

*****TOWN OF MENASHA***
ZONING BOARD OF APPEALS MEETING
WEDNESDAY, May 4, 2016 @ 5:30 PM
MUNICIPAL COMPLEX - 2000 MUNICIPAL DRIVE**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

1. Variance to the Acreage Requirement for a Personal Storage Facility – 1169 Valley Rd.

APPROVAL OF MINUTES – May 6, 2015

NEW BUSINESS

1. Variance to the Acreage Requirement for a Personal Storage Facility – 1169 Valley Rd.

ADJOURNMENT

If you have any questions, please call (920) 720-7105 for information. You may also access the staff recommendations at the town website, www.town-menasha.com. From the main page, click on the Calendar link. The recommendation is posted on the website the Thursday or Friday preceding the ZBA meeting.

PLEASE NOTE: It is possible that members of and possibly a quorum of Town Board members or other governmental bodies may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body other than the governmental body specifically referred to on the agenda above.

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Town Administration Office at (920) 720-7101.

*****TOWN OF MENASHA***
ZONING BOARD OF APPEALS
WEDNESDAY, MAY 6, 2015 at 5:30 PM
MUNICIPAL COMPLEX - 2000 MUNICIPAL DRIVE**

CALL TO ORDER: Chairman Arden Tews called the Zoning Board of Appeals meeting of May 6, 2015 to order at 5:30 p.m.

PRESENT: Mr. Arden Tews, Mr. Michael Dillon, Mr. James Duley, Mr. Gary Kresal and Mr. Alvin Bellmer

EXCUSED: None

TOWN STAFF: George Dearborn, Community Development Director
Karen Backman, Town Clerk/Secretary

PLEDGE OF ALLEGIANCE; MOMENT OF SILENCE: Chairman Tews asked for a moment of silence to remember four shooting victims who were randomly killed or wounded on Sunday, May 3, 2015 on the Fox Cities Trestle-Friendship Trail near the trestle pavilion by a lone gunman.

PUBLIC HEARING: Variance to Construct Accessory Structure in Excess of Allowed Square Footage – 2310 Carleton Avenue

At 5:51 p.m., motion was made by Mr. Bellmer and seconded by Mr. Dillon to open the public hearing.

Chairman Tews announced the reason for this hearing and Director Dearborn explained the process and the applicant's recourse if there is no decision here today. The chairman asked if anyone was present to testify and applicant Ryan Gerner was sworn in.

Mr. Gerner presented a drawing of his property layout identifying where buildings exist on his lot. He explained he had a garage that was torn down in the back corner and wants to rebuild on the same slab; however recently the Town changed their ordinances which reduced the total amount of square footage for the accessory buildings, ultimately reducing the size of this structure he could place on his property by ordinance. Mr. Gerner was asking to either build the same size building that was originally there, or move the amount of square footage he desires and attach it to an existing garage/sunroom space. The Board and applicant discussed lot lines for the accessory building, his hardship due to loss of a rental storage building and lack of space to store his items, including an extensive car collection, and unfairness in having to be forced to build smaller due to unknown knowledge of the ordinance having recently been amended.

At the hearing, also present were neighbors of the applicant who were sworn in by the clerk and gave their statements. John Rueth, 2309 Gmeiner Road, stated he would not have a problem with the applicant installing an accessory building of the size requested and preferred that it be built in the back of the yard.

Mr. Gary Klipp, 2319 S. Gmeiner Road, however had reservations about placement of the storage building close to his lot line and expressed concern of the type of structure that would be built/appearance (metal pole shed/eventual rusting), and current water flow that runs into his yard and

potential for the accessory building to worsen the situation; the intended use of the building was also a concern.

Cindy Rueth, 2309 Gmeiner Road, stated currently Mr. Gerner's home is vinyl-sided and everything in the yard is kept clean and neat; his home is attractive and she feels an accessory building built would be no different.

Mr. Gerner explained the structure would have 12-foot walls, contain a hydro-lift to store two cars, would be vinyl-sided and match the house, contain downspouts, etc.

Due to the ability of the Board members to grant a variance only if determining that all three required criteria were met, the Board denied the applicant's request. Those criteria are:

1. Exceptional Circumstances;
2. Undue Hardship;
3. No Harm to the Public Interest.

If Mr. Gerner wishes to build a structure, it must be smaller in size to stay within current ordinances for his property which is zoned R-2. Board member Al Bellmer asked the applicant whether he understood the reason for ordinances and asked Mr. Gerner a number of questions about building an accessory structure on the property of the size allowable, and Mr. Gerner answered that he could.

After Board members discussed different building scenarios, the three criteria, and the applicant merely desiring this extra structure, the Zoning Board found that only two of the circumstances were met.

Director Dearborn explained to the applicant that his options are to build smaller, or amend the ordinance. Mr. Gerner stated he would most likely build the smaller scale 22x24 square foot building although he felt it would not look proper on the back corner site.

There being no further comments, at 6:31 p.m., motion by Mr. Dillon and seconded by Mr. Duley to close the public hearing.

APPROVAL OF MINUTES: November 6, 2013

A motion was made by Mr. Dillon, seconded by Mr. Duley, to approve the minutes of November 6, 2013.

The motion carried – 5 - 0

NEW BUSINESS:

Item 1 – Variance to Construct Accessory Structure in Excess of Allowed Square Footage – 2310 Carleton Ave.

A motion was made by Mr. Duley to approve the variance of Ryan Gerner at 2310 Carleton Avenue. There being no second motion; motion failed.

Zoning Board of Appeals
May 6, 2015
Draft Minutes

Motion was made by Mr. Bellmer to deny due to not meeting all of the three criteria; the first met was there were no exceptional circumstances, and second, no undue hardship. The motion was seconded by Mr. Dillon.

On roll call vote, motion carried 5-0 to *deny* the variance.

ADJOURNMENT:

At 6:47 p.m., there was motion by Mr. Bellmer, seconded by Mr. Dillon, to adjourn. Motion carried.

Karen Backman
Recording Secretary

MEMO

Date: April 26, 2016
To: Zoning Board of Appeals
From: Community Development Department Staff
RE: New Business Item 1 – Variance to the Acreage Requirement for a Personal Storage Facility – 1169 Valley Rd.

Background

On a routine inspection back in February of this year, the Fire Department discovered that the property at 1169 Valley Road had been converted from a furniture sales store into a personal storage facility. There were no permits taken out for this conversion. The Town told the owner, Sam Dreifuerst (Self Storage of Menasha, LLC), to cease operation and the owner did comply. However, Mr. Dreifuerst does desire to continue operation and complete the conversion.

Variance Request

This property is zoned B-3, general business, which does allow for personal storage facilities as a conditional use. In the Zoning Ordinance there are special provisions for personal storage facilities, which would have to be met with the granting of a conditional use permit. One of these provisions is a minimum lot size of one acre (see attached Zoning Ordinance pages for details). The building that Mr. Dreifuerst owns is currently a non-conforming building spanning two lots (see aerial photo). One lot is 0.37 acres and one is 0.29 acres; taken together, they are a total of 0.66 acres. Therefore, the applicant is requesting a variance for the 1 acre lot size requirement. He must obtain this variance in order for a conditional use permit to even be considered.

As a note, the applicant states in his letter that the property is 1.49 total acres. This is incorrect. There are two *separate* parcels, referred to above, that are in the Town. He also owns a *separate* 0.83 acre parcel in the City of Menasha directly adjacent and to the south of the two lots in the Town. These three lots together to equal 1.49 acres, but no one lot is equal to the minimum 1 acre requirement. The property owner could combine the two lots in the Town, but it still would not equal one acre.

Town staff properly advertised this variance with a Class II Public Notice (see attached).

A variance can only be legally granted if it is determined that all of the following three criteria are met:

1. *Exceptional or Extraordinary Circumstances that Apply to this Property.*

Unique physical characteristics of the property, not the desires of, or conditions personal to, the applicant must prevent the applicant from developing the property in compliance with the zoning ordinance. Such limitations may arise due to steep slopes, wetlands, or parcel shape that limits the reasonable use of the property.

2. *Undue Hardship.*

Undue hardship is a situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity is unnecessarily burdensome. In most cases, if a property already is developed and has an established use, a hardship will not exist. Also, self-imposed hardship is not grounds for a variance. When conditions giving rise to the need for a variance were created by the property owner or a former owner, the hardship is self-imposed.

3. *No Harm to the Public Interest.*

Granting a variance must not harm the public interest nor undermine the purposes of the zoning ordinance.

Applicant's Justification for the Variance

Please see the attached variance application and letter for the applicant's justification.

Staff Recommendation

Staff recommends denial of the variance based on the following findings:

1. *Exceptional Circumstances*

There is no "exceptional" circumstance. There are many options under B-3 zoning, including retail, for which the property can be legally used. The applicant claims that the property's past use, a furniture store, is similar to a personal storage facility. It is the Town's opinion that this is not the case. A furniture store keeps furniture in a retail setting for the purposes of sale; the primary use is retail. A personal storage facility's primary purpose is storing other people's personal items. As such, it is subject to different standards than retail.

2. *Undue Hardship*

There is no undue hardship. The property owner converted the building into a storage facility without consulting the Town and without proper permits. As stated above, there are many other uses for this property and building that are allowed under the current zoning. This is a hardship created by the applicant.

3. *No Harm to the Public Interest*

There could potentially be harm to the public interest. The Fire Department does not deem the building to be safe as a personal storage facility because the building does not have appropriate fire walls or sprinklers. The letter claims that the storage use "fits this building and site," and no revision to the existing building would be needed. This is not the case. There would need to be revisions to the building and/or site due to the fire issues.

It is staff's opinion that none of the above three criteria for granting a variance have been met and thus a variance cannot be granted.



14.0 GENERAL STORAGE

- 14.01 Boat yard A place where watercraft may be kept in dry storage during the off season or while not in use.
- 14.02 Bulk fuel storage A place where liquid or compressed fuel products may be stored in bulk.
- 14.03 Personal storage facility A place where individual storage units are offered for rent, lease, sale, or other arrangement. The term includes a tract of land used to store motor vehicles and watercraft.
- 14.04 Truck terminal A place where goods carried by motor transport are received and temporarily stored until transferred to another truck for delivery.
- 14.05 Warehouse A place where goods, merchandise, and other materials are temporarily stored for eventual shipment. The term includes moving and storage facilities. The term does not include bulk fuel storage.



Table 7-1. Land use matrix		Review	Special Standards	A-2	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	M-1	I-1	I-2
12.05	Utility installation, major	ZP, BP, SP, PO	31.7-126	C	C	C	C	C	C	C	C	C	C	P	P
12.06	Utility installation, minor	ZP, BP, SP, PO	31.7-127	P	P	P	P	P	P	P	P	P	P	P	P
12.07	Utility maintenance yard	ZP, BP, SP, PO	31.7-128	C	-	-	-	-	-	-	-	-	-	P	P
13 Transportation															
13.01	Airport	ZP, SP, PO	31.7-129	C	C	C	-	-	-	-	-	-	-	P	P
13.02	Bus storage facility	ZP, BP, SP, PO	31.7-130	C	-	-	-	-	-	-	C	C	C	P	P
13.03	Marina	ZP, SP, PO	31.7-131	C	C	C	C	C	C	C	C	C	C	C	C
13.04	Mass transit terminal	ZP, BP, SP, PO	31.7-132	-	-	-	-	-	-	P	P	P	P	P	C
13.05	Off-site parking lot	ZP, SP, PO	31.7-133	-	-	-	-	-	-	C	P	P	P	C	-
13.06	Parking structure	ZP, BP, SP	31.7-134	-	-	-	-	-	-	-	-	P	P	C	-
13.07	Park-and-ride lot	ZP, BP, SP	31.7-135	C	C	C	C	C	-	C	P	P	C	C	C
13.08	Railroad line	-	31.7-136	P	P	P	P	P	P	P	P	P	P	P	P
13.09	Street	-	31.7-137	P	P	P	P	P	P	P	P	P	P	P	P
14 General Storage															
14.01	Boat yard	ZP, BP, SP, PO	31.7-138	-	-	-	-	-	-	-	-	-	-	P	C
14.02	Bulk fuel storage	ZP, BP, SP, PO	31.7-139	-	-	-	-	-	-	-	-	-	-	P	P
14.03	Personal storage facility	ZP, BP, SP, PO	31.7-140	C	-	-	-	-	-	-	-	C	-	P	P
14.04	Truck terminal	ZP, BP, SP, PO	31.7-141	-	-	-	-	-	-	-	-	-	-	P	P
14.05	Warehouse	ZP, BP, SP, PO	31.7-142	-	-	-	-	-	-	-	-	-	-	P	P
15 Industrial Uses															
15.01	Artisan shop	ZP, BP, SP, PO	31.7-143	C	-	-	-	-	-	C	C	P	P	P	C
15.02	Batching plant associated with a nonmetallic mine	ZP, SP, PO	31.7-144	C	-	-	-	-	-	-	-	-	-	C	C
15.03	Biofuels production plant	ZP, SP, PO	31.7-145	C	-	-	-	-	-	-	-	-	-	-	C
15.04	Construction equipment repair	ZP, BP, SP, PO	31.7-146	-	-	-	-	-	-	-	-	C	-	P	P
15.05	Construction equipment sales and service	ZP, BP, SP, PO	31.7-147	-	-	-	-	-	-	-	-	C	-	P	P
15.06	Contractor yard	ZP, BP, SP, PO	31.7-148	-	-	-	-	-	-	-	-	-	-	P	C
15.07	Industrial, heavy	ZP, BP, SP, PO	31.7-149	-	-	-	-	-	-	-	-	-	-	-	P
15.08	Industrial, light	ZP, BP, SP, PO	31.7-150	-	-	-	-	-	-	-	-	-	-	P	P
15.09	Nonmetallic mine	ZP, SP, PO	31.7-151	C	-	-	-	-	-	-	-	-	-	C	C
15.10	Salvage yard	ZP, SP, PO	31.7-152	-	-	-	-	-	-	-	-	-	-	-	C
16 Solid Waste															
16.01	Composting facility	ZP, SP, PO	31.7-153	P	-	-	-	-	-	-	-	-	-	P	P
16.02	Recycling center	ZP, SP, PO	31.7-154	C	-	-	-	-	-	-	-	-	-	P	P
16.03	Solid waste landfill	ZP, SP, PO	31.7-155	C	-	-	-	-	-	-	-	-	-	C	C
16.04	Solid waste transfer station	ZP, SP, PO	31.7-156	C	-	-	-	-	-	-	-	-	-	P	P
17 Accessory Uses															
17.01	Adult family home	ZP	31.7-157	P	P	P	P	P	P	P	P	P	P	-	-
17.02	Amateur radio antenna	-	31.7-158	P	P	P	P	P	P	P	P	P	P	-	-
17.03	Automated teller machine	ZP	31.7-159	-	-	-	-	-	-	P	P	P	P	-	-
17.04	Backyard chickens	-	31.7-160	P	P	P	P	-	P	-	-	-	-	P	P
17.05	Bed and breakfast	ZP, BP, SP, PO	31.7-161	C	C	C	C	-	-	P	P	-	P	-	-
17.09	Exterior communication device	-	31.7-162	P	P	P	P	P	P	P	P	P	P	P	P
17.10	Family day care home	ZP	31.7-163	P	P	P	P	P	P	P	P	P	P	-	-
17.11	Farm storage building	ZP	31.7-164	P	-	-	-	-	-	-	-	-	-	-	-
17.12	Farm residence	ZP	31.7-165	P	-	-	-	-	-	-	-	-	-	-	-
17.14	Fence	ZP	31.7-166	P	P	P	P	P	P	P	P	P	P	P	P
17.15	Foster home and treatment foster home	ZP	31.7-167	P	P	P	P	P	P	P	P	P	P	-	-
17.16	Garage, nonresidential	ZP	31.7-168	-	-	-	-	-	-	P	P	P	P	P	P
17.17	Garage, off-site residential	ZP	31.7-169	-	P	P	-	-	-	-	-	-	-	-	-
17.18	Garage, residential	ZP	31.7-170	P	P	P	P	P	P	P	P	P	P	-	-

Series 14. General Storage

31.7-138 Boat yard

Outdoor storage areas and other activity areas shall not be located within a yard setback for the zoning district in which the use is located.

31.7-139 Bulk fuel storage

No special standards apply to bulk fuel storage.

31.7-140 Personal storage facility

- (a) **Minimum lot size.** The lot on which a personal storage facility is located shall be at least one acre in size.
- (b) **Access.** The access to a cubicle shall not open directly onto a public road right-of-way.
- (c) **Surfacing of travelways.** Driveways, interior aisles, and walkways shall be concrete or asphaltic concrete, except as may be allowed in this subsection. Consistent with the procedures and requirements of article 6 of this chapter, the Planning Commission may allow gravel surfaces as a special exception and require, as a condition of approval, additional buffer yard and landscaping requirements deemed necessary to provide adequate screening between this use and adjoining properties.
- (d) **Storage of prohibited substances.** No cubicle shall be used to store explosives, toxic substances, hazardous materials, or radioactive materials.
- (e) **Uses.** Only uses that are accessory to storage shall occur. No portion of the site shall be used for fabrication, repair, or any similar use or for human habitation.
- (f) **Design.** The personal storage facility shall be designed so as to minimize adverse visual impacts on nearby properties. The color, exterior materials, and orientation of proposed buildings and structures shall complement existing and anticipated development in the surrounding area. A personal storage facility in a commercial zoning district shall meet the special architectural requirements in division 8 of this article.
- (g) **Fencing of outdoor storage area.** An area used for outdoor storage of operational vehicles, watercraft, and the like shall be enclosed by a security fence.
- (h) **Setback of outdoor storage area.** Outdoor storage areas shall comply with the building setback standards for the zoning district in which the use is located.

31.7-141 Truck terminal

- (a) **Setback of outdoor storage area.** Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district.
- (b) **Control of fugitive dust.** As part of the building, site, and operation plan review process, the control of fugitive dust generated by this use shall be addressed.

31.7-142 Warehouse

- (a) **Setback of outdoor storage area.** Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district.
- (b) **Control of fugitive dust.** As part of the building, site, and operation plan review process, the control of fugitive dust generated by this use shall be addressed.

Series 15. Industrial Uses

31.7-143 Artisan shop

When an artisan shop is located in a commercial or mixed-use zoning district, all materials and activities, except loading and unloading, shall be conducted entirely within the confines of a building.

31.7-144 Batching plant associated with a nonmetallic mine

- (a) **Control of fugitive dust.** As part of the building, site, and operation plan review process, the control of fugitive dust generated by this use, if any, shall be addressed.
- (b) **Prerequisite use.** A batching plant in this instance shall only be allowed as an ancillary use to a nonmetallic mine that was previously approved under this chapter.
- (c) **Setback requirements.** A batching plant shall be located at least 300 feet from a property in a residential zoning district and 200 feet from a property in a commercial or mixed-use zoning district.
- (d) **Termination of approval.** If the Zoning Administrator determines that the nonmetallic mine with which the batching plant is associated is permanently closed, the Administrator shall follow the procedure outlined in article 6 of this chapter relating to termination of the approval.



**TOWN OF MENASHA
VARIANCE APPLICATION**

Department of Community Development, Town of Menasha
2000 Municipal Drive, Neenah, WI 54956
Phone: 920-720-7105; Fax: 920-720-7116



For more information, see ch.31 of the Town of Menasha Municipal Code of Ordinances for Application Procedures at www.town-menasha.com.

Variance Number: _____

Petitioner Name: TAM W. MEIKLEJOHN, III Phone: 920.923.3163

Petitioner Address: 79 E. DIVISION ST. City: FOND DU LAC Zip: 54935

Fax: NA Email: TWM3ARCH@GMAIL.COM

[Signature] (Petitioner's Signature) 03.10.2010 (Date)

Property Owner Name (if different): SELF STORAGE OF MENASHA, LLC Phone: 920.322.6951

Owner Address: 1169 VALLEY ROAD City: MENASHA Zip: 54956

Fax: 920.322.6596 Email: TAMDREIFURST@LIVE.COM

[Signature] (Owner's Signature) 3/14/2010 (Date)

Project Name/Business Name: SELF STORAGE OF MENASHA, LLC

Property Address: 1169 VALLEY ROAD

Parcel Number: 008- Lot Area: 0.665 ACRE Current Zoning: B-2

Current Land Use: STORAGE BUILDING (FORMER FURNITURE/STORAGE BUILDING)

Surrounding Land Uses: North: RIPP/FOX TIRE CENTER East: RESTAURANT; KFC

South: STORAGE BUILDING West: Tavern; CINDERELLA

Property's Proposed Use: MINI-STORAGE BUILDING

Variance Application Fee: See fee schedule \$400.00

PLEASE SEE ATTACHED FOR MORE INFORMATION AND ADDITIONAL REQUIREMENTS.

Variance

A variance is a relaxation of a dimensional standard in land use regulations (e.g., setbacks, lot area, height, etc.). Variances are decided by the 5-member Zoning Board of Appeals (ZBA), which is appointed by the Town Board of Supervisors. The ZBA is known as a quasi-judicial body because it functions almost like a court. Its decisions must comply with specific criteria provided in state laws. The ZBA must apply Town zoning ordinance provisions as they are written. Its job is not to compromise for a property owner's convenience, but to apply appropriate legal standards to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden.

Legal Standards for Variances ("Three Step Test")

The following points are all drawn from Wisconsin case law, and are the standards under which a variance action would be reviewed by the courts:

- I. *Unnecessary Hardship* - What constitutes a hardship is to be determined from the facts and circumstances of each individual case. The ZBA must consider the following court-established principles:
 - a. Unnecessary hardship is a situation where, in the absence of a variance, an owner is unable to use the property for a purpose permitted by the ordinance or strict conformity is unnecessarily burdensome. In most cases, if a property already is developed and has an established use, it is unlikely that a hardship will exist.
 - b. The hardship must be peculiar to the zoning parcel in question and different from other parcels, not one that affects all parcels similarly.
 - c. Loss of profit or financial hardship is not in and of itself grounds for a variance. The fact that developing in compliance with ordinance requirements may cost considerably more does not constitute a hardship.
 - d. Self-imposed hardship is not grounds for a variance. When conditions giving rise to the need for a variance were created by the property owner or a former owner, the hardship is self-imposed.
 - e. The ZBA is to consider the underlying purpose of the ordinance standards in considering whether a hardship is present.
- II. *Unique Property Limitation* - Unique physical characteristics of the property, not the desires of, or conditions personal to the applicant, must prevent the applicant from developing in compliance with the zoning ordinance. Such limitations may arise due to steep slopes, wetlands, or parcel shape that limits the reasonable use of the property.
- III. *Protection of the Public Interest* - Granting of a variance must neither harm the public interest nor undermine the purposes of the ordinance. In granting a variance, the ZBA may attach special conditions to ensure that the public interest will not be damaged. Such conditions must relate reasonably to the purpose and intent of the ordinance.

Any variance granted should include only the *minimum* relief necessary to allow reasonable use of property.

Because the property, rather than its owner, qualifies for a variance, a variance transfers to subsequent property owners, unless otherwise restricted by the ZBA.

Request for a Variance

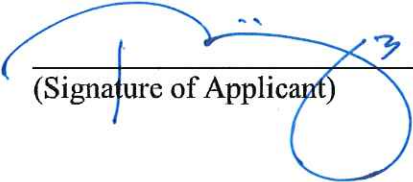
Attach a separate sheet explaining:

1. Variance requested;
2. What special conditions exist which will cause practical difficulty or unnecessary hardship if the variance requested is not granted;
3. Why the variance requested is not contrary to the public interest and will not endanger public safety and welfare;
4. Why the variance requested will be in accord with the spirit of the zoning ordinance; and
5. How the variance, if granted, will cause substantial justice to be done.

Each application must be accompanied by a project map which includes the information listed in appendix A of ch. 31. Also see ch. 31, article 6, division 7 for specific review procedures for variances.

By the execution of this application, the applicant hereby authorizes the Town of Menasha or its agents to enter upon the property during the hours of 7:00 AM to 7:00 PM daily for the purpose of inspection. Applicant grants the Town of Menasha or its agents permission to enter even if the applicant has posted this land against trespassing pursuant to Sec. 943.13 Wis. Stats.

I swear that the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.



(Signature of Applicant)

03.16.2016

(Date)

TOM W. MEIKLEJOHN, III AIA

A R C H I T E C T

Mr. George L. Dearborn, Director of Community Development
Town of Menasha
2000 Municipal Drive
Neenah, WI 54956

April 05, 2016

RE: Variance for Storage Building Use
1169 Valley Road
Menasha, WI
2016.11

Dear Mr. Dearborn:

Please allow this to be a letter of information as per Request for Variance requirements:

1. Variance Request:

To occupy the existing building located at 1169 Valley Road with Mini-Storage as illustrated on attached drawing.

2. Existing Special Conditions, etc.:

A. Existing Building Zoning B-3 does not allow for Personal Storage, the proposed use.
(B-3 Zoning, Table 7-1; Allowed Uses)

B. Personal Storage Facility requires 1 Acre of land; The existing Site is 0.66 Acres, thus the request.
(Section 31.7-140, Lot Size requirements)

3. Variance Requested is not Contrary to Public Interest, etc.:

Previous Use (Furniture Store/Storage) is similar to Proposed Use (Storage of Furniture & household items). Proposed Use (about 10 to 12 folks per week. Employee 3 to 4 times per month at most) will be less than the Previous Pedestrian Use (estimated 5 to 10 customers /day + 3 employees). There will be no changes to the exterior of the building.

4. Spirit of Zoning:

With the multitude of surrounding uses; Good Will Store; Taverns; Clinics; Auto Junk Yard; School Bus Company; Auto & Bike Repair Shops; Fast Food (KFC and McDonald's); We believe Storage Use is viable and fits within the "existing mix of businesses".

5. Cause Substantial Justice to be done:

Again, we believe Storage Use is viable and not detrimental to the surrounding neighborhood with its "existing mix of businesses". Lot Size is existing 0.66 Acres along with the adjacent 0.83 Acres equates to 1.49 Total Acres, thus over the required 1 Acre size requirement. Also, without any revision to the existing building occurring, we feel the proposed use and activity for the Storage "fits" this Building and Site.

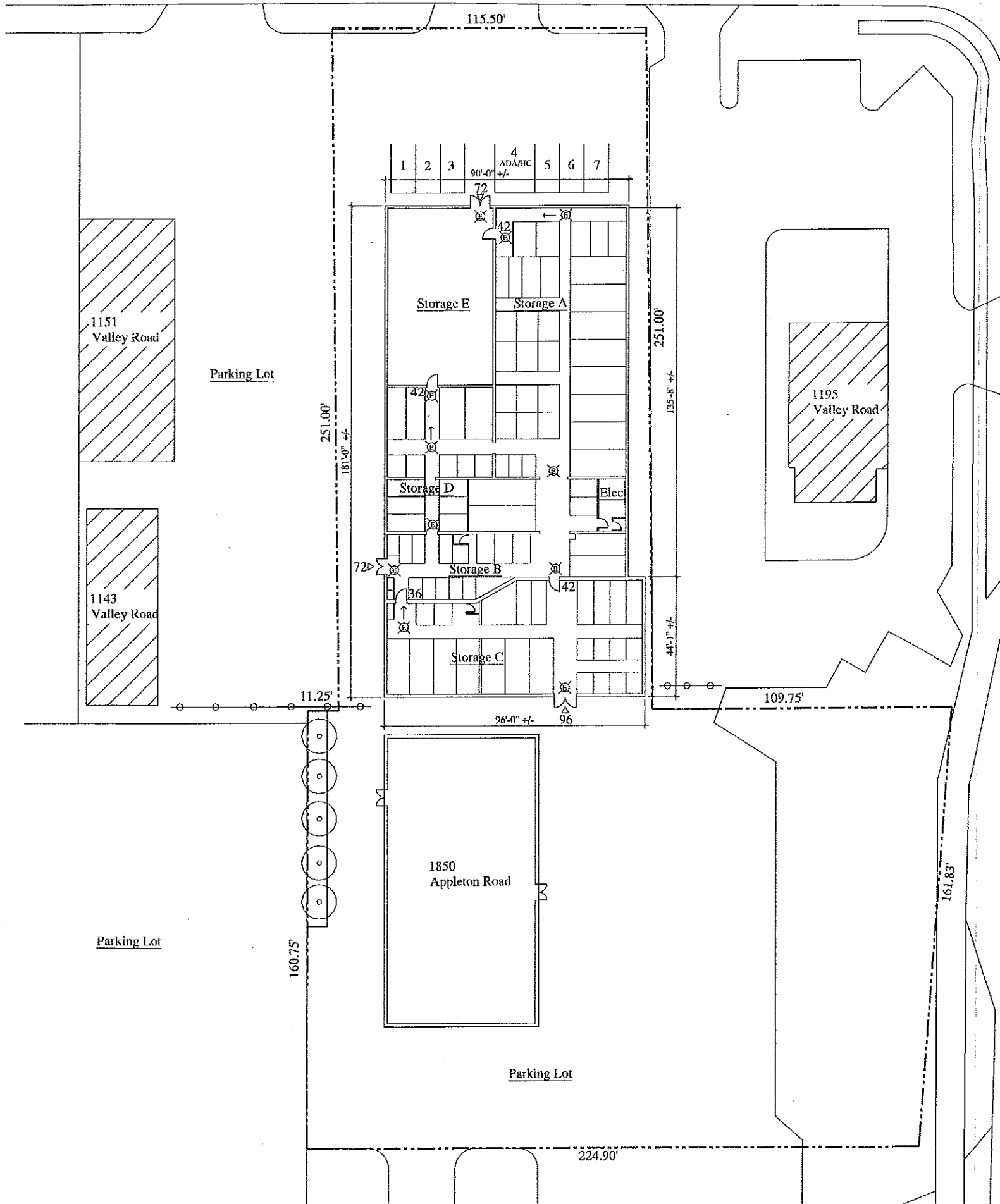
Please give me a call with questions and / or concerns with the information noted above.

Sincerely

Tom

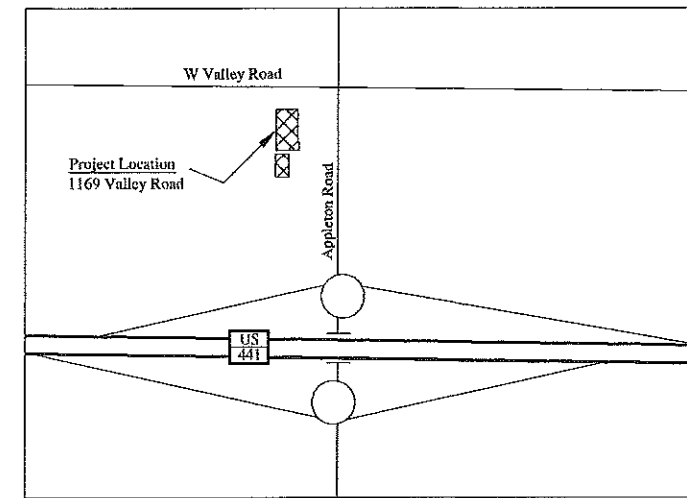
Tom W. Meiklejohn, III
Architect

Valley Road



Project Information

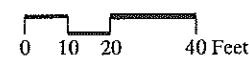
- Use: Type S-1: Moderate-Hazard Cold Storage, Unoccupied
- Construction Type: Type II B: Metal Frame-Unprotected
- Max SF Allowed Per Floor: 17,500 SF (Table 503)
17,500 SF Allowed > 16,500 SF Provided (ok) (Table 503)
3 Floors Allowed > 1 Floors Provided (ok) (Table 503)
- Number of Occupants; 500 SF (Gross) (Table 1004.1.1): 16,500 / 500 = 33 (Table 1015.1); 33 People. 33 x 0.2 = 6.6 Exit inches required
6.6" required < 240" provided (ok)
- Exit Distance: 200' (Table 1016.1) (ok)
- Plumbing Fixtures: N/A



South Appleton Road

Site Plan <36 = Exit Location & Width

Scale: 1" = 20'-0"



03.10.2016

TOM W. MEIKLEJOHN, III AIA
ARCHITECT
79 East Division Street
Fond du Lac, Wisconsin
p (920) 923-3163

Remodel for:
Self-Storage of Menasha, LLC
1169 Valley Road
Menasha, WI

2016.11

1 of 1

SENT VIA E-MAIL

DATE: April 28, 2016
ATTN: Post Crescent Legal Dept.: legals@postcrescent.com
FROM: Karen Backman– Town of Menasha Clerk - 720-7149
E-mail: kbackman@town-menasha.com

MSG: Please publish a **(Class Two) legal notice** twice on the following dates:

- **Wednesday, April 20, 2016**
- **Wednesday, April 27, 2016**

Town of Menasha Residents Zoning Board of Appeals Public Hearing

A public hearing will be held in the Municipal Complex Assembly Room, 2000 Municipal Drive, Neenah, on **Wednesday, May 4, 2016 at 5:30 p.m.** to solicit public input regarding an application for a variance to the Zoning Ordinance regulations regarding lot size requirements for personal storage facilities at 1169 Valley Road. The property owner, Self Storage of Menasha, LLC, has constructed a self storage facility on this property which does not meet the 1 acre lot size requirement. Call 920-720-7105 for information, or attend the public hearing above. You may access the ZBA agenda, staff recommendations and related information on the Town's website calendar at www.town-menasha.com the Friday preceding the meeting.

Karen Backman, Town Clerk



RUN: April 20 and April 27, 2016