

*****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.

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Motion was made by Mr. Bellmer to deny the variance due to not meeting all of the three criteria: there were no exceptional circumstances and 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