

BOARD OF APPEALS AGENDA

May 4, 2015
3:00 PM

Meeting Room D
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

I. CALL TO ORDER

- A. Attendance
- B. Declaration Quorum Present

II. ELECTION OF OFFICERS

- A. Chairperson
- B. Vice-Chairperson
- C. Secretary

III. APPROVAL OF MINUTES

April 6, 2015

IV. HEARINGS

- A. 205 NORTH BELL STREET (Cindy Iwen)
Appeal No. 2015-05

Chapter 720, Section 720-77.B. states where the existing use of a building is changed to a new use which requires more off-street parking than would have previously been required, such additional parking shall be provided.

Chapter 720, Section 720-79.A.(1) states the minimum number of off-street parking spaces required for land uses shall be as set forth in Schedule IX.

Chapter 720, Schedule IX, requires 1 space for each 200 square feet of gross floor area for a personal service establishment.

Proposal: Provide off-site parking (2 spaces) in addition to 4 on-site parking spaces to satisfy the parking requirement of 6 spaces for a salon.

V. ADJOURN

“The City of Fond du Lac provides equal opportunities and services to all individuals, including those individuals with disabilities.”

BOARD OF APPEALS MINUTES

April 6, 2015
3:00 P.M.

Meeting Room D
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
Matthew Schoenleber
Scott Block
John Piper

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

Chairperson Quam declared a quorum present.

APPROVAL OF MINUTES

March 2, 2015

Motion made by Floeter to approve the minutes of the March 2, 2015 meeting of the Board of Appeals as presented.

Seconded by Lauby.

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

Carried.

CITY OF FOND DU LAC
ZONING PETITION - VARIANCE



PROPERTY ADDRESS OF VARIANCE REQUEST: 205 N. BELL ST.
Tax Key Number (Vacant Land): _____

Petitioner: CINDY IWEN 519 LAKE ST. FDL, WI 54937
(Name) (Address)

Petitioner Phone Number: _____

Petitioner Email: _____

Property Owner: _____
(If not the same as Petitioner) (Name) (Address)

PROPOSAL

A variance is an exception to a requirement of the zoning code.
Describe the requested code exception(s) for your variance request:
WE WOULD LIKE TO CHANGE 205 N. BELL STREET PROPERTY TO A HAIR SALON. BASE UPON CODE FOR PARKING STALL REQUIREMENTS, WE NEED (6) STALLS; $1,176 \text{ SF} \div 200 \div 5.8$ (6.0 STALLS); SITE ONLY ALLOWS FOR (4) STALLS; IE NEED (2) ADDITIONAL STALLS.

STATEMENT OF HARDSHIP

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

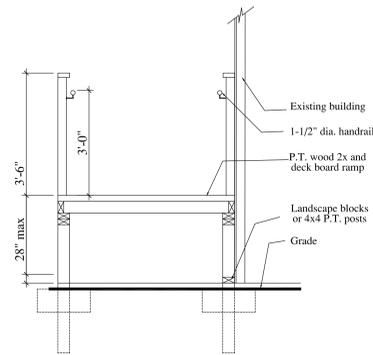
Describe the special physical condition of your property that makes compliance with zoning regulations difficult or impossible:
THE PHYSICAL SIZE OF THE EXISTING PARKING AREA IS TOO SMALL FOR THE MINIMUM (6) STALLS REQUIRED. WE ARE ASKING TO ALLOW THE ADDITIONAL (2) STALLS TO OCCUR @ THE NEIGHBORING PROPERTY, ~~VERLO~~ VERLO MATTRESS STORE, 501 W. JOHNSON ST. PLEASE SEE LEASE AGREEMENT FOR PARKING STALLS.

Petitioner Signature: Cynthia Iwen 04/17/15

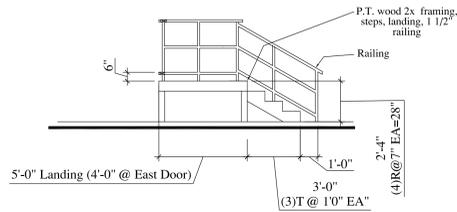
Submit application package (application/site plan/photos/filing fee) to the Community Development Office
(4th floor, City-County Government Center)

North Bell Street

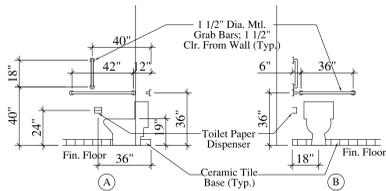
(End of Cul de Sac)



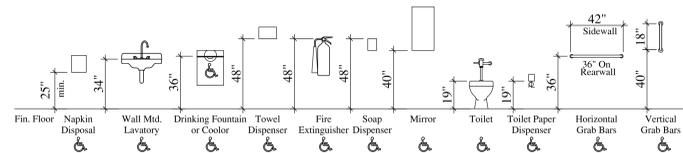
1 New Ramp Section
Scale: 1/2" = 1'-0"



2 New Stair Section
Scale: 1/4" = 1'-0"

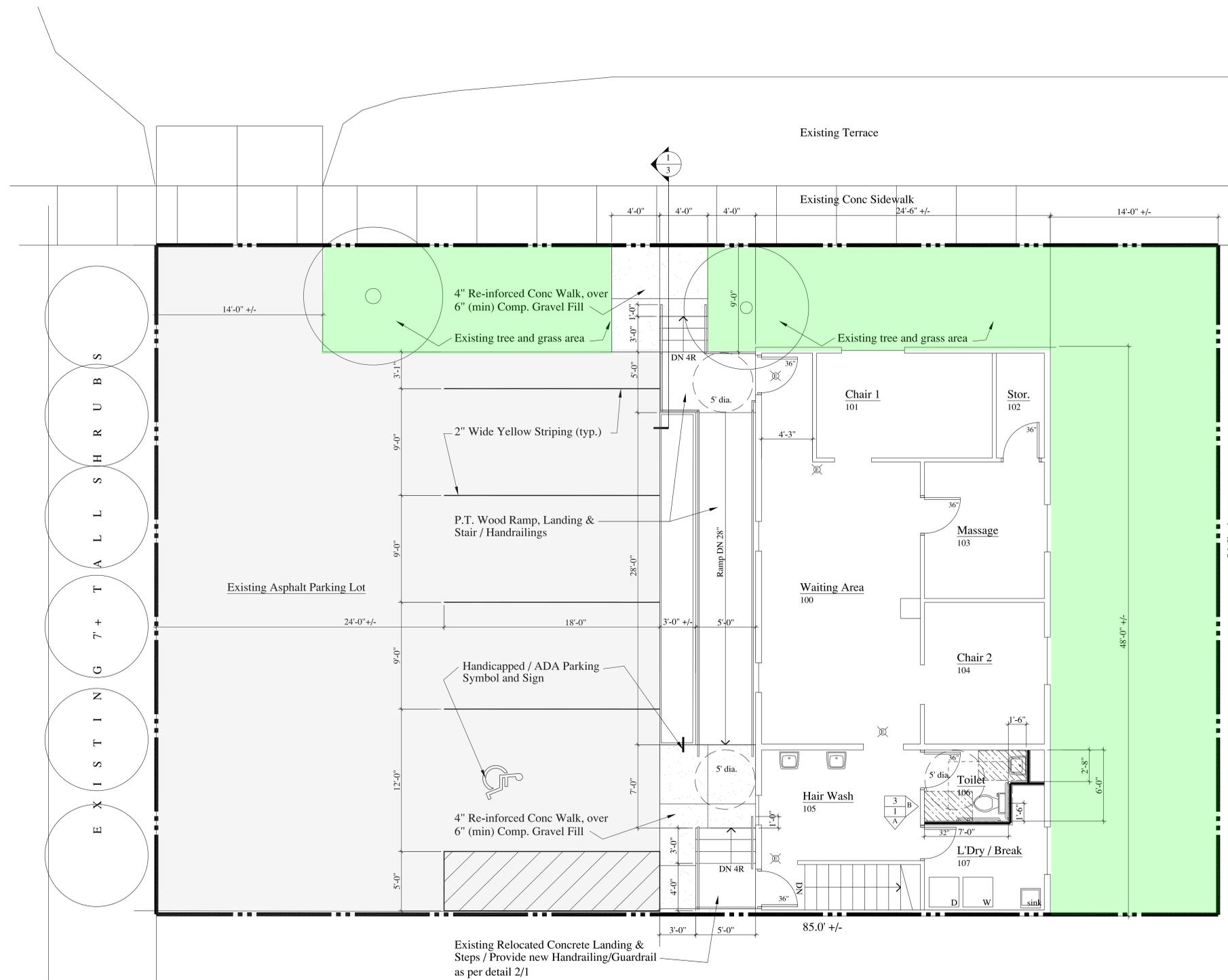


3 Toilet Elevations
Scale: 1/4" = 1'-0"



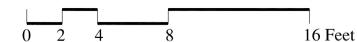
4 ADA/HC Toilet Accessory Heights
Scale: 1/4" = 1'-0"

NOTE:
Shaded Area on 1/4" Toilet Room Plans Denotes 30" x 48" Clear Floor Area Required when Door Swings into Clear Floor Area and/or Turning Radius.



Site Plan/Floor Plan

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



Remodel For:

Hair Salon

205 N. Bell Street
Fond du Lac, WI



Site Plan

0 4 8 16 Feet



CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: April 29, 2015
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner
Re: Appeal No. 2015 -05 – **205 North Bell Street**

Applicant: Cindy Iwen

Zoning: Site: C-2 (General Business)
North: R-1 (Single Family Residential)
South: C-2
East: C-2
West: C-2

Land Use: Site: Vacant Residence (Proposed Salon)
North: Single Family Residence
South: O'Reilly Auto Parts
East: O'Reilly Auto Parts
West: Verlo Mattress/Heuer Sewing Center

Variance Request

Chapter 720, Section 720-77.B. states where the existing use of a building is changed to a new use which requires more off-street parking than would have previously been required, such additional parking shall be provided.

Chapter 720, Section 720-79.A.(1) states the minimum number of off-street parking spaces required for land uses shall be as set forth in Schedule IX.

Chapter 720, Schedule IX, requires 1 space for each 200 square feet of gross floor area for a personal service establishment.

Proposal: Provide off-site parking (2 spaces) in addition to four on-site parking spaces to satisfy the off-street parking requirement of 6 spaces for a salon.

Analysis

Originally developed for residential use, the subject property is a very small lot zoned for business use. Presumably the building was used for business purposes in the recent past; however, the exact use is undocumented. The property owner/petitioner would like to modify the former residence for a salon.

A salon is a permitted use in the C-2 zoning district; the parking requirement is one space per each 200 square feet of gross building area. The proposed floor plan of the 1176 square foot building provides individual areas for two stylists and a masseuse. Based on the building size, six parking stalls are required for a salon. Property conditions do not accommodate on-site parking in compliance with zoning code regulations.

The subject property provides four parking spaces on the south side of the building; property conditions do not allow opportunity for additional parking. To satisfy the parking requirement, the petitioner proposes to secure three parking spaces across the street from the salon within the parking lot of an adjacent commercial property (Verlo). Based on code requirements the Verlo property has excess parking; the lease of three spaces to the salon would not affect the Verlo and/or Heuer businesses.

Approval of the requested variance would not create a negative effect for any nearby property. A conditional approval will ensure adequate parking appropriate for the land use and guaranteed for the duration of the land use.

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.

Flexibility in providing parking for the proposed land use is warranted by the small lot size, existing conditions that do not allow development of additional parking beyond that which is already provided, and the availability of surplus parking in very close proximity.

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 property circumstances and specifically due to the small lot size, existing conditions that do not allow development of additional parking beyond that which is already provided, and the availability of surplus parking in very close proximity.

Conditions of approval shall include:

1. On-site parking shall be striped in accord with City standards, including one handicapped accessible stall.
2. A minimum of two (2) parking spaces may be provided off-site at 501 West Johnson Street upon the execution of an agreement to guarantee availability for the salon. The parking agreement shall be prepared by a qualified legal professional and shall address a long term commitment. The parking agreement shall be provided to the Building Inspector prior to the issuance of permits to modify the building for use as a salon.
3. In the event that parking becomes unavailable at 501 West Johnson Street, the property owner of 205 North Bell Street shall secure the required number of parking spaces in an arrangement approved by the Community Development Department.
4. The occupancy of the salon shall not exceed two styling stations and one massage station. The future addition of services or changes to the building to increase the availability of services shall require the provision of additional parking. Additional

parking is subject to approval by the Community Development Department and shall be guaranteed in a parking agreement as described in Condition No. 2.

5. Signage shall be limited to one wall sign each on the west and south facades. Internal illumination shall be prohibited.
6. Trash and recycling containers shall be confined to an outdoor area screened from public view.

PUBLIC NOTIFICATION

Board of Appeals
205 North Bell Street

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-09-41-007-00	510 W JOHNSON ST	PO BOX 13125	MILWAUKEE	WI	53213
FDL-15-17-09-14-780-00	230 N BELL ST	15 N MARR ST	FOND DU LAC	WI	54935
FDL-15-17-09-14-793-00	459 W JOHNSON ST	16800 W CLEVELAND AVE	NEW BERLIN	WI	53151
FDL-15-17-09-14-788-00	501 W JOHNSON ST	W8769 NIBLICK RD	BEAVER DAM	WI	53916
FDL-15-17-09-41-006-00	484 W JOHNSON ST	W8780 ENTERPRISE CIR	BEAVER DAM	WI	53916
FDL-15-17-09-14-767-00	218 N BUTLER ST	PO BOX 144	HORICON	WI	53032
FDL-15-17-09-14-768-00	222 N BUTLER ST	PO BOX 144	HORICON	WI	53032
FDL-15-17-09-14-769-00	226 N BUTLER ST	PO BOX 144	HORICON	WI	53032
FDL-15-17-09-14-770-00	232 N BUTLER ST	PO BOX 144	HORICON	WI	53032
FDL-15-17-09-14-777-00	217 N BELL ST	PO BOX 144	HORICON	WI	53032
FDL-15-17-09-14-779-00	226 N BELL ST	PO BOX 144	HORICON	WI	53032
FDL-15-17-09-14-787-00	511 W JOHNSON ST	256 COTTAGE AVE	FOND DU LAC	WI	54935
FDL-15-17-09-14-778-00	222 N BELL ST	222 N BELL ST	FOND DU LAC	WI	54935
FDL-15-17-09-14-775-00	225 N BELL ST	225 N BELL ST	FOND DU LAC	WI	54935
FDL-15-17-09-14-790-00	485 W JOHNSON ST	2524 TRELIS GRN	CARY	NC	27518
FDL-15-17-09-14-791-00	477 W JOHNSON ST	2524 TRELIS GRN	CARY	NC	27518
FDL-15-17-09-41-005-00	468 W JOHNSON ST	N5037 OAK HILL RD	FOND DU LAC	WI	54937
FDL-15-17-09-14-789-00	205 N BELL ST	519 LAKE ST	FOND DU LAC	WI	54937
FDL-15-17-09-14-774-00	231 N BELL ST	231 N BELL ST	FOND DU LAC	WI	54935