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**To:** Lodi Zoning Board of Appeals  
**From:** Andrew Bremer, AICP, Zoning Administrator  
**Subject:** 238 Lodi Street, Schara, Variance Request  
**Date:** June 20, 2019

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**Request**

Approval of a Variance Application from Kevin Schara and Elizabeth Gade-Schara for parcel 11246-384, 238 Lodi Street, Lodi, WI. The purpose of the variance request is to allow a reduction in the front minimum setback requirements to construct a new detached two car garage off of Sauk Street. The application and a site plan of the proposed improvements is attached to this memo.

**Background Information**

The property owners desire to remove the existing “garage” to build a new 780 square foot two-car garage using the existing driveway entrance off of Sauk Street. The existing garage is an old carriage house, which according to the property owners, predates the construction of the adjacent homes. The parcel is zoned R-1 Single Family Residential and is also within the City’s Traditional Neighborhood Overlay District. As such the minimum setback requirements are:

- A. 20 feet from Lodi Street
- B. 15 feet from Sauk Street
- C. 3 feet from the interior side lot line
- D. 6 feet from the principal buildings
- E. Accessory structures cannot be located closer to a front lot line than the principal structure.

The existing garage is a legal non-conforming structure that does not meet any of the above conditions except for the minimum setback from Lodi Street. As shown in the applicant’s site plan, the proposed garage would meet standards A, C, and D. The proposed garage would not meet standards B and E; however, the extent of the non-conformity would be reduced from the existing front setback along Sauk Street, from 2 feet to 11 feet.

Also, as shown in the picture, the existing garage is built into a small hillside. As part of the construction project, the owner is proposing to remove some of this material and regrade this slope and retaining wall.



# MEMO

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## Applicable Zoning & Development Code Regulations

- Chapter 340-11 Accessory Buildings and Uses
- Chapter 340-42.1 Traditional Neighborhood Overlay District
- Chapter 340-114, Variances.

Chapter 340-114.B provides that no variance from the terms of this chapter shall be authorized unless all of the following facts and conditions exist (bullet points include MSA's comments):

(1) Exceptional circumstances. There are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district.

- Parcel 11246-384 is unique in that it is a corner lot which consists of three front yards and one side yard.

(2) Natural causes. The alleged difficulty or hardship has not resulted from the actions of the applicant.

- Both the existing parcel boundaries and the existing garage predates the zoning regulations for the property and applicants ownership of the property.

(3) Preservation of property rights. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity, including but not limited to the use of solar energy systems.

- Other single-family properties within the neighborhood have two-car garages.

(4) Absence of detriment. The authorizing of such variance will not be of substantial determinant to adjacent property and will not materially impair the purposes of this chapter or the public interest.

- There is only one residential property (242 Lodi Street) adjacent to the proposed garage. That property fronts Lodi Street; therefore, the applicant's proposed garage, while in the front yard off of Sauk Street, would be adjacent to the rear yard of 242 Lodi Street, thus reducing the visual impact. As proposed, the new garage would reduce the non-conformity along Sauk Street.

(5) General nature. No variance shall be authorized unless the Board specifically finds that the condition, situation, or intended use of the subject property is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation to cover such cases.

- The use of the site is unique to the property and is for the continued enjoyment of the site for residential purposes and the conditions leading to the variance are not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation to cover such cases.

(6) Minimum variance required. The Board shall find that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. The Board shall be satisfied by the evidence heard before it that the granting of such variance will alleviate a hardship approaching confiscation as distinguished from a special privilege sought by the owner.

- Due to the unique property boundaries, there are no locations on the property to build a standard two-car garage that would meet along setback requirements. The proposed location of the new garage (11 foot setback; 4-foot relief) is the minimum variance required to allow construction of the garage while still meeting the minimum side yard setback and setback distance to the principal structure.

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**MSA Recommendation**

MSA recommends the following conditions of approval if the Zoning Board of Appeals approves the variance request:

1. Obtaining a building permit from the City Building Inspector prior to the demolition and building project.
2. All site grading shall be inspected for acceptance by the City prior to issuance of a final inspection building permit. The proposed site grading shall not impact the Sauk Street roadway or modify the maximum height of the berm within the right-of-way on the south side of Sauk Street.

As part of the project, the owners will be doing some site grading as the existing garage is built into a small hill along Sauk Street. As shown in the photo, there is no curb and gutter adjacent to the existing garage. Instead there is a small grass berm that assists in channeling stormwater runoff along the edge of the road down to an existing storm sewer inlet at the base of the stop sign by the intersection of Lodi Street. The property owners are aware of the need to maintain this berm to limit stormwater from draining down into their property from the roadway. The second condition of approval is intended to protect the existing roadway and maintain the design of the stormwater flow in the right-of-way based on current conditions.



Sincerely,  
MSA Professional Services, Inc.

Andrew Bremer, AICP  
Zoning Administrator

Enc: Schara Variance Application (5-24-19)



MAY 24 2019

# City of Lodi Variance Request

◆ 130 South Main Street, Lodi, WI 53555 ◆ Phone (608) 592-3247 ◆ Fax (608) 592-3271 ◆ [www.cityoflodi.us](http://www.cityoflodi.us) ◆ **RECEIVED** ◆

The City of Lodi Zoning Board of Appeals (ZBA) meets as needed at Lodi City Hall to consider variance requests. It is governed by §340-113 of the City of Lodi ordinances. Variance requests are governed by § 340-114 (see the attached ordinance excerpt). A variance is the modification of zoning requirement(s) in response to unique circumstances or conditions on a parcel that were not created by the property owner. A hardship under existing zoning must be proven in order for a variance to be issued. This form must be submitted with one hard copy and one digital version of the items listed in the bulleted list below. The review process will not begin until an application is determined to be complete and the appropriate fee is paid to the City Clerk. City staff will publish a public hearing notice in the Lodi Enterprise and notify all property owners within 200 feet of the subject property. The applicant, or their agent, should attend the ZBA meeting to explain the need for the variance and answer questions. Please allow 4-5 weeks for a hearing date to be set and the notice to be published and mailed. If you have any questions about Variance requirements, please contact Andrew Bremer, Zoning Administrator, at (608) 242-6605 or [abremer@msa-ps.com](mailto:abremer@msa-ps.com).

<b>Owner Name(s):</b> Kevin Schara & Elizabeth Gade-Schara	
<b>Applicant Name (if different than above):</b>	
<b>Property Address:</b> 238 Lodi St, Lodi	<b>Parcel #:</b> 384
<b>Applicant Address (if different than above):</b>	
<b>Applicant Phone:</b> 608-225-4501	<b>Applicant Email:</b> kevscha@hotmail.com
<b>Property Zoning Designation:</b> set-back	<b>Property Use:</b> Residence
<b>Section(s) of Ordinance that Necessitates Variance Request:</b> set-back of new garage on Sauk St, side of lot	

An \$800 fee check must be provided with your application. Provide plans that show: the parcel in question, structures on the parcel (including proposed modifications to structures), dimensions of setbacks from the property line, locations of buildings on adjoining properties, a north arrow, and street names. Please attach a narrative that discusses:

1. The characteristics of your property (size, dimensions, slope, soil, etc.) that necessitate the variance request.
2. How the site conditions discussed in #1 prevent reasonable use of your land under the terms of the zoning ordinance.
3. What modification(s) to the zoning requirements will allow for reasonable use of your land (setbacks, area, lot coverage, off-street parking, etc.).
4. Why the granting of a variance will be in harmony with the neighborhood and not contrary to the intent and purpose of the zoning ordinance.

I (we) certify that all of the above statement and the statements contained in any papers or plans submitted herewith are true to the best of my (our) knowledge and belief. I (we) consent to the entry in or upon the premises described in this application by any authorized official of the City of Lodi for the purpose of securing information posting, maintaining and removing such notices as may be required by law

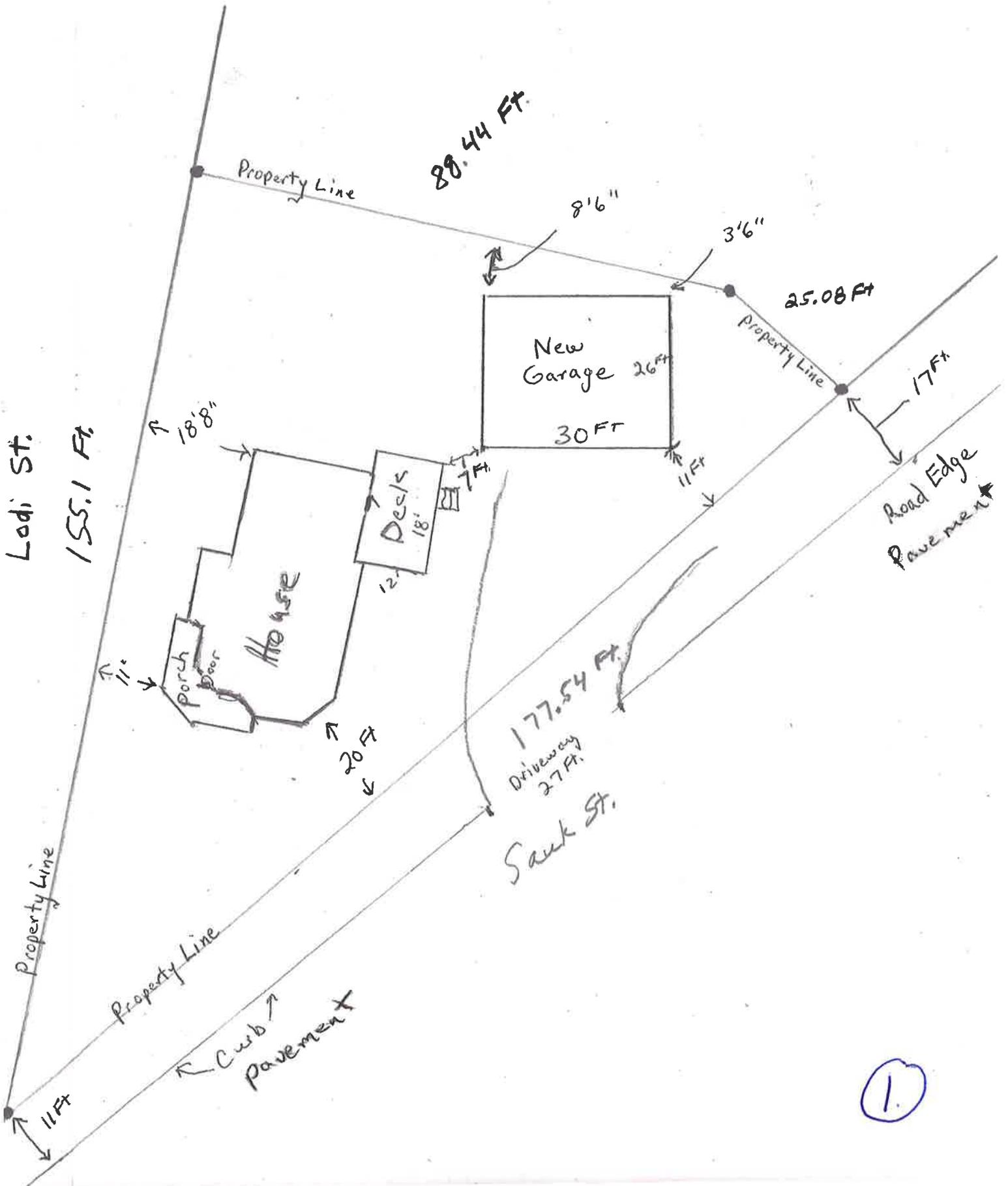
**Applicant Signature:** Kevin Schara **Date:** 5-24-2019

**Owner Signature:** Kevin Schara **Date:** 5-24-2019

For Staff Use Only	
<b>Date Received:</b> 5/24/2019	<b>Fee Paid? \$800: # 2338</b>
<b>Public Hearing Date:</b>	<b>Public Hearing Publication Dates:</b>
<b>Date Public Hearing Notices Mailed to Adjoining Property Owners:</b>	
<b>ZBA Decision:</b> <input type="checkbox"/> Denied <input type="checkbox"/> Approved <b>Subject to:</b>	

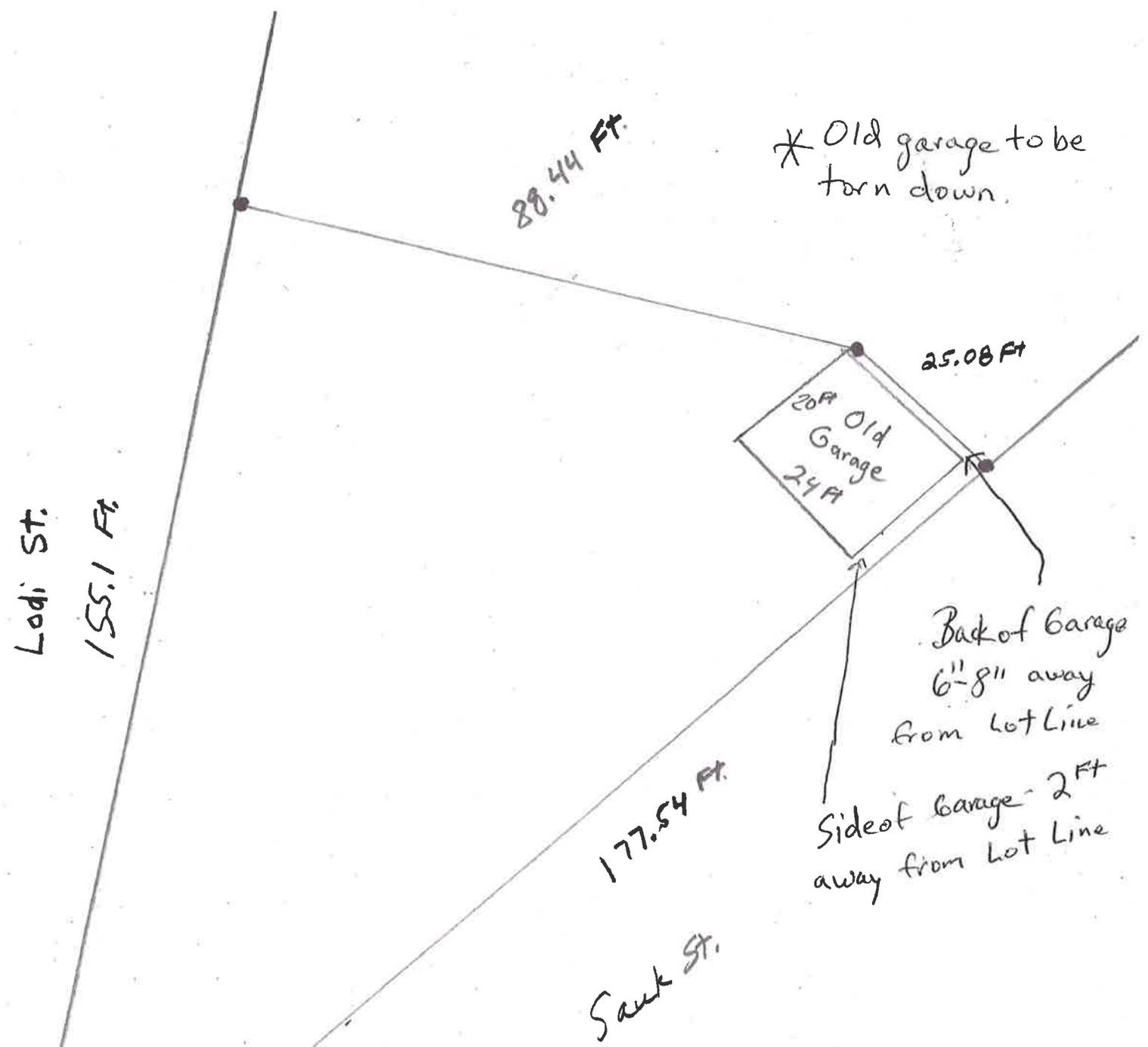
Kevin + Liz Schara  
238 Lodi St.  
Lodi, Wi. 53555

608-225-4501 Kevin  
608-225-6418 Liz



①

Kevin + Liz Schara  
238 Lodi St.  
Lodi, WI, 53555



2.

238 Lodi St.

\* This property has some unconventional property lines.

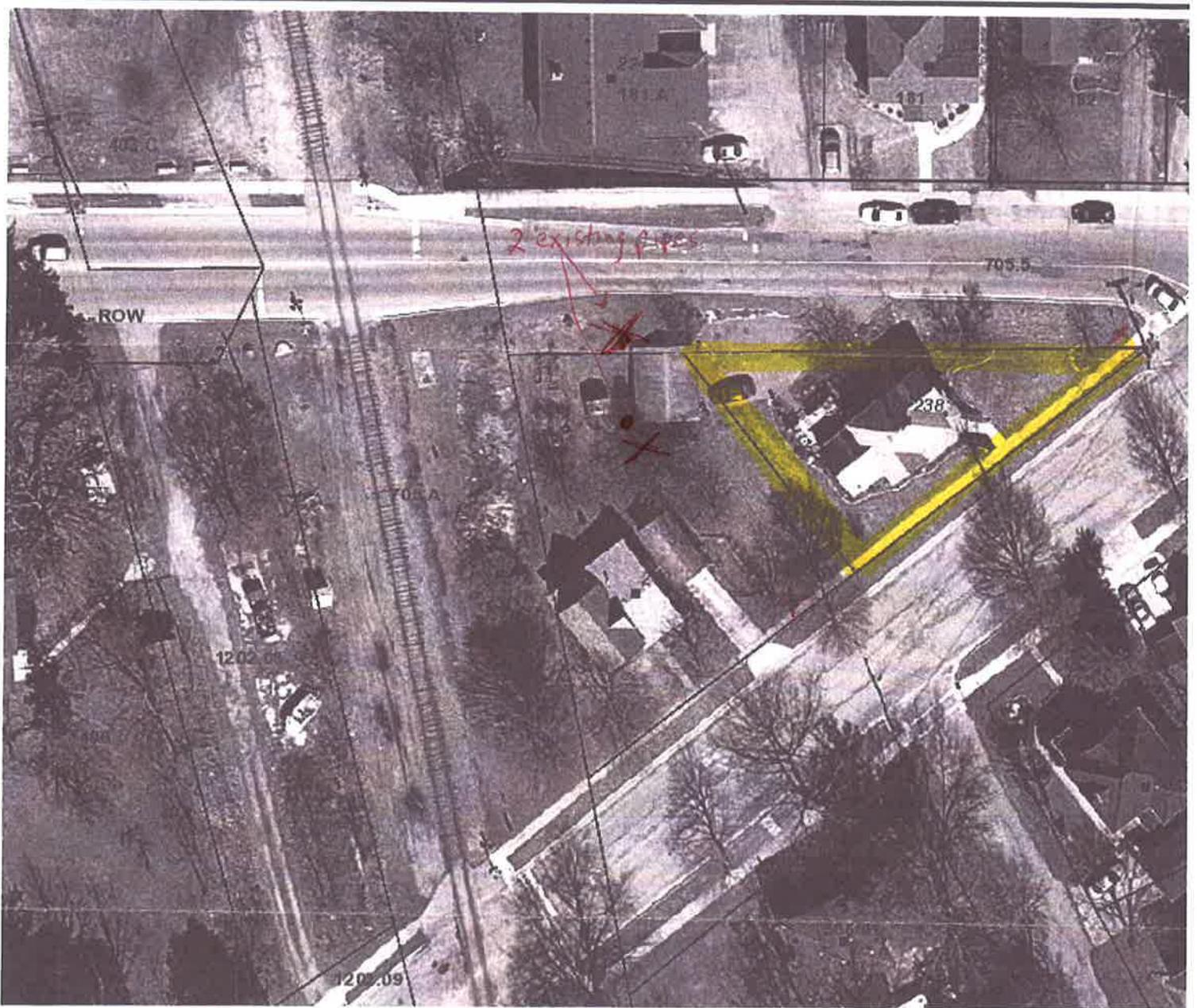
We will be removing the old garage. The stone walls of the garage will be taken down. The grade on the Sank St. side will be put back to a natural grade down to current lawn level. This should be sufficient to keep the slope away from new garage to be built.

The Variance is needed for the northwest corner of the new garage, which will be 11 feet from the lot line on the Sank St. side.

The driveway off Sank St. and the ~~pavement~~ area will stay the same. <sup>pavement</sup>

Kevin Schara  
(owner)

COLUMBIA COUNTY INTERACTIVE MAP



KEVIN,

THE COUNTY MAP SHOWS YOUR PROPERTY LINE MUCH DIFFERENT THAN WE DISCUSSED. WHERE YOU WANT TO BUILD SHOWS AS NEIGHBORS PROPERTY. CAN YOU FIND CORNER PINS? YOU MIGHT NEED TO HAVE A SURVEY DONE.

MIKE  
608-963-0652

EXHIBIT A

Loan#: 8021033884 LPS#: 1752441 Bin #: 7/14/03TN



COMMENCING AT A POINT IN THE VILLAGE OF LODI WHERE THE SOUTHERLY MARGIN OF SAUK STREET INTERSECTS THE NORTHERLY MARGIN OF LODI STREET; THENCE WEST ON A SOUTHERLY MARGIN OF SAID SAUK STREET, 10 RODS AND 19 LINKS; THENCE SOUTH 2 1/2 DEG. EAST, 1 ROD AND 13 LINKS; THENCE SOUTH 39 1/2 DEG. EAST, 5 RODS AND 9 LINKS TO THE NORTHERLY MARGIN OF SAID LODI STREET; THENCE NORTH 51 DEG. EAST, 9 RODS AND 10 LINKS TO THE PLACE OF BEGINNING, BEING KNOWN AS OUTLOT 166, REVISED AND CONSOLIDATED PLAT, VILLAGE OF LODI, NOW CITY OF LODI, COLUMBIA COUNTY, WISCONSIN, SITUATED IN THE COUNTY OF COLUMBIA AND STATE OF WISCONSIN.

Sauk St.

10 Rods  
19 Links  
177.54 ft

Behind Garage

1 Rod  
13 Links  
25.08 ft

Garage  
to Lodi St

5 Rods  
9 Links  
88.44 ft

Lodi St  
to corner

9 Rods  
10 Links  
155.1 ft