



"In the Spirit of Town Government"

**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI
NOTICE OF BOARD OF APPEALS MEETING
WEDNESDAY, SEPTEMBER 14, 2022 AT 6:00 P.M.
BUCHANAN TOWN HALL, N178 COUNTY RD N, APPLETON, WI 54915**

- 1) **CALL MEETING TO ORDER:** Meeting was called to order by Olson at 6:00 p.m.
- 2) **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.
- 3) **ROLL CALL & VERIFY PUBLIC NOTICE:** Public notice verified. Board members present: Lenz, Olson, Rottier, and Stahmann. Also present was Town Clerk Sieracki and members from the public.
- 4) **APPROVE PREVIOUS MINUTES:**
 - a) April 20, 2022 Board of Appeals Meeting Minutes

Chairperson Olson approved the Minutes from the April 20, 2022 Board of Appeals Meeting.

5) PUBLIC HEARING:

- a) Application for a Variance to Sec. 525-34(A)(2) – When attached to the principal building, accessory buildings and/or structures shall comply with all requirements of this chapter applicable to the principal building, unless otherwise stated, including, but not limited to, setback requirements, building height limits, and maximum lot coverage standards. Sec. 525-34(C)(1) – Detached buildings or structures shall be a minimum of 10 feet from any other structure on the property. Sec. 525-34(C)(3) – Detached buildings or structures shall meet the following side or rear setbacks: (c) RSF, RTF, RMF zoning: eight feet. Applicant Lisa VandenHeuvel is requesting the variance for N165 Springfield Ct, Appleton, Parcel ID number 030 146400.

Before the Public Hearing began, Chairperson Olson asked if any of the Board of Appeals Members had a conflict of interest with either of the public hearings. Ms. Rottier stated that she did as she personally knows Lisa VandenHeuvel. At that time Ms. Rottier sat with the members of the public.

Olson opened the public hearing at 6:02 p.m.

Olson stated, "it is this Board's duty to review, hear, and discuss the variance application as it relates to setbacks. The Board functions like a court and must follow state and local ordinances and code. We cannot change or ignore any parts of state law and must apply the laws as written."

Olson asked if anyone inspected the site. Mr. Lenz stated that he had.

Olson called for comments favoring application for Variance to Sec. 525-34(A)(2) – When attached to the principal building, accessory buildings and/or structures shall comply with all requirements of this chapter applicable to the principal building, unless otherwise stated, including, but not limited to, setback requirements, building height limits, and maximum lot coverage standards. Sec. 525-34(C)(1) – Detached buildings or structures shall be a minimum of 10 feet from any other structure on the property. Sec. 525-34(C)(3) – Detached buildings or structures shall meet the following side or rear setbacks: (c) RSF, RTF, RMF zoning: eight feet. Applicant Lisa VandenHeuvel is requesting the variance for N165 Springfield Ct, Appleton, Parcel ID number 030 146400. The following spoke favoring the Application for Variance:

- Lisa VandenHeuvel, N165 Springfield Ct, Appleton stated that she was in favor of the variance since she had the deck since 2015. She was willing to make a fix but feels the yard is irregular and that is a hardship. She would like to keep the structure attached to the house and would like the variance just for that. She is willing to fix the back to be 8' off the lot line. She did state that she thought the deck company would have applied for the permit and stated that she didn't. She stated that she misunderstood where the lot line was. She stated that she thought she should be grandfathered in.

Olson called for comments opposing the application for Variance to Sec. 525-34(A)(2) – When attached to the principal building, accessory buildings and/or structures shall comply with all requirements of this chapter applicable to the principal building, unless otherwise stated, including, but not limited to, setback requirements, building height limits, and maximum lot coverage standards. Sec. 525-34(C)(1) – Detached buildings or structures shall be a minimum of 10 feet from any other structure on the property. Sec. 525-34(C)(3) – Detached buildings or structures shall meet the following side or rear setbacks: (c) RSF, RTF, RMF zoning: eight feet. Applicant Lisa VandenHeuvel is requesting the variance for N165 Springfield Ct, Appleton, Parcel ID number 030 146400. The following spoke opposing the Application for Variance:

- James Hansen, W2976 Farmstead Dr, Appleton stated that the fence is offset into his yard because of a utility easement. He stated that he was told that the deck was non-compliant and that Ms. VandenHeuvel did not have a permit for the structure, so he is wondering why are we here. Chairperson Olson stated this is normal procedure and she has a right to appeal. He feels this is affecting his property value and could be an issue if he decides to sell his home. He wants this fixed to be in compliance with the back-lot line by October 1 or he is taking action against the Town and the homeowner.
- Jennifer Rottier, W2876 Emons Rd, Appleton asked about the grandfathering and if Ms. VandenHeuvel got a permit and paid a penalty if something could be done.

The Board asked Ms. VandenHeuvel several more questions to get clarification.

Olson closed the record and the public hearing at 6:21 p.m.

- b) Application for a Variance to Sec. 525-50.5(F)(1) –Maximum size. Twenty-four square feet when placed within five feet of the lot line; 32 square feet when placed beyond five feet of the lot line. Sec. 525-50.5(F)(4) – The maximum height of a freestanding sign shall not exceed 14 feet. Applicant Eric Welhouse for Stoney Brook Storage, LLC is requesting the variance for N218 Stoney Brook Rd, Appleton, Parcel ID number 030 213000.

Olson opened the public hearing at 6:21 p.m. Ms. Rottier rejoined the members.

Olson asked if anyone inspected the site. Both Mr. Lenz and Ms. Rottier visited the site.

Olson called for comments favoring the application for Variance to Sec. 525-50.5(F)(1) –Maximum size. Twenty-four square feet when placed within five feet of the lot line; 32 square feet when placed beyond five feet of the lot line. Sec. 525-50.5(F)(4) – The maximum height of a freestanding sign shall not exceed 14 feet. Applicant Eric Welhouse for Stoney Brook Storage, LLC is requesting the variance for N218 Stoney Brook Rd, Appleton, Parcel ID number 030 213000. The following spoke favoring the Application for Variance:

- Eric Welhouse, W2646 Buchanan Rd, Appleton stated that he is in favor of the application as it appears to be in harmony with the other signs in the area. He would like visibility from KK and feels a larger than allowed sign is needed. He stated this is a climate control storage facility. He was asked about a monument size but stated that one in the air would be better than one near the ground.

Olson called for comments opposing the application for Variance to Sec. 525-50.5(F)(1) –Maximum size. Twenty-four square feet when placed within five feet of the lot line; 32 square feet when placed beyond five feet of the lot line. Sec. 525-50.5(F)(4) – The maximum height of a freestanding sign shall not exceed 14 feet. Applicant Eric Welhouse for Stoney Brook Storage, LLC is requesting the variance for N218 Stoney Brook Rd, Appleton, Parcel ID number 030 213000. No one spoke opposing the Application for Variance.

Olson closed the record and the public hearing at 6:25 p.m.

6) APPLICATIONS FOR APPROVAL OR DENIAL:

- a) Application for a Variance to Sec. 525-34(A)(2) – When attached to the principal building, accessory buildings and/or structures shall comply with all requirements of this chapter applicable to the principal building, unless otherwise stated, including, but not limited to, setback requirements, building height limits, and maximum lot coverage standards. Sec. 525-34(C)(1) – Detached buildings or structures shall be a minimum of 10 feet from any other structure on the property. Sec. 525-34(C)(3) – Detached buildings or structures shall meet the following side or rear setbacks: (c) RSF, RTF, RMF zoning: eight feet. Applicant Lisa VandenHeuvel is requesting the variance for N165 Springfield Ct, Appleton, Parcel ID number 030 146400. – For Approval/Denial.

Ms. Rottier rejoined the members of the public.

The Board discussed the variance for N165 Springfield Ct. with the setbacks and the setup of the deck.

Motion by Lenz/Stahmann to deny the variance request by Lisa VandenHeuvel for N165 Springfield Court based on the following facts:

- *The applicant failed to meet all the variance requirements for approval.
Roll call vote taken: Lenz: Aye, Olson: Aye, Stahmann: Aye. Carried 3 to 0.*

- b) Application for a Variance to Sec. 525-50.5(F)(1) –Maximum size. Twenty-four square feet when placed within five feet of the lot line; 32 square feet when placed beyond five feet of the lot line. Sec. 525-50.5(F)(4) – The maximum height of a freestanding sign shall not exceed 14 feet. Applicant Eric Welhouse for Stoney Brook Storage, LLC is requesting the variance for N218 Stoney Brook Rd, Appleton, Parcel ID number 030 213000. – For Approval/Denial.

Ms. Rottier rejoined the Board.

The Board discussed.

Motion by Lenz/Olson to deny the variance request by Stoney Brook Storage, LLC/Eric Welhouse based on the following facts:

- *The applicant failed to meet all the variance requirements for approval per §525-93, Variances, of the Town Zoning Code.*

The Board discussed before the vote was taken. Olson reminded the Board that they needed to keep personal opinions aside and follow the law.

Roll call vote taken: Lenz: Nay, Olson: Aye, Rottier: Nay, Stahmann: Nay. Failed 1 to 3.

The Board continued to discuss and tried to determine if there was a hardship. Some members felt this would create a hardship for the business but others had larger signs.

The Board reviewed every requirement for a variance. The Board questioned why the sign code was changed in 2018.

Motion by Rottier/Lenz to approve the variance request by Stoney Brook Storage, LLC/Eric Welhouse based on the following facts:

The applicant has met all the variance requirements for approval per §525-93, Variances, of the Town Zoning Code.

- *The variance is not contrary to the public interest and that such a variance will be in general harmony with the purposes and intent of the zoning ordinance. The sign will be in general harmony with the other businesses on that street.*
- *Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. This is peculiar to him as his signage would be smaller than the others on that road.*
- *The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. He is not asking for anything larger than the neighboring properties.*
- *The hardship is not shared generally by other land or buildings in the area. Since the neighbors all have larger signage this makes this hardship not shared by others.*
- *The hardship results from the strict application of this ordinance and is not the result of self-created or self-imposed circumstances. It was stated that he did not create the problem and it's not self-imposed.*

Roll call vote taken: Lenz: Aye, Olson: Nay, Rottier: Aye, Stahmann: Aye. Passed 3 to 1.

7) NEW BUSINESS: NONE

8) OLD BUSINESS: NONE

9) ADJOURN: *Motion by Rottier/Stahmann to adjourn at 7:28 p.m. Motion carried 4 to 0 by voice vote.*