

BOARD OF APPEALS AGENDA

June 2, 2014
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. May 5, 2014

III. HEARINGS

- A. Appeal No.2014-12
145 South Pioneer Road
Fond du Lac Associates

Zoning Code Regulations:

Chapter 720.79D(3) requires a side yard parking lot setback of 5 feet.

Variance Request:

Reduce side yard (west) setback to zero for expansion of existing parking lot.

IV. ADJOURN

BOARD OF APPEALS MINUTES

May 5, 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
Jeffrey Butzke
Scott Block
John Piper

Absent: - Matthew Schoenleber (excused)
Dan Hebel (excused)

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

Commissioner Floeter declared a quorum present.

APPROVAL OF MINUTES

April 7, 2014

Motion made by Butzke to approve the minutes of the regular meeting of April 7, 2014 of the Board of Appeals as presented.

Seconded by Lauby.

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

Carried.

HEARINGS

Appeal No. 2014-10 (Postponed from 4/7/14)

25 East Rees Street
Meyer Property Group LLC

Zoning Code Regulations:

1. Section 11.06 C. Schedule I does not permit a garage as a primary land use in the R-4 district.

BOARD OF APPEALS MINUTES

May 5, 2014

Page 3

Appeal No. 2014-07

345 Superior Street

Advocap

Zoning Code Regulations:

1. Section 11.06 D. Schedule IA requires a front yard building setback of 25 feet.
2. Section 11.06 D. Schedule IA requires a rear yard building setback of 20 feet.
3. Section 11.06 D. Schedule IA allows maximum lot coverage of 35%.

Variance Request:

1. Reduce front yard building setback from 25 feet to 16 feet for construction of new home.
2. Reduce rear yard setback from 20 feet to 10.41 feet.
3. Increase allowable lot coverage from 35% to 45%.

Appeared in Support:

Pat Mildebrandt, Advocap, 19 W 1st St., Fond du Lac

Dyann Benson, Redevelopment Planner City of Fond du Lac

Appeared in Opposition:

Bonnie Percy, 346 Superior St., Fond du Lac

Motion made by Butzke to approve a variance to reduce front and rear yard setback requirements, and increase allowable lot coverage, based on staff findings and specifically due to circumstances of an existing substandard lot of record and building size requirements for handicap accessibility.

Conditions of approval shall include:

1. The minimum front yard garage setback shall be not less than 20 feet.
2. Lot area coverage shall reflect the proposed site plan. Maximum lot coverage shall not exceed 40%.
3. Eave troughs and downspouts shall be provided to direct water away from adjacent properties.
4. Drainage shall be managed on-site. A drainage plan prepared by a licensed professional shall be

CITY OF FOND DU LAC
ZONING PETITION - VARIANCE



PROPERTY ADDRESS OF VARIANCE REQUEST: 145 S Pioneer Road
Tax Key Number (Vacant Land):

Petitioner: FDL Associates LLC
(Name) (Address)

Petitioner Phone Number: [REDACTED]

Petitioner Email: [REDACTED]

Property Owner: FDL Associates LLC
(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:

Eliminate parking lot setback and landscape buffer requirement along west lot line.

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

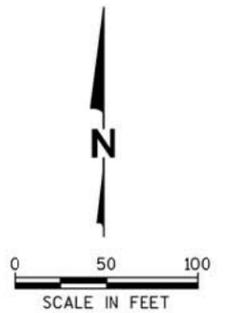
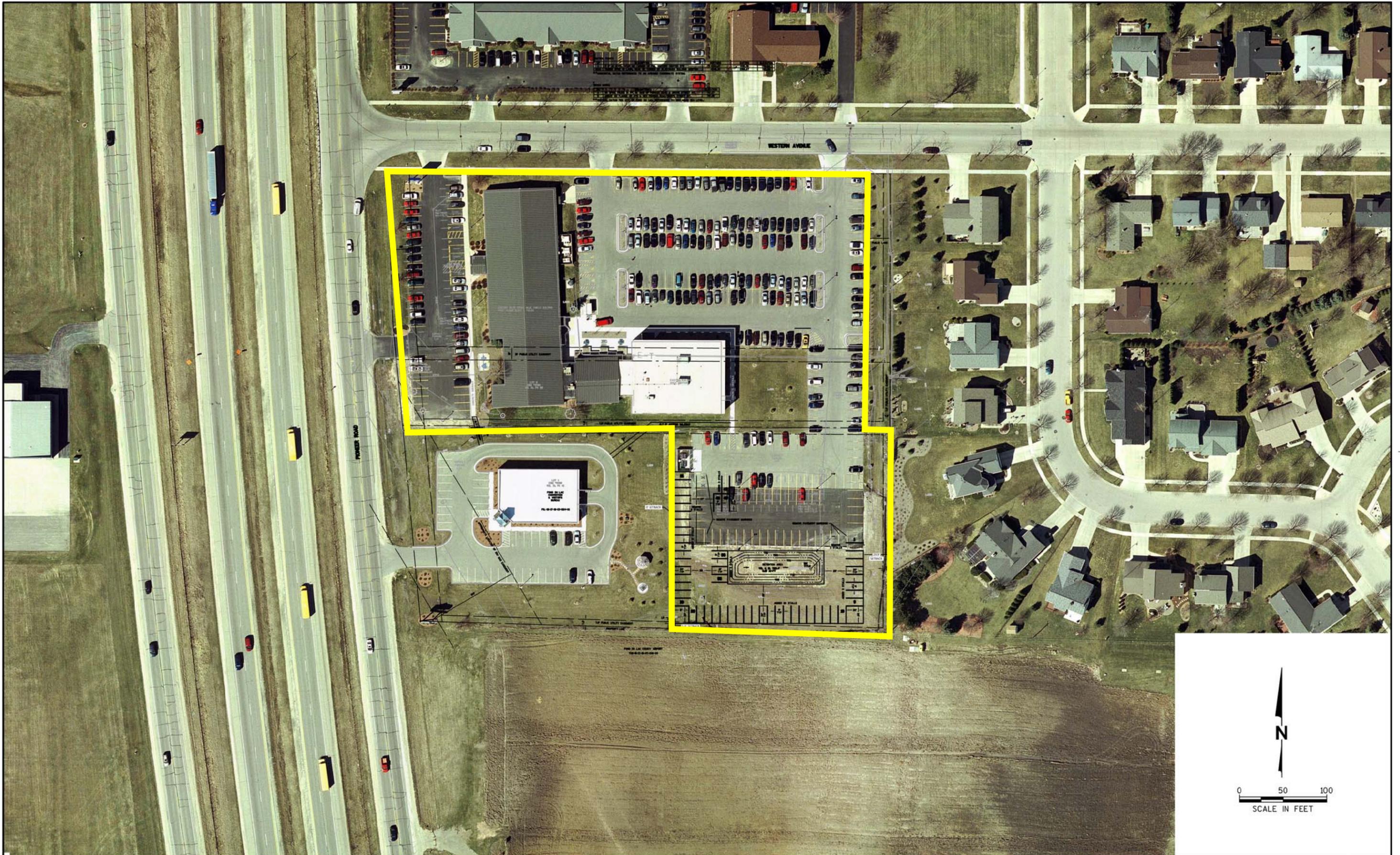
A variance may be approved if a hardship specific to a property does not allow compliance with zoning regulations. A hardship is created by a **physical condition** of the property.

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

Expansion of the parking lot for an existing building is necessary to meet the existing and future demand for on-site parking. The elimination of the west setback is necessary to allow for optimal parking lot design, circulation and stormwater requirement.

Petitioner Signature: 

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



REVISED:	Revisions:	Job No: -----	Designed: ALK	Date: 04/03/14
			Drawn: AJS	Date: 04/03/14
		Date: 05/13/2014	Checked: ---	Date: /-/

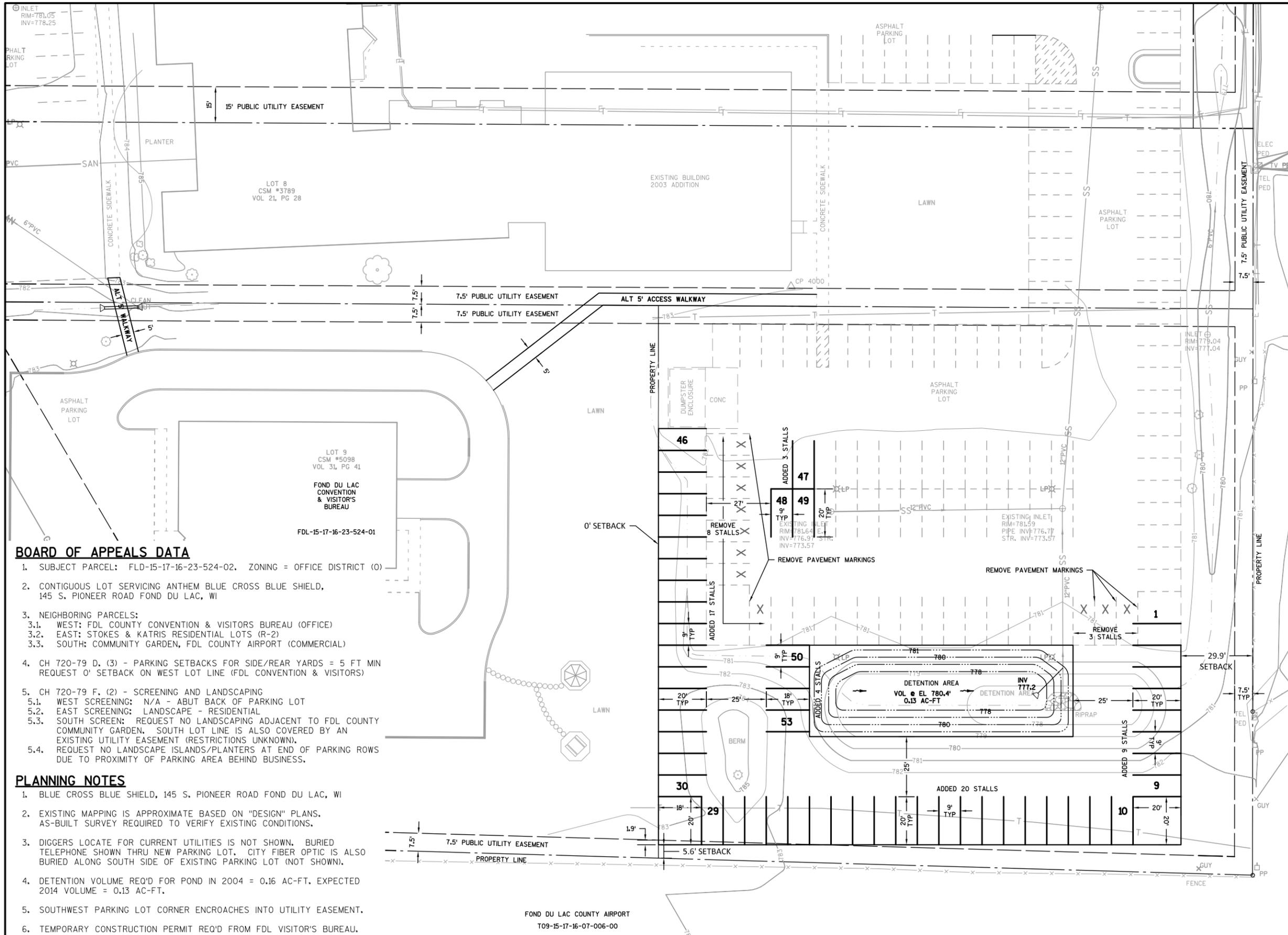

G REMMER & ASSOCIATES, INC.
 CONSULTING ENGINEERS
Severe Falls • Fond du Lac • Lakeville

83 South Pioneer Road, Suite 300
 Fond du Lac, WI 54935
 (920) 924-5720
 fax (920) 924-5725

BLUE CROSS BLUE SHIELD PARKING LOT ADDITION
 CITY OF FOND DU LAC, FOND DU LAC COUNTY

BOARD OF APPEALS
 REGIONAL AERIAL VIEW

SHEET
1
1



EXISTING LEGEND

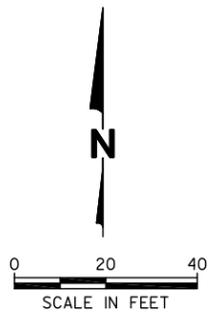
- 755 — EXISTING CONTOUR
- - - - - RIGHT OF WAY LINE
- - - - - CSM LINE
- - - - - SIXTEENTH LINE
- - - - - SAN SANITARY SEWER
- - - - - SS STORM SEWER
- - - - - W WATER MAIN
- - - - - G UNDERGROUND GAS
- - - - - T UNDERGROUND TELEPHONE
- - - - - FO UNDERGROUND FIBER OPTIC
- - - - - TV UNDERGROUND CABLE TV
- - - - - E UNDERGROUND ELECTRIC
- ⊙ MANHOLE
- INLET
- ⊙ WATER VALVE
- ⊙ GAS METER
- ⊙ PULL BOX
- ⊙ TELEPHONE PEDESTAL
- ⊙ COMMUNICATIONS VAULT
- ⊙ POWER POLE
- ⊙ GUY WIRE
- ⊙ LIGHT POLE
- ⊙ SIGN
- ⊙ POST OR BOLLARD
- ⊙ TREE
- ⊙ SURVEY CONTROL POINT
- ⊙ BENCH MARK

PARKING STALLS

CREATED	+53
REMOVED	-11
SHELTER CONVERSION	+2
ADDITIONAL	44

IMPERVIOUS AREA

NEW PAVEMENT	15,717 SF
NEW SIDEWALK	905 SF
TOTAL	16,622 SF



BOARD OF APPEALS DATA

1. SUBJECT PARCEL: FLD-15-17-16-23-524-02. ZONING = OFFICE DISTRICT (O)
2. CONTIGUOUS LOT SERVICING ANTHEM BLUE CROSS BLUE SHIELD, 145 S. PIONEER ROAD FOND DU LAC, WI
3. NEIGHBORING PARCELS:
 - 3.1. WEST: FDL COUNTY CONVENTION & VISITORS BUREAU (OFFICE)
 - 3.2. EAST: STOKES & KATRIS RESIDENTIAL LOTS (R-2)
 - 3.3. SOUTH: COMMUNITY GARDEN, FDL COUNTY AIRPORT (COMMERCIAL)
4. CH 720-79 D. (3) - PARKING SETBACKS FOR SIDE/REAR YARDS = 5 FT MIN REQUEST 0' SETBACK ON WEST LOT LINE (FDL CONVENTION & VISITORS)
5. CH 720-79 F. (2) - SCREENING AND LANDSCAPING
 - 5.1. WEST SCREENING: N/A - ABUT BACK OF PARKING LOT
 - 5.2. EAST SCREENING: LANDSCAPE - RESIDENTIAL
 - 5.3. SOUTH SCREEN: REQUEST NO LANDSCAPING ADJACENT TO FDL COUNTY COMMUNITY GARDEN. SOUTH LOT LINE IS ALSO COVERED BY AN EXISTING UTILITY EASEMENT (RESTRICTIONS UNKNOWN).
 - 5.4. REQUEST NO LANDSCAPE ISLANDS/PLANTERS AT END OF PARKING ROWS DUE TO PROXIMITY OF PARKING AREA BEHIND BUSINESS.

PLANNING NOTES

1. BLUE CROSS BLUE SHIELD, 145 S. PIONEER ROAD FOND DU LAC, WI
2. EXISTING MAPPING IS APPROXIMATE BASED ON "DESIGN" PLANS. AS-BUILT SURVEY REQUIRED TO VERIFY EXISTING CONDITIONS.
3. DIGGERS LOCATE FOR CURRENT UTILITIES IS NOT SHOWN. BURIED TELEPHONE SHOWN THRU NEW PARKING LOT. CITY FIBER OPTIC IS ALSO BURIED ALONG SOUTH SIDE OF EXISTING PARKING LOT (NOT SHOWN).
4. DETENTION VOLUME REQ'D FOR POND IN 2004 = 0.16 AC-FT. EXPECTED 2014 VOLUME = 0.13 AC-FT.
5. SOUTHWEST PARKING LOT CORNER ENCLOSES INTO UTILITY EASEMENT.
6. TEMPORARY CONSTRUCTION PERMIT REQ'D FROM FDL VISITOR'S BUREAU.

FOND DU LAC COUNTY AIRPORT
T09-15-17-16-07-006-00



93 South Pioneer Road, Suite 300
Fond du Lac, WI 54935
(920) 924-5720
fax (920) 924-5725

BLUE CROSS BLUE SHIELD PARKING LOT ADDITION
CITY OF FOND DU LAC, FOND DU LAC COUNTY

BOARD OF APPEALS VARIANCE REQUEST

SHEET
1
1

Revisions:	Job No: -----	Designed: ALK Date: 04/03/14
	Date: 05/13/2014	Drawn: AJS Date: 04/03/14
		Checked: --- Date: --/--/--



FOND DU LAC AREA
CONVENTION & VISITORS
BUREAU

171 South Pioneer Road
Fond du Lac, Wisconsin 54935
P 920.923.3010 | TF 800.937.9123
F 920.929.6846 | www.fdl.com

C'mon in.

May 14, 2014

Joellyn Dahlin
Principal Planner
City of Fond du Lac
160 S Macy Street
Fond du Lac, WI 54935

Ms. Dahlin:

Please accept this letter as an indication that the Fond du Lac Area Convention and Visitors Bureau endorses the plan presented by Mr. Phil Twohig to increase the foot print of the parking lot of the building occupied by Anthem Blue Cross. The Fond du Lac Area Convention and Visitors Bureau understands that this will require a variance to allow a zero setback from the rear property limit of the Bureau which is currently at five feet. We also understand there will be no landscape buffer upon completion of the project.

Sincerely,

Craig Molitor
President

board of appeals memorandum

Date: May 29, 2014
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner
Subject: Appeal No. 2014-12

Location: 145 S Pioneer Road

Applicant: FDL Associates

Zoning: Site: O (Office)
North: C-2 (Commercial) and O (Office)
South: C (Commercial – Town of FDL)
East: R-1 (Single Family Residential)
West: O (Office)

Land Use: Site: Blue Cross & Blue Shield Offices
North: Commercial Offices
South: Community Garden
East: Single Family Residences
West: FDL Convention & Visitors Bureau

Variance Request

Zoning Regulations:

Chapter 720.79 D.(3) requires a side yard parking lot setback of 5 feet.

Proposal:

Reduce side yard (west) setback to zero for expansion of existing parking lot.

Analysis

The subject property is vacant land south of the existing parking lot for the Blue Cross & Blue Shield building on South Pioneer Road. The property is part of the lot area for Blue Cross and is situated

east of the Convention & Visitors Bureau. An exception to the side yard setback is requested for expansion of the parking lot.

The new parking area reflects the design of the existing parking lot and a logical connection between existing and new. The parking lot design also reflects spatial requirements for parking stall size and aisle width and requirements for stormwater management. Although the existing parking lot exceeds the minimum number of parking spaces prescribed by the zoning code, additional spaces are necessary to accommodate the expected addition of 77 new employees.

Zoning regulations require a minimum landscape of 5 feet along the side and rear boundaries of a parking lot. The new parking area meets setback requirements for the east and south setbacks, but not the west setback. The variance request proposes to eliminate the west side yard setback.

Ordinarily the elimination of a landscape setback is not desirable. In this case the affected setback area borders the rear yard area of a commercial property where a landscape setback would serve no logical purpose. The abutting property owner supports approval of the proposed exception, acknowledging there would be no landscape separation between the two properties.

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.

Expansion of the parking lot is affected by the design of the existing parking lot, a logical connection between existing and new, spatial requirements for parking stall size and aisle width, and requirements for stormwater management.

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 design of the existing parking lot, a logical connection between existing and new, spatial requirements for parking stall size and aisle width, and requirements for stormwater management.

Public Notification - Appeal No. 2014-12

145 S Pioneer Road

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-16-22-269-00	5147 HIGHWAY 12	MIDDLETON	WI	53562	168 S PIONEER PKY
FDL-15-17-16-22-270-00	5147 HIGHWAY 12	MIDDLETON	WI	53562	154 S PIONEER PKY
FDL-15-17-16-22-267-04	N5037 OAKHILL RD	FOND DU LAC	WI	54937	885 WESTERN AVE Apt # 500
FDL-15-17-16-23-519-00	834 S PIONEER PKY	FOND DU LAC	WI	54935	834 S PIONEER PKY
FDL-15-17-16-22-266-05	PO BOX 440	CAMPBELLSPORT	WI	53010	97 S PIONEER RD Apt # 200
FDL-15-17-16-22-266-06	PO BOX 440	CAMPBELLSPORT	WI	53010	97 S PIONEER RD Apt # 300
FDL-15-17-16-23-516-00	816 S PIONEER PKY	FOND DU LAC	WI	54935	816 S PIONEER PKY
FDL-15-17-16-22-268-00	PO BOX 150	FOND DU LAC	WI	54936	855 WESTERN AVE
FDL-15-17-16-22-267-02	196 OLD PIONEER RD	FOND DU LAC	WI	54935	885 WESTERN AVE Apt # 200
FDL-15-17-16-23-520-00	840 S PIONEER PKY	FOND DU LAC	WI	54935	840 S PIONEER PKY
FDL-15-17-16-23-524-01	171 S PIONEER RD	FOND DU LAC	WI	54935	171 S PIONEER RD
T09-15-17-16-07-006-00	160 S MACY ST	FOND DU LAC	WI	54935	
FDL-15-17-16-22-266-03	845 S MAIN ST SUITE 100	FOND DU LAC	WI	54935	103A S PIONEER RD Apt # 300
FDL-15-17-16-23-524-02	120 MONUMENT CIR	INDIANAPOLIS	IN	46204	0 S PIONEER RD
FDL-15-17-16-23-524-00	120 MONUMENT CIR	INDIANAPOLIS	IN	46204	145 S PIONEER RD
FDL-15-17-16-22-267-05	PO BOX 1519	FOND DU LAC	WI	54936	885 WESTERN AVE Apt # 400
FDL-15-17-16-22-267-03	N8160 DEADWOOD POINT BCH	FOND DU LAC	WI	54937	885 WESTERN AVE Apt # 300
FDL-15-17-16-22-266-04	610 PRAIRIE PKWY	FOND DU LAC	WI	54935	97 S PIONEER RD Apt # 100
FDL-15-17-16-23-517-00	822 S PIONEER PKY	FOND DU LAC	WI	54935	822 S PIONEER PKY
FDL-15-17-16-22-266-02	333 N PETERS AVE	FOND DU LAC	WI	54935	103 S PIONEER RD Apt # 200
FDL-15-17-16-23-521-00	846 S PIONEER PKWY	FOND DU LAC	WI	54935	846 S PIONEER PKY
FDL-15-17-16-22-266-01	103 S PIONEER RD	FOND DU LAC	WI	54935	103 S PIONEER RD Apt # 100
FDL-15-17-16-22-307-00	817 WESTERN AVE	FOND DU LAC	WI	54935	817 WESTERN AVE
FDL-15-17-16-23-522-00	832 WESTERN AVE	FOND DU LAC	WI	54935	832 WESTERN AVE
FDL-15-17-16-23-505-00	814 WESTERN AVE	FOND DU LAC	WI	54935	814 WESTERN AVE
FDL-15-17-16-22-267-01	P O BOX 389	MENASHA	WI	54952	885 WESTERN AVE Apt # 100
FDL-15-17-16-22-266-00	845 S MAIN ST STE 100	FOND DU LAC	WI	54935	101 S PIONEER RD
T09-15-17-16-06-003-00	N6449 S PIONEER RD	FOND DU LAC	WI	54935	N6449 S PIONEER RD
FDL-15-17-16-22-266-07	93 S PIONEER RD	FOND DU LAC	WI	54935	93 S PIONEER RD Apt # 300
FDL-15-17-16-22-266-08	93 S PIONEER RD	FOND DU LAC	WI	54935	93 S PIONEER RD Apt # 200
FDL-15-17-16-22-266-09	93 S PIONEER RD	FOND DU LAC	WI	54935	93 S PIONEER RD Apt # 100
FDL-15-17-16-23-507-00	829 S PIONEER PKY	FOND DU LAC	WI	54935	829 S PIONEER PKY
FDL-15-17-16-23-518-00	828 S PIONEER PKY	FOND DU LAC	WI	54935	828 S PIONEER PKY
FDL-15-17-16-22-306-00	161 S PIONEER PKY	FOND DU LAC	WI	54935	161 S PIONEER PKY
FDL-15-17-16-23-506-00	5303 SW 25TH PL	CAPE CORAL	FL	33924	843 S PIONEER PKY
FDL-15-17-16-23-515-00	810 S PIONEER PARKWAY	FOND DU LAC	WI	54935	810 S PIONEER PKY