

VILLAGE OF WRIGHTSTOWN

BOARD OF APPEALS

The Village of Wrightstown Board of Appeals meeting was held at Village Hall, 352 High St., in Conference Room C, on Tuesday, June 29, 2021 at 4:00 p.m. following the posted Public Hearing.

Those in attendance included Board of Appeals members: Brad Bosma, Glenn Buntin, Tim Dole, and Bernie Vickman. Others in attendance included: Administrator Travis Coenen, Clerk/Treasurer Michelle Seidl, Deputy Clerk/Treasurer Patti Leitermann, Marcus Decker and Tom Thibodeau representing Alliance Construction and Design, Matt and Joann Cotter, Cotter Investments, LLC and neighbors Monica Meulemans and Jeff Neinas

Motion was made by Bernie Vickman with a second made by Glenn Buntin to appoint Tim Dole as chairman for the proceedings. **Motion carried.**

Request by Alliance Construction and Design, on behalf of Matt Cotter, Cotter Investments, LLC, to be allowed to construct a duplex with a rear yard setback of 15'

A review of the current municipal code is as follows:

206 Zoning §206-20 R-1 Residential District

F. Building setbacks

2) Rear yard

(a) Principal structure: 25 feet minimum

206 Zoning §206-60 Variances

- A. Purpose.** The Board of Appeals, after a public hearing, may vary the regulations of this chapter, in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where such Board makes findings of fact in accordance with the standards hereinafter prescribed and further finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this chapter or any zoning decision of an administrative officer of the Village [Amended 8-16-1994 by Ord. No. 081694E]
- B. Application.** An application for a variance shall be filed, in writing, with the Building Inspector. The application shall contain such information as the Board by rule may require. Notice of the time and place of the public hearing shall be published as provided in the state law on planning and zoning and applicable to the Village of Wrightstown. [Amended 8-16-1994 by Ord. No. 081694E]

C. Standards of variances. The Board of Appeals shall not vary the regulations as set forth above unless it shall make findings based upon the evidence presented to it in each specific case that:

- 1) Because of the particular surroundings, shape or topographical condition 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 regulations were to be carried out.**
- 2) Conditions upon which a petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.**
- 3) The alleged difficulty or hardship is caused by this chapter and has not been caused by any person presently having an interest in the property.**
- 4) Granting of the variation shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.**
- 5) Proposed variation shall not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets or increase the danger of fire or endanger the public safety or substantially diminish or impair property value within the neighborhood.**

D. Expiration of variances. No decision of the Board of Appeals granting a variance shall be valid for a period longer than 12 months from the date of such decision unless a building permit is obtained and the erection or alteration of a building is substantially underway or the use is commenced within such period. [Added 8-16-1994 by Ord. No. 081694E]

Recommendation to deny the variance request was received from Village Planner Benjamin J. LaCount, Evergreen Consultants, LLC, since the request does not meet section 1) of the variance code and alternatives exist:

- 1) Because of the particular surroundings, shape or topographical condition 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 regulations were to be carried out

Marcus Decker from Alliance Construction and Design explained the benefits of the floor plans of each duplex side as designed:

- Single level structure with zero step entry for aging residents
- Allows for backyard privacy for each unit
- Lower maintenance due to smaller yard space
- Varying rooflines and offset unit sides which lend to a more aesthetically pleasing structure that fits well into neighborhood

The existing building on the property is built within the current side yard setbacks. Although the new duplex will be 10' within the 25' allowable rear yard setback, conditions for side yard setbacks will be met

Board of Appeals member Bernie Vickman asked if square footage could be reduced to fit within the 25' rear yard setback. Response from Mr. Decker from Alliance indicated that doing so will negatively affect the look of the duplex and plans would have to be modified for both sides to mirror each other rather than being offset

Neighbor Monica Meulemans offered to sell 40' of her property to the Cotter's, but this will not resolve the need to build within the setback unless the building plans are modified

Joann Cotter from Cotter Investments, LLC, noted that they worked hard on the building design so it would appear to be more like that of a single family home than that of a multi-family duplex

Neighbor Jeff Neinas requested that the Village grant the variance so the property will be improved from how it currently sits

Board of Appeals member Brad Bosma noted that many property owners in that neighborhood are in violation of the current setback regulations due to accessory buildings

Marcus Decker read Chapter 206 §206-1 of the Village's Zoning Code noting that one purpose of the regulations are so aesthetic appearances and scenic values of the village can be maintained

Motion made by Glenn Buntin with a second made by Brad Bosma to approve the variance request. Call of roll: 3 yes votes (Glenn Buntin, Brad Bosma, Tim Dole) 1 no vote (Bernie Vickman). **Motion carried.**

Motion made by Glenn Buntin with a second made by Brad Bosma to adjourn. **Motion carried.** (Adjourned at 4:41 p.m.)

Michelle Seidl, Clerk/Treasurer