

September 6, 2018 (Board of Appeals)

**ALLOUEZ BOARD OF APPEALS  
THURSDAY, SEPTEMBER 6, 2018  
5:15 P.M., ALLOUEZ VILLAGE HALL**

CALL TO ORDER / ROLL CALL

Chair Kapla called the meeting to order at 5:15 p.m.

Present: Clark, Kornowske, Straughan, Kapla

Also Present: Fuller, Wieland

Excused: Matuszek

APPROVAL OF MINUTES FROM 06/19/18

**Straughan / Kornowske moved to approve minutes from 06/19/18. Motion carried.**

PETITION OF JASON OURADA, 644 MEMORY AVENUE, GREEN BAY, WI 54301 REQUESTING A 3' SIDE YARD VARIANCE TO ALLOW FOR A GARDEN SHED AT 644 MEMORY AVENUE, PARCEL AL-994-F-115 (Village Ordinance 475-14C(2)(b): Detached accessory buildings shall not project to within four feet of any side lot line).

Jason Ourada, 644 Memory Avenue

- Removed a rusty metal shed on pallets, poured concrete and was in the process of constructing a new shed in the same location, same dimensions when he was notified the shed would need to be removed.
- Did not know a building permit was required or that it had to be 4' off the property line.
- Repositioning the shed would leave him with no backyard and the back of the property has standing water.
- Presented letter from Juanita Thyssen, 634 Memory Avenue who has no objection to the request.

Ray Kocha (701 Brookridge St.), Sam Thibaudeau (631 Brookridge St.) and Barb Piontek (639 Brookridge St.) were present with no objections to the request.

Discussion:

- Shed is within 1' of the lot line.
- Limited backyard space based on trees and low lying area (under water when it rains or snow melts).
- Shed extends beyond the setback of the house.
- No objections from neighbors (lack of local opposition does not in itself mean that a variance will not harm the public interest).
- No permit was taken out (self-imposed hardships are not grounds for a variance).
- Shed could be reduced from 9'x9' to 9'x6' to comply (applicant can make reasonable use of the property without the variance).
- Could the 3' be added to the front of the shed? (Petitioner – no, the patio portion of the slab is pitched)

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- Without the existence of a unique condition and a connection between the condition and the hardship, the Board has no power to grant the requested variance.

**Straughan / Clark moved to deny the request based on the variance standards not being met** (nothing prevents the applicant from developing in compliance with the zoning ordinance or limits reasonable use of the property). **Motion carried.**

ANNOUNCEMENTS

- none

ADJOURNMENT

**Kornowske / Straughan moved to adjourn at 5:40 p.m. Motion carried.**

Minutes submitted by Debbie Baenen, Clerk-Treasurer