

BOARD OF APPEALS AGENDA

September 9, 2013
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. August 5, 2013

III. HEARINGS

- A. Appeal No. 2013-25
401 Ellis Street
Stephan Mattsen

Zoning Code Regulations: Section 11.04 C.3.o(1)(f) states the width of a detached garage shall not exceed more than one-half of the width of the lot.

Section 11.04 C.3.o(1)(b) states the maximum height of a detached garage is not more than one story or 15 feet in height.

Variance Request: Increase allowable lot width coverage from 20 feet to 22 feet and increase maximum building height from 15 feet to 16'4" for construction of detached garage.

BOARD OF APPEALS AGENDA

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- B. Appeal No. 2013-26
11 East Pioneer Road
Ken and Lori Klaske

Zoning Code Regulations: Section 11.13 B.2.a states a nonconforming building or structure shall not be added to or enlarged in any manner unless such nonconforming building or structure is made to conform to the regulations of the district in which it is located.

Section 11.13 G.1. states a nonconforming use of land shall not be enlarged beyond the area it occupies.

Section 11.08 D. Schedule IIA requires a 20' front yard setback in the B-4 district.

Variance Request: Expand existing nonconforming residence located in business zoning district and decrease the required front yard building setback from 20 feet to 10 feet for the construction of a deck.

- C. Appeal No. 2013-27
350 South Main Street
Ronald Schmitz

Zoning Code Regulations: Section 11.13 G.2 states if a nonconforming use of land is discontinued or abandoned for a period of six consecutive months, it shall not thereafter be renewed, and subsequent use of such land shall conform to the regulations of the district in which it is located.

Section 11.11 E.1 states the minimum number of off-street parking spaces required for a land use shall be as set forth in Schedule VI.

Section 11.11 G. Schedule VI requires one parking space for each efficiency and one-bedroom unit, 1.5 spaces for each 2-bedroom unit, plus 10% of the required total for guest parking.

BOARD OF APPEALS AGENDA

September 9, 2013

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Variance Request: Reinstate nonconforming residential use of existing building located in a business district and provide parking off-site.

- D. Appeal No. 2013-28
457 North National Avenue
Darwin Lavrenz

Zoning Code Regulations: Section 11.06 D. Schedule IA requires a 25' front yard building setback in the R-3.5 district.

Variance Request: Reduce required front yard building setback from 25 feet to 22 feet for the construction of a deck.

- E. Appeal No. 2013-29
15 Hampton Court
Thomas McGuire

Zoning Code Regulations: Section 11.04 C.3.t(1) states in addition to the driveway parking area for a single family home, one uncovered parking space is permitted alongside the garage when such space is not located between the building and the street and at least 8 feet from a side or rear lot line and screened with landscape plantings or fencing;

Section 11.11 E.6 states the maximum size of a parking space alongside a garage shall not exceed 9'x18'.

Variance Request: Reduce required side yard setback for open parking space from 8 feet to 2 feet, increase allowable paved area from 9'x18' to 12'x22' and eliminate required screening.

- F. Appeal No. 2013-30
154 West McWilliams Street
Cornerstone Worship Center

Zoning Code Regulations: Section 11.12 I. Schedule V allows one ground sign for a religious facility with a maximum area of 40 square feet, maximum height of 6 feet and minimum setback of 5 feet.

BOARD OF APPEALS AGENDA

September 9, 2013

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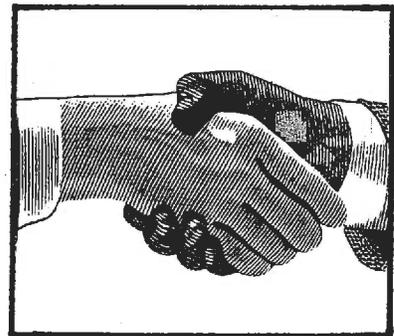
Variance Request: Allow two ground signs for religious facility, increase allowable sign area of one sign from 40 square feet to 114 square feet, increase allowable height from 6 feet to 7 feet and reduce sign setback from 5 feet to 2 feet.

IV. ADJOURN

CITIES 62.23

7. The board of appeals shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto; to hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

8. In exercising the above mentioned powers such board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.



Sep. 9, 2013

3:00^P_M

Board of Appeals

BOARD OF APPEALS MINUTES

August 5, 2013
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: - Katie Derksen
Eric Drazkowski
Howard Floeter
Kirsten Quam
Jeffrey Butzke
John Piper III

Absent: Matthew Schoenleber (excused)
Jerry Lauby (excused)
Jeff Butzke (excused)
Dan Hebel (excused)

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

Chairperson Quam declared a quorum present.

APPROVAL OF MINUTES

July 1, 2013

Motion made by Floeter to approve the regular minutes
of July 1, 2013 of the Board of Appeals as presented.
Seconded by Butzke.

ROLL CALL VOTE: Aye - Butzke, Derksen, Drazkowski,
Floeter, Quam

Nay - None

Carried.

BOARD OF APPEALS MINUTES

August 5, 2013

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Conditions of approval shall include:

1. Sign design, including colors, materials, illumination and placement is subject to approval by the Downtown Architectural Review Board. Allowable signage for the property shall reflect the variance request and any conditions of the Downtown Architectural Review Board.

2. Temporary advertising banners and other displays are not permitted. One grand opening display is permitted upon issuance of a permit by the Building Inspector.

Seconded by Butzke.

ROLL CALL VOTE: Aye - Butzke, Derksen, Floeter,
 Piper, Quam
 Nay - None
 Abstain - Drazkowski

Carried.

ADJOURN

Motion made by Butzke to adjourn.

Seconded by Floeter.

ROLL CALL VOTE: Aye - Butzke, Derksen, Drazkowski,
 Floeter, Quam
 Nay - None

Carried.

Meeting adjourned at 3:25 p.m.

SUE STRANDS
CITY CLERK

SS/maa

ZONING PETITION - VARIANCE



CITY OF FOND DU LAC

ADDRESS OF VARIANCE REQUEST: 401 Ellis Street
Tax Key Number if vacant land: **N/A**

Petitioner: **Stephan Mattsen** (Name) **401 Ellis Street** (Address)

Petitioner Phone Number: (920) 922-9275

Petitioner Email: smatt401ellis@att.net

Property Owner: **N/A** (Name) (Address)
(If not the same as Petitioner)

VARIANCE REQUEST

A variance is an exception to a requirement of the Zoning Code or Building Code. Describe the requested exception(s) for your variance request:

1. Build a new garage 22 rather than 20 feet wide.
2. Garage roof peak not to exceed 16 feet 4 inches.

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:

1. The lot width is substandard (40 feet). According to the Building Inspector's Office normal lot width is 50 feet.
2. proposed 22 foot wide garage could exceed the height limit slightly, depending on truss design and construction, petitioner seeks a variance to cover this contingency.

See supporting documentation attached.

Petitioner Signature: Stephan M. Mattsen

APPEAL NO. 2013-25

Submit application to the Community Development Office
(4th floor, City-County Government Center)

VARIANCE PETITION



APPEAL No. 2013-25

BOARD OF APPEALS MEETING: September 9, 2013

Location: 401 Ellis Street

Petitioner: Stephan Mattsen

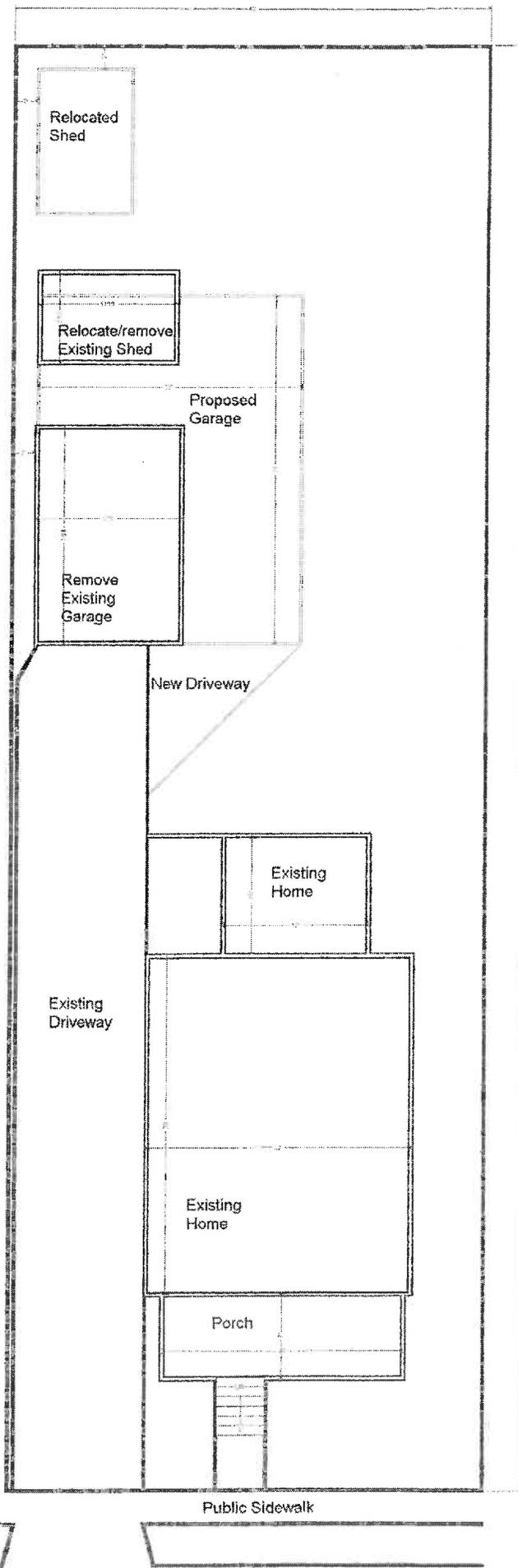
FOND DU LAC ZONING CODE REGULATIONS:

Section 11.04 C.3.o(1)(f) states the width of a detached garage shall not exceed more than one-half of the width of the lot.

Section 11.04 C.3.o(1) (b) states the maximum height of a detached garage is not more than one story or 15 feet in height.

PROPOSAL:

Increase allowable lot width coverage from 20 feet to 22 feet and increase maximum building height from 15 feet to 16'4" for construction of detached garage.



401 Ellis Steet

APPEAL NO. 2013-25 MATTSEN

401 ELLIS STREET



board of appeals memorandum

Date: September 5, 2013
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner 
RE: Appeal No. 2013-25

Location: 401 Ellis Street
Applicant: Stephan Mattsen
Zoning: Site: R-3 (Single Family Residential)
North: R-3
South: R-3
East: R-3
West: R-3
Land Use: Site: Single Family Residence
North: Single Family Residence
South: Single Family Residence
East: Vacant Lot
West: Single Family Residence
Request: Increase allowable garage width and maximum building height.

Analysis

The subject site is developed with a single family home and detached one-car garage.

The property owner would like to replace the small garage and construct a larger garage.

An exception to allowable building width and maximum building height is requested.

The petitioner's lot is 40 feet wide and 120 feet deep, with a lot area of 4800 square feet.

Zoning regulations require a minimum lot width of 50 feet, lot depth of 115 feet and an area of 6000 square feet.

Zoning regulations restrict garage width to not more than one-half of the lot width. The subject 40'-wide lot allows a garage width of 20 feet; the variance proposes a garage width of 22 feet. The proposed 22'x29' garage (638 square feet) is within the allowable building size (650 square feet) and is a typical size for a two-car garage.

The second part of the variance request affects allowable building height. Zoning regulations allow a maximum height of 15 feet for a detached garage. The variance request proposes a building height of 16'4". The proposed building height responds to truss design and building construction. The modest increase in allowable height would allow a roof pitch proportionate to the building.

Approval of the variance would not create a negative impact on the subject property, any adjacent property or the surrounding neighborhood. 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.

The construction of a usable garage is hampered by the property's substandard lot width.

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 provide similar accounts of circumstances, a reasonable consistency between decisions would be appropriate.

Recommendation

A motion to approve or deny a variance request must state the findings in support of the action taken.

Community Development staff suggests a motion to **approve the variance request** based on findings referenced herein, and specifically because the construction of a usable garage is hampered by the property's substandard lot width.

Conditions of approval shall include:

1. Garage design, building materials and color shall match or complement the residence.
2. Eave troughs and downspouts shall be provided to direct water away from adjacent properties.

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-15-41-157-00	426 ELLIS ST	FOND DU LAC	WI	54935	426 ELLIS ST
FDL-15-17-14-32-400-00	162 E 10TH ST	FOND DU LAC	WI	54935	162 E 10TH ST
FDL-15-17-14-32-401-00	156 E 10TH ST	FOND DU LAC	WI	54935	156 E 10TH ST
FDL-15-17-14-32-407-00	411 ELLIS ST	FOND DU LAC	WI	54935	411 ELLIS ST
FDL-15-17-15-41-155-00	N8194 HWY 151	FOND DU LAC	WI	54937	418 ELLIS ST
FDL-15-17-15-41-150-00	384 ELLIS ST	FOND DU LAC	WI	54935	384 ELLIS ST
FDL-15-17-15-41-152-01	396 ELLIS ST	FOND DU LAC	WI	54935	396 ELLIS ST
FDL-15-17-15-41-154-00	410 ELLIS ST	FOND DU LAC	WI	54935	410 ELLIS ST
FDL-15-17-15-41-153-00	400 ELLIS ST	FOND DU LAC	WI	54935	400 ELLIS ST
FDL-15-17-15-41-156-00	420 ELLIS ST	FOND DU LAC	WI	54935	420 ELLIS ST
FDL-15-17-14-32-404-00	395 ELLIS ST	FOND DU LAC	WI	54935	395 ELLIS ST
FDL-15-17-14-32-398-00	161 BOYD ST	FOND DU LAC	WI	54935	161 BOYD ST
FDL-15-17-14-32-408-00	417 ELLIS ST	FOND DU LAC	WI	54935	417 ELLIS ST
FDL-15-17-14-32-403-00	391 ELLIS ST	FOND DU LAC	WI	54935	391 ELLIS ST
FDL-15-17-14-32-405-00	401 ELLIS ST	FOND DU LAC	WI	54935	401 ELLIS ST
FDL-15-17-15-41-151-00	378 ELLIS ST	FOND DU LAC	WI	54935	388 ELLIS ST
FDL-15-17-14-32-410-00	419 ELLIS ST	FOND DU LAC	WI	54935	419 ELLIS ST
FDL-15-17-14-32-402-00	4400 WILL ROGERS PKWY STE 300	OKLAHOMA CITY	OK	73108	389 ELLIS ST
FDL-15-17-14-32-399-00	402 NELSON ST	FOND DU LAC	WI	54935	402 NELSON ST
FDL-15-17-14-32-406-00	405 ELLIS ST	FOND DU LAC	WI	54935	405 ELLIS ST

ZONING PETITION - VARIANCE



CITY OF FOND DU LAC

ADDRESS OF VARIANCE REQUEST: 11 EAST PIONEER ROAD

Tax Key Number if vacant land: _____

Petitioner: KENNETH KLASKE 11 EAST PIONEER ROAD
(Name) (Address)

Petitioner Phone Number: (920) 579-2337

Petitioner Email: kkiaske@att.net

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. Describe the requested exception(s) for your variance request:

INSTALL FRONT DECK

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:

IFRONT STEPS WAS MOVING INTO BASEMENT
WALL WANTED TO INSTALL DECK TO COMBINE
FRONT ENTRANCE WITH REAR ENTRANCE

Petitioner Signature: Kenneth Klaske

APPEAL NO. 2013-24

Submit application to the Community Development Office
(4th floor, City-County Government Center)

VARIANCE PETITION



APPEAL No. 2013-26

BOARD OF APPEALS MEETING: September 9, 2013

Location: 11 East Pioneer Road

Petitioner: Ken and Lori Klaske

FOND DU LAC ZONING CODE REGULATIONS:

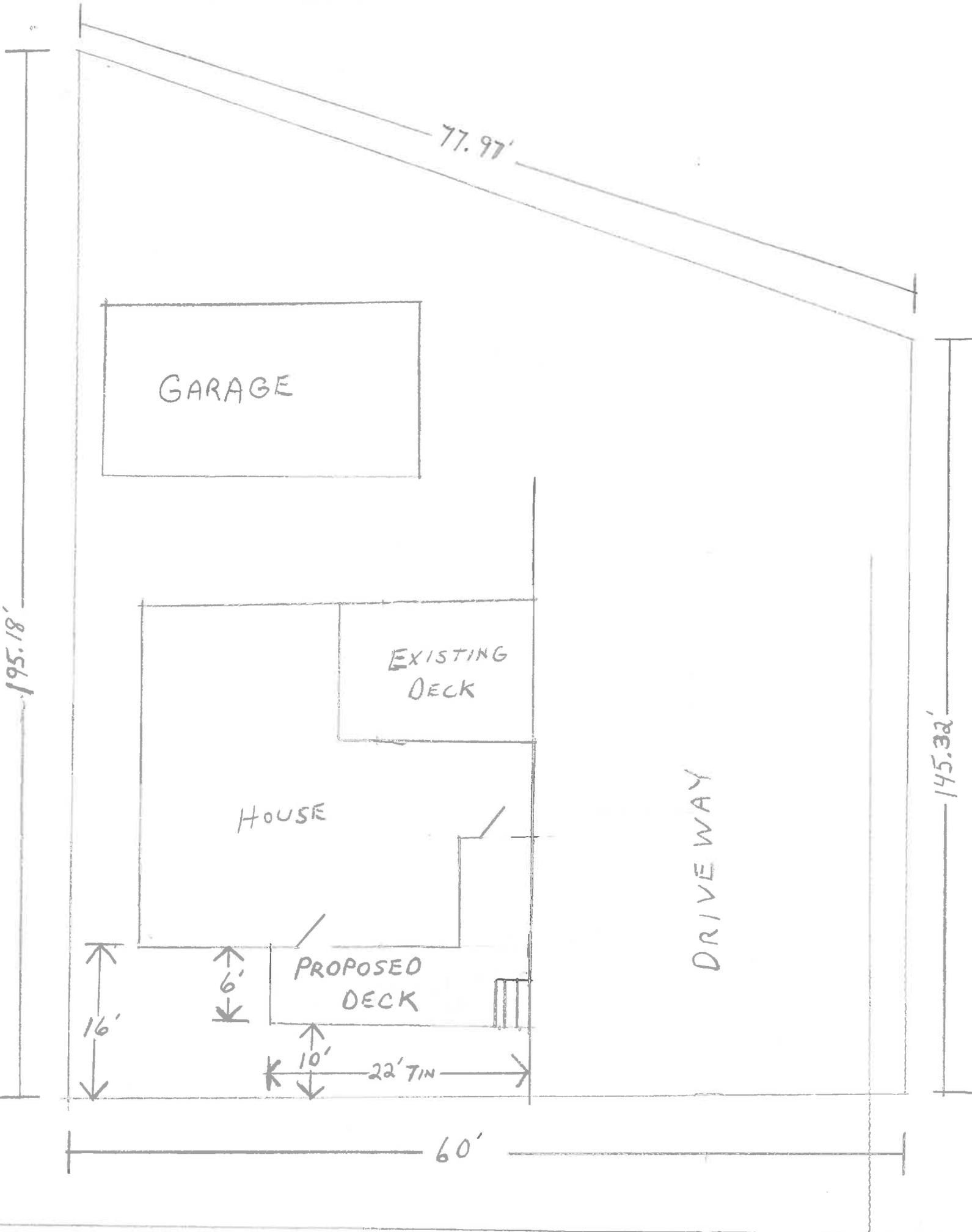
Section 11.13 B.2.a states a nonconforming building or structure shall not be added to or enlarged in any manner unless such nonconforming building or structure is made to conform to the regulations of the district in which it is located.

Section 11.13 G.1. states a nonconforming use of land shall not be enlarged beyond the area it occupies.

Section 11.08 D. Schedule IIA requires a 20' front yard setback in the B-4 district.

PROPOSAL:

Expand existing nonconforming residence located in business zoning district and decreased the required front yard building setback from 20 feet to 10 feet for the construction of a deck.



77.97'

GARAGE

195.18'

EXISTING DECK

HOUSE

DRIVEWAY

145.32'

16'

6'

PROPOSED DECK

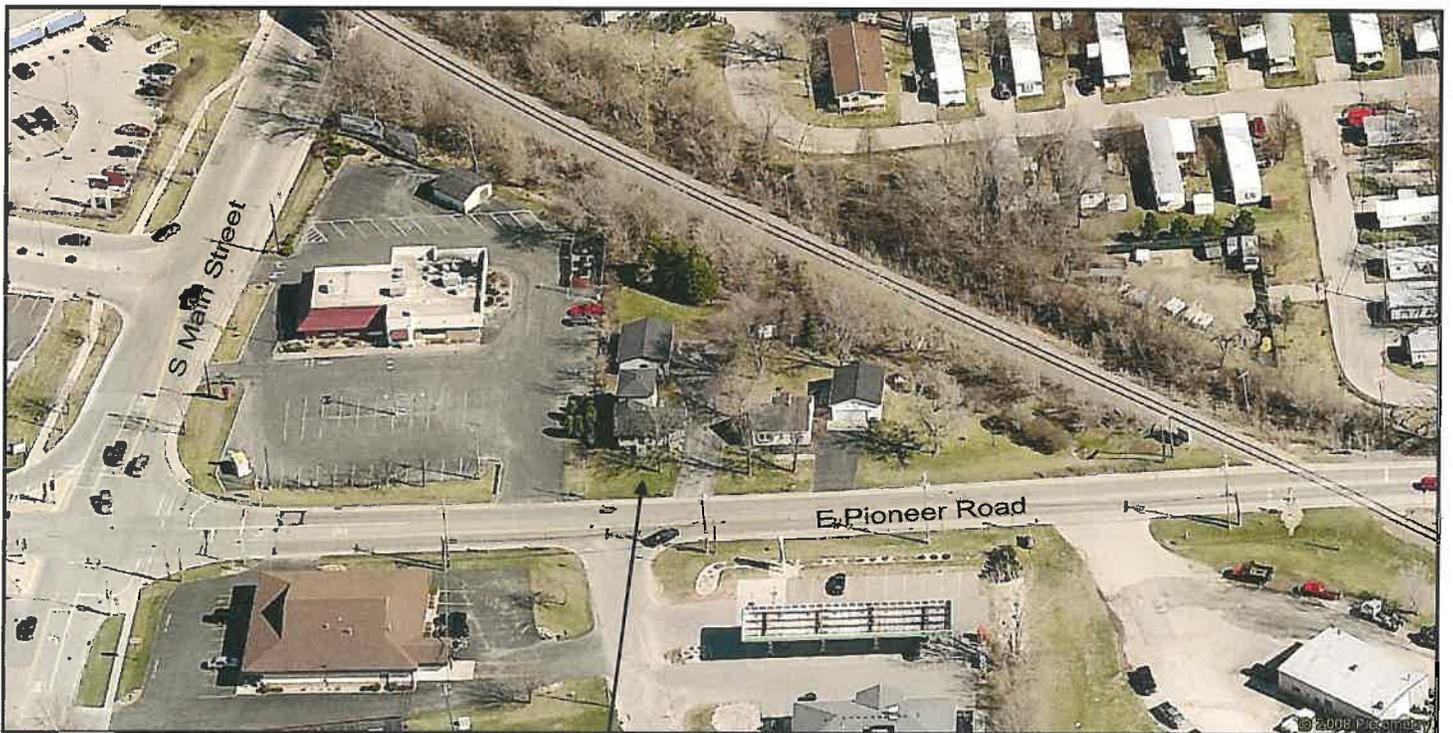
10'

22' 7 1/2"

60'

PIONEER ROAD

APPEAL NO. 2013-26 - KLASKE
11 E PIONEER ROAD



SITE



board of appeals memorandum

Date: September 5, 2013
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner 
RE: Appeal No. 2013-26

Location: 11 East Pioneer Road

Applicant: Ken and Lori Klaske

Zoning: Site: B-4 (Service Commercial)
North: B-4
South: B-4
East: B-4
West: B-4

Land Use: Site: Single Family Residence
North: RR Tracks
South: BP Gas Station
East: Single Family Residence
West: Tucker's Restaurant

Request: Expand nonconforming use and reduce required front yard setback for construction of deck/porch.

Analysis

The subject property is zoned for business use. Residential uses are not a permitted use in a business zoning district, therefore the existing single family home retains a nonconforming land use status. In addition, the location of the building does not comply with setback requirements of the B-4 zoning district. Approval of a variance is requested to expand the nonconforming residence to add a deck on the front of the building and to reduce the required front yard setback requirement for the deck.

The front yard setback requirement in the B-4 district is 20 feet. The home is situated with a front yard setback of 16 feet. The variance request proposes a 10' setback for the construction of an uncovered deck. The proposed deck is 6 feet in depth along the front of the home for a distance of 22'7". The deck is an L-shaped design that wraps around the southeast corner of the building. The deck design provides access to home from the front and rear doors.

The petitioner's home is one of two nonconforming dwellings on East Pioneer Road east of South Main Street. Because the proposed deck is not an expansion of habitable living area, the addition of a deck would not unduly perpetuate the nonconforming use.

Pioneer Road is a county highway and falls under the jurisdiction of Fond du Lac County. In evaluating the variance proposal, Community Development staff contacted the Highway Commissioner. Assuming the Pioneer Road Study is continued to the next phase, this area of Pioneer Road could logically be the next project. This segment of highway currently is too narrow and does not function very well because of limited capacity. The Pioneer Road Study shows the need for additional right-of-way. Anticipating additional right-of-way that might be necessary for improvements to the road, the County Highway Commissioner has stated a setback of at least 10 feet should be maintained. A conditional approval of the variance request is recommended.

In considering exceptions to setbacks for porches and building additions, the Board of Appeals has consistently concluded that neighborhood conditions must prevail in determining the reasonable application of setback requirements. Specific to the request at hand, the proposed setback has no effect on any neighboring property.

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.

The circumstance of property location and use supports the proposed 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 accounts of circumstances, a reasonable consistency between decisions would be appropriate.

Recommendation

A motion to approve or deny a variance request must state the findings in support of the action taken.

Community Development staff suggests a motion to **approve an exception to the front yard setback requirement** based on findings referenced herein, and specifically due to the existing conditions of property location and use.

Conditions of approval shall include:

1. The deck/porch shall not be covered, enclosed or modified to provide additional living space.
2. The property shall be surveyed to determine the exact location of the front lot line. Minimum setback of the deck – including steps - is 10 feet.
3. In accepting the variance approval the petitioner acknowledges the possibility of the future acquisition of additional right-of-way for roadway improvements.

Parcel Number	Mailing Address 1	Mailing Address 2	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-22-42-259-00	66 TOWER RD		FOND DU LAC	WI	54935	927 S MAIN ST
FDL-15-17-22-42-271-00	1000 S MAIN ST		FOND DU LAC	WI	54935	949 S MAIN ST
FDL-15-17-22-41-018-00	70 E PIONEER RD		FOND DU LAC	WI	54935	70 E PIONEER RD
FDL-15-17-22-42-250-00	3000 SCOTT ST		DES PLAINES	IL	60018	871 S MAIN ST
FDL-15-17-22-42-270-00	W6639 WILLOW LAWN RD		FOND DU LAC	WI	54935	961 S MAIN ST
FDL-15-17-22-42-263-00	288 GERTRUDE AVE		FOND DU LAC	WI	54935	30 E PIONEER RD
FDL-15-17-22-42-260-00	11 E PIONEER RD		FOND DU LAC	WI	54935	11 E PIONEER RD
FDL-15-17-22-42-261-00	21 E PIONEER RD		FOND DU LAC	WI	54935	21 E PIONEER RD
FDL-15-17-22-42-262-00	%JALARAM CORP	20 E PIONEER RD	FOND DU LAC	WI	54935	20 E PIONEER RD

ZONING PETITION - VARIANCE



CITY OF FOND DU LAC

ADDRESS OF VARIANCE REQUEST: 350 S Main St.

Tax Key Number if vacant land: _____

Petitioner: Ron Schmitz
(Name) (Address)

Petitioner Phone Number: (920) 913-0196

Petitioner Email: NONE

Property Owner: Ron Schmitz 101 WINN BAGO ST
(If not the same as Petitioner) (Name) (Address)
N. FOND DU LAC

VARIANCE REQUEST

A variance is an exception to a requirement of the Zoning Code or Building Code. Describe the requested exception(s) for your variance request:

Approval for parking ^{for} ~~at~~ 350 S main st. Across the street at the church is parking for that address above. I will have a 3 year lease with the church. I year lease ^{with} ~~is~~ a 2 year renewable lease.

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:

133 year there was never an issue with parking at ~~at~~ above address. I ~~was~~ purchased the property to utilize the 5 Apartments in the Building and there is a need for housing in the City of Fond du Lac.

Petitioner Signature: [Signature]

APPEAL NO. 2013-27

Submit application to the Community Development Office
(4th floor, City-County Government Center)

VARIANCE PETITION



APPEAL No. 2013-27

BOARD OF APPEALS MEETING: September 9, 2013

Location: 350 S Main Street

Petitioner: Ron Schmitz

FOND DU LAC ZONING CODE REGULATIONS:

Section 11.13 G.2 states if a nonconforming use of land is discontinued or abandoned for a period of six consecutive months, it shall not thereafter be renewed, and subsequent use of such land shall conform to the regulations of the district in which it is located.

Section 11.11 E.1 states the minimum number of off-street parking spaces required for a land use shall be as set forth in Schedule VI.

Section 11.11 G. Schedule VI requires one parking space for each efficiency and one-bedroom unit, 1.5 spaces for each 2-bedroom unit, plus 10% of the required total for guest parking.

PROPOSAL:

Reinstate nonconforming residential use of existing building located in a business district and provide parking off-site.

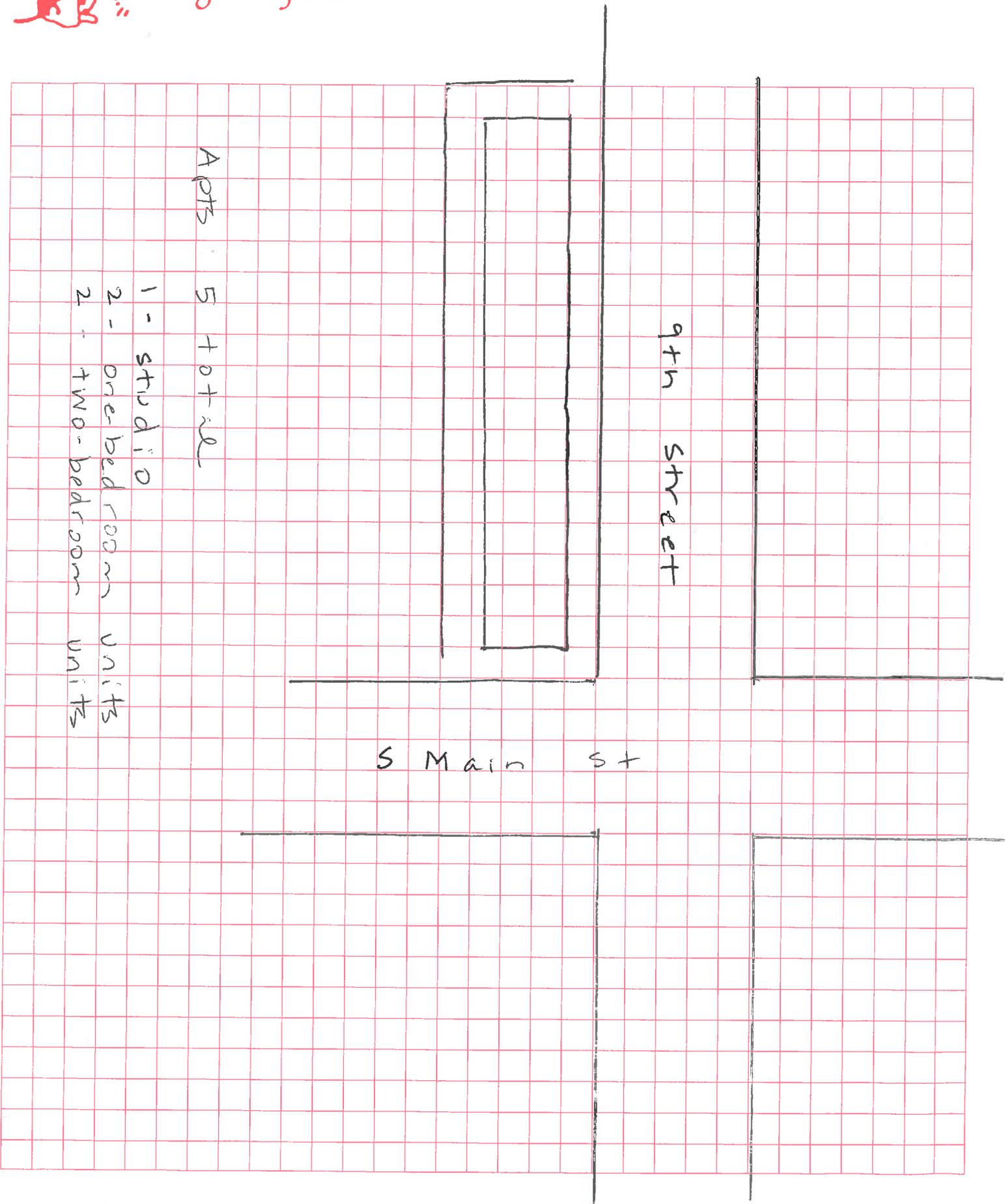


EHLERT WELDING CO. INC.

Surgeons of Steel

N3151 State Rd. 175 • Byron, Wisconsin • (920) 923-3688

Wisconsin State Certified Welders



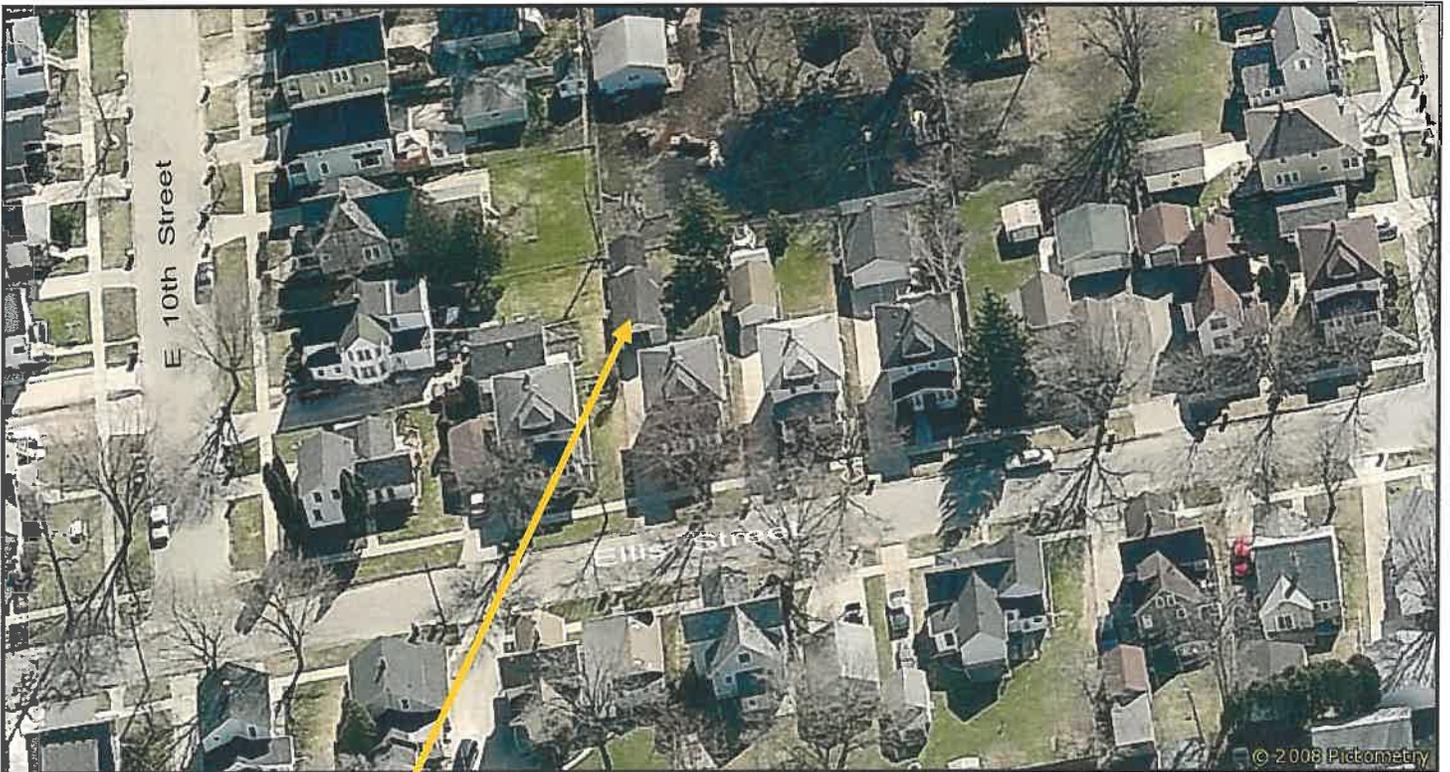
Apts : 5 total

- 1 - studio units
- 2 - one-bedroom units
- 2 - two-bedroom units

APPEAL NO. 2013-25 – MATTSSEN
401 ELLIS STREET

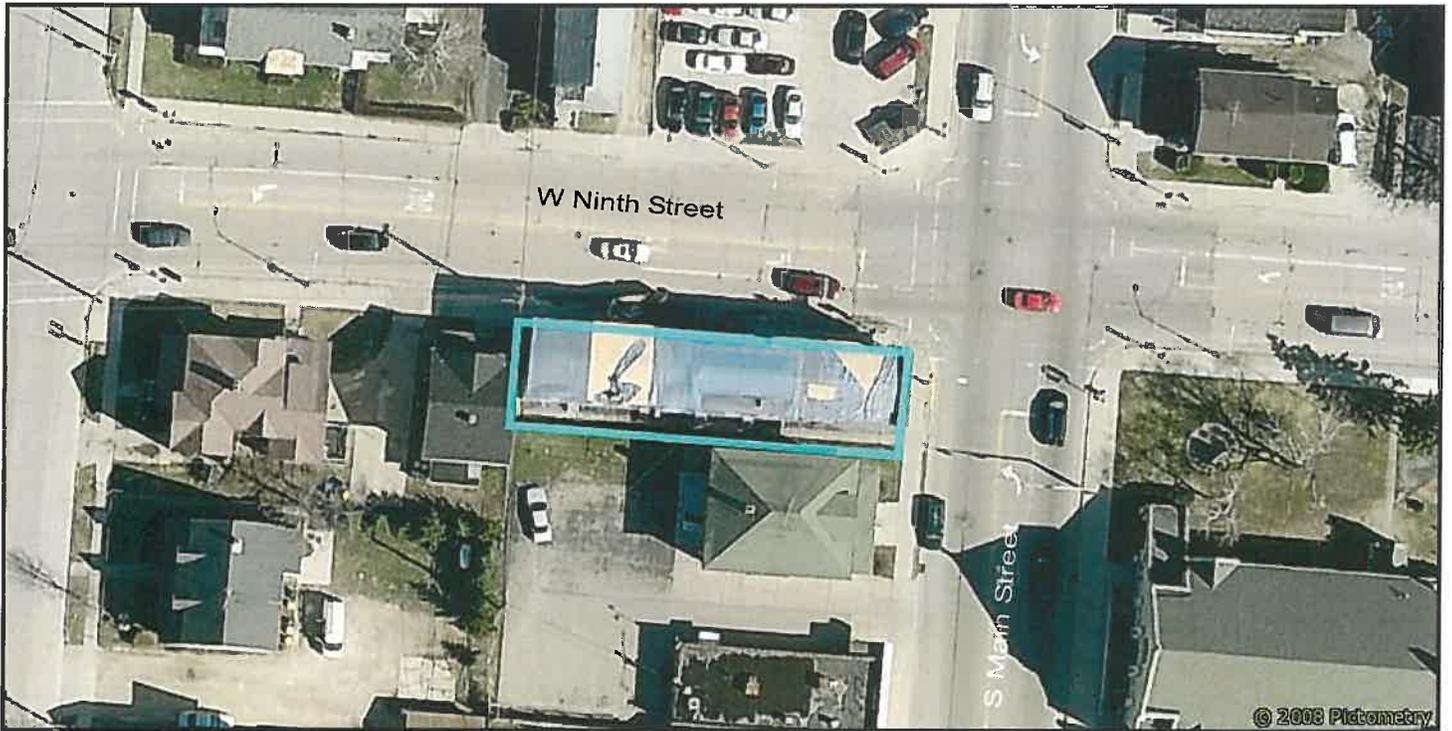


ELLIS STREET VIEW OF PROPERTY – LOOKING EAST



SITE

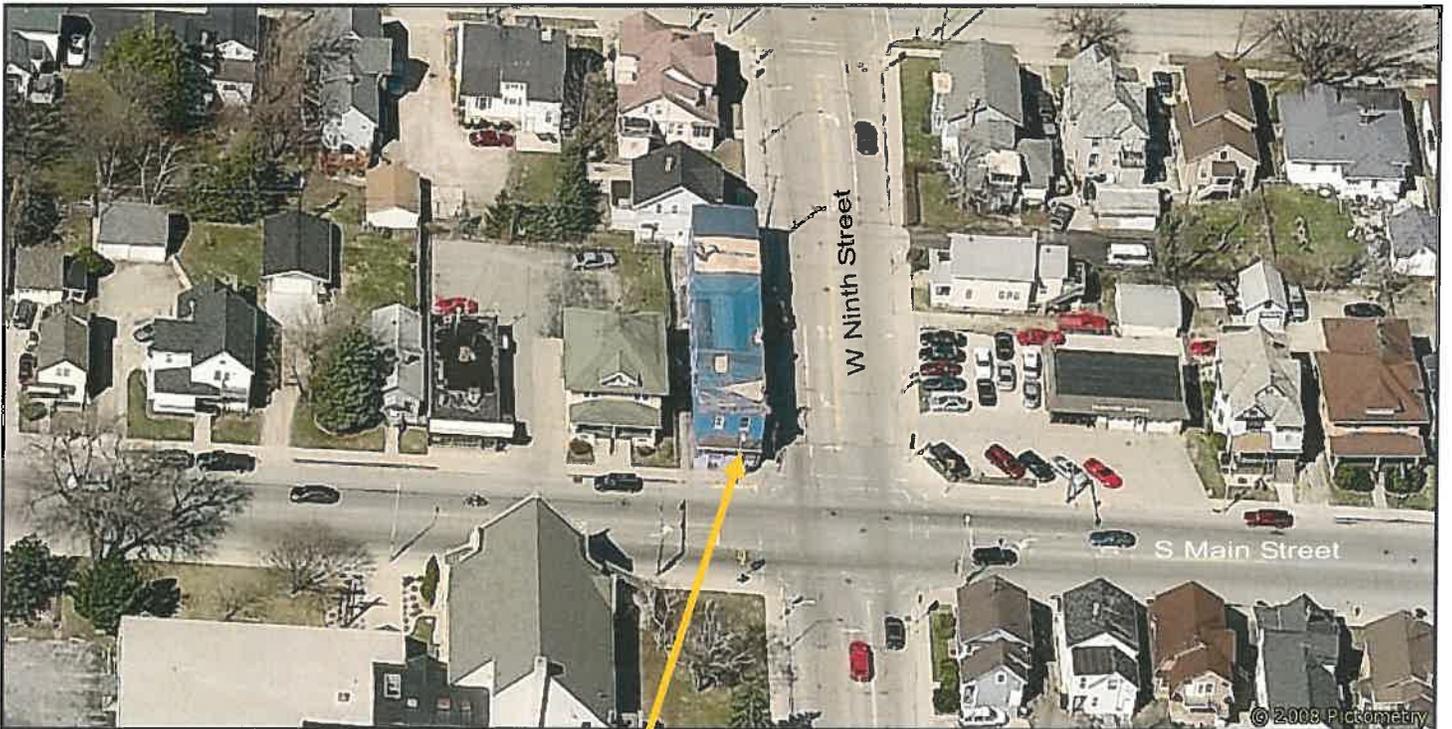
APPEAL NO. 2013-27 - SCHMITZ
350 SOUTH MAIN STREET



© 2008 Pictometry



MAIN STREET VIEW OF PROPERTY – LOOKING WEST



© 2008 Pictometry

SITE

board of appeals memorandum

Date: September 5, 2013
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner *JD*
RE: Appeal No. 2013-27

Location: 350 South Main Street

Applicant: Ron Schmitz

Zoning: Site: B-4 (Service Commercial)
North: B-4
South: B-4
East: B-4
West: R-3

Land Use: Site: Vacant Apartment Building
North: Former Gas Station/Auto Repair
South: Two-Family Dwelling
East: Church of Our Saviour Evangelical Lutheran
West: Two-Family Dwelling

Request: Reinstate nonconforming land use and allow off-site parking.

Analysis

The subject property is zoned for business use. The building has a longstanding history of residential use. The residential use was considered a nonconforming use. The building has been vacant for several years. The new owner would like to reinstate the nonconforming land use and provide off-site parking in satisfaction of the code requirement for parking to serve the use.

The subject building covers the entire site except for an area of sidewalk along the south side of the building. The interior of the building is configured for five apartments. The

petitioner plans changes to the building to upgrade the existing conditions. To address the code requirement for parking to serve the building, the petitioner proposes to secure tenant parking in the nearby church parking lot across the street. Seven parking spaces are required per code requirements.

In determining a reasonable use of the existing building and the property, existing circumstances must be considered. The property has a history of residential use and, although it retains a commercial zoning designation, it is not particularly well suited for business use because of the lack of parking. Reinstatement of the former residential use is the most logical use of the property.

Favorable consideration of the variance request will not create a negative impact for the subject property or for any adjacent properties. A conditional approval of the variance request is recommended to facilitate exterior improvements to the building.

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 conditions do not logically allow a use permitted by the site's zoning designation. The variance request relates to property conditions of an existing building with a history of residential 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 accounts of circumstances, a reasonable consistency between decisions would be appropriate.

Recommendation

A motion to approve or deny a variance request must state the findings in support of the action taken.

Community Development staff suggests a motion to **approve the variance request** based on findings referenced herein, and specifically because property conditions do not logically allow a use permitted by the site's zoning designation and also due to the long history of residential use of the building.

Conditions of approval shall include:

1. Seven (7) parking spaces shall be provided for the property, secured by a long-term agreement. Proof of such agreement between the petitioner and an authorized representative of the affected property owner, Church of Our Saviour Evangelical Lutheran Church, shall be provided to the Building Inspector prior to the authorization of occupancy of any of the apartment units.
2. The building shall be power washed to remove chipped and peeling paint. Power washing shall be completed by October 15, 2013, weather permitting. An extension to the time requirement may be granted by the Building Inspector if weather conditions do not allow completion of the work.
3. Window trim and doors shall be scraped and painted. Paint color shall be a neutral color and approved by the Community Development Department prior to the start of work. Painting shall be completed within the 2013 construction season, weather permitting. An extension to the time requirement may be granted by the Building Inspector if weather conditions do not allow completion of the work or if the owner plans to repaint the entire building exterior.
4. The building shall be repainted if power washing does not adequately remove the existing paint. The determination for the necessity to repaint shall be made by the Community Development Department after the building is power washed. Paint color shall be a neutral color and approved by the Community Development Department prior to the start of work. Painting shall be completed within the 2013 construction season, weather permitting or not later than June 30, 2014.
5. All interior renovations require the submittal of plans to the Building Inspector for review and approval. No work shall be done prior to approval of a permit. Interior inspections shall be completed before occupancy.

Parcel Number	Mailing Address 1	Mailing Address 2	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-15-42-310-00	114 S MAIN ST #116		FOND DU LAC	WI	54935	357 LINDEN ST
FDL-15-17-15-42-250-00	945 S PALM AVE		HEMET	CA	92543	335 S MAIN ST
FDL-15-17-15-42-347-00	363 S MAIN ST		FOND DU LAC	WI	54935	363 S MAIN ST
FDL-15-17-15-42-318-00	363 TAFT ST		FOND DU LAC	WI	54935	374 S MAIN ST
FDL-15-17-15-42-256-00	PMB 186	95B W CHANCE RD	LUMERTON	TX	77657	341 LINDEN ST
FDL-15-17-15-42-307-00	375 LINDEN ST		FOND DU LAC	WI	54935	375 LINDEN ST
FDL-15-17-15-42-306-00	381 LINDEN ST		FOND DU LAC	WI	54935	381 LINDEN ST
FDL-15-17-15-42-254-00	N7W27485 WOODRIDGE LN		WAUKESHA	WI	53188	336 S MAIN ST
FDL-15-17-15-42-251-00	PO BOX 323		BROWNSVILLE	WI	53006	337 S MAIN ST
FDL-15-17-15-42-317-00	PO BOX 323		BROWNSVILLE	WI	53006	370 S MAIN ST
FDL-15-17-15-42-308-00	369 LINDEN ST		FOND DU LAC	WI	54935	369 LINDEN ST
FDL-15-17-15-42-320-00	384 S MAIN ST		FOND DU LAC	WI	54935	380 S MAIN ST
FDL-15-17-15-42-321-00	384 S MAIN ST		FOND DU LAC	WI	54935	384 S MAIN ST
FDL-15-17-15-42-319-00	378 1/2 S MAIN ST		FOND DU LAC	WI	54935	378 S MAIN ST
FDL-15-17-15-42-309-00	363 LINDEN ST		FOND DU LAC	WI	54935	363 LINDEN ST
FDL-15-17-15-42-252-00	148 E MAIN ST		CAMPBELLSPORT	WI	53010	339 S MAIN ST
FDL-15-17-15-42-315-00	3428 LOVERS LANE		SLINGER	WI	53086	360 S MAIN ST
FDL-15-17-15-42-316-00	362 S MAIN ST		FOND DU LAC	WI	54935	362 S MAIN ST
FDL-15-17-15-13-521-00	333 S MAIN ST		FOND DU LAC	WI	54935	333 S MAIN ST
FDL-15-17-15-42-313-00	101 WINNEBAGO STREET		N FOND DU LAC	WI	54937	350 S MAIN ST
FDL-15-17-15-42-314-00	W7221 CTH OOO		FOND DU LAC	WI	54937	354 S MAIN ST
FDL-15-17-15-42-311-00	549 5TH ST		FOND DU LAC	WI	54935	351 LINDEN ST
FDL-15-17-15-13-522-00	332 S MAIN ST		FOND DU LAC	WI	54935	332 S MAIN ST

ZONING PETITION - VARIANCE

CITY OF FOND DU LAC

8/23/13

ADDRESS OF VARIANCE REQUEST: 457 N. National Ave.

Tax Key Number if vacant land: _____

Petitioner: Darwin Lavrenz

(Name)

(Address)

Petitioner Phone Number: (920) 924-0282 _____

Petitioner Email: lavrenzd@charter.net

Property Owner: Bill Agnew

(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. Describe the requested exception(s) for your variance request:

House is located at the corner of National Ave and Scott street. Front door of house faces National Ave, side door faces Scott street. *I want to build a deck and wheelchair ramp on the Scott street side of the house which would lead to the garage. I want the deck to be 8 feet deep, 20 feet wide with a 16 foot wheelchair ramp. The house was built 30 feet from the scott street sidewalk. I submitted a request for a building permit to build the deck and wheelchair ramp and was told I had to leave 25 feet between the deck and the sidewalk. That would allow a 5 feet deep deck and ramp. A 5 foot deep deck makes it difficult to get into and out of the door since the wheelchair alone is over 4 feet long. They told me if I wanted to go 8 feet deep with the deck, I would have to get a variance. My wife is in rehab right now, I expect her to be home in 2 to 3 weeks. I have to take her to dialysis 3 times a week at aurora clinic, I need a safe and secure deck and ramp to take her in a wheelchair. The extra space on the deck would also allow my wife to sit in her wheelchair on the deck with weather permitting. I did get the building permit for the deck and ramp at 5 feet deep with design consideration to expand to 8 feet deep.*

2013-28

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:

Petitioner Signature: Darwin E Savary **APPEAL NO.**

Submit application to the Community Development Office
(4th floor, City-County Government Center)

📁 VARIANCE SUBMITTAL REQUIREMENTS

1 Application

Refer to the *Board of Appeals Timetable* for application submittal deadlines and meeting dates.

2 Site Plan

Show existing and proposed structures, setback measurements, buildings to be demolished, driveway and parking areas, adjacent streets and alleys.

If the proposal affects SIGNAGE, in addition to a site plan provide drawings to show:

- Location and size of existing/proposed wall signs.
- Location, size and height of existing/proposed ground signs.

VARIANCE PETITION



APPEAL No. 2013-28

BOARD OF APPEALS MEETING: September 9, 2013

Location: 457 N National Avenue

Petitioner: Darwin Lavrenz

FOND DU LAC ZONING CODE REGULATIONS:

Section 11.06 D. Schedule IA requires a 25' front yard building setback in the R-3.5 zoning district.

PROPOSAL:

Reduce required front yard building setback from 25 feet to 22 feet for the construction of a deck.

Garage

Driveway

HOUSE

Ramp

SIDE WALK

25'

30'

22'

DECK

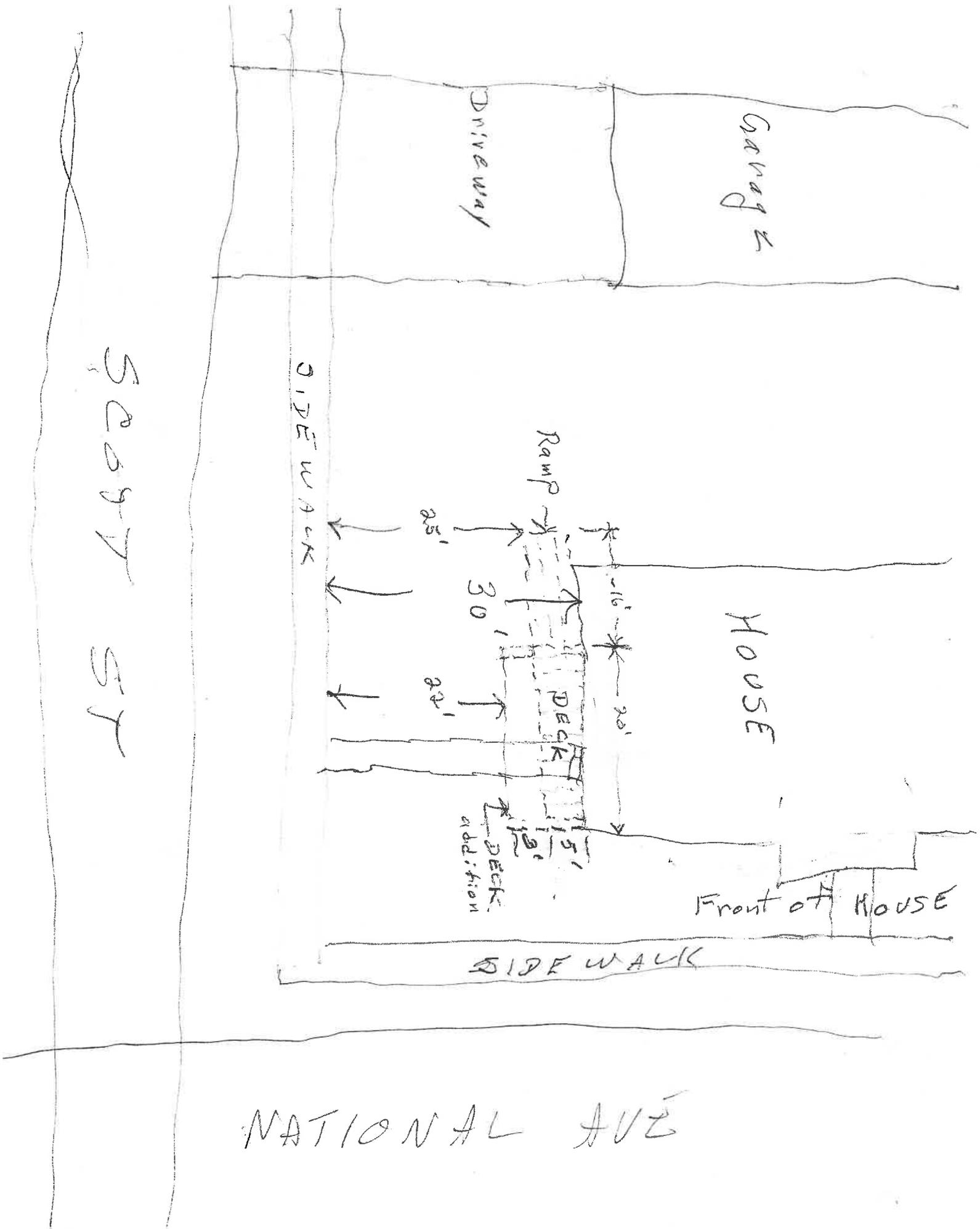
DECK
addition

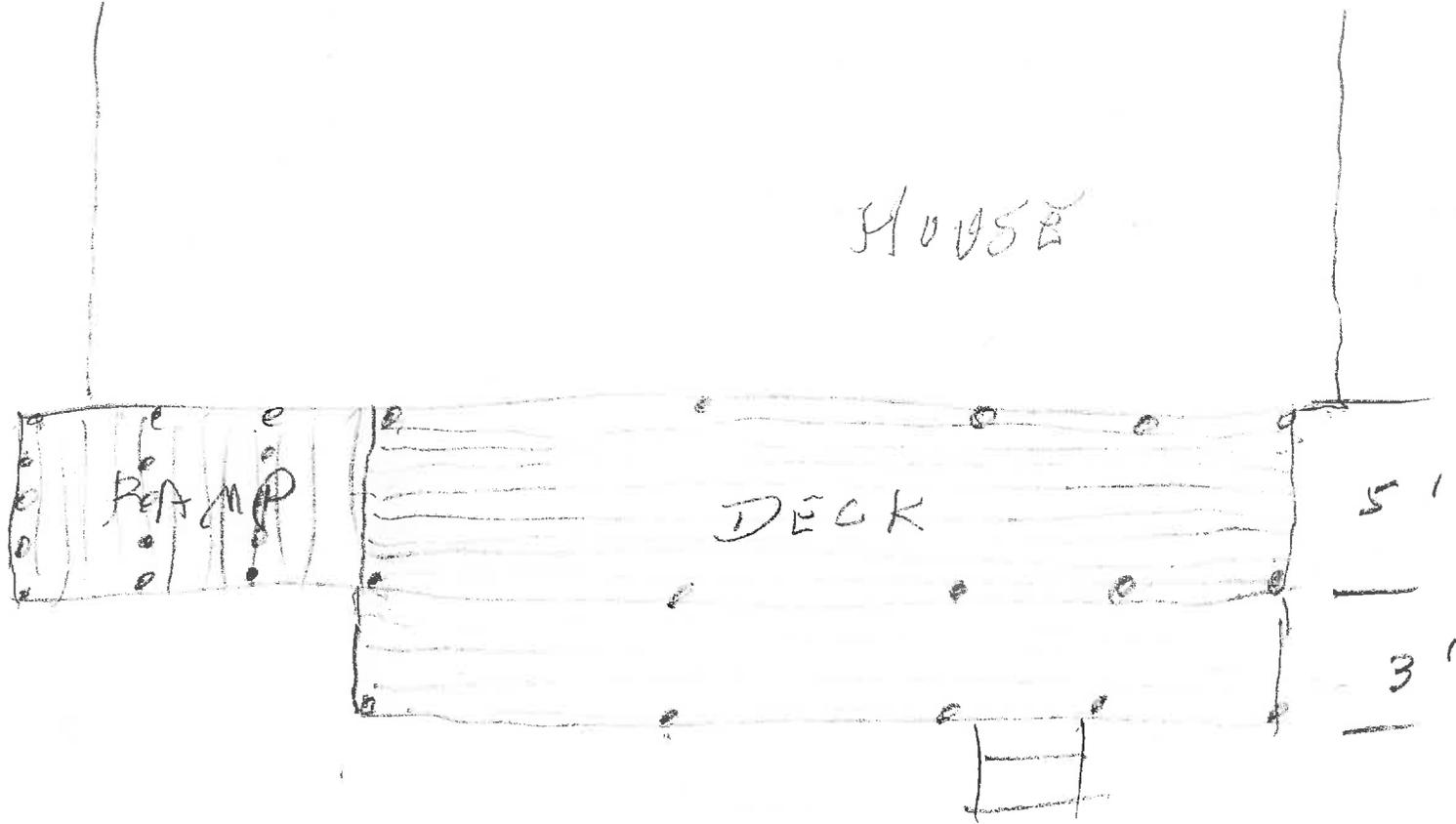
Front of HOUSE

SIDE WALK

5257 ST

NATIONAL AVE





Proposed expansion to deck
after approval of variance

APPEAL NO. 2013-28 – LAVRENZ
457 N NATIONAL AVENUE



STREET VIEW – EAST SCOTT STREET LOOKING SOUTH



board of appeals memorandum

Date: September 5, 2013
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner *UD*
RE: Appeal No. 2013-28

Location: 457 North National Avenue

Applicant: Darwin Lavrenz

Zoning: Site: R-3.5 (One and Two-Family Residential)
North: R-4 (Multifamily Residential)
South: R-2 (Single Family Residential)
East: R-3.5
West: R-2

Land Use: Site: Two-Family Residence
North: Alliant Substation
South: Single Family Residence
East: Two-Family Residence
West: Single Family Residence

Request: Reduce required front yard setback for construction of deck.

Analysis

The subject property is developed with a two-family home. Approval of a variance is requested to reduce the front yard setback requirement for an uncovered deck.

The subject property is a corner lot with frontage on both East Scott Street and North National Avenue. One of the living units of the duplex faces East Scott Street and one faces North National Avenue. Front yard setback requirements apply to both street frontages. The building is situated with conforming front yard setbacks for both street frontages.

The variance request affects the setback requirement for the Scott Street frontage of the property. Zoning regulations require a minimum front yard setback of 25 feet. The existing building setback is 30 feet. The variance request proposes a 22' setback for an uncovered deck. The proposed deck would serve only one of the two living units.

A building permit was issued on August 15th to allow a 5'-wide handicapped ramp along the north side of the building. The ramp complies with setback requirements and meets ADA standards for handicapped access (5' platform area for ingress and egress). The petitioner would like a wider ramp to create an 8'-wide deck. The proposed deck would extend 36 feet along the full frontage of the building.

The variance request must consider property conditions that do not allow compliance with zoning regulations and it should take into account existing setbacks in the neighborhood. In considering setback exceptions for decks and porches, the Board of Appeals has consistently concluded that neighborhood conditions must prevail in determining the reasonable application of setback requirements. Where neighborhood conditions present a pattern of nonconforming setbacks, approval of an exception to code requirements may be justified. In this case the proposed setback extends beyond the limit of existing setbacks in the neighborhood and approval of the request is therefore not warranted.

Favorable consideration of the variance request is not 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 conditions allow reasonable accommodation for access to the structure.

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 accounts of circumstances, a reasonable consistency between decisions would be appropriate.

Recommendation

A motion to approve or deny a variance request must state the findings in support of the action taken.

Community Development staff suggests a motion to **deny the variance request** based on findings referenced herein, and specifically because property conditions allow reasonable accommodation for handicapped access to the structure and the proposed setback is less than existing setback conditions in the neighborhood.

Parcel Number	Mailing Address 1	Mailing Address 2	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-02-44-762-00	5829 GEANO BEACH RD		ABRAMS	WI	54101	585 E SCOTT ST
FDL-15-17-02-44-761-00	7 TRI-PARK WAY		APPLETON	WI	54914	577 E SCOTT ST
FDL-15-17-11-11-002-00	N5376 MARTIN LN		FOND DU LAC	WI	54935	455 N NATIONAL AVE
T09-15-17-11-01-001-00	W5354 E SCOTT ST		FOND DU LAC	WI	54935	W5354 E SCOTT ST
FDL-15-17-11-11-027-00	420 N NATIONAL AVE		FOND DU LAC	WI	54935	420 N NATIONAL AVE
FDL-15-17-11-11-001-00	11421 W CTY RD A		EVANSVILLE	WI	53536	578 E SCOTT ST
FDL-15-17-11-11-003-00	W7443 WESTBROOK LN		FOND DU LAC	WI	54937	445 N NATIONAL AVE
FDL-15-17-11-11-034-00	462 N NATIONAL AVE		FOND DU LAC	WI	54935	462 N NATIONAL AVE
FDL-15-17-11-11-029-00	432 N NATIONAL AVE		FOND DU LAC	WI	54935	432 N NATIONAL AVE
FDL-15-17-11-11-008-00	409 N NATIONAL AVE		FOND DU LAC	WI	54935	409 N NATIONAL AVE
FDL-15-17-11-11-007-00	417 N NATIONAL AVE		FOND DU LAC	WI	54935	417 N NATIONAL AVE
FDL-15-17-11-11-004-00	437 N NATIONAL AVE		FOND DU LAC	WI	54935	437 N NATIONAL AVE
FDL-15-17-11-11-025-00	408 N NATIONAL AVE		FOND DU LAC	WI	54935	408 N NATIONAL AVE
FDL-15-17-11-11-009-00	894 COUNTRY CLUB LN		FOND DU LAC	WI	54935	403 N NATIONAL AVE
FDL-15-17-12-22-250-00	235 N NATIONAL AVE		FOND DU LAC	WI	54935	0 N NATIONAL AVE
FDL-15-17-11-11-006-00	423 N NATIONAL AVE		FOND DU LAC	WI	54935	423 N NATIONAL AVE
FDL-15-17-11-11-030-00	438 N NATIONAL AVE		FOND DU LAC	WI	54935	438 N NATIONAL AVE
FDL-15-17-11-11-033-00	456 N NATIONAL AVE		FOND DU LAC	WI	54935	456 N NATIONAL AVE
FDL-15-17-11-11-031-00	444 N NATIONAL AVE		FOND DU LAC	WI	54935	444 N NATIONAL AVE
FDL-15-17-11-11-005-00	429 N NATIONAL AVE		FOND DU LAC	WI	54935	429 N NATIONAL AVE
FDL-15-17-11-11-028-00	W4097 GLADSTONE BEACH RD		FOND DU LAC	WI	54937	426 N NATIONAL AVE
FDL-15-17-11-11-026-00	414 N NATIONAL AVE		FOND DU LAC	WI	54935	414 N NATIONAL AVE
FDL-15-17-02-44-764-00	A/K/A BRAD J STEPHANY	605 E SCOTT ST	FOND DU LAC	WI	54935	607 E SCOTT ST
FDL-15-17-11-11-032-00	450 N NATIONAL AVE		FOND DU LAC	WI	54935	450 N NATIONAL AVE
FDL-15-17-02-44-763-00	595 E SCOTT ST		FOND DU LAC	WI	54935	593 E SCOTT ST
FDL-15-17-02-44-998-00	REAL ESTATE DEPT	4902 N BILTMORE LANE STE 1000	MADISON	WI	53718	487 LUCO RD
FDL-15-17-11-11-024-00	402 N NATIONAL AVE		FOND DU LAC	WI	54935	402 N NATIONAL AVE

ZONING PETITION - VARIANCE



CITY OF FOND DU LAC

ADDRESS OF VARIANCE REQUEST: 15 HAMPTON CT.

Tax Key Number if vacant land: _____

Petitioner: TIMOTHY K McGUIRE 15 HAMPTON CT.
(Name) (Address)

Petitioner Phone Number: (920) 924-1615 920 924-1615 920 204-8183

Petitioner Email: tom.mcguire@mercmarine.com

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. Describe the requested exception(s) for your variance request:

SEE ATTACHMENT

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:

SEE ATTACHMENT

Petitioner Signature: _____

APPEAL NO. 2013-29

Submit application to the Community Development Office
(4th floor, City-County Government Center)

Variance Request:

The variance requested is for a 22' by 12' parking space and approach that is only 2' from the lot line instead of being 8' from the lot line required by code.

Statement of Hardship:

The side of the garage is 14' from the lot line. An additional parking space is needed, and the creation of the additional parking space will be closer to the lot line than what code allows.

We have 3 boys ages 5, 8, and 10. Parking on the driveway or on the street, limits the view of motorists. Kids that age have bikes, scooters, roller blades, and anything else they can ride. The driveway is pitched so the kids tend to shoot out into the road. We don't have sidewalks on our col du sac. The kid's view of motorists from the driveway is obstructed as well. There are lots of kids on the col du sac. The neighbors next door have 4 boys all under the age of 8. One of them was hit by a motorist a while back, so the safety concern is real.

The neighbor that borders the variance is OK with the request. They have stated "What do I need to do to help you get this approved". They have agreed to placing landscape screenings on their property if they are required.

VARIANCE PETITION



APPEAL No. 2013-29

BOARD OF APPEALS MEETING: September 9, 2013

Location: 15 Hampton Court

Petitioner: Thomas McGuire

FOND DU LAC ZONING CODE REGULATIONS:

Section 11.04 C.3.t(1) states in addition to the driveway parking area for a single family home, one uncovered parking space is permitted alongside the garage when such space is not located between the building and the street and at least 8 feet from a side or rear lot line and screened with landscape plantings or fencing;

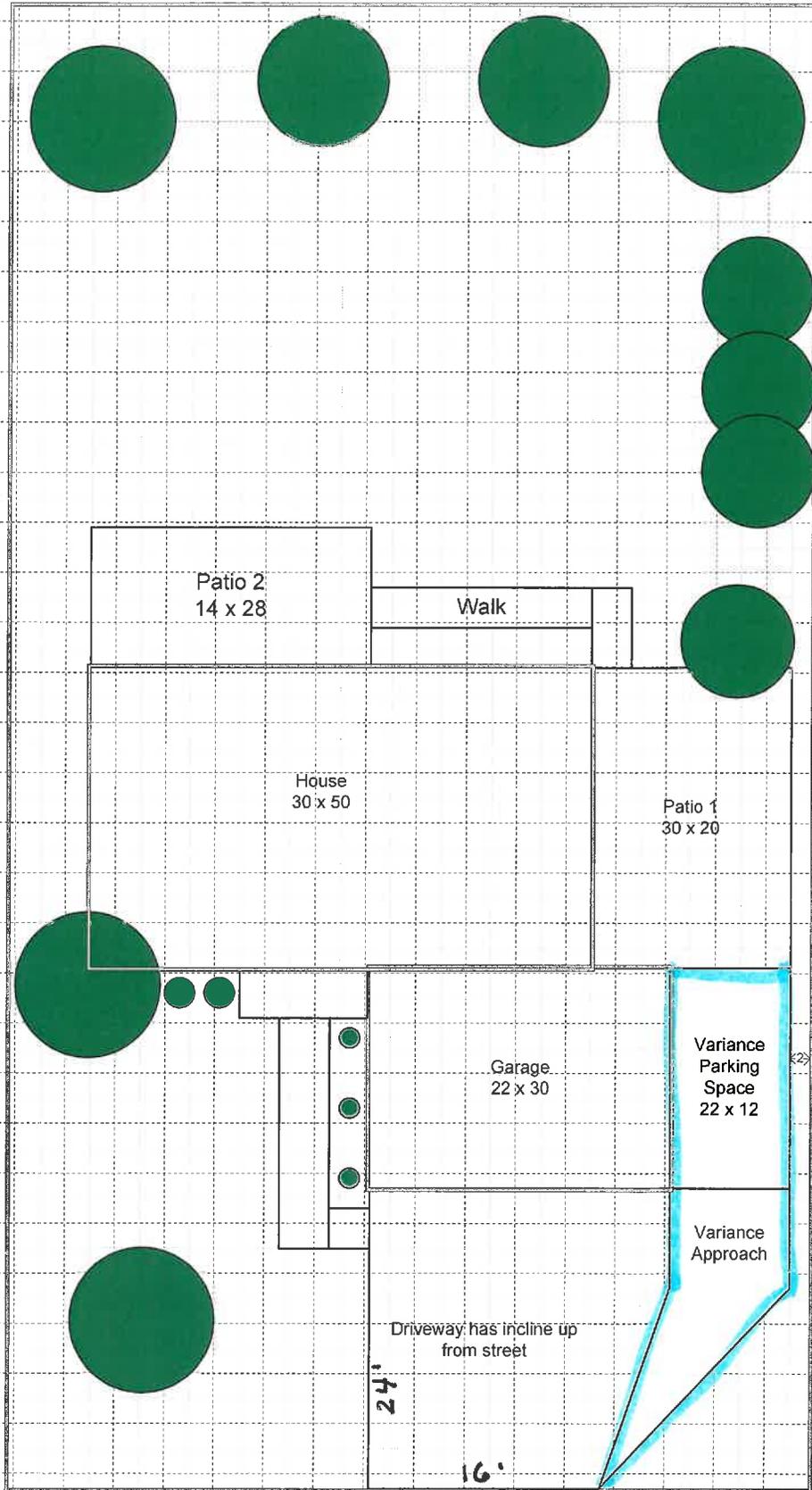
Section 11.11 E.6 states the maximum size of a parking space alongside a garage shall not exceed 9'x18'.

PROPOSAL:

Reduce required side yard setback for open parking space from 8 feet to 2 feet, increase allowable paved area from 9'x18' to 12'x22' and eliminate required screening.

WITH GRIDLINES

Lot Size
148 x 80



148

80

APPEAL NO. 2013-29 MC GUIRE
15 HAMPTON COURT



STREET VIEW - HAMPTON COURT LOOKING EAST



SITE

APPEAL NO. 2013-29 – MC GUIRE
15 HAMPTON COURT

NEIGHBORHOOD VIEW



SITE



board of appeals memorandum

Date: September 5, 2013
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner *UD*
RE: Appeal No. 2013-29

Location: 15 Hampton Court

Applicant: Thomas McGuire

Zoning: Site: R-2 (Single Family Residential)
North: R-2
South: R-2
East: R-2
West: R-2

Land Use: Site: Single Family Residence
North: Single Family Residence
South: Single Family Residence
East: Single Family Residence
West: Single Family Residence

Request: Increase allowable size of uncovered parking space, reduce required side yard setback and eliminate required screening.

Analysis

The subject property is developed with a single family residence and attached three-car garage. The petitioner would like to construct an uncovered parking space alongside the garage. Approval of a variance is requested for exceptions to allowable size, setback and screening requirements.

In addition to a garage and a driveway, zoning regulations allow one uncovered parking space alongside of a garage, provided it is sited at least 8 feet from a side or rear lot line

and provided there is landscaping or fencing for screening. The allowable size of an uncovered parking space is 9'x18'.

The existing garage provides a side yard setback of 14 feet. Available yard area does not permit an open parking space alongside the garage that complies with zoning regulations. The proposed 12'x22' parking space exceeds the allowable size and would be sited 2 feet from the side lot line. The proposed setback does not allow reasonable opportunity for screening.

In describing the necessity for the exceptions to zoning regulations, the petitioner indicates that the additional parking space is necessary to alleviate use of the driveway for parking. The petitioner states that use of the driveway for parking limits the view of motorists who may not see children playing in the driveway and also limits the children's view of motorists.

Consideration of a variance must evaluate property circumstances that do not allow compliance with zoning regulations. The determination of hardship to support approval of a variance must relate to physical circumstances of the property. The property provides on-site parking that exceeds zoning regulations. Where two parking spaces are required for a single family home, the petitioner's home provides covered parking for three vehicles in addition to the open driveway area in front of the garage. This same circumstance is typical throughout the neighborhood; no other homes have parking in addition to the garage and driveway.

Evidenced by on-site parking that exceeds code requirements for the residential use, no hardship specific to the property is evident to support the proposed request. Approval of the proposed side yard setback does not provide the visual protection required to assure compatibility between properties. Favorable consideration of the variance request is not 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 conditions provide parking in excess of code requirements. The hardship relates to personal circumstances of the property owner.

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 accounts of circumstances, a reasonable consistency between decisions would be appropriate.

Recommendation

A motion to approve or deny a variance request must state the findings in support of the action taken.

Community Development staff suggests a motion to **deny the variance request** based on findings referenced herein, and specifically because property conditions provide parking in excess of code requirements and the hardship relates to personal circumstances of the property owner.

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-24-33-520-00	8 HAMPTON CT	FOND DU LAC	WI	54935	8 HAMPTON CT
FDL-15-17-24-33-507-00	791 HAMPTON AVE	FOND DU LAC	WI	54935	791 HAMPTON AVE
FDL-15-17-24-33-517-00	30 HAMPTON CT	FOND DU LAC	WI	54935	30 HAMPTON CT
FDL-15-17-24-33-501-00	1208 WEDGEWOOD LN	FOND DU LAC	WI	54935	1208 WEDGEWOOD LA
FDL-15-17-24-33-508-00	5 HAMPTON CT	FOND DU LAC	WI	54935	5 HAMPTON CT
FDL-15-17-24-33-515-00	46 HAMPTON CT	FOND DU LAC	WI	54935	46 HAMPTON CT
FDL-15-17-24-33-510-00	23 HAMPTON CT	FOND DU LAC	WI	54935	23 HAMPTON CT
FDL-15-17-24-33-519-00	18 HAMPTON CT	FOND DU LAC	WI	54935	18 HAMPTON CT
FDL-15-17-24-33-513-00	47 HAMPTON CT	FOND DU LAC	WI	54935	47 HAMPTON CT
FDL-15-17-24-33-505-00	1226 WEDGEWOOD LN	FOND DU LAC	WI	54935	1226 WEDGEWOOD LA
FDL-15-17-24-33-516-00	38 HAMPTON CT	FOND DU LAC	WI	54935	38 HAMPTON CT
FDL-15-17-24-33-506-00	1228 WEDGEWOOD LN	FOND DU LAC	WI	54935	1228 WEDGEWOOD LA
FDL-15-17-24-33-509-00	15 HAMPTON CT	FOND DU LAC	WI	54935	15 HAMPTON CT
FDL-15-17-24-33-500-00	1204 WEDGEWOOD LN	FOND DU LAC	WI	54935	1204 WEDGEWOOD LA
FDL-15-17-24-33-504-00	1220 WEDGEWOOD LN	FOND DU LAC	WI	54935	1220 WEDGEWOOD LA
FDL-15-17-24-33-511-00	31 HAMPTON CT	FOND DU LAC	WI	54935	31 HAMPTON CT
FDL-15-17-24-33-502-00	1212 WEDGEWOOD LN	FOND DU LAC	WI	54935	1212 WEDGEWOOD LA
FDL-15-17-24-33-503-00	1216 WEDGEWOOD LA	FOND DU LAC	WI	54935	1216 WEDGEWOOD LA
FDL-15-17-24-33-518-00	24 HAMPTON CT	FOND DU LAC	WI	54935	24 HAMPTON CT
FDL-15-17-24-33-512-00	41 HAMPTON CT	FOND DU LAC	WI	54935	41 HAMPTON CT
FDL-15-17-24-33-514-00	53 HAMPTON CT	FOND DU LAC	WI	54935	53 HAMPTON CT
FDL-15-17-24-32-271-00	758 CANTOM AVE	FOND DU LAC	WI	54935	758 CANTOM AVE

ZONING PETITION - VARIANCE



CITY OF FOND DU LAC

ADDRESS OF VARIANCE REQUEST: 154 W. McWilliams St.

Tax Key Number if vacant land: _____

Petitioner: Cornerstone Worship Center 154 W. McWilliams St.
(Name) (Address)

Petitioner Phone Number: (920) 923-4442 920 266-6904

Petitioner Email: pastor.dhpace@gmail.com

Property Owner: Cornerstone Worship Center 154 W. McWilliams St.
(If not the same as Petitioner) (Name) (Address) FDL, WI 54935

VARIANCE REQUEST

A variance is an exception to a requirement of the Zoning Code or Building Code.
Describe the requested exception(s) for your variance request:

We are asking for 60 square feet, for a Church sign.
This in order to properly advertise the presence of
Cornerstone Worship Center to the community.

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:

On west side of property. Single sided. 128 feet from property
corner. facing Brook St.

Petitioner Signature: Dale Pace

APPEAL NO. 2013-30

Submit application to the Community Development Office
(4th floor, City-County Government Center)

VARIANCE PETITION



APPEAL No. 2013-30

BOARD OF APPEALS MEETING: September 9, 2013

Location: 154 W McWilliams Street

Petitioner: Cornerstone Worship Center

FOND DU LAC ZONING CODE REGULATIONS:

Section 11.12 I. Schedule V allows one ground sign for a religious facility with a maximum area of 40 square feet , maximum height of 6 feet and minimum setback of 5 feet.

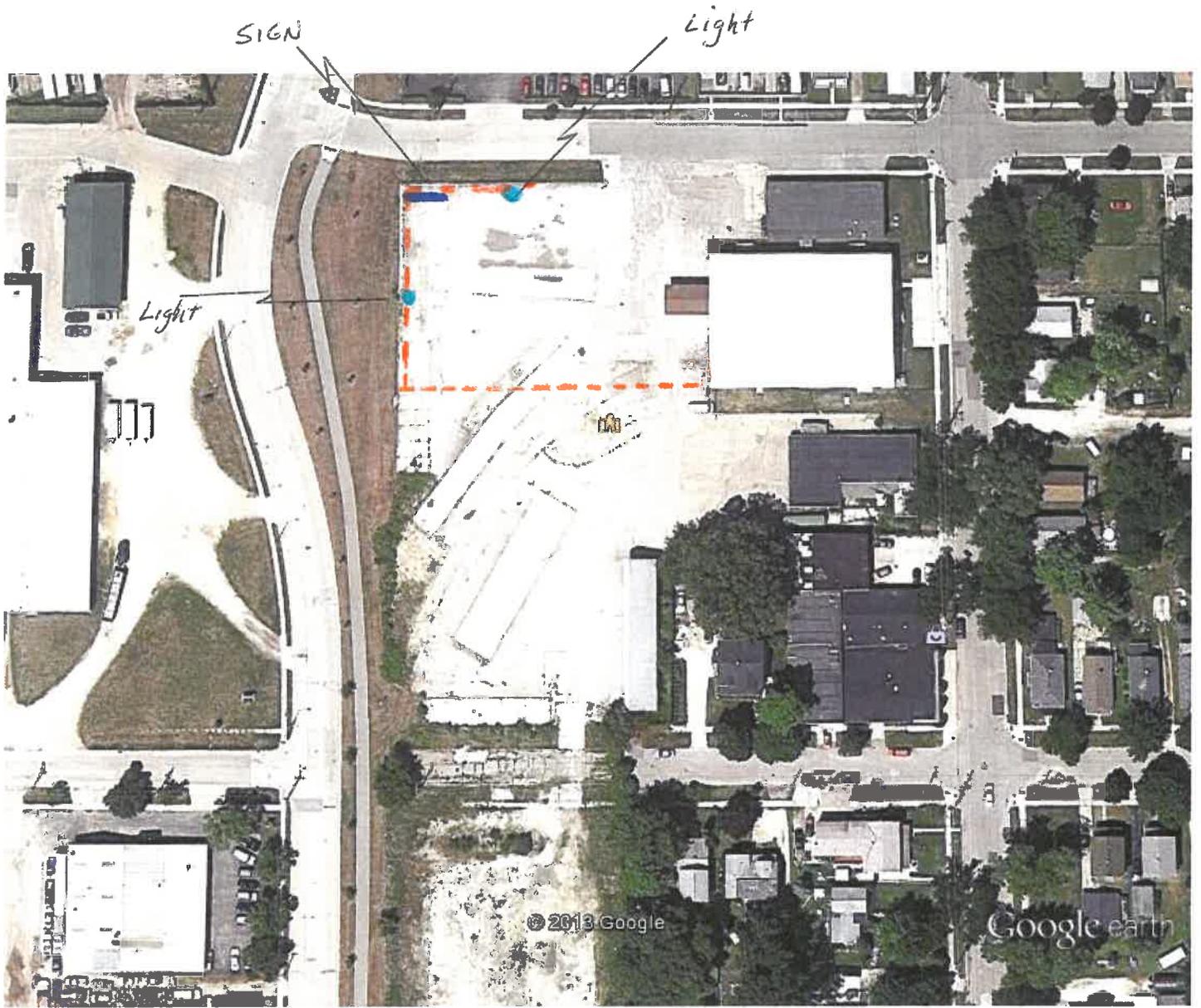
PROPOSAL:

Allow two ground signs for property, increase allowable sign area of one sign from 40 square feet to 114 square feet, increase allowable sign height from 6 feet to 7 feet, and reduce sign setback from 5 feet to 2 feet..



Note: Sign Illumination Internal

Proposed Sign Setback; 5 FT - McWilliams St
2 FT - West Lot Line



Google earth



NOTE: Existing sign at corner of Military & McWilliams

APPEAL NO. 2013-30 - CORNERSTONE WORSHIP
154 W MC WILLIAMS STREET



board of appeals memorandum

Date: September 5, 2013
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner 
RE: Appeal No. 2013-30

Location: 154 West McWilliams Street

Applicant: Cornerstone Worship Center

Zoning: Site: R-4 (Multifamily Residential)
North: M-1 (Manufacturing)
South: M-1
East: R-4
West: M-1

Land Use: Site: Cornerstone Worship Center
North: Tighe Roofing
South: Vacant Lot
East: Residences
West: Bike Trail/Industrial Uses

Request: Allow two ground signs and increase allowable ground sign area and sign height.

Analysis

The subject property is located in the R-4 (Multifamily Residential) zoning district. The property is situated with lot frontage on West McWilliams Street, Brooke Street and Military Road. An exception to sign regulations is requested for a new ground sign.

Cornerstone Worship Center acquired the former Stock Lumber Company property several years ago. Unused buildings were cleared from the site; two of the remaining buildings are currently used for worship and fellowship purposes. The church is identified with a small pole sign oriented to North Military Road and West McWilliams

Street. The sign previously served Stock Lumber. A second sign is proposed on the west side of the property.

The property's residential zoning designation and use restrict signage to one ground sign. Wall signage is also permitted. The maximum ground sign size is 40 square feet and the maximum height is 6 feet. The proposed sign is a 7'-high monument sign. The sign face measures 4'x15' (60 square feet) and sits atop a stone base that is 3 feet high and 18 feet long. The sign face and sign base are included in the calculation of the area of a monument sign (114 square feet).

The proposed sign would be located on the west side of the property 128 feet south of the McWilliams Street lot line. The internally illuminated single face sign would be situated parallel to the west lot line for visibility to Brooke Street. A setback of 5 feet is required; 2 feet is proposed. Considering that the property borders the bicycle path which provides a significant separation from Brooke Street, the reduction of the required setback is not unreasonable. The location of the proposed sign would not infringe on any nearby land use.

Circumstances of the property warrant consideration of the proposed exceptions. The site significantly differs from most properties located in residential districts because of lot size and location. The 3.5-acre site is sandwiched between a residential neighborhood and industrial uses. The proposed sign is not out of scale for the large property and serves a purpose only for identification of the church.

Favorable consideration of the variance request is recommended.

Statement of Hardship or Practical Difficulty
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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.

The significant property size and location, and the intended use of the sign supports exceptions to sign regulations.

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 provide similar accounts of circumstances, a reasonable consistency between decisions would be appropriate.

Recommendation

A motion to approve or deny a variance request must state the findings in support of the action taken.

Community Development staff suggest a motion to **approve the variance request** based on findings referenced herein, and specifically because the significant property size and location, and the intended use of the sign supports exceptions to sign regulations.

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-10-12-384-00	480 N PIONEER RD	FOND DU LAC	WI	54937	331 N MILITARY RD
FDL-15-17-10-12-397-00	P O BOX 1791	FOND DU LAC	WI	54936	135 W MC WILLIAMS ST
FDL-15-17-10-12-398-00	249 17TH ST	FOND DU LAC	WI	54935	379 N MILITARY RD
FDL-15-17-10-12-386-00	W4037 COUNTY Q	FOND DU LAC	WI	54935	337 N MILITARY RD
FDL-15-17-10-21-014-00	W4037 COUNTY Q	FOND DU LAC	WI	54935	322 N MILITARY RD
FDL-15-17-10-12-388-00	N8828 GLADSTONE BEACH	FOND DU LAC	WI	54935	347 N MILITARY RD
FDL-15-17-10-12-390-00	N8828 GLADSTONE BEACH RD	FOND DU LAC	WI	54935	357 N MILITARY RD
FDL-15-17-10-12-389-00	N8828 GLADSTONE BEACH RD	FOND DU LAC	WI	54937	351 N MILITARY RD
FDL-15-17-10-21-013-00	154 W MCWILLIAMS ST	FOND DU LAC	WI	54935	336 N MILITARY RD
FDL-15-17-10-21-016-00	154 W MCWILLIAMS ST	FOND DU LAC	WI	54935	154 W MC WILLIAMS ST
FDL-15-17-10-24-756-00	154 W MCWILLIAMS ST	FOND DU LAC	WI	54935	283 N BROOKE ST
FDL-15-17-10-24-755-00	166 W COTTON ST	FOND DU LAC	WI	54935	166 W COTTON ST
FDL-15-17-10-24-759-00	61 N LINCOLN AVE	FOND DU LAC	WI	54935	290 N BROOKE ST
FDL-15-17-10-21-012-00	147 W MC WILLIAMS ST	FOND DU LAC	WI	54935	147 W MC WILLIAMS ST
FDL-15-17-10-24-751-00	306 N MILITARY RD	FOND DU LAC	WI	54935	306 N MILITARY RD
FDL-15-17-10-13-526-00	137 W COTTON ST	FOND DU LAC	WI	54935	137 W COTTON ST
FDL-15-17-10-24-752-00	298 N MILITARY RD	FOND DU LAC	WI	54935	298 N MILITARY RD
FDL-15-17-10-21-018-01	183 W MCWILLIAMS ST	FOND DU LAC	WI	54935	183 W MC WILLIAMS ST
FDL-15-17-10-12-387-00	343 N MILITARY RD	FOND DU LAC	WI	54935	343 N MILITARY RD
FDL-15-17-10-13-532-00	291 N MILITARY RD	FOND DU LAC	WI	54935	291 N MILITARY RD
FDL-15-17-10-13-531-00	N7348 COUNTY RD C	ELDORADO	WI	54932	295 N MILITARY RD
FDL-15-17-10-24-778-00	147 W ARNDT ST	FOND DU LAC	WI	54935	147 W ARNDT ST
FDL-15-17-10-24-754-00	160 W COTTON ST	FOND DU LAC	WI	54935	160 W COTTON ST
FDL-15-17-10-12-385-00	N5853 CTY W	MT CALVARY	WI	53057	335 N MILITARY RD
FDL-15-17-10-21-039-01	N3940 TWIN LAKES RD	EDEN	WI	53019	206 W MC WILLIAMS ST
FDL-15-17-10-21-011-01	114 S MAIN ST #116	FOND DU LAC	WI	54935	378 N MILITARY RD
FDL-15-17-10-24-776-00	PO BOX 470	WAUPUN	WI	53963	159 W ARNDT ST
FDL-15-17-10-21-020-01	183 W MC WILLIAMS ST	FOND DU LAC	WI	54935	183 WEST MC WILLIAMS ST

FDL-15-17-10-21-020-01	183 W MC WILLIAMS ST	FOND DU LAC	WI	54935	183 WEST MC WILLIAMS ST
FDL-15-17-10-12-395-00	127 W MC WILLIAMS ST	FOND DU LAC	WI	54935	127 W MC WILLIAMS ST
FDL-15-17-10-21-015-00	159 W COTTON ST	FOND DU LAC	WI	54935	159 W COTTON ST
FDL-15-17-10-24-772-00	212 MARCOE ST	N FOND DU LAC	WI	54937	177 W ARNDT ST
FDL-15-17-10-24-750-00	310 N MILITARY RD	FOND DU LAC	WI	54935	310 N MILITARY RD
FDL-15-17-10-13-582-00	289 N MILITARY RD	FOND DU LAC	WI	54935	289 N MILITARY RD
FDL-15-17-10-24-758-00	497 N HICKORY ST	FOND DU LAC	WI	54937	294 N BROOKE ST
FDL-15-17-10-24-757-00	308 N BROOKE ST	FOND DU LAC	WI	54935	308 N BROOKE ST
FDL-15-17-10-13-530-00	PO BOX 745	FOND DU LAC	WI	54936	134 W COTTON ST