

**MINUTES OF THE NEENAH BOARD OF APPEALS**  
**Tuesday, June 16, 2026**  
**4:00 p.m.**

**Members:**

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

**Also Present:**

Brad Schmidt, Deputy Director of Community Development	Kayla Kubat, Administrative Assistant of Community Development	Kelly Nieforth- Director of Community Development
Bob Delso- 1418 Whittier Dr Neenah	Jane Delso- 1418 Whittier Dr Neenah	Heather Higgins- 1433 Whittier Dr Neenah
Troy Noel- 324 Bosworth Ln Neenah	Lisa Noel- 324 Bosworth Ln Neenah	Olivia Noel- 324 Bosworth Ln Neenah

**Minutes:** MSC, Bonkoski/Hemes the Board, to approve the June 26, 2025 meeting minutes. All voting aye. Motion passed.

**Roll Call and Declaration of Quorum:** Chairperson Burkett called the meeting to order at 4:00 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.

**1. Variance Request – 324 Bosworth Lane – Section 26-152(1) – Front Yard Setback for an Accessory Structure**

Deputy Director Schmidt went over the variance request of 324 Bosworth Lane from Section 26-152(1). The applicant is requesting a variance to reduce the front yard setback for an accessory structure, a shed, from the required 25 feet to eight feet.

Chairperson Burkett swore in the applicant Troy Noel and turned the floor over to the Applicant.

Applicant Troy Noel stated the request for a variance is due to wanting to maintain a shed on their property. Their property has extensive landscaping from the previous owner. He went over the current landscaping including mature trees and a pond. He showed photos of an established tree line along the property that does not seem to obstruct drivers. The applicant thought the area where the shed was placed was their side yard and didn't realize corner lots have two front yards. In thinking this area was the side yard, the applicant thought the shed was in an appropriate spot. He stated several neighbors did not know the shed was on the property until receiving a letter regarding the variance.

Chairperson Burkett swore in the applicant Lisa Noel and turned the floor over to Applicant. Applicant Lisa Noel stated in this space previously was an extensive jungle gym that was there for many years. Now that their daughter is 20, the jungle gym is not needed. She stated the reason

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for the shed is not to store lawn equipment but to have a peaceful place for meditation and to enjoy their backyard with the pond and wildlife. She does not consider this area a part of their front yard.

Deputy Director Schmidt went over the zoning code and setbacks with a corner lot compared to an interior lot. Corner lots have two side yards and two front yards. On a corner lot, the side yard setbacks for an accessory structure is three feet. He went over locations for where the shed could go based on the setbacks on a photo. Deputy Director Schmidt stated there is a lot of landscaping on their property but looking at the setbacks, he highlighted where the shed could be placed where the setback is met.

Applicant Lisa Noel stated in looking at the highlighted area where the shed could go, there is hardscape, a pond, retaining walls and gardens that would need to be moved. Applicant Troy Noel also stated there would be a need to remove trees due to the root system.

Chairperson Burkett asked if a building permit was needed for this project. Deputy Director Schmidt stated yes and they did not get one.

Member Allen asked how the shed was brought to the City's attention. Deputy Director Schmidt stated the city inspections department had worked with the applicant, but wasn't sure if they received a complaint or if the building inspectors saw the shed. The applicant was working with the inspectors to determine an acceptable location, and the variance was brought up as an alternative option.

Applicant Troy Noel filed an open records request with the city and police department, and it came back with no complaints.

Member Allen stated there was no request for a permit since typically when a permit is requested, the location of the shed would have been on the permit application. Chairperson Burkett stated if they had applied for a permit, the location issue would have come up. Deputy Director Schmidt stated if the permit application had come in, our inspectors would have said the shed was not in an allowable location.

Member Allen asked how the city became aware of the shed since it was not through the permitting process. He asked if there was a complaint. Deputy Director Schmidt stated he was not sure if it was a complaint received by our inspections department or if the inspections department saw it when they drove past the property. Once the shed was known, the process started to work with the inspections department and get a permit but the applicant wanted to try the variance process first.

Applicant Troy Noel stated they have a signed letter by all adjacent neighbors saying that they approve of the shed.

Member Dolan asked if there was a slab poured. Applicant Lisa Noel stated no and there are also no electricity and no plumbing.

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Chairperson Burkett asked about a neighborhood covenant that addresses these issues. Deputy Director Schmidt stated the city does not regulate neighborhood covenants.

Chairperson Burkett asked about the jungle gym that was in that space previously. Applicant Troy Noel stated it was an open two-story structure.

Member Hemes stated normally these come up when there are neighborhood complaints, which he does not see in this request.

Member Dolan stated this is not the first time there has been confusion with the two front yards with corner lots. She stated it seems most people are not aware of it.

Applicant Troy Noel stated since it cannot be seen from the road due to the tree line, he said he is okay with maintaining the tree line so that it is not visible and would be willing to work with the city if that is acceptable.

Chairperson Burkett swore in the resident Heather Higgins and turned the floor over to this resident.

Resident Heather Higgins is a neighbor and stated there is no issue with vision clearance with the tree line.

Chairperson Burkett explained in the Board's deliberations and when deciding whether to grant the variance, there are three tests to look at for the request. The first is the presence of a unique physical limitation. She stated there needs to be something unique about this lot that distinguishes it from other lots. The next test is if the request would harm the public interest. The last test is whether an unnecessary hardship exists when compliance with the setback standards unreasonably prevents the owner from using the property or would render conformity with such restrictions unnecessarily burdensome. She stated these are state regulations.

Member Bonkoski asked if the previous jungle gym would have fallen under the setback rule as well. Deputy Director Schmidt stated any structure, pool, playset, swimming pool are prohibited in the front yard so it probably would have been in a similar situation.

Deputy Director Schmidt stated when reviewing variances, careful consideration should be made by the Board to ensure the variance is tied to unique characteristics of the property so as to not set precedent. Chairperson Burkett stated variances run with the land and not with the owner, so whoever buys this property in the future, they will have this variance on this lot. Deputy Director Schmidt stated the Board can approve the variance, approve with conditions or deny the variance.

Member Allen understands that there was no building permit and that the shed is there already. He then asked how the request fits against the third test.

Chairperson Burkett read the third test language again.

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Member Allen then stated the shed could be an unreasonable hardship since it is already on the property. Chairperson Burkett stated that would be a self-created hardship and not considered. Member Allen then asked what an example of a legitimate hardship would be.

Chairperson Burkett and Deputy Director Schmidt gave examples of what a true hardship would be.

Member Allen stated the issue is not how the shed looks or the location, it is the precedent that it sets for the future. Deputy Director Schmidt went over if this variance is granted and another property in the same circumstance comes along but the shed is not as attractive, it doesn't matter what the shed looks like, it is the uniqueness or the characteristics of the property.

Chairperson Burkett went back to the Board and the need to decide on whether all three tests have been met.

Deputy Director Schmidt went over the tests and outlined what was in his memo. He stated the physical limitations would be this property is on a corner lot which is different than an interior lot, however, there are many corner lots in the city. He stated the shed is not harming the public interest in any way with the location and landscaping around it. Lastly, there are locations on the property where the shed could be moved to. There could be challenges with removing trees and landscaping, but it is not a hardship.

Chairperson Burkett turned it to the board for comments.

Member Dolan stated whether the neighbors like the shed or not is irrelevant for granting the variance or who made the city aware of the shed is irrelevant. It is up to the Board to say if it meets the variance criteria or not and to not set a precedent moving forward.

Deputy Director Schmidt stated if this is approved, the hardship needs to be specific and outlined to avoid a precedent.

Member Hemes stated that there does seem to be a hardship with the corner lot. Deputy Director Schmidt stated there are a lot of corner lots in the city. He stated the difference here is the landscape and the shed cannot be seen from the road. But in the future if someone puts in landscaping on a corner lot, then they would be allowed to put up a shed.

Member Allen asked about the precedent going forward if this is approved. Deputy Director Schmidt stated that if there is another variance request in the future that meets these same conditions, the Board should act in good faith and approve the variances like they were approved in the past.

Member Bonkoski brought up hardships in the past and that we don't want to set a precedent and then create lawsuits or problems down the road.

Chairperson Burkett swore in the applicant Olivia Noel and turned the floor over to this applicant.

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Applicant Olivia Noel stated the shed would be difficult to move due to all the landscaping and pond. She asked where the shed could be moved on their property. Chairperson Burkett stated it is hard to tell on an aerial photo where an appropriate spot would be.

Applicant Troy Noel pointed out on an aerial photo showing all the landscaping. He showed where the pond is, mature trees, retaining walls and hardscape is. He stated there is not much grass in their backyard.

Member Hemes stated he feels like this is a unique situation and wanted to approve the motion.

Member Allen wanted to go through the tests again. Deputy Director Schmidt went over his opinion of each test again as mentioned previously.

Chairperson Burkett closed the discussion.

**Motion by Member Dolan, to approve the variance request for the applicant at 324 Bosworth Lane, to reduce the front yard setback for an accessory structure. The motion was seconded by Member Hemes. 2-2 vote with Members Dolan and Hemes voting aye and Member Bonkoski and Chairperson Burkett voting nay. Member Allen abstain.**

Member Allen asked about precedent and if it is possible to make the case that this is a hardship based on factors that can be described. Deputy Director Schmidt stated the precedent is more if this variance is granted and a similar request comes up and it is denied. Chairperson Burkett also stated if they do not get a permit and put up a shed and then need to come before the Board.

Member Allen asked if someone put up a plastic shed 10 feet from the road with no trees, is that not a different circumstance. Deputy Director Schmidt stated it is important to go through what the differences are. If this variance is approved and a similar request comes up again without the landscaping, the Board needs to show that this request and future requests are different.

Member Bonkoski stated the law is clear and precedents cannot be set. There have also been requests where variances could not be granted and there were financial consequences.

Member Allen asked if a request came through with a plastic shed, would the Board be able to say that this request and a future plastic shed would not be the same thing. Deputy Director Schmidt stated the type of structure does not matter, it comes down to the property itself and how unique it is.

Applicant Lisa Noel stated she feels like her backyard is very different from others in the city and there would be financial hardship to move the shed.

Deputy Director Schmidt stated the variance could be approved based on conditions.

Discussion was had about what conditions could be placed on the variance.

Members Dolan withdrew the motion.

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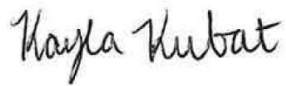
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Motion by Member Allen, to approve the variance request for the applicant at 324 Bosworth Lane, under the conditions that the current owners hold title to the property and the existing tree barrier remains in place. If the property is sold or the tree line is removed, the variance is no longer valid. The motion was seconded by Member Hemes. 4-0 vote with Members Dolan, Hemes, Allen, and Bonkoski voting aye. Chairperson Burkett abstains.

Announcements and Future Agenda Items: None

Adjournment: The Board adjourned its meeting at 4:48 p.m. MSC Hemes. All voting Aye. Motion passed.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Kayla Kubat".

Kayla Kubat

Administrative Assistant, Department of Community Development