

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: January 13, 2020

RE: Variance Application for 611 W. Northland Ave. (31-6-7704-00) Lot 2

Description of Proposal

It is proposed that once the property is split, the “remnant” property’s (Lot 2) lot coverage will be 88%. Section 23-113(h)(2) of the Zoning Ordinance limits lot coverage to 75%.

Impact on the Neighborhood

In the application, the applicant states granting this variance will not create any changes to the site. The only change will be that the lot will be split into two lots.

Unique Condition

In the application, the applicant states that when Northgate Square was developed, the standards in the Zoning Ordinance regarding lot coverage allowed higher amounts of impervious surfaces. The applicant also stated that the new Aldi development will meet the green space and storm water retention requirements.

Hardship

In the application, the applicant states that if the variance is not granted, it is likely that the project would be put on indefinite hold.

Staff Analysis

The size of the proposed Lot 2 will be 1.5 acres or 65,549 sq. ft. The minimum allowed size of a lot in the C2 zoning district is 14,000 sq. ft.

The proposed lot line between these two lots appears to be logical. But one alternative would be to adjust the proposed lot line to attempt to meet the lot coverage standard.

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

December 30, 2019

Meeting Date

January 16, 2019 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 nonrefundable fee is payable to the City of Appleton and due at the time the application is submitted.

Property Information	
Address of Property (Variance Requested) 611 W. Northland Ave.	Parcel Number 31-6-7704-00
Zoning District PDC2	Use of Property Residential <input checked="" type="checkbox"/> Commercial

Applicant Information	
Owner Name R. Lewis & R. Lewis LLC	Owner Address PO Box 22190 Green Bay, WI 54305
Owner Phone Number	Owner E Mail address (optional)
Agent Name Garritt R. Bader	Agent Address 300 N. Van Buren Street Green Bay, WI 54301
Agent Phone Number 813-500-0296	Agent E Mail address (optional) <u>GB@gb-re.com</u>

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-113(h)(2) – Maximum lot coverage.
Brief Description of Proposed Project It is proposed that this parcel be split by certified survey map. Once this is done, the Lot 2 "remnant" property's lot coverage of 88% (currently legal non-conforming) will exceed the current maximum lot coverage in the C-2 district of 75%.

Owner's Signature (Required): _____ Date: _____

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

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:

Our proposed development of a new Aldi grocery store will occur on property presently identified as Parcel #31-6-7704. The property's current configuration extends to Richmond Street on the west. We will be severing this part of the property and creating a new parcel (Lot 1, along with other property to the south) via Certified Survey Map. This will result in a lot coverage on the Lot 2 "remnant" parcel that exceeds current zoning maximums.

Our request of the committee is to grant a variance request that permits the existing legal non-conforming lot coverage to remain in place on Lot 2 so that the new parcel can be created. (The new Lot 1's lot coverage meets current zoning standards).

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

The variance will not have an adverse impact on surrounding properties because it's only allowing a present condition to continue. No changes will be made to the building, parking or greenspace areas on Lot 2.

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

Like many older shopping centers in the city and region, "Northgate Square" was developed at a time when the zoning code allowed higher amounts of impervious surface coverage areas (and in many cases, no allotment for stormwater retention). As a result, there is far less greenspace in these older centers that can conflict with efforts to redevelop them within the newer code(s). Our Aldi development will meet today's code requirements for greenspace and stormwater retention—as long as we can retain this one aspect from the prior code for the Lot 2 "remnant" property the CSM creates.

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

Both the new Aldi development (Lot 1) and the "remnant" property (Lot 2) will be owned by separate ownership groups, and require separate legal descriptions—and thus, separate tax parcels. Unlike our accompanying sign request, even using a condominium plat here would not solve the issue of the amount of impervious coverage area on Lot 2. So if the variance were not granted, it would likely cause the project to be put on indefinite hold until a solution addressing the non-conformity could be determined.

Current Parcel Configuration & Pylon Sign Location

Proposed Parcel Reconfiguration
via Certified Survey Map