



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
[www.appleton.org](http://www.appleton.org)

## Meeting Agenda - Final Board of Zoning Appeals

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Monday, December 18, 2023

7:00 PM

Council Chambers, 6th Floor

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

[23-1483](#) Minutes from September 18, 2023

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

### 5. Public Hearing/Apearances

### 6. Action Items

[23-1486](#) **1007 N. Badger Ave. (31-5-0074-00)** The applicant proposes to maintain a four (4) foot fence along the front property line. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to three (3) feet in the front yard.

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

[23-1484](#) **611 S. Clara St. (31-4-5336-00)** The applicant proposes to construct an accessory building that is four (4) feet from the principal building. Section 23-43(f)(1)(a) of the Zoning Ordinance requires a five (5) foot separation from the principal building.

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

[23-1485](#) **618 W. Seymour St. (31-4-0932-19)** The applicant proposes to erect a six (6) foot fence, thirteen (13) feet from the front property line. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to three (3) feet within the twenty (20) foot front yard setback.

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

**7. Information Items**

**8. Adjournment**

*Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.*

*Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.*



# City of Appleton

100 North Appleton Street  
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## Meeting Minutes - Final Board of Zoning Appeals

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Monday, September 18, 2023

7:00 PM

6th Floor Council Chambers

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1. Call meeting to order

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

2. Pledge of Allegiance
3. Roll call of membership
4. Approval of minutes from previous meeting

[23-1106](#) Minutes from July 17, 2023

**Attachments:** [Meeting Minutes July 17, 2023.pdf](#)

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

**Aye:** 6 - McCann, Engstrom, Sperl, Cain , Loosen and Babbitts

5. **Public Hearing/Appearances**

6. **Action Items**

[23-1107](#) Applicant is proposing a ground sign that is five hundred and ninety-two (592) sq ft. Section 23-529(c) of the Zoning Ordinance limits the ground signs along highway 41 to two hundred (200) sq. ft.

**Attachments:** [2500 E. Capitol Dr.pdf](#)

**Engstrom moved, seconded by Cain, that the proposed ground sign that is 592 sq.ft. at 2500 E. Capitol Dr. be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - McCann, Engstrom, Sperl, Cain and Loosen

**Abstained:** 1 - Babbitts

[23-1108](#) Within a larger sign, applicant is proposing an electronic message board (EMB) that is two hundred and eighty (280) sq. ft. Section 23-523(d) of

the Zoning Ordinance limits EMBs to forty-eight (48) sq. ft.

**Attachments:**     [2500 E. Capitol Dr.pdf](#)

**Cain moved, seconded by Loosen, that the proposed electronic message board variance for 2500 E. Capitol Dr be approved. Roll Call. Motion failed by the following vote:**

**Aye:** 1 - Loosen

**Nay:** 4 - McCann, Engstrom, Sperl and Cain

**Abstained:** 1 - Babbitts

**7. Information Items**

**8. Adjournment**

**A motion was made by Sperl, seconded by Cain, that the meeting be adjourned at 7:48 pm. The motion carried by the following vote:**

**Aye:** 6 - McCann, Engstrom, Sperl, Cain , Loosen and Babbitts

Public Works

Return to: Department of

Inspection Division

100 North Appleton

Street

Appleton, Wisconsin 54911

(920) 832-6411

### City of Appleton Application for Variance

Recp. 146164069

November 27, 2023	Meeting Date	December 18, 2023
		7PM

Application Deadline

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) <b>1007 N. Badger Ave</b>	Parcel Number <b>31-5-0074-00</b>
Zoning District <b>R1B</b>	Use of Property X Residential Commercial

Applicant Information	
Owner Name Collen Vandenheuvel	Owner Address 1007 N. Badger Ave. Appleton, WI 54914
Owner Phone Number <b>920-205-9411</b>	Owner E Mail address (optional) <a href="mailto:evabva@yahoo.com">evabva@yahoo.com</a>
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 is limited to three (3) feet in the required front yard.	

Brief Description of Proposed Project

Existing fence in the front yard is four (4) feet tall. Owner would like to keep the fence. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to three (3) feet in the required front yard.

**Owner's Signature (Required):**

Colleen Anderson Date: 11-14-2023

Public Works

Return to: Department of

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: I run a licensed daycare which requires a 4ft fence.
2. Describe how the variance would not have an adverse impact on the surrounding properties: The fence has been there for the 17yrs I have owned the house with no issues
3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures: I run a licensed daycare

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

I ~~run~~ have run a licensed daycare for 33 yrs in this home. The state requires a 4ft fence to have my license. If I could not keep it I would not be able to do my job and the families that I have would lose their daycare when there are no openings in this area. I would also not be able to pay my bills or keep my home.

When I bought this house the fence was already here and it was 6ft high I cut it down to 4ft for more air flow the trees and lilacs were also very established I have maintained them for the past 17 yrs. with no issues.

## CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor

Date: December 5, 2023

RE: Variance Application for 1007 N. Badger Ave (31-5-0074-00)

### **Description of Proposal**

The applicant proposes to maintain a four (4) foot fence along the front property line. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to three (3) feet in the front yard.

### **Impact on the Neighborhood**

In the application, the applicant states that the fence has been there for the seventeen (17) years that she has owned the business and there have been no issues.

### **Unique Condition**

In the application, the applicant states that she runs a licensed day care from this house.

### **Hardship**

In the application, the applicant states that she has run a licensed day care at this house for seventeen (17) years and a four (4) foot fence is required for her to keep her license. The applicant states that if she is not granted this variance, she could lose her license and livelihood.

### **Staff Analysis**

This parcel is 10,922 sq. ft. The minimum size of lot allowed in the R1B zoning district is 6,000 sq, ft.

On August 16, 2023, the applicant was granted a Terrace Occupancy Permit by the Appleton City Council to allow a fence in the right of way at this location.

The property is used as a daycare. ~~This is a permitted use in the R1B zoning district.~~ If the variance is not approved the applicant could not use the property for a day care, which is a permitted use in the R1B zoning district. It appears the applicant meets the review criteria for a hardship.

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 November 27, 2023 Meeting Date December 18, 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) 611 Clara St.	Parcel Number 31-4-5336-00
Zoning District <b>R1B</b>	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial
Applicant Information	
Owner Name NATHAN STOFFEL <i>Julie Stoffel</i>	Owner Address 611 S CLARA ST APPLETON WI 54915
Owner Phone Number 920-428-1136 <i>920-428-1875</i>	Owner E Mail address (optional) <a href="mailto:Nstoffel79@new.rr.com">Nstoffel79@new.rr.com</a>
Agent Name JASON BUCKOSKI	Agent Address W6493 CHERRYBARK CIR. MENASHA, WI 54952-8113
Agent Phone Number 920-540-2868	Agent E Mail address (optional) <a href="mailto:jluckoski@gmail.com">jluckoski@gmail.com</a>
Variance Information	
Section 23-43(f)(1)(a)- Accessory Building Setback	
Brief Description of Proposed Project Construct a garage that is 48" from the principal building. Section 23-43(f)(1)(a) of the Zoning Ordinance requires accessory buildings to maintain a five (5) foot separation from a principal building.	

Owner's Signature (Required): *Julie A. Stoffel* Date: *11/17/23*

Return to: Department of Public Works  
 Inspection Division

*11/20/23 146318167*

## Questionnaire

In order to be granted a variance each applicant must be able to prove that an unnecessary hardship would be created if the variance were not granted. The burden of proving an unnecessary hardship rest upon the applicant. The attached sheet provides information on what constitutes a hardship. (Attach additional sheets, if necessary, to provide the information requested. Additional information may be requested as needed.

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

We are requesting an exemption of zoning code standards. Our detached garage would be 48" from the home versus 60". The garage will be fire rated just as an attached garage zoning would be.

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

There is no impact on our neighbors or surrounding properties.

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

There is no special condition, we have a normal lot size.

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

Our Contractor applied for a building permit to rebuild our garage which included the plans. The permit was signed and granted with no additional limitations, notes, or checklists for inspections. Our Contractor proceeded with the plans as they were granted by the City of Appleton. Upon completion of the rough in the City of Appleton Inspector was called for an inspection prior to proceeding and we were then notified that the garage was 12" to close to our home. I would like to note again that we are fire rating the entire garage as we had planned prior to this build which meets the code for an attached garage. Our Contractor nor us meant for this to happen as based on the approval we had thought we were following the proper standards by the City.

Not granting the variance would cause great distress financially and put strain on our property as we would have to tear down the entire garage and rebuild, not to mention the project has already been delayed due to the oversight by the City of Appleton on the approved plans.

## CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor

Date: December 4, 2023

RE: Variance Application for 611 S. Clara St. (31-4-5336-00)

### **Description of Proposal**

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

### **Impact on the Neighborhood**

In the application, the applicant states that the construction of the garage will have no impact on the neighborhood.

### **Unique Condition**

In the application, the applicant states that there are no special conditions to this parcel, and it is a normal size lot.

### **Hardship**

In the application, the applicant states that the contractor submitted a plan to the Inspections Division and that the plan was approved, and a permit was issued. The applicant also states that if this variance is not granted, there would be great distress financially on the family because the newly built building would need to be torn down. The applicant also stated that the project has been delayed because of the City's oversight on the plans.

### **Staff Analysis**

This lot is 8,140 sq ft (74x110). The minimum sized lot allowed in the R1B zoning district is 6,000 sq ft. This is not a small or uniquely shaped lot.

The owner's contractor, J Buck Construction, was issued a permit on 9/11/2023. On the application form a distance of forty three (43) feet entered in the field "Distance from main building". The site plan that was submitted was handwritten and not to scale. The plan shows the garage close to the house, but no indication of the distance from the principal building.

The first inspection, (a rough-in inspection), was called in by the contractor on November 14, 2023. It was at that inspection the inspector noticed that the garage was built too close to the house. No stake out inspection was called in by the contractor, which is normal procedure.

The inside of the garage will have two layers of 5/8" drywall, which provides a one hour rating for the garage. This is required by the Uniform Building Code (UDC). With this one hour rating, the garage could be built closer or connected to the building.



Public Works

Return to: Department of

Inspection Division

100 North Appleton

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### City of Appleton Application for Variance

November 27, 2023	Meeting Date	December 18, 2023 7PM
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Application Deadline

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) 618 W. SEYMOUR ST.	Parcel Number 31-4-0932-19
Zoning District <b>R1B</b>	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial
Applicant Information	
Owner Name ERIN BASTMAN	Owner Address 618 W SEYOUR ST APPLETON, WI 54915
Owner Phone Number <b>303-928-9141</b>	Owner E Mail address (optional) <a href="mailto:erin.bastman@gmail.com">erin.bastman@gmail.com</a>
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)
Variance Information	
Section 23-44(a)(1)(a)- Boundry fences in the required front yard may not be taller than three (3) feet.	
Brief Description of Proposed Project Erect a six (6) foot fence that is thirteen (13) feet from the <del>front</del> <sup>rear</sup> property line. Section 23-44(a)(1)(a) of the Zoning Ordinance requires a twenty (20) foot setback for fences	

Recp 5888-0007

**Owner's Signature (Required):**

 **Date:** 11/30/23

Public Works

Return to: Department of

Inspection Division

100 North Appleton

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Appleton, Wisconsin

54911

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### 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:

To erect a six foot fence that is 13 feet from my rear lot line off Riverview lane parallel ~~to~~ with my neighbor's garage to the north.

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

There would be no adverse impact on the surrounding properties. The fence would not obstruct their view when backing out of their respective driveways.

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

My home is on an interior lot with two front yards which is something I can not control.

4. Describe the hardship that would result if your variance

## Kurt Craanen

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**From:** Erin Bastman <erin.bastman@gmail.com>  
**Sent:** Sunday, December 3, 2023 10:00 PM  
**To:** Kurt Craanen  
**Subject:** Questionnaire and photos  
**Attachments:** 20231201\_134406.jpg; 20231201\_134321.jpg; 13555.jpeg; 20231201\_134932.jpg; 20231201\_134644.jpg

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Kurt,

Thank you for taking the time to explain everything to me. Here is my answer for question four.

I am requesting this variance due to the fact that my home is located on an interior lot with roads in both the front of and back of my home. The hardship this creates for me is the scenario of "two front yards" which means fencing in my backyard results in a substantial loss of green space I am able to fence in in order to comply with the 20 foot setback requirement on Riverview lane, which functions more like an alley.

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## CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor

Date: December 5, 2023

RE: Variance Application for 618 W. Seymour St. (31-4-0932-19)

### Description of Proposal

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

### Impact on the Neighborhood

In the application, the applicant stated that the proposed fence would not obstruct vision from any of the neighboring properties.

### Unique Condition

In the application, the applicant stated that her home is on an interior lot with two front yards which is something she cannot control.

### Hardship

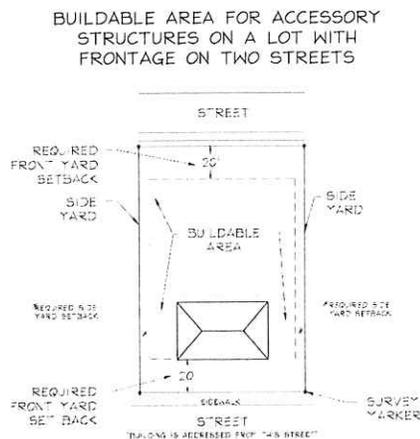
In the application, the applicant stated that her hardship is that she has two front yards, which means fencing in her back yard results in a substantial loss of green space. The applicant also states that Riverview Lane functions more like an alley than a street.

### Staff Analysis

This parcel is 7,200 sq. ft. The minimum size of a lot in the R1B district is 6,000 sq. ft. This is a normal size lot.

Section 23-50(d)(f)(4) of the Municipal Code provides and exemption for double frontage lots:

(4) Where a lot is a double frontage lot, any detached accessory structure may be permitted in the yard opposite the front yard from which the principal structure is addressed. Furthermore, the accessory structure shall meet the front yard and side yard setback requirement of the principal structure.



| The Zoning Ordinance establishes that there is a twenty (20) foot setback for both front yards, on double frontage lots. The applicant pointed out that Riverview Lane acts more like an alley and there are the fences and hedgerows near her property. The existence of violations at other properties does not mean a variance should be given in this case.

| The owner has an alternative to erect a code ~~compliance~~ compliant fence that meets the setback requirements.

