



CITY OF APPLETON

MEMORANDUM

Date: July 2, 2026
To: Board of Zoning Appeals
From: Victoria L. Drehmel, Code Compliance Inspector
Subject: Variance Request – 72 Garden Court (31-4-1223-02)

Description of Proposal

Construct an accessory building that is 6 (six) feet from the front property line along the private drive of Hidden Acres Court. Section 23-43(g)(1)(e) of the Zoning Ordinance prohibits accessory buildings in the front yard.

Impact on the Neighborhood

In the application, the applicant states that the new paved area will be in their considered backyard, 14 ft above the development (Hidden Acres Court), and the future greenhouse would not have any adverse effect on aesthetics.

Unique Condition

In the application, the applicant states that this property has a backyard 14 ft above the grade of the road behind the yard.

Hardship

In the application, the applicant states that due to the property's layout—being surrounded by a private road—and the way the municipal code defines yard areas, the parcel lacks a functional backyard. As a result, they believe they are being unfairly limited in their ability to reasonably use their property.

Staff Analysis

This property has triple frontage along Garden Court and Hidden Acres Court (a private drive), to which Municipal Code classifies the east, south, and west sides as front yards. The remaining north side yard, adjacent to 66 Garden Court, does not provide sufficient space for an addition or detached accessory structure. The dwelling faces east, indicating use of the west yard as the backyard space, but zoning code prevents accessory structures in the front yard.

RECOMMENDATION

Staff recommends approval of the variance request to allow an accessory structure in the West front yard along Hidden Acres Ct because the hardship of the property having three (3) front yards.

June 29, 2026
July 6, 2026
Acct. 17035

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 13th of July 2026, 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:

72 Garden Ct

Tax Key Number: 31-4-1223-02

The applicant proposes to construct an accessory building that will be in the front yard. Section 23-43(g)(1)(e) of the Zoning Ordinance prohibits accessory buildings 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 Community
and Economic Development
100 North Appleton Street
Appleton, Wisconsin 54911
(920) 832-6411

City of Appleton
Application for Variance

Application Deadline May 25, 2026 Meeting Date JULY 13, 2026, 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 \$350.00 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) 72 Garden Ct	Parcel Number 31-4-1223-02
Zoning District R1B	Use of Property X Residential Commercial
Applicant Information	
Owner Name Timothy O'Connor	Owner Address 72 Garden Ct. Appleton, WI 54915
Owner Phone Number (920) 205-5066	Owner E Mail address (optional) timothyaoconner@gmail.com
Agent Name	Agent Address
Agent Phone Number	Agent E Mail address (optional)
Variance Information	
Section 23-43(g)(1)(e)- Accessory buildings/structures are prohibited from the front yard.	
Brief Description of Proposed Project Construct an accessory building that is <u>6'</u> feet from the front property line. Section 23-43(g)(1)(e) of the Zoning Ordinance prohibits accessory buildings in the front yard. <u>along Hidden Acres Court.</u>	

Owner's Signature (Required): Tim O'Connor Date: 6/10/26

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 rest 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 am seeking to pour a small concrete slab in my backyard for a future glass greenhouse structure. My property is adjacent to a private development which includes a private driveway/road leading to the homes and circles around behind my home.

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

Because I consider the proposed area as my backyard, in addition, the yard is approximately 14 feet above the development behind my yard, thus the proposed small greenhouse would not have any adverse aesthetic.

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

The most prominent aspect of my proposed building site is that my back yard is 14 feet above the grade level of the road below my yard.

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

Based on the geography of my yard, being encircled by a private road and the way the City has written its code regarding such, I am deprived unfairly of what is by any common-sense measure, a backyard- and thus deprives me of the free use of my property for which I pay taxes.

General Viewer

Disable Map Click Search Results ☐

1 feature(s) found.

City Parcels

City Parcel: 4-1223-2

Owner Full Name	TIMOTHY A OCCASIONE
Owner Spouse Name	KATHLEEN
Owner Address	72 GARDEN CT
Owner City/State/Zip	APPLETON, WI 54915
Zoning Description	R 1B Single Family District
Property Address(es)	72 Garden Ct
Property City	APPLETON
Property ZIP	54915
Alderspersion	Alex Schults
Alderspersion Info	View
School District	APPLETON SCHOOL DISTRICT
Water District	APPLETON WATER DISTRICT
Sanitary District	APPLETON SANITATION DISTRICT
Additional Property info	View

See municipal code for R 1B Single Family zoning (district on page(s) 664)

- **Propose building a greenhouse with the following specifications:**
- 16' Concrete Slab
- Slab to be situated 8' from back fence (property line), 14 feet from the side yard property line, and 22' from the house.
- Greenhouse will be constructed from reclaimed wood, brick, aluminum, steel and glass panels from various architectural supply companies along with new construction materials.
- Center point on the greenhouse to be between 12 and 14 feet. Greenhouse ideally will have a brick base supporting the glass panels.

*Illustrative photos attached showing approximate completed house. *All final construction parameters will be determined based on material availability.









