

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: Meeting Date: 5/20/24

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 \$325.00 fee for each variance application. The non-refundable fee is payable to the City of Appleton and due at the time the application is submitted.

Property Information	
Address of Property (Variance Requested)	Parcel Number
924 N. Leminwah St. Appleton, WI 54911	311-05800
Zoning District	Use of Property
3rd Assembly District	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name	Owner Address
Erin O'Connell	924 N. Leminwah St. Appleton, WI 54911
Owner Phone Number	Owner E Mail address (optional)
(920) 540-4944	eeoc76@gmail.com
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)

Variance Information
Municipal Code Section(s) Project Does not Comply
23-93(9)(6).
Brief Description of Proposed Project
Attached garage 3 feet from North lot line.

Rep 154993633

Owner's Signature (Required): Erin O'Connell Date: 4/23/24

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 rests 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:

*Build an attached 2 stall garage.
It will only fit on the lot if 3 feet from North lot line.*

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

The structure will not be on or exceeding their lot lines.

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

Decrease six foot required space between attached garage and lot line to three feet.

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

My patients may not survive a life threatening diagnosis that could have been prevented if I had arrived to the hospital sooner and didn't have to dry off.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: May 7, 2024

RE: Variance Application for 924 N. Leminwah (31-1-1058-00)

Description of Proposal

The applicant proposes to construct an attached garage addition to the principal building that would be three (3) feet from the side lot line. Section 23-93(g)(6) of the Zoning Ordinance requires a six (6) foot side yard setback.

Impact on the Neighborhood

In the application, the applicant states: “The structure will not be on or exceeding their lot lines.”

Unique Condition

In the application, the applicant states “Decrease six (6) foot required space between attached garage and lot line to three (3) feet. “

Hardship

In the application, the applicant states that her patients may not survive a life-threatening diagnosis that she could prevent, all due to the fact that she may be exposed to snow or rain while walking outside to her detached garage.

Staff Analysis

The size of this property is 7,200 sq. ft. (60’x120’). The minimum size of a property in the R1B zoning district is 6,000 sq. ft.

Variances should be granted based on the dimensional limitations of the lot or unique characteristics of the lot (Section 23-67(f)(1) of the Zoning Ordinance).

The hardship stated by the applicant is based on needs of the current occupant, who has a job that requires her to get to work quickly. The circumstances of an applicant are not a factor in deciding variances,¹ per *Snyder v Waukesha County Zoning Bd. Of Adjustment*, 74 Wis. 2d 468, 478-79, 247 N. W.2d 98.

Staff recommends denial of this request because this proposed addition would remain, after the current applicant sells the house in the future. Also, the review criteria in the Zoning Ordinance, as well as cited case law, requires that a hardship relating to the unique physical limitations of the property be identified. Variances should not be granted based on the preferences of the current occupant.

¹ Zoning Board Handbook, Center for Land Use Education, 2nd Edition 2006

