

BOARD OF APPEALS

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



Wednesday, April 16, 2025 at 4:00 PM

AGENDA

In-Person and Remote Teleconference via ZOOM

1. Roll Call.
2. Correspondence.
3. Public Hearing/ Appearances.
[a.](#) Hear appeal of the Anderson Company, 310 Farmland Court.
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.



PUP EMILY DUFFEY 1048990 2025CC



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: 310 Farmland Dr. Kaukauna, WI 54130

Property Owner: The Andersons Inc.

Property Owner Address: 1947 Briarfield Blvd. Maumee, OH 43537

Phone Number: 419-205-4853

Email Address: Emily_Duffey@andersonsinc.com

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

Please see attachment.

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

Please see attachment.

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

Please see attachment.

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

Please see attachment.

City of Kaukauna Board of Zoning Appeals
Application for Variance
 Andersons Propane Transload Project
 24-Mar-25



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

This project involves the installation of three 60,000-gallon liquified propane tanks. These tanks will be used to store propane that is offloaded from train cars and subsequently loaded onto trucks for distribution.

We are requesting a variance for this project because the tanks' foundation will be located within a 25-foot setback beginning at our right-of-way around the corner of Farmland Ct. We are unable to shift these tanks west and out of the setback because we need to maintain a safe distance (minimally 75') from the line of adjoining property that can be built upon, per NFPA. Shifting the tanks north would put them in close proximity to an existing storage building.

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

1. **Adherence to NFPA Safety Regulations:** Our current layout ensures that we maintain a safe distance from our neighbors in all directions (minimally 75').
2. **Local Utilities:** Local utilities are currently located outside the setback, between the right-of-way and the roadway.
3. **Within Property Line Boundaries:** This layout ensures all equipment and foundations remain within the established property line boundaries.
4. **Efficient Truck Staging:** The current layout facilitates the staging of trucks awaiting loading within our property boundaries, keeping traffic off the roadway. This arrangement helps prevent traffic congestion on Farmland Ct. and ensures smooth operations without disrupting the local traffic flow.

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

No special circumstances.

City of Kaukauna Board of Zoning Appeals**Application for Variance**

Andersons Propane Transload Project

24-Mar-25

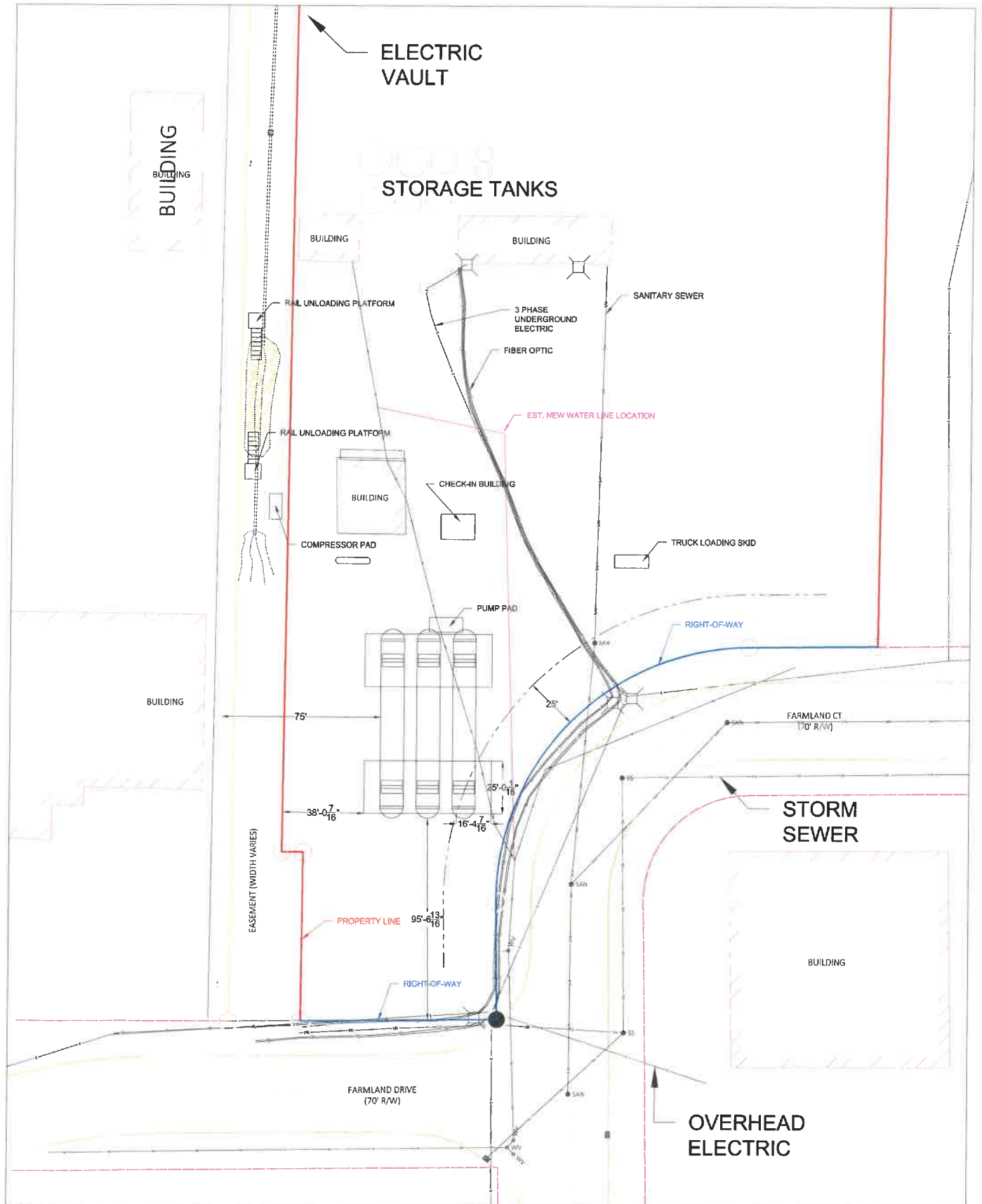
**4. Describe the hardship that would result if your variance was denied:**

We initiated this project under the assumption that we met the setback requirements, as we had been issued a New Structure permit by the City of Kaukauna in January 2025. This permit approval led us to believe that our project was fully compliant with all relevant regulations. If the requested variance were to be denied, it would result in hardship for the following reasons:

1. **Operational Challenges:** Without the variance, we would face challenges in finding an alternative location for the tanks that meets all safety and operational requirements. This could mean a cancellation of the project.
2. **Loss of Taxable Income:** If the project cannot proceed, the facility would not see the increase in taxable income that would result from this project which would ultimately negatively affect the community.
3. **Impact on Local Contractors:** Local contractors who have been working on this project would not see the full potential of this financially if we are unable to proceed. This would negatively affect their businesses and the local economy, as they have invested time and resources into supporting this project.
4. **Financial Investment:** Since receiving the initial permit, we have invested a significant amount of money into the project. These funds have been allocated towards planning, purchasing materials, and initial construction activities. Unfortunately, these expenses cannot be refunded, and denying the variance would result in substantial financial loss to the Andersons.

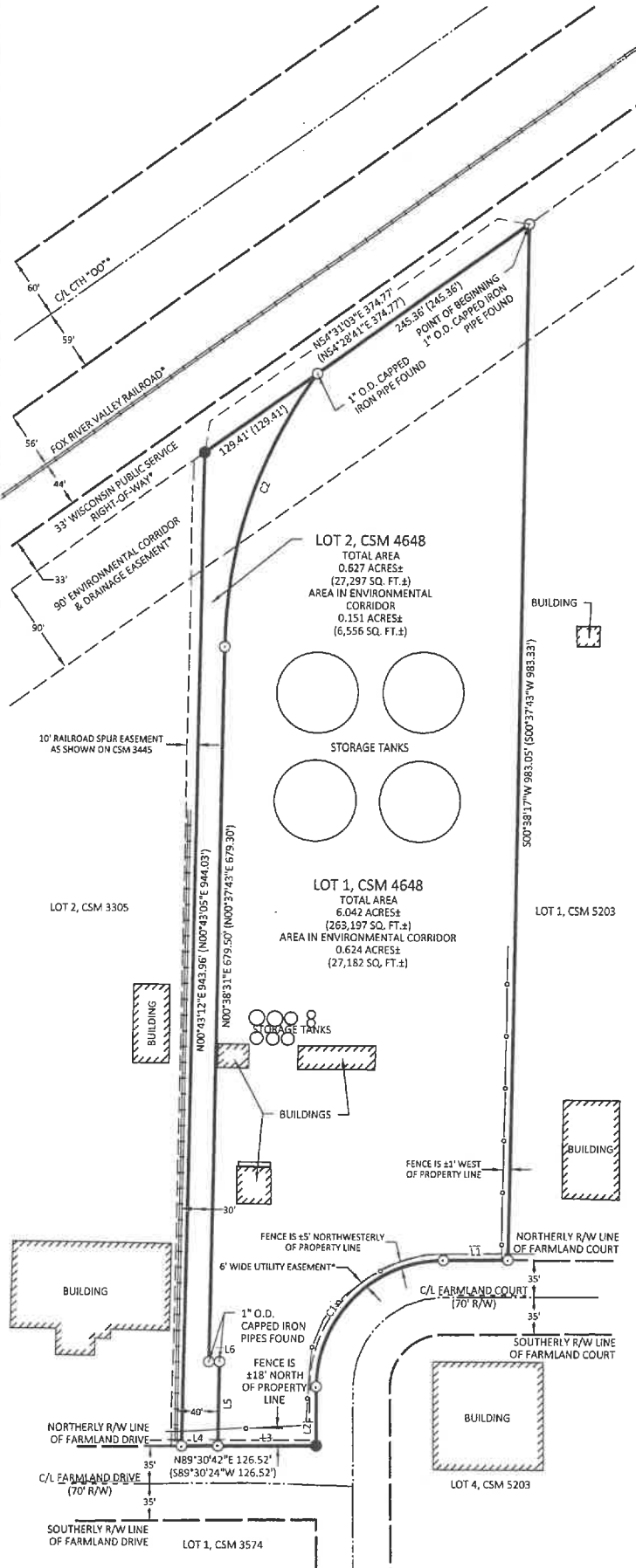
For additional questions please reach to:

Emily Duffey
Senior Project Engineer
Emily_Duffey@andersonsinc.com
(419) 205-4853



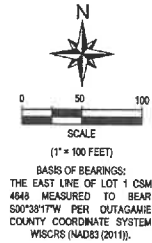
PLAT OF SURVEY

RETRACEMENT OF LOTS 1 & 2 OF CERTIFIED SURVEY MAP NUMBER 4648, VOLUME 26, PAGE 4648 OF THE OUTAGAMIE COUNTY RECORDS RECORDED AS DOCUMENT NUMBER 1574193, LOCATED IN A PART OF THE SW $\frac{1}{4}$ OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 19 EAST, CITY OF KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN



LEGEND

- SET $\frac{1}{2}$ "x18" #6 REBAR WEIGHING 1.502 LB/LIN FT
- FOUND $\frac{1}{2}$ " REBAR UNLESS OTHERWISE NOTED
- () RECORDED AS
- R/W RIGHT-OF-WAY
- C/L CENTERLINE
- CHAINLINK FENCE
- RAILROAD TRACKS
- * AS SHOWN ON CSM 4648



LINE DATA

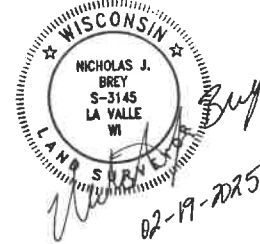
LINE#	BEARING	DISTANCE	RECORDED AS
L1	S89°26'17"W	61.08'	(S89°30'24"W, 61.07')
L2	S00°39'06"E	55.79'	(S00°29'36"E, 55.79')
L3	S89°21'46"W	92.32'	(S89°30'24"W, 92.42')
L4	S89°54'46"W	34.20'	(S89°30'24"W, 34.10')
L5	N00°31'26"E	80.18'	(N00°37'43"E, 80.02')
L6	S89°37'08"W	10.07'	(S89°30'24"W, 10.00')

CURVE DATA

C1	C2
R = 120.00' (120.00')	R = 445.00' (445.00')
Δ = 90°03'06" (90°00'11")	Δ = 35°42'39" (35°44'44")
C.B. = S44°33'38"W (S44°30'24"W)	C.B. = N18°05'51"E (N18°04'19"E)
L.C. = 169.78' (169.71')	L.C. = 272.89' (273.14')
L = 188.60' (188.50')	L = 277.36' (277.63')

SURVEYOR'S NOTES:

- THIS PLAT OF SURVEY IS A RETRACEMENT OF LOTS 1 & 2 OF CERTIFIED SURVEY MAP NUMBER 4648 BY MICHAEL J. OLSON S-2577 DATED 8-29-03 FOUND IN VOLUME 26 OF CERTIFIED SURVEY MAPS ON PAGE 4648 FILED ON 9-5-2003 AS DOCUMENT NUMBER 1574193.
- CSM 4648 BEARINGS ARE REFERENCED TO THE EAST LINE OF THE SW $\frac{1}{4}$ OF SECTION 7, ASSUMED TO BE N00°46'25"E.
- LOTS 1 & 2 SHOWN ON THIS PLAT ARE SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAYS OF RECORD. NO TITLE SEARCH WAS PERFORMED.
- FENCE LINES MAY BE EXAGGERATED FOR CLARITY.



PREPARED FOR: THE ANDERSONS, INC.
310 FARMLAND DRIVE
KAUKAUNA, WI 54130

FIELD WORK PERFORMED: JANUARY 29, 2025

SURVEYOR'S CERTIFICATE
I, NICHOLAS J. BREY, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE PARCEL OF LAND HEREIN IN ACCORDANCE WITH WIS. ADMIN. CODE CH. AE-7, AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS SURVEYED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE: 02-19-2025

NICHOLAS J. BREY
PROFESSIONAL LAND SURVEYOR S-3145

WESTBROOK
Associated Engineers, Inc.

619 East Hoxie St. | P.O. Box 429 | Spring Green, WI 53588
P: (608) 888-7866 | F: (608) 888-7954 | www.westbrookeng.com

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STAFF REVIEW**BOARD OF APPEALS****April 16, 2025**

ITEM #1 310 Farmland Drive, Kaukauna – The Andersons Inc.**General Description/Background**

The applicant is requesting a variance to construct a liquified propane storage tank storage facility. The proposed facility is 9 feet from the front property line, whereas Kaukauna Municipal Ordinance Section 17.25 5. a. (3) requires a 25-foot front yard setback.

The surrounding land use pattern can be described as follows:

All areas surrounding the property are zoned Industrial with industrial uses.

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 proposed location of the eastern most tank is forced to be located in the front yard setback due to the required setbacks from existing buildings and lot lines for a liquified propane storage tanks.

The variance that is being requested is the minimum amount needed to allow the desired liquified propane tanks to be built.

Granting of this variance will not have considerable impact on the neighboring properties due to the industrial nature of the area.



Item 3.a.

1 inch = 100 feet
Date: 4/1/2023

PROPOSED LOCATION OF LIQUIFIED PROPANE TANKS

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