



# 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

---

Monday, February 17, 2020

7:00 PM

6th Floor Council Chambers

---

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting  
[20-0007](#) Minutes from December 16, 2019

Attachments: [Minutes 12-16-19.pdf](#)

### 4. Public Hearings/Apearances

### 5. Action Items

- [20-0008](#) **611 W. Northland Ave. (2626 N. Richmond St.) (31-6-7704-00) (Lot 1)** The applicant is proposing to split this property with a Certified Survey Map (CSM). Once this is done, a sign that was used for a business on this parcel will be used for a business on a new different parcel. Section 23-505(d) prohibits off-premise signs.

Attachments: [611 W. Northland Ave. Lot 2.pdf](#)

- [20-0009](#) **611 W. Northland Ave. (2626 N. Richmond St.) (31-6-7704-00) (Lot 2)** It is also proposed that once the property is split, the Lot 2 "remnant" property's lot coverage will be 88%. Section 23-113(h)(2) of the Zoning Ordinance limits lot coverage to 75%.

Attachments: [611 W. Northland Ave. Lot 1.pdf](#)

[20-0010](#)

**975 E. John St. (31-1-0772-01)** The applicant is proposing to locate the dumpster for the property on an adjacent parcel. Section 23-47(a) of the Zoning Ordinance requires multifamily properties to have onsite dumpsters.

**Attachments:** [975 E. John St.pdf](#)

[20-0178](#)

**955 E. John St. (31-1-0772-00)** The applicant is proposing to locate a dumpster in the front yard. Section 23-47(a) of the Zoning Ordinance states dumpsters shall be located outside the front yard.

**Attachments:** [955 E. John 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

---

Monday, December 16, 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

[19-1923](#)

Minutes from November 18, 2019

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

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

**Aye:** 4 - Engstrom, Sperl, Cain and Loosen

**Abstained:** 1 - McCann

4. **Public Hearings/Appealances**

*Kenneth Grissman- Owner of 1814 E. Amelia St*

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](#)

Engstrom moved, seconded by Loosen, 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

**19-1920**

**R/B-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](#)

*Item 19-1920 was referred to staff.*

Engstrom moved, seconded by McCann, that the Report Action Item be referred to staff. Roll Call. Motion carried by the following vote:

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

**6. Information Items**

**7. Adjournment**

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

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

## CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: January 13, 2020

RE: Variance Application for 611 W. Northland Ave. (31-6-7704-00) Lot 2

### **Description of Proposal**

It is proposed that once the property is split, the “remnant” property’s (Lot 2) lot coverage will be 88%. Section 23-113(h)(2) of the Zoning Ordinance limits lot coverage to 75%.

### **Impact on the Neighborhood**

In the application, the applicant states granting this variance will not create any changes to the site. The only change will be that the lot will be split into two lots.

### **Unique Condition**

In the application, the applicant states that when Northgate Square was developed, the standards in the Zoning Ordinance regarding lot coverage allowed higher amounts of impervious surfaces. The applicant also stated that the new Aldi development will meet the green space and storm water retention requirements.

### **Hardship**

In the application, the applicant states that if the variance is not granted, it is likely that the project would be put on indefinite hold.

### **Staff Analysis**

The size of the proposed Lot 2 will be 1.5 acres or 65,549 sq. ft. The minimum allowed size of a lot in the C2 zoning district is 14,000 sq. ft.

The proposed lot line between these two lots appears to be logical. But one alternative would be to adjust the proposed lot line to attempt to meet the lot coverage standard.

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 30, 2019

Meeting Date

January 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) <b>611 W. Northland Ave.</b>	Parcel Number <b>31-6-7704-00</b>
Zoning District <b>PDC2</b>	Use of Property Residential <input checked="" type="checkbox"/> Commercial

Applicant Information	
Owner Name <b>R. Lewis &amp; R. Lewis LLC</b>	Owner Address <b>PO Box 22190 Green Bay, WI 54305</b>
Owner Phone Number	Owner E Mail address (optional)
Agent Name <b>Garritt R. Bader</b>	Agent Address <b>300 N. Van Buren Street Green Bay, WI 54301</b>
Agent Phone Number <b>813-500-0296</b>	Agent E Mail address (optional) <u><a href="mailto:GB@gb-re.com">GB@gb-re.com</a></u>

Variance Information
Municipal Code Section(s) Project Does not Comply <b>Section 23-113(h)(2) – Maximum lot coverage.</b>
Brief Description of Proposed Project <b>It is proposed that this parcel be split by certified survey map. Once this is done, the Lot 2 "remnant" property's lot coverage of 88% (currently legal non-conforming) will exceed the current maximum lot coverage in the C-2 district of 75%.</b>

Owner's Signature (Required): \_\_\_\_\_ 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:

Our proposed development of a new Aldi grocery store will occur on property presently identified as Parcel #31-6-7704. The property's current configuration extends to Richmond Street on the west. We will be severing this part of the property and creating a new parcel (Lot 1, along with other property to the south) via Certified Survey Map. This will result in a lot coverage on the Lot 2 "remnant" parcel that exceeds current zoning maximums.

Our request of the committee is to grant a variance request that permits the existing legal non-conforming lot coverage to remain in place on Lot 2 so that the new parcel can be created. (The new Lot 1's lot coverage meets current zoning standards).

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

The variance will not have an adverse impact on surrounding properties because it's only allowing a present condition to continue. No changes will be made to the building, parking or greenspace areas on Lot 2.

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

Like many older shopping centers in the city and region, "Northgate Square" was developed at a time when the zoning code allowed higher amounts of impervious surface coverage areas (and in many cases, no allotment for stormwater retention). As a result, there is far less greenspace in these older centers that can conflict with efforts to redevelop them within the newer code(s). Our Aldi development will meet today's code requirements for greenspace and stormwater retention—as long as we can retain this one aspect from the prior code for the Lot 2 "remnant" property the CSM creates.

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

Both the new Aldi development (Lot 1) and the “remnant” property (Lot 2) will be owned by separate ownership groups, and require separate legal descriptions—and thus, separate tax parcels. Unlike our accompanying sign request, even using a condominium plat here would not solve the issue of the amount of impervious coverage area on Lot 2. So if the variance were not granted, it would likely cause the project to be put on indefinite hold until a solution addressing the non-conformity could be determined.

**Exhibit A:**  
Parcel Configuration &  
Sign Location

**Exhibit B:**  
Proposed Parcel Reconfiguration  
via Certified Survey Map

## CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: January 13, 2020

RE: Variance Application for 611 W. Northland Ave. (31-6-7704-00) Lot 1

### **Description of Proposal**

The applicant is proposing to split this property with a Certified Survey Map (CSM). Once this is done, a sign that was used for a business on this parcel will be used for a business on a new different parcel. Section 23-505(d) prohibits off-premise signs.

### **Impact on the Neighborhood**

In the application, the applicant states that since the sign has existed for many years, there would be no impact on neighborhood. Just one of the names on the sign would change.

### **Unique Condition**

In the application, the applicant states that the Reciprocal Easement Agreement (REA) between all parties in the Northgate Square development does not cover signs.

### **Hardship**

In the application, the applicants asks that the Board approve the variance request based upon: 1) the sign will be unchanged, 2) the continued operation of all parcels within the REA will be the same as today and 3) the development will greatly improve the appearance of the center and the immediate neighborhood surrounding it.

### **Staff Analysis**

Once the CSM is completed, Lot 1 will be 2.53 acres, or 1110,357 sq. ft. The minimum allowed size of a lot in the C2 zoning district is 14,000 sq. ft.

Lot 1, which will be created with the CSM, will only have frontage off Richmond St. and the address will be changed. The applicant does have the option of placing a ground sign on the property along Richmond St.

The current sign is not changing. It may be considered a hardship to lose something you once had, due to a change in the lot line. Conversely, this change is self-created. Which may not be considered a reason for a variance.

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 30, 2019

Meeting Date

January 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) <b>611 W. Northland Ave.</b>	Parcel Number <b>31-6-7704-00</b>
Zoning District <b>PDC2</b>	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>

Applicant Information	
Owner Name <b>R. Lewis &amp; R. Lewis LLC</b>	Owner Address <b>PO Box 22190 Green Bay, WI 54305</b>
Owner Phone Number	Owner E Mail address (optional)
Agent Name <b>Garritt R. Bader</b>	Agent Address <b>300 N. Van Buren Street Green Bay, WI 54301</b>
Agent Phone Number <b>813-500-029</b>	Agent E Mail address (optional) <u><b>GB@gb-re.com</b></u>

Variance Information
Municipal Code Section(s) Project Does not Comply <b>Section 23-505(d) – Off Premise Signs</b>
Brief Description of Proposed Project <b>It is proposed that this parcel be split by certified survey map. Once this is done, a sign that was used for a business on this parcel would then be on a different parcel. Section 23-505(d) prohibits off premise signs.</b>

Owner's Signature (Required): \_\_\_\_\_ 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:

Our proposed development of a new Aldi grocery store will occur on property presently identified as Parcel #31-6-7704. As of today, the property's configuration includes a "panhandle" piece of property that extends to Northland Avenue, on which is installed a pylon sign that advertises the current tenants of the property. A separate pylon sign along Richmond Street also advertises the tenants along that street. See Exhibit A. This current configuration of the property includes both the former Merlin Oil Change building and the current Play It Again Sports building.

To satisfy the needs of the Aldi development, a larger parcel is being created through assemblage of adjacent parcels and also reconfigured in a way that will have the "panhandle" remain on the Play It Again Sports property, and the Richmond sign on the Aldi property. See Exhibit B.

Our request to the committee is to allow current and future tenants of (what will become) both parcels to continue to advertise on the current signs after the parcel reconfiguration via CSM occurs that will result in the signs becoming off-premises signs to the respective parcel owner. See Exhibit C for a before-and-after image of the Northland Avenue pylon sign.

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

The variance will not have an adverse impact on surrounding properties because it's only allowing a present condition to continue that only legal technicalities invalidate. Post-split, both properties continue to be a part of the "Northgate Square" shopping center, and the spirit of the original pylon signs installation that occurred when the shopping center was constructed is that tenants of the center needed visibility from both streets in order to help ensure they can attract customers and be most successful. This is no different for Aldi or any other commercial business that would operate within the shopping center now or in the future.

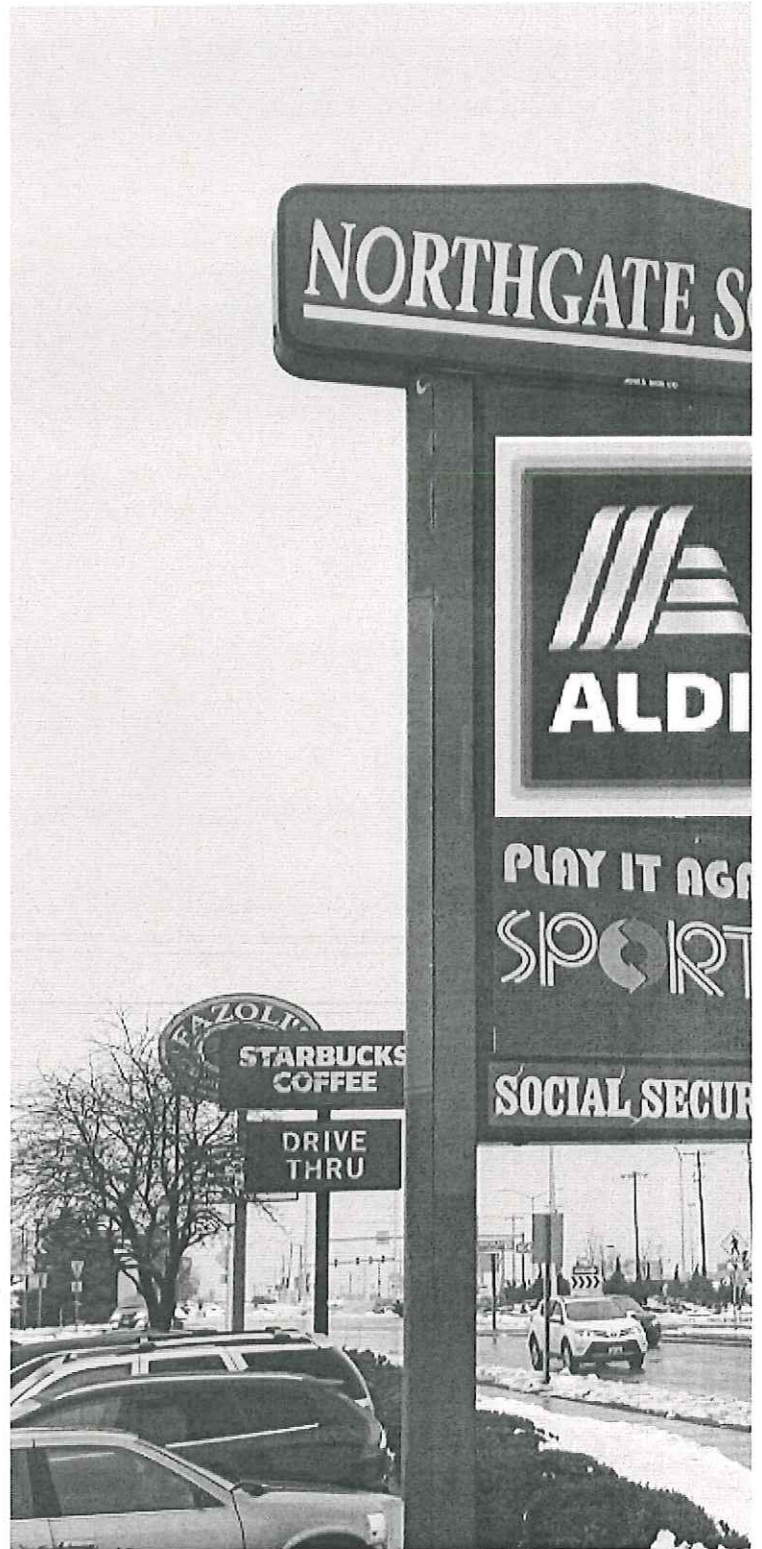
3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures:

All parcels that comprise "Northgate Square" are covered by a master Reciprocal Easement Agreement (REA) that grants maintenance, repair, and operations rights of the parcel owners within the shopping center to ensure an attractive appearance of the overall shopping center continues. Oddly, one of the only rights the REA inexplicably fails to grant is signage. In my opinion, this likely was either an oversight, or was excluded as the original drafters couldn't conceive of a scenario where a property would be reconfigured in a way that would prevent the pylon signs in question from displaying tenants within the shopping center.

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

Admittedly this is perhaps one of the most unique variance requests I've ever made, as I acknowledge that the "hardship" is one that we're technically creating by reconfiguring the parcels in a way (through CSM, vs. condo plat) that creates an illegality to use of the sign in question.

However, in acknowledging this, I'm asking the committee to approve the request based upon (1) the spirit of the current conditions and largely-unchanged proposed future conditions; (2) the continued operation of all parcels within the REA as an uninterrupted shopping center using the same access drives and driveways as today; and (3) the hopeful belief that this development will greatly improve the appearance of the center and the immediate neighborhood that surrounds it.



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 30, 2019** Meeting Date **January 20, 2020 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) <b>975 East John Street</b>	Parcel Number <b>31-1-0772-1</b>
Zoning District <b>R3</b>	Use of Property Residential <input checked="" type="checkbox"/> Commercial

Applicant Information	
Owner Name <b>Pelican's Nest, LLC</b>	Owner Address <b>2450 Rimrock Road Madison, WI 53713</b>
Owner Phone Number <b>608-268-8126</b>	Owner E Mail address (optional) ckc@alexandercompany.com
Agent Name <b>Alan Theobald c/o Iconica</b>	Agent Address <b>901 Deming Way Madison, WI 53717</b>
Agent Phone Number <b>920-428-9164</b>	Agent E Mail address (optional) atheobald@iconicacreates.com

Variance Information
Municipal Code Section(s) Project Does not Comply <b>Section 23-47(a)- Dumpsters are required</b>
Brief Description of Proposed Project <b>The development being proposed at this site does not allocate space for a dumpster. Rather, the dumpster would be located on an adjacent parcel. Section 23-47(a) of the Zoning Ordinance requires all multifamily properties to have an onsite dumpster.</b>

Owner's Signature (Required):  Date: 2/26/19

Return to: Department of Public Works  
Inspection Division  
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:

We are requesting a variance to locate our dumpster enclosure on an adjacent Lot (Parcel #31-1-0772-0) in our Elder Care Campus. The subject lot has no access to either side yard or the rear yard for dumpster pickup.

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

Our Elder Care Campus is located at the end of a dead-end street, East John Street. We own all 3 lots that front onto East John Street, to the East of South Court. The adjacent residential lots to the North are located on a raised, wooded hill with access from Alton Court. The adjacent residential lots to the West are also located on a raised wooded hill, with access from South Court. With the East end of East John Street being vacated and added to our Elder Care Campus, there are no other lots impacted by our dumpster access.

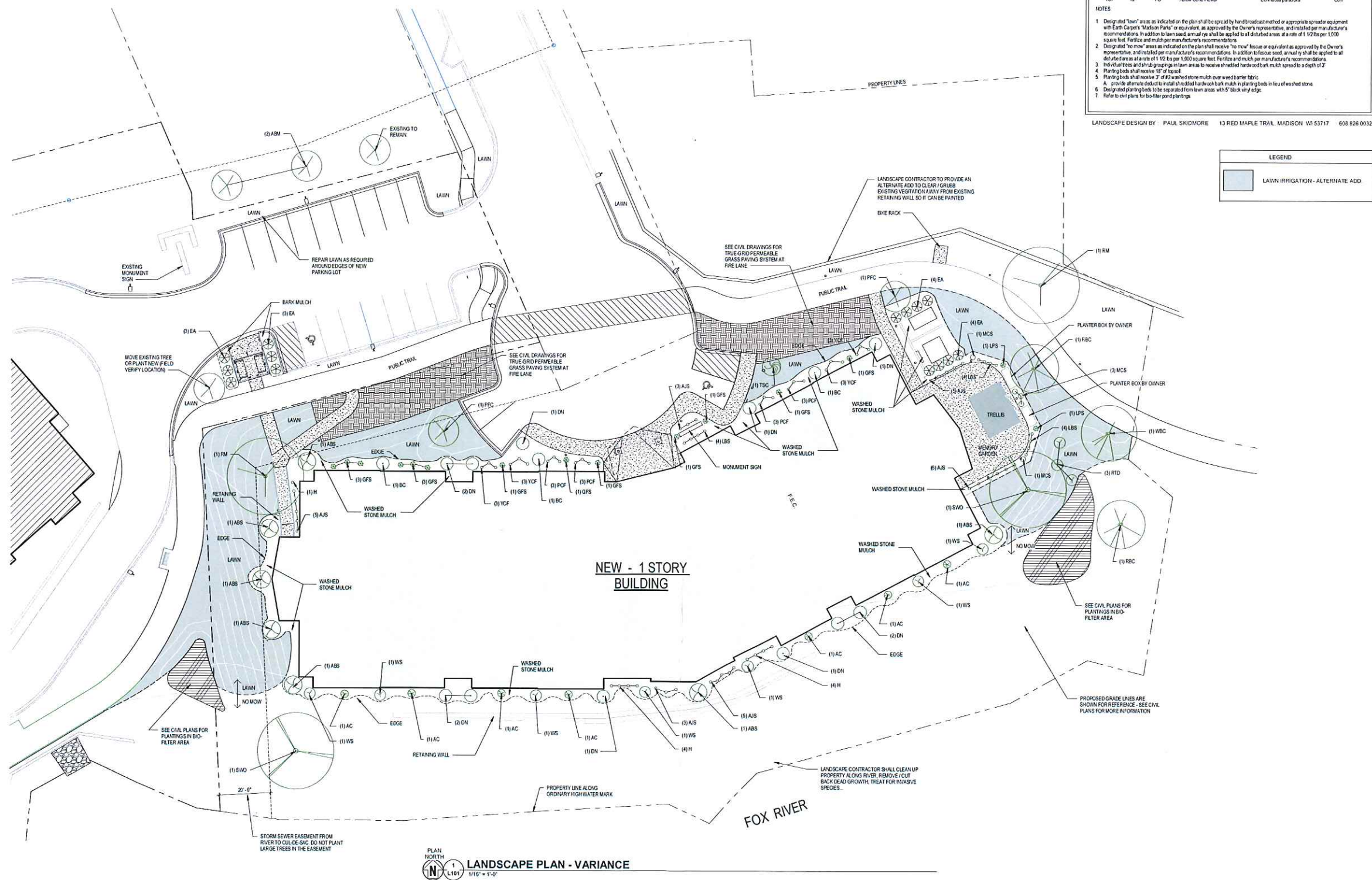
3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures:

Our irregular shaped site is located at the end of East John Street. Our entire rear yard is fronted by the Fox River. Our side yard to the North is mostly comprised of a 50' wide public sanitary easement, with no access from the paved cul-de-sac. Our side yard to the South shares a property line with the adjacent property, while also consisting of a 20' wide public storm sewer easement, which precludes a built structure. Another feature of our site is that a 10' wide asphalt paved Public Trail wraps around the property; encompassing both side yards and the front yard. The above elements limit access to a dumpster enclosure located in an allowable yard on our site.

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


With no access to the side yard to the South or the rear yard to the East, the only location allowed by City ordinance is in the side yard to the North. However, access would be limited to the Public Trail. For public safety reasons, the City Parks Department does not want dumpster access from the public trail; mixing dumpster pickup with public recreational use of the trail is an accident waiting to happen. The only dumpster access point that is feasible is on the adjacent property as shown (same ownership group and part of our Elder Care Campus).





CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor 

Date: February 4, 2020

RE: Variance Application for 955 E. John St. (31-1-0772-00)

Description of Proposal

The applicant is proposing to locate a dumpster in the front yard. Section 23-47(a) of the Zoning Ordinance states dumpsters shall be located outside the front yard.

Impact on the Neighborhood

In the application, the applicant states Iconica owns and operate three properties that front E. John St. The applicant also states that the surrounding residential properties are located on a raised, wooded hill and that no other lots are impacted by the dumpster access.

Unique Condition

In the application, the applicant states that the adjacent lot has an irregular shape and is located at the dead end of East John St. and the lot’s entire rear yard is fronted by the Fox River and a public trail. The placement suggested is the only location that is both accessible to the building and accessible for trash pickup.

Hardship

In the application, the applicant states that the suggested dumpster location is the only feasible location for the proposed dumpster because on the adjacent lot there is no access to the south or east and the north side of the property has a public trailer that would be between the property and the alternative location of the dumpster. On the property at 955 E. John St., the only feasible access point is the location that is proposed.

Staff Analysis

This variance request is to locate a dumpster for an adjacent property, 975 E. John St., in the front yard at 955 E. John St. Therefore, the property at 955 E. John St. will have two dumpster enclosures. The dimensional limitations for both lots should be considered.

The size of the lot at 955 E. John St. is 259,305 sq. ft. The size of the lot at 975 E. John St. is 77,164 sq. ft. The minimum size lot permitted in the R3 zoning district for this type of building is 7,000 sq. ft.

A site plan has been approved for the adjacent property at 975 E. John St. The plan shows the dumpster enclosure located on the west side of the property, across from a public trail easement. This location is the only accessible location because the Fox River is along the east side of the property. This location, however, could create safety issue because there is a public trail easement between the proposed location and the proposed building location.

Because of the dimensional and topographic limitations of these lots and potential safety concerns with an alternative dumpster location, the applicant has met the review criteria to place the dumpster in the front yard of this property.

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 January 27, 2020 Meeting Date February 17, 2020 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) <b>955 E. John St.</b>	Parcel Number <b>31-1-0772-00</b>
Zoning District <b>R3</b>	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>

Applicant Information	
Owner Name <b>Pelican's Nest, LLC</b>	Owner Address <b>2450 Rimrock Road Madison, WI 53713</b>
Owner Phone Number <b>608-268-8126</b>	Owner E Mail address (optional) ckc@alexandercompany.com
Agent Name <b>Alan Theobald c/o Iconica</b>	Agent Address <b>901 Deming Way Madison, WI 53717</b>
Agent Phone Number <b>920-428-9164</b>	Agent E Mail address (optional) atheobald@iconicacreates.com

Variance Information
Municipal Code Section(s) Project Does not Comply <b>Section 23-47(a)- Dumpsters are required to be located outside the front yard.</b>
Brief Description of Proposed Project <b>The applicant is proposing to located dumpsters in the front yard. Section 23-47(a) of the Zoning Ordinance requires dumpsters to be located in the side or rear yard.</b>

Owner's Signature (Required):  Date: 1/17/2020  
TOM PIENKA  
Recp 377-0006

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:

We are requesting a variance to locate the dumpster enclosure for an adjacent Lot in our Elder Care Campus (Parcel #31-1-0772-1), in the front yard of our Lot (Parcel #31-1-0772-0). The adjacent lot has no access for dumpster pickup due to its irregular shape, river adjacency, and the public trail wrapping the site.

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

Our Elder Care Campus is located at the end of a dead-end street (East John Street). We own all 3 lots that front onto East John Street, to the East of South Court. The adjacent residential lots to the North are located on a raised, wooded hill with access from Alton Court. The adjacent residential lots to the West are also located on a raised wooded hill, with access from South Court. With the East end of East John Street being vacated and added to our Elder Care Campus, there are no other lots impacted by the dumpster access.

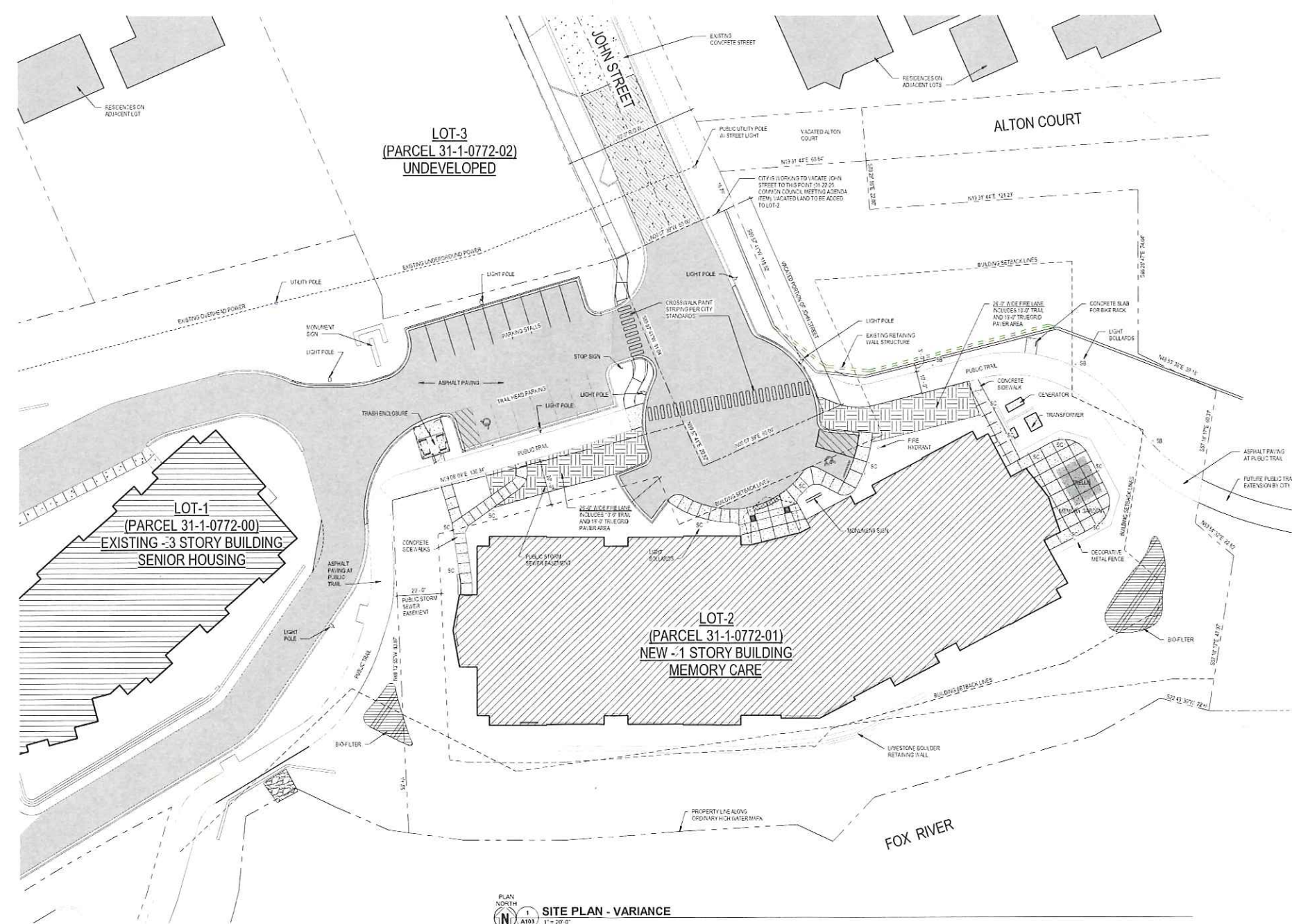
3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures:

The adjacent lot has an irregular shape and is located at the dead end of East John Street. The lot's entire rear yard is fronted by the Fox River. The lot's side yard to the North is mostly comprised of a 50' wide public sanitary easement, with no access from the paved cul-de-sac. The lot's side yard to the South shares a property line with our property, while also consisting of a 20' wide public storm sewer easement, which precludes a built structure. Another feature of their site is that a 10' wide asphalt paved Public Trail wraps around the property; encompassing both side yards and the front yard. The above elements limit access to a dumpster enclosure located in an allowable yard on that site. We are also (separately) requesting a variance for the adjacent

property to locate their dumpster enclosure off site, on our lot. The placement shown is the only location that is both accessible to their building and accessible for trash pickup.

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

The adjacent lot, with no access to the side yard to the South or the rear yard to the East, is left with the only location allowed by City ordinance being the side yard to the North. However, access would be limited to the Public Trail and for public safety reasons, the City Parks Department does not want dumpster access from the public trail; mixing dumpster pickup with public recreational use of the trail is an accident waiting to happen. The only dumpster access point that is feasible is on our property as shown (same ownership group and part of our Elder Care Campus).



**SITE MATERIAL KEY**

	PAVEMENT - LIGHT DUTY • 3" ASPHALT PAVING • 6" COMPACTED GRAVEL BASE		PAVEMENT - HEAVY DUTY • NEW CONCRETE PAVEMENT PER CITY STANDARDS
	HEAVY DUTY (SEE CIVIL) • 3" ASPHALT PAVING • 12" COMPACTED GRAVEL BASE		TRUE GRID GRASS PAVERS - SEE CIVIL DRAWINGS FOR INFORMATION
	BIO FILTER POND (SEE CIVIL DRAWINGS)		
	SIDEWALKS • 4" CONCRETE • 4" COMPACTED BASE		

**GENERAL NOTES:**

- ALL PARKING STRIPING AND SYMBOLS TO BE PAINTED WITH WHITE PAINT
- SEE ELECTRICAL SITE PLAN FOR CONDUIT LOCATIONS FOR LIGHTING AND IRRIGATION
- SEE CIVIL SITE PLANS FOR SITE DEVELOPMENT SITE UTILITIES, AND MORE INFORMATION
- SEE CIVIL PLANS FOR PAVEMENT DESIGN DETAILS

**SYMBOLS:**

- SB STANDARD LIGHT BOLLARD ALONG TRAIL (MATCH PHASE-1)
- SC LOW VOLTAGE LIGHT BOLLARD AT SIDEWALKS AND MENOR GARDEN
- MB MAXHOLE COVER - SEE CIVIL PLANS



**EAGLE COURT**  
975 EAST JOHN STREET  
APPLETON WI

**TUKKA PROPERTIES, INC**  
901 DEMING WAY, SUITE 102  
MADISON, WI 53717

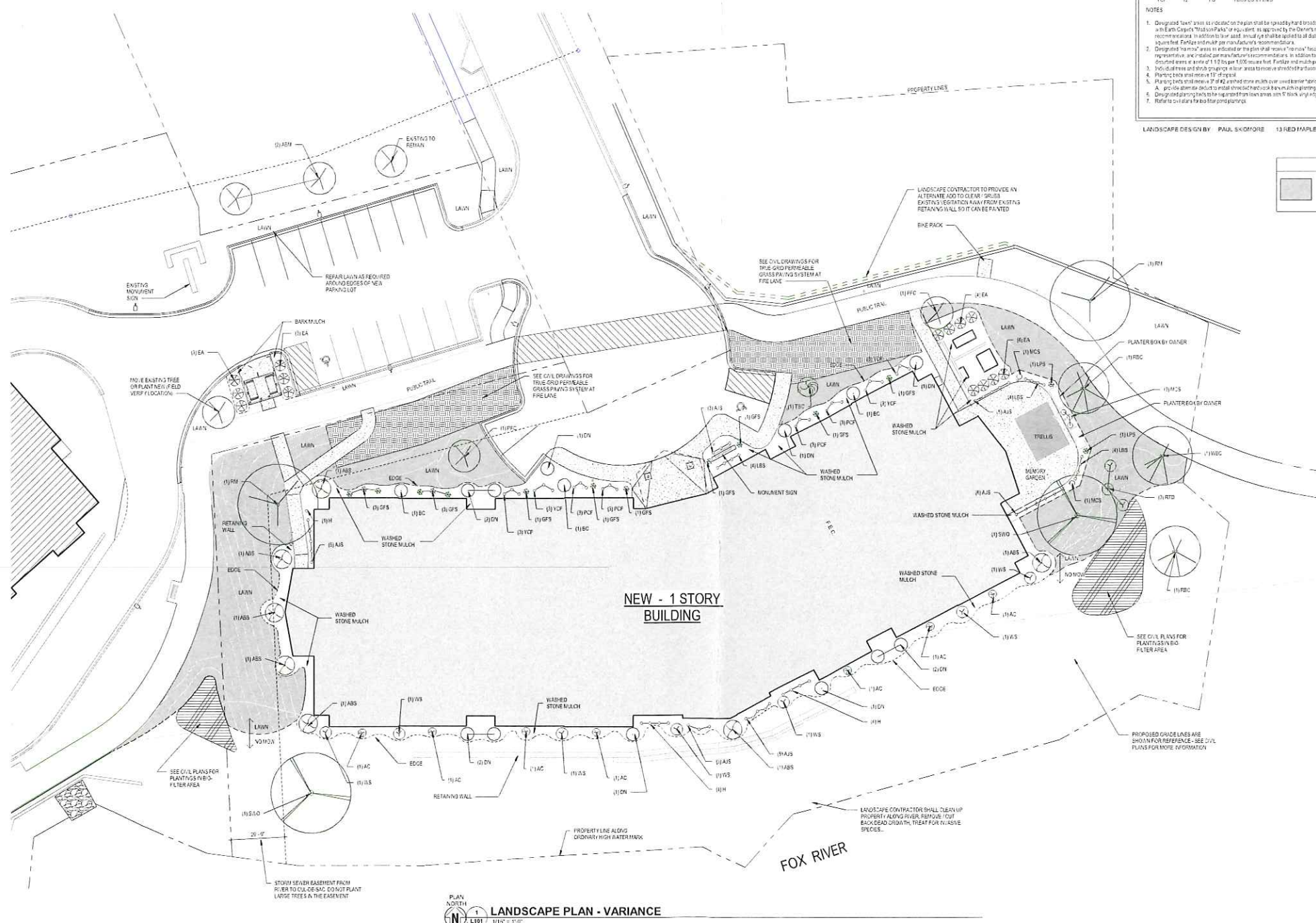
ISSUE DATES:		
Issue	Description	Date
	DUNSTON VARIANCE	01-21-20

This document contains confidential or proprietary information of Iconica. Neither the document nor the information herein is to be reproduced, distributed, used or disclosed either in whole or in part, except as specifically authorized by Iconica.

Sheet Title  
**SITE PLAN**

Project Number: 20190200  
Sheet Number  
**A103**

Scale: 1/8" = 1'-0" (Horizontal)  
1/4" = 1'-0" (Vertical)



PLANT LIST					
KEY	QUAN	SIZE	COMMON NAME	BOTANICAL NAME	ROOT
RM	1	2 1/2'	Cherry (Tree 21')	Prunus	BB
SUD	2	2 1/2'	Red Maple	Acer Rubrum	BB
ADM	2	2 1/2'	Swamp White Oak	Quercus bicolor	BB
			Autumn Blaze Maple	Acer Fraxinifolius	BB
RBC	1	10'	Major Redbud Tree (21' - 25')	Cercis canadensis	BB
WBC	1	10'	River Birch Tree	Betula Nigra	BB
			Whisper Birch Tree	Betula P. Whitepaper	BB
FFC	1	2'	Little Leaf Tree (11' - 21')	Forstia	BB
			Box Elder Tree	Morus Nigra	BB
			Tree Sycamore Tree	Morus Sycamore	BB
AMS	1	6'	Tall Redbud Tree (17' - 22')	Ailanthus	BB
			All Secondary	Autumn Bld. Secondary	BB
B*	1	24'	Major Redbud Tree (17' - 22')	Ailanthus	BB
DA	11	18'	Black Cherry Tree	Prunus	BB
RTD	1	24'	Black Cherry Tree	Prunus	BB
WS	7	24'	Black Cherry Tree	Prunus	BB
AC	7	18'	Black Cherry Tree	Prunus	BB
SFS	11	18'	Black Cherry Tree	Prunus	BB
LFS	2	18'	Black Cherry Tree	Prunus	BB
MCS	5	18'	Black Cherry Tree	Prunus	BB
EA	14	9'	Tall Redbud Tree (17' - 22')	Ailanthus	BB
			Common Redbud	Thalictrum	BB
AUS	27	10'	Autumn Bld. Secondary	Autumn Bld. Secondary	BB
LES	12	10'	Autumn Bld. Secondary	Autumn Bld. Secondary	BB
H	5	10'	Autumn Bld. Secondary	Autumn Bld. Secondary	BB
PCH	12	10'	Autumn Bld. Secondary	Autumn Bld. Secondary	BB
VCF	12	10'	Autumn Bld. Secondary	Autumn Bld. Secondary	BB

LANDSCAPE DESIGN BY PAUL SKOMORE 13 RED MAPLE TRAIL MADISON WI 53717 608 628 0032

LEGEND  
LAWN IRRIGATION - ALTERNATE ADD

LANDSCAPE PLAN - VARIANCE

301 DENING WAY • MADISON, WI 53717  
Ph: 608 654 3555 • Fax: 608 654 3555  
iconicausa.com

**EAGLE COURT**  
975 EAST JOHN STREET  
APPLETON, WI

**TUKKA PROPERTIES, INC.**  
901 DENING WAY, SUITE 102  
MADISON, WI 53717

ISSUE DATES:  
Issue Description Date  
DUNSTER VARIANCE 01-21-20

This document contains confidential or proprietary information of Iconica. Neither the document nor the information herein is to be reproduced, distributed, used or disclosed, either in whole or in part, except as specifically authorized by Iconica.

Sheet Title  
**LANDSCAPE PLAN**

Project Number: 20190208  
Sheet Number  
**L101**