

October 9, 2017 (Board of Appeals)

**ALLOUEZ BOARD OF APPEALS
MONDAY, OCTOBER 9, 2017
5:15 P.M., ALLOUEZ VILLAGE HALL**

CALL TO ORDER / ROLL CALL

Chairperson Kornowske called the meeting to order at 5:15 p.m.

Present: Clark, Matuszek, Kornowske, Straughan, Kapla

Also Present: Fuller

ELECTION OF CHAIRPERSON

Straughan / Kapla moved to nominate and elect Kornowske as chairperson. Motion carried.

APPROVAL OF MINUTES FROM 02/13/17

Straughan / Kapla moved to approve minutes dated 02/13/17. Motion carried.

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).

John Shaline, PO Box 12206, Petitioner, Current Owner of the Lot, Developer and Builder of the Lot

- Would like to have a 12 x 20' maintenance free deck (with no stairs) to allow for patio door access off the dining room and master bedroom
- The side yards and the pitch and slope is not conducive to getting around to the back of the home therefore he has no intention of putting a patio in the back
- A 22' rear yard setback is required and they only have 25' so the deck would be encroaching, not the house. A concrete patio would be allowable without a variance but because the deck is attached to the structure it is not.
- The property is between two existing homes and he is not aware of any concerns from the neighbors (notice was mailed out by the Village to those within a 200' radius)

Discussion:

- Home is staked 30' back from the front lot line as required
- Home on each side appears to be in violation of the back yard setback
- Peculiar hardship because of the nature of the lot (110' deep x 75' wide)
- By code, a patio would be allowed to encroach but an attached deck would not be

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- No record of a variance being granted for the adjoining properties
- 25' rear yard, only the deck encroaches. Any size deck would encroach.
- Questioned the side yard requirement. Any structure exceeding 60' in length or width requires a 10' side yard on each side.
- Variance Standards:
 - *Unnecessary Hardship* - strict conformity would not be in keeping with the rest of the neighborhood
 - *Unique Property Limitations* - due to the lot dimensions and depth of the yard, a deck or any other construction will encroach which typically would not be the case for a house this size on a normal size lot
 - *Protection of the Public Interest* – there is no detrimental effect to the public interest and there were no objections received from neighbors

Matuszek / Straughan moved to grant the 7' rear yard variance to allow for a deck. Motion carried.

ANNOUNCEMENTS

- none

ADJOURNMENT

Matuszek / Kapla moved to adjourn at 5:40 p.m. Motion carried.

Minutes submitted by Debbie Baenen, Clerk-Treasurer