

BOARD OF APPEALS

August 4, 2025

3:00 PM

Meeting Room A

City-County Government Center

160 S Macy Street
Fond du Lac, Wisconsin

I. Call To Order

II. Approval of Minutes

A. June 2, 2025

B. July 7, 2025

III. Hearings

A. 990 Mihill Avenue (Big Brothers Big Sisters)

Appeal No: 2025-11

Zoning Code Regulations:

Section 720-11(C) (19) Accessory Buildings and Uses restricts the location of the playground equipment to the rear yard.

Proposal:

Allow the installation of the playground equipment in the front yard along Mihill Avenue.

B. 446 North Park Avenue

Appeal No: 2025-12

Zoning Code Regulations:

Section 720-11 (C) (21) (b) Accessory Buildings and Uses restricts the number of accessory structures on one-family and two-family dwellings to an attached or detached garage and one other accessory building.

Proposal:

Allow the construction of a third accessory structure on the lot in addition to the existing detached garage and shed.

C. 459 East 1st Street (Harbor Haven)

Public Hearing Held July 7th, 2025 (ACTION ITEM)

Appeal No. 2025-07

Zoning Code Regulations:

Schedule II Land Use or Activities Residential Districts does not allow for non-government office use as a permitted use within the R-1 District

Proposal:

Allow the use of the existing lower-level office space as office space for non-government entities.

D. 250 Camelot Drive (Grande Cheese Greenhouse)

Public Hearing Held July 7th, 2025 (ACTION ITEM)

Appeal No. 2025-08

Zoning Code Regulations:

Section 720-11(C) (21) (e) Accessory Building and Uses restricts the maximum height of an accessory building in the

C-2 General Commercial District to 15 feet in height.

Proposal:

Allow the construction an accessory building in the C-2 General Commercial District that is 17 feet in height for a greenhouse building.

E. 335 & 341 Grove Street (Milk Specialties)

Public Hearing Held July 7th, 2025 (ACTION ITEM)

Appeal No. 2025-09 (Administrative Decision Appeal)

Comprehensive Plan:

The 2040 Comprehensive Plan Future Land Use Map shows 335 and 341 Grove Street as Urban Residential - Medium Density.

Proposal:

The applicant submitted a rezoning application to rezone the properties from R-1 Single Family Residential District to M-1 Manufacturing District

F. 76 West 2nd Street (Boys & Girls Club)

Public Hearing Held July 7th, 2025 (ACTION ITEM)

Appeal No. 2025-10

Floodplain Zoning Code Requirements:

Section 690-8 C.(3) states any commercial structure which is erected, altered, or moved into the flood fringe shall meet the requirements of § 690-8C(1). This section states that the fill around the structure shall be two foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.

Proposal:

Providing documentation from a structural engineer that the area adjacent to the building can withstand flooding in lieu of providing the fill requirement of 15 from the building that is not less than 2 feet above the flood elevation.

IV. Adjourn

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

**BOARD OF APPEALS AGENDA
CITY OF FOND DU LAC, WISCONSIN
June 2, 2025**

Subject:

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

06.02.25_Minutes.docx

BOARD OF APPEALS MINUTES

June 2, 2025

3:00 p.m.

Meeting Room A
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

CALL TO ORDER

ROLL CALL: Present:

Tracy Qualmann
Misty Snyder
Jeffrey Uitenbroek
David Vanden Avond

Absent: Jeffrey Labahn

Administrative Staff: Dyann Benson, Community Development Director

Chair Vanden Avond declared a quorum present at 3:00 p.m.

APPROVAL OF MINUTES

May 5, 2025

Motion made by Qualmann to approve the minutes of the May 5, 2025 meeting of the Board of Appeals.

Seconded by Uitenbroek.

ROLL CALL VOTE: Aye – Qualmann, Snyder, Uitenbroek, Vanden Avond
Nay – None

Carried.

Carried.

HEARINGS

844 W Johnson Street

Appeal No. 2025-06

Zoning Code Regulations:

Schedule VIII Design Standards & Specifications for Signs allows one (1) square foot of signage per linear foot of building façade for wall signs in the C-2 General Business District.

Proposal:

Allow for a wall sign that is 113 sq ft (154 sq ft with backer panel) where the zoning code allows a wall sign that is 66 sq ft.

BOARD OF APPEALS MINUTES

May 5, 2025

Page 2

Spoke in Support:

Dan Nielsen, Signarama, N5528 Miranda Way

Motion made by Vanden Avond to approve a variance for a 96 square foot wall sign, including the backer panel, along the front façade of the proposed tenant space for Five Below. No additional wall signage would be permitted on the west façade as the 30 ft of west wall façade is allocated towards the front (north) wall sign.

Seconded by Qualmann.

ROLL CALL VOTE:

Aye – Qualmann, Snyder, Uitenbroek, Vanden Avond
Nay – None

Carried.

ADJOURN

Motion made by Snyder to adjourn.

Seconded by Uitenbroek.

ROLL CALL VOTE:

Aye – Qualmann, Snyder, Uitenbroek, Vanden Avond
Nay – None

Carried.

Meeting adjourned at 3:29 p.m.

MARGARET HEFTER
CITY CLERK

DB/ss

**BOARD OF APPEALS AGENDA
CITY OF FOND DU LAC, WISCONSIN
July 7, 2025**

Subject:

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

BOA_Minutes_7.7.2025DB.pdf

BOARD OF APPEALS MINUTES

JULY 7, 2025

3:00 P.M.

Meeting Room A
City-County Government Center

160 S Macy Street
Fond du Lac, Wisconsin

I. CALL TO ORDER

A. ROLL CALL

Present:

Uitenbroek, Jeffrey
Qualmann, Tracy

Absent:

Snyder, Misty
Labahn, Jeffrey;
Vanden Avond, David

Administrative Staff:

Dyann Benson, Community Development Director

Others in Attendance:

Kenneth Cain, City Resident; 345 Grove Street
Bonnie Perry, City Resident; 346 Superior Street
Justin Charles; City Resident; 335 W 9th Street

Declaration of Quorum:

No quorum is present for the meeting, no actions will be taken.

Benson explained that since there was no quorum the Board of Appeals could not take action on any of the items. Since the Public Hearing notices were published and distributed, the members in attendance would hear any members of the public that wished to speak. Meeting minutes would be created and the recording of the meeting made available to the members not in attendance.

II. APPROVAL OF MINUTES

A. June 2nd, 2025

No action was taken for the minutes of the June 2nd, 2025 meeting of Board of Appeals.

III. HEARINGS

A. 459 East 1st Street (Harbor Haven)

Appeal No. 2025-07

Zoning Code Regulations: Schedule II Land Use or Activities Residential districts does not allow for non-government office use as a permitted use within the R-1 District.

Proposal: Allow the use of the existing lower-level office space as office space for non-government entities.

No one came to speak at the Public Hearing. No action was taken for 459 East 1st Street.

B. 250 Camelot Drive (Grande Cheese Greenhouse)

Appeal No. 2025-08

Zoning Code Regulations: Section 720-11 (C) (21) (e) Accessory Building and Uses restricts the maximum height of an accessory building in the C-2 General Commercial District to 15 feet in height.

BOARD OF APPEALS

July 7, 2025

Page 2

Proposal: Allow the construction of an accessory building in the C-2 General Commercial District that is 17 feet in height for a greenhouse building.

No one came to speak at the Public Hearing. No action was taken for 250 Camelot Drive.

C. 335 & 341 Grove Street (Milk Specialties)

Appeal No. 2025-09 (Administrative Decision Appeal)

Comprehensive Plan: the 2040 Comprehensive Plan Future Land Use Map shows 335 and 341 Grove Street as Urban Residential – Medium Density.

Proposal: The applicant submitted a rezoning application to rezone the properties from R-1 Single Family Residential District to M-1 Manufacturing District.

Spoke in Support: Kenneth Cain, City Resident; 345 Grove Street

Spoke in Opposition: Bonnie Perry, City Resident; 346 Superior Street

Spoke in Opposition: Justin Charnas; City Resident; 335 W 9th Street

Mr. Charnas expressed concern for the proposed rezoning as he felt it would divide his property.

Mr. Cain indicated support for the proposed rezoning. He stated that Milk Specialties is growing and they are running out of room at their existing facility. He indicated it was important to support local businesses.

Ms. Perry opposed the proposed rezoning due to the issues the neighbors experience from the current facility including noise and “dust.”

No action was taken for 335 & 341 Grove Street

D. 76 West 2nd Street (Boys and Girls Club)

Appeal No. 2025-10

Floodplain Zoning Code Requirements: Section 690-8 C (3) states any commercial structure which is erected, altered, or moved into the flood fringe shall meet the requirements of Section 690-8 C (1). This section states that the fill around the structure shall be two (2) foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.

Proposal: Providing documentation from a structural engineer that the area adjacent to the building can withstand flooding in lieu of providing the fill requirement of 15 feet from the building that is not less than two (2) feet above the flood elevation.

No one came to speak at the Public Hearing. No action was taken for 76 West 2nd Street.

IV. ADJOURN

Meeting Adjourned at 3:20 p.m.

DB/cc

**BOARD OF APPEALS AGENDA
CITY OF FOND DU LAC, WISCONSIN
990 Mihill Avenue (Big Brothers Big Sisters)**

Subject: Appeal No: 2025-11
Zoning Code Regulations:
Section 720-11(C)(19) Accessory Buildings and Uses
restricts the location of the playground equipment to
the rear yard.

Proposal:
Allow the installation of the playground equipment in
the front yard along Mihill Avenue.

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

Memo__Maps.pdf

REDACTED_BBBS_APPLICATION.pdf

2025_-_11_Public_Notice.pdf

The CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: July 28, 2025

To: Board of Appeals

From: Dyann Benson, Community Development Director

Re: Appeal No. 2025-11 – 987 S Main Street

Applicant: Big Brothers Big Sisters of Fond du Lac County

Zoning:

Site:	C-2 (General Commercial District)
North:	C-2
South:	C-2
East:	R-2 (Two Family Residential District)/C-2
West:	C-2

Land Use:

Site:	Big Brothers Big Sisters
North:	Commercial
South:	Residential
East:	Residential/Commercial
West:	Commercial

Variance Request

Zoning Code Regulations:

Section 720-11(C)(19) Accessory Buildings and Uses restricts the location of playground equipment to the rear yard.

Proposal:

Allow the installation of playground equipment in the front yard along Mihill Avenue.

Analysis

The property is located on South Main Street and includes two (2) parcels owned by the applicant. The Main Street adjacent parcel provides the access drive onto Main Street. The second parcel, which is adjacent to Mihill Avenue, contains the principal structure and an accessory structure. The applicant recently moved into the building and serves the youth throughout Fond du Lac County.

The applicant is seeking to install a play structure at their property. The zoning code requires playground equipment to be installed in the rear yard regardless of the zoning district or use. Given the location and orientation of the principal structure, for any installation of playground equipment. If considered together, the two lots would be considered a through lot, meaning it has two (2) front yards. The zoning code defines front yard as the space between the right of way and the principal structure. If considered individually, since the lots are not combined, a variance is required because

the parcel fronting Main Street does not have a principal structure. The location of the building on the parcel does not create adequate space for a rear yard to accommodate playground equipment.

Staff does recommend favorable consideration of the request

Criteria for Variance Approval

In granting a variance the Board of Appeals must find that, for a use variance there is no reasonable use of the property without a variance; and for an area variance there is no practical way for the property owner to accomplish the intended objective of zoning code requirements.

The applicant must demonstrate that a unique condition of the property exists to prevent compliance with zoning code regulations. To qualify for a variance, an applicant must demonstrate that the property meets three requirements:

1. **Unique Property Limitations.** Physical characteristics of the property that are not generally shared by other properties must be evident that affect compliance with ordinance requirements.
2. **No Harm to Public Interest.** A variance may not be granted which results in harm to the interests of neighbors, the community, and the general public. Lack of opposition does not mean that the proposed construction would not harm the public interest.
3. **Unnecessary Hardship.** Unique property limitations must create unnecessary hardship to justify an exception to zoning regulations. The hardship must not be self-imposed; loss of profit, construction without a permit, additional expense to comply with zoning ordinances, are not unnecessary hardships.

Statement of Hardship

The property owner must bear the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

The property does not have a rear yard that could accommodate the installation of playground equipment. If the lots were combined, it would be considered a through lot. Individually, the placement of the building on the Mihill Avenue facing property and lack of a building on the Main Street facing property does not establish a rear yard. There is no alternative location for the placement of the playground equipment that would not require a variance.

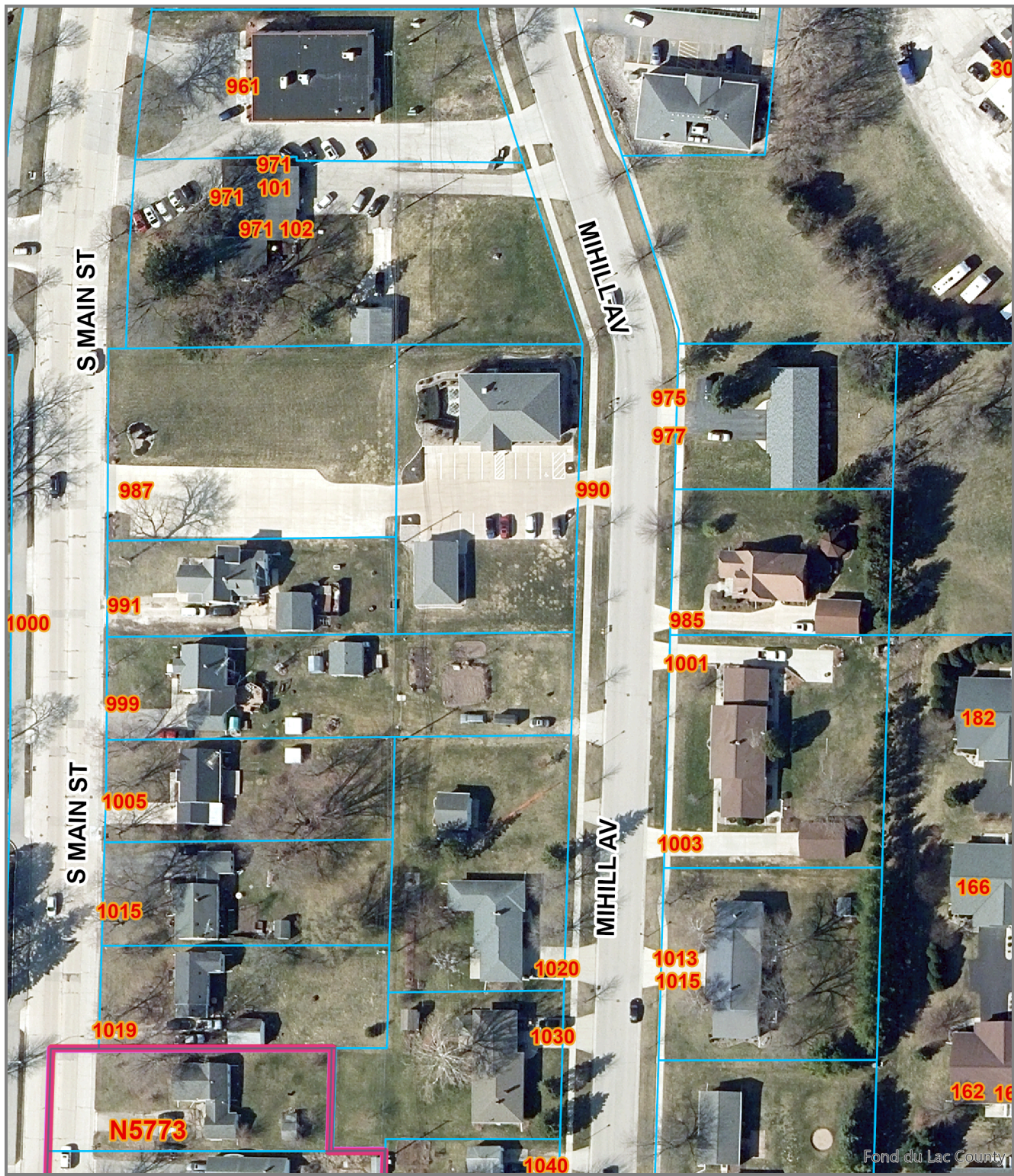
Recommendation and Findings

A motion for variance approval or denial must state the findings in support of the action.

Community Development staff recommends a motion to **approve the variance** request based on findings referenced herein, and specifically because unique property conditions of a lot (s) with no rear yard makes strict compliance with the zoning code difficult. Please note the following conditions:

1. Submittal of a detailed plan to Inspections for the proposed playground.
2. Provide landscape screening along Mihill Avenue within one (1) year of installation of the playground equipment.

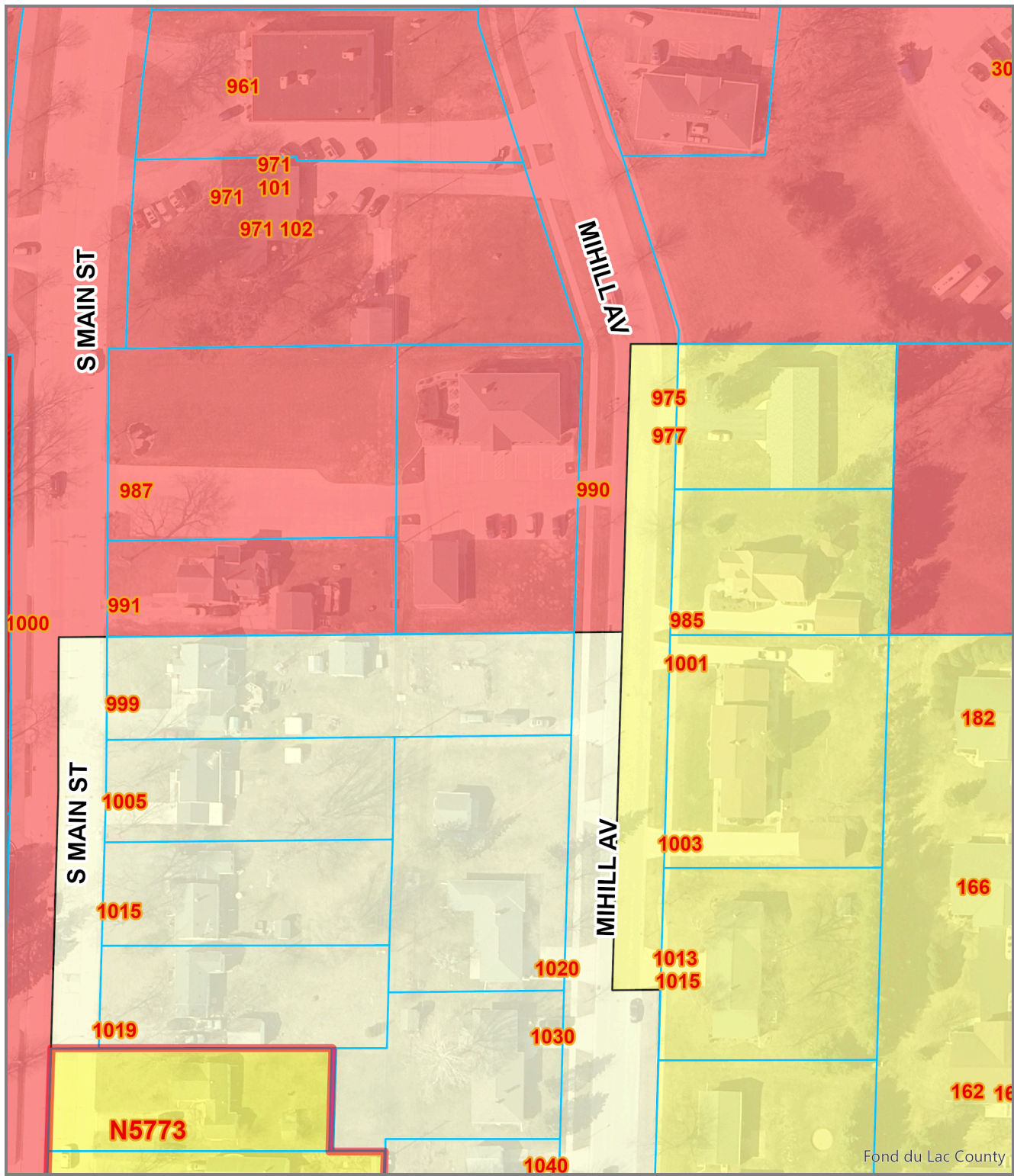
Aerial BBBS



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 100 feet
7/18/2025

Zoning - BBBS



**APPLICATION FOR ZONING VARIANCE****PROPERTY LOCATION:**990 Mihill AvenueTax Key Number (Vacant Land): FDL- 15-17-22-42-264 00**Project Applicant**

Name

Big Brothers Big Sisters of Fond du Lac County - Tammy Young

Mailing Address

987 S. Main Street

City

Fond du Lac

State

WI

ZIP Code

54935

Email Address

Phone Number

Landowner (Complete this information if the project applicant is not the property owner.)

Name

N/A

Mailing Address

City

State

ZIP Code

Email Address

Phone Number

Landowner Certification

If the person requesting a variance is not the owner of the property affected by the proposal, the consent of the landowner is necessary.
Refer to the LANDOWNER AUTHORIZATION form included with the variance application packet.

VARIANCE PROPOSAL

A variance is an exception to a regulation of the zoning code. Describe the purpose of the variance request.

See attached.**ALTERNATIVES**

Describe alternatives to your proposal such as other locations, designs, and construction techniques. If the alternatives are not reasonable, provide the reason(s) for rejection.

See attached.

CRITERIA FOR VARIANCE APPROVAL

To obtain a variance, the applicant must demonstrate that a unique condition of the property exists to prevent compliance with zoning code regulations. A variance is not intended as an accommodation for a property owner's convenience. To qualify for a variance, an applicant must demonstrate that the property meets the following three requirements:

1. Unique Property Limitations
2. No Harm to Public Interest
3. Unnecessary Hardship

1. UNIQUE PROPERTY LIMITATION(S)

Physical characteristics of the property that are not generally shared by other properties – such as a steep slope, wetland, unusual lot boundaries, unusual lot size – must be evident that affect compliance with ordinance requirements. The preference of an applicant (growing family, need for a larger garage, bigger sign, etc.) is not a factor for variance approval. The *property* must qualify for the variance, *not the particular situation of the property owner*.

Describe the unique property limitations that prevent compliance with code requirements:

See attached.

2. NO HARM TO PUBLIC INTEREST

A variance may not be granted which results in harm to the interests of neighbors, the community, and the general public. Lack of opposition does not mean that the proposed construction would not harm the public interest.

Describe why approval of your proposal will not harm any adjacent or nearby property:

See attached.

3. UNNECESSARY HARDSHIP

The unique property limitations must create the unnecessary hardship to justify an exception to zoning regulations. The hardship must not be self-imposed; loss of profit, construction without a permit, additional expense to comply with zoning ordinances, are not unnecessary hardships.

Describe why unique limitations of the *property* make compliance with zoning regulations difficult or impossible:

See attached.

LANDOWNER AUTHORIZATION

TO: City of Fond du Lac

Community Development Department

Re: VARIANCE REQUEST

LOCATION OF VARIANCE REQUEST: 990 Mihill Avenue

The undersigned BIG BROTHERS BIG SISTERS OF PDL County is the owner of property
NAME OF PROPERTY OWNER (PLEASE PRINT)

referenced above. The undersigned authorizes BBBSPDL / Tammy Young
to sign and file a variance application that affects the referenced property.


SIGNATURE OF LAND OWNER OR AUTHORIZED AGENT

7/15/25
DATE

Variance Proposal

Big Brothers Big Sisters of Fond du Lac County purchased two properties on August 30, 2024. 987 S Main Street and 990 Mihill Avenue.

We are looking to put up a playground for our youth next to our garage (990 Mihill Avenue). Both 990 Mihill Avenue and 987 S Main Street are considered a front yard. Since we have no rear yard, we feel the location off Mihill is the best option for the following reasons:

- Away from a very busy Main Street.
- Quiet, private location, easy access for staff to keep an eye on youth.
- Cameras already set up on our building to help with security.
- No power lines.
- Keeping large green space off Main Street.
- We will put up Arbor Vitae to help keep the playground secluded and to block noise.

ALTERNATIVES

We are a non-profit children's organization looking to put up a playground. Neither of our two lots (987 S Main Street or 990 Mihill Avenue) have a rear yard. We feel the 990 Mihill Avenue front yard is the best option for the playground. We are requesting a variance from the City of Fond du Lac.

BCI Burke, Baumhardt Sand and Gravel, Cardinal Construction and Rademann Stone and Landscape have all agreed to be part of this project.

UNIQUE PROPERTY LIMITATIONS/NO HARM TO PUBLIC INTEREST/UNNECESSARY HARDSHIP:

We intend to:

Talk with neighbors to make sure they are aware we are asking for a variance to allow us to put up a playground for our youth.

Put up Arbor Vitae trees to block visibility and noise of the playground.



NOTICE OF BOARD OF APPEALS HEARING

NOTICE IS HEREBY GIVEN that the **BOARD OF APPEALS** of the City of Fond du Lac, Wisconsin, will take action on the following appeal on **Monday, August 4, 2025**. The 3:00 pm meeting will be conducted in Meeting Room A (first floor) of the City-County Government Center, 160 S Macy Street. All persons having an interest are invited to participate. Written correspondence for inclusion with agenda materials should be submitted to the City Clerk. The meeting agenda for the Board of Appeals can be accessed on the Calendar tab on the home page of the City's website: www.fdl.wi.gov

APPEAL NO. 2025-11

Location of Variance Request: 987 S Main Street, Fond du Lac, WI 54935

Zoning Code Regulations:

Section 720-11(C)(19) Accessory Buildings and Uses restricts the location of playground equipment to the rear yard.

Proposal:

Allow the installation of playground equipment in the front yard along Mihill Avenue.

Intent of Variance Request:

The variance request asks for a waiver to allow the installation of playground equipment in the front yard along Mihill Avenue. The zoning code requires playground equipment to be located in rear yard.

Dated this 21st day of July, 2025

Margaret Hefter
City Clerk

Board of Appeals 2025-11

987 S Main Street

PIN	Street_address	MailingAddress1	MailingCity	MailingState	MailingZip
FDL-15-17-22-42-266-00	990 MIHILL AVE	987 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-22-42-268-00	987 S MAIN ST	987 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-22-42-281-00	24 W PIONEER RD	W4597 VALLEY DR	FOND DU LAC	WI	54937
FDL-15-17-22-42-270-00	961 S MAIN ST	961 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-22-42-271-00	949 S MAIN ST	1000 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-22-42-283-00	1000 S MAIN ST	1000 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-22-42-283-00	1000 S MAIN ST	1000 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-22-43-502-00	1016 S MAIN ST	1016 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-22-42-264-00	975 MIHILL AVE	424 WASHINGTON AVE	OSHKOSH	WI	54901
FDL-15-17-22-42-272-00	20 W PIONEER RD	1076 GOODLETTE ROAD N	NAPLES	FL	34102
FDL-15-17-22-42-279-00	30 W PIONEER RD	30 WEST PIONEER RD	FOND DU LAC	WI	54935
FDL-15-17-22-42-280-00	28 W PIONEER RD	W7118 COUNTY ROAD B	OAKFIELD	WI	53065
FDL-15-17-22-43-535-00	1015 MIHILL AVE	1015 MIHILL AVE	FOND DU LAC	WI	54935
FDL-15-17-22-42-267-00	991 S MAIN ST	991 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-22-42-267-00	991 S MAIN ST	991 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-22-43-516-01	1019 S MAIN ST	1019 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-22-42-269-00	971 S MAIN ST	971 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-22-42-277-00	34 W PIONEER RD	34 W PIONEER RD	FOND DU LAC	WI	54935
FDL-15-17-22-42-278-00	32 W PIONEER RD	485 S MILITARY RD STE 7	FOND DU LAC	WI	54935
FDL-15-17-22-42-263-00	30 E PIONEER RD	30 E PIONEER RD	FOND DU LAC	WI	54935
FDL-15-17-22-43-518-00	1020 MIHILL AVE	1020 MIHILL AVE	FOND DU LAC	WI	54935
FDL-15-17-22-43-501-00	1008 S MAIN ST	1008 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-22-42-265-00	985 MIHILL AVE	985 MIHILL AVE	FOND DU LAC	WI	54935
FDL-15-17-22-42-275-00	40 W PIONEER RD	W6173 COUNTY RD A NORTH	ELKHART LAKE	WI	53020
FDL-15-17-22-43-536-00	1003 MIHILL AVE	1003 MIHILL AVE	FOND DU LAC	WI	54935
FDL-15-17-22-43-517-00	1005 S MAIN ST	1005 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-22-43-500-00	999 S MAIN ST	999 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-22-42-282-00	976 S MAIN ST	976 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-22-42-276-00	38 W PIONEER RD	38 W PIONEER RD	FOND DU LAC	WI	54935
FDL-15-17-22-42-262-00	20 E PIONEER RD	20 E PIONEER RD	FOND DU LAC	WI	54935
FDL-15-17-22-43-516-00	1015 S MAIN ST	1015 S MAIN ST	FOND DU LAC	WI	54935

**BOARD OF APPEALS AGENDA
CITY OF FOND DU LAC, WISCONSIN
446 North Park Avenue**

Subject: Appeal No: 2025-12
Zoning Code Regulations:
Section 720-11 (C)(21) (b) Accessory Buildings and
Uses restricts the number of accessory structures on
one-family and two-family dwellings to an attached or
detached garage and one other accessory building.

Proposal:
Allow the construction of a third accessory structure
on the lot in addition to the existing detached garage
and shed.

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

Memo__Maps.pdf

REDACTED_MATHERS_APPLICATION.pdf

2025-12_Public_Notice.pdf

The CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: July 28, 2025
To: Board of Appeals
From: Dyann Benson, Community Development Director
Re: Appeal No. 2025-12 – 446 N Park Avenue
Applicant: Mike Mathers

Zoning: Site: R-1 (Single Family Residential District)
North: R-1
South: R-1
East: R-1
West: R-1

Land Use: Site: Residential
North: Residential
South: Residential
East: Residential
West: Residential

Variance Request

Zoning Code Regulations:

Section 720-11(C)(21)(b) Accessory Buildings and Uses restricts the number of accessory structures on one-family and two-family dwellings to an attached or detached garage and one other accessory building.

Proposal:

Allow the construction of a third accessory structure on the lot in addition to the existing detached garage and shed.

Analysis

The property is located on Park Avenue, south of Scott Street. It is a single family home with an existing detached garage and shed. The applicant is seeking to install a third accessory structure – a dog house – on the property. The applicant started construction on the structure without the required building permits. The proposed structure is 4x8 and approximately 6 ft in height. The submittal of a building permit in advance of starting the structure would have notified the property owner that a third structure is not allowed by the zoning code.

The application materials provide a photograph of the dog house constructed to date. It includes a pedestrian sized door area. Online research shows a typical doghouse, even for what is considered a large breed – to be 42” D X 34” W X 40” H.

The dimensions, including the height of the structure, as well as the pedestrian/human sized doorway, are inconsistent with a dog house. The applicant could have considered an addition to the existing detached garage and still remained in compliance with the zoning code.

Staff does not recommend favorable consideration of the request

Criteria for Variance Approval

In granting a variance the Board of Appeals must find that, for a use variance there is no reasonable use of the property without a variance; and for an area variance there is no practical way for the property owner to accomplish the intended objective of zoning code requirements.

The applicant must demonstrate that a unique condition of the property exists to prevent compliance with zoning code regulations. To qualify for a variance, an applicant must demonstrate that the property meets three requirements:

- 1. Unique Property Limitations.** Physical characteristics of the property that are not generally shared by other properties must be evident that affect compliance with ordinance requirements.
- 2. No Harm to Public Interest.** A variance may not be granted which results in harm to the interests of neighbors, the community, and the general public. Lack of opposition does not mean that the proposed construction would not harm the public interest.
- 3. Unnecessary Hardship.** Unique property limitations must create unnecessary hardship to justify an exception to zoning regulations. The hardship must not be self-imposed; loss of profit, construction without a permit, additional expense to comply with zoning ordinances, are not unnecessary hardships.

Statement of Hardship

The property owner must bear the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

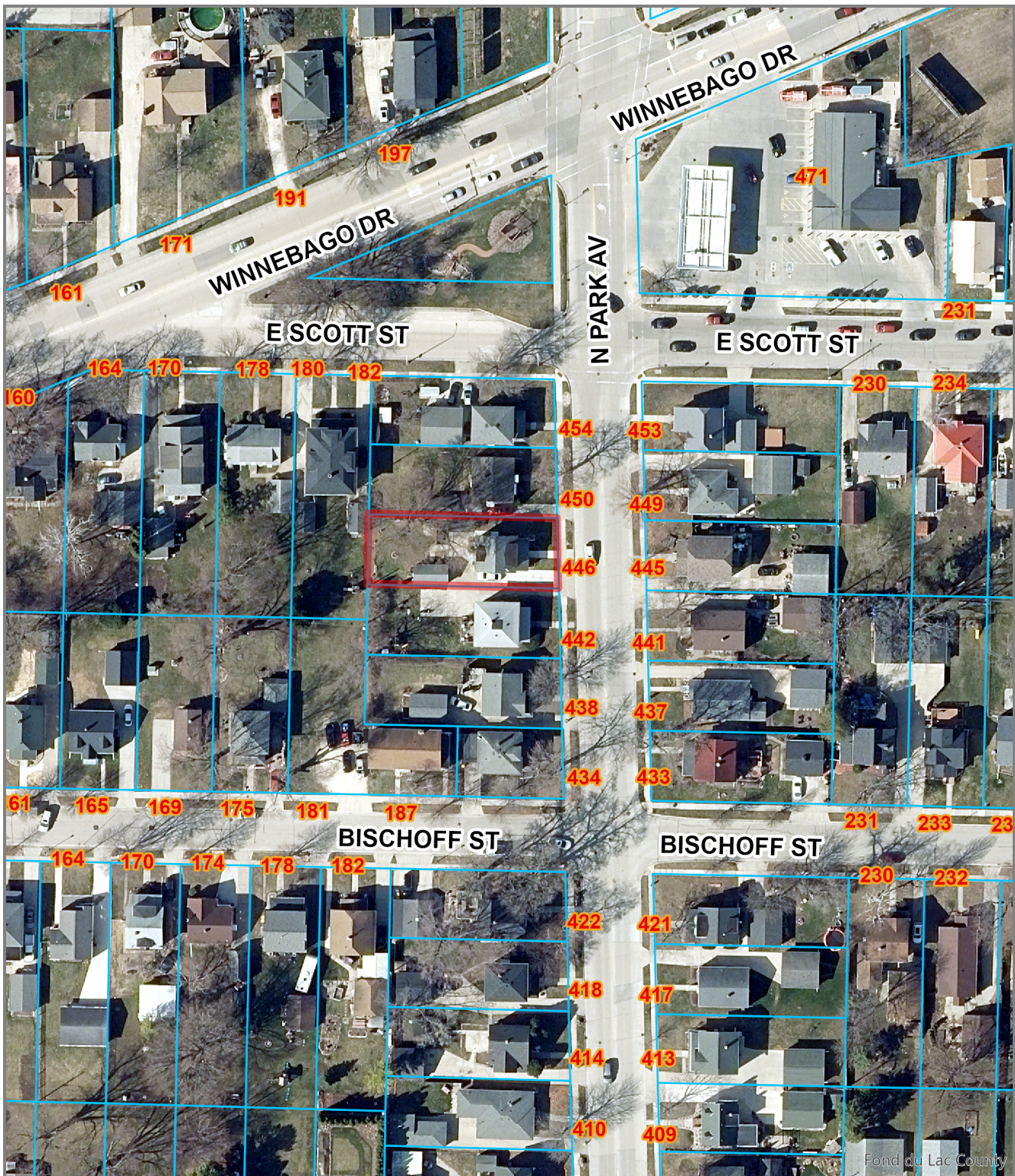
The applicant has not identified any conditions that are unique to the property to support the variance request other than they already started construction. Nor has the applicant demonstrated that the hardship was not created by the property owner.

Recommendation and Findings

A motion for variance approval or denial must state the findings in support of the action.

Community Development staff recommends a motion to **deny the variance** request based on findings referenced herein, and specifically because the applicant has not identified any unique property conditions that support the variance request that were not created by the property and that the property owner did not consider alternatives to a third accessory structure.

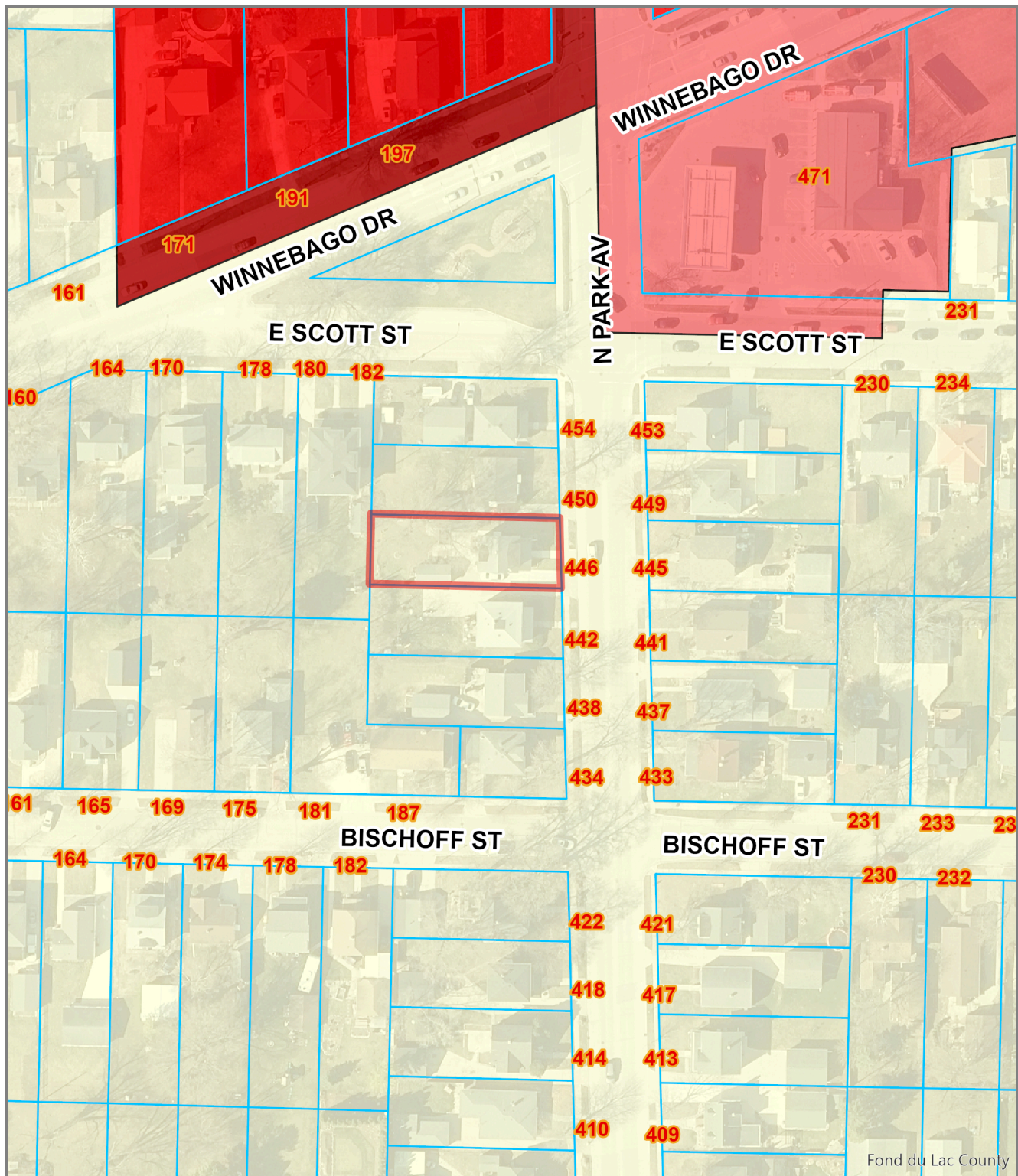
Aerial - 446 N Park Avenue



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 100 feet
7/18/2025

Zoning - 446 N Park Avenue



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 100 feet
7/18/2025

**APPLICATION FOR ZONING VARIANCE****PROPERTY LOCATION:** 446 N PARK AVE

Tax Key Number (Vacant Land): FDL-____-____-____-____-____

Project Applicant

Name

MIKE MATHERS

Mailing Address

446 N PARK AVE

City

FOND DU LAC

State

WI

ZIP Code

54935

Email Address

Phone Number

Landowner (Complete this information if the project applicant is not the property owner.)

Name

Mailing Address

City

State

ZIP Code

Email Address

Phone Number

Landowner Certification

If the person requesting a variance is not the owner of the property affected by the proposal, the consent of the landowner is necessary. Refer to the LANDOWNER AUTHORIZATION form included with the variance application packet.

VARIANCE PROPOSAL

A variance is an exception to a regulation of the zoning code. Describe the purpose of the variance request.

need another accessory structure for 2 dogs, I have had separation anxiety issues

ALTERNATIVES

Describe alternatives to your proposal such as other locations, designs, and construction techniques. If the alternatives are not reasonable, provide the reason(s) for rejection.

no alternatives because the structure is built & didn't know I needed a permit for a dog house (4x8)

CRITERIA FOR VARIANCE APPROVAL

To obtain a variance, the applicant must demonstrate that a unique condition of the property exists to prevent compliance with zoning code regulations. A variance is not intended as an accommodation for a property owner's convenience. To qualify for a variance, an applicant must demonstrate that the property meets the following three requirements:

1. Unique Property Limitations
2. No Harm to Public Interest
3. Unnecessary Hardship

1. UNIQUE PROPERTY LIMITATION(S)

Physical characteristics of the property that are not generally shared by other properties – such as a steep slope, wetland, unusual lot boundaries, unusual lot size – must be evident that affect compliance with ordinance requirements. The preference of an applicant (growing family, need for a larger garage, bigger sign, etc.) is not a factor for variance approval. The *property* must qualify for the variance, *not the particular situation of the property owner*.

Describe the unique property limitations that prevent compliance with code requirements: *dog house because the existing garage is not safe & ~~it~~ has to be inside fenced yard*

2. NO HARM TO PUBLIC INTEREST

A variance may not be granted which results in harm to the interests of neighbors, the community, and the general public. Lack of opposition does not mean that the proposed construction would not harm the public interest.

Describe why approval of your proposal will not harm any adjacent or nearby property:

It doesn't block the view of anything, doesn't cause water or drainage issues, no overhead wire issues, would never interfere with any future plans for neighboring property,

3. UNNECESSARY HARDSHIP

The unique property limitations must create the unnecessary hardship to justify an exception to zoning regulations. The hardship must not be self-imposed; loss of profit, construction without a permit, additional expense to comply with zoning ordinances, are not unnecessary hardships.

Describe why unique limitations of the *property* make compliance with zoning regulations difficult or impossible:

Location of the dog house needs to be inside the fenced in yard & to stop damage to our home so my wife can work, she is retired but needs to work.

LANDOWNER AUTHORIZATION

TO: City of Fond du Lac

Community Development Department

Re: VARIANCE REQUEST

LOCATION OF VARIANCE REQUEST: 446 N PARK AVE

The undersigned MIKE MATHERS is the owner of property
NAME OF PROPERTY OWNER (PLEASE PRINT)

referenced above. The undersigned authorizes _____
to sign and file a variance application that affects the referenced property.


SIGNATURE OF LAND OWNER OR AUTHORIZED AGENT

7/17/25
DATE

NOTICE OF BOARD OF APPEALS HEARING

NOTICE IS HEREBY GIVEN that the **BOARD OF APPEALS** of the City of Fond du Lac, Wisconsin, will take action on the following appeal on **Monday, August 4, 2025**. The 3:00 pm meeting will be conducted in Meeting Room A (first floor) of the City-County Government Center, 160 S Macy Street. All persons having an interest are invited to participate. Written correspondence for inclusion with agenda materials should be submitted to the City Clerk. The meeting agenda for the Board of Appeals can be accessed on the Calendar tab on the home page of the City's website: www.fdl.wi.gov

APPEAL NO. 2025-12

Location of Variance Request: 446 N Park Avenue, Fond du Lac, WI 54935

Zoning Code Regulations:

Section 720-11(C)(21)(b) Accessory Buildings and Uses restricts the number of accessory structures on one-family and two-family dwellings to an attached or detached garage and one other accessory building.

Proposal:

Allow the construction of a third accessory structure on the lot in an addition to the existing detached garage and shed.

Intent of Variance Request:

The variance request asks for a waiver to allow the construction of a 3rd accessory structure on the lot. The property has an existing detached garage and shed.

Dated this 21st day of July, 2025

Margaret Hefter
City Clerk

Board of Appeals 2025-12

446 N Park Avenue

PIN	Street_address	MailingAddress1	MailingCity	MailingState	MailingZip
FDL-15-17-02-33-515-00	197 WINNEBAGO DR	197 WINNEBAGO DR	FOND DU LAC	WI	54935
FDL-15-17-02-33-511-00	161 E SCOTT ST	161 E SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-266-00	178 E SCOTT ST	178 E SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-259-00	453 N PARK AVE	453 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-11-22-269-00	160 E SCOTT ST	160 E SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-282-00	181 BISCHOFF ST	518 ALLEN ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-280-00	169 BISCHOFF ST	PO BOX 150	FOND DU LAC	WI	54936
FDL-15-17-02-33-512-00	0 N PARK AVE	PO BOX 150	FOND DU LAC	WI	54936
FDL-15-17-11-22-317-00	164 BISCHOFF ST	164 BISCHOFF ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-309-00	413 N PARK AVE	413 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-11-22-316-00	170 BISCHOFF ST	170 BISCHOFF ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-283-00	434 N PARK AVE	434 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-02-33-513-00	171 WINNEBAGO DR	171 WINNEBAGO DR	FOND DU LAC	WI	54935
FDL-15-17-11-22-264-00	454 N PARK AVE	454 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-11-22-278-00	161 BISCHOFF ST	161 BISCHOFF ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-288-00	433 N PARK AVE	433 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-11-22-308-00	417 N PARK AVE	417 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-11-22-311-00	418 N PARK AVE	418 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-11-22-312-00	422 N PARK AVE	422 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-11-22-267-00	170 E SCOTT ST	170 E SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-279-00	165 BISCHOFF ST	165 BISCHOFF ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-257-00	234 E SCOTT ST	W1724 AUBURN-ASHFORD DR	CAMPBELLSPORT	WI	53010
FDL-15-17-11-22-315-00	174 BISCHOFF ST	N1140 COUNTY ROAD W	CAMPBELLSPORT	WI	53010
FDL-15-17-11-22-318-00	160 BISCHOFF ST	134 PHEASANT DR	FOND DU LAC	WI	54935
FDL-15-17-11-22-258-00	230 E SCOTT ST	230 E SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-314-00	178 BISCHOFF ST	178 BISCHOFF ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-289-00	231 BISCHOFF ST	231 BISCHOFF ST	FOND DU LAC	WI	54935
FDL-15-17-02-33-510-00	155 E SCOTT ST	155 E SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-286-00	441 N PARK AVE	441 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-11-22-285-00	442 N PARK AVE	N6576 CARRINGTON DR	FOND DU LAC	WI	54937
FDL-15-17-11-22-313-00	182 BISCHOFF ST	182 BISCHOFF ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-284-00	438 N PARK AVE	438 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-11-22-265-00	182 E SCOTT ST	W7980 HILLVIEW RD	HORTONVILLE	WI	54944

Board of Appeals 2025-12

446 N Park Avenue

FDL-15-17-11-22-291-00	237 BISCHOFF ST	237 BISCHOFF ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-262-00	446 N PARK AVE	446 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-11-22-270-00	152 E SCOTT ST	152 E SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-277-00	155 BISCHOFF ST	384 BOYD ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-287-00	437 N PARK AVE	437 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-11-22-290-00	233 BISCHOFF ST	233 BISCHOFF ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-263-00	450 N PARK AVE	450 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-11-22-261-00	445 N PARK AVE	445 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-11-22-256-00	238 E SCOTT ST	238 E SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-260-00	449 N PARK AVE	449 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-11-22-268-00	164 E SCOTT ST	164 E SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-310-00	414 N PARK AVE	414 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-11-22-281-00	175 BISCHOFF ST	175 BISCHOFF ST	FOND DU LAC	WI	54935
FDL-15-17-02-33-514-00	191 WINNEBAGO DR	N8875 NORTH POLE RD	THERESA	WI	53091
FDL-15-17-11-22-306-00	230 BISCHOFF ST	230 BISCHOFF ST	FOND DU LAC	WI	54935
FDL-15-17-02-33-516-00	0 WINNEBAGO DR	5321 CORPORATE BLVD	BATON ROUGE	LA	70808
FDL-15-17-11-22-307-00	421 N PARK AVE	421 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-02-33-535-01	471 N PARK AVE	1626 OAK ST	LA CROSSE	WI	54603

**BOARD OF APPEALS AGENDA
CITY OF FOND DU LAC, WISCONSIN
459 East 1st Street (Harbor Haven)**

Subject: Public Hearing Held July 7th, 2025 (ACTION ITEM)
Appeal No. 2025-07
Zoning Code Regulations:
Schedule II Land Use or Activities Residential
Districts does not allow for non-government office use
as a permitted use within the R-1 District

Proposal:
Allow the use of the existing lower-level office space
as office space for non-government entities.

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

Memo__Maps.pdf

REDACTED_-_cityFDL_Zoning_Variance_App__06_25_(002).pdf

Public_Notice.pdf

The CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: June 27, 2025

To: Board of Appeals

From: Dyann Benson, Community Development Director

Re: **Appeal No. 2025-07 – 459 East 1st Street (Harbor Haven)**

Applicant: Harbor Haven Wellness & Rehabilitation

Zoning:

Site:	R-1 (Single Family Residential District)
North:	O (Office Conversion District)
South:	R-1
East:	R-1
West:	O

Land Use:

Site:	Harbor Haven
North:	Hospital
South:	Residential
East:	Parking Lot/Residential
West:	Parking Lot/Residential

Variance Request

Zoning Code Regulations:

Schedule II Land Use or Activities Residential Districts does not allow for non-government office use as a permitted use within the R-1 District.

Proposal:

Allow the use of the existing lower level office space as office space for non-government entities.

Analysis

The property at 459 East 1st Street is Harbor Haven Wellness and Rehabilitation. In addition to Harbor Haven itself, the property also accommodated Fond du Lac County's Human Services Department. As part of the redevelopment of the former UW-Oshkosh- Fond du Lac Campus that closed in June 2024, Fond du lac County has been a County services focused campus, bringing departments from outlying buildings into the Campus Complex.

As a result, Human Services has vacated the lower level of the Harbor Haven building. Being a lower level, repurposing it for any type of residential purposes – similar to Harbor Haven's current offerings – have a higher level of building and ADA code compliance. The proximity to the hospital

and Harbor Haven lends itself to ongoing use as an office outside of a government use. The property has adequate parking so the change from government to non-government use will not adversely impact the adjoining residential areas.

Favorable consideration of the variance request is recommended.

Criteria for Variance Approval

In granting a variance, the Board of Appeals must find that, for a use variance there is no reasonable use of the property without a variance; and for an area variance, there is no practical way for the property owner to accomplish the intended objective of zoning code requirements.

The applicant must demonstrate that a unique condition of the property exists to prevent compliance with zoning code regulations. To qualify for a variance, an applicant must demonstrate that the property meets three requirements:

- 1. Unique Property Limitations.** Physical characteristics of the property that are not generally shared by other properties must be evident that affect compliance with ordinance requirements.
- 2. No Harm to Public Interest.** A variance may not be granted which results in harm to the interests of neighbors, the community, and the public. Lack of opposition does not mean that the proposed construction would not harm the public interest.
- 3. Unnecessary Hardship.** Unique property limitations must create unnecessary hardship to justify an exception to zoning regulations. The hardship must not be self-imposed; loss of profit, construction without a permit, additional expense to comply with zoning ordinances, are not unnecessary hardships.

Statement of Hardship

The property owner must bear the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

The property at 459 East 1st Street has lower level office space that limits its ability to be repurposed for a residential use allowed under the R-1 District zoning.

Recommendation and Findings

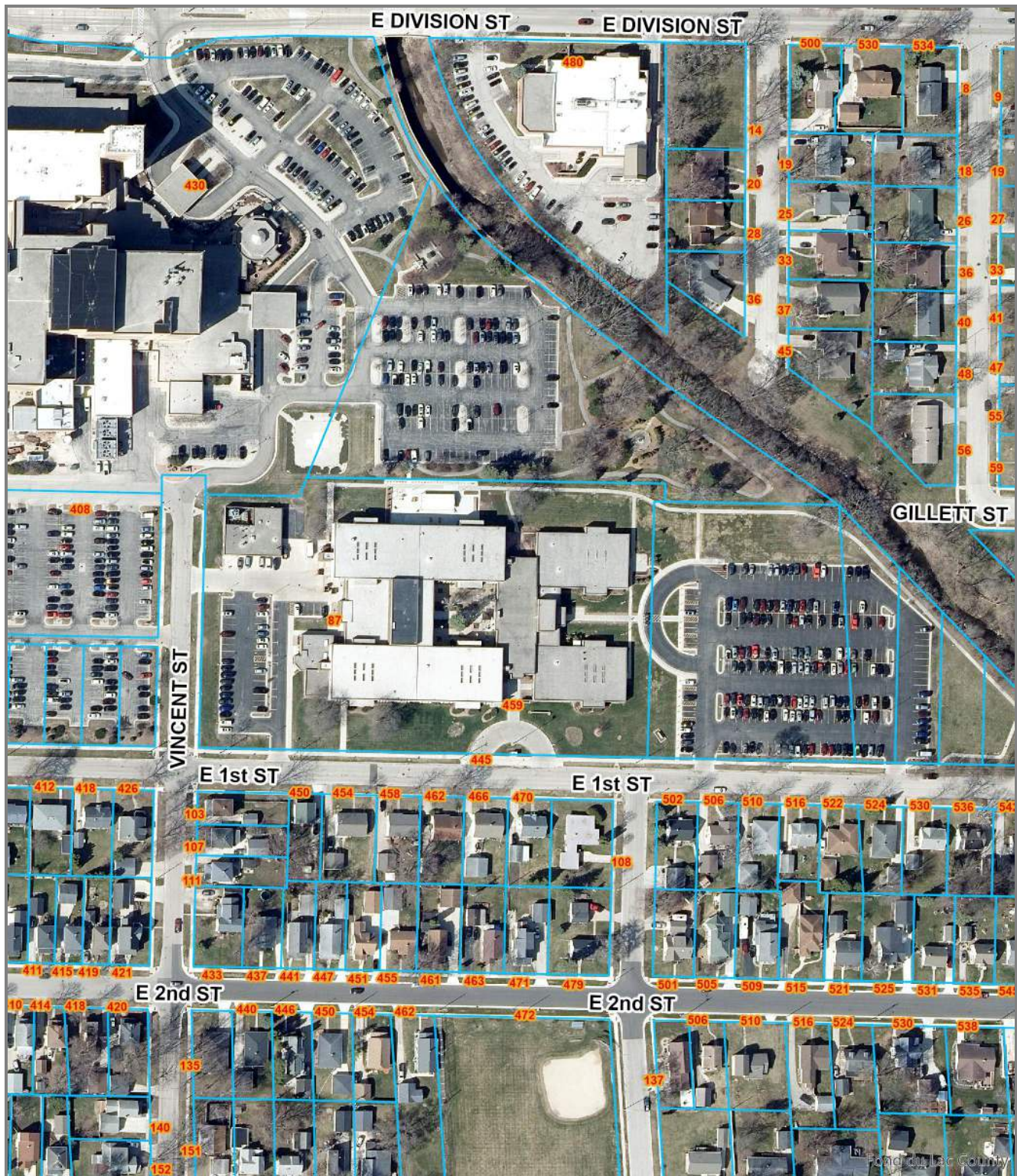
A motion for variance approval or denial must state the findings in support of the action.

Community Development staff recommends a motion to **approve the variance** request based on findings referenced herein, and specifically because unique property conditions of lower level office

space has limited ability to be repurposed for a residential use that can meet current building and ADA code compliance that makes strict compliance with zoning regulations difficult. Please note the following conditions:

1. Any new tenant will be required to obtain a new occupancy permit.

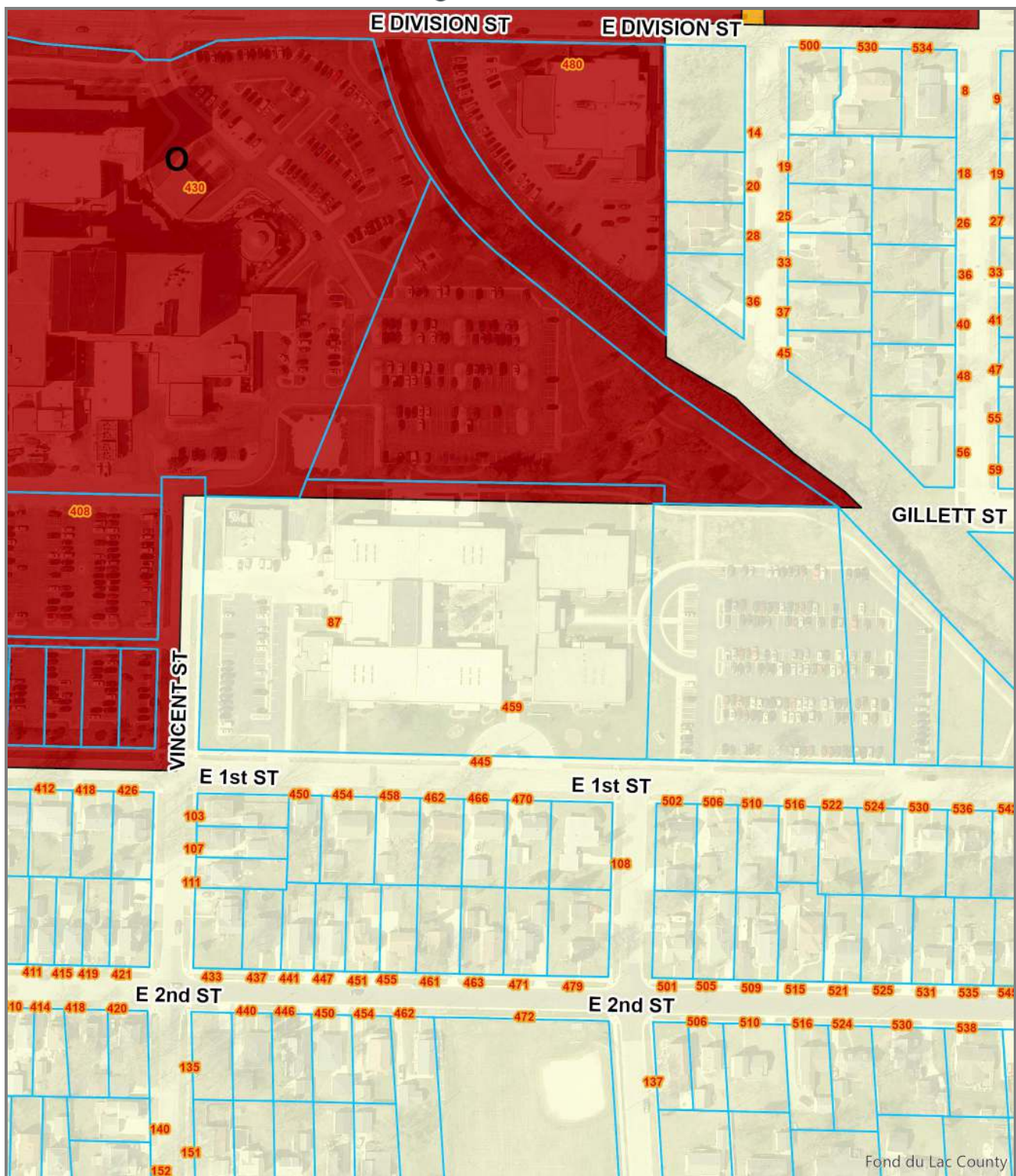
Aerial - 459 E 1st Street



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 200 feet
6/24/2025

Zoning - 459 E 1st Street



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 200 feet
6/24/2025



CITY OF FOND DU LAC
APPLICATION FOR ZONING VARIANCE

PROPERTY LOCATION: 459 East 1st St. Fond du Lac, WI 54935

Tax Key Number (Vacant Land): FDL- - - - -

Project Applicant

Name

Mark Radmer, Administrator - Harbor Haven Health & Rehabilitation

Mailing Address

459 E. 1st St.

City

Fond du Lac

State

WI

ZIP Code

54935

Landowner (Complete this information if the project applicant is not the property owner.)

Name

Fond du Lac County DBA Harbor Haven Health & Rehabilitation

Mailing Address

459 E. 1st St.

City

Fond du Lac

State

WI

ZIP Code

54935

Landowner Certification

If the person requesting a variance is not the owner of the property affected by the proposal, the consent of the landowner is necessary. Refer to the LANDOWNER AUTHORIZATION form included with the variance application packet.

VARIANCE PROPOSAL

A variance is an exception to a regulation of the zoning code. Describe the purpose of the variance request.

Please review attached documents.

ALTERNATIVES

Describe alternatives to your proposal such as other locations, designs, and construction techniques. If the alternatives are not reasonable, provide the reason(s) for rejection.

Attached

CRITERIA FOR VARIANCE APPROVAL

To obtain a variance, the applicant must demonstrate that a unique condition of the property exists to prevent compliance with zoning code regulations. A variance is not intended as an accommodation for a property owner's convenience. To qualify for a variance, an applicant must demonstrate that the property meets the following three requirements:

1. Unique Property Limitations
2. No Harm to Public Interest
3. Unnecessary Hardship

1. UNIQUE PROPERTY LIMITATION(S)

Physical characteristics of the property that are not generally shared by other properties – such as a steep slope, wetland, unusual lot boundaries, unusual lot size – must be evident that affect compliance with ordinance requirements. The preference of an applicant (growing family, need for a larger garage, bigger sign, etc.) is not a factor for variance approval. The *property* must qualify for the variance, *not the particular situation of the property owner*.

Describe the unique property limitations that prevent compliance with code requirements:

Attached

2. NO HARM TO PUBLIC INTEREST

A variance may not be granted which results in harm to the interests of neighbors, the community, and the general public. Lack of opposition does not mean that the proposed construction would not harm the public interest.

Describe why approval of your proposal will not harm any adjacent or nearby property:

Attached

3. UNNECESSARY HARDSHIP

The unique property limitations must create the unnecessary hardship to justify an exception to zoning regulations. The hardship must not be self-imposed; loss of profit, construction without a permit, additional expense to comply with zoning ordinances, are not unnecessary hardships.

Describe why unique limitations of the *property* make compliance with zoning regulations difficult or impossible:

Attached

LANDOWNER AUTHORIZATION

TO: City of Fond du Lac

Community Development Department

Re: VARIANCE REQUEST

LOCATION OF VARIANCE REQUEST: 459 East 1st St. Fond du Lac, WI
54935

The undersigned Fond du Lac County is the owner of property
NAME OF PROPERTY OWNER (PLEASE PRINT)

referenced above. The undersigned authorizes Mark Radmer - Harbor Haven Health & Rehabilitation
to sign and file a variance application that affects the referenced property.


SIGNATURE OF LAND OWNER OR AUTHORIZED AGENT

6/5/2025
DATE

CITY of FOND DU LAC - Variance Proposal (for building space use) at:

459 East 1st St. Fond du Lac, WI 54935

Relevant background information: The property, also known as the Fond du Lac County Health Care Center, is owned, and operated by Fond du Lac County. The building operations of this location are overseen by Fond du Lac County DBA Harbor Haven Health & Rehabilitation, a skilled nursing facility. Since its opening in 1972, the building has had various County agencies operating within it, and from it. The property is in an area zoned as “R-1, residential” by the city of Fond du Lac. The two agencies, (which are also Fond du Lac County departments), that currently occupy the building are: 1.) Harbor Haven Health & Rehabilitation and 2.) The Fond du Lac County Department of Human Services. These two departments, with the various parts of their operation(s), have occupied the building since its opening.

Reason/Purpose for Variance Proposal: In 2024, Fond du Lac County had announced, and began executing plans, for repurposing another county-owned property, which was the former UW-Oshkosh Fond du Lac Campus, now called the Fond du Lac County Campus. Prior to this, UW-Oshkosh had notified Fond du Lac County of its intent to cease its operations on the campus, which is what prompted the need to determine future uses for this property. As part of its campus repurposing plan, Fond du Lac County had made the decision to move certain county departments to the available campus space. One county department that will be moving a significant portion of its operation to the campus, is the Fond du Lac County Department of Human Services, which currently occupies considerable space at the 459 East 1st St location.

Due to the pending move as described above, approximately 20,000 sq. ft. within the lower level of the building at 459 East 1st St., will be vacated later in 2025. The space is currently laid out as a large office environment, with approximately 70 offices, along with several other rooms - supply rooms, file rooms, meeting rooms, employee break areas, and restrooms. Harbor Haven Health & Rehabilitation has interest in pursuing other agencies/businesses to occupy the space which will be vacated, in order to allow for the continued sustainability of the overall building, and for the Fond du Lac County operations which remain at this location to remain financially viable. Prior to pursuing any opportunities for a new business or agency to rent the space in question, Fond du Lac County DBA Harbor Haven Health & Rehabilitation wanted to make this zoning variance request with the City of Fond du Lac, so that the city was aware of the space vacancy, and of the need to have another entity utilize the space.

The application for zoning variance is being made so that we might continue to have the opportunity to have an agency or company conduct its business/provide services within the environment, as the various County agencies have been doing for years. Harbor Haven Health & Rehabilitation has a financial need for a new entity or entities to occupy the available building space so that its operation can continue to be sustainable. Harbor Haven Health & Rehabilitation would pursue new businesses or agencies that have the same or similar office needs as the county department using it now. An agency or business in the human services, health care, or related fields, would be the ideal type of tenant Harbor Haven Health & Rehabilitation would like to consider. We do not anticipate a need to make

changes to the property from a construction or remodeling standpoint. Nor does Harbor Haven Health & Rehabilitation expect any changes relative to building's systems functionality. The amount of road traffic to and from the location is not expected to be any different from the current activity, should there be a new business or agency operating there.

Alternatives:

There are no alternatives relative to the request for variance, as the request is simply to seek clarification for how the building may be used, once the space is vacated by the county department that is currently occupying it, later this year (2025). Harbor Haven Health & Rehabilitation / Fond du Lac County is not pursuing having other property locations. The request is being made so that the space may be reoccupied with a new agency or company, with similar office needs to the entity that is operating in the space today.

CRITERIA FOR VARIANCE APPROVAL:

Regarding page 2 of the Application for Zoning Variance form, please review the following:

1. Unique Property Limitations: There are no property limitations. The property has been zoned as "R-1 residential" for years; the type of business which has been conducted there to this point, would not be materially different, to the type of entity that Harbor Haven Health & Rehabilitation would seek to have in the building.
2. No Harm to Public Interest: There is no construction being pursued for the space in question. There would be no harm done relative to the interests of the neighborhood, the greater community, or general public. The property, as it currently exists, would not change should there be a new agency or business occupying the space that will be available, other than possibly new signage for a new entity.
3. Unnecessary Hardship: There are no known hardships that relate to this request, as again the purpose for this application for zoning variance is to make the City aware of the space that will be vacated, and that there is interest on the part of Harbor Haven Health & Rehabilitation to find a new entity to occupy the same space.

NOTICE OF BOARD OF APPEALS HEARING

NOTICE IS HEREBY GIVEN that the **BOARD OF APPEALS** of the City of Fond du Lac, Wisconsin, will take action on the following appeal on **Monday, July 7, 2025**. The 3:00 pm meeting will be conducted in Meeting Room A (first floor) of the City-County Government Center, 160 S Macy Street. All persons having an interest are invited to participate. Written correspondence for inclusion with agenda materials should be submitted to the City Clerk. The meeting agenda for the Board of Appeals can be accessed on the Calendar tab on the home page of the City's website: www.fdl.wi.gov

APPEAL NO. 2025-07

Location of Variance Request: 459 East First Street, Fond du Lac, WI 54935

Zoning Code Regulations:

Schedule II Land Use or Activities Residential Districts does not allow for non-government office use as a permitted use within the R-1 District.

Proposal:

Allow the use of the existing lower level office space as office space for non-government entities.

Intent of Variance Request:

The variance request asks for a waiver to allow the use of the existing lower level office space as office space for non-government use.

Dated this 24th day of June, 2025

Margaret Hefter
City Clerk

Board of Appeals 2025-07

459 E 1st Street

PIN	Street_address	MailingAddress1	MailingCity	MailingState	MailingZip
FDL-15-17-11-34-855-00	430 E DIVISION ST	430 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-11-43-522-00	0 E DIVISION ST	430 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-11-43-523-01	480 E DIVISION ST	430 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-11-43-524-00	36 EASTGATE PL	430 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-253-00	408 GILLETT ST	430 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-254-00	425 E 1ST ST	430 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-255-00	419 E 1ST ST	430 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-256-00	413 E 1ST ST	430 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-257-00	409 E 1ST ST	430 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-258-00	401 E 1ST ST	430 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-276-00	506 E 1ST ST	506 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-271-00	462 E 1ST ST	462 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-275-00	502 E 1ST ST	502 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-263-00	418 E 1ST ST	418 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-283-00	515 E 2ND ST	515 E 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-266-00	107 VINCENT ST	107 VINCENT ST	FOND DU LAC	WI	54935
FDL-15-17-11-43-534-00	37 EASTGATE PL	37 EASTGATE PL	FOND DU LAC	WI	54935
FDL-15-17-14-12-288-00	471 E 2ND ST	471 E 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-292-00	451 E 2ND ST	3452 COUNTY ROAD Z	OSHKOSH	WI	54902
FDL-15-17-14-12-264-00	426 E 1ST ST	426 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-301-00	407 E 2ND ST	407 E 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-250-00	0 E 1ST ST	160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-250-00	0 E 1ST ST	160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-251-00	0 E 1ST ST	160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-252-00	459 E 1ST ST	160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-285-00	505 E 2ND ST	505 E 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-262-00	412 E 1ST ST	412 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-267-00	111 VINCENT ST	111 VINCENT ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-297-00	421 E 2ND ST	421 E 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-289-00	463 E 2ND ST	463 E SECOND ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-261-00	406 E 1ST ST	406 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-300-00	411 E 2ND ST	411 E 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-280-00	524 E 1ST ST	524 E 1ST ST	FOND DU LAC	WI	54935

Board of Appeals 2025-07

459 E 1st Street

FDL-15-17-14-12-280-00	524 E 1ST ST	524 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-293-00	447 E 2ND ST	447 E 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-290-00	461 E 2ND ST	461 E 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-11-43-535-00	45 EASTGATE PL	45 EASTGATE PL	FOND DU LAC	WI	54935
FDL-15-17-11-44-907-00	56 S KAYSER ST	56 S KAYSER ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-270-00	458 E 1ST ST	458 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-286-00	501 E 2ND ST	501 E 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-273-00	470 E 1ST ST	470 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-278-00	516 E 1ST ST	516 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-279-00	522 E 1ST ST	522 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-296-00	433 E 2ND ST	114 S MAIN ST #116	FOND DU LAC	WI	54935
FDL-15-17-14-12-277-00	510 E 1ST ST	510 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-294-00	441 E 2ND ST	441 E 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-272-00	466 E 1ST ST	466 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-298-00	419 E 2ND ST	419 E SECOND ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-274-00	108 ASHLAND AVE	6844 MCCOY DR	WAUTAGA	TX	76148
FDL-15-17-14-12-299-00	415 E 2ND ST	415 E 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-295-00	437 E 2ND ST	437 E 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-284-00	509 E 2ND ST	509 E 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-265-00	103 VINCENT ST	W7650 PATRICK PL	BEAVER DAM	WI	53916
FDL-15-17-14-12-291-00	455 E 2ND ST	455 E 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-268-00	450 E 1ST ST	450 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-260-00	400 E 1ST ST	400 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-269-00	454 E 1ST ST	454 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-14-12-287-00	479 E 2ND ST	479 E 2ND ST	FOND DU LAC	WI	54935

**BOARD OF APPEALS AGENDA
CITY OF FOND DU LAC, WISCONSIN
250 Camelot Drive (Grande Cheese Greenhouse)**

Subject: Public Hearing Held July 7th, 2025 (ACTION ITEM)
Appeal No. 2025-08
Zoning Code Regulations:
Section 720-11(C)(21)(e) Accessory Building and Uses
restricts the maximum height of an accessory building
in the C-2 General Commercial District to 15 feet in
height.

Proposal:
Allow the construction an accessory building in the C-
2 General Commercial District that is 17 feet in
height for a greenhouse building.

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

MEMO_AND_MAPS.pdf

REDACTED_-_202508Application.pdf

Public_Notice.pdf

The CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: June 27, 2025

To: Board of Appeals

From: Dyann Benson, Community Development Director

Re: Appeal No. 2025-08 – 250 Camelot Drive (Grande Cheese Greenhouse)

Applicant: Grande Cheese

Zoning:

Site:	C-2 (General Commercial District)
North:	O/M-BP (Office Conversion District/ Mfg- Business Park District)
South:	Hwy 151/NMU (Neighborhood Mixed Use)
East:	C-2
West:	I-41

Land Use:

Site:	Grande Cheese
North:	Office
South:	Hwy 151/Vacant
East:	Office
West:	I-41

Variance Request

Zoning Code Regulations:

Section 720-11(C)(21)(e) Accessory Buildings and Uses restricts the maximum height of an accessory building in the C-2 General Commercial District to 15 feet in height.

Proposal:

Allow the construction of an accessory building in the C-2 General Commercial District that is 17 feet in height for a greenhouse building.

Analysis

The property at 250 Camelot Drive is the home of Grande Cheese Company headquarters. This 41.5 acre parcel includes office building, parking and curated grounds. The proposed project is 717 square foot greenhouse building that will be located west of their office building, approximately 680 feet off of Camelot Drive.

The proposed height of the greenhouse is 17 feet where the zoning code allows for a maximum height of 15 feet for accessory structures in commercial districts. The additional height provides a stem wall to accommodate plumbing and other infrastructure; some level of protection where

impacts are likely to occur from equipment and vehicles as well as an opportunity to integrate comparable architectural design features as the principal building.

The purpose of height limitations for accessory structures is to maintain proportionality between principal and accessory structures, with principal structures being the focal point of the development. In addition, accessory structures should be proportional to the surrounding properties in the district.

The size of the parcel in question and proposed location within the property and its proximity to other buildings is unique compared to other commercial properties with similar zoning designation.

Staff does recommend favorable consideration of the request.

Criteria for Variance Approval

In granting a variance the Board of Appeals must find that, for a use variance there is no reasonable use of the property without a variance; and for an area variance there is no practical way for the property owner to accomplish the intended objective of zoning code requirements.

The applicant must demonstrate that a unique condition of the property exists to prevent compliance with zoning code regulations. To qualify for a variance, an applicant must demonstrate that the property meets three requirements:

- 1. Unique Property Limitations.** Physical characteristics of the property that are not generally shared by other properties must be evident that affect compliance with ordinance requirements.
- 2. No Harm to Public Interest.** A variance may not be granted which results in harm to the interests of neighbors, the community, and the general public. Lack of opposition does not mean that the proposed construction would not harm the public interest.
- 3. Unnecessary Hardship.** Unique property limitations must create unnecessary hardship to justify an exception to zoning regulations. The hardship must not be self-imposed; loss of profit, construction without a permit, additional expense to comply with zoning ordinances, are not unnecessary hardships.

Statement of Hardship

The property owner must bear the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

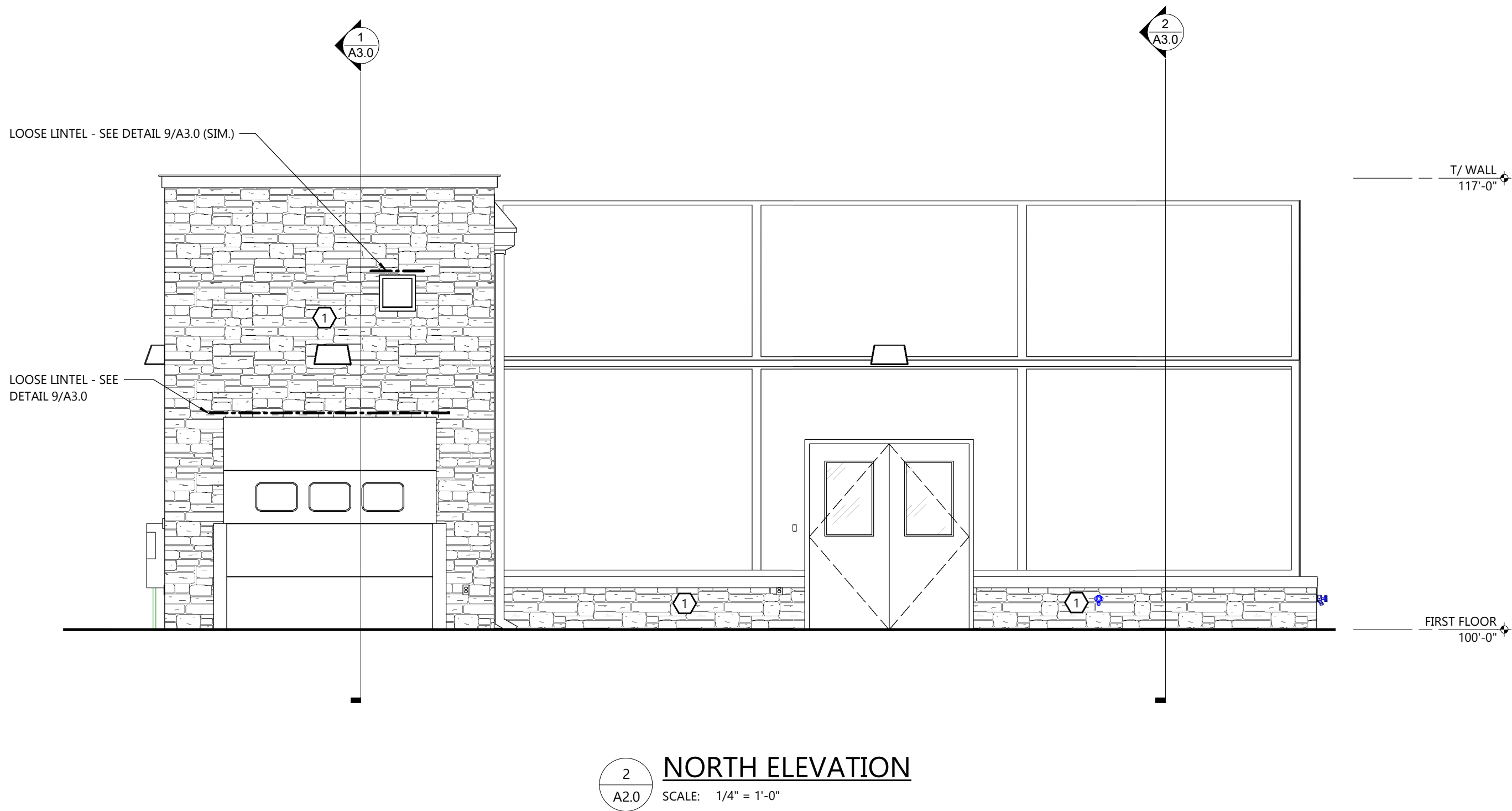
The petitioner notes the parcel is unique due to its size (41.5 acres) and the overall scale of the property. The petitioner notes that alternatives were considered but the alterations in design impacted functionality, aesthetics and durability. The petitioner notes there is no harm to public interest.

Recommendation and Findings

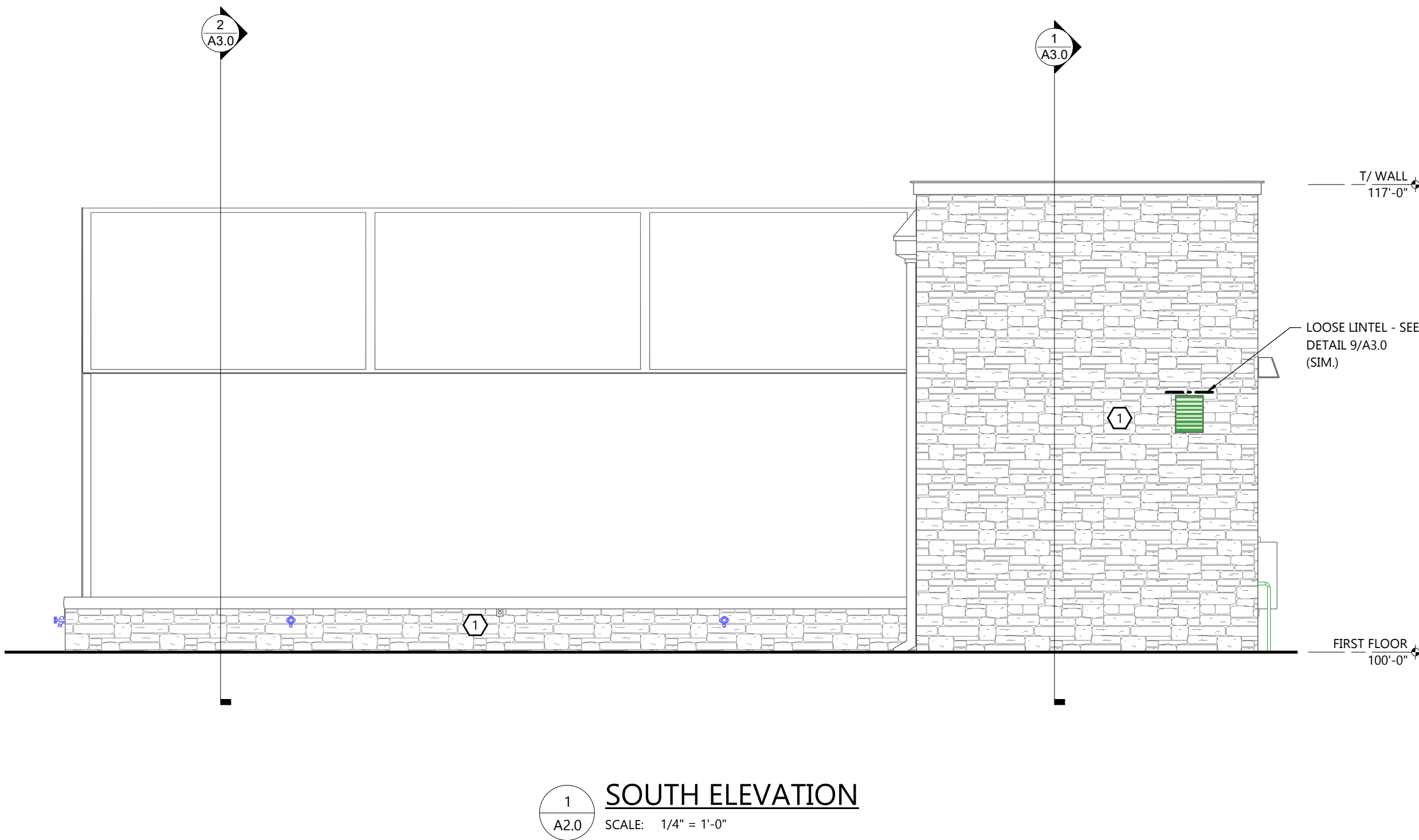
A motion for variance approval or denial must state the findings in support of the action.

Community Development staff recommends a motion to **approve the variance** request based on findings referenced herein, and specifically because unique property conditions of the large lot size, and distance from adjoining development and no harm to the public interest. Please note the following conditions:

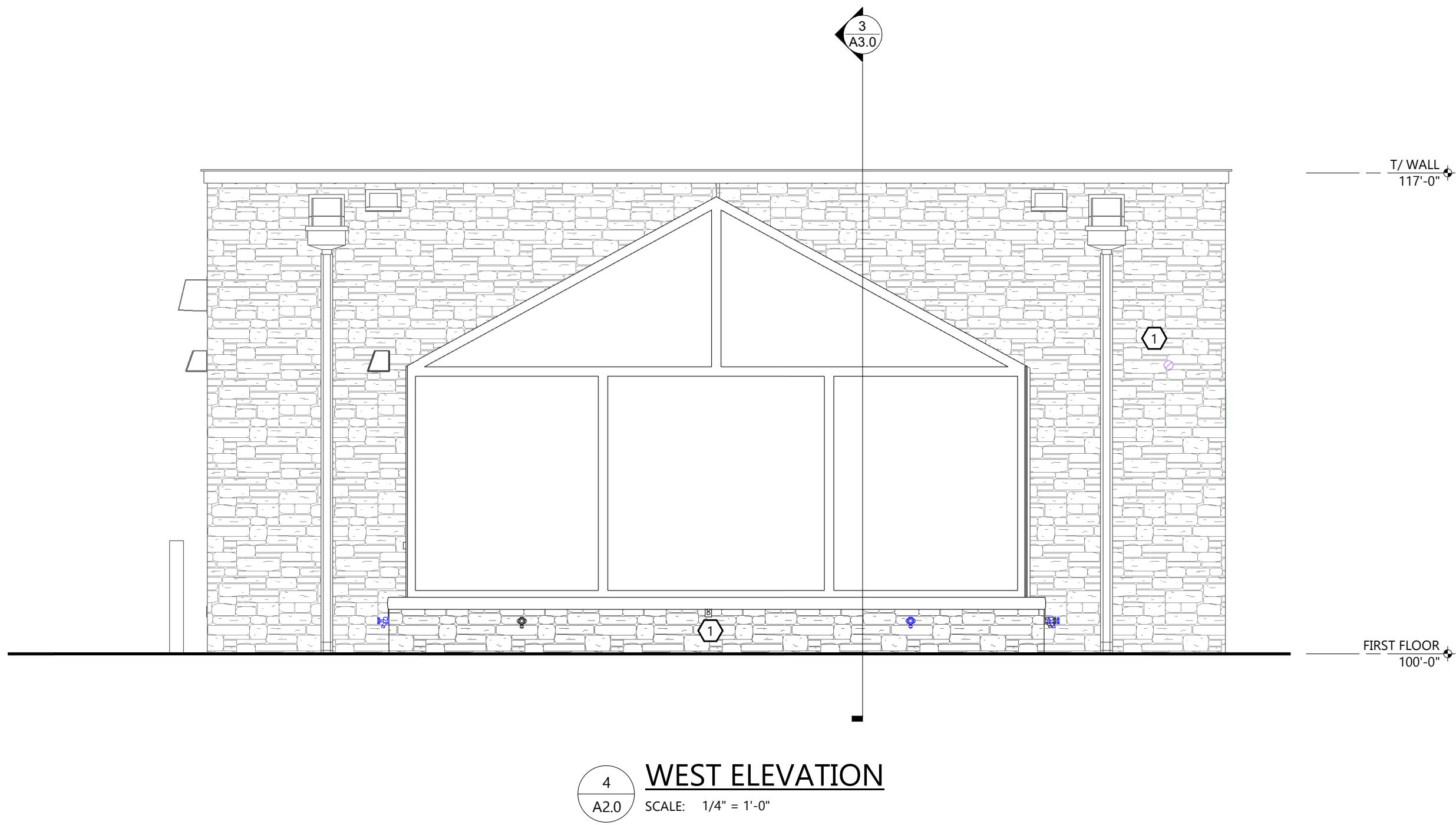
1. A site plan review and approval is required.



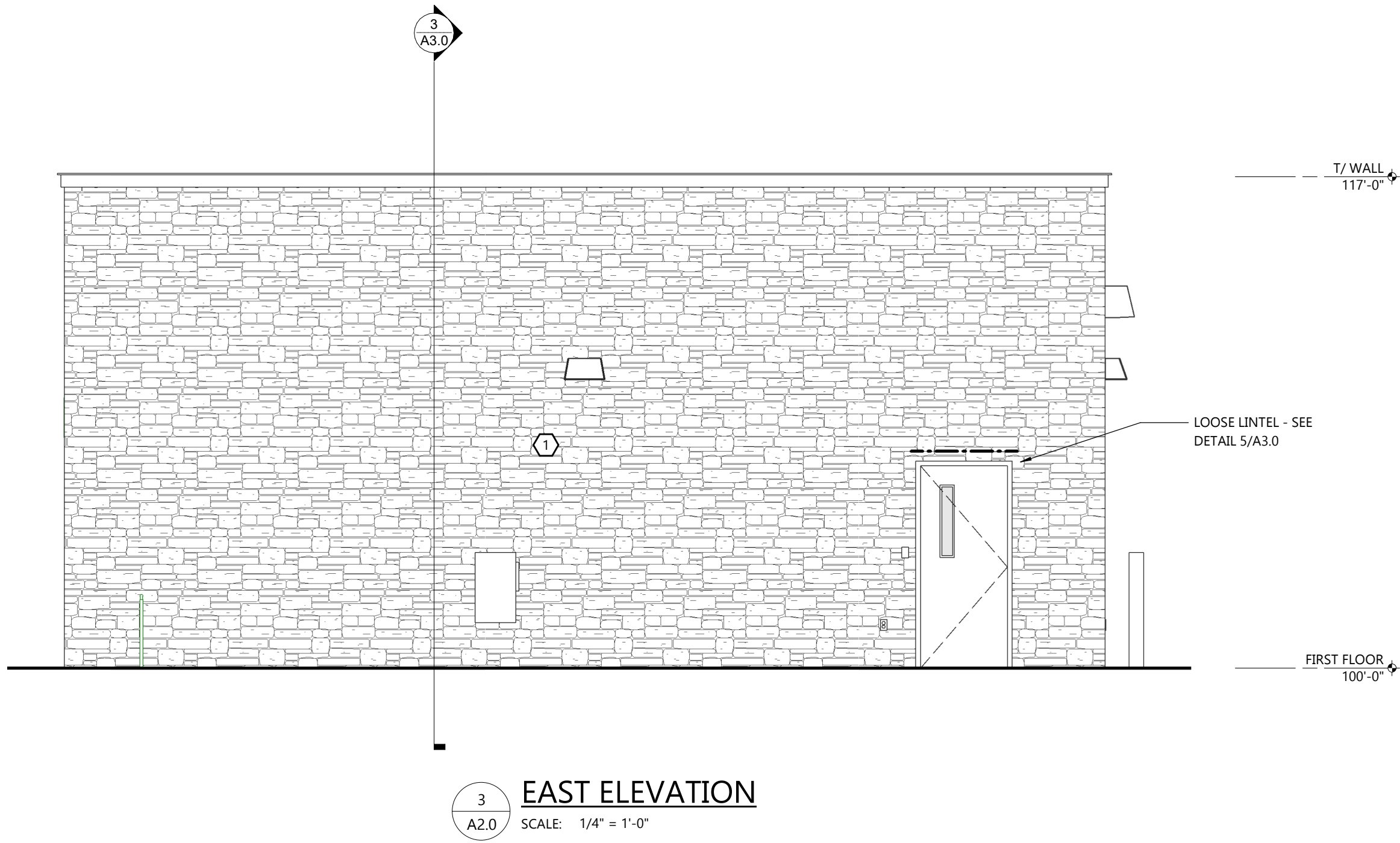
2
A2.0
NORTH ELEVATION
SCALE: 1/4" = 1'-0"



1
A2.0
SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



4
A2.0
WEST ELEVATION
SCALE: 1/4" = 1'-0"

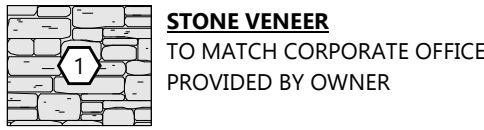


3
A2.0
EAST ELEVATION
SCALE: 1/4" = 1'-0"

GENERAL NOTES

- SEE WALL SECTIONS FOR EXTERIOR WALL CONSTRUCTION
- REFERENCE EXTERIOR ELEVATIONS FOR VENEER CONTROL JOINTS. SEE STRUCTURAL PLANS FOR CMU CONTROL JOINT LOCATIONS. VENEER CONTROL JOINTS AND CMU CONTROL JOINTS ARE NOT REQUIRED TO ALIGN.

EXTERIOR MATERIAL KEY



EXCEL
Always a Better Plan
100 Camelot Drive
Fond du Lac, WI 54935
920-926-9800
excelengineer.com

PROJECT INFORMATION

PROPOSED GREENHOUSE BUILDING FOR:
GRANDE CHEESE COMPANY
250 CAMELOT DR. • FOND DU LAC, WI 54935

PROFESSIONAL SEAL

SHEET DATES

ISSUED FOR CONSTRUCTION
IFC APR. 11, 2025

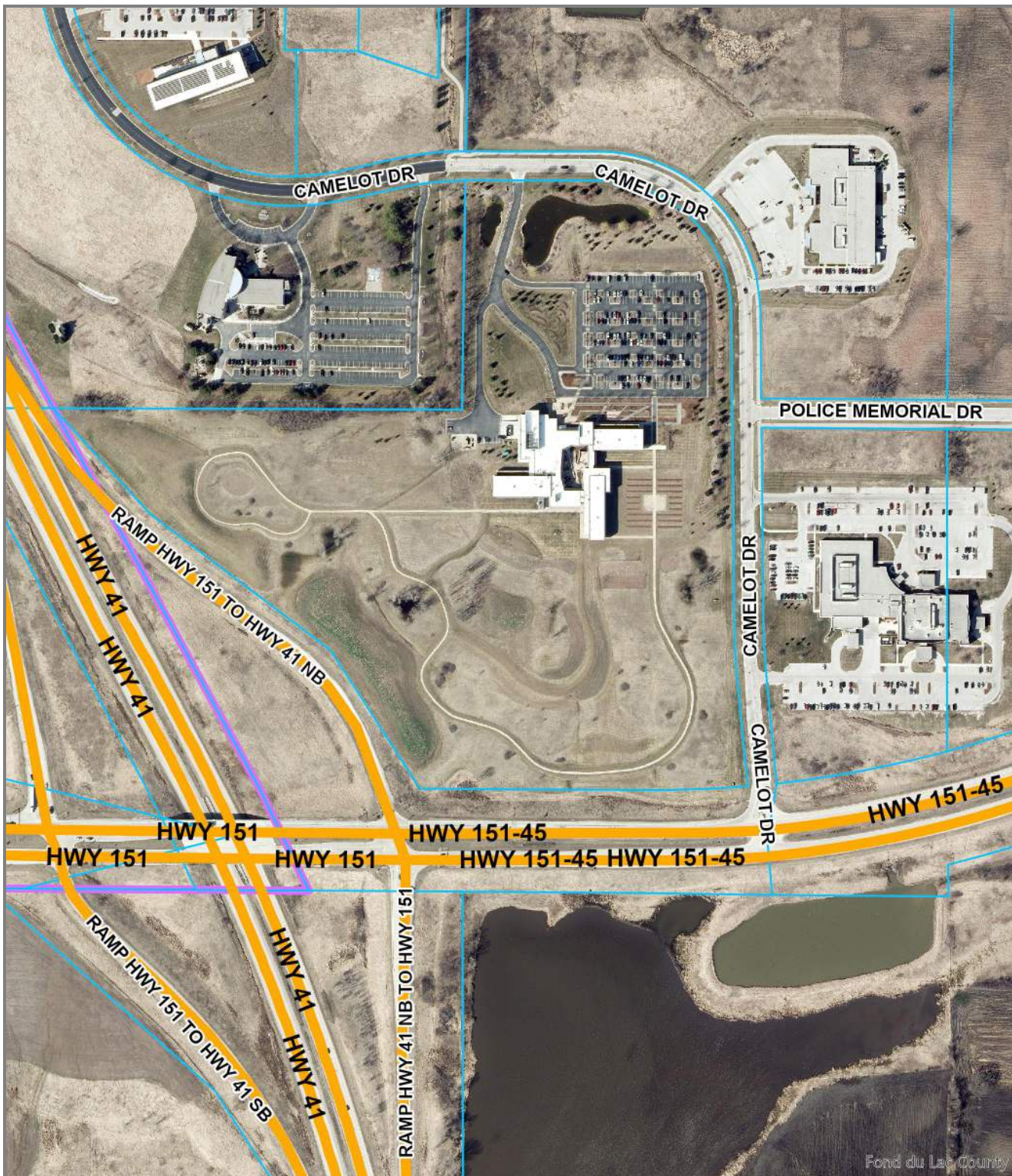
JOB NUMBER

250007200

SHEET NUMBER

A2.0

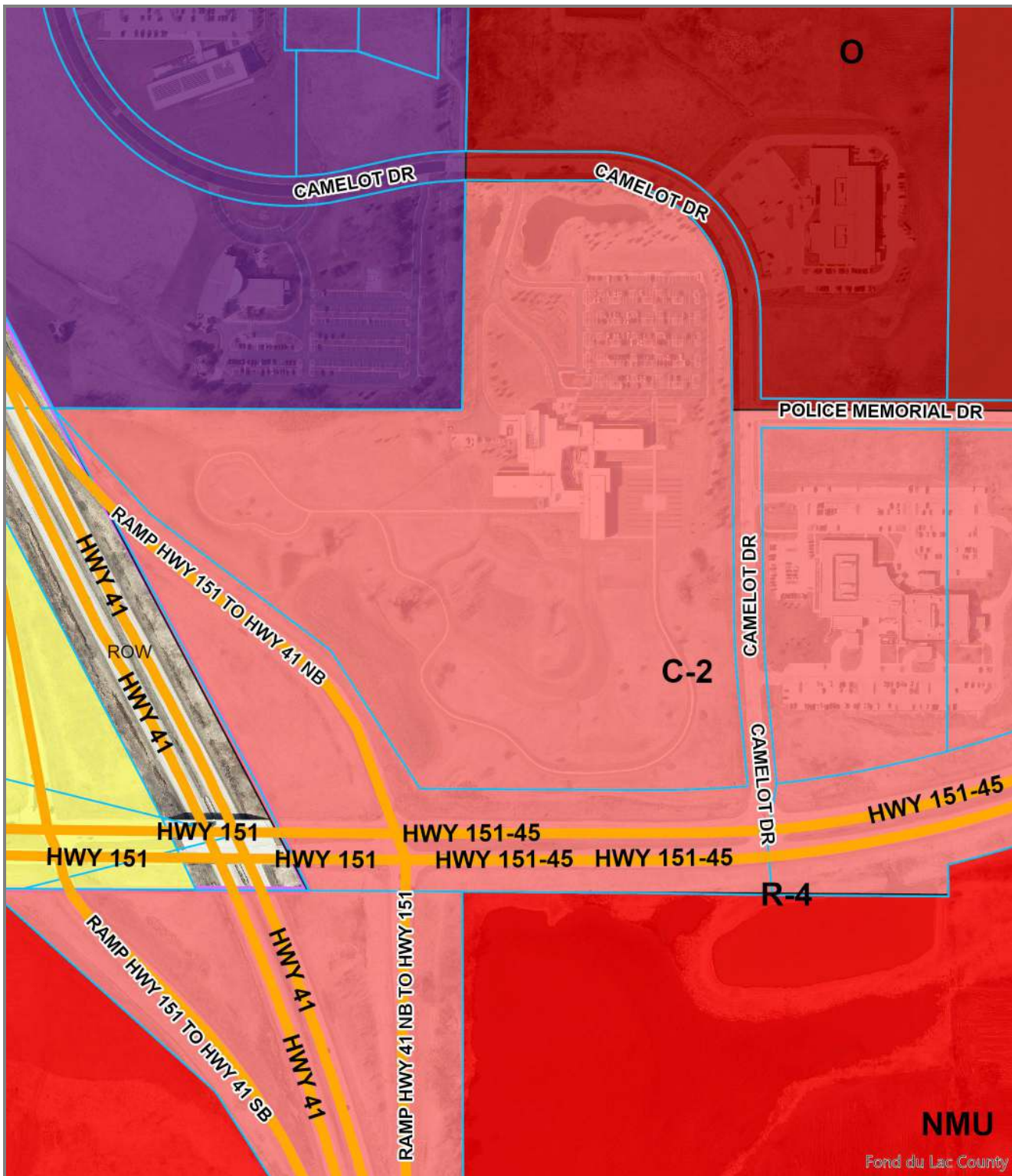
Aerial - 250 Camelot Drive



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 400 feet
6/24/2025

Zoning - 250 Camelot Drive



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 400 feet
6/24/2025

**APPLICATION FOR ZONING VARIANCE****PROPERTY LOCATION:** 250 Camelot Dr, Fond du Lac, WI 54935

Tax Key Number (Vacant Land): FDL- 15-17 - 26-32-499-03

Project ApplicantName
Grande Cheese Company - Samuel JohnstonMailing Address
250 Camelot DriveCity
Fond du LacState
WIZIP Code
54935**Landowner (Complete this information if the project applicant is not the property owner.)**Name
Grande Cheese Company - Todd Koss, CEOMailing Address
250 Camelot DrCity
Fond du LacState
WIZIP Code
54935**Landowner Certification**

If the person requesting a variance is not the owner of the property affected by the proposal, the consent of the landowner is necessary. Refer to the LANDOWNER AUTHORIZATION form included with the variance application packet.

VARIANCE PROPOSAL

A variance is an exception to a regulation of the zoning code. Describe the purpose of the variance request.

See attached

ALTERNATIVES

Describe alternatives to your proposal such as other locations, designs, and construction techniques. If the alternatives are not reasonable, provide the reason(s) for rejection.

See attached

CRITERIA FOR VARIANCE APPROVAL

To obtain a variance, the applicant must demonstrate that a unique condition of the property exists to prevent compliance with zoning code regulations. A variance is not intended as an accommodation for a property owner's convenience. To qualify for a variance, an applicant must demonstrate that the property meets the following three requirements:

1. Unique Property Limitations
2. No Harm to Public Interest
3. Unnecessary Hardship

1. UNIQUE PROPERTY LIMITATION(S)

Physical characteristics of the property that are not generally shared by other properties – such as a steep slope, wetland, unusual lot boundaries, unusual lot size – must be evident that affect compliance with ordinance requirements. The preference of an applicant (growing family, need for a larger garage, bigger sign, etc.) is not a factor for variance approval. The *property* must qualify for the variance, *not the particular situation of the property owner*.

Describe the unique property limitations that prevent compliance with code requirements:

See attached

2. NO HARM TO PUBLIC INTEREST

A variance may not be granted which results in harm to the interests of neighbors, the community, and the general public. Lack of opposition does not mean that the proposed construction would not harm the public interest.

Describe why approval of your proposal will not harm any adjacent or nearby property:

See attached

3. UNNECESSARY HARDSHIP

The unique property limitations must create the unnecessary hardship to justify an exception to zoning regulations. The hardship must not be self-imposed; loss of profit, construction without a permit, additional expense to comply with zoning ordinances, are not unnecessary hardships.

Describe why unique limitations of the *property* make compliance with zoning regulations difficult or impossible:

See attached

LANDOWNER AUTHORIZATION

TO: City of Fond du Lac

Community Development Department

Re: VARIANCE REQUEST

LOCATION OF VARIANCE REQUEST: 250 Camelot Drive, Fond du Lac, WI 54935

The undersigned Todd Koss **is the owner of property**

NAME OF PROPERTY OWNER (PLEASE PRINT)

referenced above. The undersigned authorizes Samuel Johnston

to sign and file a variance application that affects the referenced property.



SIGNATURE OF LAND OWNER OR AUTHORIZED AGENT

6/9/2025

DATE



June 2, 2025

Grande Cheese Company, Greenhouse Building
250 Camelot Drive, Fond du Lac, WI

PROPOSAL

Grande Cheese Company proposes to develop an accessory structure at its existing corporate office campus located at 250 Camelot Drive. The accessory structure includes a 447 square foot maintenance building and attached 750 square foot greenhouse; the proposed structures is located West of the principal structure (corporate office building) located on the property. The 41.5-acre site is zoned C-2, General Business District and the use is permitted.

The applicant respectfully requests relief from Section 720-11 C. (21) e. of the City's Municipal Code which limits the maximum height of accessory structures in the Commercial and Office Districts to 15 feet. The exterior height of the proposed maintenance building is 17 feet which allows for a minimum 10" of clearance above the proposed greenhouse with a two-foot (2') stem wall. The purpose of the two-foot (2') stem wall is to protect the greenhouse from any damage that may occur, provide locations for hose bibs and outlets along the exterior and interior of the building; also provides a substrate for stone veneer to be installed to aesthetically match the maintenance building and existing corporate building. The 17-foot height allows the maintenance building to aesthetically tie into the greenhouse. The purpose of this maintenance building is to store large plants during the winter and larger equipment used to provide facility and grounds support of the corporate facility (i.e., forklift, scissors lift, etc.).

ALTERNATIVES

A building with an exterior height of 15 feet with no stem wall at the greenhouse and no clearance above the greenhouse was explored as an alternative. This design was deemed inadequate as it would not provide enough clearance to flash and weather protect the maintenance building, does not offer sufficient protection to the greenhouse, and does not provide adequate hose bib and outlet locations inside and outside the building for plant care.

UNIQUE PROPERTY LIMITATIONS

The size of the property in comparison to other properties in the area is unique. As noted earlier, this property is 41.5 acres which is approximately one and one-half times larger than the next largest parcels in this area. The next largest parcels being the Society Insurance corporate campus at 150 Camelot Drive and the Agnesian Healthcare facilities at 421 Camelot Drive and 305-307 Camelot Drive; these parcels are all under 29 acres each in size. Due to the size and scale of the property and the principal building, the minimal height increase will not be noticeable.

NO HARM TO PUBLIC INTEREST

- The requested exception will not harm the public interest and/or adjacent or nearby properties. The existing corporate office use and proposed accessory buildings are permitted uses in the C-2 District.
- The proposed development/redevelopment will result in attractively designed building that will complement the main corporate office building.
- The site is landscaped with trees, shrubs, other vegetation, and berms that will obscure the view of the proposed maintenance building as viewed from the public rights of way and the adjacent property.

UNNECESSARY HARDSHIP

Denial of the variance will deny the applicant the minimal relief necessary to allow development of a building with adequate aesthetics to match the existing corporate building, adequate protection for the greenhouse, and adequate utilities to perform necessary plant care and maintenance.

Site Photos



#1 - Looking South From Camelot Drive



2 - Looking South From Camelot Drive



#3 - Looking Southeast From Society Insurance Parking Lot



#4 - Looking North from Highway 151



#5 - Looking Northeast From I-41 On-Ramp



#6 - Looking South at Development Site From Service Drive

NOTICE OF BOARD OF APPEALS HEARING

NOTICE IS HEREBY GIVEN that the **BOARD OF APPEALS** of the City of Fond du Lac, Wisconsin, will take action on the following appeal on **Monday, July 7, 2025**. The 3:00 pm meeting will be conducted in Meeting Room A (first floor) of the City-County Government Center, 160 S Macy Street. All persons having an interest are invited to participate. Written correspondence for inclusion with agenda materials should be submitted to the City Clerk. The meeting agenda for the Board of Appeals can be accessed on the Calendar tab on the home page of the City's website: www.fdl.wi.gov

APPEAL NO. 2025-08

Location of Variance Request: 250 Camelot Drive, Fond du Lac, WI 54935

Zoning Code Regulations:

Section 720-11(C)(21)(e) Accessory Buildings and Uses restricts the maximum height of an accessory building in the C-2 General Commercial District to 15 ft in height.

Proposal:

Allow the construction of an accessory building in the C-2 General Commercial District that is 17 ft in height for a greenhouse building.

Intent of Variance Request:

The variance request asks for a waiver to allow an accessory building in the C-2 General Business District to be constructed to a height of 17 ft versus the 15 ft allowed by the zoning code.

Dated this 24th day of June, 2025

Margaret Hefter
City Clerk

Board of Appeals 2025-08
250 Camelot Drive

PIN	Street_address	MailingAddress1	MailingCity	MailingState	MailingZip
FDL-15-17-26-23-749-03	307 CAMELOT DR	430 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-26-32-499-04	421 CAMELOT DR	430 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-26-34-999-01	1400 MARTIN AVE	430 E DIVISION ST	FOND DU LAC	WI	54935
FDL-15-17-27-11-017-00	180 KNIGHTS WAY 1	PO BOX 1006	FOND DU LAC	WI	54936
FDL-15-17-27-11-249-02		889 E JOHNSON ST	FOND DU LAC	WI	54935
T09-15-17-27-13-080-00		160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-26-32-499-03	250 CAMELOT DR	250 CAMELOT DR	FOND DU LAC	WI	54935
FDL-15-17-26-32-499-03	250 CAMELOT DR	250 CAMELOT DR	FOND DU LAC	WI	54935
FDL-15-17-26-32-499-03	250 CAMELOT DR	250 CAMELOT DR	FOND DU LAC	WI	54935
FDL-15-17-27-11-017-01	180 KNIGHTS WAY 2	180 KNIGHTS WAY UNIT #2	FOND DU LAC	WI	54935
FDL-15-17-27-14-750-02		PO BOX 1029	FOND DU LAC	WI	54936
FDL-15-17-27-14-750-02		PO BOX 1029	FOND DU LAC	WI	54936
FDL-15-17-27-14-750-02		PO BOX 1029	FOND DU LAC	WI	54936
FDL-15-17-27-14-750-02		PO BOX 1029	FOND DU LAC	WI	54936
FDL-15-17-27-44-998-00	0 US HIGHWAY 151	944 VANDERPERREN WAY	GREEN BAY	WI	54304
FDL-15-17-26-32-498-00	0 US HIGHWAY 151	944 VANDERPERREN WAY	GREEN BAY	WI	54304
T09-15-17-27-14-090-00		944 VANDERPERREN WAY	GREEN BAY	WI	54304
T09-15-17-27-03-090-00		944 VANDERPERREN WAY	GREEN BAY	WI	54304

**BOARD OF APPEALS AGENDA
CITY OF FOND DU LAC, WISCONSIN
335 & 341 Grove Street (Milk Specialties)**

Subject: Public Hearing Held July 7th, 2025 (ACTION ITEM)
Appeal No. 2025-09 (Administrative Decision Appeal)
Comprehensive Plan:
The 2040 Comprehensive Plan Future Land Use Map shows
335 and 341 Grove Street as Urban Residential - Medium
Density.

Proposal:
The applicant submitted a rezoning application to
rezone the properties from R-1 Single Family
Residential District to M-1 Manufacturing District

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

MEMO_AND_MAPS.pdf

REDACTED_Rezoning_Application.pdf

Lefebvre_Memo_to_FDL_Board_of_Appeals.pdf

Public_Notice.pdf

The CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: June 27, 2025

To: Board of Appeals

From: Dyann Benson, Community Development Director

Re: **Appeal No. 2025-09 335 & 341 Grove Street (Milk Specialties)**

Applicant: Milk Specialties

Zoning:

Site:	R-1 (Single Family Residential District)
North:	R-1
South:	R-1
East:	R-1
West:	R-1

Land Use:

Site:	Residential Lots
North:	Parking/Residential
South:	Residential
East:	Parking
West:	Residential

Variance Request

Comprehensive Plan:

The 2040 Comprehensive Plan Future Land Use Map shows 335 and 341 Grove Street as Urban Residential – Medium Density.

Proposal:

The applicant submitted a rezoning application to rezone the properties from R-1 Single Family Residential District to M-1 Manufacturing District.

Administrative Decision:

The Community Development Director denied further processing of the rezoning request as it was not in conformance with the 2040 Comprehensive Plan.

Intent of Request to Appeal an Administrative Decision:

The appeal of an administrative decision asks the Board of the Appeals to overturn the decision by the Community Development Director to deny further processing of the rezoning application for the parcels in question from R-1 District to M-1 District.

Analysis

The property at 335 and 341 Grove Street are residential lots. The 2040 Comprehensive Plan, adopted in January 2021, identifies these lots as Urban Residential – Medium Density. The petitioner submitted a rezoning request to rezone from R-1 Single Family Residential District to M-1 Manufacturing District. State statute requires that any rezoning must be consistent with the community's comprehensive plan. The Community Development Director denied further processing of the rezoning request as it was inconsistent with the 2040 Comprehensive Plan.

Criteria for Variance Approval

In granting a variance, the Board of Appeals must find that, for a use variance there is no reasonable use of the property without a variance; and for an area variance there is no practical way for the property owner to accomplish the intended objective of zoning code requirements.

The applicant must demonstrate that a unique condition of the property exists to prevent compliance with zoning code regulations. To qualify for a variance, an applicant must demonstrate that the property meets three requirements:

- 1. Unique Property Limitations.** Physical characteristics of the property that are not generally shared by other properties must be evident that affect compliance with ordinance requirements.
- 2. No Harm to Public Interest.** A variance may not be granted which results in harm to the interests of neighbors, the community, and the general public. Lack of opposition does not mean that the proposed construction would not harm the public interest.
- 3. Unnecessary Hardship.** Unique property limitations must create unnecessary hardship to justify an exception to zoning regulations. The hardship must not be self-imposed; loss of profit, construction without a permit, additional expense to comply with zoning ordinances, are not unnecessary hardships.

Statement of Hardship

The property owner must bear the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

Recommendation and Findings

A motion for variance approval or denial must state the findings in support of the action.

Appeal of an Administrative Decision

On December 30, 2024, Dyann Benson, Community Development Director, denied the rezoning submittal from R-1 District to M-1 District. The letter was shared with their realtor who submitted the request. The petitioner resubmitted the rezoning request in April 2025. The denial was based upon the request being inconsistent with the 2040 Comprehensive Plan.

Analysis

The 2040 Comprehensive Plan was adopted in January 2021.

Wis Stats 66.001(3) Ordinances that must be consistent with comprehensive plans. Except as provided in sub. [\(3m\)](#), beginning on January 1, 2010, if a local governmental unit enacts or amends any of the following ordinances, the ordinance shall be consistent with that local governmental unit's comprehensive plan:

- (g) Official mapping ordinances enacted or amended under s. [62.23 \(6\)](#).
- (h) Local subdivision ordinances enacted or amended under s. [236.45](#) or [236.46](#).
- (j) County zoning ordinances enacted or amended under s. [59.69](#).
- (k) City or village zoning ordinances enacted or amended under s. [62.23 \(7\)](#).
- (L) Town zoning ordinances enacted or amended under s. [60.61](#) or [60.62](#).
- (q) Shorelands or wetlands in shorelands zoning ordinances enacted or amended under s. [59.692](#), [61.351](#), [61.353](#), [62.231](#), or [62.233](#).

2040 Comprehensive Plan – Future Land Use (Page 45)

Policy #5 - Require consistency with this Comprehensive Plan in all zoning and land division decisions. Maintaining consistency with this plan is required by state law and serves to make the development process more predictable for all participants. There will be times that uses are proposed that do not align with the plan, but that most participants see as reasonable and appropriate. In such cases the vision and goals of the plan should still be applied, but the plan can be amended to allow the desired use.

2040 Comprehensive Plan

Using the Future Land Use Map (Page 50)

The Future Land Use Map contains different land use categories that together illustrate the City's land use vision.....The Future Land Use Map presents recommended future land uses for the City of Fond du Lac and its extraterritorial jurisdiction. This map and the associated policies forms the basis for land development decisions and are to be consulted whenever development is proposed, especially when a zoning change or land division is requested. Zoning changes and development shall be consistent with the future land use category shown on the map and the corresponding plan text.

Amending the Future Land Use Map (Page 51-52)

It may from time to time be appropriate to consider amendments to the Future Land Use Map, usually in response to a type of development not originally envisioned for an area when this plan was adopted.....The following criteria should be considered before amending the map.

Compatibility - The proposed amendment/development will not have a substantial adverse effect upon adjacent property or the character of the area, with a particular

emphasis on existing residential neighborhoods. A petitioner may indicate approaches that will minimize incompatibilities between uses.

Public Need - There is a clear public need for the proposed change or unanticipated circumstances have resulted in a need for the change. The proposed development is likely to have a positive social and fiscal impact on the City. The City may require that the property owner, or their agent, fund the preparation of a fiscal impact analysis by an independent professional.

Adherence to Other Portions of this Plan - The proposed amendment/development is consistent with the general vision for the City, and the other goals, policies and actions of this plan.

The Community Development Director denied the proposed rezoning request as it is not consistent with the 2040 Comprehensive Plan. Nor does it meet the requirements for compatibility, public need or adherence to other portions of this plan for consideration of an amendment to the future land use plan. The goals, policies and actions of preserving neighborhoods and housing stock are included in the Housing portion of the Comprehensive Plan. The current market demand for housing suggests the existing residential structures and zoning are appropriate.

The principal plant for Milk Specialties is located at 325 Tompkins Street. The request to rezone what is now 385 Tompkins Street was anticipated given its adjacency to the principal plant. The current request goes beyond Tompkins Street into the Grove Street neighborhood that is all residential, except for a portion of existing parking lot.

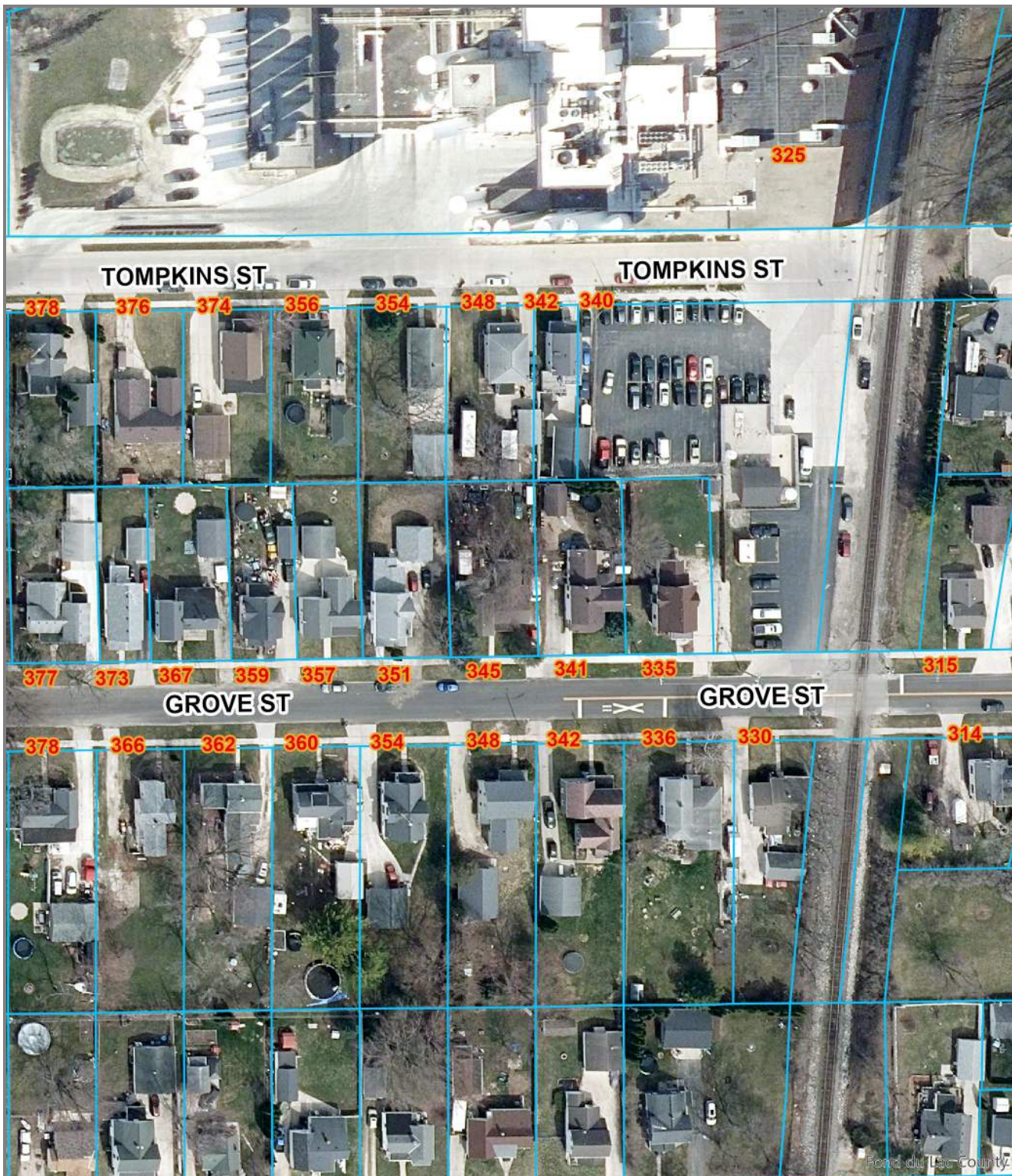
Basis for Review of an Administrative Decision

The City previously granted a variance in 2005 for use of the property at 340 Tompkins Street for a mechanical building and underground storage. This was on a parcel that had been used for parking and zoned residential as the petitioner could not accommodate compliance with wastewater discharge on site. The City previously approved a comprehensive plan amendment and rezoning of a property from R-1 Single Family Residential District to M-1 Manufacturing District in July 2022 for the property now known as 385 Tompkins Street for the construction of a new storage building. The petitioner believes the current request is consistent with the previous request for the residential property on Tompkins Street.

Role of the Board of Appeals

Wisconsin State Statute allows for any aggrieved person affected by a decision of an administrative officer to submit an appeal to the Board of Appeals. The petitioner is seeking a review of the administrative decision and overturning of the denial. City staff recommends the Board of Appeal sustains or affirms the decision to deny the processing of the rezoning request as it is inconsistent with the 2040 Comprehensive Plan.

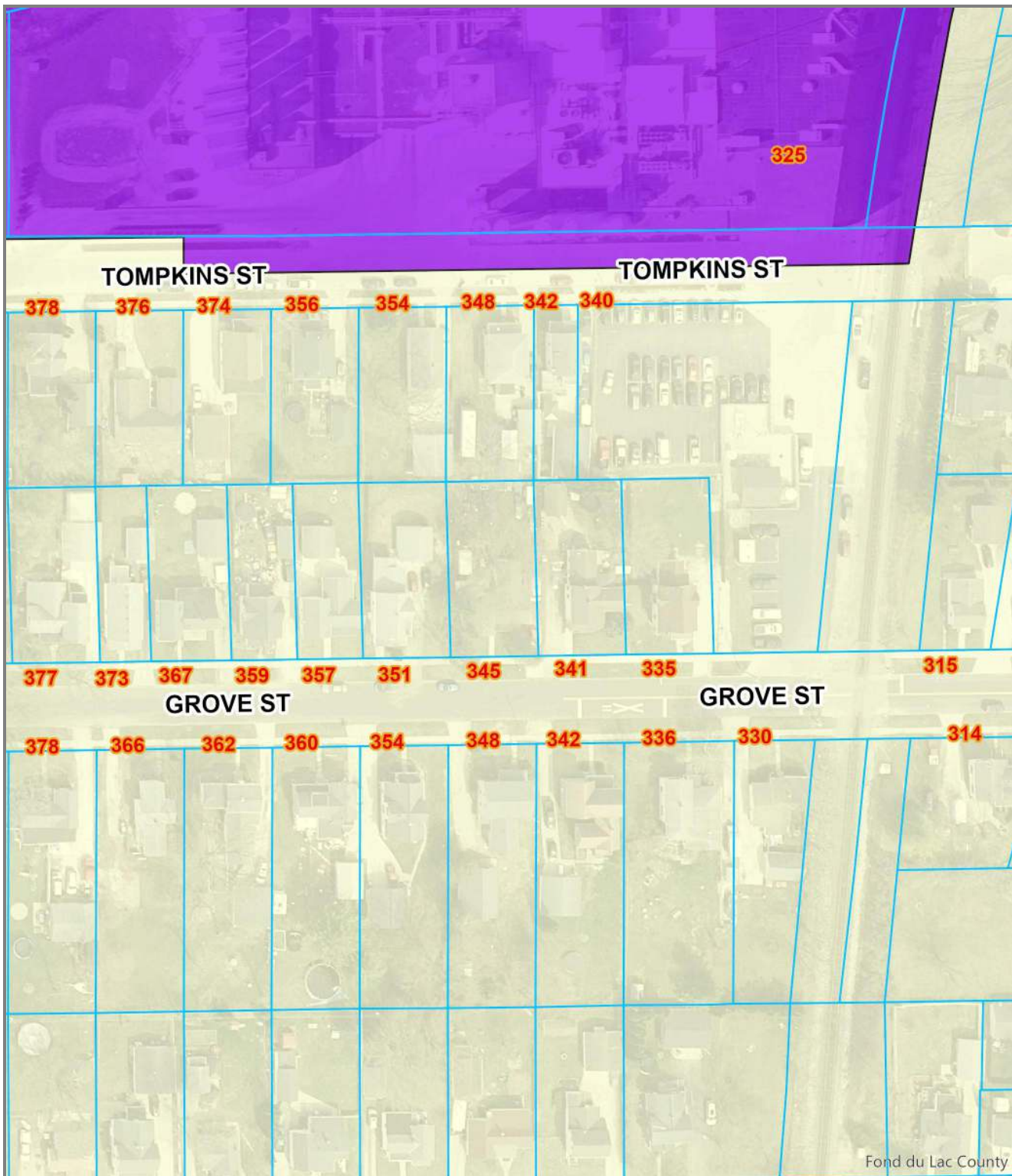
Aerial - Grove Street



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

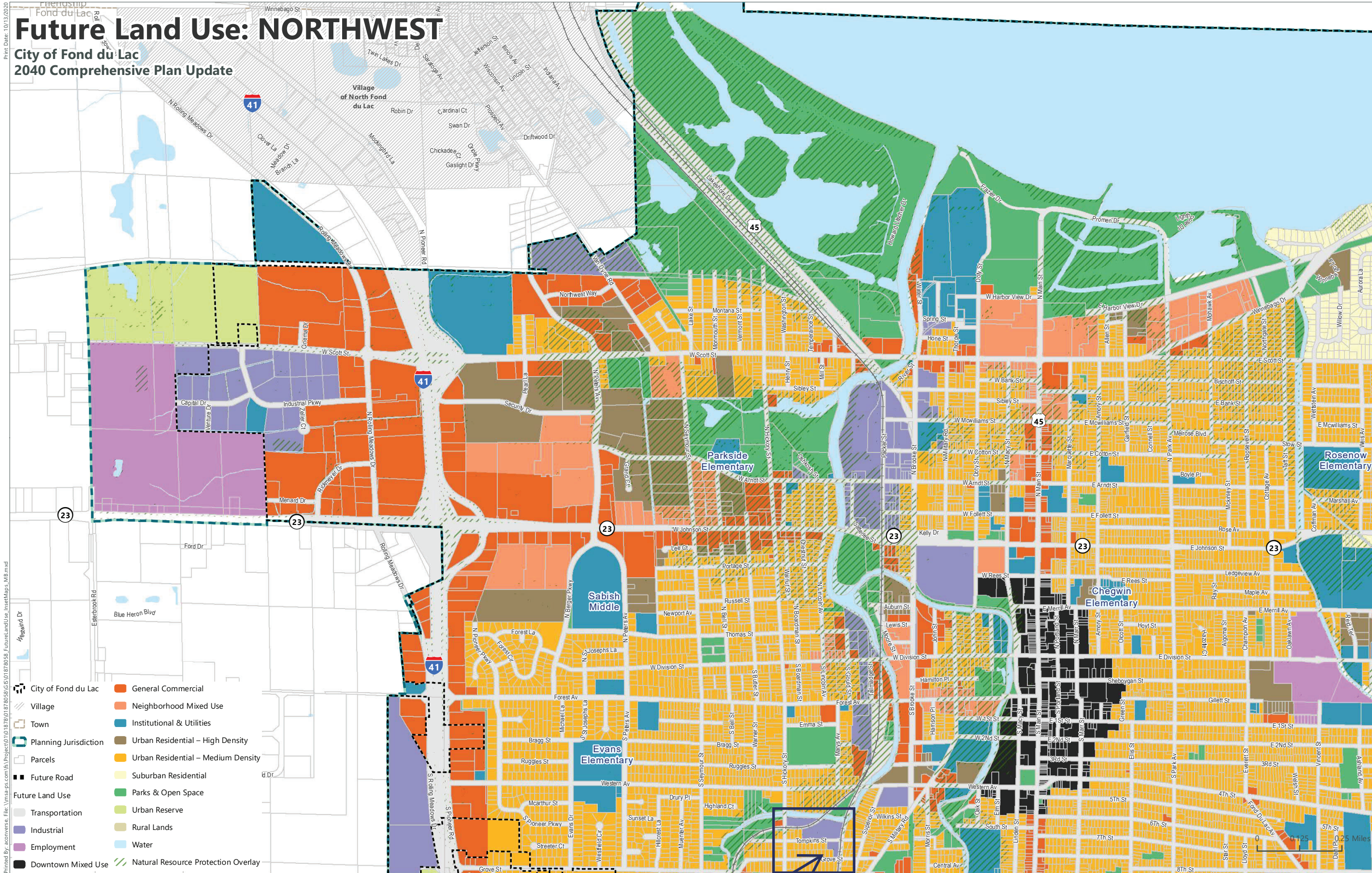
Map Scale
1 inch = 100 feet
6/24/2025

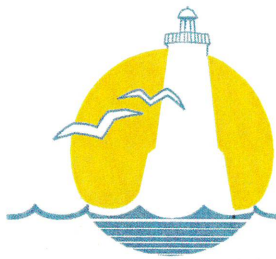
Zoning - Grove Street



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 100 feet
6/24/2025





December 30, 2024

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

Anne Lisowe
Preferred Properties
439 South Main Street
Fond du Lac, WI 54935

Re: 335 and 341 Grove Street – Request for Rezoning

Dear Ms. Lisowe:

The City has received the rezoning requests for 335 Grove Street and 341 Grove Street to convert from residential to manufacturing. As previously explained, City staff would not support this request as the 2040 Comprehensive Plan shows this area as a residential land use.

In essence, if a proposed rezoning is not consistent with the 2040 Comprehensive Plan, the Plan Commission and City Council cannot, by State Statute, approve the rezoning request.

In order to provide a pathway for consideration, City staff consulted with the City Attorney's office and determined that the applicant can seek a review of the City staff's administrative decision through the Board of Appeals. If the Board of Appeals makes a determination in favor of the applicant and that the 2040 Comprehensive Plan is not correct, then City staff would submit both a Comprehensive Plan amendment and the rezoning request to the Plan Commission for consideration. If the Board of Appeals determines that the 2040 Comprehensive Plan is correct, then the rezoning petition would not move forward to the Plan Commission.

If the applicant opts to move forward, then the request would go to the February 3, 2024 Board of Appeals meeting. The City would not charge any fee for the Board of Appeals meeting since it took time to work through a potential path. If the applicant opts not to move forward, then the City would return the rezoning application fee.

Please let me know the direction your client would like to pursue.

If you have any questions, please contact me at dbenson@fdl.wi.gov or (920) 322-3440.

Regards,

Dyann Benson, AICP
Community Development Director

cc: City Attorney



City of Fond du Lac

REZONING

Application

PROPERTY LOCATION: 335 & 341 Grove Street

Tax Key Number: FDL-15-17-15-23-557-00 & FDL-15-17-15-23-556-00

Project Applicant			
Name <u>Keith Lefeber</u>			
Mailing Address <u>325 Tompkins Street</u>	City <u>Fond du Lac</u>	State <u>WI</u>	ZIP Code <u>54935</u>
<div></div>			
Landowner (Complete this information if the project applicant is not the property owner.)			
Name <u>Actus Nutrition</u>			
Mailing Address <u>7500 Flying Cloud Drive, Ste. 500</u>	City <u>Eden Prairie</u>	State <u>MN</u>	ZIP Code <u>55344</u>
Email Address		Phone Number	
Landowner Certification			
If the person requesting the rezoning is not the owner of the property affected by the proposal, the consent of the landowner is necessary. Refer to the LANDOWNER AUTHORIZATION form included with the rezoning application packet.			

Existing Property Zoning Classification: R-1 Residential

Proposed Zoning Classification: M-1 Industrial

Description of present use of property: Residential

Purpose of rezoning. Description of proposed use of property and/or proposed site development:

A new parking lot would be constructed on the site, for the employees of the nearby plant.

Time schedule for use and/or development of the property: Summer 2025 - survey & design
Fall 2025 - construction

PROJECT APPLICANT SIGNATURE

LANDOWNER AUTHORIZATION

TO: City of Fond du Lac

Community Development Department

Re: REZONING REQUEST

LOCATION: 335 & 341 Grove Street FDL-15-17-15-23-557-00 & FDL-15-17-15-23-556-00

PROPERTY ADDRESS AND/OR TAX KEY NUMBER

The undersigned Actus Nutrition is the owner of property
NAME OF PROPERTY OWNER (PLEASE PRINT)

referenced above. The undersigned authorizes Keith Lefebvre

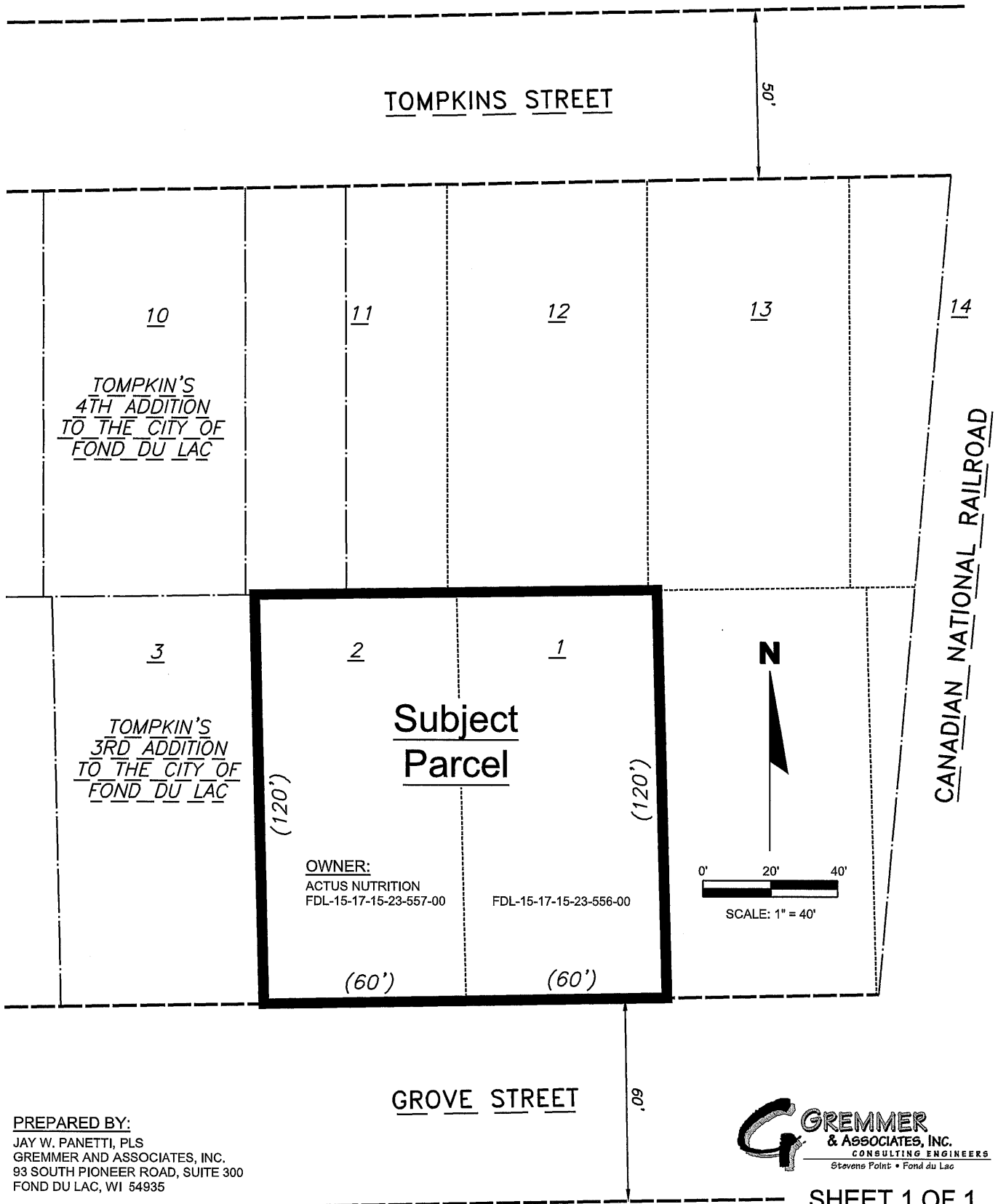
to sign and file a rezoning application that affects the referenced property.


SIGNATURE OF LAND OWNER OR AUTHORIZED AGENT

4-16-2025
DATE

VICINITY MAP

LOT 1 AND LOT 2 OF TOMPKIN'S 3RD ADDITION TO THE CITY OF FOND DU LAC,
LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 15,
T15N, R17E, CITY OF FOND DU LAC, FOND DU LAC COUNTY, WISCONSIN



CONCEPTUAL SITE PLAN

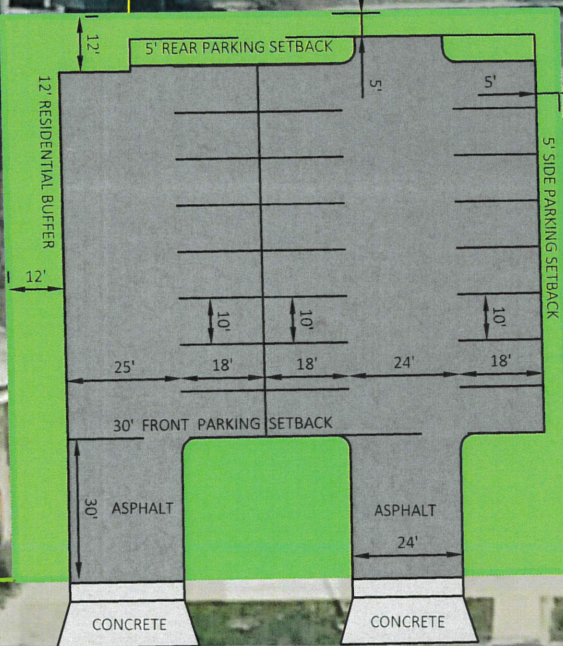
LOT 1 AND LOT 2 OF TOMPKIN'S 3RD ADDITION TO THE CITY OF FOND DU LAC,
LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 15,
T15N, R17E, CITY OF FOND DU LAC, FOND DU LAC COUNTY, WISCONSIN

GREMMER
& ASSOCIATES, INC.
CONSULTING ENGINEERS
Stevens Point • Fond du Lac



0' 20' 40'

SCALE: 1" = 40'



PREPARED BY:

JAY W. PANETTI, PLS
GREMMER AND ASSOCIATES, INC.
93 SOUTH PIONEER ROAD, SUITE 300
FOND DU LAC, WI 54935



Site Photo (335 Grove Street)



Site Photo (341 Grove Street)

Date: July 30, 2025

To: Fond du Lac Board of Appeals

From: Keith Lefeber, Senior Process Engineer
Actus Nutrition (Milk Specialties)

RE: Appeal No. 2025-09 (Administrative Decision Appeal): Request to rezone properties at 335 & 341 Grove Street from R-1 Single Family Residential District to M-1 Manufacturing District.

The applicant, Actus Nutrition (Milk Specialties), is seeking to re-zone the R-1 Residential zoned parcels which it owns at 335 & 341 Grove Street to M-1 Industrial, to be used as employee parking associated with the plant at 325 Tompkins Street (also M-1 zoned). Providing additional parking on these parcels would significantly reduce the need for on-street parking by Actus Nutrition employees and visitors on Grove and Tompkins Streets, enhancing safety on the street in order to avoid another tragic accident such as that which occurred near this location in August, 2024.

The Community Development Director, in her June 27, 2025, memo to the Board, indicated that rezoning these parcels would require an amendment to the 2040 Comprehensive Plan, changing their future land use from "Residential" to "Industrial". The plan anticipates such amendments and provides a process for consideration of such amendments. The Director declined to forward this request to the Plan Commission to consider that request, and that is the administrative decision before the Board of Appeals at this time.

Requested Action of the Board

Due to proximity to the current industrial use, the neighboring parcel extending to Grove Street which is currently used for parking, the active railroad tracks, and in the interest of improving public safety, it would be appropriate to amend the Future Land Use map in the 2040 Comprehensive Plan to provide for industrial use on these parcels, thus allowing the requested rezoning to move forward.

Applicant requests that the Board of Appeals reverse the decision of the Community Development Director (1) declining to send a request for Comprehensive Plan Amendment, and (2) declining to send its rezoning request, to the Plan Commission for consideration.

Background

The Future Land Use map in the Fond du Lac 2040 Comprehensive Plan currently designates the subject parcels for residential use. However, that map (attached to the Community Development Director's memo to the Board dated June 27, 2025) shows

that these parcels are immediately adjacent to an area which is designated as future planned industrial use. This area consists primarily of the applicant's current plant location.

The parcels which are the subject of the present matter, containing vacant homes with addresses on Grove Street, are immediately adjacent to the parcel at 340 Tompkins Street, currently used by the Applicant for parking on two side of the subject parcels, reaching all the way to, and including an entrance on, Grove Street. The subject parcels are already owned by the Applicant, which does not intend to reinstate their use as residential properties. While currently zoned R-1, the homes located on the subject parcels would require significant repair to be reused as high quality housing.

Other neighborhood properties owned by the Applicant have previously been approved for plant-related uses adjacent to this residential neighborhood. The property at 385 Tompkins Street, which is immediately west of the main plant property, was rezoned from R-1 to M-1 in July 2022 along with an appropriate Comprehensive Plan amendment. The property at 340 Tompkins Street, across the street from the main plant property, and adjacent to the subject parcels, reaches all the way to Grove Street, surrounding the subject parcels on two sides. It has remained in its original R-1 zoning classification, but the Board granted a variance in 2005 to allow its use for a storage building and underground storage. As previously mentioned, 340 Tompkins Street is also used for employee parking with an entrance from Grove Street, although it is insufficient to allow all active employees and visitors to park on site.

Discussion

Applicant is asking the Board to allow its request to rezone the parcels at 335 & 341 Grove Street move forward so that they may be used as parking for the plant at 325 Tompkins Street. The Director of Community Development denied processing of the rezoning request because the 2040 Comprehensive Plan provides that the long term plan for the subject parcels should be Urban Residential – Medium Density, consistent with the current zoning. That is the decision being appealed by the Applicant.

The subject parcels are immediately adjacent to, and bordered on two sides by, the parcel at 340 Tompkins (which, on its South side, extends all the way to Grove Street). Allowing the zoning for purposes of parking on the Grove Street parcels would reduce the need for on street parking by plant employees.

In order to move this request forward, Applicant requests that the Board recognize that the nature of these parcels in the long term should be industrial use as requested by the Applicant, and that staff should provide the opportunity for the Plan Commission to determine whether to modify the Comprehensive Plan and re-zone these parcels as requested by the Applicant.

Amending the Comprehensive Plan

The 2040 Comprehensive Plan makes clear that it is not intended to provide the final and permanent determination of every land use in the City. As stated by the Director in her June 27 memo, page 45 of the Plan states “There will be times that uses are proposed that do not align with the plan, but that most participants see as reasonable and appropriate. In such cases the vision and goals of the plan should still be applied, but the plan can be amended to allow the desired use.”

Page 70 of the Comprehensive Plan allows individual members of the public to initiate consideration of a request for a Plan Amendment. The Comprehensive Plan amendment may then be considered by the Plan Commission and moved forward to a public hearing. This request for rezoning, following the December 2024 letter to Applicant stating that the rezoning would be in violation of the Comprehensive Plan, is a request to move forward with the necessary amendment to the Comprehensive Plan. The Plan Commission should be given the opportunity to consider this request.

In her June 27 memo, the Community Development Director provides three of the criteria to be considered when amending the Comprehensive Plan. She cited “Compatibility” (impacts on neighboring properties), “Public Need”, and “Adherence to Other Portions of the Plan”. These are important factors to consider, and they lean in favor of the applicant’s request.

- Compatibility - The proposed parking spaces are consistent with the current uses on the Applicant’s neighboring properties. The parking area would provide an additional buffer between the actual plant operations and the surrounding residential properties.
- Public Need - The Public Need is apparent due to the improvement of the current street parking situation in this neighborhood, providing capacity to bring almost all plant-related parking off the surrounding streets.
- Adherence to Other Portions of the Plan - By providing a buffer from the plant itself, the improvement in parking would be consistent with other parts of the Plan which seek to lessen the direct impact of industrial or manufacturing uses on nearby neighborhoods.

Another important consideration found at the top of Page 52 of the Plan is “Transportation”. This proposed change would improve the safety of the roadways in Fond du Lac by bringing parking off the streets and into a controlled parking lot. A tragic accident in August, 2024, very close to these parcels on Grove Street, illustrates the crucial benefit which would be provided by reducing the crowding created by street parking and preventing impacts between pedestrians, bicycle riders and motor vehicles. This has been the Applicant’s top consideration when contemplating this change in use for the Grove Street parcels.

Conclusion

The Board of Appeals should reverse the administrative decision by the Community Development Director which prevents the Plan Commission from considering an amendment to the Comprehensive Plan and the Applicant's related rezoning request. The growth of the Plant and its impact on the surrounding neighborhood make clear that improved on-site parking would be an important community benefit, for safety reasons as well as providing an additional buffer between plant operations and the surrounding residential properties. This is an appropriate reason for the Plan Commission to consider an amendment to the 2040 Comprehensive Plan and the Applicant's rezoning request.

As stated previously: Applicant requests that the Board of Appeals reverse the decision of the Community Development Director (1) declining to send a request for Comprehensive Plan Amendment, and (2) declining to send its rezoning request, to the Plan Commission for consideration.

The Plan Commission should be provided the opportunity consider and approve the Applicant's rezoning request and the Comprehensive Plan amendment which is required for its implementation.

NOTICE OF BOARD OF APPEALS HEARING

NOTICE IS HEREBY GIVEN that the **BOARD OF APPEALS** of the City of Fond du Lac, Wisconsin, will take action on the following appeal on **Monday, July 7, 2025**. The 3:00 pm meeting will be conducted in Meeting Room A (first floor) of the City-County Government Center, 160 S Macy Street. All persons having an interest are invited to participate. Written correspondence for inclusion with agenda materials should be submitted to the City Clerk. The meeting agenda for the Board of Appeals can be accessed on the Calendar tab on the home page of the City's website: www.fdl.wi.gov

APPEAL NO. 2025-09

Location of Variance Request: 335 & 341 Grove Street , Fond du Lac, WI

Comprehensive Plan:

The 2040 Comprehensive Plan Future Land Use Map shows 335 and 341 Grove Street as Urban Residential – Medium Density.

Proposal:

The applicant submitted a rezoning application to rezone the properties from R-1 Single Family Residential District to M-1 Manufacturing District.

Administrative Decision:

The Community Development Director denied further processing of the rezoning request as it was not in conformance with the 2040 Comprehensive Plan.

Intent of Request to Appeal an Administrative Decision:

The appeal of an administrative decision asks the Board of the Appeals to overturn the decision by the Community Development Director to deny further processing of the rezoning application for the parcels in question from R-1 District to M-1 District.

Dated this 24th day of June, 2025

Margaret Hefter
City Clerk

Board of Appeals 2025-09

335 341 Grove Street

PIN	Street_address	MailingAddress1	MailingCity	MailingStat	MailingZip
FDL-15-17-15-23-553-00	322 SUPERIOR ST	116 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-554-00	309 GROVE ST	PO BOX 44	VALDERS	WI	54245
FDL-15-17-15-23-584-00	334 SUPERIOR ST	334 SUPERIOR ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-562-00	367 GROVE ST	367 GROVE ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-558-00	345 GROVE ST	345 GROVE ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-542-00	374 TOMPKINS ST	374 TOMPKINS ST	FOND DU LAC	WI	54935
FDL-15-17-15-32-256-00	335 W 9TH ST	335 W 9TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-583-00	314 GROVE ST	W6325 LOST ARROW RD	FOND DU LAC	WI	54937
FDL-15-17-15-23-580-00	342 GROVE ST	342 GROVE ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-544-00	354 TOMPKINS ST	W6325 LOST ARROW RD	FOND DU LAC	WI	54937
FDL-15-17-15-23-543-00	356 TOMPKINS ST	356 TOMPKINS ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-579-00	348 GROVE ST	W4901 4TH STREET RD	FOND DU LAC	WI	54935
FDL-15-17-15-23-576-00	362 GROVE ST	362 GROVE ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-577-00	360 GROVE ST	152 SCHRAMM WAY	NEENAH	WI	54956
FDL-15-17-15-23-552-00	316 SUPERIOR ST	152 SCHRAMM RD	NEENAH	WI	54956
FDL-15-17-15-23-545-00	348 TOMPKINS ST	348 TOMPKINS ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-547-00	340 TOMPKINS ST	7500 FLYING CLOUD DR STE 500	EDEN PRAIRIE	MN	55344
FDL-15-17-15-23-527-00	325 TOMPKINS ST	7500 FLYING CLOUD DR STE 500	EDEN PRAIRIE	MN	55344
FDL-15-17-15-23-556-00	335 GROVE ST	7500 FLYING CLOUD DR STE 500	EDEN PRAIRIE	MN	55344
FDL-15-17-15-23-557-00	341 GROVE ST	7500 FLYING CLOUD DR STE 500	EDEN PRAIRIE	MN	55344
FDL-15-17-15-23-578-00	354 GROVE ST	354 GROVE ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-559-00	351 GROVE ST	351 GROVE ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-582-00	330 GROVE ST	330 GROVE ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-585-00	346 SUPERIOR ST	346 SUPERIOR ST	FOND DU LAC	WI	54935
FDL-15-17-15-32-257-00	339 W 9TH ST	339 W 9TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-549-00	302 TOMPKINS ST	302 TOMPKINS ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-561-00	359 GROVE ST	359 GROVE ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-581-00	336 GROVE ST	336 GROVE ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-560-00	357 GROVE ST	357 GROVE ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-548-00	310 TOMPKINS ST	310 TOMPKINS ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-546-00	342 TOMPKINS ST	342 TOMPKINS ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-555-00	315 GROVE ST	315 GROVE ST	FOND DU LAC	WI	54935
FDL-15-17-15-23-604-00	316 WESTERN AVE	PO BOX 8100, DOWNTOWN STATION	MONTREAL QC H3C 3N4	CANADA	

Board of Appeals 2025-09
335 341 Grove Street

FDL-15-17-15-23-605-00	0 TOMPKINS ST	PO BOX 8100, DOWNTOWN STATION	MONTREAL QC H3C 3N4	CANADA	
FDL-15-17-15-23-606-00	0 GROVE ST	PO BOX 8100, DOWNTOWN STATION	MONTREAL QC H3C 3N4	CANADA	
FDL-15-17-15-23-607-00	0 GROVE ST	PO BOX 8100, DOWNTOWN STATION	MONTREAL QC H3C 3N4	CANADA	

**BOARD OF APPEALS AGENDA
CITY OF FOND DU LAC, WISCONSIN
76 West 2nd Street (Boys & Girls Club)**

Subject: Public Hearing Held July 7th, 2025 (ACTION ITEM)
Appeal No. 2025-10
Floodplain Zoning Code Requirements:
Section 690-8 C.(3) states any commercial structure which is erected, altered, or moved into the flood fringe shall meet the requirements of § 690-8C(1). This section states that the fill around the structure shall be two foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.

Proposal:
Providing documentation from a structural engineer that the area adjacent to the building can withstand flooding in lieu of providing the fill requirement of 15 from the building that is not less than 2 feet above the flood elevation.

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

MEMO_AND_MAPS.pdf

Variance_Narrative-YMCA_Addition.pdf

2247820c-FP_EX.pdf

Public_Notice.pdf

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: June 27, 2025

To: Board of Appeals

From: Dyann Benson, Community Development Director

Re: Appeal No. 2025-10 – 76 W 2nd Street (Boys & Girls Club)

Applicant: Excel Engineering/Boys & Girls Club

Zoning: Site: C-2 (General Commercial District)
North: C-2
South: O (Office Conversion District)
East: O
West: R-2 (Two Family Residential District)

Land Use: Site: YMCA/Boys & Girls Club
North: Post Office
South: Residential/Office
East: River/Office
West: Church/Residential

Variance Request

Floodplain Zoning Code Requirements:

Section 690-8 C.(3) states any commercial structure which is erected, altered, or moved into the flood fringe shall meet the requirements of § [690-8C\(1\)](#). This section states that the fill around the structure shall be two foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.

Proposal:

Providing documentation from a structural engineer that the area adjacent to the building can withstand flooding in lieu of providing the fill requirement of 15 feet from the building that is not less than 2 feet above the flood elevation.

Analysis

The subject property is located on West Second Street between Military Road and the Fond du Lac River. The property includes both the YMCA and the Boys & Girls Club. The property is situated adjacent to the Fond du Lac River and is within the area of the 100-year floodplain. The Boys & Girls Club is proposing two (2) building additions

along the east side of their facility. In November 2024, the City adopted a new floodplain ordinance to remain in compliance with FEMA and Wisconsin DNR requirements for floodplain management and participation in the National Flood Insurance Program (NFIP). The existing development does not meet updated floodplain regulations and is not required to do so until the extent of modifications exceeds 50% of the value. Any new additions, alterations or modifications – such as the proposed building additions – are required to meet the current floodplain ordinance.

Floodplain regulations require that the elevation of the lowest floor be at or above the flood protection elevation, on fill. The flood protection elevation is 2 feet above the regional flood elevation. The fill must be one foot or more above the regional flood elevation, extending at least 15 feet beyond the limit of the structure. The proposed building additions do meet the requirement for being above the flood elevation. However, the project does not comply with the 15 feet limit beyond the structure.

A site plan was prepared by Excel Engineering and shows the existing regional flood elevation and the proposed site elevations for the building, green space and parking areas. Due to the configuration of the existing development, its sidewalks, drives, parking and circulation, the placement of additional fill to meet the 15 feet perimeter would significantly alter the grades and topography of the site.

The proposed exception does not compromise the integrity of floodplain regulations. The proposed exception allows an alternative to compliance with the intent of floodplain regulations and is not uncommon for the circumstance of an existing lot in an older neighborhood.

<h3>Criteria for Variance Approval</h3>

In granting a variance the Board of Appeals must find that, for a use variance there is no reasonable use of the property without a variance; and for an area variance there is no practical way for the property owner to accomplish the intended objective of zoning code requirements.

The applicant must demonstrate that a unique condition of the property exists to prevent compliance with zoning code regulations. To qualify for a variance, an applicant must demonstrate that the property meets three requirements:

1. **Unique Property Limitations.** Physical characteristics of the property that are not generally shared by other properties must be evident that affect compliance with ordinance requirements.
2. **No Harm to Public Interest.** A variance may not be granted which results in harm to the interests of neighbors, the community, and the general public. Lack of opposition does not mean that the proposed construction would not harm the public interest.
3. **Unnecessary Hardship.** Unique property limitations must create unnecessary hardship to justify an exception to zoning regulations. The hardship must not be self-imposed;

loss of profit, construction without a permit, additional expense to comply with zoning ordinances, are not unnecessary hardships.

Criteria for Variance Approval – Floodplain Ordinance
--

Per Section 690-11C (4) and (5) of the Floodplain Ordinance, the Board of Appeals may, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that:

1. Literal enforcement of the chapter will cause unnecessary hardship;
2. The hardship is due to adoption of the Floodplain Ordinance and unique property conditions, not common to adjacent lots or premises. In such case the chapter or map must be amended;
3. The variance is not contrary to the public interest; and
4. The variance is consistent with the purpose of this chapter in § 690-3.

In addition to the criteria in Subsection C(4)(a), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:

1. The variance shall not cause any increase in the regional flood elevation;
2. The applicant has shown good and sufficient cause for issuance of the variance;
3. Failure to grant the variance would result in exceptional hardship;
4. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

The variance granted is the minimum necessary, considering the flood hazard, to afford relief. A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district;
2. Be granted for a hardship based solely on an economic gain or loss;
3. Be granted for a hardship which is self-created;
4. Damage the rights or property values of other persons in the area;
5. Allow actions without the amendments to this chapter or map(s) required in § 690-12, Amendments; and
6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25 per \$100 of coverage. A copy shall be maintained with the variance record.

Statement of Hardship

The property owner must bear the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

Modification of the dimensional limit of the floodplain fill requirement reflects the unique lot configuration, the location of the existing building, and the location of an existing driveway and pedestrian pathways.

The proposed exception to the dimension of the fill requirement does not compromise the integrity of floodplain regulations. The first floor elevation of the building would comply with floodplain regulations and be protected above the regional flood elevation.

Recommendation and Findings

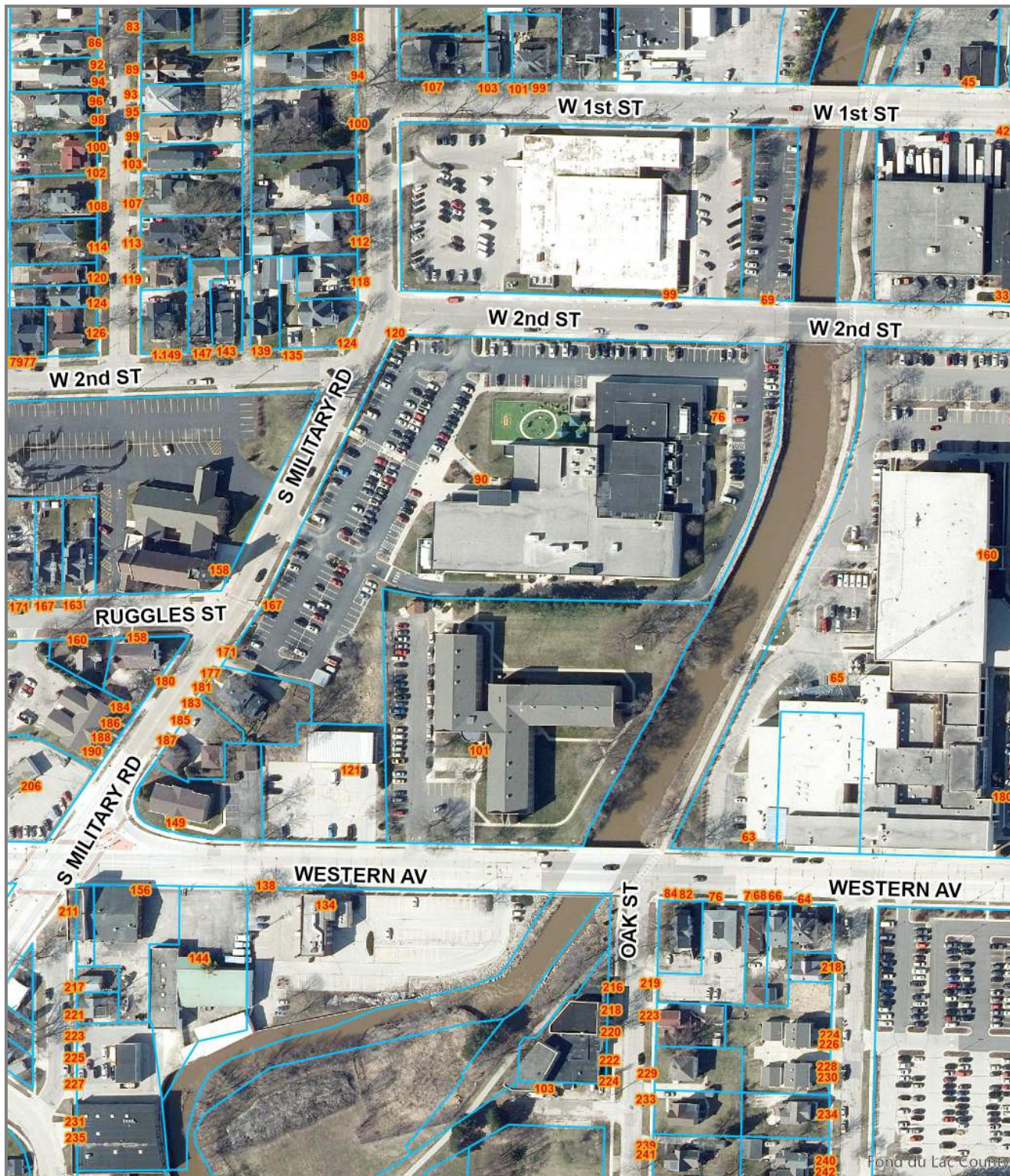
A motion for variance approval or denial must state the findings in support of the action.

Community Development staff suggests a motion to **approve the variance request** to reduce the dimensional area of floodplain fill for the construction of two building additions where the buildings comply with the floodplain regulations, and specifically due to unique physical limitations of the property because of lot size, driveway location, and the location of an existing pedestrian pathways; and, further, that the proposal provides an alternative to compliance with floodplain regulations and considers the circumstances of adjacent properties.

Conditions of approval:

1. The structural engineer will provide documentation that the building is flood protected in such a manner as to consider the protections that would have been provided by the 15 feet perimeter of fill.
2. An as-built elevation certificate is required to demonstrate that the building and proposed additions comply with the floodplain regulations.
3. The variance request has been submitted to the Wisconsin DNR for consideration. Any comments and conditions from such review will be incorporated into the site plan approval.

Aerial - 76 W 2nd Street



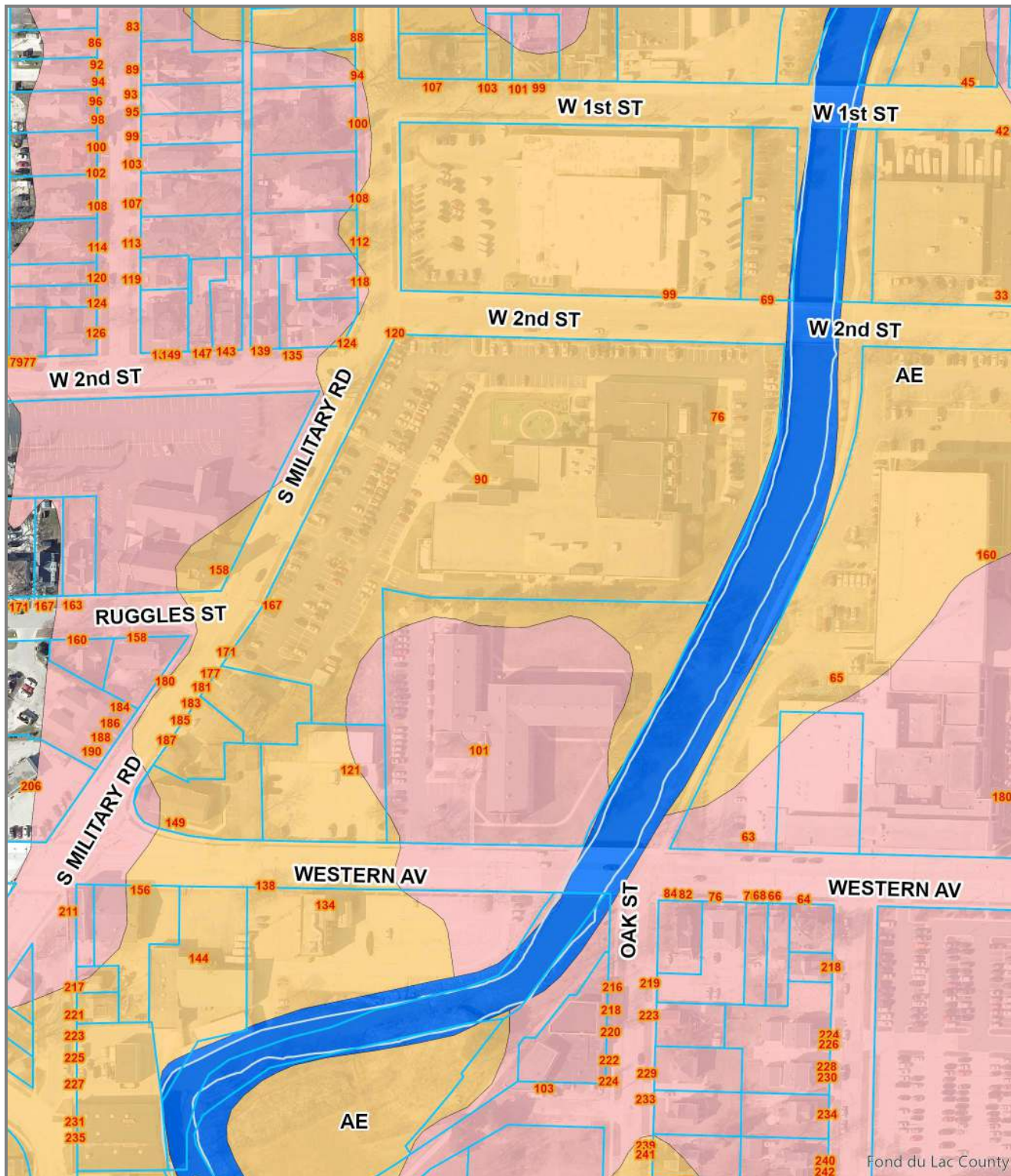
Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 200 feet
6/24/2025



Map Scale
1 inch = 200 feet
6/24/2025

Floodplain - 76 W 2nd Street



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 200 feet
6/24/2025



June 18, 2025

YMCA / Boys & Girls Club Building
90 West 2nd. Street, Fond du Lac, WI

PROPOSAL

YMCA / Boys & Girls Club proposes to develop an addition onto its existing facility campus located at 90 West 2nd Street. The addition includes two separate additions; 1,497sf and 3,647 onto the east side of the existing building. Parking and drive aisles will remain in place. The 5.44-acre site is zoned C-2, General Business District and the use is permitted.

The applicant respectfully requests relief from the Floodfringe District Requirements, Section 690-8 C.(1)(a) e. of the City's recently adopted (11/24) Floodplain Ordinance which states that the structure should be located on fill above the 100yr flood elevation (756) and the fill around the structure is to be two feet above this elevation extending at least 15' beyond the limits of the structure. The existing facility has walk and driveways within this 15' with grades that are existing and less than 2' above floodplain elevation, see red highlighted areas below for reference. The additions are simply connecting to an existing condition on the site. The finished floors of the additions connect to the existing building and are 4' above the flood elevation. The purpose of these additions are for added office and lobby space along with cafeteria expansion.

ALTERNATIVES

A site with added 2' of fill 15' around the building would require 1.5' to 2' of fill that would extend into the walk and driveways. This would require the entire east side of the site to be regraded and filled. This would also require additional fill to be placed against portions of the existing building, pavement, walks, etc. to transition grades that were previously approved under the old flood ordinance and have not been designed for this. This is deemed impractical for the existing site and ultimately the finished floor is more than 4' above the flood elevations to protect the building.

UNIQUE PROPERTY LIMITATIONS

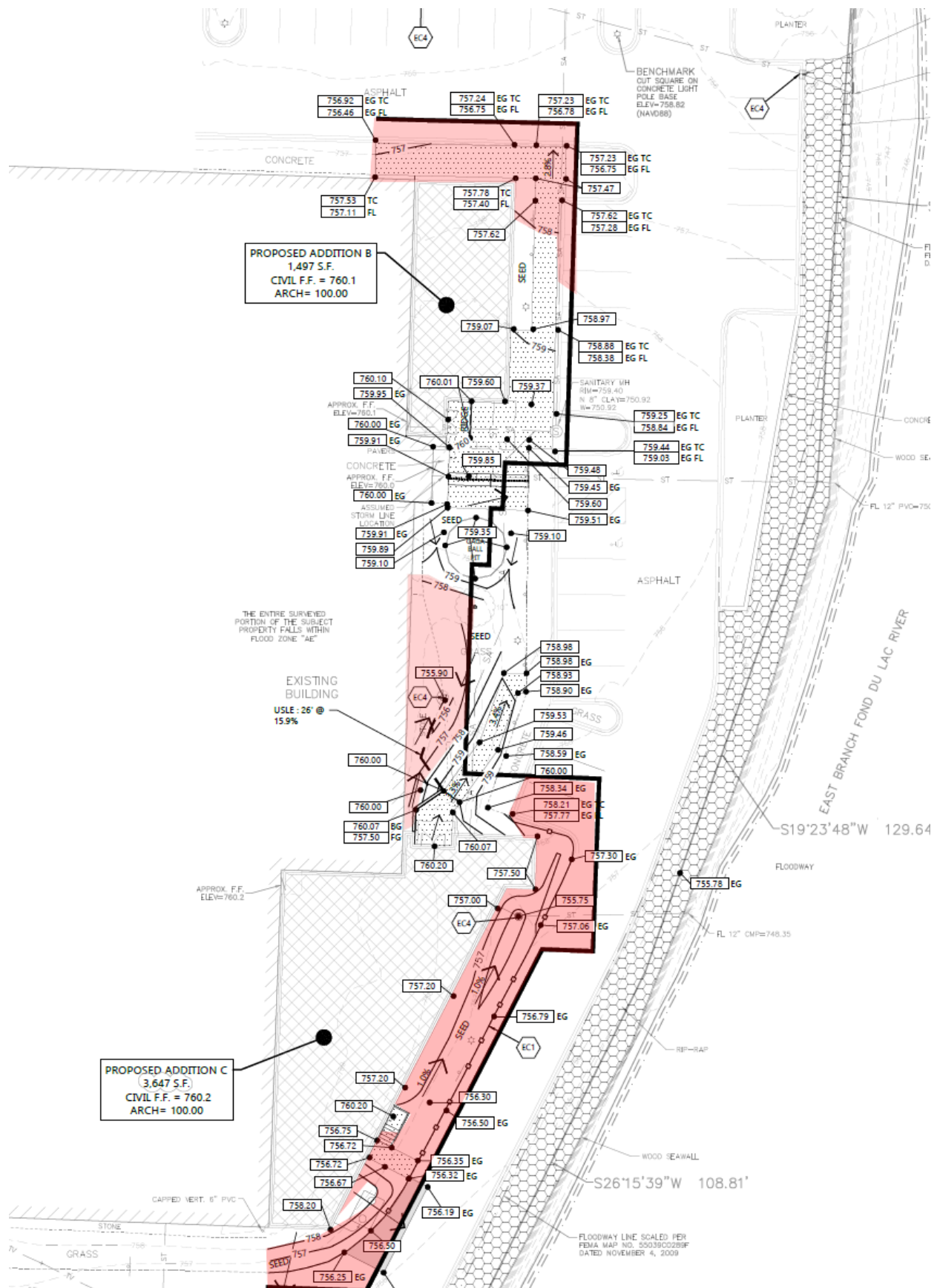
The existing site and previous developments are all an existing condition approved under previous codes and ordinances. All proposed construction is occurring within the paved boundaries that already exist today. The additions are matching the same finished floors and grades already on the site at the building.

NO HARM TO PUBLIC INTEREST

- The requested exception will not harm the public interest and/or adjacent or nearby properties. The existing use and additions are permitted uses in the C-2 District.
- The proposed development/redevelopment will result in a much needed expansion that will complement and provide much needed support for the main facility.
- The site will match and tie into existing grades and fill in the greenspace internally on site.

UNNECESSARY HARDSHIP

Denial of the variance will deny the applicant the 15' fill requirement will not allow the YMCA & Boys & Girls Club the ability to expand their facility to meet the needs of the users within the community.



GENERAL NOTES:

1. THE FLOOD ELEVATION = 756.00
2. FLOOD PROTECTION

LEGEND:

HATCH	PAVEMENT SECTION
	PROPOSED AREA WITHIN 15' OF BUILDING AND UNDER 2' AREA FLOOD PROTECTION ELEVATION.
	EXISTING AREA WITHIN 15' OF BUILDING AND UNDER 2' AREA FLOOD PROTECTION ELEVATION.
-X.X'	GRADE FROM THE DIFFERENCE 2' FLOOD PROTECTION ELEVATION WITHIN 15' OF BUILDING.



Always a Better Plan
100 Camelot Drive
Fond du Lac, WI 54935
920-926-9800
excelengineer.com

PROJECT INFORMATION

PROPOSED RENOVATION AND ADDITION FOR:
FOND DU LAC YMCA / BOYS & GIRLS CLUB
90 WEST 2ND ST. • FOND DU LAC, WI 54935

PROFESSIONAL SEAL

SHEET DATES

SHEET ISSUE JUNE 20, 2025

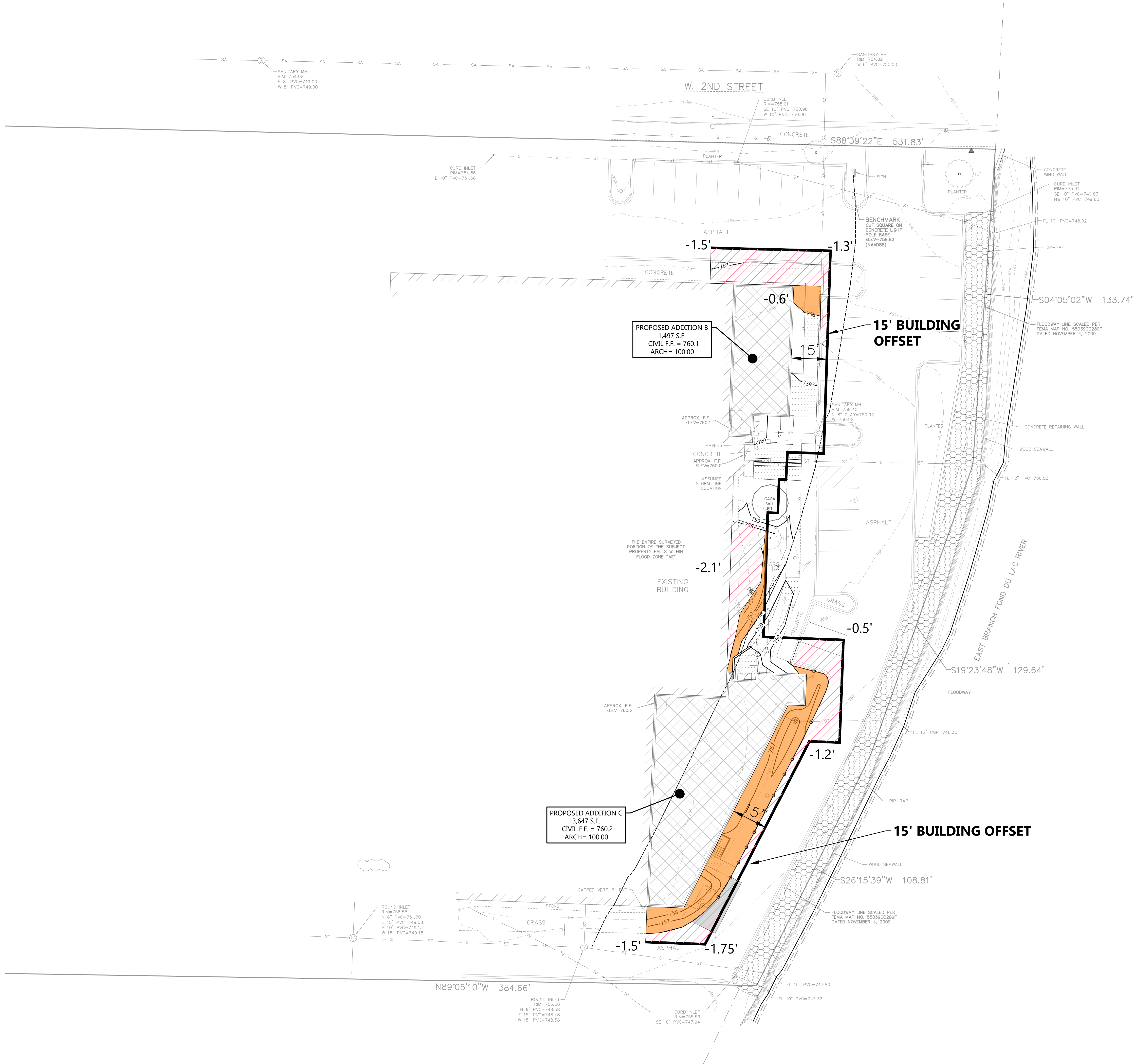
REVISIONS

JOB NUMBER

2247820

SHEET NUMBER

FP EX



SCALE: 1" = 20'
20' 0 20' 40'
NORTH
CIVIL FLOOD PLAIN FILL EXHIBIT

NOTICE OF BOARD OF APPEALS HEARING

NOTICE IS HEREBY GIVEN that the **BOARD OF APPEALS** of the City of Fond du Lac, Wisconsin, will take action on the following appeal on **Monday, July 7, 2025**. The 3:00 pm meeting will be conducted in Meeting Room A (first floor) of the City-County Government Center, 160 S Macy Street. All persons having an interest are invited to participate. Written correspondence for inclusion with agenda materials should be submitted to the City Clerk. The meeting agenda for the Board of Appeals can be accessed on the Calendar tab on the home page of the City's website: www.fdl.wi.gov

APPEAL NO. 2025-10

Location of Variance Request: 76 West Second Street, Fond du Lac, WI 54935

Zoning Code Regulations:

Section 690-8 C.(3) states any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of § 690-8C(1). This section states that the fill around the structure shall be two foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.

Proposal:

Providing documentation from a structural engineer that the rea adjacent to the building can withstand flooding in lieu of providing the fill requirement of 15 from the building that is not less than 2 ft above the flood elevation.

Intent of Variance Request:

The variance request asks for a waiver to not extend a perimeter of fill that is 2 ft above elevation and 15 ft from the building. The applicant would provide documentation regarding the buildings ability to withstand floods.

Dated this 24th day of June, 2025

Margaret Hefter
City Clerk

Board of Appeals 2025-10

76 W 2nd Street

PIN	Street_address	MailingAddress1	MailingCity	MailingState	MailingZip
FDL-15-17-15-21-079-00	187 S MILITARY RD	W5245 BECHAUD BEACH DR	FOND DU LAC	WI	54935
FDL-15-17-15-21-080-01	149 WESTERN AVE	500 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-15-21-070-00	158 RUGGLES ST	158 RUGGLES ST	FOND DU LAC	WI	54935
FDL-15-17-15-21-058-01	158 S MILITARY RD	158 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-15-12-339-00	0 W 1ST ST	PO BOX 150	FOND DU LAC	WI	54936
FDL-15-17-15-12-342-00	160 S MACY ST	160 S MACY 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-15-17-15-21-078-00	177 S MILITARY RD	177 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-15-12-340-01	69 W 2ND ST	130 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-345-00	101 WESTERN AVE	8340 ARROWHEAD FARM DR	BURR RIDGE	IL	60527
FDL-15-17-15-21-008-00	118 S MILITARY RD	118 S MILITARY RD	FOND DU LAC	WI	54935
FDL-15-17-15-12-335-00	99 W 2ND ST	MINNEAPOLIS ISC 2825 LONE OAK PKWY	EAGAN	MN	55121
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-15-17-15-21-009-00	124 S MILITARY RD	471 MORRIS ST	FOND DU LAC	WI	54935