

Raymond B and Claudine A. GREEN

1400 E. Capitol Drive
Appleton, Wisconsin, 54911-8477
920.939.2111

Appleton, WI. Dept. of Public Works
100 N Appleton, Street
Appleton, WI. 54911-4799

06 OCT 2017

REF. FILE NO: 2017.0911

Dear Mr. Craanen:

I am writing to request a variance to Appleton Code 19-91 (f) (5), in relation to a small concrete pad that I recently had installed off of the driveway in my front yard. As I will explain in more detail below, the purpose of the pad is not to park vehicles, but instead to serve as a small area that allows my wife and I to turn our garage-parked vehicles around in order to exit our driveway in the safest manner possible.

My wife and I recently moved to Appleton from Illinois in early May 2017, in order to be closer to our only daughter, son-in-law and grandchildren, who moved here in August 2016. At the time we were looking for a home to purchase, the real estate inventory in Appleton was, as I am sure you are aware, very tight. Homes were selling within hours of going on the market. When we found the home we ultimately purchased at 1400 E. Capitol Drive, we loved many features it offered. However, we had significant concerns about the fact that the driveway opened directly onto Capitol, requiring us to back out into oncoming traffic. **First**, my wife and I will both turn 73 this year – we are not quite as nimble as we once were, which can make backing onto a busy street difficult. **Second**, my wife suffers from Cervical Dystonia, which restricts how far she can turn her head to the right – this necessarily impacts her ability to get a full view of the road behind her when backing up. **Third**, Capitol is a busy, heavily traveled thoroughfare, with Ferber Elementary to the west, Memorial Park's entrance almost directly across the street from our house, and the busy Ballard Rd./41 interchange just to the east. **Fourth**, although the speed limit in front of our house is 25 mph, traffic frequently moves along much faster than that – sometimes at speeds approaching 35-40 mph. **Fifth**, the sidewalk in front of our house is also heavily used by pedestrians in the neighborhood – people walking dogs, children riding bikes and families pushing baby strollers.

After considering the issue and discussing it with our real estate agent in light of the lack of available homes to purchase, we thought a reasonable solution to our safety concerns would be to add a small concrete pad off the side of the driveway, which would allow us to safely turn our vehicles around on our property and exit our driveway onto Capitol in a forward-facing direction.

Because the driveway also needed some repair, I was referred to Tony Boe for a quote to perform the necessary repairs and to add the small "turn around pad." Tony provided an estimate of \$2,750.00 to do the work, without any mention of a permit requirement. When I asked him if a permit would be necessary, he responded that permits were not required for driveway repairs. I hired Tony to do the work, which he completed promptly and professionally. The site was kept clean and orderly, with all debris being removed quickly. From start to finish, the job took 3 days.

On the final day of work (August 25, 2017), after the pad had already been poured, John Peters (Erosion Control Inspector, Public Works Department) stopped by to ask about the project. He informed me that Public Works had received a complaint about the project, although he was not at liberty to reveal who had lodged the complaint. After I explained the scope of the work and the reasons we were having it done, he explained that where we had poured the pad (to the west of our driveway/garage, in front of our house) required a permit. He further explained that had we poured the pad on the opposite side of the driveway (to the east of our driveway/garage, and thus abutting directly up to our next door neighbor's property line) no permit would have been required.

Before the project was begun, I had looked on the Appleton website to determine whether any permits would be required. I was not able to find any information there suggesting I should obtain a permit. Indeed, what I read on the website expressly stated no permit was required to redo a driveway. Mr. Peters told me there was, indeed, a code applicable to our project, but he was not able to give me the exact citation. Before leaving, Mr. Peters took a few photographs and stated that he would be in touch with respect to how we might seek a variance for the project. He returned on September 29, 2017, gave us his and your business cards and suggested we write this letter to your attention.

Between Mr. Peters' visits, I spent several hours reading through the majority of the Appleton Code, page by page, to find the code section Mr. Peters had briefly referenced. I finally found the section on page 1244-1246. After carefully reading the entire section of code, I understood that the intent behind the relevant section was to prevent residents from parking boats, trailers, snowmobiles, RVs or other large vehicles directly in front of homes. My wife and I own no such vehicles. I can assure you, with our advancing age, neither of us have any intention of purchasing any such vehicles. The sole purpose for the small concrete pad is to allow us to turn our vehicles around safely before exiting onto Capitol in a forward-facing direction. This allows us and those pedestrians and vehicles using Capitol to proceed in the safest manner possible.

I would also like to add, in response to Mr. Peters' suggestion that we could have installed the pad on the opposite side of our driveway, we felt that option would have been less appealing for a couple of reasons. Not only would we have had to remove a mature, healthy tree that provides lovely shade and aesthetics, but the pad would end right at our neighbor's property line, which we felt would impinge his enjoyment of his property.

It is our intention to install low-lying plants around the west and south sides of the pad in the spring, in order to beautify the area and provide some visual cover of it. And, I would like to reiterate one last time – we have no intention of ever parking a vehicle on the concrete pad.

For the reasons set forth in this letter, we respectfully ask that you consider and grant a variance, allowing the pad to remain where poured. Requiring us to dig it up and re-pour it on the other side of the driveway would be needlessly expensive, and would more negatively impact the overall visual aesthetics. We will, of course, pay any permit fees or fines required. We thank you, in advance, for your kind consideration of this matter.

Respectfully submitted:



Raymond B. and Claudine A. GREEN



CITY OF APPLETON
INSPECTION DEPARTMENT
NOTICE OF NONCOMPLIANCE

TAX KEY: 31-1-5402-00 1400 E CAPITOL DR PAGE: 1
FILE NO: 2017.0911 BUILDING INSPECTION DATE: 9/29/17
COMPLIANCE DATE BY: October 19, 2017 INSPECTOR: JOHN PETERS

SENT TO: RAYMOND GREEN ET AL COPIES TO:
1400 E CAPITOL DR
APPLETON WI 54911

ORDER# CODE SECTION

1.0 Municipal Code CORRECTION: Driveway extensions may only extend into the front yard a maximum of 4 feet and require a permit. The driveway turn around you installed exceeds that distance. Either initiate the process to obtain approval from the City of Appleton Municipal Services Committee or remove the portion of concrete exceeding 4 feet, and obtain a permit. For information on obtaining Municipal Services Committee approval for the turn around, Contact Kurt Craanen, Inspections Supervisor at 920-832-6413,

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For a full description of the code sections specified, see the Municipal Code at www.appleton.org or State codes at <http://nxt.legis.state.wi.us>

CITY OF APPLETON
INSPECTION DEPARTMENT
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All cited violations shall be corrected by October 19, 2017 unless an extension of time is granted in writing by the Inspector. Each day that the violation continues after the date for compliance shall constitute a separate offense subject to remedies and penalties by the authority having jurisdiction.

AVOID DELAY.
REPORT CORRECTIONS TO THE INSPECTION DIVISION AS SOON AS COMPLETED.

Inspector: *John Peters*
JOHN PETERS CK
Inspection Department
100 N. Appleton St.
Appleton, WI 54911-4799
Telephone: (920) 832-6411

OFFICE USE ONLY

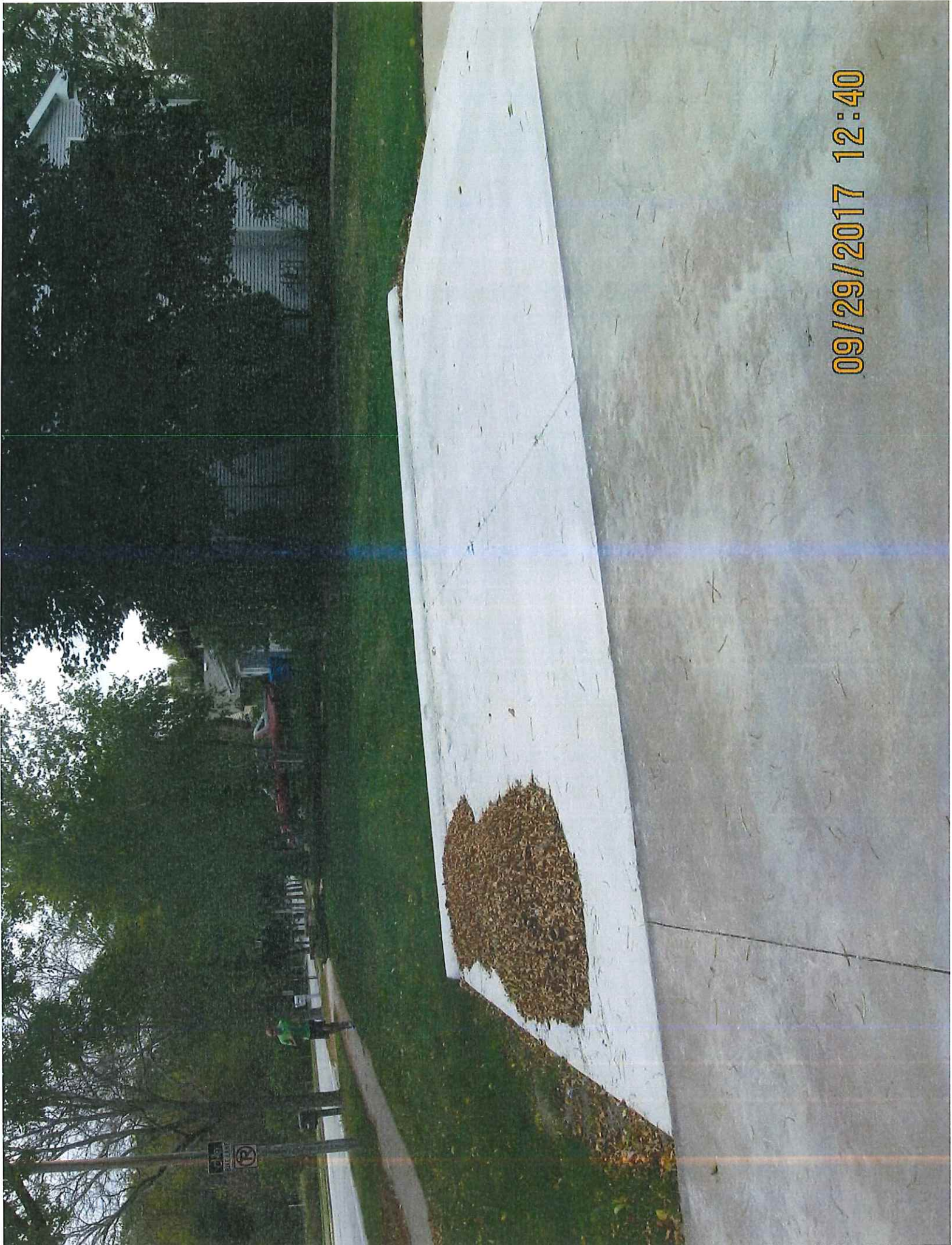
Date of Distribution: 10/02/17

Date of Completion: _____

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09/29/2017 12:03



09/29/2017 12:40