



City of Appleton

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

Meeting Agenda - Final Board of Zoning Appeals

Monday, May 15, 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
[23-0483](#) Minutes from March 20, 2023

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

5. Public Hearing/Appearances

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](#)

[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](#)

[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](#)

[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](#)

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
www.appleton.org

Meeting Minutes - Final Board of Zoning Appeals

Monday, March 20, 2023

7:30 PM

6th Floor Council Chambers

1. Call meeting to order

Meeting called to order by Engstrom at 7:10 pm.

2. Roll call of membership

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

Excused: 1 - McCann

3. Approval of minutes from previous meeting

[23-0242](#)

Minutes from February 20, 2023

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

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

Aye: 4 - Sperl, Cain , Loosen and Babbitts

Excused: 1 - McCann

Abstained: 1 - Engstrom

4. **Public Hearings/Appearances**

*Dan Frost
Cynthia Simon
Vered Meltzer- Dist. 2 Alderperson*

5. **Action Items**

[23-0238](#)

1000 W. Northland Ave. (31-5-9494-00) The applicant proposes to build a detached accessory structure (canopy) in the required front yard, eight (8) feet, seven (7) inches from the front property line. Section 23-43(f)(2)(e) of the Zoning Ordinance prohibits accessory structures in the front yard.

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

Sperl moved, seconded by Babbitts, that the request regarding 23-43(f) be approved. Roll Call. Motion carried 4-0, McCann excused, Engstrom abstained. Cain moved, seconded by Sperl that the request regarding 23-47(a) be approved. Roll Call. Motion carried by the following vote:

Aye: 4 - Sperl, Cain , Loosen and Babbitts

Excused: 1 - McCann

Abstained: 1 - Engstrom

[23-0239](#)

416 E. Haddonstone Dr. (31-6-5105-00) The applicant proposes to install a pool that would increase the lot coverage to 46.4%. 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.pdf](#)

Cain moved to approve at 50% lot coverage, seconded by Sperl, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 4 - Sperl, Cain , Loosen and Babbitts

Excused: 1 - McCann

Abstained: 1 - Engstrom

[23-0240](#)

2626 S. Oneida St. (31-9-4374-01) The applicant proposes to replace a large section of an existing sign. The total area of the proposed sign would be two hundred and seven (207) sq. ft. Section 23-523(a) of the Zoning Ordinance limits the area of a ground sign to one hundred and fifty (150) sq. ft.

Attachments: [2626 S. Oneida St.pdf](#)

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

Nay: 4 - Engstrom, Sperl, Cain and Loosen

Excused: 1 - McCann

Abstained: 1 - Babbitts

[23-0241](#)

602 N. Lawe St. (31-1-0256-00) The applicant proposes to change from residential to a commercial (tavern) with a maximum capacity of forty-nine (49). The proposed plan has three (3) parking spaces. Section 23-172(m) of the Zoning Ordinance requires tavern uses to provide one

(1) parking space for each three (3) persons allowed based on maximum capacity. Seventeen (17) parking spaces are required.

Attachments: [602 N. Lawe St.pdf](#)

Cain moved, seconded by Loosen, that the Report Action Item be approved.

Roll Call. Motion carried by the following vote:

Aye: 4 - Sperl, Cain , Loosen and Babbitts

Excused: 1 - McCann

Abstained: 1 - Engstrom

6. Information Items

7. Adjournment

A motion was made by Sperl, seconded by Loosen, that the meeting be adjourned at 9:22 pm. The motion carried by the following vote:

Aye: 4 - Sperl, Cain , Loosen and Babbitts

Excused: 1 - McCann

Abstained: 1 - Engstrom

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) 100 W. Wisconsin Ave.	Parcel Number 31-6-0576
Zoning District C2	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>

Applicant Information	
Owner Name CHAD LECAPITAINE LLC	Owner Address 925 W. Lindbergh St. Appleton, WI 54911
Owner Phone Number 920-378-5468	Owner E Mail address (optional) Captianchad302@gmail.com

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-66(h)(5)(b)- Perimeter landscaping buffering and setbacks
Brief Description of Proposed Project 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. Section 23-66(h)(5)(b)(2)(ii) of the Zoning Ordinance requires landscaping adjacent to the right of way. The plan provides ** parking spaces. Section 23-172(m) of the Zoning Ordinance requires ** customer parking spaces and ** total parking spaces.

Recp 4964-0003

Owner's Signature (Required):  Date: 4-24-2023

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 pavement is existing on the property and fits with the surrounding area. Also, I need the area to park cars that are being repaired, sold and/or serviced. I want to use the property as it was previously.
2. Describe how the variance would not have an adverse impact on the surrounding properties:
It is how the property was being used previously and I just want to maintain the current use. I need the area south of the building to advertise autos that are for sale.
3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures:
The houses to the north and west are rental houses. The house to the north has existing gravel that extends up to the property line.
4. Describe the hardship that would result if your variance were not granted:
I would need to remove existing impervious surface and I would lose the area for parking spaces that were planned due to the existing impervious surface.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: April 26, 2023

RE: Variance Application for 100 W. Wisconsin Ave. (31-6-0576-00)

Description of Proposal

The applicant proposes to begin selling vehicles at this location and provide no landscape buffering or vegetation. Section 23-66(h)(5)(b)(1) of the Zoning Ordinance requires a five (5) foot wide buffer along the side and front yards and Section 23-66(h)(5)(b)(2)(ii) of the Zoning Ordinance requires landscaping in front yard that includes evergreens and shrubs across eighty (80%) percent of lot frontage.

Impact on the Neighborhood

In the application, the applicant states that it is how the property was being used previously and he just wants to maintain the current use. He needs the area south of the building to advertise autos for sale.

Unique Condition

In the application, the applicant states that the houses to the north and west are rentals and the house to the north has gravel that extends up to the property line.

Hardship

In the application, the applicant states that if the variance is not granted, he would need to remove existing impervious surface and would lose the area for parking spaces that were planned, due to the existing impervious surface.

Staff Analysis

This parcel is 14,721 sq. ft. The minimum size of a lot allowed in the C2 zoning district is 14,000 sq. ft. This is not an unusually small lot.

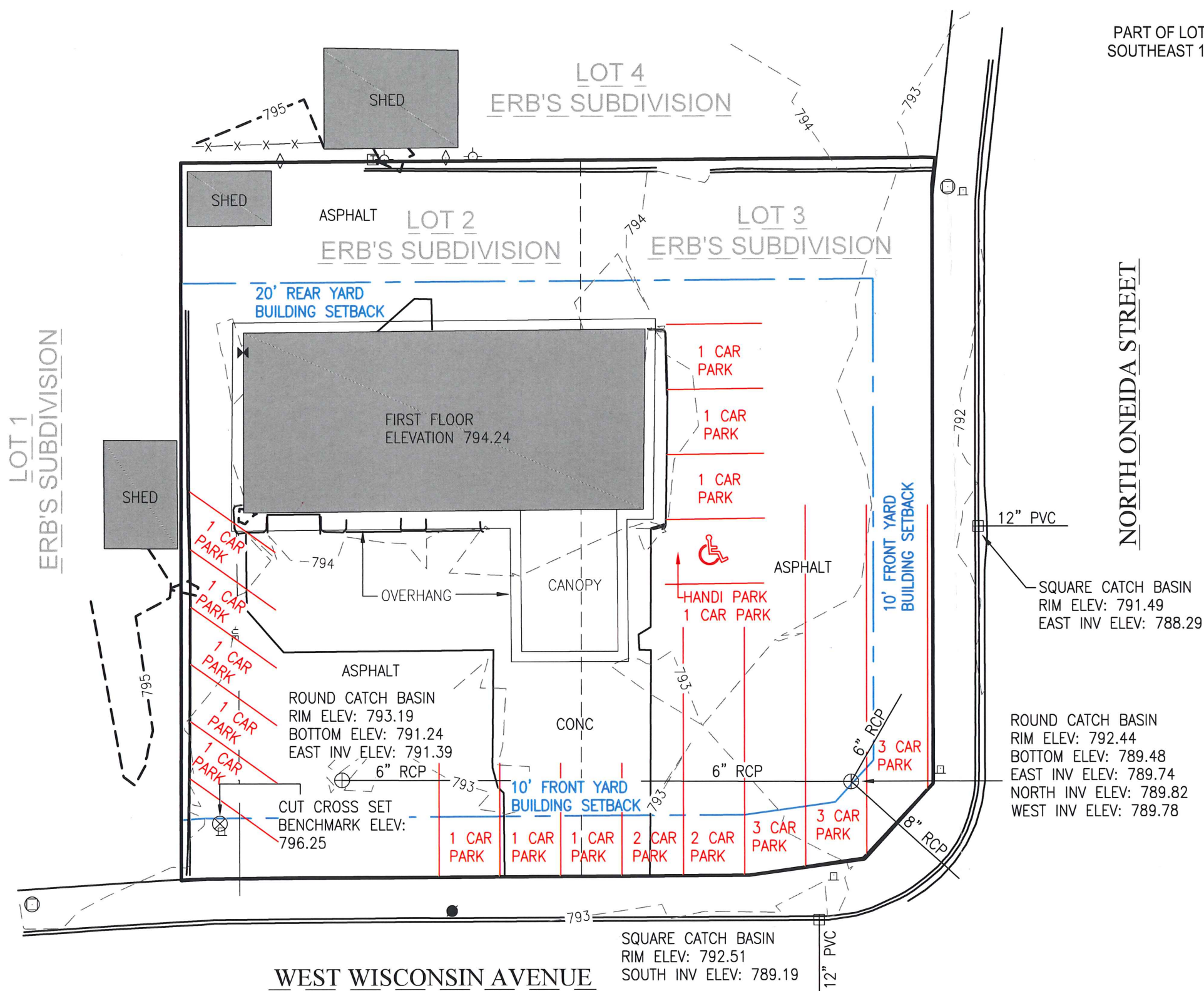
The property has been used as a repair and towing company for many years. It has not been licensed for auto display and sales in the past. The owner is proposing to sell vehicles and is required to obtain a special use permit from the City of Appleton. Because of this change, compliance with the landscape buffering standards is required. The owner is proposing this change. Therefore, any hardship is self- created.

The minimum number of required parking spaces for the use of the property for auto sales is six (6) spaces. These are spaces not to be used for display of vehicles for sale.

Based on the information available, the applicant has not met the review criteria for a variance because no hardship has been identified due to the dimensional limitations of the lot.

"SITE PLAN"

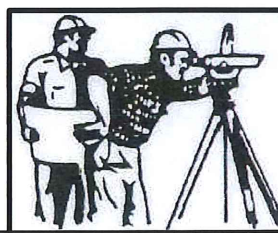
PART OF LOT 2 AND LOT 3 OF THE RECORDED PLAT "ERB'S SUBDIVISION" LOCATED IN PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN
 PARCEL NUMBER: 316057600



LEGEND:

- ⊕ = STORM CATCH BASIN
- = CURB STOP
- ⊗ = CUT CROSS SET
- ⋈ = GAS METER
- ◇ = DOWN GUY
- = POWER POLE
- = TELEPHONE PEDESTAL
- ▣ = SIGN/TRAFFIC LIGHT
- ⊙ = FIBER OPTIC MANHOLE
- x- = EXISTING FENCE
- ♿ = HANDICAP

Scale: 1" = 20'



CAROW LAND SURVEYING CO., INC.

615 N. LYNNDALE DRIVE, P.O. BOX 1297
 APPLETON, WISCONSIN 54912-1297
 PHONE: (920)731-4168 FAX: (920)731-5673

SCALE	1" = 20'
DRAWN BY	fnz-an TJS
PROJECT NO.	A2304.11

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) 100 W. Wisconsin Ave.	Parcel Number 31-6-0576
Zoning District C2	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>

Applicant Information	
Owner Name CHAD LECAPITAINE LLC	Owner Address 925 W. Lindbergh St. Appleton, WI 54911
Owner Phone Number 920-378-5468	Owner E Mail address (optional) Captianchad302@gmail.com

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-66(h)(5)(b)- Perimeter landscaping buffering and setbacks
Brief Description of Proposed Project 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. Section 23-66(h)(5)(b)(2)(ii) of the Zoning Ordinance requires landscaping adjacent to the right of way. The plan provides ** parking spaces. Section 23-172(m) of the Zoning Ordinance requires ** customer parking spaces and ** total parking spaces.

Recp 4964-0003

Owner's Signature (Required):  Date: 4-24-2023

Return to: Department of Public Works
Inspection Division
100 North Appleton Street
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Questionnaire

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The pavement is existing on the property and fits with the surrounding area. Also, I need the area to park cars that are being repaired, sold and/or serviced. I want to use the property as it was previously.
2. Describe how the variance would not have an adverse impact on the surrounding properties:
It is how the property was being used previously and I just want to maintain the current use. I need the area south of the building to advertise autos that are for sale.
3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures:
The houses to the north and west are rental houses. The house to the north has existing gravel that extends up to the property line.
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I would need to remove existing impervious surface and I would lose the area for parking spaces that were planned due to the existing impervious surface.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: April 26, 2023

RE: Variance Application for 100 W. Wisconsin Ave. (31-6-0576-00)

Description of Proposal

The applicant proposes to begin selling vehicles at this location and provide no landscape buffering or vegetation. Section 23-66(h)(5)(b)(1) of the Zoning Ordinance requires a five (5) foot wide buffer along the side and front yards and Section 23-66(h)(5)(b)(2)(ii) of the Zoning Ordinance requires landscaping in front yard that includes evergreens and shrubs across eighty (80%) percent of lot frontage.

Impact on the Neighborhood

In the application, the applicant states that it is how the property was being used previously and he just wants to maintain the current use. He needs the area south of the building to advertise autos for sale.

Unique Condition

In the application, the applicant states that the houses to the north and west are rentals and the house to the north has gravel that extends up to the property line.

Hardship

In the application, the applicant states that if the variance is not granted, he would need to remove existing impervious surface and would lose the area for parking spaces that were planned, due to the existing impervious surface.

Staff Analysis

This parcel is 14,721 sq. ft. The minimum size of a lot allowed in the C2 zoning district is 14,000 sq. ft. This is not an unusually small lot.

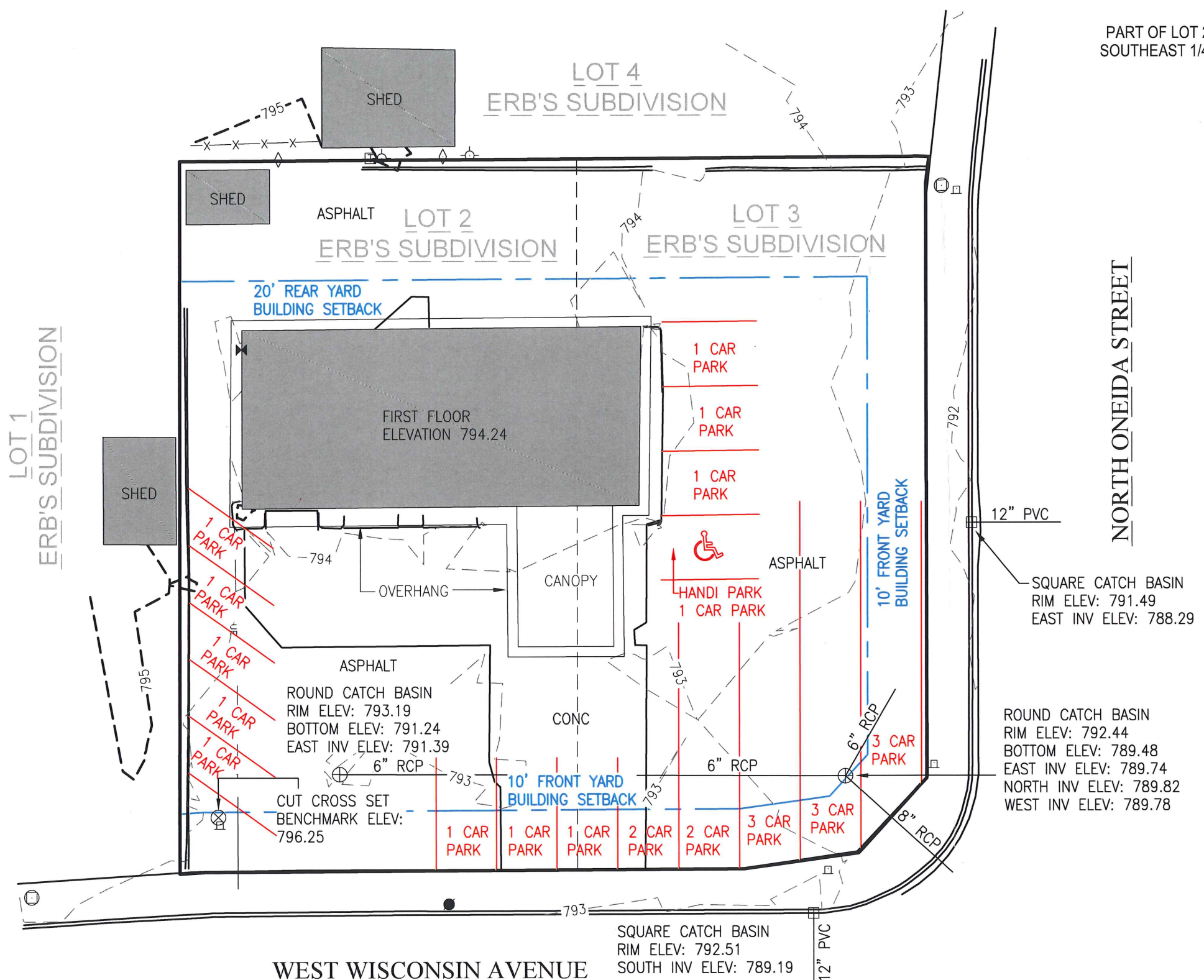
The property has been used as a repair and towing company for many years. It has not been licensed for auto display and sales in the past. The owner is proposing to sell vehicles and is required to obtain a special use permit from the City of Appleton. Because of this change, compliance with the landscape buffering standards is required. The owner is proposing this change. Therefore, any hardship is self- created.

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Based on the information available, the applicant has not met the review criteria for a variance because no hardship has been identified due to the dimensional limitations of the lot.

"SITE PLAN"

PART OF LOT 2 AND LOT 3 OF THE RECORDED PLAT "ERB'S SUBDIVISION" LOCATED IN PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN
 PARCEL NUMBER: 316057600



LEGEND:

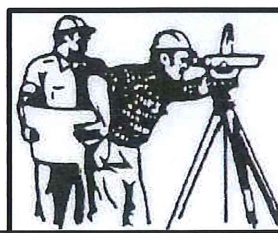
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- = EXISTING FENCE
- ♿ = HANDICAP

20 0 20 40 60

Scale: 1" = 20'

NORTH ONEIDA STREET

WEST WISCONSIN AVENUE



CAROW LAND SURVEYING CO., INC.

615 N. LYNNDALE DRIVE, P.O. BOX 1297
 APPLETON, WISCONSIN 54912-1297
 PHONE: (920)731-4168 FAX: (920)731-5673

SCALE	1" = 20'
DRAWN BY	fnz-an TJS
PROJECT NO.	A2304.11

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) 702 E. Wisconsin Ave.	Parcel Number 31-6-0478-00
Zoning District C2	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>

Applicant Information	
Owner Name RJK LLC	Owner Address 702 E WISCONSIN AVE APPLETON WI 54911
Owner Phone Number 920-707-3660	Owner E Mail address (optional) derksconst@sbcglobal.net
Agent Name James Derks	Agent Address 715 E Hancock St Appleton, WI 54911
Agent Phone Number 920-707-3660	Agent E Mail address (optional)

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-113(h)(2)- Lot coverage exceeding 75%
Brief Description of Proposed Project Proposed project to add paver area will increase lot coverage to ____%,. Section 23-113(h)(2) of the Zoning Ordinance limits maximum lot coverage to 75%.

Owner's Signature (Required): James F. Derks Date: 4-18-23

Recp 4964-0005

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:

Our plan is to remove non growing grass area because of large cedar tree line on west side, which are owned by Fox Communities Credit Union. These trees do not allow proper sun to allow the grass to grow. Also, the tree on our property will be removed because the root system from the tree starves areas of the lawn. Removal of this tree and grass would allow us to install pavers. A variance is needed because we will be less that 25% of the required green space.

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

There are 2 areas which butt with our property. Fox Communities Credit Union on the west side which is a tree line and parking lot. On the north side are residential homes. Our proposed pavers will be pitched from the west to the east, which on the east side is our parking lot with its own 10" sewer drain. Conclusion would be all the water run off would be on our property going into our parking lot, thus doing no damage to the neighbors' properties.

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

Special conditions are we are in the service industry. We are a Bar & Grill in a building that was built in 1900 and has always been a bar establishment. It is part of Appleton's history and we want to maintain and cherish that history. We also have a 10" storm drain in our parking lot so not water will run off to the neighboring property.

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

Without the variance, our non grassy area becomes muddy and washes into our parking lot storm sewer which could cause an environmental issue. We have tried to grow grass in this area, but with the large trees surrounding the lot, the grass will not grow. Removing the grass and installing pavers would be the best use of this space and prevent the mud from draining into the storm sewers. The grass area used to be a gravel parking lot which could also be part of the reason the grass does not want to grow properly.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: April 26, 2023

RE: Variance Application for 702 E. Wisconsin Ave. (31-6-0478-00)

Description of Proposal

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%.

Impact on the Neighborhood

In the application, the applicant states that the proposed pavers would be pitched to the east and west and the east side has a 10" sewer drain, so the water run off would stay on their property and not impact the neighboring properties.

Unique Condition

In the application, the applicant states this building was built in 1900 and has always been a bar establishment and is a part of Appleton's history. The applicant also states there is a 10" storm drain in their parking lot.

Hardship

In the application, the applicant states that without this variance the non-grassy area becomes muddy and washes into the parking lot storm sewer. Attempts to grow grass have failed because of the large trees in the area.

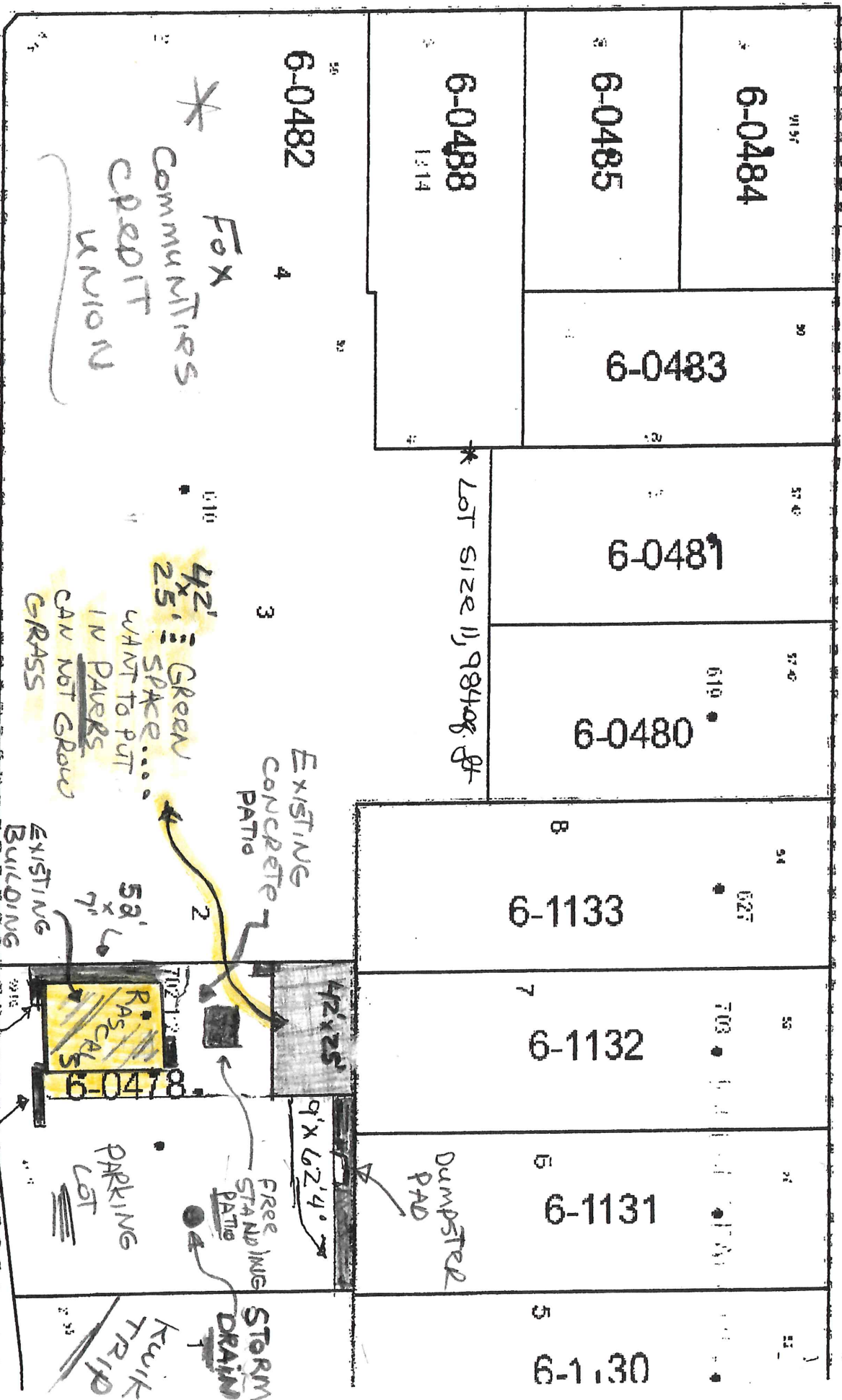
Staff Analysis

This parcel is 12,136 sq. ft. The minimum size lot in the C2 zoning district is 14,000 sq. ft. This lot is a nonconforming lot of records because the size of the lot is below the minimum permitted size in the C2 zoning district. Regardless, this is a self-created hardship because the owner is choosing to make this change by adding impervious service.

* 702 E. WISCONSIN AVE. APPLETON
RASCALS BAR

RJK LLC.

RANDALL ST
JIM DERKS
920. 707. 3660



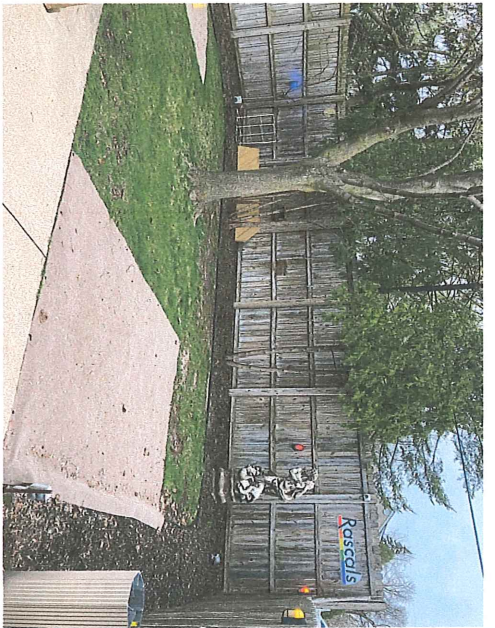
Green Space 1841 sq Ft. WISCONSIN AVE.

Green Space w/ 42' x 25' area - 1050 Sq. Ft.

CHANGE TO PAVERS

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community.

Outagamie County GIS



Return to: Department of Public Works
 Inspection Division
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 Appleton, Wisconsin 54911
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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) 1619 E PAULINE ST	Parcel Number 31-1-2375-00
Zoning District C2	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>

Applicant Information	
Owner Name JO ANN FIDIKA	Owner Address 1619 E PAULINE ST APPLETON WI 54911
Owner Phone Number 920-574-0471	Owner E Mail address (optional) zorrofid@gmail.com
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-44(a)(1)(a) Fence height may not exceed six (6) feet.
Brief Description of Proposed Project Proposed project is to maintain a fence that extend to seven (7) feet in height. Section 23-44(a)(1)(a) of the zoning ordinance limits fence height to six (6) feet in height.

Owner's Signature (Required): *Joann K Fidika* Date: 4-24-23

Recp 4964 -0006

The complaint was Nuisance related because Luke Chandava's got 2 citations for \$300 + \$700 and

I got a restraining order on him. The one foot lattice keeps him away from me - he's crazy, pouring all the mouth

Please protect me with this variance

Return to: Department of Public Works
Inspection Division
100 North Appleton Street
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The neighbor shoots gravel over the fence, pelting my siding.

Questionnaire

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Never in 34 years was a complaint
20 years being there
Neighbor being from a nuisance
The fence protects my sanity

1. Explain your proposed plans and why you are requesting a variance:
You say I'm on city property by 1 1/2 feet. 2 fence companies put the fence there for 34 years without a problem
2. Describe how the variance would not have an adverse impact on the surrounding properties:
Wont affect anyone - its been there 34 years + gives the neighborhood a nice appearance. It even gives more VALUE
3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures:
Neighbor's house is too close - he can look right into my kitchen & dining room. Neighbor threatens me and has ripped off boards of 6' fence. Then he tried to pound them back on. The one foot of lattice protects my privacy
4. Describe the hardship that would result if your variance were not granted:
The six foot fence with 1 foot of lattice protects my privacy - keeps him from shooting gravel pelting my siding. He has threatened my life with a power drill in my face! There have been 8 police reports in the past 6 months all of my fence whether 3 foot or 7 foot (1 foot of lattice) and it should keep him on his side of fence Plus it would ruin the beauty of both properties and other neighbors like this fence as it is. Please don't just follow the letter of the law - please give me an exception

I was never aware it was problem

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: April 26, 2023

RE: Variance Application for 1619 E. Pauline St. (31-1-2375-00)

Description of Proposal

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.

Impact on the Neighborhood

In the application, the applicant states that the fence won't affect anyone, it has been there for thirty-four (34) years and gives the neighborhood a nice appearance and value.

Unique Condition

In the application, the applicant states that the neighbor's house is too close and the tenant can look right in her kitchen and dining room. The applicant states that the one (1) foot of lattice protects her privacy.

Hardship

In the application, the applicant states that her neighbor is harassing her and threatening her and that the fence protects her safety and privacy.

Staff Analysis

The applicant has not identified any aspect of the property or dimensional limitations of the property that constitutes a hardship. The relationship between neighbors or actions of individuals should not be considered a hardship. The applicant has not met the review criteria for a variance.