



APPLICATION: VARIANCE FORM

This application is required if you are seeking a variance from the Municipal Zoning Code. Please note that a hardship must be demonstrated for variance requests to be considered. Information on variances can be found in Section 17.50(3)(b) of the Municipal Code.

Petitioner Information:

Name: Nate Luedtke

Mailing Address: 300 Kelso Rd Kaukauna, WI 54130

Phone Number: 920-737-8119

Email: nluedtke@straightlinerefrigeration.com

Property Owner Information (If Not Petitioner):

Name: Anthony J. Penterman - Mayor

Mailing Address: 144 W. 2nd Street Kaukauna, WI. 54130

Phone Number: 920-766-6373

Email: mayor@kaukauna.gov

Property Information:

Site Address/Location: Oak Grove Road, Lot 7, Kaukauna, WI 54130

Lot Dimensions and Area: 185,490 sf (4.26 ac.)

Current Zoning: Industrial

Please explain your proposed plans and the specific ordinance(s) you are requesting a variance from:

The petitioner proposes to construct a storage building on the property. The petitioner is requesting a 20-foot variance from the required front yard and side yard setback ordinance(s) to allow construction within the reduced setback, as the buildable area of the lot is significantly constrained by an on-site 50-foot wetland buffer and floodplain/ordinary high water mark (OHWM) building restriction along the rear of the property.

Describe why you feel there is "unnecessary hardship". How does complying with the petitioned ordinance standard unreasonably prevent you from using the property for a permitted use, or renders conformity with such restrictions unnecessarily burdensome:

Strict compliance with the standard front and side yard setback requirements would leave insufficient buildable area on this lot. A 50-foot wetland buffer and floodplain/OHWM restriction consume a substantial portion of the parcel's usable depth, and without the requested 20-foot setback reduction, the remaining developable footprint is not adequate to accommodate a reasonably sized storage building for the property's permitted industrial use. Compliance with the full setback as written is therefore unnecessarily burdensome given these physical site constraints.

Describe any special circumstances that apply to your lot or structure that do not apply to adjacent properties:

The lot contains wetlands and is located within or adjacent to the 100-year floodplain, which is not a condition present on other similarly zoned industrial parcels in the surrounding area. This unique natural constraint substantially reduces the buildable envelope of this property compared to adjacent properties that are not subject to the same wetland and floodplain limitations.

Describe how the stated hardship is not self-created:

The wetland and floodplain conditions are pre-existing natural features of the property and were not created by any action of the petitioner or property owner. These environmental constraints existed prior to the petitioner's involvement with the site and are outside the petitioner's control.

Describe how you feel the granting of this variance would not harm public interests, considering the general purpose of the ordinance and the specific provision being petitioned:

The requested 20-foot variance applies only to the front and side yard road setbacks and does not affect the wetland buffer or floodplain protections, which remain fully intact and undisturbed. The variance will not increase impervious surface beyond what is shown on the approved site and grading plan, and will not adversely affect public safety, drainage, or access. The relief requested is the minimum necessary to allow a reasonable industrial use of the property, consistent with the general purpose of the zoning ordinance.

Additional Requirements: A site plan must be submitted with this application, showing the entire affected parcel, all structures, lot lines, and streets with distances to each. The site plan may be hand drawn. Additional information may also be requested as may be appropriate per the proposal being made.

Variance Fee Schedule: \$100.00

Please Note: The City of Kaukauna will **never** request payment for an application in the form of a wire transfer. All payments are to be made by check to the City of Kaukauna (address below) and are due when the application is submitted, prior to review.

Signature of Petitioner: 

Signature of Owner (If Not Petitioner):  - Mayor

Date Submitted to the City of Kaukauna: 9-4-2026

Please submit by email to planning@kaukauna.gov or by mail to:

City of Kaukauna

Attn: Planning and Community Development Department

144 W Second Street

Kaukauna, WI 54130

FOR DEPARTMENT USE ONLY:

Date Application Received: 9/4/2026

Payment Received: N/A

Payment Receipt #: N/A

Board of Zoning Appeals Approval:

Signature of Planning & Community Dev. Staff:

Legal Standards for Variance

As a potential applicant for a variance, you should be aware of the legal standards the Board of Appeals will use to evaluate your request. State law makes clear that variances are not to be granted routinely, as doing so would undermine the purpose of the zoning ordinance. It is the applicant's burden to show that all required standards are met.

To justify the granting of a variance, you must show: (1) an unnecessary hardship exists; (2) the unnecessary hardship is caused by a unique property limitation; and (3) a variance would not be contrary to the public interest. The following principles, drawn from Wisconsin case law, guide the Board of Appeals in applying these standards:

- 1. Unnecessary Hardship:** What constitutes an unnecessary hardship depends on the specific facts of each case. The Board must consider the following:
 - a. An unnecessary hardship exists when, without the variance, the owner can make no feasible use of the property, or strict compliance with the ordinance is unnecessarily burdensome.
 - b. The hardship must be unique to the property in question and different from conditions affecting other parcels in the same zoning district.
 - c. Loss of profit or increased development costs alone are not grounds for a variance.
 - d. Self-imposed hardships—conditions created by the owner—are **not** grounds for a variance.
- 2. Unique Property Limitation:** The hardship must arise from physical characteristics of the property itself, not from the personal circumstances of the applicant. Examples include steep slopes, wetlands, or irregular parcel shapes that make compliance with the ordinance impractical.
- 3. Protection of the Public Interest:** Granting the variance must not harm the public interest or undermine the purpose of the zoning ordinance. The Board of Appeals may impose reasonable conditions to ensure the public welfare is protected. Any variance granted should provide only the minimum relief necessary to allow a reasonable use of the property.



STAFF REVIEW

BOARD OF APPEALS September 30, 2026

ITEM #1 411 Oak Grove Road Kaukauna – Nate Luedtke: Straight Line Refrigeration
300 Kelso Road Kaukauna, WI 54130

General Description/Background

ADDRESS OF AFFECTED PARCEL: 411 Oak Grove Road Kaukauna, WI 54130

The applicant is requesting a variance to build a storage building. The proposed front yard setback for the Oak Grove Road side is 20 feet, whereas Kaukauna Municipal Ordinance Section 17.25 (5) (a) Minimum dimensions. (3) requires a 25 foot front yard setback. The proposed front yard setback for the Farrell Road side is 20 feet, whereas Kaukauna Municipal Ordinance Section 17.25 (5) (a) Minimum dimensions. (3) requires a 25 foot front yard setback.

The surrounding land use pattern can be described as follows:

The areas to the north, south and west are zoned Industrial with industrial uses.
The areas to the east is not in the City of Kaukauna and is agriculture in nature.

Analysis/Recommendation for Findings of Fact

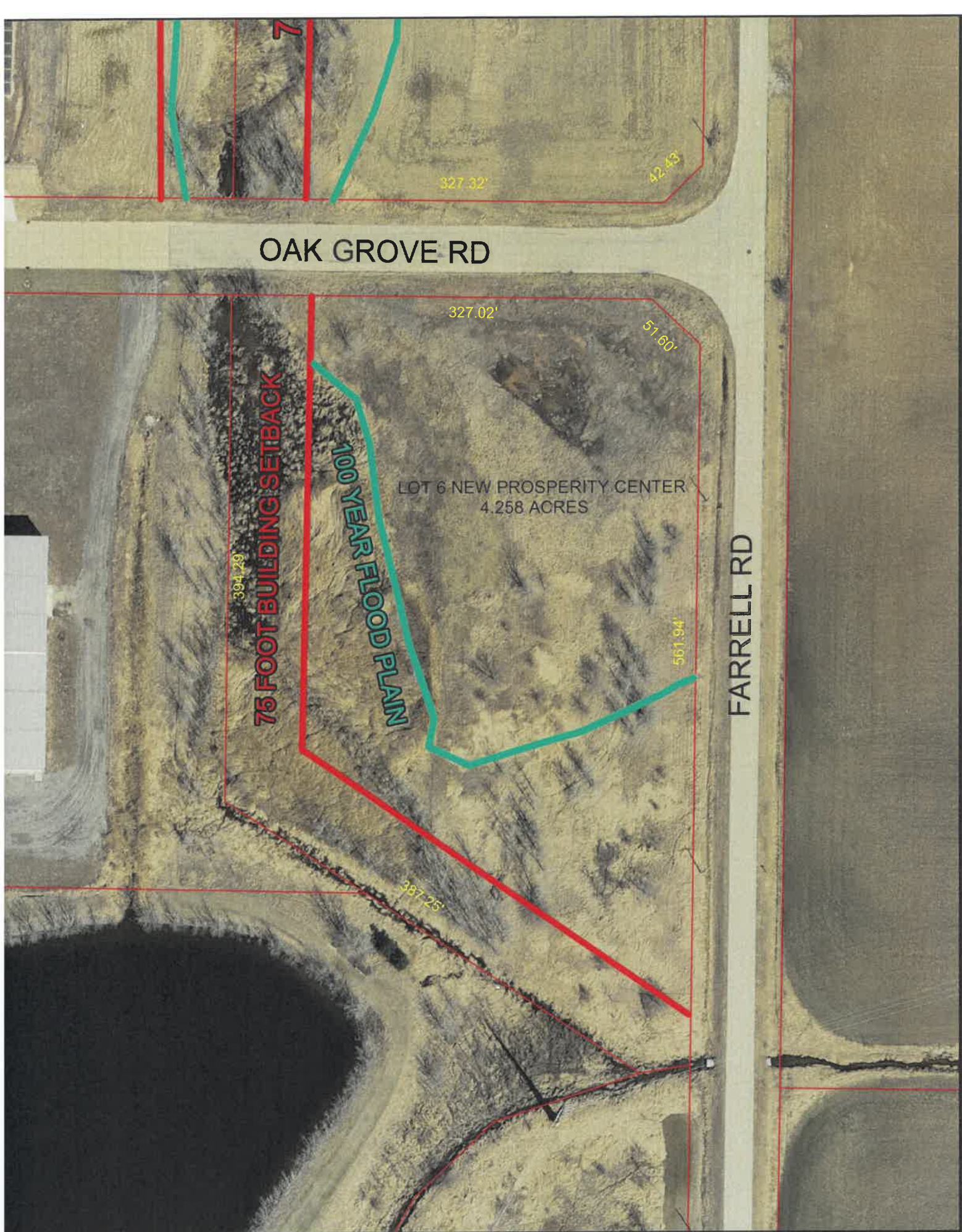
In reviewing a variance request, the following questions should be addressed. Is there an unusual or unique characteristic about the subject property which creates a hardship? Is the hardship self-created? Is the variance being requested the least possible to remove any hardship? Will granting of the variance have a considerable adverse impact on the neighboring properties?

This property does have an unusual or unique characteristic which creates a hardship. fifty-five percent of this lot is unbuildable due to the floodplain and stream setback on the west and south side of the lot.

This hardship is not self-created in the sense that the setback from the stream and the flood plain are not the fault of the applicant but the nature of the way the lots were laid out at the time the business park was created. It is self-created by the layout and building size the applicant wishes to construct on the lot.

The variance that is being requested is the minimum amount needed to allow the construction of the proposed building.

Granting of this variance will not have considerable impact on the neighboring properties due to the industrial nature of the area and the somewhat isolated location of this lot.



OAK GROVE RD

LOT 6 NEW PROSPERITY CENTER
4.258 ACRES

75 FOOT BUILDING SETBACK

100 YEAR FLOOD PLAIN

FARRELL RD



TEMPORARY
SAC TO BE
N ROAD IS
ARRELL RD.

75' BUILDING SETBACK
FROM ORDINARY
HIGH WATER

0°43' W 1,125.97'

0°43' E 1,117.57'

ROAD

UNPLATTED LAND
SYLVESTER A. & T.
VANZEELAND

288.00'

327.02'

N 00°49'17" E 461.50'

8

3.147 AC
137,093 SQ. FT.

7

4.258 AC
185,490 SQ. FT.

75' BUILDING SETBACK
FROM ORDINARY
HIGH WATER

37'

398.30'

40' DRAINAGE EASEMENT

WETLANDS

UTLOT 1

6.878 AC
1,599 SQ. FT.

N 71°32'00" E
120.20'

N 46°30'00" E
85.00'

N 24°00'00" E
66.00'

OUTLOT 2

FARRELL
ROAD
S 00°49'17" W
2,682.10' (TOTAL)

APPROXIMATE WATER
687.6 (HIGH)
(DATE OF SURVEY)

1,054.95'

S 00°49'17" W

WETLANDS

N 73°19'26" E
109.68'

S 19°58'30" W
96.15'

N 30°00'00" E
71.00'

465.71'

493.01'

12.28'

S 81°24'46" W
39.69'

256.35'

N 56°35'07" W
387.25'

561.94'

335.42'

75'

547.16'

51.60'

139.46'

42.43'

49.77'

