



**PLEASE TAKE NOTICE** that there will be a City of Lodi Board of Appeals meeting held on Thursday, August 2, 2018 at 5:00 pm in the Council Room, City Hall, 130 South Main Street, Lodi, WI.

### **Board of Appeals Minutes**

1. Call To Order

Meeting was called to order at 5:05 by Chair Detmer.

2. Roll Call

Members present: Ken Detmer, Don Thistle, Adele Van Ness. Excused: Fred Hohlstein, and Audrey McCubbin. Staff present: Andrew Bremer, Zoning Administrator; Julie Ostrander, Director of Administration. Others present: Mayor Ness and Don Ness (Applicant).

3. Public Input

None

4. Election Of Chairperson

It was noted that the Chair of the Zoning Board of Appeals was previously determined through resolution to be Ken Detmer by the Mayor.

5. Public Hearing

5.a. Public Hearing to Consider a Variance Request from Lodi Ag Fair for Parcel 11246-115 to Allow for an Addition to the Existing Junior Exhibits Building Along Fair Street.

Public hearing was opened at 5:07pm. Ted Lee spoke in favor of granting the variance request indicating that he frequently walks down Fair Street and thinks the two small buildings that would be removed by this variance are an eye sore and the extension of the Junior Exhibits Building would be a benefit for the community. Public hearing closed at 5:09pm after no additional public comments.

6. Action Items

6.a. Recommend a Variance Request from Lodi Ag Fair for Parcel 11246-115 to Allow for an Addition to the Existing Junior Exhibits Building Along Fair Street

Bremer presented an overview of proposed variance request, including review of the MSA staff memo dated July 24, 2018. The purpose of the variance request is to allow for an addition to the existing Junior Exhibits building along Fair Street which is nonconforming to the front setback requirements of the R-1 district of 20 feet. The building addition would extend 78 feet to the northwest and include removal of two existing nonconforming structures adjacent to the Junior Exhibits building and would be 35.4' wide, the same width of the existing building. There are overhead utility lines running along the east side of Fair Street adjacent to the existing Junior Exhibits Building. Based on the attached Plat of Survey dated October 12, 2000 it appears that a portion of the Junior Exhibits Building is within the right-of-way of Fair Street as well as a portion of the smaller building (old bathroom) immediately to the northwest that is proposed for removal. The extent of the building projection into the right-of-way appears to be less than three feet based on Columbia County's GIS webmap and aerial photography. Bremer indicated that if the ZBA motioned to approve the variance he would recommend conditioning approval on a Consent to Occupy Easement by the City Council for the existing and proposed addition to the Junior Exhibits Buildings to protect the City's interests. Bremer noted that the ZBA is approving a reduced setback only and that the Council would need to approve a Consent to Occupy Easement for the portion of the building in the ROW. Bremer indicated that as part of that approval the City may want to require an updated Plat of Survey as the one from 10-12-2000 doesn't include the distance of how far the existing building projects into the right-of-way. Detmer indicated that he thought the requirement for an updated Plat of Survey should be determined by the Council and not the ZBA. Thistle inquired about the zoning of the property and whether it should be zoned something other than R-1. Bremer indicated that there are other parks lands that are zoned R-1 and while others are zoned PUD or Conservancy. Bremer noted that even if the parcel was zoned Conservancy a variance and Consent to Occupy Easement would be necessary. Van Ness inquired about the difference between a CSM and Plat of Survey. Bremer explained a primary difference is a CSM is used to divide a lot(s) whereas a Plat of Survey documents existing property lines and structures on a parcel. Van Ness inquired about any impacts to the existing utility lines. Don Ness indicated they would avoid impacting these existing facilities as they didn't want to incur costs to relocate their utilities. Bremer noted the building addition is not planned to extend any closer to the utilities than the existing building but that this is another reason to complete an updated Plat of Survey. Detmer indicated that in the past the ZBA has made separate motions on each of the six conditions of approval under Section 340-114.B of the Zoning Code along with a final motion on the entire variance. Bremer indicated that be fine.

Motion by Van Ness, seconded by Thistle that conditions of Chapter 340-114.B(1) Exceptional Circumstances have been met as noted in MSA's memo dated 7-24-18. Motion passed 3-0.

Motion by Van Ness, seconded by Thistle that conditions of Chapter 340-114.B(2) Natural Causes have been met as noted in MSA's memo dated 7-24-18. Motion passed 3-0.

Motion by Van Ness, seconded by Thistle that conditions of Chapter 340-114.B(3) Preservation of Property Rights have been met as noted in MSA's memo dated 7-24-18. Motion passed 3-0.

Motion by Van Ness, seconded by Thistle that conditions of Chapter 340-114.B(4) Absence of Detriment have been met as noted in MSA's memo dated 7-24-18. Motion passed 3-0.

Motion by Van Ness, seconded by Thistle that conditions of Chapter 340-114.B(5) General Nature have been met as noted in MSA's memo dated 7-24-18. Motion passed 3-0.

Motion by Van Ness, seconded by Thistle that conditions of Chapter 340-114.B(6) Minimum Variance Required have been met as noted in MSA's memo dated 7-24-18. Motion passed 3-0.

Motion by Thistle, seconded by Van Ness, to conditionally approve the variance request with those two conditions as noted in MSA's memo dated 7-24-18:

1. Approval of a Consent to Occupy Easement by the City Council for the existing, and proposed extended, Junior Exhibits Building.
2. Approval of an Architectural Design Review Application by the Zoning Administrator

Motion passed 3-0.

#### 7. Adjourn

Motion by Van Ness, seconded by Thistle to adjourn. Motion passed 3-0. Meeting adjourned at 5:38pm.

Minutes by Andrew Bremer, Zoning Administrator

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