

BOARD OF APPEALS AGENDA

April 4, 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

March 7, 2016

III. HEARINGS

- A. 850 Morris Street (*Badger Liquor*)
Appeal No. 2016-04

Zoning Code Regulations:

Chapter 720, Schedule IX, Minimum Off-Street Parking Requirement, requires 1 parking space for each 3,000 gross square feet of non-office floor area for a warehouse establishment plus 1 space for each 300 gross square feet of office space, or for each employee, whichever is greater.

Variance Request:

Reduce parking requirement from 199 spaces to 147 spaces for expansion of existing warehouse/distribution establishment.

IV. ADJOURN

BOARD OF APPEALS MINUTES

March 7, 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
Howard Floeter
Jerry Lauby
Kirsten Quam

Absent: Alexander Fiebig
Dan Hebel
Thomas Leu
John Piper
Matthew Schoenleber

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

Chairperson Quam declared a quorum present.

APPROVAL OF MINUTES

January 4, 2016

Motion made by Floeter to approve the minutes of the January 4, 2016 meeting of the Board of Appeals, with a correction to reflect the Acting Chairperson was Floeter rather than Lauby as stated in the minutes.

Seconded by Lauby.

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

Carried.

HEARINGS

158 South Military Road (Capelle Bros & Diedrich Inc. o/b/o Church of Peace) Appeal No. 2016-03

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 districts.

Proposal:

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.

Appeared in Support:

Tom Groeschl, Project Representative, 253 North Hickory Street, Fond du Lac

Tom Sugars, Project Architect, N9568 Winnebago Park Road, Fond du Lac

Motion made by Lauby 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.

Condition 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.

Seconded by Block.

BOARD OF APPEALS MINUTES

March 7, 2016

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

Carried.

ADJOURN

Motion made by Floeter to adjourn.
Seconded by Quam.

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

Carried.

Meeting adjourned at 3:09 pm.

MARGARET HEFTER
CITY CLERK

MH/ke

CITY OF FOND DU LAC
ZONING PETITION - VARIANCE



PROPERTY ADDRESS OF VARIANCE REQUEST: 850 S. Morris Street
Tax Key Number (Vacant Land): _____

Petitioner: Badger Liquor Co. Inc. (Gary Sadoff - Owner) 850 S. Morris Street
(Name) (Address)

Petitioner Phone Number: [REDACTED]

Petitioner Email: [REDACTED]

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

P R O P O S A L

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

Attachment 9-Minimum Off-street Parking Variance Request - Based on building area the following number of parking stalls are required: Office(42,176 S.F.) requires 141 stalls, warehouse(173,877) requires 58 stalls. Total required is 199 stalls. 92 stalls currently exist. 55 stalls will be added for total of 147 stalls.

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

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

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

No stalls can be added on the east and south sides of the building due to setbacks and lack of space. Stalls were added north of the building where allowed within setbacks and outside of relocated pond footprint. Parking on west side of building would be on opposite side of employee entrances and not be accessible.

Petitioner Signature: [Handwritten Signature]

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

APPEAL 2016-04 - 850 MORRIS STREET



EXTERIOR PARKING SUMMARY
 CURRENT PARKING PROVIDED: 92 STALLS
 PROPOSED PARKING: 147 STALLS
 ADDED IMPERVIOUS = 19,870 SF

PROJECT INFORMATION

PROJECT NUMBER 1601560

NEW TWO STORY OFFICE ADDITION FOR:
BADGER LIQUOR
 850 Morris St. • Fond du Lac, WI 54935

PROFESSIONAL SEAL

PRELIMINARY DATES

MAR. 17, 2016

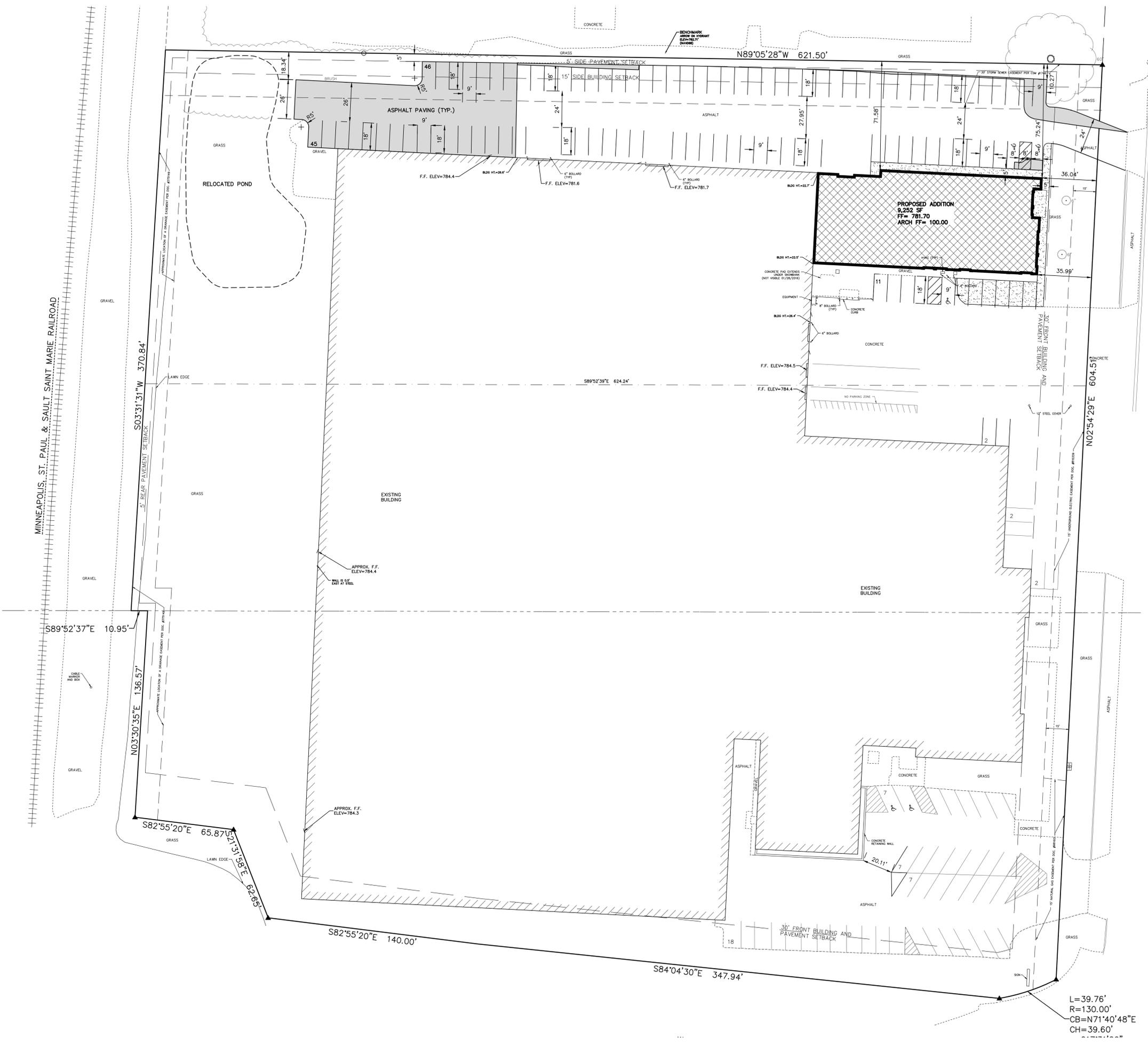
NOT FOR CONSTRUCTION

SHEET INFORMATION

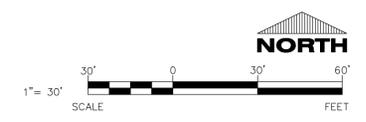
SITE PLAN

SHEET NUMBER

C1.2



L=39.76'
 R=130.00'
 CB=N71°40'48"E
 CH=39.60'



CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: March 31, 2016
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner
Re: Appeal No. 2016-04 – **850 Morris Street**

Applicant: Badger Liquor Co. Inc.
Zoning: Site: M-1 (Industrial)
North: M-1
South: M-1
East: M-1
West: M-1
Land Use: Site: Badger Liquor Co.
North: Industrial
South: Industrial
East: JF Ahern Co.
West: Railroad Tracks

Variance Request

Code Requirement:

Chapter 720, Schedule IX, Minimum Off-Street Parking Requirement, requires 1 parking space for each 3,000 square feet of non-office gross floor area for a warehouse/distribution establishment plus 1 space for each 300 gross square feet of office space, or for each employee, whichever is greater.

Proposal:

Reduce parking requirement from 199 spaces to 147 spaces for expansion of existing warehouse/distribution establishment.

Analysis

Badger Liquor is located at the northwest corner of Morris Street and West Pioneer Road. The property is zoned for industrial use. Expansion plans of the facility propose an addition

at the northeast corner of the building. The new building area will provide warehouse space, offices, training/conference rooms, and an employee fitness center. Approval of a variance is requested for an exception to the on-site parking requirement.

The determination of the number of required parking spaces is based on the use of a building and the size of a building. Zoning regulations offer an alternative calculation of parking based on the number of employees; however, the required number is the greater of the two options (floor area vs. number of employees).

The total area of the expanded building will be 216,053 square feet. The warehouse and distribution area is 80% of the total building area. Warehouse and distribution activities occupy 173,877 square feet; the building area used for office space is 42,176 square feet.

Based on the use and the size of the building, 199 parking spaces are required; the variance request proposes 147 spaces. The parking requirement for the office area is 58 parking spaces; the parking requirement for the warehouse area is 141 spaces. When based on the number of employees, the parking requirement for the warehouse is 35 spaces (peak use). The day shift includes 12 employees; 35 employees staff the night shift. There is no overlap between daytime and night time employee parking demand. The daytime employees finish their shift at 4:30 p.m. The night time employees begin their work shift at 7:30 p.m. and finish at 4:00 a.m.

The property currently provides 92 parking spaces in several areas of the site; 55 spaces will be added to the parking lot on the north side of the building, for a total of 147 stalls. Based on the floor area of the office space and the number of employees in the warehouse, the 147 spaces fall slightly short of the code requirement (153). However, considering that the office space requirement is based on gross square footage that includes unusable building area (approximately 3,300 square feet = 11 parking spaces) realistically, the number of proposed parking spaces would suitably accommodate the land use.

The variance request relates to the unique circumstances of the property use and the property conditions. Although the building is inordinately large, changes in technology have

automated business operations and the number of employees vs. the building size is not proportionate. Property constraints do not allow the provision of additional spaces beyond that proposed. While unused site area is present on the west side of the building, use for parking is not reasonable or practical due to the location of a stormwater pond and the absence of building access on the west façade.

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 relates to physical constraints of the property which do not reasonably or practically allow the construction of parking in accord with zoning regulations, and to the provision of parking related to the actual use of the building.

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 a 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 on-site parking requirement** because physical constraints of the property do not reasonably or practically allow the construction of parking in accord with zoning regulations, and because the proposed number of parking spaces is related to the actual use of the building.

Public Notification

Board of Appeals
850 Morris Street

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-22-23-501-00	820 MORRIS ST	PO BOX 1025	FOND DU LAC	WI	54936
FDL-15-17-22-32-250-01	850 MORRIS ST	850 MORRIS ST	FOND DU LAC	WI	54935
FDL-15-17-22-32-250-01	850 MORRIS ST	850 MORRIS ST	FOND DU LAC	WI	54935
FDL-15-17-22-33-504-00	0 KOHLMAN RD	PO BOX 6205	CHICAGO	IL	60680
T09-15-17-22-09-080-00		160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-22-23-503-06	283 W PIONEER RD	283 W PIONEER RD	FOND DU LAC	WI	54935
FDL-15-17-22-23-503-06	283 W PIONEER RD	283 W PIONEER RD	FOND DU LAC	WI	54935
FDL-15-17-22-24-757-00	815 MORRIS ST	815 MORRIS ST	FOND DU LAC	WI	54935
FDL-15-17-22-32-256-00	981 S HICKORY ST	PO BOX 2118	MEMPHIS	TN	38101
FDL-15-17-22-24-752-01	855 MORRIS ST	PO BOX 1316	FOND DU LAC	WI	54935
FDL-15-17-22-32-251-01	212 W PIONEER RD	1811 W EDGEWOOD DR	APPLETON	WI	54913
FDL-15-17-22-32-252-01	244 W PIONEER RD	1811 W EDGEWOOD DR	APPLETON	WI	54913
FDL-15-17-22-32-253-01	0 W PIONEER RD	1811 W EDGEWOOD DR	APPLETON	WI	54913
FDL-15-17-22-23-503-05	329 W PIONEER RD	329 W PIONEER RD	FOND DU LAC	WI	54935
FDL-15-17-22-23-503-05	329 W PIONEER RD	329 W PIONEER RD	FOND DU LAC	WI	54935
T09-15-17-22-09-021-00	W5990 W PIONEER RD	N5256 COUNTY RD V	FOND DU LAC	WI	54935