

BOARD OF APPEALS AGENDA

March 2, 2015
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. January 5, 2015

III. HEARINGS

- A. **Appeal No.2015-02**
390 North Rolling Meadows Drive
Mike Shannon, Holiday Automotive Ford

Zoning Code Regulations:

Chapter 720 Schedule VII, Design Standards & Specifications for Signs, allows one ground sign not to exceed 150 square feet for a property in the C-2 district.

Variance Request:

Allow three ground signs with a total area of 300 square feet for automotive dealership.

IV. ADJOURN

BOARD OF APPEALS MINUTES

January 5, 2015
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 - Jeffrey Butzke (excused)
Matthew Schoenleber (excused)
Scott Block (excused)
John Piper (excused)

Administrative Staff: Joellyn Dahlin, Principal Planner
Doug Hoerth, Chief Inspector

Chairperson Quam declared a quorum present.

APPROVAL OF MINUTES

December 1, 2014

Motion made by Lauby to approve the minutes of the December 1, 2014 meeting of the Board of Appeals as presented.

Seconded by Hebel.

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

Carried.

BOARD OF APPEALS MINUTES

January 5, 2015

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HEARINGS

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)

Appeared in Support:

Louie Lange, Commonwealth Companies, 54 E 1st St., Fond du Lac

Motion made by Drazkowski to approve the variance request for six apartment units based on staff findings 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.

ZONING PETITION - VARIANCE



CITY OF FOND DU LAC

ADDRESS OF VARIANCE REQUEST: 390 North Rolling Meadows Drive

Tax Key Number if vacant land: _____

Petitioner: Mike Shannon Holiday Automotive Ford

Petitioner Phone Number: XXXXXXXXXX

Petitioner Email: _____

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.

Allow a total of three ground mount signs for automotive dealership (two existing plus one new).

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:

A ground mount sign that was approved by variance at one time was removed. Holiday Automotive is seeking to replace that sign with this revised version.

Petitioner Signature:  Dan Nielsen for Mike Shannon

APPEAL NO. 2015-02



APPROVED BY: _____

DATE: ____/____/2014

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| | | | |
|--|------------------------------|-----------------|---------------|
| CUSTOMER REPRESENTATIVE: Dan | TITLE: Holiday Automotive | | |
| DRAWN BY: <i>Dajon</i> | DRAWN DATE: 12.19.2014 | DRAWN REV: 3 | SCALE: NTS |
| PROJECT DESCRIPTION: 27743 Customer for rebranding Kia sign | | | |

Layout for Approval

Appeal No. 2015-02 – *Mike Shannon Holiday Automotive Ford*
390 N ROLLING MEADOWS DRIVE



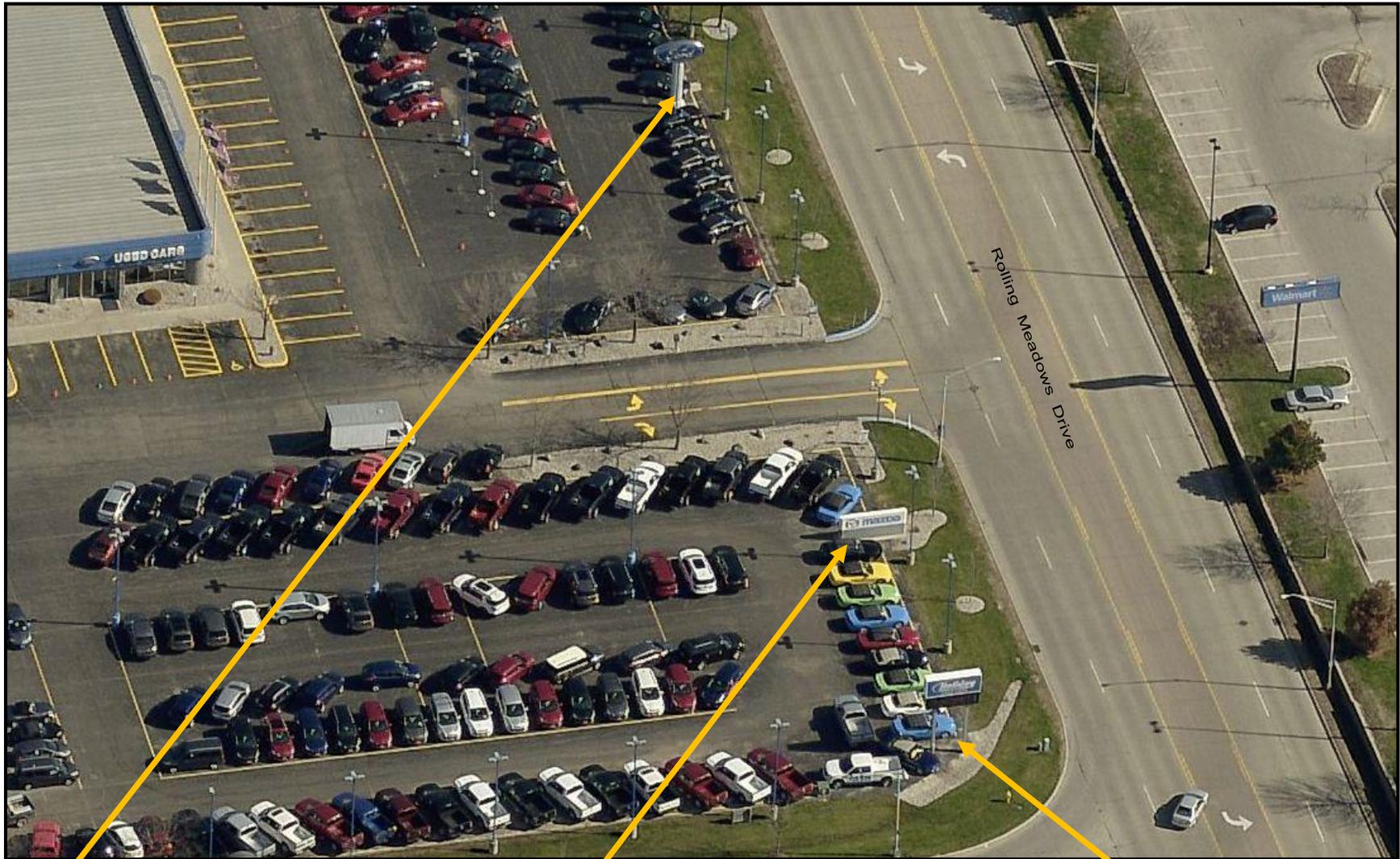
FORMER KIA SIGN

FORD SIGN (EXISTING)

(FORMER) MAZDA SIGN RELOCATED TO REPLACE KIA SIGN

HOLIDAY AUTOMOTIVE SIGN (EXISTING)

Appeal No. 2015-02 – *Mike Shannon Holiday Automotive Ford*
390 N ROLLING MEADOWS DRIVE



FORD SIGN (EXISTING)

MAZDA SIGN (RELOCATED TO REPLACE KIA SIGN)
PROPOSED LOCATION OF NEW SIGN TO REPLACE FORMER MAZDA SIGN

HOLIDAY AUTOMOTIVE SIGN (EXISTING)

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: February 26, 2015
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner
Re: Appeal No. 2015 -02 – **390 N Rolling Meadows Drive**

Applicant: *Mike Shannon Holiday Automotive Ford*

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

Land Use: Site: *Holiday Ford*
North: *Holiday Mazda*
South: *Holiday Budget Center*
East: *Walmart*
West: *Menards*

Variance Request

Zoning Code Regulation:

Chapter 720 Schedule VIII, Design Standards & Specifications for Signs, allows one ground sign not to exceed 150 square feet for a property in the C-2 district.

Proposal:

Allow three ground signs with a total area of 300 square feet.

Analysis

The petitioner owns the *Ford* and *Mazda* dealerships that are situated adjacent to one another on Rolling Meadows Drive. The street frontage of the dealerships extends from Rickmeyer Drive to Industrial Parkway. The variance request affects the *Ford* site.

Zoning regulations allow one ground sign for a property. Maximum sign area is 150 square feet. The variance request proposes three signs for the *Ford* site with a total area of 300 square feet.

The *Ford* site currently has two pole signs. The site had three signs until late in 2014. One of the signs was removed as a condition of variance approval for new signage for the relocated *Mazda* dealership.

Ford and *Mazda* formerly shared the property area of what is now the *Ford* dealership; a *KIA* dealership was located on the property to the north. The *KIA* site was not owned by the petitioner. The petitioner acquired the *KIA* property, relocated the *Mazda* dealership to that site, expanding the area of the *Ford* dealership.

To accommodate signage for the relocated *Mazda* dealership, Appeal No. 2014-17 granted an exception to sign height regulations for replacement of the *KIA* sign. The variance approval (October 2014) required removal of the *Mazda* monument sign from the *Ford* site. The petitioner later opted not to re-use the non-conforming *KIA* sign structure, removed it from the property, and moved the *Mazda* monument sign to the site. Use of the relocated monument sign required no special approval except a sign permit because it conforms to zoning regulations for height and size.

A new monument sign to replace the (relocated) *Mazda* monument sign is now proposed. The new sign identifies the *Holiday* brand and the *Ford* brand. The new sign is the same size as the relocated *Mazda* sign and would be sited in the same location.

Approval of a variance must consider property conditions that do not allow compliance with zoning regulations. Ordinarily it is difficult to justify more than one ground sign for a property. Specific to the subject property, previous approvals for three ground signs considered the substantial area of the site and unique requirements of the land use (i.e. branding requirements of automobile dealerships). Approval of the variance request will in effect allow the use of signage previously authorized for the land use. Variance approval will not create any negative effect for the surrounding area.

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.

Unique circumstances exist to support approval of the variance request due to the extensive property frontage and previous approvals for signage specific to the 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

A decision to approve or deny a variance request must be based on the merit of the individual case. Where a history of variance requests provides similar account of circumstances, a reasonable consistency between decisions would be appropriate.

Recommendation

A motion for variance approval or denial must state the findings in support of the action.

Community Development staff suggests a motion to **approve the variance request** based on findings referenced herein and due to the extensive property frontage and previous approvals for signage specific to the land use.

Conditions of approval shall include:

1. The variance approval is specific to the proposed sign design, area and height.
2. Sign area shall be limited to the area of the cabinet. The use and/or modification of the monument structure for additional signage – temporary or permanent – is not allowed.
3. The sign and/or sign structure shall not be altered or modified to include an electronic message center.

Public Notification - Appeal 2015-02

| 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 | 54603 | 1123 W JOHNSON ST |
| 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 | 210 ROUTE 4 EAST | PARAMUS | NJ | 07652 | 451 N ROLLING MEADOWS DR |
| FDL-15-17-08-13-502-00 | 4777 MENARD DRIVE | 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-15-17-08-14-752-00 | 321 N ROLLING MEADOWS DR | FOND DU LAC | WI | 54937 | 0 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 |