

**BOARD OF ADJUSTMENT MINUTES
JANUARY 11, 2017**

PRESENT: Helen McDonald-Rawson, Bernard Spink, Alan
Kaltenberg, Roger Wetzel

ABSENT: William Gretzinger

STAFF: Randy Thompson – Planning & Zoning Administrator
Kenneth Thiele – Zoning & Sanitary Specialist
Lauren Ramirez – Office Administrator

1:30 PM

1. View Sites

3:00 PM

2. Helen McDonald-Rawson called the meeting to order
3. Certification of Open Meeting Law
4. Roll Call was taken and a quorum declared present
5. Approval of Agenda
6. Public Hearing

**Item I Variance Consideration – Road Setback, Stephen Petrakis, Owner and
Peter Zembrowski, Applicant – Town of Lodi**

Kenneth Thiele reviews Staff Report. He explains the subject property has a single family residence that is 62' x 26' in size with 1,092 sq. ft. of living space. The remaining 520 sq. ft. is the existing garage. The residence is currently 71' from the Ordinary High Water Mark (OHWM) of Lake Wisconsin and 89' from the center line of Bayview Drive. There is a 42' x 10' wooden deck attached to the South side of the house. Current impervious surface for the property surface of the property is 28.73% and current lot coverage is 14.8%. The applicant has owned the property since 2006. The applicant is proposing to convert the existing garage into living space and to attach a new 26' x 20' garage onto the North West side of the existing residence. The garage addition would meet the highway setback of 63' but would not meet the right of way setback of 30' due to Bayview Dr. being located on the northern side of the right of way. As such the applicant is requesting a 7' variance to the required road right of way setback. He explains there is unnecessary hardship present as additions are able to be completed and still meet zoning requirements. Due to this, he explains the Staff does not recommend approval of this variance.

Peter Zembrowski – (Applicant) was present and sworn in.
3902 Milwaukee Street
Madison, WI 53708

Helen McDonald-Rawson asks if the Petitioner has anything to add.

Peter Zembrowski explains there are hardships, as the property owners need this house for retirement. If they cannot build this addition, they will have to sell. He explains when he came in first and looked at the Plat Book, he was more concerned about meeting the 65' setback, as the lines showed.

Peter Zembrowski asks if we received endorsements from Town of Lodi.

Randy Thompson replied we received a recommendation for approval from the Town.

Peter Zembrowski explained many neighbors sent in approval letters to Town of Lodi of their personal approvals. He also added another reason other building options are not reasonable is cost.

Helen McDonald-Rawson asks if there are any other questions.

Alan Kaltenberg asks to clarify how far from Right of Way is this.

Kenneth Thiele explains he would be 23 feet from Right of Way, and clarified that in the plat, it does not show the actual Center Line.

Peter Zembrowski added that if this were on the Plat Map, he would meet this setback.

Kenneth Thiele stated that if the road were centered, they'd be 56 feet from the Center Line.

Randy Thompson added either way, they would still need a variance.

Bernard Spink asked what size of garage they are adding.

Peter Zembrowski explained the same size 26' x 20', so coming out 20 feet, and added there will be no extra plumbing.

Kenneth Thiele confirmed there is no concerns for sanitary because they are hooked up to a sanitary district.

Helen McDonald-Rawson asked if Town were to take care of resurfacing the road, would they be straightening it out.

Kenneth Thiele answered that it would be up to contractor/town and cost. He added that if the road were corrected, he'd be 56 feet, not 63 feet from Right of Way.

Roger Wetzel commented the possibility of changing the road is low.

Bernard Spink questioned how far away back deck is from Ordinary High Water Mark.

Peter Zembrowski stated that it is 61 feet.

Kenneth Thiele confirmed that there is a Zoning Permit for this and it was not an issue.

Roger Wetzel questioned why the denial recommendation.

Kenneth Thiele responded that there are other options to build on this house that would not require a variance, such as a smaller garage.

Peter Zembrowski commented that smaller is not an option, because they wouldn't be able to fit everything in the garage then, such as Property Owner's boat/trailer. They need the extra living space from the current garage because Owners are retiring and will need extra space for grandchildren as well.

Randy Thompson added that the Zoning Staff and Board is required to stick with legal aspects of approving variance. He reviews what qualifies as an "unnecessary hardship" and explains that the owner has feasible use of the property and there are other ways of achieving this while staying within requirements given. He states that we must adhere to the strict guidelines when considering variances.

**Motion by Bernard Spink to deny variance for
"Road Setback" as presented including the findings of fact, conclusions,
decisions and conditions of the staff report.**

Seconded by Alan Kaltenberg.

Motion carried, unanimously.

**Alan Kaltenberg – Yes, Bernard Spink – Yes, Norm Wills – Yes, Helen
McDonald-Rawson – Yes**

Peter Zembrowski asks if this is appealable.

Randy Thompson confirms this is appealable in a circuit court.

7. Close Public Hearing

Motion by Roger Wetzel to close public hearing.

Seconded by Bernard Spink.

Motion carried unanimously.

8. Approval of Minutes

**Motion by Helen McDonald-Rawson to approve Minutes of November 9, 2016
& Board of Adjustment Regular Meeting & Public Hearing.**

Seconded by William Gretzinger.

Motion carried unanimously.

9. Adjourn

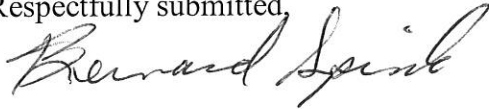
Motion by Bernard Spink to adjourn meeting.

Seconded by Helen McDonald-Rawson.

Motion carried unanimously.

Meeting adjourned at 4:53 pm.

Respectfully submitted,



Bernard Spink, Acting Secretary
Board of Adjustment



Recording Secretary
Lauren Ramirez, Administrative Assistant

cc: Board of Adjustment Members
County Clerk
Vern Gove, County Board Chair
Mary Cupery, County Board Vice Chair