

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: May 11, 2021

RE: Variance Application for 6 Hycrest Ct (31-3-1522-00)

Description of Proposal

The applicant proposes to erect a five (5) foot fence in the front yard. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to three (3) feet in the required front yard.

Impact on the Neighborhood

In the application, the applicant states that the fence would not have an adverse impact on the neighbors because, it will be see-through metal, will be setback six (6) feet from the sidewalk and neither neighbor will see the fence.

Unique Condition

In the application, the applicant states that there is no special condition that applies to their property that does not apply to other surrounding properties. Four surrounding properties have high fences in the front yard.

Hardship

In the application, the applicant states that should the variance not be granted, their hardship will be the inability to establish any significant portion of the property as a conventional, private, backyard.

Staff Analysis

The size of this lot is 8,791 sq. ft. The minimum size lot in the R1B zoning district is 6,000 sq. ft.

This is a double frontage lot. Sound barrier fences are allowed on double frontage lots that abut an arterial street that has access restrictions. Douglas St. is not an arterial street.

There may be other properties in the neighborhood that have fences along Douglas St. These may have been put up without permits or permits were issued erroneously.

The intent of the code related to front yard setback is to keep the front yard free from obstructions and maintain the character of a residential neighborhood.

There is nothing unique about this particular parcel and there are no dimensional limitations. Being a double frontage lot is not a hardship. The Zoning Ordinance does not provide an exemption for fences on double frontage lots.

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 26, 2021 Meeting Date May 17, 2021 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) 6 HYCREST CT	Parcel Number 31-3-1522-00
Zoning District R1B	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name MATTHEW CARPENTER	Owner Address 6 HYCREST CT APPLETON WI 54914
Owner Phone Number 920-277-4042	Owner E Mail address (optional) carpenter.matt.j@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)
Brief Description of Proposed Project (5) Foot It is proposed that an six 00 foot fence be erected in the front yard. Section 23-44(a)(1)(a) limits fence height to three (3) feet.

Owner's Signature (Required): Matthew Carpenter Date: 4-30-2021

Paid 4/30
 #93341286

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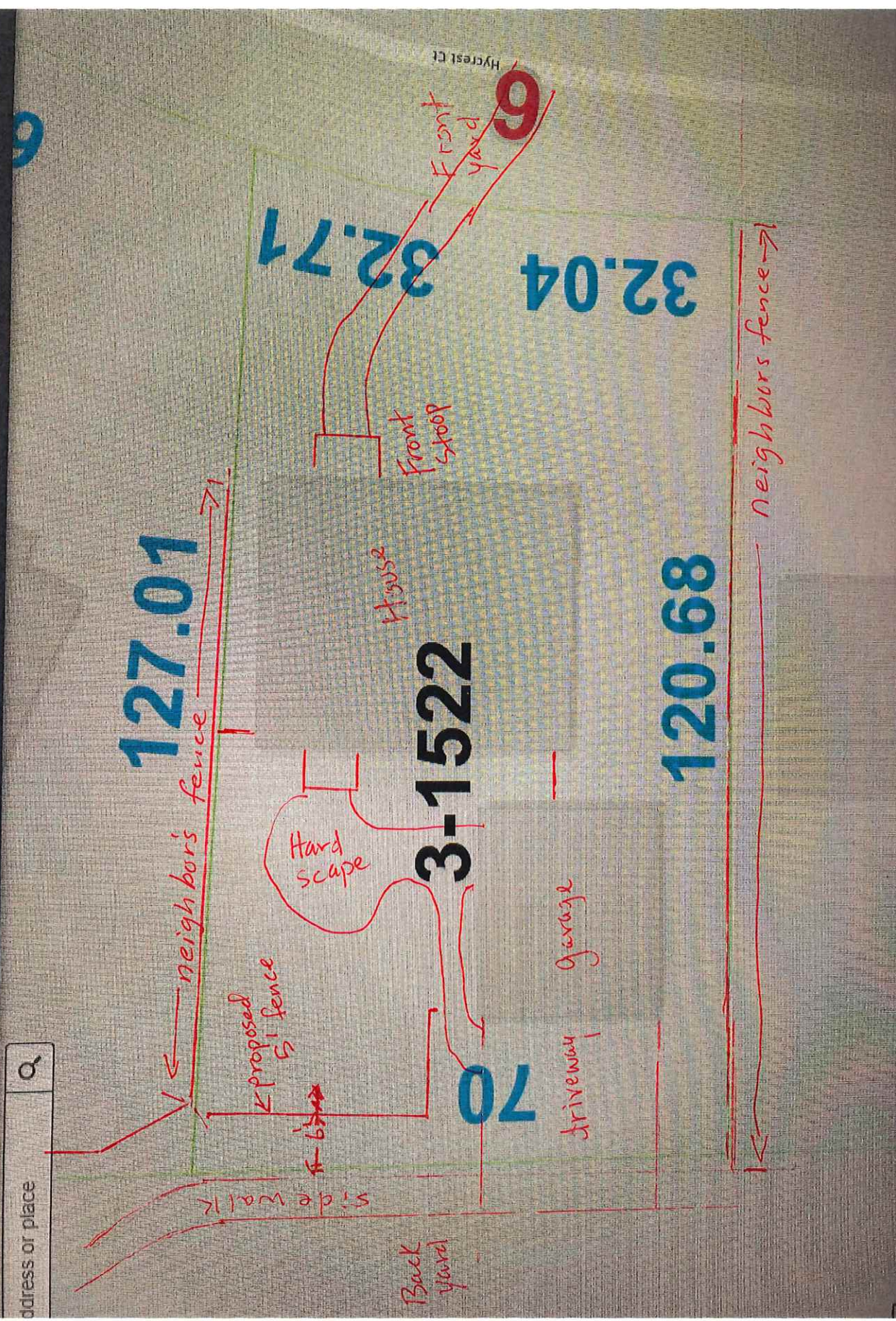
Questionnaire

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 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. We are applying for a "Variance Based on Unnecessary Hardship Due to Unique Property Limitations." Our property is a through lot. That is, the front (front door and street address) and back sides both have street access. We hope to reasonably enjoy our backyard by fencing it. However, Appleton code considers both our front yard and backyard as front yards. We believe that places undue restrictions to fully enjoy a backyard. The backyard is not deep enough to meet the 20' required setback and still preserve any sizable, fenced area of grass. We could only fence 13 feet (depth) of grass under city code. Thus, bisecting our backyard into an unusable 20 foot section and a 13 foot section with profoundly diminished utility. A 3' fence option, which the City allows, does not fulfill the practical intent of a fence. That is, keep creatures in and keep creatures out. We propose erecting a fence that meets all aspects of Appleton code, except it be 5 feet rather than 3 feet.
2. The variance to install a 5-foot fence would not have an adverse impact on the surrounding properties for the following reasons:
 - We have chosen a see-through ornamental metal fence that does not obscure sightlines.
 - We intend to set the fence 6 feet off the sidewalk/property line so as not to interfere with sidewalk foot traffic in any way and allow for unencumbered removal of snow from the walk.
 - Neither our neighbor to the north or our neighbor to the south will see the fence from their home. The neighbor to the north has a non-complying privacy fence that obscures their view of our back yard. Our garage obscures the view of the proposed fence to our neighbors to the south.
3. No special conditions apply to our lot or structure that do not apply to our surrounding neighbors. 7 lots facing our court have through lots to either Douglas or Outagamie streets. 4 of those 7 have fenced yards (4 to 6 feet in height) that define yard space similar to our proposal.
4. Should the variance not be granted the hardship will be our inability to establish any significant portion of our property as a conventional, private, backyard.

Address or place



note: 5' see-through ornamental fence set 6' off sidewalk/property line