

CITY OF MENASHA
BOARD OF APPEALS
100 Main Street, Menasha
May 29, 2019
MINUTES

A. CALL TO ORDER

Meeting called to order by Chairman Ellis at 12:30 p.m.

B. ROLL CALL

PRESENT: Commissioner Ryan Ellis, James Koslowski, Joanne Roush

ABSENT: Commissioner Antione Tines

ALSO PRESENT: AP Stephenson, CDC Heim, Clerk Galeazzi, Jerry Dold,
Kim Vanderhyden, Mark Mayer, John Raasch.

C. PUBLIC HEARING

1. Request of Jerry Dold to allow a proposed addition to the home at 342 Park Street that will encroach upon the required side yard setback.

Public comments were taken throughout the meeting.

D. MINUTES TO APPROVE

1. Board of Appeals, 4/5/19.

Moved by Comm. Ellis seconded by Comm. Roush to approve minutes.

Motion carried on voice vote.

E. ACTION ITEMS

1. Request of Jerry Dold to allow a proposed addition to the home at 342 Park Street that will encroach upon the required side yard setback

CDC Heim explained Mr. Dold does not meet the requirements to grant a variance. She stated staff's analysis for requirement of a variance:

- The applicant has not demonstrated a hardship since the proposed addition could be modified to accommodate the setback requirement. The parcel is larger than the average City lot.
- There are no unique characteristics to the property. The home and yard layout are not exclusive to this property. The site presents no uniqueness and no site elements that diminish the property rights of the owner.
- The proposed addition will increase the value of the property, however the applicant has stated the main reason for the addition is to allow for an elderly parent to live with them.
- Allowing a building to be placed within established setbacks may have negative impacts to the surrounding properties and the neighborhood.
- Allowing variances to these established standards undermines the objective of the zoning code in place.

Kim Vanderhyden, 334 Park Street, Menasha; neighbor to Mr. Dold. Mr. Vanderhyden stated other neighbors have encroached into the setback. Surveys of the surrounding lots have been done and not all lots are the same. He has no objection to allowing the encroachment of the six inches.

AP Stephenson stated surveys are done to establish the legal lot lines.

Jerry Dold, 342 Park Street, Menasha. He explained the request to add an additional bedroom and bathroom to the first floor in anticipation of elderly parents moving in. It was discovered after the architectural plans were set that the proposed addition would encroach the lot setback by six inches. He is asking for a variance since the encroachment is not impacting the neighborhood. He feels the addition to his home will increase his property value and improve the neighborhood.

General discussion ensued on error with measurement by architect, lot is unique to the neighborhood, encroachment is not detrimental to the neighborhood, and other options to reduce proposed addition by six inches.

Moved by Comm. Roush seconded by Comm. Ellis to grant the variance to allow an addition to be built onto the house located at 342 Park Street that will encroach into the north side yard setback by six inches.

Motion carried on roll call 2-1.

Comm. Ellis & Roush voted yes. Comm. Koslowski voted no.

2. Request of Bethel Lutheran Church to allow an Electronic Message Center (EMC) at 829 Appleton Road, Menasha. (Postponed from April 4, 2019)

Chairman Ellis stated with recent changes to the City Code regarding electronic message centers the Board of Appeals can act on the request of Bethel Lutheran Church to allow an electronic message center at 829 Appleton Road or the applicant can withdraw their request.

AP Stephenson stated staff would like to see action by the Board to deny the request for a variance from the applicant.

Moved by Comm. Ellis seconded by Comm. Koslowski to deny the request for a variance by Bethel Lutheran Church to allow an Electronic Message Center at 829 Appleton Road, Menasha.

Motion carried on roll call 3-0.

F. ADJOURNMENT

Moved by Comm. Roush seconded by Comm. Ellis to adjourn at 1:10 p.m.

Motion carried on voice vote.

Deborah A. Galeazzi, WCMC
City Clerk