

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

City of Appleton Application for Variance

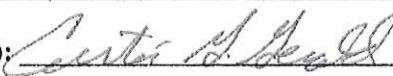
Application Deadline April 25, 2022 Meeting Date May 16, 2022 7pm

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) 1523 N CHARLOTTE ST	Parcel Number 31-1-2184-00
Zoning District R2	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name GEROLD CURTIS	Owner Address 2820 N PARK DRIVE LA APPLETON WI 54911
Owner Phone Number 920-740-9127	Owner E Mail address (optional)
Agent Name	Agent Address
Agent Phone Number 608-445-1520	Agent E Mail address (optional) <u>alykstevens@gmail.com</u>

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-95. R-2 two-family district.
Brief Description of Proposed Project Request for a use variance to use the property for light manufacturing in the R2 zoning district. Light manufacturing is not a permitted use in the R2 zoning district.

Owner's Signature (Required):  Date: 4-27-22

Rec 113450830

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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:

We are requesting a variance to be able to use the building located on the property for a small business. The business would be to create and print sticker/decals and do computer-based design and programming for machining/3D printing with small table-top machines.

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

We are looking to clean up the property, we would create little to no traffic, and would not create any excessive or disturbing noise. This will primarily be an online based business, using the building to complete work.

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

This lot does not and has never had a residential structure on the lot, it only has a garage-like building.

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

The building on the property is not capable of being used as a residence. If this variance is not granted, the property is not able to be used as-is and would create undue financial hardship.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor 

Date: May 5, 2022

RE: Variance Application for 1523 N. Charlotte St. (31-1-2184-00)

Description of Proposal

The applicant proposes to use this property as light manufacturing. The property is zoned R2. Light manufacturing is not a permitted use in the R2 zoning district.

Impact on the Neighborhood

In the application, the applicant states that they are looking to clean up the property, would create little noise and traffic and the business would primarily be online based.

Unique Condition

In the application, the applicant states that this lot does not, and has never had, a residential structure on the lot, it only has a garage-like building.

Hardship

In the application, the applicant states that the building on the property is not capable of being used as a residence and if this variance is not granted, the property is not able to be used as-is and would create an undue financial hardship.

Staff Analysis

The size of this lot is 10,500 sq. ft. The minimum size lot in the R2 zoning district is as follows:

Sec. 23-95. R-2 two-family district.

g) *Development standards.*

(1) *Two-family dwellings (duplex) and other uses.*

- a. *Minimum lot area, Single-family dwelling (detached): Six thousand (6,000) square feet.*
- b. *Minimum lot area, Two-family dwellings (two-story duplex): Seven thousand (7,000) square feet.*
- c. *Minimum lot area, Two-family dwellings (single story duplex): Nine thousand (9,000) square feet.*
- d. *Minimum lot area, All other uses: Seven thousand (7,000) square feet.*

The width of this property is 53.13 feet. Below is the minimum width allowed for lots in the R2 zoning district:

(g) *Development standards.*

(1) *Two-family dwellings (duplex) and other uses.*

e. *Minimum lot width, Single-family dwelling: Fifty (50) feet.*

f. *Minimum lot width, All other uses: (70 feet).*

Background History

2017 Wisconsin Act 67 amended the zoning enabling law for counties, cities, villages, and towns zoning under village powers to provide a statutory definition for “use variances.” Act 67 defines a “use variance” as “an authorization by the board of appeals under this subsection for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.” Act 67 then specifies that the property owner bears the burden of proving “unnecessary hardship” for a use variance, by demonstrating that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. The current Appleton Zoning Ordinance regulations for a use variance are consistent with Act 67 and the current Wisconsin State Statute regulations.

Section 23-67 of the zoning ordinance specifies standards for review by the Board of Zoning Appeals. Section 23-67(f)(6) states that the applicants for use variances must demonstrate that there is no reasonable use of the property in absence of a variance.

There is a reasonable alternative use for this lot: a single-family house. Although a non-residential building is currently on the property, a residential property could be built at this location. Other houses have recently been constructed in this area. Also, the lot is conforming with the minimum development standards, which are detailed above.

The applicant has not provided any information that shows that the strict criteria for a use variance has been met. The applicant has an alternative solution for the use of the lot: build a compliance building that meets the zoning and development standards. The cost of such a venture cannot be a consideration in determining a hardship.

Parking. The site currently does not provide off street parking for an industrial use. The applicant did not request a variance for parking in the application. Section 23-172(m) of the Zoning Ordinance requires one (1) space for each one (1) employee on the largest shift, plus three (3) visitor spaces, plus space to accommodate all company vehicles in connection therewith.

Consistency with the Appleton Comprehensive Plan 2010-2030: The Comprehensive Plan recommends one/two-family residential land use for the subject property. The subject property’s zoning district classification is consistent with this recommendation. Granting a variance to this request would directly contradict the Council approved Comprehensive Plan.

The applicant has not met the review criteria for a use variance hardship.