

June 14, 2018

June 15, 2018

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 18th day of June, 2018, 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:

1035 S. Kernan Ave.

Tax Key Number: 31-4-1942-00

The applicant is proposing to erect a fence in the front yard that is four (4) feet tall. Section 23-44(a)(1)(a) of the Zoning Ordinance limits the height of fences to three (3) feet in the front yard.

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 May 28, 2018 Meeting Date June 18, 2018

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) 1035 S. Kernan Ave, 54915	Parcel Number 4-1942
Zoning District <u>R1B</u>	Use of Property x Residential Commercial

Applicant Information	
Owner Name Virgil Van Asten	Owner Address 1035 S Kernan Ave
Owner Phone Number 920-850-8100	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 <u>23-44(a)(1)(a) - 6' fence in front yard setback.</u>
Brief Description of Proposed Project Installation of 6' fence

Owner's Signature (Required): [Signature] Date: 5-18-18

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:

Privacy, so my 15 & 13-year-old daughters can use the yard without being the neighborhood side show. We are considering putting up a temporary swimming pool for the summer. As I understand the law, I have to have a 4' fence around it. I had a conversation with someone from Appleton's building inspectors office who told me we had to be 20' off of where a sidewalk would be if there was a sidewalk. Which means the fence would have to be 1' off the front (South side) of my house.

The proposed fence is over 90' from an intersection and would not cause a problem.

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

(See included picture "1035 Fence 1.png") In the lot diagram the red line represents the fence I would like the variance for. The orange lines are estimated distances to demonstrate the approximate location of the fence.

The fence will be almost 60' from the west lot line (See pic: 1035 Kernan Full, west is the left of the picture"). That line is already populated with tree's, so the neighbor to the west could hardly see it. To the south (see pic "1035 Kernan across Rocky ct.jpg") is Rocky Ct., then my neighbor's backyard, who already has a. To the east is Kernan Ave. To the north of the fence is my house than a normal lot line separating I and my neighbor.

On the west side, the fence would stop before the drive way to my storage building. That building is used for storage, hobbyist shop and does not have regular vehicle traffic.

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

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

I'm on the corner of Rocky Ct. & Kernan Ave. The majority of residential lots in Appleton only have 1 property line adjacent to a street. I have 2 lot lines adjacent to streets, totaling 50% of the boundaries of my property.

It's also a narrow lot at 55'

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

Besides the obvious of an upset family. We would be denied the little privacy and the use and enjoyment of our property that Appleton affords the majority of other property owners in the city.

I have 15 and 13-year-old daughters, that noticeable become a neighborhood distraction when they are sitting on the lawn doing something as simple homework.

As well as our two dogs that have no place to run.

Attached Picture and Diagrams:

1035 Fence 1.PNG

Diagram created from Appleton's GIS web site

1035 Kernan across Rocky ct.jpg

Picture across Rocky Ct. showing little to no impeded view

1035 Kernan front.jpg

Picture to help illustrate the location of the fence, noting the majority of the front of the house would still be open

1035 Kernan full.jpg

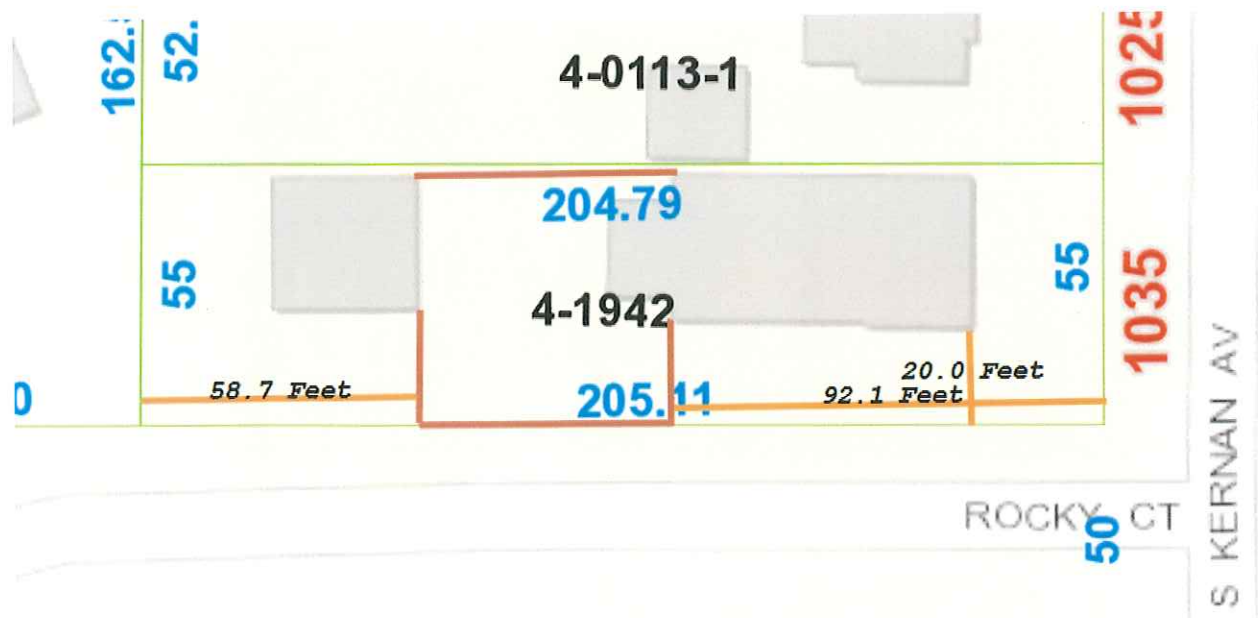
Picture to help understand the position of the fence on the lot and distance from neighbors.

John&Telulah.jpg / Kernan Ave. & Silver Spur

Picture of nearby property, demonstrating this is not a new or unique request.

1035 Fence 1.PNG

Diagram created from Appleton's GIS web site



1035 Kernan across Rocky ct.jpg

Picture across Rocky Ct. showing little to no impeded view



1035 Kernan front.jpg Picture to help illustrate the location of the fence, noting the majority of the front of the house would still be open.



1035 Kernan full.jpg

Picture to help understand the position of the fence on the lot and distance from neighbors.



John&Telulah.jpg

Picture of nearby property, demonstrating this is not a new or unique request.



Kernan Ave & Silver Spur

