

Return to: Department of Public Works
Inspection Division
100 North Appleton Street
Appleton, Wisconsin 54911
(920) 832-6411

Recp 15267

City of Appleton Application for Variance

Application Deadline Meeting Date

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 non-refundable fee is payable to the City of Appleton and due at the time the application is submitted.

Property Information	
Address of Property (Variance Requested)	Parcel Number
300 E Fremont Street, Appleton, WI 54915	31-4-0506-00
Zoning District	Use of Property
R1B Single-Family District	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name	Owner Address
Holly Maurice	300 E Fremont Street, Appleton, WI 54915
Owner Phone Number	Owner E Mail address (optional)
(920) 470-5016	hollym@fcdadson.com
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)

Variance Information
Municipal Code Section(s) Project Does not Comply Sec. 23-44. minimum twenty (20) foot front yard setback
Brief Description of Proposed Project New 6'-0" proposed fence to be erected for the back yard of the residential property located on 300 E Fremont Street within the city of Appleton.

Owner's Signature (Required):  Date: 10/14/2019

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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:

New sound barrier 6'-0" high fence at a residential property, zoned R1B, with a setback of (5) feet from a public roadway and abutting a P-I zoned parking lot. Variance requested due to the residential lot being located on a corner lot that addresses a front lot setback to (20) feet on the front of the property and the back yard area of the residential property. Loss of intended use of the back yard of the property and the need for a sound barrier from the abutting parking lot and residential back yard privacy.

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

Property's proposed fence setback at vision corner meets all required codes. Side lot setback to meet minimum for an improved public alley at (5) feet. Vision of the public street right of way is not impeded by the proposed fence location and exceeds required vision corner required setbacks, including the neighboring residence's driveway. Echos currently occurring from the yard/roadway/etc. that rebound off of the abutting Church is intended to reduce unnecessary noise and improve surrounding residential enjoyment.

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

Residential property is set on a corner lot with the back yard of the property abutting a public street and not another residential property. The back yard of the residential property abutting the public street has a neighboring building zoned P1 Public Intuitional District with no green space dividing the parking lot and sidewalk across the street. This has created excessive noise to the residential property/s that echoes off of the neighboring building. The 5' setback and proposed 6'-0" high fence variance being requested as a solution to provide a residential sound barrier to reduce noise and noise rebounding. The 6'-0" high fence is for the back yard to a residential property. Sidewalk setback at 5' to provide privacy from abutting public street and open parking lot across the street while providing usable space within the back yard of the residential property.

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

Residential property hardships include: no longer being able to utilize 1,125 sq ft of the back yard area if maintaining a 20' setback; and alternatively if using the approved 3'-0" high fence at the setback of 5' that is 66% open, it will not provide a sound barrier from the neighboring parking lot across the street and the abutting public street, nor provide a vision barrier for the back yard

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from street traffic, sidewalk patrons and patrons using the parking lot. The loss of 1,125 sq ft of back yard would restrict and limit the usable full sun gardening area of the back yard and potential location for any future pool or other residential recreational enjoyment at the property. 20' Setback requirements are written for the front yard and vision corner setbacks of a residential property and not for a back yard that abuts a public street or a neighboring building zoned P1 Public Intuition District with no green space. The lot is not a standard city lot abutting two residential lots on both sides, it is on a corner with the entire back yard exposed to a roadway and public parking lot.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: November 8, 2019

RE: Variance Application for 300 E. Fremont St. (31-4-0506-00)

Description of Proposal

The applicant is proposing to erect a six (6) foot fence, five (5) feet from the front property line. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fences to three (3) feet in the front yard setback.

Impact on the Neighborhood

In the application, the applicant states that the proposed fence meets the vision corner requirements, the public alley setback requirements and that vision is not impeded.

Unique Condition

In the application, the applicant states that the property to the west creates echo noise from the building. The applicant states that a six (6) foot fence would provide a sound barrier.

Hardship

In the application, the applicant states that if the variance is not granted they would no longer be able to utilize 1,125 sq. ft. of the back yard. In addition, if a three (3) foot fence is erected it would not provide a sound barrier.

Staff Analysis

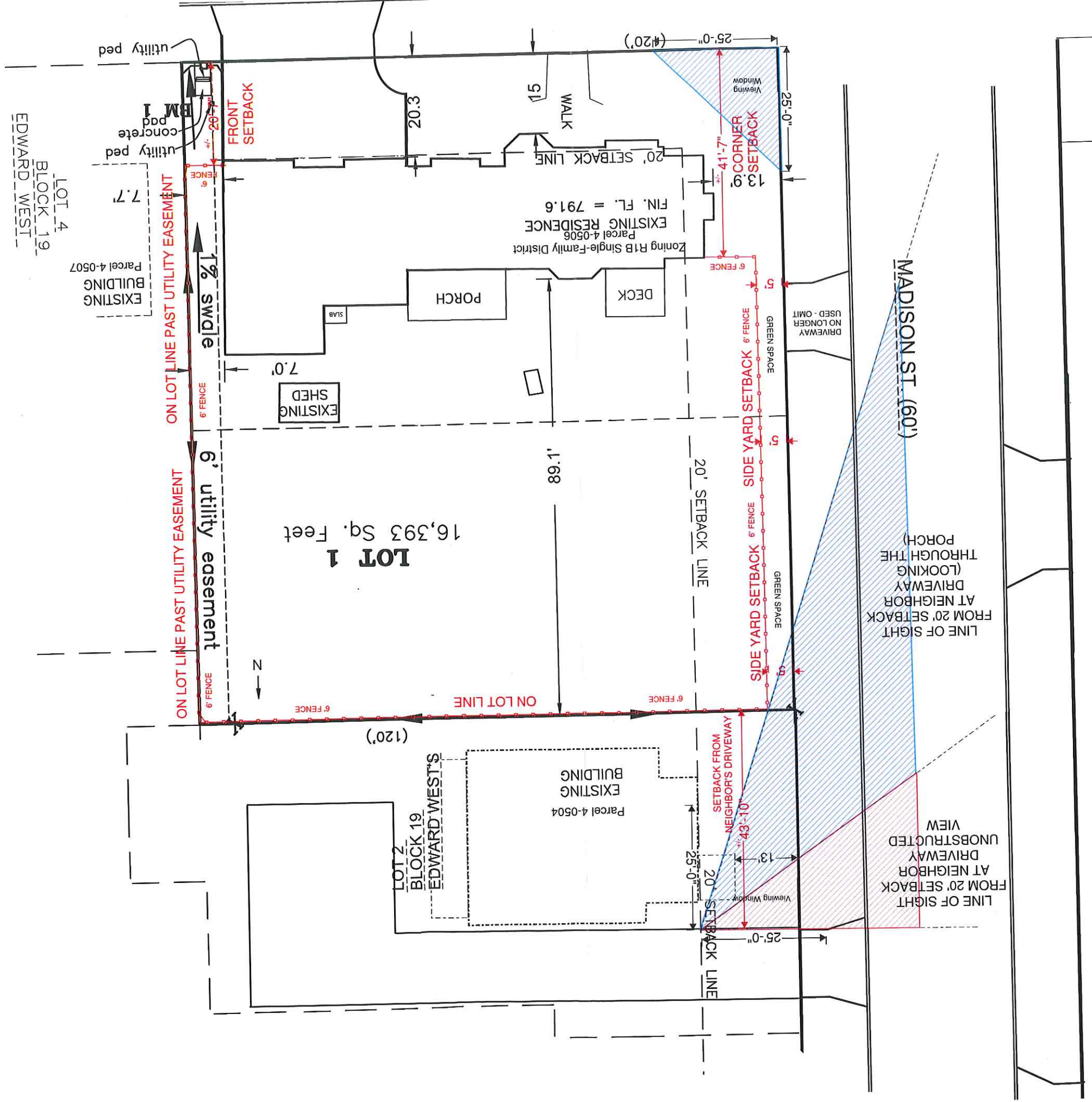
This property is 16,393 sq. ft. The minimum size lot in the R1B zoning district is 6,000 sq. ft.

The applicant has alternatives. They could meet code by erecting a six (6) foot high fence, twenty (20) feet from the property line and still have ample space in the backyard.

The fact that the property is on a corner and is near another building that deflects sound is not a unique characteristic.

The applicant has not met the hardship criteria.

PARCEL 4-0515
 EXISTING PARKING LOT
 SIDEWALK TIGHT TO PARKING LOT - GREEN
 SPACE AT UTILITY STRIP ONLY



REVISIONS: DATE:		CONTACT INFORMATION: HOLLY MAURICE (920) 450-6072 (920) 470-5016	
TITLE NEW CONSTRUCTION PLAN		PROJECT HOLLY AND AARON MAURICE 6'-0" HIGH FENCE PROPOSAL	
JOB NO: 300FREMONT		ADDRESS: APPLETON, WI 54915	
DATE: 10/04/2019		SCALE: 1/4" = 1'-0"	
DRAWN BY: HMM		DRAWING NO: 1.0	