

AGENDA

NEENAH BOARD OF APPEALS

Thursday, June 26, 2025

3:00 P.M.

**Administrative Building, 211 Walnut Street
Hauser Room**

1. Approve meeting minutes of February 3, 2025.
2. Variance Request – 1806 Respect Avenue – Section 21-38(c)(1) – Fence Height
3. Announcements and future agenda items.

**“Neenah City Hall is accessible to the physically disadvantaged.
If special accommodations are needed please contact the
Department of Community Development Office
886-6125 at least 24 hours in advance of the meeting.”**

MINUTES OF THE NEENAH BOARD OF APPEALS
Monday, February 3, 2025
3:00 p.m.

Members:

Denise Burkett, Chairperson	PRESENT	Gail Dolan, Vice Chairperson	PRESENT	Robert Wedge	PRESE33 NT
Ken Bonkoski,	PRESENT	Peter Allen	PRESENT	Jim Hermes	PRESENT

Also Present:

Brad Schmidt, Deputy Director of Community Development	Lisa Mroczkowski, Public Works Office Manager	Heidi Hunter, 3200 Elk Ridge Dr., Apt D, Oshkosh WI
Eric Hunter, 3200 Elk Ridge Dr., Apt D, Oshkosh WI	Mae Hub Yang, Wildflower Development Group, LLC	Heidi Huntington, 827 Edward St., Neenah WI
Joan Doucette, 819 Edward St., Neenah WI	Dawn Peterson, 819 Edward St., Neenah WI	Nanci Huntington, 827 Edward St., Neenah WI
Scott Becher, 1061 Green Acres Ln., Neenah WI	Flo Bruno, 1002 E Forest Ave., Neenah WI	

Roll Call and Declaration of Quorum: Chairperson Burkett called the meeting to order at 3:00 p.m. and indicated a quorum of the Board was in attendance. Chairperson Burkett proceeded to read the Announcement of Proceedings for the Boards of Appeals meeting and swore in the members of the Board.

Minutes: MSC Hermes/Wedge, the Board, to approve the December 2, 2024, meeting minutes. All voting aye. Motion passed.

Chairperson Burkett turned the floor over to Deputy Director Schmidt

1. Variance Request – 815 Edwards St – Side Yard Setback Variance Sec 26-178(2)

Deputy Director Schmidt went over the property in question. The applicant, Wildflower Development Group, LLC, on behalf of Eric and Heidi Hunter the owner of the property, are requesting a variance from Section 26-178(2) of the Zoning Code to construct a new single-family residence on the property located at 815 Edward Street. He stated that the zoning code requires a 6-foot side yard setback, with an aggregate of 16 feet for both side yards. The applicant is requesting a reduction in the side yard setback aggregate from 16 feet to 13.5 feet or a 2.5-foot setback reduction.

Member Allen asked for the basis of the variances that have been granted in the past like this request. Deputy Director Schmidt stated that there are three tests, limitation due to physical nature of property, the variance can't harm the public interest, and there is an unnecessary hardship.

Chairperson Burkett swore in applicants Mae Yang, Heidi Hunter and Eric Hunter.

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Applicant Mae Yang stated that this request is similar to another that she brought before the Board of Appeals for a property on 4th Street. She stated that the request is for an aggregate 13.5 side yard setback. She stated the home will be a three bedroom, 2 bath.

Member Allen asked Deputy Director Schmidt if any of the reasons stated earlier have not been met. Deputy Director Schmidt stated that, in his opinion, they have all been met.

Member Allen asked the applicant what the square footage is of the home. Applicant Yang stated 1,300 square feet.

Heidi Huntington, 827 Edwards St., Neenah-asked if they meet the 6-foot side yard setback why did they require a variance. Deputy Director Schmidt stated that the minimum side yard setback is 6-feet, but anytime the principal structure has two side yards the minimum aggregate side yard setback must be 16 feet. He stated in this case that requirement is not being met.

Member Wedge asked the applicant each side will have at least a 6-foot minimum side yard setback. The applicant stated yes, the west side yard setback will be 7.5 feet, and the east side yard setback will be 6 feet.

Member Wedge stated that he would like to urge the applicant to place the 7.5 feet setback on the west side of the property allowing for more room between the new house and the existing neighbor. Applicant stated that she will talk to consult staff to see if that is possible.

Dawn Peterson, 819 Edward St., Neenah-spoke on behalf of her mother who lives to the west of this proposed home. She asked if building the home will affect the property value of her mother's home and if the eaves will encroach onto her property. Deputy Director Schmidt stated that the eaves must remain within the setback and there should be no adverse effect to property value.

Joan Doucett, 819 Edward St., Neenah-stated that she is worried about property value and encroachment onto her property.

Eric and Heidi Hunter, applicants, stated that they currently live in Oshkosh and are very excited to move to Neenah. The applicants stated they bought this lot because of the location. They stated it is close to downtown, bike trails and the Loop to Lake trail.

Scott Becher, 1061 Green Acres Ln., Neenah-Chairperson Burkett swore Mr. Becher in. Mr. Becher stated that he worked 12 years in the State legislature and the city must continue to have buildable single-family lots and encourage development.

Motion by Wedge, seconded by Hemes to approve the variance for 815 Edward Street to reduce the side yard setback aggregate requirement (Sec. 26-178(2) from 16 feet to 13.5 feet to construction a new single-family residence. All voting aye. Motion passed.

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Announcements and Future Agenda Items: None

Adjournment: The Board adjourned its meeting at 3:33 p.m. MSC Hemes/Dolan. All voting Aye. Motion passed.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Lisa Mroczkowski".

Lisa Mroczkowski
Public Works Office Manager



M E M O R A N D U M

DATE: June 26, 2025
TO: Board of Appeals
FROM: Brad Schmidt, AICP, Deputy Director
RE: Variance – 1806 Respect Avenue – Sec. 21-38(c)(1)

Request

Gordon Stillings, owner of 1806 Respect Avenue, is requesting a variance from Section 21-38(c)(1) of the Neenah Building Code construct an eight-foot-tall fence in the rear yard.

Consideration

The applicant is proposing to construct an 8-foot-tall privacy fence in the rear yard of his property located at 1806 Respect Avenue. The fence is setback approximately 35 feet from the rear property line and about 35 feet from the edge of an at-grade patio adjacent to the house. The fence, as proposed, would be installed along the entire width of the property, which is approximately 100 feet wide. The variance is required since the maximum height of a fence in the rear yard is 6 feet.

The Building Code specifically states the following:

Sec. 21-38(c)(1):

Any such structure placed in the required side or rear yards as defined in [Section 26-3](#) shall not exceed six feet in height above grade.

Clearly the fence, as proposed, exceeds the 6-foot maximum allowable height when placed in the rear yard.

In addition to Sec. 21-38(c)(3) states, such structures used as privacy enclosures around patios, decks and pools located in the rear yard and more than six feet from the property line may be increased to eight feet in height above grade.

Typically, the City's policy regarding enclosing patios, pools or decks, is the fence shall be located within 5 feet of the patio, pool or deck, and it cannot extend beyond the patio, pool or deck if it exceeds 8 feet in height. The proposed fence is over 5 feet away from the patio and the 8-foot height extends beyond the footprint of the patio.

In addition, a fence located on the side yard which encloses a patio, deck or pool can have a height up to 8 feet if it is outside of the required side yard (which is either 6 feet or 10 feet from the property line).

Approval of a variance shall meet three tests. The first is the presence of unique physical property limitation(s). The applicant argues there are two physical limitations. First, a wetland and drainage easement prohibit the fence from being placed closer to the rear property line

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along County Highway G. Next, the property slopes down from the house to the street making a 6-foot-tall fence less impactful from road noise and privacy along County Highway G.

While the argument can be made that the presence of the wetland and the drainage easement are physical limitations, it can also be said that these conditions are not unique to just the applicant's property. The 50-foot-wide drainage easement impacts all four properties along County Highway G and the wetland impacts three of the four properties. A small portion of wetland is located on the east side of the applicant's property, while the two properties to the east have wetlands that extend the entire width of their property and extend more than 50 feet into their property from the rear property line.

The next test is that the variance would not harm public interest. It's not likely the presence of an 8-foot-tall fence, as proposed by the applicant, would negatively impact the public interest, nor would it negatively impact the adjoining property owners.

Finally, the last test is whether an unnecessary hardship exists when compliance with the height restriction would unreasonably prevent the owner from using the property or would render conformity with such restrictions unnecessarily burdensome. A six-foot tall fence does not have the same privacy and screening abilities when it's placed at an elevation lower than the surrounding properties. However, in this case, the elevations of the neighboring properties are not significantly different than the applicant's property. In addition, there are other methods to provide privacy and road noise mitigation such as landscaping, moving the 8-foot section of fence within 5 feet of the patio, or building a berm.

If the Board of Appeals determines a variance is warranted, the fence cannot be located within the drainage easement or wetland as identified on the Final Plat for the 1st Addition to Integrity Acres.

It is Staff's opinion that the variance does not meet the findings of fact for approving a variance and that the request for a variance be denied.

PLANNING SERVICES APPLICATION

Department of Community Development
 211 Walnut St. P.O. Box 426
 Neenah, WI 54957-0426
 Phone (920) 886-6125 | Fax (920) 886-6129

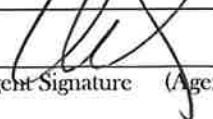


PROPERTY OWNER	APPLICANT
Name: GORDON CLAUDETTE Stillings	Name: GORDON CLAUDETTE Stillings
Mailing Address: 1806 Respect Ave Neenah, WI 54956	Mailing Address: 1806 Respect Ave. Neenah, WI 54956
Email: Gordon@StillingsLaw.com	Email: GordoneStillingsLaw.com
Phone: 920.428.0725	Phone: 920.428.0725

PROPERTY	
Site Address: 1806 Respect Ave.	Parcel Number (PIN):
Current Use: R1 Single Family	Proposed Use: R1 Single Family
Current Zoning: R1	Proposed Zoning: R1

SITE PLAN	ZONING
Description of Proposed Project / Request: 8 ft. fence in rear yard parallel to Hwy 6 on our side of the line designating wetlands.	
<input type="checkbox"/> Minor Site Plan ¹ <input type="checkbox"/> Parking Lot ³ <input type="checkbox"/> Major Site Plan ² <input type="checkbox"/> Change of Use ⁴ <input type="checkbox"/> Telecommunications Tower <input type="checkbox"/> Shoreland / Floodplain Land Use Permit	<input type="checkbox"/> Rezoning <input type="checkbox"/> PDD Project Approval <input type="checkbox"/> Special Use Permit <input type="checkbox"/> TND Project Approval <input checked="" type="checkbox"/> Appeal or Variance <input type="checkbox"/> CH Project Approval <input type="checkbox"/> Map Amendment <input type="checkbox"/> Master Plan Review

CERTIFIED SURVEY MAP / PLAT REVIEW	ANNEXATION
Property Identification / Legal Description:	
Number of Lots / Outlots: 1	Temporary Zoning Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> City CSM <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Extraterritorial CSM <input type="checkbox"/> Final Plat	If yes, Describe Request:

Date: 5/27/25 Owner / Agent Signature:  (Agent acknowledges they can sign on property owner's behalf)

1: Minor Site Plan: Building addition less than or equal to 5,000 SqFt or less than 50% of existing building, parking lot addition greater than 10 parking stalls, construction of accessory structure.
 2: Major Site Plan: New construction, building addition greater than or equal to 5,000 SqFt or more than 50% of existing building.
 3: Parking Lot: Parking lot construction / addition of 10 stalls or more.
 4: Change of Use: No new construction or additions; Property use changing from one land use to another.

TO: City of Neenah:

City of Neenah

STATEMENT TO SUPPORT VARIANCE REQUEST - 8 ft. fence on Highway G side of our lot at 1806 Respect Ave.

1806 Respect Ave, Neenah, WI

We are requesting a zoning variance to allow us to build an 8 ft white fence on the north edge of our lot to help provide some privacy and noise reduction in our backyard. Our lot is bordered on the North by Highway G. On that north edge of our lot (between our lot and Hwy G) is a drainage easement that restricts our ability to place structures on that portion of our lot or make alterations to the elevation. For these reasons the highway side of our lot is much lower than the rest of our lot and we are unable to build a berm along our property line like many others on Hwy G have done.

City of Neenah

Highway G carries a lot of truck traffic because it connects a number of trucking depots on Hwy 76 to Highway 41 and to the Neenah Industrial Park. The speed limit is 55 mph rather than the 45 mph it reduces to on the other side of Woodenshoe Road. This makes traffic, especially the 18 wheel trucks, much louder for us than for many of our neighbors.

City of Neenah

Even an 8 foot wall at that lower elevation is not going to provide complete visual privacy in our backyard – but it will help. it will not interfere with either of our neighbors sight lines of anything other than Highway G and vehicles travelling on it.

City of Neenah

The proposed fence will be professionally integrated with landscaping we have contracted for with Schmalz Landscaping.

City of Neenah

Thank you in advance for your favorable response to this application.

City of Neenah

Respectfully

Respectfully

Gordon and Claudie Stillings

Gordon and Claudie Stillings



Schmalz
 Custom Landscaping
 and Garden Center
 LANDSCAPE ARCHITECTURE
 DEVELOPMENT
 CONSTRUCTION
 AWARD WINNING DESIGN
 AND INSTALLATION

1806 CT. 10, RT.
 NEENAH, WI 54955-9454
 PHONE 920-733-8223
 FAX 920-733-3982
 WWW.SCHMALZLANDSCAPING.COM

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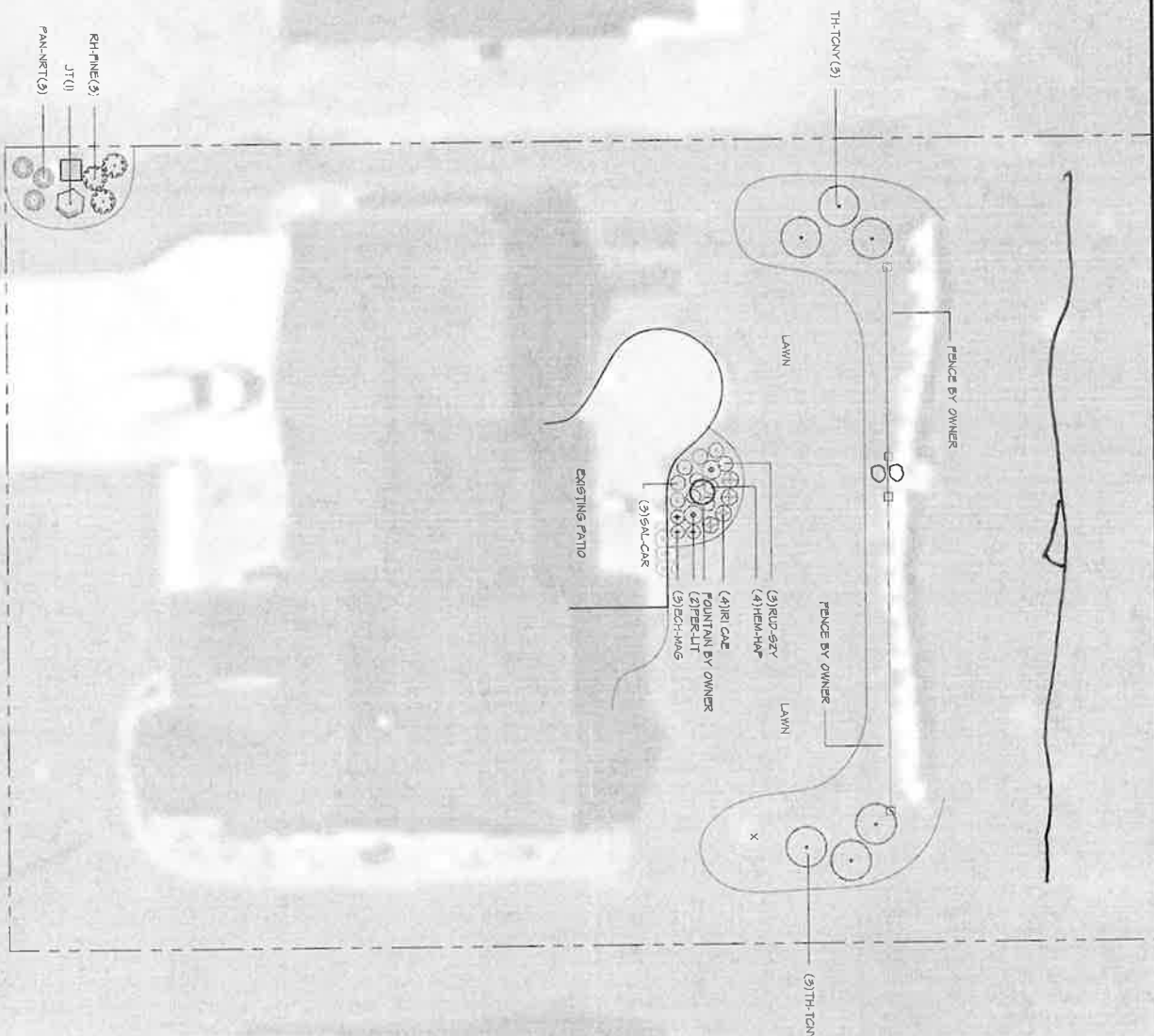


Stillings Residence
 1806 Respect Ave
 Neenah, WI 54956

DATE: 12/28/2011
 PROJECT NO:
 DRAWN BY:
 CHECKED BY:
 SCALE: 1" = 10'
 DRAWN BY: N. Phillips
 SHEET TITLE: Landscape Plan
 SHEET NO: L-1
 JOB NO: 11111

PLANT SCHEDULE 181

CODE	COMMON NAME	QTY
SHRUBS		
TH-TANY	Thornless Juniper	1
ZH-FINE	Tree-Less Brylstone	3
EVERGREEN UPRIGHT		
TH-TANY	Feather Arborvitae	5
GRASSES		
PAN-NRT	Wheatland Switch Grass	3
PERENNIALS		
DOH-WAG	Wagyo Purple Coral Bells	5
HEM-HAP	Happy Returns Daylily	4
RL-CAD	Canaan Silvermist Iris	4
PER-LIT	Arctic Snow Kousa Spire	5
RUD-STR	Vastis's Little Gray Coreopsis	3
SNL-COR	Chardons Snow	3

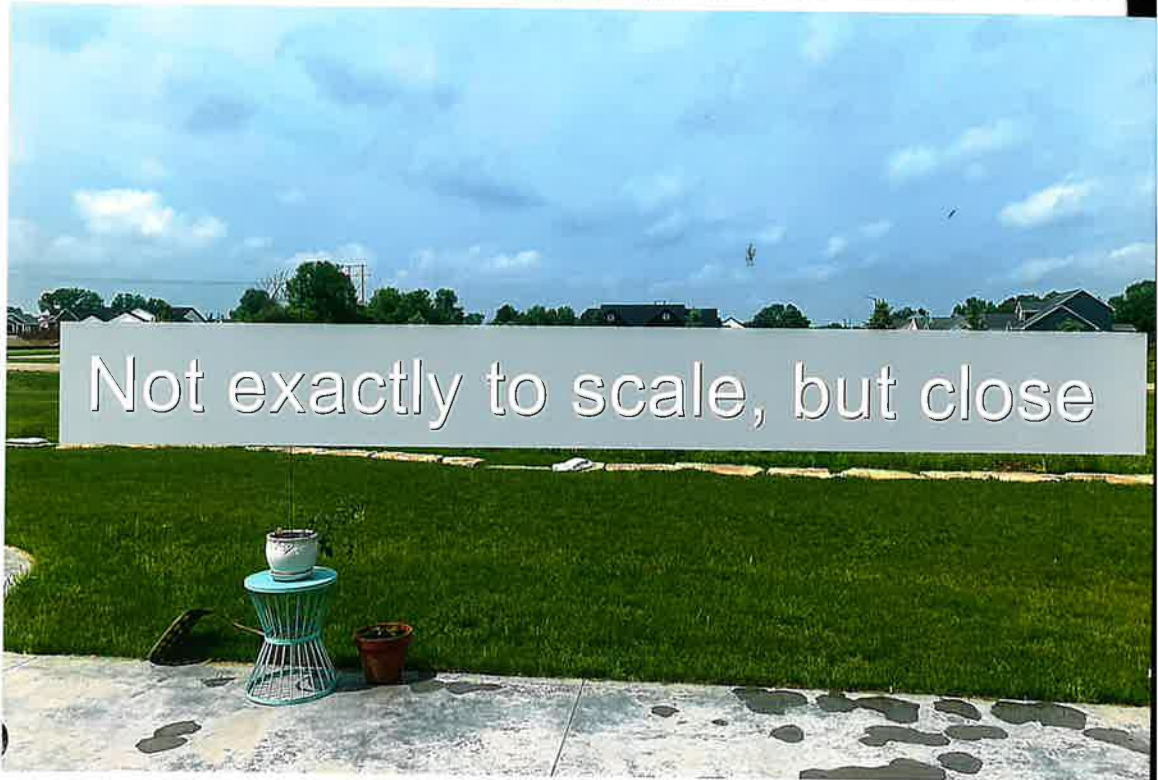


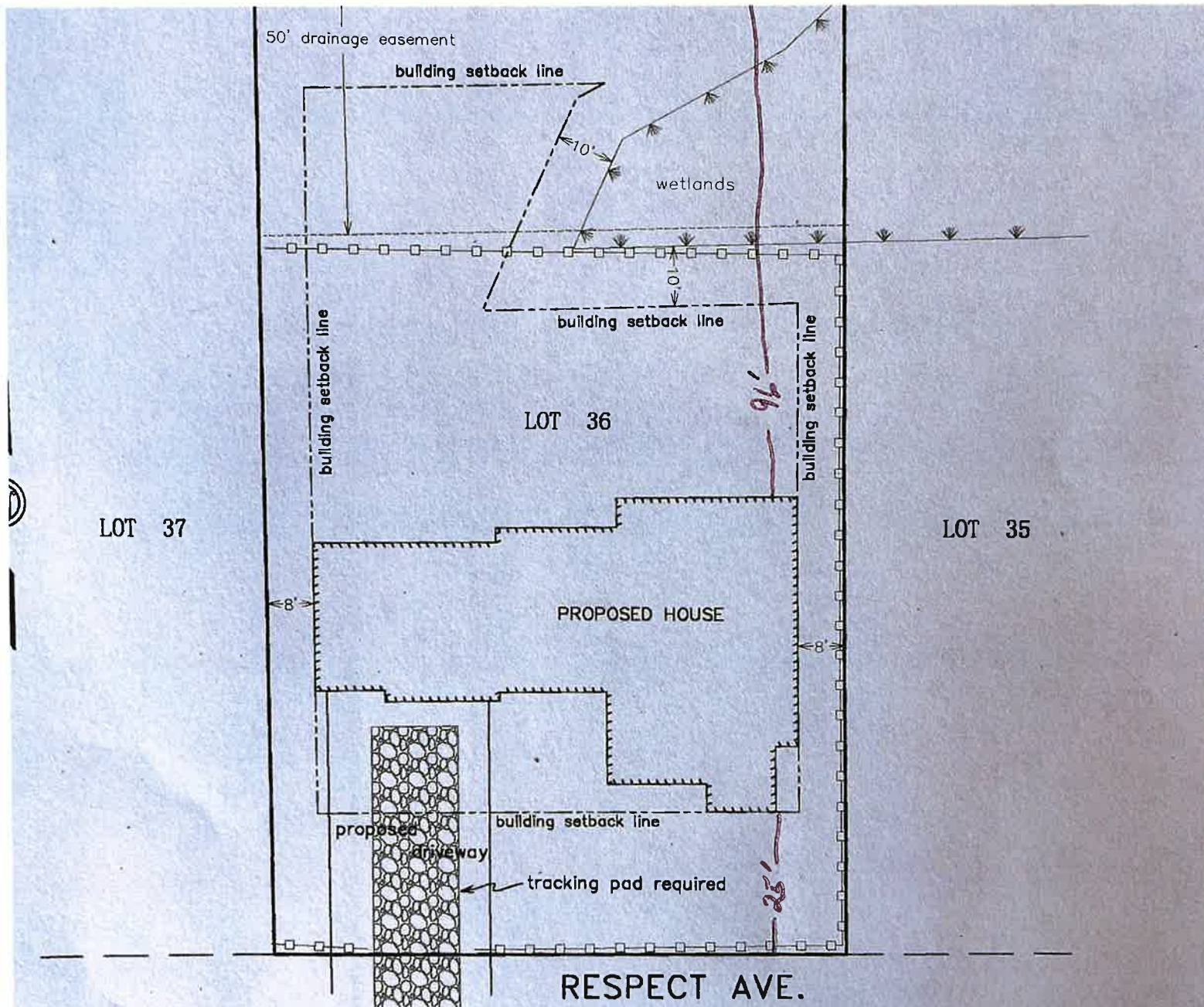
Respect Ave

Respect Ave

Respect Ave







LEGEND

- = Perimeter erosion control (silt fence or silt sock)
- ~ ~ ~ ~ ~ = Wetland boundary

NOTES:

1. House elevation shall be set to conform with surrounding houses and with drainage plan.
2. Final grade shall not block drainage along lot lines
3. Setbacks are per City of Neenah requirements. There may be additional setback requirements in the restrictive covenants.

SCALE: 1"=30'

APPROVED APRIL 15, 2019

C.T.H. "G"

TOWN OF VINLAND

CITY OF NEENAH

C.T.H. "G"

(N87°52'39"E)
N88°18'14"E

666.87'

30.07'

600.82' 19.00'

N88°33'20"E

VISION
CLEARANCE
AREA

10' BUILDING
SETBACK FROM
WETLANDS

DRAINAGE
EASEMENT
50'

WETLANDS DELINEATED BY
STACEY CAPLAN, McMAHON

N00°36'07"W

173.00'

37

20866 S.F.

174.76'

36

17550 S.F.

S00°36'07"E

176.23'

35

19795 S.F.

S10°10'38"W

183.66'

34

33473 S.F.

S44°33'54"W

33

31648 S.F.

310.25'

CITY OF NEENAH

TOWN OF VINLAND

231.24'

1314.62'

S89°23'53"W

290.00'

DEDICATED TO THE PUBLIC
N89°23'53"E

290.00'

30'

30'

30'

180.00'

110.00'

C14

C13

C10

C12

33'

33'

33'

5.74'
33'
"E

27.14'

R
.16E.
OUND

1015.18'

4 NE1/4









COUNTY RD G

50' Drainage Easement

HONOR ST

46' From Drainage Easement to Hous

RESPECT AVE

