



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final Board of Zoning Appeals

Monday, October 18, 2021

7:00 PM

6th Floor Council Chambers

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting

[21-1426](#) Minutes 9-20-2021

Attachments: [Minutes 9-20-21.pdf](#)

4. Public Hearings/Apearances

5. Action Items

[21-1276](#) **2105 E. Enterprise Ave. (31-1-6510-38)** The applicant proposes to install a sign that is 694 sq. ft. Section 23-529(c)(2) of the Zoning Ordinance limits the area of a sign in this location to 200 sq. ft.

Attachments: [2105 E Enterprise Ave.pdf](#)

[21-1424](#) **1600 S Clara St (31-4-5407-00)** The applicant proposes to cover 56% of the lot with the building, pavement and other impervious material. Section 23-92(g)(2) of the Zoning Ordinance limits lot coverage to 40% in the R1A zoning district.

Attachments: [1600 S Clara St.pdf](#)

[21-1425](#) **66 Garden Court (31-4-1222-00)** The applicant proposes to construct a detached garage, eighty-six (86) feet from the front property line, which is closer to the front property line than the principal building. Section 23-43(f)(1)(e) of the Zoning Ordinance prohibits accessory buildings from the front yard.

Attachments: [66 Garden Ct.pdf](#)

6. Information Items

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Minutes - Final Board of Zoning Appeals

Monday, September 20, 2021

7:00 PM

6th Floor Council Chambers

1. Call meeting to order

Meeting called to order by McCann at 7:01 pm.

2. Roll call of membership

Present: 4 - McCann, Engstrom, Sperl and Cain

Excused: 3 - Loosen, Croatt and Joosten

3. Approval of minutes from previous meeting

[21-1277](#)

Minutes from July 19, 2021

Attachments: [Minutes 7-19-21.pdf](#)

Engstrom moved, seconded by Cain, that the Minutes be approved. Roll Call.
Motion carried by the following vote:

Aye: 4 - McCann, Engstrom, Sperl and Cain

Excused: 3 - Loosen, Croatt and Joosten

4. **Public Hearings/Appealances**

5. **Action Items**

[21-1275](#)

4601 N Haymeadow Ave. (31-6-5427-00) The applicant proposes to erect a fence that is four (4) feet high, three (3) feet from the front property line. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to three (3) feet in the required front yard.

Attachments: [4601 N. Haymeadow Ave.pdf](#)

Sperl moved, seconded by Engstrom, that the Report Action Item be approved, the hardship being the unique shape of the lot. Roll Call. Motion carried by the following vote:

Aye: 4 - McCann, Engstrom, Sperl and Cain

Excused: 3 - Loosen, Croatt and Joosten

6. Information Items

7. Adjournment

A motion was made by Kelly Sperl, seconded by Karen Cain, that this meeting be adjourned. The motion carried by the following vote:

Aye: 4 - McCann, Engstrom, Sperl and Cain

Excused: 3 - Loosen, Croatt and Joosten

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: October 8, 2021

RE: Variance Application for 2105 E. Enterprise Ave. (31-1-6510-38)

Description of Proposal

The applicant proposes to install a sign that is 694 sq. ft. Section 23-529(c)(2) of the zoning ordinance limits the area of a sign in this location to 200 sq. ft.

Impact on the Neighborhood

In the application, the applicant states that the only nearby building is far enough away that the sign would not block views.

Unique Condition

In the application, the applicant states that the property is obstructed by the overpass and northbound traffic would not be able to see a sign. The applicant also states that the property is a lower elevation and is setback from the highway, which renders traditional signs ineffective.

Hardship

In the application, the applicant states that because patients and the general public cannot see the services offered through a code compliant sign, the cost of investing in a sign is difficult to justify.

Staff Analysis

This property is 348,915 sq. ft. The minimum sized lot permitted in the C2 zoning district is 14,000 sq. ft.

In the application, the applicant described how the layout of exit ramp near the property impacted the ability for traffic on the highway to see a code complainant sign. Section 23-529(c)(2) of the zoning ordinance provides exemptions for properties such as this and allows signs to be higher. Since other exit ramps off highway 41 and 441 in Appleton are design similar, the claim of a hardship appears to be too general in nature and not specific to the dimensional limitations of this particular parcel. If signs near exit ramps are not visible to traffic, the more appropriate course of action would be to petition the City Council to change the code language.

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

City of Appleton Application for Variance

August 30, 2021	Meeting Date	Sept. 20, 2021 7pm
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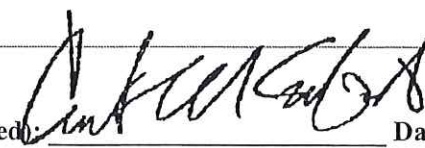
Application Deadline

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) 2105 E. Enterprise Ave.	Parcel Number 31-1-6510-38
Zoning District C2	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>

Applicant Information	
Owner Name DOC-2105 EAST ENTERPRISE AVENUE MOB LLC	Owner Address PO BOX 92129 SOUTHLAKE TX 54913
Owner Phone Number <i>920 - 209 - 7377</i>	Owner E Mail address (optional) <i>CURT. KUBIK @ OSIFU.COM</i>
Agent Name Cody Chlebowski	Agent Address 922 S. 70th Street Milwaukee, WI 53214
Agent Phone Number 615-947-7144	Agent E Mail address (optional) cchlebowski@poblocki.com

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-529(c)(2)- Sign area may not exceed 200 sq. ft.
Brief Description of Proposed Project The proposed ground sign is 694 sq. ft. in area. Section 23-529(c)(2) prohibits ground signs to a 200 sq. ft.

Owner's Signature (Required):  Date: 08/30/21

Recp 2563 - 0003

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:

Since our property is obfuscated by an overpass, a rising exit ramp, lower elevation than the right-of-way and significant building setback, we are proposing a sign that is commensurate with the type and size of signage needed along any highway. And since the main audience in which this signage is meant for is traveling at high speeds on the highway, the size needed to be readable along with the short time a viewer has to understand it, makes the size we are requesting more safe to communicate a message to the travelers on the highway—especially with the obstacles around this section of highway.

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

Since the only large building North of us is far enough away as to not block their view of anything and the sign is squarely on our property, there is no perceived adverse impact other than our own view of a small portion of sky above the highway and exit ramp. The sign we have designed is intentionally not designed like a typical wide and monstrous billboard but rather an elegant poster aspect ratio meant to look clean and unified with a simple design aesthetic.

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

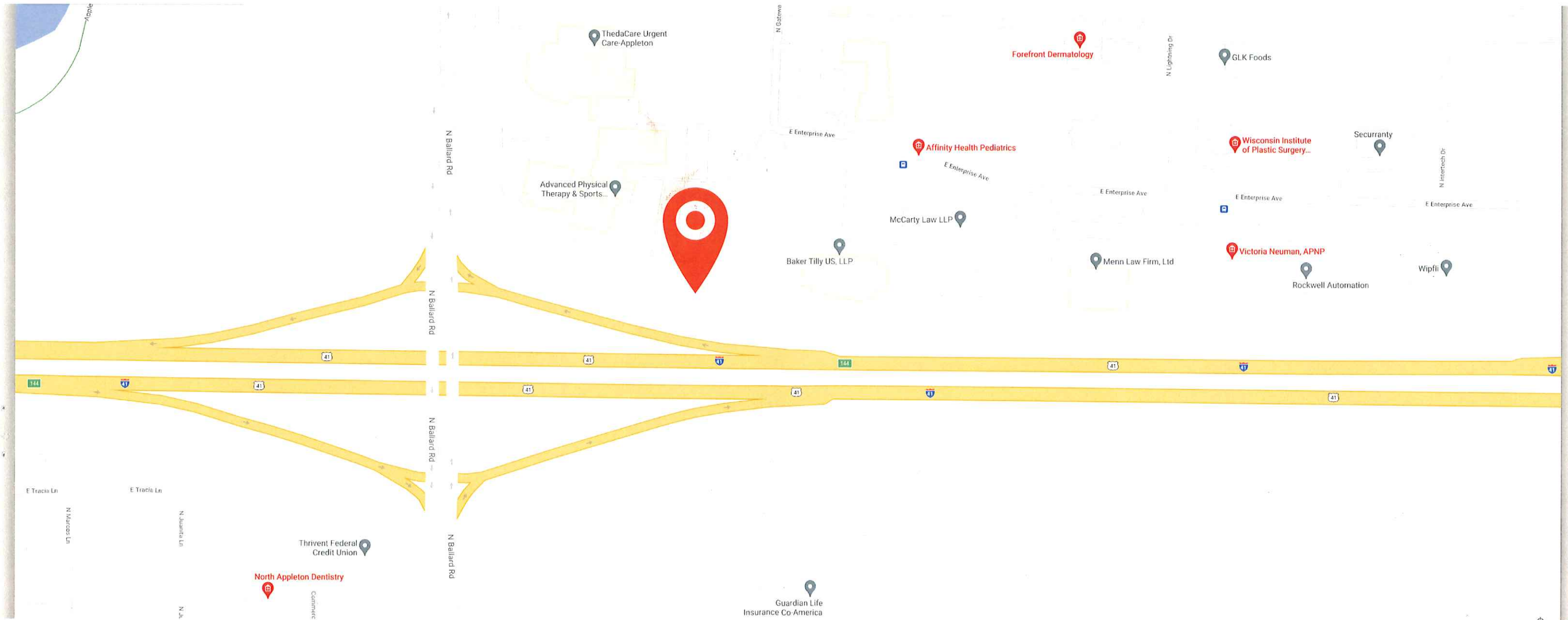
Our property is obfuscated by an overpass which blocks viewing of any sign on our property from any northbound traffic until they are almost half way past our building. A rising exit ramp also, typically filled with off-ramp traffic—including semis, blocks our building and any ground sign from both southbound and northbound traffic for a significant portion of daytime viewing. In addition, the lower elevation of our property, significant set back of our building and the nearly extra 50 feet of distance from the width of the exit ramp renders any traditionally sized or placed signage completely ineffective. Furthermore, we don't even get much benefit from overpass traffic as those viewers are also blocked by the same exit ramp traffic and safety fencing.

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

There are many times patients and general public traveling the highway that don't realize the important orthopedics services we offer, many of which can be urgent. The need for them to know exactly what we do and exactly where we are is imperative in the health care business we are in. Any investment in signage smaller than what is being recommended makes it incredibly difficult to justify any expense toward signage that would be far less effective.

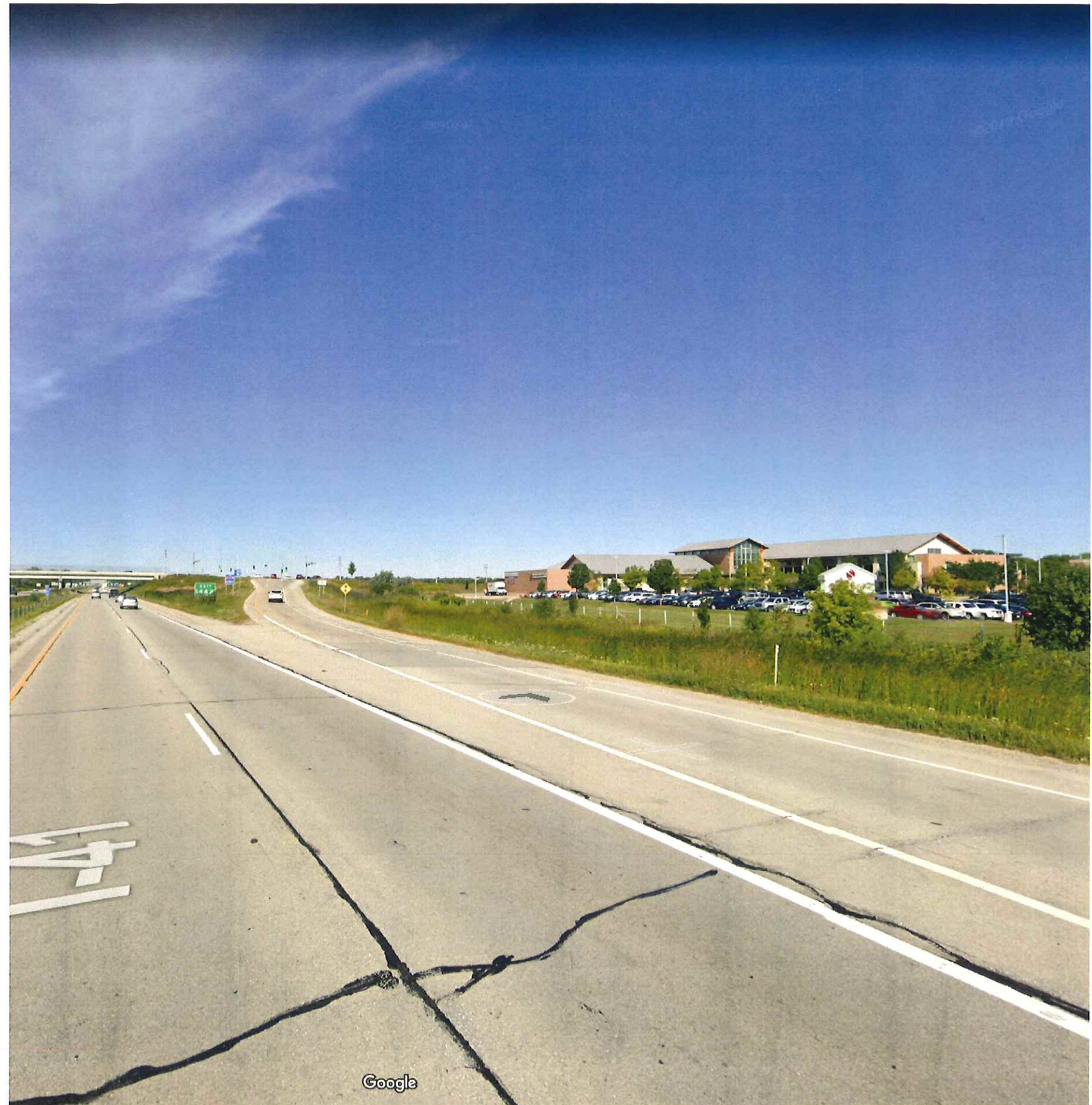
2105 E. Enterprise Ave, Appleton, WI 54913

- Property Signage Hardship



Property Signage Hardship

- HWY 41 Sound -bound traffic would not be able to read any sign that is strictly conformed to the current sign code of 200 ft²



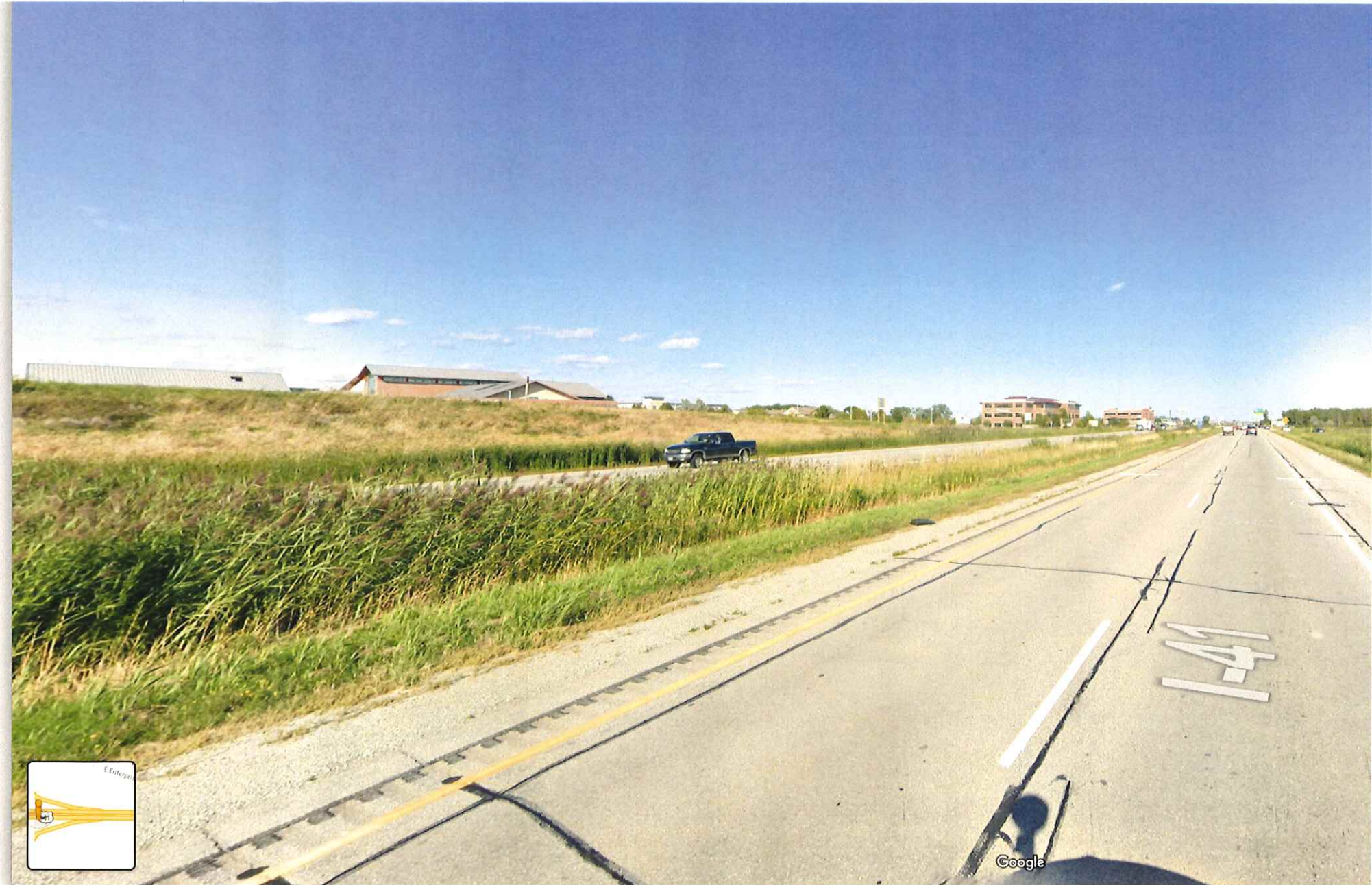
Property Signage Hardship

- Even if you were stopped on HWY 41 S, you can't even read a sign that conforms to the current sign code of 200 ft²



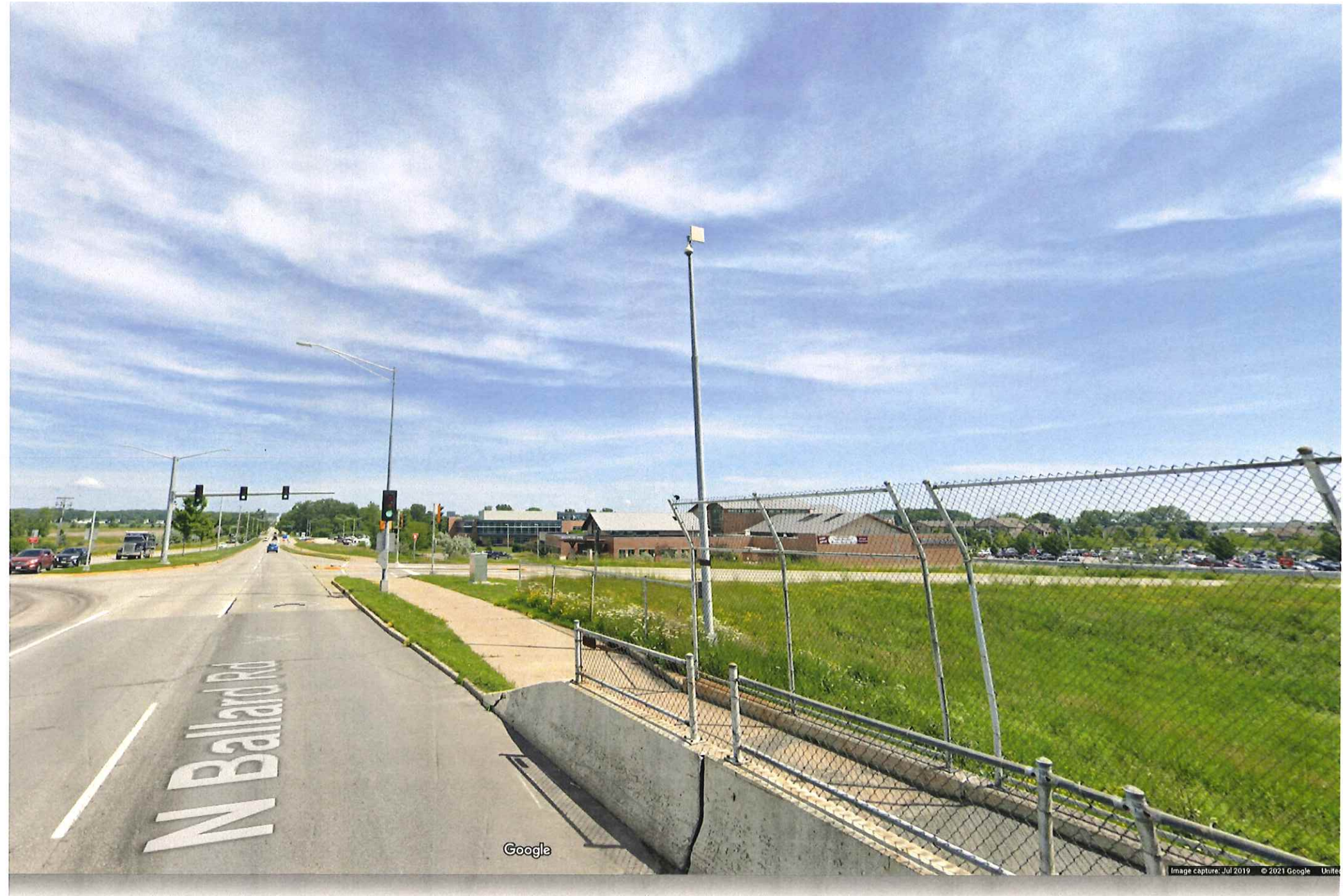
Property Signage Hardship

- HWY 41 North-bound traffic would of course be even worse that South-bound and would not even see a sign that is strictly conformed to the current sign code of 200 ft²



Property Signage Hardship

- We are even further obscured by the fence for local overpass traffic on Ballard Road, making it very difficult to focus and read any sign behind the fence and conforming to the current sign code of 200 ft²



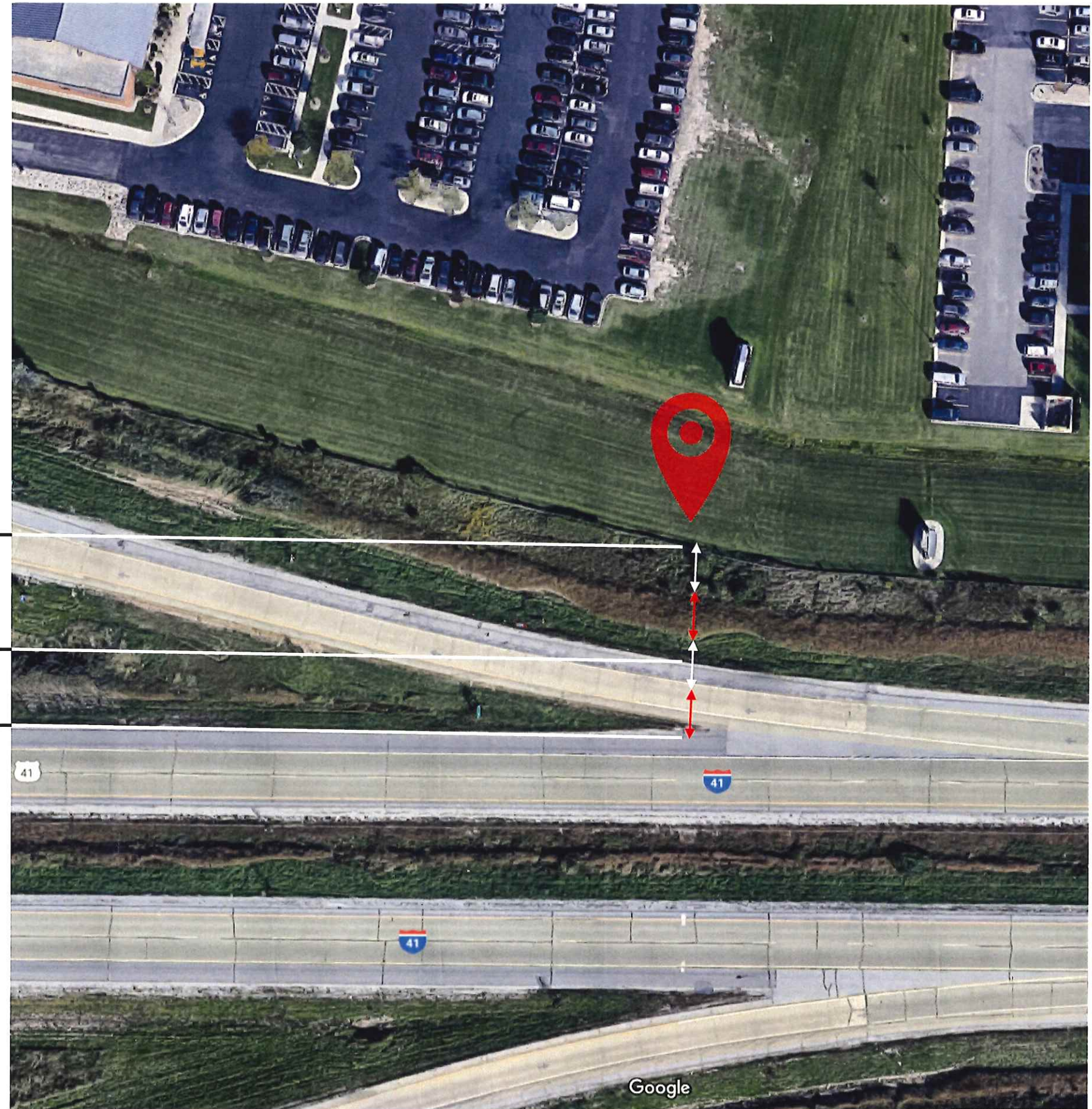
Additional Exit Ramp Impact

- Even the best-case placement of any sign is further hampered by the rising exit ramp distance of 30-50 additional feet of viewing distance

Typical distance = 50'

Extra distance = 30'

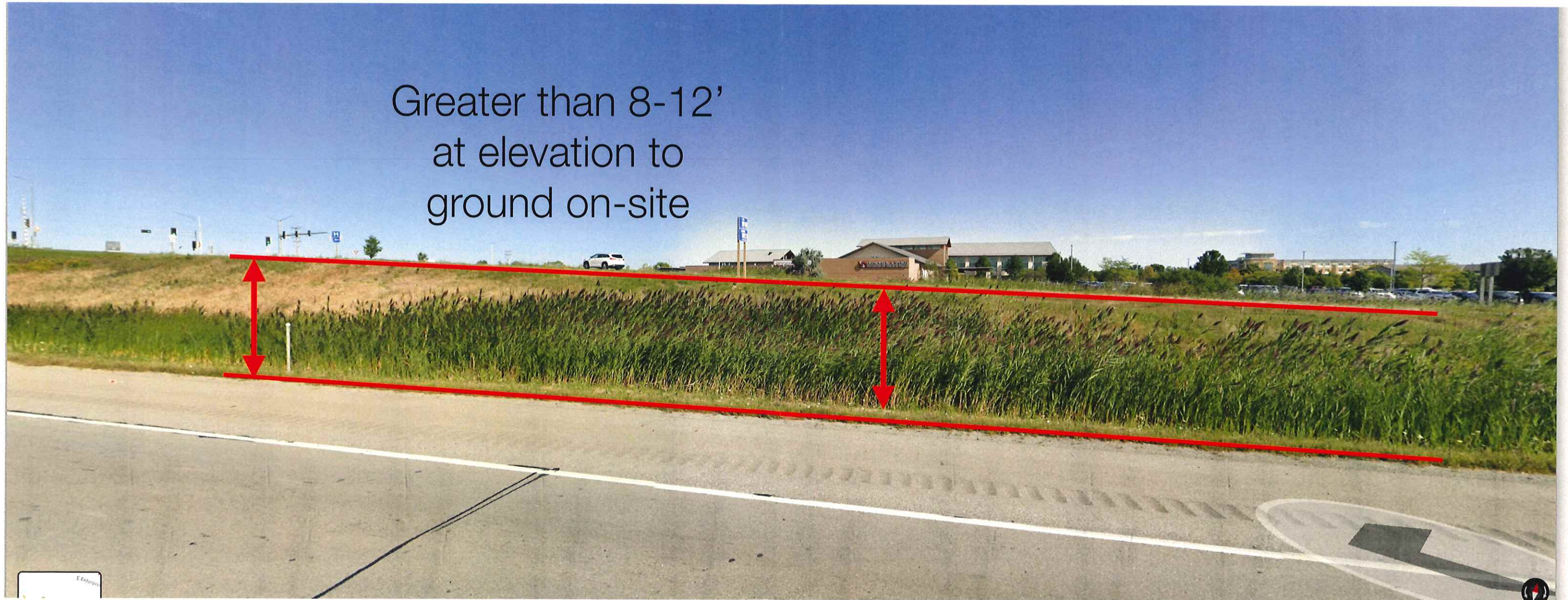
Each.  = approx. 20'



Additional Grade Height impact of over 8 feet

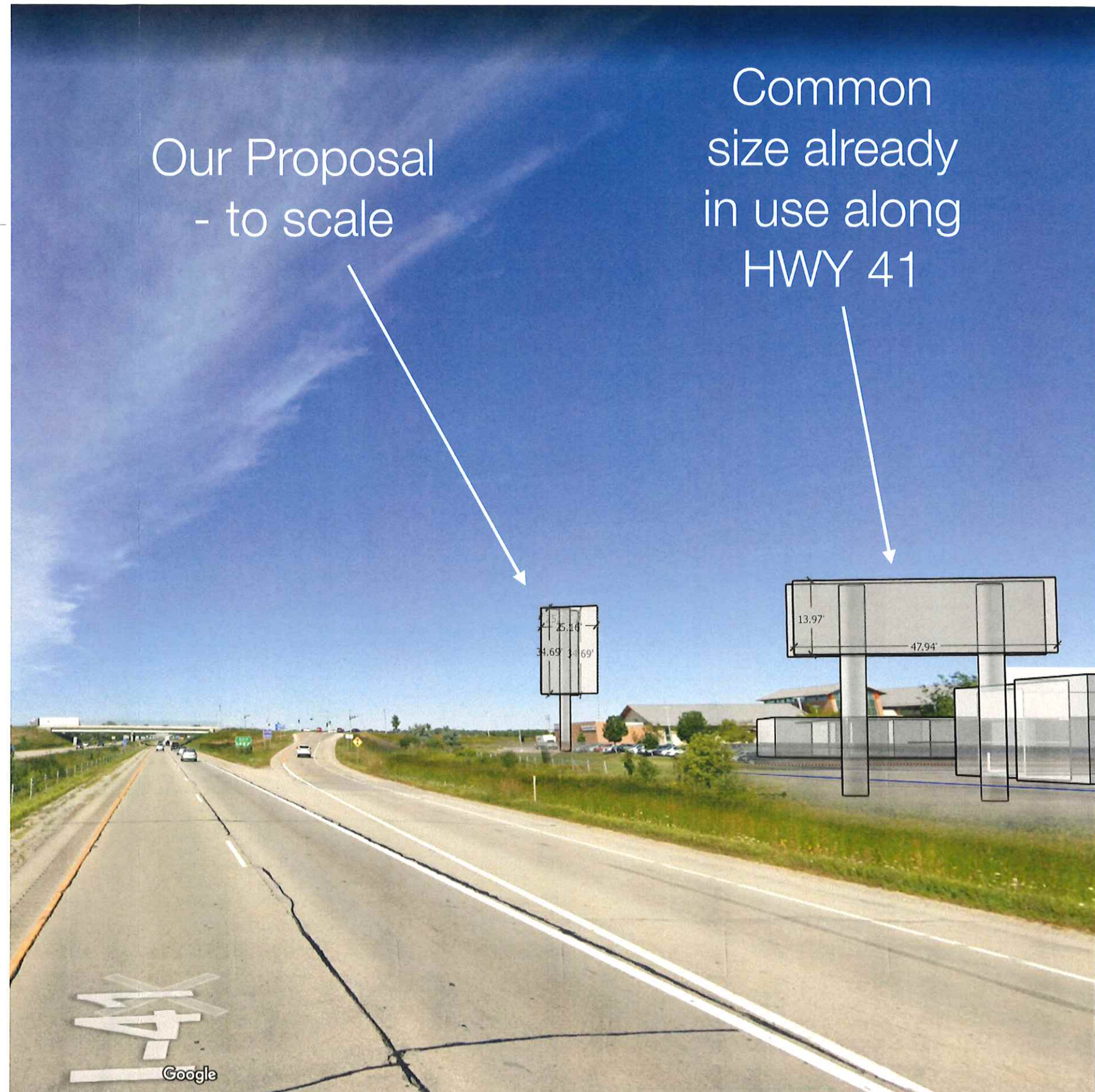
- And since the exit ramp rises up well over 8-12 feet in front of our property, without taking into account the potential of 12' semis and truck being on the ramp, makes any typical sign completely ineffective.

Greater than 8-12'
at elevation to
ground on-site



Our Proposal

- The image at the right is what we have researched and is industry standard for readable signage along a highway viewers to safely and quickly read what a sign says—especially at the speed they are traveling.
- The model to the right of what we're proposing is a commonly accepted and utilized size in nearly every city in the U.S. as well as all along our very own HWY 41 from Green Bay to Fond du Lac.
- We are well within the parameters of what is commonly accepted even when taking into account the additional exit ramp impact.



CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: October 8, 2021

RE: Variance Application for 1600 Clara St. (31-4-5407-00)

Description of Proposal

The applicant proposes to cover 56% of the lot with the building, pavement and other impervious material. Section 23-92(g)(2) of the Zoning Ordinance limits lot coverage to 40% in the R1A zoning district.

Impact on the Neighborhood

In the application, the applicant states that the fenced in back yard is private and neighbors won't see this addition. Behind them is a parking lot.

Unique Condition

In the application, the applicant mentioned that the recently added concrete is pitched away from the house. The proposed gazebo project would create a level area.

Hardship

In the application, the applicant states that they are in much need of shade in the back yard and this variance request for a gazebo would help with providing shade.

Staff Analysis

This parcel is 6,900 sq. ft. The minimum size lot in the R1A district is 8,000 sq. ft.

The applicant applied for a building permit to build a gazebo. The application was not approved because the property is over the maximum lot coverage for the R1A zoning district, which is 40%. A variance to that standard is required before another permit is issued for this yard.

The hardship that the owner stated in the application is not unique to this lot. There are many lots that do not have shade. Also, the applicant caused the violation by expanding the concrete area around the pool. The issue was created by the applicant.

However, this lot is a nonconforming lot of record because it is smaller than the minimum lot size in R1A zoning district. An argument could be made that a hardship exists due to uniquely small shape of this lot.

It appears the hardship criteria has been met because of the dimensional limitation of this lot, due to the small size.



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

Recp 2637-0001

City of Appleton Application for Variance

Application Deadline SEPT. 27, 2021 Meeting Date OCT 18, 2021 7 PM

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) 1600 S. Clara St. Appleton 54915	Parcel Number 31-4-5407-00
Zoning District RIA	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name Michael + Amy Gregory	Owner Address 1600 S. Clara St. Appleton, 54915
Owner Phone Number 920-379-3786	Owner E Mail address (optional) magreg3@new.rr.com
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-92 (g) (2)
Brief Description of Proposed Project Approval of previously constructed projects that resulted in 56% coverage of lot. Section 23-92(g)(2)

Owner's Signature (Required): Michael Gregory Date: 9/19/21
8.19.21

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:
We are looking to build a shade addition to our very sunny backyard. This plan is an open sided (not 4 season type) gazebo type construction. We are requesting a variance because our old pool needed updating due to leaking pipes. The pool was downsized, therefore leaving more concrete. We would like a permanent structure rather than something store bought.
2. Describe how the variance would not have an adverse affect on the surrounding properties:
Our fenced in backyard is private + neighbors really won't see this addition. Behind us is a church parking lot.
3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures:
When the concrete was added to make the pool smaller, it was pitched away from the house to keep rain/water away from house. Due to the sloped concrete, we want a level area for seating by building a deck over the concrete as part of the gazebo project. The deck would only be as large as the gazebo.
4. Describe the hardship that would result if your variance were not granted:
We are in much need of shade in our back yard. From 8am-2pm, the sun beats on that part of our house. This variance would help with much needed shade + would help with cooling costs in hot months.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor 

Date: October 8, 2021

RE: Variance Application for 66 Garden Court (31-4-1222-00)

Description of Proposal

The applicant proposes to construct a detached garage eighty-six (86) feet from the front property line, which is closer to the front property line than the principal building. Section 23-43(f)(1)(e) of the zoning ordinance prohibits accessory buildings from the front yard.

Impact on the Neighborhood

In the application, the applicant states that the proposed location of the garage is well screened with trees and bushes from the neighbors and the from the street, the garage would appear to be in the side yard.

Unique Condition

In the application, the applicant states that the 1,900 sq. ft. ranch home is located 20 feet from the rear property line. The shape and position of the home limits the location for the placement of the new garage.

Hardship

In the application, the applicant states that the existing driveway on the east side would have to be extended to the furthest west side. This would increase the amount of impervious surface and limit the size of the detached garage.

Staff Analysis

This parcel is 28,399 sq. ft. The minimum size lot in the R1B zoning district is 6,000 sq. ft.

The proposed detached garage would be in the same location as the former attached garage. However, since the proposed attached garage would be closer to the front property line than the existing house, it would not be in compliance with Section 23-43(f)(1)(e) of the zoning ordinance.

The applicant does have alternative to comply with the zoning ordinance. A new detached garage could be constructed if the proposed location is moved back towards the rear of the property.

Since an alternative exists to build this building that complies with the code, the review criteria for a hardship have not been met.

Return to: Department of Public Works
 Inspection Division
 100 North Appleton Street
 Appleton, Wisconsin 54911
 (920) 832-6111

**City of Appleton
 Application for Variance**

Recp 2649-0002

Application Deadline 7-27-21 Meeting Date 10-18-21

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) <u>606 GARDEN COURT</u>	Parcel Number <u>31-4-1222-00</u>
Zoning District <u>R1B</u>	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name <u>BEN MAIRI FOGLE</u>	Owner Address <u>66 GARDEN CT APPLETON</u>
Owner Phone Number <u>920-284-5290</u>	Owner E Mail address (optional) <u>BFENFOGLE@APPLETLUBECFACTORY.COM</u>
Agent Name <u>ROBERT GILBERT</u>	Agent Address <u>329 CLEVELAND STREET MENASHA, WI 54952</u>
Agent Phone Number <u>920-850-6235</u>	Agent E Mail address (optional) <u>GILBERT GARAGES@GARG.COM</u>

Variance Information
Municipal Code Section(s) Project Does not Comply <u>23-43 (F)(1)(e)</u>
Brief Description of Proposed Project <u>REMOVE OLD GARAGE & REEZEWAY BUILD NEW 30' x 28' GARAGE IN SAME LOCATION, IN THE FRONT YARD</u>

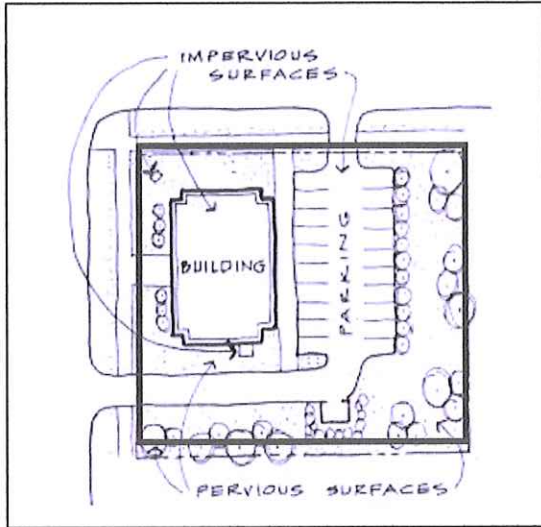
Owner's Signature (Required): [Signature] Date: 9/27/2021

- 1 Plan is to locate the new garage in the same location as the old garage,
East of the L-shaped home in the front yard
- 2 The proposed location of the garage is well screened with trees and bushes from the neighbors.
The Street view of the garage would appear to be located in the side yard along the L-shaped home.
- 3 The 1,900 square foot ranch home is located 20 feet from the rear property line.
The shape and position of the home limits the location for the placement of the new garage.
- 4 The existing driveway on the East side would have to be extended to the furthest West side.
This would increase the amount of Impervious Surface and limit the size of the detached garage.

Foundation Note

An accessory building of greater area than 100 square feet must have a concrete slab foundation.

Calculation: Impervious surface ratio.



Impervious surface means an area that releases, as runoff, all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways and parking lots are examples of surfaces that are typically impervious. Surfaces in the public right-of-way, such as a street, driveway apron or public sidewalk, are not counted in this calculation—only areas on your property.

Impervious surface ratio means the measure of intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross area of the site.

Required for new buildings of any kind, additions, porches, patios, driveways, and walks—anything

impervious to water.

MAXIMUM LOT COVERAGE: R1A 40%, R1B 50%, R1C 75%, R2 60%

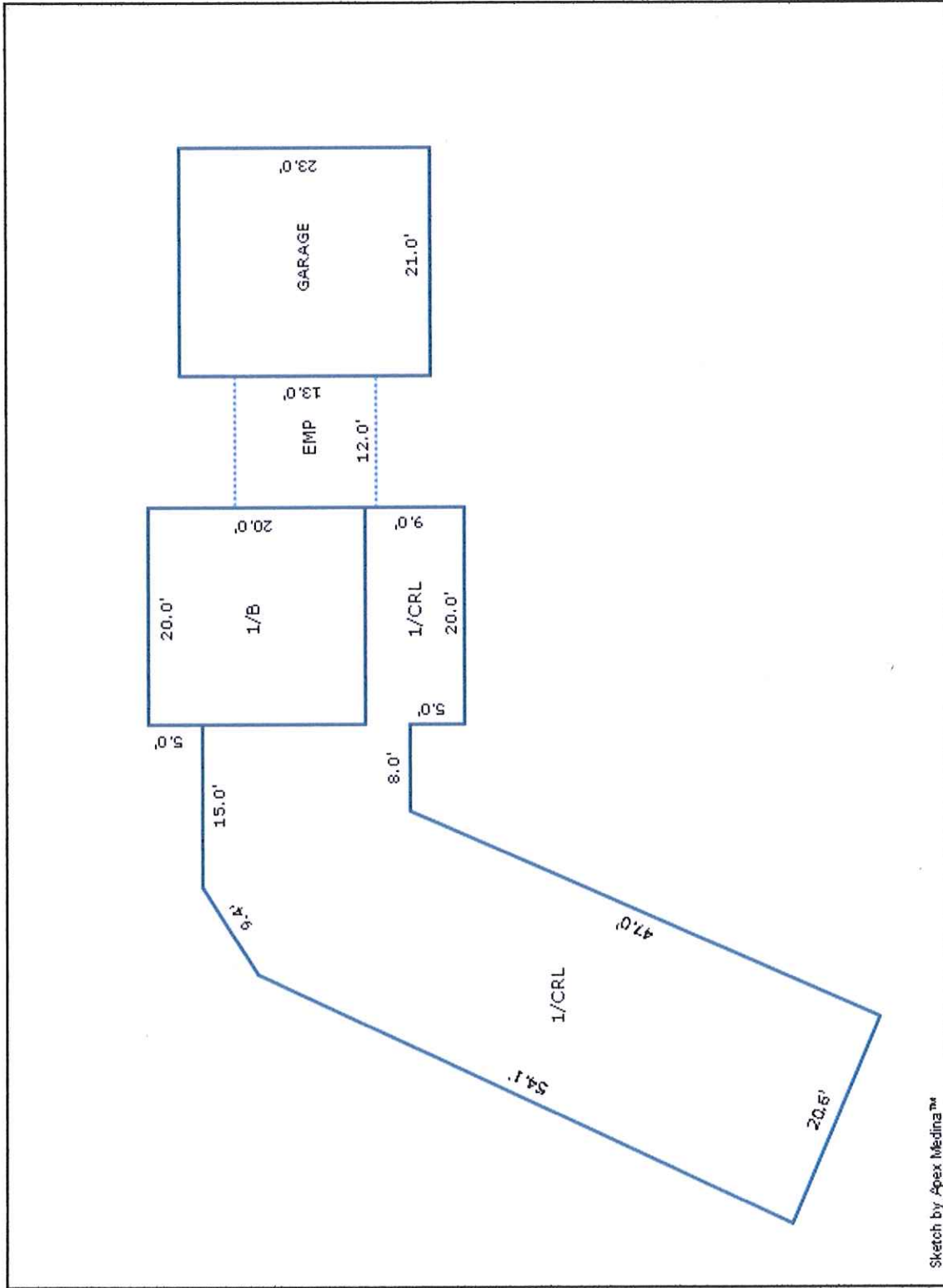
Component	Area (square feet)
1. House (including porches, patios, attached garage)	2156 Sq. ft
2. New Detached Garage	840 Sq. ft
3. Storage shed	Sq. ft
4. Driveway	2050 Sq. ft
5. Sidewalks (private)	350 Sq. ft
6. Total of all impervious surfaces on the site (sum of lines 1-5)	5,296 Sq. ft
7. Gross area of the site (lot area)	28,399 Sq. ft
Impervious surface ratio (line 6 ÷ line 7 X 100= %)	19 %

Example: If #6 is 4,000 and #7 is 10,000 the ratio would be $4,000 \div 10,000 \times 100 = 40\%$

Of Attached Garages
Attached Garage SQFT

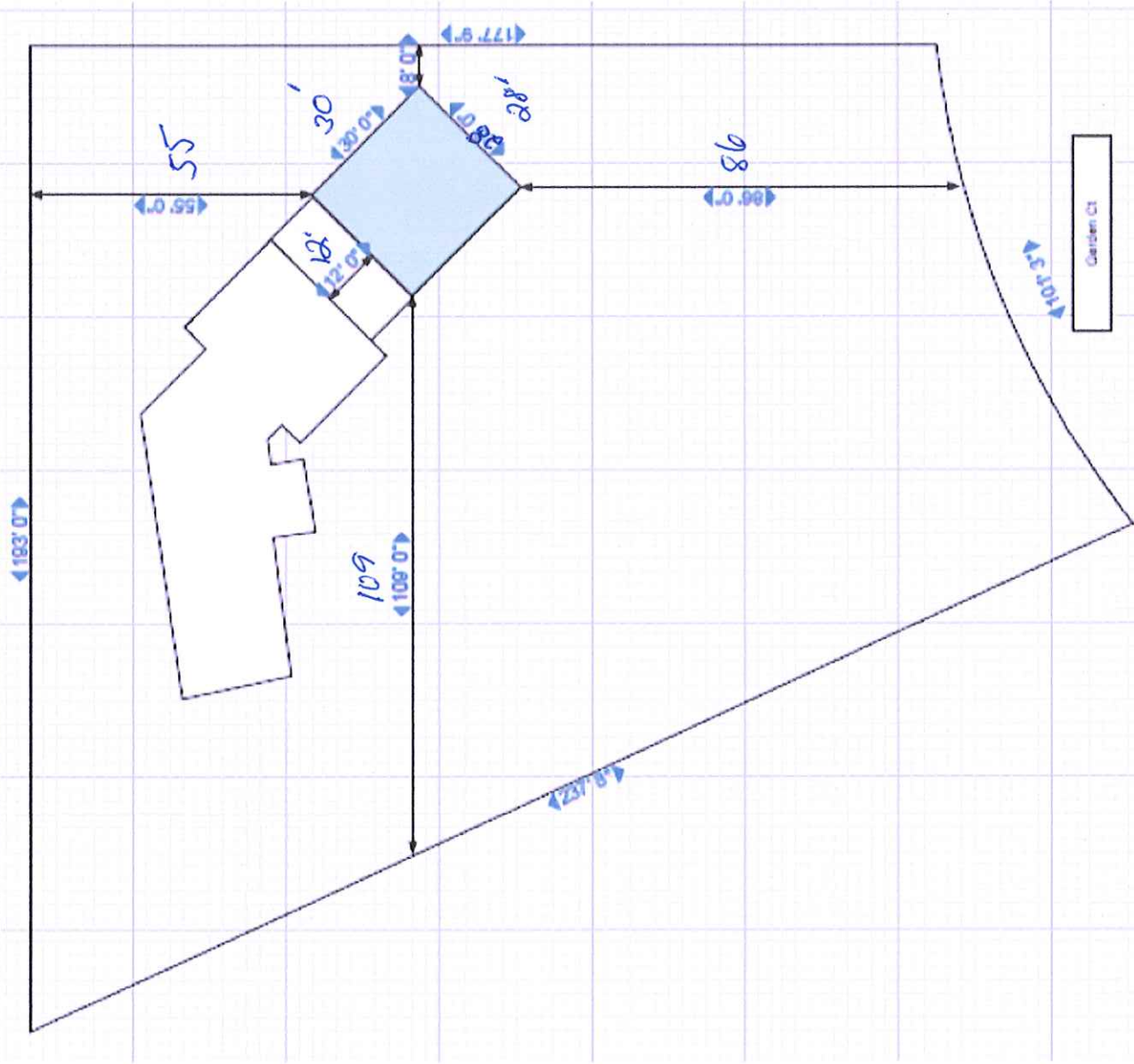
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Sketch by Apex Medina™

Rear Lot Line 193'



Front of Property Lot Line 101' 3

66 Garden Ct

Address (Front of Property)