



Department of Development and Land Services
Planning & Zoning | GIS & Land Information

320 S. Walnut St | Appleton, WI 54911
Outagamie County Government Center, 3rd Floor
Phone: 920-832-5255 | Fax: 920-920-832-4770
www.outagamie.org

AGENDA

**OUTAGAMIE COUNTY BOARD OF ADJUSTMENT
FRIDAY, DECEMBER 5, 2025 – 8:30 A.M.
COUNTY BOARD ROOM – LEVEL 2
COUNTY GOVERNMENT CENTER
320 S. WALNUT STREET
APPLETON WI 54911**

- I. 8:30 A.M. MEETING CALLED TO ORDER
- II. ELECT CHAIR FOR BOARD OF ADJUSTMENT, PURSUANT TO 54-885(a) OUTAGAMIE CO. CODE OF ORDINANCES
- III. APPROVAL OF MINUTES FROM MARCH 15, 2024
- IV. PUBLIC HEARING
 - a. Variance Request for Point of Beginning, applicant on behalf of Beverly A. Lehrer Revocable Living Trust, owner, PL202500508; Town of Buchanan

THE BOARD OF ADJUSTMENT MAY ELECT TO GO INTO CLOSED SESSION PURSUANT TO CHAPTER 19.85(1)(a), WISCONSIN STATUTES, TO DELIBERATE THE ABOVE APPLICATION(S) FOR VARIANCE OR APPEAL.

- V. ADJOURNMENT

CC: County Clerk
Legislative Services
Petitioner(s)

Accommodation Notice:

Any person requiring special accommodation who wishes to attend this meeting should call (920) 832-5255 at least 48 hours in advance.



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**DRAFT MINUTES
BOARD OF ADJUSTMENT
FRIDAY, MARCH 15, 2024**

Members Present: George Fickau, Diane Wessel, Melissa Kraemer Badtke

Others Present: Kevin Englebert, DLS Director
Isaac Uitenbroek, DLS Zoning Administrator
Cassie Ingalls, DLS Administrative Assistant
Austin Dyb, DLS Land Use Specialist
Claire Ebben, DLS Land Use Specialist
Kyle Sargent, Corporation Counsel
Roy Hegard
Joe Schumacher
Luke Bergmann
Cheryl Bergmann
Stephen Bergmann
Andy Derks

I. Meeting Called To Order

THE MEETING WAS CALLED TO ORDER BY G. FICKAU AT 8:30 A.M.

II. Minutes of the May 19, 2023 Board of Adjustment Meeting

MOTION: AT 8:31 A.M. M. KRAEMER BADTKE /D. WESSEL MOVED TO APPROVE THE MINUTES OF MAY 19, 2023. MOTION CARRIED 3-0.

III. Variance Request for Luke Bergmann, applicant on behalf of Cheryl and Steven Bergmann, owners, PL202400074; Town of Ellington

Zoning Administrator Isaac Uitenbroek presented the staff review regarding the Steven & Cheryl Bergmann Variance Request for tax parcel 080084000. Staff recommendation is denial of the variance application as requested.

The following spoke on this request:

Luke Bergmann
Stephen Bergmann
Joe Schumacher
Andy Derks
Roy Hegard

MOTION: AT 9:14 A.M. G. FICKAU/ M. KRAEMER BADTKE MOVED TO CLOSE THE PUBLIC HEARING. MOTION CARRIED 3-0.

MOTION: AT 9:26 A.M. G. FICKAU/D. WESSEL MOVED TO DENY THE VARIANCE REQUEST. MOTION CARRIED 3-0.

IV. Written Decision: Variance Request for Luke Bergmann, applicant on behalf of Cheryl and Steven Bergmann, owners, PL202400074; Town of Ellington

The Board reviewed and finalized the written decision.

V. ADJOURNMENT

MOTION: M. KRAEMER BADTKE/ G. FICKAU MOVED TO ADJOURN AT 9:38 A.M. MOTION CARRIED 3-0.

Respectfully submitted,
Cassie Ingalls
DLS Administrative Assistant



Department of Development and Land Services
Planning & Zoning | GIS & Land Information
320 S. Walnut St | Appleton, WI 54911
Administration Building, 3rd Floor
Phone: 920-832-5255 | Fax: 920-920-832-4770
www.outagamie.org

MEMORANDUM

TO: Outagamie County Board of Adjustment
FROM: Austin Dyb, Land Use Specialist
DATE: November 25, 2025
RE: **Shoreland - Variance Request; Kaukauna Area School District (KASD) –PL202500508**

APPLICATION DETAILS:

Applicant(s): Point of Beginning, Inc. (Applicant on behalf of KASD)
Owner(s): LEHRER REV LIV TRST, BEVERLY A
Request: Variance - Section 44-132 – 75' Setback from the OHWM of Navigable Stream
Location: Town of Buchanan; Tax Parcel(s): 030065700 (Subject Property)
Town Action: N/A
Public Hearing: December 5, 2025 (Public Notice Per Post Crescent)

BACKGROUND & ANALYSIS:

The applicant is seeking a variance to the dimensional requirements of Section 44-132 “*Shoreland setbacks.*” of the Outagamie County Shoreland Protection Ordinance (OCSPO). More specifically, the applicant is requesting a reduction in the required setback from the Ordinary High Water Mark (OHWM) of a navigable stream. The request would reduce the setback from 75 feet, to 17.34 feet. The subject property is located east of STH 55, off Speedway Lane, in the Town of Buchanan. The subject property is approximately 16.63 acres in size.

Section 44-132 of the OCSPO requires a 75-foot setback from the OHWM of navigable streams for all buildings and structures within the General Shoreland district. This variance, as requested, would reduce the required setback from 75 feet, to 17.34 feet, to allow for the placement of a temporary gravel construction driveway. The proposed driveway would provide direct access to the construction site for the future Kaukauna Middle School, located to the northeast of the subject property. Per the applicant, the proposed driveway will be engineered for stability, will include a tracking pad, and is configured to minimize environmental impact and setback reduction (Exhibit A).

The applicant has obtained an access easement from the subject property owner and approval from the Town of Buchanan to use the existing Speedway Lane for construction traffic (Exhibit B). Per the applicant, the proposed location of the construction driveway would allow for the safest entry and exit for construction vehicles to the KASD site when compared to alternative options.

The applicant explored multiple options to access the KASD construction site, including a potential access from STH 55. However, an access to STH 55 for construction traffic is not a practical option due to safety and traffic concerns. The WDOT has provided a letter of the support for the variance (Exhibit C).

Section 44-299 of the OCSPD provides the requirements and criteria the Board of Adjustment must follow when evaluating a request for variance under the Shoreland Protection Ordinance. It specifically states:

In every case where a variance from the regulations has been granted by the board of adjustment, the minutes of the board of adjustment shall affirmatively show that an unnecessary hardship or practical difficulty exists; and the records of the board of adjustment shall clearly show in what particular and specific respects an unnecessary hardship or practical difficulty is created. In addition, the record shall show any recommendations made available by the local municipality in which the property is located. In all cases, a variance:

- 1. Shall not permit any change in established flood elevations or profiles.*
- 2. Shall not be granted for a condition that is common to a group of adjacent lots or premises. (In such a case, this chapter or other ordinances of the county would have to be amended through proper procedures.)*
- 3. Shall not be granted unless it is shown that the variance will not be contrary to the public interest or damaging to the rights of other persons or property values in the area.*
- 4. Shall not be granted for actions which require an amendment to this chapter, the maps or other ordinances of the county.*
- 5. Shall not have the effect of allowing or expanding a use or structure which is prohibited in that zoning district.*
- 6. Shall not be granted solely on the basis of economic gain or loss.*
- 7. Shall not be granted for a self-created hardship.*
- 8. Shall not permit a lower degree of flood protection in the floodway area than the flood protection elevation, as defined in article XV. In the flood fringe area a lower degree of flood protection than the flood protection elevation may be allowed pursuant to [chapter 24](#), pertaining to floods.*

Article XV of the OCSPD defines an “unnecessary hardship” as follows:

Unnecessary hardship (NR 115.03(11)) means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purpose of this chapter.

The applicant has submitted a narrative addressing the above criteria. (Exhibit D) Staff has also provided the following analysis:

1. Shall not permit any change in established flood elevations or profiles.
 - **STAFF ANALYSIS: Not Applicable.** *Per the Flood Study of Kankapot Creek Tributary #2, dated November 2014, the project area is outside the limits of the floodplain.*

2. Shall not be granted for a condition that is common to a group of adjacent lots or premises. (In such a case, this chapter or other ordinances of the county would have to be amended through proper procedures.)
 - **STAFF ANALYSIS: Criteria Met.** *The location of the KASD construction site has unique constraints that are uncommon to adjacent properties. These constraints include a restricted access public right-of-way (STH 55), floodplain, wetlands and navigable waterways. The placement of the temporary driveway allows for access to the site while reducing traffic and safety concerns and minimizing environmental impact.*

3. Shall not be granted unless it is shown that the variance will not be contrary to the public interest or damaging to the rights of other persons or property values in the area.
 - **STAFF ANALYSIS: Criteria Met.** *The requested variance pertains to the installation of a temporary construction driveway within the 75-foot setback of the navigable stream. A driveway is a typical accessory structure associated with construction, and will not be contrary to the public interest, or damaging to the rights of other persons or property values in the area. The applicant has received easement rights and approval from the Town of Buchanan to use the existing Speedway Lane for construction traffic. The location of the driveway provides the safest access point to the construction site, while minimizing environmental impact when compared to other alternatives.*

4. Shall not be granted for actions which require an amendment to this chapter, the maps or other ordinances of the county.
 - **STAFF ANALYSIS: Criteria Met.** *The proposed driveway will not require an amendment to Chapter 44, the maps associated with Chapter 44, or other ordinances of the County.*

5. Shall not have the effect of allowing or expanding a use or structure which is prohibited in that zoning district.
 - **STAFF ANALYSIS: Criteria Met.** *Granting of this variance would not allow or expand upon a prohibited use or structure within the General Shoreland District.*

6. Shall not be granted solely on the basis of economic gain or loss.

- **STAFF ANALYSIS: Criteria Met.** *The applicant has considered multiple access points to the construction site, and has chosen to pursue this location based on increased public safety, minimization of traffic and environmental impacts.*

7. Shall not be granted for a self-created hardship.

- **STAFF ANALYSIS: Criteria Met.** *The need for the placement of a temporary construction driveway in this location arises from pre-existing site conditions and restricted access points from public right-of-ways. None of these conditions were created by the applicant.*

8. Shall not permit a lower degree of flood protection in the floodway area than the flood protection elevation, as defined in Article XV. In the flood fringe area a lower degree of flood protection than the flood protection elevation may be allowed pursuant to Chapter 24, pertaining to floods.

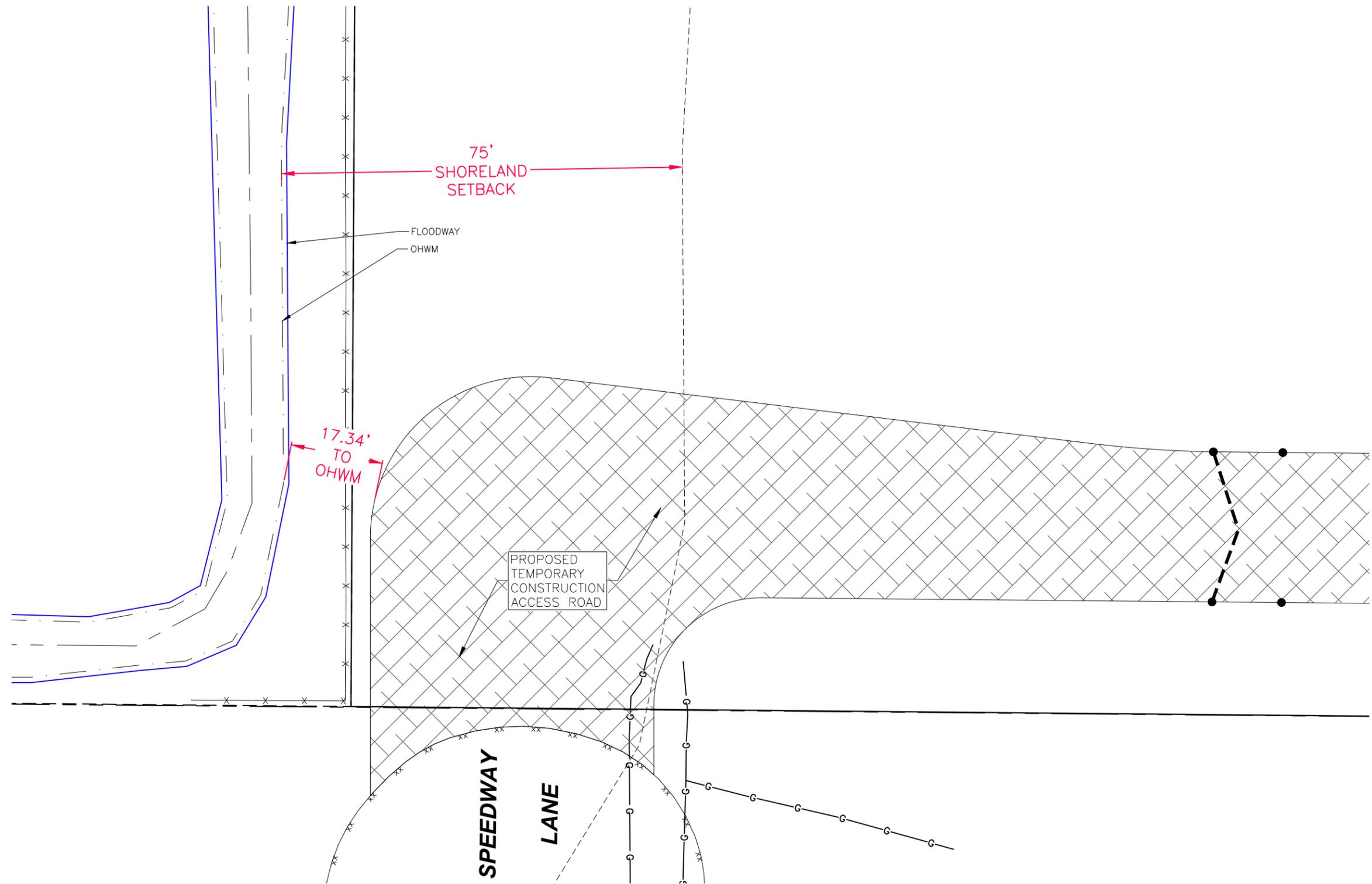
- **STAFF ANALYSIS: Not Applicable.** *Per the Flood Study of Kankapot Creek Tributary #2, dated November 2014, the project area is outside the limits of the floodplain.*

STAFF RECOMMENDATION

The existing conditions of the KASD property create practical difficulties for access to the construction site. Strict conformity to the regulations of Chapter 44 would cause substantial environmental and safety impacts, as other alternative access points require the crossing of multiple navigable waterways, significant clearing of vegetation, and construction traffic along a busy public right of way that sees over 10,000 cars a day. It is Staff's opinion that this variance request would not harm adjacent property owners or public interest, and would address an unnecessary hardship tied to unique property limitations. In consideration of the ordinance criteria, the site conditions and practicality of the request:

COUNTY ZONING STAFF RECOMMENDS Approval of PL202500508 with the following conditions:

- 1. The temporary construction driveway must be removed, and the site restored to existing conditions, no later than December 5th, 2028**



REVISIONS	
CHECKED:	JUL
DRAWN:	GMC
DATE:	11/20/2025
PROJECT NO.:	24.0140

SETBACK EXHIBIT

**KAUKAUNA AREA SCHOOL DISTRICT
KAUKAUNA MIDDLE SCHOOL
CITY OF KAUKAUNA
OUTAGAMIE CO, WISCONSIN**

Civil Engineering
Land Surveying
Landscape Architecture
4941 Kirschling Court
Stevens Point, WI 54481
715.344.9999 (PH) 715.344.9922 (FX)

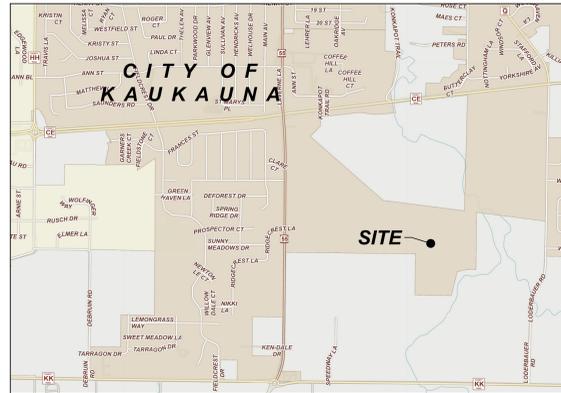


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KAUKAUNA MIDDLE SCHOOL SITE ACCESS, TREE CLEARING, & BOX CULVERT

KAUKAUNA AREA SCHOOL DISTRICT

INDEX MAP



DESIGN DRAWINGS BENCHMARK:

ELEVATIONS ARE REFERENCED TO NAVD 88 DATUM.

BENCHMARK #1
FLAG BOLT ON HYDRANT,
LOCATED ON THE SOUTH SIDE OF THE KAUKAUNA
HIGH SCHOOL BUILDING, APPROXIMATELY 110 FEET
SOUTHEAST OF THE SOUTHWEST CORNER OF SAID
BUILDING.
ELEVATION = 734.18

BENCHMARK #2
CHISELED "X" ON CONCRETE LIGHT POLE BASE,
LOCATED ON THE SOUTH SIDE OF THE KAUKAUNA
HIGH SCHOOL BUILDING, SOUTHWEST OF THE MAIN
ENTRANCE ON THE SOUTH SIDE OF SAID BUILDING.
ELEVATION = 733.97

BENCHMARK #3
BURY BOLT ON HYDRANT,
LOCATED ON THE SOUTH SIDE OF THE KAUKAUNA
HIGH SCHOOL BUILDING, APPROXIMATELY 35 FEET
NORTHWEST OF THE NORTHWEST CORNER OF THE
BUILDING AT THE NORTHWEST CORNER OF THE
TENNIS COURTS.
ELEVATION = 734.60

DESIGN DRAWINGS UTILITY DISCLAIMER:

THE LOCATIONS, SIZES, AND TYPES OF UNDERGROUND PUBLIC AND PRIVATE UTILITIES OR SUBSTRUCTURES SHOWN HEREON WERE OBTAINED FROM VISUAL INSPECTION, FIELD MEASUREMENTS, AND/OR AS-BUILT PLANS. SANITARY SEWER AND STORM SEWER PIPE SIZES, INVERTS, DIRECTION, AND LOCATIONS BETWEEN MANHOLES ARE SUPPLEMENTED BY AS-BUILT PLANS AND/OR ESTIMATED BASED ON FIELD OBSERVATIONS. PRIOR TO CONSTRUCTION IN THE VICINITY OF ANY UTILITIES SHOWN HEREON, IT IS RECOMMENDED THAT THE LOCATIONS, DEPTHS, AND SIZES BE FIELD VERIFIED. THE LOCATIONS SHOWN HEREON ARE ONLY APPROXIMATE, WITH POSSIBILITY THAT ADDITIONAL UTILITY LINES NOT DISCOVERED OR MARKED DURING THE SEARCH OF RECORDS AND THE FIELD SURVEY MAY EXIST. ANY CONTRACTOR USING THE INFORMATION SHOWN HEREON IS HEREBY FOREWARNED THAT ANY EXCAVATION UPON THIS SITE MAY RESULT IN THE DISCOVERY OF ADDITIONAL UNDERGROUND UTILITIES NOT SHOWN HEREON. IN GENERAL, UNDERGROUND UTILITY LOCATIONS ARE SHOWN FROM UTILITY MARKINGS BY OTHERS, AND/OR AS-BUILT PLANS, PROVIDED BY OTHERS. POINT OF BEGINNING MAKES NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, WITH RESPECT TO THE EXISTING UTILITIES SHOWN HEREON, AND BELIEVES THAT THE INFORMATION CONTAINED HEREIN IS RELIABLE AND GENERALLY ACCURATE FOR THE PURPOSE INTENDED.

CIVIL SHEET INDEX:

- C100 TITLE SHEET
- C200-C213 DEMOLITION & LAYOUT PLANS
- C300-C307 GRADING & EROSION CONTROL PLANS
- C400 DETAILS
- TS 1.1-1.3 TOPOGRAPHIC SURVEY MAP
- B01-B05 BOX CULVERT PLANS

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REVISIONS	
CHECKED:	JJL
DRAWN:	GMC
DATE:	10/21/2025
PROJECT NO.:	24.0140

**ISSUED FOR BID
TITLE SHEET**

**KAUKAUNA AREA SCHOOL DISTRICT
KAUKAUNA MIDDLE SCHOOL
CITY OF KAUKAUNA
OUTAGAMIE CO, WISCONSIN**

Civil Engineering
Land Surveying
Landscape Architecture
4941 Kirschling Court
Stevens Point, WI 54481
715.344.9999 (PH) 715.344.9922 (FX)



SHEET **C100**

Exhibit B

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (“Agreement”) is made this 15 day of October, 2025 (the “Effective Date”) by the **Kaukauna Area School District** (the “District”), and the **Beverly A. Lehrer Revocable Living Trust** (the “Trust”). The District and the Trust may be referred to herein individually as a “Party” or collectively as the “Parties” as the case may be.

RECITALS

WHEREAS, the Trust is the owner of certain real property, described as tax parcel ID: 030065700, located at State Rd 55, in the Town of Buchanan, Outagamie County, Wisconsin, and more fully described in Exhibit A, which is attached hereto and incorporated herein (“Parcel A”);

WHEREAS, the Trust is the owner of real property, described as tax parcel ID: 030065600, located at State Rd 55, in the Town of Buchanan, Outagamie County, Wisconsin, and more fully described in Exhibit B, which is attached hereto and incorporated herein (“Parcel B”);

WHEREAS, Parcel A is adjacent to Parcel B, and may be referred to herein collectively as (the “Parcels”);

WHEREAS, the District plans to construct and develop a new middle school on property owned by the District and adjacent to the Parcels and desires a temporary easement to utilize the Parcels for site management and preparation prior to the construction phase of the new middle school;

WHEREAS, subject to the terms and conditions contained herein, the Trust desires to grant the District a temporary easement for said purposes over the portion of property located on Parcel A and Parcel B, (the “Easement Area”), as further described on Exhibit C;

WHEREAS, the Parties believe it to be in their mutual best interests to provide certain access across, over and through portions of the Parcels as hereinafter specified.

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Trust and the District hereby agree as follows:

AGREEMENTS

Grant of Easement. The Trust hereby grants and conveys to the District, for the benefit of the District, and its agents, members, tenants, employees, guests, customers, contractors, subcontractors, and invitees, and their respective successors and assigns, a non-exclusive, temporary easement for purposes of providing vehicular and pedestrian access, ingress, egress, passage and travel over, across, and through the Easement Area. It is acknowledged that the Trust may grant a utility easement as well in the Easement Area. The parties will cooperate with one another so that the Trust may grant such a utility easement while not impacting the District’s rights hereunder. As such, if the Trust grants such a utility easement, the Easement Area may need to be modified or land outside the Easement Area may need be temporarily used by the District.

Terms of Easement. As consideration for the grant of the Easement provided herein, the District agrees to pay the Trust the sum of CONFIDENTIAL within 30 days of the Effective Date. Unless otherwise agreed in writing by the Parties, this Temporary Easement shall be for a period of three (3) years from the Effective Date, with no automatic renewals.

Construction. The District, at its sole cost and expense, shall design, install and construct in a workmanlike manner a temporary gravel road on the Easement Area with all necessary improvements and remain in compliance with applicable statutes and ordinances. Upon determination by the District's construction management team, the District may be permitted to install a security gate at the end of the gravel road, provided the District further coordinates and works in conjunction with the construction management team for the installation and construction. The construction shall mitigate as best as possible any negative impact on or restrictions of the overall beautification of property contained on the Parcels. Unless otherwise authorized, the temporary gravel road shall be removed by the District and the area shall be restored to its previous use and condition as it existed prior to construction. The road may remain located in the Easement Area after termination of this Agreement at the sole discretion and approval of the Trust. Should the road be authorized to remain located in the Easement Area, the District shall no longer be responsible for construction, improvement, maintenance, costs or removal of the road after the termination of this Agreement. All responsibility, including but not limited to construction, removal, improvement, maintenance, or any other costs associated with the road shall revert to the Trust upon expiration of this Agreement.

Maintenance. At its sole cost and expense, the District shall be responsible for the good and safe construction, improvement, replacement and maintenance of the Easement Area and the gravel road, and keep the Easement Area and gravel road in good overall condition in accordance with applicable statutes and ordinances. The District shall in no way hinder or prevent the proper and reasonable use of and enjoyment of the Easement Area to the Trust or any other individual(s) with authorized access to the Parcels.

Miscellaneous Construction and Maintenance.

- A. The District agrees to pay the cost for the construction and installation of four (4) culverts to be placed in the Easement Area, without cost to the Trust and to be solely responsible for the ongoing maintenance and functioning of the culverts. The Parties agree to consult and work in good faith with each other to determine the location of each culvert in the Easement Area.
- B. Within a reasonable time after the Effective Date, but before the construction of the gravel road, the District agrees to remove the permanent fence located in Easement Area, without costs to the Trust.
- C. Any dirt, soils, or other earthlike material needing removal due to construction and installation for the road or culverts shall be removed by the District, without costs to the Trust. The Parties agree to consult and work in good faith with each other to determine the location of said soil deposits.

- D. Construction, installation, and removal of the culverts, fence, and soils shall be performed in a good and workmanlike manner and in compliance with all applicable statutes and ordinances.

MISCELLANEOUS

Public Access. No right of access by the general public to either Parcel A or Parcel B is conveyed by this Agreement except that in the event the Trust grants the general public a perpetual right of access through the Easement Area.

Reserved Rights. The Trust reserves the right to use the Easement Area for purposes which will not unreasonably interfere with the District's full enjoyment of the easement rights granted herein.

No Easement by Necessity. The District agrees that its past, present, or future use of the Easement Area shall not be deemed to permit the creation or further the existence of the easement by necessity rights or the procurement of title by adverse possession with respect to all or any portion of the Easement Area, and all of the District's rights in the Easement Area are governed exclusively by this Agreement.

Independent Contractor. Under no circumstances shall the contractual relationship hereunder between the Parties be deemed or construed as one of partnership, agency, joint venture, employment or otherwise. This Agreement does not give either Party any right to act as a representative or agent of the other Party or any authority to incur or create any obligation in the name of or on behalf of the other Party.

Modification. Modifications or supplements to this Agreement must be in writing, signed by both parties.

Run with Land. This Agreement shall be deemed a covenant running with the land and for the respective benefitted areas as stated herein, and shall be binding upon, and shall inure to the benefit of the Parties hereto, and their respective successors, and assigns.

Indemnification. The parties shall mutually indemnify and hold each party harmless from all liability, suits, actions, claims, costs, damages, and expenses of every kind and description, including court costs and legal fees, for claims of any character, including liability and expenses in connection with the loss of life, personal injury, or damage to property, brought because of any injuries or damages received or sustained by any person, persons, or property on account of or arising out of the District's use of the Easement Area and/or the exercise of its rights under this Agreement.

Notices. All notices and other communications provided for in this Agreement shall be in writing and sent by either email or United States mail, or sent by reputable courier to each Party at the following addresses:

If to the District:

Kaukauna Area School District

Attn: Chris McDaniel

Address: 1701 County Rd CE

Kaukauna, WI 54130

E-mail: mcDanielc@kaukaunasd.org

If to the Trust:

Beverly A. Lehrer Revocable Living Trust

Attn: Troy Schneider

Address: 102 N. Madison St.

Chilton WI 53014

E-mail: troy.schneider@mennlaw.com

Severability. If any provision of this Agreement is held to be invalid, the validity of the remainder of the Agreement will not be affected and the rights and obligations of the Parties will be construed and enforced as if the Agreement did not contain the invalid provision. The provisions of this Agreement are severable.

Remedies. All remedies provided for in this Agreement are cumulative and not exclusive. If a Party is required to enforce this Agreement through any legal action, injunctions, that Party, if the prevailing Party, will be entitled to recover all expenses incurred in the legal action, including attorneys' fees.

Facsimile Signatures; Counterparts. This Agreement may be executed by facsimile signature and in counterparts; each of which shall be deemed an original and both of which, taken together, shall constitute one and the same instruments.

Applicable Law. This Agreement shall be interpreted and construed in accordance with the laws of the State of Wisconsin.

[Signature Pages Follow]

Beverly A. Lehrer Revocable Living Trust

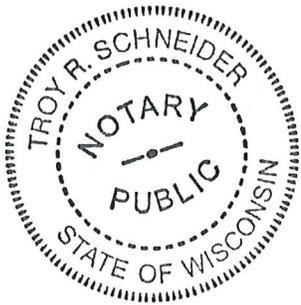
By: Sue A. Greeley
Name: Sue A. Greeley
Title: Co-Trustee

By: Tammy D Lehrer
Name: Tammy D. Lehrer
Title: Co-Trustee

STATE OF WISCONSIN)
) ss
COUNTY OF OUTAGAMIE)

Personally came before me this 8th day of October, 2025, the above named Sue A. Greeley and Tammy D. Lehrer to me known to be the persons who executed the foregoing instrument and acknowledge the same.

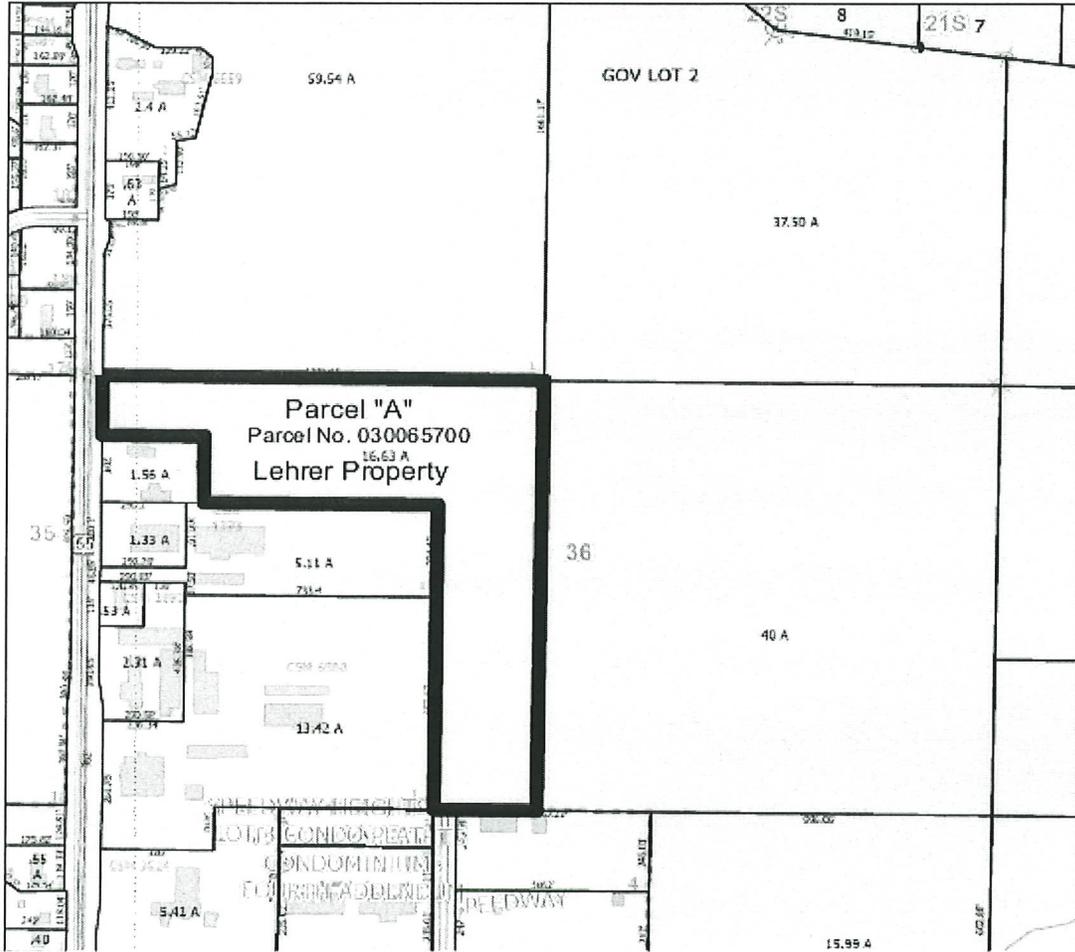
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



[Signature]
Print Name: Attorney Troy R. Schneider
Notary Public, State of Wisconsin
My Commission expires: IS Permanent

EXHIBIT A

Parcel A



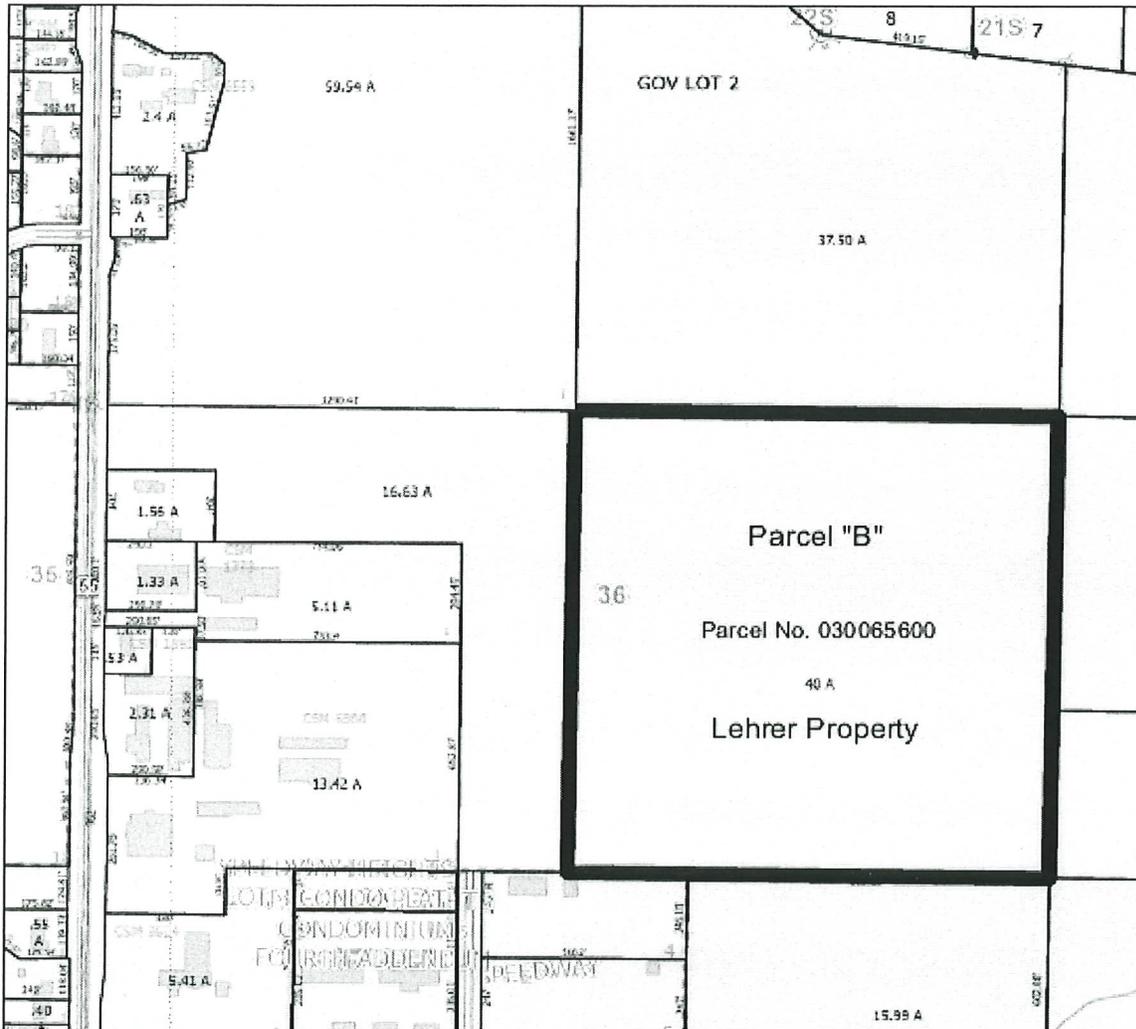
LEGAL DESCRIPTION

The Northwest 1/4 of the Southwest 1/4 of Section Thirty-Six (36), Township Twenty-one (21) North, Range Eighteen (18) East, Town of Buchanan, Outagamie County, Wisconsin, LESS and EXCEPTING parcels sold in Volume 539 of Records, Page 639; Volume 551 of Records, Page 331; Volume 581, Page 461; Volume 583 of Records, Page 141; Volume 711 of Records, Page 671; Volume 785 of Records, Page 515; Volume 941 of Records, Page 59 and Volume 946 of Records, Page 316, which is a correction deed of Volume 941 of Records, Page 59; Jacket 82, Image 15. ALSO LESS AND EXCEPTING conveyance of lands for highway purposes set forth in Volume 511 Deeds, Page 637.

Tax Parcel No.: 030065700

EXHIBIT B

Parcel B



LEGAL DESCRIPTION

The Northeast 1/4 of the Southwest 1/4 of Section Thirty-six (36), Township Twenty-one (21) North, Range Eighteen (18) East, Town of Buchanan, Outagamie County, Wisconsin.

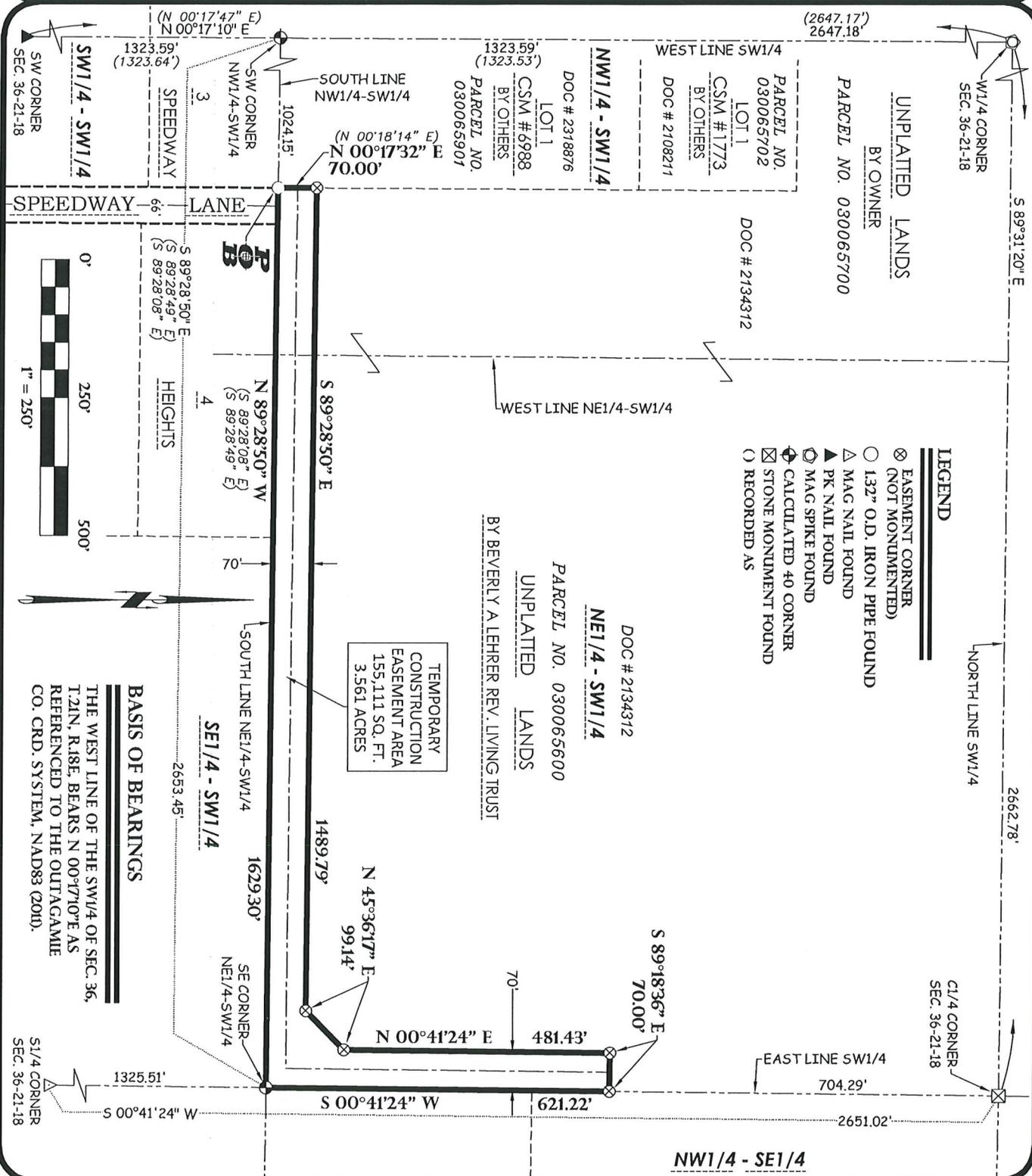
Tax Parcel No.: 030065600

EXHIBIT C

Legal Description of Easement Area

(separately attached)

EXHIBIT "C"



Land Surveying
Civil Engineering
Landscape Architecture

Jordan G. Brost, PLS #3009

4941 Kirschling Court
Stevens Point, WI 54481
715.344.9999 (PH) 715.344.9922 (FX)

FIELDWORK COMPLETED 02/26/25
DRAWN: TDP CHECKED: JGB

FIELD BOOK - PAGE -
JOB NO: 24.4040-6

CLIENT
KAUKAUNA AREA
SCHOOL DISTRICT
1701 COUNTRY ROAD CE
KAUKAUNA, WI 54130

SHEET 1 OF 2

EXHIBIT "C"

Legal Description:

Being a part of the Northwest 1/4 of the Southwest 1/4 and a part of the Northeast 1/4 of the Southwest 1/4, all in Section 36, Township 21 North, Range 18 East, Town of Buchanan, Outagamie County, Wisconsin, described as follows:

Commencing at the Southwest corner of Section 36, Township 21 North, Range 18 East;

Thence N 00°17'10" E along the West line of the Southwest 1/4 of said Section 36, 1323.59 feet to the Southwest corner of the Northwest 1/4 of the Southwest 1/4 of said Section 36;

Thence S 89°28'50" E along the South line of the Northwest 1/4 of the Southwest 1/4 of said Section 36, the South line of Lot 1 of Certified Survey Map No. 6988 and the North line of Lot 3 of Speedway Heights, 1024.15 feet to the Northeast corner of said Lot 3 of Speedway Heights, said point also being the Southeast corner of said Lot 1 of Certified Survey Map No. 6988, the Northwest corner of Speedway Lane and the Point of Beginning (POB) of the Easement Area to be described;

Thence N 00°17'32" E along the East line of said Lot 1 of Certified Survey Map No. 6988, 70.00 feet;

Thence S 89°28'50" E, 1489.79 feet;

Thence N 45°36'17" E, 99.14 feet;

Thence N 00°41'24" E, 481.43 feet;

Thence S 89°18'36" E, 70.00 feet to a point on the East line of the Southwest 1/4 of said Section 36;

Thence S 00°41'24" W along said East line, 621.22 feet to the Southeast corner thereof;

Thence N 89°28'50" W along the South line of the Northeast 1/4 of the Southwest 1/4 of said Section 36, 1629.30 feet to the Point of Beginning.

Containing 155,111 Square Feet - 3.561 acres.

OWNER
PARCEL NO. 030065600

BEVERLY A LEHRER REV.
LIVING TRUST
N9302 STATE ROAD 55
KAUKAUNA, WI 54130



Point of Beginning

Land Surveying
Civil Engineering
Landscape Architecture
Jordan G. Brost, PLS #3009

4941 Kirschling Court
Stevens Point, WI 54481
715.344.9999 (PH) 715.344.9922 (FX)

FIELDWORK COMPLETED 02/26/25

DRAWN: TDP CHECKED: JGB

FIELD BOOK - PAGE -

JOB NO: 24.4040-6

CLIENT
KAUKAUNA AREA
SCHOOL DISTRICT
1701 COUNTY ROAD CE
KAUKAUNA, WI 54130

SHEET 2 OF 2

WisDOT, Division of Transportation System Development
Northeast Region
944 Vanderperren Way
Green Bay, WI 54304

Governor Tony Evers
Secretary Kristina Boardman
wisconsindot.gov
Telephone: 920-492-5643
Email: ner.dtsd@dot.wi.gov



November 18, 2025

KASD Variance Request

Dear Outagamie County Board of Adjustment

The Wisconsin Department of Transportation (WisDOT) supports the request being made by KASD to allow to access their site for construction of the middle school via Speedway Drive.

We feel this a safer alternative than STH 55. Currently STH 55 has over 10,000 cars per day adding a construction access for this site could cause some safety especially when there are other alternatives.

Sincerely,

David B Nielsen, P.E.

David B Nielsen
Region Access Engineer



Point of Beginning

4941 Kirschling Court, Stevens Point, WI 54481

1497 6th Street - Suite C, Green Bay, WI 54304

1261 W Main Street - Suite 102, Sun Prairie, WI 53590



Exhibit D

11/21/2025

Dear Outagamie County Board of Adjustments (BOA),

On behalf of the Kaukauna Area School District (KASD), I am writing to formally request approval of a variance from the BOA, related to Section 44-132 – Shoreland setbacks. Specifically, a reduction to the setback of 75 feet from the ordinary high-water mark of any navigable water to the nearest part of a building or structure. This request is to reduce the setback from 75' down to 17.34'. A "Setback Exhibit" is attached to illustrate the location of the 75' setback, and the reduction dimension.

KASD passed a referendum in November 2024, to build a Middle School (MS) on property owned by KASD, which is adjacent to the Kaukauna High School property. The overall property area is approximately 143 acres located on the east side of State Highway 55, south of CTH CE and north of CTH KK. The property is unique, as the new MS is being proposed on a portion of the property situated between an Unnamed waterway (to the west of the new MS), and Konkapot Creek (to the east of the new MS). Construction is to be completed by the summer/fall of 2028. The goal, to keep on track with the completion date, is to begin construction this fall/winter.

The placement of the MS between the waterways presents logistical challenges related to access for construction. Early in the planning process the design team and KASD explored several options for accessing the MS site, when it came time to begin construction. The options we explored were access off of Highway 55, Loderbauer Road (then through the High School property), north to CE (through an adjacent property), or access from the north end of Speedway Lane (through adjacent property and enter into the MS site from the south). Descriptions of each are below:

Access from STH 55: STH 55 is the only Right of Way frontage for the entire 143 acre parcel. We have worked diligently with WisDOT, the City of Kaukauna, Outagamie County Highway Department, and the Town of Buchanan, on proposing a permanent access at Morningside Drive and STH 55. However, utilizing STH 55 for Construction Access was also discussed with WisDOT and they expressed safety concerns due to the added construction traffic, to an already very busy Highway with over 10,000 cars per day, for roughly three years of construction. Additionally, it would present an added burden to the residential homeowners that access the Highway from the west and utilize the Highway daily. Therefore, WisDOT was not in favor of this proposed access and strongly recommended exploring other feasible alternatives for these reasons, and David Nielsen, WisDOT Region Access Engineer, has written a letter of support (attached) for the Speedway proposed access, given these concerns.

Furthermore, to access the MS construction site from the west, a permanent box culvert structure has been designed for crossing the unnamed waterway along the west side of the MS site. Consequently, the box culvert will need to be installed prior to having access from the west (STH 55).

Access from Loderbauer Road: Since Kaukauna High School is located to the east of the proposed new MS site, and fronts Loderbauer Road, KASD is able to propose a secondary access from Loderbauer Road to the MS site, for purposes of emergency access, connectivity to the High School, and secondary access for parents and buses during peak times of the school day. However, utilizing Loderbauer Road to access the MS construction site from the east, a permanent bridge structure is being designed for crossing Konkapot Creek along the east side of the MS site. Consequently, the bridge would need to be designed, permitted, and constructed prior to having access from the east. Timing does not allow for this logistically.

Access from CTH CE: CTH CE is located north of KASD's parcel, and to access CTH CE it would require an access easement from the adjacent property owner, to allow construction traffic to access the site. Similar to STH 55, CTH CE has heavy traffic volumes, and accessing there would present safety challenges. Additionally, similar to STH 55 access, the box culvert would need to be installed prior to having access from the west, which is the direction the construction traffic would come from in the CTH CE access scenario.

Access from north end of Speedway Lane: Speedway Lane is located south-southwest of KASD's parcel. Access at Speedway Lane required an access easement from the adjacent property owner, to allow construction traffic to access the site. However, contrary to the other three options, this access would not require the box culvert, nor the bridge, to be constructed prior for accessing the MS site, because it is located between the two aforementioned waterways, allowing for direct access to the construction site. Additionally, the Speedway Lane access provides a safe entry and exit from the site. The benefits of this access certainly outweighed the several negatives of the other three. Consequently, KASD contacted the adjacent property owner to request an access easement, and worked closely with the Town of Buchanan (Speedway Lane is a Town Road), to pursue access for Speedway Lane.

Following negotiations with the adjacent property owner and the Town of Buchanan, KASD has successfully executed an access easement and has been given permission from the Town to utilize Speedway Lane for the three year construction period. Based on this direction, the design team prepared a Fall 2025 Construction Plan, which includes the construction of a temporary gravel road/construction entrance, from the north end of Speedway Lane into the MS site. It would also include installation of the box culvert for access to the west portion of the site to transport soil from one side to the other more easily, and tree clearing. This is all to get a kick start and prepare for the overall construction of the MS to begin in Spring 2026. The construction access mentioned above would remain in operation until completion of construction in Summer/Fall of 2028.

The current use of this access location is utilized by farming equipment for access to adjacent agricultural fields. Due to the existing subsoils and the weight and volume of Construction traffic/vehicles, an

engineered gravel drive is required for stability, and a Rock Construction Tracking Pad is required immediate to the edge of Speedway, for the purpose of removing soil from the tire of construction vehicles, preventing tracking of soil onto Speedway and silt/sediment transport through stormwater runoff. Also, the configuration of the access point is minimized as much as possible to minimize the request for setback reduction to the greatest extent, but also dimensionally laid out to allow turning movements of the construction vehicles that utilize the access. The temporary construction road also abruptly turns to the east to minimally impact the farmer's field operations, and also turns the proposed drive away from the adjacent waterway and minimizes the variance request to the fullest extent.

The addition of the proposed construction entrance at the north end of Speedway Lane, has led to the need for this variance request. There is an unnamed waterway located to the northwest of the proposed connection (on Keller, Inc.'s property), and means this connection and a portion of the access road is within the County Shoreland Zoning District. Since the temporary construction access is defined as a "structure", and is within 75' of the ordinary high water mark, KASD is requesting this variance. The 75' setback is shown on the Construction Plan set provided, for reference. KASD is requesting that the BOA considers the multiple unique physical and safety challenges described above, which ultimately led to the request at hand, and the result of a logistical and safety hardship for KASD, if they cannot access from the north end of Speedway Lane and begin construction this Fall, for a much needed Building Construction Start right away in Spring 2026. The plan is implementing all necessary erosion control measures, and protections of the waterway mentioned, and no negative impacts to said waterway are anticipated as a result of this proposal.

Finally, one last bit of information to note is the City of Kaukauna currently has Speedway Lane officially "mapped" for future extension to the north, from the north end of Speedway Lane, through the KASD property, and ultimately to CTH CE, meaning it is likely that Speedway Lane will someday be constructed within the mapped area in the future for more connectivity to the KASD property, and other adjacent properties. The resolution for this mapping is also attached for reference.

Respectfully,



James Lundberg, P.E.

Director of Engineering

Point of Beginning, Inc.

Eight Variance Requirements

- 1.) Shall not permit any change in established flood elevations or profiles.
[Floodplain is not present within the project area. See attached map for reference.](#)
- 2.) Shall not be granted for a condition that is common to a group of adjacent lots or premises. (In such a case, this chapter or other ordinances of the county would have to be amended through proper procedures.)
[This property is unique in comparison to adjacent parcels, as it only fronts STH 55, and no other public Right of Ways directly adjacent with lesser traffic volumes and safety concerns. Additionally, to access the portion of the property where the new Middle School will be built, KASD must cross two navigable waterways. This requires the construction of a large box culvert and a bridge, prior to gaining access to that portion.](#)
- 3.) Shall not be granted unless it is shown that the variance will not be contrary to the public interest or damaging to the rights of other persons or property values in the area.
[The proposed access will result in no impact to property values or rights of other persons is expected from this request. To the contrary, if access were to be on STH 55, this would present an added burden to the adjacent residential homeowners that access the Highway from the west and all drivers that utilize the Highway daily.](#)
- 4.) Shall not be granted for actions which require an amendment to this chapter, the maps or other ordinances of the county.
[No amendments to the variance ordinance are necessary as part of this request.](#)
- 5.) Shall not have the effect of allowing or expanding a use or structure which is prohibited in that zoning district.
[No expansion or modification to the temporary construction drive is expected nor planned as part of this request. The access is designed dimensionally, to allow for turning movements of the construction vehicles that utilize this access.](#)
- 6.) Shall not be granted solely on the basis of economic gain or loss.
[The hardship and reason for the access from Speedway Lane is due to lack of access points \(i.e. Public Right of Way frontage\) to the subject property, safety and traffic concerns on Highway 55, lack of support from WisDOT related to STH 55 access for construction, and inability to access the construction site due to the required crossing of two waterways to access the Middle School construction site.](#)
- 7.) Shall not be granted for a self-created hardship.
[See No. 6 above.](#)
- 8.) Shall not permit a lower degree of flood protection in the floodway area than the flood protection elevation, as defined in article XV. In the flood fringe area a lower degree of flood protection than the flood protection elevation may be allowed pursuant to chapter 24, pertaining to floods.

RESOLUTION NO. 3611

RESOLUTION AMENDING THE OFFICIAL
STREET MAP OF THE CITY OF KAUKAUNA BY
EXTENDING KONKAPOT TRAIL AND SPEEDWAY LANE

WHEREAS, the Common Council of the City of Kaukauna, Wisconsin, has determined that the public interest requires an amendment of the Official Street Map of the City of Kaukauna to provide for the extension of Speedway Lane and Konkapot Trail; and,

WHEREAS, the City Plan Commission, at a meeting held on December 20, 2007, approved the extension of said streets on the Official Street Map; and,

WHEREAS, a public hearing was held before the Common Council on February 5, 2008, at 7:00 P.M.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kaukauna, Wisconsin, that said extension of Speedway Lane and Konkapot Trail as hereinafter described, be placed on the Official Street Map:

Part of Government Lots 3 & 4 of Section 22, and Part of Government Lot 3 and the NW ¼ - SW ¼ of Section 36, all in Township 21 North, Range 18 East, Outagamie County, Wisconsin.

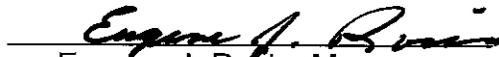
A reference line description of Speedway Lane and Konkapot Trail future extension to County Trunk Highway (CTH) CE; the width and location being more fully described as follows:

Part of Government Lots 3 and 4 of Section 22, and Part of Government Lot 3 and the NW ¼ - SW ¼ of Section 36, all in T12N, R18E, Outagamie County, Wisconsin described as follows:

Commencing at the Southwest corner of said Southwest ¼ of Section 36, thence North 00°17'22" East along the West line of said Southwest ¼, 1,323.63 feet to the Southwest corner of said NW ¼ - SW ¼; thence South 89°28'49" East, 1,024.05 feet to the Northeast corner of Lot 3, County Plat of Speedway Heights, being Document No. 1485563 and recorded in the Outagamie County Register of Deeds in Cabinet I, Pages 11 and 12; thence continuing South 89°28'49" East, 33.00 feet to the centerline of Speedway Lane, being the point of beginning of the following described reference line:

Thence North 00°18'19" East along the reference line of Speedway Lane, whose width is 33 feet Westerly and 35 feet Easterly from said reference line, 937.43 feet to a point that is even with the Northerly line of Lot 1, Outagamie County Certified Survey Map Number 1773, as recorded as Document No. 1100373 in Volume 9 of CSMS, Page 1773; thence continuing North 00°18'19" East along said reference line of Speedway Lane, whose width is 35 feet Westerly and 35 feet Easterly from said reference line, 416.03 feet to the beginning of a curve; thence Northwesterly along said curved reference line of said 70 foot wide Speedway Lane, concave to the left, 188.72 feet (having a chord bearing and length of North 26°43'35" West, 181.79 feet and a radius length of 200.00 feet); thence North 53°45'30" West along said reference line of said 70 foot wide Speedway Lane, 37.09 feet to the beginning of a curve; thence Northwesterly along said curved reference line of said 70 foot wide Speedway Lane, concave to the right, 166.67 feet (having a chord bearing and length of North 26°28'29" West, 160.44 feet and a radius length of 175.00 feet); thence North 00°48'32" East along said reference line of said 70 foot wide street right-of-way now named Konkapot Trail, 1,187.35 feet to the beginning of a curve; thence Northwesterly along said curved reference line of said 70 foot wide Konkapot Trail, concave to the left, 241.21 feet (having a chord bearing and length of North 09°03'46" West, 240.02 feet and a radius length of 700.00 feet); thence North 18°56'04" West along said reference line of said 70 foot wide Konkapot Trail, 152.60 feet to the beginning of a curve; thence Northwesterly along said curved reference line of said 70 foot wide Konkapot Trail, concave to the right, 196.65 feet (having a chord bearing and length of North 09°08'12" West, 195.70 feet and a radius length of 575.00 feet); thence North 00°39'40" East along said reference line of said 70 foot wide Konkapot Trail, 673.46 feet to the existing, Southerly, CTH CE right-of-way line and the end of said Konkapot Trail reference line; said end point is South 48°40'10" East, 35.99 feet; North 83°20'55" East, 754.19 feet; and South 00°39'40" West, 105.86 feet from the Northwest corner of said Government Lot 3 of said Section 36.

Introduced and adopted this 5th day of February, 2008.

APPROVED: 
Eugene J. Rosin, Mayor

ATTEST: 
Susan J. Duda, Clerk/Treasurer

NOTICE OF PUBLIC HEARING

TOWN OF BUCHANAN
OUTAGAMIE COUNTY

TO WHOM IT MAY CONCERN

Notice is hereby given that the Outagamie County Zoning Board of Adjustment will hold a public hearing at the Outagamie County Government Center, County Board Room, 320 S. Walnut St., Appleton, WI 54911 on December 05, 2025 at 08:30 AM to consider the petition of Point of Beginning, applicant on behalf of Beverly A. Lehrer Revocable Living Trust, owner, for a Variance with the following associated details:

Request for a variance to reduce the 75 foot structural setback from the Ordinary High Water Mark provided under Section 44-132 of the Outagamie County Code of Ordinances.

The project location is described as follows: Tax Parcel No.: 030065600, further described as, NE SW SEC36 T21N R18E 40AC M/L 7600M14. Tax Parcel No.: 030065700, further described as, NW SW LESS S934.7FT OF W792.59 FT & S204FT OF N390FT OF W341.25FT & HY LESS PROP DESC IN 82M15 SEC36 T21N R18E, TOWN OF BUCHANAN, Outagamie County, Wisconsin.

For more information regarding this matter, please contact the office of Development and Land Services, 3rd Floor, Outagamie County Government Center, 320 South Walnut Street, Appleton WI 54911, by calling (920) 832-5255, or online by searching for the following application number PL202500508 at the following URL: <https://cityview.outagamie.org>

Any interested person may address the Zoning Board of Adjustment by letter or appear in person or by agent and be heard.

Dated this 12 day of November, 2025

OUTAGAMIE COUNTY ZONING BOARD OF ADJUSTMENT
ROY HEGARD, VICE CHAIRMAN

File No: PL202500508

Published: NOVEMBER 21 AND 28, 2025

Accommodation Notice

Any person requiring special accommodation who wishes to attend this meeting should call (920) 832-5255 at least 48 hours in advance.

Ingalls, Cassandra R.

From: Appleton Legals <legals@postcrescent.com>
Sent: Wednesday, November 12, 2025 11:05 AM
To: Ingalls, Cassandra R.
Cc: ASathiSarg@usatodayco.com
Subject: Thank you for placing your order with us.

****External Email** Do not open attachments, click links or reply until you know it is safe**

THANK YOU for your ad submission!

This is your confirmation that your order has been submitted. Below are the details of your transaction. Please save this confirmation for your records.

We appreciate you using our online self-service ads portal, available 24/7. Please continue to visit Appleton Post Crescent's online Classifieds [HERE](#) to place your legal notices in the future.

Deadlines vary by publication, changes and/or cancellations may not be honored due to deadline restrictions.

<p>Job Details Order Number: LWIX0406974 Classification: Govt Public Notices Package: General Package Additional Options: 1 Affidavit \$1.00 Total payment: \$115.54</p>	<p>Schedule for ad number LWIX04069740 Fri Nov 21, 2025 Appleton Post Crescent <i>All Zones</i> Fri Nov 28, 2025 Appleton Post Crescent <i>All Zones</i></p>
<p>Account Details Outagamie County Development & Land Services 320 S Walnut ST ZONING DEPT. Appleton, WI 54911-5918 920-735-5255 cassandra.ingalls@outagamie.org Outagamie County Development</p>	

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OUTAGAMIE COUNTY

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BOARD OF ADJUSTMENT
ROY HEGARD, VICE CHAIRMAN

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