

## **AGENDA**

### **NEENAH BOARD OF APPEALS**

**Monday, December 2, 2024**

**3:00 P.M.**

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

1. Approve meeting minutes of October 12, 2023.
2. Election of Chairperson
3. Variance Request – 216 4<sup>th</sup> Street – Section 26-178(2) – Side Yard Setback
4. 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**  
**Thursday, October 12, 2023**  
**4:00 p.m.**

**Members:**

Denise Burkett, Chairperson	ABSENT	Gail Dolan, Vice Chairperson	PRESENT	Robert Wedge	ABSENT
Ken Bonkoski,	PRESENT	Peter Allen	ABSENT	Jim Hemes	PRESENT

**Also Present:**

Brad Schmidt, Deputy Director of Community Development	Kayla Kubat, Administrative Assistant of Community Development	Richard and Connie Mullins, 631 Steven St Neenah
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**Roll Call and Declaration of Quorum:** Vice Chairperson Dolan called the meeting to order at 4:00 p.m. and indicated a quorum of the Board was in attendance. Vice Chairperson Dolan proceeded to read the Announcement of Proceedings for the Boards of Appeals meeting and swore in the applicant.

**Minutes:** MSC Hermes/Bonkoski, the Board, to approve the June 13, 2023 meeting minutes. All voting aye. Motion passed.

Vice Chairperson Dolan turned the floor over to Deputy Director Schmidt

**1. Variance Request – 631 Stevens Street – Section 21-38(c)(1) – Fence Height**

Deputy Director Schmidt went over the property in question. The applicant at 631 Stevens Street had installed a swimming pool and four fence panels that are roughly eight feet tall by 12 feet wide. The applicant did not get a permit to install the fence panels so there was enforcement action taken. The building code requires fences in rear or side yards that are on the property line not to exceed six feet in height. In this case, the fence panels are eight feet. However, if the fence is surrounding a pool, deck, or patio, any of the things listed in Section 21-38(c)(3), it can be eight feet tall, although, the fence needs to be six feet from the side or rear property lines. In this case, the applicant is requesting to keep the fence panels where they are and maintain the panels at eight feet tall and about one foot off the property line.

Deputy Director Schmidt turned the floor over applicant Richard Mullins.

Applicant Richard Mullins started to describe his property and why they are seeking this variance. He went over an area adjacent to his neighbor where the yard is crowned up and it is approximately two and a half to three feet taller than his neighbor’s yard. Due to this, when the adjacent neighbor is on his back porch, a six-foot-high fence would be three to four foot high from his perspective on the property. On the backside of his property towards Congress Street, it is about a two-to-two-and-a-half-foot difference in grade. Applicant Richard Mullins showed photos of the fence panels and where they are located on the property as well as where they are located by the pool and property line. Also, he showed a photo of the panel near his rear neighbor and explained how the bottom board is about 18 inches from the ground. Applicant showed a photo with the crown of his neighbor’s yard in relation to his yard. The main reason the applicant is asking for the variance is due to their unique lot with the grade levels. The applicant is looking at this variance to maintain the eight-foot-high fence sections on their property.

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Member Bonkoski asked how high the post is from the ground to the top. Applicant Richard Mullins stated it is eight feet. Member Bonkoski clarified the fence panel itself is not quite eight-feet. Applicant showed on photos where from the ground to the first board on the fence panel is about one foot to 18 inches. Member Bonkoski reiterated the fence panel itself is about six-and-a-half-feet.

Member Bonkoski asked how far from the outside of the pool to the lot line. Applicant stated there is about five-feet of concrete around the pool and then another eight-feet from the lot line for a total of about 13-feet.

Vice Chairperson Dolan asked if there was another fence around the pool. Applicant stated there is not another fence due to having an automatic pool cover. Vice Chairperson Dolan clarified there is not a fence around the pool to keep someone out of the pool. Deputy Director Schmidt responded the automatic pool cover functions as safety device when the pool is not in-use. Applicant explained the pool cover rolls out and has a key that needs to be inserted for the cover to roll back.

Member Bonkoski wanted clarification on how many feet it was from the lot line to the hole of the pool. Applicant stated it is 13-feet from the lot line to the edge of the pool. There is five-feet of concrete and another eight-feet. Member Bonkoski stated the Applicant has the six-foot requirement.

Member Bonkoski asked if the Applicant had considered a berm. Deputy Director Schmidt stated in the case of a berm, the established grade is looked at, not the raised grade.

Applicant Richard Mullins stated all four fence panels are the same design, six-and-a-half-feet of paneling on the eight-feet of cedar post.

Member Hermes asked if there is any way for applicant to manipulate the panels to be in compliance. Deputy Director Schmidt said the Applicant had some options, however the Applicant wanted to explore all the channels keeping the fence panels as is.

Deputy Director Schmidt showed some of the characteristics of the property via a topography map. This map gives a sense of where the applicants property is sitting lower to the adjacent properties. Since Neenah is relatively flat, a change in elevation like this is more noticeable.

Applicant Richard Mullins went over neighborhood homes and how their house was one of the first in the neighborhood. He stated it seems like many homes in the neighborhood built up lots prior to building after his home was already built.

Vice Chairperson Dolan asked why there was no permit pulled and asked if it was due to the landscaper not knowing. Applicant stated the landscaper did the pool work as well as the landscaping and when they returned to do the landscaping the need for a permit must have been missed, possibly due to the fact it was not a full fence. It is more of a privacy screens.

Member Bonkoski asked how many sections of fence panels there are and if any are in compliance. Applicant stated there are four panels and none are in compliance. Member

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Bonkoski clarified they are not in compliance due to being too close to the lot line. Applicant stated the fence panels are all within one foot of the lot line.

Member Hermes asked if there have been any complaints from neighbors. Deputy Director Schmidt stated no complaints have been received. Also, informed the Board, the property owners within 200-feet received a notice of this meeting and we have not heard from any of these property owners.

Member Bonkoski asked Deputy Director Schmidt what the City is recommending. Deputy Director Schmidt left out a recommendation as it seemed like this variance could go either way. The threshold to approve a variance is very high. Looking to see if the hardship is unique due to the physical limitations, not to the personal hardship of the applicant, which it seems like the applicant has made that determination. Also, making sure the variance will not harm the public. Since this is not a true border fence, it does not seem like this variance would be precedent setting. The panels do not have as much of an impact than a full boundary fence. Also, does unnecessary hardship exists, per the Applicant, due to his lot sitting lower than the adjacent lots it does function more like a six foot fence than an eight foot fence. Deputy Director Schmidt went over when discussing a variance, there is always concerns with precedent setting and when a similar situation comes forward. The Board should be consistent with these decisions.

Member Hermes asked if this is restricted to the back and side yards and it does not have anything to do with the streetscapes. Deputy Director Schmidt stated it does not have anything to do with streetscapes. Also, went over how this property owner is looking specifically at these fence panels versus a whole fenced in backyard and to keep that in mind when approving this variance.

Member Bonkoski suggested putting a termination on the fence panels, when the fence panels are removed, the variance ends. Deputy Director Schmidt stated the variance goes with the land but there could be a condition with the variance approval with privacy panels versus a boundary fence.

Member Bonkoski stated the Board could put a termination on the variance due to setting a precedent moving forward.

Member Hermes discussed if the variance is approved, it is due to the pool as opposed to the privacy. Deputy Director Schmidt stated it would help narrow down the variance approval to help with setting a precedent.

Vice Chairperson Dolan stated this is the unique due to the elevation with this property and the adjacent properties.

Applicant Richard Mullins stated he was in talks with a neighbor. Even though they do not live here full time, this neighbor wanted Applicant to put up a fence. Applicant stated they looked at the cost of putting a fence up and how only going up six-feet is not giving the neighbor the result they were looking for. Also mentioned when the pool was put in, there were some trees taken done. Since then, the Applicant did plan more trees, however, that will take time to grow back to

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full height to provide privacy. In the interim, the fence panels were installed to provide more immediate privacy.

Member Hermes stated, on the basis of the findings of fact, conclusions of law and the record this matter, the Board orders, the request to increase the maximum height of a boundary fence panels to eight feet on property located at 631 Stevens Street be granted subject to the following conditions and he stated he did not have any conditions.

Member Bonkoski wanted to amend the statement to state the maximum height of privacy fence panels surrounding the pool instead of a boundary fence, due to the need to be more specific and for the possibility of future variance requests. Vice Chairperson Dolan agreed with this change. Member Bonkoski also wanted to add an expiration of the variance if the pool is removed. Deputy Director Schmidt clarified the motion is stating the panels are tied with the pool and due to the pool location, there is not much flexibility with the panels.

**MSC Hemes/Bonkoski, on the basis of the findings of fact, conclusions of law and the record this matter, the Board orders, the request to increase the maximum height of the four existing panels to eight feet on property located at 631 Stevens Street be granted subject to the following condition:**

1. The fence panels shall be removed when the pool is removed.
2. The variance only applies to the fence panels surrounding the pool and don't apply to any future boundary fence or additional fence panels.

All voting aye (Hemes, Bonkoski, and Dolan). Motion passed unanimously.

**Announcements and Future Agenda Items:** None

**Adjournment:** The Board adjourned its meeting at 4:31 p.m. MSC Hermes/Bonkoski . All voting Aye. Motion passed.

Respectfully Submitted,



Kayla Kubat  
Administrative Assistant, Department of Community Development



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## M E M O R A N D U M

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**DATE:** December 2, 2024  
**TO:** Board of Appeals  
**FROM:** Brad Schmidt, AICP, Deputy Director  
**RE:** Variance – 216 4<sup>th</sup> Street – Sec. 26-178(2)

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### **Request**

Wildflower Development Group, LLC, is requesting a variance from Section 26-178(2) of the Zoning Code to construct a new single-family residence on property located at 216 4<sup>th</sup> Street.

### **Consideration**

Located along the west side of 4<sup>th</sup> Street and north of Lincoln Street, the subject parcel is currently undeveloped. However, a two-family residence (built in 1937) was located on the property before being demolished in 2017. The subject property is 46 feet wide by 150 feet long. The parcels along 4<sup>th</sup> Street were originally platted as 50-foot-wide lots. Two lots, including the subject property, are under 50 feet wide, and three exceed 50 feet in width. The rest are 50 feet wide.

The owner of the property is proposing to construct a new single-family residence. If the lot was 50 feet wide, a variance would not be required. The Zoning Code requires a minimum 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 12 feet. Neither side yard setback will be less than the minimum 6 feet, and the other setbacks (front yard and backyard) can be met.

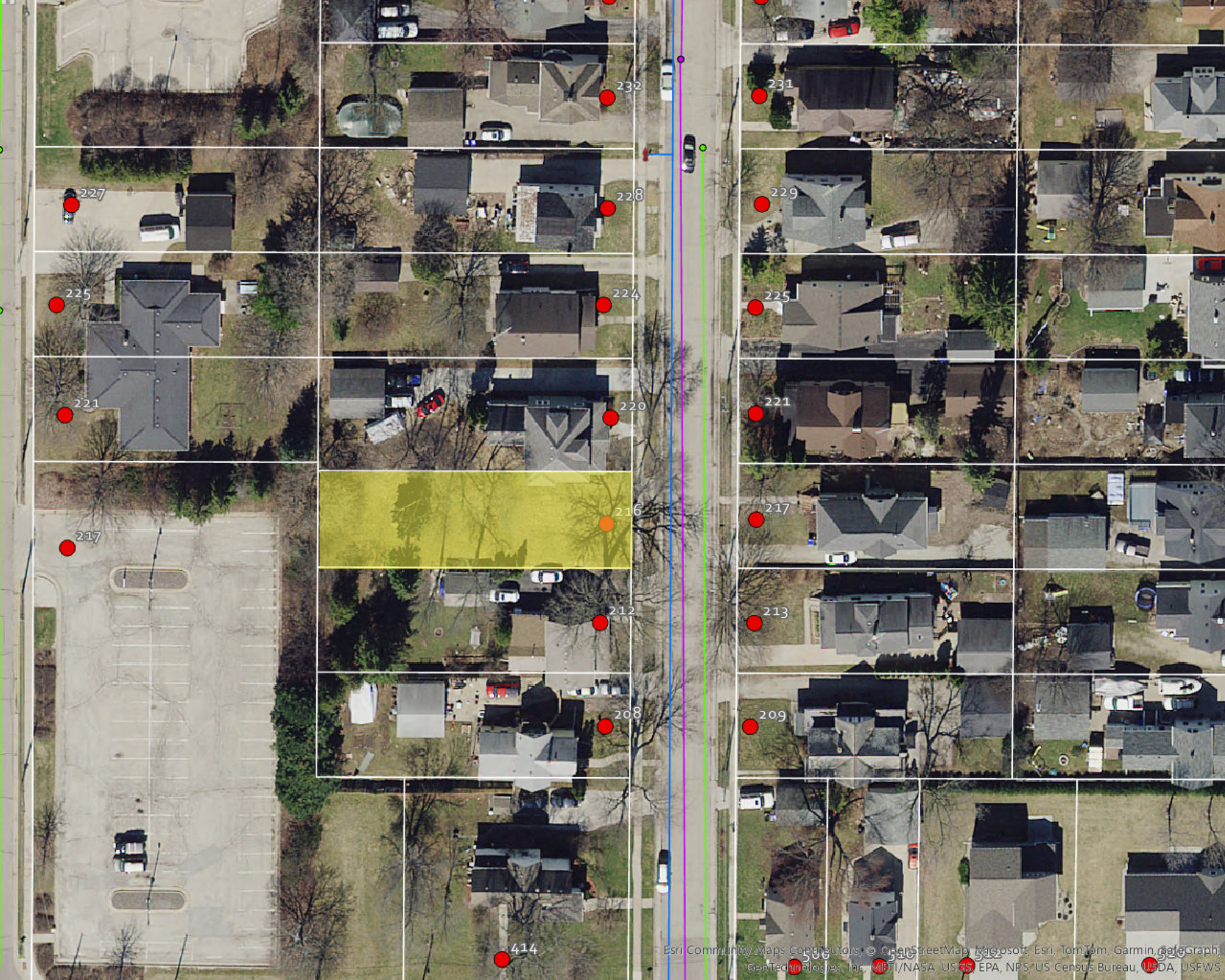
Without a variance, the applicant would be limited on their ability to place a single-family residence on the subject property. The small lot width is unique in this neighborhood, as most of the lots are at or above 50 feet in width. The Zoning Code requirements create an unnecessary hardship as the lack of lot width and the side yard setback requirement limits the types of structures that can be reasonably built on this lot. In fact, several of the houses along 4<sup>th</sup> Street are non-conforming to the current side yard setback requirements. Granting a variance would not have a negative impact on the surrounding neighborhood and the interests of the public. The purpose of the side yard setback requirement is to provide adequate space between structures. In this case, the applicant can still meet the minimum side yard setback of 6 feet. The Zoning Board of Appeals has approved similar variance requests on other substandard lots in the City. In 2021, 903 Henry Street was granted a variance for a reduced side yard setback. In 2020, 500 Lincoln Street was granted a variance for reduced front yard setbacks. Finally, in 2017, 503 Congress Street was granted a variance for reduced front yard setbacks. In all of these cases, the property (parcel) had substandard dimensions which limited reasonable use of the property without a variance to the Zoning setback standards.

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**Recommendation**

**Appropriate action at this time is for the Board of Appeals to approve the variance for 216 4<sup>th</sup> Street to reduce the side yard setback aggregate from 16 feet to 12 feet to construct a single-family residence.**





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# 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: Mitch Nordahl Wildflower Development Group, LLC	Name: Mae Hlub Yang
Mailing Address: 8701 County Rd M, Larsen, WI 54947	Mailing Address: 8701 County Rd M, Larsen, WI 54947
Email: mnordahl@wildflowerlandscapers.com	Email: myang@wildflowerlandscapers.com
Phone: 763-360-2907	Phone: 920-843-1021

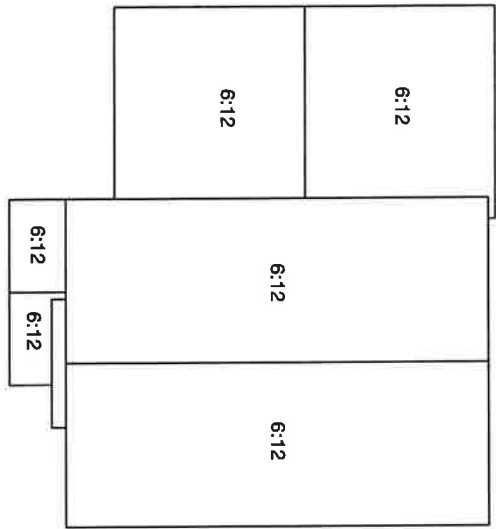
PROPERTY	
Site Address: 216 4th St. Neenah, WI 54956	Parcel Number (PIN): 80501350000
Current Use: Residential	Proposed Use: Residential
Current Zoning: R-2	Proposed Zoning: R-2

SITE PLAN	ZONING
Description of Proposed Project / Request: 2-story, 1 Car Garage, Residential home. The total minimum width setback of 16' does not allow a standard 1 car garage next to a single-family home limiting the design to build. The width of this property at 46' is identifiably smaller than the surrounding properties that average 50' W. We kindly request a total minimum width setback of 12' for this site with the required 6' side yards on each side.	
<input type="checkbox"/> Minor Site Plan <sup>1</sup> <input type="checkbox"/> Parking Lot <sup>3</sup>	<input type="checkbox"/> Rezoning <input type="checkbox"/> PDD Project Approval
<input type="checkbox"/> Major Site Plan <sup>2</sup> <input type="checkbox"/> Change of Use <sup>4</sup>	<input type="checkbox"/> Special Use Permit <input type="checkbox"/> TND Project Approval
<input type="checkbox"/> Telecommunications Tower	<input checked="" type="checkbox"/> Appeal or Variance <input type="checkbox"/> CH Project Approval
	<input type="checkbox"/> Future Land Use Map Amendment

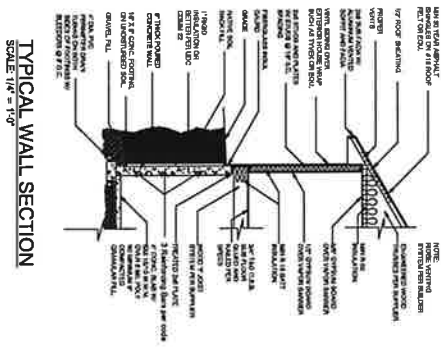
CERTIFIED SURVEY MAP / PLAT REVIEW	ANNEXATION
Property Identification / Legal Description: N/A	
Number of Lots / Outlots:	Temporary Zoning Requested: <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> City CSM <input type="checkbox"/> Preliminary Plat	If yes, Describe Request: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

11/11/2024	<i>Mae Hlub Yang</i> as agent of Wildflower Development Group, LLC
Date	Owner / Agent Signature (Agent acknowledges they can sign on property owner's behalf)

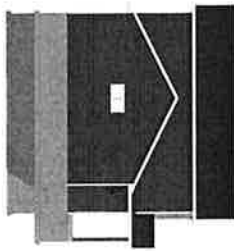
- 1: Minor Site Plan: Building addition less than or equal to 5,000 SqFt or less than 50% of existing building, parking lot addition greater than 10 parking stalls, construction of accessory structure.
- 2: Major Site Plan: New construction, building addition greater than or equal to 5,000 SqFt or more 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.



TOP ELEVATION  
SCALE: 1/8" = 1'-0"



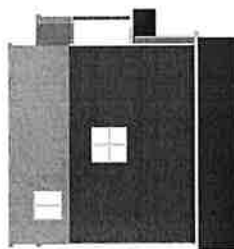
TYPICAL WALL SECTION  
SCALE: 1/4" = 1'-0"



LEFT ELEVATION  
SCALE: 1/8" = 1'-0"

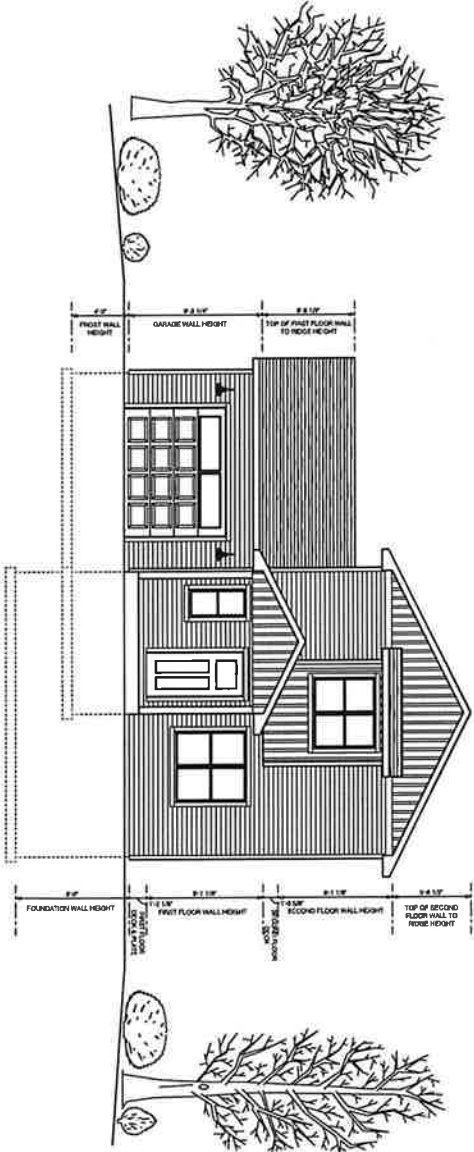


REAR ELEVATION  
SCALE: 1/8" = 1'-0"

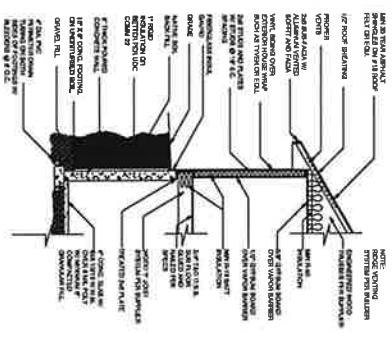


RIGHT ELEVATION  
SCALE: 1/8" = 1'-0"

HOUSE TO HAVE:  
1" OVERHANGS, U.N.O.  
1 1/2" GABLE RAKES,  
7" ROOFING FIBER  
CEMENT SHEET  
FINAL GRADING PER  
OWNER AND GC.  
STEP FOOTINGS PER  
FINAL GRADINGS.



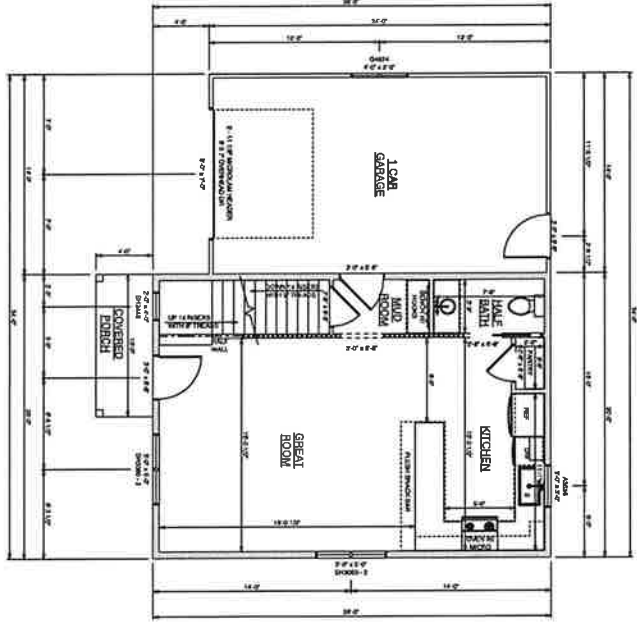
FRONT ELEVATION  
SCALE: 1/8" = 1'-0"



TYPICAL WALL SECTION  
SCALE: 1/4" = 1'-0"

DESCRIPTION	QTY	UNIT
FOUNDATION	1	FOOTING
FOUNDATION	1	FOUNDATION
FOUNDATION	1	FOUNDATION
FOUNDATION	1	FOUNDATION
FOUNDATION	1	FOUNDATION

FOUNDATION	FOUNDATION	FOUNDATION	FOUNDATION	FOUNDATION	FOUNDATION
FOUNDATION	FOUNDATION	FOUNDATION	FOUNDATION	FOUNDATION	FOUNDATION
FOUNDATION	FOUNDATION	FOUNDATION	FOUNDATION	FOUNDATION	FOUNDATION
FOUNDATION	FOUNDATION	FOUNDATION	FOUNDATION	FOUNDATION	FOUNDATION
FOUNDATION	FOUNDATION	FOUNDATION	FOUNDATION	FOUNDATION	FOUNDATION



FIRST FLOOR  
SCALE: 1/4" = 1'-0"

**SQUARE FOOTAGE:**

1ST FLOOR	960
2ND FLOOR	587
TOTAL	1,547
PAVING	355
SCREENS	350

**PLAN SPECIFICATIONS:**

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

**GENERAL INFORMATION:**

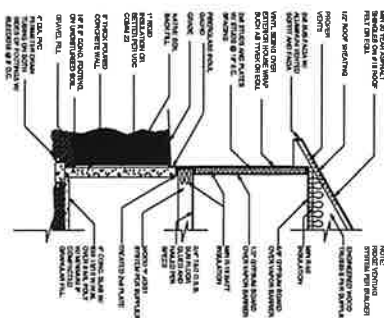
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**WINDOWS:**

ALL WINDOWS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. ALL WINDOWS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. ALL WINDOWS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

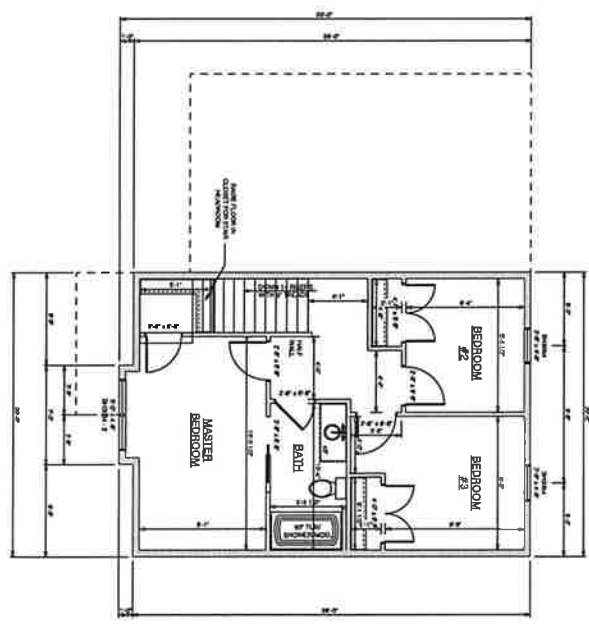
**GENERAL INFORMATION:**

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TYPICAL WALL SECTION  
SCALE: 1/4" = 1'-0"

ROOM NO.	ROOM NAME	AREA (SQ. FT.)	PERCENTAGE
1	1ST FLOOR	1,120	100%
2	2ND FLOOR	587	52%
3	3RD FLOOR	1,172	104%
4	4TH FLOOR	1,172	104%
5	5TH FLOOR	1,172	104%
6	6TH FLOOR	1,172	104%
7	7TH FLOOR	1,172	104%
8	8TH FLOOR	1,172	104%
9	9TH FLOOR	1,172	104%
10	10TH FLOOR	1,172	104%
11	11TH FLOOR	1,172	104%
12	12TH FLOOR	1,172	104%
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21	21ST FLOOR	1,172	104%
22	22ND FLOOR	1,172	104%
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91	91ST FLOOR	1,172	104%
92	92ND FLOOR	1,172	104%
93	93RD FLOOR	1,172	104%
94	94TH FLOOR	1,172	104%
95	95TH FLOOR	1,172	104%
96	96TH FLOOR	1,172	104%
97	97TH FLOOR	1,172	104%
98	98TH FLOOR	1,172	104%
99	99TH FLOOR	1,172	104%
100	100TH FLOOR	1,172	104%



SECOND FLOOR  
SCALE: 1/4" = 1'-0"

**SQUARE FOOTAGE:**

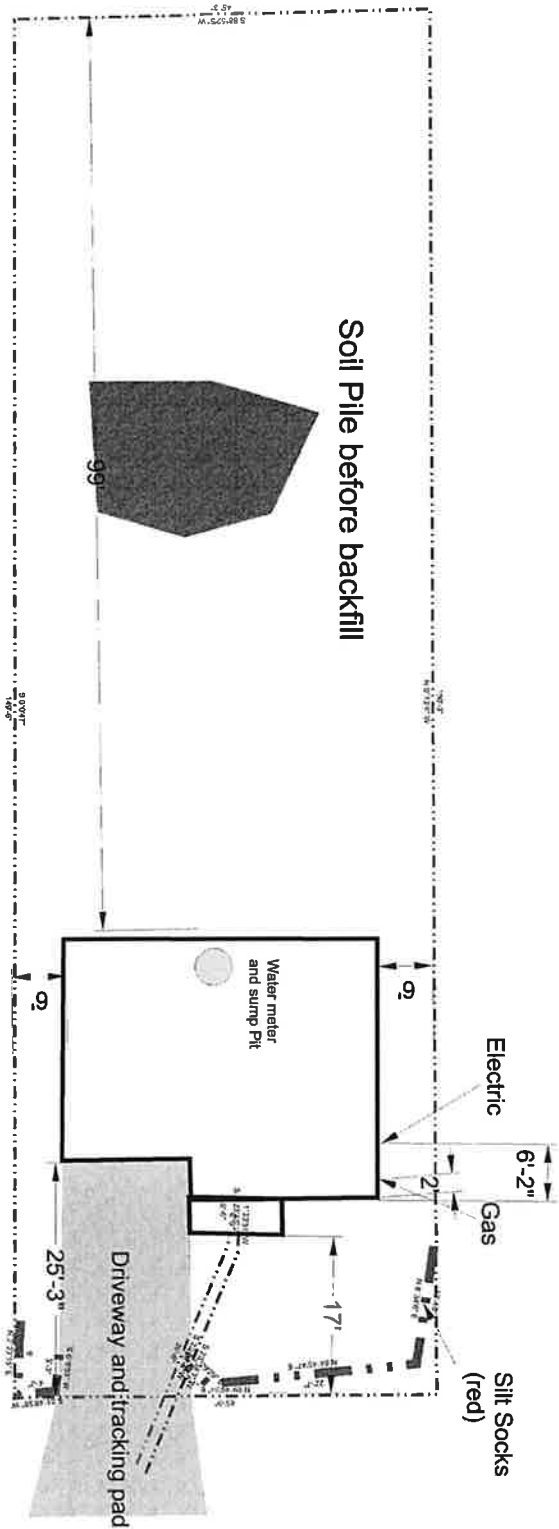
1ST FLOOR	1,120
2ND FLOOR	587
TOTAL	1,707
FUTURE	0
BASEMENT	0
CHANGE	0

**PLAN SPECIFICATIONS:**  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.  
**WALL INFORMATION:**  
 ALL WALLS SHALL BE CONSTRUCTED WITH 1/2" THICK CONCRETE BLOCK OR 4" THICK CMU. EXTERIOR WALLS SHALL BE FINISHED WITH 1/2" THICK GYPSUM BOARD OR 1/2" THICK FIBERGLASS INSULATION. INTERIOR WALLS SHALL BE FINISHED WITH 1/2" THICK GYPSUM BOARD OR 1/2" THICK FIBERGLASS INSULATION.  
**FLOOR SYSTEMS:**  
 ALL FLOORING SHALL BE 1/2" THICK CONCRETE SLAB ON GRADE. EXTERIOR FLOORING SHALL BE 1/2" THICK CONCRETE SLAB ON GRADE. INTERIOR FLOORING SHALL BE 1/2" THICK CONCRETE SLAB ON GRADE.  
**CEILING SYSTEMS:**  
 ALL CEILING SHALL BE 1/2" THICK GYPSUM BOARD OR 1/2" THICK FIBERGLASS INSULATION.  
**ROOF SYSTEM:**  
 ALL ROOFING SHALL BE 1/2" THICK CONCRETE SLAB ON GRADE. EXTERIOR ROOFING SHALL BE 1/2" THICK CONCRETE SLAB ON GRADE. INTERIOR ROOFING SHALL BE 1/2" THICK CONCRETE SLAB ON GRADE.  
**HEADERS:**  
 ALL HEADERS SHALL BE 1/2" THICK CONCRETE SLAB ON GRADE. EXTERIOR HEADERS SHALL BE 1/2" THICK CONCRETE SLAB ON GRADE. INTERIOR HEADERS SHALL BE 1/2" THICK CONCRETE SLAB ON GRADE.  
**WINDOWS:**  
 ALL WINDOWS SHALL BE 1/2" THICK CONCRETE SLAB ON GRADE. EXTERIOR WINDOWS SHALL BE 1/2" THICK CONCRETE SLAB ON GRADE. INTERIOR WINDOWS SHALL BE 1/2" THICK CONCRETE SLAB ON GRADE.  
**GENERAL INFORMATION:**  
 ALL DIMENSIONS SHALL BE IN FEET AND INCHES. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED.





Plan Legend			
Symbol	Qty	Common	Standard



**Wildflower Landscapers LLC**  
 8701 County Road M  
 Larsen, WI 54947  
 920-363-1580  
 Contact@wildflowerlandscapers.com

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Date \_\_\_\_\_  
 Job Number \_\_\_\_\_  
 Sheet # \_\_\_\_\_

**216 4th st. Neenah**  
 Wildflower Dev  
 Mitch - 763-360-2907

**SITE PLAN SHEET**

Designed by \_\_\_\_\_  
 Checked by \_\_\_\_\_

Name \_\_\_\_\_ Name \_\_\_\_\_

Graphic Scale  
 0 10 20  
 1" = 10'-0"

