



City of Algoma  
Zoning Board of Appeals Minutes  
Thursday, March 12, 2020

The March 12, 2020 meeting of the Zoning Board of Appeals for the City of Algoma, was called to order in the City Council Chambers at 6:00 p.m. by Chairman Hutter.

Present at roll call: Bill Bush, Bruce Charles, Don Guth, Chuck Hutter, Harold Nell, City Administrator Jared Heyn, and City Clerk Jamie Jackson.

The March 12, 2020 agenda was posted on bulletin boards in City Hall, Library and the Algoma Utility office. A public hearing notice was published in the Green Bay Press Gazette on February 27, 2020, and mailed to the surrounding property owners on February 27, 2020. The Chairman declared that the meeting was in compliance with the open meetings law. There were no changes to the printed agenda.

Nell moved, seconded by Charles, to approve the minutes of the October 10, 2019 regular meeting of the Zoning Board of Appeals. Motion carried.

ZBA Case No. 2020-01 was brought forth by applicant Joni Kroll, to request a variance from the City of Algoma Municipal Code Chapter 113 which requires a minimum 25' building setback in order to construct a porch for a legal non-conforming use in violation of front yard setback requirements at 607 Navarino Street, parcel 31 201 MCH2 7, Algoma, WI.

The Chair opened the public hearing at 6:02 p.m. on ZBA Case No. 2020-01 and called upon those present and wishing to comment on this case. Joni Kroll, 607 Navarino Street, was present. The Clerk swore Kroll in. Kroll shared her proposed deck layout with the Board indicating the increased size of the deck and desired orientation of the stairs leading up to the deck. She indicated that a permit has been issued by the building inspector already to construct a deck of the desired width across the front of the house, but only a 4' depth to match the existing one so as not to protrude even further into the front yard setback. She is seeking a variance to extend even further into the setback citing financial restrictions and that she thought the home was constructed before the zoning code was adopted. There were no others present and wishing to comment on the matter.

There was some discussion by the Board about using a ramp instead of stairs to access the deck. Administrator Heyn informed the board that the applicant does not wish to construct a ramp at this point, however, she was informed multiple times throughout the application process that constructing a ramp for accessibility reasons would exempt the deck from the minimum yard and setback requirements. Kroll was contacted regarding this possible exemption and expressed her desire to have stairs.

Guth indicated that the Board is unable to use financial restraints or the potential disability of the occupants to grant a variance. A variance decision must be made based on the property itself. Additionally, he believes the zoning code was present before her home was built.

Bush indicated that he is okay with the width of the deck expanding to 12', but does have concerns with the depth of the deck increasing further towards the street.

Heyn confirmed that her desire to increase the width of the deck to 12' is acceptable under the zoning code as it complies with the 6' side yard setback requirement.

Heyn requested that the Board take action to close the public hearing as there were no others present and wishing to comment on the matter and the Board had begun their deliberations. Guth moved, seconded by Bush, to close the public hearing at 6:25 p.m. Motion carried.

Deliberations continued amongst the Board. Options were discussed for decreasing the depth of the deck and moving the east-facing stairs closer to the house where the landscaping currently sits. The applicant expressed her desire to keep all landscaping in place due to the added expense of having to replace it.

The Board came up with no potential solutions acceptable to the applicant and at that point, Bush moved, seconded by Guth, to deny the request for a variance. The motion carried with all Board members voting aye. The Board thanked Ms. Kroll for her time and requested that she construct her deck using the permit issued for the 4' x 12' deck configuration with the stairs extending south towards the street.

A motion was made to adjourn at 6:35 p.m. by Guth, and seconded by Charles. The motion carried, and the Board stood adjourned until further notice.