

NOTICE

PLEASE TAKE NOTICE that there will be a Zoning Board of Appeals meeting held on Thursday, June 11, 2015 at 7 pm in the Council Room, City Hall, 130 South Main Street, Lodi, WI

AGENDA

1. Call To Order
2. Public Input
3. Action Items
- 3.a. Request for Property Variance

Documents: [VARIANCE REQUEST ROGER ZIEGLER.PDF](#), [ZIEGLER PLAT OF SURVEY SITE PLAN.PDF](#), [310 VIEW ST. VARIANCE LETTER TO ZBA.PDF](#)

4. Adjourn

Agendas may change up to twenty four hours prior to the commencement of the meeting.

Posted: _____

By: _____

City of Lodi Variance Request

◆ 130 South Main Street, Lodi, WI 53555 ◆ Phone (608) 592-3247 ◆ Fax (608) 592-3271 ◆ www.cityoflodi.us ◆

The City of Lodi Board of Appeals (BOA) meets as needed at Lodi City Hall to consider variance requests. It is governed by §340-113 of the City of Lodi ordinances. Variance requests are governed by § 340-114 (see the attached ordinance excerpt). A variance is the modification of zoning requirement(s) in response to unique circumstances or conditions on a parcel that were not created by the property owner. A hardship under existing zoning must be proven in order for a variance to be issued. This form must be submitted with 10 copies of the items listed in the bulleted list below. The review process will not begin until an application is determined to be complete and the appropriate fee is paid to the City Clerk. City staff will publish a public hearing notice in the Lodi Enterprise and notify all property owners within 200 feet of the subject property. The applicant must appear at the time and date set for the meeting to explain the need for the variance. Please allow 4-5 weeks for a hearing date to be set and the notice to be published and mailed. If you have any questions about Variance requirements, please contact Colin Punt, Zoning Administrator, at (608) 821-3965 or cpun@vierbicher.com.

Owner Name(s): Roger Ziegler	
Applicant Name (if different than above):	
Property Address: Parcel # 11246-427.05 (310 VIEW?)	
Applicant Address (if different than above): 106 First Street Lodi WI, 53555	
Applicant Phone: 608-513-3270	Applicant Email: RMZigman@yahoo.com
Property Zoning Designation: R1	Property Use: Residential
Section(s) of Ordinance that Necessitates Variance Request: Side Yard Setback Requirement	

An \$800 fee check must be provided with your application. Provide plans that show: the parcel in question, structures on the parcel (including proposed modifications to structures), dimensions of setbacks from the property line, locations of buildings on adjoining properties, a north arrow, and street names. Please attach a narrative that discusses:

1. The characteristics of your property (size, dimensions, slope, soil, etc.) that necessitate the variance request.
2. How the site conditions discussed in #1 prevent reasonable use of your land under the terms of the zoning ordinance.
3. What modification(s) to the zoning requirements will allow for reasonable use of your land (setbacks, area, lot coverage, off-street parking, etc.).
4. Why the granting of a variance will be in harmony with the neighborhood and not contrary to the intent and purpose of the zoning ordinance.

Applicant Signature: Roger Ziegler **Date:** 4/14/2015

Owner Signature: _____ **Date:** _____

For Staff Use Only	
Date Received:	Fee Paid?
Public Hearing Date:	Public Hearing Publication Dates:
Date Public Hearing Notices Mailed to Adjoining Property Owners:	
Comments:	
Hearing Outcome: <input type="checkbox"/> Denied <input type="checkbox"/> Approved Subject to:	

§ 340-114. Variances.

A. Initiation. A request for variance shall be made to the Zoning Administrator on an official application form.

B. Findings required. No variance from the terms of this chapter shall be authorized unless all of the following facts and conditions exist:

- (1) Exceptional circumstances. There are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district.
- (2) Natural causes. The alleged difficulty or hardship has not resulted from the actions of the applicant.
- (3) Preservation of property rights. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity, including but not limited to the use of solar energy systems.
- (4) Absence of detriment. The authorizing of such variance will not be of substantial determinant to adjacent property and will not materially impair the purposes of this chapter or the public interest.
- (5) General nature. No variance shall be authorized unless the Board specifically finds that the condition, situation, or intended use of the subject property is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation to cover such cases.
- (6) Minimum variance required. The Board shall find that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. The Board shall be satisfied by the evidence heard before it that the granting of such variance will alleviate a hardship approaching confiscation as distinguished from a special privilege sought by the owner.

C. Subject to conditions. In granting any variance under the provisions of this section, the Zoning Board of Appeals shall designate such conditions that will secure substantially the objectives of the regulations or provisions in the application of which the variance is granted as to light, access to direct sunlight for solar energy systems, air, character of the neighborhood, conformity to the Comprehensive Plan, and, generally, the public health, safety, comfort, convenience, and general welfare.

D. Variances void after six months. If an applicant fails to act on a variance granted within six months of the date the variance was approved, the variance shall be null and void.

City of Lodi Variance Request

Roger Ziegler
106 First Street
Lodi, WI 53555
(608) 513-3270

Description of Variance Request:

Request for 11' Side Yard Setbacks vs the Current 12'-6" Requirement.

Reason for Variance Request:

The reason for the variance request is to be able to build a home with a curb appeal that is in harmony with the neighboring properties and a home that appeals to home buyers. The lot in question was established back when homes were smaller and during a time when side yard setbacks were minimal, if any. A drive through the neighborhood this lot is located in will show side yards varying anywhere from 0' to as much as 10'.

With lots in the newer developments being much wider, the current 12'-6" side yards allow homes to be built that appeal to the market place and give the neighborhood a spacious feel. This lot being much older and narrower, the current side yard requirements make designing a home that functions well for a family and that is in harmony with the neighboring properties very difficult. A narrow, deep house plan is required which reduces the size of the back yard, obstructs sight lines to the front of the property and diminishes curb appeal.

Approval of this variance request would allow me to build a quality home with 3 bedrooms, two bathrooms upstairs and a two car garage; a new home, in a price range that the current market place does not offer.

Attached is a site plan showing the footprint and location of the proposed house, the current 12'-6" side yard requirements, as well as the 11' side yards I have requested. All other zoning requirements will be met with this home design. The additional pages are a representation of the home I would like to build.

Index

Site Description:

Lot 5, Block 1, McCloud's Third
Addition to Lodi, City of Lodi,
Columbia County, Wisconsin
Tax Roll Parcel #: 11246-427.05

Owner:

Roger Ziegler
106 First Street
Lodi, WI 53555
Phone: (608)-513-3270

Page	Detail
1	Site Plan
2	Proposed House Rendering and Description
3	Proposed House Floor Plan w/ Modifications
4	Proposed House Foundation Plan
5	Revised Floor Plan



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Plan 77-254 Features

Lot Characteristics:

Suited for a side-sloping lot
Suited for an up-sloping lot

Interior Features:

Family room
Great room
Open floor plan
No formal living/dining

Unique Features:

Vaulted/Volume/Dramatic ceilings

Garage:

Garage under

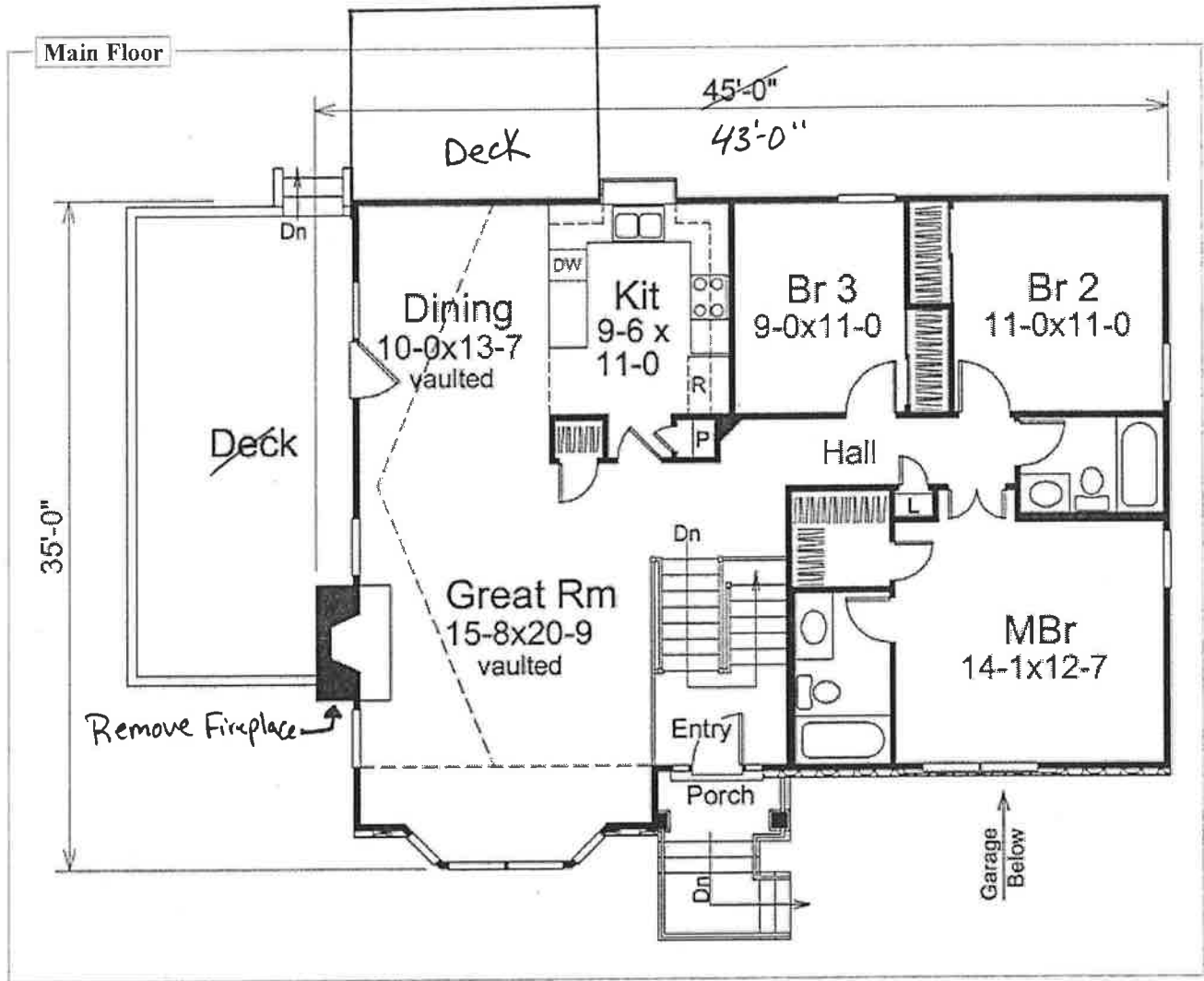
Plan 77-254 Detail

Bedrooms: 4	Total Sq. Ft.: 2080	Width: 43' 0"
Full Baths: 3	Main floor: 1338	Depth: 33' 0"
Levels/Stories: Split entry	Lower Floor: 742	Height: 18' 4"
Garage Stalls: 2	Garage: 556	Roof Pitch (primary): 7:12
	Porches: 25	Roof Pitch (secondary): 8:12
		Ceiling Height (Main): 8'



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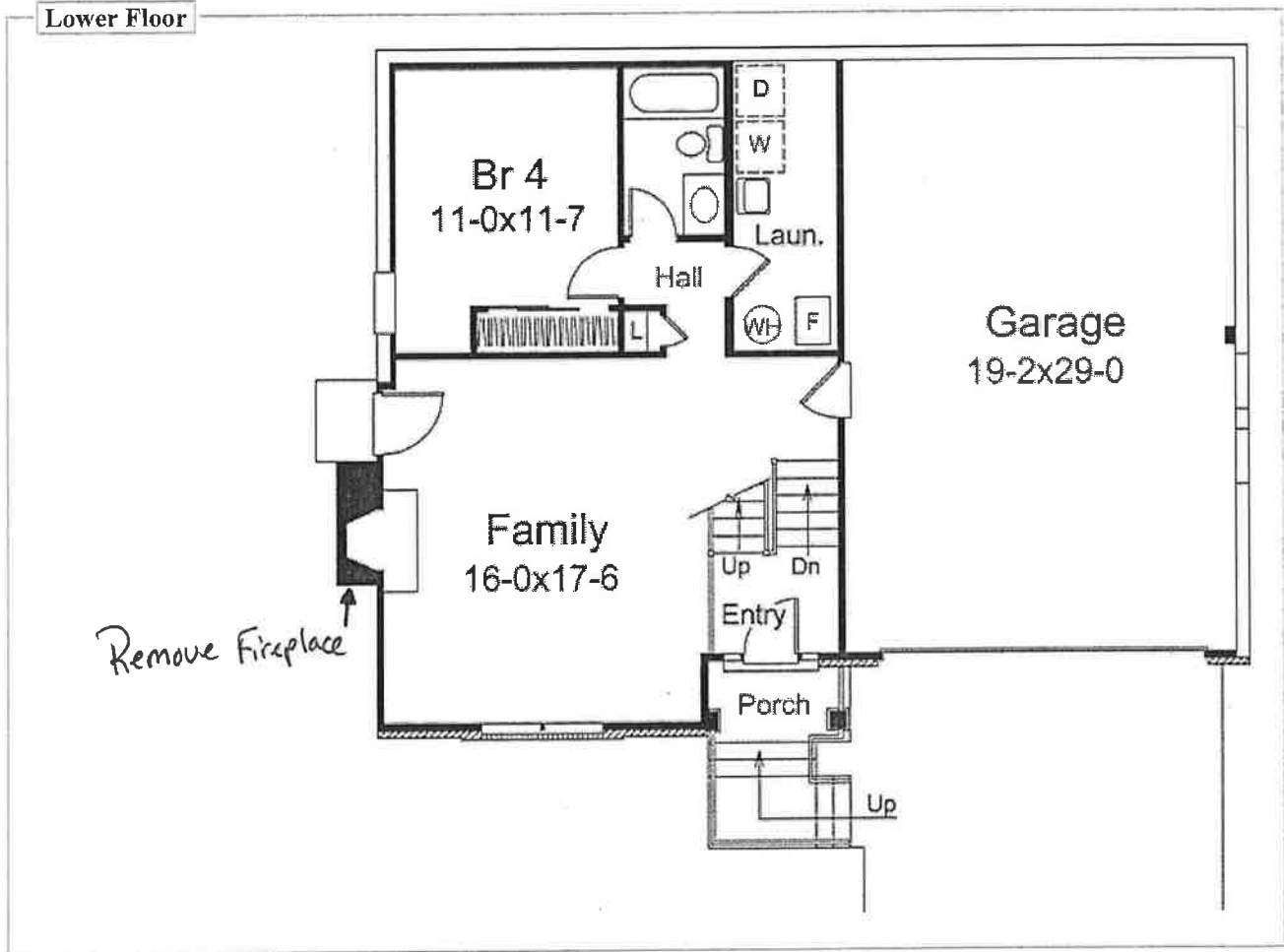
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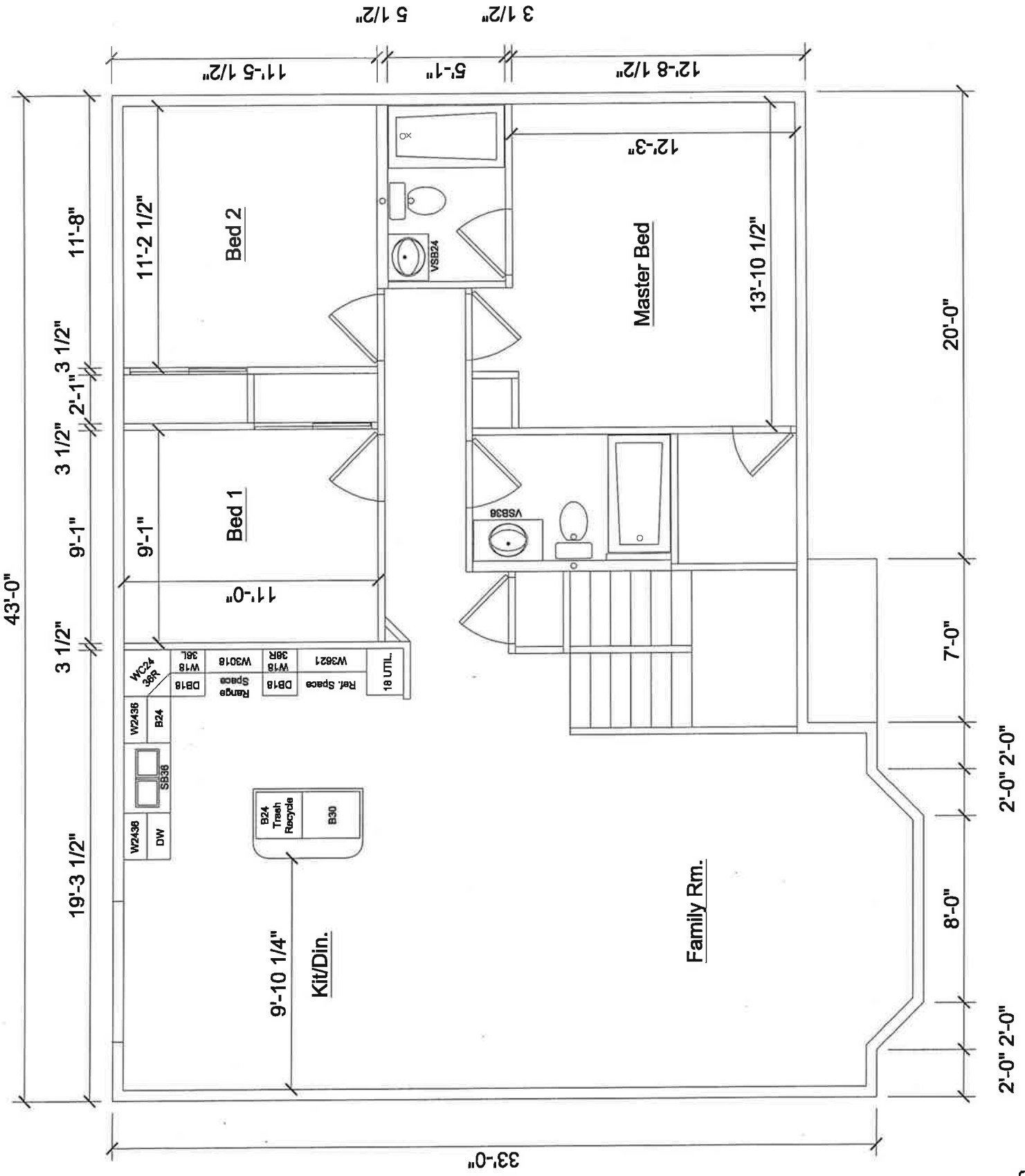


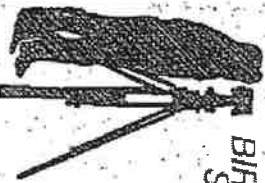


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Call Monster House Plans to learn more about buying and customizing house plans in our collection. 6am-6pm Pacific Time







BIRRENKOTT SURVEYING, INC.

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI, 53590
Phone (608) 837-7463
Fax (608) 837-1081

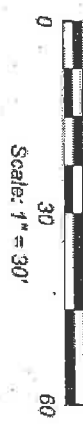
PLAT OF SURVEY

SURVEYOR'S CERTIFICATE:

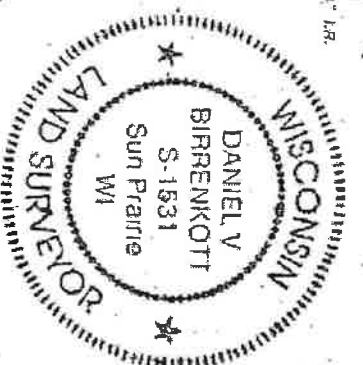
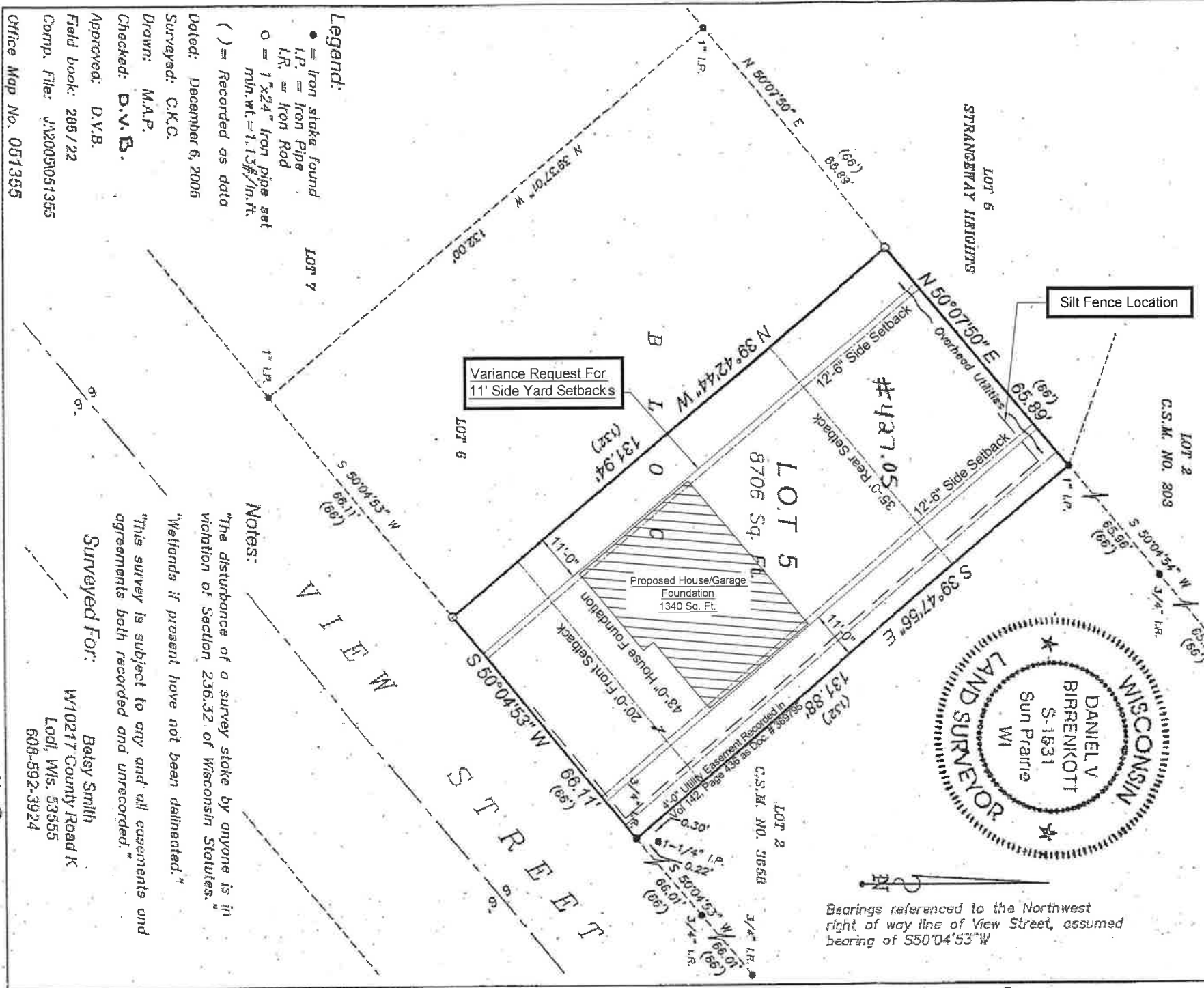
I, Daniel V. Birrenkott, hereby certify that this survey is in compliance of Wisconsin Administrative Code. I also certify that I have surveyed and mapped the lands described hereon and that the map is a correct representation in accordance with the information provided.

Daniel V. Birrenkott
Wisconsin Registered Land Surveyor No. S-1531.

Daniel V. Birrenkott
12-8-2005



Description:
Lot 5, Block 1, McClaude's Third Addition to Lot 1, City of Lod, Columbia County, Wisconsin.



Bearings referenced to the Northwest right of way line of View Street, assumed bearing of S50°04'53"W

Legend:

- = Iron stake found
- I.P. = Iron Pipe
- I.R. = Iron Rod
- = 1" x 24" Iron pipe set
- min. wt. = 1.3#/in.ft.
- () = Recorded as data

Dated: December 6, 2005
 Surveyed: C.K.C.
 Drawn: M.A.P.
 Checked: D.V.B.
 Approved: D.V.B.
 Field book: 285/22
 Comp. File: J:\2005\051355
 Office Map No. 051355

Notes:

"The disturbance of a survey stake by anyone is in violation of Section 236.32 of Wisconsin Statutes."
 "Wells and if present have not been delineated."
 "This survey is subject to any and all easements and agreements both recorded and unrecorded."
 Surveyed For: Betsy Smith
 W10217 County Road K
 Lod, Wis. 53555
 608-592-3924

12535

City of Lod, McClaude's Third Addition Lot 5, Block 1 Parcel # 427.05 NE SW

Roger Ziegler
Site Plan

RZ
01-08-15

Review Drawings
Not for Construction



May 28, 2015

City of Lodi Zoning Board of Appeals
130 South Main Street
Lodi, WI 53555

Re: Variance Request for Parcel 427.05 (310 View Street), City of Lodi

Zoning Board of Appeals Members:

This letter provides an overview and a Report of Facts for the variance request at 310 View Street in the City of Lodi, as submitted by the applicant Roger Ziegler. The applicants are requesting a variance from the 12.5 foot side-yard setback requirement for single-family structures in an R-1 Single-Family District. The request is to build a new house on the currently vacant lot.

The applicant wishes to construct a new house 43 feet wide on the 66-foot wide lot, which is not possible under the setback requirements in R-1 zoning districts. Therefore, the applicant is requesting a variance to change the requirement from 12.5-foot side-yard setback to 11 feet on either side of the house. The applicant is not requesting variances for any other requirements pertaining to the lot's R-1 zoning.

Existing Non-Conformances

The lot has existing non-conforming dimensions, particularly lot width and area:

Regulations	Required by R-1	Existing/Requested
Lot Width	90 feet	66 feet (existing)
Side Setback	20 feet	11 feet (requested)
Lot Size	10,800 square feet	8,712 square feet (existing)

The City of Lodi Code of Ordinances requires the Zoning Administrator to review the request for variance and provide a report of facts to the Board. The following report of findings outlines those findings that the Zoning Board of Appeals must make in order to grant the variance request. Please note that, according to Sec. 340-114B of the City Code, "no variance from the terms of (Chapter 340 - Zoning) shall be authorized unless all the following facts and conditions exist."

Findings, per Sec. 340-114B

1. Exceptional circumstances. There are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district.

The small lot size of the parcel in question is not a unique or extraordinary situation in the City of Lodi. There are over 240 residential parcels zoned R-1 Single-Family or R-2 One- or Two-Family that are smaller than 9,000 square feet in area that do not conform with the existing zoning requirements. In some cases, the Zoning Board of Appeals has granted area variances for these parcels.

2. Natural causes. The alleged difficulty or hardship has not resulted from the actions of the applicant.

The applicant has not taken any actions to create any existing difficulties or hardship on the property. The R-1 zoning designation on this property was imposed on it after the initial platting of the parcel, thereby creating a non-conforming situation.

3. Preservation of property rights. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity, including but not limited to the use of solar energy systems.

The variance request is to accommodate the construction of a 43-foot wide house. While the construction of a well-designed house is related to enjoyment of the property, it does not necessarily have any relation to enjoyment of property rights possessed by other properties in the same zoning district. There are a number of smaller, sub-standard parcels within the City that do not have the ability to build or expand as desired without a variance due to setback requirements.

4. Absence of detriment. The authorizing of such variance will not be of substantial determinant to adjacent property and will not materially impair the purposes of this chapter or the public interest.

Staff feels that the granting of a variance for the requested addition could materially impair the purposes of the City's zoning chapter, but not to a substantial degree. The City has determined that a 12.5 foot setback is necessary for single-family homes. In addition to the applicant's proposal to change the setback from 12.5 feet to 11 feet, at least one of the adjoining properties have existing non-conformance in their side setbacks. The cumulative effect of granting a variance as proposed would be to reduce the separation between structures to considerably less than the 25 feet mandated by the ordinance.

5. General nature. No variance shall be authorized unless the Board specifically finds that the condition, situation, or intended use of the subject property is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation to cover such cases.

There are a substantial number of lots zoned R-1 and R-2 that are of similar dimensions to the applicant's lot. R-1 and R-2 lots require the same side setback of 12.5 feet. The situation before the Board is common to lots platted prior to the City's current zoning ordinance, and is likely to reoccur in the future. Because the situation of this particular lot is not unique, if the Board feels that a lesser side setback is appropriate for this lot, it should request that the Plan Commission formulate a general regulation to cover all cases of existing nonconforming lots requesting setback variances. An example of such a general regulation would be a new residential zoning district or overlay district that accounts for existing on-the-ground conditions of lots that were platted prior to the City's existing zoning code. Promulgation of such a new district would enable more people to invest in their homes without necessitating variances. Without such a change in ordinance, staff feels that the Board would be granting an exception to the property in question for a circumstance that is common throughout the City.

6. *Minimum variance required. The Board shall find that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. The Board shall be satisfied by the evidence heard before it that the granting of such variance will alleviate a hardship approaching confiscation as distinguished from a special privilege sought by the owner.*

The variance requested is not the minimum variance necessary to make possible the reasonable use of the land, building, or structure. The main reason cited by the applicant for the variance request is to "build a quality home...a new home, in a price range that the current market place does not offer." As much as there is a need for affordable, quality new homes in Lodi, a variance is not required in order to build a house similar enough to the applicant's proposal to meet his needs.

While the parcel is legal non-conforming in terms of its total area (8,712 existing square feet versus the required 10,800 square feet), the applicant does have space to construct a similarly-sized house within the boundaries of the existing setback requirements. The proposed 43-foot wide house would need to be reduced to 41 feet to comply with the 12.5 side-yard setback requirement. The proposed house envelope is well within the front and rear yard setbacks, so a slightly narrower, longer house could be constructed on the lot without great difficulty.

Summary and Conclusion

This Report of Facts is provided to the Zoning Board of Appeals to aid it in making a decision to approve or deny the request for a variance to accommodate a reduced side-yard setback from 12'-6" to 11' on the both sides of the property at 310 View Street based on the reasons stated in the Findings above, as consistent with the requirements of Sec. 340-114B of the City of Lodi Code of Ordinances. If the Zoning Board of Appeals does decide to grant a variance, it may also designate conditions that secure the objectives of the zoning code to protect the public health, safety, comfort, convenience, and general welfare.

If you have any questions regarding this report or any materials provided, please contact me at 608-821-3965 or cpun@vierbicher.com.

Sincerely,



Colin Punt
City of Lodi Zoning Administrator

Enclosure: Site Plan
 Variance Application