

**ALLOUEZ BOARD OF APPEALS
MONDAY, FEBRUARY 13, 2017
5:15 P.M., ALLOUEZ VILLAGE HALL**

CALL TO ORDER / ROLL CALL

Kornowske called the meeting to order at 5:15 pm

Present: Jaekels, Kapla, Kornowske, Straughan, Doran

Also Present: Lange

APPROVAL OF MINUTES FROM 10/10/16

Jaekels / Kapla moved to approve minutes dated October 10, 2016. Motion carried.

PETITION OF KEVIN SERVAIS, 1525 S WEBSTER AVENUE REQUESTING A 30' FRONTAGE VARIANCE TO ALLOW THE PROPERTY AT 1525 S WEBSTER AVENUE, PARCEL AL-1592 TO BE REZONED FROM COMMERCIAL TO B RESIDENTIAL (Village Ordinance 11.06(C)(5): Every lot in a "B" Residence District not of public record or under contract of purchase at the time that these zoning regulations, or similar regulations, were adopted, shall have an area of not less than 9000 square feet, a frontage of not less than 90 feet, and a mean width of not less than 65 feet).

Petitioner was not present but cited the following on his petition to justify the variance:

- Unnecessary Hardship: ability for finance to maintain improvements as a residence.
- Unique Property Limitation: forced to spend substantial money for ADA upgrades to use commercially. Can not be used as a commercial property without acquiring adjoining properties.
- Protection of the Public Interest: right to keep historic presence as has been for 100 years in residential community.

Discussion:

- The motion by the Plan Commission on November 28, 2106 to approve the rezoning request, with the condition to receive a variance for lot frontage from the Board of Appeals failed based on the belief that this is more of a policy issue for the Village Board.
- On January 17, 2017 the Village Board adopted Ordinance 2017-01 re-zoning parcel AL-1592 from Commercial to B Residential contingent upon a variance being granted by the Board of Appeals.
- Unusual for someone to want to rezone a piece of property on Webster Avenue from Commercial to Residential.
- Discrepancy in the zoning listed on Brown County Land Records versus the Village Zoning Map.

February 13, 2017 (Board of Appeals)

- Zoning of surrounding properties is a mix of commercial, residential and highway business use.
- Property is being assessed as residential.
- Strict conformity is unnecessarily burdensome:
 - Current zoning does not fit the use of the property
 - Since it is zoned commercial, he has to get a business loan for improvements to his home which is at a different rate than a home equity line of credit.
 - Can't use his property the way it is intended.

Jaekels / Doran moved to approve request. Motion carried.

ANNOUNCEMENTS

- none

ADJOURNMENT

Straughan / Kapla moved to adjourn at 5:35 pm. Motion carried.

Minutes submitted by Debbie Baenen, Clerk-Treasurer



Allouez Village Hall • 1900 Libal Street • Green Bay, WI 54301-2453 • (920) 448-2800 • Fax (920) 448-2850
www.villageofallouez.com

NOTICE OF BOARD OF APPEALS HEARING

NOTICE IS HEREBY GIVEN that the Allouez **Board of Appeals** will meet in the Allouez Village Hall, 1900 Libal Street on **Monday, October 9, 2017 at 5:15 p.m.** to hear and consider the following petition:

PETITION OF ADVANCEMENT DEVELOPMENT, LLC, P.O. Box 12206, GREEN BAY, WI 54307 REQUESTING A 7' REAR YARD VARIANCE TO ALLOW FOR A DECK ON PROPOSED NEW HOUSE AT 1609 RUSTIC OAKS COURT, PARCEL AL-1943-M-3 (Village Ordinance 475-14C(3): Rear yards. Every lot in the "A" Residence District shall have a rear yard with a depth of not less than 20% of the depth of the lot, provided that such rear yard shall not be required to exceed 30 feet in depth, but shall not in any case be less than 15 feet in depth).

All interested parties, or their representatives, may appear at the hearing and be heard.

Dated this 15th day of September, 2017.

Debra M. Baenen
Village Clerk-Treasurer

Publish: September 28, 2017
(Affidavit Requested)

FEE: \$150.00

VILLAGE OF ALLOUEZ
BOARD OF APPEALS PETITION

Date Paid 9/15/17
Rcpt. No. R#43950

(Form must be returned for publication 15 days prior to meeting date)

NAME Advancement Development, LLC PHONE (920) 347-1220

ADDRESS P.O. Box 12206, Green Bay, WI 54307

1. The petitioner's interest in the property under consideration is as owner

2. The owner of record presently is Advancement Development, LLC

3. The legal description of the property under consideration is (parcel # & street address)

AL-1943-M-3 ; 1609 Rustic Oaks Ct., Green Bay, WI 54301

4. A CSM or copy of the plat on which the property is shown is attached.

5. On the 5th day of September, 20 17, the petitioner was denied a permit by the Building Inspector and hereby petitions the Board for the following variance:

Requesting a change to the rear yard set back requirement from the required 22 feet to the rear deck to be adjusted and allow 15 feet.

6. Statements which would justify the granting of the variance requested (see attached) -

a. Unnecessary Hardship - Because the lot is small and narrow - not very deep it requires the house to be drawn deeper than normal on the lot.

b. Unique Property Limitation - Narrow lot requires plan to be drawn deeper. Which requires deck to encroach into rear yard setback.

c. Protection of the Public Interest - Inquired of neighbors and so far they have no objection.

Dated this 15th day of September, 20 17.

(Signed)

Jenna S. S. S. S. S.
Petitioner

(Signed)

Owner-other than petitioner

LOT PLAN

LAND DESCRIPTION

LOT _____ BLK. _____

PLAT

PARCEL NO.

Survey Dated

SIDE
YARD

SIDE
YARD

Rear Yard

LOT LINE

Sidewalk

Adjoining Lot

BUILDING LINE

CORNER LOT LINE OR INTERIOR LOT LINE

Adjoining Lot

Fill in dimensions on this plat and locate any accessory buildings



Site Plan

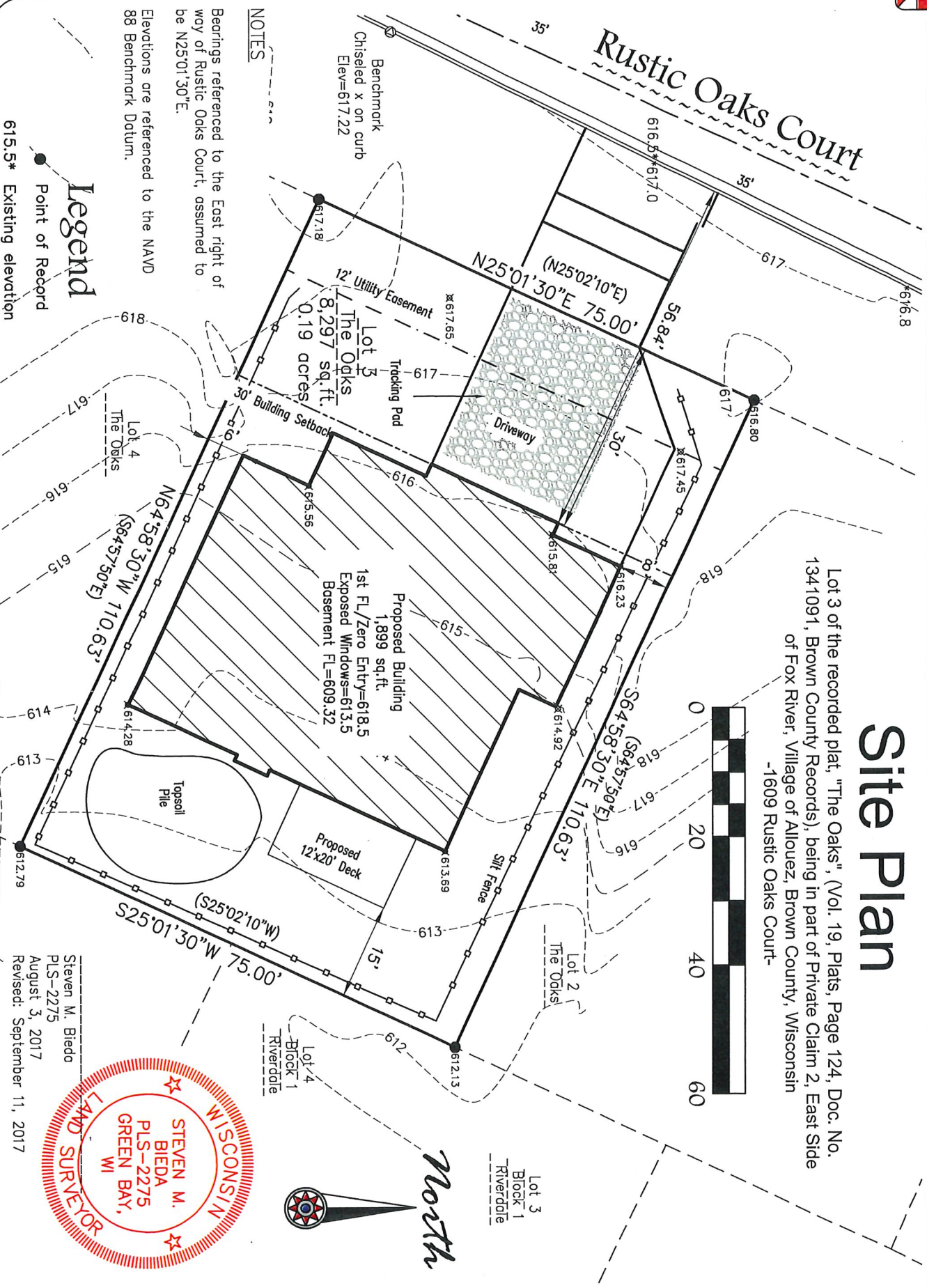
Lot 3 of the recorded plat, "The Oaks", (Vol. 19, Plats, Page 124, Doc. No. 1341091, Brown County Records), being in part of Private Claim 2, East Side of Fox River, Village of Allouez, Brown County, Wisconsin
-1609 Rustic Oaks Court-



Scale: 1" = 20'



North



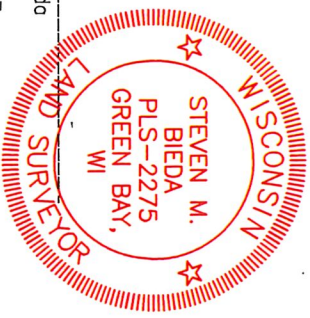
NOTES

Bearings referenced to the East right of way of Rustic Oaks Court, assumed to be N25°01'30"E.

Elevations are referenced to the NAVD 88 Benchmark Datum.

Legend

- Point of Record
- 615.5* Existing elevation



Steven M. Bieda
PLS-2275
August 3, 2017
Revised: September 11, 2017

Client: Total Service Development

Tax Parcel: AL-1943-M-3

Drafted By: JMB

File: T-9417Site Plan 061217.dwg

Data File: T-9417.txt

Mau & Associates, LLP

LAND SURVEYING & PLANNING

CIVIL & WATER RESOURCE ENGINEERING

Phone: 920-434-9670 Website: www.mau-associates.com

400 Security Blvd, Green Bay, WI 54313

Sheet One of One

Project No.: T-9417

Drawing No.: L-9990

Fieldwork Completed: 08/02/2017

[illegible]