

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 27 '24 Meeting Date June 17 '24

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 \$325.00 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) <u>(Appleton, 54911) 924 N Leminwah St</u>	Parcel Number <u>311105800</u>
Zoning District <u>3rd Assembly District * R1B</u>	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name <u>Erin O'Connell</u>	Owner Address <u>924 N. Leminwah St. Appleton, WI 54911</u>
Owner Phone Number <u>(920) 540-4944</u>	Owner E Mail address (optional) <u>eeoc76@gmail.com</u>
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)

Variance Information
Municipal Code Section(s) Project Does not Comply <u>Section 23-93(g) (6) Minimum</u>
Brief Description of Proposed Project <u>Build Attached garage - Request 1.5 foot Variance (lot line)</u>

*In addition to the 4 feet x 120 feet being purchased from my neighbor North.
 Owner's Signature (Required): Erin O'Connell Date: May 31 '24

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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 plan is to build an attach garage.
Why? This will decrease the time it takes for me to get to patients with life threatening conditions.

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

The only neighbor this will affect is Adam, my neighbor north of me. He is helping me by selling some of his land to help my situation. (His dad had the same medical profession as I have, and understands.)

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

I am requesting to have a 4.5^{foot} space between the attached garage and lot line instead of 6 foot space.

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

A patient may suffer a life-threatening condition or even die. Every second can count. The plan is to get to the hospital asap when my beeper goes off. This means grabbing my scrubs and driving, without having to get wet and brush snow off my vehicle in the middle of the night.

It is a pleasure to have you at the top of the list. I am sure you will be a great asset to the team. I am sure you will be a great asset to the team. I am sure you will be a great asset to the team.

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CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor

Date: June 4, 2024

RE: Variance Application for 924 N. Leminwah (31-1-1058-00)

Description of Proposal

The applicant proposes to construct an attached garage addition to the principal building that would be four and one half (4.5) feet from the side lot line. Section 23-93(g)(6) of the Zoning Ordinance requires a six (6) foot side yard setback.

Impact on the Neighborhood

In the application, the applicant states that the only neighbor this will impact is the neighbor to the north, who has agreed to sell a portion her land for this project.

Unique Condition

In the application, the applicant states: "I am requesting to have a four and one half (4.5) foot space between the attached garage and lot line instead of six (6) feet of space."

Hardship

In the application, the applicant states that she works in the medical profession and a patient may suffer a life-threatening condition or even die. The applicant also states that she does not want to brush off snow from her car when she needs to get to the hospital quickly.

Staff Analysis

The size of this property is 7,200 sq. ft. (60'x120'). The minimum size of a property in the R1B zoning district is 6,000 sq. ft.

The applicant currently has a two hundred (200) sq. ft. garage and has the option to build a new, code compliant, detached garage in the rear yard of this property.

Variances should be granted based on the dimensional limitations of the lot or unique characteristics of the lot (Section 23-67(f)(1) of the Zoning Ordinance).

The hardship stated by the applicant is based on needs of the current occupant, who has a job that requires her to get to work quickly. The circumstances of an applicant are not a factor in deciding variances,¹ per *Snyder v Waukesha County Zoning Bd. Of Adjustment*, 74 Wis. 2d 468, 478-79, 247 N. W.2d 98.

¹ Zoning Board Handbook, Center for Land Use Education, 2nd Edition 2006

Staff recommends denial of this request because this proposed addition would remain, after the current applicant sells the house in the future. Also, the review criteria in the Zoning Ordinance, as well as cited case law, requires that a hardship relating to the unique physical limitations of the property be identified. Variances should not be granted based on the preferences of the current occupant.