

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor *KWC*

Date: June 9, 2020

RE: Variance Application for 304 N. Union St. (31-1-0564-00)

Description of Proposal

The applicant is proposing to expand an existing building that is already 30" from the lot line. The existing building is nonconforming because a five (5) foot side yard setback is required in the R1C zoning district. Section 23-42(b)(2)(a) of the Zoning Ordinance states that any addition shall not encroach into the required principal building side yard setback.

Impact on the Neighborhood

In the application, the applicant states that the neighbors approve of the plan and eleven (11) feet of the structure will be eliminated, increasing the space between the two homes.

Unique Condition

In the application, the applicant states that the property size and close proximity of the homes does not allow a practical use of the homes original main entrance.

Hardship

In the application, the applicant states if the variance were not granted, there would be three options available: Use the houses main entrance, build an addition to the front of the property or continue to use the existing side entrance.

Staff Analysis

This lot is 7,018 sq. ft. The minimum size lot in the R1C zoning district for single-family homes is 6,000 sq. ft.

Inspections staff considers this building legal nonconforming because the east side of the property is 30 inches from the side lot line. The side yard setback for this property is five (5) feet. Section 23-42 of the zoning ordinance allows for alterations to nonconforming buildings. Inspections staff considers the proposed project to be an addition, not an alteration, because a portion of a deck is being converted to living space. This is adding to a nonconforming building.

The owner has the option of altering the existing portion of the property. By pursuing this addition, the hardship is self-created. The applicant has not met the review criteria for a variance.

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 **May 25, 2020**

June 15, 2020 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) 304 N. Union St.	Parcel Number 31-1-0564-00
Zoning District R1C	Use of Property ☒ Residential ☐ Commercial

Applicant Information	
Owner Name GOEDEN LIVING TRUST	Owner Address 304 N. UNION ST. APPLETON, WI 54911
Owner Phone Number 920-730-8141	Owner E Mail address (optional) egoeden@new.rr.com
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-94(g)(6) – The required setback in the R1C zoning district is five (feet).
Brief Description of Proposed Project The proposed project would add to the existing building that is already in the side yard setback. Section 23-42(b)(2)(a) of the Zoning Ordinance states that any addition shall not encroach into the required principal building side yard setback.

Owner's Signature (Required):



Date:

5/28/2020

Return to:

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

Questionnaire

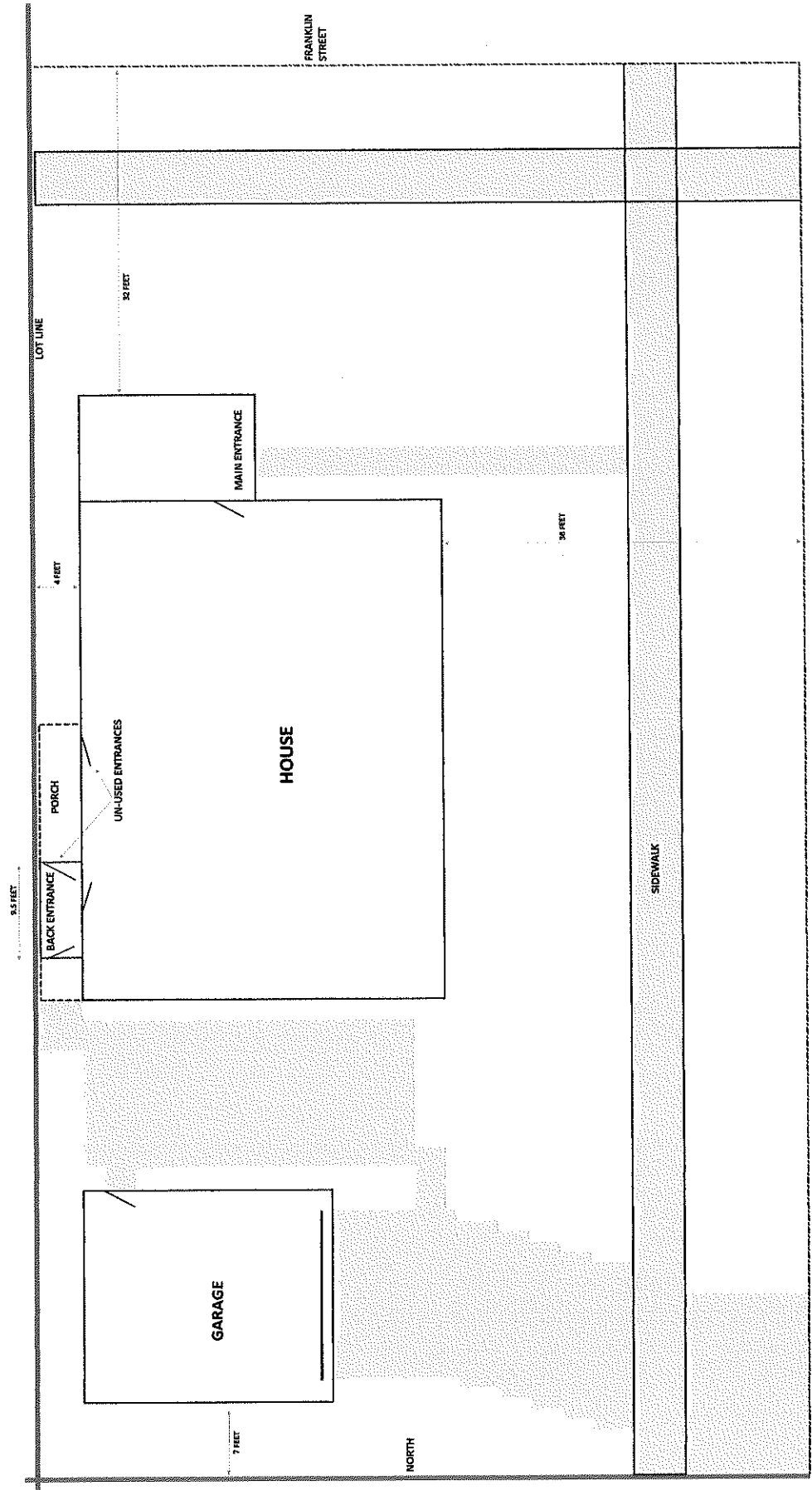
In order to be granted a variance each applicant must be able to prove that an unnecessary hardship would be created if the variance were not granted. The burden of proving an unnecessary hardship rests upon the applicant. The attached sheet provides information on what constitutes a hardship. (Attach 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: Our home's original back entrance, which has been used as our primary entrance for the 18 years we have lived here, is leaking, "sagging", and rotting. This entrance has 2 access doors and a portion of this structure is enclosed and the rest is an open porch. We are looking to rebuild the structure within the current footprint to provide a stable and weather-tight entrance, while eliminating 1 of the access doors and 11+ feet of the open porch structure. The requested variance is to enclose an additional 32" of the open structure, expanding the enclosed portion. Currently, this entrance leads directly into the middle of the home's kitchen. This variance would allow us enough space (as we enter the home) to remove snow-covered shoes, boots, and coats before entering the kitchen. Today the enclosed space is too small and there is no space to do this in the kitchen. This variance would maintain the architectural integrity of this historic 1908 home while making the day-to-day functionality much more practical by not using the kitchen as the entryway.
2. Describe how the variance would not have an adverse impact on the surrounding properties: We have discussed this proposal with our neighbors, and they approve of the variance. Since this request is within the current porch structure footprint, there is no reduction in the distance between the structure and our neighbor. Additionally, 11+ feet of structure will be eliminated, increasing that space between the two homes. Additionally, by eliminating 2 unused access doors, it provides a cleaner line to the home as seen from our neighbors. This variance makes the daily access to our home significantly more functional, which would increase the property value in the neighborhood.
3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures: The property size and home proximity do not allow practical use of the homes original main entrance (this entrance has adequate covered space, is weather tight, and has a typical space for winter cloths). There is not

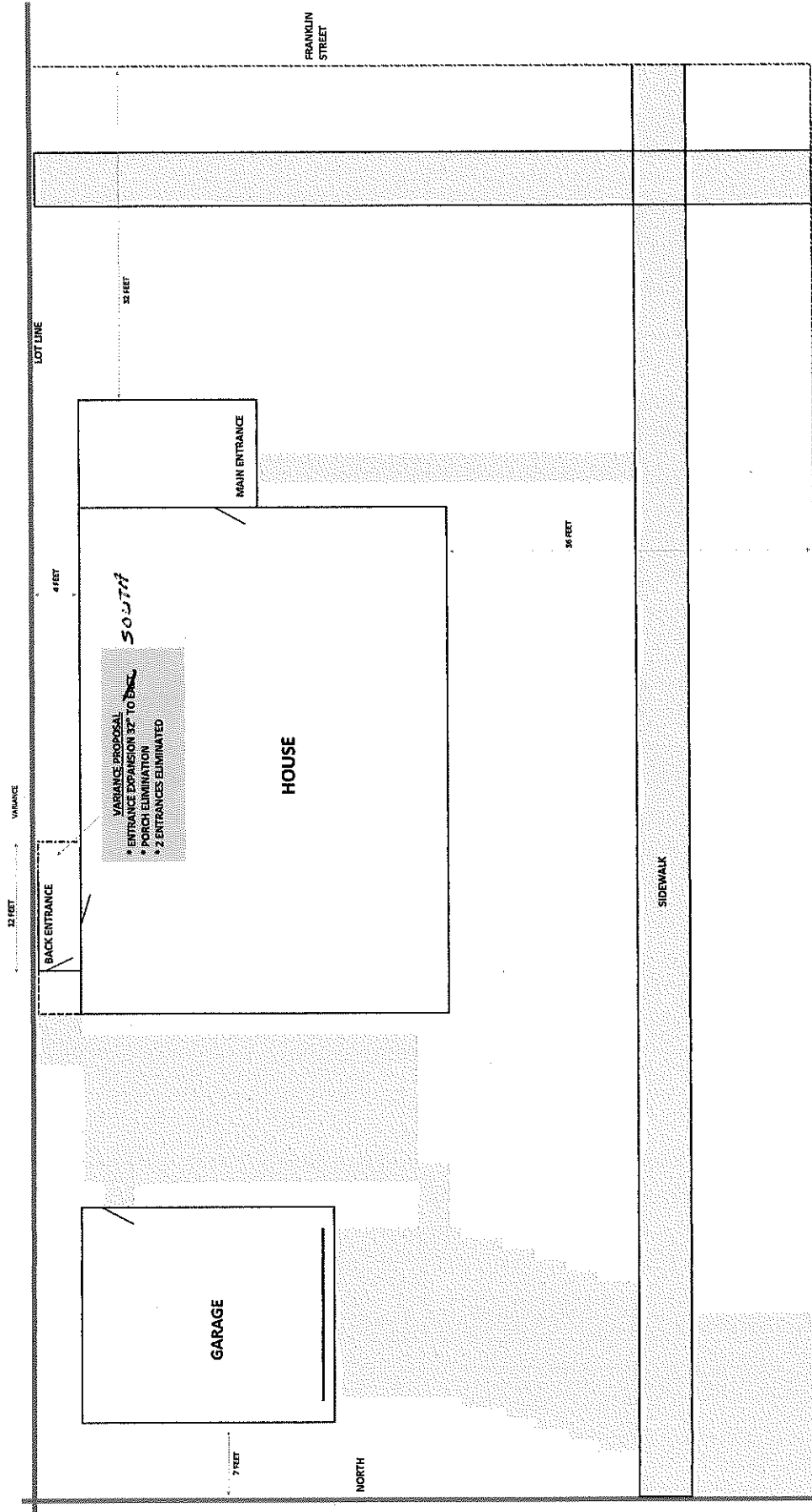
enough space for a new driveway or a garage, and no house-side street parking to make this main entrance a practical day to day entrance. The garage has been built at the completely opposite end of the property with the intension of using the back entrance. The original back entrance (this is the entrance subject to this variance) is located on the side of the home, virtually on the lot line.

4. Describe the hardship that would result if your variance were not granted: The options we have without the requested variance would be: 1) Use the home's main entrance which is about 170 feet from the garage (the side entrance is only 20 feet away). 2) Build a new enclosed entrance on the North side of the house. This option is not financially or practically feasible. It would include a new door (cutting through brick wall), relocation of windows, hot water radiators, and kitchen cabinets. It would also require an architect, closing the old entrance, removal of old decaying structure, and would not retain the architectural integrity. 3) Use this entrance as our primary access, as is, continuing to use the kitchen as the "entryway" filled with coats, shoes, and salt/slush-covered boots. This has led to damaging the kitchen floor, over-crowding with jackets, and trip-hazard piles of shoes/boots. The kitchen cannot be used as intended. We have looked at multiple options over the years to try to resolve this problem created by a historic 1908 home built before the practical use of cars. To help maintain the integrity of this incredible home while trying to make it functional in today's world, we believe this request is a very good and practical solution with zero to minimal negative impact. The other options discussed above are either not practical, financially impossible, or do not resolve the problem.

304 NORTH UNION STREET



304 NORTH UNION STREET



UNION STREET

FRANKLIN STREET

12 FEET

LOT LINE

BACK ENTRANCE

4 FEET

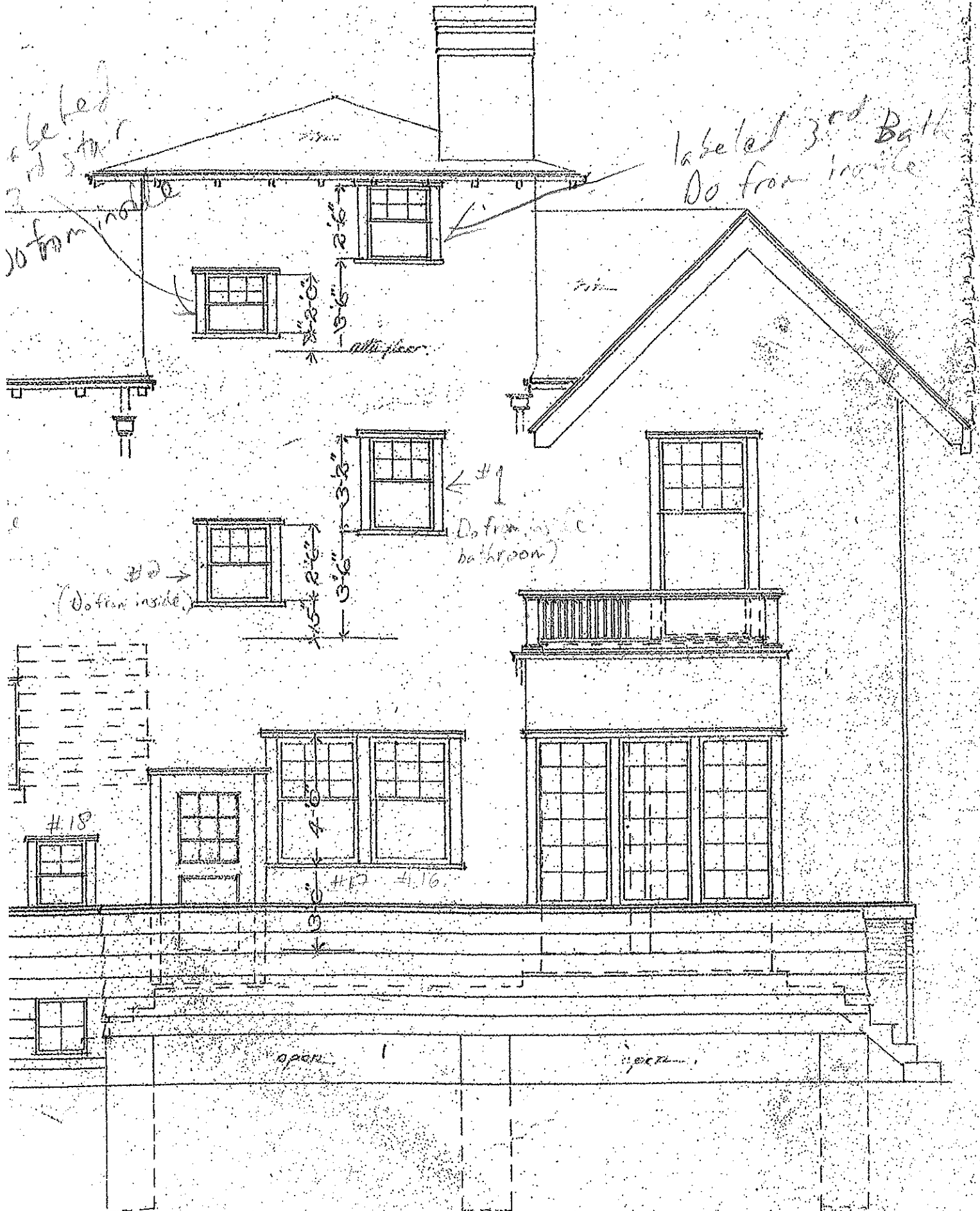
MAIN ENTRANCE

HOUSE

NORTH

VARIANCE PROPOSAL
* ENTRANCE EXPANSION 32" TO EAST SOUTH
* PORCH ELIMINATION
* 2 ENTRANCES ELIMINATED

ORIGINAL ELEVATION



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