terms of s. 62-214(3), Zoning Ordinance, to allow a 12 ft. x 48 ft. billboard on parcel 004-1114-0144-001 at W7352 State Road 33 (Ptaschinski, LLC.), Beaver Dam, WI. Applicant, Mike Butler of CEE Media, LLC present. Was present 2 months ago and the DOT did not allow for construction as it was too close to the turn lane for Fabisch Road, hence the relocation. No one else present for or against. Chairman closed the public hearing.

Motion (Bohl/Guenther) to approve the variance. Motion carried.

Chairman opened the public hearing on the application of Allen L. & Rhonda M. Steiner for a variance to the terms of s. 50-3, Street Ordinance, prohibiting any structure in the Town road right-of-way in front of parcel 004-1214-3531-007 at N7440 Beier Hill Road. Applicants, Allen and Rhonda Steiner present. All board members received a packet from the Steiner's prior to the start of the meeting. Rhonda Steiner thanked board for being here. Start of column construction began September 15, 2017. Sat until May 2018 with decorative stone. June 2018 all of the finishing work was done and the landscaping. Three weeks later they received a letter from Town to tear them down. Steiners appeared before Town Board at August 2018 meeting. The columns not on site plan. Light posts on page 1 of Contractor's Specifications. Steiner pointed out "website indicates application will be reviewed and if anything else is needed, we will let you know". Conditional Land Use Permit was issued without condition of light posts. Steiner's acknowledge they are 30" into right of way and they acknowledge such as they accommodate water flow of subdivision and utilities that would normally be in the right of way versus their front yard. Subdivision covenants require light in yard. Drove through other subdivisions in the Town and discovered there are others that would be in the right of way and wondered about the process that allowed such. May 2019 received another letter from Town requiring removal. Steiner's appeared at the Town Board meeting in June 2019. Rhonda Steiner distributed packets of pictures of other properties that have items in the right of way. Steiner asked Board if enforcement of items in the right of way shouldn't be consistent instead of arbitrary.

Chairman spoke with Town's Attorney regarding the matter. Attorney Uttech indicated it is not reviewable by the Board of Appeals as it is not on the Steiner's property, but in the road right of way. Statute is clear about what can happen. Land Use Code for Town is clear about what can happen. Schmitt reviewed other options available, including the option of a property owner "acquiring the property". Guenther inquired why it is brought before the Board of Appeals if they do not have jurisdiction. LUA Prunuske indicated the Steiner's needed to exhaust all of their administrative remedies prior to going to court. Guenther asked to proceed with meeting and not worry about the attorneys. Bohl stated responsibility is to be within the setback of the road, but not the public domain. LUA indicated the "masonry columns" were on a list of specifications, but not listed on the land use permit nor shown on the site plan.

Steiner would like to know the Town Board is willing to work with them and she is willing to get an easement. Town Board Chairman Kuzniewicz cited Wi State Statute 86.04 and indicated Board of Appeals does not have the power to grant variance. Discussion. Rechek asked if Board had authority. Schmitt relayed that Town Attorney advised that Board of Appeals could not approve the variance.

Adam Kreitzman, son of applicant present. Works in law enforcement and encouraged Town Board and Board of Appeals to be more consistent as it does not look well on the Boards. Chairman closed the public hearing.

Bohl, Rechek, Hicks, Guenther and Schmitt all agree that the Board of Appeals should not take any action. Steiner inquired about expense of purchasing an easement and LUA reviewed the steps.

By order of Chair, no action by Board of Appeals. Guenther would like to see a statement from Town's Attorney.

Motion (Bohl/Rechek) to adjourn 7:59pm. Motion carried.

Respectfully submitted,

Kristine Klodowski, Secretary