

BOARD OF APPEALS AGENDA

January 5, 2015
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. December 1, 2014

III. HEARINGS

- A. Appeal No. 2015-01
24 South Brooke Street
Commonwealth Investment Corporation

Zoning Code Regulations:

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

Variance Request:

Modify industrial building to allow a residential use (second floor)

IV. ADJOURN

BOARD OF APPEALS MINUTES

December 1, 2014
3:00 P.M.

Meeting Rooms F&G
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

Absent: - Jeff Butzke (excused)
Matthew Schoenleber (excused)
Scott Block (excused)
John Piper (excused)

Administrative Staff: Joellyn Dahlin, Principal Planner

Chairperson Quam declared a quorum present.

APPROVAL OF MINUTES

October 6, 2014

Motion made by Lauby to approve the minutes of the regular meeting of October 6, 2014 of the Board of Appeals as presented.

Seconded by Floeter.

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

Carried.

HEARINGS

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.

BOARD OF APPEALS MINUTES

December 1, 2014

Page 2

Variance Request:

Modify industrial building for multifamily residence.

Appeared in Support:

Jamie Thelen, Sand Companies, 366 S 10th Ave., Waite Park, MN

Appeared to Gather Information:

Kitty Scherer, 204 Taylor St., Fond du Lac

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

CITY OF FOND DU LAC
ZONING PETITION - VARIANCE



PROPERTY ADDRESS OF VARIANCE REQUEST: 24 South Brooke Street
Tax Key Number (Vacant Land): _____

Petitioner: Commonwealth Real Estate Investment Corp. 54 East First Street, Fond du Lac, WI 54935
(Name) (Address)

Petitioner Phone Number: [REDACTED]

Petitioner Email: [REDACTED]

Property Owner: City of Fond du Lac 160 South Macy Street Fond du Lac, WI 54935
(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:

The variance is necessary because of the property's present industrial use zoning classification.

An exception to the zoning regulations is requested to allow residential use for six apartments which fits with the neighborhood that presently has several other established and proposed multifamily developments.

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

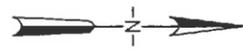
A variance may be approved if a hardship specific to a property does not allow compliance with zoning regulations. A hardship is created by a **physical condition** of the property.

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

The current M1 zoning does not permit residential uses. The current building does not provide an accommodation for industrial use due to age and size of the building. By allowing this variance the building can be both maintained and repurposed through a residential use.

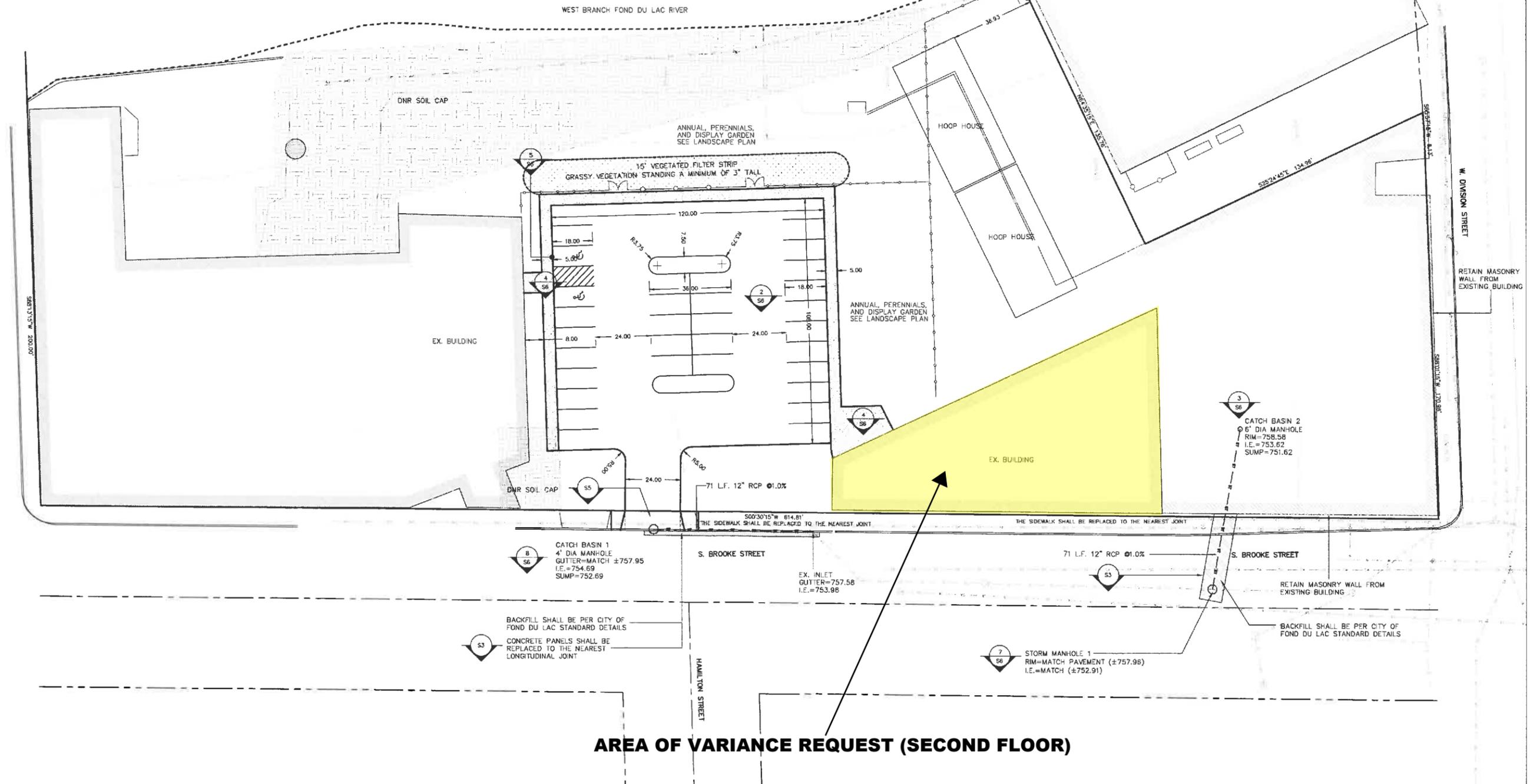
Petitioner Signature: [Handwritten Signature]

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



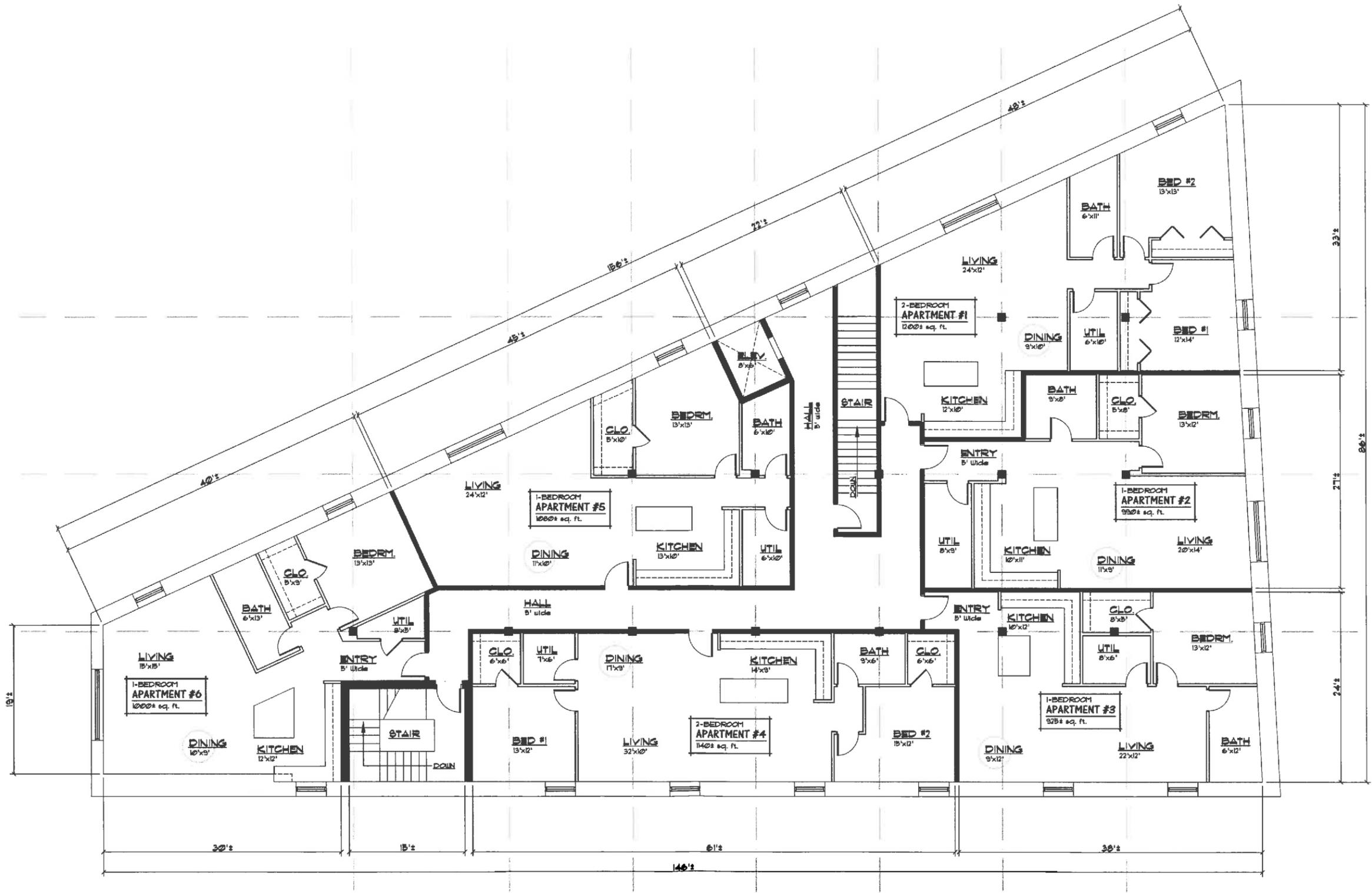
IMPERVIOUS SURFACE	AREA (SF)
1. EXISTING BUILDING	27,127
2. PARKING LOT	13,637
3. CONC WALK	2,159
4. EXISTING BUILDING	8,208
5. PLANT MATERIAL YARD	18,148
6. HOOP HOUSE	3,660

GENERAL NOTES:
 CONTRACTOR SHALL OBTAIN AN EXCAVATION IN THE RIGHT OF WAY PERMIT FROM CITY ENGINEERING PRIOR TO PERFORMING ANY WORK WITHIN THE RIGHT OF WAY.
 CONTRACTOR SHALL OBTAIN A SIDEWALK PERMIT FROM CITY ENGINEERING PRIOR TO PLACING ANY SIDEWALKS WITHIN THE PUBLIC RIGHT OF WAY.
 CONTRACTOR SHALL PREPARE A TRAFFIC CONTROL PLAN PRIOR TO ANY WORK WITHIN BROOKE ST.



AREA OF VARIANCE REQUEST (SECOND FLOOR)

DRAWN BY <u>MLA</u> CHECKED BY <u>ERO</u> APPROVED BY <u>ERO</u>	SCALES HORIZONTAL <u>1"=20'</u> VERTICAL <u>NA</u>	PROJECT NO. <u>271.047</u> DATE <u>8/7/2014</u>	REVISIONS <table border="1"> <tr><td>8/20/2014</td></tr> <tr><td>10/23/2014</td></tr> <tr><td>10/30/2014</td></tr> <tr><td>11/17/2014</td></tr> </table>	8/20/2014	10/23/2014	10/30/2014	11/17/2014	BENCH MARK BURY BOLT ON HYDRANT - SOUTHWEST CORNER OF BROOKE ST. AND FOREST AVE. ELEV. 761.10	DATUM NAVD '88 <input checked="" type="checkbox"/> ASSUMED <input type="checkbox"/> CITY <input type="checkbox"/> PROJECT <input type="checkbox"/>	SITE/UTILITY PLAN COMMONWEALTH CONSTRUCTION CORP 26 S. BROOKE STREET CITY OF FOND DU LAC, FOND DU LAC COUNTY, WISCONSIN	J.E. ARTHUR AND ASSOCIATES, INC. ENGINEERS SURVEYORS FOND DU LAC, WISCONSIN 54935 PHONE (920) 922-5703
8/20/2014											
10/23/2014											
10/30/2014											
11/17/2014											



8500± Total GF.

2nd Floor Plan
Scale: 1/8" = 1'-0"

APPEAL NO. 2015-01 24 S BROOKE STREET

FORMER SITE CONDITIONS - MULTIPLE LOTS OUTLINED IN WHITE BOUNDARIES



APPEAL NO. 2015-01 24 S BROOKE STREET

CURRENT SITE CONDITIONS - 2014



AREA OF VARIANCE REQUEST



board of appeals memorandum

Date: December 19, 2014
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner
Subject: Appeal No. 2015-01

Location: 24 South Brooke Street
Applicant: Commonwealth Real Estate Investment Corp.
Zoning: Site: M-1 (Manufacturing)
North: M-1
South: M-1
East: R-3 (Central Area Residential) & C-2 (General Business)
West: M-1
Land Use: Site: Former Wells Mfg.
North: Parking Lot for Site/Residences
South: Auto Repair
East: Parking Lot for Site/Commercial Building
West: 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 as a permitted land use.

Proposal: Modify industrial building to allow residential use (second floor).

Analysis

The subject property is zoned for industrial use. The former industrial complex includes two buildings comprised of several periods of construction, beginning in the late 1860s/early 1870s and continuing to the 1950s. Redevelopment of the property is planned by Commonwealth Companies, principally to create a retail garden and landscape center. To maximize use of the northerly of the two buildings, an exception to allowable land uses is proposed to allow second floor apartments.

The southerly of the two existing structures is planned for cold storage, a use permitted by the property's zoning. The variance request affects the second floor of the northerly building. The first floor is planned to accommodate a showroom for the garden center, offices and indoor storage of vehicles and equipment. Use of the first floor as proposed is a permitted use in the M-1 district. The proposed use of the second floor would create six apartment units. Apartment size varies from 928 square feet to 1200 square feet. Four apartments are one-bedroom units and two apartments are two-bedroom units.

In considering the proposed residential use, consideration must be given to circumstances of the property and circumstances of surrounding uses and zoning. In the situation of a typical industrial district, the introduction of a residential 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 buildings have long outlived their potential for industrial use. Redevelopment of the property is challenged by site limitations that require creativity in re-using the large property.

Approval of the variance request would facilitate re-use of the property and maximize use of an existing building. 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 circumstances of multiple buildings on a large property support flexibility in the improvement and reuse of the site. The mix of land uses in the area, including nearby residential uses, support approval of the requested exception.

Statement of Findings

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

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

Making and Taking of Precedent

A decision to approve or deny a variance request must be based on the merit of the individual case. Where a history of variance requests provides similar 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 for six apartment units** based on findings referenced herein and because property circumstances of multiple buildings on a large property, and the mix of land uses in the area, support flexibility in the improvement and reuse of the site.

Conditions of approval shall include:

1. The number of bedrooms in any unit may be decreased but shall not be increased above the proposed mix unless additional parking is provided in accord with zoning regulations.
2. Parking pursuant to zoning regulations shall be provided for residents and guests. At least 8 parking spaces shall be provided for residents and 4 parking spaces for resident guests. Parking shall be reserved specifically for residents and guests on-site or conveniently located in the site's parking lot opposite the building on South Brooke Street.
3. A private outdoor open space area shall be provided on-site for residents and guests of the apartments. The open space area may include a patio area, gazebo or some other type of suitable outdoor area.

Public Notification - 24 S Brooke Street

2015-01

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-15-21-037-00	212 FOREST AVE	FOND DU LAC	WI	54935	212 FOREST AVE
FDL-15-17-10-34-827-00	12 1/2 YOUNG ST	WAUPUN	WI	53963	171 FOREST AVE
FDL-15-17-10-34-786-00	4200 MAIN STREET	GREEN BAY	WI	54311	240 W DIVISION ST
FDL-15-17-10-34-789-00	440 SATTERLEE ST	FOND DU LAC	WI	54935	186 W DIVISION ST
FDL-15-17-10-34-790-00	440 SATTERLEE ST	FOND DU LAC	WI	54935	174 W DIVISION ST
FDL-15-17-10-34-787-00	160 S MACY ST	FOND DU LAC	WI	54935	42 S BROOKE ST
FDL-15-17-10-34-809-00	160 S MACY STREET	FOND DU LAC	WI	54935	181 HAMILTON PL
FDL-15-17-10-34-810-00	160 S MACY STREET	FOND DU LAC	WI	54935	0 HAMILTON PL
FDL-15-17-10-34-829-00	160 S MACY STREET	FOND DU LAC	WI	54936	179 FOREST AVE
FDL-15-17-10-34-830-00	160 S MACY STREET	FOND DU LAC	WI	54936	185 FOREST AVE
FDL-15-17-10-34-785-00	380 LEDGEWOOD DR	FOND DU LAC	WI	54937	251 FOREST AVE
FDL-15-17-10-34-812-00	51 E FIRST ST	FOND DU LAC	WI	54935	168 HAMILTON PL
FDL-15-17-10-34-828-00	7138 W MOLTKE	MILWAUKEE	WI	53210	177 FOREST AVE
FDL-15-17-10-34-808-00	W2715 POPLAR RD	FOND DU LAC	WI	54937	175 HAMILTON PL