



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: October 26, 2022

Common Council Meeting Date: November 2, 2022

Item: Modification of Subdivision Ordinance Regulations Request –
737 E. South River Street

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owner/Applicant: Brandon Wentland

Address/Parcel Number: 737 East South River Street (Tax Id #31-4-0798-01 and #31-4-0798-03)

Petitioner's Request: The applicant is requesting a modification of regulations involving Sections 17-26(c)(2) and 17-26(g) of the Municipal Code. These code sections relate to lot frontage and lot proportions, respectively.

BACKGROUND

Certified Survey Map (CSM) #1-18 was administratively approved on February 6, 2018 and subsequently recorded in the Outagamie County Register of Deeds Office as CSM 7503 on March 13, 2018. This CSM subdivided a larger, 2.07-acre property into three lots. The applicant has since purchased all three lots. The applicant is proposing to combine two of these adjacent lots into one lot, thereby re-establishing a double frontage lot with irregular proportions. Prior to CSM 7503 being recorded, the subject area involved in this request was part of the same parcel.

A new CSM must be submitted in order to combine parcels #31-4-0798-01 and #31-4-0798-03. CSMs are administratively reviewed and approved by City staff. However, the modification of regulations requires Common Council action before staff review can proceed.

STAFF ANALYSIS

Existing Conditions: Currently, parcel #31-4-0798-01 is developed with a single-family dwelling, attached garage, and paved driveway. Parcel #31-4-0798-03 is currently undeveloped and approximately 0.59 acres in size. Both parcels have a zoning designation of R-1B Single-Family District. Sanitary sewer, storm sewer, and drainage easements are also present, as shown on the attached map. If combined, the new lot would be approximately 1.46 acres in size.

Subdivision Ordinance Requirements: 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. 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. The proposed lot combination would create a double frontage lot, having frontage on East South River Street and East Arbor Lane. However, this appears to be a situation where re-establishing a double frontage lot is acceptable, given that a double

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frontage lot existed on this site prior to 2018. Also, there are other double frontage lots nearby, such as parcels #31-4-0800-00, #31-4-0778-00, and #31-4-0792-02.

Per Section 17-26(g) of the Municipal Code, excessive lot depth in relation to width shall be avoided. A proportion of two length to one width shall normally be considered a desirable maximum for lot widths of 60 feet or more. Lot depth is measured from the front lot line to the rear lot line, and in the case of a double frontage lot, there is no rear lot line. The proposed lot combination, while somewhat irregular in shape, would have proportions that are approximately five length to one width. However, similar proportions existed on this site prior to the CSM being recorded in 2018. Also, there are other lots nearby with substantial lot depth relative to width, such as parcels #31-4-0798-00, #31-4-0799-00, and #31-4-0818-00.

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.

Based upon the above analysis, as well as the applicant's written justification for the requested modifications, it would appear the standards established by Section 17-3(f) Modification of Regulations have been met.

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 and institutional in nature.

North: P-I Public Institutional District. The adjacent land uses to the north are currently institutional, including a place of worship use.

South: R-1B Single-Family District. The adjacent land uses to the south are currently a mix of vacant, undeveloped land and single-family residential.

East: R-1B Single-Family District. The adjacent land uses to the east are currently a mix of vacant, undeveloped land and single-family residential.

West: R-1B Single-Family District and R-2 Two-Family District. The adjacent land uses to the west are currently a mix of vacant, undeveloped land and 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 designation 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

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(currently parcel #31-4-0798-03), 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.

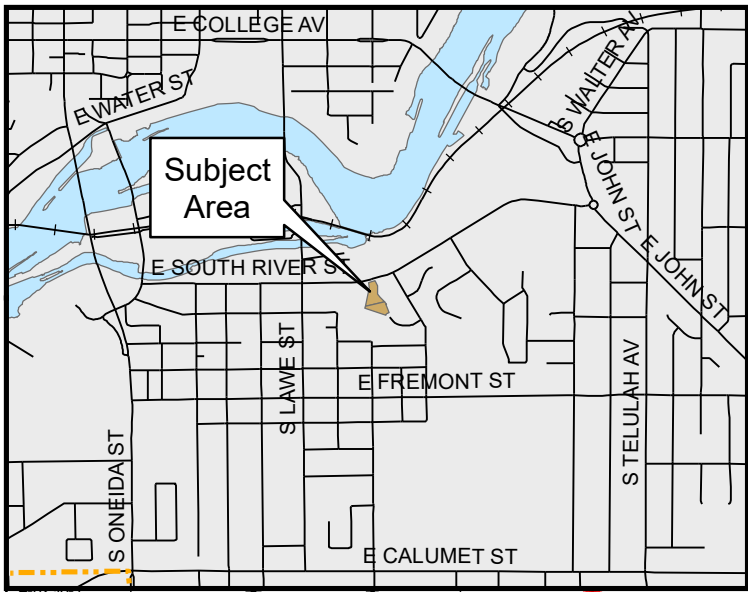
- Section 23-50(d)(4) – Where a lot is a double frontage lot, any detached accessory structure may be permitted in the yard opposite the front yard from which the principal structure is addressed. Furthermore, the accessory structure shall meet the front yard and side yard setback requirement of the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

Technical Review Group (TRG) Report: This item appeared on the October 4, 2022 TRG agenda. No negative comments were received from participating departments.

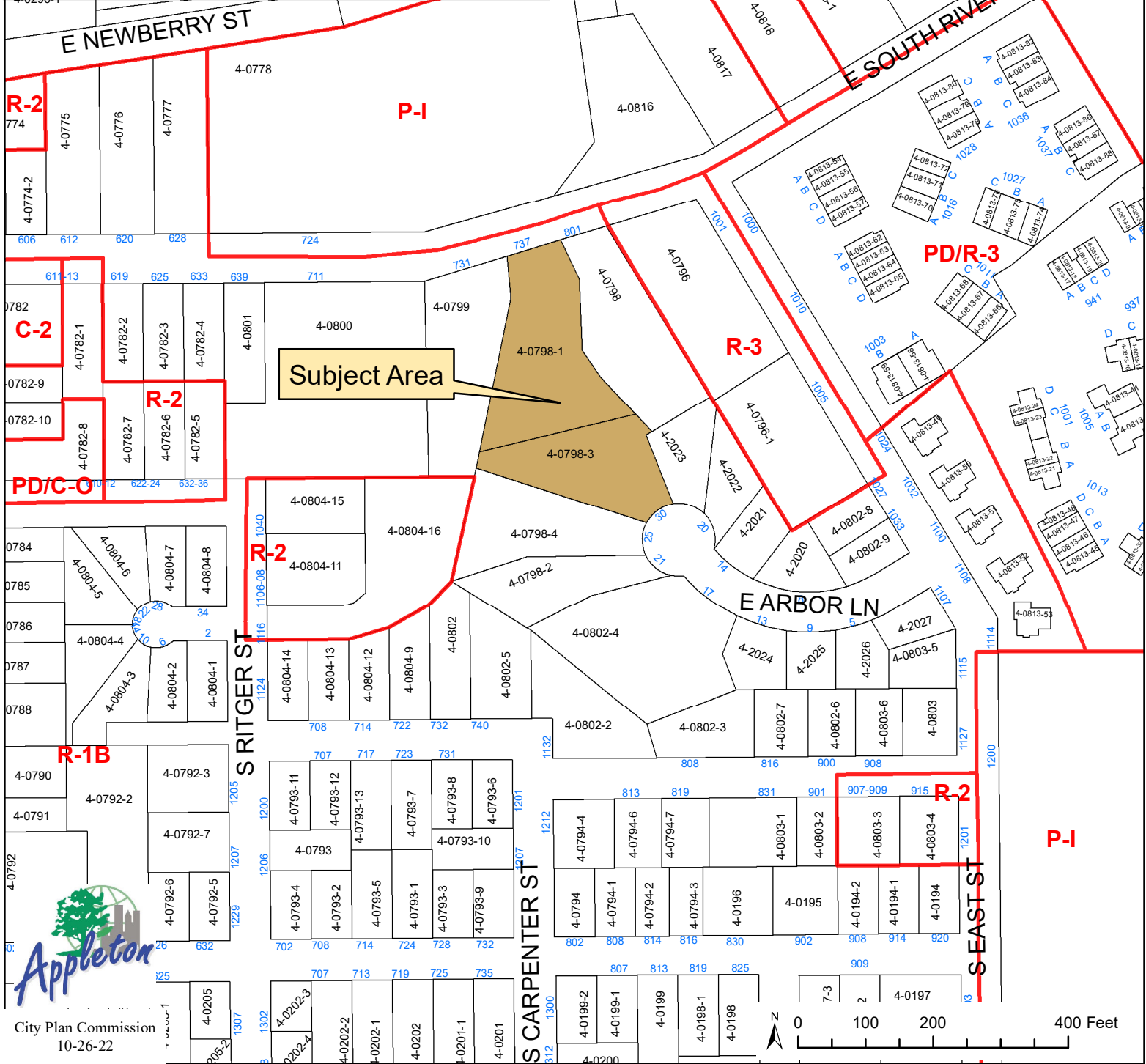
RECOMMENDATION

Based on the above, staff recommends that the modification of Subdivision Ordinance regulations request, to combine parcels #31-4-0798-01 and #31-4-0798-03 on East South River Street and East Arbor Lane, as shown on the attached maps, **BE APPROVED**.

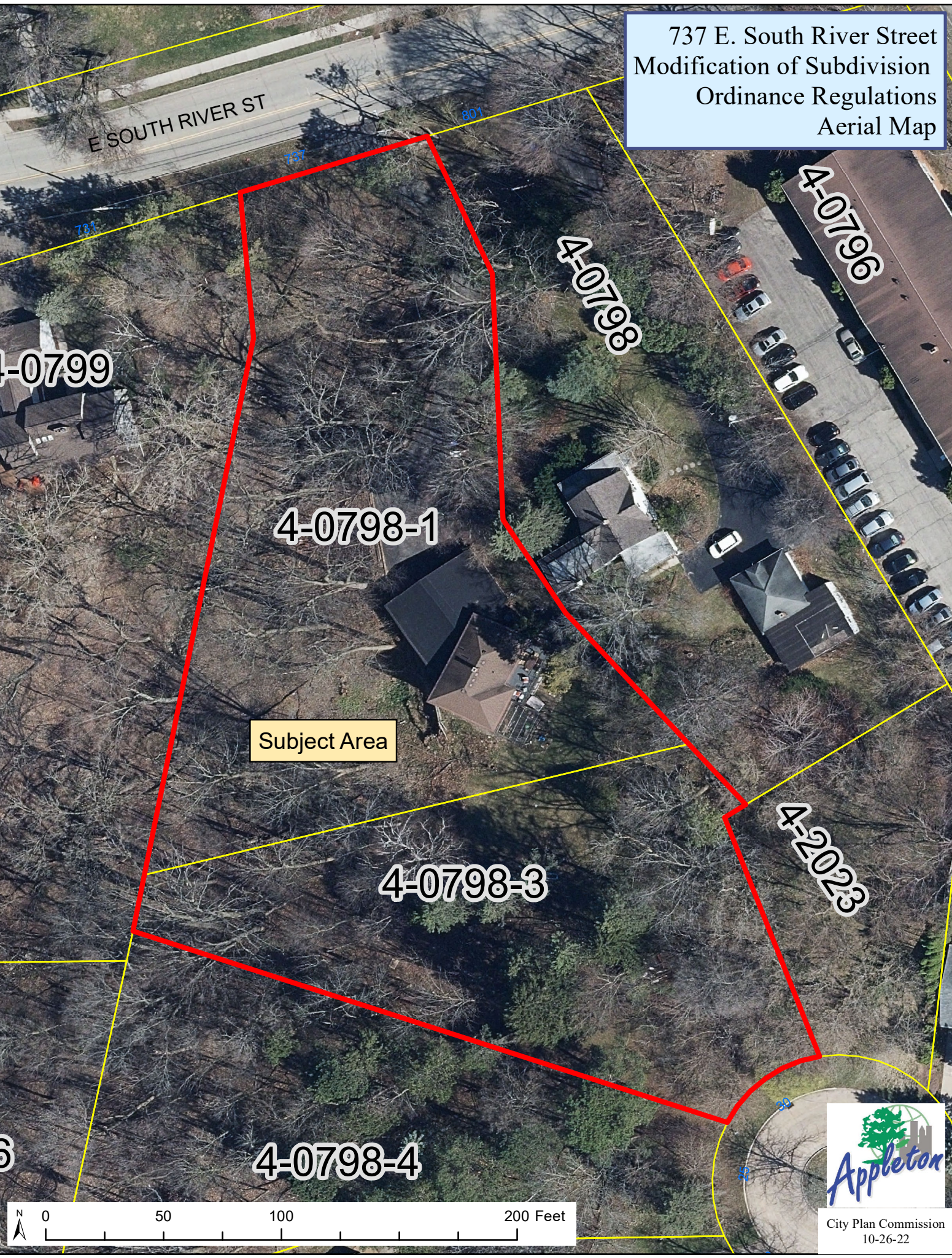
NOTE: If approved, this action pertains to the modification of regulations request only. A new CSM would still need to be submitted, reviewed, and approved by City staff in order to combine the subject parcels.



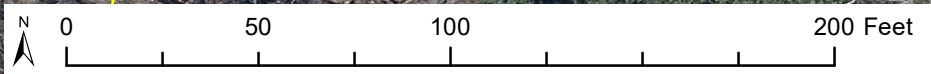
737 E. South River Street
Modification of Subdivision
Ordinance Regulations
Zoning Map



737 E. South River Street
Modification of Subdivision
Ordinance Regulations
Aerial Map



Subject Area



City Plan Commission
10-26-22

Written Justification For Requested Modifications

Dear Planning Commission -

We are seeking your approval to combine our primary residence with parcel 314079803; please see the exhibit with the file name "Survey Map - Proposed Layout.pdf" for reference. We believe that this exception is appropriate because of three primary reasons:

1. Continuity

Originally owned by the Gelbke family, who stewarded this unique ravine property for nearly a hundred years. During that time, they owned a tree farm, and the property has a diverse variety of tree species over 50+ years old. Please see the exhibit with the file name "Survey Map - Prior to 2018.pdf" to see the original parcel layout.

In 2018 the lot was split into three parcels. Please see the exhibit with the file name "Survey Map - Current Layout.pdf".

We believe this history, unique topography, and forest are special and unique, a small part of what makes Appleton great.

When we purchased the house, our vision was to maintain the unique look and feel of the property that their family had maintained for so long; for this reason, we purchased this adjacent lot and house simultaneously.

It is our goal to reverse the parcel separation that was made four short years ago to be consistent with how this property was for nearly 100 years.

2. Unique Typography

The property is connected to the glacially created ravine from E McKinley St to Peabody park. The ravine constraints how the lot lines are drawn and buildings are placed. This creates unique parcel shapes that differ from the traditional square/rectangle parcels in other parts of Appleton.

3. Traffic

Although South River Street has signage for 25 mph, people frequently speed on this road. This is one of the reasons you can see a cop at First Congregational United Church of Christ every week. It also has a very high volume of traffic for a residential street.

We desire to use Arbor Lane as the primary place our young family plays, bikes, etc.

Thank you for your time and consideration of this request.

Brandon Wentland
920-277-9449
brandonwentland@gmail.com

Additional Questions & Answers

“What physical features of the site (steep topography, environmental features, wetlands, restricted access etc.) or its location (make use of an infill site, located adjacent to lakes or rivers) apply only to the property that the create the hardship?”

The lot and parcel are a part of the glacially created ravine that runs from E McKinley St to Peabody park. The grade is steep, and there is an easement for water drainage through the naturally created low point in this area.

“Would granting the proposed modification be the least deviation from this ordinance which will mitigate the hardship? “

Yes, we believe so.

“Would the modification be detrimental to the public interest and is the modification in keeping with the general spirit and intent of the subdivision ordinance? (The public interest includes the interests of the public at large, not just that of nearby property owners)”

The densely wooded ravine this property is a part of is roughly 19 acres. We believe that aesthetically and environmentally, this is unique and beneficial to all residents of Appleton. This is one of the reasons we feel that houses in surrounding this block sell for a higher value than others just a bit away.

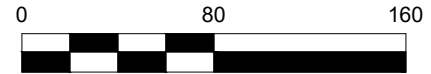
This property is home to various wildlife, such as deer, owls, and foxes.

Having dense forest in this area helps with erosion and flooding as this area is the main drainage into the Fox River.

Exhibit

Survey Map - Prior to 2018

737 E. South River Street, City of Appleton, prior to 2018 Certified Survey Map.



Bearings are referenced to the West of Government Lot 2, Section 36, T21N, R17E, bearing N00°08'02"W, base on the Outagamie County Coordinate System.

LINE TABLE		
Line	Bearing	Length
L1	N 05°15'57" W	61.98'
L2	S 25°23'39" E	64.55'
L3	S 33°54'49" E	47.65'
L4	S 58°56'23" W	10.50'

AREA
90,018 SF
2.0665 ac

CURVE TABLE					
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle
C1	54.00'	S 28°01'19" W	86.32'	100.01'	106°06'59"



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Drafted By: Jim
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