



**CITY OF TWO RIVERS
BOARD OF APPEALS AGENDA
April 17, 2025 – 4:00 PM
Committee Room, 3rd Floor - City Hall**

1. Call to Order

2. Roll Call

Board of Appeals Members: Randall Ammerman, Jayne Rulseh, Preston Jones, and Roger Russove (three vacant positions)

3. Statement of Public Notice

4. Public Hearing

Appeal of Ryan Marcelle (owner) proposes to construct a building addition on the northeast side of his property. The property includes a commercial building at 2400 Memorial Drive. The property is situated on a uniquely shaped parcel, and the location of the proposed addition is in the rear yard. The property is zoned Business District (B-1). This appeal is necessary because Section 10-1-24, Entitled "B-1 Business District" includes provisions for the setbacks of structures. Structures must be setback at least 20 feet from the rear yard property line.

The appeal is for a building addition to be built in the rear yard because it is proposed to be built past the rear yard setback requirement.

1. Explanation of appeal request by the applicant
2. Explanation of findings by City staff
3. Comments from the public

6. Action to be Taken

7. Adjournment

Please note, upon reasonable notice, efforts will be made to accommodate the needs to disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the Office of the City Manager by calling 793-5532.

It is possible that members of and possibly a quorum of governmental bodies of the municipality may attend the above meeting to gather information; no other action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

(Written Description Of Proposed Addition To Tantrum Audio Building)

We are looking to add a 30' wide by about 30' deep addition to our existing building. This would be in the back of the existing building. This would attach to the existing building with a sloped roof away from the existing structure. This addition would join the existing building where we currently have a 12 x 10 garage door (this would be removed to 'join' the 2 buildings. (From an aerial view this would look like a letter "L". To address the requirements set forth in the statutes:

Unnecessary Hardship:

Currently Zoning on "Back Yard" requires a 20' setback from neighboring lots when attaching to an existing structure. If this was a detached structure we could build with a 3' setback on neighboring lots. This doesn't make sense in our specific instance as a detached structure wouldn't have a correct orientation to put a garage door and still have access to existing garage door on building (if we weren't attaching structure). The neighboring lot in question is currently owned by CN and is a triangular piece of land that technically doesn't have an entrance (front/side/or backyard). The tracks were removed during the recent road construction in the road leading up to this lot, as well as through this lot and completely end around the newer hospital. It is highly unlikely that CN could ever use this track again. In the future if this lot ever went for sale, there isn't much that could be built on this specific lot (CN Parcel). Our property is too narrow to build to the front and there is no room on the side yard. We feel that the specific zoning doesn't make sense allowing a detached structure to be 3' off neighboring lot with no variance required, but attached has to be 20' off lot considering the unique situation of what the neighboring lot is.

Unique Physical Property Limitations:

Some of this was mentioned above. We don't currently have any option to build out to the front yard because of our positioning to Memorial Drive/HWY 42, and side yard because of a neighboring structure and required parking lot (existing currently) very near the property line. We are positioned on a corner which doesn't allow any expansion in really any other direction than back yard.

No Harm to Public Interests:

We don't feel this addition would cause any concern or any harm to any nearby property owners. The structure wouldn't be any taller than existing structure, so also would not cause any less visibility to lake shore from neighbors on Roosevelt Avenue. Aesthetically we plan to match existing structure on appearance to look like it was always here.

In conclusion, we would like to expand the building to be able to grow vs moving to a bigger building. Tantrum Audio has been open for business since 2020. We have consistently grown year after year and would like more space to continue to grow and stay here in Two Rivers. We need the addition to support additional storage and utilize the previous structure to full capacity for vehicles. We feel that the current setback requirements wouldn't allow us to do so.



**TWO
RIVERS**
WISCONSIN

LAND DEVELOPMENT APPLICATION

APPLICANT Ryan Marcelle TELEPHONE 920-242-3945

MAILING ADDRESS 3711 Tannery Road Two Rivers WI 54241
(Street) (City) (State) (Zip)

PROPERTY OWNER Ryan Marcelle TELEPHONE 920-242-3945

MAILING ADDRESS 3711 Tannery Road Two Rivers WI 54241
(Street) (City) (State) (Zip)

REQUEST FOR:

<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Conditional Use
<input type="checkbox"/> Site/Architectural Plan Approval	<input type="checkbox"/> Annexation Request
<input type="checkbox"/> Subdivision Plat or CSM Review	<input checked="" type="checkbox"/> Variance/Board of Appeals
<input type="checkbox"/> Zoning District Change	<input type="checkbox"/> Other

STATUS OF APPLICANT: ☒ Owner ☐ Agent ☐ Buyer ☐ Other

PROJECT LOCATION 2400 Memorial Drive TYPE OF STRUCTURE Automotive Service

PRESENT ZONING B1 REQUESTED ZONING B1

PROPOSED LAND USE Addition To existing structure

PARCEL # 053-154-000-145 ACREAGE 0.264

LEGAL DESCRIPTION LOT 2 CSM V34 P371

NOTE: Attach a one-page written description of your proposal or request.

The undersigned certifies that he/she has familiarized himself/herself with the state and local codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct.

Signed [Signature] Date 1-27-25
(Property Owner)

Fee Required

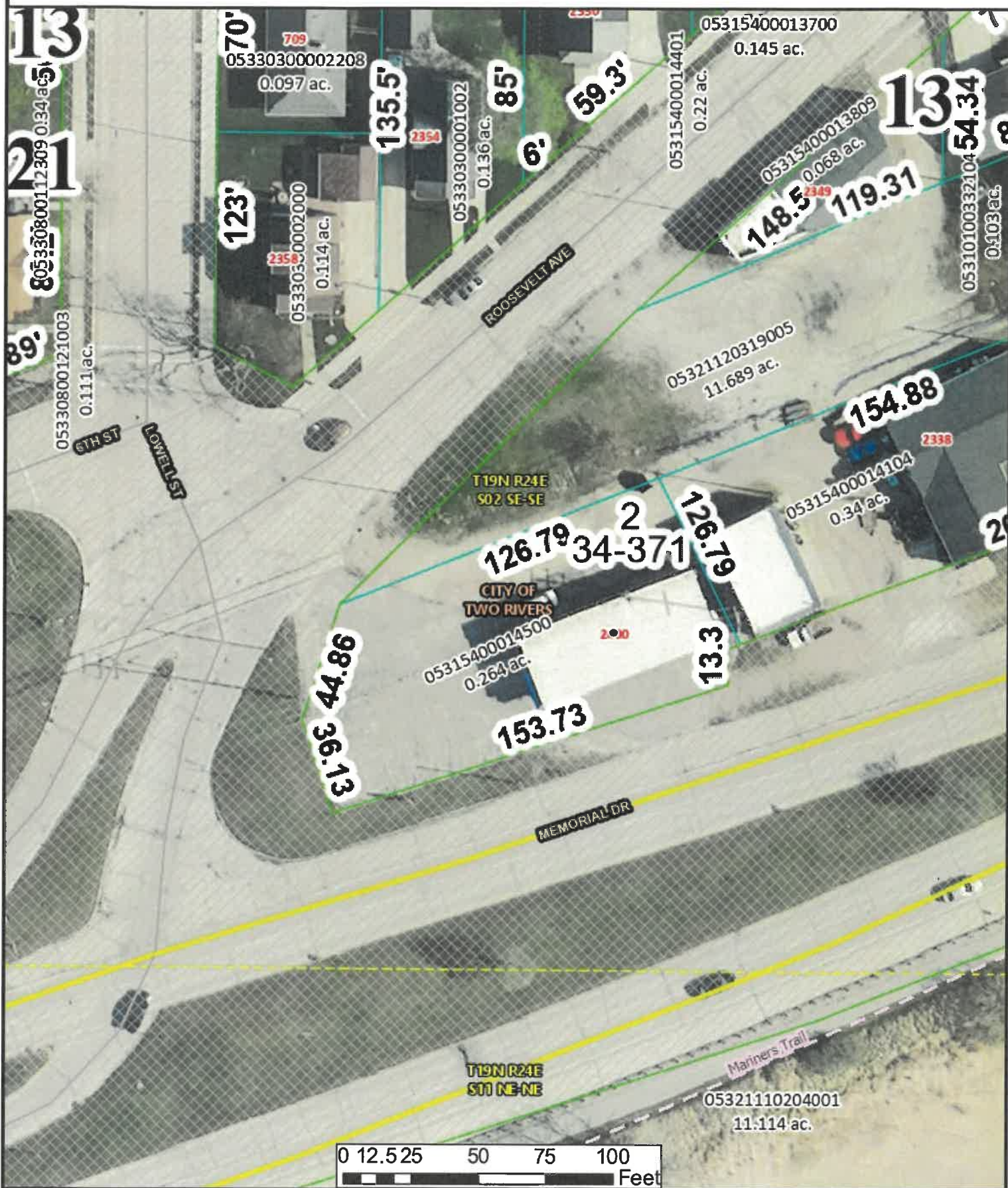
\$ 350	Comprehensive Plan Amendment
\$ t/b/d	Site/Architectural Plan Approval (Listed in Sec 1-2-1)
\$ t/b/d	CSM Review (\$10 lot/\$30 min)
	Subdivision Plat (fee to be determined)
\$ 350	Zoning District Change
\$ 350	Conditional Use
\$ t/b/d	Annexation Request (State Processing Fees Apply)
\$ 350	Variance/Board of Appeals
\$ t/b/d	Other

Schedule

Application Submittal Date	_____
Date Fee(s) Paid	_____
Plan(s) Submittal Date	_____
Plan Comm Appearance	_____

\$ _____ TOTAL FEE PAID APPLICATION, PLANS & FEE RECEIVED BY _____

Manitowoc County Parcel Viewer



CERTIFIED SURVEY MAP LOCATED IN LOT 13 OF THE SUBDIVISION OF THE EAST 1/2 OF THE SE 1/4 OF SECTION 2, T.19N., R.24 TWO RIVERS, MANITOWOC COUNTY, WISCONSIN BEING A RESURVEY OF A CERTIFIED SURVEY RECORDED IN VOLUME 11, PA. PLUS ADDITIONAL LANDS



SCALE IN FEET



- OH — OVERHEAD POWERLINE
- — EXISTING IRON PIPE
- o — 1"x18" IRON PIPE SET WEIGHING 1.50 lbs./ft

ALL BEARINGS ARE RELATED TO THE WISCONSIN COORDINATE REFERENCE SYSTEM

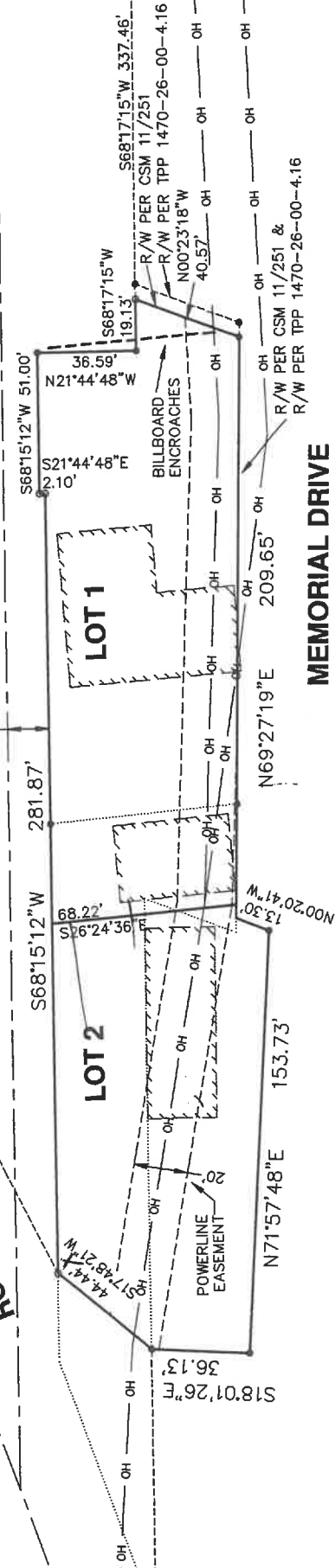
EAST 1/4
SEC
T.19N.,
(PK

ROOSEVELT AVENUE

WISCONSIN CENTRAL LTD.

LOT 1

LOT 2

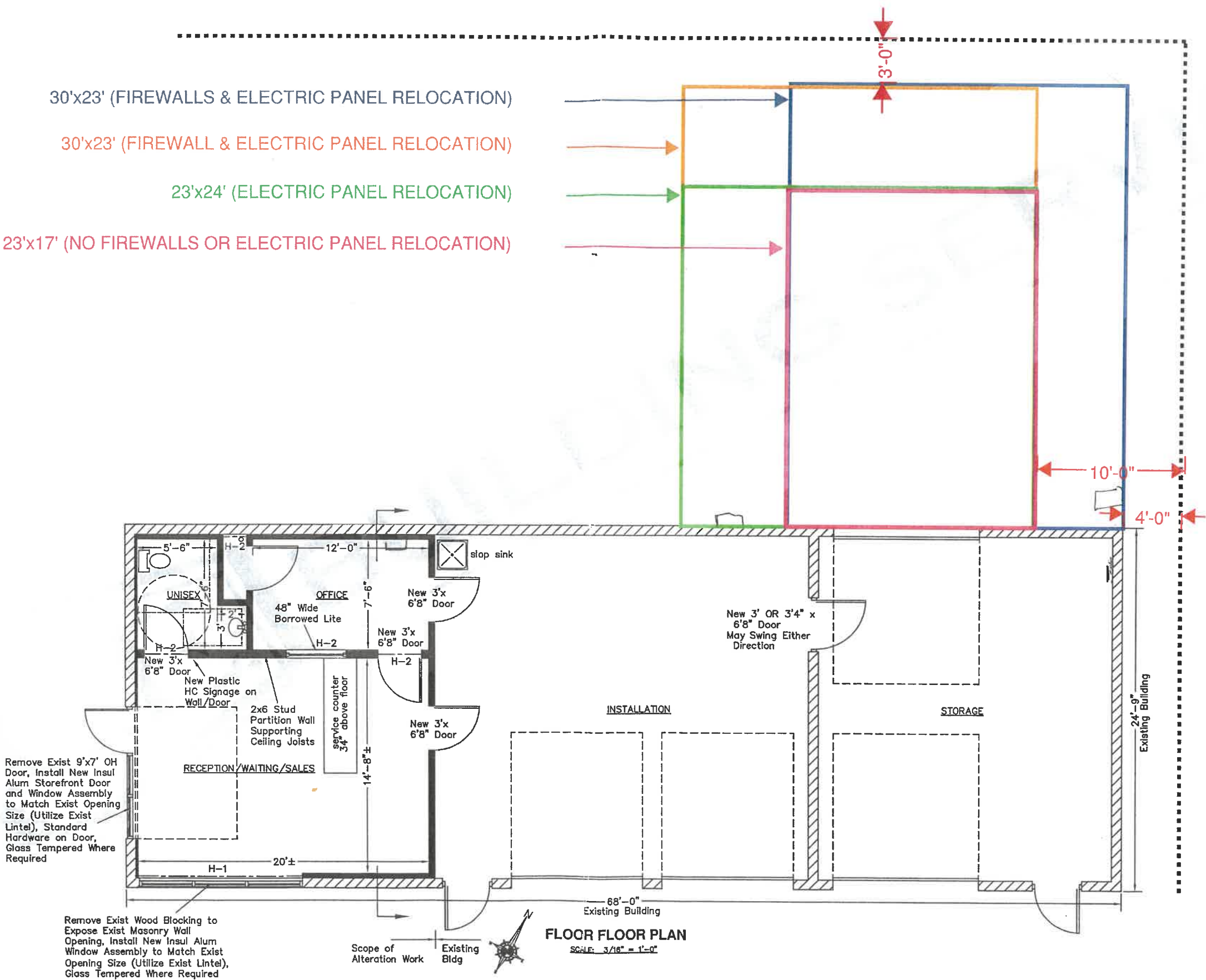


MEMORIAL DRIVE

SECTION 1

2441.12' EAST

TANTRUM AUDIO
2400 MEMORIAL DRIVE
TWO RIVERS, WI
AMH - 6/3/21



MEMORANDUM

Inspections/Planning Department

TO: City of Two Rivers Board of Appeals

FROM: Adam Taylor, Zoning Administrator

DATE: 03/19/2025

SUBJECT: Appeal of Ryan Marcelle (Owner – Applicant) to construct an addition to the rear of the building located at 2400 Memorial Drive. The property is zoned Business District (B-1).

BACKGROUND

- Current Zoning: B-1 Business District.
- Current Use: Commercial
- Future Use: Commercial
- Parcel: The property is a corner lot on Memorial Drive and Roosevelt Avenue. The proposed addition is a 30'x30' building in the rear yard, to be setback 3 feet from the rear property line. This conflicts with the provisions of Section 10-1-24 "B-1 Business District" C (4) which identifies that structures must be setback at least 20 feet from the rear yard property line.

STATUTORY STANDARDS

A variance must meet the following three (3) statutory standards to be granted:

1. That an unnecessary hardship exists.
2. That there is a unique property limitation.
3. That the public interest is protected if a variance is granted.

STAFF FINDINGS ON MEETING STATUTORY STANDARDS

The following is a summary of staff findings on how the variance request does or does not meet the above statutory standards:

1. Existence of an Unnecessary Hardship - An 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 with the applicable zoning regulations is unnecessarily burdensome.
2. Unique Property Limitation - Unique physical characteristics that limit the reasonable use of a property are a basis to grant a variance.
3. Protection of the Public Interest - Dimensional requirements in Zoning Districts are established to create certain aesthetic/appearance characteristics specific to each Zoning District.
 - a. *Hardship*: An 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 with the applicable zoning regulations is unnecessarily burdensome.

The property's current use is a commercial property operating a business. This request is for an addition of 30'x30' to the rear of the structure. The addition would meet all building requirements and setbacks, except for the rear yard setback. Unnecessary hardship exists only if the property owner shows that they would have no reasonable use of the property without a variance. Based on the property owner's current use of the property and the information included in the application, the applicant has not yet shown that an unnecessary hardship exists. The Board may wish to further investigate whether an unnecessary hardship exists.

- b. *Unique Property Limitation:* Unique physical characteristics that limit the reasonable use of a property are a basis to grant a variance.

The property at 2400 Memorial Drive is not a unique shape, however it could be said that it is in an irregular location. It is a corner lot bordering Memorial Drive and Roosevelt Avenue and is adjacent to a vacant parcel with abandoned railroad tracks. The enclosed maps show an aerial view of the lot. Based on the physical characteristics of the land, it seems likely that the characteristics of the land would limit the reasonable use of the property. The Board may wish to further investigate whether the characteristics of the land would limit the reasonable use of the property

- c. *Protection of the Public Interest:* Dimensional requirements in Zoning Districts are established to create certain aesthetic/appearance characteristics specific to each Zoning District.

The resulting 3-foot setback would be typical for a detached structure in this location. The request seems unlikely to cause any harm to the interest of the public or city.

ALTERNATIVES

The Zoning Board of Appeals may consider the following alternatives:

1. Deny the variance because the Board finds that one or more of the following conditions exist:
 - a. There is no "Unnecessary Hardship".
 - b. There is no "Unique Property Limitation".
 - c. The "Public Interest" is not protected.
2. Approve the variance as requested.
3. Approve the variance with conditions to be determined by the Board.

BOARD'S FINDINGS

Please note that the Board of Appeals must express reasons for their findings and decision. The Board shall state how each of the above reference conditions are met for proper documentation.

APPLICANT'S ROLE

The Applicants have the burden of providing proof that a hardship, unique property limitation, and protection of the public interest exists.