

Department of Planning
and Development
Planning Unit

City of
Madison



Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
608 266 4635
FAX 608 267 8739

February 5, 1996

Mr. Chuck Gates and Ms. Candy Schrank
5042 Lake Mendota Drive
Madison, WI 53705

Dear Mr. Gates and Ms. Schrank:

This letter is your certificate of appropriateness for adding a second story to your house at 5042 Lake Mendota Drive. The Native American mound is quite a distance from the house, and I understand that you will install stakes at least ten feet from the mound and roping to make sure that construction workers do not disturb the mound.

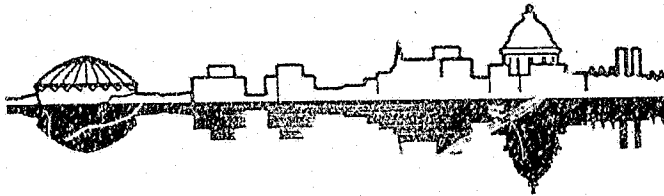
If you have any questions, please call me at 266-6552.

Sincerely yours,

A handwritten signature in cursive script that reads "Katherine H. Rankin". The signature is written in dark ink and is positioned above the typed name.

Katherine H. Rankin
Preservation Planner

cc: Building Inspection



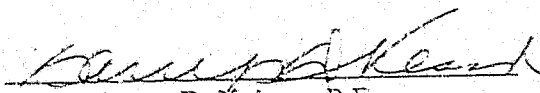
CITY OF MADISON
ENGINEERING DIVISION
210 Martin Luther King Jr. Blvd., Rm. 115
Madison, WI 53710 (608) 266-4751

FAX (608) 264-9275
TDD (608) 267-8677

Date: February 24, 1997
To: George Carran, City Zoning Board of Appeals
From: Larry D. Nelson, P.E., City Engineer
Subject: 5042 Lake Mendota Drive

City Engineering Comments are as follows for the Zoning variance at: 5042 Lake Mendota Drive

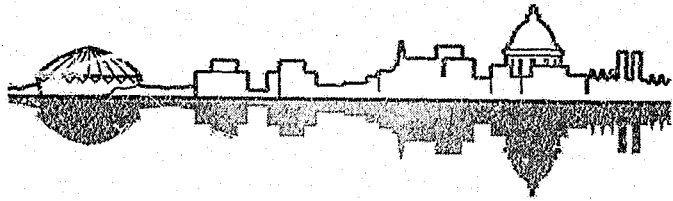
The owner shall modify drainage of side lot lines and rear lot lines as necessary to accommodate additional runoff and/or change in direction of runoff discharge.


Larry D. Nelson, P.E.
Engineer

LDN:JS:mib

cc: Alderperson Holtzman 19th Aldermanic District

CITY OF MADISON
ENGINEERING DIVISION
210 Martin Luther King Jr. Blvd., Rm. 115
Madison, WI 53710 . (608) 266-4751



FAX (608) 264-9275
TDD (608) 267-8677

Date: March 25, 1997
To: George Carran, City Zoning Board of Appeals
From: Larry D. Nelson, P.E., City Engineer
Subject: 5042 Lake Mendota Drive

City Engineering Comments are as follows for the Zoning variance at: 5042 Lake Mendota Drive

The owner shall modify drainage of side lot lines and rear lot lines as necessary to accommodate additional runoff and/or change in direction of runoff discharge.

Bernard Mendricks
for Larry D. Nelson, P.E.
City Engineer

LDN:JS:mjb

cc:: Alderperson Holtzman -- 19th Aldermanic District

ZONING BOARD OF APPEALS APPLICATION
City of Madison

(For Office Use Only)

PLEASE SUBMIT:

- (2) Application forms
- (2) Plot plans indicating area where variance is requested (to scale).*
- (1) Elevation drawings (3 views)

\$120 Filing Fee (Variance) or
\$200 Filing Fee (Appeal)

Recpt. # 24927 Recvd. By ACC
 Filing Date 2-10-97
 Hearing Date 2-27-97
 Zoning District R7-HISL
 Parcel No. 0709-184-0128-6
 Published _____
 Ald. District 10-HOLTZMAN
 Appeal No. 032797-15
 GQ Hist Landmark - ZBA

TO THE ZONING BOARD OF APPEALS:

The undersigned hereby (requests a variance) (~~appeals the decision of the Zoning Administrator~~) in regard to:

Section No. _____ of the Madison General Ordinances in order to:

REMODEL AND ADD TO EXISTING HOUSE

At 5042 LAKE MENDOTA DR
(street address)

No. of Stories 2

Lot 2, Block 3, SPRING PARK addition to the City of
Madison, Wisconsin.

Reason/s why applicant cannot comply with ordinance requirements (explain hardship)

INDIAN MOUND, MATURE OAK TREES, STEEP SLOPE,
UNIQUE LOT SHAPE, EXISTING HOUSE LOCATION
SEE ATTACHED COVER LETTER FOR DETAILS

(additional space on back)

Please Print

Name of Owner CHARLES GATES Address 5042 LAKE MENDOTA DR

Applicant [Signature] Address 5042 LAKE MENDOTA DR Phone H-233-6106
W-221-4499

Notices sent to District Alderperson and to owners of record as listed in the Office of the City Assessor and on the attached mailing list. *If plans are larger than 11" x 17", please submit a reduced plan also for mailing purposes.

(Do not write below this line)

DECISION

The Board, in accordance with the findings of fact, hereby determines that the requested variance (is) (is not) in compliance with all of the standards for a variance. Further finding of fact is stated in the minutes of this public hearing.

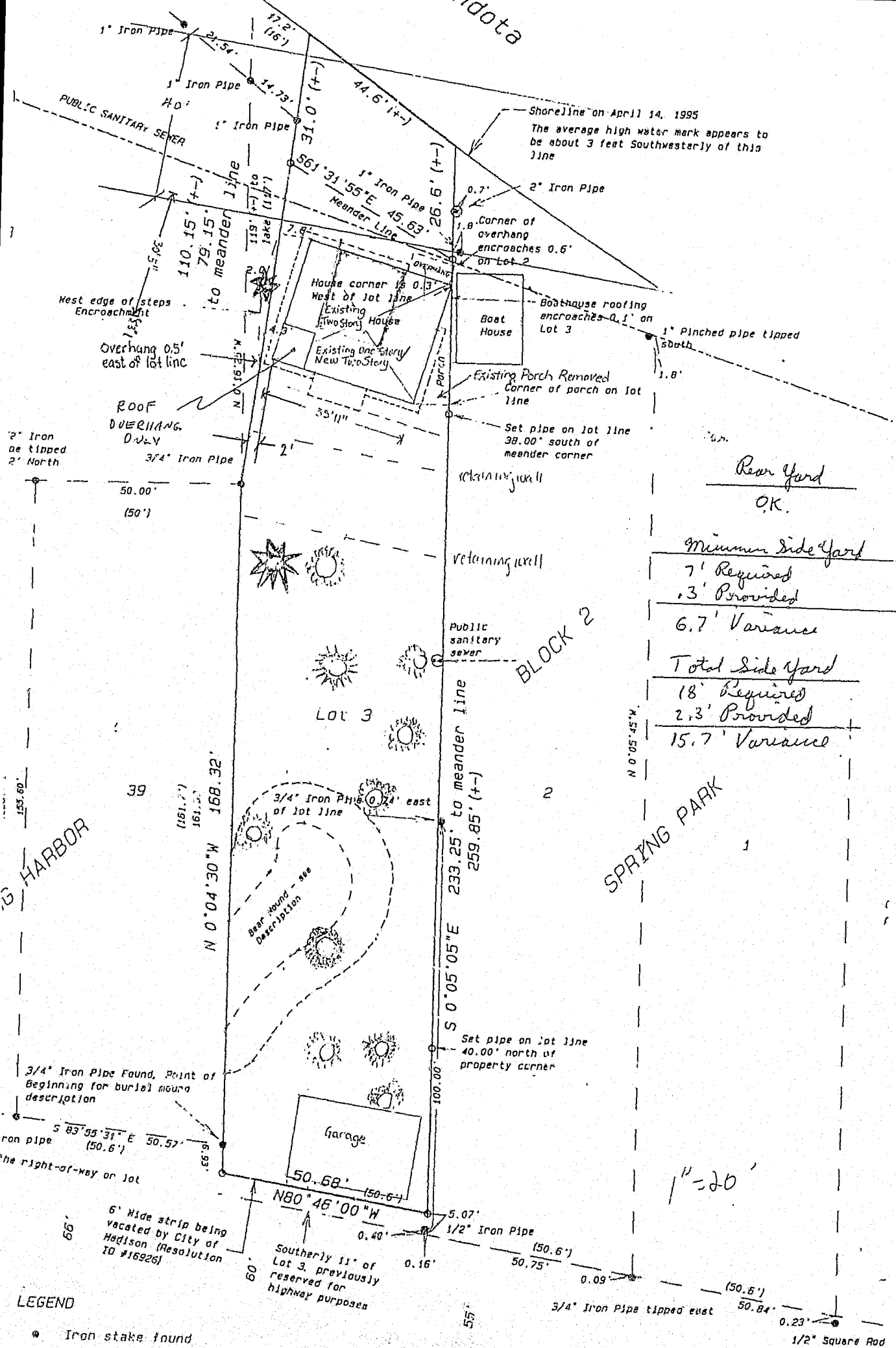
The Zoning Board of Appeals: (Approved) (Disapproved) (Conditionally Approved)
the request for a 6.7' minimum side yard variance and 15.7' total side yard variance
to construct a second-story addition onto the subject house which will be .3' from the
side lot line. A building permit is required.

Deffered 3/13/97
ACC

[Signature]

Zoning Board of Appeals Chair

Date 3-27-97



Back Yard
O.K.

Minimum Side Yard
7' Required
3' Provided
6.7' Variance
Total Side Yard
18' Required
2.3' Provided
15.7' Variance

1" = 20'

LEGEND
● Iron stake found

ADDITION ■ REMODEL

CHUCK GATES / CANDY SCHRANNI

5042 Lake Mendota Drive
Madison, Wisconsin 53705

Date: January 31, 1997

Revised:

Drawn: Deb Harvey

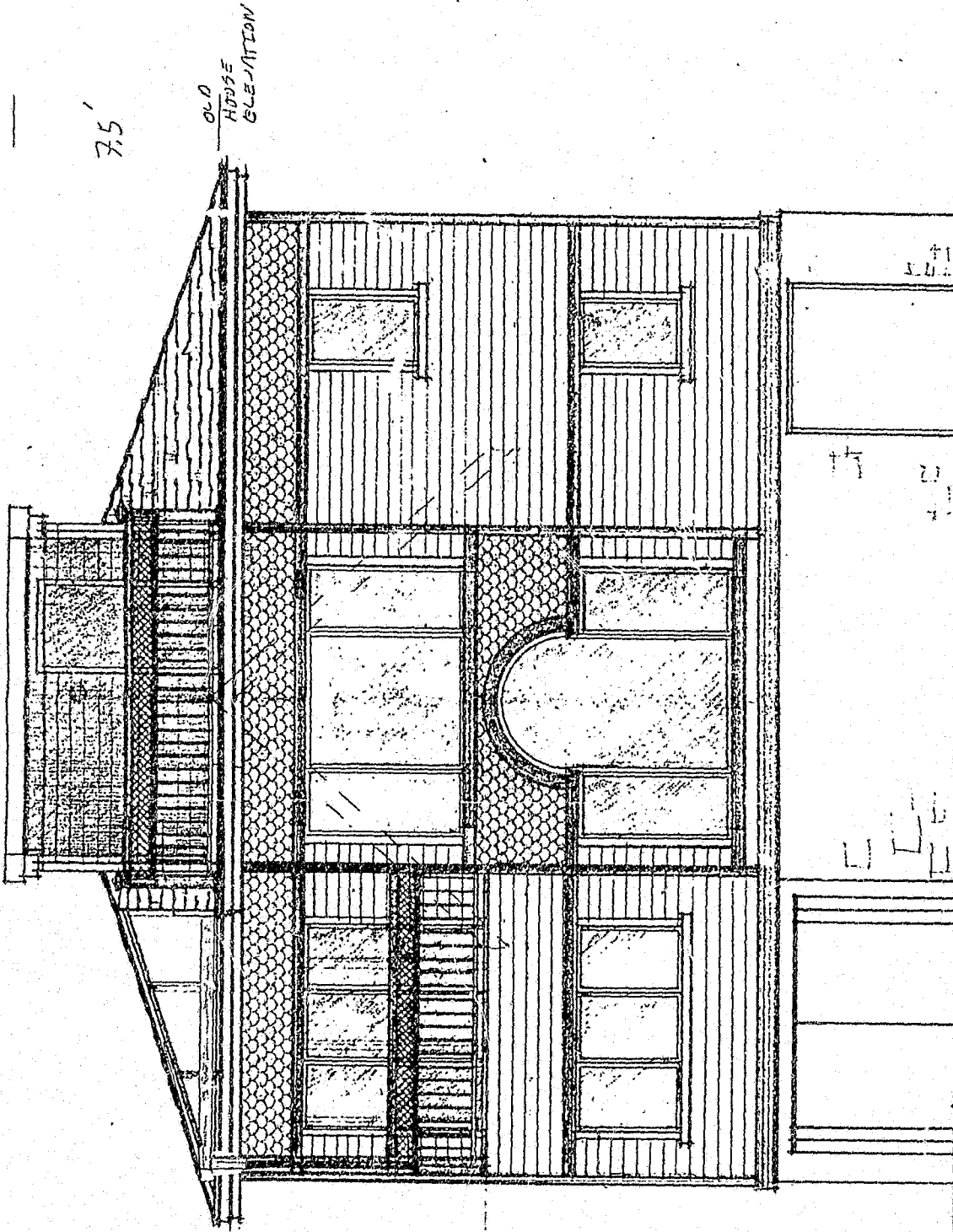
Phone: 233.6751 fax: 233.2995

Drawing: EXTERIOR ELEVATIONS

Sheet:

C

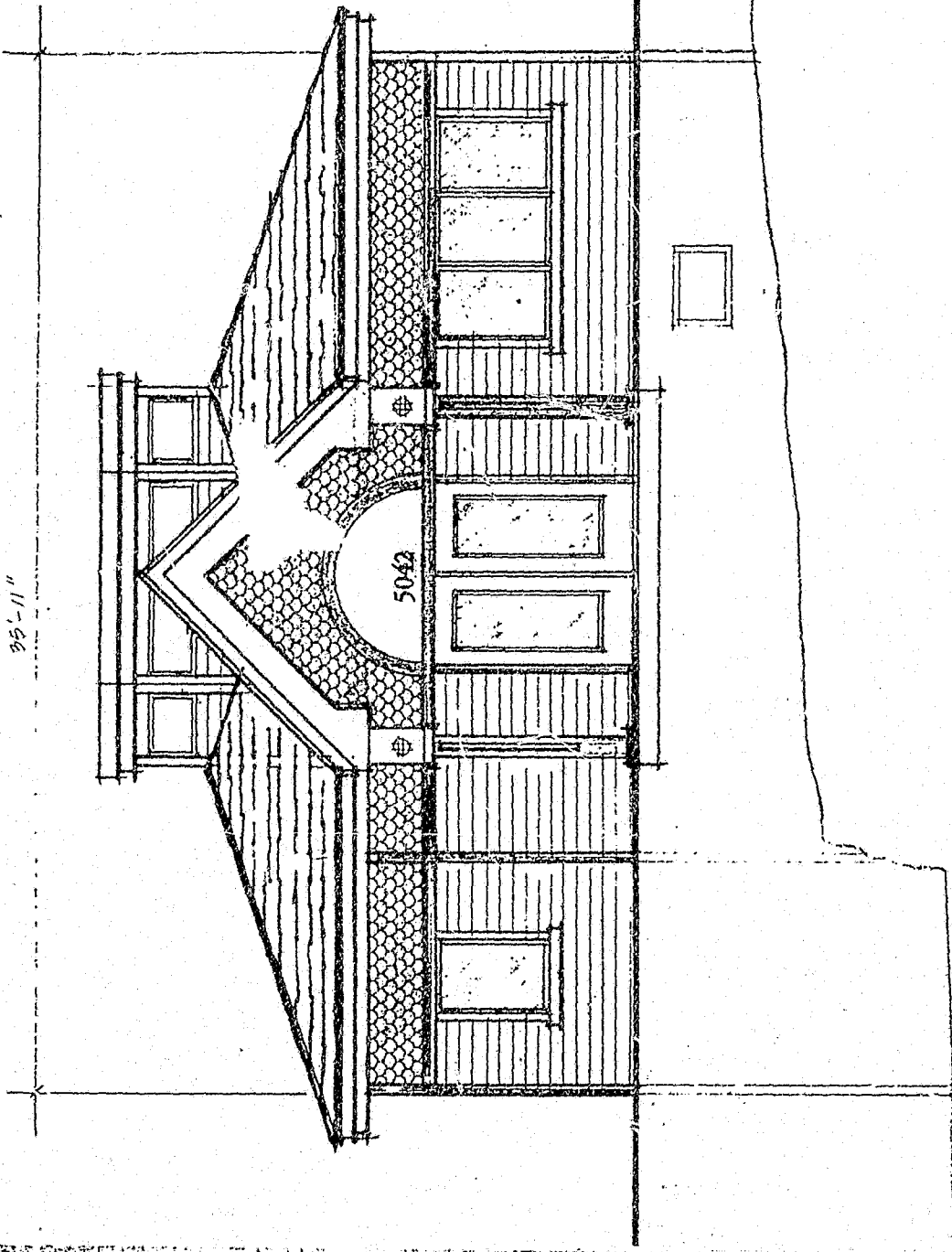
2-8-97



North Elevation

1/4" Scale

3



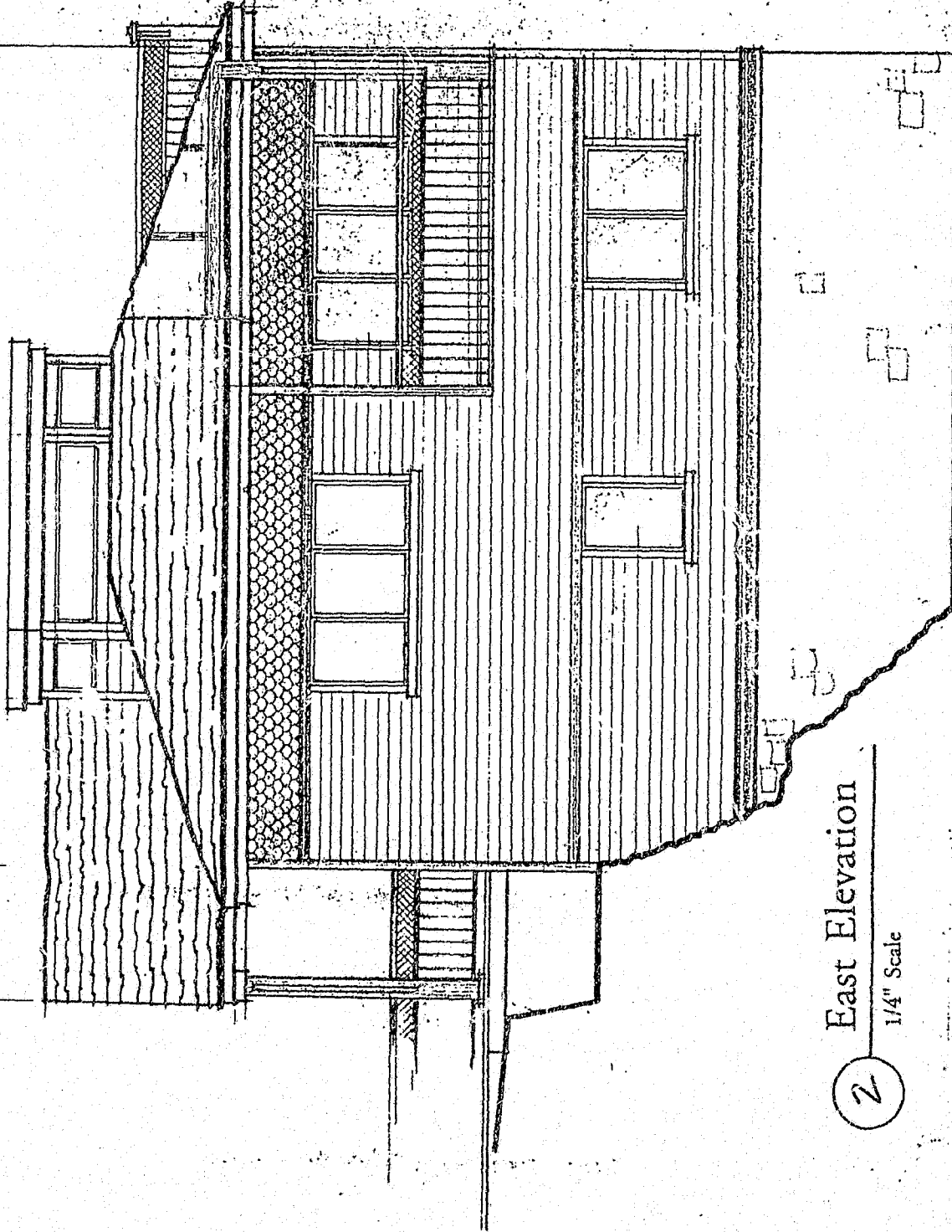
South Elevation

1/4" Scale

1

20'-5"

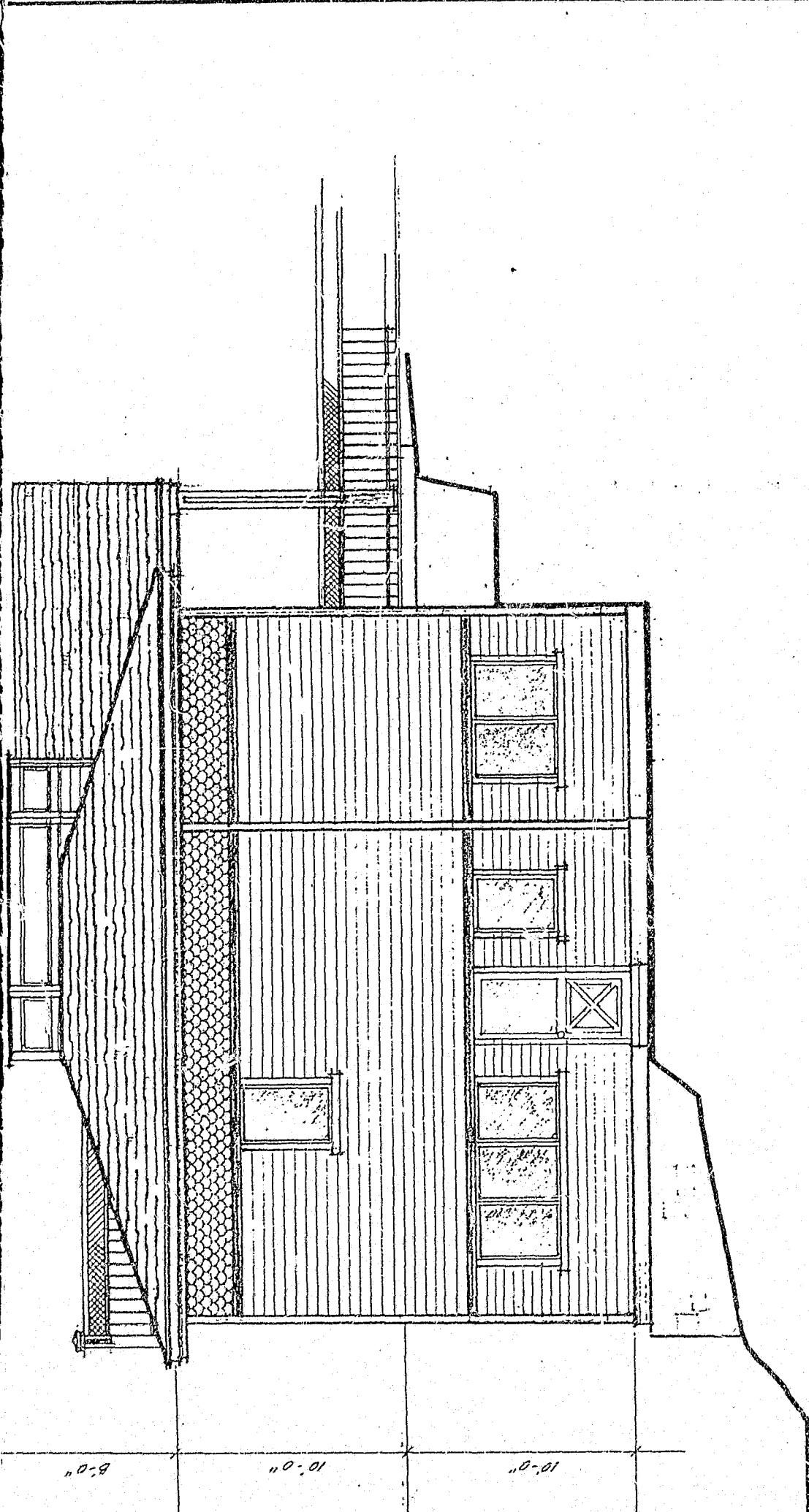
5'-3"



East Elevation

1/4" Scale

2



Approved Jan. 27, 1914

West Elevation

1/4" Scale

4

1" Iron Pipe

1" Iron Pipe

44.6' (+)

NO ENCLOSED
2ND
STORY

PUBLIC SANITARY SEWER

to meander line

NO
EXTENSION
INTO
"EL"

110.15' (+)
79.15'

119' (+) to
lake (117')

561' 31' 55" E 45' 63"
Meander Line

29.6' (+)

0.7'
1.6' Corner
overhaul
encroachment
on Lot

West edge of steps
Encroachment

OVERHANG
ROOF AT
REQUEST
OF
WEST
NEIGHBORS

N 7° 06' 15" E

N 0° 16' 25" W

House corner
West of lot line
Existing
Two Story House

OVERHANG
DECK

Boat
House

Existing One Story
New Two Story

Existing

35' 11"

3/4" Iron Pipe

50.00'
(50')

EXIST
2 STORY 338 FT²

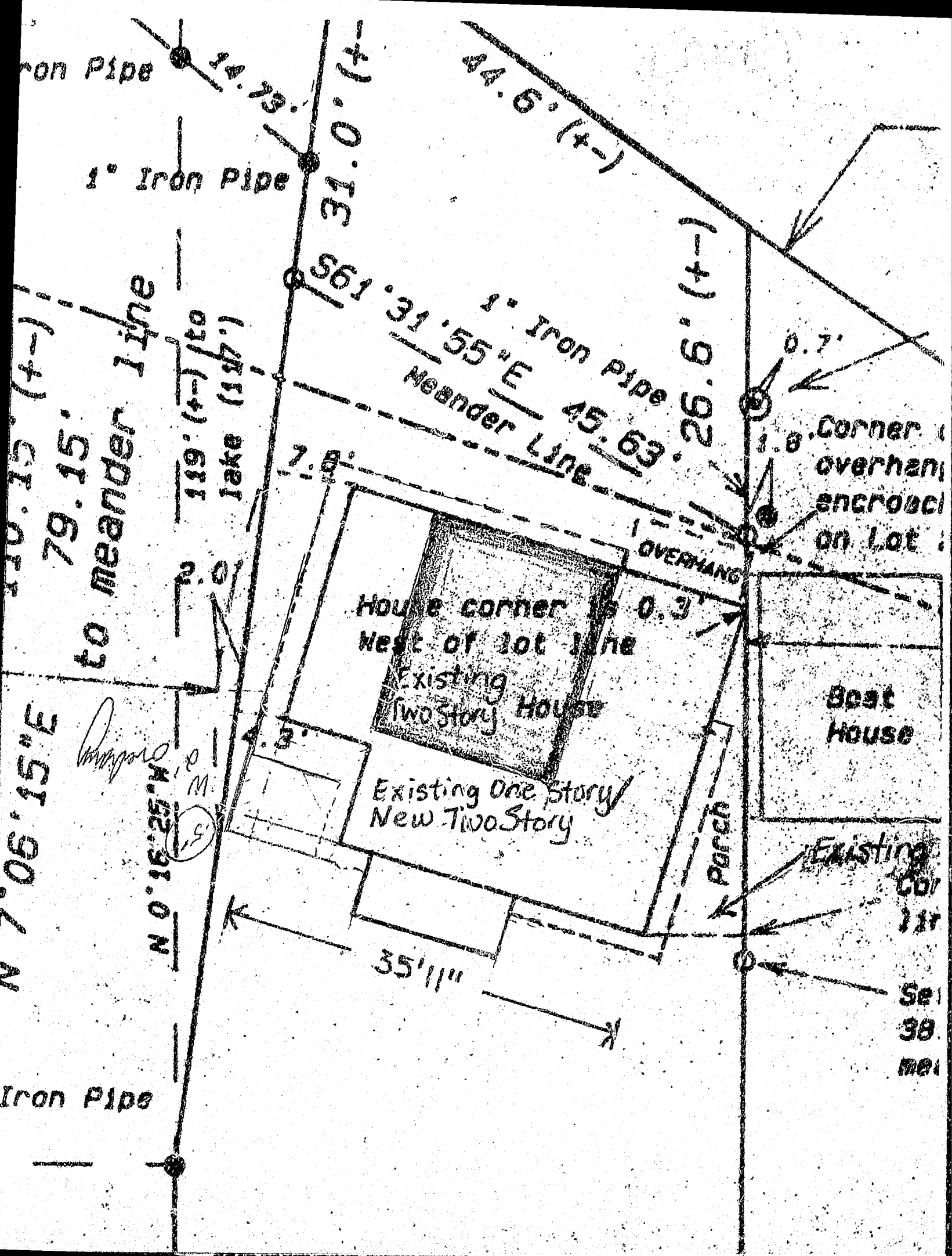
PORCH
AND
DOOR
REMOVED

NEW
2 STORY 557 FT²

TOTAL 895 FT²
ADDITION

(LESS DECK,
INCLUDING EXIST.
2 STORY)

Public
sanitary
sewer



Iron Pipe

1" Iron Pipe

N 7° 06' 15" E 79.15' (+-)

to meander line

N 119° (+-) (to lake (147'))

N 31° 0' (+-)

N 44° 6' (+-)

361'

1" Iron Pipe Meander Line

N 25° 9' (+-)

0.7'

Corner overhang encroachment on Lot

OVERHANG

House corner 0.3' West of lot line

Existing Two Story House

Best House

Existing One Story New Two Story

Porch

Existing Cor

N 0° 16' 25" W 31.0' N

35' 11"

Iron Pipe

Se 38' ME

**ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
5042 Lake Mendota Drive**

Zoning: HIS-L R2

Owner: Charles A. Gates

Technical Information:

Lot Size: 50.60' x 39' **Minimum R2 Lot Width:** 50'

Lot Area: 12,335.10 sq. ft. **Minimum R2 Lot Area:** 6,000 sq. ft.

M.G.O. Section Requiring Variance: 28.08(2)(f)2.b.

Analysis:

The applicant wishes to construct a second-floor addition onto a one-story, lakefront, single-family house. It is at the bottom of a cliff along the lake shore. The detached garage is up on top of the hill at street level. The grade drops about 50 feet. A neighbor's boat house is adjacent on the right side about one foot away.

Comments Relative to Standards:

1. **Topographical hardship:** Extreme topographical relief prevents construction elsewhere on the lot. Indian Bear mounds are on the property. Many mature trees.
2. **Similarity with other properties:** This property is larger than the R2 minimums and similar in size to neighborhood lots; however, most of the lot is unbuildable.
3. **Economic or material gain:** This home is owner occupied.
4. **Hardship caused by current owner:** The current owner purchased the lot in 1984. The house was built in 1875, prior to my employment.
5. **Detrimental to public welfare or other properties:** This variance should have no negative affect on public welfare.
6. **Impairment of light or air or endangerment of public safety:** The variance will have no light or air impairment, but could affect lake view for neighbors on both sides.

Section Number Which Authorizes the Variance: 28.12(8)(d)1.

Other Comments: The Zoning Board approved a 28'6" front yard variance to construct a garage 1'6" from the front lot line on January 12, 1995.

Chuck Gates
5042 Lake Mendota Drive
Madison, WI 53705
H - (608) 233-6106
W - (608) 221-4499
Fax - (608) 221-2824

February 10, 1997

Zoning Board of Appeals
City of Madison, Wisconsin

Re: Side and rear yard setback variances for house addition, Lot 2, Block 3 Spring Park, 5042 Lake Mendota Drive.

Dear Board Members,

We have been planning for years to expand the 900 square feet of living space on our property. We believe that our situation meets all six conditions for approving variance requests. There is an Indian bear effigy mound that was recently protected by designations as a cataloged burial site by the State and as a landmark by the City. These designations plus the steep slope, presence of pre-settlement mature oak trees, and the unusual shape of the lot place unique restrictions on the entire property. The strict letter of the regulations would require the existing structure to be torn down and a new structure placed on the steepest and most inaccessible part of the lot. This would not only be an extreme hardship but the new structure would be closer to the neighboring houses, impinge more on air and light supply to the neighboring lots, and be more detrimental to the neighbors' view and the public's view of the lake from the road.

The conditions upon which the variance is requested, the combination of the Indian Mound, mature oak trees, steep slope, unique lot shape, and existing house location, would not apply to other properties within the same zoning classification. We are not asking for a variance for economic or material gain but to merely increase the size of our house to a very modest size for the neighborhood. And, we did not create the conditions that require us to seek a variance. In fact, the major hardship was created by the State and the City of Madison.

Granting the variance would not be detrimental to the public welfare. There is an existing structure in the current location and the size would be increased only modestly. Nor would the variance harm properties and improvements in the neighborhood but would actually be a benefit. The existing house location impacts on our neighbor's properties the least, and overall property values should increase because of the upgrade in quality and aesthetic appeal of our property.

In summary, I believe our house addition plans are consistent with the public interest because it would:

- Preserve the Indian mounds and their environs.
- Protect mature trees.
- Allow a moderate sized house to be built with minimal impact on the natural landscaping, light and air.

For your information, on December 8, 1994, the Board heard and granted a request for a variance to build our present garage. In the variance request, we specifically referred to our intentions regarding our future plans for the house and received a positive response.

Some pertinent facts and points of concern are explained in more detail in the following paragraphs:

Indian Mound - The partially intact bear mound is located at the top of a steep hill. This mound is on the National and State Registry of Historic Sites. In 1990, the State of Wisconsin designated mounds as a burial site, subject to Ch. HS 2, Wis. Adm. Code, SS. 157.70(2)(a) and (5)(b), and S. 70.11(13), Wis. Stats. This in effect prohibits any excavation (and therefore construction) within 5' of the mound except in a rare situation. On January 10, 1994, the City of Madison designated the bear mound as a city landmark. The intent of the designation was to "protect the mounds and their environs". The actual language states "...no ground disturbance shall occur within 10' of the existing mounds unless no reasonable alternative locations exist for the new construction..."

These recent restrictions eliminate the best house building site as an option, forcing the location down a hill too steep for a driveway. I believe this has a very significant and negative impact on property value. We have received no compensation except for perhaps some reduction of property taxes.

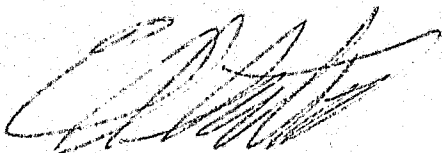
Pre-European settlement Oak Trees - There are presently nine large pre-European settlement oak trees on the lot. We do not want to cut any of these down, which would be required for any other possible site on the property.

Steep Terrain - The land drops off rapidly away from the road, making it difficult to consider anything immediately downhill of the Indian mound, even if it was possible to get around it. (There is only 9' from the Indian mound to the east property line, after subtracting the 10' Landmark designation setback.). Building a house on this steep terrain would not only be more environmentally damaging, it would cut off a portion of the view of our neighbors, especially the neighbors to the west. The proposed and current location would require little terrain modification or erosion.

Impact on adjacent property owners - Both adjacent neighbors approve of our proposed plan. Any other alternative would more adversely affect both of them in terms of views and proximity of houses. The same holds true for all nearby property owners and the general public. Enclosed is a supporting letter from each adjacent neighbor.

Thank you for your time and consideration. We look forward to working with you.

Sincerely,



Chuck Gates

Nick Margetis
5046 Lake Mendota Drive
Madison, WI 53705

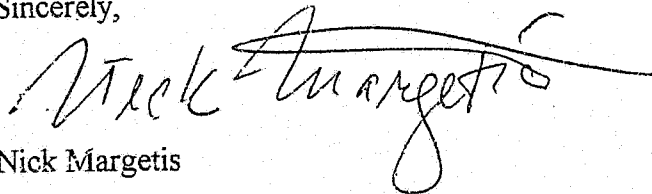
February 8, 1997

To: Zoning Board of Appeals

Dear Board Members,

I have reviewed Chuck Gates' plans for a remodel and addition to the house next door at 5042 Lake Mendota Drive. I have no objections to the plans and think it is appropriate for the situation and the neighborhood.

Sincerely,

A handwritten signature in cursive script that reads "Nick Margetis". The signature is written in dark ink and includes a long horizontal flourish extending to the right.

Nick Margetis

Exhibit One
032997-9

Jim Murphy
Nancy Holland
5040 Lake Mendota Drive
Mauison, WI 53705

Zoning Board of Appeals

Dear Board Members,

We have reviewed Chuck Gate's plans for a remodel and addition to the house next door at 5042 Lake Mendota Drive. We have no objections to the plans and think it is appropriate for the situation and the neighborhood.

Sincerely,

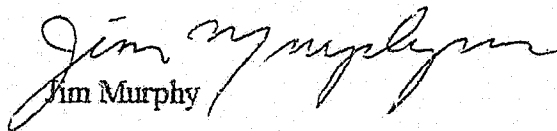

Jim Murphy

Exhibit Two
032797-9

Charles Gates
5042 Lake Mendota Drive
Madison, WI 53705
H - (608) 233-6106
W - (608) 221-4499
Fax - (608) 221-2824


March 3, 1997

George Carran
Zoning Administrator
Department of Planning and Development
City of Madison
Madison Municipal Building
P.O. Box 2984
Madison, WI 53701-2984

Re: our petition for variance

As per our conversation with you and the board on February 27, 1996, we request our delayed hearing be rescheduled for March 27, as we will be unavailable on March 13.

Sincerely,



Chuck Gates

Department of Planning & Development
Inspection Unit

City of
Madison



August 29, 1997

Candy Schrank & Charles Gates
5042 Lake Mendota Drive
Madison, WI 53705

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2984
Madison, Wisconsin 53701-2984
608 266 4551
FAX 608 266 6377

RE: Petition Number M-08-74-97
5042 Lake Mendota Drive

Dear Ms. Schrank & Mr. Gates:

The variance to Section 29.19 of the Madison General Ordinances has been reviewed.

The rule requires that a replacement stairway thru the adoption of ILHR 21.04 have a width of 36", risers with a maximum of 8" and treads of 9". The variance requested is to allow a replacement stair with a width of 30", headroom of 6'4", risers of 9" and treads of 7 3/4".

Considered were your statements:

1. The existing 2' thick foundation prevents the relocation of the stairway.
2. The existing stairwell size can not be changed.
3. The existing basement has 2 direct exits to the outside.
4. The basement is used for mechanical and storage of yard items. The laundry will be moved to the first floor.

The following comments were made in the petition analysis:

1. This is a non Fire Department issue.
2. Madison building Inspection supports the variance.
3. In reviewing previous action of the Building/Fire Code Review/Appeals Board, we find that precedence has been set at least five times in the past: 1801 Rowley Avenue, 1802 Keyes Avenue, 534 Evergreen Avenue, 1901 Vilas Avenue, 2124 Chamberlain Avenue, and 1124 Spaight Street.



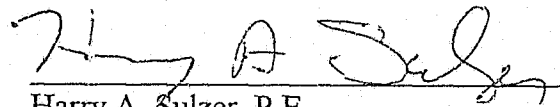
August 29, 1997
5042 Lake Mendota Drive

RECOMMENDATION: CONDITIONAL APPROVAL

The condition of approval is:

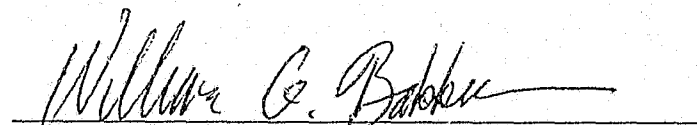
1. Install handrails on both sides of the stairway.

Prepared by:



Harry A. Sulzer, P.E.
Plan Review/Inspection Unit Supervisor

Reviewed by:



William G. Bakken, Director
Building Inspection Unit

Department Action: CONDITIONAL APPROVAL

This approval is granted with the understanding that all of the petitioner's statements and any conditions of approval cited above will be carried out.

Should the petitioner disagree with the department action or the Conditions of Approval, they must submit a request for a hearing within 30 days of the date of this letter. A request for hearing should be sent to the address shown on this letterhead, Attention: Building Inspection Unit, c/o Harry A. Sulzer. The request for hearing should state the reasons for objecting to the department's decision, because a request for hearing may be denied if it does not present a significant question in fact, law or policy.

cc: Eldg/Fire Code Review/Appeals Board