

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: June 11, 2020

RE: Variance Application for 621 S. Fairview St. (31-3-0245-00)

Description of Proposal

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

Impact on the Neighborhood

In the application, the applicant states that the fence will not be in the vision corner and will be well maintained.

Unique Condition

In the application, the applicant states that this lot is on a corner and is smaller than other lots in the neighborhood.

Hardship

In the application, the applicant states that if the fence was installed according to code requirements, they would lose privacy and use of their yard and ultimately this would hurt property values.

Staff Analysis

The lot is 5,671 sq. ft. The minimum lot size in the R1C zoning district is 4,000 sq. ft.

This lot is a corner lot, but that is not a unique or special condition.

Wanting more privacy, more use of the yard and an increase in property values are not factors that should be considered in granting a variance.

The applicant may have a code compliance fence installed in this yard.

The review criteria has not been met for a variance.

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: **April 27, 2020** Meeting Date: **May 20, 2020 at 7:00 pm**

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) 621 S. Fairview St.	Parcel Number 31-3-0245-00
Zoning District R1C	Use of Property Residential

Applicant Information	
Owner Name Amanda Rodgers	Owner Address 621 S. Fairview St. Appleton, WI 54914
Owner Phone Number 262-903-4227	Owner E Mail address (optional) <u>a.rodgers0014@gmail.com</u>
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)

Variance Information
Municipal Code Section(s) Project Does not Comply 23-44(a)(1)(a)- No fence shall be allowed in excess of three (3) feet in the front yard setback.
Brief Description of Proposed Project The proposed fence will be six (6) feet tall three (3) feet from the front property line. Section 23-44(a)(1)(a) limits fences to three (3) feet in the front yard setback.

Owner's Signature (Required): *Amanda Rodgers* Date: **4-27-2020**

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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:

I intend to build a 6ft high boundary/privacy wood fence around the back and side of my yard parallel to West 4th St. Current code states that I am required to have a 10 ft setback from street property lines. The distance from the sidewalk edge closest to my house to the exterior wall of my house is 20 feet. I intend to keep the fence 12-18 inches from the edge of the sidewalk to allow adequate space for snow removal and people utilizing the sidewalk.

I will have the lot professionally surveyed in order to ensure that the fence does not cross over lot lines.

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

I intend to keep the vision corner clear to not impede drivers. The fence I would like to construct will be of high-quality wood and will be professionally installed. This fence will be well maintained and kept free of weeds or tall grass especially on the sidewalk side.

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

My home is on a corner lot, which means it has 2 front yards. In addition, my lot is smaller than everyone on my side of the street. The lot at the south end of Fairview St is over 1,300 sq. ft larger than mine and the house is set in such a way that they have a larger side yard to work with even if they kept a fence 10ft from the sidewalk.

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

If I was unable to have the 6ft high fence, I would be unable to have privacy in my backyard. Having a smaller yard than most homes in my neighborhood means my neighbors are closer to me to begin with, which translates to a lack of privacy

If I was not able to push my fence out to approximately 12-18 inches from the edge of the sidewalk closest to my house, I would lose at least half of my available yard space. The fence would have to run down the middle of the part of the yard that runs along the house and would also be cutting off about 1/3 of the space in the yard that runs along the garage. In addition, the fence would not look well placed and appropriate and thus would detract from the good curb appeal I am trying to attain. The placement according to current regulations also has the potential to bring down property values and resale value for my home, which would, in turn, bring down values for my neighbors.

Please see proposed drawing of fence on page below

Key:

Orange Dashed Line: Proposed Fence

White Bubble with Number: Fence Length expressed in Feet

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