



**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: 402 WEST SHORE DRIVE

Name of Owner: THOMAS AND LYNETTE FELHOFFER

Address of Owner (if different than above): \_\_\_\_\_

Daytime Phone: 262-707-9697 Evening Phone: 608-284-7343

Email Address: felhofer@charter.net

Name of Applicant (Owner's Representative): N/A

Address of Applicant: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_

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

Description of Requested Variance: see attached typed page

*(See reverse side for more instructions)*

FOR OFFICE USE ONLY	
Amount Paid: <u>300</u>	Hearing Date: <u>10/24/13</u>
Receipt: <u>147830</u>	Published Date: <u>10/17/13</u>
Filing Date: <u>10/7/13</u>	Appeal Number: <u>102413-1</u>
Received By: <u>PDA</u>	GQ: <u>OK!</u>
Parcel Number: <u>0709-233-1310-3</u>	Code Section(s): <u>28.043(2)</u>
Zoning District: <u>TR-C2</u>	
Alder District: <u>13</u>	

## Variance Application

### **Description of Requested Variance:**

We are requesting to build a second-floor balcony on top of an existing, 3-season porch. The balcony is for daytime private use; it would be accessed from patio doors off a 2<sup>nd</sup> floor master bedroom

We propose placing the railing on the balcony above the porch 1-foot from the front edge of the balcony, making the usable space on the balcony 9'x20'. This would place the railing 15-1/2 feet from the front lot line. We believe that TC-R2 zoning requires a 20-foot setback for balcony railings, so we are requesting a variance of 4-1/2 feet.

## 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.**

The property is located at the north end of West Shore Drive, adjacent to a cul-de-sac. No one lives west, north or east of our home; there is a single-story home to the south.

- 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.**

The property is zoned TR-C2. Both South Shore Drive and West Shore Drive have many homes with a second floor balcony overlooking Monona Bay. The proposed balcony is for private daytime use and would be accessed from a 2<sup>nd</sup> floor master bedroom via patio doors.

- 3. For an area (setback, 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.**

The existing porch first floor is 8 feet wide.

The footprint of the existing first-floor porch will not be changed. We believe the porch was original to the house in 1927. Extending balcony floor (porch roof) two feet beyond the front of the porch, and placing the railing 1' in from the front and side edges will make the balcony of 9'x20' inside the railing.

The proposed balcony will be pitched toward the front of the house draining rain water and snow melt away from the house.

- 4. The allegedly difficult or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property.**

Without a variance of 4-1/2 feet from the lot line to the railing, complying with setback requirements make the balcony too narrow. A balcony narrower than 9' is not a usable space.

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

To the contrary, we have talked to our neighbor to the south, and she is not opposed to the balcony. She has a one-story home and the balcony will not block her view to the north.

There is no neighbor to the north, east, or west.

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

There are several balconies to the south of us of varying styles/architecture. The proposed balcony will be architecturally harmonious with the existing style of the house.

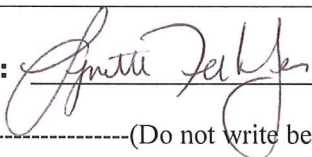
The existing roofline features will be extended across the balcony, making it appear as if it were original construction.



## 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 checked="" 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 type="checkbox"/> Existing and proposed structures, with dimensions and setback distances to all property lines</li> <li><input type="checkbox"/> Approximate location of structures on neighboring properties adjacent to variance</li> <li><input 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 type="checkbox"/> North arrow</li> </ul>
<input checked="" 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 checked="" 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 checked="" 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:**  **Date:** 10/7/2013

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<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>

## Variance Application

**Address:** 402 West Shore Drive  
**Zoning:** TC-R2  
**Property owner:** Thomas and Lynette Felhofer  
**Phone:** 608-284-7343  
**Email:** [felhofer@charter.net](mailto:felhofer@charter.net)

**Date of submission:** October 7, 2013

### Enclosures:

1. Variance Application with check for \$300.  
plus 2 copies of:
2. Current site plan
3. Elevation view – looking west
4. Elevation view – looking north
5. Elevation view – looking south
6. Interior second story floor plan
7. Original site plan – from City of Madison files

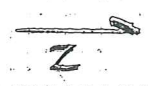
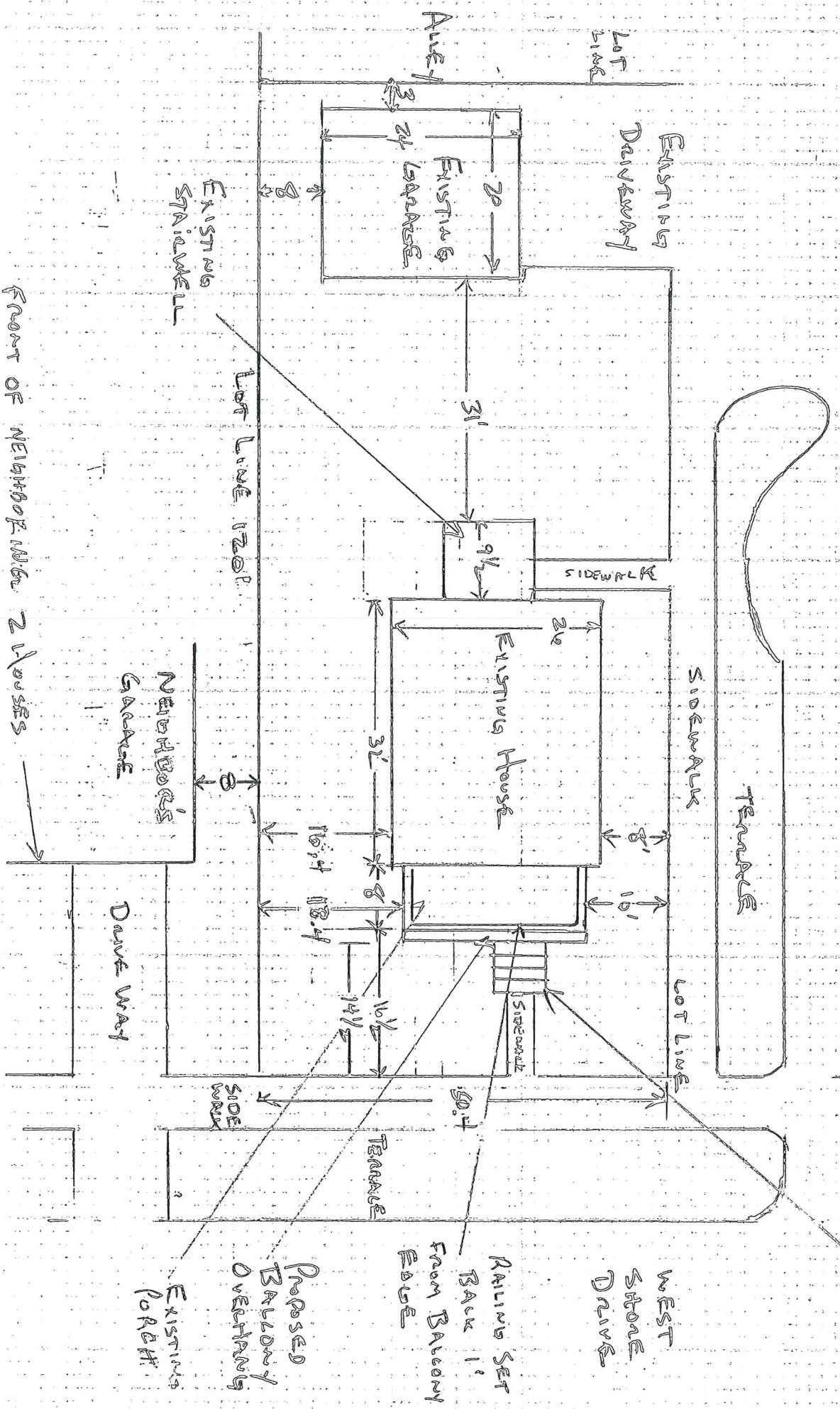






402 WEST STONE DRIVE  
 Site Plan  
 SCALE: 1 INCH = 10 FEET

CURB SIDE



FRONT OF NEIGHBOR WITH 2 HOUSES

PROPOSED  
 BALCONY  
 OVERHANG  
 EXISTING  
 PORCH

RAILING SET  
 BACK 1'  
 FROM BALCONY  
 EDGE

WEST  
 STONE  
 DRIVE

EXISTING  
 SPREAD

DRIVE WAY

NEIGHBORS'  
 GARAGE

SIDE SIDE  
 WALK

TERRACE

50 ft

SIDEWALK

EXISTING HOUSE

SIDEWALK

TERRACE

SIDEWALK

LOT LINE

EXISTING  
 DRIVEWAY

LOT  
 LINE

ALLEY

EXISTING  
 GARAGE

EXISTING  
 SIDEWALK

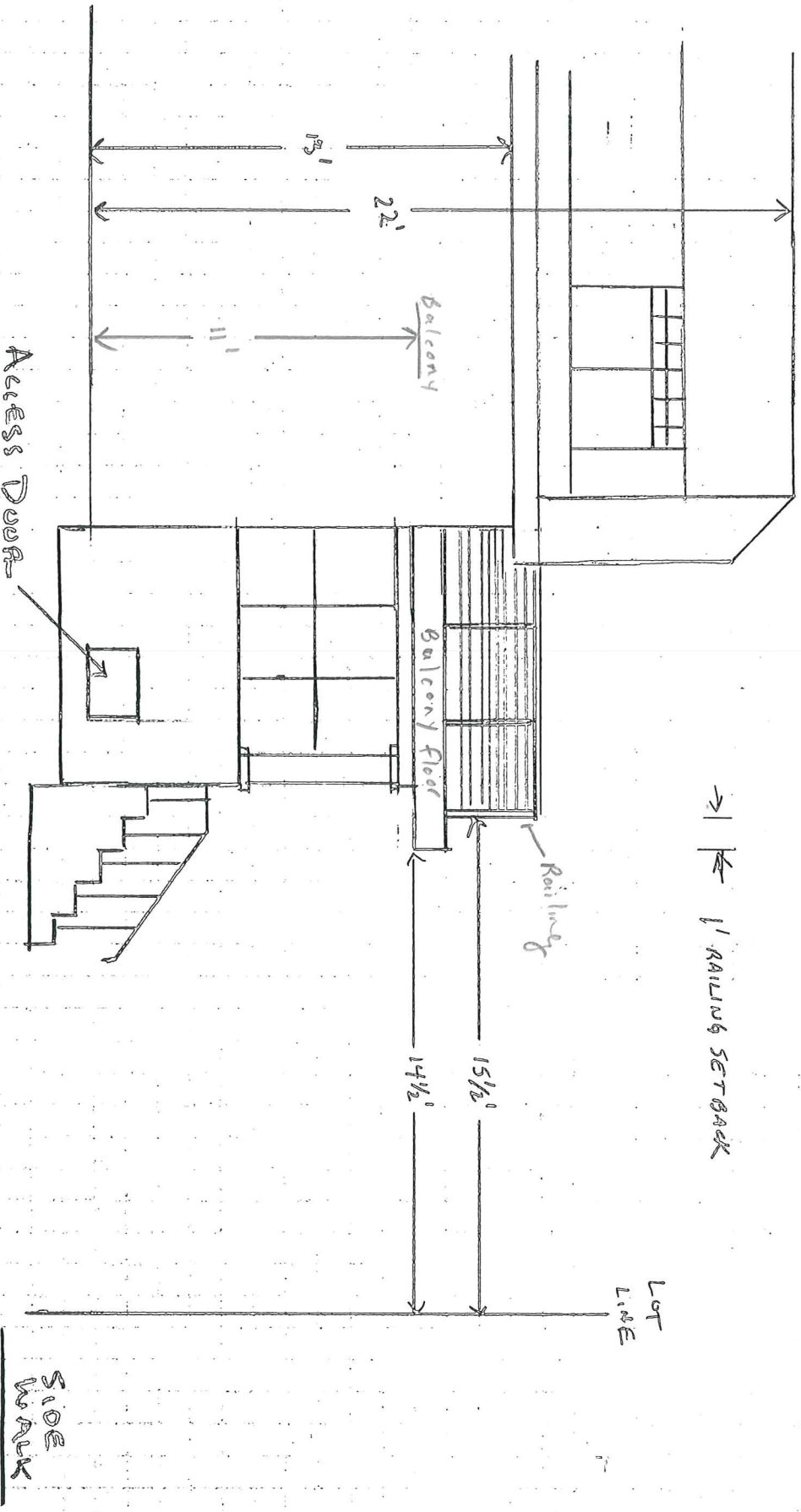
LOT LINE 120 FT



402 WEST SHORE DRIVE

ELEVATION VIEW LOOKING NORTH

1 SQUARE = 1 FOOT, 1 INCH = 5 FEET

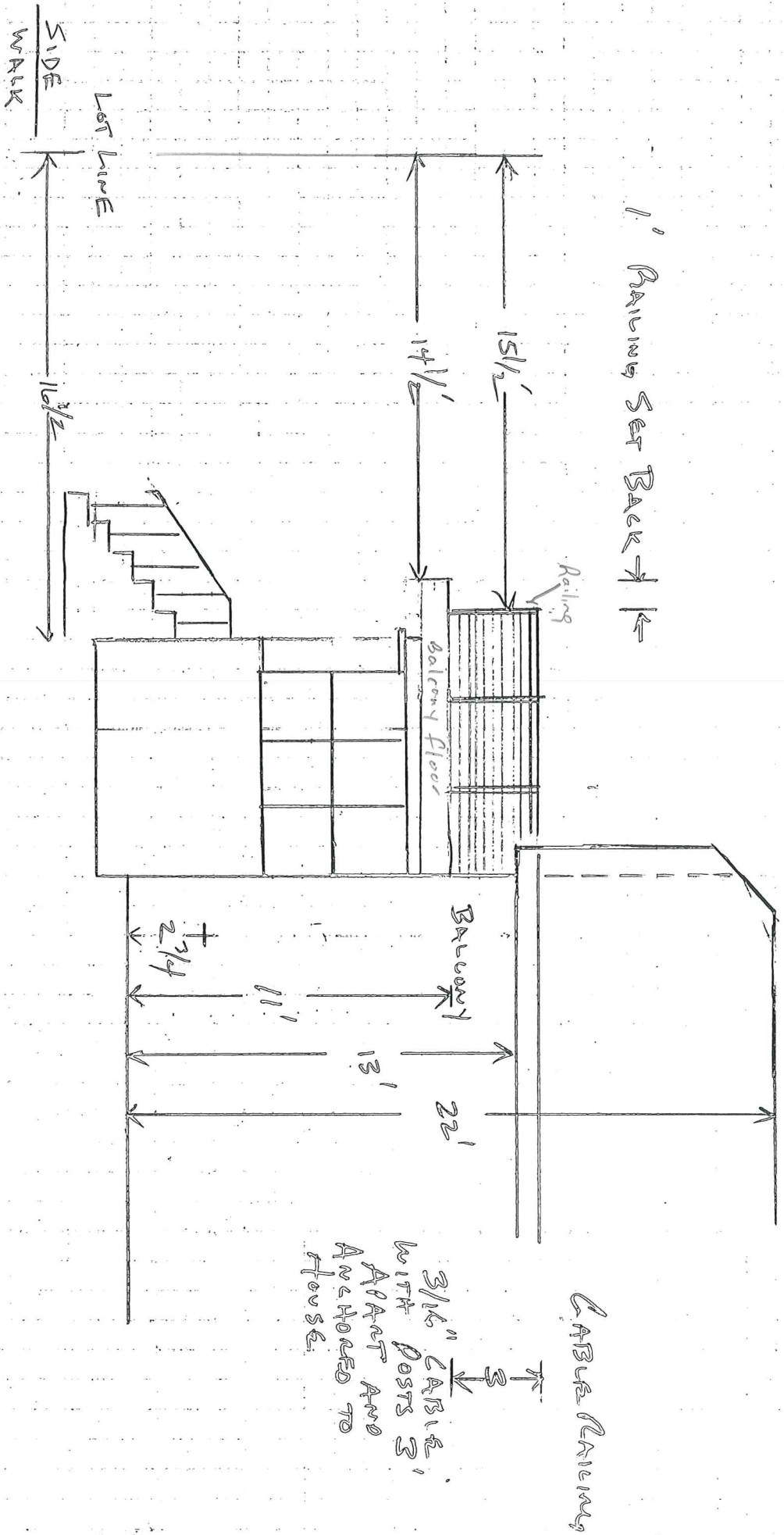


402 WEST STONE DRIVE

ELEVATION VIEW LOOKING SOUTH

SCALE 1 SQUARE = 1 FOOT  
1 INCH = 5 FEET

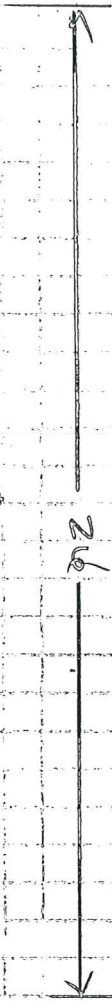
1' RAILING SET BACK



402 West Shore Drive

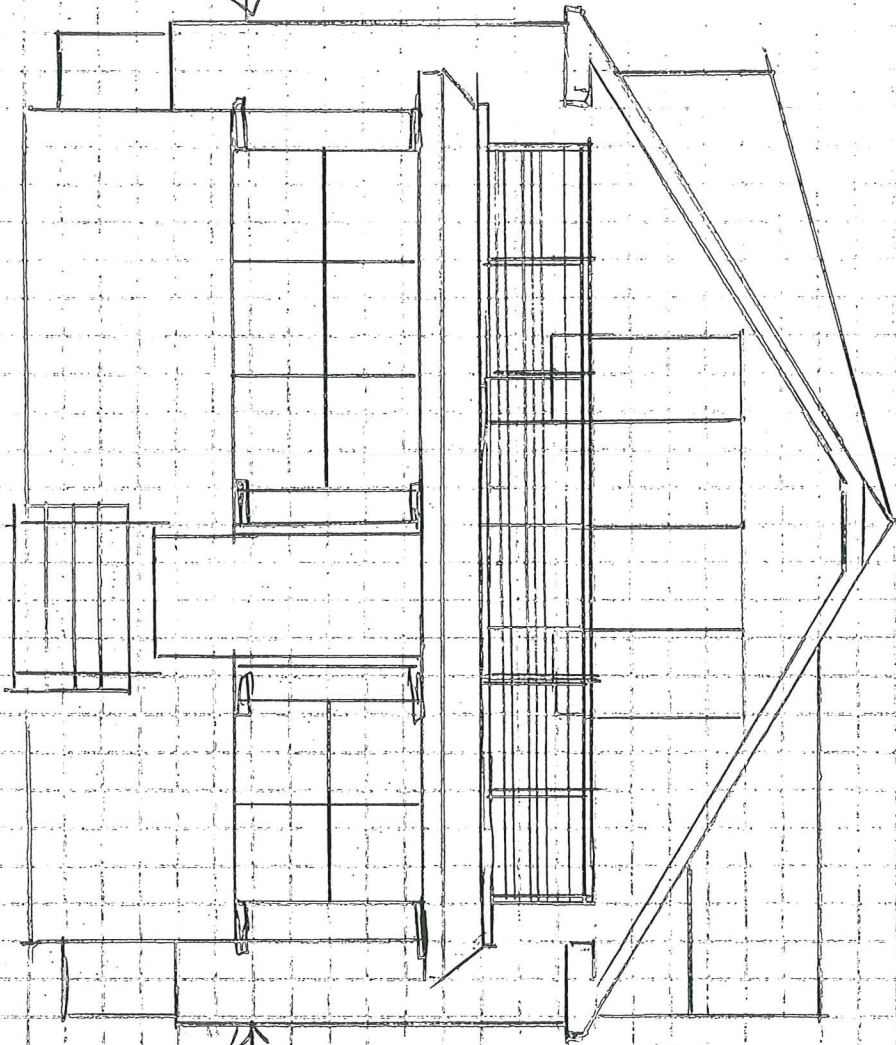
ELEVATION VIEW LOOKING WEST

SCALE = 1 FOOT  
1 INCH = 5 FEET

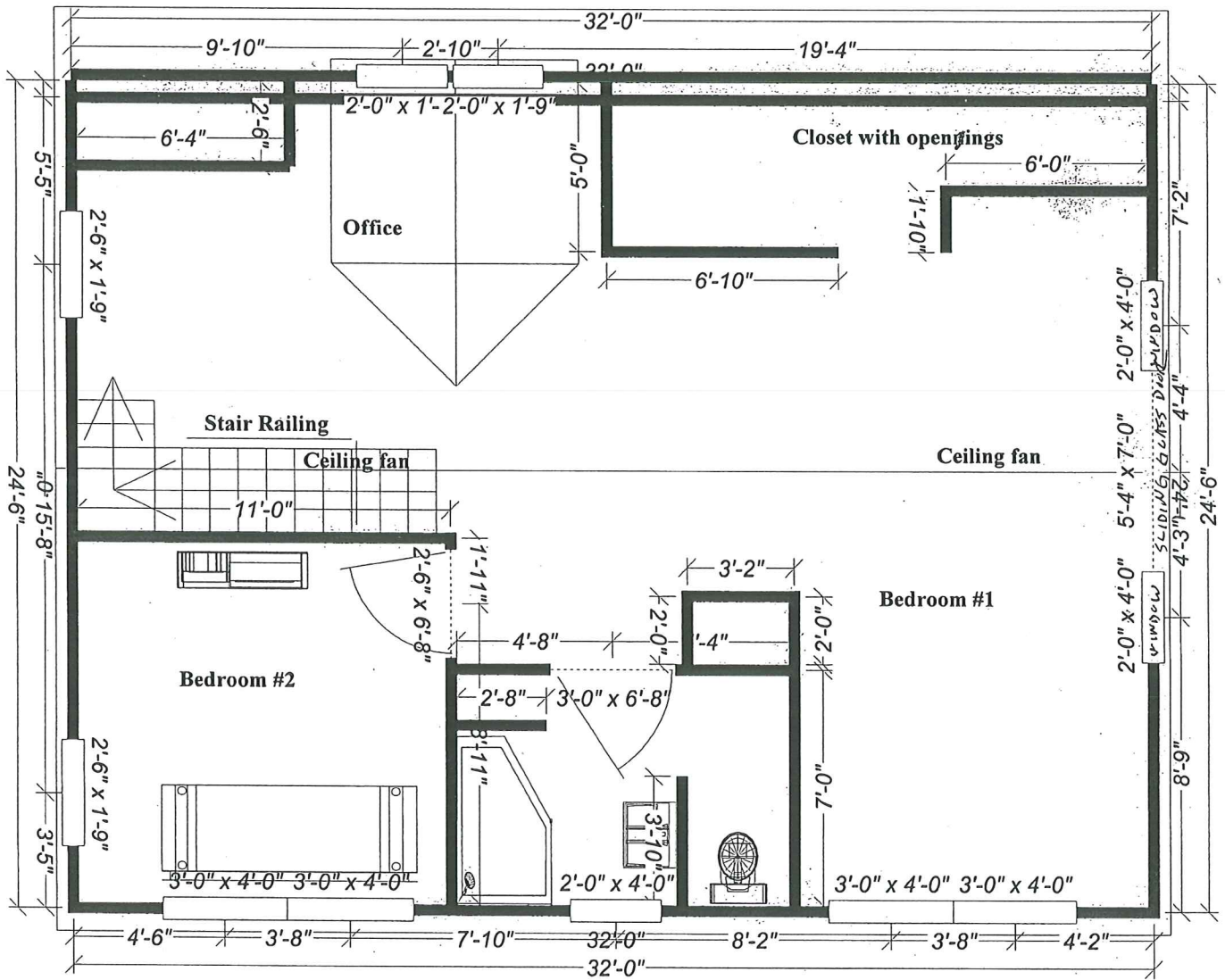


LOT LINE

LOT LINE







402 WEST SHORE DRIVE  
 Interior 2nd story FLOOR PLAN



No. 2

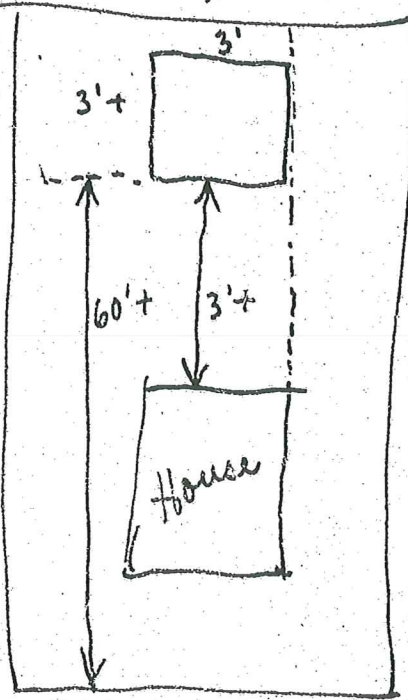
Located at 407 W. Shore Dr.

Owner Walter N. Hammerley

Commissioner of Buildings  
Department

Application for Permit

no closer to VILAS  
than side wall of  
house.



W. SHORE