

# BOARD OF APPEALS MINUTES

September 9, 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: - Katie Derksen  
Eric Drazkowski  
Howard Floeter  
Jerry Lauby

Absent: Kirsten Quam (excused)  
Matthew Schoenleber (excused)  
Jeffrey Butzke (excused)  
Dan Hebel (excused)  
John Piper III (excused)

Administrative Staff: Joellyn Dahlin, Principal Planner  
Guy Fox, Chief Inspector

Acting Chairperson Floeter declared a quorum present.

## APPROVAL OF MINUTES

### August 5, 2013

Motion made by Drazkowski to approve the minutes of the regular meeting of August 5, 2013 of the Board of Appeals as presented.

Seconded by Derksen.

ROLL CALL VOTE: Aye - Derksen, Drazkowski,  
Floeter, Lauby  
Nay - None

Carried.



**BOARD OF APPEALS MINUTES**

September 9, 2013

Page 3

**Appeal No. 2013-26**

11 East Pioneer Road

Ken and Lori Klaske

Zoning Code Regulations: Section 11.13 B.2.a states a nonconforming building or structure shall not be added to or enlarged in any manner unless such nonconforming building or structure is made to conform to the regulations of the district in which it is located.

Section 11.13 G.1. states a nonconforming use of land shall not be enlarged beyond the area it occupies.

Section 11.08 D. Schedule IIA requires a 20' front yard setback in the B-4 district.

Variance Request: Expand existing nonconforming residence located in business zoning district and decrease the required front yard building setback from 20 feet to 10 feet for the construction of a deck.

Appeared in Support:

Ken Klaske, 11 E Pioneer Rd., Fond du Lac, appeared as petitioner in support.

Letter Read into Record as Interest May Appear:

Steven Blagoue, President/Owner of Tuckers Restaurant, 927 S Main St., Fond du Lac.

Motion made by Drazkowski to approve an exception to the front yard setback requirement based on staff findings, and specifically due to the existing conditions of property location and use.

Conditions of approval shall include:

1. The deck/porch shall not be covered, enclosed or modified to provide additional living space.
2. The property shall be surveyed to determine the exact location of the front lot line. Minimum setback of the deck-including steps-is 10 feet.
3. In accepting the variance approval the petitioner acknowledges the possibility of the future acquisition of additional right-of-way for roadway improvements.



**BOARD OF APPEALS MINUTES**

September 9, 2013

Page 5

Motion made by Lauby to approve the variance request based on staff findings, and specifically because property conditions do not logically allow a use permitted by the site's zoning designation and also due to the long history of residential use of the building.

Conditions of approval shall include:

1. Seven (7) parking spaces shall be provided for the property, secured by a long-term agreement. Proof of such agreement between the petitioner and an authorized representative of the affected property owner, Church of Our Saviour Evangelical Lutheran Church, shall be provided to the Building Inspector prior to the authorization of occupancy of any of the apartment units.
2. The building shall be power washed to remove chipped and peeling paint. Power washing shall be completed by October 15, 2013, weather permitting. An extension to the time requirement may be granted by the Building Inspector if weather conditions do not allow completion of the work.
3. Window trim and doors shall be scraped and painted. Paint color shall be a neutral color and approved by the Community Development Department prior to the start of work. Painting shall be completed within the 2013 construction season, weather permitting. An extension to the time requirement may be granted by the Building Inspector if weather conditions do not allow completion of the work or if the owner plans to repaint the entire building exterior.
4. The building shall be repainted if power washing does not adequately remove the existing paint. The determination for the necessity to repaint shall be made by the Community Development Department after the building is power washed. Paint color shall be neutral color and approved by the Community Development Department prior to the start of work. Painting shall be completed within the 2013 construction season, weather permitting or not later than June 30, 2014.





