



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

ALLOUEZ BOARD OF APPEALS
MONDAY, JUNE 8, 2020
5:15 P.M., ALLOUEZ VILLAGE HALL
Virtual Meeting

NOTE: Due to the COVID-19 pandemic, interested parties and the media can access the meeting via phone at:

(312) 626-6799
Meeting ID: 944 1388 3805
Password: 568906

BUSINESS:

1. CALL TO ORDER / ROLL CALL
2. ELECTION OF CHAIRPERSON
3. APPROVAL OF MINUTES FROM 01/13/20
4. PETITION OF MICHAEL AND SHIRLEY RYAN, 3279 DELAHAUT STREET REQUESTING A 14' VARIANCE OF THE SIDE YARD SETBACK REQUIREMENT AT 3279 DELAHAUT STREET, PARCEL AL-123-10 TO INSTALL A 6' FENCE ON THE BACK SIDE OF THE SIDEWALK ON HOFFMAN ROAD.
5. ANNOUNCEMENTS
6. ADJOURNMENT



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NOTICE OF BOARD OF APPEALS HEARING

NOTICE IS HEREBY GIVEN that the Allouez **Board of Appeals** will meet virtually on **Monday, June 8, 2020 at 5:15 p.m.** to hear and consider the following petition:

PETITION OF Michael and Shirley Ryan, 3279 Delahaut Street requesting a 14' variance of the side yard setback requirement at 3279 Delahaut Street, Parcel AL-123-10 to install a 6' fence on the back side of the sidewalk on Hoffman Road (Village Code 229-4D - Fence Height Side Lot Line (corner lots): such height as is permitted in Subsection C, except that fences erected adjacent to or abutting driveways or street intersections shall conform to the sight triangle requirements provided in §229-9).

All interested parties, or their representatives, may attend the hearing and be heard via phone at: (312)626-6799 Meeting ID: 944 1388 3805 Password: 568906

Dated this 18th day of May, 2020.

Debra M. Baenen
Village Clerk-Treasurer

FEE: \$150.00

VILLAGE OF ALLOUEZ
BOARD OF APPEALS PETITION

Date Paid 5/14/2020 > \$150.00
Rept. No. 172831

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

NAME MICHAEL AND SHIRLEY RYAN PHONE 920-366-0295

ADDRESS 3279 Delahaut Street

1. The petitioner's interest in the property under consideration is as owner
2. The owner of record presently is Ryan, Michael + Shirley CHILDRENS TRUST
3. The legal description of the property under consideration is (parcel # & street address)
AL-123-10 3279 DELAHAUT STREET
4. A CSM or copy of the plat on which the property is shown is attached.
5. On the 6th day of May, 20 20, the petitioner was denied a permit by the Building Inspector and hereby petitions the Board for the following variance:
-WE CALLED TO INQUIRE ABOUT GETTING A FENCE PERMIT AND WERE INFORMED ABOUT ORDINANCE 229-9 WHICH WOULD REQUIRE FENCE TO BE 30 FEET BACK FROM STREET
6. Statements which would justify the granting of the variance requested (see attached) - FROM STREET
 - a. Unnecessary Hardship - _____

 - b. Unique Property Limitation - _____

 - c. Protection of the Public Interest - _____

See attached letter

Dated this 8th day of May, 20 20.

(Signed) SHIRLEY RYAN
Petitioner

(Signed) SHIRLEY RYAN
Owner-other than petitioner

Village Of Allouez – Board Of Appeals Petition:

May 7, 2020

Petition For approval Of Variance to Ordinance 229-9

My husband Mike and I have lived at 3279 Delahaut Street for that past 30 years and have continually upgraded and maintained our property throughout that time. We have been well respected residents, pay our property taxes on time every year and abide by Allouez rules.

When I recently contacted the Village to inquire about a permit for fence installation, I was informed that we could not do what we were asking. It was the first time I had heard of any Ordinance 229-9 that would require us to place the fence 30 feet back from the street because our driveway came out on Hoffman. Which would mean we would lose a significant amount of our backyard which we are trying to fence in for several reasons. The first is for our dogs to be able to play in the back yard. The other is to build a barrier for our landscaping along Hoffman road that has salt sprayed on them during snow removal during winter and dogs that continue to relieve themselves as they go by. Putting a fence 30 feet back would defeat the barrier concept, but would also not look very esthetically appealing and would certainly raise questions by a future home buyer as to why we wasted backyard space with that kind of fence layout. It would also require us to cut into our Cedars along the back of our lot to have a fence cut through them that far back. We are well aware that we will already have to trim up those cedars along the back of our lot to be able to install a 4 foot chain link fence to go across the back of and north side of our lot, but want to put in a nice 6 foot Cedar fence along the sidewalk on Hoffman from the back corner of our lot to 18 feet before our driveway, and then have the fence jut in and run up to the back of our deck. Please see attached Brown County Property Map as well as pictures that show what we would like to do.

We have already retained Titledown Surveying to professionally mark our property line to ensure that we are not encroaching on the property of the owner behind us on Bitters Court (Mike Donart) and have already spoken to our other neighbors to the north and they are aware of our desire to fence in our yard (Bryan and Denise MacKensie). They already have a fence in their yard which will require us to only have to fence in three sides of our back yard.

I also have included pictures of other houses along Hoffman that also have driveways that come out on Hoffman, in which fences are not placed 30 feet back. We are asking for approval to just be able to do what others have already been allowed to do so that our property does not stand out as “weird or different” to a potential future home buyer. There are also countless other houses along Hoffman Rd that do not have driveways that come out on Hoffman Road, but have their 6 foot fencing along the sidewalk.

My husband and I plan to continue to live in our house for as long as we can. My husband had a stroke 8 years ago and I just want to be sure that if anything changes with his health condition in the future and I need to move him to fulltime care, that I will be able to sell the house. And not have a “blemish” because of an oddly placed fence. This could easily result in a reduction in price for our home.

We have always loved living in Allouez and are asking for consideration for this petition for variance.

Respectfully, Shirley and Michael Ryan

From: ryansofgb@aol.com [mailto:ryansofgb@aol.com]

Sent: Monday, May 18, 2020 9:18 PM

To: Debbie Baenen

Cc: Trevor Fuller; Kevin Wieland; Carrie Zittlow

Subject: Re: Board of Appeals

Debbie,

Attached are the three statements. please let me know if this is not what you are looking for. I did try to call you to discuss earlier today, but never got past the answering message. I typed in your extension and it never got me off the recording. It could have been a user error on my part.

Shirley Ryan
920-366-0295

UNNECESSARY HARDSHIP

BY RESTRICTING PLACEMENT OF A FENCE 30 FEET FROM THE STREET (HOFFMAN) WILL RESULT IN 915 SQUARE FEET OF OUR BACKYARD PROPERTY USELESS. THERE WILL BE A 15 FOOT X 61 FOOT PIECE OF OUR PROPERTY THAT CANNOT BE USED FOR ANYTHING.

WE WOULD ALSO HAVE A FENCE PLACED IN A MANNER THAT IS INCONSISTENT WITH OTHER PARCELS ALONG THE SAME ROADWAY. IT WOULD ALSO RESULT IN OUR LANDSCAPING EXISTING OUTSIDE OF OUR YARD WHICH WILL ALSO LOOK PECULIAR. WITH THE ADDITIONAL APPARTMENTS AND TOWNHOUSES THAT HAVE BEEN CONSTRUCTED EAST OF OUR PROPERTY THE TRAFFICE AND NOISE HAVE CERTAINLY PICKED UP ON HOFFMAN AND PUTTING A PRIVACY FENCE UP WOULD HELP REDUCE NOISE.

PHYSICAL LIMITATION

WE FEEL WE ARE BEING PUNISHED BECAUSE OUR DRIVEWAY COMES OUT ON HOFFMAN ROAD, NO DIFFERENT THAN MANY OTHER HOUSES ALONG HOFFMAN THAT ALSO HAVE DRIVEWAYS THAT COME OUT ON HOFFMAN AND HAVE FENCES THAT ARE NOT PLACED 30 FEET BACK FROM THE STREET. THE ONLY OTHER ALTERNATIVE WOULD BE TO HAVE OUR DRIVEWAY MOVED TO COME OUT ON DELAHAUT STREET, BUT I WOULD THINK THAT WOULD NOT BE APPROVED EITHER BECAUSE IT WOULD CREATE AN UNSAFE DRIVEWAY SIMILAR TO 3300 DELAHAUT STREET WHICH IS A FAR MORE DANGEROUS DRIVEWAY EXIT THAN OUR DRIVEWAY IS.

PROTECTION OF THE PUBLIC INTEREST

APPROVAL OF ALLOWING US TO CONSTRUCT A 6 FOOT PRIVACY FENCE THAT WILL NOT START UNTIL 18 FEET EAST OF THE END OF OUR DRIVEWAY TO THE BACK OF OUR LOT, AND THEN AROUND THE CORNER TO THE OTHER END OF THE BACK OF OUR LOT WHERE IT WILL MEET OUR NEIGHBORS FENCE, AS WELL A SMALL FENCE ON THE NORTH SIDE OF OUR HOUSE TO AGAIN MEET OUR NEIGHBORS FENCE, WE DO NOT FEEL WILL HARM THE PUBLIC, NOR UNDERMINE THE PURPOSE OF THE ORDINANCE. WE WILL INSTALL A DOUBLE BOARDED CEDAR FENCE WHICH WILL NOT ONLY PRESERVE THE ESSENTIAL CHARACTER OF OUR PROPERTY BUT THAT OF THE NEIGHBORHOOD AS WELL. WE HAVE PRIDED OURSELVES WITH DOING NOTHING BUT IMPROVING THE VALUE AND APPEARANCE OF OUR HOUSE SINCE WE PURCHASED IT IN 1990. OUR PROPERTY WAS A DUMP WHEN WE BOUGHT IT IN 1990 AND WE HAVE CONTINUED TO UPGRADE IT EVER SINCE.

OTHER NOTE

KEVIN INFORMED US THAT WE WERE NOT COMPLIANT WITH BUSHES THAT WERE PLANTED 16 YEARS AGO BETWEEN OUR DRIVEWAY AND DELAHAUT STREET. AFTER PAYING TO HAVE A SURVEYOR COME OUT TO PLOT OUT OUR PROPERTY TO ENSURE WE WOULD NOT PLACE A FENCE THAT ENCROACHED ON OTHER PROPERTY, THEY HELPED US BETTER UNDERSTAND THE LINE OF SITE ISSUE AT THE CORNER AND I HAVE SINCE CUT BACK MOST OF THOSE TREE'S. WE WERE UNAWARE WE WERE NOT COMPLIANT BECAUSE NO ONE SAID ANYTHING ABOUT THEM SINCE THEY WERE PLANTED 16 YEARS AGO. UNFORTUNATLY THE LANDSCAPE COMPANY SHOULD HAVE KNOWN BETTER.

WE HAVE NEVER ASKED THE BOARD FOR ANYTHING IN THE 30 YEARS WE HAVE LIVED HERE AND RESPECTFULLY HOPE THAT THIS REQUEST IS CONSIDERED FOR APPEAL.

SINCERLEY

MIKE AND SHIRLEY RYAN

Fetch Address, Parcel ID, & [Search Icon]

Map navigation controls: Home, Refresh, Back, Forward, Zoom In, Zoom Out, Full Screen



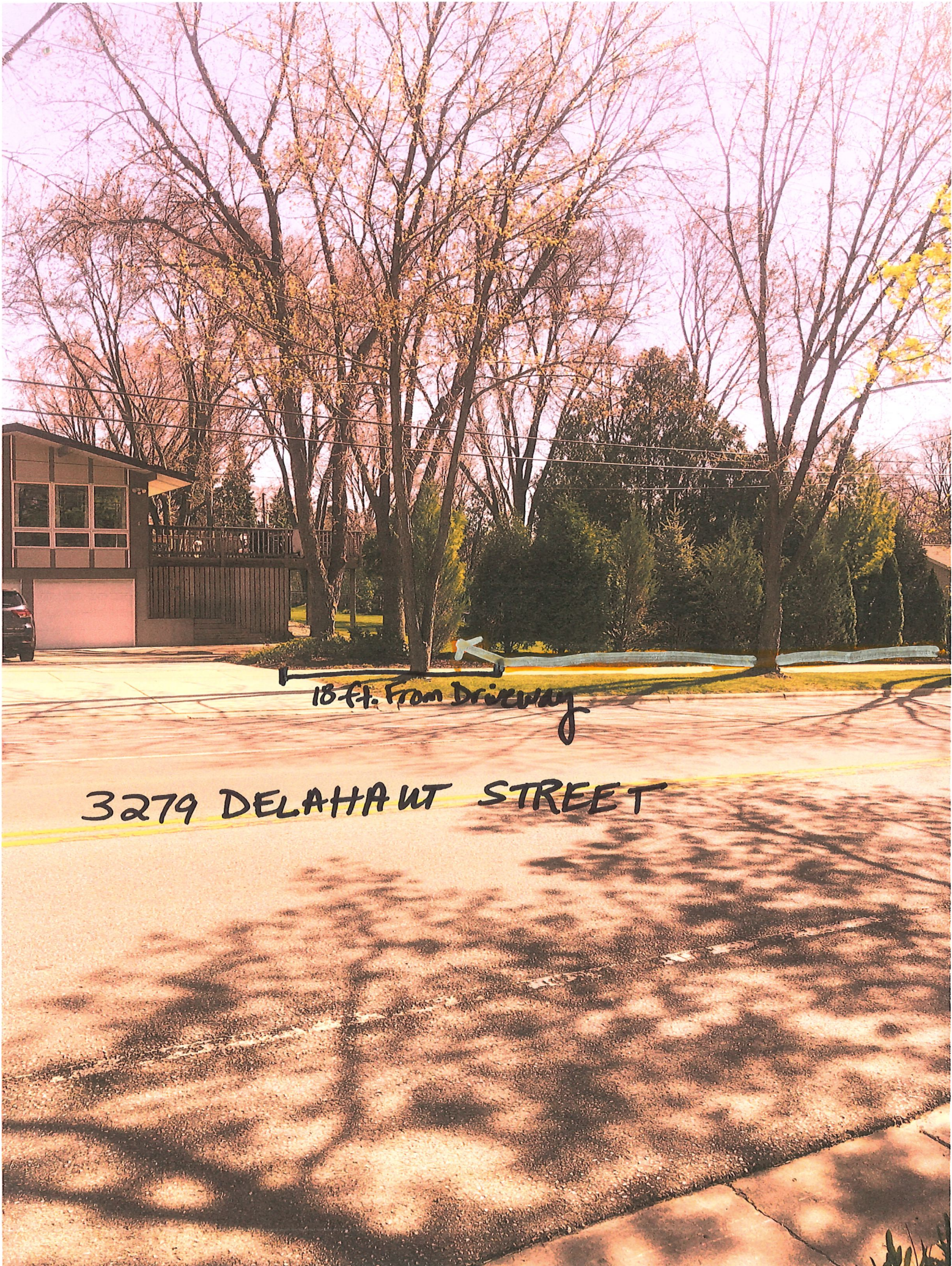
Proposed Fence Permit REQUEST

See attached Pictures



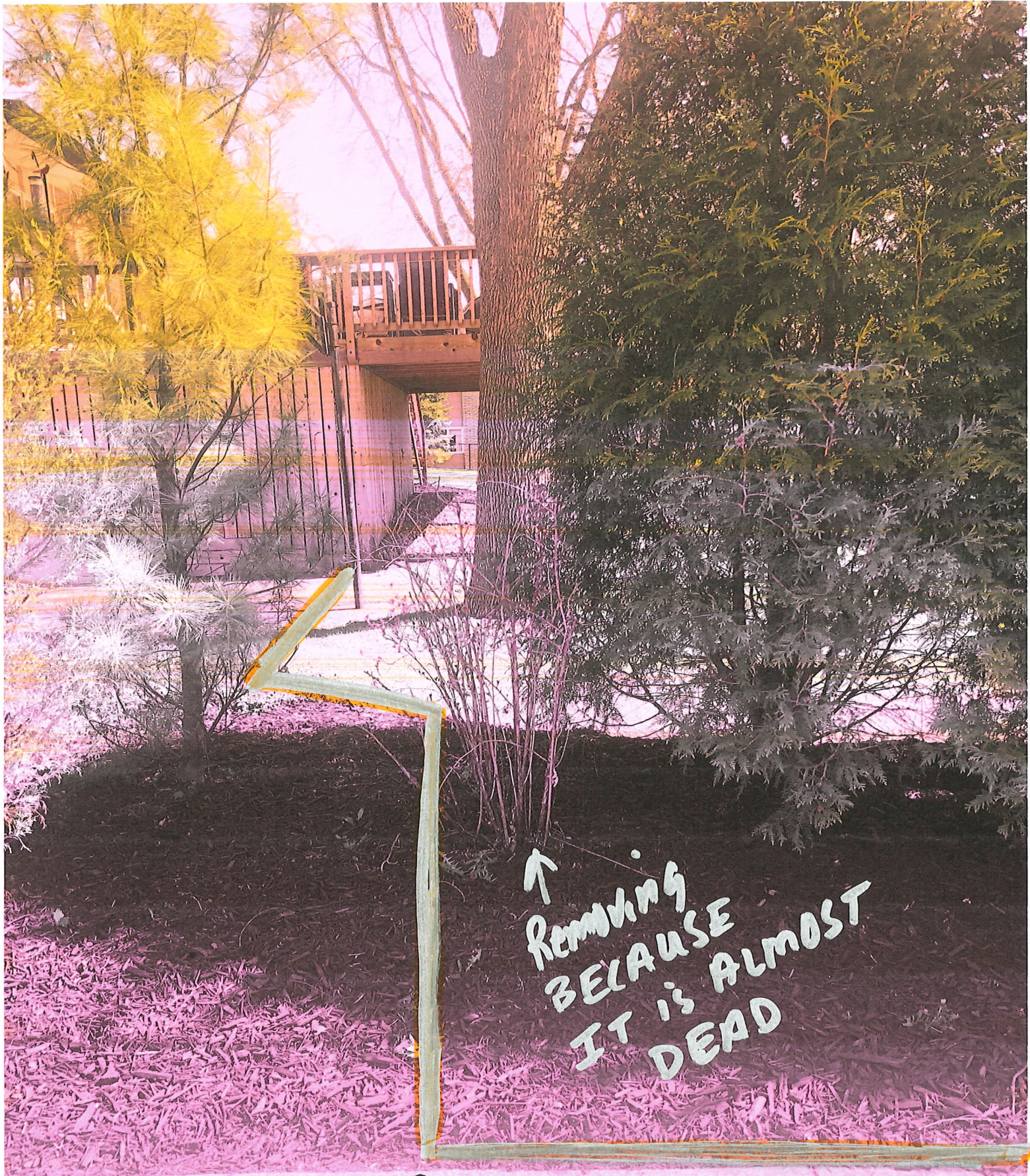
95,674.41 547,955.91 Feet





18 ft. From Driveway

3279 DELAHAWT STREET



↑
Removing
BECAUSE
IT IS ALMOST
DEAD

18 ft. →
from Driveway
to here ...

See OTHER VIEW
NEXT PAGE →



Will Extend Plantings
an mulch to
fill in here!

THIS IS BEING REMOVED

**GATE WOULD
BE INSTALLED
FOR ACCESS
TO BACK
YARD**



3279 BITTERS CT.

OTHER PROPERTIES ALONG
HOFFMAN WITH DRIVEWAYS
THAT COME OUT ON HOFFMAN
AND FENCES ARE NOT SET BACK
30 FEET FROM STREET



3256 LIBAL ST.



3257 LIBAL STREET





724 HOFFMAN ROAD





Fence

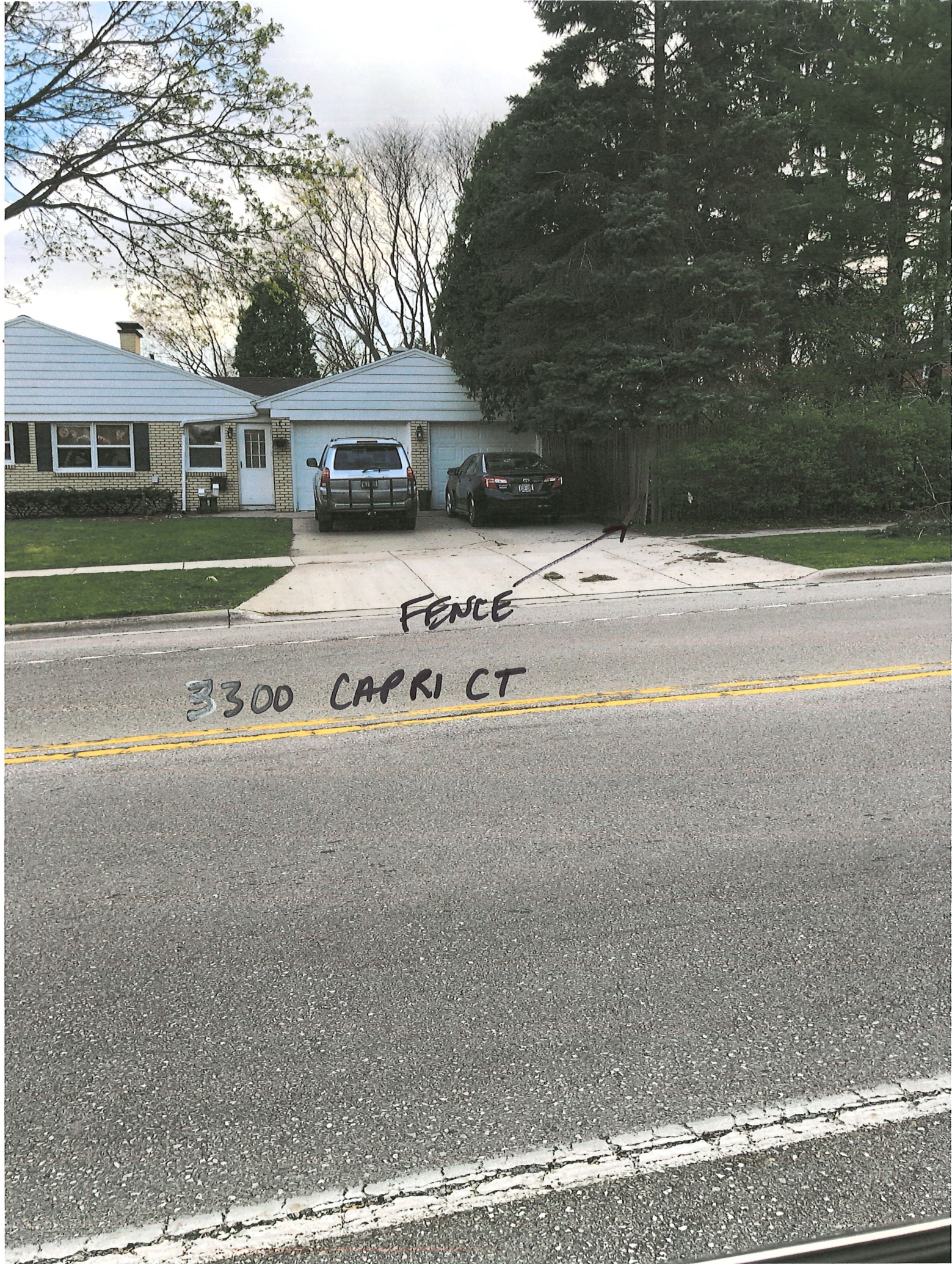
3301 AMITY COURT



3300 AMITY COURT

3300 LIBAL STREET





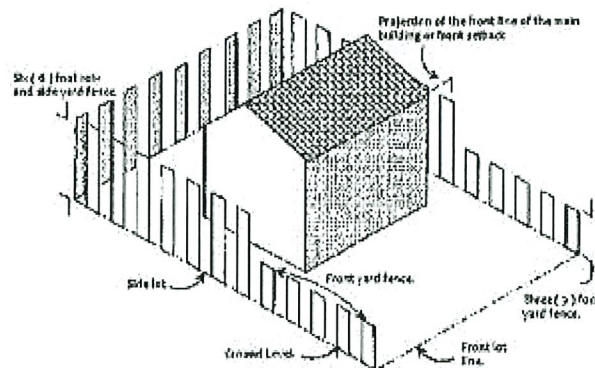
FENCE

3300 CAPRI CT

Village of Allouez, WI
Tuesday, January 21, 2020

Chapter 229. Fences

§ 229-4. Height.



No person shall erect, plant, permit or maintain on any premises owned by him, or in his possession or under his control, a fence whose maximum height above ground level exceeds the following limits, along or within the setbacks established by:

- A. Front lot line: three feet.
- B. Rear lot line: six feet, except that hedges or shrubbery shall be allowed to attain their natural full growth.
- C. Side lot line (other than corner lots):
 - (1) Six feet from the rear lot line to the point of intersection with the projection of the front line of the main building.
 - (2) Three feet from the point of intersection with the projection of the front line of the main building to the front lot line.
- D. Side lot line (corner lots): such height as is permitted in Subsection C, except that fences erected adjacent to or abutting driveways or street intersections shall conform to the sight triangle requirements provided in § 229-9.
- E. Rear and side lot lines: eight feet when such lot line is adjacent to or lies within nonresidentially zoned property, the provisions of Subsections B, C and D above notwithstanding.

§ 229-9. Sight triangles.

There shall be a vision clearance triangle in each segment of land at each intersection of two or more streets. Such vision clearance triangle shall be bounded by the street right-of-way lines and a vision clearance setback line connecting points on each right-of-way which are located a distance of 30 feet back from the intersection of the right-of-way lines. No fence, wall, hedge or any other structure, planting, or obstruction shall be erected, permitted or maintained, except that there is permitted one post or tree trunk which may not exceed four inches in diameter, in the area from a line 30 inches above to the line 12 feet above the sidewalk line.