

**BOARD OF ADJUSTMENT MINUTES
MAY 10, 2017**

PRESENT: Bernard Spink – Acting Chair, Alan Kaltenberg, Roger Wetzel, William Gretzinger

EXCUSED ABSENT: Helen McDonald Rawson

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

1:30 PM

1. View Sites

3:00 PM

Meeting began at 3:15 due to return on Board of Adjustment members from Site Visits.

2. Bernard Spink 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 and Building Lot Coverage,
Chad & Donna Milne, Petitioners and Owners – Town of Lodi**

Chad Milne (Petitioner and Owner) is present and sworn in.
217 Sunset Drive
Dane, WI

Randy Thompson presents the Staff Report. He explains the property currently contains a single family residence. The applicant is proposing to rebuild the single family residence with an attached garage that would be 30' from the right of way and 47.25' from the centerline of Summerville Park Road. The required setback is 30' from the right of way, or 63' from the centerline, whichever is greater. The building lot coverage requirement for this lot is 20% or 8,712 sq. ft., whichever is less. The proposed single family residence is 2,646 sq. ft. or 23.14%. He states that the applicants have been working with our department for a few years. Since then, Chad Milne has submitted revised plans to build a residence with an attached garage with the previously stated setbacks. With these, the Milnes are requesting a variance for Section 16-110-030(2) Road Setbacks and 16-110-030(2) Building Lot Coverage of the Columbia County Zoning Ordinance. He reviews reasons why the standards are there, risks measures needed to be taken, and proposed plans the Milnes have.

Bernard Spink asks if Chad Milne has anything else to add to this.

Chad Milne explains he and his wife purchased this property in 2009 with intent to fix it up in the course of 8-10 years, and then move in for a retirement home. At the time they purchased it, these regulations were not in place. His first plans were to build a detached garage and eventually connect. Since 2013, he and Randy have been working on plans, revisions, and at one time, Randy informed him it'd be easier and he'd have more leeway if he were to build a new house. Now at this point, he and his wife are ready to move forward with plans and with revisions to the original plan, need to ask for a variance for 3% building roof coverage, and a setback of 17'. He informed that other people on his street have received variances, and this particular street has an off centered right of way that drives them closer to the water on the other side. He is choosing to not meet front setback, opposed to asking for variance for the ordinary high water mark, as this would be less likely to be approved. He states that he would not like to go down in size, or change plans to a 2 story house. This is a retirement home and given the layout, the master bedroom would have to be in the upstairs if the size were reduced, which is not practical.

Randy Thompson explains the reason for the building lot coverage standard, is to allow for adequate stormwater infiltration, groundwater recharge and to minimize potential flooding in areas. He states that Chad and Donna Milne has submitted mitigation plans to remedy this.

Bernard Spink asks if anyone has other questions.

Alan Kantenberg asks if looking from the lake side, if he is going to do anything with the retaining walls.

Chad Milne states that they will be removing 200' of retaining wall, and adding 120', removing a lump sum of 80'. He also says that they have thought about flattening backyard, giving runoff water a larger area to downslope, rather than rushing down to the water.

Bernard Spink asks if anyone is in favor of the petition.

Kathryn Neander
11060 Bayview Drive
Lodi, WI

Kathryn Neander states she is in favor of the petition due to the plans, as well as the property owner being in same circumstance as herself, she understands the situation.

Chad Milne presents letter to be included in the report from neighbors East and West of him, in favor of petition.

This document states signed persons have reviewed proposed plan and express support of variance. Signed neighbors:

Vernon Mercier
N2832 Summerville Park Road

Susan Burmester
N2820 Summerville Park Road (signed 3/23/2017)

Bernard Spink asks if any others are favor of petition. (no comments)

Bernard Spink asks if anyone is against the petition. (no comments)

Roger Wetzel asks if the Town has approved.

Randy Thompson and Chad Milne explain Town has approved, however, it was accidentally moved off agenda, so was not heard. Randy Thompson confirms he has spoken with Town, however, and they have expressed they are in favor of variance.

**Motion by Alan Kaltenberg to approve variance for
“Road Setback” and “Building Lot Coverage” as presented including the
findings of fact, conclusions, decisions and conditions of the Staff Report.**

Seconded by William Gretzinger.

Motion carried, unanimously.

Alan Kaltenberg – Yes, Roger Wetzel – Yes, Bernard Spink – Yes

William Gretzinger – Yes.

**Item II Variance Consideration – Water Setback, Building Lot Coverage, and
Road Setbacks, Steven & Katheryn Neander, Petitioners and Owners –
Town of Lodi**

Steven Neander (Petitioner and Owner) is present and sworn in.
11060 Bayview Drive
Lodi, WI

Kenneth Thiele presents the Staff Report. He states the property currently has a single family residence with an attached garage. The garage is 22’x28’ and the original residence was 40’ x 24’ in size. An addition was placed on the house in 1990, and a variance in 1990 was granted to place an 18’ x 24’ addition to the house, being 53’ from the Ordinary High Water Mark (OHWM) of Lake Wisconsin. At some point, a 10’ x 15’ entry way was constructed on the rear of the house. The total living space in the house today is 1,542 sq. ft. The residence is currently 53’ from the Ordinary High Water Mark (OHWM) of Lake Wisconsin, 67.75’ from the center line of Bayview Drive and 47.75’ from the right of way. The house is 10’ from western property line and 48.9’ from the eastern property line. The current detached garage is 11’4” from the eastern property line and 66’1” from the western property line. Current impervious surfaces for the property is 29.4%. Current building lot coverage is 14.8% of the lot. He explained the Neanders are proposing to remove the existing garage and place a new addition onto the residence. As part of the addition, an 80 sq. ft. addition is proposed to be 53’ from the OHWM, which is for handicap accessibility. The Neanders are requesting a variance for Section 16-110-030(2) Highway Setbacks, 16-110-030(2) Building Lot Coverage and 16-525-020 Shoreland Setbacks of the Columbia County Zoning Ordinance. He reviews each of

these, along with the proposed plan for an engineered storm water retention system under the driveway.

Bernard Spink asked if Steven Neander has anything to add to this.

Steven Neander explained he had the idea for this project a while ago; however, he held off for the new Zoning Code, to make sure he was in compliance with the latest requirements. He stated that he wants to protect the lake, as he has been in other projects involving similar situations with the same goal of protecting the lake. He stated he engineered this system to remedy this, along with mitigation plans.

Alan Kaltenberg asked what measures were being taken to ensure this plan and requirements stay with the lot for future.

Kenneth Thiele replies this will be recorded in an affidavit.

Alan Kaltenberg asked what would happen if this was still taken out and not followed.

Kenneth Thiele stated that there are penalties and that proof is required with affidavit and this comes directly through ordinance, along with enforcement measures if it comes to that.

Bernard Spink asks if there are any further questions.

Bernard Spink asks if any others are favor of petition. (no comments)

Chad Milne states he is in favor of petition.

Jennifer Zumm
W11055 Bayview Drive
Lodi, WI

Jennifer Zumm states she is in favor of petition.

Bernard Spink asks if anyone is against the petition. (no comments)

Town Board not present, but Minutes on file.

**Motion by Roger Wetzel to approve variance for
“Water Setback”, “Building Lot Coverage” and “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, Roger Wetzel – Yes, Bernard Spink – Yes
William Gretzinger – Yes.**

Item III Variance Consideration – Building Lot Coverage, Robert & Jennifer Zumm, Petitioner and Owner, Applicant – Town of Lodi

Robert Norman Zumm (Petitioner and Owner) was sworn in.
W11055 Bayview Drive
Lodi, WI

Kenneth Thiele presents Staff Report. He states that the residence is 42'x24' with 1,008 sq. ft. of living space. The remaining 750 sq. ft. is the existing attached garage. The residence is currently 36' from the Ordinary High Water Mark (OHWM) of Lake Wisconsin and 89' from the center line of Bayview Drive. The residence is 13' from one side property line and 19'8" from the other. There are currently 2 concrete patios on the South side of the house. They are 16'x12' and 10'x7'. There is also a 6'x3' brick patio that is 5' from the OHWM. A brick retaining wall is 20' from the OHWM. Current impervious surfaces for the property are 25.4% and current building lot coverage is 13.9%. The owners are proposing to remove the existing residence and rebuild a new one that will be 78'x42' to include an attached garage (Noted: On Staff Report, it says 72' instead of 78' for new residence length). This new residence will be 63' from the centerline of Bayview Drive and 30' from Right of Way. The residence will 11' from both side property lines. It will be 50' from the OHWM which is further back than the current location, and exceeds the required average setback of 46'. The new proposed building lot coverage would be 3,276 sq. ft. or 25.9%. The new proposed impervious surfaces would be 4,280 sq. ft. or 33.8% of the lot. However, the applicants are proposing to construct the driveway out of pervious pavement and to construct an engineered storm water retention system under the driveway. The front half of the house and the driveway would all drain to the storm water retention system. Per Title 16-535-050, treated impervious surfaces are not used in the impervious surface calculation. Therefore, the proposed impervious surfaces are just the rear half of the house which is 1,638 sq. ft. or 12.9% of the lot. The applicants are requesting a variance to exceed the required building lot coverage standard of 20% or 8,712 sq. ft., whichever is less.

Bernard Spink asks if Petitioner has anything else to add.

Robert Zumm stated that he has owned this house since 2002 and the plan has been to rebuild for a retirement house. Steven Neander (previous Petitioner) engineered stormwater system for under driveway (same as his own he is installing).

Bernard Spink asks if there are any further questions.

Bernard Spink asks if any others are favor of petition. (no comments)

Chad Milne states he is in favor of petition.

Steven Neander states he is in favor of petition.

Robert Zumm states he has emails from neighbors stating their approval of plans presented to them. These include:

Mike & Cindy Fobes

Stacey Caler

Kenneth R Everett

Steve & Kathy Neander

Robert Zumm then hands emails to Planning & Zoning Staff for record.

Bernard Spink asks if anyone is against the petition. (no comments)

Town Board not present, but Minutes on file.

**Motion by Alan Kaltenberg to approve variance for
“Building Lot Coverage”, as presented including the findings of fact,
conclusions, decisions and conditions of the Staff Report.**

Seconded by Roger Wetzel.

Motion carried, unanimously.

**Alan Kaltenberg – Yes, Roger Wetzel – Yes, Bernard Spink – Yes
William Gretzinger – Yes.**

7. Close Public Hearing

Motion by Alan Kaltenberg to close public hearing.

Seconded by William Gretzinger.

Motion carried unanimously.

8. Approval of Minutes

**Motion by Alan Kaltenberg to approve Minutes of January 26, 2017 Board of
Adjustment Public Hearing.**

Seconded by Roger Wetzel.

Motion carried unanimously.

9. Adjourn

Motion by William Gretzinger to adjourn meeting.

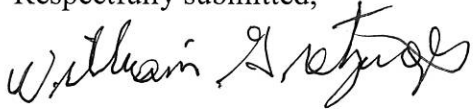
Seconded by Roger Wetzel.

Motion carried unanimously.

May 10, 2017

Meeting adjourned at 4:18 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William Gretzinger".

William Gretzinger, Secretary
Board of Adjustment

A handwritten signature in black ink, appearing to read "Lauren Ramirez".

Recording Secretary
Lauren Ramirez, Administrative Assistant

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

