



**Minutes for Board of Appeals  
October 23, 2017 at 5:30 PM**

1. Meeting called to order by Richard Happel at 5:30pm. Roll call: Richard Happel, David Bertler, Jeff Johnson, John Rehn were present. Absent: Chris Iglar,
2. Motion made by John Rehn, second by David Bertler to approve the agenda. The motion passed unanimously.
3. Motion made by John Rehn, second by David Bertler to approve the minutes. The motion passed unanimously. Minutes from June 27, 2017 were approved.
4. Mr. Happel asked Allyn Dannhoff, Director of Neighborhood Services, to present the information for both parcels for the hearing. Mr. Dannhoff explained that for each of the parcel requests presented, the rules have changed after the lots were created. Chapter 293 Shoreland Zoning is a State mandated zoning chapter originating in the early 1980's. This chapter became effective upon all non-incorporated communities at that time. Even though the Town later incorporated becoming a Village, the requirements of this chapter remain in effect. Both of the parcels were legally created as part of the Choctaw Woods subdivision plat in 1987/1988.

At the time the Choctaw Woods subdivision was platted, the waterway traversing this parcel was not classified as navigable. The definition and criteria for classifying and determining navigability has changed over the years, largely due to court cases. In this regard, there are properties in this subdivision, as well as in the entire "Indian Trails" area that have become subject to the 75-foot setback requirements.

The applicant is requesting a variance for both parcels HB1491-A-239 and HB:1491-A-240, permitting a 35-foot building setback as shown on the site plan included with this report to create a larger buildable area on this lot. The applicants are Seven M Corporation, represented by William & Ursula Thomasma, corporation partners who were present, along with David Chrouser, MAU & Associates.

Mr. Dannhoff referred to the site plan which is attached to these minutes. The plan identifies the following areas for both parcels HB1491-A-239 and HB:1491-A-240:

1. The Ordinary High Water Mark (OHWM), the blue lines;
2. The extent of the 75-foot building setback to the OHWM, the orange lines;
3. The extent of the proposed 35-foot building setback to the OHWM, the green lines;
4. The present buildable area complying with the 75' setback, red shaded polygon;
5. The proposed buildable area employing the requested 35' setback, green shaded polygon.

Motion made by Jeff Johnson, second by David Bertler, to approve the variance request for HB:1491-A-239. The motion passed unanimously.

5. HB:1491-A-240; Lot 40 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.

Motion made by Richard Happel, second by David Bertler to approve the variance request for HB:1491-A-240. The motion passed unanimously.

6. Motion made by Jeff Johnson, second by John Rehn, to adjourn. The motion passed unanimously. The meeting adjourned at 5:45pm.

Mary Smith  
Hobart Clerk / Treasurer