

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
May 16, 2016
2:00 PM**

AGENDA

*2:00 PM – Public Hearing – Request for Variance, Charles Sonnenburg, 420 Nicolet Blvd,
Menasha*

- A. CALL TO ORDER
- B. ROLL CALL/EXCUSED ABSENCES
- C. MINUTES TO APPROVE
 - 1. Board of Appeals, 9/29/14
- D. ACTION ITEMS
 - 1. Request for Variance, Charles Sonnenburg, 420 Nicolet Blvd., Menasha
- E. ADJOURNMENT

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

A Public Hearing will be held by the Board of Zoning Appeals on Monday May 16, 2016 at 2:00 p.m. in the City Hall Council Chambers, 140 Main Street, Menasha, WI to hear the appeal of Charles Sonnenburg, 420 Nicolet Blvd., Menasha, WI.

The applicant is requesting to replace an existing storage room with a sun room within the required front yard setback at 420 Nicolet Blvd., Menasha, WI. Absent a variance, this action would constitute a violation of Menasha Ordinance Section 13-1-25(f)(1).

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: May 6, 2016

CITY OF MENASHA
BOARD OF APPEALS
Third Floor Council Chambers
140 Main Street, Menasha
September 29, 2014
MINUTES

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

Chairman Evenson opened the public hearing at 3:00
No one spoke.
Public hearing was called to a close.

A. CALL TO ORDER

Meeting called to order by Chairman Evenson at 3:01 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Commissioners Evenson, Gloede, Koslowski (arrived at 3:10), Kubiak, Rodriguez
ALSO PRESENT: CDD Keil, PP Homan, Kevin Eismann representing Colt Investment,
Nancy Nospbor representing Rule Property Management, Clerk Galeazzi

C. MINUTES TO APPROVE

1. Board of Appeals, 6/25/12

Moved by Comm. Kubiak seconded by Comm. Gloede to approve minutes.
Motion carried on voice vote.

D. ACTION ITEMS

1. Request for Variance, Colt Investments, 500 Appleton Street, Menasha

Clerk Galeazzi swore in CDD Keil, PP Homan, Kevin Eismann representing the applicant, Colt Investments.

CDD Keil and PP Homan explained Colt Investments is requesting to amend a 1996 variance on the property to modify the types of uses allowed at the property. The 1996 variance restricted the use of the property to contractor offices. The current owner would like more flexibility on the use of the property. The property has lost its legal non-conforming status due to being vacant for more than 12 months. Since the 1996 variance runs with the property and City Code has changed on the loss of legal non-conforming status, it is recommended the 1996 variance be amended to address the zoning non-conformities and use restrictions. Staff is recommending amendments outlined in memo dated 9/29/14.

General discussion ensued on the recommended amendments, property restrictions, and other uses of the property.

Moved by Comm. Koslowski seconded by Comm. Kubiak to approve the amendments as outlined in memo dated 9/29/14.
Motion carried on roll call 5-0.

E. ADJOURNMENT

Moved by Comm. Gloede seconded by Comm. Koslowski to adjourn at 3:32 p.m.
Motion carried on voice vote.

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

City of Menasha

SPECIAL ZONING APPROVAL

Owner Charles Sonnenburg

Case or Plan No. _____

Address 420 Nicolet Blvd

Fee \$ 350.⁰⁰

Applicant (if different than Owner) 540-5085

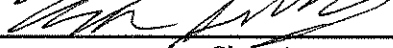
Address _____

Zoning R-1 Parcel Number(s) 3-50368-00

PLEASE INDICATE WHICH REQUEST IS BEING MADE

- | | | |
|--|--|--|
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Special Use | <input type="checkbox"/> Flood Plain Map Amendment |
| <input checked="" type="checkbox"/> Appeal or Variance | <input type="checkbox"/> PUD Plan Approval | |

Description of Request: See Attached

Owner/Agent  4/21/16
Signature

(If applicable) Formal Hearing _____

Informal Hearing _____ Notice Mailed _____

Notice Mailed _____ Notice Mailed _____

Action Taken: _____ 20____

☐ APPROVED ☐ DENIED

Conditions (if any): _____

Description of Request: We wish to replace an existing storage room with a sun room. The existing storage room is collapsing and is beyond repair; it is no longer a safe room to occupy, has gaps that allow the passage of squirrels and small birds, and is negatively impacting the aesthetics of the home. Because of the current zoning restrictions the room cannot be replaced by a room of any size if torn down.

The primary purpose of the sun room that would be built is to house a whirlpool spa. This spa is to help in the treatment of Nicole Sonnenburg (co-owner) in her chronic pain management through hydrotherapy (she is currently undergoing additional treatments at St. Elizabeth's). No other room in the home can serve the function of this room, and the room cannot be added elsewhere on the house due to boundaries and obstacles.

Thus we are requesting to tear down an unattractive and unusable portion of the home with an aesthetically-pleasing room that will aid in the occupant's ongoing medical treatment.

City of Menasha
Variance Application Questionnaire

Applicant: Charles Sonnenburg

Site Address: 420 Nicolet Blvd

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 setback currently passes through the house itself. A room on that side of the home is structurally unsound for anything short of tearing down and rebuilding.

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:

At the moment, one room of our home cannot be safely used. Our desire is to regain the use of this area via demolition and rebuilding of the damaged room.

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:

The room we wish to build to replace the one to be demolished would contain a spa to provide hydrotherapy to treat occupants chronic condition. Occupant (Nicole Sonnenburg) is currently being treated at St. Elizabeth's for pain management, which this will aid. The new room is specifically

designed for this purpose, and no existing room can serve this function.

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 room will still be far off the sidewalk, will not obstruct line of sight, or in any way affect others. Also, it will replace the damaged area with an attractive new room that will make the area more aesthetically pleasing.

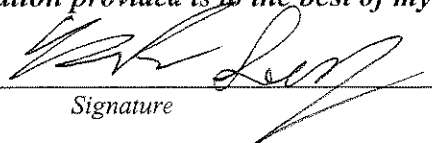
Explain why the proposed variance will not undermine the spirit and general or specific purposes of the zoning code:

It will not in any way negatively impact the surrounding area and will be an aesthetic improvement. Because it is to replace an existing portion of the house, it is not an addition so much as a replacement.

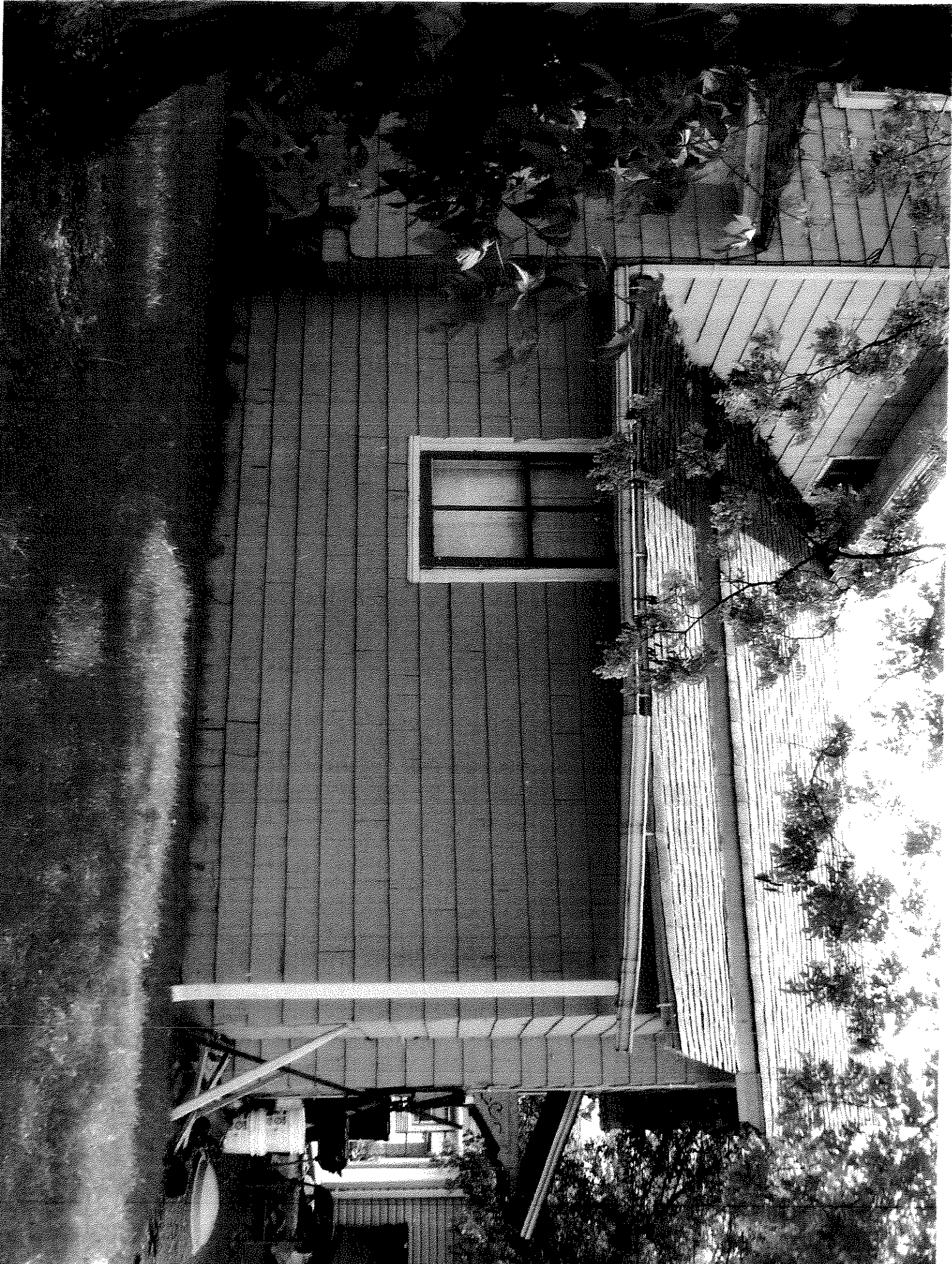
Please submit a site plan showing an accurate depiction of the property and any other relevant or required documents.

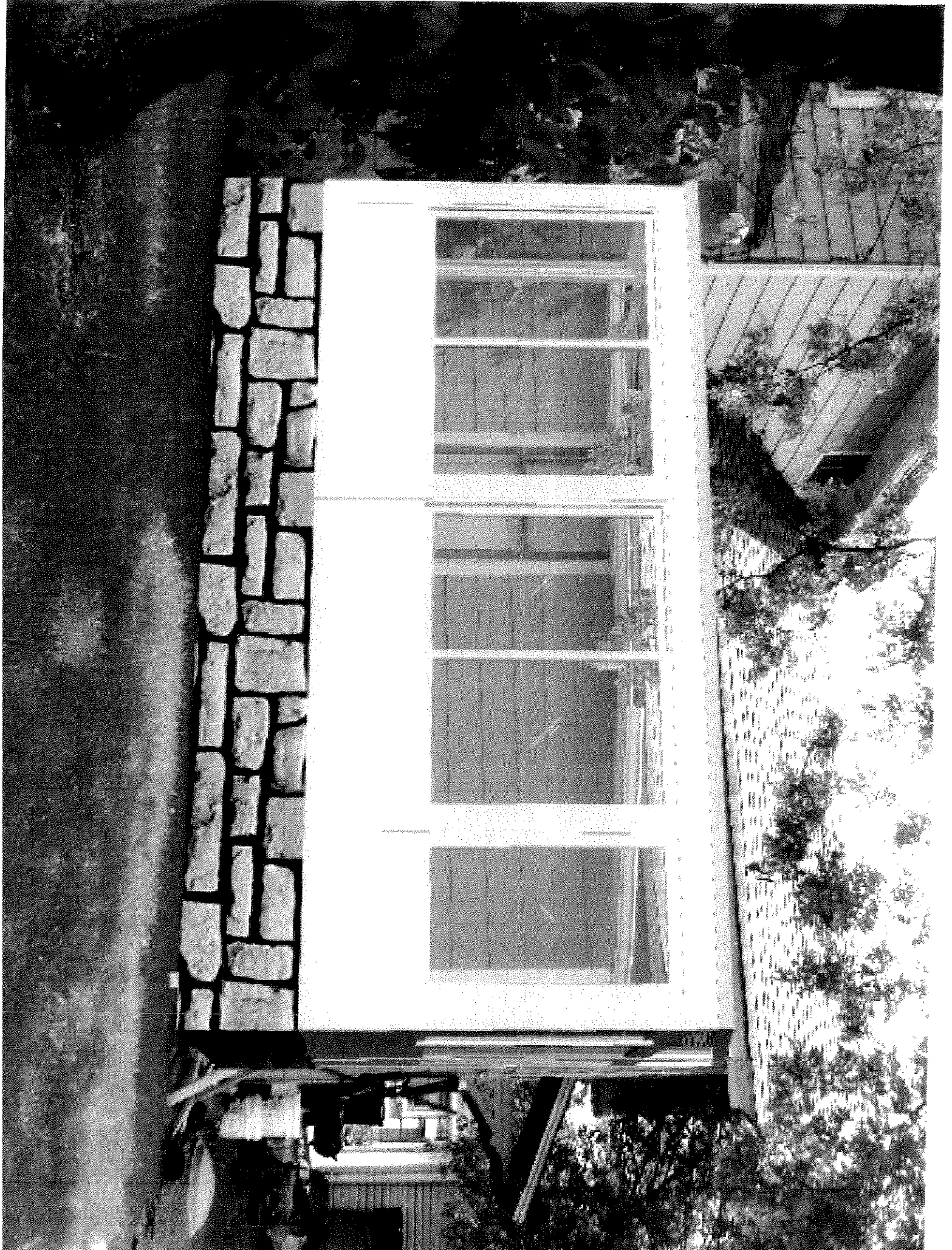
I certify that all information provided is to the best of my knowledge accurate and true.

Property Owner:


Signature

Date: 6-24-15







COPY

June 18, 2015

Charles Sonnenburg
420 Nicolet Blvd
Menasha, WI 54952

Re: 420 Nicolet Blvd Variance Request ,

Dear Mr. Sonnenburg:

Zoning procedures require issuing a denial of the proposed addition to your home (Parcel ID #3-00368-00) due to the required setbacks required on your lot. Absent the granting of a variance, the proposed construction of the addition would not be allowable.

Enclosed is the Variance Procedure Checklist which details the variance process. I've also enclosed a Variance Application Questionnaire which will need to be completed and returned to our office. Once that is received, a public hearing will be scheduled before the Board of Appeals. The Board of Appeals will hold the public hearing to review all submitted information and hear sworn testimony by any interested party. To grant a variance, the Board must find that all five conditions enumerated in Section 13-1-153(d) apply to the subject site in relation to the variance request. A copy of that Section of the Menasha Code of Ordinances is enclosed for you.

Should you have questions about the variance process please feel free to contact me.

Sincerely,

Kristi Heim
Community Development Coordinator

Enclosures



- (a) **INTENT.** This district is intended to provide for low density single-family residential development and to restrict the development of uses that generate high volumes of noise and traffic.
- (b) **PERMITTED USES.**
 - (1) Family day care home.
 - (2) Single-family detached dwelling.
 - (3) Tourist Rooming House.
 - (4) Bed and Breakfast Establishments.
- (c) **PERMITTED USES REQUIRING CONDITIONAL SITE PLAN APPROVAL.**
 - (1) Utility substation.
- (d) **SPECIAL USES.**
 - (1) All commercial and public radio, microwave and television towers, and all private radio and television towers exceeding fifty (50) feet in height.
 - (2) Cemetery.
 - (3) Boarding or Rooming House.
 - (4) Church.
 - (5) Day care center/nursery school.
 - (6) Farm.
 - (7) Golf course.
 - (8) Landscape nursery or orchard provided no office or store is maintained on premises.
 - (9) Park or playground.
 - (10) Public building.
 - (11) Public library, museum, art gallery or community center.
 - (12) Railroad rights-of-way and uses essential to their operation.
 - (13) School.
 - (14) Single-family attached dwelling.
- (e) **GARAGES, ACCESSORY BUILDINGS AND USES.**
 - (1) One (1) detached garage. Such garage may be constructed in addition to the garage space within the principal structure.
 - (2) One (1) accessory building.
 - (3) Any of the following accessory uses:
 - a. One (1) private swimming pool.
 - b. One (1) private tennis court.
 - c. One (1) satellite antenna/dish.
 - d. One (1) detached solar structure.
- (f) **STANDARDS.**
 - (1) Minimum front yard setback -- Twenty-five (25) feet or the prevailing setback.
 - (2) Minimum side yard -- Six (6) feet and an aggregate minimum width on both sides of sixteen (16) feet.
 - (3) Minimum rear yard -- Thirty (30) feet.
 - (4) Maximum height -- Thirty-five (35) feet or two and one-half (2-1/2) stories.
 - (5) Minimum side yard and rear yard of detached garages, accessory buildings and uses that are eight (8) feet or more from the principal dwelling -- Three (3) feet side yard and three (3) feet rear yard.
 - (6) Minimum side yard and rear yard of detached garages, accessory buildings or uses that are less than eight (8) feet from the principal dwelling -- Six (6) feet side yard and eight (8) feet rear yard.
 - (7) Minimum lot size -- Seven thousand two hundred (7,200) square feet per dwelling.



MEMORANDUM

To: Zoning Board of Appeals
From: Kevin Englebert, Associate Planner ^{KRE}
Date: May 9, 2016
RE: Variance Request for 420 Nicolet Blvd (#3-00368-00)

Overview

Mr. Charles Sonnenburg has requested a variance to replace an existing storage room with a sunroom at 420 Nicolet Blvd (#3-00368-00). The current storage room is dilapidated, has gaps that allow passage of squirrels and small birds, and negatively impacts the aesthetics of the home. Due to the condition of the structure, the homeowners are unable to use the existing room. They are requesting to demolish the storage room and in its stead build a sunroom. The sunroom will be utilized for the treatment of one of the homeowner's on-going medical condition.

The property is currently zoned in the R-1 Single Family Residence District. The front yard setback in the R-1 district is defined as twenty-five feet (25) or the prevailing setback. In this case, staff has determined the prevailing setback of the block to be nineteen (19) feet. Since Mr. Sonnenburg's house is approximately fifteen (15) feet from the property line, the setback runs through his existing home. Please see the attached documentation.

Staff Findings

Based on analysis of the variance application, Community Development Staff finds the following:

- The property in question is unique relative to other properties in the same district. The parcel has two front yard setbacks since it is situated on a corner lot. Additionally, the lot is legal non-conforming in regards to both lot size and lot width. In this instance, the presence of the rear yard setback and front yard setback would not allow for the reconstruction of a home that would meet our current zoning standards. Absent a variance, the property owner cannot rebuild the principal structure and would be severely limited in relation to building any additions to the home. Therefore, the property owner would have a significant hardship.
- The request for the variance is for the purpose of medical treatment of one of the residents of the home. The variance is not being sought on purely economic grounds.
- The granting of a variance will not be detrimental to the public as the variance is predicated on maintaining the existing principal structure line. Additionally, the proposed sunroom will have similar footprint to the existing storage room.

- The proposed variance will not undermine the spirit of the Zoning Code as it is the intention of the R-1 Single Family Residence District to provide for the reasonable enjoyment of a low-density single family use.

Staff Recommendations

Staff recommends the approval of a variance for the front yard setback on the east side of the property to allow for the construction of an addition. The variance should be predicated on the condition that the new addition will not be located in front of the principal structure line.