



**CITY OF TWO RIVERS
BOARD OF APPEALS AGENDA
September 4, 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 Bridget Barrett (owner) proposes to construct a deck behind the dwelling located in the rear yard at 1613 Jackson Street. The property is zoned Residential District (R-3). This appeal is necessary because Section 10-1-15, Entitled "Height and Area Exceptions" includes provisions for the setbacks of structures. Decks shall only project 6' or less into the required rear yard setback.

The appeal is for a deck 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.

MEMORANDUM

Inspections/Planning Department

TO: City of Two Rivers Board of Appeals

FROM: Adam Taylor, Zoning Administrator

DATE: 07/22/2025

SUBJECT: Appeal of Bridget Barrett (Owner – Applicant) to construct a deck behind the dwelling located in the rear yard at 1613 Jackson Street.

BACKGROUND

- Current Zoning: R-3 Single and Double Family Residence.
- Current Use: Residential
- Future Use: Residential
- Parcel: The property is 37.5' x 60'. The deck is proposed to be 10' x 25', which would leave a setback of 1' from the rear property line. This conflicts with Section 10-1-15 "Height and Area Exceptions" G (4) (c) [1] which identifies that decks shall only project 6' or less into the required rear yard setback.

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 which 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 current use of the property is residential. This request is for a 10' x 25' deck in the rear of the property. The deck would meet all building requirements, except for the required setback in the rear of the property. A 6' x 25' deck would be permitted; however, it is in the interest of the property owner to have a larger deck. 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 should not approve of the variance if an unnecessary hardship does not exist but may wish to further investigate.

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

The property at 1613 Jackson Street is not a unique shape, however it could be said that it is unique in size. With only 37.5 feet of lot width, it doesn't offer very much space to fit yard space as well as a house. 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 Public Interest*: Dimensional requirements in Zoning Districts are established to create certain aesthetic/appearance characteristics specific to each Zoning District.

Based on the characteristics of the neighboring lots, 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.

Bridget Barrett
1613 Jackson Street
Two Rivers, WI 54241

July 21, 2025

Two Rivers Zoning Board of Appeals:

Thank you for taking the time to review my request for an area variance.

In the interest of additional beautification of the East Side of Two Rivers, I would like to work with a contractor to add a deck to the back of my home. The distance from the home to the property line is a little more than 10 feet. If we were to proceed with a depth of 6 feet, I would be leaving just a concrete slab between the deck and our fence, with no usable land. We would like to have the deck built with a depth of 10 feet, which would allow us to use the entire yard, which we pay taxes to enjoy year round.

I have a daughter with a severe mosquito allergy, and building the deck will allow us to enjoy fresh air in the evenings in a safe way.

The deck would not allow us to view properties of any of our neighbor's, as it is only planned to be at the level of our doorway. There are fences on both sides of the yard that the deck would abut.

There is no easement behind our home, as discussed with Adam Taylor.

The deck will allow us to further enjoy our land, will make the area more attractive to any neighbors, and will shape development in line with the City's overall development plan.

The following will address the 3 criteria that must be met in order for a variance to be granted:

1) Unnecessary Hardship

- Restricting the deck to be built with 6 feet in depth, while it is planned for a back yard in lieu of a front yard project, is unnecessarily burdensome upon the owner as applied by the Wisconsin Supreme Court. Additionally, the deck built with additional feet in length will NOT conflict with any use whatsoever on the adjacent properties or in the neighborhood. A slightly larger deck does not alter the basic nature of the site, nor require multiple nor extreme variances- which is the test cited by the Wisconsin Supreme Court and utilized in these circumstances.

2) Unique Property Limitations

- Our home, when built, was originally a store. While it is fun to discuss in the Washington House, it does present some inherent difficulties when attempting to modernize and/or beautify the space. Thus, a variance should be granted to allow for the circumstances of the land not to interfere with our use.

3) No Harm to Public Interests

- There is no impact on public health, water quality, fish and wildlife habitats, nor any other public interest issue.

- In fact, the alternative is true. As our neighborhood continues to see growth and positive change with numerous building projects bringing a more attractive vibe and an increased property value, we feel it is important to join in the beautification efforts and look forward to this variance allowing us to build a deck and additionally contribute.

The deck will comport with all Deck/Porch Building Regulations as outlined in Wisconsin statute 35.93 Chapters 320-325. Please see attached for a sketch.

Thank you again for your attention to this request, and for your continued devotion to the City of Two Rivers.

Respectfully,

Bridget Barrett

847-341-3238

BridgetBarrett528@gmail.com



**TWO
RIVERS**
WISCONSIN

LAND DEVELOPMENT APPLICATION

APPLICANT Bridget Barrett TELEPHONE 847-341-3238

MAILING ADDRESS 1613 Jackson St. Two Rivers, WI 54241
(Street) (City) (State) (Zip)

PROPERTY OWNER _____ TELEPHONE 847-341-3238

MAILING ADDRESS _____
(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 1613 Jackson St. TYPE OF STRUCTURE deck

PRESENT ZONING R3 REQUESTED ZONING N/A

PROPOSED LAND USE residential

PARCEL # 0000060613 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 Bridget Barrett Date 7/21/25
(Property Owner)

Fee Required

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

350

TOTAL FEE PAID

Schedule

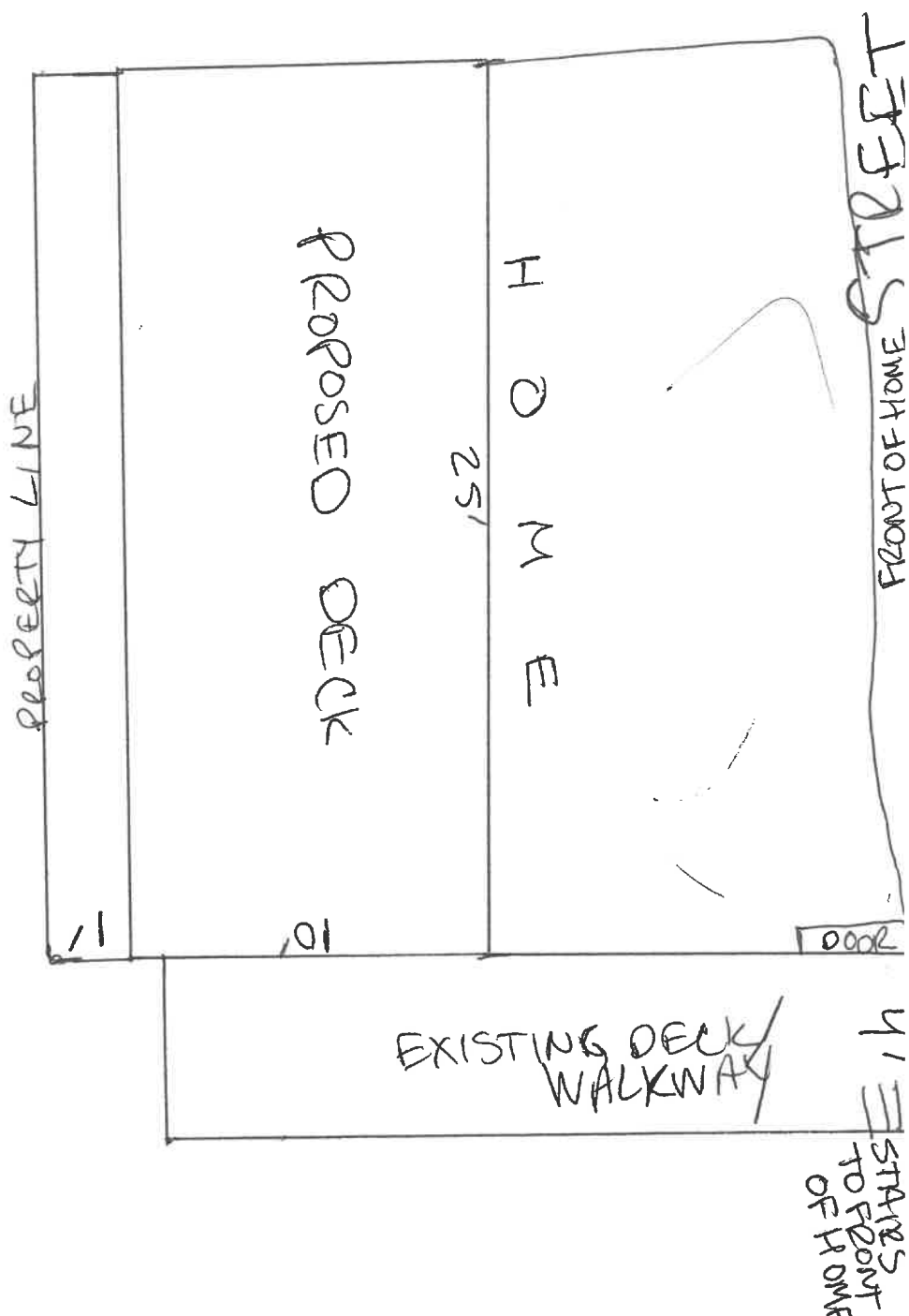
Application Submittal Date 7/21/25
Date Fee(s) Paid 7/21/25
Plan(s) Submittal Date _____
Plan Comm Appearance _____

APPLICATION, PLANS & FEE RECEIVED BY AT

11/22/16, 03/25/13, 01/01/06 12/16/20
Land Development Application.docx

REAR
OF
PROPERTY

DRIVEWAY



Manitowoc County Parcel Viewer



Sec. 10-1-15. Height and area exceptions.

The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

- A. *Public and quasi-public buildings.* Churches, schools, hospitals, medical clinics, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet or five stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- B. *Extraordinary structures.* Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, parapet walls not exceeding two feet in height, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless television or broadcasting towers, masts or aerials, telephone, telegraph and power poles and lines, microwave radio relay structures and necessary mechanical appurtenances are hereby excepted from the height regulations of this chapter and may be erected in accordance with other regulations or ordinances of the city.
- C. *Residences.* Residences in the residence districts may be increased in height by not more than ten feet when all yards and other required open spaces are increased by one foot for each foot which such building exceeds the height limit of the district in which it is located.
- D. *Through lots.* Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard, provided that the setback requirements on both streets be complied with.
- E. *Nonconforming lots.* Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record on September 8, 1953, such lot may be occupied by one family.
- F. *Accessory buildings and structures.*
 - (1) *Time of construction.* No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory unless expressly permitted by the board of appeals.
 - (2) *Height.* In all residential districts the maximum height of any detached accessory building shall not exceed the height of the principal building but in no case be higher than 20 feet unless expressly permitted by the board of appeals.
- G. *Yards to be open upward.*
 - (1) Except where otherwise specified in this chapter, every part of a required yard shall be open to the sky unobstructed.
 - (2) *Location of required open space.* All yards, courts, usable open spaces and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.
 - (3) *Required yards for existing buildings.* No yards now or hereafter provided for a building existing on the effective date of this chapter shall subsequently be reduced below, or further reduced if already less than, the minimum required by this chapter for equivalent new construction.
 - (4) *Permitted obstructions in required yards.* The following shall be considered permitted obstructions when located in the required yard specified. Any obstruction not expressly described is prohibited.

(a) In all yards:

- [1] Arbors and trellises, trees, shrubs and plantings.
- [2] Awnings.
- [3] Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, antenna masts or towers, cornices, eaves, gutters and the like, projecting not more than 24 inches.
- [4] Fences, walls and hedges, subject to the provisions of this chapter.
- [5] Flagpoles and garden ornaments.
- [6] Open terraces not over three feet above the average level of the adjoining ground, but not including a permanent roofed-over terrace or porch unless otherwise specifically permitted.
- [7] Recreational accessory uses.
- [8] Steps not over three feet above the ground level which are necessary for access to a permitted building or for access to a zoning lot from a street or alley.
- [9] Walks and driveways.

(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.
- [2] Overhanging eaves and gutters projecting three feet or less into the yard.
- [3] Open off-street vehicle parking spaces when approved by the plan commission in business, industrial, institutional and multifamily residence districts.
- [4] Open off-street vehicle parking on a paved or gaveled driveway, provided no vehicle may be parked within five feet of a front property line within three feet of an interior side lot line or 25 feet of a street side lot line.

The minimum width of any driveway on private property shall be 12 feet. The maximum width of any driveway on private property shall not exceed the width of the garage to which said driveway leads. Maximum width shall not exceed 20 feet for properties with no garage.

Provided, however, that if the driveway width on private property is greater than that driveway's width at the edge of the public right-of-way there shall be a taper of the driveway on private property that narrows said driveway to the width at the right-of-way. Said taper shall be in a line starting at a point at least five feet from the edge of the right-of-way. Such tapers may be on one or both sides of the driveway.

In addition driveways may provide access to a parking space located in a side yard and immediately adjacent to the garage, provided that such parking space may be no wider than 12 feet and may not be within three feet of an interior side lot line (25 feet from a street side lot line.) The driveway may be widened beyond the edge of the garage only to the extent necessary to provide access to such parking space.

Driveway width at the edge of the public right-of-way and the width of driveway approaches and curb cuts within the public right-of-way are regulated by section 4-1-11 of this Code, curb cuts and driveway approaches.

- [5] Garages in embankments. Where the mean natural grade of a front or street side yard is more than eight feet above the curb level, a private garage may be erected within said yard, provided as follows:
- [a] That such private garage shall be located not less than five feet from the street lot line;
 - [b] That the floor level of such private garage shall be not more than one foot above the curb level; and
 - [c] That at least one-half the height of such private garage shall be below the mean grade of the yard.
- [6] Produce gardening is permissible in front yards by meeting the following criteria:
- [a] Produce gardens must be planted in raised beds and/or containers. Materials that raised bed can be built from:
 - Bricks and cinder blocks.
 - Natural and manufactured stones such as cobblestones and slab stones.
 - Plastic.
 - Milled wood and logs.
 - Corrugated metal and metal troughs.
 - Reclaimed materials such as old canoes or kayaks.
 - [b] 4-foot setback is required from the front property line.
 - [c] 3-foot maximum plant height.
 - [d] Total garden area is limited to 100 square feet of soil surface.
 - [e] Raised bed height allowed shall be a minimum of six inches and a maximum of 24 inches.
 - [f] Raised bed and/or container plus height of plants cannot impede vision clearance restrictions found in section 10-1-15.I(4)
- [7] Produce gardening is permitted in street side yards. Such gardens shall not encroach into the minimum required street side yard.
- [8] Garages in front yards.
- [a] In the aggregate shall not occupy more than 30 percent of any required front yard and not more than 50 percent of non-required front yard areas;
 - [b] Shall be located on a lot being not less than five acres in size;
 - [c] The primary structure on the lot shall be located at least 500 feet from the street on which the property fronts;

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- [d] Garages shall reflect the same minimum setbacks allowed for a principal structure on the lot.
 - [e] Shall be located no closer than three feet from any part of any other building, or structure, except swimming pools as described in subsection H.
 - [f] Shall comply with all applicable municipal and state code provisions.
- [9] Garages in street side yards.
- [a] Shall be no closer than the required front yard setback;
 - [b] Street side yard setback shall be 25 feet from the lot line;
 - [c] In the aggregate, shall not occupy more than 30 percent of any required street side yard nor more than 50 percent of non-required street side yard areas.
 - [d] Shall be located no closer than three feet from any part of any other building, or structure, except swimming pools as described in subsection H.
 - [e] Shall comply with all applicable municipal and state code provisions.
 - [f] Permitted only where there is a previously existing driveway.

(c) In rear yards:

- [1] Open fire escapes, open porches, decks, patios or terraces, including those with roofs but not walls, projecting six feet or less into the required rear yard.
- [2] Overhanging eaves, bay windows and gutters projecting three feet or less into the required rear yard.
- [3] Detached accessory buildings and structures such as storage buildings, garages, swimming pools, heating and air-conditioning equipment, wind and solar energy conversion equipment antenna structures, including those mounted on towers or masts or those employing parabolic or similar reflectors, provided such buildings, structures or equipment:
 - [a] In the aggregate shall not occupy more than 30 percent of any required rear yard nor more than 50 percent of non-required rear yard areas.
 - [b] Shall be located no closer than three feet from any part of any other building, structure or property line, except swimming pools as described in subsection H.
 - [c] Shall comply with all applicable municipal and state code provisions.
 - [d] Driveways not exceeding 35 percent of the lot width or 35 feet, whichever is less.
- [4] Storage canopies complying with the following:
 - [a] Storage canopies erected prior to June 7, 2021.
 - [i] Shall not exceed 240 square feet in area.
 - [ii] Shall not exceed 14 feet in height.