



COLUMBIA COUNTY

Planning and Zoning Department

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112 E. Edgewater Street
Portage, WI 53901

Public Hearing Item 1: Variance Consideration

Board of Adjustment • December 10, 2025

<u>Variance Request To:</u>	Table 12.110.03(1) Parcel and Building Standards in Residential Zoning Districts
<u>Property Owner(s):</u>	Ker Trust Dated 1/21/2025
<u>File Number:</u>	2025-010
<u>Property Location:</u>	SE-NW, Sec. 5, T10N, R8E
<u>Town:</u>	Lodi
<u>Parcel(s):</u>	11022-153
<u>Site Address:</u>	N2814 Summerville Park Rd
<u>Current Zoning District(s):</u>	R-1, Single Family Residential

Background:

The subject property has been under the ownership of the Ker Trust Dated 1/21/2025 since January 22, 2025 (Exhibit E). The trustees are Jon and Jennifer Hermes, who have owned the property since May, 2017 (Exhibit F). The property is 8,150 sq. ft. or 0.19 acres in size. The property is described as Lot 39 of Summerville Park (Exhibit K). The zoning for the property is R-1, Single Family Residential (Exhibit H). The property is shoreland, as it fronts on Lake Wisconsin. Shoreland requirements apply to this property. This property is located in the floodway portion of the flood plain along the shoreline. There are no wetlands located on the property (Exhibit I).

Currently there is a single-family residence, a detached garage, and a boathouse on the property. There are also four decks in the following locations: back of the detached garage, front of the single-family residence, rear of the single-family residence, and a lake deck (Exhibits B, C, G, & V). The single-family residence is 788 sq. ft. and 30 ft. in height. The detached garage is 660 sq. ft. in size. Finally, the boathouse is 453 sq. ft. in size. The existing single-family residence is 80 ft. from the centerline of Summerville Park Rd., 62 ft. from the right of way, 67 ft. from the rear property line, five (5) ft. from the east side property line, 15 ft. from the west side property line, 67 ft. from the Ordinary High-Water Mark (OHWM) of the Lake Wisconsin, and 1,472 ft. from the nearest wetland. For additional details on the other structures please see the zoning inspection report (Exhibit O). The existing building lot coverage is 1,883 sq. ft. or 23.10% (Exhibits B & V). Existing impervious surfaces are 5,063 sq. ft. or 62.12% (Exhibits V & W). There does appear to be a discrepancy in the numbers calculated by the contractor and the numbers calculated by Planning & Zoning Staff. For existing building lot coverage only the single-family residence, detached garage, and boathouse were used in the calculation.

The area was platted back in 1919 (Exhibit K). Development in the area started around the 1955 based on air photos from that time frame. First time development in the area the existing single-family residence is 1968 (Exhibit L). Zoning permit 1990-LO-065 was approved for a second story addition (Exhibit M). Variance 1992-013 was granted for the detached garage to be placed where it is (Exhibit N). No corresponding zoning permit is on file. In 1993 variance 1993-078 was approved for the construction of the boathouse (Exhibit O). Zoning permit 1994-LO-002 is the corresponding permit authorizing the construction based on the variance

approval (Exhibit P). Replacement of the lake deck, converting it from two decks to one deck was approved under Variance 2022-004 and zoning permit 23-343 (Exhibits Q & R). Zoning permit 24-410 allows the replacement of the breaker wall along the shoreline (Exhibit S), and zoning permit 24-411 is the floodplain approval for that same wall (Exhibit T). The property is connected to the Harmony Grove/Okee Sanitary District.

The property owners are proposing to remove the deck on the back of the detached garage and the front deck on the single-family residence. They would then like to place a 14 ft. x 26 ft. x 23 ft. or 365 sq. ft. addition on the front of the existing single-family residence. The existing detached garage and the boathouse would remain on the property. The addition would have the following setbacks: 64 ft. from the centerline of Summerville Park Rd., 47 ft. from the right of way, 100 ft. from the rear property line, eight (8) ft. from the east side property line, 15 ft. from the west side property line, 100 ft. from the OHWM of Lake Wisconsin, and 1,458 ft. from the closest wetland. The proposed building lot coverage is 2,248 sq. ft. or 27.58% and proposed impervious surface coverage is 4,768 sq. ft. or 58.50% (Exhibits V & W). The property owners have submitted a zoning permit application for the addition (Exhibit U). The overall slope for the property is 21%. The slope along the shoreline increases to 42% (Exhibit J).

A variance to Table 12.110.03(1) is required to construct the addition as proposed.

Town Recommendation:

The Town of Lodi has reviewed the variance request and recommends approving the variance.

Analysis:

This property is zoned R-1, Single-Family Residential and is a shoreland property. Shoreland requirements do apply to this property as it fronts on Lake Wisconsin. A portion of the property is located in the floodway portion of the flood plain. This is at the shoreline and will not affect the location of the addition. No wetlands are located on the property.

The property is Lot 39 of Summerville Park. As you can see on the plat the property fronts on Summerville Park Rd. and Lake Wisconsin. The property is only 50 ft. in width and qualifies for reduced side property setbacks per Section 12.140.03(12). Lots that are 50 ft. wide have a cumulative side property setback of 16 ft. 8 in., with the smallest setback being 6 ft. 8 in.

The existing single-family residence is considered to be a legal nonconforming structure to the Zoning Code (12.100) as it does not meet current side property setbacks. The existing single-family residence has a cumulative setback of 20 ft. However, the existing single-family residence is only five (5) ft. from the east side property line and not the required 6 ft. 8 in. The existing single-family residence is legal nonconforming to the Shoreland Wetland Protection Ordinance (12.500). The existing single-family residence does not meet the required 75 ft. setback to the OHWM of Lake Wisconsin as it is only 67 ft. from the OHWM. The property is legal nonconforming to the Zoning Code. The property does not meet the building lot coverage standard. The maximum area permitted for buildings on property in the R-1 zoning district is 20% or 8,712 sq. ft. whichever is less. In this instance 20% or 1,630 sq. ft. is less. Current building lot coverage for the property is 1,883 sq. ft. or 23.10%. The amount of impervious surface area on the property is in compliance with Section 12.535.06 that allows a property to maintain the amount of impervious surfaces that existed when the impervious surface requirement was introduced. Maximum impervious surfaces are 30% or 2,445 sq. ft. Current impervious surfaces are 5,063 sq. ft. or 62.12%.

The existing single-family residence was built in the 1960's time frame. The Town of Lodi adopted County Zoning in 1961. A second story addition was permitted in 1990. The detached garage was completed in 1992 and the boathouse in 1994. Variances were granted for both the detached garage and the boathouse. Building

lot coverage standards were introduced in 2012 after all three buildings were already on the property. Impervious surface requirements introduced in 2016 after all surfaces are believed to have been in place. The proposed addition will meet all required setbacks and can be permitted under Section 12.135.04(1)(c). The proposed addition will further exceed the building lot coverage standard. However, the proposed work will bring the property more in conformance with the impervious surface requirements.

Section 12.125.10 defines the minimum standards of a single-family residence. Those minimum standards are that the narrowest dimension of the building shall not be less than 24 ft. Minimum floor area shall be at least 600 sq. ft. excluding any attached garage, carport, or open deck. Roof pitch on the main body shall be at least three feet in rise for every 12 feet of run. Dwelling must be attached to a finished or permanent foundation. The existing single-family residence meets all of these standards.

In 2012, Columbia County adopted a Building Lot Coverage Standard that states that the maximum building coverage (the percentage of lot covered by all buildings) cannot exceed 20% or 8,712 sq. ft., whichever is less. The purpose of setting a building lot coverage within the zoning ordinance was to allow for adequate storm water infiltration, groundwater recharge and to minimize potential flooding in areas. Currently, any increase above that number within the Single-Family Residential District could be seen as a potential risk to those purposes and requires a variance. Unless adequate storm water management measures or other mitigation measures are implemented to accommodate for the increase in building coverage, a variance is unlikely. On September 21, 2016 the County adopted the new NR 115 Shoreland Standards, which now has established limits on the amount of impervious surfaces. The maximum impervious surface percentage for a riparian lot or parcel or a non-riparian lot or parcel located entirely within 300 feet of the ordinary high-water mark of any navigable waterway shall be 15%. A property may exceed the impervious surface standard under Section 12.535.03 up to 30% impervious surface, provided a permit is issued for development with a mitigation plan that meets the standards of Section 12.555.

An Impervious Surface is defined as: An area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Public roadways as defined in s. 340.01(54) or public sidewalks as defined in s. 340.01(58) are not considered impervious surfaces.

Because this project is also within the Shoreland Zoning District, it can allow up to 30% impervious surfaces on the lot when proper mitigation techniques are implemented. The 30% could be entirely in buildings, or a combination of other impervious surfaces which conflicts with the Zoning Code that sets the limit to 20% building lot coverage, with no options for mitigation. In this instance Section 12.535.06 allows for the property to maintain the existing impervious surfaces of 5,063 sq. ft. or 62.12%.

Staff calculated the proposed building lot coverage to be 2,248 sq. ft. or 27.58% and the total impervious surfaces to be at 4,768 sq. ft. or 58.50% (Exhibits V & W). No mitigation is currently required as there is a reduction in the amount of impervious surfaces that are proposed.

Requested Variance Table			
<i>Variance Request</i>	<i>Section of Ordinance</i>	<i>Requirement</i>	<i>Request</i>
Variance Request A	Table 12.110.03(1): Parcel and Building Standards in Residential Zoning Districts	Maximum building lot coverage is 20%	Exceed Maximum building lot coverage by 618 sq. ft. or 7.58%

Standards for Review:

1. ***Unnecessary Hardship.*** Unnecessary hardship is a situation where, in the absence of a Variance, an owner can make no feasible use of a property, or strict conformity is unnecessarily burdensome. In most cases, if a property is already developed and has an established use a hardship will not exist. Hardship must be peculiar to the zoned parcel in question and different from other parcels, not one which affects all parcels similarly. Loss of profit or financial hardship is not in and of itself grounds for a Variance. The fact that developing in compliance with the ordinance requirements may cost considerably more, does not constitute a hardship. Self-imposed hardship is not grounds for a Variance. When conditions giving rise to the need for a Variance were created by the property owner or former owner the hardship is self-imposed.
 - a. Staff Observation
 - i. This is an area variance request as it is dealing with a dimensional, physical, or locational requirement of the ordinance.
 - ii. Building lot coverage is not regulated by shoreland zoning and can be regulated through the zoning code.
 - iii. The property owner is permitted to remain at the current building lot coverage of 1,883 sq. ft. or 23.10% that currently exists.
2. ***Unique Property Limitation.*** Unique physical characteristics of the property, not the desires of, or conditions personal to the applicant, must prevent the applicant from developing in compliance with the zoning ordinance. Such limitations may arise due to steep slopes, wetlands, or parcel shape that limits the reasonable use of the property.
 - a. Staff Observation
 - i. Applicant circumstances such as a growing family or need for larger space should not factor in decision.
 - ii. Lots 39-45 of the Summerville Park Plat are all of a similar size.
 - iii. Slope of the property
 1. Over all 21%
 - a. Existing single-family residence is built to fit the slope
 2. At the shoreline 42%
3. ***Protection of the Public Interest.*** Granting of a Variance must neither harm the public interest, nor undermine the purposes of the ordinance. In granting a Variance, the Board may attach special conditions to ensure that the public welfare will not be damaged. Such conditions must relate reasonably to the purpose and intent of the ordinance. Also, any Variance granted should include only the minimum relief necessary to allow reasonable use of the property.
 - a. Staff Observation
 - i. Proposed addition will meet all other dimensional requirements of the ordinance.
 - ii. Reducing the overall amount of impervious surfaces on the property.

Recommendation:

Recommended Findings of Fact:

1. Ker Trust is the owners of the subject property.
2. The property is 8,150 sq. ft. or 0.19 acres in size.
3. The property is described as Lot 39 of Summerville Park Plat.
4. The property fronts on Summerville Park Rd. and Lake Wisconsin.
5. The property currently contains an existing single-family residence, a detached garage, a boathouse, and four decks.
6. The existing single-family residence is 788 sq. ft. in size.
7. The existing detached garage is 660 sq. ft. in size.
8. The existing boathouse is 453 sq. ft. in size.
9. The existing building lot coverage is 1,883 sq. ft. or 23.10%.

10. Maximum building lot coverage allowed is 1,630 sq. ft. or 20%.
11. Existing property is legal nonconforming to building lot coverage standard.
12. The existing impervious surfaces are 5,063 sq. ft. or 62.12%%.
13. The proposed addition is 14 ft. x 26 ft. or 365 sq. ft.
14. The proposed building lot coverage is 2,248 sq. ft. or 27.58%.
15. The proposed impervious surfaces are 4,768 sq. ft. or 58.50%.
16. The proposal requires a variance of 618 sq. ft. or 7.58% greater than the maximum allowed for building lot coverage.

Recommended Conclusions of Law:

1. The Board of Adjustment must determine if an unnecessary hardship exists or building in conformance with the ordinance causes an undue burden.
2. The Board of Adjustment must determine if there is a unique property limitation.
3. The Board of Adjustment must determine if public interest is not negatively impacted if a variance were to be approved at the current time.

Recommended Decision:

Should the Board of Adjustment decide to grant the variance for the deck only; staff further recommends that the Board, as part of any motion to approve that might be offered, specifically adopt the above-recommended findings of fact and conclusions in support of its motion, and that a variance, if approved, be subject to the following conditions:

1. Development of the property shall be in compliance with the approved site plan, regarding locations and setbacks of proposed structures, as determined by Staff in Exhibit B.
2. Construction can commence once all applicable permits from the State, County, and Town are obtained.
3. A foundation survey will be a requirement of the zoning permit.
4. The variance must be initiated by securing a zoning permit within one year of approval, failure to do so will render the variance void.

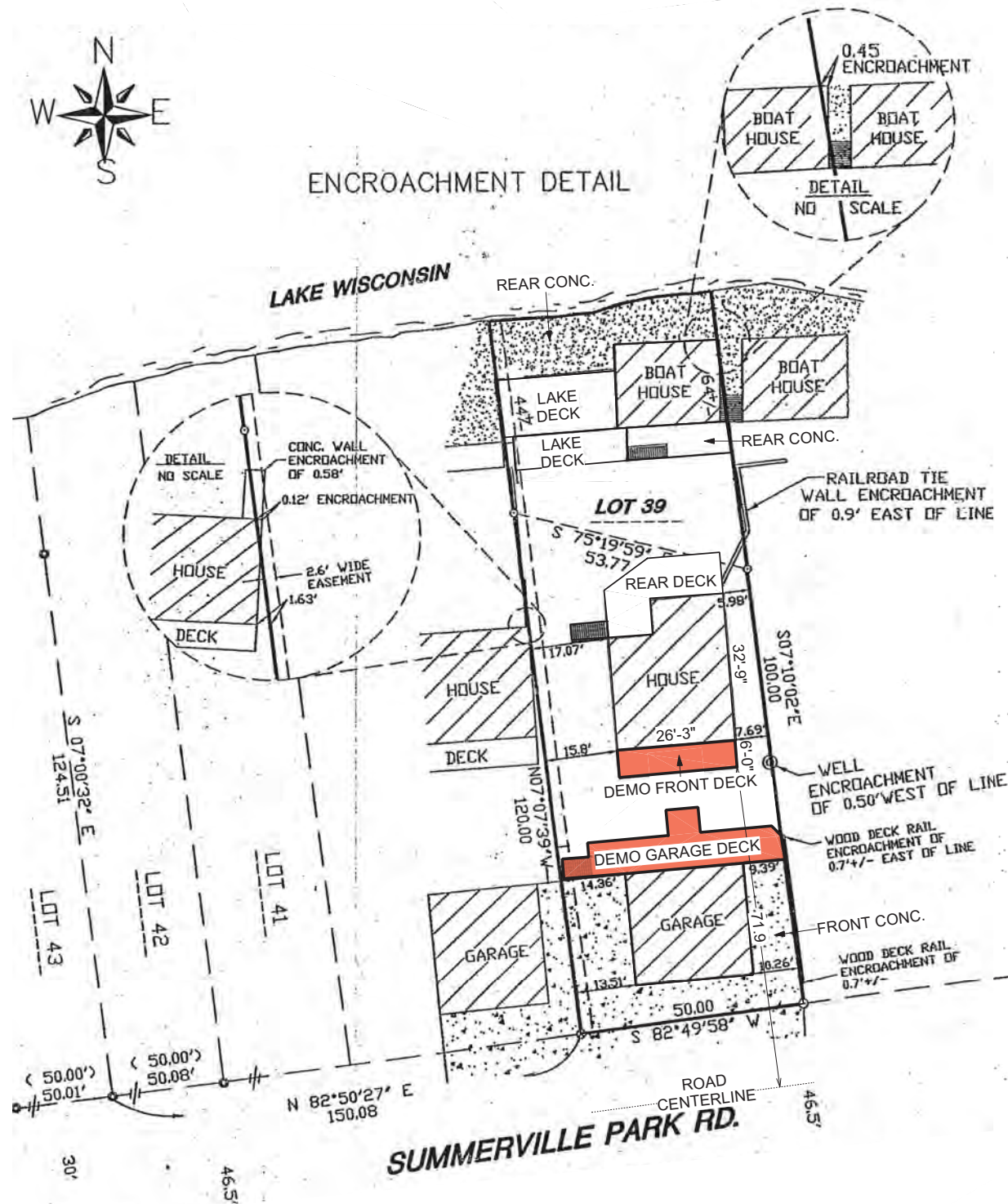


Kenneth Thiele
Senior Zoning & Sanitary Specialist

Attachments:

Exhibit A – Variance Application	Exhibit M – Zoning Permit 1990-LO-065
Exhibit B – Site Plan	Exhibit N- Variance 1992-013
Exhibit C – Plat of Survey 8/7/2025	Exhibit O – Variance 1993-078
Exhibit D – Building Plans	Exhibit P – Zoning Permit 1994-LO-002
Exhibit E – 2025 Deed	Exhibit Q – Variance 2022-004
Exhibit F – 2017 Deed	Exhibit R – Zoning Permit 23-343
Exhibit G – Air Photo	Exhibit S – Zoning Permit 24-410
Exhibit H – Zoning Map	Exhibit T – Zoning Permit 24-111
Exhibit I – Floodplain and Wetland Map	Exhibit U – Zoning Permit Application 7/11/2025
Exhibit J – Topographic Map	Exhibit V – Zoning Inspection Report 9/19/2025
Exhibit K – Summerville Park Plat	Exhibit W – Impervious Surface Worksheet
Exhibit L – Historic Air Photos	9/19/2025

cc: Ker Trust Dated 1/21/2025 – Owner(s)
Town of Lodi
Kurt Calkins – Director of Land Resources, Columbia County
Zoning Board of Adjustment Members

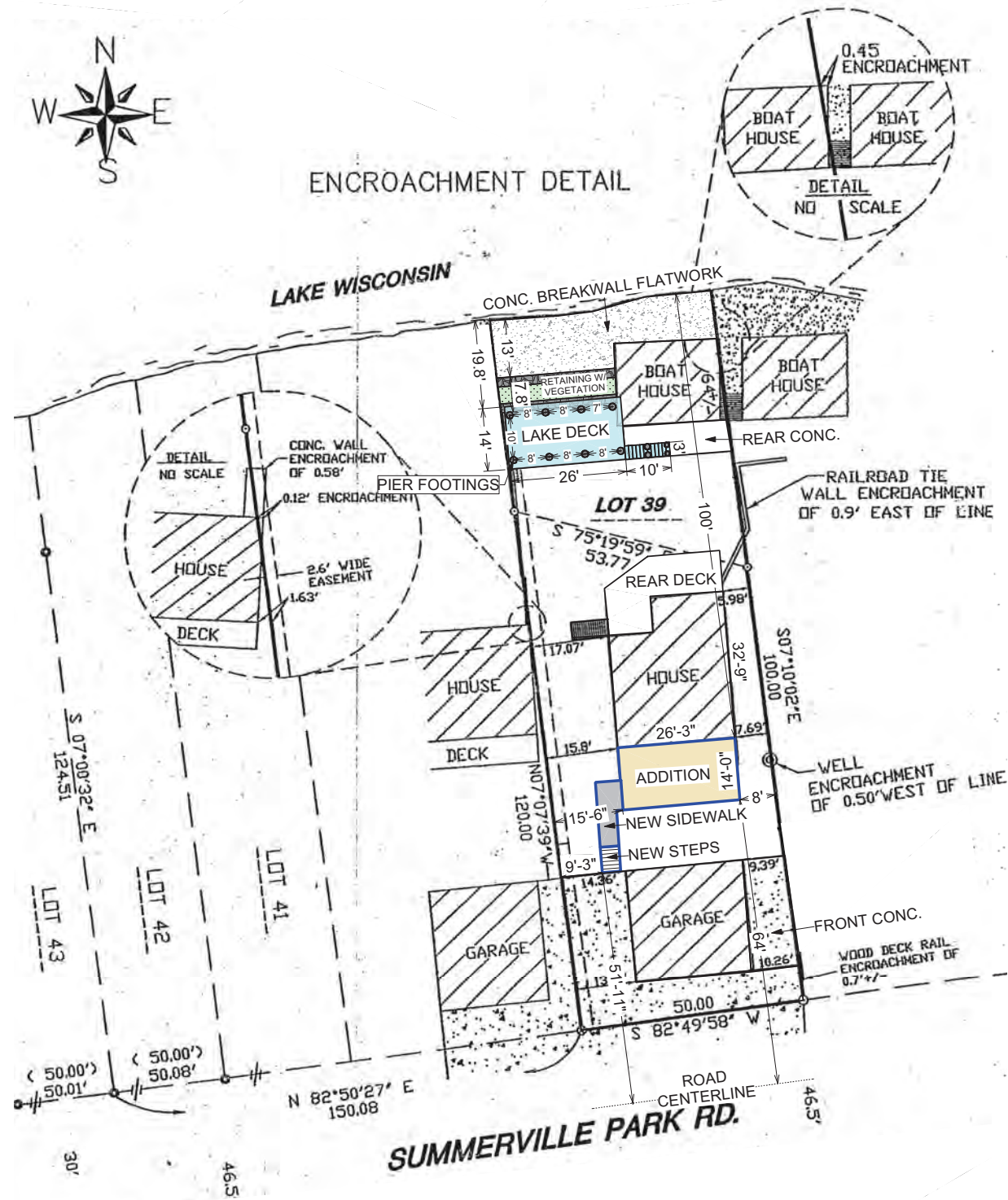


8,150	LOT SIZE (SQ FT)
EXISTING IMPERVIOUS (SQ FT)	
788	HOUSE
660	GARAGE
435	BOAT HOUSE
1016	FRONT CONC.
396	GARAGE DECK
158	FRONT DECK
311	REAR DECK
519	LAKE DECKS
742	REAR CONC.
5,025	TOTAL
61.66%	RATIO

EXISTING BUILDING COVERAGE (SQ FT)
2,156.49 = 26.5%

EXISTING SITE PLAN

SCALE: 1/16" = 1'-0"



8,150	LOT SIZE (SQ FT)
FINAL IMPERVIOUS (SQ FT)	
788	HOUSE
660	GARAGE
435	BOAT HOUSE
1016	FRONT CONC.
311	REAR DECK
322	LAKE DECK
165	REAR CONC.
573	BREAKWALL FLATWORK
365	NEW ADDITION
24	NEW GARAGE STEPS
71	NEW SIDEWALK
4,730	TOTAL
58.04%	RATIO

FINAL BUILDING COVERAGE (SQ FT)
2,247.77 = 27.58% (PER COUNTY CALCS)

FINAL SITE PLAN

SCALE: 1/16" = 1'-0"

DATE	DESCRIPTION
06/03/25	SITE PLAN
06/30/25	UPDATED SITE PLAN
08/07/25	UPDATED SITE PLAN
08/19/25	UPDATED SITE PLAN
08/26/25	08/26/25
08/26/25	08/26/25