

BOARD OF APPEALS MINUTES

June 3, 2013
3:00 P.M.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

CALL TO ORDER

ROLL CALL: Present: - Howard Floeter
Kirsten Quam
Matthew Schoenleber
Jerry Lauby
John Piper III

Absent: Katie Derksen (excused)
Erick Drazkowski (excused)
Jeff Butzke (excused)
Dan Hebel (excused)

Administrative Staff: - Joellyn Dahlin, Principal Planner
Guy Fox, Chief Inspector
Kolin Erickson, Planning Intern

Chairperson Quam declared a quorum present.

APPROVAL OF MINUTES

May 6, 2013

Motion made by Piper to approve the minutes of the regular meeting of May 6, 2013 of the Board of Appeals as presented.

Seconded by Quam.

ROLL CALL VOTE: Aye - Floeter, Lauby, Piper, Quam,
Schoenleber

Nay - None

Carried.

BOARD OF APPEALS MINUTES

June 3, 2013

Page 2

HEARINGS

Appeal No. 2013-13

345 Garfield Street

Christopher Messenger

Zoning Code Regulation: Section 11.06 D. Schedule IA states the minimum front yard building setback in the R-3 zoning district is 25 feet.

Variance Request: Reduce front yard building setback to 16 feet for construction of uncovered porch.

Appeared in Support:

Chris Messenger, 345 Garfield St., Fond du Lac, appeared as petition in support.

Appeared to Gather Information:

Jack Maurice, 356 Garfield St., Fond du Lac

Motion made by Floeter to approve an exception to the front yard setback requirement based on staff findings, and specifically because property conditions in the neighborhood create a pattern of nonconforming setbacks and the proposed setback is reflective of neighborhood conditions.

Conditions of approval shall include:

1. The deck/porch shall not be covered or enclosed or modified to provide additional living space.

Seconded by Piper.

ROLL CALL VOTE: Aye - Floeter, Lauby, Piper, Quam,
Schoenleber

Nay - None

Carried.

Appeal No. 2013-14

Holiday Lane (FDL-15-17-21-24-752-00)

Jeff Liebergen/Holiday Inn Express

Zoning Code Regulation: Section 11.08 D. Schedule IIA states the maximum building height in the B-5 district is 2.5 stories or 35 feet, whichever is less.

BOARD OF APPEALS MINUTES

June 3, 2013

Page 3

Variance Request: Construct four-story hotel 55 feet in height.

Appeared in Support:

Stan Ramaker, 196 Old Pioneer Rd., Fond du Lac, appeared on behalf of petitioner in support.

Motion made by Lauby to approve the variance request based on staff findings, and specifically due to the circumstances of lot size and the property's location adjacent to USH 41.

Seconded by Floeter.

ROLL CALL VOTE: Aye - Floeter, Lauby, Piper, Quam, Schoenleber

Nay - None

Carried.

Appeal No. 2013-15

10 Elm Acres Drive

Theodore Reichert

Zoning Code Regulation: Section 11.04 C.3.k(1)(a) states a solid fence with a maximum height of 6 feet is allowed in the side and rear yard areas of a residential lot.

Variance Request: Replace existing 6'-high solid wood fence sited at the lot line within the front yard area of a single family lot.

Appeared in Support:

Saloah Hageman, 15 Elm Acres Dr., Fond du Lac

John & Yvonne Oberg, 35 Elm Acres Dr., Fond du Lac

Motion made by Schoenleber to approve an exception to allowable fence height based on staff findings, and specifically because the proposed fence height is reflective of neighborhood conditions.

Seconded by Lauby.

ROLL CALL VOTE: Aye - Floeter, Lauby, Piper, Quam, Schoenleber

Nay - None

Carried.

BOARD OF APPEALS MINUTES

June 3, 2013

Page 4

Appeal No. 2013-16

92 20th Street

Darrin Peterson

Zoning Code Regulation: Section 11.04 C.3.y(1) states in addition to an attached or detached garage, one accessory building is permitted for a residential lot, not to exceed 100 square feet in area.

Variance Request: Increase maximum area of accessory building from 100 square feet to 130 square feet.

Appeared in Support:

Darrin Peterson, 92 20th St., Fond du Lac, appeared as petitioner in support.

Motion made by Piper to approve an exception to allowable storage building size based on staff findings, and specifically because property circumstances do not allow opportunity for covered parking and storage typical of a single family home and also because the proposed increase of storage building area mimics the area of an existing concrete pad.

Seconded by Lauby.

ROLL CALL VOTE: Aye - Floeter, Lauby, Piper, Quam, Schoenleber

Nay - None

Carried.

Appeal No. 2013-17

63 E Cotton Street

Bruce Weisser

Zoning Code Regulations:

Section 11.06 E.5.a. requires a lot area equal to the minimum lot area which would be required for the construction of an equivalent number of new dwellings in the district, for conversion of an existing dwelling into less than four dwelling unit.

Section 11.06 D. Schedule IA requires a minimum lot area of 6000 square feet for each dwelling unit in the R-3 district.

BOARD OF APPEALS MINUTES

June 3, 2013

Page 5

Section 11.11 E.6 states that each parking space shall be independently accessible to an aisle and/or driveway and shall be provided with appropriate means of vehicular access to a street or alley.

Variance Request: Convert existing single family residence into three dwelling units and reduce the required lot area from 18,000 square feet to 11,700 square feet.

Provide on-site parking in a tandem arrangement of multiple spaces situated within an existing detached garage and driveway area.

Appeared in Support:

Bruce Weisser, 63 E Cotton St., Fond du Lac, appeared as petitioner in support.

Todd Stanelle, 28 E Cotton St., Fond du Lac

Appeared in Opposition:

Bradley Behringer, 53 E Cotton St., Fond du Lac

Doug Duitman, 320 Amory St., Fond du Lac

Motion made by Schoenleber to **DENY** the variance request based on staff findings, and specifically because property circumstances offer a lot size and building size that is appropriate for single family use, the variance request reflects illegal construction undertaken without permits and inspections, the variance request is a matter of economic convenience for the petitioner and the hardship is self-imposed.

Seconded by Piper.

ROLL CALL VOTE: Aye - Floeter, Lauby, Piper, Quam, Schoenleber

Nay - None

Carried.

Appeal No. 2013-18

251 Forest Avenue

Robert Diener dba Press Box Tavern

Zoning Code Regulation: Section 11.04 C.3.k. states the maximum height of a solid fence is 10 feet.

Variance Request: Increase allowable fence height to 16 feet.

BOARD OF APPEALS MINUTES

June 3, 2013

Page 7

Meeting adjourned at 3:48 p.m.

SUE STRANDS
CITY CLERK

SS/maa