

MINUTES OF THE NEENAH BOARD OF APPEALS
Thursday, June 26, 2025
4:00 p.m.

Members:

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

Also Present:

Brad Schmidt, Deputy Director of Community Development	Kayla Kubat, Administrative Assistant of Community Development	Gordon Stillings- 1806 Respect Ave Neenah
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Minutes: MSC Hermes/Allen, the Board, to approve the February 3, 2025 meeting minutes. All voting aye. Motion passed.

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.

Chairperson Burkett turned the floor over to Applicant Gordon Stillings.

1. Variance Request – 1806 Respect Avenue – Section 21-38(c)(1) – Fence Height

Applicant Gordon Stillings went over the aspects of his property. He states the rear of his property faces County Rd G. The applicant is wanting to place a fence at the rear of his yard, however, with a fence height of 8-feet instead of the fence height limit of 6-feet. With having two additional feet, he is hoping for noise reduction as well as privacy. The applicant states the north 50-feet of his lot is a drainage easement and there are also wetlands to the east. Neither would be affected by the placement of this fence. The applicant states with the slope of his lot towards County Rd G, a 6-foot would not create an adequate buffer to noise. He also discussed the speed limit on County Rd G is still 55mph with the speed reducing to 45mph at Woodenshoe Rd. There have been efforts made to reduce the speed limit on County Rd G, that have been unsuccessful, and he is unsure of it will be reduced in the future.

Applicant Gordon Stillings states he has talked with both immediate neighbors, and neither is opposed to his proposed fence height. He states both neighbors have left the most rear portion of their lots in a semi-natural state. The applicant has also done the same with his portion. He also has planted two chestnut trees, wildflowers and pollinator plants.

Applicant Gordon Stillings showed a photo of his backyard where there is a pavement patio, a stone wall and the drainage easement. He states he is unable to put a fence in the drainage easement. The stone wall was put in place to try and level out his backyard.

Deputy Director Schmidt went over how the code states any structure placed in the rear yard shall not exceed 6 feet of height. There is a provision in the code that allows for an 8-foot fence to enclose a patio, pool, or deck. He states there is an opportunity for the applicant to proceed

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with an 8-foot fence around his patio, however, the fence would need to come much closer to the home. Deputy Director Schmidt went over the drainage easement in the yard of the applicant and the three adjacent neighbors. This is a wide drainage easement to meet the drainage and stormwater needs of the subdivision. He showed an aerial view of the applicant's property with dimensions.

Chairperson Burkett asked if the applicant's lot lines go right up the drainage easement by County Rd G. Deputy Director Schmidt clarified where the property lines are and that the drainage easement is within his property. The applicant has left the portion closest to County Rd G of the drainage easement in a natural state.

Member Allen asked about the stone wall and if that is right at the edge of the drainage easement. Applicant Gordon Stillings stated yes, the stone wall is at the edge of the easement. Member Allen stated it looks like there is a small drop from the yard to the drainage easement. He asked if the applicant would be able to create a 2-foot berm with a 6-foot fence on the berm. Deputy Director Schmidt stated the code is interpreted that a fence must be at grade level and the grade cannot be disturbed. Applicant Gordon Stillings stated he does not want to disturb the current stone wall due to the initial cost of installing it. Member Allen asked if he needed to have the stone wall. The applicant states they did not need to have the stone wall, the thought of installing the stone wall was to level out the backyard.

Member Wedge states by looking at the photo, there was already a berm in place, and it was removed when installing the stone wall. He stated if a 6-foot fence was constructed at grade level, that is the 2-foot difference prior to placing the stone wall.

Chairperson Burkett clarified the applicant cannot disturb the elevation; however, he could place a 6-foot fence where the stone wall is now. Applicant Gordon Stillings states he could put a 6-foot fence on the home side of the stone wall; however, he states in doing so the yard will feel more enclosed than what was originally wanted. He showed on a photo where he would be able to put either a 6-foot or an 8-foot fence. He states he is trying to keep the fence further away from the home to maximize his yard space.

Member Bonkoski asked about building up the grade of the yard to accommodate only a 6-foot fence. Deputy Director Schmidt went over how there have been requests like this in the past. In this scenario, to meet the drainage needs of the neighborhood, these lots needed to have a slope to the drainage easement. He asked if the applicant has a unique situation since his neighbors also have the drainage easement in their rear yards that face County Rd G.

Applicant Gordon Stillings states he is unable to put in a berm and then plant trees and shrubs on top of the berm to help with privacy and noise since he is unable to disturb the elevation. He states this has been a solution for other homes that face County Rd G.

Chairperson Burkett asked how long the drainage easement has been in this location. Deputy Director Schmidt stated since around 2019-2020. Chairperson Burkett asked the applicant when he purchased this lot. Applicant Gordon Stillings stated the home was partially built when he purchased the lot in 2021.

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Deputy Director Schmidt discussed the difference between this subdivision versus other subdivisions near County Rd G, which is the drainage easement in the rear yard. Other subdivisions would be able to place a fence in the rear yard or a berm.

Member Bonkoski asked if the applicant could plant trees along the stone wall. He states possibly some evergreen trees planted in this area could provide a noise buffer and privacy. Deputy Director Schmidt states there is not a restriction on tree height, however, it would need to be a specific tree in order to handle the water of the drainage easement.

Deputy Director Schmidt stated there are physical limitations to the applicant's yard, however, these limitations are not unique to the applicant's property since the adjacent neighbors also have the drainage easement.

Applicant Gordon Stillings stated the speed limit does play a large factor into the noise in his backyard.

Deputy Director Schmidt went over that the threshold to approve a variance is very high. Looking to see if the hardship is unique due to the physical limitations, not due to the personal hardship of the applicant. He states there are unique limitations but asked if these limitations are unique to this property. Also, making sure the variance will not harm the public. Since this is not a true border fence and only a section of fence, it does not enclose the entire property. Lastly, he asked if unnecessary hardship exists. Deputy Director Schmidt states in this case, there are other options to accomplish noise reduction and the other concerns. He also went over when discussing a variance, there are always concerns with precedent setting and when a similar situation comes forward in the future. The Board should be consistent with these decisions.

Member Bonkoski discusses the noise issue and that a 2-foot difference in a fence is probably not going to make big a difference. He suggested trees as a buffer. Applicant Gordon Stillings states they had plans of purchasing 10-foot arborvitaes, however, at the time that height was not available. He also does not want to take up that much of his yard with large arborvitaes.

Chairperson Burkett asked how the chestnut trees were holding up with the water. Applicant Gordon Stillings stated they are doing okay with the wet weather.

Applicant Gordon Stillings showed a photo at eye level in his backyard. He then brought up the possibility of putting a fence by the patio since that could be 8-feet in height, however, that would break up his backyard.

Applicant Gordon Stillings states he didn't realize how loud the road noise was upon purchasing this property.

Member Wedge states if the applicant followed the current stone wall, then he'd accomplish the 8-foot fence. The fence would be more for privacy as opposed to noise. He states planting trees and shrubs would give the most benefit of the sound issue with unlimited height. Applicant Gordon Stillings states upon his research there really isn't much of a noise barrier with planting trees and shrubs.

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Member Wedge asked if the applicant has noticed an increase or decrease in the amount of traffic on County Rd G. Applicant Gordon Stillings states he is unsure but there is a lot more construction traffic due to the new developments in the surrounding areas.


Chairperson Burkett asked for any other comments or questions and closed discussion. No one in attendance spoke.

MSC Allen/Hermes, the Board, to approve the variance request for the applicant at 1806 Respect Avenue, to construct an 8-foot-high fence. All voting nay. Variance denied.

Announcements and Future Agenda Items: None

Adjournment: The Board adjourned its meeting at 3:32 p.m. MSC Allen/Hermes. All voting Aye. Motion passed.

Respectfully Submitted,

A handwritten signature in black ink that reads "Kayla Kubat". The signature is written in a cursive, flowing style.

Kayla Kubat
Administrative Assistant, Department of Community Development