

Return to: Department of Public Works
Inspection Division
100 North Appleton Street
Appleton, Wisconsin 54911
(920) 832-6411

City of Appleton
Application for Variance

Application Deadline April 24, 2023 Meeting Date May 15, 2023 7PM

Please write legibly and also submit a complete reproducible site plan (maximum size 11” x 17”). A complete site plan includes, but is not limited to, all structures, lot lines and streets with distances to each. There is a non-refundable \$125.00 fee for each variance application. The nonrefundable fee is payable to the City of Appleton and due at the time the application is submitted.

Property Information	
Address of Property (Variance Requested) 100 W. Wisconsin Ave.	Parcel Number 31-6-0576
Zoning District C2	Use of Property Residential X Commercial

Applicant Information	
Owner Name CHAD LECAPITAINE LLC	Owner Address 925 W. Lindbergh St. Appleton, WI 54911
Owner Phone Number 920-378-5468	Owner E Mail address (optional) Captianchad302@gmail.com

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-66(h)(5)(b)- Perimeter landscaping buffering and setbacks
Brief Description of Proposed Project Proposed project is to start using the property as an auto sale and display lot and not provide landscape buffering or meet setbacks. Section 23-66(h)(5)(b)(1)(ii) specifies that display lots shall have a five (5) foot wide buffer in the front yard. Section 23-66(h)(5)(b)(2)(ii) of the Zoning Ordinance requires landscaping adjacent to the right of way. The plan provides ** parking spaces. Section 23-172(m) of the Zoning Ordinance requires ** customer parking spaces and ** total parking spaces.

Recp 4964-0003

Owner’s Signature (Required):  Date: 4-24-2023

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Questionnaire

In order to be granted a variance each applicant must be able to prove that an unnecessary hardship would be created if the variance were not granted. The burden of proving an unnecessary hardship rest upon the applicant. The attached sheet provides information on what constitutes a hardship. (Attach additional sheets, if necessary, to provide the information requested. Additional information may be requested as needed.

- 1. Explain your proposed plans and why you are requesting a variance:
The pavement is existing on the property and fits with the surrounding area. Also, I need the area to park cars that are being repaired, sold and/or serviced. I want to use the property as it was previously.
- 2. Describe how the variance would not have an adverse impact on the surrounding properties:
It is how the property was being used previously and I just want to maintain the current use. I need the area south of the building to advertise autos that are for sale.
- 3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures:
The houses to the north and west are rental houses. The house to the north has existing gravel that extends up to the property line.
- 4. Describe the hardship that would result if your variance were not granted:
I would need to remove existing impervious surface and I would lose the area for parking spaces that were planned due to the existing impervious surface.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: April 26, 2023

RE: Variance Application for 100 W. Wisconsin Ave. (31-6-0576-00)

Description of Proposal

The applicant proposes to begin selling vehicles at this location and provide no landscape buffering or vegetation. Section 23-66(h)(5)(b)(1) of the Zoning Ordinance requires a five (5) foot wide buffer along the side and front yards and Section 23-66(h)(5)(b)(2)(ii) of the Zoning Ordinance requires landscaping in front yard that includes evergreens and shrubs across eighty (80%) percent of lot frontage.

Impact on the Neighborhood

In the application, the applicant states that it is how the property was being used previously and he just wants to maintain the current use. He needs the area south of the building to advertise autos for sale.

Unique Condition

In the application, the applicant states that the houses to the north and west are rentals and the house to the north has gravel that extends up to the property line.

Hardship

In the application, the applicant states that if the variance is not granted, he would need to remove existing impervious surface and would lose the area for parking spaces that were planned, due to the existing impervious surface.

Staff Analysis

This parcel is 14,721 sq. ft. The minimum size of a lot allowed in the C2 zoning district is 14,000 sq. ft. This is not an unusually small lot.

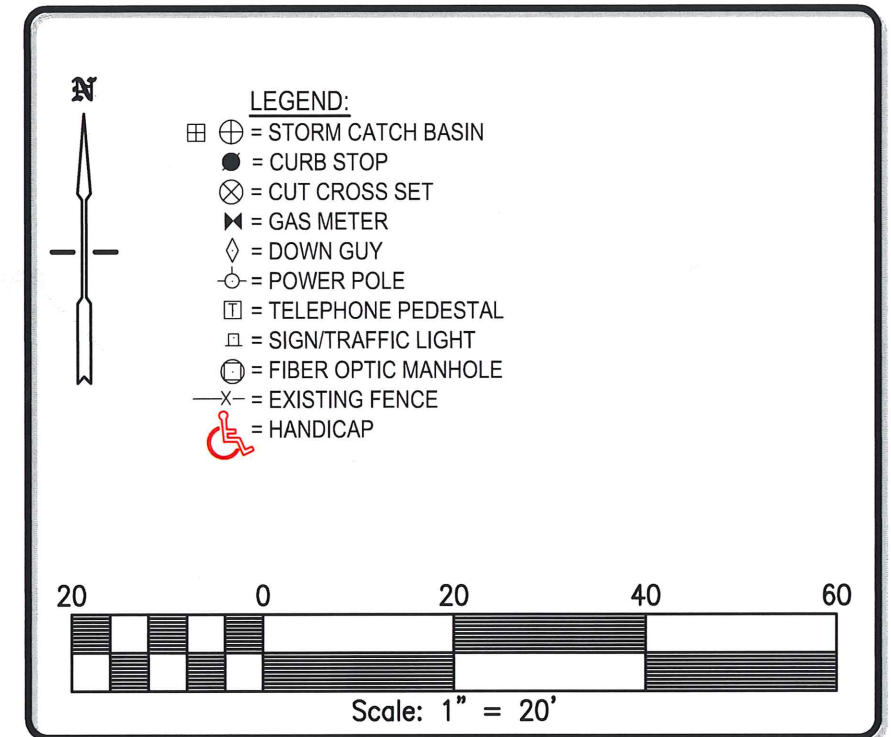
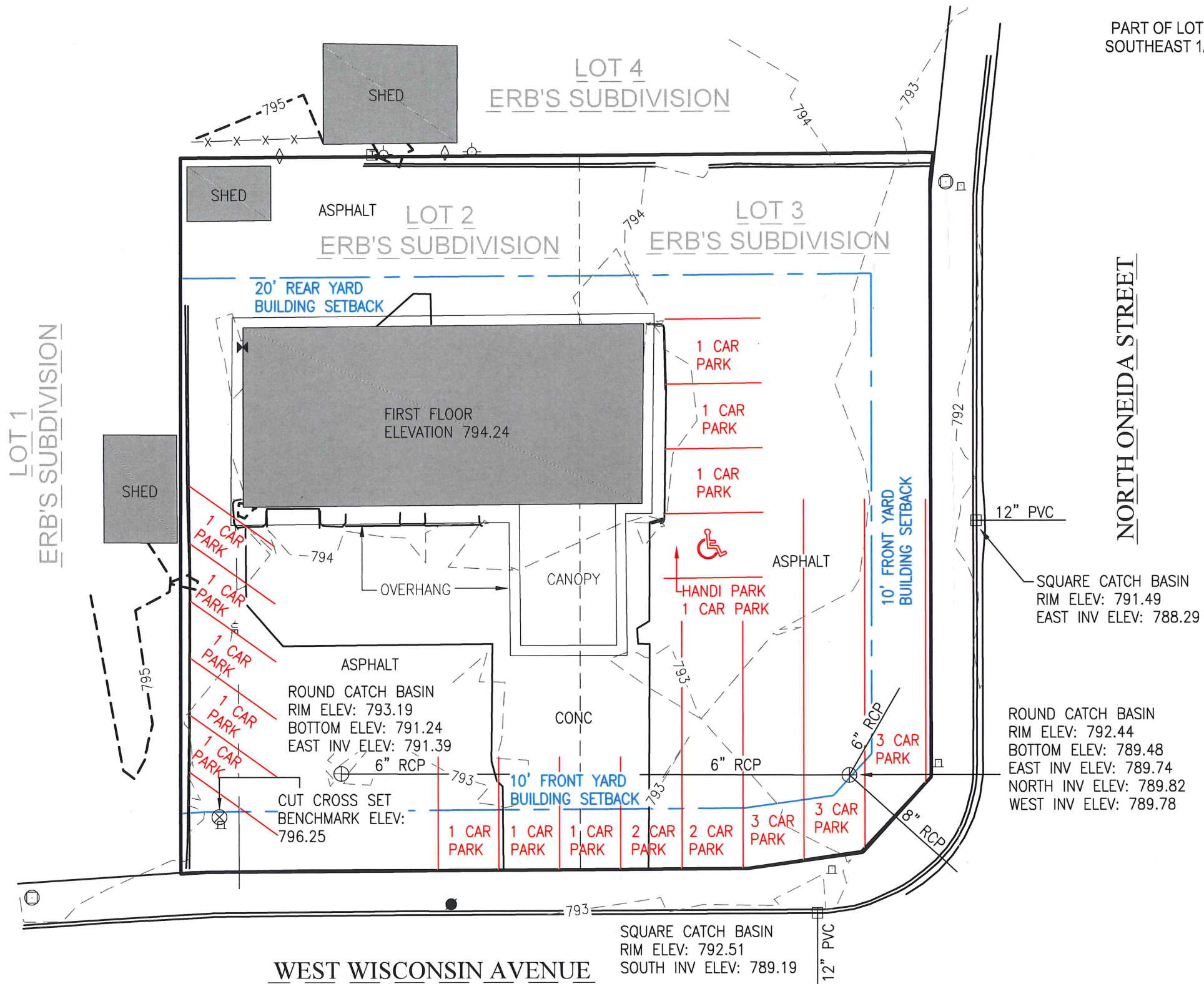
The property has been used as a repair and towing company for many years. It has not been licensed for auto display and sales in the past. The owner is proposing to sell vehicles and is required to obtain a special use permit from the City of Appleton. Because of this change, compliance with the landscape buffering standards is required. The owner is proposing this change. Therefore, any hardship is self- created.

The minimum number of required parking spaces for the use of the property for auto sales is six (6) spaces. These are spaces not to be used for display of vehicles for sale.

Based on the information available, the applicant has not met the review criteria for a variance because no hardship has been identified due to the dimensional limitations of the lot.

"SITE PLAN"

PART OF LOT 2 AND LOT 3 OF THE RECORDED PLAT "ERB'S SUBDIVISION" LOCATED IN PART OF THE
SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY
OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN
PARCEL NUMBER: 316057600



CAROW LAND SURVEYING CO., INC.

615 N. LYNNDALE DRIVE, P.O. BOX 1297
APPLETON, WISCONSIN 54912-1297
PHONE: (920)731-4168 FAX: (920)731-5673

SCALE
1" = 20'

DRAWN BY
fnz-an TJS

PROJECT NO.
A2304.11