

BOARD OF APPEALS AGENDA

December 1, 2014
3:00 P.M.

Meeting Rooms F&G
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. October 6, 2014

III. HEARINGS

- A. Appeal No. 2014-19
16 North Brooke Street
SCI Associates

Zoning Code Regulations:

Chapter 720 Schedule VI, Land Uses or Activities -
Industrial District, does not allow a residential use
dwelling as a permitted land use.

Variance Request:

Modify industrial building for multifamily residence.

IV. ADJOURN

BOARD OF APPEALS MINUTES

October 6, 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
Kirsten Quam
Dan Hebel
Scott Block

Absent: - Jeffrey Butzke (excused)
Matthew Schoenleber (excused)
John Piper (excused)

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

Chairperson Quam declared a quorum present.

APPROVAL OF MINUTES

August 4, 2014

Motion made by Hebel to approve the minutes of the regular meeting of August 4, 2014 of the Board of Appeals as presented.

Seconded by Floeter.

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

Carried.

BOARD OF APPEALS MINUTES

October 6, 2014

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HEARINGS

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.

Appeared in Support:

Brindah Birkholz, 272 5th St., Fond du Lac

Letter of Opposition read into record:

Patricia Terbeest, W12636 Amity Rd., Brandon, WI

Motion made by Floeter to approve the variance request based on staff findings 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

CITY OF FOND DU LAC
ZONING PETITION - VARIANCE



PROPERTY ADDRESS OF VARIANCE REQUEST: 16 N. Brooke Street, Fond du Lac, WI
Tax Key Number (Vacant Land): _____

Petitioner: SCI Associates, LLC, 366 South Tenth Avenue, PO Box 727, Waite Park, MN 56387
(Name) (Address)

Petitioner Phone Number: [REDACTED]

Petitioner Email: [REDACTED]

Property Owner: Singleton Investments, LLC, 16 N. Brooke Street, Fond du Lac, WI
(If not the same as Petitioner) (Name) (Address)

P R O P O S A L

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

A variance is necessary because of the property's current industrial use zoning classification.

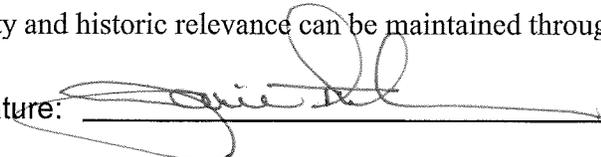
An exception to the zoning regulations is requested to allow residential use to match the future of the neighborhood as there are several other multifamily developments happening within the neighborhood.

S T A T E M E N T O F H A R D S H I P

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.

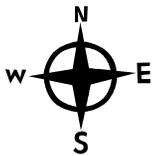
Describe the special physical condition of your property that makes compliance with zoning regulations difficult or impossible:

The current zoning, M-1, does not permit residential uses. Due to the size and age of the building, its current zoning use is difficult to accommodate current industrial uses. By allowing this variance, the building's integrity and historic relevance can be maintained through residential use.

Petitioner Signature: 

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

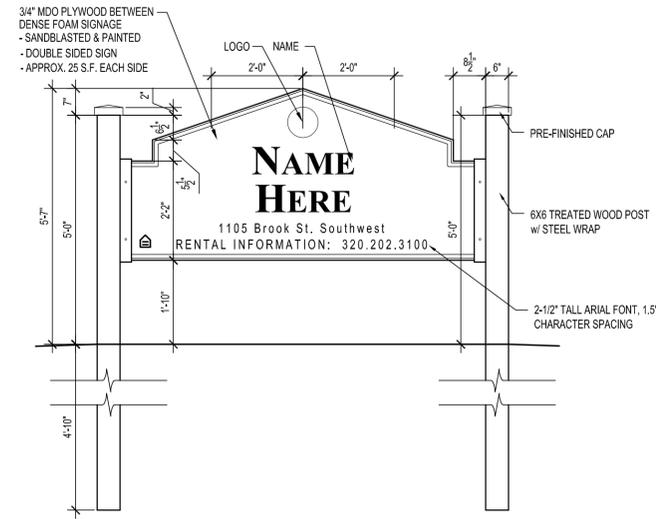
APPEAL NO. 2014-19 - 16 N BROOKE STREET



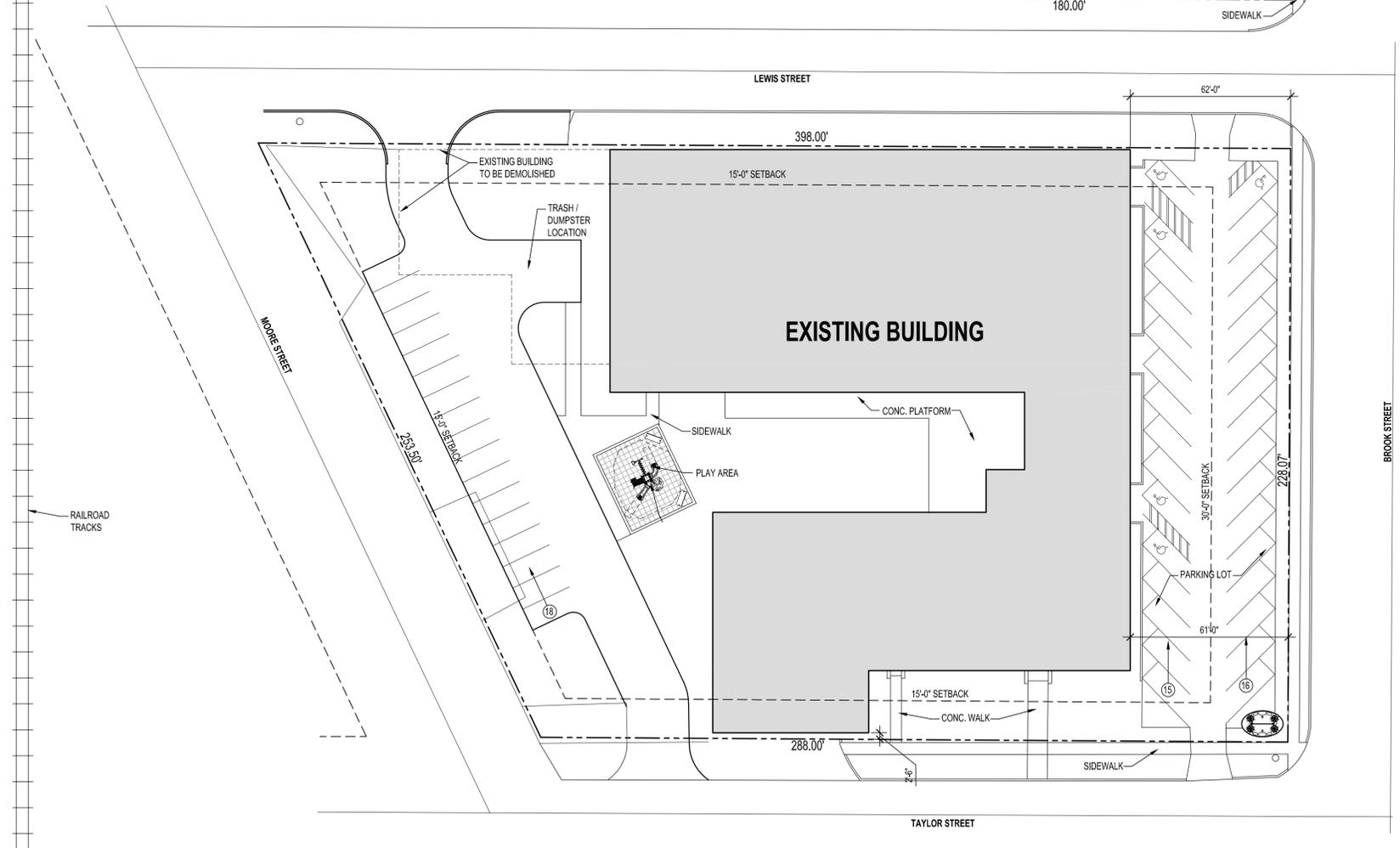
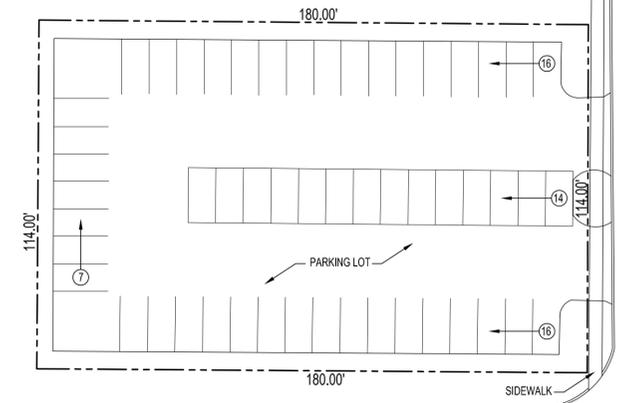
APPEAL NO. 2014-19 - 16 N BROOKE STREET

STREET VIEW (LOOKING WEST) – BROOKE STREET





1 DEVELOPMENT SIGN ELEVATION
SCALE: 1/2" = 1'-0"



2 SITE PLAN
SCALE: 1:30'-0"

Sand
Architects, LLC
a Subsidiary of Sand Companies, Inc.
366 South Tenth Avenue
PO Box 727
Waite Park, MN 56387-0727
Office: (320) 202-3100
Fax: (320) 202-3139
Website: www.SandCompanies.com
E-Mail: SCT@SandCompanies.com

SITE PARKING	
NORTH LOT	53
SOUTH LOT	31 (5)
WEST LOT	18
TOTAL	102 (5)

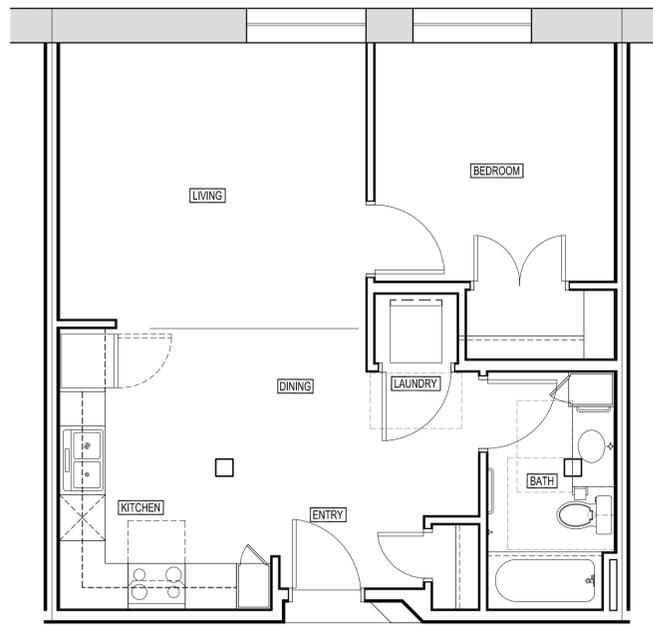
() DENOTES NUMBER OF ACCESSIBLE SPACES

**TAYLOR
&
BROOK
STREET**
FOND DU LAC, WI

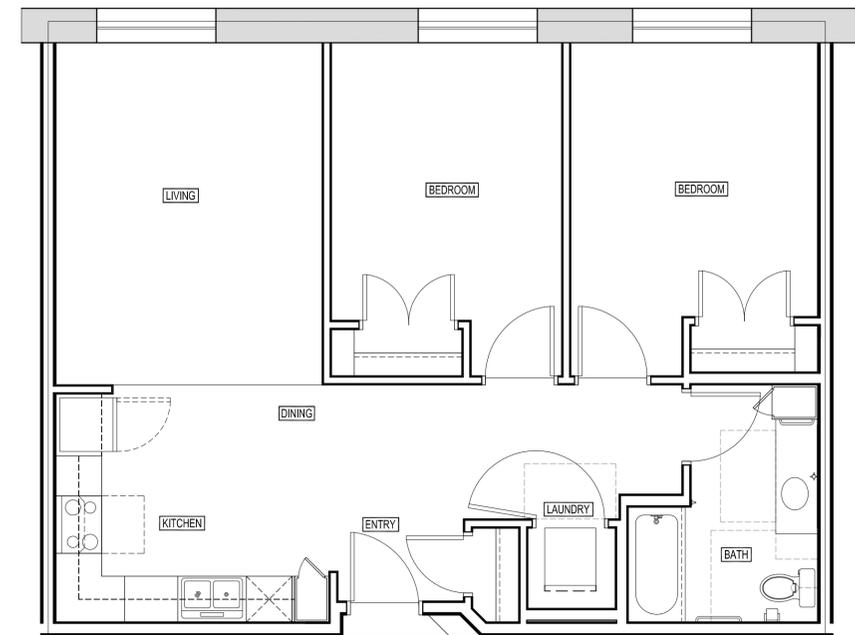
SITE PLAN

A-1.0

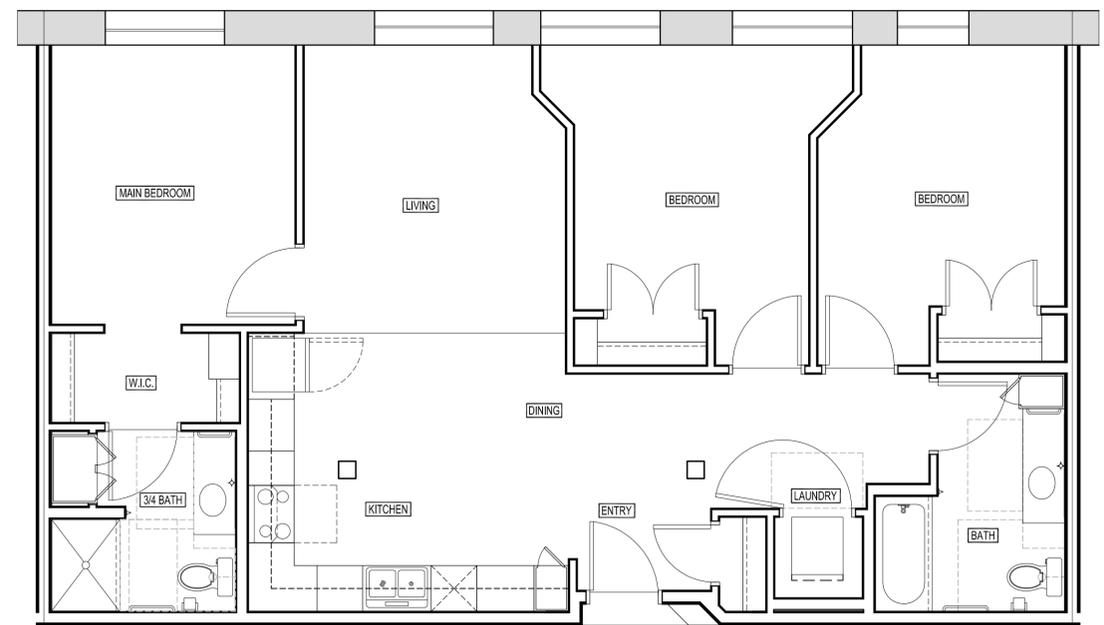
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1
A-3.0
TYP. ONE BEDROOM UNIT
SCALE: 1/4" = 1'-0"
670 S.F.



1
A-3.0
TYP. TWO BEDROOM UNIT
SCALE: 1/4" = 1'-0"
912 S.F.



1
A-3.0
TYP. THREE BEDROOM UNIT
SCALE: 1/4" = 1'-0"
1207 S.F.

**PRELIMINARY
NOT FOR
CONSTRUCTION**
PLATTED: 11/10/2014

**TAYLOR
&
BROOK
STREET**
FOND DU LAC, WI
FLOOR PLANS

A-3.0

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Sand Architects, LLC
a Subsidiary of Sand Companies, Inc.

366 South Tenth Avenue
PO Box 727
Waite Park, MN 56387-0727
Office: (320) 202-3100
Fax: (320) 202-3139
Website: www.SandCompanies.com
E-Mail: SCF@SandCompanies.com



1
A-2.0
FIRST FLOOR PLAN
SCALE: 1/16" = 1'-0"

	UNIT COUNT			
	1ST FLR.	2ND FLR.	3RD FLR.	TOTAL
ONE BEDROOM	5	0	0	5
TWO BEDROOM	8	9	9	26
THREE BEDROOM	4	7	7	18
TOTAL	17	16	16	49

**PRELIMINARY
NOT FOR
CONSTRUCTION**
PLOTTED: 11/10/2014

**TAYLOR
&
BROOK
STREET
FOND DU LAC, WI**

FLOOR PLANS

A-2.0

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1
A-2.1
SECOND & THIRD FLOOR PLANS
SCALE: 1/16" = 1'-0"

	UNIT COUNT			
	1ST FLR.	2ND FLR.	3RD FLR.	TOTAL
ONE BEDROOM	5	0	0	5
TWO BEDROOM	8	9	9	26
THREE BEDROOM	4	7	7	18
TOTAL	17	16	16	49

**PRELIMINARY
NOT FOR
CONSTRUCTION**
PLOTTER: 11/10/2014

**TAYLOR
&
BROOK
STREET
FOND DU LAC, WI**

FLOOR PLANS

A-2.1

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board of appeals memorandum

Date: November 21, 2014
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner
Subject: Appeal No. 2014-19

Location: 16 North Brooke Street

Applicant: SCI Associates

Zoning: Site: M-1 (Manufacturing)
North: M-1
South: M-1
East: M-1
West: M-1

Land Use: Site: Miscellaneous Businesses (Former Casket Company)
North: Warehouse/Residences
South: Parking Lot (Former Wells Mfg.)/Residence
East: DuFrane Moving Co.
West: Wisconsin Central Railroad/FDL River

Historic Status: Potentially eligible for the National Register of Historic Review
(No Historic Preservation Commission review required)

Variance Request

Zoning Code Regulation:

720 Schedule VI, Land Uses or Activities – Industrial District, does not allow a residential use dwelling as a permitted land use.

Proposal: Modify industrial building for multifamily residence.

Analysis

The subject property is zoned for industrial use. The existing three-story building is comprised of several periods of construction dating from 1892 to 1919. The building's history of use includes a

willow ware factory, canning company, and casket company. The building is currently occupied by several miscellaneous businesses, including an antique mall and an automotive repair business. An exception to allowable land uses is proposed to facilitate reuse of the building for residential purposes.

The applicant proposes to modify the entire building to create 49 apartment units. The mix of units is predominately two-bedroom (26), with 5 one-bedroom apartments and 18 three-bedroom apartments. Parking would be provided within the existing parking lot on the east side of the building and the parking lot on the north side of Lewis Street. The planned demolition of a portion of older building additions would create additional parking behind the building and a courtyard area in the middle of the site.

In considering the proposed use, consideration must be given to circumstances of the property and circumstances of surrounding uses and zoning. The existing building was last used for manufacturing purposes in 1963. In the situation of a typical industrial district, a residential use as a principal land use is not desirable or practical. Relative to the subject property, it is zoned for industrial use but it is not located in a typical industrial district and it is in an area of mixed land uses. The three-story construction of the building and the age of the building do not realistically accommodate an industrial use that would be allowed in accord with zoning regulations.

Approval of the variance request would facilitate significant improvement of the property and also eliminate existing uses that do not comply with zoning regulations. A conditional approval will limit the number of living units to assure a suitable land use. Favorable consideration of the proposal 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 and building conditions do not reasonably support use of the property as otherwise permitted by its zoning designation. The mix of land uses in the area, including residential uses, support approval of the requested exception to use the existing building for residential purposes.

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 specifically because property and building conditions do not reasonably support use of the property as otherwise permitted, and also due to the mix of land uses in the area, including residential uses.

Conditions of approval shall include:

1. Use of the building shall be limited to 49 apartment units, including the stated mix of bedrooms per living unit. The number of bedrooms in any unit may be decreased but shall not be increased above the proposed mix.
2. On-site (interior) storage shall be limited for use of the building tenants only.
3. On-site parking in accord with zoning regulations shall be provided for residents and guests. Open parking areas shall not be used for the storage of boats, trailers, commercial vehicles, recreational vehicles or similar items or equipment.
4. Significant landscape plantings shall be provided in all front yard setback areas and within the courtyard area of the building. Acceptable plantings shall include a mix of trees, shrubbery and perennials, maintained in a healthy growing condition.
5. One ground sign is permitted for the property, not to exceed 25 square feet in area and 6 feet in height. Sign design, color and materials shall be complementary to the building. Wall signage shall be limited to address identification only. Signage shall be reviewed and approved by the Community Development Department prior to the issuance of the required sign permit.

Public Notification
2014-19 - 16 N Brooke Street

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-10-31-054-00	222 AUBURN ST	FOND DU LAC	WI	54935	222 AUBURN ST
FDL-15-17-10-34-774-00	160 S MACY ST	FOND DU LAC	WI	54935	206 TAYLOR ST
FDL-15-17-10-34-764-00	PO BOX 787	FOND DU LAC	WI	54936	179 W DIVISION ST
FDL-15-17-10-31-058-00	1805 RIDGEWAY ST	HAMMOND	WI	54015	66 N BROOKE ST
FDL-15-17-10-31-056-00	210 AUBURN ST	FOND DU LAC	WI	54935	210 AUBURN ST
FDL-15-17-10-31-055-00	216 AUBURN STREET	FOND DU LAC	WI	54935	216 AUBURN ST
FDL-15-17-10-31-057-00	3390 CALEB CT	WEST BEND	WI	53090	206 AUBURN ST
FDL-15-17-10-34-767-00	47 OAKRIDGE CT	FOND DU LAC	WI	54937	221 LEWIS ST
FDL-15-17-10-34-770-00	160 S MACY ST	FOND DU LAC	WI	54936	14 N BROOKE ST
FDL-15-17-10-34-766-00	16 N BROOKE ST	FOND DU LAC	WI	54935	207 LEWIS ST
FDL-15-17-10-34-769-01	16 N BROOKE ST	FOND DU LAC	WI	54935	16 N BROOKE ST
FDL-15-17-10-31-062-00	179 W DIVISION ST	FOND DU LAC	WI	54935	70 JOHN ST
FDL-15-17-10-34-771-00	204 TAYLOR ST	FOND DU LAC	WI	54935	204 TAYLOR ST
FDL-15-17-10-31-052-00	PO BOX 1556	FOND DU LAC	WI	54936	230 AUBURN ST
FDL-15-17-10-31-053-00	POB BOX 1556	FOND DU LAC	WI	54936	224 AUBURN ST
FDL-15-17-10-34-763-00	55 CADILLAC COURT	FOND DU LAC	WI	54935	165 W DIVISION ST
FDL-15-17-10-34-773-00	197 W DIVISION ST	FOND DU LAC	WI	54935	197 W DIVISION ST