



City of Appleton

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

Meeting Agenda - Final Board of Zoning Appeals

Monday, August 15, 2022

7:00 PM

6th Floor Council Chambers

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

[22-1021](#) **Minutes from July 18, 2022**

Attachments: [Minutes 7-18-22.pdf](#)

4. Public Hearings/Appealances

5. Action Items

[22-1009](#) **311 W. Evergreen Dr. (31-6-4500-00)** The applicant proposes to install lighting that is not full cutoff design. Section 23-53(c)(1) of the Zoning Ordinance requires full cutoff design for exterior lighting.

Attachments: [311 W. Evergreen Dr.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, July 18, 2022

7:00 PM

6th Floor Council Chambers

1. Call meeting to order

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

2. Roll call of membership

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

3. Approval of minutes from previous meeting

[22-0822](#)

Minutes from June 20, 2022

Attachments: [Meeting Minutes June 20, 2022.pdf](#)

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

Aye: 4 - Engstrom, Sperl, Cain and Loosen

Abstained: 1 - McCann

4. Public Hearings/Appealances

*Diana Mann- 844 E. South St
Bryan Kierszh- 1433 N. Leona St.
Michael Mevis- 214 S. Rankin St.*

5. Action Items

[22-0829](#)

1935 E. Calumet St. (31-9-1115-00) The applicant proposes to alter the site that would create 85% lot coverage. Section 23-113(h)(2) of the zoning ordinance limits lot coverage to 75%.

Attachments: [1935 E. Calumet St .pdf](#)

*Appearing:
Glen harvey
Christian Cabera
Randy Walter
Jim Gaepner*

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

Nay: 4 - Engstrom, Sperl, Cain and Loosen

Abstained: 1 - McCann

[22-0903](#)

933 E. John St. (31-1-0772-02) 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.

Attachments: [933 E. John St.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

Abstained: 1 - McCann

[22-0823](#)

1430 N. Ballard Road (31-1-5207-00) Rezoning this parcel would create a lot that is 11,551 sq. ft. Section 23-113(h)(1) of the Zoning Ordinance requires a minimum size of 14,000 sq ft. in the C2 zoning district.

Attachments: [1430 Ballard Rd.pdf](#)

To take effect only if rezoning is approved by the City Council.

Engstrom 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

Abstained: 1 - McCann

[22-0824](#)

1430 N. Ballard Road (31-1-5207-00) Rezoning this parcel would create a parcel with 99 percent lot coverage. Section 23-113(h)(2) of the Zoning Ordinance limits the maximum lot coverage to seventy five (75) percent.

Attachments: [1430 Ballard Rd.pdf](#)

To take effect only if rezoning is approved by the City Council.

Engstrom 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

Abstained: 1 - McCann

[22-0825](#)

1430 N. Ballard Road (31-1-5207-00) Rezoning would create a parcel with a building that is eleven (11) feet from the rear property line. Section 23-113(h)(5) of the Zoning Code requires a twenty (20) foot rear yard setback.

Attachments: [1430 Ballard Rd.pdf](#)

*To take effect only if rezoning is approved by the City Council.
No future buildings or additions may be built in setback.*

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

Aye: 4 - Engstrom, Sperl, Cain and Loosen

Abstained: 1 - McCann

6. Information Items

7. Adjournment

A motion was made by Engstrom, seconded by Cain, that this meeting be adjourned at 8:454 pm. The motion carried by the following vote:

Aye: 4 - Engstrom, Sperl, Cain and Loosen

Abstained: 1 - McCann

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) 311 W. Evergreen Dr	Parcel Number 31-6-4500-00
Zoning District PI	Use of Property Residential X Commercial <input checked="" type="checkbox"/>

Applicant Information	
Owner Name Pathways Church	Owner Address 311 W. Evergreen Dr. Appleton, WI 54913
Owner Phone Number	Owner E Mail address (optional)
Agent Name Josh Verhagen	Agent Address
Agent Phone Number (920) 841-7056	Agent E Mail address (optional) josh@thesolutionist.net

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-53(c)(1) - All exterior lighting shall be of full cutoff design and directed downward and away from adjoining property.
Brief Description of Proposed Project Install exterior lighting that is not of full cutoff design. Section 23-53(c)(1) of the Zoning Ordinance requires full cutoff design.

Owner's Signature (Required):



Date:

6/27/22

3894-0007

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: August 4, 2022

RE: Variance Application for 311 W. Evergreen Dr. (31-6-4500-00)

Description of Proposal

To install lighting that is not full cutoff design. Section 23-53(c)(1) of the Zoning Ordinance requires full cutoff design for exterior lighting.

Impact on the Neighborhood

In the application, the applicant states that the distance from the building to the nearest adjacent building has cover provided by trees and is a long distance away. In addition, the applicant states that the church facility has non full cut off fixtures as main exterior lighting on the building.

Unique Condition

In the application, the applicant states that the distance from adjoining properties is greater than most.

Hardship

In the application, the applicant states that it would be a financial hardship due to the installation cost that would be required to install light poles with bases. The applicant also states that cosmetically the outbuilding would match the existing church lighting and the ministries would not be able to safely function in the areas listed in question one.

Staff Analysis

The parcel is over 31 acres. There is no minimum lot size in the PI zoning district.

Due to the size of this parcel and location of the buildings, the neighboring properties will not be impacted by the lights.

Financial impact cannot be considered in determining if the review criteria has been met.

The applicant has an alternative of installing lighting that meets the code standards. The property may be used for its intended purpose without this variance. It does not appear that the applicant has met the review criteria for a variance.

Return to: Department of Public Works
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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:
2. Describe how the variance would not have an adverse impact on the surrounding properties:
3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures:
4. Describe the hardship that would result if your variance were not granted:

1. Propose to use non full cut off fixture to illuminate the following areas because of the manner in which it is used. The north side of the building will accommodate garbage and recycling dumpsters and the south side will accommodate salt storage bin for winter maintenance. The rear of the facility accommodates a volleyball court in the summer and ice skating rink in winter. The front of the building is used in many different capacities. One would be for safety of snow removal equipment used. Another is that volunteers use it to assemble projects and perform community activities. Fixtures and lighting would provide safety of areas during use.
2. The distance from our building to nearest adjacent building has cover provided by trees and is a long distance away. In addition, the church facility has non full cut off fixtures as main exterior lighting on the building.
3. The distance from adjoining properties is greater than most.
4. It would be financially impacting due to the installation cost that would be required to install light poles with bases to illuminate the described areas. In addition cosmetically the outbuilding would match the existing church lighting. The ministeries within the church would not be able to safety function in areas listed in question one.

