

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, Conference Room C, on Tuesday, February 6, 2024 at 4:04 pm, following the posted Public Hearing.

Roll Call: Present – Board of Appeals Members: Bradley Bosma, Glenn Buntin, Tony Decker, Tim Dole, and Bernie Vickman.

Also Present: Administrator Travis Coenen, Planner Michael Leidig of Robert E Lee & Associates, Deputy Clerk-Treasurer Patti Leitermann, Clerk-Treasurer Shelia Bowers. Residents: William Theunis, Mark Theunis, Patti Bowers, Jeff Theunis, Carl Rossal, and Christopher E Perreault (PLS, Carow Land Surveying & Environmental).

BOARD OF APPEALS MEETING

Motion was made by T Dole with a second made by G Buntin to call the **February 6, 2024** Board of Appeals meeting to order. **Motion carried.**

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

Christopher E. Perreault submitted Application for a variance from Municipal Ordinance **§206-21 D (2)**, of the Village of Wrightstown, received from William G. & Ruth A. Theunis Joint Revocable Trust, 276 Van Dyke Street. Village parcel VW-175, VW-175-1.

The family is trying to complete some estate planning. They would like to separate the buildings from the AG Lands and protect as much AG land as possible. The Existing property is less than the minimum requirements for 35 acres as is. The owners would request a variance allowing for the lot to be below the minimum acreage as it is impossible to meet that requirement.

§ **206-21**. E-A Exclusive Agriculture District.

D. Lot requirement.

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

(2) **Each lot being used for a non-farm related dwelling shall have no less than 35 acres in area and no less than 75 feet of frontage on a street.**

(3) Residential lots shall not be less than 75 feet on a side 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.

Planner Michael Leidig outlined Variance Review as follows:

A. **Variance Request** - 206-21 D (2) Each lot being used for a non-farm related dwelling shall have no less than 35 acres in area and no less than 75 feet of frontage on a street.

Applicant request to alter the above section of code to allow for Parcel VW-175 to be no less than 24 acres in size, rather than the required 35 acres in size.

- B. **Background** - To simplify estate planning and bring the parcel into zoning and regulatory conformance, applicant is proposing a CSM and rezone to alter the parcel sizes, correct existing road right of way, and change the zoning of parcel VW-175-1 to the E-A Exclusive Agriculture district. This would lump all structures on-site onto one parcel while leaving the second parcel containing only an agricultural field. A variance will be required in anticipation of the CSM, as the Village code requires farm lots not used for farm-related dwellings to be a minimum of 35 acres in size. Applicant seeks a variance to allow for the farm property to be a minimum of 24 acres rather than 35 acres as required.
- C. **Streets and Transportation** - There are minimal street and transportation concerns with this variance. There is the benefit that should this variance be approved, the accompanying CSM will adjust the right of way on Van Dyke Street to align with the existing roadway.
- D. **Sewer and Water** - The proposed variance is not proposed to impact any sewer or water. The shape of the CSM has been shown in a manner to include the sanitary mound system with the lot it serves.
- E. **Zoning** - The parcel is currently zoned E-A Exclusive Agriculture. The parcel is currently non-conforming, so this variance will not adversely impact its own zoning. It will also avoid any foreseen negative impacts to adjacent zonings.
- F. **Variance Issuance Requirements** - Per Section 206-60 (C), The board of appeals shall not vary the regulations as set forth unless it shall make findings based upon the evidence presented to it in each specific case that:
- 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. The property has special topographic and geographic hardship, as the lot is not large enough in its current state, even as one parcel, to meet the Village's 35-acre requirements
 - Conditions upon which a petition for a variation is based are unique to the property for which the variance is sought and are not generally applicable to other properties within the same zoning classification. Although there are multiple parcels in the Village that are currently zoned E-A and are less than the 35-acre requirement, these parcels are unlikely to need a variance due to their standard parcel line configuration. This parcel has the unique characteristic of having a parcel nested inside itself, requiring the CSM.
 - 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. This lot was created prior to any person having a current interest in the variance, and thus, this section is satisfied.
 - 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. Staff foresees no detriment to the public welfare or any injuries to other property owners due to this variance.
 - 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. Staff does not foresee that this variance will not impair or cause any of the negative impacts described in this section.

The Board of Appeals engaged in a discussion regarding the Variance Request and discussed the following:

- B Vickman inquired about the ownership of Vandyke Street, to which T Coenen clarified that the Road Right of Way belonged to the Village. Christopher E. Perreault mentioned that the Theunis family may propose dedicating the Street Right of Way to the Village to resolve any issues.
- R-1 Residential versus Exclusive Agriculture for Lot 1 & Lot 2 was discussed.
- It was confirmed that zoning regulations are attached to the property.
- It was agreed that a cul-de-sac is not currently required, but it may be considered in future planning.

Theunis Variance Request, 276 Van Dyke Street, Parcels VW-175, VW-175-1 – Motion made by T Dole with a second made by G Buntin to approve the Variance request allowing for the lot to be below the minimum acreage as it is impossible to meet that requirement. **Motion carried.**

ADJOURN – Motion made by B Bosma with a second made by T Decker to adjourn. **Motion carried.** (Adjourned at 4:34 pm)

Shelia Bowers, Clerk/Treasurer