



# 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: 2221 Lakeland Avenue

Name of Owner: Matthew and Nicole Booher

Address of Owner (if different than above): \_\_\_\_\_

Daytime Phone: 608-609-7705 Evening Phone: 608-609-7705

Email Address: neggboo@yahoo.com and boohermn@yahoo.com

Name of Applicant (Owner's Representative): \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_

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

Description of Requested Variance:  
We want to build a deck in the backyard, which is on Lake Monona. We are facing a setback issue due to neighboring properties and due to height of deck.

*(See reverse side for more instructions)*

**FOR OFFICE USE ONLY**

Amount Paid: <u>\$300 -</u>	Hearing Date: <u>6-21-2018</u>
Receipt: <u>044954-0011</u>	Published Date: <u>6-14-2018</u>
Filing Date: <u>5-30-18</u>	Appeal Number: <u>LNDVAR-2018-00008</u>
Received By: <u>JEN</u>	GQ: <u>ok</u>
Parcel Number: <u>0710 07118063</u>	Code Section(s): <u>28.138 (4)(a)</u>
Zoning District: <u>TR-C2</u>	
Alder District: <u>6-Rummel</u>	

# 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, our property is unique because it has a high first floor and a sloping backyard which makes it difficult to access the backyard. It is also on Lake Monona and subject to calculation of setback that puts us at disadvantage primarily because of our neighbor's addition, Kent's Ganstead's property, to the east of us at 2225 Lakeland Avenue, that is set far forward. In addition, the shoreline varies with other homes on the block as the lots get bigger and therefore, further setback to the west of us.

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 variance would not be contrary to the intent of the regulations in the zoning district or contrary to public interest because both of our neighbors have decks and our deck would result in being in line with the neighbors. The deck would also improve the look and accessibility of our backyard which in turn helps the property value of the neighboring homes.

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.

Yes, currently we are prevented from easily accessing our backyard and our lake access due to the height of first floor and slope.

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.

Yes, it is because our property is triggering the ordinance where the setback has to consider every property on the block, not just our neighbors on either side of us, because one neighbor (2225 Lakeland) is built much closer to the lake.

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

It will not. We have spoken to both neighbors on each side of us and they are fine with our deck project drawings.

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

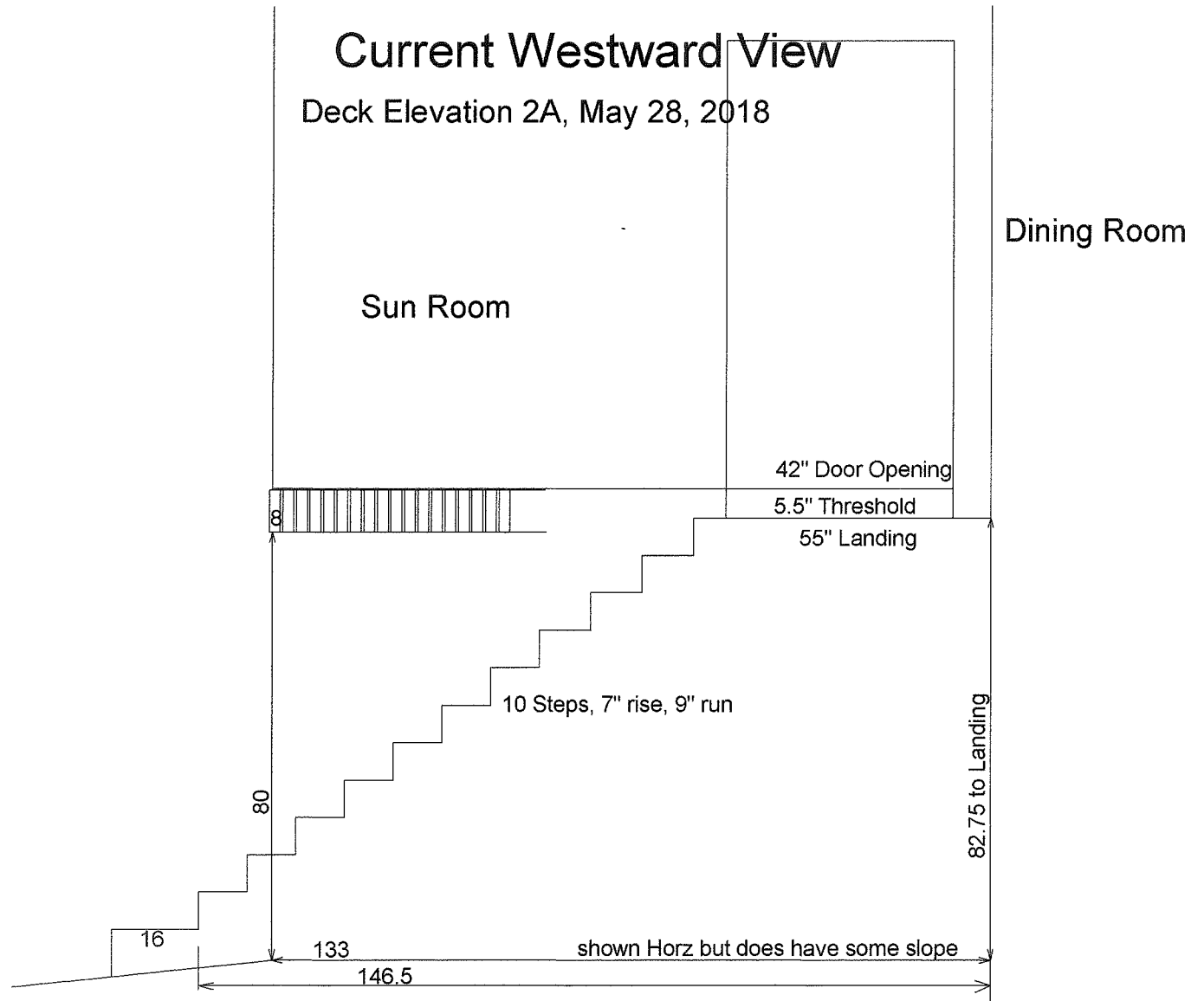
Yes, our deck will use quality decking materials and will be similar in style and quality to what other neighbors on the lake have and will improve the look and accessibility of our backyard.





# Current Westward View

Deck Elevation 2A, May 28, 2018



Sun Room

Dining Room

42" Door Opening

5.5" Threshold

55" Landing

10 Steps, 7" rise, 9" run

80

16

133

146.5

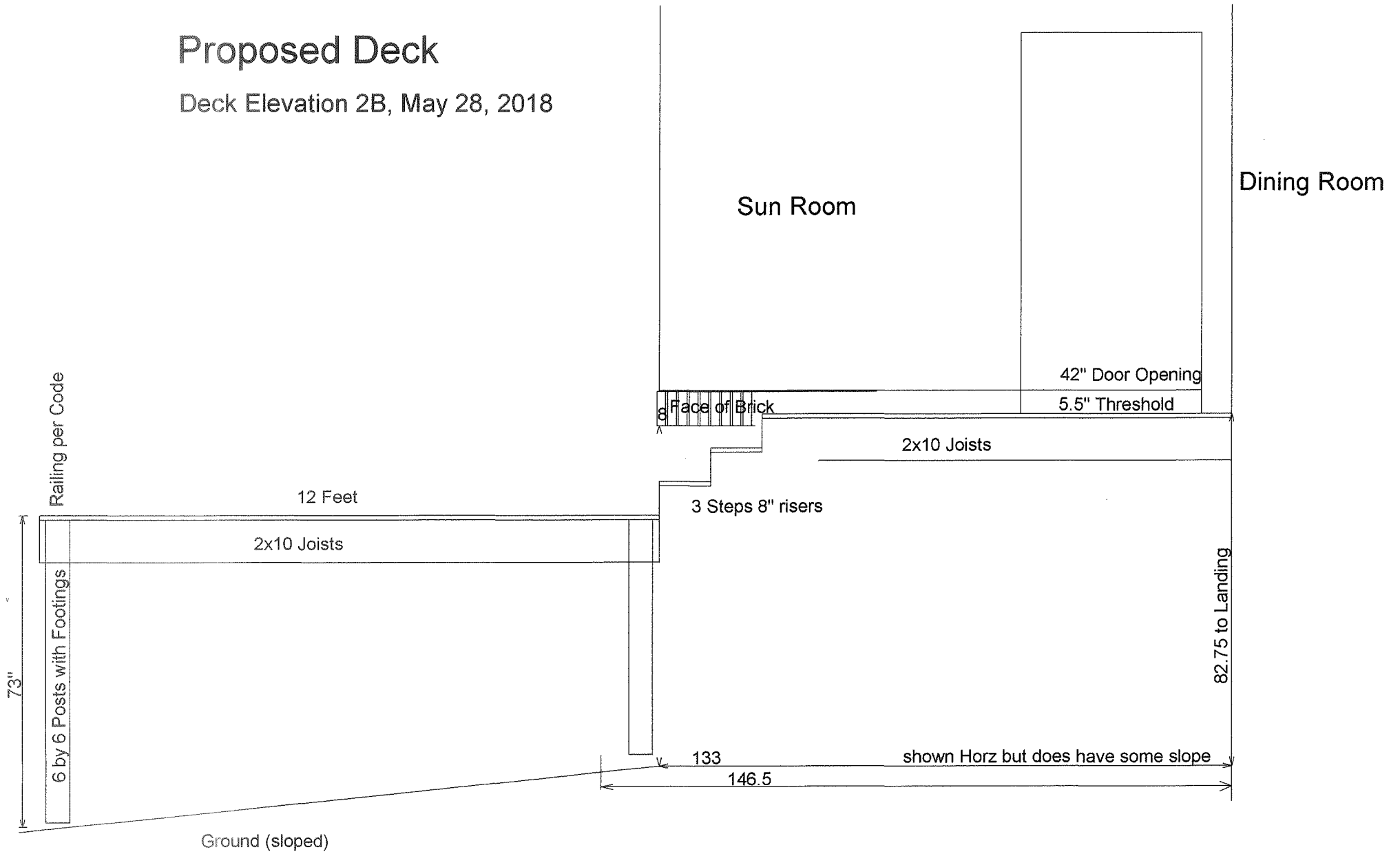
shown Horz but does have some slope

82.75 to Landing

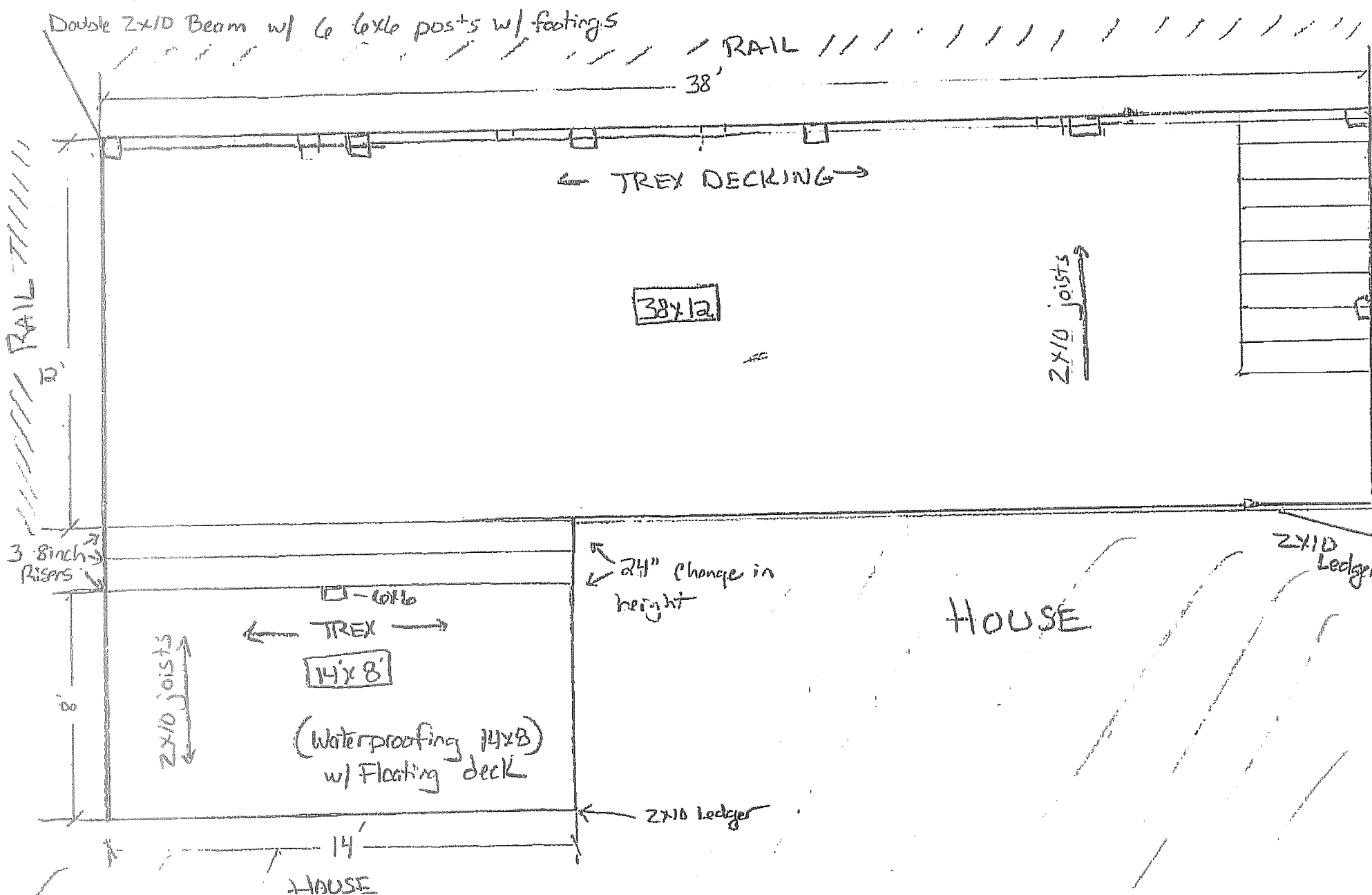
8

# Proposed Deck

Deck Elevation 2B, May 28, 2018

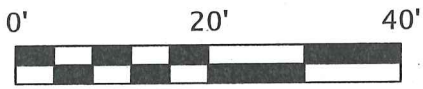


BOOTHER  
2221 Lakeside Ave  
Madison, WI 53704



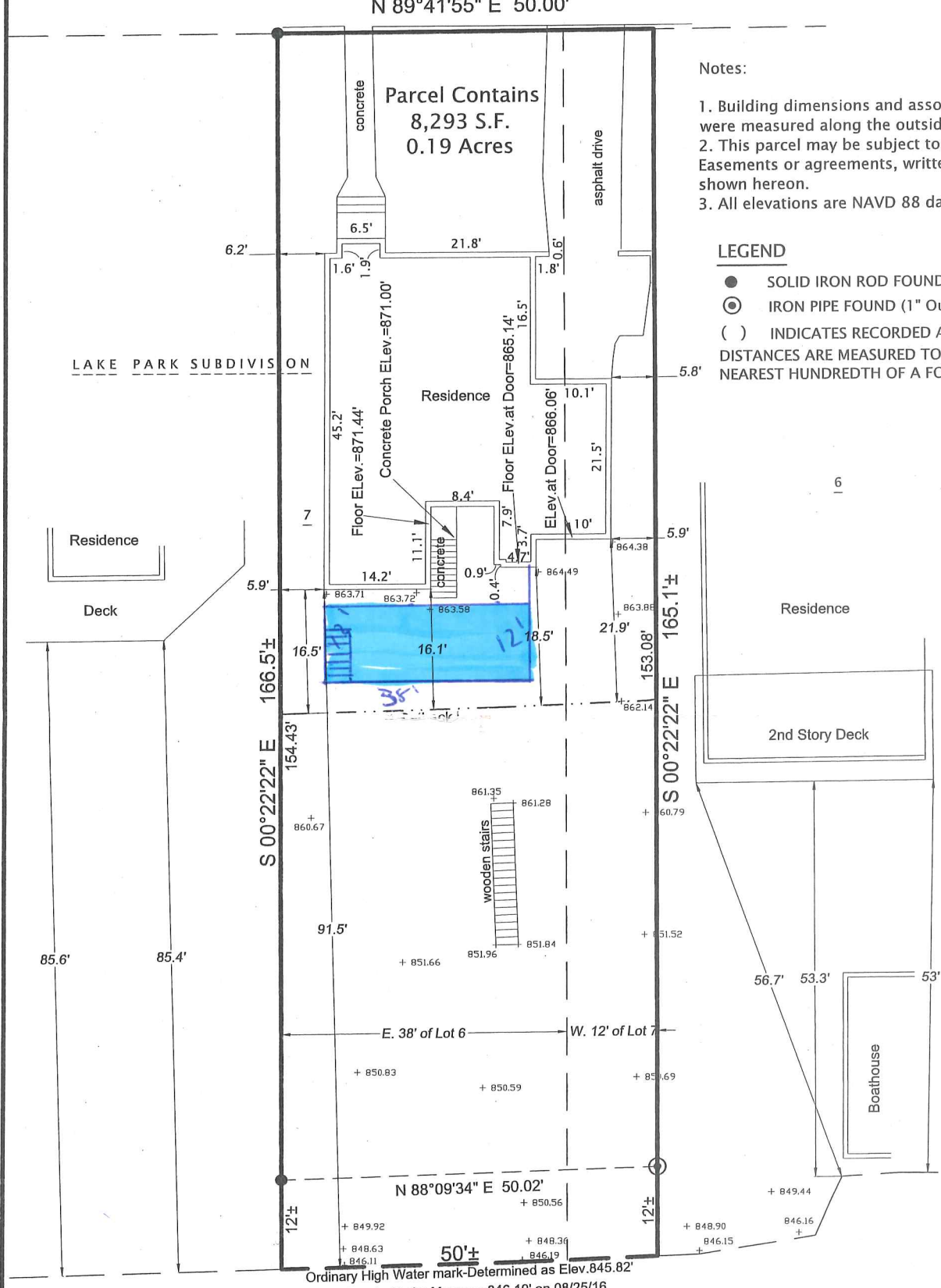
# Plat of Survey

LOCATED IN THE EASTERLY 38 FEET OF LOT SIX (6) AND THE WESTERLY TWELVE (12) FEET OF LOT 7, LAKE PARK SUBDIVISION IN THE CITY OF MADISON, DANE COUNTY WISCONSIN



LAKELAND AVENUE

N 89°41'55" E 50.00'



Parcel Contains  
8,293 S.F.  
0.19 Acres

- Notes:
1. Building dimensions and associated offset distances were measured along the outside of the siding.
  2. This parcel may be subject to, or benefit from, Easements or agreements, written or otherwise, not shown hereon.
  3. All elevations are NAVD 88 datum.

- LEGEND
- SOLID IRON ROD FOUND (0.75" Dia. unless noted)
  - ⊙ IRON PIPE FOUND (1" Outside Diam. unless Noted)
  - ( ) INDICATES RECORDED AS DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.

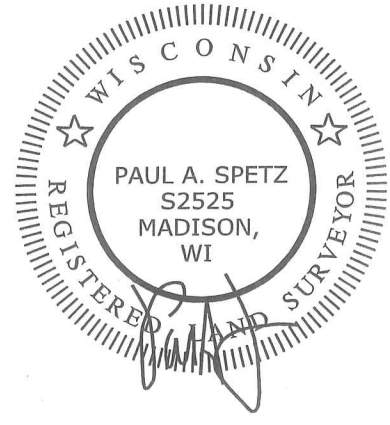
Lakeland Setback = 88.1'

2-story single-family home  
construct 1<sup>st</sup> story Deck and  
Deck at rear of home  
Lakeland Setback  
88.1' Required  
77.5'± Provided  
10.6'± Variance

## Lake Monona

I, Paul A. Spetz, Wisconsin Registered Land Surveyor No. 2525, of Isthmus Surveying LLC, hereby certify that, to the best of my knowledge and belief, this site plan is a correct representation of the existing conditions on said site.

Paul A. Spetz S. 2525 Dated: August 29, 2016

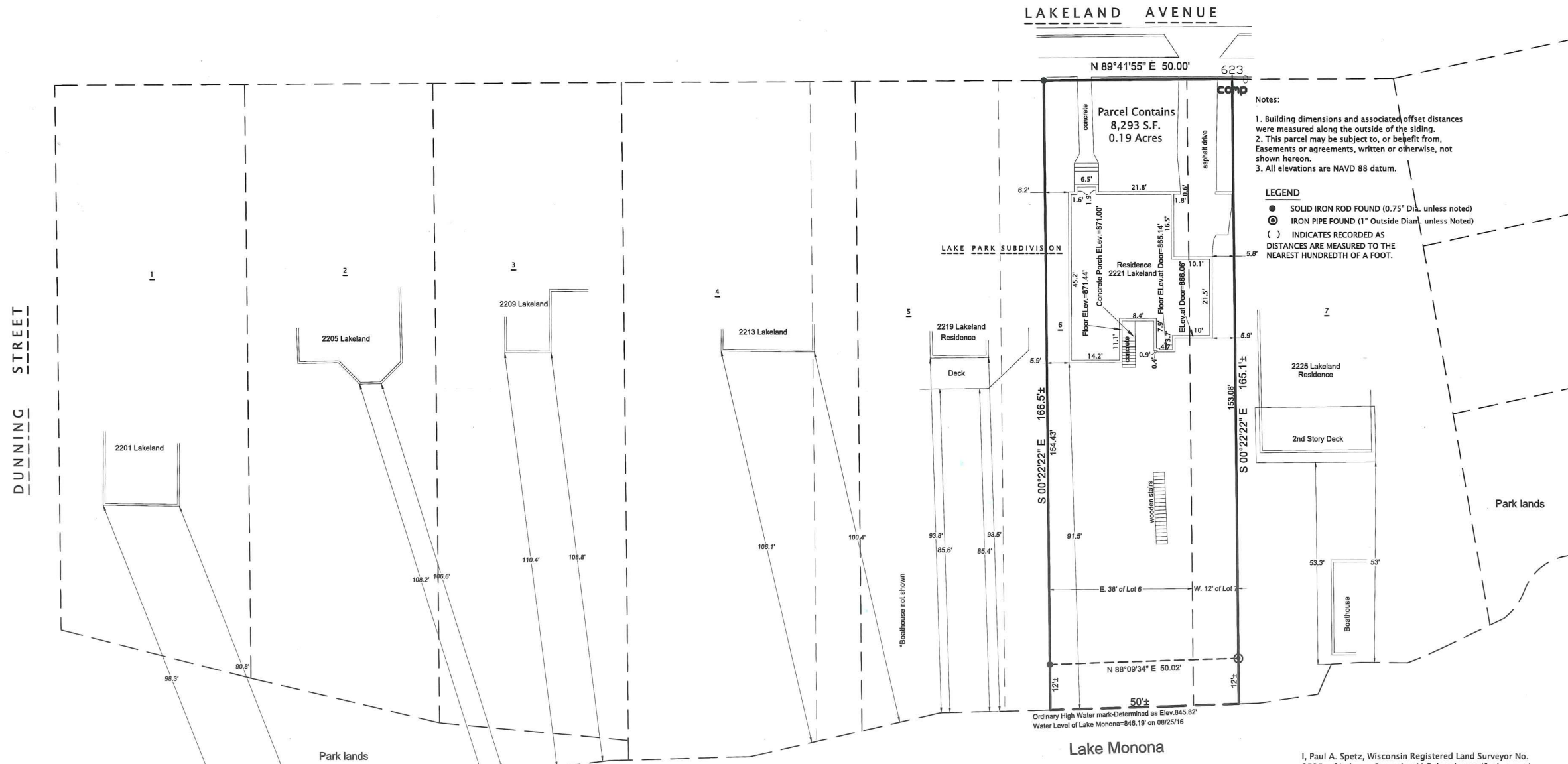
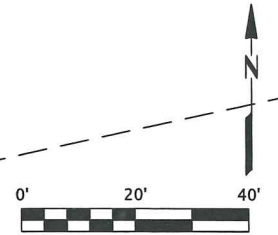


PREPARED FOR:  
MATT BOOHER  
2221 LAKELAND AVENUE  
MADISON, WI 53704  
PREPARED BY:  
ISTHMUS SURVEYING, LLC  
450 NORTH BALDWIN STREET  
MADISON, WI 53703  
(608) 244.1090  
www.isthmussurveying.com



# Existing Setback Map

LOCATED IN THE EASTERLY 38 FEET OF LOT SIX (6) AND THE WESTERLY TWELVE (12) FEET OF LOT 7, LAKE PARK SUBDIVISION IN THE CITY OF MADISON, DANE COUNTY WISCONSIN



*Lakefront setback Avg = 88.1'*

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MATT BOOHER  
2221 LAKELAND AVENUE  
MADISON, WI 53704

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MADISON, WI 53703  
(608) 244.1090  
www.isthmussurveying.com

I, Paul A. Spetz, Wisconsin Registered Land Surveyor No. 2525, of Isthmus Surveying LLC, hereby certify that, to the best of my knowledge and belief, this site plan is a correct representation of the existing conditions on said site.

Paul A. Spetz S. 2525 Dated: October 9, 2017