

ZONING BOARD OF APPEALS APPLICATION
CITY OF MADISON, WISCONSIN

(Office Use Only)

Voucher No.	1278
Filing Date	11/21/94
Hearing Date	12-8-94
Zoning District	R2
Parcel No.	0709-184-0128-6
Published	11-26, 12-1, 12-7
Aldermanic District	19 - King
Appeal Number	520894-4 011295-2

PLEASE SUBMIT:

- (2) Application forms
- (2) Plot plans indicating area where variance is requested (to scale)
- (1) Elevation drawings (3 views)
- \$120.00 Filing Fee (Variance) or
- \$200.00 Filing Fee (Appeal)

GQ - Des. Jammock
- in waterfront Dev.

TO THE ZONING BOARD OF APPEALS:

The undersigned hereby (requests a variance) (appeals the decision of the Zoning Administrator) in regard to: Section No. _____ of the Madison General Ordinances in order to: REPLACE, EXPAND AND RELOCATE GARAGE

At 5042 LAKE MENOTA DRIVE No. Stories 1
(street address)

Lot 3, Block 2, SPRING PARK addition to the City of Madison, Wisconsin.

Reason/s why applicant cannot comply with ordinance requirements (explain hardship)
SEE ATTACHED LETTER

(additional space on back)

Name of Owner CHUCK GATES Address 5042 LAKE MENOTA DR
Applicant [Signature] Address 5042 LAKE MENOTA DR Phone W 221-4499
(signature) 05-1305

Notices sent to District Alderperson and to owners of record as listed in the Office of the City Assessor and on the attached mailing list.
(Do not write below this line)

DECISION

The Board, in accordance with the findings of fact, hereby determines that the requested variance (is) (is not) in compliance with all of the standards for a variance. Further finding of fact is stated in the minutes of this public hearing.

The Zoning Board of Appeals (Approved) (Disapproved) (Conditionally Approved)
Approved the request for a 28'6" front yard variance to construct a garage which will be 1'6" from the front lot line. A building permit is required.

Zoning Board of Appeals Chair [Signature] Date 1-12-95

Chuck Gates
5042 Lake Mendota Drive
Madison, WI 53705
H - (608) 233-6106
W - (608) 221-4499
Fax - (608) 221-2824

November 18, 1994

Zoning Board of Appeals
City of Madison, Wisconsin

Re: Lot line variances for replacement garage, Lot 2, Block 3 Spring Park, 5042 Lake Mendota Drive.

Dear Board Members,

I have been planning for years to replace and expand my old, small, ramshackle garage with something of reasonable size. There is an Indian bear effigy mound on my property that is protected by recent designation as a cataloged burial site by the State and as a landmark by the City. These designations place unique restrictions on the entire property.

Because of these new restrictions, I believe the most logical location for a new garage is in the area of the existing garage. This is away from the Indian mound, and immediately to the street side of large oak trees. The only way to accomplish this was to approach the city about reclaiming a section of property that was deeded to the City in 1923. Jim Prossick in the Real Estate Section coordinated the reply to this request with City Zoning and Engineering.

Zoning agreed to the 11' I asked for (which would be in conformance with all property lines to the east) but Engineering only agreed to grant 6'. With this 6', I can just squeeze in a 20' deep garage by orienting it parallel to the front lot line.

I believe my goals are consistent with the public interest in this matter. I believe everyone wants to.

- * Preserve the Indian mounds and their environs. This includes not locating a structure right next to it and or between the mound and the road which would effectively shut off any possible public view and enjoyment. Building nearer the mound would also would further jeopardize it by forcing more human activity in it's immediate vicinity.
- * Protect mature trees. No one wants to see our 150+ year old oaks cut down.

Pertinent facts and points of concern are explained in more detail in the following paragraphs.

I. Conformity to adjacent right of way and other garage setbacks

The land the city has agreed to deed back was originally part of my lot. All road side property lines to the east of us are 11' closer to the center of the road right of way, as my lot line once was. Several houses on the block, both east and west, have garages as close or closer to the road than what I propose.

I talked to our area assessor, Laurel Neverdahl. She reviewed the situation and, according to her information, I own the parcel in question. That means I have been paying taxes on it all along. I am including a copy of the local plat map supplied by the assessor's office. Note there are property lines showing on both sides of the parcel in question. I called Badger Abstract & Title Corporation, the title company that gave me title insurance. Their records indicate the 11' x 50' rectangle was deeded to the city in 1923 by Ernest Warner.

II. Unique Situation

A. Indian Mound

Most of a very much intact bear mound built by the Woodland Indians between 650 and 1100 AD is located on my property at the top of a steep hill. This mound is on the National and State Registry of Historic Sites.

In 1990, the State of Wisconsin designated the mound as a cataloged burial site, subject to Ch. HS 2, Wis. Adm. Code, SS. 157.70(2)(a) and (5)(b), and S. 70.11(13), Wis. Stats. This in effect prohibits any excavation (and therefore construction) within 5' of the mound except in a rare situation.

On January 10, 1994, the City of Madison designated the bear mound as a city landmark. The intent of the designation was to "protect the mounds and their environs". The actual language states "...no ground disturbance shall occur within 10' of the existing mounds unless no reasonable alternative locations exist for the new construction".

The above designations and restrictions have occurred within the past few years. They basically eliminate the best house building site as an option, forcing the location down a hill too steep for a driveway. I believe this has a very significant and negative impact on my property value. I have received no compensation except for perhaps some reduction of property taxes.

B. Pre-European settlement Oak Trees

There are presently three large pre-European settlement oak trees on the side of the lot opposite the mound. I do not want to cut any of these down.

C. Steep Terrain

The land drops off rapidly away from the road, making it difficult to consider anything on the lake side of the Indian mound, even if it was possible to get around it. (There is only 9' from the Indian mound to the east property line, after subtracting the 10' Landmark designation setback.)

III. Neighbors etc.

Both adjacent neighbors would like to see our garage on the east property line where I am proposing. I have enclosed a letter from John Duckwitz, my neighbor to the east. I have also reviewed the situation with my alder, Stacy King, and she agrees with my plan.

Our goal is to build a fairly big garage that will partially offset the disadvantages of the restrictions the recent laws have placed on house location and access. Our house is very old, small, structurally unsound, and is located at the bottom of the steep hill. It is also on the east property line and within 4' of the west property line. The most logical place for a house, in line with the "highest use" of the property (as reflected in the location of adjacent neighbors' houses) would be to place it right on top of the Indian mound. Many nearby houses were built right on existing Indian mounds.. I had planned on someday relocating a house quite near the mound without destroying it, but the recent restrictions make that plan untenable. We are all for historic preservation and are willing to accept the situation, provided we are able to reasonably enact our new plan, even though there is a strong argument that the value of our property has been reduced.

Our new overall plan is to resign ourselves to the steep walk from house to garage (we sometimes need ice crampons to get up and down in winter), and remodel and add to the house down the hill, ending up with a modest 1700 (approximate) square feet of living space. It is logical to have a good sized garage in order to be able to store items that need not be hauled up and down the hill to the house.

I was told the largest garage that would likely receive approval would be 24' x 24'. The proposed 20' x 30' is only 25 square feet bigger (or one foot wider). The 20' depth is a maximum (imposed by the tree and lot line location), and the 30' width rounds up from 29'. As per reasons stated above, I consider this a very reasonable size given our circumstances.

Insuring our largest tree will survive the construction process is very important to us. That is why I intend on using the much more expensive but far less intrusive pier foundation. The garage roof is a "hip roof" design, which will present as low a profile as possible, so as maximize light and air to our lot and the neighbors.

If it has any impact on your decision making here, please keep in mind I intend on coming before the board in the next few years to request a variance to remodel and add to the house. Our plans would include a second story over a portion of the existing house, extending back away from the lake to meet the hillside.

Thank you for your time and consideration. I look forward to working with you.

Sincerely,



Chuck Gates

John Duckwitz
5038 Lake Mendota Drive
Madison, WI 53705

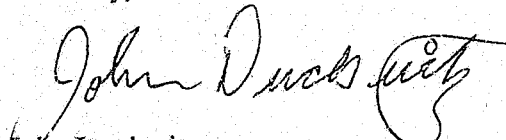
October 30, 1994

To Whom it may concern,

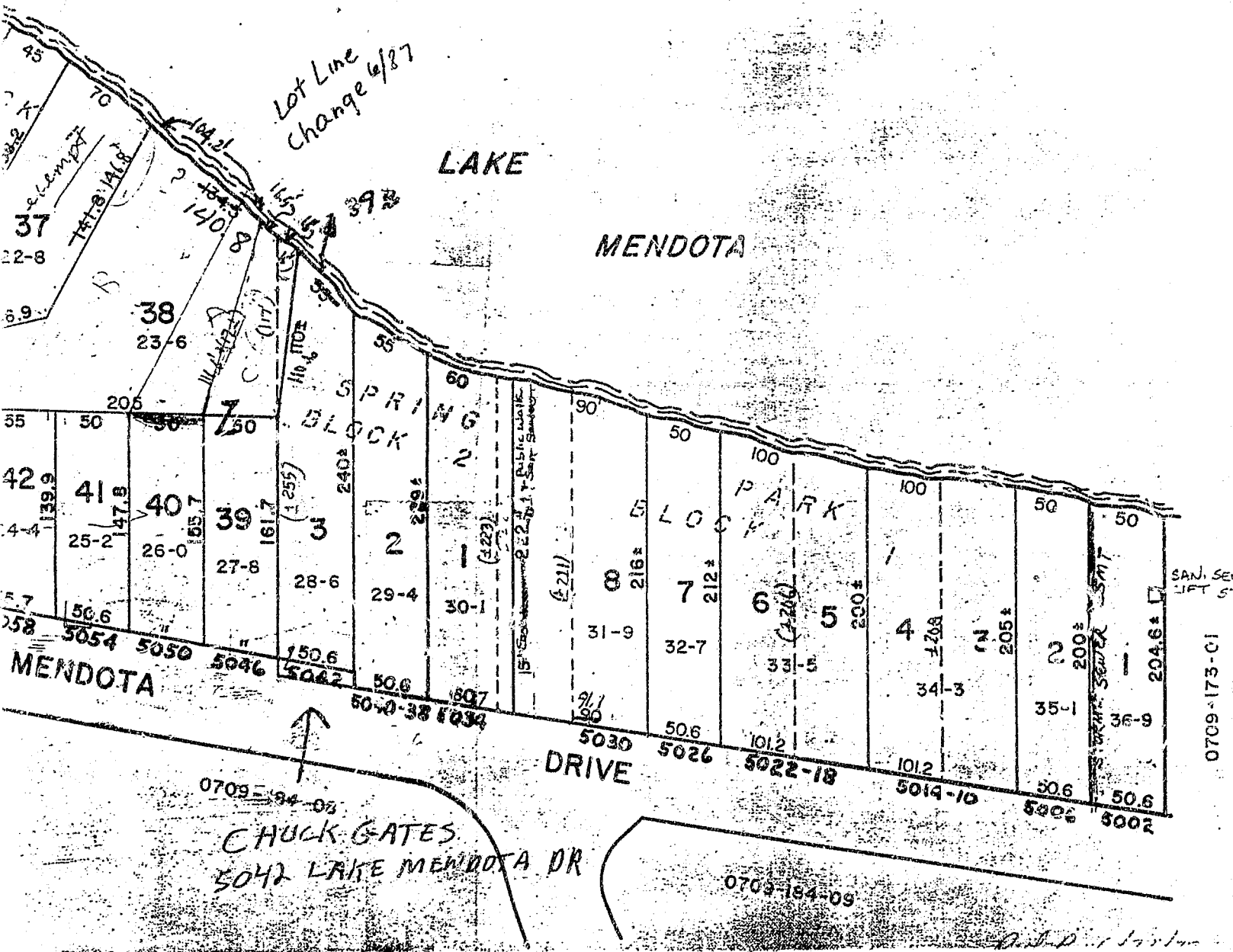
I have reviewed the plans of my neighbor, Chuck Gates, 5042 Lake Mendota Drive, detailing his potential garage replacement.

I have no objections to the corner of his garage being within 6" - 12" of our shared lot line, as indicated in the plans. It would also be acceptable and aesthetically desirable if the structure could be rotated parallel with my garage. In this case the entire west side of the garage would be within 6" - 12" of our shared lot line.

Sincerely,


John Duckwitz

0709-134-01

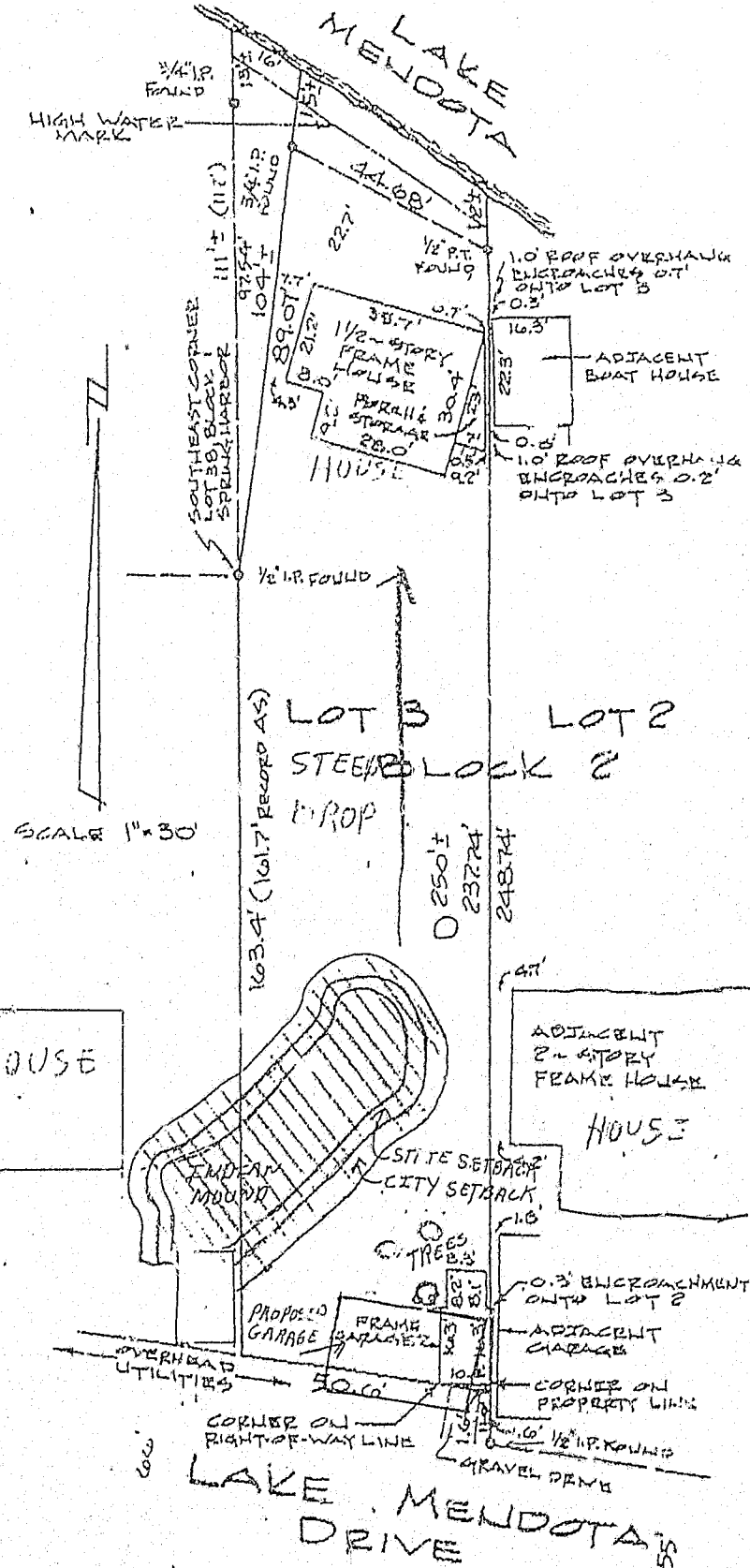


MAP FROM CITY ASSESSOR'S OFFICE

Land Surveyor
 2919 University Avenue
 Madison, Wisconsin 53705

Post-it™ brand fax transmittal memo 7671 # of pages 1

To:	From:	Co.:	Project #:	Fax #:
Sain	Wistigabe			



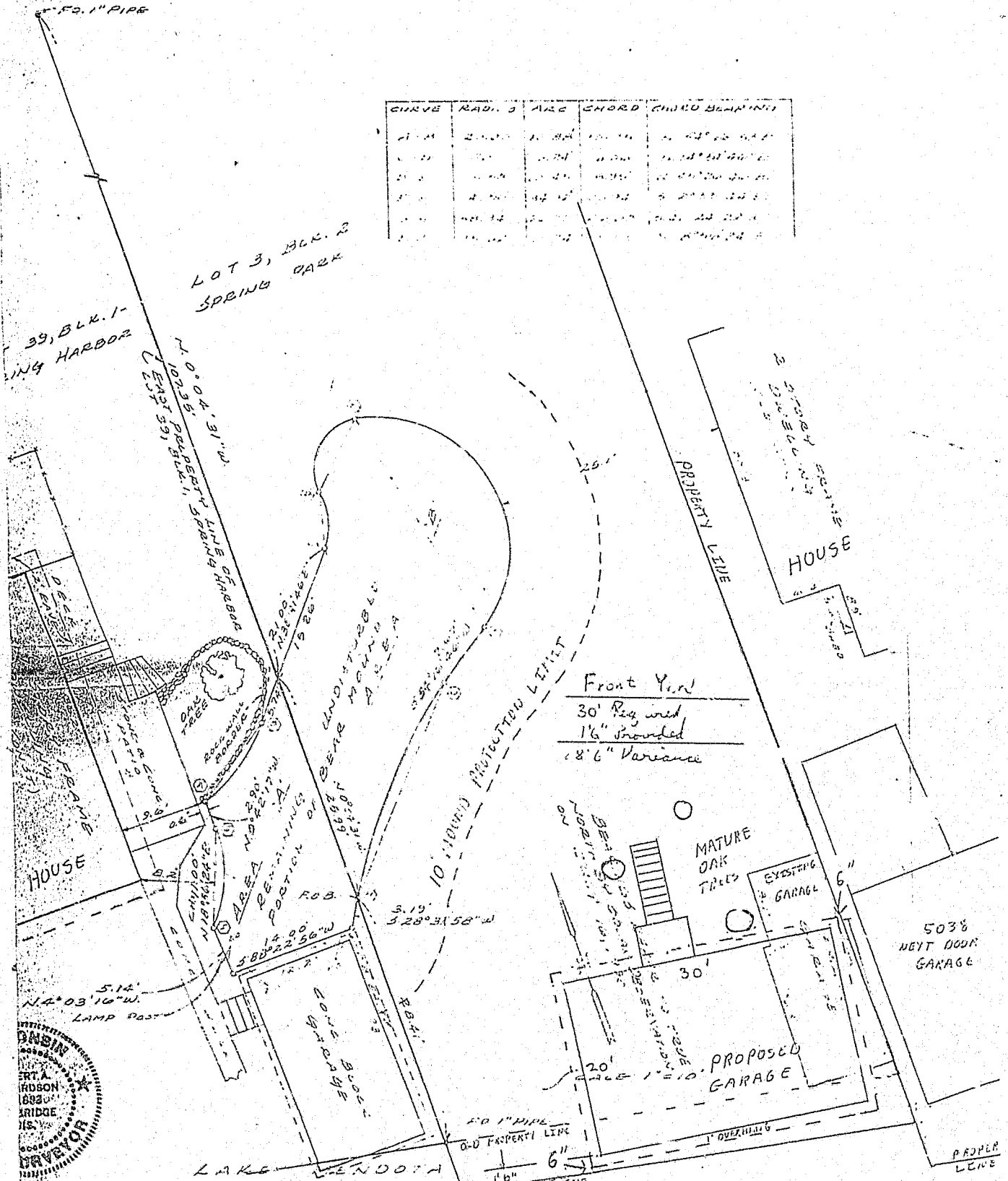
Mark Kupsch
 11-25-91

SCALE 1"=30'

6 of 11

Map Number: 4-25257
 Job Number: 23895
 Page One of Two

CURVE	RADIUS	ARC	CHORD	CHORD BEARING
1	200.00	11.80	11.80	N 89° 52' 00" W
2	200.00	11.80	11.80	N 89° 52' 00" W
3	200.00	11.80	11.80	N 89° 52' 00" W
4	200.00	11.80	11.80	N 89° 52' 00" W
5	200.00	11.80	11.80	N 89° 52' 00" W
6	200.00	11.80	11.80	N 89° 52' 00" W
7	200.00	11.80	11.80	N 89° 52' 00" W
8	200.00	11.80	11.80	N 89° 52' 00" W
9	200.00	11.80	11.80	N 89° 52' 00" W
10	200.00	11.80	11.80	N 89° 52' 00" W



CERTIFIED CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 DATED 5 OCT. 1990
 ROBERT A. RICHARDSON, WIS. S. & S. SURV. 1832

PREPARED BY
 THE SANDHARK SURVEY GROUP
 4326 MONONA DR
 MADISON, WI. 53716

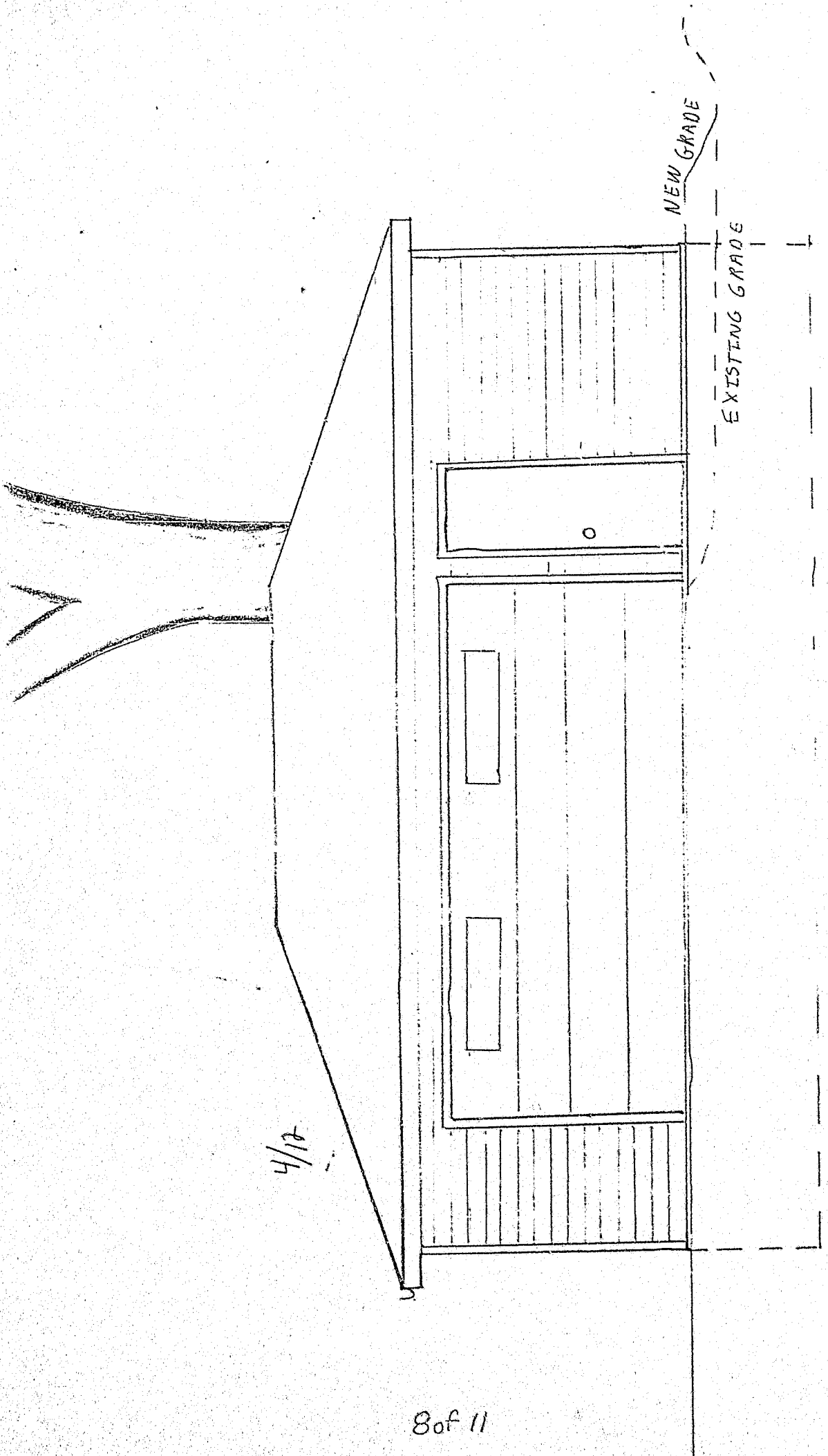
PREPARED FOR
 CHARLES J. GATES (PARCEL A)
 CHARLES J. GATES (PARCEL B)

SCALE 1" = 10'

7 of 11

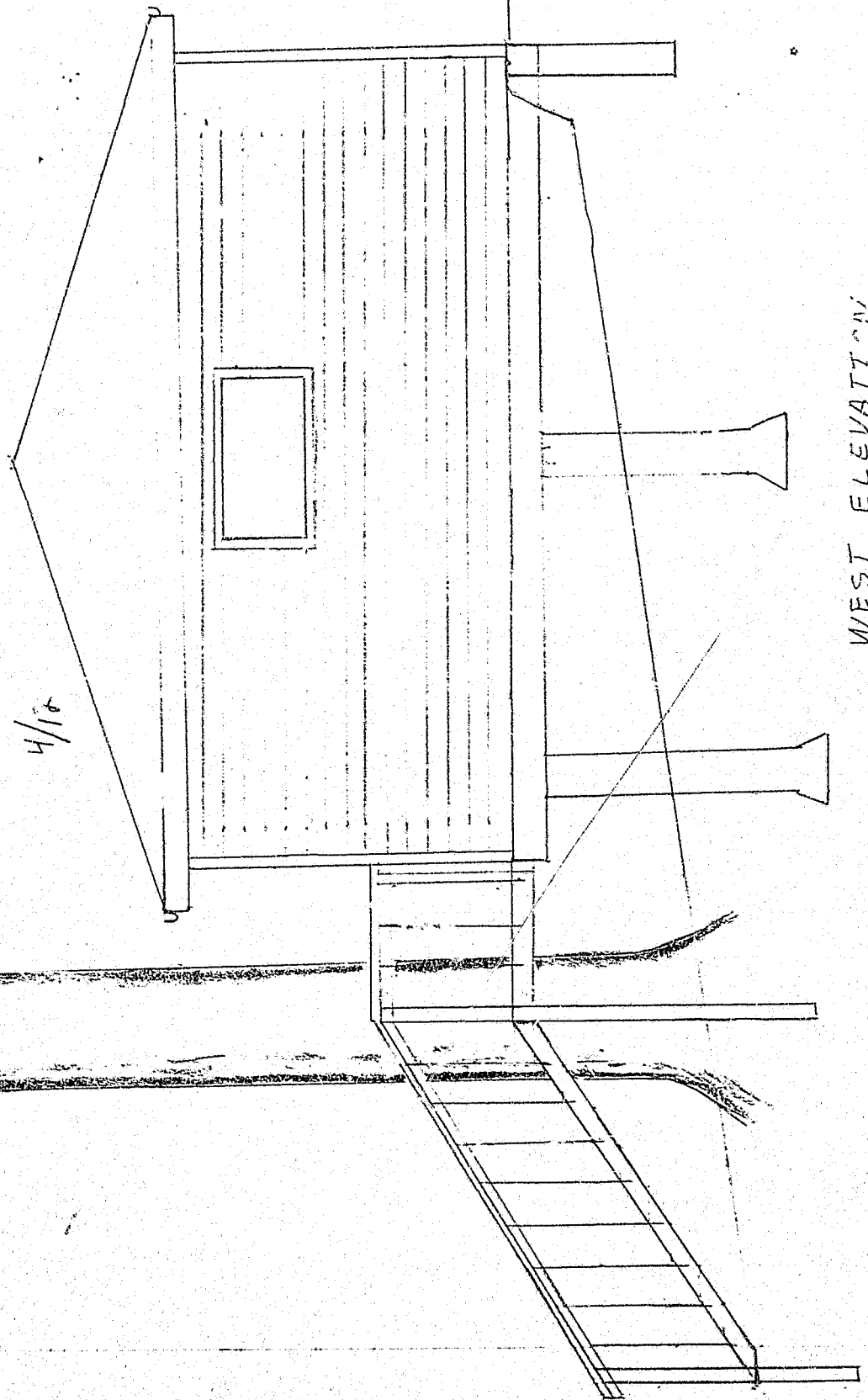
JOB NO. 2599

EDGE OF ROAD



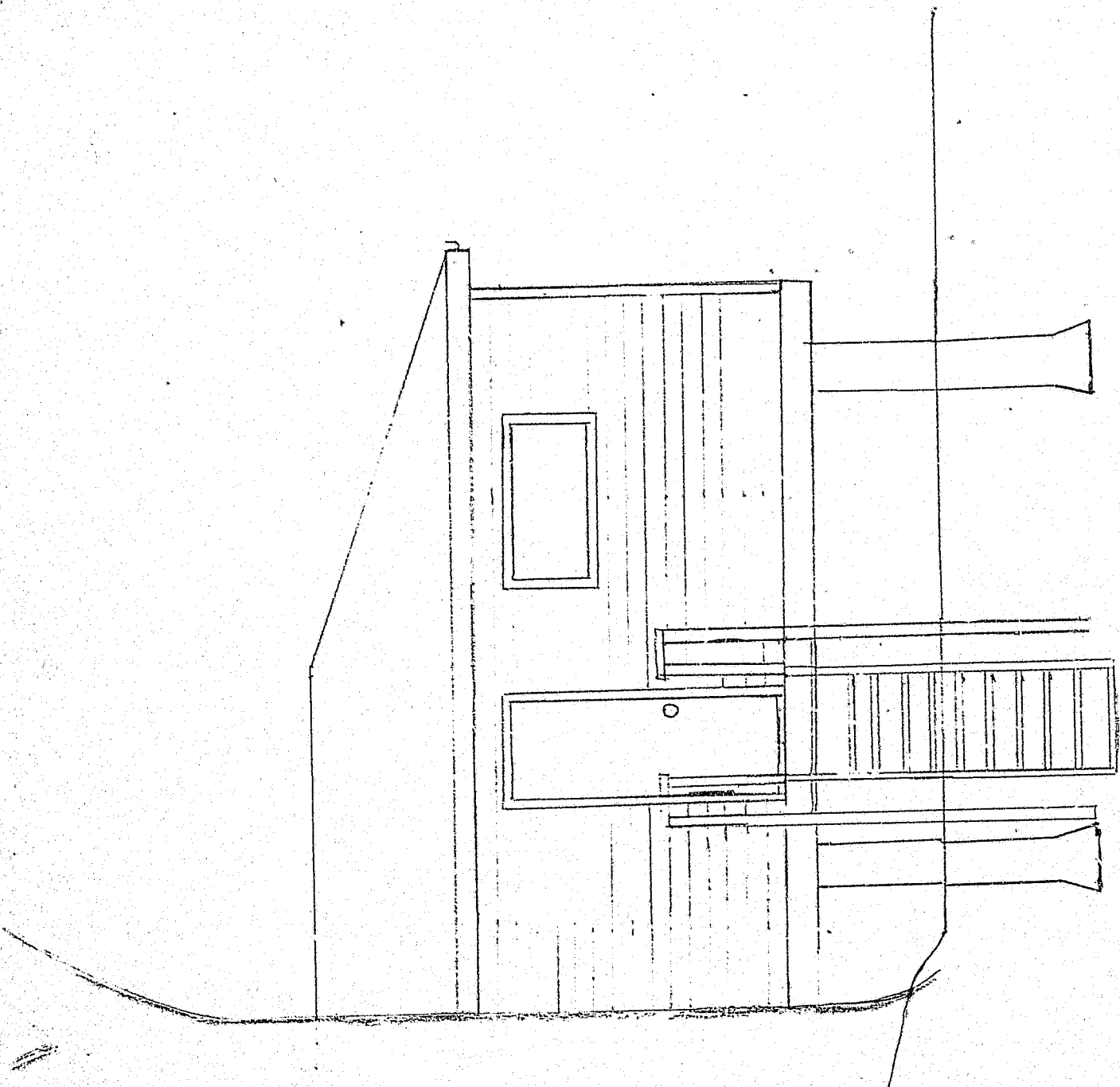
4/17

SOUTH ELEVATION
1/4" = 1'



4/18

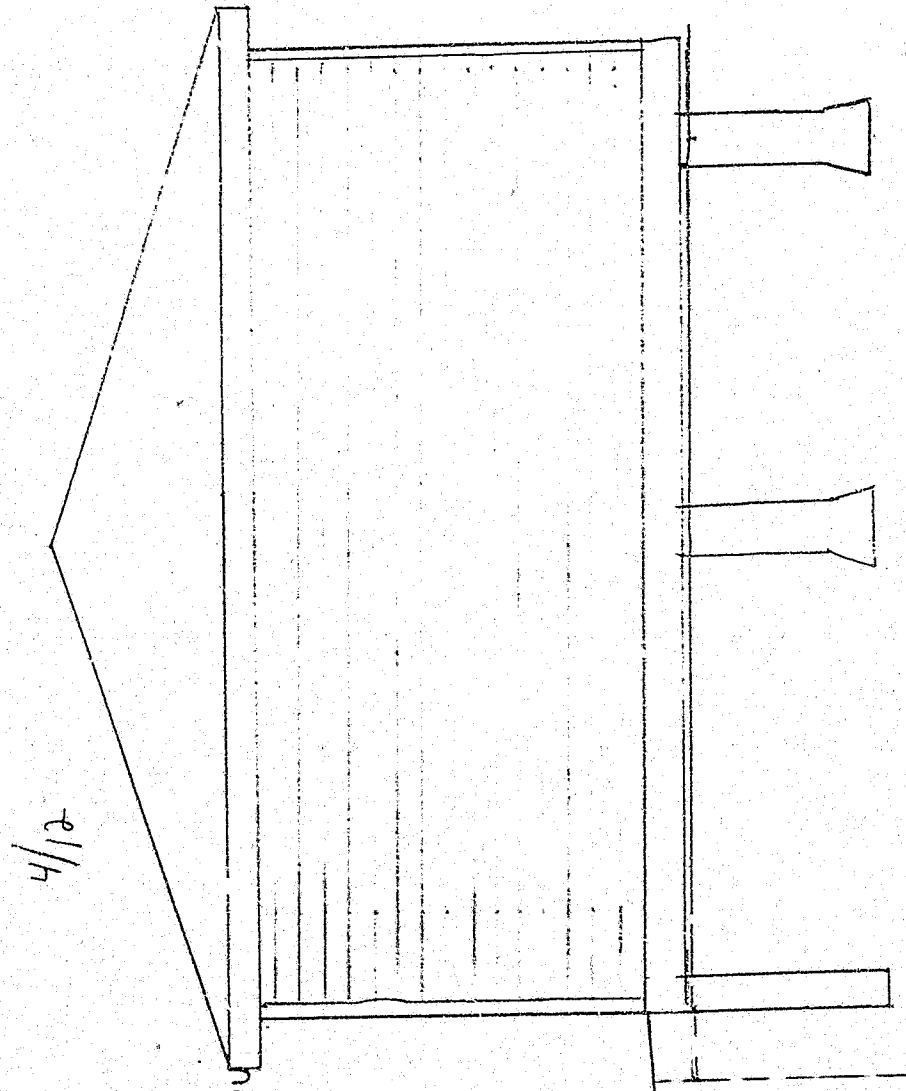
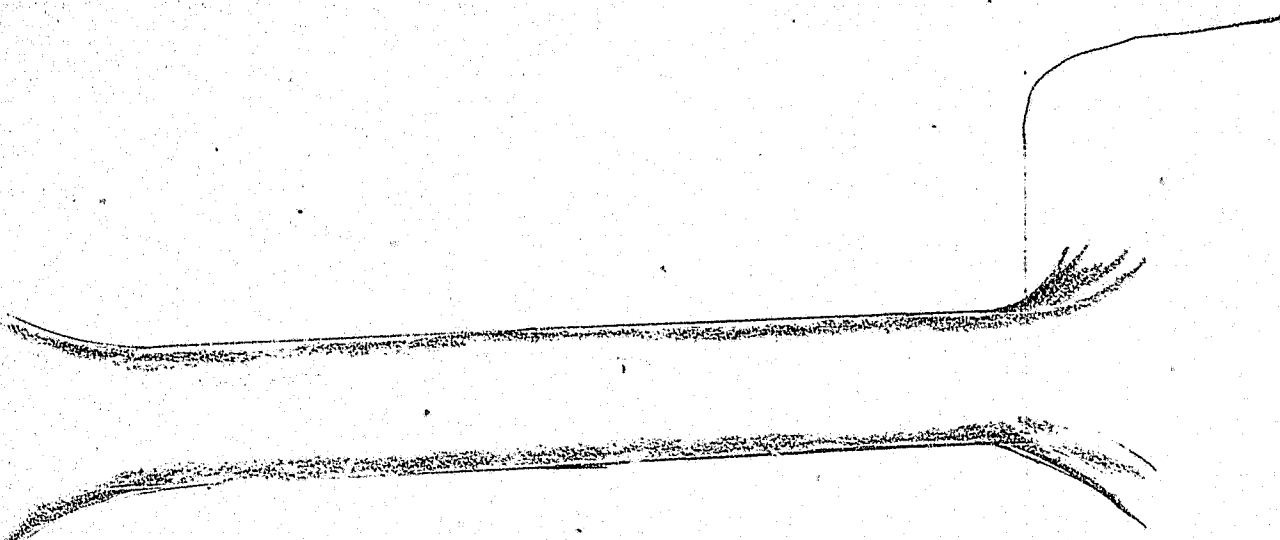
WEST ELEVATION
1/4" = 1'



NORTH ELEVATION
1/4" = 1'

4/12

10 of 11



EAST ELEVATION
1/4" = 1'



5042
Lake Mendota Dr.





5042 Lake Mendota Dr.

11-95

5042 Lake Mendota Dr.

Garage

OL 231 1-12-95

ZONING APPROVED

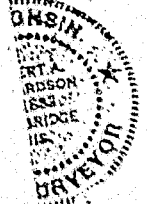
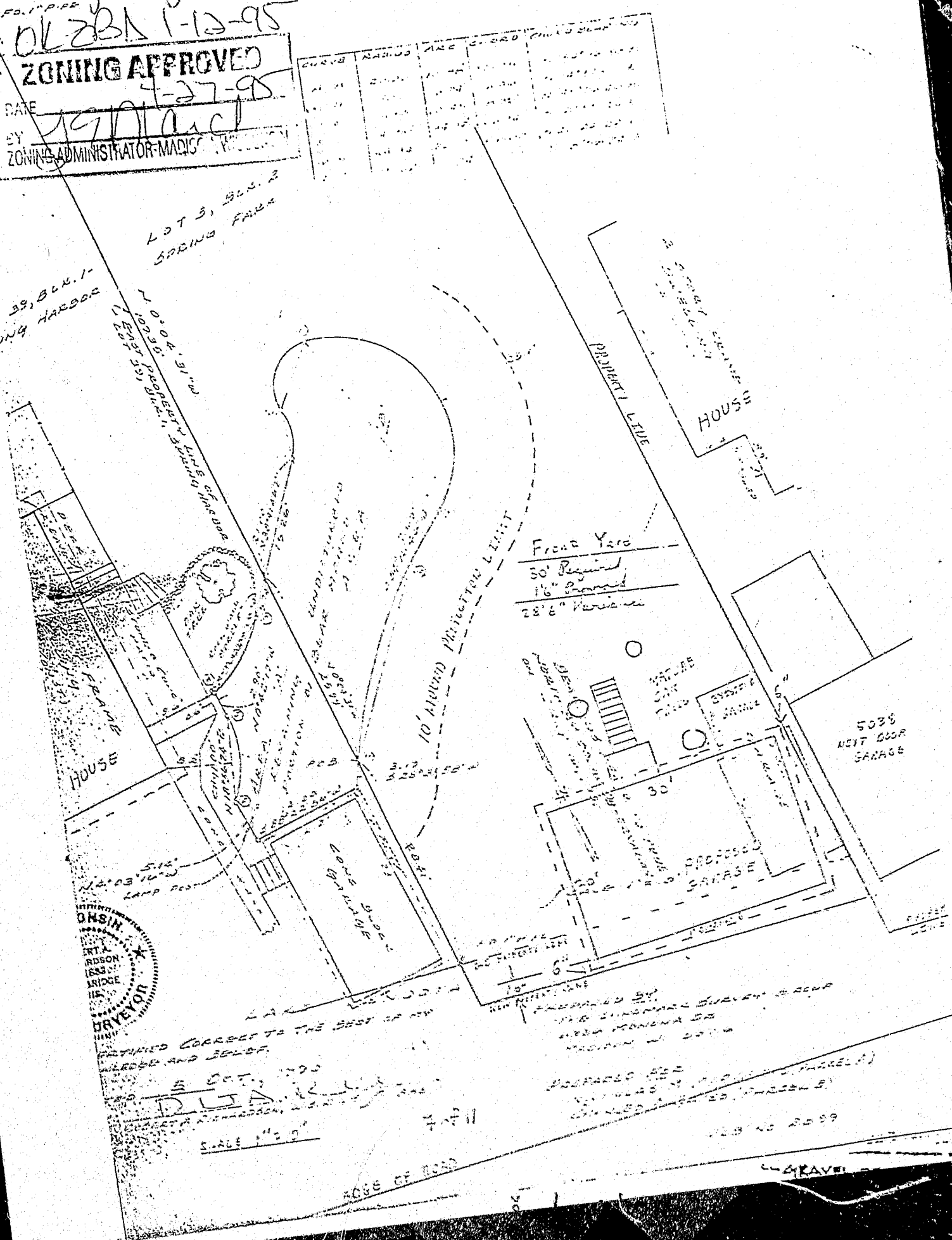
DATE

BY

ZONING ADMINISTRATOR-MADISON

LOT 3, BLK. 2
SPRING FAIR

39, BLK. 1
LONG HARBOR



RETURNED CORRESPONDENCE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

5 OCT. 1995

D. J. A. [Signature]

APPROVED BY THE ZONING BOARD OF MADISON, WISCONSIN

APPROVED BY THE ZONING BOARD OF MADISON, WISCONSIN

10/5/95

LAKE MENDOTA