

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
February 10, 2009
11:00 AM**

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL/EXCUSED ABSENCES
- C. MINUTES TO APPROVE
 - 1. Board of Appeals, 9/24/08
- D. ACTION ITEMS
 - 1. Request for Variance, Kevin and Julia LeNoble, 533 Broad Street
- 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
Council Chambers, 3rd Floor
140 Main Street, Menasha
September 24, 2008
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Chairman Klein at 11:00 a.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Comm. Sanders, Koslowski, Zielinski, Eckstein, Klein

ALSO PRESENT: CA/HRD Brandt, AP Beckendorf, Clerk Galeazzi, Michael Austin

C. MINUTES TO APPROVE

A. Minutes of July 7, 2008

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

Discussion:

Motion carried on voice vote

D. ACTION ITEM

A. Request for Variance, Michael Austin – 121 River Street

CA/HRD Brandt swore in AP Beckendorf and Michael Austin.

Mr. Austin explained his need for the variance is to construct a two-car attached garage to the existing duplex. Currently there is no garage on the property. The existing structure does not have a basement and a larger garage would provide more storage for both sides of the duplex. He has checked other options. The garage would be in line with the neighbors.

AP Beckendorf gave a brief background on the property. The property was purchased from the City by Mr. Austin. He had the property rezoned from R-1, Single Family to R-2, Two Family. Staff had been opposed to the rezoning, but the Common Council approved the rezoning. Staff has recommended if he changes the depth of the garage a variance would not be required. Hardship would be hard to prove based on no storage space.

CA/HRD Brandt explained prevailing set back as referred to in the City Code.

Commissioners asked questions.

Moved by Comm. Klein, seconded by Comm. Eckstein to deny the variance as no hardship exists as the property is still functional.

Motion carried on roll call 5-0.

E. ADJOURNMENT

Moved by Comm. Eckstein, seconded by Comm. Sanders to adjourn at 11:20 a.m.

Motion carried on voice vote

Deborah A. Galeazzi

Respectfully submitted by Deborah A. Galeazzi, City Clerk

City of Menasha
SPECIAL ZONING APPROVAL

Owner Kevin & Julia LeNoble

Case or Plan No. 2009-01

Address 533 Broad Street

Fee \$225.00

Applicant (if different than Owner) _____

Address _____

Zoning Residential Parcel Number(s) _____

PLEASE INDICATE WHICH REQUEST IS BEING MADE

Rezoning

Special Use

Flood Plain Map
Amendment

Appeal or Variance

PUD Plan Approval

Description of Request: Reduce garage side yard to 3 feet from 10 feet

Owner/Agent Kevin J. LeNoble
Signature

(If applicable)

Formal Hearing 2/10/09

Informal Hearing _____

Notice Mailed 1/30/09

Notice Mailed _____

Notice Mailed _____

Action Taken: _____ 20____

APPROVED

DENIED

Conditions (if any): _____

City of Menasha
Variance Application Questionnaire

Applicant: Kevin & Julia Le Noble

Site Address: 533 Broad 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:

The new City of Menasha zoning ordinance, requiring 16 total feet side yards, creates a hardship for owners of narrow lots. This lot is 50 feet wide and the side yard requirements take up 32% of the buildable area. That combined with a water setback and the flood plain limits updating of this site.

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:

The property fronts on Broad Street and the Fox River. The current garage encroaches on the 50 foot setback from the water and is in the flood plain. This requires the owners to have flood insurance even though the living unit is not in the flood plain. The front, water and side yard setbacks do not allow for a design that would create a marketable house for this site. Without the granting of a variance, any design would require the owner to have flood insurance and would not allow for the recovery or updating and maintenance cost.

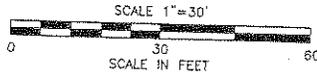
Provide evidence demonstrating that the purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the property:

PLAT OF SURVEY

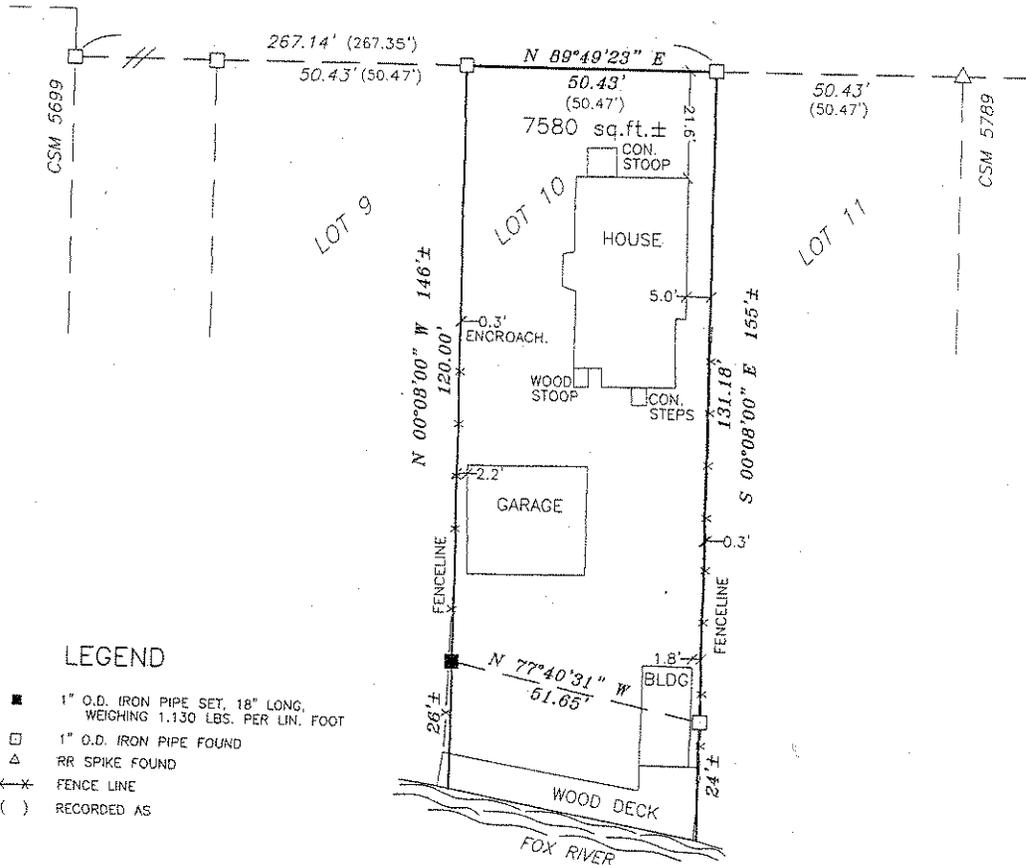
Lot 10, Block 19, in the ORIGINAL PLAT OF MENASHA (TWO ADDITIONS), in the Fifth Ward, City of Menasha, Winnebago County, Wisconsin

Bearings are referenced to the south line of the Broad Street, assumed to bear N 89°49'23" E

Survey for:
Casoloma Properties, Inc.
4089 Crane Drive
Appleton, WI 54913
Attn: Leon Church



BROAD STREET



LEGEND

- 1" O.D. IRON PIPE SET, 18" LONG, WEIGHING 1.130 LBS. PER LIN. FOOT
- 1" O.D. IRON PIPE FOUND
- △ RR SPIKE FOUND
- x-x- FENCE LINE
- () RECORDED AS



SURVEYOR'S CERTIFICATE:

I, hereby certify that I have surveyed this property and this map is a true representation thereof and shows the size and location of the property it's exterior boundaries, the location of all apparent easements and roadways and visible encroachments. This survey is made for the exclusive use of the present owner of the property, and also those who purchase, mortgage or guarantee the title thereto within on (1) year from date hereof: and as to them I hereby certify that said survey and map were made in accordance with acceptable Professional standards and that the information contained thereon is, to the best of my knowledge, information and belief a true and accurate representation thereof.

Dated this 10 day of December, 2008

Daniel W. Hoel
Wisconsin Registered Land Surveyor

Martenson & Eisele, Inc.



1377 Midway Road
Menasha, WI 54952
www.martenson-eisele.com
info@martenson-eisele.com
920.731.0381 1.800.236.0381

Planning
Environmental
Surveying
Engineering
Architecture

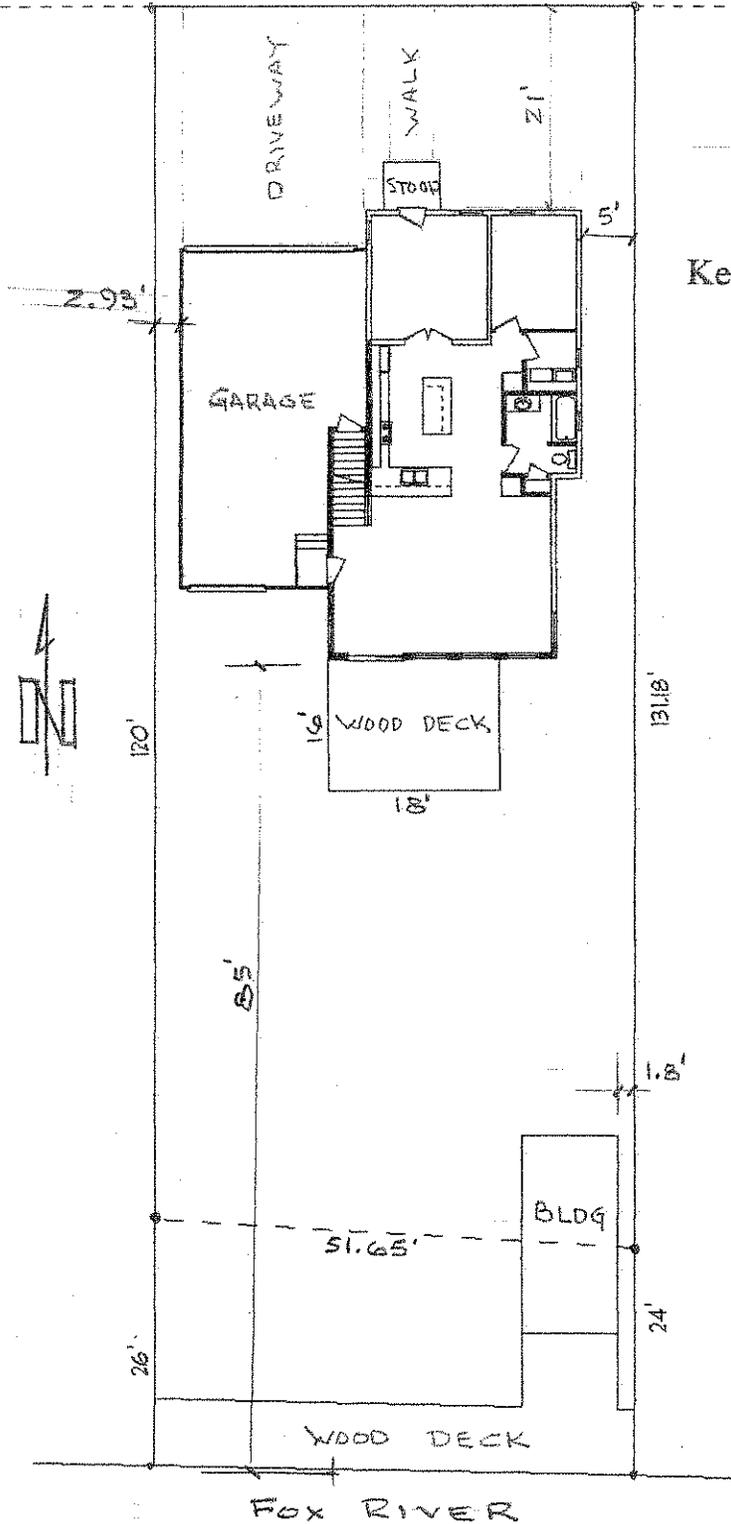
PROJECT NO. 264-339

FILE 264339pos SHEET 1 OF 1

THIS INSTRUMENT WAS DRAFTED BY: pae

BROAD STREET

50.43'



SITE PLAN

Kevin & Julie Lenoble Residence
533 Broad Street
Menasha, WI

Scale: 1" = 20'



January 28, 2009

Kevin LeNoble
533 Broad Street
Menasha, WI 54952
Dear Mr. LeNoble:

Zoning procedures require issuing a denial of the proposed zoning, building or occupancy request in order to initiate variance procedures. This letter constitutes a formal denial of your application for a building permit to construct an attached garage within the required side yard setback. Absent a variance, this action would violate Menasha Ordinance 13-1-25(f)(2) which requires a minimum side yard setback of six (6) feet and an aggregate minimum width on both sides of sixteen (16) feet.

You have complied with other requirements of the zoning variance procedures and a public hearing will be scheduled before the Board of Appeals in the near future. You will receive a copy of the meeting notice via regular mail.

If you have any questions concerning the variance process, please call the Community Development Department.

Sincerely,

Gregory M. Keil
Community Development Director

C: Leon Church



City of Menasha
Board of Appeals
Public Hearing

A Public Hearing will be held by the Board of Zoning Appeals on February 10, 2009 at 11:00 a.m. in the City Hall Council Chambers, 140 Main St., Menasha, to hear the appeal of Kevin and Julia LeNoble, for the property at 533 Broad Street, Menasha, WI.

The applicant is requesting to construct an attached garage within the required side yard setback at 533 Broad Street, Menasha. Absent a variance, this action would constitute a violation of Menasha Ordinance Section 13-1-25(f)(2) which requires a minimum side yard setback of six (6) feet and an aggregate minimum width on both sides of sixteen (16) feet.

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: Jan. 31, 2009