

BOARD OF APPEALS AGENDA

April 7, 2014
3:00 P.M.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

I. CALL TO ORDER

- A. Roll Call
- B. Declaration a Quorum is Present

II. APPROVAL OF MINUTES

- A. March 3, 2014

III. HEARINGS

- A. **Appeal No. 2014-08**
Holiday Lane (FDL-15-17-21-24-752-00)
Jeff Liebergen/Holiday Inn Express

Zoning Code Regulations:

- 1. Section 11.08 D. Schedule IIA allows a building height of 2.5 stories or 35 feet, whichever is less, in the B-5 district.
- 2. Section 11.08 D. Schedule IIA requires a 15' front yard building setback in the B-5 district.
- 3. Section 11.11 E.5 requires a 15' front yard landscape setback in the B-5 district.

Variance Request:

- 1. Increase building height to 4 stories/50 feet.
- 2. Reduce front yard building setback from 15' to 10'.
- 3. Reduce front yard landscape setback from 15' to 10'.

- B. **Appeal No. 2014-09**
551 Monmouth Street
Shawn McCrary

Zoning Code Regulation:

Section 11.04 C.3.y(1) allows an accessory storage building for a single family home, not to exceed 100 square feet in area.

Variance Request:

Increase accessory building size to 200 square feet.

- C. **Appeal No. 2014-10**
25 East Rees Street
Meyer Property Group

Zoning Code Regulations:

1. Section 11.06 C. Schedule I does not permit a garage as a primary land use in the R-4 district.
2. Section 11.06 D. Schedule IA requires a 25' front yard building setback in the R-4 district.
3. Section 11.06 D. Schedule IA requires a 20' rear yard building setback in the R-4 district.

Variance Request:

1. Allow garage as primary land use.
2. Reduce front yard building setback from 25' to 11'.
3. Reduce rear yard building setback from 20' to 3'.

IV. ADJOURN

BOARD OF APPEALS MINUTES

March 3, 2014

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
Howard Floeter
Kirsten Quam
Jerry Lauby

Absent: - Eric Drazkowski (excused)
Matthew Schoenleber (excused)
Jeffrey Butzke (excused)
Dan Hebel (excused)
John Piper (excused)

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

Chairperson Quam declared a quorum present.

APPROVAL OF MINUTES

February 3, 2014

Motion made by Floeter to approve the minutes of the regular meeting of February 3, 2014 of the Board of Appeals as presented.

Seconded by Lauby.

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

Carried.

BOARD OF APPEALS MINUTES

March 3, 2014

Page 2

HEARINGS

Appeal No. 2014-03

1315 South Main Street

James Roberts (Roberts Homes and Real Estate)

Zoning Code Regulations: Section 11.12 I. Schedule V. allows 1 square foot of ground sign area per each linear foot of main building façade with a maximum of 150 square feet; maximum sign height is 20 feet.

Variance Request: Increase allowable sign area from 150 square feet to 180 square feet and increase allowable sign height from 20 feet to 30 feet.

Appeared in Support:

Jim Roberts, 1325 S Main St., Fond du Lac

Scott Stelmacher, W6741 Rogersville Rd., Fond du Lac

Motion made by Lauby to approve the variance request based on staff findings and due to circumstances of lot size and distance from the public roadway.

Conditions of approval shall include:

1. The sign must be relocated or removed at the owner's expense if the City of Fond du Lac requires the use of the right-of-way for street or other public purpose in the future.

Seconded by Floeter.

ROLL CALL VOTE: Aye - Derksen, Floeter, Lauby,
Quam

Nay - None

Carried.

Appeal No. 2014-04

South Hickory Street

(FDL-15-17-21-41-004-01)

Kwik Trip

Zoning Code Regulations: Section 11.12 I. Schedule V allows one ground sign for a property in the Highway 41 Sign District, with a maximum area of 200 square feet.

BOARD OF APPEALS MINUTES

March 3, 2014

Page 3

Section 11.10 11.d restricts the maximum height of light poles to not more than 18 feet.

Variance Request: Increase the number of ground signs from one to three.

Increase allowable sign area from 200 sq. ft. 381.75 sq. ft.

Increase maximum light pole height from 18 feet to 30 feet.

Appeared in Support:

Troy Mleziva, Kwik Trip, 1626 Oak St., La Crosse, WI

Motion made by Floeter to approve the variance request based on staff findings and due to property size, land use and site location.

Conditions of approval shall include:

1. The monument sign shall reflect the design submitted with the variance request including size, height, structural materials and sign elements. The brick area of the sign structure shall not be altered/utilized for signage on a temporary or permanent basis.
2. Siting of the three ground signs shall comply with zoning regulations for setbacks and vision clearance. Landscape plantings at the base of the monument sign and hi-rise sign are required.
3. Highway pole sign siting shall comply with Wis.Stats.201.02 i.e., the sign must be located within 50 feet of the driveway, parking lot or business for which the sign relates.
4. The electronic message center shall comply with regulations for message timing and use. Blinking, flashing and animated messages are prohibited.

ZONING PETITION - VARIANCE



CITY OF FOND DU LAC

ADDRESS OF VARIANCE REQUEST:

Tax Key Number if vacant land: FDL-15-17-21-2A-752-00

Petitioner: JEFF LIEBERMAN
(Name)

EXCEL ENGINEERING
100 CAMELOT DRIVE
(Address)
FOND DU LAC, WI 54935

Petitioner Phone Number: [REDACTED]

Petitioner Email: [REDACTED]

Property Owner: ZANETS-HUCKY LAND PARTNERS
(If not the same as Petitioner) (Name)

8102 EXCELSIOR DR
MADISON, WI 53717
(Address)

VARIANCE REQUEST

A variance is an exception to a requirement of the Zoning Code or Building Code. Describe the requested exception(s) for your variance request:

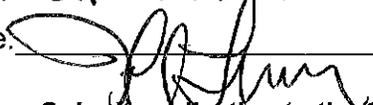
- REQUEST FOR VARIANCE TO ALLOW 4 STORY HOTEL, APPROX. 50' TO HIGHEST POINT.
- REQUEST FOR VARIANCE TO ALLOW FRONT SETBACK ALONG SOUTHEAST OF PROPERTY TO BE 10' IN LIEU OF 15'.

STATEMENT OF HARDSHIP

A variance may be approved if a hardship specific to a property does not allow compliance with zoning regulations. A hardship is created by a **physical condition** of the property.

Describe the special circumstances of your property that require approval of a variance:

- DUE TO THE IRREGULAR SHAPE OF THE SITE, ALONG WITH WETLANDS AND FUTURE RETENTION POND, BUILDING NEEDS TO BE MORE VERTICAL.
- DUE TO THE LOCATION OF BUILDING PLACEMENT THE CAR PORT STRUCTURE IS OVER SETBACK FOR PROPER DRIVE WIDTH.

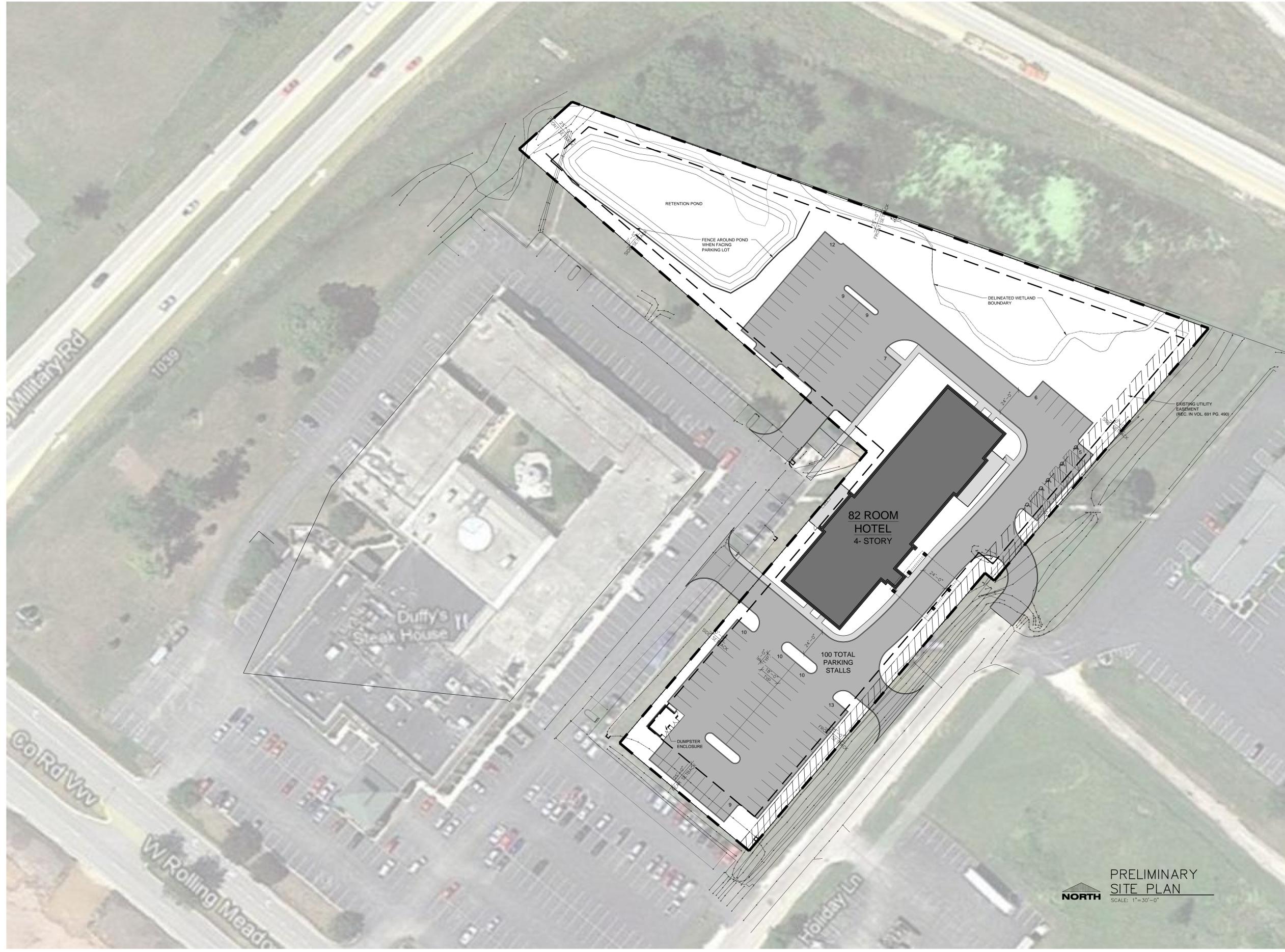
Petitioner Signature: 

APPEAL NO. _____

Submit application to the Community Development Office
(4th floor, City-County Government Center)

APPEAL NO. 2014-08 – HOLIDAY INN EXPRESS
HOLIDAY LANE





**PRELIMINARY
SITE PLAN**
SCALE: 1"=30'-0"

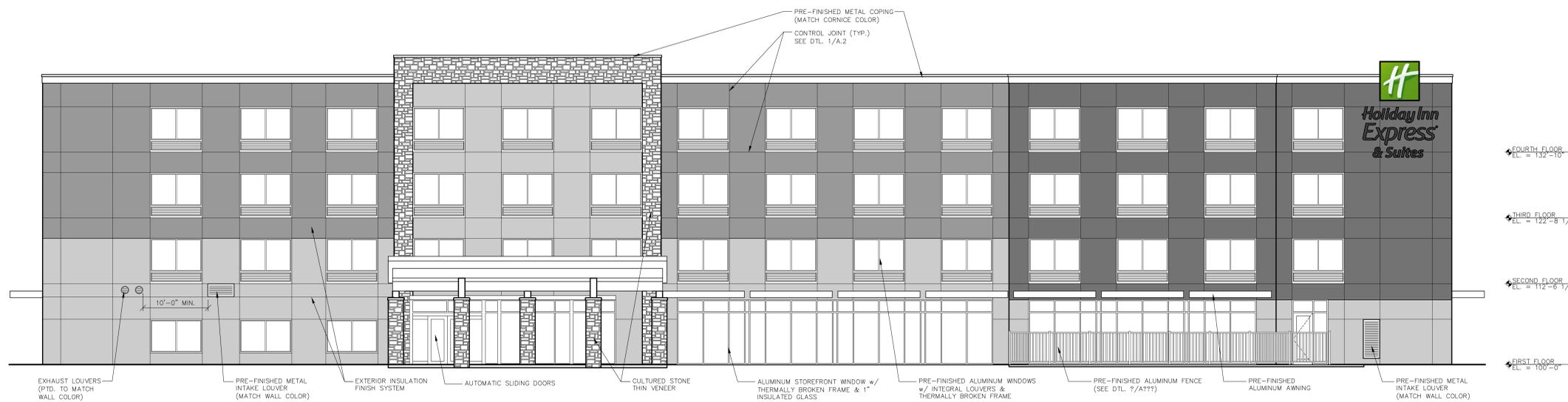
OWNER:
WISCO HOTEL GROUP
8102 EXCELSIOR DRIVE
MADISON, WI

PROJECT:
HOLIDAY INN EXPRESS
625 W. ROLLING MEADOWS DRIVE
FOND DU LAC, WI

**PRELIMINARY
SHEET DATES:**
4-25-13
8-22-13
2-18-14
3-3-14

JOB NUMBER:
1304480
SHEET

C1.0



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"



EAST ELEVATION
SCALE: 1/8" = 1'-0"

OWNER:
WISCO HOTEL GROUP
8102 EXCELSIOR DRIVE
MADISON, WI

PROJECT:
HOLIDAY INN EXPRESS
625 W. ROLLING MEADOWS DRIVE
FOND DU LAC, WI

PRELIMINARY SHEET DATES:
2-18-14
3-3-14

JOB NUMBER:
1304480
SHEET

A2.0

board of appeals memorandum

Date: April 2, 2014
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner
Subject: Appeal No. 2014-08

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

Applicant: Jeff Liebergen o/b/o Holiday Inn Express

Zoning: Site: B-5 (Special Commercial)
North: B-5
South: B-5
East: B-5
West: B-5

Land Use: Site: Vacant Lot
North: USH 41
South: Holiday Inn (Parking Lot)
East: Comfort Inn
West: Holiday Inn

Variance Request

Zoning Code Regulations:

1. Section 11.08 D. Schedule IIA allows a building height of 2.5 stories or 35 feet, whichever is less, in the B-5 district.
2. Section 11.08 D. Schedule IIA requires a 15' front yard building setback in the B-5 district.
3. Section 11.11 E.5 requires a 15' front yard landscape setback in the B-5 district.

Proposal:

1. Increase building height to four stories/50 feet.
2. Reduce front yard building setback from 15 feet to 10 feet.
3. Reduce front yard landscape setback from 15 feet to 10 feet.

Note: Appeal No. 2013-14 was approved for this site on June 3, 2013 to permit a 4-story building with a height of 55 feet. The approval expired for lack of action.

Analysis

The subject property is an undeveloped 3-acre lot situated next to the *Holiday Inn*. The property has an irregular shape and partially borders Holiday Lane and the on-ramp for U.S. Highway 41. The construction of a new hotel is planned and an exception to zoning regulations for building height is requested. Exceptions to the front yard building setback and the front yard parking setback are also requested.

The B-5 zoning district allows a building height of 35 feet or 2.5 stories, whichever is less. The proposed four-story *Holiday Inn Express* is 50 feet at the highest point. The issue of building height was previously addressed by the Board of Appeals to allow a four-story building with a height of 55 feet.

Height limitations limit the bulk of a building. Height limitations are particularly important when a commercial district abuts a residential area and also when smaller commercial lots adjoin. Specific to the subject property, height limitations serve a questionable purpose because of the location of the property adjacent to U.S.H. 41 and the nature of the surrounding development which includes two hotels situated on large parcels of 4.17 acres and 6.77 acres. It should be noted that zoning regulations that apply to the former Rolling Meadows Nursing Home opposite the *Holiday Inn* do not include a building height restriction.

The variance request also concerns the front yard building setback and the front yard parking lot setback. The requested exceptions affect property area along Holiday Lane. Holiday Lane is a short dead end street that serves only three properties - the *Holiday Inn*, the proposed *Holiday Inn Express* and the former St. Vincent DePaul store.

Zoning regulations require a 15' front yard building setback; a 10' setback is proposed. The area of the proposed 10' setback affects only the entry canopy of the hotel; the bulk of the building exceeds the setback requirement.

Zoning regulations require a 15' landscape setback for a parking lot. The variance request proposes a 10' landscape setback along the Holiday Lane lot frontage. The existing parking lot for the *Holiday Inn* provides no landscape setback. Similarly, the former St. Vincent store provides little to

no setback. The proposed 10' setback exceeds existing conditions of the neighboring land uses and allows ample opportunity to provide a landscape amenity for the new hotel.

The requested exceptions largely reflect development challenges of the property caused by its irregular configuration, the presence of wetlands and siting of a stormwater retention pond.

Favorable consideration of the requested exception is recommended.

Statement of Hardship

To justify approval of a variance, the hardship to support an exception to zoning regulations must directly relate to the physical character of the *property*, not the personal circumstances or preference of the *property owner* or tenant.

The circumstances of lot size, irregular lot boundaries, wetlands, stormwater pond siting and the existing conditions of neighboring land uses support approval of the requested exceptions.

Statement of Findings

To grant the requested variance, the Board of Appeals must find:

1. The proposed variance is not contrary to the public interest;
2. The property has a special or unique condition; and
3. The special condition of the property creates an unnecessary hardship.

Making and Taking of Precedent

A decision to approve or deny a variance request must be based on the merit of the individual case. Where a history of variance requests provides similar account of circumstances, a reasonable consistency between decisions would be appropriate.

Recommendation

A motion for variance approval or denial must state the findings in support of the action.

Community Development staff suggests a motion to **approve the variance request** based on findings referenced herein and due to the circumstances of lot size, irregular lot boundaries, wetlands, stormwater pond siting and the existing conditions of neighboring land uses.

PUBLIC NOTIFICATION - APPEAL NO. 2014-08
HOLIDAY INN EXPRESS

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-21-23-502-00	1585 W 20TH AVE	OSHKOSH	WI	54902	948 S ROLLING MEADOWS DR
FDL-15-17-21-23-501-00	N5544 GLACIER CT	FOND DU LAC	WI	54937	947 S ROLLING MEADOWS DR
FDL-15-17-21-32-251-00	160 S MACY ST	FOND DU LAC	WI	54935	560 W ROLLING MEADOWS DR
FDL-15-17-21-32-251-00	160 S MACY ST	FOND DU LAC	WI	54935	560 W ROLLING MEADOWS DR
FDL-15-17-21-32-251-00	160 S MACY ST	FOND DU LAC	WI	54935	560 W ROLLING MEADOWS DR
FDL-15-17-21-32-251-00	160 S MACY ST	FOND DU LAC	WI	54935	560 W ROLLING MEADOWS DR
FDL-15-17-21-32-251-00	160 S MACY ST	FOND DU LAC	WI	54935	560 W ROLLING MEADOWS DR
FDL-15-17-21-32-251-00	160 S MACY ST	FOND DU LAC	WI	54935	560 W ROLLING MEADOWS DR
FDL-15-17-21-32-251-00	160 S MACY ST	FOND DU LAC	WI	54935	560 W ROLLING MEADOWS DR
FDL-15-17-21-32-251-00	160 S MACY ST	FOND DU LAC	WI	54935	560 W ROLLING MEADOWS DR
FDL-15-17-21-32-251-00	160 S MACY ST	FOND DU LAC	WI	54935	560 W ROLLING MEADOWS DR
FDL-15-17-21-32-251-00	160 S MACY ST	FOND DU LAC	WI	54935	560 W ROLLING MEADOWS DR
FDL-15-17-21-32-251-00	160 S MACY ST	FOND DU LAC	WI	54935	560 W ROLLING MEADOWS DR
FDL-15-17-21-23-503-00	3000 GULF SHORE BLVD #415	NAPLES	FL	34103	1140 US HIGHWAY 151
FDL-15-17-21-32-250-00	1500 ARBORETUM DR	OSHKOSH	WI	54901	1155 S MILITARY RD
FDL-15-17-21-32-250-00	1500 ARBORETUM DR	OSHKOSH	WI	54901	1155 S MILITARY RD
FDL-15-17-21-32-252-00	1500 ARBORETUM DR	OSHKOSH	WI	54901	0 ROLLING MEADOWS DR
FDL-15-17-21-32-252-00	1500 ARBORETUM DR	OSHKOSH	WI	54901	0 ROLLING MEADOWS DR
FDL-15-17-21-31-001-00	330 N PETERS AVE	FOND DU LAC	WI	54937	573 W ROLLING MEADOWS DR
FDL-15-17-21-24-750-00	625 W ROLLING MEADOWS DR	FOND DU LAC	WI	54937	625 W ROLLING MEADOWS DR
FDL-15-17-21-24-751-00	625 W ROLLING MEADOWS DR	FOND DU LAC	WI	54937	77 HOLIDAY LA
FDL-15-17-21-24-752-00	625 W ROLLING MEADOWS DR	FOND DU LAC	WI	54937	0 HOLIDAY LA
FDL-15-17-21-31-010-00	625 W ROLLING MDWS DR	FOND DU LAC	WI	54937	0 W ROLLING MEADOWS DR

ZONING PETITION - VARIANCE



CITY OF FOND DU LAC

ADDRESS OF VARIANCE REQUEST: 551 Monmouth Street

Tax Key Number if vacant land: _____

Petitioner: SHAWN McCRARY 551 MONMOUTH ST. FOND DU LAC 54937
(Name) (Address)

Petitioner Phone Number: _____

Petitioner Email: _____

Property Owner: ANTHONY McCRARY 46 OLCOTT ST. FOND DU LAC 54935
(If not the same as Petitioner) (Name) (Address)

VARIANCE REQUEST

A variance is an exception to a requirement of the Zoning Code or Building Code. Describe the requested exception(s) for your variance request:

REQUEST THAT A 200 SQ FT. SHED ANYING BE ALLOWED
ON 7500 SQ FT PLOT AS OPPOSED TO 100 SQ FT. OWNER
STIPULATES THAT GARAGE WILL NOT BE BUILT.

STATEMENT OF HARDSHIP

A variance may be approved if a hardship specific to a property does not allow compliance with zoning regulations. A hardship is created by a **physical condition** of the property.

Describe the special circumstances of your property that require approval of a variance:

EXISTING UTILITY LINES AND POOR DRAINAGE DO NOT
ALLOW FOR GARAGE AND SHED BOTH TO BE BUILT ON
PROPERTY.

Petitioner Signature: 

APPEAL NO. 2014-009

Submit application to the Community Development Office
(4th floor, City-County Government Center)

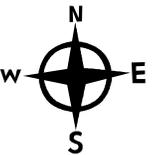
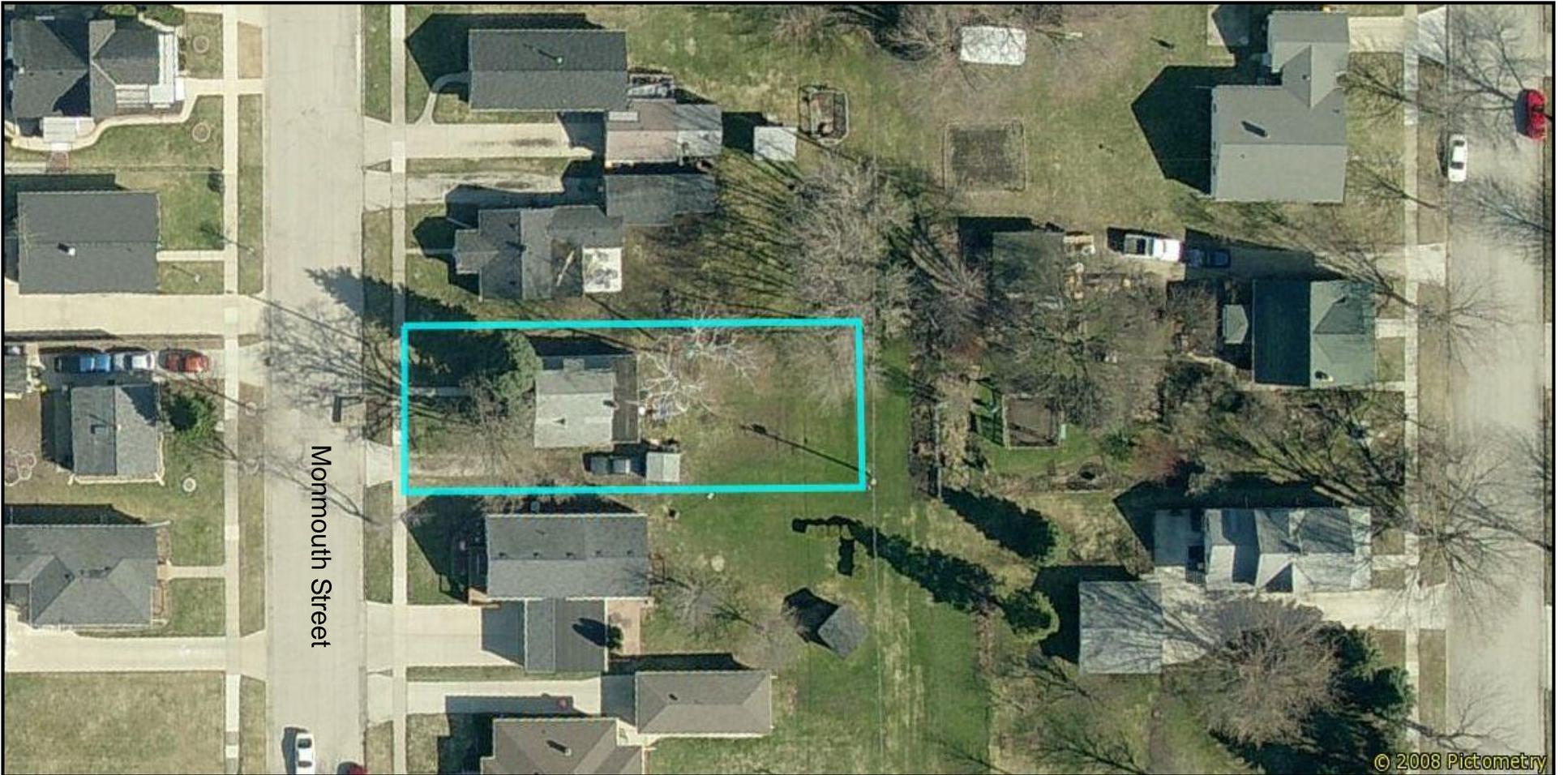
APPEAL NO. 2014-09 – MC CRARY
551 MONMOUTH STREET



SITE

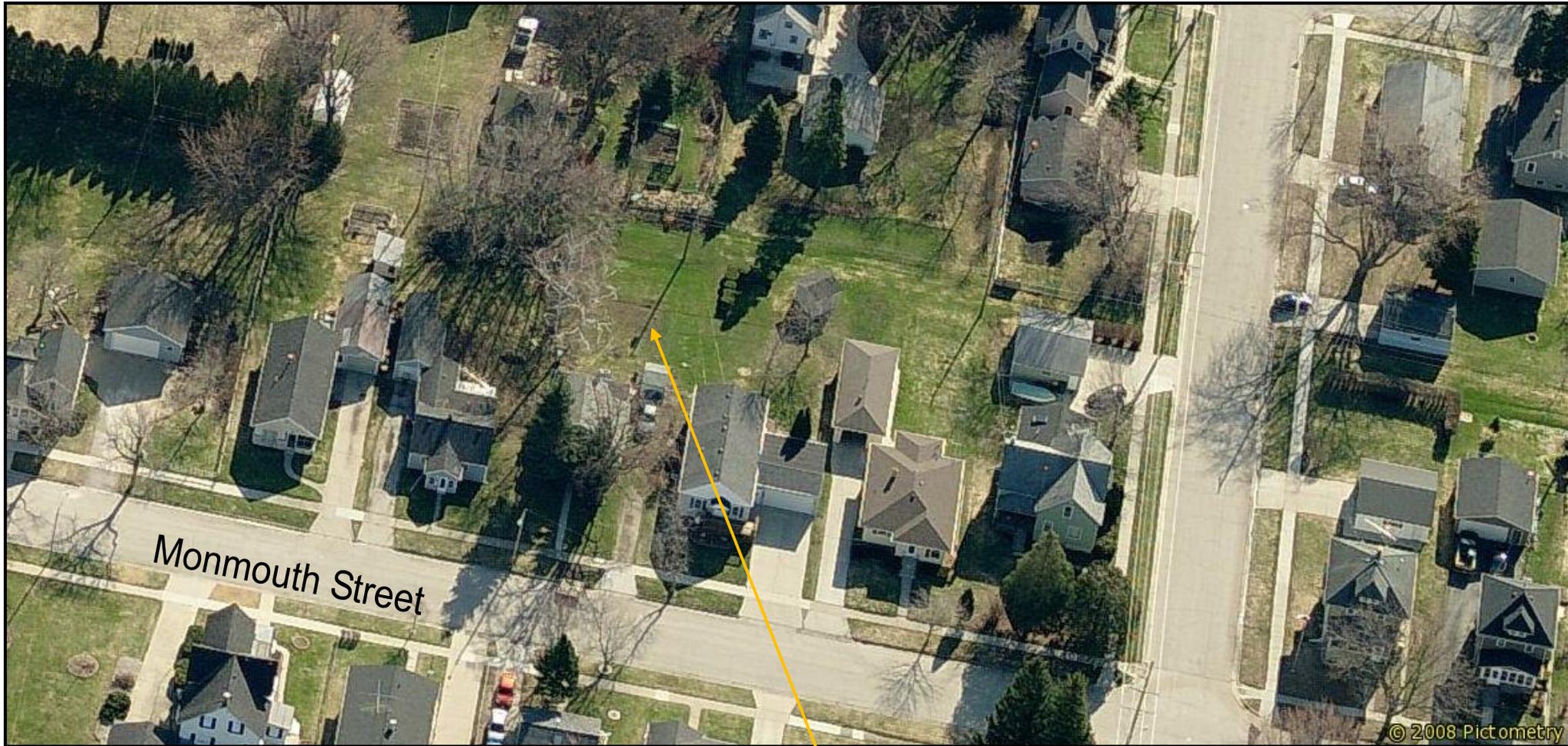


APPEAL NO. 2014-09 – MC CRARY
551 MONMOUTH STREET



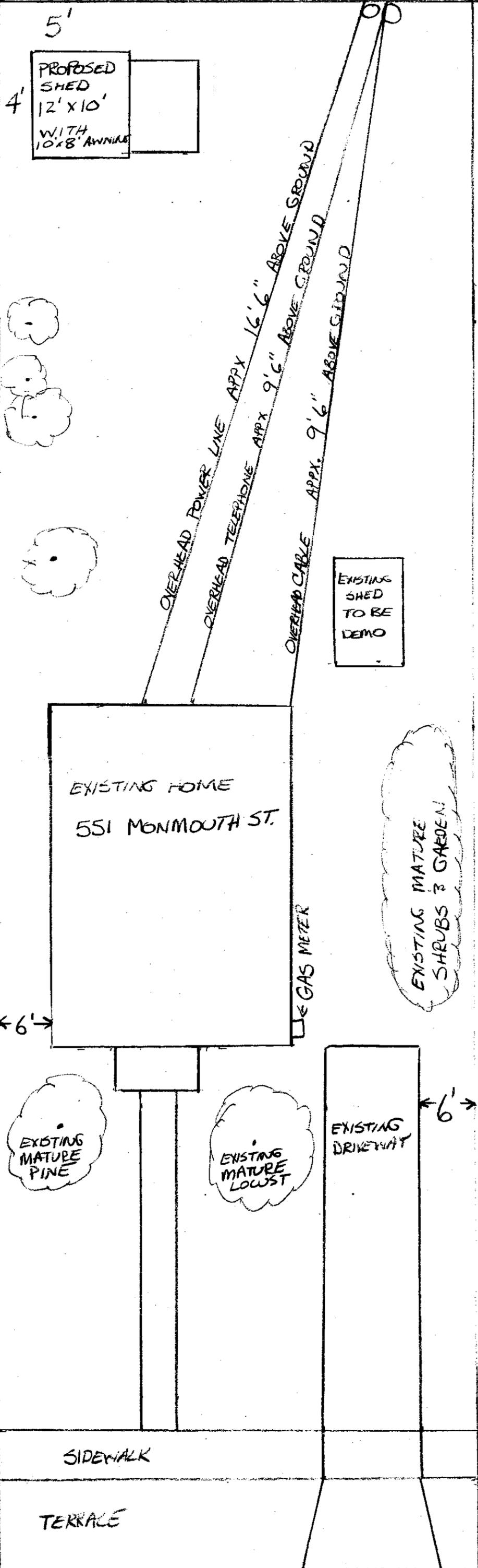
APPEAL NO. 2014-09 – MC CRARY
551 MONMOUTH STREET

STREET VIEW – LOOKING EAST



SITE

MUNICIPAL RIGHT OF WAY ← 50' →



150'

PROPOSED SITE PLAN
 551 MONMOUTH ST
 SHAWN MCCRARY
 720-569-9809
 APPX VALUE 1750⁰⁰

SCALE
 1" = APPX 10'

board of appeals memorandum

Date: April 2, 2014
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner
Subject: Appeal No. 2014-09

Location: 551 Monmouth Street

Applicant: Shawn McCrary

Zoning: Site: R-2 (Single Family Residential)
North: R-2
South: R-2
East: R-2
West: R-2

Land Use: Site: Single Family Residence
North: Single Family Residence
South: Single Family Residence
East: Single Family Residence
West: Single Family Residence

Variance Request

Zoning Code Regulation:

Section 11.04 C.3.y(1) allows an accessory storage building for a single family home, not to exceed 100 square feet in area.

Proposal: Increase accessory building size to 200 square feet.

Analysis

The subject property is located in an older residential neighborhood and is developed with a single family home. Existing property conditions do not provide covered parking; on-site parking is provided within an open driveway area on the south side of the home. In the absence of a garage, the

petitioner would like to replace an existing shed with a new larger shed. The new shed exceeds the code limitation for allowable size.

Zoning regulations allow one accessory building for a single family home in addition to an attached garage or a detached garage. For a lot that is less than 10,000 square feet in area, the maximum size of a storage building is 100 square feet. Where a lot is more than 10,000 square feet, a storage building size of up to 200 feet is permitted.

The petitioner's property is 7492 square feet in area. Based on lot size, a garage and a 100 square foot storage building is permitted. The variance request proposes an accessory building area of 200 square feet. The new structure would provide 120 square feet of enclosed building area and an awning area of 80 square feet. Total building area is based on the area of the roof.

The variance request reflects circumstances of the property that limit enclosed storage typically associated with a single family home. In this case the property does not provide a garage, nor does the petitioner intend to construct a garage in the future. In the event the existing owner or a future owner would want to construct a garage, the storage building area could be incorporated into the allowable building area of a garage.

Approval of the variance request could reasonably consider the absence of a garage and the proposed size of the storage building which is significantly less than the allowable size of a garage. Approval of the variance request would not unduly affect any nearby property. Favorable consideration of the requested exception is recommended.

Statement of Hardship

To justify approval of a variance, the hardship to support an exception to zoning regulations must directly relate to the physical character of the *property*, not the personal circumstances or preference of the *property owner* or tenant.

The proposed building area is less than otherwise permitted for a detached garage.

Statement of Findings

To grant the requested variance, the Board of Appeals must find:

1. The proposed variance is not contrary to the public interest;
2. The property has a special or unique condition; and
3. The special condition of the property creates an unnecessary hardship.

Making and Taking of Precedent

A decision to approve or deny a variance request must be based on the merit of the individual case. Where a history of variance requests provides similar account of circumstances, a reasonable consistency between decisions would be appropriate.

Recommendation

A motion for variance approval or denial must state the findings in support of the action.

Community Development staff suggests a motion to **approve the variance request** based on findings referenced herein and because the proposed building area is less than otherwise permitted for a detached garage.

Conditions of approval shall include:

1. The existing storage building shall be demolished or completely removed from the property upon completion of the new storage building.
2. Use of the accessory building shall be for household storage and property maintenance purposes. The building shall not be used for the parking or storage of vehicles unless a paved driveway in accord with zoning regulations is provided.
3. The area of the awning cover is intended for outdoor open space use of the property. Use of this area for the storage of vehicles, mechanical equipment and miscellaneous items is prohibited.
4. The future construction of a garage shall consider the storage building area in determining allowable garage size.

PUBLIC NOTIFICATION - APPEAL NO. 2014-09

McCRRARY - 551 MONMOUTH STREET

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-04-44-815-00	5401 N BEACH ST	FORT WORTH	TX	76137	555 MONMOUTH ST
FDL-15-17-04-44-785-00	N5507 CTY RD UU	FOND DU LAC	WI	54937	550 MONMOUTH ST
FDL-15-17-04-44-813-00	545 MONMOUTH ST	FOND DU LAC	WI	54937	545 MONMOUTH ST
FDL-15-17-04-44-822-00	555 VAN DYNE RD	FOND DU LAC	WI	54937	534 VERMONT ST
FDL-15-17-04-44-787-00	241 MARQUETTE ST	FOND DU LAC	WI	54935	532 MONMOUTH ST
FDL-15-17-04-44-784-00	556 MONMOUTH ST	FOND DU LAC	WI	54937	556 MONMOUTH ST
FDL-15-17-04-44-812-00	541 MONMOUTH ST	FOND DU LAC	WI	54937	541 MONMOUTH ST
FDL-15-17-04-44-814-00	46 OLCOTT ST	FOND DU LAC	WI	54935	551 MONMOUTH ST
FDL-15-17-04-44-786-00	544 MONMOUTH ST	FOND DU LAC	WI	54937	544 MONMOUTH ST
FDL-15-17-04-44-817-00	569 MONMOUTH ST	FOND DU LAC	WI	54937	569 MONMOUTH ST
FDL-15-17-04-44-783-00	562 MONMOUTH ST	FOND DU LAC	WI	54937	562 MONMOUTH ST
FDL-15-17-04-44-818-00	566 VERMONT ST	FOND DU LAC	WI	54937	566 VERMONT ST
FDL-15-17-04-44-816-00	561 MONMOUTH ST	FOND DU LAC	WI	54937	561 MONMOUTH ST
FDL-15-17-04-44-811-00	533 MONMOUTH ST	FOND DU LAC	WI	54937	533 MONMOUTH ST
FDL-15-17-04-44-821-00	544 VERMONT ST	FOND DU LAC	WI	54937	544 VERMONT ST
FDL-15-17-04-44-782-00	568 MONMOUTH ST	FOND DU LAC	WI	54937	568 MONMOUTH ST
FDL-15-17-04-44-820-00	552 VERMONT ST	FOND DU LAC	WI	54937	552 VERMONT ST
FDL-15-17-04-44-819-00	560 VERMONT ST	FOND DU LAC	WI	54937	560 VERMONT ST

ZONING PETITION - VARIANCE



CITY OF FOND DU LAC

ADDRESS OF VARIANCE REQUEST: 25 E Rees St

Tax Key Number if vacant land: _____

Petitioner: Meyer Property Group LLC
(Name) (Address)

Petitioner Phone Number: [REDACTED] 42 N Main St

Petitioner Email: [REDACTED]

Property Owner: _____
(If not the same as Petitioner) (Name) (Address)

VARIANCE REQUEST

A variance is an exception to a requirement of the Zoning Code or Building Code. Describe the requested exception(s) for your variance request:

Build a garage on a non-conforming lot - approved in the past

STATEMENT OF HARDSHIP

A variance may be approved if a hardship specific to a property does not allow compliance with zoning regulations. A hardship is created by a **physical condition** of the property.

Describe the special circumstances of your property that require approval of a variance:

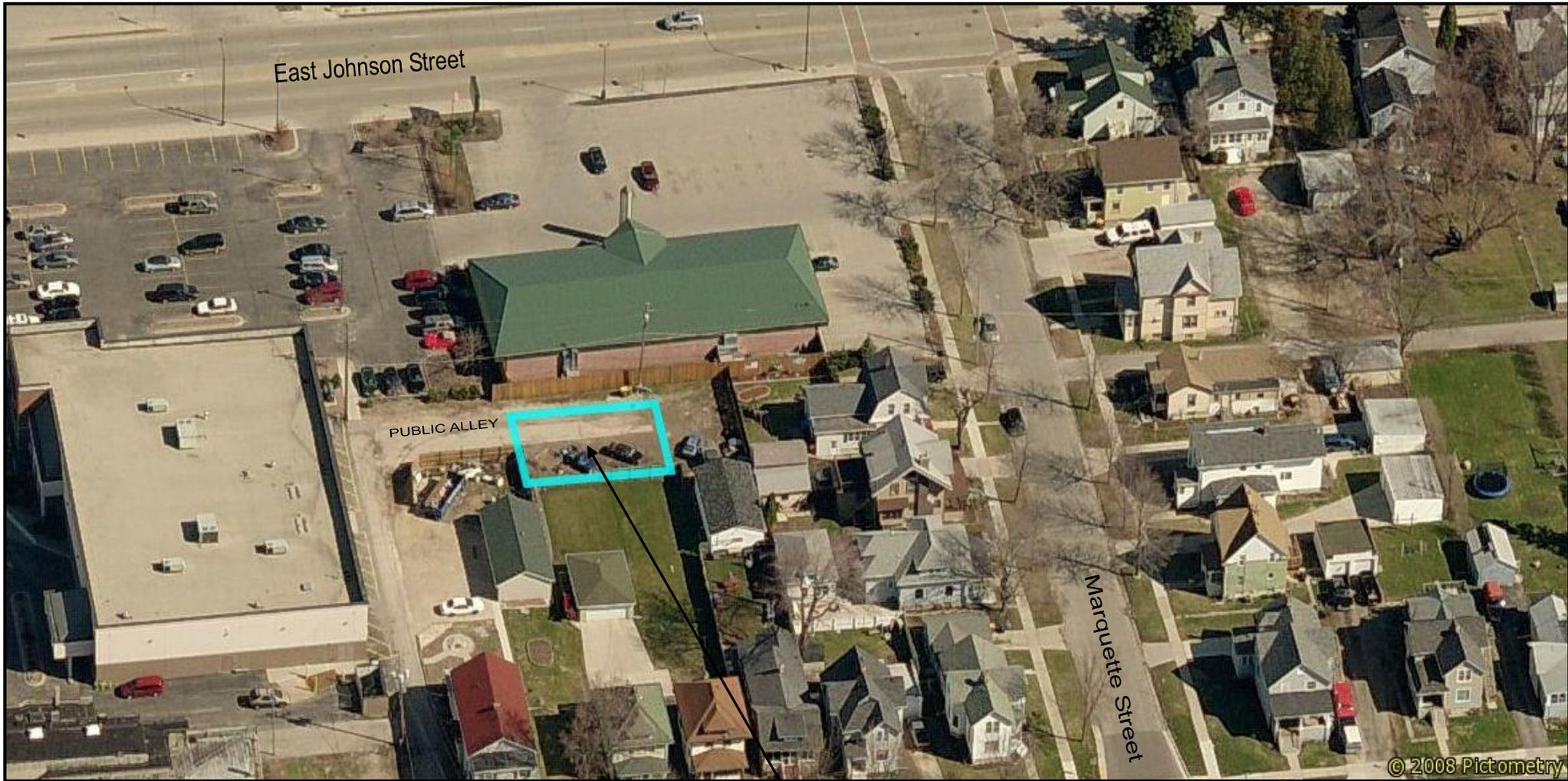
I purchased lot with previous approval for same project

Petitioner Signature: Samuel Meyer

APPEAL NO. 2014-10

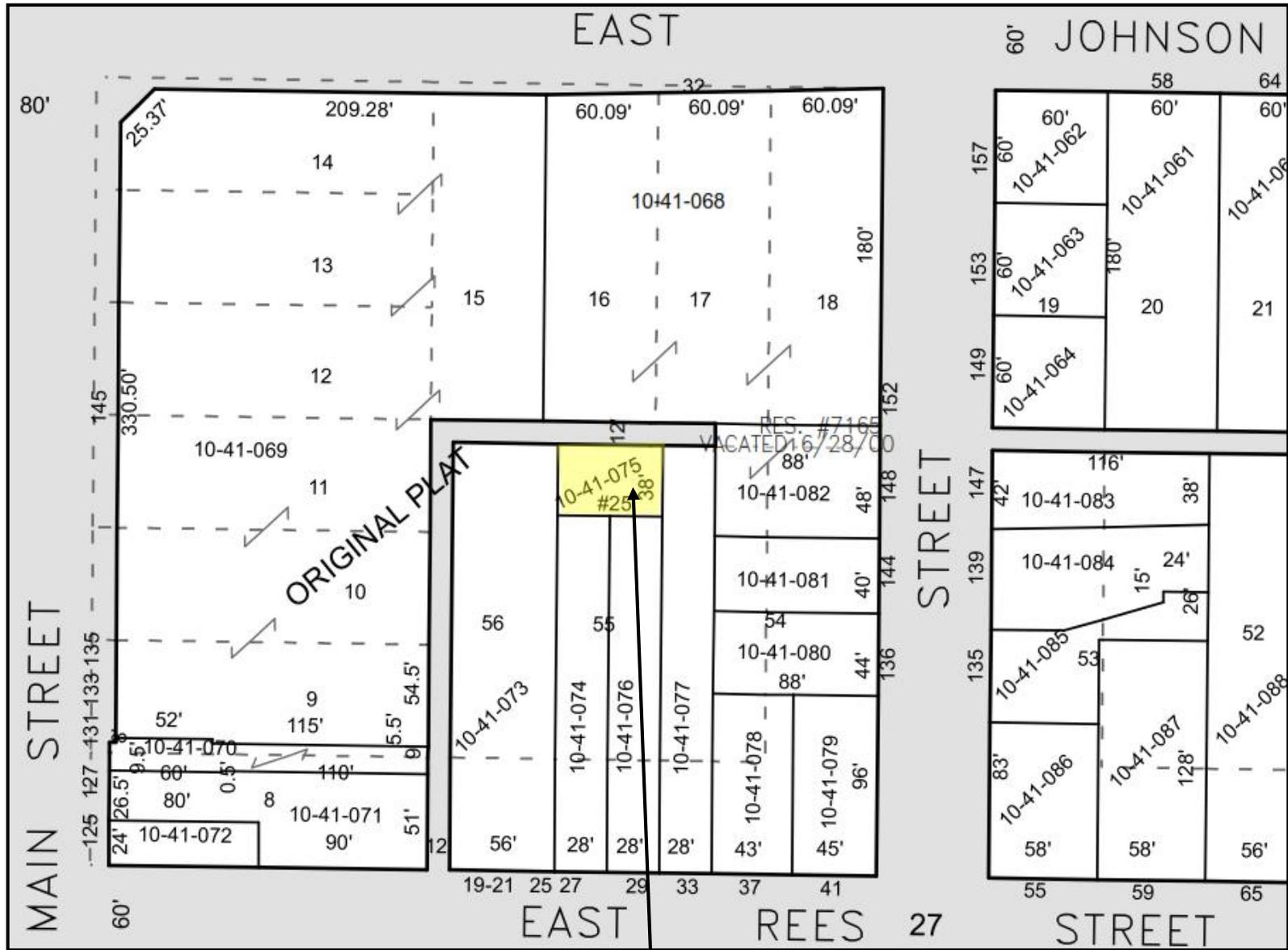
Submit application to the Community Development Office
(4th floor, City-County Government Center)

APPEAL NO. 2014-10 – MEYER PROPERTY GROUP
25 EAST REES STREET



SITE

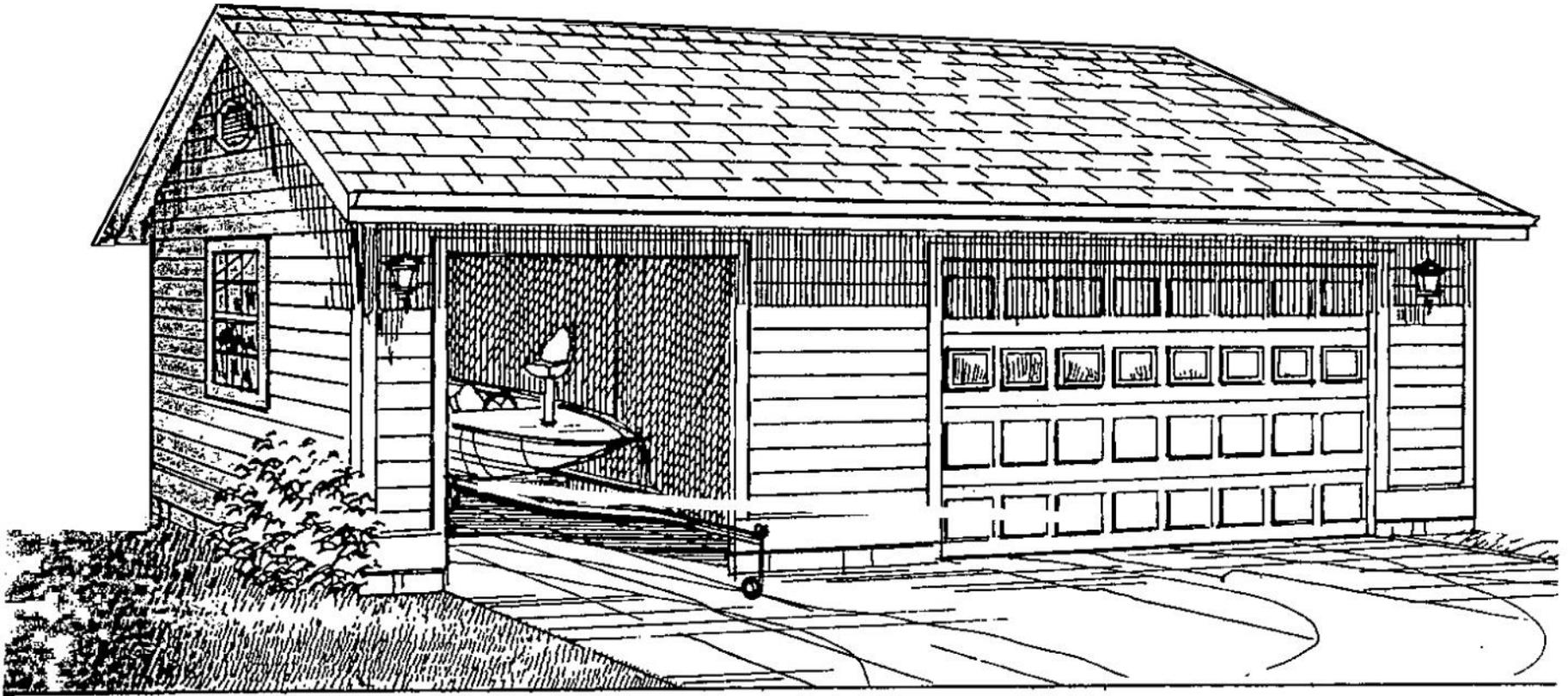




SITE



25 E Rees Street – PROPOSED GARAGE



BOARD OF APPEALS MINUTES

December 7, 2009
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: Matthew Clementi
Alan Meindel
Paul Smedberg
Betty Scannell
Katie Derksen

Absent: Andrew Land
Tom Meiklejohn
Joseph Reber
Marilyn Zangl

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

Samuel D. Meyer
25 E. Rees Street
Appeal No. 2009-45

Variance Required: Section 11.04 C.3.o, Section 11.04 C.3.o(1)(f) and Section 11.06 D. Schedule IA state (1)The maximum size of a detached garage is 650 square feet or cover a ground area not greater than that covered by the residential building, whichever is less; (2) The width of a garage shall not exceed more than one-half of the width of the lot; and (3) The front yard setback in the R-4 district is 25 feet.

Variance Requested: (1) Construct and maintain a garage as the principal use of a residential lot; (2) Increase allowable garage width from 28 feet to 36 feet; and (3) Reduce front yard setback from 25 feet to 12 feet.

Motion made by Smedberg to approve the variance request based on staff findings, and specifically because the exceptions reflect property circumstances of a substandard lot that is not suitable for development in accord with its zoning designation.

Conditions of approval shall include:

1. Eave troughs and downspouts shall be provided to direct water away from adjacent properties.
2. All storage shall be confined with the interior of the building.

Seconded by Scannell.

ROLL CALL VOTE: Aye - Clementi, Derksen, Meindel,
Smedberg, Scannell
Nay - None

Carried.



City of Fond du Lac
First on the Lake

City-County Government Center
160 S. Macy Street—P.O. Box 150—Fond du Lac, WI 54936-0150

December 10, 2009

Samuel Meyer
42 N. Main St
Fond du Lac, WI 54935

Appeal No. 2009-45
Location: 25 E. Rees Street

Dear Appellant:

This letter is to confirm that at its December 7, 2009 meeting, the Board of Appeals voted to **APPROVE** the variance request based on staff findings, and specifically because the exceptions reflect property circumstances of a substandard lot that is not suitable for development in accord with its zoning designation.

Conditions of approval shall include:

1. Eave troughs and downspouts shall be provided to direct water away from adjacent properties.
2. All storage shall be confined with the interior of the building.

You must apply for your building permit from the Building Inspector within six (6) months of the Board's approval date. Should you have any further questions, please do not hesitate to contact our office.

Sincerely,

SUE STRANDS
City Clerk

cc: Guy Fox, Chief Inspector
Joellyn Dahlin, Planner
Kay Smedberg, Community Development

board of appeals memorandum

Date: April 2, 2014
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner
Subject: Appeal No. 2014-10

Location: 25 East Rees Street

Applicant: Meyer Property Group LLC

Zoning: Site: R-4 (Multifamily Residential)
North: B-3 (Central Shopping District)
South: R-4
East: R-4
West: R-4

Land Use: Site: Vacant Lot
North: Family Video
South: Single Family Residence
East: Nonconforming Storage Building
West: Nonconforming Storage Building

Variance Request

Zoning Regulations:

1. Section 11.06 C. Schedule I does not allow a garage as a primary land use.
2. Section 11.06 D. Schedule IA requires a 25' front yard building setback.
3. Section 11.06 D. Schedule IA requires a 20' rear yard building setback.

Proposal:

1. Construct garage as principal land use on property zoned for residential use.
2. Reduce front yard building setback from 25 feet to 11 feet.
3. Reduce rear year building setback from 20 feet to 3 feet.

Note: Appeal No. 2009-45 was approved for this site on December 7, 2009 to allow exceptions to setback regulations and to permit a garage as the principal land use. The approval expired for lack of action.

Analysis

The subject property is a small lot situated behind the Family Video store on East Johnson Street. The lot does not have frontage on a public street. Access to the lot is taken from East Rees Street via a public alley. The property owner would like to construct a garage as the principal land use. The proposal was previously approved by the Board of Appeals in 2009.

The subject lot is 38 feet deep and 56 feet wide. The lot is substandard to code requirements for width, depth and area. The lot cannot accommodate residential development or some other permitted land use.

The petitioner proposes to construct a residential-type garage as the principal use of the property. The proposed garage is 24'x36' (864 square feet). The setback from the alley is 11 feet; 25 feet is required. The 3' rear yard setback falls short of the zoning code requirement for 20 feet, but is comparable to the setback required for a residential garage (2 feet). The proposed side yard setbacks comply with zoning regulations for a nonresidential use.

In most cases the development of a residential property solely for a garage would not be appropriate and exceptions to building use and setbacks would be difficult to justify. Specific to the subject property, it is unusual in that it is not accessible from a public street, it is not usable for residential purposes, and it borders commercial development to the north and nonconforming uses to the east and west.

Use of the property is impossible without consideration of a variance to relax zoning regulations. Approval of the variance request would not cause a negative impact on any nearby property. Favorable consideration of the requested exceptions is recommended.

Statement of Hardship

To justify approval of a variance, the hardship to support an exception to zoning regulations must directly relate to the physical character of the *property*, not the personal circumstances or preference of the *property owner* or tenant.

The variance request reflects the circumstances of a substandard lot that is not suitable for development pursuant to its zoning designation.

Statement of Findings

To grant the requested variance, the Board of Appeals must find:

1. The proposed variance is not contrary to the public interest;
2. The property has a special or unique condition; and
3. The special condition of the property creates an unnecessary hardship.

Making and Taking of Precedent

A decision to approve or deny a variance request must be based on the merit of the individual case. Where a history of variance requests provides similar account of circumstances, a reasonable consistency between decisions would be appropriate.

Recommendation

A motion for variance approval or denial must state the findings in support of the action.

Community Development staff suggests a motion to **approve the variance request** based on findings referenced herein and because of property circumstances that do not allow reasonable use of the property pursuant to its zoning designation.

Conditions of approval shall include:

1. Use of the building shall be for storage purposes only. The building shall not be used for the operation of a business or for residential purposes.
2. Eave troughs and downspouts shall be provided to direct water away from adjacent properties.
3. Drainage shall be managed on-site. A drainage plan prepared by a licensed professional shall be approved by the City Engineer prior to the issuance of a building permit.
4. All storage shall be confined to the interior of the building.

PUBLIC NOTIFICATION - APPEAL NO. 2014-10
MEYER PROPERTY GROUP - 25 E REES STREET

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-10-41-073-00	114 S MAIN ST #116	FOND DU LAC	WI	54935	21 E REES ST
FDL-15-17-10-41-150-00	N3056 KELLY RD	FOND DU LAC	WI	54937	36 E REES ST
FDL-15-17-10-41-076-00	W20298 STATE ROAD 121	WHITEHALL	WI	54773	29 E REES ST
FDL-15-17-10-41-078-00	37 E REES ST	FOND DU LAC	WI	54935	37 E REES ST
FDL-15-17-10-41-152-00	28 E REES ST	FOND DU LAC	WI	54935	28 E REES ST
FDL-15-17-10-41-082-00	148 MARQUETTE ST	FOND DU LAC	WI	54935	148 MARQUETTE ST
FDL-15-17-10-41-068-00	1022 E ADAM ST	SPRINGFIELD	IL	62703	32 E JOHNSON ST
FDL-15-17-10-41-149-00	40 E REES ST	FOND DU LAC	WI	54935	40 E REES ST
FDL-15-17-10-41-074-00	27 E REES ST	FOND DU LAC	WI	54935	27 E REES ST
FDL-15-17-10-41-151-00	32 E REES ST	FOND DU LAC	WI	54935	32 E REES ST
FDL-15-17-10-41-081-00	144 MARQUETTE ST	FOND DU LAC	WI	54935	144 MARQUETTE ST
FDL-15-17-10-41-075-00	42 N MAIN STREET	FOND DU LAC	WI	54935	25 E REES ST
FDL-15-17-10-41-154-00	22 E REES ST	FOND DU LAC	WI	54935	22 E REES ST
FDL-15-17-10-41-077-00	N5123 OAKHILL RD	FOND DU LAC	WI	54937	33 E REES ST
FDL-15-17-10-41-079-00	41 E REES ST	FOND DU LAC	WI	54935	41 E REES ST
FDL-15-17-10-41-155-00	117 N MAIN ST	FOND DU LAC	WI	54935	117 N MAIN ST
FDL-15-17-10-41-071-00	W3793 FOURTH ST RD	FOND DU LAC	WI	54937	127 N MAIN ST
FDL-15-17-10-41-080-00	1719 PARKRIDGE LANE	N FOND DU LAC	WI	54937	136 MARQUETTE ST