



CITY OF MADISON
ZONING BOARD OF APPEALS
Amended VARIANCE APPLICATION

\$300 Filing Fee

Ensure all information is **typed** or legibly **printed** using blue or black ink.

Address of Subject Property: 18 Chippewa Court Madison 53711

Name of Owner: _____

Address of Owner (if different than above): _____

Daytime Phone: _____ Evening Phone: _____

Email Address: _____

Name of Applicant (Owner's Representative): Attorney Ronald M. Trachtenberg

Address of Applicant: 2501 Panmenter Street #100A
Middleton WI 53562

Daytime Phone: 608-444-5699 Evening Phone: 608-444-5669

Email Address: rtrachtenberg@fuhmanododge.com

Description of Requested Variance: See Attached

(See reverse side for more instructions)

FOR OFFICE USE ONLY

Amount Paid: <u>\$300.00</u>	Hearing Date: <u>1-20-22</u>
Receipt: <u>110366-0001 (6-11-21)</u>	Published Date: <u>1-13-22</u>
Filing Date: <u>11-23-21</u>	Appeal Number: <u>LNDVAR-2021-00010</u>
Received By: <u>NJK</u>	GQ: _____
Parcel Number: <u>0709-294-2717-2</u>	Code Section(s): <u>28.042 (2)</u>
Zoning District: <u>TR-C1</u>	_____
Alder District: <u>10. FIGUEROA-C016</u>	_____

DESCRIPTION OF REQUESTED VARIANCE

This is a request for a rear yard setback variance due to the lot being an irregular shaped lot and the 2017 ordinance change in how the rear yard setback is determined for irregular shaped lots. Before the 2017 ordinance change, no variance would have been needed for the proposed rear yard house addition.

Per the survey: 1. the rear yard set back is 30.05 feet from the rear lot line; 2. the northeast corner of the addition is 17.1 feet from the rear lot line; and 3. the northwest corner of the addition is 22.9 feet from the rear lot line.

The variance needed at the northeast corner of the addition is 12.95 feet and at the northwest corner of the addition is 7.15 feet.

Please note that parts of the existing house are within the newly defined rear yard set back and we assume are grandfathered.

Application Requirements

Please provide the following information: Incomplete applications could result in referral or denial by the Zoning Board of Appeals. (Maximum size for all drawings is 11" x 17".)

<input checked="" type="checkbox"/>	Pre-application meeting with staff: Prior to submittal of this application, the applicant has met to discuss the proposed project and submittal material with the Zoning Administrator.
<input checked="" type="checkbox"/>	Site plan , drawn to scale. A registered survey is recommended, but not required. Show the following: <ul style="list-style-type: none"> <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"/>	Elevations from all relevant directions showing existing and proposed views, with notation showing the existing structure and proposed addition(s).
<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).
<input 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 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 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"/>	Digital copies of all plans and drawings should be emailed to: zoning@cityofmadison.com
<input checked="" type="checkbox"/>	CHECK HERE. I understand that in order to process my variance application, City Staff will need access to my property so that they can take photographs and conduct a pre-hearing inspection of the property. I therefore give City Staff my permission to enter my property for the purpose of conducting a pre-hearing inspection and taking photographs.
<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: Rene A. M. Thielberg Attorney **Date:** 11/23/21

----- (For Office Use Only) -----

<u>DECISION</u>	
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: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Conditionally Approved	
Zoning Board of Appeals Chair:	Date:

STANDARDS
FOR VARIANCE FOR
18 CHIPPEWA COURT

1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.

The lot's location is near the very end of a cul-de-sac which results in an irregularly pie shaped lot. The lot also back up on the City's Southwest Bike Path which means there is no residential property bordering the rear property line.

In 2017, the City modified the definition of rear yard setback for an irregularly shaped lot. As a result of this redefinition, a variance is needed to make the addition to the back of our house. But for the revision to the rear yard setback, no variance would have been needed for the addition.

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.

Our back yard abuts the Southwest Commuter Path, and in addition there is a drainage ditch and a city right of way on the opposite side of the Path, which means there are no rear neighbors.

Our proposed addition does not impact the front view of the house. And it is not uncommon in Nakoma to have rear yard additions to the original house. It does not impinge on any side yard setback.

The 2017 rear setback redefinition precludes any further reasonable and useable space addition to the house. And we believe granting the variance puts us back to where it would be prior to the 2017 change.

The variance does not adversely affect light, air or open space relative to the neighboring properties.

3. For the area (setback, etc.) variance, compliance with the strict letter of the ordinance would unreasonably prevent use of the property for permitted purpose or would render compliance with this ordinance unnecessarily burdensome.

If there had been no change in definition of the rear yard setback there would be no need for a variance. The impact of the redefinition precludes any reasonable size, shape, or useful addition to the house. (In the prior adjourned hearing, the ZBA raised significant concerns as to a proposed second story addition adversely affecting the architectural neighborhood rhythm from the roadway.)

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.

The house was built in 1962, and the house's placement predates David's purchase in July 1977. The 2013 home's remodeling was in compliance with then existing rear setback standards.

The 2017 change in the zoning code's definition of the rear yard setback severely limits the size of any addition to the house and the usefulness of the proposed additional space.

The 2017 code change is the cause of the difficulty/hardship.

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

There are no houses facing our backyard due to the Commuter Path.

Any impact of granting the variance will have no detrimental impact on either house #14 or #22.

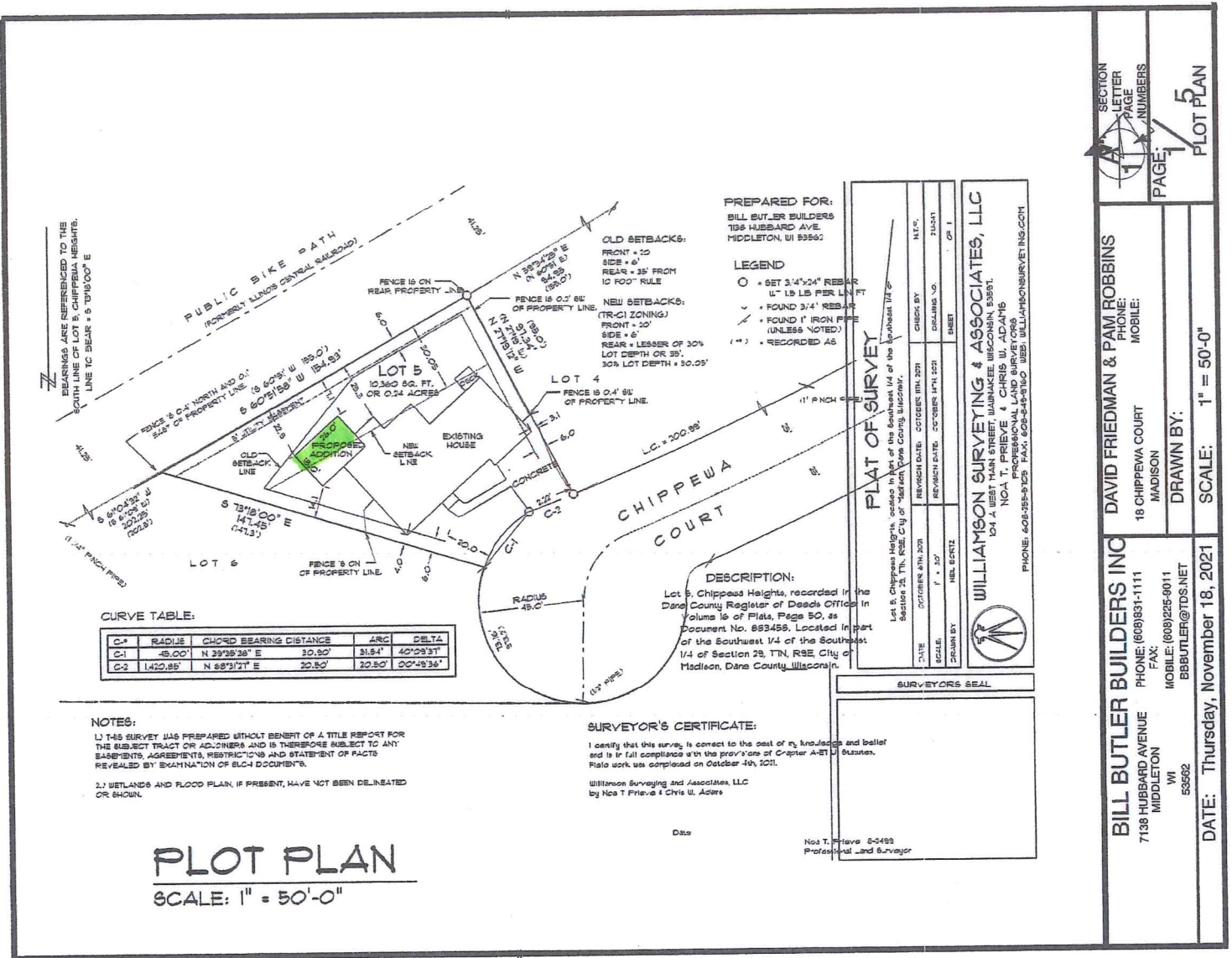
The addition is within the sideyard setback.

There is no adverse effect on light or air. Also there is no adverse architectural impact.

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

Including our house, there are 9 homes on Chippewa Ct. Currently there are 5 ranch style homes, 3 split-level homes with rooms over their garage, and one home where only the garage faces the street. The rear addition will not alter this fact. The addition to the backyard does not change the front view of the house. Only the 2 side neighbors would notice the single-story addition. Moreover, the single-story addition to the rear of the house does not change the rhythm of the neighborhood as many homes in the immediate vicinity have some type of addition to the rear of the home.

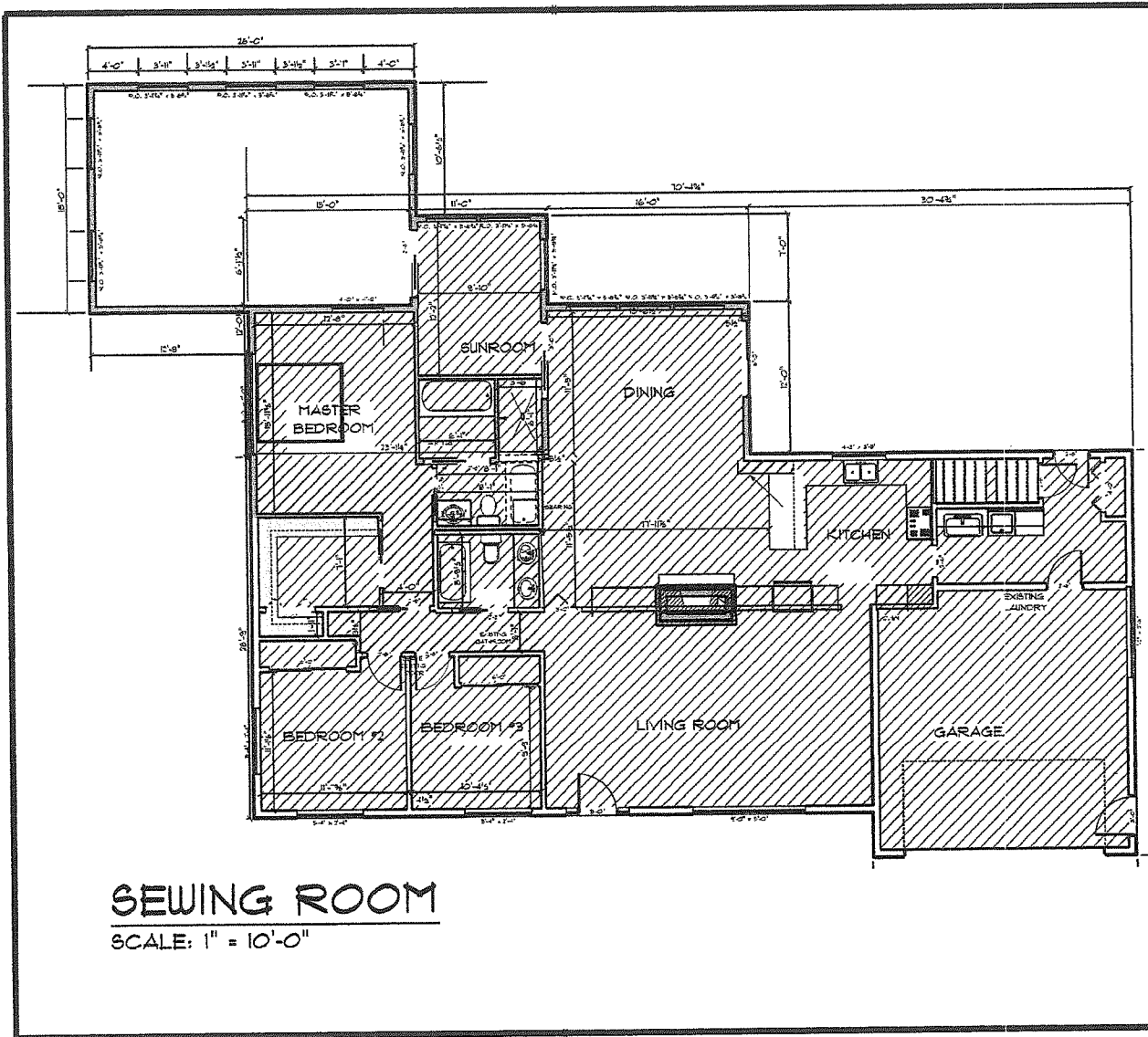
Given the ZBA's concern over a second story addition to an otherwise single story house, we believe that the requested variance not only meets all the necessary factors of a variance, but is a superior solution.



Single-Story Single-Family Dwelling.
Single-Story Addition
Rear Yard.

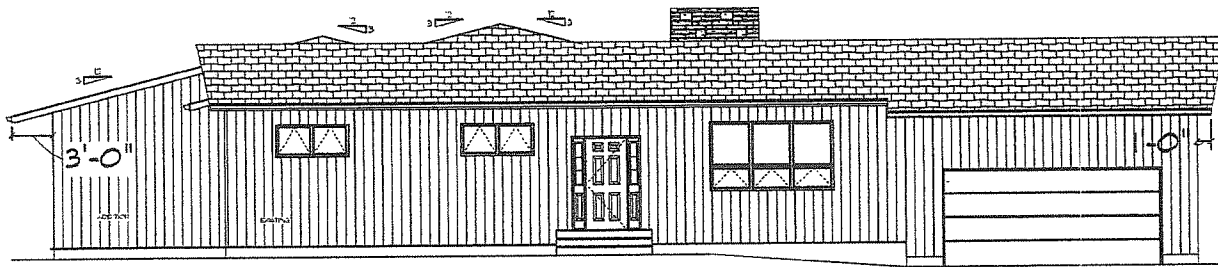
30.05' Required
17.1' Provided

12.95' Variance



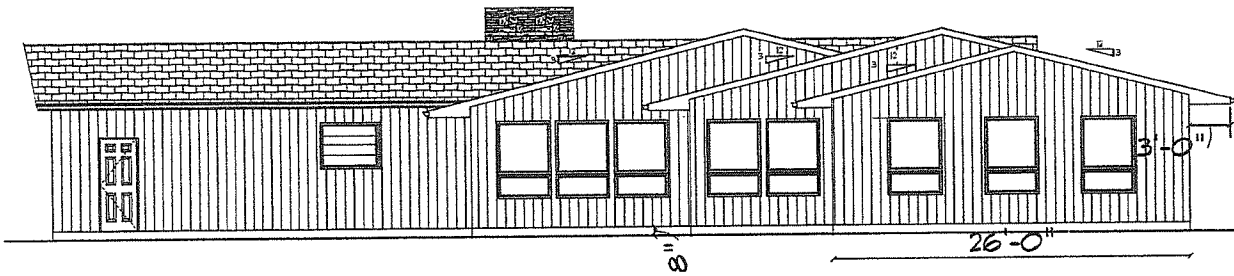
SEWING ROOM
SCALE: 1" = 10'-0"

SECTION LETTER PAGE NUMBERS A 1 3 5	
DAVID FRIEDMAN & PAM ROBBINS PHONE: MOBILE: 18 CHIPPEWA COURT MADISON	
DRAWN BY: SCALE: 1" = 10'-0" PROPOSED 1ST FLOOR PLAN	
BILL BUTLER BUILDERS INC PHONE: (608)831-1111 FAX: MOBILE: (608)225-9011 MIDDLETON WI 53662 BBTBUTLER@TDS.NET	
DATE: Thursday, November 18, 2021	



FRONT ELEVATION SEWING

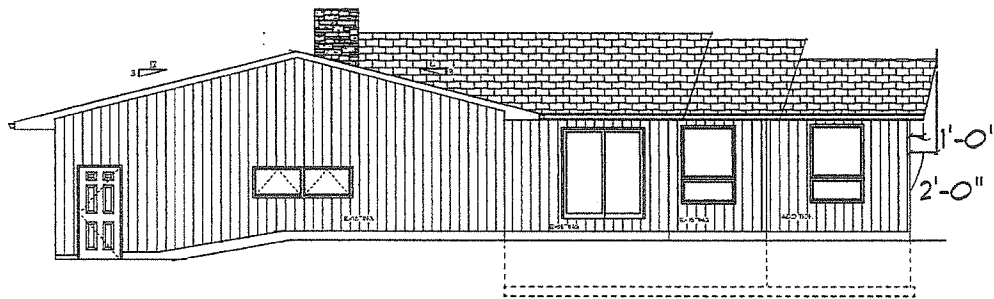
SCALE: 1" = 10'-0"



BACK ELEVATION SEWING

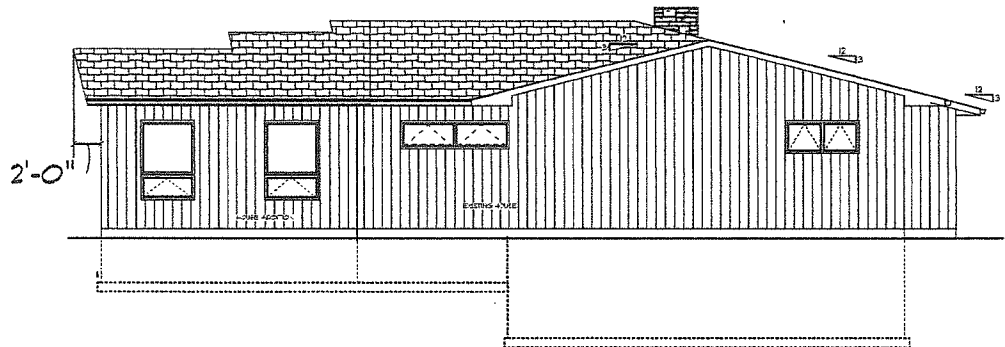
SCALE: 1" = 10'-0"

SECTION LETTER PAGE NUMBERS	A 1 4 5
DAVID FRIEDMAN & PAM ROBBINS PHONE: MOBILE:	
18 CHIPPEWA COURT MADISON	
DRAWN BY:	
SCALE: 1" = 10'-0" FRONT BACK ELEVATION	
BILL BUTLER BUILDERS INC 7138 HUBBARD AVENUE MIDDLETON WI 53562	
PHONE: (609)831-1111 FAX: MOBILE: (609)225-9011 BBBUTLER@TDS.NET	
DATE: Thursday, November 18, 2021	



RIGHT ELEVATION SEWING

SCALE: 1" = 10'-0"



LEFT ELEVATION SEWING

SCALE: 1" = 10'-0"

SECTION LETTER PAGE NUMBERS A 1 5/5		SECTION LETTER PAGE NUMBERS A 1 5/5	
BILL BUTLER BUILDERS INC 7138 HUBBARD AVENUE MIDDLETON WI 53562 PHONE: (609)831-1111 FAX: (609)225-9011 MOBILE: (609)225-9011 BBBUTLER@TDS.NET		DAVID FRIEDMAN & PAM ROBBINS PHONE: MOBILE: 18 CHIPPEWA COURT MADISON DRAWN BY:	
DATE: Thursday, November 18, 2021		SCALE: 1" = 10'-0" RIGHT LEFT ELEVATION	