

**BOARD OF ADJUSTMENT MINUTES**

**May 12, 2021**

PRESENT: Al Kaltenberg, Craig Robson, Pat Beghin, Emmett O’Neill,  
Ralph Hemling

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

**12:45 PM**

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

Pat Beghin reads in the Public Hearing Notice.

8. Approval of Agenda

**Motion by Pat Beghin to approve Agenda of May 12, 2021 Board of Adjustment  
Regular Meeting & Public Hearing.**

**Seconded by Emmett O’Neill.**

**Motion carried unanimously.**

9. Minutes

**Motion by Craig Robson to approve Minutes of April 14, 2021 Board of  
Adjustment Regular Meeting & Public Hearing.**

**Seconded by Pat Beghin.**

**Motion carried unanimously.**

10. Public Hearing

**Item I Variance Consideration – Parcel and Building Standards in Residential  
Commercial and Industrial Districts; Petitioners: Colwis, LLC – Town of  
Columbus**

Kenneth Thiele reviews Staff Report. He explains the subject property is home to the Rhodes Bakery. He reviews the current zoning of the parcels, the sizes of them, and explains the property is a shoreland property as the northern property line fronts on the Crawfish River. The property is also partially located in the floodplain as delineated by FIRM panel 55021C0606F.

The Rhodes Bakery is currently on the property. The existing bakery is 94,546 sq. ft. The setbacks for the existing bakery are 393 ft. to the centerline of State Highway 16, 313 ft. to the right of way, 0.3 ft. to the rear property line, 75 ft. to the north property line, 369 ft. to the proposed south property line, 75 ft. to the Ordinary High Water Mark (OHWM) of the Crawfish River, 41 ft. from the delineated wetland, and 200 ft. from the holding tanks that service the bakery. There are also two small sheds on the property. Shed #1 is 20 ft. x 15 ft. or 300 sq. ft. Shed #2 is 12 ft. x 12 ft. or 144 sq. ft. The existing building lot coverage for the property is 94,990 sq. ft. or 15.33%. Impervious surface within 300 ft. of the Crawfish River are 163,356 sq. ft. or 26.37%.

He states the property owners would like to place a 117 ft. x 68 ft. or 7,956 sq. ft. addition on the south side of the existing bakery. The proposed building lot coverage will be 102,946 sq. ft. or 16.62%. The proposed impervious surfaces within 300 ft. of the OHWM of the Crawfish River will remain at 163,356 sq. ft. or 26.37%. The addition will meet all required setbacks on the newly created property. As the current bakery is only 0.3 ft. from the rear property line a variance to Section 12.115.03(1) is required for the addition. The property owners would also like to install a driveway around the addition. This driveway will not meet the required 35 ft. setback for impervious surfaces to a wetland. A variance to Section 12.115.03(1) is required to allow for the driveway.

Kenneth Thiele then reviews the Town's approval, his analysis, and the standards for review. He states unnecessary hardship: The property is bordered by the Crawfish River to the north and a wetland to the south. This restricts the location of any additions and placement of impervious surfaces; Unique property limitation: The property is bordered by the Crawfish River to the north and a wetland to the south. This restricts the location of any additions and placement of impervious surfaces; and, Protection of the public interest: Approval of the variance would not have an impact on public safety. The DNR has already approved filling of a portion of the wetland.

Al Kaltenberg asks if petitioner is present.

Devin Winter – Excel Engineering (applicant) is present and sworn in.  
100 Camelot Dr.  
Fond du Lac, WI 54935

Devin Winter states they would just like to keep this as far away from the shoreland as possible.

Al Kaltenberg asks if anyone is in favor of the request.

The general manager from Rhodes is present via Zoom. He states he appreciates the business with the Planning & Zoning Department, their work

and effort, in helping growing the business and additional jobs that go with that- he appreciates the help to move forward.

Al Kaltenberg asks if anyone else in is favor of request. (no comments)

Al Kaltenberg asks if anyone is against the request. (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.

Ralph Hemling states that he thinks with the watershed, all approvals they got from the DNR minimizing environmental risks, and the precautions they are taking, there shouldn't be an issue approving.

Craig Robson agrees with that.

Emmett O'Neill agrees with that as well.

**Motion by Craig Robson to approve variance for "Parcel and Building Standards in Commercial and Industrial Districts" as presented, including the driveway setbacks from wetlands, and the findings of fact, conclusions, decisions and conditions of the Staff Report.**

**Seconded by Pat Beghin.**

**Motion carried, non-unanimously.**

**Pat Beghin – Yes, Craig Robson – Yes, Al Kaltenberg – Yes, Emmett O'Neill – Yes, Emmett O'Neill – Yes**

**Item II Variance Consideration – Parcel & Building Standards in Agricultural and Open Space Zoning Districts; Petitioners: Deborah L Manchester & John B Manchester – Town of Lodi**

Kenneth Thiele reviews the Staff Report. He states the subject property has been owned by Deborah and John Manchester since June, 2020. The property is Lot 46 of the Summerville Park subdivision plat. The property is 0.18 acres or 8,013 sq. ft. in size. The zoning for the property is R-1, Single Family Residential. There is floodway at the shoreline of the property as annotated on FIRM panel 55021C0502F.

Originally there was a single family residence and a garage on the property. The residence is 905 sq. ft. in size and has the following setbacks: 47 ft. from the centerline of Summerville Park Rd., 34 ft. from the right of way, 66.5 ft from the rear property line, 1.2 ft. from the western side property line, 22.2 ft. from the eastern side property line, 66.5 ft. from the Ordinary High Water Mark of Lake Wisconsin, and 1,602 ft. to the nearest wetland. The residence is connected to the Okee/Harmony Grove Sanitary District. The garage was 598 sq. ft. with setbacks of 14 ft. from the centerline of Summerville Park Rd.,

4 ft. from the right of way, 98 ft. to the rear property line, 23 ft. from the western side property line, 12.8 ft. from the eastern side property line, 98 ft. to the OHWM of Lake Wisconsin, and 1,572 ft. to the nearest wetland.

Zoning permit 20-356 was issued for the removal of the garage and the construction of a new boat house. The boat house is 448 sq. ft. in size with setbacks: 115 ft. to the centerline of Summerville Park Rd., 103 ft. to the right of way, 4 ft. to the rear property line, 15 ft. to the western side property line, 25 ft. to the eastern side property line, 4 ft. from the OHWM, and 1,670 ft. from the nearest wetland. Zoning permit 20-357 allowed for the replacement of an existing retaining wall.

Currently the existing residence and the boat house are the only buildings on the property. The existing building lot coverage is 1,353.32 sq. ft or 16.89%. The existing impervious surfaces are 2,461.1 sq. ft. or 30.7 sq. ft.

He states the property owners would now like to remove the existing residence and build a new residence on the property. The new residence would be 1,140 sq. ft. in size and have the following setbacks: 43 ft. from the centerline of Summerville Park Rd., 32 ft. to the right of way, 56 ft. to the rear property line, 10 ft. to the side property lines, 56 ft. to the OHWM of Lake Wisconsin, 1,600 ft. from the nearest wetland. The proposed building lot coverage is 1,588 sq. ft. or 19.82% of the property. The proposed impervious surfaces are 2,044 sq. ft. or 25.5% of the property. A retaining wall is proposed on the east side of the house that will be 50 ft. from the OHWM of Lake Wisconsin. Variances to the Section 16-110-030 (2), and Section 16-525-020 (A) are required to allow for the construction of the new residence.

Kenneth Thiele then reviews the town's support of this request, his analysis, including the standards for review. He states as for unnecessary hardship: There is a hardship as enforcement of both the setback to the OHWM and to the centerline of the road will prevent the construction of the residence; Unique property limitation: This property fronts on Summerville Park Rd. The right of way of Summerville Park Rd. is not the normal width. The width of the right of way is 42 ft. rather than the standard 66 ft. This means that the setback to the centerline of the road is the controlling setback. Given the size of the lot it would be very difficult to construct a new residence, place the appropriate amount of fill, and still grade the property appropriately to manage stormwater; and, Protection of the public interest: Approval of the variance would not have an impact on public safety. Approval of the variance could be seen as a benefit to the public. The new residence is setback further than the garage had been. The new residence will reduce the impervious surfaces on the property, which will lower the amount of runoff into Lake Wisconsin.

John Manchester is present via Zoom and sworn in.  
N2848 Summerville Park Road  
Lodi, WI

Al Kaltenberg asks if the petitioner has anything to add.

John Manchester states the Staff Report did a good job at reviewing.

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

Al Kaltenberg asks if anyone is against the request. (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.

Ralph Hemling asks petitioner if he has plans for a garage in the future.

John Manchester states no. He adds that due to impervious surface, they chose to do boathouse over having a garage.

Emmett O'Neill states he believes this would be an improvement due to reduction in impervious surfaces, and he also believes it is worthy of going forward.

Al Kaltenberg states since petitioner has also been working with county, and putting in effort and trying to make something work, coming up with a plan, the petitioner gets credit for that.

**Motion by Pat Beghin to approve variance for "Minimum Required Setback for Front and Street Side Yards and Shoreland Setbacks" as presented, including the findings of fact, conclusions, decisions and conditions of the Staff Report.**

**Seconded by Emmett O'Neill.**

**Motion carried, unanimously.**

**Pat Beghin – Yes, Craig Robson – Yes, Al Kaltenberg – Yes, Emmett O'Neill – Yes, Emmett O'Neill – Yes**

#### 11. Adjourn Meeting

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

**Seconded by Ralph Hemling.**

**Motion carried unanimously.**

Meeting adjourned at 3:36 PM.

Respectfully submitted,



Board of Adjustment Minutes

May 12, 2021

Patrick Beghin  
Board of Adjustment

A handwritten signature in black ink that reads "Lauren Ramirez". The signature is written in a cursive style with a long, sweeping underline.

Recording Secretary  
Lauren Ramirez, Office Administrator

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