



**CITY OF MADISON
ZONING BOARD OF APPEALS
VARIANCE APPLICATION**

\$500 Filing Fee

Type or legibly print using blue or black ink.

Address of Subject Property: 5630 LAKE MENDOTA DR

Name of Owner: TOM ZALEWSKI, ANN KINKADE

Address of Owner (if different than above): _____

Daytime Phone: 608 515 3525 Evening Phone: 608 515 3525

Email Address: tom.zalewski@gmail.com

Name of Applicant (Owner's Representative): SAME AS ABOVE

Address of Applicant: _____

Daytime Phone: _____ Evening Phone: _____

Email Address: _____

Description of Requested Variance:

SEE ATTACHED AS WELL AS "BACKGROUND"

See reverse side for more instructions.

FOR OFFICE USE ONLY	
Amount Paid: <u>\$500.00</u>	Hearing Date: <u>8-15-24</u>
Receipt: <u>191920-0004</u>	Published Date: <u>8-8-24</u>
Filing Date: <u>7-17-24</u>	Appeal Number: <u>LNDVAR-2024-00008</u>
Received By: <u>NJK</u>	GQ: _____
Parcel Number: <u>0709 1820 3040</u>	Code Section(s): <u>28.138(4)</u>
Zoning District: <u>TR-C1</u>	
Alder District: <u>19-GUEQUERRE</u>	

Standards for Variance

The Zoning Board of Appeals will only grant a variance if it finds that your proposal meets the following standards. Please explain how your variance request meets these standards.

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

SEE ATTACHED

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.

SEE ATTACHED

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.

SEE ATTACHED

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.

SEE ATTACHED

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

SEE ATTACHED

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

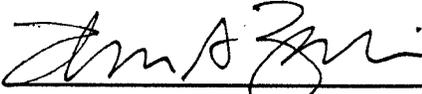
SEE ATTACHED

Application Requirements

The Zoning Board of Appeals may refer or deny applicants with incomplete applications. Note, the maximum printed size for drawings is 11" x 17." Please provide the following information:

<input checked="" type="checkbox"/>	Pre-application meeting with staff. Before you submit this application, meet with the Zoning Administrator. Together, you will discuss your proposed project and submission material. Contact Zoning at least one week prior to the application submission deadline to schedule the meeting. Your application will not be accepted unless a pre-application meeting has been held.
<input checked="" type="checkbox"/>	Site plan , drawn to scale. We recommend a registered survey, but it is not required. On the plan, show the following: <ul style="list-style-type: none"> <input type="checkbox"/> Lot lines. <input type="checkbox"/> Existing and proposed structures. Include dimensions and setback distances to all property lines. <input type="checkbox"/> Approximate location of structures on properties next 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 directions showing existing and proposed. Show the existing structure and proposed addition(s).
<input checked="" type="checkbox"/>	Interior floor plan of existing and proposed structure , if required. Most additions and expansions will require floor plans.
<input type="checkbox"/>	Front yard variance requests. Show the front yard setback of all other properties on the same block face.
<input checked="" type="checkbox"/>	Lakefront setback variance requests. Provide a survey prepared by a registered land surveyor. The survey must show existing setbacks of buildings on adjacent lots.
<input type="checkbox"/>	Variance requests involving slope, grade, or trees. Show: <ul style="list-style-type: none"> <input type="checkbox"/> Approximate location and amount of slope. <input type="checkbox"/> Direction of drainage. <input type="checkbox"/> Location, species and size of trees.
<input checked="" type="checkbox"/>	Email digital copies of all plans and drawings to: zoning@cityofmadison.com .
<input checked="" type="checkbox"/>	Pay \$500 filing fee on or before submission deadline. Payment may be made in person by appointment at the Zoning counter, by mail to City of Madison Building Inspection, P. O. Box 2984, Madison WI 53701-2984, or placed in the drop box at the Doty Street entrance to the Madison Municipal Building 215 Martin Luther King Jr. Blvd. When mailing or using the drop box, please include a note that payment is for a variance application, state the subject property address and provide your contact information.
<input checked="" type="checkbox"/>	CHECK HERE. I understand that as part of my variance request, City of Madison staff will need access to my property. Staff will take photographs and do a pre-hearing inspection of the property. I give City Staff permission to enter my property, inspect the property, and take photographs.
<input checked="" type="checkbox"/>	CHECK HERE. I acknowledge that any statements implied as fact require evidence.

CHECK HERE. City of Madison staff has given me a copy of the standards that the Zoning Board of Appeals will use to review variance applications.

Owner's Signature:  Date: 7/17/2024
THOMAS A ZALEWSKI

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

DECISION

The Board, in accordance with its findings of fact, hereby determines that the requested variance for _____ **(does) (does not)** meet all 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

Zoning Board of Appeals Chair:

Date:

Description of Requested Variance:

- **12' VARIANCE SETBACK REQUEST FOR FIRST FLOOR DECK:** Deck is 12' X 24' and ADA designed to provide first floor outdoor wheelchair access connecting directly to interior accessible doors and hallways aligned in a straight line to exterior doors. The closest point of the deck will be 51.98' from the OHWM, which meets the minimum setback requirement of 25'; however, the deck does not meet the other Lakefront Yard Setback requirements of Zoning Code Ordinance 28.138.
- **250 CUBIC FEET VOLUME INCREASE IN SETBACK FOR LOWER ROOF CORNER.** The west end of the new lower roof is slightly lower than the existing roof, however a small area of it is in the setback resulting in a net volume increase of 250 cubic feet, adding very minimal bulk. The upper roof corners are not in the setback.

Standards for Variance

The ZBA will only grant a variance if it finds that your proposal meets the following standards. Please explain how your variance request meets these standards.

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

The lakeside geometry at our house is unique because it is located at the most inward point of a small bay on Lake Mendota. Due to the sharp inward inflection of the bay exactly at our property, our house is closest to the OHWM. Houses on either side of us tend to be roughly aligned in a straight line to each other so it appears that our house is not forward of our neighbors; however due to the inflection of the bay we are closest to the lake. Any method of averaging or taking the median of adjacent setbacks results in our setback being the smallest and intersecting portions of our existing house including our living room. Almost any improvement we make on the lakeside of our house, including the deck or the roofline, requires a variance.

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 neighbors' site lines to the lake will not be impeded by the deck or proposed roofline. Given the unique geometry of the shoreline, and the placement of the adjacent houses, our neighbors directly face the lake with unobstructed views that do not face the direction of the proposed deck or roofline. Due to the curvature of the bay, all views of our deck are lateral, not central. See the signed testimony, submitted with this application, of our neighbor who has the closest view of our deck for their support of the deck. For anyone who chooses to look at our deck, they will see a simple, airy, tasteful design using cable rails that do not obstruct views. The change in roofline is in the same area of the deck and does not obstruct views as well.

3. For an area (setbacks, 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 the ordinance unnecessarily burdensome.

The strict letter of the ordinance suggests implementing lesser versions of our proposed deck such as a 3' wide deck elevated 3' or more, or stairs down to a lower deck less than 3' above the ground, or a patio. None of these options are compatible with our accessibility goals to live on one floor. As we age, we find ourselves, friends, and relatives with mobility constraints and using wheelchairs. We have explored other accessibility options such as side exits or exiting thru the kitchen, but none of them work. With the proposed deck, we can make our house wheelchair accessible to the outside without stairs. Not allowing it would be unnecessarily burdensome, especially given that it will not obstruct our neighbor's lakeside views.

The existing roof is a custom three-dimensional pyramid truss that cannot be modified to accommodate the new second story addition. It is necessary to entirely reconfigure the second story roofline to include the new bathroom

addition. We chose a simply sloped shed roof for the new roof which is not higher than existing. The strict letter of the ordinance suggests a more complicated roof that adds cost and would be aesthetically awkward.

4. The alleged difficulty or hardship is created by the terms of the ordinance rather than a person who has a present interest in the property.

The hardship is caused by the lakeside setback requirements based on the unique inward geometry of the bay on Lake Mendota and not due to the repair or accessibility goals of the house remodel.

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

The new deck and roofline will not be in the sight lines of adjacent property owners and will not block their direct lake views.

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

The deck is similar to neighboring decks on the lake and will be compatible with the character of the immediate neighborhood. It is similar in size and elevation to adjacent property at 5642 Lake Mendota Drive, 2 doors down. It is neither enclosed, nor screened.

The new roof will be a standing seam metal roof that compliments or exceeds the standards of adjacent roofs.

BACKGROUND

The existing house was built as a single-story house in 1955. There have been no major alterations to the exterior of the house, except for a modest sized second story added in 1982. We bought the house 17 years ago and have made no alterations to the exterior. We are remodeling the house now to upgrade the deteriorated 70-year-old structure, add essential features while the structure is exposed during construction, and design the first floor for wheelchair accessibility and aging-in-place. The exterior of the house will primarily change due to a new 203 SF second story bathroom addition, which requires a new roofline. There are two other exterior changes; one includes a replacement second story cantilever deck. The other is a new, wheelchair accessible first story deck.

NEW SECOND STORY ROOFLINE: The existing second story is a single room intended to be an office. It has no amenities, such as a bathroom or air conditioning. We are adding central air, and a 203 SF bathroom and closet so it can be used as bedroom.

The existing roof is a custom three-dimensional pyramid truss that cannot be modified to accommodate the new second story addition. It is necessary to entirely reconfigure the new second story roofline to include the bathroom addition.

SECOND STORY CANTILEVER DECK: The existing second story deck cantilevers 6'-8" past the face of the lakeside exterior walls and is in very poor condition. It will be removed and replaced with a scaled back deck that only cantilevers 4'-0"; therefore, the impact of the deck on the exterior will be effectively reduced. The footprint of the new cantilever deck in the setback will be slightly smaller than the existing deck. Since the new deck is not an increase over the existing deck, we do not think we need a variance for this change.

FIRST STORY LAKESIDE DECK: We propose the addition of a first story deck, which is a common and expected feature for lakefront properties; many of our neighbors, whose homes are not located at the innermost point of the bay have them. We don't consider the proposed deck a replacement of the 5X7' landing and stairs off our kitchen because the landing is too small to be considered a deck and it is in an awkward location because wheelchair access is blocked in the interior by the (only) kitchen table area. The addition of our first-floor deck provides an opportunity for us to more fully enjoy our home as we age-in-place, to host those with mobility/accessibility issues on the lakeside deck, and in no way obstructs the view of the lake for our neighbors.

LAKESIDE SETBACK: We determined our lakeside setback using Method 1 and the measurements are shown in the drawings. Portions of our existing house are in the setback on the west side. Because of this, portions of the proposed first floor deck and the changed roofline are partially in the setback to various degrees.

CONTEXT: We have lived in the existing house for 17 years and intend to live in it for as long as we are physically able. We are in our mid 60's now. Our housing philosophy is to salvage existing structures and make them work and not tear things down, when possible. We feel that scale is very important, and a house should be proportional to the lot size. Where possible, a house should shy away from side setbacks and maximum height allowances with value given to the positive space around the house. We appreciate good architecture that provides beauty and function and is respectful of the environment around it. An important part of function for us as we age-in-place is wheelchair accessibility for ourselves (eventually) and our aging and mobility-challenged family and friends (currently). We also believe in being good neighbors by respecting boundaries for others' privacy and not intruding into their view space.

THE NEED FOR VARIANCE APPROVAL: We understand and approve of the City's lakeside zoning ordinance which is largely to mitigate or prevent a "race to the lake". In the process of requesting this variance, we have learned that a lakeside setback is not like a hard setback from a property line, but widely varies and moves with the contours of the lake. Using the City's methods of determining lakeside setbacks, if your setback from the lake is more than your neighbors', you can move towards the lake without permission. Relative to the lake and shoreline, parts of our existing house are now within the setback (established in 2011, 4 years after we bought the home)

therefore we require a variance to make changes.

We appreciate strong consideration from the City to approve our variance, because our neighbor-approved improvements and investments are modest relative to other development happening in the neighborhood. Specifically, it is becoming common to tear down an existing structure of similar size to our house and to re-build something 1½-2 times the size that completely bumps up against all setbacks – not just a small section like our deck and roofline would. In addition, our proposed changes do not negatively affect our neighbors' site lines to the lake. The neighbors to the immediate west of us have approved the changes; one neighbor (Laura and Mike Huggett) submitted a written letter. The other neighbor (Jay and Janet Loewi) has verbally approved the changes and are willing to submit a letter if helpful. Our neighbors to the east are not able to see the proposed deck from inside their houses. Since we meet the intent of the ordinance, we appreciate your attention to the nuance of the request and support of our variance request.

Thank you,



7/23/24

Ann Kinkade and Tom Zalewski

Date

PARTIAL HOME REMODEL - PHASE 2

5630 LAKE MENDOTA DRIVE

OWNER: TOM ZALEWSKI / ANN KINKADE

DESIGNER: POSITIVE SPACE DESIGN

SHEET LIST - ZONING VARIANCE		
Sheet Number	Sheet Name	Sheet Issue Date
ZA000	TITLE SHEET	07-15-2024
ZA001	SITE PLAN - EXISTING	07-15-2024
ZA002	SITE PLAN - PROPOSED	07-15-2024
ZA003	SITE PLAN - SETBACK EXHIBIT	07-15-2024
ZA201	FIRST FLOOR PLAN	07-15-2024
ZA202	SECOND FLOOR PLAN	07-15-2024
ZA401	EXTERIOR ELEVATIONS - NORTH & SOUTH	07-15-2024
ZA402	EXTERIOR ELEVATIONS - EAST & WEST	07-15-2024



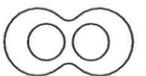
BEFORE

SCOPE OF WORK

- REMOVE AND REPLACE SECOND STORY DECK
- REMOVE FIRST STORY LANDING AND STAIRS. ADD FIRST STORY DECK
- REMODEL SECOND STORY AND SECOND STORY ROOFLINE
- ADD SECOND STORY BATHROOM ADDITION
- KITCHEN REMODEL
- REPLACE WINDOWS
- REPLACE DOORS
- REMOVE PLASTER WALLS AND REPLACE WITH DRYWALL
- INSULATE WALLS TO R15 (3" RIGID INSULATION)
- INSULATE FIRST FLOOR ROOF TO R35 (7" SPRAY FOAM INSULATION)
- INSULATE SECOND STORY ROOF TO R49 (9" SPRAY FOAM INSULATION)
- EXTEND AIR CONDITIONING TO SECOND FLOOR
- INSTALL RADIANT FLOOR HEATING
- INSTALL NEW 3/4" WOOD FLOORING
- INSTALL NEW RAINSCREEN EXTERIOR SIDING



AFTER



POSITIVE
SPACE
DESIGN

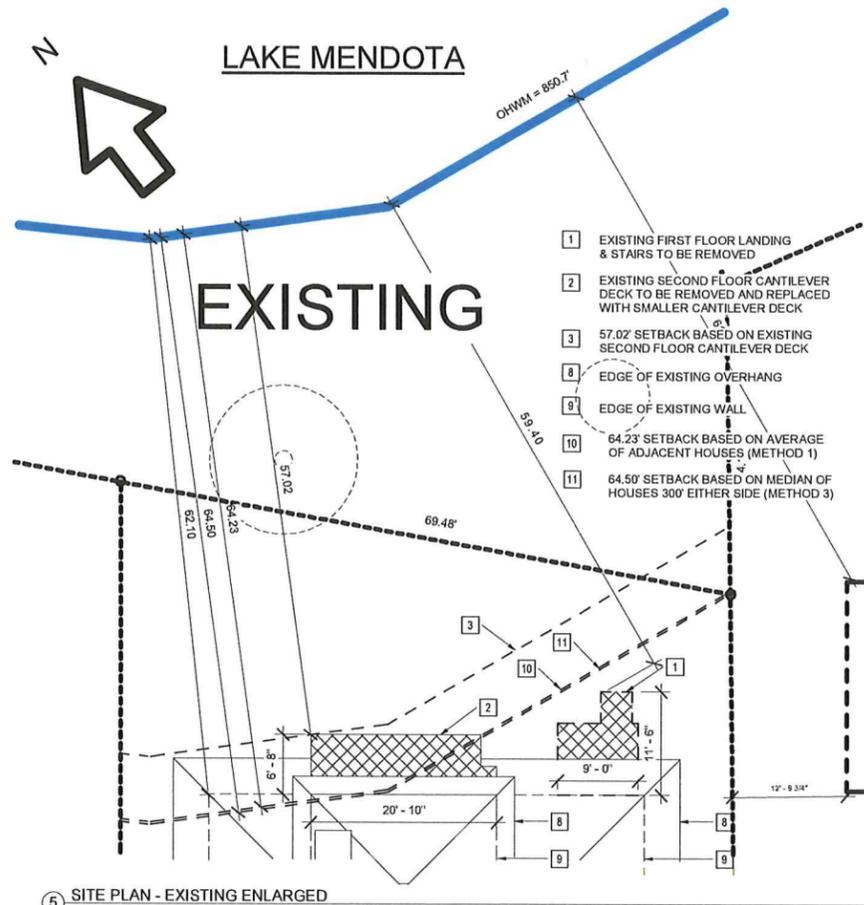
PARTIAL HOME REMODEL - PHASE 2
5630 LAKE MENDOTA DRIVE
MADISON, WI 53705
POSITIVE SPACE DESIGN

DATE: 07/15/2024
DRAWING SET
PROJECT NO. 2024001
PERMIT SET

TITLE SHEET

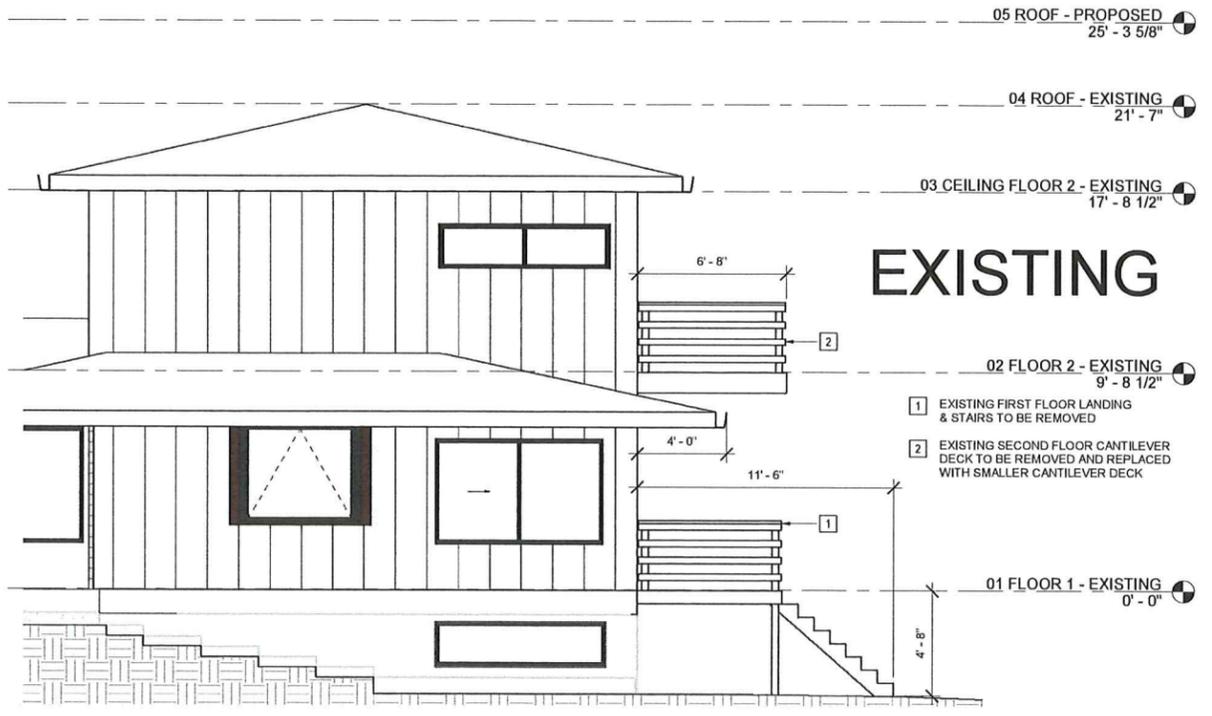
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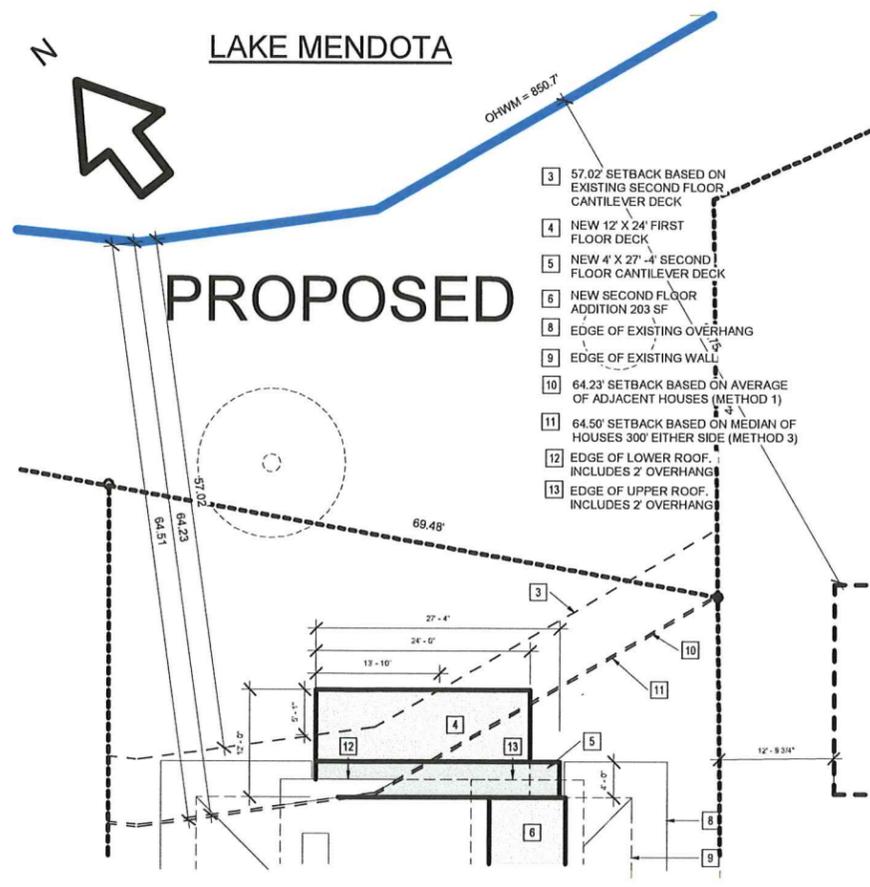


- 1 EXISTING FIRST FLOOR LANDING & STAIRS TO BE REMOVED
- 2 EXISTING SECOND FLOOR CANTILEVER DECK TO BE REMOVED AND REPLACED WITH SMALLER CANTILEVER DECK
- 3 57.02' SETBACK BASED ON EXISTING SECOND FLOOR CANTILEVER DECK
- 8 EDGE OF EXISTING OVERHANG
- 9 EDGE OF EXISTING WALL
- 10 64.23' SETBACK BASED ON AVERAGE OF ADJACENT HOUSES (METHOD 1)
- 11 64.50' SETBACK BASED ON MEDIAN OF HOUSES 300' EITHER SIDE (METHOD 3)

5 SITE PLAN - EXISTING ENLARGED
1" = 10'-0"

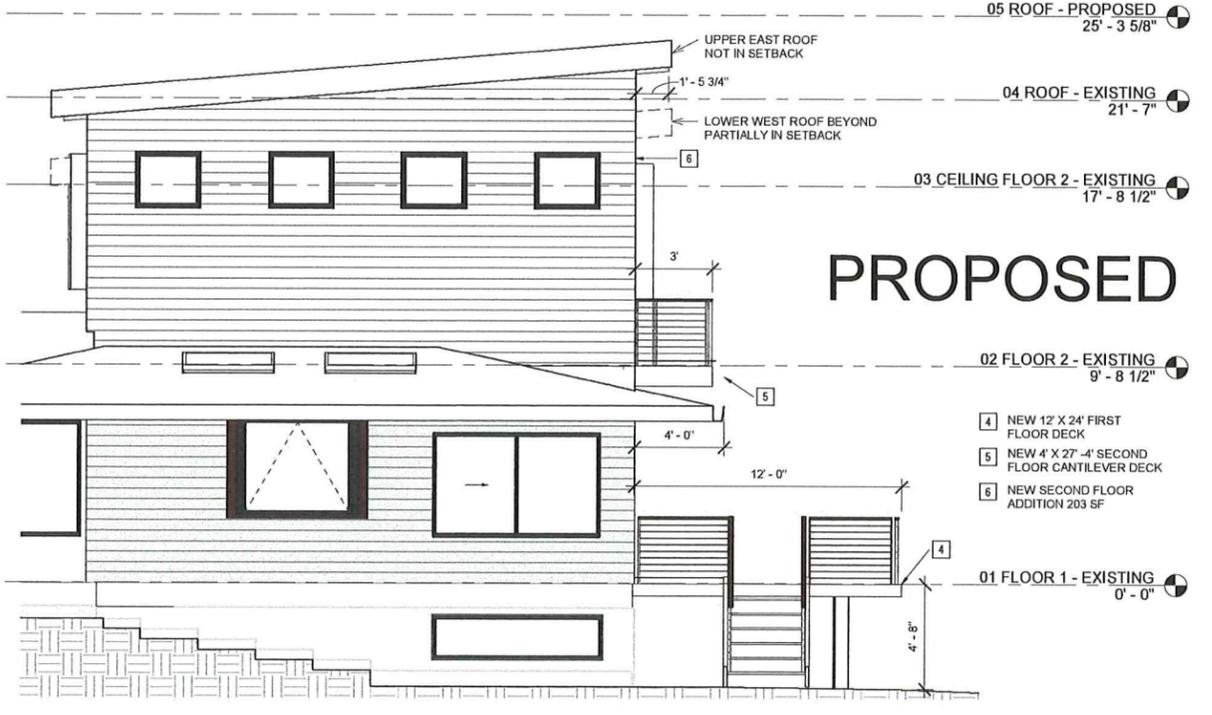


4 ELEVATION EAST - ROSEN/SEDER - PROPOSED SETBACK
1/4" = 1'-0"



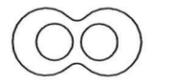
- 3 57.02' SETBACK BASED ON EXISTING SECOND FLOOR CANTILEVER DECK
- 4 NEW 12' X 24' FIRST FLOOR DECK
- 5 NEW 4' X 27'-4" SECOND FLOOR CANTILEVER DECK
- 6 NEW SECOND FLOOR ADDITION 203 SF
- 8 EDGE OF EXISTING OVERHANG
- 9 EDGE OF EXISTING WALL
- 10 64.23' SETBACK BASED ON AVERAGE OF ADJACENT HOUSES (METHOD 1)
- 11 64.50' SETBACK BASED ON MEDIAN OF HOUSES 300' EITHER SIDE (METHOD 3)
- 12 EDGE OF LOWER ROOF. INCLUDES 2' OVERHANG
- 13 EDGE OF UPPER ROOF. INCLUDES 2' OVERHANG

1 SITE PLAN - PROPOSED ENLARGED
1" = 10'-0"



2 ELEVATION EAST - ROSEN/SEDER - EXISTING SETBACK
1/4" = 1'-0"

- 4 NEW 12' X 24' FIRST FLOOR DECK
- 5 NEW 4' X 27'-4" SECOND FLOOR CANTILEVER DECK
- 6 NEW SECOND FLOOR ADDITION 203 SF



POSITIVE SPACE DESIGN

PARTIAL HOME REMODEL - PHASE 2
5630 LAKE MENDOTA DRIVE
MADISON, WI 53705

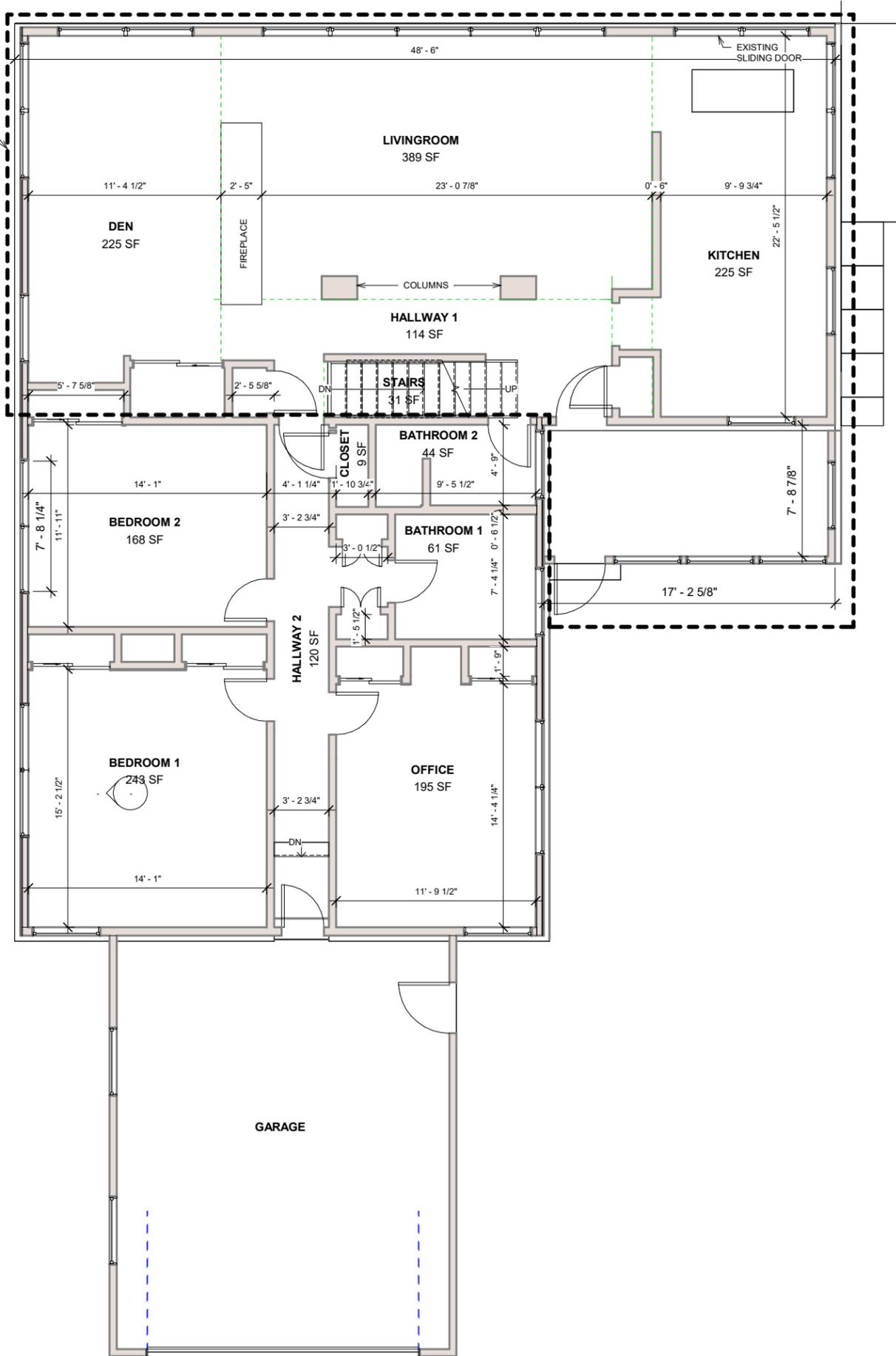
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PROJECT NO. 2024001

SITE PLAN - SETBACK EXHIBIT

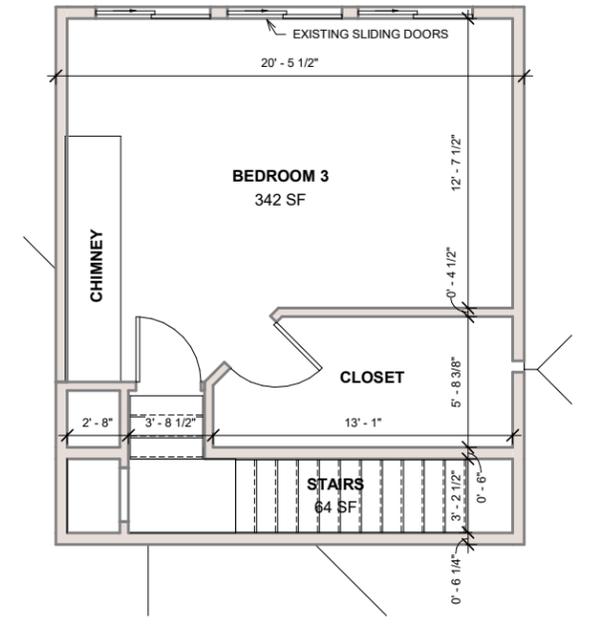
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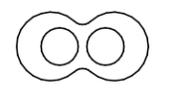
AREA OF WORK
IN PHASE 2



① 01 FIRST FLOOR - EXISTING - PHASE 1 & PHASE 2
1/4" = 1'-0"



② 02 SECOND FLOOR - EXISTING
1/4" = 1'-0"



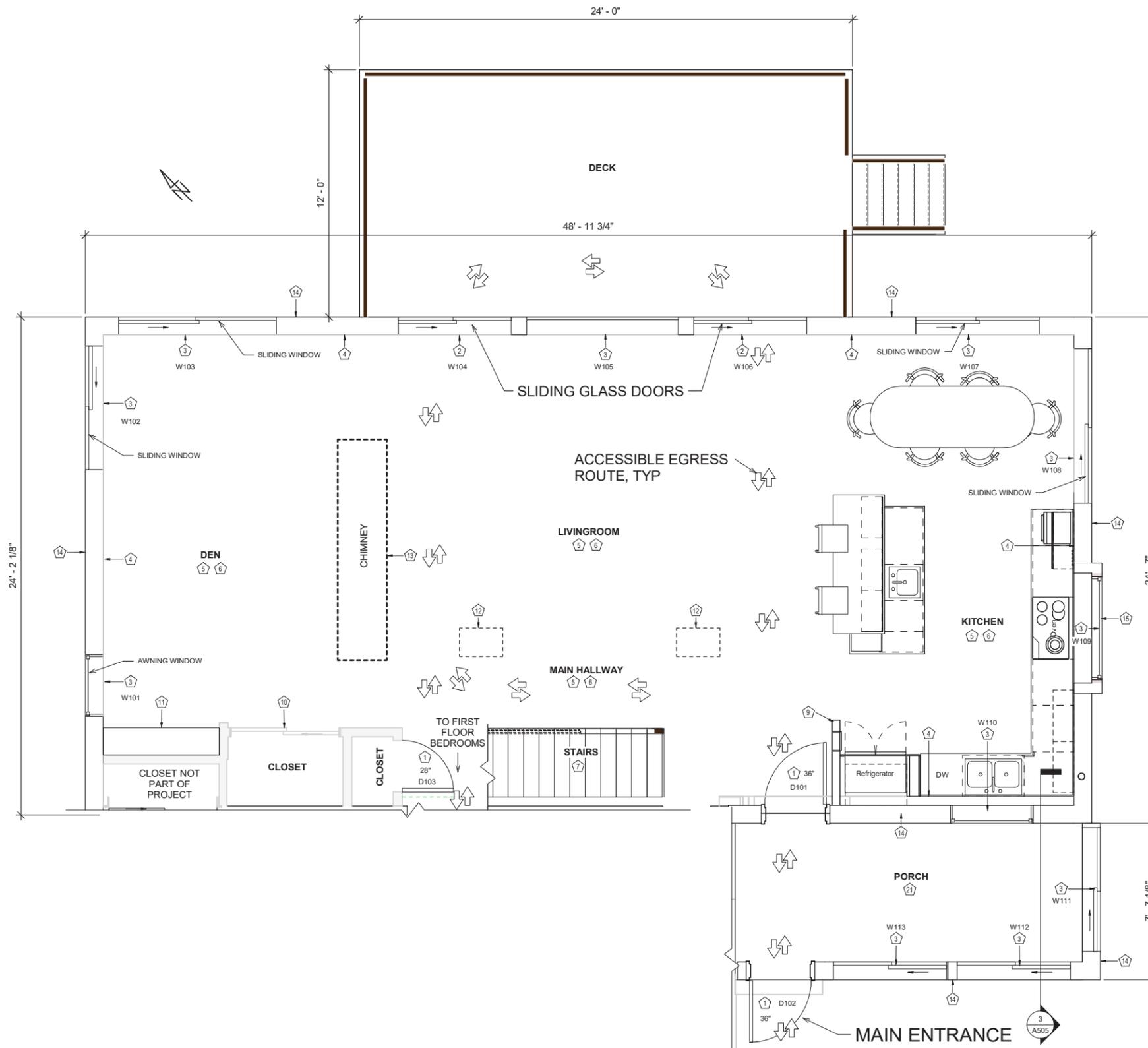
POSITIVE
SPACE
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PARTIAL HOME REMODEL
5630 LAKE MENOMONIE DRIVE
WISCONSIN, WI 53705
POSITIVE SPACEDSIGN

DATE: 08/11/2024
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PROJECT NO. 2023001

FIRST & SECOND FLOORS - EXISTING

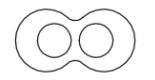
A011



SPECIFIC FLOOR PLAN NOTES

- 1 NEW DOOR (SEE DOOR SCHEDULE)
- 2 NEW SLIDING DOOR (SEE WINDOW SCHEDULE)
- 3 NEW WINDOW (SEE WINDOW SCHEDULE)
- 4 NEW 5/8" GWB ON MODIFIED EXISTING WALL (SEE STRUCTURAL PLANS FOR STUD FRAMING)
- 5 NEW WARMBOARD UNDERLAYMENT FOR RADIANT FLOOR HEATING
- 6 NEW 3/4" OAK FLOORING
- 7 NEW OPEN STAIRCASE WITH NEW RAIL
- 8 JULIETTE RAIL
- 9 REBUILT WALL WITH 1/2" GWB AND OPENING FOR BROOM CLOSET
- 10 EXISTING SLIDING DOOR CLOSET TO REMAIN
- 11 EXISTING COUNTER AND LOWER SHELVES TO REMAIN
- 12 EXISTING COLUMNS/SHELVES TO REMAIN
- 13 EXISTING CHIMNEY TO REMAIN
- 14 EXTERIOR RAINSCREEN SIDING OVER 3" RIGID INSULATION (SEE WALL SECTION)
- 15 WINDOW BUMPOUT
- 16 NEW CLOSET WITH BLIND CORNER
- 17 TILE FLOORING
- 18 NEW NON-STRUCTURAL WALL
- 19 CUSTOM BUILT-IN LINEN CLOSET
- 20 CANTILEVER DECK AT BUMPOUT FLOOR
- 21 POLISH EXISTING CONCRETE FLOOR

① FIRST FLOOR PLAN
3/8" = 1'-0"



**POSITIVE
SPACE
DESIGN**

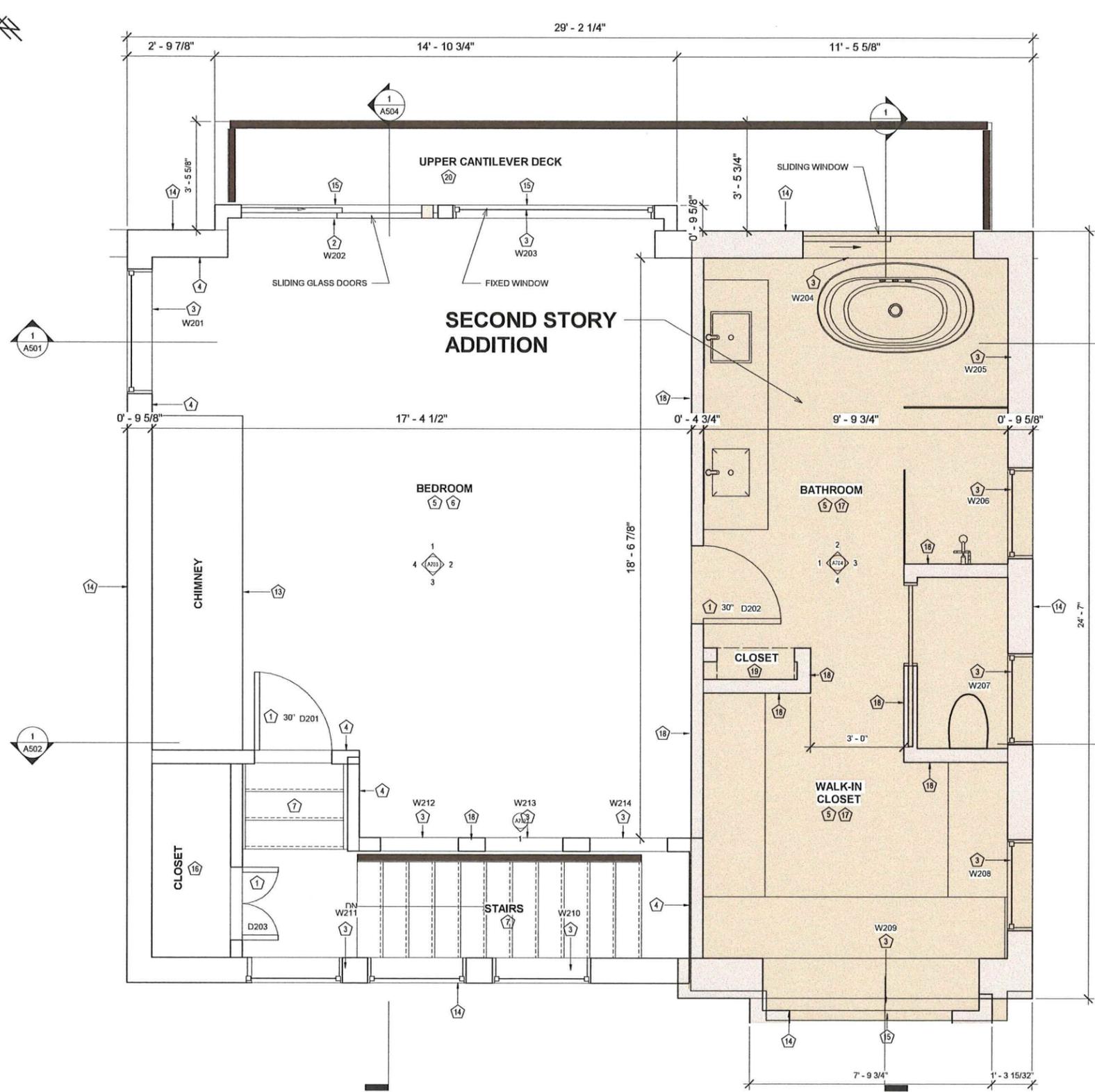
PARTIAL HOME REMODEL - PHASE 2
5630 LAKE MENDOTA DRIVE
MADISON, WI 53705
POSITIVE SPACE DESIGN

DATE: 07.03.2024
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PROJECT NO. 2024001

FIRST FLOOR PLAN

ZA201

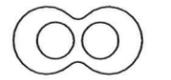
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SPECIFIC FLOOR PLAN NOTES

- 1 NEW DOOR (SEE DOOR SCHEDULE)
- 2 NEW SLIDING DOOR (SEE WINDOW SCHEDULE)
- 3 NEW WINDOW (SEE WINDOW SCHEDULE)
- 4 NEW 5/8" GWB ON MODIFIED EXISTING WALL (SEE STRUCTURAL PLANS FOR STUD FRAMING)
- 5 NEW WARMBOARD UNDERLAYMENT FOR RADIANT FLOOR HEATING
- 6 NEW 3/4" OAK FLOORING
- 7 NEW OPEN STAIRCASE WITH NEW RAIL
- 8 JULIETTE RAIL
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- 13 EXISTING CHIMNEY TO REMAIN
- 14 EXTERIOR RAINSCREEN SIDING OVER 3" RIGID INSULATION (SEE WALL SECTION)
- 15 WINDOW BUMPOUT
- 16 NEW CLOSET WITH BLIND CORNER
- 17 TILE FLOORING
- 18 NEW NON-STRUCTURAL WALL
- 19 CUSTOM BUILT-IN LINEN CLOSET
- 20 CANTILEVER DECK AT BUMP-OUT WINDOWS
- 21 POLISH EXISTING CONCRETE FLOOR

① 02 SECOND FLOOR - ZONING
1/2" = 1'-0"



**POSITIVE
SPACE
DESIGN**

PARTIAL HOME REMODEL - PHASE 2
5630 LAKE MENDOTA DRIVE
MADISON, WI 53705

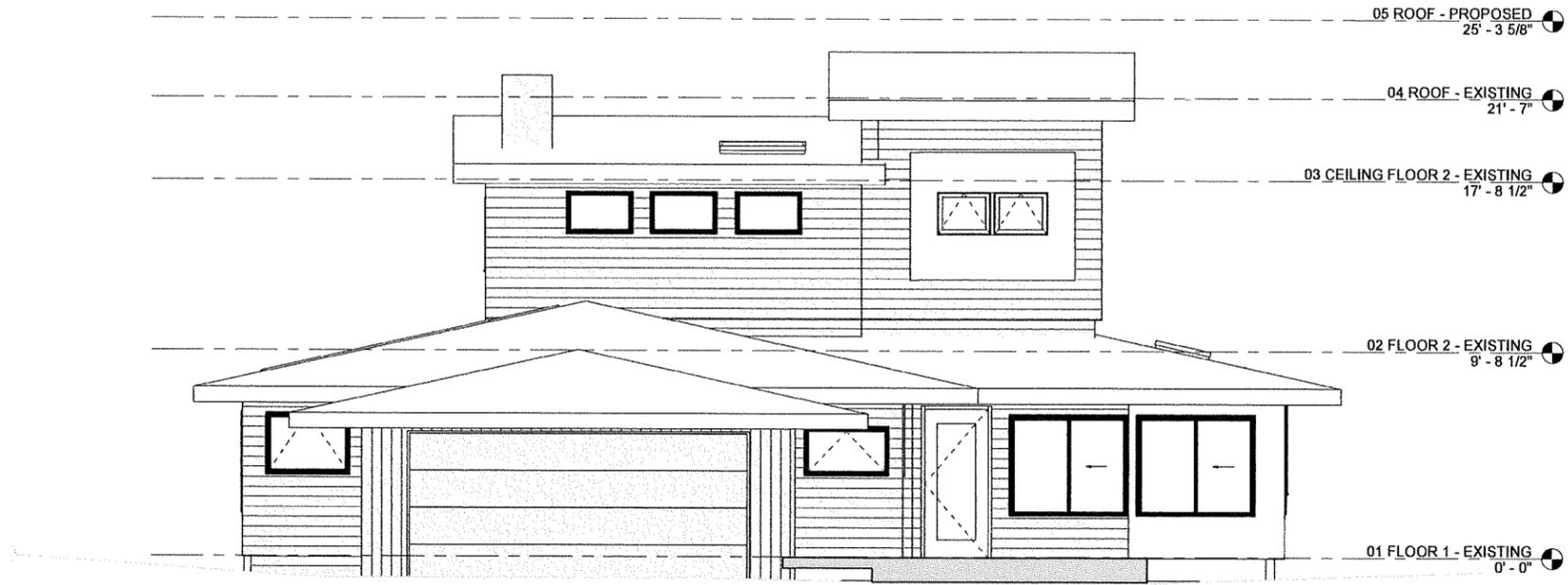
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DATE: 07/31/2024
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SECOND FLOOR PLAN

ZA202

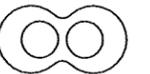
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③ ELEVATION SOUTH - STREET SIDE - ZONING
1/4" = 1'-0"



① ELEVATION NORTH - LAKE SIDE - ZONING
1/4" = 1'-0"



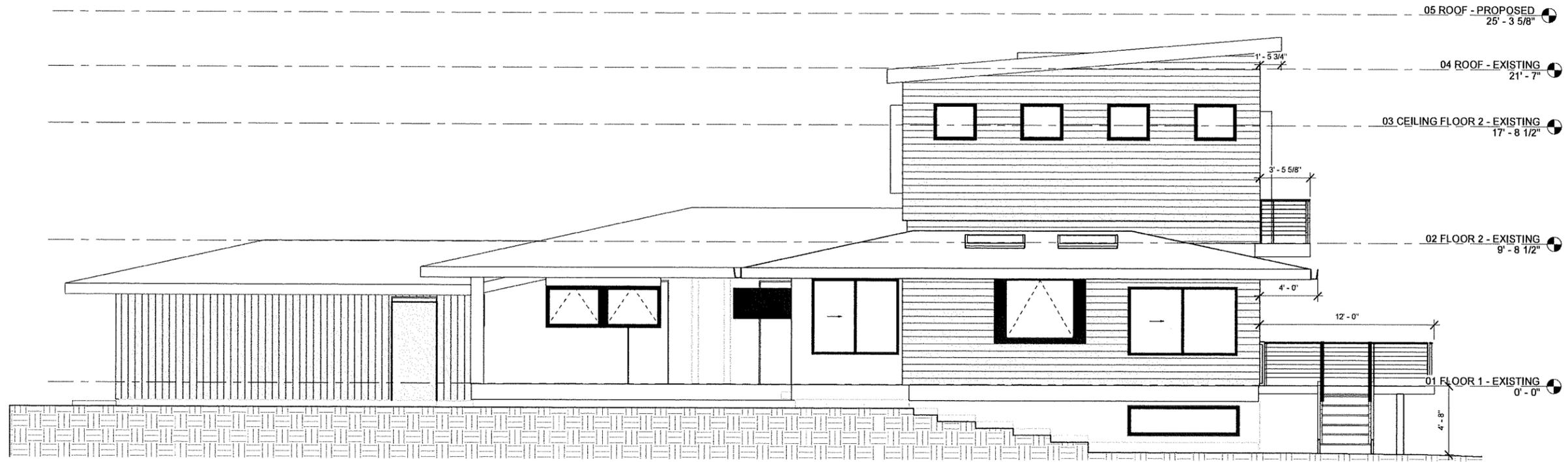
POSITIVE
SPACE
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PARTIAL HOME REMODEL - PHASE 2
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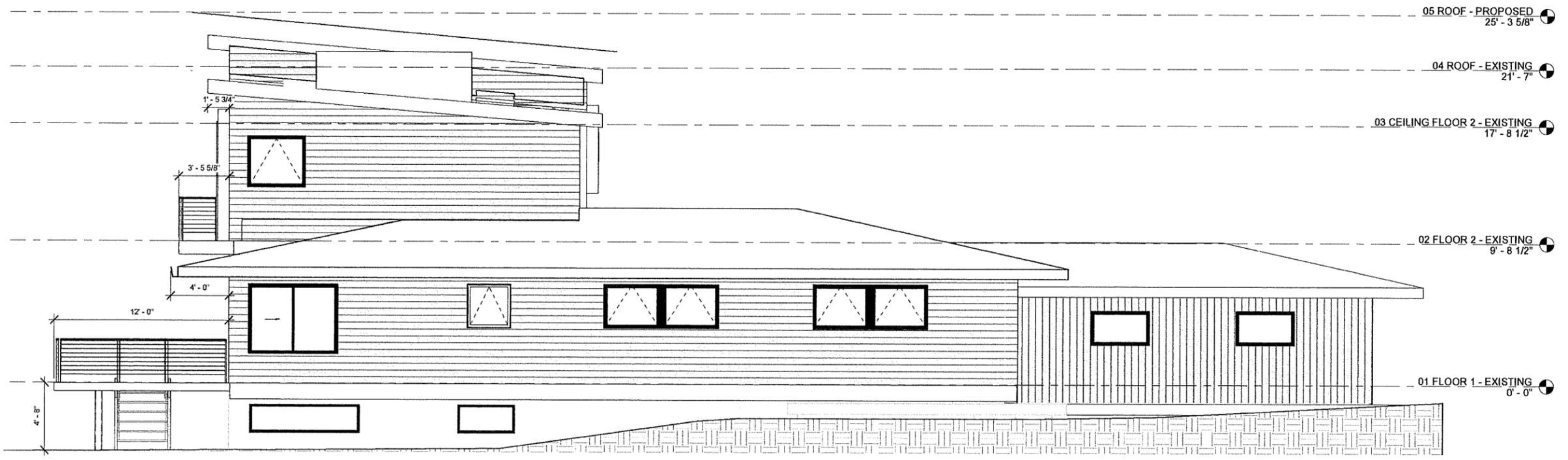
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EXTERIOR ELEVATIONS - NORTH & SOUTH

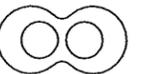
ZA401



① ELEVATION EAST - ROSEN/SEDER - ZONING
1/4" = 1'-0"



② ELEVATION WEST - JUDY'S SIDE - ZONING
1/4" = 1'-0"



POSITIVE
SPACE
DESIGN

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EXTERIOR ELEVATIONS - EAST & WEST

ZA402