

BOARD OF APPEALS AGENDA

August 4, 2014
3:00 P.M.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

I. CALL TO ORDER

- A. Roll Call
- B. Declaration a Quorum is Present

II. APPROVAL OF MINUTES

- A. June 2, 2014

III. HEARINGS

- A. **Appeal No.2014-13**
168 Hamilton Place
Fox Valley Savings Bank

Zoning Code Regulation:

720 Schedule II, Land Uses or Activities Residential Districts, does not allow a garage or miniwarehouse building as a principal land use in the R-4 zoning district.

Variance Request:

Use existing residential garage buildings for commercial rental storage units.

- B. **Appeal No. 2014-14**
183 West Scott Street
Gary Duitman

Zoning Code Regulation:

720 Schedule IV, Land Uses or Activities Business Districts, does not allow a dwelling as a permitted land use.

Variance Request:

Modify existing commercial building for residential use on property located in business zoning district.

BOARD OF APPEALS AGENDA

August 4, 2014

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- C. **Appeal No. 2014-15**
37 East Follett Street
Arpad Muranyi

Zoning Code Regulations:

270-6 defines a ground sign as any sign supported by a freestanding frame or structure, a pedestal structure or one or more masts or poles placed on or anchored in the ground and independent from any building or other structure.

720-84 N. allows temporary signs to advertise a special event quarterly for a fifteen-day period, and prohibits temporary signage attached to a fence.

Variance Request:

Use fence as structure for supporting multiple signs.

IV. ADJOURN

BOARD OF APPEALS MINUTES

June 2, 2014
3:00 P.M.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

CALL TO ORDER

ROLL CALL: Present: - Jerry Lauby
Eric Drazkowski
Howard Floeter
Kirsten Quam (arrived at 3:05)
Scott Block

Absent: - Jeffrey Butzke (excused)
Matthew Schoenleber (excused)
Dan Hebel (excused)
John Piper (excused)

Administrative Staff: Joellyn Dahlin, Principal Planner
Guy Fox, Chief Inspector

Acting Chairperson Floeter declared a quorum present.

APPROVAL OF MINUTES

May 5, 2014

Motion made by Lauby to approve the minutes of the regular meeting of May 5, 2014 of the Board of Appeals as presented.

Seconded by Block.

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

Carried.

HEARINGS

Appeal No.2014-12

145 South Pioneer Road
Fond du Lac Associates

Zoning Code Regulations:

Chapter 720.79D(3) requires a side yard parking lot setback of 5 feet.

CITY OF FOND DU LAC
ZONING PETITION - VARIANCE



PROPERTY ADDRESS OF VARIANCE REQUEST: 168 & 164 Hamilton Place
Tax Key Number (Vacant Land):

Petitioner: Fox Valley Savings Bank C/O: Sam Kaufman 408 E. Main Street Waupun WI 53963
(Name) (Address)

Petitioner Phone Number:

Petitioner Email:

Property Owner: Fox Valley Savings Bank 51 E. First Street 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:

See attached.

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:

See attached.

Petitioner Signature: 

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

CITY OF FOND DU LAC VARIANCE APPLICATION

PROPOSAL

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

The property is zoned residential. A variance is being requested for the use of the property. The owner would like to use the existing garages and lease the units for storage.

STATEMENT OF HARDSHIP

A variance may be approved is 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:

At one time the garage property and the duplexes to the south had one owner. The intent of the existing garages was to serve the duplexes to the south. However, now the duplexes and the garages do not have the same owner. The owner would like to utilize his property and lease the existing garage spaces out.

168 Hamilton Place
City of Fond du Lac, WI 54935



- Type: Business/Commercial
- Approx Lot Size: 0.34
- Approx. Size:
- Taxes: \$2,762
- Tax Year: 2013

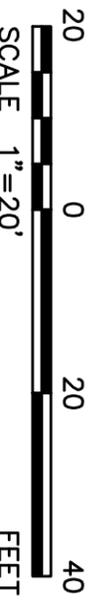
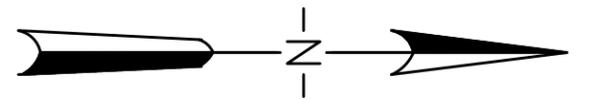
Great investment opportunity with these side by side storage units located in the center of Fond du Lac. These 12 unit storage sheds are being sold as is and consist of either one or two car units. Located behind a few duplexes these would make a perfect opportunity for any investor. Several units are currently rented. There are no written leases or security deposits. Call today to get further information on these units. No water or sewer to this property.

DIRECTIONS: W on Forest Ave, N to Hamilton Place, W to address



Elaine Graf
Direct 920-322-8877
Mobile 920-602-0556
egr@firstweber.com
www.elainegraf.firstweber.com

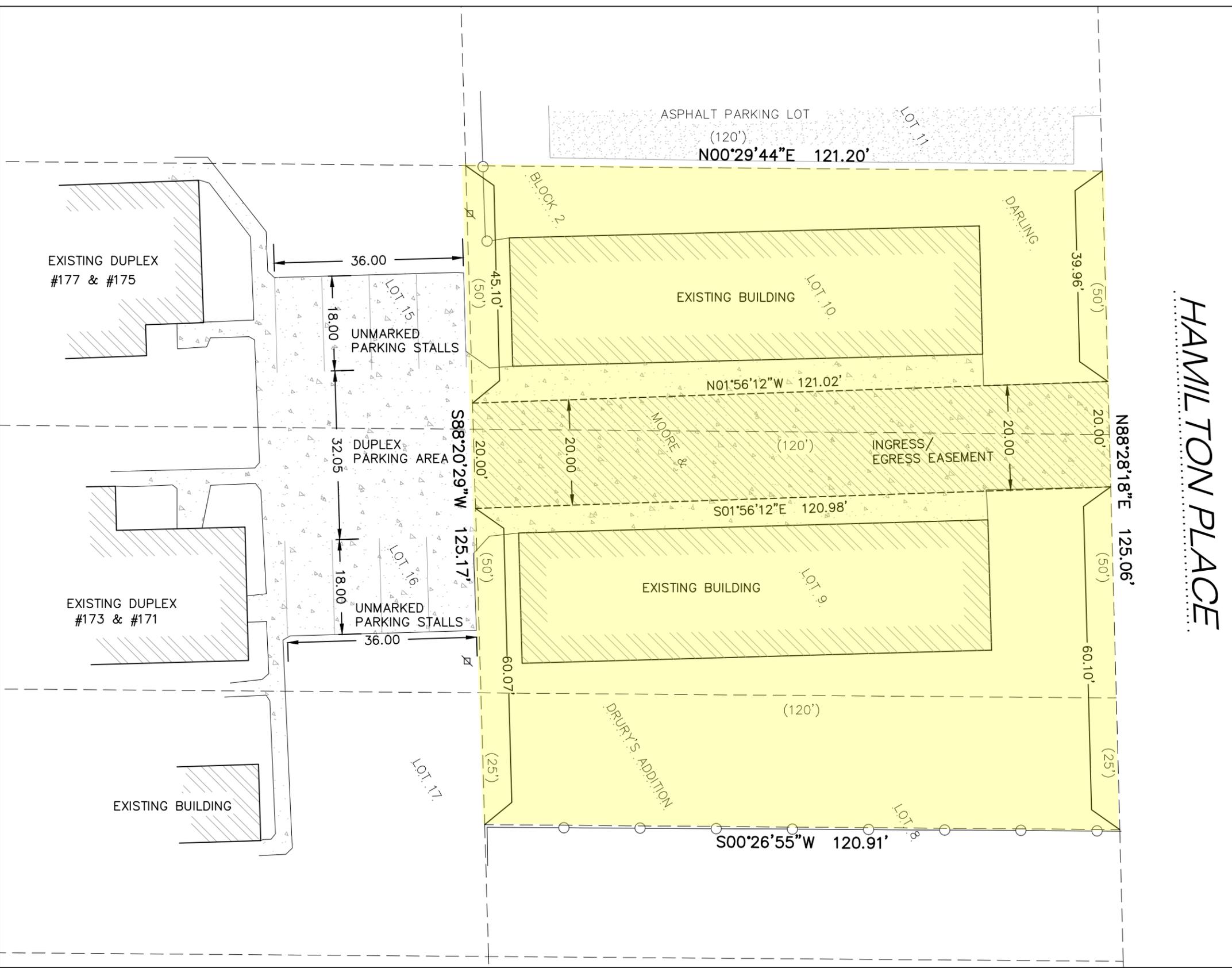




NORTH POINT REFERENCED TO THE NORTH LINE OF BLOCK 2, DARLING, MOORE, & DRURY'S ADDITION ASSUMED AS N88°28'18"E

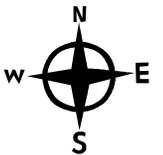
- LEGEND**
- IRON PIPE FOUND IN PLACE
 - 1" X 18" (O.D.) IRON PIPE SET WEIGHING 1.13 LBS. PER LINEAL FOOT
 - ▲ REBAR FOUND IN PLACE
 - CHAIN LINK FENCE
 - - - RECORDED INFORMATION
 - - - INGRESS/EGRESS EASEMENT
 - ▨ CONCRETE PAVEMENT

HAMILTON PLACE



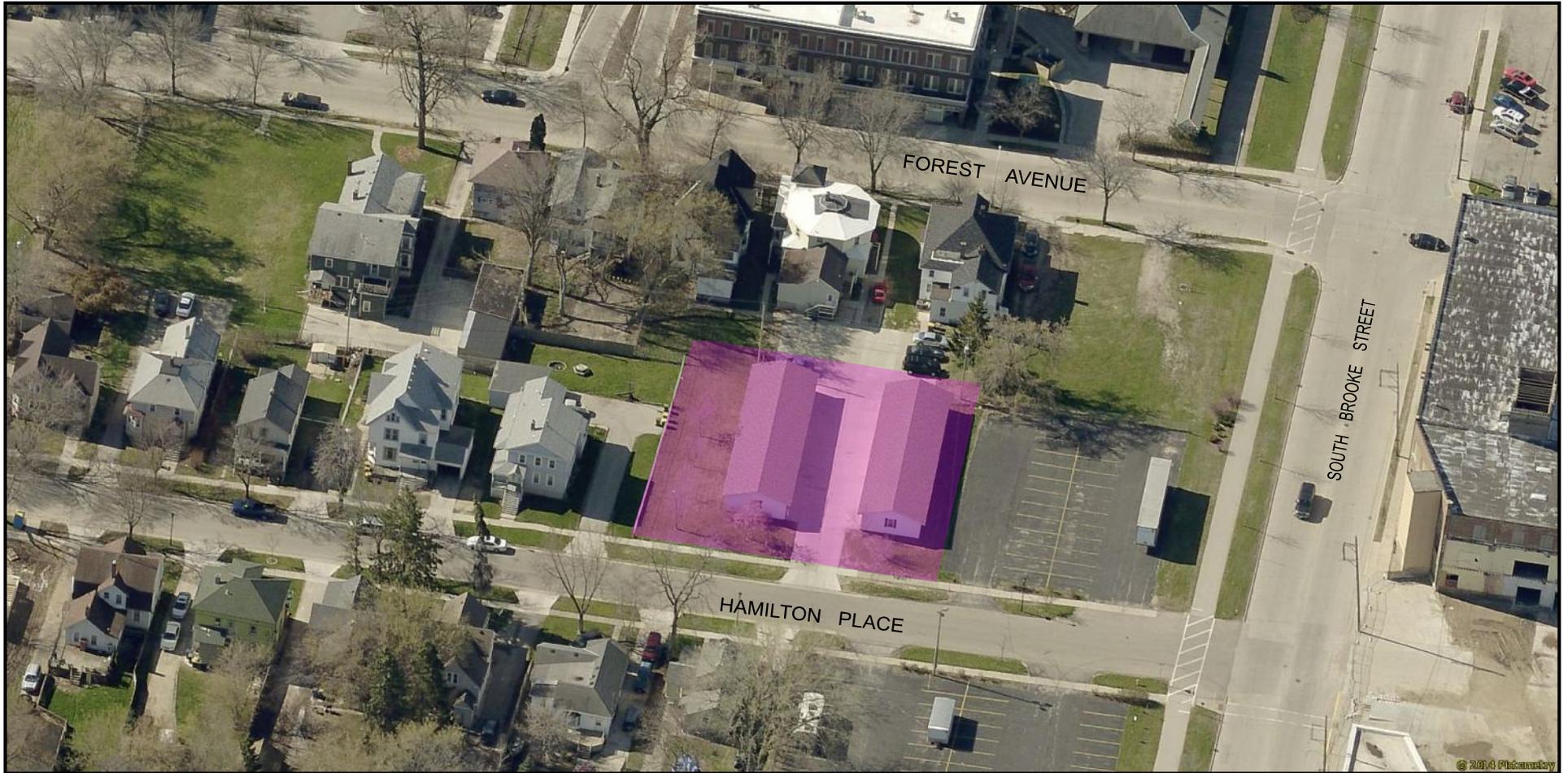
DRAWN BY <u>MLA</u> CHECKED BY <u>ERO</u> APPROVED BY <u>ERO</u>	SCALES HORIZONTAL <u>1"=20'</u> VERTICAL <u>N/A</u>	PROJECT NO. <u>9.4607</u> DATE <u>7/17/2014</u>	REVISIONS _____ _____ _____	BENCH MARK _____ _____	DATUM <input type="checkbox"/> U.S.G.S. <input type="checkbox"/> ASSUMED <input type="checkbox"/> CITY <input type="checkbox"/> PROJECT	SKETCH MAP FOR FOX VALLEY SAVINGS BANK LOT 15 AND LOT 16, MOORE AND DRURY'S ADDITION CITY OF FOND DU LAC, FOND DU LAC COUNTY, WISCONSIN	J.E. ARTHUR AND ASSOCIATES, INC. ENGINEERS SURVEYORS PLANNERS FOND DU LAC, WISCONSIN 54935 PHONE (920) 922-5703
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APPEAL NO. 2014-13 – FOX VALLEY SAVINGS BANK
168 HAMILTON PLACE



APPEAL NO. 2014-13 – FOX VALLEY SAVINGS BANK
168 HAMILTON PLACE

HAMILTON PLACE STREET VIEW – LOOKING SOUTH



APPEAL NO. 2014-13 – FOX VALLEY SAVINGS BANK
168 HAMILTON PLACE

SIDE VIEW OF GARAGE BUILDINGS – LOOKING EAST



board of appeals memorandum

Date: July 30, 2014
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner
Subject: Appeal No. 2014-13

Location: 168 Hamilton Place

Applicant: Fox Valley Savings Bank

Zoning: Site: R-3 (Central Area Residential)
North: R-3
South: R-3
East: R-3
West: R-3

Land Use: Site: Two Residential Garages
North: Single Family Residence
South: Two Family Residences
East: Single Family Residence
West: Parking Lot (Former Wells Mfg.)

Variance Request

Zoning Code Regulation:

720 Schedule II, Land Uses or Activities – Residential Districts, does not allow a garage or miniwarehouse building as a principal land use in the R-4 zoning district.

Proposal: Use existing residential garage buildings for commercial rental storage units.

Analysis

The subject property is zoned for residential use and is located in an older residential neighborhood. Two 6-stall residential garages were constructed in 2000 for the specific purpose of providing covered parking for two adjacent two-family homes. The two-family homes and the garages were situated on three parcels of land owned by the same person. The approved site plan for the garages

provides clear intent for use, i.e. to serve the two dwellings. The plan required removal of two gravel driveways on Forest Avenue for the dwellings, with access to the new garages provided via a driveway on Hamilton Place. The plan approval clearly states the garages were for use of tenants of the two-family homes and further restricted that the garages could not be rented to unrelated parties or used for any other purposes.

In 2011 ownership of the parcels changed due to foreclosure of mortgage and the three properties were offered for separate sale. The relationship of the garage buildings to the two-family homes evidently was not disclosed. One of the dwellings was sold in March 2013 and the other was sold to a separate buyer in June 2013.

Fox Valley Savings Bank currently owns the garage parcel and the property has been listed for sale by a local realtor. The real estate listing is included with this memorandum. The listing information advertises the garages as commercial storage units and states that several units are currently rented.

Zoning regulations do not allow a garage as a principal land use in a residential district. Zoning regulations do not allow a commercial storage building in a residential district. To effect sale of the property, the variance request proposes exceptions to allowable use of the subject property and contrary to the approved site plan.

Any variance request must consider property circumstances that make compliance with zoning regulations unreasonably difficult or impossible. The garage buildings were constructed for the benefit of the adjacent dwellings. The hardship to support approval of a variance does not relate to the property, it relates to real estate transactions for separate ownership of the three parcels; however, due regard must be given to reasonable use of the property. Denial of the variance request would make use of the property in its existing condition difficult and a vacant building left unattended is not in the best interest of the neighborhood. Use of the garages as originally approved is not realistic, given the separate ownership of the three parcels. Demolition of the buildings to make way for a residential use in compliance with zoning regulations is certainly an option, but not likely.

In consideration of reasonable and practical use of the property, approval of the petitioner's request could be supported with stringent restrictions for use and property maintenance. A conditional

approval of the variance request is recommended and would be in the best interest of the neighborhood.

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.

Recognizing the existing property conditions and the difficulty of practical compliance with zoning regulations, reasonable use of the property would be served with a conditional variance approval to limit use and assure a use compatible with the surrounding neighborhood.

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; and
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 findings referenced herein and because regulated and restricted use of the property would be in the best interest of the neighborhood.

Conditions of approval shall include:

1. Use of the buildings shall be limited to six storage units per building in the existing configuration. The buildings shall not be altered or modified to change the number of storage units. The addition of water, electrical or plumbing facilities is not permitted. The buildings shall not be altered to provide additional overhead or service doors on any façade.
2. Driveway access to the properties at 171 Forest Avenue (FDL-15-17-10-34-827-00) and 177 Forest Avenue (FDL-15-17-10-34-828-00) shall be provided in perpetuity with an ingress/egress easement recorded as part of a property survey for 168 Hamilton Place. Proof

of such easement shall be provided to the Community Development Department within 10 days of variance approval.

3. Driveway and pavement area shall be limited to one driveway on Hamilton Place to serve both buildings. Maximum driveway width shall not exceed 20 feet. The installation of pavement on the north, east or west sides of the buildings is prohibited.
4. Parking of vehicles owned or used by tenants of the storage units shall be limited to the temporary duration of the visit and shall not restrict or impede access to the residential dwellings at 171 and 177 Forest Avenue.
5. Trees shall be planted in the side yard area east of the easterly building. Minimum spacing shall be 20 feet. Minimum caliper of a deciduous tree shall be 2.5"; evergreen trees shall be a minimum of 5' height at the time of planting. Trees shall be installed within 10 days of variance approval and shall thereafter be continuously maintained in a healthy growing condition.
6. Signage other than property address identification is prohibited. Temporary banners and other advertising devices shall be prohibited.
7. Outdoor storage of any kind – temporary or permanent - shall be prohibited. This restriction shall include boats, motor homes, trailers, recreational equipment, machinery, and similar vehicles, equipment and items.
8. Use of the buildings shall be strictly limited for storage purposes. The buildings shall not be used for residential, commercial or industrial activities including, but not limited to, habitable living space, workshop/repair, merchandise sales. No repair/maintenance/painting of vehicles shall be permitted; this restriction includes vehicles of any tenant or related party.
9. Exterior lighting shall be restricted to residential-scale fixtures wall mounted on the interior-facing building facades and/or the south facades. No freestanding lights shall be permitted. All lighting shall be confined to the property, without glare or wash to adjacent properties or the public right-of-way.
10. Failure to comply with the terms of the variance will result in the issuance of a citation and revocation of the variance. Each violation and each day a violation continues or occurs shall be a separate offense.

Public Notification - Appeal 2014-13

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-10-34-804-00	149 HAMILTON PL	FOND DU LAC	WI	54935	149 HAMILTON PL
FDL-15-17-10-34-827-00	12 1/2 YOUNG ST	WAUPUN	WI	53963	171 FOREST AVE
FDL-15-17-10-34-787-00	160 S MACY ST	FOND DU LAC	WI	54935	42 S BROOKE ST
FDL-15-17-10-34-809-00	160 S MACY STREET	FOND DU LAC	WI	54935	181 HAMILTON PL
FDL-15-17-10-34-810-00	160 S MACY STREET	FOND DU LAC	WI	54935	0 HAMILTON PL
FDL-15-17-10-34-829-00	% CITY CLERK	FOND DU LAC	WI	54936	179 FOREST AVE
FDL-15-17-10-34-830-00	PO BOX 150	FOND DU LAC	WI	54936	185 FOREST AVE
FDL-15-17-10-34-825-00	159 FOREST AVE	FOND DU LAC	WI	54935	159 FOREST AVE
FDL-15-17-10-34-812-00	51 E FIRST ST	FOND DU LAC	WI	54935	168 HAMILTON PL
FDL-15-17-10-34-826-00	51 E FIRST ST	FOND DU LAC	WI	54935	169 FOREST AVE
FDL-15-17-10-34-828-00	7138 W MOLTKE	MILWAUKEE	WI	53210	177 FOREST AVE
FDL-15-17-10-34-807-00	163 HAMILTON PL	FOND DU LAC	WI	54935	163 HAMILTON PL
FDL-15-17-10-34-808-00	W2715 POPLAR RD	FOND DU LAC	WI	54937	175 HAMILTON PL
FDL-15-17-10-34-818-00	PO BOX 2221	FOND DU LAC	WI	54936	140 HAMILTON PL
FDL-15-17-10-34-822-00	PO BOX 2221	FOND DU LAC	WI	54936	145 FOREST AVE
FDL-15-17-10-34-817-00	601 OREGON ST	OSHKOSH	WI	54902	144 HAMILTON PL
FDL-15-17-10-34-803-00	02694 M 75 N	BOYNE CITY	MI	49712	145 HAMILTON PL
FDL-15-17-10-34-806-00	157 HAMILTON PL	FOND DU LAC	WI	54935	157 HAMILTON PL
FDL-15-17-10-34-805-00	611 MICHIGAN AVE	N FDL	WI	54937	153 HAMILTON PL
FDL-15-17-10-34-823-00	245 E DIVISION ST	FOND DU LAC	WI	54935	151 FOREST AVE
FDL-15-17-10-34-824-00	155 FOREST AVE	FOND DU LAC	WI	54935	155 FOREST AVE
FDL-15-17-10-34-814-00	C/O D WIENER REV TRUST	N FOND DU LAC	WI	54937	160 HAMILTON PL
FDL-15-17-10-34-815-00	C/O D WIENER REV TRUST	N FOND DU LAC	WI	54937	156 HAMILTON PL
FDL-15-17-10-34-816-00	148 HAMILTON PL	FOND DU LAC	WI	54935	148 HAMILTON PL

CITY OF FOND DU LAC
ZONING PETITION - VARIANCE



PROPERTY ADDRESS OF VARIANCE REQUEST: 183 W Scott

Tax Key Number (Vacant Land): _____

Petitioner: GARY DUITMAN W7223 Huey St Fond du Lac Wis
(Name) (Address)

Petitioner Phone Number: [REDACTED]

Petitioner Email: NONE

Property Owner: Same
(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:

Turning down stairs DAY CARE into
APT.

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:

Reuse comm. build for RES. USE
(2 units)

Petitioner Signature: Gary Duitman

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

← E. SCOTT ST. W →



SIDEWALK lot line

183
W. SCOTT ST.

← EXISTING YARD →

171
W. SCOTT ST.
PROPERTY LINE
GREEN AREA

65'
lot line

GREEN AREA

86'

11'

Madison Street

38'5"

PARKING LOT
Black top

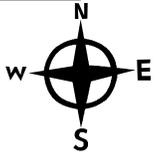
18'

98'6"

19'6"

GREEN AREA
OWNER
GARY DUITMAN

APPEAL NO. 2014-14 – DUITMAN
183 WEST SCOTT STREET



APPEAL NO. 2014-14 – DUITMAN
183 WEST SCOTT STREET



APPEAL NO. 2014-14 – DUITMAN
183 WEST SCOTT STREET

VIEW FROM WATER STREET – LOOKING WEST



board of appeals memorandum

Date: July 30, 2014
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner
Subject: Appeal No. 2014-14

Location: 183 W Scott Street

Applicant: Gary Duitman

Zoning: Site: C-2 (General Business)
North: C-2
South: C-2
East: C-2 and R-2 (Two Family Residential)
West: C-R (Commercial Recreation)

Land Use: Site: Former Day Care Facility (1st Floor) and Apt (2nd Floor)
North: Vacant Land/Residences
South: Dave's Engine Service
East: Residences
West: Water Street/FDL River

Variance Request

Zoning Code Regulation:

720 Schedule IV, Land Uses or Activities – Business Districts, does not allow a dwelling as a permitted land use.

Proposal: Modify existing commercial building for residential use in business zoning district.

Analysis

The subject property is zoned for business and is developed with a two-story building originally constructed for commercial use. The first floor of the building was last used for a day care facility and has stood vacant for several years. The second floor was remodeled in 1998 to create an apartment; zoning regulations at that time allowed a residential use above the ground floor of a

commercial building. The property owner would like to remodel the first floor to create a second apartment, changing the building use from commercial to residential.

In the situation of a typical business district, a residential use as a principal land use is not desirable because of the individual characteristics of the two land uses. In this case the petitioner's building is positioned adjacent to a residential neighborhood. The building is next to a three-family home; nearby properties to the north are developed for residential use. Considering the predominately residential use of the area, use of the petitioner's building as proposed would not present land use conflicts. On-site parking is available behind the building in a large parking area to provide four parking spaces for the two living units as required by the zoning code.

The parking area on the north side of the petitioner's building has a history of shared use with the adjacent 3-family dwelling at 171 West Scott Street; the two properties share a history of common ownership and shared parking since 1993.

City land records indicate that the petitioner has owned 183 West Scott since 1984. In 1991 the petitioner purchased the residence at 171 West Scott with another individual. Interior alterations were approved in 1993 to allow a day care facility in the petitioner's building. A detached garage on the lot area of 171 was demolished and an outdoor play area for the day care facility was constructed in its place. The removal of the garage caused a relocation of parking for the residence to the parking lot behind 183. The play area was situated within the lot area of both 183 and 171. Because both properties were owned in common, the encroachment of the play area onto the residential property was not a zoning issue and the shared parking arrangement met code requirements. In 1994 the two-family dwelling at 171 West Scott was converted to three living units; the parking requirement was met via the shared parking area situated on 183. Because of the common ownership, the shared parking arrangement was not secured by a long-term easement.

Property conditions for 171 West Scott do not allow the construction of parking to meet zoning code requirements and the continued use of the joint parking area must be addressed. The petitioner no longer owns 171 West Scott Street. Formal accommodation of the shared parking is required in light of the history of use and because parking is at issue for a change of use for 183. A conditional

approval of the variance proposal will suitably address parking for both properties, regardless of current or future ownership.

Approval of the variance request would not be expected to create a negative impact or detriment to the neighborhood. Favorable consideration of the proposal 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 location of the property and the predominance of residential land uses support approval of the requested exception to use the existing commercial building for residential use.

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; and
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 findings referenced herein and because of the location of the property and the predominance of residential land uses.

Conditions of approval shall include:

1. Building permits are required for interior work to change use of the building from commercial to residential. Permits shall be secured from the Building Inspector prior to the start of any work.

2. Four parking spaces are required for the two-family dwelling at 183 West Scott Street. Recognizing the past use of the parking lot to provide required on-site parking for 171 West Scott Street, six parking spaces are required. A recorded easement for shared use is required.
3. An easement for on-site parking shall be recorded within 30 days of variance approval or prior to the issuance of any permits for 183 West Scott Street, whichever occurs first. A copy of the recorded easement shall be provided to the Community Development office and the Building Inspector.

Public Notification - Appeal 2014-14

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-03-34-789-00	149 W SCOTT ST	FOND DU LAC	WI	54935	149 W SCOTT ST
FDL-15-17-03-34-784-00	501 INDIANA AVE	N FOND DU LAC	WI	54937	132 HONE ST
FDL-15-17-03-34-787-00	133 W SCOTT ST	FOND DU LAC	WI	54935	133 W SCOTT ST
FDL-15-17-03-34-793-00	N5518 BOYKE DR	FOND DU LAC	WI	54937	171 W SCOTT ST
FDL-15-17-10-21-045-00	PO BOX 150	FOND DU LAC	WI	54936	448 RIVER ST
FDL-15-17-03-34-794-00	W2223 HIGHWAY 23	FOND DU LAC	WI	54937	183 W SCOTT ST
FDL-15-17-03-34-786-00	129 W SCOTT ST	FOND DU LAC	WI	54935	129 W SCOTT ST
FDL-15-17-03-34-765-00	532 WATER ST	FOND DU LAC	WI	54935	0 WATER ST
FDL-15-17-03-34-783-00	140 HONE ST	FOND DU LAC	WI	54935	140 HONE ST
FDL-15-17-03-34-790-00	N6708 KARST DR	ELDORADO	WI	54932	163 W SCOTT ST
FDL-15-17-03-34-781-00	152 HONE ST	FOND DU LAC	WI	54935	148 HONE ST
FDL-15-17-03-34-782-00	144 HONE ST	FOND DU LAC	WI	54935	144 HONE ST
FDL-15-17-03-34-791-00	PO BOX 1392	FOND DU LAC	WI	54936	165 W SCOTT ST
FDL-15-17-03-34-764-00	PO BOX 1939	FOND DU LAC	WI	54936	0 WATER ST
FDL-15-17-03-34-779-00	156 HONE ST	FOND DU LAC	WI	54935	156 HONE ST
FDL-15-17-03-34-785-00	PO BOX 105	FOND DU LAC	WI	54936	476 THORPE ST
FDL-15-17-10-21-025-00	PO BOX 2166	FOND DU LAC	WI	54936	177 SIBLEY ST
FDL-15-17-03-34-763-00	W4538 MARY HILL PARK	FOND DU LAC	WI	54937	476 WATER ST
FDL-15-17-10-21-027-00	W2278 COUNTY RD W	MT CALVARY	WI	53057	174 W SCOTT ST
FDL-15-17-10-21-028-00	W2278 COUNTY RD W	MT CALVARY	WI	53057	184 W SCOTT ST
FDL-15-17-10-21-026-00	160 W SCOTT ST	FOND DU LAC	WI	54935	160 W SCOTT ST
FDL-15-17-03-34-778-00	170 HONE ST	FOND DU LAC	WI	54935	170 HONE ST
FDL-15-17-03-34-788-00	N6331 COUNTY ROAD UU	FOND DU LAC	WI	54937	143 W SCOTT ST

property would interfere with the existing playground in that area, reduce the amount of usable parking space, and interfere with snow removal in the winter.

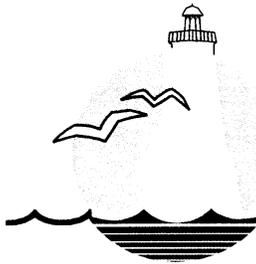
For these reasons I would like to request permission to keep the signs on the fence where they are currently located.

Petitioner Signature: _____

APPEAL NO. 2014-15



The size of the existing signs are each 8 feet wide and 4 feet high. They signs are located 8 feet above ground on the 12'-high metal fence (aligned with the top edge of the fence). The length of the fence on the Main Street frontage is approximately 96 feet.



City of Fond du Lac

First on the Lake

Website: www.fdl.wi.gov

City-County Government Center
160 S. Macy Street~P.O. Box 150~Fond du Lac, WI 54936-0150

July 10, 2014

FOND DU LAC LEARNING CENTER
ATTN ARPAD MURANYI
242 MARQUETTE ST
FOND DU LAC WI 54935

RE: PROPERTY LOCATED AT 37 E FOLLETT ST, FOND DU LAC, WI

Mr. Muranyi:

In response to a complaint about your un-permitted signs on the front Main st metal fence, I inspected the above referenced property on July 8, 2014. Violations of the City's Zoning Code, Chapter 11 are listed below showing code section, nature of violation, any time allowed to make corrections.

720-84(N): Banners, Pennants, Streamers, Inflatables, Portable Signs. To advertise a special sale or event for a business, a temporary outdoor display may be utilized on the property where the business is located. An outdoor display shall be permitted quarterly for a 15-day period, upon issuance of a permit from the Building Inspector. An outdoor display may include two of the following elements: streamers, pennants, one banner, one portable sign, one inflatable or 3-dimensional product sign. Advertising devices shall not be mounted on a roof or attached to fences, trees, traffic signs, directional signs or utility poles. No part of a display shall encroach into and/or over the public right-of-way or be situated so as to obstruct or impair vision or traffic, or in any manner create a nuisance, hazard or disturbance to the health and welfare of the general public. **Remove the two un-permitted metal signs from the metal fence by July 25, 2014.**

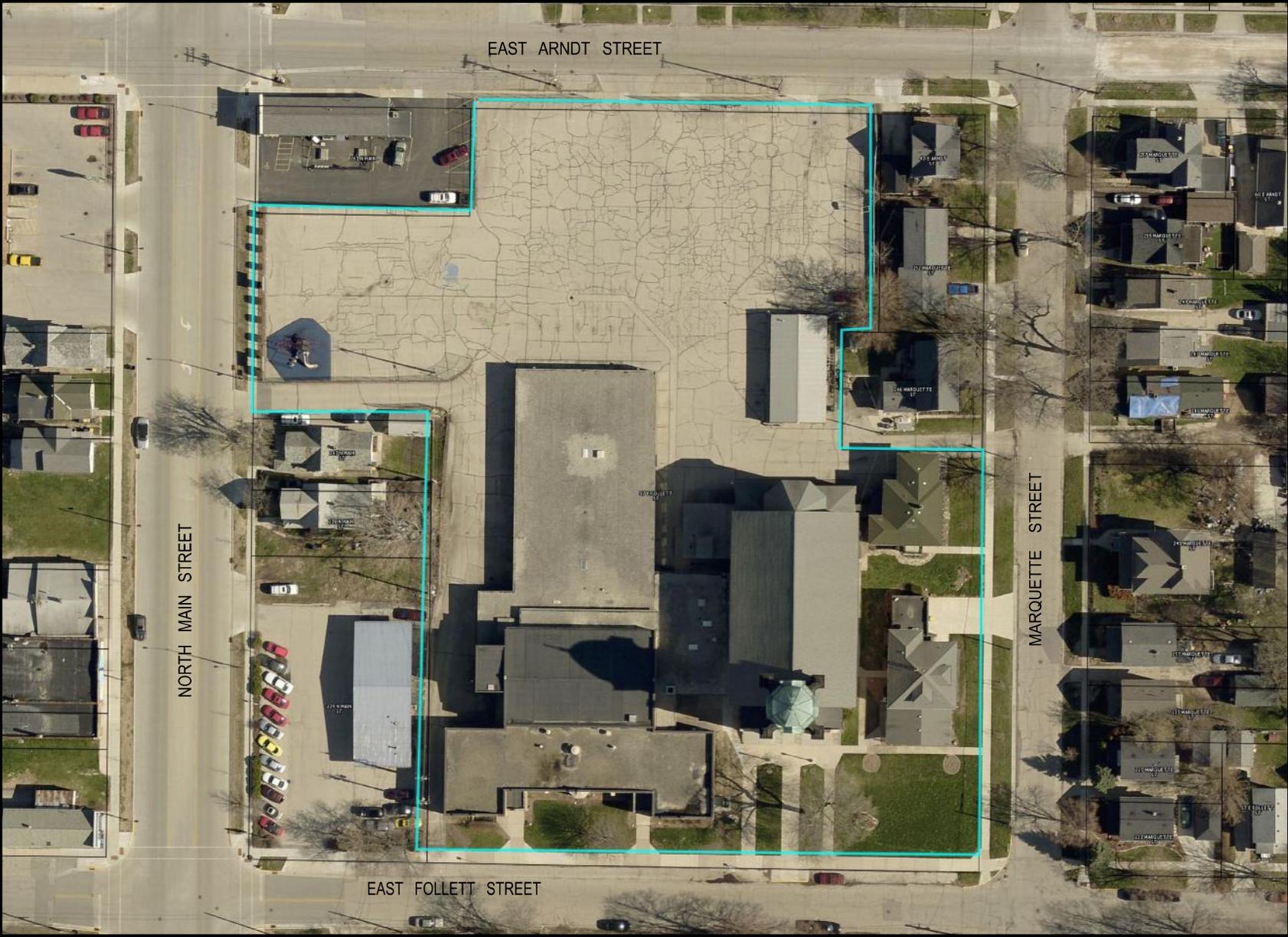
Questions or comments may be directed me or Ed Gresser at 322-3576 Monday through Friday, 7:15 a.m. - 3:30 p.m.

Sincerely,

Code Enforcement Officer

WARNING: City Ordinance Violation. Failure to correct or comply will result in legal action being commenced against you. (\$281.50 in fines)

APPEAL NO. 2014-15 – ARPAD MURANYI
37 EAST FOLLETT STREET



APPEAL NO. 2014-15 – ARPAD MURANYI
37 EAST FOLLETT STREET

MAIN STREET VIEW – LOOKING EAST



TEMPORARY SIGNS PROPOSED FOR PERMANENT USE

board of appeals memorandum

Date: July 30, 2014
To: Board of Appeals
From: Joellyn Dahlin, Principal Planner
Subject: Appeal No. 2014-15

Location: 37 East Follett Street

Applicant: Arpad Muranyi

Zoning: Site: R-1 (Single Family Residential)
North: R-1
South: R-1
East: R-1
West: C-2 (General Business)

Land Use: Site: Former St. Patrick's Church
Trinity Baptist School/Seventh Day Adventist Church
North: Single Family Residences
South: Single Family Residences
East: Single Family Residences
West: Real Estate Office (Vacant); Bar (Jodi's Pit Stop)

Historic Designation: City Designated Historic Site

Variance Request

Zoning Code Regulation:

720-6 defines a ground sign as any sign supported by a freestanding frame or structure, a pedestal structure or one or more masts or poles placed on or anchored in the ground and independent from any building or other structure.

720-84 N. allows temporary signs to advertise a special event quarterly for a fifteen-day period, and prohibits temporary signage attached to a fence.

Proposal:

Use fence as structure for supporting multiple signs.

Analysis

The subject property is the site of the former St. Patrick's Church. The property is a locally designated historic site. The property is used by several parties, including Seventh Day Adventist Church and Trinity Baptist School. The property is located in an area zoned for residential use and is situated in a residential neighborhood. The playground area of the property fronts on North Main Street. An exception to allowable signage is requested.

In a residential district signage is prohibited except for educational, hospital, institutional or religious uses. One ground sign per street frontage is permitted for an educational or religious use, with a maximum area of 80 square feet. Wall signage is limited to one sign per building. Zoning regulations define a ground sign as any sign supported by a freestanding frame or structure, a pedestal structure or one or more masts or poles placed on or anchored in the ground and independent from any building or other structure. A wall sign is a sign attached to a building wall.

Two signs are currently affixed to the chainlink fence of the petitioner's property situated along the North Main Street lot line. The signs are each 4'x8' and are positioned to the top edge of the fence. The signs advertise the church and the school. The signs were placed without City authorization and in violation of the zoning code; signs cannot be permanently attached to a fence. The unauthorized signs are the subject of a pending zoning violation order.

The petitioner contends that approval of the variance is necessary to provide adequate signage for the property and because the historic designation of the church does not allow wall signs.

The 2.95-acre allows generous opportunity for the placement of a wall sign and/or ground sign. Walls signage for the historic building *is* allowed with approval of the Historic Preservation Commission. The property is not unlike other sites developed with churches and schools. The circumstances of the perceived hardship to support an exception to zoning regulations are unfounded.

Approval of the variance request would give special privilege to the petitioner not enjoyed by other properties and potentially encourage signage on fences elsewhere in the community. Favorable consideration of the variance request is not 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 large property provides frontage and visibility to four streets. Opportunity to provide signage to meet the needs of the land use is available without approval of a variance.

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; and
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 **deny the variance request** based on findings referenced herein and because the property is well positioned to provide signage to meet the needs of the land use without approval of a variance.

Public Notification - Appeal 2014-15

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-10-13-562-00	272 N MAIN ST	FOND DU LAC	WI	54935	272 N MAIN ST
FDL-15-17-10-14-876-00	601 W SCOTT ST	FOND DU LAC	WI	54937	229 N MAIN ST
FDL-15-17-10-14-820-00	N8828 GLADSTONE BEACH	FOND DU LAC	WI	54935	40 E ARNDT ST
FDL-15-17-10-13-608-00	258 N MAIN ST	FOND DU LAC	WI	54935	256 N MAIN ST
FDL-15-17-10-14-877-00	207 N MAIN ST	FOND DU LAC	WI	54935	207 N MAIN ST
FDL-15-17-10-14-827-00	803 WASHINGTON ST	KIEL	WI	53042	257 MARQUETTE ST
FDL-15-17-10-14-819-00	242 MARQUETTE ST	FOND DU LAC	WI	54935	37 E FOLLETT ST
FDL-15-17-10-14-882-00	22 E FOLLETT ST	FOND DU LAC	WI	54935	22 E FOLLETT ST
FDL-15-17-10-14-867-00	57 E FOLLETT ST	FOND DU LAC	WI	54935	57 E FOLLETT ST
FDL-15-17-10-14-821-00	42 1/2 N MAIN ST	FOND DU LAC	WI	54935	252 MARQUETTE ST
FDL-15-17-10-14-881-00	W4994 HWY T	FOND DU LAC	WI	54935	18 E FOLLETT ST
FDL-15-17-10-14-885-00	34 E FOLLETT ST	FOND DU LAC	WI	54935	34 E FOLLETT ST
FDL-15-17-10-14-880-00	N5351 DE NEVEU LN	FOND DU LAC	WI	54935	14 E FOLLETT ST
FDL-15-17-10-13-615-00	222 N MAIN ST	FOND DU LAC	WI	54935	222 N MAIN ST
FDL-15-17-10-14-872-00	241 MARQUETTE ST	FOND DU LAC	WI	54935	241 MARQUETTE ST
FDL-15-17-10-14-887-00	42 E FOLLETT ST	FOND DU LAC	WI	54935	42 E FOLLETT ST
FDL-15-17-10-14-884-00	1215 SPRING LAKE DR	FOND DU LAC	WI	54935	28 E FOLLETT ST
FDL-15-17-10-14-886-00	1215 SPRING LAKE DR	FOND DU LAC	WI	54935	38 E FOLLETT ST
FDL-15-17-10-13-660-00	212 N MAIN ST	FOND DU LAC	WI	54935	212 N MAIN ST
FDL-15-17-10-14-824-00	89 MEADOWBROOK BLVD	FOND DU LAC	WI	54935	247 MARQUETTE ST
FDL-15-17-10-14-817-00	1614 W NATIONAL AVE	MILWAUKEE	WI	53201	269 N MAIN ST
FDL-15-17-10-14-818-00	261 N MAIN ST	FOND DU LAC	WI	54935	261 N MAIN ST
FDL-15-17-10-14-883-00	26 E FOLLETT ST	FOND DU LAC	WI	54935	26 E FOLLETT ST
FDL-15-17-10-13-661-00	W1742 HWY HH	MALONE	WI	53049	208 N MAIN ST
FDL-15-17-10-14-874-00	239 N MAIN ST	FOND DU LAC	WI	54935	239 N MAIN ST
FDL-15-17-10-13-609-00	250 N MAIN ST	FOND DU LAC	WI	54935	250 N MAIN ST
FDL-15-17-10-14-826-00	N8573 CTY HWY QQ	MALONE	WI	53049	253 MARQUETTE ST
FDL-15-17-10-14-815-00	27 E ARNDT ST	FOND DU LAC	WI	54935	27 E ARNDT ST
FDL-15-17-10-14-871-00	114 S MAIN ST #116	FOND DU LAC	WI	54935	237 MARQUETTE ST
FDL-15-17-10-14-822-00	223 3RD ST	FOND DU LAC	WI	54935	246 MARQUETTE ST
FDL-15-17-10-14-814-00	39 E ARNDT ST	FOND DU LAC	WI	54935	39 E ARNDT ST
FDL-15-17-10-14-868-00	N5349 SEE VUE DR	FOND DU LAC	WI	54937	221 MARQUETTE ST
FDL-15-17-10-14-870-00	W6527 LINCOLN ROAD	VAN DYNE	WI	54979	233 MARQUETTE ST
FDL-15-17-10-14-825-00	59 KAYSER ST	FOND DU LAC	WI	54935	249 MARQUETTE ST
FDL-15-17-10-14-823-00	W4451 EMPIRE DR	FOND DU LAC	WI	54937	245 MARQUETTE ST
FDL-15-17-10-14-893-00	265 E 19TH ST	FOND DU LAC	WI	54935	50 E FOLLETT ST
FDL-15-17-10-14-873-00	243 N MAIN ST	FOND DU LAC	WI	54935	243 N MAIN ST
FDL-15-17-10-13-611-00	771 E DIVISION ST	FOND DU LAC	WI	54935	244 N MAIN ST
FDL-15-17-10-13-612-00	771 E DIVISION ST	FOND DU LAC	WI	54935	234 N MAIN ST
FDL-15-17-10-13-613-00	771 E DIVISION ST	FOND DU LAC	WI	54935	232 N MAIN ST
FDL-15-17-10-13-614-00	771 E DIVISION ST	FOND DU LAC	WI	54935	228 N MAIN ST
FDL-15-17-10-13-610-00	N5981 NELSON RD	FOND DU LAC	WI	54937	246 N MAIN ST
FDL-15-17-10-14-812-00	51 E ARNDT ST	FOND DU LAC	WI	54935	51 E ARNDT ST
FDL-15-17-10-14-816-00	21 E ARNDT ST	FOND DU LAC	WI	54935	21 E ARNDT ST