

**Kristi Heim**

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**From:** Kevin Englebert  
**Sent:** Monday, April 18, 2016 9:07 AM  
**To:** Kristi Heim  
**Subject:** FW: 377 Winnebago South Retaining Walls  
**Attachments:** 377 Winnebago - South Retaining Wall Image 2.jpg; 377 Winnebago - South Retaining Wall Image 3.jpg; 377 Winnebago - South Retaining Wall Image 4.jpg

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**From:** Jamin and Kara Homan [<mailto:jaminandkara@hotmail.com>]  
**Sent:** Friday, April 15, 2016 10:44 AM  
**To:** Evans, Andy; Kevin Englebert  
**Subject:** FW: 377 Winnebago South Retaining Walls

Hi Andy:

Attached are drawings of several retaining walls that Jamin will be building on the south side of our house to allow for our egress windows. They will be about 12 feet from our shared property line, and be no taller than 3' tall.

The City requires that anytime property grading is changed more than 1.5:1 slope within 20 feet of the property line, we get the permission of the neighbor and the City Plan Commission.

here is a copy of the ordinance from the city code:

## SEC. 13-1-13 SITE REGULATIONS

### (g) PRESERVATION OF TOPOGRAPHY.

In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Plan Commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.

If you are ok with us proceeding with the project, can you reply to this email with your name and address at the bottom? I would then submit that to the city for consideration at their next plan commission meeting.

Thank you so much!

Kara Homan  
377 Winnebago Ave

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Date: Fri, 15 Apr 2016 09:34:34 -0500  
Subject: Fwd: 377 Winnebago South Retaining Walls  
From: [kjhoman@gmail.com](mailto:kjhoman@gmail.com)  
To: [jaminandkara@hotmail.com](mailto:jaminandkara@hotmail.com)

----- Forwarded message -----

From: **Jamin Homan** <[jaminhoman@gmail.com](mailto:jaminhoman@gmail.com)>  
Date: Wed, Apr 13, 2016 at 8:18 PM  
Subject: 377 Winnebago South Retaining Walls  
To: Kara Homan <[kjhoman@gmail.com](mailto:kjhoman@gmail.com)>

Window wells and retaining walls constructed of Gabion walls.

## Kristi Heim

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**From:** Kevin Englebert  
**Sent:** Monday, April 18, 2016 9:08 AM  
**To:** Kristi Heim  
**Subject:** FW: RE: 377 Winnebago South Retaining Walls

**From:** [jaminandkara@hotmail.com](mailto:jaminandkara@hotmail.com) [<mailto:jaminandkara@hotmail.com>]  
**Sent:** Saturday, April 16, 2016 3:08 PM  
**To:** Kevin Englebert  
**Subject:** Fwd: RE: 377 Winnebago South Retaining Walls

Kevin:

Below is the response we received from our neighbor in relation to our proposed retaining walls.

Let me know if you need one of us to be at the next plan commission. I believe you already have images of what is being proposed from a previous email, but let me know if you need me to forward again.

Kara

Sent from [Outlook Mobile](#)

**From:** Evans, Andy  
**Sent:** Friday, April 15, 7:14 PM  
**Subject:** RE: 377 Winnebago South Retaining Walls  
**To:** Jamin and Kara Homan

Looks great! No problem on my end.

Andy D. Evans

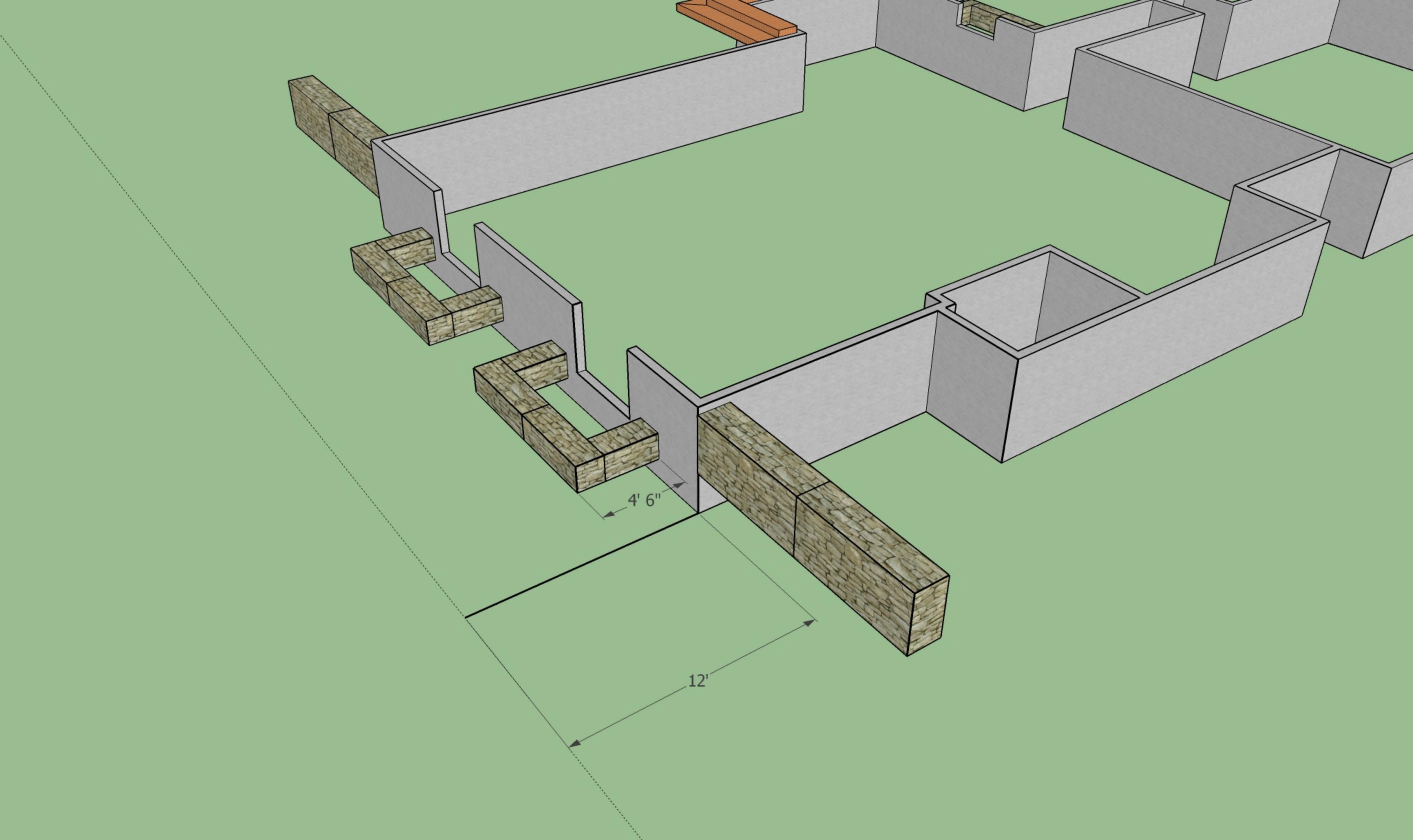
383 Winnebago Ave.

Menasha, WI 54952

**From:** Jamin and Kara Homan [<mailto:jaminandkara@hotmail.com>]  
**Sent:** Friday, April 15, 2016 10:44 AM  
**To:** Evans, Andy; [kenglebert@ci.menasha.wi.us](mailto:kenglebert@ci.menasha.wi.us)  
**Subject:** FW: 377 Winnebago South Retaining Walls

Hi Andy:

- (e) **LOTS ABUTTING MORE RESTRICTIVE DISTRICTS.** Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than sixty (60) feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.
- (f) **SITE SUITABILITY.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Common Council and Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Plan Commission, in applying the provisions of the Section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability when making its recommendation to the Common Council.
- (g) **PRESERVATION OF TOPOGRAPHY.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aide in preserving and protecting the natural beauty and character of landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Plan Commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- (h) **SHORELAND USE AND DEVELOPMENT.**
- 1) **Shoreland Jurisdictional Area**  
 This subsection shall apply to lands lying within the following distances of navigable waters, as defined under Sec. 281.31(2)(d) Wisconsin Statutes:
- a) One thousand feet from a pond , lake or flowage. If the navigable water is a glacial pothole lake, this distance shall be measured from the high water mark of the lake.
  - b) Three hundred feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- This subsection shall not apply to an artificially constructed drainage ditch, pond, or storm water retention basin if the drainage ditch, pond, or retention basin is not hydrologically connected to a natural navigable body of water.
- 2) **Use and Development Standards**
- a) For parcels within the corporate boundaries of the City of Menasha prior to May 8, 1982 the following standards shall apply within the R-1, R-1A, R-2, and R-2A, zoning districts:
    - 1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high-water mark.
  - b) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply within all zoning districts:
    - 1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the



4' 6"

12'

