



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final Board of Zoning Appeals

Monday, February 21, 2022

7:00 PM

6th Floor Council Chambers

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting
[22-0066](#) Minutes from January 17, 2022

Attachments: [Minutes 1-17-22.pdf](#)

4. Public Hearings/Apearances

5. Action Items

- [22-0065](#) **312 E. Fremont St. (31-4-0507-00)** The applicant proposes to build a deck fifteen (15) feet from the front property line. Section 23-93(g)(4) of the Zoning Ordinance requires a twenty (20) feet front yard setback.

Attachments: [312 E. Fremont St.pdf](#)

- [22-0115](#) **719 W. Packard St. & other parcels (31-5-1232-00, 31-5-1234-00, 31-5-1236-00, 31-5-1238-00)** The applicant proposes to build a building that is 83' 9 3/4" in height. Section 23-112(h)(7) of the Zoning Ordinance limits building height to sixty (60) feet.

Attachments: [719 W. Packard St.pdf](#)

6. Information Items

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
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Meeting Minutes - Final Board of Zoning Appeals

Monday, January 17, 2022

7:00 PM

6th Floor Council Chambers

1. Call meeting to order

Meeting called to order by McCann at 7:00pm.

2. Roll call of membership

Present: 4 - McCann, Engstrom, Sperl and Croatt

Excused: 3 - Cain , Loosen and Joosten

3. Approval of minutes from previous meeting

[21-1740](#)

Minutes from November 15, 2021

Attachments: [Minutes 11-15-21.pdf](#)

**Engstrom moved, seconded by Sperl, that the Minutes be approved. Roll Call.
Motion carried by the following vote:**

Aye: 4 - McCann, Engstrom, Sperl and Croatt

Excused: 3 - Cain , Loosen and Joosten

4. Public Hearings/Appearances

5. Action Items

[21-1741](#)

2331 E. Lourdes Dr. (31-4-4710-00) The applicant proposes to erect a third (3) ground sign on a corner lot. Section 23-522(b) of the Zoning Ordinance limits the number of ground signs on corner lots to two (2) signs.

Attachments: [Application.pdf](#)
[Design-Location.pdf](#)

Hardship is large size of the lot and practical difficulty.

**Engstrom moved, seconded by Croatt, that the Report Action Item be approved.
Roll Call. Motion carried by the following vote:**

Aye: 4 - McCann, Engstrom, Sperl and Croatt

Excused: 3 - Cain , Loosen and Joosten

[21-1742](#)

2331 E. Lourdes Dr (31-4-4710-00) The applicant proposes to erect a sign that is five (5) feet high and six (6) feet from the front property line. Section 23-525(c) of the Zoning Ordinance requires signs that are over three (3) feet tall to be setback fifteen (15) from the front property line.

Attachments: [Application.pdf](#)
 [Design-Location.pdf](#)

Hardship is that multiple agencies use the property.

Sperl moved, seconded by Engstrom, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 4 - McCann, Engstrom, Sperl and Croatt

Excused: 3 - Cain , Loosen and Joosten

6. Information Items

7. Adjournment

A motion was made by Croatt, seconded by Sperl, that this meeting be adjourned. The motion carried by the following vote:

Aye: 4 - McCann, Engstrom, Sperl and Croatt

Excused: 3 - Cain , Loosen and Joosten

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 2/14/2022 Meeting Date 2/21/2022


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.

Recp 3108-0005

Property Information	
Address of Property (Variance Requested)	Parcel Number
312 E FREMONT ST	314050700
Zoning District	Use of Property
R1B	<input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial

Applicant Information	
Owner Name	Owner Address
HART M KING ET AL	312 E FREMONT ST APPLETON, WI 54911
Owner Phone Number	Owner E Mail address (optional)
(920) 450-6881	
Agent Name	Agent Address
Tundraland Home Improvements	N2277 W 41 Frontage Rd Kaukauna, WI 53140
Agent Phone Number	Agent E Mail address (optional)
920.462.5724	KirstinA@Tundraland.com

Variance Information
Municipal Code Section(s) Project Does not Comply
Ord 27-21, §1, 7-7-21 23-93(9) (4)
Brief Description of Proposed Project
New 8'x21' deck build, using (4) 50/50 diamond piers and (1) 12" sonotube. Height off grade is 23", KDAT treated southern pine frame (2x10, 16" on center). Includes 2 stairs (one inset) and code compliant railing

Owner's Signature (Required):

 Date: 1/20/2022

BDFC84C7F89A441...

Return to: Department of Public Works
Inspection Division
100 North Appleton Street
Appleton, Wisconsin 54911
(920) 832-6411

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:

New 8'x21' deck build, using (4) 50/50 diamond piers and (1) 12" sonotube.
Height off grade is 23", KDAT treated southern pine frame (2x10, 16" on center).
Includes 2 stairs (one inset) and code compliant railing

Requesting a variance due to setback restrictions. Deck is currently 15' from the lot line, and the setback requirement is 20'

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

The installation of a new deck not only will increase the property value of the house, but will beautify it as well.

The deck will not encroach any closer to the side lots than the house already does, and therefore should not have a negative affect on the neighbor's properties.

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

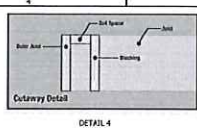
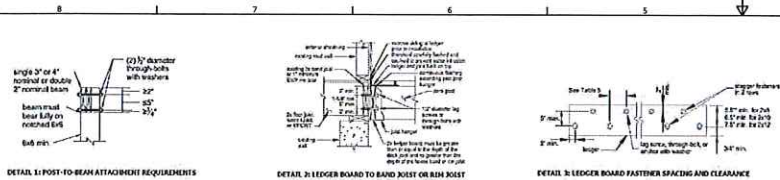
The older house next door has a porch area, providing the homeowner with a street facing area within which to recreate, whereas this home currently has none.

As an older home next to a newly constructed one, this new deck will increase the house's curb appeal, adding to the beautification of the neighborhood.

The new home next door, while visually appealing, appears to be built within the setback. Given that the next door neighbors were allowed the opportunity to build within the setbacks in the name of aesthetics, we feel this homeowner should be afforded the same luxury.

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

The homeowner will miss out on a front gathering space, where they can interface with the community

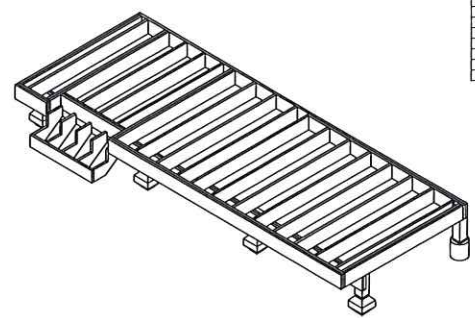
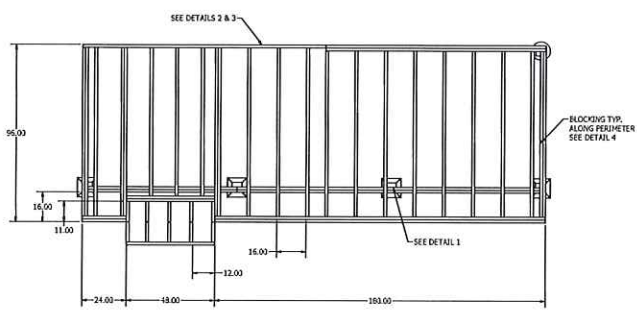


REVISION HISTORY

ZONE	REV	DESCRIPTION	DATE	APPROVED
	A		1/12/2022	

PARTS LIST

ITEM	QTY	PART NUMBER	DESCRIPTION
18	18	2x10-16	
19	2	2x10-12	
20	2	2x10-10	
21	1	2x12-12	
22	1	2x8-10	
23	3	2x10-8	
24	1	6x8-8	
25	5	POST TO BEAM BOLT ASSEMBLY	
14	5	18x6x2 POST BASE	
15	4	DIAMOND PIER	
17	1	SCAD FILL	
26	24	LEGER SCREWS	
28	1	#8 FLASHING	
27	1	DETAIL AT DECK TENSION TILES KIT	
29	15	18x10x2 JOIST HANGER	
30	15	#12 PERFORATE TIES	
31	1	JOIST HANGER NAILS BOX	
32	1	2x2-1\"/>	



MAXIMUM LOAD ON ROUND FOOTING

2000psi wet SOIL BEARING

DIAMETER	CAPACITY
8	608
10	900
12	1370
14	2137
16	2791
18	3533
20	4361
22	5277
24	6280
26	7370
28	8548
30	9813
32	11154
34	12604
36	14150

Minimum 2000 psf
Sands/Gravels on SP 301 10' 0\"/>

SP 301	SP 302	SP 303	SP 304	SP 305	SP 306	SP 307	SP 308	SP 309	SP 310
SP 301	SP 302	SP 303	SP 304	SP 305	SP 306	SP 307	SP 308	SP 309	SP 310
SP 301	SP 302	SP 303	SP 304	SP 305	SP 306	SP 307	SP 308	SP 309	SP 310
SP 301	SP 302	SP 303	SP 304	SP 305	SP 306	SP 307	SP 308	SP 309	SP 310
SP 301	SP 302	SP 303	SP 304	SP 305	SP 306	SP 307	SP 308	SP 309	SP 310
SP 301	SP 302	SP 303	SP 304	SP 305	SP 306	SP 307	SP 308	SP 309	SP 310
SP 301	SP 302	SP 303	SP 304	SP 305	SP 306	SP 307	SP 308	SP 309	SP 310
SP 301	SP 302	SP 303	SP 304	SP 305	SP 306	SP 307	SP 308	SP 309	SP 310
SP 301	SP 302	SP 303	SP 304	SP 305	SP 306	SP 307	SP 308	SP 309	SP 310
SP 301	SP 302	SP 303	SP 304	SP 305	SP 306	SP 307	SP 308	SP 309	SP 310
SP 301	SP 302	SP 303	SP 304	SP 305	SP 306	SP 307	SP 308	SP 309	SP 310

TABLE 5

Deck Joist Spacing (in inches) for Deck Joist on 4x4 Posts

Deck Joist Spacing (in inches)	4x4 Posts	4x6 Posts	6x6 Posts	8x8 Posts	10x10 Posts	12x12 Posts
16	1	1	1	1	1	1
18	1	1	1	1	1	1
20	1	1	1	1	1	1
22	1	1	1	1	1	1
24	1	1	1	1	1	1
26	1	1	1	1	1	1
28	1	1	1	1	1	1
30	1	1	1	1	1	1
32	1	1	1	1	1	1
34	1	1	1	1	1	1
36	1	1	1	1	1	1
38	1	1	1	1	1	1
40	1	1	1	1	1	1
42	1	1	1	1	1	1
44	1	1	1	1	1	1
46	1	1	1	1	1	1
48	1	1	1	1	1	1
50	1	1	1	1	1	1
52	1	1	1	1	1	1
54	1	1	1	1	1	1
56	1	1	1	1	1	1
58	1	1	1	1	1	1
60	1	1	1	1	1	1
62	1	1	1	1	1	1
64	1	1	1	1	1	1
66	1	1	1	1	1	1
68	1	1	1	1	1	1
70	1	1	1	1	1	1
72	1	1	1	1	1	1
74	1	1	1	1	1	1
76	1	1	1	1	1	1
78	1	1	1	1	1	1
80	1	1	1	1	1	1
82	1	1	1	1	1	1
84	1	1	1	1	1	1
86	1	1	1	1	1	1
88	1	1	1	1	1	1
90	1	1	1	1	1	1
92	1	1	1	1	1	1
94	1	1	1	1	1	1
96	1	1	1	1	1	1
98	1	1	1	1	1	1
100	1	1	1	1	1	1

PROJECT: GREEN BAY DECKING LLC, 1510 S. BROADWAY ST., GREEN BAY, WI, 54308

DATE: 1/12/2022

TITLE: KING DECK

SCALE: 1/2\"/>



New 8'x21' deck build, using (4) 50/50 diamond piers and (1) 12" sonotube. Height off grade is 23", KDAT treated southern pine frame (2x10, 16" on center). Includes 2 stairs (one inset) and code compliant railing

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: February 3, 2022

RE: Variance Application for 312 E. Fremont St. (31-4-0507-00)

Description of Proposal

The applicant proposes to build a deck fifteen (15) feet from the front property line. Section 23-93(g)(4) of the Zoning Ordinance requires a twenty (20) feet front yard setback.

Impact on the Neighborhood

In the application, the applicant states that the new deck will increase property values and will not encroach any closer to the side lots than the house already does.

Unique Condition

In the application, the applicant states that the older house next door has a street facing porch area and this home does not. The applicant also states that the house next door appears to be in the setback and this homeowner should be afforded the same luxury.

Hardship

In the application, the applicant states that if the variance is not granted the homeowner will miss out on a front gathering space, where they can interface with the community.

Staff Analysis

This property is 7,200 sq. ft. (60'x 120'). The minimum size lot in the R1B zoning district is 6,000 sq. ft.

Section 23-50(d)(1) of the Zoning Ordinance allows an adjusted front yard setback to be a straight line between the two (2) front corners of the adjacent properties. Applying this standard, the proposed deck would still require a variance.

A front porch/deck is not essential for the use of the property and the owner is causing the hardship by adding the addition. It does not appear the applicant has met the review criteria.

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 Meeting Date

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) 719 W Packard St, 0 N Richmond, 0 W Harris St	Parcel Number 315123200, 315123400, 315123600, 315123800
Zoning District C-1 neighborhood mixed use district	Use of Property <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial

Applicant Information	
Owner Name Core, LLC	Owner Address PO Box 515 Sturgeon Bay, WI 54235
Owner Phone Number 920-585-4814	Owner E Mail address (optional)
Agent Name Michael Loy	Agent Address 1450 Dons Way Kronenwetter WI, 54455
Agent Phone Number 715-551-7170	Agent E Mail address (optional) michael@geardequity.com

Variance Information
Municipal Code Section(s) Project Does not Comply Sec. 23-112. C-1 neighborhood mixed use district (h) Development standards (7) Maximum building height
Brief Description of Proposed Project 112 Unit, 6-story multi-family development

Owner's Signature (Required): _____ Date: 02/01/2022

Return to: Department of Public Works
Inspection Division
100 North Appleton Street
Appleton, Wisconsin 54911
(920) 832-6411

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 proposed development is a 6-story, 112-unit multi-family development. Per Appleton Zoning Code, the maximum building height allowed for this property is 60', which is measured by a distance from the finished grade plane to the highest point of the roof structure, as illustrated on page 1508 in the definitions section of the zoning code.

Our proposed design shows a distance from the finished grade plane to the highest point of the roof structure of 83'-9 $\frac{3}{4}$ ", a difference of 23'-9 $\frac{3}{4}$ ".

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

The property across the street is 64 ft tall. The owners of the middle units of the uppermost floor of Richmond Terrace (3 units of the 5th floor) would lose some view of westerly sky because they would not look overlook the top of an equivalent height building. The two end units would still have the majority of their view being north or south rather than west. The other units along Richmond Street (10 units) would not be affected any differently than they would be with a building 60 feet in height. The same is true for the surrounding residential properties.

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

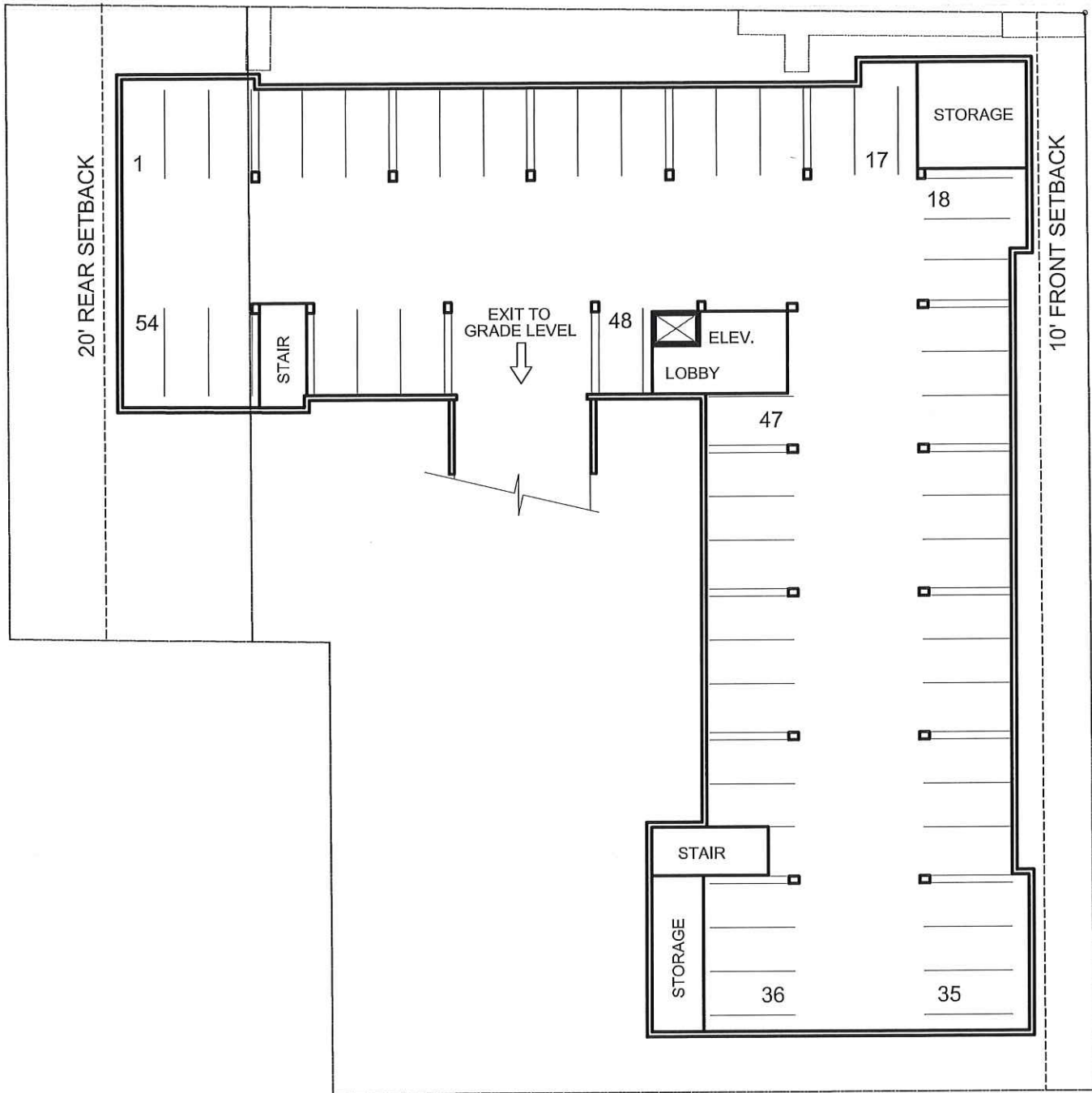
One of the stated goals of the City is to create an environment for the future growth of the Richmond corridor as the major gateway to the downtown. The City has invested substantial time in extending TID 12 and rezoning the parcels to C-1 which accommodates a market rate apartment development.

Vacant lots of this size are not immediately available in the surrounding target area for this development. The soil conditions of the site require additional foundational shoring to support development of scale. The ability to go deeper with the development would preclude street level interaction with the public along Richmond Street and would locate units directly level with the street scape. The former VFW site is just under an acre. In order to accommodate the required parking and number of units the project has to be built taller.

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

The Richmond Street corridor has no available land or buildings that can be re-developed. This is different than all recent apartment projects that have been completed or proposed in Appleton's downtown. Additionally, several of the other recent projects are in CBD zoning which allows for taller buildings. If the variance is not granted and there is no viable path to add parcels (land) to the development, the re-development of the site will not happend with apartments. The site could continue to remain vacant for the foreseeable future

PACKARD STREET

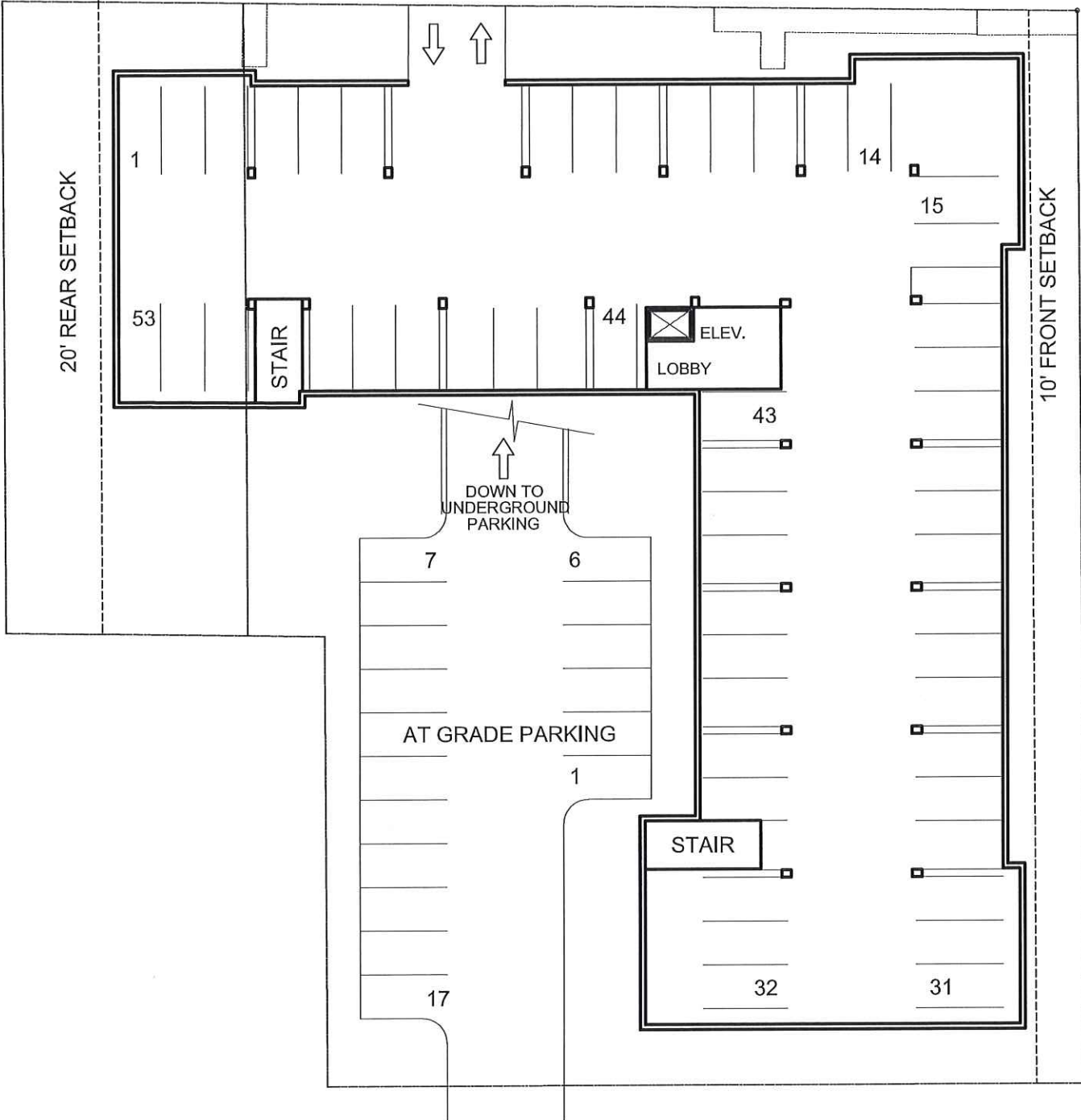


HARRIS STREET

CORNERSTONE APARTMENTS
UNDERGROUND PARKING



PACKARD STREET



RICHMOND STREET

HARRIS STREET

CORNERSTONE APARTMENTS
GROUND LEVEL PARKING





CORNERSTONE APARTMENTS
EAST ELEVATION - AT RICHMOND ST.





CORNERSTONE APARTMENTS
NORTH ELEVATION - AT PACKARD ST.





CORNERSTONE APARTMENTS
SOUTH ELEVATION - AT HARRIS ST.



CORNERSTONE APARTMENTS
WEST ELEVATION



CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: February 3, 2022

RE: Variance Application for 719 W. Packard St. (31-5-1232-00, 31-5-1234-00,
31-5-1238-00, 31-5-1236-00)

Description of Proposal

The applicant proposes to build a building that is 83' 9 3/4" in height. Section 23-112(h)(7) of the Zoning Ordinance limits building height to sixty (60) feet.

Impact on the Neighborhood

In the application, the applicant states that the property across the street is sixty-four (64) feet tall and the middle units of the uppermost floor would lose some view of westerly sky. The two end units would still have the majority of their view. Other units would not be impacted by the new building.

Unique Condition

In the application, the applicant states that the soil conditions (high water table) of the site do not allow for development to go deeper. The applicant also states that the site is under an acre and in order to accommodate the required parking and number of units the project has to be taller.

Hardship

In the application, the applicant states that since this property is zoned C1, as apposed to CBD which allows for taller buildings, there is no viable path for development and the land cannot be used for it's intended use and the site will remain vacant for the foreseeable future.

Staff Analysis

The requested variance is for a future parcel that will be created by joining four existing parcels (31-5-1232-00, 31-5-1234-00, 31-5-1238-00, 31-5-1236-00). Any variances approved for this property should be contingent on the Certified Survey Map (CSM) being approved and recorded.

The size of the proposed new parcel would be 43,418 sq ft. The minimum size parcel permitted in the C1 zoning district is 6,000 sq ft.

In the application, applicant states that development could not happen on this lot unless a variance is approved. However, the dimensions of the parcel do not limit development. The proposed lot is nearly an acre and could accommodate a development within the realm of permitted uses in the C1 zoning district. The factors that the applicant states require the building to be taller than the height limits in the Zoning Ordinance appear to be based on personal preferences, rather than the review criteria specified in Section 23-67(f) of the Zoning Ordinance. For example, the applicant has not indicated a unique physical limitation of the property. Also, by

proposing an eight three (83) foot building, rather than a sixty (60) foot building, is a self-created hardship. A sixty (60) foot building is an alternative.

It appears the applicant has not met the review criteria outlined in the Zoning Ordinance.