

**Minutes of 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**

Meeting called to order by Berthold at 7:00 pm

**Roll Call**

Peter Berthold -aye, Brenden McLaughlin - aye, Audrey McCubbin - aye, Eugene Neumaier - aye, Don Thistle - aye; also present: Colin Punt, Zoning Administrator

Quorum present

**Public Input**

Applicant Steven Dionne (234 Summit Street) spoke first. The previous garage burned down, presumably after being struck by lightning, in May 2013. Mr. Dionne is requesting a variance to build a garage closer to Downey Street, with a 14-foot setback from the side street property line. Mr. Dionne is planning to abide by the required 3-foot setbacks for the rear and interior lot lines.

Jale Skulan (226 Summit) spoke in support of the variance. Kathryn Cavally (214 Downey Street), who lives across Downey Street from where the driveway and garage are proposed, spoke in favor of improving the property by building the garage. She is excited to see a building in that location, and not the present dirt and gravel. Jason Berndt (238 Summit Street) spoke in support of the variance. Larry Hillstead (240 Summit Street) spoke in support of the variance.

Chair Bethold closed the public input section.

**Action Items : Request for Property Variance**

The Zoning Board of Appeals considered the six standards for granting variances separately as identified in the Lodi Code of Ordinances. Mr. Punt began by reviewing the findings that the Zoning Board of Appeals must make to grant a variance and summarized his review letter.

Mr. McLaughlin asked Mr. Dionne how large the garage would be. Mr. Dionne said the garage would be 22 ft deep and 24 ft wide with a gable roof; built using standard construction techniques. He also stated he plans to drop the floor level 2-3 feet lower than the previous garage floor. He is considering building a retaining wall along the north edge of the property to maintain the integrity of his neighbor's (Steven Fuller - 215 Downey Street) driveway and to protect his own driveway from erosion from the neighbor's property.

Chair Bethold led the Board through the six standards.

1. Exceptional circumstances. Board members found the Dionne parcel exhibited exceptional and extraordinary conditions due to the remarkably narrow dimension of the lot.

Board voted 5-0 to find the variance application met this standard.

2. Natural causes. Board members found the creation of the lot and the removal/burning down of the previous garage were not results from the actions of the Dionnes.

Board voted 5-0 to find the variance application met this standard.

3. Preservation of property rights. Board members found that because of the width of the lot and mandated side street setbacks, the reasonable inclusion of a garage that may be enjoyed on any other nearby, similarly-zoned lot would otherwise be impossible.

Board voted 5-0 to find the variance application met this standard.

4. Absence of detriment. The Board found that because of the setbacks of surrounding structures and narrow lot width, the variance did not substantially materially impair the purposes of the zoning code. The Board also found that, as long as Mr. Dionne built a retaining wall between his driveway and Mr. Fuller's property to the north, granting the variance and constructing the garage would not be of substantial detriment to the adjacent properties.

Board voted 5-0 to find the variance application met this standard.

5. General nature. The Board found that though there are other substandard-sized parcels in the City, and though the Plan Commission is currently reviewing ways to address area, dimension, and setback issues, the very small size and corner lot situation of the parcel did not make this a situation of general nature, and therefore met this standard.

Board voted 5-0 to find the variance application met this standard.

6. Minimum variance required. The Board found that the garage was situated in such a manner and sized to the smallest dimensions to be both useful and fit on the lot, and therefore the variance requested was the minimum needed.

Board voted 5-0 to find the variance application met this standard.

Motion made by Berthold to approve 14 foot setback variance. Seconded by Thistle. Condition added by Berthold that a retaining wall be constructed along the driveway adjacent to the neighbor's property line.

Roll call vote

Peter Berthold aye, Brenden McLaughlin aye, Audrey McCubbin aye, Eugene Neumaier aye, Don Thistle aye

Variance granted

**McCubbin motioned to adjourn, Seconded by Neumeier, passed 5-0.**