BOARD OF APPEALS

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

Wednesday, October 28, 2026 at 4:00 PM

AGENDA

In-Person and Remote Teleconference via ZOOM

1. Correspondence.

2. Approval of Minutes
   a. Meeting Minutes of January 21, 2026.

3. Public Hearing/ Appearances
   a. Hear Appeal: Nate Luedtke, 300 Kelso Rd, 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: Oak Grove Road, Lot 7, Kaukauna, WI 54130
   The petitioner proposes to construct a storage building on the property. The petitioner is requesting a 20-foot variance from the required front yard and side yard setback ordinance(s) to allow construction within the reduced setback, as the buildable area of the lot is significantly constrained by an on-site 50-foot wetland buffer and floodplain/ordinary high water mark (OHWM) building restriction along the rear of the property.

4. Adjourn.

NOTICES

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

THIS MEETING FACILITY IS BARRIER FREE.

BOARD OF APPEALS

A Meeting of The Board of Appeals was called to order by Chair Werschem at 4:00 P.M. on Wednesday, January 21, 2026.

Members present: Fallona, Kavanaugh, Nisler, Vandeberg, and Werschem.

Absent & Excused: Brandt and Sundelius.

Also Present: Planning/Eng. Tech. Holmes and applicants.

Motion by Fallona, seconded by Vandeberg to excuse the absent members.
All Members Present voted aye.
Motion carried.

1. **Correspondence**

Clerk Nessmann read an email correspondence from Board of Appeals member, John Sundelius, regarding the variance request for Habitat for Humanity 920 Midway Rd.

2. **Approval of Minutes**
   - **a)** Approval of minutes from December 3, 2025.

Motion by Vandeberg, seconded by Nisler to approve the Board of Appeals minutes of December 3, 2025.
All Members Present voted aye.
Motion carried.

3. **Public Hearing/ Appearances**
   - **a)** Appeal- Habitat for Humanity 920 Midway Rd, Menasha Wisconsin 54952.

Hear appeal: Habitat for Humanity 920 Midway Rd, Menasha Wisconsin 54952 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: 916 Boyd Avenue Kaukauna, WI 54130. The applicant is requesting a variance to construct a single-family home. The proposed front yard setback is 14 feet 10 1/4 inches, whereas Kaukauna Municipal Ordinance Section 17.16, 4, a, (1) c Front yard setback: 25 feet minimum, except that the front yard setback for a principal structure may be the average of the existing front yard setbacks of the adjacent lots, but not less than 15 feet. The proposed front yard setback for the detached garage is 23 feet, whereas Kaukauna Municipal Ordinance Section 17.16, 4, b, (4) (B) Front yard and side street (front yard) setbacks: 25 feet or the same as the principal structure, whichever is greater. Discussion held and questions answered.

Motion by Vandeberg, seconded by Fallona to approve appeal before us noting that it is made on a humanitarian basis due to work by Habitat for Humanity and we do not believe the project will negatively impact the neighborhood.
Roll call vote: Fallona- aye, Kavanaugh- aye, Nisler- aye, Vandeberg-aye , and Werschem- nay.
Motion carried.

4. **Adjourn.**

Motion by Nisler, seconded by Vandeberg to adjourn.
All members present voted aye.
Motion carried.

Meeting adjourned at 4:31 P.M.

Kayla Nessmann, Clerk

APPLICATION: VARIANCE FORM

This application is required 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. Information on variances can be found in Section 17.50(3)(b) of the Municipal Code.

Petitioner Information:

Name: Nate Luedtke

Mailing Address: 300 Kelso Rd Kaukauna, WI 54130

Phone Number: 920-737-8119

Email: nluedtke@straightlinerefrigeration.com

Property Owner Information (If Not Petitioner):

Name: Anthony J. Penterman - Mayor

Mailing Address: 144 W. 2nd Street Kaukauna, Wi. 54130

Phone Number: 920-766-6373

Email: mayor@kaukauna.gov

Property Information:

Site Address/Location: Oak Grove Road, Lot 7, Kaukauna, WI 54130

Lot Dimensions and Area: 185,490 sf (4.26 ac.)

Current Zoning: Industrial

Please explain your proposed plans and the specific ordinance(s) you are requesting a variance from:

The petitioner proposes to construct a storage building on the property. The petitioner is requesting a 20-foot variance from the required front yard and side yard setback ordinance(s) to allow construction within the reduced setback, as the buildable area of the lot is significantly constrained by an on-site 50-foot wetland buffer and floodplain/ordinary high water mark (OHWM) building restriction along the rear of the property.

Describe why you feel there is "unnecessary hardship". How does complying with the petitioned ordinance standard unreasonably prevent you from using the property for a permitted use, or renders conformity with such restrictions unnecessarily burdensome:

Strict compliance with the standard front and side yard setback requirements would leave insufficient buildable area on this lot. A 50-foot wetland buffer and floodplain/OHWM restriction consume a substantial portion of the parcel's usable depth, and without the requested 20-foot setback reduction, the remaining developable footprint is not adequate to accommodate a reasonably sized storage building for the property's permitted industrial use. Compliance with the full setback as written is therefore unnecessarily burdensome given these physical site constraints.

Describe any special circumstances that apply to your lot or structure that do not apply to adjacent properties:

The lot contains wetlands and is located within or adjacent to the 100-year floodplain, which is not a condition present on other similarly zoned industrial parcels in the surrounding area. This unique natural constraint substantially reduces the buildable envelope of this property compared to adjacent properties that are not subject to the same wetland and floodplain limitations.

Describe how the stated hardship is not self-created:

The wetland and floodplain conditions are pre-existing natural features of the property and were not created by any action of the petitioner or property owner. These environmental constraints existed prior to the petitioner's involvement with the site and are outside the petitioner's control.

Describe how you feel the granting of this variance would not harm public interests, considering the general purpose of the ordinance and the specific provision being petitioned:

The requested 20-foot variance applies only to the front and side yard road setbacks and does not affect the wetland buffer or floodplain protections, which remain fully intact and undisturbed. The variance will not increase impervious surface beyond what is shown on the approved site and grading plan, and will not adversely affect public safety, drainage, or access. The relief requested is the minimum necessary to allow a reasonable industrial use of the property, consistent with the general purpose of the zoning ordinance.

Additional Requirements: A site plan must be submitted with this application, showing the entire affected parcel, all structures, lot lines, and streets with distances to each. The site plan may be hand drawn. Additional information may also be requested as may be appropriate per the proposal being made.

Variance Fee Schedule: $100.00

Please Note: The City of Kaukauna will **never** request payment for an application in the form of a wire transfer. All payments are to be made by check to the City of Kaukauna (address below) and are due when the application is submitted, prior to review.

Signature of Petitioner:

Signature of Owner (If Not Petitioner): - Mayor

Date Submitted to the City of Kaukauna: 9-4-2026

Please submit by email to planning@kaukauna.gov or by mail to:
City of Kaukauna
Attn: Planning and Community Development Department
144 W Second Street
Kaukauna, WI 54130

FOR DEPARTMENT USE ONLY:

Date Application Received: 9/4/2026

Payment Received: N/A

Payment Receipt #: N/A

Board of Zoning Appeals Approval:

Signature of Planning & Community Dev. Staff:

Legal Standards for Variance

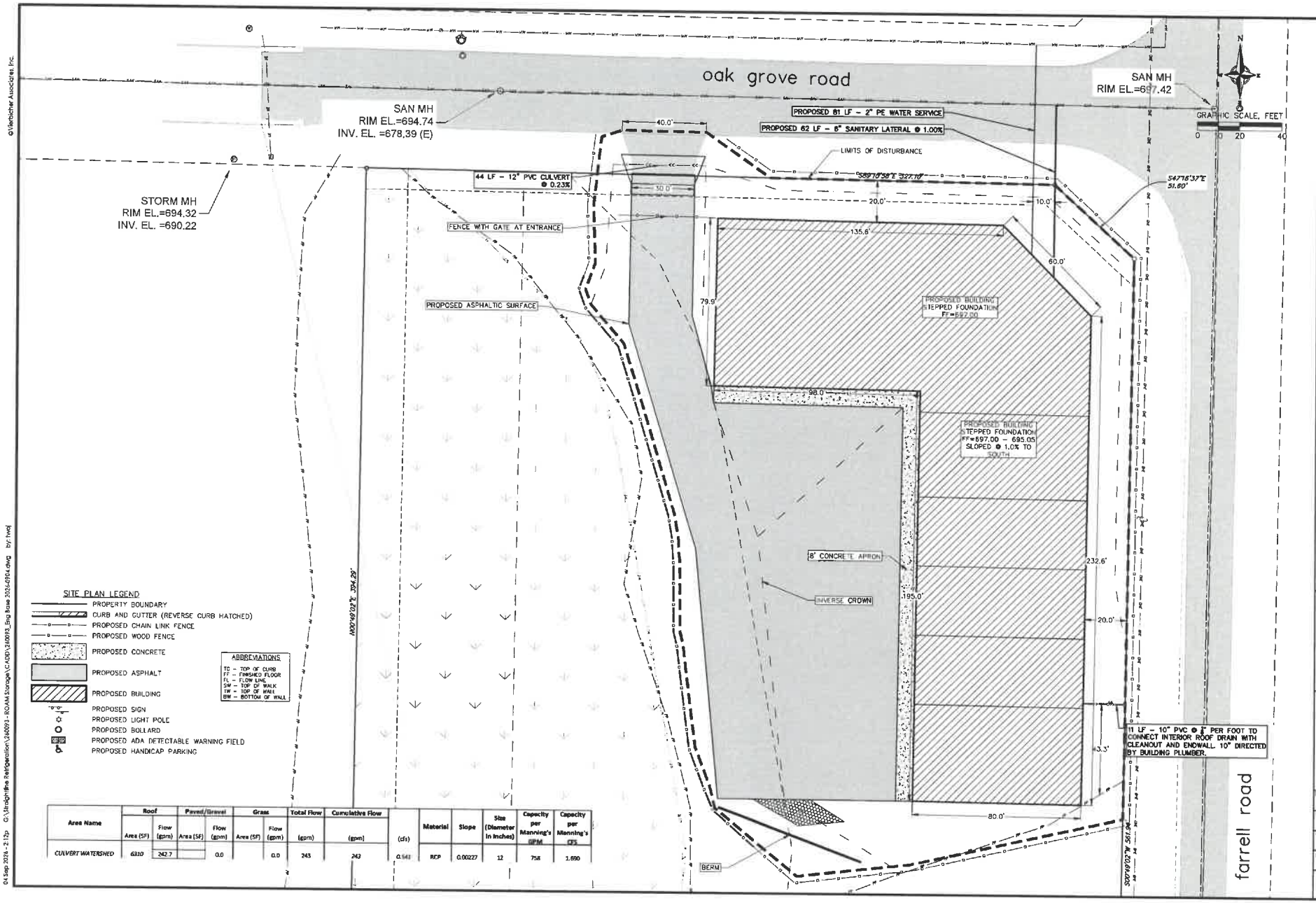
As a potential applicant for a variance, you should be aware of the legal standards the Board of Appeals will use to evaluate your request. State law makes clear that variances are not to be granted routinely, as doing so would undermine the purpose of the zoning ordinance. It is the applicant's burden to show that all required standards are met.

To justify the granting of a variance, you must show: (1) an unnecessary hardship exists; (2) the unnecessary hardship is caused by a unique property limitation; and (3) a variance would not be contrary to the public interest. The following principles, drawn from Wisconsin case law, guide the Board of Appeals in applying these standards:

1. **Unnecessary Hardship:** What constitutes an unnecessary hardship depends on the specific facts of each case. The Board must consider the following:
    a. An unnecessary hardship exists when, without the variance, the owner can make no feasible use of the property, or strict compliance with the ordinance is unnecessarily burdensome.
    b. The hardship must be unique to the property in question and different from conditions affecting other parcels in the same zoning district.
    c. Loss of profit or increased development costs alone are not grounds for a variance.
    d. Self-imposed hardships—conditions created by the owner—are **not** grounds for a variance.

2. **Unique Property Limitation:** The hardship must arise from physical characteristics of the property itself, not from the personal circumstances of the applicant. Examples include steep slopes, wetlands, or irregular parcel shapes that make compliance with the ordinance impractical.

3. **Protection of the Public Interest:** Granting the variance must not harm the public interest or undermine the purpose of the zoning ordinance. The Board of Appeals may impose reasonable conditions to ensure the public welfare is protected. Any variance granted should provide only the minimum relief necessary to allow a reasonable use of the property.



Area Name	Roof		Paved/Gravel		Grass		Total Flow	Cumulative Flow	(cfs)	Material	Slope	Size (Diameter in Inches)	Capacity per Manning's GPM	Capacity per Manning's CFS
	Area (SF)	Flow (gpm)	Area (SF)	Flow (gpm)	Area (SF)	Flow (gpm)	(gpm)	(gpm)						
CULVERT WATERSHED	6310	242.7		0.0		0.0	243	243	0.541	RCP	0.00227	12	758	1.690

vierbicher
advisors / engineers / surveyors

SITE AND UTILITY PLAN
ROAM STORAGE
KAUKAUNA, WI

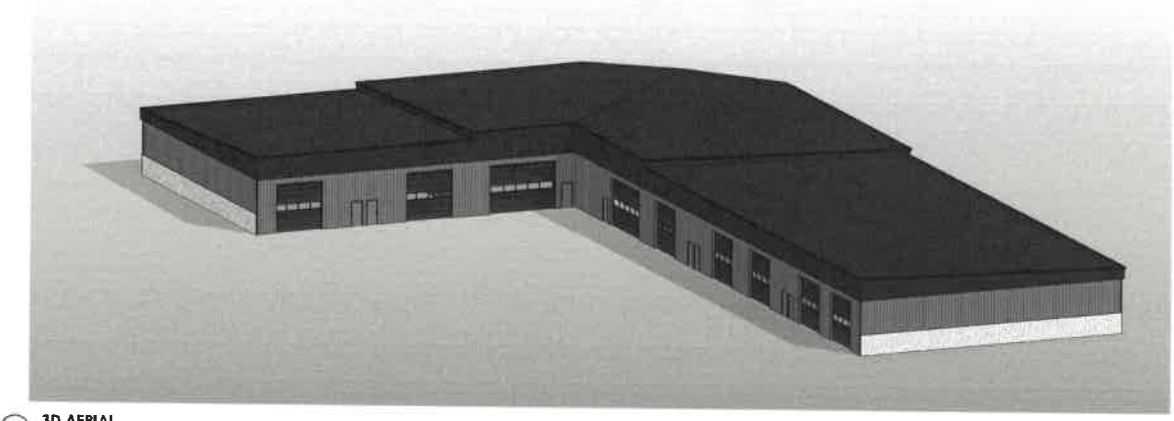
REVISIONS			
NO.	DATE	REMARKS	

REVISIONS			
NO.	DATE	REMARKS	

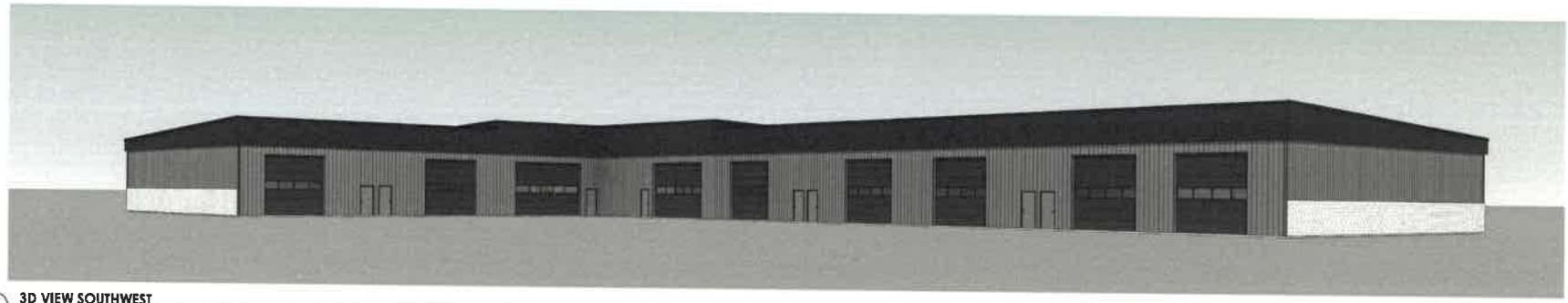
DATE 9/4/2026
DRAFTER BSAN
CHECKED TWDJ
PROJECT NO. 240093

C201

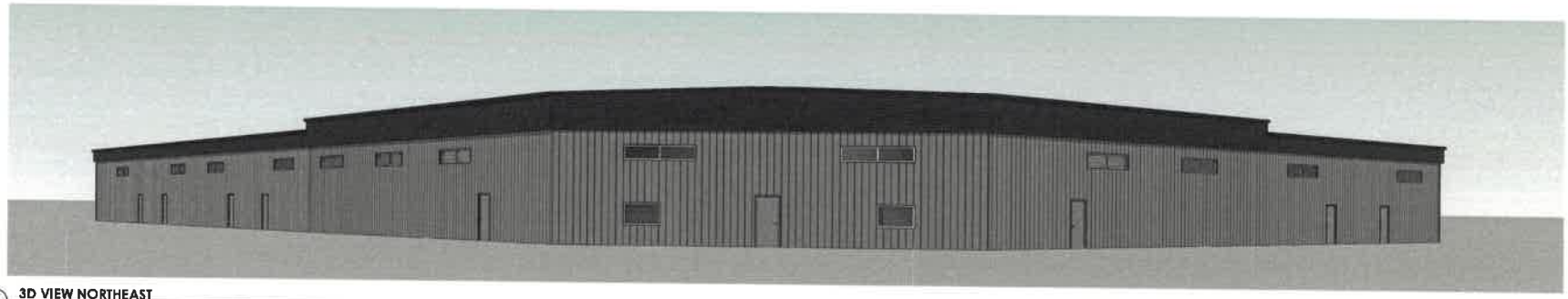
Item 3.a.



3 3D AERIAL



1 3D VIEW SOUTHWEST



2 3D VIEW NORTHEAST

NOT FOR CONSTRUCTION

FOX STRUCTURES, INC.
CONSTRUCTION
DESIGN • WELDING
2208 Eastline Road
Kaukauna, WI 54130
Phone (920) 788-9308
Toll Free (800) 238-1880
foxstructures.com

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PROPOSED FOR:

ROAM STORAGE

NEW PROSPERITY CENTER LOT 7

KAUKAUNA, WISCONSIN 54130

CITY OF KAUKAUNA
OUTAGAMIE COUNTY

ISSUE RECORD:
P1 07-20-26
P2 07-27-26
P3 08-21-26
P4 09-02-26

PR = PRELIMINARY PLAN
PS = ISSUED FOR STATE REVIEW
PC = ISSUED FOR CONSTRUCTION

PROJECT #: 260134
PROJ. MGR: M. KLARNER
DRAWN BY: AW3

SHEET CONTENTS

3D VIEW

A2.2

Item 3.a.

STAFF REVIEW ***BOARD OF APPEALS***
September 30, 2026

ITEM #1 411 Oak Grove Road Kaukauna – Nate Luedtke: Straight Line Refrigeration 300 Kelso Road Kaukauna, WI 54130

General Description/Background

ADDRESS OF AFFECTED PARCEL: 411 Oak Grove Road Kaukauna, WI 54130

The applicant is requesting a variance to build a storage building. The proposed front yard setback for the Oak Grove Road side is 20 feet, whereas Kaukauna Municipal Ordinance Section 17.25 (5) (a) Minimum dimensions. (3) requires a 25 foot front yard setback. The proposed front yard setback for the Farrell Road side is 20 feet, whereas Kaukauna Municipal Ordinance Section 17.25 (5) (a) Minimum dimensions. (3) requires a 25 foot front yard setback.

The surrounding land use pattern can be described as follows:

The areas to the north, south and west are zoned Industrial with industrial uses. The areas to the east is not in the City of Kaukauna and is agriculture in nature.

Analysis/Recommendation for Findings of Fact

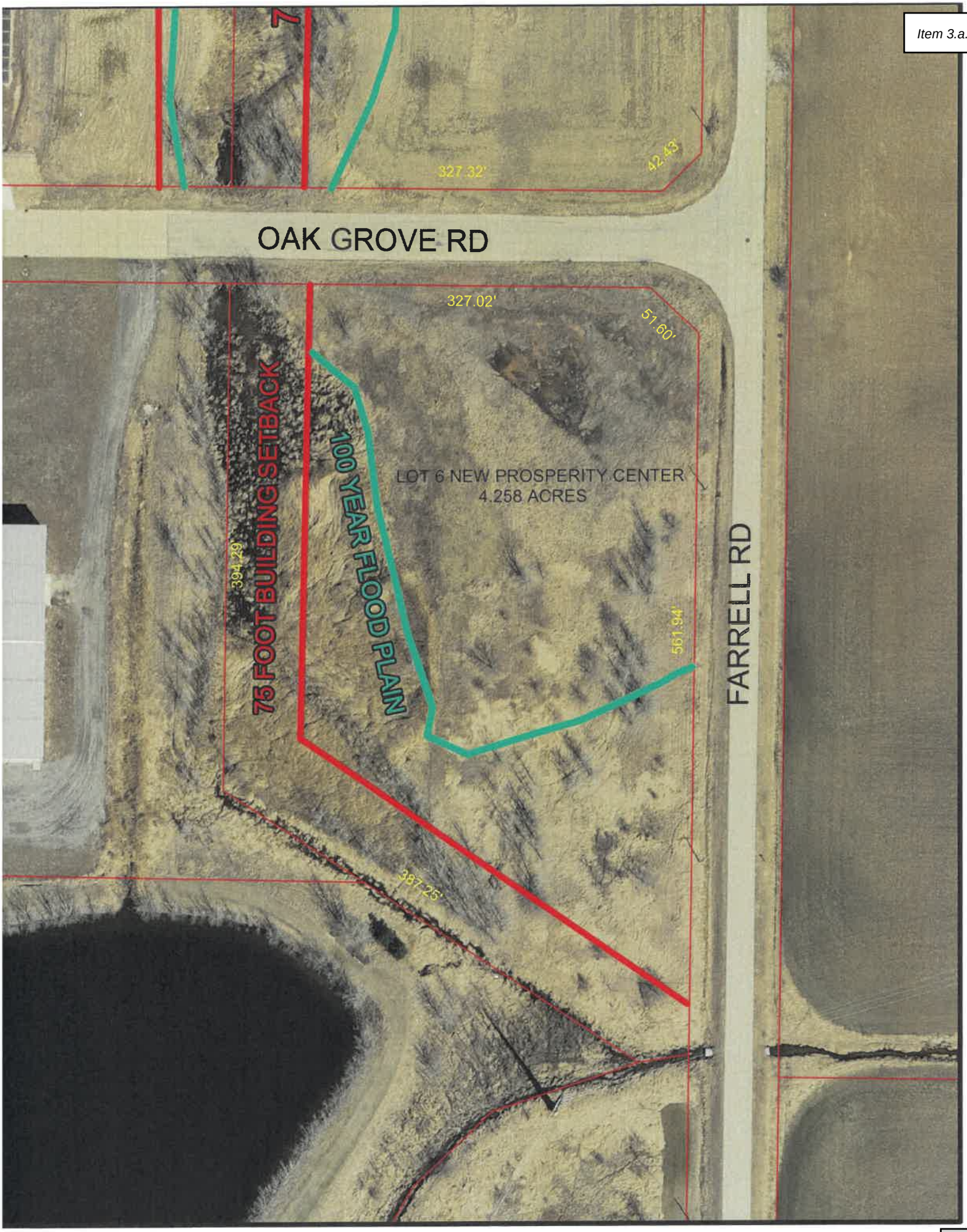
In reviewing a variance request, the following questions should be addressed. Is there an unusual or unique characteristic about the subject property which creates a hardship? Is the hardship self-created? Is the variance being requested the least possible to remove any hardship? Will granting of the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

This property does have an unusual or unique characteristic which creates a hardship. fifty-five percent of this lot is unbuildable due to the floodplain and stream setback on the west and south side of the lot.

This hardship is not self-created in the sense that the setback from the stream and the flood plain are not the fault of the applicant but the nature of the way the lots were laid out at the time the business park was created. It is self-created by the layout and building size the applicant wishes to construct on the lot.

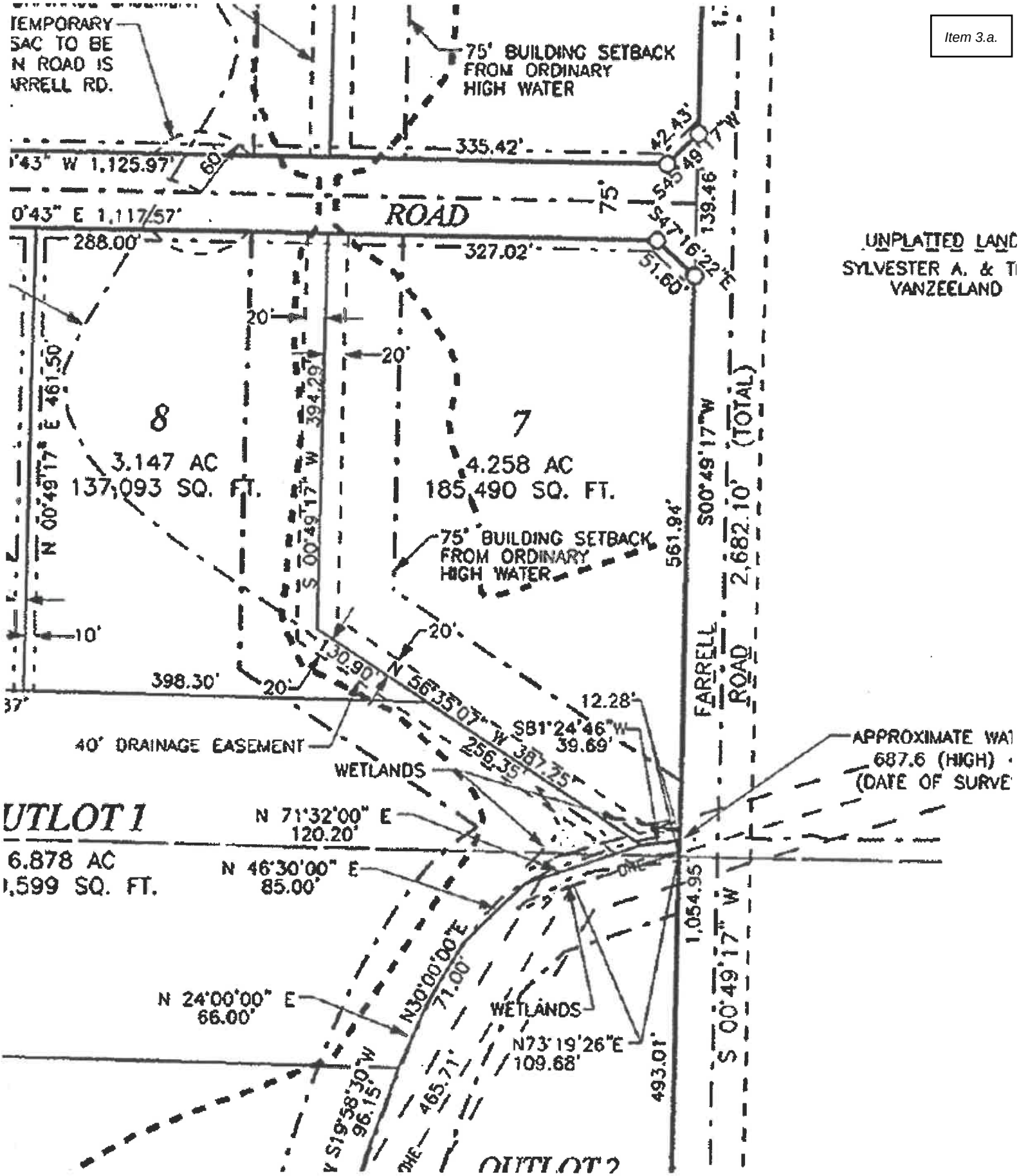
The variance that is being requested is the minimum amount needed to allow the construction of the proposed building.

Granting of this variance will not have considerable impact on the neighboring properties due to the industrial nature of the area and the somewhat isolated location of this lot.



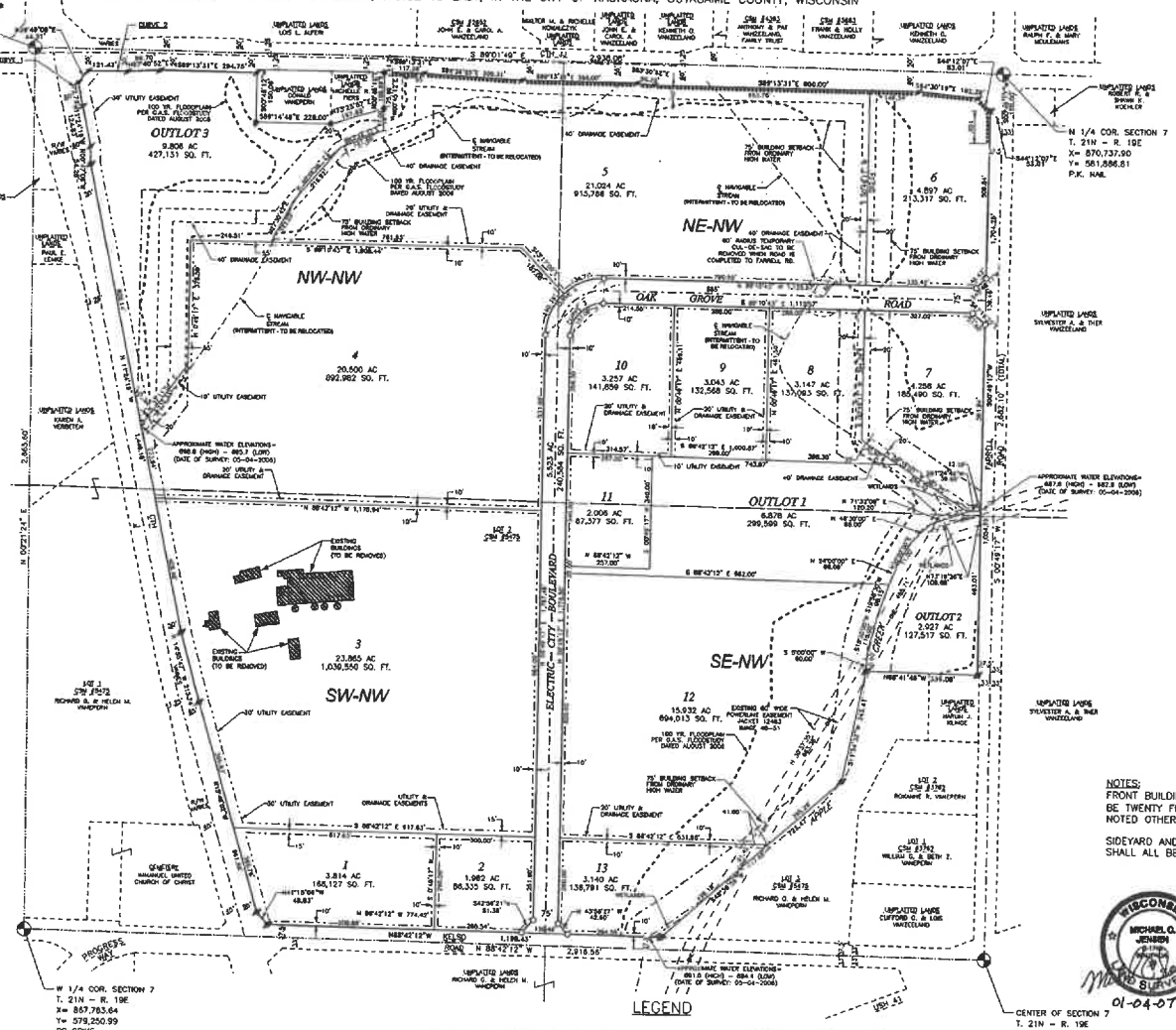
CITY OF KAUKAUNA ENGINEERING
144 W. SECOND STREET
KAUKAUNA WI 54130

411 OAK GROVE ROAD


TEMPORARY
SAC TO BE
N ROAD IS
ARRELL RD.
75' BUILDING SETBACK
FROM ORDINARY
HIGH WATER
335.42'
42.43'
S45°49'17"W
139.46'
'43" W 1,125.97'
60'
75'
0'43" E 1,117.57'
ROAD
288.00'
327.02'
S47°16'22"E
51.60'
UNPLATTED LAND
SYLVESTER A. & T
VANZEELAND
20'
20'
N 00°49'17" E 461.50'
8
3.147 AC
137,093 SQ. FT.
S 00°49'17" W 394.29'
7
4.258 AC
185,490 SQ. FT.
75' BUILDING SETBACK
FROM ORDINARY
HIGH WATER
561.94'
S00°49'17"W
2,682.10' (TOTAL)
FARRELL
ROAD
10'
20'
130.90'
N 56°35'07" W 387.25'
398.30'
20'
12.28'
S81°24'46"W
39.69'
40' DRAINAGE EASEMENT
256.35'
WETLANDS
APPROXIMATE WA
687.6 (HIGH)
(DATE OF SURVE
UTLOT 1
N 71°32'00" E
120.20'
6.878 AC
,599 SQ. FT.
N 46°30'00" E
85.00'
1,054.95'
S 00°49'17" W
N30°00'00"E
71.00'
N 24°00'00" E
66.00'
WETLANDS
N73°19'26"E
109.68'
493.01'
S19°58'30"W
96.15'
465.71'
OUTLOT 2

NEW PROSPERITY CENTER

ALL OF LOT 2 OF OUTAGAMIE COUNTY CERTIFIED SURVEY MAP NO. 5475 AS RECORDED IN VOLUME 31 OF CSM'S, PAGE 5475 AS DOCUMENT NO. 1728739, LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4, THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, SECTION 7, TOWNSHIP 21 NORTH, RANGE 19 EAST, IN THE CITY OF KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN



1742382

Recorded
FEB. 23, 2007 AT 11:45AM
Vol/Cab. K Pg/Slide 41-42
OUTAGAMIE COUNTY
JANICE FLEHR
REGISTER OF DEEDS
Fee Amount: 150.00

CURVE DATA								
CURVE	LOT	RADIUS	DELTA	CHORD LENGTH	CHORD BEARING	ARC LENGTH	TANGENT BEARINGS	
1	OUTLOT 3	3,756.72'	01°06'34"	72.76'	N 10°51'02" W	72.75'	N 11°24'18" W	N 10°17'46" W
2	OUTLOT 3	11,404.18'	00°36'36"	121.43'	S [illegible]53" E	121.43'	N 88°41'48" E	S 89°41'38" E
3	1/2	100.00'	90°00'00"	141.42'	N [illegible]17" E	127.28'	N 00°49'17" E	S 89°10'43" E
4	4	175.00'	90°00'00"	247.48'	N [illegible]17" E	224.86'	N 00°49'17" E	S 89°10'43" E
	5	175.00'	53°13'42"	135.46'	S [illegible]16'08" W	140.18'		
			44°06'18"	131.41'	S [illegible]16'08" W	134.71'		

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats. as provided by s. 236.12, Wis. Stats.

Certified JANUARY 3RD, 2007

Rene M. Bourg

Department of Administration

LOCATION MAP

VERTICAL DATUM REFERENCE
CITY OF KAUKAUNA VERTICAL DATUM.

NORTH REFERENCE
NORTH IS REFERENCED TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 7, T. 21N., R. 19E. WHICH BEARS S 89°01'49" E ACCORDING TO OUTAGAMIE COUNTY COORDINATES.

0 100' 200'

LEGEND

- NO ACCESS TO HIGHWAY
- 75' BLDG. SETBACK FROM ORDINARY HIGH WATER
- DRAINAGE EASEMENT
- DRAINAGE &/OR UTILITY EASEMENT
- 100' YR. FLOODPLAIN
- WETLANDS
- EXISTING ¾" REBAR FOUND
- EXISTING 1.315" O.D. ROUND IRON PIPE FOUND
- EXISTING 1 1/4" ROUND REBAR FOUND
- 1¼" X 18" REBAR SET WEIGHING 4.30 LBS./LINEAL FT.
- OUTAGAMIE COUNTY SECTION CORNER
- 1.315" O.D. X 18" ROUND IRON PIPE, WEIGHING 1.68 LBS. PER LINEAL FOOT, SET AT ALL OTHER LOT CORNERS
- ( ) RECORDED BEARING AND/OR DISTANCE

NOTES:
FRONT BUILDING SETBACKS SHALL BE TWENTY FIVE FEET (25') UNLESS NOTED OTHERWISE.

SIDEYARD AND REAR YARD SETBACKS SHALL ALL BE TEN FEET (10').

WISCONSIN MICHAEL G. JENSEN S-2499 LAND SURVEYOR

GRAEF ANHALT SCHLOEMER and Associates Inc.