

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: July 12, 2022

RE: Variance Application for 1430 Ballard Road (31-1-5207-00)

**Description of Proposal**

Rezoning this parcel would create a lot that is 11,551 sq. ft. Section 23-113(h)(1) of the Zoning Ordinance requires a minimum size of 14,000 sq ft. in the C2 zoning district.

Rezoning this parcel would create a parcel with 99 percent lot coverage. Section 23-113(h)(2) of the Zoning Ordinance limits the maximum lot coverage to seventy-five (75) percent.

Rezoning would also create a parcel with a building that is eleven (11) feet from the rear property line. Section 23-113(h)(5) of the Zoning Code requires a twenty (20) foot rear yard setback.

**Impact on the Neighborhood**

In the application, the applicant states that their business is growing, and this would provide adequate space for parking.

**Unique Condition**

In the application, the applicant states that if this variance is approved, they would be able to rezone this property from M2 to C2, which is consistent with the comprehensive plan.

**Hardship**

In the application, the applicant states that they cannot operate without semi tractor-trailers. They do not have the funding to purchase a larger property to accommodate for large trucks. If they cannot purchase the parcel located at 1426 N. Ballard Road, they will have to shut down as they have nowhere to go with their large trucks and trailers.

**Staff Analysis**

The applicant is proposing to rezone their parcel at 1430 N. Ballard Road from M2 to C2. A rezoning cannot be approved if nonconformities to the Zoning Ordinance are created. Therefore, variances are needed to rezone the parcel. After the rezoning, the owner of 1426 N. Ballard Rd. plans to split the parcel into two parcels and the applicants will purchase one of the newly created parcels and merge it with 1430 N. Ballard Road.

The parcel at 1430 N. Ballard Road is 11,622 sq. ft. The minimum size for a lot in the M2 zoning district is 8,000 sq. ft. The minimum size lot in the C2 zoning district is 14,000 sq. ft.

The parcel is currently nonconforming in lot coverage. The maximum lot coverage in the M2 district is 90%. The parcel is currently 99% covered. By rezoning the property to C2, nonconformities in parcel size and setbacks will be created. These nonconformities are self-created and based on the needs of the applicant. Variances are typically granted to remedy a hardship that existed due to the unique size or shape of the parcel,

not the preferences of the applicant. The applicant does not appear to meet the review criteria for a variance because the hardships are self-created.

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 June 27, 2022 Meeting Date July 18, 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) <b>1430 N. Ballard Road</b>	Parcel Number <b>31-1-5207-00</b>
Zoning District <b>C2</b>	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>
Applicant Information	
Owner Name Onstage Audio LLC	Owner Address 1430 N. Ballard Road Appleton, WI 54911
Owner Phone Number	Owner E Mail address (optional)
Agent Name <b>Lisa Kohl</b>	Agent Address
Agent Phone Number 920-470-5546	Agent E Mail address (optional) <a href="mailto:lisa@eventproductionsystems.com">lisa@eventproductionsystems.com</a>
Variance Information	
Municipal Code Section(s) Project Does not Comply <b>Section 23-113(h)(1) Minimum lot size of 14,000 sq ft.</b> <b>Section 23-113(h)(2) Maximum lot coverage is seventy five (75) percent.</b> <b>Section 23-113(h)(5) Rear yard setback is twenty (20) feet.</b>	
Brief Description of Proposed Project <b>Rezoning this parcel would create a lot that is 11,551 sq. ft. Section 23-113(h)(1) of the Zoning Ordinance requires a minimum size of 14,000 sq ft. in the C2 zoning district.</b> <b>Rezoning this parcel would create a parcel with 99 percent lot coverage. Section 23-113(h)(2) of the Zoning Ordinance limits the maximum lot coverage to seventy five (75) percent.</b> <b>Rezoning would also create a parcel with a building that is eleven (11) feet from the rear property line. Section 23-113(h)(5) of the Zoning Code requires a twenty (20) foot rear yard setback.</b>	

Owner's Signature (Required): Ysa (a) O Date: 10/21/2022

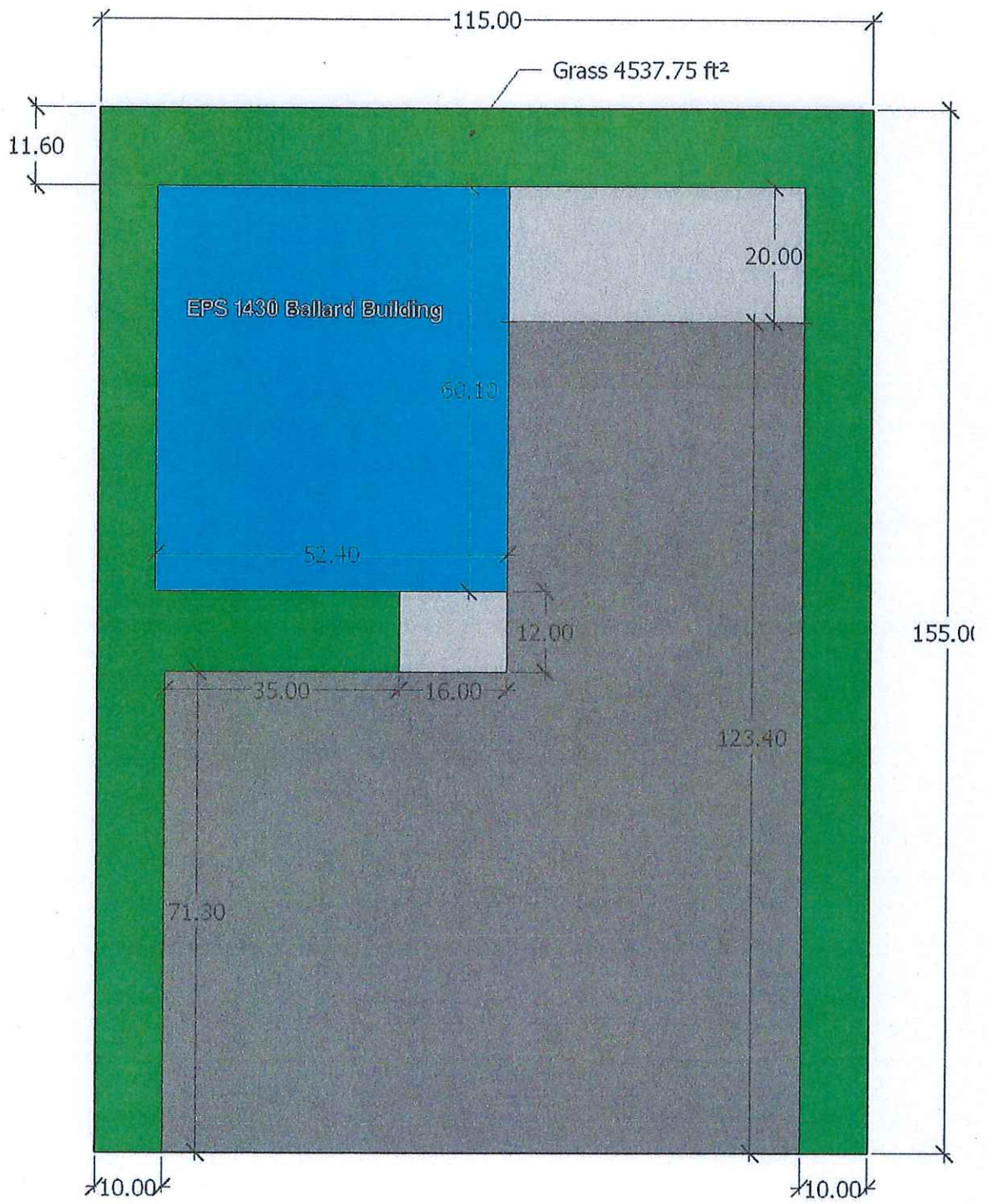
Return to: Department of Public Works  
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Appleton, Wisconsin 54911  
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## Questionnaire

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 in need for additional parking to allow space for our semi tractor-trailers.
2. Describe how the variance would not have an adverse impact on the surrounding properties: Our business is not changing. This provides adequate parking for our employees and large vehicles.
3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures: By allowing these variances, we are able to rezone our current property located at 1430 N. Ballard Road from M2 to C2. This goes along with the Comprehensive Plan.
4. Describe the hardship that would result if your variances were not granted: We cannot operate without our semi tractor-trailers. They are required in order to haul our equipment and mobile stages. We do not have the funding to purchase a larger property to accommodate for our large trucks. If we do not purchase the parcel located at 1426 N. Ballard Road, we will have to shut down as we have nowhere to go with our large trucks and trailers.

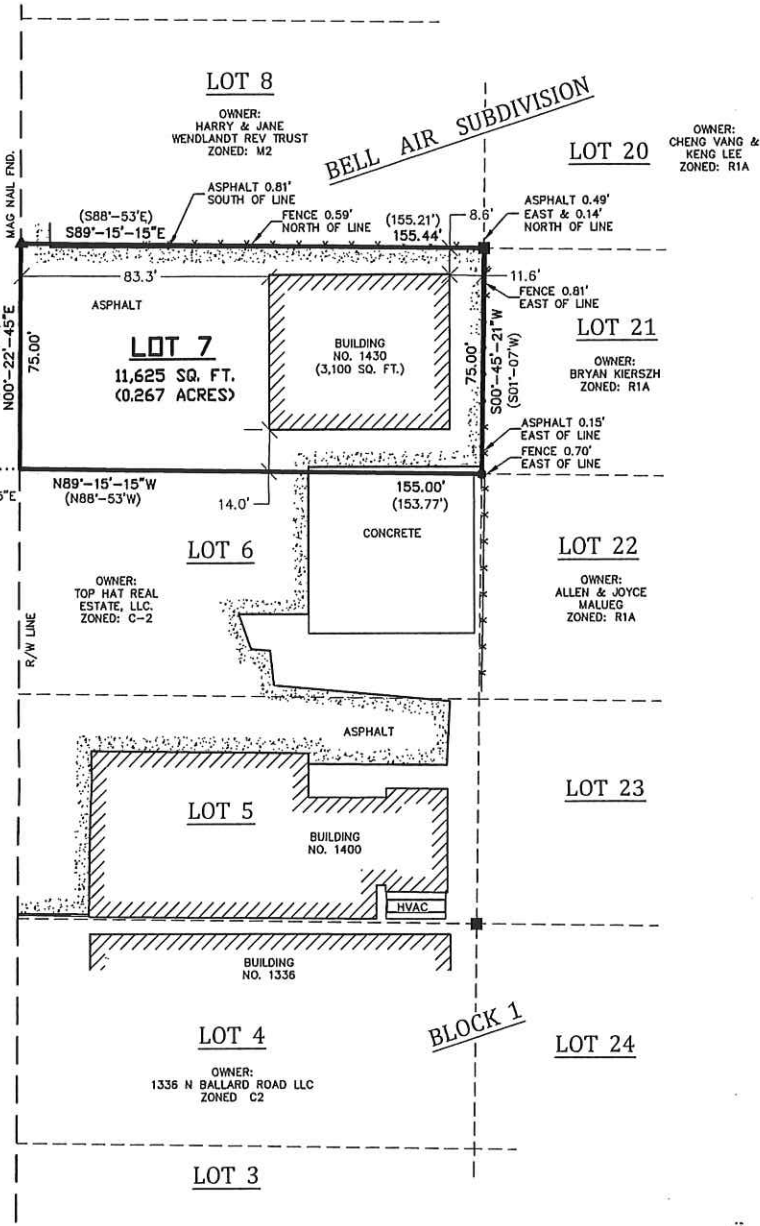




# REZONING EXHIBIT MAP

LOT 7, BLOCK 1, BELL AIR SUBDIVISION, BEING PART OF THE SW1/4 OF THE SW1/4, SECTION 19, T.21N., R.18E., CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

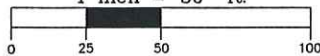
W1/4 CORNER SECTION 19 T.21N. R.18E. (PLUG FND.)



**-LEGEND-**

- = 1" IRON PIPE FOUND
- = 3/4" REBAR FOUND
- = COUNTY MONUMENT FOUND
- ( ) = RECORDED INFORMATION
- = EXISTING FENCE

GRAPHIC SCALE  
1 inch = 50 ft.



BEARINGS REFERENCED TO THE OUTAGAMIE COUNTY PRIVATE SECTION 19, T.21N., R.18E., LINE OF THE SW1/4, SECTION 19, T.21N., R.18E., WHICH BEARS: N00°-22'-45"E (N00°-45'E)



**SURVEY NOTES:**

-THE INTENT OF THIS EXHIBIT IS TO DEPICT LANDS TO BE REZONED FROM M-2 GENERAL INDUSTRIAL DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT.

-PROPERTY OWNER: ONSTAGE AUDIO, LLC. - C/O MELVIN KOHL

-PROPERTY ADDRESS: 1430 N. BALLARD RD. APPLETON, WI 54911

**MERIDIAN**  
**SURVEYING, LLC**

N9637 Friendship Drive Kaukauna, WI 54130  
Office: 920-993-0881 Fax: 920-273-6037

DRAWN BY: J.B.	FIELD WORK DATE: 4-26-22
CHECKED BY: S.C.D.	FIELD BOOK: X
JOB NO.: 13654	SHEET 1 of 1

SURVEYED FOR:  
DAN NELESSEN  
W3044 BROADWAY DRIVE  
FREEDOM, WI 54913

PARCEL ID:  
311520700

DEED:  
DOC. NO. 2006548