

1. Meeting Material

Documents:

[BOARD OF APPEALS MEETING AGENDA 06-05-2025.PDF](#)
[BOARD OF APPEALS MEETING PACKET 06-05-2025.PDF](#)

CITY OF PLYMOUTH, WISCONSIN
THURSDAY, JUNE 5, 2025 BOARD OF APPEALS
5:00 PM CITY HALL, ROOM 305
128 SMITH ST. PLYMOUTH, WI 53073

Carole O'Malley
Bill Barbieur
Jane Meyer
John Nelson

AGENDA

The Board of Appeals will meet on **Thursday, June 5, 2025 at 5:00 PM**, in **Room 305**, City Hall, 128 Smith Street, Plymouth, WI to consider the following petitions for variance:

1. Call to order and roll call
2. Appoint Pro Tem Chairperson
3. Approval of May 1, 2025 minutes
4. Public hearing and consideration of a petition from 413 North St., Jacqueline Koch, for relief from PMC 13-1-82 for the construction of a second-story addition on an existing non-conforming structure in the R-2 Single Family Residential District. Koch (enclosure)
5. Adjourn

It is likely a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No 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.

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the City of Plymouth ADA Coordinator Leah Federwisch, located in the Plymouth Utilities office at 900 County Road PP, Plymouth, WI or call 920-893-3853.

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CITY OF PLYMOUTH, WISCONSIN
THURSDAY, MAY 1, 2025 BOARD OF APPEALS
CITY HALL, ROOM 305
128 SMITH ST. PLYMOUTH, WI 53073

UNOFFICIAL MINUTES – MAY 1, 2025

- 1. Call to order and roll call:** The meeting was called to order at 5:00 PM. On call of the roll, the following member were present: Carole O'Malley, John Nelson, and Jane Meyer.
- 2. Approval of November 7, 2024 minutes:** Motion was made by Meyer/Nelson to approve the minutes. A unanimous aye vote was cast. Motion carried.
- 3. Public hearing and consideration of a petition from 313 Forest Avenue, Meyer Inc, for the construction of a new single-family home and relief of PMC 13-1-24(d) related to lot frontage and minimum lot width at building line in the R-2 Single Family Residential District:** O'Malley read the petition submitted by the applicant. The applicant is requesting relief from PMC 13-1-24(d) related to lot frontage and minimum lot width at building line for single-family home in the R-2 Single Family Residential District. The Meyer's are seeking to build a new single-family home on the lot located at 313 Forest Ave. A previous single-family home located on the lot was razed a few years ago.

The applicant Debbie Meyer explained they bought the property from the County Tax Foreclosure sale. They plan on building a new single – family ranch style home. They can meet all other zoning code requirements except the width of the lot due it being older. Nelson asked if the house will be on a slab or if it will have a basement. Meyer stated that it will have a basement and they plan on hauling out everything that will be dug out.

O'Malley asked the staff if they would like to add any comments. Jack Johnston summarized the request from the applicant. He did note that staff believes granting the variance is warranted in this case.

O'Malley asked the Board if they had anything to add. Nelson stated that he believes it is the best use of the lot.

O'Malley asked if there were any public comments. Mayor Pohlman stated that it's an empty lot currently and adding a house would be a good use of the lot.

Motion was made by Nelson/Meyer to close the public hearing. Attorney Del Ponte went through the hardship. The board agreed all three hardships were met. Motion was made by Nelson/Meyer to grant the variance.

4. **Adjourn:** Motion was made by Nelson/Meyer to adjourn the meeting. A unanimous aye vote was cast. Motion carried.



DATE: May 27, 2025

TO: Board of Appeals

FROM: Jack Johnston, Assistant City Administrator/Community Development Director

RE: **Variance Request:** 413 North St., Jacqueline Koch, for relief from PMC 13-1-82 for the construction of a second-story addition on an existing non-conforming structure in the R-2 Single Family Residential District. Koch (enclosure)

ZONING CONSISTENCY MATRIX		
	<i>Required</i>	<i>Provided</i>
Zoning	R-2	R-2
Maximum Lot Coverage of All Buildings	50%	~20%
Minimum Front Yard Setback	30'	~45'
Minimum Side Yard Setback Principal Building	9'	3.4' to the north 5.8' to the south
Minimum Rear Yard Setback	25'	>80'
Maximum Height Principal Building	35'	~27' proposed with addition

Background:

Jacqueline Koch has submitted a variance request application to construct a second story addition at the existing home located at 413 North Street in the R-2 Single Family Residential District. Per the above zoning matrix, the home is considered existing non-conforming due to encroachment on the side yard setback to the property to the north and south.

Per assessment records, the home was built in 1950 and is a 2-bedroom, 1-bathroom cape cod style home. It is likely the home was built prior to current setback ordinance was enacted meaning it is now considered an existing nonconforming structure due to the setback encroachment on both side yards.

While City Code does allow the restoration of existing non-conforming structures, PMC 13-1-82 dictates that additions to these structures are not permitted:

- “[Existing non-conforming structures] shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.”

Property History

The home had a partial roof collapse around 2019 that lead to interior issues leaving the home unoccupied and uninhabitable. The homeowner has been working to restore the home since that time and is now ready to rehabilitate the property and seeking to add a second story at this time.

Floodplain:

The property abuts the Mullet River to the east. A portion of the eastern bank of the property is within the floodway, but no portion of the existing footprint of the home nor the proposed addition are within the floodplain.

Building Plans:

The applicants have provided a cross section of the addition and a survey of the property that are provided in your packet. In short, the plans call for a second-story addition over the existing ranch style home to create additional bedroom space for the applicant and their family. Of note, the applicant is not seeking to increase the footprint of the home nor are they proposing to further encroach on any setbacks. The addition will follow the existing homes footprint and simply add a story on top of the existing first story. The proposed new height of the home is within the allowable 35' maximum of the R-2 district.

Variance Criteria

Staff recommends the Board of Appeals consult with the associated Board of Appeals Report included in the packet as Attachment I as they review the variance application. The applicant is burdened with proving an unnecessary hardship, unique property limitations, as well as no harm to the public interest for the Board of Appeals to grant this variance. Please review the attached report that details what constitutes each of the criteria in the variance approval process.

Public Noticing:

Code requires a class 2 notice in the *Plymouth Review* as well as a notice to property owners within 100' of the subject property alerting them of the public hearing. To this point, staff has received no comment from the public on the application.

Construction Timeline:

If the Board of Appeals grants a variance request, PMC 13-1-213(c) dictates the variance "shall expire within six months unless the change in use or construction project has been completed." If the construction is not completed by that time, the applicant may seek re-approval for the variance from the Board of Appeals.

Staff Request:

Staff requests the Board of Appeals hold a public hearing for the item and make a motion to either grant or deny the variance, using the variance criteria outlined in Code to help them determine their decision. Attorney Fieber will be present to assist the Board procedurally.

Copies Mailed/Emailed To:

- I. Jackie Koch: kochjacks@gmail.com

Attachments:

- I. Board of Appeals Report
- II. FEMA Floodplain Map of general area
- III. Koch Application and Building Plan Materials



REQUEST; The City of Plymouth Board of Appeals will meet on Thursday, June 5, 2025 at 5:00 PM in Room 305, City Hall, 128 Smith St. Plymouth, WI. The Board will consider a petition from Jacqueline Koch for a variance from PMC 13-1-82 pertaining to legal non-conforming structures and their application to enlarge said structure by building a second-floor addition. This parcel is located in the R-2, Single-Family Residential District: (Parcel # 59271819480 at 413 North St., Plymouth, WI. The application and permit application are on file at the Clerk's office for review.

EXISTING ZONING AND USE OF ADJACENT AREA: R-2 Single Family Residential

VARIANCE CRITERIA: To qualify for a variance to be granted it must be demonstrated that the property/project meets the following three requirements.

1. Unnecessary Hardship

- For use variances- no reasonable use of the parcel as a whole
- For area variances – compliance with standards would unreasonably prevent landowner from using the property.
- Hardship may not be self-created
- Economic or financial hardship is not a justification.

2. Unique Property Limitations

- Limitations such as steep slopes, wetlands, shape of size prevention compliance with ordinance
- Limitations common to a number of properties is not a justification
- Circumstances of the individual is no justification

3. No harm to the Public Interest

- Variance may not harm the public interest; look to ordinance purpose and intent for guidance
- Short term, long term and cumulative impacts on neighborhood, community and general public
- Alternative designs and locations on the property have been investigated
- Only minimal relief may be granted for use of the property
- May impose conditions on development to mitigate adverse impacts

STAFF COMMENTS:

- 1. Unnecessary Hardship:** Staff requests the Board of Appeals review the unnecessary hardship variance request and determine if the applicant has met that requirement.
- 2. Unique Property Limitations:** Staff requests the Board of Appeals review the unique property limitations variance request and determine if the applicant has met that requirement.
- 3. No Harm to Public Interest:** Staff requests the Board of Appeals review and determine that no harm to public interest would occur if they choose to grant this variance request.

National Flood Hazard Layer FIRMMette



87°58'46"W 43°45'19"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, A99	With BFE or Depth Zone AE, AO, AH, VE, AR

OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X

OTHER AREAS	Area of Minimal Flood Hazard Zone X

GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer

OTHER FEATURES	Cross Sections with 1% Annual Chance Water Surface Elevation

MAP PANELS	Digital Data Available

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/29/2025 at 5:10 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



CITY OF PLYMOUTH
BOARD OF APPEALS
APPEAL OR VARIANCE APPLICATION

I. General Information – to be completed for all types of applications

Purpose of Application
Variance relating to:

_____ Lot Area/Size	_____ Lot Frontage
_____ Lot Coverage	<input checked="" type="checkbox"/> Structure Setback
_____ Structure Height	_____ Structure Size
_____ Sign Regulation	_____ Other

All responses must be clearly printed or typed.

Applicant Name(s) Jacqueline Koch

Mailing Address 16243 River Heights Dr Plymouth 53073

Telephone (920) 838-1361

Fax _____

Property Address 413 North St. Plymouth 53073

Property Description (legal) Consult survey

Attachments: (Check where included)

- Full size copies of a line drawing showing the project drawn to scale with the scale and all dimensions identified are required. Include the project's relationship to neighboring lots, roads, lakes, rivers and existing improvements.
- _____ Topographic map or slope determination, if applicable.
- _____ Floodplain map, if applicable.
- _____ Plan for shoreland stabilization, if applicable.
- _____ Elevation of lowest floor, including basement or crawl space, if applicable.
- _____ Sign sketch with dimensions, if applicable.

Jacqueline Koch Jacqueline Koch 4-30-25
Name (Print) Signature Date

Required \$500.00 fee, the original and 8 copies of form and attachments
Delivered or mailed to: Plymouth City Hall, Clerk Treasurers Office, 128 Smith St.,
PO Box 107 Plymouth WI 53073

For office use only:
Date Received _____ Receipt No. _____
By _____
Meeting Scheduled on _____

II. Describe the project.

In addition to your written description below, it is required to submit full size copies of a line drawing showing the project drawn to scale with the scale and all dimensions identified that shows lot size, location of primary and accessory structures, well, septic system, access roads/street location, driveways and sidewalks, bodies of water and/or streams. Pictures, brochures or drawings of the proposed project are helpful attachments.

I would like to expand the already existing second floor out over the living room area and garage area, increasing the square footage without altering the footprint of the property. The current small second story has a pitched roof. The majority of the roof is a flat roof, which we would also change to a pitched asymmetrical roof over the entire property.

III. Explain how this project does not comply with the City of Plymouth Municipal Code Section 13-1-24 R-2 single-family district

The house is a nonconforming existing structure per the codes and it is not at least nine feet from the property lines. Therefore, it cannot be enlarged without variance approval. Our enlargement would be expanding square footage, not enlarging the footprint of the house, so the structure would not be getting closer to the property lines.

IV. Complete the following for a variance request

To be considered for a variance the property must meet all four of the following criteria:

1. Owing to special conditions, a literal enforcement of the Code of the City of Plymouth will result in unnecessary hardship.
2. The variance must observe the spirit of the Code.
3. Substantial justice must be done by granting the variance.
4. The variance will not be contrary to the public interest.

Literal enforcement of the Code will result in the following unnecessary hardship:

The current layout and stair location of the second story is rather limiting to achieve a well designed second bedroom. I have a small kid who requires their own room, so at least two bedrooms is necessary. Additionally a two bedroom single car garage property would be less conducive to many families for resale value, whereas at least three bedrooms would be fitting for a much wider range of households.

Approval of the variance will observe the spirit or intent of the Code because:

We are not altering the footprint and thus not getting closer to the lot lines. Additionally the north wall of the house that sits close to a garage can be lined with concrete masonry to provide protection and fire from fire spread.

Approval of the variance will ensure that substantial justice is done by:

This property existed at this current distance from the lot lines long before I had purchased it. After years of litigation because of undisclosed water damage, I am simply trying to make this property something greater than what it has been for the time I've been dealing with this. It has been so long that the needs of my family have changed while my hands were tied, since we have never been able to live there.

Approval of the variance will not be contrary to the public interest because:

All of the surrounding properties already exist as two story houses. The entirety of my house will be brought up to code, and the additional square footage would add property value and taxes for the community.

NORTH STREET

N27°04'57"W
(Rec N26°45'W 50')

49.69'

(Rec N81°59'E)
N83°17'00"E

S87°08'57"W
(Rec S87°22'W)

45.3'

60'

18.5'

11.9'

22.4'

22.3'

18.0'

11.7'

14.3'

231.92'

187.85'

3.7'

13.3'

201.4'

1.7'

81.4'

S51°01'53"E

house

garage

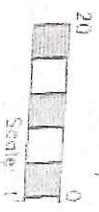
house

HOUSE #413

garage

Total Area
116844 SQ.FT.
0.27± ACRES

Part of the NE 1/4
City of Plym



0 10 20

Scale: 1" = 100'

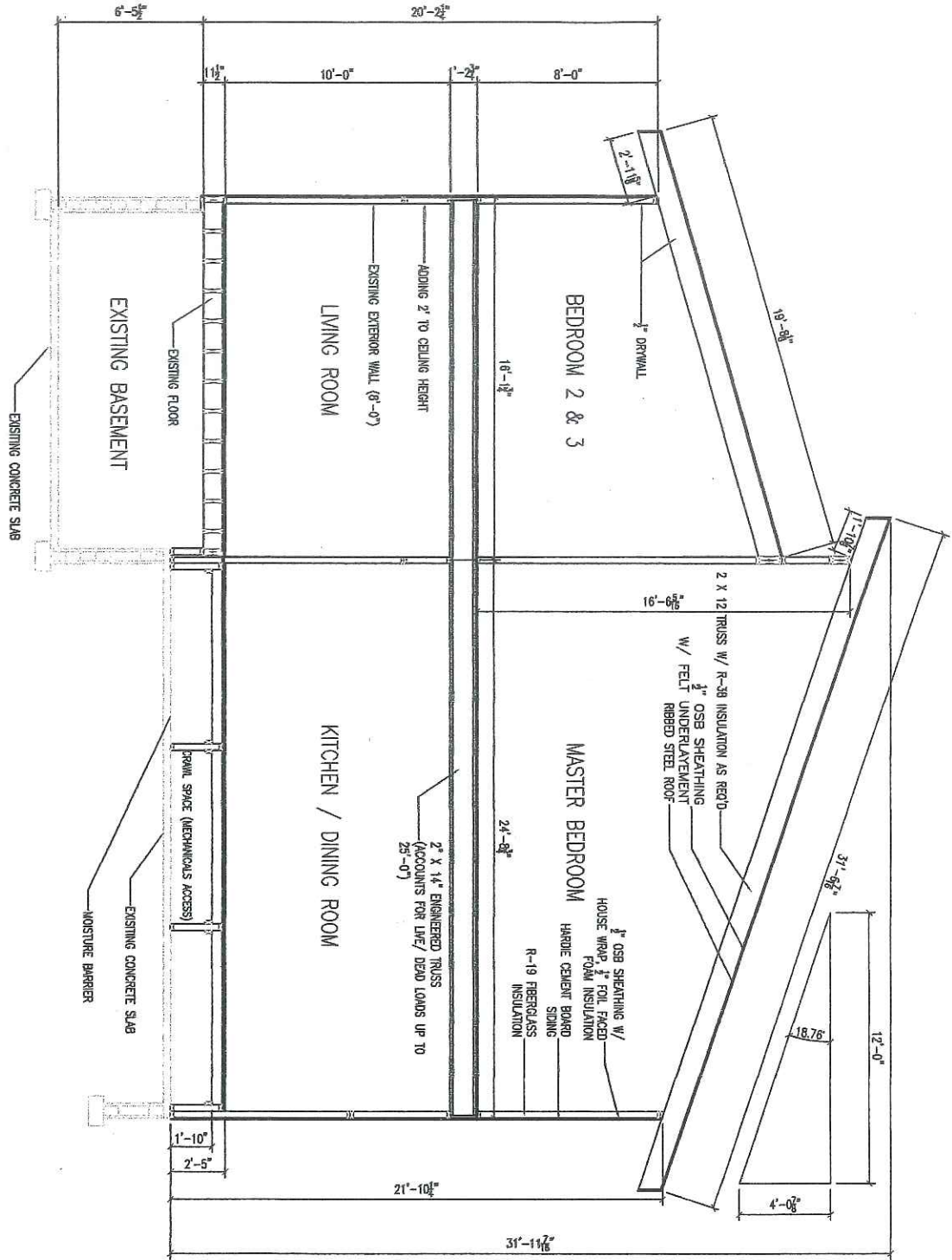
JACKIE KOCH PROPOSED ADDITION
 413 NORTH ST, PLYMOUTH

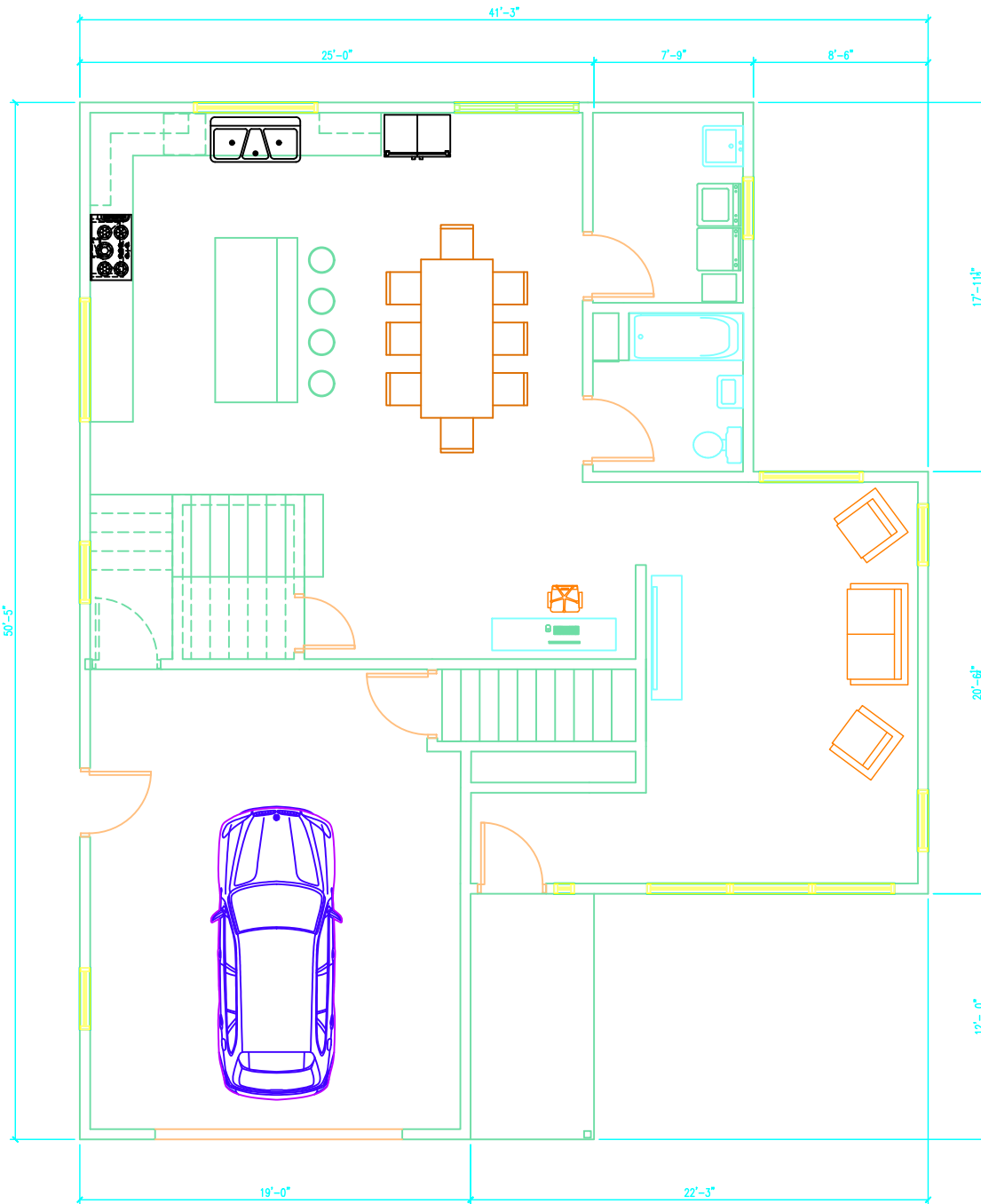
SCALE: NTS

DRAWN BY: ADRIAN SMITH

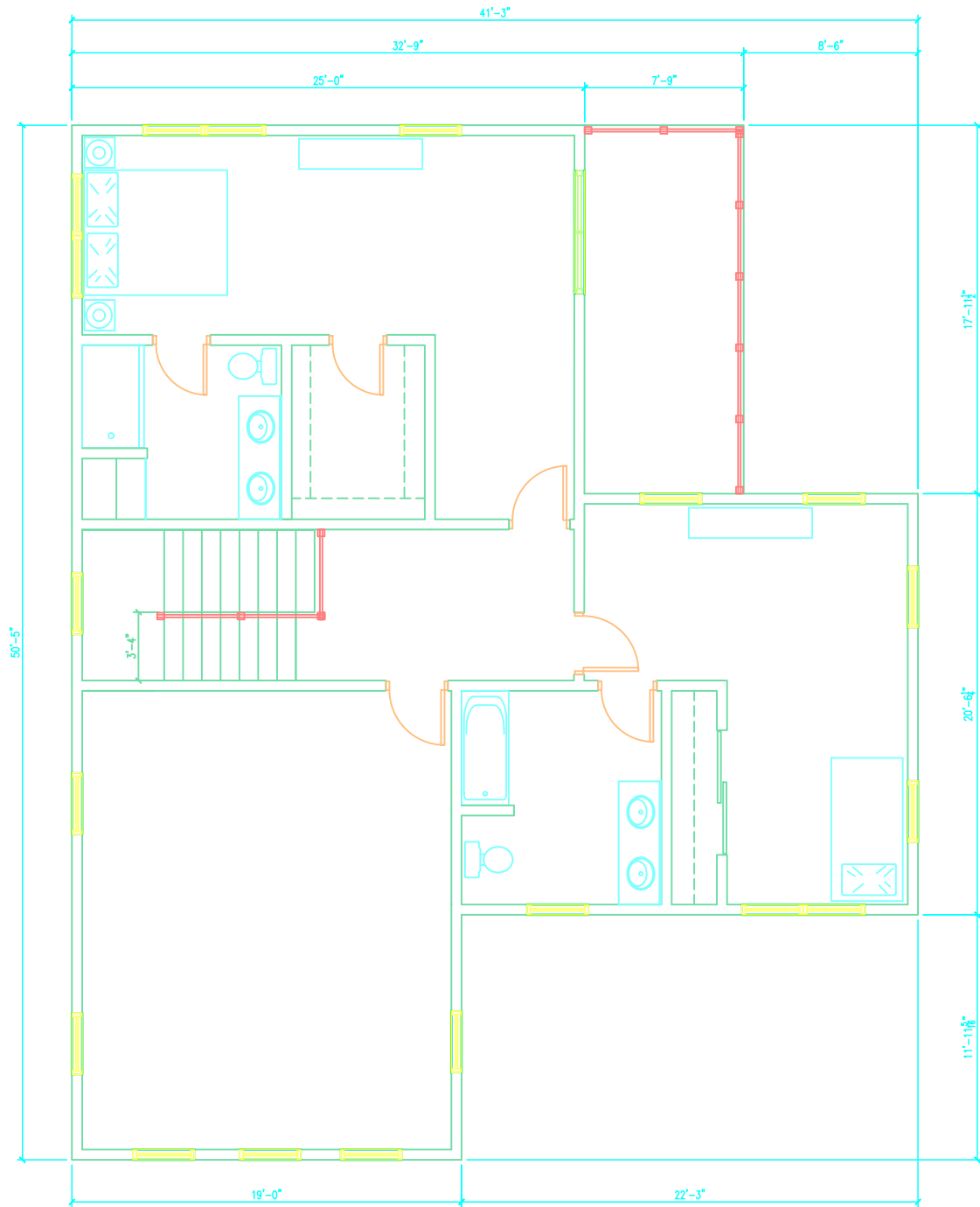
DATE: MAY 4, 2025

FULL HOUSE CROSS SECTION

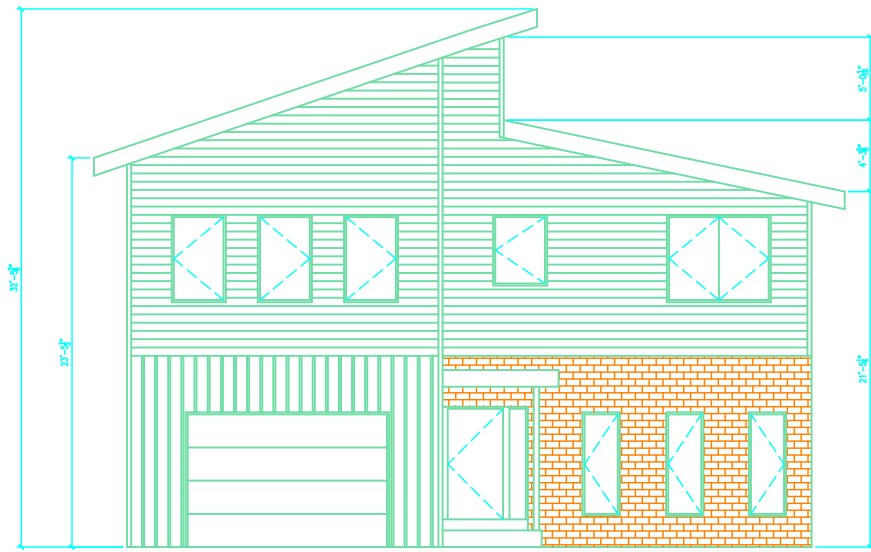




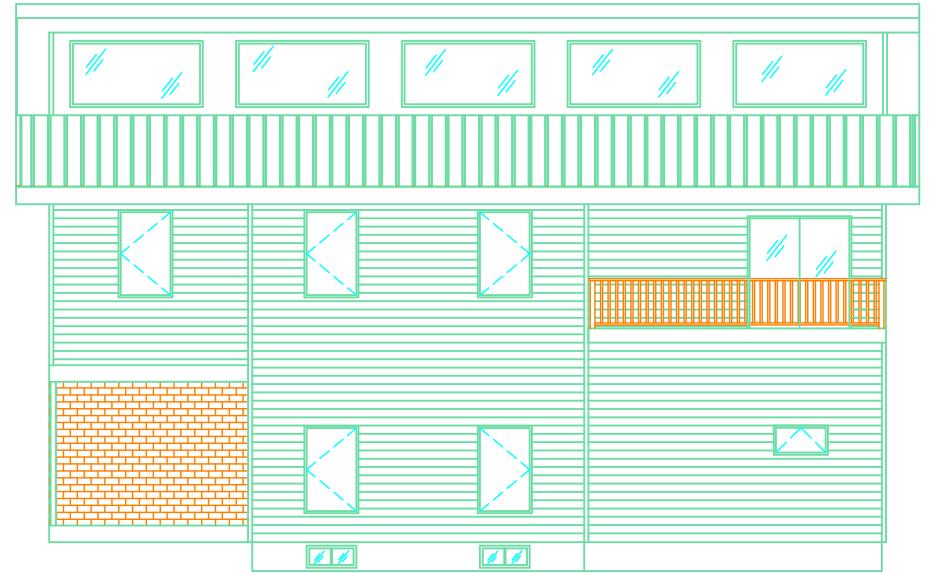
FIRST FLOOR PLAN nts



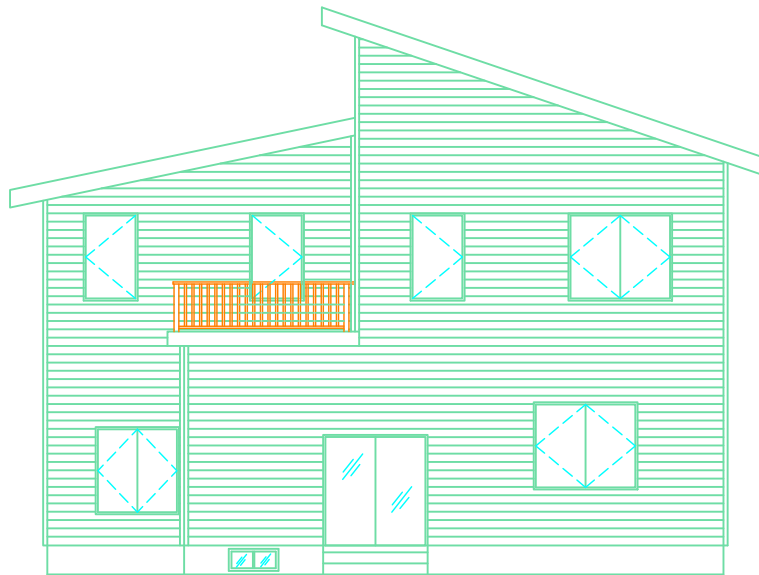
SECOND FLOOR PLAN nts



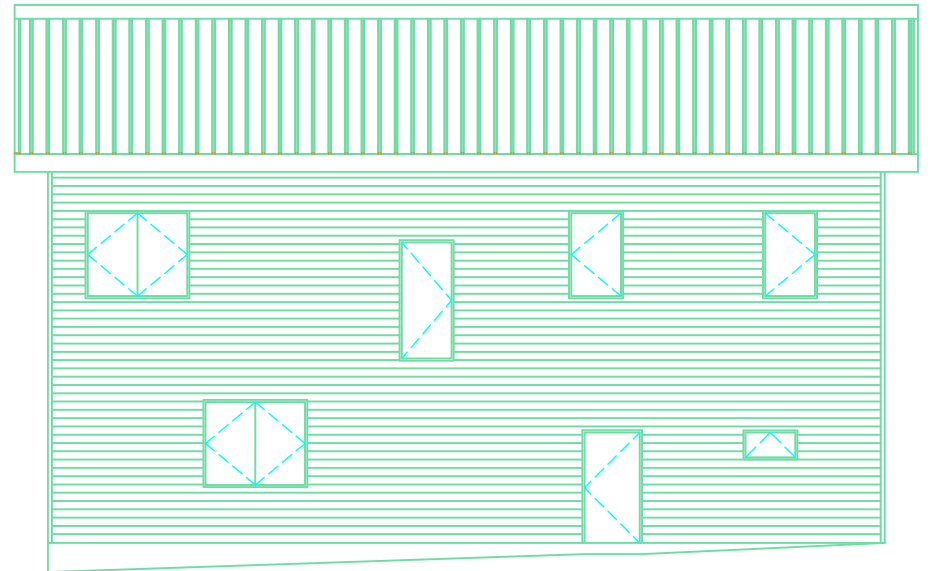
FRONT ELEVATION (NORTH)



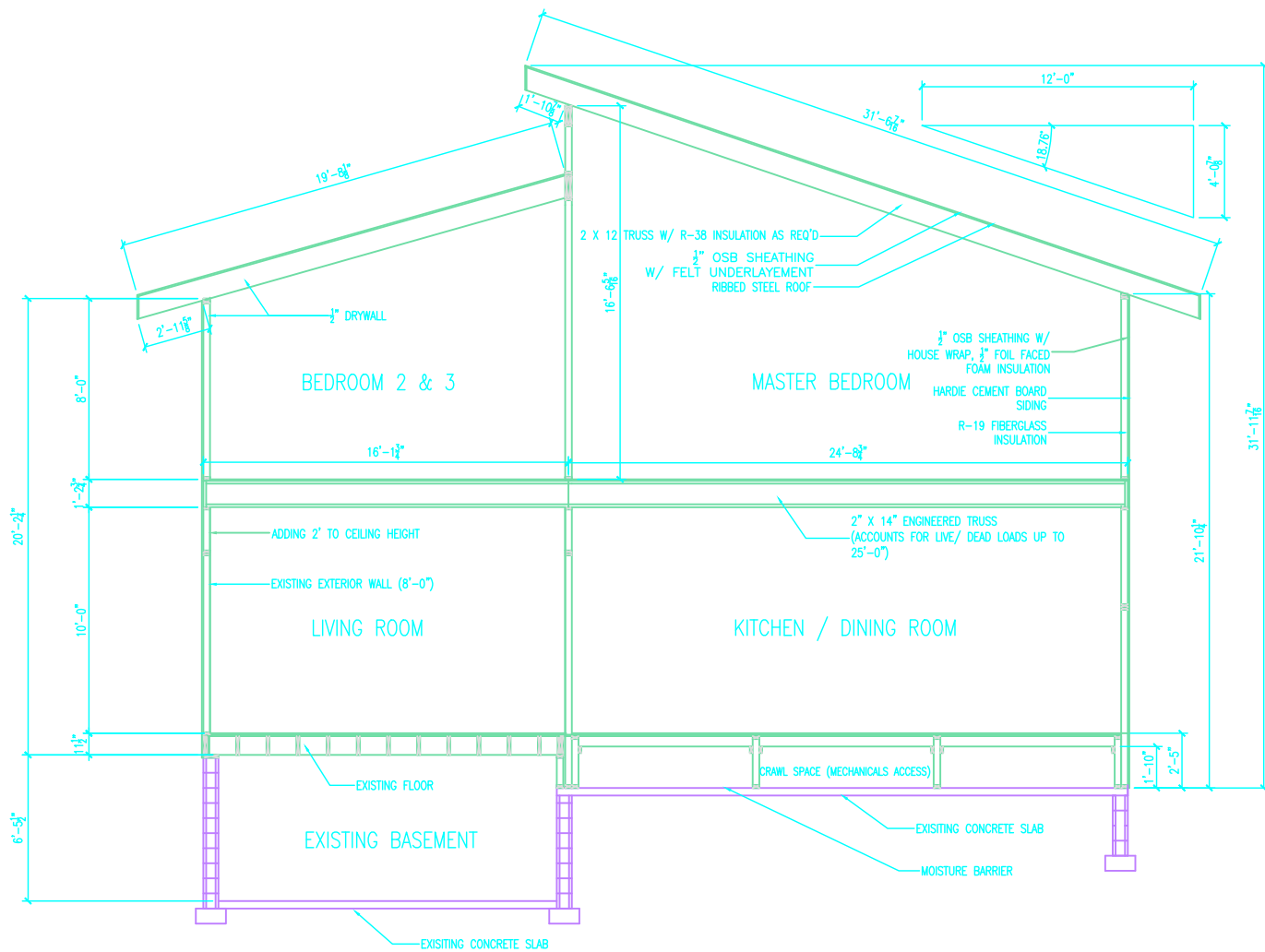
SIDE ELEVATION (EAST)



BACK ELEVATION (SOUTH)

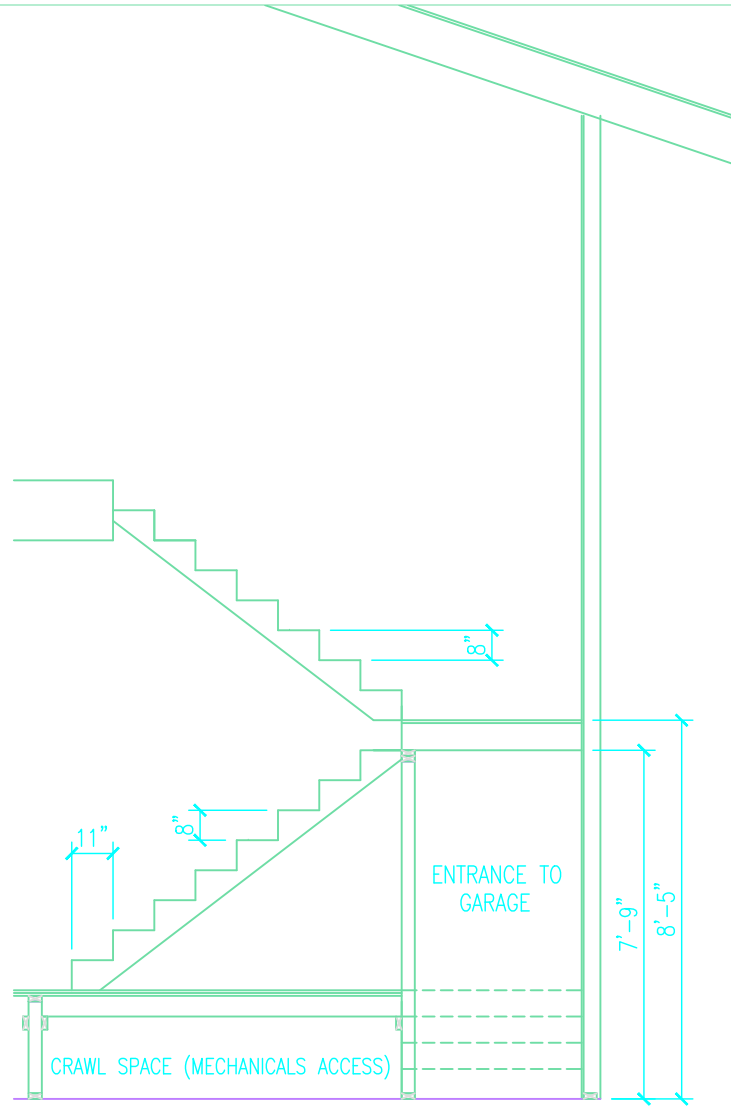


SIDE ELEVATION (WEST)



FULL HOUSE CROSS SECTION

JACKIE KOCH PROPOSED ADDITION 413 NORTH ST, PLYMOUTH	SCALE: NTS	DRAWN BY: ADRIAN SMITH	DATE: MAY 4, 2025
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CROSS SECTION AT STAIRS