

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 25, 2022 Meeting Date May 16, 2022 7pm

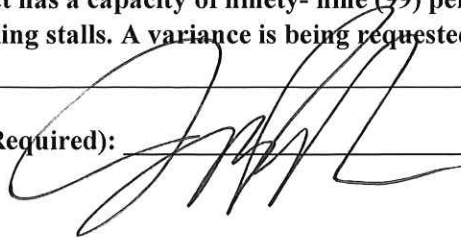
Please write legibly and also submit a complete reproducible site plan (maximum size 11" x 17"). A complete site plan includes, but is not limited to, all structures, lot lines and streets with distances to each. There is a non-refundable \$125.00 fee for each variance application. The nonrefundable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

Property Information	
Address of Property (Variance Requested) 1103 W. College Ave.	Parcel Number 31-3-1064-00
Zoning District C2	Use of Property <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial

Applicant Information	
Owner Name Jordan Banda	Owner Address 1800 W. Rogers Ave Appleton, WI 54914
Owner Phone Number	Owner E Mail address (optional)
Agent Name Rusty Leary	Agent Address 1800 W. Rogers Ave. Appleton, WI 54914
Agent Phone Number 920-740-5573	Agent E Mail address (optional) <u>rustyleary@gmail.com</u>

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-172(m) – Minimum required parking spaces.
Brief Description of Proposed Project Section 23-172(m) of the Zoning Ordinance requires that one (1) parking space be required for every three (3) persons allow based on maximum capacity. The proposed restaurant/bar project has a capacity of ninety- nine (99) persons, which would require thirty-three (33) parking stalls. A variance is being requested to allow fourteen (14) thirteen (13) parking spaces.

Owner's Signature (Required):



Date:

4/22-22

Rec 3565.0009

Zoning Variance Questionnaire

Submitted by:

Mill City Public House
1103 W College Avenue
Rusty Leary, co-owner / general manager
920-740-5573
rustyleary@gmail.com

1. Explain your proposed plans and why you are requesting a variance.

We propose to operate a restaurant in the renovated building located at 1103 W College Avenue. The property was previously owned by Elk's Lodge #337 and used as a meeting hall. The property is zoned C2 commercial. The current zoning ordinance requires one (1) parking stall for every three (3) occupants when operating as a restaurant or tavern. In accordance with current fire code the building has a maximum allowable capacity of ninety-nine (99) persons in its present configuration, which would in turn trigger a requirement of thirty-three (33) off-street parking stalls. We are requesting a variance to reduce the required number of parking stalls to thirteen (13), which is the number of parking stalls on the property.

2. Describe how the variance would not have an adverse impact on the surrounding properties.

The property has a history of being used as a gathering place for meetings and social events. Under the previous ownership, posted occupancy was 174 persons. There is ample on-street parking available in the immediate surrounding area. Twelve (12) spaces are immediately adjacent to commercially zoned property. The area already has high traffic counts being located on College avenue.

With an approved variance, our business will bring vitality and energy to an underutilized corridor of College Avenue, consistent with the City of Appleton Comprehensive Plan 2010-2030.

The lot in question is located just steps outside of the central business district, wherein a business of a similar nature and capacity (or much higher) is not required to provide any off-street parking, and relies solely upon on-street parking.

3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures.

The property in question is surrounded by streets, alleys, and adjacent commercial and residential property. It is a unique presentation of a neighborhood social hall which will bring vitality to an underserved area of residential properties. The building is best suited as a gathering space based on its design and access. The opportunity to expand current off-street parking capacity does not exist based on the limited dimensions of the lot.

4. Describe the hardship that would result if your variance were not granted.

Sec. 23-113 (h) of the City of Appleton municipal code outlines development standards for areas zoned C-2 "General Commercial District." Current parking requirements (sec. 23-172) are based on the assumption of compliance with current development standards as set forth in the aforementioned section of ordinance. Item 1 of this section defines the minimum lot size as 14,000 square feet.

The lot in question is historic and non-compliant with current development standards. Specifically, the lot does not meet the development standard for minimum area. The dimensions of the lot are 60' x 163.44', resulting in a total area of 9,806 square feet, over 4,000 square feet below the current development standard. Off-street parking requirements that were created for an area of 14,000 square or more would place an undue burden on our 9,800 square foot lot, and the standard cannot be applied in this case.

The lot is simply too small to provide any reasonable use in compliance with the current parking standard. As the lot was developed before the currening zoning standards were put into effect, special consideration is warranted.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: May 5, 2022

RE: Variance Application for 1103 W. College Ave. (31-3-1064-00)

Description of Proposal

The applicant proposes to provide thirteen (13) parking spaces for a restaurant/bar use with an occupancy limit of ninety-nine (99). Section 23-172(m) of the Zoning Ordinance requires thirty- three (33) parking spaces when the occupancy is ninety-nine (99).

Impact on the Neighborhood

In the application, the applicant states that the property has a long history of being used as a gathering place and previously had an occupancy limit of 174. The applicant also stated that there is ample on street parking on College Ave. and the property is very close to the central business district, which has no minimum parking requirements.

Unique Condition

In the application, the applicant states that the property is surrounded by alleys, streets and commercial and residential properties. The applicant also states that the building is best suited for a gathering space based on its design and access and the opportunity to expand current off-street parking capacity does not exist.

Hardship

In the application, the applicant states that the lot is simply too small to provide any reasonable use in compliance with the current zoning standards. (The lot is 9,806 sq. ft, the minimum size lot in the C2 zoning district is 14,000 sq. ft.).

Staff Analysis

This property is zoned C2. The size of the lot is 9,806 sq. ft. The minimum size lot in the C2 zoning district is 14,000 sq. ft. This is a nonconforming lot of record.

The small size of the lot creates a unique condition and the owner is not able to add additional parking spaces.

Because of the fact that the lot is a legal nonconforming lot of records, the applicant meets the review requirements because of the uniquely small size of the lot.

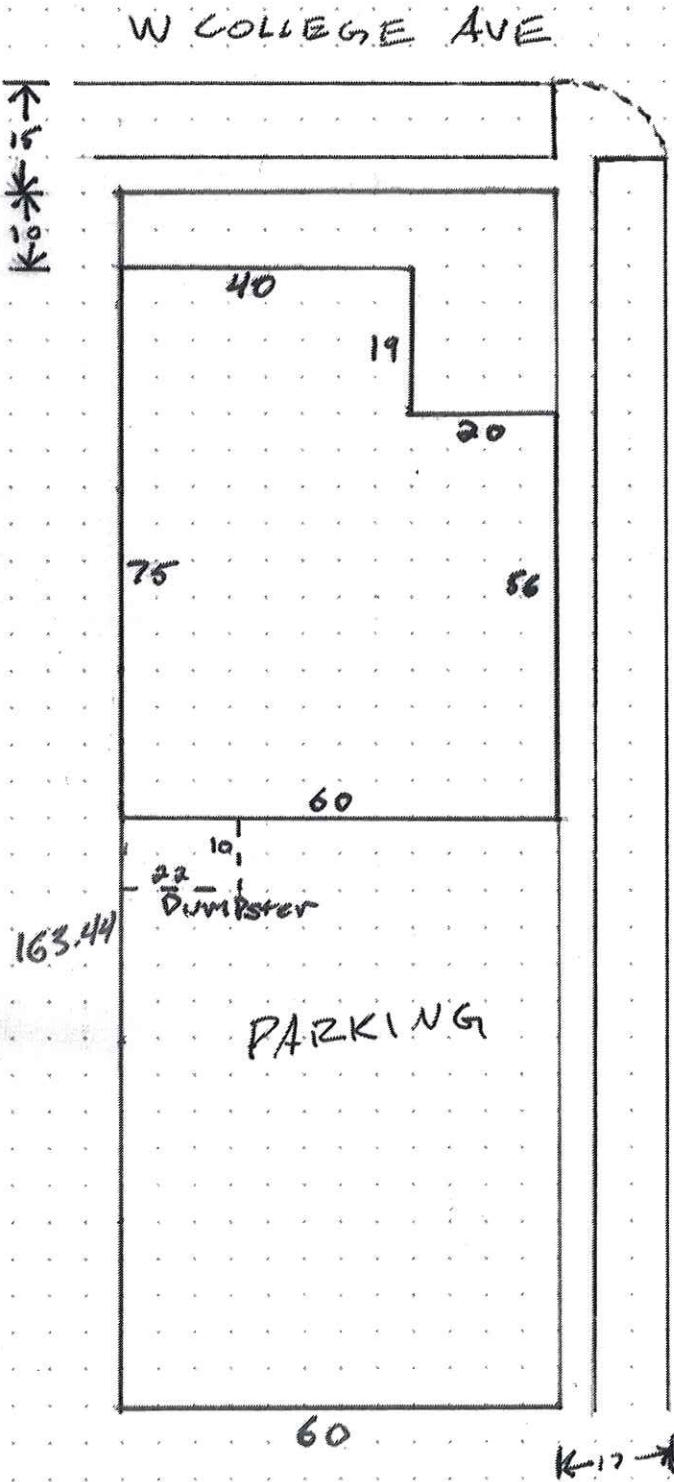
1103 W COLLEGE

3-1064

LOT AREA = 9,806 ft²

BLDG AREA = 4,120 ft²

of parking stalls = 13



ZONING

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		pursuant to §23-66(h)(11) <ul style="list-style-type: none"> • Painting/Craft studio with alcohol sales pursuant to §23-66(11) • Parking garages • Recycling collection points pursuant to §23-66(h)(14) • Recycling and waste recovery centers pursuant to §23-66(h)(13) • Research laboratories or testing facilities • Restaurants with alcohol pursuant to §23-66(h)(6) • Sexually-oriented establishments pursuant to Article XII • Shelter facility • Tasting rooms pursuant to §23-66(H)(19, 20, 21, or 21) • Towers or antennas for wireless telecommunication services, pursuant to Article XIII. • Wholesale facilities • Winery pursuant to §23-66(h)(21)

(f) **Site plan.** Prior to obtaining a building permit on any land in the C-2 district, a site plan shall be required in accordance with §23-570, Site plan review and approval.

(g) **Parking, loading, and landscape standards.** Off-street parking and loading requirements are set forth in §23-172, Off-street parking and loading standards. Landscaping requirements are set forth in §23-601, Landscaping and screening standards.

(h) **Development standards.** The space limits applicable in the C-2 district are as follows:



(1) **Minimum lot area.** Fourteen thousand (14,000) square feet.

(2) **Maximum lot coverage.** Seventy-five percent (75%).

(3) **Minimum lot width.** Sixty (60) feet.

(4) **Minimum front yard.** Ten (10) feet.

(5) **Minimum rear yard.** Twenty (20) feet.

(6) **Minimum side yard.**

a. None.

b. Ten (10) feet if abutting a residentially zoned district.

(7) **Maximum building height.** Thirty-five (35) feet (See §23-113 (e)).

(Ord 121-05, §1, 10-25-05; Ord 100-08, §1, 5-27-08; Ord 139-08, §1, 10-7-08; Ord 156-08, §1, 10-7-08; Ord 206-11, §1, 9-27-11; Ord 207-11, §1, 9-27-11; Ord 58-12, §1, 6-6-12; Ord 72-13, §1, 8-13-13; Ord 41-20, §1, 3-24-20; Ord 42-20, §1, 3-24-20)

Sec. 23-114. CBD central business district.

(a) **Purpose.** This district is intended to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment, governmental, and residential uses. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural and government center. Development is intended to be intense with