



City of Appleton

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

Meeting Agenda - Final Board of Zoning Appeals

Monday, December 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
[19-1923](#) Minutes from November 18, 2019

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

4. Public Hearings/Apearances

5. Action Items

- [19-1915](#) **1801 Silvercrest Dr. (31-1-3987-41)** The applicant is proposing to add a fifth unit to an existing apartment building. Section 23-96(g)(1)(d) of the Zoning Ordinance requires that the lot has 3,000 sq. ft. per dwelling unit for multifamily properties. This property is 12, 729 sq. ft. With a fifth unit, 15,000 sq. ft. would be required.

Attachments: [1801 Silvercrest St.pdf](#)

- [19-1920](#) **1801 Silvercrest Dr. (31-1-3987-41)** With the addition of a fifth unit, another parking space would be required in accordance with Section 23-172(m) of the Zoning Ordinance. The owner does not plan to add a parking space.

Attachments: [1801 Silvercrest 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.



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Meeting Minutes - Final Board of Zoning Appeals

Monday, November 18, 2019

7:00 PM

6th Floor Council Chambers

1. Call meeting to order

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

2. Roll call of membership

Present: 5 - McCann, Engstrom, Sperl, Cain and Loosen

3. Approval of minutes from previous meeting

A motion was made by Scott Engstrom, seconded by Kelly Sperl, that the minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 5 - McCann, Engstrom, Sperl, Cain and Loosen

4. Public Hearings/Appearances

- a. Kenneth Marquardt- 1131 W. Eighth St.-Against 1135 W. Eighth St.
- b. Tom and Cynthia Floodstrand-Against 1135 W. Eighth St.

5. Action Items

[19-1748](#)

300 E. Fremont St. (31-4-0506-00) The applicant is proposing to erect a six (6) foot fence, five (5) feet from the front property line. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to three (3) feet in the front yard setback.

Attachments: [300 E. Fremont St.pdf](#)

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

Aye: 4 - Engstrom, Sperl, Cain and Loosen

Abstained: 1 - McCann

7 [19-1750](#)

1135 W. Eighth St. (31-3-1155-00) The applicant is proposing to build a building that would increase the lot coverage to 78%. Section 23-94(g) (2) of the Zoning Ordinance limits lot coverage to 75%.

Attachments: [1135 W. Eighth St.pdf](#)

Engstrom moved, seconded by Loosen, that the Report Action Item be denied.

Roll Call. Motion carried by the following vote:

Aye: 4 - Engstrom, Sperl, Cain and Loosen

Abstained: 1 - McCann

8 [19-1751](#)

1135 W. Eighth St. (31-3-1155-00) The proposed building is one (1) foot from the side lot line. Section 23-43(f)(1)(d) of the Zoning Ordinance requires a three (3) foot side yard setback for accessory buildings.

Attachments: [1135 W. Eighth St.pdf](#)

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

Aye: 4 - Engstrom, Sperl, Cain and Loosen

Abstained: 1 - McCann

6. **Information Items**

7. **Adjournment**

A motion was made by Scott Engstrom, seconded by Kelly Sperl, that the meeting be adjourned. The motion carried by the following vote:

Aye: 5 - McCann, Engstrom, Sperl, Cain and Loosen

Dropped off 12/2/19 @ 3:40pm

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 **November 25, 2019** Meeting Date **December 16, 2019 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 nonrefundable fee is payable to the City of Appleton and due at the time the application is submitted.

Property Information	
Address of Property (Variance Requested) 1801 Silvercrest St.	Parcel Number 31-1-3987-41
Zoning District R13	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name Chad Mrotek	Owner Address 1601 Delta Drive Neenah, WI 54956
Owner Phone Number 920-540-3850	Owner E Mail address (optional) chmrotek@hotmail.com
Agent Name Chad Mrotek	Agent Address 1601 Delta Drive Neenah, WI 54956
Agent Phone Number 920-540-3850	Agent E Mail address (optional) chmrotek@hotmail.com

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-96(g)(1)(d)- Minimum lot area Section 23-172(m) – Minimum required parking spaces.
Brief Description of Proposed Project The project would add a fifth (5 th) unit to an existing apartment building. Section 23-96(g)(1)(d) of the Zoning Ordinance requires that the lot has 3,000 square feet per dwelling unit for multi-family properties. This property is 12,729 sq. ft. With the fifth (5 th) unit 15,000 sq. ft. would be required. With the additional dwelling unit, one more parking spaces would be required per Section 23-172(m) of the Zoning Ordinance. The owner does not plan to add a parking space.

Recp. 70-0001

Owner's Signature (Required): End M. St. Date: 12/21/2019

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 existing parking should be able to be sufficient for the 5th unit. We are unable add the additional square footage to the lot. We are asking for the variances to be able to clear up a previous error made by the city and to allow the area to be able to continue to be used as a 5th unit in the property.

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

There is a mixture of duplexes, 4-plexs, 6 -plex, and 12-unit properties in the neighborhood.

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

A bathroom, kitchen, with a locking finished heated area exists in the basement of the dwelling that would support an additional dwelling in the unit.

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

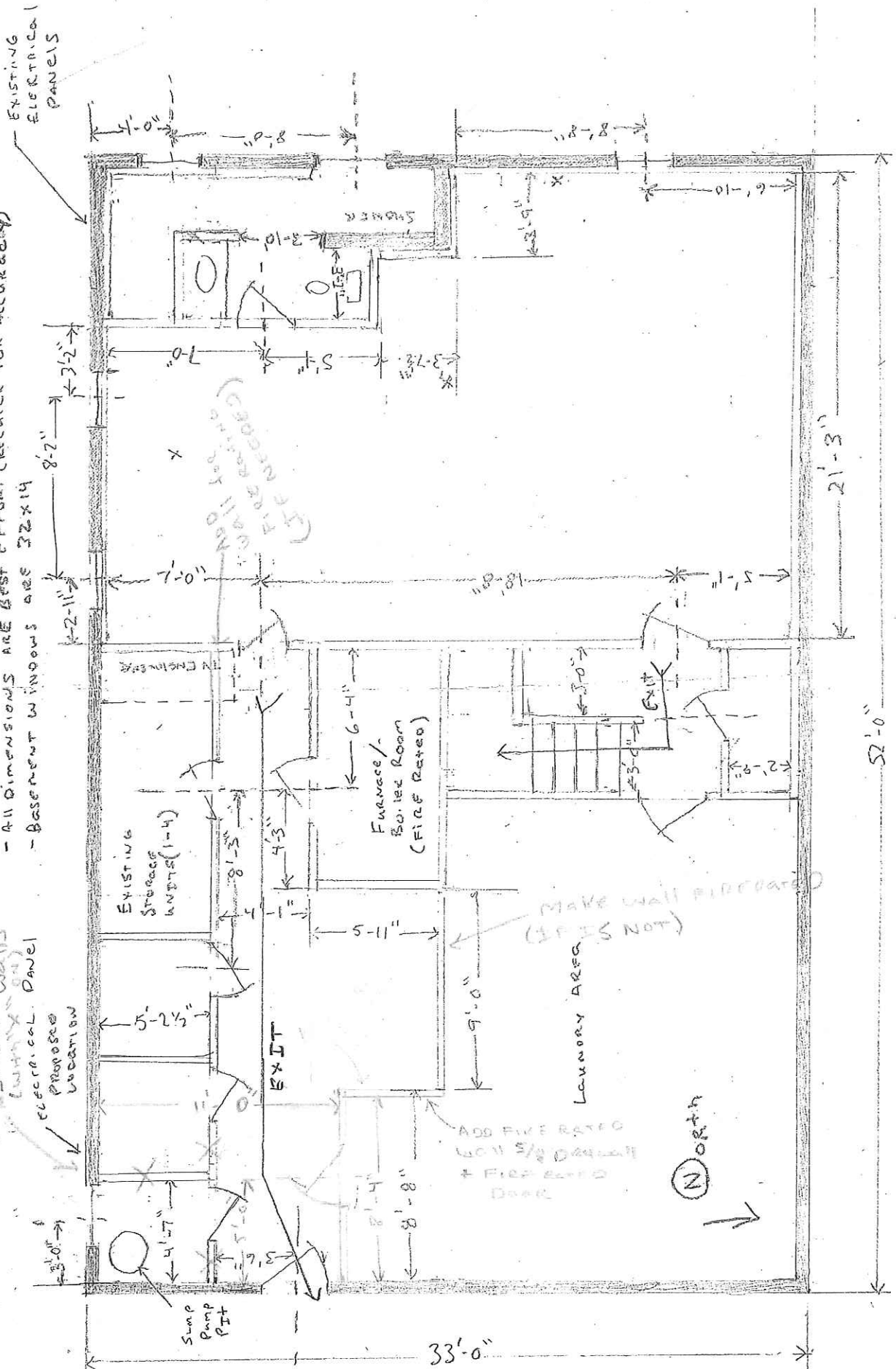
An error was made by the city of Appleton in the past. It passed fire inspection requirements and has been assessed as a 5th unit for at least 7 years. This mistake leads us to believe that it was complaint and okay to use it as a 5 dwelling in the unit. I also purchased the property with the assumption that it could be used as a 5-dweling unit.

11/7/2019 1/4 scale

1801 SILVER CREST BASEMENT LEVEL

REMOVE WALLS
ELECTRICAL PANEL
PROPOSED LOCATION

- ALL DIMENSIONS ARE BEST EFFORT (RECHECK FOR ACCURACY)
- BASEMENT WINDOWS ARE 32"x14"



CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: December 10, 2019

RE: Variance Application for 1801 Silvercrest Dr. (31-1-3987-41)

Description of Proposal

The applicant is proposing to add a fifth unit to an existing apartment building. Section 23-96(g)(1)(d) of the Zoning Ordinance requires that the lot have 3,000 sq. ft. per dwelling unit for multifamily properties. This property is 12,729 sq. ft. With a fifth unit, 15,000 sq. ft. would be required.

With the addition of a fifth unit, another parking space would be required in accordance with Section 23-172(m) of the Zoning Ordinance. The owner does not plan to add a parking space.

Impact on the Neighborhood

In the application, the applicant states that there is a mixture of duplexes, 4-plexes and 12 unit properties in the neighborhood.

Unique Condition

In the application, the applicant states that a bathroom, kitchen, with locking finished heated area in the basement of the dwelling that would support an additional dwelling in the unit.

Hardship

In the application, the applicant states that an error was made by the City of Appleton in the past and that it passed fire inspection requirements and has been assessed as a 5th dwelling for at least 7 years. The applicant also stated that this mistake lead him to believe that it was compliant and okay to use it as a five (5) unit apartment. The applicant also stated that he purchased the property with the assumption that it could be used as a five (5) dwelling unit apartment.

Staff Analysis

This property is 12,729 square feet. The minimum size of a lot in the R3 zoning district is 3,000 sq. ft. for each dwelling unit. Four dwelling units meets the standard but adding a fifth unit would require a 15,000 sq. ft. lot.

On 4/1/19 a complaint was called into the Inspections Division stating that the tenants in the upper units did not have access to the electrical panel. Upon inspection, it was discovered that the electrical panel for the entire building was in the lower unit. This is not legal. All tenants should have access to the electrical panel. Orders were issued and the panel was moved.

During this process, it was realized that there are Zoning Code implications with adding an additional unit to the building. Also during this process, it was realized that the previous owner was issued a permit in 2009 to add a fifth unit and the project passed inspection on 8/25/10.

On 10/25/19 a notice of noncompliance was issued to the owner for exiting that did not meet commercial code standards in the unit renovated in 2010. The new owner is working with the Inspections Division to make the fifth unit code compliant.

Dropped off 12/2/19 @ 3:40pm

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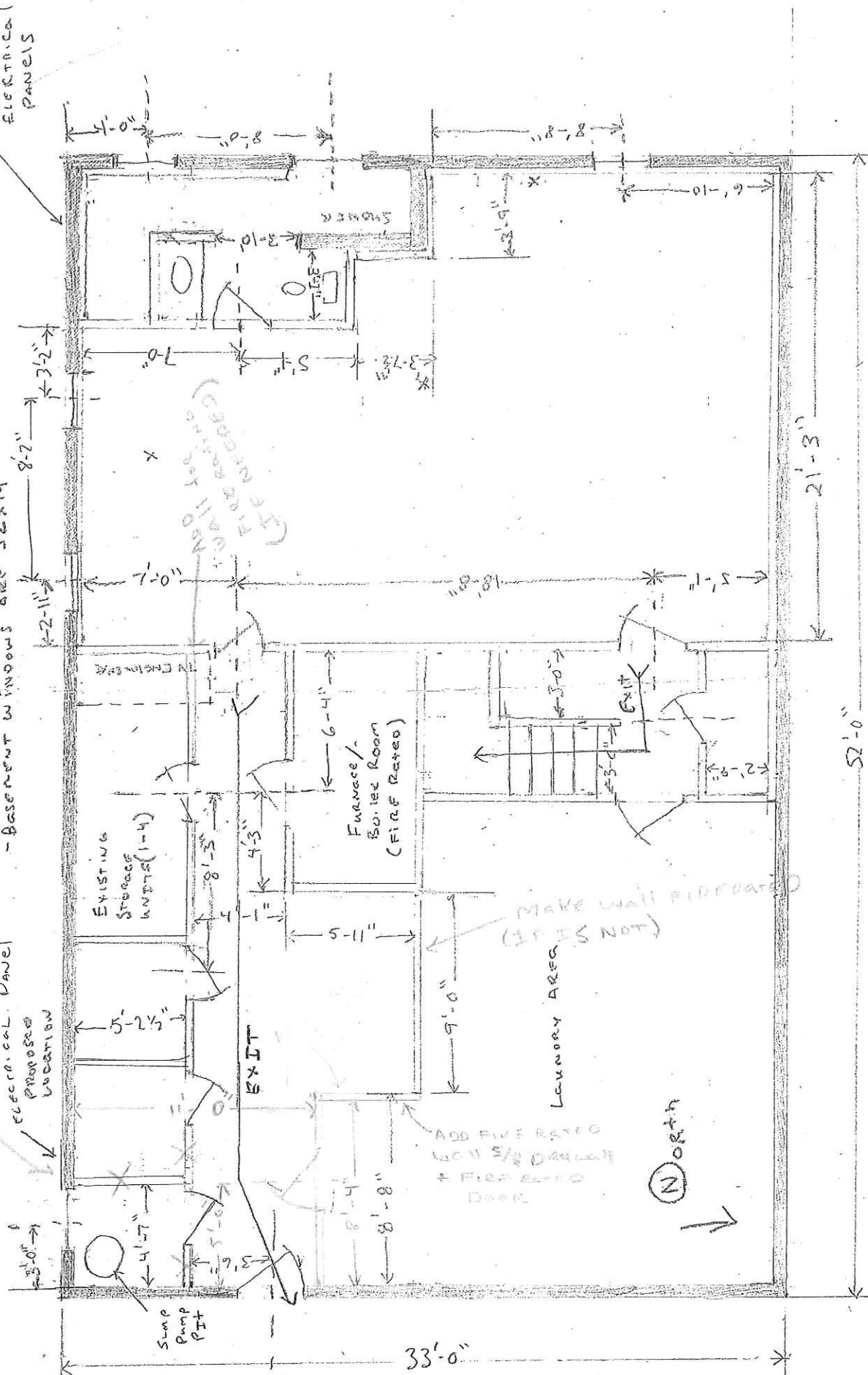
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100-15428-100

- All dimensions are best fit (respect for accuracy)

Besse 3 2003
4126 32x14

Existing
flexural
panels



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