

BOARD OF APPEALS AGENDA

June 6, 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

May 2, 2016

III. HEARINGS

- A. 446 N Main Street
Appeal No. 2016-07

Zoning Code Regulation:

Chapter 720, Schedule V – Bulk Requirements Business Districts, requires a minimum rear yard building setback of 25 feet.

Variance Request:

Reduce rear yard setback from 25 feet to 3’6” for expansion of existing building.

IV. ADJOURN

BOARD OF APPEALS MINUTES

May 2, 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
Dan Hebel
Jerry Lauby
Kirsten Quam

Absent: Alexander Fiebig
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

April 4, 2016

Motion made by Floeter to approve the minutes of the April 4, 2016 meeting of the Board of Appeals.

Seconded by Hebel.

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

Carried.

ADMINISTRATIVE REPORT

Principal Planner Joellyn Dahlin led a general discussion reviewing procedures and protocols for meetings.

BOARD OF APPEALS MINUTES

May 2, 2016

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HEARINGS

250 Camelot Drive (Grande Cheese)

Appeal No. 2016-05

Code Requirement:

Chapter 720, Schedule VIII, allows one ground sign for each lot in a C-2 (General Business) zoning district.

Proposal:

Install two ground signs for commercial property.

Appeared in Support:

Dick Dezwarte, Project Representative, 250 Camelot Drive, Fond du Lac

Lauren Herlache, Project Representative, N5528 Miranda Way, Fond du Lac

Motion made by Lauby to approve the variance request to allow two ground signs because of unique circumstances of unusual property size, extensive street frontage, multiple points of access, and the significant distance between driveways.

Seconded by Hebel.

ROLL CALL VOTE:

Aye - Floeter, Hebel, Lauby, Quam

Nay - None

Abstain - Block

Carried.

1180 Industrial Parkway (Holiday Ford)

Appeal No. 2016-06

Code Requirement:

Chapter 720, Section 720-79 F. (3)(d), states the maximum height for freestanding lights for a property is 24 feet.

Proposal:

Increase maximum light pole height from 24 feet to 27.5 feet and 32.5 feet for parking lot lighting of automotive dealership.

Appeared in Support:

Thor Gilbertson, Project Representative, 321 Rolling Meadows Drive, Fond du Lac

Scott Roltgen, Project Representative, 100 Camelot Drive, Fond du Lac

BOARD OF APPEALS MINUTES

May 2, 2016

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Motion made by Hebel to approve the variance request to increase light pole height because the proposed height is consistent with existing lights in place for various lights of the dealership authorized by previous variance approvals.

Seconded by Quam.

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

Carried.

ADJOURN

Motion made by Floeter to adjourn.

Seconded by Lauby.

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

Carried.

Meeting adjourned at 3:15 pm.

MARGARET HEFTER
CITY CLERK

MH/ke

CITY OF FOND DU LAC
ZONING PETITION - VARIANCE



PROPERTY ADDRESS OF VARIANCE REQUEST: 446 N MAIN ST
Tax Key Number (Vacant Land): _____

Petitioner: HOWARD FLOETER (CADRE, INC.) PO BOX 983 FOND DU LAC, WI
(Name) (Address) 54936

Petitioner Phone Number: _____

Petitioner Email: _____

Property Owner: PARKSIDE PROPERTIES, LLC 560 N ROLLING MEADOWS DR.
(If not the same as Petitioner) (Name) (Address) N FOND DU LAC, WI 54937

PROPOSAL

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

ENCROACHMENT INTO REAR YARD SETBACK OF 21'-6"

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:

CORNER LOT IMPOSES TWO FRONT YARD SETBACKS, SEVERELY LIMITING PROPERTY USAGE. IN ORDER TO MAINTAIN APPROPRIATE PARKING, A WEST ADDITION TO THE EXISTING BUILDING IS MOST LOGICAL.

Petitioner Signature: _____

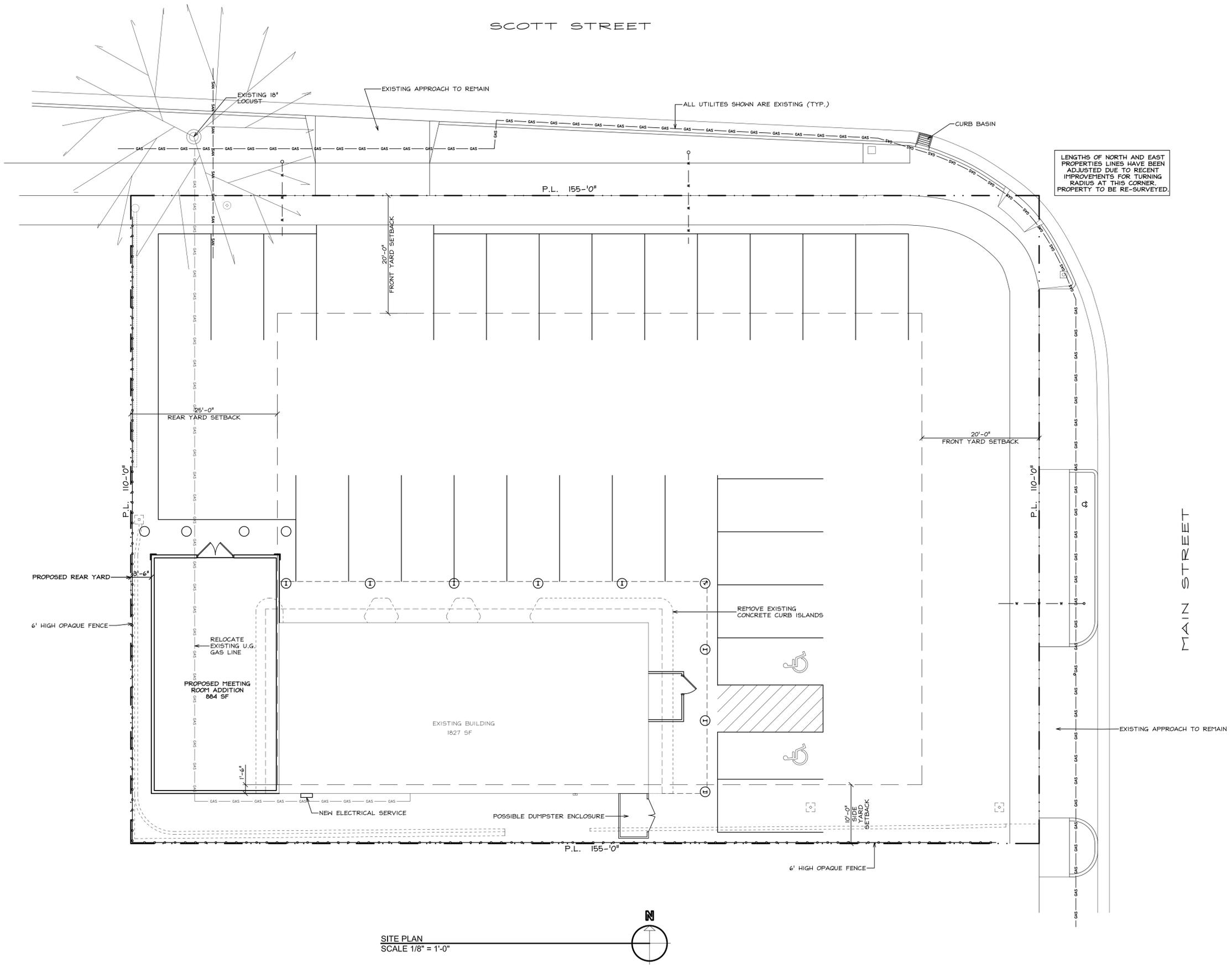
Submit application package (application/site plan/photos/filing fee) to the Community Development Office
(4th floor, City-County Government Center)

446 NORTH MAIN STREET – MAIN STREET VIEW LOOKING WEST

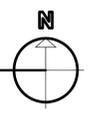


446 NORTH MAIN STREET – SCOTT STREET VIEW LOOKING SOUTH





SITE PLAN
SCALE 1/8" = 1'-0"



CADREX INC.
design bureau
po box 983 Fond du Lac, WI 54936
phone: 920-924-0110 fax: 920-924-0277

OWNER
PARKSIDE PROPERTIES, LLC
560 N ROLLING MEADOWS DRIVE
NORTH FOND DU LAC, WI 54937

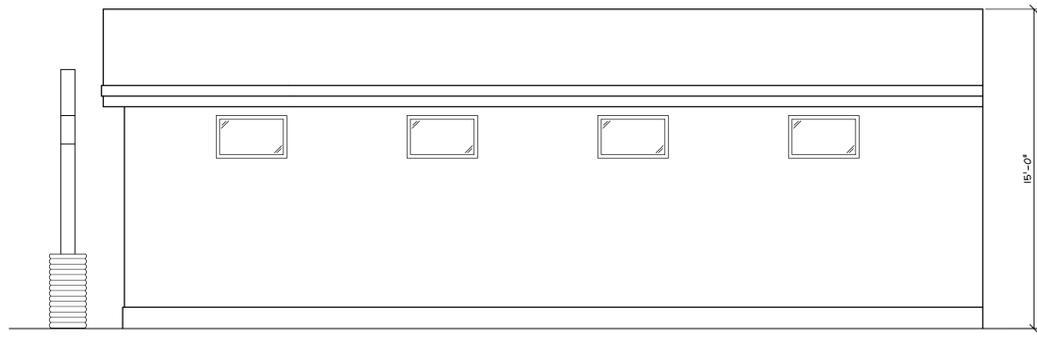
PROJECT
ESPRIT de CORPS
VETERANS CENTER
446 N MAIN STREET
FOND DU LAC, WISCONSIN 54935

DATE
MAY 11, 2016

REVISIONS
05/22/16

PROJECT
16136

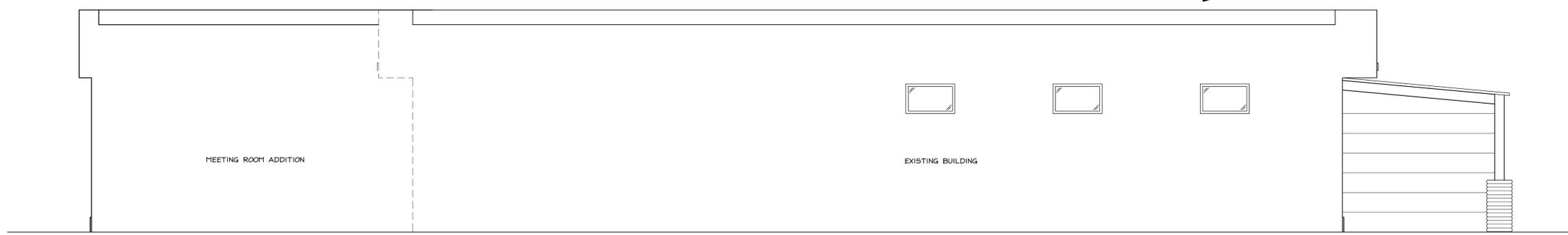
PAGE
A1.0



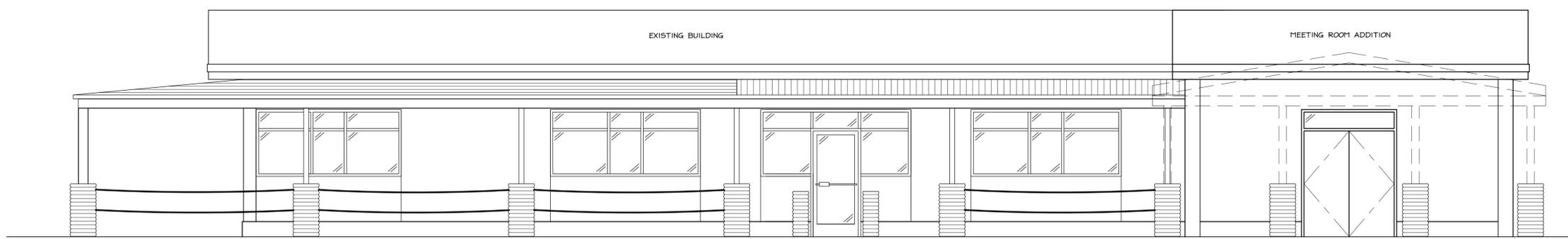
WEST ELEVATION
SCALE 1/4" = 1'-0"



EAST ELEVATION
SCALE 1/4" = 1'-0"

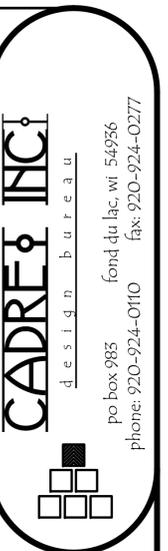


SOUTH ELEVATION
SCALE 1/4" = 1'-0"



NORTH ELEVATION
SCALE 1/4" = 1'-0"

PRELIMINARY



po box 985 Fond du lac, WI 54936
phone: 920-924-0110 fax: 920-924-0277

OWNER
PARKSIDE PROPERTIES, LLC
560 N ROLLING MEADOWS DRIVE
NORTH FOND DU LAC, WI 54937

PROJECT
ESPRIT de CORPS
VETERANS CENTER
446 N MAIN STREET
FOND DU LAC, WISCONSIN 54935

DATE
MAY 11, 2016

REVISIONS
05/22/16

PROJECT
16136

PAGE
A1.2

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: June 1, 2016
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner
Re: Appeal No. 2016-07 – **446 N Main Street**

Applicant: Howard Floeter o/b/o Parkside Properties LLC

Zoning: Site: C-2 (General Business)
North: C-2
South: C-2
East: C-2
West: C-2

Land Use: Site: Vacant Building (Former Used Car Sales Lot)
North: Shopping Center
South: Single Family Dwelling
East: Countryside Used Car Dealership
West: Single Family Dwelling

Variance Request

Code Requirements:

Chapter 720, Schedule V, Bulk Requirements Business Districts, requires a minimum rear yard building setback of 25 feet.

Proposal:

Reduce rear yard building setback from 25 feet to 3'6" for expansion of existing building.

Analysis

The subject property is located at the southwest corner of North Main Street and West Scott Street. The property is zoned for business use. Originally developed as an automotive service station and later used for used car sales, the property has been unused for

approximately five years. Renovation and expansion of the building for a veteran's center is planned.

The subject property is affected by front yard setback regulations for both frontages of the corner lot. The west side of the building is considered the rear yard; the south side of the building is considered the side yard. The variance request affects the rear yard (west) building setback. Zoning regulations require a rear yard building setback of 25 feet. The existing building is situated at the limit of the rear yard setback. A setback of 3'6" is proposed for expansion of the building.

The existing building is 1,827 square feet in area; a proposed addition would add 884 square feet of building area to accommodate a meeting room. Significant improvement of the exterior of the building includes the removal of overhead doors, the installation of new windows, and the construction of a colonnade and a patio. Interior modifications would create two offices that are ancillary to the principal use of the building. The principal use of the building is intended to provide a meeting/gathering space for veterans. The offices would be used for counseling on an as-needed basis and to provide staff space for program administration.

Site constraints limit expansion of the building. Expansion of the building to the north or to the east is possible in compliance with setback regulations; however, either option would remove available site area for parking. The removal of on-site parking is not desirable or practical.

Expansion of the building would potentially affect the residential neighbor to the west. In an effort to consider the effect on the residential property, the petitioner has consulted with the affected property owner. The proposed plan does not block windows of the residence or create an intrusion on that property.

The condition of the existing building, its history of use, and constraints for expansion significantly limit a desirable property use. Approval of the proposal would revitalize a

long-vacant property that is in a significant state of disrepair. 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 property constraints of a corner lot affected by two front yard setback areas, and to the location of an existing building where expansion is not reasonably practical without a negative impact on the provision of on-site parking.

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 rear yard building setback** because the proposed exception relates to property constraints of a corner lot affected by two front yard setback areas, and to the location of an existing building where expansion is not reasonably practical without a negative impact on the provision of on-site parking.

Conditions of approval shall include:

1. The administrative review of a site plan shall address compliance with the variance, zoning regulations, site lighting, parking, landscaping, and drainage. Raised planters in lieu of in-ground plantings may be substituted to enhance property appearance.

2. Exterior building colors shall be earth-tone; the color palette for paint shall be approved by the Community Development Department as part of the site plan submittal.
3. New exterior lighting shall be limited to wall mounted fixtures on the north and east building walls. Lighting shall be confined to the property without glare or wash onto adjacent properties or the public right-of-way.

PUBLIC NOTIFICATION

Board of Appeals
446 N Main Street

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-10-11-121-03	24 E SCOTT ST	6470 BUCKINGHAM RD	FT MYERS	FL	33905
FDL-15-17-99-SN-001-00	75 W SCOTT ST	75 WEST SCOTT STREET	FOND DU LAC	WI	54935
FDL-15-17-10-12-274-00	412 N MAIN ST	412 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-12-275-00	410 N MAIN ST	410 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-12-277-00	20 W BANK ST	15 N MARR ST	FOND DU LAC	WI	54935
FDL-15-17-10-12-269-00	15 W BANK ST	15 W BANK ST	FOND DU LAC	WI	54935
FDL-15-17-10-12-251-00	18 W SCOTT ST	18 W SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-03-43-510-02	11 W SCOTT ST	3020 E CAMELBACK RD STE 350	PHOENIX	AZ	85016
FDL-15-17-99-SN-003-00	55 W SCOTT ST	3020 E CAMELBACK RD STE 350	PHOENIX	AZ	85016
FDL-15-17-99-SN-004-00	51 W SCOTT ST	3020 E CAMELBACK RD STE 350	PHOENIX	AZ	85016
FDL-15-17-99-SN-005-00	47 W SCOTT ST	3020 E CAMELBACK RD STE 350	PHOENIX	AZ	85016
FDL-15-17-99-SN-006-00	43 W SCOTT ST	3020 E CAMELBACK RD STE 350	PHOENIX	AZ	85016
FDL-15-17-99-SN-007-00	39 W SCOTT ST	3020 E CAMELBACK RD STE 350	PHOENIX	AZ	85016
FDL-15-17-99-SN-008-00	35 W SCOTT ST	3020 E CAMELBACK RD STE 350	PHOENIX	AZ	85016
FDL-15-17-99-SN-009-00	33 W SCOTT ST	3020 E CAMELBACK RD STE 350	PHOENIX	AZ	85016
FDL-15-17-99-SN-010-00	31 W SCOTT ST	3020 E CAMELBACK RD STE 350	PHOENIX	AZ	85016
FDL-15-17-99-SN-011-00	29 W SCOTT ST	3020 E CAMELBACK RD STE 350	PHOENIX	AZ	85016
FDL-15-17-99-SN-012-00	25 W SCOTT ST	3020 E CAMELBACK RD STE 350	PHOENIX	AZ	85016
FDL-15-17-99-SN-013-00	23 W SCOTT ST	3020 E CAMELBACK RD STE 350	PHOENIX	AZ	85016
FDL-15-17-99-SN-014-00	21 W SCOTT ST	3020 E CAMELBACK RD STE 350	PHOENIX	AZ	85016
FDL-15-17-99-SN-015-00	19 W SCOTT ST	3020 E CAMELBACK RD STE 350	PHOENIX	AZ	85016
FDL-15-17-99-SN-016-00	15 W SCOTT ST	3020 E CAMELBACK RD STE 350	PHOENIX	AZ	85016
FDL-15-17-99-SN-017-00	13 W SCOTT ST	3020 E CAMELBACK RD STE 350	PHOENIX	AZ	85016
FDL-15-17-99-SN-018-00	9 W SCOTT ST	3020 E CAMELBACK RD STE 350	PHOENIX	AZ	85016
FDL-15-17-99-SN-019-00	7 W SCOTT ST	3020 E CAMELBACK RD STE 350	PHOENIX	AZ	85016
FDL-15-17-10-12-272-00	428 N MAIN ST	10 S PETERS AVE	FOND DU LAC	WI	54935
FDL-15-17-10-12-279-00	34 W BANK ST	157 3RD ST	FOND DU LAC	WI	54935
FDL-15-17-10-12-280-00	38 W BANK ST	157 3RD ST	FOND DU LAC	WI	54935
FDL-15-17-99-SN-002-00		65 W SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-99-SN-020-00		150 S BROOKE ST	FOND DU LAC	WI	54935
FDL-15-17-10-11-121-05	421 N MAIN ST	5656 COUNTY ROAD Q	COLGATE	WI	53017
FDL-15-17-10-12-253-00	34 W SCOTT ST	34 W SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-10-12-270-00	444 N MAIN ST	444 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-12-276-00	16 W BANK ST	207 MIDWAY DR	NEGAWNEE	WI	49866
FDL-15-17-10-12-265-00	37 W BANK ST	37 W BANK ST	FOND DU LAC	WI	54935
FDL-15-17-10-12-278-00	30 W BANK ST	PO BOX 111	ELDORADO	WI	54932
FDL-15-17-10-12-250-01	446 N MAIN ST	560 N ROLLING MEADOWS DR	N FOND DU LAC	WI	54937
FDL-15-17-03-44-754-01	45 E SCOTT ST	ONE OVERLOOK POINT SUITE 300	LINCOLNSHIRE	IL	60069
FDL-15-17-10-12-266-00	35 W BANK ST	35 W BANK ST	FOND DU LAC	WI	54935
FDL-15-17-10-12-268-00	23 W BANK ST	225 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-10-12-264-00	39 W BANK ST	513 S HICKORY ST	FOND DU LAC	WI	54935
FDL-15-17-10-12-254-00	40 W SCOTT ST	120 W SUMMIT AVE	WALES	WI	53183
FDL-15-17-10-12-267-00	29 W BANK ST	29 W BANK ST	FOND DU LAC	WI	54935
FDL-15-17-10-12-252-00	30 W SCOTT ST	30 W SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-10-12-273-00	416 N MAIN ST	N3712 MILL POND RD	OAKFIELD	WI	53065
FDL-15-17-10-12-271-00	432 N MAIN ST	PO BOX 1772	FOND DU LAC	WI	54936