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**From:** Kurt Eggebrecht  
**Sent:** Friday, February 09, 2018 10:01 AM  
**To:** Melissa L. Suttner  
**Subject:** FW: Fox River House Special Community Event Variance

**From:** E Laux [mailto:lauxie3@tds.net]  
**Sent:** Thursday, February 08, 2018 10:43 PM  
**To:** Kurt Eggebrecht <Kurt.Eggebrecht@Appleton.org>; B Schaff <betschaff@yahoo.com>; rattray kirk <rattray.kirk@yahoo.com>; Linda muldoon <coventryglass@usa.net>  
**Cc:** William Siebers <District1@Appleton.org>; Vered Meltzer <District2@Appleton.org>; Curt Konetzke <District3@Appleton.org>; Joe Martin <District4@Appleton.org>; Ed Baranowski <District5@Appleton.org>; Greg Dannecker <District6@Appleton.org>; Matthew Reed <District8@Appleton.org>; Bob Baker <District9@Appleton.org>; Kathleen Plank <District7@Appleton.org>; Christine Williams <District10@Appleton.org>; Patti Coenen <District11@Appleton.org>; Cathy Spears <District12@Appleton.org>; Kyle Lobner <District13@Appleton.org>; Christopher Croatt <District14@Appleton.org>; Keir Dvorachek <District15@Appleton.org>; Mayor <Mayor@Appleton.org>  
**Subject:** Fox River House Special Community Event Variance

**To:** Kurt Eggebrecht, Health Officer - City of Appleton

**CC:** Members of the Appleton Health and Safety Board  
Members of the Appleton City Council  
Mayor Timothy Hanna – Appleton

**From:** Elizabeth Laux – 303 S. Walnut Street, Appleton, WI 54914

**RE:** Noise Variance – 2018 Music Season for the Fox River House Bar

February 1, 2018

Dear Kurt,

This letter is in response to the request issued by Patti Coenen, Proprietor of the Fox River House at 211 S. Walnut Street, Appleton, WI 54911 January 23, 2018 for an Appleton Municipal Code Sec 12-83 (2) Special Community Event variance. On June 2, 2017 you told me this is the type of variance Ms. Coenen applied for in 2017; I am assuming it will be the same for the 2018 season.

I am pleased Ms. Coenen's is making improvements to her business. She said she has spent over \$20,000 in updating the apartment above the Fox River House. When you are a property owner, this type of maintenance is considered upkeep and, in Ms. Coenen's case, an investment to make money from a rental at a property that is already utilized as a business. My mother has made upgrades and updates to 303 S. Walnut and has paid out

easily over \$100,000.00 in money and sweat equity over the years. My mother doesn't have an additional income from the property to make improvements; I am helping because this is my home, too. However, we go into debt when we need to update our property; for example, updating the electrical or to put on a new roof cost about \$14,000 and \$15,000 respectively.

Ms. Coenen stated there are many neglected rental units in the Historic Third Ward neighborhood. I only know of one house in the neighborhood that is unoccupied because it's unsuitable to live in. The house is at 403 S. Walnut Street. It's not occupied because the current owner is in the midst of renovations. I have often walked the streets of my neighborhood, to exercise or walk the dog, and even the half-way houses and other government buildings don't appear to be in blight.

I am disappointed that Ms. Coenen is casting general aspersions about our neighborhood as part of her appeal. She does, after all, live in the same neighborhood her business is in; though she lives 3 1/2 blocks from the music venue. The apartment above the Fox River House bar was rented to a gentleman before he decided to move. If she didn't consider the apartment inhabitable, why did Ms. Coenen wait for him to move to do these renovations? She took over the building in 2009. Or, why not make that second floor into a music venue when he did move? The area of the second floor is essentially the same size as the yard where the music currently takes place. By using the second floor, she could have live music all year round and not worry about having the bands in winter in a cramped space in the bar area.

My ability to live peacefully in my home is hindered by the music played by bands Ms. Coenen hires to perform in her outdoor venue. This is not because of the music itself, but because of the volume of the bands. It is very stressful. I will not speak to all we've gone through since 2011—except for the suggestion of tearing down the house at 303 S. Walnut Street or worse by one of her patrons. Also, my mother, myself and our neighbor, who has since moved away, all had flat tires on the same day for some reason. In fact, I had two flat tires that day; both driver-side tires on my car had nails pushed through the sidewalls. My mother's and my cars were in our garage. The neighbor's car sat outside in her driveway. I still fear repercussions of objecting to the noise at Fox River House and wonder if our home will be vandalized or destroyed; even accidentally.

When attending the Health Board meeting on May 10, 2017, Doctor Douglas Nelson asked Ms. Coenen if she was agreeable to signing contracts with the bands she hires and informing the musicians if they go over a certain decibel level they would be asked to leave, never to be asked back again, and not be paid. Ms. Coenen immediately agreed. She also agreed to purchase a decibel reader so bands could be monitored. She stated she would contact the Appleton Police Department to see what brand of decibel reader they use. When my mother mentioned this during a future discussion, it was insisted that none of said agreements were discussed.

I went to the Appleton.org page and looked for the recorded version of that day's meeting, I found none, and no meeting minutes posted on the page. It seems all the momentum

during that May 10, 2017 meeting was simply to placate people in the neighborhood temporarily and for the activity at the Fox River House to continue as in years' past. Instead of purchasing a decibel reader, Ms. Coenen, instead, used an app on her iPhone and iPad to monitor the music; even after she had objected to my using a decibel app on my Android phone in the past as proof of how loud the music was. None of the conditions promised by Ms. Coenen were met.

My mother ordered the open records from the Appleton Police Department (APD), asking for all the noise complaints that came in from people during summer of 2017 regarding Fox River House. There was only one complaint listed about noise at the bar. It was a formal complaint, and it was made by my mother. I know I made several calls last summer to the APD to make a statement about the noise. I know other neighbors called. Even a lady outside of our neighborhood, to the north, called. We had no idea we needed to directly express that our calls were formal complaints to be officially recognized. The list we received also included formal complaints about public urination, a couple disturbances, a few dealings with theft, and a suspicious situation. We have also found vomit and discarded underwear on the sidewalk in front of the building on occasion. In mid-July of 2017, I spoke with an Appleton alderman regarding this matter, and he called the Appleton Police Department to check about noise complaints for the Fox River House. As an official, he was informed there were several calls made about the noise at the Fox River House; both formal and non-formal.

Other factors that will affect the neighborhood are the demolition of the veterans' service building, and the expansion at the Justice Center and Outagamie Court House. With the razing of the veterans' service building at 227 S. Walnut Street, there will be no more buffer at all between the beer garden bands and the neighborhood; especially for 303 S. Walnut Street. The outcropping of the new addition to the court house campus will amplify the noise played by hired bands, more than in past years, bouncing it back to the neighborhood. I say noise because that's what it is by the time it reaches the neighborhood.

Residents in this neighborhood shouldn't have to be concerned about the months of May through September while it's still February. I shouldn't have to be taking time to write this letter. I should be working on things I need to do for the non-profits I volunteer for. But, for the past several years, neighborhood voices have been disregarded, and May is only 3 months away. Even writing this letter has been stressful. Each year it gets worse.

Ms. Coenen's requests for a "special noise variance" are not for special occasions; not a once-per-year event like the Mile of Music. She's requesting nineteen (19) weekends in a row. And as for the Mile of Music, she's requesting 12 and 13 hours of music for Thursday, Friday, Saturday and 10 hours on Sunday. That's 48 hours of music and a great deal of stress. If it was just Mile of Music, I could understand her request being a "special occasion", but she's requesting 40 separate days. Technically, perhaps legally, her request doesn't fall under Appleton Municipal Code Sec 12-83 (2) *Special Community Event*

variance because, by definition, a "*Special Community Event*" would be an event put on by the community; not a private business.

Since 2011, Ms. Coenen has proven she won't control the noise level of the bands she hires. If she is granted a variance for 2018, I expect her to invest in a proper sound barrier to protect the well-being of those in the neighborhood--not just a tarp as she has attempted in the past. So far, in this distressing situation, all has been one-sided; one-person benefiting at the expenses of others living in the neighborhood. And the city has allowed this to go on for years, preventing the APD from taking suitable action. The Third Ward is one of Appleton's oldest neighborhoods, it has been interesting watching it change a lot over the years. And, it is a part of the downtown area, coexisting peacefully up until 2011.

If Ms. Coenen feels placing a sound barrier is not acceptable, I request the Health and Safety Board and the Appleton City Council deny all dates she is requesting for a variance except when Appleton community events are taking place (e.g. Mile of Music and Oktoberfest). The fact that her actions are bringing harm to even one person in the neighborhood should prevent the variance from being granted by the Health and Safety Board and the Appleton City Council. Stress is harmful and the residents of the Historic Third Ward are not represented faithfully by their alderperson, Patty Coenen.

At this point, I have three choices: (1) I can move. I don't want to move. I love my home. (2) I can hire a lawyer. I believe I have a case. Or, (3) I can run for City Council. I shouldn't have to run for office to have my voice heard, however, I am willing to become more involved in my city's political processes in-depth.

Sincerely,

Elizabeth Laux

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Live Love Laugh