

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 April 29, 2019

Meeting Date May 20, 2019

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) 2400 West College Avenue	Parcel Number #31-7-0026-00
Zoning District C-2 General Commercial District	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>

Applicant Information	
Owner Name Value Mortgage Investors, Inc.	Owner Address Attn: Bob Moser 85 Railroad Place Saratoga Springs, NY 12866
Owner Phone Number 518-824-2734	Owner E Mail address (optional) Bob Moser <bob.moser@goprimegroup.com>
Agent Name Sig Strautmanis	Agent Address General Capital Group 6938 N. Santa Monica Blvd Fox Point, WI 53217
Agent Phone Number 414-228-3502	Agent E Mail address (optional) sig@generalcapitalgroup.com

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-113(h)(2) Proposed lot coverage exceeds maximum 75%
Brief Description of Proposed Project A personal storage facility and associated offices totaling 194,841 SF in 12 buildings. The development includes both "climate controlled" buildings and non-climate controlled buildings on a site consisting of 12.09 acres (526,504 SF) in the City of Appleton and 6.76 acres (294,643 SF) in the Town of Grand Chute, for a total development parcel of 18.85 acres (821,147 SF). A 3.735 acre commercial development is carved out of the front of the development facing College Avenue, as shown on the proposed CSM.

Owner's Signature (Required):



Date:

4/22/19

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VARIANCE #1: Lot Coverage 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 development is in a very unique location surrounded by the Town of Grand Chute on two sides. The property is the site of a former K-mart store that had an impervious footprint covering approximately 95% of the parcel located in the City of Appleton (see attached aerial photo). The current owner of the property (and applicant) also owns the "residual" property surrounding the original K-mart site that is located in the Town of Grand Chute. In addition, to increase the development potential of the City parcel, the applicant recently purchased the neighboring parcel to the west in the Town of Grand Chute. This additional parcel contains the storm water management pond for the combined development. In total, the combined contiguous development parcel contains 18.85 acres.

The issue, and the reason for the variance request, is that the Town of Grand Chute has objected to the annexation of the Town's lands into the City of Appleton to make this property one contiguous parcel within the City limits. In other words, the development parcel will continue to be in two municipalities for the foreseeable future. While this is not an issue from an ownership perspective, it presents an issue for the strict interpretation of zoning requirements as they relate to lot coverage. The development clearly includes (and relies on) the storm water pond and green space of the Township property, however, the applicant cannot count that green space toward satisfying the zoning requirements of the City of Appleton without a variance.

The proposed development contains 442,385 SF of impervious area (buildings, streets, parking, etc). Using the City parcel alone, the development contains 84% lot coverage (75% is the maximum allowed). When including the entire property owned by the applicant used for this project, the development contains 54% lot coverage. Thus, while requesting a variance from the maximum lot coverage requirement on the City parcel alone, the overall development is well below the maximum lot coverage permitted.

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

The surrounding properties are not negatively impacted because the overall development is well under maximum lot coverage requirements.

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

The property owned by the applicant is in two municipalities, creating a unique circumstance for development purposes. Most properties are entirely in one municipality and would only need to meet the requirements of the City or the Town. In this case, the property can't be combined into one contiguous parcel in the City and applying the zoning code on the property in the City alone is not accurate. This situation is rare and does not apply to surrounding lots.

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

The hardship is clearly due to unique property limitations that do not exist on other parcels. If the variance is not granted, the property cannot be developed as a coordinated development taking into consideration the contiguous property owned by the applicant. The personal storage facility was approved as a Special Use, with exhibits showing the entire property as a coordinated, contiguous development. In other words, the City and all parties involved always viewed this property as one contiguous development (and appropriately so). The municipal boundary is an arbitrary line, but presents a tremendous hardship on how the property can be developed. The variance essentially allows the City to take into consideration all the property included in the entire 18.85 acres owned by the applicant.

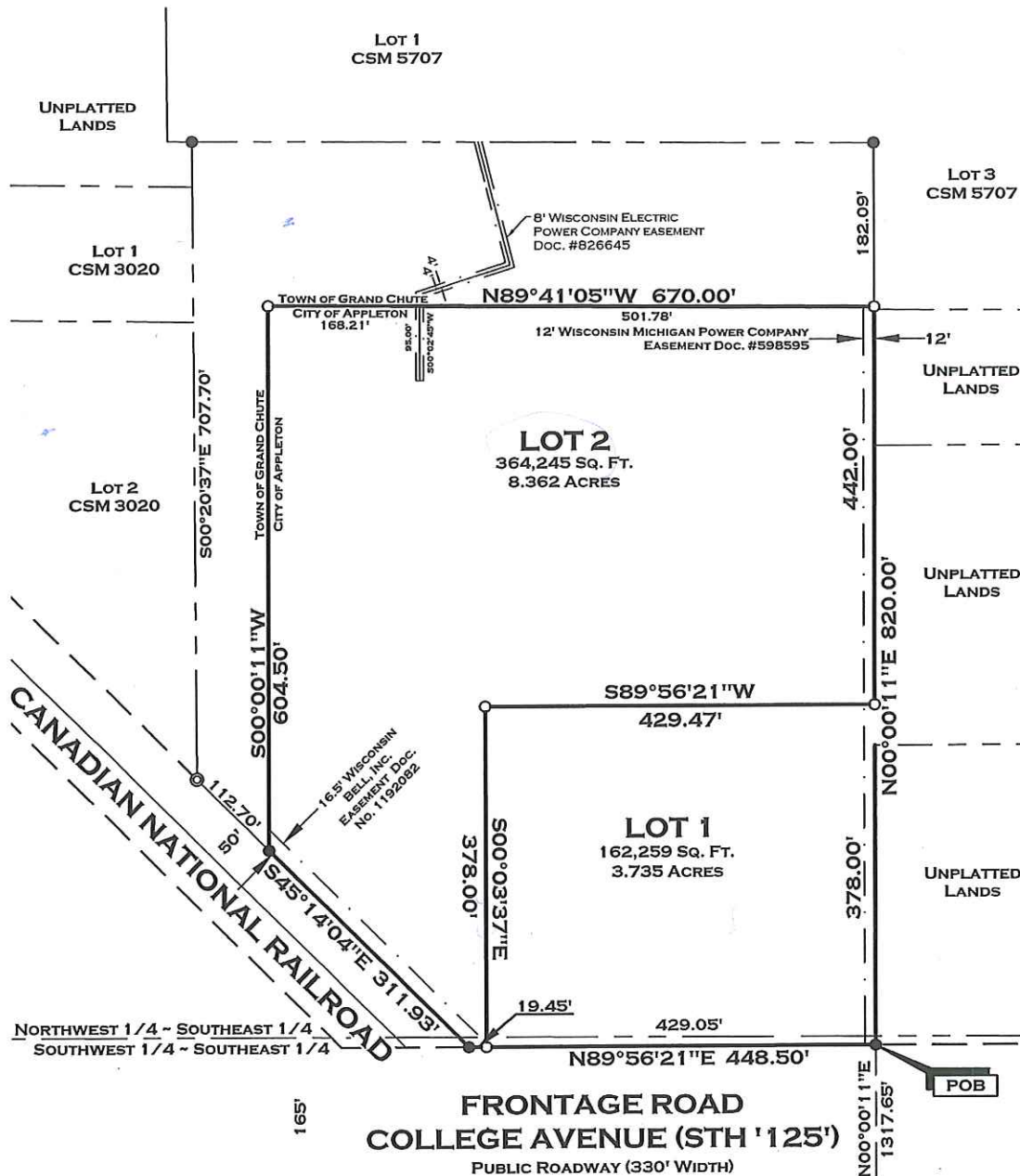
CERTIFIED SURVEY MAP

RECEIVED

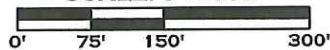
PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

MAR 27 2018

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT



SCALE: 1" = 150'



BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 28 WHICH BEARS N89°57'29"E.

LEGEND

- ✕ EXISTING 5/8" IRON ROD
- EXISTING 1" IRON PIPE
- SET 1" x 18" IRON PIPE WITH CAP WEIGHING 1.38 LBS./LIN. FT.
- ⊕ RECORDED COUNTY MONUMENT



SOUTH 1/4 CORNER
SECTION 28
SURVEY MARKER NAIL

SOUTHWEST CORNER
SECTION 28
MAG NAIL



ROBERT E. LEE & ASSOCIATES, INC.
ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES
1250 CENTENNIAL CENTRE BOULEVARD
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INTERNET: WWW.RELEEINC.COM

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: May 16, 2019

RE: Variance Application for 2400 W. College Ave. (31-7-0026-00)

Description of Proposal

The applicant is proposing to develop the site with 87.7% lot coverage. Section 23-113(h)(2) of the Zoning Ordinance requires a maximum lot coverage of 75%.

Impact on the Neighborhood

In the application, the applicant states that the surrounding properties are not negatively impacted because the overall development is well under maximum lot coverage requirements.

Unique Condition

In the application, the applicant states that the development site is in two municipalities (Town of Grand Chute and City of Appleton). Most developments are not split between two jurisdictions. In this case, the properties cannot be combined into one continuous parcel.

Hardship

In the application, the applicant states that the hardship is clearly due to unique property limitations that do not exist on other parcels. Further, if the variance is not granted, the property cannot be developed.

Staff Analysis

This parcel is 526,540 sq. ft. The minimum size parcel allowed in the C2 zoning district is 14,000 sq. ft.

The applicant is developing a site that is in the City of Appleton and the Town of Grand Chute. The properties cannot be combined due to border agreements. If combined, the variance for lot coverage would not be needed.

Due to factors outside the control of the applicant, the review criteria for a variance has been met.