


CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor 

Date: February 4, 2020

RE: Variance Application for 955 E. John St. (31-1-0772-00)

Description of Proposal

The applicant is proposing to locate a dumpster in the front yard. Section 23-47(a) of the Zoning Ordinance states dumpsters shall be located outside the front yard.

Impact on the Neighborhood

In the application, the applicant states Iconica owns and operate three properties that front E. John St. The applicant also states that the surrounding residential properties are located on a raised, wooded hill and that no other lots are impacted by the dumpster access.

Unique Condition

In the application, the applicant states that the adjacent lot has an irregular shape and is located at the dead end of East John St. and the lot’s entire rear yard is fronted by the Fox River and a public trail. The placement suggested is the only location that is both accessible to the building and accessible for trash pickup.

Hardship

In the application, the applicant states that the suggested dumpster location is the only feasible location for the proposed dumpster because on the adjacent lot there is no access to the south or east and the north side of the property has a public trailer that would be between the property and the alternative location of the dumpster. On the property at 955 E. John St., the only feasible access point is the location that is proposed.

Staff Analysis

This variance request is to locate a dumpster for an adjacent property, 975 E. John St., in the front yard at 955 E. John St. Therefore, the property at 955 E. John St. will have two dumpster enclosures. The dimensional limitations for both lots should be considered.

The size of the lot at 955 E. John St. is 259,305 sq. ft. The size of the lot at 975 E. John St. is 77,164 sq. ft. The minimum size lot permitted in the R3 zoning district for this type of building is 7,000 sq. ft.

A site plan has been approved for the adjacent property at 975 E. John St. The plan shows the dumpster enclosure located on the west side of the property, across from a public trail easement. This location is the only accessible location because the Fox River is along the east side of the property. This location, however, could create safety issue because there is a public trail easement between the proposed location and the proposed building location.

Because of the dimensional and topographic limitations of these lots and potential safety concerns with an alternative dumpster location, the applicant has met the review criteria to place the dumpster in the front yard of this property.

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 January 27, 2020 Meeting Date February 17, 2020 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) 955 E. John St.	Parcel Number 31-1-0772-00
Zoning District R3	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>

Applicant Information	
Owner Name Pelican's Nest, LLC	Owner Address 2450 Rimrock Road Madison, WI 53713
Owner Phone Number 608-268-8126	Owner E Mail address (optional) ckc@alexandercompany.com
Agent Name Alan Theobald c/o Iconica	Agent Address 901 Deming Way Madison, WI 53717
Agent Phone Number 920-428-9164	Agent E Mail address (optional) atheobald@iconicacreates.com

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-47(a)- Dumpsters are required to be located outside the front yard.
Brief Description of Proposed Project The applicant is proposing to located dumpsters in the front yard. Section 23-47(a) of the Zoning Ordinance requires dumpsters to be located in the side or rear yard.

Owner's Signature (Required):  Date: 1/17/2020
TOM PIENKA
Recp 377-0006

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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:

We are requesting a variance to locate the dumpster enclosure for an adjacent Lot in our Elder Care Campus (Parcel #31-1-0772-1), in the front yard of our Lot (Parcel #31-1-0772-0). The adjacent lot has no access for dumpster pickup due to its irregular shape, river adjacency, and the public trail wrapping the site.

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

Our Elder Care Campus is located at the end of a dead-end street (East John Street). We own all 3 lots that front onto East John Street, to the East of South Court. The adjacent residential lots to the North are located on a raised, wooded hill with access from Alton Court. The adjacent residential lots to the West are also located on a raised wooded hill, with access from South Court. With the East end of East John Street being vacated and added to our Elder Care Campus, there are no other lots impacted by the dumpster access.

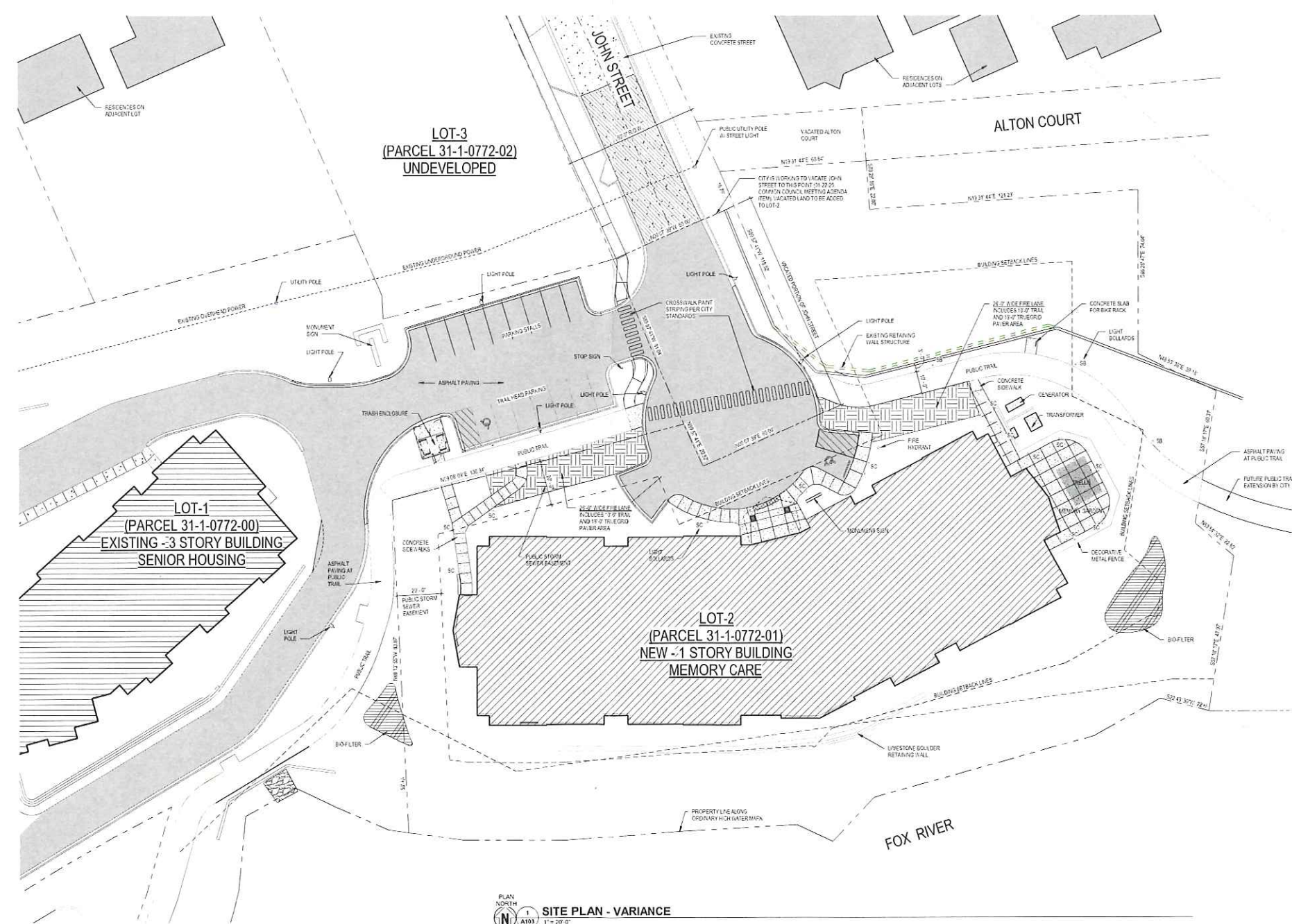
3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures:

The adjacent lot has an irregular shape and is located at the dead end of East John Street. The lot's entire rear yard is fronted by the Fox River. The lot's side yard to the North is mostly comprised of a 50' wide public sanitary easement, with no access from the paved cul-de-sac. The lot's side yard to the South shares a property line with our property, while also consisting of a 20' wide public storm sewer easement, which precludes a built structure. Another feature of their site is that a 10' wide asphalt paved Public Trail wraps around the property; encompassing both side yards and the front yard. The above elements limit access to a dumpster enclosure located in an allowable yard on that site. We are also (separately) requesting a variance for the adjacent

property to locate their dumpster enclosure off site, on our lot. The placement shown is the only location that is both accessible to their building and accessible for trash pickup.

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

The adjacent lot, with no access to the side yard to the South or the rear yard to the East, is left with the only location allowed by City ordinance being the side yard to the North. However, access would be limited to the Public Trail and for public safety reasons, the City Parks Department does not want dumpster access from the public trail; mixing dumpster pickup with public recreational use of the trail is an accident waiting to happen. The only dumpster access point that is feasible is on our property as shown (same ownership group and part of our Elder Care Campus).



SITE MATERIAL KEY

	PAVEMENT - LIGHT DUTY • 3" ASPHALT PAVING • 6" COMPACTED GRAVEL BASE		PAVEMENT - HEAVY DUTY (SEE CIVIL) • 3" ASPHALT PAVING • 12" COMPACTED GRAVEL BASE
	BIO FILTER POND (SEE CIVIL DRAWINGS)		TRUE GRID GRASS PAVERS - SEE CIVIL DRAWINGS FOR INFORMATION
	SIDEWALKS • 4" CONCRETE • 4" COMPACTED BASE		

GENERAL NOTES:

- ALL PARKING STRIPING AND SYMBOLS TO BE PAINTED WITH WHITE PAINT
- SEE ELECTRICAL SITE PLAN FOR CONDUIT LOCATIONS FOR LIGHTING AND IRRIGATION
- SEE CIVIL SITE PLANS FOR SITE DEVELOPMENT, SITE UTILITIES, AND MORE INFORMATION
- SEE CIVIL PLANS FOR PAVEMENT DESIGN DETAILS

SYMBOLS:

- SB STANDARD LIGHT BOLLARD ALONG TRAIL (MATCH PHASE-1)
- SC LOW VOLTAGE LIGHT BOLLARD AT SIDEWALKS AND MEMORY GARDEN
- MB MAXHOLE COVER - SEE CIVIL PLANS



EAGLE COURT
975 EAST JOHN STREET
APPLETON, WI

TUKKA PROPERTIES, INC.
901 DEMING WAY, SUITE 102
MADISON, WI 53717

Issue	Description	Date
1	DUNSTON VARIANCE	01-21-20

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Sheet Title
SITE PLAN

Project Number: 20190200
Sheet Number
A103

Scale: 1/8" = 1'-0"

