

# BOARD OF APPEALS AGENDA

March 3, 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. February 3, 2014

## III. HEARINGS

- A. 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.

- B. 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 AGENDA**

March 3, 2014

Page 2

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.

- C. Appeal No. 2014-05  
212 Forest Avenue  
Richard Sorensen

Zoning Code Regulations: Section 11.09 C. Schedule III does not allow the sale of automobiles as a permitted or special land use in the M-2 (Manufacturing) zoning district.

Variance Request: Retail sale of automobiles as a secondary use of property on land zoned for industrial use.

- D. Appeal No. 2014-06  
130 South Main Street  
National Exchange Bank & Trust

Zoning Code Regulations: Section 11.12 I. Schedule V. does not allow ground signs in the B-3 district.

Section 11.12 D.7.a. prohibits electronic message boards and manual changeable copy signs in the B-3 zoning district.

Variance Request: Remove and replace two existing nonconforming ground signs, and install electronic message center as an element of an existing ground sign.

**IV. ADJOURN**

# BOARD OF APPEALS MINUTES

February 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  
Eric Drazkowski  
Howard Floeter  
Kirsten Quam  
Jerry Lauby

Absent - 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

### December 2, 2013

Motion made by Lauby to approve the minutes of the regular meeting of December 2, 2013 of the Board of Appeals as presented.

Seconded by Floeter.

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

Carried.

## HEARINGS

### Appeal No. 2014-01

Camelot Drive

(FDL-15-17-26-23-749, FDL-15-17-26-32-499, FDL-15-17-27-41-249)

Grande Cheese Company

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





# ZONING PETITION - VARIANCE



CITY OF FOND DU LAC

**ADDRESS OF VARIANCE REQUEST:** 1315 S Main ST FDL

Tax Key Number if vacant land: New Blg under construction

Petitioner: James Roberts W7155 Rogersville Rd FDL WI 54937  
(Name) (Address)

Petitioner Phone Number: [REDACTED]

Petitioner Email: [REDACTED]

Property Owner: Same  
(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:

*We request an exception to the code which would allow construction of a sign on public property equal to the size and location of the existing sign on the adjacent lot.*

## 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:

*Changes to the adjacent highway interchange make this site no longer eligible for a sign like the one installed next door.*

Petitioner Signature: James Roberts

**APPEAL NO.** 2014-03

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

# V A R I A N C E   P E T I T I O N



APPEAL No. 2014-03

BOARD OF APPEALS MEETING: March 3, 2014

Location: 1315 South Main Street

Petitioner: Jim Roberts

(Roberts Homes and Real Estate)

## FOND DU LAC 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.

## PROPOSAL:

Increase allowable sign area from 150 square feet to 180 square feet.

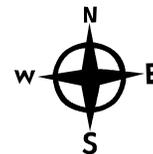
Increase allowable sign height from 20 feet to 30 feet.

APPEAL NO. 2014-03 – ROBERTS  
1315 S MAIN STREET

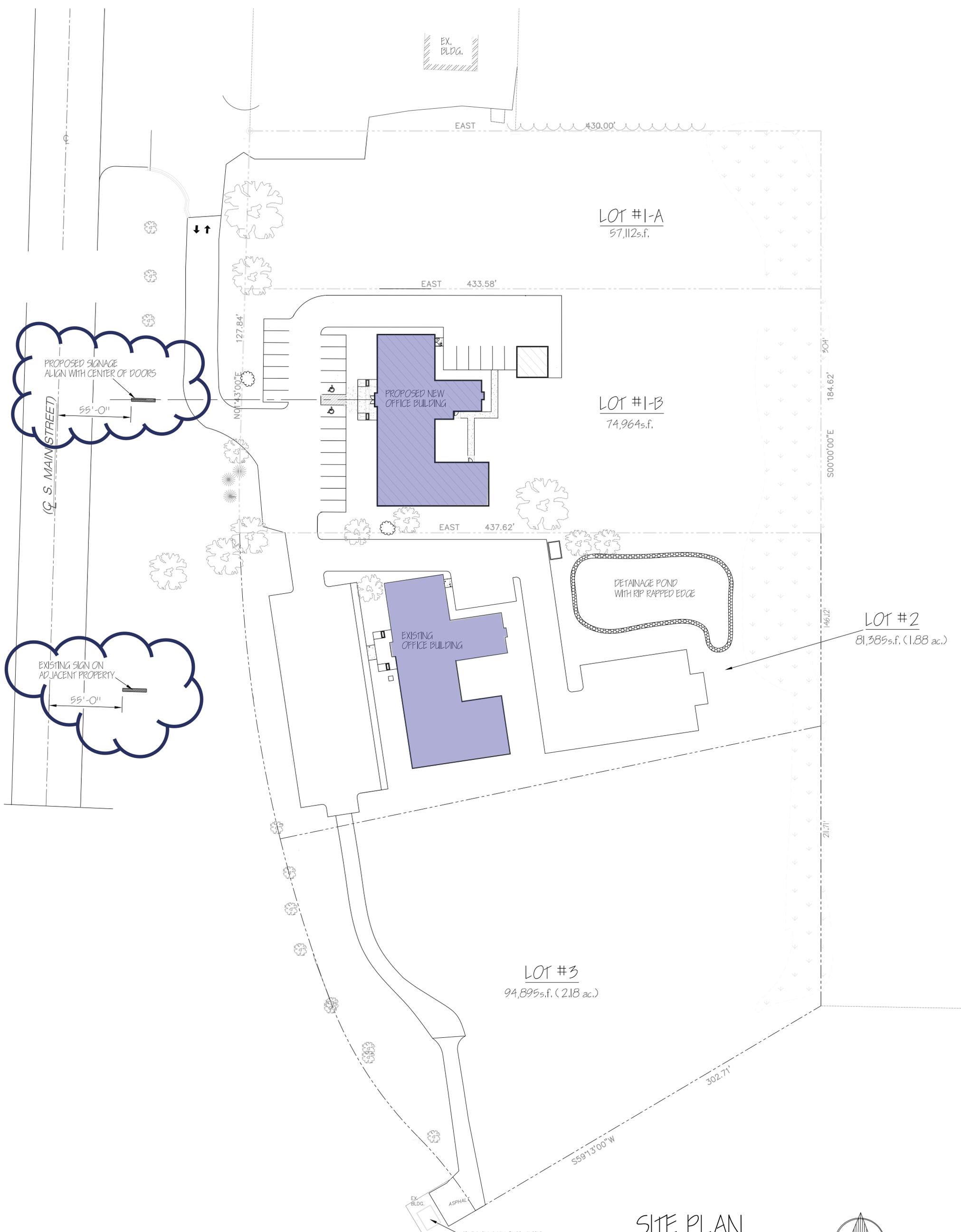


LOCATION OF PROPOSED SIGN

LOCATION OF EXISTING SIGN

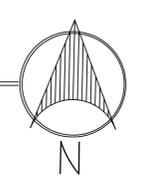
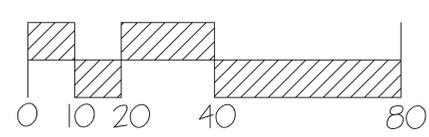






**SITE PLAN**

SCALE = 1" = 50'-0"



# board of appeals memorandum

**Date:** February 26, 2014  
**To:** Board of Appeals  
**From:** Joellyn Dahlin, Principal Planner  
**Subject:** Appeal No. 2014-03

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**Location:** 1315 South Main Street

**Applicant:** James Roberts d/b/a Roberts Homes and Real Estate

**Zoning:** Site: B-4 (Service Commercial)  
North: B-4  
South: B-4  
East: M-4 (Planned Manufacturing & Business)  
West: B-6 (Planned Commercial)

**Land Use:** Site: New Building – Roberts Homes & Real Estate  
North: Vacant Lot  
South: Roberts Homes & Real Estate – Current Location  
East: Ledgeview Corporate Center  
West: Kristmas Kringle Shoppe

**Request:** Increase allowable sign area and sign height.

## Analysis

The subject property is the site of a new office building under construction for *Roberts Homes and Real Estate*. The real estate office currently occupies a building on the lot immediately south of the subject property. Following completion of the new building *Roberts* will move its offices and the existing building will be owned and occupied by a new party.

An exception to zoning regulations for increases of ground sign area and height is proposed. The proposed sign for the new building is the same area (180 square feet) and height (30 feet) as the existing sign for *Roberts Home*. Zoning regulations permit a sign area of 150 square feet and a maximum height of 20 feet.

The existing sign for *Roberts Homes* does not comply with current zoning code standards; however, it complied with code regulations when the property was developed in 2008. Allowable sign area and height at that time was based on the property's proximity to Highway 41 and the presence of an interchange at State Highway 175 (South Main Street) and U.S. Highway 41.

The subject property is not a typical commercial lot because of size and distance from a public street. The property is nearly 2 acres in area and the front lot line is more than 100 feet from the South Main Street roadway because of the large right-of-way area.

It should be noted that the existing sign is situated within the right-of-way of South Main Street and authorization for its placement recognized the unusually large right-of-way. Similarly, the new sign would be sited within the public right-of-way. City authorization for the location of the existing sign and for the new sign requires removal or relocation at the owner's expense if the right-of-way is required for street or other public purposes in the future.

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 circumstances of lot size and distance from the public roadway support approval of the variance request.

#### **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 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 purposes in the future.

# Public Notification - Roberts

## 1315 S Main Street

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-27-12-261-00	420 E DIVISION ST	FOND DU LAC	WI	54935	40 CAMELOT DR
FDL-15-17-27-11-015-00	101 CAMELOT DR APT #6	FOND DU LAC	WI	54935	101 CAMELOT DR Apt # 6
FDL-15-17-27-12-250-00	995 ASHBURY CT	FOND DU LAC	WI	54935	1305 S MAIN ST
FDL-15-17-27-12-262-00	54 CAMELOT DR	FOND DU LAC	WI	54935	54 CAMELOT DR
FDL-15-17-27-11-011-00	PO BOX 1006	FOND DU LAC	WI	54936	101 CAMELOT DR APT # 2A
FDL-15-17-27-11-011-03	PO BOX 1006	FOND DU LAC	WI	54936	101 CAMELOT DR 2C
FDL-15-17-27-12-264-00	PO BOX 1006	FOND DU LAC	WI	54936	28 CAMELOT DR
FDL-15-17-27-12-265-00	100 CAMELOT DR	FOND DU LAC	WI	54935	100 CAMELOT DR
FDL-15-17-27-12-265-00	100 CAMELOT DR	FOND DU LAC	WI	54935	100 CAMELOT DR
FDL-15-17-27-11-010-00	34 OAKRIDGE CT	FOND DU LAC	WI	54935	101 CAMELOT DR APT # 1
FDL-15-17-22-44-998-00	845 S MAIN ST STE #100	FOND DU LAC	WI	54935	0 SOUTHLAKE CIR
FDL-15-17-22-44-998-00	845 S MAIN ST STE #100	FOND DU LAC	WI	54935	0 SOUTHLAKE CIR
FDL-15-17-22-43-510-00	18 GERONIMO CIR	MADISON	WI	53713	1107 S MAIN ST
FDL-15-17-27-11-011-04	101 CAMELOT DR APT #2D	FOND DU LAC	WI	54935	101 CAMELOT DR 2D
FDL-15-17-27-11-012-00	101 CAMELOT DR APT #3	FOND DU LAC	WI	54935	101 CAMELOT DR APT # 3
FDL-15-17-27-12-252-00	1207 TRINITY PL	LIBERTYVILLE	IL	60048	1330 S MAIN ST
FDL-15-17-27-11-011-01	101 CAMELOT DR #2B	FOND DU LAC	WI	54935	101 CAMELOT DR Apt # 2B
FDL-15-17-27-12-263-00	PO BOX 1632	WAUKESHA	WI	53187	20 CAMELOT DR
FDL-15-17-22-43-525-00	1003 MIHILL AVE	FOND DU LAC	WI	54935	0 MIHILL AVE
T09-15-17-27-02-001-00	N5702 S MAIN ST	FOND DU LAC	WI	54935	N5702 S MAIN ST
FDL-15-17-27-11-013-00	101 CAMELOT DR SUITE 5	FOND DU LAC	WI	54935	101 CAMELOT DR APT # 4
FDL-15-17-27-11-014-00	101 CAMELOT DR SUITE 5	FOND DU LAC	WI	54935	101 CAMELOT DR Apt # 5
FDL-15-17-27-12-253-00	1325 S MAIN ST	FOND DU LAC	WI	54935	1315 S MAIN ST
FDL-15-17-27-12-253-00	1325 S MAIN ST	FOND DU LAC	WI	54935	1315 S MAIN ST
FDL-15-17-27-12-254-00	1325 S MAIN ST	FOND DU LAC	WI	54935	1325 S MAIN ST
FDL-15-17-22-43-509-00	176 E PIONEER RD	FOND DU LAC	WI	54935	1119 S MAIN ST

# ZONING PETITION - VARIANCE



CITY OF FOND DU LAC

**ADDRESS OF VARIANCE REQUEST:** NORTHWEST CORNER OF S. HICKORY ST & Hwy 41  
Tax Key Number if vacant land: FDL-15-17-21-41-004-01

Petitioner: KWIK TRIP, INC - RYAN ROBERTS (AGENT) 1626 OAK ST LA CROSSE, WI 54602  
(Name) (Address)

Petitioner Phone Number: [REDACTED]

Petitioner Email: [REDACTED]

Property Owner: PIONEER & HICKORY, LLC - BRIAN JOHNSON (AGENT) 817 W. MAIN ST. BROOKSVILLE, WI  
(If not the same as Petitioner) (Name) (Address) 53006

## 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 TO INCREASE LOT LIGHT FIXTURE MOUNTING HEIGHTS FROM 18' TO 30
- REQUEST TO INCREASE NUMBER OF GROUND SIGNS ON SITE FROM 1 TO 3
- REQUEST TO INCREASE OVERALL SIZE OF GROUND SIGN ALONG HWY 41 FROM 200SF TO 254SF

## 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:

SEE ATTACHED

Petitioner Signature: [Signature] (AGENT)

**APPEAL NO.** 2014-04

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



## **Zoning Petition Variance – Statement of Hardship**

### **Parking Lot Lighting:**

*Request to Increase Lot Light fixture mounting heights from 18' to 30'*

We are requesting taller lot lights for the property because of the site size, layout, and site design for large truck traffic. Being the site size and layout we need taller poles to spread the light from the curbs within our property out towards the center of the lot for safe uniform lighting as shown on the photometric plan included. We have found that placing the light poles around the perimeter of the site prevents more accidents and make the site safer for larger trucks and our other guests. Light poles on the interior of the lot are frequently involved in accidents with large trucks. We will be building this store to United States Green Building Council standards (LEED). LEED guidelines require the site lighting level at the property line not to exceed 0.1 foot-candles beyond the property line. So we will contain the light on our property and not spill into neighboring properties. The site lighting as proposed will be all LED. LED is a more direct light source and gives us much more control and more even light distribution on the site. By using LED fixtures we will meet LEED standards with taller poles.

### **Three Ground Signs:**

*Request to include a 95 SF monument sign along S. Hickory St (Sign#09)*

*Request to include a 32.7 SF pylon sign near the Scale (Sign#11)*

We are requesting a second ground sign along Hickory St as the high rise sign (Sign#10) along Hwy 41 would not be visible from traffic approaching the site from the North on S Hickory because of the sign orientation to Hwy 41. The second sign would be a monument style sign and be 95 SF including the decorative brick structure. This monument sign will contain a logo panel, gas prices for 3 grades of fuel offered, and an electronic message center to promote products available onsite.

We are requesting a third ground sign onsite to identify the scale (Sign#11). The CAT Scale sign is dual purpose to show the CAT logo which is nationally recognized by truck drivers and also as a directional sign so they enter the scale from the proper direction. CAT Scales are for large truck traffic and need to be clearly identified so the driver can focus their attention on driving instead of trying to locate the scale. The informational signage is to help the driver with step by step weighing instructions. Along with informational signage, are the intercom system and camera system that gets mounted on the sign structure for store personnel to view and communicate with the driver through the weighing process. See sign locations and orientation of signs on the attached sign plan.

**(See next page)**



Our Mission: "To serve our customers and community more effectively than anyone else by treating our customers, co-workers and suppliers as we, personally, would like to be treated, and to make a difference in someone's life."

Kwik Trip & Kwik Star Stores • Tobacco Outlet Plus • Convenience Transportation, LLC • Hearty Platter Restaurants & Cafés



**(Continued)**

**Larger Ground Sign:**

*Request to increase overall size of the ground sign along Hwy 41(Sign#10)*

We are requesting a larger sign on Hwy 41 with 254 square feet of signage (200 SF allowed per ordinance). We would like the Main ID cabinet (Kwik Trip), The LED pricers, and the CAT Scale sign to be visible from both directions. This sign would be required to be read from a distance on Hwy 41 for traffic to be able to make the decision to exit the Hwy and to exit safely. CAT Scale is a nationally recognized brand of certified scales and can be a deciding factor on where professional truck drivers chose to refuel. The CAT scale sign is the majority of the overage in square footage as designed.



Our Mission: "To serve our customers and community more effectively than anyone else by treating our customers, co-workers and suppliers as we, personally, would like to be treated, and to make a difference in someone's life."

Kwik Trip & Kwik Star Stores • Tobacco Outlet Plus • Convenience Transportation, LLC • Hearty Platter Restaurants & Cafés

# V A R I A N C E P E T I T I O N



APPEAL No. 2014-04

BOARD OF APPEALS MEETING: March 3, 2014

Location: S Hickory Street (FDL-15-17-21-41-004-01)

Petitioner: Kwik Trip

## FOND DU LAC 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.

Section 11.10 11.d restricts the maximum height of service station lights to not more than 18 feet.

## PROPOSAL:

Increase the number of ground signs from one to three.

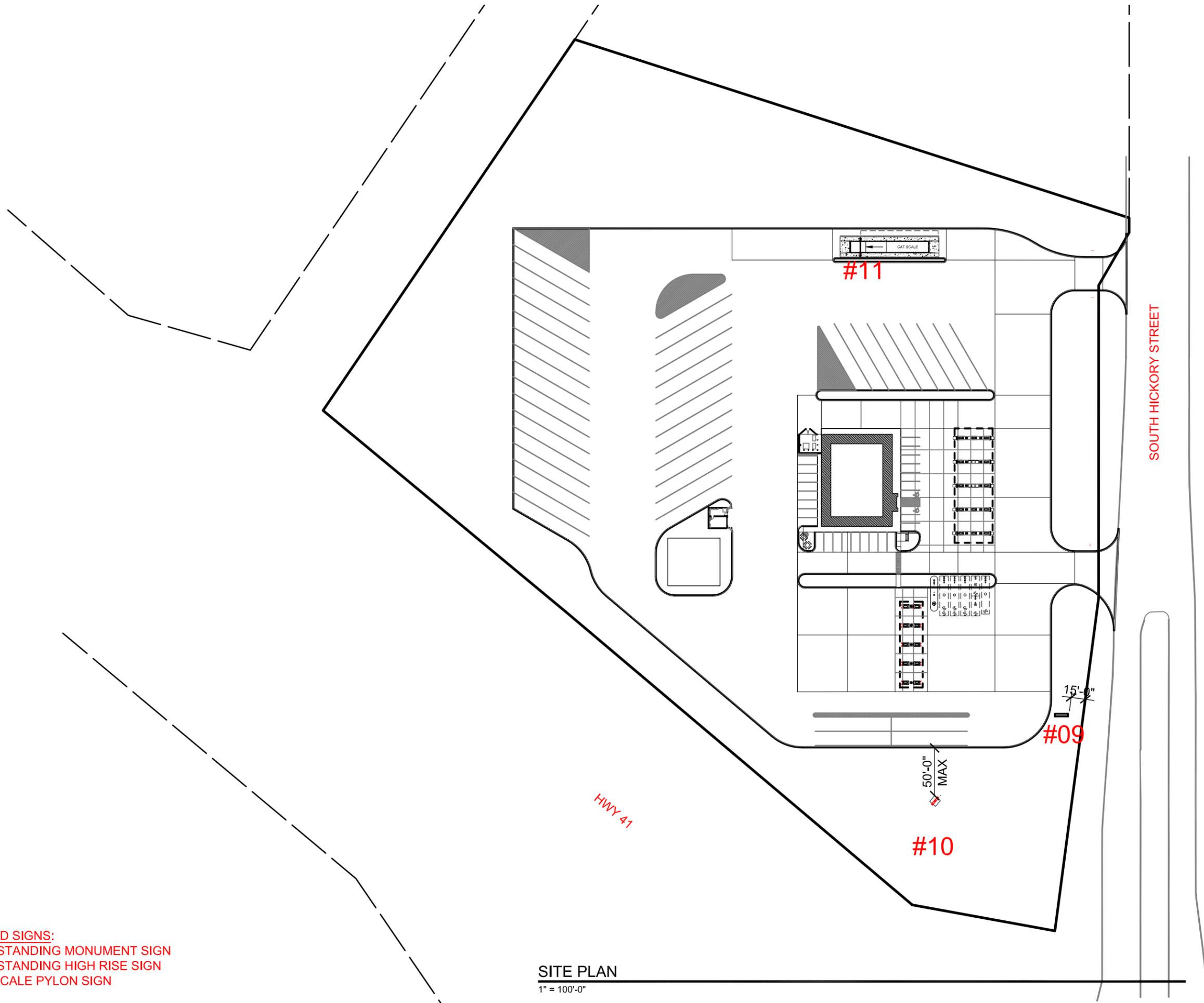
Increase allowable sign area from 200 sq. ft. 381.75 sq. ft.

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

APPEAL 2014-04 – KWIK TRIP  
SOUTH HICKORY STREET







SOUTH HICKORY STREET

HWY 41

**PROPOSED SIGNS:**  
 #09 FREESTANDING MONUMENT SIGN  
 #10 FREESTANDING HIGH RISE SIGN  
 #11 CAT SCALE PYLON SIGN

**SITE PLAN**  
 1" = 100'-0"



**STORES**



**STORES**

KWIK TRIP, Inc.  
 P.O. BOX 2107  
 1626 OAK STREET  
 LA CROSSE, WI 54602-2107  
 PH. (608) 781-8988  
 FAX (608) 781-8960

**SITE PLAN - VARIANCE**  
**CONVENIENCE STORE #242**  
**W/ SIDE DIESEL AND CNG**  
 HWY 41 AND SOUTH HICKORY ST  
 FOND DU LAC, WI

#	DATE	DESCRIPTION
▲	01/27/14	REVISION 1
▲	01/31/14	REVISION 2
▲	02/10/14	REVISION 3
▲	02/12/14	REVISION 4

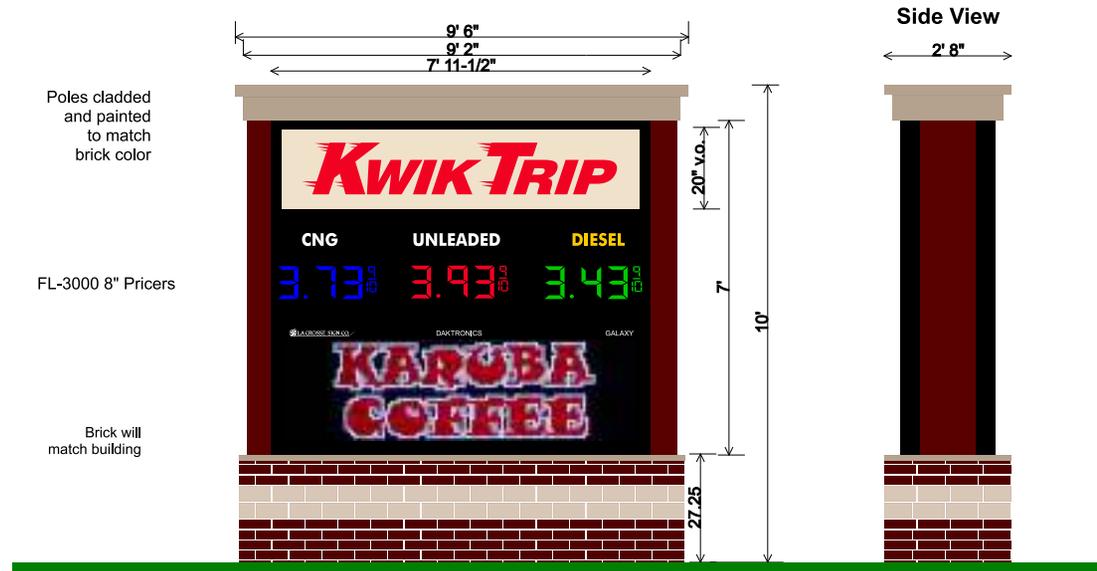
DRAWN BY J.OSGOOD  
 SCALE MULTIPLE  
 PROJ. NO. 0001  
 DATE 2014-01-21  
 SHEET **SP2**



# KWIK TRIP

#242 Fond du Lac, WI

Sign Cabinet SF 55.70  
Total Structure SF: 95 SF



\*COLORS ON SKETCH ARE A REPRESENTATION, ACTUAL COLOR MAY DIFFER



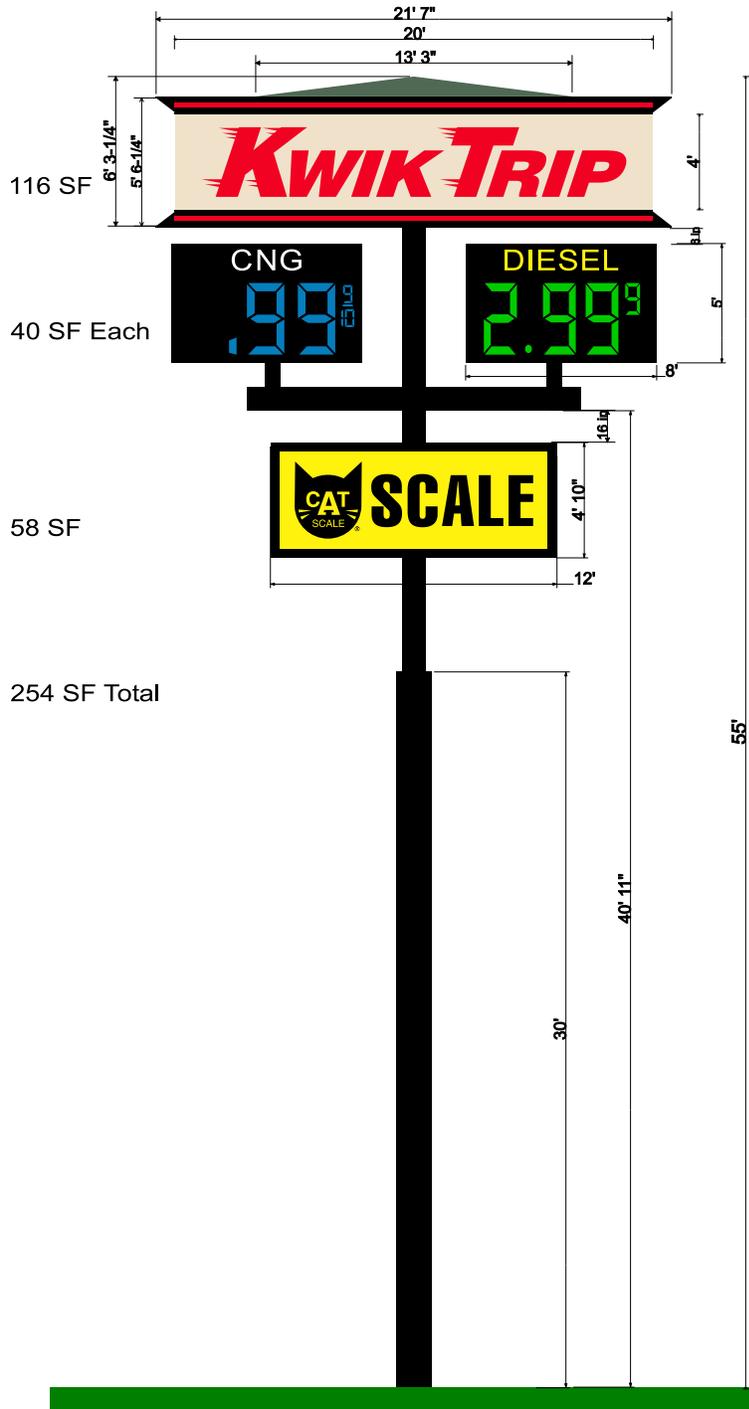
Date: 1-28-2014  
Artist: Danielle Waas  
Order #: 77431  
Sales: Cindy Bluske  
Scale: 1/4"=1'

KWIK TRIP\Fond Du Lac/New Site\Design\Art 77431 Monument-2

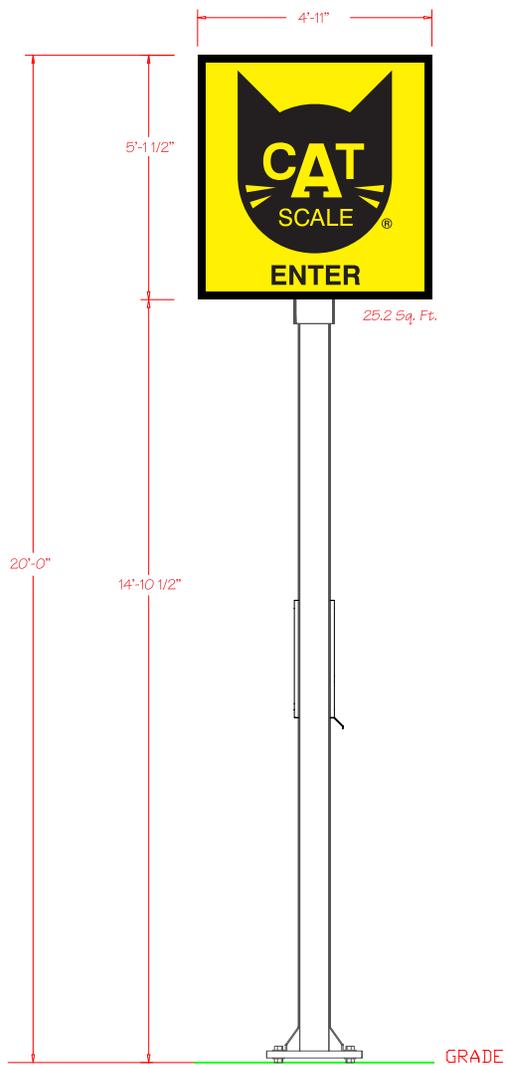
© Copyrighted Artwork

This artwork is copyrighted and may not be otherwise used without permission. It is the property of La Crosse Sign Co., inc., and must be returned to them.

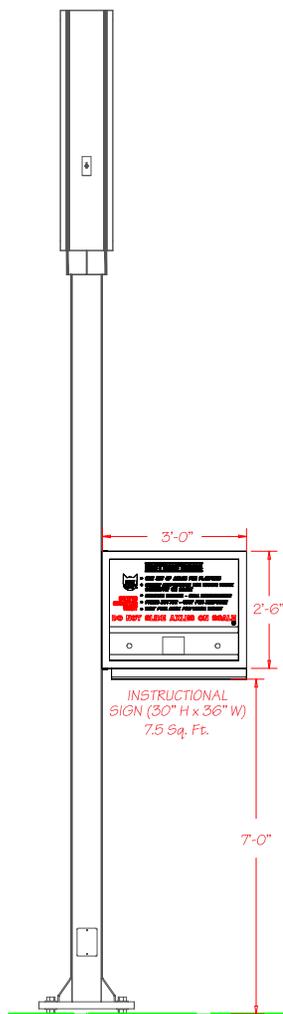
APPROVED BY: \_\_\_\_\_



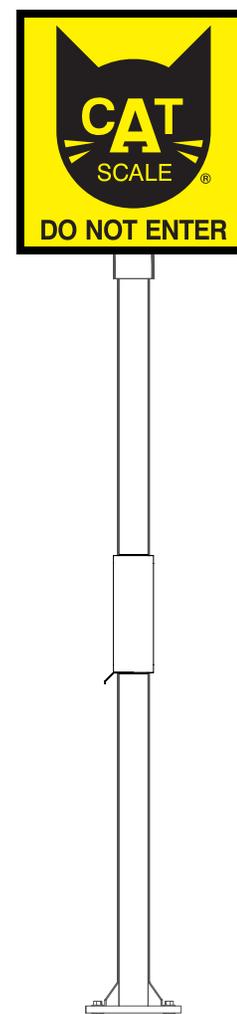
ENTER SIDE



END VIEW



EXIT SIDE



SIGN #11  
(AT SCALE LOCATION)



5130 PARK AVENUE  
DES MOINES, IA 50321  
515-243-5663 • FAX: 515-243-5313  
TOLL FREE: 800-307-8186  
www.eaglesign.net

NAME: CAT SCALE - FOND DU LAC, WI

SKETCH #: 0214-15596-01\_CAT\_TRUCKSTOP

APPROVAL: X

DATE: X

SCALE: 1/4" = 1' | DESIGNER: CRN

REVISIONS:  
(#1) 2/13/14 - POLE HEIGHT/DIMS/NOTES

THIS IS A CONCEPTUAL  
DRAWING. FINAL PRODUCT  
MAY VARY. THIS ARTWORK  
IS PROPERTY OF  
**EAGLE SIGN CO.** AND  
MAY NOT BE REPRODUCED



# board of appeals memorandum

**Date:** February 26, 2014  
**To:** Board of Appeals  
**From:** Joellyn Dahlin, Principal Planner  
**Subject:** Appeal No. 2014-04

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**Location:** S Hickory Street (FDL-15-17-41-004-01)

**Applicant:** Ryan Roberts o/b/o Kwik Trip, Inc.

**Zoning:** Site: B-5 (Special Commercial)  
North: B-5  
South: M-2 (Manufacturing)  
East: M-2  
West: M-2

**Land Use:** Site: Vacant Land  
North: Agnesian Clinic  
South: USH 41  
East: International Paper Company  
West: Wild Goose State Trail

**Request:** Increase allowable number of ground signs and ground sign area, and increase maximum height of freestanding lights.

## Analysis

The subject property 10.09-acre property is located at the northwest quadrant of USH 41/Hickory Street interchange. The construction of a Kwik Trip convenience store/truck stop with gasoline, diesel and compressed natural gas fueling capabilities, along with a certified truck scale, is planned. The new development will serve local customers and industry, along with those traveling the Highway 41 corridor. Exceptions to sign regulations and allowable light pole height for the new use are requested.

The allowable light pole height for freestanding lights of a gas station is 18 feet. The variance request proposes an increase to 30 feet. The limitation on light pole height is intended to protect neighboring land uses from unwanted glare or light pollution and it is particularly important when a commercial property adjoins a residential property. In this case the property is situated on the fringe of an industrial area and next to a major highway. Compliance with the height limitation in this case serves no reasonable purpose.

Zoning regulations allow one ground sign for a property. The variance request proposes three ground signs: A 'hi-rise' pole sign visible to USH 41, a monument sign on Hickory Street, and a pole sign for the CAT truck scale.

The subject property is located in the B-5 zoning district and also the Highway 41 Special Sign District. In the B-5 district ground sign area is based on the linear dimension of the main building façade, with a maximum size of 150 square feet; allowable sign height is 20 feet. In the Special Sign District allowable sign size is based on lot frontage, with a maximum area of 200 square feet. Allowable sign height is 55 feet.

'HI-RISE' POLE SIGN. The purpose of the 'hi-rise' sign is for site visibility to traffic on USH 41. The proposed sign is a monopole structure 55 feet in height. The structure includes individual sign boxes to identify Kwik Trip, fuel prices and the CAT scale. Total area of the sign is 254 square feet.

MONUMENT SIGN. The proposed monument sign is a brick structure to match the convenience store building. The sign is 10 feet in height and has an area of 95 square feet.

CAT SCALE SIGN. The third ground sign is intended to provide directional and locational information for a truck scale. The proposed CAT scale sign is 20 feet in height. The principal cabinet of the sign is 25.2 square feet in area. A secondary sign is 7.5 square feet and provides instructional information for use of the scale.

The property size, land use of multiple services and site location adjacent to a highway support multiple ground signs. The proposed monument sign size would comply with sign regulations for size and height as a single sign for the property. Similarly, the CAT scale sign would comply with sign regulations for size and height as a single sign. The proposed hi-rise sign complies with height

regulations but exceeds allowable size. The increase of sign area reflects the multiple services offered on the property and visibility to the motoring public. The proposed sign size is comparable to other signs along USH 41 within the city limits.

Approval of the variance request would not cause a negative impact on any nearby property nor would it give undue privilege to the petitioner. Favorable consideration of the requested exceptions are 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.**

Exceptions to sign regulations and light pole height are warranted due to property size, land use and site location at a highway interchange.

### **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 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.
5. Temporary exterior signage including banners, balloons, flags, pennants, inflatable devices, etc. are prohibited. One grand opening display is permitted for a 15-day period upon issuance of a permit from the Building Inspector.

Public Notification - Kwik Trip  
Hickory Street (FDL-15-17-21-41-004-01)

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-21-42-253-00	944 VANDERPERREN WY	GREEN BAY	WI	54304	60 HOLLANDER CT
FDL-15-17-21-41-005-00	PO BOX 7921	MADISON	WI	53707	
FDL-15-17-21-41-004-01	PO BOX 128	BROWNSVILLE	WI	53006	0 S HICKORY ST
FDL-15-17-21-41-004-01	PO BOX 128	BROWNSVILLE	WI	53006	0 S HICKORY ST
FDL-15-17-21-41-002-02	430 E DIVISION ST	FOND DU LAC	WI	54935	912 S HICKORY ST
FDL-15-17-21-44-999-00	19300 N PONDEROSA CT	SURPRISE	AZ	85387	191 W ROLLING MEADOWS DR
FDL-15-17-21-44-754-00	19300 N PONDEROSA CT	SURPRISE	AZ	85387	0 MERWIN WAY
FDL-15-17-21-44-753-00	19300 N PONDEROSA CT	SURPRISE	AZ	85387	0 MERWIN WAY
FDL-15-17-21-41-001-00	PO BOX 1939	FOND DU LAC	WI	54936	406 W PIONEER RD
FDL-15-17-21-13-500-00	PO BOX 1939	FOND DU LAC	WI	54936	600 W PIONEER RD
FDL-15-17-22-32-256-00	PO BOX 2118	MEMPHIS	TN	38101	981 S HICKORY ST
FDL-15-17-21-43-507-00	6250 N RIVER RD	ROSEMONT	IL	60017	0 S ROLLING MEADOWS DR

# ZONING PETITION - VARIANCE



CITY OF FOND DU LAC

**ADDRESS OF VARIANCE REQUEST:** 212 Forest Ave

Tax Key Number if vacant land: \_\_\_\_\_

Petitioner: Richard Sorenson (Name) 76 N. Butler St (Address)

Petitioner Phone Number: \_\_\_\_\_

Petitioner Email: \_\_\_\_\_

Property Owner: Bald Eagle Properties (Name) 212 Forest Ave (Address)  
(If not the same as Petitioner)

## 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:

*If Richard Sorenson am requesting a variance for having a dealers license for sales of vehicles at 212 Forest Ave. I have a repair facility and office on site as well as inside and outside parking I have all the other issues "Permits" taken care of and paid for.*

## 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:

*212 Forest Ave is zoned industrial but we do have a repair facility and office on location as well as inside and outside parking My Permits Require that I have a bond for the property, and I do I have gone through all the guidelines of having a dealers license*

Petitioner Signature: Richard Sorenson

**APPEAL NO.** 2018-05

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

*I'm only going to have 3 cars at a time for sale.*

*and this is the one thing preventing me from doing so. I would like to get my sales permit*

# V A R I A N C E   P E T I T I O N



APPEAL No. 2014-05

BOARD OF APPEALS MEETING: March 3, 2014

Location: 212 Forest Avenue

Petitioner: Richard Sorensen

## FOND DU LAC ZONING CODE REGULATIONS:

Section 11.09 C. Schedule III does not allow the sale of automobiles as a permitted or special land use in the M-2 (Manufacturing) zoning district.

## PROPOSAL:

Retail sale of automobiles as a secondary use of property on land zoned for industrial use.

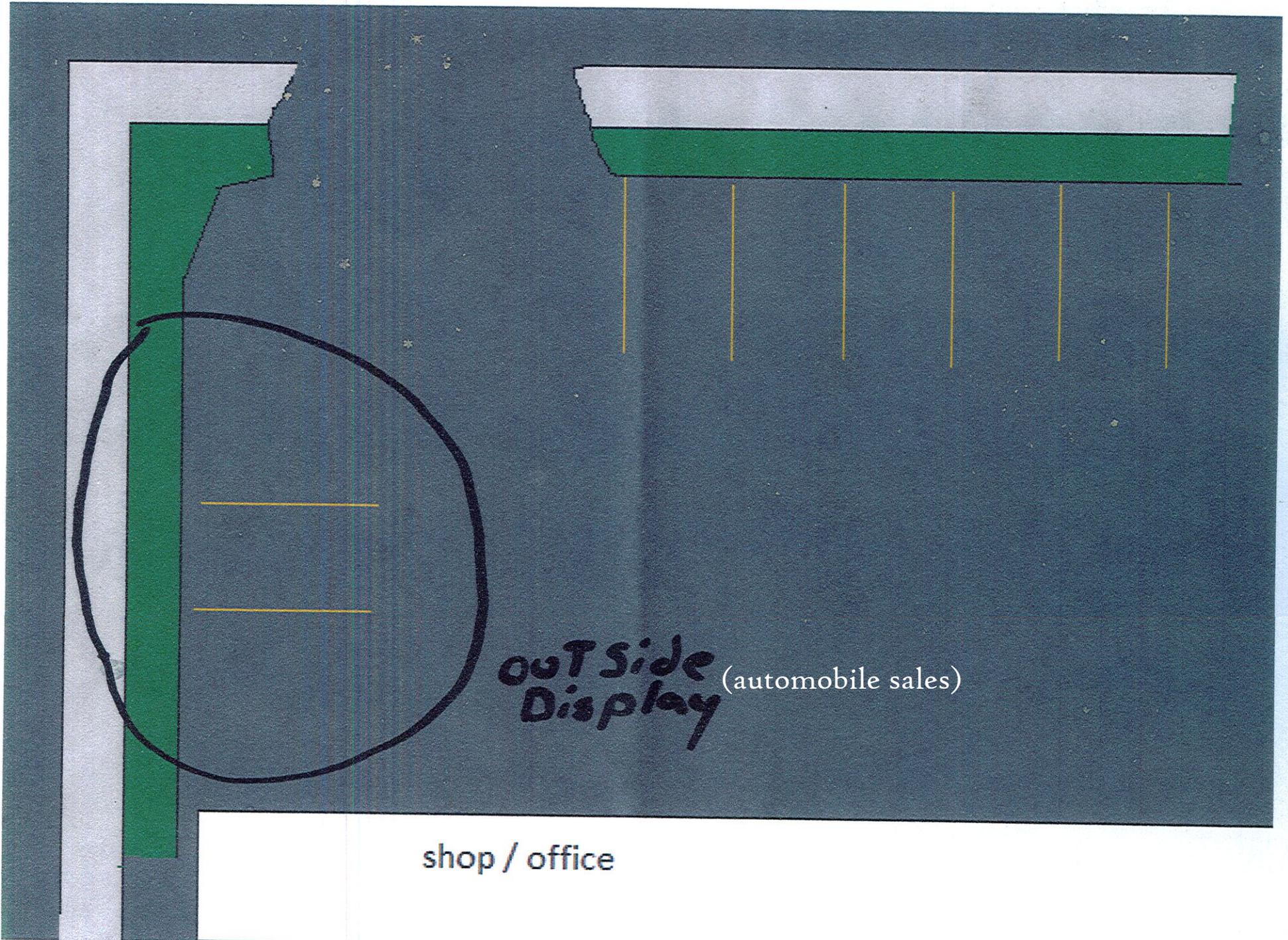
APPEAL NO. 2014-05 – SORENSEN  
212 FOREST AVENUE



APPEAL NO. 2014-05 – SORENSEN  
212 FOREST AVENUE

BROOKE STREET VIEW – LOOKING WEST





shop / office

Outside Display (automobile sales)

# board of appeals memorandum

**Date:** February 26, 2014  
**To:** Board of Appeals  
**From:** Joellyn Dahlin, Principal Planner  
**Subject:** Appeal No. 2014-05

---

**Location:** 212 Forest Avenue

**Applicant:** Richard Sorensen

**Zoning:** Site: M-2 (Manufacturing)  
North: M-2  
South: M-2  
East: B-4 (Service Commercial)  
West: M-2

**Land Use:** Site: Automotive Repair Facility  
North: Former Wells Manufacturing  
South: New Warehouse  
East: Former FDL Train Depot  
West: FDL River

**Request:** Exception to allowable use of property in manufacturing district.

## Analysis

The subject property is zoned for manufacturing use and includes a large building formerly used for manufacturing purposes. The property currently accommodates an automotive repair business. The existing business is a permitted use under the property's M-2 zoning. An exception to allowable land uses in the M-2 district is requested to allow the retail sale of vehicles incidental to the repair business.

The petitioner proposes to offer the sale of automobiles as a component of his business. The sales operation would be a small part of the overall business and the area reserved for the display of vehicles is minor, only three or four spaces in the existing parking lot.

In considering a reasonable land use, the property's zoning, existing development and surrounding zoning and land uses are factors to be weighed. The property is in an area of mixed land uses and is on the fringe of an industrial/commercial corridor. Properties on the west side of Brooke Street are zoned for industrial use, while properties on the east side are zoned for commercial use. An automobile sales lot is a permitted land use in the nearby commercial district and would be allowed on property across the street from the petitioner's site.

Approval of the requested exception will not have undue effect on any nearby property nor would it compromise the intent of zoning regulations. A conditional approval will assure a land use appropriate for the 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 location of the property, the nature of the existing development and the mix of surrounding zoning and land uses support approval of the requested exception.

#### **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 accounts of circumstances, a reasonable consistency between decisions would be appropriate.

<b>Recommendation</b>
-----------------------

**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 location of the property, the nature of the existing development and the mix of surrounding zoning and land uses.

Conditions of approval shall include:

1. The display of vehicles for sale shall be parked in an orderly manner on site within the paved parking area. No vehicles shall be parked or stored on any lawn or landscape area, or on the public right-of-way, regardless of duration (i.e. temporary or long term.)
2. All vehicle service, repair and customizing activities shall be performed within the interior of the building. No service and/or repair activities shall occur outside of the building, regardless of the activity or duration (i.e. short term, temporary or long term).
3. The outdoor storage of tires, equipment, automotive parts, junk, dismantled vehicles and/or partially dismantled vehicles is prohibited.
4. The property shall be continuously maintained in a neat and clean condition.
5. The sale of automobiles shall be in compliance with State of Wisconsin Department of Transportation requirements.

## Public Notification - Sorensen 212 Forest Avenue

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-15-21-038-00	W4060 ASPEN COURT	FOND DU LAC	WI	54935	110 S BROOKE ST
FDL-15-17-15-21-037-00	212 FOREST AVE	FOND DU LAC	WI	54935	212 FOREST AVE
FDL-15-17-10-34-787-00	160 S MACY ST	FOND DU LAC	WI	54935	12 S BROOKE ST
FDL-15-17-10-34-810-00	160 S MACY STREET	FOND DU LAC	WI	54935	0 HAMILTON PL
FDL-15-17-10-34-829-00	160 S MACY ST	FOND DU LAC	WI	54936	179 FOREST AVE
FDL-15-17-10-34-830-00	PO BOX 150	FOND DU LAC	WI	54936	185 FOREST AVE
FDL-15-17-10-34-785-00	380 LEDGEWOOD DR	FOND DU LAC	WI	54937	251 FOREST AVE
FDL-15-17-15-21-036-00	105 S BROOKE ST	FOND DU LAC	WI	54935	105 S BROOKE ST
FDL-15-17-15-21-039-00	17461 S ASHLAND AVE	HOMEWOOD	IL	60430	0 W 2ND ST
FDL-15-17-15-21-045-00	17461 S ASHLAND AVE	HOMEWOOD	IL	60430	0 W 2ND ST
FDL-15-17-15-21-040-00	1 ADMINISTRATION RD FL#1				0 FOREST AVE
FDL-15-17-15-21-043-00	1 ADMINISTRATION RD FL#1				256 FOREST AVE

# ZONING PETITION - VARIANCE



CITY OF FOND DU LAC

**ADDRESS OF VARIANCE REQUEST: 130 S. Main St.**

Tax Key Number if vacant land: \_\_\_\_\_

Petitioner: National Exchange Bank & Trust  
(Name)

(Address)

Petitioner Phone Number: [REDACTED]

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:

The B3 district does not allow ground signage or electronic message centers. We currently have ground signs and would like to update the signs with the size and location as existing.

## 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:

**The property is unique in the downtown district because of its size and area for ground sign. We need to identify the building at a couple locations and advertise our business.**

Petitioner Signature: [Handwritten Signature]

**APPEAL NO.** 2014-06

# V A R I A N C E   P E T I T I O N



APPEAL No. 2014-06

BOARD OF APPEALS MEETING: March 3, 2014

Location: 130 South Main Street

Petitioner: National Exchange Bank & Trust

## FOND DU LAC ZONING CODE REGULATIONS:

Section 11.12 I. Schedule V. does not allow ground signs in the B-3 district.

Section 11.12 D.7.a. prohibits electronic message boards and manual changeable copy signs in the B-3 zoning district.

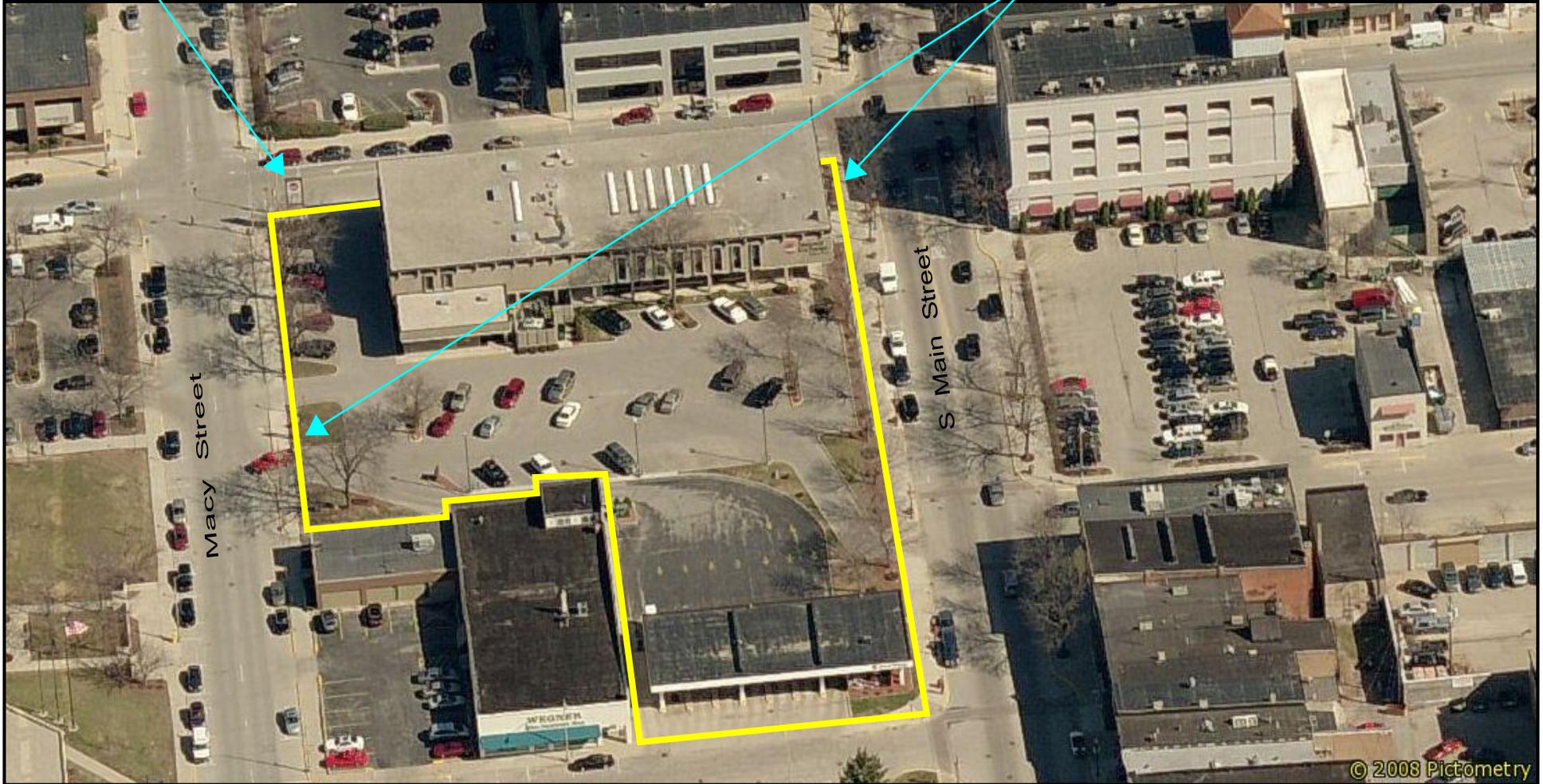
## PROPOSAL:

Remove and replace two existing nonconforming ground signs, and install electronic message center as an element of an existing ground sign.

APPEAL NO. 2014-06 – NATIONAL EXCHANGE BANK & TRUST  
130 SOUTH MAIN STREET

replace ground sign & add single face EMC

replace ground sign



# EXISTING GROUND SIGN - MAIN STREET



# NEW (REPLACEMENT) GROUND SIGN - MAIN STREET

24"x144" single-sided lighted sign.  
 Aluminum cabinet with routed aluminum face,  
 painted duranodic with  
 brushed aluminum accents, White and red logo.



Option for wrap-around accents on convex cabinet



Top view

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DRAWN BY: CHECK BY: DWG FILE NAME: 261404 Template	TITLE: National Exchange Bank & Trust DRAWN DATE: 2.17.2014 DRAWN BY: 5 SCALE: NTS
PROJECT DESCRIPTION: Layout for approval	

# EXISTING GROUND SIGN - MACY/SECOND STREET



# NEW (REPLACEMENT) GROUND SIGN - MACY/SECOND STREET



Concept A  
Single-sided convex aluminum cabinet with routed face, painted duranolic, wrap-around brushed aluminum accents, 84"x10" blade accents on top



EzView 20mm  
64x96 RGB  
EMC

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DRWS BY: <i>[Signature]</i>	TITLE: National Exchange Bank & Trust
DRWD BY: <i>[Signature]</i>	
DRAWN NAME: 201404 TerryLester	DATE: 1.22.2014
PROJECT DESCRIPTION:	SCALE: NTS

PROJECT DESCRIPTION: Layout for approval

# EXISTING DIRECTIONAL GROUND SIGN - MACY STREET



# NEW (REPLACEMENT) DIRECTIONAL GROUND SIGN – MACY STREET



42"x39.75" non-lighted aluminum sign cabinet,  
 painted duranodic with brushed aluminum accents.  
 (Option for wrap-around or convex)  
 Red and white cut vinyl logo and copy.

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DRAWN BY:	TITLE: National Exchange Bank & Trust		
CHKD BY:	DATE: 2.17.2014	DRAWN RSK: 5	SCALE: NTS
PROJECT DESCRIPTION: Layout for approval			

# board of appeals memorandum

**Date:** February 26, 2014  
**To:** Board of Appeals  
**From:** Joellyn Dahlin, Principal Planner  
**Subject:** Appeal No. 2014-06

---

**Location:** 130 South Main Street

**Applicant:** National Exchange Bank & Trust

**Zoning:** Site: B-3 (Central Shopping)  
North: B-3  
South: B-3  
East: B-3  
West: O (Office)

**Land Use:** Site: National Exchange Bank & Trust  
North: Downtown Businesses  
South: Veterans Park  
East: Downtown Businesses  
West: City County Government Center

**Request:** Replace nonconforming ground signs; add electronic message center.

## Analysis

The subject property is located in the B-3 (Central Shopping) zoning district. Ground signs and electronic message center signs are not permitted in this district. Three ground signs currently serve the property. An existing sign on Main Street has been in place for a number of years, as has the pole sign that is located at the corner of Macy and Second Streets. A third sign for the bank is located on Macy Street near a driveway entrance.

Replacement of the three signs with no change in area or height is proposed. The variance request affects replacement of the Main Street sign and the Macy/Second Street sign. The variance request also affects the inclusion of an electronic message center as a new element of the Macy/Second

Street sign. The sign located on Macy Street near the driveway was approved by the Board of Appeals in 2005; replacement of the sign with the same area and height does not require further action.

In addition to zoning regulations of the B-3 district, the property is affected by regulations of the Downtown Design Overlay District. The Downtown Design Overlay District sets standards for sign design including color, materials and illumination. The appearance of the new signs is subject to approval by the Downtown Architectural Review Board. The DARB will review the proposal at its meeting of March 4<sup>th</sup>.

The subject property is not typical of most lots in the downtown, which are usually small and narrow with buildings at the property line. Most downtown properties do not provide site area for a ground sign. The subject property is 1.59-acres in size and includes frontage on four streets: Main, Second, Macy and Court. Reflective of the property circumstances, and considering the circumstances of existing ground signs, replacement of the existing signs with the same size and height is reasonable.

Property circumstances must also be considered to allow the use of an electronic message center as a new element of one of the signs. A single-face EMC is proposed within the lower sign area of the Macy/Second street sign. Design regulations in the downtown do not allow electronic message center signs because of appearance, lighting, material and function. This type of sign for a typical downtown property – and particularly for a site on Main Street - detracts from the character of the downtown. Considering that proposed electronic message center would be situated on a sign that is one block away from Main Street, it will not have an effect on the overall appearance of the downtown business district.

Favorable consideration of the requested exceptions is recommended.

<b>Statement of Hardship</b>
------------------------------

**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 substantial property size with frontage on four streets, and the intended purpose of the signs for business identification, supports approval of an exception to sign regulations.

### **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 property size and location.

Conditions of approval shall include:

1. Sign design, including colors, materials and illumination is subject to approval by the Downtown Architectural Review Board.

## Public Notification - National Exchange Bank & Trust 130 S Main Street

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-15-11-053-00	50 E 1ST ST APT 204	FOND DU LAC	WI	54935	17 E 2ND ST
FDL-15-17-15-11-052-00	28 4TH ST	FOND DU LAC	WI	54935	15 E 2ND ST
FDL-15-17-15-12-287-00	N8485 HWY 45	BIRNAMWOOD	WI	54414	173 S MAIN ST
FDL-15-17-15-12-273-00	123 S MAIN ST	FOND DU LAC	WI	54935	123 S MAIN ST
FDL-15-17-15-12-271-00	N8389 SALES RD	VAN DYNE	WI	54979	119 S MAIN ST
FDL-15-17-15-12-283-01	N8389 SALES RD	VAN DYNE	WI	54979	161 S MAIN ST
FDL-15-17-15-12-286-00	N8389 SALES RD	VAN DYNE	WI	54979	171 S MAIN ST
FDL-15-17-15-12-302-00	118 S MAIN ST	FOND DU LAC	WI	54935	118 S MAIN ST
FDL-15-17-15-12-301-00	116 S MAIN ST	FOND DU LAC	WI	54935	120 S MAIN ST
V07-15-15-02-05-030-00	130 S MAIN ST	ROSENDALE	WI	54970	130 S MAIN ST
FDL-15-17-15-12-289-00	177 S MAIN ST	FOND DU LAC	WI	54935	177 S MAIN ST
FDL-15-17-15-12-300-00	80 SHEBOYGAN ST	FOND DU LAC	WI	54935	1 W 2ND ST
FDL-15-17-15-12-274-00	PO BOX 310	FOND DU LAC	WI	54936	9 E 2ND ST
FDL-15-17-15-12-297-00	15 COURT ST	FOND DU LAC	WI	54935	15 COURT ST
FDL-15-17-15-12-279-00	130 S MAIN ST	FOND DU LAC	WI	54935	143 S MAIN ST
FDL-15-17-15-12-299-00	130 S MAIN ST	FOND DU LAC	WI	54935	130 S MAIN ST
FDL-15-17-15-12-275-00	103 S MAIN ST	OAKFIELD	WI	53065	131 S MAIN ST
FDL-15-17-15-11-083-00	65 SUNSET CIR	FOND DU LAC	WI	54935	16 E 2ND ST
FDL-15-17-15-11-084-00	65 SUNSET CIR	FOND DU LAC	WI	54935	14 E 2ND ST
FDL-15-17-15-12-288-00	175 S MAIN ST	FOND DU LAC	WI	54935	175 S MAIN ST
FDL-15-17-15-12-338-00	W3404 ARTESIAN RD	FOND DU LAC	WI	54937	33 W 2ND ST
FDL-15-17-15-12-284-00	169 S MAIN ST	FOND DU LAC	WI	54935	167 S MAIN ST
FDL-15-17-15-12-285-00	169 S MAIN ST	FOND DU LAC	WI	54935	169 S MAIN ST
FDL-15-17-15-12-292-00	118 E MERRILL AVE	FOND DU LAC	WI	54935	191 S MAIN ST