

VILLAGE OF WRIGHTSTOWN BOARD OF APPEALS MEETING

The Village of Wrightstown Board of Appeals meeting was held at Village Hall, 352 High St., in Conference Room C, on Tuesday, August 24, 2021 at 4:20 p.m. following the posted Public Hearing.

Those in attendance included Board of Appeals members: Quinn Cavanaugh, Tim Dole and Bernie Vickman. Absent: Members Glenn Buntin and Brad Bosma. Others in attendance included: Administrator Travis Coenen, Deputy Clerk/Treasurer Patti Leitermann, George Schussler, and Steve Bieda, Designated Agent for St. John's Evangelical Lutheran Church.

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

Request by Steve Bieda, designated agent for St. John's Evangelical Lutheran Church, to be allowed to divide parcel VW-108 into two lots. Lot 1 to encompass the existing church and parking area. Lot 2 to encompass the existing home and garage.

As shown on CSM, Lot 1 required the approval of the following variances:

- 0.7 ft. front yard setback on Turner St.
- 2.0 ft. front yard setback on Fair St.
- 6.1 ft. side yard setback on proposed north property line

As shown on CSM, Lot 2 required the approval of the following variances:

- 6,075 sq. ft. residential lot
- 48.56 ft. of frontage on Turner St.
- Primary building setback of 7.4 ft. front yard setback on Turner St.
- Primary building 7.9 ft. side yard setback on north property line
- Primary building 4.5 ft. side yard setback on proposed south property line
- Accessory building rear setback on proposed east property line
- Accessory building 1.0 ft. side yard setback on proposed south property line
- Accessory building 7.5 ft. side yard setback on proposed north property line

All structures were existing on current parcel.

Current municipal code was reviewed:

206 Zoning §206-20 R-1 Residential District

D. Lot requirement.

(1) Each lot being used for a single-family residence shall have no less than 7,500 feet in area and no less than 75 feet of frontage on a street.

- (2) Each lot on which a two-family residence is built shall have no less than 10,000 square feet of area and no less than 100 feet of frontage on a street, or 110 feet of frontage if a corner lot.**
- (3) Residential lots shall not be less than 75 feet wide measured at the right-of-way line. Such minimum lot width may be measured at the building setback line if said lot is located on the outer radius of a curbed street, such as a cul-de-sac**

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.

(2) Rear yard.

(a) Principal structure: 25 feet minimum.

(b) (Reserved) ^[2]

[2] Editor's Note: Former Subsection F(2)(b), establishing rear yard requirements for accessory buildings, was repealed 6-20-2017 by Ord. No. 06202017. See now § 206-18.

(3) Side yard.

(a) There shall be two classes of lots as follows: Class A lots shall be all lots over 75 feet in width, and Class B lots shall be all lots under 75 feet in width.

(b) On Class A lots, the total of both side yards shall be not less than 14 feet, and the short side yard shall be not less than six feet.

(c) On Class B lots, the total of the side yards shall be 12 feet, and the short side yard shall be not less than five feet.

(d) For two-story buildings for Class A and B lots, the side yard setback shall not be less than 10 feet.

206 Zoning §206-18 Accessory Buildings

[Amended 6-20-2017 by Ord. No. 06202017]

A. Time of construction.

(1) No accessory building or structure may be constructed on any Village lot prior to the time of construction of the principal building to which it is an accessory.

(2) No accessory building or structure shall, at any time, be used for the purpose of living quarters.

B. Building design. The exterior of the accessory building, including the roof, shall substantially complement the principal dwelling on the property and be an enhancement to the neighborhood.

C. Setback, area and height regulations.

(1) Accessory buildings which are not a part of the main building must maintain a minimum distance of 10 feet from the principal structure and shall occupy no more than 30% of the area of the required rear yard or exceed 2,000 square feet in size within an R-R Rural Residential District or 1,000 square feet in size within any other zoning classification; location to include rear and side yard setbacks only, with the minimum rear yard setback of 10 feet and side yard setback of 10 feet if the accessory building is larger than 200 square feet. For accessory buildings 200 square feet or smaller, the minimum rear yard setback is five feet and side yard setback is five feet. No accessory building may extend beyond the street front of the principal structure. On corner lots, the dimension of the shorter of the two property lines having street frontage shall be used to calculate the allowable square footage. Maximum height for attached accessory buildings may not exceed the height of the principal structure, and detached accessory buildings may not exceed 20 feet within an R-R Rural Residential District, or exceed 16 feet within any other zoning classification.

[Amended 7-16-2019 by Ord. No. 07162019; 11-17-2020 by Ord. No. 11172020; 4-7-2021 by Ord. No. 04072021]

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]

Travis Coenen indicated St. John's is looking to create two lots so the church has it's own parcel. The church parcel will be rezoned to B-1 General Business, leaving the other lot to remain R-1 Residential.

Bernie Vickman knows the background of this parcel, and expressed his concern with how the driveway situation is/will be for the existing residential home. The proposed buyer for the church wants to hold music lessons and concerts. The parking lot area and extra garage may need an easement.

Steve Bieda, Designated Agent for St. John's Evangelical Lutheran Church, added that this meeting is only for approving the setbacks, not approving the future Certified Survey Map to split the lots. The Planning Commission and Village Board will be presented with the Certified Survey Map in September.

Recommendation to approve the variance request was received from Village Planner Benjamin J. LaCount, Evergreen Consultants, LLC, since the existing primary structures and use of them have been in use since prior to 1938. In order to divide off the home to be sold or retained as a single family residential home, the current parcel needs to be divided into two with the existing church and parking lot on one parcel and the existing home and garage on the second.

The condition by which an administrative variance can be issued exists in that parcel VW-108 contains structures that are being proposed to have a different use than what they were constructed for, and have been used as, for over 80 years. Regardless of whether the parcel is split, reasonable use of the property as a residential home and church remains. However, to sell the residential home and church separately, a land division is required. Due to the location and improvements on parcel VW-108, there are unique physical limitations that necessitate a variance for the land division.

Division of parcel VW-108 would not negate existing zoning, therefore, would not impact the public interest.

Motion made by Quinn Cavanaugh with a second made by Bernie Vickman to approve the first variance request to allow a parcel to be created that does not meet the square footage or frontage requirements for R-1 District. Motion made by Quinn Cavanaugh with a second made by Bernie Vickman to approve the second variance request to allow for reduced setbacks for primary and accessory structures on the proposed parcels. Call of roll: Quinn Cavanaugh - Yes, Tim Dole - Yes, Bernie Vickman - Yes. **Motion carried.**

Motion made by Quinn Cavanaugh with a second made by Bernie Vickman to adjourn. **Motion carried.** (Adjourned at 4:30 p.m.)

Patti Leitermann, Deputy Clerk/Treasurer