

# 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 Tuesday, July 2, 2024 at 4:05 p.m., following the posted Public Hearing.

Roll Call: Present Board of Appeals members: Glenn Buntin, Tony Decker, Tim Dole, and Bernie Vickman. Absent members: Quinn Cavanaugh, Brad Bosma

Also Present: Administrator Travis Coenen, Planner Michael Leidig, Clerk-Treasurer Shelia Bowers, Deputy Clerk-Treasurer Patti Leitermann, Carol Fritsch, William Fritsch, Amy McNally, Mark Leonard, and Applicant Deborah Tews.

### BOARD OF APPEALS MEETING

Motion was made by G Buntin with a second made by B Vickman to call the **July 2, 2024** Board of Appeals meeting to order. **Motion carried.**

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

**Application for a variance from Municipal Ordinance 208 §208-16 of the Village of Wrightstown, received from River Coffee & Cream, 104 High Court, Wrightstown, Parcel VW-155, to adjust the typical minimum 75' OHWM setback from 75' to 45'. This variance application is not requesting any additional tree removal from what is allowable in the Village Code.**

Chapter 208 – Shorelands and Wetlands Zoning

§208-16 Reduced building setbacks

A setback less than the normal seventy-five-foot setback required may be permitted for a principal building by the Zoning Administrator on the Fox River and natural navigable waters where there is at least one principal building within 300 feet on either side of the subject lot that is built less than the required setback. In such case, the setback shall be the average of the setbacks of the nearest principal building on each side of the proposed site, or, if there is an existing principal building on only one side, the setback shall be the average of the existing building's setback and the required setback. No structure shall be permitted closer than 35 feet to the ordinary high-water mark using setback average unless a variance is obtained from the Board of Appeals pursuant to § 208-42 of this chapter. This section does not apply to navigable agricultural and roadside ditches.

Hear from Requestor: Deborah Tews talked about enhancing their business with this expansion of their sunroom to have space for events, such as Coffee with a Cop. She would like to develop this property to it's full potential.

M Leidig presented his review for this variance as follows:

- A. Variance Request – Section 208-16 – A setback less than the normal seventy-five foot setback required may be permitted for a principal building by the Zoning Administrator on the Fox River and natural navigable waters where there is at least one principal building within 300 feet on either side of the subject lot that is built less than the required setback. In such case, the setback shall be the average of the setbacks of the nearest principal building on each side of the proposed site, or, if there is an existing principal building on only one side, the setback shall be the average of the existing building's setback and the required setback. No structure shall be permitted closer than 35 feet to the ordinary high-water mark using setback average unless a variance is obtained from the Board of Appeals pursuant to § 208-42 of this chapter. This section does not apply to navigable agricultural and roadside ditches.
  
- B. Background – River Coffee and Cream is seeking a variance to reduce the typical OHWM setback to allow for structures (a proposed building expansion) to be closer to the Fox River than would typically be allowed. Normally this setback is 75' from the OHWM, which in this case is the 599.00 contour line. The Village ordinance gives the plan commission and zoning administrator the ability to reduce this through averaging; however, there are no buildings adjacent within 300' which would allow this to take place, thus, a variance is required. Currently, the existing building is built outside of this OHWM setback, and the existing patio structure inside the OHWM setback meets the exemption to be inside the OHWM setback as specified in Section 208-15 B (1). Applicant seeks to expand the existing exempt patio and enclose the expansion as an addition to the existing building to better serve customers and allow the business to grow.

M Leidig presented the Variance Decision Form for Shoreland Zoning, which was completed by the Board of Appeals for this variance. (See attached)

Motion made by Bernie Vickman, second by Tony Decker to approve this variance request from River Coffee and Cream, 104 High Court, Parcel VW-155. **Motion carried.**

**ADJOURN** - Motion made by Glen Buntin with a second made by Bernie Vickman to adjourn. **Motion carried.** (Adjourned at 5:41 p.m.)

Patti Leiternann, Deputy Clerk-Treasurer