

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
First Floor Conference Rooms
100 Main Street
Wednesday, November 1, 2023
9:30 AM
AGENDA**

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC HEARING

1. Variance Request – Garage Size Requirement – Akey Property Management – 338 Nicolet Blvd. (Parcel #3-00522-00), Menasha
2. Variance Request – Electronic Message Center Sign Area – St. Timothy Lutheran Church – 473 Seventh Street (Parcel #1-00530-0), Menasha

D. MINUTES TO APPROVE

1. Board of Appeals, 10/10/2023

E. ACTION/DISCUSSION ITEMS

1. Variance Request – Garage Size Requirement – Akey Property Management – 338 Nicolet Blvd. (Parcel #3-00522-00), Menasha
1. Variance Request – Electronic Message Center Sign Area – St. Timothy Lutheran Church – 473 Seventh Street (Parcel #1-00530-0), Menasha

F. ADJOURNMENT

ORDER DETAILS

Order Number:
LWIX0028536
External Order #:
9424190
Order Status:
Approved
Classification:
Govt Public Notices
Package:
General Package
Final Cost:
30.29
Payment Type:
Account Billed
User ID:
L0027956
External User ID:
1012833

ACCOUNT INFORMATION

City Of Menasha
100 Main ST # 200 ATTN: FINANCE
Menasha, WI 54952-3287
920-967-3608
vneuman@menashawi.gov
City Of Menasha
Contract ID:

TRANSACTION REPORT

Date
October 18, 2023 11:17:47 AM EDT
Amount:
30.29

ADDITIONAL OPTIONS

1 Affidavit

SCHEDULE FOR AD NUMBER LWIX00285360

October 23, 2023
Appleton Post Crescent

PREVIEW FOR AD NUMBER LWIX00285360

City of Menasha Public Hearing
NOTICE IS HEREBY GIVEN that
a public hearing will be held by the
Menasha Zoning Board of Appeals on
an application for a variance request
by Akey Property Management LLC for
the consideration of reduction of the
minimum dimensions for an attached
garage on a parcel where a new dwell-
ing unit is to be constructed within the
R-1 Single Family Residence District
located at 338 Nicolet Blvd., Menasha,
WI (Parcel #3-00522-00). The Zoning
Board of Appeal will be considering this
request at a formal public hearing on
Wednesday, November 1, 2023 at 9:30
am, or shortly thereafter, in the first floor
conference rooms of the Menasha City
Center, 100 Main Street, Menasha, WI.
Persons interested in this matter will be
given an opportunity to comment and ask
questions about the proposed variance
and are invited to attend.
Valerie Neuman
City Clerk
Publish: October 23, 2023
WNAXLP
Publication Dates
L00000000

[Privacy Policy](#) | [Terms of Service](#)

[Contact Us](#)

ORDER DETAILS

Order Number:
LWIX0028540
External Order #:
9424192
Order Status:
Approved
Classification:
Govt Public Notices
Package:
General Package
Final Cost:
31.30
Payment Type:
Account Billed
User ID:
L0027956
External User ID:
1012833

ACCOUNT INFORMATION

City Of Menasha
100 Main ST # 200 ATTN: FINANCE
Menasha, WI 54952-3287
920-967-3608
vneuman@menashawi.gov
City Of Menasha
Contract ID:

TRANSACTION REPORT

Date
October 18, 2023 11:23:40 AM EDT
Amount:
31.30

ADDITIONAL OPTIONS

1 Affidavit

SCHEDULE FOR AD NUMBER LWIX00285400

October 23, 2023
Appleton Post Crescent

PREVIEW FOR AD NUMBER LWIX00285400

City of Menasha Public Hearing
NOTICE IS HEREBY GIVEN that
a public hearing will be held by the
Menasha Zoning Board of Appeals on
an application for a variance request by
Graphic House Inc for the consideration
of an electronic message center that
occupies greater than 30% more than
the total sign face of an existing monu-
ment sign located at 473 Seventh Street,
Menasha, WI (Parcel #1-00530-00).
Absent a variance, this action would
constitute a violation of Menasha Code
of Ordinances Sec. 13-1-67(d) Electronic
Message Centers. The Zoning Board of
Appeals will be considering this request
at a formal public hearing on Wednesday,
November 1, 2023, at 9:30 am, or shortly
thereafter, in the first floor conference
rooms of the Menasha City Center, 100
Main Street, Menasha, WI. Persons
interested in this matter will be given an
opportunity to comment on the proposed
variance and are invited to attend.
Valerie Neuman
City Clerk
Publish: October 23, 2023
WNAXLP
Publication Dates
L00000000

[Privacy Policy](#) | [Terms of Service](#)

[Contact Us](#)

CITY OF MENASHA
BOARD OF APPEALS
100 MAIN STREET
OCTOBER 10, 2023
MINUTES

A. CALL TO ORDER

Meeting called to order by Chairman Galeazzi at 2:31 p.m.

B. ROLL CALL

PRESENT: Chairman Galeazzi, Member Jungen, Jacobson, Vander Wyst, and Rae-Othrow,

ALSO PRESENT: CDD Schroeder, CA Struve, Clerk Neuman and Applicant Asher Jacobson; members of the gallery

C. PUBLIC HEARING

1. Temporary Use Permit Application – Asher Jacobsen – 216 Water Street (Parcel 2-00008-00) – Mobile Storage

Chairman Galeazzi provided an overview of the temporary use permit application request from Applicant Asher Jacobson. Property owner Asher Jacobson intends to use 216 Water Street (Parcel 2-00008-00) to house a mobile storage container on the parcel.

Bethanie Gengler, 210 Water Street, Menasha; requested committee to deny the application and to enforce city ordinances. She stated the container was placed on property since July 2023.

Carrie & James Halverson, 504 First Street, Menasha; owners of a neighboring property also owned by Mr. Jacobson (105 Racine Street, Menasha). The couple stated the applicant caused civil issues with them in the past with fencing, public health concerns, and property unkemptness.

Chairman Galeazzi Public Hearing to a close at 2:41 p.m. She clarified the notice of public hearing was required to be sent out to property owners within 100-feet of the 216 Water Street parcel; other public could refer to the official newspaper announcement.

D. MINUTES TO APPROVE

1. Board of Appeals, 7/14/2023

Moved by Member Jungen seconded by Member Vander Wyst to approve the minutes.
Motion carried on voice vote.

E. ACTION/DISCUSSION ITEMS

1. Temporary Use Permit Application – Asher Jacobson – 216 Water Street (Parcel 2-00008-00) – Mobile Storage

Chairman Galeazzi opened the floor to applicant, Asher Jacobson, to explain the reasoning for his permit application:

Per applicant, Asher Jacobson, the container was bought due to his past experiences with multiple shipping delays and issues in acquiring project materials to complete property renovations. After receiving notice from City of Menasha's Community

Development Department, Jacobson removed the shipping container from his Racine Street project to another home renovation project at 216 Water Street, Menasha.

Mr. Jacobson stated the expectation is to use shipping container to house various housing materials (foundation, siding, roofing, doors, windows, wiring, etc.) and equipment to serve as a secured location on the property for ease of material access for upwards of 24-months. Jacobson also expressed his struggles with various neighbors, but also stated he has support from several neighbors on Water, Chute, and Kaukauna Streets with his ongoing revitalization efforts.

Preliminary matters:

1. Chairman Galeazzi confirmed with Clerk Neuman that all legal notices were met for an Appeal to the Zoning Board of Appeals.
2. Questions from Board Members and responses from the parties, along with general discussion regarding:
 - a. Housing materials on property's existing garage structure (Mr. Jacobson replied he refrains from using the structure due to repeated break-ins and theft of various housing materials and equipment).
 - b. Using alternative commercial properties within the vicinity to house container
 - c. Establish agreement with nearby commercial industrial property to rent space to house supplies in a secure location.
 - d. Menasha's ordinance regarding mobile structures extends beyond shipping containers, which alludes to no use of storage of mobile homes, or any sort of trailers on a R-1 zoned property within the City of Menasha limits.
 - e. Temporary use permits for mobile storage at a commercial property is limited to only 90-days (not available for a residential property).
 - f. It is the property owner's responsibility to find out what ordinances are in a municipality and what is allowable.
 - g. The applicant explained his credibility as a certified contractor.

Chairman Galeazzi pointed out Mr. Jacobson's perspective of acquiring the shipping container and using it at one property, then relocating it to another property given notice of noncompliance is an example of how it is easier to ask for forgiveness than permission.

CDD Schroeder represented the City of Menasha. CDD Schroeder commented on the reasoning behind deferring the temporary use for a permit of 12-months is because the Zoning Board of Appeals has authority to approve said variance for period for up to 12-months. Variances (Temporary Use Permit Applications) are required to go in front of the Plan Commission; at the Plan Commission meeting on 10/3/23, the Commission unanimously consented to deny the approval of the temporary use permit request. The Commission stated the denial will help ensure consistency in following the city ordinances and would help deter future options to circumvent the existing ordinance in place. The Plan Commission sided not to provide precedence and promote an

ordinance, which helps ensure the city looks aesthetically pleasing in residential communities.

Moved by Chairman Galeazzi and seconded by Member Rae-Othrow to uphold the Plan Commission's recommendation to deny the Temporary Use Permit request, as proposed, finding the use is not compatible with the surrounding properties, the intent of the temporary use permit ordinance and the general purpose of the overall zoning code to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the City of Menasha.

Motion carried on roll call 5-0.

F. ADJOURNMENT

Moved by Member Vander Wyst seconded by Member Rae-Orthow to adjourn at 3:14 p.m.

Motion carried on voice vote.

Respectfully submitted by:

Valerie Neuman
City Clerk



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: Akey Property Management LLC Date: 9-29-23
Petitioner's Address: 2485 Schultz Dr City: Neenah State: WI Zip: 54956
Telephone #: 920 2054162 Fax: () _____ Other Contact # or Email: trisha@constructionolutionsfv.com
Status of Petitioner (Please Circle): Owner Representative Tenant Prospective Buyer
Petitioner's Signature (required): [Signature] Date: 9-29-23

OWNER INFORMATION

Owner(s): Akey Property Management LLC Date: 9-29-23
Owner(s) Address: 2485 Schultz Dr City: Neenah State: WI Zip: 54956
Telephone #: 920 2054162 Fax: () _____ Other Contact # or Email: trisha@constructionolutionsfv.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: [Signature] Date: 9-29-23

APPEAL OR VARIANCE INFORMATION

Address/Location of Appeal/Variance Request: 338 Nicolet Blvd Menasha
Tax Parcel Number(s): 73-00522-00
Reason for Appeal/Variance Request: Garage size requirement, requesting smaller be allowed
Zoning Adjacent to the Site: North: R1
South: R1
East: R1 / Commercial
West: R1

Staff _____ Date Rec'd _____

City of Menasha Variance Application Questionnaire

Applicant: Akey Property Management LLC

Site Address: 338 Nicolet Blvd.

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:

This lot is a very unique property that offers challenges being a triangle corner lot. The unique set backs that are on this property make it
very difficult to build a quality home with the current garage requirements being 22ft by 22 ft. The proposed plan still offers a
very decent sized garage while still offering a good quality of life home. If the variance was not granted it would be cutting
into livable space to make room for a garage. Most of the city lots are not in the shape of a triangle, in which the
ordinance does not factor in. Not allowing a variance does not give this lot the opportunity to be used fully as other lots in
the area.

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:

This being a triangle corner lot is unique to this area of the city. There is very few other lots of this shape in the City. Having this
variance will allow some outdoor space for family time. We are looking to provide an efficient but enjoyable home near the downtown
area. Given the lot size we are trying to maximize the use of the given space, both functionality and way of life.

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:

Having a smaller garage on this property would not increase the value of the home, it could potentially do just the opposite.
Most homes with larger garages will be sold at a higher price. But having a smaller garage granted does allow for a functional
living space.

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:

Having this variance granted is going to allow for a new ranch home to be built in the neighborhood. It will be eye pleasing from both Nicolet and Ahnaip St. Approving a smaller garage does not affect any other properties value in the area as they are all similar sized currently.

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

The zoning code currently is designed to provide certain quality of life to residential lots which is a good thing on most lots. There will always be a few lots that are an exception, and this is one of them. The current code is not able to take into consideration the unique shape of the property as this is not the normal lot. I do believe that the proposed home and garage use this lot to its fullest potential for the City and future tenants which is the ultimate purpose of having guidelines to follow.

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:

J. Shalley
Signature

Date:

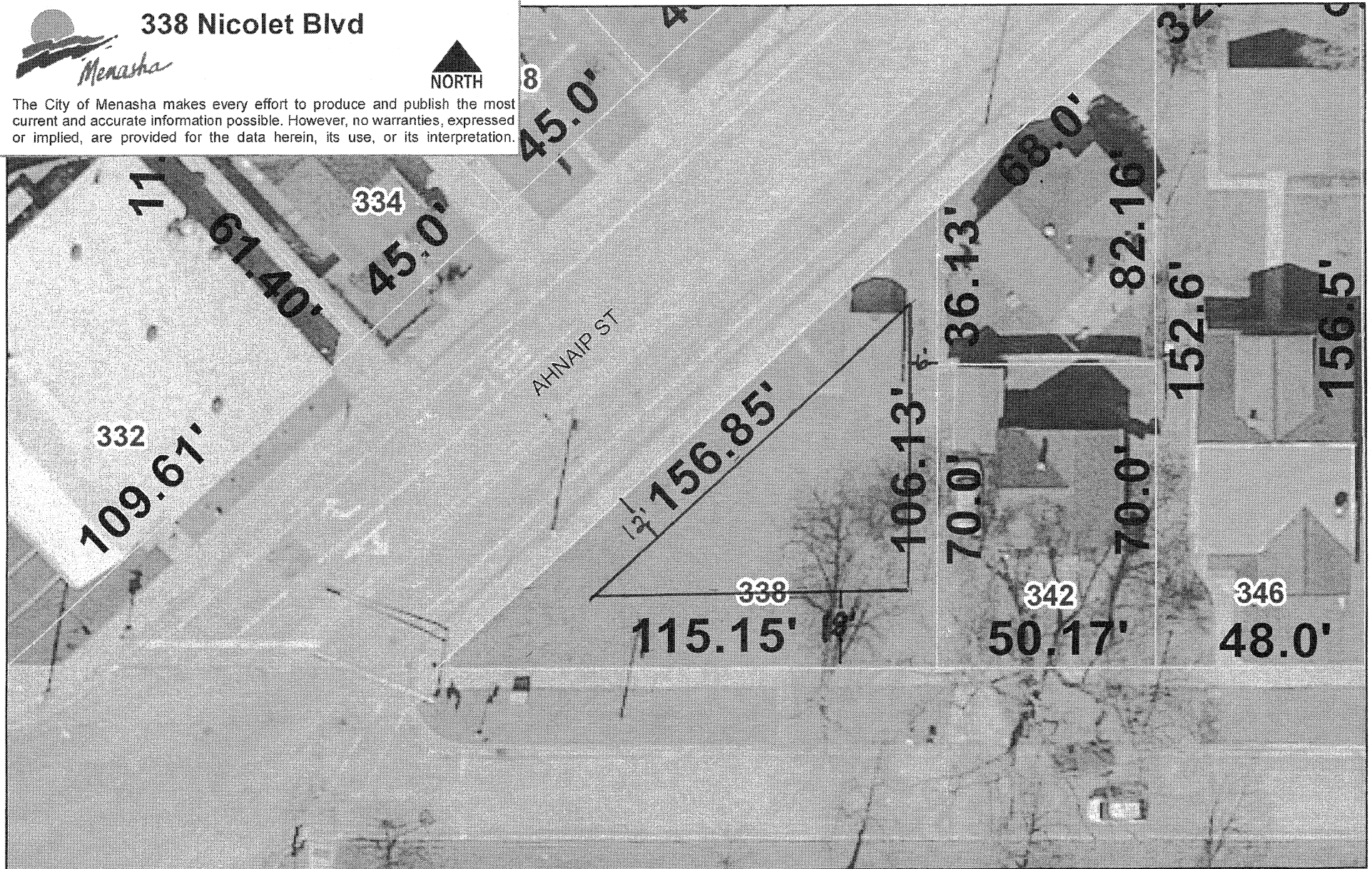
9/29/23



338 Nicolet Blvd

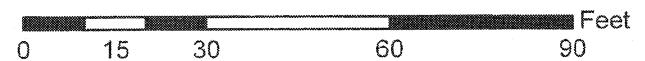


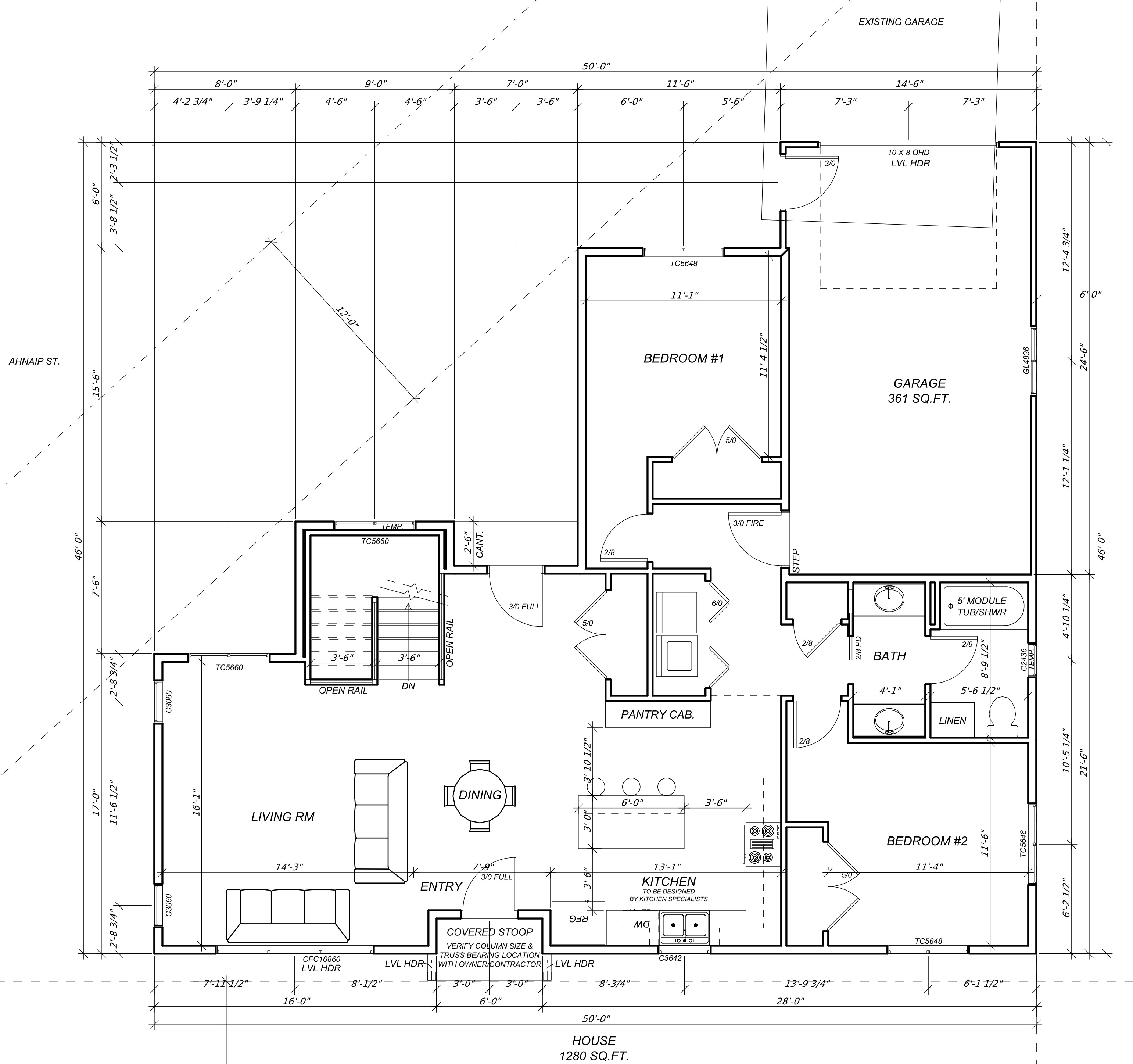
The City of Menasha makes every effort to produce and publish the most current and accurate information possible. However, no warranties, expressed or implied, are provided for the data herein, its use, or its interpretation.



Legend

 Parcel Boundary





General Notes

FINAL DESIGN OF ROOF, FLOOR AND TALL WALL SYSTEMS TO BE SPECIFIED BY THE SUPPLIERS OR OTHERS.

CONTRACT SPECIFICATIONS TAKE PRECEDENCE OVER BUILDING PLAN.

ALL DIMENSIONS ARE TO FACES OF FRAMING MEMEBERS
ANDERSEN 400 WINDOWS GLASS TYPE PER SPEC.

FLOOR SYSTEM AND WALLS TO OVERHANG FOUNDATION WALL SO SHEETED WALLS WILL FLUSH OUT WITH FOAM ON FOUNDATION WALLS
VERIFY FOAM REQUIREMENTS WITH HEAT LOSS CALCULATION.

BRACED WALL LEGEND

- CONTINUOUS SHEATHED WSP
PER SPS TABLE 321.25-G
- PORTAL FRAME PER
SPS FIGURE 321.25-A
- GB-GYPSUM BOARD
PER SPS TABLE 321.25-G
- CIRCUMSCRIBED RECTANGLE

☒ PRELIMINARY

FOR BIDDING PURPOSES ONLY-
NOT FOR CONSTRUCTION

☐ FINAL

VERIFY PLAN DATE WITH ALL
CONTRACTORS PRIOR TO CONSTRUCTION

ALL DRAWINGS ARE THE PROPERTY OF THE DESIGNER AND THEY ARE
NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE
WRITTEN CONSENT OF THE DESIGNER

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE
COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE
DESIGNER



1718 MILL ST.
NEW LONDON, WI 54961
TEL: 1-920-982-3832

Project Name and Address:

338 NICOLET BLVD

© 2023 NEW LONDON BUILDING SUPPLY

Client:

CONST. SOLUTIONS

Drawing:

CONST. SOLUTIONS-338 NICOLET-0522
FLOOR PLAN

Scale:

1/4" = 1'-0"

Date:

06/01/23

Drawn By:

J. CRUMP

Sheet:

Checked By:

Approved By:

A2



To: Board of Appeals

From: Kristi Heim, Community Development Coordinator

Date: November 1, 2023

RE: **Variance Request for Akey Property Management, 338 Nicolet Blvd, Menasha**

OVERVIEW

Property Address: 338 Nicolet Boulevard

Property Owner: Akey Property Management

Applicant: Akey Property Management, 2485 Schultz Drive, Neenah

Property Zoning: R-1 – Single Family Residence District

Surrounding Zoning:

North: R-1 – Single Family Residence District

South: City of Neenah, R-2 – Two Family Residence District

East: R-1 – Single Family Residence District

West: I-2 General Industrial District

Variance Requested: Section 13-1-25(f)(13)(a) of the City of Menasha Code of Ordinances states “The minimum dimensions for an attached or detached garage shall be 22 feet wide and 22 feet deep accessed by a garage door not less than 16 feet wide and 7 feet high for a single door, or two doors not less than 9 feet wide and 7 feet high.” The applicant is requesting allowance to construct a single family residence with an attached garage with the dimensions of 14 feet 6 inches wide and 24 feet 6 inches deep accessed by a single garage door 10 feet wide and 8 foot high.

Reason for Variance: Garage size requirement, requesting smaller garage to be allowed.

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

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 zoned R-1 Single Family Residence. In January 2019 a fire destroyed the two-family home that previously sat on the lot. The previous owner decided not to rebuild the nonconforming structure and therefore this lot has been vacant apart from an 11 feet wide and 19 feet long detached garage.

This lot is legal nonconforming meaning it was in existence prior to the City's current zoning code and does not meet the R-1 Single Family Residence District lot standards. These standards are outlined in Sec. 13-1-25 R-1 Single Family Residence District, relating to minimum lot size and width, required setbacks, minimum roof pitch and garage requirements.

The plan submitted by the applicant has been brought forward using the prevailing setbacks along both Nicolet Boulevard and Ahnaip Street. As shown in the diagram in the packet, these setbacks are greatly reduced due to the triangle nature of the of the lot.

It is the staff's opinion that this uniquely shaped lot poses many obstacles relating to the standards outlined in Sec. 13-1-25(f) Standards, of the zoning code and without a variance could make constructing a single family residence with the garage requirements on this property nearly impossible.

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 many unique characteristics to this property. While the code requires all new lots within the R-1 zoning district to have a minimum lot size of 7,200 sq², this lot is 6,129 sq². The setbacks along Nicolet Boulevard and

Ahnaip Street were calculated by using the prevailing (most common) as is typically done in established neighborhoods where the standard setbacks are not present. In a lot shaped as this, this greatly reduced the buildable area.

It is the staff's opinion that due to overall lot size, shape, and setbacks; this property is unique to the variance for which is being applied.

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: Although the construction of a new single family home will increase the value of the property, it is also a benefit to the city filling a need for housing and generating taxes on a lot that could indefinitely remain vacant.

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: It is the Staff's opinion that the construction of the new single family home will not be detrimental to the neighborhood.

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: It is the Staff's opinion that this variance does not undermine the spirit of the zoning which promotes the health, safety, or general welfare of the community. By adding a single family residence to a vacant lot, Staff believes this meets this intent.

STAFF RECOMMENDATION

Staff recommends the variance to allow a reduction to the minimum dimensions for an attached garage where a new dwelling unit is to be constructed, be approved by the Board of Appeals finding that the lot size, lot shape and setbacks are unique to this property. Per the analysis presented above, staff deems that the requirements for granting a variance have been satisfied.



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: Graphic House Inc Date: 9.21.23
Petitioner's Address: 8101 International Drive City: Wausau State: WI Zip: 54401
Telephone #: (715) 842-0402 Fax: () _____ Other Contact # or Email: daniellez@graphichouseinc.com
Status of Petitioner (Please Circle): Owner ☐ Representative ☒ Tenant ☐ Prospective Buyer ☐
Petitioner's Signature (required): [Signature] Date: 9.21.23

OWNER INFORMATION

Owner(s): St Timothy Lutheran Church Date: 9.21.23
Owner(s) Address: 473 7th Street City: Menasha State: WI Zip: _____
Telephone #: (920) 725-2622 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: _____ Date: _____

APPEAL OR VARIANCE INFORMATION

Address/Location of Appeal/Variance Request: 473 7th Street Menasha WI

Tax Parcel Number(s): _____

Reason for Appeal/Variance Request: To allow Emc size to fit into current sign structure

Zoning Adjacent to the Site: North: _____
South: _____
East: _____
West: _____

Staff _____ Date Rec'd _____

City of Menasha
Variance Application Questionnaire

Applicant: St Timothy Lutheran
Church

Site Address: 473 7th Street
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:

If the Variance was to be denied the current Sign
structure would have to be modified significantly. If
granted the Sign would remain in tact and the same
space would be used as the readerboard currently takes
up.

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:

We feel that using the current space already
used in the sign will be the best way to bring an
updated look while preserving the standards already in
place for the sign.

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 purpose of asking for this Variance is to allow the
current space of the readerboard to be used as the space for
the emc.

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:

Granting this variance will be of no detriment to public safety or welfare. It will bring an updated look to the neighborhood, along with providing clean and clear directions.

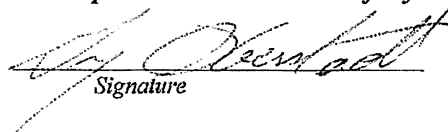
Explain why the proposed variance will not undermine the spirit and general or specific purposes of the zoning code:

We feel that this variance will not undermine the purpose of the ~~present~~ zoning code. We are not modifying to create an allowance, we are trying to avoid major renovation and to fill the space currently there.

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: 10/11/23

GRAPHIC HOUSE
NATIONAL SIGN FIRM
SINCE 1976

8111 Industrial Ct.
Menasha, WI 54951
715.841.2412
www.graphichouse.com

CLIENT
ST. TIMOTHY LUTHERAN CHURCH
473 7th ST
MENASHA, WI

SALES REP TROY S	DATE 8-15-2023	QUOTE NUMBER 28249	JOB NUMBER XX
SALES ADMIN XX	DESIGNER XX	REVISION XX	9-9-2023

8111 Industrial Ct.
Menasha, WI 54951
715.841.2412
www.graphichouse.com

ADD ENG TO B/LT SIGN	16mm
Panel Price	Full Color R33
Color	45 x 90
Material	33 1/2" H x 61 7/8" W
Painted Size	Additional filter panel to be painted black.
	Existing rearboard section to be removed & new EMC installed into existing cabinet.
	P1 - Black

EXISTING SIGN TO BE UPDATED



CLIENT HAS OBTAINED THE LOCATION IN WHICH THE SIGNAGE IS TO BE INSTALLED. THE CLIENT HAS THE SOLE RESPONSIBILITY FOR THE STRUCTURAL INTEGRITY OF ALL EXISTING STRUCTURES TO SUPPORT THE SIGNAGE.

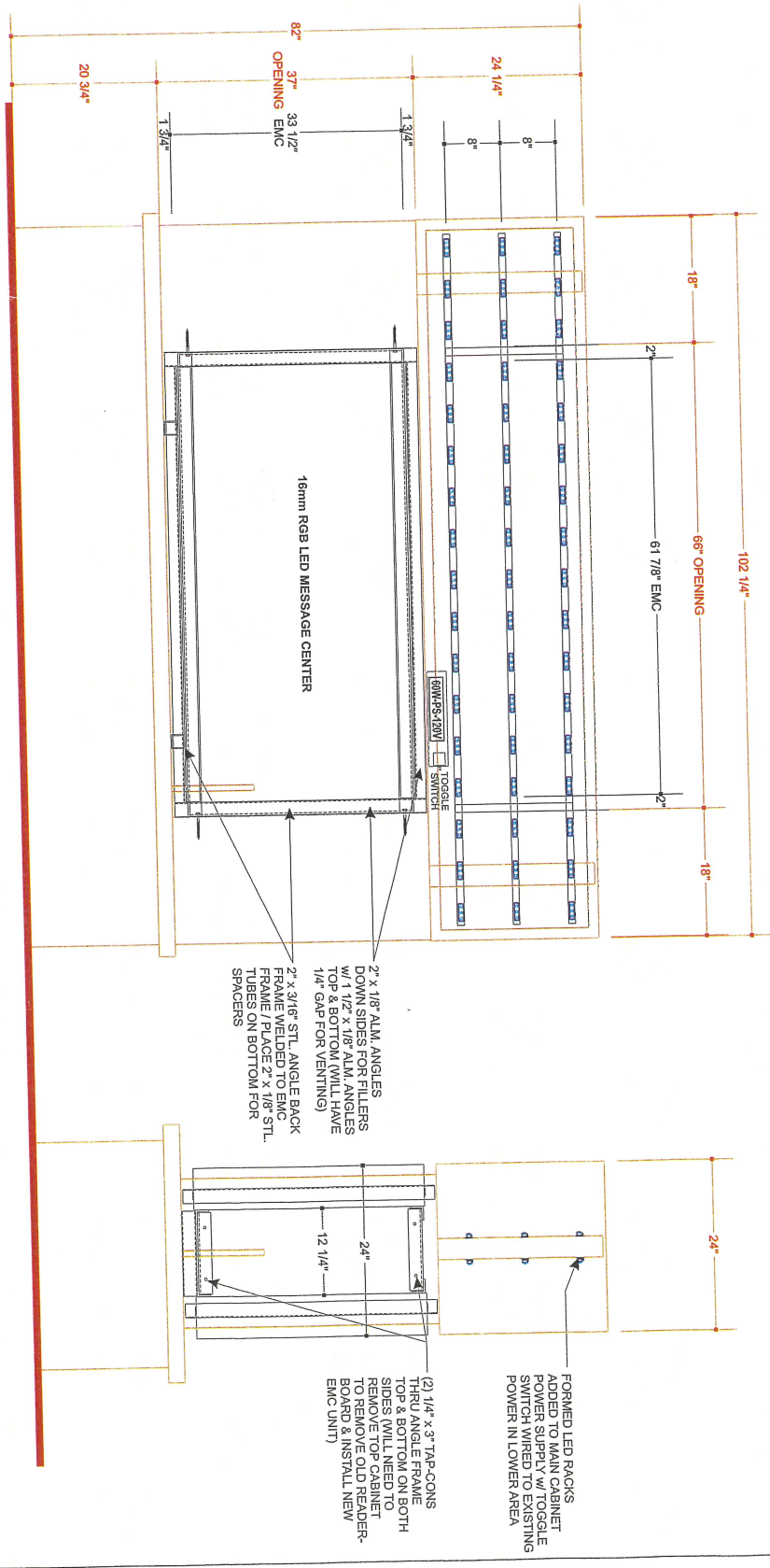
ALL RIGHTS RESERVED

THIS IS A PRELIMINARY DESIGN. GRAPHIC HOUSE, INC. AND ITS SUBSIDIARIES, AGENTS, AND AFFILIATES, MAKE NO WARRANTY, REPRESENTATION, OR GUARANTEE OF ANY KIND, INCLUDING BUT NOT LIMITED TO, THE ACCURACY, COMPLETENESS, OR QUALITY OF THE INFORMATION PROVIDED HEREIN. GRAPHIC HOUSE, INC. AND ITS SUBSIDIARIES, AGENTS, AND AFFILIATES, SHALL NOT BE LIABLE FOR ANY DAMAGES, INCLUDING BUT NOT LIMITED TO, DIRECT, INDIRECT, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OF ANY KIND, ARISING OUT OF OR IN CONNECTION WITH THE USE OF THE INFORMATION PROVIDED HEREIN.

RELEASE LINE.

DISCLAIMER: THE NEW COLORS SHOWN IN THIS RENDERING PROVIDE CONCEPTUAL COLORS & SHAPES LOCATIONS ONLY. THE COLORS MAY NOT MATCH THE ACTUAL MATERIALS OR FINISHES. THE FINAL COLORS WILL BE DETERMINED BY THE CLIENT'S CHOICE OF MATERIALS, FINISHES, AND COLORS. GRAPHIC HOUSE, INC. AND ITS SUBSIDIARIES, AGENTS, AND AFFILIATES, SHALL NOT BE LIABLE FOR ANY DAMAGES, INCLUDING BUT NOT LIMITED TO, DIRECT, INDIRECT, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OF ANY KIND, ARISING OUT OF OR IN CONNECTION WITH THE USE OF THE INFORMATION PROVIDED HEREIN.

Production Print



ELECTRICAL:
 SIGN TO DRAW **4.0** AMPS / 120VOLT
 EMC TO DRAW **10.0** AMPS / 120VOLT
UL NUMBER:
 #
 WIRED BY: DATE:



To: Board of Appeals

From: Kristi Heim, Community Development Coordinator

Date: November 1, 2023

RE: **Variance Request for St. Timothy Lutheran Church, 473 Seventh St, Menasha**

OVERVIEW

Property Address: 473 Seventh Street

Property Owner: St. Timothy Lutheran Church

Applicant: Graphic House Inc.

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 and R-2 Two-Family Residence District

West: R-1 – Single Family Residence District

Variance Requested: To allow the replacement of the changeable copy sign with a new electronic message center (EMC) to fit into the current sign.

Reason for Variance: To allow the EMC portion of the existing monument sign to exceed 30% as allowed by Sec. 13-1-67(d)(4).

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

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: St. Timothy Lutheran Church is zoned R-1 Single Family Residence and is considered a Special Use within the R-1 zoning district. In 2019 a text amendment to Title 13, Article F, Section 13-1-67 (d) Electronic Message Centers was approved which allows institutional uses within residential districts the opportunity to apply for a sign permit to allow EMCs as part of monument signs via special use permit.

Graphic House Inc, on behalf of St Timothy Lutheran Church, applied for a special use permit for installation of an EMC as part of their current monument sign replacing the existing changeable copy sign. Upon review of the sign, the EMC portion of the sign was greater than 30% of total sign face and therefore Graphic House Inc was informed it did not meet Sec. 13-1-67(d)(4) which states in part, "Electronic message centers shall be integral to and a part of the original approved monument sign and may not comprise more than 30% of the sign face...". The EMC portion of the proposed sign calculates 50% of the total sign face.

As outlined in the Zoning Board Handbook for Wisconsin Zoning Boards of Adjustment and Appeals, the hardship may not be self-imposed or financial in nature. The applicant states if the variance is denied, "the sign structure would have to be modified significantly" and "we are trying to avoid major renovation". Absent a variance, the applicant can reduce the size of the EMC portion to bring the sign into compliance and therefore have reasonable use of the property. Based on this, it is the staff's opinion that the 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 condition of the existing reader board being retrofitted to be used for the EMC portion of the sign does not constitute a unique property condition.

It is the 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: This request is not intended to increase the property value or income potential of the church.

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 section of sign code which was revised to allow EMCs for institutional uses within residentially zoned districts was amended; however, the total percentage the EMC is allowed to occupy on a sign was not. This is to ensure that all signs, no matter what district it is located, do not overwhelm pedestrian or vehicular traffic. This is especially true within residential neighborhoods. Allowing an EMC over the maximum allowable percentage may have a negative impact on the surrounding homes.

If the variance is approved, a special use permit will need to be applied for which requires review of specific areas, one being compatibility with adjacent land uses and impacts of the neighborhood.

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 of the Zoning Code is to ensure that all properties adhere to the established zoning standards for all signs. Allowing variances to these established standards undermines the objectives of the zoning code in place. Seeing that there is no special hardship or unique property circumstances, it is Staff's opinion that this request does undermine the spirit of the zoning code.

STAFF RECOMMENDATION

Per the analysis presented above, staff deems that the requirements for granting a variance have not been satisfied. **Staff recommends the variance to allow an electronic message center to exceed greater than 30% more than the total sign face of an existing monument sign, as requested, be denied by the Board of Appeals finding there is no hardship presented, no unique property conditions, and that exceeding the maximum allowable size could set a poor precedent and undermine the spirit of the ordinance if granted.**