

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.