



City of Appleton

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

Meeting Agenda - Final Board of Zoning Appeals

Monday, July 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

[22-0822](#) Minutes from June 20, 2022

Attachments: [Meeting Minutes June 20, 2022.pdf](#)

4. Public Hearings/Apearances

5. Action Items

[22-0829](#) **1935 E. Calumet St. (31-9-1115-00)** The applicant proposes to alter the site that would create 85% lot coverage. Section 23-113(h)(2) of the zoning ordinance limits lot coverage to 75%.

Attachments: [1935 E. Calumet St .pdf](#)

[22-0903](#) **933 E. John St. (31-1-0772-02)** The applicant proposes to build a building that is five (5) feet from the front property line along John St. and twelve (12) feet from the property line along E. South Ct. Section 23-96(g) (3)(d) of the Zoning Ordinance requires a twenty (20) foot front yard setback.

Attachments: [933 E. John St.pdf](#)

[22-0823](#)

1430 N. Ballard Road (31-1-5207-00) Rezoning this parcel would create a lot that is 11,551 sq. ft. Section 23-113(h)(1) of the Zoning Ordinance requires a minimum size of 14,000 sq ft. in the C2 zoning district.

Attachments: [1430 Ballard Rd.pdf](#)

[22-0824](#)

1430 N. Ballard Road (31-1-5207-00) Rezoning this parcel would create a parcel with 99 percent lot coverage. Section 23-113(h)(2) of the Zoning Ordinance limits the maximum lot coverage to seventy five (75) percent.

Attachments: [1430 Ballard Rd.pdf](#)

[22-0825](#)

1430 N. Ballard Road (31-1-5207-00) Rezoning would create a parcel with a building that is eleven (11) feet from the rear property line. Section 23-113(h)(5) of the Zoning Code requires a twenty (20) foot rear yard setback.

Attachments: [1430 Ballard Rd.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
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Meeting Minutes - Final Board of Zoning Appeals

Monday, June 20, 2022

8:00 PM

6th Floor Council Chambers

1. Call meeting to order

Meeting called to order by McCann at 8:00 pm.

2. Roll call of membership

Christopher Croatt is no longer a member of the Board of Zoning Appeals.

Present: 4 - McCann, Engstrom, Sperl and Cain

Excused: 1 - Loosen

3. Approval of minutes from previous meeting

[22-0772](#)

Minutes from May 16, 2022

Attachments: [Minutes May 16, 2022.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: 1 - Loosen

Absent: 1 - Croatt

4. **Public Hearings/Appearances**

Joe Steffens-1011 N. Badger Ave

5. **Action Items**

[22-0773](#)

1006 N. Linwood Ave. (31-5-0072-00) The applicant proposes to construct a detached garage five (5) feet from the front property line, in front of the existing principal building. Section 23-43(f)(1)(c) of the Zoning Ordinance prohibits accessory buildings in the front yard.

Attachments: [1006 N. Linwood Ave.pdf](#)

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

Nay: 4 - McCann, Engstrom, Sperl and Cain

Excused: 1 - Loosen

Absent: 1 - Croatt

[22-0788](#)

Election of Chair

**Sperl moved, seconded by Engstrom, to approve Paul McCann as chair of BOZ.
Roll Call. Motion carried by the following vote:**

Aye: 4 - McCann, Engstrom, Sperl and Cain

Excused: 1 - Loosen

Absent: 1 - Croatt

[22-0789](#)

Election of Vice Chair

**Engstrom moved, seconded by Sperl, to approve Scott Engstrom as vice chair
of BOZ. Roll Call. Motion carried by the following vote:**

Aye: 4 - McCann, Engstrom, Sperl and Cain

Excused: 1 - Loosen

Absent: 1 - Croatt

6. Information Items

7. Adjournment

**A motion was made by Sperl, seconded by Cain, that this meeting be
adjourned at 9:04 pm. The motion carried by the following vote:**

Aye: 4 - McCann, Engstrom, Sperl and Cain

Excused: 1 - Loosen

Absent: 1 - Croatt

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: July 12, 2022

RE: Variance Application for 1935 E. Calumet St. (31-9-1115-00)

Description of Proposal

The applicant proposes to alter the site that would create 85% lot coverage. Section 23-113(h)(2) of the zoning ordinance limits lot coverage to 75%.

Impact on the Neighborhood

In the application, the applicant states that the site meets the landscape buffering requirements of the Zoning Ordinance, and the lot coverage will not impact neighboring properties.

Unique Condition

In the application, the applicant states that there is large easement on the property that limits the options for landscaping and parking on the site.

Hardship

In the application, the applicant states that if the variance is not granted the pavement dedicated to the maneuvering of trucks and vehicles would be greatly reduced, causing possible conflicts between truck refueling underground tanks, trucks delivering goods and customers. The granting of the variance would help ensure the safety of the people utilizing the property for its proposed land use.

Staff Analysis

The size of this parcel is 66,175 sq. ft. The minimum size of a parcel in the C2 zoning district is 14,000 sq. ft.

The lot is not abnormally small or a unique shape. The applicant must show that the dimensional limitations of the lot cause a hardship, rather than the preference of the site designer. For example, could the parking lot or building be decreased in size? There appears to be alternatives.

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 June 27, 2022 Meeting Date July 18, 2022 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) 1935 E. Calumet St.	Parcel Number 31-9-1115-00
Zoning District C2	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>

Applicant Information	
Owner Name ASSOCIATED BANK NATIONAL ASSOCIATION	Owner Address 433 MAIN ST GREEN BAY WI 54301
Owner Phone Number 414-930-7948	Owner E Mail address (optional)
Agent Name Christian Cabrera	Agent Address 1524 Delancey St. Philadelphia, PA 19102
Agent Phone Number 215-717-9702	Agent E Mail address (optional) ccabrera@bergmannpc.com

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-113(h)(2) – Maximum lot coverage is 75%
Brief Description of Proposed Project Proposed plan would cause 85% of the lot to be covered. Section 23-113(h)(2) of the Zoning Ordinance limits lot coverage to 75% in the C2 zoning district.

Owner's Signature (Required): DocuSigned by:
David Knight Date: 6/24/2022
6EF934EEDBD9475...

Recp 116590692

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:

Proposal for a new 5,200 SF. Holiday Stationstores Convenience Store with 1,458 SF attached Carwash with associated fuel sales and a 3,936 SF fuel canopy. Fuel Canopy will cover six (6) fuel islands with fueling available on both sides of each island. Driveways, access aisles, utilities, parking, and landscaping area are also part of the proposal. A variance to Section 23-113(h)(2) of the Zoning Ordinance is being requested for not meeting the required maximum lot coverage for the project site. Section 23-113(h)(2) requires a maximum lot coverage of 75% of the lot area. This proposal is requesting that a lot coverage of 85% of the lot area be approved. The lot coverage is reduced to the maximum extent possible while providing sufficient room for fuel or goods delivery truck maneuvering separate from standard vehicle and pedestrian traffic maneuvering around the store front, fuel station and carwash.

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

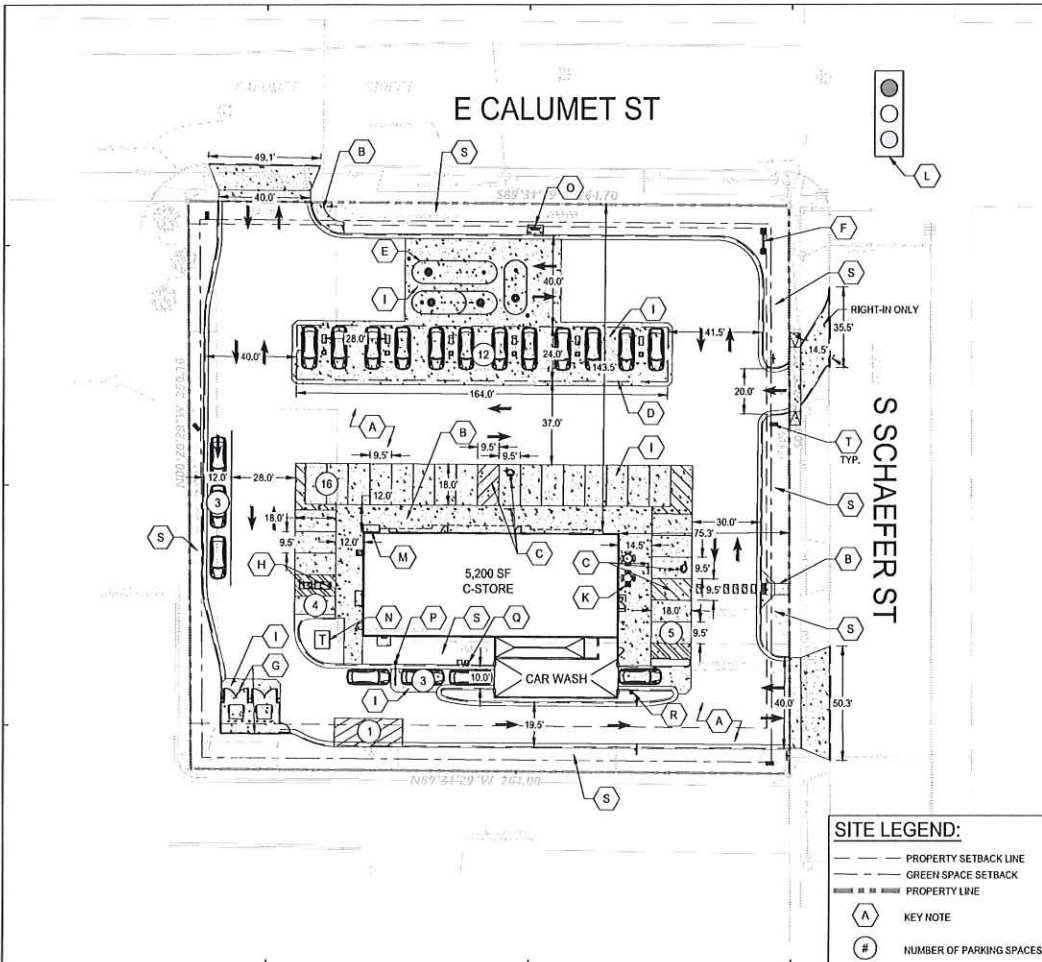
The surrounding properties are zoned C-2 General Commercial District or R-3 Multifamily District and are occupied by commercial / residential properties or are vacant properties previously occupied by developments. The proposed site layout meets the required minimum perimeter landscape buffer per Section 23-172(g)(1). The variance for lot coverage does not impede on the surrounding properties as the perimeter landscaping required for the site will be maintained.

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

The project site contains 66,168 SF of lot area including a permanent easement, per document no. 195829 (Ex. 11), dedicated to a sanitary sewer that runs along the western portion of the site. The lot width is approximately 264 ft while the lot length is about 250 ft. Given the site dimensional constraints, landscape requirements, parking requirements, and anticipated maneuvering of trucks and vehicles throughout the site, etc. the lot dimensions would limit the development to provide safe maneuvering of trucks, vehicles, and pedestrians throughout the site.

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

If the variance to the lot coverage was not granted, the pavement dedicated to the maneuvering of trucks and vehicles would be greatly reduced. This would cause reoccurring conflicts between trucks refueling the underground fuel tanks, delivery trucks loading goods into the convenience store, standard vehicles utilizing the store front or fueling at the fueling station or utilizing the carwash, and pedestrians accessing the store through the dedicated cross walk. The pavement widths currently shown are minimum standards of Holiday Stationstores through observation of previous developments and the conflicts they have observed. The granting of the variance would help ensure the safety of the people utilizing the property for its proposed land use.



SITE DATA:

ZONING: C-2 GENERAL COMMERCIAL DISTRICT

CURRENT LAND USE: BANK

TOTAL LOT AREA: 11.52 ACRES
466,168 SQ. FT.

LOT COVERAGE: 56,243 SQ. FT. (85%)

GROSS FLOOR AREA OF BUILDINGS: 5,200 SQ. FT. (C-STORE)
1,458 SQ. FT. (CAR WASH)

BUILDING SETBACKS: 10' FRONT
NONE SIDE
20' REAR

GREENSPACE SETBACKS: 8' FRONT (NORTH)
8' FRONT (EAST)
5' SIDE (WEST)
5' REAR

PARKING REQUIRED: (SP: 9'x15', LP: 12'x30' PER CODE)
RETAIL BUSINESS - ONE (1) SPACE PER 250 SQUARE FEET OF GFA AREA - 5,200/250 = 21 SP
LOADING - ONE (1) STRIPED LOADING SPACE FOR EACH 5,000 TO 20,000 SF GFA
CAR WASH - DRIVE THRU - FIVE (5) STACKING SPACES
GASOLINE SALES - TWO (2) SPACES LOCATED AT EACH PUMP
TOTAL REQUIRED: 39 SPACES

PARKING PROVIDED:
23 SP + 2 ADA + 1 LP + 6 STACKING + 12 PUMP = 44 SPACES
STANDARD PARKING SPACES DIMENSION = 9.5'x18'
LOADING PARKING SPACES DIMENSION = 12'x30'
STACKING SPACE DIMENSION = 9'x19'

KEY NOTES:

- A. STANDARD PAVEMENT SECTION
- B. CONCRETE SIDEWALK
- C. ADA STRIPING AND SIGNAGE (TYP.)
- D. FUEL CANOPY
- E. FUEL TANKS
- F. CIRCLE K ID SIGN
- G. DUMPSTER ENCLOSURE
- H. AIR & WATER PUMP AND VACUUM
- I. CONCRETE PAVEMENT SECTION
- J. NOT USED
- K. OUTDOOR SEATING AREA
- L. SIGNALIZED INTERSECTION
- M. PROPANE EXCHANGE
- N. ELECTRIC TRANSFORMER
- O. VENT PIPES
- P. CARWASH CRASH BAR
- Q. CARWASH ENTRY SYSTEM EQUIPMENT
- R. CARWASH DRYER TIMER
- S. LANDSCAPING
- T. INTERNAL DIRECTIONAL SIGNAGE

SITE LEGEND:

--- PROPERTY SETBACK LINE

--- GREEN SPACE SETBACK

--- PROPERTY LINE

(A) KEY NOTE

(#) NUMBER OF PARKING SPACES

0 40 80 120 FT

1" = 40' SCALE BAR

N

B BERGMANN

1000 W. CALUMET ST.
APPLETON, WI 54911
PH: 920.833.1111
WWW.BERGMANNWI.COM

DATE: 02/20/2024

PROJECT NAME: **NY E. CALUMET ST. AND S. SCHAEFER ST. APPLETON, WI NORTHERN TIER BU**

PROJECT NUMBER: **015453**

SHEET TITLE: **CONCEPTUAL SITE PLAN**

SHEET NUMBER: **CSP**

REGISTERED STATE ARCHITECT, LLC

Holiday



June 27, 2022

City of Appleton
Department of Public Works
Inspection Division
Attn: Mr. Kurt Craanen, Inspections Supervisor
100 North Appleton Street
Appleton, WI 54911
Ph: 920.832.6411

RE: Holiday Stationstores LLC
Application for Variance
Southwest corner of E Calumet St & S Schaefer St
Appleton, WI 54915

Dear Mr. Craanen,

On behalf of Holiday Stationstores LLC, we are pleased to submit the following items for a variance request.

- One (1) copy of the Application for Variance.
- One (1) fee paid online in the amount of \$125 for the application fee.
- One (1) 11"x17" copy of the Site Plan of the convenience store with attached car wash dated June 27, 2022.
- One (1) PDF copy of the submittal.

We are submitting the aforementioned materials to request the Department of Public Works and the Zoning Board of Adjustments/Appeals to approve the requested variance on the lot coverage requirements for the proposed development given the current zoning requirements of the subject property. The project includes the construction of a 5,200 SF convenience store with attached car wash and fuel station. The proposed development is located at 1935 E Calumet Street, Appleton, WI, 54915. Variance will be required for the proposed lot coverage requirement which would dictate a maximum lot coverage of 75% is required for the proposed development. The attached site plan indicates that the lot coverage would be 85%, necessary to maintain minimum standards of Holiday Stationstores for the protection of truck, vehicle, and pedestrian traffic maneuvering throughout the site; thus, a variance is required for the project.

Thank you in advance for your consideration. Please feel free to contact us should you have any questions or require any additional information.

Sincerely,

Christian A. Cabrera
Bergmann

cc: Jim Goeppner, Circle K (digital copy)
Glenn W. Harvey, Bergmann (digital copy)
Stephen Harrison, Bergmann (digital copy)

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: July 12, 2022

RE: Variance Application for 933 E. John St. (31-1-0772-02)

Description of Proposal

The applicant proposes to build a building that is five (5) feet from the front property line along John St. and twelve (12) feet from the property line along E. South Ct. Section 23-96(g)(3)(d) of the Zoning Ordinance requires a twenty (20) foot front yard setback.

Impact on the Neighborhood

In the application, the applicant states that the proposed buildings would not impact the neighbors because the properties to the north are on a bluff, 20 feet higher in elevation, no other buildings are close, and the buildings will not cause a vision obstruction on this low traffic street.

Unique Condition

In the application, the applicant states that this lot has a significant amount of grade change in two directions. The properties to the north and south of the lot are significantly higher than the subject. The grade challenges on the site are entirely unique to this site.

Hardship

In the application, the applicant states that elevation of this site causes many challenges. Development of this site is not possible without a variance because of grade issues.

Staff Analysis

This property is 22,003 sq. ft. The minimum size lot in the R3 zoning district for an eight (8) unit building is 12,000 sq. ft.

Due to the steep grades along the south side of this property, only a portion of this lot is buildable. The topography creates a hardship that meets the review criteria for a variance.

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 June 27, 2022 Meeting Date July 18, 2022 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) 933 E. John St.	Parcel Number 31-1-0772-02
Zoning District R3	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name EP DEVELOPMENT INC	Owner Address 2450 RIMROCK ROAD MADISON, WI 54713
Owner Phone Number 608-268-8126	Owner E Mail address (optional)
Agent Name COLIN CASSADY	Agent Address 2450 RIMROCK ROAD MADISON, WI 54713
Agent Phone Number 608-268-8126	Agent E Mail address (optional) ckc@alexandercompany.com

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-96(g)(3)(d)- Front yard setback
Brief Description of Proposed Project Proposed building would be five (5) feet from the front property line along John St. and twelve (12) feet from the property line along E. South Ct. Section 23-96(g)(3)(d) of the Zoning Ordinance requires a twenty (20) foot front yard setback.

Owner's Signature (Required):  Date: 6/29/22
Recp 3797-0007

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 project is the third and final phase of the redevelopment of the former Foremost Dairy property. This final lot is very challenging from a redevelopment standpoint as it has as significant amount of elevation change from the south to north and west to east (roughly 20' and 16' respectively). We have examined dozens of uses for the site and settled on constructing eight townhome style condominium units as the most practical to work with the grading challenges. In order to minimize the impact of the grades, we are looking to push the buildings closer to the street. While this still requires some excavation, it is significantly less than if the buildings were constructed withing the prescribed setbacks and retains more of the existing hill.

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

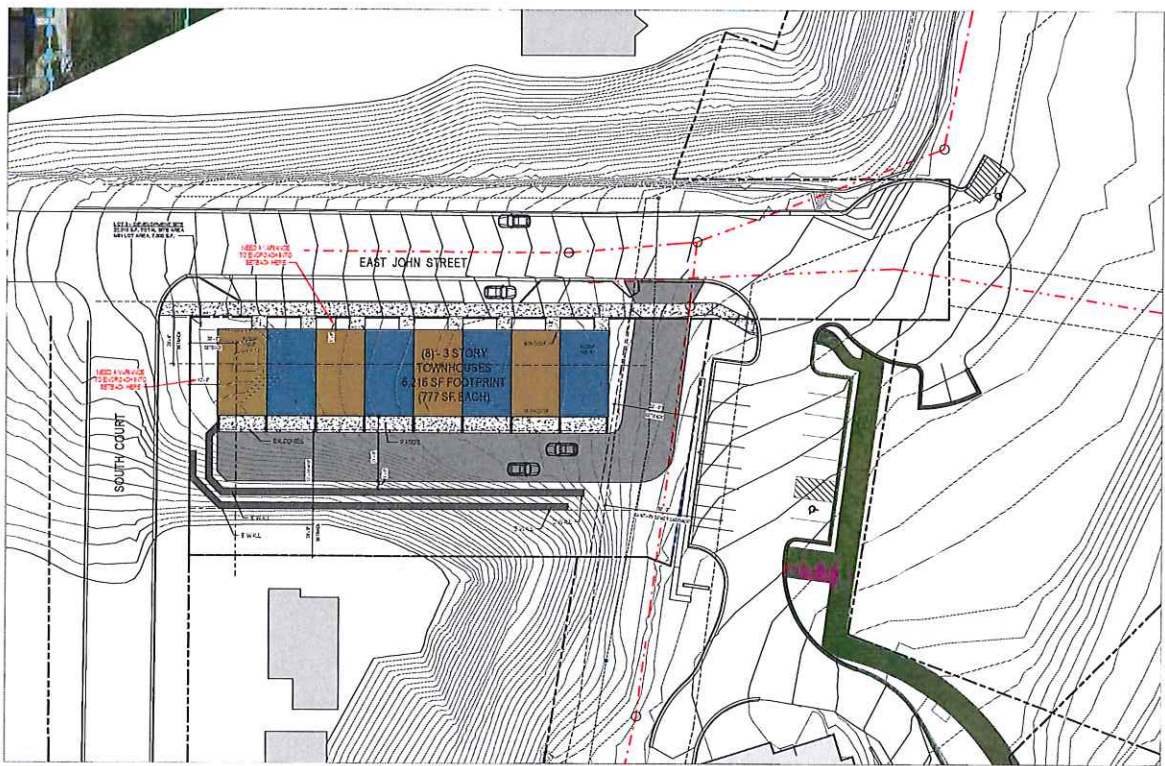
The property is located at the end of E. John Street. The neighboring properties to the east are owned by an affiliate of the developer and are more than 150' from the nearest portion of the proposed buildings. Moving the building toward the street will not encroach on the vision triangle at the end of E. John Street as the project has a driveway at that end and is setback from a sanitary sewer easement. The properties to the north of the project are located on top of a bluff and not accessible from E. John Street so the proximity of the buildings to E. John Street would have no impact. Similarly, the property to the south is located on top of a bluff to the south and is approximately 20' higher in base elevation than the proposed project. There is very little, if any, traffic that travels from South Court towards the property on E. John Street so the variance should have no impact and anyone coming from that direction. We don't believe the variance will have any adverse impact on the adjacent properties. On the contrary, the variance will allow us to redevelop what was a former parking lot and somewhat of an eyesore.

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

As discussed above, this lot has a significant amount of grade change in two directions. The properties to the north and south of the lot are significantly higher than the subject. The grade challenges on this site are entirely unique to this site.

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

As we mentioned above, we have looked at dozens of uses for this site, but all have the same issues with elevation. It is hard to imagine any redevelopment of this site without a variance because of the grade issues. The only use we were able to identify would be to maintain the use of the site as a parking lot; however, it appears that use is not permitted under Appleton's zoning code effectively making the site unusable.



PLANNING
DIVISION
MUNICIPALITY OF APPLETON
SITE PLAN OPTION J

OPTION J - 5' & 12' STBK - 21'W - REAR E



CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: July 12, 2022

RE: Variance Application for 1430 Ballard Road (31-1-5207-00)

Description of Proposal

Rezoning this parcel would create a lot that is 11,551 sq. ft. Section 23-113(h)(1) of the Zoning Ordinance requires a minimum size of 14,000 sq ft. in the C2 zoning district.

Rezoning this parcel would create a parcel with 99 percent lot coverage. Section 23-113(h)(2) of the Zoning Ordinance limits the maximum lot coverage to seventy-five (75) percent.

Rezoning would also create a parcel with a building that is eleven (11) feet from the rear property line. Section 23-113(h)(5) of the Zoning Code requires a twenty (20) foot rear yard setback.

Impact on the Neighborhood

In the application, the applicant states that their business is growing, and this would provide adequate space for parking.

Unique Condition

In the application, the applicant states that if this variance is approved, they would be able to rezone this property from M2 to C2, which is consistent with the comprehensive plan.

Hardship

In the application, the applicant states that they cannot operate without semi tractor-trailers. They do not have the funding to purchase a larger property to accommodate for large trucks. If they cannot purchase the parcel located at 1426 N. Ballard Road, they will have to shut down as they have nowhere to go with their large trucks and trailers.

Staff Analysis

The applicant is proposing to rezone their parcel at 1430 N. Ballard Road from M2 to C2. A rezoning cannot be approved if nonconformities to the Zoning Ordinance are created. Therefore, variances are needed to rezone the parcel. After the rezoning, the owner of 1426 N. Ballard Rd. plans to split the parcel into two parcels and the applicants will purchase one of the newly created parcels and merge it with 1430 N. Ballard Road.

The parcel at 1430 N. Ballard Road is 11,622 sq. ft. The minimum size for a lot in the M2 zoning district is 8,000 sq. ft. The minimum size lot in the C2 zoning district is 14,000 sq. ft.

The parcel is currently nonconforming in lot coverage. The maximum lot coverage in the M2 district is 90%. The parcel is currently 99% covered. By rezoning the property to C2, nonconformities in parcel size and setbacks will be created. These nonconformities are self-created and based on the needs of the applicant. Variances are typically granted to remedy a hardship that existed due to the unique size or shape of the parcel,

not the preferences of the applicant. The applicant does not appear to meet the review criteria for a variance because the hardships are self-created.

Return to: Department of Public Works
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City of Appleton Application for Variance

Application Deadline June 27, 2022 Meeting Date July 18, 2022 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) 1430 N. Ballard Road	Parcel Number 31-1-5207-00
Zoning District C2	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>
Applicant Information	
Owner Name Onstage Audio LLC	Owner Address 1430 N. Ballard Road Appleton, WI 54911
Owner Phone Number	Owner E Mail address (optional)
Agent Name Lisa Kohl	Agent Address
Agent Phone Number 920-470-5546	Agent E Mail address (optional) lisa@eventproductionsystems.com
Variance Information	
Municipal Code Section(s) Project Does not Comply Section 23-113(h)(1) Minimum lot size of 14,000 sq ft. Section 23-113(h)(2) Maximum lot coverage is seventy five (75) percent. Section 23-113(h)(5) Rear yard setback is twenty (20) feet.	
Brief Description of Proposed Project Rezoning this parcel would create a lot that is 11,551 sq. ft. Section 23-113(h)(1) of the Zoning Ordinance requires a minimum size of 14,000 sq ft. in the C2 zoning district. Rezoning this parcel would create a parcel with 99 percent lot coverage. Section 23-113(h)(2) of the Zoning Ordinance limits the maximum lot coverage to seventy five (75) percent. Rezoning would also create a parcel with a building that is eleven (11) feet from the rear property line. Section 23-113(h)(5) of the Zoning Code requires a twenty (20) foot rear yard setback.	

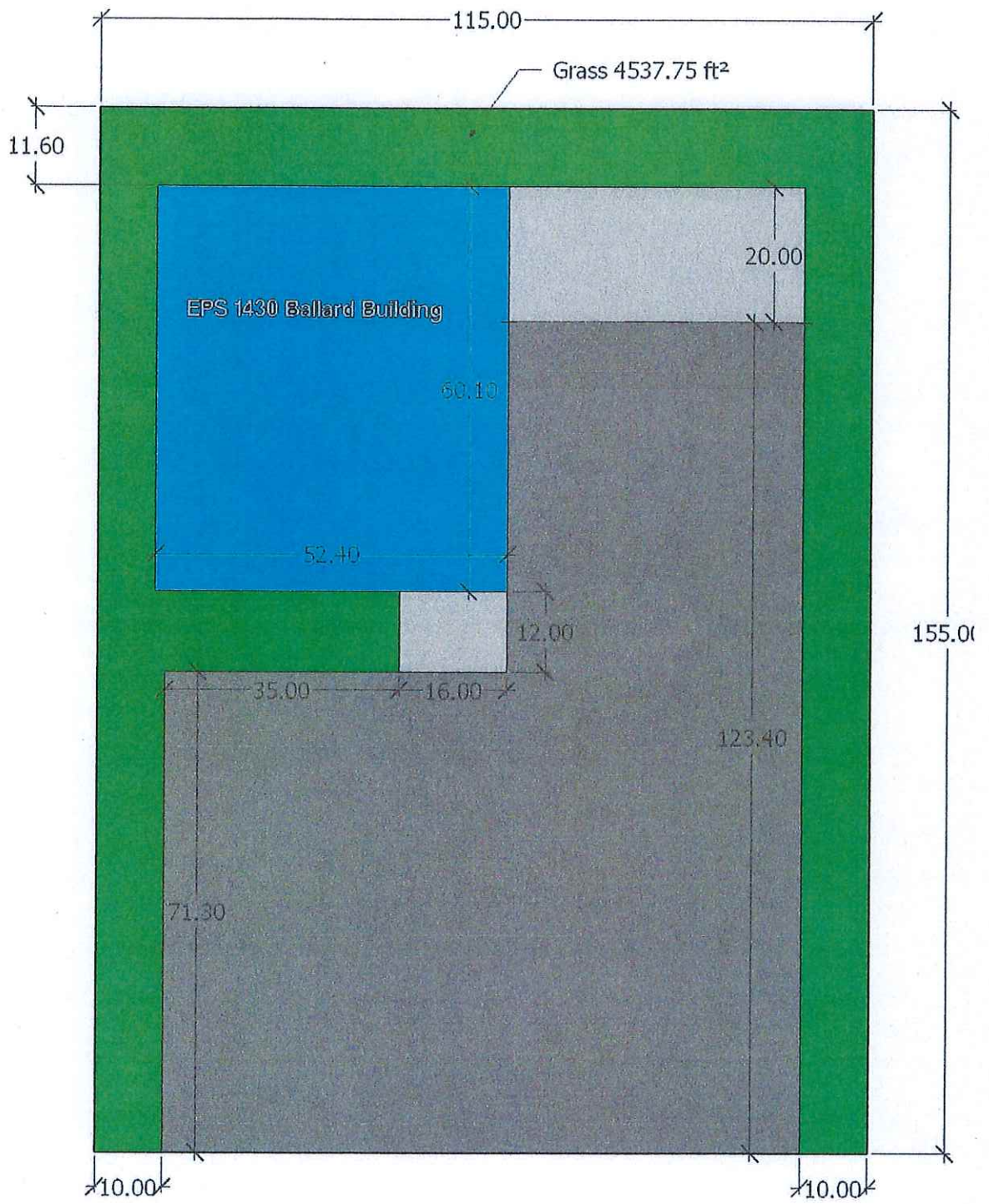
Owner's Signature (Required): Ysa (a) O Date: 10/21/2022

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.

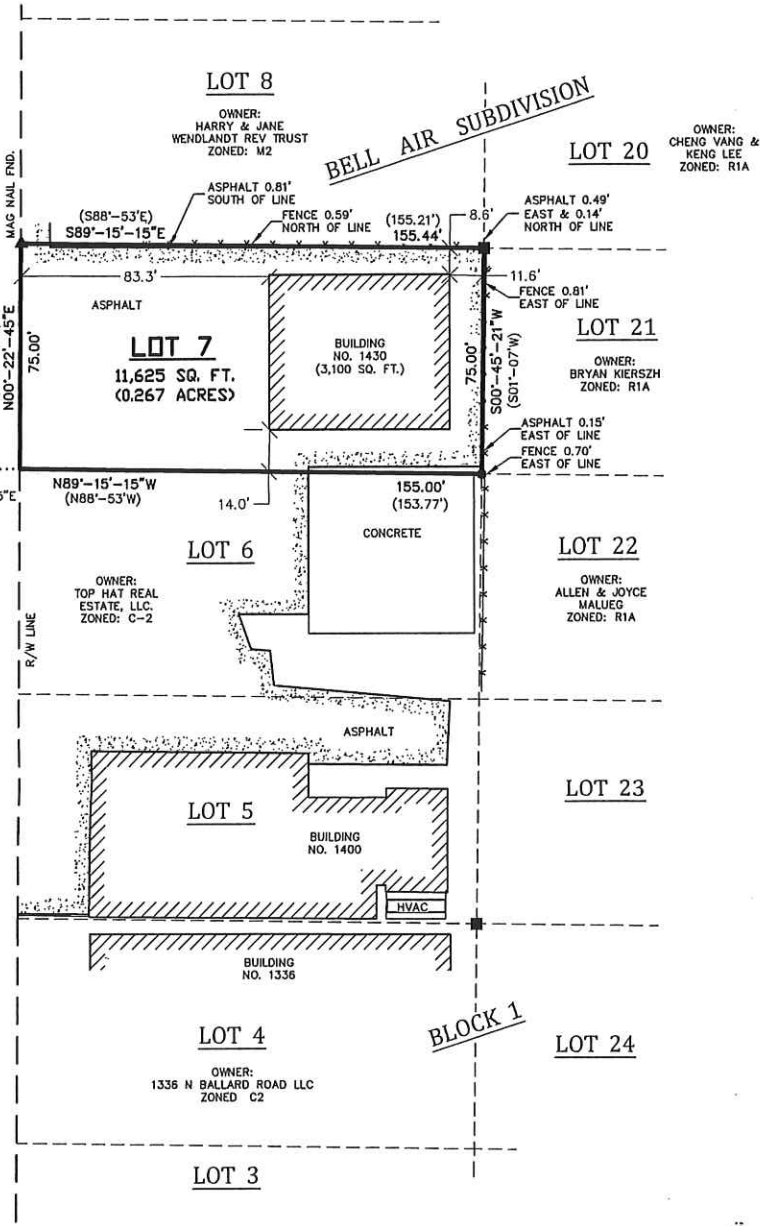
1. Explain your proposed plans and why you are requesting a variance: We are in need for additional parking to allow space for our semi tractor-trailers.
2. Describe how the variance would not have an adverse impact on the surrounding properties: Our business is not changing. This provides adequate parking for our employees and large vehicles.
3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures: By allowing these variances, we are able to rezone our current property located at 1430 N. Ballard Road from M2 to C2. This goes along with the Comprehensive Plan.
4. Describe the hardship that would result if your variances were not granted: We cannot operate without our semi tractor-trailers. They are required in order to haul our equipment and mobile stages. We do not have the funding to purchase a larger property to accommodate for our large trucks. If we do not purchase the parcel located at 1426 N. Ballard Road, we will have to shut down as we have nowhere to go with our large trucks and trailers.



REZONING EXHIBIT MAP

LOT 7, BLOCK 1, BELL AIR SUBDIVISION, BEING PART OF THE SW1/4 OF THE SW1/4, SECTION 19, T.21N., R.18E., CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

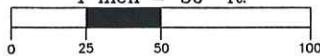
W1/4 CORNER SECTION 19 T.21N. R.18E. (PLUG FND.)



-LEGEND-

- = 1" IRON PIPE FOUND
- = 3/4" REBAR FOUND
- = COUNTY MONUMENT FOUND
- () = RECORDED INFORMATION
- = EXISTING FENCE

GRAPHIC SCALE
 1 inch = 50 ft.



SURVEY NOTES:

-THE INTENT OF THIS EXHIBIT IS TO DEPICT LANDS TO BE REZONED FROM M-2 GENERAL INDUSTRIAL DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT.

-PROPERTY OWNER: ONSTAGE AUDIO, LLC. - C/O MELVIN KOHL

-PROPERTY ADDRESS: 1430 N. BALLARD RD. APPLETON, WI 54911

BEARINGS REFERENCED TO THE OUTAGAMIE COUNTY PRIVATE SECTION 19, T.21N. R.18E., LINE OF THE SW1/4, SECTION 19, T.21N. R.18E., WHICH BEARS: N00°-22'-45"E (N00°-45'E)

SURVEYED FOR:
 DAN NELESSEN
 W3044 BROADWAY DRIVE
 FREEDOM, WI 54913

PARCEL ID:
 311520700
 DEED:
 DOC. NO. 2006548

MERIDIAN
SURVEYING, LLC

N9637 Friendship Drive Kaukauna, WI 54130
 Office: 920-993-0881
 Fax: 920-273-6037

DRAWN BY: J.B.	FIELD WORK DATE: 4-26-22
CHECKED BY: S.C.D.	FIELD BOOK: X
JOB NO.: 13654	SHEET 1 of 1

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: July 12, 2022

RE: Variance Application for 1430 Ballard Road (31-1-5207-00)

Description of Proposal

Rezoning this parcel would create a lot that is 11,551 sq. ft. Section 23-113(h)(1) of the Zoning Ordinance requires a minimum size of 14,000 sq ft. in the C2 zoning district.

Rezoning this parcel would create a parcel with 99 percent lot coverage. Section 23-113(h)(2) of the Zoning Ordinance limits the maximum lot coverage to seventy-five (75) percent.

Rezoning would also create a parcel with a building that is eleven (11) feet from the rear property line. Section 23-113(h)(5) of the Zoning Code requires a twenty (20) foot rear yard setback.

Impact on the Neighborhood

In the application, the applicant states that their business is growing, and this would provide adequate space for parking.

Unique Condition

In the application, the applicant states that if this variance is approved, they would be able to rezone this property from M2 to C2, which is consistent with the comprehensive plan.

Hardship

In the application, the applicant states that they cannot operate without semi tractor-trailers. They do not have the funding to purchase a larger property to accommodate for large trucks. If they cannot purchase the parcel located at 1426 N. Ballard Road, they will have to shut down as they have nowhere to go with their large trucks and trailers.

Staff Analysis

The applicant is proposing to rezone their parcel at 1430 N. Ballard Road from M2 to C2. A rezoning cannot be approved if nonconformities to the Zoning Ordinance are created. Therefore, variances are needed to rezone the parcel. After the rezoning, the owner of 1426 N. Ballard Rd. plans to split the parcel into two parcels and the applicants will purchase one of the newly created parcels and merge it with 1430 N. Ballard Road.

The parcel at 1430 N. Ballard Road is 11,622 sq. ft. The minimum size for a lot in the M2 zoning district is 8,000 sq. ft. The minimum size lot in the C2 zoning district is 14,000 sq. ft.

The parcel is currently nonconforming in lot coverage. The maximum lot coverage in the M2 district is 90%. The parcel is currently 99% covered. By rezoning the property to C2, nonconformities in parcel size and setbacks will be created. These nonconformities are self-created and based on the needs of the applicant. Variances are typically granted to remedy a hardship that existed due to the unique size or shape of the parcel,

not the preferences of the applicant. The applicant does not appear to meet the review criteria for a variance because the hardships are self-created.

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 June 27, 2022 Meeting Date July 18, 2022 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) 1430 N. Ballard Road	Parcel Number 31-1-5207-00
Zoning District C2	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>
Applicant Information	
Owner Name Onstage Audio LLC	Owner Address 1430 N. Ballard Road Appleton, WI 54911
Owner Phone Number	Owner E Mail address (optional)
Agent Name Lisa Kohl	Agent Address
Agent Phone Number 920-470-5546	Agent E Mail address (optional) lisa@eventproductionsystems.com
Variance Information	
Municipal Code Section(s) Project Does not Comply Section 23-113(h)(1) Minimum lot size of 14,000 sq ft. Section 23-113(h)(2) Maximum lot coverage is seventy five (75) percent. Section 23-113(h)(5) Rear yard setback is twenty (20) feet.	
Brief Description of Proposed Project Rezoning this parcel would create a lot that is 11,551 sq. ft. Section 23-113(h)(1) of the Zoning Ordinance requires a minimum size of 14,000 sq ft. in the C2 zoning district. Rezoning this parcel would create a parcel with 99 percent lot coverage. Section 23-113(h)(2) of the Zoning Ordinance limits the maximum lot coverage to seventy five (75) percent. Rezoning would also create a parcel with a building that is eleven (11) feet from the rear property line. Section 23-113(h)(5) of the Zoning Code requires a twenty (20) foot rear yard setback.	

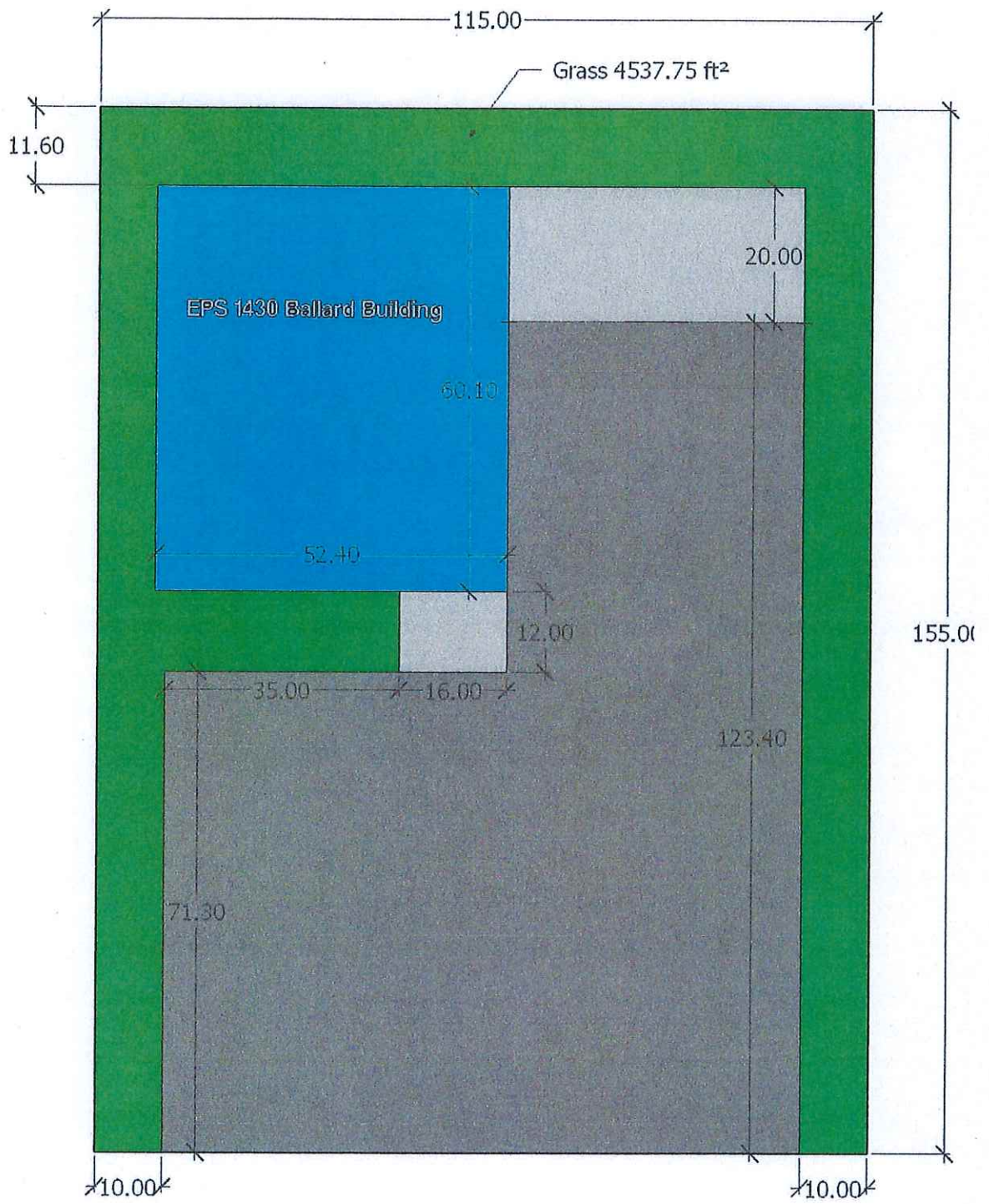
Owner's Signature (Required): Ysa (a) O Date: 10/21/2022

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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.

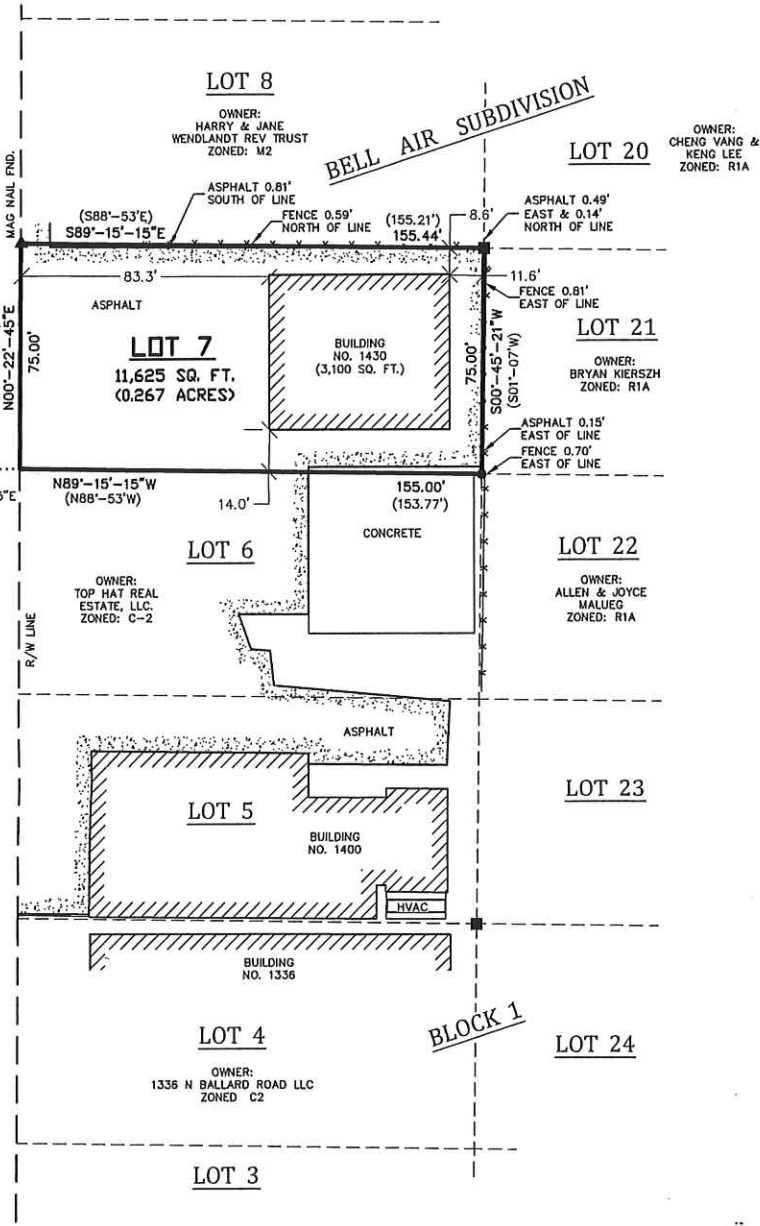
1. Explain your proposed plans and why you are requesting a variance: We are in need for additional parking to allow space for our semi tractor-trailers.
2. Describe how the variance would not have an adverse impact on the surrounding properties: Our business is not changing. This provides adequate parking for our employees and large vehicles.
3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures: By allowing these variances, we are able to rezone our current property located at 1430 N. Ballard Road from M2 to C2. This goes along with the Comprehensive Plan.
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REZONING EXHIBIT MAP

LOT 7, BLOCK 1, BELL AIR SUBDIVISION, BEING PART OF THE SW1/4 OF THE SW1/4, SECTION 19, T.21N., R.18E., CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

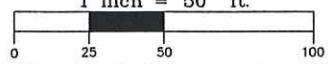
W1/4 CORNER SECTION 19 T.21N. R.18E. (PLUG FND.)



-LEGEND-

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Owner Phone Number	Owner E Mail address (optional)
Agent Name Lisa Kohl	Agent Address
Agent Phone Number 920-470-5546	Agent E Mail address (optional) lisa@eventproductionsystems.com
Variance Information	
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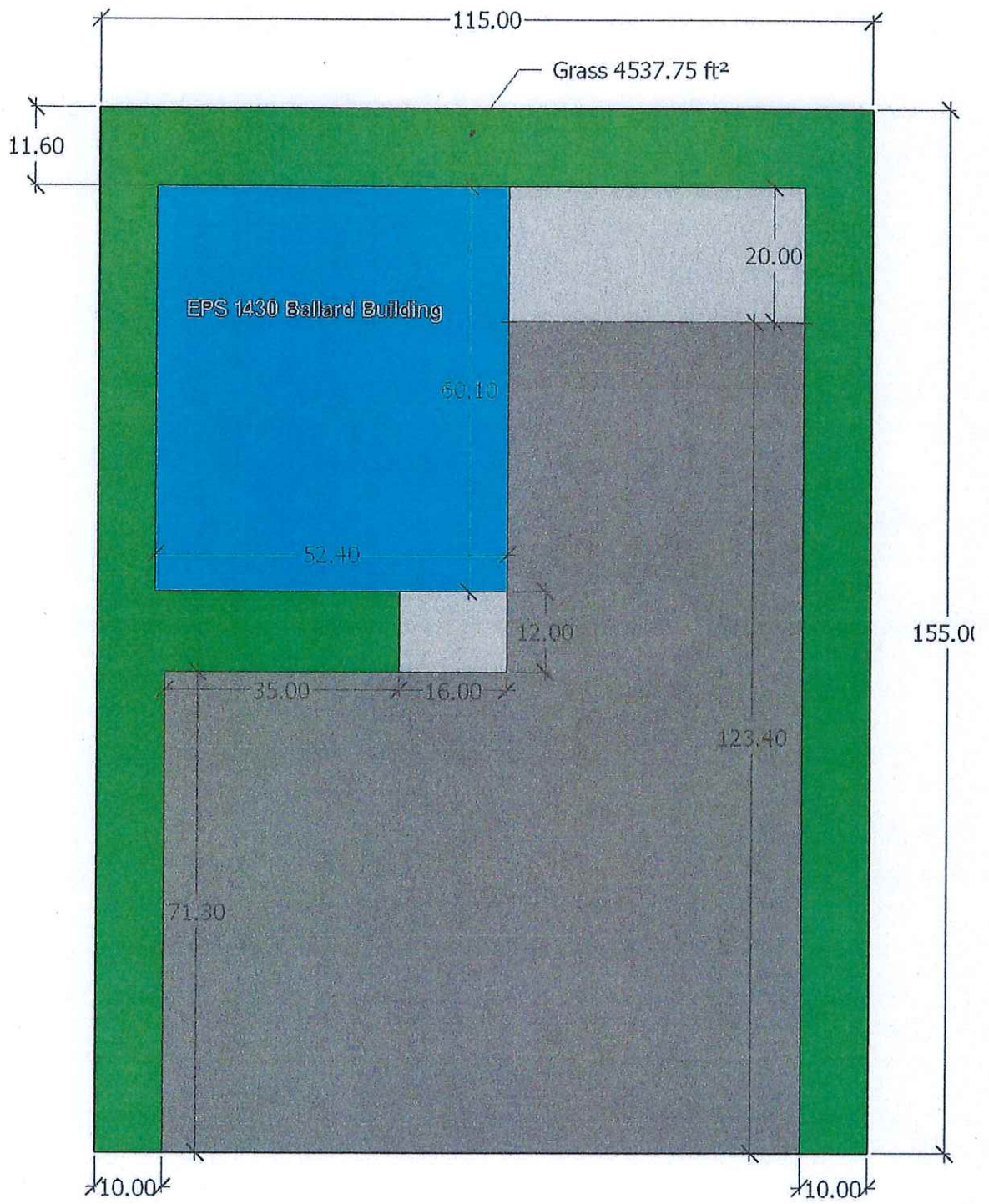
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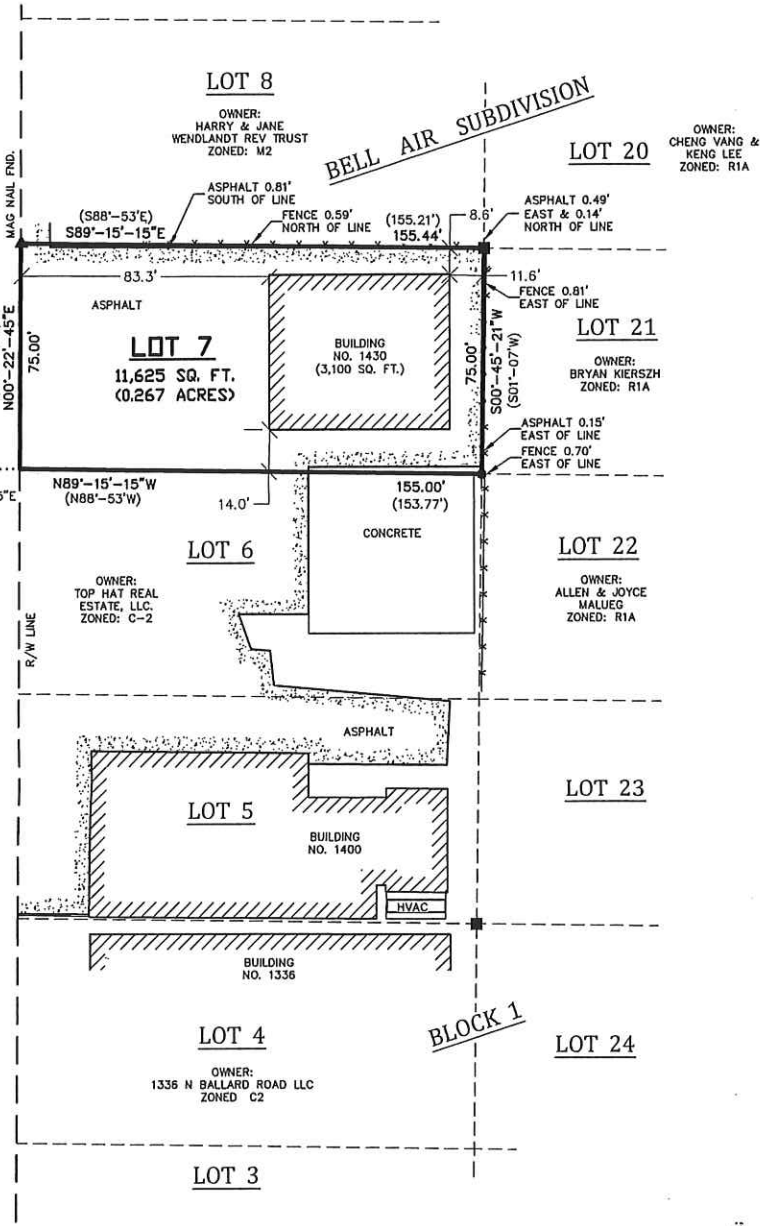
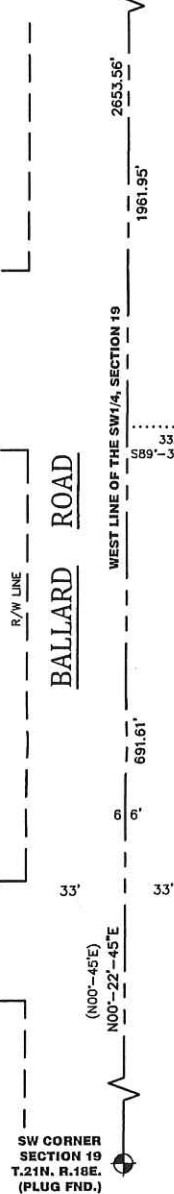
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