



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: March 13, 2024

Common Council Public Hearing Meeting Date: April 3, 2024 (Public Hearing on Rezoning)

Item: Rezoning #1-24 – 207 N. Green Bay Road

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Applicant/Owner: Ian Mevis and Maggie Marmor

Address/Parcel #: 207 N. Green Bay Road, Parcel #31-1-0738-00

Petitioner's Request: The owner/applicant proposes to rezone the subject parcel from R-2 Two-Family District to R-1B Single-Family District to facilitate a lot combination to accommodate an accessory structure. The rezoning will result in consistent zoning between two common ownership parcels and allow them to be combined into one parcel.

BACKGROUND

The existing home was constructed in 1895. It appears the two properties have been utilized as one parcel for many years. Parcel #31-1-0738-00 (subject site) is currently zoned R-2 Two-Family District and Parcel #31-1-0740-01 is currently zoned R-1B Single-Family District. The home currently crosses the existing property line and both properties are under common ownership.

The property owner is proposing to construct a new garage and is not able to meet setback requirements unless the existing two parcels are combined to create one lot.

Per Zoning Code Section 23-40(b), a parcel of land cannot include more than one zoning district, therefore, the rezoning is necessary to combine the two lots.

The home is listed in Wisconsin Architecture & Historical Society Inventory (reference number: 40523) for being one of the finest Italianate style homes in Appleton.

STAFF ANALYSIS

Existing Site Conditions: The subject area is 8,640 square feet in size and contains a single-family home.

Surrounding Zoning Classification and Land Uses:

North: R-2 Two-Family District. The adjacent land use to the north is currently residential.

South: R-1B Single Family Residential. The adjacent land use to the south is currently residential.

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East: R-1B Single Family Residential. The adjacent land use to the east is currently residential.

West: R-1B Single Family Residential. The adjacent land use to the west is currently residential.

Proposed Zoning Classification: The purpose of the R-1B Single-family District is to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses. Per Section 23-93(g) of the Municipal Code, the development standards for the R-1B District are listed below:

- 1) **Minimum lot area:** 6,000 square feet
- 2) **Maximum lot coverage:** 50%
- 3) **Minimum lot width:** 50 feet
- 4) **Minimum front yard:** 20 feet (25 feet on arterial street)
- 5) **Minimum rear yard:** 25 feet
- 6) **Minimum side yard:** 6 feet
- 7) **Maximum building height:** 35 feet

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future One/Two-Family residential. The proposed rezoning is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Standards for Zoning Map Amendments: Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 goals and objectives stated above and the Future Land Use Map, which identifies this area for future one and two family residential land uses.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.

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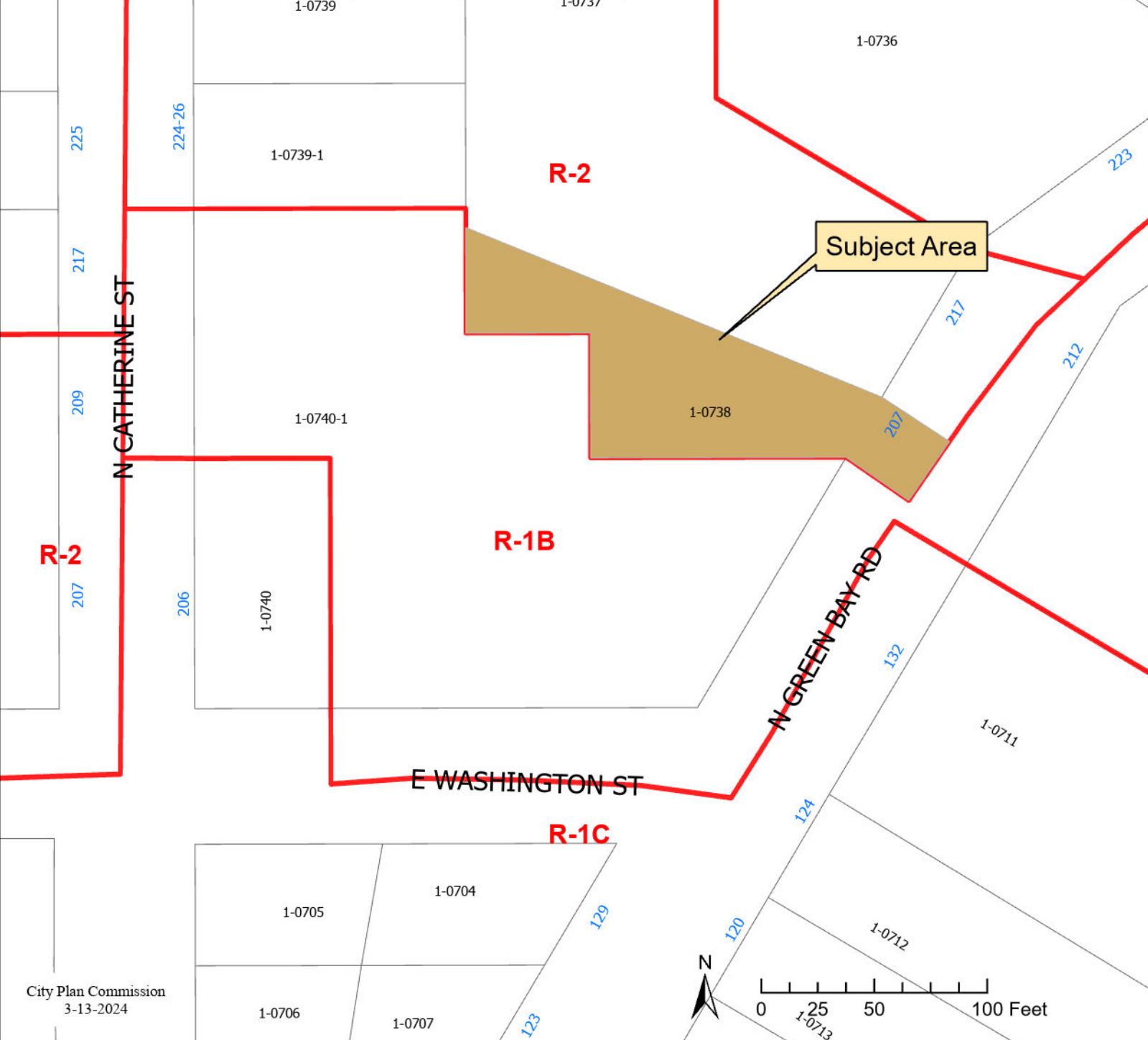
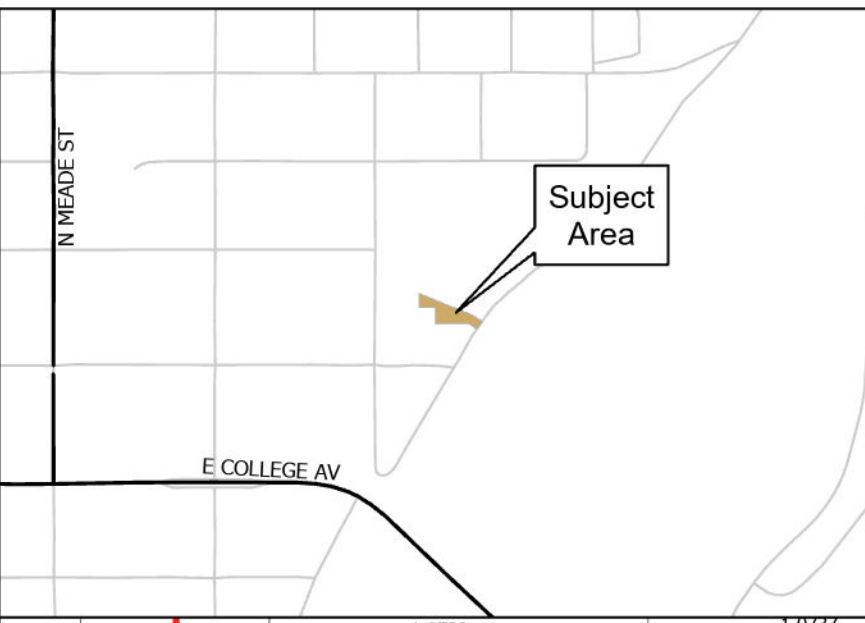
3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
 2. The effect of the proposed rezoning on surrounding uses. *Single-family residential uses are already located in this area of the City. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding uses.*

Technical Review Group Report (TRG): This item appeared on the March 5, 2024 TRG Agenda. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #1-24 to rezone the subject property located at 207 N. Green Bay Road (Parcel #31-1-0738-00) from R-2 Two-Family District to R-1B Single-Family District, including to the centerline of the adjacent right-of-way, as shown on the attached maps, **BE APPROVED**.

**Rezoning
207 N. Green Bay Road
R-2 Two Family District to
R-1B Single Family District**



Rezoning
207 N. Green Bay Road
R-2 Two Family District to
R-1B Single Family District
Aerial Map



E FRANKLIN ST

N CATHERINE ST

E WASHINGTON ST

N GREEN BAY RD

Legal Description of 207 N. Green Bay Road, Appleton, WI 54911 – 31-1-0738-00

LAWSBURG PLAT 1WD THAT PRT LOTS 4, 5, 15 & 16 LYG SOUTH OF LINE IN 671R114 OF BLK D; SUBJ TO SHARED DRIVEWAY AGREEMENT PER DOC #2193366, INCLUDING TO THE CENTERLINE OF THE ADJACENT STREET RIGHT-OF-WAY, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN