



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** August 8, 2016

**Common Council Meeting Date:** August 17, 2016

**Item:** Certified Survey Map #11-16

**Case Manager:** David Kress

### GENERAL INFORMATION

---

**Owner:** Nancy A. Mills

**Applicant:** Martenson & Eisele, Inc. c/o Gary Zahringer

**Address/Parcel #:** 17 River Front Court and Pierce Court (Tax Id #31-3-1732-00 and #31-3-0311-00)

**Petitioner's Request:** The applicant is requesting approval of a Certified Survey Map (CSM) that crosses a plat boundary. The applicant is proposing to combine two adjacent properties into one lot and create an outlot along the Fox River.

### BACKGROUND

---

Typically, CSMs are administratively reviewed and approved by City staff. However, the adjacent properties to be combined were originally platted in different plats. Parcel #31-3-0311-00 was included in the Pierce Plat (recorded in 1930), and parcel #31-3-1732-00 was included in the River Front Court Subdivision (recorded in 1964). In order to satisfy the requirements of Chapter 236 of the Wisconsin State Statutes, the City is required to approve the proposed CSM in the same manner as a Final Plat, which includes Plan Commission and Common Council approval.

The purpose of the proposed lot combination is to allow for the construction of a single-family dwelling. While not required, a concept plan is attached for reference.

### STAFF ANALYSIS

---

**Existing Conditions:** Currently, parcel #31-3-1732-00 is developed with a 4,790 square foot single-family dwelling. This property also includes a paved driveway and attached garage. Parcel #31-3-0311-00 is currently undeveloped and approximately 0.47 acres in size. Both parcels have a zoning designation of R-1B Single-Family District. If combined, the proposed Lot #1 would be approximately 0.79 acres in size.

**Subdivision Ordinance Requirements:** Proposed Lot #1 would create a double frontage lot, having frontage on River Front Court and Pierce Court. The definition for double frontage lot, per the Subdivision Ordinance, means an interior lot having frontage on the front and on the rear of the lot. Per Section 17-26(c)(2) of the Municipal Code, double frontage lots shall not be permitted except as required by Common Council where they are desirable to provide separation of development from traffic arterials or inharmonious uses, or to overcome disadvantages of topography or situation.

**Certified Survey Map #11-16**

**August 8, 2016**

**Page 2**

Per Section 23-93(g) of the Municipal Code, the minimum lot area is six-thousand (6,000) square feet and the minimum lot width is fifty (50) feet for the R-1B Single-Family District. Proposed Outlot #1 does not meet these lot development standards.

Pursuant to Section 17-3(f) of the Municipal Code, when the Common Council finds that extraordinary hardship or injustice will result from strict compliance with this ordinance, it may vary the terms thereof to the extent deemed necessary and proper to grant relief, provided that the modification meets the following three standards:

1. The modification is due to physical features of the site or its location.
2. The modification is the least deviation from this ordinance which will mitigate the hardship.
3. The modification is not detrimental to the public interest and is in keeping with the general spirit and intent of this ordinance.

**Surrounding Zoning and Land Uses:** The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally residential in nature.

North: R-1B Single-Family District. The adjacent land uses to the north are currently single-family residential.

South: R-1B Single-Family District. The adjacent land uses to the south are currently railroad right-of-way and the Fox River.

East: R-1B Single-Family District. The adjacent land uses to the east are currently single-family residential.

West: R-1B Single-Family District. The adjacent land uses to the west are currently single-family residential.

**Appleton Comprehensive Plan 2010-2030:** Community & Economic Development staff has reviewed this proposal and determined it is compatible with the One and Two-Family Residential uses shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map.

**Additional Comments:** While not proposed, it should be noted that combining the lots would give the ability to construct an accessory building and/or structure on the undeveloped portion of the subject area (currently parcel #31-3-0311-00), subject to Section 23-43 of the Municipal Code. Below is a dimensional modification from the Zoning Ordinance that pertains specifically to double frontage lots.

- Section 23-50(d)(4) – Where a lot is a double frontage lot, any detached accessory structure may be permitted in the yard opposite the front yard from which the principal structure is addressed. Furthermore, the accessory structure shall meet the front yard and side yard setback requirement of the principal structure.

## Certified Survey Map #11-16

August 8, 2016

Page 3

**Technical Review Group (TRG) Report:** This item was discussed at the July 19, 2016 Technical Review Group meeting.

- Department of Public Works Comments:
  - Add a phrase similar to “dividing or combining” to the surveyor and owner certificates.
  - A mortgage certificate is not necessary.
  - A Drainage Plan will be required prior to the issuance of any building permits related to this CSM.
  - City Driveway Opening Policy applies to any new driveways proposed as part of this CSM. Street Excavation Permit will be required for a second driveway opening.
  
- Assessor’s Office Comments:
  - Parcel #31-3-0311-00 was transferred to Triumph 2 Trust. This should be updated on sheet 2 of the CSM to show both parcels owned by the trust.

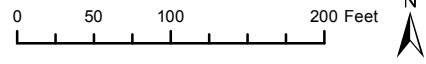
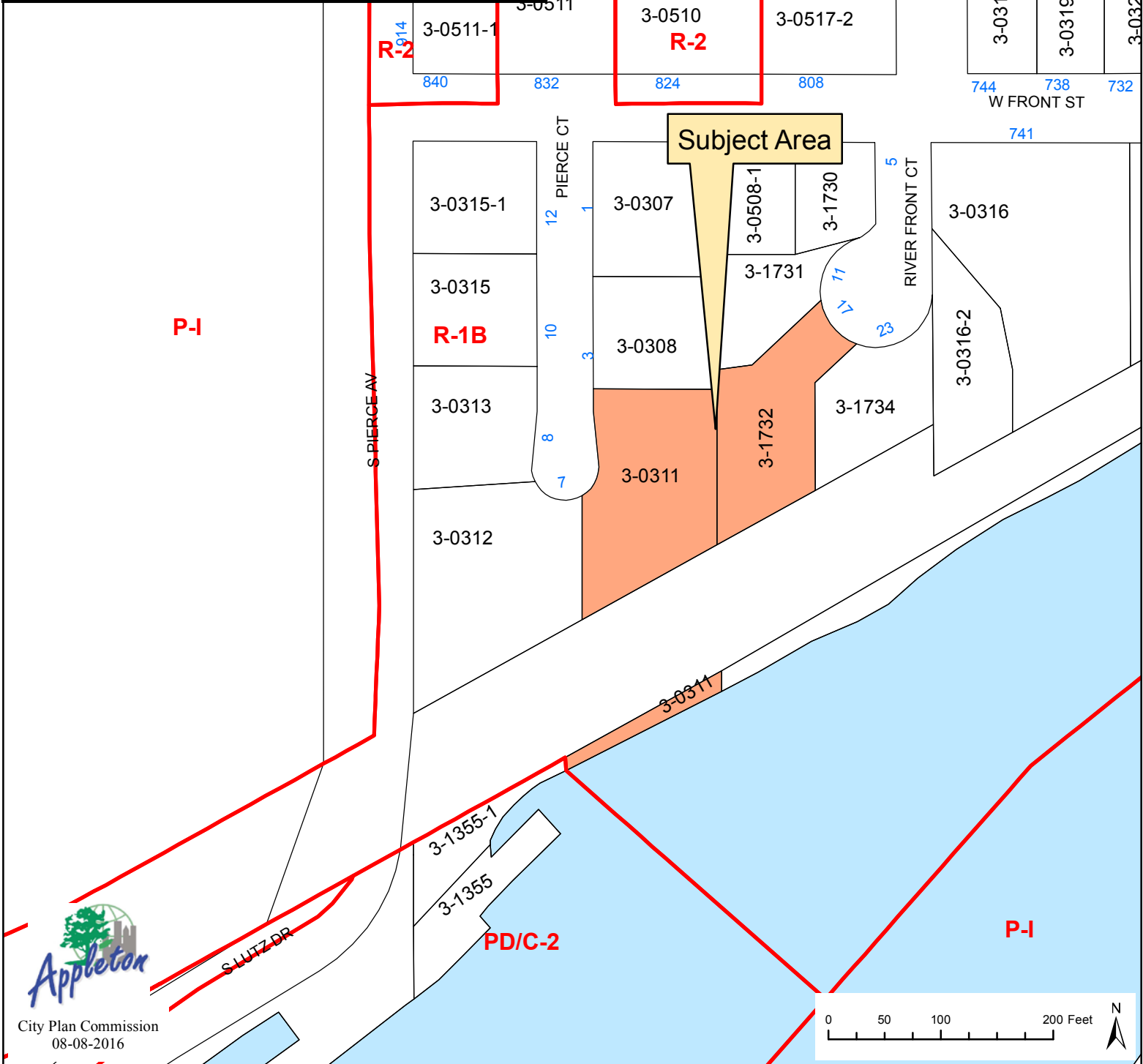
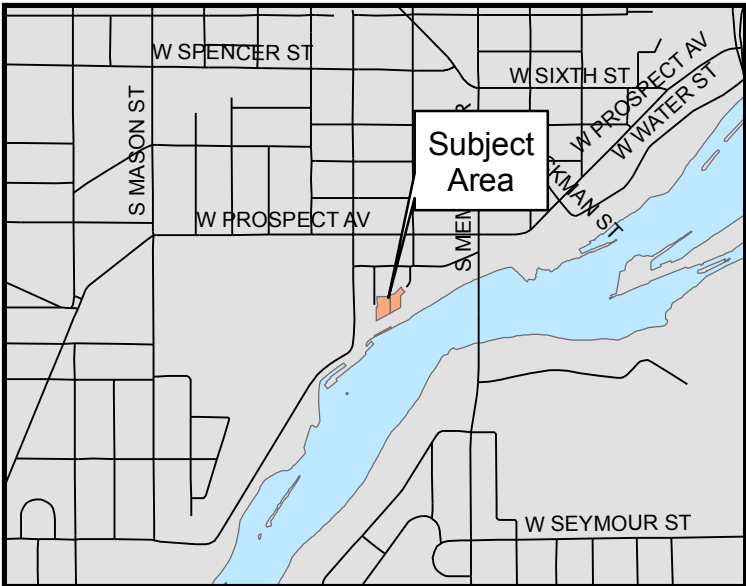
### **RECOMMENDATION**

---

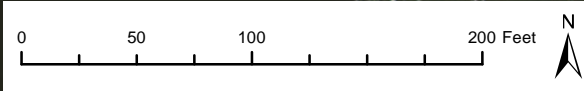
Based on the above, staff recommends that Certified Survey Map #11-16, as shown on the attached map, **BE APPROVED** subject to the following conditions:

1. Grant relief from the double frontage lot requirements for proposed Lot #1, per Section 17-3(f) of the Municipal Code, as stated previously in the staff report.
2. Grant relief from the minimum lot area and minimum lot width requirements for proposed Outlot #1, per Section 17-3(f) of the Municipal Code, as stated previously in the staff report.
3. Add a phrase similar to “dividing or combining” to the surveyor and owner certificates.
4. A mortgage certificate is not necessary.
5. A Drainage Plan will be required prior to the issuance of any building permits related to this CSM.
6. City Driveway Opening Policy applies to any new driveways proposed as part of this CSM. Street Excavation Permit will be required for a second driveway opening.
7. Parcel #31-3-0311-00 was transferred to Triumph 2 Trust. This should be updated on sheet 2 of the CSM to show both parcels owned by the trust.
8. Illustrate or note all existing easements within the exterior boundaries of the CSM or immediately adjacent thereto, per Section 17-17(a)(7) of the Municipal Code.

River Front Court / Pierce Court  
 Certified Survey Map #11-16 with  
 Double Frontage Lot  
 Zoning Map



River Front Court / Pierce Court  
Certified Survey Map #11-16 with Double Frontage Lot  
Aerial Map



CERTIFIED SURVEY MAP NO. \_\_\_\_\_

ALL OF LOT 5 AND PART OF LOTS 4 AND 6 OF PIERCE PLAT;  
 ALL OF LOT 3 AND PART OF LOT 2 OF RIVER FRONT COURT  
 SUBDIVISION; ALL BEING LOCATED IN GOVERNMENT LOT 1,  
 NORTH OF THE FOX RIVER, SECTION 34, TOWNSHIP 21 NORTH,  
 RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY,  
 WISCONSIN.

NORTH 1/4 CORNER SECTION 34 T21N-R17E CNTY BRASS DISK WITH MAG NAIL FND

N 89°12'54" W 2645.58'

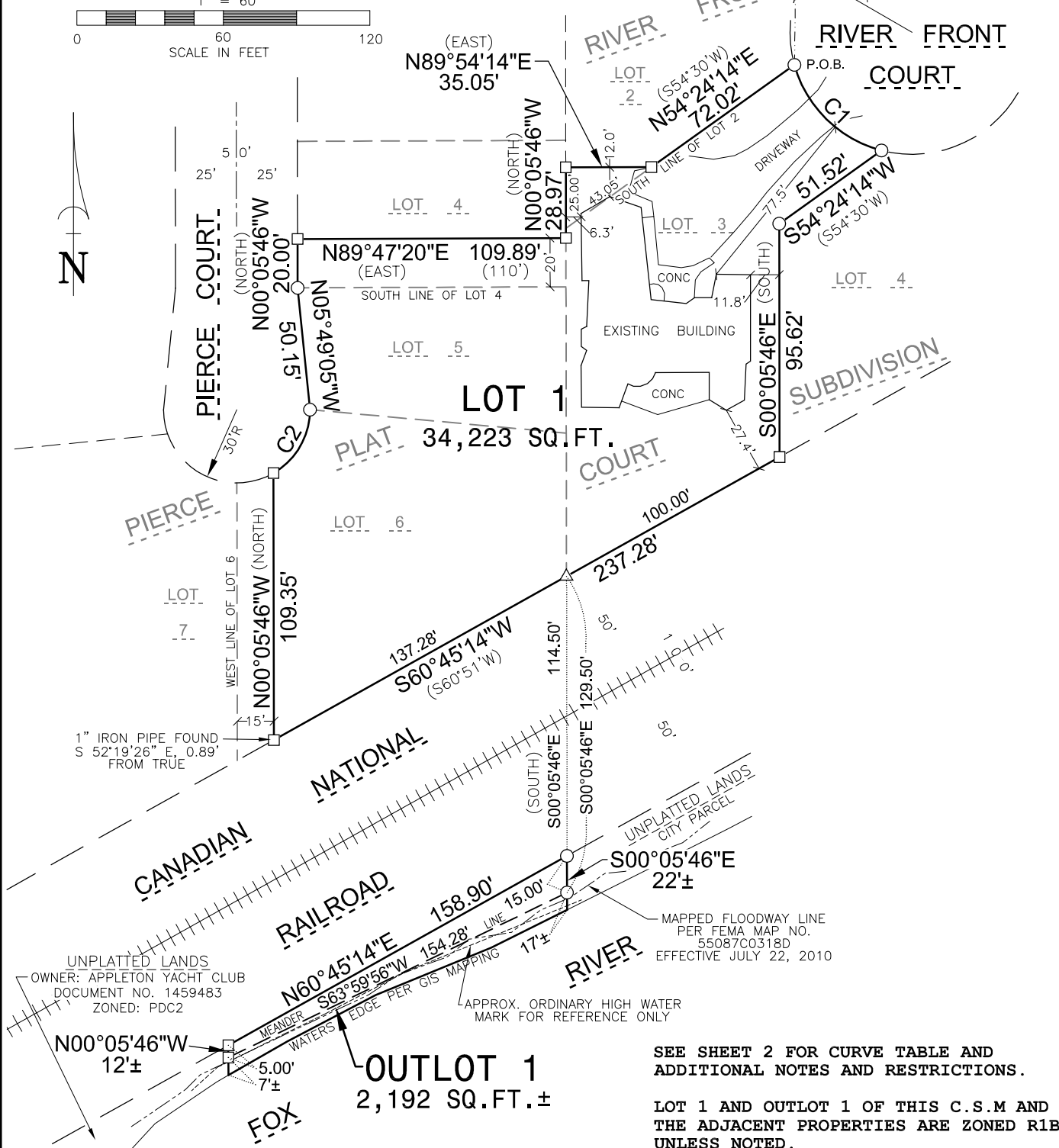
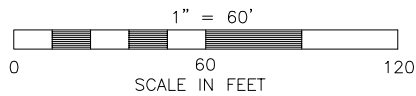
541.80'

NORTHEAST CORNER SECTION 34 T21N-R17E CHISELED "X" FND

LEGEND

- △ HAYDITE MONUMENT FOUND
- 1" O.D. IRON PIPE FOUND
- 3/4" O.D. REBAR FOUND
- ⊕ GOVERNMENT CORNER
- P.O.B. POINT OF BEGINNING
- ( ) RECORDED AS

BEARINGS ARE REFERENCED TO THE OUTAGAMIE COUNTY COORDINATE SYSTEM IN WHICH THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 34 BEARS N 89°12'54" W



SEE SHEET 2 FOR CURVE TABLE AND ADDITIONAL NOTES AND RESTRICTIONS.

LOT 1 AND OUTLOT 1 OF THIS C.S.M AND THE ADJACENT PROPERTIES ARE ZONED R1B, UNLESS NOTED.  
 MINIMUM FRONT YARD SETBACK = 20FT.  
 MINIMUM SIDE YARD SETBACK = 6FT.  
 MINIMUM REAR YARD SETBACK = 25FT.

Martenson & Eisele, Inc.

1377 Midway Road  
 Menasha, WI 54952  
 www.martenson-eisele.com  
 info@martenson-eisele.com  
 920.731.0381 1.800.236.0381

Planning  
 Environmental  
 Surveying  
 Engineering  
 Architecture

SURVEY FOR:  
 NANCY A. MILLS  
 1617 W. REID DRIVE  
 APPLETON, WI 54914

PROJECT NO. 1-0787-001  
 FILE 1-0787-001csm SHEET 1 OF 4  
 THIS INSTRUMENT WAS DRAFTED BY: A.Sedlar



CERTIFIED SURVEY MAP NO. \_\_\_\_\_

**CURVE TABLE:**

| CURVE | RADIUS | DELTA                  | LENGTH | CHORD BEARING                 | CHORD  |
|-------|--------|------------------------|--------|-------------------------------|--------|
| 1     | 50.00' | 060°01'13"<br>(60°00') | 52.36' | S 45°29'36" E<br>(N 45°23' W) | 50.00' |
| 2     | 30.00' | 060°00'00"             | 31.42' | N 29°54'14" E                 | 30.00' |

**NOTES AND RESTRICTIONS:**

ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF THE NAVIGABLE STREAM, IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1 OF THE STATE CONSTITUTION.

THE FOX RIVER WATERS EDGE IS SHOWN PER OUTAGAMIE COUNTY GIS AND IS NOT BASED ON AN OFFICIAL DETERMINATION AND SUBJECT TO A 75' BUILDING SETBACK FROM THE ORDINARY HIGH WATER MARK. PRIOR TO ANY BUILDING, AN OFFICIAL DETERMINATION OF THE ORDINARY HIGH WATER MARK MUST BE MADE BY AN AUTHORIZED PERSON.

ALL BUILDING SETBACKS AND OTHER LAND USE REQUIREMENTS SHOULD BE VERIFIED BY THE CITY OF APPLETON AND OUTAGAMIE COUNTY ZONING DEPARTMENTS PRIOR TO ANY CONSTRUCTION OR OTHER LAND USE ACTIVITY.

**SURVEYOR'S CERTIFICATE:**

I, GARY A. ZHRINGER, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY:  
 THAT I HAVE SURVEYED, MAPPED, AND DIVIDED AT THE DIRECTION OF NANCY A. MILLS, ALL OF LOT 5 AND PART OF LOTS 4 AND 6 OF PIERCE PLAT; ALL OF LOT 3 AND PART OF LOT 2 OF RIVER FRONT COURT SUBDIVISION; ALL BEING LOCATED IN GOVERNMENT LOT 1 NORTH OF THE FOX RIVER, SECTION 34, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHEAST CORNER OF SAID SECTION 34; THENCE NORTH 89 DEGREES 12 MINUTES 54 SECONDS WEST, ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 541.80 FEET; THENCE SOUTH 00 DEGREES 47 MINUTES 06 SECONDS WEST, 1816.05 FEET TO THE POINT OF BEGINNING; THENCE 52.36 FEET ALONG AN ARC OF A CURVE TO THE LEFT, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF RIVER FRONT COURT, SAID CURVE HAVING A RADIUS OF 50.00 FEET AND A CHORD THAT BEARS SOUTH 45 DEGREES 29 MINUTES 36 SECONDS EAST, 50.00 FEET; THENCE SOUTH 54 DEGREES 24 MINUTES 14 SECONDS WEST, ALONG THE EAST LINE OF LOT 3 OF RIVER FRONT COURT SUBDIVISION, A DISTANCE OF 51.52 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 46 SECONDS EAST, CONTINUING ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 95.62 FEET; THENCE SOUTH 60 DEGREES 45 MINUTES 14 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF CANADIAN NATIONAL RAILROAD, A DISTANCE OF 100.00 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 46 SECONDS EAST, 129.50 FEET TO A MEANDER CORNER, SAID CORNER BEING NORTH 00 DEGREES 05 MINUTES 46 SECONDS WEST, 17 FEET MORE OR LESS FROM THE WATERS EDGE OF THE FOX RIVER; THENCE SOUTH 63 DEGREES 59 MINUTES 56 SECONDS WEST, ALONG A MEANDER LINE, 154.28 FEET TO A MEANDER CORNER, SAID CORNER BEING SOUTH 00 DEGREES 05 MINUTES 46 SECONDS EAST, 7 FEET MORE OR LESS FROM THE WATERS EDGE OF THE FOX RIVER; THENCE NORTH 00 DEGREES 05 MINUTES 46 SECONDS WEST, 5.00 FEET; THENCE NORTH 60 DEGREES 45 MINUTES 14 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF CANADIAN NATIONAL RAILROAD, A DISTANCE OF 158.90 FEET; THENCE NORTH 00 DEGREES 05 MINUTES 46 SECONDS WEST, 114.50 FEET; THENCE SOUTH 60 DEGREES 45 MINUTES 14 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF CANADIAN NATIONAL RAILROAD, A DISTANCE OF 137.28 FEET; THENCE NORTH 00 DEGREES 05 MINUTES 46 SECONDS WEST, 109.35 FEET; THENCE 31.42 FEET ALONG AN ARC OF A CURVE TO THE LEFT, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF PIERCE COURT, SAID CURVE HAVING A RADIUS OF 30.00 FEET AND A CHORD THAT BEARS NORTH 29 DEGREES 54 MINUTES 14 SECONDS EAST, 30.00 FEET; THENCE NORTH 05 DEGREES 49 MINUTES 05 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF PIERCE COURT, A DISTANCE OF 50.15 FEET; THENCE NORTH 00 DEGREES 05 MINUTES 46 SECONDS WEST, CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF PIERCE COURT, A DISTANCE OF 20.00 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 20 SECONDS EAST, 109.89 FEET; THENCE NORTH 00 DEGREES 05 MINUTES 46 SECONDS WEST, ALONG THE EAST LINE OF LOT 4 OF PIERCE PLAT, A DISTANCE OF 28.97 FEET; THENCE NORTH 89 DEGREES 54 MINUTES 14 SECONDS EAST, 35.05 FEET; THENCE NORTH 54 DEGREES 24 MINUTES 14 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 3 OF RIVER FRONT COURT SUBDIVISION, A DISTANCE OF 72.02 FEET TO THE POINT OF BEGINNING. CONTAINING 36,415 SQUARE FEET MORE OR LESS [0.84 ACRES±] INCLUDING ALL LANDS LYING BETWEEN THE MEANDER LINE AND THE ORDINARY HIGH WATER MARK OF THE FOX RIVER. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THAT I HAVE FULLY COMPLIED WITH CHAPTER 236.34 OF THE WISCONSIN STATUTES AND WITH THE CITY OF APPLETON SUBDIVISION ORDINANCE IN SURVEYING, MAPPING AND DIVIDING THE SAME.

THAT THIS MAP IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION THEREOF.

GIVEN UNDER MY HAND THIS 11TH DAY OF JULY, 2016.

\_\_\_\_\_  
 GARY A. ZHRINGER, PROFESSIONAL LAND SURVEYOR S-2098

**THIS CERTIFIED SURVEY MAP IS CONTAINED WHOLLY WITHIN THE PROPERTY DESCRIBED IN THE FOLLOWING RECORDED INSTRUMENTS**

| OWNERS OF RECORD: | RECORDING INFORMATION: | PARCEL NUMBERS: |
|-------------------|------------------------|-----------------|
| TRIUMPH 2 TRUST   | DOC. NO. 2075446       | 31-3-1732-00    |
| NANCY A. MILLS    | DOC. NO. 1517774       | 31-3-0311-00    |

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

**CITY APPROVAL:**

APPROVED BY THE CITY OF APPLETON ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
TIMOTHY M. HANNA, MAYOR

\_\_\_\_\_  
KAMI LYNCH, CITY CLERK

**FINANCE CERTIFICATE:**

I HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS ON ANY OF THE LANDS SHOWN HEREON.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
ANTHONY D. SAUCERMAN, DIRECTOR OF FINANCE

**COUNTY TREASURER'S CERTIFICATE:**

I HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS ON ANY OF THE LANDS SHOWN HEREON.

\_\_\_\_\_  
OUTAGAMIE COUNTY TREASURER

\_\_\_\_\_  
DATE





SITE LAYOUT

SCALE: 1/8" = 1'-0"

