

To: Lodi Zoning Board of Appeals
From: Steve Tremlett, AICP, Zoning Administrator
Subject: 215 N Main Street, Kwik Trip, Variance Request
Date: July 16, 2025

Request

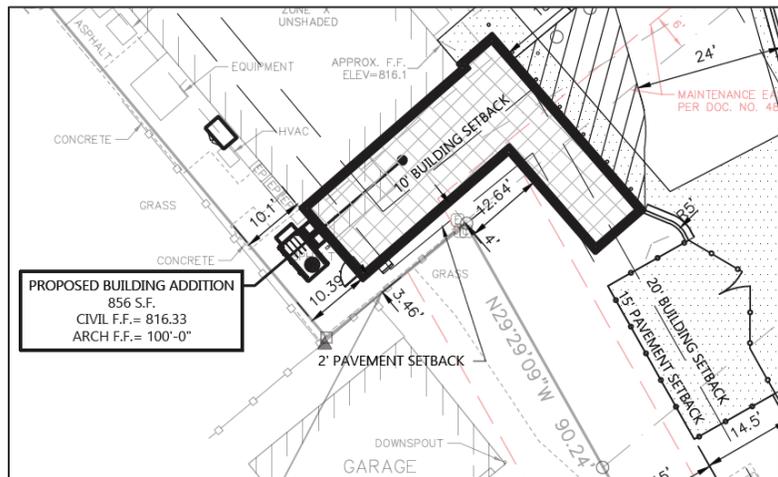
Kwik Trip Inc. is requesting variance to allow for a future approval of a proposed building addition located on property addressed 215 North Main Street (Parcel #11246-27.01 & #11246-26). The site is zoned C-3 Central Business Fringe; the existing gas station/convenience store is on subject parcel #27.01. Convenience stores are permitted uses while gas stations are a conditional use. The purpose of the variance request is to allow a reduction in the interior yard minimum setback requirements to construct a kitchen addition to the existing convenience store location along the southeastern side of the existing building.

The application and a site plan of the proposed improvements is attached to this memo.

Background Information

The property owners desire to construct an 856 sq ft kitchen expansion to the southeast of the existing structure. The irregular shape of the subject parcel(s) in relation to the adjacent parcel in this area prevents an expansion of the current building that fits within the current zoning district setback standards.

Rear Setback. The current existing structure has a legal non-conforming rear setback of 10.1 feet whereas the minimum rear setback for the district is currently 20 feet. **The applicant is asking to match the existing rear 10-foot setback of the existing Kwik Trip building.**

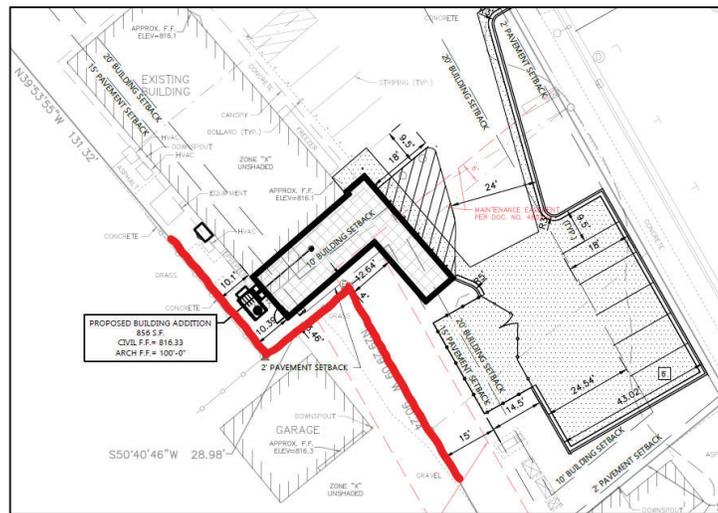


Interior/Side Setback. Due to the way the adjacent parcel is located/platted, a reasonable expansion meeting the interior/side setback standards of 10' is not practical. **The applicant is asking for a reduction to 3 feet due to the unique configuration of parcels in this area.**

Zoning Information. The parcel is currently zoned C-3 Central Business Fringe and is also within the Main Street Corridor, split between the 'Transition' and 'Downtown' sub-corridors. The current owners were granted a variance in 1990 for the currently reduced rear setback. The current district standards are as follows:

- Lot:
 - Minimum Size: 3,000 SF; Minimum Width: 20 feet
 - Maximum Lot Coverage: 35%
- Principal Structure:
 - Minimum Setbacks: 20 feet in front yard, 10 feet on the interior side yard, and 20 feet in the rear yard.
 - Maximum Height: 45 feet

Per Ordinance § 340-14J, the side yard of a nonresidential lot adjoining a residential district along its side lot line shall meet the side yard requirements of the adjoining residential district. The irregular shaped parcel (Parcel #11246-23) is currently zoned as R-2: Single and Two Family. The interior side yard setback for a two-unit is 8 feet, whereas the rear yard setback is 30 feet. The proposed 3.46 feet side yard setback maintained by the proposed building addition does not comply with these requirements. **The irregular shape of the parcel as it abuts the R-2 district is outlined in red in the diagram below.**



Additional Process. This request follows an effort to pursue a zoning text amendment to reduce the overall side and rear setback for the entire C-3 Central Business Fringe. Presently, many of the structures within the C-3 District do not conform to the side setback requirement and the text amendment sought to remedy that discrepancy. No action was taken on the zoning text amendment on June 3rd, 2025.

Applicable Zoning & Development Code Regulations

- Chapter 278-3A(7) Consistency with City plans. See Main Street Corridor Plan.
- Chapter 340-14 Lot size and yard dimensions.
- Chapter 340-20 Design guideline requirements.
- Chapter 340-33 C-3 Central Business District Fringe.
- Chapter 340-114, Variances.

Chapter 340-114.B Requirements

Chapter 340-114.B provides that no variance from the terms of this chapter shall be authorized unless ALL of the following facts and conditions exist. The recommended process is to review each criteria listed below and vote on each item if the condition is met to allow for the variance. Staff comments are in red.

(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.*

- Parcels 11246-26 and 11246-27 are relatively unique as the adjacent R-2 parcel provides an irregular shape that intrudes into the area provided for the proposed expansion of the current building facilities for the Kwik Trip. The shallower lot depth and irregular property line impede on the applicant's ability to expand the existing building in a more traditional way. The applicant has taken measures to address these issues in the site design to ensure continued use of the property. However, the expansion cannot safely happen within the current district standards and provide a workable kitchen area. An effort by the applicant was made to amend the zoning ordinance requirements, which resulted in no action by Plan Commission.

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

- The existing lot configuration predates the zoning regulations for the property. A variance was issued in 1990 for a reduced rear yard setback for the current convenience store building. While the applicants did purchase the additional property with these standards in place, the unique property configuration does not allow the expansion of the current building within the current district standards.

(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.*

- Of the 12 parcels zoned C-3 located in this district, nearly all are legal non-conforming regarding the side setback requirements. Preservation of property rights within these districts to allow for reasonable expansion within the current parcels would require maintaining the non-conforming setbacks and would most likely require a variance to be feasible. Expanding the current use on this lot would require the parcel to be completely redeveloped or the acquisition of a completely new parcel, both of which present an economic hardship per the applicant. Recently, an unsuccessful attempt was made to provide an amended zoning text that addressed the legal non-conforming status for many parcels in the district not meeting the side setback standards, as well as amend the rear setback requirement.

(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.*

- There is only one residential property (106/108 First Street) adjacent to the proposed expansion currently zoned R-2. The building on that parcel closest to the proposed expansion is an accessory structure that serves as a garage for the residential property. According to the applicant, the building separation maintained to the existing structure will exceed 10 feet and therefore, fire separation requirements are not needed per state requirements. That parcel currently abuts another C-3 Parcel co-owned by the City/Town of Lodi (205 N Main St) which is legal non-

conforming with the side setback. According to approximate measurements, that lot maintains a side setback of less than 5 feet where it abuts a driveway for the residential parcel.

- The owner of 106/108 First Street attended the Plan Commission public hearing regarding the text amendment. There was noted stormwater related concerns with the current development since the last improvement. At that time, the applicant noted this project could help to improve this condition in this proposed expansion project.

(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.*

- The lot configuration created by the adjacent parcels provides a unique situation whereby it is practically impossible to expand the current Kwik Trip facilities within the current district standards. A recent attempt to amend the zoning ordinance to remedy an issue for many of the C-3 lots resulted in no action by Plan Commission.

(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.*

- Per the applicant, the proposed expansion provides a necessary kitchen expansion to meet the needs of the store. The kitchen space indicated on the site plan is the minimum internal size needed to meet the safety requirements for safe and effective kitchen operation. If the parcel boundary were more uniform without the irregular shape of the abutting R-2 parcel, the proposed expansion could proceed while maintaining the existing side and rear setbacks of the current building.

Zoning Administrator Recommendation

If the Zoning Board of Appeals approves this variance request, I recommend the following conditions of approval:

1. Obtaining a Certificate of Zoning Compliance Permit along with Architectural Design Review approval for a Minor Project through the Zoning Administrator prior to obtaining a building permit.
2. Pursuing a lot combination through the Land Division process to consolidate all parcels relevant to this project into one parcel.
3. Obtaining a building permit from the City Building Inspector prior to the building project.

Sincerely,
MSA Professional Services, Inc.



Stephen Tremlett, AICP
Zoning Administrator

Enc: Kwik Trip Variance Application (06-12-2025)



June 12, 2025

Variance Narrative

Project Location:
215 North Main St.
Lodi, WI 53555

Kwik Trip Inc. is requesting Variance review and approval for a proposed building addition located on property addressed 215 North Main Street (Parcel #11246-27.01 & #11246-26). The site is zoned C-3 Central Business Fringe; the existing gas station/convenience store is on subject parcel #27.01. Convenience stores are a permitted use while gas stations are a conditional use.

The variance requires the following criteria for consideration in the narrative:

- 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) Preservations of property rights. Such variance is necessary for the preservation and enjoyment of the 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 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 the 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.

The following items are requested for variance:

Sec. 340-33. (F)(2) Minimum Rear yard setback: 20 feet. Plans show 10.1' requesting 10'.

Sec. 340-33. (F)(4) Minimum Interior side yard setback: 10 feet. Plans show 3.46' requesting 3'.

- 1) The variance request is based on Exceptional circumstances that are:
 - a. There are no other Fueling stations/ C-Stores in the near surrounding area/ block that are zoned C-3 Central Business Fringe.
 - b. Staff report indicated that the majority (13) of properties in the C-3 district do not meet the setback requirements. For this reason a Zoning Text Amendment was submitted to the Zoning Board of Appeals to update the code setbacks to conform with an updated setback. Approving this setback minimum allows the stepwise transition to the C-2 District (Downtown) which has no setback restrictions.
 - c. It should also be noted that the existing neighboring building to the southeast, owned by the City of Lodi encroaches onto the Kwik Trip parcel by 4" +/- . This shows there is a precedent for 0' setbacks in the area.
 - d. The length of time the current Kwik Trip has operated at this location; predates the updated City zoning regulations.
 - e. The property is bound on the north side by 2nd Street. Proposing an addition on this side of the store would be within the 20' street setback. The addition would also be detrimental to public safety due to the proximity of the ROW and, remove would remove valuable parking spaces from the site.
 - f. The addition which includes a kitchen, cooler and freezer is using a layout that conforms to the irregular shape of the lot, while allowing for a safe workspace for the Kwik Trip co-workers. The inside dimensions of a prototypical kitchen is 15'-8" wide by 32'-8" long. Because of unusual configuration of the lot the kitchen is required to be narrowed to 14'-2" and lengthened to 40'-2". This unique layout reduces the isle width from 4'-0" down to just over 3'-0". The Kwik trip management will not allow an isle width less than 3'-0" for the safety of the co-workers. By reducing the width of the kitchen, the kitchen could not be a safe environment.
- 2) The original Kwik Trip was constructed before the city adopted the 20' rear building setback. Kwik Trip received a variance in 1990 to complete an addition onto the building within the 20' setback to establish precedent. This plan matches the building alignment for the rear. The floor plan/ layout of the store as well as the parking and fueling stations to the NE make the proposed location of the addition the only feasible location. All remaining open space on the property will be used for internal circulation and maximizing parking stalls. The space remaining allows for storm drainage to be handled to properly drain the existing storm runoff to the street. The building separation from an existing structure exceeds 10', therefore fire separation requirements are not needed per State requirements.
- 3) Granting the requested variance from the sections mentioned above provides the minimum relief necessary to allow Kwik Trip to operate most efficiently. Currently the

store does not have the kitchen space available to keep up with the growing demand. Denial of the variance would unreasonably burden Kwik Trip's mission of serving their customers and community.

- 4) Kwik Trip has been a long-standing fixture in the community. The proposed addition is generally in line with the current developments along N Main Street. The design of the addition results in an increased side yard pavement setback as the existing pavement and dumpster enclosure abut the property line. Granting the requested variances will not negatively impact the public welfare, other properties, or the neighborhood.
- 5) The hardship of being bound on two (2) sides by public streets, irregular shaped parcels, and ingress/ egress easement leaves limited options for orderly and efficient expansion of the building. Furthermore, these hardships do not leave much space for safe and efficient parking and traffic circulation.
- 6) Kwik Trip requires a kitchen expansion to meet the needs of the store and ensure customers receive the service they expect. The proposed addition is the minimum internal size needed to meet kitchen layout requirements while still being efficient. Making the addition any smaller would cause the kitchen to be impractical and not safe for employees working at the store.

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 Zoning Board of Appeals (ZBA) 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.

Variance Request:

- Requires this form be submitted with the **\$800 application fee** to the City Clerk
- Requires one hard copy, and one digital version of the items listed in the list below
- City staff will publish a public hearing notice in the Lodi Enterprise and notify all property owners within 200 feet of the subject property.
- Please **allow 4-5 weeks for a hearing date to be set** and the notice to be published and mailed
- Requires applicant or their agent to attend ZBA meeting to explain need for the variance & to answer questions

If you have questions, please contact Steve Tremlett, Zoning Administrator, at (608) 242-6621 or stremlett@msa-ps.com.

Owner Name(s): KT Real Estate Holdings LLC	
Applicant Name (if different than above): Kwik Trip, Inc - Cody Flury	
Property Address: 215 N Main St	Parcel #: 11246-25, 11246-26, 11246-27.01
Applicant Address (if different than above): 1626 Oak St, La Crosse, WI 54602	
Applicant Phone: 608-793-4903	Applicant Email: cflury@kwiktrip.com
Property Zoning Designation: C-3	Property Use: Gas station with convenience store
Section(s) of Ordinance that Necessitates Variance Request: Section 340-33.(F)(2), Section 340-33.(F)(4)	

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:

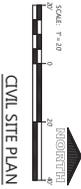
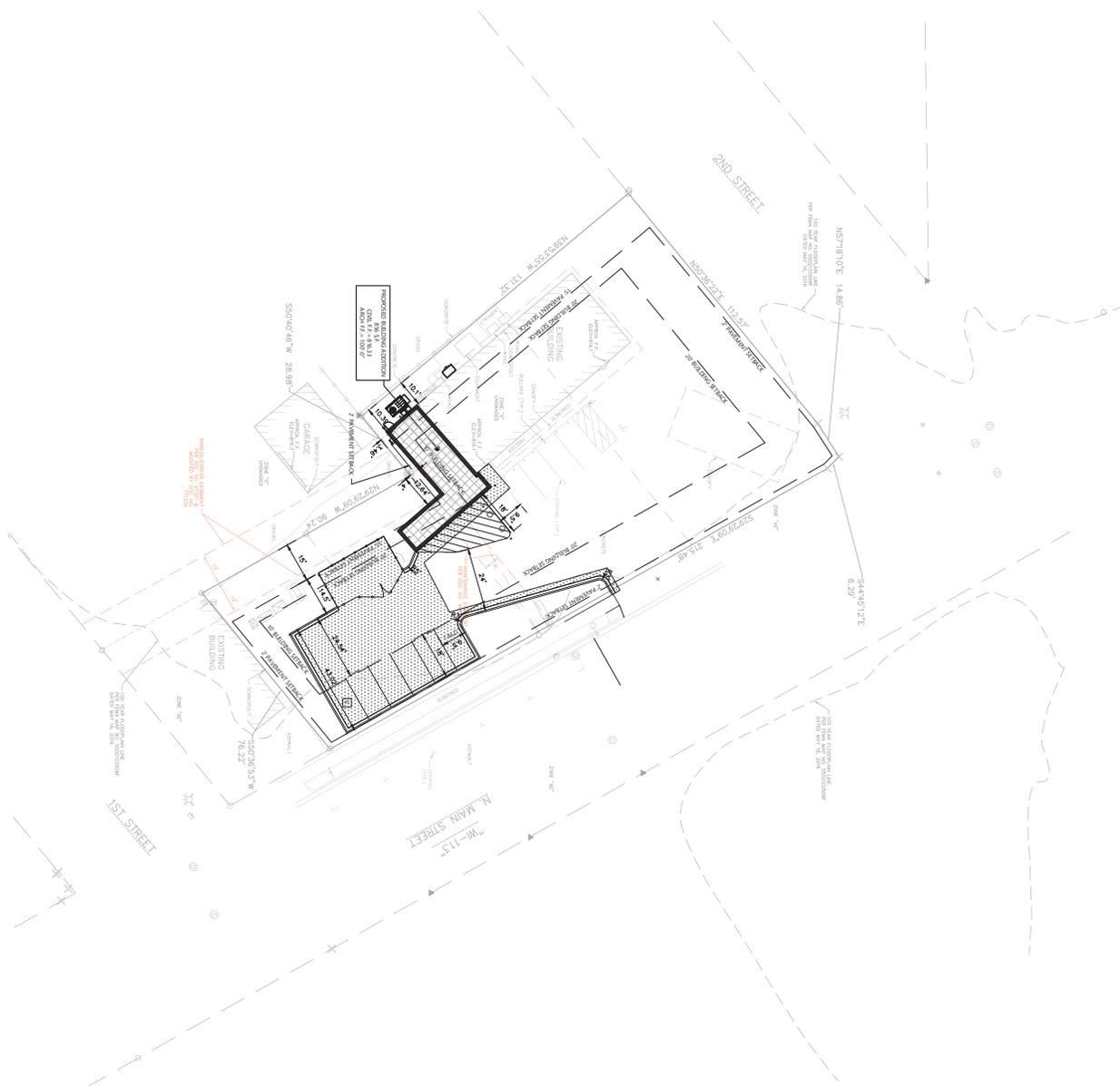
1. The characteristics of your property (size, dimensions, slope, soil, etc.) that necessitate the variance request.
2. How the site conditions discussed in #1 prevent reasonable use of your land under the terms of the zoning ordinance.
3. What modification(s) to the zoning requirements will allow for 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.

I (we) certify that all of the above statement and the statements contained in any papers or plans submitted herewith are true to the best of my (our) knowledge and belief. I (we) consent to the entry in or upon the premises described in this application by any authorized official of the City of Lodi for the purpose of securing information posting, maintaining and removing such notices as may be required by law

Applicant Signature: _____ **Date:** _____

Owner Signature: Cody Flury Agent for _____ **Date:** 4/4/2025

For Staff Use Only	
Date Received: <u>6/13/2025</u>	Amount Paid: <u>\$400⁰⁰</u>
Public Hearing Date:	Public Hearing Publication Dates (Class II):
Date Public Hearing Notices Mailed to Adjoining Property Owners:	
ZBA Decision: <input type="checkbox"/> Denied <input type="checkbox"/> Approved Subject to:	



CIVIL SITE PLAN

C100

JOB NUMBER
250002500

PRELIMINARY DATES
FEB. 18, 2025
MAR. 28, 2025
APR. 2, 2025

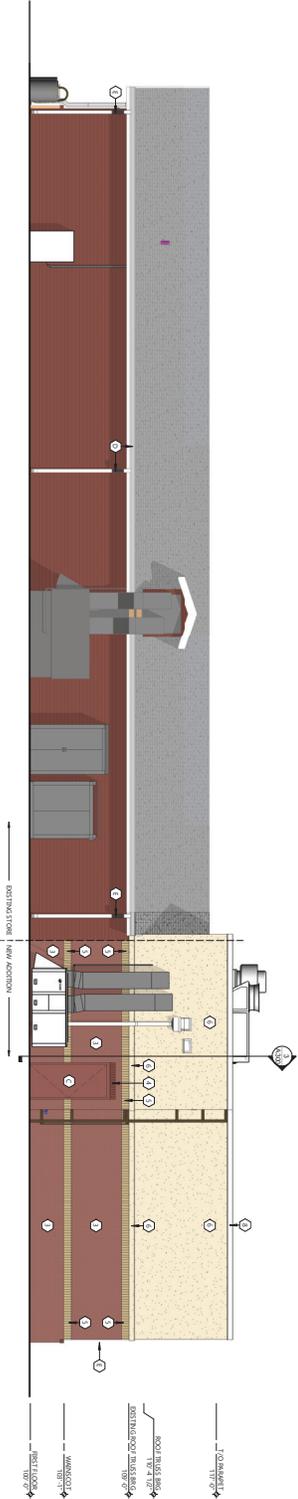
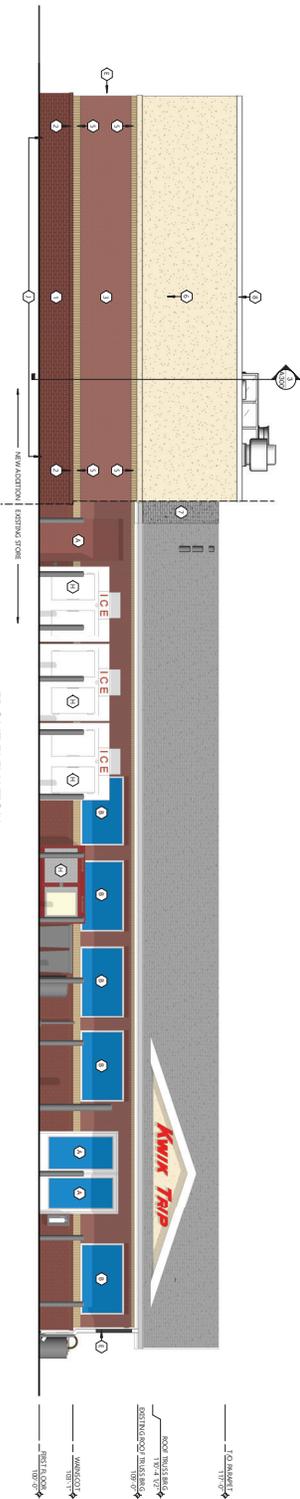
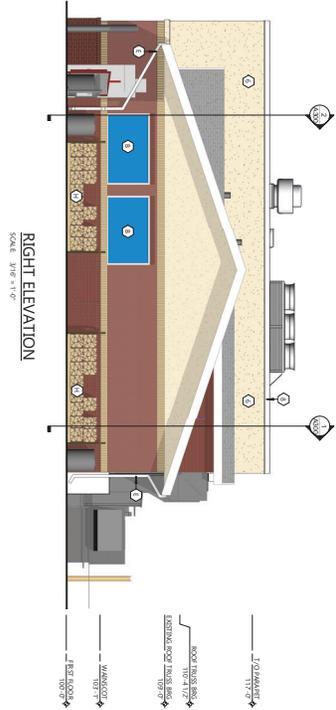
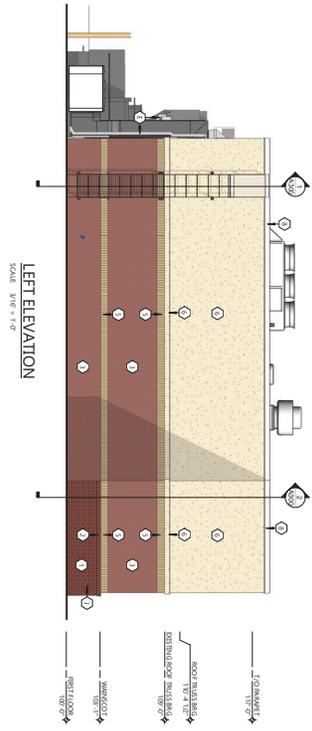


PROPOSED ADDITION & ALTERATION FOR:
KWIK TRIP # 635
215 NORTH MAIN ST • LODI, WI 53555

PROJECT INFORMATION



EXCEL
Always a Better Plan
100 Casswell Drive
Fond du Lac, WI 54605
920.829.8800
excelsolutions.com



EXTERIOR FINISH KEY

	WATER-RESISTANT BOARD / GUTTERS
	MANCH'S STAINLESS STEEL SCISSORING
	DESIGNATED MATERIAL COLORS
	ASPHALT / CONCRETE
	EXISTING ROOF
	EXISTING BRICK / CONCRETE COURSE

- EXTERIOR KEYNOTES**
- 1 DESTING DOOR AND FRAME TO REMAIN
 - 2 DESTING ALUMINUM STOREFRONT WINDOW FRAME AND GLAZING TO REMAIN
 - 3 NEW DOOR AND FRAME FINISH TO MATCH EXISTING WINDOW
 - 4 DESTING GUTTER AND DOWNSPOUT TO REMAIN
 - 5 NEW / RELOC TO DOWNSPOUT MATCH DESTING
 - 6 NEW SERVICE SIGN MOUNTING TO REMAIN
 - 7 DESTING SIGN MOUNTING TO REMAIN
 - 8 MANCH'S VINYL CONTROL JOINT SEE SHEET A203
 - 9 DESTING EXTERIOR MARCH MARCHESSE TO REMAIN
 - 10 NEW / RELOC TO EXTERIOR MARCH MARCHESSE
 - 11 PIPE ELEVATION (6'-0")
 - 12 WALL FINISH TO BE AT
 - 13 ALUMINUM WINDOW COIL AND BRACKETS TO REMAIN
 - 14 WINDOW FRAME FINISH TO MATCH EXISTING BRICK AND BRICK COURSE FINISH
 - 15 WINDOW FRAME

EXCEL
Always a Better Plan
 100 Chandler Drive
 Fond du Lac, WI 54605
 920.205.9800
 excel@excel.com

COLLABORATION

PROPOSED ADDITION & ALTERATION FOR:
KWIK TRIP STORE #635
 215 N MAIN STREET • LODI, WISCONSIN 53555

PROJECT INFORMATION

PRELIMINARY DATES

FEB. 18, 2025
MAR. 14, 2025
MAR. 26, 2025
APR. 2, 2025
APR. 4, 2025

REVIEW SET #2

JOB NUMBER
250002500

SHEET NUMBER
A200

