

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 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>602 N. Lawe St</b>	Parcel Number <b>31-1-0256-00</b>
Zoning District <b>C2</b>	Use of Property <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial
Applicant Information	
Owner Name <b>NEIGHBORHOOD INVESTMENTS LLC</b>	Owner Address <b>11 BELLAIRE CT APPLETON, WI 54911</b>
Owner Phone Number	Owner E Mail address (optional) daneandrew@gmail.com
Agent Name Andrew Dane	Agent Phone Number <b>920-585-3593</b>
Variance Information	
Municipal Code Section(s) Project Does not Comply <b>Section 23-172( m)- Minimum required parking spaces for a tavern use.</b>	
Brief Description of Proposed Project  <b>It is proposed that the use change from residential to a commercial (tavern) with a maximum capacity of forty-nine (49). The proposed plan has three (3) parking spaces. Section 23-172(m) of the Zoning Ordinance requires tavern uses to provide one (1) parking space for each three (3) persons allowed based on maximum capacity. Seventeen (17) parking spaces are required.</b>	



Owner's Signature (Required):

February 28, 2023

Date: \_\_\_\_\_

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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:

**I am proposing a tavern with beer, wine, and limited food menu. This is located in a highly walkable mixed-use neighborhood characterized by a mix of single family, multi-family, light industrial, and neighborhood oriented commercial uses.**

**I am requesting a variance because the City's existing parking requirements are not possible on a small infill lot of this size. Furthermore, the requirements are excessive for a neighborhood oriented business that will draw a significant portion of visitors on foot and on bicycle.**

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

**The variance will not have an adverse impact on the surrounding properties because there are 20 on-street parking stalls located adjacent the property on Pacific Street. Furthermore, there is only one residential property abutting the proposed tavern, and that property has a private driveway and garage which also serve as a visual and auditory buffer from the subject property. Finally, I have a verbal agreement to utilize Jacobs Meat Market parking lot for overflow parking should parking become an issue for the neighborhood.**

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

**The size of the lot does not afford adequate room to construct a parking lot. It is a corner lot that was designated commercial prior to the widespread adoption of vehicle usage.**

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

**Without the variance I will be unable to construct the tavern, and the property would likely remain in residential use despite being zoned Commercial. This location, on a heavily trafficked street adjacent two other mixed use buildings, makes economic sense.**

## CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: March 10, 2023

RE: Variance Application for 602 N. Lawe St. (31-1-0256-00)

### **Description of Proposal**

It is proposed that the use change from residential to a commercial (tavern) with a maximum capacity of forty-nine (49). The proposed plan has three (3) parking spaces. Section 23-172(m) of the Zoning Ordinance requires tavern uses to provide one (1) parking space for each three (3) persons allowed based on maximum capacity. Seventeen (17) parking spaces are required.

### **Impact on the Neighborhood**

In the application, the applicant states that the variance would not have an adverse effect on the neighborhood because: 1) there are twenty (20) on-street parking spaces adjacent to the property, 2) the one (1) residential property nearby has a detached garage as a buffer and 3) there is a verbal agreement with the owner of Jacobs Market to allow the use of his parking lot.

### **Unique Condition**

In the application, the applicant states that the size of the lot does not afford adequate room to construct a parking lot because it is a corner lot that was designated commercial prior to the widespread adoption of vehicle usage.

### **Hardship**

In the application, the applicant states that without the variance, the applicant will be unable to construct the tavern and the property would likely remain in residential use despite being zoned commercial.

### **Staff Analysis**

This parcel is 6,848 sq. ft. The minimum size lot allowed in the C2 zoning district is 14,000 sq. ft.

This is a nonconforming lot of record.

The building that is on this parcel was built for residential use, however, the land is zoned commercial.

Because of the limited size of the parcel, the applicant is unable to meet the parking requirements and has met the review criteria for a variance.