

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 September 30, 2019 Meeting Date October 21, 2019 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 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) <b>823 E. College Ave.</b>	Parcel Number <b>31-3-0943-00, 31-3-0943-02</b>
Zoning District <b>Central Business District (CBD)</b>	Use of Property Commercial <input checked="" type="checkbox"/> Residential <input type="checkbox"/>

Applicant Information	
Owner Name <b>BLOCK 800 LLC</b>	Owner Address <b>327 RANDOLPH DR APPLETON WI 54913</b>
Owner Phone Number	Owner E Mail address (optional)
Agent Name <b>Joel Ehrfurth</b>	Agent Address <b>2260 Salscheider Court Green Bay, WI 54313</b>
Agent Phone Number <b>920-569-5765</b>	Agent E Mail address (optional) <b>jehrfurth@mach-iv.com</b>

Variance Information
Municipal Code Section(s) Project Does not Comply <b>Section 23-172(e)(3) – Maneuvering within the right of way.</b>
Brief Description of Proposed Project <b>We are proposing to replace two retail buildings with a four story, 40,000 square-foot, multi-tenant building. The proposed building features three residential floors atop a single, ground-level retail floor. In addition, 21 residential tenant parking stalls are proposed for the basement.</b>

Owner's Signature (Required):  Date: 9/27/19

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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:

**We are proposing 10 employee parking stalls on the south side of a proposed multi-tenant building. The proposed off-street surface parking would be adjacent to the existing alley between W. College Ave. and W. Lawrence St. These parking stalls would require maneuvering within the alley right of way for ingress and egress. Section 23-172(e)(3) of the Zoning Ordinance prohibits parking and loading areas to maneuver in the right of way.**

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

**The parking stalls will not require frequent maneuvering as they are intended for retail space employees. Thus, when used, the spaces will be occupied for hours at a time, rather than the typically frequent movements of retail customers.**

**Several other properties on this block provide surface parking adjacent to the alley and require maneuvering within the alley, include these:**



*JJ's Laundromat  
843 W. College Ave*

*Boys & Girls Club  
165 S. Badger Ave*



*Fox Valley Grappling Club  
801 W. College Ave*

**There is a buffer between the parking stalls and the alley, so drivers using the stalls will be doing much of the maneuvering on private property.**

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

**As illustrated in our response to question 2, our lot is quite similar to surrounding lots which use the alley to maneuver into and out of parking stalls. We are seeking approval to do the same.**

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

**Adequate parking is critical to all developments. This project includes underground parking for the residents but without this additional surface parking there would be no dedicated parking available for the first floor commercial tenants. We believe without this parking, the first floor commercial spaces become less desirable to prospective tenants and ultimately makes these spaces harder to fill. This would create a significant hardship for the building owner and hinder the long term success of this development.**

**If the variance were not granted, we would not be able to provide employee parking for our retail tenants, placing a further strain on public parking options in the Central Business District and therefore negatively impact the residents, employees, businesses, and visitors to Downtown Appleton.**

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: October 1, 2019

RE: Variance Application for 823-825-827 W. College Ave.

**Description of Proposal**

The applicant is proposing to create new parking spaces associated with a new apartment development. The proposed parking spaces will require maneuvering in the right of way. Section 23-172(e)(3) of the Zoning Ordinance states that vehicles shall not back into the public right-of-way from an off-street parking lot or parking space.

**Impact on the Neighborhood**

In the application, the applicant states that the parking stalls will not require frequent maneuvering, they are intended for retail space employees, not retail customers.

**Unique Condition**

In the application, the applicant states that this property is quite similar to surrounding lots which use the alley for maneuvering.

**Hardship**

In the application, the applicant states that if the variance is not granted the first floor tenant commercial space becomes less desirable to prospective tenants because parking for retail employees could not be provided.

**Staff Analysis**

The total square footage of these future combined lots is 16,200 sq. ft. (9,120+7,080). The minimum size for a lot in the CBD zoning district is 2,400 sq. ft.

Off-street parking is not required in the CBD zoning district. This project could be built with no off-street parking.

The hardship stated in the application is based on financial considerations only, which is not a legitimate hardship. Hardships should be based on dimensional limitations of the property.

