



City of Appleton

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

Meeting Agenda - Final Board of Zoning Appeals

Monday, September 16, 2019

7:00 PM

6th Floor Council Chambers

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

[19-1370](#) Minutes from August 5, 2019

Attachments: [Minutes August 5th, 2019.pdf](#)

4. Public Hearings/Apearances

5. Action Items

[19-1369](#) **543 N. Union St. 31-1-0186-00** The applicant is proposing to build an addition to the existing building that will be three (3) feet from the side property line. Section 23-94(g)(6)(a) of the Zoning Ordinance requires principal buildings in the R1C zoning district to have a five (5) foot side yard setback.

Attachments: [543 N. Union 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

Meeting Minutes - Final Board of Zoning Appeals

Monday, August 5, 2019

7:00 PM

6th Floor Council Chambers

1. Call meeting to order

Meeting was called to order by McCann at 7:05pm

2. Roll call of membership

Present: 4 - McCann, Joosten, Engstrom and Sperl

3. Approval of minutes from previous meeting

[19-0915](#)

Minutes from June 17, 2019

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

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

Aye: 4 - McCann, Joosten, Engstrom and Sperl

4. **Public Hearings/Appearances**

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](#)

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

Aye: 4 - McCann, Joosten, Engstrom and Sperl

[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](#)

Contingent on recorded CSM and proposed building being built.

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

Aye: 4 - McCann, Joosten, Engstrom and Sperl

19-1123

Election of Chair & Vice Chair

Sperl moved, seconded by Joosten, to keep McCann as chair and Engstrom as vice chair was approved. Roll Call. Motion carried by the following vote:

Aye: 4 - McCann, Joosten, Engstrom and Sperl

6. Information Items

7. Adjournment

A motion was made by Sperl, seconded by Joosten, that this meeting was adjourned. The motion carried by the following vote:

Aye: 4 - McCann, Joosten, Engstrom and Sperl

Note

Note

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 August 26, 2019 Meeting Date September 16, 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) 543 N. Union St.	Parcel Number 31-1-0186-00
Zoning District R-1C	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name Martin O'Donnell Marisa Dempsey	Owner Address 543 N. Union St Appleton, WI 54911
Owner Phone Number 440-241-8320	Owner E Mail address (optional)
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)

Variance Information
Municipal Code Section(s) Project Does not Comply 23-94 R-1C (setback) 23-40 Application of district regulations (height) 23-42 Nonconforming building, structures, uses and lots (rear yard setback compliance)
Brief Description of Proposed Project Build attached two-story garage within footprint of preexisting carport

Owner's Signature (Required): _____ Date: 8/23/2019

Recd 13327

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:

The proposed plan is to build an attached two-story garage to replace a carport that was destroyed in March 2019 due to weather. We have plans to rebuild a carport but would prefer to build an attached garage that is historically appropriate and aesthetically pleasing to our neighborhood. A variance is requested because the preexisting carport already did not comply with current city setback ordinances. The variance to the setbacks that is being requested to build a garage is within the current non-conforming setbacks of the preexisting carport.

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

The current setbacks for the carport are beyond the side and rear yard allowances. The side setback currently allows for a building overhang to extend beyond the lot line into the property at 537 N. Union St. The request is a three-foot setback for the side yard. The requested setback for the rear yard is to be aligned with the rear of the current house structure. The request is a four-foot setback for the rear yard. There would be no adverse effect on the surrounding properties at 537 N. Union St. and 521 E. Pacific St. The neighbors at both 537 N. Union St. and 521 E. Pacific St. support the proposed setbacks and preliminary garage plans.

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

Our lot at 543 N. Union St. is zoned R1-C. At 3,292 sq. feet, it is one of the smallest lots, if not the smallest lot around our neighborhood.

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

A weather-related incident in March 2019 destroyed our carport. And although we are able to rebuild a carport to replace our preexisting carport, a garage that is historically appropriate and aesthetically pleasing and within the footprint of the preexisting carport would be less of a hardship to us and our neighbors. Our neighbors would prefer a garage rather than a carport. Additionally, this lot is a non-conforming lot of record, as it is less than 4,000 sq. feet.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: September 10, 2019

RE: Variance Application for 543 N. Union St. (31-1-0186-00)

Description of Proposal

The applicant is proposing to build an addition to the existing building that would be three (3) feet from the side property line. Section 23-94(g)(6)(a) of the Zoning Ordinance requires principal buildings in the R1C zoning district to have a five (5) foot side yard setback.

Impact on the Neighborhood

In the application, the applicant states that the current carport is beyond the required setbacks. Also, the applicant states that the neighbors will not be adversely effected and support the project.

Unique Condition

In the application, the applicant states that the lot is 3,292 sq. ft., which makes it one of the smallest lots in the neighborhood.

Hardship

In the application, the applicant states that in March of 2019 a weather related incident destroyed his carport. Rather than rebuild the carport, the applicant believes it would be more appropriate to build a garage. Additionally, the applicant states that the lot is a nonconforming lot of record because it is less than 4,000 sq. ft.

Staff Analysis

The property at 543 N. Union St. is a nonconforming lot of record. The minimum size of a lot in the R1C zoning district is 4,000 sq. ft. This lot is 3,292 sq. ft.

Since having a garage is essential for the use of the property and the lot is nonconforming due to the size, the applicant has met the review criteria for a variance.