

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 **October 26, 2020**

November 16, 2020 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) 6412 N. Kurey Dr.	Parcel Number 31-1-9310-33
Zoning District R1B	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name BEN KOZAK	Owner Address 1812 WASILLA LANE NEENAH, WI 54956
Owner Phone Number 920-209-1773	Owner E Mail address (optional) kozakb20@gmail.com
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)

Variance Information
Municipal Code Section(s) Project Does not Comply 23-93(g)(6) of the Zoning Ordinance
Brief Description of Proposed Project Build a home that is five (5) feet from the side lot line. Section 23-93(g)(6) requires houses to be built six (6) feet from the side lot line.

Owner's Signature (Required):  Date: 11/3/2020

Recp -83807831

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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:
Lot 4 is 86' wide, with the 6' setbacks on each side of the lot that leaves 74' of buildable width, which is very tight already. The North side of the lot has a 6' utility easement which normally wouldn't be a problem as that would be the same as the 6' setback. However, WE Energies refused to run their cable in the middle or North side of the easement and ran the cable 1'-1.5' off the South side. The house that is designed for that lot is 73' wide. With the WE Energies cable being so close to the South side of the easement a builder can no longer pour the basement footings and work to install the drain tile during construction because the power cable and edge of the house are now 18"-22" apart. WE Energies is stating they can now move the cable to the North side of the lot but at a minimum cost of \$4,187 to the lot owner (Ben Kozak). My hope is to obtain a 1-foot variance on the South side of lot 4 to allow enough room for a builder to work and pour the footings of the basement on the North wall. The house would be 7' off the North lot line and 5' off the South lot line with the variance.
2. Describe how the variance would not have an adverse impact on the surrounding properties:
I believe it would be nearly impossible to tell the house is setback only 5' off the South line when looking with the naked eye. Nothing else would be changed due to allowing the variance.
3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures:
Most lots, if not all in Glarier Ridge, are much wider than 86' and easements are shared between adjacent lots. Lot 4 has the only easement from the main power for lots 1-4, and the adjacent lot (lot 31) does not have the easement. If lot 31 had granted an easement, the total easement width for the utilities would be 12' and this issue wouldn't exist.

4. Describe the hardship that would result if your variance were not granted:
Currently the approved house plan is unable to be bid or built due to the WE Energies cable. Even though the buildable width is 74' and the house is proposed to be 73' wide. To move that cable the minimum cost would be \$4,187 for WE Energies, but there may also be costs to move the Time Warner cable that is also inside the easement. The Time Warner cost is unknown at this point.

Document #: **2201050**
 Date: 07-30-2020 Time: 2:26 PM
 Pages: 3 Fee: \$30.00
 County: OUTAGAMIE COUNTY State: WI

Sarah R. Van Camp

SARAH R VAN CAMP, REGISTER OF DEEDS
 Return via MAIL (REGULAR)
 MARTENSON & EISELE INC

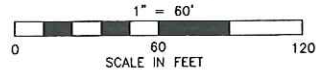
CERTIFIED SURVEY MAP NO. 1929
 ALL OF OUTLOT 2, GLACIER RIDGE, AS RECORDED IN
 CABINET K, PAGES 79-81, AS DOCUMENT NO. 1805002,
 BEING PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4,
 SECTION 36, TOWNSHIP 22 NORTH, RANGE 17 EAST,
 CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

LEGEND

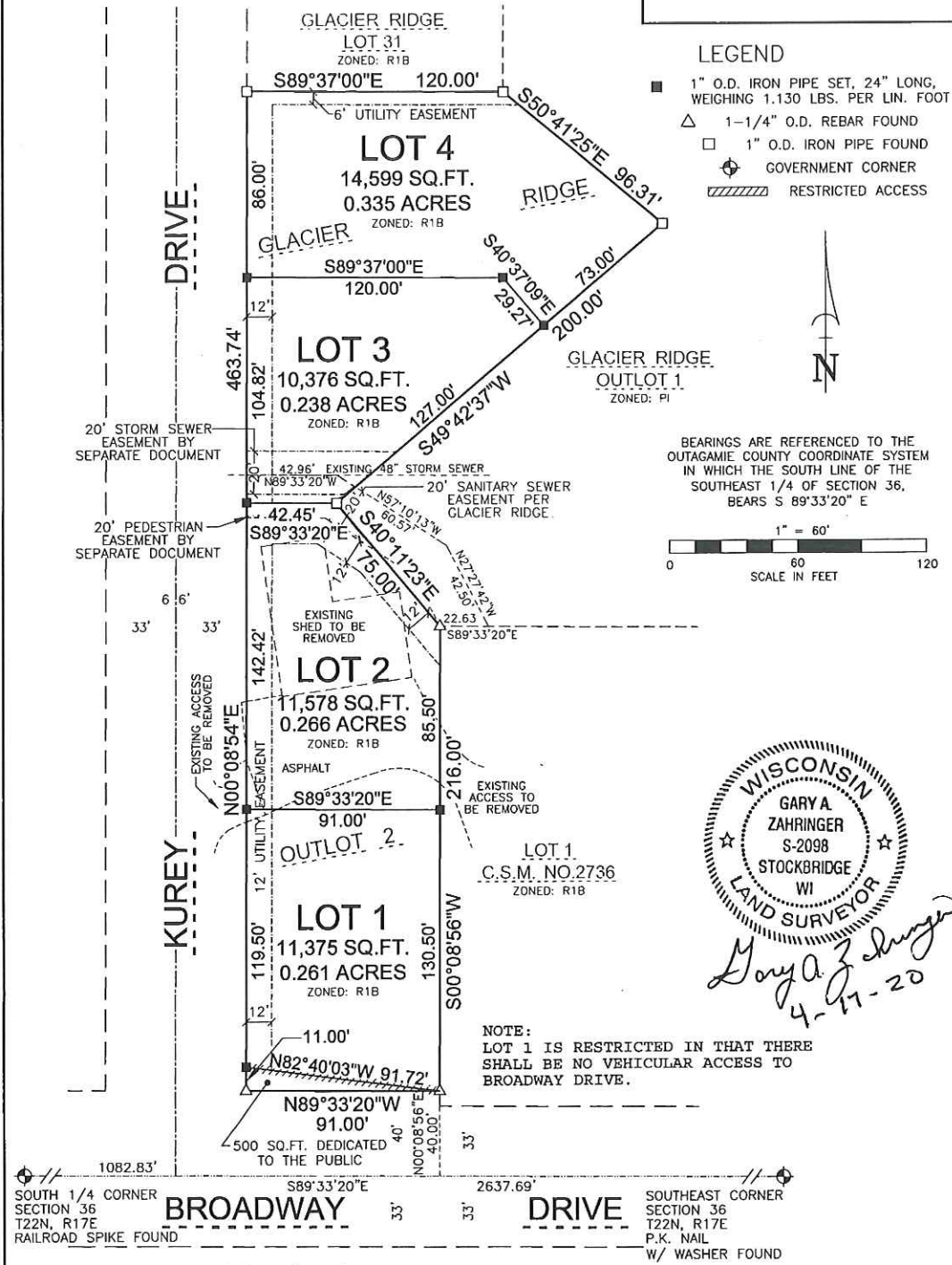
- 1" O.D. IRON PIPE SET, 24" LONG, WEIGHING 1.130 LBS. PER LIN. FOOT
- △ 1-1/4" O.D. REBAR FOUND
- 1" O.D. IRON PIPE FOUND
- ⊙ GOVERNMENT CORNER
- ▨ RESTRICTED ACCESS



BEARINGS ARE REFERENCED TO THE
 OUTAGAMIE COUNTY COORDINATE SYSTEM
 IN WHICH THE SOUTH LINE OF THE
 SOUTHEAST 1/4 OF SECTION 36,
 BEARS S 89°33'20" E



Gary A. Zahringer
 4-17-20



NOTE:
 LOT 1 IS RESTRICTED IN THAT THERE
 SHALL BE NO VEHICULAR ACCESS TO
 BROADWAY DRIVE.

Martenson & Eisele, Inc.
 1377 Midway Road
 Menasha, WI 54952
 www.martenson-eisele.com
 info@martenson-eisele.com
 920.731.0381 1.800.236.0381

SURVEY FOR:
 KUREY RIDGE LLC
 1718 VANZEELEND CT
 LITTLE CHUTE, WI 54140

PROJECT NO. 1-1025-002
 FILE 1-1025-002EastCSM.dwg SHEET 1 OF 3
 THIS INSTRUMENT WAS DRAFTED BY: A.Sedlar

CERTIFIED SURVEY MAP NO. 1929

ALL OF OUTLOT 2, GLACIER RIDGE, AS RECORDED IN CABINET K, PAGES 79-81, AS DOCUMENT NO. 1805002, BEING PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, SECTION 36, TOWNSHIP 22 NORTH, RANGE 17 EAST, CITY OF APPLETON OUTAGAMIE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, GARY A. ZHRINGER, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY: THAT I HAVE SURVEYED, DIVIDED AND MAPPED AT THE DIRECTION OF KUREY RIDGE, LLC, ALL OF OUTLOT 2, GLACIER RIDGE, AS RECORDED IN CABINET K, PAGES 79-81, AS DOCUMENT NO. 1805002, BEING PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, SECTION 36, TOWNSHIP 22 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN. CONTAINING 48,428 SQUARE FEET [1.112 ACRES]. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES AND WITH THE CITY OF APPLETON SUBDIVISION ORDINANCE IN SURVEYING, DIVIDING AND MAPPING THE SAME.

THAT THIS MAP IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION THEREOF MADE.

GIVEN UNDER MY HAND THIS 17TH DAY OF APRIL, 2020.

Gary A. Zhringer
GARY A. ZHRINGER, PROFESSIONAL LAND SURVEYOR S-2098



THIS CERTIFIED SURVEY MAP IS CONTAINED WHOLLY WITHIN THE PROPERTY DESCRIBED IN THE FOLLOWING RECORDED INSTRUMENTS

OWNERS OF RECORD:	RECORDING INFORMATION:	PARCEL NUMBER:
KUREY RIDGE LLC	DOCUMENT NOS. 1729364 AND 1777594	31-1-9310-22

CITY APPROVAL:

APPROVED BY THE CITY OF APPLETON ON THIS THE 27th DAY OF July, 2020.

Jacob A. Woodford
~~XXXXXXXXXXXXXXXXXXXX~~
JACOB A. WOODFORD, MAYOR

Kami Lynch
KAMI LYNCH, CITY CLERK

FINANCE CERTIFICATE:

I HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS ON ANY OF THE LANDS SHOWN HEREON.

DATED THIS 29th DAY OF July, 2020.

Anthony D. Saucerman MB
ANTHONY D. SAUCERMAN, DIRECTOR OF FINANCE

COUNTY TREASURER'S CERTIFICATE:

I HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS ON ANY OF THE LANDS SHOWN HEREON.

Tate J. Wolfpel 07/30/2020
OUTAGAMIE COUNTY TREASURER DATE

CERTIFIED SURVEY MAP NO. 7929

ALL OF OUTLOT 2, GLACIER RIDGE, AS RECORDED IN CABINET K, PAGES 79-81, AS DOCUMENT NO. 1805002, BEING PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, SECTION 36, TOWNSHIP 22 NORTH, RANGE 17 EAST, CITY OF APPLETON OUTAGAMIE COUNTY, WISCONSIN.

CORPORATE OWNER'S CERTIFICATE:

KUREY RIDGE LLC, A LIMITED LIABILITY COMPANY, DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID COMPANY CAUSED THE LAND DESCRIBED ON CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THIS MAP.

KUREY RIDGE LLC, DOES FURTHER CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.10 OR 236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: CITY OF APPLETON.

DATED THIS 21 DAY OF July, 2020.

Robert A. De Bruin
ROBERT A. DE BRUIN, MANAGING MEMBER

STATE OF WISCONSIN)
)SS
OUTAGAMIE COUNTY)



PERSONALLY CAME BEFORE ME ON THE 21 DAY OF July, 2020, THE ABOVE NAMED TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

Will M. Hendricks
NOTARY PUBLIC,
STATE OF WISCONSIN. MY COMMISSION (~~IS PERMANENT~~) (EXPIRES: 10-20-2023)

UTILITY EASEMENT PROVISIONS

AN EASEMENT FOR ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICE IS HEREBY GRANTED BY KUREY RIDGE, LLC, GRANTORS, TO

WISCONSIN ELECTRIC POWER COMPANY AND WISCONSIN GAS, LLC, WISCONSIN CORPORATIONS DOING BUSINESS AS WE ENERGIES, GRANTEE,
WISCONSIN BELL, INC. D/B/A AT&T WISCONSIN, A WISCONSIN CORPORATION, GRANTEE, AND
TIME WARNER ENTERTAINMENT COMPANY, L.P., GRANTEE

THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO CONSTRUCT, INSTALL, OPERATE, REPAIR, MAINTAIN AND REPLACE FROM TIME TO TIME, FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND ELECTRIC ENERGY, NATURAL GAS, TELEPHONE AND CABLE TV FACILITIES FOR SUCH PURPOSES AS THE SAME IS NOW OR MAY HEREAFTER BE USED, ALL IN, OVER, UNDER, ACROSS, ALONG AND UPON THE PROPERTY SHOWN WITHIN THOSE AREAS ON THE PLAT DESIGNATED AS "UTILITY EASEMENT" AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHT TO INSTALL SERVICE CONNECTIONS UPON ACROSS, WITHIN AND BENEATH THE SURFACE OF EACH LOT TO SERVE IMPROVEMENTS, THEREON, OR ON ADJACENT LOTS; ALSO THE RIGHT TO TRIM OR CUT DOWN TREES, BRUSH AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENTAL TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. THE GRANTEES AGREE TO RESTORE OR CAUSE TO HAVE RESTORED, THE PROPERTY, AS NEARLY AS IS REASONABLY POSSIBLE, TO THE CONDITION EXISTING PRIOR TO SUCH ENTRY BY THE GRANTEES OR THEIR AGENTS. THIS RESTORATION, HOWEVER, DOES NOT APPLY TO THE INITIAL INSTALLATION OF SAID UNDERGROUND AND/OR ABOVE GROUND ELECTRIC FACILITIES, NATURAL GAS FACILITIES, OR TELEPHONE AND CABLE TV FACILITIES OR TO ANY TREES, BRUSH OR ROOTS WHICH MAY BE REMOVED AT ANY TIME PURSUANT TO THE RIGHTS HERIN GRANTED. STRUCTURES SHALL NOT BE PLACED OVER GRANTEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "UTILITY EASEMENT" WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED BY MORE THAN FOUR INCHES WITHOUT WRITTEN CONSENT OF GRANTEES. THE GRANT OF EASEMENT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS, SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

Robert A. De Bruin
ROBERT A. DE BRUIN, MANAGING MEMBER



Gary A. Zahringer
4-17-20