



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final Board of Zoning Appeals

Monday, July 17, 2023

7:00 PM

6th Floor Council Chambers

1. Call meeting to order
2. Pledge of Allegiance
3. Roll call of membership
4. Approval of minutes from previous meeting

[23-0779](#) Minutes from June 19, 2023

Attachments: [Meeting Minutes 19-Jun-2023.pdf](#)

5. Public Hearing/Appearances

6. Action Items

[23-0780](#) **2226 W. Cherokee Dr. (31-3-3652-00)** The applicant proposes to construct a six (6) foot fence in the required front yard. The proposed fence would replace an existing fence at 1820 S. Mohawk Dr. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to three (3) feet in the required front yard.

Attachments: [2226 W. Cherokee Dr.pdf](#)

[23-0822](#) **2001 S. Matthias St. (31-9-3199-00)** The proposed plan shows a five (5) foot landscape buffer along the southeast corner of the parking lot. Section 23-172(h) Table 2 of the Zoning Ordinance requires an eight (8) foot landscape buffer when across from a property zoned C2.

Attachments: [2001 S. Matthias St.pdf](#)

7. Information Items

8. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.

**We are currently experiencing intermittent issues/outages with our audio/video equipment. Meeting live streams and recordings are operational but unreliable at times. This is due to delays in receiving necessary system hardware components. We continue to look for solutions in the interim and we hope to have these issues resolved soon.*



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100 North Appleton Street
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Meeting Minutes - Final Board of Zoning Appeals

Monday, June 19, 2023

7:00 PM

6th Floor Council Chambers

1. Call meeting to order

Meeting called to order by Engstrom at 7:02pm.

2. Pledge of Allegiance

3. Roll call of membership

Present: 4 - Engstrom, Sperl, Cain and Loosen

Excused: 2 - McCann and Babbitts

4. Approval of minutes from previous meeting

[23-0607](#)

Minutes from May 17, 2023

Attachments: [5.15.23 Minutes.pdf](#)

**Loosen moved, seconded by Cain, that the Minutes be approved. Roll Call.
Motion carried by the following vote:**

Aye: 4 - Engstrom, Sperl, Cain and Loosen

Excused: 2 - McCann and Babbitts

5. **Public Hearing/Appearances**

6. **Action Items**

[23-0608](#)

4029 E. Calumet St. (31-9-5812-00) The applicant proposes to construct a drive through in the front yard. Section 23-49(a) of the Zoning Ordinance prohibits drive through facilities from the front yard.

Attachments: [4029 E. Calumet St.pdf](#)

Cain moved, seconded by Loosen, that staff recommends this be administratively withdrawn. Roll Call. Motion carried by the following vote:

Aye: 4 - Engstrom, Sperl, Cain and Loosen

Excused: 2 - McCann and Babbitts

[23-0609](#)

709 S. Memorial Dr. (31-3-0384-00) The owner proposes to alter the lot lines between this property and 703 S. Memorial Dr. (31-3-3085-00) . The lot coverage of the proposed new parcel will 55%. Section 23-95(g)(2) of the zoning ordinance limits lot coverage to 50%.

Attachments: [709 S. Memorial Dr.pdf](#)

Sperl moved, seconded by Loosen, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 4 - Engstrom, Sperl, Cain and Loosen

Excused: 2 - McCann and Babbitts

[23-0712](#)

Election of Chair

Sperl moved, seconded by Loosen, to approve Paul McCann as chair of BOZ. Roll Call. Motion carried by the following vote:

Aye: 4 - Engstrom, Sperl, Cain and Loosen

Excused: 2 - McCann and Babbitts

[23-0713](#)

Election of Vice Chair

Cain moved, seconded by Loosen, to approve Scott Engstrom as vice chair of BOZ. Roll Call. Motion carried by the following vote:

Aye: 4 - Engstrom, Sperl, Cain and Loosen

Excused: 2 - McCann and Babbitts

7. Information Items

8. Adjournment

A motion was made by Sperl, seconded by Cain, that this meeting be adjourned at 7:27 pm. The motion carried by the following vote:

Aye: 4 - Engstrom, Sperl, Cain and Loosen

Excused: 2 - McCann and Babbitts

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

City of Appleton Application for Variance

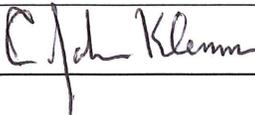
Application Deadline June 26, 2023 Meeting Date July 17, 2023 7PM

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) 2226 W. Cherokee Dr.	Parcel Number 31-3-3652-00
Zoning District R1B	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name Carl Klemm	Owner Address 2226 W. Cherokee Dr Appleton, WI 54914
Owner Phone Number 920-739-2471	Owner E Mail address (optional) cjklemm@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 23-44(a)(1)(a) Fence height is limited to three (3) feet in the required front yard.
Brief Description of Proposed Project Existing fence in the front yard that is six (6) feet tall is in disrepair. The owner would like to replace the fence. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to three (3) feet in the required front yard.

Owner's Signature (Required):  Date: June 24, 2023
RCP # 005270-0005

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 rest 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 proposing that we replace the existing fence as it has reached the end of its life. The posts within the fence have or are rotting away. Last Winter (2022-2023) about 25 feet of the fence fell over into the neighbors yard. My wife and I were able to stand the fence up again and it is now held steady by steel snow fence posts.

We are requesting a variance because a end of the fence is within what is considered to be the front of our property. This limits the height of the fence to 3 feet. The existing fence is 5 feet. As the fence is being replace the variance would allow a similar height for the replacement fence.

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

This variance would not have any adverse impact on the properties surrounding it. The existing fence has been in place for over 22 years without any known complaints or discussion.

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

Over 20 years ago we constructed a patio in front of the fence and behind a raised berm. The lost of the fence height would allow our neighbors a view into the patio area and in turn a lost of our privacy.

The patio was constructed in what is considered our front yard is because of the shape of our lot. It is a corner lot but it is not a rectangular lot, it is triangular shaped. The backyard is small. Where the patio is constructed is about the same size as the backyard but it has much better shade. The backyard has little or no shade.

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

The lost of the fence would also be a lost of our privacy in the use of our patio.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: July 3, 2023

RE: Variance Application for 2226 W. Cherokee Dr. (31-3-3652-00)

Description of Proposal

The applicant proposes to construct a six (6) foot fence in the required front yard up to the lot line. The proposed fence would replace an existing fence at 1820 S. Mohawk Dr. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to three (3) feet in the required front yard.

Impact on the Neighborhood

In the application, the applicant states that the proposed fence would not impact any neighboring properties and a similar fence stood at 1820 S. Mohawk Dr. for 22 years and no one complained.

Unique Condition

In the application, the applicant stated that their lot is not rectangular, but a triangle in shape. The applicant also stated that the patio they constructed would be impacted by a smaller fence due to the lack of privacy and if they moved the patio it would not be in the shade.

Hardship

In the application, the applicant stated that if the variance is not granted, they would lose privacy.

Staff Analysis

The parcel is 12,003 sq. ft. The minimum size parcel permitted in the R1B zoning district is 6,000 sq. ft.

The applicant's preference for privacy is not a hardship.

The parcel is uniquely shaped because the front property line is angled.

The property at 1820 S. Mohawk Dr. was granted a variance for a six (6) foot fence along this same property line in 1994. The reason for the variance was because of the unique shape of the parcel.



Building Information

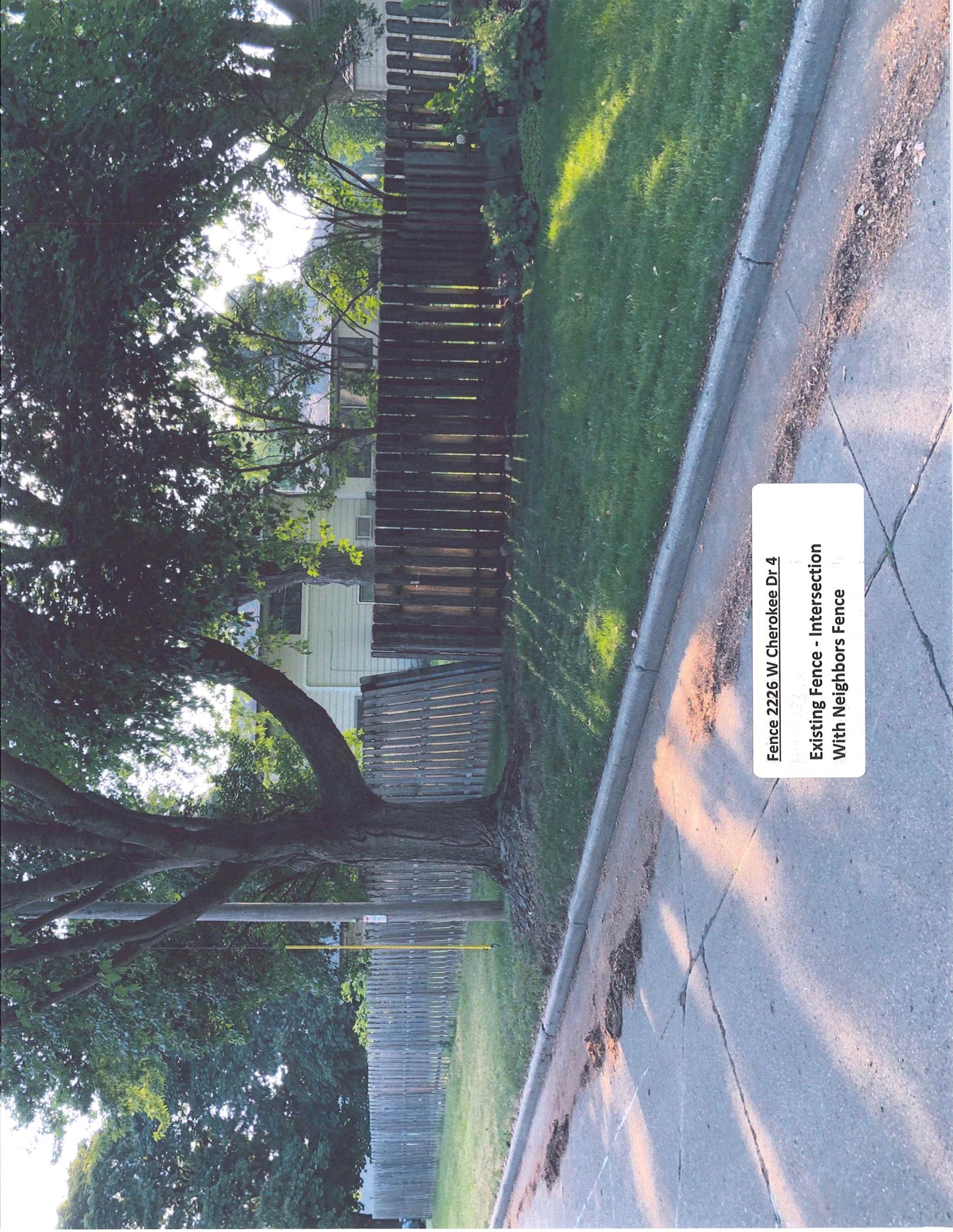
- Living Units: 1
- Year Built: 1962
- Number of Stories: 1
- Total Living Area: 1694.00
- 1st Floor Living Area*: 1694.00
- Number of Rooms: 7
- Number of Bedrooms: 3
- Number of Full Baths: 1
- Number of Half-Baths: 1
- Fireplaces: 1
- Basement: F

*Total Living Area does not include area below grade which is available in most cases

Fence 2226 W Cherokee Dr 2
 Location Map

Fence 2226 W Cherokee Dr 3
Existing Fence - Full Length





Fence 2226 W Cherokee Dr 4

**Existing Fence - Intersection
With Neighbors Fence**



Fence 2226 W Cherokee Dr 5

Owners Residence

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

City of Appleton Application for Variance

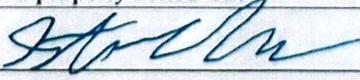
Application Deadline Meeting Date

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) 2001 S. Matthias St	Parcel Number 31-9-3199-00
Zoning District CO	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>

Applicant Information	
Owner Name Elvy Investments LLC	Owner Address 2001 S. Matthias St. Appleton, WI 54915
Owner Phone Number (920)380-0804	Owner E Mail address (optional) sklobucarich@engageortho.com
Agent Name Steven Klobucarich	Agent Address
Agent Phone Number 920-380-0804	Agent E Mail address (optional) sklobucarich@engageortho.com

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-172(h) Table 2- When across from a property zoned C2, an eight (8) foot landscape buffer is required.
Brief Description of Proposed Project The proposed plan shows a five (5) foot landscape buffer along the southeast corner of the parking lot. Section 23-172(h) Table 2 of the Zoning Ordinance requires an eight (8) foot landscape buffer when across from a property zoned C2.

Owner's Signature (Required):  Date: 6/29/23

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 rest 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're requesting a variance because we desperately need to redo our very rough parking lot and in the process of redoing it, we are trying to create additional parking. The issue is we currently have 20 spots plus 1 handicap spot, but we have 21 employees and at any given time we can have up to 20 patients at our office at the same time. We simply don't have enough parking and even creating a few more spots would help. The variance would create 4 additional spaces.

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

The area in question creates 4 additional spaces by reducing the landscape buffer between the sidewalk and parking lot by 3 feet. It should not impact any surrounding properties because it only impacts this very specific area by the sidewalk and will still have landscaping.

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

Residential surroundings: Our business is surrounded by residential housing. Unlike commercial properties, residential properties typically have different parking demands and requirements. The parking needs of our office vary from those of the surrounding residential properties due to the nature of the business and the number of employees and patients who need parking at any given time.

Unique parking dynamics: The combination of a neighboring business and residential properties creates a unique parking dynamic in the immediate vicinity of our lot. The parking requirements and patterns in the area differ from those in purely residential areas or purely commercial areas. The coexistence of these different property types can contribute to the strain on available parking spaces, emphasizing the need for additional parking to alleviate the impact on both our office and the surrounding community.

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

Our practice faces significant hardships due to inadequate parking capacity. With only 20 regular parking spots and 1 handicap spot for 21 employees and up to 20 simultaneous patients, our parking lot falls short. This forces employees and patients to seek alternative parking on streets in our

surrounding residential neighborhood and is a safety risk. We have received complaints from both patients for lack of parking and neighbors about too many cars on the street and the safety hazard that it poses.

Expanding the parking lot to the west is not feasible due to existing trees we wish to preserve for the residential homes' tree buffer. Additionally, a storm sewer easement restricts the ability to expand in that direction.

Insufficient parking leads to patient dissatisfaction, strains community relations, and compromises safety with excessive street parking. Granting the variance for additional parking spaces is crucial to alleviate these hardships, improve patient experience, address patient and neighborhood complaints, maintain the tree buffer, and enhance community safety.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: July 3, 2023

RE: Variance Application for 2001 S. Mathias Dr. (31-9-3199-00)

Description of Proposal

The proposed plan shows a five (5) foot landscape buffer along the southeast corner of the parking lot. Section 23-172(h) Table 2 of the Zoning Ordinance requires an eight (8) foot landscape buffer when across from a property zoned C2.

Impact on the Neighborhood

In the application, the applicant states that the decrease in landscape buffering will not impact neighboring properties.

Unique Condition

In the application, the applicant states that this property is surrounded by residential properties that have different parking needs. The applicant also states that the need for parking on this commercial property creates a unique dynamic and could put a strain on the surrounding residential properties.

Hardship

In the application, the applicant states that if the variance is not granted, the business would not have sufficient parking spaces. The parking lot cannot be expanded to the west due to a storm water easement. The applicant also stated that if the parking lot cannot be expanded there will be dissatisfied customers, an increase safety risk and a strain on the surrounding neighborhood.

Staff Analysis

This parcel is 28,532 sq. ft. The minimum size parcel permitted in the C2 zoning district is 14,000 sq. ft.

The parking lot on this parcel currently provides twenty-one (21) parking spaces. Section 23-172 of the zoning ordinance requires that a business with a building of this size is required to provide fourteen (14) parking spaces.

The easement on the west side of this parcel does limit the number of parking spaces that may be added to this lot.