

**APPLICATION FOR ZONING VARIANCE****PROPERTY LOCATION:** 463 North Rolling Meadows Drive

Tax Key Number (Vacant Land): FDL-15 - 17-08-11-00 - 100

Project Applicant			
Name Sarah Honeycutt - GPD Group, Inc. on behalf of Tesla			
Mailing Address 520 S. Main St., Suite 2531	City Akron	State OH	ZIP Code 44311
Email Address [REDACTED]		Phone Number [REDACTED]	
Landowner (Complete this information if the project applicant is not the property owner.)			
Name Dayton Hudson Corporation			
Mailing Address P.O. Box 9456	City Minneapolis	State MN	ZIP Code 55440-9456
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.

Accessory uses and structures are not permitted in the front yard. Tesla is requesting a variance to allow their Supercharging Station along the north property line (along W. Scott 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.

Along the north property line there is an existing utility building and transformer with landscape screening along both Rolling Meadows and W. Scotts Road. Providing additional landscape screening along W. Scott Rd. to provide a visual buffer between Tesla equipment and W. Scott Road.

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:

Two of the four property yards are considered front yards (Scott Street and Rolling Meadows) per the city zoning ordinance.

The proposed location of the EV station along the north property line (W. Scott Street) i

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:

Tesla's proposal to install an electric vehicle charging station will not have any adverse affects or harm to the interest of

neighbors, the community or the general public.

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:

Two of the four property yards are considered front yards per the city zoning ordinance. If the EV station was to be moved

to in the internal parking spaces this would result in disruption to existing cliente, increase loss of available parking stalls

due to equipment placement and EV dedicated parking stalls. The proposed location is also preferred of the property owner.

Kolin Erickson
Principle Planner
City of Fond du lac
160 S. Macy Street
Fond du Lac, WI 54936

Narrative Letter – Variance Request

Tesla Supercharging Station – 485 Rolling Meadows Drive

Dear Mr. Erickson,

GPD Group, Inc. (GPD) is submitting on behalf of Tesla, Inc. This letter is a request for variance for the Tesla Supercharging Station to be installed in the north side of the Target Parking lot. This project area is located along the north side of the existing parking lot. This parcel has two front yards per the city zoning ordinance.

The Tesla Supercharging station is proposed to be installed the north side of the property line. This location allows for minimal disruption to the existing clientele, decrease parking stall loss due to the placement of the Pre-Assembled Supercharging units being installed in the landscape area. This location is also preferred by the property owner.

The proposed Tesla Supercharging station will provide three (3) Pre-Assembled Supercharger units which includes twelve (12) parking stall with charging units and (2) chargepoint Level 2 Dual-Port charging Posts to the local and regional community. No parking stalls or existing infrastructure will be removed in the construction or operation of this project. There will be no change to how the landscaping and snow removal is currently handled by Target, that is current landscaping company will maintain the landscaping around the equipment and snow will be removed from our parking stalls by the same company that is currently removing snow from the existing parking lot. Tesla operation team will make site visits on an as needed basis.

This project area is currently used as general parking for Target. This shopping center is located on the southeast corner of N. Rolling Meadows Drive and W. Scott Street. The shopping center offers an excellent location for Tesla infrastructure with the availability of retail stores, restaurants, and other variety of services for their wide range of clientele. This partnership will result in premium charging experience for customers as well as help bring in eco friendly vehicle to Fond du Lac.

The project will utilize Tesla Superchargers and charge posts to provide power for Tesla vehicles. Additional project components will include required utility equipment. The project will also require an transformer on site, which is being coordinated with Alliant Energy. All equipment will be secure and tamper proof.

The Tesla Supercharging Units will be available 24/7 to the general public. There will be no physical attendants onsite but will be constantly monitored online. The payment for the use of the Tesla Supercharging Units is handled through the Tesla App, no card swiping, or physical payment portal will be available onsite. These sites are currently for Tesla vehicles only but will eventually be open to other electric vehicle drivers. No firm timeline on that happening yet, however.

Included with this letter is sample existing photo conditions of the area that Tesla is proposing for their Supercharging Station. Sample photos also included of a recently installed Supercharging PSU in Minnesota. A site plan has been provided showing the location and layout of the proposed project.

If you have any questions or concerns, please call me at [REDACTED] or by email at [REDACTED]. Thank you for your time and consideration.

Sincerely,

GPD Group

A handwritten signature in black ink that reads "Sarah Honeycutt". The signature is written in a cursive, flowing style.

Sarah Honeycutt
Planning Specialist

Tesla – Fond du Lac, WI – 485 N Rolling Meadows Dr.



Existing Conditions looking at the site (Northwest Direction)



Existing Conditions looking at site (Southeast Direction)

Tesla – Fond du Lac, WI – 485 N Rolling Meadows Dr.



Existing Conditions looking at the site (East Direction)



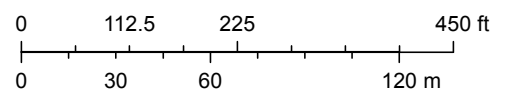
Existing Conditions looking at the site (West Direction)

485 N Rolling Meadows Drive



January 25, 2022

1:2,400



Fond du Lac County

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: February 28, 2022
To: Board of Appeals
From: Kolin Erickson, Principal Planner
Re: Appeal No. 2022-01 – **485 N Rolling Meadows Drive**

Applicant: Tesla, Inc.

Zoning: Site: C-2 (General Business District)
North: C-2
South: C-2
East: C-2
West: C-2

Land Use: Site: Target
North: auto dealership parking lot
South: commercial/retail, parking lot
East: Interstate Highway 41
West: commercial/retail, parking lot

Variance Request

Zoning Code Regulation:

Chapter 720, Section 11, (C), Accessory buildings and uses, prohibits placement of accessory buildings and uses in required yards which are not set forth in this subsection or specifically permitted by other provisions.

Proposal:

Allow installation of an electric vehicle charging station within a required front yard setback.

Analysis

The property at 485 N Rolling Meadows Drive is owned by Dayton Hudson Corporation doing business as Target. It is located at the corner of N Rolling Meadows Drive and W Scott Street, directly west of Interstate Highway 41. The petitioner (Tesla, Inc.) asks for a waiver to allow for installation of an electric vehicle charging station within a required front yard setback. An electric vehicle charging station is an accessory use of the primary retail property.

Zoning regulations prohibit placement of accessory buildings and uses in required yards which are not specified in the code. Electric vehicle charging stations fall into that category of use. The applicant is requesting a variance to allow placement of an electric vehicle charging station along a portion of the north front yard along W Scott Street. The proposed charging station has the ability to

charge up to twelve (12) Tesla vehicles and includes a utility transformer and electric meter mechanicals.

Target's building is situated on the site such that it provides a large parking lot to the northwest of the site, all of which is located in the front yard setbacks along both N Rolling Meadows Drive and W Scott Street. Both corner front yards (when combined) measure over 1000 linear feet. Other possible locations for the charging station within the property are not ideal. To the south, existing parking spaces and two driveway entrances limit placement of a charging station in consideration of existing traffic flows and parking stall configuration. Additionally, placement of a charging station further east on the property is impractical because the property abuts Interstate Highway 41 with the back/rear of the retail building. This area along Interstate Highway 41 also is the truck loading bay area. The charging station would not be visible or usable here. The addition of the charging stalls can also meet minimum parking requirements of both principal use (retail) and accessory use (charging station).

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 having two of four property yards as front yards per the city zoning ordinance. If the EV station was to be moved to the internal parking spaces, this would result in disruption to existing clientele, increase loss of available parking stalls due to equipment placement and EV dedicated parking stalls.

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; the location of the existing parking and building make strict compliance with zoning regulations difficult. Please note the following condition:

1. Landscape screening (evergreens, for instance arbor vitae/junipers) are required to effectively screen the transformer and electric meter mechanical equipment from the public right-of-way along W Scott Street. Landscape screening shall be approved through the site plan review process.