



To: City of Appleton
Dept. of Community and Economic Development
100 N. Appleton St.
Appleton, Wisconsin 54911

Date: November 18, 2015

Attention: Mr. Matthew Rehbein – Economic Development Specialist (TN: 920-832-6463)
(E-mail: matthew.rehbein@appleton.org)

RE: PROJECT No. 699 - Kowalczyk Properties LLC - Aluma Cast Foundry, Inc. - Building Addition
3200 E Pershing St. - Appleton, Wisconsin 54911.

SUBJECT: **Variance Request to Deed Restrictions Submittal**

Copies	Date	Description
1 Set	November 18, 2015	11" X 17" Format – Variance Request to Deed Restrictions Plans - Stamped and Dated November 18, 2015
1	November 18, 2015	Variance Request to Deed Restrictions for City of Appleton - Northeast Industrial Park Signed and Dated November 18, 2015

Are Transmitted Herewith:

X	<u>For Your Information</u>	X	<u>For Necessary Action</u>
X	<u>For Review</u>	X	<u>For Your Files</u>

REMARKS:

Dear Mr. Rehbein

Enclosed please find the documents as noted above for the Application for Variance. I will be attending the November 25, 2015 – 5:00 P.M. Community and Economic Development Committee meeting as well as the Dec. 2, 2015 – 7:00 P.M. City Council meeting to answer any questions. If you have any questions or need additional information, please do not hesitate to call me. Thank you for your continued cooperation, assistance and service.


Thomas J. Van Dalen, AIA, AICP, NCARB
Architect Manager & Project Supervising Professional 6230-5



Project No. 699: Kowalczyk Properties LLC - Building Addition
Aluma Cast Foundry, Inc.
3200 E. Pershing St. - Appleton, Wisconsin 54911

Variance Request to Deed Restrictions for City of Appleton - Northeast Industrial Park
to

City of Appleton - Department of Community and Economic Development
Mr. Matthew Rehbein - Economic Specialist

On behalf of the property Owner, we are requesting variances to the following Deed Restrictions for the subject project as noted above:

1. West Side and Rear Yard Setbacks: As per Deed Restrictions 1.B. – Minimum side and rear yards setbacks shall be twenty five (25) feet, provided that adjacent property owners may mutually agree to jointly construct common walls structures thereby eliminating any setback between buildings.

The Owner is requesting that the west side yard setback be reduced to 10 feet and the rear yard setback be reduced to 19 feet.

2. Front Elevation Material: As per Deed Restrictions 3. – Any building shall be masonry construction or enameled steel or equivalent thereof. The front of all building and rear of all buildings when facing a street shall be faced with decorative masonry.

The Owner is requesting that the building addition front elevation be faced with enameled steel siding to match the color of the existing steel siding that is on all building facades. The existing front facade is finished with enameled steel siding above a 4' high colored masonry base wall.

Please refer to the attached City of Appleton – Request for Variance dated Nov. 18, 2015 and signed by the Owner. The Questionnaire portion of that document addresses the reasons why the setback variances are required, their effects on surrounding properties, the special conditions that apply to this property and the hardship that will result if the variances are not granted.

Also attached to this document, please find a set of drawings prepared for this variance request. The drawings include:

- Title and Index - Sheet T1
- Site Plan – Sheet C1
- Building Addition Floor Plan, Exterior Elevations and Building Section – Sheet A1
- Google Earth Aerial Photo of the Site and Surrounding Properties – Sheet P1
- (3) Google Earth ground level photographs of the front of the building elevation from 3 different angles from E. Pershing St. Sheet P2, P3 & P4

The front elevation of the proposed building addition is set back 80' from the existing building front elevation and only has 18' lineal feet of direct front elevation exposure. Of that 18' lineal feet of front elevation exposure, 12 lineal feet is taken up by an overhead door opening and 3.33 lineal feet is taken up by a service door. That leaves a total of 2.67 lineal feet of direct front exposure for a 4' high colored masonry base wall to match the existing building front elevation finish. Given the setback distance of the proposed building addition front elevation from the existing building front elevation and the minimal length of the required masonry base wall would be to match the existing building front elevation, we feel that sheeting the entire front elevation wall of the building addition with all enameled steel siding is a better visual solution.



11/18/2015

Thomas J. Van Dalen, AIA, AICP, NCARB
Architect Manager / Project Supervising Professional

CC:

Mr. Robert Kowalczyk– President
Kowalczyk Properties, LLC & Aluma Cast Foundry, Inc.

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 30, 2015


Meeting Date

December 21, 2015 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 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) 3200 E. Pershing St.	Parcel Number 31-1-4315-02
Zoning District M1	Use of Property Factory
Applicant Information	
Owner Name Kowalczyk Properties LLC	Owner Address 3200 E. Pershing St. Appleton, WI 54911
Owner Phone Number 920-739-6282 Office	Owner E Mail address (optional)
Agent Name Thomas J. Van Dalen Architect Manager – Project Supervising Professional	Agent Address R&R Steel Structures 5521 County Rd BB Appleton, WI 54914
Agent Phone Number 920-739-6521 Office / 920-858-2326 CP	Agent E Mail address (optional) t.vandalen@rrsteelconstruction.com
Variance Information	
Municipal Code Section(s) Project Does not Comply Section 23-131(h)(5) - Rear yard setback Section 23-131(h)(6) – Side yard setback Section 23-172(e)(3) – Maneuvering in the right of way Section 23-172(m) - Minimum parking spaces	
Brief Description of Proposed Project The proposed plans would place the building nineteen (19) feet from rear property line and ten (10) feet from the side yard property line. Section 23-131(h)(5) of the Zoning Ordinance requires a twenty-five (25) foot rear yard setback and a twenty (20) foot side yard setback. The plan also would require vehicles dropping off goods to maneuver in the street. Section 23-172(e)(3) requires all maneuvering to occur within the property lines. The plan also would provide six (6) parking spaces. Section 23-172(m) specifies that properties that are light manufacturing with five (5) employees would require eight (8) parking spaces.	

Owner's Signature (Required):


ROBERT KOWALCZYK

Date: Nov. 18, 2015

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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:

Currently all raw products and finished goods are transferred from delivery vehicles outdoors and stored in fenced off outdoor storage area. The raw products are taken into the building as needed for fabrication, then stored outside for pick-up and delivery. The transfer of the products onto and from the delivery vehicles occur throughout the year, even when seasonal severe weather conditions make it unsafe for those operations to occur.

All semi-trailer trucks back into the site from E. Pershing St., because the site is not wide enough to allow for on-site maneuvering to transfer their cargo. Longer semi-trailer trucks are too long to park on the site without sticking out into the road while cargo transfer occurs, so they just park on the side of the road just west of the site, which is a safer operation for them.

The proposed building addition alteration provides a safe, heated, indoor environment for the transfer and storage of raw product and finished goods, which is not possible without the granting of the requested variances. The setback variances will allow all semi-trailer trucks to back up to or into the building addition to allow for the safe transfer of cargo with the trailer inside or outside of the building. Longer semi-trailer trucks will no longer have to park in the street to transfer their cargo as they currently do.

Currently two garbage dumpster are visible from the street. The proposed building addition alteration will allow for relocation of outdoor dumpster storage area to a new area that is not visible from the street.

The facility employees a maximum of 4 people per shift. This is a small operation and there is never more than one visitor to the site at one time. Current ordinance requires 4 employee parking spaces and 3 visitor parking spaces for a total of 7 parking spaces. The proposed plan indicates a total of six parking spaces; 5 for employees and 1 for visitors for a total of 6 spaces. That is why a variance is required.

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

A City of Appleton regional storm water detention borders the north (rear) property line of the site. Allowing a 19' setback instead of the required 25' setback would have no visual or accessible impact on that site by granting a variance to 23-131(h).

The neighboring property to the west has a 15' wide storm water drainage ditch running completely along the west property line from E. Pershing St. to the City of Appleton regional

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storm water detention pond immediately north of this site as noted in the paragraph above. Immediately west of that drainage ditch on the same property is a very large, fenced in, gravel covered outdoor storage yard. A variety of equipment and materials are stored along that fence abutting the drainage ditch. Allowing a 10' setback instead of the required 25' setback along the west property line would have no visual or accessible impact to that site by granting a variance to 23-131(h)(6).

By granting the requested variance to 23-172(e)(3), would allow an operation that has always occurred due to the sub-standard size and configuration of the site. Semi-trailer trucks have always maneuvered on E. Pershing St. to back into the site, consequently there will be no new adverse effects to the surrounding properties. In fact the safety of the surrounding sites is improved, because long semi-trailer trucks will no longer have to park on the street in order to transfer their cargo.

By granting the variance to 23-172(m), and allowing the proposed plan to proceed, car parking spaces and dumpster storage areas are masked from the street and surrounding properties, thereby improving the effects of the current operation to the surrounding properties.

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

The current development of the site occurred in 1985. It was the first development in the Appleton – Northeast Industrial Park, prior to it being re-zoned to the current Zoning District – M1 Industrial Park. The site is a Nonconforming lot of record.

Current zoning ordinance sections require a minimum lot width of 150' and a lot size of 1 acre (42,580 s.f.). The existing lot of record is 100' wide and has an area of 23,000 s.f., both nonconforming by current ordinance sections. All the surrounding properties are developed and exceed the current ordinance minimum size and width requirements, thus allowing future expansion or re-development without variances.

As detailed in Item 1 above, the only way to provide a safe and heated indoor environment for the transfer raw products and finish goods to occur on site, would require variances as detailed in Item 2 above. This is entirely due to the size and width of this nonconforming lot.

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

The existing hardship of the unsafe and unprotected transfer of goods to and from delivery vehicles will continue to occur if the variances are not granted. The proposed building addition that would provide an indoor transfer area for delivery vehicles completely on-site, cannot be provided without the requested variances being granted. Large semi-trailer trucks would continue to park on the street while they transfer their cargo as they do now without the variances being granted.

The site is too narrow for any semi-trailer trucks to back into or off of the site without maneuvering on E. Pershing St. The site is also too narrow for any on site maneuvering of any semi-trailer truck to back up to the existing building or proposed building addition. The granting of the variance is required to allow the maneuvering of semi-trailer trucks on E. Pershing St. to back on to the site.

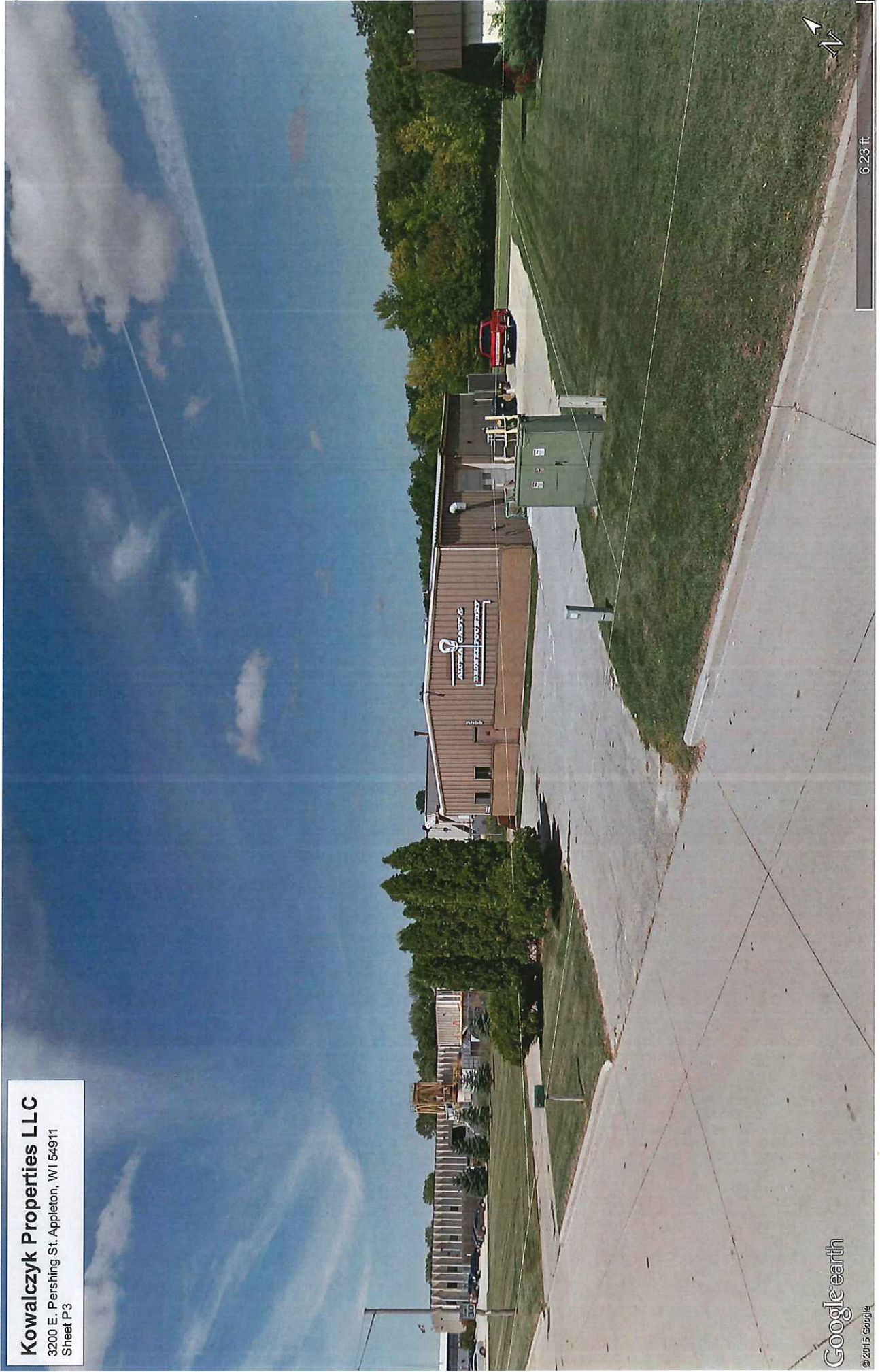
Kowalczyk Properties LLC

3200 E. Pershing St. Appleton, WI 54911
Sheet P4



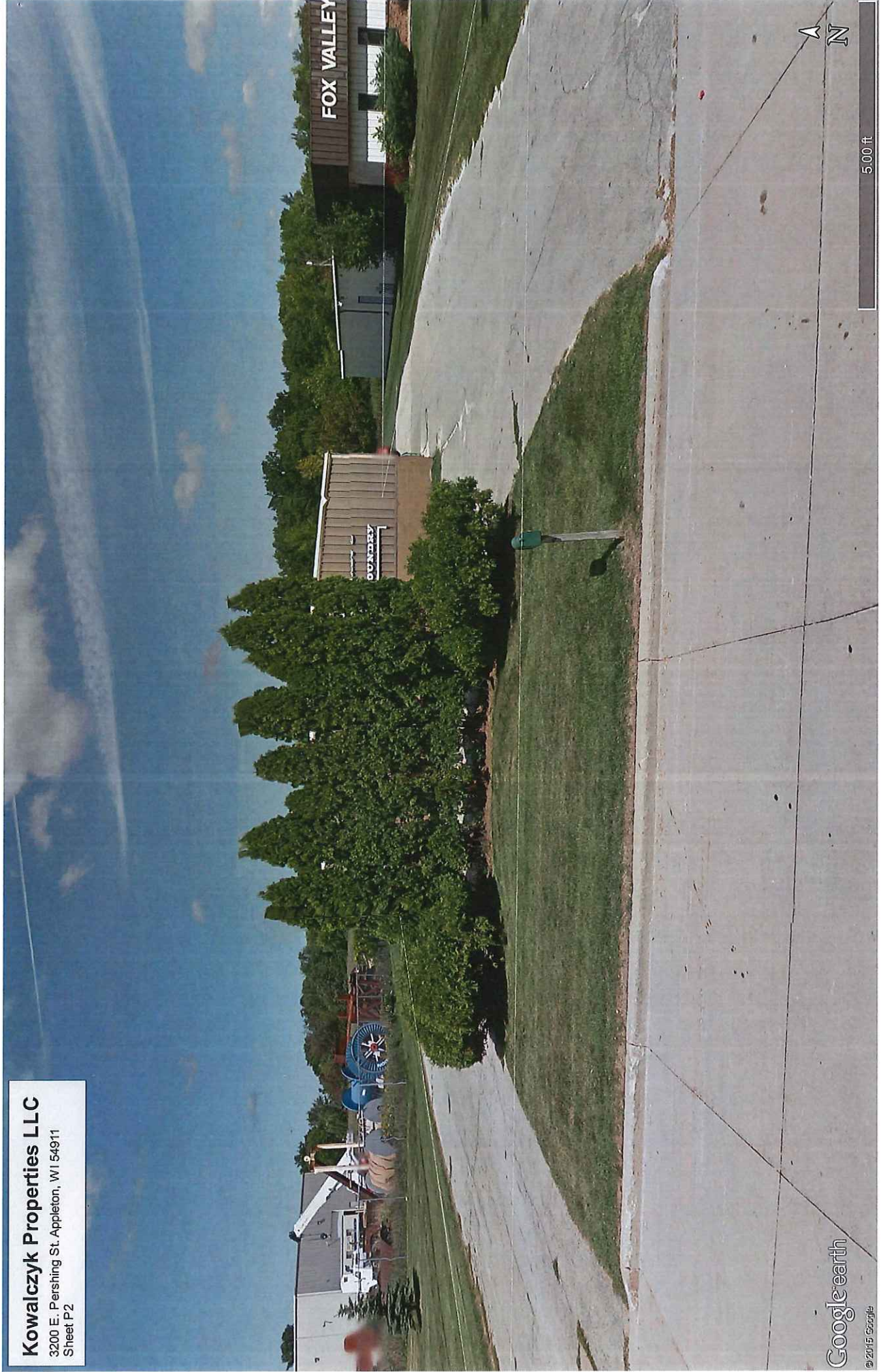
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Sheet P3



Kowalczyk Properties LLC

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Sheet P2



Google Earth

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