

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  
September 3rd, 2026 – 9:00 AM  
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 Metro North Communications, Inc. (Owner – Applicant) for the placement of a shipping container on a vacant lot at 1910 – 20<sup>th</sup> Street. The property is zoned Industrial (I-2). This appeal is necessary because Section 10-1-15 J (6), entitled "Height and Area Exceptions", states that shipping containers shall not be permitted on vacant lots. Section 10-1-29 A (2) entitled "I-2 Industrial District" also applies. This section states that shipping containers shall be an accessory use only.

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

**5. Action to be Taken**

**6. 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.

TO: City of Two Rivers Board of Appeals

FROM: Adam Taylor, Zoning Administrator

DATE: 07/01/2026

SUBJECT: Appeal of Metro North Communications, Inc. (Owner – Applicant) for the placement of a shipping container at 1910 – 20<sup>th</sup> Street. The property is zoned Industrial District (I-2).

### BACKGROUND

- Current Zoning: I-2 Industrial District.
- Current Use: Vacant (no primary structure)
- Future Use: Industrial
- Parcel: The property is located at 1910 – 20<sup>th</sup> Street. The subject parcel is about 3.5 acres and is adjacent to the river, as well as residential and industrial properties. Zoning Code Section 10-1-15 J (6), entitled "Height and Area Exceptions" (copy enclosed) includes provisions shipping containers. Shipping containers shall not be permitted on vacant lots. Section 10-1-29 A (2) entitles "I-2 Industrial District" also applies. This section states that shipping containers can be an accessory use only.

### 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.

The property is currently vacant. The shipping container is the only structure on the lot, which is currently a violation of the ordinance. 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 application, the applicant has outlined the following logistical and financial hardships:

- The 3.47-acre site is a brownfield undergoing environmental remediation, and active sample wells are still in use on the property.
- The applicant states that placing the structure on the existing concrete slab is necessary to meet Wisconsin Department of Natural Resources (DNR) requirements for the re-use of an active contamination site.
- Any traditional excavation on the site would create a financial hardship because displaced contaminated soil must be stored in barrels.

The Board will need to weigh whether these stated limitations demonstrate that the parcel lacks a reasonable use without this variance.

2. Unique Property Limitation - Unique physical characteristics that limit the reasonable use of a property are a basis to grant a variance.
  - The property owner's application stated the presence of contamination on the site. The owner was aware of the contamination before purchasing the land. This may pose issues in developing the site. Based on the physical characteristics of the land, it seems likely that the characteristics of the land may 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.
3. Protection of the Public Interest - Use and dimensional requirements in Zoning Districts are established to create certain aesthetic/appearance characteristics specific to each Zoning District.

The placement of a shipping container on a vacant lot may be harmful to public interest for aesthetic reasons. The purpose of the ordinance is to keep shipping containers as an accessory structure to the primary building. However, the applicant has presented several factors regarding visual mitigation and public interest:

- The east side of the structure, which faces four residential backyards, was recently painted black with special Rust-Oleum paint to mitigate visual impact.
- The applicant states the parcel is located at a dead-end, is entirely fenced-in as part of a nearby EPA/DNR clean-up site, and is not visible to the majority of the public.
- The applicant has expressed a willingness to add a "curtain" or screening to the site if deemed necessary.

The Board must determine whether the applicant's proposed use and mitigations demonstrate consistency with the public interest.

## OPTIONS

The Zoning Board of Appeals may consider the following actions on this application:

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.



**TWO  
RIVERS**  
WISCONSIN

## LAND DEVELOPMENT APPLICATION

APPLICANT METRO NORTH COMMUNICATIONS, INC. TELEPHONE (920) 629-1680

MAILING ADDRESS 4212 Lincoln Avenue Two Rivers WI 54241-1873  
(Street) (City) (State) (Zip)

PROPERTY OWNER METRO NORTH COMMUNICATIONS, INC. TELEPHONE (920) 629-1680

MAILING ADDRESS 4212 Lincoln Avenue Two Rivers, WI 54241-1873  
(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 1910 20th Street TYPE OF STRUCTURE Steel building

PRESENT ZONING Industrial I-2 REQUESTED ZONING Industrial I-2

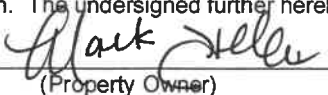
PROPOSED LAND USE Broadcast Transmitter Facility

PARCEL # 1010072476 ACREAGE 3.476 Acres

LEGAL DESCRIPTION Asst Plat 7 Part of Lot 24 (Vol. 236 Page 150)

**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  President Date June 17, 2026  
(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 \_\_\_\_\_

\$ \$350.00 TOTAL FEE PAID

APPLICATION, PLANS & FEE RECEIVED BY \_\_\_\_\_

## **Zoning Board of Appeals**

Applicant: Metro North Communications, Inc. Owner of four parcels in area, including cellphone tower in Town of Two Rivers. Long-time owner of radio stations, including WGBW Denmark (sold 2022), WLAK New Holstein (2022), also WEMP-FM (2015) Two Rivers and WKZY-FM (2011) Chilton (Stockbridge)

Mark Heller, President. Resident of city for 44 years.

**DNR** approval sought previously, **and granted**, for placement (on slab)

I-2 Zoning. See City map. Four residences to east, backyards.

No residences to north, west or south.

On cement slab. East side recently painted black by Mark Heller.

3.47 acre site, brownfield, under remediation, purchased from County. City of Two Rivers was offered same, and refused!

Last for-profit owner, Chard, Inc. a partnership closely held, includes The Metal Ware Company among its holdings. They surrendered the property to Manitowoc County, and built medium-sized metal factory building immediately north of this site.

Purchased August 2024. Purchased metal building in September 2024. Purchased 140 foot PiRod tower from Green County, Wisconsin. Sheriff's tower at New Glarus, WI, who replaced with larger one for cellphone renters. Metro moved tower to Two Rivers and acquired new bolts for reconstruction from original factory at Plymouth, Indiana last October. Bolts in storage at 1817 Washington Street, first floor.

June 2026 painted the east side of metal building (black) to remove name of firm. (Special Rust-Oleum paint) That side faces backyards of 4 homes.

Use Variance bullet points, argued by Metro.

- \* Zoning allows for AM & FM broadcast facilities. That is what this building is used for!
- \* Frankly, with City dragging its feet with EPA and DNR on 22nd Street (Wis. Public Service Tank Farm site) this is the 'best use possible' today.
- \* Two Rivers put out news release on firm that would have storage batteries on north side of Hwy 310, charging at night, dis-charging at day. A scan of their equipment shows the EXACT same buildings!

### **\* Unnecessary Hardship.**

City would argue, they want / need a structure that is NOT considered a storage container. Wood, brick, masonry, metal as long as it is not a "storage container". Must be attached to existing building(?). Can't find that State law, as given by Zoning Administrator.

Metro argues, the re-use of this "former" container is necessary for operations in an area **NOT** protected from high winds / tornadoes, etc. It's placement on an existing concrete slab, is to meet requirements by the Wis. Dept. of Natural Resources for a re-use of a known, active 'contamination site'. Active sample wells are still in use on property.

A Reno, Nevada company specializes in re-use as transmitter buildings for radio and TV, as well

as soundproof studios and control rooms for radio and TV. (photos enclosed) Mark Heller met with them in April. No reasonable use of the this brownfield property without a 'variance'. Restrictions would be "unnecessarily burdensome". Clean-up continues.

Industrial Zoning **ALLOWS** for the use of Radio and Television Broadcasting Facilities!

**\* No Harm to Public Interests.**

This entire 3.47 acre parcel is not visible to 99.9% of the public. It is **not** located on a viable, city street, but at a dead-end. There are no residents located to the south, west or north. The entire parcel is fenced-in, as part of an EPA / DNR clean-up of former oil tank farm, nearby, north of 22nd Street, owned by Wisconsin Public Service Corporation. The factory to the north, has no windows, is shielded by vegetation from seeing this building. Metro is willing to add 'curtain', if needed.

**\* Unique property limitations.**

This is a brownfield. Clean up of the Wisconsin Public Service Corporation site on 22nd Street is needed, for this parcel to be released by the environmental governing interests. Metro has worked with DNR and EPA-Chicago in coordinating efforts. City, under last administration, did not at all. City Manager and City Council President did **NOT** appear as required, at Public Input hearing held at Two Rivers Fire Station. Outgoing City Manager sent City Engineer, which did **NOT** meet the EPA requirements. Metro then paid for EPA to have a booth at Rotary Applefest, but they could not attend due to federal government shut-down during the dates. Rotary did **NOT** refund Metro's payment for the booth!

Any excavation, would create a financial hardship, as all ground must be stored in barrels, presently. Only excavation that is budgeted for, is base of tower, if FCC grant is approved in the future.

**\* Benefit to Community.**

Possible (Likely) AM, FM radio station location, including possibility of Travelers Information Radio service. (City and county direct benefit)

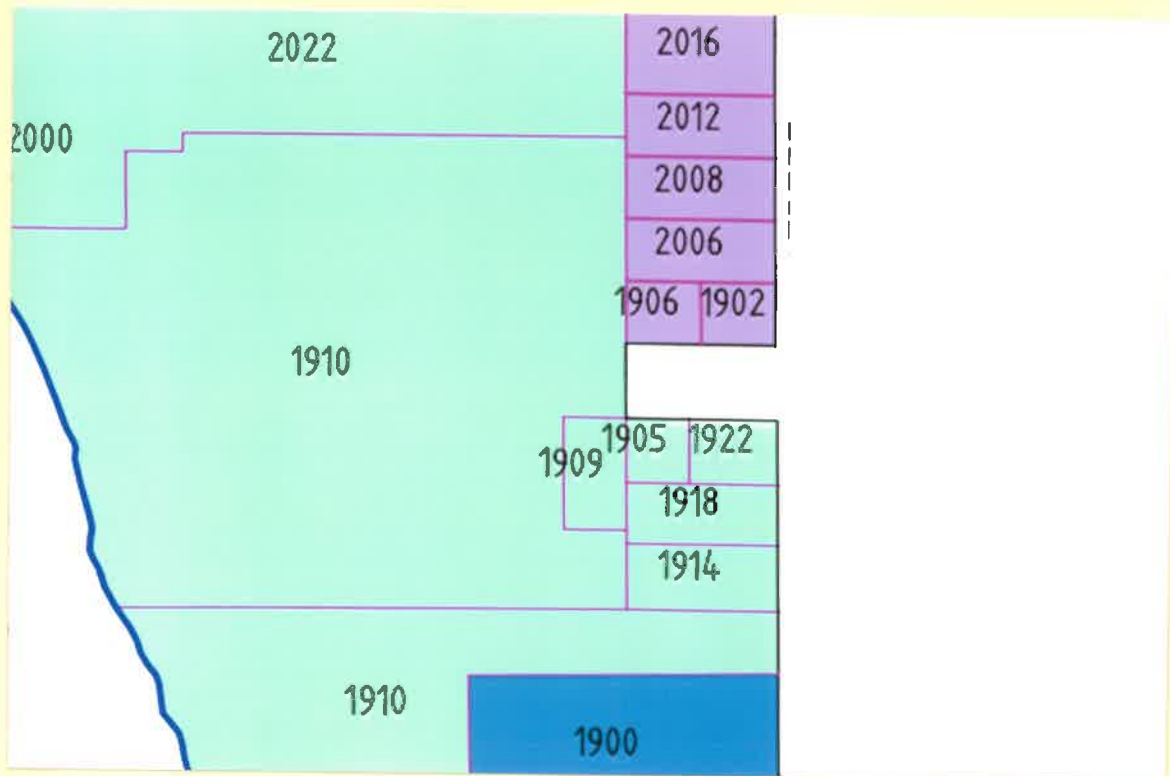
NOT for cellular use! (No competition to former City cell tower)

Currently, all AM & FM Radio stations in Manitowoc County are owned by one family operation, considered a "Monopoly". This would be an independent voice, and located within the City Limits of Two Rivers.

Employing local people. No government grants needed / sought.

Prior multiple owners, had inability to develop the property. City passed on ownership, by county, due to brownfield status. (Buckley Admin.)

Chapter 59 of Wisconsin statutes: 59.694 "Special exceptions"



Subject Property: 3.47 Acres  
1910 20th Street, Two Rivers, WI



Photos taken: April, 2026  
Las Vegas (NV) Convention Center







## OMAHA-BASED FIRM PROPOSES MAJOR ENERGY STORAGE FACILITY AT TWO RIVERS WOODLAND INDUSTRIAL PARK

Tenaska, a major developer of electrical generation and storage facilities, is proposing to construct a 150 megawatt battery energy storage system (BESS) facility on an approximately 9.4 acre site at the City's Woodland Industrial Park.

In a presentation at the City Council meeting on February 5, company representatives reported that the planned BESS--identified as the Hawk Energy Storage Project--would be capable of storing up to 600 megawatt hours of electrical energy. That's enough to supply the power needs of 100,000 homes for four hours.

Tenaska's planned capital investment in the project is \$250 million. In addition to improving the resiliency of the regional electrical grid, the project would provide significant tax revenues to Two Rivers.



**METRO NORTH COMMUNICATIONS, INC.**  
**"SUBJECT BUILDING FOR TRANSMISSION"**  
**WEST SIDE PAINTED (towards neighbors)**  
**PHOTO TAKEN: JUNE 3, 2026**

05310100717205  
4.248 ac.

05310100725904  
2.389 ac. 2022

05310100725109  
0.22 ac. 2016

05310100725208  
0.157 ac. 2012

05310100725307  
0.157 ac. 2008

05310100725406  
0.157 ac. 2006

05310100725703  
0.072 ac. 1902

05310100725505  
0.072 ac. 1906

05310100724805  
0.104 ac. 1909

05310100724409  
0.102 ac. 1922

05310100724183  
0.154 ac. 1918

05310100724194  
0.166 ac. 1914

05310100724201  
1.346 ac. 1910

05310100724102  
0.732 ac. 1900

05310100724003  
1.169 ac. 1818

T19N R24E  
S01 NW-NW

T19N R24E  
S01 NE-NW

CITY OF  
TWO RIVERS

24

21ST ST

20TH ST

SCHOOL ST

0 25 50 100 150 200 Feet

The burden for determining fitness for use rests entirely upon the user of this website. Manitowoc County and its co-producers will not be liable in any way for accuracy of the data and they assume no responsibility for direct, indirect, consequential, or other damages.

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

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projections and a line joining points on such street right-of-way lines located a minimum of ten feet from the intersection thereof in order to provide adequate vehicular vision clearance; provided, however, that a fence so designed, constructed and maintained as to be 90 percent open for through vision may be constructed in such vision clearance area.

- (5) *Exemptions.* The zoning administrator may modify the provisions for the requirement of screening when suitable screening exists on abutting property, or when he/she determines that such modifications for screening shall be in harmony with the general purpose and intent of this subsection. The zoning administrator may also modify the provisions for the requirement of vision clearance when he determines that such modifications shall be consistent with traffic safety and shall be in harmony with the general purpose and intent of this subsection.
- (6) *Existing screening fencing.* Any screening of fencing which exists at the time of the passage of this chapter (October 5, 2009), but does not conform with the provisions thereof, shall not be altered or enlarged without making the entire unit conform with the provisions of this subsection.

### J. *Shipping containers and similar conveyances used for storage only in certain zoning districts.*

- (1) *Purpose.* This subsection regulates the use of shipping containers and similar conveyances which may be permanently placed outdoors and used for storage purposes only in certain zoning districts in accord with the provisions described herein which are intended to protect the aesthetic qualities of the city.
- (2) *Definitions.* As used in this section, the following terms shall have the meanings indicated:

*Shipping container.* A steel box used for intermodal shipping of products and materials between locations. Such containers are designed and constructed to standards established by the International Organization for Standards (ISO) and are typically 10 feet, 20 feet, 30 feet or 40 feet long.
- (3) *Containers prohibited with exceptions.* Except as described herein, the following shall not be placed for storage or residential use in any zoning district in the city: shipping containers, semitrailers, truck bodies, mobile offices, storage containers or other similar conveyances either with or without wheels.
- (4) *Exception for contractors' use.* In any zoning district, contractors may temporarily use the above-listed conveyances in conjunction with construction activities duly authorized by a permit issued by the city for a construction project, alteration project or demolition project.
- (5) *Exception or household or commercial moving purposes.* In any zoning district, contractors may temporarily use the above-listed conveyances in conjunction with construction activities duly authorized by a permit issued by the city for a construction project, alteration project or demolition project.
- (6) *Exception for the i-1, i-2 and i-3 industrial districts.* Shipping containers or similar conveyances may be permanently placed outdoors and used for storage in the districts noted above in accord with the following requirements:
  - (a) The use of this container, including its contents, shall be accessory to the principal building or use of the premises.
  - (b) A container shall not be permitted on vacant lots.
  - (c) A container shall be located in the rear yard only and shall be placed on a pad consisting of stone or gravel or concrete or asphalt or a combination of those materials.

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

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- (d) The container location shall comply with setback requirements as if it were an accessory building. Where a residential use is immediately adjacent to the proposed location of a container, the minimum setback may be increased in combination with required screening or fencing as determined by the zoning administrator.
- (e) Additional requirements that may be determined by the zoning administrator include painting to match the color of the principal building, fencing, landscaping, lighting, architectural modifications, maintenance standards and site improvements to manage stormwater drainage.
- (f) The removal of a shipping container or similar conveyance may be ordered by the city due to lack of maintenance or if it becomes a public nuisance. The cost for such removal shall be paid by the property owner. If the property owner is negligent in paying for its removal, the city may charge the removal against the property.
- (g) Prior to replacement of any shipping container or similar conveyance, the zoning administrator shall issue a permit in accord with these requirements including the payment of the applicable permit fee.

(Amended 6-7-2021; Ord. No. 2023-043, § 1, 3-20-2023; Ord. No. 2023-207, § 1, 12-18-2023; Ord. No. 2024-077, § 1, 4-22-2024; Ord. No. 2024-194, § 1, 10-7-2024; Ord. No. 2024-213, § 1, 11-4-2024; Ord. No. 25-229, § 1, 12-1-2025)

Editor's note(s)—Amended at time of adoption of Code.

State law reference(s)—See title 1, general provisions, Ch. 1-1, Art. III.

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## **Sec. 10-1-29. I-2 industrial district.**

A. *Use.* In the I-2 industrial district, no building or premises shall be used and no building shall be hereinafter be erected or structurally altered unless otherwise provided in this chapter, except for one or more of the following uses.

(1) *Principal permitted uses.*

- (a) Agricultural and farming, but not including fur farms, poultry farms or farms operated for the disposal of garbage, rubbish or offal.
- (b) Business, professional and clerical offices.
- (c) Communication towers and antennas.
- (d) Contractor offices and shops including sales, service and repair of related products and equipment with no outdoor operations and no outdoor storage, excluding heaving construction and landscape contractors.
- (e) Laboratory.
- (f) Manufacturing, processing, repairing, warehouse or assembly of previously prepared material.
- (g) Municipal facilities.
- (h) Wholesale establishment.

(2) *Accessory uses.*

- (a) Accessory buildings for the storage of vehicles, materials or equipment related to a permitted use.
- (b) Dock facility.
- (c) Essential services.
- (d) Off-street parking and loading facilities.
- (e) Rail tracks and spur lines.
- (f) Retail sales of products manufactured on the premises or products which are sold wholesale from the premises. Retail sales shall be incidental to the principal permitted use and shall be limited to 25 percent of the gross floor area of the principal building and all accessory buildings.

(g) **Shipping containers** used for storage in accord with Sec. 10-1-15J(5).

- (h) Signs in accord with chapter 10-4.

(3) *Conditional uses.*

- (a) Animal hospital and kennel.
- (b) Auction facility, business.
- (c) Auction facility, industrial.
- (d) Day-care center.
- (e) Flea market, excluding any special event authorized by the city council.
- (f) Heavy contractor's yards and equipment storage.
- (g) Junkyard.

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- (h) Private utilities.
  - (i) Ready-mix concrete plant and related facilities including material storage, processing and roadway material recycling operations.
  - (j) Recreational facility, indoor or outdoor.
  - (k) Recreational vehicle, sales, service and storage.
  - (l) Recycling of scrap and waste materials with outdoor storage.
  - (m) Sanitary landfill.
  - (n) Self-storage.
  - (o) Truck terminals and related service facilities.
  - (p) Utility trailer and truck rental.
  - (q) Wind energy systems.
- (4) *Prohibited uses.* Any use not specifically permitted is subsection A(1), (2) and (3).
- B. *Open storage.* Open storage permitted if it is out of public view or contained within an opaque fence or wall eight feet high or a visual screen consisting of evergreen or evergreen-type hedges or shrubs, spaced at intervals of not more than six feet, which grow uniformly to a height of eight feet or more after one full growing season and which will eventually grow to a height of not less than 16 feet. They shall be located and maintained in good condition within 15 feet of the property line.
- C. *Minimum yard dimensions.*
- (1) *Total area:* 7,500 square feet minimum.
  - (2) *Setback:* 25 feet minimum.
  - (3) *Side yard:* ten feet excluding rail track or public alley, except where adjacent to a residential zone, in which case the side yard shall be not less than 25 feet.
- D. *Height.* Buildings hereafter erected or structurally altered shall exceed neither 75 feet nor six stories in height.
- E. *Off-street parking and loading.* Facilities for off-street parking and loading shall be provided in accord with section 10-1-13.
- F. *Vision clearance.* Vision clearance shall be provided at all street intersections and at all alley and driveway intersections in accordance with section 10-1-15.

(Amended 1-6-2020)

Editor's note(s)—Amended at time of adoption of Code.

State law reference(s)—See title 1, general provisions, Ch. 1-1, Art. III.