

Two Rivers City Hall  
1717 East Park Street  
Two Rivers, WI 54241  
(920) 793-5532  
www.two-rivers.org



**CITY OF TWO RIVERS  
BOARD OF APPEALS AGENDA  
July 20, 2023 – 4:00 PM  
Committee Room, 3<sup>rd</sup> 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 Kauffman Trust (applicant) to construct a pavilion with enclosed storage at 901 17<sup>th</sup> Street. The subject property is zoned R-2 Residential. This appeal is necessary because Section 10-1-15, Entitled “Height and Area Exceptions” includes provisions for accessory buildings and structures. Accessory buildings and structures are not permitted in front or side yards in any zoning district.

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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.



**TWO RIVERS**  
WISCONSIN

**LAND DEVELOPMENT APPLICATION**

APPLICANT KAUFMANN TRUST OF 1998 TELEPHONE (920) 680-2950

MAILING ADDRESS 901 17<sup>TH</sup> ST Two RIVERS WI 54241  
(Street) (City) (State) (Zip)

PROPERTY OWNER KAUFMANN TRUST OF 1998 TELEPHONE (920) 680-2950

MAILING ADDRESS 901 17<sup>TH</sup> ST Two RIVERS WI 54241  
(Street) (City) (State) (Zip)

REQUEST FOR:

- Comprehensive Plan Amendment
- Site/Architectural Plan Approval
- Subdivision Plat or CSM Review
- Zoning District Change
- Conditional Use
- Annexation Request
- Variance/Board of Appeals
- Other

STATUS OF APPLICANT:  Owner  Agent  Buyer  Other

PROJECT LOCATION 901 17<sup>TH</sup> ST TYPE OF STRUCTURE PAVILLION

PRESENT ZONING \_\_\_\_\_ REQUESTED ZONING \_\_\_\_\_

PROPOSED LAND USE PAVILLION WITH ENCLOSED STORAGE

PARCEL # \_\_\_\_\_ ACREAGE \_\_\_\_\_

LEGAL DESCRIPTION \_\_\_\_\_

**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 Keith J. Kaufmann Date 6/20/2023  
(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 7/10/23  
6/20/23
- Date Fee(s) Paid 7/10/23
- Plan(s) Submittal Date 7/10/23
- ~~Plan Comm~~ Appearance BOA

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

## 901 17<sup>th</sup> Street

### REQUEST: Accessory Building in Street Side Yard

#### Unnecessary Hardship

We were originally going to build a raised deck in accordance with zoning regulations, but with the increased pedestrian traffic on 17<sup>th</sup> St. (due to the sidewalk extension to Zlatnik Drive), an attorney advised us to build something different, because of potential liability. We regularly have people cutting across our yard to access the beach, and a raised deck in our yard might be a draw for people to access when we are not around. Therefore, we decided to build a ground level pavilion-style building, with enclosed storage on the existing concrete slab.

The pavilion style building cannot be built within existing zoning regulations. We are asking for a variance to locate the building in the street side yard. The existing concrete slab is located at least 25 feet from both street property lines in compliance with zoning setback regulations.

#### Unique Property Limitation

The property has a limited backyard with no space to build, but the street side-yard is substantial and is utilized like a backyard would be on most properties. Please review the plat map.

P.S. We recently consolidated two parcels into one so we could stay within zoning compliance to construct a deck. We have been trying to comply throughout this process and the Zoning Department has been extremely helpful.

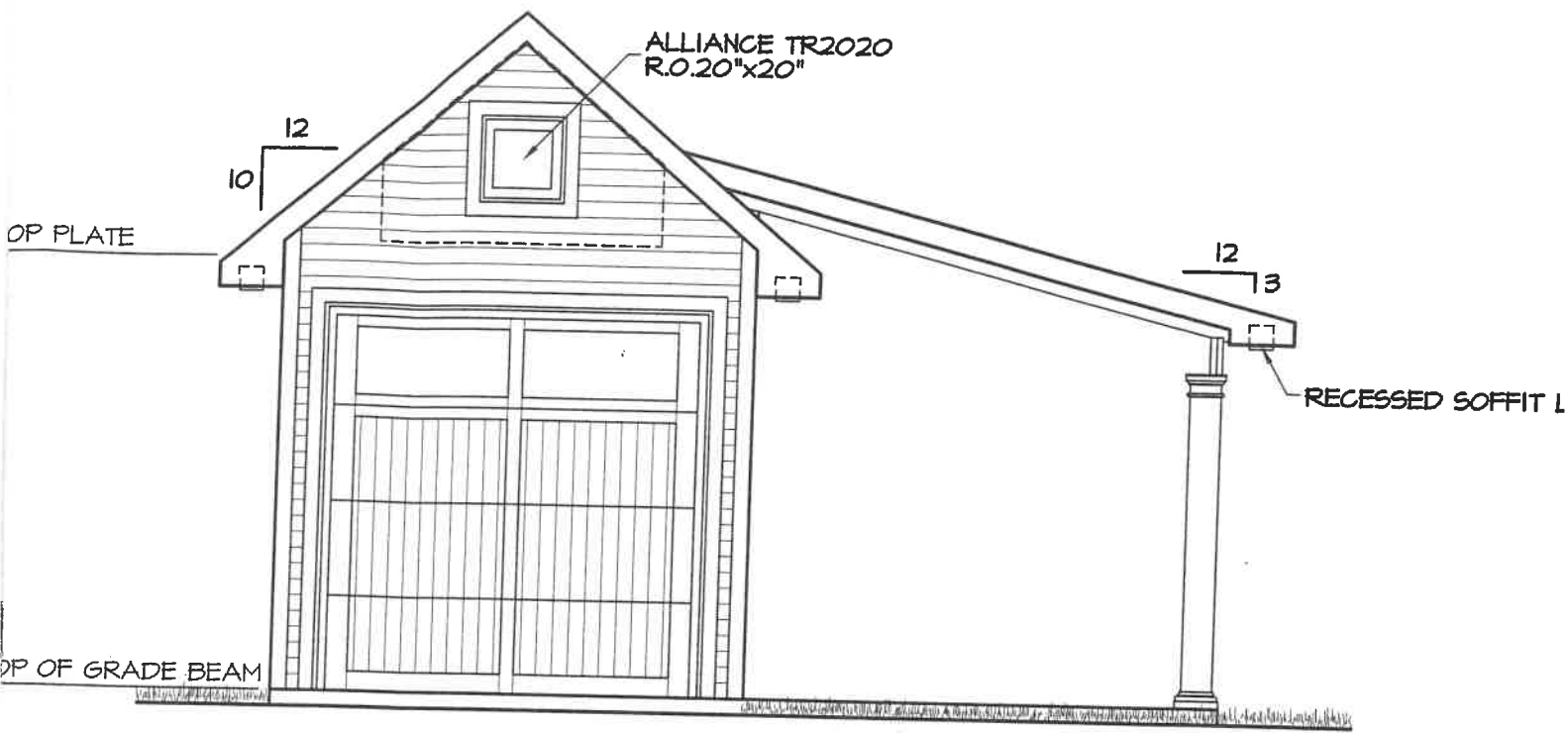
#### Protection of the Public Interest

By having an enclosed space, we can secure our belongings. With the increased pedestrian traffic and regular trespassing across our property to the beach, this will minimize the possibility of people injuring themselves on our property when we are not around.

#### Summary

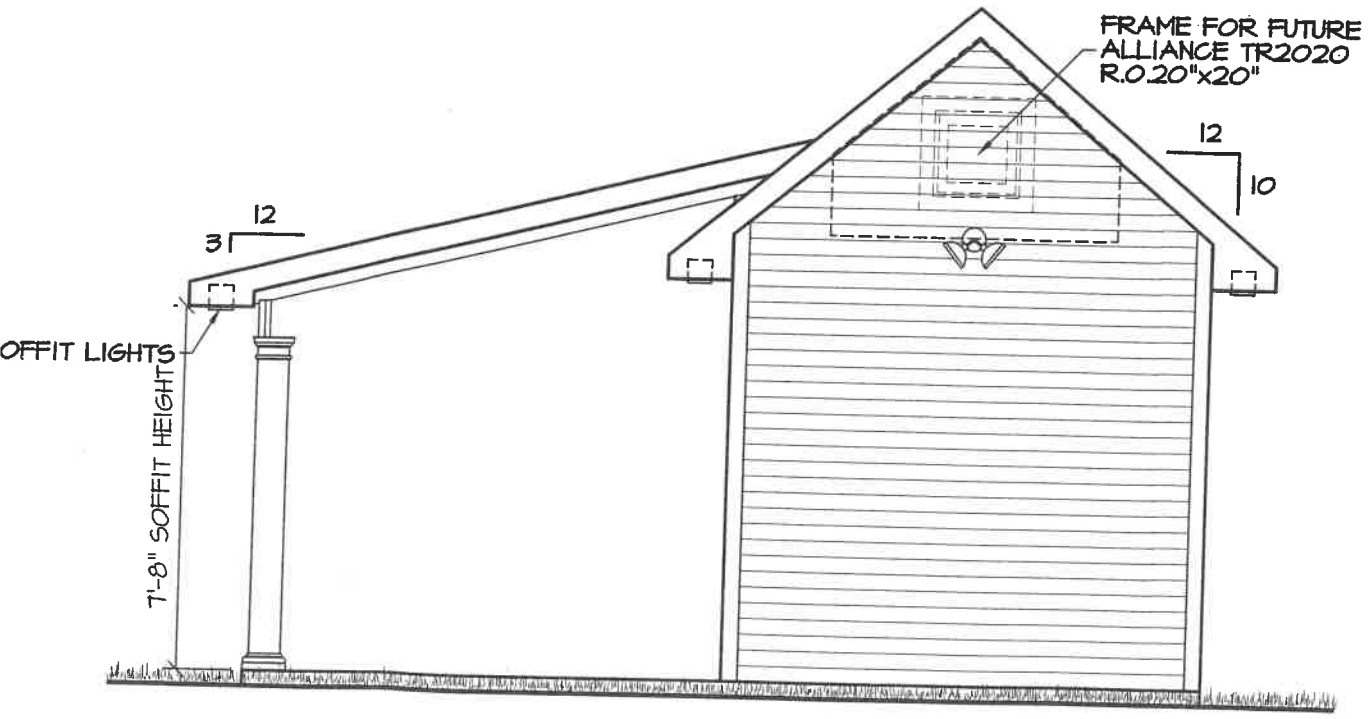
We have put significant effort into beautifying our property for us and the neighborhood. In fact, some neighbors have commented that they now have a view of the lake they didn't have before we improved the property. The building will be built on the existing concrete slab (meets current zoning setback requirements). This building will primarily be used for recreation but will also include a walled storage area to provide security of our belongings and safety for the public. It will blend with the existing structures and should enhance the look of the property. Thanks for your consideration.





FRONT ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"

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TO: City of Two Rivers Board of Appeals

FROM: Elizabeth Runge, Community Development Director

DATE: 7/07/2023

SUBJECT: Appeal of Kauffman Trust (Owner – Applicant) construct a pavilion with enclosed storage at 901 17<sup>th</sup> Street. The property is zoned R-2 Residential.

### BACKGROUND

- Current Zoning: R-2 Residence.
- Current Use: Residential Lot
- Future Use: Residential Lot
- Parcel: The house is situated on a corner lot located on 17<sup>th</sup> Street and Zlatnik Drive. The requested variance is for construction of a pavilion with enclosed storage in the street sideyard of the property. This conflicts with the provisions of Section 10-1-15 “Height and Area Exceptions” 4 (b) and 4(c) which identifies that garages and accessory structures are not permitted in rear and side yards. (Attached).

(b) In front yards and street side yards:

{1} Open fire escapes, open porches, decks, patios or terraces, including those with roofs but not walls, extending not more than six feet into a required front yard or street side yard, provided that these projections do not encroach in any vision clearance triangle.

The location for the proposed accessory structure already has a concrete slab poured because the original plan was to build a raised deck. However, the waterfront location draws many pedestrians and some cross through the owner’s yard. This has re-directed the owners’ design considerations.

### 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

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.

The applicant currently has the use of this property as a single-family residence, with a garage. There is not an unnecessary hardship in this case.

2. Unique Property Limitation - Unique physical characteristics which limit the reasonable use of a property are a basis to grant a variance.

The property has a unique shape; however, the reasonable use of the property is still available to the owner.

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

The public interest is served when the aesthetics surrounding properties are maintained with the implementation of current zoning ordinances. This property is a beautiful property, however, having walls as a part of the proposed design for the accessory structure violate the current ordinance.

Staff recommends not approving the variance as it does not meet the variance criteria.

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.