

VILLAGE OF WRIGHTSTOWN

BOARD OF APPEALS MEETING

A Village of Wrightstown **Board of Appeals** meeting was held at Village Hall, 352 High St., the Community Room, on Tuesday, April 25, 2024 at 4:05 pm, following the posted Public Hearing.

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

Also Present: Administrator Travis Coenen, Planner Michael Leidig of Robert E Lee & Associates, Clerk-Treasurer Shelia Bowers, Deputy Clerk-Treasurer Patti Leitermann, Walter Croll.

BOARD OF APPEALS MEETING

Motion was made by Q Cavanaugh with a second made by B Bosma to call the **April 25, 2024** Board of Appeals meeting to order. **Motion carried.**

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

Walter Croll spoke about needing signage on the building so people know there is a music hall in the Village. The building is 80 feet tall, so putting a sign down low is not where people's eyes are drawn. The desire is to put the post mounted sign by the main focal point of the building.

M Leidig presented his reviews for the following variances:

Variance #1: This sign application for a variance from Municipal Ordinance 206 §206-49 L, of the Village of Wrightstown, received from Turner Street Music Hall, 437 Turner Street, Village Parcel VW-121.

Applicant is requesting a variance from the Board of Appeals to alter the above section of code to allow for signage to be placed with zero yard setback from the lot line.

Chapter 206: Zoning/Ch 206 Art VII: Signs
§ 206-49 B-1 Business District and I-1 General Industrial District
L. Signs located within corner lots shall conform to yard setbacks

Planner Michael Leidig outlined the first Variance Review as follows:

A. **Variance Request** - 206-49 L Signs located within corner lots shall conform to yard setbacks.

Applicant requests to alter the above section of code to allow for signage to be placed with zero yard setback from the lot line.

B. **Background** – because the nature of the building currently has 0 front setback and is a non-conforming structure, there is no opportunity to mount signage anywhere on the public faces of the building. What makes this unique from other commercial buildings in the Village is (1) it is a corner property, so no matter the sign type, it must conform to setbacks, and (2) this parcel is one of the only buildings in the Village which is a corner lot not included in the Riverview PDD district, which also has a non-conforming, zero yard setback.

C. **Streets and Transportation** – There are minimal street and transportation concerns with this variance. The sign will still need to be wholly contained within the bounds of the property and

can cause no hazard to pedestrians on the sidewalk below, or vehicles in the right-of-way. These requirements are ensured in separate sections of code, which are not proposed to be altered here.

D. **Sewer and Water** - The proposed variance is not proposed to impact any sewer or water.

E. **Zoning** - The parcel is currently zoned B-1 Business and is being used for a use consistent with that zoning. Signage is normally an allowed addition to commercial buildings in commercial zoning, so this variance would be consistent with the intent of zoning rules.

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:

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. The properties parcel lines match almost exactly the faces of the building. The parcel lines contour in and out with the edges of the building. This is a unique parcel in the Village, and because of this, imposes a specific hardship to the parcel owner. Through no fault of their own, they are restricted from erecting any signage on the building, which would normally be permitted on other B-1 uses.
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 generally applicable to other properties within the same zoning classification. As stated previously, this parcel is the only parcel in the Village that currently fits the category of a non-conforming building (due to setbacks), on a corner, in the B-1 district, and not in a PDD. This variance would, therefore, not be broadly applicable to other parcels in the B-1 district.
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. This lot was created prior to any person having a current interest in the variance, and thus, this section is satisfied.
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. Staff foresees no detriment to the public welfare or any injuries to other property owners due to this variance.
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. Staff does not foresee this variance impairing or causing any of the negative impacts described in this section.

Motion made by Q Cavanaugh with a second made by B Vickman to approve the first variance request for 206-49L. 5 Yes votes. **Motion carried.**

Variance #2: This sign application for a variance from Municipal Ordinance 206 §206-49 J, of the Village of Wrightstown, received from Turner Street Music Hall, 437 Turner Street, Village Parcel VW-121.

Applicant is requesting a variance from the Board of Appeals to alter the above section of code to allow for signage to be placed within 40' of intersecting right-of-way lines.

Chapter 206: Zoning/Ch 206 Art VII: Signs

§ 206-49 B-1 Business District and I-1 General Industrial District

J. No sign shall be closer than 40 feet to the intersection of the right-of-way lines of any intersecting road. Any sign located in the direct line of vision of any traffic control signal shall not have flashing intermittent red, green or amber illumination.

Planner Michael Leidig outlined the second Variance Review as follows:

A. Variance Request - 206-49 J No sign shall be closer than 40' to the intersection of the right-of-way lines of any intersecting road. Any sign located in the direct line of vision of any traffic control signal shall not have flashing intermittent red, green or amber illumination.

Applicant requests to alter the above section of code to allow for signage to be placed within 40' of intersecting right-of-way lines.

B. Background – Applicant is seeking to replace an existing sign on the southern (Fair Street) side of the building with a new digital sign, as well as construct a new sign on the Turner Street side. Currently, the existing sign is non-conforming as it is within 40' of the intersection of the right-of-way lines of Fair Street and Turner Street. For the signs to meet Village regulations, the proposed replacement sign would need to be shifted to the East, and the proposed new sign would need to be shifted northwest, pulling the signs away from the property corner.

C. Streets and Transportation – This intersection is not signalized and is controlled by a two-way stop on High Street and Fair Street, with traffic on Turner Street not stopping. The intent behind this section of code is twofold, (1) to prevent vision triangles from being blocked, and (2) to prevent signs from confusing drivers. Because this intersection is not signalized, there is minimal concern that confusion would occur, provided the signs are not flashing green, amber, or red. The signs will also have a minimal impact on vision triangles as the building is the predominant obstructive object for any vision triangle, and the signs are proposed to be mounted tight to the building, or high enough that vision is not a concern.

D. Sewer and Water - The proposed variance is not proposed to impact any sewer or water.

E. Zoning - The parcel is currently zoned B-1 Business and is being used for a use consistent with that zoning. Signage is normally an allowed addition to commercial buildings in commercial zoning. There are no specific concerns related to this variance.

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:

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. The

argument presented by the applicant is that hardship would result if the sign was not allowed to be placed at the location of the existing sign, due to possible confusion arising from patrons as to the primary entrance. While there are three doors to the building, a conforming sign would be placed ~20 feet to the East and would still be significantly closer to the primary entrance than the additional entrance on Fair Street. A third entrance specified is not visible from the right-of-way and is not a concern for confusion. Additionally, the applicant states that the unique architecture of the building restricts the placement of signs; however, restricting the areas the sign could be placed does not mean that the sign could not be placed somewhere to the East or North which would be conforming. There were no specific reasons stated for the need to have the new sign within 40 feet of the intersecting lines, but it is assumed that the reasons are similar (denote the main entrance and difficulty with architecture). Whether these factors constitute a hardship as opposed to an inconvenience is a judgement for the Board of Appeals.

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 generally applicable to other properties within the same zoning classification. The architecture of the parcel and building are certainly unique and provide unique challenges, as opposed to a typical building in the Village. Although almost all other B-1 corner lot parcels have conforming front yard setbacks, which would provide those parcels with more latitude on where to locate a yard sign, plenty of doors to buildings could be within the 40-foot mark, and thus could make a similar case for hardship as presented here.
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. This lot was created prior to any person having a current interest in the variance, and thus this section is satisfied.
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. Staff foresees no detriment to the public welfare or any injuries to other property owners due to this variance, provided other aspects of code (color changing sign restrictions) are followed.
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. Staff does not foresee this variance impairing or causing any of the negative impacts described in this section.

Motion made by Q Cavanaugh with a second made by B Bosma to approve the second variance request for 206-49J. 5 Yes votes. **Motion carried.**

Variance #3: This sign application for a variance from Municipal Ordinance 206 §206-49 G, of the Village of Wrightstown, received from Turner Street Music Hall, 437 Turner Street, Village Parcel VW-121.

Applicant is requesting a variance from the Board of Appeals to alter the above section of code to allow for signage to be 78 square feet combined, rather than the required 50 square feet.

Chapter 206: Zoning/Ch 206 Art VII: Signs

§ 206-49 B-1 Business District and I-1 General Industrial District

G. Property signs fastened to, suspended from, or supported by a structure on a premise developed for business shall not exceed 50 square feet in area for all sides combined on any one premise, shall not extend more than 10 feet into any required yard, shall not exceed a height of 20 feet above the average ground level, and shall be not less than 10 feet above any pedestrian way and not less than 15 feet above a driveway.

Planner Michael Leidig outlined the third Variance Review as follows:

- A. Variance Request** - 206-49 G Property signs fastened to, suspended from, or supported by a structure on a premise developed for business shall not exceed 50 square feet in area for all sides combined on any one premise, shall not extend more than 10 feet into any required yard, shall not exceed a height of 20 feet above the average ground level, and shall be not less than 10 feet above any pedestrian way and not less than 15 feet above a driveway.

Applicant requests to alter the above section of code to allow for signage to be placed within 40' of intersecting right-of-way lines.

- B. Background** – Applicant is seeking to install a sign mounted to the existing structures. These types of signs are normally capped at 50 square feet for all sides combined. The sign is proposed to be 6.5' tall by 6' wide. Because of the double-sided nature of the sign, this totals to over the code allowed area (78 square feet).
- C. Streets and Transportation** – There are no specific street or transportation concerns associated with this variance.
- D. Sewer and Water** – The proposed variance is not proposed to impact any sewer or water.
- E. Zoning** – The parcel is currently zoned B-1 and is being used for a use consistent with that zoning. Signage is normally an allowed addition to commercial buildings in commercial zoning. There are no specific zoning concerns related to this variance.
- 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:

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. The argument presented by the applicant is that because the building was formerly known as a church, the additional square footage is required to provide people with a better opportunity to read the sign and understand the current use (music hall, not church) and give people a better ability to understand this. It is doubtful that the arguments presented here rise to the level of hardship needed for the granting of this variance. There is no

stated topographical, shape, or surroundings which would impose a requirement for a larger sign.

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 generally applicable to other properties within the same zoning classification. The conditions stated here are likely not unique to the specific building or parcel. Virtually any business in the Village could make a similar case that for some reason or another they desire a larger sign than the code allows to better convey their message.

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. No hardship present was created by any person presently having 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. Staff foresees no detriment to the public welfare or any injuries to other property owners due to this variance, provided other aspects of code (color changing sign restrictions) are followed.

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. Staff does not foresee this variance impairing or causing any of the negative impacts described in this section.

Motion made by T Decker with a second made by Q Cavanaugh to approve the third variance request for 206-49G. 5 Yes votes. **Motion carried.**

Variance #4: This sign application for a variance from Municipal Ordinance 206 §**206-49 G**, of the Village of Wrightstown, received from Turner Street Music Hall, 437 Turner Street, Village Parcel VW-121.

Applicant is requesting a variance from the Board of Appeals to alter the above section of code to allow for signage to be 26.5 feet above average ground level rather than the code maximum of 20 feet.

Chapter 206: Zoning/Ch 206 Art VII: Signs

§ **206-49** B-1 Business District and I-1 General Industrial District

G. Property signs fastened to, suspended from, or supported by a structure on a premise developed for business shall not exceed 50 square feet in area for all sides combined on any one premise, shall not extend more than 10 feet into any required yard, shall not exceed a height of 20 feet above the average ground level, and shall be not less than 10 feet above any pedestrian way and not less than 15 feet above a driveway.

Planner Michael Leidig outlined the fourth Variance Review as follows:

A. Variance Request - 206-49 G Property signs fastened to, suspended from, or supported by a structure on a premise developed for business shall not exceed 50

square feet in area for all sides combined on any one premise, shall not extend more than 10 feet into any required yard, shall not exceed a height of 20 feet above the average ground level, and shall be not less than 10 feet above any pedestrian way and not less than 15 feet above a driveway.

Applicant requests to alter the above section of code to allow for signage to be 26.5 feet above average ground level rather than the code maximum of 20 feet.

- B. Background** – Applicant is seeking to install a sign mounted to the existing structure. These types of signs are normally required to be no more than 20' above the average existing ground level; however, the applicant is seeking to have the base of their sign at this 20' mark, with the top of the sign extending another 6.5'.
- C. Streets and Transportation** – There are no specific street or transportation concerns associated with this variance.
- D. Sewer and Water** – The proposed variance is not proposed to impact any sewer or water.
- E. Zoning** – The parcel is currently zoned B-1 and is being used for a use consistent with that zoning. Signage is normally an allowed addition to commercial buildings in commercial zoning. There are no specific zoning concerns related to this variance.
- 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:
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. The primary hardship presented by the applicant is that a lower mounted sign will be obstructed by the building itself when driving in the southbound lane of Turner Street. Because of this obstruction, the applicant is requesting to place the sign higher. Additional reasons stated by the applicant are finding a location pleasing to the eye, and the ability to install three brackets rather than two brackets. It is doubtful that the arguments presented rise to the level of hardship needed for granting this variance. If the sign cannot be constructed safely in a location without a variance, the sign should not be constructed there. There are no shape, topographic, or surrounding factors that would require a higher sign.
 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 generally applicable to other properties within the same zoning classification. The conditions stated here are likely not unique to the specific building or parcel. Virtually any business in the Village could make a similar case that for some reason or another they desire a sign to be higher than the code maximum to enhance visibility or be more pleasing to the eye.
 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. No hardship present was created by any person presently having 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. Staff foresees no detriment to the public welfare or any injuries to other property owners due to this variance, provided other aspects of code (color changing sign restrictions) are followed.

6. 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 this variance impairing or causing any of the negative impacts described in this section.

Motion made by Q Cavanaugh with a second made by B Bosma to approve the fourth variance request for 206-49G. 5 Yes votes. **Motion carried.**

ADJOURN – Motion made by Q Cavanaugh with a second made by B Bosma to adjourn. **Motion carried.** (Adjourned at 5:00 pm)

Patti Leitermann, Deputy Clerk/Treasurer