

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, January 12, 2022 at 4:00 p.m., following the posted Public Hearing.

Those in attendance included Board of Appeals members: Glenn Buntin, Tim Dole, and Bernie Vickman. Absent members: Quinn Cavanaugh, Brad Bosma, and Lisa Kalscheur. Others in attendance included: Administrator Travis Coenen, and Applicant Ian Christensen

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

Application for a variance from Municipal Ordinance 206 §206-18 (C) (2) of the Village of Wrightstown, received from Ian Christensen, 334 Main St., Wrightstown, parcel VW-280, to construct an accessory garage, 28' x 20', within the side and rear yard setback. Building height is 14' at the peak.

206 Zoning

§206-18 Accessory Buildings

C. Setback, area and height regulations

(2) 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]

Requestor Ian Christensen presented his case as to why he is requesting the variance and built the building without building permit stating he just didn't know the rules. Mr. Christian also stated it would take more money to move it than he already has invested in the building.

Recommendation to deny the variance request was received from Village Planner Benjamin J. LaCount, Evergreen Consultants, LLC, since the variance does not meet the standards of variances, listed in section (C) above.

Not present, but Travis Coenen Village Administrator discussed the Evergreen review and recommendation

Motion made by Bernie Vickman, second by Tim Dole with request for roll call vote. Roll call vote was taken with unanimous motion to deny the variance request, denying Ian Christensen the right to construct a 28' x 20' garage within the side and rear yard setbacks. Travis Coenen stated he could move the shed so it fits with in the proper setbacks and a building permit, which was not taken when the structure was built, or it needed to be removed.

Motion made by Glen Buntin with a second made by Bernie Vickman to adjourn. **Motion carried.** (Adjourned at 5 p.m.)

Travis Coenen, Village Administrator