

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 24, 2023 Meeting Date May 15, 2023 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) <b>702 E. Wisconsin Ave.</b>	Parcel Number <b>31-6-0478-00</b>
Zoning District <b>C2</b>	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>

Applicant Information	
Owner Name <b>RJK LLC</b>	Owner Address <b>702 E WISCONSIN AVE APPLETON WI 54911</b>
Owner Phone Number <b>920-707-3660</b>	Owner E Mail address (optional) <b>derksconst@sbcglobal.net</b>
Agent Name <b>James Derks</b>	Agent Address <b>715 E Hancock St Appleton, WI 54911</b>
Agent Phone Number <b>920-707-3660</b>	Agent E Mail address (optional)

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-113(h)(2)- Lot coverage exceeding 75%
Brief Description of Proposed Project Proposed project to add paver area will increase lot coverage to ____%,. Section 23-113(h)(2) of the Zoning Ordinance limits maximum lot coverage to 75%.

Owner's Signature (Required): James F. Derks Date: 4-18-23

Recp 4964-0005

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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 rest 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:

Our plan is to remove non growing grass area because of large cedar tree line on west side, which are owned by Fox Communities Credit Union. These trees do not allow proper sun to allow the grass to grow. Also, the tree on our property will be removed because the root system from the tree starves areas of the lawn. Removal of this tree and grass would allow us to install pavers. A variance is needed because we will be less that 25% of the required green space.

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

There are 2 areas which butt with our property. Fox Communities Credit Union on the west side which is a tree line and parking lot. On the north side are residential homes. Our proposed pavers will be pitched from the west to the east, which on the east side is our parking lot with its own 10" sewer drain. Conclusion would be all the water run off would be on our property going into our parking lot, thus doing no damage to the neighbors' properties.

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

Special conditions are we are in the service industry. We are a Bar & Grill in a building that was built in 1900 and has always been a bar establishment. It is part of Appleton's history and we want to maintain and cherish that history. We also have a 10" storm drain in our parking lot so not water will run off to the neighboring property.

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

Without the variance, our non grassy area becomes muddy and washes into our parking lot storm sewer which could cause an environmental issue. We have tried to grow grass in this area, but with the large trees surrounding the lot, the grass will not grow. Removing the grass and installing pavers would be the best use of this space and prevent the mud from draining into the storm sewers. The grass area used to be a gravel parking lot which could also be part of the reason the grass does not want to grow properly.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: April 26, 2023

RE: Variance Application for 702 E. Wisconsin Ave. (31-6-0478-00)

**Description of Proposal**

The applicant proposes to add pavers that would increase lot coverage to 91%. Section 23-113(h)(2) of the Zoning Ordinance limits lot coverage in the C2 district to 75%.

**Impact on the Neighborhood**

In the application, the applicant states that the proposed pavers would be pitched to the east and west and the east side has a 10" sewer drain, so the water run off would stay on their property and not impact the neighboring properties.

**Unique Condition**

In the application, the applicant states this building was built in 1900 and has always been a bar establishment and is a part of Appleton's history. The applicant also states there is a 10" storm drain in their parking lot.

**Hardship**

In the application, the applicant states that without this variance the non-grassy area becomes muddy and washes into the parking lot storm sewer. Attempts to grow grass have failed because of the large trees in the area.

**Staff Analysis**

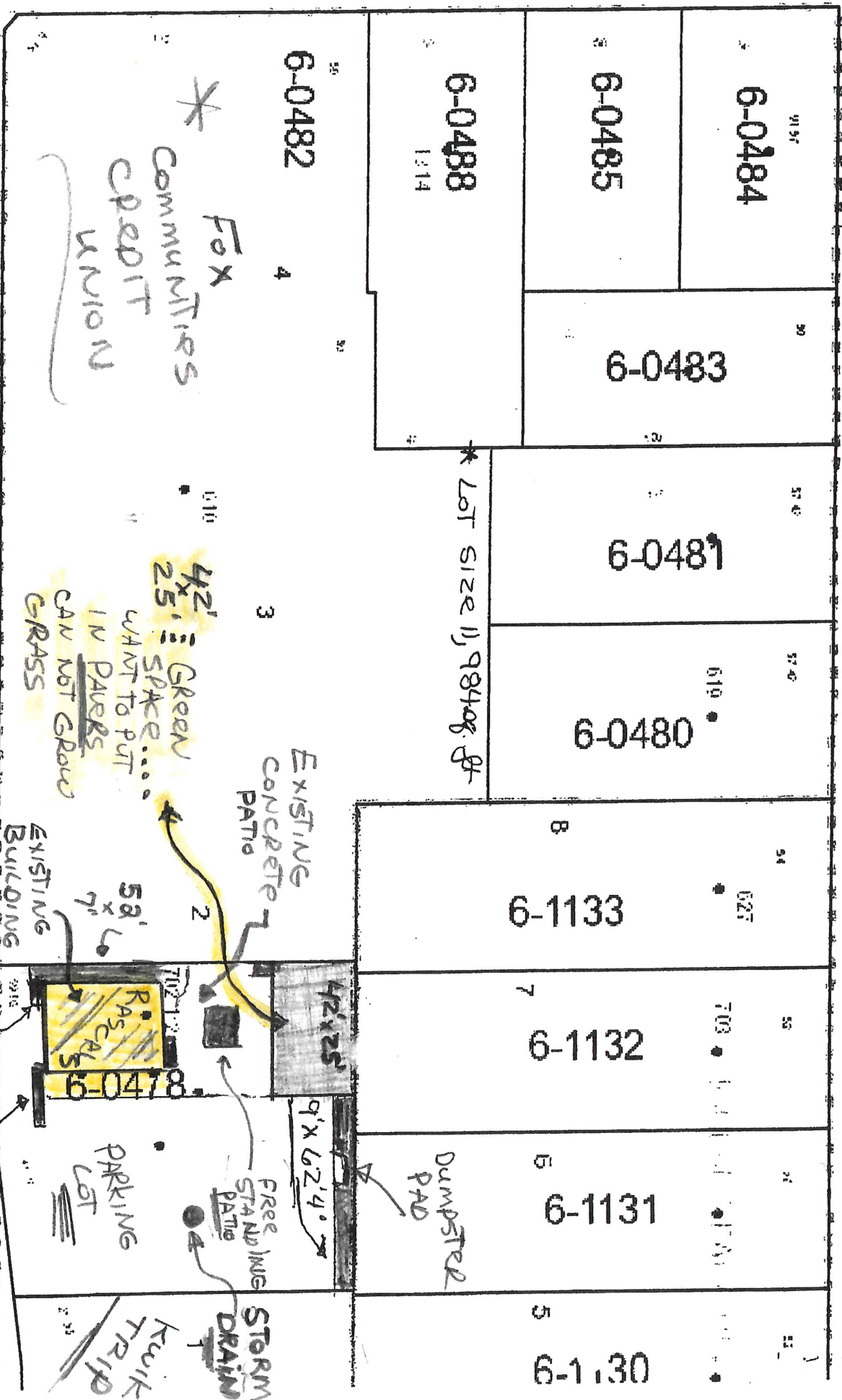
This parcel is 12,136 sq. ft. The minimum size lot in the C2 zoning district is 14,000 sq. ft. This lot is a nonconforming lot of records because the size of the lot is below the minimum permitted size in the C2 zoning district. Regardless, this is a self-created hardship because the owner is choosing to make this change by adding impervious service.



\* 702 E. WISCONSIN AVE. APPLETON  
RASCALS BAR

RISK LLC.

RANDALL ST  
JIM DERKS  
920. 707. 3660



Green Space 1841 sq FT.  
Green Space w/ 42' x 25' area - 1050 sq. FT.  
CHANGE TO PAVERS  
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community.  
Outagamie County GIS



