



# City of Appleton

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

## Meeting Agenda - Final Board of Zoning Appeals

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Monday, January 15, 2018

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  
[18-0075](#) Minutes from December 18, 2017.

**Attachments:** [December 18, 2017.pdf](#)

### 4. Public Hearings/Apearances

### 5. Action Items

- [18-0076](#) 4647 Cherryvale Ave. (31-1-7509-03) The applicant proposes to construct a berm up to six (6) feet high in the rear of this parcel. Section 23-50(b)(5) of the Zoning Ordinance limits the height of berms to three (3) feet.

**Attachments:** [4647 Cherryvale Ave.pdf](#)  
[4647 Cherryvale Ave2.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.*



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## Meeting Minutes - Draft Board of Zoning Appeals

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Monday, December 18, 2017

7:00 PM

6th Floor Council Chambers

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1. Call meeting to order

2. Roll call of membership

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

3. Approval of minutes from previous meeting

17-1989 Minutes from November 20, 2017.

**Attachments:** [November 20, 2017 Minutes.pdf](#)

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

**Aye:** 5 - McCann, Smith, Joosten, Engstrom and Sperl

4. **Public Hearings/Appearances**

5. **Action Items**

17-1990 3300 E. Express Ct. (31-4-5566-00) The applicant proposes to adjust the lot line which would create a new parcel size. Upon recording of Certified Survey Map (CSM), the applicant is proposing additions to the property that would increase the lot coverage of the new lot to 79%. Section 23-113(h)(2) of the Zoning Ordinance allows a maximum lot coverage of 75%.

**Attachments:** [3300 E. Express Ct.doc](#)  
[3300 express ct.pdf](#)  
[3300 express ct2.pdf](#)

*Tyler Edwards appeared.*

**Smith moved, seconded by Engstrom, that the Report Action Item be approved due to the other adjacent lots would be less useable if not passed. Roll Call.  
Motion carried by the following vote:**

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

Nay: 1- Sperl

**6. Information Items**

**7. Adjournment**

**Joosten moved, seconded by Sperl, that the meeting be adjourned. Roll Call.  
Motion carried by the following vote:**

**Aye: 5- McCann, Smith, Joosten, Engstrom and Sperl**

#4776831

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  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) <b>4647 – 4817 CHERRYVALE AVE.</b>	Parcel Number <b>31- 1-7509-3</b>
Zoning District <b>RIA</b>	Use of Property <b>Residential</b>
Applicant Information	
Owner Name <b>EMERALD VALLEY ESTATES LLC</b>	Owner Address <b>1718 VANZEELAND CT LITTLE CHUTE WI 54140</b>
Owner Phone Number	Owner E Mail address (optional)
Agent Name <b>Jason Mroz</b>	Agent Address <b>3410 Indigo Bluff Drive GREEN BAY, WI 54311</b>
Agent Phone Number <b>(920) 858-3029</b>	Agent E Mail address (optional) <b>jason@appletree-homes.com</b>
Variance Information	
Municipal Code Section(s) Project Does not Comply <b>Section 23-50(b)(5) – Height of berm cannot exceed three (3) feet.</b>	
Brief Description of Proposed Project <b>The proposal is to construct up to a six (6) foot high berm in the rear yard along the trail and creek.</b>	

Owner's Signature (Required): Robert G. P. Blum Date: 12/16/17

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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:*

Apple Tree is proposing to build 13 single family homes along Cherryvale Avenue with a Home Owner's Association to take care of the landscaping, lawns and snow removal. The back of the homes would be facing Appleton's Apple Creek Drainage Corridor and the asphalt paved nature trail. With the trail being immediately adjacent to the west property line of these homes, we would like to construct a continuous earthen berm with physical variations in **height up to 6 feet** above the surrounding elevation. The berm would be constructed to have alignment throughout the entire length of 12 of the lots and have the required side slope of 3 horizontal to 1 vertical. We intend to landscape the berm with wildflowers, shrubs and trees by utilizing the berm as a natural buffer and reducing the direct visibility to the back patios and the large windows in the back of the homes. The Home Owner's Association will maintain the natural landscape area on the berm once a year for nuisance and noxious weeds and fire prevention.

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

Only portions of the proposed berm are 4' or 5' high (shaded green and blue on the attached Proposed Final Drainage Plan), with only a small portion behind Lot 3 that would be 6' high (shaded orange on the attached Proposed Final Drainage Plan). This varied height would not have an adverse effect on the adjacent nature trail, the homes on the other side of the drainage corridor, or any future neighboring homes because the berm would not be excessively high or steeply sloped. The topography on the 13 lots is relatively flat and the proposed berm would blend well with the other side of the nature trail where it slopes down to Apple Creek. The natural colorful vegetation and the trees that we plan to plant on the proposed berm will blend very well with the vegetation between the asphalt nature trail and the drainage corridor.

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

These 13 homes have the asphalt nature trail about 10 feet off their back property line, on our side of Apple Creek, which puts walkers and bikers much closer to our homes than others. According to Appleton's GIS mapping system, a majority of the other properties that are immediately adjacent to this trail are either undeveloped lands or multi-family developments. We would like an exception to the maximum 3' high berm requirement in Sec. 23-50 (b) (5) as follows:

- **For single-family residential lots with a nature trail immediately adjacent to the property line, the berm may be up to 6' high to allow for additional buffering or topographical character.**

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

The unique topographical and dimensional limitations of the lots make a substantial burden on the home owners because they cannot be adequately buffered from Appleton's nature trail, especially when the leaves and tall grasses have fallen in late fall, winter and early spring. We have proposed these homes be placed all the way to the east building setback line to maximize the back yards. Even though we intend to utilize deciduous and evergreen trees to screen portions of the trail, our experience has shown that a majority of home owners insist on having additional buffers to the trail when it is not summer. We are requesting an "area" variance to relax a dimensional standard in the zoning ordinance because these lots are not excessively deep and poses a real hardship to these home owners that are close to Appleton's nature trail.

