



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
[www.appleton.org](http://www.appleton.org)

## Meeting Agenda Board of Zoning Appeals

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Monday, April 20, 2015

7:00 PM

6th Floor Council Chambers

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1. Call meeting to order

2. Roll call of membership

3. Approval of minutes from previous meeting

[15-569](#)

Minutes from February 16, 2015

**Attachments:** [Minutes Feb. 16, 2015.pdf](#)

4. **Public Hearings/Appearances**

5. **Action Items**

[15-567](#)

44 Bellaire Ct. (31-1-1269-00) The applicant proposed to adjust the location of the lot line between 44 Bellaire Ct. and 46 Bellaire Ct. The new location of the proposed lot line will be zero (0) feet from the principal building. Section 23-94(g)(6) of the Zoning Ordinance establishes a five (5) foot side yard setback in the RIC Zoning District.

The applicant also proposes to construct an attached garage into the front yard of 44 Bellaire Ct. The proposed garage would be four (4) feet six (6) inches from the front property line. Section 23-94(g)(4) of the Zoning Ordinance establishes a ten (10) foot front yard setback in the RIC Zoning District.

**Attachments:** [44 Bellaire Ct 31-1-1269-00.pdf](#)

[15-568](#)

46 Bellaire Ct. (31-1-1270-00) The applicant proposed to adjust the location of the lot line between 44 Bellaire Ct. and 46 Bellaire Ct. The new location of the proposed lot line will be zero (0) feet from the existing detached garage. Section 23-43(f)(1)(b) of the Zoning Ordinance establishes a three (3) foot side yard setback for detached accessory buildings.

**Attachments:** [46 Bellaire Ct 31-1-1270-00.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.*



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
[www.appleton.org](http://www.appleton.org)

## Meeting Minutes - Final Board of Zoning Appeals

---

Monday, February 16, 2015

7:00 PM

6th Floor Council Chambers

---

1. Call meeting to order

2. Roll call of membership

**Present:** 4 - McCann, Smith, Joosten and Schoenbohm

**Excused:** 2 - Lutz and 2nd Alternate Maloney

3. Approval of minutes from previous meeting

[15-206](#)

Minutes from December 15, 2014

**Attachments:** [Minutes from December 15, 2014.pdf](#)

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

**Aye:** 4 - McCann, Smith, Joosten and Schoenbohm

**Excused:** 2 - Lutz and 2nd Alternate Maloney

4. Public Hearings/Appearances

5. Action Items

[15-207](#)

2500 E Capitol Dr. (31-1-6601-01) The applicant proposes to build a 150,000 sq. ft. **85,000 sq. ft.** medical office building. The plans as proposed include 861 parking spaces. (617 existing and 244 new=861). Section 23-172(m) Table 2 of the Appleton Zoning Ordinance specifies that the minimum number of parking spaces for professional services facility of this size is 962.

**Attachments:** [2500 E. Capital Dr.pdf](#)

*Item amended to 85,000 sq. ft.*

**Schoenbohm moved, seconded by Joosten, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 4 - McCann, Smith, Joosten and Schoenbohm

**Excused:** 2 - Lutz and 2nd Alternate Maloney

[15-205](#)

1437 E. Pauline St. (311-2151-00) The applicant proposes to build a 226 sq ft addition to the rear of the principal building. The addition would be ~~twenty two (22) feet~~ **twenty (20) feet** from the rear property line. Section 23-93(g)(5) of the Zoning Ordinance requires a twenty five (25) foot rear yard setback.

**Attachments:** [1437 E. Pauline St.pdf](#)

*Item ammended to twenty (20) feet.*

**Smith moved, seconded by Schoenbohm, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 4 - McCann, Smith, Joosten and Schoenbohm

**Excused:** 2 - Lutz and 2nd Alternate Maloney

**6. Information Items**

**7. Adjournment**

**A motion was made by Ken Joosten, seconded by James Smith, that the meeting be adjourned. The motion carried by the following vote:**

**Aye:** 4 - McCann, Smith, Joosten and Schoenbohm

**Excused:** 2 - Lutz and 2nd Alternate Maloney

April 13, 2015  
April 14, 2015  
Acct. 15520

City of Appleton

## NOTICE OF HEARING FOR VARIANCE

NOTICE IS HEREBY GIVEN that a meeting of the Board of Appeals, established under the provisions of Chapter 23 of the Ordinance, and known as the Zoning Ordinance, to be held on the 20th day of April, 2015, at 7:00 P.M., in Committee Room "6A/B", 6th Floor, City Hall, 100 North Appleton Street, of the City of Appleton, Wisconsin, will be heard to consider the Appeal of:

John Debruin  
46 Bellaire Ct.  
Appleton, WI 54911

from the ruling of the City Building Inspector in granting a permit for the construction, alteration, rebuilding, or occupancy of a nonconforming building on, or for the use of the property known and described as follows:

44 Bellaire Ct.  
Tax Key Number: 31-1-1269-00

The applicant proposed to adjust the location of the lot line between 44 Bellaire Ct. and 46 Bellaire Ct. The new location of the proposed lot line will be zero (0) feet from the principal building. Section 23-94(g)(6) of the Zoning Ordinance establishes a five (5) foot side yard setback in the RIC Zoning District.

The applicant also proposes to construct an attached garage into the front yard of 44 Bellaire Ct. The proposed garage would be four (4) feet six (6) inches from the front property line. Section 23-94(g)(4) of the Zoning Ordinance establishes a ten (10) foot front yard setback in the RIC Zoning District.

Notice is further given that the said meeting is open to the public and that the appellant and any other person interested may appear and be heard for or against the granting of aforesaid permit by this Board.

CITY OF APPLETON,  
Appleton, Wisconsin  
The Board of Appeals

REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES  
WILL BE MADE UPON REQUEST AND IF FEASIBLE.


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	March 30, 2015	Meeting Date	April 20, 2015, 7 PM
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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)		Parcel Number	
44 Bellaire Ct., 46 Bellaire Ct.		31-1-1269-00, 31-1-1270-00	
Zoning District	RIC	Use of Property	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial
Applicant Information			
Owner Name	Owner Address		
John Debruin	46 Bellaire Ct Appleton, WI 54911		
Owner Phone Number	Owner E Mail address (optional)		
920-830-8117	john@hutchBMX.com		
Agent Name	Agent Address		
Agent Phone Number	Agent E Mail address (optional)		
Variance Information			
Municipal Code Section(s) Project Does not Comply			
23-94(g)(4) - Minimum front yard setback in RIC Zoning District is five (10) feet.			
23-94(g)(6) – Minimum side yard setback in R1C Zoning District is five (5) feet.			
Brief Description of Proposed Project			
We propose to move the lot line between 44 and 46 Bellaire Ct, which currently runs through a shared existing garage and driveway. In order to allow the garage to be exclusively on 46 Bellaire Ct., the proposed side lot line would be zero (0) feet from the existing principal building at 44 Bellaire Ct., and zero (0) feet from the existing garage structure at 46 Bellaire Ct. The minimum side yard setback in the R1C Zoning District is five (5) feet.			
Also, we propose building an attached garage to the front of 44 Bellaire Ct. This attached garage would be four feet 6 inches (4'6") from the front property line.			

Owner's Signature (Required):  Date: 04/03/2015

## 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 existing condition is a shared driveway and shared garage. The plan is to eliminate the shared aspect, which by-nature is an ongoing cause for disagreements between property owners. With construction of a 2-car garage in the front of 44, this would provide an improved 2-car indoor parking situation for both properties compared to the existing conditions.
2. Describe how the variance would not have an adverse effect on the surrounding properties:  
Bellaire Court is a character neighborhood from the early 1920's, preceding modern zoning and building codes. It is not unusual for other properties to have structures that are less than today's setback requirements. The movement of the property line provides no aesthetic change to the neighborhood because no changes are proposed for the existing residences and existing garage. The only exception to that is the proposed garage addition, which is part of the variance request. The garage addition would be done with strong consideration to the architectural and character style of the existing house and neighborhood.
3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures:  
The nature of the shared driveway, along with existing residence structures at both 44 and 46 being directly adjacent to the paved driveway, creates a situation whereas the only solution by moving the property line results in a zero (0) feet setback (specifically: rear corner of house for 44, and east side of garage for 46). Moving the property line creates a zero (0) parking situation for 44, and the proposed solution is to create two (2) (indoor) parking stalls via construction of an attached garage structure. Although two (2) outdoor parking stalls could be created in the front of 44 that satisfy current code for parking, a garage structure is a preferred solution. The depth of the garage when measured to the 3 closest points of the oddly-shaped front property line at 44 provides a less-than-minimum setback situation at one (1) of those three (3) locations.
4. Describe the hardship that would result if your variance were not granted:  
The existing garage structure is unusable due to the existing property line location.

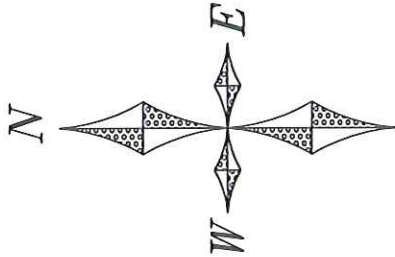
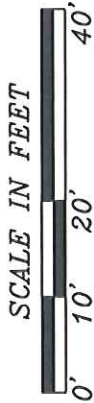
PLAT OF SURVEY

Lot 23 AND 24, GARFIELD PLACE SUBDIVISION IN SECTION 25, T21N, R17E, City of Appleton, Outagamie County, Wisconsin According to the recorded Assessor's Map of said City.

LEGEND

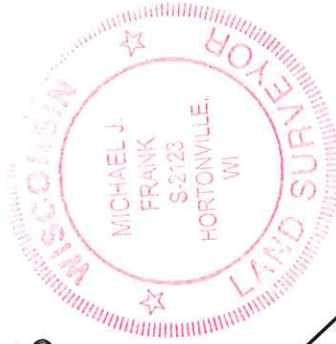
- = 1" DIA ROUND X 24" LONG IRON PIPE WEIGHING 1.13 LBS./LIN. FOOT SET
- = 3/4" DIA. ROUND REBAR FOUND
- ⊗ = CHISLED CROSS SET
- ⊙ = 1" DIA. IRON PIPE FOUND

BEARINGS ARE REFERENCED TO THE NORTH LINE OF BELLAIRE CT WHICH IS RECORDED TO BEAR N75°51'11"E

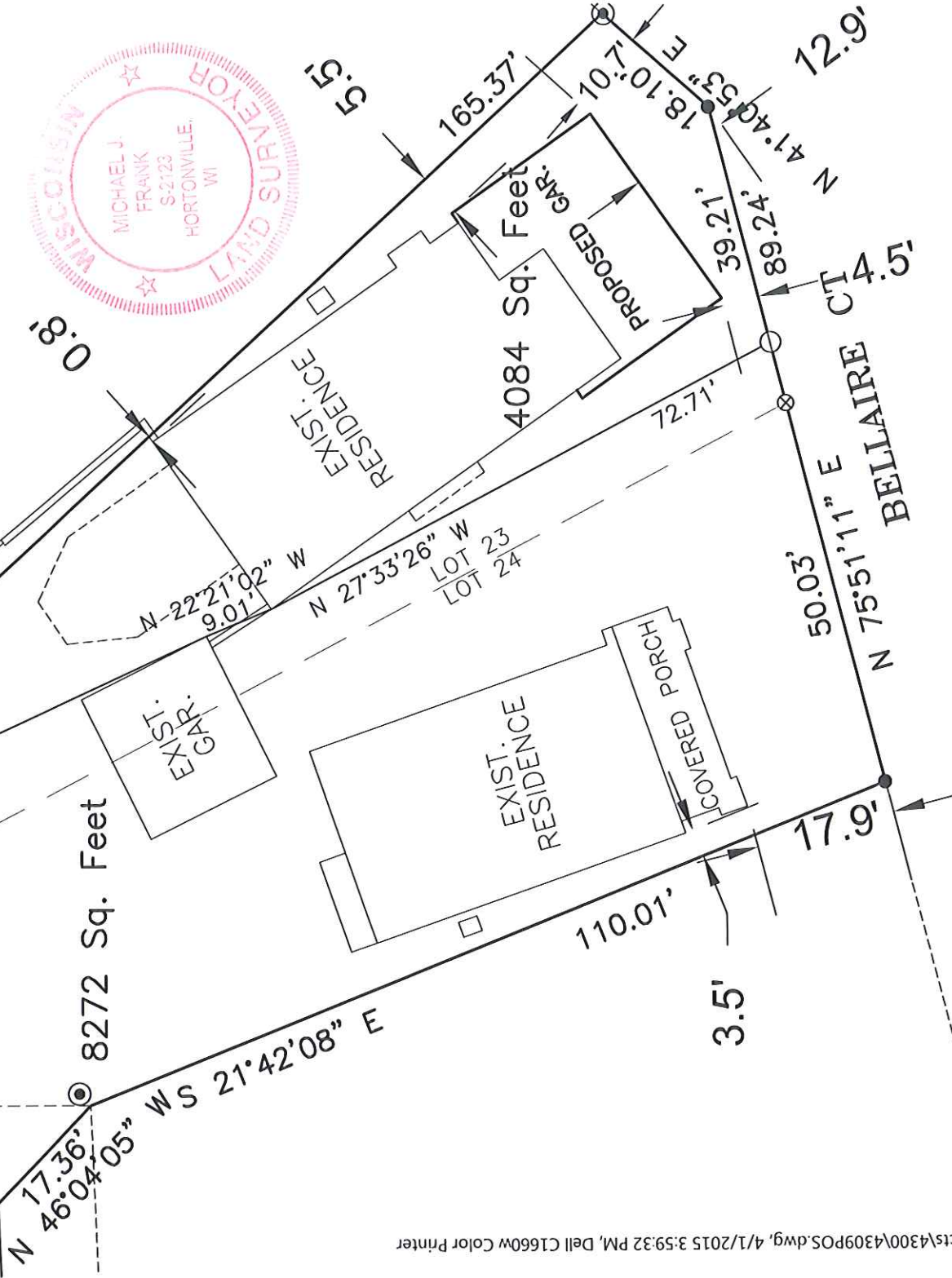


I, MICHAEL J. FRANK, WISCONSIN REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE MAP SHOWN IS A TRUE AND ACCURATE REPRESENTATION THEREOF TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 1st DAY OF April 2015  
Michael J. Frank  
MICHAEL J. FRANK  
S-2723  
WISCONSIN REGISTERED LAND SURVEYOR



SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD



SCHULER & ASSOCIATES, INC.  
LAND SURVEYORS & ENGINEERS  
2711 N. MASON ST., SUITE F, APPLETON, WI 54914

PREPARED FOR:  
John Debruin  
46 Bellaire Ct  
APPLETON, WI 54911



Appleton

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

DEPARTMENT OF FINANCE  
P.O. BOX 2519  
APPLETON, WI 54912-2519  
(920) 832-6442

Receipt: 4359685

Date: 4/06/15

Page: 1

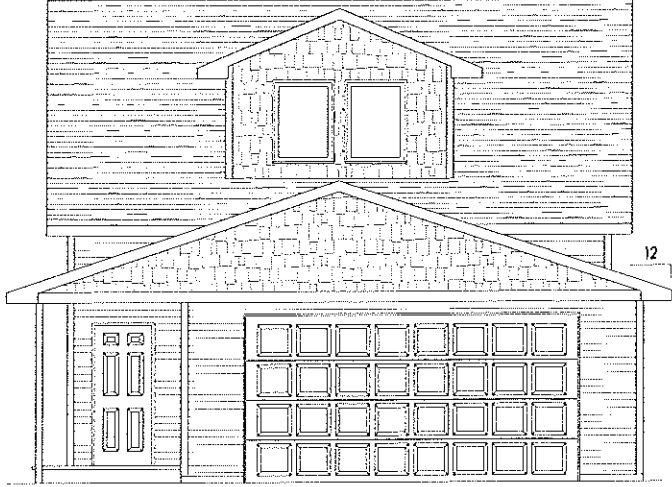
Received From:

DEBRUIN, JOHN

Principal Paid: 250.00  
Cash Received:  
Checks Received: 250.00  
Change:

ACCOUNT #	SUBLEDGR	AMOUNT	DESCRIPTION
15520 5040		125.00	44 BELLAIRE CT
15520 5040		125.00	46 BELLAIRE CT

Accounts are not considered paid until checks have cleared the financial institution.



FRONT ELEVATION

12 4  
TOP OF GARAGE WALL  
9'-0 1/2"  
TOP OF GARAGE FOUNDATION



Design Services  
ARCHITECTURAL  
ENGINEERING  
INTERIOR DESIGN

CUSTOM DESIGNED FOR:  
KRUEGER CONSTRUCTION / DeBRUIN

AUTOCAD files after  
has been made in  
preparing these plans  
and checking for  
and checking for  
and checking for  
and checking for  
and checking for

REVISIONS  
03-02-15 JH  
03-02-15 JH  
03-02-15 JH


DATE: 02-12-15  
SCALE: 1/4" = 1'-0"  
DRAWN: J. HANSEN  
CHECKED: J. HANSEN  
15-029

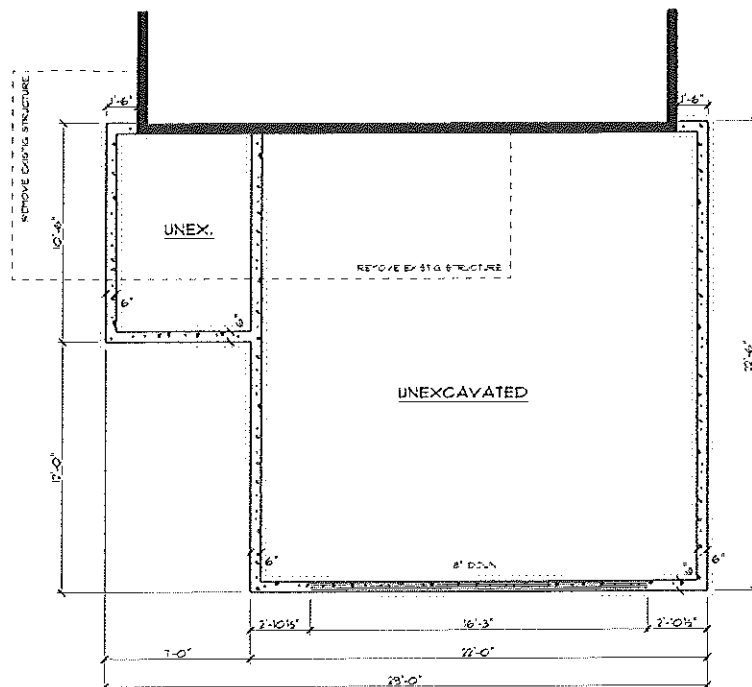
SHEET  
1  
OF  
3



NOTE:  
IT IS THE CONTRACTOR'S  
RESPONSIBILITY TO VERIFY  
ALL DIMENSIONS AND NOTES  
PRIOR TO BUILDING ADDITION.

- [illegible]

 <b>Krueger Construction</b> 10000 13th Avenue, Suite 100 Denver, CO 80231 Phone: (303) 751-1100 Fax: (303) 751-1101	<b>Design Services</b> 10000 13th Avenue, Suite 100 Denver, CO 80231 Phone: (303) 751-1100 Fax: (303) 751-1101	CUSTOM DESIGNED FOR:  <b>KRUEGER CONSTRUCTION / DEBRUIN</b>	REVISIONS		SCALE: 1/4" = 1'-0" DRAWN BY: J. HALLMAN CHECKED BY: J. HALLMAN	SHEET 2 OF 3
			ALTHOUGH every effort has been made to ensure the accuracy of the information and construction notes for this drawing, the contractor must check all details and dimensions and be responsible for the work.			
		DATE: 2-10-15		15-029		




FOUNDATION PLAN

PRELIMINARY PLAN  
-NOT FOR CONSTRUCTION-

NOTE:  
IT IS THE CONTRACTOR'S  
RESPONSIBILITY TO VERIFY  
ALL DIMENSIONS AND NOTES  
PRIOR TO BUILDING ADDITION.

- NOTES:
- 1. FOUNDATION WALLS  
USE 6" FIRMED CONCRETE WALLS 4'-0" HIGH
  - 2. FIRMED CONCRETE FOOTINGS TO BEAR ON  
UNDISTURBED SOIL BELOW THE FIRMED LBS
  - 3. ASSUMED EOL BEARING CAPACITY 4,000 PSF. FOOTING  
SIZES MAY BE ADJUSTED FOR VARIOUS SOIL CONDITIONS
  - 4. FOUNDATION WALLS ARE ASSUMED TO BE UNREINFORCED 3000 PSI  
CONCRETE. WALLS ARE DESIGNED PER IBC TABLE 18.0-5 BASED  
ON THE WEIGHT OF UNBALANCED FILL. PROVIDE REINFORCED  
DESIGN BY OTHERS. MAY ALLOW FOR WALLS THAT ARE LESS THICK  
BUT ANY DEVIATION FROM THE THICKNESSES SHOWN ON THE PLAN IS  
THE RESPONSIBILITY OF FOUNDATION AND/OR GENERAL CONTRACTOR.



PRObuild

Design Services  
PROFESSIONAL SEAL AND  
STAMP REQUIRED FOR ALL  
CONSTRUCTION OF BUILDING

CUSTOM DESIGNED FOR:  
  
KRUEGER CONSTRUCTION / DEBRUIN

DATE: 2-10-15  
SCALE: 1/4" = 1'-0"  
DRAWN: J. PHILLIP  
CHECKED: J. PHILLIP  
DRAWING NO.: 15-029

REVISED  
03-02-15 JM  
03-02-15 JM  
03-24-15 JM

REVISIONS:  
03-02-15 JM: See notes made in office and check to them for accuracy. Use contractor's dimensions and the responsibility for the work.  
03-24-15 JM: See notes made in office and check to them for accuracy. Use contractor's dimensions and the responsibility for the work.

SHEET 3 OF 3

April 13, 2015  
April 14, 2015  
Acct. 15520

City of Appleton

## NOTICE OF HEARING FOR VARIANCE

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John Debruin  
46 Bellaire Ct.  
Appleton, WI 54911

from the ruling of the City Building Inspector in granting a permit for the construction, alteration, rebuilding, or occupancy of a nonconforming building on, or for the use of the property known and described as follows:

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Tax Key Number: 31-1-1270-00

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CITY OF APPLETON,  
Appleton, Wisconsin  
The Board of Appeals

**REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES  
WILL BE MADE UPON REQUEST AND IF FEASIBLE.**

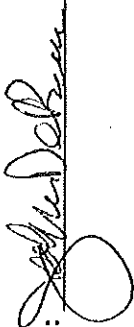
Return to: Department of Public Works  
Inspection Division  
100 North Appleton Street  
Appleton, Wisconsin 54911  
(920) 832-6411

City of Appleton  
Application for Variance

Application Deadline	March 30, 2015	Meeting Date	April 20, 2015, 7 PM
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Property Information			
Address of Property (Variance Requested)		Parcel Number	
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Zoning District	R1C	Use of Property	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial
Applicant Information			
Owner Name	Owner Address		
John Debruin	46 Bellaire Ct Appleton, WI 54911		
Owner Phone Number	Owner E Mail address (optional)		
920-830-8117	john@hutchBMX.com		
Agent Name	Agent Address		
Agent Phone Number	Agent E Mail address (optional)		
Variance Information			
Municipal Code Section(s) Project Does not Comply			
23-94(g)(4) - Minimum front yard setback in R1C Zoning District is five (10) feet.			
23-94(g)(6) - Minimum side yard setback in R1C Zoning District is five (5) feet.			
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Owner's Signature (Required):  Date: 04/03/2015

## Questionnaire

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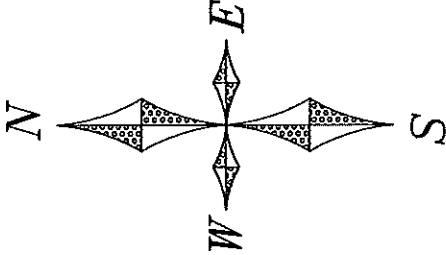
PLAT OF SURVEY

Lot 23 AND 24, GARFIELD PLACE SUBDIVISION IN SECTION 25, T21N, R17E, City of Appleton, Outagamie County, Wisconsin According to the recorded Assessor's Map of said City.

LEGEND

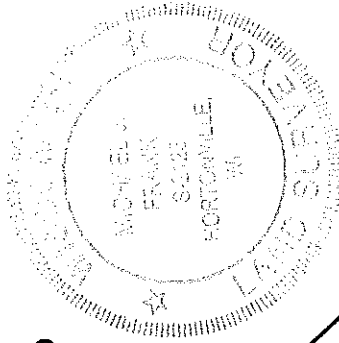
- = 1" DIA ROUND X 24" LONG IRON PIPE WEIGHING 1.13 LBS./LIN. FOOT SET
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BEARINGS ARE REFERENCED TO THE NORTH LINE OF BELLAIRE CT WHICH IS RECORDED TO BEAR N75°51'11"E



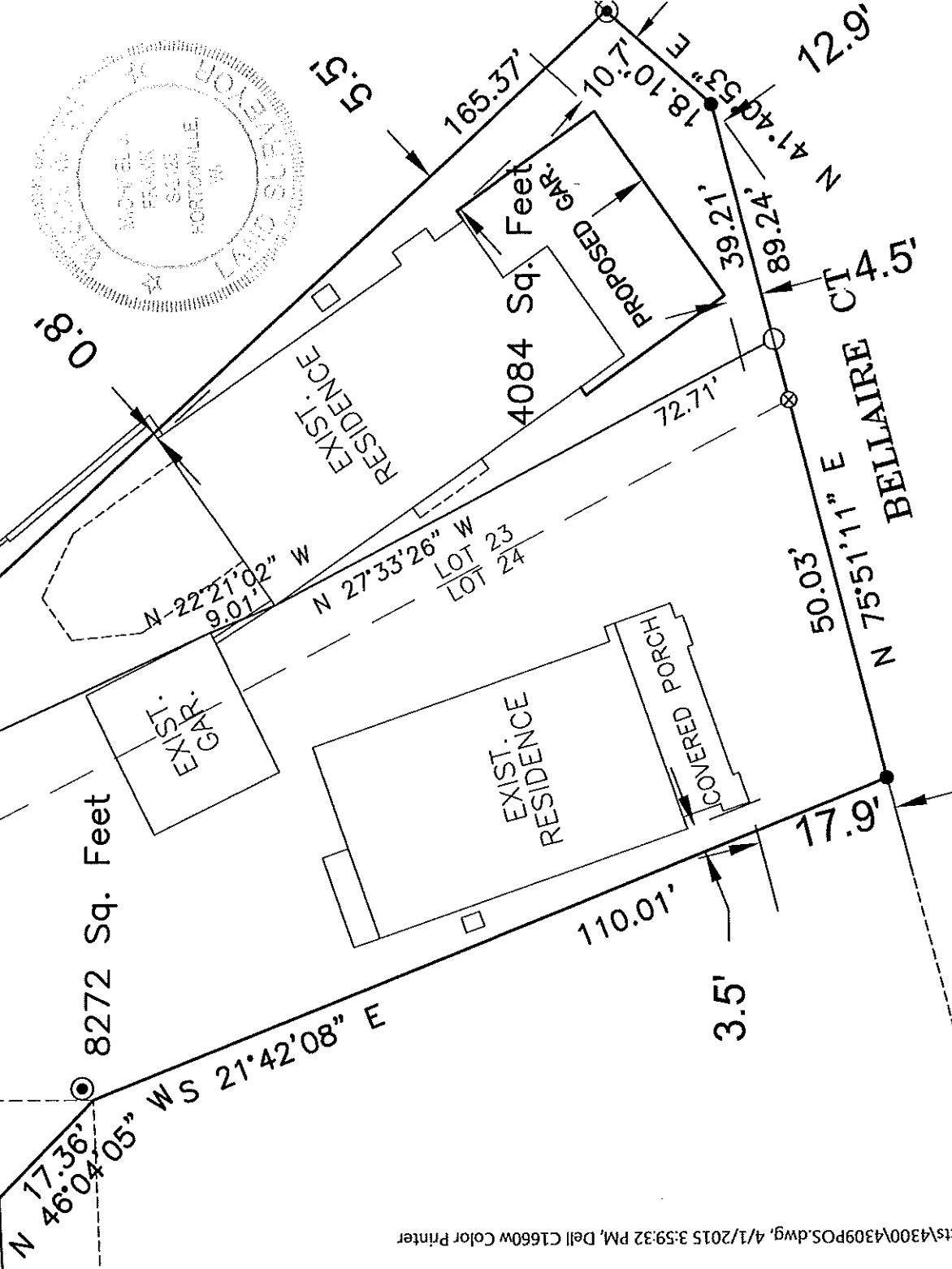
I, MICHAEL J. FRANK, WISCONSIN REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE MAP SHOWN IS A TRUE AND ACCURATE REPRESENTATION THEREOF TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 1st DAY OF April 2015  
Michael J. Frank  
MICHAEL J. FRANK  
S-2123  
WISCONSIN REGISTERED LAND SURVEYOR



SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD

VACTED UN-NAMED ST. (25)



SCHULER & ASSOCIATES, INC.  
LAND SURVEYORS & ENGINEERS  
2711 N. MASON ST., SUITE F, APPLETON, WI 54914

PREPARED FOR:  
John DeBruin  
46 Bellaire Ct  
APPLETON, WI 54911





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

DEPARTMENT OF FINANCE  
P.O. BOX 2519  
APPLETON, WI 54912-2519  
(920) 832-6442

Receipt: 4359685

Date: 4/06/15

Page: 1

Received From:

DEBRUIN, JOHN

Principal Paid: 250.00  
Cash Received:  
Checks Received: 250.00  
Change:

ACCOUNT #	SUBLEDGR	AMOUNT	DESCRIPTION
15520 5040		125.00	44 BELLAIRE CT
15520 5040		125.00	46 BELLAIRE CT

Accounts are not considered paid until checks have cleared the financial institution.