



MEMORANDUM

To: Plan Commissioners
From: Community Development Department
Date: July 11, 2012
RE: Plan Commission Meeting Cancellation

There are no pending action/discussion items for the Plan Commission meeting scheduled for July 17, 2012. The meeting has therefore been cancelled.

Enclosed with this notice is correspondence regarding the variance approval for 701 Paris Street. There is no official action the Plan Commission needs to take regarding this notice; it is merely being sent to inform you of their decision as required by municipal code.

If you have any questions, please contact the Community Development Department.

Thank you.

C: Common Council



July 5, 2012

RE: Variance Approved for 701 Paris St, Parcel No. 5-00343-00

Dear Plan Commissioner:

Enclosed, please find a copy of the decision form, as signed by the City of Menasha Board of Appeals Chairperson, approving a requested variance from Sec. 13-3-20(a)(1) of the City of Menasha Municipal Code, allowing for the reduction in the required area of fill one foot above the regional flood elevation from 15 feet to a minimum of 8 feet at 701 Paris St, Menasha, WI.

If you have any questions, please contact me at khoman@ci.menasha.wi.us or 920.967.3652.

Sincerely,

Kara Homan, AICP
Principal Planner

C: City Clerk Galeazzi

Decision Form

City of Menasha Zoning Board of Adjustment/Appeals

Application/petition # 2012-01

FINDINGS OF FACT

Having heard the testimony and considered the evidence presented, the Board determines the facts of this case to be:

Filing Date: 5/27/12
Affidavit of publication/posting is on file.
Hearing Date: 6/25/12

A. The applicant or appellant is (name and address):
Steve Krueger, 943 Clowis Street, Menasha with
Paul Jensen and Karla Laudon, 423 Fourth Street,
Neenah acting as agents

B. The applicant or appellant is the owner/lessee/mortgagee of the following described property which is the subject of the application or appeal: SW 1/4 of SW 1/4, Section 14, T20N, R17E
City/Village/Town of Menasha, Winnebago County
known as (street address) 701 Paris Street, Menasha

C. The property is presently in use for single family and has been so used continuously since 1910

D. The property includes a nonconforming structure/use described as first floor below flood protection elevation and no provision for fill one foot above flood elevation extending 15' around the structure.

E. The property has been the subject of a prior appeal/variance/conditional use described as N/A

F. The applicant or appellant proposes (brief project description/attach plans): Raze the existing structure and build a new single family dwelling

- G. The applicant or appellant requests:
- an appeal of the zoning administrator's determination
- a conditional use/special exception
- a use variance
- an area variance under Section 13-3-20(1) of the ordinance.

The features of the proposed construction and property that relate to the grant or denial of the application or appeal are (refer to the language/standards of the ordinance):
Applicant is requesting to reduce the required area of fill one foot above the regional flood elevation from 15 feet to a minimum of 8 feet

CONCLUSIONS OF LAW

Based on the above findings of fact the Board concludes that:

Appeal/Interpretation - The order of the zoning administrator (is/s not) in excess of his/her authority because (or)

The zoning administrator's interpretation of Section _____ of the zoning code (is/is not) a correct interpretation because

Variance - The variance (does/~~does not~~) meet all three of the following tests:

A. The hardship (is/~~is not~~) due to physical limitations of the property rather than the circumstances of the appellant because

the lot was created prior to the effective date of the flood plain zoning ordinance and is a non-conforming lot with a width of 50 feet

B. The variance (~~will~~/will not) harm the public interest because

the reduction in the required fill area will not impact other properties adversely.

C. Unnecessary hardship

- For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests. This standard reflects the new Ziervogel and Waushara County decisions.
- For a use variance, unnecessary hardship exists only if there is no reasonable use of the property without the variance.

D. Unnecessary hardship (is/~~is not~~) present because

Absent the variance, the building dimensions would be severely restricted, effectively making the lot unbuildable.

Conditional Use - The application for a conditional use permit (does/does not) qualify under the criteria of Section _____ of the ordinance because

ORDER AND DETERMINATION

On the basis of the above findings of fact, conclusions of law and the record in this matter the board orders:

Appeal/Interpretation - The zoning administrator's order/interpretation of the zoning code or map is (affirmed/modified/reversed) and the administrator is ordered to:

Variance/Conditional Use - The requested (variance/conditional use) is (~~denied~~/granted/~~granted in part~~) subject to the following conditions/mitigation:

1. The fill area one foot above the regional flood
2. elevation extend a minimum of 8 feet around
3. the structure.
4. The existing structure shall be razed within
5. 60 days of the property being transferred

The zoning administrator is directed to issue a zoning permit incorporating these conditions and certifying by the petitioner/applicant's signature that he/she understands and accepts the conditions.

Expiration of permit. Any privilege granted by this decision must be exercised within NA months of the date of this decision after obtaining the necessary building, zoning and other permits for the proposed construction. This period will be extended if this decision is stayed by the order of any court or operation of law.

Revocation. This order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action in certiorari in the circuit court for this county within 30 days after the date of filing of this decision. The municipality assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30-day period.

City of Menasha Zoning Board of Adjustment/Appeals

Signed Christopher N. Evenson
Chairperson

Attest Deborah A. Haleazzi
Secretary

Dated: 6/28/12

Filed: 6/28/12