

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: October 10, 2022

RE: Variance Application for 1338 W. Eighth St. (31-3-1246-00)

Description of Proposal

The applicant proposes to erect a fence in the rear and side yard that is six (6) feet ten (10) inches tall. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to six (6) feet.

Impact on the Neighborhood

In the application, the application states that the additional two cross boards on the top of the fence were added to ensure privacy for the neighbors, since the houses are very close and near the neighbor's windows.

Unique Condition

The applicant did not answer this question.

Hardship

In the application, the applicant states if they removed the added visual barriers it would result in the neighbors and occupants of the house no longer having a visual barrier between them.

Staff Analysis

This parcel is 9,150 sq. ft. The minimum size parcel allowed in the R1B zoning district is 6,000 sq. ft.

The applicant has not identified any unique conditions or characteristics of the parcel that could be deemed a hardship. The preference of the tenants to want privacy is not a hardship.

Also, the applicant has an alternative to meet code standards and still have a privacy fence.

The review criteria for a variance have not been met.

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

City of Appleton Application for Variance

September 26, 2022	Meeting Date	October 17, 2022 7pm
--------------------	-----------------	----------------------

Application Deadline

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) 1338 W. Eighth St.	Parcel Number 31-3-1246-00
Zoning District R1B	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name SUGAR MAPLE RESIDENCES LLC	Owner Address 6547 SW 116 PLACE #3 MIAMI FL 33173
Owner Phone Number	Owner E Mail address (optional)
Agent Name MARK BIESACK	Agent Address
Agent Phone Number 920-572-5945	Agent E Mail address (optional) <u>mark@php920.com</u>

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-44(a)(1)(a)- Maximum fence height is six (6) feet.
Brief Description of Proposed Project Erect a fence in the rear and side yard that is six (6) feet ten (10) inches tall. Section 23-44(a)(1)(a) limits fence height to six (6) feet.

Recp 121337853

Owner's Signature (Required): _____ Date: _____

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

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:
-The couple sections of fence in question are directly adjacent to the neighbors screen porch and house windows. Because the deck is raised a foot off the ground, we added an additional two cross boards on the top to ensure privacy for our neighbors since the houses are in very close proximity.

2. Describe how the variance would not have an adverse impact on the surrounding properties:
-As mentioned above, it's done to ensure privacy for our neighbors to the West both inside and outside their home. It is only a few sections of fencing, and does not extend to the back of the property or to the front of the house.

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:
-We could modify the fence and remove the boards/cut down posts to be fully compliant (removing 10" to achieve this), but it would result in the neighbors and occupants of the house no longer having a visual barrier between them. We added these boards in consideration of our neighbors and wanting to do what's best.