



City of Appleton

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

Meeting Agenda - Final Board of Zoning Appeals

Monday, April 18, 2022

7:00 PM

6th Floor Council Chambers

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

[22-0444](#) Minutes March 21, 2022

Attachments: [Meeting Minutes for 3-21-22.pdf](#)

4. Public Hearings/Apearances

5. Action Items

[22-0307](#) **115 E. Washington St. (31-2-0281-01)** The applicant proposes to place a dumpster enclosure on the south property line. Section 23-43(f)(2) of the Zoning Ordinance requires dumpster enclosures to be five (5) feet from the side and rear property line.

Attachments: [115 E. Washington St.pdf](#)

Legislative History

3/21/22 Board of Zoning Appeals held

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, March 21, 2022

7:30 PM

6th Floor Council Chambers

1. Call meeting to order

Meeting called to order by McCann at 7:00pm.

2. Roll call of membership

Present: 4 - McCann, Sperl, Cain and Loosen

Excused: 3 - Engstrom, Croatt and Joosten

3. Approval of minutes from previous meeting

[22-0306](#)

Minutes February 21, 2022

Attachments: [2-21-22 Meeting Minutes.pdf](#)

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

Aye: 4 - McCann, Sperl, Cain and Loosen

Excused: 3 - Engstrom, Croatt and Joosten

4. Public Hearings/Appearances

5. Action Items

[22-0308](#)

2700 E. John St. (31-4-5882-00) The applicant proposes to put an addition onto an existing home. The proposed addition would be twelve (12) feet from the front property line on Rail St. Section 23-92(g)(4) of the Zoning Ordinance requires a twenty (20) foot front yard setback.

Attachments: [2700 E. John St.pdf](#)

**Sperl moved, seconded by Loosen, that the Report Action Item be approved.
Roll Call. Motion failed by the following vote:**

Nay: 4 - McCann, Sperl, Cain and Loosen

Excused: 3 - Engstrom, Croatt and Joosten

[22-0307](#)

115 E. Washington St. (31-2-0281-01) The applicant proposes to place a dumpster enclosure on the south property line. Section 23-43(f) (2) of the Zoning Ordinance requires dumpster enclosures to be five (5) feet from the side and rear property line.

Attachments: [115 E. Washington St.pdf](#)

**Cain moved, seconded by Sperl, that the Report Action Item be held. Roll Call.
Motion carried by the following vote:**

Aye: 4 - McCann, Sperl, Cain and Loosen

Excused: 3 - Engstrom, Croatt and Joosten

6. Information Items

7. Adjournment

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

Aye: 4 - McCann, Sperl, Cain and Loosen

Excused: 3 - Engstrom, Croatt and Joosten

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 02/28/2022 Meeting Date 03/17/2022

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) 115 E. Washington St. Appleton, WI, 54911	Parcel Number 31-2-0281-01
Zoning District Central Business District (CBD)	Use of Property <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial

Applicant Information	
Owner Name Brent Dahlstrom	Owner Address 604 Clay Street Cedar Falls, IA, 50613
Owner Phone Number 319-505-3609	Owner E Mail address (optional) brent@mergeurbandedevelopment.com
Agent Name Rose Schroder	Agent Address 430 E. Grand Avenue, Suite 101, Des Moines, IA 50309
Agent Phone Number 515-380-4396	Agent E Mail address (optional) rose-schroder@bolton-menk.com

Variance Information
Municipal Code Section(s) Project Does not Comply Sec. 23-43.f(2).a requiring detached structures to maintain a 5' setback from side and rear lot lines.
Brief Description of Proposed Project The project a mixed use with retail and restaurants and apartments on the upper stories.

Owner's Signature (Required):  Date: 2/24/22

Recp 110080647

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:

The mixed use building will be built on a vacant parcel that has an existing walkway and alley. Due to the nature of the lot, placing the dumpster enclosure attached to the building would impede the existing walkway. Section 23-43.f(2).a requires all detached accessory structures to not be placed within 5' of the setback, but has no such restrictions for attached accessory structures. We are requesting a variance for the detached dumpster enclosure to not be required to meet the 5' setback.

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

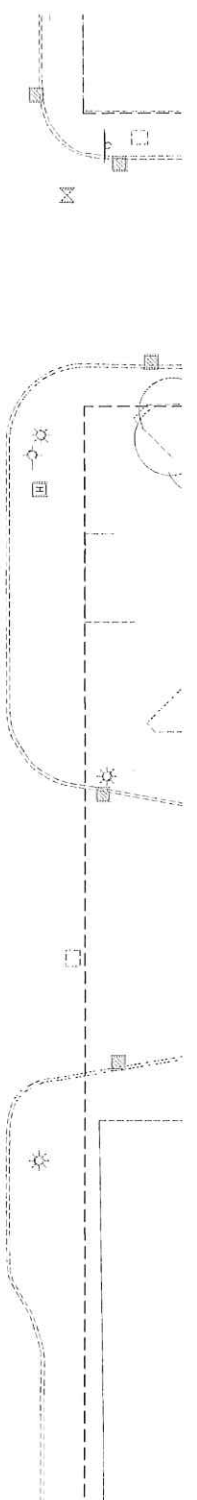
The dumpster enclosure is at the end of its respective alley and would not impact through-traffic. The dumpster enclosure follows other stated standards found in Section 23-47 "Refuse container and dumpster enclosure standards" and Section 23-43 "Accessory uses, buildings and structures." If the dumpster enclosure was attached to the building, the 5' setback wouldn't be in effect.

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

Due to the size of the lot, existing walkway, and that the nature of the dumpster enclosure being at the end of the alley, allowing the the dumpster enclosure to be within 5' of the setback would not cause traffic issues. A variance would not be needed if the dumpster was attached to the building, but that is not practical as that would impede the existing walkway. The dumpster enclosure would ideally be very close to the alley for easy of waste removal.

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

Forcing the dumpster to be outside the 5' of the setback would result in impeding the walkway which would go against the goals outlined in the Appleton Comprehensive Plan and the Appleton Downtown Streetscape Design Guide.



E. WASHINGTON ST.

S. ONEIDA ST.

ALTERNATE #1 - SEE SHEET L1.04 FOR DETAILS

HATCH LEGEND

[Hatch Pattern]	7" RCC PACKAGING
[Hatch Pattern]	8" RCC PACKAGING
[Hatch Pattern]	8" COLORED CONCRETE TYPE 1
[Hatch Pattern]	1/4" M&M ALLEY (ALTERNATE #2) R.C.C. SEE CIVIL DETAILS
[Hatch Pattern]	000
[Hatch Pattern]	PLANTING BED, SEE PLANTING PLAN
[Hatch Pattern]	ELECTRICAL M&C, SEE MEP DRAWINGS
[Hatch Pattern]	REINFORCED POLYMER TRAFFICABLE SURFACE (NO COATING)

- COLORLED CONCRETE NOTES:**
- PRODUCT CHAIRMAN / MANUFACTURER FOR COLOR-CONDITIONED CONCRETE BY SCORED / COGNITION
 - SKIN SCORED SALES OFFICE
1000 W. WISCONSIN ST.
MILWAUKEE, WI 53233
PHONE: 400.800.9900
 - TYPE 1 TO BE SELECTED BY ARCHITECT FROM MANUFACTURER'S STANDARD COLORS. CONTRACTOR TO OBTAIN PHYSICAL SAMPLES OF THE MANUFACTURER'S STANDARD COLORS FOR SELECTION BY THE ARCHITECT.

SITE LAYOUT NOTES:

- UNEXPOSED BLOCK WALL, SEE LANDSCAPE DETAILS
- GENERATOR & R.C.C. PAD, SEE MEP DRAWINGS
- TRANSFORMER & R.C.C. PAD, SEE MEP DRAWINGS
- NOT USED
- PLANTER BOX, SEE LANDSCAPE DETAILS
- BIKE MACK, SEE LANDSCAPE DETAILS
- TERMINATION CABINET & R.C.C. PAD, SEE MEP DRAWINGS
- TRASH RECYCLER, SEE ARCHITECTURAL SHEETS
- TRUCKING EDGE SIDEWALK CURB, SEE CIVIL DETAILS
- SQUARE STEEL LIGHT POLE WITH WOOD TRIM, POLE CONFIGURATION
- BELOW GROUND LIGHT, SEE MEP DRAWINGS
- FUTURE RESTROOM/CATWALK LIGHTING, BY OTHER, SEE L&S LANDSCAPE DETAILS FOR CATWALK LIGHTING ACCOMMODATIONS IN CONTRACT. SEE MAP FOR ELECTRICAL CONNECTIONS.
- REINFORCED SKIMMED LIGHT POLE, SEE MEP DRAWINGS, COORDINATE WITH CITY OF APPLETON.
- REINFORCED SKIMMED PARKING MATTERS, COORDINATE WITH THE CITY OF APPLETON.
- FUTURE TRUNK FENCE, BY OWNER
- 7" SCRPD REINFORCED CONCRETE SAND, SEE CIVIL DETAILS

URBANE APPLETON
115 E. WASHINGTON ST
APPLETON, WI 54911

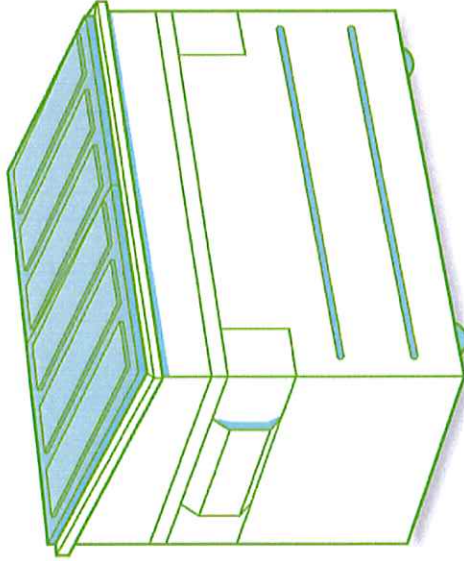


3400 EAST PALM BLVD. SUITE 200
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WWW.BOLTONMENK.COM

ONITSHOT
ARCHITECTURE
305 EAST COURT AVENUE, DEER CREEK, WI 53009
T 915.243.0014

4 YD. FRONT-LOAD DUMPSTER

Also known as 4 yd. front loader, 4 yd. front load container, 4 yd. commercial dumpster



DIMENSIONS

L:6' W:4.3' H:4.7'

ACCESSORIES

Lockbar Castors/Wheels,

Slant top/Flat top

PRICE RANGE

Varies

BEST USE

Great for mid-size businesses. From Restaurants to Car Dealerships and everything in between.

ABOUT THIS PRODUCT

Use 4-yard front-load dumpsters for small apartment buildings with 6-10 units, smaller restaurants, and businesses that generate less than 800 pounds of waste per week. They are available in flat box or slanted lid styles. Lid lockbars are generally available if needed.



Real People. Real Solutions.

430 E Grand Avenue
Suite 101
Des Moines, IA 50309

Ph: (515) 259-9190
Fax: (515) 233-4430
Bolton-Menk.com

TO: City of Appleton – Board of Zoning Appeals
FROM: Rose Schroder, AICP, Bolton and Menk, Inc.
DATE: April 5, 2022
SUBJECT: Board of Zoning Appeals #22-0308, 115 E. Washington Street
Additional Information and Clarification

This letter provides additional information relative to continued Board of Zoning Appeals #22-0308 from the March 21, 2022, meeting agenda. A more detailed site plan and additional information is attached to this correspondence.

Page one of the attachment shows the proposed site plan for the project located at 115 E. Washington Street. Several notes (in red) have been added to the sheet since the time of original submittal. The building on the site can generally be described as 'facing' East Washington Street with a 12.5- foot asphalt private drive located on the east side of the proposed structure. This private drive is intended to serve as emergency access to the building located further south (MOSAIC – by others). Access to the dumpster location will also be provided by this drive. Please note that the curb cut on East Washington Street is in existence today. The developers of each project are working to provide additional parking between the buildings for the use of the project located to the south. Future utility easements will be located within the private drive.

The masonry dumpster enclosure will include three 4-yard containers on casters (see page 2). The containers will be rolled toward the north and then rotated to the east out to the private drive, noted above. The masonry blast wall for the adjoining generator is attached to the dumpster enclosure. The generator blast wall is required within 20 feet of entries to the building and electrical equipment. Attaching/sharing a wall with the dumpster enclosure is the most efficient way to accomplish the requirement. The enclosure location is away from the building to allow pedestrian access to the entries along the south exterior providing an ADA accessible route. Adequate width of the pedestrian route is necessary for the following reasons:

- Facilitate 'stepping' of the building foundation to accommodate 3.5' of grade change from the high point of the site to the low point.
- A door is required on the front and back side of the building lobby. The rear lobby door can't be located on the west exterior because of the drive access to the rear of the building.
- Doors can't be within 20' of a transformer. Transformer and generator can't swap sides with the enclosure because we then cut off access to service the trash enclosure.

The enclosure is designed to prevent damming stormwater on the face of the building. Stormwater flows south to north and west to east along the south portion of the site. The overflow route for stormwater is designed for the north wall of the dumpster enclosure.

Given the other requirements of the site such as ADA accessibility, placement restrictions of the generator, stormwater flow, maintaining emergency vehicle access to the site located south of the redevelopment project and future parking for the development (by others) south of the site, the only remaining reasonable location to place the dumpster enclosure is as shown on the site plan.

I respectfully request that you concur with City staff in the analysis dated March 8, 2022, and find that granting the variance would not harm the public interest or adversely impact other properties.

Sincerely,

A handwritten signature in cursive script that reads "Rose E. Schroder". The signature is written in black ink and is positioned below the word "Sincerely,".

Rose Schroder, AICP
Senior Urban Planner
Bolton & Menk, Inc.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: March 8, 2022

RE: Variance Application for 115 E. Washington St (31-2-0281-00)

Description of Proposal

The applicant proposes to place a dumpster enclosure on the south property line. Section 23-43(f)(2) of the Zoning Ordinance requires dumpster enclosures to be five (5) feet from the side and rear property line.

Impact on the Neighborhood

In the application, the applicant states that the proposed dumpster enclosure would be at the end of an alley and would not impact through-traffic. The applicant also stated that if the enclosure was attached, there would be no setback.

Unique Condition

In the application, the applicant states that the dumpster enclosure will not cause traffic issues. The applicant also states that a variance would not be needed if the enclosure was attached and the proposed location is ideal for waste removal.

Hardship

In the application, the applicant states that forcing the dumpster to be outside the five (5) foot setback would result in impeding the walkway, which would go against the goals outlined in the Appleton Comprehensive Plan and the Appleton Downtown Streetscape Design Guide.

Staff Analysis

This parcel is 17,127 sq ft. The minimum size lot in the Central Business District is 2,400 sq. ft.

The proposed location of the dumpster enclosure is along public alley that is a dead end and secluded from other properties and busy streets. Granting this variance would not harm the public interest or adversely impact other properties.