



CITY OF APPLETON

MEMORANDUM

Date: May 8, 2025
To: Board of Zoning Appeals
From: Kurt W. Craanen, Inspections Supervisor
Subject: Variance Request- 719 S. Memorial Dr. (31-3-0383-00)

Description of Proposal

The applicant proposes to erect a fence that is six (6) feet tall along the front yard property line. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fences to three (3) feet in height in the front yard setback, which is twenty-five (25) feet.

Impact on the Neighborhood

In the application, the applicant states that by removing the old fence and vegetation, the vision obstruction and aesthetics have improved on the site. The applicant also stated that the new fence has created a safer and user-friendly environment for pedestrians.

Unique Condition

In the application, the applicant states that their property is unique for the following reasons: 1) It was built in the 1800s and the location on the lot restricts use of the yard, 2) Only one corner of the lot may be used as a yard and moving the fence back would restrict the use of that yard and 3) There is criminal activity in the area and a six (6) foot fence is needed for security.

Hardship

In the application, the applicant states that if the variance is not granted, they would lose the use 30% of their yard and the safety and security of their family would be compromised. The applicant also stated that the resulting exposure would not allow for reasonable use of the property as a secure residential space.

Staff Analysis

This parcel is 6,790 sq. ft., while the minimum size parcel permitted in the R1B zoning district is 6,000 sq. ft.

The applicant has not met the review criteria for variance. The hardships stated in the application are general in nature, based on personal preference, self-created, and not based on dimensional limitations of the property.

Reasons General in Nature. The applicant stated that there is criminal activity in the neighborhood and a six (6) foot fence is needed to provide security. The amount of crime and security in this specific neighborhood appears to be based on persecution and is too general in nature to be used in the context of meeting the hardship criteria for this particular property.

Personal Preference. The applicant states that they would lose 30% of their yard if the six (6) fence had to be moved in. The applicant has an alternative to erect a code compliant fence that provides them security and privacy. A code compliant fence would still allow them to use the property for its intended use, but they prefer to have more yard space within the fenced area. This is a personal preference, not a hardship. (Section 23-67(g)(4))

Self-Created Hardship. The owners erected this fence without a permit or a variance. They are now requesting the Board to approve a variance request for a situation that they caused by not following code standards. A variance cannot be granted if the hardship was caused by the property owner (Section 23-67(g)(5)).

No Dimensional Limitations. The applicant did not specify dimensional limitations of the parcel. The parcel conforms with size standards and does not have unique topography. Any variance granted must be due to conditions unique to the property, rather than considerations personal to the property owner. (Section 23-67(g)(4))

RECOMMENDATION. The applicant has not met any of the review criteria for a variance. Staff recommends denial of the request.

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	April 21, 202	Meeting Date	May 19, 2025, 7PM
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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)		Parcel Number	
719 S MEMORIAL DR		31-3-0383-00	
Zoning District	R1B	Use of Property	☒ Residential ☐ Commercial
Applicant information			
Owner Name	Owner Address		
MICHAEL & JENILEE EHLENBECK	719 S MEMORIAL DR APPLETON WI 54914		
Owner Phone Number	Owner E Mail address (optional)		
920-257-3717	jenilee8729@gmail.com		
Agent Name	Agent Address		
Agent Phone Number	Agent E Mail address (optional)		
Variance Information			
Section 23-44(a)(1)(a)- A residential boundary fence in the required front yard setback may be no taller than three (3) feet.			
Brief Description of Proposed Project			
Maintain the current location of a recently constructed fence that is six (6) feet tall along the front property line. Section 23-44(a)(1)(a) of the Zoning Ordinance limits fence height to three (3) feet in the required twenty (20) foot front yard setback.			

Owner's Signature (Required): Jenilee Ehlénbeck Date: 04/21/2025

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:

We are requesting a variance to allow our existing 6-foot residential fence to remain in its current location, which encroaches into the 20-foot front yard setback along Memorial Drive. The current fence is located approximately 10.5 feet from the road and replaces a prior fence that stood in the same location for several decades.

When we purchased the property in 2022, the existing fence was significantly deteriorated with rotting posts and weathered boards, raising safety concerns. In 2024, we replaced it with a new fence of the same dimensions and setback, improving both safety and visibility by removing dense, overgrown foliage.

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

The updated fence has improved safety and aesthetics in the neighborhood. Prior to replacement, the line of sight at the adjacent intersection was obscured by overgrown vegetation. With that foliage removed, visibility has improved. This has enhanced safety for both drivers and pedestrians.

We consulted neighbors and frequent users of the intersection, all of whom supported the improvement. Many commented that the new fence is a visual upgrade and does not obstruct views or impair traffic safety. Additionally, by cleaning up the area along the sidewalk, we made the space safer and more usable for pedestrians.

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

Our property is unique in several important ways. It is a historic home built in the mid-1800s, and the location of the structures on the lot significantly restricts usable yard space. Only one corner of the property is suitable for yard use, and requiring the fence to be moved to the 20 foot setback would reduce the usable yard by approximately 30%, creating an unreasonable limitation.

Furthermore, our neighborhood faces challenges such as a higher incidence of drug

and alcohol activity and a concentration of registered sex offenders. These concerns make a 6-foot privacy fence essential for creating a secure and private yard, especially for children.

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

If the variance were denied, we would face a substantial loss of approximately 30% of our already limited usable yard space. More critically, reducing the fence height to 3 feet would compromise the safety and privacy of our family, especially our children. It would remove a vital barrier against potential threats posed by local crime and nearby registered sex offenders. The resulting exposure would not allow for reasonable use of the property as a secure residential space.

Before



After



