

**BOARD OF ADJUSTMENT MINUTES
JANUARY 13, 2016**

PRESENT: Norm Wills, Roger Wetzel, William Gretzinger, Bernard Spink, Helen McDonald-Rawson (1st alternate)
Alan Kaltenberg (1st alternate)

STAFF: Randy Thompson – Planning & Zoning Administrator
Renee Pulver – Land Use Specialist
Susan Runnion – Office Administrator

Site visits were conducted at various times by Norm Wills, Roger Wetzel, Bernie Spink prior to meeting.

3:00 PM

1. Norm Wills called the meeting to order
2. Certification of Open Meeting Law
3. Roll Call was taken and a quorum declared present
4. Approval of Agenda
5. Public Hearing

Item I Variance Consideration – Water Setback, Road Setback, Amplification Device and Staging Location, Luckys Okee Real Estate LLC/Rodney Ripley, Owner and Applicant – Town of Lodi

Rodney Ripley – (Owner and Applicant) was present and sworn in.
W11579 CTH V Apartment 1
Lodi, WI 53555

Randy Thompson reviews the Staff Report. He explains the proposal is for portable outdoor entertainment stage. From May 1st through November 1st, the stage would be located 5 feet from the right-of-way of CTH V and 38 feet from the OHWM of Lake Wisconsin. The proposed speakers/amplifiers would be no closer than 5 feet from the property line. The Conditional Use Permit for Outdoor Entertainment was approved by the Planning & Zoning Committee on January 5, 2016. He points out that “outdoor entertainment” was added to the ordinance for situations similar to this per the town’s request.

Norm Wills asks if the Petitioner has anything to add.

Rodney Ripley reports that he is not able to have a permanent stage and was told it’s important to have a roof, so the portable stage was a solution. It’s been a huge success for his business and 99% of the people loved it. The first two bands had bigger sound system than anticipated and he will not be hiring those bands in the future. The stage is approximately six feet below the road. Cars would not have an impact unless they drove off the road.

Norm Wills inquires what the speed limit is.

Rodney Ripley replies it is 25 mph.

Norm Wills asks if any further questions.

Helen McDonald-Rawson asks if the water level rises.

Rodney Ripley replies it could rise about six inches, but it's controlled by the dam. The stage is located 4-5 feet from the water.

Randy Thompson confirms that he is not concerned about water fluctuation.

Rodney Ripley reports that the DNR stated they put in too much riprap.

Helen McDonald-Rawson asks if there is a buffer to slow an approaching vehicle.

Rodney Ripley explains there is a ditch which is about 5 feet deep. The stage would stop a car because it's heavy.

Alan Kaltenberg inquires about lighting and glare when coming down the road.

Rodney Ripley verifies the stage has a back and cover, so the only glare is on the ends. The band needs air flow, but if needed he could close the sides with a tarp.

Norm Wills reports it is a congested area to start out with and there is substantial traffic.

Rodney Ripley points out the County is conducting a traffic study and potential expansion of the highway.

Randy Thompson verifies it would widen after Fitz's and near the Town Hall. If the road expands the right-of-way changes, but it doesn't look like it is going to change.

Helen McDonald-Rawson asks if there is any signage on the highway.

Rodney Ripley explains he placed cones along highway to deter customers from parking there.

Roger Wetzel comments that he doesn't have sympathy for people who get tickets because they can't see the signs. The potential Okee Road movement would be north of this location. He states that volume of the band is a concern. He lives across the bridge and doesn't hear the bands. He believes it's

because of the topography and contingent on the wind. He can hear the rifle range usually from the east. His neighbor to the west seems to hear the volume. He asks if the County has volume criteria.

Randy Thompson explains the Town of Lodi has an ordinance that prohibits over 75 decibels and the County ordinance is 65 decibels. The town rejected the proposal, so 65 decibels is the loudest it could be from the property line.

Roger Wetzel verifies that explanation addresses the issue. Part of the experience was that we were not used to the sound.

Rodney Ripley explains that one of the first bands was the loudest.

Roger Wetzel reports that the most he has seen the water rise is one foot. He drives by often and the lighting isn't an issue. Improvement of the road has been addressed as well as parking of the trailer. He points out the trailer is in a different location than indicated on the site plan.

Rodney Ripley explains they loaded the pier sections onto the trailer when they relocated it for winter. It started creaking and if they moved it to the grassy area there was potential to sink. In the future, they will time it better and will not place the piers onto the trailer.

Helen McDonald-Rawson inquires if the stage is a stable structure.

Rodney Ripley reports that it will not blow away in the wind.

Norm Wills asks if anyone is in favor of petition. (no comments)

Norm Wills asks if anyone is against the petition. (no comments)

Eric Bowie
W11601 Demynek Road
Lodi, WI

Eric Bowie states he is in favor. Feels the establishment got off on the wrong foot and the music was loud. Amplification hits the building and sends the sound over the lake. States he likes the business, but wants to see amplification turned down.

Town Board not present, but Minutes on file.

Norm Wills asks if any further questions.

Motion by Roger Wetzel to approve three variances which include “Road Setback & Water Setback for portable stage, Amplification Device and Staging Location” as presented including the findings of fact, conclusions, decisions and conditions of the staff report.

Seconded by Bernie Spink.

Motion carried unanimously.

Item II Variance Consideration – Road Setback, Casey J. Chanthaphone & Sonenalin Chanthaphone, Owners and Applicants– Town of Lodi

Casey Chanthaphone (Owner and Applicant) was present and sworn in.
10604 Whispering Pines Way
Rockford, IL 61114

Renee Pulver reviews the Staff Report. The property owner converted the existing carport into a bedroom. The bedroom enclosure remains within the footprint of the carport and is no closer to any setback than the carport.

Norm Wills asks the petitioner if she has additional information.

Casey Chanthaphone explains their added desire was to improve curb appeal too.

Norm Wills asks if any further questions.

Roger Wetzel states he visited the site and the remodel of the carport has been under construction.

Renee Pulver explains that the property owner will need to obtain a zoning permit for the enclosure. In this case, it would be an after-the-fact permit.

Casey Chanthaphone reports that they purchased the property at the end of August, 2015.

Roger Wetzel asks if she is aware of any drainage issues.

Casey Chanthaphone verifies she is not aware of any drainage issues.

Norm Wills asks if anyone is in favor of petition.

Norm Wills asks if anyone is in favor of petition. (no comments)

Norm Wills asks if anyone is against the petition. (no comments)

Town Board not present, but Minutes on file.

Norm Wills asks if any further questions.

Motion by Roger Wetzel to approve the variance for “Town Road Setback” as presented including the findings of fact, conclusions, decisions and conditions of the staff report.

Seconded by Bernie Spink.

Motion carried, but not unanimously.

Alan Kaltenberg – No, Roger Wetzel – Yes, Norm Wills – Yes, William Gretzinger – Yes, Helen McDonald-Rawson - Yes

Roger Wetzel asks petitioner what could be done so people are better informed of zoning and/or building requirements.

Casey Chanthaphone states that their realtor told them it would be fine to add the addition.

Eric Bowie
W11601 Demynek Road
Lodi, WI

Eric Bowie states is a direct neighbor and is not opposed to this proposal.

Alan Kaltenberg reports that contractors may attempt to see what they can get away with.

Bernie Spink asks how the petitioner knew they needed a zoning permit.

Casey Chanthaphone explains she received the paperwork in the mail.

Randy Thompson verifies that the county inspectors are on the street every day, but it would be difficult to identify all structures without a permit. Sometimes the neighbor and town reports the structure’s appearance.

Roger Wetzel points out this is not critical of the petitioner, it’s a county wide problem and he just raised the question.

6. Close Public Hearing

Motion by Helen McDonald-Rawson to close public hearing.

Seconded by William Gretzinger.

Motion carried unanimously.

7. Approval of Minutes

**Motion by Helen McDonald-Rawson to approve Minutes of September 9, 2015
Board of Adjustment Regular Meeting & Public Hearing.**

Seconded by William Gretzinger.

Motion carried unanimously.

8. Adjourn

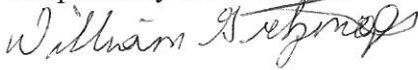
Motion by Bernie Spink to adjourn meeting.

Seconded by William Gretzinger.

Motion carried unanimously.

Meeting adjourned at 3:53 pm.

Respectfully submitted,



William Gretzinger, Secretary
Board of Adjustment



Recording Secretary
Susan Runnion, Office Administrator

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