$421\ N\ Lawe\ St,\ Appleton\ WI$ Appeal to install permanent decking in attic of garage

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Owners

• Bobby and Allison Fleshman 421 N Lawe St Appleton, WI 54911 (405) 627-0167 bfleshman@gmail.com

1 Appeal application

Department of Public Works

Inspection Division 100 North Appleton Street Appleton, Wisconsin 54911 (920) 832-6411

City of Appleton Application for Administrative Appeal

Application Deadline March 27, 2017	Meeting Date April 17, 2017 at 7pm
Please write legibly and also submit a complete of A complete site plan includes, but is not limited distances to each. There is a non-refundable \$12 refundable fee is payable to the City of Appleton	5.00 fee for each variance application. The non-
Property I	nformation
Address of Property (Variance Requested)	Parcel Number
421 N. Lawe St.	31-1-0696-00
Zoning District	Use of Property
R1C	Residential
Applicant	Information
Owner Name	Owner Address
Bobby L. Fleshman	421 N. Lawe St.
	Appleton, WI 54911
Owner Phone Number	Owner E Mail address (optional)
405-627-0167	bfleshman@gmail.com
Variance I	nformation
Municipal Code Section(s)	•
Section 23-68 of the Zoning Ordinance, Adn	ninistrative Appeal.
Appealing the decision of the Inspection S	Supervisor who is considering garage being
constructed to be two (2) stories. Section 23-	-43(f)(1)(h) prohibits garages to have two (2)
stories.	
Brief Description of Proposed Project	
ceiling.	all plywood permanently on top of our garage
• The ceiling is lowered from where the create attic sensible storage space in v	e rafters sit for structural reasons and to within a low hip roof.
• The pitch/style of the roof has been c	
historical architectural constraints.	modeli to materi with the property 3
 This permission has absolutely no eff 	ect on property exterior.

Updated: 04/04/17 10:25am

Owner's Signature (Required): Bothy 7 led

Inspection Division 100 North Appleton Street Appleton, Wisconsin 54911 (920) 832-6411

SUMMARY BULLET POINTS

- The structure will not / can not be finished as a second level. As designed, it would serve precisely the same function as an attic in a gable roof. Further, the exterior is not affected by the zoning criteria in any way whatsoever.
- The communication has been poor and the facts ill communicated throughout this process. We feel we are having to take full responsibility when it should be shared by the inspections department. Relying on an internal memo that makes no mention of hipped roofs is not a sound modus operandi.
- This case warrants a discussion with the historical committee. The repercussions of blindly upholding an internal memo without regard to architecture speaks poorly of the inspections team and of Appleton's desire to marry its architectural future with its past. There is only praise for this project from our neighbors, and in the end, the city should represent its citizens priorities.

These and the following comments must go on record, and must be forwarded with any materials passed on to the appeals committee:

COMPLAINTS

- Documentation was presented in an untimely and discombobulated manner:
 - Our first notice that the ceiling was in the wrong location came 4 months after it was installed
 - Any ambiguity should have been more pro-actively addressed by the inspectors before it got this far along.
 - o There is no excuse for lack of action in these intermediate 4 months. We are on one of the most visible streets in Appleton (Lawe St), and our process was so slow, there should have been ample opportunity to halt progress. We clearly were not trying to skirt a regulation being we were so exposed, slow, and methodical with this project.
 - o It was only after these four months that we were made privy to the wording of an INTERNAL memo sent out to the inspections division.
- The said internal memo is not itself consistent with the permit application.
 - o Though not directly relevant to the present issue: one example regards the inconsistent definition of maximum accessory building height.
 - o This sort of ambiguity and disconnect with the permit application is a problem that must be addressed now and in the future.
 - As it pertains to us, the memo makes no mention to hip roofs, and we
 therefore recommend its revision to include cases such as the one at hand
 with very low hip roofs seeking to possess attic storage space, which
 requires one lower the floor to accommodate.

Department of Public Works
Inspection Division

100 North Appleton Street Appleton, Wisconsin 54911 (920) 832-6411

 One recommendation is to look at the maximum VOLUME of attic storage made availabe in cases such as ours. This would dictate apples-toapples requirements.

ADDITIONAL COMMENTS AND CONCERNS

- The chief issue here is the lack of parity with our style roof and a steep gable roof. As written, the internal memo does not allow one to achieve attic storage space, while simultaneously being sympathetic to the neighborhood's architectural character.
- We feel the need to reiterate that a revision to the interpretation of the memo to
 include shallow hipped roofs is necessary, and would have absolutely no effect on
 the exterior of the property.
- The historical goals of the city do not harmonize with blind application of inconsequential building regulations. Where do the city's priorities lie as a whole?
- From the standpoint of strength alone, the structure will be too greatly compromised to relocate the ceiling.

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2 Supporting text and figures

SUPPORTING TEXT for Appeals Committee: 421 N LAWE ST, APPLETON PREPARED 4/4/17

EXPLANATION OF ISSUE:

We are requesting permission to install plywood (decking) on top of our garage ceiling, so as to make that space useful for storage.

Section 23-43(f)(1)(h) defines attic space for a single-story accessory building (garage) as the space created by the intersection of the roof system and ceiling/floor system. The design of this garage follows the historical architecture of the property (shown in **Figure** 1)—decorative rafter tails, balloon framing, and low-hip roof described in point #3—and therefore does not have such an intersection of the roof system/ceiling system. The location of the ceiling systems optimizes the structural integrity of the building, and can therefore not be relocated. A variance to the definition of this attic space, by allowing the permanent attachment of plywood to the ceiling system, will create a functional storage space that is not feasible in historic homes such as this.

LACK OF IMPACT TO SURROUNDINGS:

The requested variance only affects the interior of the garage. There are no exterior aspects of the garage that require a variance. In addition, the granting of this variance will increase the functionality of the garage, as well as compliment the historical character of the property, located in the Appleton City Park Historic District.

UNIQUE CONDITIONS:

The property is registered as the Edwin J. Falck House (Ref# 40489) on the National Registry of Historic Places. The historical description is given below¹:

PROPERTY FEATURES

Year Built: 1920, Survey Date: 1991, Historic Use: house, Architectural Style: Prairie School, Property Type: Building, Structural System: Balloon Frame, Wall Material: Clapboard

Additional Information: The house retains its original front porch and such characteristic features as banded windows, <u>low hip roof</u> and high-waisted first floor clapboard siding. Garage.

The garage design has historical character similar to the house, including unique hand crafted rafter tails. The two underlined characteristics of the house description are unique to the property. First, the *balloon frame* involves tall, uninterrupted vertical study that create the exterior walls. The ceiling cannot be located at the junction of the roof joists for two reasons:

Updated: $04/04/17 \ 10;25am$

¹ Information from http://www.wisconsinhistory.org/

- 1) This would jeopardize the structural integrity of the walls. The ceiling is therefore located at the optimum position along the walls by suspension.
- 2) The location of the ceiling (4' below the top of the wall) optimizes the attic space.

The *low hip roof* (design required by the home's architecture) enforces a low-pitch that if the ceiling joists were placed atop the walls, the resulting attic space would be rendered useless.

To demonstrate our situation, Figure 2 shows the limitations of maintaining the low hip character and optimizing the attic space. The figure also shows that the height and all exterior code requirements are still met.

Our requested variance is to allow us to permanently attaching decking to the ceiling system, which is further explained in a diagram in Figure 3.

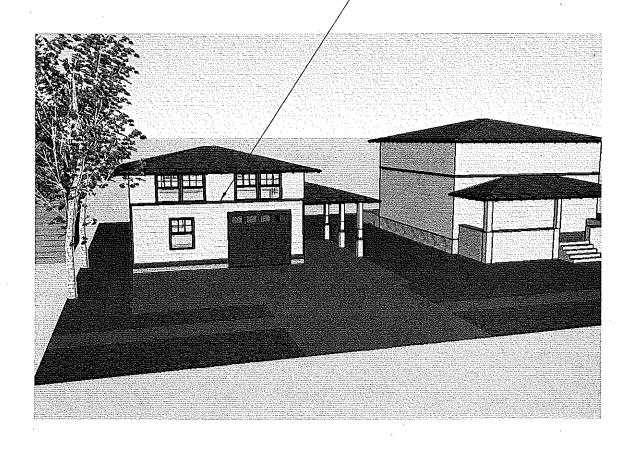
The hardship for this property is the low-hip roof system. A gabled roof, with a high pitch, would not be sympathetic to the historical character of the house. We ask for a variance for the garage to make the attic space functional while still complimenting the unique character of the house, one of very few prairie school houses in the City Park historic district.

FIGURE 1: FRONT ELEVATION OF GARAGE, KEEPING WITH PRAIRIE SCHOOL HOUSE STYLE

421 N LAWE ST APPLETON, WI

APPEAL TO INSTALL DECKING IN GARAGE ATTIC SPACE

UPDATE 4/4/17



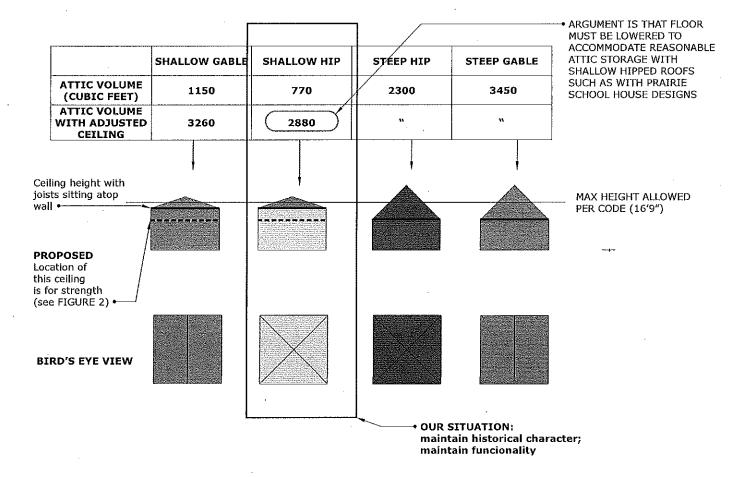
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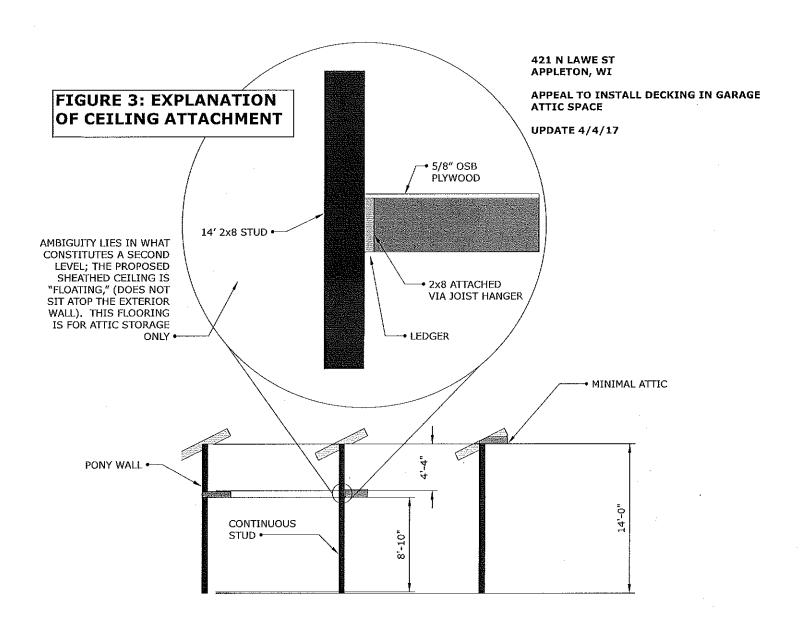
FIGURE 2: ATTIC VOLUMES ASSUMING JOISTS ATOP WALL

421 N LAWE ST APPLETON, WI

APPEAL TO INSTALL DECKING IN GARAGE ATTIC SPACE

UPDATE 4/4/17





3 Pertinent timeline

PERTINENT TIMELINE

4/11/16:

Permit granted for original garage demo and construction of new garage.

6/1/16:

Attic decking installed.

10/3/16:

Owners first notified of a 2009 internal memo regarding said flooring. Recommended by Inspections Supervisor, Kurt Craanen to file an appeal with ruling to remove attic decking.

4/4/17:

Application for appeal submitted.

4 Internal memo and email exchange regarding

DEPARTMENT OF PUBLIC WORKS
Inspection Division
100 North Appleton Street
Appleton, WI 54911
Phone (920) 832-6474
FAX (920) 832-6489

TO:

Inspections Division Staff

FROM:

Kurt W. Craanen, Inspections Supervisor

SUBJECT:

Policy for Determining Second Story of Accessory Buildings

DATE:

January 5, 2009

Section 23-43(f)(1)(h) states that detached accessory building shall not exceed fifteen (15) feet in height and shall not exceed one (1) story in height. The following policy is aimed at providing clarification on how Inspections staff shall apply the one story standard to detached accessory buildings.

It is common for an attached accessory building to be built with a "bonus" room over the garage. This was made popular with the introduction of material capable of spanning longer distances such as engineered lumber products and "attic trusses" or "bonus room" trusses. While this may created a room above the first floor of the detached garage, it does not constitute an additional story if the following was met:

- 1) The building must meet the height requirements
- 2) The attic/bonus room must be kept within the confines of the areas created by the roof planes and the ceiling/floor system separating such room from the main level of the garage.
- 3) The planes of the roof must connect/intersect with the ceiling/floor system described in condition two. (Meaning there cannot be any exterior walls above this ceiling/floor system. Exterior walls above the ceiling/floor structure would reclassify the structure as multi-story).

These criteria were established because it was determined that detached accessory buildings with bonus rooms over the first level of the building are similar in nature to a single story home with a walk-up attic. Typically, one thinks of a multi-story building as one that has exterior walls above the first floor ceiling. Therefore it was determined as long as the garage roof came down to intersect with the first floor ceiling, this would not be viewed as being a multi-story building, just as a house with a walk up attic is not considered a multi-story building. Additionally, from the outside, there is no visible difference between a garage with a non-usable attic vs. one with a usable attic (other than possibly a window in the gable ends). As long as the room is contained within the confines of the roof system, it still qualifies as a single story garage.

Updated: 04/04/17 10:25am

From: Kurt Craanen Kurt.Craanen@Appleton.org &

Subject: RE: 412 N Lawe garage follow up

Date: October 3, 2016 at 9:46 AM

To: bobby fleshman bfleshman@gmail.com, Chris Jensen Chris.Jensen@Appleton.org

Cc: Allison M. M. Fleshman allison.m.fleshman@fawrence.edu



Attached is a policy memo I did back in 2009 specifying how we define a second story.

We plan on stopping out there this morning.

-----Original Message-----

From: bobby fleshman [mailto:bfleshman@gmail.com]

Sent: Monday, October 03, 2016 8:51 AM

To: Chris Jensen < Chris.Jensen@Appleton.org>

Cc: Allison M. M. Fleshman <allison.m.fleshman@lawrence.edu>; Kurt Craanen <Kurt.Craanen@Appleton.org>

Subject: Re: 412 N Lawe garage follow up

Chris,

My apologies if I'm not around when you guys come over. If we don't cross paths, I wanted to mention that I think the issue at hand comes down to an interpretation of what it means to have a walled and finished second level.

The second level will not be finished, except have plywood sheathing. No plumbing, flooring, etc, so as to make it in anyway livable. It is purely a storage space.

As for what it means to be walled, my interpretation is that the first floor wall would have the ceiling joist sitting atop. Then on top of this would be a separate wall extending above to create the 2nd level wall. See the attached sketch. This was the primary reason we dealt with the 14' studs to begin with.

The floor in my interpretation could never strictly support a second level (as a living space) as constructed, begin that it is 'floating' rather than sitting atop a wall of any sort. This further supports the definition of it being an attic space. Finally, the only access is via attic drop down ladder---no staircase.

I hope to be here when you come, but no less wanted less document these thoughts while they were fresh.

Thanks Chris.

On Oct 1, 2016, at 7:32 AM, bobby fleshman
 bfleshman@gmail.com> wrote:

Chris,

Thank you for the call yesterday. (Sorry if it took me a moment to get oriented. I was at the brewery, dealing with the myriad inspections and decisions on that side. Certainly not a dull time in our lives to say the least.)

I'll have the side door open for you and Kurt Monday so you can have a look inside the garage. Please let Allison or me know if either of you need anything at all from us.

Have a great weekend.

-bobby



define story of access...trs.doc

Updated: 04/04/17 10:25am





- 5 Project documents
- 6 Construction permit

Permit No. 146

1-096-00 Key No.

Receipt No. 45-2 3399

Permit Fee:

Date:

Goldenrod-Applicant

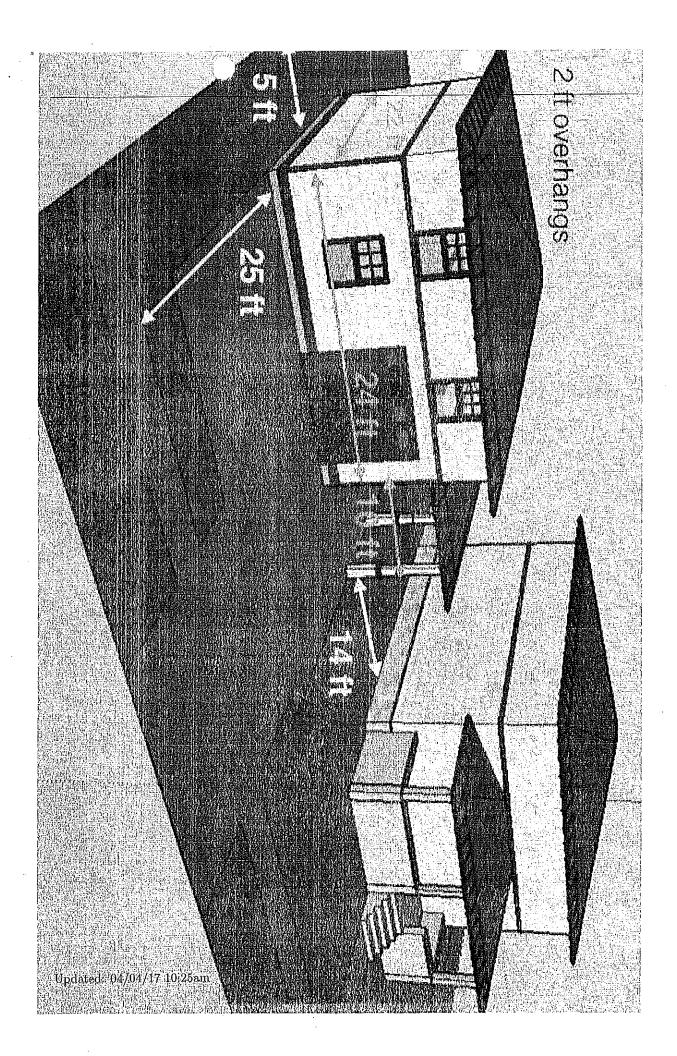
BUILDING PERMIT

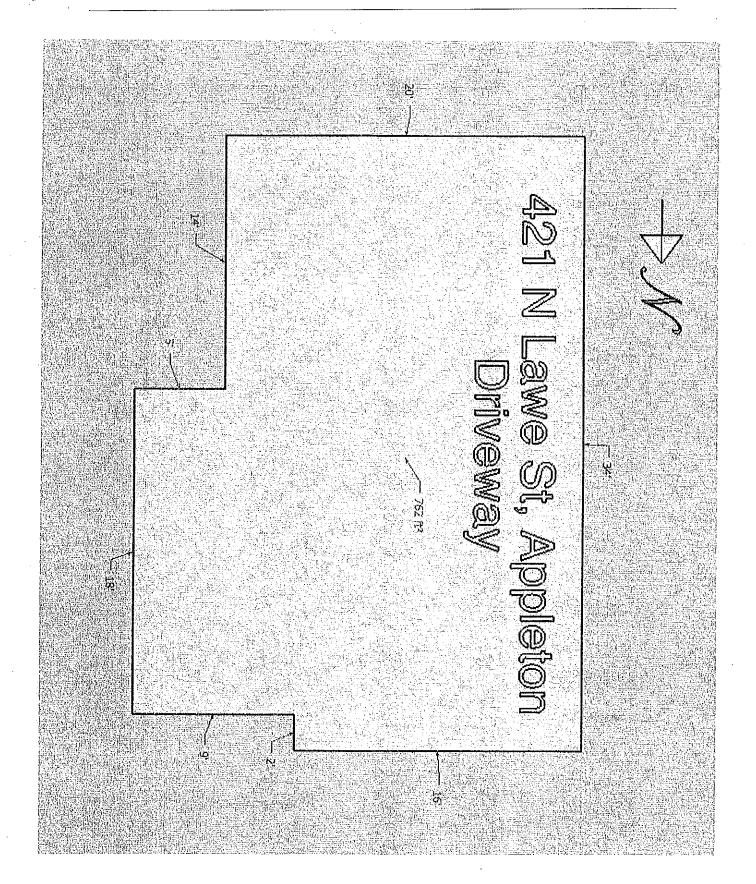
White-Office

City of Appleton Inspection Division 100 N. Appleton St. Appleton WI 54911 Phone (920) 832-6411 Fax (920) 832-6464

Owner/Contractor Bobby Fleshman Address 421 N Lawe St
Project Type Garage, new construction (also, replacing driveway; see attached renderings)
Lot # 1 and 2, Block 31 Subdivision Lawsburg Plat Zoning Residential
Comments See attached sketch for lot description Application Date 4/11/16
Why Issued Type of Building
New Building
Building Size Information Set Backs Accessory Bidg Lot information PROPOSED STRUCTURE (Garage)
D.A. Dimension 38'x26' (w/overhang) 1st Floor 528 sq ft Basement Area 2nd Floor Storage Main Bldg 14' S of Main Bldg 14' S of Main Bldg Interior Basement Area 528 ft^2 (22'x24') 3'd Floor N/A Side Yard 5' (South) Type Residential? Book Stories Single Volume 528 sq ft Bear Yard 32' (West) Size 80'x103' (depth x width) Beight 16' 9" to ridge Total Area 528 sq ft
Alin Bldg Setbacks Fype of Construction Foundation Type of Foundation Foundation Type of Foundation Set Back 17' (East)
tractor Bobby Fleshman (self) Address 421 N Lawe St, Appleton, Wi Telephone 405.627.0167
tractor E-mail_bfleshman@gmail.com
nitect/Designer (self) Address " " Telephone " "
indersigned agrees to construct the above-described building in accordance with plans and specifications submitted herewith, and in strict compliance with all the provisions. Building Code of the State of Wisconsin, and to grant permission for reasonable inspections by a City ing Inspector or City Assessor as a condition of receiving this permit.
Applicant (print) Bobby Fleshman DC# Approved by Muttle Leave
DC#State DCQ#Approved by \(\sum_{\text{UUA}} \text{Cl CUCUA}\)
its granted by: Board of Appeais Board of Building Inspections State Bldg Permit#Stormwater#
APPLICANTS HOLD THE INSPECTION DIVISION FOR REQUIRED INSPECTION: 920-832-6411 Reasonable Accommodations for persons with disabilities will be made upon request and if feasible.

Pink- Assessor







ACCESSORY BUILDINGS

One and Two-Family Residential

Plans must be submitted for new or replacement accessory buildings before a building permit can be issued. The plans will be examined by a building inspector to ensure they conform to all relevant building, zoning and right-of-way regulations.

Plan review

Items the building inspector looks for when reviewing plans for accessory buildings are as follows:

- ♦ The total combined gross floor area of all attached garages, attached carports, and/or detached accessory buildings including but not limited to detached garages, detached carports, tool/garden sheds, storage sheds, gazebos or pool houses shall not exceed the total gross floor area of the principal building.
- ◆ Detached Accessory Buildings: the maximum total combined gross floor area of all detached accessory buildings including but not limited to detached garages, detached carports, tool/garden sheds, storage sheds, gazebos or pool houses shall be one thousand six hundred (1,600) square feet.
- ♦ Attached Accessory Buildings: the maximum total square footage allowed for all attached garages, attached carports or any attached accessory building may not exceed a total of 1600 sq. ft. or 35% of the total gross area of the principal building whichever is greater.
- ♦ Garage setbacks are usually measured from the enclosing walls. However, if a detached garage has a carport or covered patio attached, then the setback is measured from the supporting columns of the carport or patio roof. Roof overhangs may extend 24 inches into a required yard or setback.
- For interior lots, where the accessory building is set back at least 60 feet from the street property line, the setbacks must be at least 3 feet from side and rear property lines, and at least 5 feet from an alley line.
- ♦ A garage may be as close as 5 feet to a house, if adequate fire protective measures are taken. Otherwise, it must be at least 10 feet away.
- An accessory building cannot be built on a vacant lot.
- No second floors or dormers are permitted.

Submitting plans

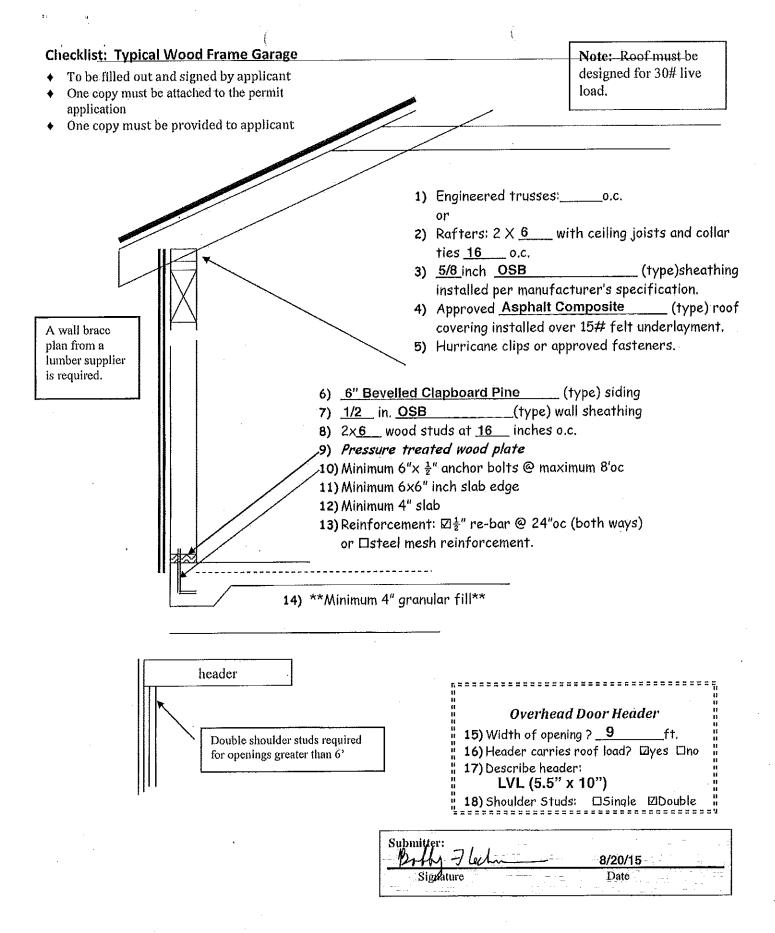
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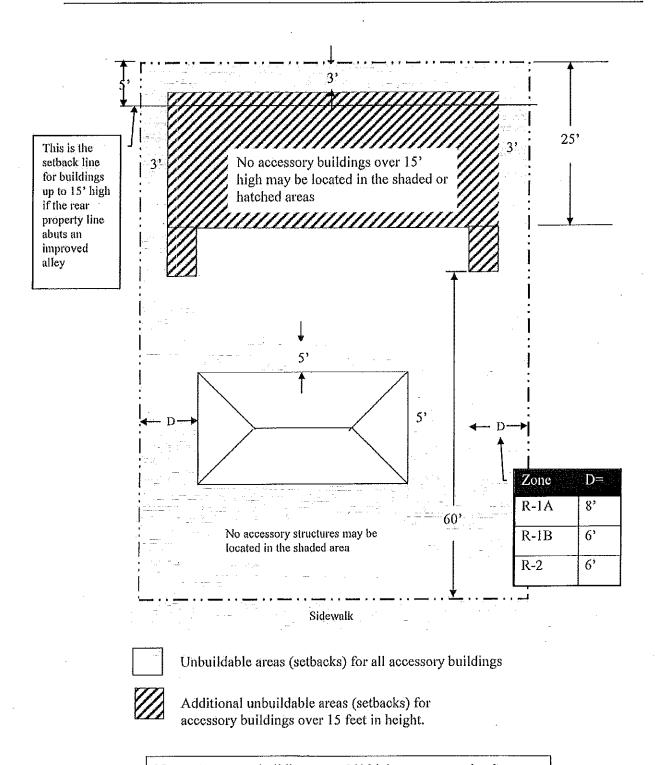
Walk-in service is available for the review of garage plans if you come in when inspectors are available in the office. Office hours are 8:00 to 9:30 a.m. and 12:30 to 1:30 p.m. Monday through Friday. Inspectors are also responsible for making field inspections; therefore they are not in the office at all times. Call 832-6411 to confirm inspector availability.

Building Permit Application Worksheet One or Two-Family Residential Accessory Building -- Must be filled out by applicant --

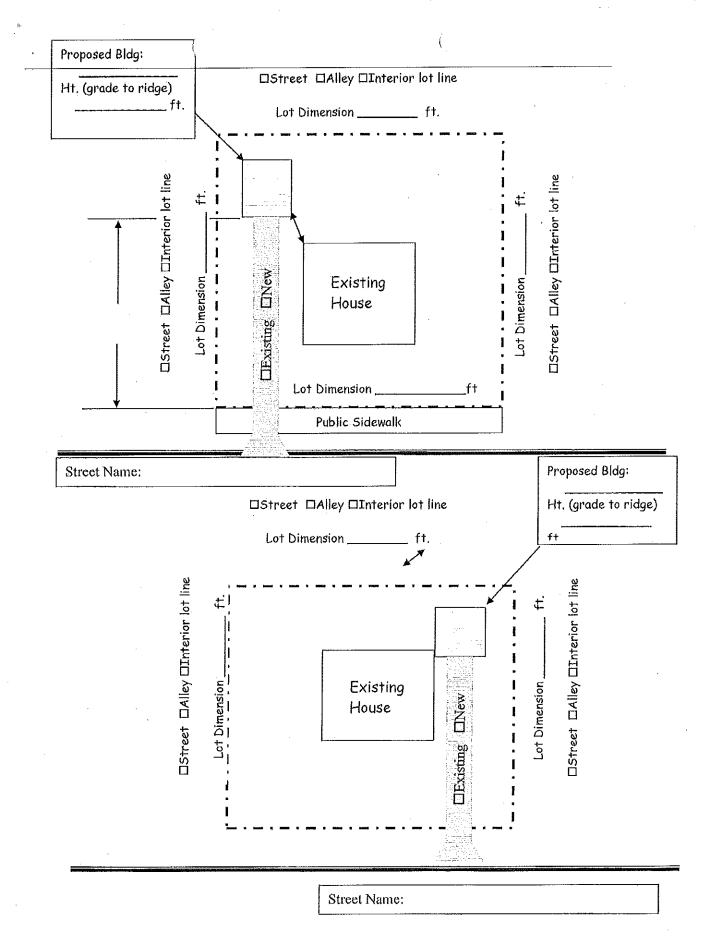
PLEASE COMPLETE	THE FOLLOWIN	G. MISSING ITEMS N	IAY CAUSE DELAY		
			☐ Detached Storage Shed	Other	
Job Site Address_42	1 N Lawe St			Property ID#	
Property Owner Bob				, ,	
Genl.Contractor seif	,	-	State DC#	State D0	CQ#
Electrical Contractor	Bissing Electric			_ No Electrica	al Work Proposed
Applicant Bobby Fles	hman	App	licant's Address 421 N Lawe	<u>Şt</u>	
City Appleton	Sta	te <u>WI</u> Zip <u>54911</u>	Day Ph. 405.627.0167	Cell	Fax
CHECK LOT FRONT	AGE CONDITION	i 🗵			
S Left Interest Corner (a) (b) Str	Corner (c)	8	Alley, Trail or other Right - of-Way Corner Interior Corner with with with Alley Alley (d) (e) (f) Street	S	Street Through Lot (g) Street
Half the dimension Height= 16.76 HIP ROOF	from top plate to	^	☐ Mansard		Shed
ANSWER THESE QU 1. □Yes ☑ No 2. □Yes ☑ No 3. □Yes ☑ No 4. □Yes ☑ No 5. □Yes ☑ No 6. □Yes ☑ No 7. □Yes ☑ No 8. □Yes ☑ No 9. □Yes ☑ No	Will this building Will you need a Will this building Will water or sar Will this building Will an existing I Will the propose Will the propose	new or additional curb or addition have more nitary sewer by provide be used for dwelling p building be removed to d building or addition b d building be construct	than one story? d to this building? urposes? make room for the proposed t e moved from another site?	ouilding?	
SIGN IF TRUE:					
The information above authorized to apply for		wner's behalf	ny knowledge. I am the owner		
		* <u>"</u>	nature of Applicant	8/	20/15 Dete
	0.115.45.6*	Sig	nature of Applicant		Date

Updated: $04/04/17 \ 10:25am$





Note: Accessory buildings over 20' high are not permitted



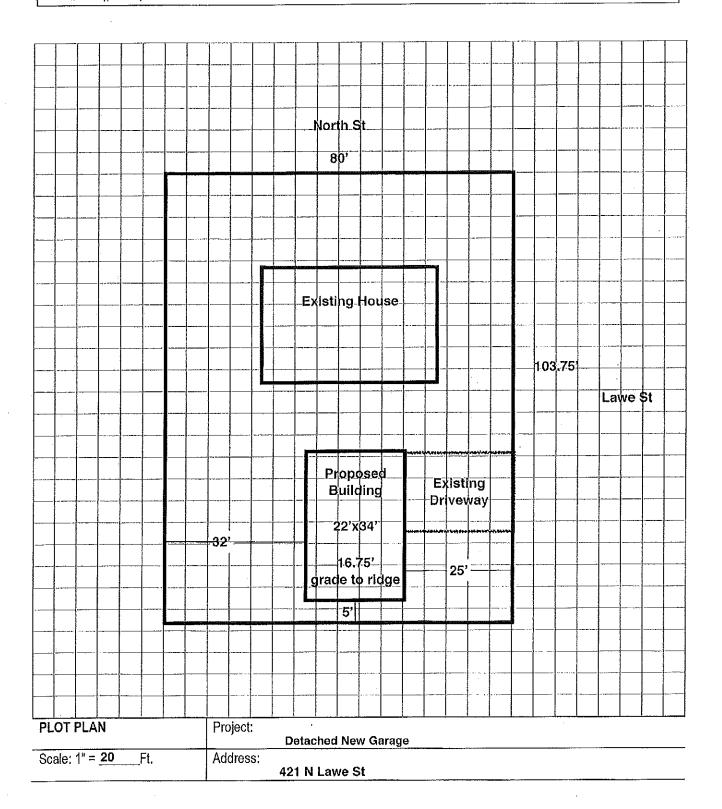
- All lines must be drawn with a straightedge. Free hand drawings cannot be accepted.

 All lot lines and all buildings must be shown and dimensioned. Partial plot plans cannot be accepted.

 Driveway(s) and curb cuts must be shown and labeled "proposed" or "existing".

 Irregular shaped lots must be drawn to scale.

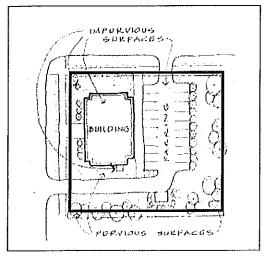
5 Foot Grid



Foundation Note

An accessory building of greater area than 100 square feet must have a concrete slab foundation.

Calculation: Impervious surface ratio.



Impervious surface means an area that releases, as runoff, all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways and parking lots are examples of surfaces that are typically impervious. Surfaces in the public right-of-way, such as a street, driveway apron or public sidewalk, are not counted in this calculation—only areas on your property.

Impervious surface ratio means the measure of intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross area of the site.

Required for new buildings of any kind, additions,

porches, patios, driveways, and walks—anything impervious to water.

MAXIMUM LOT COVERAGE: R1A 40%, R1B 50%, R1C 75% R2 60%

Component	Area (squ	are feet)
1. House (including porches, patios, attached garage)	1216 w/overl	hang Sq. ft
2. New Detached Garage	988 w/overh	ang Sq. ft
3. Storage shed	N/A	Sq. ft
4. Driveway	450	Sq. ft
5. Sidewalks (private)	56	Sq. ft
6. Total of all impervious surfaces on the site (sum of lines 1-5)	2710	Sq. ft
7. Gross area of the site (lot area)	8300	Sq. ft

Impervious surface ratio (line 6 ÷ line 7 X 100= %)

33 %

Example: If #6 is 4,000 and #7 is 10,000 the ratio would be $4,000 \div 10,000 \times 100 = 40 \%$

NOTE: Existing garage not included in calculation; will be demolished 2016.

7 Engineering calculations

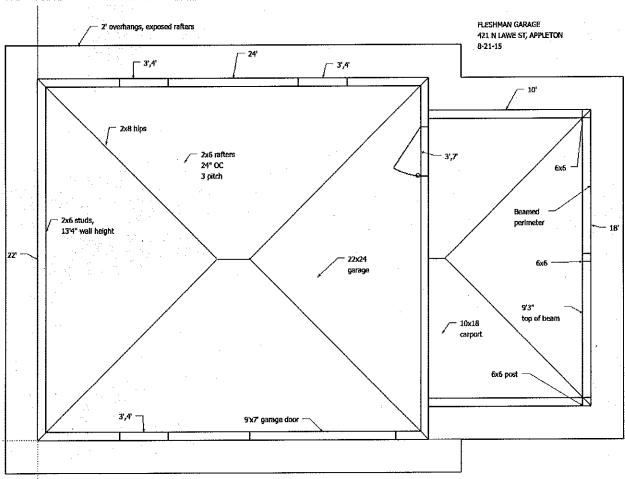
NOTES:

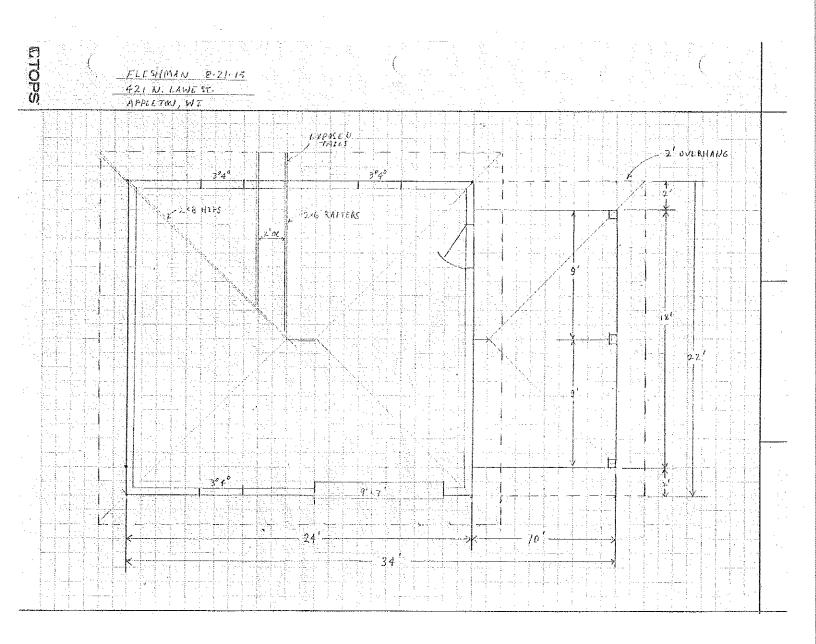
Four (4) additional windows of equal size (3'x4') are to be installed above those shown.

Three (3) 5 1/2" x 1' beams 10' length to span carport and garage

Two (2) 5 1/2" x 1' beams 11' length to span carport

lls sheathing	1/2" OSB	Roof sheath	ing 5/8" OSB w/clips
tot height	13'4"	felt	30#
studs	2x6	shingle	s asphalt composit
vapor bar	ler ?	rafter t	ails exposed
windows	(7) 3'x4'	facia	decorative
garage do	or 9'x7'	gutters	Integrated
insulation		rafters	2x6
		hips	2x8
		pitch	3
		A	The state of the s





109 South Appleton St., Ste 200 Appleton, WI 54911 920.358.5068

SHEAR WAUS

BY CLAA

SHEET NO.

DATE 10/4/15

