

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 133, Menasha City Center
100 Main Street, Menasha
January 9, 2019
2:00 PM**

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. PUBLIC HEARING
 - 1. Request of Harold and Debra Gast for a covered patio on their home at 916 De Pere Street, Menasha.
- D. MINUTES TO APPROVE
 - 1. Board of Appeals, 11/29/18.
- E. ACTION ITEMS
 - 1. Request of Harold and Debra Gast for a covered patio on their home at 916 De Pere Street, Menasha.
- F. ADJOURNMENT

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

A Public Hearing will be held by the Board of Zoning Appeals on January 9, 2019 at 2:00 p.m. in Room 133 Menasha City Center, 100 Main Street, Menasha, WI to hear the request of Harold and Debra Gast for a covered patio on their home at 916 De Pere Street, Menasha.

Absent a variance a covered patio would not be allowed in an R-1 Single Family Residence District which requires a minimum front yard setback of twenty-five (25) feet or the prevailing setback. The prevailing setback on their block is eighteen (18) feet. The addition, as proposed, encroaches entirely upon the required front yard setback.

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: Dec. 30, 2018

CITY OF MENASHA
BOARD OF APPEALS
Room 132, Menasha City Center
100 Main Street, Menasha
November 29, 2018
MINUTES

A. CALL TO ORDER

Meeting called to order by Comm. Ellis at 11:02 a.m.

B. ROLL CALL

PRESENT: Commissioner Ryan Ellis, Ken Kubiak, Antoine Tines

EXCUSED: Commissioner Jim Koslowski

ALSO PRESENT: CDD Schroeder, PP Stephenson, Clerk Galeazzi, Cathy Tierney, Jeff Schweitzer and Amanda Secor (representing Community First Credit Union), Kelli Lax and Chad Defenbaugh (representing Creative Sign Company).

C. PUBLIC HEARING

1. Request of Creative Sign Company to allow a full color electronic message center on the proposed sign located at Community First Credit Union, 670 Lake Park Road, Menasha.

No one spoke.

D. MINUTES TO APPROVE

1. Board of Appeals, 11/7/18.

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

Motion carried on voice vote

E. ACTION ITEMS

1. Request of Creative Sign Company to allow a full color electronic message center (EMC) on the proposed sign located at Community First Credit Union, 670 Lake Park Road, Menasha.

PP Stephenson explained the request of Creative Sign Company to install a multi-color electronic message center (EMC) at Community First Credit Union, 670 Lake Park Road. The current zoning code allows electronic message center but not with multi-color lighting. He reviewed the criteria that needs to be met to grant a variance. He stated an electronic message center can still be install, but with only one color lights. Staff recommends denying the variance as all the requirements for granting a variance have not been satisfied.

CDD Schroeder explained the requirements to issue a variance as per State Statute. He stated the Plan Commission is discussing updating the City's zoning code pertaining to electronic message centers.

Jeff Schweitzer presented a letter of support from David Voss, President & CEO of Miron Construction. Mr. Schweitzer stated there is a hardship due to required property setbacks of Department of Transportation. He stated there will be extra landscaping installed to enhance the area around the EMC. He also stated that Community First Credit Union buildings in other communities have multi-colored EMC.

Cathy Tierney stated she is glad the Plan Commission is looking at updating the City's zoning code. Single-colored technology is hard to support.

Amanda Secor explain the use of the EMC as a benefit to the City. She stated they will promote events in the City.

Chad Defenbaugh stated the way the current City zoning code is written does not direct which colors can be used for EMC. He commented that certain colors make people relate to certain situations.

Kelli Lax mentioned a few communities that allow multi-color EMC.

Commissioners discussed:

- Community First Credit Union's EMC meets all other requirements except the multi-color factor;
- Zoning code has not been expanded to keep current with technology;
- Safety concerns where EMC will be located on the property;
- Other options available with single color EMC;
- Timeline for updates to zoning code

Moved by Comm. Kubiak seconded by Comm. Ellis to approve variance as overhead wires and setback requirements are hardship and not enhancing.
Motion carried on roll call 2-1. Comm. Tines voted no.

F. ADJOURNMENT

Moved by Comm. Kubiak seconded by Comm. Tines to adjourn at 11:35 a.m.
Motion carried on voice vote.

Deborah A. Galeazzi, WCMC
City Clerk



December 10, 2019

Harold and Debra Gast
916 De Pere Street
Menasha, WI 54952

Dear Mr. and Mrs. Gast:

Zoning procedures require issuing a denial of the proposed covered patio to your home (Parcel ID # 4-00701-00) due to the front yard setback requirements on your lot. Absent the granting of a variance, the proposed construction of the covered patio would not be allowed. Your property is zoned R-1 Single Family Residence District which requires a minimum front yard setback of twenty-five (25) feet or the prevailing setback. The prevailing setback on your block is eighteen (18) feet. The addition, as proposed, encroaches entirely upon the required front yard setback.

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 at 920-967-3650 or by email at kheim@ci.menasha.wi.us. Thank you for your corporation in this matter.

Sincerely,

Kristi Heim
Community Development Coordinator

cc: City Attorney Pam Captain
City Clerk Deborah Galeazzi
Community Development Director Sam Schroeder
Joe Stephenson, Associate Planner



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: _____ Date: _____

Petitioner's Address: _____ City: _____ State: _____ Zip: _____

Telephone #: () _____ Fax: () _____ Other Contact # or Email: _____

Status of Petitioner (Please Circle): Owner Representative Tenant Prospective Buyer

Petitioner's Signature (required): _____ Date: _____

OWNER INFORMATION

Owner(s): Harold and Debra Gast Date: 11-27-18

Owner(s) Address 916 DePere St City: Menasha State: WI Zip: 54952

Telephone #: (920) 540-7682 Fax: () _____ Other Contact # or Email: _____

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: Debra Gast Date: 11-27-18

APPEAL OR VARIANCE INFORMATION

Address/Location of Appeal/Variance Request: 916 DePere St

Tax Parcel Number(s): _____

Reason for Appeal/Variance Request: See attached questionnaire.

Zoning Adjacent to the Site:

North:	<u>R-3, Multi-family medium density residence district</u>
South:	<u>R-1, Single family residence district</u>
East:	<u>R-1, Single family residence district</u>
West:	<u>R-1, single family residence district</u>

Staff kl Date Rec'd 12/31/2018

City of Menasha
Variance Application Questionnaire

Applicant: Harold and Debra Gast

Site Address: 916 DePere 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:

Home owner has had sever damage to her knees resulting in using a cane and long term will be in a wheelchair. This addition would allow her to make her home wheelchair accessble for the future of her comfort of living. The owner will be using this addition to shelter herself while waiting for transportation from various means such as public transportation, husband and family members. This addition will allow her to add an additional wheelchair ramp making accesibility to the house much easier. The ramp can be removed for future sale of the house not to cause potential buyers reason to consider the property any less in value.

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:

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:

Medical documentation of 100% full disability.

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:

All produce being supplied and installed are of high quality and good appearance and further more all product can be removed from the house if necessary in the future to return the the home to its current state with out any structural changes to preserve the future of the community and neighboring property's.

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

Allowing this variance is not undermine the code as it was written for individuals of good health and non disabled.

This will allow the Homeowner to still be a productive member of the community which they have lived and served in for many years.

All products are 100% removable if the house is ever sold the property can be fully restored to its original state.

The product is being installed with code in mind since the possibility exists that it could be removed once the need is no longer needed.

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:

Debra East
Signature

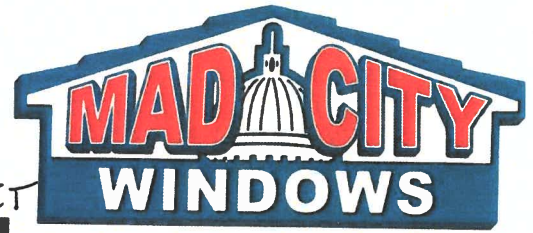
Date:

11-27-18

CUSTOM PATIO COVER AGREEMENT

perposed LOOK
and Dimentions
for patio
cover
with new Deck
Under-Neith of IT

SHOW ALL MEASUREMENTS IN INCHES.



PATIO COVER SIZE

PROJECTION: 10

WIDTH: 12.00

STRUCTURE TYPE

☒ ATTACHED

☐ FREESTANDING

PATIO COVER STYLE

☒ STANDARD

☐ SUNLIGHT

☐ ST. THOMAS

☐ SANTA FE

ROOF TYPE

☐ STANDARD

☒ ARCHITECTURAL

☐ SHINGLED

☐ GLASS

COLOR

☒ WHITE

☐ SANDSTONE

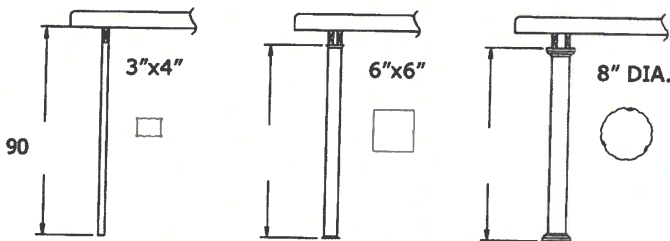
☐ BRONZE

COLUMN TYPE & HEIGHT

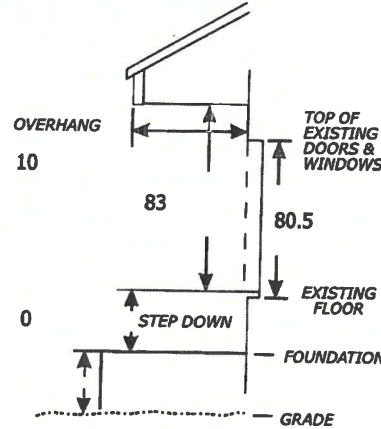
☒ ROMA

☐ FLORENTINE

☐ VENETIAN



PEAK HEIGHT



ROOF ATTACHMENT

- ☐ WALL MOUNT
☐ REMOVE OVERHANG
☒ BUILD SADDLE
☐ OTHER:

FOUNDATION

- ☐ CEMENT: PIERS
☐ CEMENT: FOOTINGS
☐ CEMENT: NEW SLAB
☐ CEMENT: EXISTING
☒ DECK: NEW
☐ DECK: EXISTING
☐ OTHER:

TYPE OF SIDING ON HOUSE

- ☐ FRAME ☐ SIDING ☒ BRICK ☐ STUCCO ☐ STONE

ADDITIONAL INSTALLATION ITEMS

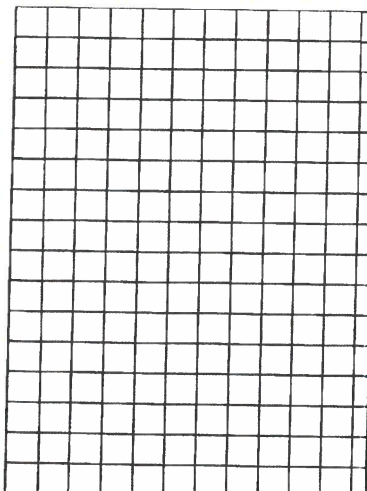
- ☐ STD. ELECTRICAL PKG ☒ PERMIT ☐ PROPERTY SURVEY

ADDITIONAL WORK:

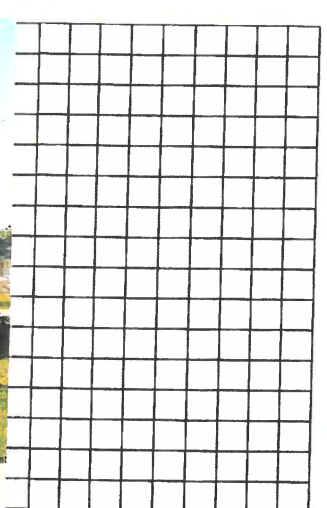
Trex select deck in saddle, white transcend railing, wood steps. 2 diamond piers. Full demo of concrete stoop.

THE FOLLOWING WORK SHALL BE DONE BY THE HOMEOWNER AND IS NOT PART OF THE CONTRACT:

Show Options Options On Right House/Garden Photo Print Email Get Permit Reset Investment Tips About



HOMEOWNER APPROVAL



TEMO Sunrooms
"Every Day is a Vacation"

PROVAL

John Dost

[Signature]



To: Board of Appeals

From: Kristi Heim, Community Development Coordinator

Date: January 9, 2019

RE: Variance Request for 916 De Pere Street (Parcel #4-00701-00)

OVERVIEW

Property Address: 916 De Pere Street

Property Owner: Harold and Debra Gast, 916 De Pere Street

Applicant: Harold and Debra Gast, 916 De Pere Street

Property Zoning: R-1 – Single Family Residence District

Surrounding Zoning:

North: R-3 – Multi-Family Residence District

South: R-1 – Single Family Residence District

East: R-1 – Single Family Residence District

West: R-1 – Single Family Residence District

Variance Requested: Section 13-1-25(f)(1) of the City of Menasha Code of Ordinances states a single family residence district (R-1) shall have a front yard setback of, “Minimum front yard – Twenty-five (25) feet or the prevailing setback.” The applicant is requesting permission to place a covered porch within the front yard setback.

Reason for Variance: To allow 916 De Pere Street to build a covered porch onto their house that will entirely encroach into the front yard setback.

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 Harold and Debra Gast.

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: This property is located in a residential neighborhood on the north side of Menasha. The current home is a conforming structure with a prevailing front yard setback of eighteen (18) feet. The applicants have proposed a 10' x 12' covered porch on the front of their home. The addition will entirely encroach into the existing prevailing front yard setback.

The Zoning Code provides height, setback and area exceptions under Section 13-1-14(g) which reads "In front yards, balconies may extend a distance of four (4) feet or less, provided they are seven (7) feet or more above the grade at the building line. Steps, stoops, uncovered porches, decks and patios may extend a distance of eight (8) feet or less into the front yard."

Noted in the variance questionnaire is a future addition of a wheelchair ramp. There are no zoning or building restrictions placed on property owners when constructing handicapped accessible ramps to the exterior of their properties.

Absent a variance, the applicant has the ability to construct up to an eight (8) foot, uncovered deck. 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 is a single family home. The property and home are not unique to this specific address as in many established neighborhoods throughout the city similar setback challenges exist. 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: While the addition would increase the home's value, it is staff's 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.

The variance questionnaire submitted states that all building material can be removed from the house, if necessary, in the future to return the house to its current state. It is the opinion of Building Inspector Humski that, although removal of the covered porch is possible, there will be structural repairs to the home that will need to be addressed at that time to meet building code requirements.

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 the same situation regarding front yard setbacks to the property located at 916 De Pere Street. There are no zoning regulations for handicapped accessible ramps which the city enforces. The variance request before the committee is for a covered porch which encroaches upon the required front yard setback. The granting of this variance will set a precedent to allow other single family homes to apply for a variance that will allow them to build within district setbacks which directly undermines the spirit of the zoning code.

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.

916 De Pere Street Variance Request Proposed Layout



Legend

-  Parcel Boundary
-  Building Footprint
-  Proposed Layout

The City of Menasha creates and provides maps for INFORMATIONAL PURPOSES ONLY.
The City makes no claims to accuracy or completeness, provides
no warranties of any kind and assumes no liability for their use.



1 inch = 20 feet