



City of Appleton

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

Meeting Agenda - Final Board of Zoning Appeals

Monday, October 21, 2024

7:30 PM

Council Chambers, 6th Floor

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

[24-1263](#) Minutes from June 17, 2024

Attachments: [Meeting Minutes June 17, 2024.pdf](#)

5. Public Hearing/Appearances

6. Action Items

[24-1264](#) **232 E. Stratford La (31-6-5801-72)** The applicant proposes to erect a six (6) foot fence one (1) foot from the front property line along N. Haymeadow Ave. Section 23-44(a)(1)(a) of the Zoning Ordinance limits the height of fences in the front yard setback to three (3) feet.

Attachments: [232 E. Stratford Ln.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.



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Meeting Minutes - Final Board of Zoning Appeals

Monday, June 17, 2024

7:00 PM

Council Chambers, 6th Floor

1. Call meeting to order

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

2. Pledge of Allegiance

3. Roll call of membership

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

Excused: 1 - Loosen

4. Approval of minutes from previous meeting

[24-0809](#)

Minutes from May 20, 2024

Attachments: [Minutes from May 20, 2024.pdf](#)

Engstrom made motion to amend the end time to 7:56 pm as start time was 7:30 pm

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

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

Excused: 1 - Loosen

5. **Public Hearing/Appearances**

*Mark Sartorelli
Joe Steffens*

6. **Action Items**

[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](#)

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 Babbitts

Excused: 1 - Loosen

Abstained: 1 - McCann

[24-0810](#)

924 N. Leminwah St. (31-1-1058-00) The applicant proposes to construct an attached garage addition to the principal building that would be one and one half (1.5) 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](#)

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

Nay: 4 - Engstrom, Sperl, Cain and Babbitts

Excused: 1 - Loosen

Abstained: 1 - McCann

[24-0811](#)

1006 N. Linwood Dr. (31-5-0072-00) The applicant proposes to construct a detached garage five (5) feet from the front property line on Badger Ave. and Linwood Dr. Section 23-43(f)(1)(e) of the Zoning Ordinance prohibits accessory buildings in the front yard.

Attachments: [1006 N. Linwood Dr.pdf](#)

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

Aye: 4 - Engstrom, Sperl, Cain and Babbitts

Abstained: 1 - McCann

[24-0814](#)

1006 N. Linwood Dr. (31-5-0072-00) The applicant proposes to construct a detached garage five (5) feet from the front property line on Badger Ave. and Linwood Dr. Section 23-93(g)(4) of the Zoning Ordinance requires a twenty (20) foot front yard setback.

Attachments: [1006 N. Linwood Dr.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

[24-0812](#)

Election of Chair

**Sperl moved, seconded by Engstrom to approve Paul McCann as chair of BOZ.
Roll call. Motion carried by the following vote:**

Aye: 4 - Engstrom, Sperl, Cain and Babbitts

Excused: 1 - Loosen

Abstained: 1 - McCann

[24-0813](#)

Election of Vice Chair

McCann moved, seconded by Sperl, to approve Scott Engstrom as vice chair of BOZ. Roll Call. Motion carried by the following vote:

Aye: 4 - McCann, Sperl, Cain and Babbitts

Excused: 1 - Loosen

Abstained: 1 - Engstrom

7. Information Items

8. Adjournment

A motion was made by Cain, seconded by Sperl, that this meeting be adjourned at 8:03 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 Public Works
Inspection Division
100 North Appleton Street
Appleton, Wisconsin 54911
(920) 832-6411

City of Appleton Application for Variance

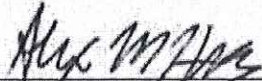
Application Deadline Meeting Date

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 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) 232 E Stratford Ln	Parcel Number 316580172
Zoning District R1B	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name Alex and Alyssa Haas	Owner Address 232 E Stratford Ln
Owner Phone Number 920-284-4960	Owner E Mail address (optional) amhaas2@gmail.com
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)

Variance Information
Municipal Code Section(s) Project Does not Comply Sec 23-44: proposed fence to exceed 3ft within 20ft setback area
Brief Description of Proposed Project Proposal is to upgrade current 3ft cedar fence to 6ft cedar fence within 1ft from adjacent sidewalk of (functional backyard) front yard of the corner lot. Owner would ideally like a 6ft fence all the way up to the 25ft Vision Corner, but the minimum variance request is to build the 6ft fence up to a 73ft distance from the intersecting sidewalk, which aligns with the back side of the house (extended).

Owner's Signature (Required):  Date: 9/24/24

Recp 163161910

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:

Proposal is to upgrade current 3ft cedar fence to 6ft cedar fence within 1ft from adjacent sidewalk of (functional backyard) front yard of the corner lot. Owner would ideally like a 6ft fence all the way up to the 25ft Vision Corner, but the minimum variance request is to build the 6ft fence up to a 73ft distance from the intersecting sidewalk, which aligns with the back side of the house (extended). The distance from the proposed 6ft fence to the intersecting street curb is 91ft. The unique physical characteristics of the property include its trapezoidal shape and higher grade of the house relative to the sidewalk. The trapezoidal shape makes a 20ft setback fence impractical as a large portion of the functional backyard and side yard would be outside of fence bounds. The trapezoidal shape also leads to greater visibility for traffic approaching the intersection compared to rectangular lots, so the proposed 6ft fence does not impact the Vision Corner. With small kids and cats frequently in the backyard, owners seek greater privacy and protection from potential thieves, predators, and large animals that pose a threat that a 3ft fence cannot prevent.

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

The fence will be set one foot away from the adjacent sidewalk, 73ft from the intersecting sidewalk, and 91ft from the intersecting street curb of Stratford Ln and Haymeadow Ave. This provides more than enough vision access for vehicle and foot traffic (see attached document). The Proposal will have no impact on the one connected lot to the North given the trapezoidal shapes of the Property and neighboring property to the North - there is no house located directly North of the proposed project (see attached document).

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


There are two main unique characteristics of this Property that do not apply to most other corner lots in Appleton. First, the grade of the house is 3ft above the sidewalk. As can be seen in the attached document, the current 3ft fence does not cover even the lowest part of the back patio door of the house, which leads to privacy and security issues. Second, the lot's trapezoidal shape makes a 20ft setback fence impractical as a large portion of the functional backyard/sideyard would be outside of fence bounds. In addition, the trapezoidal shape leads to greater visibility for traffic approaching the intersection compared to rectangular lots, so the 6ft fence has no impact on the Vision Corner. In addition, there is no driveway or front door on the West side of the property (the proposed project area), so this particular corner lot has only one true functional front yard on the South side of the property.

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

As discussed, a 20ft setback on this trapezoid shaped lot would significantly limit the functionality of the property. The current 3ft fence does not provide adequate protection of small kids/cats and personal property from thieves, predators, and large animals. If the application is not granted, alternative solutions such as natural barriers would lead to greater hardship for the community, such as the planting of large evergreen trees that grow into the adjacent sidewalk and/or block vision within the Vision Corner. See attached document for examples of this alternative scenario being implemented on corner lots within the City of Appleton. The Proposed Project does not create any hardship for the community and is visually more appealing than the view of child toys/clutter that typically exist in a family's back yard.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor 

Date: October 3, 2024

RE: Variance Application for 232 E. Stratford Lane (31-6-5801-72)

Description of Proposal

The applicant proposes to erect a six (6) foot fence one (1) foot from the front property line along N. Haymeadow Ave. Section 23-44(a)(1)(a) of the Zoning Ordinance limits the height of fences in the front yard setback to three (3) feet.

Impact on the Neighborhood

In the application, the applicant states that the proposed fence will not be a vision obstruction and will not impact the neighboring property to the north.

Unique Condition

In the application, the applicant states that there are two unique conditions of this property 1) The grade of the house is three (3) feet higher than the sidewalk, which leads to privacy and security issues. 2) The lot's trapezoidal shape makes a twenty (20) foot setback fence impractical as a large portion of the functional backyard/side yard would be outside of the fence bounds.

Hardship

In the application, the applicant states that the trapezoid shape of the lot limits the functionality of the property, the current three (3) foot fence does not provide adequate security and if the variance is not granted, alternative solutions will create a hardship for the community because large trees will grow into the adjacent sidewalk.

Staff Analysis

This property is 15,612 sq. ft. The minimum size allowed in the R1A zoning district is 8,000 sq. ft.

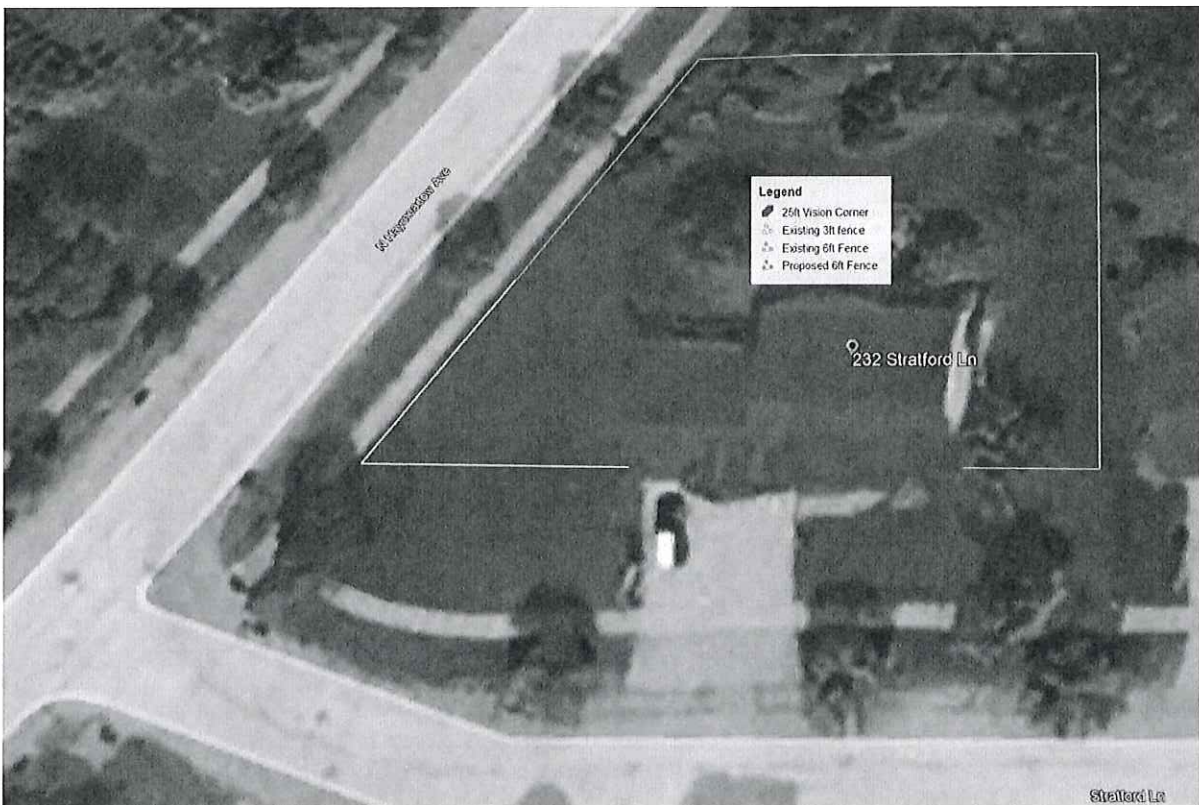
The hardships identified by the applicant do not satisfy the established review criteria in the code. The shape of the lot does not prevent the owner from having a six (6) foot fence in the rear yard that is code compliant. It is not a hardship if the applicant's opinion is that a three (3) foot fence does not provide proper security and privacy. Privacy and security are not entitlements that the Zoning Ordinance ensures for residents. Finally, actions that individuals may take in the future, that may cause vision obstructions or other negative scenarios, should not be a consideration in determining a hardship.

A code compliance fence has already been constructed on this property. On September 21, 2023, a permit was issued for a six (6) foot fence. The owner's preference to have a six (6) foot fence in a larger portion of the yard does not constitute a hardship. Variances should be granted on the dimensional limitations that cause an unnecessary hardship, not due to the personal preferences of the current owner/applicant.

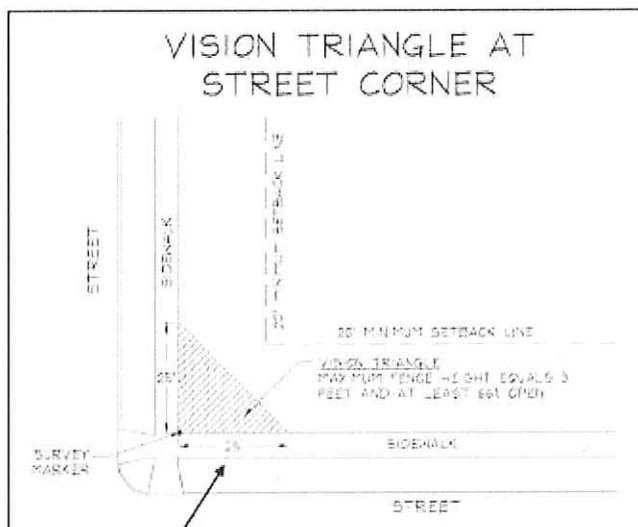
232 E Stratford Ln Fence Variance – Supporting Documentation



Discussion: The proposed 6ft fence will begin 73ft from the sidewalk and 91ft from the street curb.



232 E Stratford Ln property bounds



Note: This 25' dimension may be reduced to 20' in some commercial districts. See text above

Previously accepted 6ft Fence variance in Appleton: 1325 W Homestead Dr.



Discussion: The construction of this 6ft fence on a corner lot has not caused any hardship to the community, and has improved security and privacy for the residents.

View from Stratford/Haymeadow Intersection - Before

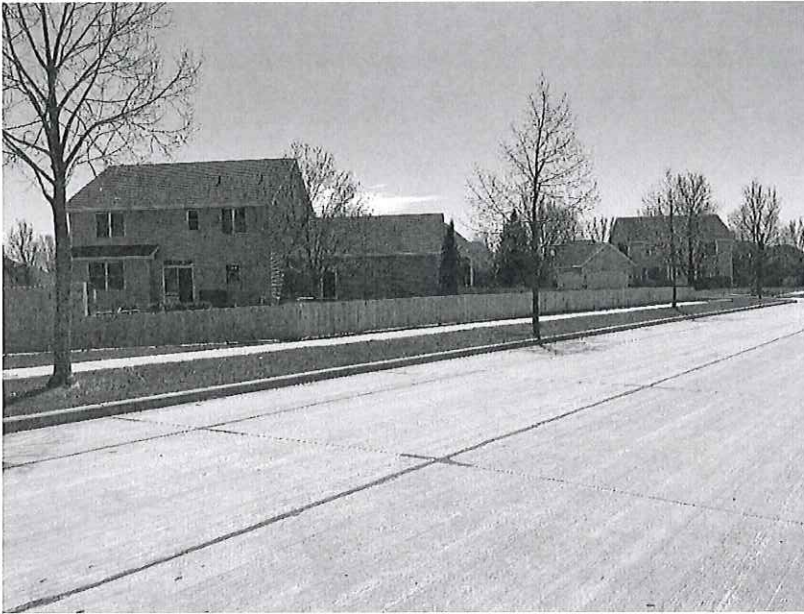


View from Stratford/Haymeadow Intersection - After



Discussion: The addition of the proposed 6ft fence does not create a noticeable visual difference from this vantage point.

View from Haymeadow into Back of House - Before



View from Haymeadow into Back of House – After



Note: Picture taken approximately 200ft from Intersection of Stratford/Haymeadow. The Vision Corner extended into this street is 80ft from the intersection.

Discussion: The proposed 6ft fence provides necessary coverage of patio door of the house, which sits at least 3ft above the elevation of the sidewalk.

View from Haymeadow as Vehicle Approaches Intersection - Before



View from Haymeadow as Vehicle Approaches Intersection - After



Note: Picture taken approximately 150ft from center of intersection. Extended vision corner is approximately 80ft from center of intersection.

Discussion: There is sufficient vision access as vehicles approach the intersection.

View from 25ft Vision Corner (Extended into Haymeadow) – Before & After are the Same



Note: Picture taken approximately 80ft from center of intersection, which is the extended Vision Corner into Haymeadow.

Discussion: The proposed 6ft fence does not impact the 25ft vision corner.

Examples of potential alternative privacy solutions being implemented by other Appleton corner lot properties.

Example #1: large evergreen trees planted along sidewalk, which grow into the path over time, impeding foot traffic. This creates a larger hardship to the community than would a 6ft fence.



Example #2: large evergreen tree planted within the Vision Corner. This creates a visual hazard for traffic at the intersection, while the proposed 6ft fence has no impact on the Vision Corner.

