

BOARD OF APPEALS

September 13, 2021

3:00 PM

Meeting Room A
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

I. Call To Order

A. Virtual Instructions

Board of Appeals - September 13, 2021

Mon, Sep 13, 2021 3:00 PM - 4:00 PM (CDT)

**Please join my meeting from your computer, tablet or
smartphone.**

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first meeting starts:

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B. Attendance

C. Declaration Quorum Present

II. Approval of Minutes

A. May 10, 2021

III. Hearings

A. 500 South Rolling Meadows Drive (Summit Automotive)

Appeal No. 2021-05

Zoning Code Regulations:

Section 720, Attachment 8, Design Standards and Specification
for Signs, Special Highway 41 District, allows one ground
sign up to 200 square feet for property zoned general
business.

Proposal:

Allow installation of one (1) ground sign with an area of 66
square feet, increasing the total ground sign area to 266
square feet and increasing the number of ground signs to two
(2).

B. 37 North Pioneer Road (Huberty CPAs)

Appeal No. 2021-06

Zoning Code Regulations:

Section 720, Attachment 8, Design Standards and Specification for Signs, Special Highway 41 District, requires a minimum front yard setback of 10 feet for ground signs.

Proposal:

Allow for placement of an existing ground sign 2 feet in a front yard setback, where 10 feet is required.

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
Virtual Instructions**

Subject: **Board of Appeals - September 13, 2021**
Mon, Sep 13, 2021 3:00 PM - 4:00 PM (CDT)

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Effect:

Initiator:

Location:

Recommendation:

**BOARD OF APPEALS AGENDA
CITY OF FOND DU LAC, WISCONSIN
May 10, 2021**

Subject:

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

BOA_Minutes_05.10.2021.pdf

BOARD OF APPEALS MINUTES

May 10, 2021

3:00 p.m.

Meeting Room A / Go To Meeting Software
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

CALL TO ORDER

ROLL CALL: Present: Scott Block (virtual)
 Howard Floeter (virtual)
 Jerry Lauby
 David Pomeroy (virtual)
 David Washkoviak (virtual)

Absent: None

Administrative Staff: Kolin Erickson, Principal Planner
 Dyann Benson, Community Development Director
 Doug Hoerth, Chief Building Inspector

Community Development Director Benson declared a quorum present.

APPROVAL OF MINUTES

April 5, 2021

Motion made by Lauby to approve the minutes of the April 5, 2021 meeting of the Board of Appeals.

Seconded by Floeter.

ROLL CALL VOTE: Aye – Block, Floeter, Lauby, Pomeroy, Washkoviak
 Nay – None

Carried.

ELECTION OF OFFICERS

Motion made by Lauby to elect Floeter as Chairperson.

Seconded by Floeter.

ROLL CALL VOTE: Aye – Block, Floeter, Lauby, Pomeroy, Washkoviak
 Nay – None

Carried.

BOARD OF APPEALS MINUTES

May 10, 2021

Page 2

Motion made by Floeter to elect Lauby as Vice-Chairperson.

Seconded by Lauby.

ROLL CALL VOTE: Aye – Block, Floeter, Lauby, Pomeroy, Washkoviak
Nay – None

Carried.

HEARINGS

344 East Johnson Street (Joseph & Nicolette Mathweg)

Appeal No. 2021-04

Zoning Code Regulations:

Section 720-79 (E)(1)(a), Off-street parking, Driveways, Single-family residences, requires driveways to not exceed the width of the garage.

Proposal:

Allow for construction of a driveway to 19 feet wide, where 14.2 feet is allowed.

Appeared in Support:

Nicolette Mathweg, Applicant, 344 East Johnson Street

Motion by Floeter to **deny** the variance request to allow for construction of a driveway to 19 feet wide, where 14.2 feet is allowed, because preference of an applicant is not a factor for variance approval. The property must qualify for the variance, not the particular situation of the property owner. A variance is not intended as an accommodation for a property owner's convenience as it remains with a property regardless of ownership.

Seconded by Lauby.

ROLL CALL VOTE: Aye – Block, Floeter, Lauby, Pomeroy, Washkoviak
Nay – None

Carried.

ADJOURN

Motion made by Pomeroy to adjourn.

Seconded by Lauby.

ROLL CALL VOTE: Aye – Block, Floeter, Lauby, Pomeroy, Washkoviak
Nay – None

Carried.

BOARD OF APPEALS MINUTES

May 10, 2021

Page 3

Meeting adjourned at 3:14 p.m.

MARGARET HEFTER
CITY CLERK

KE/ss

**BOARD OF APPEALS AGENDA
CITY OF FOND DU LAC, WISCONSIN
500 South Rolling Meadows Drive (Summit Automotive)**

Subject: Appeal No. 2021-05

Zoning Code Regulations:

Section 720, Attachment 8, Design Standards and Specification for Signs, Special Highway 41 District, allows one ground sign up to 200 square feet for property zoned general business.

Proposal:

Allow installation of one (1) ground sign with an area of 66 square feet, increasing the total ground sign area to 266 square feet and increasing the number of ground signs to two (2).

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

Appeal_2021-05_500_S_Rolling_Meadows_Dr_(Summit_Automotive-Jeep)_agenda_redacted.pdf



APPLICATION FOR ZONING VARIANCE

PROPERTY LOCATION: 500 South Rolling Meadows Drive

Tax Key Number (Vacant Land): FDL- 15-17 -16 -33 -508 -01

Project Applicant			
Name <u>Summit Automotive</u>			
Mailing Address <u>815 South Rolling Meadows Drive</u>	City <u>Fond du Lac</u>	State <u>WI</u>	ZIP Code <u>54935</u>
Email Address <u>[REDACTED]</u>		Phone Number <u>[REDACTED]</u>	
Landowner (Complete this information if the project applicant is not the property owner.)			
Name <u>MCBerg Ventures LLC</u>			
Mailing Address <u>815 South Rolling Meadows Drive</u>	City <u>Fond du Lac</u>	State <u>WI</u>	ZIP Code <u>54935</u>
Email Address <u>[REDACTED]</u>		Phone Number <u>[REDACTED]</u>	
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.

We are requesting a second ground mount sign to mark the entrance of the new JEEP Dealership. The existing sign installed years ago was placed at the north corner of the lot facing Rolling Meadows Drive. The new entrance for the Jeep dealership is on the very south end of the property facing Rogersville Road.

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.

Alternative is anywhere in close proximity to where we are requesting
No other Alternatives are acceptable as it would put the sign
on City Property.
This Sign is also a requirement by Jeep for the new
Showroom

LANDOWNER AUTHORIZATION

TO: City of Fond du Lac

Community Development Department

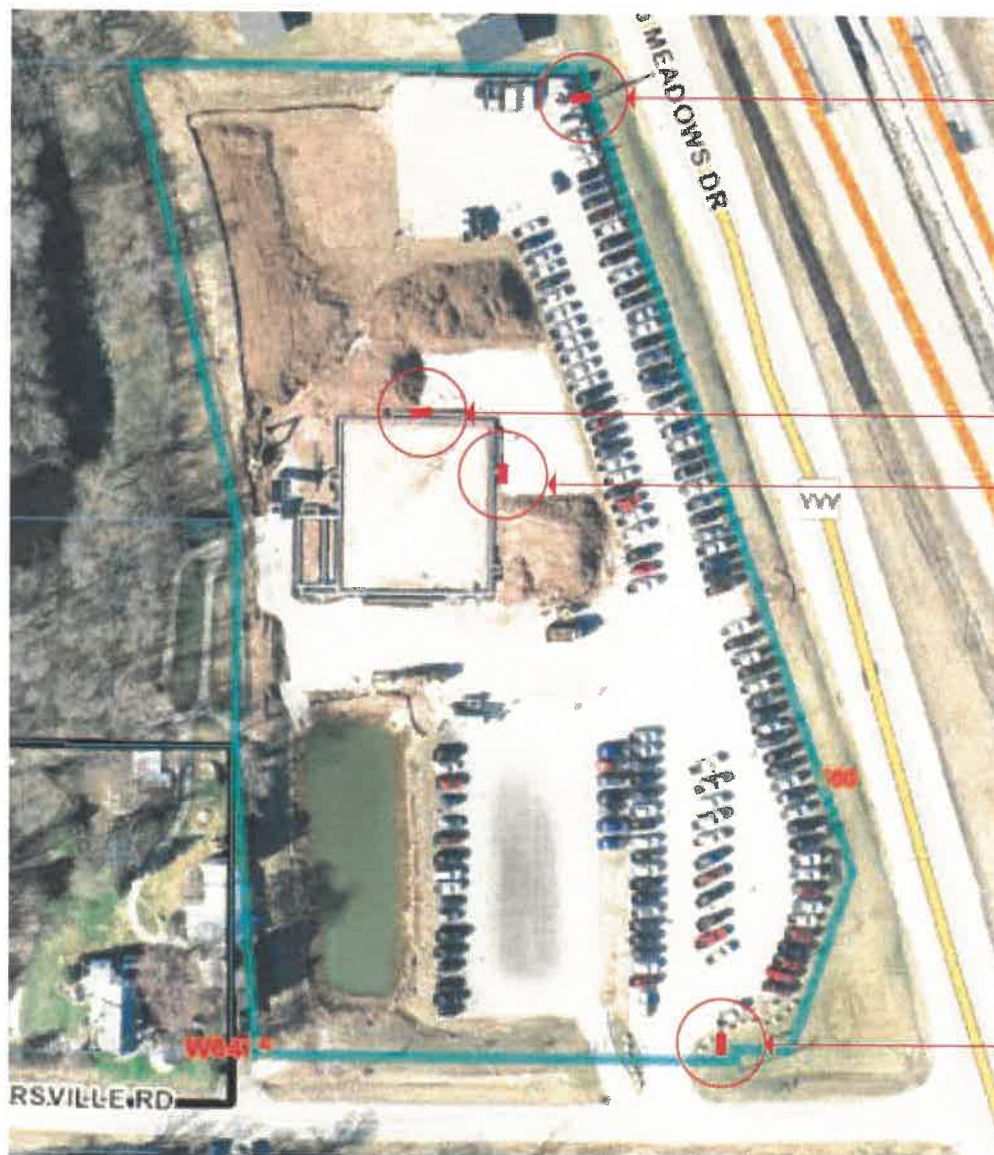
Re: VARIANCE REQUEST

LOCATION OF VARIANCE REQUEST: 500 South Rolling Meadows Drive

The undersigned MCBERG VENTURES LLC is the owner of property
NAME OF PROPERTY OWNER (PLEASE PRINT)
referenced above. The undersigned authorizes MATTHEW WANBERG/Summer
to sign and file a variance application that affects the referenced property. AUTO

M. J. B.
SIGNATURE OF LAND OWNER OR AUTHORIZED AGENT

8-30-21
DATE



Existing
Pylon w/EMC

Building Sign #1

Building Sign #2

Proposed
Sign Location

Color Specifications



4 Color Process

Appleton • Fond du Lac
Signarama
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Fond du Lac:
N5528 Miranda Way
Fond du Lac, WI 54937
Appleton:
2428 W. Nordale Dr.
Appleton, WI 54914

920-921-7181

920-739-7446

Date: 8/30/2021
File Name: Jeep Sign
Page: 2
Version: 1
Scale: 1:10
File Drawn By: Travis T.

Summit Automotive

Project Details:

Jeep Sign

- Installation of custom fabricated ground mount sign.
- Double sided.
- Qty: 1

Signarama.com

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Existing
Pylon w/EMC

Color Specifications



4 Color Process

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Summit Automotive

Project Details:

Jeep Sign

- Installation of custom fabricated ground mount sign.
- Double sided.
- Qty: 1

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Sign Placement 1:20 Scale



Color Specifications



4 Color Process

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 Scale: 1:10
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**Summit
 Automotive**

Project Details:

Jeep Sign

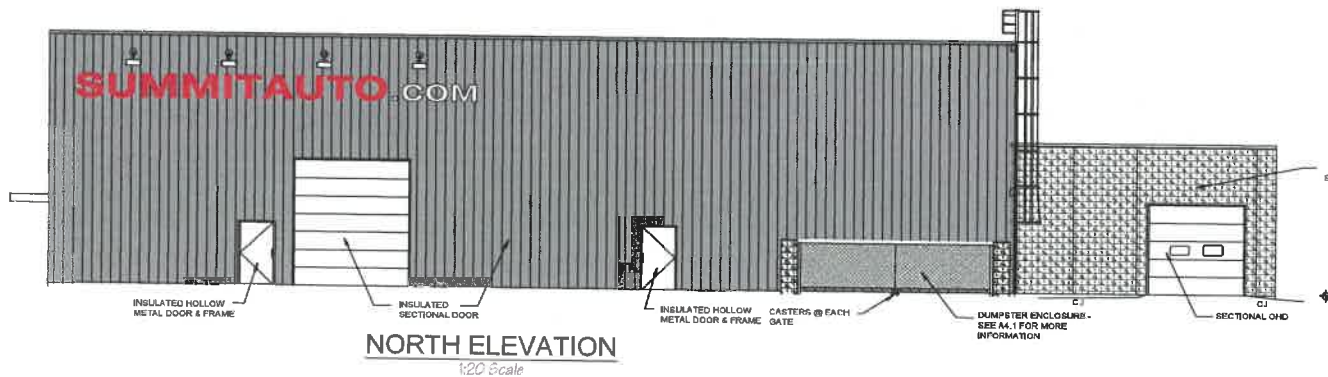
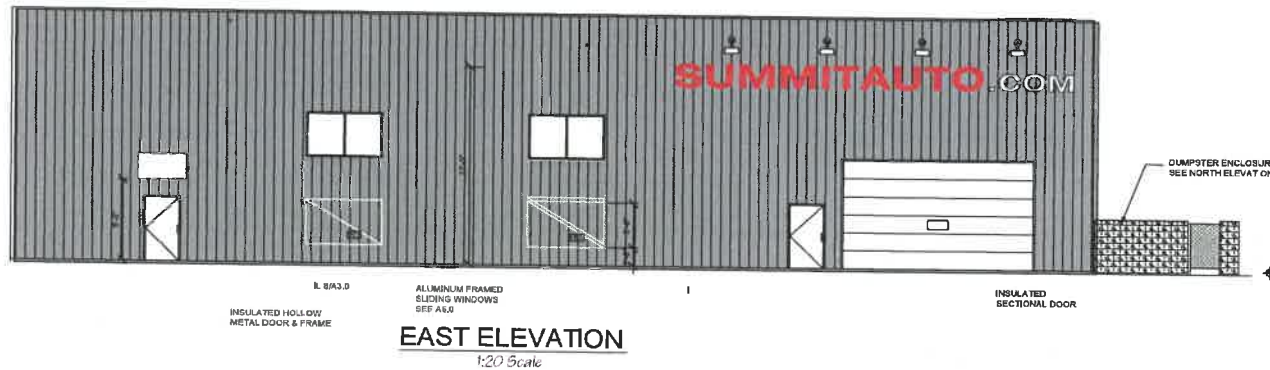
- Installation of custom fabricated ground mount sign.
- Double sided.
- Qty: 1

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Color Specifications



Red



White

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Fond du Lac, WI 54937

920-921-7181

Appleton:
2428 W. Nordale Dr.
Appleton, WI 54914

920-739-7446

Date: 8/13/2020

File Name: 34694 New Building Signs

Page: 1

Version: 2

Scale: 1:10

File Drawn By: Michelle S.

SUMMIT
Automotive
Chrysler • Dodge • Jeep • Ram

Project Details:

- Qty: 2 Sets
- Flat cut-out letters for east and north elevations of the new building
- Stud mount

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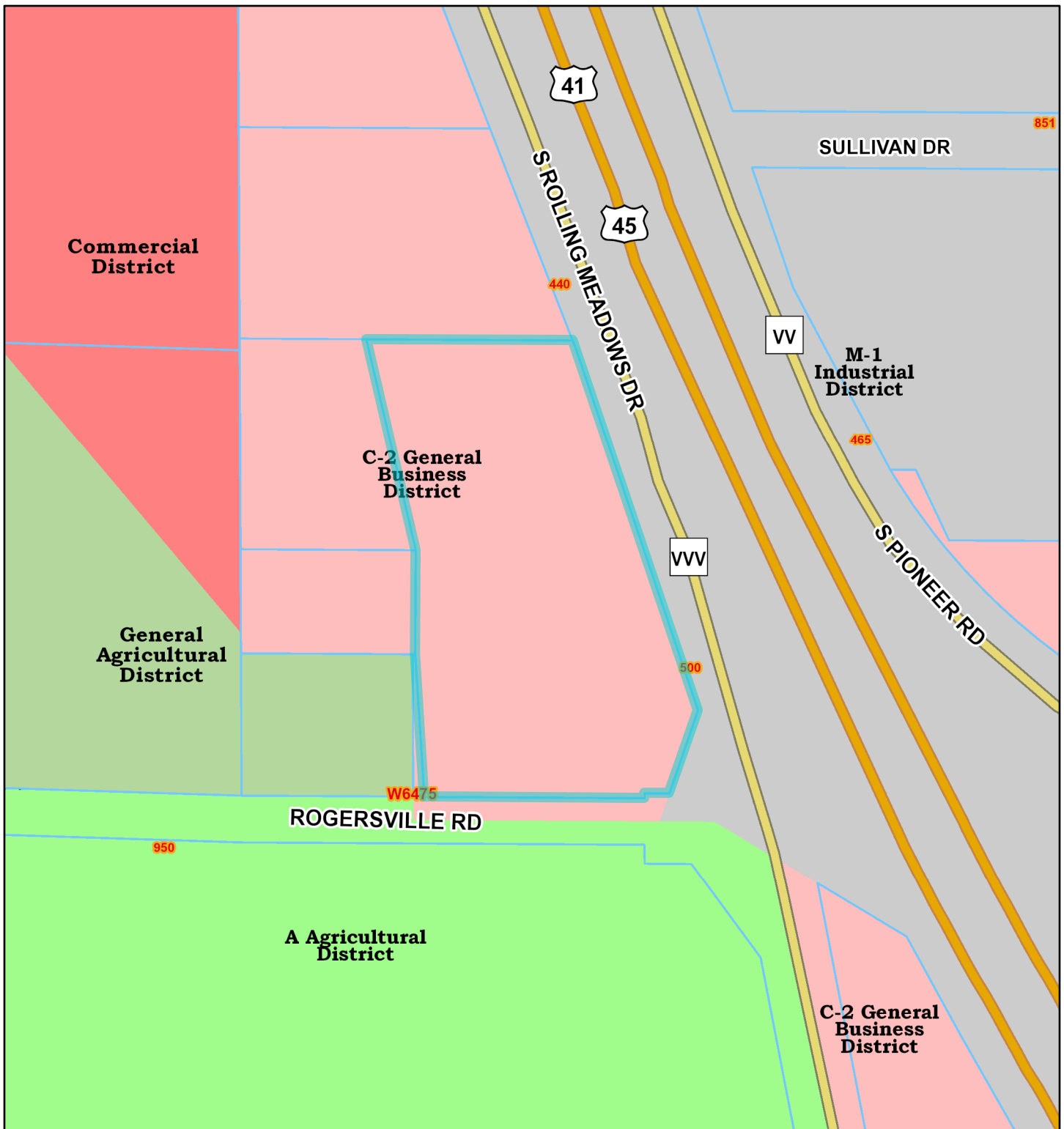
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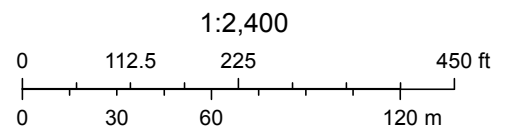
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Zoning Map - 500 S Rolling Meadows Dr



September 1, 2021



Fond du Lac County

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: September 7, 2021
To: Board of Appeals
From: Kolin Erickson, Principal Planner
Re: Appeal No. 2021-05 – **500 S Rolling Meadows Drive**

Applicant: Summit Automotive

Zoning: Site: C-2 (General Business District)
North: C-2
South: A (Agricultural District)
East: M-1 (Industrial District)
West: C-2, General Agricultural District (Town Fond du Lac)

Land Use: Site: Auto Dealership
North: Design Homes Inc.
South: Fond du Lac County Landfill
East: Interstate Highway 41
West: single-family dwelling, vacant land

Variance Request

Zoning Code Regulation:

Section 720, Attachment 8, Design Standards and Specification for Signs, Special Highway 41 District, allows one ground sign up to 200 square feet for property zoned general business.

Proposal:

Allow installation of one (1) ground sign with an area of 66 square feet, increasing the total ground sign area to 266 square feet and increasing the number of ground signs to two (2).

Analysis

The property at 500 S Rolling Meadows Drive is an automotive service building owned by Summit Automotive. It is located north of the corner of Rogersville Road and S Rolling Meadows Drive (County Road VVV) and directly west of Interstate Highway 41. Summit Automotive's Jeep dealership (currently located at 815 S Rolling Meadows Drive) is moving to this location as part of a future sales/showroom expansion project. The petitioner asks for a waiver to allow for installation of one (1) ground sign with an area of 66 square feet, increasing the total ground sign area to 266 square feet and increasing the number of ground signs to two (2).

Zoning regulations allow one ground sign up to 200 square feet for property zoned general business. Ground sign area is calculated by 1.0 square foot per linear foot of lot frontage. An existing ground sign with electronic message center (at 200 square feet) was previously installed near the north property line. This sign generically advertises for Summit Automotive. With the Jeep Brand moving to this location, the petitioner seeks to install a second ground sign (66 square feet) specifically for this dealership. The proposed Jeep sign would be installed at the south property line near Rogersville Road. There is only one entrance/exit point off of Rogersville Road.

Lot frontage (including both street fronts) of the subject property is approximately 1,034 feet or nearly 1/5 of a mile. Considering the substantial bulk of the property, compliance with the zoning regulations for signage is not practical in providing useful signage for the property.

Favorable consideration of this 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 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 note the unnecessary hardship is due to the very large property with the driveway entrance being off of Rogersville Road which is at the opposite end of the property and serves a different road frontage as the main ground mount sign located on S Rolling Meadows Drive.

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 limitations caused by an inordinately large property with substantial street frontage make strict compliance with zoning regulations difficult. Please note the following condition:

1. One (1) electronic message center (EMC) per property is allowed.

Board of Appeals 2021-05
500 S Rolling Meadows Dr.

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-09-33-580-03	77 N PIONEER RD	77 N PIONEER RD	FOND DU LAC	WI	54935
FDL-15-17-09-33-560-00	102 PIONEER CT	102 PIONEER CT	FOND DU LAC	WI	54935
FDL-15-17-09-33-562-00	86 PIONEER CT	86 PIONEER CT	FOND DU LAC	WI	54935
FDL-15-17-09-33-563-00	80 PIONEER CT	80 PIONEER CT	FOND DU LAC	WI	54935
FDL-15-17-16-22-259-00	860 FOREST AVE	860 FOREST AVE	FOND DU LAC	WI	54935
FDL-15-17-16-22-263-00	0 WESTERN AVE	% CITY CLERK PO BOX 150	FOND DU LAC	WI	54936
FDL-15-17-09-33-580-04	17 N PIONEER RD	W3893 BITTERSWEET LN	FOND DU LAC	WI	54937
FDL-15-17-16-22-260-00	874 FOREST AVE	874 FOREST AVE	FOND DU LAC	WI	54935
FDL-15-17-09-33-559-00	40 N PIONEER PKY	40 N PIONEER PKWY	FOND DU LAC	WI	54935
FDL-15-17-09-33-572-00	8 S PIONEER PKY	33 KAIRIS CT	FOND DU LAC	WI	54935
FDL-15-17-09-33-565-00	66 PIONEER CT	66 PIONEER CT	FOND DU LAC	WI	54935
FDL-15-17-09-33-570-00	30 PIONEER CT	30 PIONEER CT	FOND DU LAC	WI	54935
FDL-15-17-09-33-564-00	74 PIONEER CT	13 6TH ST	FOND DU LAC	WI	54935
FDL-15-17-09-33-580-05	37 N PIONEER RD	145 S MARR ST	FOND DU LAC	WI	54935
FDL-15-17-09-33-568-00	56 PIONEER CT	56 PIONEER CT	FOND DU LAC	WI	54935
FDL-15-17-09-33-577-00	863 FOREST AVE	863 FOREST AVE	FOND DU LAC	WI	54935
FDL-15-17-09-33-566-00	62 PIONEER CT	62 PIONEER CT	FOND DU LAC	WI	54935
FDL-15-17-09-33-569-00	48 PIONEER CT	48 PIONEER CT	FOND DU LAC	WI	54935
FDL-15-17-09-33-578-00	869 FOREST AVE	869 FOREST AVE	FOND DU LAC	WI	54935
FDL-15-17-09-33-561-00	92 PIONEER CT	92 PIONEER CT	FOND DU LAC	WI	54935
FDL-15-17-09-33-558-00	48 N PIONEER PKY	W6230 E LONE ELM RD	VAN DYNE	WI	54979
FDL-15-17-09-33-567-00	871 FOREST AVE	871 FOREST AVE	FOND DU LAC	WI	54935
FDL-15-17-09-33-579-00	879 FOREST AVE	879 FOREST AVE	FOND DU LAC	WI	54935
FDL-15-17-16-22-261-00	924 FOREST AVE	924 FOREST AVE	FOND DU LAC	WI	54935
FDL-15-17-09-33-571-00	10 N PIONEER PKY	10 PIONEER PKWY	FOND DU LAC	WI	54935

**BOARD OF APPEALS AGENDA
CITY OF FOND DU LAC, WISCONSIN
37 North Pioneer Road (Huberty CPAs)**

Subject: Appeal No. 2021-06

Zoning Code Regulations:

Section 720, Attachment 8, Design Standards and Specification for Signs, Special Highway 41 District, requires a minimum front yard setback of 10 feet for ground signs.

Proposal:

Allow for placement of an existing ground sign 2 feet in a front yard setback, where 10 feet is required.

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

Appeal_No_2021-06_37_N_Pioneer_Road_(Huberty_CPAs)_agenda.pdf

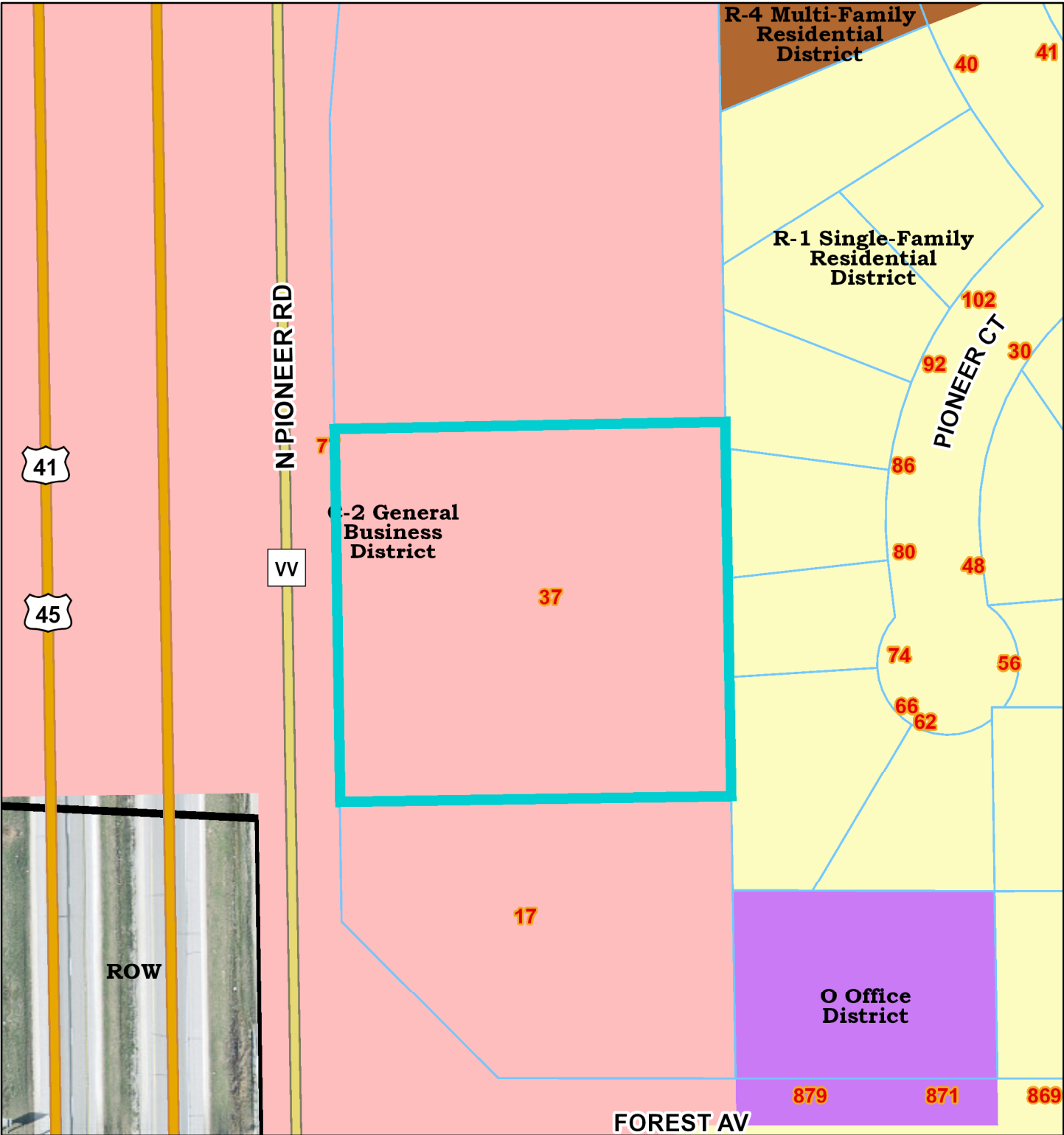
37 N Pioneer Road



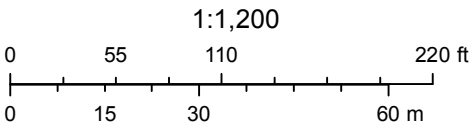
May 20, 2021

Fond du Lac County

Zoning - 37 N Pioneer Road



May 20, 2021

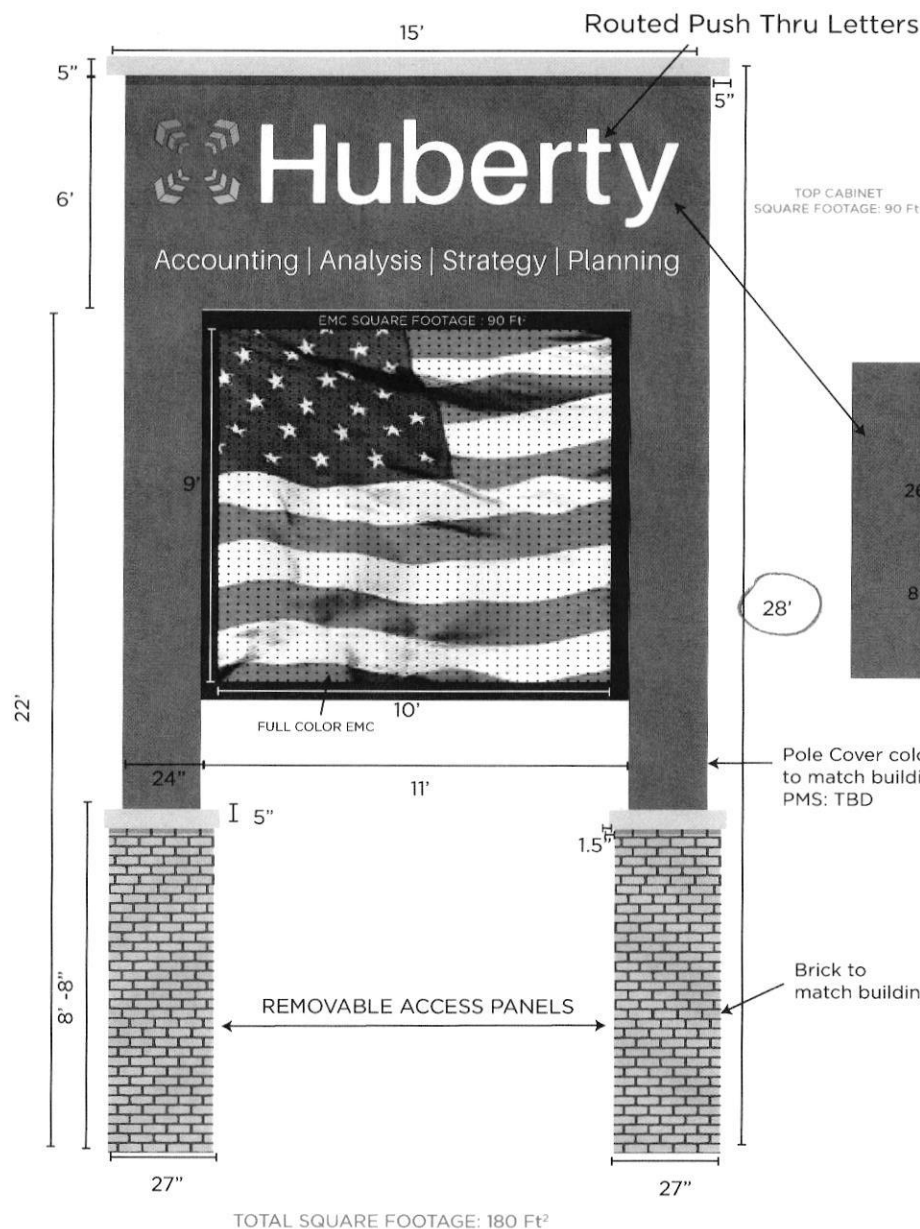


Fond du Lac County

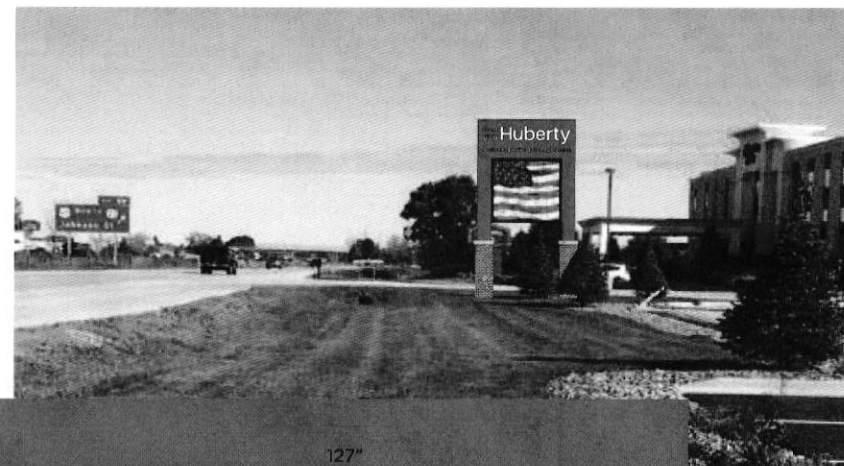
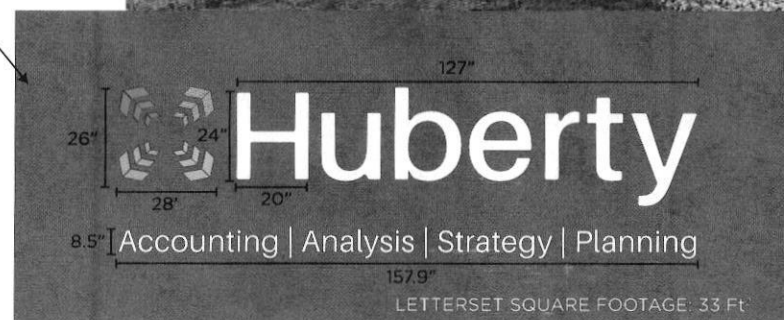
HUBERTY - FOND DU LAC

Monument Sign

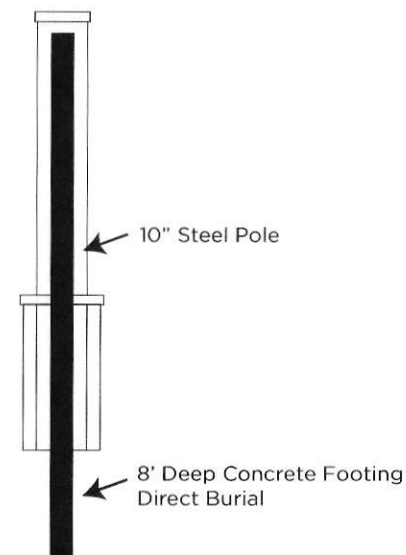
Opt 6



TOP CABINET
SQUARE FOOTAGE: 90 Ft²

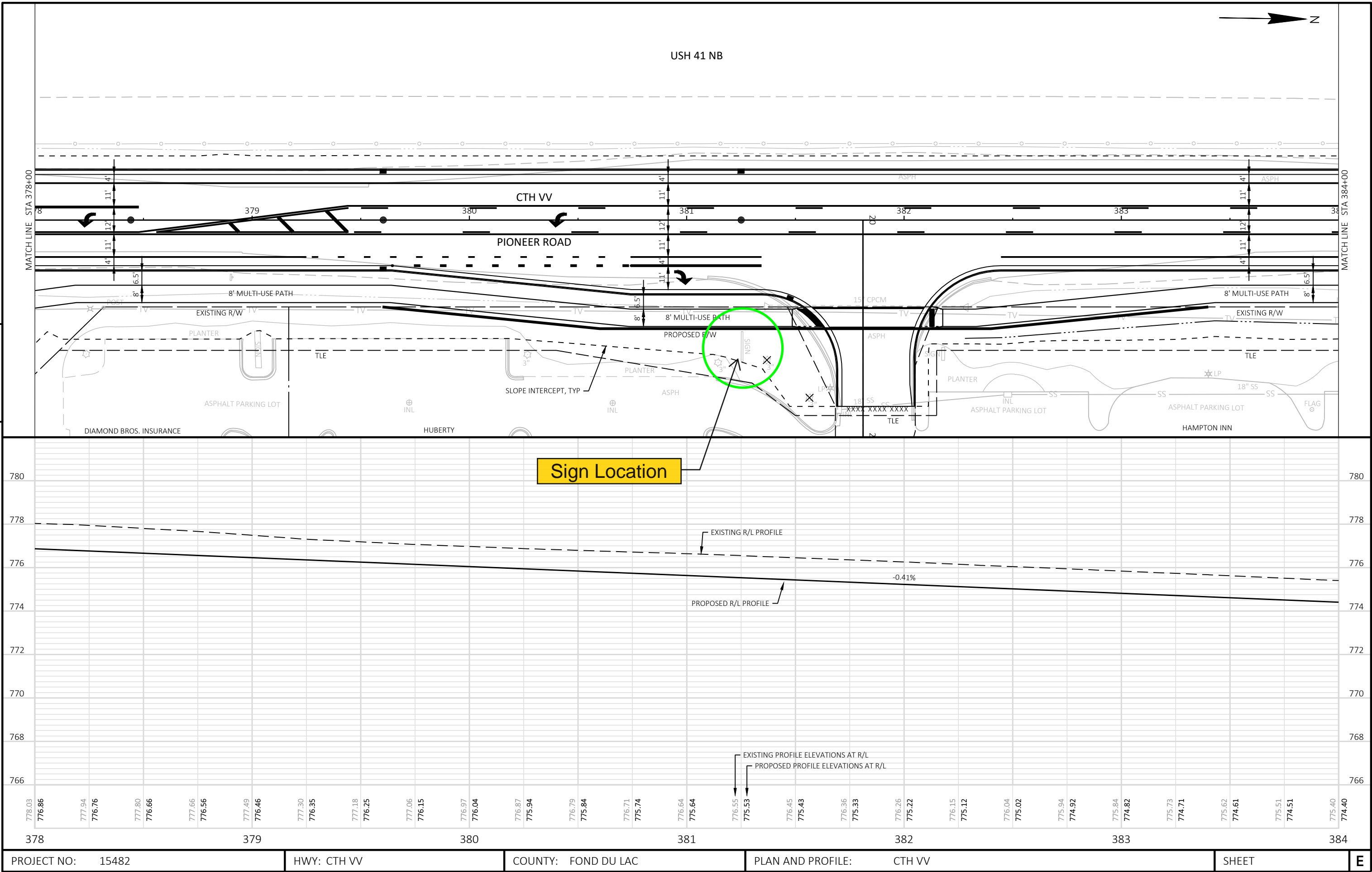


SIDE VIEW



311 Forest Ave,
Sheboygan Falls
(920) 550-0009

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CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: September 1, 2021
To: Board of Appeals
From: Kolin Erickson, Principal Planner
Re: Appeal No. 2021-06 – **37 N Pioneer Road**

Applicant: Huberty CPAs

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

Land Use: Site: Huberty CPAs Office Building
North: Hampton Inn Hotel
South: Dimond Brothers Insurance Office
East: single-family dwellings
West: Interstate Highway 41

Variance Request

Zoning Code Regulation:

Section 720, Attachment 8, Design Standards and Specification for Signs, Special Highway 41 District, requires a minimum front yard setback of 10 feet for ground signs.

Proposal:

Allow for placement of an existing ground sign 2 feet in a front yard setback, where 10 feet is required.

Analysis

The property at 37 N Pioneer Road is an office building owned by Huberty CPAs, located north of the corner of Forest Avenue and N Pioneer Road and directly east of Interstate Highway 41. The petitioner asks for a waiver to allow for placement of an existing ground sign 2 feet in a front yard setback, where 10 feet is required in the Special Highway 41 Sign District.

Zoning regulations require ground signs to be setback 10 feet in a front yard. The existing ground sign was properly installed to meet zoning code standards in 2020. An upcoming road reconstruction project of N Pioneer Road from Forest Avenue to State Highway 23 (W Johnson Street) is scheduled for 2022. Part of this work will add an 8 foot multi-purpose trail along the east side of N Pioneer

Road and will require right-of-way acquisition of the petitioner's property. As a result of the loss of property, the existing ground sign will become non-compliant with sign zoning regulations; and unable to meet the required 10 feet of front yard setback.

The unique property limitations caused by the future road reconstruction of N Pioneer Road make compliance with zoning regulations difficult. Additionally, the hardship in this instance is not self-imposed due to the taking of property for the public good. Favorable consideration of this 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 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 unnecessary hardship is due to the future property right-of-way acquisition for a road reconstruction project of N Pioneer Road. This hardship is not self-imposed by the petitioner. The existing ground sign was properly installed to meet zoning code standards prior to knowledge of the road reconstruction project.

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 limitations caused by the future road reconstruction of N Pioneer Road make compliance with zoning regulations difficult. Additionally, the hardship in this instance is not self-imposed due to the taking of property for the public good.

Board of Appeals 2021-06

37 N Pioneer Rd

Parcel Number	Site Address	Mailing Address 1	Mailing Address 2	Mailing City	Mailing State	Mailing Zip
T09-15-17-17-16-002-00		CITY COUNTY GOV CENTER	160 S MACY ST	FOND DU LAC	WI	54935
T09-15-17-17-16-001-00		CITY COUNTY GOV CENTER	160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-21-23-504-01	950 ROGERSVILLE RD	CITY COUNTY GOV CENTER	160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-16-33-503-02		W6475 ROGERSVILLE RD		FOND DU LAC	WI	54937
FDL-15-17-16-33-504-01	0 ROGERSVILLE RD	W6475 ROGERSVILLE RD		FOND DU LAC	WI	54937
FDL-15-17-16-33-507-00		W6475 ROGERSVILLE RD		FOND DU LAC	WI	54937
T09-15-17-16-11-002-00	W6475 ROGERSVILLE RD	W6475 ROGERSVILLE RD		FOND DU LAC	WI	54937
FDL-15-17-16-33-502-00	440 S ROLLING MEADOWS DR	PO BOX 239		PRAIRIE DU CHEIN	WI	53821
FDL-15-17-16-33-508-01	500 S ROLLING MEADOWS DR	815 S ROLLING MEADOWS DR		FOND DU LAC	WI	54935
FDL-15-17-21-22-251-00	815 S ROLLING MEADOWS DR	815 S ROLLING MEADOWS DR		FOND DU LAC	WI	54937