

VILLAGE OF WRIGHTSTOWN

BOARD OF APPEALS

A Village of Wrightstown Board of Appeals meeting was held at Village Hall, 352 High St., in Conference Room C, on Thursday, June 17, 2021 at 4:00 p.m. following a posted Public Hearing.

Those in attendance included Board of Appeals members: Brad Bosma, Tim Dole and Bernie Vickman. Others in attendance included: Administrator Travis Coenen, Clerk/Treasurer Michelle Seidl, Building Inspector Paul Birschbach and Dan Degeneffe, representing Ledgecrest Homes, Inc.

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

Request by Dan Degeneffe, Ledgecrest Homes, Inc. to be allowed to construct a residential home within the front yard setback, zero feet from the right-of-way

A review of the current municipal code is as follows:

206 Zoning §206-20 R-1 Residential District

F. Building setbacks

1) Front yard

(a) **Principal structure: 25 feet minimum from right-of-way**

(b) **(Reserved)^[1] [1] *Editor's Note: Former Subsection F(1)(b), establishing front yard requirements for accessory buildings, was repealed 6-20-2017 by Ord. No. 06202017. See now § 206-18***

(c) **Where 50% or more of the frontage is occupied by buildings having an average setback line of more or of less than 25 feet, no building hereafter erected or structurally altered shall project beyond the average setback line so established, provided that a setback line of more than 40 feet shall not be required**

(d) **On corner lots less than 75 feet wide and of record at the time of the passage of this chapter, where reversed frontage exists, the setback on the side street shall be not less than 60% of the setback required on the lot in the rear, and no accessory building shall project beyond the setback line of the line of the lots in the rear, provided that the buildable width of such corner lot shall not be reduced to less than 24 feet**

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]

Dan Degeneffe, Ledgecrest Homes, Inc. provided the home plans

Recommendation to approve the variance request was received from Village Planner Benjamin J. LaCount, Evergreen Consultants, LLC, since the variance request meets all sections of the variance code. The configuration of the lot has steep slopes in the rear of the lot which is not suitable for construction. The adjacent structure to the east also has a zero foot setback from the right-of-way. The applicant has no alternatives as building within 20' of the steep slopes on the rear of the lot would risk structural integrity

No neighbors within 100' of Village of Wrightstown parcel VW-64, notified of the variance request, appeared to support or contest.

Motion made by Bernie Vickman with a second made by Brad Bosma to approve the variance request. **Motion carried.**

Motion made by Bernie Vickman with a second made by Tim Dole to adjourn. **Motion carried.**

Michelle Seidl, Clerk/Treasurer