



City of Appleton

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

Meeting Agenda - Final Board of Zoning Appeals

Monday, October 3, 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
[22-1021](#) **Minutes from July 18, 2022**

Attachments: [Minutes 7-18-22.pdf](#)

4. Public Hearings/Apearances

5. Action Items

- [22-1009](#) **311 W. Evergreen Dr. (31-6-4500-00)** The applicant proposes to install lighting that is not full cutoff design. Section 23-53(c)(1) of the Zoning Ordinance requires full cutoff design for exterior lighting.

Attachments: [311 W. Evergreen Dr.pdf](#)

- [22-1189](#) **1005 W. Fourth St (31-3-0753-01)** The applicant proposes to construct an accessory building that is in the front yard. Section 23-43(f)(1)(e) of the Zoning Ordinance prohibits accessory buildings in the front yard.

Attachments: [1005 W. Fourth St.docx](#)

- [22-1186](#) **1000 W. Northland Ave. (31-5-9494-00)** The applicant proposes to construct a drive through facility in the front yard. Section 23-49(a) of the Zoning Ordinance prohibits drive through facilities from the front yard.

Attachments: [1000 W. Northland Ave.docx](#)

[22-1231](#) **1000 W. Northland Ave (31-5-9494-06)** The applicant proposes to maneuver vehicles in the front yard. Section 23-49(b)(2) of the Zoning Ordinance prohibits maneuvering in the front yard.

Attachments: [1000 W. Northland Ave.pdf](#)

[22-1187](#) **416 E. Haddonstone Dr. (31-6-5105-00)** The applicant proposes to install a pool that would increase the lot coverage to 55%. Section 23-92(g)(2) of the Zoning Ordinance limits lot coverage to a maximum of 40% in the R1A Zoning District.

Attachments: [416 E. Haddonstone Dr.docx](#)

[22-1185](#) **3223 E. Heidemann Dr. (31-4-6203-00)** The applicant proposes to erect a fence that is eight (8) feet tall in the rear yard. Section 23-44(a)(1)(a) of the Zoning Ordinance requires fence height not to exceed six (6) feet in rear yard.

Attachments: [3223 E. Heidemann Dr.docx](#)

[22-1188](#) **1040 E. Florida Ave (31-1-5011-00)** The applicant proposes to erect a six (6) foot fence on 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: [1040 E. Florida St.docx](#)

[22-1236](#) **1040 E. Florida Ave (31-1-5011-00)** The applicant proposes to erect a fence in the vision corner. Section 23-50(g)(2) of the Zoning Ordinance limits fence height to three (3) feet in the vision corner.

Attachments: [1040 E. Florida Ave.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

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Meeting Minutes - Final Board of Zoning Appeals

Monday, July 18, 2022

7:00 PM

6th Floor Council Chambers

1. Call meeting to order

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

2. Roll call of membership

Present: 5 - McCann, Engstrom, Sperl, Cain and Loosen

3. Approval of minutes from previous meeting

[22-0822](#)

Minutes from June 20, 2022

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

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

Aye: 4 - Engstrom, Sperl, Cain and Loosen

Abstained: 1 - McCann

4. **Public Hearings/Appealances**

*Diana Mann- 844 E. South St
Bryan Kierszh- 1433 N. Leona St.
Michael Mevis- 214 S. Rankin St.*

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](#)

*Appearing:
Glen harvey
Christian Cabera
Randy Walter
Jim Gaepner*

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

Nay: 4 - Engstrom, Sperl, Cain and Loosen

Abstained: 1 - McCann

[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](#)

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

Aye: 4 - Engstrom, Sperl, Cain and Loosen

Abstained: 1 - McCann

[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](#)

To take effect only if rezoning is approved by the City Council.

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

Aye: 4 - Engstrom, Sperl, Cain and Loosen

Abstained: 1 - McCann

[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](#)

To take effect only if rezoning is approved by the City Council.

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

Aye: 4 - Engstrom, Sperl, Cain and Loosen

Abstained: 1 - McCann

[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](#)

*To take effect only if rezoning is approved by the City Council.
No future buildings or additions may be built in setback.*

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 Loosen

Abstained: 1 - McCann

6. Information Items

7. Adjournment

A motion was made by Engstrom, seconded by Cain, that this meeting be adjourned at 8:454 pm. The motion carried by the following vote:

Aye: 4 - Engstrom, Sperl, Cain and Loosen

Abstained: 1 - McCann

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: September 21, 2022

RE: Variance Application for 311 W. Evergreen Dr. (31-6-4500-00)

Description of Proposal

To install lighting that is not full cutoff design. Section 23-53(c)(1) of the Zoning Ordinance requires full cutoff design for exterior lighting.

Impact on the Neighborhood

In the application, the applicant states that the distance from the building to the nearest adjacent building has cover provided by trees and is a long distance away. In addition, the applicant states that the church facility has non full cut off fixtures as main exterior lighting on the building.

Unique Condition

In the application, the applicant states that the distance from adjoining properties is greater than most.

Hardship

In the application, the applicant states that it would be a financial hardship due to the installation cost that would be required to install light poles with bases. The applicant also states that cosmetically the outbuilding would match the existing church lighting and the ministries would not be able to safely function in the areas listed in question one.

Staff Analysis

The parcel is over 31 acres. There is no minimum lot size in the PI zoning district.

Due to the size of this parcel and location of the buildings, the neighboring properties will not be impacted by the lights.

Financial impact cannot be considered in determining if the review criteria has been met.

The applicant has an alternative of installing lighting that meets the code standards. The property may be used for its intended purpose without this variance. It does not appear that the applicant has met 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) 311 W. Evergreen Dr	Parcel Number 31-6-4500-00
Zoning District PI	Use of Property Residential X Commercial <input checked="" type="checkbox"/>

Applicant Information	
Owner Name Pathways Church	Owner Address 311 W. Evergreen Dr. Appleton, WI 54913
Owner Phone Number	Owner E Mail address (optional)
Agent Name Josh Verhagen	Agent Address
Agent Phone Number (920) 841-7056	Agent E Mail address (optional) josh@thesolutionist.net

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-53(c)(1) - All exterior lighting shall be of full cutoff design and directed downward and away from adjoining property.
Brief Description of Proposed Project Install exterior lighting that is not of full cutoff design. Section 23-53(c)(1) of the Zoning Ordinance requires full cutoff design.

Owner's Signature (Required):  Date: 6/27/22
3894-0007

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:
2. Describe how the variance would not have an 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:
4. Describe the hardship that would result if your variance were not granted:

1. Propose to use non full cut off fixture to illuminate the following areas because of the manner in which it is used. The north side of the building will accommodate garbage and recycling dumpsters and the south side will accommodate salt storage bin for winter maintenance. The rear of the facility accommodates a volleyball court in the summer and ice skating rink in winter. The front of the building is used in many different capacities. One would be for safety of snow removal equipment used. Another is that volunteers use it to assemble projects and perform community activities. Fixtures and lighting would provide safety of areas during use.
2. The distance from our building to nearest adjacent building has cover provided by trees and is a long distance away. In addition, the church facility has non full cut off fixtures as main exterior lighting on the building.
3. The distance from adjoining properties is greater than most.
4. It would be financially impacting due to the installation cost that would be required to install light poles with bases to illuminate the described areas. In addition cosmetically the outbuilding would match the existing church lighting. The ministeries within the church would not be able to safety function in areas listed in question one.

September 19, 2022
September 26, 2022
Acct. 17035

City of Appleton

NOTICE OF HEARING FOR VARIANCE

NOTICE IS HEREBY GIVEN that a meeting of the Board of Appeals, established under the provisions of Chapter 23 of the Ordinance, and known as the Zoning Ordinance, to be held on the 3rd day of October 2022, at 7:00 P.M., in Committee Room “6A/B”, 6th Floor, City Hall, 100 North Appleton Street, of the City of Appleton, Wisconsin, will be heard to consider the Appeal of:

from the ruling of the City Building Inspector in granting a permit for the construction, alteration, rebuilding, or occupancy of a nonconforming building on, or for the use of the property known and described as follows:

1005 W. Fourth St.

Tax Key Number: 31-3-0753-01

The applicant proposes to construct an accessory building that is in the front yard. Section 23-43(f)(1)(e) of the Zoning Ordinance prohibits accessory buildings in the front yard.

Notice is further given that the said meeting is open to the public and that the appellant and any other person interested may appear and be heard for or against the granting of aforesaid permit by this Board.

CITY OF APPLETON,
Appleton, Wisconsin
The Board of Appeals

**REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES
WILL BE MADE UPON REQUEST AND IF FEASIBLE.**

September 19, 2022
September 26, 2022
Acct. 17035

City of Appleton

NOTICE OF HEARING FOR VARIANCE

NOTICE IS HEREBY GIVEN that a meeting of the Board of Appeals, established under the provisions of Chapter 23 of the Ordinance, and known as the Zoning Ordinance, to be held on the 3rd day of October 2022, at 7:00 P.M., in Committee Room “6A/B”, 6th Floor, City Hall, 100 North Appleton Street, of the City of Appleton, Wisconsin, will be heard to consider the Appeal of:

from the ruling of the City Building Inspector in granting a permit for the construction, alteration, rebuilding, or occupancy of a nonconforming building on, or for the use of the property known and described as follows:

1000 W. Northland Ave.

Tax Key Number: 31-5-9494-00

The applicant proposes to construct a drive through facility in the front yard. Section 23-49(a) of the Zoning Ordinance prohibits drive through facilities from the front yard. Section 23-49(b)(2) of the Zoning Ordinance prohibits maneuvering in the front yard.

Notice is further given that the said meeting is open to the public and that the appellant and any other person interested may appear and be heard for or against the granting of aforesaid permit by this Board.

CITY OF APPLETON,
Appleton, Wisconsin
The Board of Appeals

**REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES
WILL BE MADE UPON REQUEST AND IF FEASIBLE.**

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: September 21, 2022

RE: Variance Application for 1000 W. Northland Ave. (31-5-9494-06)

Description of Proposal

The applicant proposes to construct a drive -thru facility in the front yard. Section 23-49(a) of the Zoning Ordinance prohibits drive-thru facilities in the front yard. Section 23-49(b)(2) of the Zoning Ordinance prohibits maneuvering in the front yard.

Impact on the Neighborhood

In the application, the applicant states that having the drive-thru in the front yard will not adversely impact surrounding properties because the development is in a commercially zoned area and the proposed design will best accommodate traffic and prevent back-ups.

Unique Condition

In the application, the applicant states that the development is unique in that it is carved out of the existing mall parking lot, not a standalone lot. The applicant also states that, because of this, the site had to be configured in such a way so that pedestrians are not continually crossing the drive-thru lane.

Hardship

In the application, the applicant states that if the variance is not granted, a hardship would be created in the form of traffic congestion and pedestrian safety.

Staff Analysis

This lot is 356,106 sq. ft (8.17 acres). The minimum size of a parcel in the C2 zoning district is 14,000. However, the applicant plans to create a new, smaller parcel, separate from the current parcel.

This is a unique case because a new lot will be created within a much larger lot and situated within an existing parking lot. The amount of traffic that is created by this particular business is also unique and meeting the standard may create issues with traffic congestion. This application meets the review criteria for a variance.



▶ 1391 Corporate Drive | Suite 203
McHenry, IL 60050
Main 815.385.1778 + Fax 713.965.0044
▶ HRGREEN.COM

Variance Questionnaire – Chick-fil-A – Appleton, WI

The following variances are being request from the City's Municipal Code:

- ❖ Section 23-49(a) – Drive-thru facilities shall not be located in the front of the principal building.
 - Chick-fil-A is proposing to install the drive-thru lane and associated drive-thru lane canopy within the front yard.

• Explain your proposed plans and why you are requesting a variance:

Chick-fil-A (CFA) is proposing the construction of a free-standing restaurant, dual drive-thru lane facility with free-standing canopies, and parking lot improvements within the existing Northland Mall parking lot. The proposed CFA improvements will be located on the south side of the mall parking lot along the W. Northland Avenue (CTH OO) frontage.

The CFA site has been configured in way to achieve the following: provide/maintain the maximum number of parking stalls around the new building & within the overall mall development; provide a sufficiently long drive-thru lane to promote efficient restaurant operations; and to provide adequate visibility to the new store. The drive-thru lane has been positioned along the south side of the building and within the front yard to create a separation between dine-in and drive-thru traffic. Providing this separation creates a safe/unobstructed path of travel from the parking lot to the CFA building for customers. This separation will also help promote efficient traffic flow throughout the mall parking lot by reducing potential congestion between the two types of customers.

If the drive-thru lane was positioned on the north side of the building, dine-in customers would need to cross the drive-thru lane in order to access the building, potentially creating safety concerns. CFA has a shared parking agreement with the mall and installing the drive-thru lane on the north side of the building would create a barrier between this available parking and the building.

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

Chick-fil-A believes that granting a variance to allow the drive-thru facility to be located within the front yard will not have an adverse impact to the surrounding properties. The CFA development is located within a commercially zoned district and is completely surrounded by other commercial properties. Positioning the drive-thru lane within the front yard will allow for a maximized and efficient site layout that promotes a safe and free-flowing traffic pattern throughout the mall parking lot. The CFA drive-thru lane has been designed to accommodate a sufficient queue of cars and by positioning it along the Northland Avenue frontage will help prevent backups within the mall parking lot and adjacent access drives.



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

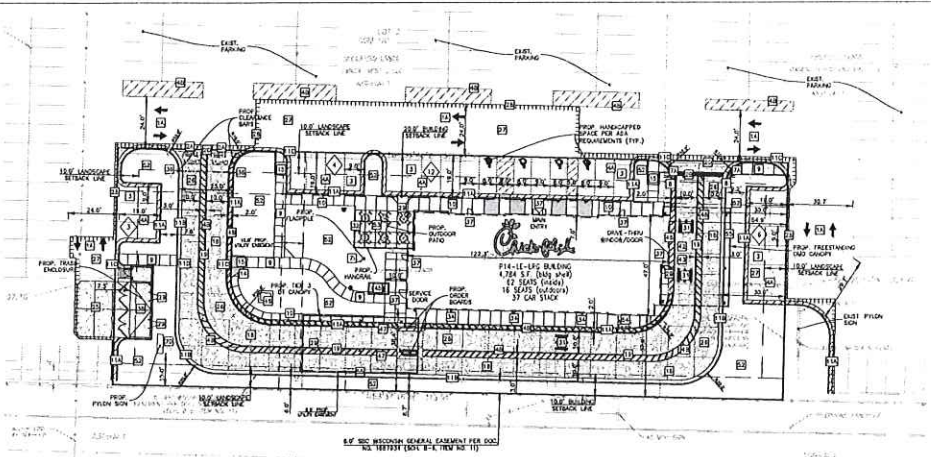
The CFA development is unique since it is a carve out of the existing mall parking lot, not a standalone lot. As a result, the CFA site had to be configured in a way to provide/maintain as much parking as possible within the overall development while separating dine-in and drive-thru lane traffic. Providing this separation will help alleviate traffic issues and backups within the mall parking lot. Also since CFA has a shared parking agreement with the mall, a safe path of travel from the mall parking lot and CFA building needs to be provided. Having pedestrians continually cross the drive-thru lane could lead to safety concerns.

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

Chick-fil-A believes that if this variance were not granted, it could lead to traffic congestion within the mall parking lot as well as creating pedestrian safety issues. It is CFA's goal to configure the site in a way that promotes the highest safety for its' customers, reduces potential traffic congestion & backups within the parking lot, and provides efficient restaurant operations.

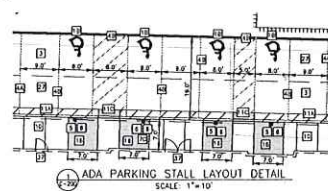
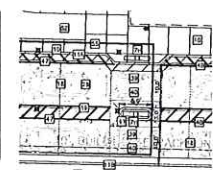
SITE PLAN DESIGN NOTES & KEY PLAN

- 1) DIRECTIONAL ARROW
 - 2) PAINTED HANGAR PARKING MARKS
 - 3) DRIVE-SHOU GRANITE
 - 4) STOP LINE GRAPHIC
 - 5) SIGNAGE PARKING (SEE LIST) FOR CODE
 - 6) SIGNAGE-NO-ENTRY-PARKING-SPACE
 - 7) 4" SOLID WHITE STRIPING
 - 8) 4" SOLID YELLOW STRIPING
 - 9) 4" SOLID WHITE STRIPING
 - 10) ROADWAY MOUNTED SIGN
 - 11) ADA ACCESSIBLE PARKING SIGN
 - 12) DIRECTIONAL SIGNAGE
- ALL SIGNS SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES BY THE U.S. DEPARTMENT OF TRANSPORTATION (SEE SIGN LEGEND) IN THIS SET (SEE SIGNAGE LEGEND, THIS SHEET)
- 13) CHICK-FIL-A PROP. SIGN SEE SIGNAGE PACKAGE
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PROJECT NOTES:

- ALL CONSTRUCTION FROM PUBLIC RIGHT-OF-WAY AND OR CONNECTION TO PUBLIC SEWER AND STREET SHALL COMPLY WITH THE CITY OF APPLETON STANDARD CONSTRUCTION SPECIFICATIONS.
- AT LEAST ONE AREA PRIOR TO ANY CONSTRUCTION WITHIN PUBLIC ROW / EASEMENTS AND/OR ANY CONNECTION TO PUBLIC SEWER AND STREET, THE CONTRACTOR SHALL CONTACT THE CITY TO OBTAIN APPLICABLE CITY PERMITS.
- ADDRESS/PO BOX NO. BE PROVIDED INTERNAL AND EXTERNAL TO THIS SITE.
- ALL CONCRETE CURBS & OUTLET SHALL BE 3" (88.13) UNLESS OTHERWISE NOTED ON THE PLANS.
- ALL PAVEMENT DIMENSIONS ARE MEASURED TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- ALL CONSTRUCTION MATERIALS, QUANTITIES, DETACHED TRAILERS OR SIMILAR ITEMS ARE PROVIDED ON PUBLIC STREETS OR WITHIN THE PUBLIC RIGHT-OF-WAY.



SIGN LEGEND

1	1A	SIGNAGE "THROTTLED" PARKING	8'-0" x 12' x 18" (TOP)
2	2A	SIGNAGE "15 MIN. FREE"	8'-0" x 12' x 18" (TOP)
3	3A	SIGNAGE "NO MOTOR VEHICLES"	8'-0" x 12' x 18" (TOP)
4	4A	SIGNAGE "TRUCKS/TRANSIT ONLY"	12' x 18" (TOP)
5	5A	SIGNAGE "VAN ACCESSIBLE" 8'-0" (SHALL BE MOUNTED WITH 4)	
6	6A	SIGNAGE "15 MIN"	8'-0" x 30" x 30" (TOP)

HATCH LEGEND

[Hatched Pattern]	SIGNAGE STIMULATED PAVEMENT SECTION
[Hatched Pattern]	SIGNAGE CONCRETE SECTION
[Hatched Pattern]	SIGNAGE PROP. GRANITE
[Hatched Pattern]	SIGNAGE AREA OF DEPRESSED VARIANCE
[Hatched Pattern]	SIGNAGE AREA OF DEPRESSED CURB AND OUTLET WITH LENGTH NOTED ON PLANS
[Hatched Pattern]	SIGNAGE REVERSE CURB & OUTLET

SITE DATA

- CITY PARCEL ID # PART OF 31044040 & 31044074
- ZONING C-2 (GENERAL COMMERCIAL DISTRICT)
- PROPOSED LOT SIZE 34,824 SQ. FT. (0.795 ACRES)
- PROPOSED PERMITS AREA 30,171 SQ. FT. (0.693 ACRES)
- PROPOSED IMPROVEMENT 24,954 SQ. FT. (0.571 ACRES)

BUILDING DATA:

- BUILDING FLOOR AREA 6,784 SQ. FT.
- NUMBER OF EMPLOYEES DURING LARGEST SHIFT = 15 EMPLOYEES
- NUMBER OF ADA SPACES = 1
- TOTAL NUMBER OF SEATS = 44
- TOTAL NUMBER OF SPACES OUTSIDE PARCEL REQUIRED = 18
- TOTAL NUMBER OF SPACES REQUIRED = 43
- TYPICAL PARKING WIDTH 9'-0"
- TYPICAL SPACING LENGTH 18'-0"
- MINIMUM WALK WIDTH 24'-0" (80')

PARKING DATA:

- ROUGH OF PROPOSED CITY PROPERTY LINES
- NUMBER OF REGULAR PARKING SPACES 24
- NUMBER OF ADA SPACES 1
- TOTAL NUMBER OF SPACES PROVIDED 25
- TOTAL NUMBER OF SPACES OUTSIDE PARCEL REQUIRED 18
- TOTAL NUMBER OF SPACES REQUIRED 43
- TYPICAL PARKING WIDTH 9'-0"
- TYPICAL SPACING LENGTH 18'-0"
- MINIMUM WALK WIDTH 24'-0" (80')

PARKING FORMULA (RESTAURANT - FAST FOOD)

- 1 PARKING SPACE FOR EACH 2 PERSONS ALLOWED SEATED ON MAXIMUM CAPACITY.
- 50% REQUIRED PARKING (22/2) = 43 SPACES



CHICK-FIL-A
 APPLETON NORTH (WI)
 1000 W. NORTHLAND AVENUE
 APPLETON, WI 54914

FSR# 05266

PRELIMINARY

DATE: 10/1/2014
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: CHICK-FIL-A
 SHEET: SITE PLAN
 C-200

EXTERIOR FINISHES



EAST PERSPECTIVE VIEW



SOUTH PERSPECTIVE VIEW



WEST PERSPECTIVE VIEW



NORTH PERSPECTIVE VIEW



PERSPECTIVE VIEW



SOUTH EXTERIOR ELEVATION



EAST EXTERIOR ELEVATION



PERSPECTIVE VIEW



NORTH EXTERIOR ELEVATION



WEST EXTERIOR ELEVATION



Chick-fil-A

Chick-fil-A
5200 Buffington Road
Atlanta, Georgia
30349-2959

CHICK-FIL-A
APPLETON NORTH FSU
1000 W NORTHLAND AVE
APPLETON, WI 54914

FSR#00000
ARCHITECTURE PROJECT
REVISIONS
DATE: 02/20/2014

PROJECT STATUS

DESIGN OVERVIEW	004
CONCEPT	001
SCHEMATIC	001
PRELIMINARY	001
PERMITTING	001
CONSTRUCTION	001

X-900

September 19, 2022
September 26, 2022
Acct. 17035

City of Appleton

NOTICE OF HEARING FOR VARIANCE

NOTICE IS HEREBY GIVEN that a meeting of the Board of Appeals, established under the provisions of Chapter 23 of the Ordinance, and known as the Zoning Ordinance, to be held on the 3rd day of October 2022, at 7:00 P.M., in Committee Room “6A/B”, 6th Floor, City Hall, 100 North Appleton Street, of the City of Appleton, Wisconsin, will be heard to consider the Appeal of:

from the ruling of the City Building Inspector in granting a permit for the construction, alteration, rebuilding, or occupancy of a nonconforming building on, or for the use of the property known and described as follows:

416 E. Haddonstone Dr.

Tax Key Number: 31-6-5105-00

The applicant proposes to install a pool that would increase the lot coverage to 55%. Section 23-92(g)(2) of the Zoning Ordinance limits lot coverage to a maximum of 40% in the R1A Zoning District.

Notice is further given that the said meeting is open to the public and that the appellant and any other person interested may appear and be heard for or against the granting of aforesaid permit by this Board.

CITY OF APPLETON,
Appleton, Wisconsin
The Board of Appeals

**REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES
WILL BE MADE UPON REQUEST AND IF FEASIBLE.**

September 19, 2022
September 26, 2022
Acct. 17035

City of Appleton

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from the ruling of the City Building Inspector in granting a permit for the construction, alteration, rebuilding, or occupancy of a nonconforming building on, or for the use of the property known and described as follows:

3223 E. Heidemann Dr
Tax Key Number: 31-4-6203-00

The applicant proposes to erect a fence that is eight (8) feet tall in the rear yard. Section 23-44(a)(1)(a) of the Zoning Ordinance requires fence height not to exceed six (6) feet in rear yard.

Notice is further given that the said meeting is open to the public and that the appellant and any other person interested may appear and be heard for or against the granting of aforesaid permit by this Board.

CITY OF APPLETON,
Appleton, Wisconsin
The Board of Appeals

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September 19, 2022
September 26, 2022
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from the ruling of the City Building Inspector in granting a permit for the construction, alteration, rebuilding, or occupancy of a nonconforming building on, or for the use of the property known and described as follows:

1040 E. Florida Ave

Tax Key Number: 31-1-5011-00

The applicant proposes to erect a six (6) foot fence on 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. The fence is in the vision corner. Section 23-50(g)(2) of the Zoning Ordinance limits fence height to three (3) feet in the vision corner.

Notice is further given that the said meeting is open to the public and that the appellant and any other person interested may appear and be heard for or against the granting of aforesaid permit by this Board.

CITY OF APPLETON,
Appleton, Wisconsin
The Board of Appeals

**REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES
WILL BE MADE UPON REQUEST AND IF FEASIBLE.**

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: September 20, 2022

RE: Variance Application for 1040 E. Florida Ave. (31-1-5011-00)

Description of Proposal

The applicant proposes to erect a six (6) foot fence on 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. The fence is in the vision corner. Section 23-50(g)(2) of the Zoning Ordinance limits fence height to three (3) feet in the vision corner.

Impact on the Neighborhood

In the application, the applicant states that the fence does not infringe on any major views, nor does it cause any traffic safety issues.

Unique Condition

In the application, the applicant states that the lot is irregular, and the backyard can be viewed by numerous neighbors.

Hardship

In the application, the applicant states that if they have to move the fence in any way, they will lose the use of the lot that they are accustomed to utilizing.

Staff Analysis

This lot is 14,842 sq. ft. The minimum size lot in the R1A zoning district is 8,000 sq. ft.

The fence was along the front property line. The fence could be moved back twenty (20) feet and the applicant could still utilize their back yard and be provided privacy. No hardship based on dimensional limitations was noted in the application. The review criteria has not been met.

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 August 29, 2022 Meeting Date September 19, 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) 1040 E FLORIDA AVE	Parcel Number 31-1-5011-00
Zoning District RIA	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name Michael Jameson	Owner Address 1040 E FLORIDA AVE APPLETON WI 54911
Owner Phone Number	Owner E Mail address (optional)
Agent Name Monica Baird Bailled	Agent Address 1040 E FLORIDA AVE APPLETON WI 54911
Agent Phone Number 715-340-8825	Agent E Mail address (optional) Moniema88@gmail.com

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-44(a)(1)(a) Fence may be no higher than three (3) feet in the front yard setback. Section 23-50(g)(2) Fence erected in vision corner of private drive may be no higher than three (3) feet.
Brief Description of Proposed Project Erect a six (6) foot fence on the front property line. Section 23-44(a)(1)(a) of the Zoning Ordinance requires that fences in the front yard setback are no higher than three (3) feet. Erect a six (6) foot fence in the vision corner of a private drive. Section 23-50(g)(2) of the Zoning Ordinance limits fences in the vision corner to three (3) feet.

Owner's Signature (Required): *Michael Jameson* Date: *8/29/22*

Recp 3983-0003

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

Please See Attached

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:
2. Describe how the variance would not have an 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:
4. Describe the hardship that would result if your variance were not granted:

Monday, August 29th, 2022

Application Deadline: August 29th, 2022

Meeting Date: September 19, 2022 (Subject to Change)

City of Appleton Application of Variance Fence Questionnaire Answers

- **Address of Property (Variance Requested):**
 - 1040 E Florida Ave., Appleton, WI 54911
- **Use of Property**
 - Residential
- **Parcel Number:**
 - 31-1-5011-00
- **Zoning District:**
 - R1A

Applicant Information:

Owner: Michael Jameson.
Owner Address: 1040 E Florida Ave, Appleton, WI 54911
Owner Phone No.: 714-498-1218
Owner Email Address: shaqman@icloud.com

Agent Name: Monica Baillod
Agent Address: 1040 E Florida Ave., Appleton, WI 54911
Agent Phone No.: 715-340-8825
Agent Email Address: moniemae88@gmail.com

Please see Public Works Worksheet for Variance Information such as:

- *Municipal Code Section(s) / Project Compliancy*
- *Brief Description of Proposed Project*
- *Questionnaire*
 - *Please see attached sheets for Questionnaire answers*

1: The proposed plan is to keep the property's fence as is. This variance is being requested because as homeowners we did do our due diligence in regards to taking all mandatory and necessary steps prior to building the fence. We were sure we were under full compliance with the City of Appleton. We first had the land of the property surveyed by Carlow Land Surveying Co., Inc. to be definite and assured as to the legal boundaries of the address that pertains to this application for variance. When we were in the process of shopping for our forever home, we took into consideration at each property we looked at in terms of the lot size, especially the backyard, where we would be spending the majority of our time as a family. The yard, especially the backyard, was just as important to us as the house itself, because we already had plans to make our back yard somewhat of a serene getaway. Two large requirements of our home buying process included both security and privacy. We asked our real estate agent about installing a privacy fence on the lot of this property and she insured us there were no legal reasonings as to why we shouldn't be able to (unlike the block across the street from us on Marnie Lane) and there weren't any legal limitations in doing so. She knew from the beginning of our homebuying process we were planning on emplacing a pool in our backyard. For insurance purposes a fence is necessary when obtaining a pool. Again, we were under the impression we were being compliant with building a fence. We asked certain compliance questions to the real estate agent (she answered to the best of her ability), the fence builders and surveyor, and yet not one person notified us that we were placing our fence onto our "front yard". We even brought our fence in further in from the street (15 feet) to make sure we were being more than compliant. Please note there is not a sidewalk on our side of the street on neither E. Florida Ave. nor Marnie Lane. The day of our build date of our fence our builders from Crown Fencing wasn't able to commence building until after noon although they were scheduled to start at 8:00 am. This is because we received a phone call from the city of Appleton due to our neighbors having

reservations as to where the legal lot lines were although we had our land surveyed. I, Monica Bailod, spoke with the City of Appleton's Inspection Supervisor, Kurt W. Craanan several times prior to the builders started to build the fence. Kurt explained he needed the lot drawings from the Surveyor we hired prior to him signing off on the permit. Once Carlow Land Surveying Co. provided Kurt Craanan with all the necessary paperwork he had asked for, he himself signed off on the permit and the fence builders started their job sometime after noon. So you can see it was a surprise to us when he showed up to our home more than several weeks later letting us know we were not in compliance when he himself signed off on the permit. We were very confused as to how this part of our yard could be considered part of our front yard when to the eye it very much resembles the back yard, not to mention not a single person involved let us know this portion of the yard was considered to be part of the front yard; not the real estate agent who sold us the house, not the fencing company who could have mentioned something from the start of the estimate portion of our workings, and not even the City of Appleton's Inspection Supervisor who signed off on the permit - who was reluctant to do so until he felt he had all necessary documentation. We would definitely have maybe perused buying a different property altogether if we would have known we would have major limitations due to what the city considers what part of our yard to be the front yard and the backyard, especially when this part of the yard most certainly appears to be part of the backyard with it being off of Marnie Lane, along with being completely separated by both our garage and driveway, which is in contact of the front yard, located on E. Florida Ave. Our front door and our mailbox is on E. Florida Ave. Our walkway/sidewalk from our front door to our mailbox is 38' long; you actually cannot see the fence at all while standing at our mailbox in our front yard located on E. Florida Ave. We share four children; a 7 year old daughter, a 9 year old son, a 13 year old daughter and 14 year old son. We also share two dogs, a miniature Sheltie and a Lab Retriever, and they love the freedom of a yard to

freely roam around in. In addition, we utilize all of the yard that is fenced in. We currently have a large trampoline, we play badminton and volleyball. We love to play corn hole and croquet. We grill out several nights a week and eat at our outdoor dining set. We have a large deck and patio. We have a large, beautiful and mature Maple tree with a landscaped circumference of 11' surrounding it, which is located about 28' from the left side of our garage and 5' from the right of our patio; this tree alone takes up a major footprint of our backyard. So with the deck, patio, landscaping around our maple tree, our hot tub, trampoline/other backyard toys, and our soon to be installed 24' round pool, we won't have much grassy backyard for our family to safely enjoy and with the privacy we seek. There is both a church and a school down both blocks, therefore; we believe privacy is not only valued by our family but by our neighbors and community as well.

2: We have had many neighbors, with the exception of one, welcome the fence along with the other outdoor home improvements that has been added to the lot (12) with the intent to provide pleasant aesthetics to the appearance of both the house and the lot. These updates, including the fence, doesn't infringe on any major views nor does it cause any traffic safety issues or concerns. Not one of our neighbors have complained about our fence in any way; in fact we have had many neighbors come up to us and complement us on the fence letting us know that they think the fencing company (Crown Fencing, LLC.) did a very nice job. Please note that our neighbor who did have reservations about our fence did so due to the fact that they believed our surveyor was incorrect in regards to the final outcome of the legal lot lines provided by the surveyor we hired. They have since hired their own surveyor and we have not heard a word from them on the matter since.

3: Our lot is larger on Marnie Ave. and the street starts a curve about halfway up our lot. Florida Ave. makes a hard turn just east of our property. This makes the configuration of the neighborhood/city block a bit irregular. Being it is the southwest corner and based on the design of the streets, this lot has a much more wide open viewpoint and exposure to more homes than any other property on our block and in our neighborhood entirely. Not only is our entire yard visible to our several neighbors, but it is visible to anyone and everyone who drives and/or walks down either E. Florida Ave and/or Marnie Lane. Without the privacy fence, our backyard is wide open and viewable to seven different neighbors from all sides of our home, including the back of our home as well: the surveying plan clearly exhibits. Our home is on lot 12; if you look at the surveyor's blueprint, you will notice how many other lots who have visible viewpoints that stairs straight into the back of our yard which is a concern for the safety and privacy to our children.

4: The main hardship of having to move our fence in any way will be the loss of the utility of the lot we are already accustomed to utilizing. We will not be able to have the utility of the lot as we anticipated when we purchased the house/land.

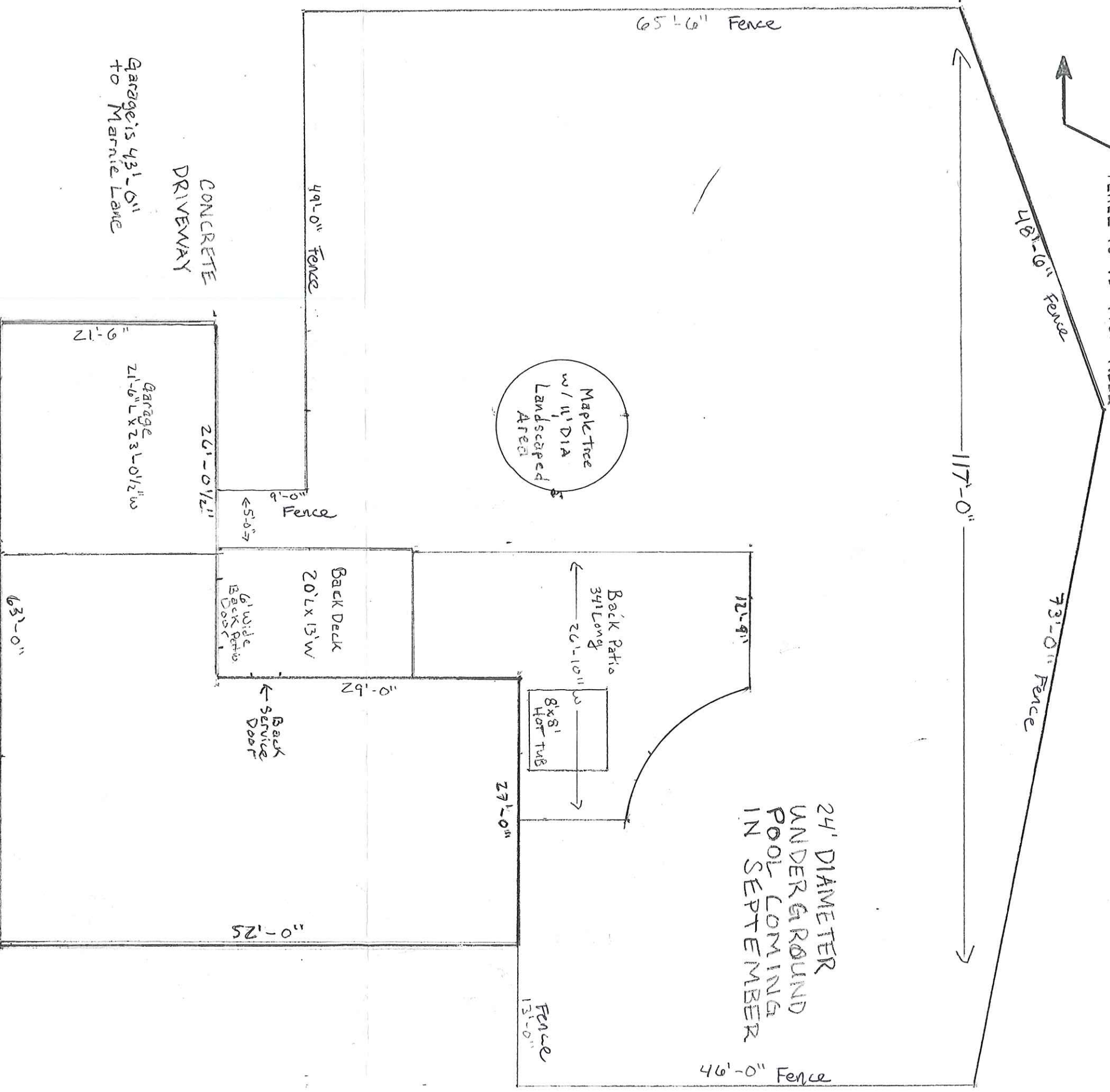
- ie:

- Soon, half the backyard will be taken up by a swimming pool, concrete apron and the landscaped tree. The pool was planned during the home buying process. There was once a pool placed exactly where we are placing ours. Unfortunately, the previous owners took the pool out and filled it in. However, they left the necessities, such as a concrete apron, natural gas and adequate electrical components.

-Once granted the permit for the fence, we then planned out the grassy part of the backyard for a trampoline, badminton net, volleyball net, swing set and next summer a vegetable garden. The dogs won't have nearly as much room to roam and do their "business".

- We very much wanted to provide our four children a private place to play at home while feeling safe in the process. Not only are they active children, but we are an active family who likes to play catch, corn hole, croquet, badminton, etc. together. Our 7 year old daughter is very much into gymnastics and is all over the yard performing her "moves". If we have to move our fence we are completely taking away the lifestyle we have been living since we've erected our fence because we will be losing much of the grassy area where we share these activities together.

MARNIE LANE
Fence is 15' from Road



FRONT YARD

BAILLOD/JAMESON RESIDENCE
1040 E. FLORIDA AVE
APPLETON, WI 54911

E. FLORIDA AVE.
SCALE: 3/32" = 1'-0"

13

11

BLOCK 9

12

13,710 SQ.FT.
[0.3147 ACRES]

DOCUMENT NO.
2267502

N28°39'28"E
50.000'

8'±

N63°44'40"E

74.714'

1.6'±

S38°09'44"E

0.2'±

120.000'

RADIUS = 760.00'
CHORD =

CURVE 1

N47°35'11"W

87.727'

RADIUS = 760.00'
DELTA = 7°09'43"
ARC LENGTH = 95.00'
CHORD = S48°15'24.5"W 94.938'

MARNIE LANE

EAST FLORIDA AVENUE

LANDSCAPING

DECORATIVE FENCE

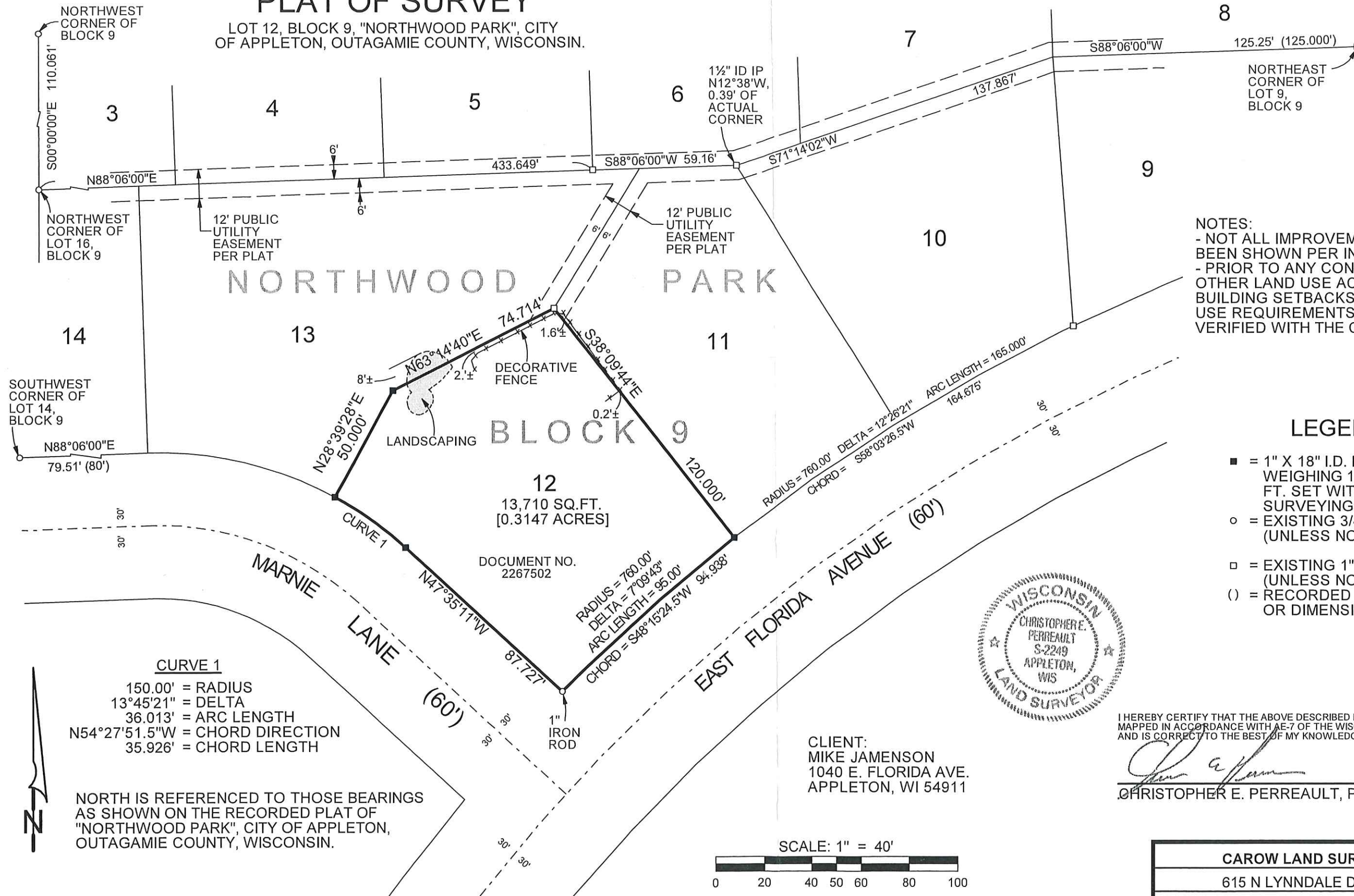
2.1'±

1
RADIUS
DELTA

(6)

PLAT OF SURVEY

LOT 12, BLOCK 9, "NORTHWOOD PARK", CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



NORTH IS REFERENCED TO THOSE BEARINGS AS SHOWN ON THE RECORDED PLAT OF "NORTHWOOD PARK", CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

CAROW LAND SURVEYING CO., INC.		
615 N LYNNDAL DR., PO BOX 1297		
APPLETON, WI 54912-1297		
DATE: 5/23/2022	SCALE: 1" = 40'	DRAWN BY: CP