

BOARD OF APPEALS AGENDA

November 2, 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. APPROVAL OF MINUTES

September 14, 2015

III. HEARINGS

- A. **45 8th Street** (Robert Enfelt)
Appeal No. 2015-10

Zoning Code Regulation: Chapter 720, Schedule III, Bulk Requirements Residential Districts, requires a minimum front yard building setback of 25 feet.

Proposal: Reduce building setback from 25 feet to 3'9" for construction of covered porch.

IV. ADJOURN

BOARD OF APPEALS MINUTES

September 14, 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: Howard Floeter
Dan Hebel
Jerry Lauby
Kirsten Quam

Absent: Scott Block
Alexander Fiebig
Thomas Leu
Matthew Schoenleber
John Piper

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

Chairperson Quam declared a quorum present.

APPROVAL OF MINUTES

August 3, 2015

Motion made by Floeter to approve the minutes of the August 3, 2015 meeting of the Board of Appeals as presented.

Seconded by Hebel.

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

Carried.

HEARINGS

600 West Pioneer Road (Mercury Marine)

Appeal No. 2015-09

Zoning Code Regulation: Chapter 720, Schedule VIII, Design Standards and Specifications for Signs, allows a maximum ground sign area of 150 square feet in the M-1 zoning district and a maximum sign height of 20 feet.

Proposal: Increase ground sign size from 150 square feet to 265.65 square feet and increase ground sign height from 20 feet to 22 feet.

Appeared in Support:

Scott Bertrand, Jones Sign Co., 3062 Lepak Lane, Green Bay

Michael Hinckley, Mercury Marine, 600 W Pioneer Road, Fond du Lac

Stephen Marsch, Mercury Marine, 600 W Pioneer Road, Fond du Lac

Motion made by Lauby to approve the variance request as recommended, specifically due to the unusual property size.

Conditions of approval shall include:

1. Sign siting shall comply with Wis. Stats. 201.02 i.e., the sign must be located within 50 feet of the driveway, parking lot or business for which the sign relates.
2. The electronic message center shall comply with local and state regulations for message timing and use. Blinking, flashing, and animated messages are prohibited. Use of the EMC shall relate to on-site services, functions, and activities of the property. Off-premise advertising shall be prohibited.
3. No temporary sign displays including banners, balloons, flags, pennants, inflatable devices, etc. on or near the sign shall be permitted.

Seconded by Floeter.

ROLL CALL VOTE:

Aye - Floeter, Hebel, Lauby, Quam

Nay - None

Carried.

BOARD OF APPEALS MINUTES

September 14, 2015

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ADJOURN

Motion made by Floeter to adjourn.
Seconded by Lauby.

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

Carried.

Meeting adjourned at 3:17 pm.

**MARGARET HEFTER
CITY CLERK**

MH/ke

CITY OF FOND DU LAC
ZONING PETITION - VARIANCE



PROPERTY ADDRESS OF VARIANCE REQUEST: 45 8th ST.

Tax Key Number (Vacant Land): _____

Petitioner: Robert Enfelt 45-8th St, Fond du Lac, WI 54935
(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:

To build a front porch across the front of my house.

STATEMENT OF HARDSHIP

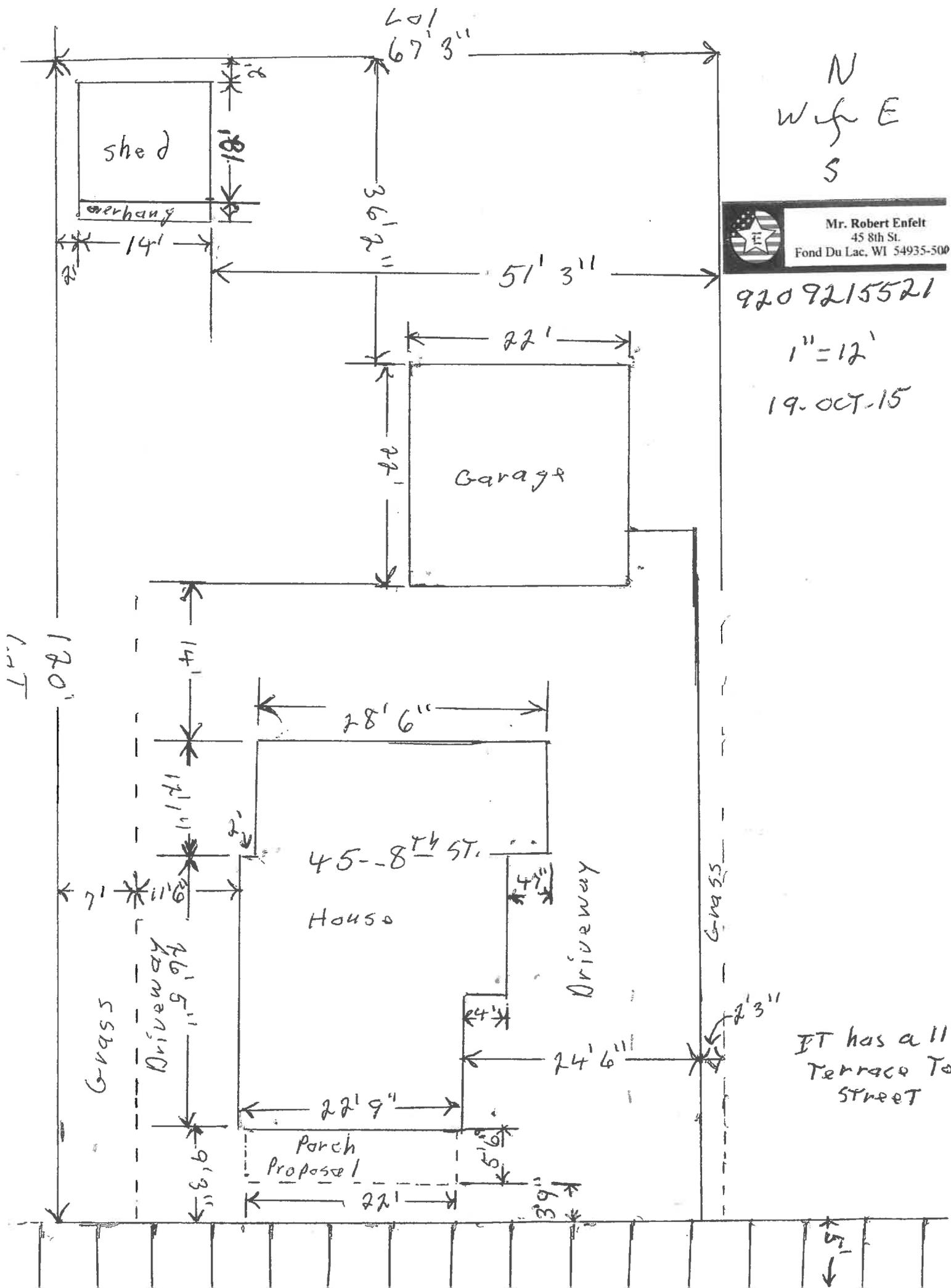
A variance may be approved if a hardship specific to a property does not allow compliance with zoning regulations. A hardship is created by a **physical condition** of the property.

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

Tree was removed by city. Front of house is very hot. Costing much more for air conditioning. I'm also disabled and it would be nice to enter my house under a roof over my head.

Petitioner Signature: Robert Enfelt 19. OCT. 15

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



To whom it may concern:

I would like to build a porch on the front of my house at 45- 8th St. Fond du Lac, WI. 5 $\frac{1}{2}$ ' out by 22' across. The city removed my tree from my front yard that shaded my whole front yard. Now it's too hot to sit in my front yard and the inside of my house gets super hot in my front room. It's costing a lot more to cool my house. I'm also disabled and it would be nice to be able to enter my house with a roof over my head. All my neighbors think that a porch on my house would really look nice. It would increase the value of my property. I was told that I could build a platform by my front door, what difference would it make if I came all the way across the front.

- ① 57- 8th St. has a porch 4' 8" from sidewalk.
- ② 9- 8th St. is built right to sidewalk.
- ③ 301 S. Main St. "Domino's" has a storage area built to sidewalk.
- ④ 314- Main St. S.W. corner of 8th & Main has a fence to sidewalk.
- ⑤ 36- 8th St. has a porch with steps right to sidewalk.

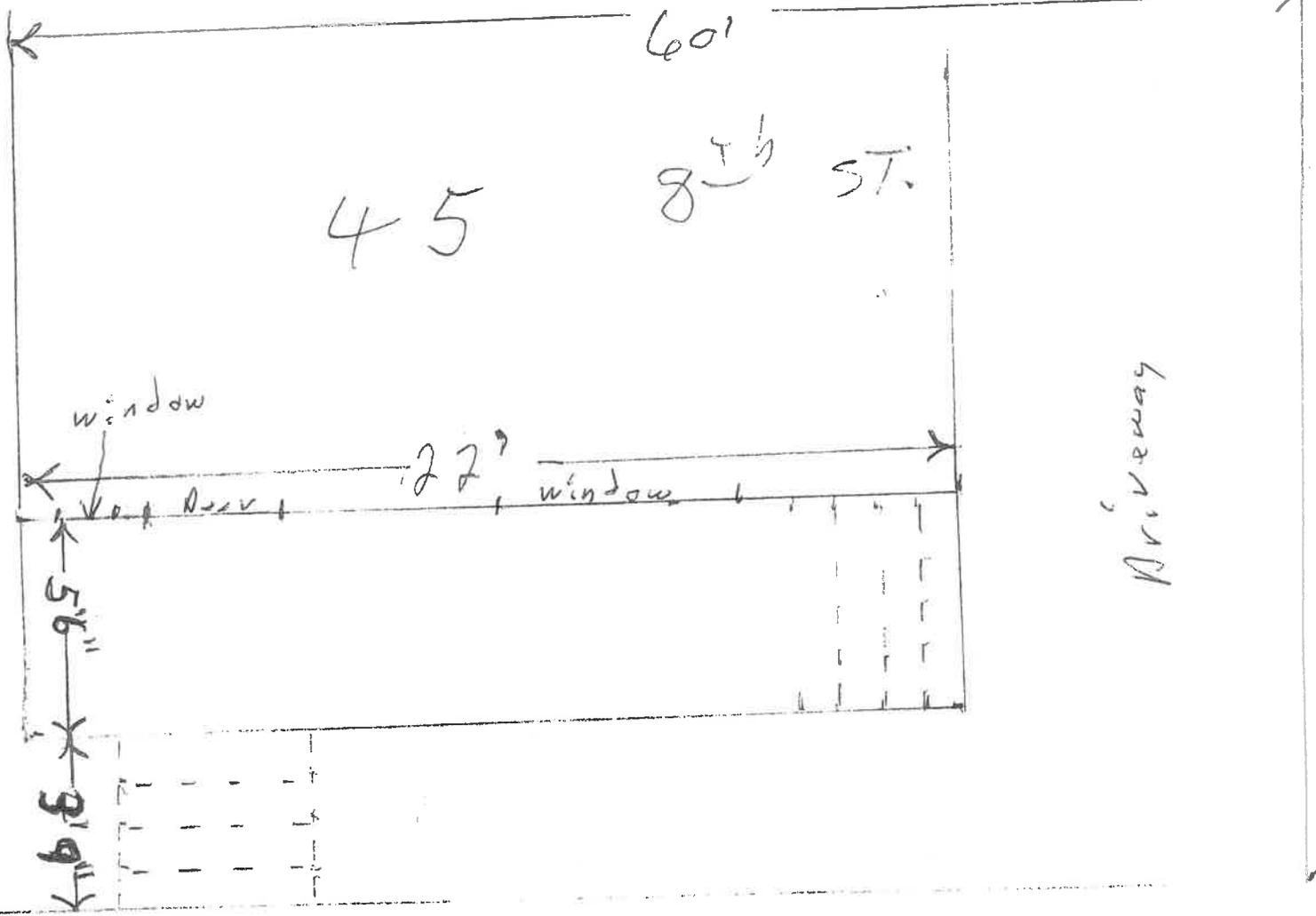
E

Mr. Robert J. Enfelt
45 8th St.
Fond Du Lac, WI 54935-5001

920-9215521

Thank you,
Robert Enfelt 19-OCT-15

E Mr Robert Enfelt
45 8th St
Fond Du Lac, WI 54935



Mr Robert Enfelt
45 8th St
Fond Du Lac, WI 54935

2-10' Gable

OK
Roof Rafters
16" o/c
2x6
1' max Roof
overhang
Shed Roof
4x4s

2x6 16" o/c
Floor Joists

Beams or
needed

USE
2 ply 2" x 10" l
beams here!
A splice must be
over a 4" x 6"



Appeal No. 2015-10
45 8th Street



45 8th Street

NEIGHBORHOOD VIEW – LOOKING WEST



CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: October 29, 2015
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner
Re: Appeal No. 2015-19 – **45 8th Street**

Applicant: Robert Enfelt

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

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

Variance Request

Code Requirement: Chapter 720, Schedule III requires a minimum front yard building setback of 25 feet.

Proposal: Reduce front yard setback from 25' to 3'9" for construction of covered porch.

Analysis

Zoning regulations require a front yard building setback of 25 feet. The setback of the petitioner's home is 9'3"; the variance request proposes to further reduce the nonconforming setback to 3'9" for construction of a covered porch. The proposed 5'6" x 22'9" porch would extend across the full front of the dwelling; steps would be located at the east end of the porch at the edge of the driveway.

The subject property is located on 8th Street between South Main and South Marr Street. Most of the homes do not comply with the 25' front yard setback; with the exception of the petitioner's home, setback conditions range from 8 feet to 18 feet.

In evaluating 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 zoning code requirements. Where neighborhood conditions present a pattern of nonconforming setbacks, approval of an exception to the setback requirement may be justified. Past variance approvals have allowed a setback consistent with a prevailing setback, but not less than a prevailing setback.

There are three commercial properties and 16 residential properties in the block of 8th Street between South Main and South Marr Street. The petitioner cites the setback conditions of five properties in the neighborhood as justification for approval of the variance request. Two of the referenced properties are commercial sites that are zoned for business use; comparing a commercial property to a residential property is without merit due to different setback requirements and land use issues. The three residential properties cited by the petitioner include a setback encroachment of porch steps (allowed by code), the location of a porch (the setback affects only a small porch, not the entire setback of the dwelling), and a fence constructed at the lot line (separate restrictions apply for a fence vs. a building).

In addition to consideration of neighborhood conditions, a variance must relate to specific property conditions that prevent compliance with zoning regulations. 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*. Relative to the subject property, conditions do not prohibit or compromise access to the subject dwelling. The petitioner's statement of hardship states that the economics of cooling the dwelling have increased due to the removal of a terrace tree.

The variance request reflects the personal preference of the petitioner. Favorable consideration 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.

Prevailing setback conditions in the neighborhood establish a pattern of front yard building setbacks greater than the existing setback of the petitioner's property. Approval of the variance request would further decrease a nonconforming setback that is not typical of the neighborhood and give undue privilege to the petitioner not enjoyed by other properties.

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;
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 **deny the variance request** due to prevailing building setbacks in the neighborhood that establish a pattern of front yard setbacks greater than the existing condition of the petitioner's property, and that approval of the variance request would further decrease a nonconforming setback and therefore give undue privilege to the petitioner not enjoyed by other properties.

Public Notification

Board of Appeals
45 8th Street

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-15-14-923-00	39 8TH ST	39 8TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-885-00	34 7TH ST	34 7TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-890-00	290 S MARR ST	290 S MARR ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-920-00	294 S MARR ST	294 S MARR ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-921-00	51 8TH ST	45 8TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-922-00	45 8TH ST	45 8TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-889-00	286 S MARR ST	192 7TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-931-00	36 8TH ST	N4323 COUNTY ROAD Y	OAKFIELD	WI	53065
FDL-15-17-15-14-888-00	52 7TH ST	52 7TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-919-00	57 8TH ST	57 8TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-933-00	46 8TH ST	46 8TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-934-00	50 8TH ST	2849 GULLIG CT	OSHKOSH	WI	54904
FDL-15-17-15-14-935-00	314 S MARR ST	314 S MARR ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-924-00	33 8TH ST	33 8TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-886-00	42 7TH ST	W6476 SUBWAY RD	FOND DU LAC	WI	54937
FDL-15-17-15-14-887-00	46 7TH ST	46 7TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-932-00	40 8TH ST	40 8TH ST	FOND DU LAC	WI	54935