

**BOARD OF ADJUSTMENT MINUTES  
MARCH 11, 2020**

PRESENT: Alan Kaltenberg, Darren Schroeder, Pat Beghin, Norman Wills

STAFF: Lauren Ramirez – Office Administrator, Kurt Calkins – Director of Planning & Zoning, Kenneth Thiele – Senior Zoning & Sanitary Specialist

**1:00 PM**

1. Alan Kaltenberg calls the meeting to order
2. Certification of Open Meeting Law
3. A roll call was taken and a quorum was declared present
4. View Site(s)
5. Recess

**3:00 PM**

6. Alan Kaltenberg reconvened the meeting at 3:00
7. Confirmation of Certification of Open Meeting Law

Darren Schroeder reads in the Public Hearing Notice.

8. Approval of Agenda

**Motion by Pat Beghin to approve Agenda of March 11, 2020 Board of Adjustment Regular Meeting & Public Hearing.**

**Seconded by Darren Schroeder.**

**Motion carried unanimously.**

9. Minutes

**Motion by Pat Beghin to approve Minutes of February 12, 2020 Board of Adjustment Regular Meeting & Public Hearing.**

**Seconded by Darren Schroeder.**

**Motion carried unanimously.**

10. Public Hearing

**Item I Variance Consideration – Parcel & Building Standards in Residential Districts and Minimum Required Setbacks for Front and Street Side Yards, Onsgard Family Trust & Cheryl Kline, Trustee, Petitioners – Town of Lodi**

Cheryl Klein was present and sworn in.  
742 Park Avenue  
Beloit, WI 53511

Kenneth Thiele reviews Staff Report.

Kenneth Thiele explains the Onsgard family has owned the property since 1998. The property is part of the Original Plat of Summerville Park. The property is 50 ft. in width, has an average depth of 110 ft., and the lot area is approximately 5,500 sq. ft. Based on the 1962 air photo of the area, it appears that the property was developed around that time frame.

Currently there is a single-family residence and a detached garage on the property. The existing single family residence has a footprint of 635 sq. ft. and the existing detached garage has a footprint of 216 sq. ft. The existing single-family residence is 63 ft. from the centerline of Summerville Park Rd., 31 ft. from the right of way (ROW), 9.9 ft. from each side property line, and 50 ft. from the ordinary high water mark (OHWM) of Lake Wisconsin. The existing detached garage is 41 ft. from the centerline of Summerville Park Rd., 8 ft. from the ROW, 3.9 ft. from the western property line, 33 ft. from the eastern property line, and 81 ft. from the OHWM of Lake Wisconsin. Current building lot coverage for the property is 851 sq. ft. or 15.32% of the lot. Current existing impervious surfaces for the property are 1043 sq. ft. or 18.7% of the lot.

He states that sometime in the recent past, a tree fell on the existing house damaging the northwest corner of the structure. As a result, the house has become unlivable and there is a pending order for demolition of the house. The property owners are proposing to remove the house and rebuild a new single-family residence in its place. The Onsgard family is proposing a residence that would 1,512 sq. ft in size. The residence would be 42 ft. from the centerline of Summerville Park Rd., 8 ft. from the ROW, 10 ft. from the western property line, 8 ft. from the eastern property line, 54.25 ft. to the OHWM of Lake Wisconsin. The proposed building lot coverage would be 27.2% of the lot and the proposed impervious surfaces would be 27.3 % of the lot.

In order to fit the new house on the property the Onsgards are requesting variances to the building lot coverage standard of 20% under Parcel and Building Standards in Residential Zoning per Section 16-110-030 (1) of the Columbia County Zoning Ordinance, and a variance to the minimum required setback for front and street side yards per Section 16-110-030 (2) of the Columbia County Zoning Ordinance.

He states the town recommended approval of the variance to Section 16-110-030 (2) minimum required setback for front and street side yards. The determination for a variance required to Section 16-110-030 (1), parcel and building standards in residential zoning districts was made after the Town had met. So, a recommendation was not available at the time the staff report was prepared.

Summerville Park Road as viewed on the 1919 Plat contained a 33 ft right of way, and now based on the neighbors 1999 Plat of Survey has been increased

to the standard width of 66 ft. The exact time this R.O.W was increased in size is unknown and could not be located. This area has experienced major development in the past 20 years and can be assumed that the Town of Lodi increased the right of way width to accommodate the needed public utilities and to provide a larger buffer between structures and the traveling public.

He explains the purpose of highway setbacks is the maintenance of highway safety, both for the traveling public and property owners adjacent to public highways. It appears that most pedestrian traffic should be handled by a paved trail located on the opposite side of Summerville Park Road near the lagoon. The applicant will have 24 ft of space before entering onto the paved road. The proposed structure would be keeping in line with the other houses on the same street. The property located at N2698 Summerville Park Rd. is 46 ft. from the centerline, the property at N2692 is 38 ft. from the centerline, and the property N2688 is 50 ft. to the centerline. So, the Onsgard's new house will be in the middle of the existing pattern. Additionally, the new attached garage would help to mitigate on-street parking as it will be designed to accommodate newer vehicles of today. The existing garage is not currently able to make that accommodation.

The Onsgard property does qualify for reduced setbacks under the Zoning Ordinance as well as the Wetland/Shoreland Ordinance. The residence is permitted side property setback reductions to a total side yard of 16 ft. 8 in. with one side yard being no closer than 6 ft. 8 in. as per Table 16-140-030 (2). The residence is permitted a reduced setback to the OHWM as per Section 16-525-030 of the Wetland/Shoreland Ordinance. This section allows averaging to the OHWM. The new residence will be 10 ft. from the west property line and 8 ft. from the east property line. The Onsgard's new residence will be 54.25 ft. from the OHWM of Lake Wisconsin. If the County were to enforce both the setback to the centerline of the road and the setback to the OHWM, there would only be a building window that is 12 ft. in width.

In 2012, Columbia County adopted a Building 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 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 Sept 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 16-535-030 up to 30% impervious surface, provided a permit is issued for development with a mitigation plan that meets the standards of Section 16-555.

*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 County Zoning Ordinance that sets the limit to 20% building coverage, with no options for mitigation. I believe the intent of the Building Lot Coverage requirements can be maintained if approved mitigation measures are followed, as allowed under the Shoreland Wetland Protection Ordinance.

The current proposed house will require six points of mitigation per Section 16-555-030 (A) (3) of the Shoreland/Wetland Ordinance. The Onsgard family is aware of this and are working on a plan to complete this mitigation. A portion of the mitigation will involve the restoration of the shoreline to native vegetation. The Onsgard family is working with a contractor that will prepare plans for submittal to the Planning & Zoning Department. A mitigation affidavit will need to be approved by the Planning and Zoning Department. The affidavit will then be recorded at the Register of Deeds.

Kenneth Thiele then reviews the standards for review, noting there is an unnecessary hardship for this property, being the enforcement of the front and street side yard setbacks and the setback to the OHWM would only allow a structure that is 12 ft. in width. He states the unique property limitation in this instance is the change in the right of way from a 33 ft right of way to a 66 ft. right of way. The enforcement of the front and street side yard setbacks and the setback to the OHWM would only allow a structure that is 12 ft. in width. Lastly, he states. approval of the variance would not have an impact on public safety. The required mitigation would enhance the character of area.

Al Kaltenberg asked if the petitioner has anything to add.

Cheryl Klein stated they have owned property since 1954, but nothing has changed since then.

Alan Kaltenberg asks if there are any other questions.

Al Kaltenberg asks if there are any mitigation plans yet to show.

Cheryl Klein answers that there are not, but she has been in discussion with the person who will be doing this work.

Pat Beghin asks if a gravel driveway can be installed.

Kenneth Thiele explains there are ways they can do it, but by the standard way, no. He explains that after 5 years it becomes impervious.

Al Kaltenberg asks if there are any other questions.

Norm Wills asks if there are utilities on their side of the street.

Cheryl Klein stated no, but MG&E has said they can make this possible.

Norm Wills asks if the trees will be removed.

Cheryl Klein answered they will be.

Al Kaltenberg asks if anyone is in favor of the petition. (no comments)

Al Kaltenberg asks if anyone is against the petition. (no comments)

Al Kaltenberg asks if there is anyone else wishing to speak.

Al Kaltenberg closes the public hearing and opens discussion and deliberation for the board of adjustment members.

**Motion by Pat Beghin to approve variance for  
“Parcel & Building Standards in Residential Districts and Minimum Required  
Setbacks for Front and Street Side Yards” as presented, including the findings  
of fact, conclusions, decisions and conditions of the Staff Report.**

**Seconded by Darren Schroeder.**

**Motion carried, unanimously.**

**Patrick Beghin – Yes, Alan Kaltenberg – Yes, Norman Wills – Yes, Darren  
Schroeder – Yes.**

## 11. Adjourn Meeting

**Motion by Patrick Beghin to adjourn meeting.**

**Seconded by Al Kaltenberg.**

**Motion carried unanimously.**

Meeting adjourned at 3:27 PM.

Respectfully submitted,



Board of Adjustment Secretary *Chas*  
Board of Adjustment



Recording Secretary  
Lauren Ramirez, Office Administrator

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