



# City of Appleton

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

## Meeting Agenda - Final-revised Board of Zoning Appeals

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Monday, May 20, 2019

7:00 PM

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1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting  
[19-0506](#) Minutes from February 18, 2019

Attachments: [Minutes 02-8-19.pdf](#)

### 4. Public Hearings/Apearances

### 5. Action Items

- [19-0504](#) **318 E. Brewster St. (31-6-0545-00)** The applicant is proposing to locate refuse containers on the west side of building along Durkee St. This location would be in the front yard. Section 23-47(b) of the Zoning Ordinance requires refuse containers to be located in the side or rear yards only.

Attachments: [318 E. Brewster St.pdf](#)

- [19-0671](#) **2400 W. College Ave. (31-7-0026-00)** The applicant is proposing to develop the site with 87.7% lot coverage. Section 23-113(h)(2) of the Zoning Ordinance requires a maximum lot coverage of 75%.

Attachments: [Amended 2400 W College Ave.pdf](#)  
[2400 w. college ave\(map\).pdf](#)

[19-0672](#)

**2911 N. Drew St. (31-6-3216-00)** The applicant is proposing to build a deck that is 26' 8" from the rear property line. Section 23-96(g)(5) of the Zoning Ordinance requires a minimum rear yard setback of 35 feet.

**Attachments:** [2911 N. Drew 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.*



# 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

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Monday, February 18, 2019

7:00 PM

6th Floor Council Chambers

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1. Call meeting to order

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

2. Roll call of membership

**Present:** 4 - McCann, Smith, Engstrom and Sperl

3. Approval of minutes from previous meeting

[19-0139](#)

Minutes from November 19, 2018

**Attachments:** [Minutes 11-19-18.pdf](#)

**Sperl moved, seconded by Engstrom. That the minutes be approved**

**Aye:** 4 - McCann, Smith, Engstrom and Sperl

4. Public Hearings/Appearances

*Don Stevens, 415 Gardeners Row*

5. Action Items

[19-0127](#)

2320 S. Memorial Dr. (31-8-2300-00) The applicant is proposing to erect a chain link fence that is six (6) feet high in the front yard setback, various distances from the property line. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to three (3) feet in the required front yard. Section 23-44(a)(2)(c) of the Zoning Ordinance limits the material of fences in the front yard to wood, brick, vinyl or stone.

**Attachments:** [2320 S. Memorial Dr.pdf](#)

*2320 S. Memorial Dr. - 23-44(a)(1)(a)- Motion to approve variance to allow a 6 foot fence on the East and West side of property up to the lot line. On the North side of property fence may be 6 feet high measured from grade at actual location of the fence, not street grade. Fence is subject to all vision corner requirements. Moved by Engstrom, seconded by Smith (4-0).*

Smith moved, seconded by Sperl, that the report action item of allowing chain link fence in the front yard be approved. Roll call. Motion carried by the following vote:

**Aye:** 4 - McCann, Smith, Engstrom and Sperl

**6. Information Items**

**7. Adjournment**

A motion was made by Sperl, seconded by Engstrom, that this meeting was adjourned at 7:40 pm. the motion carried by the following vote:

**Aye:** 4 - McCann, Smith, Engstrom and Sperl

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 25, 2019** Meeting Date: **April 15, 2019 at 7:00 pm**

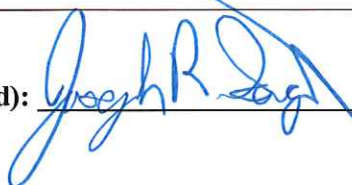
Please write legibly and also submit a complete reproducible site plan (maximum size 11" x 17"). A complete site plan includes, but is not limited to, all structures, lot lines and streets with distances to each. There is a non-refundable \$125.00 fee for each variance application. The non-refundable fee is payable to the City of Appleton and due at the time the application is submitted.

Property Information	
Address of Property (Variance Requested) <b>318 E. Brewster St</b>	Parcel Number <b>31-6-0545-00</b>
Zoning District <b>PI</b>	Use of Property <b>Education</b>

Applicant Information	
Owner Name <b>Appleton Area School District</b>	Owner Address <b>PO Box 2019 Appleton, WI 54912</b>
Owner Phone Number <b>(920) 832-6151</b>	Owner E Mail address (optional)
Agent Name <b>Joseph R. Sargent</b>	Agent Address <b>531 N. Morrison Street Appleton, WI 54911</b>
Agent Phone Number <b>(920) 832-6151</b>	Agent E Mail address (optional) <a href="mailto:SARGENTJOSEPH@asds.k12.wi.us">SARGENTJOSEPH@asds.k12.wi.us</a>

Variance Information
<b>Municipal Code Section(s) Project Does not Comply</b>
Section 23-47(b)- Refuse containers shall be located in the side or rear yard, screened from public view.
<b>Brief Description of Proposed Project</b>
The proposed plan is to locate refuse containers on the west side of building along Durkee St. This location would be in the front yard. Section 23-47(b) of the Zoning Ordinance requires refuse containers to be located in the side or rear yards only.

Owner's Signature (Required):



Date:

3/20/19

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:

AASD was told that the current location of the dumpsters at 318 W. Brewster St. were in violation of the City Ordinance. After researching the history of these dumpsters, it was discovered that they were relocated to their current location sometime between the lunch room addition in 2005/2006 and when the parking lot was reconstructed. The location prior to this was to the north near where the current parking lot entrance is located. As for the current location, I am unaware of how it was selected or what approval process the District went through.

I am requesting a variance to have the current dumpster location officially documented and approved. AASD is always willing to work with the surrounding community and is proposing to add a 7' high fence with privacy slats that would hide the dumpster from the north and west. See the attached picture for a sketch of the area. The fencing would be 16' on the north and west edges. The picture shows the fence right off the back of the side walk, but in reality the plan is to place it parallel to the coal bin which is the low roof to the left of the picture. The dumpsters then would slide back closer to the building, but still leave 6' off of the building open for egress off those roofs (exterior stairs that can be seen).

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

The variance with the privacy fence would be an improvement from the current set up. The dumpsters would be hidden behind a fence from the north and west.

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

The school building takes up an entire city block and includes essentially three "front" yards. The area behind the building is basically tight to a playing field with only a 10' fire lane separating them.



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

There are currently no other options available to relocate the dumpsters that would not require a variance, or without completely reconstructing the back side of the school. In order for a garbage truck to access the dumpsters in the back, a drive lane and turnaround area would have to be constructed along with having to relocate a softball/baseball field and the exterior basketball courts. A new drive apron off of Drew St would also have to be cut in.

The existing location also makes the most sense operationally for AASD. The majority of the trash comes from the lunch room which is right inside the building.







CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: April 10, 2019

RE: Variance Application for 318 E. Brewster St. (31-6-0545-00)

**Description of Proposal**

The applicant is proposing to locate refuse containers on the west side of building along Durkee St. This location would be in the front yard. Section 23-47(b) of the Zoning Ordinance requires refuse containers to be located on the side or rear yards only.

**Impact on the Neighborhood**

In the application, the applicant states that a privacy fence would improve the current set up. The dumpsters would be hidden from view by the fence.

**Unique Condition**

In the application, the applicant states that the school building takes up the entire City block and includes essentially three "front" yards. In addition, the area behind the building is basically tight to a playing field and only a 10' fire lane separates them.

**Hardship**

In the application, the applicant states that there are currently no other options available to relocate the dumpsters without a variance or completely restructuring the backside of the school.

The applicant also states that the existing location makes the most sense operationally for the AASD because the majority of the trash comes from the lunchroom, which is right inside the building.

**Staff Analysis**

This parcel is 2.9 acres. There is no minimum lot size in the PI zoning district.

The proposed plan shows a fence around the dumpsters. Section 23-44(a)(3) of the Zoning Ordinance exempts educational institutions from fence height restrictions in the front yard.

This lot has front yards on all three sides.

There are alternative locations on the property, but these locations are limited to the rear of the property, which makes access difficult.

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Inspection Division  
100 North Appleton Street  
Appleton, Wisconsin 54911  
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## City of Appleton Application for Variance

Application Deadline April 29, 2019

Meeting Date May 20, 2019

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) 2400 West College Avenue	Parcel Number #31-7-0026-00
Zoning District C-2 General Commercial District	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>

Applicant Information	
Owner Name Value Mortgage Investors, Inc.	Owner Address Attn: Bob Moser 85 Railroad Place Saratoga Springs, NY 12866
Owner Phone Number 518-824-2734	Owner E Mail address (optional) Bob Moser <bob.moser@goprimegroup.com>
Agent Name Sig Strautmanis	Agent Address General Capital Group 6938 N. Santa Monica Blvd Fox Point, WI 53217
Agent Phone Number 414-228-3502	Agent E Mail address (optional) sig@generalcapitalgroup.com

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-113(h)(2) Proposed lot coverage exceeds maximum 75%
Brief Description of Proposed Project A personal storage facility and associated offices totaling 194,841 SF in 12 buildings. The development includes both "climate controlled" buildings and non-climate controlled buildings on a site consisting of 12.09 acres (526,504 SF) in the City of Appleton and 6.76 acres (294,643 SF) in the Town of Grand Chute, for a total development parcel of 18.85 acres (821,147 SF). A 3.735 acre commercial development is carved out of the front of the development facing College Avenue, as shown on the proposed CSM.

Owner's Signature (Required):



Date:

4/22/19

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

## VARIANCE #1: Lot Coverage 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 proposed development is in a very unique location surrounded by the Town of Grand Chute on two sides. The property is the site of a former K-mart store that had an impervious footprint covering approximately 95% of the parcel located in the City of Appleton (see attached aerial photo). The current owner of the property (and applicant) also owns the "residual" property surrounding the original K-mart site that is located in the Town of Grand Chute. In addition, to increase the development potential of the City parcel, the applicant recently purchased the neighboring parcel to the west in the Town of Grand Chute. This additional parcel contains the storm water management pond for the combined development. In total, the combined contiguous development parcel contains 18.85 acres.*

*The issue, and the reason for the variance request, is that the Town of Grand Chute has objected to the annexation of the Town's lands into the City of Appleton to make this property one contiguous parcel within the City limits. In other words, the development parcel will continue to be in two municipalities for the foreseeable future. While this is not an issue from an ownership perspective, it presents an issue for the strict interpretation of zoning requirements as they relate to lot coverage. The development clearly includes (and relies on) the storm water pond and green space of the Township property, however, the applicant cannot count that green space toward satisfying the zoning requirements of the City of Appleton without a variance.*

*The proposed development contains 442,385 SF of impervious area (buildings, streets, parking, etc). Using the City parcel alone, the development contains 84% lot coverage (75% is the maximum allowed). When including the entire property owned by the applicant used for this project, the development contains 54% lot coverage. Thus, while requesting a variance from the maximum lot coverage requirement on the City parcel alone, the overall development is well below the maximum lot coverage permitted.*

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

*The surrounding properties are not negatively impacted because the overall development is well under maximum lot coverage requirements.*



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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:

*The property owned by the applicant is in two municipalities, creating a unique circumstance for development purposes. Most properties are entirely in one municipality and would only need to meet the requirements of the City or the Town. In this case, the property can't be combined into one contiguous parcel in the City and applying the zoning code on the property in the City alone is not accurate. This situation is rare and does not apply to surrounding lots.*

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

The hardship is clearly due to unique property limitations that do not exist on other parcels. If the variance is not granted, the property cannot be developed as a coordinated development taking into consideration the contiguous property owned by the applicant. The personal storage facility was approved as a Special Use, with exhibits showing the entire property as a coordinated, contiguous development. In other words, the City and all parties involved always viewed this property as one contiguous development (and appropriately so). The municipal boundary is an arbitrary line, but presents a tremendous hardship on how the property can be developed. The variance essentially allows the City to take into consideration all the property included in the entire 18.85 acres owned by the applicant.

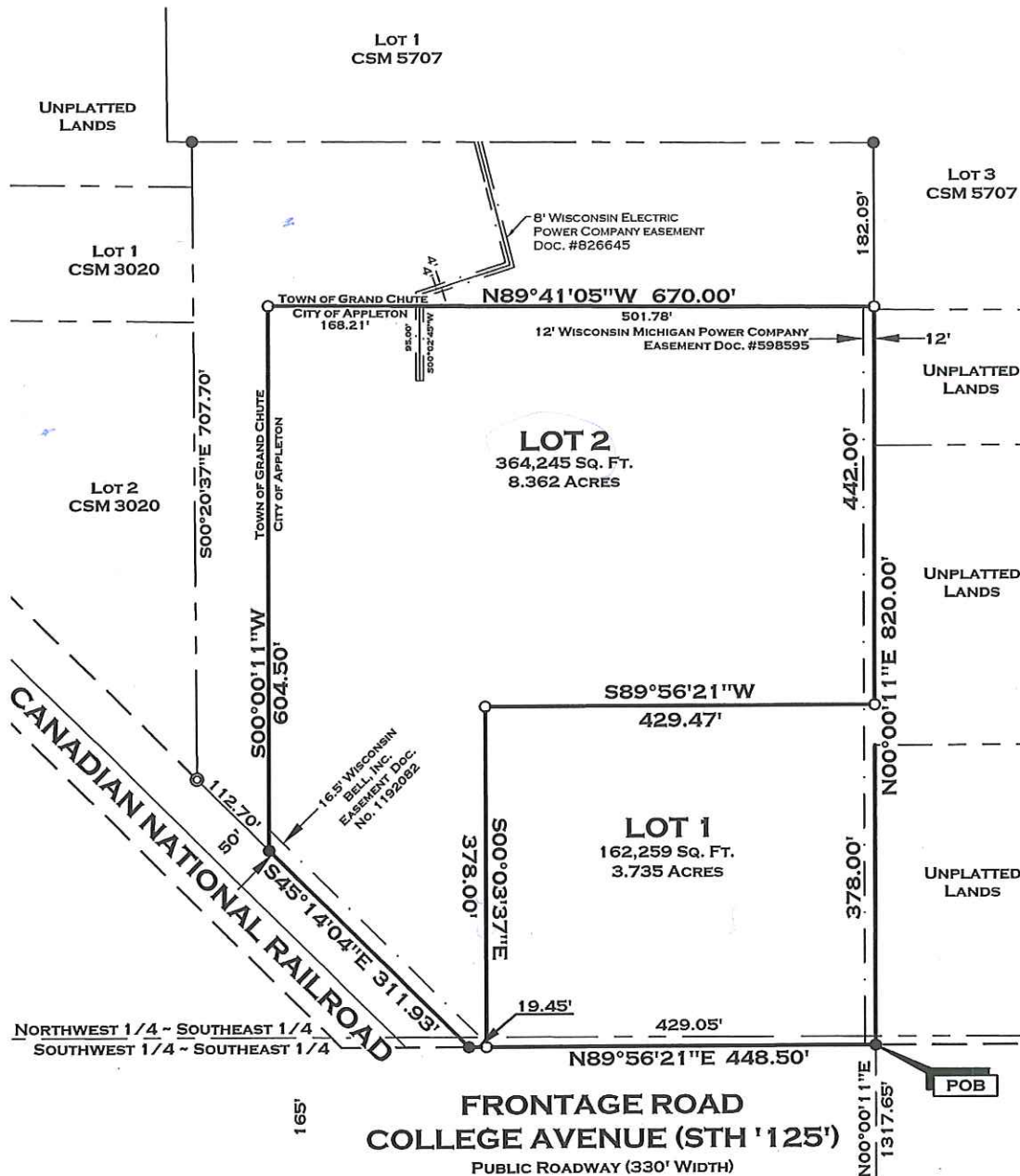
# CERTIFIED SURVEY MAP

RECEIVED

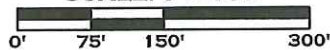
PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

MAR 27 2018

CITY OF APPLETON  
COMMUNITY/ECON DEVELOPMENT



SCALE: 1" = 150'



BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 28 WHICH BEARS N89°57'29"E.

## LEGEND

- ✕ EXISTING 5/8" IRON ROD
- EXISTING 1" IRON PIPE
- SET 1" x 18" IRON PIPE WITH CAP WEIGHING 1.38 LBS./LIN. FT.
- ⊕ RECORDED COUNTY MONUMENT



SOUTH 1/4 CORNER  
SECTION 28  
SURVEY MARKER NAIL

SOUTHWEST CORNER  
SECTION 28  
MAG NAIL



**ROBERT E. LEE & ASSOCIATES, INC.**  
ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES  
1250 CENTENNIAL CENTRE BOULEVARD  
HOBART, WI 54155  
PHONE: (920) 662-9641  
FAX: (920) 662-9141  
INTERNET: WWW.RELEEINC.COM

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: May 16, 2019

RE: Variance Application for 2400 W. College Ave. (31-7-0026-00)

**Description of Proposal**

The applicant is proposing to develop the site with 87.7% lot coverage. Section 23-113(h)(2) of the Zoning Ordinance requires a maximum lot coverage of 75%.

**Impact on the Neighborhood**

In the application, the applicant states that the surrounding properties are not negatively impacted because the overall development is well under maximum lot coverage requirements.

**Unique Condition**

In the application, the applicant states that the development site is in two municipalities (Town of Grand Chute and City of Appleton). Most developments are not split between two jurisdictions. In this case, the properties cannot be combined into one continuous parcel.

**Hardship**

In the application, the applicant states that the hardship is clearly due to unique property limitations that do not exist on other parcels. Further, if the variance is not granted, the property cannot be developed.

**Staff Analysis**

This parcel is 526,540 sq. ft. The minimum size parcel allowed in the C2 zoning district is 14,000 sq. ft.

The applicant is developing a site that is in the City of Appleton and the Town of Grand Chute. The properties cannot be combined due to border agreements. If combined, the variance for lot coverage would not be needed.

Due to factors outside the control of the applicant, the review criteria for a variance has been met.



PARCEL NO.  
7-0026, 1159-1, 1161

LEGAL DESCRIPTIONS

LOT TWO (2), OF CERTIFIED SURVEY MAP NO. 3020, FILED IN THE OFFICE OF THE REGISTER OF DEEDS FOR OUTAGAMIE COUNTY, WISCONSIN IN MAP NO. 16 OF CERTIFIED SURVEY MAPS ON PAGE 3020, AS DOCUMENT NO. 1248177, BEING A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION TWENTY-EIGHT (28), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE SEVENTEEN (17) EAST, TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN.

APN: 101115901  
ADDRESS: NORTH LYNNDALE DRIVE  
APPLETON, WI 54914

PARCEL A:  
A PARCEL OF LAND BEING PART OF THE EAST 40 ACRES OF THE WEST 60 ACRES OF THE SOUTH 140 ACRES OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 21 NORTH, RANGE 17 EAST, TOWN OF GRAND CHUTE NOW IN THE CITY OF APPLETON, COUNTY OF OUTAGAMIE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE WEST 60 ACRES OF THE SOUTH 140 ACRES OF THE SOUTHEAST 1/4 OF SAID SECTION 28 WITH THE NORTHERLY RIGHT-OF-WAY LINE OF COLLEGE AVENUE AS THE POINT OF BEGINNING; THENCE NORTHERLY ALONG THE EAST LINE OF SAID WEST 60 ACRES, 820.0 FEET; THENCE WESTERLY PARALLEL WITH THE NORTH LINE OF THE SOUTH 140 ACRES OF THE SOUTHEAST 1/4 OF SECTION 28, 670.0 FEET; THENCE SOUTHERLY, PARALLEL WITH THE EAST LINE OF THE WEST 60 ACRES OF THE SOUTH 140 ACRES OF THE SOUTHEAST 1/4 OF SECTION 28, 604.59 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY OF THE CHICAGO AND NORTH WESTERN RAILROAD; THENCE SOUTHEASTERLY, ALONG SAID RIGHT-OF-WAY LINE, 312.72 FEET TO THE NORTH LINE OF WEST COLLEGE AVENUE, 448.5 FEET TO THE POINT OF BEGINNING.

TAX KEY NO: 317002600  
ADDRESS: 2400 W. COLLEGE AVENUE

PARCEL B:  
A PARCEL OF LAND BEING PART OF THE EAST 40 ACRES OF THE WEST 60 ACRES OF THE SOUTH 140 ACRES OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 21 NORTH, RANGE 17 EAST, TOWN OF GRAND CHUTE, COUNTY OF OUTAGAMIE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE WEST 60 ACRES OF THE SOUTH 140 ACRES OF THE SOUTHEAST 1/4 OF SAID SECTION 28 WITH THE NORTH LINE OF WEST COLLEGE AVENUE AS POINT OF BEGINNING; THENCE NORTHERLY ALONG THE EAST LINE OF SAID WEST 60 ACRES, 1002.0 FEET TO THE NORTH LINE OF THE SOUTH 140 ACRES OF THE SOUTHEAST 1/4 OF SECTION 28; THENCE WESTERLY, ALONG THE NORTH LINE 755.03 FEET TO THE WEST LINE OF THE EAST 40 ACRES OF THE WEST 60 ACRES OF THE SOUTH 140 ACRES OF THE SOUTHEAST 1/4 OF SECTION 28; THENCE SOUTHERLY ALONG SAID WEST LINE, 707.49 FEET TO EH NORTHEASTERLY RIGHT-OF-WAY OF THE CHICAGO AND NORTH WESTERN RAILROAD; THENCE SOUTHEASTERLY, ALONG THE SAID RIGHT-OF-WAY LINE, 424.87 FEET TO THE NORTH LINE OF WEST COLLEGE AVENUE, THENCE EASTERLY ALONG THE NORTH LINE OF WEST COLLEGE AVENUE, 448.5 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE WEST 60 ACRES OF THE SOUTH 140 ACRES OF THE SOUTHEAST 1/4 OF SAID SECTION 28 WITH THE NORTHERLY RIGHT-OF-WAY LINE OF COLLEGE AVENUE AS THE POINT OF BEGINNING; THENCE NORTHERLY ALONG THE EAST LINE OF SAID WEST 60 ACRES, 820.0 FEET; THENCE WESTERLY PARALLEL WITH THE NORTH LINE OF THE SOUTH 140 ACRES OF THE SOUTHEAST 1/4 OF SECTION 28, 670.0 FEET; THENCE SOUTHERLY, PARALLEL WITH THE EAST LINE OF THE WEST 60 ACRES OF THE SOUTH 140 ACRES OF THE SOUTHEAST 1/4 OF SECTION 28, 604.59 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY OF THE CHICAGO AND NORTH WESTERN RAILROAD; THENCE SOUTHEASTERLY, ALONG SAID RIGHT-OF-WAY LINE, 312.72 FEET TO THE NORTH LINE OF WEST COLLEGE AVENUE, 448.5 FEET TO THE POINT OF BEGINNING.

TAX KEY NO: 101116100  
PROPERTY ADDRESS: SITUATED ON N. LYNNDALE DRIVE

SITE ADDRESS

WEST COLLEGE AVENUE SERVICE ROAD

FIRE SAFETY

KNOX BOX TO BE LOCATED ON FRONT ENTRANCE OF BUILDING.

SITE SOILS

SILTY CLAY LOAM- 63%

SILT LOAM- 37.0%

NOTE

ALL DISTURBED AREAS SHALL BE TOPSOILED TO A DEPTH OF 6 INCHES, SEEDED AND MULCHED. AREA TO BE RAKED FREE OF STONES AND CLUMPS.

PARKING DATA (PHASE 1A) FRONT STORAGE

TOTAL PARKING SPACES PROVIDED = 35

HANDICAP ACCESSIBLE PARKING SPACES = 2

PARKING DATA ULTIMATE STORAGE AREA

TOTAL PARKING SPACES PROVIDED = 247

STORAGE LOT SITE DATA

TOTAL AREA = 8.362 ACRES, 364,245 S.F.

BUILDING AREA = 3.683 ACRES, 160,440 S.F. (44.0%)

SIDEWALK/PARKING LOT AREA = 3.651 ACRES, 159,059 S.F. (43.7%)

GREEN SPACE = 1.027 ACRES, 44,746 S.F. (12.3%)

INTERIOR GREEN SPACE - PHASE 1A = 5%

COMMERCIAL LOT SITE DATA

TOTAL AREA = 3.725 ACRES, 162,259 S.F.

BUILDING AREA = 0.793 ACRES, 34,544 S.F. (21.3%)

SIDEWALK/PARKING LOT AREA = 2.001 ACRES, 87,151 S.F. (53.7%)

GREEN SPACE = 0.931 ACRES, 40,564 S.F. (25.0%)

INTERIOR GREEN SPACE = 5% MINIMUM

APPLETON LANDS ONLY

TOTAL AREA = 12.09 ACRES, 526,504 S.F.

BUILDING AREA = 4.48 ACRES, 194,984 S.F. (37.0%)

SIDEWALK/PARKING LOT AREA = 5.65 ACRES, 246,210 S.F. (46.8%)

GREEN SPACE = 1.96 ACRES, 85,310 S.F. (16.2%)

ULTIMATE SITE DATA

TOTAL AREA = 18.85 ACRES, 821,147 S.F.

BUILDING AREA = 4.48 ACRES, 194,984 S.F. (23.7%)

SIDEWALK/PARKING LOT AREA = 5.65 ACRES, 246,210 S.F. (30.0%)

GREEN SPACE = 8.72 ACRES, 379,953 S.F. (46.3%)

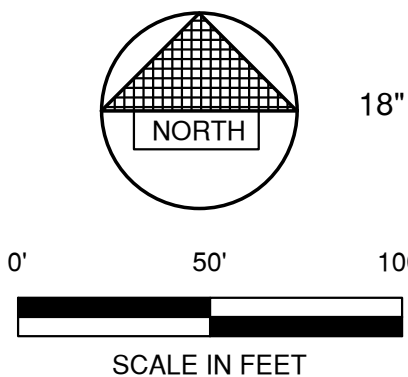
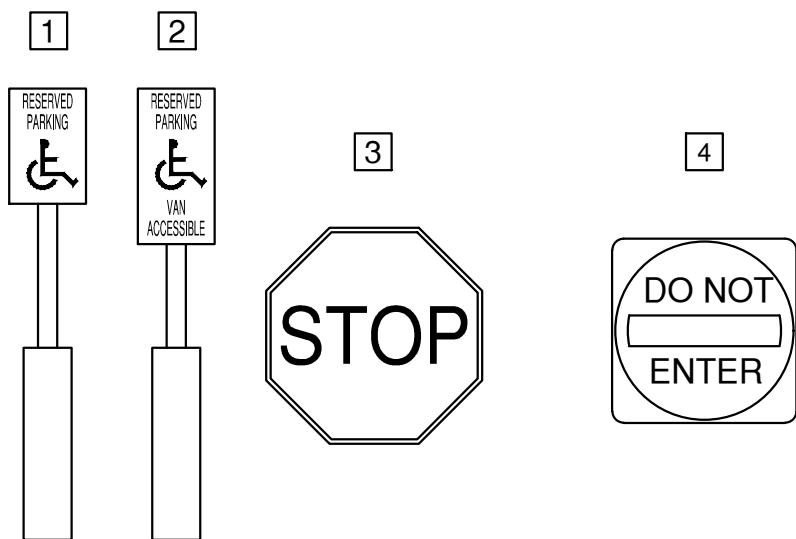
ZONING

C-2

LEGEND

- CONCRETE PAVEMENT
- ASPHALT PAVEMENT (PHASE 1 B AREA)
- ASPHALT PAVEMENT (PHASE 1 A AREA)
- LANDSCAPE AREA
- GREEN SPACE
- PROPOSED 18" STANDARD CURB AND GUTTER (UNLESS OTHERWISE NOTED)
- PROPOSED 18" SHEDDING CURB AND GUTTER
- TRAFFIC FLOW ARROW
- HANDICAPPED PARKING
- INDICATES NUMBER OF PARKING STALLS

\*NOTE: ALL DIMENSIONS ARE TO THE FACE OF CURB, UNLESS NOTED OTHERWISE



NO.	DATE	APPROV.	REVISION	NO.	DATE	APPROV.	REVISION	DRAWN
								BLT
								CHECKED
								BBB
								DESIGNED
								CCC

COLLEGE AVENUE SELF STORAGE  
AND OUTLOT REDEVELOPMENT  
CITY OF APPLETON  
OUTAGAMIE COUNTY, WISCONSIN

SITE PLAN

DATE  
06/2018  
FILE  
5712003D JGS 4 29 19  
JOB NO.  
5712003



Robert E. Lee & Associates, Inc.  
ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES  
1250 CENTENNIAL CENTRE BOULEVARD HOBART, WI 54155  
920-662-9641 www.releinc.com

SHEET NO.  
2



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

5/20/19

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) 2911-13 N. Drew St, Appleton, WI	Parcel Number 201 316321600
Zoning District B3	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>

Applicant Information	
Owner Name Michael F Van Den Eng	Owner Address 2917 N. Drew St, Appleton, WI
Owner Phone Number 920-830-7673	Owner E Mail address (optional) mvandeneng@milwpc.com
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)

Variance Information
Municipal Code Section(s) Project Does not Comply 23-46(9)(5) - 35' rear yard setback.
Brief Description of Proposed Project Construction of a deck spanning 2 townhouse style units, over a planned drainage system. 26'8" from rear lot line.

Owner's Signature (Required):



Date: 4/15/19

## 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 ground level at the rear of the building is 3" above the foundation. The ground level which covers the siding up to 4" was done to get a very small ineffective pitch away from the building. After excavating this ground at the building to inspect the sill and rim board for rot, 35' of sill and rim board had to be replaced. The existing concrete patios that were poured 4" above the bottom of the siding, settled, and now pitched toward the building spilling water on top of the foundations wall rotting the sill. The building foundation is too low in relation to the surrounding landscape. The landscape pitch to the street is 1/8" per foot at best, this results in saturated soggy ground and ponding of water in the rear and side yards resulting in damaging water in the basement. The plan is to capture the water with a ditch, and a back yard drain system to get the water out to the street, and supply added capacity with a dry well. I have very little pitch to work with, 1/8" per foot max. Proper grade level at the building is 6" below the foundation; therefore the drain pipe at the highest location will be lying at the bottom of a proposed ditch covered with gravel. The drain would run parallel with the building pitching 1/8" per foot max., and end up below grade sufficiently, then a paver patio will be constructed over the pipe.

I would like to build a deck approx. 36'-6" x 16'-0" spanning 2911 & 2913 apartment addresses. The proposed deck would then be 26'-8" off the rear lot line. This is being proposed to span over the drainage ditch and drain pipe that will be dug 8' out from the buildings foundation. The pipe elevation at this point is too high for a paver patio installation. The proposed paver patio at unit 2909, will be 1' below existing grade at its lowest point to allow a 1/8" pitch away from the building. A retaining wall will be constructed to around the patio to accommodate this elevation. Two drain pipes will capture the water that ponds in the patio location and have a small pitch to get it out to the street.

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

The building is a three unit 2 story townhouse style structure, which by itself would require a multifamily zoning not a commercial zoning. The size of this building alone would not warrant a 35' rear set back. The reason for the commercial zoning is because of the much larger 3 story building that shares the back lot line. The deck will be constructed of 2 x 6 joists on a foundation just above the ground. This design



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

requires no deck rail, stairs, or support posts, keeping the structures material to a minimum.

The design would benefit the neighbor on First Street because the shedding surface water would be captured and directed to the street before it reaches that property, reducing the risk of basement seepage.

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

The neighbor on First Street I assume is zoned multifamily because that structure, which is larger than mine, is only 17' from his back lot line, which is my side lot line.

The landscape normally would pitch south toward First Street which is the lowest point, but the building on First Street prevents this from happening. Therefore all the water from numerous yards to the north pitch in my direction following the pitch of Drew St. towards First Street. I am also getting run off from the large 3 story building in the rear yard. This water then pools in the backyard causing basement seepage, and personal property damage, resulting in unhappy tenants.

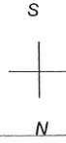
4. Describe the hardship that would result if your variance were not granted:

The hardship is continued standing pools of water, saturated ground, basement seepage, and an un-useable, backyard. Since I have lowered the grade level at the house 9" to protect the health of the structure, a ditch works best because water pitches away from the building for 8' to the bottom of the ditch, then pitches toward the building from 8'-6" or greater out from the building, keeping excavation to a minimum. The deck would then span over this now unusable terrain.

A paver patio would not work for all three units, to pitch away from the building 1/8" per foot would put the surface of a paver patio a minimum of 1' below the surrounding grade at unit 2913, this would be the high point, then the drain system would have to be placed a minimum of 10" to the bottom of the 4" drain pipe below the patio surface, then pitch 1/8" per foot south for the entire length of the building leaving no pitch to the street. In heavy rain the patio would fill with water to a point, and eventually seep into the basement.

The goal is to have a safe, dry, usable back-yard, for the tenants' enjoyment, at the same time protecting the health of the building and the surrounding properties.

deck location site  
plan



first street

3 unit building

rear lot line

5.25"

drew street  
edge

12" high retaining wall

paver patio

3 unit  
building

deck

36'-6"

16'-0"

26'-8"

9.5"

20'-0"

8' - 8"

side lot line

3 unit building

Landscape  
water shed

S



first street

N

3 unit building

5.25"

drew street  
edge

12" high retaining wall

paver patio

3 unit  
building

deck

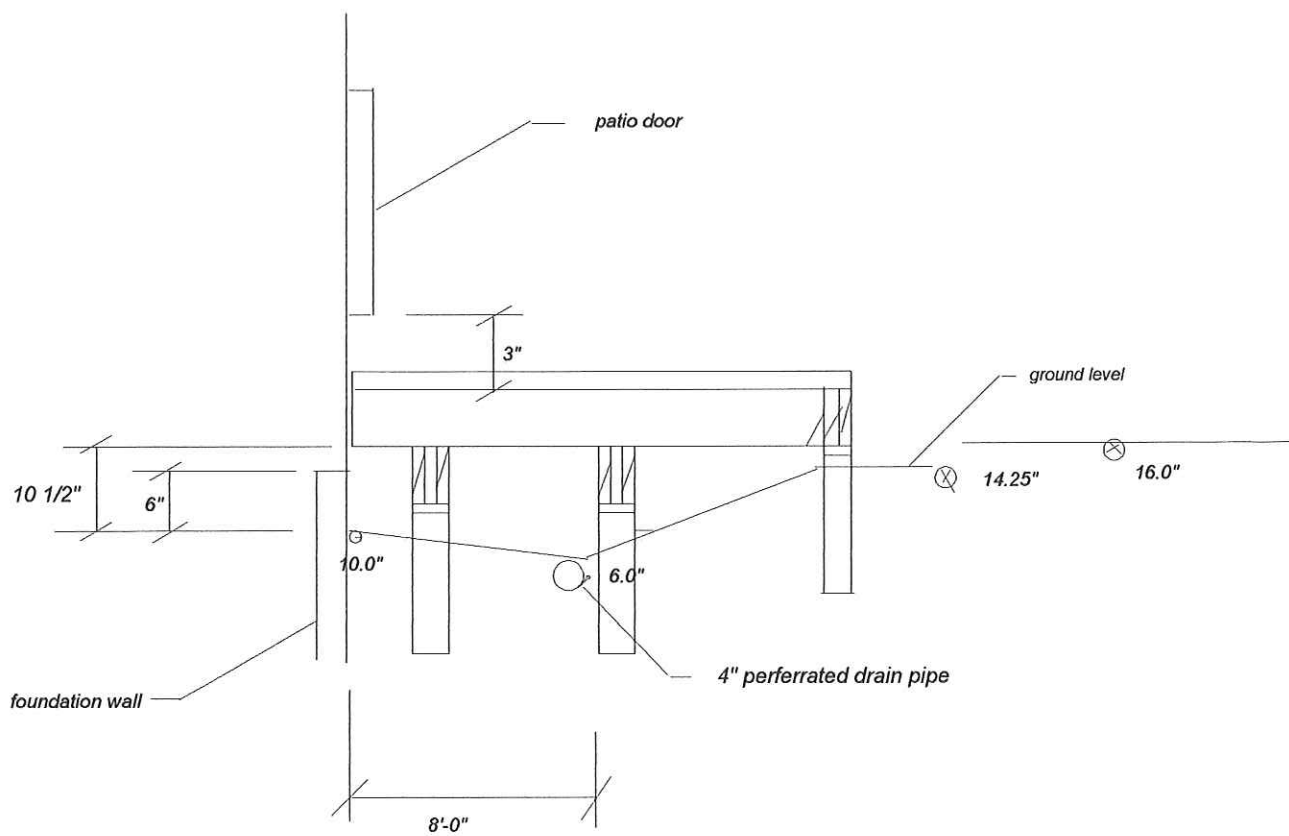
water shed 0" - 1/8"  
per foot

9.5"

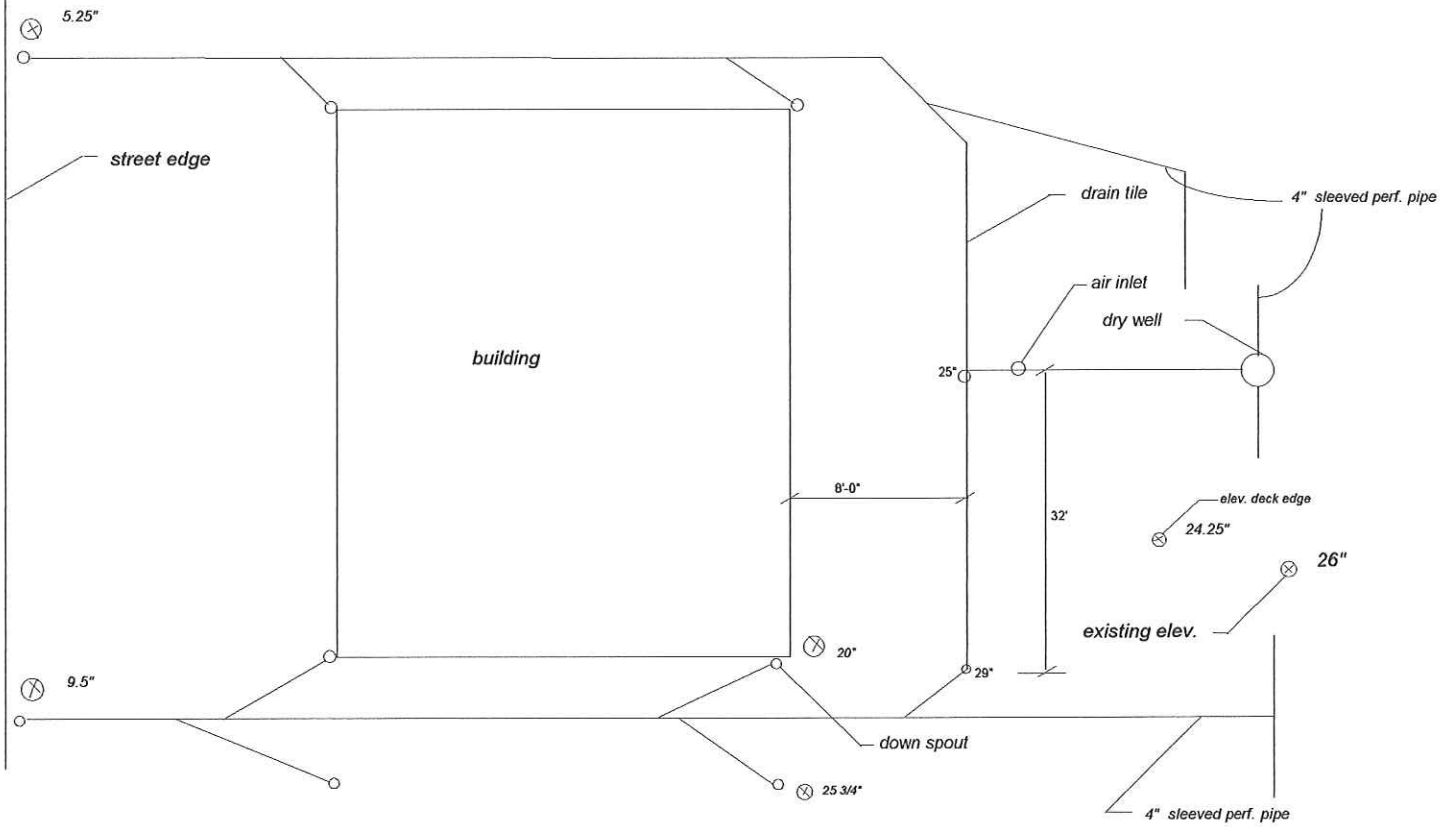
3 unit building



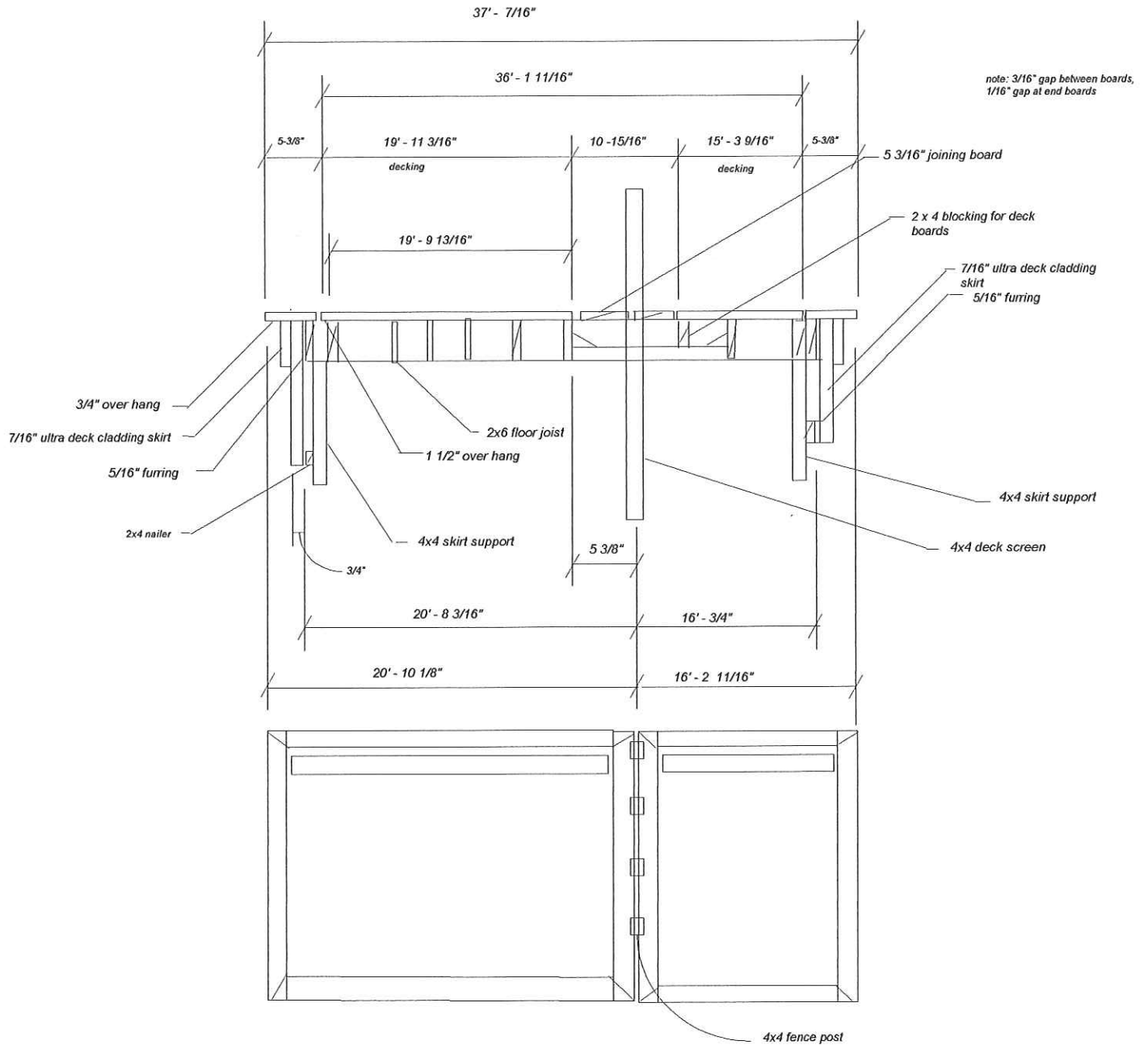
*elevation plan*



Landscape elev.



cross section  
joining board





CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: May 7, 2019

RE: Variance Application for 2911 N. Drew St. (31-6-3216-00)

**Description of Proposal**

The applicant is proposing to build a deck that is 26' 8" from the rear property line. Section 23-96(g)(5) of the Zoning Ordinance requires a minimum rear yard setback of 35 feet.

**Impact on the Neighborhood**

In the application, the applicant states that the deck design requires no deck rails, stairs, or support posts, keeping the structures material to a minimum. In addition, the design would benefit the neighbor on First St. because the shedding surface water would be captured and directed to the street before it reaches that property, reducing the risk of basement seepage.

**Unique Condition**

In the application, the applicant states that water from numerous yards to the north pitch in his direction.

**Hardship**

In the application, the applicant states that the hardship continues to be standing pools of water, saturated ground, basement seepage and an un-useable backyard. In addition, this deck would span over the areas that will be used for trenches.

**Staff Analysis**

This parcel is 10,513 sq. ft. The minimum size of a lot in the R3 district for a three (3) unit dwelling is 9,000 sq. ft.

The applicant states in the application that the rear yard has significant water issues that have affected the foundation of the building. However, the question that needs to be addressed is why the deck needs to be 26' 8" from rear lot line? It appears that a smaller deck could still satisfy the applicant's need to cover up trenches for draining.

The applicant has not met the hardship criteria for a variance because a smaller deck is an alternative and the applicant has not shown that building a deck closer than 35 feet from the rear lot is essential for the use of the property.