

It is expected that a Quorum of the Personnel Committee, Board of Public Works, and Common Council will be attending this meeting: (although it is not expected that any official action of any of those bodies will be taken)

**CITY OF MENASHA  
BOARD OF APPEALS  
Third Floor Council Chambers  
140 Main Street, Menasha  
September 29, 2014  
3:00 PM**

**AGENDA**

*3:00 PM – Public Hearing – Request for Variance, Colt Investments, 500 Appleton Street, Menasha*

- A. CALL TO ORDER
- B. ROLL CALL/EXCUSED ABSENCES
- C. MINUTES TO APPROVE
  - 1. [Board of Appeals, 6/25/12](#)
- D. ACTION ITEMS
  - 1. [Request for Variance, Colt Investments, 500 Appleton Street, Menasha](#)
- E. ADJOURNMENT

"Menasha is committed to its diverse population. Our Non-English speaking population and those with disabilities are invited to contact the Menasha City Clerk at 967-3603 24-hours in advance of the meeting for the City to arrange special accommodations."

CITY OF MENASHA  
BOARD OF APPEALS  
Third Floor Council Chambers  
140 Main Street, Menasha  
JUNE 25, 2012  
MINUTES

10:00 AM – *Public Hearing – Request for Variance, Steve Krueger/Paul Jensen & Karla Lauden, 701 Paris St.*

No one spoke

A. CALL TO ORDER

Meeting called to order by Clerk Galeazzi at 10:05am

Clerk Galeazzi opened the floor for nomination for Chairman.

Comm Kubiak nominated Comm. Evenson for Chairman

Having no other nominations, moved by Comm. Koslowski, seconded by Comm. Kubiak to close nominations.

Motion carried on voice vote for Comm. Evenson as Chairman.

Comm. Evenson took over the meeting.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Commissioners Dave Rodriguez, Tom Gloede, Jim Koslowski, Ken Kubiak, Chris Evenson

ALSO PRESENT: CDD Keil, PP Homan, Patti Konkol, David Schmidt, Paul Jensen, Karla Lauden, Clerk Galeazzi

C. MINUTES TO APPROVE

1. Board of Appeals, 10/10/11

Moved by Comm. Gloede, seconded by Comm. Koslowski to approve minutes.

Motion carried on voice vote.

D. ACTION ITEMS

1. Request for Variance, Steve Krueger/Paul Jensen & Karla Lauden, 701 Paris St.

Clerk Galeazzi swore in Paul Jensen, Karla Lauden, Patti Konkol, Dave Schmidt, CDD Keil and PP Homan.

PP Homan gave a brief overview of the property and the request for variance.

CDD Keil explained the condition of requiring the current structure be razed within 60 days of the approval of variance.

Patti Konkol, 713 Parkview asked to review the design of the new structure.

Dave Schmidt, 709 Parkview was concerned with runoff.

Paul Jensen and Karla Lauden explained their intent to raze the current structure and construct a new single-family dwelling on the lot. Their request is to reduce the required fill area from 15 feet to 8 feet to match the sidewalk grade at the property line.

General discussion ensued

Moved by Comm. Koslowski, seconded by Comm. Kubiak to approve variance as lot is unbuildable as is and with the condition that the existing structure be razed within 60 days.

Motion carried on roll call 5-0.

E. ADJOURNMENT

Moved by Comm. Koslowski, seconded by Comm. Rodriguez to adjourn at 10:30am.

Motion carried on voice vote.

Respectfully submitted by Deborah A. Galeazzi, WCMC, City Clerk

City of Menasha  
SPECIAL ZONING APPROVAL

Owner Colt Investments LLC

Case or Plan No. ?

Address 4211 N. Lightning Drive, Appleton, WI 54913

Fee \$350.00

Applicant (if different than Owner) \_\_\_\_\_

Address 500 Appleton Street, Menasha, WI 54952

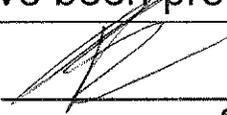
Zoning C-1

Parcel Number(s) 1-00349-00

PLEASE INDICATE WHICH REQUEST IS BEING MADE

- Rezoning                       Special Use                       Flood Plain Map Amendment  
 Appeal or Variance               PUD Plan Approval

Description of Request: A variance allowing use of the property for C-1 purposes, overturning a 1996 variance which limited use of the property to "contractors offices." Specific intended uses of the property have been provided to Principal Planner Kara Homan.

Owner/Agent   
Signature

(If applicable) Formal Hearing \_\_\_\_\_

Informal Hearing \_\_\_\_\_ Notice Mailed \_\_\_\_\_

Notice Mailed \_\_\_\_\_ Notice Mailed \_\_\_\_\_

Action Taken: \_\_\_\_\_ 20\_\_\_\_

APPROVED                       DENIED

Conditions (if any): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**City of Menasha  
Variance Application Questionnaire**

**Applicant:** COLT INVESTMENTS, LLC

**Site Address:** 500 APPLETON

Menasha Ordinance 13-1-53(d) provides that the Board of Appeals shall evaluate a variance request based on the foregoing criteria. Before granting such a request, the Board must find that all of the criteria enumerated apply to the variance requested. Please address each statement; use additional sheets if necessary.

Describe the hardship to the property owner that would result if the variance were not granted and the exceptional, extraordinary, or unusual circumstance or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district:

THE PROPERTY IS IN A RESIDENTIAL AREA WITH LIMITED PARKING. COLT FULLY UNDERSTOOD THESE LIMITATIONS WHEN IT PURCHASED THE PROPERTY. HOWEVER THE PROPERTY IS SUBJECT TO A 1996 VARIANCE LIMITING USE OF IT NOW AND IN THE FUTURE SOLELY TO "CONTRACTORS OFFICES". IT IS UNCLEAR TO COLT WHY A VARIANCE PERMITTING AN ALREADY PERMITTED USE FOR PROPERTY ZONED C-1 WAS REQUESTED. SUCH A LIMITATION IS CERTAINLY UNUSUAL. ENFORCEMENT OF THE VARIANCE WOULD CAUSE COLT TO LOSE CURRENT TENANTS AND SEVERELY LIMIT COLT'S ABILITY TO MAKE USE OF THE PROPERTY IN WAYS CONSISTENT WITH THE PROPERTY'S C-1 ZONING.

Explain why the conditions upon which the petition for the variance is based are unique to the property and necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity:

CONDITIONS ARE UNIQUE IN THAT THE PROPERTY IS COMMERCIAL SPACE (ZONED C-1) SUBJECT TO A VARIANCE PERMITTING ONLY ONE OF THE SEVENTEEN "PERMITTED USES" IN MENASHA'S ZONING CODE. SUCH A RESTRICTION SEVERELY LIMITS COLT'S OR ANY OWNER'S ABILITY TO MAKE PRODUCTIVE USE OF THE PROPERTY AND INCREASES THE CHANCES THAT IT WILL BECOME A VACANT EYESORE. COLT'S REQUESTED VARIANCE DOES NOT ASK FOR SPECIAL TREATMENT; RATHER, IT SEEKS TO MAKE USE OF THE PROPERTY CONSISTENT WITH THE PURPOSES OF THE ZONING CODE AND MENASHA'S INTENTIONS WHEN IT DESIGNATED THE PROPERTY AS C-1 PROPERTY.

Provide evidence demonstrating that the purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the property:

COLT'S REQUESTED VARIANCE WOULD ALLOW A LONG-TERM RESIDENTIAL TENANT TO REMAIN IN HIS HOME. IT WOULD ALSO ALLOW COLT OR ANY SUBSEQUENT OWNER TO USE THE PROPERTY FOR PRODUCTIVE PURPOSES CONSISTENT WITH THE ZONING CODE, THEREBY DECREASING THE CHANCES THAT THE PROPERTY

WILL BECOME A VACANT BUILDING, COMPLETE WITH THE SECURITY AND AESTHETIC CONCERNS RAISED BY VACANCY.

Describe how the granting of the variance will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located:

THE CITY HAS ALREADY DETERMINED THAT THE PROPERTY'S BEST USE IS FOR COMMERCIAL PURPOSES AS EVIDENCED BY ITS C-1 ZONING. COLT'S REQUESTED VARIANCE SIMPLY SEEKS TO RETURN THE PROPERTY TO THAT CLASSIFICATION. COLT'S PROPOSED USES FOR THE PROPERTY ANTICIPATE 1) RESIDENTIAL APARTMENTS AND 2) LOW-TRAFFIC COMMERCIAL USES. THESE USES WILL NOT ADD ~~UNREASONABLE~~ UNREASONABLE NOISE OR TRAFFIC TO THE AREA, NOR WILL THEY ALTER THE MIXED RESIDENTIAL-COMMERCIAL CHARACTER OF THE AREA.

Explain why the proposed variance will not undermine the spirit and general or specific purposes of the zoning code:

COLT'S REQUESTED VARIANCE WILL NOT UNDERMINE THE SPIRIT OR PURPOSE OF THE ZONING CODE BECAUSE IT IS, ESSENTIALLY, A REQUEST TO ENFORCE THE ZONING CODE. COLT IS NOT REQUESTING AN ~~AD HOC~~ INDIVIDUAL EXCEPTION TO THE CODE; RATHER COLT IS REQUESTING TO USE THE PROPERTY FOR PURPOSES ALREADY IDENTIFIED AS PERMITTED AND DESIRABLE ON C-1 PROPERTIES.

Please submit a site plan showing an accurate depiction of the property and any other relevant or required documents.

*I certify that all information provided is to the best of my knowledge accurate and true.*

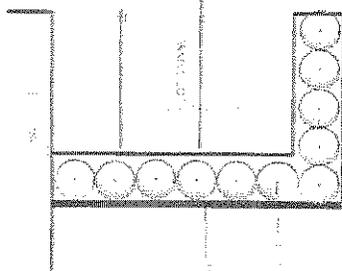
Property Owner:   
Signature

Date: 6/26/14

The property at 500 Appleton, Menasha, 54952 (“Property”) is currently owned by Colt Investments, LLC (“Colt”). In 1996, the then-owner of the Property requested and was granted a variance to use the Property solely for the purpose of contractors offices. Colt respectfully requests a variance from the City of Menasha allowing use of the property for uses consistent with the Property’s C-1 zoning, including:

- Rental and leasing services
- Property management services
- Construction services and/or contractors offices
- Technical, professional or scientific offices
- Consultants’ offices
- Administrative, management, and support services
- Electronic and light equipment repair services
- Religious, civic, or campaign offices
- All permitted uses in the R-2 Two Family Residence District
- Financial and insurance services
- Janitorial or cleaning services
- Landscaping, snow removal, or lawn care services
- Locksmith
- Retail trade and general merchandise
- Uses not specifically identified above but permitted by Section 13-1-29(b)(21) as being closely similar to the above

Pottery spurs ~ 9 1/2" wide

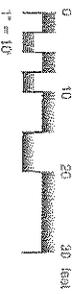


PARKING LOT SCREEN BED



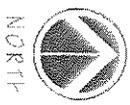
6TH ST RAISED PLANTING BED

| PLANT SCHEDULE |                                                               |
|----------------|---------------------------------------------------------------|
| ITEM NO.       | COMMON NAME                                                   |
| BB3            | Green Velvet Sorghum / <i>Sorghum</i> flower                  |
| TR2            | Tracy's Arrowweed / <i>Arrowweed</i>                          |
| MD             | Spilled Milk Helipala / <i>Helipala</i> flower                |
| REPERMUNALS    | COMMON NAME                                                   |
| DP             | Primerich Orange / <i>Primerich Orange</i> flower             |
| REV            | Little Spig Black-Eyed Susan / <i>Black-Eyed Susan</i> flower |



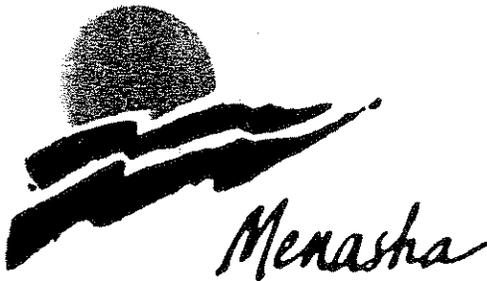
Architectural Plan  
 1/8" = 1'-0"

Rule Property Management  
 500 Appleton St  
 Menasha, WI 54952



**Schmitz**  
 CONSULTING AND CONSTRUCTION

1000 W. WISCONSIN ST.  
 MENASHA, WI 54952  
 PHONE: 920.735.2222  
 FAX: 920.735.2223  
 WWW.SCHMITZCONSULTING.COM



City of Menasha • Office of the City Clerk

FINAL NOTICE OF BOARD OF APPEALS  
ZONING DECISION AND REQUIRED PERMITS

Case No. B.A. 2-96  
Decision: April 9, 1996

June 17, 1996

Mark Lison  
Lison Electric  
500 Appleton Street  
Menasha, WI 54952

Dear Mr. Lison:

The Zoning Board of Appeals considered your application to allow the establishment of an electrical contractor's office at 500 Appleton Street.

On the basis of the evidence presented at the hearing, the Board of Appeals granted your application with the following conditions:

- 1) The existing and future use of the premises shall be limited to contractors offices.
- 2) There shall be no outdoor storage of material or equipment, other than vehicles.
- 3) On-site parking areas shall be screened with a 6' high fence that is at least 2/3 closed to view.
- 4) Vehicles parked on the west side of the building shall exit by a forward motion.
- 5) The premises shall be painted a neutral color within 18 months and the property shall thereafter be maintained in a neat and orderly condition.
- 6) All existing signage shall be removed and any new signage shall conform to the requirements of the City of Menasha Zoning Ordinance.

This decision was not appealed to the Circuit Court. Therefore, it is final.

Unless construction or use commences by May 1, 1997, the Board's decision is subject to revocation or reconsideration after rehearing.

Sincerely,

  
Joan Smogoleski

City Clerk

BOARD OF APPEALS 9/29/14 PAGE 7



Kevin L. Eismann  
Colt Investments, LLC  
PO Box 293  
Appleton, WI 54912

Re: 500 Appleton St Variance Amendment Request

Dear Applicant:

Zoning procedures require issuing a denial of your proposed uses at 500 Appleton St (Parcel ID # ) due to an existing variance granted on June 17, 1996, that restricts the use to contractor offices (enclosed). Absent the granting of an amendment to the variance, any use of the property outside of contractor offices would constitute a violation of the existing variance.

You have complied with the requirements of the zoning variance procedures and a public hearing has been scheduled before the Board of Appeals. A copy of the public hearing notice is enclosed.

If you have questions about the proceedings, please contact me.

Sincerely,

Kara Homan, Principal Planner

c: CA Captain  
CC Galeazzi  
CDD Keil

**City of Menasha  
Board of Zoning Appeals  
Public Hearing**

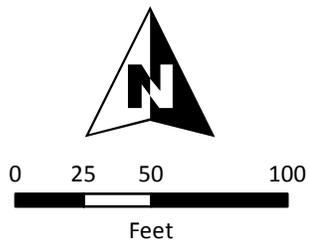
A Public Hearing will be held by the Board of Zoning Appeals on Monday September 29, 2014 at 3:00 p.m. in the City Hall Council Chambers, 140 Main Street, Menasha, WI to hear the appeal of Colt Investments LLC, 4211 N. Lightning Drive, Appleton.

The applicant is requesting to amend a 1996 variance which limited the use of the property at 500 Appleton Street (Parcel No. 1-00349-00), City of Menasha, Winnebago County, to contractors' offices. Absent a variance, the applicant would not be able to use the property for uses consistent with the property's C-1 zoning designation, as requested in the variance application. The variance application also seeks to address the properties loss of "legal non-conforming" status by addressing zoning non-conformities, such as landscaping.

All interested persons objecting to or supporting this appeal are requested to be present. Written comments may be considered by the Board.

Deborah A. Galeazzi  
City Clerk

Publish: Sept. 18, 2014



**LOCATION OF VARIANCE REQUEST**  
**500 Appleton St**  
**Menasha, WI**