

# BOARD OF APPEALS AGENDA

October 6, 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. August 4, 2014

## III. HEARINGS

- A. Appeal No. 2014-16  
222 Oak Street  
Brinda Birkholz

### **Zoning Code Regulation:**

Chapter 720 Schedule VI, Land Uses or Activities - Manufacturing Districts, does not allow a photography studio as a permitted land use.

### **Variance Request:**

Operate photography studio in existing warehouse building on property zoned for manufacturing use.

- B. Appeal No. 2014-17  
416 N Rolling Meadows Drive  
Holiday Mazda

### **Zoning Code Regulation:**

Chapter 720 Schedule VIII, Design Standards & Specifications for Signs, allows a maximum sign height of 20 feet in the C-2 district.

### **Variance Request:**

Increase allowable sign height from 20 feet to 30 feet for replacement of existing noncompliant ground sign.

**BOARD OF APPEALS AGENDA**

October 6, 2014

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C. **Appeal No. 2014-18**

151 E 1<sup>st</sup> Street

City of Fond du Lac Senior Center

**Zoning Code Regulation:**

Chapter 720 Schedule III, Bulk Requirements - Residential Districts, requires a 30' side yard building setback for a non-residential use in any residential zoning district.

**Variance Request:**

Reduce east side yard setback from 30 feet to 8 feet for construction of storage shed.

**IV. ADJOURN**

# BOARD OF APPEALS MINUTES

August 4, 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: - Jerry Lauby  
Eric Drazkowski  
Howard Floeter  
Jeffrey Butzke  
Dan Hebel  
Scott Block

Absent: - Kirsten Quam (excused)  
Matthew Schoenleber (excused)  
John Piper (excused)

Administrative Staff: Joellyn Dahlin, Principal Planner

Acting Chairperson Floeter declared a quorum present.

## APPROVAL OF MINUTES

### June 2, 2014

Motion made by Lauby to approve the minutes of the regular meeting of June 2, 2014 of the Board of Appeals as presented.

Seconded by Hebel.

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

Carried.

**BOARD OF APPEALS MINUTES**

August 4, 2014

Page 2

**HEARINGS**

**Appeal No.2014-13**

168 Hamilton Place

Fox Valley Savings Bank

**Zoning Code Regulation:**

720 Schedule II, Land Uses or Activities Residential Districts, does not allow a garage or miniwarehouse building as a principal land use in the R-4 zoning district.

**Variance Request:**

Use existing residential garage buildings for commercial rental storage units.

Appeared in Support:

Attorney Sam Kaufman, (Fox Valley Savings Bank) Waupun, WI

Appeared to Gather Information:

Shirley Ries, 55 N Military Rd., Fond du Lac

Motion made by Butzke to approve the variance request based on staff findings and because regulated and restricted use of the property would be in the best interest of the neighborhood.

Conditions of approval shall include:

1. Use of the buildings shall be limited to six storage units per building in the existing configuration. The buildings shall not be altered or modified to change the number of storage units. The addition of water, electrical or plumbing facilities is not permitted. The buildings shall not be altered to provide additional overhead or service doors on any façade.
2. Driveway access to the properties at 171 Forest Avenue (FDL-15-17-10-34-827-00) and 177 Forest Avenue (FDL-15-17-10-34-828-00) shall be provided in perpetuity with an ingress/egress easement recorded as part of a property survey for 168 Hamilton Place. Proof of such easement shall be provided to the Community Development Department within 10 days of variance approval.

**BOARD OF APPEALS MINUTES**

August 4, 2014

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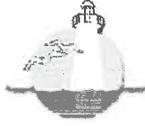
3. Driveway and pavement area shall be limited to one driveway on Hamilton Place to serve both buildings. Maximum driveway width shall not exceed 20 feet. The installation of pavement on the north, east or west sides of the buildings is prohibited.
4. Parking of vehicles owned or used by tenants of the storage units shall be limited to the temporary duration of the visit and shall not restrict or impeded access to the residential dwelling at 171 and 177 Forest Avenue.
5. Trees shall be planted in the side yard area east of the easterly building. Minimum spacing shall be 20 feet. Minimum caliper of a deciduous tree shall be 2.5"; evergreen trees shall be a minimum of 5' height at the time of planting. Trees shall be installed within 10 days of variance approval and shall thereafter be continuously maintained in a healthy growing condition.
6. Signage other than property address identification is prohibited. Temporary banners and other advertising devices shall be prohibited.
7. Outdoor storage of any kind - temporary or permanent - shall be prohibited. This restriction shall include boats, motor homes, trailers, recreational equipment, machinery, and similar vehicles, equipment and items.
8. Use of the buildings shall be strictly limited for storage purposes. The building shall not be used for residential, commercial or industrial activities including, but not limited to, habitable living space, workshop/repair, merchandise sales. No repair/maintenance/painting of vehicles shall be permitted; this restriction includes vehicles of any tenant or related party.
9. Exterior lighting shall be restricted to residential-scale fixtures wall mounted on the interior-facing building facades and/or the south facades. No freestanding lights shall be







CITY OF FOND DU LAC  
**ZONING PETITION - VARIANCE**



PROPERTY ADDRESS OF VARIANCE REQUEST: 222 Oak St  
Tax Key Number (Vacant Land):

Petitioner: Brindah Birkholz 272 5th St. Fond du Lac, WI 54935  
(Name) (Address)

Petitioner Phone Number: [REDACTED]

Petitioner Email: [REDACTED]

Property Owner: Robert J. Gross 220 Oak St Fond du Lac, WI 54935  
(If not the same as Petitioner) (Name) (Address)

**PROPOSAL**

A variance is an exception to a requirement of the zoning code.  
Describe the requested code exception(s) for your variance request:

The building I'm looking to occupy is zoned M-1. I would like to open a photography studio in a 2 room section at 222 Oak St which would require a different zoning/variance.

**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 physical condition of your property that makes compliance with zoning regulations difficult or impossible:**

I had Guy Fox walk through my section of the property. He said everything is up to code except the exit sign. I contacted Robert and he is having Leasa Electric instal a uptodate exit sign and emergency light on Thursday September 25th, 2014.

Petitioner Signature: Brindah Birkholz

Submit application package (application/site plan/photos/filing fee) to the Community Development Office  
(4<sup>th</sup> floor, City-County Government Center)

I have been running a photography studio out of my home for the past 2 years as a part time job. Most of my photography is done outdoors at different locations around Fond du Lac and surrounding areas. I would like to make this my fulltime job but I need a studio location to offer my clients a place to come for indoor portraits during the winter months. The location at 222 Oak St caught my eye as a well up-to-date building. The different fronts of the building and beautiful gardens make this building a beautiful gem for Fond du Lac.

I plan to take occupancy at the location for my business Oct 7<sup>th</sup> 2014 if this variance goes through. I would be the only employee at my place of business. My hours of operation will be by appointment only until business picks up and I get my name out to the public more. My plan is to hopefully quit my day job come this spring which is when the studio gets really busy. At that time I will have business hours which an estimate would be Monday – Friday 9am to 5pm, Saturdays by appointment only.

Studio B Portraits does mostly wedding and senior portraits. By renting this space for my studio I'm looking to offer more family, children and infant photography to grow my business.

Thank you for your time ☺



Brindah Birkholz

[www.facebook.com/studiob2012](http://www.facebook.com/studiob2012)

APPEAL NO. 2014-16 – 222 OAK STREET



222 OAK STREET

STREET VIEW (OAK STREET) LOOKING WEST



LOCATION PLAN  
NO SCALE



CITY OF FOND DU LAC

GROSS CONSTRUCTION CO., INC.

Bedroom

Bath

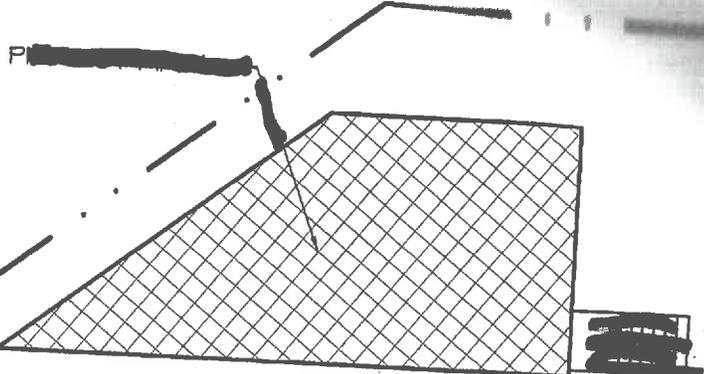
Stairs

222 Oak

OAK STREET

OAK PLACE

P





*This is the section of the building Studio B will be occupying  
457 total sq ft*



*2 parking spaces for Studio B Portraits*

# board of appeals memorandum

**Date:** October 1, 2014  
**To:** Board of Appeals  
**From:** Joellyn Dahlin, Principal Planner  
**Subject:** Appeal No. 2014-16

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**Location:** 222 Oak Street  
**Applicant:** Brindah Birkholz  
**Zoning:** Site: M-1 (Manufacturing)  
North: O (Office)  
South: O (Office)  
East: R-3 (Central Area Residential)  
West: O (Office)  
**Land Use:** Site: Former Gross Construction Co.  
North: Riverview Apts/FDL County Sheriff-Jail  
South: Undeveloped Land  
East: Residences  
West: FDL River

## Variance Request

### Zoning Code Regulation:

Chapter 720 Schedule VI, Land Uses or Activities – Manufacturing Districts, does not allow a photography studio as a permitted land use.

**Proposal:** Operate photography studio in existing warehouse building on property zoned for manufacturing use.

## Analysis

The subject property is an industrial building zoned for manufacturing use. The building is the former site of a contractor's facility for Gross Construction Company. The owner of the construction company retained ownership of the property; however, the construction business has not been

operational for a number of years. The petitioner would like to occupy a small area of the building for use as a photography studio and requests an exception to uses permitted in the M-1 (Manufacturing) district.

The property's zoning, the nature of the existing building and property development, and surrounding zoning and land uses must be considered in evaluating the proposed use. In the situation of a typical manufacturing district, a commercial business is not appropriate. Manufacturing uses are large scale in operation and generate significant truck traffic. Business uses generate significant customer visits and require large areas of on-site parking.

The subject property is not a typical industrial property. Reflective of the building size and its location in an area of mixed land uses, the property could potentially accommodate a use not otherwise permitted by the existing zoning designation. Specific to the proposed use, the photography studio would not generate a high traffic demand typical of a retail business or professional office. The relatively small building area planned for the photography studio (457 square feet) will not lend itself to a high-traffic land use. The low key use and hours of operation would be compatible with the adjacent residential area.

Approval of the variance request would not be a detriment to the neighborhood. Due to the proximity of nearby residences, approval of the variance request should restrict business signage. In addition, the variance approval should be specific to the proposed use to avoid the potential for future land use conflict.

Favorable consideration of the proposal is recommended.

<b>Statement of Hardship</b>
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**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 and size of the existing industrial building do not generally support a land use permitted by the property's zoning. The proposed use is compatible with the surrounding area that includes a mix of land uses.

### 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 location and size of the existing industrial building do not generally support a use allowed by the property's zoning, and specifically because the proposed use is compatible with the surrounding area that includes a mix of land uses.

Conditions of approval shall include:

1. The proposed use shall meet building and safety requirements for the type of occupancy. Building permits are required for interior work, exterior work and the installation of any signs. Permits shall be secured from the Building Inspector prior to the start of any work and prior to the installation of signage.
2. Signage shall be limited to one wall sign to identify the business. All other signage including temporary banners and advertising devices shall be prohibited. Allowable signage may be non-illuminated individual letters or a non-illuminated wall sign with a decorative configuration of sign area (i.e., not a square or rectangle). Maximum sign area shall not exceed 10 square feet. Signage shall be affixed to the east building wall in the area of the building occupied by the photography studio. Signage shall be approved by the Community Development Department prior to the issuance of a permit by the Building Inspector.
3. The variance approval is specific to the land use. No other commercial use or a use that is not permitted by the property's zoning is allowed except where authorized by the Board of Appeals.

PUBLIC NOTIFICATION - Appeal No. 2014-16

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-15-13-604-00	PO BOX 1108	FOND DU LAC	WI	54936	229 OAK ST
FDL-15-17-15-13-605-00	PO BOX 1108	FOND DU LAC	WI	54936	233 OAK ST
FDL-15-17-15-13-606-00	PO BOX 1108	FOND DU LAC	WI	54936	241 OAK ST
FDL-15-17-15-13-596-00	W7859 E CLARK RD	OAKFIELD	WI	53065	222 S ELM ST
FDL-15-17-15-13-603-00	223 OAK ST	FOND DU LAC	WI	54935	223 OAK ST
FDL-15-17-15-13-591-00	252 ELM ST	FOND DU LAC	WI	54935	252 ELM ST
FDL-15-17-15-13-607-00	241 WALNUT ST	FOND DU LAC	WI	54935	245 OAK ST
FDL-15-17-15-13-609-00	N8828 GLADSTONE BEACH	FOND DU LAC	WI	54935	75 SOUTH ST
FDL-15-17-15-13-610-00	N8828 GLADSTONE BEACH	FOND DU LAC	WI	54935	79 SOUTH ST
FDL-15-17-15-13-614-00	160 S MACY ST	FOND DU LAC	WI	54935	254 OAK ST
FDL-15-17-15-13-615-00	160 S MACY ST	FOND DU LAC	WI	54936	262 OAK ST
FDL-15-17-15-13-620-00	%CITY CLERK	FOND DU LAC	WI	54936	0 OAK PL
FDL-15-17-15-13-595-00	15 N MARR ST	FOND DU LAC	WI	54935	230 S ELM ST
FDL-15-17-15-13-608-00	P O BOX 181	FOND DU LAC	WI	54936	251 OAK ST
FDL-15-17-15-13-616-00	101 SOUTH ST	FOND DU LAC	WI	54935	101 SOUTH ST
FDL-15-17-15-13-592-00	606 WOOD CT	MAYVILLE	WI	53050	248 ELM ST
FDL-15-17-15-13-611-00	301 E 11TH ST	FOND DU LAC	WI	54935	83 SOUTH ST
FDL-15-17-15-13-597-00	803 YORK CENTER RD	MARSHALL	WI	53559	218 ELM ST
FDL-15-17-15-13-601-00	76 WESTERN AVE	FOND DU LAC	WI	54935	76 WESTERN AVE
FDL-15-17-15-13-593-00	91 S MAIN ST	FOND DU LAC	WI	54935	242 S ELM ST
FDL-15-17-15-13-594-00	91 S MAIN ST	FOND DU LAC	WI	54935	234 ELM ST
FDL-15-17-15-13-612-00	220 OAK ST	FOND DU LAC	WI	54935	224 OAK ST
FDL-15-17-15-13-599-00	1215 SPRING LAKE DR	FOND DU LAC	WI	54935	66 WESTERN AVE
FDL-15-17-15-13-600-00	247 MELROSE BLVD	FOND DU LAC	WI	54935	70 WESTERN AVE
FDL-15-17-15-13-598-00	364 E 9TH ST	FOND DU LAC	WI	54935	64 WESTERN AVE
FDL-15-17-15-13-590-00	71 SOUTH ST	FOND DU LAC	WI	54935	71 SOUTH ST
FDL-15-17-15-13-602-00	W12636 AMITY RD	BRANDON	WI	53919	84 WESTERN AVE
FDL-15-17-15-13-589-00	157 3RD ST	FOND DU LAC	WI	54935	69 SOUTH ST

# ZONING PETITION - VARIANCE



CITY OF FOND DU LAC

## ADDRESS OF VARIANCE REQUEST: 416 N. Rolling Meadows Drive

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

Petitioner: Holiday Mazda      416 N. Rolling Meadows Drive  
(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 code for a ground sign in a C-2 zone is allowed a maximum height of 20 feet. We are requesting a height of 30 feet in height.

### 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 code has changed since the original sign was installed and we would like to keep the sign close to the height it is at now and stay in line with the other signs on Rolling Meadows Dr.

Petitioner Signature: \_\_\_\_\_      **APPEAL NO.** \_\_\_\_\_

APPEAL NO. 2014-17 – 416 N ROLLING MEADOWS DRIVE



EXISTING MAZDA/PRE-OWNED IMPORTS SIGN

EXISTING KIA SIGN (TO BE REPLACED WITH MAZDA BRAND)

EXISTING SIGNS – 416 N ROLLING MEADOWS DRIVE



Existing  
88 sq'  
7'4" x 12'



EXPRESS  
LUBE  
→



## Pylon or Monument

(Includes Retail Revolution Facilities)

## PROPOSED SIGN

### Pylon

#### MAZDA FREESTANDING PYLON SIGNS

The freestanding Mazda pylon sign identifies your presence and location to the public. Mazda requires that a freestanding Mazda brand sign be installed at a prominent location. If only one sign is permitted by local ordinance, it should be the largest freestanding Mazda brand sign allowed.

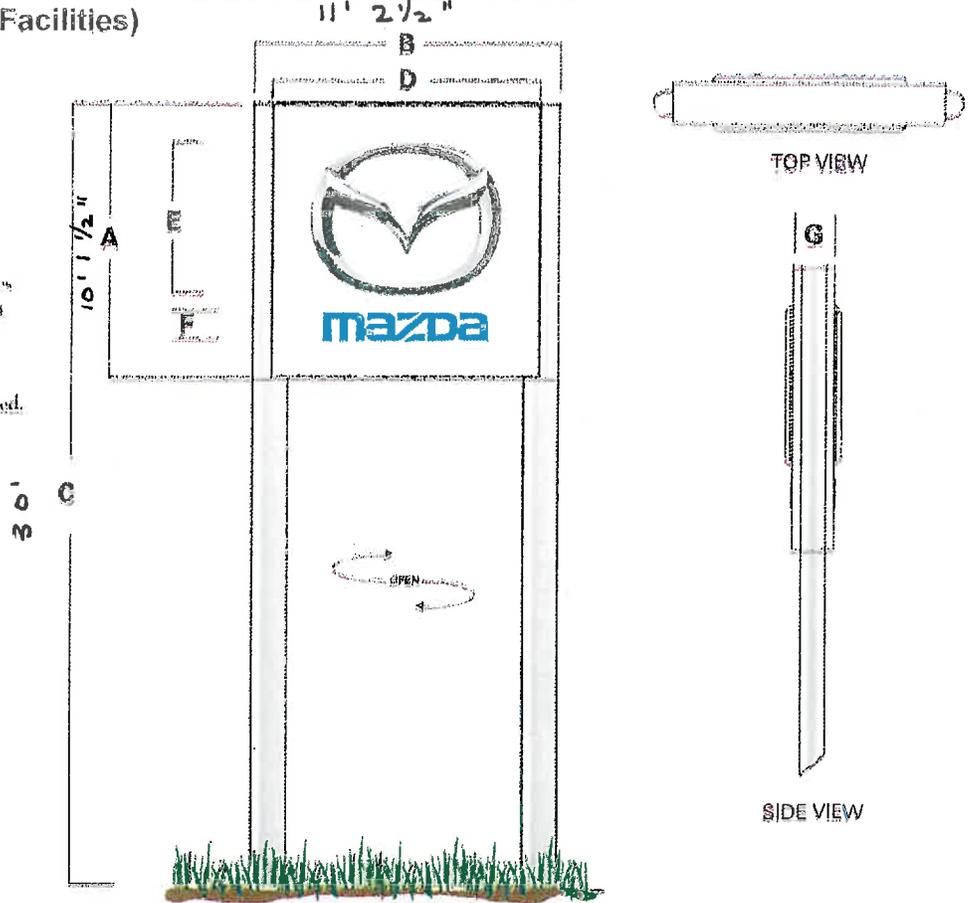
#### Standard Heights for the Freestanding Pylon:

- P-135 @ 31' OAH
- P-135 @ 36' OAH
- P-135 @ 41' OAH

- P-100 @ 30' OAH
- P-100 @ 35' OAH

- P-70 @ 23' OAH
- P-70 @ 28' OAH

- P-30 @ 15' OAH



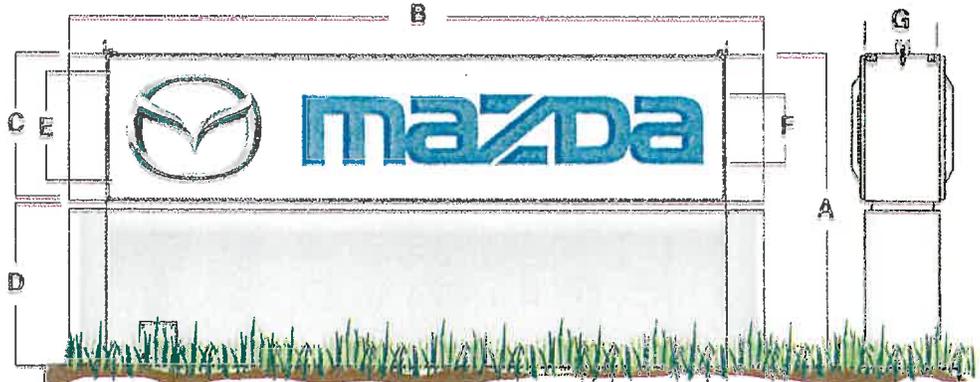
PYLON SIGN ( P-135, P-100, P-70 ) Custom heights available for optimum visibility. Standard heights noted on left of page.

SIGNS	A	B	C	D	E	F	G
P-135	11'-10 1/4"	12'-9 1/4"	VARIES	11'-4 3/16"	6'-7"	1'-2"	1'-5"
P-100	10'-1 1/2"	11'-2 1/2"	VARIES	9'-10 1/16"	5'-6 11/16"	1'-0 9/16"	1'-5 1/2"
P-70	8'-6 1/16"	9'-4 1/4"	VARIES	8'-1 5/8"	4'-6"	10 3/16"	1'-5 1/2"
P-30	5'-6 3/4"	6'-6"	VARIES	5'-5"	3'-0"	6 13/16"	1'-5 1/2"

### Monument

#### MAZDA MONUMENT SIGNS

Certain local ordinances prohibit the use of freestanding pylon signs. For those special applications, a Mazda monument sign may be used. Like the freestanding pylon sign, Mazda requires that a monument brand sign be installed at a prominent location. If only one monument sign is permitted, it should be the largest sign allowed.



MONUMENT SIGN (M)

SIGNS	A	B	C	D	E	F	G
M-53	6'-11"	17'-1"	3'-7"	3'-2"	3'-0"	1'-8"	1'-5"
M-32	4'-8"	13'-1"	2'-9"	1'-10"	2'-0"	1'-4"	1'-5"

# board of appeals memorandum

**Date:** October 1, 2014  
**To:** Board of Appeals  
**From:** Joellyn Dahlin, Principal Planner  
**Subject:** Appeal No. 2014-17

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**Location:** 416 N Rolling Meadows Drive

**Applicant:** Holiday Mazda

**Zoning:** Site: C-2 (General Business)  
North: C-2  
South: C-2  
East: C-2  
West: M-1 (Manufacturing)

**Land Use:** Site: Holiday Mazda (Former KIA Dealership)  
North: Holiday Mazda/Pre-Owned Imports Sales Lot  
South: Holiday Ford  
East: Walmart  
West: United Manufacturers/Menards

## Variance Request

### Zoning Code Regulation:

Chapter 720 Schedule VIII, Design Standards & Specifications for Signs, allows a maximum sign height of 20 feet in the C-2 district.

**Proposal:** Increase allowable sign height from 20 feet to 30 feet for replacement of existing noncompliant ground sign.

## Analysis

The subject property is the site of the former *KIA* automotive dealership. Ownership of the property has changed and the site is now a *Mazda* dealership under the *Holiday Automotive* umbrella. An exception to sign regulations is requested for replacement of a ground sign.

A 36'-high ground sign identifies the former *KIA* dealership. The existing sign includes an oval cabinet mounted on a tall pedestal. The sign does not comply with code regulations for height and it is noncompliant with the 30' height originally approved for the sign. The property is located in the C-2 zoning district; allowable sign height is 20 feet. The property does not fall within the boundaries of the Highway 41 Sign District.

Changes in the boundaries of the Special Highway 41 Sign District have occurred in recent years, along with changes for allowable signage. Properties within 500 feet of Highway 41 and properties within interchange zones are afforded opportunity for sign heights between 35 feet and 55 feet. Allowable sign height reflects visibility for vehicles traveling on Highway 41. Existing signs along Rolling Meadows Drive generally reflect former code regulations and, in some cases, reflect variance approvals granted specific to individual property circumstance, including multiple ground signs for the various brands of automobile dealerships.

Evaluation of the proposed exception to sign height must consider reasonable application of sign regulations along with circumstances of the subject property and the surrounding area. In comparing the proposed 30'-high sign to other signs in the area, the *Ford* sign directly south of the proposed *Mazda* sign is 20 feet high and a monument sign on the same property that identifies the *Mazda* brand is less than 20 feet high.

The variance request is based on the circumstances of an existing noncompliant sign and on former code provisions of the Special Highway 41 Sign District. Property circumstances do not inhibit clear visibility to the roadway and do not prevent compliance with current code provisions.

Favorable consideration of the variance request is not 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 large property provides clear visibility to both directions of Rolling Meadows Drive. Opportunity for adequate signage is available without necessity of an exception to code requirements.

### **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 **deny the variance request** based on findings referenced herein and because the large property provides clear visibility to both directions of Rolling Meadows Drive and opportunity is available to provide adequate signage in compliance with zoning regulations.

## PUBLIC NOTIFICATION - Appeal 2014-17

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-08-13-500-00	316 N ROLLING MEADOWS DRIVE	FOND DU LAC	WI	54937	1145 W JOHNSON ST
FDL-15-17-08-14-756-00	316 N ROLLING MEADOWS DRIVE	FOND DU LAC	WI	54937	316 N ROLLING MEADOWS DR
FDL-15-17-08-13-501-02	N5037 OAK HILL RD	FOND DU LAC	WI	54937	1211 RICKMEYER DR
FDL-15-17-08-13-501-00	126 E JACKSON ST	RIPON	WI	54971	1177 W JOHNSON ST
FDL-15-17-08-14-757-00	1626 OAK ST	LA CROSSE	WI	54602	1123 W JOHNSON ST
FDL-15-17-08-13-501-03	N8545 RIDGE RD	VAN DYNE	WI	54979	1157 RICKMEYER DR
FDL-15-17-08-12-257-01	1180 INDUSTRIAL PKWY	FOND DU LAC	WI	54937	1180 INDUSTRIAL PKY
FDL-15-17-08-11-004-00	214 ROUTE 4 EAST	PARAMUS	NJ	07652	451 N ROLLING MEADOWS DR
FDL-15-17-08-13-502-00	4777 MENARD DR	EAU CLAIRE	WI	54703	1200 RICKMEYER DR
FDL-15-17-08-11-006-00	321 N ROLLING MEADOWS DR	FOND DU LAC	WI	54937	0 N ROLLING MEADOWS DR
FDL-15-17-08-13-515-00	321 N ROLLING MEADOWS DR	FOND DU LAC	WI	54937	1133 RICKMEYER DR
FDL-15-17-08-14-751-00	321 N ROLLING MEADOWS DR	FOND DU LAC	WI	54937	321 N ROLLING MEADOWS DR
FDL-15-17-08-14-753-00	PO BOX 188	FOND DU LAC	WI	54936	390 N ROLLING MEADOWS DR
FDL-15-17-08-14-753-01	321 N ROLLING MEADOWS DR	FOND DU LAC	WI	54937	416 N ROLLING MEADOWS DR
FDL-15-17-08-14-754-00	321 N ROLLING MEADOWS DR	FOND DU LAC	WI	54937	350 N ROLLING MEADOWS DR
FDL-15-17-08-14-755-00	321 N ROLLING MEADOWS DR	FOND DU LAC	WI	54937	334 N ROLLING MEADOWS DR
FDL-15-17-08-14-750-00	1301 SE 10TH STREET	BENTONVILLE	AR	72716	377 N ROLLING MEADOWS DR
FDL-15-17-08-14-750-01	1301 SE 10TH STREET	BENTONVILLE	AR	72716	0 N ROLLING MEADOWS DR

CITY OF FOND DU LAC  
**ZONING PETITION - VARIANCE**



**PROPERTY ADDRESS OF VARIANCE REQUEST: 151 E First Street**

Tax Key Number (Vacant Land): \_\_\_\_\_

Petitioner: \_\_\_\_\_ City of Fond du Lac – Senior Center \_\_\_\_\_ 151 E First Street \_\_\_\_\_  
(Name) (Address)

Petitioner Phone Number: \_\_\_\_\_ (920) 322-3440 \_\_\_\_\_

Petitioner  
Email: \_\_\_\_\_ dbenson@fdl.wi.gov \_\_\_\_\_

Property Owner: \_\_\_\_\_ City of Fond du Lac \_\_\_\_\_  
(If not the same as Petitioner) (Name) (Address)

**PROPOSAL**

A variance is an exception to a requirement of the zoning code.  
Describe the requested code exception(s) for your variance request:

Reduce side yard building setback from 30 feet to 8 feet for construction of storage shed.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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 physical condition of your property** that makes compliance with zoning regulations difficult or impossible:

The building floorplan and building construction do not allow for the storage of snow removal  
and yard maintenance equipment. Property conditions of a double frontage lot, and the  
configuration of the building area and parking areas, do not permit the construction of a storage  
building in accord with side yard setback requirements.  
\_\_\_\_\_

Petitioner Signature: \_\_\_\_\_ *Debra Benson* \_\_\_\_\_

# PROPOSED 10X10 SHED – FOND DU LAC SENIOR CENTER



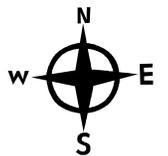
APPEAL NO. 2014-18 – 151 E 1<sup>ST</sup> STREET

GILLETT STREET

LOCATION OF PROPOSED SHED



EAST 1ST STREET



REAR VIEW OF SENIOR CENTER (GILLETT STREET) – EAST END OF BUILDING



REAR VIEW OF SENIOR CENTER (GILLETT STREET) – WEST END OF BUILDING



# board of appeals memorandum

**Date:** October 1, 2014  
**To:** Board of Appeals  
**From:** Joellyn Dahlin, Principal Planner  
**Subject:** Appeal No. 2014-18

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**Location:** 151 East 1<sup>st</sup> Street  
**Applicant:** City of Fond du Lac Senior Center  
**Zoning:** Site: R-3 (Central Area Residential)  
North: R-3  
South: R-3  
East: R-3  
West: R-3  
**Land Use:** Site: Fond du Lac Senior Center  
North: Residences  
South: Residences  
East: Residences  
West: Residences

## Variance Request

### Zoning Code Regulation:

720 Schedule III, Bulk Requirements – Residential Districts, requires a 30’ side yard building setback for a non-residential use in any residential zoning district.

**Proposal:** Reduce east side yard setback from 30 feet to 8 feet for construction of storage shed.

## Analysis

The subject property is zoned for residential use and is located in an older neighborhood. The property has been the site of the Senior Center since 1985 and prior to that it was a school. Approval of an exception to the side yard building setback requirement is requested for the construction of a storage shed.

Zoning regulations establish setback requirements and other development standards for residential uses in residential districts and also for non-residential uses in residential districts. The setback requirements for non-residential uses are greater, principally to assure compatibility between land uses.

The side yard setback requirement for a non-residential use is 30 feet. The setback applies to any type of structure, principal or accessory. This means that a 30' side yard setback is required for a storage building, regardless of size. In comparison, the side yard setback for a garden shed or storage shed for a single family dwelling or two-family dwelling is only 2 feet.

The construction of a 10'x10' storage shed is proposed on the north side of the Senior Center. The north side of the Senior Center is the "back" of the building. The variance request proposes to reduce the side yard building setback requirement from 30 feet to 8 feet and affects the east side yard setback. The proposed shed size is comparable to a building size typical of residential lots. The proposed location coincides with the eastern edge of the parking lot pavement; the existing landscape setback along the east lot line would not be affected.

The necessity for a storage shed is caused by floor plan and building construction limitations of the Senior Center which do not provide area for the storage of snow removal and lawn care equipment. The dual lot frontage of the property, the location of parking on both sides of the building, and the presence of existing utilities do not allow compliance with side yard setback requirements in siting a shed. The proposed location is the best alternative without causing negative impacts on the site or to any nearby residences.

Favorable consideration of the variance request is recommended.

<b>Statement of Hardship</b>
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**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.**

Property conditions do not allow reasonable compliance with setback regulations due to the building location, the location of existing parking and driveway areas, and the location of existing utilities. The proposed shed is comparable to the size allow for a residential use and the proposed setback is significantly greater than what would be required for a residential use.

### 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 property conditions do not allow reasonable compliance with setback regulations due to the building location, the location of existing parking and driveway areas, and the location of existing utilities. The proposed shed is comparable to the size allow for a residential use and the proposed setback is significantly greater than what would be required for a residential use.

Conditions of approval shall include:

1. Building design shall reflect materials and architecture of the principal building. The use of prefabricated metal or plastic storage buildings is strictly prohibited.

PUBLIC NOTIFICATION - Appeal No. 2014-18

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-15-11-038-00	132 E 1ST ST	FOND DU LAC	WI	54935	132 E 1ST ST
FDL-15-17-11-33-617-00	165 GILLETT ST	FOND DU LAC	WI	54935	165 GILLETT ST
FDL-15-17-14-22-278-00	220 N DOUGLAS ST	RIPON	WI	54971	165 E 1ST ST
FDL-15-17-14-22-272-00	168 GILLETT ST	FOND DU LAC	WI	54935	168 GILLETT ST
FDL-15-17-11-33-612-00	141 GILLETT ST	FOND DU LAC	WI	54935	141 GILLETT ST
FDL-15-17-14-22-275-00	% CITY CLERK	FOND DU LAC	WI	54936	151 E 1ST ST
FDL-15-17-14-22-273-00	164 GILLETT ST	FOND DU LAC	WI	54935	164 GILLETT ST
FDL-15-17-14-22-279-00	691 SOUTH GREEN BAY RD 174	NEENAH	WI	54956	169 E 1ST ST
FDL-15-17-14-22-271-00	5000 PLANO PKWY	CARROLLTON	TX	75010	172 GILLETT ST
FDL-15-17-11-33-614-00	20 CRESTVIEW CT	FOND DU LAC	WI	54935	145 GILLETT ST
FDL-15-17-15-11-005-00	81 GREEN ST	FOND DU LAC	WI	54935	81 GREEN ST
FDL-15-17-11-33-611-00	W6476 SUBWAY RD	FOND DU LAC	WI	54937	139 GILLETT ST
FDL-15-17-15-11-001-00	W2715 POPLAR RD	FOND DU LAC	WI	54935	140 GILLETT ST
FDL-15-17-15-11-002-00	W2715 POPLAR RD	FOND DU LAC	WI	54935	136 GILLETT ST
FDL-15-17-15-11-035-00	133 E 1ST ST	FOND DU LAC	WI	54935	133 E 1ST ST
FDL-15-17-14-22-321-00	150 E 1ST ST	FOND DU LAC	WI	54935	150 E 1ST ST
FDL-15-17-10-44-889-00	135 GILLETT ST	FOND DU LAC	WI	54935	135 GILLETT ST
FDL-15-17-14-22-317-00	148 E MAIN ST	CAMPBELLSPORT	WI	53010	170 E 1ST ST
FDL-15-17-15-11-037-00	148 E MAIN ST	CAMPBELLSPORT	WI	53010	140 E 1ST ST
FDL-15-17-14-22-320-00	W7260 HOCHHEIM RD	THERESA	WI	53091	158 E 1ST ST
FDL-15-17-14-22-280-00	33 W 2ND ST	FOND DU LAC	WI	54935	171 E 1ST ST
FDL-15-17-11-33-618-00	N6873 COUNTY ROAD UU	FOND DU LAC	WI	54937	171 GILLETT ST
FDL-15-17-14-22-318-00	164 E 1ST ST	FOND DU LAC	WI	54935	166 E 1ST ST
FDL-15-17-11-33-615-00	114 S MAIN ST #116	FOND DU LAC	WI	54935	153 GILLETT ST
FDL-15-17-14-22-319-00	160 E 1ST ST	FOND DU LAC	WI	54935	160 E 1ST ST
FDL-15-17-15-11-004-00	75 GREEN ST	FOND DU LAC	WI	54935	75 GREEN ST
FDL-15-17-15-11-036-00	PO BOX 2362	FOND DU LAC	WI	54936	139 E 1ST ST
FDL-15-17-11-33-613-00	143 GILLETT ST	FOND DU LAC	WI	54935	143 GILLETT ST
FDL-15-17-11-33-616-00	157 GILLETT ST	FOND DU LAC	WI	54935	157 GILLETT ST
FDL-15-17-14-22-316-00	90 SOUTHERN EDGE DR	FOND DU LAC	WI	54935	176 E 1ST ST