

BOARD OF APPEALS AGENDA

December 7, 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

November 2, 2015

III. HEARINGS

- A. **15 N Marr Street** (FDL Housing Authority)
Appeal No. 2015-11

Zoning Code Regulation: Chapter 720, Section 720-11 (20),
Accessory Buildings and Uses, allows a gazebo/accessory building in
the rear yard of a property.

Proposal: Construct smoking shelter within the front yard area of
multifamily property.

- B. **763 Bragg Street** (Anthony Cook)
Appeal No. 2015-12

Zoning Code Regulations: Chapter 720, Section 720-11 (20)(a),
Accessory Buildings and Uses, allows an accessory storage building
up to 200 square feet in size for a lot that is more than 10,000 square
feet in area, provided that the structure is complementary in design,
materials and color to the principal residential building.

Proposal: Increase allowable storage building size from 200 square
feet to 392 square feet; utilize roof design that is unlike the roof
design of the existing dwelling.

C. **543 County Road K** (Ann Sztukowski)
Appeal No. 2015-14

Zoning Code Regulations:

Chapter 720, Section 720-11, Accessory Buildings and Uses:

- (12) One garage or carport, attached to or detached from the residential building is allowed for each dwelling.
- (13) (a) [1] Maximum detached garage size: 850 square feet.
[2] Maximum building height: 15 feet.
[3] Accessory buildings shall be prohibited.

Proposal:

Allow two garages for single family dwelling; one attached and one detached from the dwelling.

- (1) Increase garage size from 850 square feet to 2240 square feet.
- (2) Increase maximum garage height from 15 feet to 26'2" for a two-story building.
- (3) Allow two accessory buildings in addition to an attached garage and a detached garage.

IV. ADJOURN

BOARD OF APPEALS MINUTES

November 2, 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: Scott Block
Alexander Fiebig
Dan Hebel (arrived at 3:06 pm)
Thomas Leu
Kirsten Quam

Absent: Howard Floeter
Jerry Lauby
John Piper
Matthew Schoenleber

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

Chairperson Quam declared a quorum present.

APPROVAL OF MINUTES

September 14, 2015

Motion made by Quam to approve the minutes of the September 14, 2015 meeting of the Board of Appeals as presented.

Seconded by Leu.

ROLL CALL VOTE: Aye – Block, Fiebig, Leu, Quam
Nay - None

Carried.

BOARD OF APPEALS MINUTES

November 2, 2015

Page 2

HEARINGS

45 8th Street (Robert Enfelt)

Appeal No. 2015-10

Code Requirement: Chapter 720, Schedule III, 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.

Motion made by Block to deny the variance request as recommended, specifically 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.

Seconded by Leu.

ROLL CALL VOTE: Aye – Block, Fiebig, Hebel, Leu
 Nay - None
 Abstain - Quam

Carried.

ADJOURN

Motion made by Leu to adjourn.
Seconded by Hebel.

ROLL CALL VOTE: Aye – Block, Fiebig, Hebel, Leu, Quam
 Nay - None

Carried.

Meeting adjourned at 3:14 pm.

MARGARET HEFTER
CITY CLERK

MH/ke

CITY OF FOND DU LAC
ZONING PETITION - VARIANCE



PROPERTY ADDRESS OF VARIANCE REQUEST: 15 North Marr Street
Tax Key Number (Vacant Land):

Petitioner: Housing Authority of the City of Fond du Lac, 15 North Marr Street, Fond du Lac, WI
(Name) (Address)

Petitioner Phone Number: [REDACTED]

Petitioner Email: [REDACTED]

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

PROPOSAL

A variance is an exception to a requirement of the zoning code.
Describe the requested code exception(s) for your variance request:

Housing Authority is going smoke free effective 7/1/2016 and we need a shelter for smokers that is at least 25 feet from all entrances and windows. Smoking will not be allowed in any areas inside building or individual apartments. The only space available for shelter that meets requirements is in the front yard.

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:

Housing Authority has less parking spaces than required by code and cannot eliminate any parking.

There is very little green space available at this site. Green space on south side of building doesn't meet city or our requirements. Only available space is on west side of building, i.e, front yard.

Petitioner Signature: *Louise M. Hudon, Executive Director*

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



North Marr Street

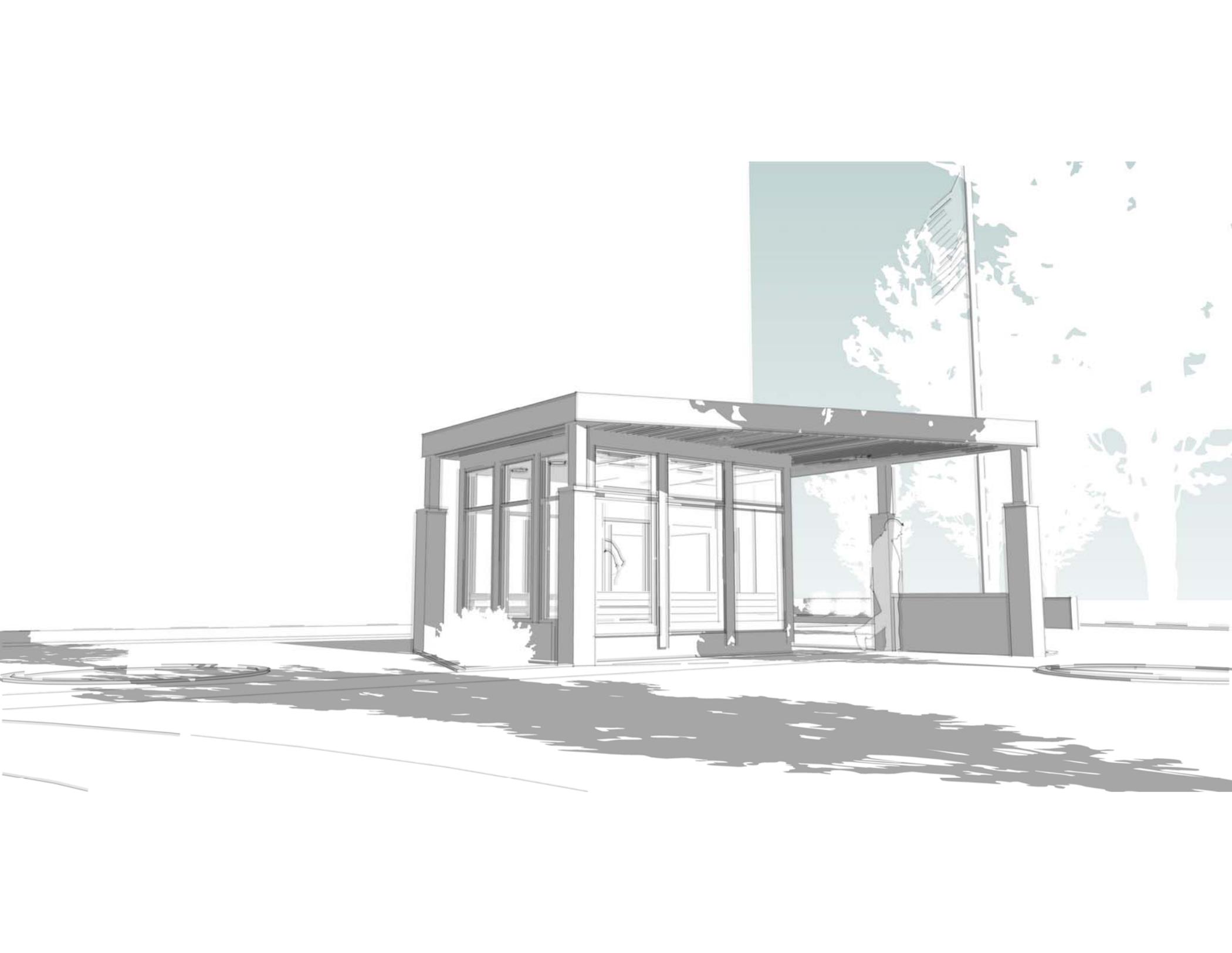
East Division Street



PROPOSED SMOKING SHELTER







CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: December 2, 2015
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner
Re: Appeal No. 2015-11 – **15 North Marr Street**

Applicant: Housing Authority of the City of Fond du Lac

Zoning: Site: R-3 (Central Area Residential)
North: R-3
South: O (Office)
East: R-3
West: C-1 (Central Business District)

Land Use: Site: Rosalind Apartments
North: Residences
South: Wisconsin Telephone Co.
East: Office/Two-Family Dwelling
West: Covenant United Methodist Church

Variance Request

Code Requirement: Chapter 720, Section 720-11, allows an accessory building in the rear yard of a property.

Proposal: Construct smoking shelter within the front yard area of a multifamily property.

Analysis

The Rosalind Apartments are located at the northeast corner of North Marr Street and Division Street. The corner lot configuration creates two front yards. Zoning regulations restrict accessory buildings to the rear yard of a property. The variance request proposes an exception to site an accessory structure in the Marr Street front yard area of the property.

The Housing Authority of the City of Fond du Lac owns and maintains residential units in multiple properties throughout the City; as of July 1, 2016 the Housing Authority facilities will be smoke free. Smoking will not be allowed in any areas inside a building, including individual apartments. The plan for this change is in advance of the Department of Housing and Urban Development's proposal to require public housing agencies to go smoke-free within several years. In addition to the health benefits of the smoking ban, property damage and maintenance costs of the building(s) will be realized.

Property conditions of two street frontages, the configuration of on-site parking, and limited open space areas present challenges in siting a smoking shelter. No reasonable alternative is available to accomplish the intended purpose of the shelter. The elimination of parking spaces to site a shelter is not practical. The front yard area on the south side of the building is not adequate to provide compliance with setback requirements and with regulations for the separation of the shelter from the apartment building. The only option to reasonably accommodate the shelter is in front of the building within the Marr Street yard area.

The proposed 330 square foot shelter is a trapezoidal shape; the north and south walls are 13'1" and 20 feet respectively, and the east and west walls are 20' and 21'2". The shelter is 26 feet east of the front entry canopy. The structure maintains a setback of 20-25' from the Marr Street lot line and is more than 41 feet from the Division Street lot line.

The design of the proposed shelter includes brick, glass and masonry building materials and complements the existing high-rise building. Landscape plantings will soften the visual impact of the structure and enhance the property appearance.

The proposal requested considers all of the surrounding properties and would present no negative effect on any neighbor. 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 property circumstances of a corner lot with two front yards limits the siting of an accessory building to best serve the property with no impact on adjacent neighbors.

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 **approve the variance request to allow a smoking shelter in the front yard** because property circumstances of a corner lot with two front yards limits the siting of an accessory building to best serve the property with no impact on adjacent neighbors.

Conditions of approval shall include:

1. The shelter location, size and design shall reflect the proposal as submitted.
Deviations to the plan to decrease the shelter size and/or increase setback distances from the lot line shall be acceptable.
2. Landscape plantings shall be installed upon completion of the shelter.

Public Notification

Board of Appeals
15 N Marr Street

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-10-44-783-00	101 E DIVISION ST	7855 VANTAGE AVE	NORTH HOLLYWOOD	CA	91605
FDL-15-17-10-44-866-00	92 E DIVISION ST	7855 VANTAGE AVENUE	NORTH HOLLYWOOD	CA	91605
FDL-15-17-10-44-798-00	70 E MERRILL AVE	PO BOX 1108	FOND DU LAC	WI	54936
FDL-15-17-10-44-799-00	59 N MARR ST	PO BOX 1108	FOND DU LAC	WI	54936
FDL-15-17-10-44-878-00	21 S MARR ST	21 S MARR ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-788-00	24 AMORY ST	583 MORRIS ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-801-00	49 N MARR ST	49 N MARR ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-876-00	85 SHEBOYGAN ST	459 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-780-00	41 AMORY ST	41 AMORY ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-800-00	55 N MARR ST	55 N MARR ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-807-01	15 N MARR ST	15 N MARR ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-813-00	33 N PORTLAND ST	PO BOX 150	FOND DU LAC	WI	54936
FDL-15-17-10-44-812-00	68 N MARR ST	PO BOX 150	FOND DU LAC	WI	54936
FDL-15-17-10-44-779-00	47 AMORY ST	47 AMORY ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-785-00	79 E DIVISION ST	54 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-808-00	20 N MARR ST	20 N MARR ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-809-00	30 N MARR ST	20 N MARR ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-810-00	32 N MARR ST	20 N MARR ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-790-00	36 AMORY ST	1509 SHELLEY CT	N FOND DU LAC	WI	54937
FDL-15-17-10-44-853-00	33 SHEBOYGAN ST	33 SHEBOYGAN ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-860-00	45 SHEBOYGAN ST	51 SHEBOYGAN STREET	FOND DU LAC	WI	54935
FDL-15-17-10-44-861-00	51 SHEBOYGAN ST	51 SHEBOYGAN ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-794-00	58 AMORY ST	N7147 LEONARD DR	FOND DU LAC	WI	54935
FDL-15-17-10-44-781-00	35 AMORY ST	808 MARY LEE DR	FOND DU LAC	WI	54935
FDL-15-17-10-44-867-00	110 E DIVISION ST	110 EAST DIVISION STREET	FOND DU LAC	WI	54935
FDL-15-17-10-44-777-00	59 AMORY ST	508 MAONA AVE	FOND DU LAC	WI	54935
FDL-15-17-10-44-815-00	31 E DIVISION ST	31 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-796-00	76 E MERRILL AVE	114 S MAIN ST #214	FOND DU LAC	WI	54935
FDL-15-17-10-44-793-00	54 AMORY ST	54 AMORY ST	FOND DU LAC	WI	54935

CITY OF FOND DU LAC
ZONING PETITION - VARIANCE



PROPERTY ADDRESS OF VARIANCE REQUEST: 763 Bragg Street
Tax Key Number (Vacant Land): _____

Petitioner: Anthony Cook 763 Bragg Street
(Name) (Address)

Petitioner Phone Number: [REDACTED]

Petitioner Email: [REDACTED]

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:

200 s.f. shed allowed on 10,000 s.f. lot.

Proposing 392 s.f. shed for my 20,790 s.f. lot.

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:

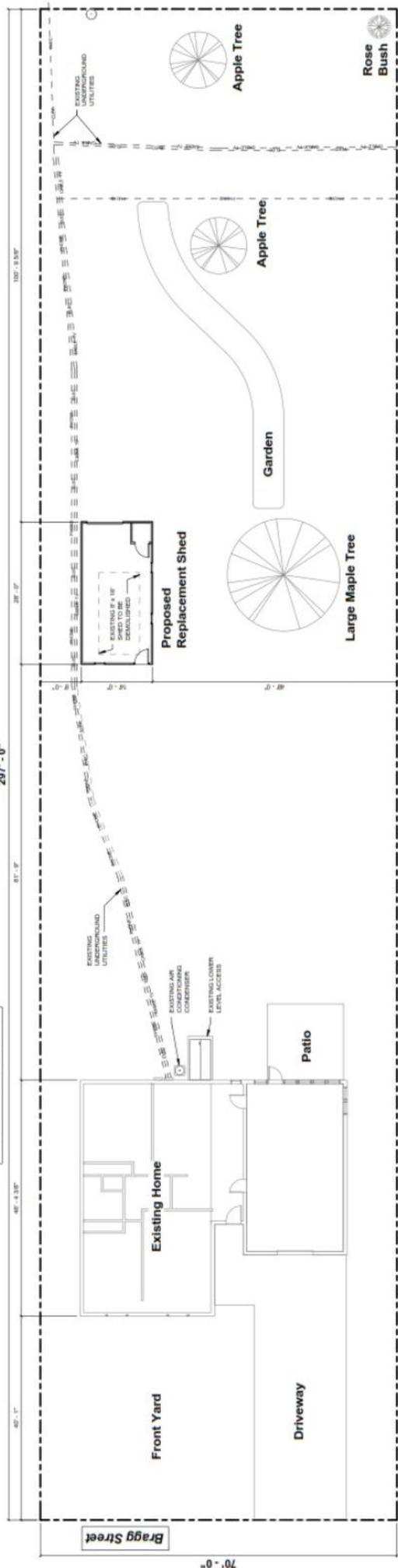
Large 4 bedroom home, but no basement limits interior storage. Utility locations, roof pitches, and 3 season room location makes storage expansion to house impractical. Currently need to use 3 season room for equipment storage versus living space.

Petitioner Signature: Anthony J. Cook

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



Lot = 20,790 square feet



SITE PLAN
1" = 10'-0"

OPTION 1
SHED WITH WITH GAMBREL ROOF – PETITIONER’S PREFERENCE



EXISTING 3 SEASON ROOM,
CURRENTLY BEING USED
AS ADDITIONAL STORAGE

EXISTING RESIDENCE

EXISTING GARDEN

**NOTE: SHED WILL REPLACE EXISTING
8' x 16' SHED IN SAME LOCATION. LOT
COVERAGE WITH PROPOSED SHED
WILL BE LESS THAN 12%**

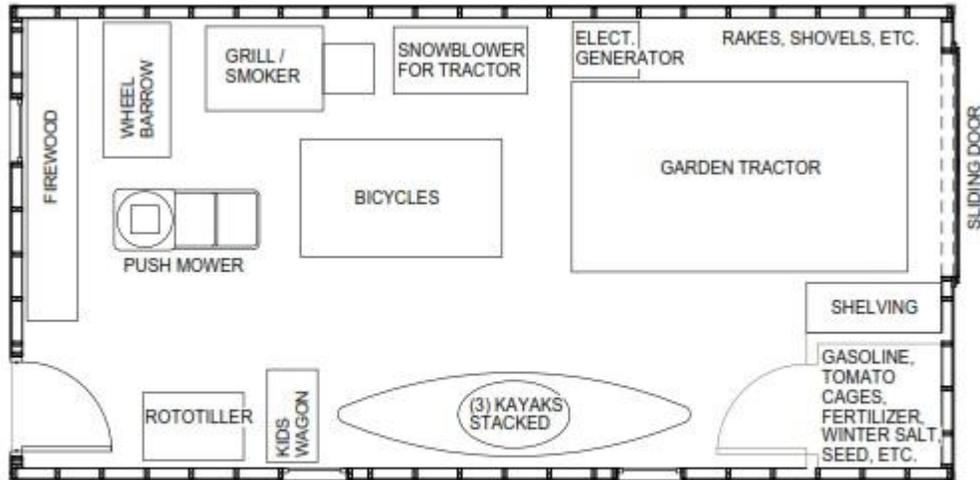
OPTION 2

SHED WITH GABLE ROOF – COMPLIES WITH ZONING REGULATIONS FOR DESIGN

Zoning Code Regulation:

Where a lot is more than 10,000 square feet in area, an accessory building up to 200 square feet in area is permitted, provided that the structure is complementary in design, materials and colors to the principal residential building.





SHED GENERAL ARRANGEMENT PLAN

1/4" = 1'-0"



My DRIVEWAY

NEIGHBOR HOUSE



NEIGHBOR SHED

SHED TO BE REPLACED



SHED TO BE REPLACED

BACKYARD VIEW

Perspective view from patio of preferred gambrel style shed - Fits backyard "feel" of garden and fruit trees. Scale "feels" more appropriate. Would look appropriate in large open space of surrounding back yards and match other sheds in backyard areas.



Perspective view from patio of alternate gable style that is NOT preferred - Looks odd and reminds me of a mobile home parked in the backyard.





Forest Ave

Forest Ave

Forest Ave

S Pioneer Pkwy

"BARN" STYLE SHED



NEIGHBOR'S HOMEING PIGEON FLOCK'S SHED



"BARN" STYLE SHED



MY LOT LINE

Parkway Ct

"BARN" STYLE SHED



MY SHED TO BE REPLACED, FOOTPRINT WILL BE SMALLER THAN NEIGHBOR INGROUND POOL



3 CAR GARAGE

"BARN" STYLE SHED



"BARN" STYLE HOUSE



"BARN" STYLE HOUSE



Bragg St

6 CAR GARAGE



Bragg St

"BARN" STYLE SHED



Ruggles St

Ruggles St

Evans Dr

S St Joseph Ln

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: December 2, 2015
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner
Re: Appeal No. 2015-12 – **763 Bragg Street**

Applicant: Anthony Cook

Zoning: Site: R-1 (Single Family Residential)
North: R-1
South: R-1
East: R-1
West: R-1

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, Section 720-11 (20)(a), allows an accessory storage building area of 200 square feet for a lot that is more than 10,000 square feet in area, provided that the structure is complementary in design, materials and colors to the principal residential building.

Proposal: Increase allowable storage building size from 200 square feet to 392 square feet; utilize roof design that is unlike the roof design of the existing dwelling.

Analysis

The subject property is developed with a single family residence, attached garage and 8x16 storage shed. The petitioner would like to remove the existing shed and construct a new storage building in its place. Approval of a variance to increase allowable building size is requested, along with a deviation of compatible building design.

Zoning regulations allow one accessory building in addition to an attached or detached garage. For a lot that is less than 10,000 square feet in area, the maximum size of a storage building is 100 square feet. Where a lot is more than 10,000 square feet in area, a storage building of up to 200 square feet could be permitted.

The lot size of the subject property is 20,790 square feet, more than twice the minimum area required for a new single family lot. The subject property is entitled to a 200 square foot storage building. The variance request proposes a storage building size of 392 square feet. The building measures 14'x28'.

The existing attached garage is 18x26 (468 square feet). The garage is smaller than a typical two-car garage and realistically accommodates covered parking for only one car. Property circumstances do not allow expansion of the garage for additional parking or storage due to building setback limitations, the floorplan of the dwelling, and the presence of underground utilities. The variance request also reflects circumstances of the property that limit normal storage opportunities associated with a single family home. The existing residence is a raised-ranch style, without a traditional basement for storage and mechanicals that is otherwise provided in most homes.

Specific to the design of an oversize accessory building, the zoning code allows such opportunity provided the structure is complementary in design to the principal residential building. The existing home provides a gable roof. The petitioner would prefer a storage building with a gambrel roof. The proposed gambrel roof offers a barn-like appearance and is contrary to the roof design of the dwelling, and contrary to the intent of zoning regulations.

Property conditions support an exception to allowable storage building size to warrant approval of the proposed increase of storage building area. A conditional approval of the variance request is recommended to meet the intent of zoning code regulations for property aesthetics.

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 variance request reflects the substantial lot area of the property that is more than twice the required minimum, property conditions that limit storage opportunities typical of most homes due to the absence of a basement, and because expansion of the existing attached garage is not practical due to the existing building floorplan and the location of underground utilities. Property circumstances do not, however, support deviation from code requirements for building design compatibility for the shed and the dwelling; the proposed roof design is based on personal preference of the petitioner.

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 **approve a variance to allow a 392 square foot storage building** due to the substantial lot area, property conditions that limit storage opportunities typical of most homes due to the absence of a basement, and because expansion of the existing attached garage is not practical due to the existing building floorplan and the location of underground utilities. Property circumstances do not, however, support deviation from code requirement for building design compatibility for the shed and the dwelling, and the proposed roof design is based on personal preference of the petitioner.

Conditions of approval shall include:

1. Garage design, building materials and color shall match or closely resemble the residence. Garage door width shall not exceed 6 feet.

2. A drainage plan shall be prepared by a licensed professional, to be reviewed and approved by the City Engineer, prior to the issuance of a building permit.
3. Uncovered parking in addition to the allowable driveway area shall be prohibited.
4. The open parking or storage of boats, trailers, campers, fishing shanties, snowmobiles, and other similar vehicles and equipment, shall be prohibited on the property.
5. Accessory buildings shall not be permitted. The existing storage shed shall be removed and cleared from the property upon completion of the new storage building.

Public Notification

Board of Appeals
763 Bragg Street

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-16-21-047-00	763 BRAGG ST	763 BRAGG ST	FOND DU LAC	WI	54935
FDL-15-17-16-21-046-00	769 BRAGG ST	769 BRAGG ST	FOND DU LAC	WI	54935
FDL-15-17-16-21-040-00	756 FOREST AVE	756 FOREST AVE	FOND DU LAC	WI	54935
FDL-15-17-16-21-048-00	757 BRAGG ST	757 BRAGG ST	FOND DU LAC	WI	54935
FDL-15-17-16-21-042-00	770 FOREST AVE	770 FOREST AVE	FOND DU LAC	WI	54935
FDL-15-17-16-21-041-00	764 FOREST AVE	764 FOREST AVE	FOND DU LAC	WI	54935
FDL-15-17-16-21-045-00	775 BRAGG ST	775 BRAGG ST	FOND DU LAC	WI	54935
FDL-15-17-16-21-055-00	750 BRAGG ST	750 BRAGG ST	FOND DU LAC	WI	54935
FDL-15-17-16-22-279-00	109 PARKWAY CT	109 PARKWAY CT	FOND DU LAC	WI	54935
FDL-15-17-16-21-056-00	756 BRAGG ST	756 BRAGG ST	FOND DU LAC	WI	54935
FDL-15-17-16-21-057-00	764 BRAGG ST	764 BRAGG ST	FOND DU LAC	WI	54935
FDL-15-17-16-21-058-00	772 BRAGG ST	772 BRAGG ST	FOND DU LAC	WI	54935
FDL-15-17-16-21-043-00	776 FOREST AVE	776 FOREST AVE	FOND DU LAC	WI	54935
FDL-15-17-16-21-049-00	749 BRAGG ST	749 BRAGG ST	FOND DU LAC	WI	54935

CITY OF FOND DU LAC
ZONING PETITION - VARIANCE



PROPERTY ADDRESS OF VARIANCE REQUEST: 543 County Rd K
Tax Key Number (Vacant Land): _____

Petitioner: AnnMarieSztukowski 543 county Rd K, FDL 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:

- Size of building
- Height of building
- Number of outbuildings

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:

* Please see attached description. *

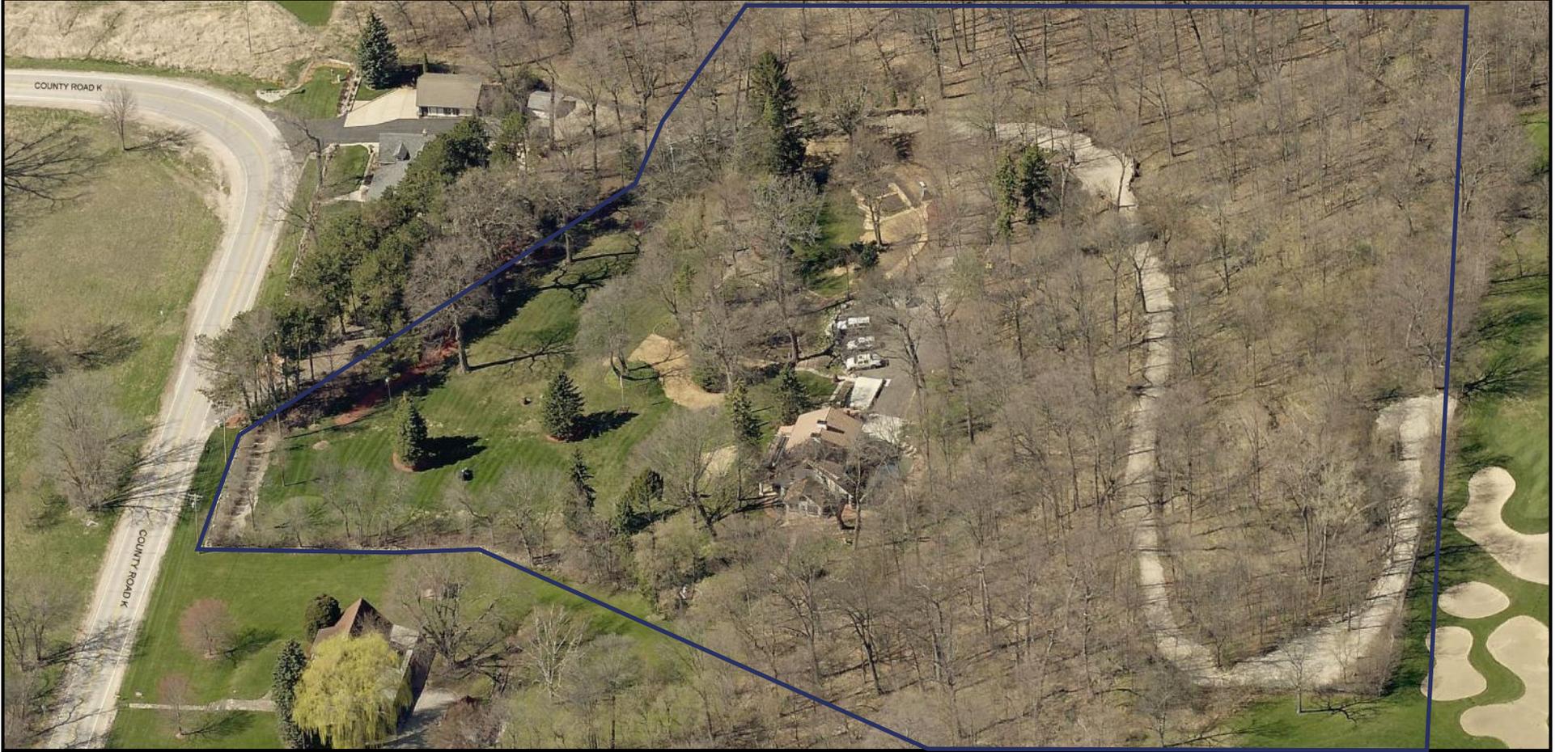
Petitioner Signature: Ann Marie Sztukowski

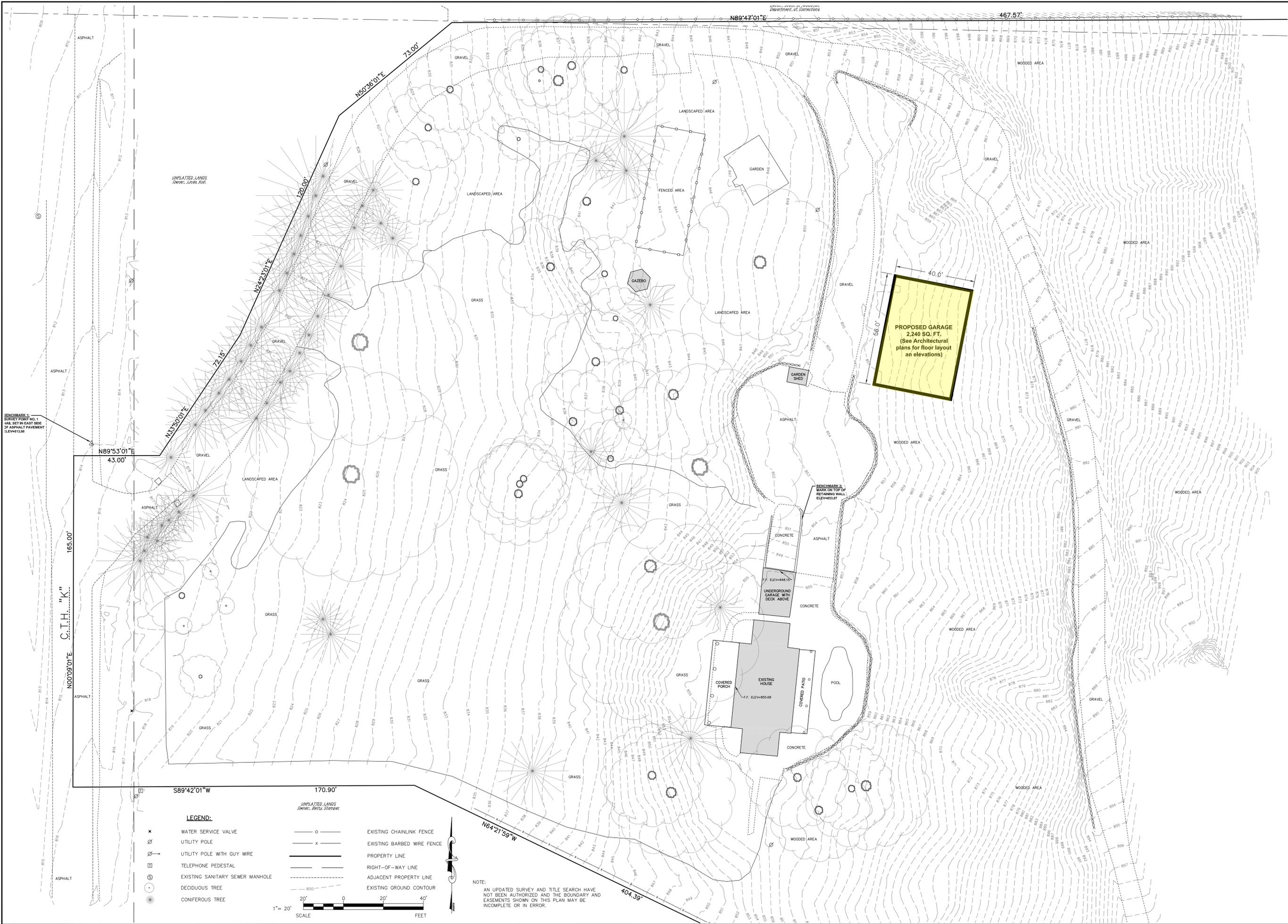
Submit application package (application/site plan/photos/filing fee) to the Community Development Office
(4th floor, City-County Government Center)

STATEMENT OF HARDSHIP

I would like to add onto the existing home with a useable garage space, with an approximate addition of 2200 square feet. However due to the extreme topography and the layout of the existing driveway and turn-around, the amount of additional impervious surface created by doing so far exceeds the addition of just the garage as a stand-alone building. Adding onto the existing house to the north will adversely affect not only the traffic pattern, but also the storm-water runoff pattern from the Niagara Escarpment (ledge). An addition to the south is not possible due to proximity to property boundaries. An addition to the east is not possible due to the location of the pool and landscape. An addition to the west isn't feasible with the extreme elevation change. The layout as shown would certainly be the best way to control any surface water runoff from both the proposed building and the natural movement around the existing house. The proposed location is the best scenario for utilizing virgin ground and substrates as well as preserving the greatest amount of existing landscape, trees and unique attributes and assets the property possesses.







REVISIONS:

Compass Surveying, LLC
 611 KINGSWOOD AVENUE
 FOND DU LAC, WI 54935
 (920) 517-1683

OWNER:
 ANN MARIE SZTUKOWSKI
 543 C.T.H. "K"
 FOND DU LAC, WI 54937

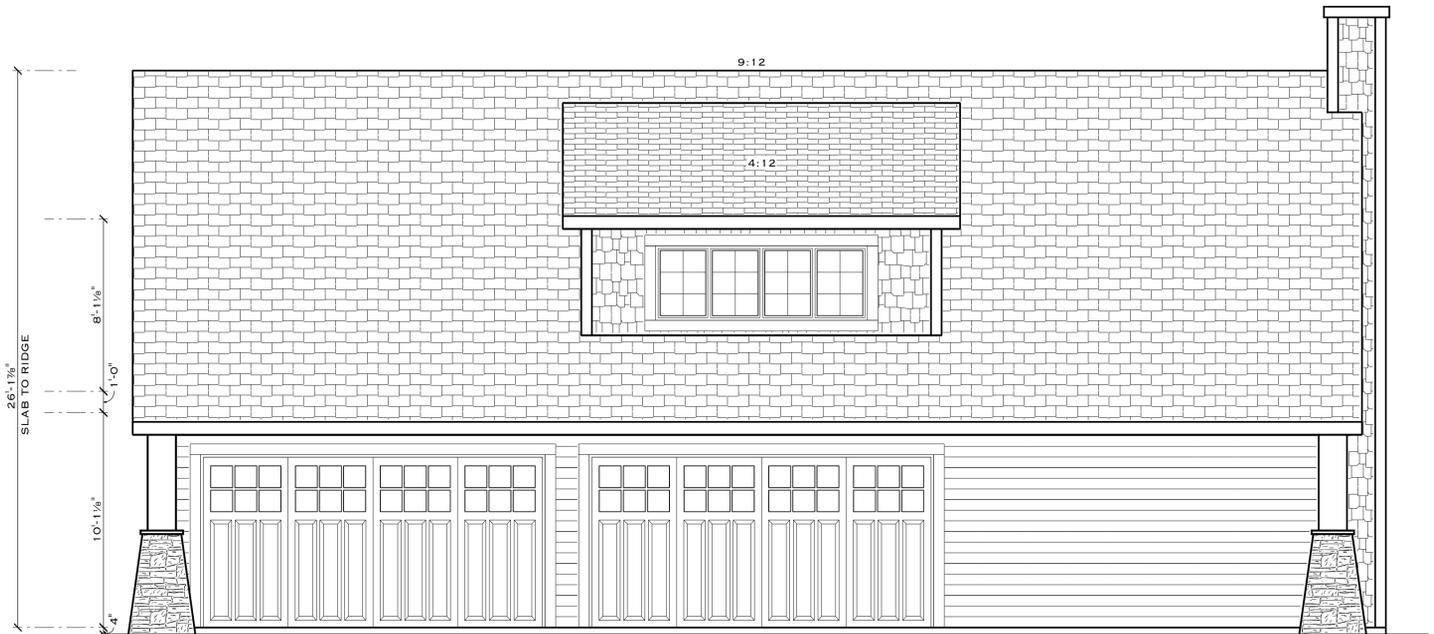
PROJECT:
 EXISTING SITE CONDITIONS
 543 C.T.H. "K"
 FOND DU LAC, WI 54937

DATE:
 11/17/2015
PROJECT NO.:
 150137

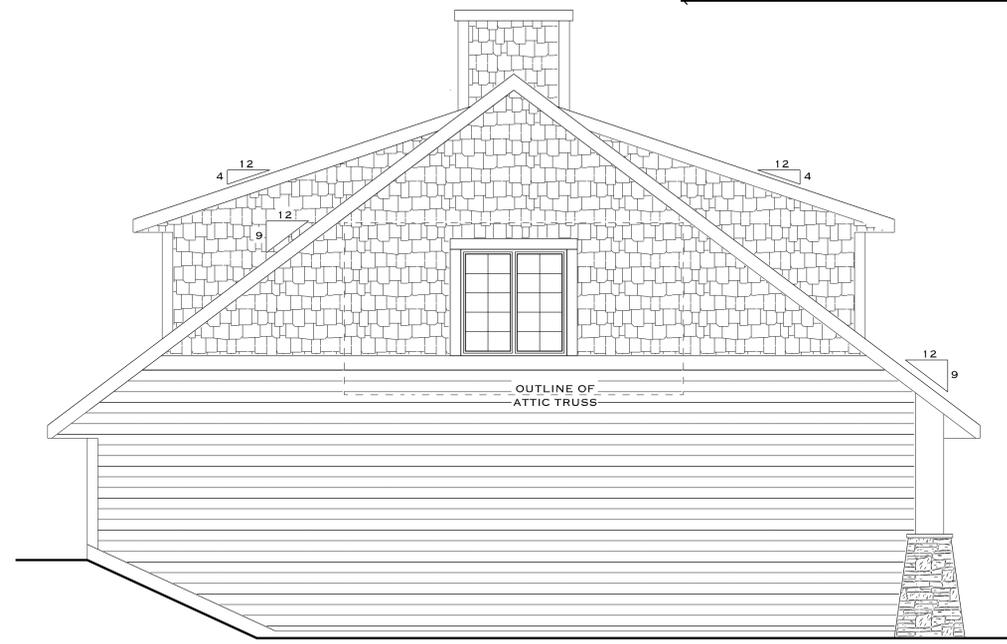
SHEET
ES

2015 © COMPASS SURVEYING, LLC

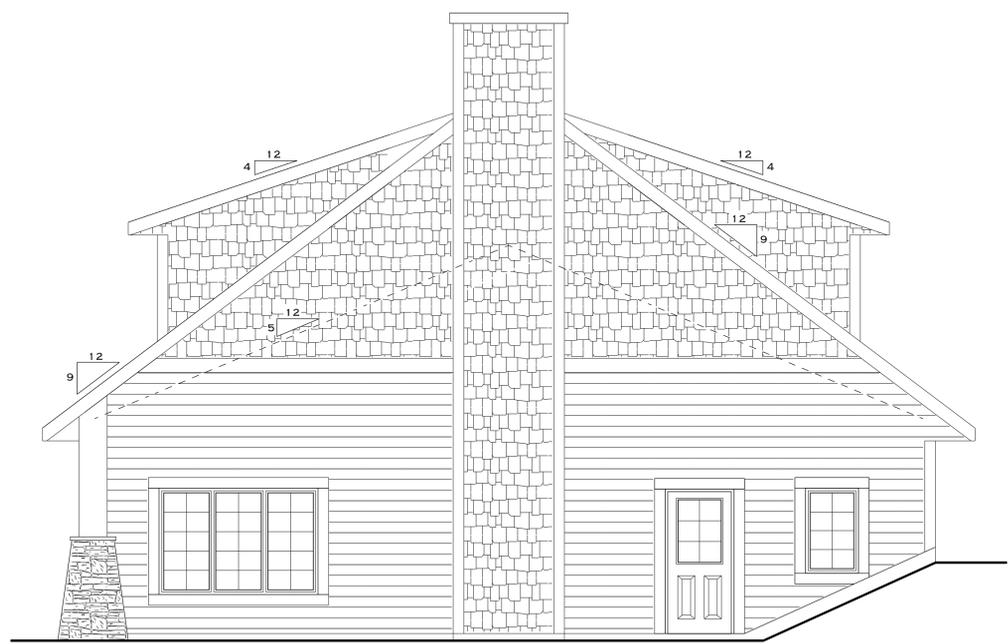
PROPOSED DETACHED GARAGE



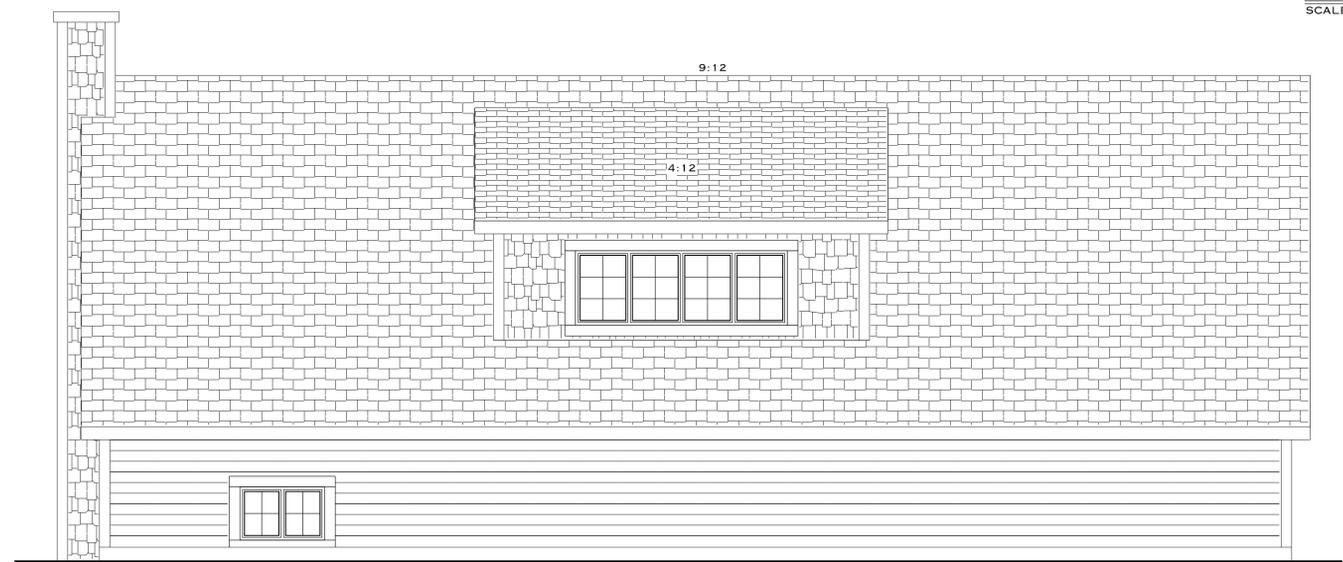
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

NOTE: CONTRACTOR TO VERIFY WITH HOME OWNER WINDOW SELECTIONS AND VERIFY WINDOW MANUFACTURER'S SPECS FOR WINDOW ROUGH OPENINGS. ALSO NEED TO VERIFY THAT WINDOWS MEET EGRESS, LIGHT, AND VENTILATION UDC CODES PER WINDOW MANUFACTURER'S SPECS.

IMPORTANT NOTE:
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* IT IS UNDERSTOOD THAT THE WISCONSIN UNIFORM DWELLING CODE AND LAYOUT DRAWINGS FOR FLOOR AND ROOF TRUSSES SHALL TAKE FINAL PRECEDENCE OVER THESE ARCHITECTURAL PLANS.

CUSTOMER DESIGNED FOR:

ENGEL CONSTRUCTION

JOB NAME: ANN MARIE SZTUKOWSKI

DRAWN BY: TRAVIS BAUS

DATE: 11-19-15

DATE: 11-19-15	DATE: 11-19-15	DATE: 11-19-15	DATE: 11-19-15
REV. PRELIM	REV. FINAL	REV. PRELIM	REV. FINAL
DATE: 11-19-15	DATE: 11-19-15	DATE: 11-19-15	DATE: 11-19-15

SHEET NO.: 1 OF 3
PLAN NO.: 15-253

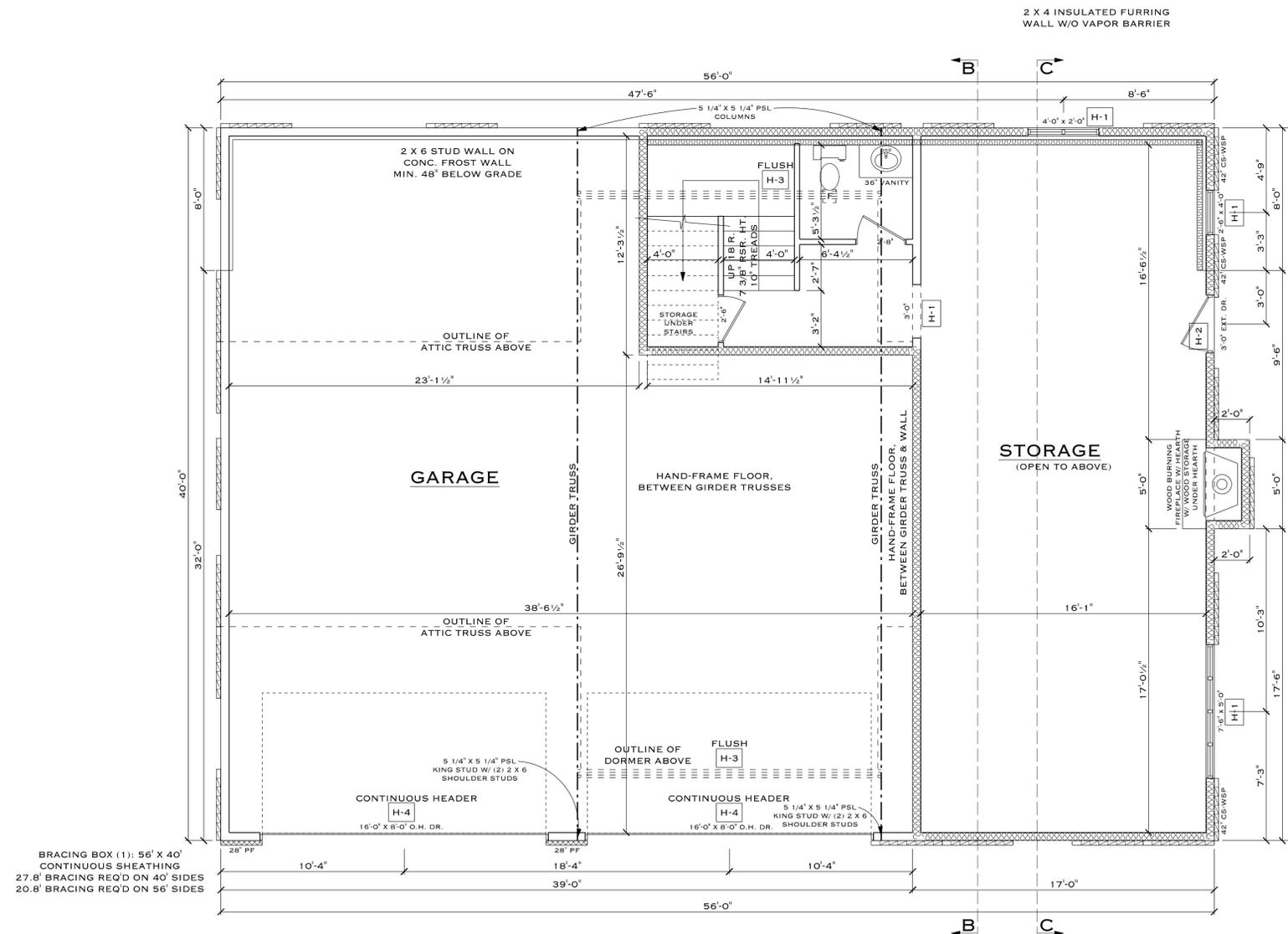
LUMBER YARD:
PHONE (920) 593-4546
450 WEST JOHNSON ST.
N3280 OAK CENTER RD.
OAKFIELD, WI 53065

DESIGN CENTER:
PHONE (920) 322-9700
450 WEST JOHNSON ST.
FOND DU LAC, WI 54935



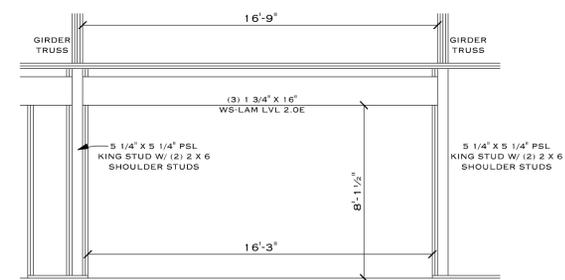
FLOORPLAN - PROPOSED DETACHED GARAGE

FIRST FLOOR



BRACING BOX (1): 56' X 40'
CONTINUOUS SHEATHING
27.8' BRACING REQ'D ON 40' SIDES
20.8' BRACING REQ'D ON 56' SIDES

FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



O.H. DOOR DETAIL
SCALE: 1/4" = 1'-0"

48" CS-WSP
 ALL BRACING PANELS SHOWN
 ARE CS-WSP 48" UNLESS NOTED

 HOUSE WALL HT.: NA
 GARAGE WALL HT.: 10'-3 1/4"
 EXTERIOR STUD SPACING: 16" O.C.
 EAVE TO RIDGE HT.: 18'-0"
 WIND SPEED: 90 (ASCE 7-05)
 WIND EXPOSURE CATEGORY: B

NOTE: ALL GIRDER TRUSS LOCATIONS & SIZES TO BE DETERMINED BY TRUSS MANUFACTURER. HEADERS SPECIFIED ARE SUBJECT TO CHANGE W/ GIRDER PLACEMENT

HEADER NOTE: HEADERS SPECIFIED MAY BE SUBSTITUTED W/ ANY HEADER MATERIAL W/ EQUAL OR GREATER DESIGN VALUES

HEADER SCHEDULE	
H-1	(2) 2 X 10'S SPF #2 & BTR. W/ 2 X 6 PLATE
H-2	(2) 2 X 12'S SPF #2 & BTR.
H-3	(3) 1 3/4" X 11 7/8" WS-LAM LVL 2.0E
H-4	(3) 1 3/4" X 16" WS-LAM LVL 2.0E

NOTE: CONTRACTOR TO VERIFY WITH HOME OWNER WINDOW SELECTIONS AND VERIFY WINDOW MANUFACTURER'S SPECS FOR WINDOW ROUGH OPENINGS. ALSO NEED TO VERIFY THAT WINDOWS MEET EGRESS, LIGHT, AND VENTILATION UDC CODES PER WINDOW MANUFACTURER'S SPECS.

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CUSTOMER DESIGNED FOR:
ENGEL CONSTRUCTION
 JOB NAME: ANN MARIE SZTUKOWSKI
 DRAWN BY: TRAVIS BAUS
 DATE: 11-19-15
 SHEET NO.: 2 OF 3
 PLAN NO.: 15-293

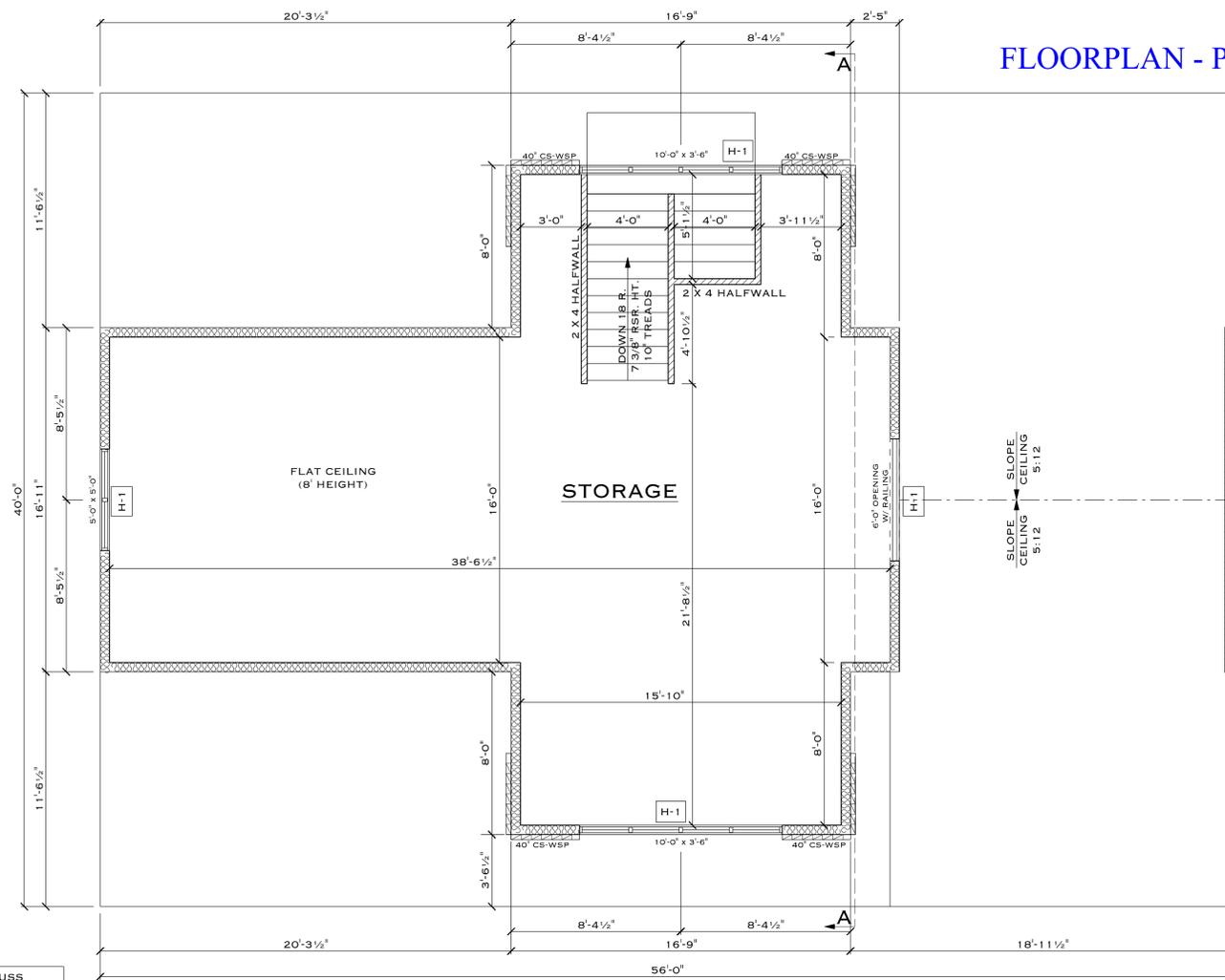
DATE: 11-19-15	DATE: 11-19-15	DATE: 11-19-15
REV. PRELIM	REV. FINAL	REV. FINAL

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 480 WEST JOHNSON ST.
 FOND DU LAC, WI 54935



FLOORPLAN - PROPOSED DETACHED GARAGE SECOND FLOOR



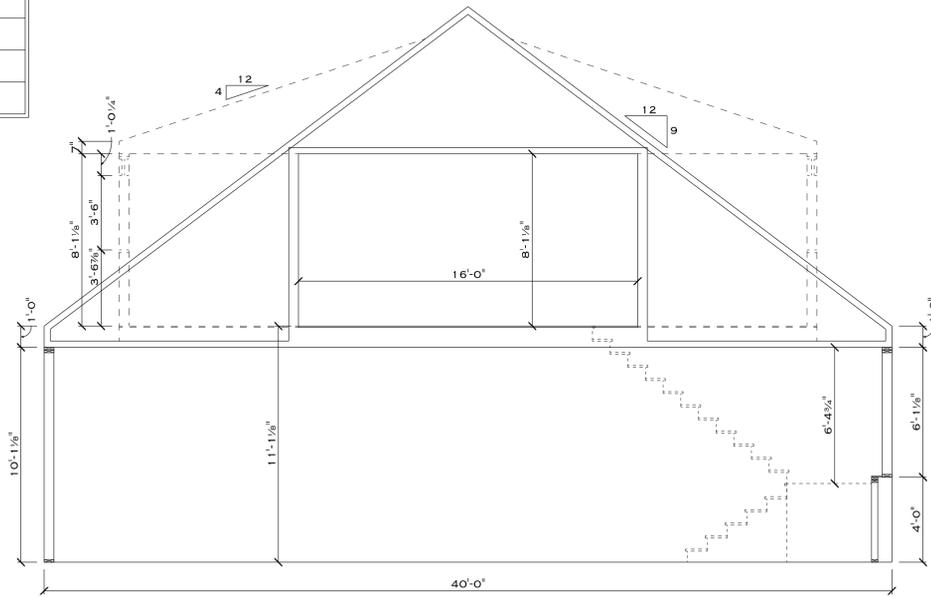
SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

NOTE: ALL GIRDER TRUSS LOCATIONS & SIZES TO BE DETERMINED BY TRUSS MANUFACTURER. HEADERS SPECIFIED ARE SUBJECT TO CHANGE W/ GIRDER PLACEMENT

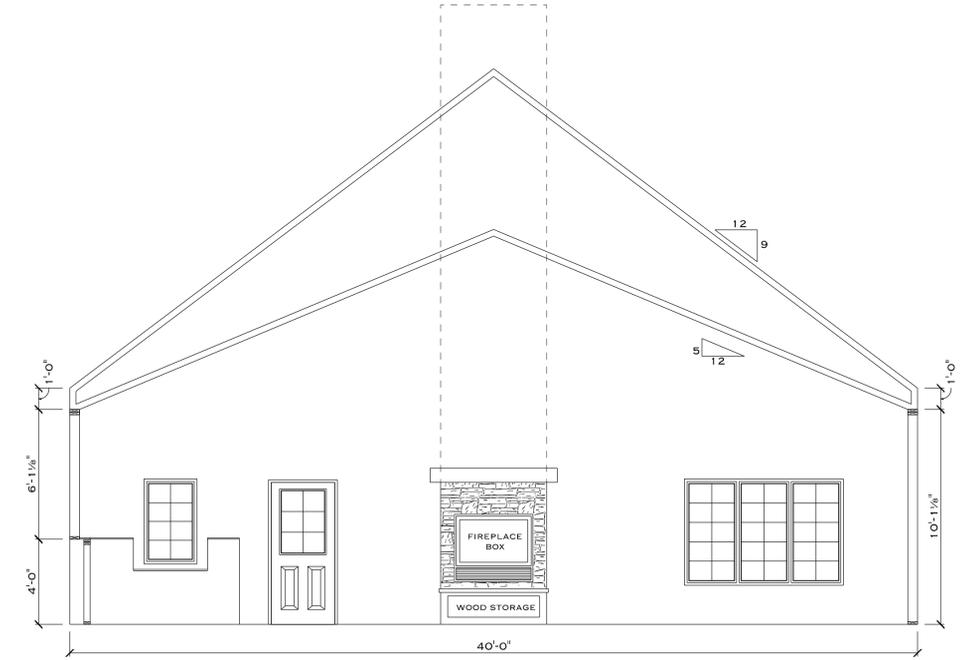
HEADER NOTE: HEADERS SPECIFIED MAY BE SUBSTITUTED W/ ANY HEADER MATERIAL W/ EQUAL OR GREATER DESIGN VALUES

HEADER SCHEDULE

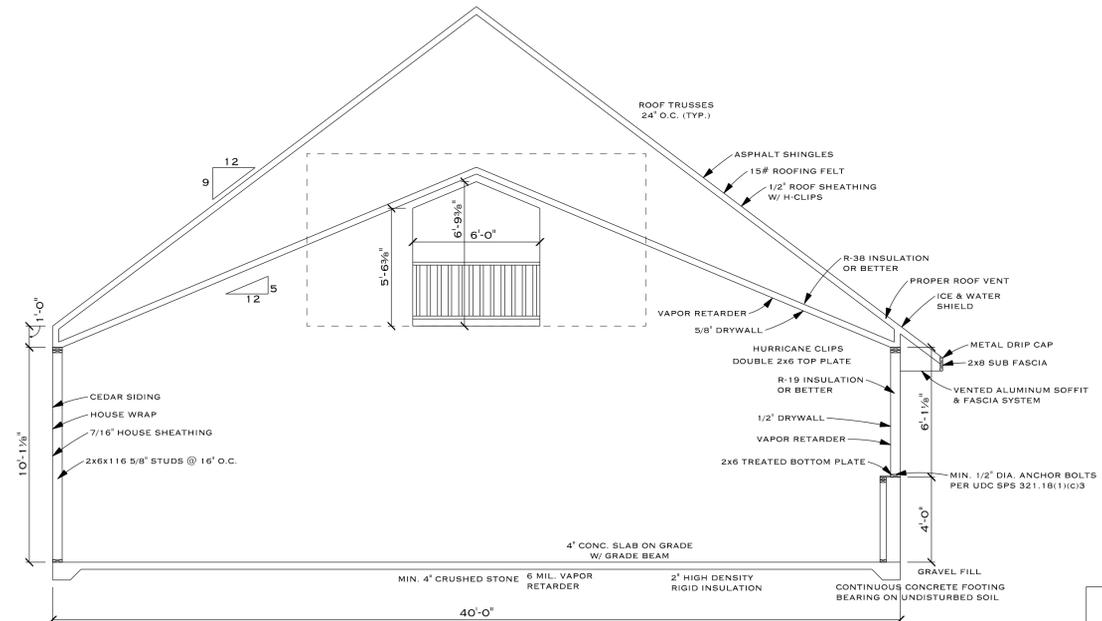
Header	Description
H-1	(2) 2 X 10'S SPF #2 & BTR.



SECTION DETAIL A-A
SCALE: 1/4" = 1'-0"



SECTION DETAIL C-C
SCALE: 1/4" = 1'-0"



SECTION DETAIL B-B
SCALE: 1/4" = 1'-0"

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CUSTOMER DESIGNED FOR:

ENGEL CONSTRUCTION

JOB NAME: ANN MARIE SZTUKOWSKI

DRAWN BY: TRAVIS BAUS

DATE: 11-19-15

REVISIONS:

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OAKFIELD, WI 53065

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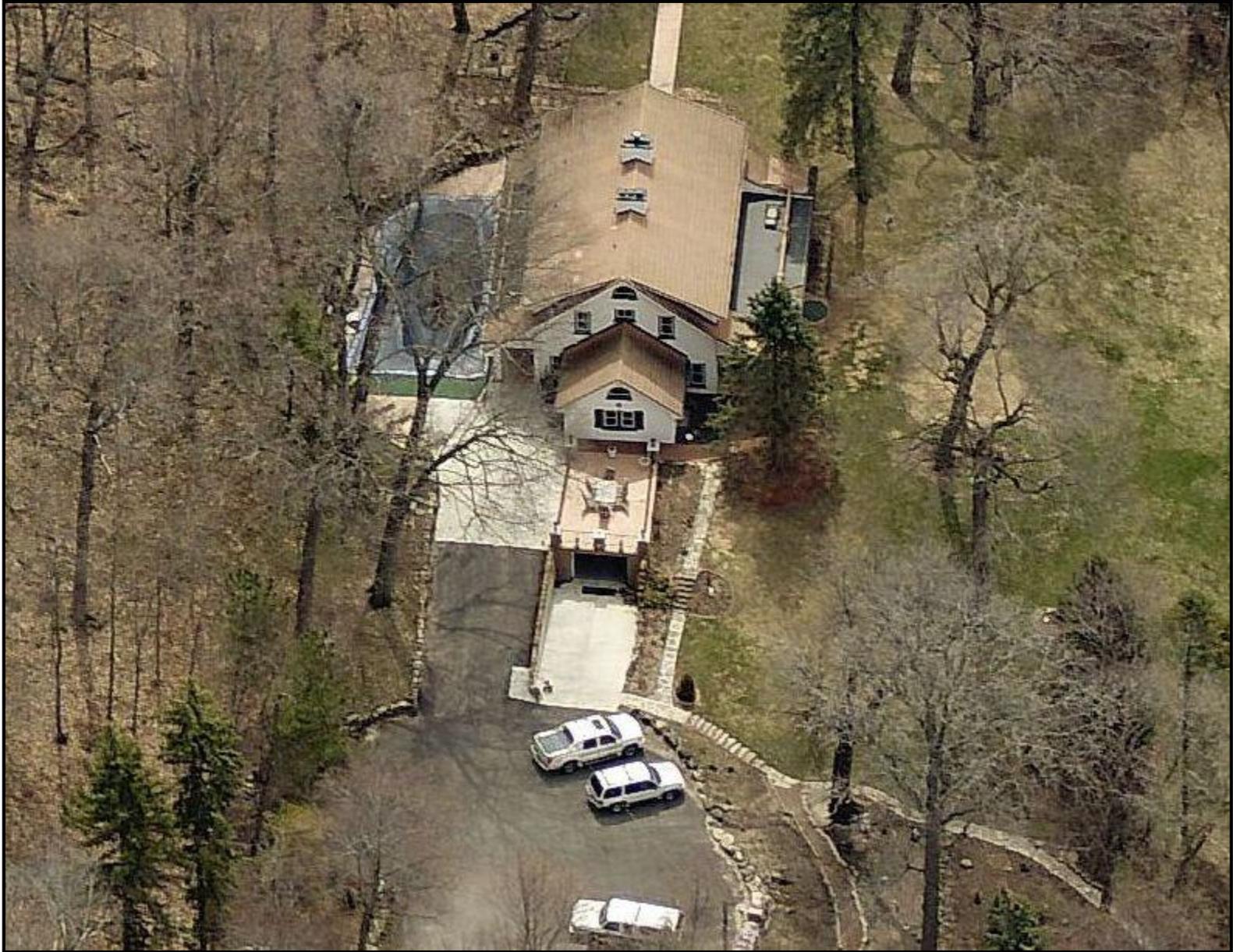
Wisconsin
BUILDING SUPPLY

SHEET NO.: 3 OF 3

PLAN NO.: 15-253

DATE: DATE: DATE: DATE:

EXISTING RESIDENCE AND ATTACHED GARAGE
VIEW LOOKING EAST



FRONT YARD



EXISTING ATTACHED GARAGE
(North End of Residence – View Looking South)



REAR YARD



CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: December 2, 2015
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner
Re: Appeal No. 2015-14 – **543 County Road K**

Applicant: Ann Marie Sztukowski

Zoning: Site: R-1 (Single Family Residential)
North: R-1
South: R-1
East: A (Agricultural)
West: R-1

Land Use: Site: Single Family Dwelling
North: Single Family Dwelling/Taycheedah Correctional
South: Single Family Dwelling
East: Whispering Springs Golf Club
West: Undeveloped Land

Variance Request

Code Requirements:

Chapter 720, Section 720-11, Accessory Buildings and Uses:

(12) One garage or carport, attached to or detached from the residential building is allowed for each dwelling.

(13) (a) [1] Maximum detached garage size: 850 square feet.

[2] Maximum building height: 15 feet.

[3] Accessory buildings shall be prohibited.

Proposal:

- (1) Allow two garages for a single family dwelling; one attached and one detached from the principal residential building.
- (2) Increase garage size from 850 square feet to 2240 square feet (building footprint).
- (3) Increase garage height from 15 feet to 26’2” for a two-story building.
- (4) Allow two accessory buildings in addition to an attached garage and a detached garage.

Analysis

The subject property is a very large lot on County Road K adjacent to Whispering Springs Golf Club and the Taycheedah Correctional Institution. The property is developed with a single family home and is in an area of single family homes on large lots. Approval of multiple exceptions to zoning regulations for the construction of a detached garage is requested.

Zoning regulations allow one garage for a property, attached to the residential building or a separate detached structure. The size of an attached garage cannot exceed the size of the residential building. The allowable building size of a detached garage is 650 square feet; a garage size of 850 square feet is permitted where a lot is more than 10,000 square feet in area, and provided there are no additional accessory buildings such as a garden shed, gazebo or similar structure. The maximum height of a detached garage is 15 feet, permitting a one-story building.

The subject single family dwelling includes an attached two-car garage. Two accessory buildings are also located on the property – a storage shed and a gazebo. The petitioner would like to construct a two-story detached garage for the storage of vehicles and recreational equipment, and provide “bonus” space within the first and second floors of the building. There are no plans to modify the attached garage – it will remain available for use as a garage.

The proposed detached garage is a two-story building 26’2” in height; the building footprint measures 40’x56’. The footprint of the new garage (2240 square feet) would be slightly less than the area of the dwelling (2952 square feet); including the second floor garage area (900 square feet), the total area of new garage (3140 square feet) would be larger than the dwelling.

The proposed garage is not a typical garage by appearance, function or location. The building would be sited more than 100 feet from the residence. The architectural design of the building is very attractive and resembles a residential structure; comparatively, the proposed garage is larger than most residential dwellings.

Evaluating the building design and use of the proposed garage, the building space designed for vehicle parking is incidental to the bulk of the building. More than one-third of the first floor area is designated for storage (approximately 800 square feet); the storage area includes a bathroom and a wood burning fireplace. The building layout provides an additional 900 square feet of storage space within the second floor area.

The petitioner's property is not a typical city lot. The property is more than 6 acres in size and is situated in a somewhat rural setting. Because of this circumstance, flexibility of zoning regulations is not unreasonable. The challenge in considering the variance request, and specifically the circumstances of the property that do not make compliance with zoning regulations practical, is to determine what is reasonable and appropriate.

In the statement of hardship the petitioner explains that expansion of the existing home to create a larger attached garage is not possible because of site topography. While this may be true, the construction of an inordinately large second building has no bearing on the topography of the land – the design is based on its desired use by the petitioner.

The circumstances of property size have been considered by the Board of Appeals in past approvals for larger garages and storage buildings. However, variance approvals have not – and cannot – allow an exception to zoning regulations based on the desire of a property owner for a larger and bigger building because of personal circumstances (i.e. multiple vehicles, recreational equipment, “bonus” living space, etc.).

In determining an appropriate building size that relates to zoning regulations, an increase of allowable detached garage size from 850 square feet to 1700 square feet (100% increase) is justifiable – based on property size. Property circumstances do not justify a second garage that is larger than the residence. Moreover, such a building potentially sets the stage for some unauthorized use (present or future) contrary to land use regulations.

Approval of a variance to allow a 1700 square foot garage would not create any negative effect on nearby homes or surrounding land uses. A conditional approval 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 unusually large property supports an increase in allowable garage size; the area of the garage size must relate to zoning regulations and not the personal preference 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;
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 a variance to allow a 1700 square foot detached (second) garage, an increase in building height, and multiple accessory buildings** due to the unusually large property area and the topographical challenges of the lot.

Conditions of approval shall include:

1. Maximum detached garage size shall not exceed 1700 square feet in area (building footprint).
2. Use of the garage shall be limited to the storage of vehicles, property maintenance equipment, and personal items of the property owner. No part of the garage may be used to provide living space, recreational space, office space, or any other similar use.
3. Interior improvements shall not include water and/or plumbing.
4. Building height shall not exceed 26'2". Area above the ground floor shall be limited to storage only. Any other use is strictly prohibited.

5. The existing attached garage shall not be expanded for additional garage/storage area.
6. The existing storage shed shall be removed from the property upon completion of the new garage.
7. One gazebo shall be permitted.
8. A drainage plan shall be prepared by a licensed professional, to be reviewed and approved by the City Engineer, prior to the issuance of a building permit.
9. The open parking or storage of boats, trailers, campers, fishing shanties, snowmobiles, and other similar vehicles and equipment, shall be prohibited on the property.

Public Notification

Board of Appeals
543 County Road K

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-18-06-44-763-00	8 RUSTIC CT	1718 VAN ZEELAND CT	LITTLE CHUTE	WI	54140
FDL-15-18-06-44-766-00	11 RUSTIC CT	1718 VAN ZEELAND CT	LITTLE CHUTE	WI	54140
FDL-15-18-06-44-767-00	568 COUNTY ROAD K	1718 VAN ZEELAND CT	LITTLE CHUTE	WI	54140
FDL-15-18-06-44-750-00	567 COUNTY ROAD K	567 COUNTY ROAD K	FOND DU LAC	WI	54937
T20-15-18-06-13-004-00		567 COUNTY ROAD K	FOND DU LAC	WI	54935
FDL-15-18-06-44-752-00	525 COUNTY ROAD K	525 COUNTY ROAD K	FOND DU LAC	WI	54937
FDL-15-18-06-13-749-00	751 COUNTY ROAD K	751 COUNTY ROAD K	FOND DU LAC	WI	54937
FDL-15-18-06-44-751-00	543 COUNTY ROAD K	543 COUNTY ROAD K	FOND DU LAC	WI	54937
FDL-15-18-05-33-747-00	380 WHISPERING SPRG DR	380 WHISPERING SPRG DR	FOND DU LAC	WI	54937
FDL-15-18-06-44-753-00	511 COUNTY ROAD K	511 COUNTY ROAD K	FOND DU LAC	WI	54937