



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

\$300 Filing Fee

Type or print legibly using blue or black ink.

Address of Subject Property: 5122 Spring Court, Madison WI 53705

Name of Owner: Lisa Andrews and Eric Gaumnitz

Address of Owner (if different than above): 2246 Hollister Ave, Madison WI 53726

Daytime Phone: 608-772-9779 Evening Phone: 608-347-6982

Email Address: lisaandrews@me.com or ericgaumnitz@gmail.com

Name of Applicant (Owner's Representative): NA

Address of Applicant: NA

Daytime Phone: NA Evening Phone: NA

Email Address: NA

Description of Requested Variance:

We are requesting a variance to the method used to determine the minimum "lakefront yard" setback for the Spring Harbor side of our property. This is a unique property with two lake fronts, one bordering Lake Mendota (rear yard) and the other on Spring Harbor (side yard). We intend to build an addition on the Harbor side of the property at a setback consistent with the neighboring harbor-side houses. The ordinance, as written, has difficulty applying to the property. We propose that the minimum setback be calculated using the median setback of the principal building on the five developed lots on the Spring Harbor side. The ordinance, as written, would also require us to consider "30% of lot depth" which in our case is not a relevant measure as the code defines lot depth as the distance between the front and rear (Lake Mendota) yard. If this condition were applied to our side yard setback the result would be inconsistent with neighboring properties and would be unnecessarily burdensome.

See reverse side for more instructions.

OFFICE USE ONLY

Amount Paid: <u>\$300.00</u>	Hearing Date: <u>10.20.22</u>
Receipt: <u>122712-0003</u>	Published Date: <u>10.13.22</u>
Filing Date: <u>9.22.22</u>	Appeal Number: <u>LNDVAR-2022-00008</u>
Received By: <u>NJK</u>	GQ: _____
Parcel Number: <u>070918401153</u>	Code Section(s): <u>28.043(2)</u>
Zoning District: <u>TR-C2</u>	_____
Alder District: <u>19-FURMAN</u>	_____

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.

This is a unique property in that it has two lake front yards, which the code does not specifically address in determining minimum setbacks. The first two setback standards do not apply: (1) the 2 adjoining lots are not within 20 feet of each other and are on different bodies of water, and (2) there are developed lots on both sides of our lot. The third (3) method applies to our property, but only the "median setback of 5 developed lots or 300 feet" is applicable; the lot depth limitation is not designed to apply to a second lake front.

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 intent of lake front setbacks is consistency and to avoid blocking views. Approving this variance would not be contrary to the spirit, purpose, and intent of the setback regulation, nor is it contrary to public interest.

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.

Compliance with the strict letter of the ordinance would render compliance unnecessarily burdensome because of the unique conditions of the lot. If applied as written, our harbor side setback would be more than 150% of the median setback of the five developed lots on the harbor side of our property, which would make it infeasible to proceed with our modest one-story addition.

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 ordinance itself has difficulty applying to the property. Our proposed solution will result in a property setback that is consistent with the neighboring homes on Spring Harbor.

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

The proposed variance will not present any substantial detriments to adjacent properties. If the variance is approved, the proposed addition will have a setback that is consistent with the setback of the adjacent harbor side property.

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

The proposed variance will maintain a visually consistent setback along the harbor side of the property, which is compatible with the character of the immediate neighborhood. Further, the proposed design is a modest one-story addition that maintains a low profile to avoid visual crowding along the shoreline and preserves views for neighboring homes.

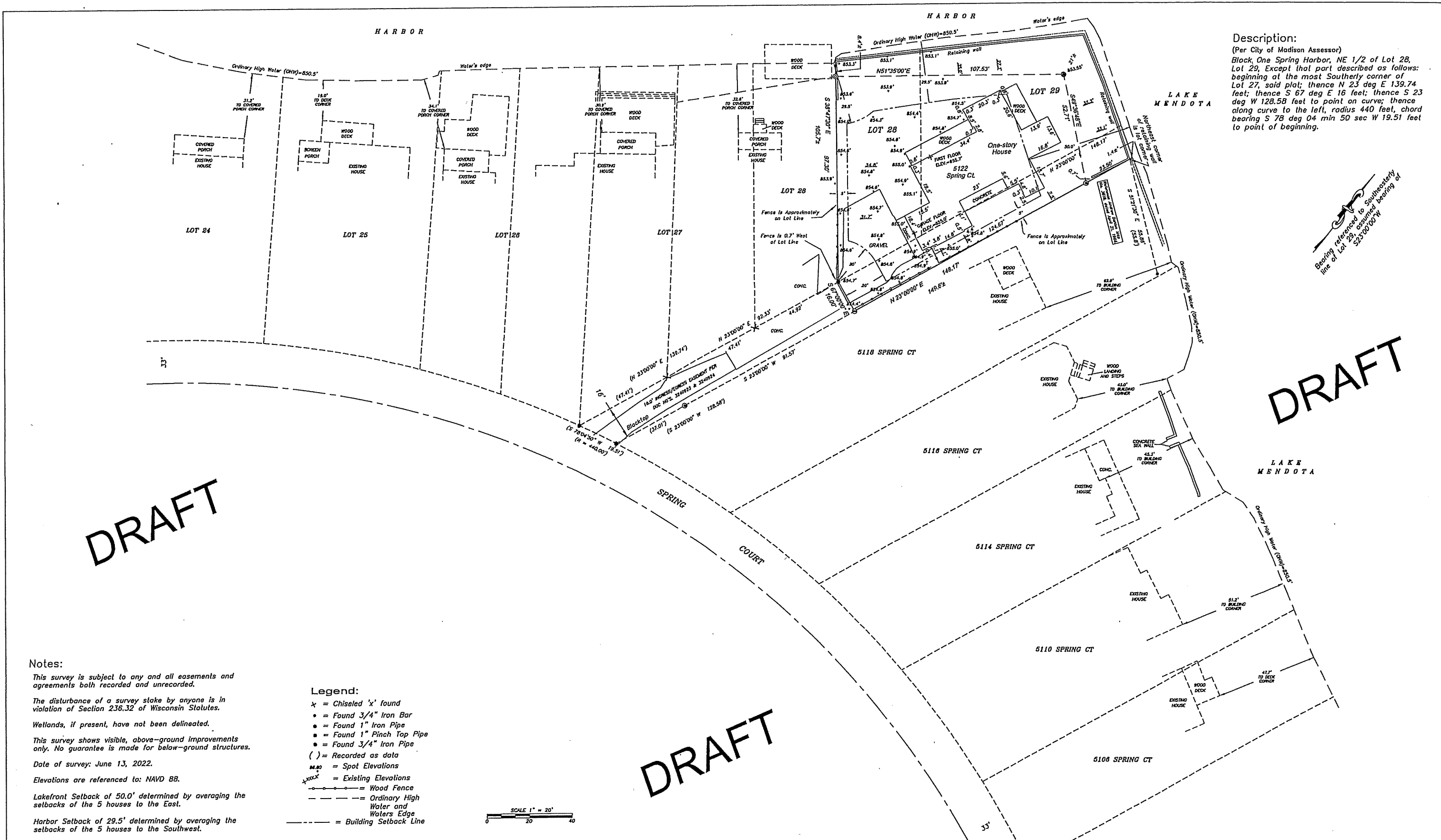
Application Requirements

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 checked="" type="checkbox"/> Lot lines. <input checked="" type="checkbox"/> Existing and proposed structures. Include dimensions and setback distances to all property lines. <input checked="" type="checkbox"/> Approximate location of structures on properties next to variance. <input checked="" type="checkbox"/> Major landscape elements, fencing, retaining walls or other relevant site features. <input checked="" type="checkbox"/> Scale (1" = 20' or 1' = 30' preferred). <input checked="" 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"/> NA	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 checked="" 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"/>	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.		
<input checked="" type="checkbox"/>	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.		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 65%; padding: 5px;"> Property Owner's Signature: <div style="display: flex; justify-content: space-around; font-size: small;"> <i>LISA ANDREWS</i> <i>ERIC GAUMNITZ</i> </div> </td> <td style="width: 35%; padding: 5px; vertical-align: top;"> Date: <u>08-14-2022</u> </td> </tr> </table>		Property Owner's Signature: <div style="display: flex; justify-content: space-around; font-size: small;"> <i>LISA ANDREWS</i> <i>ERIC GAUMNITZ</i> </div>	Date: <u>08-14-2022</u>
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-----.(Office Use Only)-----

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



Description:
 (Per City of Madison Assessor)
 Block, One Spring Harbor, NE 1/2 of Lot 28, Lot 29, Except that part described as follows: beginning at the most Southerly corner of Lot 27, said plat; thence N 23 deg E 139.74 feet; thence S 67 deg E 16 feet; thence S 23 deg W 128.58 feet to point on curve; thence along curve to the left, radius 440 feet, chord bearing S 78 deg 04 min 50 sec W 19.51 feet to point of beginning.

Bearing Referenced to Southeastern line of Lot 29, assumed bearing of S 51°15'00" E 55.86'

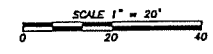
DRAFT

DRAFT

DRAFT

Notes:
 This survey is subject to any and all easements and agreements both recorded and unrecorded.
 The disturbance of a survey stake by anyone is in violation of Section 236.32 of Wisconsin Statutes.
 Wetlands, if present, have not been delineated.
 This survey shows visible, above-ground improvements only. No guarantee is made for below-ground structures.
 Date of survey: June 13, 2022.
 Elevations are referenced to: NAVD 88.
 Lakefront Setback of 50.0' determined by averaging the setbacks of the 5 houses to the East.
 Harbor Setback of 29.5' determined by averaging the setbacks of the 5 houses to the Southwest.

Legend:
 x = Chiseled 'x' found
 • = Found 3/4" Iron Bar
 ○ = Found 1" Iron Pipe
 ● = Found 1" Pinch Top Pipe
 ◐ = Found 3/4" Iron Pipe
 () = Recorded as data
 84.80 = Spot Elevations
 84.80 = Existing Elevations
 --- = Wood Fence
 --- = Ordinary High Water and Waters Edge
 - - - = Building Setback Line



BIRRENKOTT SURVEYING
 LAND SURVEYING & PERC TESTING
 BIRRENKOTTSURVEYING.COM
 P.O. BOX 237
 1677 N. BRISTOL ST. SUN PRAIRIE, WIS. 53590
 (608) 837-7463
 FAX (608) 837-1081

PLAT OF SURVEY
 September 12, 2022

SURVEYED BY T.A.S.
 DRAWN BY B.E.R.
 CHECKED BY C.K.C.
 APPR'VD BY D.V.B.

PREPARED FOR:
 LISA ANDREWS
 5122 SPRING CT
 MADISON, WI 53705
 608-628-8730

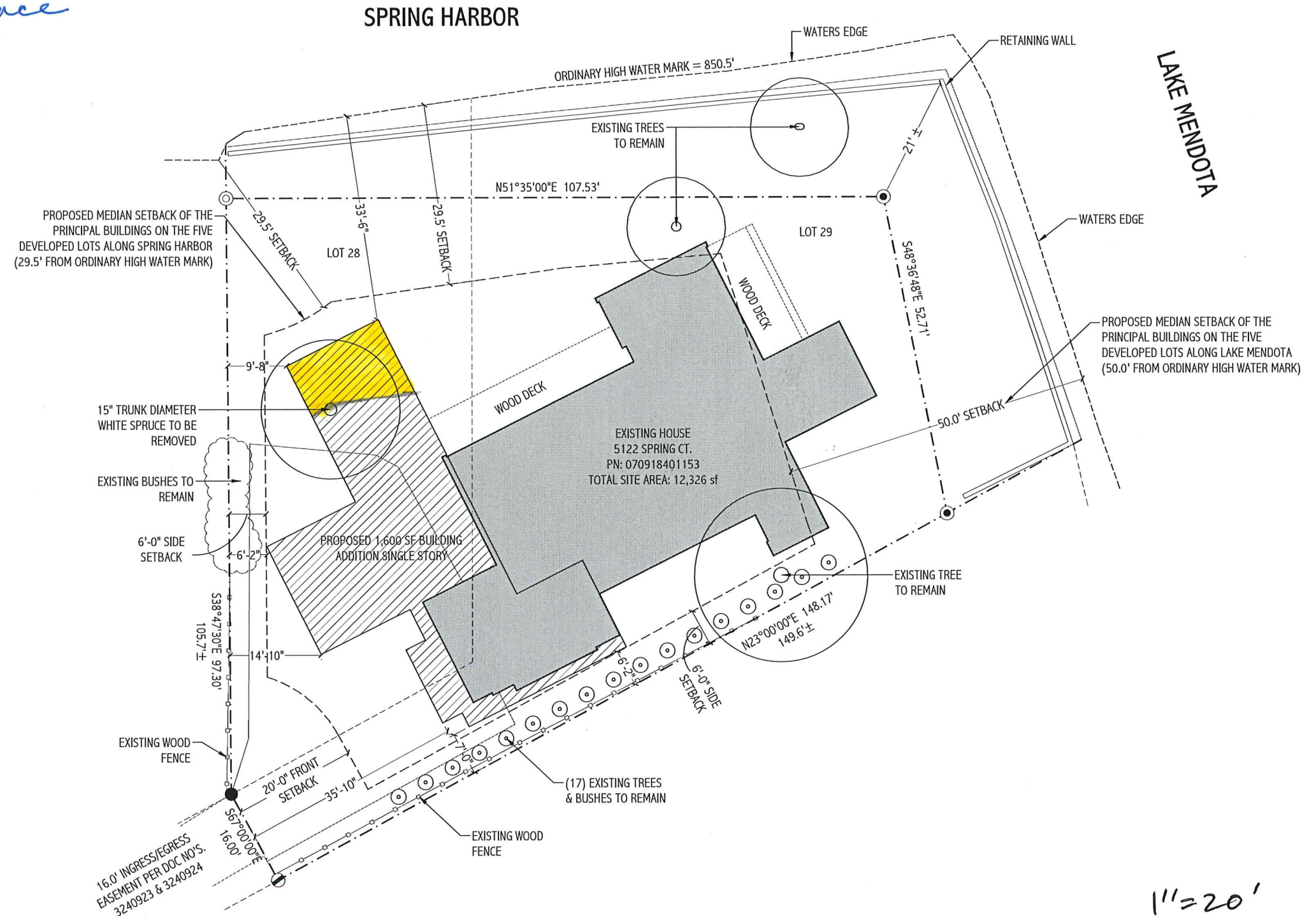
JOB NO. 220342
 SHEET 1 OF 1
 FB 385/62

Lakefront Yard Setback

46.35' required
33.5' provided

12.85' variance

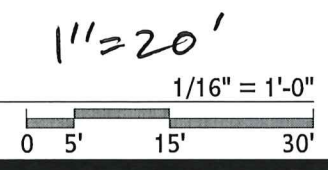
One story addition
to single-story
single family
dwelling

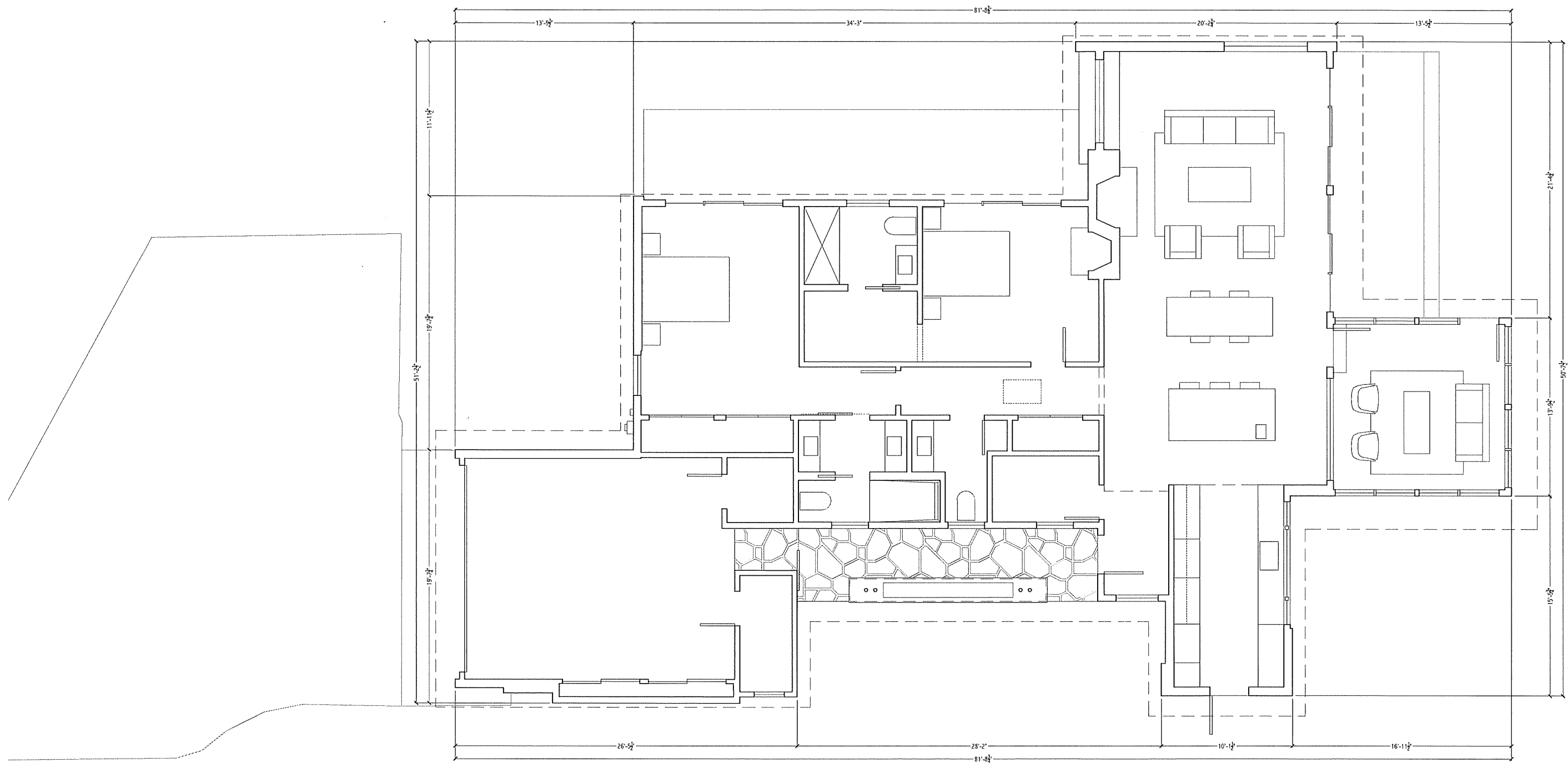


LEGEND:

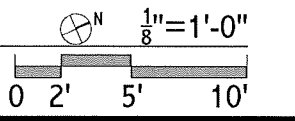
✕	= CHISELED 'X' FOUND
●	= FOUND 3/4" IRON BAR
○	= FOUND 1" IRON PIPE
⊙	= FOUND 1" PINCH TOP PIPE
⊘	= FOUND 3/4" IRON PIPE
---	= WOOD FENCE
---	= ORDINARY HIGH WATER AND WATERS EDGE
---	= NEW PROPOSED SETBACK
▨	= PROPOSED ADDITION

SITE PLAN PROPOSED ADDITION

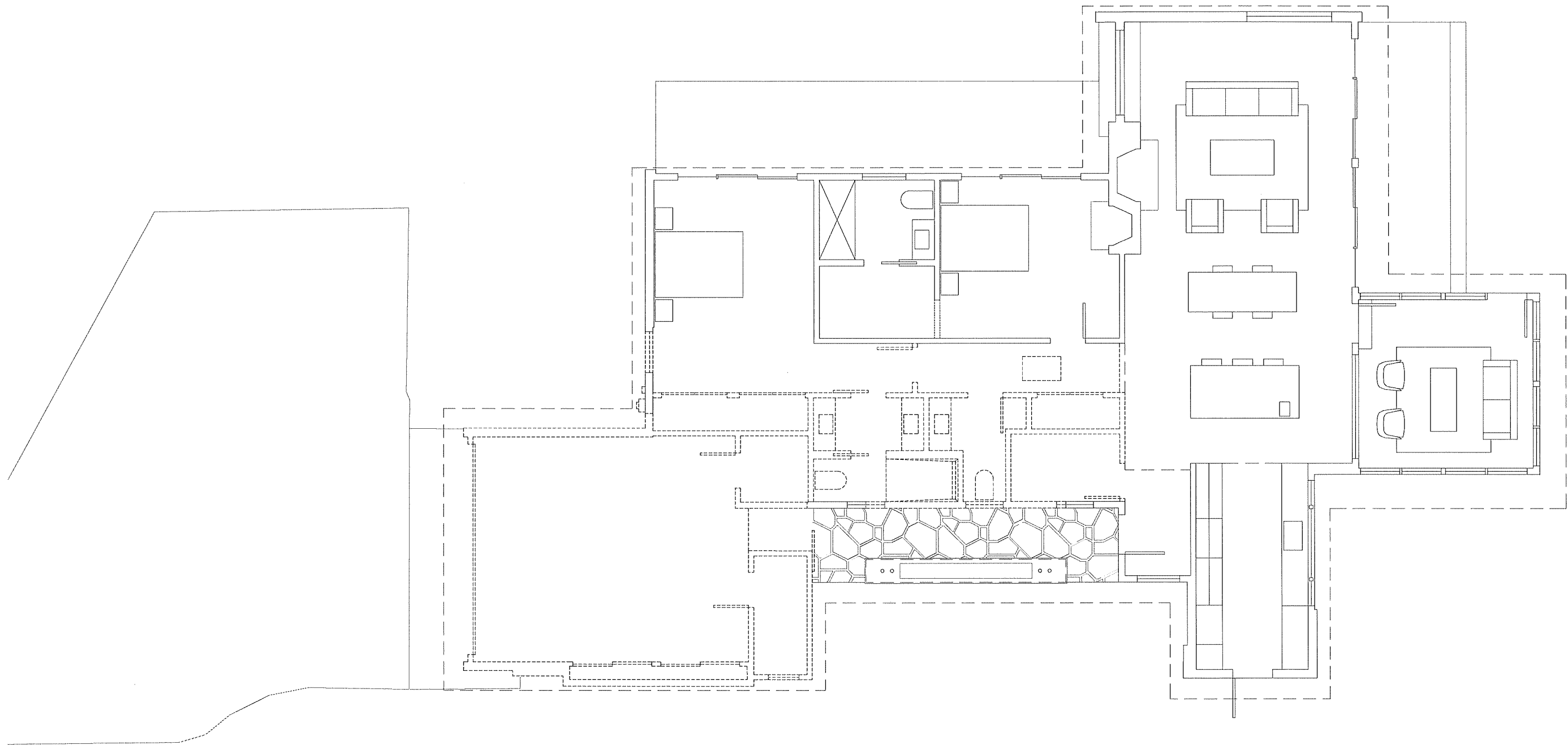




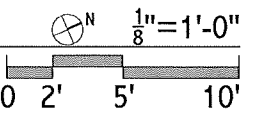
FLOOR PLAN : EXISTING RESIDENCE





GENERAL NOTES:
- EXTERIOR DIMENSIONS ARE TO EDGE OF STUDS, U.N.O.
- INTERIOR DIMENSIONS ARE TO EDGE OF STUDS, U.N.O.
- EXISTING CONSTRUCTION TO BE REMOVED: - - - - -

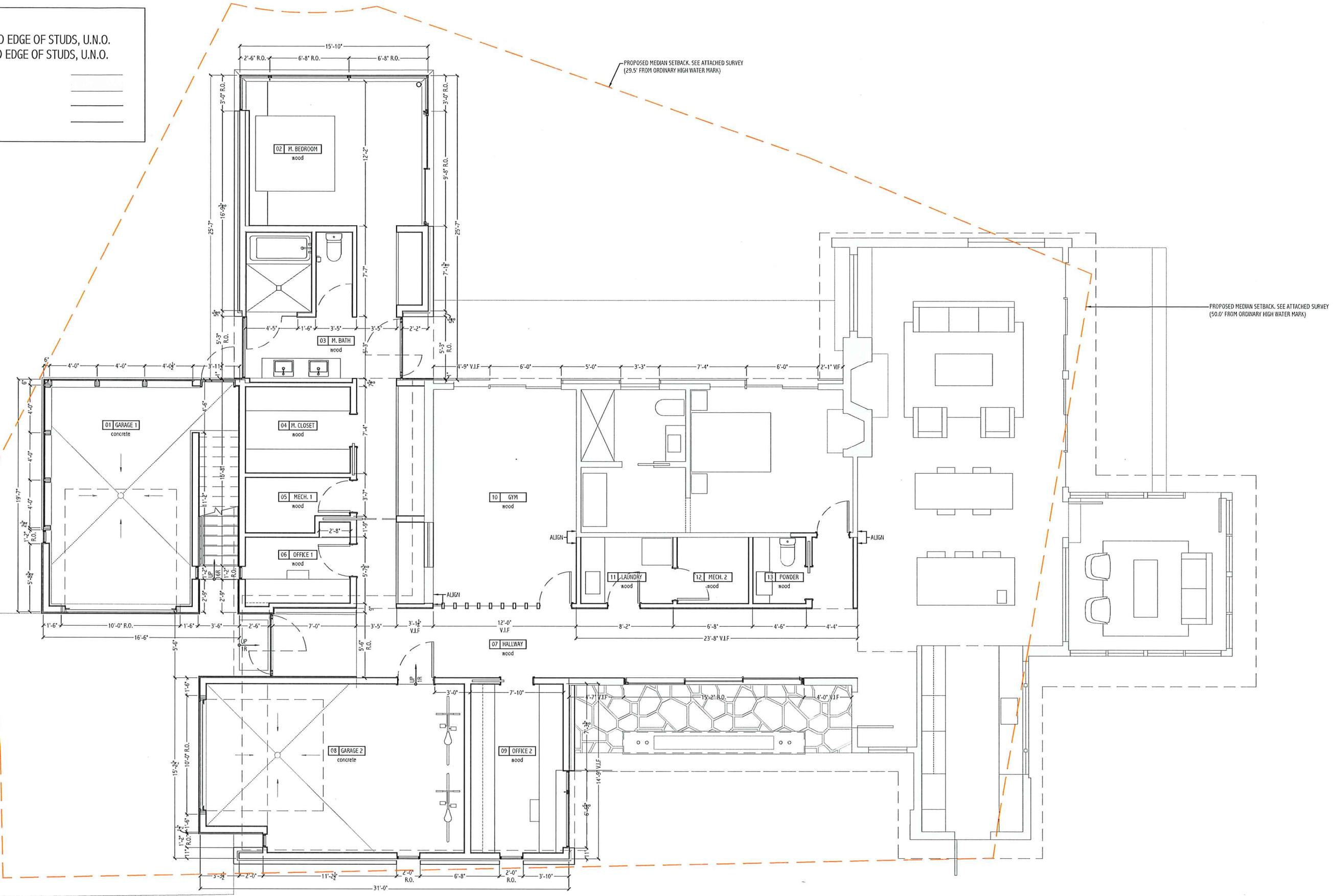


DEMOLITION PLAN: EXISTING RESIDENCE

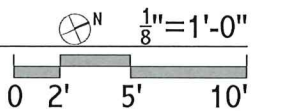


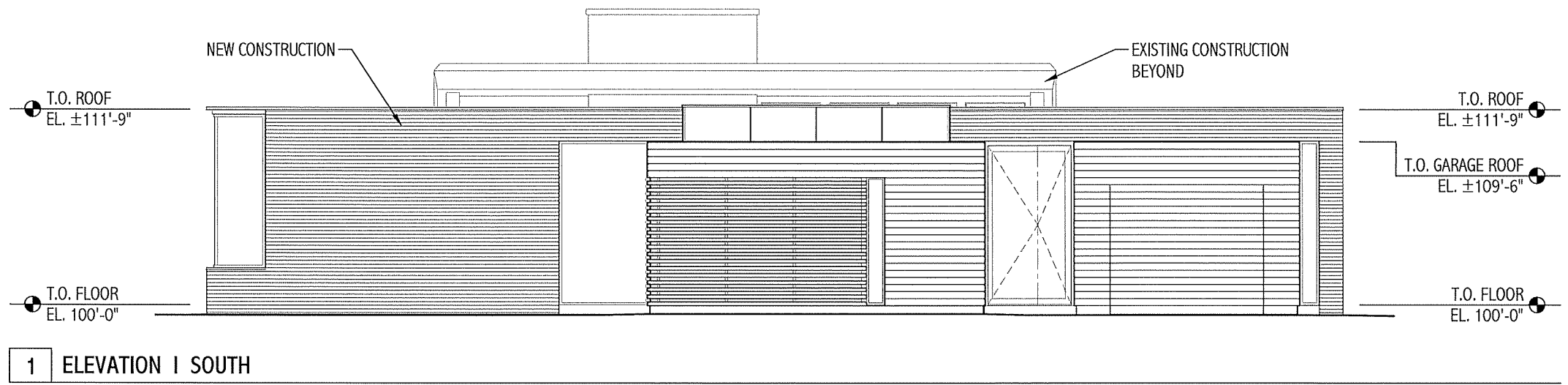
GENERAL NOTES:

- EXTERIOR DIMENSIONS ARE TO EDGE OF STUDS, U.N.O.
- INTERIOR DIMENSIONS ARE TO EDGE OF STUDS, U.N.O.
- EXISTING CONSTRUCTION: 
- NEW CONSTRUCTION: 

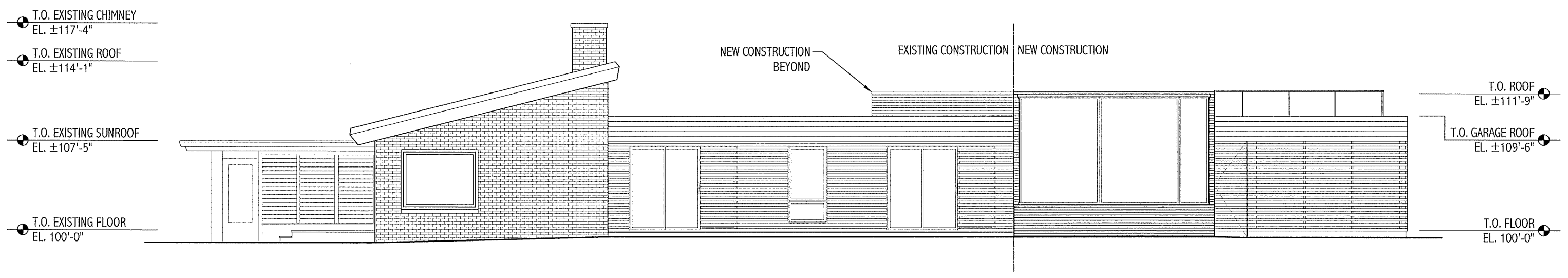


FLOOR PLAN: EXISTING RESIDENCE AND PROPOSED ADDITION

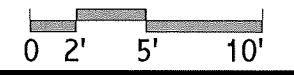


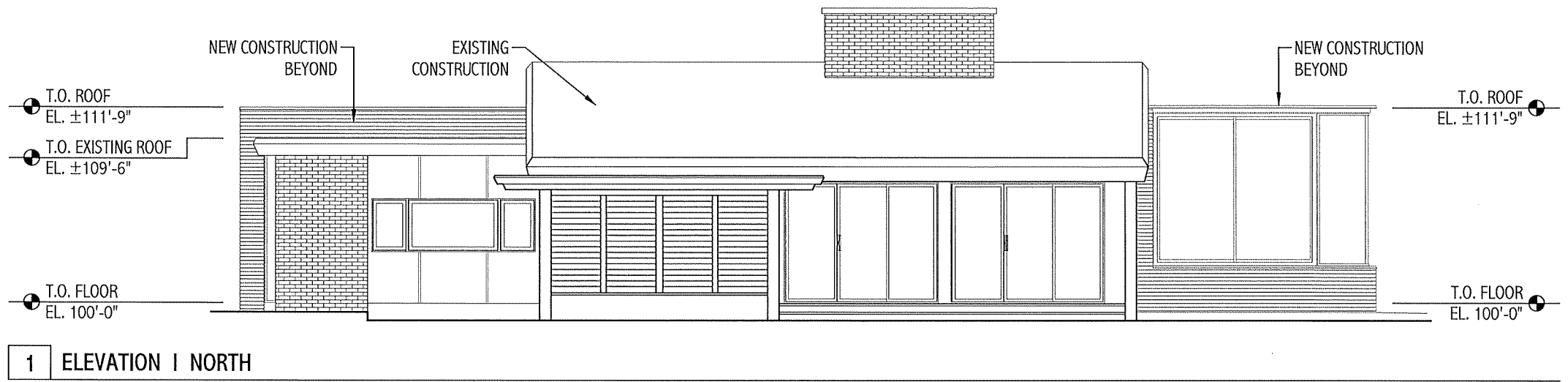


1/8" = 1'-0"

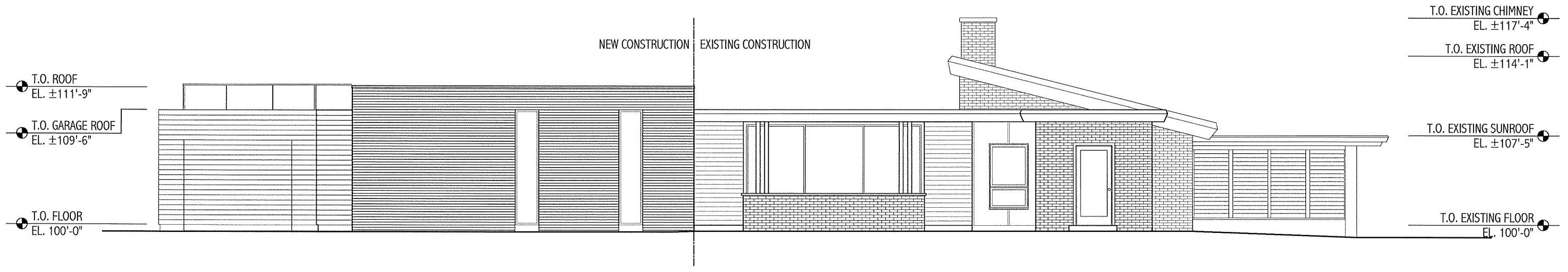


1/8" = 1'-0"





$\frac{1}{8}'' = 1'-0''$



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