

Item 24-1576: 126 E. Pacific St The applicant proposes to change the use of the property to a restaurant use and not provide off street parking

Board of Zoning Appeals

Mon, Dec 16, 2024 7:00PM

Paul McCann (BOZ Chair) 13:15

Okay, so we're going to take the cases in the order in which they were presented to the city. So, the first case is for the 126 East Pacific Street. I'm going to ask **[Miss Dremel?]** to read the request for variance, and then we will hear your comments. We'll conduct our business on that case. Oh, who is? Oh, I'm sorry, Kara, Miss Homan. Is your mic on everything good?

Director Kara Homan (Community And Economic Development) 13:49

It is.

Paul McCann (BOZ Chair) 13:50

Okay.

Director Kara Homan (Community And Economic Development) 13:52

So, I'm going to be referencing primarily the staff memo, which is found on page three of the attachment.

Paul McCann (BOZ Chair) 13:57

If you just read the request for variance. That's all—all I need is what is in the agenda.

Director Kara Homan (Community And Economic Development) 14:02

Oh, sure.

Paul McCann (BOZ Chair) 14:03

That'd be great.

Director Kara Homan (Community And Economic Development) 14:05

Um the request is to waive the required five parking spaces, as is required by code section 23-1702m

Paul McCann (BOZ Chair) 14:23

Okay. And you're the applicant, Sir? Could you introduce yourself, please? Gotta turn on your microphone even. Patrick.

Patrick Frawley 14:37

My name is Patrick Frawley.

Paul McCann (BOZ Chair) 14:38

Okay. Thank you. So, Mr. Frawley, I mean, we understand, based on your request, that you'd like to waive the parking requirements. Can you give us some indications as to what hardships would be associated with this property that we can consider?

Patrick Frawley 14:57

Maybe I don't understand the variance, but looking to permit street parking rather than off street parking.

Paul McCann (BOZ Chair) 15:06

Yeah.

Patrick Frawley 15:07

Basically, there's no parking lot on the property. There's not space to build one. It's currently vacant but meant to be a commercial property, but without allowing for the parking spaces it's functionally useless currently. Like, you wouldn't be able to do any business there without parking is my understanding. So.

Paul McCann (BOZ Chair) 15:30

Okay, could you describe—I mean, I've driven past the property, and I'm trying to understand the occupancy there. It—there is—there are three addresses in the same building.

Patrick Frawley 15:39

Yeah, so I don't own the building. I'd be renting from someone who just purchased it, but there's a large space that faces Morrison Street going north. It appears to have been used as a salon most recently. I'm not entirely sure though. There's a small studio in the back that's the faces Pacific Street and where we would be using. And then I think there might be several addresses attached to tenants who live upstairs for residential space.

Paul McCann (BOZ Chair) 16:07

Okay. So potential ground floor occupancy is your facility in the Pacific Street back west side of the property.

Patrick Frawley 16:18

Correct.

Paul McCann (BOZ Chair) 16:19

And then there's another potential tenant for the east.

Patrick Frawley 16:23

Yeah, for the space that faces Morrison. But I'm not sure about what's going in there, or anything whatsoever. I'm just looking for the variance for our space in the back.

Paul McCann (BOZ Chair) 16:34

I think, because there's no parking at all for the property, it's important for us to know what potential there is, you know, en mass, I think, for that building. Because if someone moves in up front that needs 10 on-street parking spots, and you move in in the back and you need 10 on-street parking spots, there's a—you know, there's something to consider there for us. So, I know you don't control the front of the building.

Patrick Frawley 17:00

I'll say, like, we are interested in opening like a restaurant. So, it's, it'd be more evening hours, probably would look less conflict with something more regular business hour business in the front. Again, I'm just speculating on what they would be there, but along just the building itself, probably on Morrison, there's at least two spaces to park and four on Pacific without interfering with any other places. So, again, that's not blocked.

Paul McCann (BOZ Chair) 17:27

Where did the tenants park?

Patrick Frawley 17:29

I'm not sure. I don't know if they have parking that's been provided or...

Paul McCann (BOZ Chair) 17:33

I didn't see a garage.

Patrick Frawley 17:35

And I also—I don't know if all the units are even occupied currently. So.

Paul McCann (BOZ Chair) 17:39

Okay. So, do—how many square feet is the space that you're looking to rent?

Patrick Frawley 17:50

I'm not sure. I know it's fairly small. Like, we would be shooting for like, a capacity of like 15 ish. It's—it'd be a very small little bar restaurant. And that would be—

Paul McCann (BOZ Chair) 18:08

Do—does the city know what the space?

Patrick Frawley 18:11

I spoke with Kurt, so he may know.

Director Kara Homan (Community And Economic Development) 18:15

The question—what was the question?

Paul McCann (BOZ Chair) 18:16

The question just is what's, what's the square footage of this potential restaurant? Is it?

Director Kara Homan (Community And Economic Development) 18:21

Yeah, so, um—are you taking up the entire first floor?

Patrick Frawley 18:26

No, just the 126 East Pacific.

Director Kara Homan (Community And Economic Development) 18:30

Yeah, I don't have that.

Kelly Sperl (BOZ Member) 18:31

That building's not real large. I don't know how many apartments are upstairs. Is that one apartment or two up there?

Paul McCann (BOZ Chair) 18:37

Two addresses

Kelly Sperl (BOZ Member) 18:38

Two addresses up top?

Patrick Frawley 18:40

And I know there's actually even a studio between the back space that we're looking at occupying and the front other commercial space. So, it's—I mean, it's pretty small.

Paul McCann (BOZ Chair) 18:49

Yeah, so that—the notes here say the capacity is 15 occupants. Unfortunately, it says—so I don't know if they're referring to 126 East, which is not a posted address on that building—right? There's 128 and 130 on the side wall of that building.

Patrick Frawley 19:08

I believe when I was filling out the form for that, it was just—I got as close as I could on Google—

Paul McCann (BOZ Chair) 19:15

Yeah.

Patrick Frawley 19:15

—to get the address of what it could be. I'm not entirely sure—

Paul McCann (BOZ Chair) 19:19

So, this may not be a legal address for that property.

Patrick Frawley 19:23

I could have been mistaken on it.

Vicky (Inspections) 19:25

Property records do show 1, 2, 3, 4, 5 addresses. So, I mean getting a house—house number on there would be ideal.

Paul McCann (BOZ Chair) 19:34

All of them Pacific street?

Vicky (Inspections) 19:36

So, 126 and 128 and 128, and a half Pacific Street, and then there's 601 and 603 North Morrison.

Paul McCann (BOZ Chair) 19:43

Yeah, okay. And, okay, so, I mean, I—the thing in front of us is really to understand what type of parking demand you're going to have. If it's 15 people occupancy, and I imagine you'll have three or four staff people operating at—maybe two or three staff people operating it at one time, right?

Patrick Frawley 20:09

Probably two.

Paul McCann (BOZ Chair) 20:10

So that's that reduces.

Patrick Frawley 20:13

13.

Paul McCann (BOZ Chair) 20:14

Yeah.

Patrick Frawley 20:16

So, I think, yeah, according you need one space for three per three people, which is why we applied for the five.

Paul McCann (BOZ Chair) 20:24

Okay, all right.

Kelly Sperl (BOZ Member) 20:29

Which—is your front door on Morrison Street?

Patrick Frawley 20:32

No, it faces Pacific.

Kelly Sperl (BOZ Member) 20:34

Pacific, okay.

Patrick Frawley 20:36

Believe it's facing the automotive company.

Kelly Sperl (BOZ Member) 20:39

Okay,

Paul McCann (BOZ Chair) 20:40

It's mostly a glass frontage on the Pacific street side.

Patrick Frawley 20:43

Bay window sort of spaces.

Paul McCann (BOZ Chair) 20:46

Okay. All right. So, you were talking—tell me again—tell the board again what your operating hours are anticipated to be and what type of traffic you would expect.

Patrick Frawley 21:07

We were thinking like four or 5pm to nine or 10pm.

Kelly Sperl (BOZ Member) 21:12

And what type of restaurant are you thinking?

Patrick Frawley 21:14

So, it's going to be sort of a raw bar, I guess you could say. Several kinds of oysters, like a crudo, carpaccio perhaps. We wouldn't be installing a hood, so it really limits—I mean, there'd be no hot food, essentially. So, it's just kind of more, you know, small dishes, cocktails, and wine. Just like, kind of, you know, somewhere you could go and eat a meal, or you could start there before going to another restaurant downtown afterwards, kind of as an appetizer. But the idea is we have it be small and cute.

Paul McCann (BOZ Chair) 21:50

And then how many days a week you expect to be in operation?

Patrick Frawley 21:54

We were thinking either Thursday, Friday, Saturday or Wednesday, Thursday, Friday, Saturday, so three or four days a week.

Paul McCann (BOZ Chair) 22:05

Any other questions?

Kelly Sperl (BOZ Member) 22:08

Just a statement. From an Architect slash Building Code standpoint, I know this doesn't this is nothing what we're talking about here tonight, but you've got some real issues as far as if this space isn't real large with 15 people plus two staff, you're going to need two bathrooms, plus you're going to need an accessible route to the building.

Patrick Frawley 22:27

I think we're going to 13 people with two staff or 15 total.

Kelly Sperl (BOZ Member) 22:32

Okay.

Patrick Frawley 22:34

Which I understood made just one bathroom.

Kelly Sperl (BOZ Member) 22:36

15 is the magic number for that. But so, then you still got to look at an accessible route. Every one of these doors, is why I was asking—every one of these doors doesn't—they all have steps into them. So just kind of something for you to think about. I know that doesn't affect what we're talking about here.

Patrick Frawley 22:52

I meet with the contractor later this week to discuss some fine stuff. So, I'll make sure we bring that up. I appreciate it.

Kelly Sperl (BOZ Member) 22:59

Yep.

Paul McCann (BOZ Chair) 23:02

It's one reason the board is made up of architects and attorneys and engineers and real estate folks.

Patrick Frawley 23:08

So, we—in our rough sketches we were really scratching our heads on how to make a bathroom work to be compliant and still have it be functional. So.

Paul McCann (BOZ Chair) 23:15

Sure. Okay. Thank you, Kelly. Any other questions for the applicant? If not, we'll entertain a motion on the variance.

Scott Engstrom (BOZ Member) 23:29

I'll move to approve.

Kelly Sperl (BOZ Member) 23:32

What?

Scott Engstrom (BOZ Member) 23:32

I'll move to approve,

Kelly Sperl (BOZ Member) 23:34

I'll second.

Paul McCann (BOZ Chair) 23:35

Moved and seconded to approve. Is there any further discussion?

Michael Babbitts (BOZ Member) 23:40

Have any of the other neighbors reached out or given any statement?

Paul McCann (BOZ Chair) 23:43

Yeah, there's been no contact.

Director Kara Homan (Community And Economic Development) 23:48

I would defer to Kurt if he's still on.

Paul McCann (BOZ Chair) 23:52

Kurt, have you heard any feedback from neighbors?

Supervisor Kurt Craanen (Inspections) 23:56

Letters went out to every property owner within a 100—100 feet of this property. I did not receive any calls or emails or anything.

Paul McCann (BOZ Chair) 24:05

Okay, thank you.

Kelly Sperl (BOZ Member) 24:06

And this is commercial zoning now. He's just changing the use from a business of some type to a restaurant, which, again, back to the building code, if it's less than 50 people, you're still a B business, which is what that salon was. So technically, it's not a change of use, but you're still looking at the zoning ordinance piece of it for that

Paul McCann (BOZ Chair) 24:29

Traffic.

Kelly Sperl (BOZ Member) 24:30

Yeah.

Paul McCann (BOZ Chair) 24:33

Okay, so we have moved and seconded. Any further discussion?

Michael Babbitts (BOZ Member) 24:39

We didn't really discuss lot size, but I found that striking in the staff report that the lot size is below what's required for standard commercial lot.

Scott Engstrom (BOZ Member) 24:50

It did reference the non-conformity, and I think everything that we talked about here is about kind of this unique property and how it's not, you know, a standard property in the city of Appleton. So, I think that all goes to, you know, kind of what we address here for these variance requests.

Paul McCann (BOZ Chair) 25:06

Okay. Anything else? If not, we'll take a vote. Mr. Engstrom.

Scott Engstrom (BOZ Member) 25:12

Aye.

Paul McCann (BOZ Chair) 25:14

Mr. Babbitts.

Michael Babbitts (BOZ Member) 25:15

Aye.

Paul McCann (BOZ Chair) 25:16

Mr. Sperl.

Kelly Sperl (BOZ Member) 25:17

Aye.

Paul McCann (BOZ Chair) 25:18

Mr. Loosen.

Kevin Loosen (BOZ Member) 25:19

Aye.

Paul McCann (BOZ Chair) 25:20

Four aye votes. Variance is granted. Good luck with your project. You can come to the city and pick up whatever permitting you need from them.

Scott Engstrom (BOZ Member) 25:30

Good luck.