

NOTICE

PLEASE TAKE NOTICE that there will be a Zoning Board of Appeals meeting held on Thursday, August 6, 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. Public Hearing Regarding Variance Request from Dionne, Steve and Deborah

Documents: [DIONNE VARIANCE.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): Steven Dionne Sr + Deborah Dionne | |
| Applicant Name (if different than above): | |
| Property Address: 234 Summit St Lodi WI 53555 | |
| Applicant Address (if different than above): | |
| Applicant Phone: 608-438-3516 | Applicant Email: sdionne@soderholmfoods.com |
| Property Zoning Designation: | Property Use: Home |
| Section(s) of Ordinance that Necessitates Variance Request: | |

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:  _____ **Date:** 6/9/15

Owner Signature:  _____ **Date:** 6/9/15

| 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: | |

Steven & Deborah Dionne
234 Summit Street
Lodi, Wisconsin 53555

Mr. Colin Punt
Board of Appeals Director

We are asking our neighbors if they are in agreement with our building a new garage, even though we will not be in compliance with city zoning.

Steven and Deborah Dionne are ^{petitioning} ~~positioning~~ for a variance because we want to build a garage that will not be in compliance with city zoning. If our neighbors don't have any problems with this garage being built, please sign below.

Kathryn Kable 214 Downey St
Lodi WI 53555

Banda Ah 227 Summit St.
Lodi, WI. 53555

Darnell Nelson 227 Summit St. Lodi, WI 53555

Mary Gallagher 224 Summit St. Lodi 53555

[Signature] 226 Summit St Lodi 53555

Fred Berndt 238 Summit St Lodi 53555

Joan Berndt 238 Summit St Lodi 53555

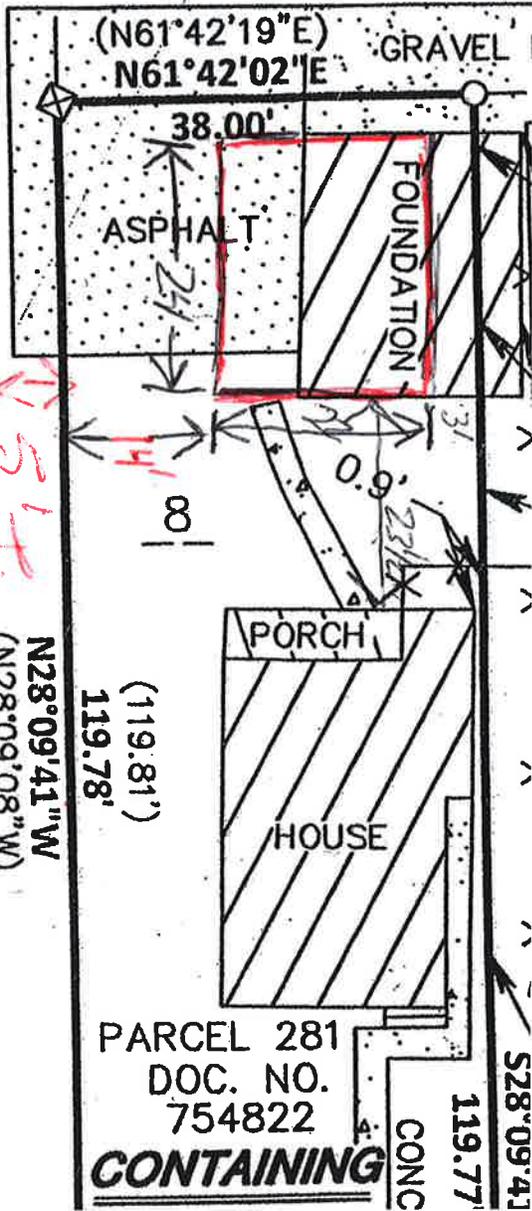
[Signature] 240 Summit St. Lodi 53555

Larry Husted 240 Summit St Lodi 53555

[Signature] Sol Skulan 226 Summit St. Lodi 53555

DOWNNEY

STREE



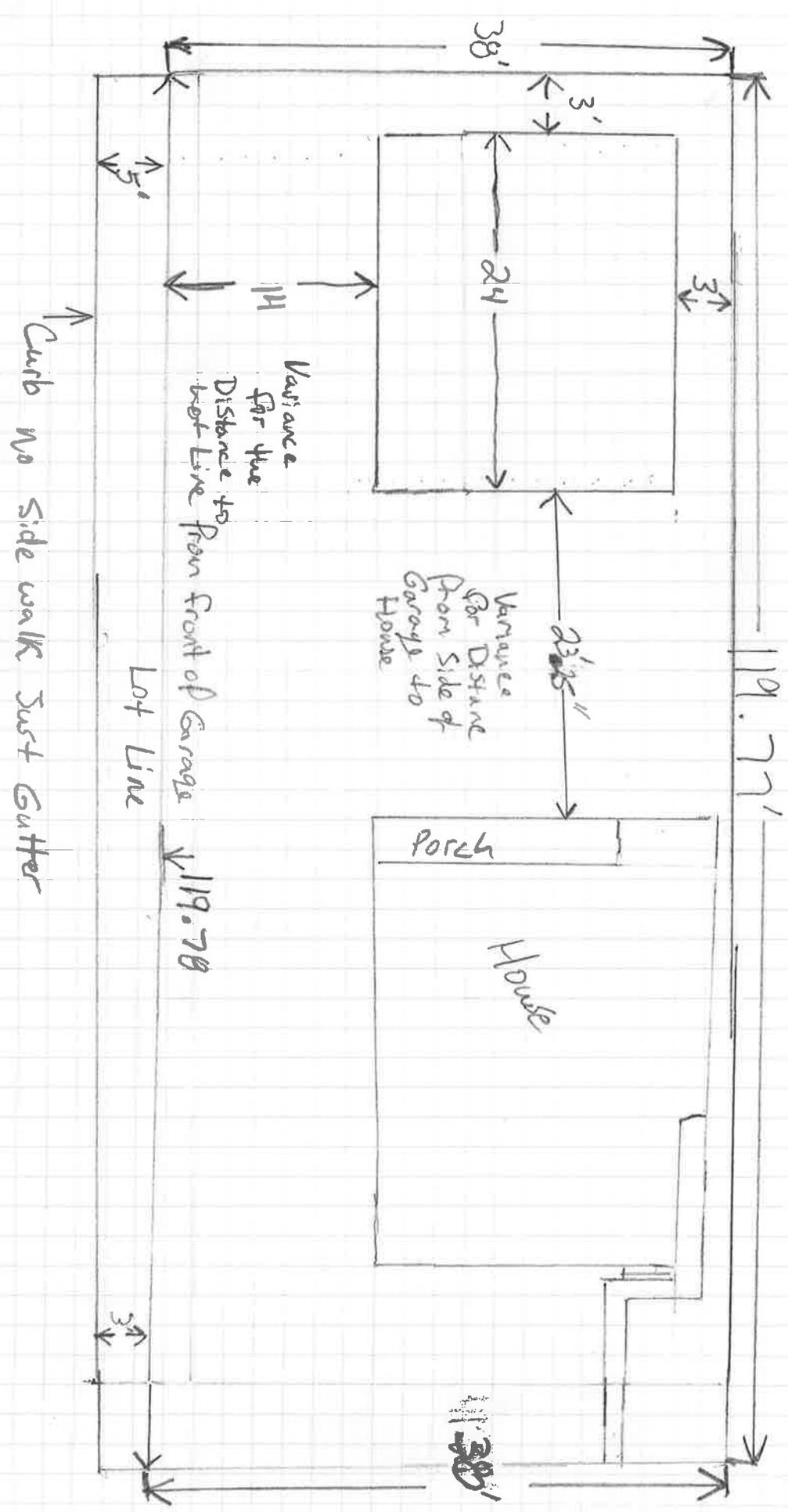
Variance for

Back - Garage to House

+

Front of Garage to Street

5.1' to gutter No Side walk



Steve Dionne

From: Colin Punt <cpun@vierbicher.com>
Sent: Wednesday, October 29, 2014 11:48 AM
To: Steve Dionne
Subject: Garage

Mr. Dionne:

Here's the needs, according to the City's zoning code, for your new garage, assuming it is 20 feet wide along the side street (Downey) and 22 feet deep. Your garage must be at least 6 feet from your house and 3 feet from both interior property lines (both the side and rear). The garage must also be 20 feet from the side street (Downey).

So to fit your garage behind your house and along Downey, your rear property line must be a minimum of 29 feet from the back of your house. You will need your property to be 45 feet wide to accommodate the street setback, the garage, and the interior setback. According to the legal description of your lot, it is 38 feet wide, meaning you would need 7 extra feet of your side neighbor's lot.

As I've noted before, you could always submit an application for a variance. The application is available at City Hall or on the City's website. I cannot speak for the Board of Appeals' decision, but I think you would have a good argument for being granted a variance.

--
Colin Punt



Vierbicher
999 Fourier Drive, Suite 201
Madison, Wisconsin 53717
Direct: (608) 821-3965
Cell: (402) 670-5141
Fax: (608) 826-0532
www.vierbicher.com

--
This email was Anti Virus checked by Astaro Security Gateway. <http://www.sophos.com>



July 9, 2015

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

Re: Variance Request for Parcel 281 (234 Summit Street), City of Lodi

Zoning Board of Appeals Members:

This letter provides an overview and a Report of Facts for the variance request at 234 Summit Street in the City of Lodi, as submitted by the applicant Steven and Deborah Dionne. The applicants are requesting a variance from Sec. 340-11E, which requires a minimum 20-foot setback for accessory structures from side streets on corner lots. The request is to build a garage with a driveway on Downey Street.

The applicant wishes to construct a 21-foot deep new garage on a 38-foot wide lot, which is not possible under the setback requirements for accessory units on corner lots. Therefore, the applicant is requesting a variance to change the requirement from 20-foot adjoining side-street setback to 14 feet. Additionally, Sec. 340-17D requires driveways to be no less than 18 feet in length, though the code is not clear whether this is from the lot line or from the street. The driveway as proposed would be in conformance if measured from the street to the garage. The applicant has also requested a variance for the distance between the garage and house. However, this is unnecessary as the garage as planned meets the setback requirement from the principle structure on the lot.

Existing Non-Conformances

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

| Regulations | Required by R-2 | Existing/Requested |
|-------------------------------|--------------------|------------------------------|
| Lot Width | 90 feet | 38 feet (existing) |
| Accessory Side Street Setback | 20 feet | 14 feet (requested) |
| Lot Size | 10,800 square feet | 4,551 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. However, this property, at less than 5,000 square feet, is a remarkably small residential parcel, even among the substandard parcels in Lodi. 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-2 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 21-foot deep garage. While the construction and use of a garage 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 a garage as desired without a variance due to setback requirements. However, because of the dimensions of this parcel, the construction of any garage of usable size (at least 18-foot long) would be impossible under the current setback requirements.

4. Absence of detriment. The authorizing of such variance will not be of substantial detriment 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 20-foot setback is necessary along side streets, as it is for primary street frontage. The adjacent house on Downey Street has a front setback of only 16 feet, which is non-conforming. Several neighbors have submitted signatures suggesting they support the variance, and as the interior lot line setbacks are not proposed to change, there is likely no detriment to adjacent properties.

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 smaller than required by the zoning code, though very few are as small as the applicant's lot. 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, though rarely to such a degree as this. Because the situation of this particular lot is not entirely 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. 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 likely the minimum variance necessary to make possible the reasonable use of the land and structure. Because the parcel is so non-conforming in terms of its total area (4,551 existing square feet versus the required 10,800 square feet) and width (38 feet versus 90 feet), the applicant likely does not have space to construct any usable garage within the boundaries of the existing setback requirements. The only way to possibly construct a conforming garage would be to build a single-stall garage rotated so the ingress and egress is parallel to Downey Street. While the garage would fit within the setback envelope, the geometry of the required driveway would likely still not fit on the lot.

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 sidestreet setback from 20 feet to 14' on the Downey Street side of the property at 234 Summit 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