

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-Othrow

ALSO PRESENT: CDD Schroeder, CA Struve, Clerk Neuman

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