



# City of Appleton

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

## Meeting Agenda - Final-revised Board of Zoning Appeals

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Monday, May 20, 2024

7:30 PM

Council Chambers, 6th Floor

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

[24-0449](#) Minutes from December 18, 2023

**Attachments:** [Meeting Minutes 12-18-23 Revised.pdf](#)

### 5. Public Hearing/Appealances

### 6. Action Items

[24-0450](#) **98 Estherbrook Ct. (31-4-1585-00)** The applicant proposes to construct an accessory building that is twenty-five (25) 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 detached accessory buildings in the front yard.

**Attachments:** [98 Estherbrook Ct.pdf](#)

[24-0590](#) **924 N. Leminwah St (31-1-1058-00)** The applicant proposes to construct an attached garage addition to the principal building that would be three (3) feet from the side lot line. Section 23-93(g)(6) of the Zoning Ordinance requires a six (6) foot side yard setback.

**Attachments:** [924 N. Leminwah St.pdf](#)

[24-0591](#)

**10 E. College Ave. (31-2-0290-01)** The applicant proposes to install wall signs with a cumulative size of five hundred and eighty-one (581) sq. ft. Section 23-523(c)(1)(a) of the zoning ordinance limits the size of wall signs to 35% of each wall or three hundred and fifty (350) sq. ft.

**Attachments:** [10 E. College Ave.pdf](#)

**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.*



# City of Appleton

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

## Meeting Minutes - Final-revised Board of Zoning Appeals

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Monday, December 18, 2023

7:00 PM

Council Chambers, 6th Floor

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1. Call meeting to order

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

2. Pledge of Allegiance

3. Roll call of membership

**Present:** 5 - McCann, Engstrom, Sperl, Cain and Babbitts

**Excused:** 1 - Loosen

*Others Present:  
Erin Bastman  
Laurel Bastman  
Duane Seipel  
Bob Stoffel  
James Palmbach  
Jason Buckoski  
Colleen Vanden Heuvel  
Olivia Basd  
Sabrina Sunde  
Garret Bloch  
Nathan Stoffel*

4. Approval of minutes from previous meeting

[23-1483](#)

Minutes from September 18, 2023

**Attachments:** [September 18, 2023 Meeting Minutes.pdf](#)

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

**Excused:** 1 - Loosen

**Abstained:** 1 - McCann

5. Public Hearing/Appearances

**6. Action Items**

[23-1486](#)

**1007 N. Badger Ave. (31-5-0074-00)** The applicant proposes to maintain a four (4) foot fence along the front property line. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to three (3) feet in the front yard.

**Attachments:** [1007 N. Badger Ave.pdf](#)

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

**Aye:** 4 - Engstrom, Sperl, Cain and Babbitts

**Excused:** 1 - Loosen

**Abstained:** 1 - McCann

[23-1484](#)

**611 S. Clara St. (31-4-5336-00)** The applicant proposes to construct an accessory building that is four (4) feet from the principal building. Section 23-43(f)(1)(a) of the Zoning Ordinance requires a five (5) foot separation from the principal building.

**Attachments:** [611 S. Clara St.pdf](#)

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

**Aye:** 4 - Engstrom, Sperl, Cain and Babbitts

**Excused:** 1 - Loosen

**Abstained:** 1 - McCann

[23-1485](#)

**618 W. Seymour St. (31-4-0932-19)** The applicant proposes to erect a six (6) foot fence, thirteen (13) feet from the front property line. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to three (3) feet within the twenty (20) foot front yard setback.

**Attachments:** [618 W. Seymour St.pdf](#)

**Sperl 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 Babbitts

**Excused:** 1 - Loosen

**Abstained:** 1 - McCann

**7. Information Items**

**8. Adjournment**

**A motion was made by Cain , seconded by Engstrom, that this meeting be adjourned at 7:51 pm. The motion carried by the following vote:**

**Aye:** 4 - Engstrom, Sperl, Cain and Babbitts

**Excused:** 1 - Loosen

**Abstained:** 1 - McCann

Return to: Department of Community  
and Economic Development  
100 North Appleton Street  
Appleton, Wisconsin 54911  
(920) 832-6411

## City of Appleton Application for Variance

Application Deadline April 29, 2024 Meeting Date May 20, 2024 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 \$350.00 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) 98 ESTHERBROOK CT	Parcel Number 31-4-1585-00
Zoning District <b>R1B</b>	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial
Applicant Information	
Owner Name CHARLES TULLBERG	Owner Address 98 ESTHERBROOK CT APPLETON, WI 54915
Owner Phone Number 920-202-2201	Owner E Mail address (optional) <a href="mailto:chuck@mach4motors.com">chuck@mach4motors.com</a>
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)
Variance Information	
Section 23-43(f)(1)(e) Accessory buildings are prohibited from the front yard.	
Brief Description of Proposed Project	
Construction of a garage replacing two existing structures on the same footprint <sup>25</sup> ** from the front property line in the front yard. Section 23-43(f)(1)(e) of the Zoning Ordinance prohibits accessory buildings from the front yard.	

Recp 66450002

Owner's Signature (Required):  Date: 4/3/2024

# 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:

We currently have two garages in the same footprint that are in need of replacing Rather than two smaller garages we will build one, again with the same footprint The placement on the property is necessary as all other sides are in a ravine The only available space on the property for accessory buildings is technically in front of the house. This is the area originally used for a garage when the house was built in 1964 and where the second garage was built sometime in the late 1990s

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

The area proposed currently has two garages which have been there for more than 30 to 60 years. Since the house is at the end of a cul de sac, it does not impede the neighbors in any way. The shape of the lot and being at the end of the cul de sac does not put anything in view of any neighbor's home or really even the street.

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

The house on our property sits on a point surrounded by ravine. The only buildable area available is the area currently used for structures – which technically sits in front of the house. The placement is really off to the side as the existing structures do not block the front of the house at all.

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

If we were not able to replace the existing and failing structures we would not have any accessory buildings on our lot to store our vehicles or outdoor items such as lawn mowers, snow blowers, shovels, rakes, children's toys etc.. This would be a hardship for us to live on the property and would surely decrease the property value.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: May 3, 2024

RE: Variance Application for 98 Esterbrook Ct. (31-4-1585-00)

**Description of Proposal**

The applicant proposes to construct an accessory building that is twenty-five (25) 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 detached accessory buildings in the front yard.

**Impact on the Neighborhood**

In the application, the applicant states that the location of the proposed garage currently has two (2) garages that have been there for over thirty (30) years. The applicant also states that the house is at the end of a cul de sac, and a garage in this location does not impede the neighbors in any way.

**Unique Condition**

In the application, the applicant states that the house sits near a ravine and the only buildable area available for the new garage is the proposed location.

**Hardship**

In the application, the applicant states that if they were not able to replace the existing and failing structures, they would not have any accessory buildings on the lot to store vehicles, or outdoor items.

**Staff Analysis**

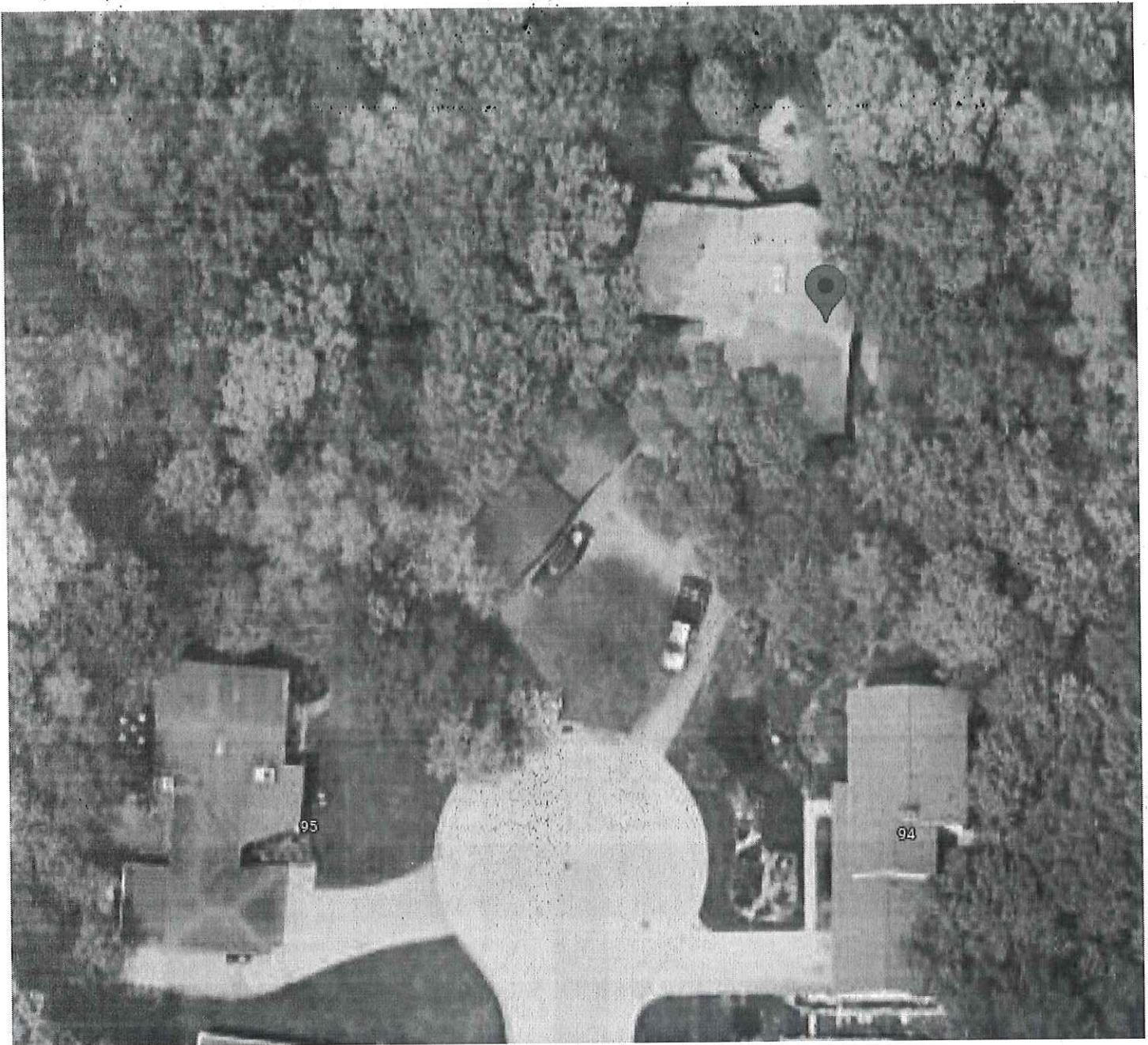
This parcel is 63,769 sq. ft. The minimum size lot in the R1B zoning district is 6,000 sq ft.

The northeast and northwest portions of this lot slope approximately thirty (30) feet into a ravine. Therefore, the rear yard of this property is not buildable.

Section 23-67(f)(1) of the Zoning Ordinance states that one of the unique physical limitations of a lot that qualifies for a hardship is topography.

Because of the unique topography of a large portion of this property, the applicant meets the review criteria for a variance.



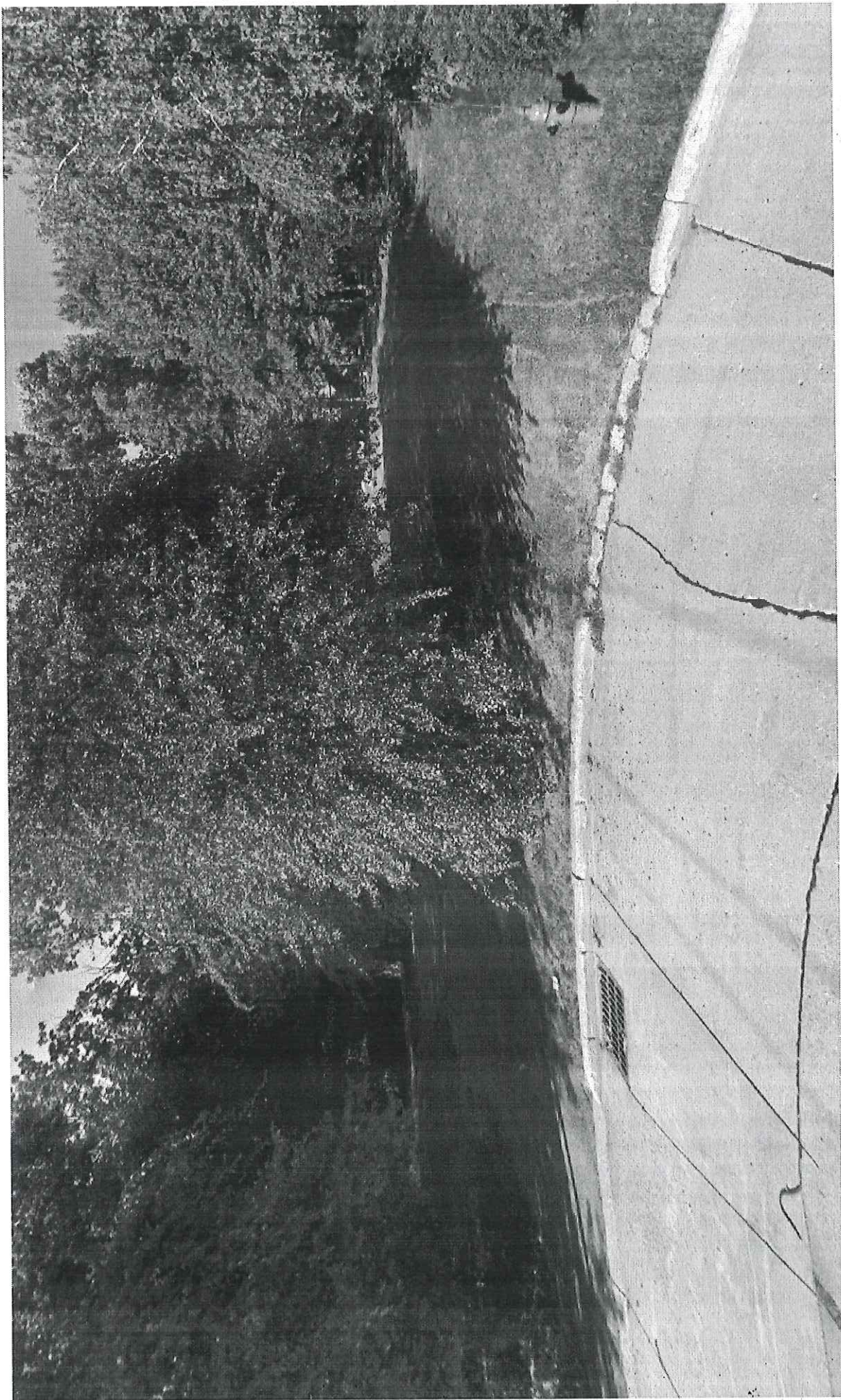


**SITE PLAN**  
**98 ESTHERBROOK CT**  
**APPLETON, WI 54915**

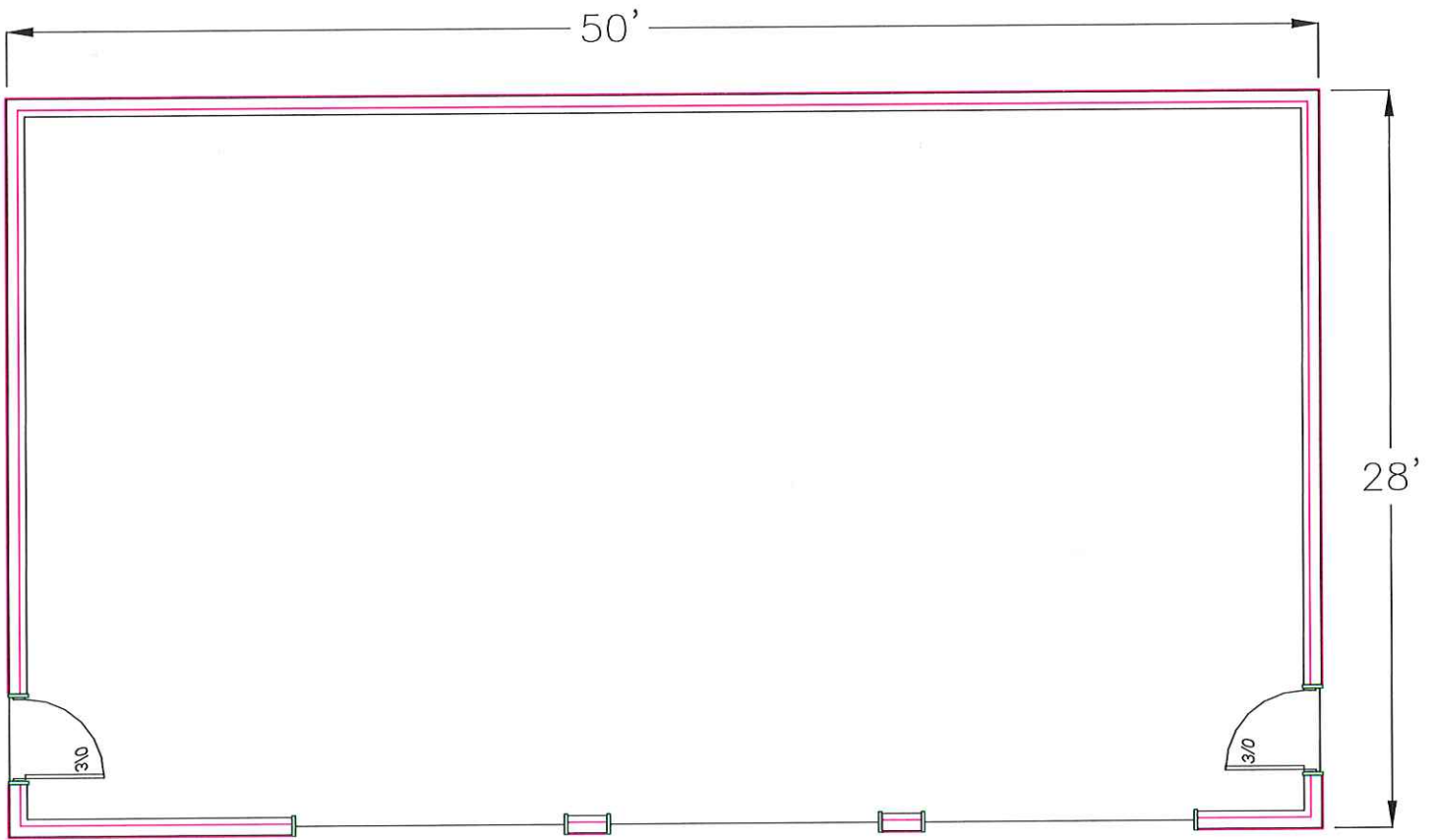


ESTHERBROOK CT

SCALE: 1" = 50'-0"

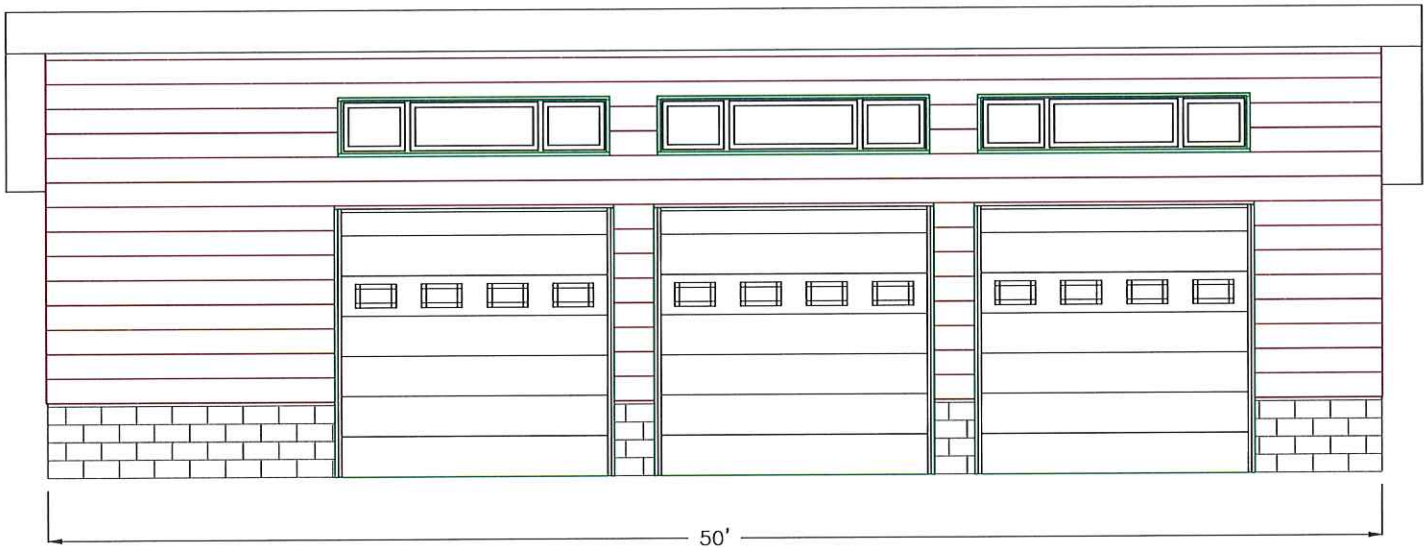


# FLOOR PLAN



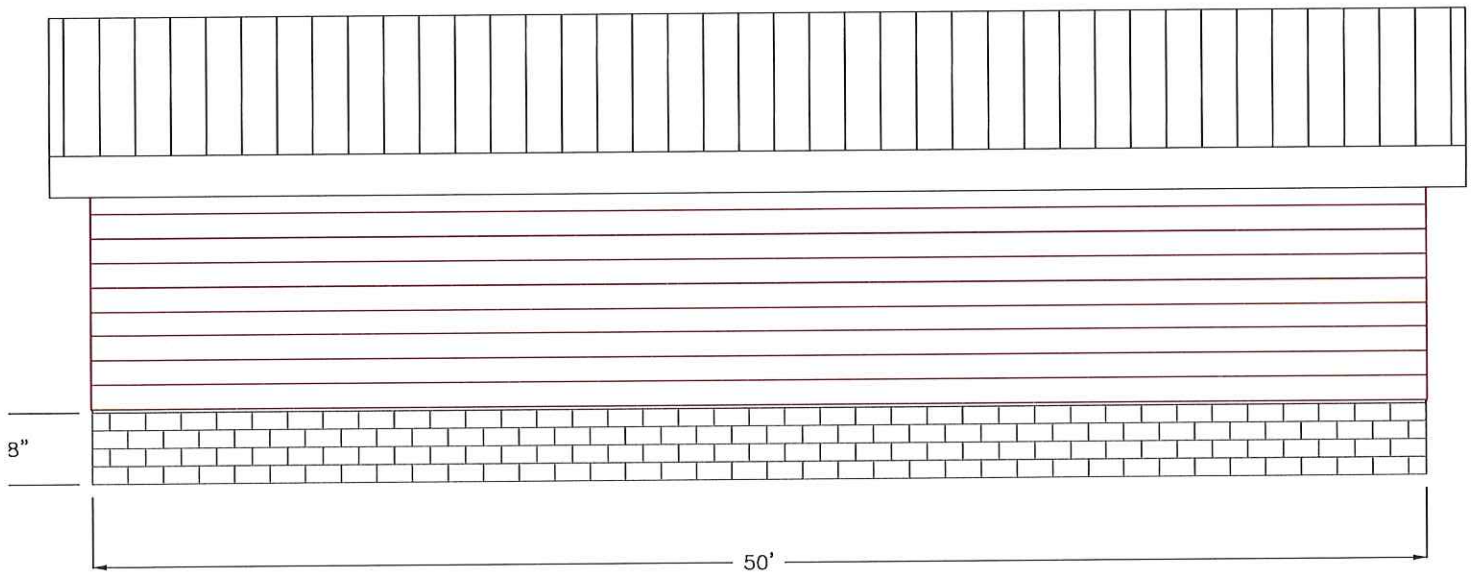
SCALE:  $3/16'' = 1'-0''$

# FRONT ELEVATION



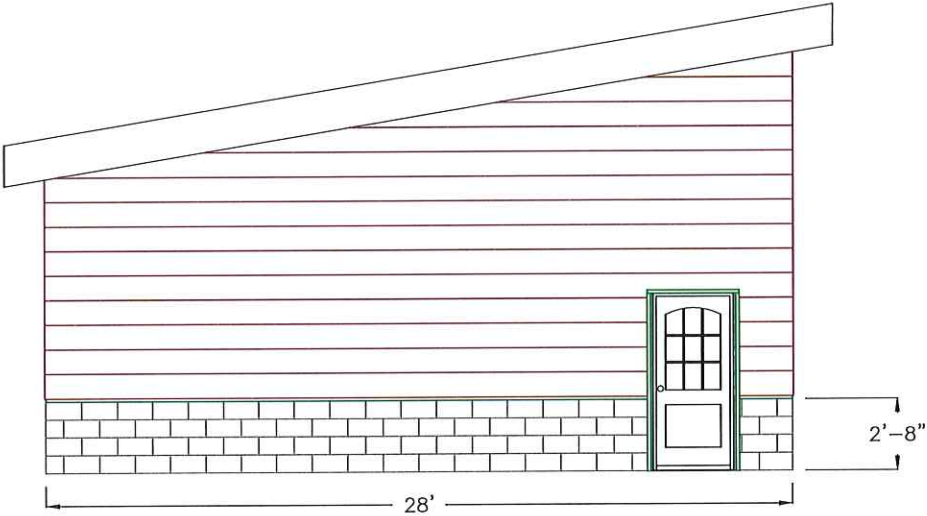
SCALE: 3/16" = 1'-0"

# BACK ELEVATION



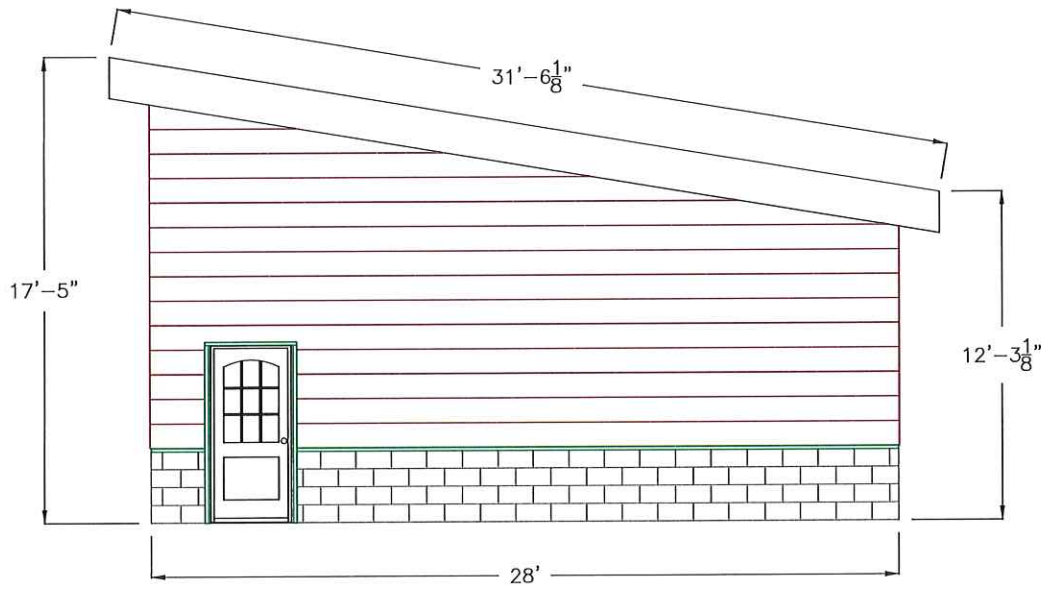
SCALE:  $3/16'' = 1'-0''$

LEFT ELEVATION



SCALE: 3/16" = 1'-0"

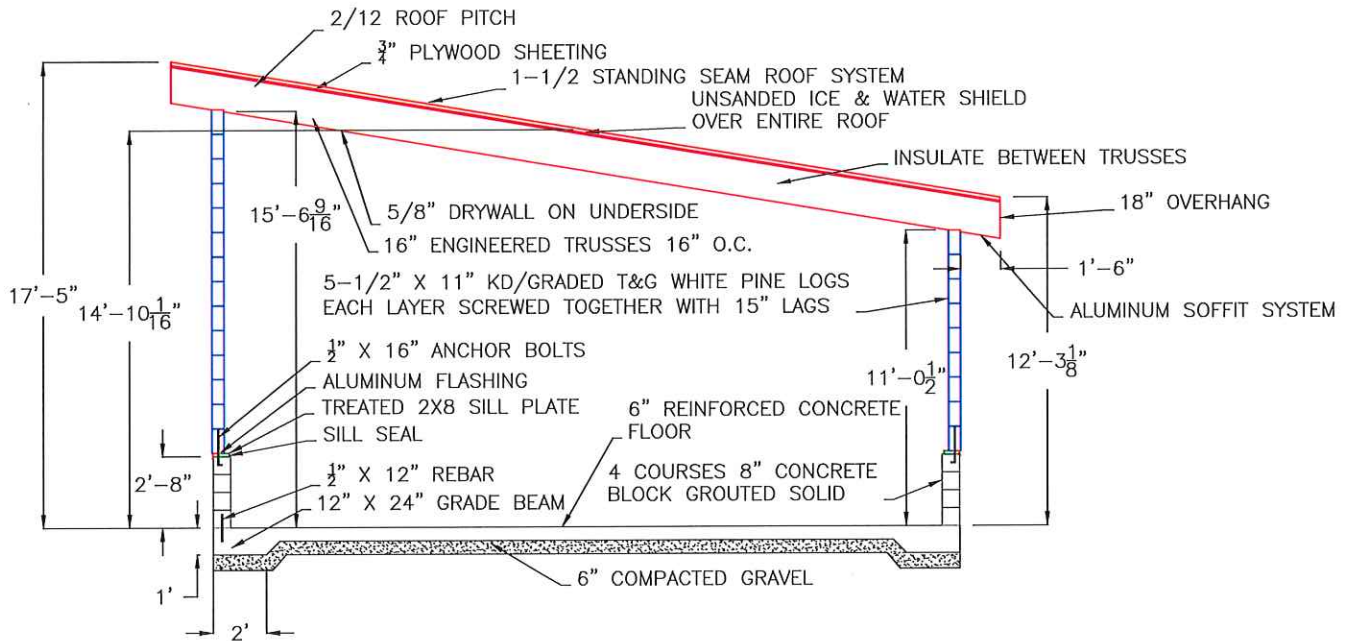
# RIGHT ELEVATION



SCALE:  $\frac{3}{16}'' = 1'-0''$

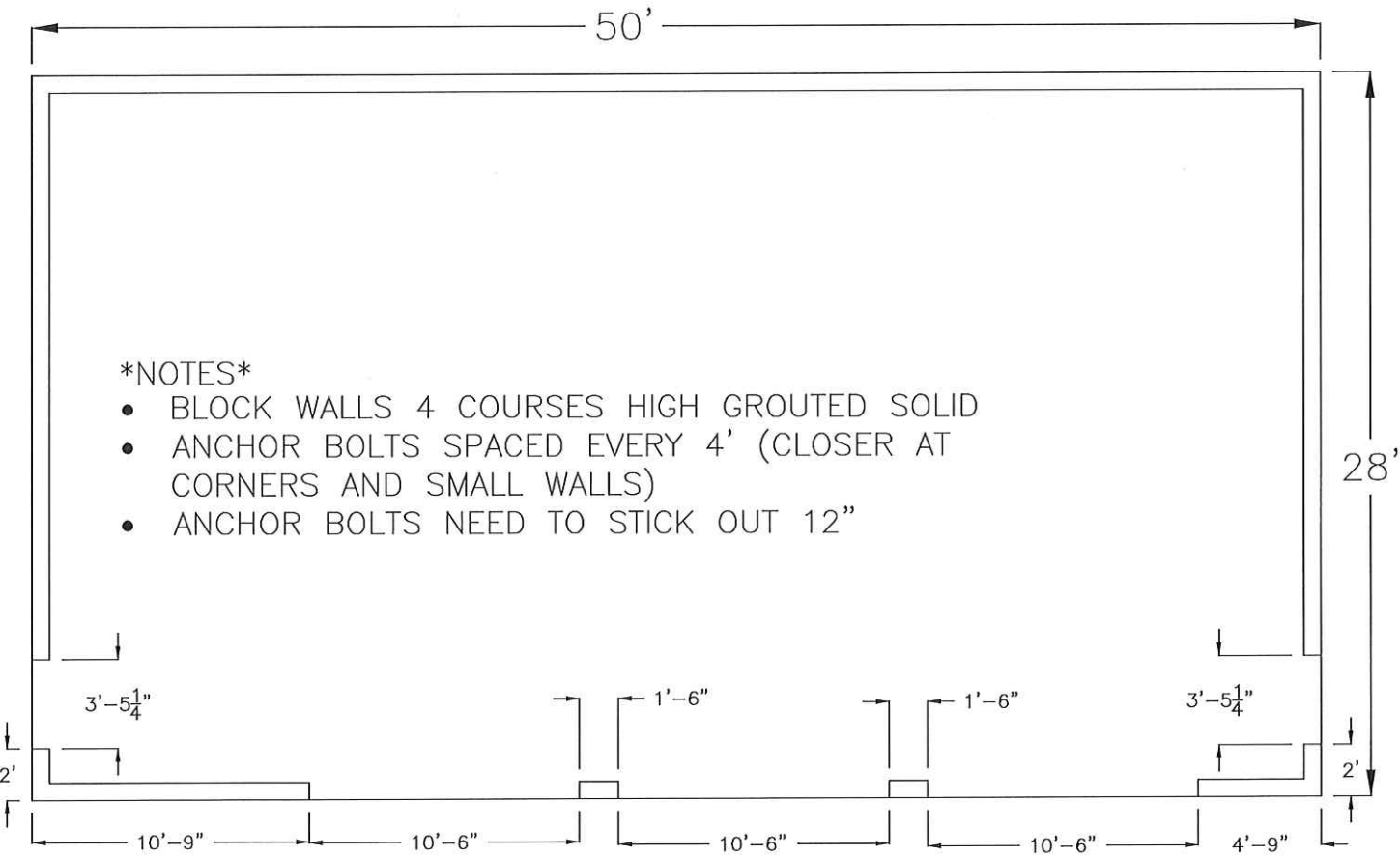


# CROSS SECTION



SCALE: 3/16" = 1'-0"

# CONCRETE BLOCK LAYOUT



SCALE: 3/16" = 1'-0"

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:  Meeting Date: 5/20/24

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 \$325.00 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)	Parcel Number
924 N. Leminwah St. Appleton, WI 54911	311-05800
Zoning District	Use of Property
3rd Assembly District	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name	Owner Address
Erin O'Connell	924 N. Leminwah St. Appleton, WI 54911
Owner Phone Number	Owner E Mail address (optional)
(920) 540-4944	eeoc76@gmail.com
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)

Variance Information
Municipal Code Section(s) Project Does not Comply
23-93(9)(6).
Brief Description of Proposed Project
Attached garage 3 feet from North lot line.

Rep 154993633

Owner's Signature (Required): Erin O'Connell Date: 4/23/24

# 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:

*Build an attached 2 stall garage.  
It will only fit on the lot if 3 feet from North lot line.*

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

*The structure will not be on or exceeding their lot lines!*

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

*Decrease six foot required space between attached garage and lot line to three feet.*

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

*My patients may not survive a life threatening diagnosis that could have been prevented if I had arrived to the hospital sooner and didn't have to dry off.*

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: May 7, 2024

RE: Variance Application for 924 N. Leminwah (31-1-1058-00)

**Description of Proposal**

The applicant proposes to construct an attached garage addition to the principal building that would be three (3) feet from the side lot line. Section 23-93(g)(6) of the Zoning Ordinance requires a six (6) foot side yard setback.

**Impact on the Neighborhood**

In the application, the applicant states: “The structure will not be on or exceeding their lot lines.”

**Unique Condition**

In the application, the applicant states “Decrease six (6) foot required space between attached garage and lot line to three (3) feet. “

**Hardship**

In the application, the applicant states that her patients may not survive a life-threatening diagnosis that she could prevent, all due to the fact that she may be exposed to snow or rain while walking outside to her detached garage.

**Staff Analysis**

The size of this property is 7,200 sq. ft. (60’x120’). The minimum size of a property in the R1B zoning district is 6,000 sq. ft.

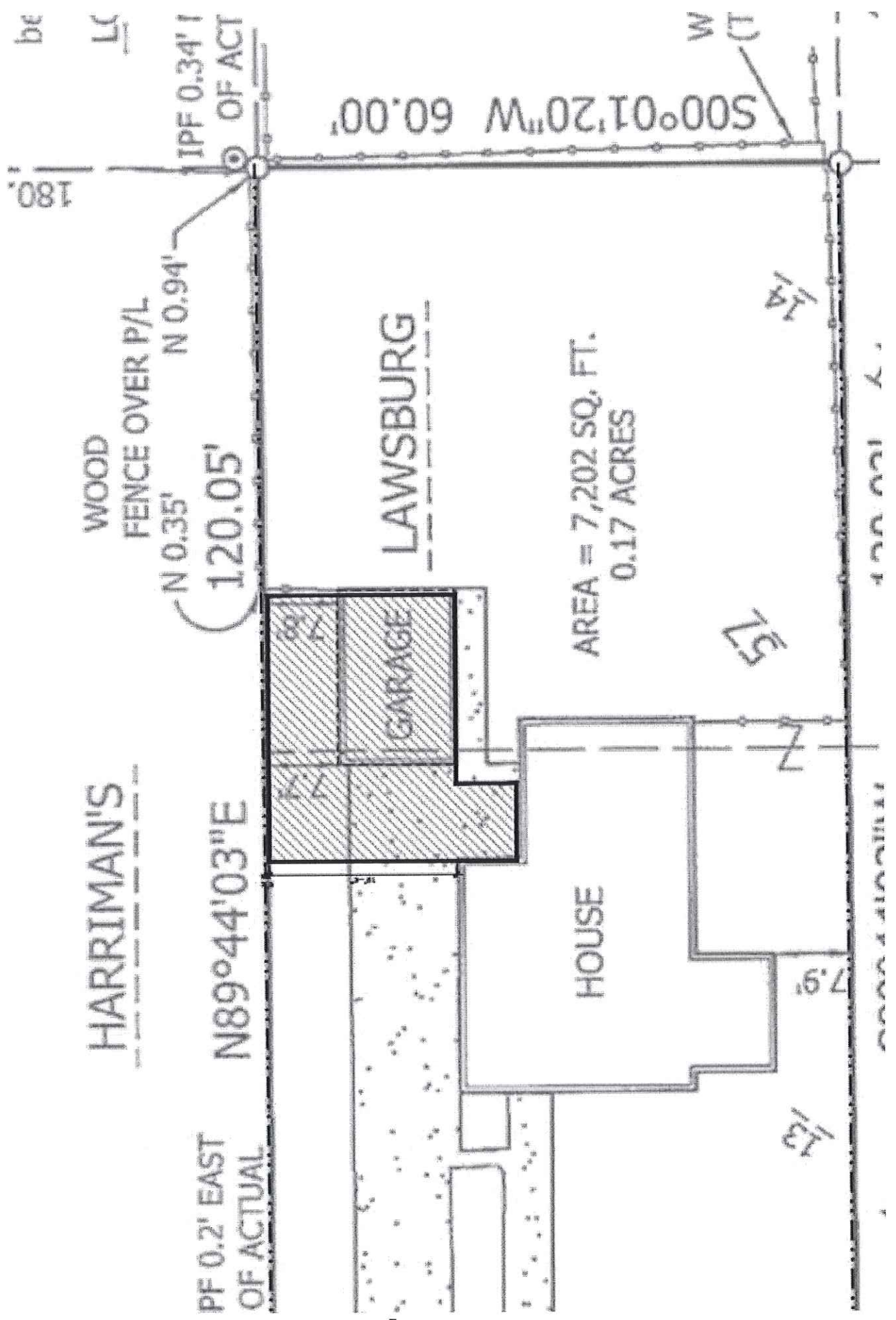
Variances should be granted based on the dimensional limitations of the lot or unique characteristics of the lot (Section 23-67(f)(1) of the Zoning Ordinance).

The hardship stated by the applicant is based on needs of the current occupant, who has a job that requires her to get to work quickly. The circumstances of an applicant are not a factor in deciding variances,<sup>1</sup> per *Snyder v Waukesha County Zoning Bd. Of Adjustment*, 74 Wis. 2d 468, 478-79, 247 N. W.2d 98.

Staff recommends denial of this request because this proposed addition would remain, after the current applicant sells the house in the future. Also, the review criteria in the Zoning Ordinance, as well as cited case law, requires that a hardship relating to the unique physical limitations of the property be identified. Variances should not be granted based on the preferences of the current occupant.

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<sup>1</sup> Zoning Board Handbook, Center for Land Use Education, 2<sup>nd</sup> Edition 2006



Return to: Department of Community  
and Economic Development  
100 North Appleton Street  
Appleton, Wisconsin 54911  
(920) 832-6411

## City of Appleton Application for Variance

Application Deadline April 29, 2024 Meeting Date May 20, 2024 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 \$350.00 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) <b>10 E COLLEGE AVE</b>	Parcel Number <b>31-2-0290-01</b>
Zoning District <b>CBD</b>	Use of Property <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial
Applicant Information	
Owner Name <b>FOX COMMONS PROPERTIES LLC</b>	Owner Address <b>301 W. Wisconsin Ave. Suite 305 Milwaukee, WI 53203</b>
Owner Phone Number 920-915-7333	Owner E Mail address (optional)
Agent Name <b>SAM SCHMIDT</b>	Agent Address <b>PO Box 2517 Appleton WI 54912</b>
Agent Phone Number <b>920-915-7333</b>	Agent E Mail address (optional) <b>sam@darkhosedevopmentllc.com</b>
Variance Information	
Section 23-523(c)(1)(a)- Maximum wall sign size is three hundred fifty (350) sq. ft.	
Brief Description of Proposed Project  Proposed sign project will have multiple wall signs with a cumulative size of 581sq. ft. Section 23-523(c)(1)(a) of the Zoning Ordinance limits the size of wall sign to 35% of each wall of three hundred fifty (350) sq. ft.	

Owner's Signature (Required):



Date: \_\_\_\_\_

## 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:**

Fox Commons houses a dynamic mix of tenants, each with unique signage needs vital for their operations and identity within the community. Due to the diversity and number of tenants, we propose increasing the signage limit from 350 sqft to 581 sqft.

Lawrence University has leased 95,000 sqft at Fox Commons for student housing and academic offerings, necessitating prominent display of their seal and name on the facade for easy identification by students and visitors.

Mosaic Family Health is allocating 34,000 sqft to enhance healthcare accessibility in Fox Valley. Adequate signage on the College Avenue facade is crucial for directing patients and highlighting the institution's community commitment.

Additionally, first-floor tenants such as Prevea, gener8tor, Wild Goose, and the proposed Fox Den market hall, each require distinct storefront signage on College Avenue.

In compliance with the City of Appleton's TIF agreement, all original College Avenue entrances must remain operational to support a diverse mix of businesses. As such, ample signage is essential for all current and future tenants.

This signage allowance increases underscores Fox Commons' role as a cornerstone in downtown Appleton's revitalization and in promoting a vibrant, accessible community hub.

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

As the most expansive commercial space on College Avenue, Fox Commons has been redesigned to appear as 6 separate buildings to blend with the surrounding architecture of downtown Appleton. As such, none of the 6 distinct facades will have signage over 35% of their



respective surface areas, ensuring the variance will not adversely impact the surrounding properties.

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

Fox Commons is the longest commercial building in downtown Appleton and boasts the most diverse tenant mix. Bordered on its east and west sides, the only viable space for signage is on its south wall. The development agreement with Appleton mandates that all original entrances be preserved, which has reduced the size of the first-floor suites and increased the mix of tenants and the demand for signage. Due to its extensive facade along College Avenue, an addition of 581 square feet of signage would constitute only 1.52% of its total surface area.

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

If the variance is not granted, the inability of tenants to effectively advertise their businesses could result in severe compromises to their operations. For instance, Lawrence University might face challenges in its expansion efforts, potentially affecting student recruitment and access to new academic programs and housing, due to inadequate signage. Similarly, the healthcare missions of Mosaic Family Health and Prevea would be compromised, as clear and navigable signage is crucial for patient access and attracting medical professionals to the area. Moreover, the visibility of first-floor tenants is critical to fulfilling Appleton's development agreement. Allowing signage to occupy less than 2% of the facade's surface area would mitigate these issues.



CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: May 7, 2024

RE: Variance Application for 10 E. College Ave. (31-2-0290-01)

**Description of Proposal**

The applicant proposes to install wall signs with a cumulative size of five hundred and eighty one (581) sq. ft. Section 23-523(c)(1)(a) of the zoning ordinance limits the size of wall signs to 35% of each wall or three hundred and fifty (350) sq. ft.

**Impact on the Neighborhood**

In the application, the applicant states that none of the six (6) distinct facades will have signage over 35% of their respective surface areas, ensuring the variance will not adversely impact the surround properties.

**Unique Condition**

In the application, the applicant states that Fox Commons is the longest commercial building in downtown Appleton and boasts the most diverse tenant mix. Also, the applicant states that due to its extensive facade along College Avenue, an addition of 581 square feet of signage would constitute only 1.52% of its total surface area.

**Hardship**

In the application, the applicant states that if the variance is not granted, the inability of tenants to effectively advertise their businesses could result in severe compromises to their operations. The applicant also states that allowing signage to occupy less than 2% of the façade's surface area would mitigate these issues.

**Staff Analysis**

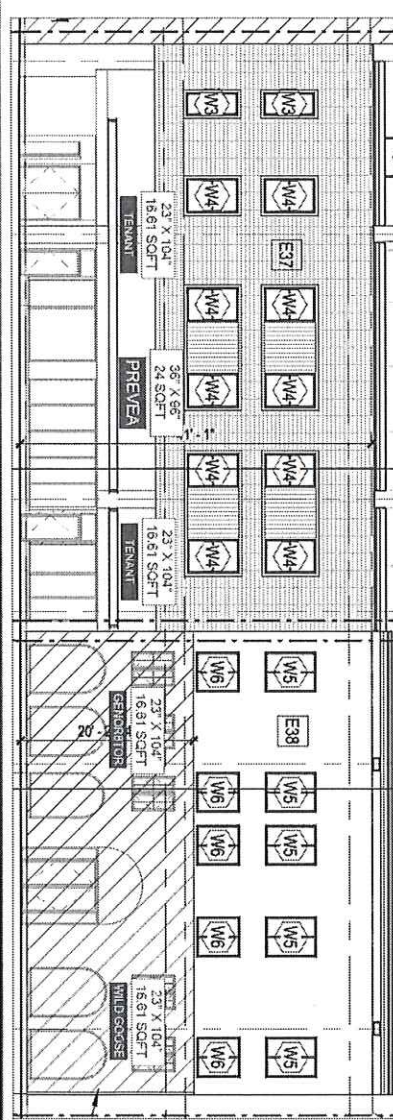
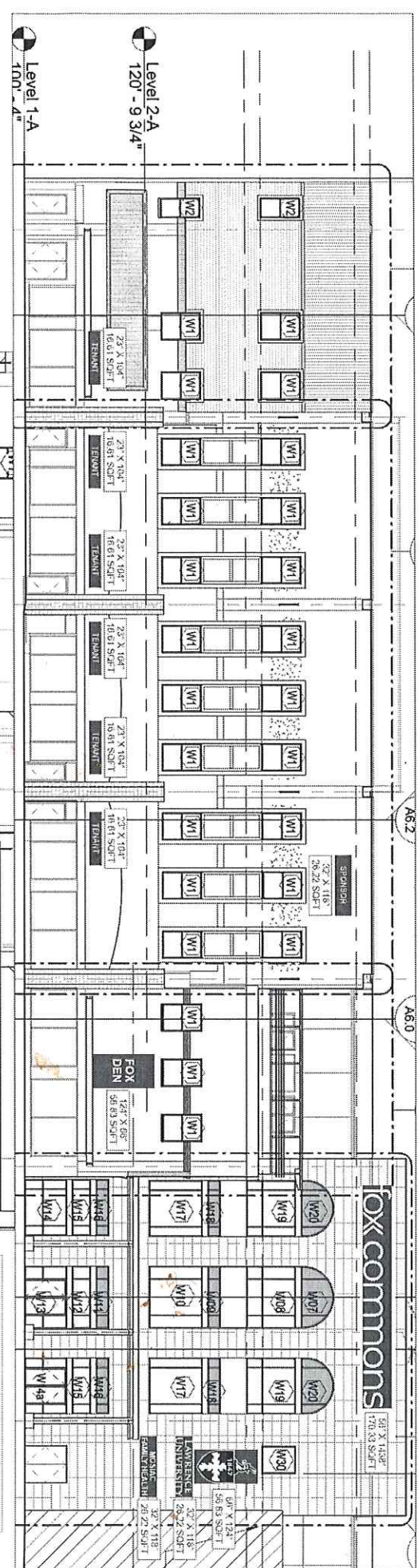
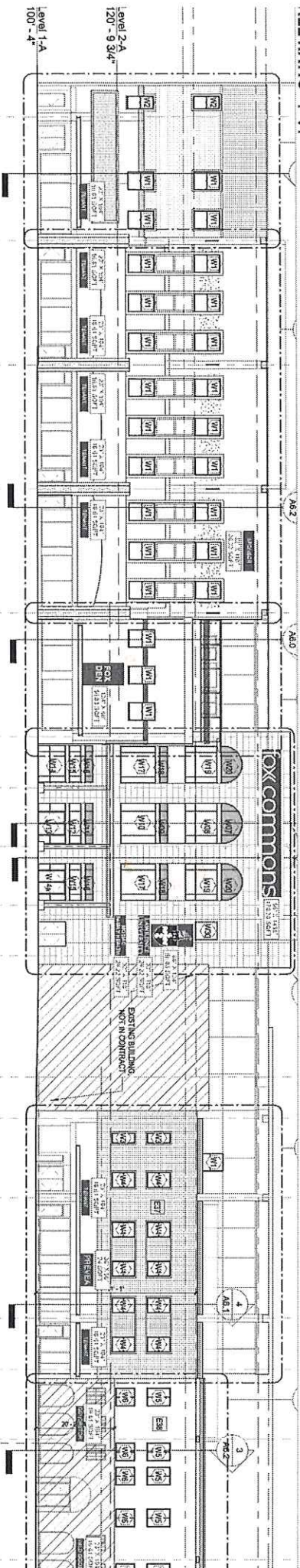
This property is 52,664 sq. ft. The minimum lot area in the CBD zoning district is 2,400 sq. ft.

The south wall of Fox Commons is approximately 30,000 sq. ft. This building encompasses nearly two city blocks. The size of the wall is uniquely large.

Because of the large size of the wall at Fox Commons, this property meets the review criteria for a variance in accordance with Section 23-67(f)(1) of the Zoning Ordinance. This property has a condition (size) that makes this property different than other properties in the area.



A/E RATIO 1" = 1'



Tenant	Height (feet)	Width (feet)	Area (sq ft)
For Commons	50	428	21,400
LU Shield	12	65	780
LU Title	12	118	1,416
Madison	12	118	1,416
For Den	12	65	780
Prova	9	96	864
Genelcor	25	104	2,600
Wild Goose	25	118	2,950
Tenant 1	25	104	2,600
Tenant 2	25	104	2,600
Tenant 3	25	104	2,600
Tenant 4	25	104	2,600
Tenant 5	25	104	2,600
Tenant 6	25	104	2,600
Tenant 7	25	104	2,600
Tenant 8	25	104	2,600
Total			52,777

**w.foxcitiesign.com**  
 3775 W. Northridge Dr., Appleton, WI 54914  
 1-920-378-3515  
 REVISIONS

COMPANY: Dark Horse Development  
 CLIENT:  
 DATE: 3-2024  
 SALES REP: Kristina  
 DESIGNER: Dana

**CLIENT NOTIFICATIONS**  
 ORIENTATION & PLACEMENT  
 COLOR SPECIFICATIONS  
 SPELLING & GRAMMAR  
 APPROVAL SIGNATURE  
 DATE

IF CLEAN ART CANNOT BE PROVIDED DESIGN SEVERELY MAY OCCUR  
 ESTIMATE PROVIDED PRIOR TO PRODUCTION  
 ALL COLOR SPECIFICATIONS MUST BE PROVIDED OR APPROVED BY CLIENT PRIOR TO PRODUCTION  
 SIGNATURE OF THE CLIENT IS REQUIRED FOR PRODUCTION

FOX CITIES SIGN, LLC A WISCONSIN LIMITED LIABILITY COMPANY ("COMPANY") DBA FOX CITIES SIGN WILL endeavor to closely MATCH COLORS, INCLUDING PMS, WHERE SPECIFIED. WE CANNOT GUARANTEE EXACT MATCHES DUE TO VARYING COMPATIBILITY OF SUBSTRATES & PROI ALL SIZES AND DIMENSIONS ARE ILLUSTRATED FOR CLIENTS CONCEPTION OF THE PROJECT & ARE NOT TO BE UNDERSTOOD AS BEING EXACT SIZE OR SCALING.  
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