

BOARD OF APPEALS AGENDA

August 3, 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

June 1, 2015

III. HEARINGS

- A. 614 Guinette Avenue (Sergi)
Appeal No. 2015-08

Chapter 720, Schedule III requires a minimum front yard building setback of 25 feet for a single family dwelling in the R-1 district.

Proposal: Reduce front yard setback from 25' to 20'6" for construction of covered porch.

IV. ADJOURN

BOARD OF APPEALS MINUTES

June 1, 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: Jerry Lauby
Howard Floeter
Kirsten Quam
Dan Hebel

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

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

Chairperson Quam declared a quorum present.

APPROVAL OF MINUTES

May 4, 2015

Motion made by Lauby to approve the minutes of the May 4, 2015 meeting of the Board of Appeals as presented.

Seconded by Floeter.

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

Carried.

HEARINGS

235 North National Avenue (MPTC)

Appeal No. 2015-06

Zoning Code Regulation: Chapter 720, Section 720-84 F. allows 4 directional signs for a property, each 4 feet high and 4.5 square feet in area.

Proposal: Install one additional directional sign, increasing the total number of directional signs to 13; increase allowable sign height from 4 feet to 5.5 feet (one sign); increase allowable sign height from 4 feet to 5.5 feet (one sign); increase allowable sign size from 4.5 square feet to 12.5 square feet (one sign).

Appeared in Support:

Tim Flood, Petitioner's Representative, 235 North National Avenue

Motion made by Floeter to approve the variance request due to the substantial bulk of the property and the unique circumstances of multiple buildings, parking lots, and services.

Seconded by Quam.

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

Carried.

625 West Rolling Meadows Drive (Holiday Inn)

Appeal No. 2015-07

Zoning Code Regulation: Chapter 720, Section 720-6 defines an off-premise sign as a wall mounted or ground mounted sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Zoning Code Regulation: Chapter 720, Schedule VIII, Design Standards and Specifications for Signs, does not allow an off-premise sign in the C-2 zoning district.

Proposal: Utilize one sign to identify hotels located on separate lots.

BOARD OF APPEALS MINUTES

June 1, 2015

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Appeared in Support:

Bob Kraus, Bauer Sign Company, 2500 South 170th Street, New Berlin,
WI 53151

Motion made by Hebel to approve the variance request due to the property circumstances and specifically due to the circumstances of individual lots for adjacent uses.

Seconded by Quam.

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

Carried.

ADJOURN

Motion made by Floeter to adjourn.
Seconded by Quam.

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

Carried.

Meeting adjourned at 3:10 pm.

MARGARET HEFTER
CITY CLERK

MH/ke

CITY OF FOND DU LAC
ZONING PETITION - VARIANCE



PROPERTY ADDRESS OF VARIANCE REQUEST: 614 Guinette Ave, FDL, WI

Tax Key Number (Vacant Land): _____

Petitioner: Michael Sergi 614 Guinette Ave, Fond du Lac, WI 54935
(Name) (Address)

Petitioner Phone Number: _____

Petitioner Email: _____

Property Owner: Michael Sergi 614 Guinette Ave
(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:

Homeowner is not in compliance of 25 foot front setback

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:

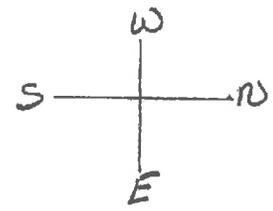
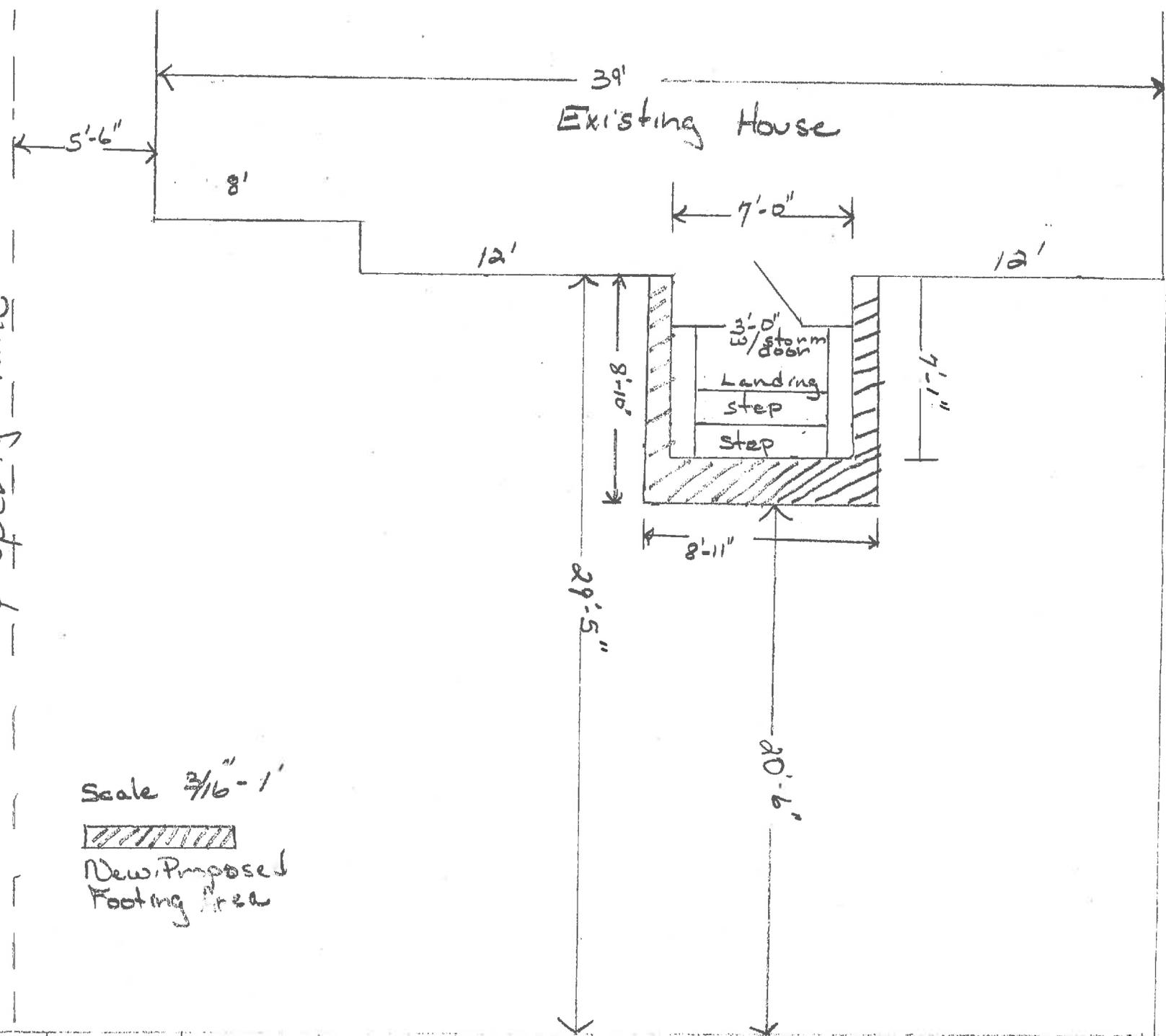
Need a landing for purposes of safety in front entrance to home. I would need and propose a 54 inch front to back landing.

Petitioner Signature: _____

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

2015-08

Property Line



Drive way

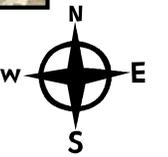
Scale 3/16" = 1'

 New Proposed Footing Area

side walk

614 Guinette

1 1 0 1 1



STREET VIEW OF PROPERTY – LOOKING WEST



614 GUINETTE AVENUE – STREET VIEW LOOKING WEST



FRONT ENTRY - EXISTING



614 GUINETTE AVENUE – FRONT OF HOUSE (VIEW LOOKING SOUTH)



CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: July 29, 2015
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner
Re: Appeal No. 2015-08 – **614 Guinette Avenue**

Applicant: Michael Sergi

Zoning: Site: R-1 (Single Family) and R-4 (Multifamily)
North: R-1 and R-4
South: R-1
East: R-1
West: R-4

Land Use: Site: Single Family Dwelling
North: Dutch Gap
South: Single Family Dwelling
East: Single Family Dwelling
West: Fond du Lac River

Variance Request

Chapter 720, Schedule III requires a minimum front yard building setback of 25 feet for a single family dwelling in the R-1 district.

Proposal: Reduce front yard setback from 25' to 20'6" for construction of covered porch.

Analysis

The subject property is a single family home in a secluded neighborhood of older homes. An exception to the front yard setback requirement is requested for the construction of a covered porch entry.

A brick landing with two inset steps provides access to the dwelling. The brick is deteriorated and reconstruction is planned. The existing setback to the front wall of the

petitioner's home is 29'5". A 7'-wide entry vestibule extends approximately 2' from the front of the residence; the brick landing extends approximately 5' outward from the entry vestibule. The existing landing is 3 feet wide and 2'6" deep. The setback to the edge of the existing porch (landing and steps) is 22'4".

Zoning regulations require a front yard setback of at least 25 feet. The variance request proposes a setback of 20'6" for reconstruction of the landing and steps, and the addition of a roof cover. The area of the landing would be expanded to 54" (4.5 feet) for improved access to the dwelling. The area of the landing and steps (including the roof cover) would extend 1'9" further into the front yard setback than the existing landing and steps. The proposed landing and roof cover is designed and intended to provide covered access to the home; the area is not large enough for any other use.

Approval of a variance must consider property conditions that prevent compliance with zoning regulations. Specific to this request the circumstances of lot size, property location and intended purpose of the proposed exception should be considered.

The subject property is not a typical residential lot. The 1.7-acre lot is more than twice the minimum width required by zoning regulations and is 646 feet in depth. The property is located at the dead end of a residential street that is one block in length. The property borders the Dutch Gap on the north side and the Fond du Lac River to the west; the petitioner's home is one of three on the west side of the block and has only one immediate neighbor.

In evaluating exceptions to setbacks for porches and building additions, the Board of Appeals has consistently concluded that neighborhood conditions must prevail in determining the reasonable application of setback requirements. Although the existing setback of the petitioner's home is similar to other properties on the street, the property circumstances are unusual in that the lot borders only one property. The proposed setback would have no effect on the one adjacent property due to the location of the petitioner's home and the presence of mature landscaping on both lots. Strict compliance with the

setback requirement would serve no real purpose in this case and 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 variance request reflects the circumstances of property size and location at the dead end of a street. The proposal reflects intent to improve access to an existing residence.

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** based on property circumstances of property size and location, and specifically due to the purpose of the new construction to improve access to an existing residence.

Conditions of approval shall include:

1. The roof cover and/or porch landing shall not be enclosed, nor shall it be modified to expand the footprint of the existing dwelling.

Public Notification

Board of Appeals
614 Guinette Avenue

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-22-21-005-00	144 HASS CIR	% CITY CLERK	FOND DU LAC	WI	54936
FDL-15-17-22-21-006-00	148 HASS CIR	% CITY CLERK	FOND DU LAC	WI	54936
FDL-15-17-22-12-319-00	85 WOODLAND AVE	85 WOODLAND AVE	FOND DU LAC	WI	54935
FDL-15-17-22-12-320-00	86 WOODLAND AVE	86 WOODLAND AVE	FOND DU LAC	WI	54935
FDL-15-17-22-12-311-00	629 GUINETTE AVE	629 GUINETTE AVE	FOND DU LAC	WI	54935
FDL-15-17-22-12-308-00	615 GUINETTE AVE	615 GUINETTE AVE	FOND DU LAC	WI	54935
FDL-15-17-15-43-578-00	600 ELIZABETH ST	600 ELIZABETH ST	FOND DU LAC	WI	54935
FDL-15-17-22-12-316-00	620 GUINETTE AVE	620 GUINETTE AVE	FOND DU LAC	WI	54935
FDL-15-17-22-12-309-00	619 GUINETTE AVE	619 GUINETTE AVE	FOND DU LAC	WI	54935
FDL-15-17-15-34-830-00	184 GRIFFITH ST	184 GRIFFITH STREET	FOND DU LAC	WI	54935
FDL-15-17-22-12-315-00	614 GUINETTE AVE	614 GUINETTE AVE	FOND DU LAC	WI	54935
FDL-15-17-22-12-310-00	621 GUINETTE AVE	621 GUINETTE AVE	FOND DU LAC	WI	54935
FDL-15-17-22-12-318-00	77 WOODLAND AVE	77 WOODLAND AVE	FOND DU LAC	WI	54935
FDL-15-17-22-12-317-00	57 WOODLAND AVE	57 WOODLAND AVE	FOND DU LAC	WI	54935
FDL-15-17-15-34-826-00	0 DIXIE ST	PO BOX 8100, DOWNTOWN STATION	MONTREAL QC	CANADA	
FDL-15-17-22-21-001-00	0 WOODLAND AVE	PO BOX 8100, DOWNTOWN STATION	MONTREAL QC	CANADA	