

VILLAGE OF WRIGHTSTOWN

BOARD OF APPEALS MEETING

A Village of Wrightstown Board of Appeals meeting was held at Village Hall, 352 High St., in the Community Room, on Wednesday, October 13, 2021 at 4:00 p.m., following the posted Public Hearing.

Those in attendance included Board of Appeals members: Bradley Bosma, Quinn Cavanaugh, and Bernie Vickman. Absent: Members Glenn Buntin, Tim Dole and Lisa Kalscheur. Others in attendance included: Administrator Travis Coenen, Clerk/Treasurer Michelle Seidl, Deputy Clerk/Treasurer Patti Leitermann, Nicole and Jesse Veesper

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

Application for a variance from Municipal Ordinance 206 §206-17 D (1) (b), of the Village of Wrightstown, was received from Nicole and Jesse Veesper, 231 Alison Ct., Village parcel VW-160-G-17, to construct a 6' high side yard wooden fence

206 Zoning

§206-17 Fences, walls and hedges.

D. Maximum height of fences.

(1) Residential:

(b) Corner lots: three feet from the building setback to the side property line, except that fences open to vision with a ninety-percent see-through design may be increased to four feet in height.

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]*

Jesse Veaser thanked the appeals board for meeting to take action on the variance request. Currently, there is a 6' wooden fence installed on his back yard property line. The last 30' of fencing, toward Highland St., slopes down to a 3' height. The proposed fence addition raises the last 30' portion of fencing to a 6' height, and then turns the corner to run along Highland. The same fence would then turn 90 degrees south toward the home, 11' from the home's rear. Due to a ground elevation difference between the road and the backyard, passing traffic would be able to see into the home's backyard with a 3' fence. There is also a safety concern regarding balls flying into the road. Mr. Veaser does not believe that a 6' fence will block sight lines at the intersection

An alternative option would be to install a chain link fence, with 90% visibility, which would allow for a 4' fence height, but the look is not aesthetically pleasing

Recommendation to deny the variance request was received from Village Planner Benjamin J. LaCount, Evergreen Consultants, LLC, since the request does not adhere to the existing municipal code and there is no condition of hardship due to surroundings, shape or topographical condition of the property.

Suggestion was made that the portion of fence running along Highland be moved closer to the home, off of the right-way line, to allow for a 25' set back. This would reduce the available play space but the fence could be constructed at a 6' height. However, the current poured patio would need to be modified to accommodate

Member Quinn Cavanaugh suggested the alternative of planting shrubs. However, they would still need to be kept trimmed to maintain a maximum height of 3'

Although there may be other properties in the Village that have fences that do not adhere to the current ordinance, that is not grounds for granting a variance, *per Von elm v. Bd. of Appeals Hempstead*

Member Bernie Vickman suggested fencing in the area of the yard around the basketball court, therefore creating a safe place for children to play. However, this option creates an inconvenience for the owners when leaving their dog out and also, the space cannot be seen from inside the home

Letter received from neighboring property owners John and Deb Kleuskens, that they support Veese's request to construct a fence.

Motion made by Bernie Vickman with a second made by Brad Bosma to deny the variance request, allowing Nicole and Jesse Veese to construct a 6' high wood side yard fence on their property at 231 Alison Ct.

Motion made by Brad Bosma with a second made by Bernie Vickman to adjourn. **Motion carried.** (Adjourned at 4:35 p.m.)

Michelle Seidl, Clerk/Treasurer