

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 January 30, 2023, Meeting Date Feb. 20, 2023, 7:30pm →

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) 1410 E. Pershing St	Parcel Number 31-1-4507-00
Zoning District R1B	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name DAWN SHIMURA	Owner Address 1410 E. PERSHING ST APPLETON, WI 54911
Owner Phone Number	Owner E Mail address (optional)
Agent Name <u>GREG COPS</u>	Agent Address
Agent Phone Number 920-903-0919	Agent E Mail address (optional) <u>Greg.cops@linkedlivinghomes.com</u>

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-55(h)(2)(d) Required minimum setback.
Brief Description of Proposed Project Build a detached accessory dwelling unit that is six (6) feet from the rear property line. Section 23-55(h)(2)(d) of the Zoning Ordinance requires detached accessory dwelling units to meet the rear setback of the principal building. Section 23-93(g)(5) of the Zoning Ordinance requires a rear yard setback of twenty-five (25) feet.

Owner's Signature (Required):  Date: 2-1-23

Recp 4592-0002

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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:
Planning to remove existing garage & build new garage with second floor ADU for extended family dwelling on the homeowners property.
2. Describe how the variance would not have an adverse impact on the surrounding properties:
~~There~~ There is an existing garage in the same location. By removing the old & building a new garage we would be improving the property & having a positive impact on surrounding properties.
3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures:
The rear yard set back is being enforced on both the North & West lot lines.
4. Describe the hardship that would result if your variance were not granted:
Both North and west lot lines are being treated as rear yard & a 2.5' setback is being enforced.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: February 6, 2023

RE: Variance Application for 1410 E. Pershing St. (31-1-4507-00)

Description of Proposal

The applicant proposes to build a detached accessory dwelling unit that is six (6) feet from the rear property line. Section 23-55(h)(2)(d) of the Zoning Ordinance requires detached accessory dwelling units to meet the rear setback of the principal building. Section 23-94(g)(5) of the Zoning Ordinance requires a rear yard setback of twenty-five (25) feet.

Impact on the Neighborhood

In the application, the applicant states there is an existing garage in the same location and by removing the old building, a new garage would improve the property and have a positive impact on surrounding properties.

Unique Condition

In the application, the applicant states that rear yard setback is being enforced on both the north and west lot lines.

Hardship

In the application, the applicant states that both north and west lot lines are being treated as rear yards and a twenty-five (25) foot setback is being enforced.

Staff Analysis

This corner parcel is 8,468 sq. ft. The minimum allowed size of a parcel in the R2 district is 6,000 sq. ft.

The applicant states in the application that the north and west yards are being considered rear yards. The fact is, the west yard is the rear yard, with a twenty-five (25) foot setback and the north yard is the side yard, with a six (6) foot setback.

The applicant has not demonstrated a dimensional limitation of this lot that creates a hardship. Also, proposing to construct a nonconforming location of an Accessory Dwelling Unit (ADU) is based on personal preference and an ADU is not essential for the use of the property. The property may still be used for its intended purpose without this variance. In conclusion, the review criteria for a variance have not been met. The twenty-five (25) foot rear yard setback standard for detached ADUs has been established by the City Council and a variance to this standard requires a legitimate hardship.