



# City of Appleton

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

## Meeting Agenda - Final Board of Zoning Appeals

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Monday, August 5, 2019

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

[19-0915](#) Minutes from June 17, 2019

Attachments: [Minutes June 17, 2019.pdf](#)

### 4. Public Hearings/Apearances

### 5. Action Items

[19-0916](#) **2100 N. Ballard Road (31-1-6651-09)** The applicant is proposing to build a 200 sq. ft. building, ten (10) feet from the rear property line. Section 23-131(h)(5) of the Zoning Ordinance requires a twenty five (25) foot rear yard setback.

Attachments: [2100 N. Ballard Rd.pdf](#)

[19-1119](#) **118 N. Durkee St. (31-2-0328-00) & 309 E. Washington St. (31-2-0327-00)** The applicant is proposing to build a new building with parking for the building along E. Johnson St. The proposed parking configuration would require vehicles to maneuver into the right of way. Section 23-172(e)(3) of the Zoning Ordinance states that vehicles shall not back into the public right-of-way from an off-street parking space.

Attachments: [118 N. Durkee St.docx](#)

[19-1123](#) Election of Chair & Vice Chair

### 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  
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## Meeting Minutes - Final Board of Zoning Appeals

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Monday, June 17, 2019

7:00 PM

6th Floor Council Chambers

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1. Call meeting to order

*Meeting was called to order by McCann @ 7:01pm*

2. Roll call of membership

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

3. Approval of minutes from previous meeting

[19-0856](#)

Minutes from May 20, 2019

**Attachments:** [Minutes 5-20-19.pdf](#)

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

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

4. Public Hearings/Appealances

5. Action Items

[19-0854](#)

**1309 S. Oneida St. (31-4-0537-00)** The applicant is proposing to expand office space by 829 sq. ft. and not add to the ten (10) existing parking spaces. Section 23-172(m) of the Zoning Ordinance requires one (1) parking space for every 250 sq. ft. of gross floor area. After the proposed addition, the total gross floor area will be 3,240 sq. ft., which would require thirteen (13) parking spaces.

**Attachments:** [1309 S. Oneida St.pdf](#)

*Engstrom stated hardship is unique in size, and no objections from neighbors.*

Engstrom moved, seconded by Joosten, that the report action item be approved. Roll Call. Motion carried by the following vote:

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

**6. Information Items**

**7. Adjournment**

Motion by Joosten, seconded by Engstrom, that this meeting was adjourned at 7:28 pm. The motion carried by the following vote:

Aye: 4 - Engstrom, Joosten, McCann 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: **June 24, 2019**

Meeting Date: **July 15, 2019 at 7:00 pm**

Recp 10935

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>2412 N. Ballard Road</b>	Parcel Number <b>31-1-6651-09</b>
Zoning District <b>M1</b>	Use of Property <b>Manufacturing</b>

Applicant Information	
Owner Name <b>Voith Fabrics</b>	Owner Address <b>2100 N. Ballard Road Appleton, WI 54911</b>
Owner Phone Number <b>920-968-4912</b>	Owner E Mail address (optional)
Agent Name <b>Jeff Rice</b>	Agent Address Mi-Tech Attn: Jeff Rice P.O. Box 107 Weston, WI 54476
Agent Phone Number <b>715-218-2002</b>	Agent E Mail address (optional) <a href="mailto:jrice@mi-tech.us">jrice@mi-tech.us</a>

Variance Information
<b>Municipal Code Section(s) Project Does not Comply</b>
Section 23-131(h)(5)- Rear yard setback is twenty five (25) feet.
<b>Brief Description of Proposed Project</b>
The proposed plan is build a 200 sq ft building (10'x20') ten (10) feet from the rear property line. Section 23-131(h)(5) of the zoning ordinance requires a twenty five (25) foot rear yard setback.

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

Owner's Signature (Required): Scott L. Nish Date: 6-21-19

## 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 purpose of this variance is to gain the approval to place a steel building over a relocated natural gas regulation site that supplies natural gas to the city of Appleton's distribution system. Specifically the building will protect the gas pressure regulating equipment from the surrounding elements and eliminate operational maintenance issues resulting in reliable service to our customers.

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

The proposed site of this variance is already natural gas regulation site. The site is enclosed by fencing and already has a similar building to protect the existing gas pressure regulating equipment. By protecting the relocated equipment, We Energies improves the ability supply reliable gas service to the surrounding distribution system's customers.

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

The Substation is located on an existing easement.

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

If the relocated gas regulation equipment is not protected by a building the regulation site would require more maintenance and more frequent site visits/inspections. Furthermore due to low temperatures in the winter months there is a risk that the equipment may malfunction and disrupt distribution gas supply to the surrounding area.



CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: June 28, 2019

RE: Variance Application for 2100 N. Ballard Road (31-1-6651-09)

**Description of Proposal**

The applicant is proposing to build a 200 sq. ft. building, ten (10) feet from the rear property line. Section 23-131(h)(5) of the Zoning Ordinance requires a twenty five (25) foot rear yard setback.

**Impact on the Neighborhood**

In the application, the applicant states that by protecting the equipment with a building We Energies improves the ability to supply reliable gas service to the surrounding distribution system's customers.

**Unique Condition**

In the application, the applicant states that the substation is located on an existing easement.

**Hardship**

In the application, the applicant states if the variance is not granted the equipment would need more maintenance and low temperatures in winter may cause equipment malfunction.

**Staff Analysis**

This property is 31.19 acres.

We Energies has an easement on this property that is owned by Voith Fabrics. The existing building was assigned an address of 2411 N. Ballard Road, however, there is no property line around this building. The location of the proposed building, which is considered a principal building, is in a rear yard.

The building is essential for the use of the property because it is required to protect equipment.

The proposed building would not impact the neighborhood.

It appears that the applicant has met the review criteria for a variance.

July 22, 2019  
July 29, 2019  
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 5<sup>th</sup> day of August 2019, 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:

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:

**118 N. Durkee St. & 309 W. Washington St.**  
**Tax Key Number: 31-2-0327-00 & 31-2-0328-00**

**The applicant is proposing build a new building with parking for the building along E. Johnson St. The proposed parking configuration would require vehicles to maneuver into the right of way. Section 23-172(e)(3) of the Zoning Ordinance states that vehicles shall not back into the public right-of-way from an off-street parking space.**

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.**