

CITY OF MENASHA  
BOARD OF APPEALS  
Room 207, Menasha City Center  
100 Main Street, Menasha  
November 7, 2018  
MINUTES

A. CALL TO ORDER

Meeting called to order by Chairman Evenson at 2:03 p.m.

B. ROLL CALL

PRESENT: Commissioners Ryan Ellis, Christopher Evenson, Jim Koslowski, Ken Kubiak, Antoine Tines

ALSO PRESENT: CDD Schroeder, CDC Heim, Chuck Kuen and Dave Rause (representing Valley Management/McDonalds), Jim Marks and Kristina Coppo (representing Fox Cities Sign), Tim Larsen, Clerk Galeazzi.

C. PUBLIC HEARING

1. Request of Fox Cities Sign and Lighting to remove the existing manual reader board and replace with a new Watchfire Electronic Message Center (EMC) on the existing legal non-conforming pole sign located at McDonalds (Valley Management), 212 Racine Street, Menasha.

Chairman Evenson opened the public hearing.

Chuck Kuen, representing Valley Management/McDonald's, spoke on interrupting the City of Menasha zoning ordinance on electronic message center and the role of the Board of Appeals.

Dave Rause, representing Valley Management/McDonald's, spoke on updating the City of Menasha zoning ordinance and the Board of Appeals' approval of other variances.

Greg Obersadt, St. Timothy Church, spoke on St. Timothy's request for a variance was similar to the request by McDonald's and St. Timothy's request was denied. City should look at updating the zoning ordinance.

Gary Smarzinski, St. Timothy Church, spoke on updating the zoning ordinance and how the current code applies to St. Timothy Church and McDonald's requests.

Sue Erdmann, St. Timothy Church, suggested the zoning code ordinance be updated to be more in line with how things operate.

Jim Marks, Fox Cities Sign, spoke on updating the zoning ordinance.

CDD Schroeder presented a letter from David G. Voss, President & CEO of Miron Construction, supporting the approval of the variance request of McDonald's to install an electronic message center.

CDD Schroeder presented an e-mail from Kara Homan, 377 Winnebago Ave, Menasha, pointing out the role of the Board of Appeals.

Chairman Evenson closed the public hearing

2. Request of Tim and Julie Larsen for an addition to their home at 1028 Ninth Street, Menasha. The property is zoned R-1 Single Family Residence District which requires a minimum rear yard setback of thirty (30) feet. The proposed addition encroaches upon the required rear yard setback by four (4) feet.

Mr. Larson stated he would speak later in the meeting.

#### D. MINUTES TO APPROVE

1. Board of Appeals, 10/12/18.

Moved by Comm. Kubiak seconded by Comm. Ellis to approve the minutes.

Motion carried on voice vote.

#### E. ACTION ITEMS

1. Request of Fox Cities Sign and Lighting to remove the existing manual reader board and replace with a new Watchfire Electronic Message Center (EMC) on the existing legal non-conforming pole sign located at McDonalds (Valley Management), 212 Racine Street, Menasha.

CDC Heim presented staff's recommendation to deny the variance as the requirements for granting a variance have not been satisfied. She reviewed each criteria.

Chuck Kuen and Dave Rause explained the hardship associated with not allowing an EMC on a monument sign, the uniqueness of the lot, safety issues with installing EMC, and granting the variance will not be detrimental to the neighborhood.

Commissioners discussed the busy intersection where McDonald's is located, process and timeline of updating the zoning ordinances, role of Board of Appeals, uniqueness of lot, and setting a precedent if variance is approved.

Commissioner Tines was excused at 2:55 p.m.

Moved by Comm. Kubiak seconded by Comm. Ellis to approve variance as the applicant has demonstrated hardship and uniqueness of the property, and with the understanding that the zoning ordinances be review by the Plan Commission.

Motion carried on roll call 3-1.

Comm. Ellis, Koslowski, Kubiak voted yes. Comm. Evenson voted no.

2. Request of Tim and Julie Larsen for an addition to their home at 1028 Ninth Street, Menasha. The property is zoned R-1 Single Family Residence District which requires a minimum rear yard setback of thirty (30) feet. The proposed addition encroaches upon the required rear yard setback by four (4) feet.

Tim Larsen, explained his request to add a sunroom on the back of the existing structure at 1028 Ninth Street. The addition will go over the required set back by four (4) feet. He stated making the sunroom four (4) feet shorter is not practical or cost effective. Mr. Larsen stated his home is set further back from the street than the rest of the homes on his block. Therefore he has less of a backyard. This is mainly due to when his home was constructed the street was not completely in and the center of the street could not be determined. He feels this is a unique situation. He pointed out a house on Stardust Drive, the street behind him, has a similar situation and they encroach the set back.

CDC Heim presented staff's recommendation not to grant the variance as the requirements for granting a variance has not been satisfied. She reviewed the criteria for granting a variance.

CDC Heim stated staff received a phone call from Aynard Van Strom, 1019 Stardust Drive, they are not in favor of the variance as rules are set for a reason.

Mr. Larson stated he has talked to some of his backyard neighbors and they support the variance.

Commissioner Tines returned at 3:30 p.m.

Commissioner discussed the current setbacks, improving property value, uniqueness of how home is situated on the lot, and other properties in the neighborhood that encroach the setbacks.

Moved by Comm. Ellis seconded by Comm. Kubiak approve variance as the placement of the structure restricts improvements to the property without a variance.

Motion carried on roll call 4-1.

Comm. Ellis, Evenson, Kubiak, Tines votes yes. Comm. Koslowski voted no.

#### F. ADJOURNMENT

Moved by Comm. Kubiak seconded by Comm. Ellis to adjourn at 3:40 p.m.

Motion carried on voice vote.

Deborah A. Galeazzi, WCMC  
City Clerk