



**CITY OF MADISON  
ZONING BOARD OF APPEALS  
VARIANCE APPLICATION**

**\$300 Filing Fee**

Ensure all information is typed or legibly printed using blue or black ink.

Address of Subject Property: 1235 E. Johnson St., Madison 53703

Name of Owner: Angela Terrab and Steven Sanders

Address of Owner (if different than above): same as above

Daytime Phone: 608-770-4076; Evening Phone: 608-770-4076;

Email Address: \_\_\_\_\_

Name of Applicant (Owner's Representative): Angela Terrab

Address of Applicant: same as above

Daytime Phone: 608-770-4076 Evening Phone: 608-770-4076

Email Address: angterrab@gmail.com (email or text communication preferred)

**Description of Requested Variance:**

My husband and I are requesting to install a driveway our property, 1235 E. Johnson St., Madison. The property currently does not have off-street parking. Current ordinance 28.141 (9)(a) states that "driveways shall be a minimum of eight (8) feet in width." We are requesting a driveway of 7.9 feet width, which would run along side our house on the northeast side of the property and terminate in a legal, 8' by 20' parking space in the backyard. (We would pave a 16' by 20' space in our rear yard, for a combined parking and patio space.)

In addition to zoning, there were two potential impediments to building the driveway that we considered and cleared. First, there would be about six feet of clearance between the proposed driveway and a city-owned tree on our front apron. I talked to Dean Kahl of City Forestry, who said that a clearance of five feet should be sufficient to preserve the tree, so this should not be a problem. Second, the proposed driveway would have about a foot and a half of clearance from a telephone pole. I contacted Jim Karls from MG&E. Jim recommended three feet of clearance between a driveway and a telephone pole, but clarified that this was not a regulatory necessity (see attached email correspondence).

*(See reverse side for more instructions)*

FOR OFFICE USE ONLY	
Amount Paid:	<u>\$300</u>
Receipt:	<u>9-19-17 035121-0002</u>
Filing Date:	_____
Received By:	<u>GMI</u>
Parcel Number:	<u>070913105247</u>
Zoning District:	<u>TR-V1</u>
Alder District:	<u>2-Zellers</u>
Hearing Date:	<u>Oct 12, 2017</u>
Published Date:	<u>10-5-17</u>
Appeal Number:	<u>LNA-VAR-2017-00017</u>
GQ:	<u>OK</u>
Code Section(s):	<u>Sec. 28.141 (9)(a)</u>

## Standards for Variance

**The Zoning Board of Appeals shall not grant a variance unless it finds that the applicant has shown the following standards are met:**

1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.

This property does not have any off-street parking, which is unusual for a single-family home in Madison. The property dates to the 19th century, and unlike modern single-family homes, was built without on-site parking. Many contemporaneous homes in our district have installed driveways with one or more legal parking spaces. We are one of the few properties on our block without off-street parking.

2. The variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to the public interest.

Taken in whole, the zoning regulations of section 28.141 are intended to balance the reasonable parking needs of Madison residents against impacts on the environment, public safety, and neighborhood aesthetics. The construction driveway for our single-family home will have minimal environmental impacts compared to construction of the larger residential and commercial structures that are also regulated by 28.141, and the aesthetic value would be in keeping with the rest of the neighborhood. Finally, we would contend that off-street parking would be a boon to public safety in the neighborhood. We currently park on East Johnson St., which contributes to congestion on the street. Loading and unloading our car puts tends to put us in the way of car and bike traffic.

3. For an area (setbacks, etc) variance, compliance with the strict letter of the ordinance would unreasonably prevent use of the property for a permitted purpose or would render compliance with the ordinance unnecessarily burdensome.

We are requesting a variance specifically for 28.141 (9a): "Driveways shall be a minimum of eight (8) feet in width." We have 7.9 feet between the eastern edge of our house and our property line (see attached diagram). We fall only 1.2 inches short of being able to install a compliant driveway. We are unable to install an 8' wide driveway while staying within our property lines and maintaining compliance with other regulations. The proposed driveway does not quite meet the letter of regulations, but in practice would function in the same manner as a compliant driveway.

4. The alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property.

The hardship is created by the terms of the ordinance. The ordinance 28.141 (9)(a) states that we need a width of eight feet in order to install a driveway. A driveway must lead to a legal parking space, which by regulation 28.141 (8)(c) cannot be located "within front yard setbacks." The way that our house stands on our property makes it untenable to install a driveway that upholds both ordinances.

5. The proposed variance shall not create substantial detriment to adjacent property.

The variance itself will not create detriment to the adjacent property. The proposed driveway would be built entirely within our property lines. While it would run along the property line, the area immediately adjacent to the proposed driveway on the neighbor's side of the property line is a little-used side setback.

While the variance for the driveway itself will not affect the neighbors, we are proposing to but the legal 8' by 20' parking space in the rear of our house, next to the property line. This would necessitate tearing down the current fence between the properties, which veers a couple inches on to our property (see survey). This fence is in bad repair and we were already planning to replace it.

6. The proposed variance shall be compatible with the character of the immediate neighborhood.

The variance will be compatible with the character of the immediate neighborhood. Houses on many, if not most, of the properties in our neighborhood were built without driveways. Driveways have since been installed in many of the properties, in keeping with modern expectations of functionality for a single-family home. Like our proposed driveway, many of these seem to run right up to property lines with adjoining properties.

## Application Requirements

**Please provide the following Information** (Please note any boxes left unchecked below could result in a processing delay or the Board's denial of your application):

<input type="checkbox"/>	<b>Pre-application meeting with staff:</b> Prior to submittal of this application, the applicant is strongly encouraged to discuss the proposed project and submittal material with Zoning staff. <b>Incomplete applications could result in referral or denial by the Zoning Board of Appeals.</b>
<input checked="" type="checkbox"/>	<b>Site plan</b> , drawn to scale. A registered survey is recommended, but not required. Show the following on the site plan (Maximum size for all drawings is 11" x 17"): <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Lot lines</li> <li><input checked="" type="checkbox"/> Existing and proposed structures, with dimensions and setback distances to all property lines</li> <li><input checked="" type="checkbox"/> Approximate location of structures on neighboring properties adjacent to variance</li> <li><input checked="" type="checkbox"/> Major landscape elements, fencing, retaining walls or other relevant site features</li> <li><input checked="" type="checkbox"/> Scale (1" = 20' or 1' = 30' preferred)</li> <li><input checked="" type="checkbox"/> North arrow</li> </ul>
<input type="checkbox"/>	<b>Elevations</b> from all relevant directions showing existing and proposed views, with notation showing the existing structure and proposed addition(s). (Maximum size for all drawings is 11" x 17")
<input type="checkbox"/>	<b>Interior floor plan of existing and proposed structure</b> , when relevant to the variance request and required by Zoning Staff (Most additions and expansions will require floor plans). (Maximum size for all drawings is 11" x 17")
<input type="checkbox"/>	<b>Front yard variance requests only.</b> Show the building location (front setback) of adjacent properties on each side of the subject property to determine front setback average.
<input type="checkbox"/>	<b>Lakefront setback variance requests only.</b> Provide a survey prepared by a registered land surveyor showing existing setbacks of buildings on adjacent lots, per MGO 28.138.
<input type="checkbox"/>	<b>Variance requests specifically involving slope, grade, or trees.</b> Approximate location and amount of slope, direction of drainage, location, species and size of trees.
<input checked="" type="checkbox"/>	<b>CHECK HERE.</b> I acknowledge any statements implied as fact require supporting evidence.
<input checked="" type="checkbox"/>	<b>CHECK HERE.</b> I have been given a copy of and have reviewed the standards that the Zoning Board of Appeals will use when reviewing applications for variances.

**Owner's Signature:** Angela Jurat **Date:** 9/16/2017

----- (Do not write below this line/For Office Use Only) -----

<b><u>DECISION</u></b>
The Board, in accordance with its findings of fact, hereby determines that the requested variance for _____ <b>(is) (is not)</b> in compliance with all of the standards for a variance. Further findings of fact are stated in the minutes of this public hearing.
<b>The Zoning Board of Appeals:</b> <input type="checkbox"/> <b>Approved</b> <input type="checkbox"/> <b>Denied</b> <input type="checkbox"/> <b>Conditionally Approved</b>
<b>Zoning Board of Appeals Chair:</b>
<b>Date:</b>

8/27/2017

Gmail - Re: <E> Re: Pole next to driveway.



Angela Terrab <angterrab@gmail.com>

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**Re: <E> Re: Pole next to driveway.**

2 messages

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**JKarls@mge.com** <JKarls@mge.com>  
To: Angela Terrab <angterrab@gmail.com>

Mon, Jun 5, 2017 at 10:55 AM

I took a look at this today. With the limited space you have I am ok with you just putting the driveway in keeping as much space as possible away from the pole. The pole is located off of your property line already. If we were to move the pole North it would start to create a trespass. I know you will not have the 3 ft we requested but there isn't much we can do. I recommend putting the driveway in and if the pole becomes a problem, contact me again and we will work on a solution then.

Have a great day.

Thanks,  
Jim

Sent from my iPhone

On Jun 2, 2017, at 4:04 PM, Angela Terrab <angterrab@gmail.com> wrote:

Hi Jim,

Based on where our property line is in relation to our house, I think we would only have about 1 foot of clearance. Is there a procedure we could initiate to request that a pole be moved? If so, what would the cost be?

Our address is 1235 E. Johnson St. If you think it would be beneficial to schedule a site visit, I'm free most weekdays before 9:30 am. My husband has additional availability until 10:30 am.

Thank you!

Angela Terrab

On Thu, Jun 1, 2017 at 9:21 AM, <JKarls@mge.com> wrote:  
Angela,

I received your message this morning. I apologize for not getting back to you earlier. We look for 3' from pole to driveway. I could meet you on site if you would like.

Thanks,

Jim Karls

8/27/2017

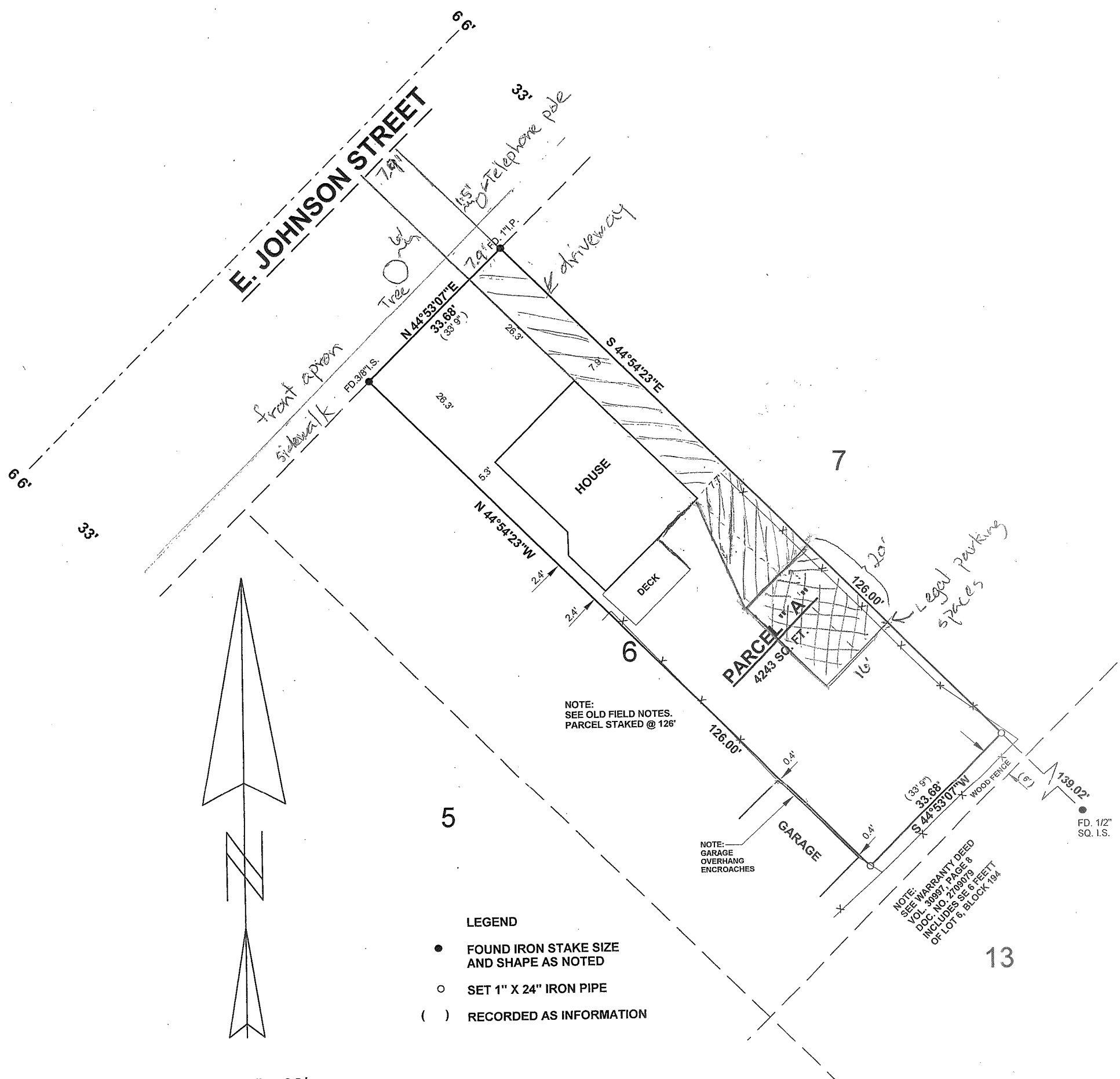
Gmail - Re: <E> Re: Pole next to driveway.

driveway to permit three feet of clearance, but if not, I'm glad to hear there's not a regulatory issue with putting it in as planned.

Thank you!

Angela

[Quoted text hidden]



LEGAL DESCRIPTION: PER WARRANTY DEED DOC. NO. 5306503

THE NORTHEAST 33 FEET 9 INCHES OF LOT 6, BLOCK 194, ORIGINAL PLAT OF MADISON, IN THE CITY OF MADISON, DANE COUNTY, WISCONSIN.

SHOULD BE THE FOLLOWING DESCRIPTION: VERIFY WITH TITLE CO.

THE NORTHEAST 33 FEET 9 INCHES OF THE NORTHWEST 126 FEET OF LOT 6, BLCOK 194, ORIGINAL PLAT OF MADISON, IN THE CITY OF MADISON, DANE COUNTY, WISCONSIN.

SUBJECT TO EASEMENTS AND AGREEMENTS RECORDED AND UNRECORDED.

PREPARED FOR:  
ANGELA TERRAB  
1235 E. JOHNSON STREET  
MADISON, WI. 53704


**SURVEYOR'S CERTIFICATE:**

I, Mark Steven Gerhardt, Professional Land Surveyor, S-1983, do hereby certify that I have surveyed the property shown on this plat in accordance with the descriptions and instructions furnished by the persons who caused this survey to be made and that this plat is a correct and accurate representation of said survey.

Date: April 19, 2017

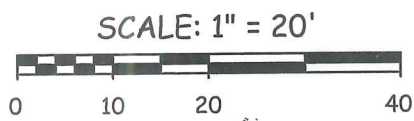
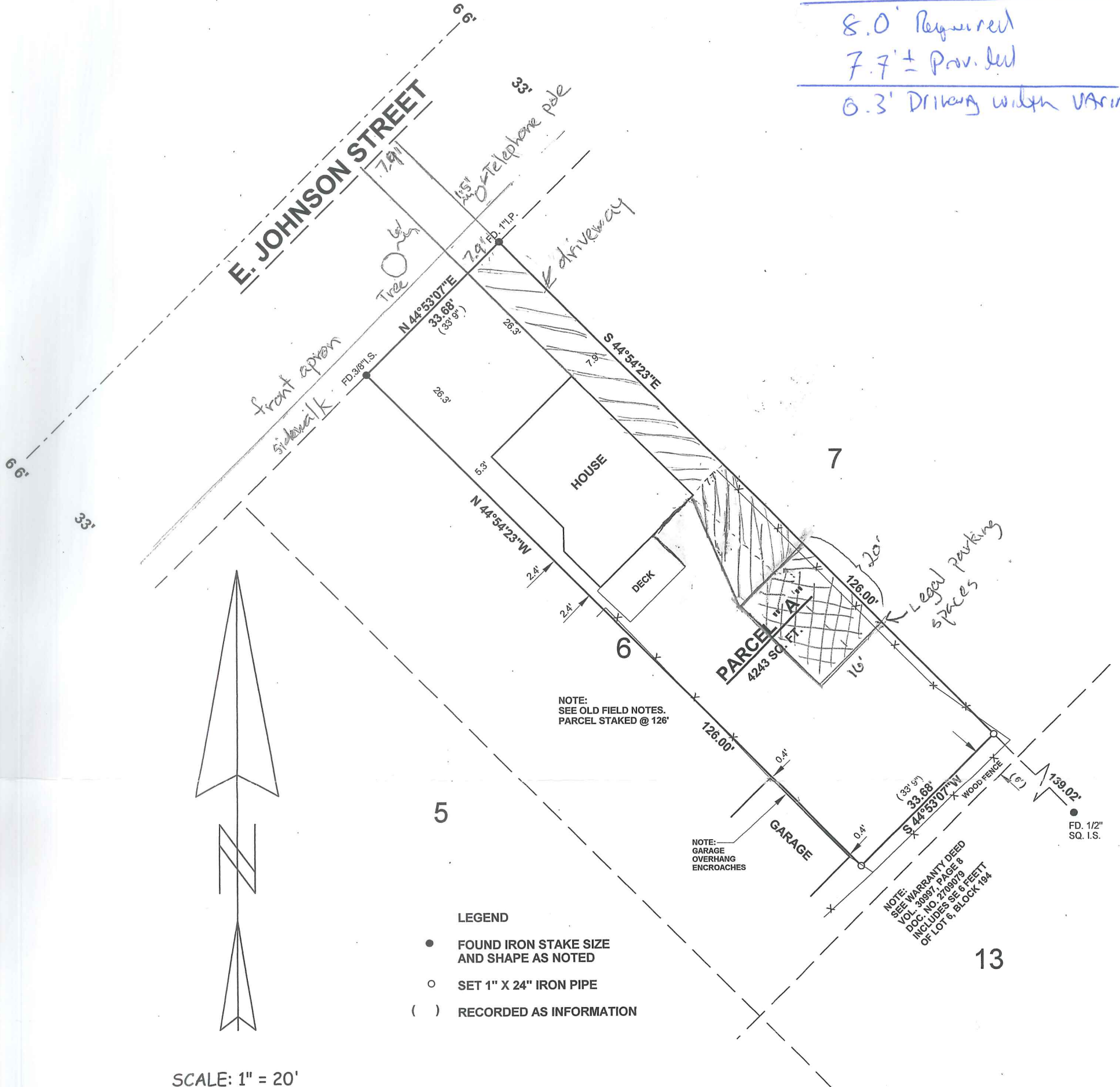
*Mark Steven Gerhardt*  
Mark Steven Gerhardt,  
Professional Land Surveyor, S-1983



 <b>BADGER SURVEYING AND MAPPING SERVICE</b> 525 WEST PRAIRIE STREET, COLUMBUS, WISCONSIN 53925 - (608) 244-2010 - FAX: (920) 623-9810			
SCALE	1" = 20'	APPROVED BY:	DRAWN BY
DATE	4-19-17	M. S. GERHARDT	M.S.G.
			REVISED
<b>PLAT OF SURVEY</b>			
			DRAWING NUMBER
			17G - 13



Driveway width minimum  
 8.0' Required  
 7.7' ± Provided  
0.3' Driveway width variance



BEARINGS ARE REF. TO THE NORTHERLY R/W LINE OF E. DAYTON STREET ASSUMED TO BEAR N 44°57'28" E

- LEGEND**
- FOUND IRON STAKE SIZE AND SHAPE AS NOTED
  - SET 1" X 24" IRON PIPE
  - ( ) RECORDED AS INFORMATION

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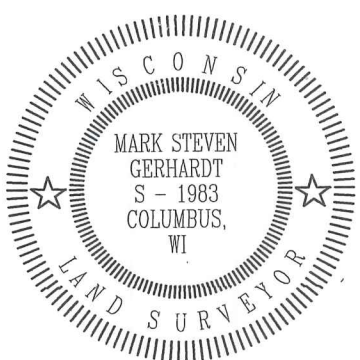
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 ANGELA TERRAB  
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 MADISON, WI. 53704

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Date: April 19, 2017

*Mark Steven Gerhardt*  
 Mark Steven Gerhardt,  
 Professional Land Surveyor, S-1983



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SCALE	1" = 20'	APPROVED BY:	DRAWN BY <b>M.S.G.</b>
DATE	4-19-17	<b>M. S. GERHARDT</b>	REVISED
<b>PLAT OF SURVEY</b>			DRAWING NUMBER
			<b>17G - 13</b>