

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 February 28, 2023 Meeting date: March 20, 2023 7:30p

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>1000 W. Northland Ave</b>	Parcel Number <b>31-5-9494-06</b>
Zoning District <b>C2</b>	Use of Property <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial

Applicant Information	
Owner Name <b>WFBT 2 LLC</b>	Owner Address 450 7 <sup>th</sup> Ave. 45 <sup>th</sup> Floor New York, NY 10123
Owner Phone Number	Owner E Mail address (optional)
Agent Name Joe Vavrina	Agent Address
Agent Phone Number 815-759-8363	Agent E Mail address (optional) <a href="mailto:jvavrina@hrgreen.com">jvavrina@hrgreen.com</a>

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-43(f)(2)(e) of the Zoning Ordinance prohibits accessory structures in the front yard.
Brief Description of Proposed Project The applicant proposes to build a detached accessory structure (canopy & trash enclosure) in the required front yard, eight (8) feet, seven (7) inches & twenty-one (21) feet, three (3) inches respectively from the front property line. Section 23-43(f)(2)(e) of the Zoning Ordinance prohibits accessory structures in the front yard.

Owner's Signature (Required):  Date: \_\_\_\_\_

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▶ 1391 Corporate Drive | Suite 203  
McHenry, IL 60050  
Main 815.385.1778 + Fax 713.965.0044  
▶ [HRGREEN.COM](http://HRGREEN.COM)

## Variance Questionnaire – Chick-fil-A – Appleton, WI

The following variances are being request from the City's Municipal Code:

- ❖ Section 23-43(f)(2)(e) – Accessory structures shall not be located in the required front yard.
  - Chick-fil-A is proposing to install a detached drive-thru lane canopy and trash enclosure (accessory structures) within the required front yard.
- **Explain your proposed plans and why you are requesting a variance:**

Chick-fil-A (CFA) is proposing the construction of a free-standing restaurant, dual drive-thru lane facility with free-standing canopies, and parking lot improvements within the existing Northland Mall parking lot. The proposed CFA improvements will be located on the south side of the mall parking lot along the W. Northland Avenue (CTH OO) frontage.

The CFA site has been configured in way to achieve the following: provide/maintain the maximum number of parking stalls around the new building & within the overall mall development; provide a sufficiently long drive-thru lane to promote efficient restaurant operations; and to provide adequate visibility to the new store. The drive-thru lane and associated free-standing canopy have been positioned along the south side of the building and within the front yard to create a separation between dine-in and drive-thru traffic. Providing this separation creates a safe/unobstructed path of travel from the parking lot to the CFA building for customers. This separation will also help promote efficient traffic flow throughout the mall parking lot by reducing potential congestion between the two types of customers.

If the drive-thru lane & free-standing canopy were positioned on the north side of the building, dine-in customers would need to cross the drive-thru lane in order to access the building, potentially creating safety concerns. CFA has a shared parking agreement with the mall and installing the drive-thru lane on the north side of the building would create a barrier between this available parking and the building.

Regarding the trash enclosure the proposed location is the only spot a garbage truck could access it from a drive aisle. As the proposed site layout is carved into the existing parking we have to maintain the surrounding drive aisle configurations for circulation while minimizing the loss of parking stalls. As such the only area available that will allow for the garbage truck to pull into the trash enclosure is the location proposed.

- **Describe how the variance would not have an adverse impact on the surrounding properties:**

Chick-fil-A believes that granting a variance to allow the free-standing drive-thru canopy to be located within the front yard will not have an adverse impact to the surrounding properties. The CFA development is located within a commercially zoned district and is completely surrounded by other commercial properties. Positioning the free-standing drive-thru canopy & associated drive-thru lane within the front yard will allow for a maximized and efficient site layout that promotes a safe and free-



flowing traffic pattern throughout the mall parking lot. The CFA drive-thru lane has been designed to accommodate a sufficient queue of cars and by positioning it along the Northland Avenue frontage will help prevent backups within the mall parking lot and adjacent access drives.

The trash enclosure is located far from the surrounding uses and will not impact use of their properties.

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

The CFA development is unique since it is a carve out of the existing mall parking lot, not a standalone lot. As a result, the CFA site had to be configured in a way to provide/maintain as much parking as possible within the overall development while separating dine-in and drive-thru lane traffic. Providing this separation will help alleviate traffic issues and backups within the mall parking lot. Also since CFA has a shared parking agreement with the mall, a safe path of travel from the mall parking lot and CFA building needs to be provided. Having pedestrians continually cross the drive-thru lane could lead to safety concerns.

- **Describe the hardship that would result if your variance were not granted:**

Chick-fil-A believes that if this variance were not granted, it could lead to traffic congestion within the mall parking lot as well as creating pedestrian safety issues. It is CFA's goal to configure the site in a way that promotes the highest safety for its' customers, reduces potential traffic congestion & backups within the parking lot, and provides efficient restaurant operations.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: March 10, 2023

RE: Variance Application for 1000 W. Northland Ave. (31-5-9494-06)

**Description of Proposal**

The applicant proposes to build a detached accessory structure (canopy) in the required front yard, eight (8) feet, seven (7) inches from the front property line. Section 23-43(f)(2)(e) of the Zoning Ordinance prohibits accessory structures in the front yard.

**Impact on the Neighborhood**

In the application, the applicant states that having the drive-thru in the front yard will not adversely impact surrounding properties because the development is in a commercially zoned area and the proposed design will best accommodate traffic and prevent back-ups.

**Unique Condition**

In the application, the applicant states that the development is unique in that it is carved out of the existing mall parking lot, not a standalone lot. The applicant also states that, because of this, the site had to be configured in such a way so that pedestrians are not continually crossing the drive-thru lane.

**Hardship**

In the application, the applicant states that if the variance is not granted, a hardship would be created in the form of traffic congestion and pedestrian safety.

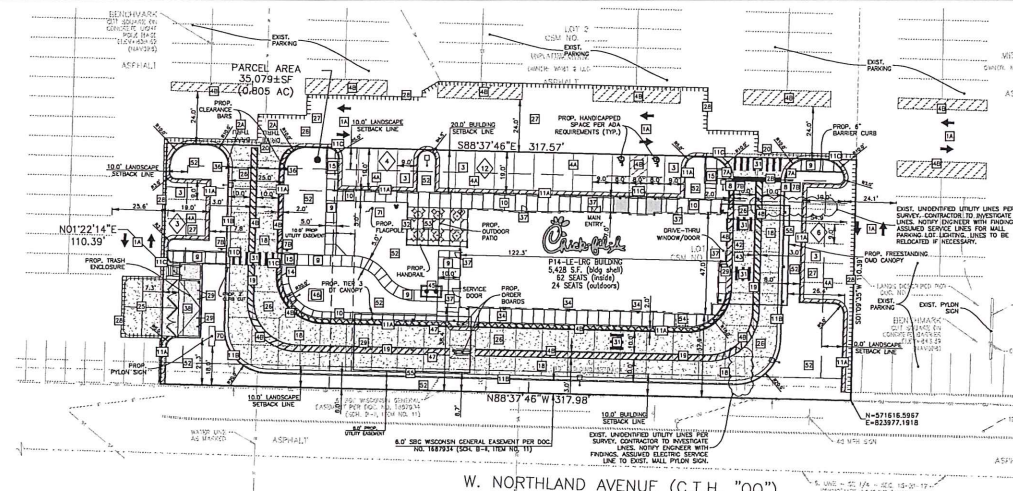
**Staff Analysis**

This lot is 356,106 sq. ft (8.17 acres). The minimum size of a parcel in the C2 zoning district is 14,000. However, the applicant plans to create a new, smaller parcel, separate from the current parcel.

This is a unique case because a new lot will be created within a much larger lot and situated within an existing parking lot. The amount of traffic that is created by this particular business is also unique and meeting the standard may create issues with traffic congestion. This application meets the review criteria for a variance.

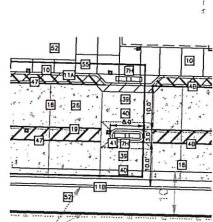
**SITE PLAN DESIGN NOTES & KEY PLAN**

- 1. DIRECTIONAL ARROW
- 2. PAINTED HANDCAP PARKING SYMBOL
- 3. DRIVE-THRU GRAPHICS
- 4. STOP LINE CURBING
- 5. STANDARD PARKING STALL (8'x12') PER CODE
- 6. 4" SOLID WHITE STRIPING
- 7. 4" SOLID YELLOW STRIPING
- 8. BOLLARD MOUNTED SIGN
- 9. ADA ACCESSIBLE PARKING SIGN
- 10. DIRECTIONAL SIGNAGE
- 11. ALL SIGNS SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES BY THE U.S. DEPARTMENT OF TRANSPORTATION, LATEST EDITION
- 12. 7A THRU 7C (SEE SIGNAGE LEGEND, THIS SHEET)
- 13. CHOK-FIL-A Pylon SIGN, SEE SIGNAGE PACKAGE
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**PROJECT NOTES:**

- 1. ALL CONSTRUCTION WITHIN PUBLIC RIGHT-OF-WAY AND OR CONNECTION TO PUBLIC ROADS AND STREETS SHALL COMPLY WITH THE CITY OF APPLETON STANDARD CONSTRUCTION SPECIFICATIONS.
- 2. AT LEAST ONE WEEK PRIOR TO ANY CONSTRUCTION WITHIN PUBLIC R.O.W./ EASEMENTS AND/OR ANY CONNECTION TO PUBLIC ROADS AND STREETS, THE CONTRACTOR SHALL CONTACT THE CITY TO OBTAIN APPLICABLE CITY PERMITS.
- 3. INGRESS/EGRESS WILL BE PROVIDED INTERNAL AND EXTERNAL TO THIS SITE.
- 4. ALL CONCRETE CURB & GUTTER SHALL BE 24" (24" UNLESS OTHERWISE NOTED ON THE PLANS).
- 5. ALL PAVERMENT DIMENSIONS ARE MEASURED TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- 6. ALL DISTRIBUTION MATERIALS, SHAPERS, BENTONED FRAGLES OR SIMILAR ITEMS ARE PROHIBITED ON PUBLIC STREETS OR WITHIN THE PUBLIC RIGHT-OF-WAY.
- 7. A KNOCK BOX SHALL BE PROVIDED AT THE FRONT ENTRANCE. CONTRACTOR TO COORDINATE LOCATION WITH CITY FIRE DEPARTMENT.
- 8. NO HAZARDOUS MATERIALS WILL BE STORED ON-SITE.
- 9. STOP SIGNS SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE FEDERAL HIGHWAY ADMINISTRATION MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, LATEST VERSION.



**SIGN LEGEND**

1	2	3	4	5	6	7	8	9	10
Denotes "HANDICAPPED PARKING"	Denotes "12' x 18' (TP)	Denotes "12' x 12' (TP)	Denotes "12' x 12' (TP)	Denotes "12' x 12' (TP)	Denotes "12' x 12' (TP)	Denotes "12' x 12' (TP)	Denotes "12' x 12' (TP)	Denotes "12' x 12' (TP)	Denotes "12' x 12' (TP)
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**SITE DATA:**

- CITY PARCEL ID # PART OF 31544402
- PLOT # EXIST. ZONING C-2 (GENERAL COMMERCIAL DISTRICT)
- PROPOSED USE: COMMERCIAL - RESTAURANT
- PROPOSED LOT SIZE: 35,079 SQ. FT. (0.805 ACRES)
- PROPOSED PERVIOUS: 8,874 SQ. FT. (24.7%)
- PROPOSED IMPERVIOUS: 26,205 SQ. FT. (75.3%)
- \*\* BUILDING: 5,428 SQ. FT. / PAVEMENT: 20,877 SQ. FT.

**BUILDING DATA:**

- BUILDING FLOOR AREA: 5,428 SQ. FT.
- OCCUPANCY: A2
- NUMBER OF STORIES: 1
- NUMBER OF EMPLOYEES DURING LARGEST SHIFT = 13 EMPLOYEES
- TOTAL NUMBER OF SEATS = 88
- \*\* INDOOR SEATS = 88
- \*\* OUTDOOR SEATS = 24

**PARKING DATA:**

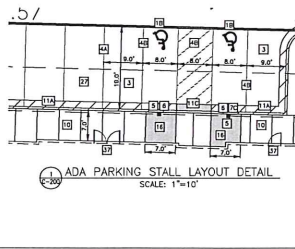
- INSIDE OF PROPOSED CPA PROPERTY LIMITS
- \*\* NUMBER OF REGULAR PARKING SPACES: 23
- \*\* NUMBER OF ADA SPACES: 2
- \*\* TOTAL NUMBER OF SPACES PROVIDED: 25
- \*\* TOTAL NUMBER OF SPACES OUTSIDE PARCEL REQUIRED: 18
- \*\* TOTAL NUMBER OF SPACES REQUIRED: 43
- TYPICAL PARKING WIDTH: 8.0'
- TYPICAL 80' PARKING LENGTH: 19.0'
- MINIMUM ISLE WIDTH: 24.0' (20')

**PARKING FORMULA (RESTAURANT, FAST FOOD):**

- 1 PARKING SPACE FOR EACH 2 PERSONS ALLOWED BASED ON MAXIMUM CAPACITY.
- \*\* TOTAL REQUIRED PARKING (88/2) = 43 SPACES

**HATCH LEGEND**

1	2	3	4	5	6	7	8	9	10
Denotes STANDARD PAVEMENT SECTION	Denotes CONCRETE SECTION	Denotes PROP. SIDEWALK	Denotes AREA OF DEPRESSED SIDEWALK	Denotes AREA OF DEPRESSED CURB AND GUTTER WITH LEV. NOTED ON PLANS.	Denotes REVERSE CURB & GUTTER	Denotes DRIVE-THRU WINDOW/DOOR	Denotes DRIVE-THRU WINDOW/DOOR	Denotes DRIVE-THRU WINDOW/DOOR	Denotes DRIVE-THRU WINDOW/DOOR



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**HRGreen.com**  
 HRGreen

**CHICK-FIL-A**  
 APPLETON NORTH (WI)  
 1000 W. NORTHLAND AVENUE  
 APPLETON, WI 54914

**FSR# 05266**

**ISSUED FOR PERMIT**

ENCLOSURE SHEET # 231519  
 PROJECT # 88-0244-000-00  
 DATE 08/12/2019

DESIGNED BY: EDC  
 CHECKED BY: J.P.  
 DRAWN BY: J.P.  
 DATE: 08/12/2019

STREETCROSSER  
 C-200