



City of Appleton

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

Meeting Agenda - Final Board of Zoning Appeals

Monday, March 21, 2022

7:30 PM

6th Floor Council Chambers

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

[22-0306](#) Minutes February 21, 2022

Attachments: [2-21-22 Meeting Minutes.pdf](#)

4. Public Hearings/Apearances

5. Action Items

[22-0308](#) **2700 E. John St. (31-4-5882-00)** The applicant proposes to put an addition onto an existing home. The proposed addition would be twelve (12) feet from the front property line on Rail St. Section 23-92(g)(4) of the Zoning Ordinance requires a twenty (20) foot front yard setback.

Attachments: [2700 E. John St.pdf](#)

[22-0307](#) **115 E. Washington St. (31-2-0281-01)** The applicant proposes to place a dumpster enclosure on the south property line. Section 23-43(f)(2) of the Zoning Ordinance requires dumpster enclosures to be five (5) feet from the side and rear property line.

Attachments: [115 E. Washington St.pdf](#)

6. Information Items

7. 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.



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Meeting Minutes - Final Board of Zoning Appeals

Monday, February 21, 2022

7:00 PM

6th Floor Council Chambers

1. Call meeting to order

Meeting called to order by McCann at 7:00pm.

2. Roll call of membership

Present: 5 - McCann, Engstrom, Cain , Loosen and Croatt

Excused: 2 - Sperl and Joosten

3. Approval of minutes from previous meeting

[22-0066](#)

Minutes from January 17, 2022

Attachments: [Minutes 1-17-22.pdf](#)

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

Aye: 5 - McCann, Engstrom, Cain , Loosen and Croatt

Excused: 2 - Sperl and Joosten

4. **Public Hearings/Appearances**

Chris & Terry Nichols

John Gates

Susan Vaughn

Lloyd & Sandra Herwig

Tim Rinn

Laura & Edmund Osnea

Amy Zak

Chris & Terry Nichols

5. **Action Items**

[22-0065](#)

312 E. Fremont St. (31-4-0507-00) The applicant proposes to build a deck fifteen (15) feet from the front property line. Section 23-93(g)(4) of the Zoning Ordinance requires a twenty (20) feet front yard setback.

Attachments: [312 E. Fremont St.pdf](#)

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

Nay: 4 - Engstrom, Cain , Loosen and Croatt

Excused: 2 - Sperl and Joosten

Abstained: 1 - McCann

[22-0115](#)

719 W. Packard St. & other parcels (31-5-1232-00, 31-5-1234-00, 31-5-1236-00, 31-5-1238-00) The applicant proposes to build a building that is 83' 9 3/4" in height. Section 23-112(h)(7) of the Zoning Ordinance limits building height to sixty (60) feet.

Attachments: [719 W. Packard St.pdf](#)

Engstrom moved, seconded by Croatt, that the Report Action Item be approved. Roll Call. Motion failed by the following vote:

Nay: 4 - Engstrom, Cain , Loosen and Croatt

Excused: 2 - Sperl and Joosten

Abstained: 1 - McCann

6. Information Items

7. Adjournment

A motion was made by Loosen, seconded by Engstrom, that this meeting be adjourned. The motion carried by the following vote:

Aye: 5 - McCann, Engstrom, Cain , Loosen and Croatt

Excused: 2 - Sperl and Joosten



"...meeting community needs...enhancing quality of life."

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 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) 2700 E John St	Parcel Number 31-4-5882-00
Zoning District	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>

Applicant Information	
Owner Name- Isabel Aldrich and Cameron Werner(married)	Owner Address 2700 E John st
Owner Phone Number 920-242-2199	Owner E Mail address (optional) Cameronwerner95@gmail.com
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)

Variance Information	
Municipal Code Section(s) Project Does not Comply Section 23-92(g)(4) - 20' front yard setback.	
Brief Description of Proposed Project Build an addition to the existing building that is 12' from the front property line.	

Recp 109999090

Owner's Signature (Required): Cameron Werner Date: 03/01/2022

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:

We are requesting a variance build on an attached 2 car garage to replace the old, deteriorating unattached garage that we currently have. Not only is it old and has fallen into a state of disrepair long before we bought the house (October 2021) it is also almost 50ft away from our house. This creates an unnecessary hardship on us and our 3 children who must walk an excess amount (which in the winter months can be quite hazardous, as well as a hassle), just to get into our house or vehicle/s. The foundation of our current unattached garage is cracked and shifting in multiple places, the insulation shows signs of mold and possible water damage in specific spots, the roof was poorly repaired in 1 spot by a previous owner (which leaks from time to time), and an animal has burrowed through our insulation/siding on the far side. It would cost far more or just as much money to tear down both our current garage and foundation and rebuild in the same spot (which would not fix the issue of location and distance to the house), as it would to simply build an attached garage on the side of our home. Our proposed plan is to build an attached 2 car garage that runs parallel to the sidewalk on Rail Street, while also adding a driveway that connects to our existing driveway that exits onto Rail Street. The reason for this is to prevent our garage from blocking other drivers, as well as pedestrian views as they come to the corner of Rail and John Street. It also prevents traffic issues as we exit our driveway onto Rail St., as our existing driveway is farther away from the corner than if we were to build our garage and driveway facing Rail Street.

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

The variance would not affect any of the surrounding properties as none of my proposed buildings would be anywhere near my neighbors. If anything, it would benefit my neighbor as it would move my garage from being 12 ft from each of our lot lines, to more than 50ft away from their yard/lot line. Thus, giving more breathing room and space between our houses for our kids, and their dogs to play. It would not affect any other properties view and would even help prevent them from having any possible noise complaints if I was to work on a project late at night inside of the proposed attached garage.

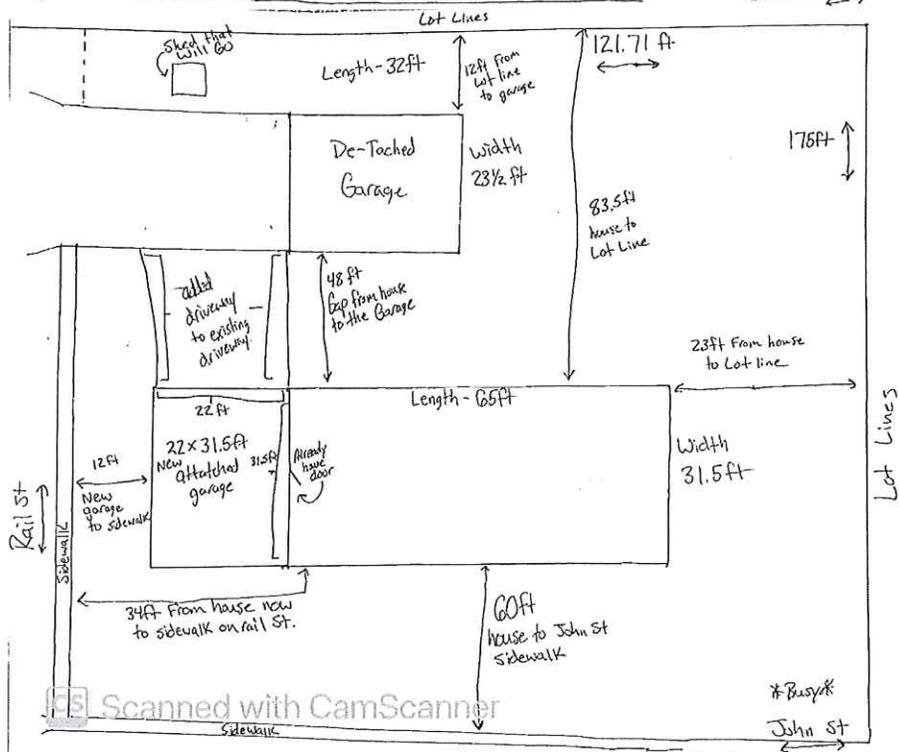
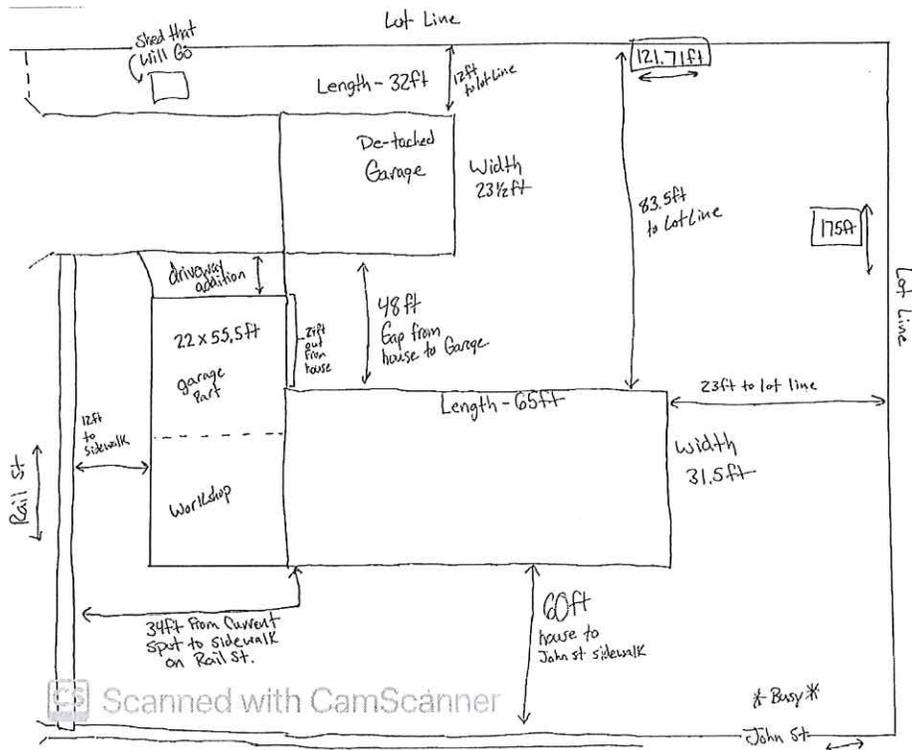
Return to: Department of Public Works
Inspection Division
100 North Appleton Street
Appleton, Wisconsin 54911
(920) 832-6411

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

Being the corner lot, there are numerous special conditions that limit how and where I could place a garage. John Street is a rather busy street depending on the time of day, especially being near Appleton East High School and the corner of John and Calumet Street. At least twice a day traffic is backed up from the lights on John and Calumet, to well passed my house. So, building anything towards John Street is off limits even though I have the room, as it would cause numerous headaches for me and everyone else. I also have one of the biggest lots on the street, so I have a little more for additions than my neighbors who are sandwiched between each other. But I also need to prevent blocking people's views and affecting the traffic flow on each corner. So, being able to build a closer garage that still exits over 100 ft from the corner is ideal. Lastly, I get extremely strong wind sheers and snow drifts off the corner (there is a larger park called Lions Park, as well as an open area, kitty corner to my property) so building this garage would allow me to better protect my house and keep snow drifts down a lot more than it is now.

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

If my variance would not be granted it would cause numerous problems for me going forward. I would need to find some way to either try and salvage my current garage or tear it down and try and build it closer to my house which creates a host of new issues, none of which are cheap or convenient. I would also need to find another way to help cut down the wind and snow drifts I get, which blow the snow all along the side of my house and usually dumps it in-between my house and garage, which is where we must walk 48ft from our house to garage.



Hello Kurt,

Sorry about the delay in getting this done, I filled out as much of the form as I can and have attached pictures of what I want to do and an aerial view of the property for better understanding. I had two revisions of different things I wanted to do, one is a little more ambitious but thought I would give it a shot. Let me know if you have any questions or need any more information.



CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: March 8, 2022

RE: Variance Application for 2700 E. John St. (31-1-5882-00)

Description of Proposal

The applicant proposes to put an addition onto an existing home. The proposed addition would be twelve (12) feet from the front property line on Rail St. Section 23-92(g)(4) 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 addition would not affect neighboring properties. The applicant also states that the garage would create a noise buffer for the neighbors and benefit the neighborhood.

Unique Condition

In the application, the applicant states that this lot is unique because it is a corner lot, on a busy street (John St.) and snow drifts can be a problem at this location.

Hardship

In the application, the applicant states that if this variance is not granted it would cause numerous problems, such as salvaging the existing detached garage or moving it closer to the house and he would need to find a way do deal with snow drifts.

Staff Analysis

This parcel is 21,209 sq. ft. The minimum size lot in the R1A zoning district is 8,000 sq. ft.

There is adequate room on the property to rebuild the detached garage. There are alternatives available for the applicant to meet the standards of the Zoning Ordinance. Also, the applicant's reasons for a variance stated in the application are based on cost and personal preference, for example, not wanting to walk fifty (50) feet from the house to the garage.

The applicant has not demonstrated that this particular lot is unique. The fact that the lot is on a corner and subject to snow drifts, are not exceptional or extraordinary circumstances.

It appears that the applicant has not met the review criteria for a variance because no undue hardships have been identified and there are clear alternatives to meeting the code standards.

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

City of Appleton Application for Variance

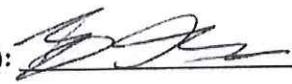
Application Deadline 02/28/2022 Meeting Date 03/17/2022

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 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) 115 E. Washington St. Appleton, WI, 54911	Parcel Number 31-2-0281-01
Zoning District Central Business District (CBD)	Use of Property <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial

Applicant Information	
Owner Name Brent Dahlstrom	Owner Address 604 Clay Street Cedar Falls, IA, 50613
Owner Phone Number 319-505-3609	Owner E Mail address (optional) brent@mergeurbandevelopment.com
Agent Name Rose Schroder	Agent Address 430 E. Grand Avenue, Suite 101, Des Moines, IA 50309
Agent Phone Number 515-380-4396	Agent E Mail address (optional) rose-schroder@bolton-menk.com

Variance Information
Municipal Code Section(s) Project Does not Comply Sec. 23-43.f(2).a requiring detached structures to maintain a 5' setback from side and rear lot lines.
Brief Description of Proposed Project The project a mixed use with retail and restaurants and apartments on the upper stories.

Owner's Signature (Required):  Date: 2/24/22

Recp 110080647

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:

The mixed use building will be built on a vacant parcel that has an existing walkway and alley. Due to the nature of the lot, placing the dumpster enclosure attached to the building would impede the existing walkway. Section 23-43.f(2).a requires all detached accessory structures to not be placed within 5' of the setback, but has no such restrictions for attached accessory structures. We are requesting a variance for the detached dumpster enclosure to not be required to meet the 5' setback.

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

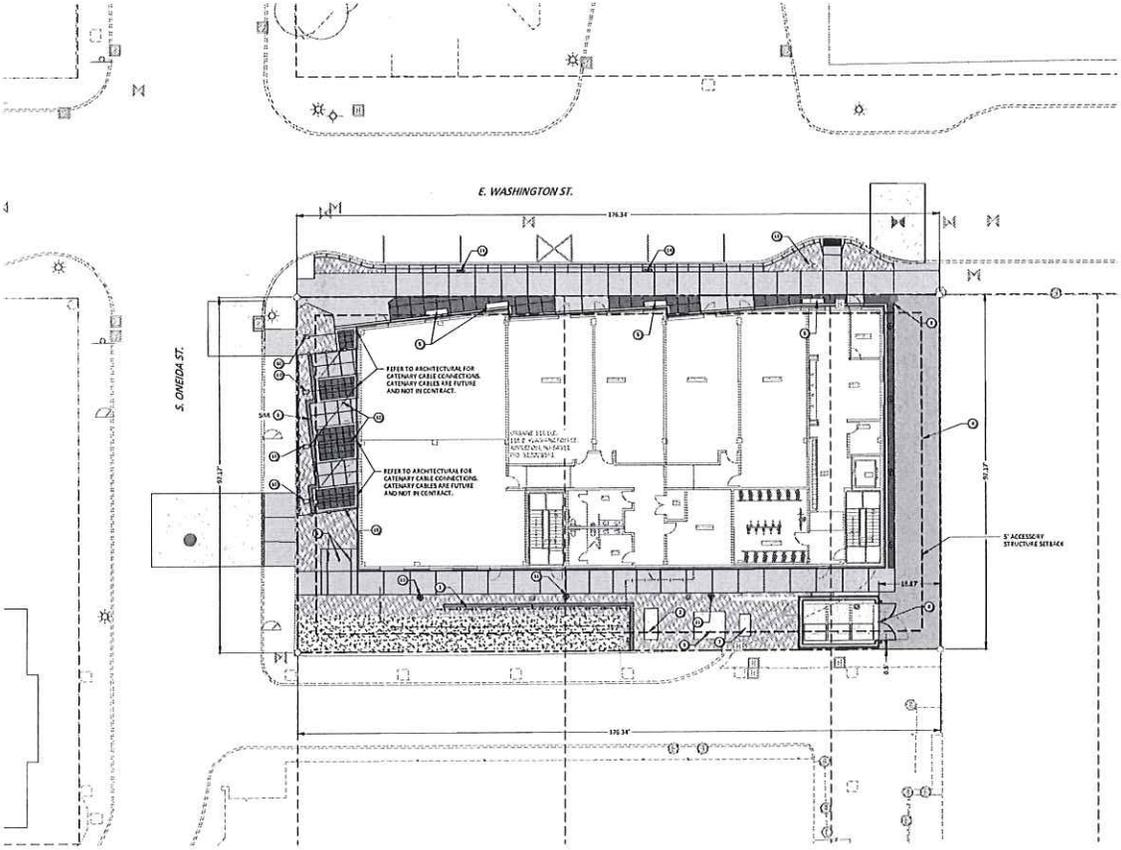
The dumpster enclosure is at the end of its respective alley and would not impact through-traffic. The dumpster enclosure follows other stated standards found in Section 23-47 "Refuse container and dumpster enclosure standards" and Section 23-43 "Accessory uses, buildings and structures." If the dumpster enclosure was attached to the building, the 5' setback wouldn't be in effect.

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

Due to the size of the lot, existing walkway, and that the nature of the dumpster enclosure being at the end of the alley, allowing the the dumpster enclosure to be within 5' of the setback would not cause traffic issues. A variance would not be needed if the dumpster was attached to the building, but that is not practical as that would impede the existing walkway. The dumpster enclosure would ideally be very close to the alley for easy of waste removal.

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

Forcing the dumpster to be outside the 5' of the setback would result in impeding the walkway which would go against the goals outlined in the Appleton Comprehensive Plan and the Appleton Downtown Streetscape Design Guide.



HATCH LEGEND

[Hatch Pattern]	2" PCC FACEMENT
[Hatch Pattern]	5" PCC FACEMENT
[Hatch Pattern]	5" COLORED CONCRETE TYPE I
[Hatch Pattern]	NOT USED
[Hatch Pattern]	SOO
[Hatch Pattern]	PLANTING BED, SEE PLANTING PLAN
[Hatch Pattern]	ELECTRICAL PADS, SEE MEP DRAWINGS

- COLORED CONCRETE NOTES:**
- PRODUCT: CONCRETE MANUFACTURE FOR COLOR-CONDITIONED CONCRETE BY SCORFIELD
 - SEA INFILTRATION
 - SEA SCOFFLED SUELS OFFICE
 - SEA SCOFFLED SUELS
 - SCORFIELD, CA 95038
 - PHONE: 909-808-7800
 - WWW.SCORFIELD.COM
- TYPE I TO BE SELECTED BY ARCHITECT FROM MANUFACTURER'S STANDARD COLORS
 - CONTRACTOR TO SUBMIT PHYSICAL SAMPLES OF THE MANUFACTURER'S STANDARD COLORS FOR SELECTION BY THE ARCHITECT.

- SITE LAYOUT KEYNOTES:**
- LANDSTONE BRICK WHALL, SEE LANDSCAPE DETAILS
 - GENERATOR & PCC PAD, SEE MEP DRAWINGS
 - TRANSFORMER & PCC PAD, SEE MEP DRAWINGS
 - HIGH ALLEY (INTERMEDIATE) PCC, SEE CIVIL DETAIL
 - SEWAGE, SEE LANDSCAPE DETAILS
 - LINE BACK, SEE LANDSCAPE DETAILS
 - TELEPHONE CABINET & PCC PAD, SEE MEP DRAWINGS
 - TRASH ENCLOSURE, SEE ARCHITECTURAL SHEETS
 - THICKENED EDGE SIDEWALK COVER, SEE CIVIL DETAILS
 - SQUARE STEEL LIGHT POLE WITH WOODGRAN AND SPOT LIGHTS, SEE LANDSCAPE DETAILS FOR CODE COMPLIANCE
 - ROUND LIGHT, SEE MEP DRAWINGS
 - FUTURE FEDERON WATERFALL LIGHTING, BY OTHERS. SEE LANDSCAPE DETAILS FOR PROPOSED PCC CONSTRUCTION AND GATEWAY ACCESS PROVISIONS IN CONTRACT. SEE MEP FOR ELECTRICAL CONNECTIONS.
 - RENTAL MALLAGE LIGHT POLE, SEE MEP DRAWINGS. COORDINATE WITH CITY OF APPLETON
 - RENTAL MALLAGE PAVING UNITS, COORDINATE WITH THE CITY OF APPLETON
 - FUTURE TENANT FENCE, BY OWNER

GNITSHOT ARCHITECTURE
115 E. WASHINGTON ST. APPLETON, WI 54911

BOLTON & MENK
115 E. WASHINGTON ST. APPLETON, WI 54911

URBANE APPLETON
 115 E. WASHINGTON ST.
 APPLETON, WI 54911

DATE: 11.15.23
 115 E. WASHINGTON ST.
 APPLETON, WI 54911

LAYOUT PLAN
C3.01

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: March 8, 2022

RE: Variance Application for 115 E. Washington St (31-2-0281-00)

Description of Proposal

The applicant proposes to place a dumpster enclosure on the south property line. Section 23-43(f)(2) of the Zoning Ordinance requires dumpster enclosures to be five (5) feet from the side and rear property line.

Impact on the Neighborhood

In the application, the applicant states that the proposed dumpster enclosure would be at the end of an alley and would not impact through-traffic. The applicant also stated that if the enclosure was attached, there would be no setback.

Unique Condition

In the application, the applicant states that the dumpster enclosure will not cause traffic issues. The applicant also states that a variance would not be needed if the enclosure was attached and the proposed location is ideal for waste removal.

Hardship

In the application, the applicant states that forcing the dumpster to be outside the five (5) foot setback would result in impeding the walkway, which would go against the goals outlined in the Appleton Comprehensive Plan and the Appleton Downtown Streetscape Design Guide.

Staff Analysis

This parcel is 17,127 sq ft. The minimum size lot in the Central Business District is 2,400 sq. ft.

The proposed location of the dumpster enclosure is along public alley that is a dead end and secluded from other properties and busy streets. Granting this variance would not harm the public interest or adversely impact other properties.