

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: October 10, 2022

RE: Variance Application for 1208 N. Oneida St. (31-6-0329-00)

Description of Proposal

The applicant proposes to rezone this parcel from C2 to R2. The existing building on this parcel is eighteen (18) feet and seven (7) inches from the front lot line. Section 23-95(g)(1)(g) of the Zoning Ordinance requires a twenty (20) foot front yard setback.

This parcel is fifty-six (56) feet and six (6) inches in width. Section 23-95(g)(1)(f) of the Zoning Ordinance requires a minimum lot width of seventy (70) feet.

Impact on the Neighborhood

In the application, the applicant states that the properties to the east, west and south are single family homes or other duplexes similar in nature, also, the property to the north is a KFC on Wisconsin Ave. and the change would not affect on them.

Unique Condition

In the application, the applicant states that the current structure on the lot does not meet any of the current setback requirements on the two sides under the current zoning uses.

Hardship

In the application, the applicant states that the hardship is based on conversations with City staff that restricts the property and if the variance was granted, they feel it would be an asset to the City.

Staff Analysis

This parcel is 7,184 sq. ft. The minimum size parcel allowed in the C2 zoning district is 14,000 sq. ft. and 7,000 sq. ft. in the R2 zoning district.

The hardship appears to be self-created. The property could remain a legal nonconforming use as a commercial property.

However, the property resembles a residential property and was built as such. There are other residential properties adjacent to this property.

The applicant did not identify a clear hardship in the application.

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 9/26/2022 Meeting Date 10/17/2022

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 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) 1208 N Oneida St.	Parcel Number 31-6-0329-00
Zoning District C-2 General Commercial	Use of Property <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial

Applicant Information	
Owner Name Reed Asset Management LLC	Owner Address 5135 E HART LAKE LOOP, WASILLA AK 99654
Owner Phone Number 940-300-9060	Owner E Mail address (optional) johnreed0809@verizon.net
Agent Name Jim Fletcher	Agent Address 2835 W College Ave. Appleton, WI 54914
Agent Phone Number 920-428-9024	Agent E Mail address (optional) jfletcher@pcfcom.com

Variance Information
Municipal Code Section(s) Project Does not Comply Sec. 23-95 (g)(1)f, (g)(1)g lot width and front lot line setback.
Brief Description of Proposed Project Repair and update the property and rent out as a 2 family duplex.

Owner's Signature (Required):  Date: _____

dotloop verified
09/20/22 3:33 PM AKDT
XH2K-A1RR-EVWZ-VGZR

Recp 4039-0015

Return to: Department of Public Works
Inspection Division
100 North Appleton Street
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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 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:

The property was once a 2 family duplex and is still set up as such. We would like to update the old worn out aspects of the property with new amenities and rent it as a modern affordable 2 family.

The home sits on an older 60 foot wide lot and now 70ft. wide is now the standard. The front porch is less than the 20ft setback. It appears the street was widened at one point.

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

The neighboring properties on the east, west and south are single family homes and other duplexes similar in nature. The property to the north is a KFC on Wisconsin Ave. and would have no affect on them.

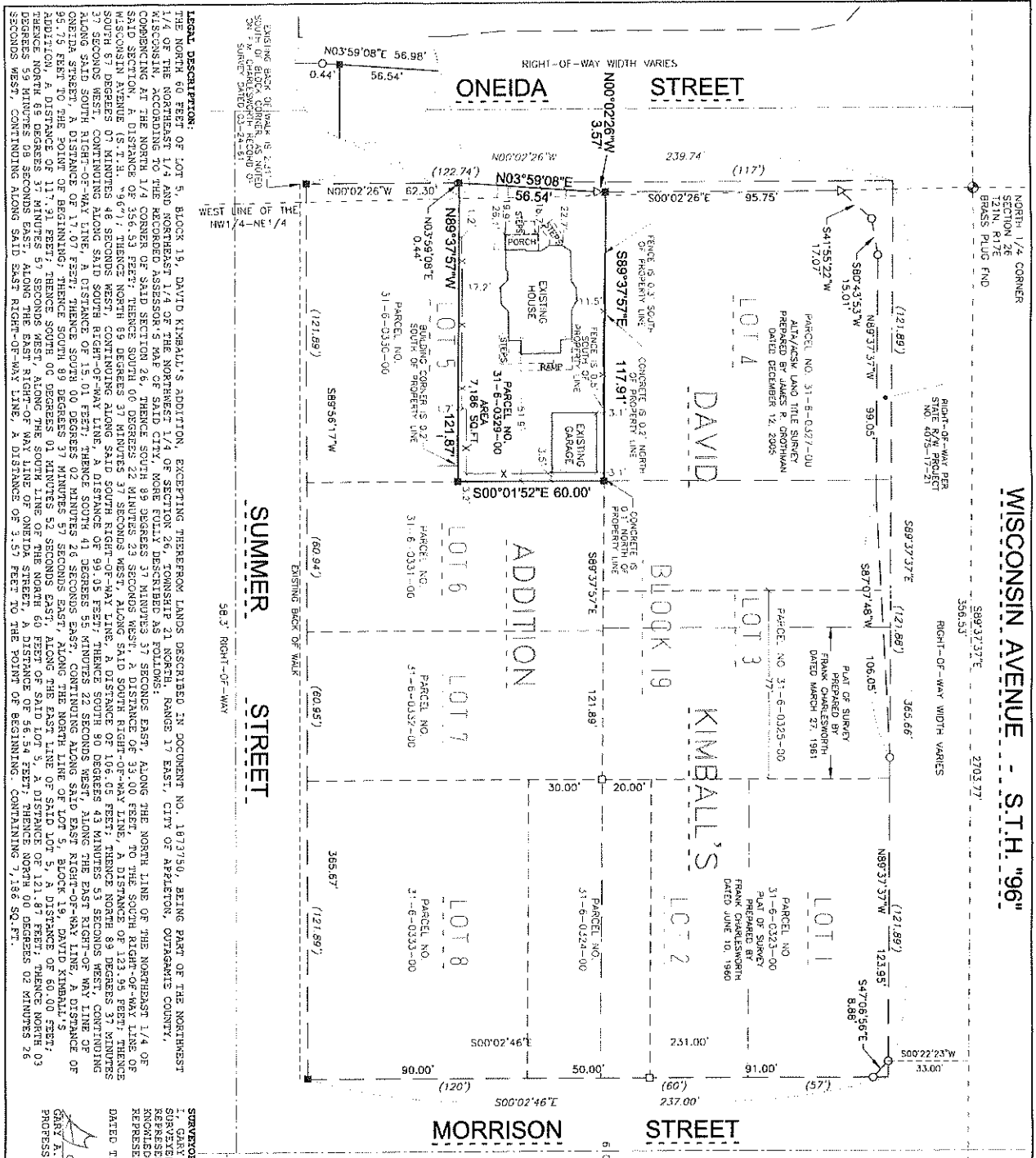
3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures:

The current structure on the lot does not meet any of the current setback requirements on two sides under the current zoning uses.

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

The hardship for the property is that based on the conversation with city officials the lot restricts the property use.

If we can receive the Variances we have requested to get the Zoning back to R2 we feel this would become an asset to the neighborhood and the city.



LEGAL DESCRIPTION:
 THE NORTH 60 FEET OF LOT 5, BLOCK 19, DAVID KIMBALL'S ADDITION, EXCEPTING THEREFROM LANDS DESCRIBED IN DOCUMENT NO. 1873750, BEING PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND NORTHEAST 1/4 OF SECTION 26, T21N, R17E, BRASS PLUG FND. COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 26, THENCE SOUTH 89 DEGREES 37 MINUTES 23 SECONDS WEST, A DISTANCE OF 123.95 FEET; THENCE SOUTH 87 DEGREES 07 MINUTES 46 SECONDS WEST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 109.05 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 23 SECONDS WEST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 15.01 FEET; THENCE SOUTH 41 DEGREES 55 MINUTES 22 SECONDS WEST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 17.07 FEET; THENCE SOUTH 09 DEGREES 02 MINUTES 26 SECONDS EAST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE OF LOT 5, BLOCK 19, DAVID KIMBALL'S ADDITION, A DISTANCE OF 11.91 FEET; THENCE SOUTH 89 DEGREES 37 MINUTES 23 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 5, A DISTANCE OF 50.00 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 23 SECONDS EAST, ALONG THE EAST LINE OF ONEIDA STREET, A DISTANCE OF 46.54 FEET; THENCE NORTH 00 DEGREES 02 MINUTES 26 SECONDS WEST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 3.57 FEET TO THE POINT OF BEGINNING, CONTAINING 7,186 SQ. FT.

OWNER'S CERTIFICATE:
 I, GARY A. MARTENSON, HEREBY CERTIFY THAT I HAVE READ THE FOREGOING PLAT AND THAT I AM THE REGISTERED OWNER OF SAID LANDS AND I HAVE THE BEST OF MY KNOWLEDGE AND BELIEF, A TRUE AND ACCURATE REPRESENTATION THEREOF.

DATED THIS 26TH DAY OF AUGUST, 2022

GARY A. MARTENSON
 PROFESSIONAL LAND SURVEYOR S-7096

PLAT OF SURVEY
 THE NORTH 60 FEET OF LOT 5, BLOCK 19, DAVID KIMBALL'S ADDITION, EXCEPTING THEREFROM LANDS DESCRIBED IN DOCUMENT NO. 1873750, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF SAID CITY.
 SURVEY FOR: JAMES FLETCHER
 1703 SOUTH ONEIDA STREET
 APPLETON, WI 54915

LEGEND
 1" O.D. IRON PIPE SET 1.8" L.O.C. WEIGHING 1.130 LBS. PER LIN. FOOT
 3/4" REBAR FOUND
 MAG NAIL FOUND
 GOVERNMENT CORNER
 X - EXISTING FENCE

Martenson & Eisele, Inc.
 1377 W. 4th Street
 Menasha, WI 54952
 www.martenson-eisele.com
 info@martenson-eisele.com
 920.731.0361 1.609.236.0381

Planning
 Environmental
 Surveying
 Engineering
 Architecture

WISCONSIN AVENUE - S.T.H. "96"

NORTH 1/4 CORNER
SECTION 26
T21N, R17E
BRASS PLUG FND

S89°37'37"E
356.53'
2703.77'

RIGHT-OF-WAY WIDTH VARIES

RIGHT-OF-WAY PER
STATE R/W PROJECT
NO. 4075-17-21

(121.89')

S89°37'37"E

(121.88')

365.66'

(121.89')

S4

S80°43'53"W
15.01'

N89°37'37"W

99.05'

S87°07'48"W

106.05'

N89°37'37"W

123.95'

S41°55'22"W
17.07'

PARCEL NO. 31-6-0327-00
ALTA/ACSM LAND TITLE SURVEY
PREPARED BY JAMES R. GROTHMAN
DATED DECEMBER 12, 2005

PLAT OF SURVEY
PREPARED BY
FRANK CHARLESWORTH
DATED MARCH 27, 1961

PARCEL NO. 31-6-0323-00
PLAT OF SURVEY
PREPARED BY
FRANK CHARLESWORTH
DATED JUNE 10, 1960

LOT 4
DAVID

KIMBALL'S

LOT 2

BLOCK 19

ADDITION

LOT 6

LOT 7

LOT 8

PARCEL NO. 31-6-0331-00

PARCEL NO. 31-6-0332-00

PARCEL NO. 31-6-0333-00

PARCEL NO. 31-6-0330-00

S89°56'17"W

(121.89')

(60.94')

(60.95')

365.67'

(121.89')

N89°37'57"W

N03°59'08"E

0.44'

N03°59'08"E

0.44'

0.44'

0.44'

0.44'

N00°02'26"W

62.30'

N00°02'26"W

62.30'

N00°02'26"W

62.30'

N00°02'26"W

62.30'

N00°02'26"W

62.30'

N00°02'26"W

122.74'

N03°59'08"E

56.54'

S00°01'52"E

60.00'

S00°01'52"E

60.00'

S00°01'52"E

60.00'

N00°02'26"W

3.57'

S89°37'57"E

117.91'

S89°37'57"E

121.89'

121.89'

121.89'

121.89'

121.89'

RIGHT-OF-WAY WIDTH VARIES

239.74'

S00°02'26"E

95.75'

S00°02'26"E

95.75'

S00°02'26"E

95.75'

S00°02'26"E

95.75'

S00°02'26"E

95.75'

ONEIDA STREET

EXISTING BACK OF WALK IS 2.31'
SOUTH OF BLOCK CORNER, AS NOTED
ON F.M. CHARLESWORTH RECORD OF

NE 1/4

SUMMER STREET

SUMMER STREET

SUMMER STREET