

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
Room 207, Menasha City Center
100 Main Street, Menasha
November 7, 2018
2:00 PM**

AGENDA

A. CALL TO ORDER

B. ROLL CALL

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.
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.

D. MINUTES TO APPROVE

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

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.
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.

F. 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 Zoning Appeals
Public Hearing**

A Public Hearing will be held by the Board of Zoning Appeals on November 7, 2018 at 2:00 p.m. in Room 207 Menasha City Center, 100 Main Street, Menasha, WI to hear a 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.

Absent a variance this action would constitute a violation of Section 13-1-67 (d)(2), which allows electronic message centers on monument signs only.

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, WCMC
City Clerk

Publish: Oct 27, 2018

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

A Public Hearing will be held by the Board of Zoning Appeals on November 7, 2018 at 2:00 p.m. in Room 207 Menasha City Center, 100 Main Street, Menasha, WI to hear the appeal of Tim and Julie Larsen.

The applicant is requesting an addition to their home at 1028 Ninth Street, Menasha, WI. 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.

Absent a variance, this action would constitute a violation of Menasha Ordinance Section 13-1-25(f)(3).

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, WCMC
City Clerk

Publish: Oct 28, 2018

CITY OF MENASHA
BOARD OF APPEALS
Room 133, Menasha City Center
100 Main Street, Menasha
October 12, 2018
MINUTES

A. CALL TO ORDER

Meeting called to order by Chairman Evenson at 8:30 a.m.

B. ROLL CALL

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

EXCUSED: Commissioner Jim Koslowski

ALSO PRESENT: CDC Heim, AP Joe Stephenson, Clerk Galeazzi

C. PUBLIC HEARING

1. Request for internal illumination and Electronic Message Center (EMC) monument sign at St. Mary's Elementary School, 540 Second Street, Menasha

Lyssa King, Representing St. Mary's Elementary School; stated the school has been working on installing a new sign since 2014. Safety is a main concern for requesting an electronic message center (EMC) monument sign. She thanked City staff for working with them on the procedure for a sign.

Heather Voss, Representing St. Mary's Elementary School; parents of students have safety concerns and feel the EMC can help.

Jamie DeLeeuw, Fox Stamp; support an EMC as it will have more of an impact for the school.

Dave Voss; support an EMC; the City needs to be more progressive and allow EMC in R-1 zoned districts.

Dave Ross, McDonald's Restaurant; support an EMC, will make school more visible.

Tanya Bahl; support an EMC for safety reasons.

Sandra Piotrowski, Principal of St. Mary's School; support an EMC for safety reasons.

Steve Siegel, Business Manager for St. Mary's; support an EMC for communication and outreach to the community.

Kayla Brenn; support an EMC to help market the school and get information out to the community.

Mike and Claudia McClone; support an EMC; will be an asset to school and community

Kathy Davis; support an EMC for safety purposes.

D. MINUTES TO APPROVE

1. Board of Appeals, 6/8/17.

Moved by Comm. Kubiak seconded by Comm. Ellis to approve minutes of 6/8/17.

Motion carried on voice vote.

E. ACTION ITEMS

1. Request for internal illuminated and Electronic Message Center (EMC) monument sign at St. Mary Elementary School located at 540 Second Street, Menasha.

CDC Heim spoke on staff's recommendation to deny this variance request as they;

- have not demonstrated a hardship;
- the property does not have unique conditions that diminish the property rights possessed by other properties in the same vicinity;
- there is no financial loss or gain as they are a non-profit school;
- EMC on a busy part of Third Street may distract pedestrian and vehicular traffic and may cause a negative impact to the area;
- fourteen churches and fifteen schools in the City, many in residential areas, approving the variance may set a precedent to allow other special uses for other schools and churches.

CDC Heim stated St. Mary's does qualify for an a standard monument sign but EMC is not allowed in R-1 Single Family Residence District zoning, which is what the parcel is zoned.

Heather Voss stressed the importance of safety for the children at the school with a busy street boarding on the north side of the campus. She stated there are no school zone signs on that part of Third Street to make drivers aware that children may present and trying to cross the busy street. Ms. Voss also mentioned that an Electronic Message Center would help with marketing their school. EMC would allow the school to get message of their existence in the community.

Jamie DeLeeuw spoke on the size and placement of the sign. He also explained the option to remotely change the message on the electronic message center.

Lyssa King explained she spoke with neighbors in the area and did not receive any negative comments about having an electronic message center in the spot they are requesting.

General discussion ensued on the safety factor, benefit to the school, and little impact to the neighborhood.

Moved by Comm. Kubiak seconded by Comm. Ellis to approve the variance with the condition the sign must meet the requirements under the City's Zoning Code.

Motion carried on roll call 3-1. Comm. Evenson voted no.

F. ADJOURNMENT

Moved by Comm. Tines seconded by Comm. Ellis to adjourn at 9:07 a.m.

Motion carried on voice vote.

Deborah A. Galeazzi, WCMC
City Clerk



To: Board of Appeals

From: Kristi Heim, Community Development Coordinator

Date: November 7, 2018

RE: **Variance Request for McDonald's, 212 Racine Street**

OVERVIEW

Property Address: 212 Racine Street

Property Owner: Valley Management, 18 Jewelers Park Drive, Neenah

Applicant: Fox Cities Sign & Lighting, 1125 Tuckaway Lane, Menasha

Property Zoning: C-1 General Commercial District.

Surrounding Zoning:

North: C-1 General Commercial District

South: C-1 General Commercial District

East: C-1 General Commercial District

West: C-1 General Commercial District

All properties within one hundred (100) feet of the property are zoned C-1 general commercial; however, the properties directly to the west and southwest of the property have residential uses.

Variance Requested: Section 13-1-67(d)(2) of the City of Menasha Code of Ordinances states electronic message centers shall be allowed on monument signs only and are subject to all monument sign requirements within the applicable zoning district. The applicant is requesting allowance for an electronic message center as part of the existing legal nonconforming pole sign.

Reason for Variance: To allow McDonald's to remove the manual reader board and replace with an electronic message center to their existing pole sign.

REGULATIONS FOR GRANTING A VARIANCE

Per Section 13-1-153(d), the Board of Appeals must find the following five items to be true prior to granting a variance:

- 1) Hardship to the Property Owner due to Physiographical Considerations
- 2) Unique Property Conditions
- 3) Not an Exclusive Desire to Increase Property Value or Income
- 4) Will not be Detrimental to the Neighborhood
- 5) Will not Undermine the Spirit of the Zoning Code

ANALYSIS OF VARIANCE REQUEST

Below is staff's analysis of each of the five required items per Section 13-1-153(d) as they pertain to the variance requested by McDonald's.

1. *Hardship to the Property Owner due to Physiographical Considerations*

SEC 13-1-153(D)1: "Denial of variation may result in hardship to the property owner due to physiographical consideration. There must be exceptional, extraordinary or unusual circumstances 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 and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed."

ANALYSIS: Absent a variance, the applicant has the ability to perform routine repairs to maintain the sign in a safe and aesthetic condition exactly as it existed at the time of the adoption of the ordinance. The applicant is also allowed change of the sign copy or replacement of sign panels within the existing sign frame as permitted. The changing of the panels would not allow an electronic message center to replace the existing reader board on the pole sign as the code specifically states EMC's are only allowed on monument signs.

The Zoning Ordinance allows signage by right that the property owner is allowed to retain and maintain the existing legal nonconforming pole sign with a reader board. The Zoning Ordinance also allows for the removal of the current signage and replacement with a new monument sign which an electronic message could be installed with an approved special use permit.

It is staffs opinion a hardship, as defined, is unfounded as the property does not present any unusual conditions to other properties within the same district.

2. Unique Property Conditions

SEC 13-1-153(D)2: The conditions upon which a petition for a variation is based are unique to the property for which variation is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

ANALYSIS: There are currently twenty-seven legal nonconforming pole signs located within the city. Of those, one sign has an EMC which was granted a variance in 2007. Noted in the variance was loss of parking if a monument sign were to be erected, vision issues, and blocking of driveway access points specific to that lot.

No unique property conditions exist at the property of which is before the board today that do not exist on the majority of the other properties with legal nonconforming pole signs.

3. Not an Exclusive Desire to Increase Property Value or Income

SEC 13-1-153(D)3: The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.

ANALYSIS: While the addition of the EMC could increase sales, it is staffs opinion that the purpose of the variance is not based upon a desire to increase the value of the property or income potential.

4. Will Not be Detrimental to the Neighborhood

SEC 13-1-153(D)4: The granting of the variation 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.

ANALYSIS: The addition of the EMC to a legal nonconforming sign increases that signs nonconformity. The Zoning Ordinance specifically states that a sign shall lose its legal nonconforming status when one or more instances occur, which include, but are not limited to:

- The sign is expanded or changed to another nonconforming sign
- The sign is altered so as to change the shape, size, type, placement, or design of its structural or basic parts
- The sign is enhanced with any new feature, including the addition of illumination

It is staffs opinion that allowing an increased nonconformity is detrimental to the neighborhood and city as a whole.

5. *Will not Undermine the Spirit of the Zoning Code*

SEC 13-1-153(D)5: The proposed variation will not undermine the spirit and general and specific purposes of the Zoning Code.

ANALYSIS: The inclusion of electronic message centers on existing pole signs does undermine the zoning code. By right, the property owner has two options for signage. One being to maintain the legal nonconforming pole sign with the manual reader board and the other to remove the existing sign and replace with a monument sign which electronic message centers are allowed.

STAFF RECOMMENDATION

Staff recommends the variance, as requested, be denied by the Board of Appeals. Per the analysis presented above, staff deems that the requirements for granting a variance have not been satisfied.



October 10, 2018

Kristina Coppo
Fox Cities Sign and Lighting
1125 Tuckaway Lane
Menasha, WI 54952

Dear Ms. Coppo:

City of Menasha zoning code procedures require issuing a denial of your sign request in order to initiate the variance process. This letter constitutes a formal denial of your request 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 (Parcel #1-00183-00). Absent a variance, this action would constitute violation of Section 13-1-67(d)(2) which allows electronic message centers on monument signs only.

The variance application and supporting documentation has been forwarded to the City Clerk who will schedule a Board of Appeals meeting and notify you of the date, time, and location of the meeting.

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

Sincerely,

Kristi Heim
Community Development Coordinator

c: City Attorney Pam Captain
City Clerk Deborah Galeazzi ✓
Community Development Director Sam Schroeder
Associate Planner Joe Stephenson
Archland Property I, LLC, 18 Jewelers Park Drive, Suite 100, Neenah, WI 54956



City of Menasha Application Appeal or Variance

SUBMIT TO:
City of Menasha
Dept. of Com. Development
100 Main Street, Suite 200
Menasha, WI 54952-3190
PHONE: (920) 967-3650

APPLICANT INFORMATION

Petitioner: Fox Cities Sign + Lighting Date: 10-1-18
Petitioner's Address: 1125 Tuckaway Ln City: Menasha State: WI Zip: 54952
Telephone #: (920) 378-3515 Fax: (920) 221-3243 Other Contact # or Email: Kristina Coppo
Kristina@foxcitiesign.com
Status of Petitioner (Please Circle): Owner Representative Tenant Prospective Buyer
Petitioner's Signature (required): Kristina Coppo Date: 10-1-18

OWNER INFORMATION

Owner(s): Valley Management - McDonald's Date: 10-1-18
Owner(s) Address: 18 Jewelers Park Dr. City: Menasha State: WI Zip: 54956
Telephone #: (920) 725-8919 Fax: () Other Contact # or Email: Chuck Kuen
Ownership Status (Please Circle): Individual Trust Partnership Corporation Incorporated

Property Owner Consent: (required)

By signature hereon, I/We acknowledge that City officials and/or employees may, in the performance of their functions, enter upon the property to inspect or gather other information necessary to process this application. I also understand that all meeting dates are tentative and may be postponed by the Community Development Dept. for incomplete submissions or other administrative reasons.

Property Owner's Signature: [Signature] Date: 10-1-18

APPEAL OR VARIANCE INFORMATION

Address/Location of Appeal/Variance Request: McDonald's - 212 Racine St., Menasha

Tax Parcel Number(s): 1-00183-00

Reason for Appeal/Variance Request: Looking to install a 3'5" x 7'3" 16mm Weather
EMC to their existing pylon sign - Main ID + manual readerboard exists
now.

Zoning Adjacent to the Site:

North:	<u>C-1</u>
South:	<u>C-1</u>
East:	<u>C-1</u>
West:	<u>C-1</u>

Staff _____ Date Rec'd _____

City of Menasha
Variance Application Questionnaire

Applicant: Valley Management-McDonald's Site Address: 212 Racine St. Menasha,
WI 54952

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:

1) Their "hardship" is simply a matter of safety. The changing of static letters requires a ladder and they seek to eliminate the risk of an accident/injury as well as making signage more attractive and updating the current outdated manual readerboard to match/be consistent with other area businesses.

If they were to be forced to remove the existing pylon sign and replace with a new monument/EMC sign, the cost to convert would be between \$5,000 and \$75,000.

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:

There are other businesses such as Michiel's Bar + Grill, Solea Mexican Grill, and Central Alliance Credit Union that do have their EMCs installed on pylons. These signs are in the area off Appleton Rd all nearby.

Valley Management wishes to be able to advertise just as their competitors and these businesses have been.

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 current pylon sign already includes a manual reader board which, as it has aged, looks shabby and Valley Management is expending considerable dollars to upgrade the entire facility. Adding the latest technology is

being done as a part of this enhancement to the property.

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 Watchfire EMCs have an automatic dimmer for daylight and nighttime, so the EMC will not be detrimental to the neighborhood. The brightness, duration, and transition method, will be properly regulated + enforced. The EMC will help to modernize not only the McDonald's building itself, but also the neighborhood. Manual readerboards are outdated, it is beneficial to the neighborhood area to keep up with the times and enhance the community's aesthetics.

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

In keeping with the spirit of any municipal code, Valley Management is improving the property in a neighborhood that has high visibility and those improvements include attractive signage. The existing, approved signage is outdated and in need of upgrading.

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:

10-1-18



Google

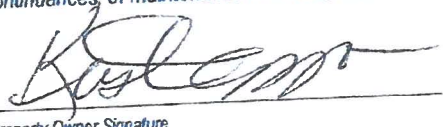


City of Menasha
Department of Community Development
140 Main Street
Menasha WI 54952
(920) 967-3650 (920) 967-5272 fax

APPLICATION FOR SIGN PERMIT

Date:	8/6/18
Site Address:	212 Racine St.
Zoning:	C-1 General Commercial
Parcel #:	1-00183-00
Name of Business:	McDonald's (Valley Management)
Property Owner:	Valley Management
Address:	18 Jeneke Park Dr. Suite 100, Menasha, WI 54952
Applicant:	For Cities Sign
Contact:	Kristina Coppo
Address:	1125 D Tuckaway Ln Menasha, WI 54952
Phone:	920-378-3515
Fax:	920-221-3243
Email:	CKenn@valleymanagement.com kristina@forcitiesign.com

The undersigned hereby agrees to install all signs in accordance with applicable ordinances and holds the City of Menasha harmless from any and all damages, claims or causes of action whatsoever of any nature by reason of installation, use, continuances, or maintenance of said sign(s).


Property Owner Signature

8/6/18
Date

Required Submissions (staff use only)	
<input type="checkbox"/>	Site Plan
<input type="checkbox"/>	Building Elevations
<input type="checkbox"/>	Sign Illustration & Description
<input type="checkbox"/>	Permit Fee(s)
Total: \$ _____	
Receipt: # _____	
Review & Approval (staff use only)	
<input type="checkbox"/>	Zoning
<input type="checkbox"/>	C-2 Central Business District Design Standards
<input type="checkbox"/>	Landmarks Commission - Historic District
<input type="checkbox"/>	Common Council - Special Use Permit
<input type="checkbox"/>	Public Works - Vision Control Area/ROW
<input type="checkbox"/>	Final Approval
Conditions: _____	

Zoning Administrator	Date Issued

Sign Permit Application Instructions

1. It is recommended that applicants consult with the Zoning Administrator during the initial planning stages to avoid delays and ensure that all proposed signage complies with City of Menasha ordinance requirements.
2. Before construction or installation of any sign(s) requiring a permit, applicants shall submit a sign permit application package that includes:
 - A completed permit application form with the signature of the property owner.
 - Required permit fees for each sign.
 - An accurate plot plan drawn to scale of the entire lot on which the sign(s) will be located showing the location of buildings, parking lots, driveways, and landscaped areas on the lot.
 - An accurate indication on the plot plan of the location and orientation of all existing signs, each sign for which a permit is requested, and the anticipated location of future signs requiring a permit.
 - A description and illustration of each proposed sign including the following:
 - Colors and materials to be used in sign construction (e.g., limestone base with bronze letters, etc);
 - Style of lettering for all signs;
 - Appearance/location of logos or icons;
 - Location of each sign on the building(s), with building elevations if necessary (e.g., over doors, over windows, awnings, etc);
 - All sign proportions; and,
 - Types of illumination (e.g. external illumination with description of type of outdoor light fixture).
 - In addition, optional submittals may be required by the Zoning Administrator if deemed necessary due to the character of the proposed signs and/or site.

Over - Please complete both sides of the application form

Please provide the following information for all proposed new signs along with any existing signs to remain on the property and attach the required site plan and sign illustration(s):

Property Information (required)

Linear Dimensions of Building Exposures: North: _____ ft South: _____ ft East: _____ ft West: _____ ft
 Corner Lot: Yes: _____ No: _____
 Multiple Tenants: Yes: _____ No: _____
 Existing Signs: Yes: _____ No: _____

Business Center Signs (\$150/sign + Special Use Permit)

Approval _____

Existing:	Area: _____ sq ft	Base Height: _____ ft	Total Height: _____ ft	Setback: _____ ft	_____
Proposed 1:	Area: _____ sq ft	Base Height: _____ ft	Total Height: _____ ft	Setback: _____ ft	_____
Proposed 2:	Area: _____ sq ft	Base Height: _____ ft	Total Height: _____ ft	Setback: _____ ft	_____
Illumination:	None: _____	Internal: _____	External: _____	Backlit/Halo: _____	_____
Description:	_____				

Monument Signs (\$150/sign)

Approval _____

Existing:	Area: _____ sq ft	Base Height: _____ ft	Total Height: _____ ft	Setback: _____ ft	_____
Proposed 1:	Area: _____ sq ft	Base Height: _____ ft	Total Height: _____ ft	Setback: _____ ft	_____
Proposed 2:	Area: _____ sq ft	Base Height: _____ ft	Total Height: _____ ft	Setback: _____ ft	_____
Illumination:	None: _____	Internal: _____	External: _____	Backlit/Halo: _____	_____
Description:	_____				

Monument Signs with Electronic Message Centers (\$250/sign + annual inspection fee)

Approval _____

Existing:	Area: _____ sq ft	Base Height: _____ ft	Total Height: _____ ft	Setback: _____ ft	_____
Proposed 1:	Area: _____ sq ft	Base Height: _____ ft	Total Height: _____ ft	Setback: _____ ft	_____
EMC 1:	Message Area: _____ sq ft	Static Area: _____ sq ft	Total EMC Area: _____ sq ft	Setback: _____ ft	_____
Proposed 2:	Area: _____ sq ft	Base Height: _____ ft	Total Height: _____ ft	Setback: _____ ft	_____
EMC 2:	Message Area: _____ sq ft	Static Area: _____ sq ft	Total EMC Area: _____ sq ft	Setback: _____ ft	_____
Illumination:	None: _____	Internal: _____	External: _____	Backlit/Halo: _____	_____
Description:	_____				

Pole Signs (STH 441 Only) (\$150/sign)

Approval _____

Existing:	Area: _____ sq ft	Total Height: _____ ft	Setback: _____ ft	_____
Proposed:	Area: _____ sq ft	Total Height: _____ ft	Setback: _____ ft	_____
Illumination:	None: _____	Internal: _____	External: _____	Backlit/Halo: _____
Description:	Remove existing manual reader board + replace w/ new 110 mm watchfire electronic message center.			

Projecting Signs (\$75/sign)

Approval _____

North Elevation:	Existing: _____ sq ft	Proposed 1: _____ sq ft	Clearance Height: _____ ft	_____
South Elevation:	Existing: _____ sq ft	Proposed 2: _____ sq ft	Clearance Height: _____ ft	_____
East Elevation:	Existing: _____ sq ft	Proposed 3: _____ sq ft	Clearance Height: _____ ft	_____
West Elevation:	Existing: _____ sq ft	Proposed 4: _____ sq ft	Clearance Height: _____ ft	_____
Illumination:	None: _____	Internal: _____	External: _____	Backlit/Halo: _____
Description:	_____			

Sidewalk Signs (\$50/sign)

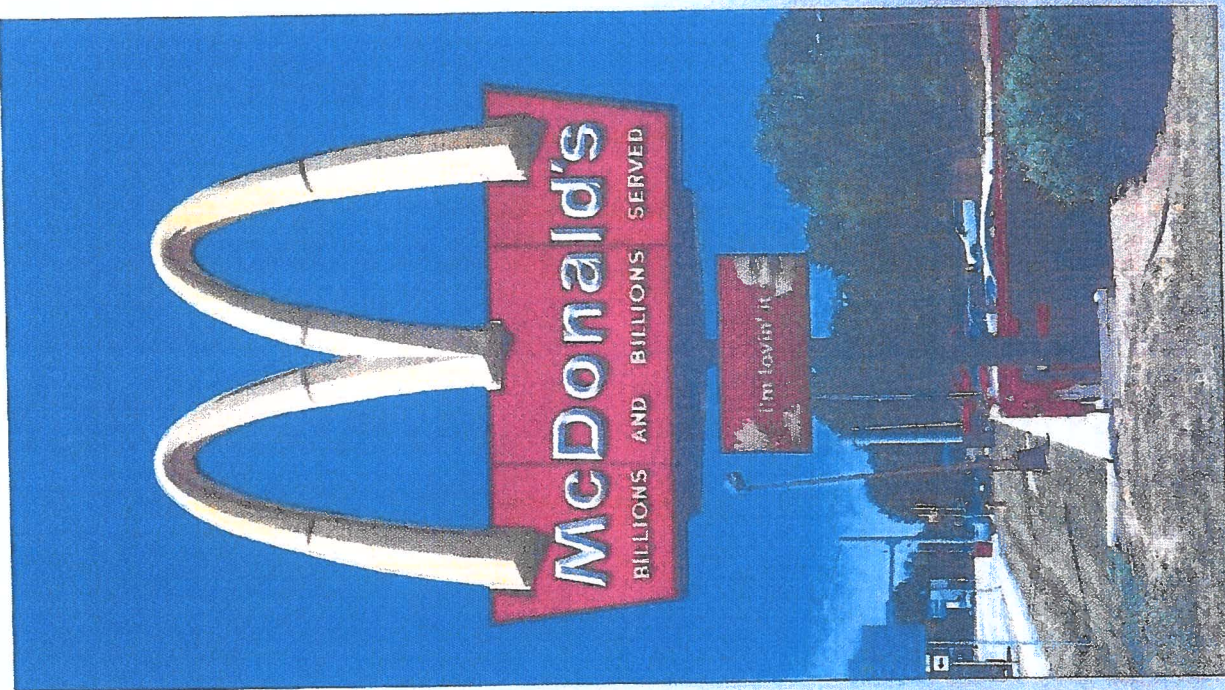
Approval _____

Proposed:	Area: _____ sq ft	Height: _____ ft	Location: _____	_____
Description:	_____			

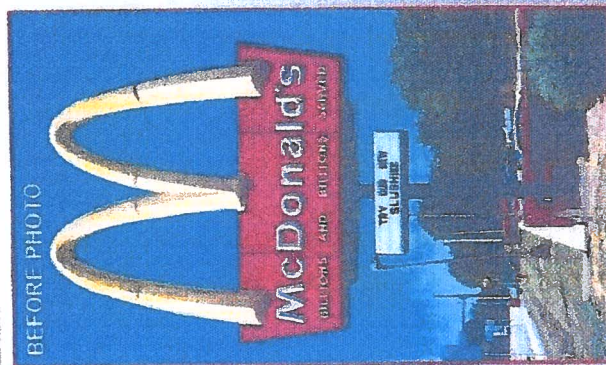
Wall, Awning, Canopy, or Marquee Signs (\$75/sign)

Approval _____

North Elevation:	Existing: _____ sq ft	Proposed 1: _____ sq ft	Type: _____	_____
South Elevation:	Existing: _____ sq ft	Proposed 2: _____ sq ft	Type: _____	_____
East Elevation:	Existing: _____ sq ft	Proposed 3: _____ sq ft	Type: _____	_____
West Elevation:	Existing: _____ sq ft	Proposed 4: _____ sq ft	Type: _____	_____
Illumination:	None: _____	Internal: _____	External: _____	Backlit/Halo: _____
Description:	_____			



7'-3"



Existing reader board - 26"H x 98.5"W
underclearance under existing
reader board 12' 1/2"

NOTE Existing Measurements
are approximate

*Proof is an approximate simulation that may vary from final production

FOX CITIES SIGN & LIGHTING

11250 W. Fox Road
Menasha, WI 54952
T: 920-378-3515
F: 920-221-3243
FoxCitiesSign.com
Sales@FoxCitiesSign.com



PROJECT NO: 3482.1
Client: Valley Management
Placement: Pylon
Job Location:
1281 Valley Road
Menasha, WI 54952
Salesperson: Kristina
Date: 7/18/18
Artist: Kate

QTY: (1)
Remove and dispose of current
reader board. Install new double
sided 16mm watchfire electronic
message center.

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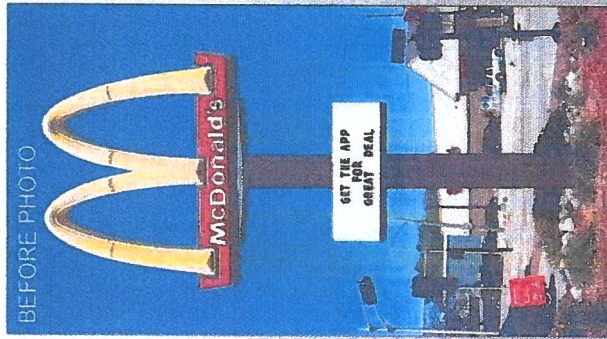
Color Approval Required

Client Approval:	
Dater:	



Ask Us About The Latest
Energy Efficient Options!

1 Double sided full color electronic message center. 16mm watchfire



Existing reader board - 3'1"H x 8'2"W
underclearance under existing
reader board 1'10 1/2"H

NOTE Existing Measurements
are approximate

*Proof is an approximate simulation that may vary from final production

FOX CITIES SIGN & LIGHTING

1125D W. Tuckaway Ln.
Menasha, WI 54952
T: 920-378-3515
F: 920-221-3243
FoxCitiesSign.com
Sales@FoxCitiesSign.com

f in

PROJECT NO: 3481.1
Client: Valley Management
Placement: Pylon
Job Location:
2121 Racine Street
Menasha, WI 54952

Salesperson: Kristina
Date: 7/17/18
Artist: Kate

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Color Approval Required

Client Approval:

Date:



Ask Us About The Latest
Energy Efficient Options!



To: Board of Appeals

From: Joe Stephenson, Associate Planner

Date: November 7, 2018

RE: **Variance Request for 1028 Ninth Street (parcel #760119500)**

OVERVIEW

Property Address: 1028 Ninth Street

Property Owner: Timothy Larson, 1028 Ninth Street

Applicant: Tim and Julie Larson, 1028 Ninth Street, Menasha

Property Zoning: R-1 – Single Family Residence District

Surrounding Zoning:

North: R-1 – Single Family Residence District

South: R-1 – Single Family Residence District

East: R-1 – Single Family Residence District

West: R-1 – Single Family Residence District

All parcels within one hundred (100) feet of this property are zoned single family residence district (R-1).

Variance Requested: Section 13-1-25(f)(3) of the City of Menasha Code of Ordinances states a single family residence district (R-1) shall have a rear yard setback of , “Minimum rear yard – Thirty (30) feet.” The applicant is requesting permission to place a portion of a structure within the rear yard setback.

Reason for Variance: To allow 1028 Ninth Street to build an addition onto their house that will encroach into the rear yard setback by four (4) feet.

REGULATIONS FOR GRANTING A VARIANCE

Per Section 13-1-153(d), the Board of Appeals must find the following five items to be true prior to granting a variance:

- 1) Hardship to the Property Owner due to Physiographical Considerations
- 2) Unique Property Conditions
- 3) Not an Exclusive Desire to Increase Property Value or Income
- 4) Will not be Detrimental to the Neighborhood
- 5) Will not Undermine the Spirit of the Zoning Code

ANALYSIS OF VARIANCE REQUEST

Below is staff's analysis of each of the five required items per Section 13-1-153(d) as they pertain to the variance requested by Tim and Julie Larsen.

1. Hardship to the Property Owner due to Physiographical Considerations

SEC 13-1-153(D)1: "Denial of variation may result in hardship to the property owner due to physiographical consideration. There must be exceptional, extraordinary or unusual circumstances 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 and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed."

ANALYSIS: 1028 Ninth Street is located in a single family residential neighborhood on the north central side of Menasha. The current home is a conforming structure. The applicant has proposed a 12' x 14' addition on to the backside of their home. The addition will encroach into the thirty (30) foot rear yard setback by four (4) feet.

1028 Ninth Street is zoned single family residence district (R-1). Residential homes are permitted expansions and additions onto their homes, so long as they are within the setback requirements.

Absent a variance, the applicant has the ability to expand onto their existing home but the proposed expansion could only be eight (8) feet wide, instead of the proposed twelve (12) feet. City ordinances allow expansion of single family homes, by right, so long as they abide by zoning code and building code regulations. Based on this information, it is staff's opinion a hardship, as defined, is unfounded because the property owner is able to enjoy the same substantial property rights as others in the same district.

2. Unique Property Conditions

SEC 13-1-153(D)2: The conditions upon which a petition for a variation is based are unique to the property for which variation is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

ANALYSIS: The property can be described as single family home. The home and yard layout is not unique to the site. The garage is the most forward facing portion of the structure. The garage face is aligned with the most forward structural face of all the neighboring homes; creating a thirty (30) foot front yard setback. The home is attached to the garage and setback fourteen (14) feet from the front of the garage; this is referred to as a “Snout” style home. This type of architectural layout is normal and occurs frequently within the City of Menasha. 1020 Ninth Street, a house two doors down, also has a protruding garage feature. It is staff’s opinion that the site presents no uniqueness and no site element diminishes the property rights of the owner.

3. Not an Exclusive Desire to Increase Property Value or Income

SEC 13-1-153(D)3: The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.

ANALYSIS: Per the applicants response (attached), the primary reason for requesting the variance is for “family growth”. The applicant has lived in this home for nearly thirty two (32) years. While the addition would increase the home’s value, it is staffs opinion that the purpose of the variance is not based upon a desire to increase the value of the home.

4. Will Not be Detrimental to the Neighborhood

SEC 13-1-153(D)4: The granting of the variation 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.

ANALYSIS: The Zoning Ordinance does not allow property owners to build within the setback of their respective district in order to provide adequate green space and a pleasing aesthetic environment within the district. Allowing the building within a setback may have a negative impact to the surrounding properties.

5. Will not Undermine the Spirit of the Zoning Code

SEC 13-1-153(D)5: The proposed variation will not undermine the spirit and general and specific purposes of the Zoning Code.

ANALYSIS: Within the City there are many single family residential homes with a similar situation to 1028 Ninth Street. The granting of this variance may set a precedent to allow other single family homes to apply for a variance that would allow them to build within district setbacks.

STAFF RECOMMENDATION

Staff recommends the variance, as requested, be denied by the Board of Appeals. Per the analysis presented above, staff deems that the requirements for granting a variance have not been satisfied.



October 11, 2018

Tim and Julie Larsen
1028 Ninth Street
Menasha, WI 54952

Dear Mr. and Mrs. Larsen:

Zoning procedures require issuing a denial of the proposed addition to your home (Parcel ID # 6-01195-00) due to the rear yard setback requirements on your lot. Absent the granting of a variance, the proposed construction of the addition would not be allowed. Your property is zoned R-1 Single Family Residence District which requires a minimum rear yard setback of thirty (30) feet. The addition, as proposed, encroaches upon the required rear yard setback by four (4) feet.

We have received the required paperwork and will proceed with your variance request. The City Clerk will be contacting you regarding the date and time of the Board of Appeals meeting.

Please feel free to contact me with any questions relating to the variance process. My contact information is 920-967-3652. I can be reached between the hours of 8:00 AM and 4:00PM. Thank you for your corporation in this matter.

Sincerely,

Joe Stephenson
Associate Planner

cc: City Attorney Pam Captain
City Clerk Deborah Galeazzi
Community Development Director Sam Schroeder
Kristi Heim, Community Development Coordinator
Jeremy Reetz, Reetz Builders, LLC, 2701 N Oneida Street, Appleton, WI 54911



City of Menasha Application Appeal or Variance

SUBMIT TO:
City of Menasha
Dept. of Com. Development
100 Main Street, Suite 200
Menasha, WI 54952-3190
PHONE: (920) 967-3650

APPLICANT INFORMATION

Petitioner: Tim & Julie Larsen Date: 9/30/18
Petitioner's Address: 1028 9th St. City: Menasha State: WI Zip: 54952
Telephone #: (920) 858-5585 Fax: () Other Contact # or Email: Harsen@azco-inc.com
Status of Petitioner (Please Circle): Owner Representative Tenant Prospective Buyer
Petitioner's Signature (required): Tim & Julie Larsen Date: 9/30/18

OWNER INFORMATION

Owner(s): Tim & Julie Larsen Date: 9/30/18
Owner(s) Address: 1028 9th St. City: Menasha State: WI Zip: 54952
Telephone #: (920) 858-5585 Fax: () Other Contact # or Email: Harsen@azco-inc.com
Ownership Status (Please Circle): Individual Trust Partnership Corporation

Property Owner Consent: (required)

By signature hereon, I/We acknowledge that City officials and/or employees may, in the performance of their functions, enter upon the property to inspect or gather other information necessary to process this application. I also understand that all meeting dates are tentative and may be postponed by the Community Development Dept. for incomplete submissions or other administrative reasons.

Property Owner's Signature: Tim & Julie Larsen Date: 10-5-18

APPEAL OR VARIANCE INFORMATION

Address/Location of Appeal/Variance Request: 1028 9th St. Menasha, WI
Tax Parcel Number(s): 16-01195-00
Reason for Appeal/Variance Request: Additional square footage to addition

Zoning Adjacent to the Site: North: Northeast corner of home R-1
South: R-1
East: R-1
West: R-1

Staff ML Date Rec'd 10/8/2018

SUBMITTAL REQUIREMENTS – Must accompany the application to be complete.

- ☐ Name and address of applicant and all abutting and opposite property owners of record
 - ☐ Statement that the applicant is the owner or the authorized agent of the owner of the property
 - ☐ Address and description of the property
 - ☐ A site plan showing an accurate depiction of the property
 - ☐ Completed Variance Questionnaire
- **Fee of \$350.00 is due at time of application, payable to the City of Menasha.
FEE IS NON-REFUNDABLE**

SUMMARY OF PROCESS

The application for variation shall be filed with the Zoning Administrator. The petitioner or owner should be present at the Board of Appeals meeting to discuss and answer possible questions regarding the request.

Neighborhood opinion is an important factor in the decision-making process. For complex or controversial proposals, it is recommended that the petitioner conduct a neighborhood meeting to solicit public input prior to action by the Board of Appeals. Community Development staff is available to offer assistance in compiling a mailing list for a neighborhood meeting. Please note that a meeting notice will be mailed to property owners within 100 feet of the subject property regarding your request.

The application package is reviewed by Community Development staff. A staff recommendation is prepared for consideration by the Board of Appeals. The petitioner will be provided with a copy of the staff memorandum and meeting notice several days prior to the Board of Appeals meeting.

The Board of Appeals will make the final decision regarding all appeal and variance requests.

For more information please contact the Community Development Department at 920.967.3650

City of Menasha
Variance Application Questionnaire

Applicant: Tim & Julie Larsen

Site Address: 1028 9th St. Menasha, WI

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:

SEE ATTACHED ITEM #1

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:

SEE ATTACHED ITEM #2

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:

SEE ATTACHED ITEM #3

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:

SEE ATTACHED ITEM #4

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

SEE ATTACHED ITEM #5

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:  Date: 10-5-18
Signature

Tim & Julie Larsen

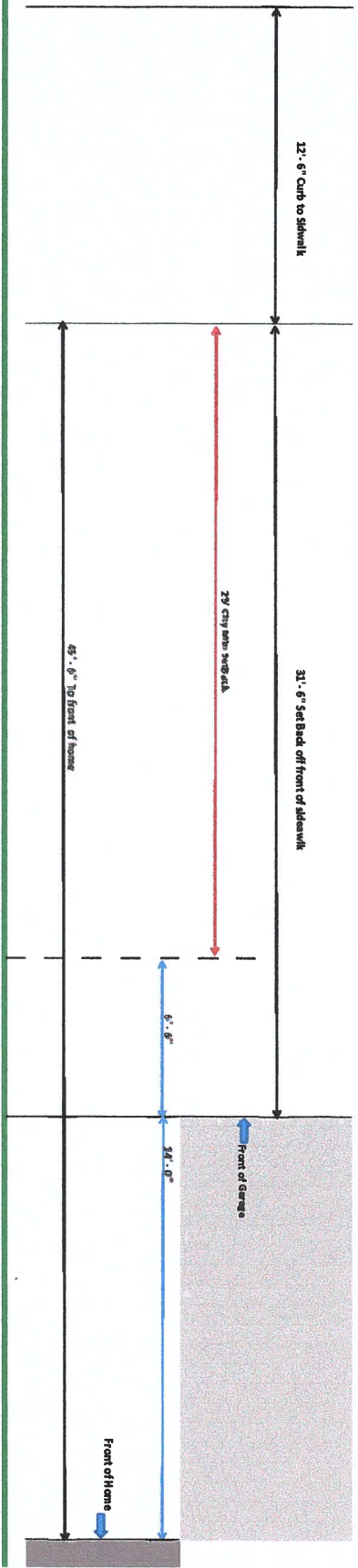
1028 Ninth Street

Variance Application Questionnaire answers

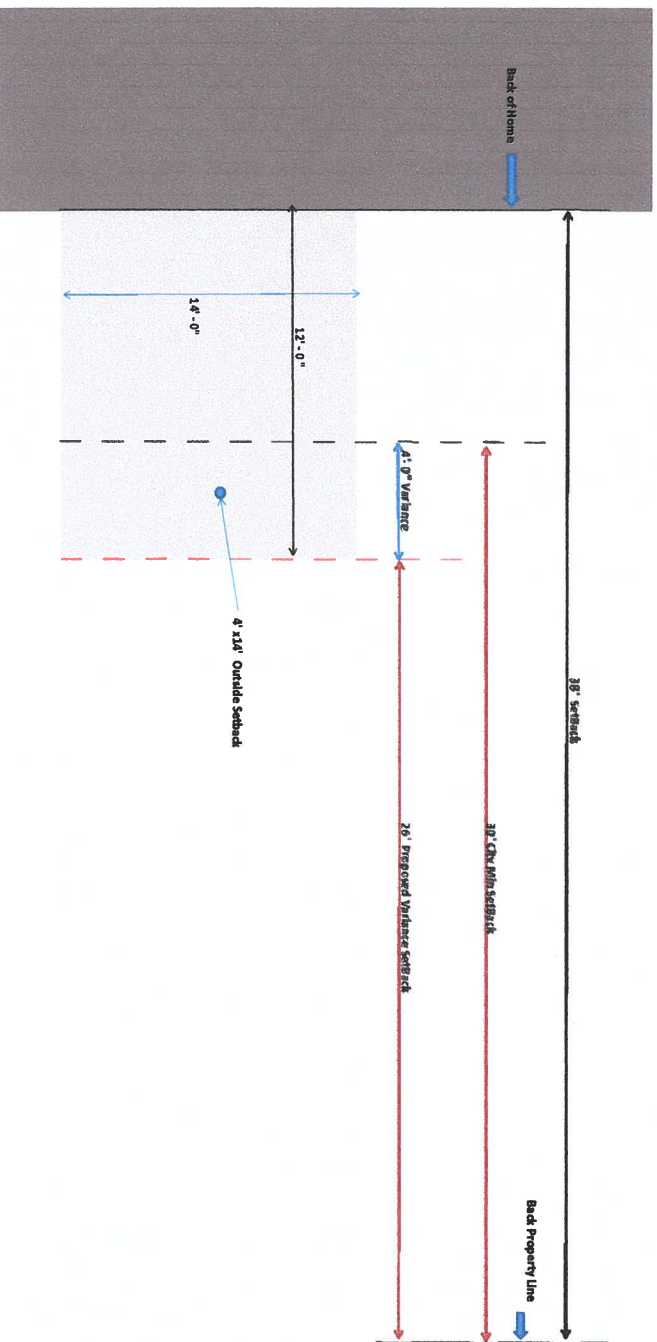
October 5th, 2018

1. Hardship to the property owner if the variance was not granted would result in the project cancelled. The existing property was built before Ninth Street was a finished roadway, the builder elected to align the garage with the front of house to the east which is now a front setback of 31'-6" resulting in a loss on the back of the house of 6'-6". Along with that the home is set back 14'-0" from the front of the garage.
2. That the conditions upon which the petition for variance relates would not be applicable generally to other property within the same zoning district, because of offset from the front the garage to the home being 14' the back line was then established at 38'. Expansion off the back of the home would result in a room no wider than 8'
3. The variance requesting is the minimum variance that will make possible the reasonable use of the land and structure. We are the original owners of the home (32 Years) the intent for the addition is strictly family growth. Our home is small compared to the average home these days; this would allow us a more comfortable home. Along with that we are both lifelong Menasha residents with no intent to move. It is not based on increasing the values or income property.
4. The proposed variance will not impair an adequate supply of sunlight and air to of any adjacent properties. It will not substantially increase the hazard from fire or other dangers to said property or adjacent property. It will not impair the public health, safety, comfort, morals or general welfare of the city of Menasha. Approval of the variance will not result any increased cost in public expenditures.
5. Codes and standards are established to guidelines and uniformity. The proposed room addition is very similar to (2) two adjacent properties. So the addition will be similar to various adjacent homes in uniformity. Along with that this will not diminish or impair property values within the neighborhood

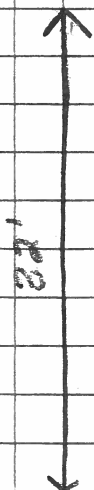
1028 Ninth Street
Menasha WI 54952
Front of Home Current Setback



1028 Ninth Street
Menasha WI 54952
Back of Home Current Setbacks with requested variance



Lot Line



11'

7' 7 7/8" x 4' 8 7/8"

8' 7/8" x 3' 7/8" window

12'

24'

Lot line

Flat
ceiling

Garage truss

6' patio door

14'

38'

20'

Lot line