



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final Board of Zoning Appeals

Monday, September 20, 2021

7:00 PM

6th Floor Council Chambers

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting
[21-1277](#) Minutes from July 19, 2021

Attachments: [Minutes 7-19-21.pdf](#)

4. Public Hearings/Apearances

5. Action Items

- [21-1275](#) **4601 N Haymeadow Ave. (31-6-5427-00)** The applicant proposes to erect a fence that is four (4) feet high, three (3) feet from the front property line. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to three (3) feet in the required front yard.

Attachments: [4601 N. Haymeadow Ave.pdf](#)

6. Information Items

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Minutes - Final Board of Zoning Appeals

Monday, July 19, 2021

7:00 PM

6th Floor Council Chambers

1. Call meeting to order

Meeting called to order by McCann at 7:01 pm.

2. Roll call of membership

Present: 4 - McCann, Engstrom, Sperl and Loosen

Excused: 3 - Cain , Croatt and Joosten

3. Approval of minutes from previous meeting

[21-0994](#)

Minutes from June 21, 2021

Attachments: [Minutes 6-21-21.pdf](#)

**Engstrom moved, seconded by Sperl, that the Minutes be approved. Roll Call.
Motion carried by the following vote:**

Aye: 4 - McCann, Engstrom, Sperl and Loosen

Excused: 3 - Cain , Croatt and Joosten

4. **Public Hearings/Appearances**

*David Novak-Neighbor
Vered Meltzer-Aldersperson
Gale Schultz-Neighbor*

5. **Action Items**

[21-0995](#)

621 N. Bateman St. (31-1-0154-00) The applicant proposes to change the use of a building from a place of worship to a non-profit recreational facility and provide no off-street parking. Section 23-172(m) of the Zoning Ordinance requires that five (5) off street parking spaces be provided.

Attachments: [621 N. Bateman.pdf](#)

Appearing as agents for the owner were John Adams and Graham Washatka.

Sperl moved, seconded by Loosen, that the Report Action Item be approved for a recreation facility (non profit) use only. Roll Call. Motion carried by the following vote:

Aye: 4 - McCann, Engstrom, Sperl and Loosen

Excused: 3 - Cain , Croatt and Joosten

[21-0997](#)

Election of Chair

Sperl moved, seconded by Loosen, to elect McCann as chair. Roll Call. Motion carried by the following vote:

Aye: 4 - McCann, Engstrom, Sperl and Loosen

Excused: 3 - Cain , Croatt and Joosten

[21-0998](#)

Election of Vice Chair

McCann moved, seconded by Sperl, to elect Scott Engstrom as vice chair. Roll Call. Motion carried by the following vote:

Aye: 4 - McCann, Engstrom, Sperl and Loosen

Excused: 3 - Cain , Croatt and Joosten

6. Information Items

7. Adjournment

A motion was made by Scott Engstrom, seconded by Kelly Sperl, that this meeting be adjourned at 7:56 pm. The motion carried by the following vote:

Aye: 4 - McCann, Engstrom, Sperl and Loosen

Excused: 3 - Cain , Croatt and Joosten

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

City of Appleton Application for Variance

Sept. 20, 2021

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 nonrefundable fee is payable to the City of Appleton and due at the time the application is submitted.

Property Information	
Address of Property (Variance Requested) 4601 N. Haymeadow Ave	Parcel Number 31-6-5427-00
Zoning District R1B	Use of Property <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial

Applicant Information	
Owner Name WILLIAM DVORACEK	Owner Address 4601 N HAYMEADOW APPLETON, WI 54913
Owner Phone Number 920-312-6451	Owner E Mail address (optional) bdvoracek@new.rr.com
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)

Variance Information
Municipal Code Section(s) Project Does not Comply Section 23-44(a)(1)(A) – No fence shall be permitted to be higher than three (3) feet in height in the required front yard.
Brief Description of Proposed Project Erect a fence that is four (4) feet high, three (3) feet from the front property line. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to three (3) feet in the required front yard.

Owner's Signature (Required):  Date: 8/3/2021

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 proposed plan is to install a 4 ft high ornamental fence around the area we designate as the backyard portion of the lot. Please see the attached document for supporting information related to our plan.

We are requesting a variance due to our lot being on a corner. Per the municipal code, there is 20 ft setback for each side of the lot adjacent to the street, for a fence exceeding 3 ft in height. Our proposal has the fence closer to the property line than allowed by the municipal code unless a variance is granted.

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

The proposed fence is ornamental with 3\4 inch pickets that are spaced at 3 inch apart. The closest point of the proposed fence is approximately 60 ft from the corner.

As a result of the above items, the fence does not create a barrier that impedes visibly for street or pedestrian traffic. It would begin well outside of the vision corner. The ornamental nature of the fence is aesthetically pleasing and does not block the view of the house or yard.

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

The lot dimensions, resemble a trapezoid. And with the positioning of the house, the portion of the lot that is considered the backyard, mostly runs along the street.

Many of the surrounding lots are more traditional square lots, that positions the backyard further from the street. Many of our neighbors have 4 ft or higher fences surrounding their backyards, but since we are on a corner, we are restricted in the height of fence that we could have enclose our backyard.

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

We need to install a fence to maintain a space for our medium sized dog to get exercise, while not getting loose. We feel like a 4 ft fence is the minimum height that we need to contain the dog. Since we live right next to a park, there is a fair amount of foot traffic by our house daily and often many people congregating in the park. We do not want to create a safety hazard as a result of a loose dog.

By installing the fence at the 20 ft setback from the sidewalk, it would result in the loss of approximately 1480 sq ft of usable yard that we currently use regularly for recreational purposes (see yellow line on image of page 3 of the attachment). With the 20 ft setback, it would severely impact the usability of this space as this is the area of our yard that is most open, where we are able to enjoy playing sports and where the dog would run. Additionally, setting back the fence 20 ft would be aesthetically displeasing as it would appear that we are running a fence through the middle of our yard and into the middle of a well-established line of trees that line the back of our yard.

CITY OF APPLETON MEMO

To: Board of Zoning Appeals

From: Kurt W. Craanen, Inspections Supervisor



Date: September 13, 2021

RE: Variance Application for 4601 N. Haymeadow Ave. (31-6-5427-00)

Description of Proposal

The applicant proposes to erect a fence that is four (4) feet high, three (3) feet from the front property line. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to three (3) feet in the required front yard.

Impact on the Neighborhood

In the application, the applicant states that the fence is 60 feet away from the corner and does not create a vision obstruction and does not block the view of the house from the street.

Unique Condition

In the application, the applicant states that the lot resembles a trapezoid and the positioning of the house makes the back yard run along the street.

Hardship

In the application, the applicant states that they need a four (4) foot fence in the front yard because their medium sized dog needs more space to exercise and the dog may be able to jump a three (3) foot fence. The applicant also stated that by installing the fence twenty (20) feet back from the sidewalk, it would result in the loss of approximately 1,480 sq. ft. of usable yard.

Staff Analysis

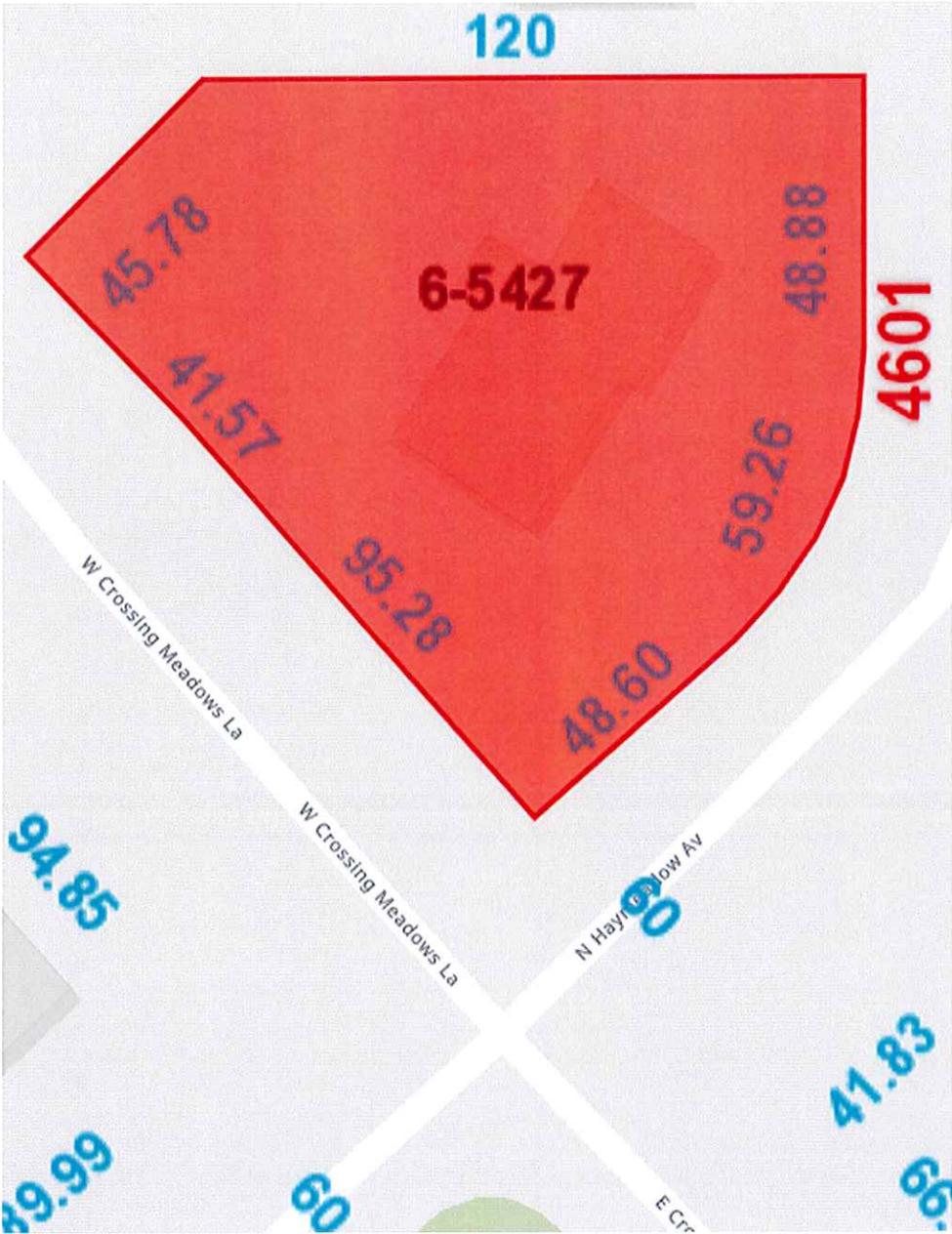
The size of this lot is 13,354 sq. ft. The minimum size lot in the R1B zoning district is 6,000 sq. ft.

The lot is a uniquely shaped corner lot.

The fact that the owner has a dog should not be considered a hardship. Hardships should be related to the dimensional limitations of the lot, not the owner's of the home at the time or their preferences.

It appears that the owner is able to build a fence that is code compliant and still use the property for its intended use.

Diagram of the property



[City of Appleton Property Viewer App](#)

[City of Appleton My Neighborhood](#)

Diagram representing the proposed fence dimensions

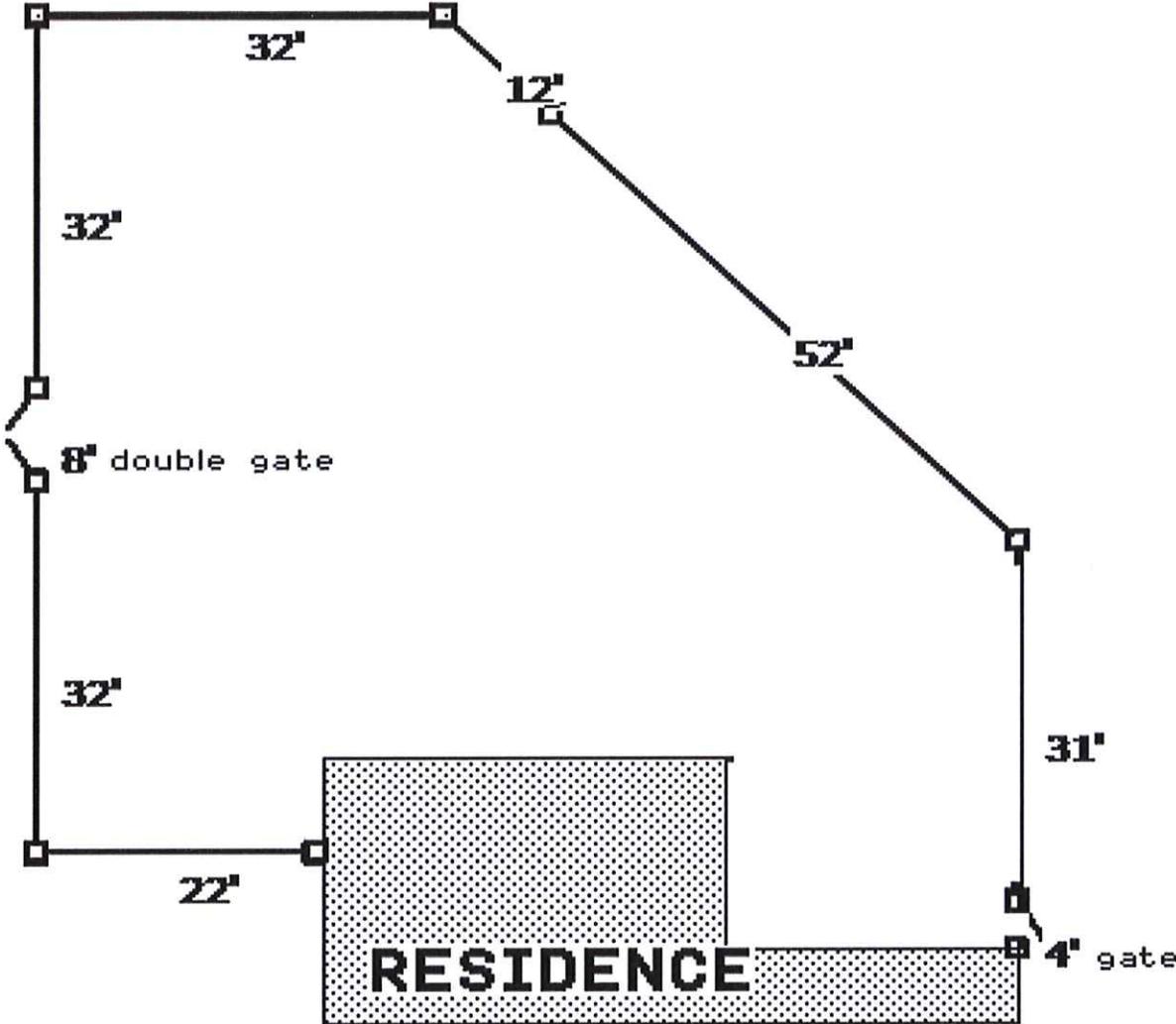
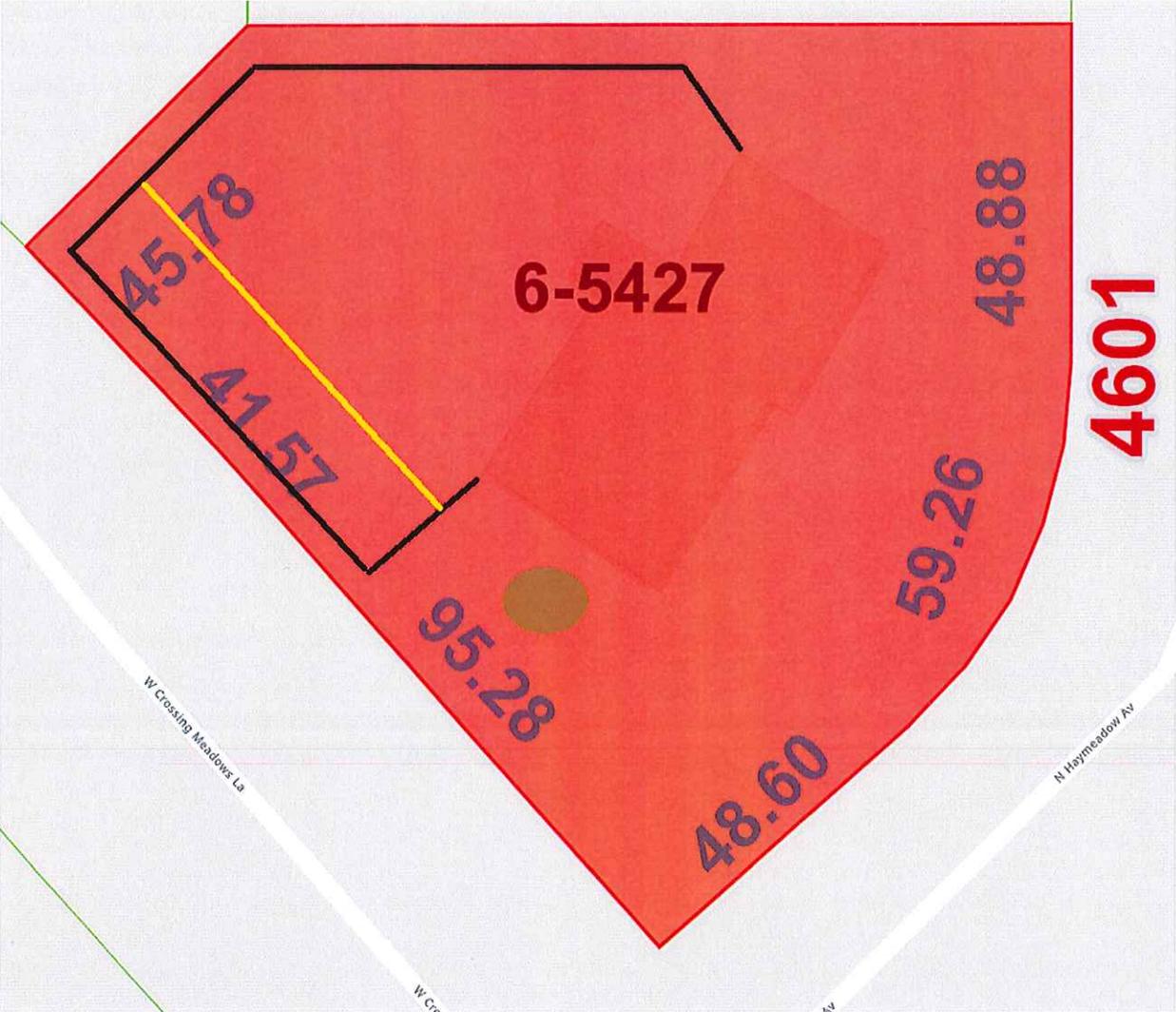


Diagram from Mi T Fence LLC quote

The house is 25 ft from the sidewalk. There would be 3 feet of space from the sidewalk to the fence.

Diagram representing the proposed fence on the property



The black line represents the proposed fence. The yellow line represents the 20-foot setback line. The green circle represents an Ash tree on the property. The lines are not to scale.

Street view of the property



Dual Maps: Road Maps, Aerial View and Street View in one embeddable control - www.mapchannels.com

The fence would be on the other side of the Ash tree.

Representation of the fence style



Flat Top • Post Caps: Flat • Color: Satin Black

Series: None