

IT IS EXPECTED THAT A QUORUM OF THE PERSONNEL COMMITTEE, BOARD OF PUBLIC WORKS, PLAN COMMISSION, AND ADMINISTRATION COMMITTEE 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
Council Chambers, 3rd Floor
140 Main Street, Menasha
September 24, 2008
11:00 a.m.**

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL/EXCUSED ABSENCES**
- 3. MINUTES TO APPROVE**
 - A. Minutes of July 7, 2008
- 4. ACTION ITEM**
 - A. Request for Variance, Michael Austin – 121 River Street
- 5. ADJOURNMENT**

“Menasha is committed to its diverse population. Our Non-English speaking population or those with disabilities are invited to contact the Menasha City Clerk at 967-3600 24 hours in advance of the meeting so special accommodations can be made.”

CITY OF MENASHA
Board of Appeals
140 Main Street, 3rd Floor Council Chambers
July 7, 2008

MINUTES

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1. CALL TO ORDER

Meeting called to order by Vice-Chairman Sanders at 11:00 a.m.

2. ROLL CALL/EXCUSED ABSENCES

A. [Roll Call](#)

PRESENT: Commissioner Sanders, Bayer, Klein, Koslowski, Eckstein

ALSO PRESENT: CA/HRD Brandt, CCD Keil, Clerk Galeazzi, Joe Johnson, Scott Timm, Bruce Uitenbroch.

3. MINUTES TO APPROVE-MINUTES & COMMUNICATIONS TO RECEIVE

Minutes to approve:

A. [Minutes of January 21, 2008](#)

Moved by Comm. Klein, seconded by Comm. Eckstein to approve minutes

Motion Carried on voice vote

Results:

4. ACTION ITEMS

A. [Select Chairman and Vice-Chairman](#)

Comm. Sanders opened the floor for nominations for Chairman

Moved by Comm. Koslowski, seconded by Comm. Eckstein to nominate Comm. Klein as Chairman.

Moved by Comm. Bayer, seconded by Comm. Sanders to nominate Comm. Sanders as Chairman.

Moved by Comm. Koslowski, seconded by Comm. Eckstein to close nomination

Motion to close nominations carried on voice vote.

Roll call on nominations: Comm. Klein elected Chairman 4-1.

Comm. Eckstein, Klein, Koslowski, Sanders: Comm. Klein (4)

Comm. Bayer: Comm. Sanders (1)

Comm. Klein took over as Chairman.

Comm. Klein opened the floor for nominations for Vice-Chairman

Moved by Comm. Bayer, seconded by Comm. Eckstein to nominate Comm. Sanders as Vice-Chairman.

Moved by Comm. Koslowski, seconded by Comm. Eckstein to close nominations.

Motion to close nominations carried on voice vote.

Motion to nominate Comm. Sanders as Vice-Chairman carried on voice vote.

B. [Request for variance from Joe Johnson, MiniMax Storage, 1820 Bud Drive, Menasha](#)

CA/HRD Brandt swore in CDD Greg Keil and Joe Johnson.

Mr. Johnson explained his request for a variance. He wants to make better use of his property by adding more storage units on the property and increasing the area between the builds. This would allow for more driveway space for customers to maneuver vehicles and boats. It would be safer for backing up with trailers. The new storage units would be at the end of a cul de sac, so main traffic would not be affected.

CDD Keil reported he has review the property with Mr. Johnson and feels his reason is not a hardship. He is still able to accommodate his client base.

Questions from Commissioners.

When asked what the hardships are, Mr. Johnson replied for customers that store boats in the units have a hard time backing in the trailer and boat; not many storage units to rent in the area that will accommodate larger boats; more damage to property if there is not enough room to maneuver larger vehicles.

Commissioners discussed other options with Mr. Johnson; construct one new building with wider driveway that would not cause a variance.

Moved by Comm. Klein, seconded by Comm. Bayer to deny variance as no hardship exist as there are other uses for the property.

Motion Passed

Results:

Roll Call:

AYES: Bayer , Eckstein , Klein , Koslowski , Sanders (5)

C. [Request for variance from Express Convenience Center, 700 Third Street, Menasha](#)

CA/HRD Brandt swore in Scott Tim and Bruce Uitenbroch.

Mr. Tim explained he does the sign work for Express Convenience Center. Express wants to install a new sign that would allow more space and an electronic message center. Currently employees change the sign manually. A new digital sign would allow for remote electronic changes. The new sign would be the same size as the current sign.

Placing the new sign where the current sign is would create a vision problem.

CDD Keil explained staff has suggested other locations on the property for the sign or other types of signs.

Questions from Commissioners.

When asked if they are area of the reconstruction/remodeling of Third Street that will be taking place in 2009, Mr. Uitenbroch answered he was not aware of the reconstruction/remodeling project.

CA/HRD Brandt suggested deferring action on this item to allow Express Convenience Center to be updated on the reconstruction/remodeling project.

Moved by Comm. Sanders, seconded by Comm. Eckstein to table request for variance

Motion Carried on voice vote

Results:

5. ADJOURNMENT

A. [Adjournment](#)

Moved by Comm. Sanders, seconded by Comm. Eckstein to adjourn at 11:52 a.m.

Motion Carried on voice vote

Results:

Respectfully submitted by Deborah A. Galeazzi, City Clerk

City of Menasha
SPECIAL ZONING APPROVAL

Owner MICHAEL AUSTIN

Case or Plan No. 2008-04

Address 141 RIVERST APT B

Fee 225.00

Applicant (if different than Owner) _____

Address _____

Zoning R-2

Parcel Number(s) 3-00882-00

PLEASE INDICATE WHICH REQUEST IS BEING MADE

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

Description of Request: REQUEST A VARIANCE FOR SET BACK
TO BUILD AN ATTACHED GARAGE LOCATED AT
121 RIVER STREET

Owner/Agent *Michael Austin*
Signature

(If applicable) Formal Hearing 9/24/08

Informal Hearing _____ Notice Mailed 9/12/08

Notice Mailed _____ Notice Mailed _____

Action Taken: _____ 20__

- APPROVED DENIED

Conditions (if any): _____

City of Menasha
Variance Application Questionnaire

Applicant: MICHAEL AUSTIN

Site Address: 121 RIVER STREET

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:

UNABLE TO STORE VEHICLES, LAWN EQUIPMENT, CANOES, KAYAKS
FROM WEATHER, VANDALISM, AND POTENTIAL THEFT.

LOT HAS WATER ON TWO SIDES

HOUSE IS APPROXIMATELY SEVEN FEET FROM STREET ROW

HOUSE IS FIFTEEN FEET FROM CHANNEL ON THE EAST SIDE

HOUSE IS APPROXIMATELY THIRTY FIVE FEET FROM
RIVER ON SOUTH SIDE

THE HARDSHIP IS TRYING TO GET A GARAGE TO FIT
THAT WOULD HAVE PRACTICAL USE WITH CURRENT BUILDING
CODE SET BACK ON THIS LOT

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:

BECAUSE EAST AND ~~NOR~~ SOUTH SIDES OF PROPERTY ABUT
A WATER FILLED CHANNEL AND THE FOX RIVER THE
GARAGE NEEDS TO BE PLACED CLOSE TO THE STREET
RIGHT OF WAY TO THE NORTH. THE PROPERTY RIGHTS OF
THE NEIGHBOR TO THE WEST WILL BE PRESERVED AS THE
GARAGE WILL BE LOCATED SIX FEET FROM THE WEST
PROPERTY LINE.

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:

GARAGE IS TO BE USED TO PROTECT OWNER AND TENANT
VEHICLES FROM WEATHER AND POTENTIAL VANDALISM ON
THIS VERY LIMITED TRAVELED STREET. THERE IS NO STORAGE

ROOM LOCATED IN THE HOME EXCEPT FOR CLOSET SPACE AND FRONT PORCH. BASEMENT CEILING HEIGHT IS GOING TO BE FOUR FEET SIX INCHES WHEN REMODELING IS FINISHED. BASEMENT ALSO UNSUITABLE FOR STORAGE DUE TO LEAKS AND DAMP CONDITIONS WITH HIGH LEVEL RIVER HEIGHT. USING ONE OF THE LOWER ROOMS FOR GARAGE SPACE REDUCES THE AMOUNT OF INCOME POTENTIAL

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:

LAWN CARE EQUIPMENT, CANDLES, KAYAKS WILL BE STORED INSIDE THE GARAGE REDUCING CLUTTER ON THE LAWN AND SHORELINE. THERE WILL BE GREENSPACE ON BOTH THE EAST AND WEST PROPERTY. THE PROPOSED GARAGE IS LESS THEN ALLOWED MAXIMUM SIZE FOR ATTACHED GARAGE FOR PROPERT THAT IS ZONED R-2. THE GARAGE IS DESIGNED TO FIT IN AESTHETICLY OF HOME AND ADJOINING PROPERTY OWNER

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

BECAUSE THE NEIGHBOR HAS AN APPROXIMATELY 1500 SQ FOOT 2 STORY GARAGE LOCATED BEYOND THE RIGHT OF WAY THIS SITUATION AT 121 RIVER WOULD BE NO DIFFERENT OTHER THEN I AM ASKING TO BUILD ONE HALF OF THE GARAGE TO THE STREET RIGHT OF WAY. THE LOT IS UNIQUE IN SIZE AND PLACEMENT. USING THE PLACEMENT FOR PREVAILING SET BACK THE GARAGE WILL BE BEHIND THE SETBACK OF THE NEIGHBORS, IT WILL ONLY MINIMALLY CHANGE THE VIEW LOOKING AT IT FROM THE STREET SIDE

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:

Michael Austin
Signature

Date:

8/5/08



August 12, 2008

Michael Austin
141 River Street
Menasha, WI 54952

Dear Mr. Austin:

Zoning procedures require issuing a denial of your building request in order to initiate variance procedures. This letter constitutes a formal denial of your request to build an attached garage within the required front and side yard setbacks at 121 River Street. Absent a variance, this action would constitute a violation of Sections 13-1-26(f)(1) and 13-1-26(f)(2) which state that the minimum front yard setback is 25 feet and that the minimum aggregate side yard setback is 16 feet, respectfully.

You have complied with our requirements of the zoning variance procedures and a public hearing will be scheduled before the Board of Appeals in the near future. The City Clerk will mail you a notice regarding the date, time and location of the meeting.

If you have any questions about the proceedings, please feel free to call.

Sincerely,

Gregory M. Keil
Community Development Director

GMK:kh

C: City Attorney Jeff Brandt
City Clerk Deborah Galeazzi ✓

City of Menasha
Board of Appeals
Public Hearing

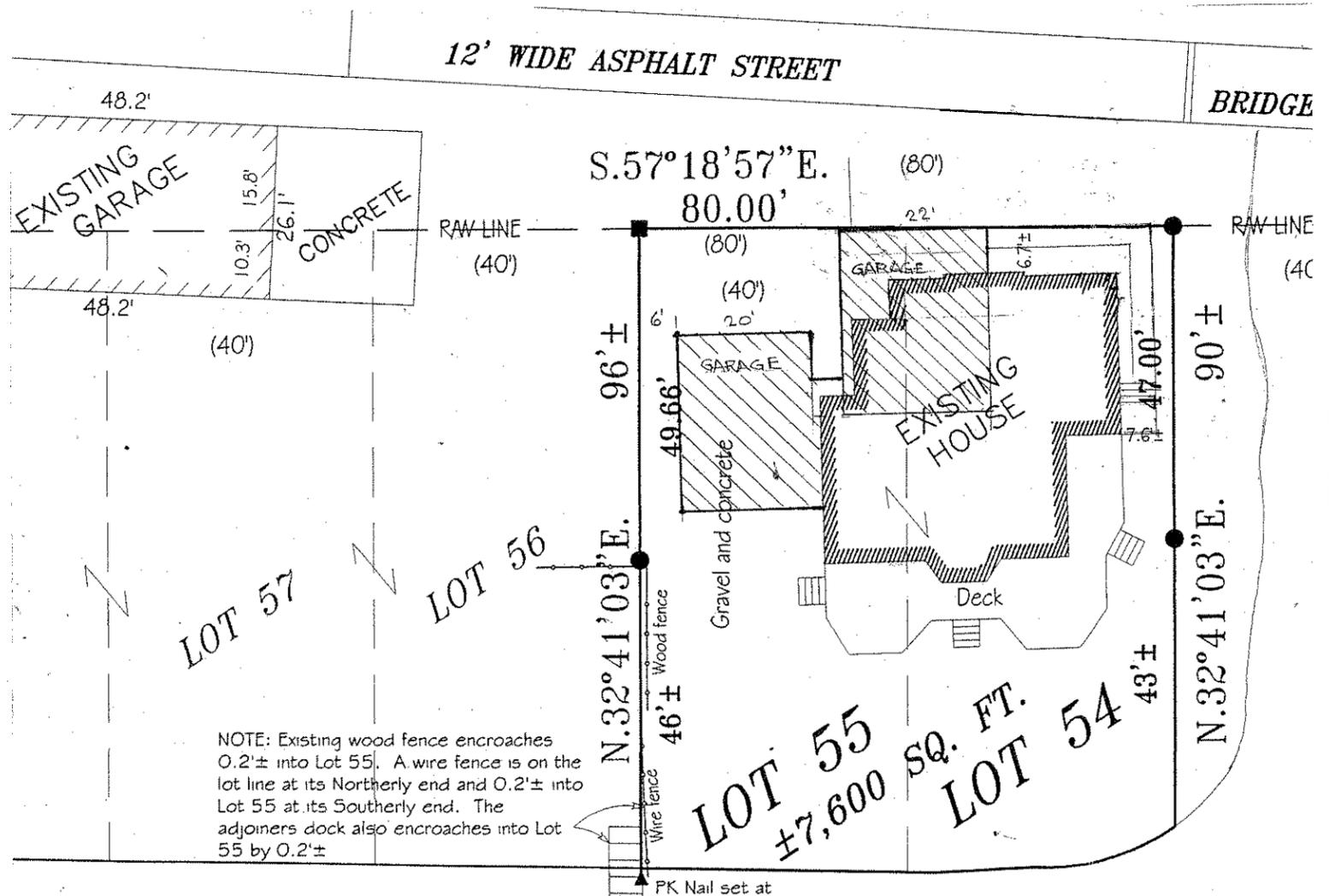
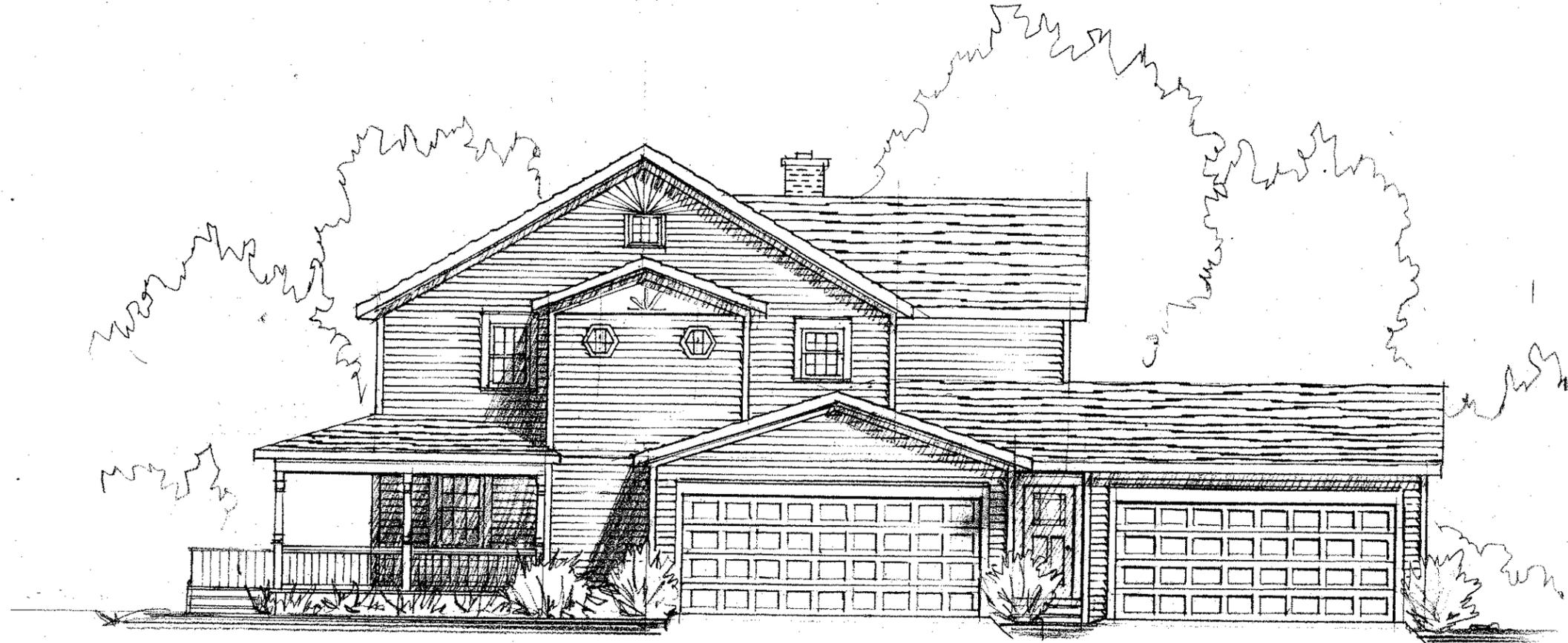
A Public Hearing will be held by the Board of Zoning Appeals on September 24, 2008 at 11:00 a.m. in the City Hall Council Chambers, 140 Main St., Menasha, to hear the appeal of Michael Austin, for the property at 121 River Street, Menasha, WI.

The applicant is requesting to construct an attached garage within the front and side yard setback at 121 River Street. Absent a variance, this action would constitute a violation of Sections 13-1-26(f)(1) and 13-1-26(f)(2) which state that the minimum front yard setback is 25 feet and that the minimum aggregate side yard setback is 16 feet, respectfully.

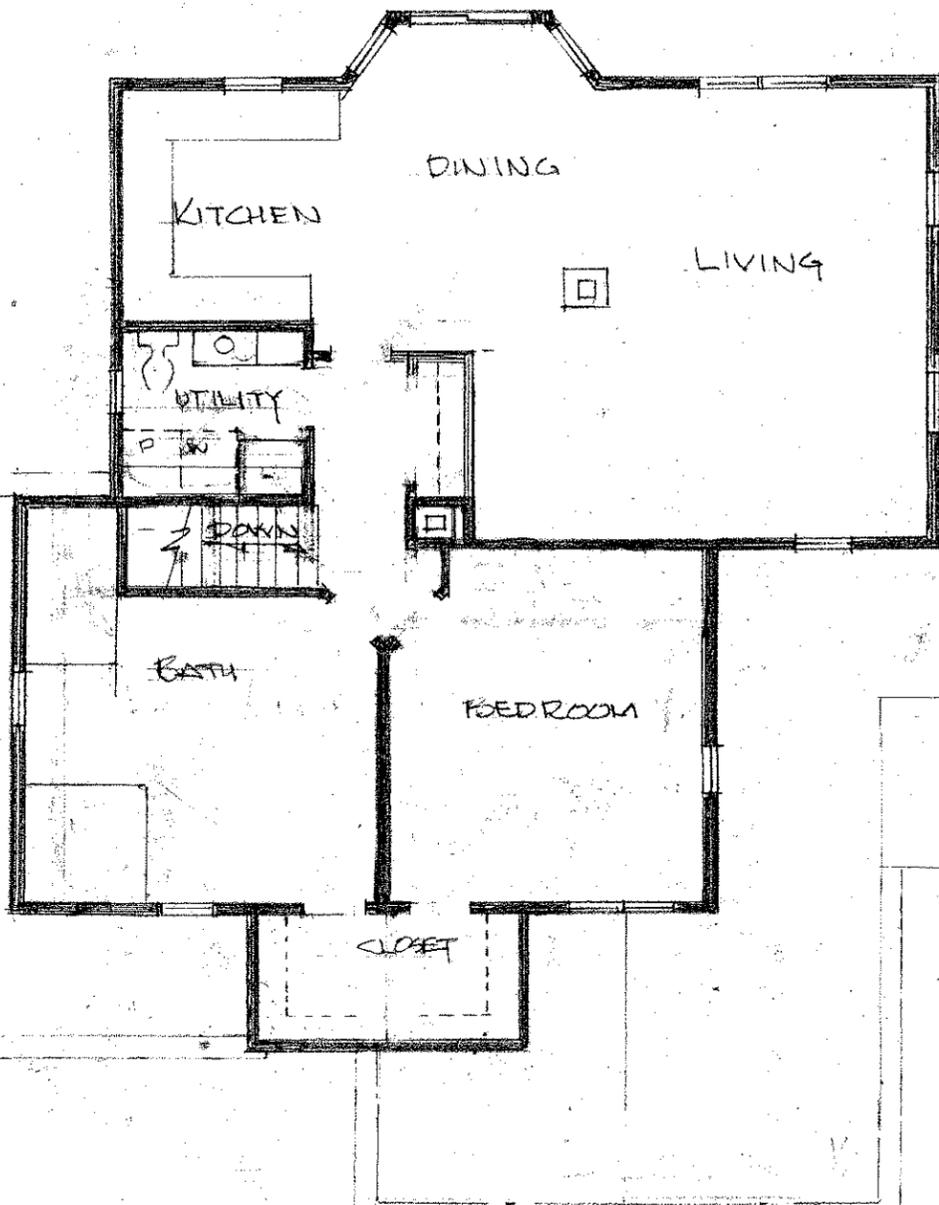
All interested persons objecting to or supporting this appeal are requested to be present. Written comments may be considered by the Board.

Deborah A. Galeazzi
City Clerk

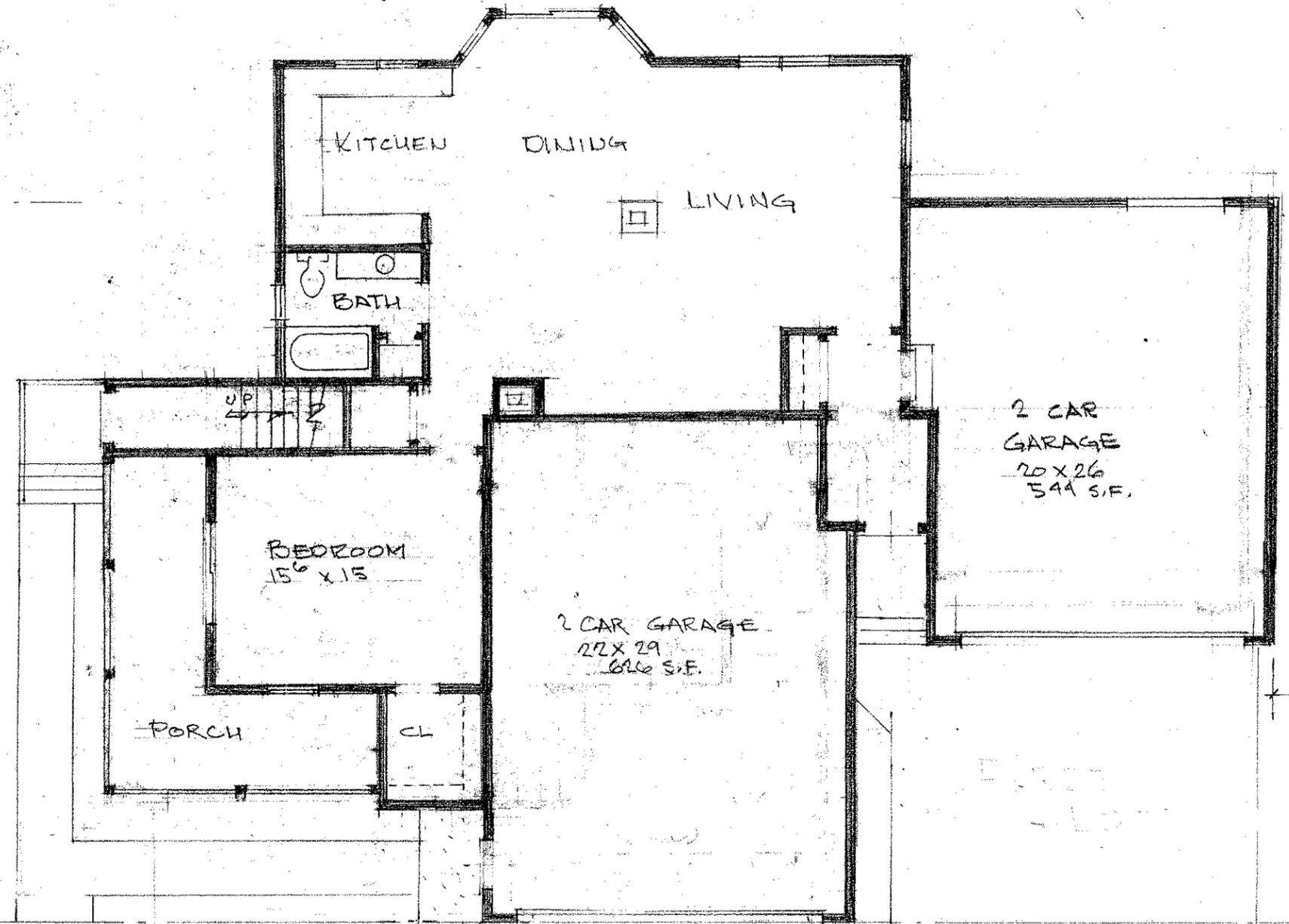
Run: Sept. 12, 2008



PRELIMINARY DUPLEX ALTERATIONS FOR
 MICHAEL AUSTIN
 SITE: 121 RIVER STREET, MENASHA
 OFFICE OF
 STANLEY JON BYE - ARCHITECT
 950 GAIL AVE - NEENAH, WISCONSIN 54956



SECOND FLOOR 1/8"



FIRST FLOOR 1/8"

PRELIMINARY HOUSE ALTERATIONS FOR
 MICHAEL AUSTIN
 SITE: 121 RIVER STREET, MENASHA

BY OFFICE OF
 STANLEY JON BYE - ARCHITECT
 950 GAIL AVE - NEENAH, WISCONSIN 54956
 JULY 23, 2008