



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
[www.appleton.org](http://www.appleton.org)

## Meeting Agenda - Final Board of Zoning Appeals

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Monday, May 15, 2017

7:00 PM

6th Floor Council Chambers

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1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting

[17-622](#) Minutes from April 17, 2017.

**Attachments:** [April 17, 2017 minutes.pdf](#)

### 4. Public Hearings/Apearances

### 5. Action Items

[17-623](#) 5465 N. Haymeadow Ave. (31-6-6202-24) The applicant proposes to erect a fence in the rear yard. Portions of the proposed fence would be installed on an existing two (2) foot berm, making the height of the fence eight (8) feet from grade. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height in residential districts to six (6) feet.

**Attachments:** [5465 N. Haymeadow Ave.doc](#)  
[5465 N. Haymeadow Ave.pdf](#)

[17-624](#) 3825 E. Calumet St. (31-9-5715-00) The applicant proposes to add to an existing ground sign, making it thirty-two (32) feet high. Section 23-524(a) of the Zoning Ordinance limits ground sign height to twenty-eight (28) feet.

**Attachments:** [3825 e calumet st.doc](#)  
[3825 E. Calumet St.doc](#)

### 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, April 17, 2017

7:00 PM

6th Floor Council Chambers

---

1. Call meeting to order

2. Roll call of membership

**Present:** 5 - Smith, Joosten, Schoenbohm, Engstrom and Sperl

**Excused:** 1 - McCann

3. Approval of minutes from previous meeting

[17-493](#)

Minutes from March 20, 2017.

**Attachments:** [March 20, 2017 minutes.pdf](#)

Smith moved, seconded by Engstrom, that the Minutes be approved. Roll Call.

Motion carried by the following vote:

**Aye:** 4 - Smith, Joosten, Engstrom and Sperl

**Excused:** 1 - McCann

**Abstained:** 1 - Schoenbohm

4. Public Hearings/Appealances

*Ronna Swift  
Jeff Clark*

5. Action Items

[17-494](#)

1309 S. Oneida St. (31-4-0537-00) The applicant proposes to convert this existing residential dwelling into an office. The proposed plans for the new parking lot have a five (5) foot landscape buffer along the west side of the property. Section 23-172(h) of the Zoning Ordinance requires a fifteen (15) foot landscape buffer. ~~The proposed parking lot will have five (5) parking spaces. Section 23-172(m) of the Zoning Ordinance requires eleven (11) parking spaces.~~ The proposed plan will cause 65% 71% of the lot to be covered. Section 23-111(h)(2) of the Zoning Ordinance limits lot coverage to 60% of the lot.

**Attachments:** [1309 S. Oneida St.doc](#)  
[1309 s oneida st.pdf](#)

Schoenbohm moved, seconded by Sperl, that the variance to allow 5' landscape buffer on west side of property and 71% lot coverage be approved.  
Roll Call. Motion carried by the following vote:

Aye: 5 - Smith, Joosten, Schoenbohm, Engstrom and Sperl

Excused: 1 - McCann

#### 17-495

421 N. Lawe St. (31-1-0696-00) The applicant is requesting an Administrative Appeal to a decision made by the Inspections Supervisor, per Section 23-68 of the Zoning Ordinance. Section 23-43(f)(1)(h) of the Zoning Ordinance prohibits accessory buildings to be two (2) stories. The applicant disagrees with how this section is being interpreted. The applicant would like to maintain a floor below the roof system.

**Attachments:** [421 N. Lawe St\(2\).doc](#)  
[421 N.Lawe St..pdf](#)

*Engstrom moved to uphold citys ruling and deny administrative appeal, seconded by Schoenbohm, that the Report Action Item be approved. Roll Call. Motion carried by the following vote: Aye: 4 - Smith, Schoenbohm, Engstrom and Sperl, Excused: 1 - McCann, Abstained: 1 - Joosten.*

Sperl moved, seconded by Schoenbohm to grant variance to allow a second story. Roll Call. Motion carried by the following vote:

Aye: 4 - Smith, Schoenbohm, Engstrom and Sperl

Excused: 1 - McCann

Abstained: 1 - Joosten

## 6. Information Items

## 7. Adjournment

Schoenbohm moved, seconded by Engstrom, that the meeting be adjourned.  
Roll Call. Motion carried by the following vote:

Aye: 5 - Smith, Joosten, Schoenbohm, Engstrom and Sperl

Excused: 1 - McCann

May 8, 2017  
May 9, 2017  
Acct. 15520

City of Appleton

### **NOTICE OF HEARING FOR VARIANCE**

NOTICE IS HEREBY GIVEN that a meeting of the Board of Appeals, established under the provisions of Chapter 23 of the Ordinance, and known as the Zoning Ordinance, to be held on the 15th day of May, 2017, at 7:00 P.M., in Committee Room "6A/B", 6th Floor, City Hall, 100 North Appleton Street, of the City of Appleton, Wisconsin, will be heard to consider the Appeal of:

from the ruling of the City Building Inspector in granting a permit for the construction, alteration, rebuilding, or occupancy of a nonconforming building on, or for the use of the property known and described as follows:

**5465 N. Haymeadow Ave.**

**Tax Key Number: 31-6-6202-24**

The applicant proposes to erect a fence in the rear yard. Portions of the proposed fence would be installed on an existing two (2) foot berm, making the height of the fence eight (8) feet from grade. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height in residential districts to six (6) feet.

Notice is further given that the said meeting is open to the public and that the appellant and any other person interested may appear and be heard for or against the granting of aforesaid permit by this Board.

CITY OF APPLETON,  
Appleton, Wisconsin  
The Board of Appeals

**REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES  
WILL BE MADE UPON REQUEST AND IF FEASIBLE.**

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 17, 2017

Meeting Date

May 15, 2017

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) 5465 N. Haymeadow Ave.	Parcel Number 316620224
Zoning District R1B	Use of Property Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/>

Applicant Information	
Owner Name Lori J. Barr	Owner Address 5465 N. Haymeadow Ave.
Owner Phone Number 920-216-8152	Owner E Mail address (optional) lori.barr@kcc.com
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)

Variance Information
Municipal Code Section(s) Project Does not Comply 23-44
Brief Description of Proposed Project Install a fence in the rear yard on top of a berm. Portions of fence will be eight (8) feet tall.

Owner's Signature (Required):



Date:

April 17, 2017



**PROPERTY: 5465 N. Haymeadow Ave., Appleton WI 54913**

**1. Explain your proposed plans and why you are requesting a variance:**

I am proposing to enclose my backyard with a 6 foot cedar board privacy fence. I am requesting a variance as my yard has an agricultural berm required by the City of Appleton and therefore I am not able to lower the grade on the berm on my lot line such that construction of my fence would remain 6 feet above grade.

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

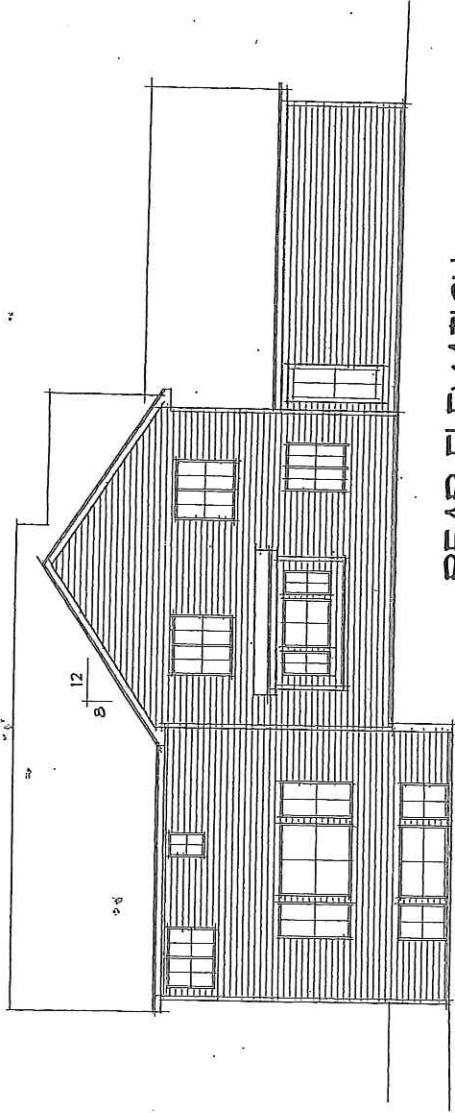
The proposed variance would not have an adverse effect on the surrounding properties because my backyard slopes downward away from the house foundation and my front yard slopes high in the south and low in the north as I am on a hill. Therefore, the top of the berm in my backyard is 9" below the grade of the south east front corner and 9" below the foundation level from the north east front corner of my yard. My adjacent neighbors (north, south or east) will not have further obstructed views from construction of a fence on along the back of my yard. Also, there is no adverse effect to the West as the land behind my property is a farm and will be zoned light commercial in the future. Our neighborhood was told by Mayor Hanna the property directly behind me will never be zoned residential so there would not be an adverse effect from any property owner to the West of me. In fact, the property directly behind my yard will be a natural barrier to separate my property from the light commercial properties.

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

As I indicated in previous answers to questions 1 and 2, my lot has an agricultural berm which runs along the back of my lot. Both lots adjacent to my lot North and South of me also have agricultural berms. However, most lots in the city of Appleton do have agricultural berms to separate their residential lot from a farm.

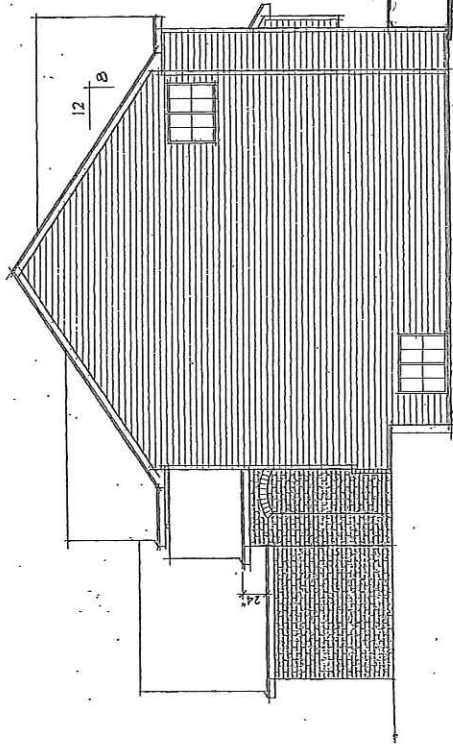
**4. Describe the hardship that would result if your variance were not granted.**

My property is adjacent to an agricultural zone which abuts to commercial zoning. The commercial zone is adjacent to Highway 47. Currently there is a high level of noise from Highway 47 due to the farms and wetlands that are directly behind my property to the West and therefore lack of sound barriers to Highway 47. There is also a noise from a new road and utilities which will become an additional access point to my neighborhood. The city of Appleton purchased the agricultural farms which are directly west of my property. These farms are in the process of being rezoned by the city. My hardship is the noise that carries from Highway 47 and the noise from the new road to the North of my property. In addition, my hardship is that I will not be able to have my dog run freely in my backyard as currently I must tether my dog in the backyard.



REAR ELEVATION

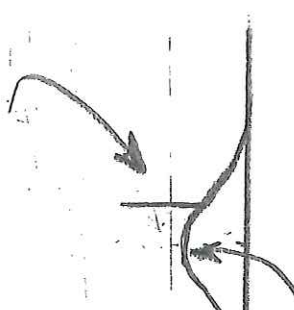
SCALE:  $\frac{1}{8}" = 1'-0"$



RIGHT SIDE ELEVATION

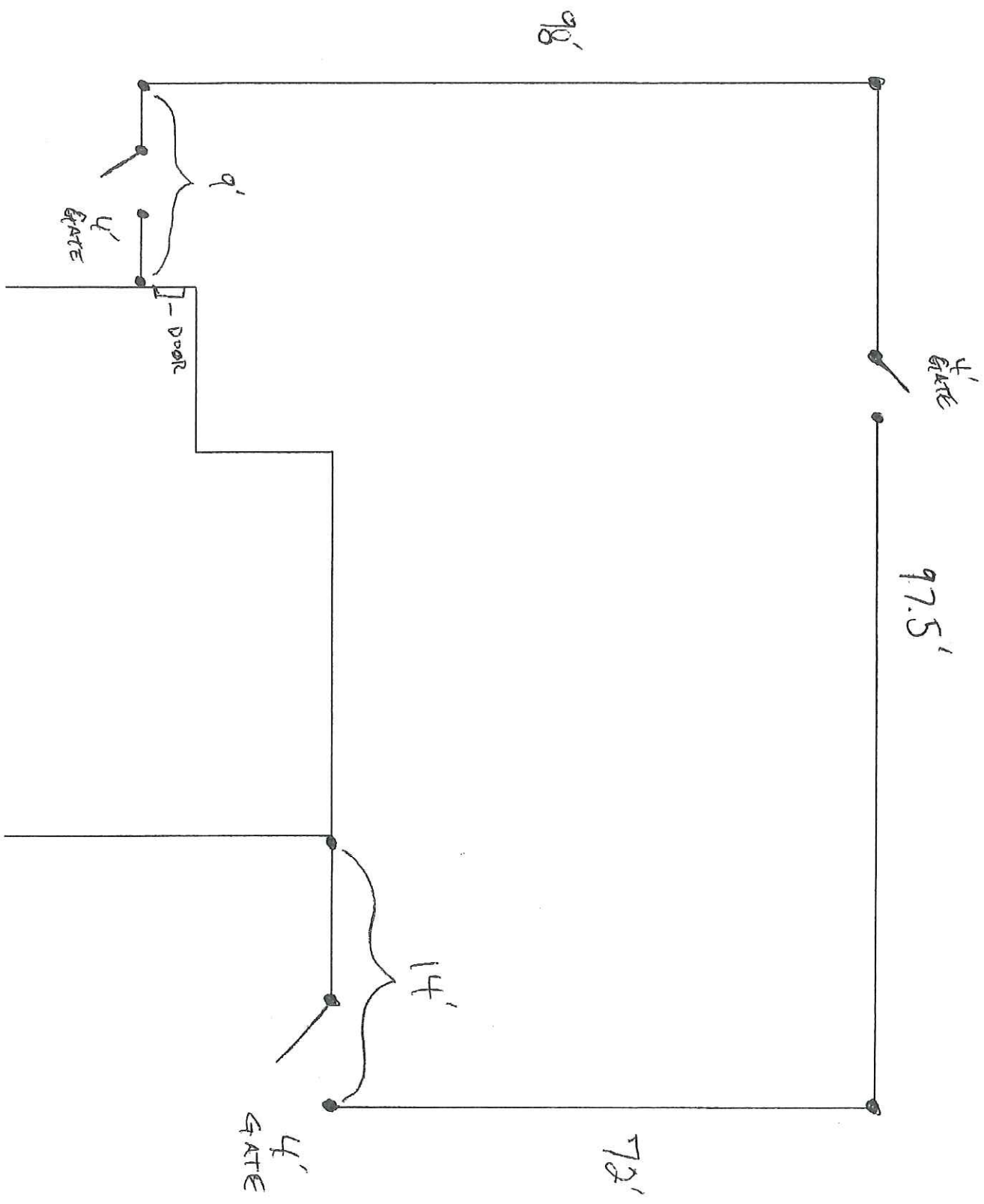
SCALE:  $\frac{1}{8}" = 1'-0"$

PROPOSED FENCE

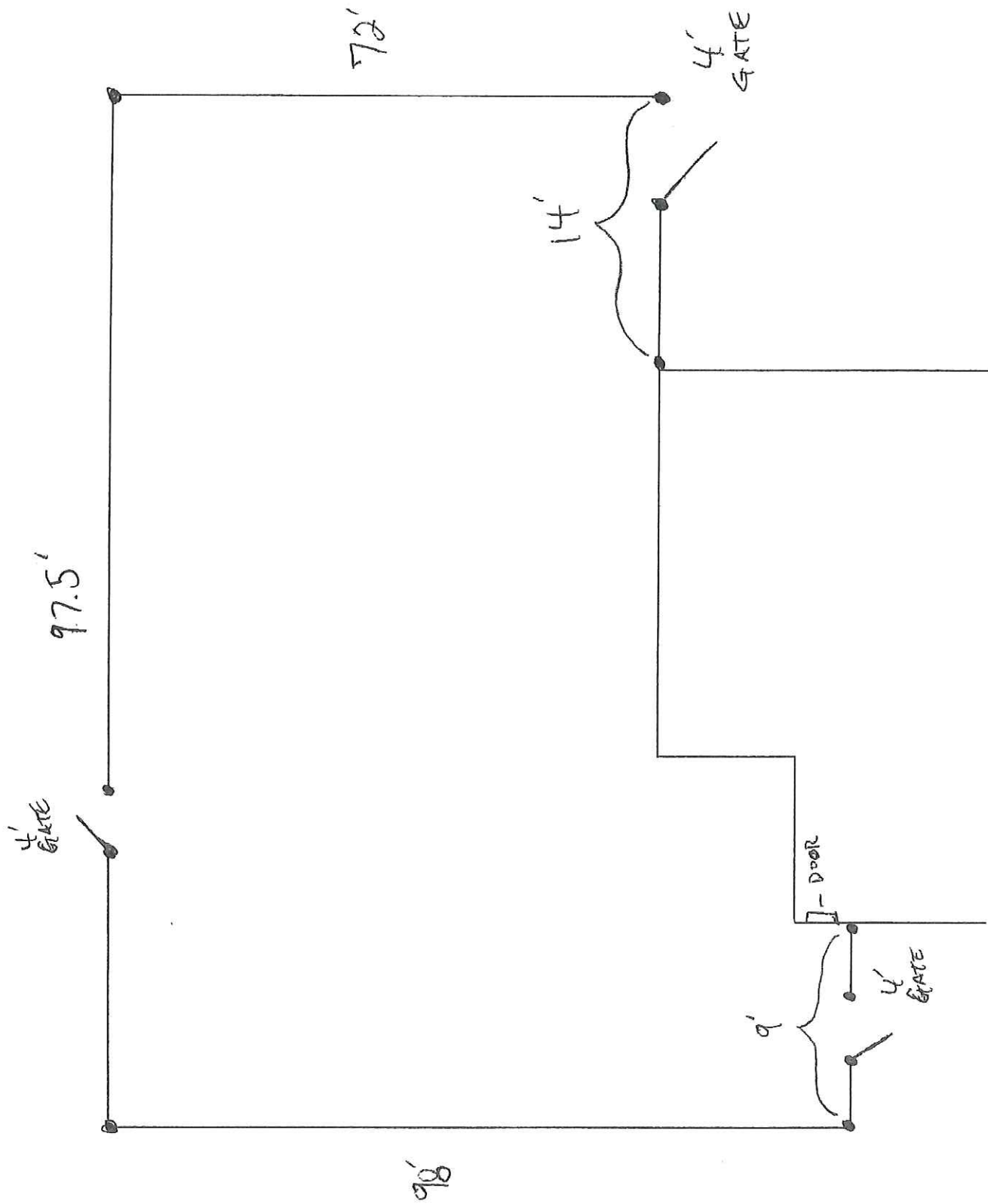


TOP OF BURN IS ~1FT  
BELOW EXTENDED  
GRADE LINE









# PROPOSAL

NORTHERNFENCE-WI.COM



## OWNER INFORMATION

Name Lori Barr  
Address 5465 N. Haymeadow Ave.  
City, State ZIP Appleton, WI 54913  
Phone 920-216-8152  
Email lori.barr@kcc.com

Project name

## Northern Fence, Inc.

Address 3721 N. Rifle Range Rd.  
City, State ZIP Appleton, WI 54911  
Phone- Appleton 920-731-9009  
Phone- Green Bay 920-468-0129  
Fax 920-731-9690  
Email info@northernfence-wi.com  
Contact Matthew Hawkins (Sales Manager)

## SPECIFICATIONS

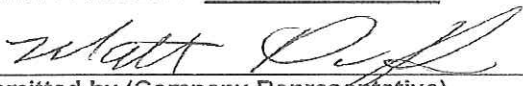
### Cedar Wood Fence

Style- Board on Board  
Height- 6'  
Footage- 283'  
Boards- 1"x6"x6" (Dog Eared)  
Rails- 2"x3"x8' (2 per section)  
Posts- 2-1/2" x 10' (Steel)  
Post Covers

## EXTRAS

## PRICE

TOTAL= \$ 7,000.00  
CASH/CHECK DISCOUNT= \$ 6,800.00  
DOWN PAYMENT=

  
Submitted by (Company Representative)

3-20-17  
Date

## OWNER ACCEPTANCE

I do accept the above scope of work, proposed by Northern Fence, Inc.

\_\_\_\_\_  
Submitted by (property owner or authorized representative)

\_\_\_\_\_  
Date

# PROPOSAL

NORTHERNFENCE-WI.COM



## OWNER INFORMATION

Name Lori Barr  
Address 5465 N. Haymeadow Ave.  
City, State ZIP Appleton, WI 54913  
Phone 920-216-8152  
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Submitted by (Company Representative)

3-20-17  
Date

## OWNER ACCEPTANCE

I do accept the above scope of work, proposed by Northern Fence, Inc.

Submitted by (property owner or authorized representative)

Date



**TERMS OF PAYMENT**

50% DOWN PAYMENT REQUIRED ON ALL ORDERS. BALANCE DUE ON DAY OF JOB COMPLETION-UNLESS OTHERWISE SPECIFIED ON THIS PROPOSAL. A FINANCE CHARGE OF 1 ½ % PER MONTH (OR A MINIMUM OF \$1.00) WHICH IS AN ANNUAL PERCENTAGE RATE OF 18%, SHALL BE APPLIED TO ACCOUNTS THAT ARE NOT PAID WITHIN 10 DAYS AFTER COMPLETION OF ANY WORK INVOICED. THE CUSTOMER AGREES TO PAY ALL INTEREST AND ANY COSTS INCURRED IN THE COLLECTION OF THIS DEBT.

**NOTICE OF LIEN RIGHTS**

WE ARE PROVIDING THIS NOTICE AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW. NORTHERN FENCE INC. HEREBY NOTIFIES YOU, AS OWNER, THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIALS (INCLUDING NORTHERN FENCE INC.) FOR THE CONSTRUCTION ON OWNER'S LAND MAY HAVE LIEN RIGHTS ON OWNER'S LAND BUILDINGS IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED BUILDER, ARE THOSE WHO CONTRACT DIRECTLY WITH THE OWNER OR THOSE WHO GIVE THE OWNERS NOTICE WITHIN 60 DAYS AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION. ACCORDINGLY, OWNER PROBABLY WILL RECEIVE THESE NOTICES FROM THOSE WHO FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO HIS/HER MORTGAGE LENDER, IF ANY. BUILDER AGREES TO COOPERATE WITH THE OWNER AND HIS/HER LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID.

**ADD ON'S / CHANGES**

ADDITIONAL CHARGES FOR ANY EXTRA WORK NOT COVERED IN THIS CONTRACT THAT WAS REQUESTED BY THE CUSTOMER WILL ALSO BE ADDED, INCLUDING FOOTAGE OF FENCE AND EXTRA POSTS. THE FULL AMOUNT OF THIS CONTRACT ALONG WITH ANY ADDITIONAL CHARGES WILL BECOME PAYABLE UPON COMPLETION OF ALL WORK WHETHER OR NOT IT HAS BEEN INVOICED.

**CANCELLATION**

ANY CANCELLATION AFTER 3-DAYS OF SENDING DOWN PAYMENT, OR SIGNING OF PROPOSAL, WILL RESULT IN A FEE OF 25% OF THE TOTAL CONTRACT AMOUNT.

**CUSTOMER RESPONSIBILITIES**

NORTHERN FENCE INC. SHALL ADVISE THE CUSTOMER AS TO LOCAL ZONING REGULATIONS BUT RESPONSIBILITY FOR COMPLYING WITH SAID REGULATIONS AND OBTAINING ANY REQUIRED PERMITS SHALL REST WITH THE CUSTOMER. NORTHERN FENCE INC. WILL ASSIST THE CUSTOMER, UPON REQUEST, IN DETERMINING WHERE THE FENCE IS TO BE ERECTED, BUT UNDER NO CIRCUMSTANCE DOES NORTHERN FENCE INC. ASSUME ANY RESPONSIBILITY CONCERNING PROPERTY LINES OR IN ANY WAY GUARANTEE THEIR ACCURACY. IF PROPERTY PINS CANNOT BE LOCATED IT IS RECOMMENDED THAT THE CUSTOMER HAVE THE PROPERTY SURVEYED. NORTHERN FENCE INC. WILL ASSUME THE RESPONSIBILITY FOR HAVING UNDERGROUND PUBLIC UTILITIES LOCATED AND MARKED. HOWEVER, NORTHERN FENCE INC. ASSUMES NO RESPONSIBILITY FOR UNMARKED SPRINKLER LINES, OR ANY OTHER UNMARKED BURIED LINES OR OBJECTS. THE CUSTOMER WILL ASSUME ALL LIABILITY FOR ANY DAMAGE CAUSED BY DIRECTING NORTHERN FENCE INC. TO DIG IN THE IMMEDIATE VICINITY OF KNOWN UTILITIES. ANY LANDSCAPING OR TRIMMING MUST BE PERFORMED BY THE CUSTOMER (FENCE LINE MUST BE CLEAR) BEFORE ANY WORK WILL BEGIN.

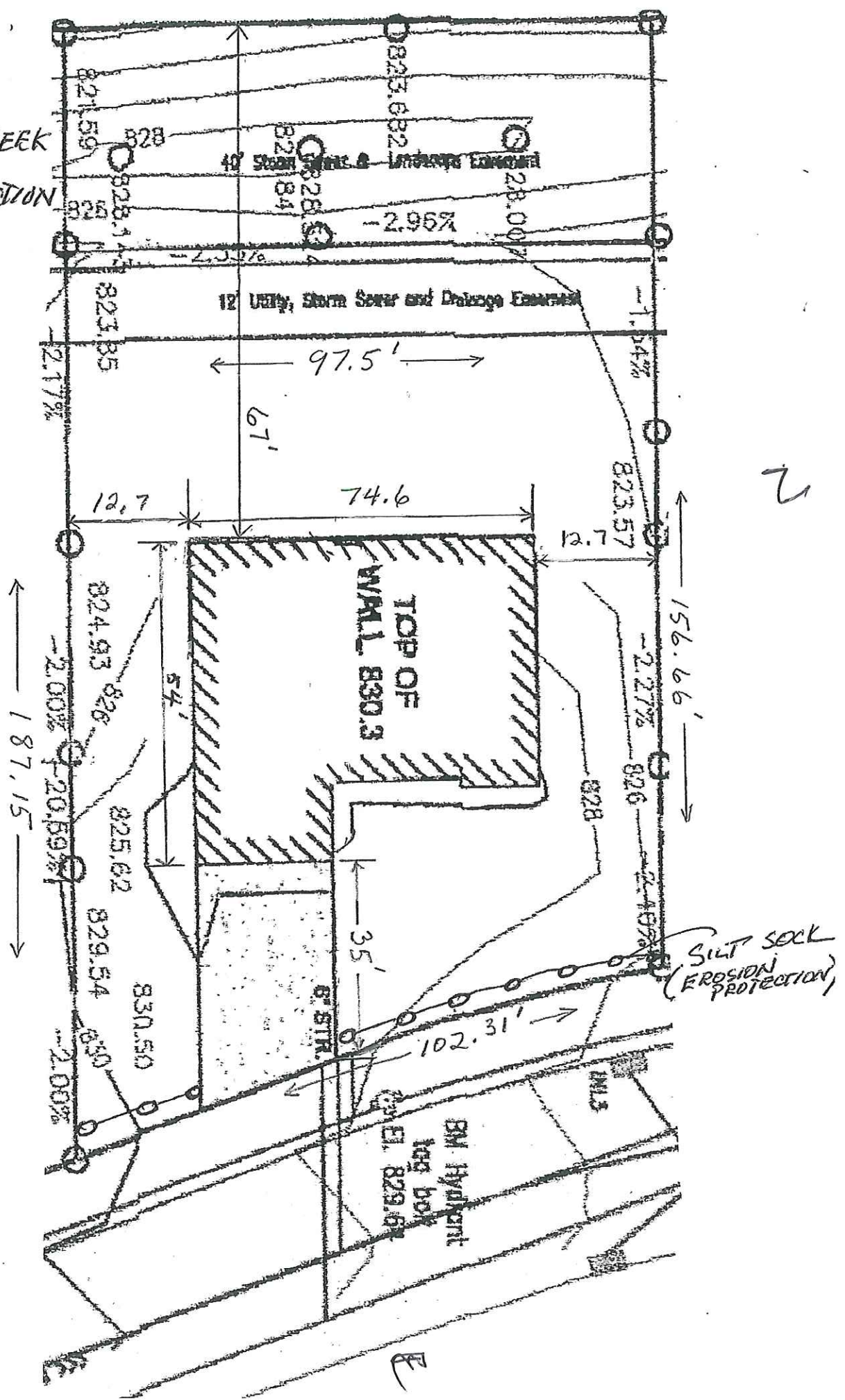
I HAVE READ AND AGREED TO THE TERMS AND CONDITIONS OF THIS CONTRACT/PROPOSAL

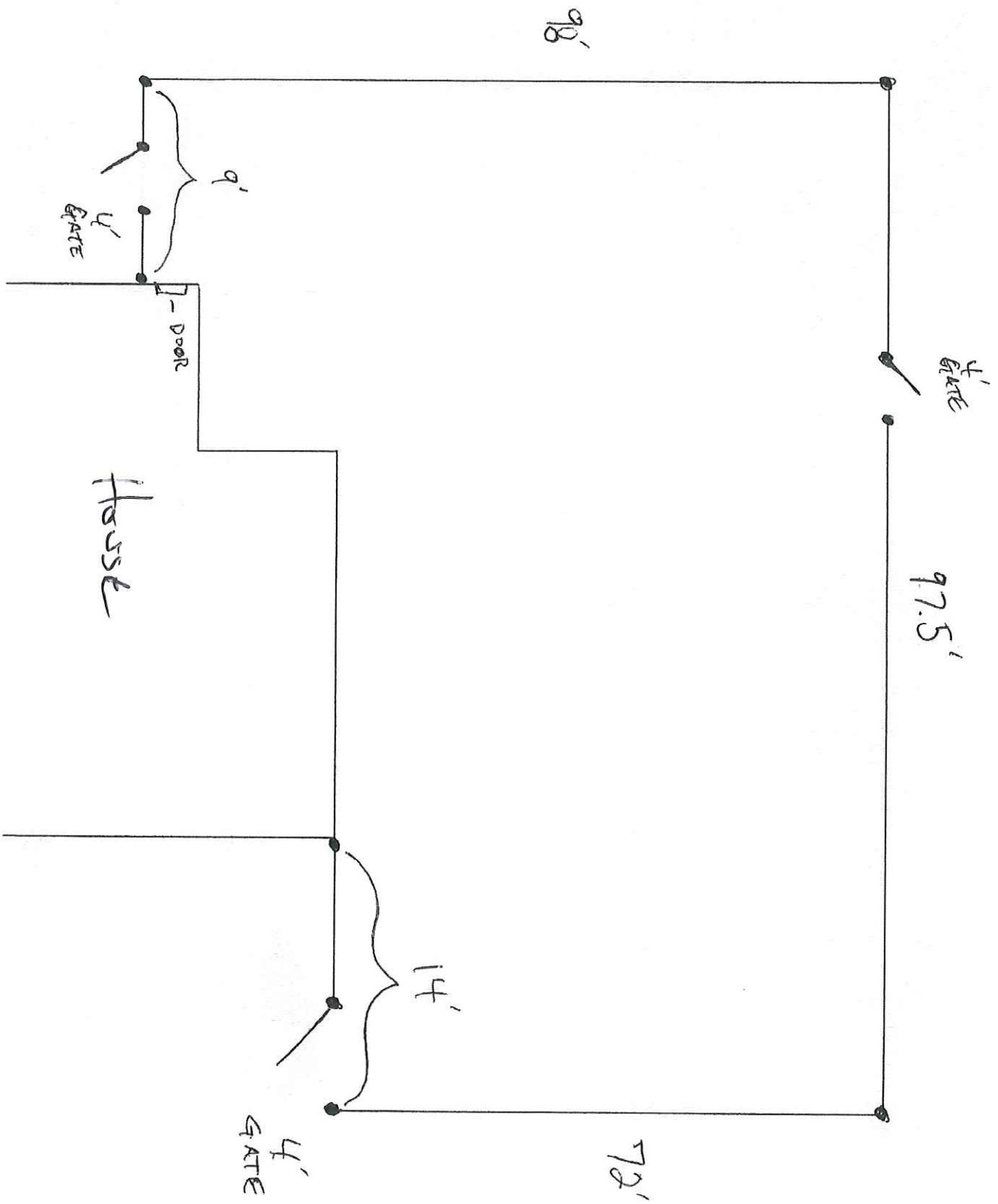
PROPERTY OWNER \_\_\_\_\_ DATE \_\_\_\_\_

PLEASE RETURN SIGNED COPY WITH DOWN PAYMENT. THANK YOU!



PLOT PLAN  
 LOT 124  
 CLEARWATER CREEK  
 JACOB CONSTRUCTION  
 585-7570





May 8, 2017  
May 9, 2017  
Acct. 15520

City of Appleton

### **NOTICE OF HEARING FOR VARIANCE**

NOTICE IS HEREBY GIVEN that a meeting of the Board of Appeals, established under the provisions of Chapter 23 of the Ordinance, and known as the Zoning Ordinance, to be held on the 15th day of May, 2017, at 7:00 P.M., in Committee Room "6A/B", 6th Floor, City Hall, 100 North Appleton Street, of the City of Appleton, Wisconsin, will be heard to consider the Appeal of:

from the ruling of the City Building Inspector in granting a permit for the construction, alteration, rebuilding, or occupancy of a nonconforming building on, or for the use of the property known and described as follows:

**3825 E. Calumet St.**

**Tax Key Number: 31-9-5715-00**

The applicant proposes to add to an existing ground sign, making it thirty-two (32) feet high. Section 23-524(a) of the Zoning Ordinance limits ground sign height to twenty-eight (28) feet.

Notice is further given that the said meeting is open to the public and that the appellant and any other person interested may appear and be heard for or against the granting of aforesaid permit by this Board.

CITY OF APPLETON,  
Appleton, Wisconsin  
The Board of Appeals

**REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES  
WILL BE MADE UPON REQUEST AND IF FEASIBLE.**

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 24, 2017

Meeting Date May 15, 2017 at 7pm

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) <b>3825 E. Calumet St.</b>	Parcel Number <b>31-0-5715-01</b>
Zoning District <b>PDC2</b>	Use of Property <b>Commercial</b>
Applicant Information	
Owner Name <b>EISENHOWER PROPERTIES LLC</b>	Owner Address <b>PO BOX 12057 GREEN BAY WI 54307</b>
Owner Phone Number	Owner E Mail address (optional)
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)
Variance Information	
Municipal Code Section(s) Project Does not Comply <b>Section 23-524(a) – Ground sign height.</b>	
Brief Description of Proposed Project <b>Proposed sign would be thirty-two (32) feet tall. Section 23-524(a) limits ground sign height to twenty-eight (28) feet.</b>	

Owner's Signature (Required): \_\_\_\_\_ Date: \_\_\_\_\_

## 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

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

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