



"In the Spirit of Town Government"

**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI
MINUTES OF BOARD OF APPEALS MEETING
WEDNESDAY, APRIL 20, 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 Van Lanen 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: Van Lanen, Lenz, Olson, Rottier, and Stahmann. Also present was Administrator Mahoney, Town Clerk Sieracki, and members from the public.
- 4) **APPROVE PREVIOUS MINUTES:**
 - a) March 24, 2022 Board of Appeals Meeting Minutes

Chairperson Van Lanen approved the Minutes from the March 24, 2022 Board of Appeals Meeting.

5) PUBLIC HEARING:

- a) Application for a Variance to Sec. 525-34(C)(3)(a) – Detached buildings or structures shall meet the following side and rear setbacks, AGD zoning: 25 feet. Applicant Craig Jeanty is requesting the variance for N888 Kavanaugh Rd, Kaukauna, Parcel ID number 030 016700.

Before the opening the public hearing, Van Lanen 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.”

Van Lanen opened the public hearing at 6:02 p.m.

Van Lanen asked if anyone inspected the site. Staff did not. Both Lenz and Van Lanen did a site inspection.

Van Lanen called for comments favoring application for Variance to Sec. 525-34(C)(3)(a) – Detached buildings or structures shall meet the following side and rear setbacks, AGD zoning: 25 feet. Applicant Craig Jeanty is requesting the variance for N888 Kavanaugh Rd, Kaukauna, Parcel ID number 030 016700. The following spoke favoring the Application for Variance:

- Craig Jeanty, N888 Kavanaugh Rd, Kaukauna stated that a covered patio was added last year and that when the contractor pulled the permit and he assumed it included the entire project which included the shed. When checking on the permit for the shed he found out that one was never pulled. At this time, the shed slab was already poured. When applying for the shed permit he found out that a 25’ setback was needed. He stated that the shed will be the same width just double the depth and it won’t be any closer to the lot line then the old shed. He has cut down 5 trees in the last few years and his yard slopes and can be sloppy.

Mr. Jeanty asked about the ordinance for a corner lot setback. Van Lanen explained that ordinance.

Van Lanen called for comments opposing the application for Variance to Sec. 525-34(C)(3)(a) – Detached buildings or structures shall meet the following side and rear setbacks, AGD zoning: 25 feet. Applicant Craig Jeanty is requesting the variance for N888 Kavanaugh Rd, Kaukauna, Parcel ID number 030 016700. No one spoke opposing the Application for Variance.

Rottier/Lenz closed the record and the public hearing at 6:10 p.m.

6) APPLICATIONS FOR APPROVAL OR DENIAL:

- a) Application for a Variance to Sec. 525-34(C)(3)(a) – Detached buildings or structures shall meet the following side and rear setbacks, AGD zoning: 25 feet. Applicant Craig Jeanty is requesting the variance for N888 Kavanaugh Rd, Kaukauna, Parcel ID number 030 016700. – For Approval/Denial.

Van Lanen opened the discussion at 6:10 p.m.

To approve a variance the Board of Appeals needs to find applying the standards of the law and findings of facts the applicant has met all of the variance requirements.

Rottier asked about the permit. Mr. Jeanty stated that the permit was just for the patio and the contractor was supposed to include the shed.

Olson asked if there was a written contract with the contractor. Mr. Jeanty stated there wasn't anything is writing.

Lenz asked if the same person poured both slabs. Mr. Jeanty stated that a sub-contractor poured both slabs.

Rottier verified that the original shed was 12' off both lot lines and was not grandfathered in. Van Lanen explained the ordinance and explained that the shed is not grandfathered in since it was taken down.

Van Lanen asked about the permit for the patio and who pulled the permit. Van Lanen mentioned the email exchange between the contractor and the Town (Nichole). Van Lanen stated that only setbacks for the patio were given, nothing for the shed. Van Lanen stated that the Town would not have known that you were going to build a shed.

Lenz asked how Mr. Jeanty found out about the setbacks. Mr. Jeanty stated that he found that out when he applied for the shed permit.

Rottier asked if Mr. Jeanty was building the shed. Mr. Jeanty said he was.

Van Lanen stated that he did a site visit. Van Lanen questioned Mr. Jeanty's statement about the mound system. Van Lanen stated that he did not find any spongy ground and did notice that there would be room to put this size or something larger elsewhere on the property. He didn't find anything unique with the property.

Rottier stated that she feels there is room for the shed to be elsewhere.

Lenz stated that there isn't an excessive slope and noticed fill under the concrete. He stated he could move the shed north and there would be room.

Mr. Jeanty asked about the 25' setback.

Van Lanen stated that it's future development for easements and it's the mission statement for the district for open space.

Mr. Jeanty stated that the mound system may need to be moved. Van Lanen stated that is still hypothetical and the panel cannot view the hypothetical.

Mr. Jeanty asked about past variances. Van Lanen explained what happened in both situations and explained that both of the examples are different situations.

Lenz asked about the letter from Cedar Corporation. Administrator Mahoney explained that the Town worked with Cedar on this and Mr. Jeanty did receive a copy.

Motion by Olson to deny the variance request by Craig Jeanty for N888 Kavanaugh Road based on the following facts: The applicant fails to meet all the variance requirements for approval. Roll call vote taken: Lenz: Aye, Olson: Aye, Van Lanen: Aye, Stahmann: Aye, Rottier: Aye. Carried 5 to 0.

7) NEW BUSINESS: The Chair appointed Linda Olson as the Vice Chair.

8) OLD BUSINESS: NONE

9) ADJOURN: *Motion by Van Lanen to adjourn at 6:35 p.m. Motion carried 5 to 0 by voice vote.*

Cynthia Sieracki, Clerk
Draft: April 22, 2022

Chair approved - Date: 09/14/2022