

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

Meeting Date

5/20/19

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) 2911-13 N. Drew St, Appleton, WI	Parcel Number 201 316321600
Zoning District B3	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>

Applicant Information	
Owner Name Michael F Van Den Eng	Owner Address 2917 N. Drew St, Appleton, WI
Owner Phone Number 920-830-7673	Owner E Mail address (optional) mvandeneng@milwpc.com
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)

Variance Information
Municipal Code Section(s) Project Does not Comply 23-46(9)(5) - 35' rear yard setback.
Brief Description of Proposed Project Construction of a deck spanning 2 townhouse style units, over a planned drainage system. 26'8" from rear lot line.

Owner's Signature (Required):



Date: 4/15/19

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 ground level at the rear of the building is 3" above the foundation. The ground level which covers the siding up to 4" was done to get a very small ineffective pitch away from the building. After excavating this ground at the building to inspect the sill and rim board for rot, 35' of sill and rim board had to be replaced. The existing concrete patios that were poured 4" above the bottom of the siding, settled, and now pitched toward the building spilling water on top of the foundations wall rotting the sill. The building foundation is too low in relation to the surrounding landscape. The landscape pitch to the street is 1/8" per foot at best, this results in saturated soggy ground and ponding of water in the rear and side yards resulting in damaging water in the basement. The plan is to capture the water with a ditch, and a back yard drain system to get the water out to the street, and supply added capacity with a dry well. I have very little pitch to work with, 1/8" per foot max. Proper grade level at the building is 6" below the foundation; therefore the drain pipe at the highest location will be lying at the bottom of a proposed ditch covered with gravel. The drain would run parallel with the building pitching 1/8" per foot max., and end up below grade sufficiently, then a paver patio will be constructed over the pipe.

I would like to build a deck approx. 36'-6" x 16'-0" spanning 2911 & 2913 apartment addresses. The proposed deck would then be 26'-8" off the rear lot line. This is being proposed to span over the drainage ditch and drain pipe that will be dug 8' out from the buildings foundation. The pipe elevation at this point is too high for a paver patio installation. The proposed paver patio at unit 2909, will be 1' below existing grade at its lowest point to allow a 1/8" pitch away from the building. A retaining wall will be constructed to around the patio to accommodate this elevation. Two drain pipes will capture the water that ponds in the patio location and have a small pitch to get it out to the street.

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

The building is a three unit 2 story townhouse style structure, which by itself would require a multifamily zoning not a commercial zoning. The size of this building alone would not warrant a 35' rear set back. The reason for the commercial zoning is because of the much larger 3 story building that shares the back lot line. The deck will be constructed of 2 x 6 joists on a foundation just above the ground. This design

Return to: Department of Public Works
Inspection Division
100 North Appleton Street
Appleton, Wisconsin 54911
(920) 832-6411

requires no deck rail, stairs, or support posts, keeping the structures material to a minimum.

The design would benefit the neighbor on First Street because the shedding surface water would be captured and directed to the street before it reaches that property, reducing the risk of basement seepage.

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

The neighbor on First Street I assume is zoned multifamily because that structure, which is larger than mine, is only 17' from his back lot line, which is my side lot line.

The landscape normally would pitch south toward First Street which is the lowest point, but the building on First Street prevents this from happening. Therefore all the water from numerous yards to the north pitch in my direction following the pitch of Drew St. towards First Street. I am also getting run off from the large 3 story building in the rear yard. This water then pools in the backyard causing basement seepage, and personal property damage, resulting in unhappy tenants.

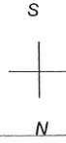
4. Describe the hardship that would result if your variance were not granted:

The hardship is continued standing pools of water, saturated ground, basement seepage, and an un-useable, backyard. Since I have lowered the grade level at the house 9" to protect the health of the structure, a ditch works best because water pitches away from the building for 8' to the bottom of the ditch, then pitches toward the building from 8'-6" or greater out from the building, keeping excavation to a minimum. The deck would then span over this now unusable terrain.

A paver patio would not work for all three units, to pitch away from the building 1/8" per foot would put the surface of a paver patio a minimum of 1' below the surrounding grade at unit 2913, this would be the high point, then the drain system would have to be placed a minimum of 10" to the bottom of the 4" drain pipe below the patio surface, then pitch 1/8" per foot south for the entire length of the building leaving no pitch to the street. In heavy rain the patio would fill with water to a point, and eventually seep into the basement.

The goal is to have a safe, dry, usable back-yard, for the tenants' enjoyment, at the same time protecting the health of the building and the surrounding properties.

deck location site
plan



first street

3 unit building

rear lot line

5.25"

drew street
edge

12" high retaining wall

paver patio

3 unit
building

deck

36'-6"

16'-0"

26'-8"

9.5"

20'-0"

8' - 8"

side lot line

3 unit building

Landscape
water shed

S



first street

N

3 unit building

5.25"

drew street
edge

12" high retaining wall

paver patio

3 unit
building

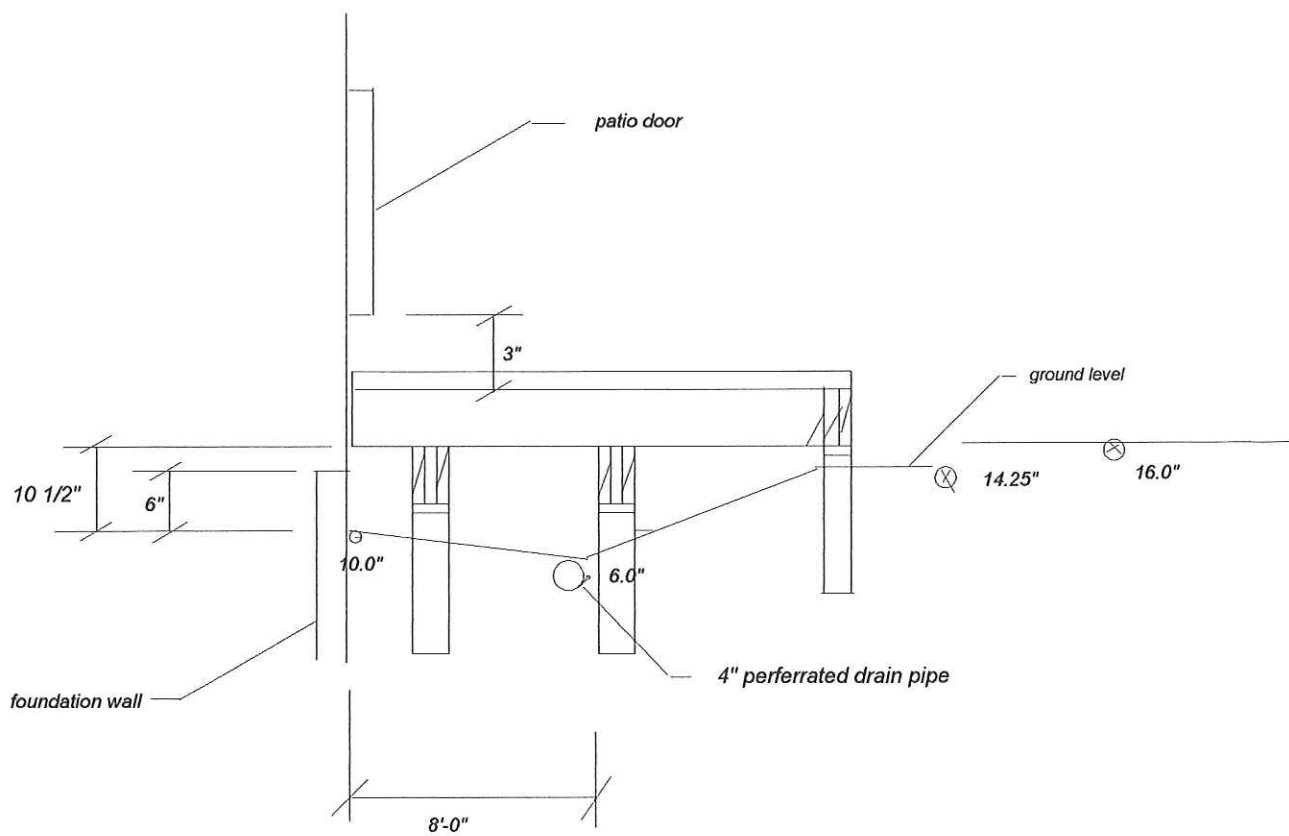
deck

water shed 0" - 1/8"
per foot

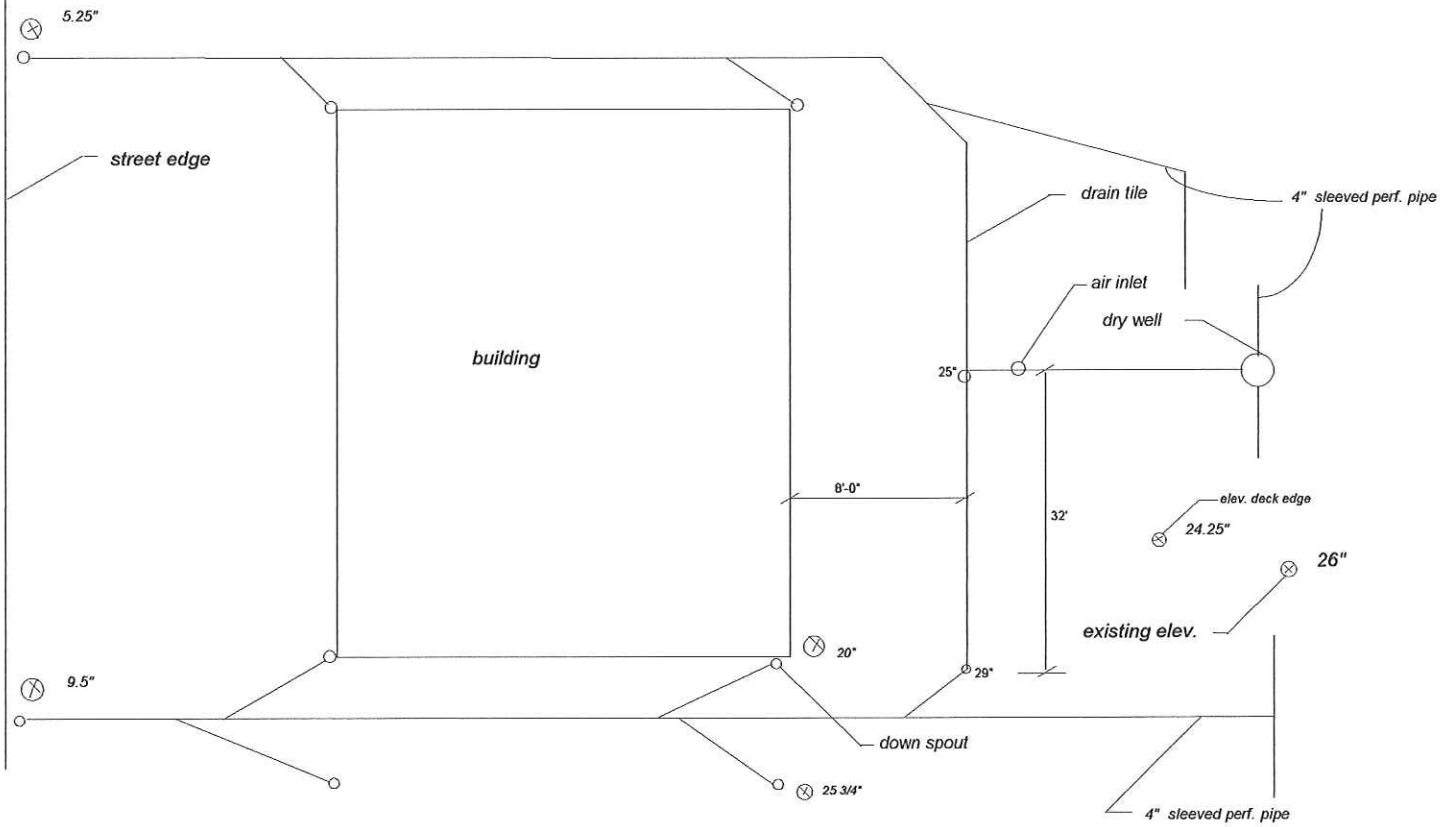
9.5"

3 unit building

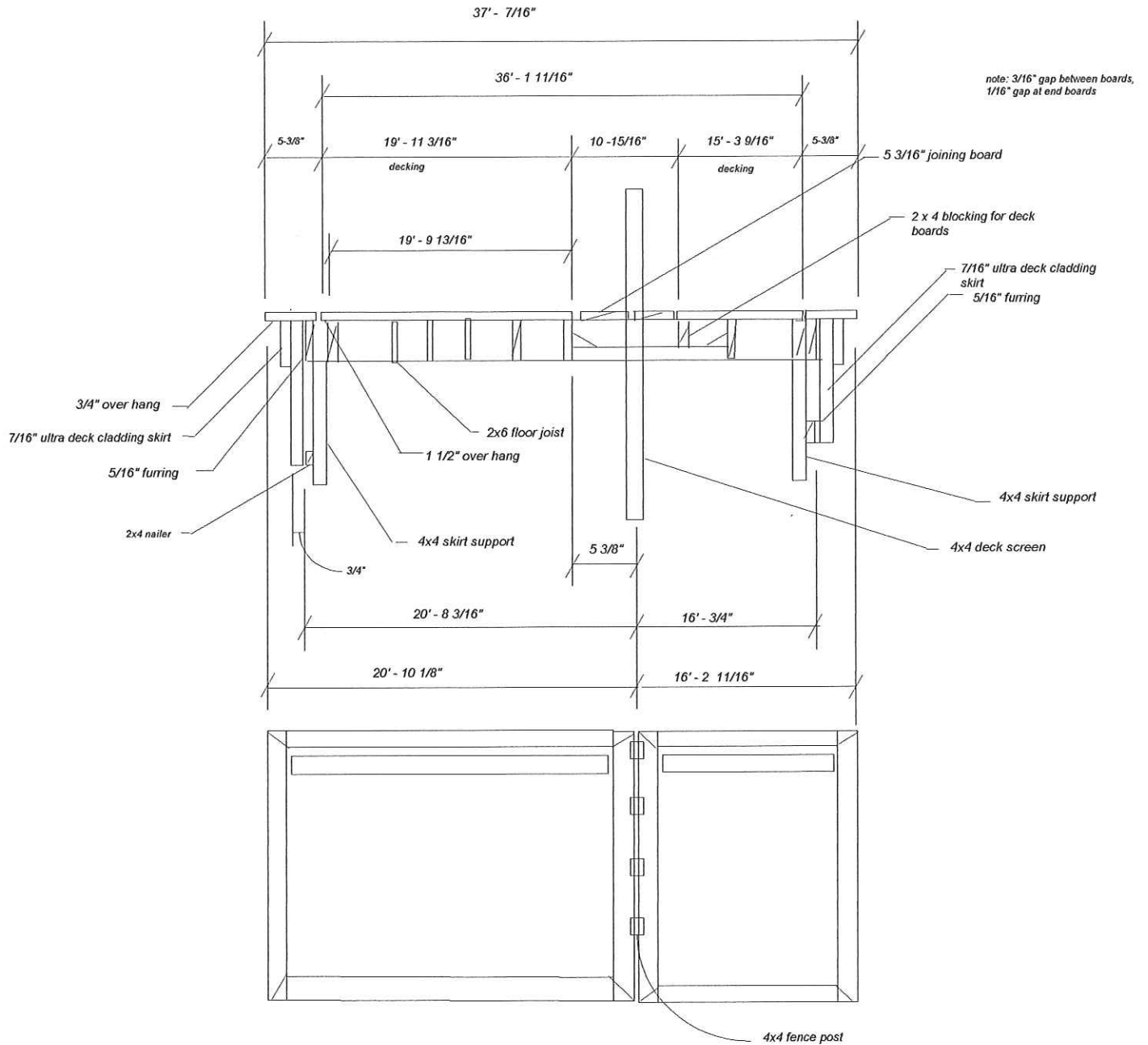
elevation plan



Landscape elev.



cross section
joining board



CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: May 7, 2019

RE: Variance Application for 2911 N. Drew St. (31-6-3216-00)

Description of Proposal

The applicant is proposing to build a deck that is 26' 8" from the rear property line. Section 23-96(g)(5) of the Zoning Ordinance requires a minimum rear yard setback of 35 feet.

Impact on the Neighborhood

In the application, the applicant states that the deck design requires no deck rails, stairs, or support posts, keeping the structures material to a minimum. In addition, the design would benefit the neighbor on First St. because the shedding surface water would be captured and directed to the street before it reaches that property, reducing the risk of basement seepage.

Unique Condition

In the application, the applicant states that water from numerous yards to the north pitch in his direction.

Hardship

In the application, the applicant states that the hardship continues to be standing pools of water, saturated ground, basement seepage and an un-useable backyard. In addition, this deck would span over the areas that will be used for trenches.

Staff Analysis

This parcel is 10,513 sq. ft. The minimum size of a lot in the R3 district for a three (3) unit dwelling is 9,000 sq. ft.

The applicant states in the application that the rear yard has significant water issues that have affected the foundation of the building. However, the question that needs to be addressed is why the deck needs to be 26' 8" from rear lot line? It appears that a smaller deck could still satisfy the applicant's need to cover up trenches for draining.

The applicant has not met the hardship criteria for a variance because a smaller deck is an alternative and the applicant has not shown that building a deck closer than 35 feet from the rear lot is essential for the use of the property.