



*"In the Spirit of Town Government"*

**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI  
MINUTES OF BOARD OF APPEALS MEETING  
THURSDAY, JULY 22, 2021 AT 7:00 P.M.  
BUCHANAN TOWN HALL, N178 COUNTY RD N, APPLETON, WI 54915**

- 1) **CALL MEETING TO ORDER:** Meeting was called to order by Van Lanen at 7:03 p.m.
- 2) **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.
- 3) **ROLL CALL & VERIFY PUBLIC NOTICE:** Public notice verified. Board members present: Van Lanen, Van Sambeek. Rottier arrived at 7:06 p.m. Also present was Administrator Mahoney, Town Clerk Sieracki, and members from the public. Ebben was excused.
- 4) **APPROVE PREVIOUS MINUTES:**
  - a) September 16, 2020 Board of Appeals Meeting Minutes.

*Chairperson Van Lanen approved the Minutes from the September 16, 2020 Board of Appeals Meeting. Van Sambeek approved also.*

**5) PUBLIC HEARING:**

- a) Application for a Variance #2021-01 to Sec. 525-34D(3)(b) – No detached buildings or structures shall exceed total in-ground floor area as follows, RSF zoning: 900 square feet. Applicant Randy and Joan Mader is requesting the variance for W2638 Ruby Ct, Appleton, Parcel ID number 030 113600.

*Motion by Van Lanen/Van Sambeek to opened the public hearing at 7:05 p.m. Motion carried 2 to 0 by voice vote.*

Van Lanen called for comments favoring application for Variance #2021-01 to Sec. 525-34D(3)(b) – No detached buildings or structures shall exceed total in-ground floor area as follows, RSF zoning: 900 square feet. Applicant Randy and Joan Mader is requesting the variance for W2638 Ruby Ct, Appleton, Parcel ID number 030 113600. The following spoke favoring the Application for Variance:

- Randy Mader, W2638 Ruby Ct, Appleton, produced a drawing showing how he would like to landscape the area. He stated that he would like to add onto the existing structure and feels this is a unique situation. He stated that he has a two-acre lot with the current accessory structure being adjacent to the Town property. The Town property is where the proposed yard waste transfer site and pond is planned. He stated he was unaware of any restrictions since others around him have built storage sheds and he didn't see a problem. He stated when it was brought to their attention they did change the original plan by adjusting the height; however, they are still over the maximin square footage. He would like to build the garage to match the home and to protect their belongings.
- Eric Schultz, W2637 Ruby Ct, Appleton stated that he is a neighbor to the Mader's and he is in favor of the variance. The Mader's are excellent neighbors and keep their yard looking nice. He stated he felt the structure would fit in well. He mentioned that the Town should allow this since the property is rather large and limits should not be allowed on all properties. He stated that applying the code to the letter doesn't apply to the variance. He asked for the variance to be approved.

Van Lanen called for comments opposing favoring application for Variance #2021-01 to Sec. 525-34D(3)(b) – No detached buildings or structures shall exceed total in-ground floor area as follows, RSF zoning: 900 square feet. Applicant Randy and Joan Mader is requesting the variance for W2638 Ruby Ct, Appleton, Parcel ID number 030 113600. No one spoke opposing the Application for Variance.

*Motion by Van Sambeek/Rottier to close the public hearing at 7:12 p.m. Motion passed 3 to 0 by voice vote.*

**6) APPLICATIONS FOR APPROVAL OR DENIAL:**

- a) Application for a Variance to Sec. 525-34D(3)(b) – No detached buildings or structures shall exceed total in-ground floor area as follows, RSF zoning: 900 square feet. Applicant Randy and Joan Mader is requesting the variance for W2638 Ruby Ct, Appleton, Parcel ID number 030 113600. – For Approval/Denial.

Before the discussion began, Van Lanen stated that “it is this Board’s duty to make its decision based on testimony of applicants and the situation. It is not this Board’s duty to make judgement based on feelings but on the land. At this point it is the Board’s duty to seek out facts. The applicant may be asked to answer questions however this is not a debate session.”

*Motion by Rottier/Van Sambeek to open the discussion. Motion carried 3 to 0 by voice vote.*

The Board discussed the application and had concerns about the size and the possibility of a business running out of the structure. Van Lanen stated that the applicant must have hardship and they must be able to check off all the boxes on the check-off list.

The Board asked the applicant questions about the business he runs out of his home and the need for the structure. Mr. Mader stated the structure would be used to store trailers, a boat, a camper, and other items they have in storage.

Van Lanen asked about the purchase of the individual parcels that create the current parcel. Van Lanen also inquired if at the time the parcels were combined if the Mader’s told the Town the plan they had for the accessory structure. Randy Mader stated that he didn’t mention anything to the Board and was unaware of the accessory structure ordinance. Mader stated he was informed when he applied for the building permit.

Van Lanen stated that to approve the variance application, the situation needs to be unique. The Board needs to work within the parameters of the ordinance and this situation is not unique. There is no hardship present either.

The Board discussed. Van Lanen stated that the Board of Appeals does not have the authority to relax the ordinance. Van Lanen stated that the Maders have not exercised all the options available to them.

Before the vote Van Lanen stated that the policy for the Board of Appeals is that decisions on appeals or for a variance shall be by a majority vote of the Board. Therefore, three concurring votes are needed to determine a decision. If only three members are voting on a motion, the motion is lost if the vote is other than unanimous.

*Motion by Rottier to approve the request. Rottier stated that her factual information on the motion is that she believes the property around them will be zoned commercial and the structure will not cause a hardship to anyone around them. She stated this is an extenuating circumstance to anyone in the Town that is in a typical residential area. Van Sambeek seconded the motion. Van Sambeek – Aye, Van Lanen – Nay, Rottier – Aye. Motion failed on lack of unanimous vote.*

**7) NEW BUSINESS: NONE**

**8) OLD BUSINESS: NONE**

**9) ADJOURN: Motion by Rottier/Van Sambeek to adjourn at 7:45 p.m. Motion carried 3 to 0 by voice vote.**

Cynthia Sieracki, Clerk  
Drafted: July 30, 2021

Motion to approve: Chair approved - Date: 03/24/2022