

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