

BOARD OF APPEALS

October 7, 2024

3:00 PM

Meeting Room A
City-County Government Center

160 South Macy St
Fond du Lac, Wisconsin

I. Call To Order

- A. Attendance
- B. Declaration Quorum Present

II. Approval of Minutes

- A. September 17, 2024

III. Hearings

- A. 154 Satterlee Street (Crittter Junction)
Appeal No. 2024-15

Zoning Code Regulations:

Schedule VII Bulk requirements Commercial-Recreation, Office and Industrial Districts requires a 30 ft front yard setback, 15 ft side yard setback a 25 ft rear yard setback.

Proposal:

Allow for the placement of building with 25 ft front yard setback, a zero ft side yard setback along the east property line and a zero ft rear yard setback.

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
September 17, 2024

Subject:

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

BOA_Minutes_9.17.24.pdf

BOARD OF APPEALS MINUTES

September 17, 2024
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: Jeffrey Labahn
Jeffrey Uitenbroek
David Vanden Avond

Absent: Gary Miller
Tracy Qualmann

Administrative Staff: Dyann Benson, Community Development Director

Vice Chair Labahn declared a quorum present at 3:00 p.m.

APPROVAL OF MINUTES

August 5, 2024

Motion made by Uitenbroek to approve the minutes of the August 5, 2024 meeting of the Board of Appeals.

Seconded by Vanden Avond.

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

Carried.

HEARINGS

400 University Drive (former UW Campus – FDL)

Appeal No. 2024-14

Zoning Code Regulations:

Schedule II Land Use or Activities Residential Districts does not allow a theater or banquet/meeting space as a permitted use within the R-1 District.

Proposal:

Approve a use variance for use of the existing theater space and adjoining meeting rooms as a banquet/meeting facility.

Appeared in Support:

Erin Gerred, Project Applicant, 160 S Macy St

BOARD OF APPEALS MINUTES

September 17, 2024

Page 2

Motion made by Vanden Avond to **approve** the variance request with the listed conditions to allow for use of the existing theater space and adjoining meeting rooms as a banquet/meeting facility because unique property conditions of former campus with the theater space, commons area, large group meeting rooms and concession space are specific design elements and uses that do not adapt to other purposes make strict compliance with zoning regulations difficult.

Conditions of Approval:

- 1. The theater, large group meeting rooms, commons area and adjoining spaces may continue to be used for such purpose and rented by outside entities.
- 2. A caterer or other entity may provide service to the Fond du Lac County offices and/or the theater, large group meeting rooms, and commons area for banquets and other meeting amenities, and utilize the concession space. The caterer may use the commercial kitchen for the business operations.
- 3. Restaurants are not permitted in the R-1 Single Family Residential District.
- 4. Maintain compliance with building and fire codes for the commercial kitchen and meeting space/assembly areas.

Seconded by Uitenbroek.

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

Carried.

ADJOURN

Motion made by Vanden Avond to adjourn.

Seconded by Uitenbroek.

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

Carried.

Meeting adjourned at 3:11 p.m.

MARGARET HEFTER
CITY CLERK

DB/ss

**BOARD OF APPEALS AGENDA
CITY OF FOND DU LAC, WISCONSIN
154 Satterlee Street (Crittter Junction)**

Subject: Appeal No. 2024-15

Zoning Code Regulations:
Schedule VII Bulk requirements Commercial-Recreation,
Office and Industrial Districts requires a 30 ft front
yard setback, 15 ft side yard setback a 25 ft rear
yard setback.

Proposal:
Allow for the placement of building with 25 ft front
yard setback, a zero ft side yard setback along the
east property line and a zero ft rear yard setback.

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

2024-15_Crittter_Junction_Memo.pdf

Application_redacted.pdf

Plan.pdf

PH_Notice.pdf

The CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: September 26, 2024
To: Board of Appeals
From: Dyann Benson, Community Development Director
Re: Appeal No. 2024-15 - 154 Satterlee Street
Applicant: Critter Junction

Zoning: Site: M-1 (Manufacturing District)
North: M-1
South: M-1
East: M-1
West: M-1

Land Use: Site: Animal Rescue/Shelter
North: Johnson Street Overpass/Right of Way
South: Vacant Land/Alliant
East: Contractor Facility/Railroad Line
West: Dog Park/Alliant

Variance Request

Zoning Code Regulations:

Schedule VII Bulk requirements Commercial-Recreation, Office and Industrial Districts requires a 30 ft front yard setback, 15 ft side yard setback a 25 ft rear yard setback.

Proposal:

Allow for the placement of building with 25 ft front yard setback, a zero ft side yard setback along the east property line and a zero ft rear yard setback.

Analysis

The property at 154 Satterlee Street is an animal rescue/shelter. The applicant is proposing to construct an additional building to support the animal rescue operations. The proposed building is 60 ft by 18 ft and would provide storage as well as additional dog runs. The proposed building is located along the east side of the property. The principal building is located along the west and south property lines. The existing principal structure lacks a rear yard or side yard setback. The proposed building would have a zero ft rear yard setback and zero ft side yard setback along the east property line. The front yard setback is proposed at approximately 25 ft.

The attached document shows the proposed location and dimensions of the proposed building. The proposed building is adjacent to a railroad along the side yard and land owned by Wisconsin Power and Light (Alliant Energy). The proposed dog runs face the interior property and can be viewed by the principal structure. The storage area abuts the railroad. The location of the building still grants access to the railroad right of way and to the vacant land to the south. The applicant has been designated as an animal control agent for the City of Fond du lac, increasing the number of dogs that may be at the property, supporting the need for an enclosure.

The petitioner asks for a waiver to allow construction of a building with a reduced front yard setback of 25 ft, a side yard setback of zero ft and rear yard setback of zero ft.

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.

Petitioner notes the additional space is needed to assist animal control and the location of the property is such that the reduced setback will not impact any residential neighborhoods and limited, if any, opportunity for additional development adjacent to the petitioner's parcel.

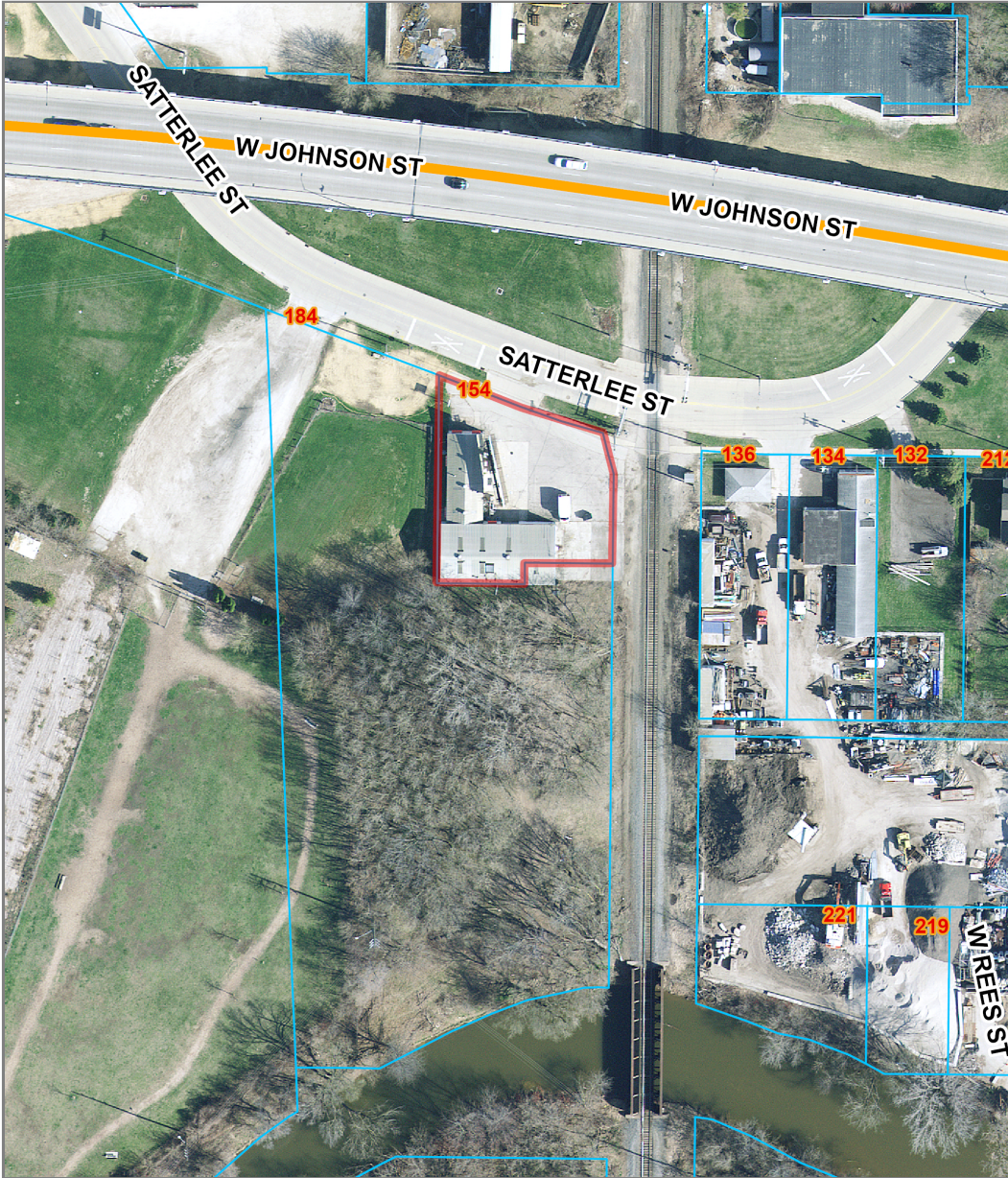
Recommendation and Findings

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

Community Development staff recommends approval based on findings referenced herein, and specifically because unique property conditions of the existing site with the railroad right of way and Alliant's land limit the ability to increase the parcel size to meet setback requirements. The parcel location in a manufacturing district with Johnson Street to the north limit any negative impacts on adjoining residential neighborhoods. Please note the following conditions:

1. The outdoor dog runs will be well maintained and any feces will be removed in a timely manner.
2. Municipal citations may be issued for any verified violations of the provisions of Chapter 216.
3. The dog runs are for the purpose of the principal use as an animal shelter/rescue. The outdoor dog runs cannot be used for storage of any other items. If the principal use changes, the dog runs will be removed.
4. A change in ownership will require the new owner to appear before the Board of Appeals before the building can be used for any purpose.
5. A building permit is required by Inspections.

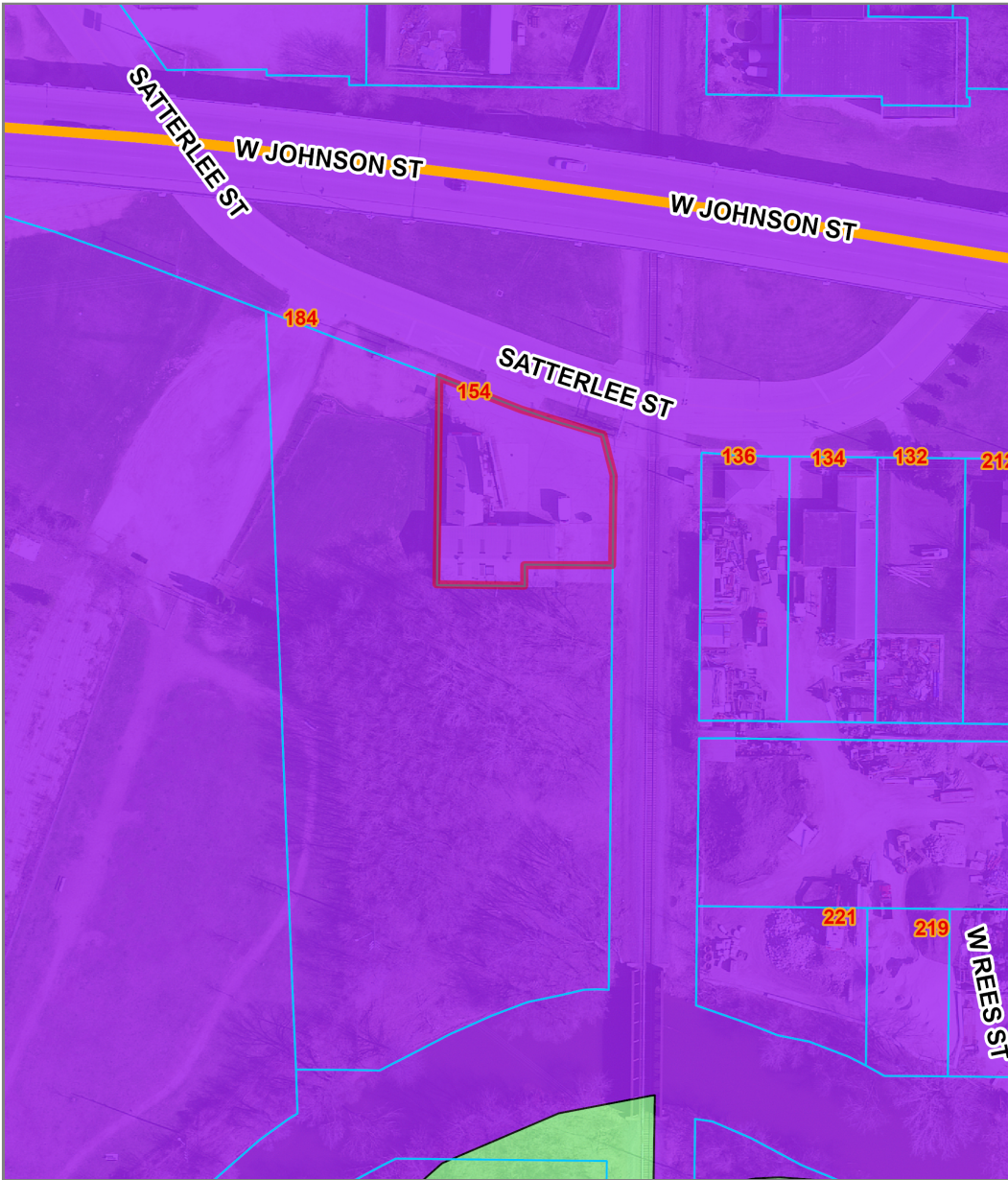
154 Satterlee Street - Aerial



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
9/27/2023

154 Satterlee Street - Zoning



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
9/27/2023



APPLICATION FOR ZONING VARIANCE

PROPERTY LOCATION: 154 Satterlee St. Fond du Lac WI 54935

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

Project Applicant

Name <u>Critter Junction Pet Rescue</u>			
Mailing Address <u>154 Satterlee St</u>	City <u>Fond du Lac</u>	State <u>WI</u>	ZIP Code <u>54935</u>
Email Address [REDACTED]		Phone Number [REDACTED]	

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

Name <u>John and Renee Webb</u>			
Mailing Address <u>285 Candy Ln</u>	City <u>Fond du Lac</u>	State <u>WI</u>	ZIP Code <u>54935</u>
Email Address [REDACTED]		Phone Number [REDACTED]	

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.

Animal control dog intake building for City of Fond du Lac Dogs.

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.

Building will be used by all 3 rescues for the safe containment of lost and stray dogs in the city of Fond du Lac. Including emergency situations such as fires, arrests, owner medical situations & etc.

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:

On call animal control in the city
of Fond du Lac for dogs

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:

Unique location with no close
residential neighbors. Dog park to the west,
Ciese construction to the East, and Sadoff
Iron & metal to the North – South is vacant and
~~unusable~~ unuseable.

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:

Plenty of room for cats & small domestic
pets. Dogs is a serious issue to which
there is no available solution.

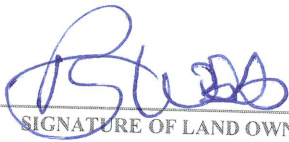
LANDOWNER AUTHORIZATION

TO: City of Fond du Lac
Community Development Department

Re: VARIANCE REQUEST

LOCATION OF VARIANCE REQUEST: 154 Satterlee St
Fond du Lac WI 54935

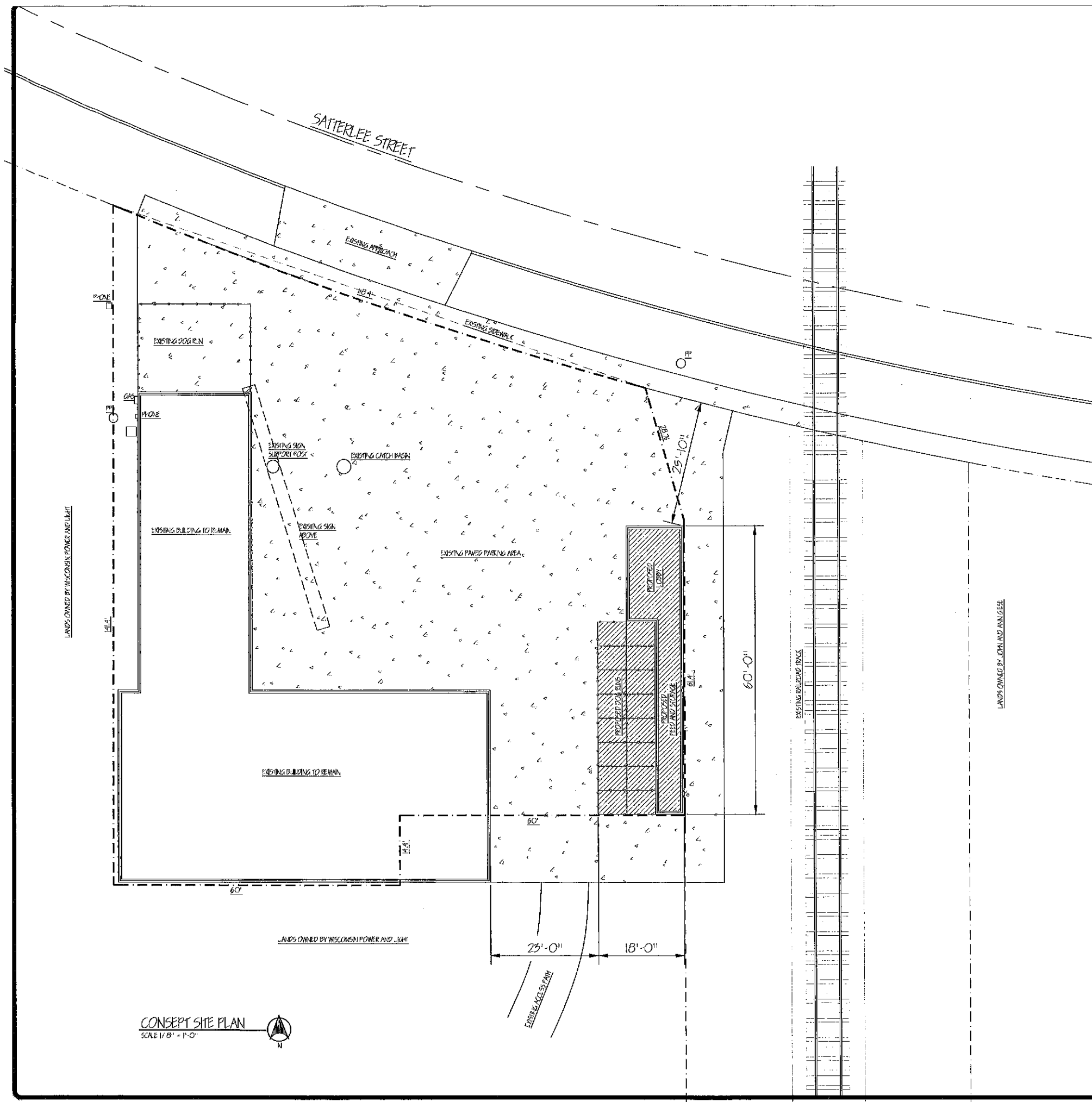
The undersigned Renee Webb is the owner of property
NAME OF PROPERTY OWNER (PLEASE PRINT)
referenced above. The undersigned authorizes Critter Junction Pet Rescue
to sign and file a variance application that affects the referenced property.



SIGNATURE OF LAND OWNER OR AUTHORIZED AGENT

7/29/24

DATE



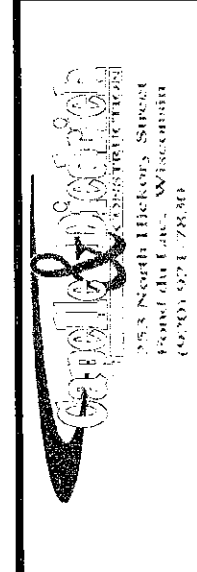
CONCEPT SITE PLAN
SCALE 1/8" = 1'-0"



PRELIMINARY PLANS
THESE PLANS HAVE BEEN PREPARED FOR PRELIMINARY PURPOSES ONLY
DO NOT USE THESE PLANS FOR CONSTRUCTION !!

All plans, details, arrangements and specifications are prepared by the drawing set forth by the authority of the State of Wisconsin. The architect is not responsible for any errors or omissions in the plans and drawings and shall not be held liable for any damages or claims arising out of the use of the plans and drawings for any purpose other than that for which they were prepared. The architect's liability is limited to the amount of the fee paid for the services rendered. The architect's liability shall not be limited by any limitation on the amount of the fee paid for the services rendered. The architect's liability shall not be limited by any limitation on the amount of the fee paid for the services rendered.

Stelmacher Architecture, LLC
Scott Stelmacher, Registered Architect
10524 Poplarville Road
Fond Du Lac, WI 54937
TEL: 920.921.4530
FAX: 920.921.1298



25.8 North Jackson Street
Fond Du Lac, Wisconsin
60001-921-7200

CRITTER JUNCTION
154 SATTERLEE STREET
FOND DU LAC, WISCONSIN
CONCEPT SITE PLAN

DATE	07/11/2024
CHECKED	
SCALE	1" = 10'-0"
FILE NAME	2496
SHEET	01
TOTAL SHEETS	01

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, October 7, 2024**. 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. 2024-15

Location of Variance Request: 154 Satterlee Street, Fond du Lac, WI 54935

Zoning Code Regulations:

Schedule VII Bulk requirements Commercial-Recreation, Office and Industrial Districts requires a 30 ft front yard setback, 15 ft side yard setback a 25 ft rear yard setback.

Proposal:

Allow for the placement of building with 25 ft front yard setback, a zero ft side yard setback along the east property line and a zero ft rear yard setback.

Intent of Variance Request:

The variance asks for a waiver to allow construction of a building with a reduced front yard setback of 25 ft, a side yard setback of zero ft and rear yard setback of zero ft.

Dated this 29th day of September, 2024.

Margaret Hefter
City Clerk

Public Notice
154 Satterlee Street

PIN	Street_address	MailingAddress1	MailingCity	MailingState	MailingZip
FDL-15-17-10-24-814-00	230 W FOLLETT ST	20 CRESTVIEW CT	FOND DU LAC	WI	54937
FDL-15-17-10-31-024-00	136 SATTERLEE ST	N7086 WINNEBAGO DR	FOND DU LAC	WI	54935
FDL-15-17-10-31-025-00	134 SATTERLEE ST	N7086 WINNEBAGO DR	FOND DU LAC	WI	54935
FDL-15-17-10-31-026-00	132 SATTERLEE ST	N7086 WINNEBAGO DR	FOND DU LAC	WI	54935
FDL-15-17-10-31-038-00	0 PACKER ST	N7086 WINNEBAGO DR	FOND DU LAC	WI	54935
FDL-15-17-10-31-041-00	221 W REES ST	N7086 WINNEBAGO DR	FOND DU LAC	WI	54935
FDL-15-17-10-31-040-00	219 W REES ST	N7086 WINNEBAGO DR	FOND DU LAC	WI	54935
FDL-15-17-10-24-813-00	236 W FOLLETT ST	236 W FOLLETT ST	FOND DU LAC	WI	54935
FDL-15-17-10-23-592-00	270 W ARNDT ST	PO BOX 1138	FOND DU LAC	WI	54936
FDL-15-17-10-23-592-00	270 W ARNDT ST	PO BOX 1138	FOND DU LAC	WI	54936
FDL-15-17-10-23-593-00	201 SATTERLEE ST	195 SATTERLEE ST	FOND DU LAC	WI	54935
FDL-15-17-10-31-027-00	212 JOHNSON CT	212 JOHNSON CT	FOND DU LAC	WI	54935
FDL-15-17-10-31-023-00	154 SATTERLEE ST	285 CANDY LN	FOND DU LAC	WI	54935
FDL-15-17-10-31-022-00	148 PACKER ST	4902 N BILTMORE LN	MADISON	WI	53718
FDL-15-17-10-32-252-00	184 SATTERLEE ST	4902 N BILTMORE LN	MADISON	WI	53718