

# BOARD OF APPEALS AGENDA

March 7, 2016  
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

January 4, 2016

## III. HEARINGS

- A. 158 S Military Road (Church of Peace)  
Appeal No. 2016-03

### **Zoning Code Regulations:**

Chapter 720, Schedule III, Bulk Requirements Residential Districts, requires a front yard building setback of 30 feet for a non-residential use in the R-3 zoning district.

Chapter 720, Schedule III, Bulk Requirements Residential Districts, allows a maximum building height of 35 feet for a non-residential use in the R-3 zoning district.

### **Variance Request:**

Reduce front yard building setback from 30 feet to 26' 11½" for encroachment of canopy column and increase maximum building height from 35 feet to 36 feet for construction of fellowship/office addition.

## IV. ADJOURN

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

## **BOARD OF APPEALS MINUTES**

January 4, 2016  
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  
Howard Floeter  
Jerry Lauby

Absent: Dan Hebel  
Thomas Leu  
John Piper  
Kirsten Quam  
Matthew Schoenleber

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

Acting Chairperson Lauby declared a quorum present.

### **APPROVAL OF MINUTES**

December 7, 2015

Motion made by Lauby to approve the minutes of the December 7, 2015 meeting of the Board of Appeals as presented.

Seconded by Floeter.

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

Carried.

## HEARINGS

### 14 5<sup>th</sup> Street (Jeffrey Brown dba *Right Choice Improvements*)

Appeal No. 2016-01

**Code Requirement:** Chapter 720, Schedule IV, Land Uses or Activities Business Districts, does not allow a contractor's facility in the C-2 district.

**Proposal:** Exception to allowable land uses to permit a contractor's facility within an existing building zoned for commercial use.

Appeared in Support:

Greg Barber, Property Owner, 14 & 18 5<sup>th</sup> Street, Fond du Lac

Adam Semenas, Owner's Representative, 40 East 4<sup>th</sup> Street, Fond du Lac

Motion made by Block to approve a variance to allow use of the building for a contractor's facility because property conditions do not logically allow a use permitted by the site's zoning designation, property conditions provide only minimal on-site parking that would not satisfy a typical business use, and the proposed use is characteristic of previous use of the building.

Conditions of approval shall include:

1. A minimum of three (3) parking spaces shall be provided on the south side of the building for employee and customer use. Construction vehicles, equipment, and trailers shall not be parked in the parking spaces regardless of duration (temporary and/or long term).
2. All business activities shall be confined to the interior of the building. This includes the parking and/or storage of construction vehicles, equipment, trailers, and similar items anywhere on the property.
3. Certificate of occupancy required.
4. Sign permit required. Signage shall be of professional quality. Remove all signage that does not pertain to the proposed use prior to occupancy.

Seconded by Lauby.

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

Carried.

**14 South Portland Street (Meyer Property Group)**

Appeal No. 2016-02

**Code Requirement:** Chapter 720, Section 720-50, Dwelling Units C-1 Zoning District, states a dwelling unit(s) may be allowed, provided that such dwelling unit(s) is located entirely above the ground floor of a building.

**Proposal:** Provide dwelling units on the first and second floors of a building in the C-1 district.

Appeared in Support:

Sam Meyer, Petitioner, 358 Tyler Court, Fond du Lac

Motion made by Lauby to approve a variance to allow residential use of the building because flexibility in determining an appropriate use of the small commercial building relates to the property location and surrounding land uses.

Condition of approval shall include:

1. Four designated parking spaces shall be provided for the two-family residence (two per dwelling unit). Off-site leased parking may be provided, to be approved by the Community Development Department prior to the issuance of a Certificate of Occupancy. It shall be the responsibility of the property owner to provide such leased parking spaces on a continuing basis.

Seconded by Floeter.

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

Carried.

**ADJOURN**

Motion made by Floeter to adjourn.  
Seconded by Lauby.

ROLL CALL VOTE:                   Aye – Block, Fiebig, Floeter, Lauby  
  Nay - None

Carried.

Meeting adjourned at 3:20 pm.

MARGARET HEFTER  
CITY CLERK

CITY OF FOND DU LAC  
ZONING PETITION - VARIANCE



PROPERTY ADDRESS OF VARIANCE REQUEST: 158 S Military Road  
Tax Key Number (Vacant Land): \_\_\_\_\_

Petitioner: Capelle Bros & Diedrich, Inc. 253 North Hickory Street, Fond du Lac, WI 54935  
(Name) (Address)

Petitioner Phone Number: \_\_\_\_\_

Petitioner Email: \_\_\_\_\_

Property Owner: Church of Peace 158 South Military Road, Fond du Lac, WI 54935  
(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:

- Allow encroachment of one column at east entry up to 4' into the 30' setback from Military Road
- Allow roof ridge elevation of new addition to exceed 35' height by up to 2'
- See accompanying page as well as supporting plans

**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:

- Due to position of existing church and location that the the new addition needs to tie in for access, the south corner column of the east entrance canopy needs to land within the required set back area.
- Height variance is simply to conform to existing church architecture and matching roof slopes.

Petitioner Signature: Tom Crowell 19 Feb 2016

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

2016-03

## **Church of Peace - Variance Meeting Monday March 7, 2016 @ 3:00 pm Meeting Room D**

### **General Comment**

City planning has suggested that the Church of Peace combine the five various parcels of land that make up what is currently known as the church property into one lot. This effort is underway and will be filed soon with the city to accommodate this request.

The task is to design the proposed structure to accommodate the existing church building location on a uniquely shaped lot and provide the best access to the existing building entrances. Both the nave as well as the lower level hall are fixed due to existing conditions of the church layout.

The proposed design offers two main entrances to the congregation, one on the north and one on the east elevations. The north because of the existing parking lot and the east because of a shared use parking agreement with the YMCA for worship services and other functions. The east entrance also accommodates people being dropped off at the lane pull off area on Military Road.

The proposed building addition footprint has been positioned so as to satisfy the 30' setback requirement for R-3 zoning. A church or school is also an allowable use in C-2 zoning areas which have a setback of 20', but we have been advised by the city community development director that they would not entertain a request for zoning change just for the sake of reducing setbacks. It is to be noted that the current city comprehensive plan that shows current land use identified for this property as commercial and yet we are told that we cannot apply for a zoning change.

Please note that the vast majority of the existing structures within this R-3 zoning area are severely out of compliance with the 30' setback requirement. Likewise, structures recently erected in the adjacent C-2 zoning areas also take exception to their required 20' set back. Please be reminded that we are working with an existing church building and an irregularly shaped lot that predates any City zoning ordinances. Current zoning restrictions have been imposed on an existing condition that had already set a precedence.

### **East entrance and canopy**

Due to the elevation of the floor and the existing grades, it is necessary to include a landing and steps at this entry. In order to provide a canopy over this landing and stair and be sensitive to the existing architecture, brick columns are designed at the outer corners of the canopy. The south column will encroach into the 30' setback by up to 4'.

The proposed canopy stays well back from a straight line from the existing church front to the east elevation of the proposed "compliant" addition and does not encroach the "functional" or "perceived" front yard setback. It, likewise, honors the street right-of-way as well as the unique lot shape established by historic Military Road.

### **Building Height**

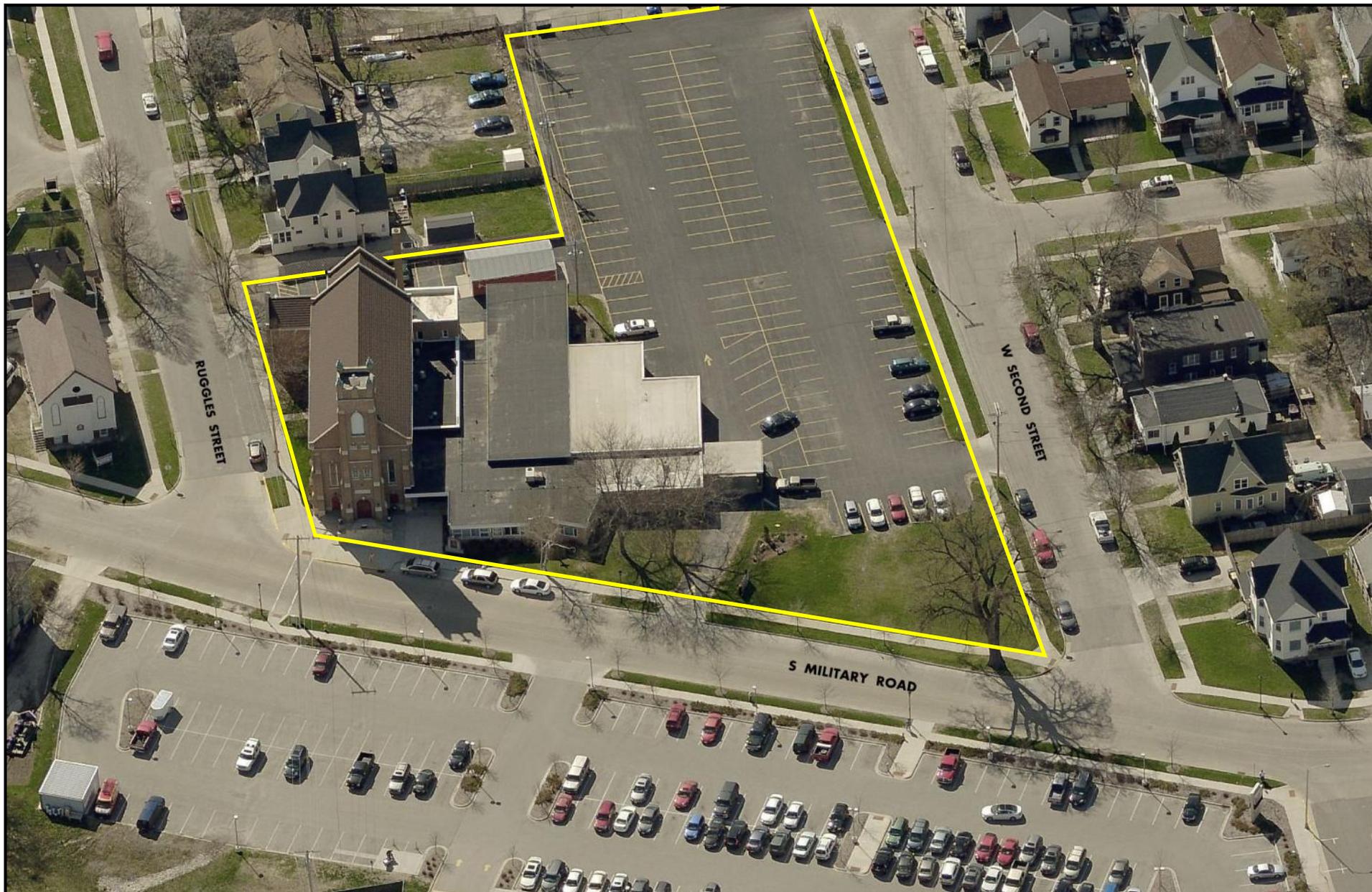
The lot does not impose a hardship to request exceeding the height limitations in this zoning area, but it needs to be included as part of this variance request. The existing church structure vastly overshadows the current buildings to the north, which will all be removed for this proposed development. The design of the proposed addition attempts to reflect the architecture of the existing church which includes not only finishes and nuances on the elevations but also roof pitches. The height of the addition has already been pulled down from original designs, however, it is recommended that it not be decreased further. The code requirement references the height of the building to be defined as the height of the roof ridge above adjacent grades, which, under current design stands at under 37'.

YG/CB&D  
19 FEB 16

APPEAL NO. 2016-03 – 158 S MILITARY ROAD (CHURCH OF PEACE)

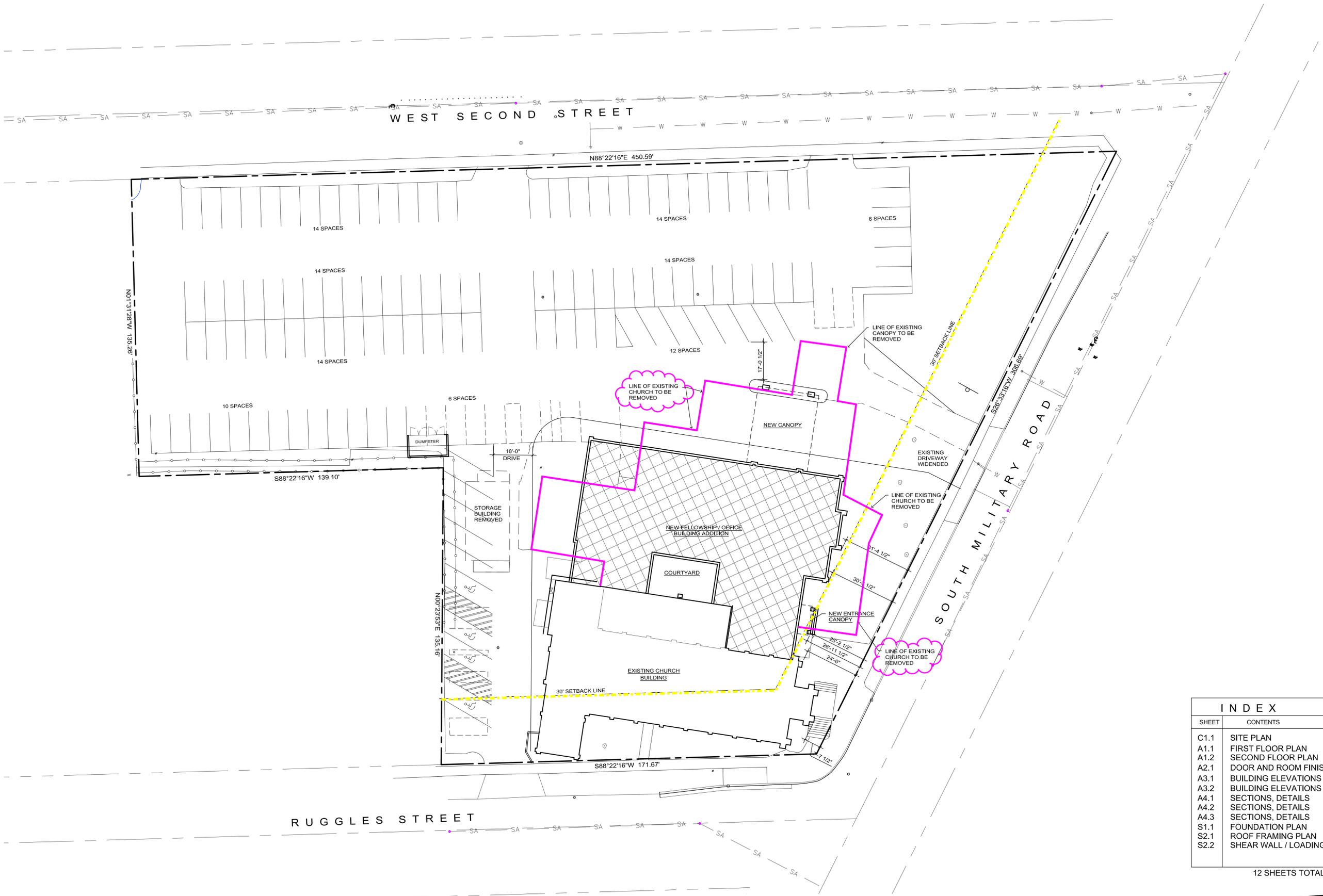


158 S Military Road – Street View Looking West



CHURCH ADDITION  
**CHURCH OF PEACE**  
158 S. MILITARY ROAD, FOND DU LAC, WI

**THOMAS DESIGN**  
A R C H I T E C T  
FOND DU LAC, WISCONSIN (920)-922-1131

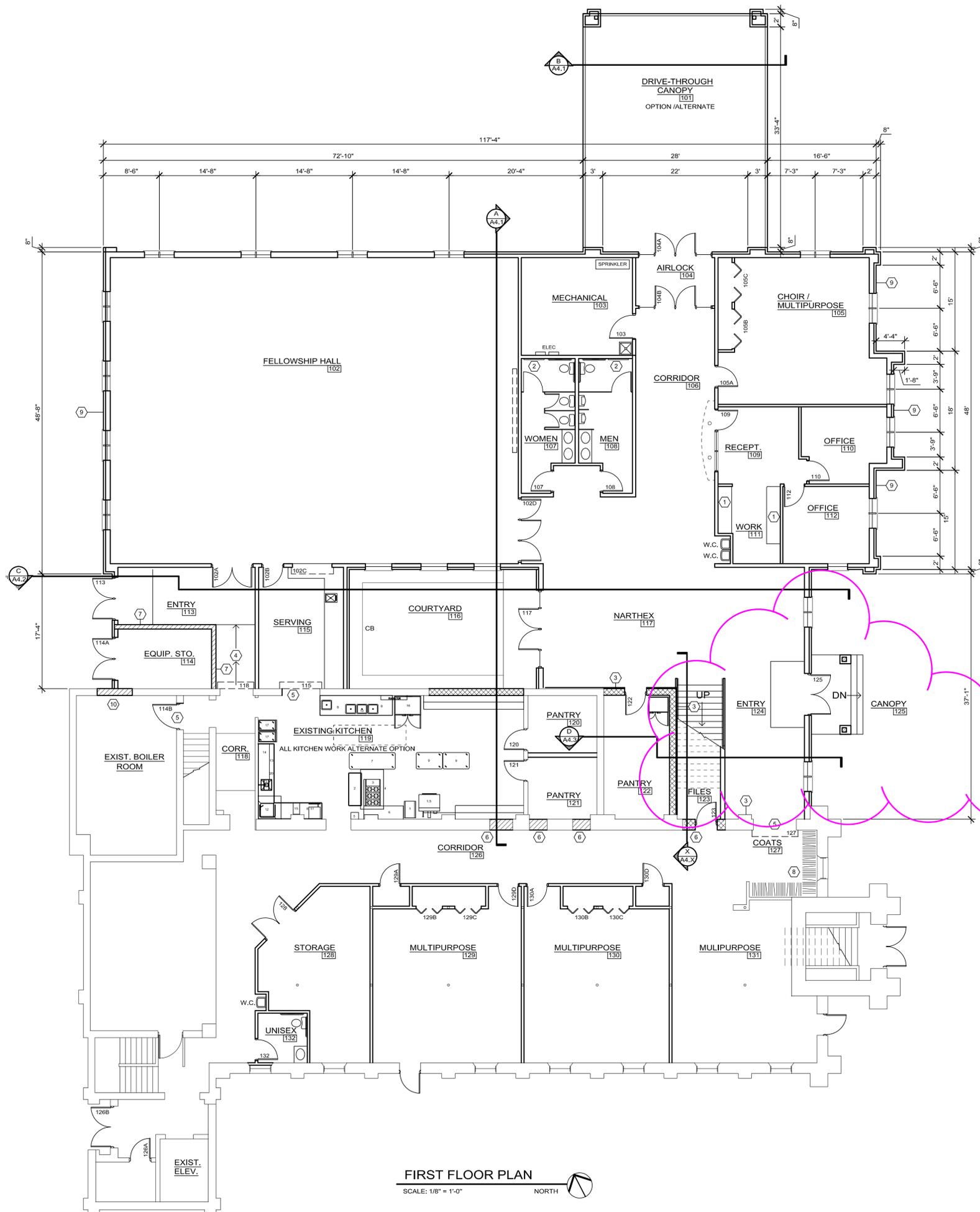


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A1.2	SECOND FLOOR PLAN
A2.1	DOOR AND ROOM FINISH SCHEDULES
A3.1	BUILDING ELEVATIONS
A3.2	BUILDING ELEVATIONS
A4.1	SECTIONS, DETAILS
A4.2	SECTIONS, DETAILS
A4.3	SECTIONS, DETAILS
S1.1	FOUNDATION PLAN
S2.1	ROOF FRAMING PLAN
S2.2	SHEAR WALL / LOADING INFORMATION

12 SHEETS TOTAL

**SITE PLAN**  
SCALE: 1" = 20' NORTH

**Capelle & Dierich**  
CONSTRUCTION  
253 North Hickory Street  
Fond du Lac, Wisconsin  
(920) 921-7830



**FIRST FLOOR GENERAL NOTES:**

1. ALL DIMENSIONS ARE TO FINISH SURFACES.
2. AUTOMATIC FIRE SPRINKLER SYSTEM SHALL BE PROVIDED THROUGHOUT NEW BUILDING ADDITION.
3. ALL INTERIOR PARTITION WALLS ARE 2 X 4 WOOD STUDS @ 16" O.C. W/ 5/8" GYPSUM BOARD BOTH SIDES. FILL ALL STUD CAVITIES W/ F.G. SOUND BATT UNLESS NOTED OTHERWISE.

**FIRST FLOOR WORK NOTES:**

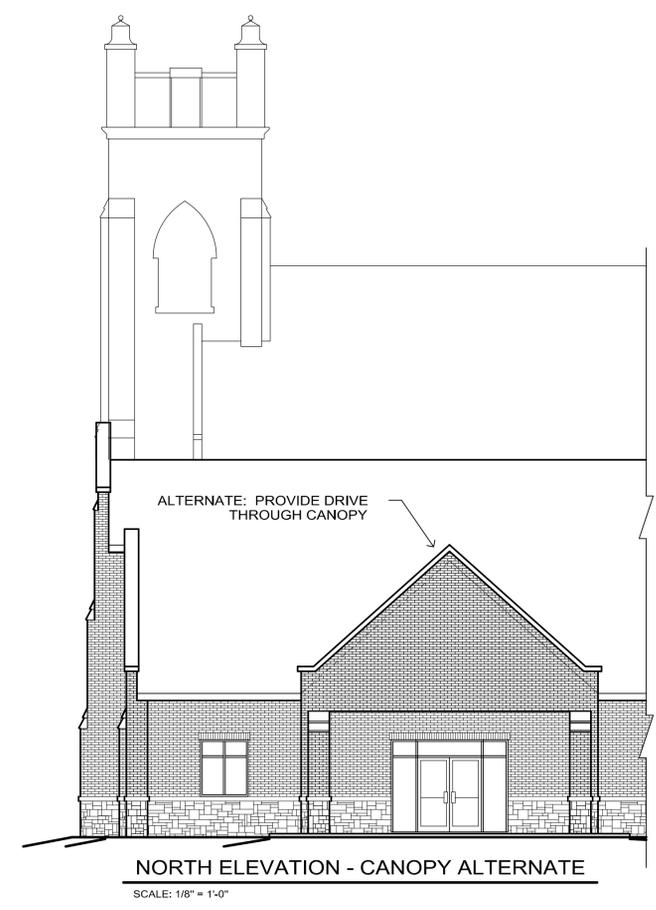
- ① PROVIDE WOOD BLOCKING IN WALLS AS REQUIRED FOR CABINET MOUNTING
- ② RECESSED BABY CHANGING STATION
- ③ 5/8" GYPSUM BOARD ON 2" METAL FURRING @ 24" O.C.
- ④ PITCH FLOOR DOWN 3" +/- TO MATCH NEW/EXISTING FLOORS
- ⑤ SAWCUT AND REMOVE MASONRY WALL FOR NEW DOOR OPENING. SEE STRUCTURAL PLANS FOR LINTEL
- ⑥ INFILL EXISTING DOOR OPENINGS W/ STUD / GYPSUM BOARD TO MATCH ADJACENT SURFACES
- ⑦ 8" CMU WALL, 2 HOUR FIRE RATED. ATTACH 5/8" GYPSUM BOARD TO ENTRY ROOM SIDE W/ ADHESIVE.
- ⑧ COAT HANGER ROD AND SHELF
- ⑨ ENDWALLS AT 11/12 GABLE ROOF SECTION SHALL BE BALLOON FRAMED WITH 2 X 8 LVL STUDS @ 24" O.C.
- ⑩ INFILL WITH MASONRY TO MATCH EXISTING AT REMOVED DOOR

Area of variance request.

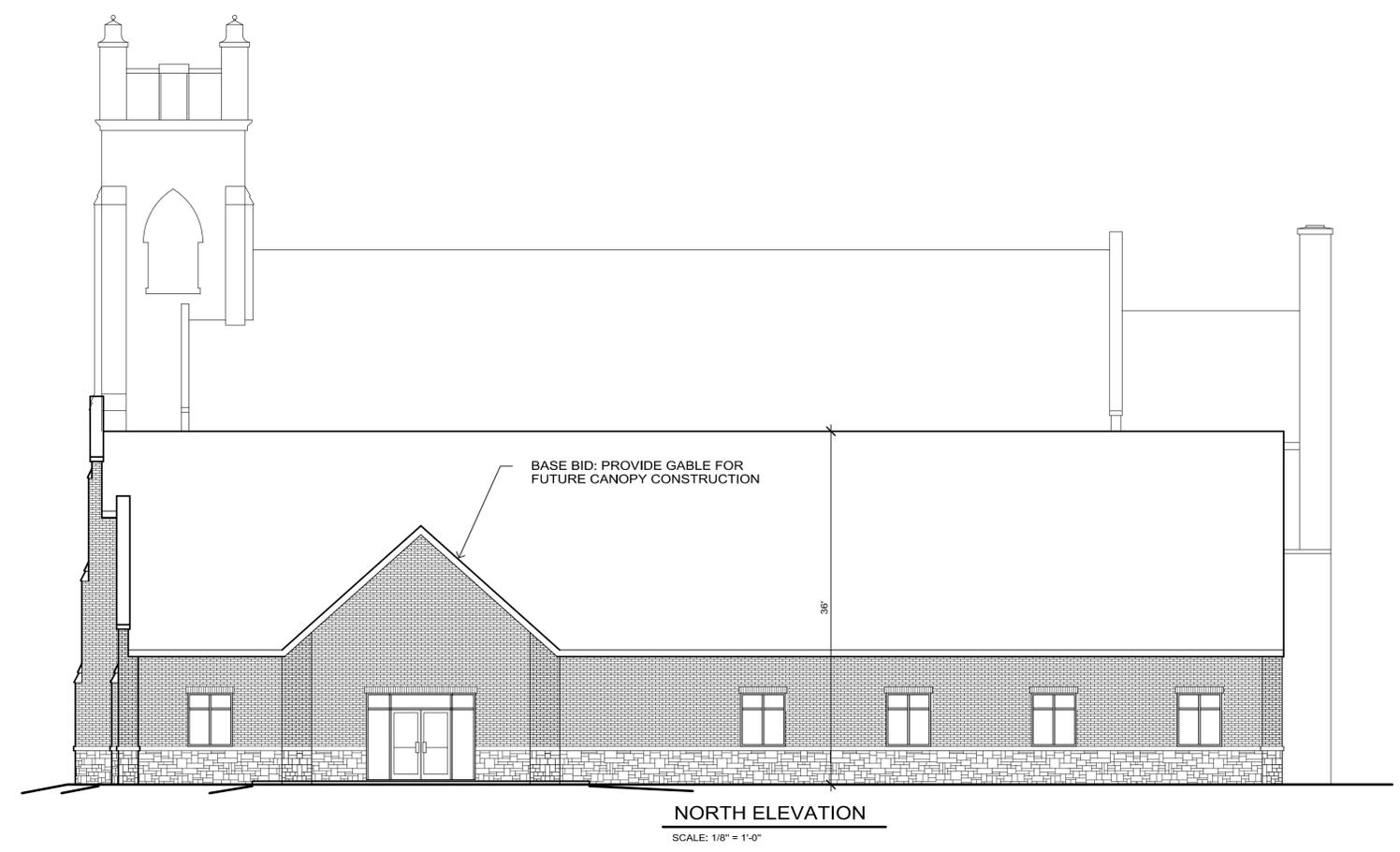
**FIRST FLOOR PLAN**  
SCALE: 1/8" = 1'-0" NORTH

CHURCH ADDITION  
**CHURCH OF PEACE**  
158 S. MILITARY ROAD, FOND DU LAC, WI

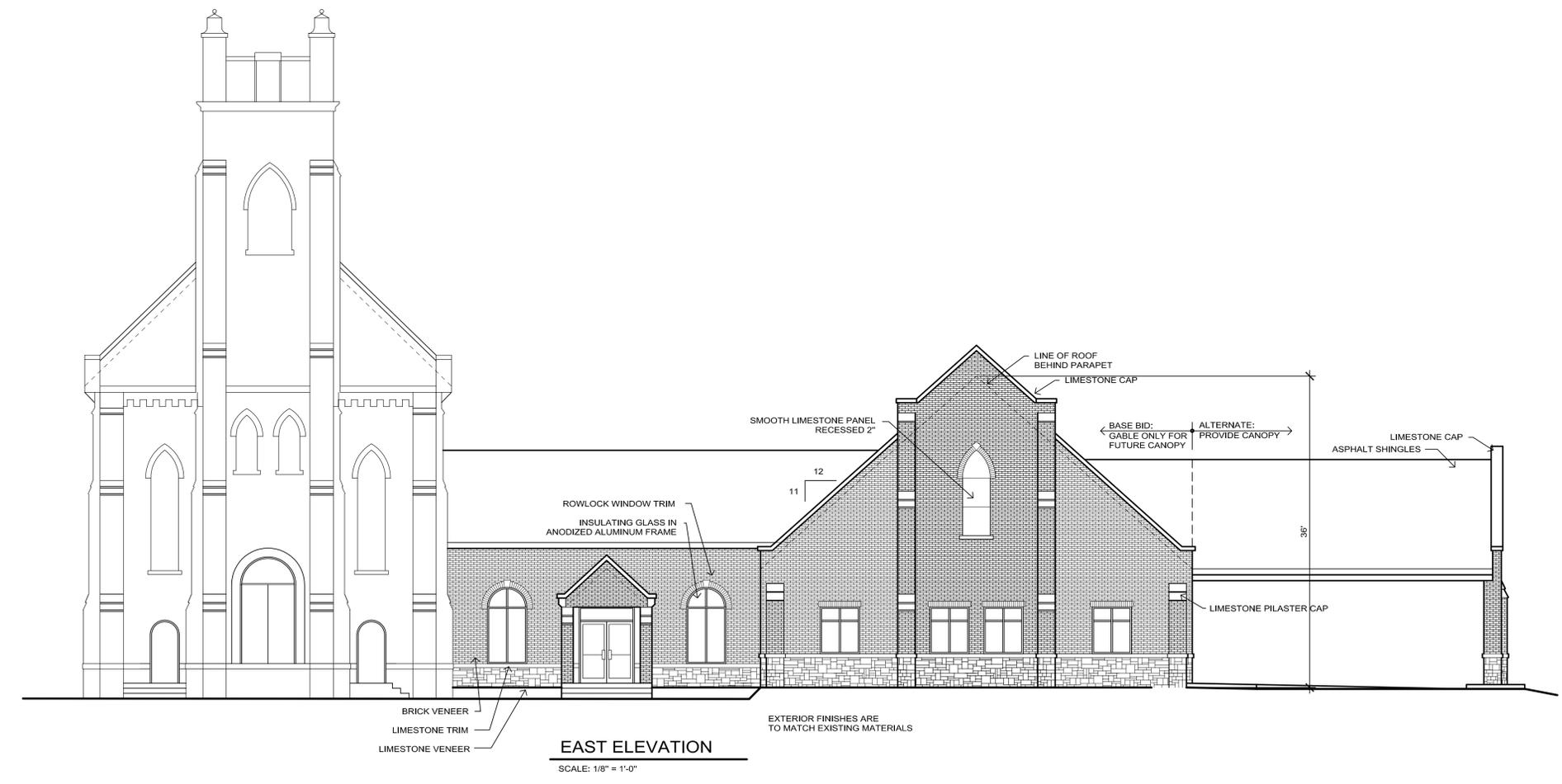
**THOMAS DESIGN**  
A R C H I T E C T  
FOND DU LAC, WISCONSIN (920)-922-1131



**NORTH ELEVATION - CANOPY ALTERNATE**  
SCALE: 1/8" = 1'-0"



**NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"



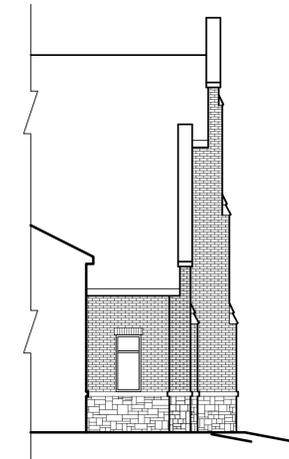
**EAST ELEVATION**  
SCALE: 1/8" = 1'-0"

EXTERIOR FINISHES ARE TO MATCH EXISTING MATERIALS

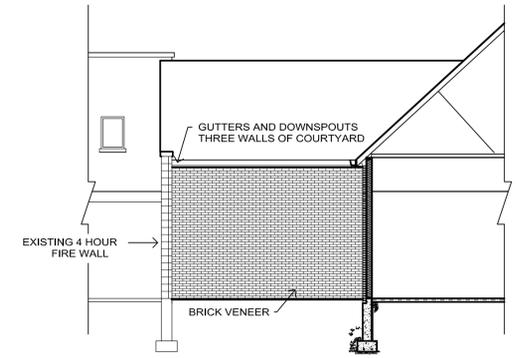
**Capelle & Diedrich**  
CONSTRUCTION  
253 North Hickory Street  
Fond du Lac, Wisconsin  
(920) 921-7830

PROJECT NUMBER  
1527

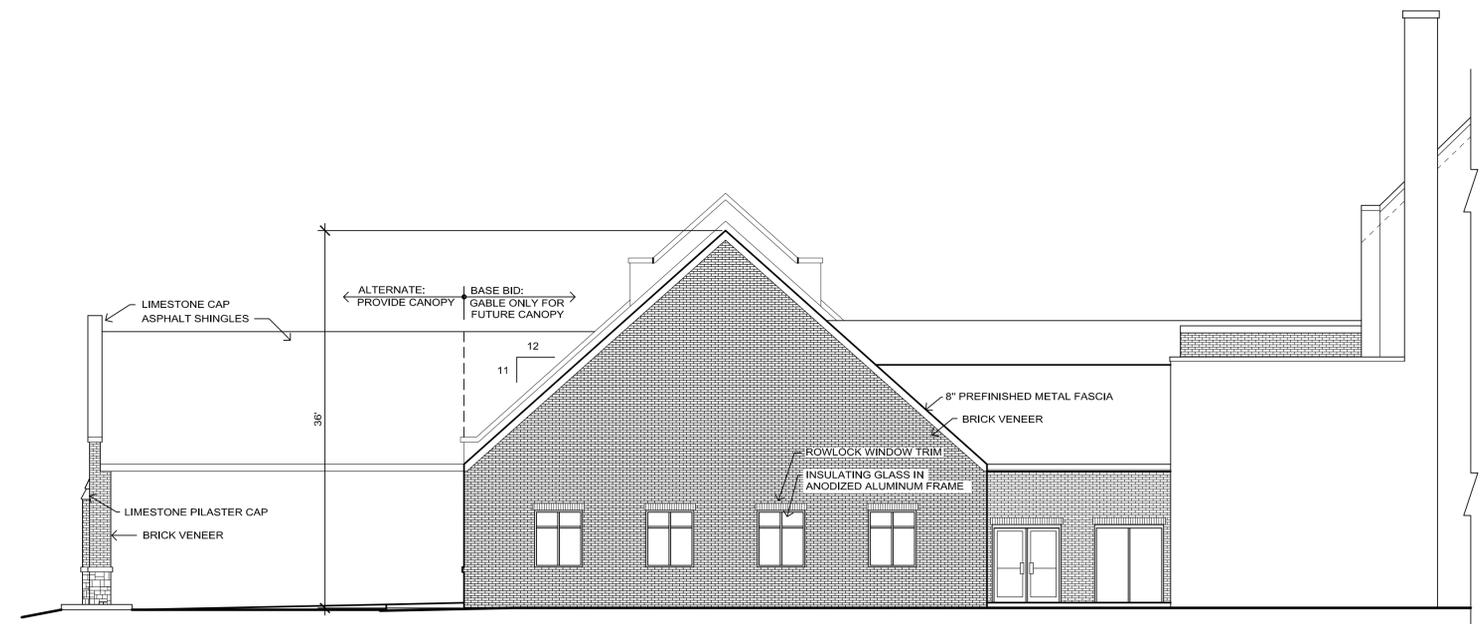
**A3.1**  
SHEET NUMBERS



**PARTIAL SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**WEST COURTYARD WALL ELEVATION**  
SCALE: 1/8" = 1'-0"



**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"

# ***CITY OF FOND DU LAC - Memorandum***

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Department of Community Development

**Date:** March 3, 2016  
**To:** Board of Appeals  
**From:** Joellyn Dahlin, Principal Planner  
**Re:** Appeal No. 2016-03 – **158 S Military Road**

**Applicant:** Capelle Bros & Diedrich Inc. o/b/o Church of Peace

**Zoning:** Site: R-3 (Central Area Residential)  
North: R-3  
South: R-3  
East: C-2 (General Business)  
West: R-3

**Land Use:** Site: Church of Peace  
North: Residences  
South: Church  
East: YMCA  
West: Residences

## **Variance Request**

### **Code Requirements:**

Chapter 720, Schedule III, Bulk Requirements Residential Districts, requires a front yard building setback of 30 feet for a non-residential use in the R-3 zoning district.

Chapter 720, Schedule III, Bulk Requirements Residential Districts, allows a maximum building height of 35 feet for a non-residential use in the R-3 zoning district.

### **Proposal:**

Reduce front yard building setback from 30 feet to 26' 11½" and increase maximum building height from 35 feet to 36 feet for construction of fellowship/office addition.

## **Analysis**

The Church of Peace is located on South Military Road across the street from the YMCA. The property is affected by a residential zoning designation and is situated in an area of

residential uses. Setback regulations for a non-residential use are more restrictive than setback regulations for a residential use, largely due to the nature of a non-residential use and the bulk of a non-residential building.

The subject property has frontage on South Military Road, Ruggles Street, and West Second Street; front yard setback regulations apply to each lot frontage. The variance request affects the building setback along the Military Road lot frontage. A new building (fellowship hall and offices) is planned on the north side of the church; the existing building on the north side of the church will be demolished. A front yard building setback of 30 feet is required; the variance request proposes a setback of 26' 11 1/2". The proposed setback affects the location of one of the columns of the entry canopy; the new building otherwise conforms to setback requirements. The encroachment of the entry column into the setback area reflects the design and configuration of the new entry to accommodate access to the church.

The church building and the existing fellowship building do not conform to setback requirements. The nonconforming setback of the fellowship building varies from approximately 8 feet to 16 feet. Residences in the blocks north and south of the church average a front yard setback of 17 feet. A neighboring church to the south has a setback that varies from 10 feet to 30 feet.

The variance request also affects allowable building height. Thirty-five feet is permitted; a 1' increase to 36 feet is requested. The height increase reflects the design of the new building to match the architecture of the existing church.

The proposed setback exception and building height exception are not out of character with the surrounding neighborhood. Approval of the proposal would present no negative effect on any neighboring property or on any nearby property. 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*.**

The proposed exception to the building setback regulation reflects the accommodation of access to the new building and considers the configuration of the existing church.

The proposed exception to building height reflects the architectural design and slope of the existing church to create a complementary design for the building addition.

### 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 reduce the front yard building setback and increase maximum building height** because the proposed exception to the building setback regulation reflects the accommodation of access to the new building and considers the configuration of the existing church, and the proposed exception to building height reflects the architectural design and slope of the existing church to create a complementary design for the building addition.

Conditions of approval shall include:

1. The variance approval presumes compliance with all other codes and regulations, including floodplain zoning regulations. The review and approval of a detailed site plan is required prior to the issuance of any permits and prior to the start of any work.

Public Notification  
Board of Appeals  
158 S Military Road

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-15-21-047-00	0 W 2ND ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-15-21-066-00	0 WESTERN AVE	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-15-12-345-00	101 WESTERN AVE	8340 ARROWHEAD FARM DR	BURR RIDGE	IL	60527
FDL-15-17-15-21-036-00	105 S BROOKE ST	105 S BROOKE ST	FOND DU LAC	WI	54935
FDL-15-17-15-21-016-00	107 HARRISON PL	157 3RD ST	FOND DU LAC	WI	54935
FDL-15-17-15-21-030-00	108 HARRISON PL	691 SOUTH GREEN BAY RD 174	NEENAH	WI	54956
FDL-15-17-15-21-006-00	108 S MILITARY RD	225 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-15-21-007-00	112 S MILITARY RD	112 S MILITARY ROAD	FOND DU LAC	WI	54935
FDL-15-17-15-21-015-00	113 HARRISON PL	3476 STATEVIEW BLVD	FORT MILL	SC	29715
FDL-15-17-15-21-031-00	114 HARRISON PL	N7781 LAKESHORE DR	FOND DU LAC	WI	54937
FDL-15-17-15-21-008-00	118 S MILITARY RD	111 CUMBERLYNN DR	FOND DU LAC	WI	54935
FDL-15-17-15-21-014-00	119 HARRISON PL	691 SOUTH GREEN BAY RD 174	NEENAH	WI	54956
FDL-15-17-15-21-032-00	120 HARRISON PL	157 3RD ST	FOND DU LAC	WI	54935
FDL-15-17-15-21-083-01	121 WESTERN AVE	160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-15-21-033-00	124 HARRISON PL	N2249 BROTHERTOWN BEACH RD	CHILTON	WI	53014
FDL-15-17-15-21-009-00	124 S MILITARY RD	471 MORRIS ST	FOND DU LAC	WI	54935
FDL-15-17-15-21-034-00	126 HARRISON PL	296 HILLCREST LN	FOND DU LAC	WI	54935
FDL-15-17-15-21-048-00	135 S BROOKE ST	135 S BROOKE ST	FOND DU LAC	WI	54935
FDL-15-17-15-21-055-00	138 W 2ND ST	158 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-15-21-010-00	139 W 2ND ST	139 W 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-15-21-011-00	143 W 2ND ST	143 W 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-15-21-056-00	144 S MILITARY RD	158 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-15-21-012-00	147 W 2ND ST	157 3RD ST	FOND DU LAC	WI	54935
FDL-15-17-15-21-080-00	149 WESTERN AVE	500 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-15-21-057-00	150 S MILITARY RD	158 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-15-21-013-00	151 W 2ND ST	4230 E TOWNE BLVD #325	MADISON	WI	53704
FDL-15-17-15-21-070-00	158 RUGGLES ST	158 RUGGLES ST	FOND DU LAC	WI	54935
FDL-15-17-15-21-058-00	158 S MILITARY RD	158 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-15-21-069-00	160 RUGGLES ST	160 RUGGLES ST	FOND DU LAC	WI	54935
FDL-15-17-15-21-060-00	163 RUGGLES ST	440 SATTERLEE ST	FOND DU LAC	WI	54935
FDL-15-17-15-21-061-00	167 RUGGLES ST	208 WALKER ST	WAUPUN	WI	53963
FDL-15-17-15-21-062-00	173 RUGGLES ST	W8558 FOREST AVE RD	ELDORADO	WI	54932
FDL-15-17-15-21-049-00	174 W 2ND ST	158 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-15-21-078-00	177 S MILITARY RD	177 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-15-21-035-00	177 W 2ND ST	169 S MARR ST	FOND DU LAC	WI	54935
FDL-15-17-15-21-048-01	183 RUGGLES ST	910 COUNTRY CLUB LN	FOND DU LAC	WI	54935
FDL-15-17-15-21-079-00	187 S MILITARY RD	291 MARQUETTE ST	FOND DU LAC	WI	54935
FDL-15-17-15-21-068-00	195 S BROOKE ST	54 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-15-21-067-00	202 S MILITARY RD	206 S MILITARY ROAD	FOND DU LAC	WI	54935
FDL-15-17-15-12-344-01	90 W 2ND ST	90 W 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-344-01	90 W 2ND ST	90 W 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-335-00	99 W 2ND ST	2825 LONE OAK PKWY	EAGAN	MN	55121