

# BOARD OF APPEALS

City of Kaukauna  
Council Chambers  
Municipal Services Building  
144 W. Second Street, Kaukauna



Wednesday, February 05, 2025 at 4:00 PM

## AGENDA

### In-Person

1. Roll Call.
2. Correspondence.
3. Approval of Minutes
  - a. Approval of minutes from December 18, 2024
  - b. Approval of minutes from January 22, 2025
4. Public Hearing/Appealances
  - a. Hear appeal of Justin Fosler 621 Buchanan Road, Kaukauna, WI 54130 has applied for a variance to the Zoning Board of Appeals for a decision of the City Building Inspector as follows:  
ADDRESS OF AFFECTED PARCEL: 621 Buchanan Road, Kaukauna, WI 54130

The applicant is requesting a variance to construct a second detached garage. Whereas Kaukauna Municipal Ordinance 17.16 (2) (d) One attached garage, one detached garage, one utility storage structure, and other allowed accessory structures customarily incidental to the residential principal use when located on the same lot.

- b. Hear appeal of Abbie Quella and Mandy Waite 301 West 7th Street, Kaukauna, WI 54130 has applied for a variance to the Zoning Board of Appeals for a decision of the City Building Inspector as follows:

ADDRESS OF AFFECTED PARCEL: 301 West 7th Street, Kaukauna, WI 54130

The applicant is requesting a variance to construct an addition to the building without the landscaped buffer. Whereas Kaukauna Municipal Ordinance 17.52 8. Landscaped buffer. The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between and among different uses of land in proximity to each other. All commercial, institutional, industrial, and multi-family uses, adjacent to single or two-family residential uses, shall include a buffer yard on all sides that immediately abutt the single or two-family residential use.

5. Adjourn.

## NOTICES

**IF REQUESTED THREE (3) DAYS PRIOR TO THE MEETING, A SIGN LANGUAGE INTERPRETER WILL BE MADE AVAILABLE AT NO CHARGE.**

**BOARD OF APPEALS**

A Meeting of The Board of Appeals was called to order by Chair Kavanaugh at 4:00 P.M. on Wednesday, December 18, 2024.

Members present: Brandt, Kavanaugh, Werschem, Nisler, Sundelius, and Fallona.

Absent & Excused: Vande berg

Also Present: Dir. of Planning and Com. Dev. Kittel, Planning/Eng. Tech. Holmes, and Property Owner.

**1. Correspondence**

**2. Discussion Topics**

- a) Extension of time for appeal of Special Exception at 2716 Main Ave.

The Special Exception at 2716 Main Ave. was brought before the Plan Commission on October 17, 2024, and the Common Council on November 6, 2024, being denied both times. The owner of this property was given 30 days after the Common Council action was made to make an appeal to the Board of Appeals. The owner of this property is asking for an extension on top of the 30 days to file an appeal with the Board of Appeals, due to outside circumstances that made them unable to file their appeal within the 30 days given.

The Board of Appeals has the option to either grant the exception and set a public hearing date for appeal of special exception or deny the exception.

The property owner spoke about why they were unable to meet the 30-day deadline and asked the Board of Appeals for an extension.

Motion made by Brandt to deny the appeal of Special Exception at 2716 Main Ave., no second made.

Motion by Fallona, seconded by Nisler to approve the appeal of Special Exception at 2716 Main Ave.

Roll call vote.

Fallona and Nisler voted aye.

Motion failed.

- b) Set public hearing date for appeal of special exception decision.

Motion by Fallona, seconded by Sundelius to set distance for notification to people within 500 feet as previously done.

Motion by Werschem, seconded by Fallona to set public hearing date for notice.

Roll call vote.

Motion carried.

**3. General Matters.**

New Board of Appeals member Sundelius introduced himself.

**4. Adjourn.**

Motion by Werschem, seconded by Sundelius to adjourn.

All members present voted aye.

Motion carried.

Meeting adjourned at 4:29 P.M.

Kayla Nessmann, Clerk

## **BOARD OF APPEALS**

A Meeting of The Board of Appeals was called to order by Chair Kavanaugh at 4:00 P.M. on Wednesday, January 22, 2025.

Members present: Kavanaugh, Werschem, Sundelius, and Fallona, and Vandenberg.

Absent & Excused: Nisler and Brandt.

Also Present: Associate Planner Nelson, Planning/Eng. Tech. Holmes, DPW/ Engineer Neumeier, Ald. Thiele, applicant, and interested citizens.

Motion by Sundelius, seconded by Werschem to excuse the absent members.

All Members Present voted aye.

Motion carried.

### **1. Approval of Minutes**

- a) Approval of minutes from December 18, 2024.

### **2. Public Hearing/ Appearances**

- a) Hear Appeal- 2108 Sullivan Ave Special Exception.

City of Kaukauna City Clerk, Nessmann, swore in the applicant, Hassan Sharif, 2108 Sullivan Ave. Sharif discussed why a special exception should be made for his property, which was previously brought to the Plan Commission and Common Council. Discussion held and questions answered.

Motion by Vandenberg, seconded by Sundelius to reject the request for a special exception at 2108 Sullivan Ave.

All members present voted aye.

Motion carried.

### **3. Action Item.**

- a) Appeal- Sullivan Ave Special Exception.

### **4. Adjourn.**

Motion by Werschem, seconded by Sundelius to adjourn.

All members present voted aye.

Motion carried.

Meeting adjourned at 4:22 P.M.

Kayla Nessmann, Clerk

Jason Holmes

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**From:** Justin Fosler <justin.fosler.719@gmail.com>  
**Sent:** Monday, January 13, 2025 10:31 AM  
**To:** Jason Holmes

**CITY OF KAUKAUNA BOARD OF ZONING  
APPEALS**

**APPLICATION FOR VARIANCE**

**Parcel Information**

**Address of affect parcel: 621 Buchanan Rd.  
Kaukauna Wi, 54130**

**Property Owner: Justin Fosler**

**Property Owner Address: 621 Buchanan Rd.  
Kaukauna Wi, 54130**

**Phone Number: 719-339-4314**

**Email Address: justin.fosler.719@gmail.com**

**Please explain your proposed plans and why you  
are requesting a variance:** I have tore down an old shed on the lot  
and would like to replace it with a bigger shed/ 2nd detached garage. My existing garage  
is small (570 sq ft) and not easy to add on to. In order to add on, I would need to cut  
a rather large and established oak tree.

**Describe how the variance would not have a  
negative effect on surrounding properties:**The new  
building is more of a large garden shed and less like a detached garage. I have chosen a  
high quality, amish made building, with natural colors. It would look far better than the  
old building. I spoke with neighbors and they are ok with shed/ garage.

**Describe any special circumstances that apply to your lot or structure:** My current existing detached garage is 570sqft. The building I want to build is 392sq ft. This is 438sq ft under the total 1400 sqft allowed for an attached & detached garage. If it was attached, the proposed 392 sqft shed/2nd garage would be approved.

**Describe the hardship that would result if your variance was denied:** At fault of my own and because I didn't know better, I had already purchased the building. I don't even know if it's refundable. I realize this is my problem alone and being naive is no excuse. I really didn't think much of building a nice shed on an acre of property (first time home owner) .

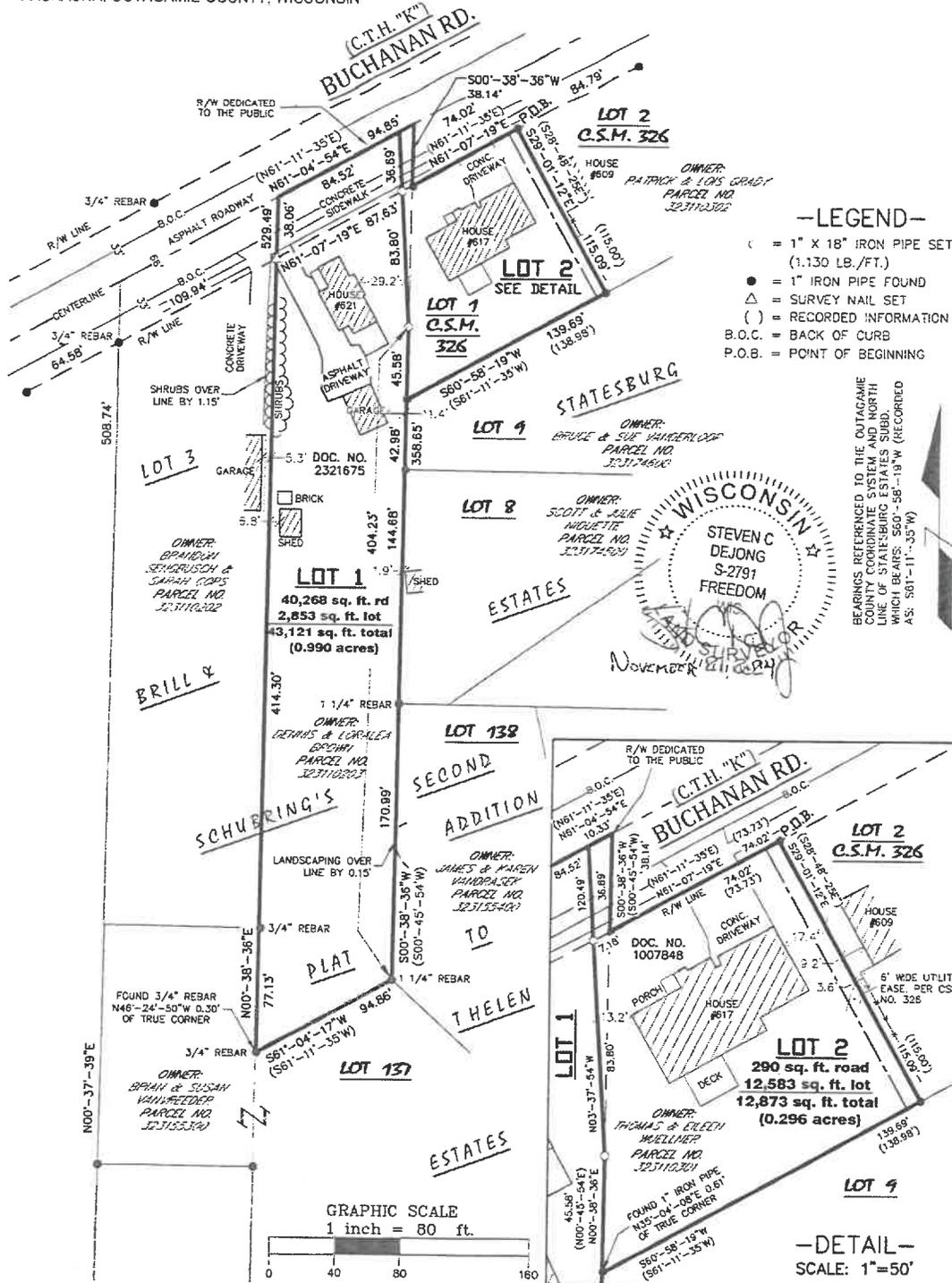
Please let me know if you need anything else concerning this matter or anything else I need to do. I appreciate your help in the matter!

Thanks again,

Justin Foster

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

BEING A PART OF LOT 3 OF BRILL & SCHUBRING'S PLAT AND ALSO ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 326, LOCATED IN GOVERNMENT LOT 4 OF SECTION 23, T.21N., R.18E., CITY OF KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN



**MERIDIAN SURVEYING, LLC**  
 19637 Friendship Drive Kaukauna, WI 54130  
 Office: 920-993-0881 Fax: 920-275-6037

DRAWN BY: KR  
 CHECKED BY: D.A.S.  
 JOB NO.: 15759

FIELD WORK DATE: 9-24-24  
 FIELD BOOK: X  
 SHEET 1 OF 6

SURVEYED FOR:  
 JUSTIN FOSLER  
 521 BUCHANAN RD  
 KAUKAUNA, WI 54130

Customer Order - Dec 30, 2024

**Ship To**

Customer Name Justin Fosler

Installation Address 612 Bushanan Road

City Kaukauna

Email justin.fosler.719@gmail.com

**Building Info**

	Size
Style:	Side Lofted Barn
Roof Overhang:	Standard Overhang
Roof Material:	Architectural Shingles
Base	4"x6" Treated Notched Skids
Siding	LP® SmartSide® Cedar Texture Panel (50 Year) Painted

**Design Link & Notes**

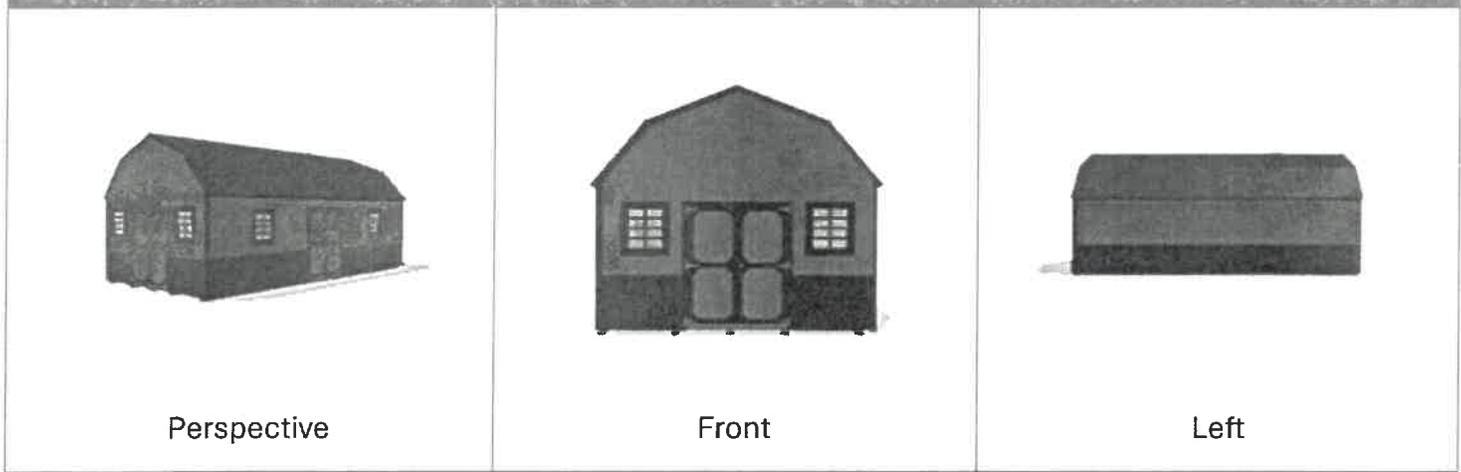
Design Link <https://idearoom.wibackyardsheds.com/?lng=en-US#365734a40bab76fe13758e27ff8adae6>

County Outagamie

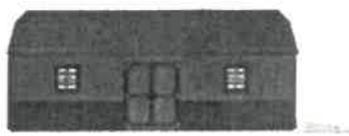
**Payment Details**

Payment Method | Personal Check

**Images**



Images

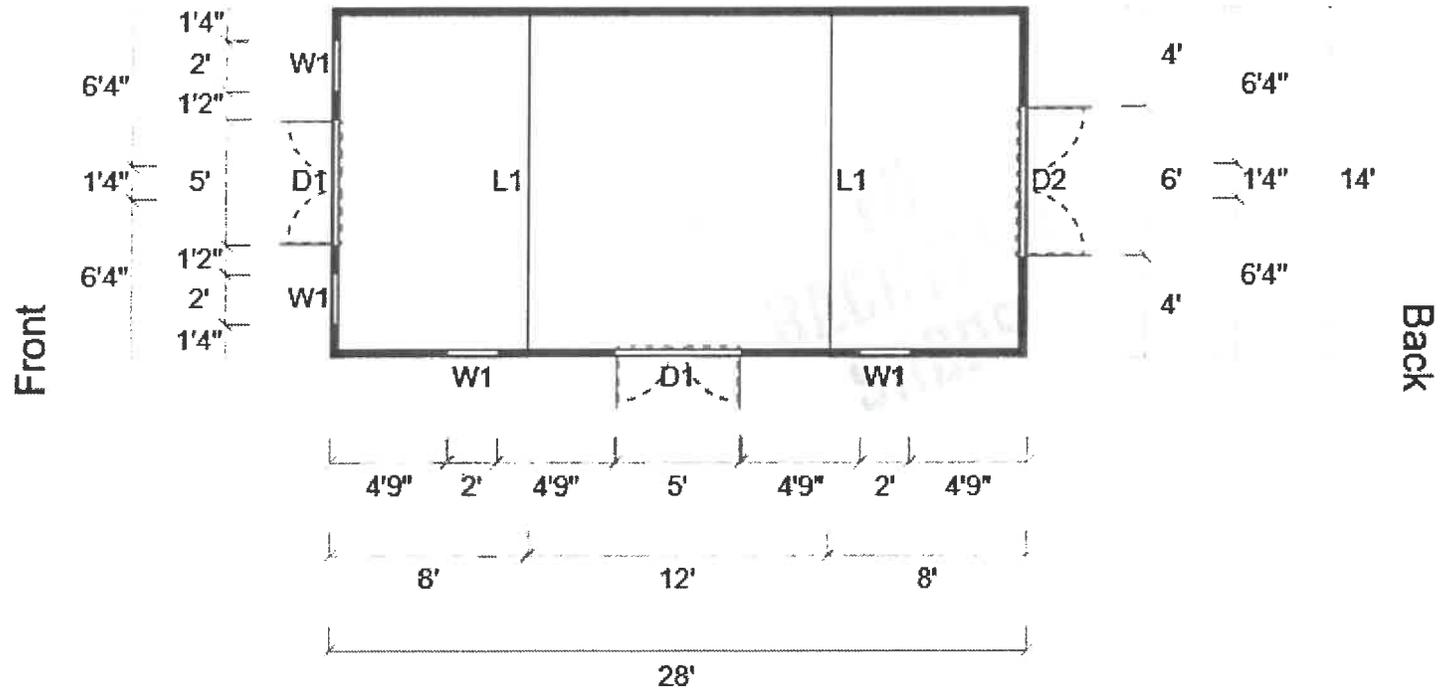


Right



Back

Left



Right

SYMBOL LEGEND

D1  
 Double Wood Door  
 4

W1  
 24x27 Single Pane Aluminum Single Hung (With Grids)  
 D2  
 Ramp Door  
 L1  
 Loft: 8' Loft Front & Back  
 Closed Wall

Description	Quantity	Amount
<b>Structure Details</b>		
Style: Side Lofted Barn	1	\$10,165.00
Sidewall Height: 7' 5" Sidewall Height	1	\$508.25
Size: 14x28	1	Included
Roof Overhang: Standard Overhang	1	Included
Base: 4"x6" Treated Notched Skids	1	Included
Cupola: None	1	Included
Siding: LP® SmartSide® Cedar Texture Panel (50 Year) Painted	1	Included
Siding Color: Butternut Urethane		Included
Trim Color: Black		Included
Roof Color: Black Shadow		Included
Roof Material: Architectural Shingles	1	Included
<b>Doors &amp; Ramps</b>		
Double Wood Door	2	\$510.00
Color: Butternut - Urethane		Included
Ramp Door	1	\$1,395.00
<b>Windows &amp; Accessories</b>		
24x27 Single Pane Aluminum Single Hung (With Grids)	4	\$340.00
Color: Black		Included

**STAFF REVIEW**

**BOARD OF APPEALS  
February 5, 2025**

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**ITEM #1 621 Buchanan Road Kaukauna – Justin Folser**

**General Description/Background**

The applicant is requesting a variance to construct a second detached garage.

Whereas Kaukauna Municipal Ordinance 17.16 (2) (d) One attached garage, one detached garage, one utility storage structure, and other allowed accessory structures customarily incidental to the residential principal use when located on the same lot.

**The surrounding land use pattern can be described as follows:**

All areas surrounding the property are zoned residential. They contain single family homes.

**Analysis/Recommendation for Findings of Fact**

**In reviewing a variance request, the following questions should be addressed. Is there an unusual or unique characteristic about the subject property which creates a hardship? Is the hardship self-created? Is the variance being requested the least possible to remove any hardship? Will granting of the variance have a considerable adverse impact on the neighboring properties?**

This property does not have an unusual or unique characteristic which creates a hardship.

This hardship is self-created. The applicant wishes to replace the existing shed which is 250 square feet with a new larger detached garage 392 square feet for storage of yard/gardening equipment. The property has an existing detached garage of 570 square feet which is to remain. The Kaukauna code of Ordinances allows 1400 square feet for a combination of all garages. The total with the new garage will be 962 square feet. Code allows as stated above, one attached garage, one detached garage and one utility storage structure which is limited to 170 square feet maximum to be considered a utility storage structure.

This proposed structure 14x28 feet (392 square feet) falls into the category of a detached garage. The applicant is asking for 2 detached garages on the same lot falling within the 1400 square feet allowed for all garages.

The variance that is being requested is the minimum amount needed to allow the desired garage to be built. All setbacks will be met with the new structure.

Granting of this variance will not have significant adverse impacts on neighboring properties. The garage will be replacing a structure that has been there for years, will be located in the large rear yard of the property and as presented will not be an eyesore to those neighbors who can view it from their property.



**EXISTING SHED**

17.52  
8



# CITY OF KAUKAUNA BOARD OF ZONING APPEALS

## APPLICATION FOR VARIANCE

Complete this application if you are seeking a variance from the Municipal Zoning Code. Please note that a hardship must be demonstrated for variance requests to be considered.

**Parcel Information:**

Address of Affected Parcel: 301 W. 7th St., Kaukauna, WI 54130

Property Owner: Abbie Quella & Mandy Waite

Property Owner Address: 301 W, 7th St., Kaukauna, WI 54130

Phone Number: 920-851-8634

Email Address: waite.mandy@gmail.com

Please explain your proposed plans and why you are requesting a variance:

See attached sheet

Describe how the variance would not have a negative effect on surrounding properties.

See attached sheet

Describe any special circumstances that apply to your lot or structure:

See attached sheet

Describe the hardship that would result if your variance was denied:

See attached sheet

**Club Ritz, Kaukauna, WI**

## Application for Variance

**Please explain your proposed plans and why you are requesting a variance:**

The Owner is proposing to add space to the existing building and remodel the interior to provide; Men's & Women's accessible restrooms, safe, secure storage, an accessible entrance / exit ramp built to ADA standards and to better use the existing spaces within the building. We propose providing these items while maintaining the off-street parking required for the use of the building. In order to attain these items, it is necessary to have additional square footage in order to provide the code required dimensions and space allocation for them. The proposed plan is to encroach the westerly property line to accommodate the area needed.

**Describe how the variance would not have a negative effect on surrounding properties.**

The proposal to construct the facility addition to the property line would not have a negative effect upon the surrounding properties. In fact, the addition will have beneficial outcomes for them as it will provide accessible entrance as well as keeping the street and off-street parking, so patrons have a greater ability to visit the facility while not affecting the surrounding properties.

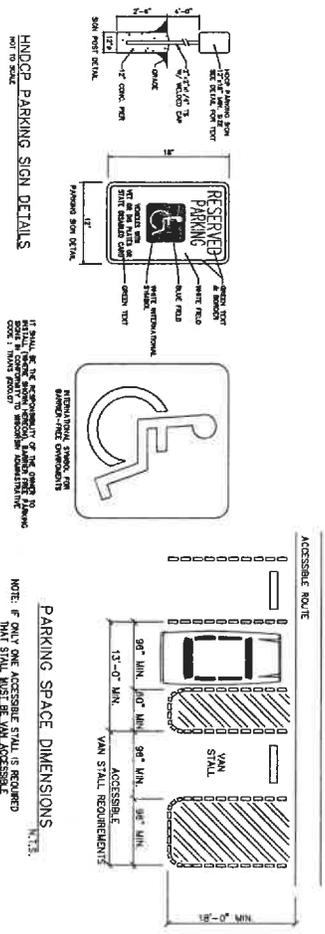
**Describe any special circumstances that apply to your lot or structure:**

The lot is a commercial lot surrounded by residential properties thus the setbacks are more restrictive.

**Describe the hardship that would result if your variance was denied:**

If the Owner is not allowed to expand as proposed, we would not be able to improve the accessible entrance nor provide the accessible restrooms that all would benefit the patrons as well as the neighborhood.

# PROPOSED ADDITION FOR, CLUB RITZ 301 W. 7TH ST. KAUKAUNA, WI 54130



**PROJECT INFORMATION**

USE: A-2 ASSEMBLY  
 OWNERS: COMPANY/ENTITY  
 NAME  
 ADDRESS  
 PHONE  
 EMAIL

DESIGNERS OF RECORD  
 ARCHITECTURAL / STRUCTURAL  
 DANIEL J. MEISSNER AIA, LLC  
 1230 E. CALUMET ST.  
 APPLETON, WI 54915  
 920-428-0982

**CODE ANALYSIS**

USE AND OCCUPANCY  
 A-2 DANCE HALL/DINING/S-1 STORAGE  
 NON-SEPARATED

USE AND OCCUPANCY  
 TYPE VB - WOOD FRAME UN-PROTECTED

ALLOWABLE AREA PER FLOOR  
 BUILDING IS EXISTING  
 EX 4,829 S.F.  
 PROJECT AREA WAS 1,745 S.F.

FIRE PROTECTION SYSTEM:  
 NON-SPRINKLED

SANITARY FIXTURE REQUIREMENTS:  
 OCCUPANT LOAD = 200

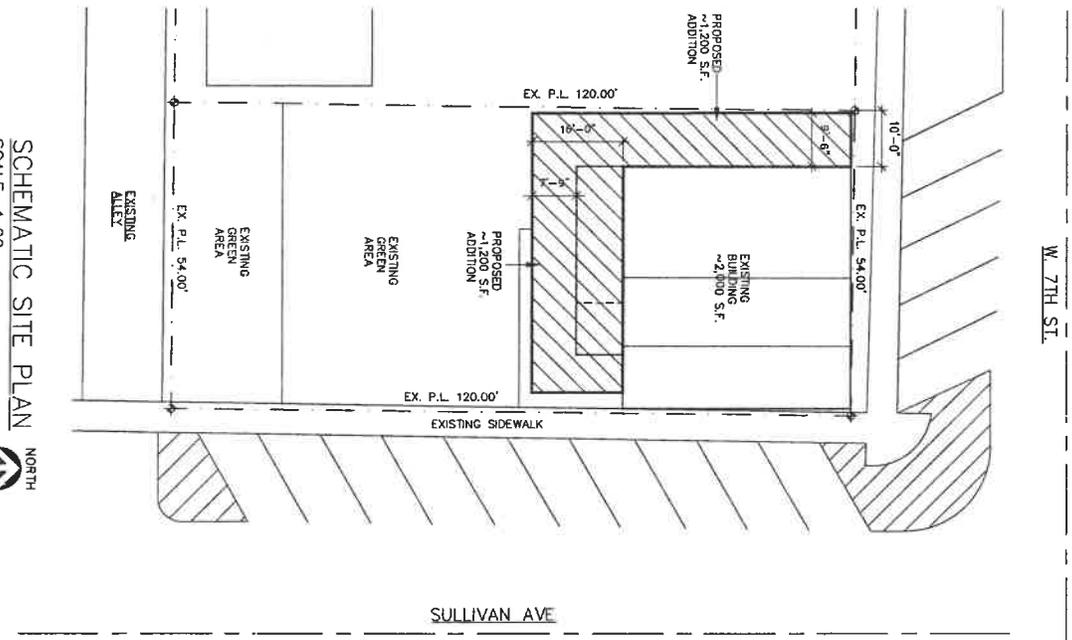
MENS  
 100/740 = 2.5 W.C. REQ.  
 (2) W.C. (1) URINAL PROVIDED

WOMENS  
 100/740 = 2.5 W.C. REQ.  
 (3) W.C. PROVIDED

(1) SERVICE SINK PROVIDED BEHIND BAR

MENS  
 100/200 = .5 LAV. REQ.  
 (2) LAV. PROVIDED

WOMENS  
 100/200 = .5 LAV. REQ.  
 (2) LAV. PROVIDED



SCHEMATIC SITE PLAN  
 SCALE: 1:20



DATE  
 12/17/2024  
 SHEET  
**CS**  
 DRAWN BY  
 S. BURTON

PROPOSED ADDITION FOR,  
**CLUB RITZ**  
 301 W. 7TH ST.  
 KAUKAUNA, WI 54130

Architect:  
**Daniel J. Meissner**  
**AIA, LLC**  
 1230 E. Calumet Street Appleton, WI  
 920.428.0982

REV. NO.	DATE	DESCRIPTION

**STAFF REVIEW**

**BOARD OF APPEALS  
February 5, 2025**

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**ITEM #2 301 West 7<sup>th</sup> Street Kaukauna – Abbie Quella & Mandy Waite**

**General Description/Background**

The applicant is requesting a variance to construct an addition to the building without the landscaped buffer to be able to build up to the property line.

Whereas Kaukauna Municipal Ordinance 17.52 8. *Landscaped buffer*. The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between and among different uses of land in proximity to each other. All commercial, institutional, industrial, and multi-family uses, adjacent to single or two-family residential uses, shall include a buffer yard on all sides that immediately abut the single or two-family residential use.

**The surrounding land use pattern can be described as follows:**

All areas surrounding the property are zoned residential. They contain single family homes.

**Analysis/Recommendation for Findings of Fact**

**In reviewing a variance request, the following questions should be addressed. Is there an unusual or unique characteristic about the subject property which creates a hardship? Is the hardship self-created? Is the variance being requested the least possible to remove any hardship? Will granting of the variance have a considerable adverse impact on the neighboring properties?**

This property does not have an unusual or unique characteristic which creates a hardship.

This hardship is self-created. The applicant wishes to expand the building to provide accessible restrooms, secure storage and an accessible entrance / exit ramp. The lot is zoned commercial core district. This zoning district does not have setbacks allowing construction up to the property line. There is no exception in the Municipal Code exempting the commercial core district from the landscape buffer requirements for abutting residential property.

The variance that is being requested is the minimum amount needed to allow the desired additions to be constructed.

Granting of this variance will have an impact on the neighboring property. If granted the business will expand permanently eliminating the area required to install a landscape

buffer providing some separation between the commercial use and neighboring residential property.

