

City of Lodi
Board of Appeals Meeting
Minutes –July 29, 2025

Present: Devin Clark, Beau Lane, Peter Tonn

Excused: Ken Detmer, Nick Strasser

Staff Present: Steve Tremlett, MSA Zoning Administrator and Brenda Ayers, City Administrator

Others: Dawn Ziegler, Ryan Roberts, Shirley Caldwell, Cody Flury (virtual), Dean Schulz (virtual), Mike Goethel (virtual).

Ayers called the meeting to order at 5:30 PM in the Council Room at City Hall, 130 S Main, Lodi.

Roll was taken- Clark, Lane, and Tonn were present.

Election of Meeting Chair due to Absence of Chair. **MOTION** (Clark, Lane) to appoint Tonn as Chair. Roll call vote- Aye (Clark, Tonn, Lane). **Motion carried.**

Public Input. None.

Approval of Minutes from July 1, 2021. It was noted that the minutes needed further review and were not ready for approval.

Public Hearing to consider a request for a variance for Parcel(s) 11246-26 and 11246-27, 215 N Main Street. The purpose of the variance is to allow a reduction in the 10-foot side (interior lot) and 20-foot rear setback for the district. The setback distances requested with the variances would be a 3-foot side (interior lot) setback and a 10-foot rear setback for the district for the subject property. The primary reason for the variance is to allow the Kwik Trip convenience store to construct a kitchen expansion to the southeast of the existing building. MOTION (Clark, Lane) to open public hearing. Voice vote- all ayes. **Motion carried.** Public Hearing was opened at 5:34 p.m.

Tremlett gave an overview of the request for a variance in the rear setback from 20 foot to 10 foot and the side setback from 10 foot to 3 foot to accommodate an 856 square foot kitchen expansion to the southeast of the existing structure. Cody Flury, Kwik Trip, noted that they are requesting a minimum variance to accommodate an addition to better serve the community and make the kitchen safer for coworkers. He further noted that other properties in the district do not meet the existing setbacks. He also noted the intent to correct existing grading issues with the addition. Dean Schulz, Excel Engineering noted that they have looked at multiple options and the addition is the minimum size to enhance safety of coworkers working with fryers, etc. Ryan Roberts, local Store Leader, noted that food production at the store has increased from 50 units to 1,000 units per day and the expansion of the store is necessary to create a safe work environment for kitchen staff. He further noted that the expansion will enable the hiring of three new coworkers. **MOTION** (Clark/Lane) to close the public hearing after no further public comment. Voice vote- all ayes. **Motion carried.** The Public Hearing was closed at 5:45 p.m.

Discussion and Action on a Variance Request for Parcel(S) 11246-26 And 11246-27, 215 N Main Street. Ayers reviewed the role of the City of Lodi Board of Appeals members pursuant to City Ordinance 340-113 and further noted the consideration of facts and conditions from City Ordinance 340-114.B.

Tremlett noted that prior acting upon an application for a variance, other avenues to address the issue must be considered. On June 3, 2025, the Plan Commission considered a zoning text amendment for the C-3 Central Business Fringe but was unable to obtain the votes necessary to approve the amendment. Tremlett reviewed his staff report dated July 26, 2025 including his opinion that the variance request met conditions 1-6 of Section 340-114.B of the Zoning Code. Tremlett indicated that if approved, he recommended the following conditions: 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.

Board members raised concerns regarding firewall requirements with the reduced setbacks. Dean Schulz reported that the proposed addition will meet International Building Code requirements. Further concerns were raised about the expansion of existing and new structures on neighboring properties in the future which would require a firewall due to the reduced setback.

It was noted that the intent of the C-3 zoning is to provide a transition from the downtown core area. Tremlett noted that the setback requirements in C-1 zoning is the same as C-3 except an additional 5 feet for the front yard and C-2 zoning has no setback requirements.

The Board considered the six requirements of Chapter 340-114.B.:

- 1) **Exemption circumstance. MOTION** (Lane, Clark) that conditions of Chapter 340-114.B(1) Exceptional Circumstances have been met as noted in MSA's memo dated 7-16-2025. Roll call vote- Aye (Lane, Clark, Tonn); Nay (0). **Motion carried.**
- 2) **Natural causes. MOTION** (Lane, Clark) that conditions of Chapter 340-114.B(2) Natural Causes have been met as noted in MSA's memo dated 7-16-2025. Roll call vote- Aye (Tonn, Lane, Clark). **Motion carried.**
- 3) **Preservation of property rights.** Clark expressed concern about the height of the proposed addition relative to the setback reduction. Tremlett noted that he height concern could be addressed in the site plan review in the future. Tonn expressed concern about the impact on neighboring properties because the setback reduction would require new buildings to have a firewall. **MOTION** (Lane, Clark) that conditions of Chapter 340-114.B(3) Preservation of Property Rights have been met as noted in MSA's memo dated 7-16-2025. Roll call vote- Aye (Clark, Lane); Nay (Tonn) **Motion carried.**
- 4) **Absence of detriment. MOTION** (Lane, Clark) that conditions of Chapter 340-114.B(4) Absence of Detriment have been met as noted in MSA's memo dated 7-16-2025. It was noted that neighboring property owners have raised concerns regarding current stormwater issues. Similar to item 3, the concern about the impact of the setback reduction on future construction on neighboring properties relating to firewall requirements. Roll call vote-Aye (Clark); Nay (Lane, Tonn). **Motion failed.**
- 5) **General nature. MOTION** (Lane, Clark) that conditions of Chapter 340-114.B(5) General Nature have been met as noted in MSA's memo dated 7-16-2025. It was noted that an attempt to amend the zoning ordinance resulted in no action by the Plan Commission. Roll call vote- Aye (Clark, Lane, Tonn); Nay (0).
- 6) **Minimum variance required.** It was noted that the applicant has requested the minimal amount

of space to meet kitchen safety requirements. **MOTION** (Lane, Clark) that conditions of Chapter 340-114.B(6) Minim Variance Required have been met as noted in MSA's memo dated 7-16-2025. Roll call vote- Aye (Lane, Clark, Tonn,); nay (0). **Motion carried.**

MOTION (Tonn, Lane) to deny the variance because only 5 of the 6 requirements were deemed to be met. Roll call vote- Aye (Tonn, Lane, Clark); Nay (0). **Motion carried.**

The next meeting date was set for Tuesday, Sept 9 at 5:30 pm

Adjourn. MOTION (Clark, Lane) to adjourn. Voice vote-all ayes Meeting adjourned at 6:49 p.m.

Minutes by Brenda Ayers, City Administrator

DRAFT