



**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: 300<sup>00</sup>  
Receipt: 145718  
Filing Date: 8/5/13  
Received By: PDA  
Parcel Number: 0709-321-0628-4  
Zoning District: TR-C1  
Alder District: 10

Hearing Date: 8/22/13  
Published Date: 8/15/13  
Appeal Number: 082213-2  
GQ: NRHP  
Code Section(s): 28.042 (2)

## 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.

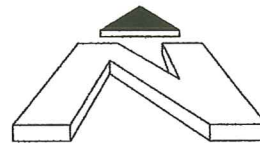
6. The proposed variance shall be compatible with the character of the immediate neighborhood.

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

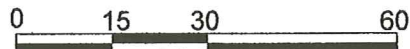


# Plat of Survey

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



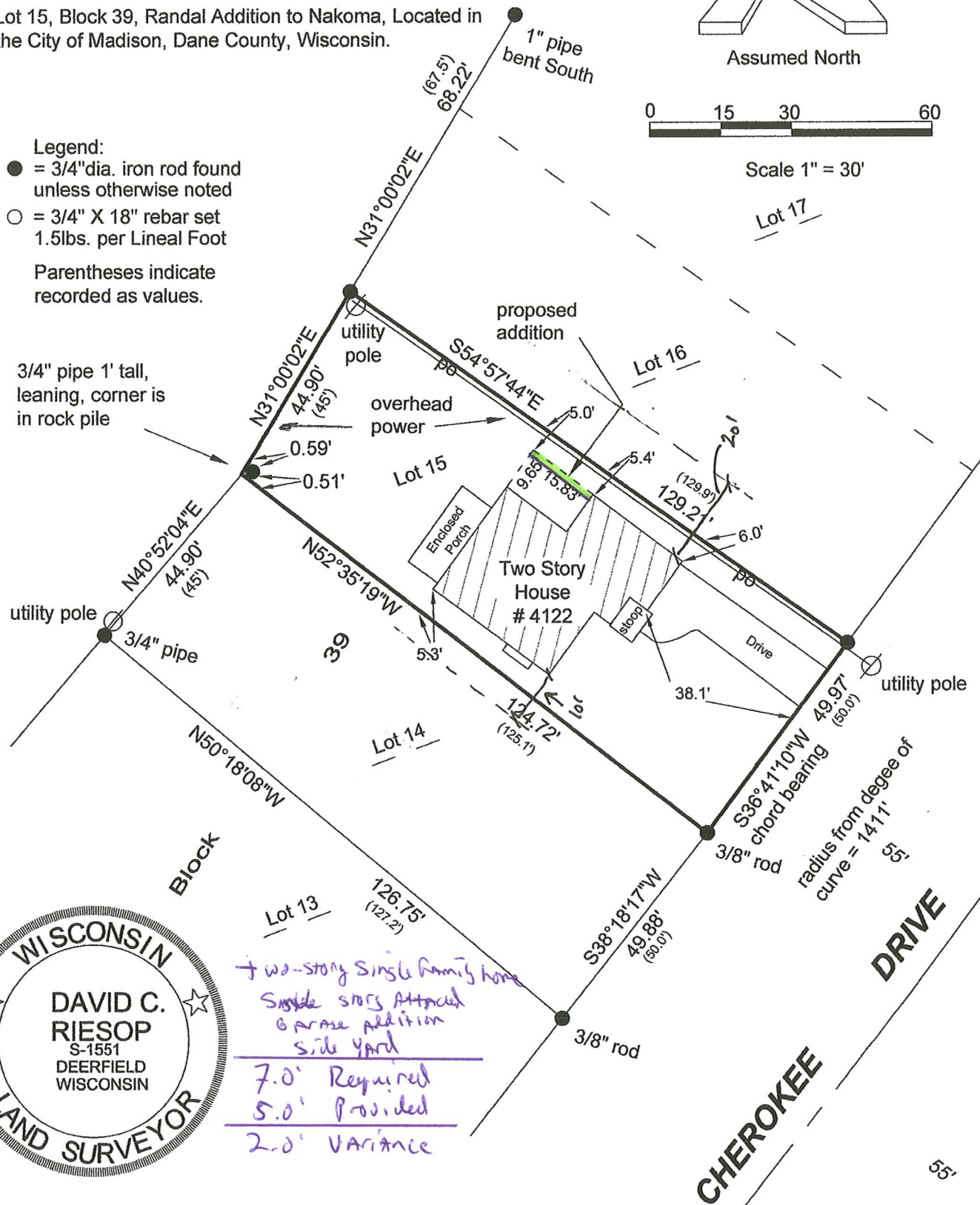
Assumed North



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 in rock pile



*Handwritten notes:*  
 + two-story single family home  
 Side story Attached  
 Garage Addition  
 Side Yard  


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 7.0' Required  
 5.0' Provided  


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 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.

*Signature:* David C. Riesop  
 7/24/2013  
 David C. Riesop S-1551

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











