

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 09/30/19 Meeting Date 10/21/19 at 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) 131 N. Richmond St., Appleton, WI	Parcel Number 315118700 & 315118800
Zoning District CBD (Rezoned)	Use of Property <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial

Applicant Information	
Owner Name GERALD F. ENGEL, ENGEL TRUST ET AL APPLETON WESTEND REALTY, LTD.	Owner Address (BOTH) c/o DENNIS J. JOCHMAN, AGENT BECHARD INVESTMENTS, INC. 577 N. WESTHILL BLVD., APPLETON, WI. 54914
Owner Phone Number OFFICE (920) 738-7100 CELL (920) 205-3694	Owner E Mail address (optional) djochmdn@bechardgroup.com
Agent Name DENNIS J. JOCHMAN BECHARD INVESTMENTS, INC.	Agent Address SAME AS ABOVE
Agent Phone Number CELL (920) 205-3694 OFFICE (920) 738-7100	Agent E Mail address (optional) SAME AS ABOVE

315118700  
 315118800

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-49(a)- Drive through facilities shall not be located in the front of the principal building.
Brief Description of Proposed Project The proposed plan is to locate the drive through lane in the front yard along Fisk Alley. Section 23-49(a) of the Zoning Ordinance prohibits drive through facilities in the front yard.

Owner's Signature (Required): *Dennis J. Jochman* Date: 9/27/2019  
*agent*

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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:

The proposed plan is to build a financial institution with parking for members and an included 2-lane drive up. The lots being purchased are on the corner of Richmond and Washington streets. Adjacent to the west side of the lot is an alley that is being considered as another frontage to the site. Access to the site will be from the south at Washington Street from an existing curb cut. To the north is a shopping center in which the existing building is located on the site lot line. In order to maintain a pedestrian friendly site while providing on site parking for members the drive-thru will need to be located adjacent to the alley to the west. This will help in separating the pedestrian access to the building from parking and the drive thru-lane traffic while still giving members access to parking on site.

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

The variance would not affect traffic flow onto any adjoining property. To the west of the alley is a shared parking lot. The proposed site would add a new curb-cut onto Washington Street to allow one-way travel within the site with entry and exiting onto Washington street. The proposed site will also include a barrier curb/bollards to separate the alley from any drive-thru traffic. The Alley to the west terminates into the parking lot which can be used as an entry/exit point for both adjacent sites.

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


The surrounding sites have access from Richmond Street giving more flexibility to access onto the respective sites. Due to the shopping center entrance to the north and the corner condition to the south, it is not feasible to request a curb cut from Richmond Street. The proposed site is utilizing an existing curb-cut on a street with less vehicular traffic at Washington street to better utilize the space provided to reduce traffic coming directly onto/off Richmond Street. The alley to the west creates a third frontage to the proposed site causing issues stated previously with locating drive-thru functions and parking, while mitigating traffic flow onto and through the site. The Alley creates a third frontage at this site only and does not affect any other surrounding sites. Similar surrounding sites include two frontages, allowing for more flexibility in mitigating traffic flow and parking.

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

The current site has two main frontages at both Washington and Richmond Streets. A third frontage being considered is to the west. With three frontages, the site would push the drive-thru to the north creating a traffic pattern with drive-thru stack-up wrapping the north and east face of the building. This would create the main frontage along Richmond street to be drive-thru traffic when entering the site causing possible traffic issues when entering the site. If the drive-thru were to remain to the north, parking would also be located off-site causing issues with accessibility for its members who deal with in-person transactions at the facility being proposed.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor 

Date: October 2, 2019

RE: Variance Application for 131 N. Richmond St. (31-5-1188-00 & 31-5-1187-00)

**Description of Proposal**

The applicant is proposing to locate the drive through lane in the front yard along Fisk Alley. Section 23-49(a) of the Zoning Ordinance prohibits drive through facilities in the front yard.

**Impact on the Neighborhood**

In the application, the applicant states that the drive through would not affect traffic flow onto any adjoining properties and there is only a shared parking lot to the west.

**Unique Condition**

In the application, the applicant states that other businesses in the area have curb cut access to Richmond St. It is not feasible for this property to have access to Richmond St. because of the proximity to the corner. The applicant also states that the alley to the west is a third frontage, but does not affect neighboring properties.

**Hardship**

In the application, the applicant states that if the drive through were to remain to the north, parking would also be located off-site, causing issues with accessibility to the site.

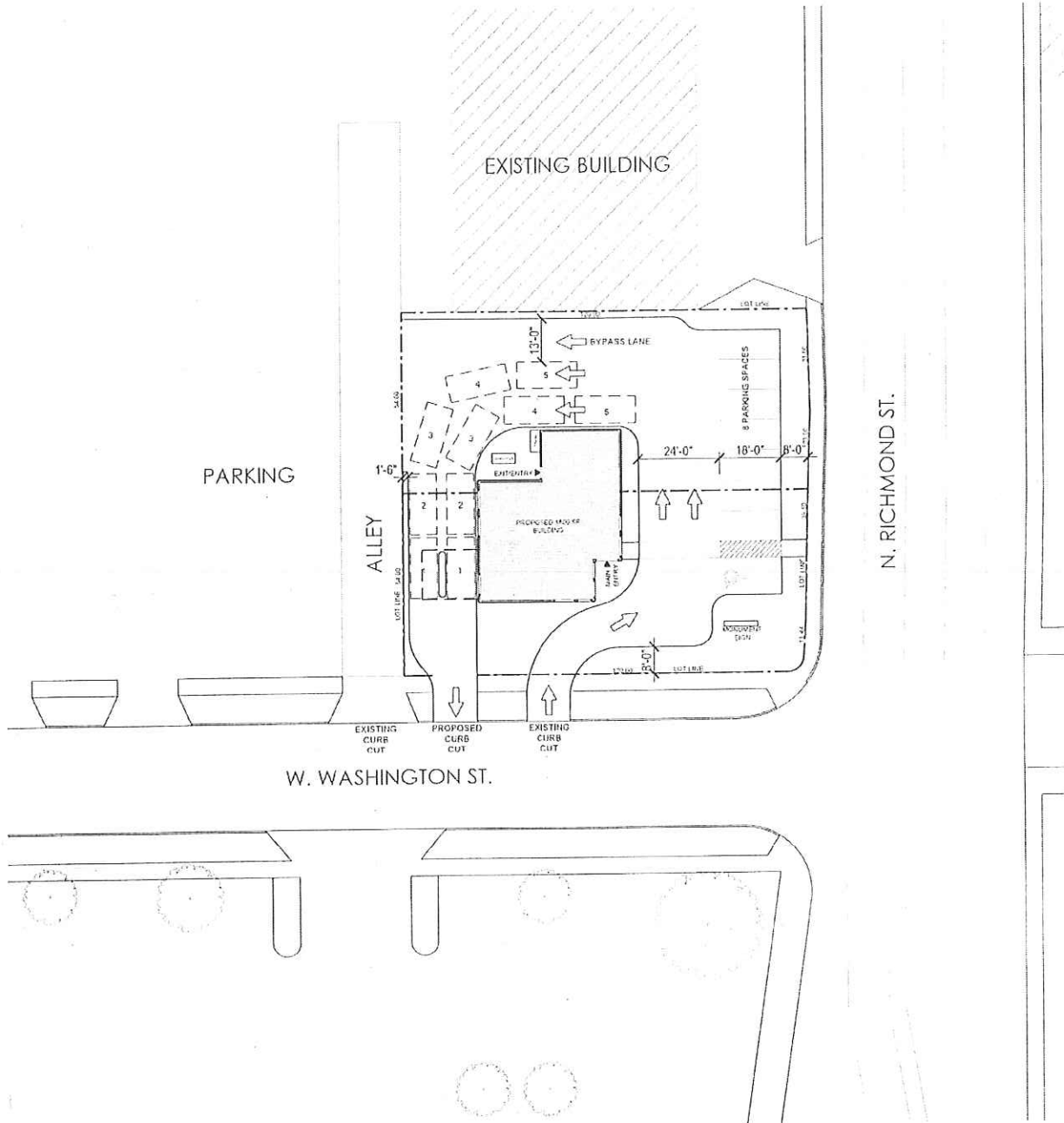
**Staff Analysis**

The proposed plan for this development combines two existing parcels (31-5-1188-00 & 31-5-1187-00).

The combined size of these lots is 12,830 sq. ft. The minimum size of a lot in the C2 zoning district is 14,000 sq. ft.

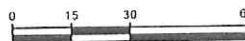
However, the applicant is in the process of rezoning this property to CBD, which has a minimum size of 2,400 sq. ft.

A business with a drive through is a permitted use on this property. Because there are three front yards on this property, it makes a drive through infeasible due to the stacking maneuvering requirements in Section 23-49 of the Zoning Ordinance. Therefore, the applicant meets the review criteria for a variance.

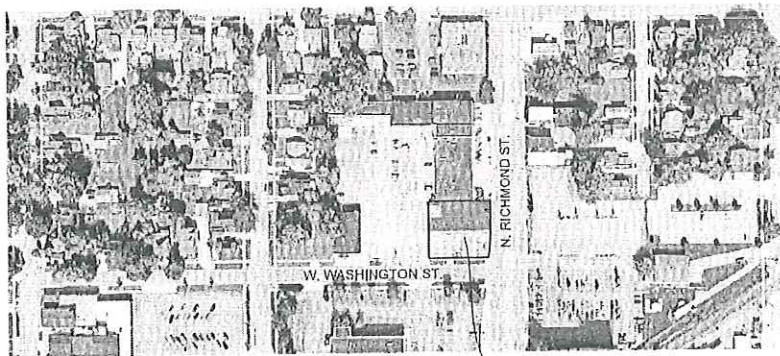


# CONCEPTUAL SITE PLAN

SCALE: 1" = 30'-0"



NORTH



SITE LOCATION

### CBD ZONING (PROPOSED)

- MIN. LOT SIZE: 2,400 SQFT.
- MAX. LOT COVERAGE: 100%
- MIN. FRONT YARD: NONE
- MIN. SIDE YARD: NONE