



## Minutes

1. **Call to Order, Roll Call:** Chairman Gary Smith called the hearing to order at 5:00 pm. Members present included Erik Buchelt, Keri Wallenkamp, Becky Soerens, and Eric Tremblay. Village staff present included Clerk/Treasurer Stephanie Waala and Building Inspector Roger Kison. For additional attendees see sign-in sheet.
2. **Discussion and Possible Action V2025-1 – Patricia & Daniel Heidel: Variance to not require a fence surrounding their pool 177 E Shore Dr (0.17 acres) in a Residential R-1 zone.**

Chairman Smith read the open meeting law statement.

Clerk Waala read the public notice.

Chairman Smith read the zoning board announcement of proceedings.

Chairman Smith read the expiration and revocation of permission to develop.

Chairman Smith read the appeal of boards decisions.

Chairman Smith read the order of events for hearing.

Chairman Smith read the instructions for witnesses.

Pat Heibel (appellant) informed the board that they are looking to put an inground pool in. They are requesting to not have to install a fence as the fence would inhibit the view of the lake. They are proposing a pool cover with a lock box for the mechanicals operations box. The lake is only fifty feet away so there is already the hazard related to that and there is no fence around that. They are looking to put a signification investment into the cover and the addition of a fence would add to that.

Member Wallenkamp inquired as to what their homeowner's insurance says about not having a fence. Daniel Heibel informed the board that he has left a message with his insurance company and has not heard back yet. Member Wallenkamp expressed her concern about setting precedence and also that their insurance may come back and require the fencing anyways. Mrs. Heibel informed the board that they have inquired with other individuals they know who have just a cover and they did not have a problem with their insurance. Included in the packet are examples of other communities that only require a cover.

Member Soerens informed the board that if insurance is the issue, then they can just get new insurance. Chairman Smith informed the board that if a variance is granted and then the insurance denies coverage then the variance is not valid. Member Wallenkamp informed the board that there is still the liability issue.

Mrs. Heibel informed the board that the fence would take away from the view of the lake and of the home from the lake. Chairman Smith informed the board that if the cover were the only safety deterrent what would happen if you have a party. A wood fence would block the view, but alternatives are wrought iron or glass with the cover being secondary.

Member Soerens inquired as to if they can verify with the insurance company and then come back. Chairman Smith informed the board that this can be added to next weeks agenda.

Chairman Smith informed the board that there is still no noticeable hardship presented. Member Soerens informed the board that the Plan Commission should look at potentially changing the ordinance.

Member Wallenkamp inquired to the Building Inspector as to if other communities that he works in, allow this type of cover. Inspector Kison informed the board that there are some that do. Member Tremblay informed the board that Sheboygan County has recently updated their ordinances to allow these covers.

Member Wallenkamp suggested the appellants request a change to the Plan Commission. Chairman Smith informed the board that they still need to address their hardship that is not being presented.

Member Wallenkamp made a motion to deny the variance request as the application does not meet the requirements of hardship, motion was seconded by Member Smith. Motion carried 5-0.

### **3. Adjourn**

Member Soerens made a motion to adjourn the meeting at 5:24 pm, motion was seconded by Member Wallenkamp. Motion carried 5-0.

*Items on the Agenda may be taken out of order as listed. Created by Stephanie Waala on 10/08/2025.*

*WI Open Meeting Law (Wis. Stat. 19.83(2) and 19.84(2)) In general, the open meetings law grants citizens the right to attend and observe open session meetings of governmental bodies but does not require a governmental body to allow members of the public to speak or actively participate in the body's meeting. A governmental body is free to determine for itself whether and to what extent it will allow citizen participation at its meetings.*