

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  
Tuesday, October 10, 2023  
2:30 PM  
AGENDA**

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC HEARING

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

D. MINUTES TO APPROVE

1. Board of Appeals, 7/14/2023

E. ACTION/DISCUSSION ITEMS

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

F. ADJOURNMENT

**PROOF OF PUBLICATION**

ATTN: Finance  
City Of Menasha  
100 Main ST # 200  
Menasha WI 54952-3287

STATE OF WISCONSIN, COUNTY OF BROWN

I being duly sworn, doth depose and say that I am an authorized representative of the Appleton Post Crescent, a newspaper published at Appleton, Wisconsin; and that an advertisement of which the annexed is a true copy, taken from said paper, has been published in said newspaper in the issues dated:

09/29/2023

That said newspaper was regularly issued and circulated on those dates and that the fees charged are legal.

Sworn to and subscribed before on 09/29/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$31.30

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**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

DENISE ROBERTS  
Notary Public  
State of Wisconsin

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 temporary use permit by Asher Jacobsen for the consideration of the long term storage of a shipping container at 216 Water Street, Menasha, WI (Parcel 2-00008-00) for the purpose of storing construction materials for upcoming reinvestment of several rental properties in the corridor per Section 13-1-150(6) of the City Zoning Code. The Zoning Board of Appeals will be considering this request at a formal public hearing on Tuesday, October 10, 2023 at 2:30pm, 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 use and are invited to attend.

Valerie Neuman

City Clerk

Publish: September 29, 2023

WNAXLP

September 29 2023

LWIX0024119

CITY OF MENASHA  
BOARD OF APPEALS  
100 MAIN STREET  
JULY 14, 2023  
MINUTES

A. CALL TO ORDER

Meeting called to order by Chairman Galeazzi at 9:05 AM.

B. ROLL CALL

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

ALSO PRESENT: CDD Schroeder, CA Struve, Clerk Neuman, Tim Jacobson, Sandra DaBill-Taylor, and Scott Sheppard

C. PUBLIC HEARING

1. Temporary Use Permit Application – Staging Area – 1165 Appleton Road (Parcel #6-00637-00)

Chairman Galeazzi provided an overview of the Appeal Request to use 1165 Appleton Road (Parcel #6-00637-00) as a staging area for WE Energies. Chairman Galeazzi confirmed the hearing was properly noticed in the city's official newspaper, *The Post-Crescent*.

D. MINUTES TO APPROVE

1. Board of Appeals, 10/25/22

Moved by Member Jungen seconded by Member Rae-Orthow to approve the minutes. Motion carried on voice vote.

E. ACTION/DISCUSSION ITEMS

1. Temporary Use Permit Application – Staging Area – 1165 Appleton Road (Parcel #6-00637-00)

To advise the Zoning Board of Appeals due to having at least one new Board Member appearing for their first meeting, CA Struve provided an overview of the role and powers of the Zoning Board of Appeals and commented on the provided reference guides.

CDD Schroeder represented the City of Menasha. He commented on the public hearing/variance request, which if approved could be used for up to a 12-month period. MJ Electric is the subcontractor hired by WE Energies for this project. The subcontractor utilized this specific area as a staging location for items used for power line replacement along Appleton Road a few years ago on a prior portion of the project. This prior instance was approved because it directly impacted City of Menasha resident homes and businesses along that area of Appleton Road.

This spring City staff noticed the unapproved use for the site and communicated with WE Energies/MJ Electric to follow-up with an application (submitted to City Hall June 13, 2023). CDD Schroeder handed copies of the application materials to Board of Appeals members, city staff, and the gallery for the record. CDD Schroeder explained MJ Electric is currently working on two areas in the Fox Valley, with the intention to finish the project by October, and assumed using this site for staging, since it was approved in a prior circumstance. Variances (Temporary Use Permit Applications) are required to go in front of the Plan Commission, which was done on June 27, 2023; their recommendation was to deny the application outdoor storage, since is not permitted and does not collectively

serve the wellbeing of the City of Menasha (as the city's power supply company is Menasha Utilities not WE Energies).

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. Vacant property use protocol
  - b. Recourse from subcontractor if application/variance request is denied
  - c. Appeals process procedures (30 days from decision to appeal to circuit court)
  - d. Injunction procedures
  - e. Landlord letter of support for use of staging (and no objection of surrounding businesses possibly effected by staging)
  - f. Vacating timeframe if application is deemed denied (reasonable accommodation to vacate); MJ Electric/WE Energies were aware of the Plan Commission's preliminary decision on June 27, 2023.
  - g. Setting precedent with site usage
  - h. Outdoor storage is not permitted use as itself within city district; there is an ancillary use for a business (some outdoor storage) with a special use permit process, but there are strict guidelines with maintaining properties in a C-1 District (including having appropriate screening to shield items on properties in place).
  - i. Existing condition of the lot when not in use

Chairman Galeazzi commented the is not an area zoned for commercial to not have outside area staging options, so although the applicant is keeping outside storage parameters, the applicant was under the impression to ask for forgiveness than permission. If the replacement project is not benefiting the wellbeing of the City of Menasha, she cannot support the applicant's requests to use this area for staging, since it's not detrimental to city's infrastructure. The applicant assumed use was permissible use without verifying with City staff.

Moved by Member Vander Wyst and seconded by Member Jungen to uphold the Plan Commission's recommendation to deny the Temporary Use Permit Application of MJ Electric for the Staging Area at 1165 Appleton Road (Parcel #6-00637-00).

Motion carried on roll call 4-0.

#### F. ADJOURNMENT

Moved by Member Jungen seconded by Member Rae-Orthow to adjourn at 9:28 AM.

Motion carried on voice vote.

Valerie Neuman  
City Clerk



### Memorandum

Date: October 10, 2023  
To: Zoning Board of Appeals  
From: Community Development Department/SS  
RE: Temporary Use Permit Application – 216 Water Street (Parcel #2-00008-00)

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Asher Jacobsen is requesting the consideration of a temporary use permit pursuant to Section 13-1-150(6) of the City Zoning Code, for the consideration for the long-term storage of a shipping container (mobile storage) at 216 Water Street, Menasha, WI (Parcel 2-00008-00).

The shipping container is currently empty and was placed on site this past summer. Per the application, the applicant is requesting to keep the container at the property through August of 2025 to store building materials to support the reinvests including siding of 216 Water Street, 222 Water Street, 250 Water Street, 2 High Street, 9 High Street, and 10 High Street.

Upon placement, staff did reach out to the applicant and noted that the container is in violation of Section 13-1-90 of the City Zoning Code. Per subsection (3)(a), the use of mobile storage in residential zoned districts is strictly prohibited. 216 Water Street is zoned R-1 Single Family. With the exception of construction sites, mobile storage is only permitted in the C-1, C-2, C-3, C-4, I-1, and I-2 through an approved permit up to 90 days in a calendar year.



Section 13-1-150(6) of the municipal code states the Zoning Board of Appeals has the following power: “to hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a

substantial structure and are compatible with the neighboring uses and the City Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.”

The City Plan Commission met on October 3, 2023, to review the proposed temporary use request. While the general direction was in support of the redevelopment of the properties, the Commission felt it was not appropriate to occupy this residential neighborhood with this type of structure for that extended period of time. **The Plan Commission recommend the Zoning Board of Appeals 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.**



# City of Menasha Application Temporary Use Permit

RECEIVED  
SEP 06 2023

BY: KB

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: Asher Jacobson Date: \_\_\_\_\_  
Petitioner's Address: 216 water st City: Menasha State: WI Zip: 54952  
Telephone #: (920) 850-9092 Fax: ( ) \_\_\_\_\_ Other Contact # or Email: asherjacobsonremodeling@gmail  
Status of Petitioner (Please Circle) ☒ Owner ☐ Representative ☐ Tenant ☐ Prospective Buyer  
Petitioner's Signature (required): \_\_\_\_\_ Date: \_\_\_\_\_

## OWNER INFORMATION

Owner(s): Asher Jacobson Date: \_\_\_\_\_  
Owner(s) Address: 217 Kaukauna st City: Menasha State: WI Zip: 54952  
Telephone #: (920) 850-9092 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 employees may, in the performance of their functions, enter upon the property to inspect or gather information necessary to process this application. I also understand that all meeting dates are tentative and may be postponed by the Community Development Department for incomplete submissions or other administrative reasons.

Property Owner's Signature: Ash Jacobson Date: \_\_\_\_\_

## TEMPORARY USE INFORMATION

Address/Location of Proposed Activity: 216 water st Menasha WI 54952  
Description of Proposed Activity: Being able to keep storage container at 216 for the purpose of storing building materials for the properties of 216, 222, 250 water st 2, 10, 9 High st for beautifying water st and High st corridors along with the city project, with out container we will not be doing these for years we are asking for the container to stay for building materials to stay in.  
Dates of Proposed Activity: sept. 6 2023 to Aug 2025 and then removed

## SUBMITTAL REQUIREMENTS – Must accompany the application to be complete.

- ☐ Map of the immediate area showing property involved. Area to be used for the temporary use identified.
- ☐ A site plan drawn to readable scale showing present status of property.
- ☐ Street address, adjacent streets, intersections and any other information or landmarks to help identify the property.
- ☐ Location of existing uses, structures, fences and signs and location of proposed temporary use, structures, fences and signs.
- ☐ A written narrative explaining the requested temporary use and detail discussion of the project.

➤ Fee of \$225.00 is due at time of application, payable to the City of Menasha (fee is nonrefundable).

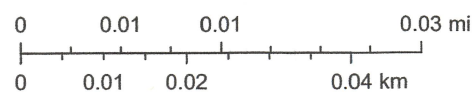
Staff \_\_\_\_\_ Date Rec'd \_\_\_\_\_











## Site Map



9/6/2023, 12:48:14 PM

1:915



-  Adjacent Counties  
 Lakes, Ponds and Rivers  
**Navigable Waterways**  
 Navigable - Permanent (unchecked)  
 Navigable - Intermittent (unchecked)  
 Navigable - Stream (unchecked)  
 Navigable - Permanent (checked)  
 Navigable - Intermittent (checked)  
 Navigable - Stream (checked)  
 Tax Parcel Boundary  
 Road ROW

Winnebago County GIS, Imagery Date: April 2020

Winnebago County GIS  
Winnebago County GIS | Imagery Date: April 2020 |

Winnebago County GIS | Imagery Date: April 2020 |

## SEC. 13-1-90 MOBILE STORAGE REGULATIONS

### SECTION 1: APPLICABILITY AND PURPOSE OF MOBILE STORAGE REGULATIONS

- (a) **Applicability.** This ordinance shall apply to all forms of mobile storage. The standards of this ordinance shall apply to all person, firms, partnerships, associations, and corporations owning, occupying, or having control or management of any premises located within the limits of the City of Menasha.
- (b) **Purpose.** The purpose of this ordinance it to regulate the use of mobile storage within the City of Menasha in order to protect the public safety, health, and welfare; minimize abundance and size of mobile storage units; preserve property values; support and complement land use objectives as set forth in the city's zoning ordinance; and enhance the aesthetic appearance and quality of life within the city. The standards contained herein are intended to achieve the following objective:
  - (1) Establish a mobile storage permit system to allow some types of mobile storage and prohibit mobile storage not expressly permitted by this ordinance.
  - (2) Enable the effective use of mobile storage.
  - (3) Maintain and improve the image of the city by regulating the proliferation of mobile storage.
  - (4) Prevent mobile storage that is potentially dangerous to the public due to structural deficiencies or disrepair.
  - (5) Prevent the placement of mobile storage that will conceal or obstruct vision in street right or ways.
  - (6) It is the expressed intent of this ordinance to prohibit the use of semi-tractor trailers or similar mobile equipment as a substitute for permanent structures whose purpose is to store goods, equipment, parts, fixtures, stock in trade or similar products or materials.

### SEC 2: DEFINITIONS

- (a) **Mobile Storage.** For the purposes of this ordinance, mobile storage will be defined as a motor vehicle, trailer, semi-trailer, mobile home, mobile office, or other container on wheels or placed on the ground used in the transportation or storage of non-hazardous goods, whether finished or unfinished, from which any goods are sold, stored, services performed, or other business conducted.

### SEC 3: GENERAL REQUIREMENTS

- (a) The use of mobile storage in residentially zoned districts is strictly prohibited
- (b) The use of mobile storage in the C1, C2, C3, C4, I1 and I2 zoning districts shall comply with the following requirements:
  - (1) A permit is required for each mobile storage unit placed on a lot.
  - (2) No more than two mobile storage units may be placed on a single lot at any one time.
  - (3) Mobile storage may only be used for the storage of finished goods (i.e. overstock items, seasonal merchandise, or equipment), or unfinished goods (i.e. raw materials). The

storage of refuse material, or opened containers of paint, oil, gas, or any other hazardous material is prohibited.

- (4) Mobile storage shall be located behind the principal structure or otherwise located so as to minimize visibility from public streets.
- (5) Mobile storage units shall not encroach upon any yard, setback or transitional area required by ordinance.
- (6) Mobile storage units shall not obstruct any drive or other space necessary for access by fire apparatus.
- (7) The placement of the mobile storage unit shall not reduce the number of parking spaces below the minimum number required for the zoning district in which the use is located.
- (8) The provisions of the C-1, C-2, C-3, C-4, I-1 and I-2 zoning districts are applicable to the use or placement of any mobile storage units.

#### SEC 4: PERMIT PROCEDURES

- (a) Prior to the use or placement of any mobile storage units, a permit must be obtained from the Community Development Department.
- (b) A permit(s) for the placement of mobile storage may be issued for a total of ninety (90) days per year.
- (c) The permit application shall include the following information:
  - (1) Name of establishment requesting the permit.
  - (2) Name and telephone number of contact person.
- (3) Type of storage unit(s), dimensions of the unit(s), and a copy of leasing or rental agreement of the storage unit(s) if applicable.
- (4) A site plan showing the proposed placement of the mobile storage unit in relation to the any buildings on the lot, street right-of-ways, and the surrounding lots and the zoning of those lots.
- (5) If the mobile storage unit is to have electricity or other utility hook-up, that information shall be indicated on the site plan.
- (6) The reason for required mobile storage, including what is to be stored.

#### SEC 5: EXCEPTIONS

- (a) **Construction Sites.** Mobile storage units may be placed on construction sites for the time period from when a building permit has been issued until the building permit expires or until an occupancy permit is granted, whichever comes first.
- (b) **Licensed Tractor-Trailers.** Licensed tractor-trailers used in the transport of finished goods or raw materials are exempt from the requirement of this ordinance.

#### SEC 6: UNSAFE AND ILLEGALLY PLACED MOBILE STORAGE UNITS

- (a) **Unsafe Mobile Storage.** Any mobile storage units deemed unsafe by the Zoning Administrator may be removed by the City according to the process outlined in Section 6 and any costs incurred therefor shall be charges against the owner of the property on which the mobile storage unit was placed.
- (b) **Illegally Placed Mobile Storage.** The Zoning Administrator shall

order the removal of any mobile storage units found in violation of this ordinance according to the process outlined in Section 7.

## SEC 7: ENFORCEMENT PROCESS

(a) **Enforcement Process.** The Zoning Administrator shall have the authority to enforce the provisions of this ordinance and issue orders related to and promoting the purposes of this ordinance. The provisions of this ordinance shall be enforced according to the following procedures:

(1) Notice of the violation or required action shall be sent by certified mail addressed to the property owner and/ or permit holder at the last known address.

(2) The notice shall describe the violation or required action and identify a time frame for the violators to removal, repair, or complete the required action.

(3) Should the storage unit not be removed or repaired or the required action completed within the identified time frame, the Zoning Administrator shall have the authority to remove the mobile storage unit, and the property owner shall be liable for any and all costs incurred therefor. If the property owner fails to pay for such costs, the costs shall be placed as a special tax on the property and entered on the tax rolls.

(b) **Penalties.** Failure to comply with the specifications found in this ordinance might subject the property owner and/ or permit holder to the penalties listed in Sec. 1-1-7.

(c) **Appeal.** Decisions by the Zoning Administrator based in the provisions of this ordinance shall be subject to appeal to the Board of Appeals.