

BOARD OF APPEALS

November 4, 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. October 7, 2024

III. Hearings

- A. 525 East Pioneer Road (Theisen Middle School)
Appeal No. 2024-16

Zoning Code Regulations:

Chapter 720, Section 79, (F)(3)(e), Freestanding lights shall not exceed 12 feet in height for institutional, educational, and residential properties and uses.

Proposal:

Allow installation of freestanding lights in the parking lot that are 30 feet in height.

- B. 764 Rienzi Road
Appeal No. 2024-17

Zoning Code Regulations:

Chapter 720, Section 11, (C)(13)(d), states the maximum size of a detached garage is 850 sq ft.

Chapter 720-79 (E)(1) regulates driveways for single family and two family residences.

Schedule II Land Uses or Activities Residential Districts does not allow contractor facilities as a permitted use.

Proposal:

Allow installation of a detached garage that is approximately 2,024 sq ft.

Allow installation of a driveway where there is no principal structure.

Allow an accessory structure to be constructed and used for a contractor facility.

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
October 7, 2024

Subject:

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

BOA_Minutes_10.7.24.pdf

BOARD OF APPEALS MINUTES

October 7, 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: Gary Miller
Tracy Qualmann
Jeffrey Uitenbroek

Absent: Jeffrey Labahn
David Vanden Avond

Administrative Staff: Dyann Benson, Community Development Director

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

APPROVAL OF MINUTES

September 7, 2024

Motion made by Qualmann to approve the minutes of the September 7, 2024 meeting of the Board of Appeals.

Seconded by Uitenbroek.

ROLL CALL VOTE: Aye – Miller, Qualmann, Uitenbroek
Nay – None

Carried.

HEARINGS

154 Satterlee St (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.

Appeared in Support:

Renee Webb, Project Applicant, 154 Satterlee St

BOARD OF APPEALS MINUTES

October 7, 2024

Page 2

Motion made by Qualmann to **approve** the variance request with the listed conditions to 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 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.

Conditions of Approval:

- 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.

Seconded by Uitenbroek.

ROLL CALL VOTE:	Aye – Miller, Qualmann, Uitenbroek
	Nay – None

Carried.

ADJOURN

Motion made by Qualmann to adjourn.

Seconded by Uitenbroek.

ROLL CALL VOTE:	Aye – Miller, Qualmann, Uitenbroek
	Nay – None

Carried.

Meeting adjourned at 3:20 p.m.

MARGARET HEFTER
CITY CLERK

DB/ss

**BOARD OF APPEALS AGENDA
CITY OF FOND DU LAC, WISCONSIN
525 East Pioneer Road (Theisen Middle School)**

Subject: Appeal No. 2024-16

Zoning Code Regulations:
Chapter 720, Section 79, (F)(3)(e), Freestanding lights shall not exceed 12 feet in height for institutional, educational, and residential properties and uses.

Proposal:
Allow installation of freestanding lights in the parking lot that are 30 feet in height.

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

202416_Theisen_Lights.pdf

Application_redacted.pdf

PH_Notice.pdf

The CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: October 24, 2024
To: Board of Appeals
From: Dyann Benson, Community Development Director
Re: Appeal No. 2024-16 – **525 E Pioneer Road**
Applicant: Fond du Lac School District (Theisen Middle School)

Zoning: Site: R-1 (Single Family Residential District)
North: R-1
South: R-2/R-4 (Two-Family, Multifamily Residential District)
East: R-1
West: R-1

Land Use: Site: Theisen Middle School
North: Residential
South: Residential
East: Vacant Land
West: Religious Institution

Variance Request

Zoning Code Regulations:

Chapter 720, Section 79, (F)(3)(e), Freestanding lights shall not exceed 12 feet in height for institutional, educational, and residential properties and uses.

Proposal:

Allow installation of freestanding lights in the parking lot that are 30 feet in height.

Analysis

The property at 525 E Pioneer Road is Theisen Middle School, part of the Fond du Lac School District. The school property has two separate parking lots, an east and a west parking lot. Both are accessed off Pioneer Road.

The existing west parking lot abuts Good Shepherd Evangelical Lutheran Church and their parking lot which is constructed along their east property line. The west parking lot does not have any lighting. Faculty, staff and families have expressed concerns to the School District over the lack of lighting in the west parking lot.

The petitioner asks for a waiver to allow the installation of 30 ft freestanding parking lot lights. The zoning code limits freestanding lights to 12 ft in height for educational and institutional uses.

The west parking lot is buffered by the building to the east and a large green space to the properties to the north. The proposal seeks to install three (3) 30 ft light poles along the east side of the parking area in question, closest to the building.

City staff recommends an alternative recommendation for favorable consideration of the variance request. The maximum height of a light pole under the zoning code is 24 ft. Staff recommends a variance to allow a 24 ft light pole.

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 that the alternatives to meet code would increase cost and efficiency to light the parking lot. The petitioner notes that the size of the property and setback from the roadway as unique features of the property. The strict compliance with the zoning code increases the number of

freestanding poles throughout the parking lot and increases cost for installing islands to support lower pole height.

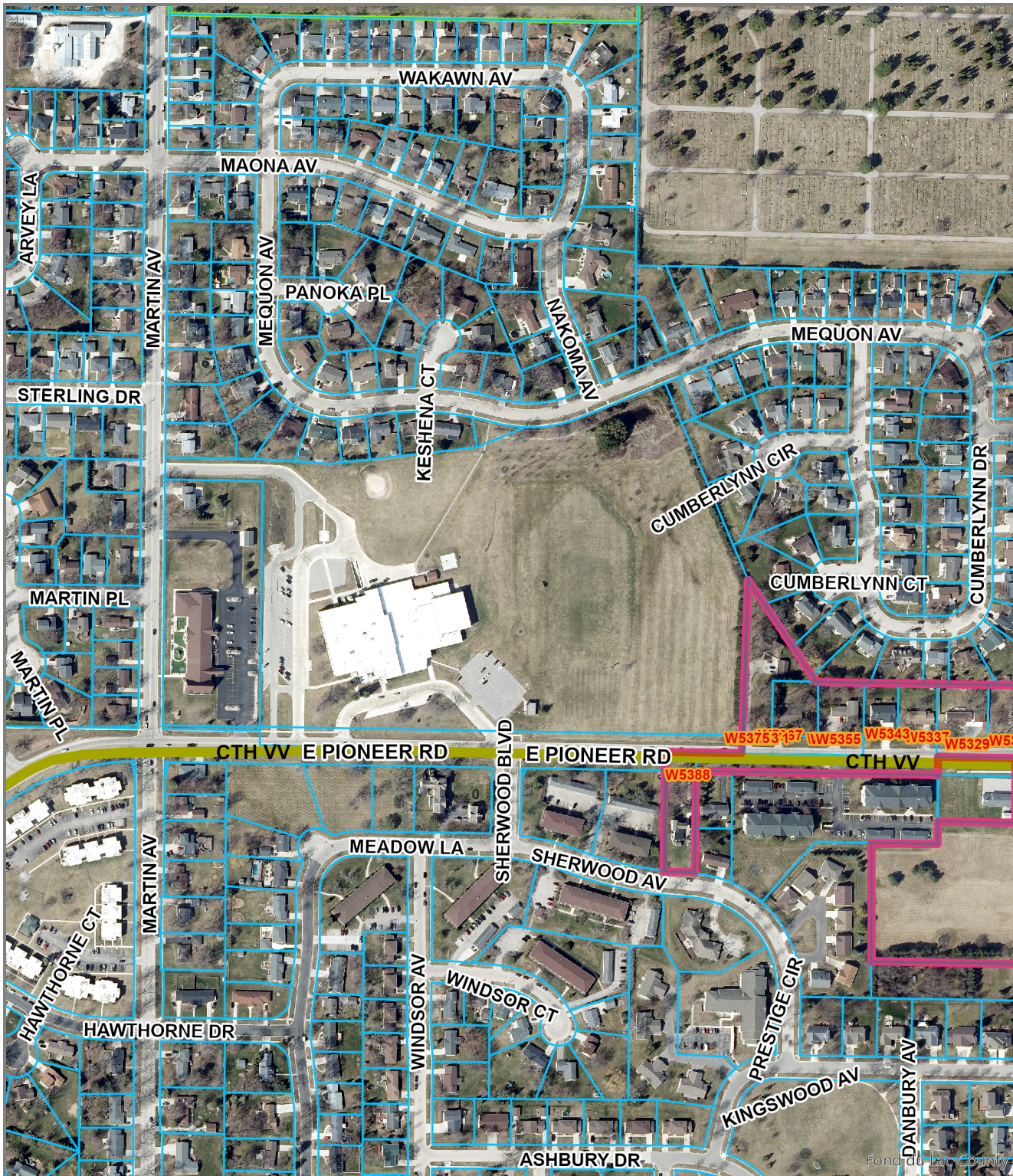
Recommendation and Findings

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, specifically because unique property conditions of the existing site with size of the overall campus, the increased setback from the property line and the parking lot is not immediately adjacent to residential uses. Please note the following conditions:

1. A Site Plan shall be submitted to the Community Development Department for approval prior to the issuance of building permits to address all applicable site plan requirements.
2. The freestanding light poles will not exceed 24 ft in height and will use cut off fixtures.

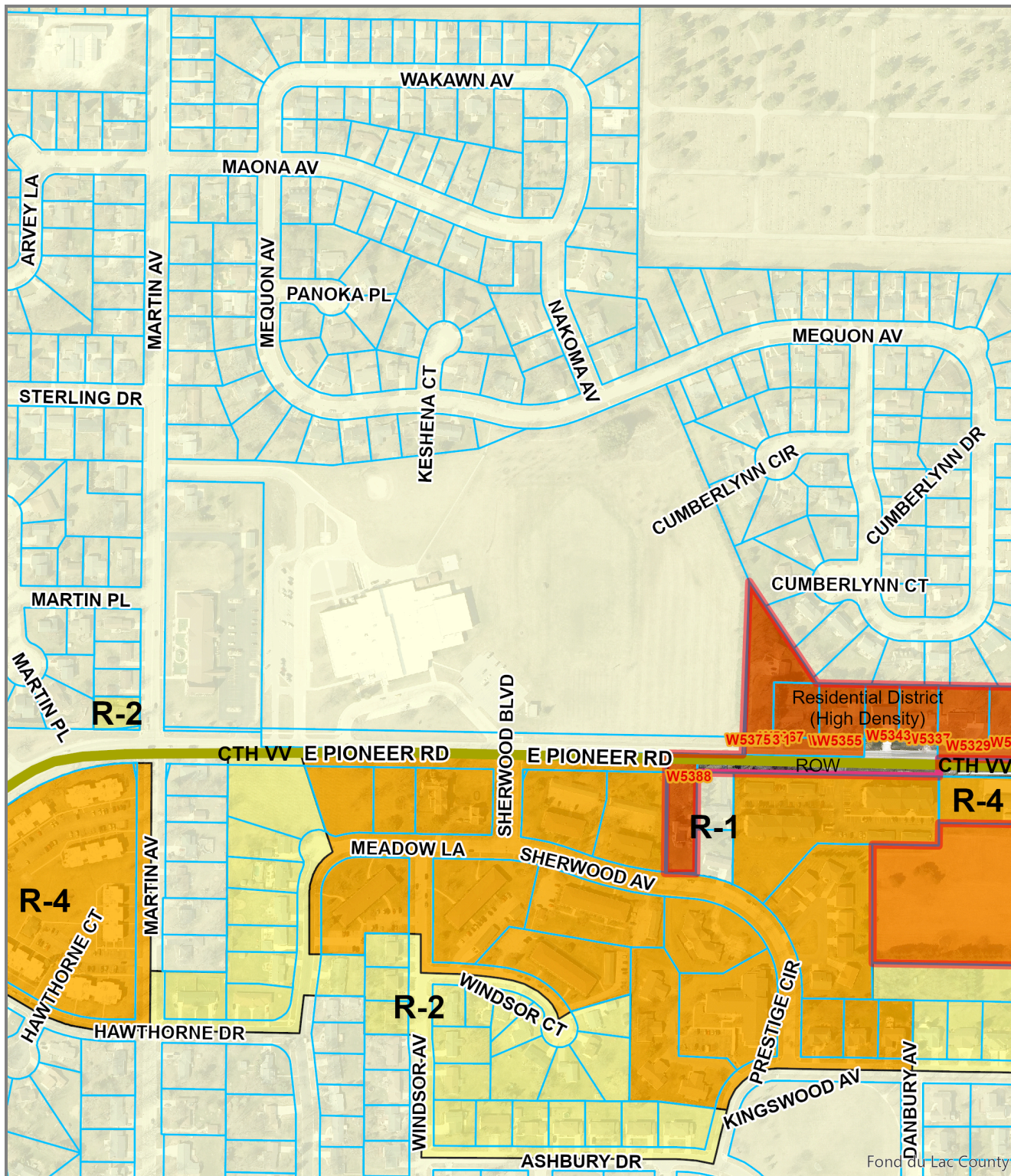
Aerial - Theisen Middle School Pioneer Road



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
10/24/2024

Zoning - Theisen Middle School



Fond du Lac County



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
 10/24/2024



APPLICATION FOR ZONING VARIANCE

PROPERTY LOCATION: 525 E Pioneer Rd.

Tax Key Number (Vacant Land): FDL 15 17 15 42 263 00

Project Applicant			
Name Nate Groves			
Mailing Address 72 W. 9th St.	City Fond du Lac	State WI	ZIP Code 54935
Email Address [REDACTED]	Phone Number [REDACTED]		
Landowner (Complete this information if the project applicant is not the property owner.)			
Name Fond du Lac School District			
Mailing Address 72 W. 9th. Street.	City Fond du Lac	State WI	ZIP Code 54935
Email Address 72 W. 9th Street	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.

The purpose of the variance request is to increase the size of light poles that can be installed on the outside of Theisen Middle School near the staff parking lot on the west side of the building. This is necessary to light the parking lot for our staff, students, and families. Currently, there is no lighting, and it is very difficult to see at night. Having longer light poles will increase the distance that we can light the parking lot. 12 foot poles (current regulations) would significantly restrict lighting.

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.

If we were restricted from using longer parking lot light poles, we would have to add a significant amount of poles, increasing cost and efficiency of our ability to light the parking lot. It would also put this project out of reach financially. Our goal is to make the parking lot safe for students and staff at night.

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:

This parking lot is too large to light from the east side of the lot with 12 foot light poles. The lot

is also up against a church, which will not allow us to add any poles on the west side of the lot. There

is no residential housing that would be impacted, and the church currently has 20 foot poles in their

lot. Currently, there is a significant risk to staff, student, and family safety with the limited lighting.

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:

The current lighting specs we have show lighting only in the lot itself. The heads have recessed lights,

which do not point toward any residential or commercial properties. In our mind, this would greatly

benefit the public while they use the facility along with staff and students.

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:

Additional costs of boring under the parking lot, adding islands with 12 foot light poles, adding additional

lights and poles would put this project out of reach for the school districts financial capacity. Being

allowed to use longer light poles would allow us the ability to significantly lower costs, and increase

safety for our students and staff.

LANDOWNER AUTHORIZATION

TO: City of Fond du Lac
Community Development Department

Re: VARIANCE REQUEST

LOCATION OF VARIANCE REQUEST: Theisen Middle School - 525 E Pioneer Rd.

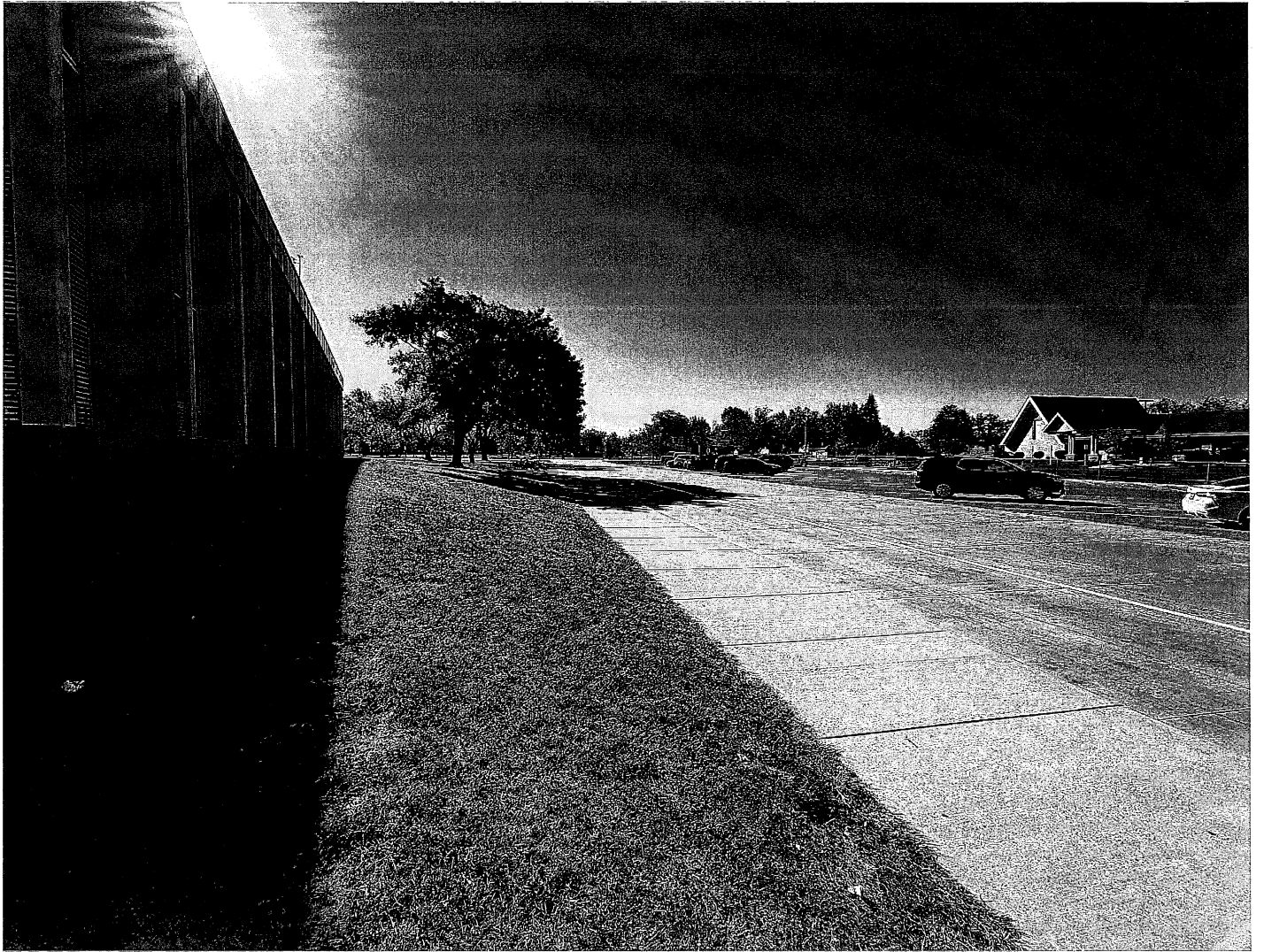
The undersigned Fond du Lac School District is the owner of property
NAME OF PROPERTY OWNER (PLEASE PRINT)
referenced above. The undersigned authorizes Nate Groves
to sign and file a variance application that affects the referenced property.



SIGNATURE OF LAND OWNER OR AUTHORIZED AGENT

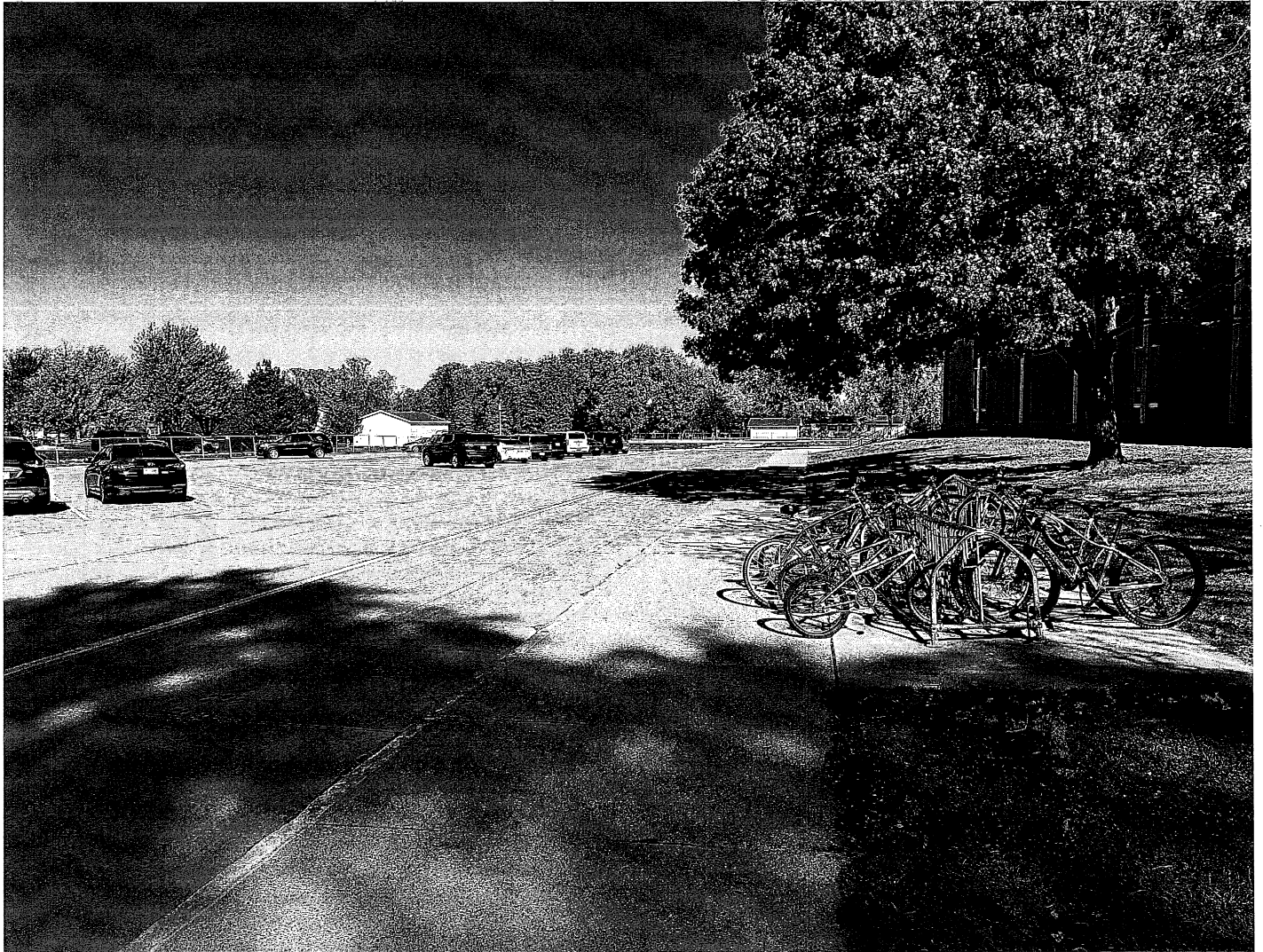
10/22/2024

DATE





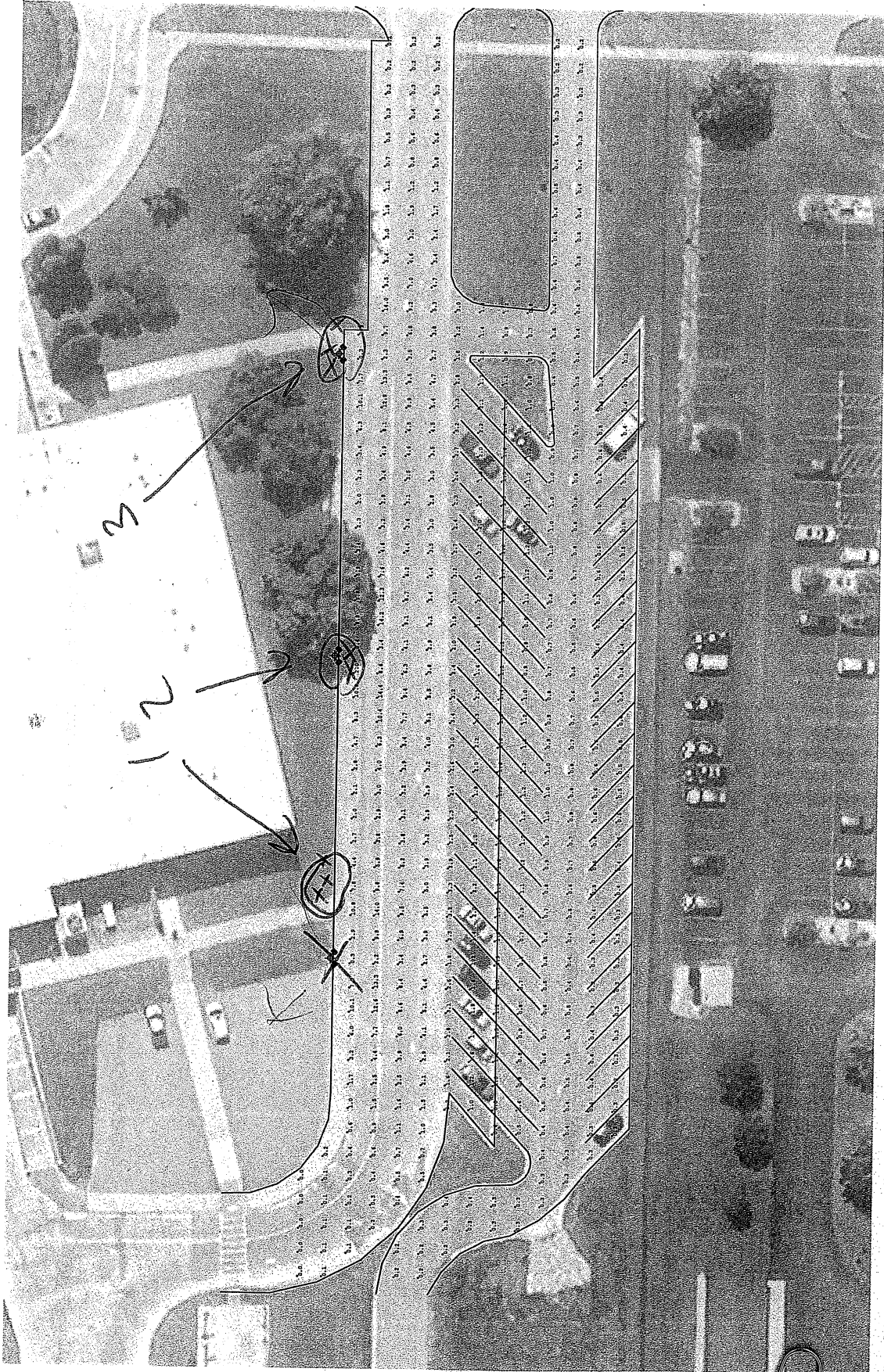








Photometric



Scale: 1 inch= 60 Ft.

FI G5 SERIES - LED Tunable Area Light

The FI G5 SERIES - LED Tunable Area Light, Up to 153 lm/W, IP65 Wet Location, Select 3X-CCT and 3X-Wattages, 0-10V Dimmable, Premium Outdoor Luminaire with Smart Technology.

Premium Features

Lumen Output	15000 to 45000 lumens
Efficacy	Up to 153 lm/W
Input Voltage	120-277V, 480V
Dimmable	0-10V Continuous
CCT	Select (30K, 40K, 50K)
IP Rating	IP65 Wet Location
Warranty	7 Years

Applications

Premium outdoor luminaire suitable for parking areas, auto dealerships, industrial yards, building exteriors, roadways, alleys, and pedestrian walkways.

Construction

Manufactured for weather-proof durability using solid heavy duty die cast aluminum housing with anti-UV polyester coating to resist water, salt, corrosion, discoloration, and scratching. IP65 Wet Location rated for dust-tight, water jets: IEC 60529. Impact Protection IK08, 5 joules: IEC 62262:2002. Includes Pressure Escape Valve.

Electrical

Input voltages 120-277V or 277-480V models with 0-10V Continuous Dimming. Operating temperatures -40°F to 113°F (-40°C to 45°C). Surge Protection Rating 4kV-10kV: IEC 61000-4-5.

Mounting

Adjustable options include Slip-Fit, Round /Square Pole, and Trunnion Mounts.

Optics

Anti-UV Clear Polycarbonate IES /NEMA Type III Lens standard. Type IV and Type V available.

Controls

Photocell, Bi-Level Dimming, and Motion Detection programmable twist-lock cap with Remote Control. Shorting Cap for manual switch or timer control.

Listings

UL certified to meet US and Canadian standards. FCC, and RoHS compliant. Listed to qualify for energy-efficient LED lighting rebates.

Warranty

7 yr /75K hrs. View at: <https://falkorindustry.com/warranty/>.

Project:

Date:

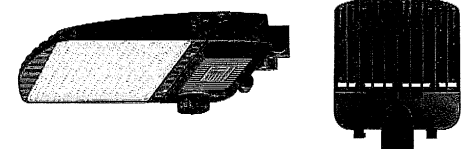
Catalog No:

Prepared By:

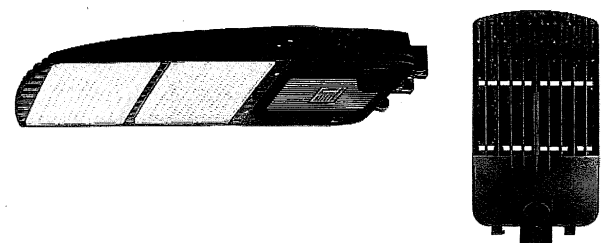
100W Models



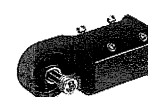
150W, 200W Models



240W, 300W Models



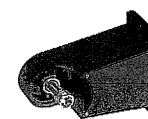
Slip-Fit Mount



Trunnion Mount



Square /Round Pole Mount

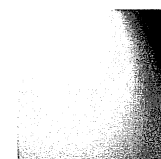


Smart Sensor Cap

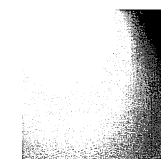


Correlated Color Temperatures (CCT)

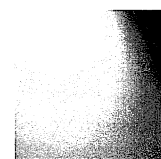
3000K



4000K



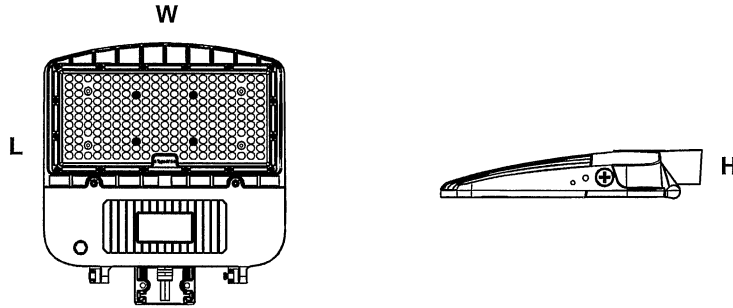
5000K



Physical Dimensions

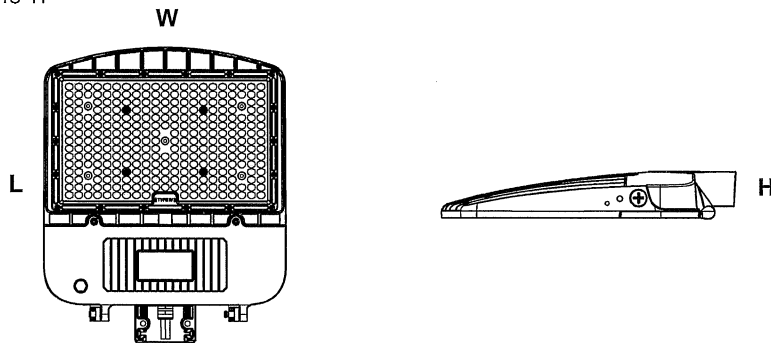
100W Models

13.31"L x 12.40"W x 2.47"H



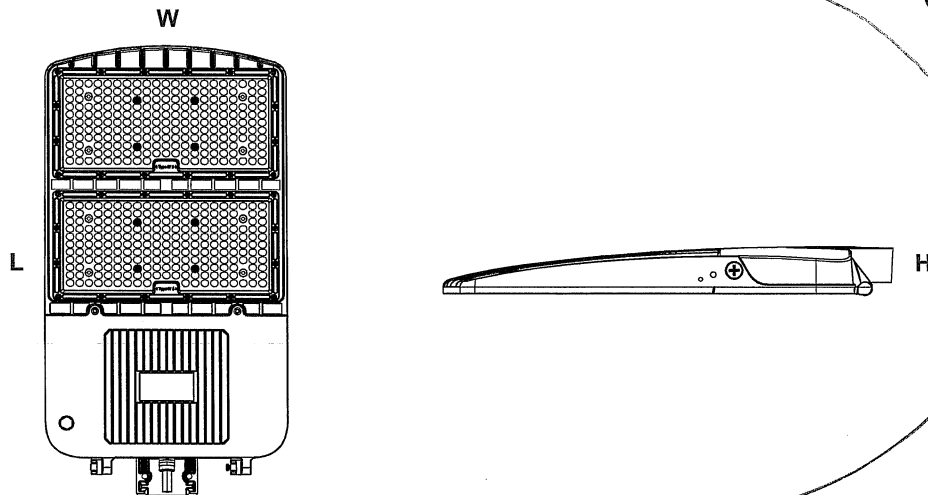
150W Models

15.90"L x 12.40"W x 2.48"H



200W, 240W and 300W Models

22.79"L x 12.40"W x 2.55"H



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, November 4, 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. 2024-16

Location of Variance Request: 535 East Pioneer Road, Fond du Lac, WI 54935

Zoning Code Regulations:

Chapter 720, Section 79, (F)(3)(e), Freestanding lights shall not exceed 12 feet in height for institutional, educational, and residential properties and uses.

Proposal:

Allow installation of freestanding lights in the parking lot that are 30 feet in height.

Intent of Variance Request:

The variance request asks for a waiver to allow installation of freestanding lights that are 30 ft in height in the parking lot.

Dated this 24th day of October, 2024

Margaret Hefter
City Clerk

Re: **Variance Request – Appeal No. 2024-16**

A variance request has been submitted to the City of Fond du Lac that affects the property at **535 East Pioneer Road (Theisen Middle School)**. The proposal relates to zoning regulations for freestanding lots in parking lots for educational and institutional uses. The zoning code requires freestanding lights not to exceed 12 ft in height for educational and institutional uses and the petitioner is seeking to allow installation of freestanding lots that are 30 ft in height in the parking lot located on the west side of the property

The petitioner, Fond du Lac School District, is seeking to add parking lot lighting to the parking area on the west side of the building where no lighting currently exists. The current zoning code requires 12 ft freestanding lights for educational and institutional uses. The petitioner would like to install 30 ft lights to provide better lighting coverage.

The Board of Appeals will consider the variance request on **Monday, November 4, 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. 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

The meeting agenda, application submittal and project analysis will be posted to the calendar on the City's website several days in advance of the meeting. Written correspondence for inclusion with agenda materials should be submitted to the City Clerk:

Margaret Hefter, City Clerk
PO Box 150
Fond du Lac, WI 54936-0150

If you have any questions regarding the variance request or the process for its review, please contact the Community Development Department at (920) 322-3440.

Sincerely,

Margaret Hefter
City Clerk

**525 Pioneer Road
Theisen Middle School**

PIN	Street_address	MailingAddress1	MailingCity	MailingState	MailingZip
FDL-15-17-23-13-502-00	743 NAKOMA AVE	743 NAKOMA AVE	FOND DU LAC	WI	54935
FDL-15-17-23-42-256-01	428 E PIONEER RD	302 S BLUEMOUND DR	APPLETON	WI	54914
T09-15-17-23-04-014-00	W5367 E PIONEER RD	W5367 E PIONEER RD	FOND DU LAC	WI	54935
FDL-15-17-23-14-768-00	861 MEQUON AVE	861 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-24-823-00	11 MARTIN PL	11 MARTIN PL	FOND DU LAC	WI	54935
FDL-15-17-23-13-515-00	763 MEQUON AVE	763 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-13-532-00	788 MEQUON AVE	788 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-14-767-00	869 MEQUON AVE	869 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-13-501-00	733 NAKOMA AVE	733 NAKOMA AVE	FOND DU LAC	WI	54935
FDL-15-17-23-14-769-00	853 MEQUON AVE	853 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-24-826-00	37 MARTIN PL	37 MARTIN PL	FOND DU LAC	WI	54935
FDL-15-17-23-14-800-00	31 CUMBERLYNN CIR	31 CUMBERLYNN CIR	FOND DU LAC	WI	54935
FDL-15-17-23-13-500-00	715 NAKOMA AVE	715 NAKOMA AVE	FOND DU LAC	WI	54935
FDL-15-17-23-13-500-00	715 NAKOMA AVE	715 NAKOMA AVE	FOND DU LAC	WI	54935
FDL-15-17-23-42-257-00	877 MARTIN AVE	877 MARTIN AVE	FOND DU LAC	WI	54935
FDL-15-17-23-13-513-00	781 MEQUON AVE	781 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-13-534-00	814 MEQUON AVE	PO BOX 150	FOND DU LAC	WI	54936
FDL-15-17-23-14-770-00	0 MEQUON AVE	PO BOX 150	FOND DU LAC	WI	54936
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FDL-15-17-23-14-766-00	877 MEQUON AVE	877 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-24-775-00	674 STERLING DR	674 STERLING DR	FOND DU LAC	WI	54935
FDL-15-17-23-14-810-00	85 CUMBERLYNN DR	85 CUMBERLYNN DR	FOND DU LAC	WI	54935
FDL-15-17-23-13-080-00		160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-23-13-080-00		160 S MACY ST	FOND DU LAC	WI	54935
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FDL-15-17-23-13-535-01		72 W 9TH ST	FOND DU LAC	WI	54935
FDL-15-17-23-13-537-00	793 MARTIN AVE	793 MARTIN AVE	FOND DU LAC	WI	54935
FDL-15-17-23-14-799-00	27 CUMBERLYNN CIR	27 CUMBERLYNN CIR	FOND DU LAC	WI	54935

**525 Pioneer Road
Theisen Middle School**

FDL-15-17-23-13-530-00	774 MEQUON AVE	774 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-13-536-01	855 MARTIN AVE	855 MARTIN AVE	FOND DU LAC	WI	54935
FDL-15-17-23-14-803-00	47 CUMBERLYNN DR	47 CUMBERLYNN DR	FOND DU LAC	WI	54935
FDL-15-17-23-14-773-00	876 MEQUON AVE	876 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-13-538-00	781 MARTIN AVE	781 MARTIN AVE	FOND DU LAC	WI	54935
FDL-15-17-23-14-801-00	36 CUMBERLYNN CIR	36 CUMBERLYNN CIR	FOND DU LAC	WI	54935
FDL-15-17-23-14-798-00	21 CUMBERLYNN CIR	21 CUMBERLYNN CIRCLE	FOND DU LAC	WI	54935
FDL-15-17-23-14-771-00	860 MEQUON AVE	860 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-42-250-00	537 SHERWOOD AVE	7323 WELLAUER DR	WAUWATOSA	WI	53213
FDL-15-17-23-42-251-01	517 SHERWOOD AVE	7323 WELLAUER DR	WAUWATOSA	WI	53213
FDL-15-17-23-24-778-00	693 STERLING DR	693 STERLING DR	FOND DU LAC	WI	54935
FDL-15-17-23-13-508-00	797 MEQUON AVE	797 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-14-807-00	23 CUMBERLYNN CT	23 CUMBERLYNN CT	FOND DU LAC	WI	54935
FDL-15-17-23-14-802-00	42 CUMBERLYNN CIR	42 CUMBERLYNN CIRCLE	FOND DU LAC	WI	54935
FDL-15-17-23-24-774-00	682 STERLING DR	682 STERLING DR	FOND DU LAC	WI	54935
FDL-15-17-23-13-507-00	809 MEQUON AVE	809 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-14-809-00	79 CUMBERLYNN DR	79 CUMBERLYNN DR	FOND DU LAC	WI	54935
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FDL-15-17-23-13-512-00	810 KESHENA CT	810 KESHENA CT	FOND DU LAC	WI	54935
FDL-15-17-23-14-806-00	15 CUMBERLYNN CT	15 CUMBERLYNN CT	FOND DU LAC	WI	54935
FDL-15-17-23-24-821-00	814 MARTIN AVE	814 MARTIN AVE	FOND DU LAC	WI	54935
FDL-15-17-23-41-001-00	626 E PIONEER RD	N52 W37178 JUNEAU AVE	OCONOMOWOC	WI	53066
FDL-15-17-23-13-528-00	760 MEQUON AVE	760 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-13-525-00	742 MEQUON AVE	742 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-41-002-01	557 SHERWOOD AVE	211 E TRAVERSE BAY RD	LINCOLN	MI	48742
FDL-15-17-23-24-776-00	794 MARTIN AVE	794 MARTIN AVE	FOND DU LAC	WI	54935
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FDL-15-17-23-13-503-00	746 NAKOMA AVE	746 NAKOMA AVE	FOND DU LAC	WI	54935
FDL-15-17-23-41-002-00	582 E PIONEER RD	582 E PIONEER RD	FOND DU LAC	WI	54935
FDL-15-17-23-24-828-00	53 MARTIN PL	53 MARTIN PL	FOND DU LAC	WI	54935
FDL-15-17-23-14-774-00	884 MEQUON AVE	884 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-14-804-00	56 CUMBERLYNN DR	56 CUMBERLYNN DR	FOND DU LAC	WI	54935
FDL-15-17-23-14-808-00	30 CUMBERLYNN CT	30 CUMBERLYNN CT	FOND DU LAC	WI	54935

**525 Pioneer Road
Theisen Middle School**

FDL-15-17-23-24-827-00	45 MARTIN PL	45 MARTIN PL	FOND DU LAC	WI	54935
FDL-15-17-23-13-516-00	751 MEQUON AVE	751 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-24-777-00	685 STERLING DR	685 STERLING DR	FOND DU LAC	WI	54935
FDL-15-17-23-42-252-00	506 E PIONEER RD	506 E PIONEER RD	FOND DU LAC	WI	54935
FDL-15-17-23-42-253-00	0 E PIONEER RD	506 E PIONEER RD	FOND DU LAC	WI	54935
FDL-15-17-23-42-254-00	0 MEADOW LN	506 E PIONEER RD	FOND DU LAC	WI	54935
FDL-15-17-23-42-255-00	878 SHERWOOD AVE	506 E PIONEER RD	FOND DU LAC	WI	54935
FDL-15-17-23-24-822-00	826 MARTIN AVE	826 MARTIN AVE	FOND DU LAC	WI	54935
FDL-15-17-23-42-258-00	885 MARTIN AVE	885 MARTIN AVE	FOND DU LAC	WI	54935
FDL-15-17-23-13-533-00	800 MEQUON AVE	800 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-24-824-00	21 MARTIN PL	21 MARTIN PL	FOND DU LAC	WI	54935
FDL-15-17-23-14-797-00	11 CUMBERLYNN CIR	11 CUMBERLYNN CIR	FOND DU LAC	WI	54935
FDL-15-17-23-14-772-00	868 MEQUON AVE	868 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-13-505-00	726 NAKOMA AVE	726 NAKOMA AVE	FOND DU LAC	WI	54935
FDL-15-17-23-13-504-00	736 NAKOMA AVE	736 NAKOMA AVE	FOND DU LAC	WI	54935
T09-15-17-23-04-015-00	W5375 E PIONEER RD	5282 LAYTON DR	VENICE	FL	34293
FDL-15-17-23-13-526-00	748 MEQUON AVE	748 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-42-277-00	888 MEADOW LN	888 MEADOW LN	FOND DU LAC	WI	54935
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FDL-15-17-23-13-529-00	766 MEQUON AVE	766 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-13-524-00	738 MEQUON AVE	738 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-23-14-805-00	66 CUMBERLYNN DR	66 CUMBERLYNN DR	FOND DU LAC	WI	54935
FDL-15-17-23-13-540-00	745 MARTIN AVE	745 MARTIN AVE	FOND DU LAC	WI	54935
FDL-15-17-23-13-509-00	825 KESHENA CT	825 KESHENA COURT	FOND DU LAC	WI	54935
FDL-15-17-23-13-527-00	754 MEQUON AVE	754 MEQUON AVE	FOND DU LAC	WI	54935

**BOARD OF APPEALS AGENDA
CITY OF FOND DU LAC, WISCONSIN
764 Rienzi Road**

Subject: Appeal No. 2024-17

Zoning Code Regulations:

Chapter 720, Section 11, (C)(13)(d), states the maximum size of a detached garage is 850 sq ft. Chapter 720-79 (E)(1) regulates driveways for single family and two family residences. Schedule II Land Uses or Activities Residential Districts does not allow contractor facilities as a permitted use.

Proposal:

Allow installation of a detached garage that is approximately 2,024 sq ft.
Allow installation of a driveway where there is no principal structure.
Allow an accessory structure to be constructed and used for a contractor facility.

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

2024-17_Rienzi_Road_Memo.pdf

Application_redacted_.pdf

PH_Notice_Rienzi.pdf

The CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: October 30, 2024
To: Board of Appeals
From: Dyann Benson, Community Development Director
Re: Appeal No. 2024-17 - 764 Rienzi Road
Applicant: Michael Guell

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

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

Variance Request

Zoning Code Regulations:

Chapter 720, Section 11, (C)(13)(d), states the maximum size of a detached garage is 850 sq ft. Chapter 720-79 (E)(1) regulates driveways for single family and two family residences. Schedule II Land Uses or Activities Residential Districts does not allow contractor facilities as a permitted use.

Proposal:

Allow installation of a detached garage that is approximately 2,024 sq ft.
Allow installation of a driveway where there is no principal structure.
Allow an accessory structure to be constructed and used for a contractor facility.

Analysis

The property at 764 Rienzi Road is a vacant lot zoned R-1 Single Family Residential District. The applicant owns the single family residence to the east, located in the Town of Fond du Lac. The applicant is seeking a variance to construct an approximately 2,024 sq ft structure for the storage of personal recreational vehicles and for business vehicles. The applicant runs a small business that, under the City's zoning code, would be considered a contractor's facility. The City's zoning code does not allow contractor facilities as a permitted use in the R-1 Single Family Residential District.

Contractor type businesses as a home occupation are also not a permitted use under the City's zoning code.

The applicant questioned whether a rezoning to a commercial use was an option for consideration. The City does not spot zone, and the closest C-2 General Commercial District is not adjacent to the parcel. Also, the C-2 District does not allow contractor facilities as a permitted use. Such uses are only permitted in the M-1 District and there are no parcels with the M-1 zoning designation in the area.

The applicant included in their request, if the structure could not be approved, that the Board of Appeals give consideration to a request to have a driveway on the vacant lot that connects to their principal residence to assist with the vehicles entering and exiting the property. The City's zoning code requires a principal use, a single family home, for the construction of a driveway. The existing gravel area on the vacant lot was installed without City approval.

Staff does not recommend favorable consideration of the request. The size of the structure exceeds what is allowed under the zoning code. The proposed use of the structure is not permitted in the R-1 Single Family Residential District or as a home occupation. The installation of a driveway without a permitted principal use is not allowed under the zoning code.

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.

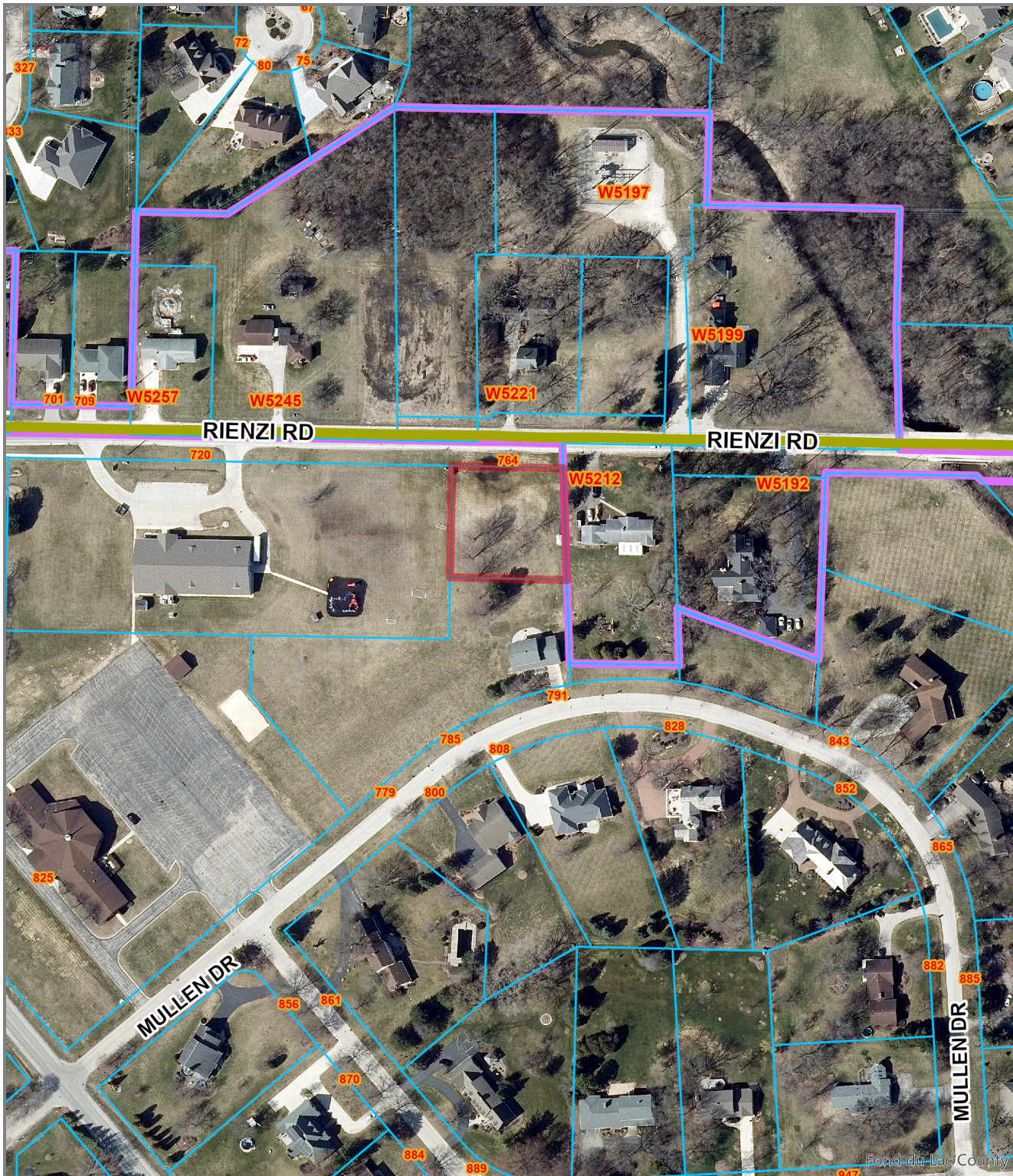
Petitioner did not note any specific unique features of the property that support the variance to exceed the allotted square footage, support a land use not permitted under the code or access without a permitted principal use. The request does not provide any basis for hardship that is not self-imposed. The request is for the convenience of 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 *denial* based on findings referenced herein, and specifically because the conditions were created by the property owner. No evidence was provided to support the increased square footage of the detached garage, support for a land use not permitted under the code, access without a permitted principal use or the inability to comply with the zoning code.

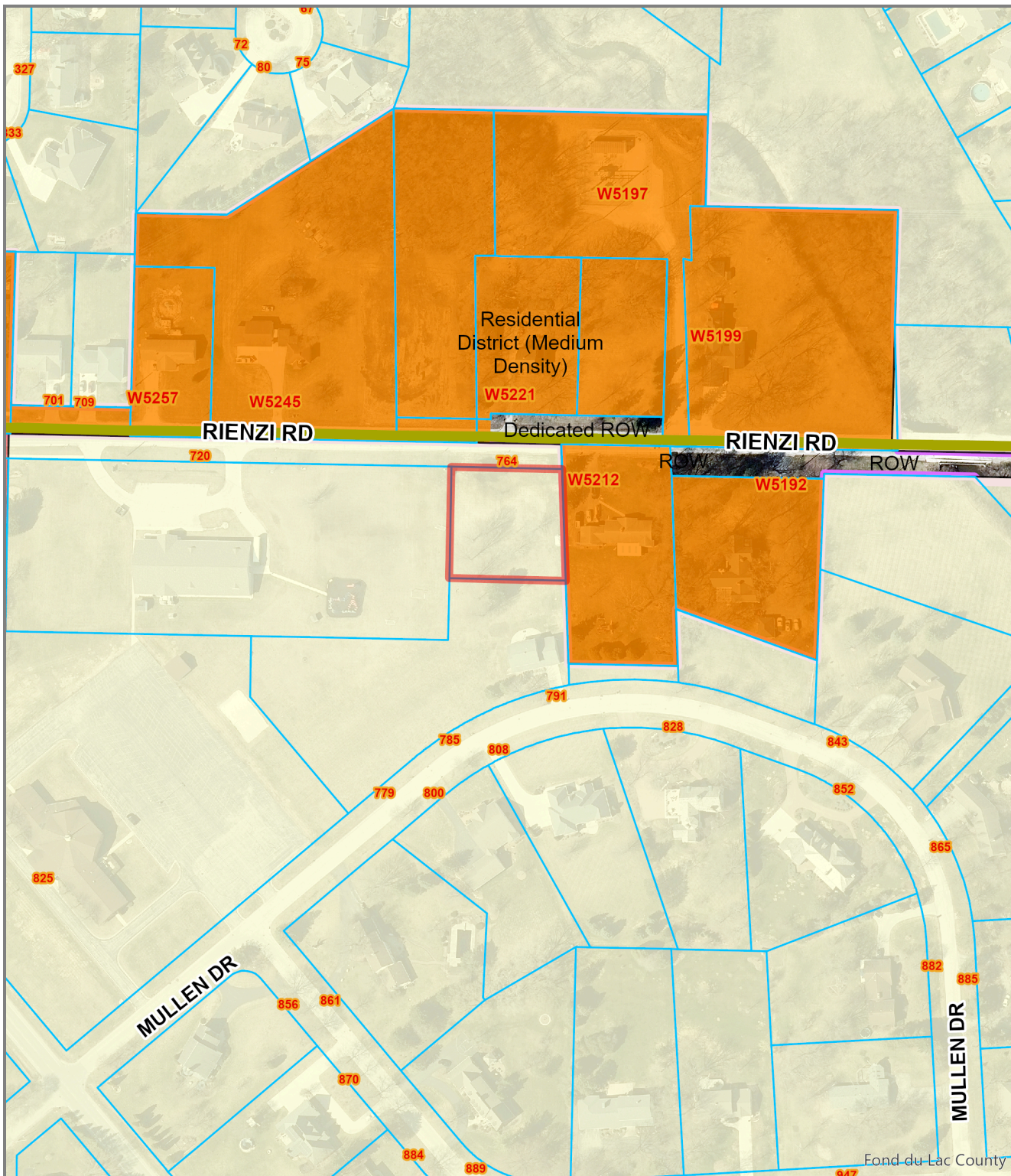
Aerial 764 Rienzi Road



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
10/30/2024

Zoning 764 Rienzi Road



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
10/30/2024



APPLICATION FOR ZONING VARIANCE

PROPERTY LOCATION: 764 Rienzi Rd. Fond du Lac, WI 54935

Tax Key Number (Vacant Land): FDL-15-17-24-22-251-09

Project Applicant			
Name <u>Michael Gwell</u>			
Mailing Address <u>WS212 Rienzi Rd</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			
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 document

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.

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:

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:

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:

Variance Proposal

My wife and I own two parcels adjacent to each other on CTH-V (Rienzi Rd). Our lot on 764 Rienzi Rd and our residence one lot east at W5212 Rienzi Road, however they are divided by the municipal boundary line of the Town of FDL and the City of FDL. We purchased this lot with the intent of merging it with our town lot in order to achieve two goals: one, to safely access onto and off of Rienzi road with our trucks and trailers; and two, to construct a garage/ storage area, which would house my work equipment while at home. If the city were to allow the de-annexing (Detachment) of 764 Rienzi Rd from the City and allow it to go into the Town of Fond du Lac, we could merge these lots and accomplish our objectives. We were told by Mrs. Benson that she would not consider detachment into the town for the reason that is "has no benefit to the city". With the inability to merge these two lots, we are seeking a variance to achieve the aforementioned goals. We are requesting a variance to allow the construction of an auxiliary garage and a driveway from Rienzi road that connects to our existing driveway in a horseshoe fashion allowing us to drive in and out instead of backing in and out with long trailers. We have already received permission for the access from the county highway department and installed the culvert and approach. To prevent the unsightly outside parking of trucks and trailers, a variance allowing the construction of a garage, matching our existing home and as close to it as setbacks allow, is also requested.

Alternatives

We have been working with Mrs. Benson to discuss size and construction specifications of the building and are open to compromises on these from our original designs in order to gain approval and construct a structure that works for all parties involved.

1. Unique Property Limitations

City code requires a principle structure before the construction of a garage but our principle structure is on the adjacent lot and we have no purpose to construct another home on this lot.

The main limitation with the property is the safety concerns of backing trailers in and out onto the busy county road.

2. No Harm to Public Interest

An auxiliary garage to provide enclosed storage of our equipment will only better our nearby community aesthetically. The horseshoe driveway will significantly improve the safety of our road for all drivers.

3. Unnecessary Hardship

Our first approach was seeking detachment from the city and merging the two lots into one town lot. Mrs. Benson was not interested in this proposal as she said it would not benefit the city. Our second approach was to re-zone this lot to commercial since a strong argument can be made that it borders commercial property (currently a school but will soon be sold and rezoned) and would be the new end to a long line of commercial property running all along Fond du Lac Avenue. This was also rejected. We feel our only practical option now is to pursue this variance. With Rienzi Rd also being a County Highway, much traffic travels at similar times to when we are entering and exiting the road from the property. Having to back into or out onto a county highway is difficult and most times there is a 10+ line of cars on either side as we maneuver off the highway and into our property.

Fond du Lac County Highway Access Control Ordinance, 6.0-Design Standards (H) states: Interior Turnarounds shall be provided as necessary such that vehicles do not need to back out onto the CTH.

The Municipal boundary of the City of Fond du Lac and the Town of Fond du Lac separates these two parcels and prevents us from combining them, thus creating the overall hardship to the situation.

764 Rienzi Variance Proposal

Date: 10/21/24

Submitted to: Dyann Benson, AICP Community Development Director City of Fond du Lac

Submitted by: Michael & Chelsea Guell Address: W5212 Rienzi Rd, Fond du Lac Phone: [REDACTED]

Property Details: 764 Rienzi Rd, Fond du Lac, Wi 54935 Tax Parcel Id Number: FDL-15-17-24-22-251-09
Acres: 0.55

Summary of Proposal: Michael Guell is requesting to build an auxiliary garage to store equipment and connect both parcels with a horse shoe driveway

Project Details: 44'x46' 3 Car Garage. See Attached design

Project Timeline: Construction to begin by May 2025 and completed within 90 days of start

Specifications:

- Front face of new garage to be position in line with homeowners existing garage and home
- East side wall of garage to be positioned as close to lot line as setbacks allow
- New garage will consist of siding, roofing and accent materials to match existing home
- Access driveway will utilize current Fond du Lac County permitted culvert access to *Rienzi Rd or connect to existing driveway*

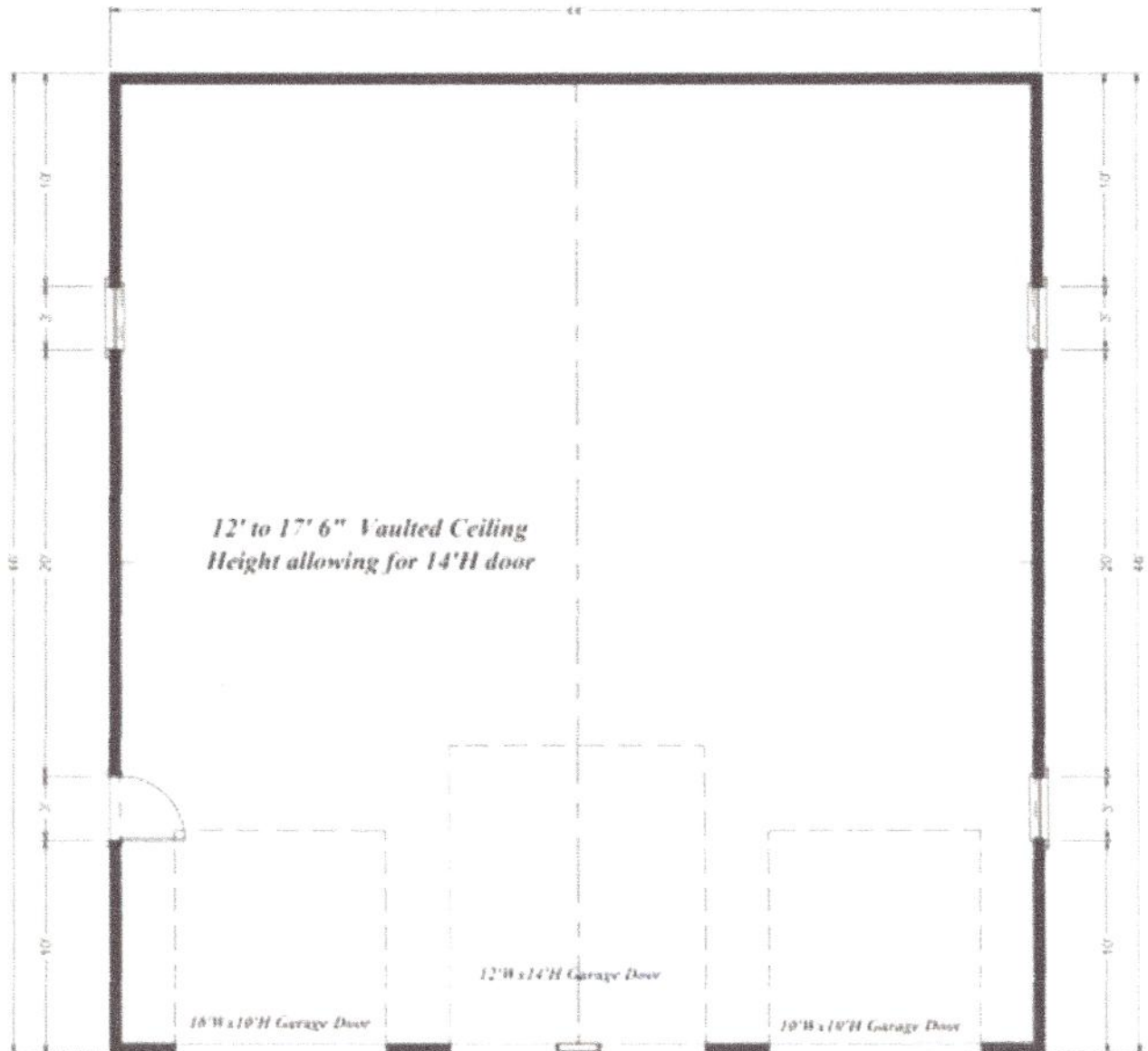
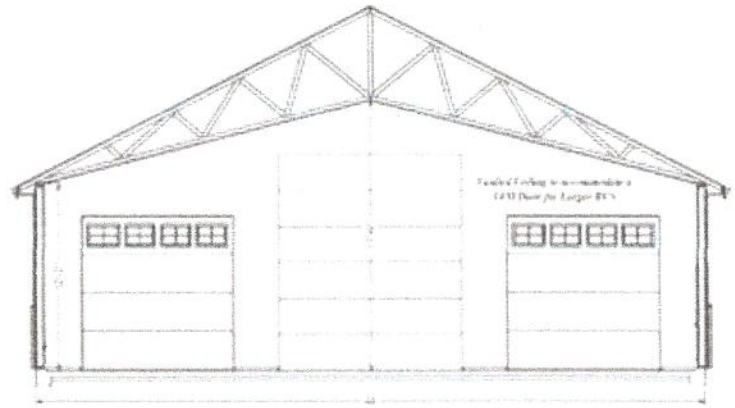
Renderings of Proposal:



764 Rienzi Variance Proposal

Date: 10/21/24

Design Blueprints of Proposal:







LANDOWNER AUTHORIZATION

TO: City of Fond du Lac
Community Development Department

Re: VARIANCE REQUEST

LOCATION OF VARIANCE REQUEST: 764 Renzi Rd

The undersigned Michael Guehl is the owner of property
NAME OF PROPERTY OWNER (PLEASE PRINT)

referenced above. The undersigned authorizes Michael or Chelsey Guehl

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


SIGNATURE OF LAND OWNER OR AUTHORIZED AGENT

10/21/24
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, November 4, 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. 2024-17

Location of Variance Request: 764 Rienzi Road, Fond du Lac, WI 54935

Zoning Code Regulations:

Chapter 720, Section 11, (C)(13)(d), states the maximum size of a detached garage is 850 sq ft. Chapter 720-79 (E)(1) regulates driveways for single family and two family residences. Schedule II Land Uses or Activities Residential Districts does allow contractor facilities as a permitted use.

Proposal:

Allow installation of a detached garage that is approximately 2024 sq ft.
Allow installation of a driveway where there is no principal structure.
Allow on accessory structure to be constructed and uses for a contractor facility.

Intent of Variance Request:

The variance request asks for a waiver to allow installation of detached garage that exceeds 850 sq ft and allow for a detached garage that is approximately 2024 sq ft. It requests the construction of a driveway on a parcel that does not have a principal use. The variance request ask for a waiver to allow a contractor facility in a R-1 Residential District.

Dated this 24th day of October, 2024

Margaret Hefter
City Clerk

764 Rienzi Road

PIN	Street_address	MailingAddress1	MailingCity	MailingState	MailingZip
FDL-15-17-24-22-250-00	0 MULLEN DR	843 MULLEN DR	FOND DU LAC	WI	54935
FDL-15-17-24-22-251-08	825 FOND DU LAC AVE	825 FOND DU LAC AVE	FOND DU LAC	WI	54935
FDL-15-17-24-22-251-10	791 MULLEN DR	825 FOND DU LAC AVE	FOND DU LAC	WI	54935
FDL-15-17-24-22-251-01	720 RIENZI RD	720 RIENZI RD	FOND DU LAC	WI	54935
FDL-15-17-24-22-251-09	764 RIENZI RD	W5212 RIENZI RD	FOND DU LAC	WI	54935
T09-15-17-24-06-001-00	W5212 RIENZI RD	W5212 RIENZI RD	FOND DU LAC	WI	54935
FDL-15-17-24-22-282-00	800 MULLEN DR	800 MULLEN DR	FOND DU LAC	WI	54935
T09-15-17-13-12-001-00	W5199 RIENZI RD	W5199 RIENZI RD	FOND DU LAC	WI	54935
FDL-15-17-24-21-008-00	828 MULLEN DR	828 MULLEN DR	FOND DU LAC	WI	54935
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FDL-15-17-24-22-283-00	808 MULLEN DR	808 MULLEN DR	FOND DU LAC	WI	54935
T09-15-17-24-05-004-00	W5192 RIENZI RD	W5192 RIENZI RD	FOND DU LAC	WI	54935
FDL-15-17-24-21-003-00	0 MULLEN DR	W5192 RIENZI RD	FOND DU LAC	WI	54935
FDL-15-17-24-21-003-00	0 MULLEN DR	W5192 RIENZI RD	FOND DU LAC	WI	54935
T09-15-17-13-11-011-00	W5245 RIENZI RD	W5245 RIENZI RD	FOND DU LAC	WI	54935
T09-15-17-13-11-007-00		W5245 RIENZI RD	FOND DU LAC	WI	54935
T09-15-17-13-11-007-01		W5245 RIENZI RD	FOND DU LAC	WI	54935
T09-15-17-13-11-010-00		4902 N BILTMORE LN	MADISON	WI	53718