



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 **Tuesday, June 19, 2018 at 5:15 p.m.** to hear and consider the following petition:

PETITION OF LANCE TIBBS, AS CONTRACTOR FOR PROPERTY OWNER AT 1406 S. JACKSON STREET REQUESTING A 20 SF VARIANCE OF A DECK AREA IN THE FRONT YARD SETBACK AND A 5' VARIANCE OF THE FRONT YARD SETBACK FOR A PORCH ON THE FRONT OF THE HOME AT 1406 S. JACKSON STREET, PARCEL AL-1474-5.

(Village Ordinance 475-7(D): A platform, deck or stoop which serves as an exit from a dwelling may project into the front yard setback area a distance of not more than 25 square feet, not inclusive of the steps/stairs or wheelchair access ramps serving such platform, deck or stoop. / Village Ordinance 475-14(C)(1): Front yards. On every lot in an "A" Residence District there shall be a front yard having a depth of not less than 30 feet; provided, however, as follows: (a) Where lots comprising 40% or more of the frontage on one side of a block are developed with buildings having an average front yard depth with a variation of not more than six feet from such average, no building hereafter erected or structurally altered shall project beyond the average front yard line so established, and provided further that this regulation shall not be so interpreted as to require a front yard depth of more than 50 feet. (b) No front yard depth is required to be greater than the deepest front yard depth for existing main buildings on the lots abutting on either side of the lot in question, provided that said buildings on such abutting lots are less than 100 feet apart.)

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

Dated this 7th day of June, 2018.

Debra M. Baenen
Village Clerk-Treasurer

Publish: June 11, 2018
(Affidavit Requested)

FEE: \$150.00

VILLAGE OF ALLOUEZ
BOARD OF APPEALS PETITION

Date Paid 6/7/18
Rept. No. 78618

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

NAME Lance Tibbs PHONE 920-619-8580

ADDRESS 4037 Glendale Ave. Green Bay WI 54313

1. The petitioner's interest in the property under consideration is as A front Porch Contractor
2. The owner of record presently is Christian & Tiffany Jensen
3. The legal description of the property under consideration is (parcel # & street address)
AL-1474-S 1406 Jackson St. Allouez WI 54301
4. A CSM or copy of the plat on which the property is shown is attached.
5. On the 07 day of JUNE, 20 18, the petitioner was denied a permit by the Building Inspector and hereby petitions the Board for the following variance:
Building a front Porch bigger than 25 ft², closer to the 56' setback Ordinance. To help with safety in entering the home. Home itself is within the New 56' ordinance.
6. Statements which would justify the granting of the variance requested (see attached) –
 - a. Unnecessary Hardship – No Porch could be built within the Zoning ordinance due to the home itself being within the New 56' setback requirements. Property Was Created before ordinance.
 - b. Unique Property Limitation - Cannot develop in compliance due to home Occupying min setback before ordinance was passed. Cannot safely open & enter home without proper sized landing in front of door.
 - c. Protection of the Public Interest - front Porch will not harm Public interest.

It helps home value, makes home safe to enter, does not enter zoning ordinance more + It is wider to help with safer entry and maintain look of the home

Dated this 07 day of JUNE, 20 18.

(Signed) [Signature]
Petitioner

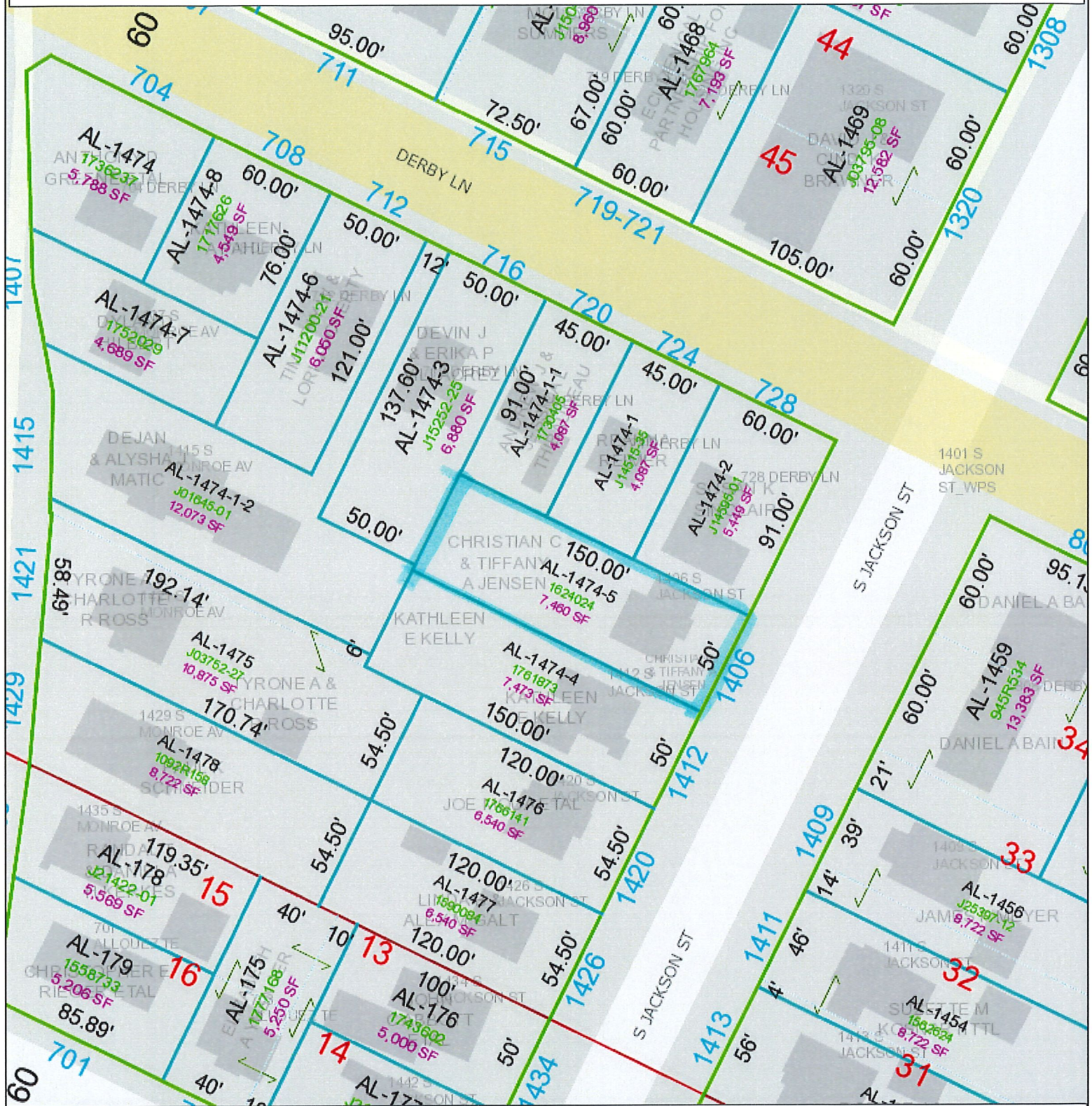
(Signed) _____
Owner-other than petitioner

Variance Standards

Variances are not to be granted routinely. The applicant for a variance must clearly show the board that three statutory standards that govern granting a variance will be met. These three standards require the existence of an **unnecessary hardship**, the presence of a **unique property limitation**, and the **protection of the public interest**. Additional court-established principles also apply, as follows:

1. Unnecessary Hardship. What constitutes unnecessary hardship is a matter to be determined from the facts and circumstances of each individual appeal. In applying the statutory standards, the board must abide by the following court-established principles:
 - a. Unnecessary hardship is a situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity is unnecessarily burdensome. Board of Appeals members must judge what is a feasible use for a particular parcel as a whole. A variance is not warranted if the physical character of the property allows a landowner to build or develop in compliance with a zoning ordinance.
 - b. The hardship or difficulty must be peculiar to the zoning parcel in question and different from that of other parcels, not one which affects all parcels similarly. Hardship arises because of some unique property limitation of a parcel, or because the property was created before the passage of the zoning ordinance. If either circumstance renders the parcel unsuitable for any permitted use, or will not accommodate a structure of reasonable design for any use permitted under the existing ordinance - if all area, yard and setback requirements are observed - the parcel may qualify for a hardship.
 - c. Loss of profit or pecuniary (financial) hardship is not in or of itself grounds for a variance.
 - d. Self-imposed hardship is not grounds for a variance. Reductions resulting from the sale of portions of a property that reduce the remainder below build able size or cut off existing access to a public highway, deed restrictions imposed by the owner's predecessor in title, and improvements that were made in violation of the ordinance are generally considered to be self-imposed hardships.
 - e. The hardship cannot be one that would have existed in the absence of a zoning ordinance. Sometimes, a legitimate hardship results from the interaction of the provisions of the zoning ordinance with other actions or regulations adopted by public authorities.
2. Unique Property Limitation. Unique physical characteristics of the property, not the desires of or conditions personal to the applicant, must prevent the applicant from developing in compliance with the zoning ordinance. These features may be a wetland, soil type, parcel shape or a steep slope that limits the reasonable use of the property.
3. Protection of the Public Interest. Granting of a variance must neither harm the public interest nor undermine the purpose of the ordinance. The board's actions should be consistent with the objectives stated in their local ordinance, which (in the case of a floodplain or shoreland ordinance) has been adopted to meet minimum state statutory requirements. The public interest includes the interests of the public at large, not just that of nearby property owners. Lack of local opposition does not in itself mean that a variance will not harm the public interest.
 - a. In granting variances, as in granting special exceptions (conditional uses), the board may impose special conditions to ensure that the public welfare will not be damaged. The power of the board to attach conditions to a variance, to protect adjoining property and to preserve the essential character of the neighborhood, is well established, but the power is not unlimited. The conditions must relate reasonably to the purpose and intent established in the zoning ordinance.
 - b. A variance should include the minimum relief necessary to allow reasonable use of a property.
4. Additional Court-Established Principles.
 - a. Violations by or variances granted to neighboring owners do not justify a variance.
 - b. Variances attach to the property as a permanent right. Once a variance is granted, it is permanently attached to the property. A new owner of the property may make use of a variance that was granted to the previous owner if all of the conditions that are attached to the variance are met.

<Title>

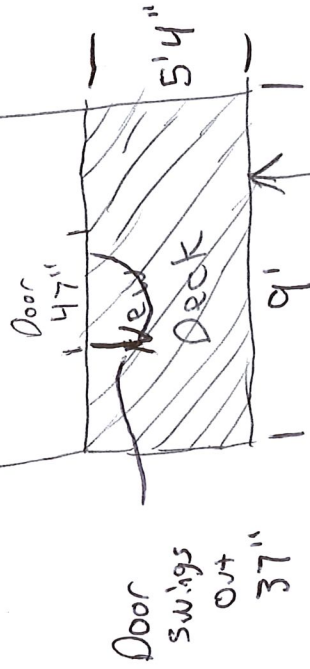


A map key (legend) and other information about this map is available at: maps.gis.co.brown.wi.us
Geographic Information System (GIS) data provided by: Brown County Planning & Land Services Department
Brown County is not responsible for user-drawn graphics that may have been added to this GIS base map.
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06/07/2018
Scale 1:720

2401

Existing Home
1406 S. Jackson St.



41' 11"

56'

38' 10"

Near Jackson Home

Jackson St

