

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 June 25, 2018 Meeting Date July 16, 2018 at 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) 1309 S. Oneida St.	Parcel Number 31-4-0537-00
Zoning District CO	Use of Property Residential Commercial
Applicant Information	
Owner Name Be. A Center for Holistic Mental Health and Healing	Owner Address 1309 S. Oneida St. Appleton, WI 54915
Owner Phone Number 920-621-3638 414-841-6052	Owner E Mail address (optional) careyla2@hotmail.com
Agent Name Carey Lynn Sorenson	Agent Address 1709 Carriage Lane Appleton, WI 54914
Agent Phone Number 920-621-3638 414-841-6052	Agent E Mail address (optional) Careyla2@hotmail.com
Variance Information	
Municipal Code Section(s) Project Does not Comply <ul style="list-style-type: none">1) Section 23-172(g) Table 2- A minimum 5-foot wide landscape buffer is required2) Section 23-172(e) - Drive aisles shall be a minimum of 22-feet wide to allow for two-way traffic3) Section 23-172(e)- Drive aisle/maneuvering area shall be a minimum of 24-feet wide to allow for two-way traffic and proper back-up space4) Section 23-111(h)(2)- The maximum lot coverage allowed within the C-O District is 60%	
Brief Description of Proposed Project <ul style="list-style-type: none">• Parking lot does not meet the required perimeter buffer planting requirements along the north property line. A minimum 5-foot wide landscape buffer is required in accordance with Section 23-172(g) – Table 2. The setback narrows to 2.6-feet in one	

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area.

- Per Section 23-172(e), the drive aisle along the north side of the building shall be a minimum of 22-feet wide to allow for two-way traffic. The drive aisle is proposed to be 18-feet wide.
- Per Section 23-172(e), the drive aisle/maneuvering area adjacent to the new parking stalls along the west side of the building shall be a minimum of 24-feet wide to allow for two-way traffic and proper back-up space. The drive aisle is proposed to be 22 feet wide.
- Per Section 23-111(h)(2), the maximum lot coverage allowed within the C-O District is 60%. A variance was granted by the Board of Zoning Appeals on April 17, 2017 to allow for a maximum lot coverage of 71%. Current plans indicate lot coverage will be 77.3%.

Owner's Signature (Required):



Date:

6/25/18

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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:

The proposed plan is to install a parking lot behind the building and a new driveway to be installed on the North side of the building to ensure a safe entrance and exit with appropriate sight lines. With the Oneida Street project and the proposition to remove approximately 1,500 sq/ft of the front yard the existing driveway will pose an extreme safety issue. The front of the house will block visibility to the north and make exiting the driveway quite dangerous. Additionally, making these updates will bring value to the area, as the property will be restored to a viable and conforming use.

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

The home to the South of the property is also zoned CO and is currently a rental property and not exposed to the back side of this site, the lot to the North of the home is bare land and is zoned CO and is not exposed to the back side of this site, and the lot behind the home is zoned residential; however, its current use is as Riverview Gardens and no homes are located on the property. The parking lot will not encroach on the surrounding areas. If added it will add value to the property and surrounding areas, as it will allow the property to be used for its intended purpose and as a holistic mental health and healing center for children and adolescents. This site will become a viable asset to the community.

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

The building was being used in a nonconforming manner, as residential, and in order to be a viable property once more it needs to be changed to its intended, zoned use of CO. However, there is only so much land available to accommodate the needs specified by the ordinances for commercial use, especially considering the state removal of land for the Oneida Street project. The lot to the north is currently bare land and the lot to the south is a legal nonconforming use zoned CO but is being used as a residential rental property.

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

The size of the lot at 1309 South Oneida Street is simply too small to meet the requirements necessary for a parking lot if variances are denied. Previous to the land acquisition, the size of this lot was 9,804 sq. ft. It is now 8,720 sq. ft. The minimum size allowed for a lot in the CO zoning district is 9,000 sq. ft. My lot is now smaller than the code requires, which automatically gives you a dimensional limitation argument for a variance. This parking lot is required for the property's intended commercial use and the lot is too small to accommodate.

If the variances are not granted the parking lot would not be installed ultimately rendering the building unusable for its intended purpose. This, coupled with the Oneida Street widening project, would put a great usability strain on the property as its zoning would continuously require parking and residential use would become less likely due to the impending proximity of the future road to the front of the house.

- a. Parking lot does not meet the required perimeter buffer planting requirements along the **north** property line. A minimum 5-foot wide landscape buffer is required in accordance with Section 23-172(g) – Table 2. The setback narrows to 2.6-feet in one area.

If this ordinance of 5-foot wide landscape buffer is respected the parking lot admissible would not be large enough to accommodate the proposed building usage.

- b. Per Section 23-172(e), the drive aisle along the north side of the building shall be a minimum of 22-feet wide to allow for two-way traffic. The drive aisle is proposed to be 18-feet wide.

If this ordinance is observed there is simply not enough space available to install the new, safer drive due to the state removing more than the originally anticipated amount of land.

- c. Per Section 23-172(e), the drive aisle/maneuvering area adjacent to the new parking stalls along the west side of the building shall be a minimum of 24-feet wide to allow for two-way traffic and proper back-up space. The drive aisle is proposed to be 22 feet wide.

If this ordinance is observed there is simply not enough space available to install the lot period, this is due to the dimensional limitations and shape of the land.

- d. Per Section 23-111(h)(2), the maximum lot coverage allowed within the C-O District is 60%. A variance was granted by the Board of

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Zoning Appeals on April 17, 2017 to allow for a maximum lot coverage of 71%. Current plans indicate lot coverage will be 77.3%.

The state originally proposed taking 1500 square feet of property on the front side of the building with the Oneida street widening project and requiring that a parking lot be installed rendering the property bereft of adequate 'soft surface' to meet this ordinance. The state took more land than originally anticipated rendering my last variance obtained April 17, 2017 insufficient, the original request stated **"The plan showed that more than 60% of the lot will be covered. Section 23-111(h)(2) of the Zoning Ordinance requires that no more than 60% of the lot is covered."**

The requirements posed by the city to add a parking lot, coupled with the current additional 'soft surface' removal in the front yard due to the Oneida street project make it impossible for the owner to meet this ordinance standard.