

VILLAGE OF WRIGHTSTOWN BOARD OF APPEALS

The Village of Wrightstown Board of Appeals meeting was held at the Village Hall, 352 High Street, in Conference Room C on Tuesday, April 12, 2017 at 4:22 p.m.

Those in attendance included Board of Appeals members Glenn Buntin, Paul Halverson, Dick Vanden Wymelenberg, Mike Van Eperen and Bernie Vickman. Others in attendance included Village Administrator Travis Coenen, Clerk/Treasurer Michelle Seidl, Deputy Clerk/Treasurer Patti Leitermann Trustee Sue Byers, requestor Rachelle Oudenhoven and neighbor to Oudenhoven's, Brenda O'Brien 209 Main St.

Motion was made by Paul Halverson with a second by Dick Vanden Wymelenberg to appoint Mike Van Eperen as chairman for these proceedings. Motion carried.

Chairman Mike Van Eperen called the meeting to order.

Requester Rachelle Oudenhoven indicated that their request for a variance is stated in the application submitted on March 10, 2017 based on the submitted building permit application and the Village's current Municipal Code:

- A request for a variance of the Village of Wrightstown Municipal Code, Article III: General Regulations, Section 206-16 Height & Area Regulations - G. Accessory Structures & Article IV: District Regulations, Section 206-20 R-1 Residential District – E. Height Restrictions for all Structures

Rachelle R. (Montevideo) Oudenhoven & Todd T. Oudenhoven, 219 Main Street, Tax Parcel No. VW-196-1, have requested a variance from the above listed sections of the Village Municipal Code to allow for the building of an accessory garage, to be constructed to exceed 15' in height to accommodate the storage of a motor home. The stated justification is due to new ordinance No. 06212016A limiting one (1) single recreational vehicle on the main driveway of a premise.

Ordinance **206-20 E** states that no structure shall exceed either 35 feet or 2 ½ stories in height except as provided by **206-16**. Ordinance **206-16 G** states that an accessory building which is not a part of the main building shall not occupy more than 30% of the area of the required rear yard, shall not be more than 15 feet high and shall not be nearer than three feet to any lot line.

Zoning Administrator Elizabeth Runge of Ayres Associates outlined the staff report as follows:

Rachelle R. Montevideo & Todd T. Oudenhoven, 219 Main Street, Tax Parcel No. VW-196-1 have requested a variance from the above referenced sections of the R-1, Residential District of the Zoning Code to allow for the building of an accessory garage, to exceed 2' above the principal building, in which they can park recreational vehicles.

The request for the variance of the height restrictions is due to the Village's adoption of newly updated Ordinance No. 06212016A limiting one (1) single recreational vehicle on the main driveway of a premise (206-53 Parking of Recreational Vehicles).

The R -1 Residential District reference is below:

o **Residential District (R-1) 206-20 E: Height Regulations.** No structure shall exceed either 35 feet or 2 ½ stories in height, except as provided by 206-16.

Article III General Regulations:

o **206-16 G. Accessory buildings.** Where an accessory building is part of the main building or is substantially attached thereto, the side yard and rear yard requirements for the main building shall be applied to the accessory building. The height and area regulations shall not apply to accessory buildings designated as farm structures. Accessory buildings which are not part of the main building shall not occupy more than 30% of the area if the required rear yard, shall not be more than 15 feet high and shall not be nearer than three feet to any lot line.

Standards for Variance (206-60.C)

The Board of Appeals shall not vary the regulations as set forth (above) unless it shall make findings based upon the specific evidence presented to it:

(a). Because of particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the law were to be carried out.

(b). The conditions upon which the petition for a variance is based are unique to the property for which the variance is sought and are not generally applicable to other properties within the same zoning classification.

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(c). Alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

(d). Granting of the variance shall not be detrimental to the public interest or injurious to other property or improvements in the neighborhood in which the property is located.

(e). The proposed variance shall not impair adequate supply of light and air to the adjacent property, substantially increase the congestion of public streets, increase the danger of fire, endanger public safety, or substantially diminish or impair property values within the neighborhood in which the property is located.

Staff Conclusions:

The request for a garage exceeding the height standards in the Residential District (R-1) and the standards under the Article III, General Provisions are applicable to all properties located within this residential district and are not unique to this particular property located at 219 Main Street. Additions of accessory structures (garage in this case) are allowed, but are subject to the standards noted in this staff report.

The primary use of a residential property will continue, with or without, an additional structure for storage. The primary use of the property is not being denied to the property owner.

The applicant has cited the Village's new ordinance (06212016A) Repealing and Replacing 206.53 as the reason for a larger than allowed accessory garage to store recreational vehicle(s). This new ordinance has standards for the storage and parking of recreation vehicles that all village residences are now subject to. If a variance is granted, it could set precedence for future exception requests to ordinance 206.53 which could have a negative effect on the Village overall. Therefore, based on the standard for variance requests outlined in 206.60(c) of the Village code and comments above, staff recommends that the Board of Appeals **DENY** the variance request.

Question by Board of Appeals member Bernie Vickman asking if perhaps garage could be dug lower to accommodate the additional 2" feet in height needed. Response by Rachelle Oudenhoven was that this was already done since original height of the building exceeded the limits by 4' but with redesign and digging, they were able to bring it to only a 2' excess.

Special higher cost trusses have also been ordered to reduce the height as much as possible but this is the best they are able to do and still allow the necessary 14' door needed so the air conditioning unit on the RV can clear the opening.

Neighbor Brenda O'Brien expressed her dismay of the new RV ordinance which was put into place after their properties were purchased. The original decision to buy this land was based on their lifestyle and the desire to have their recreational vehicles on their property. Because of the large investment, it would be preferred to not have their motor home stored outside on or off site and exposed to the elements but because of the height limit restriction, a garage on their property is no longer an option, without a variance.

Oudenhoven's are currently storing their recreational vehicle outdoors at the local lumber yard and have had a mouse problem as a result.


Explanation by Administrator Travis Coenen on the precedent that will be set based on either the approval or denial of this variance request.


Open discussion regarding the effect of the new RV ordinance and the potential need for tall storage buildings due to it. Overall consensus by the Board of Appeals members was that the RV ordinance is a separate issue that will need to be brought up directly with the Village Board by residents not in favor.

Motion was made by Paul Halverson with a second by Glenn Buntin to approve the Oudenhoven variance request. Call of roll: Yes: Paul Halverson, Glenn Buntin No: Dick Vanden Wymelenberg, Mike Van Eperen, Bernie Vickman. **Motion failed.**

Motion was made by Dick Vanden Wymelenberg with a second by Bernie Vickman to deny the Oudenhoven variance request. Call of roll: Yes: Vanden Wymelenberg, Mike Van Eperen, Bernie Vickman. No: Paul Halverson, Glenn Buntin. **Motion carried.**

Motion made by Glenn Buntin with a second by Bernie Vickman to adjourn. **Motion carried.**
(Adjourned 4:56 pm)


Michelle Seidl


Clerk/Treasurer