

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: July 12, 2022

RE: Variance Application for 933 E. John St. (31-1-0772-02)

Description of Proposal

The applicant proposes to build a building that is five (5) feet from the front property line along John St. and twelve (12) feet from the property line along E. South Ct. Section 23-96(g)(3)(d) of the Zoning Ordinance requires a twenty (20) foot front yard setback.

Impact on the Neighborhood

In the application, the applicant states that the proposed buildings would not impact the neighbors because the properties to the north are on a bluff, 20 feet higher in elevation, no other buildings are close, and the buildings will not cause a vision obstruction on this low traffic street.

Unique Condition

In the application, the applicant states that this lot has a significant amount of grade change in two directions. The properties to the north and south of the lot are significantly higher than the subject. The grade challenges on the site are entirely unique to this site.

Hardship

In the application, the applicant states that elevation of this site causes many challenges. Development of this site is not possible without a variance because of grade issues.

Staff Analysis

This property is 22,003 sq. ft. The minimum size lot in the R3 zoning district for an eight (8) unit building is 12,000 sq. ft.

Due to the steep grades along the south side of this property, only a portion of this lot is buildable. The topography creates a hardship that meets 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 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) 933 E. John St.	Parcel Number 31-1-0772-02
Zoning District R3	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name EP DEVELOPMENT INC	Owner Address 2450 RIMROCK ROAD MADISON, WI 54713
Owner Phone Number 608-268-8126	Owner E Mail address (optional)
Agent Name COLIN CASSADY	Agent Address 2450 RIMROCK ROAD MADISON, WI 54713
Agent Phone Number 608-268-8126	Agent E Mail address (optional) ckc@alexandercompany.com

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-96(g)(3)(d)- Front yard setback
Brief Description of Proposed Project Proposed building would be five (5) feet from the front property line along John St. and twelve (12) feet from the property line along E. South Ct. Section 23-96(g)(3)(d) of the Zoning Ordinance requires a twenty (20) foot front yard setback.

Owner's Signature (Required):  Date: 6/29/22
Recp 3797-0007

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Inspection Division
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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:

The project is the third and final phase of the redevelopment of the former Foremost Dairy property. This final lot is very challenging from a redevelopment standpoint as it has as significant amount of elevation change from the south to north and west to east (roughly 20' and 16' respectively). We have examined dozens of uses for the site and settled on constructing eight townhome style condominium units as the most practical to work with the grading challenges. In order to minimize the impact of the grades, we are looking to push the buildings closer to the street. While this still requires some excavation, it is significantly less than if the buildings were constructed withing the prescribed setbacks and retains more of the existing hill.

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

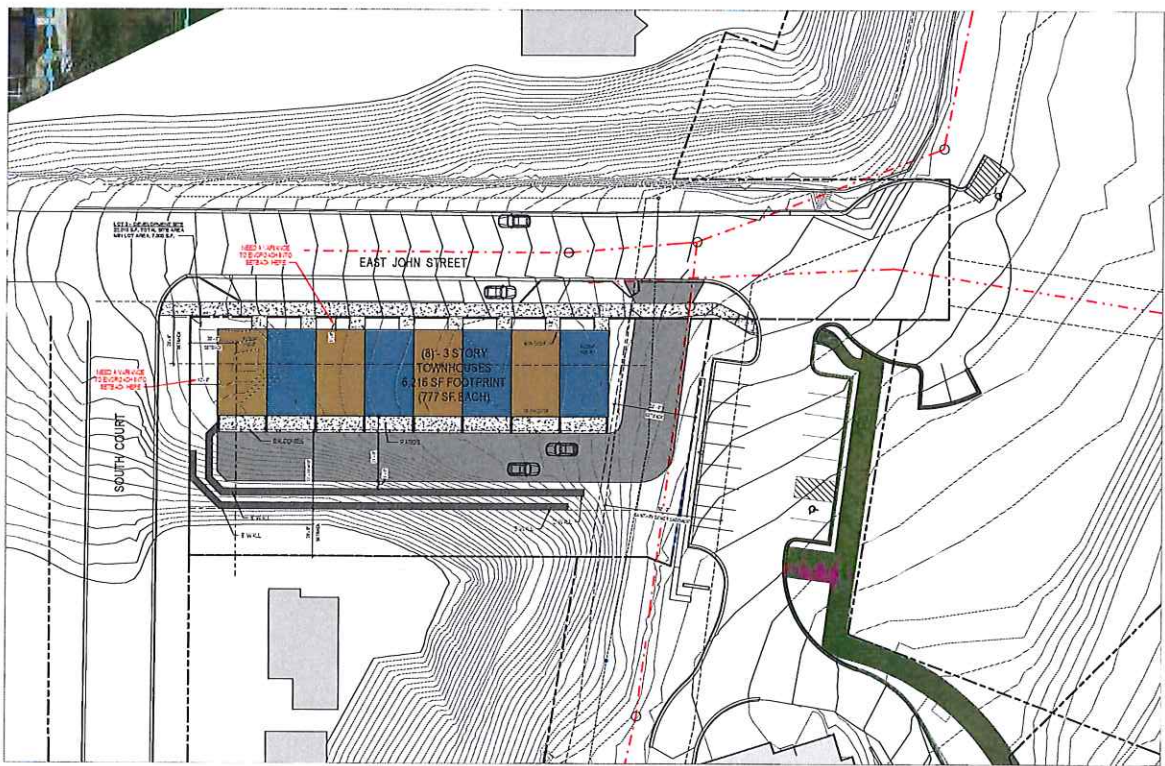
The property is located at the end of E. John Street. The neighboring properties to the east are owned by an affiliate of the developer and are more than 150' from the nearest portion of the proposed buildings. Moving the building toward the street will not encroach on the vision triangle at the end of E. John Street as the project has a driveway at that end and is setback from a sanitary sewer easement. The properties to the north of the project are located on top of a bluff and not accessible from E. John Street so the proximity of the buildings to E. John Street would have no impact. Similarly, the property to the south is located on top of a bluff to the south and is approximately 20' higher in base elevation than the proposed project. There is very little, if any, traffic that travels from South Court towards the property on E. John Street so the variance should have no impact and anyone coming from that direction. We don't believe the variance will have any adverse impact on the adjacent properties. On the contrary, the variance will allow us to redevelop what was a former parking lot and somewhat of an eyesore.

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

As discussed above, this lot has a significant amount of grade change in two directions. The properties to the north and south of the lot are significantly higher than the subject. The grade challenges on this site are entirely unique to this site.

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

As we mentioned above, we have looked at dozens of uses for this site, but all have the same issues with elevation. It is hard to imagine any redevelopment of this site without a variance because of the grade issues. The only use we were able to identify would be to maintain the use of the site as a parking lot; however, it appears that use is not permitted under Appleton's zoning code effectively making the site unusable.



PL 11
11/21/22
SITE PLAN OPTION J

OPTION J - 5' & 12' STBK - 21'W - REAR E

