



City of Appleton

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

Meeting Agenda - Final Board of Zoning Appeals

Monday, March 19, 2018

7:00 PM

6th Floor Council Chambers

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting
[18-0381](#) Minutes from January 15, 2018.

Attachments: [January 15, 2018 Minutes.pdf](#)

4. Public Hearings/Apearances

5. Action Items

- [18-0382](#) 710 W. Winnebago St. (31-5-0457-00) The applicant is proposing a lot line adjustment to rectify the fact that the existing lot line passes through the building at 815 N. Richmond St. After the proposed lot line adjustment, the lot will be 3,347 sq. ft. The minimum size of a lot in the R1B zoning district is 6,000 sq. ft. The lot coverage of the new lot will be sixty one (61) %. Section 23-93(g)(2) of the Zoning Ordinance is fifty (50) % maximum.

Attachments: [710 w. winnebago.pdf](#)

- [18-0383](#) 815 N. Richmond St. (31-5-0456-00) The applicant is proposing a lot line adjustment to rectify the fact that the existing lot line passes through the building at 815 N. Richmond St. After the proposed lot line adjustment, the lot will be 4,037 sq. ft. The minimum size of a lot in the R1B zoning district is 6,000 sq. ft. The distance between the new lot line and the existing building will be two (2) ft. Section 23-93(g)(5) of the Zoning Ordinance requires a minimum rear yard setback of twenty five (25) ft.

Attachments: [815 N. Richmond St.pdf](#)

[18-0384](#)

7500 N. Purdy Pkwy (31-1-9221-00) The applicant is proposing to erect a fence in the front yard that is four (4) feet high. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to three (3) feet in the front yard setback.

Attachments: [7500 N. Purdy Application for Variance.pdf](#)

[18-0385](#)

1919 E. Calumet St. (31-9-1116-00) The applicant is proposing to install a new changeable copy sign that is fifty four (54) sq. ft. Section 23-523(d) of the Zoning Ordinance limits changeable copy signs to forty eight (48) sq. ft.

Attachments: [1919 E. Calumet St.pdf](#)

[18-0386](#)

3132 N. Doris Lane (31-1-4980-00) The applicant is proposing to build an accessory building in the front yard. Section 23-43(f)(2)(e) of the Zoning Ordinance prohibits accessory buildings in the front yard. The applicant is also proposing to expand the parking lot and not provide landscape buffering in the proposed parking lot. Section 23-172(g) of the Zoning Ordinance requires an eight (8) foot landscape buffer.

Attachments: [3132 doris.pdf](#)

[18-0076](#)

4647 Cherryvale Ave. (31-1-7509-03) The applicant proposes to construct a berm up to six (6) feet high in the rear of this parcel. Section 23-50(b)(5) of the Zoning Ordinance limits the height of berms to three (3) feet.

Attachments: [4647 Cherryvale Ave.pdf](#)

[4647 Cherryvale Ave2.pdf](#)

Legislative History

1/15/18 Board of Zoning Appeals denied
Jason Mroz and Aurthur Ladish appeared.
James Smith made a motion to approve but died due to lack of 2nd.

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

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Meeting Minutes - Final Board of Zoning Appeals

Monday, January 15, 2018

7:00 PM

6th Floor Council Chambers

1. Call meeting to order

2. Roll call of membership

Present: 4 - Smith, Joosten, Engstrom and Sperl

Excused: 1 - McCann

3. Approval of minutes from previous meeting

[18-0075](#)

Minutes from December 18, 2017.

Attachments: [December 18, 2017.pdf](#)

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

Aye: 4 - Smith, Joosten, Engstrom and Sperl

Excused: 1 - McCann

4. Public Hearings/Appearances

5. Action Items

[18-0076](#)

4647 Cherryvale Ave. (31-1-7509-03) The applicant proposes to construct a berm up to six (6) feet high in the rear of this parcel. Section 23-50(b)(5) of the Zoning Ordinance limits the height of berms to three (3) feet.

Attachments: [4647 Cherryvale Ave.pdf](#)
[4647 Cherryvale Ave2.pdf](#)

Jason Mroz and Aurthur Ladish appeared.

James Smith made a motion to approve but died due to lack of 2nd.

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

Aye: 2 - Joosten and Sperl

Nay: 2 - Smith and Engstrom

Excused: 1 - McCann

6. Information Items

7. Adjournment

Engstrom moved, seconded by Sperl, that the meeting be adjourned. Roll Call.

Motion carried by the following vote:

Aye: 4 - Smith, Joosten, Engstrom and Sperl

Excused: 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

February 26, 2018

Meeting Date

March 19, 2018 at 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 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) 710 W. Winnebago St	Parcel Number 31- 5-0457-00
Zoning District R1B	Use of Property Residential
Applicant Information	
Owner Name VERNON ROMENESKO	Owner Address 715 W WISCONSIN AVE APPLETON WI 54914
Owner Phone Number 7337538	Owner E Mail address (optional)
Agent Name David Hebert	Agent Address 1110 W. Wisconsin Ave. Appleton, WI 54914
Agent Phone Number 920-734-8373	Agent E Mail address (optional) <u>dave@hebertassoc.com</u>
Variance Information	
Municipal Code Section(s) Project Does not Comply Section 23-93(g)(1)- Minimum lot size in the R1B zoning district is 6,000 sq. ft. Proposing new lot size of 3,347 sq. ft. Section 23-93(g)(2) _ Maximum lot coverage in the R1B zoning district is fifty (50)%. Proposed lot coverage is 61%.	
Brief Description of Proposed Project A lot line adjustment is required to rectify the fact that the existing lot line passes through the building at 815 N. Richmond St. After the proposed lot line adjustment, the lot will be 3347 sq. ft. The minimum size of a lot in the R1B zoning district is 6,000 sq. ft. The lot coverage of the new lot will be 61%. Section 23-93(g)(2) of the Zoning Ordinance is fifty (50)% maximum.	

Owner's Signature (Required):

Vernon H. Romenesko Date: 2/19/2018

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:

Per attached plot of Survey.

2. Describe how the variance would not have an adverse effect on the surrounding properties: *Free + Clear from each other*

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

Encroaching

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

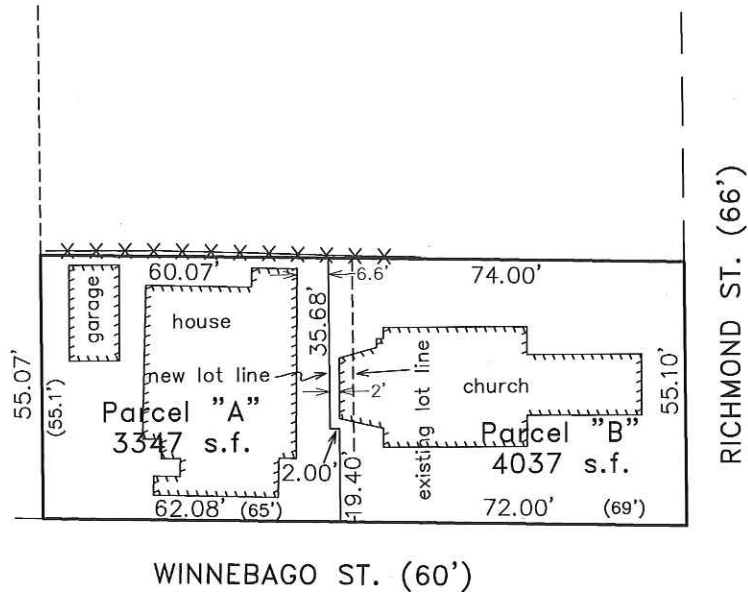
there are two existing parcels, the Church currently encroaches onto the House property, the House property is not salable until the Church is not encroaching onto it.

Plat of Survey

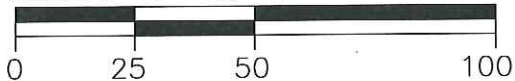
Lot 13, Block 1, Hyde and Harriman's Addition
to the City of Appleton according to the
recorded Assessor's Map of said City,
Outagamie County, Wisconsin



North is referenced to the Wisconsin
County Coordinate System, Outagamie
County (NAD 1983/91 datum)



SCALE: 1"=40'



Hebert Associates, Inc.
Land Surveying

1110 W. Wisconsin Ave. 920-734-8373
Appleton, WI 54914 Fax: 920-734-3968

FOR:

Romenesko Realty
715 W. Wisconsin Ave.
Appleton, WI 54914

DATE:

DRAFTED BY:

SCALE:

DRAWING NUMBER:

17101A01



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 February 26, 2018 Meeting Date March 19, 2018 at 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 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) 815 N. Richmond St.	Parcel Number 31- 5-0456-00
Zoning District R1B	Use of Property Church
Applicant Information	
Owner Name VERNON ROMENESKO	Owner Address 715 W WISCONSIN AVE APPLETON WI 54914
Owner Phone Number 7337538	Owner E Mail address (optional)
Agent Name David Hebert	Agent Address 1110 W. Wisconsin Ave. Appleton, WI 54914
Agent Phone Number 920-734-8373	Agent E Mail address (optional) dave@hebertassoc.com
Variance Information	
Municipal Code Section(s) Project Does not Comply Section 23-93(g)(1) - Minimum lot size in the R1B zoning district is 6,000 sq. ft. Proposing new lot size of 4,037 sq. ft. Section 23-93(g)(5) - Minimum rear yard setback is twenty five (25) feet. Proposed rear yard setback is 2 ft.	
Brief Description of Proposed Project A lot line adjustment is required to rectify the fact that the existing lot line passes through the building at 815 N. Richmond St. After the proposed lot line adjustment, the lot will be 4,037 sq. ft. The minimum size of a lot in the R1B zoning district is 6,000 sq. ft. The new rear yard setback will be two (2) ft. Section 23-93(g)(5) of the Zoning Ordinance requires a minimum twenty five (25) foot rear yard setback.	

Owner's Signature (Required): *Vernon H. Romensko* Date: *2/26/2018*

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(920) 832-6411

Questionnaire

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Per attached plot of Saway.

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Free + Clear from each other

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

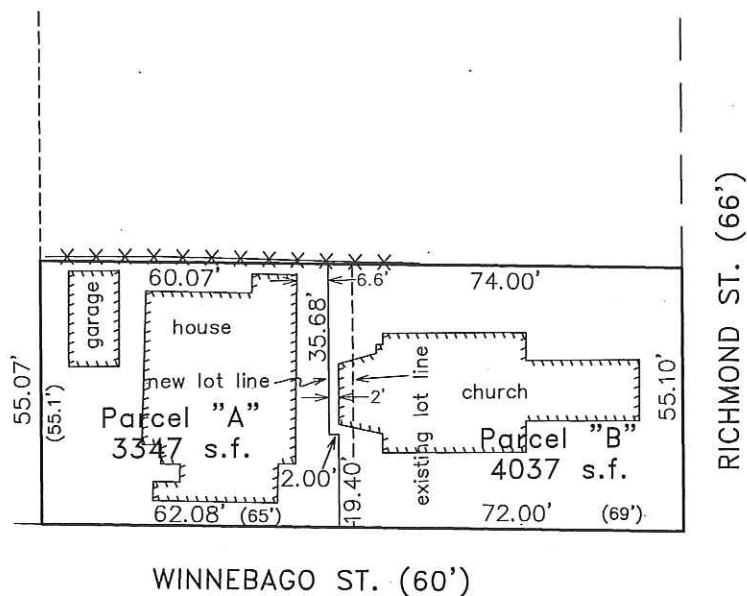
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Plat of Survey

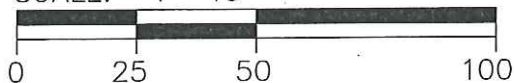
Lot 13, Block 1, Hyde and Harriman's Addition
to the City of Appleton according to the
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North is referenced to the Wisconsin
County Coordinate System, Outagamie
County (NAD 1983/91 datum)



SCALE: 1"=40'



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Appleton, WI 54914 Fax: 920-734-3968

FOR:

Romenesko Realty
715 W. Wisconsin Ave.
Appleton, WI 54914

DATE:

DRAFTED BY:

SCALE:

DRAWING NUMBER:

17101A01

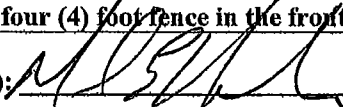
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City of Appleton Application for Variance

Application Deadline **February 26, 2018** Meeting Date **March 19, 2018 at 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 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) 7500 North Purdy Parkway	Parcel Number 31-1-9221-00
Zoning District AG	Use of Property Residential
Applicant Information	
Owner Name MEU HOLDINGS LLC	Owner Address 7500 N PURDY PKWY APPLETON, WI 54913
Owner Phone Number	Owner E Mail address (optional)
Agent Name Nicholas Blavat, Architect Deep River Partners	Agent Address 240 N. Milwaukee St., Ste. 400, Milwaukee, WI 53202
Agent Phone Number 414-276-8550	Agent E Mail address (optional) nblavat@deep-river.com
Variance Information	
Municipal Code Section(s) Project Does not Comply Section 23-44(a)(1)(a) – Fences in front yard may be no higher than (3) feet.	
Brief Description of Proposed Project The proposal is to construct a four (4) foot fence in the front yard.	

Owner's Signature (Required):  Date: **2-26-18**

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Questionnaire

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1. Explain your proposed plans and why you are requesting a variance:

The property owner intends to install a new wood split face fence on Equestrian Trail. We are requesting the variance to have a 48" high fence within the front yard setback. The property is zoned Agricultural and the area in question is adjacent to Equestrian Trail, which is in the town of Freedom. The Equestrian Trail properties have 60" high fences along the road. The 60" high fence is located at the property line along the entire length of Equestrian Trail.

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

All of the surrounding properties are located in the Town of Freedom, which permits fence heights of 60". Therefore, there is no adverse effect on the surrounding properties. Also, this area is rural and agricultural, so the slightly taller fence in the "front" yard located out of sight of any residence does not raise the same aesthetic concerns about blocking views of the lawn and residence that might be present with regard to a front yard in a city lot with sidewalks and homes built close together where tall fences can be less desirable.

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

See response to Question #2.

Although the property is in the City of Appleton, the property is zoned Agricultural. Properties located along Equestrian Trail have horse stables and there is traffic from animals on this road. A 48" minimum height fence close to the road would prevent horses and livestock from entering the property at issue.

By not having a higher fence located at the property line, the property will not match the contextual aesthetic that is established along the entire road.

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

The requested fence height is necessary to secure the property and protect against incursions by horses and livestock maintained at the adjoining properties, which are zoned Agricultural.

The property is unique within the City of Appleton because it is zoned Agricultural and is surrounded by agricultural properties located in two different municipalities.

The public interest is not harmed and, in fact benefits, from erection of a 48" high fence. First, the proposed fence will protect property and persons in the City of Appleton against trespassing horses and livestock. Second, there are no adjoining properties located in the City of Appleton that would be impacted by this request and the permissible fence heights applicable to the adjoining properties are 60" in height. Third, the proposed fence will keep with the existing contextual aesthetic of Equestrian Trail by having fences along the property line.

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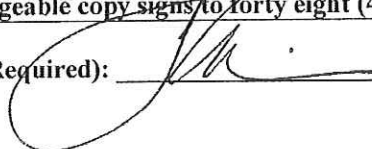
City of Appleton Application for Variance

Application Deadline **February 26, 2018** Meeting Date **March 19, 2018 at 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 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) 1919 E. Calumet St.	Parcel Number 31- 9-1116-00
Zoning District PDC2	Use of Property Commercial
Applicant Information	
Owner Name Calumet Village Partners	Owner Address 3305 N. Ballard Road Appleton, WI 54911
Owner Phone Number	Owner E Mail address (optional)
Agent Name Julie Braun	Agent Address 558 Eisenhower Fr. Suite A Kimberly, WI 54136
Agent Phone Number 920-731-4852	Agent E Mail address (optional) julie@tlcsign.com
Variance Information	
Municipal Code Section(s) Project Does not Comply Section 23-523(d)- Changeable copy signs cannot exceed forty-eight (48) sq. ft.	
Brief Description of Proposed Project It is being proposed that a changeable copy sign be installed on the wall of the business at 1919 E. Calumet St. that fifty-four (54) sq. ft. Section 23-523(d) of the Zoning Ordinance limits the size of changeable copy signs to forty eight (48) sq. ft.	

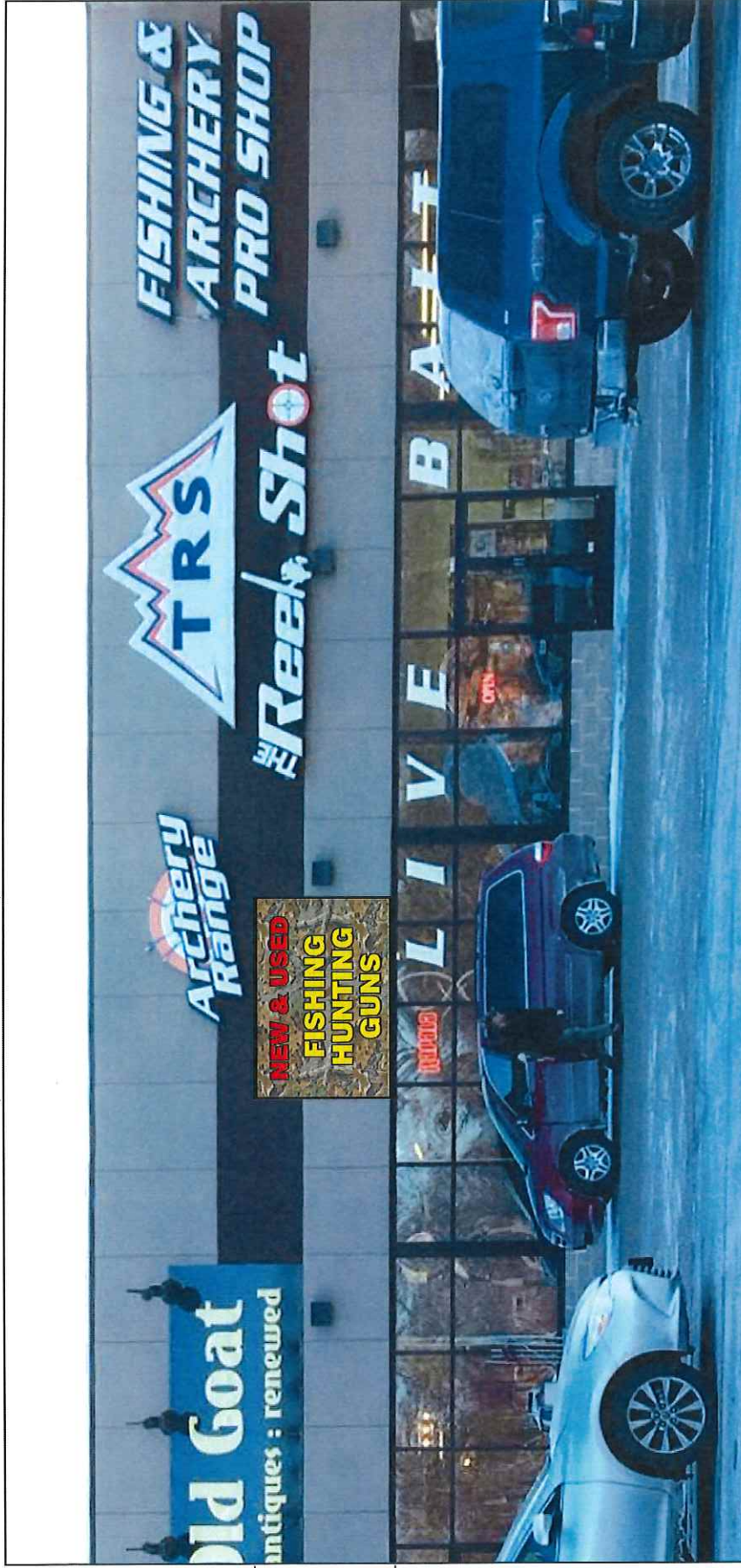
Owner's Signature (Required):



Date:

2.26.18

111" EMC CABINET



77" EMC CABINET

MESSAGE CENTER

INSTALL WATCHFIRE
16MM FULL COLOR MESSAGE CENTER
108 x 162 LED MATRIX
6'-5" H x 9'-3" W
6' H x 9' W VIEWING AREA

THE REEL SHOT STORE FRONT SIGNAGE

STORE FRONT AREA: 678"W x 288"H, 1,356 SQ. FT
TOTAL SIGNAGE ALLOWED = 350 SQ. FT
'TRS' FABRICATED ALUMINUM ILLUMINATED CABINET: 171"W x 72"H, 85.5 SQ. FT
'THE REEL SHOT' ILLUMINATED CHANNEL LETTERS: 231.25"W x 38.25"H, 61.4 SQ. FT
'FISHING & ARCHERY PRO SHOP' ILLUMINATED CHANNEL LETTERS: 161.5"W x 72"H, 80.75 SQ. FT
'ARCHERY RANGE' ILLUMINATED CHANNEL LETTERS 120"W x 58.5"H, 48.75 SQ. FT
MESSAGE CENTER CABINET 111"W x 77"H, 59.35 SQ. FT
TOTAL STORE FRONT SIGNAGE: 335.75 SQ. FT

TLC Sign
TRUSTED. LOVAL. CREATIVE. | A DIVISION OF TIM'S LIGHTING COMPANY, INC.
TLC SIGN .COM

EASTERN WISCONSIN:
O: 920-733-411C F: 920-733-3148
558 ESENHOWER DR.
KIMBERLY, WI 54136
CENTRAL WISCONSIN:
N7255 12ND CT
WEAUWATIGA, WI 54983
O: 920-867-411C F: 920-867-3625

CUSTOMER SIGNATURE FOR DESIGN APPROVAL

PG: 1 OF 2

NOTES:

CLIENT: THE REEL SHOT
ADDRESS: 1919 E CALUMET ST. APPLETON, WI 54915
DESIGNER: MARINA NIKOLOV
DATE: 12.18
FILE NAME: 18-0580B.CDR
SCALE: 1:88
REV. DATE:
REVISED BY:

THIS IS AN ORIGINAL DRAWING CREATED BY TIM'S LIGHTING COMPANY, INC. NO PART OF THIS DOCUMENT MAY BE USED OR REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION FROM TIM'S LIGHTING COMPANY, INC. COLORS SHOWN ON ANY MAY VARY DUE TO VARYING SURFACE MATERIALS AND PAINT.

158" FACE SIZE



DOUBLE SIDED PYLON SIGN QTY: 2

TRANSLUCENT CUT VINYL GRAPHICS 8500-006 INTENSIVE BLUE (NEW & USED: FISHING. HUNTING. GUNS.)
APPLIED TO EXISTING PAN FORMED FACES ON DOUBLE SIDED PYLON SIGN



SIGN LOCATION (NOT TO SCALE)

 TRUSTED. LOYAL CREATIVE. A DIVISION OF TIM'S LIGHTING COMPANY, INC. TLC SIGN.COM		EASTERN WISCONSIN: O: 920-733-411C F: 920-733-3148 555 EISENHOWER DR. KIMBERLY, WI 54136 CENTRAL WISCONSIN: N7255 32ND CT WEAUMEGA, WI 54983 O: 920-867-411C 800-921-0770 F: 920-467-3625		CLIENT: THE REEL SHOT	PG: 2 OF 2	NOTES:	CUSTOMER SIGNATURE FOR DESIGN APPROVAL
ADDRESS: 1919 E CALUMET ST, APPLETON, WI 54915		DESIGNER: MARINA NIKOLOV		THIS IS AN ORIGINAL DRAWING CREATED BY TIM'S LIGHTING COMPANY, INC. NO PART OF THIS DOCUMENT MAY BE USED OR REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION FROM TIM'S LIGHTING COMPANY, INC. COLORS SHOWN ON ART MAY VARY DUE TO VARYING SURFACE MATERIALS AND PAINT.			
DATE: 1.2.18		SCALE: 1:32					
FILE NAME: 18-0580B.CDR		REV. DATE:					

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:

Reel Shot/Ye Old Goad is owned by Brian and Meghan Keller. Two businesses side by side in the same building.

Both businesses in this C2 district are under the maximum allowed 35% of wall space and have sufficient room to add signage on the store front. The building is set back approximately 220' from the street and the entire building with three tenants has a total street frontage of approximately 550'.

The current ordinance states in section 23-253 (d) *Changeable copy signs*. The maximum area of changeable copy cannot exceed forty-eight (48) square feet.

They would like to install 54 sq. ft. Electronic Message Center on the front of their building to be used for both businesses, overall size is 6' 5" x 9' 3" with a 6' x 9' viewing area. Reference our attached rendering simulating the install. 18-0580B.pdf Since the sign they want to install is over the size allowed in the ordinance we are requesting a variance to allow the increased size of a changeable copy sign.

Property owner has signed the variance application request indicating they do not have any issue with the tenant installed the requested changeable copy sign.

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

We don't believe this will have any negative effects on the area. There are other LED message center units along Calumet in the C2 district as well, and

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other than the square footage it complies with the rest of the regulations. It is a very minimal amount of additional signage.

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

The building being set back further than the surrounding buildings is a special condition compared to the surrounding businesses. As well as one sign being used for the benefit of multiple businesses in the multi-tenant property. The size allows for somewhat larger text and graphics to increase content readability and effectiveness of the sign from the street.

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

Denial of the variance is a financial hardship because they already own the 6' x 9' unit which used to be installed at their Mall Dr. location in Grand Chute, which is now closed. Under the current code it is our understanding they would each be allowed to install a 48 sq. ft. unit totaling 96 sq. ft. of EMC. They prefer and feel it would also benefit the city as well, to install the one 54 sq. ft. unit instead of one unit each totaling 96 sq. ft.

Denial may also be a hardship to the Reel Shot as they are expanding into new areas of sporting goods. If they are denied this variance and required to purchase a new 4 x 8 unit that adds to their overhead and which is detrimental to the overall cost of running a business. Same scenario for Ye Old Goad.

EMC's are very effective method of communication to the client that is already right there. Using more channel letters or box signs on the store front to market/advertise who they and what they have for service is not as effective or as good as ROI (return on investment). As the City itself know the benefit of this type of signage since they have several of their own at Parks, Children's Museum etc.

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City of Appleton Application for Variance

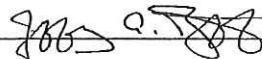
Application Deadline 02/26/2018 Meeting Date 03/19/2018

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Property Information	
Address of Property (Variance Requested) 3132 N. Doris Lane	Parcel Number 311498000
Zoning District P-1	Use of Property Church and School <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial

Applicant Information	
Owner Name Mt. Olive Ev. Lutheran Church & School	Owner Address 930 E. Florida Avenue Appleton WI 54911
Owner Phone Number 920-739-9194	Owner E Mail address (optional) retz@new.rr.com
Agent Name Jeff Retzlaff-Bldg. Comm. Chair	Agent Address same as owner
Agent Phone Number same as owner	Agent E Mail address (optional) same as owner

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-43(f)(2)(e), accessory buildings are not allowed in the front yard. Section 23-172(g)-Table 2 standards for parking lot landscape buffer.
Brief Description of Proposed Project See attached.

Owner's Signature (Required):  Date: 2/26/18

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:

See attached.

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

See attached.

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

See attached.

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

See attached.



February 28, 2018

Mt. Olive Evangelical Lutheran Church and School, Appleton WI

The project site is located at 930 E. Florida Avenue in the City of Appleton. The 6.11 acre site is currently zoned PI (Public Institution) and is currently used as a place of worship and a school.

The existing building is located centrally on the site with parking along the west and north faces of the building. Three (3) single family homes also exist on the property; one of the homes will be removed to accommodate the proposed development. A playground and large open grass soccer field are also located north of the existing church/school building. The site is bounded by roadways around almost the entire parcel; a portion of the eastern property line abuts single family residential.

The proposed development will include a building addition off of the eastern face of the existing building, a new playground area, a parking lot expansion north of the building addition, and construction of a new 26 foot by 36 foot maintenance shed at the northeast corner of the school playground/church and school parking lot; the proposed shed will replace an existing shed that is currently located at the south end of the existing parking lot and will be similar in appearance to a typical residential garage. The new shed location is required as the current shed location will become playground area for the younger students.

Although the proposed maintenance shed will be located behind the church and school building, it will be in a location on the property that has frontage on Racine Street and Park Ridge Avenue. According to Section 23-22 of the City of Appleton Code, any side of a lot or parcel that fronts on a street is considered a front yard. Section 23-43(f)(2)(e) of the City of Appleton Code does not allow accessory buildings in the front yard.

The location of the proposed maintenance shed will not adversely affect the surrounding properties because it will be screened from view of the adjacent properties to the east by a landscaped buffer area as shown on the attached landscape plan (Plan Sheet C1.5).

The Mt. Olive property is special or unique when compared to surrounding lots because it is bounded by public streets on three (3) sides (Florida Avenue to the south, Doris Lane to the west, and Park Ridge Avenue to the north). In addition, almost half of the east side of the property is bounded by Racine Street. As a result, all of the street frontages are considered "front" yard and there is no practical alternative for placement of the shed elsewhere on the property in close proximity to the grass athletic fields.

The hardship relates directly to the fact that a majority of the property has frontage on streets and is therefore considered front yard. In order to maintain the church and school campus, lawn mowers, snow blowers and other miscellaneous equipment is required. As such, this equipment must be stored indoors to protect it from the elements and theft or vandalism. The proposed location of the maintenance building is ideal as it keeps the mowing equipment in close proximity to the athletic field. As mentioned earlier, the parking lot also doubles as a playground; this location on the outer edge of the parking lot/playground provides ease of access via the Racine Street driveway when the equipment needs to be picked up for service or delivered after being serviced thereby reducing greatly any potential conflict/safety hazard between children using the playground, parking lot patrons, and those responsible for use and maintenance of the equipment that will be stored in the maintenance building.

This application also requests a variance to Section 23-172(g)-Table 2 of the City of Appleton Code which requires parking lot screening contained within a minimum perimeter landscape buffer of eight (8) feet in width whenever a property in the Public-Institutional (P-I) District is across the street from an R1-A Single-family District as follows: *"One (1) deciduous shade tree or ornamental tree shall be planted for every forty (40) feet on center the property abuts a dedicated public street plus a two (2) to three (3) feet high staggered row of evergreens and/or deciduous shrubs at the time of planting shall be provided across 80% of the frontage of the parking lot excluding driveways to provide an opaque screen."*

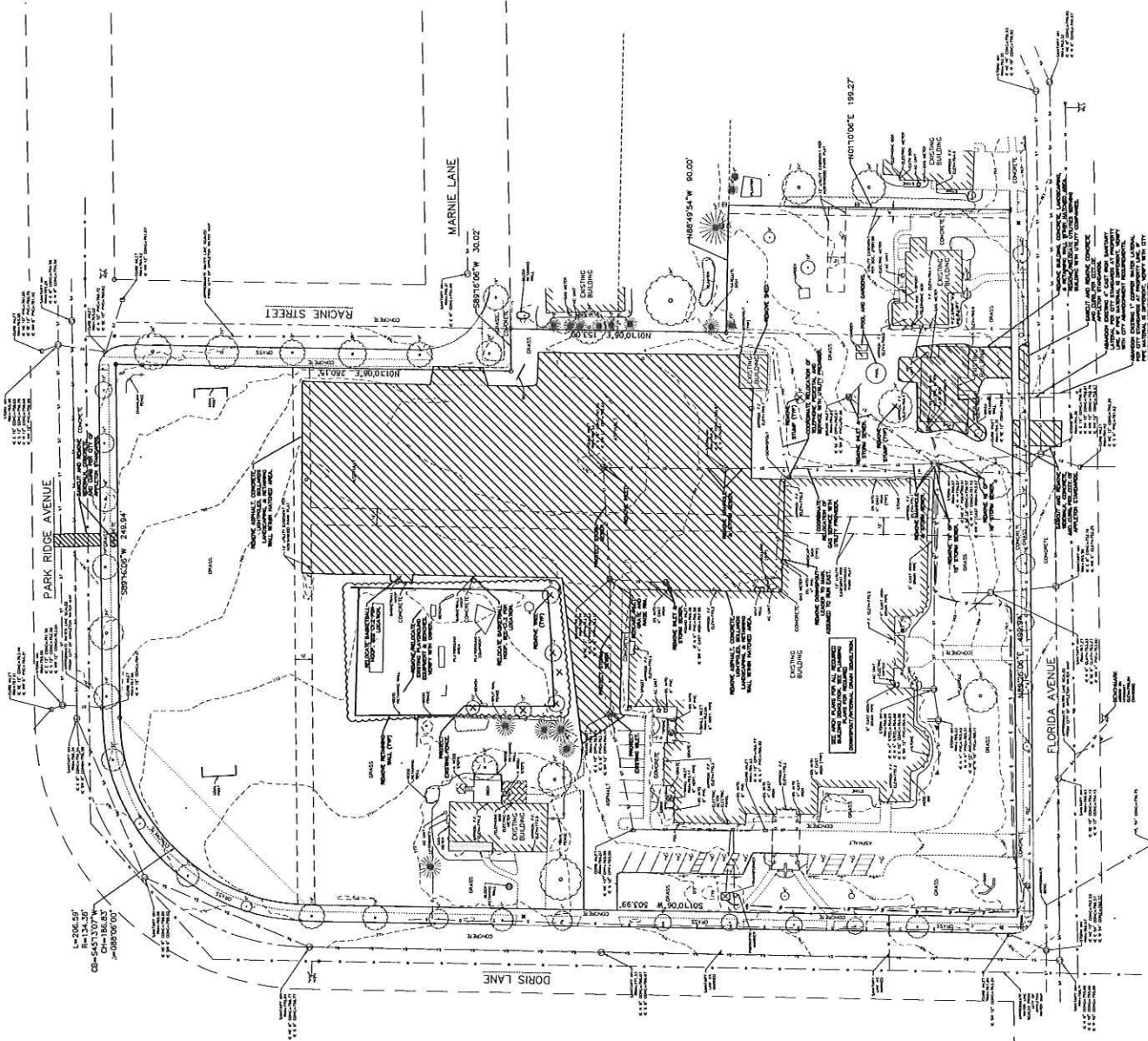
The proposed parking lot will be resurfaced and expanded to the west to compensate for the existing parking area that will be lost as a result of the school expansion and playground for the younger children. As proposed, the parking lot will not adversely affect the surrounding properties because it will not encroach any further east or north than the current parking lot; green space in excess of 100 feet in width and existing street trees buffer the parking lot from the adjacent properties fronting on Doris Lane and Park Ridge Avenue (see Plan Sheet C1.2).

The Mt. Olive property is special or unique when compared to surrounding lots because it is a large, non-residential land use and zoning district completely surrounded by small residential properties containing residential land uses.

The school and church are permitted uses in the Public-Institutional Zoning District; the playground areas (both the asphalt area and the turf athletic field) are reasonable accessory uses to the school use. The placement of the required landscape buffer along the perimeter of the parking lot creates a hardship for the following reasons:

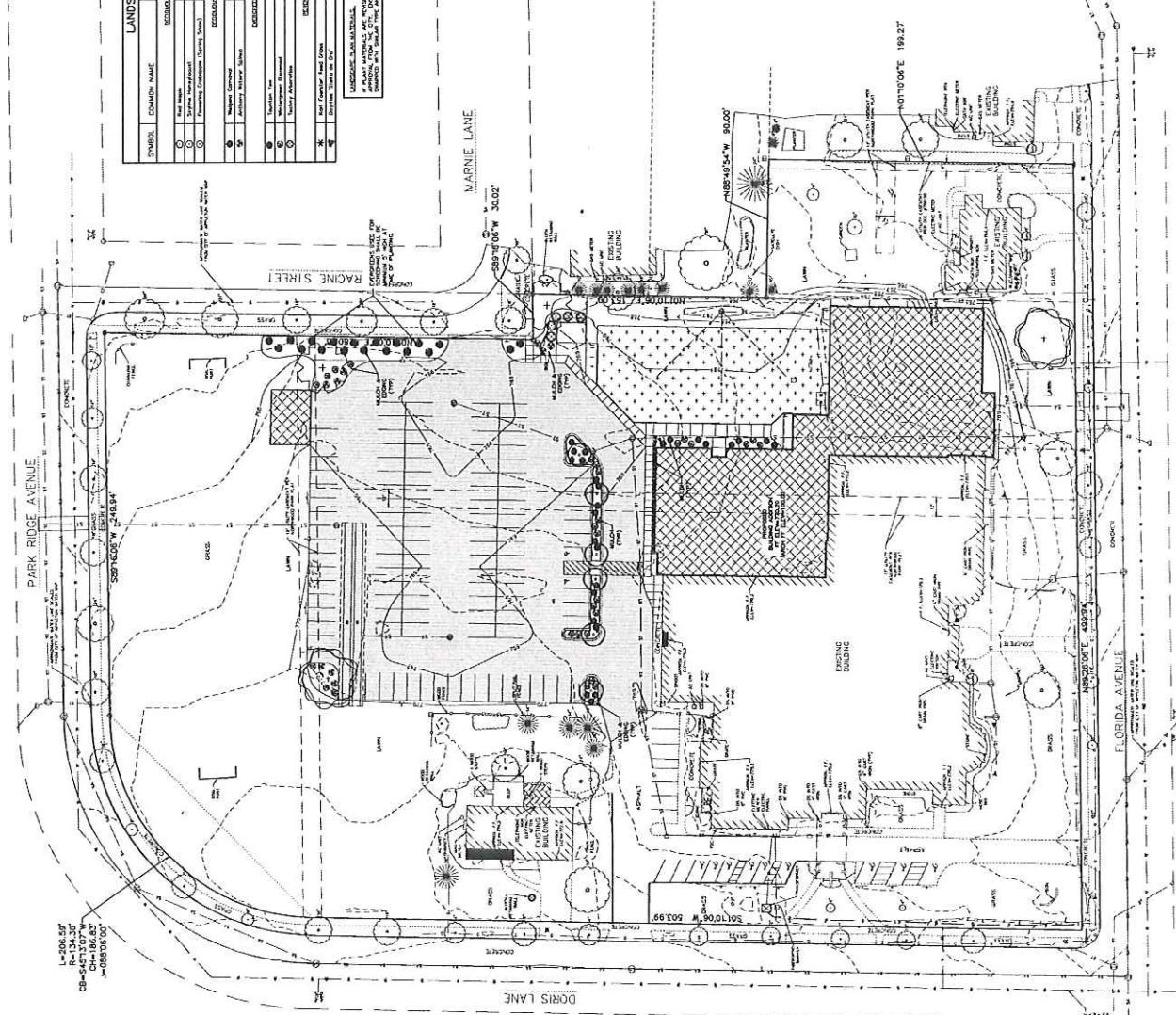
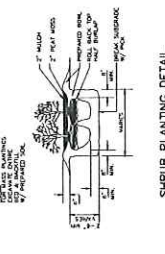
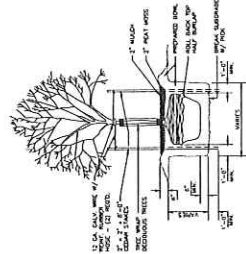
- A buffer along the northern end of the parking lot/playground will obstruct the playground supervisors' view of the children playing on the athletic field during recess; thus creating a potential safety hazard.
- Placement of the dense landscape buffer along the interior of the public sidewalk bordering Doris Lane and Park Ridge Avenue poses a threat to the safety of children using the athletic fields in that it obscures the vision of passing motorists who might not see children darting out into the street to retrieve an errant ball.
- The dense landscape buffer also provides an attractive hiding place for misbehaving children.
- Given the state of our society, the dense landscape buffer also could provide a hiding place for people with criminal intent that might use the dense buffer to hide in for the purpose of preying on unsuspecting children or engaging in violent activities.

NOTES:
1. THE EXISTING BUILDING IS A 1920'S BRICK CHURCH WITH A STEEP GABLE ROOF. THE PROPOSED ADDITION IS A 20' X 40' BRICK BUILDING WITH A FLAT ROOF. THE PROPOSED ADDITION IS TO BE ADDED TO THE WEST SIDE OF THE EXISTING BUILDING.
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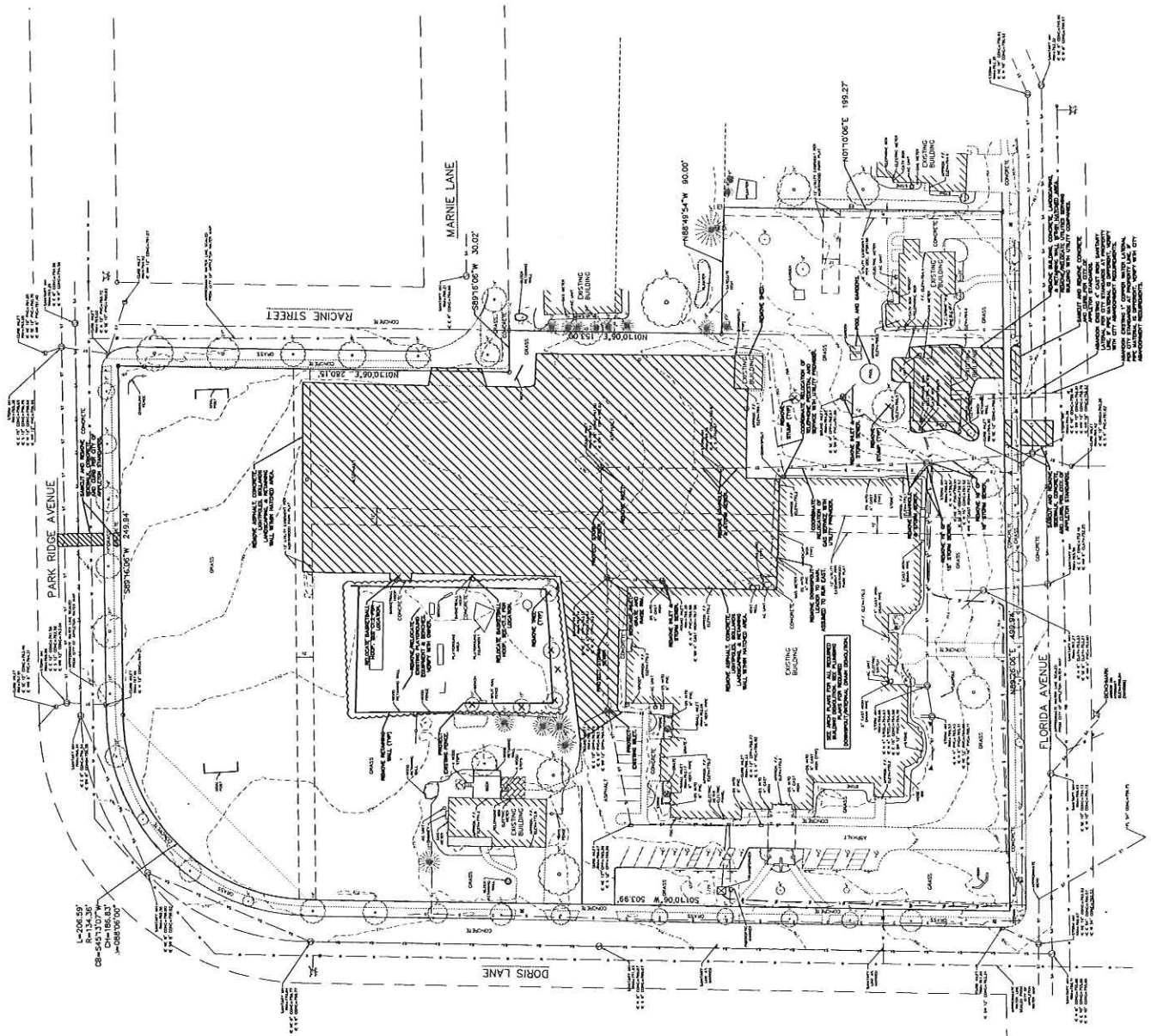
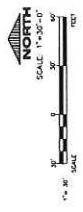


SYMBOL	COMMON NAME	BOTANICAL NAME	PLANTED	MAINTENANCE	QUANTITY
1	Small Tree	Small Tree	2"	10"	2
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4	Small Tree	Small Tree	2"	10"	2
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REVISIONS:
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NOTES:
1. EXISTING BUILDING AND LANDSCAPE TO REMAIN.
2. EXISTING BUILDING TO BE DEMOLISHED AND REPLACED BY NEW BUILDING.
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10. EXISTING BUILDING TO BE DEMOLISHED AND REPLACED BY NEW BUILDING.



#4776831

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 December 26, 2017 Meeting Date January 15, 2018 at 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 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) 4647 – 4817 CHERRYVALE AVE.	Parcel Number 31- 1-7509-3
Zoning District RIA	Use of Property Residential
Applicant Information	
Owner Name EMERALD VALLEY ESTATES LLC	Owner Address 1718 VANZEELAND CT LITTLE CHUTE WI 54140
Owner Phone Number	Owner E Mail address (optional)
Agent Name Jason Mroz	Agent Address 3410 Indigo Bluff Drive GREEN BAY, WI 54311
Agent Phone Number (920) 858-3029	Agent E Mail address (optional) jason@appletree-homes.com
Variance Information	
Municipal Code Section(s) Project Does not Comply Section 23-50(b)(5) – Height of berm cannot exceed three (3) feet.	
Brief Description of Proposed Project The proposal is to construct up to a six (6) foot high berm in the rear yard along the trail and creek.	

Owner's Signature (Required): Robert G. Breen Date: 12/13/17

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:

Apple Tree is proposing to build 13 single family homes along Cherryvale Avenue with a Home Owner's Association to take care of the landscaping, lawns and snow removal. The back of the homes would be facing Appleton's Apple Creek Drainage Corridor and the asphalt paved nature trail. With the trail being immediately adjacent to the west property line of these homes, we would like to construct a continuous earthen berm with physical variations in **height up to 6 feet** above the surrounding elevation. The berm would be constructed to have alignment throughout the entire length of 12 of the lots and have the required side slope of 3 horizontal to 1 vertical. We intend to landscape the berm with wildflowers, shrubs and trees by utilizing the berm as a natural buffer and reducing the direct visibility to the back patios and the large windows in the back of the homes. The Home Owner's Association will maintain the natural landscape area on the berm once a year for nuisance and noxious weeds and fire prevention.

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

Only portions of the proposed berm are 4' or 5' high (shaded green and blue on the attached Proposed Final Drainage Plan), with only a small portion behind Lot 3 that would be 6' high (shaded orange on the attached Proposed Final Drainage Plan). This varied height would not have an adverse effect on the adjacent nature trail, the homes on the other side of the drainage corridor, or any future neighboring homes because the berm would not be excessively high or steeply sloped. The topography on the 13 lots is relatively flat and the proposed berm would blend well with the other side of the nature trail where it slopes down to Apple Creek. The natural colorful vegetation and the trees that we plan to plant on the proposed berm will blend very well with the vegetation between the asphalt nature trail and the drainage corridor.

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

These 13 homes have the asphalt nature trail about 10 feet off their back property line, on our side of Apple Creek, which puts walkers and bikers much closer to our homes than others. According to Appleton's GIS mapping system, a majority of the other properties that are immediately adjacent to this trail are either undeveloped lands or multi-family developments. We would like an exception to the maximum 3' high berm requirement in Sec. 23-50 (b) (5) as follows:

- **For single-family residential lots with a nature trail immediately adjacent to the property line, the berm may be up to 6' high to allow for additional buffering or topographical character.**

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

The unique topographical and dimensional limitations of the lots make a substantial burden on the home owners because they cannot be adequately buffered from Appleton's nature trail, especially when the leaves and tall grasses have fallen in late fall, winter and early spring. We have proposed these homes be placed all the way to the east building setback line to maximize the back yards. Even though we intend to utilize deciduous and evergreen trees to screen portions of the trail, our experience has shown that a majority of home owners insist on having additional buffers to the trail when it is not summer. We are requesting an "area" variance to relax a dimensional standard in the zoning ordinance because these lots are not excessively deep and poses a real hardship to these home owners that are close to Appleton's nature trail.

Creekside Estates

By Apple Tree

Addresses 4647 – 4817 Cherryvale Ave

Contribution to Apple Creek
Zoning: R1A

Apple Creek Drainage Corridor
Unplatted Lands

60' Roadway Reservation



PROPOSED FINAL DRAINAGE PLAN

Scale 1" : 60'-0"

Lot 274
First Addition to Apple Creek
Zoning: R2

S00°29'14"E 2626.49'