

**Item 25-0815: 3029 N. Ballard Road Applicant was issued a Notice of Noncompliance for violation of Section 4-141(a) of the Municipal Code, which requires accessory buildings over 100 sq. ft. to be placed on a concrete slab**

Board of Building Inspection

Wed, Jul 16, 2025 10:00AM

**Mayor Jake Woodford** 03:49

We have no public hearings or appearances scheduled today, so we'll take up our action item. This is 25-0815, 3029 North Ballard road applicant was issued a notice of non-compliance for violation of Section 4-141(a) of the Municipal Code, which requires accessory buildings over 100 square feet to be placed on a concrete slab. Applicant does not accept inspection supervisor Kurt Craanen's description or interpretation of the ordinance. And so that is what we will take up. And to get us started let's get a motion on the table, on the floor, and then we can, we can have a an overview and get into discussion. So, we need a motion. We have a motion to deny. We have a motion and a second to deny, and now we've got the item before us. Why don't we get started with an overview from staff and then I understand we have the applicant with us so be happy to take a statement. So, let's get started, and we'll hand this off to Kurt Craanen. Your mic, please. All right, go ahead.

**Supervisor Kurt Craanen (Inspections)** 05:07

So, I did do a staff memo, and also chief Henson also provided a memo that should be in the file, but basically, our office received a complaint about a shed that was built without a permit. The applicant did—when we contacted him in August of 2024, he did come in and fill out an application, which is on the screen here, for a shed that was 8 by 12. So, there was no mention of a concrete slab because it wasn't over 100 square feet. After we had the initial inspection, we realized it was 120 square feet. So, then I did contact the owner, and we—I think we talked in December, and he then went to Arizona for the winter. So, we—I issued a notice of non-compliance, gave him an extension 'til spring, then the second notice went out to the owner, and then he had recently contacted me, and I said, "Well, it's still—our orders are still open." And he came into the office and wanted to apply for a variance. So that's where we are.

**Mayor Jake Woodford** 06:12

All right. Be happy to take your statement now. Go ahead.

**Richard Hollnagel (Variance Applicant)** 06:16

Good morning. My name is Rich Hollnagel. As you said, I live on 3029 North Ballard road. I come in conflict with this ordinance last August, as Kurt has explained. This all started—I call it the Civil War of Ballard Road. I have four neighbors to the north that were in conflict with the city on similar ordinances. The one next to me was a driveway compliance. The second one was a, let's see, another fence—a actual fence violation. The third one was a front sidewalk issue. And the fourth one, where I think the whole situation started, was the city—he was in violation of a fence code, and the city made him remove it. And I think in the four neighbors, somebody became spiteful and turned me in on the south side.

**Richard Hollnagel (Variance Applicant)** 07:41

Kurt's got pictures. I—this building has not—I believe your ordinance is more pertaining to a garage foundation built situation. I have a storage shed that's on skids that sits on 48 square feet of cement pavers. And I thought, man, I was doing a good thing, because I don't like anything sitting on the ground myself. However, it came that I—over the fall, I become in this situation, and I—my storage shed has been there now this year, it's going on four years, And I've never had a complaint about it.

**Richard Hollnagel (Variance Applicant) 08:38**

I would like—there was some—Kurt I had some question. They said that would be the 10, 100 square feet versus 120 square feet—what is—I forgot to ask you in our meeting the other day, what is a variance or gray area between 100 square feet and 120 square feet. Where does that—where does that lie on situation? Could I have a building that's 115 square feet still be in compliance?

**Mayor Jake Woodford 09:16**

Go ahead.

**Supervisor Kurt Craanen (Inspections) 09:17**

Like, like many building codes, you're going to have to have some kind of cut off, some kind of threshold to make decide when—how much is too much or too little. So, over the years, there's been some changes to this ordinance, but it's always been 100 square feet for sheds needing concrete slab—as long as I've been here. There's been some changes to the code, but—is it arbitrary? Yeah. And there's no standard on why it's 100 square feet. I guess that's my answer to you is that, like, just, that's the City Council decided that's big enough of a building that we want it on a concrete slab.

**Supervisor Kurt Craanen (Inspections) 09:47**

We had to make other decisions like this, like, what's a garage? How big is a garage? We just decided 150 square feet is going to be a garage, and that's what we, you know, recommend the code change to, for example. Say, okay, because we have references to garages versus sheds. So just our city council—or I'm sorry, city code, over the years, have just used those standards,

**Mayor Jake Woodford 10:08**

And Chief Hansen's memo, which was included in the materials, also should—shines a light on some of the rationale behind requirements for concrete slabs. Anything else you'd like to say?

**Richard Hollnagel (Variance Applicant) 10:22**

Yeah, like I—they say the violation is in the paver has to be a concrete slab, and there's 48 square feet of concrete on there, 12 square feet on each pad. And I don't see the justification that I would lose, but I don't see anything where there'd be an advantage to the city of Appleton that I paid for or outlaid of cost for the other square footage to become a complete cement pad.

**Mayor Jake Woodford 10:57**

All right.

**Richard Hollnagel (Variance Applicant) 11:00**

And another—if I may, continue.

**Richard Hollnagel (Variance Applicant) 11:03**

It says on the bottom of the code section—on the bottom, it says "full description of code section specified, see the municipal code at Appleton website, or at the state codes at Wisconsin website." I looked on the website and the state code—and I don't know why the difference in Appleton is so stringent on the 120 square feet, because in the code on Wisconsin, the square feet of a minimum building size is 150 square feet. If it's under 150 square feet, the state says I can put it on a pad of gravel, or I could put it on four cement blocks, or I could put it on the pavers or cement and so forth. And I was—I just had a conflict with that, with that ruling for the state of Wisconsin.

**Mayor Jake Woodford** 11:03

Please.

**Richard Hollnagel (Variance Applicant)** 12:18

I'm not—the building's been there for years. I'm not trying to get away with anything, but I'm kind of just begging for the variance. I don't know if you've seen the pictures, but it's all landscaped, and there's metal or there's a wire screen around the bottom, and then there's a foil, aluminum, solid screen around the base. And then it's landscaped, the landscape stone. So, I guess I'm more or less begging that I can have a variance and not go through all the hard work that I put into it.

**Mayor Jake Woodford** 13:02

All right. Thank you. I have a few questions. First of all, do you dispute that the dimensions of this building, as built are 10 by 12?

**Richard Hollnagel (Variance Applicant)** 13:13

No, I don't. It's 120. It's 10 by 12. But it was a purchased building. If it was a structured building like the ordinance says in the garages, if I had a 10 by—if that would have been a built 10 by 12 permanent site, more than—I'm more than willing—I would have certainly had a kind of a full concrete slab under it, because I sure wouldn't want to be sitting in the dirt or whatever.

**Mayor Jake Woodford** 13:44

Okay, so you do not dispute that it's 120 square feet?

**Richard Hollnagel (Variance Applicant)** 13:48

No.

**Mayor Jake Woodford** 13:48

And as you've already mentioned, the building is not on a concrete slab as it currently sits. Is that right?

**Richard Hollnagel (Variance Applicant)** 13:57

Not in your description, no, but—

**Mayor Jake Woodford** 13:59

Okay. With respect to accessory buildings, I—there was some commentary during the testimony here about the def—I would say, the definition of an accessory building. So how is the how is an accessory building defined in the code?

**Supervisor Kurt Craanen (Inspections)** 14:19

I can pull up the code. Think I have it right here. The accessory building definition that we'll use is in the zoning code. I can pull it up just so I can read it to you, but basically, it's anything attached to the ground, permanently attached to the ground.

**[Richard Hollnagel says something off microphone.]**

**Mayor Jake Woodford** 14:52

Let's let Inspector Craanen pull this up and then we can—

**Richard Hollnagel (Variance Applicant) 14:55**

Sorry.

**Mayor Jake Woodford 14:55**

That's okay.

**Supervisor Kurt Craanen (Inspections) 14:56**

So, an accessory building means a subordinate building, the use of which is incidental to or customary in connection with the principal building, structure, or use, and which is located at the same lot with the principal building, structure, or use. Examples of accessory buildings include, but are not limited to, attached garages, detached garages, attached carports, detached carports, sheds, and gazebos. That's accessory building. Okay. Now, did you also ask about accessory structure?

**Mayor Jake Woodford 15:25**

We're referencing here garages and accessory buildings, so I think, for our considerations, that that's what we're working with here. Please, you had something to add.

**Richard Hollnagel (Variance Applicant) 15:37**

I forgot what I was gonna say.

**Mayor Jake Woodford 15:39**

Okay, that's all right.

**Richard Hollnagel (Variance Applicant) 15:40**

My memory is good, but it's short.

**Mayor Jake Woodford 15:43**

Understand. So, another question—in your permit application, you stated that the building was going to be eight by 12. So why in the end—

**Richard Hollnagel (Variance Applicant) 15:56**

I'm sorry, it's 10 by 12, Mayor.

**Mayor Jake Woodford 16:00**

No, I understand—I understand what ended up being constructed. My question is, why did you apply for a smaller building than you ended up placing there?

**Richard Hollnagel (Variance Applicant) 16:14**

I don't know—what was that?

**Mayor Jake Woodford 16:15**

So on, on your application here, this this dated—let me see....

**Supervisor Kurt Craanen (Inspections) 16:22**

It's up on the screen.

**Mayor Jake Woodford** 16:24

Okay, thank you. Yeah. August 20 of 2024, under project type you noted 8 by 12 shed and again restated it under building size information, the first floor of which would be eight by 12 for a total area of 96 square feet. My question is, why on your application did you state that this would be an eight by 12 shed and then ultimately put up a 10 by 12?

**Richard Hollnagel (Variance Applicant)** 16:51

I'm not aware. That was never written by me.

**Mayor Jake Woodford** 16:55

Well, it—we have the—we have the permit application up here on the screen, and it's in our materials. So, this is what was received by the city, and—

**Richard Hollnagel (Variance Applicant)** 17:09

I didn't fill that out.

**Mayor Jake Woodford** 17:14

It says—we have a applicant signature on the form.

**Richard Hollnagel (Variance Applicant)** 17:17

I signed it, but I didn't make out the form.

**Mayor Jake Woodford** 17:20

Okay. Well, you signed the form—

**Richard Hollnagel (Variance Applicant)** 17:25

Correct.

**Mayor Jake Woodford** 17:26

—and attested to the information that was—

**Richard Hollnagel (Variance Applicant)** 17:29

Evidently, I didn't read it thoroughly.

**Mayor Jake Woodford** 17:31

Okay, so that that was just a question I had, was why on the form would it state that you're building an eight by 12 and then you ended up building or placing a 10 by 12 structure. But—

**Richard Hollnagel (Variance Applicant)** 17:46

Yeah, I apologize for that, but, like I said, I probably completely ignored that part by not reading it.

**Mayor Jake Woodford** 17:56

Okay.

**Richard Hollnagel (Variance Applicant)** 17:57

Yes, ma'am.

**Mayor Jake Woodford 18:00**

Let me get a mic. Go ahead.

**Director Kara Homan (Community And Economic Development) 18:03**

For my understanding, this shed had existed for three or four years.

**Richard Hollnagel (Variance Applicant) 18:09**

It's going on.

**Director Kara Homan (Community And Economic Development) 18:10**

When you were planning the initial shed placement, did you have a thought that perhaps a permit may be needed and that you should call the city and figure out?

**Richard Hollnagel (Variance Applicant) 18:21**

No, I was totally unaware of the of the ordinance at the time, and I thought I was more to myself than anybody that I complied, that it was a sufficient foundation that would meet any basic need for the duration of however it's there.

**Mayor Jake Woodford 18:57**

So—just so I understand then, when did the shed go in?

**Richard Hollnagel (Variance Applicant) 19:02**

Oh, it's going on the fourth year. I'd have to look it up.

**Mayor Jake Woodford 19:06**

The 2020, '21 or thereabout, you'd say?

**Richard Hollnagel (Variance Applicant) 19:09**

Yeah, about somewhere in there.

**Mayor Jake Woodford 19:11**

Okay, so that I understand the sequence of events then, shed goes in in 2021 exists for a couple of years, and then you're served with a notice of non-compliance from the Inspections Division at the city. And so then went through the permitting process to bring the building into compliance, but in submitting that form, which you attested to whether you personally fill this out or not, you attested to the information on the form which stated an 8 by 12 shed when the shed that was in place was, in fact, 10 foot by 12 foot, which exceeds the limit for requiring a concrete slab. So, I—do I have that sequence of events correct?

**Richard Hollnagel (Variance Applicant) 20:01**

Correct. Like I stated, I'm not—wasn't aware that that was marked 8 by 12.

**Mayor Jake Woodford 20:08**

Okay. Attorney Behrens.

**Attorney Christopher Behrens 20:16**

Were you—you were not aware when you built the shed that you needed a permit? Is that correct?

**Richard Hollnagel (Variance Applicant) 20:21**

Sir, I didn't bill the shed. It was transported to my property.

**Attorney Christopher Behrens 20:25**

By—with your permission.

**Richard Hollnagel (Variance Applicant) 20:28**

Yes, yes, sir.

**Attorney Christopher Behrens 20:29**

Okay. So, would you agree then that you didn't know you needed a permit when you transported the shed to your property?

**Richard Hollnagel (Variance Applicant) 20:36**

Correct.

**Attorney Christopher Behrens 20:37**

Would you agree that if you had contacted the city to find out if you needed a permit, at that point in time, you could have also learned that you needed a slab before placing it on your property?

**Attorney Christopher Behrens 20:50**

And this would have been about four years ago, when you were in the process of moving?

**Richard Hollnagel (Variance Applicant) 20:50**

No, that that would have been when I got back from Arizona and got the second, the second violation. So somewhere that code or that variance of that ordinance disappeared from the website.

**Richard Hollnagel (Variance Applicant) 20:50**

Correct. However, when I first—I don't know how it disappeared or what, but there—I did look it up when they came to the house, and I looked up to the ordinance on the city website. And the city website said, in plain view that a 10 by 10 shed met the met the code, however it all—and then it went on to say a 10—over 10 by 20 had to be on a cement slab, period. There was no information. It didn't say what kind of slab. It didn't say what code reference. It did not say anything pertaining to the ordinance. When I came back from Arizona, I re-looked up that code or that ordinance, and somehow, out of whatever that that code disappeared from the website.

**Attorney Christopher Behrens 20:52**

May I continue?

**Mayor Jake Woodford 20:52**

Please.

**Attorney Christopher Behrens 20:52**

Mr. Craanen, and are you aware of any recent changes that would have been reflected in the code regarding the shed?

**Supervisor Kurt Craanen (Inspections) 21:01**

No. I'm going to assume—I don't know; I can't speak to what he looked up or what he Googled, but I'm guessing this is the document that we put on the website for sheds. It's been there for several, several years.

**Attorney Christopher Behrens 22:58**

You've been here for more than several years.

**Attorney Christopher Behrens 23:00**

You would have been made aware of any changes, since this falls directly under your purview, correct?

**Supervisor Kurt Craanen (Inspections) 23:00**

Yes.

**Supervisor Kurt Craanen (Inspections) 23:06**

Yes, yeah. We did have some changes in the website, but I think this is the form we've had probably longer than the four years we're talking here. And we do it—we don't—when we have this informational documents, we just put the information. We don't try to put code sections, because that just gets wordy, you know. So, we just kind of say, here are the standards. Feel that they're clear. Of course, if anyone wants to look the section up, it's the code section's up at the top of this of the form.

**Mayor Jake Woodford 23:37**

Attorney Behrens, there was an issue raised during the testimony about a discrepancy between the state and municipal codes with respect to requirements for concrete slabs. In this case, is the city in any way preempted from creating its own ordinances or requirements for structures within—or buildings within the city?

**Attorney Christopher Behrens 24:02**

No. Not, not in this particular case. And there are certain situations where municipality can be more restrictive or implement stricter requirements for this, but....I can deflect to Mr. Craanen to answer more, but I'm not aware of any kind of conflict with this regulation or any kind of preemption with regard to this regulation from the city standpoint.

**Richard Hollnagel (Variance Applicant) 24:32**

It also says in the state code that a municipality is entitled to adjust their codes to whatever situation it is.

**Mayor Jake Woodford 24:44**

Okay. Okay, further questions or discussion from the board?

**Richard Hollnagel (Variance Applicant) 24:56**

One more statement on this thing. If a—the building measure's 120 square feet, and if you would grant the variance, or if you refuse the variance, as if I could—I'm sure if I just removed two feet off the back of the building, I would be in compliance with the ordinance. However, I'm just begging that you would grant the variance.

**Mayor Jake Woodford 25:33**

Thank you. So now the board is going to deliberate. So, we're going to move out of our sort of back-and-forth conversation now. We've, we've gathered the information, both from the written materials, from your testimony, and from the discussion we've been having, but at this time, we're going to, we're going to deliberate, so we're not going to be in a back-and-forth conversation now. If we have additional questions, we'll certainly ask you as we go through deliberations. Okay?

**Richard Hollnagel (Variance Applicant) 26:00**

Thank you.

**Mayor Jake Woodford 26:00**

Okay. All right, we'll open the floor for deliberations of the board. Anything, chief, that you'd like to? All right, go ahead.

**Battalion Chief Derek Henson (Fire Department) 26:20**

So, I think the intent of that code section is very clear, that the intent is to have concrete shed—or concrete slabs underneath all sheds, and then I think it carves out two specific exceptions for that. One of those exceptions is for sheds less than 100 square feet. It might actually be worded 100 square feet or less, and those ones would not require a concrete slab, and then sheds 50 square feet or less than would not require a permit at all. So, I think the intent of that section is very clear that they want—the city council wanted a concrete slab underneath all sheds when they adopted that ordinance. So that's my reasoning for seconding of the denial.

**Mayor Jake Woodford 27:08**

Say, what I've what I've heard so far, is that it's not in dispute that the shed as it exists is out of compliance. The dimensions of the shed are not in dispute. The nature of the slab or is not in dispute. From my perspective, the mechanics of the of the reporting doesn't make much difference in this case, because what we have is a, to me, a clear situation of a building not in compliance. I have not heard anything that would suggest there are appropriate equivalencies for this under the code, nor have I heard that there's a defined hardship other than the matter of cost and inconvenience that would compel us to consider a variance. And so, I—from my perspective, I struggle to see how we can, in good conscience, issue a variance in this case, given the facts that have been presented. But again, while we are in discussion. If there's anything any member would like to add, please do so.

**Mayor Jake Woodford 28:26**

All right, we have a motion and a second to deny. All those in favor, please signify by saying aye. Chair votes aye. The variance has been denied.

**Mayor Jake Woodford 28:39**

All right. If you have questions about compliance and timelines after the fact, sure Inspections Supervisor Craanen would be happy to speak with you about that.

**Richard Hollnagel (Variance Applicant) 28:51**

Thank you.

**Mayor Jake Woodford 28:53**

Thank you.