



**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: 2039 WINNEBAGO

Name of Owner: RICHARD GEHRKE

Address of Owner (if different than above): 122 STATE ST, STE 310  
MADISON, WI 53703

Daytime Phone: 608-206-6280 Evening Phone: \_\_\_\_\_

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

Name of Applicant (Owner's Representative): MARK SCHMIDT ARCHITECT

Address of Applicant: PO BOX 762, WAUTOMA, WI, 54982

Daytime Phone: 800-236-0140 Evening Phone: \_\_\_\_\_

Email Address: design@ksarch.net

Description of Requested Variance: \_\_\_\_\_

In approximately 2005, pedestrian traffic traveling between Winnebago St and Atwood Avenue became a nuisance to building residents. The owner determined that no fence permit was required to construct fences and gates between 2039 and 2037 Winnebago St. With the cooperation of Dr. Simley, the adjacent property owner, Richard Gehrke had fences and gates constructed to discourage the non-resident pedestrian traffic. It was not recognized at that time that the horizontal portion of the structure, the pergolas, were a 'structure', not a fence, and not allowed in this area.

In April of 2014, the City of Madison Building Board of Appeals granted approval of the existing structure. These treated wood pergolas and fences create an improved protected 'entry' path for building residents along the side of the building. The pergolas and fences are an asset to the adjacent neighbor and not a detriment.

If the zoning variance is approved, the existing pergolas (the horizontal sun shade), will be modified to remove any portion of structure that crosses the property boundary. The wood fences approved by both adjacent neighbors would remain as constructed.

**FOR OFFICE USE ONLY**

Amount Paid: \$300  
Receipt: 16117  
Filing Date: 12-17-14  
Received By: DJM  
Parcel Number: 0710-064-1412-3  
Zoning District: T35  
Alder District: 6-Rumel

Hearing Date: January 8, 2015  
Published Date: 1/1/15  
Appeal Number: 010815-2  
GQ: \_\_\_\_\_  
Code Section(s): 28.065(3)

## 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.

PEDSTRIAN PATH BETWEEN EXISTING BUILDINGS

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.

PROVIDES AN ASSET TO BUILDING TENANTS

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.

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.

ORDINANCE IS UNREASONABLY RESTRICTIVE  
IN THIS SITUATION.

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

EXISTING PERMITS ARE APPROVED BY ADJACENT  
PROPERTY OWNER.

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

DOES NOT DISRUPT CHARACTER OF 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"/>	<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"): <input type="checkbox"/> Lot lines <input type="checkbox"/> Existing and proposed structures, with dimensions and setback distances to all property lines <input type="checkbox"/> Approximate location of structures on neighboring properties adjacent to variance <input type="checkbox"/> Major landscape elements, fencing, retaining walls or other relevant site features <input type="checkbox"/> Scale (1" = 20' or 1' = 30' preferred) <input type="checkbox"/> North arrow
<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 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:** \_\_\_\_\_ **Date:** \_\_\_\_\_

------(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 _____ (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.			
<b>The Zoning Board of Appeals:</b>	<b>Approved</b>	<b>Denied</b>	<b>Conditionally Approved</b>
<b>Zoning Board of Appeals Chair:</b>			
<b>Date:</b>			



jack rentmadison.com <jack@rentmadison.com>

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## 2039 Winnebago

1 message

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**Mark Schmidt** <design@ksarch.net>

Thu, Dec 11, 2014 at 11:25 AM

To: Rich Gehrke <richgehrke@yahoo.com>, jack@rentmadison.com

Rich and Jack,


Attached is the application and drawing for the pergola variance. The drawing needs to be printed a 11"x17". I can mail those documents to you if you want. I will also send them to BPI and ask them to hold them on file in case you want them to print them. The application needs the owner signature and \$300 check.

thanks,

Mark Schmidt

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### 3 attachments

 **2039 variance app001.pdf**  
1856K

 **2039 Site Plan.pdf**  
454K

 **2039 Exterior Elevations.pdf**  
1087K



**ZONING:**



ZONING DISTRICT		
<b>EXISTING USE:</b>		
MAIN FLOOR COMMERCIAL	2,154 sf	
MAIN FLOOR RESIDENTIAL	2,787 sf	
UPPER FLOOR RESIDENTIAL	4,281 sf	
LOWER FLOOR COMMERCIAL	2,154 sf	
<b>TOTAL BUILDING FLOOR AREA</b>	<b>11,376 sf</b>	
<b>EXISTING USE:</b>		
<b>BEDROOMS:</b>	<b>YARD REQUIREMENT</b>	
APARTMENT #1	2	320 sf
APARTMENT #2	2	320 sf
APARTMENT #3	2	320 sf
APARTMENT #4	3	480 sf
APARTMENT #5	2	320 sf
APARTMENT #6	1	160 sf
<b>TOTAL YARD REQUIREMENT</b>		<b>1,920 sf</b>
<b>EXISTING 2nd FLOOR DECK</b>		
		684 sf
<b>TOTAL</b>		<b>684 sf</b>
<b>LANDSCAPE SCHEDULE:</b>		
A JUNIPRUS	BLUE CHIP	(3)
HORIZONTALIS "BLUE JUNIPER	CHIP"	

**PARKING CALCULATIONS:**

	# OF BEDROOMS:	# OF SPACES:
APARTMENT #1	2	1.5
APARTMENT #2	2	1.5
APARTMENT #3	2	1.5
APARTMENT #4	3	1.75
APARTMENT #5	2	1.5
APARTMENT #6	1	1.25
		<b>9</b>
MAIN FLOOR COMMERCIAL BUSINESS	2,154 sf @ 1/300 =	7.0
LOWER FLOOR COMMERCIAL BUSINESS	1,279 sf @ 1/300 =	4.3
LOWER FLOOR COMMERCIAL STORAGE	790 sf @ 1/500 =	1.6
<b>TOTAL REQUIRED</b>		<b>22</b>
<b>TOTAL PROVIDED</b>		<b>7</b>

**BICYCLE PARKING CALCULATIONS:**

	# OF BEDROOMS:	# OF SPACES:
APARTMENT #1	2	1.0
APARTMENT #2	2	1.0
APARTMENT #3	2	1.0
APARTMENT #4	3	1.5
APARTMENT #5	2	1.0
APARTMENT #6	1	1.0
		<b>6.5 SPACES</b>
MAIN FLOOR COMMERCIAL BUSINESS	2,154 sf @ 1/2,000 =	1
LOWER FLOOR COMMERCIAL BUSINESS	1,279 sf @ 1/2,000 =	1
<b>TOTAL REQUIRED</b>		<b>8.5 SPACES</b>
<b>TOTAL PROVIDED</b>		<b>9 SPACES</b>

 BICYCLE PARKING SPACE 6 FT X 2 FT
  TYPICAL RACK

**SITE PLAN NOTES**

**SCOPE OF WORK:**

- EXISTING WOOD FRAME PERGOLAS TO REMAIN.
- BICYCLE PARKING SPACES SHOWN ADEQUATE FOR NEW LOWER LEVEL COMMERCIAL TENANT SPACE

**AREA CALCULATIONS**

- LOT AREA: 9,092 sq ft
- BUILDING AREA: 4,965 SF

P. Box 762  
Wausau, WI 54982  
800 - 236 - 0140  
920 - 787 - 0140  
design@schmidt.com

**Mark J. Schmidt**  
Architect  
AIA

OWNER:  
RICHARD GEHRKE  
2040 WINNEBAGO ST  
MADISON, WI 53704

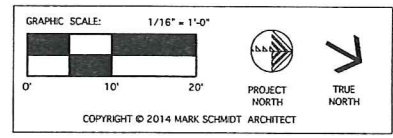
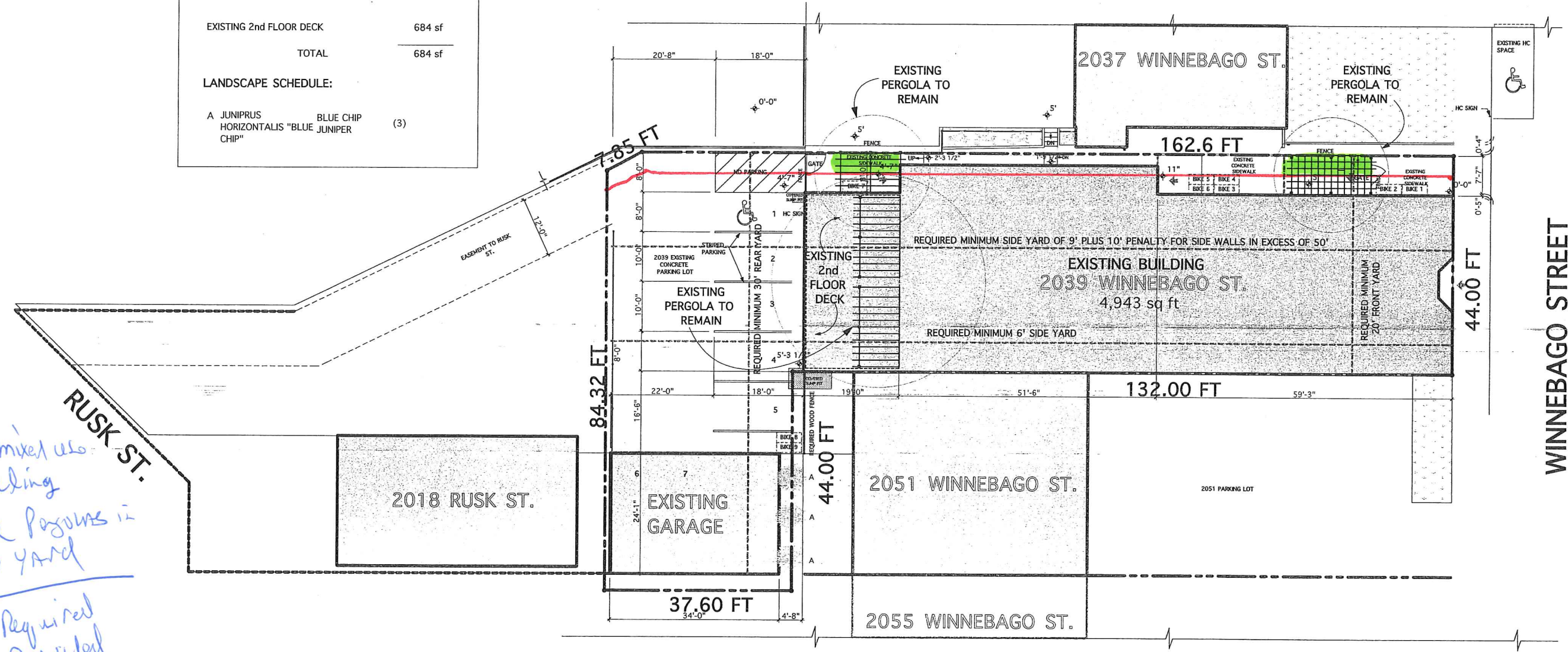
ALTERATIONS TO  
2039 WINNEBAGO STREET  
MADISON, WI 53704

ISSUED:	PLAN REVIEW	VARIANCE SUBMITTAL
DATE:	9/15/14	12/18/14
DRAWN BY:	DECKED BY:	S0403

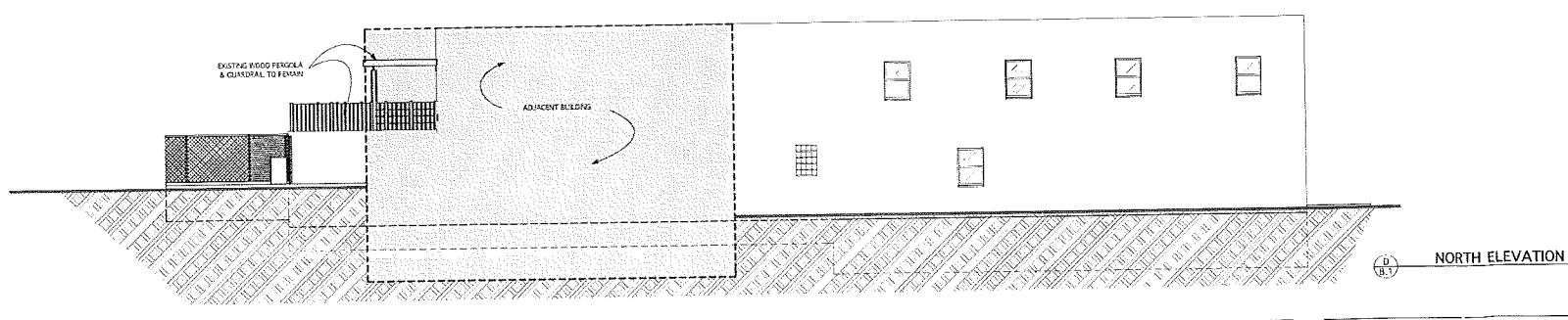
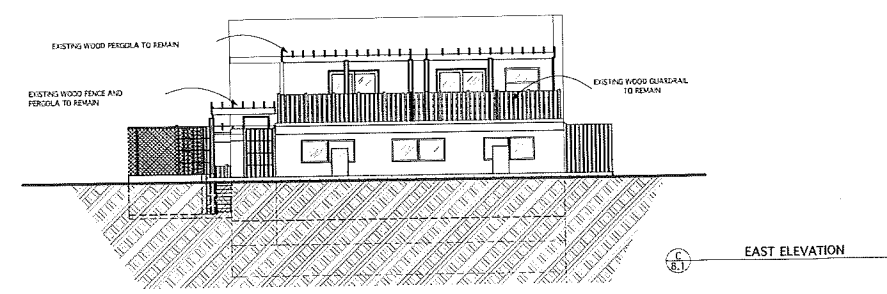
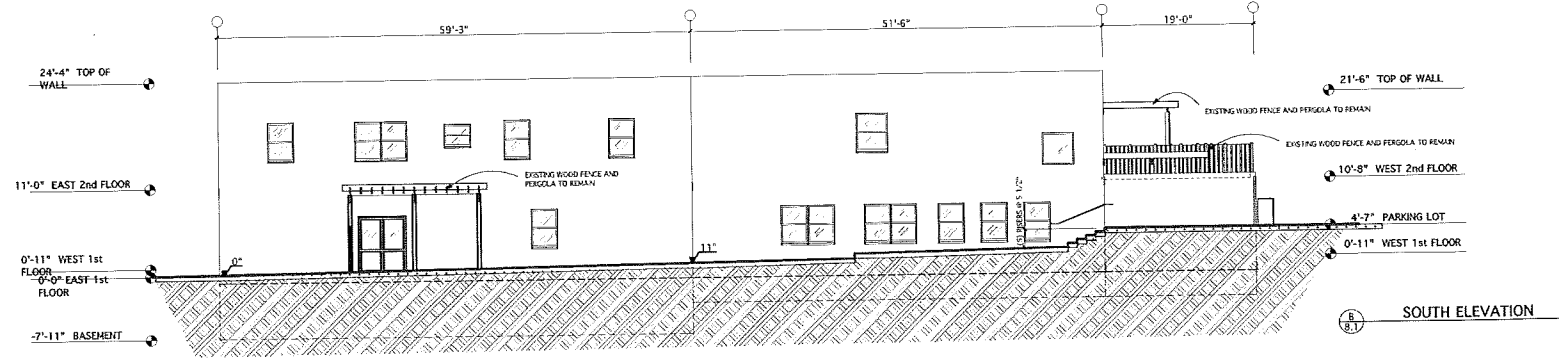
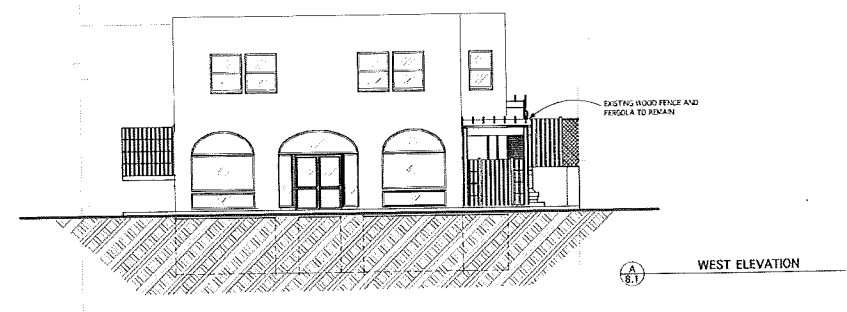
**SITE PLAN**

SHEET No. **2.1**

2-500s mixed use Building  
1st level Pergolas in side yard  
4.4' Required  
0.0' Provided  
4.4' Variance



PO Box 302  
 Wauwata, WI 53186  
 920 - 767 - 0140  
 800 - 236 - 0140  
 designs@schmidt  
 Mark J. Schmidt  
 Architect  
 AIA



RICHARD GHRKE  
 2039 WINNEBAGO ST  
 MADISON, WI 53703

ALTERATIONS TO  
 2039 WINNEBAGO STREET  
 MADISON, WI 53704

ISSUED:	PLAN REVIEW
DATE:	10/15/14
SCALE:	AS SHOWN
SHEET NO.:	S0403

EXTERIOR  
 ELEVATIONS  
 SHEET 8.1