



City of Appleton

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

Meeting Agenda - Final Board of Zoning Appeals

Monday, June 19, 2023

7:00 PM

6th Floor Council Chambers

1. Call meeting to order
2. Pledge of Allegiance
3. Roll call of membership
4. Approval of minutes from previous meeting
[23-0607](#) Minutes from May 17, 2023

Attachments: [5.15.23 Minutes.pdf](#)

5. Public Hearing/Appealances

6. Action Items

- [23-0608](#) **4029 E. Calumet St. (31-9-5812-00)** The applicant proposes to construct a drive through in the front yard. Section 23-49(a) of the Zoning Ordinance prohibits drive through facilities from the front yard.

Attachments: [4029 E. Calumet St.pdf](#)

- [23-0609](#) **709 S. Memorial Dr. (31-3-0384-00)** The owner proposes to alter the lot lines between this property and 703 S. Memorial Dr. (31-3-3085-00) . The lot coverage of the proposed new parcel will 55%. Section 23-95(g)(2) of the zoning ordinance limits lot coverage to 50%.

Attachments: [709 S. Memorial Dr.pdf](#)

- [23-0712](#) Election of Chair

- [23-0713](#) Election of Vice Chair

7. Information Items**8. 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.

**We are currently experiencing intermittent issues/outages with our audio/video equipment. Meeting live streams and recordings are operational but unreliable at times. This is due to delays in receiving necessary system hardware components. We continue to look for solutions in the interim and we hope to have these issues resolved soon.*



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
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Meeting Minutes - Final Board of Zoning Appeals

Monday, May 15, 2023

7:00 PM

6th Floor Council Chambers

1. Call meeting to order

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

2. Pledge of Allegiance

3. Roll call of membership

Present: 6 - McCann, Engstrom, Sperl, Cain, Loosen and Babbitts

4. Approval of minutes from previous meeting

[23-0483](#)

Minutes from March 20, 2023

Attachments: [Minutes from March 20, 2023.pdf](#)

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

Aye: 4 - Engstrom, Sperl, Loosen and Babbitts

Abstained: 2 - McCann and Cain

5. **Public Hearing/Appearances**

*Luke Chandonais
Jerald Hernke*

6. **Action Items**

[23-0484](#)

100 W. Wisconsin Ave. (31-6-0576-00) Proposed project is to start using the property as an auto sale and display lot and not provide landscape buffering or meet setbacks. Section 23-66(h)(5)(b)(1)(ii) specifies that display lots shall have a five (5) foot wide buffer in the front yard.

Attachments: [100 W. Wisconsin Ave.pdf](#)

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

Nay: 4 - Engstrom, Sperl, Loosen and Babbitts

Abstained: 2 - McCann and Cain

[23-0523](#)

100 W. Wisconsin Ave. (31-6-0576-00) Proposed project is to start using the property as an auto sale and display lot and not provide landscape buffering or meet setbacks Section 23-66(h)(5)(b)(2)(ii) of the Zoning Ordinance requires landscaping adjacent to the right of way.

Attachments: [100 W. Wisconsin Ave.pdf](#)

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

Nay: 4 - Engstrom, Sperl, Cain and Loosen

Abstained: 2 - McCann and Babbitts

[23-0485](#)

702 E. Wisconsin Ave. (31-6-0478-00) The applicant proposes to add pavers that would increase lot coverage to 91%. Section 23-113(h)(2) of the Zoning Ordinance limits lot coverage in the C2 district to 75%.

Attachments: [702 E. Wisconsin Ave.pdf](#)

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

Aye: 5 - Engstrom, Sperl, Cain, Loosen and Babbitts

Abstained: 1 - McCann

[23-0486](#)

1619 E. Pauline St. (31-1-2375-00) The applicant proposes to maintain a fence that is seven (7) feet tall. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to six (6) feet.

Attachments: [1619 E. Pauline St.pdf](#)

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

Aye: 4 - Engstrom, Sperl, Cain and Loosen

Abstained: 2 - McCann and Babbitts

7. Information Items

8. Adjournment

A motion was made by Engstrom, seconded by Loosen, that this meeting be adjourned at 8:41pm. The motion carried by the following vote:

Aye: 5 - Engstrom, Sperl, Cain , Loosen and Babbitts

Abstained: 1 - McCann

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

City of Appleton Application for Variance

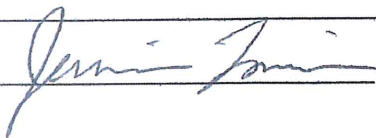
Application Deadline April 24, 2023 Meeting Date May 15, 2023 7PM

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) 4029 E. Calumet St.	Parcel Number 31-9-5812-00
Zoning District C2	Use of Property Residential <input type="checkbox"/> <input checked="" type="checkbox"/> Commercial

Applicant Information	
Owner Name LAMINE PROPERTIES LLC	Owner Address W5820 MANITOWOC RD APPLETON WI 54915
Owner Phone Number	Owner E Mail address (optional)
Agent Name Brannin Gries	Agent Address 500 North Commercial Street Neenah, Wisconsin 54956
Agent Phone Number 920-722-2445	Agent E Mail address (optional) bgries@gries.design

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-49(a) Drive through facilities shall not be located in the front of the principal building.
Brief Description of Proposed Project Proposed project is to construct a drive through that is in the front yard. Section 23-49(a) of the Zoning Ordinance prohibits drive through facilities from the front yard.

Owner's Signature (Required):  Date: 4-20-23
Recp 5112-0007

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 rest 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 proposed project is to create a new car wash building on the site to compliment the existing automotive detailing business on the site. The new tunnel wash will have an entry and exit with two concrete islands dividing the car wash lanes and allowing purchasing of the car washes. The drive thru capability is to purchase the car washes and required for the business operations. In order to get proper vehicle stacking this operation needs to take place on the front of the building.

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

The proposed variance would have NO adverse impact on the surrounding properties.

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

The proposed site has an existing power line easement running through the middle of the site. This along with the required building setbacks and the existing detail facility really dictate the orientation of the building on the site.

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

The hardship that would result if the variance is not granted is the ability to build a car wash facility. In order to make this facility functional we need the proposed tunnel length, pay station operations, and parking stalls with vacuums. The proposed site plan and building plans provide aesthetic improvements to all proposed building sides to make this a building that will benefit the community.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: June 13, 2023

RE: Variance Application for 4029 E. Calumet St. (31-9-5812-00)

Description of Proposal

The applicant proposes to construct a drive through in the front yard. Section 23-49(a) of the Zoning Ordinance prohibits drive through facilities in the front yard.

Impact on the Neighborhood

In the application, the applicant stated that the proposed variance would have no impact on the surrounding properties.

Unique Condition

In the application, the applicant states that the site has an existing power line easement running through the middle of the site; this, along with the required building setbacks and the existing detail facility, dictate the orientation of the building on the site.

Hardship

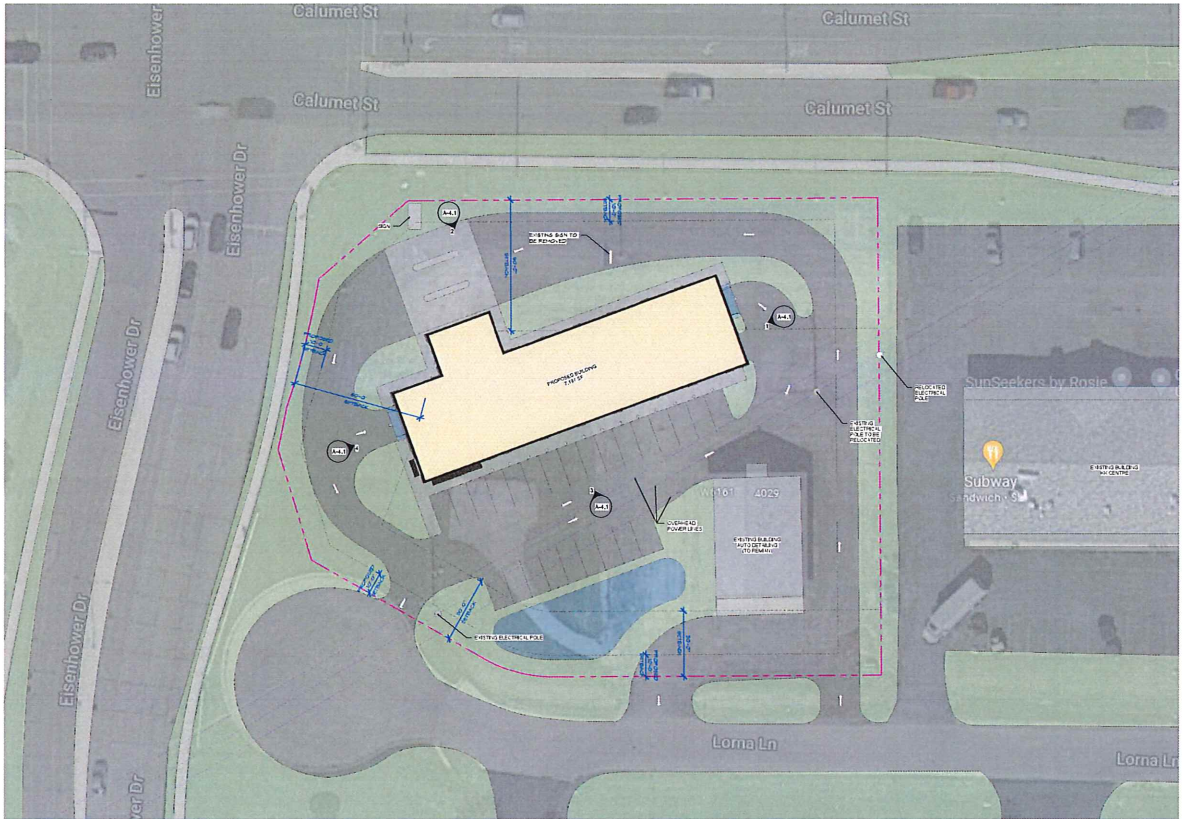
In the application, the applicant states that if the variance is not granted, the car wash facility could not be built. The applicant states that in order to make this facility functional, they need the proposed tunnel length, pay station operations, and parking stalls with vacuums.

Staff Analysis

The size of this parcel is 54,680 sq. ft, The minimum size parcel in the C2 zoning district is 14,000 sq. ft.

The utility lines that are over this property do limit the location of a building on this property.

Car washes are a permitted special use in the C2 zoning district. If a functional car wash cannot be placed on this lot in any other way, due to the limitation of the lot, the hardship criteria is met.



SITE PLAN - OPTION 1
1" = 25'-0"

Gries Architectural Group Inc.
1500 N. University Ave. Suite 100
 Appleton, WI 54912
 Phone: (920) 836-1234
 Fax: (920) 836-1235
 www.griesarchitect.com



Project: The Project is for the construction of a new building for a car wash at 4029 E. Calumet Street, Appleton, WI. The project is owned by Gries Architectural Group Inc.

**A NEW BUILDING FOR:
 DEEP BLUE CAR WASH, LLC
 APPLETON, WISCONSIN**

date: 2/15/2023
 job: 23-012
 d. by: zms
 rev: _____

A-0.1

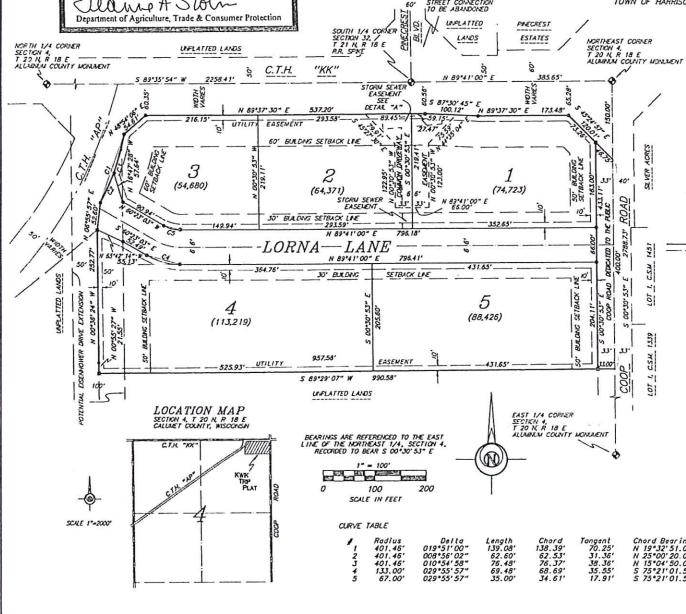
There are no objections to this plat with respect to Sacs 236.15, 236.16, 236.20 and 236.21 (1) and (2), Wis. Stats.

Certified this 7th day of December 1994

James E. Smith
 Department of Agriculture, Trade & Consumer Protection

KWIK TRIP PLAT

PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 4, T. 20 N. R. 18 E.,
 TOWN OF HARRISON, CALUMET COUNTY, WISCONSIN



NOTES

All linear measurements have been made to the nearest one hundredth of a foot.

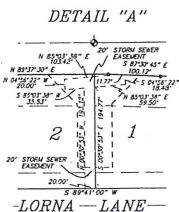
All angular measurements have been made to the nearest 20 seconds and computed to the nearest half second.

LEGEND

- 1-1/4" dia. round steel reinforcing bars, 50' long, weighing 4.303 lbs. per lineal foot.
- 1" dia. round iron pipe set, 24' long, weighing 1.13 lbs. per lineal foot at all other lot corners.
- 1" dia. iron pipe existing.
- 3/4" dia. steel rebar existing.
- Lot area in square feet.

UTILITY EASEMENTS - NO POLES OR BURIED CABLES are to be placed such that the installation would disturb any survey stake or obstruct vision along any lot line or street line.

UTILITY EASEMENTS as herein set forth are for the use of PUBLIC BODIES and PRIVATE PUBLIC UTILITIES having the right to serve the area.



BEARINGS ARE REFERENCED TO THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 4, CALUMET COUNTY, WISCONSIN.

SCALE 1"=100'

Curve #	Radius	Delta	Length	Chord	Tangent	Chord Bearing	Turn In	Turn Out
1	401.46'	02°15'00"	138.39'	62.53'	31.25'	N 89°11'00" E	N 89°11'00" E	N 89°11'00" E
2	401.46'	02°15'00"	138.39'	62.53'	31.25'	N 89°11'00" E	N 89°11'00" E	N 89°11'00" E
3	401.46'	02°15'00"	138.39'	62.53'	31.25'	N 89°11'00" E	N 89°11'00" E	N 89°11'00" E
4	131.00'	02°15'00"	69.48'	35.61'	17.81'	S 89°11'00" W	S 89°11'00" W	S 89°11'00" W
5	67.00'	02°15'00"	35.00'	17.81'	8.91'	S 89°11'00" W	S 89°11'00" W	S 89°11'00" W

SURVEYOR'S CERTIFICATE

I, James E. Smith, Registered Land Surveyor, hereby certify:

That I have surveyed, divided, and mapped Kwik Trip Plat being part of the Northeast 1/4 of the Northeast 1/4 of Section 4, Township 20 North, Range 18 East, Town of Harrison, Calumet County, Wisconsin, described as follows:

Commencing at the Northeast corner of said Section 4; thence South 00 degrees 30 minutes 33 seconds East, along the East line of the Northeast 1/4 of said Section 4, a distance of 150.00 feet to the point of beginning; thence continuing South 00 degrees 30 minutes 33 seconds East, along the East line of the Northeast 1/4 of said Section 4, a distance of 400.00 feet; thence South 89 degrees 29 minutes 07 seconds West, 200.30 feet; thence North 00 degrees 35 minutes 37 seconds West, 21.55 feet; thence North 00 degrees 36 minutes 24 seconds West, 252.77 feet; thence North 06 degrees 35 minutes 57 seconds East, along the East right-of-way of County Trunk Highway "A", 52.60 feet; thence continuing along the East right-of-way of County Trunk Highway "A", 139.00 feet along the arc of a curve to the left having a radius of 401.46 feet and a chord of 138.39 feet that bears North 18 degrees 30 minutes 51.0 seconds East, thence North 48 degrees 54 minutes 06 seconds East, along the East right-of-way of County Trunk Highway "A", 54.61 feet; thence North 89 degrees 29 minutes 30 seconds East, along the South right-of-way of County Trunk Highway "A", 232.20 feet; thence South 89 degrees 29 minutes 07 seconds West, along the South right-of-way of County Trunk Highway "A", 100.12 feet; thence North 89 degrees 31 minutes 30 seconds East, along the South right-of-way of County Trunk Highway "A", 123.48 feet; thence South 43 degrees 41 minutes 55 seconds East, 120.01 feet to the point of beginning, containing 10.68 acres.

That such plat is a correct representation of all exterior boundaries of the land surveyed and the subdivision thereof made.

That I have made such land division and plat by the direction owners, shown below.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes, and the subdivision regulations of the Town of Harrison and Calumet County in surveying, dividing and mapping the same.

Given under my hand this 21 day of SEP 1994.

James E. Smith
 Wisconsin Registered Land Surveyor No. S-1803
 Revised this 14th day of November, 1994

OWNER'S CERTIFICATE OF DEDICATION

Convenience Store Investments, a Wisconsin Limited Partnership duly established and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said partnership caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

Convenience Store Investments, does further certify that this plat is required by S.236.10 or S.236.12 to be submitted to the following for approval or objection:

Town of Harrison
 City of Appleton
 Wisconsin Department of Agriculture, Trade, and Consumer Protection

WITNESS the hand and seal of said owners this _____ day of _____, 1994.

Thomas J. Klaffer
 Secretary
 State of Wisconsin

Personally came before me this 20th day of November, 1994, the above named persons to me known to be the persons who executed the foregoing instrument and acknowledged the same.

My commission expires 01/01/95

James E. Smith
 CALUMET COUNTY PLANNING APPROVAL

I, hereby certify that the plat of Kwik Trip Plat, in the Town of Harrison, was approved and accepted by the Calumet County Planning and Zoning Committee on this _____ day of _____, 1994.

James E. Smith
 Director of Planning & Zoning Department

TOWN BOARD RESOLUTION

Resolved, that the plat of Kwik Trip Plat, in the Town of Harrison, is hereby approved by the Town Board.

Date: 11-30-94 Signed: *Allen Anderson*
 Town Chairman

I hereby certify that the foregoing is a copy of a resolution adopted by the Town Board of the City of Appleton.

Date: 11-30-94 Signed: *James Kelli*
 Town Clerk

COMMON COUNCIL RESOLUTION (Extraterritorial Jurisdiction)

Resolved, that the plat of Kwik Trip Plat, in the Town of Harrison, is hereby approved by the Common Council of the City of Appleton.

Date: 12-07-94 Signed: *Robert D. Brown*
 Mayor

I hereby certify that the foregoing is a copy of a resolution adopted by the Common Council of the City of Appleton.

Date: 12-07-94 Signed: *Carol J. Paine*
 City Clerk

TOWN TREASURER'S CERTIFICATE

I, *James Anderson*, being the duly qualified and acting treasurer of the Town of Harrison, do hereby certify that the records in my office show no unpaid taxes or unpaid special assessments on or against any of the land included in the plat of Kwik Trip Plat.

Date: 11-30-94 Signed: *James Anderson*
 Treasurer

COUNTY TREASURER'S CERTIFICATE

State of Wisconsin
 Calumet County

I, *James Anderson*, being the duly elected, qualified and acting treasurer of the County of Calumet, do hereby certify that the records in my office show no unpaid taxes or unpaid special assessments on or against any of the land included in the plat of Kwik Trip Plat.

Date: 12-1-94 Signed: *James Anderson*
 County Treasurer

UTILITY EASEMENT PROVISIONS

An easement for electric and communications service is hereby granted by Convenience Store Investments, Grantor's, to WISCONSIN ELECTRIC POWER COMPANY ACCEPTED CHALLENGER Grantee.

Their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electric and electric energy for such purposes as the same in use or hereafter be used and for sounds and signals, all in, over, under, across, along and upon the property shown within these areas on the plat designated as Utility Easement Areas, and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of easement lots to have improvements thereon, or on adjacent lots, and the right to trim or cut down trees, shrub and roots as they may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantee agrees to restore or cause to have restored the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantee or their agent. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities or communication facilities or to any trees, shrub or roots which may be removed at any time pursuant to the rights herein granted. Buildings shall not be placed over Grantee's facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantee. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without the written consent of Grantee.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

James E. Smith
 Gary G. Hayes, President
 Thomas J. Klaffer, Secretary

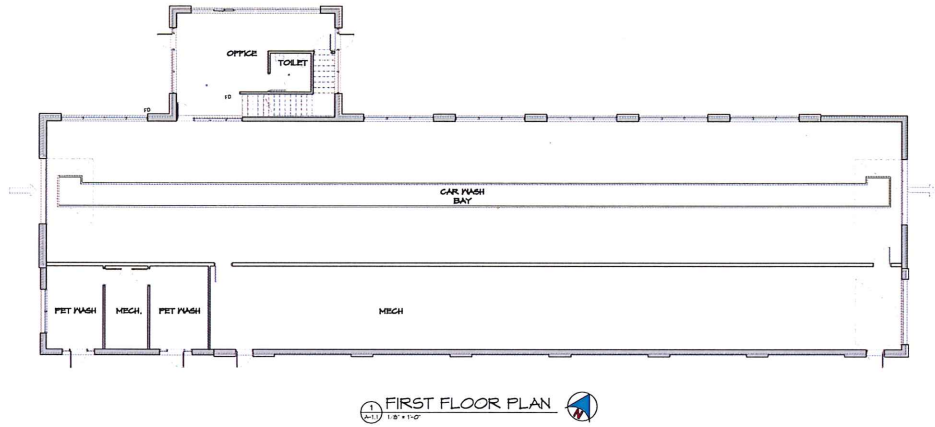
ACCESS RESTRICTION CLAUSE

An owner as hereby restrict all lots, in that no owner, possessor, user, or licensee, nor other person shall have any right of direct vehicular ingress or egress with C.T.H. "A", C.T.H. "B" or future Eisenhower Drive, except for the Common Law Easement between Lot 1 and Lot 2 as shown on the plat; it being expressly intended that this restriction shall constitute a restriction for the benefit of the public according to Section 236.23, Wisconsin Statutes, and shall be enforceable by Calumet County.

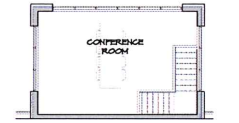
James E. Smith
 Gary G. Hayes, President
 Thomas J. Klaffer, Secretary

PREPARED BY:
MARTENSON & EISELE, INC.
 CIVIL AND SURVEYING & LAND SURVEYING
 1919 ALCOHOL COUNTY
 MENA, WI 54856

THIS INSTRUMENT DRAWN BY: DAVID KONTALA
 DRAWING NO. S-10-001
 SHEET 1 OF 1



1 FIRST FLOOR PLAN
1/8" = 1'-0"



2 SECOND FLOOR PLAN
1/8" = 1'-0"

Gries
Architectural Group, Inc.



10100 W. Wisconsin Ave., Ste. 100
Appleton, WI 54912
Phone: 920.831.1234
Fax: 920.831.1235

A NEW BUILDING FOR:
DEEP BLUE CAR WASH, LLC
APPLETON, WISCONSIN

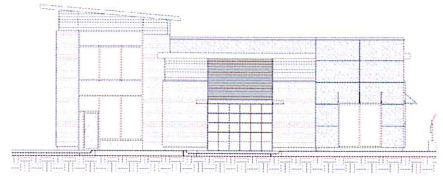
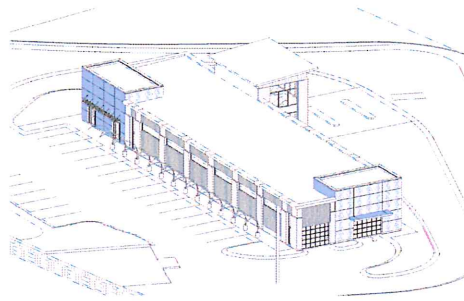
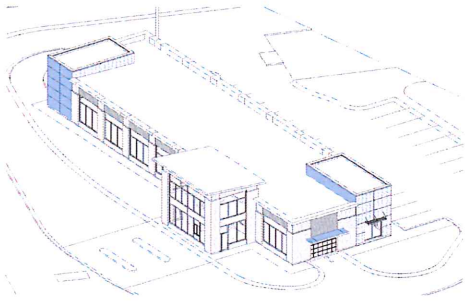
DATE: 03/14/2024

JOB: 24-024

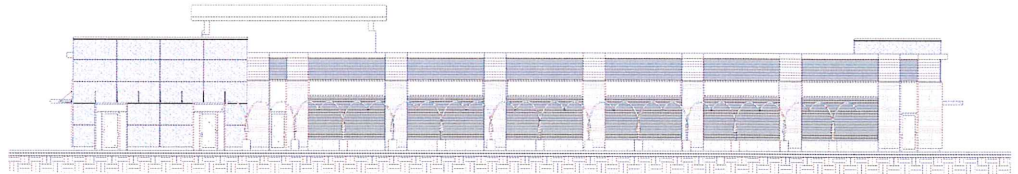
D. BY: EJA

REV:

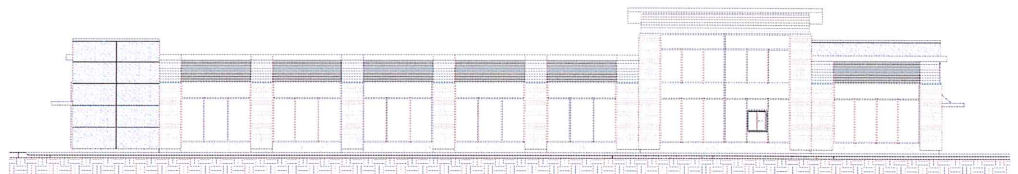
A-1.1



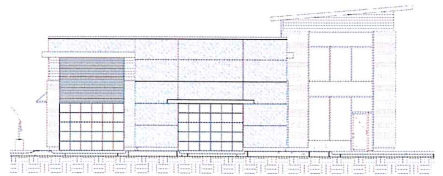
WEST ELEVATION
1/8" = 1'-0"



SOUTH ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"



EAST ELEVATION
1/8" = 1'-0"

Gries
Architectural Group Inc.



4000 North Park Drive
Suite 100
Appleton, WI 54911
Phone: 920.833.1111
Fax: 920.833.1112

A NEW BUILDING FOR:
DEEP BLUE CAR WASH, LLC
APPLETON, WISCONSIN

date: 02/24/23
job: 0207
d. by: gms
rev:

A-4.1

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

City of Appleton Application for Variance

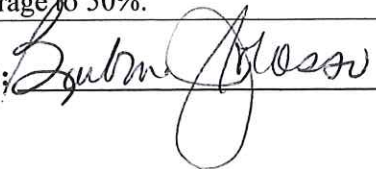
Application Deadline May 29, 2023 Meeting Date June 19, 2023 7PM

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) 709 S. Memorial Dr.	Parcel Number 31-3-0384-00
Zoning District R1B	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name KOLOSSO REV LIV TRUST	Owner Address W9801 ELM RD BEAR CREEK WI 54922
Owner Phone Number 920-738-3669	Owner E Mail address (optional) barb@kolossotoyoto.com
Agent Name Steven De Jong- Meridan Surveying	N9637 Friendship Dr Kaukauna, WI 54130
Agent Phone Number 920-993-0881	sdejon@meridan-wi.com

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-95(g)(2)- Lot coverage exceeding 50%
Brief Description of Proposed Project The owner proposes to alter to lot lines between this property and 703 S. Memorial Dr. (31-3-3085-00) . The lot coverage of the proposed new parcel will 55%. Section 23-95(g)(2) of the zoning ordinance limits lot coverage to 50%.

Owner's Signature (Required):  Date: 5/15/23
Recp 5/12.0008

CERTIFIED SURVEY MAP NO. _____

ALL OF LOTS 7 & 8, AND ALSO PART OF LOTS 5 & 6, BLOCK 8, GRAND CHUTE PLAT, LOCATED IN THE NE1/4 OF THE NE1/4 OF SECTION 34, AND THE NW1/4 OF THE NW1/4 OF SECTION 35, ALL IN T.21N., R.17E., CITY OF APPLETON, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF SAID CITY, OUTAGAMIE COUNTY, WISCONSIN

SURVEY NOTES:

-OWNER OF RECORD: JOAN L. KOLOSSO
REVOCABLE LIVING TRUST DATED JANUARY 10, 2022

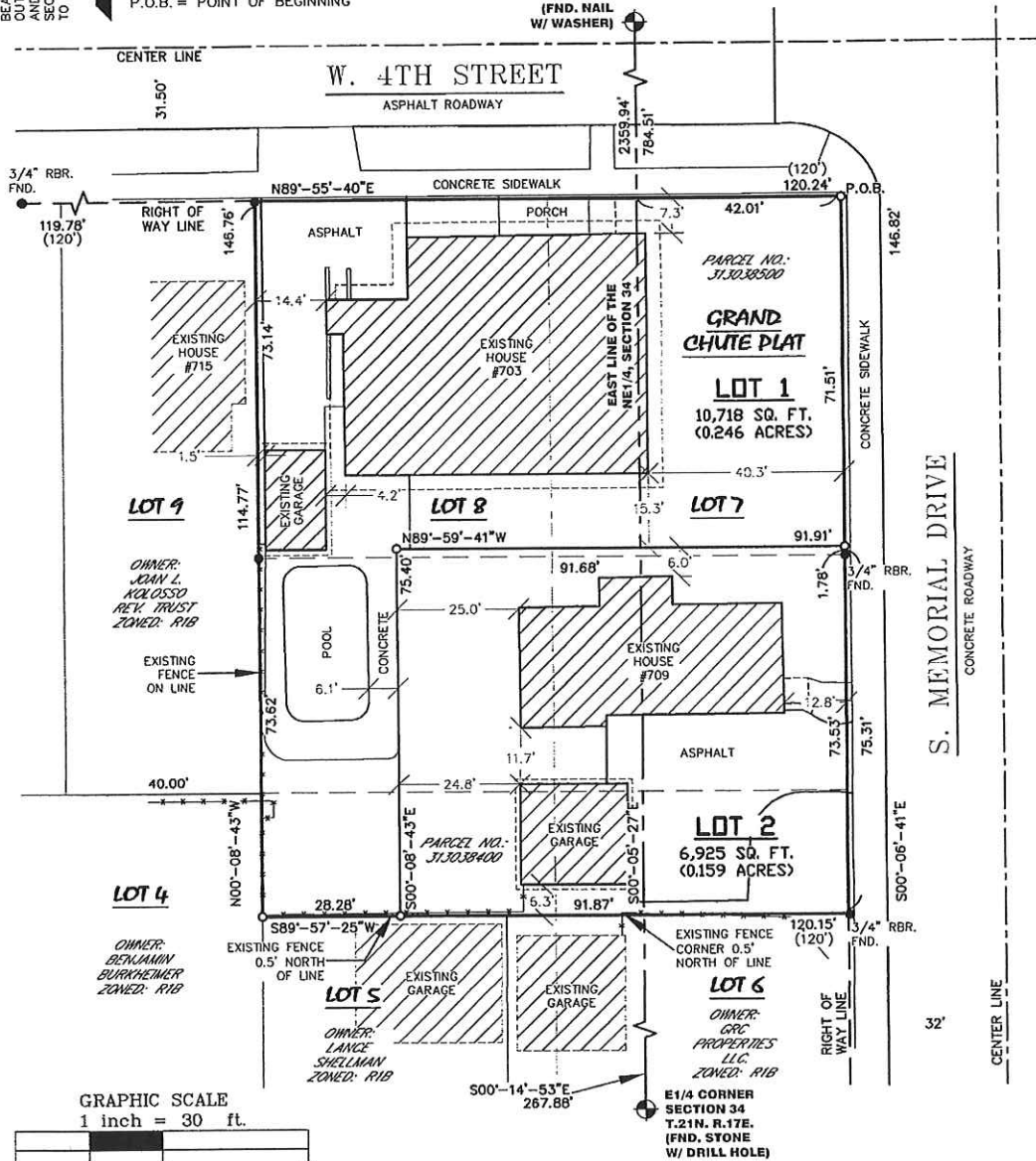
-DEED: DOCUMENT NO. 1488371

-LEGEND-

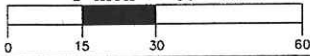
- = 1-1/4" O.D. X 24" IRON PIPE SET (1.130 LB./FT.)
- = 1" O.D. IRON PIPE FOUND (UNLESS OTHERWISE NOTED)
- ⊕ = COUNTY MONUMENT FOUND
- () = RECORDED INFORMATION
- P.O.B. = POINT OF BEGINNING

NE CORNER
SECTION 34
T.21N. R.17E.
(FND. NAIL
W/ WASHER)

BEARINGS REFERENCED TO THE
OUTAGAMIE COUNTY COORDINATE SYSTEM
AND THE EAST LINE OF THE NE1/4 OF
SECTION 34, T.21N., R.17E., ASSUMED
TO BEAR S00°-05'-27"E



GRAPHIC SCALE
1 inch = 30 ft.



MERIDIAN SURVEYING, LLC <small>N9637 Friendship Drive Kaukauna, WI 54130 Office: 920-993-0881 Fax: 920-273-6037</small>	DRAWN BY: J.B.	FIELD WORK DATE: 11-23-22	SURVEYED FOR: BARB KOLOSSO 703 S. MEMORIAL DR. APPLETON, WI 54914
	CHECKED BY: S.C.D.	FIELD BOOK: X	
	JOB NO.: 14224	SHEET 1 of 4	

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor

Date: June 13, 2023

RE: Variance Application for 709 S. Memorial Dr. (31-3-0384-00)



Description of Proposal

The owner proposes to alter the lot lines between this property and 703 S. Memorial Dr. (31-3-3085-00). The lot coverage of the proposed new parcel will 55%. Section 23-95(g)(2) of the zoning ordinance limits lot coverage to 50%.

Impact on the Neighborhood

In the application, the applicant states that both properties are owned by the same owner.

Unique Condition

In the application, the applicant states that there is an inground pool located on the 709 S. Memorial Dr. property while all of the equipment, plumbing and electrical are located on 703 S. Memorial Dr. The applicant states that they would like to divide the parcel to add the pool to the 703 S. Memorial Dr. property.

Hardship

In the application, the applicant states that without a variance, they would not be able to sell either property now or anytime in the future.

Staff Analysis

The parcel at 709 S. Memorial Dr. is 8,850 sq. ft. The parcel at 703 S. Memorial Dr. is 8,640 sq. ft. The minimum size parcel in the R1B zoning district is 6,000 sq. ft. The proposed new lot at 709 S. Memorial Dr. would be 6,919 sq. ft.

A pool was built at 709 S. Memorial Dr. without a permit. The accessory equipment and shed associated with the pool was built on 703 S. Memorial Dr. The owner has hired a surveyor to create a proposed Certified Survey Map (CSM) that would move the lot line so that the pool becomes part of 703 S. Memorial Dr. The new parcel created in the CSM for 709 S. Memorial Dr. has 55% lot coverage.

The hardship in this case was created by the actions of the owner. Neither lot has a unique shape or dimensions.

Regardless, the proposed CSM does allow the setbacks for the pool to meet code standards and places the pool and the pool accessories on the same lot. The lot coverage cannot be met while still meeting other code standards.