

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**

**1. Join the meeting from your computer, tablet or smartphone.**

<https://global.gotomeeting.com/join/817859317>

**2. Dial in using your phone.**

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United States: [+1 \(646\) 749-3129](tel:+16467493129)

Access Code: 817-859-317

Audio PIN: when prompted just hit #

**Thursday, November 12, 2020**

**1:00 PM**

**AGENDA**

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PUBLIC HEARING**

1. Request of Request of Cindy Pietrich, 801 London Street, Menasha – the applicant is requesting a front home addition

**D. MINUTES TO APPROVE**

1. Board of Appeals, 5/29/19

**E. ACTION ITEMS**

1. Request of Cindy Pietrich, 801 London Street, Menasha – the applicant is requesting a front home addition.

**F. ADJOURNMENT**

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

A Public Hearing will be held by the Board of Zoning Appeals on November 12, 2020 at 1:00 p.m. in Room 133 Menasha City Center, 100 Main Street, Menasha, WI to hear the request of:

Cindy Pietrich, 801 London Street, Menasha – the applicant is requesting a front home addition.

Absent a variance the front home addition would not be allowed in an R-1 Single Family Residence District which requires a minimum front yard setback of sixteen (16) feet. The addition, encroaches upon the required front yard setback by six (6) feet.

All interested persons objecting to or supporting this appeal are requested to be present. Written comments may be considered by the Board.

Haley Krautkramer  
City Clerk

Publish: November 5, 2020

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



To: Board of Appeals

From: Joe Stephenson, Principal Planner

Date: October 5<sup>th</sup>, 2020

RE: **Variance Request for Cindy Petrich, 801 London Street Menasha**

**OVERVIEW**

***Property Address:*** 801 London Street

***Property Owner:*** Cindy Petrich

***Applicant:*** Cindy Petrich, 801 London Street

***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

***Variance Requested:*** Section 13-1-25 (f)(2) of the City of Menasha Code of ordinances states “Minimum front yard – twenty five feet.” The applicant is requesting allowance to place an addition, also known as a covered porch, in the front yard setback.

***Reason for Variance:*** To allow an unpermitted house addition.

## **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 Cindy Petrich

### **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 used as a single family residence. There is an ADA ramp leading into a covered porch area. The applicant is allowed to have an ADA ramp and does not need a permit to construct one but to construct a covered porch and deck space would require a permit. The covered porch was constructed without building inspection and zoning reviews. During those reviews, the proper education to the application would have occurred that would have provided viable solutions other than constructing the covered porch.

If the applicant does need a covered space for her son to sit outside, there are options to do this without needing a variance or breaking any zoning codes.

In addition, what is being reviewed today is not the existing structure. The existing structure does not meet building codes and will likely need to be torn down. The variance today would apply to building a new covered porch (addition) in the footprint of the existing one.

Absent a variance, the applicant has the ability to construct a covered seating. Based on this information, it is staff's opinion a hardship, as defined, is unfounded.

## **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 corner lot in an R-1 district and does not present any abnormalities. ADA ramps are also very common in the city and are not unique to just this property.

It is staff's opinion that the site presents no uniqueness and no site elements that diminish 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: The application states that there are no intentions to use the addition to increase the value of the property.

## **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 respective setbacks of the zoning district. This is to ensure that adequate green space and a pleasing aesthetic environment is maintained throughout the district. Allowing buildings to be placed within established setbacks may have negative impacts to the surrounding properties and the neighborhood 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 purpose the Zoning Code is to ensure that all properties adhere to the established zoning standards for all new construction. Allowing variances to these established standards undermines the objectives of the zoning code in place.

### **STAFF RECOMMENDATION**

**Staff recommends the variance to allow the addition to encroach into the front yard setback, 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. It should also be noted that each variance request brought before the Board of Appeals should be heard on its own merit and the decision to approve or deny the request must be decided on the case presented.







## 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: Cindy Petrich Date: 08/20/2020  
Petitioner's Address: 801 London St City: Menasha State: WI Zip: 54952  
Telephone #: (920) 205-0326 Fax: ( ) Other Contact # or Email: cpetrich40@gmail.com  
Status of Petitioner (Please Circle): Owner Representative Tenant Prospective Buyer  
Petitioner's Signature (required): Cindy M. Petrich Date: 08/20/2020

### OWNER INFORMATION

Owner(s): Cindy Petrich Date: 08/20/2020  
Owner(s) Address: 801 London St City: Menasha State: WI Zip: 54952  
Telephone #: (920) 205-0326 Fax: ( ) Other Contact # or Email: cpetrich40@gmail.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: Cindy M. Petrich Date: 08/20/2020

### APPEAL OR VARIANCE INFORMATION

Address/Location of Appeal/Variance Request: \_\_\_\_\_

Tax Parcel Number(s): \_\_\_\_\_

Reason for Appeal/Variance Request: \_\_\_\_\_

Zoning Adjacent to the Site: North: \_\_\_\_\_

South: \_\_\_\_\_

East: \_\_\_\_\_

West: \_\_\_\_\_

Staff \_\_\_\_\_ Date Rec'd \_\_\_\_\_

**City of Menasha  
Variance Application Questionnaire**

**Applicant:** Cindy Petrich

**Site Address:** 801 London St.

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:

Hardship - loss of money I invested to have it built in 2014 +  
to have it redone. I called and asked I did not need  
a permit to build ramp to deck the intended use is  
for my special needs son specifically to be in a safe  
outdoor space out of the sun + weather, also used  
to be safe while entering + exiting the house

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:

Necessary for son to use in inclement weather conditions  
the deck is his only means of entertainment,  
he enjoys sitting out there + watch people + traffic  
he is unable to go into public spaces right now  
due to the Covid-19, it is his only safe space he  
can enjoy outside of the house, without it there is no  
place for him to sit outdoors without being exposed  
to the weather; needs the roof to protect him from  
the sun because of his meds he burns easily

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:

I'm not looking to increase property value, if anything  
were to happen to my son it would be removed at  
that time. Not using it for my personal gain, I  
do not plan on selling property at anytime soon +  
if I did it would be removed prior to selling.

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:

Not detrimental to neighbors, we've had it up since 2014, he just sits there & doesn't bother anyone.

No accidents have occurred because of it it does not block the view of traffic on either street or sidewalks, & as far as I know no one has complained about ramp/deck being there

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

We've had Ramp/deck since 2014 was told I was able to have it built without a permit,

I've had an addition put on in 2016-17 if there was an issue why wasn't I informed of it then building inspector was on property several times during that construction, I would have had it taken care of then.

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: Cindy M. Petrich  
Signature

Date: 08/20/2020





17'7"  $\longleftrightarrow$  wide  
8'  $\updownarrow$  Deep