

BOARD OF APPEALS AGENDA

October 7, 2013
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. September 9, 2013

III. HEARINGS

- A. Appeal No.: 2013-31
28 N Reserve Avenue
Thomas and Jacklyn Conley

Zoning Code Regulations: Section 11.04 C.3.t(1) states in addition to the driveway parking area for a single family home, one uncovered parking space is permitted alongside the garage when such space is not located between the building and the street and at least 8 feet from a side or rear lot line;

Section 11.11 E.8.a. states the driveway width shall not exceed the width of a garage except where additional parking is located alongside the garage.

Variance Request: Increase paved driveway area 8 feet wider than the garage for construction of additional open parking between the building and the sidewalk.

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B. Appeal No. 2013-32

W Johnson St/N Peters Ave (FDL-15-17-09-24-756-00)
William Steiner o/b/o Wisconsin Mall Properties

Zoning Code Regulations: Section 11.12 I. Schedule V. permits one ground sign for a shopping center in the B-6 district.

Section 11.12 I. Schedule V permits one square foot of ground sign area per each linear foot of building façade.

Section 11.08 D. Schedule IIA requires a front yard building setback of 150 feet in the B-6 district.

Section 11.11 E.7.b requires a front yard parking setback of 15 feet in the B-6 district.

Variance Request: Increase number of shopping center ground signs to add three monument signs and one pylon sign.

Increase allowable ground sign area from 39 square feet to 42.29 square feet (Hardees), 45 square feet to 77 square feet (unknown tenant), 60 square feet to 75 square feet (multitenant building).

Reduce 150' front yard building setback for four individual buildings to 91.02' (Panera), 68.61' (Hardees), 147.5' (unknown tenant) and 10.59'/55' (multitenant building).

Reduce front yard pavement setback from 15 feet to 5 feet.

C. Appeal No. 2013-33

430-431-480 E Division Street
Agnesian HealthCare

Zoning Code Regulation: Section 11.12 E.6 allows four directional signs for a property, each not to exceed 4.5 square feet in area and 4 feet in height.

BOARD OF APPEALS AGENDA

October 7, 2013

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Proposal: Increase allowable number of directional signs from 4 to 17 (hospital) and from 4 to 8 (north parking lot).

Increase allowable height from 4 feet to 5' and 7'.

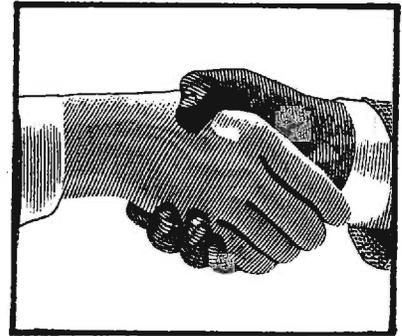
Increase allowable sign area from 4.5 square feet to 8.25 square feet and 17.82 square feet.

IV. ADJOURN

CITIES 62.23

7. The board of appeals shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto; to hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

8. In exercising the above mentioned powers such board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.



Oct. 7, 2013

3:00^P_M

Board of Appeals

BOARD OF APPEALS MINUTES

September 9, 2013
3:00 P.M.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

CALL TO ORDER

ROLL CALL: Present: - Katie Derksen
Eric Drazkowski
Howard Floeter
Jerry Lauby

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

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

Acting Chairperson Floeter declared a quorum present.

APPROVAL OF MINUTES

August 5, 2013

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

Seconded by Derksen.

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

Carried.

BOARD OF APPEALS MINUTES

September 9, 2013

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Appeal No. 2013-26

11 East Pioneer Road

Ken and Lori Klaske

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

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

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

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

Appeared in Support:

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

Letter Read into Record as Interest May Appear:

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

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

Conditions of approval shall include:

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

BOARD OF APPEALS MINUTES

September 9, 2013

Page 5

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

Conditions of approval shall include:

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

ZONING PETITION - VARIANCE



Thomas Conley
28 N Reserve Ave
Fond Du Lac, WI 54935-3715

ADDRESS OF VARIANCE REQUEST: 28th Reserve Ave.

Tax Key Number if vacant land: _____

Petitioner: Thomas P. Conley - Jacklyn Conley Same
(Name) (Address)

Petitioner Phone Number: (920) 960-9459 or 920-960-2571

Property Owner: Thomas & Jacklyn Conley Same
(If not the same as Petitioner) (Name) (Address)

VARIANCE REQUEST

A variance is an exception to zoning regulations. Describe the requested exception(s) to zoning regulations for your variance request:

Widen Driveway 8' beyond garage. We have an one
car Garage & we have two vehicles. Do not want
to park vehicl in street. Especially during winter.

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 to allow the proposed construction or use.

We have two vehicles and don't want to park
on street. Especially during winter months

Petitioner/Property Owner Signature: Thomas P. Conley

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

Date Rec'd _____ Fee _____

Appeal No. 2013-31

VARIANCE PETITION



APPEAL No. 2013-31

BOARD OF APPEALS MEETING: October 7, 2013

Location: 28 N Reserve Avenue

Petitioner: Thomas and Jacklyn Conley

FOND DU LAC ZONING CODE REGULATIONS:

Section 11.04 C.3.t(1) states in addition to the driveway parking area for a single family home, one uncovered parking space is permitted alongside the garage when such space is not located between the building and the street and at least 8 feet from a side or rear lot line;

Section 11.11 E.8.a. states the driveway width shall not exceed the width of a garage except where additional parking is located alongside the garage.

PROPOSAL:

Increase paved driveway area 8 feet wider than the garage for construction of additional open parking between the building and the sidewalk.

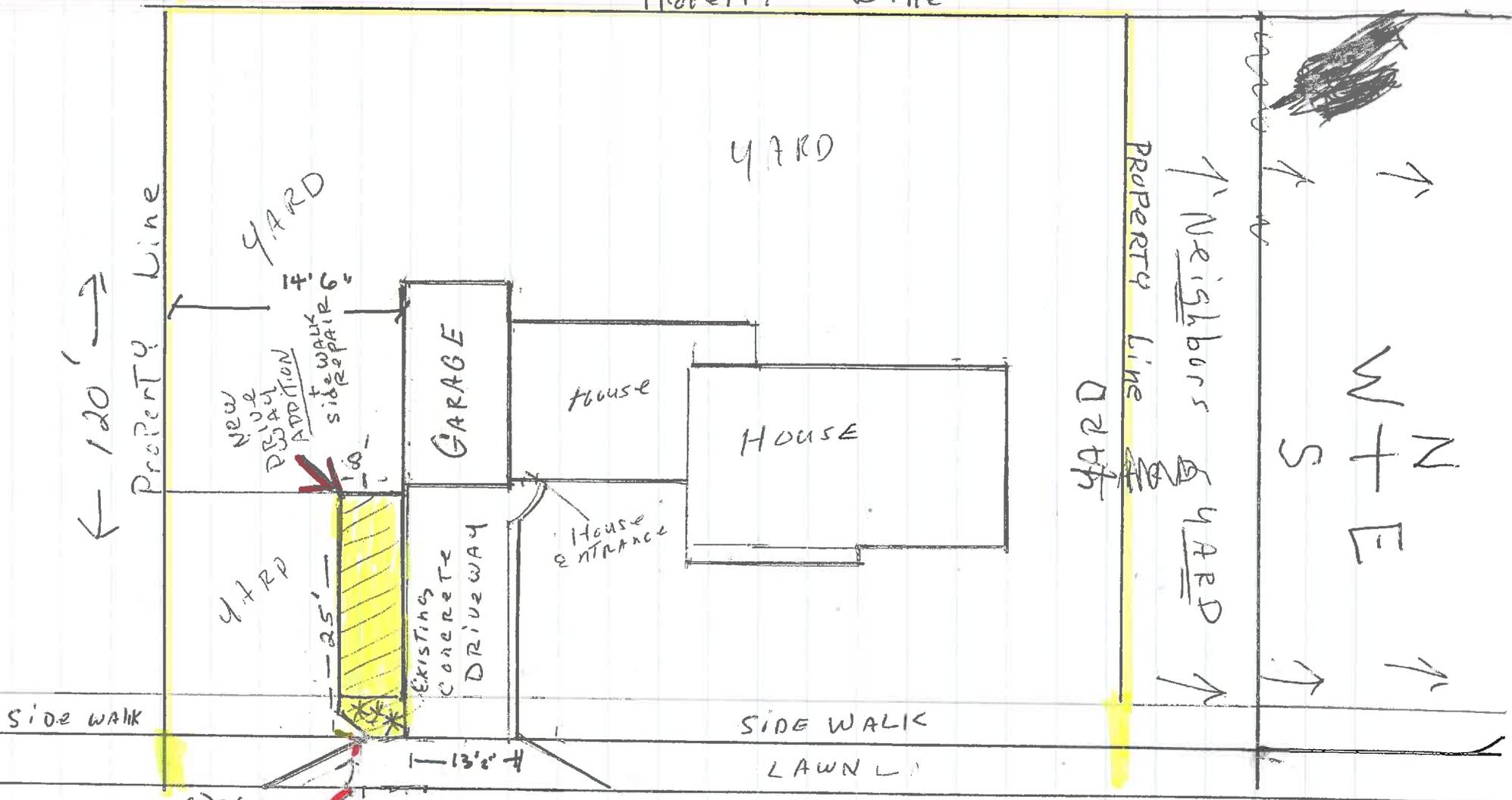
APPEAL NO. 2013-31 – CONLEY
28 N RESERVE AVENUE



STREET VIEW OF PROPERTY



-Property Line
 ← 104' →
 PROPERTY Line

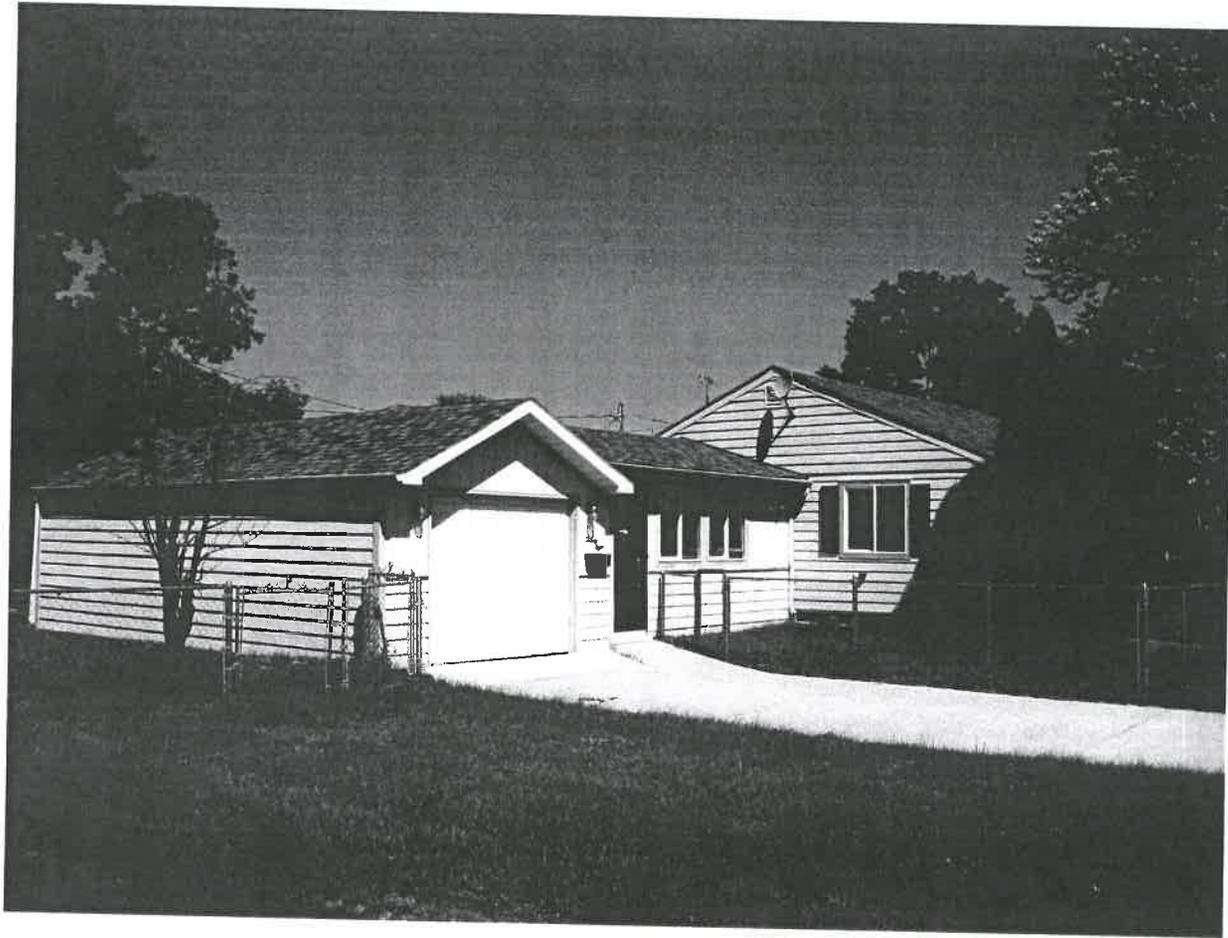


(2) Replace Sidewalk

STREET

28 NTH. Reserve Ave.

1. TOTAL ACRES - 0.286
2. Frontage : 104 - FT.
3. EFF Frontage - 104 FT.
4. EFF DEPTH - 120 FT.



South Side View
of
Residence + Driveway
Existing

board of appeals memorandum

Date: October 2, 2013
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner 
RE: Appeal No. 2013-31

Location: 28 N Reserve Avenue
Applicant: Thomas and Jacklyn Conley
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
Request: Increase allowable driveway width.

Analysis

The subject property is developed with a single family residence and one-car attached garage. The petitioner would like to widen the driveway to provide for additional parking. Approval of a variance to increase allowable driveway width is requested.

Zoning regulations limit driveway area to the width of a garage. In addition to the allowable driveway area, an uncovered parking space alongside of a garage is permitted, provided it is sited at least 8 feet from a side or rear lot line and provided there is landscaping or fencing for screening. The purpose of restricting driveway and parking

areas is to prevent large expanses of pavement in front yard areas. Large areas of pavement – particularly in a front yard – are not desirable from an aesthetic standpoint.

The existing driveway is 13'2" wide. The variance request proposes 8 feet of pavement width, extending from the front of the garage 17 feet east. The additional pavement tapers to meet the existing driveway width at the sidewalk. The proposed setback of the widened driveway to the south lot line would be 6 feet.

The petitioner's garage is substandard to that commonly provided for a single family home. Property circumstances do not allow expansion of the garage without reducing building setback requirements. The construction of a parking space alongside the garage would require an exception to setback requirements and would disrupt existing landscape elements. There is no reasonable alternative for the provision of additional on-site parking except by widening the driveway as proposed.

Approval of the variance request would not create a negative impact on the petitioner's property or any nearby property. Favorable consideration of the variance request 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.

Property circumstances do not allow parking typical of a single family residence. Existing property conditions do not allow reasonable alternatives for expansion of the garage and/or the construction of uncovered parking allowed by zoning 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 accounts of circumstances, a reasonable consistency between decisions would be appropriate.

Recommendation

A motion to approve or deny a variance request must state the findings in support of the action taken.

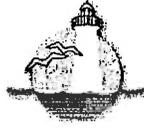
Community Development staff suggests a motion to **approve the variance request** based on findings referenced herein, and specifically because property conditions limit reasonable alternatives for expansion of the garage and/or the construction of uncovered parking.

Conditions of approval shall include:

1. The additional driveway area shall be paved in accord with City specifications. A building permit is required. Paving shall be completed within 30 days of permit issuance. An extension of time may be authorized by the Building Inspector if weather conditions affect the paving schedule.

Parcel Number	Owner(s)	Mailing Address 1	Mailing Address 2	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-11-44-869-00	CAREW, MARY BETH; BLATTNER, JOHN R; SUSAN, RADUE	% VIRGINIA BLATTNER	567 E DIVISION ST	FOND DU LAC	WI	54935	567 E DIVISION ST
FDL-15-17-11-44-859-00	CLAUSNITZER, KRISTI M	228 COFFMAN AVE		FOND DU LAC	WI	54935	61 N RESERVE AVE
FDL-15-17-11-44-866-00	CONLEY, THOMAS P; CONLEY, JACKLYN M	28 N RESERVE AVE		FOND DU LAC	WI	54935	28 N RESERVE AVE
FDL-15-17-11-44-855-00	CORTES, JOSE J; CORTES, MARISOL	35 N RESERVE AVE		FOND DU LAC	WI	54935	35 N RESERVE AVE
FDL-15-17-11-41-065-00	EGGERT REV LIV TR, MARY RUTH; LOEHR, JULIE T	64 N RESERVE AVE		FOND DU LAC	WI	54935	64 N RESERVE AVE
FDL-15-17-11-44-890-00	EIGENBRODT, JACOB ; KRUG, ALLYSON R	27 N KAYSER		FOND DU LAC	WI	54935	27 N KAYSER ST
FDL-15-17-11-44-861-00	FRANKE, JOSEPHINE E	54 N RESERVE AVE		FOND DU LAC	WI	54935	54 N RESERVE AVE
FDL-15-17-11-44-889-00	GENS, SHAWN ; GENS, CONNIE	21 N KAYSER ST		FOND DU LAC	WI	54935	21 N KAYSER ST
FDL-15-17-11-44-868-00	GRIMMER, KAY E	559 E DIVISION ST		FOND DU LAC	WI	54935	559 E DIVISION ST
FDL-15-17-11-44-857-00	HAESSLY, KATHLEEN ; GEASLAND, RICHARD P	47 N RESERVE AVE		FOND DU LAC	WI	54935	47 N RESERVE AVE
FDL-15-17-11-44-865-00	HALFMAN, PAUL R	34 N RESERVE AVE		FOND DU LAC	WI	54935	34 N RESERVE AVE
FDL-15-17-11-44-895-00	HESS, ROBERT C; HESS, CHARLES R; HALL, PAMELA A; BLANK, CINDY A; HESS, ANNA M	51 N KAYSER ST		FOND DU LAC	WI	54935	51 N KAYSER ST
FDL-15-17-11-44-852-00	IMMEL, CARLTON E	21 N RESERVE AVE		FOND DU LAC	WI	54935	21 N RESERVE AVE
FDL-15-17-11-44-858-00	JAEGER, RICHARD A	55 N RESERVE AVE		FOND DU LAC	WI	54935	55 N RESERVE AVE
FDL-15-17-11-44-892-00	JONES, DAVID A	37 N KAYSER ST		FOND DU LAC	WI	54935	37 N KAYSER ST
FDL-15-17-11-41-066-00	KEIFENHIEM, JUDITH	65 N RESERVE AVE		FOND DU LAC	WI	54935	65 N RESERVE AVE
FDL-15-17-11-44-863-00	KONEN, ROGER A	44 N RESERVE AVE		FOND DU LAC	WI	54935	44 N RESERVE AVE
FDL-15-17-11-44-888-00	LARSON, JON J; LARSON, JENNIFER A	17 N KAYSER ST		FOND DU LAC	WI	54935	17 N KAYSER ST
FDL-15-17-11-44-854-00	LIEDKE, TAMMY L	31 N RESERVE		FOND DU LAC	WI	54935	31 N RESERVE AVE
FDL-15-17-11-44-856-00	MURRAY, DENNIS JAMES	41 N RESERVE AVE		FOND DU LAC	WI	54935	41 N RESERVE AVE
FDL-15-17-11-44-850-00	NORTH, JEAN A	11 N RESERVE AVE		FOND DU LAC	WI	54935	11 N RESERVE AVE
FDL-15-17-11-44-891-00	POLLOM, JEROME A	35 N KAYSER ST		FOND DU LAC	WI	54935	35 N KAYSER ST
FDL-15-17-11-44-864-00	PORTER, HENRY L	40 N RESERVE AVE		FOND DU LAC	WI	54935	40 N RESERVE AVE
FDL-15-17-11-44-894-00	SCHWAB, GUY E; SCHWAB, PATRICIA A	47 N KAYSER ST		FOND DU LAC	WI	54935	47 N KAYSER ST
FDL-15-17-11-44-893-00	SMITH, MADLYN M	41 N KAYSER ST		FOND DU LAC	WI	54935	41 N KAYSER ST
FDL-15-17-11-44-860-00	THIBADEAU, JOHN G	524 W BENT AVE		OSHKOSH	WI	54901	60 N RESERVE AVE
FDL-15-17-11-44-862-00	VELASCO, JOVITA ; VELASCO, JOSE	50 N RESERVE AVE		FOND DU LAC	WI	54935	50 N RESERVE AVE
FDL-15-17-11-44-853-00	WEBER, STEVEN P	25 N RESERVE AVE		FOND DU LAC	WI	54935	25 N RESERVE AVE
FDL-15-17-11-44-867-00	YEAGER, FRANK G; YEAGER, SALLY L	20 N RESERVE AVE		FOND DU LAC	WI	54935	20 N RESERVE AVE

ZONING PETITION - VARIANCE



CITY OF FOND DU LAC

FDL-15-17-09-24-756-00

ADDRESS OF VARIANCE REQUEST: (723 and 775 West Johnson Street)

Tax Key Number if vacant land: _____

Petitioner: William Steiner 3232 Shorewood Dr, Oshkosh WI 54901
(Name) (Address)

Petitioner Phone Number: (____) 920-277-6576

Petitioner Email: will@wsteiner.com

Property Owner: Wisconsin Mall Properties, LLC 4678 Via Roblada, Santa Barbara CA
(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:

Requested setback variance for pavement and building as shown on the attached plan.

One sign is allowed for the Shopping Center complex. One sign per building is requested.

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:

With current setbacks, there is insufficient room to redevelop the existing pads in front of the shopping center with adequate parking. The sign for the shopping center complex is owned by others and does not have space for additional tenants.

Petitioner Signature: William Steiner

APPEAL NO. 2013-32

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

VARIANCE PETITION



APPEAL No. 2013-32

BOARD OF APPEALS MEETING: October 7, 2013

Location: W Johnson/N Peters Ave (FDL-15-17-09-24-756-00)

Petitioner: William Steiner o/b/o Wisconsin Mall Properties

FOND DU LAC ZONING CODE REGULATIONS:

Section 11.12 I. Schedule V. permits one ground sign for a shopping center in the B-6 district.

Section 11.12 I. Schedule V permits one square foot of ground sign area per each linear foot of building façade.

Section 11.08 D. Schedule IIA requires a front yard building setback of 150 feet in the B-6 district.

Section 11.11 E.7.b requires a front yard parking setback of 15 feet in the B-6 district.

PROPOSAL:

Increase number of shopping center ground signs to add three monument signs and one pylon sign.

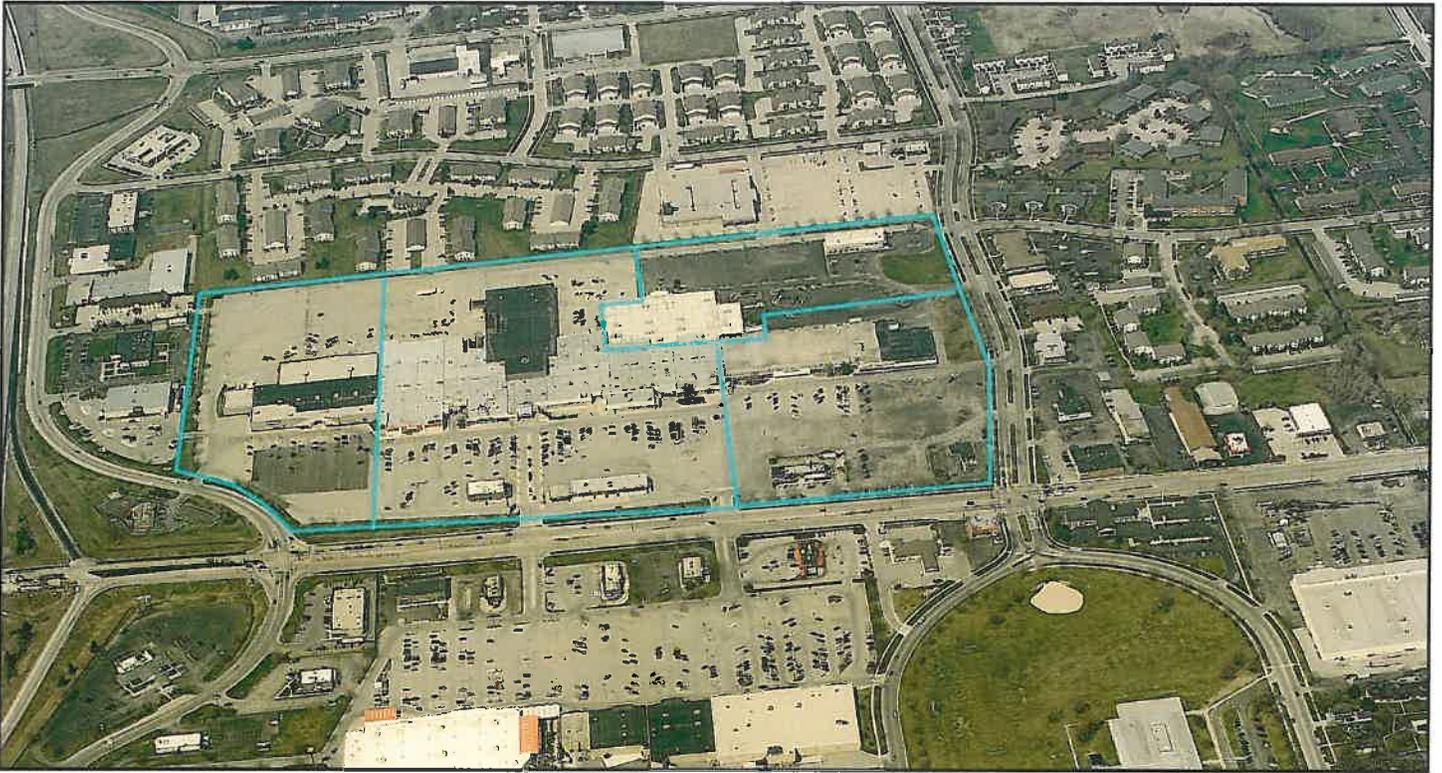
Increase allowable ground sign area from 39 square feet to 42.29 square feet (Hardees), 45 square feet to 77 square feet (unknown tenant), 60 square feet to 75 square feet (multitenant building).

Reduce 150' front yard building setback for four individual buildings to 91.02' (Panera), 68.61' (Hardees), 147.5' (unknown tenant) and 10.59'/55' (multitenant building).

Reduce front yard pavement setback from 15 feet to 5 feet.

APPEAL NO. 2013-32 – WISCONSIN MALL PROPERTIES
W JOHNSON STREET/N PETERS AVENUE

FOREST MALL



PROJECT SITE





Walmart
Save money. Live better.

BEST BUY

KOHL'S

STAPLES

Dunham's

jcp

sears

FOREST MALL
SIMON

Younger's

Available
Existing
Available
Proposed

Planned

Planned

Available

11,600 VPD
N PETERS AVE

W JOHNSON ST

23,900 VPD

27,200 VPD

at&t
Verizon

US Cellular

7-Eleven

7-Eleven

McDonald's

Citizens First

American Bank

KFC

THE HOME DEPOT
Closed

Get It Now!

JOANN

TJ-maxx

Plot to Save

SHOPKO
may 2/3 may 2/4 may 2/5

William Steiner
Commercial Real Estate Brokerage
920.277.8576 | will@wsteiner.com
3232 Shorewood Dr. Oshkosh WI 54901

SITE INFORMATION:

PROPERTY AREA: AREA = 519,925 S.F. (11.94 ACRES)
EXISTING ZONING: B-6 PLANNED COMMERCIAL
PROPOSED ZONING: B-6 PLANNED COMMERCIAL
PROPOSED USE: RETAIL/GROUND LEASE OUTLOTS
AREA OF SITE DISTURBANCE: 70,000 S.F. (1.61 ACRES)

SETBACKS: BUILDING: FRONT = 150'
SIDE = 25'
REAR = 60'
PAVEMENT: FRONT = 15'
SIDE = 5'
REAR = 3'

HANDICAP STALLS REQUIRED: 12, HANDICAP STALLS PROVIDED: 20
HOURS OF OPERATION: EXISTING

EXISTING SITE DATA

PROJECT SITE	AREA (AC)	AREA (SF)	RATIO
BUILDING FLOOR AREA	11.94	519,925	19.7%
PAVEMENT (ASPH. & CONC.)	6.41	280,470	70.0%
TOTAL WEIWEEDS	10.78	468,833	90.0%
LANDSCAPE/OPEN SPACE	1.18	51,100	9.8%

PROPOSED SITE DATA (FROM SHEET C1.20)

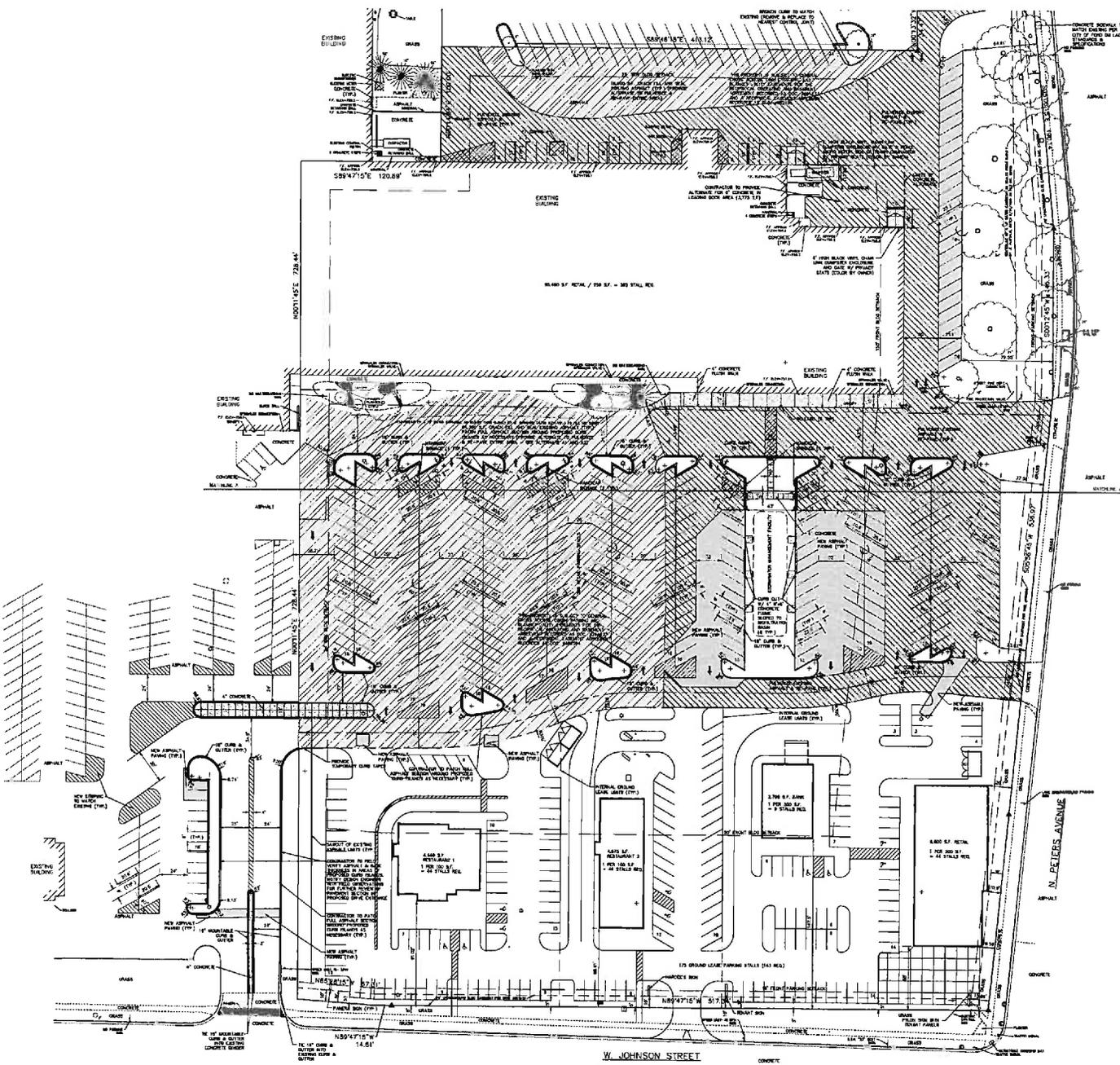
PROJECT SITE	AREA (AC)	AREA (SF)	RATIO
BUILDING FLOOR AREA	2.88	125,215	23.9%
PAVEMENT (ASPH. & CONC.)	7.49	328,275	62.7%
TOTAL WEIWEEDS	10.15	412,500	79.2%
LANDSCAPE/OPEN SPACE	1.78	77,425	14.9%

PARKING STALL CALCULATION

EXISTING RETAIL BUILDING	AREA (SQ FT)	REQ. HANDICAP RATIO	REQ. STALLS
RESTAURANT 1	4,400	1 STALL PER 200 SQ FT	22
RESTAURANT 2	4,575	1 STALL PER 100 SQ FT	46
BANK	2,700	1 STALL PER 300 SQ FT	9
CORNER RETAIL	8,500	1 STALL PER 200 SQ FT	43
TOTAL:			120

RETAIL PROVIDED: 378
LAND LEASE PROVIDED: 177
TOTAL PROVIDED: 555

PULVERIZED ASPHALT SPECIFICATIONS:
ASPHALT CONTRACTOR TO PULVERIZE ENTIRE ASPHALT SECTION WHERE SPECIFIED ON PLANS. MIX PULVERIZED ASPHALT INTO EXISTING TOP 3" OF AGGREGATE BASE. DO NOT DISTURB BOTTOM HALF OF SUB-BASE AND SUBGRADE SOILS. MINOR GRADING OF PULVERIZED ASPHALT/EXISTING AGGREGATE SECTION MAY BE REQUIRED TO ACHIEVE POSITIVE DRAINAGE AND MATCH INTO EXISTING GRADES. EXCAVATION CONTRACTOR TO BLADE OFF EXCESS PULVERIZED ASPHALT/EXISTING AGGREGATE BASE AND/OR ADD AGGREGATE BASE AS NECESSARY. SEE GRADING PLANS FOR DETAILS.



OVERALL SITE PLAN
SCALE: 1"=40'-0"
1"= 40' 0' 10' 20' 30' 40'
SCALE FEET

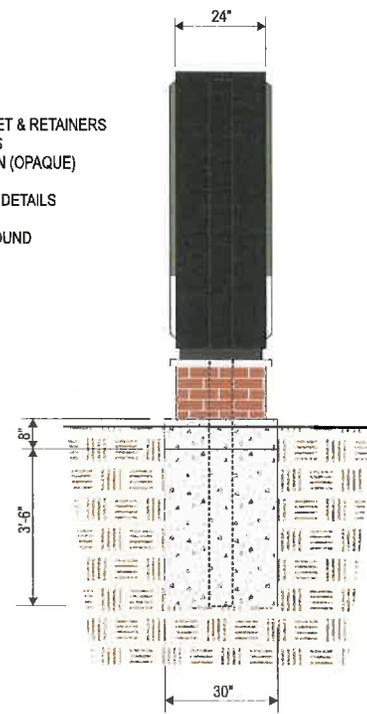


- NEW D/F ILLUMINATED MONUMENT SIGN:**
- (BLACK) PAINTED ALUMINUM FABRICATED SIGN CABINET & RETAINERS
 - POLYCARBONATE FACES w/ BACK-SPRAYED GRAPHICS
 - FACE BACKGROUND COLOR: MATCH PMS-5757u GREEN (OPAQUE)
 - (WHITE) "PANERA BREAD" WITH (BLACK) OUTLINES
 - (PMS-1355u PEACH) MOTHER BREAD w/ (BLACK) LOGO DETAILS
 - (WHITE) "®" REGISTERED SYMBOL
 - (BLACK) "DRIVE-THRU" LETTERS ON (WHITE) BACKGROUND
 - WHITE ILLUMINATION
 - BRICK BASE BY G.C. TO MATCH BUILDING
 - CONCRETE PAD AND FOOTING BY MSI, DETAILS T.B.D.

- 18" x 24" x 100" BRICK BASE
- 8" x 30" x 103" PAD
- 30" x 30" x 42" FOOTING
- 6 5/8" O.D. x 10'-0" STEEL PIPE

MONUMENT SIGN ELEVATION
3/8" = 1'- 0"

49.85 SQ.FT.



END VIEW
3/8" = 1'- 0"

ARTWORK EXCLUSIVE PROPERTY OF

SINCE  1917

MANDEVILLE SIGN
making your world

676 GEORGE WASHINGTON HIGHWAY
LINCOLN, RI 02865-4255

401-334-9100 401-334-7799
PHONE FAX

WEB www.mandevillesign.com

APPROVALS
Signatures Required Before Release to Production

Engineering	DATE
BY	DATE
Sales	DATE
BY	DATE
Estimating	DATE
BY	DATE
Production	DATE
BY	DATE
Quality Control	DATE
BY	DATE

ITEM PRODUCT NUMBER(S)

#25056-1

WORK ORDER NUMBER(S)

REVISIONS

NO.	BY	DESCRIPTION	DATE
1	JK	XXXXXXXXXXXX	00/00/00
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			

DO NOT SCALE DRAWING

CLIENT


Panera BREAD

STORE NUMBER #1772

West Johnson Street
FOND DU LAC, WI

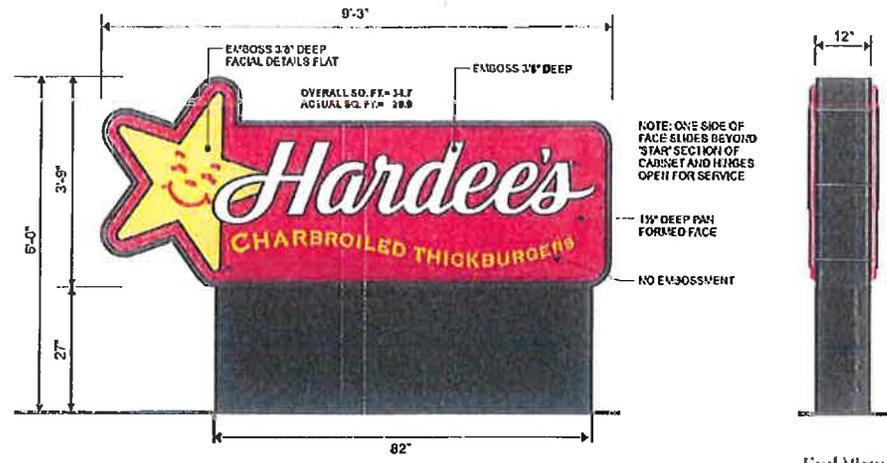
LOCATION/ID

PROJECT MANAGER JIM F.

CHECKED BY	DATE	WD ARTIST	DATE
			09/12/13

X-220f

DRAWING NAME

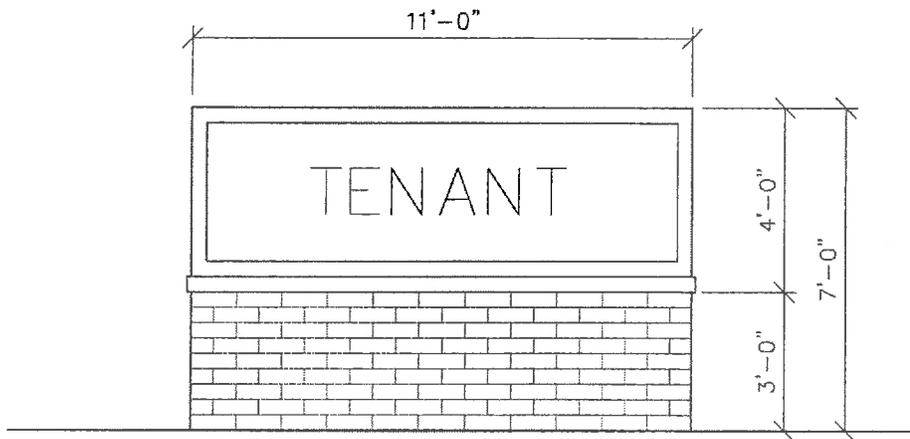
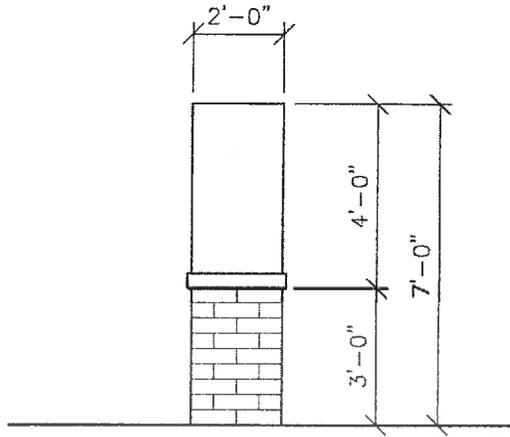


Front View - Graphic Layout
Scale: 1/2" = 1'-0"

End View

- MATCH PROCESS BLACK (PMS)
- MATCH #100 WHITE (LACRYL)
- MATCH #1630-73 RED (3M)
- MATCH #9933-015 YELLOW (3M)

SPECIFICATIONS:
 DOUBLE FACE SIGN CABINET TO BE MANUFACTURED FROM ALUMINUM 12" DEEP EXTRUSION WITH EXTRUDED ALUMINUM RETAINER SYSTEM.
 FACES TO BE PAN FORMED AND EMBOSSD, .177" THICK, CLEAR, SOLAR GRADE POLYCARBONATE WITH GRAPHICS APPLIED TO SECOND SURFACE IN COLORS AS NOTED.
 INTERNAL ILLUMINATION PROVIDED BY HIGH OUTPUT FLUORESCENT LAMPS POWERED BY ELECTRONIC BALLASTS.
 SIGN EQUIPPED DISCONNECT SWITCH AND WILL BEAR U.L. LABEL.
 SIGN TO BE SLEEVED OVER EN/DEDDED SUPPORT

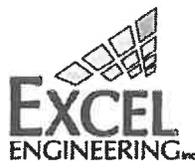


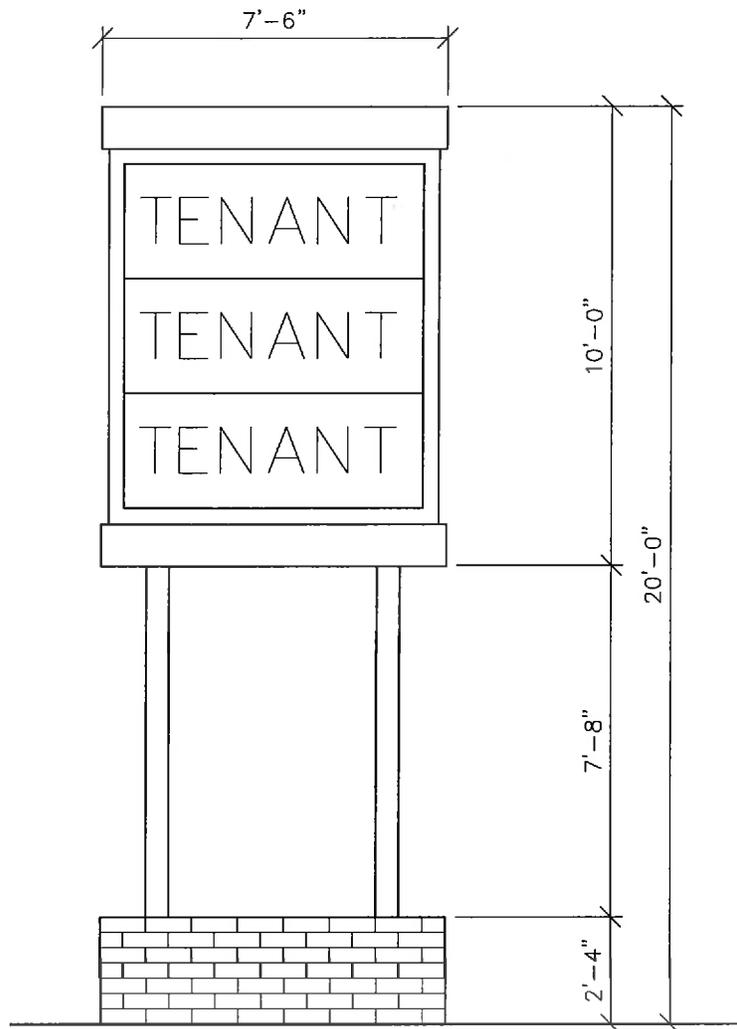
SIGNAGE MONUMENT

SCALE: 1/4" = 1'-0"

proposed sign: tenant/bldg. west of multitenant bldg.

2009 © EXCEL ENGINEERING INC.

PRELIMINARY PLAN DATE:	 EXCEL ENGINEERING ^{INC.} <small>100 CAMELOT DRIVE FOND DU LAC, WI 54935 PHONE: (920) 926-9600 FAX: (920) 926-9601</small>	PROJECT: WISCONSIN MALL PROPERTIES 467B VIA ROBLADA SANTA BARBARA, CA	DATE: SEPT. 24, 2013
		SIGNAGE FOR: FOREST MALL RETAIL W JOHNSON STREET FOND DU LAC, WI 549355	DESIGN NO.: 1300250
			SHEET SIGN



SIGNAGE PYLON

SCALE: 1/4" = 1'-0"

proposed sign: multitenant bldg.
Johnson/Peters

2009 © EXCEL ENGINEERING INC.

<p>PRELIMINARY PLAN DATE:</p>	 <p>EXCEL ENGINEERING, INC.</p> <p>100 CAMELOT DRIVE FOND DU LAC, WI 54935 PHONE: (920) 926-9800 FAX: (920) 926-9801</p>	<p>PROJECT: WISCONSIN MALL PROPERTIES 4678 VIA ROBLADA SANTA BARBARA, CA</p>	<p>DATE: SEPT. 23, 2013</p>
		<p>SIGNAGE FOR: FOREST MALL RETAIL W JOHNSON STREET FOND DU LAC, WI 549355</p>	<p>DESIGN NO.: 1300250</p>
		<p>SHEET</p> <p>SIGN</p>	

board of appeals memorandum

Date: October 2, 2013
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner 
RE: Appeal No. 2013-32

Location: W Johnson Street/N Peters Avenue (FDL-15-17-09-24-756-00)

Applicant: William Steiner o/b/o Wisconsin Mall Properties

Zoning:

Site:	B-6 (Planned Shopping)
North:	B-5 (Special Commercial)
South:	B-4 (Service Commercial)
East:	B-4
West:	B-6

Land Use:

Site:	Shopping Center (Younkers/Hardees/Chase Bank)
North:	Sears
South:	Pizza Hut/McDonalds/Citizens First Credit Union
East:	Businesses
West:	Shopping Center (Firestone/Applebees)

Request: Increase the number of ground signs, reduce front yard building setback requirement and reduce front yard parking lot setback requirement.

Analysis

The subject site encompasses the property area of the Younkens department store, Hardees restaurant and Chase Bank. The property is 11.94 acres in size and is owned by Wisconsin Mall Properties. Simon Property Groups owns the building/property area west of Younkens. In appearance and use the subject site functions as a component of the Forest Mall shopping center. Exceptions to sign regulations, building setback requirements and parking lot setback requirements are proposed for the construction of four new satellite buildings.

The four new buildings would replace two existing buildings – Hardees and Chase Bank. A new Hardees restaurant would be constructed east of the existing restaurant; Panera Bread would be constructed in the location of the existing Hardees. The conceptual site plan situates a small building east of the new Hardees and a 3-tenant building at the corner of West Johnson and North Peters. Division of the land to create separate lots for the new buildings is not planned.

Evaluation of the variance request differs from the standard analysis because of pending changes to the zoning code that will significantly affect development requirements for business districts. As part of the recodification of the municipal code, the zoning code will be substantially updated within the next several months, in effect creating a ‘new’ zoning code. The number of zoning districts will be reduced and changes to sign regulations are proposed.

Building and Parking Setbacks

The B-6 district was intended for shopping center development. Building setback requirements are greater than those required for commercial development in a typical business district. The substantial setback requirements reflect the bulk and area of shopping malls.

The B-6 district currently requires a front yard building setback of 150 feet. The front yard setback requirement applies to lot area that abuts a public street. The ‘new’ zoning code will require a front yard building setback of 20 feet, the same as currently required for most commercial districts. The variance request affects the building setback requirement for Johnson Street and also for Peters Avenue. The following setbacks are proposed:

Panera Bread: 91.02 feet

Hardees: 68.61 feet

Commercial Building East of Hardees: 147.5 feet

Multitenant Building: 55 feet (Johnson Street) and 10.59 feet (Peters Avenue)

Setback regulations are intended to address potential impacts of development, particularly when differing land uses adjoin. Reductions to setback requirements have been granted for other satellite development within the Mall property. The proposed Johnson Street setbacks for the four buildings are reasonable and reflect commercial development on large lots. The proposed 10.59' Peters Avenue setback for the multitenant building is a concern – it provides only minimal separation of the building from the sidewalk, it is less than what would be required in the abutting zoning district, and it is less than what would be required under new zoning regulations. A minimum setback of 20' would reflect conditions of other commercial development in the area and also consider the new zoning code.

The variance request also proposes a reduction of the front yard parking setback; 15 feet is required and 5 feet is proposed. The proposed setback would mimic the setback of other commercial properties on Johnson Street. The justification for the exception reflects the large right-of-way area of Johnson Street. The provision of landscape plantings within the setback area will ensure compliance with the spirit of code requirements for property aesthetics and parking lot screening.

Ground Signs

The B-6 district allows one ground sign for a shopping center. An existing pylon sign for Forest Mall utilizes the code allowance. The variance request proposes four ground signs, one for each of the new buildings. Three of the signs are monument signs; a pole sign is proposed for the multitenant building.

Recognizing the necessity for business/site identification, the proposed zoning code allows a ground sign for satellite uses of a shopping center. The new code restricts ground signs to a monument design with a maximum height of 8 feet. The calculation of allowable size will not differ from existing regulations, permitting one square foot of sign area per each linear foot of building frontage, with a cap of 75 square feet. The determination of sign area will not change from the existing code; monument sign area is calculated based on sign face as well as the area of the sign structure.

The proposed signage is detailed in the following table.

	'NEW' ZONING CODE ALLOWABLE AREA	PROPOSED SIGN AREA	'NEW' ZONING CODE ALLOWABLE SIGN HGT	PROPOSED SIGN HEIGHT
PANERA (Restaurant 1) Bldg façade:72 linear ft.	72 sq. ft.	61.85 sq. ft. MONUMENT SIGN	8 ft.	7'11"
HARDEES (Restaurant 2) Bldg façade: 39 linear ft.	39 sq. ft.	42.29 sq. ft. MONUMENT SIGN	8 ft.	6'0"
UNKNOWN TENANT Bldg façade:45 linear ft.	45 sq. ft.	77 sq. ft. MONUMENT SIGN	8 ft.	7'0"
MULTI-TENANT BLDG (3 TENANTS) Bldg façade: Johnson St: 60 linear ft. Peters Ave: 140 linear ft.	60 sq. ft.	75 sq. ft. PYLON SIGN	8 ft.	20'

The variance request reflects the new zoning regulations for height restrictions of monument signs. The proposed pole sign exceeds the height restriction but it comparable to signage allowed in the business district east of the Mall.

The proposed size of the Panera Bread sign complies with the new zoning regulations; the three other signs exceed the allowance based on building frontage.

A conditional approval of the variance proposal reflective of new zoning code regulations would be appropriate.

Statement of Hardship or Practical Difficulty

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 exceptions generally relate to future zoning code regulations. Exceptions to building setback requirements, parking lot setback regulations and allowable signage are warranted due to property size and land 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

The Board of Appeals 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.

Recommendation

A motion to approve or deny a variance request must state the findings in support of the action taken.

Community Development staff suggest a motion to **approve exceptions to building setback regulations, parking lot setback regulations and sign regulations** due to property size and land use, and reflective of pending changes to the zoning code.

Conditions of approval shall include:

1. Building setbacks/Johnson Street: The variance approval shall reflect the conceptual site plan submitted by the petitioner, including:
 - Panera Bread: 91.02'
 - Hardees: 68.61'
 - Building East of Hardees: 147.5'
 - Multitenant Building: 55'

2. Building Setback/Peters Avenue: Minimum 20 feet. Building design shall include windows, architectural elements and building materials to present an attractive appearance for the public street.
3. Parking Lot Setback/Front Yard: Minimum 5 feet. Significant landscape plantings shall be provided for screening of parking spaces and the parking lot.
4. Monument signs: 8' maximum height, one square foot of sign area for each linear foot of building façade (facing the public street), not to exceed 75 square feet.
5. Pole sign: 20' maximum height, 75 square feet maximum area.

Parcel Number	Owner(s)	Mailing Address 1	Mailing Address 2	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-09-31-001-00	AMERICAN BANK	PO BOX 1077		FOND DU LAC	WI	54936	676 W JOHNSON ST
FDL-15-17-09-13-517-00	AUTOZONE INC	%DEPT 8088 #1965	PO BOX 2198	MEMPHIS	TN	38101	623 W JOHNSON ST
FDL-15-17-09-24-750-00	B & H PROFESSIONAL PROPERTIES LLC	355 N PETERS AVE		FOND DU LAC	WI	54935	355 N PETERS AVE
FDL-15-17-09-42-322-01	CPQ LLC	281 ARBOR LN		GREEN BAY	WI	54301	608 W JOHNSON ST
FDL-15-17-09-31-003-00	CITIZENSFIRST CREDIT UNION	PO BOX 3046		OSHKOSH	WI	54903	740 W JOHNSON ST
FDL-15-17-09-32-259-00	COLE REV TR, ANTHONY LEE; COLE REV TR, DIANE BARRY; 836 WEST JOHNSON STREET KL LLC	540 SUNRISE BAY ROAD		NEENAH	WI	54956	834 W JOHNSON ST
FDL-15-17-09-24-755-00	EW GROUP LLC	ATTN ROBERT W JORS	PO BOX 508	JACKSON	WI	53037	221 N PETERS AVE
FDL-15-17-09-32-250-00	FOND DU ACQUISITIONS LLC	%HOME DEPOT PROP TAX DEPT #4933	PO BOX 105842	ATLANTA	GA	30348	844 W JOHNSON ST
FDL-15-17-09-24-752-00	FOND DU LAC COUNTY FARM BUREAU	343 N PETERS AVE		FOND DU LAC	WI	54935	343 N PETERS AVE
FDL-15-17-09-13-519-00	GHEEWALLA, NILESH ; GHEEWALLA, RINAL	649 W JOHNSON ST		FOND DU LAC	WI	54935	649 W JOHNSON ST
FDL-15-17-09-24-754-00	HOMETOWN BANK	80 SHEBOYGAN ST		FOND DU LAC	WI	54935	245 N PETERS AVE
FDL-15-17-09-31-005-00	INLAND AMERICAN FOND DU LAC FOREST PLAZA II LLC	ATTN: PROPERTY TAX DEPT	PO BOX 9271	OAK BROOK	IL	60522	800 W JOHNSON ST
FDL-15-17-09-31-005-01	INLAND AMERICAN FOND DU LAC FOREST PLAZA II LLC	% BURGER KING CORPORATION	5505 BLUE LAGOON DR	MIAMI	FL	33126	790 W JOHNSON ST
FDL-15-17-09-31-005-02	INLAND AMERICAN FOND DU LAC FOREST PLAZA II LLC	ATTN: PROPERTY TAX DEPT	PO BOX 9271	OAK BROOK	IL	60522	774 W JOHNSON ST
FDL-15-17-09-32-260-00	INLAND AMERICAN FOND DU LAC FOREST PLAZA II LLC	ATTN: PROPERTY TAX DEPT	PO BOX 9271	OAK BROOK	IL	60522	832 W JOHNSON ST
FDL-15-17-09-31-005-03	INLAND AMERICAN FOND DU LAC FOREST PLAZA LLC	% ROUNDY'S SUPERMARKETS INC	875 EAST WISCONSIN AVE	MILWAUKEE	WI	53202	760 W JOHNSON ST
FDL-15-17-09-13-516-00	KPMG KATRIS LLC	%COLISEUM	91 S MAIN ST	FOND DU LAC	WI	54935	609 W JOHNSON ST
FDL-15-17-09-31-002-00	LANE, RICHARD ; LANE-LIBMAN, LISA	PH HOSPITALITY	10930 W POTTER RD STE A	WAUWATOSA	WI	53226	718 W JOHNSON ST
FDL-15-17-09-31-004-00	MCDONALDS REAL ESTATE COMPANY	%VALLEY MANAGEMENT INC	18 JEWELERS PARK DR STE 100	NEENAH	WI	54956	770 W JOHNSON ST
FDL-15-17-09-23-502-00	MD SMITH LLC	%FAZOLIS RESTAURANTS ATTN JACKIE BERRIL	2470 PALUMBO DR	LEXINGTON	KY	40509	256 N PIONEER RD
FDL-15-17-09-24-753-00	PETERS PROFESSIONAL, ; PLAZA LLC,	333 N PETERS AVE	SUITE #3	FOND DU LAC	WI	54935	333 N PETERS AVE
FDL-15-17-09-24-757-00	SEARS ROBBUCK & CO	DEPT 768TAX	3333 BEVERLY RD	HOFFMAN ESTATES	IL	60179	757 W JOHNSON ST
FDL-15-17-09-23-500-00	SIMON PROPERTY GROUP LP	PO BOX 6120		INDIANAPOLIS	IN	46206	835 W JOHNSON ST
FDL-15-17-09-23-501-00	SIMON PROPERTY GROUP LP dba SIMON REAL ESTATE GROUP	% KOHL'S PROPERTY TAX DEPT	PO BOX 2148	MILWAUKEE	WI	53201	913 W JOHNSON ST
FDL-15-17-09-42-322-00	SPIRIT SPE PORTFOLIO 2006-1 LLC	700 PILGRIM WAY		GREEN BAY	WI	54304	616 W JOHNSON ST
FDL-15-17-09-24-751-00	STATE OF WISCONSIN DILHR	201 E WASHINGTON AVE	PO BOX 7946	MADISON	WI	53707	349 N PETERS AVE
FDL-15-17-09-13-518-00	TFK PROPERTIES LLC	W138 S7122 SHERWOOD CIR		MUSKEGO	WI	53150	635 W JOHNSON ST
FDL-15-17-09-32-251-00	THEODEN ASSETS LLC	1314 E LAS OLAS BLVD STE 54		FORT LAUDERDALE	FL	33301	187 N PIONEER RD
FDL-15-17-09-24-756-00	WISCONSIN MALL PRPTIES LLC	C/O THE BON-TON STORES	2801 E MARKET ST	YORK	PA	17402	755 W JOHNSON ST

ZONING PETITION - VARIANCE



CITY OF FOND DU LAC

ADDRESS OF VARIANCE REQUEST: 430 E. Division and 480 E. Division

Tax Key Number if vacant land: _____

Petitioner: Agnesian HealthCare 430 E. Division and 480 E. Division
(Name) (Address)

Petitioner Phone Number: (920) 926-5604

Petitioner Email: longt@agnesian.com

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:

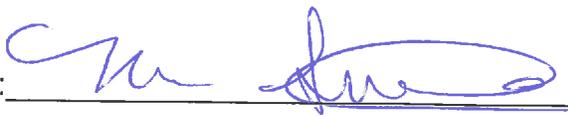
Increase number, height and size of directional signs for hospital campus.

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:

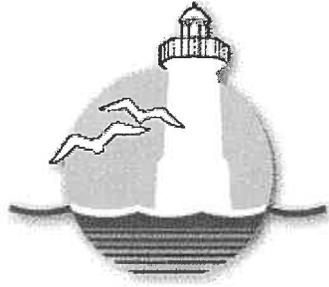
The property size and range of services offered requires more signs than ordinarily permitted to direct visitors, staff and patients.

Petitioner Signature:  **APPEAL NO.** 2013-33

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

VARIANCE SUBMITTAL REQUIREMENTS

VARIANCE PETITION



APPEAL No. 2013-33

BOARD OF APPEALS MEETING: October 7, 2013

Location: 430-431-480 E Division Street

Petitioner: Agnesian HealthCare

FOND DU LAC ZONING CODE REGULATIONS:

Section 11.12 E.6 allows four directional signs for a property, each not to exceed 4.5 square feet in area and 4 feet in height.

PROPOSAL:

Increase allowable number of directional signs from 4 to 17 (hospital) and from 4 to 8 (north parking lot).

Increase allowable height from 4 feet to 5' and 7'.

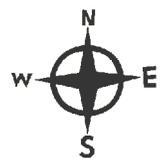
Increase allowable sign area from 4.5 square feet to 8.25 square feet and 17.82 square feet.

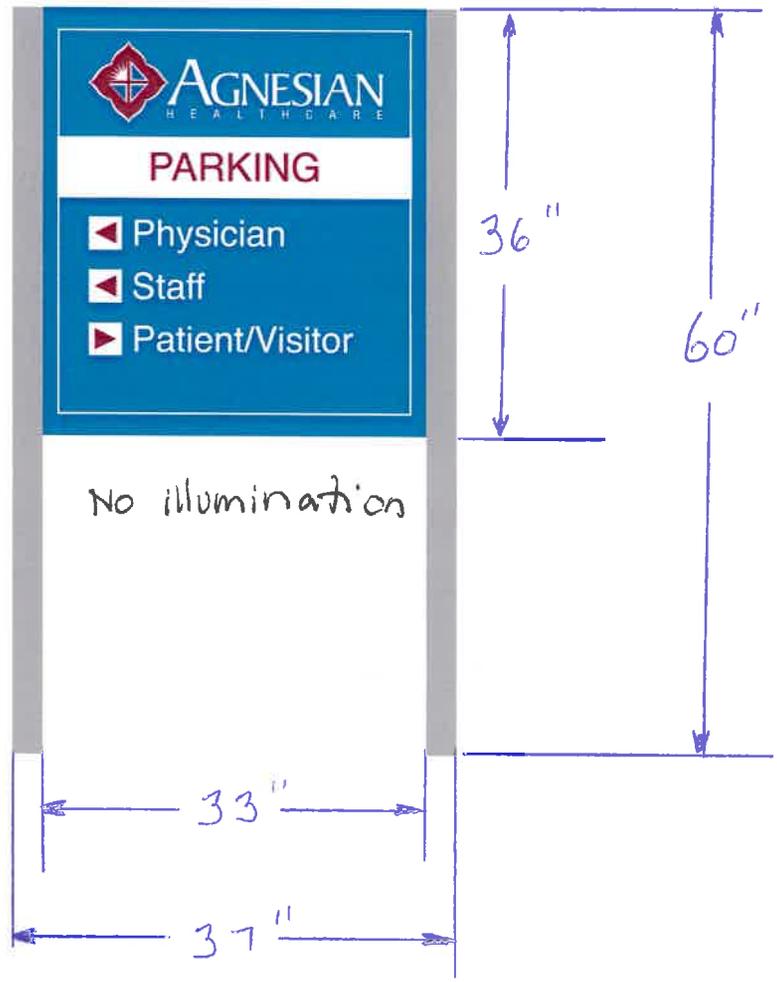
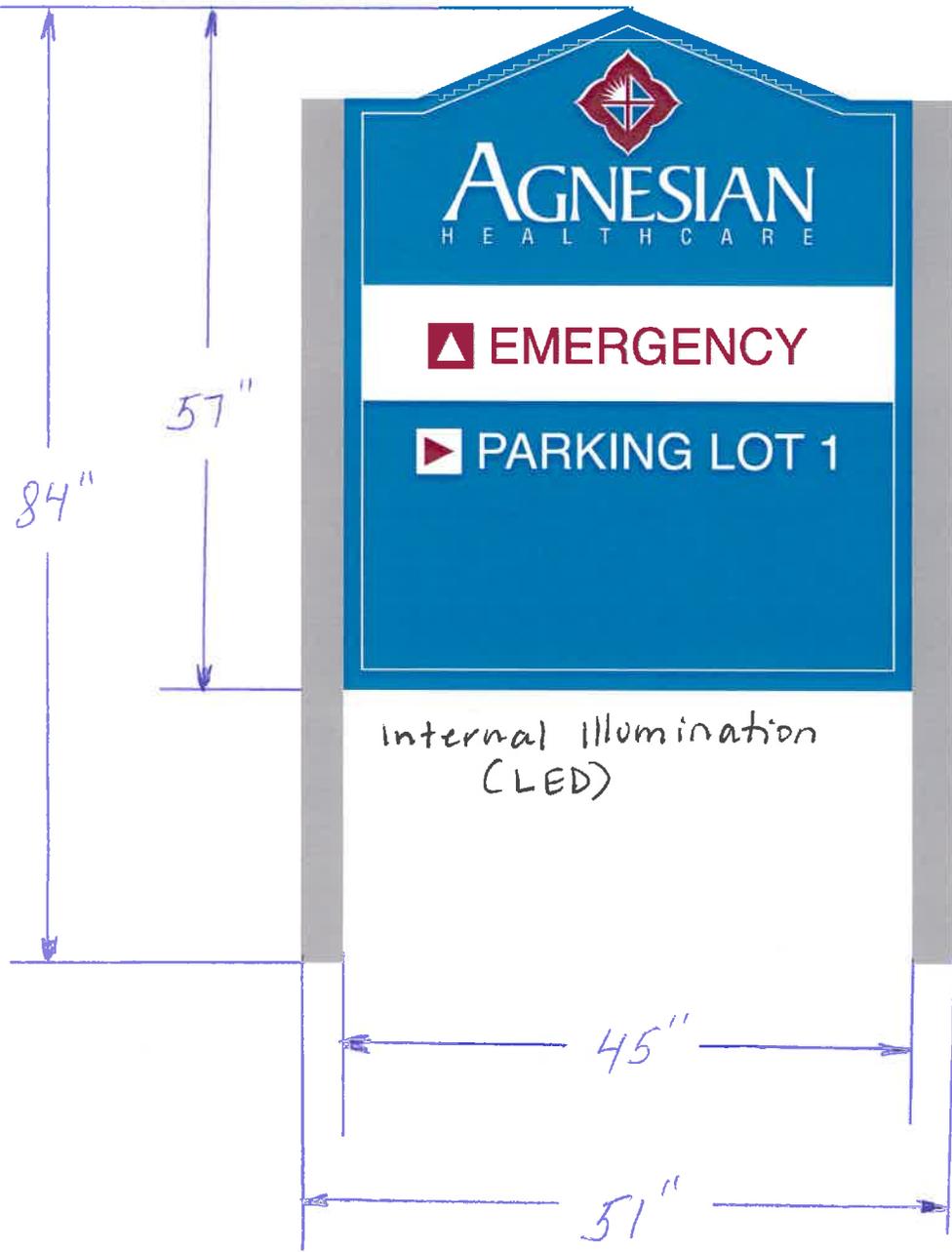
APPEAL NO. 2013-33 – AGNESIAN
430 E DIVISION ST, 431 E DIVISION ST, 480 E DIVISION ST

Hospital/Clinic (430 E Division)

Parking Lot (431 E Division)

Cancer Center (480 E Division)





MERRILL STREET

OAKLAWN AVENUE

HOUSE

EXISTING PARKING

ADULT DAYCARE

NEW ROADWAY

DE NEVEL CREEK

EAST DIVISION STREET

A

B

C

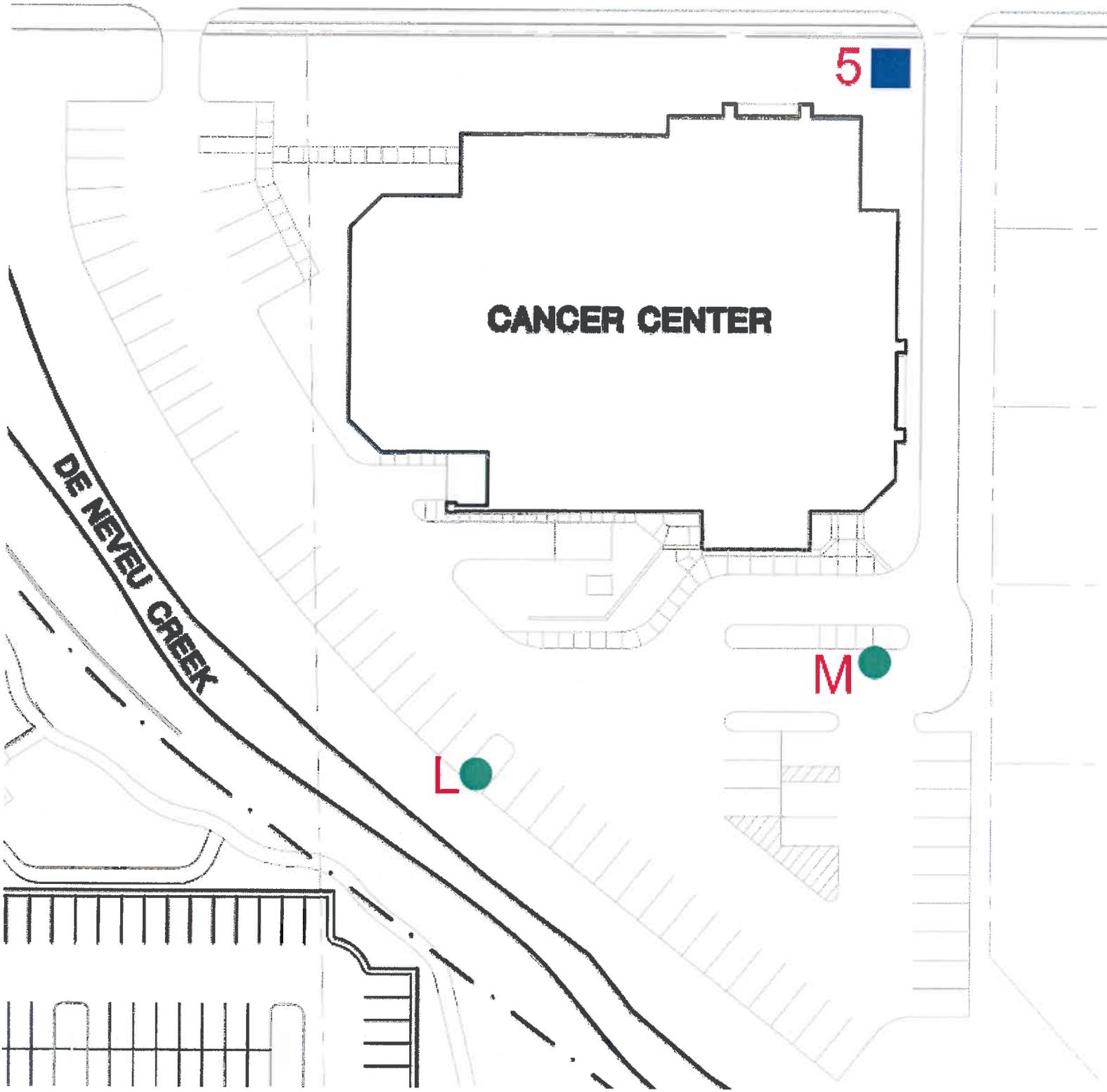
D

E

F

6





CANCER CENTER

5 ■

DE NEVEU CREEK

L ●

M ●

Strands, Sue

From: Rick Gudex <rickgudex@yahoo.com>
Sent: Tuesday, October 01, 2013 1:07 PM
To: Strands, Sue
Subject: [Blacklisted Sender] Board of Appeals 2013-33

Dear City Clerk Strands,

For the record, note that Rick and Kim Gudex have no objection on the proposed request from Agnesian Healthcare. We live right across the street. They have been very good neighbors and have no reason to believe they will not be in the future. Please extend this to the Board of Appeals. Thanks.

Rick and Kim Gudex
361 E. Division St.

board of appeals memorandum

Date: October 2, 2013
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner 
RE: Appeal No. 2013-33

Location: 430 E Division Street (St. Agnes Hospital/FDL Regional Clinic)
431 E Division Street (Hospital Parking Lot)
480 E Division Street (Agnesian Cancer Center)

Applicant: Agnesian HealthCare

Zoning: Site: O (Office)
North: R-3 (Single Family Residential)
South: R-3
East: R-2 (Single Family Residential) and R-3
West: R-3

Land Use: Site: Wells Manufacturing
North: WisDOT Stormwater Pond
South: Natural Stone Co./Wild Goose Trail Parking
East: Wild Goose Trail
West: Hoerth Storage

Request: Increase directional sign number/height/area.

Analysis

Agnesian HealthCare is a large medical facility that occupies more than thirty acres of land on East Division Street. The hospital and regional clinic occupy more than 20 acres of land, the parking lot on the north side of Division Street covers nearly 9 acres and the cancer center occupies almost 2 acres. Exceptions to sign regulations for directional signage are proposed.

Zoning regulations allow four directional signs for a property. The maximum height of a directional sign is 4 feet; the maximum area is 4.5 square feet. The variance request

proposes an increase in the number of signs permitted, as well as allowable sign area and maximum sign height.

Forty-two directional signs of various sizes and height currently serve the hospital/clinic and the parking lot on the north side of Division Street. The cancer center has four directional signs. The existing signs range in size from 12'x18" to 3.75'x4.75'. The signs vary in height from 4 feet to 7 feet.

The variance request proposes to remove all of the directional signs on the three properties and install two sizes of new signs. The sign design and colors would be uniform for all of the new signs. Twenty-five new signs are planned for the hospital campus and north parking lot. Three signs are proposed for the cancer center.

The proposed primary directional signs are 3.75'x4.75' (17.82 square feet) and 7 feet high; nine are planned to serve the hospital/clinic site. The signs would be sited strategically to guide visitors and patients to the hospital/clinic and essential services. A primary directional sign is proposed at the entry to the north parking lot and one is proposed at the entry to the cancer center. The primary directional signs include internal LED illumination.

The proposed secondary directional signs are 2.75'x3' (8.25 square feet) and 5 feet high. The signs would be situated within the properties to provide information for on-site parking and to guide patients and visitors to various services. The secondary signs are not illuminated.

The allowance for directional signage is suitable for most commercial sites but is not realistic for large properties with multiple buildings, parking lots, entrances and services. The proposal reduces the number of signs that currently serve the three properties and offers a uniform sign program for the sites. Approval of the variance request will not create any type of negative effect for any nearby property.

Favorable consideration of the variance request 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 considers the substantial bulk of the property and unique circumstances of multiple services, entrances and parking lots.

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.

Recommendation

A motion to approve or deny a variance request must state the findings in support of the action taken.

Community Development staff suggests a motion to **approve the variance request** based on findings referenced herein, and specifically because of the substantial bulk of the property and unique circumstances of multiple services, entrances and parking lots.

Parcel Number	Owner(s)	Mailing Address 1	Mailing Address 2	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-11-34-854-00	AGNESIAN HEALTHCARE INC	ATTN:FINANCE/ACCTS PAYABLE DEPT	430 E DIVISION ST	FOND DU LAC	WI	54935	356 E DIVISION ST
FDL-15-17-11-34-855-00	AGNESIAN HEALTHCARE INC	ATTN:FINANCE/ACCTS PAYABLE DEPT	430 E DIVISION ST	FOND DU LAC	WI	54935	366 E DIVISION ST
FDL-15-17-11-43-519-00	AGNESIAN HEALTHCARE INC	ATTN:FINANCE/ACCTS PAYABLE DEPT	430 E DIVISION ST	FOND DU LAC	WI	54935	431 E DIVISION ST
FDL-15-17-11-43-522-00	AGNESIAN HEALTHCARE INC	ATTN:ACCTS PAYABLE DEPT	430 E DIVISION ST	FOND DU LAC	WI	54935	0 E DIVISION ST
FDL-15-17-11-43-523-01	AGNESIAN HEALTHCARE INC	ATTN:ACCTS PAYABLE DEPT	430 E DIVISION ST	FOND DU LAC	WI	54935	480 E DIVISION ST
FDL-15-17-11-43-524-00	AGNESIAN HEALTHCARE INC	ATTN:FINANCE/ACCTS PAYABLE DEPT	430 E DIVISION ST	FOND DU LAC	WI	54935	36 EASTGATE PL
FDL-15-17-11-43-525-00	AGNESIAN HEALTHCARE INC	ATTN: ACCTS PAYABLE	430 E DIVISION ST	FOND DU LAC	WI	54935	28 EASTGATE PL
FDL-15-17-11-43-527-00	AGNESIAN HEALTHCARE INC	ATTN: FINANCE/ACCTS PAYABLE DEPT	430 E DIVISION ST	FOND DU LAC	WI	54935	14 EASTGATE PL
FDL-15-17-14-12-253-00	AGNESIAN HEALTHCARE INC	ATTN:FINANCE/ACCTS PAYABLE DEPT	P O BOX 1436	FOND DU LAC	WI	54936	408 GILLET ST
FDL-15-17-11-34-757-00	ANDERS, CHARLES J	371 E DIVISION ST		FOND DU LAC	WI	54935	371 E DIVISION ST
FDL-15-17-11-44-900-00	BRATH REAL ESTATE HOLDINGS LLC	W178 CTH KK		CAMPBELLSPORT	WI	53010	535 E DIVISION ST
FDL-15-17-11-43-534-00	BUELOW, JUDITH C	37 EASTGATE PL		FOND DU LAC	WI	54935	37 EASTGATE PL
FDL-15-17-11-34-756-00	FLOETER, HOWARD	375 E DIVISION ST		FOND DU LAC	WI	54936	375 E DIVISION ST
FDL-15-17-14-12-250-00	FOND DU LAC COUNTY; MENTAL HEALTH CENTER	CITY COUNTY GOV CENTER	160 S MACY ST	FOND DU LAC	WI	54935	0 E 1ST ST
FDL-15-17-14-12-251-00	FOND DU LAC COUNTY; MENTAL HEALTH CENTER	CITY COUNTY GOV CENTER	160 S MACY ST	FOND DU LAC	WI	54935	0 E 1ST ST
FDL-15-17-14-12-252-00	FOND DU LAC COUNTY; MENTAL HEALTH CENTER	CITY COUNTY GOV CENTER	160 S MACY ST	FOND DU LAC	WI	54935	459 E 1ST ST
FDL-15-17-11-43-508-00	GTS BROOKSIDE CENTER LLP	481 E DIVISION ST	STE #300	FOND DU LAC	WI	54935	481 E DIVISION ST
FDL-15-17-11-34-778-00	GUDEX, RICHARD D; GUDEX, KIMBERLY K	361 E DIVISION ST		FOND DU LAC	WI	54935	361 E DIVISION ST
FDL-15-17-11-43-532-00	HAU, DAVID A	25 EASTGATE PL		FOND DU LAC	WI	54935	25 EASTGATE PL
FDL-15-17-11-43-526-00	HISEL, SHARON M	20 EASTGATE PL		FOND DU LAC	WI	54935	20 EASTGATE PL
FDL-15-17-11-43-529-00	JOHNSON, STANLEY M	117 AURORA LN		FOND DU LAC	WI	54935	500 E DIVISION ST
FDL-15-17-11-44-901-00	KOHLMANN, EUGENE F; KOHLMANN, DOROTHY A	8 S KAYSER ST		FOND DU LAC	WI	54935	8 S KAYSER ST
FDL-15-17-11-43-501-00	M & P INVESTMENTS LLC	PO BOX 190		BROWNSVILLE	WI	53006	525 E DIVISION ST
FDL-15-17-11-43-502-00	MARIAN UNIVERSITY INC	45 S NATIONAL AVENUE		FOND DU LAC	WI	54935	505 E DIVISION ST
FDL-15-17-11-34-777-00	NEW BEGINNINGS PREGNANCY CARE CENTER INC	365 E DIVISION ST		FOND DU LAC	WI	54935	365 E DIVISION ST
FDL-15-17-11-34-758-00	NONESTIED, PATRICIA E	10 OAKLAWN AVE		FOND DU LAC	WI	54935	10 OAKLAWN AVE
FDL-15-17-11-43-531-00	OLOUGHLIN, TIMOTHY J	19 EASTGATE PL		FOND DU LAC	WI	54935	19 EASTGATE PL
FDL-15-17-11-43-535-00	OLSON, WILLIAM V; OLSON, SUSAN I	45 EASTGATE PL		FOND DU LAC	WI	54935	45 EASTGATE PL
FDL-15-17-11-43-530-00	QUINN, STEVEN A; QUINN, ELIZABETH A	530 E DIVISION ST		FOND DU LAC	WI	54935	530 E DIVISION ST
FDL-15-17-11-43-533-00	SCHMIDT, MICHAEL E, SCHMIDT, DEBRA A	33 EASTGATE PL		FOND DU LAC	WI	54935	33 EASTGATE PL