



**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: 5114 Spring Court, Madison, WI 53705

Name of Owner: Jan and Jim Eisner

Address of Owner (if different than above): _____

Daytime Phone: (301) 503-0498 (mobile) Evening Phone: _____

Email Address: _____

Name of Applicant (Owner's Representative): Scott Johnson, XDEA Architects

Address of Applicant: 2 Horatio Street, 11L, New York, NY 10014

Daytime Phone: (347) 224-0122 (mobile) Evening Phone: _____

Email Address: sjohnson@xdea-studio.com

Description of Requested Variance:

A variance is requested to adjust the lakefront setback requirement from the ordinary high water mark to allow for a partial second story addition to an existing dwelling utilizing the existing footprint. The existing dwelling would remain in alignment with adjacent dwellings that are in compliance with the intent of the lakefront development zoning. The ordinary high water mark is artificially interrupted on this property only due to an existing concrete seawall that does not impact the use of or views to the lake by adjacent properties.

(See reverse side for more instructions)

FOR OFFICE USE ONLY

Amount Paid: <u>300-</u>	Hearing Date: <u>5-11-17</u>
Receipt: <u>29164-002</u>	Published Date: <u>5-4-17</u>
Filing Date: <u>4-19-17</u>	Appeal Number: <u>LN DVAR-2017-00008</u>
Received By: <u>MWT</u>	GQ: <u>OK</u>
Parcel Number: <u>0709-184-0118-7</u>	Code Section(s): <u>28.138(4)(a)</u>
Zoning District: <u>TE-C2</u>	
Alder District: <u>19-Clear</u>	

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"): <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). (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 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 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: *Jan Skusnie* **Date:** 04-15-17
Jan Skusnie
 -----(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**

Zoning Board of Appeals Chair:

Date:

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.

Yes, there is a unique condition specific to this property. The existing concrete seawall abutting the lakeshore creates an abrupt change in the shoreline that does not occur any of the adjacent properties. The wall was built well over 50 years ago and is abutted by standard boulder rip-rap on either side. The concrete wall artificially interrupts the natural shoreline with an abrupt elevation change. This change causes the ordinary high water mark to be closer to the existing dwelling, therefore causing a slight encroachment of the northeast corner of the dwelling into the lakefront setback.

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.

The spirit, purpose, and intent of the lakefront zoning is to have the lakefront houses line up along the shoreline. This alignment allows for an unobstructed and equal view of the lake. The existing dwelling footprint is in line or slightly behind the average line. Modifying the existing dwelling to accommodate the artificially adjusted lakefront setback would create an irregular condition and diminish this properties equal lake views and potentially reduce its market value.

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.

Strict compliance of the lakefront ordinance would not allow the owner's ability to fully use the current footprint of the house. The sewer easement does not allow the south wall of the house to move further south, so to enforce the lakefront setback the house footprint would need to shrink.

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 alleged difficulty is solely created by the terms of the ordinance. If the edge of the lakefront aligned with the neighbors on either side, the existing house and proposed addition would be in compliance.

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

The proposed variance would be beneficial to the adjacent properties – it would keep the houses along the lake in alignment.

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

The neighborhood is made up of one and two story houses. Adding a second story to a portion of the existing house is consistent with other houses in the neighborhood.