



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: 4122 Cherokee Drive

Name of Owner: Andrew Fieber

Address of Owner (if different than above): _____

Daytime Phone: 608-209-2183 Evening Phone: 608-209-2183

Email Address: atfieber@hotmail.com

Name of Applicant (Owner's Representative): Same as above

Address of Applicant: _____

Daytime Phone: _____ Evening Phone: _____

Email Address: _____

Description of Requested Variance: The current property owner at 4122 Cherokee Drive would like to extended the rear of the existing single car garage approximately 16'. However, the existing home (built in 1941) does not meet the side yard setback requirement established by the TR-C1 zoning district. All other setback requirements established by the TR-C1 zoning district are satisfied at this property. Extending the existing single car garage 16' would match the back of the existing home and would not extended into the rear yard setback. Please see the included certified survey for property dimensions.

(See reverse side for more instructions)

FOR OFFICE USE ONLY

Amount Paid: <u>300⁰⁰</u>	Hearing Date: <u>10/24/13</u>
Receipt: <u>145718</u>	Published Date: <u>10/17/13</u>
Filing Date: <u>8/5/13</u>	Appeal Number: <u>10 2413 -4</u>
Received By: <u>PDA</u>	GQ: <u>NETH</u>
Parcel Number: <u>0709-321-0628-4</u>	Code Section(s): <u>28.042 (2)</u>
Zoning District: <u>TR-C1</u>	
Alder District: <u>10</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.

The property located at 4122 Cherokee Drive, in addition to many of the properties located in the Nakoma neighborhood, do not meet all of the requirements established by the TR-C1 zoning district, because the neighborhood was developed long before the creation of this district. In addition, the property has an overhead electrical easement on the North side of the property (side yard setback in question) and the property has a slight taper from front (50' wide) to back (45').

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.

This variance request is not contrary to the spirit, purpose, and intent of the of the TR-C1 zoning district because the home owner is looking to maintain the current setbacks and simply extend the garage along the existing building line. In addition all other TR-C1 requirements are met...front yard, rear yard, height, lot coverage, open space, etc. Also, the variance is not contrary to public interest because the home owner is not looking to disrupt the property with major changes, i.e., tree removal, use, architectural appeal, etc.

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.

It is my belief that compliance of the TR-C1 zoning district is unnecessary burdensome in this instance because the property is being held to a standard that was not enforced during the development of the property. Therefore, the property owner must submit a variance whenever major renovations are completed on the site.

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.

Correct, the alleged difficulty or hardship is created by the terms of the ordinance and not by the person who has a present interest in the property.

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

The proposed variance does not create detriment to the adjacent property because the proposed garage expansion does not change the current building setback and does not impact any of the vegetation between the properties.

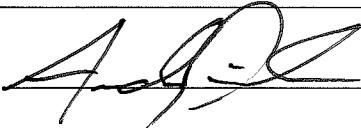
6. The proposed variance shall be compatible with the character of the immediate neighborhood.

The proposed variance does not impact the current character of the home and maintains the compatibility within the neighborhood.

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"/>	Pre-application meeting with staff: Prior to submittal of this application, the applicant is strongly encouraged to discuss the proposed project and submittal material with Zoning staff. Incomplete applications could result in referral or denial by the Zoning Board of Appeals.
<input checked="" type="checkbox"/>	Site plan , 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"> <input checked="" type="checkbox"/> Lot lines <input checked="" type="checkbox"/> Existing and proposed structures, with dimensions and setback distances to all property lines <input checked="" type="checkbox"/> Approximate location of structures on neighboring properties adjacent to variance <input checked="" type="checkbox"/> Major landscape elements, fencing, retaining walls or other relevant site features <input checked="" type="checkbox"/> Scale (1" = 20' or 1' = 30' preferred) <input checked="" type="checkbox"/> North arrow
<input checked="" type="checkbox"/>	Elevations 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"/>	Interior floor plan of existing and proposed structure , 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"/>	Front yard variance requests only. Show the building location (front setback) of adjacent properties on each side of the subject property to determine front setback average.
<input checked="" type="checkbox"/>	Lakefront setback variance requests only. Provide a survey prepared by a registered land surveyor showing existing setbacks of buildings on adjacent lots, per MGO 28.138.
<input checked="" type="checkbox"/>	Variance requests specifically involving slope, grade, or trees. Approximate location and amount of slope, direction of drainage, location, species and size of trees.
<input checked="" type="checkbox"/>	CHECK HERE. I acknowledge any statements implied as fact require supporting evidence.
<input checked="" type="checkbox"/>	CHECK HERE. 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:** 8/5/2013

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

DECISION

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

The Zoning Board of Appeals: **Approved** **Denied** **Conditionally Approved**

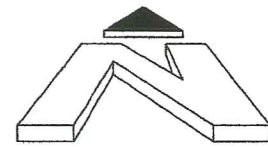
Deferred to
10/24/13

Zoning Board of Appeals Chair:

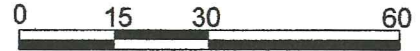
Date:

Plat of Survey

Lot 15, Block 39, Randal Addition to Nakoma, Located in the City of Madison, Dane County, Wisconsin.



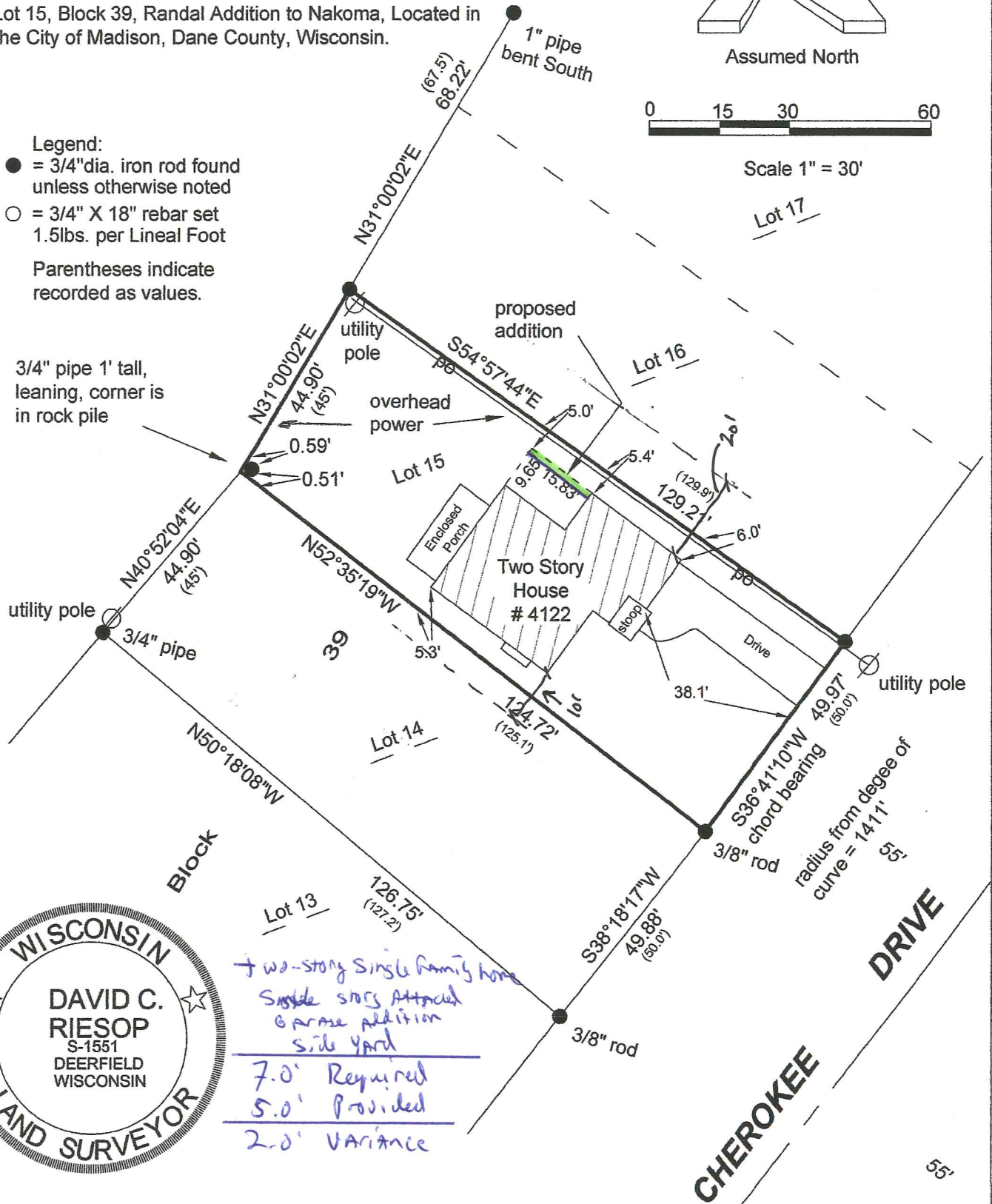
Assumed North



Scale 1" = 30'

- Legend:**
- = 3/4" dia. iron rod found unless otherwise noted
 - = 3/4" X 18" rebar set 1.5lbs. per Lineal Foot
- Parentheses indicate recorded as values.

3/4" pipe 1' tall, leaning, corner is in rock pile



*+ two-story single family home
 + side story Attached
 + garage addition
 + side yard*

*7.0' Required
 5.0' Provided
 2.0' Variance*

Surveyors Certificate

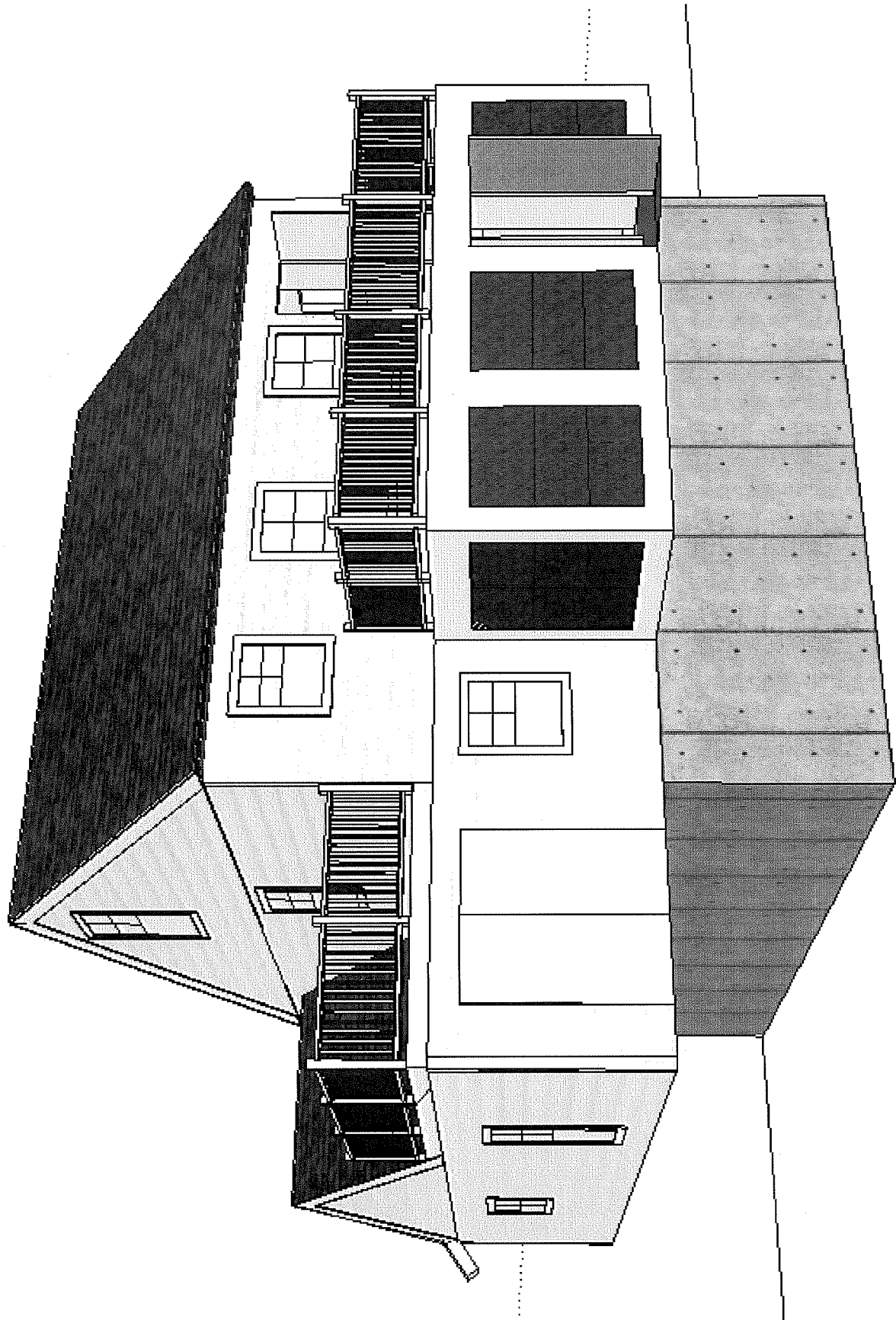
I, David C. Riesop, Wisconsin Registered Land Surveyor, hereby certify that I have surveyed, mapped and monumented the lands as described hereon, and that such map is a true and correct representation of the boundaries of the lands surveyed, including any features shown hereon, and that I have fully complied with the State of Wisconsin Administration Code Number 7.01 in surveying and mapping the same, to the best of my knowledge and belief.

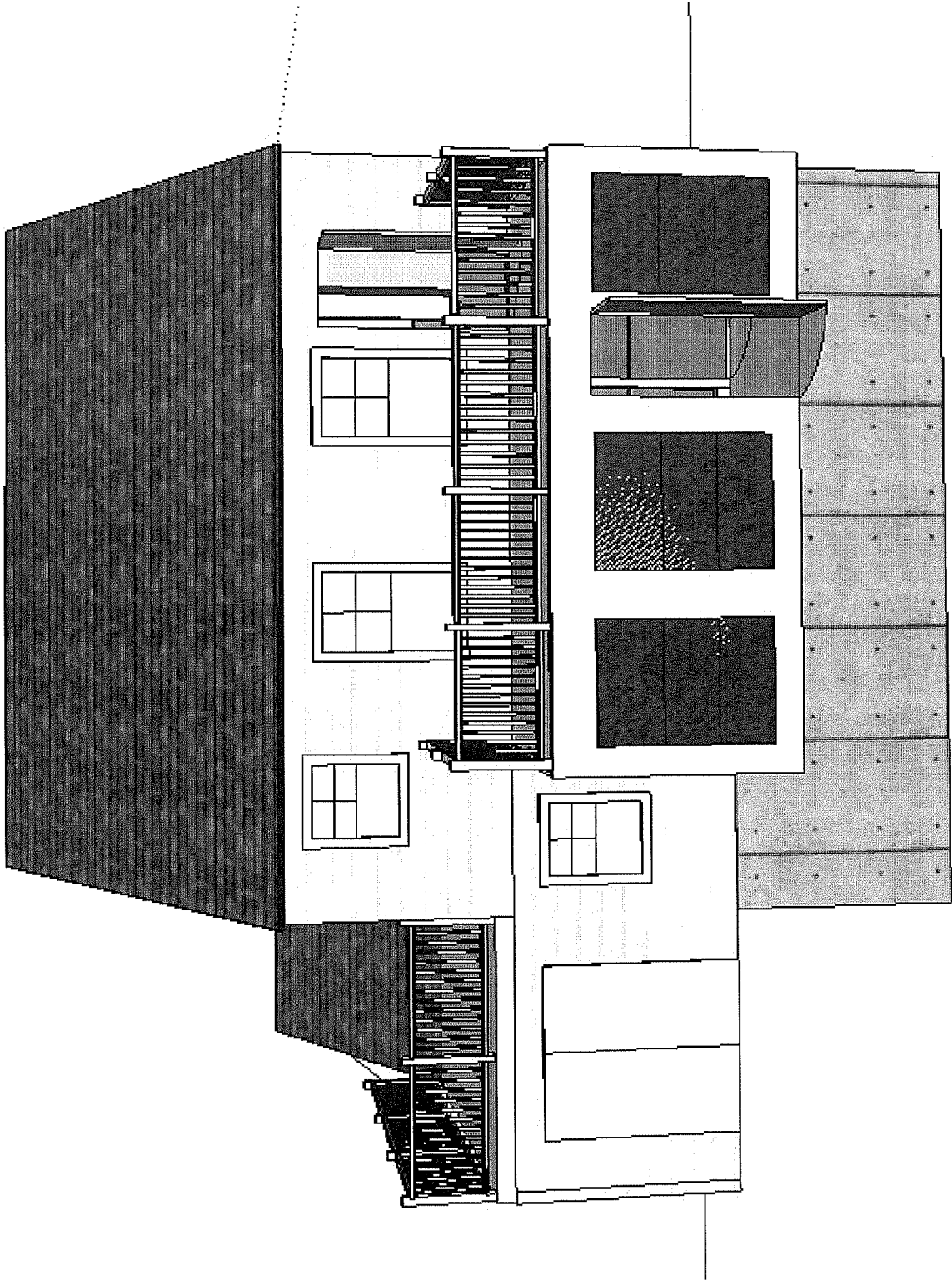
Prepared for:
 Andrew Fieber
 9407 Ancient Oak Ln.
 Verona, WI. 53593

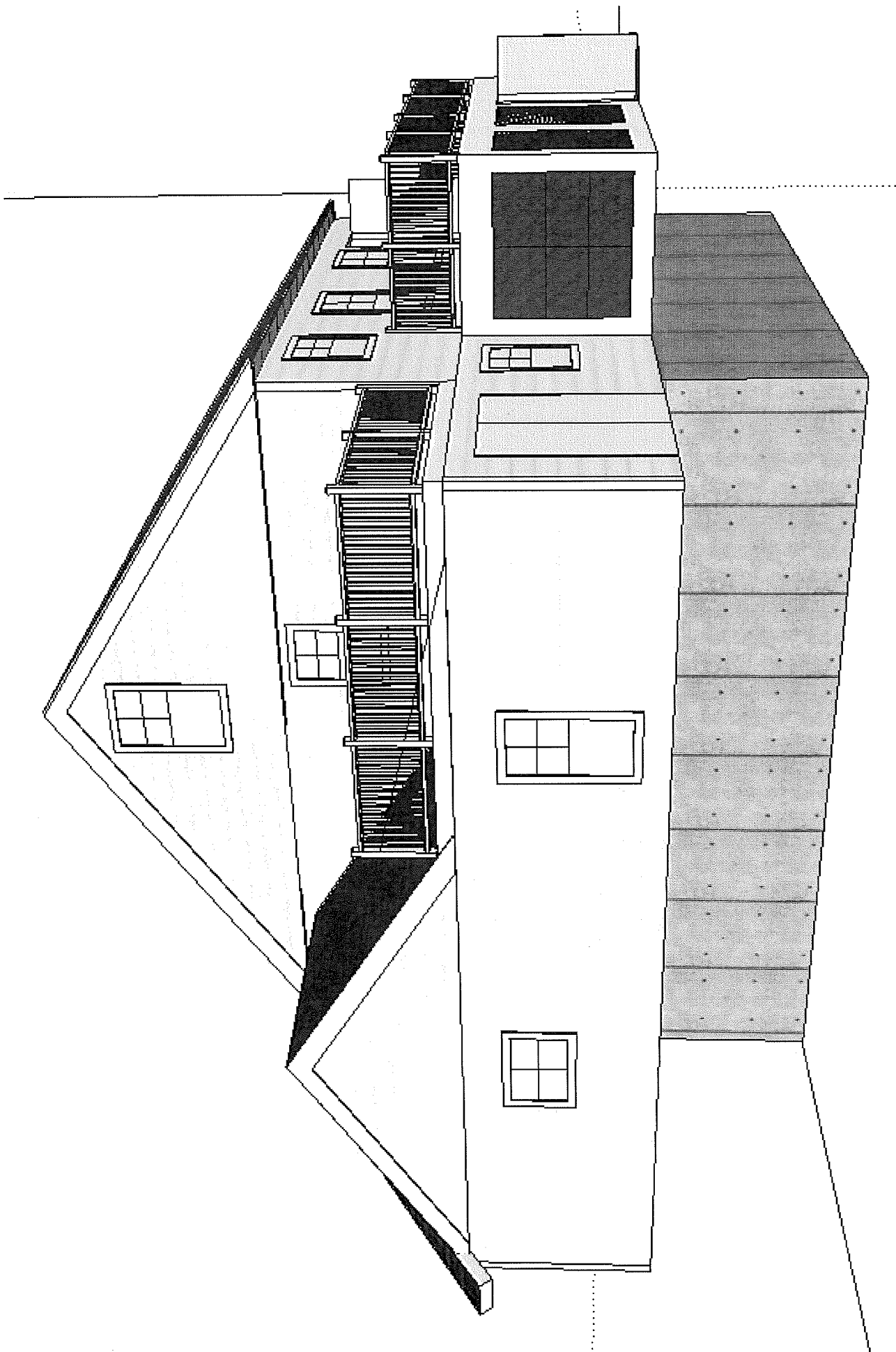
David C. Riesop 7/24/2013
 David C. Riesop S-1551

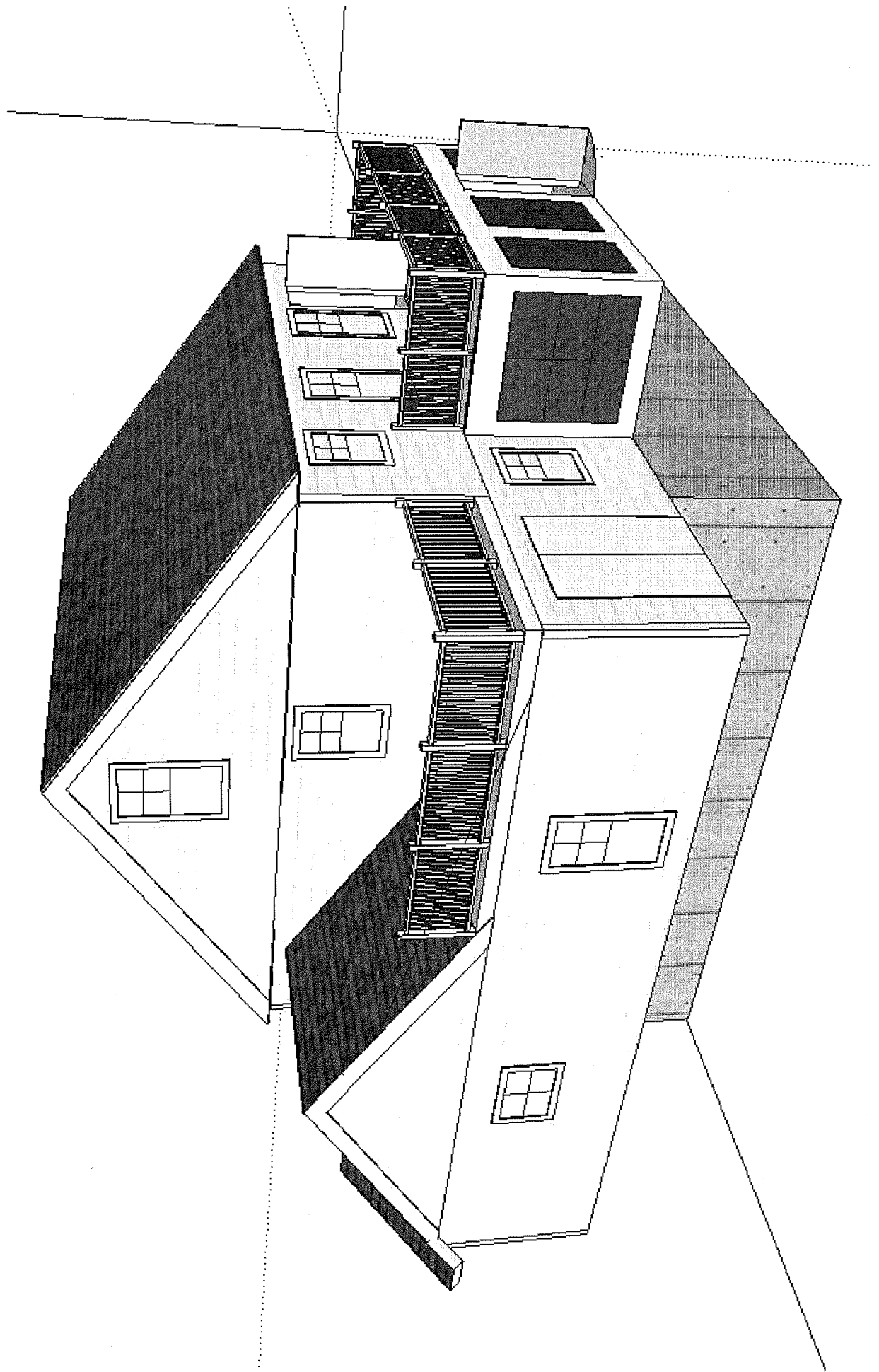


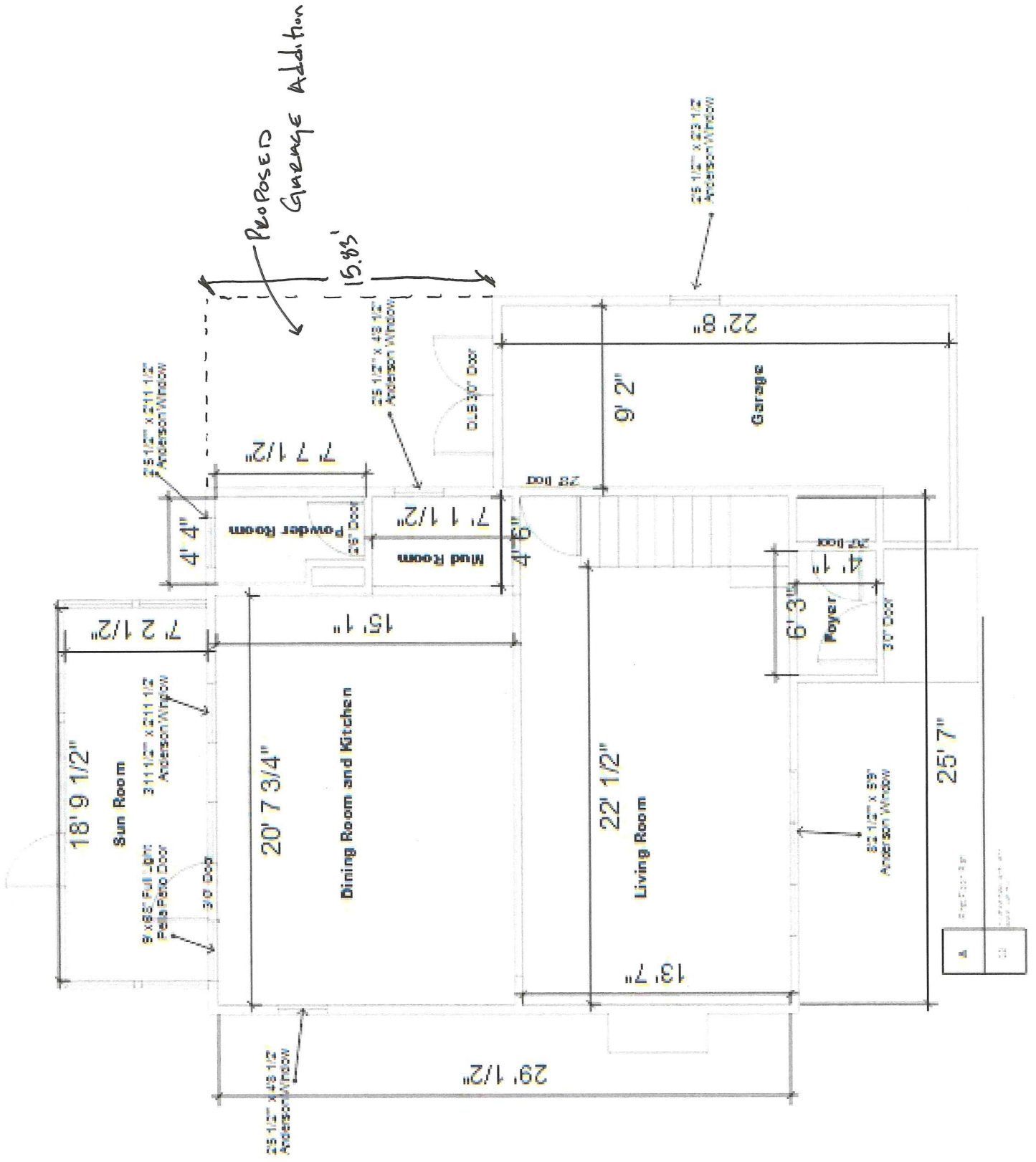








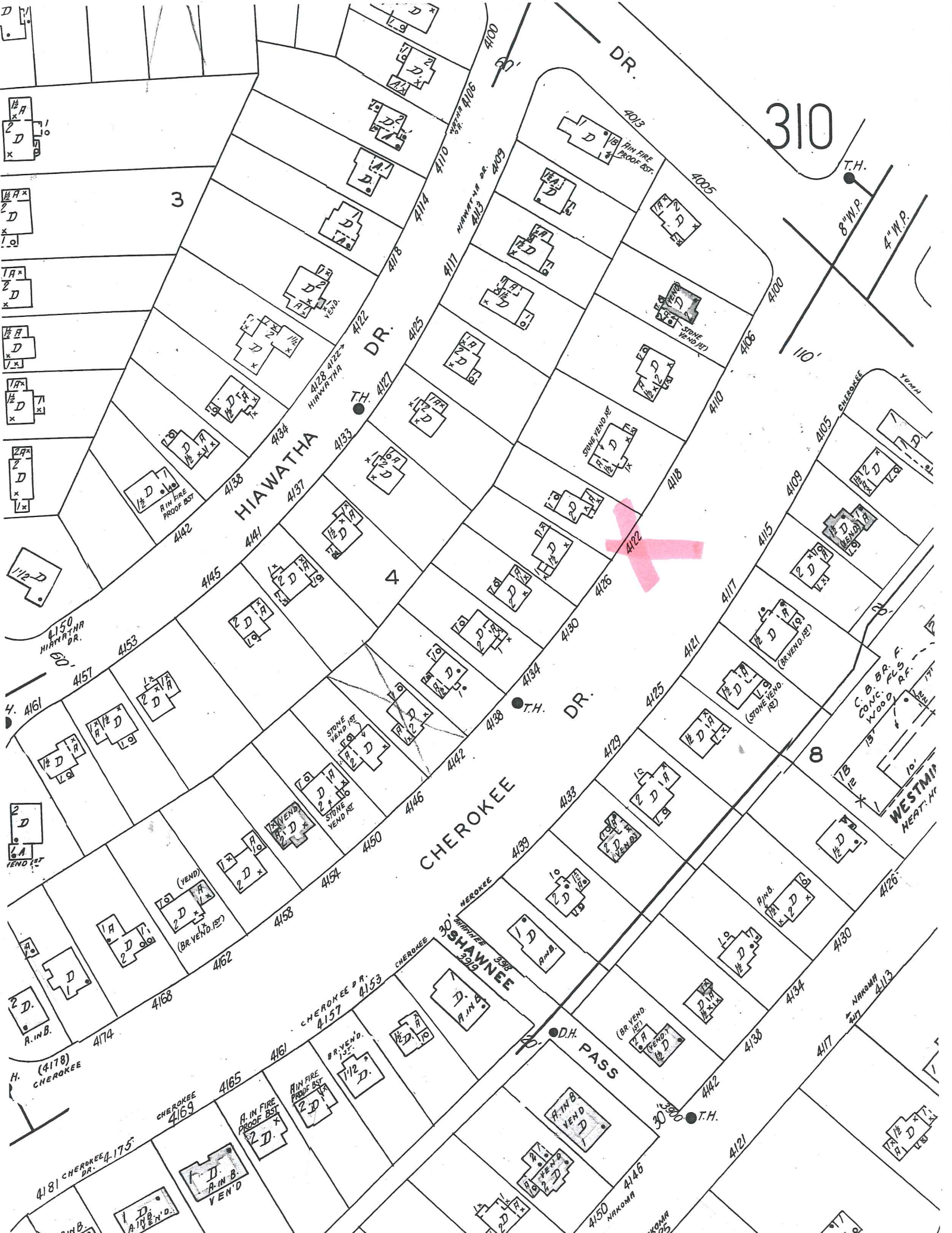




A	25' 1/2" x 48' 1/2"
B	25' 1/2" x 211' 1/2"

DATE: 01/11/2024
 DRAWN BY: [Name]

310



HIAWATHA DR.

CHEROKEE DR.

CHEROKEE PASS

CHEROKEE DR.

SHAWNEE DR.

CHEROKEE DR.

T.H.

T.H.

T.H.

T.H.

8

3

4

150 HIAWATHA DR.

8" W.P. 4" W.P.

10'

C. D. BR. CONC. WOOD P.F. 10' WESTMIN HEAT. HO.

NAKOMA DR.

NAKOMA DR.

NAKOMA DR.

NAKOMA DR.

NAKOMA DR.

H. (4178) CHEROKEE

4181 CHEROKEE DR.

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4122 Cherokee Drive

(air photo taken 4/2010)