



**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: 801 Erin Street/ 702 West Shore Drive

Name of Owner: Patrick McCaughey

Address of Owner (if different than above): 646 W Washington Ave, Train Car D

Daytime Phone: (608) 516-9497 Evening Phone: (608) 516-9497

Email Address: info@mccaugheyproperties.com

Name of Applicant (Owner's Representative): Arlan, Kay - Architecture Network, INC.

Address of Applicant: 116 E Dayton Street, Madison WI 53703

Daytime Phone: 608-251-7515 Evening Phone: (608) 235-1920

Email Address: arlan\_archnet@tds.net

Description of Requested Variance: 28.140. (1) (b) - Usable open space - requesting variance to allow reverse corner side yard or balcony/deck space to be counted toward usable open space;  
28.131(2)(c)5 - Set back for detached garage - 9'8" variance to allow attached garage setback on reverse corner lot to be used on a detached garage because of narrow lot. Appealing interpretation of definition of bay window, story above grade.

*(See reverse side for more instructions)*

FOR OFFICE USE ONLY	
Amount Paid: <u>\$300</u>	Hearing Date: <u>9-12-13</u>
Receipt: <u>146089</u>	Published Date: <u>9/5/13</u>
Filing Date: <u>8/14/13</u>	Appeal Number: _____
Received By: <u>MSQ</u>	GQ: <u>OK</u>
Parcel Number: <u>0709-262-0123-0</u>	Code Section(s): <u>28.044 (2) - house</u>
Zoning District: <u>TR-C2 → TR-C3</u>	<u>28.131 (2) (c) 5.</u>
Alder District: <u>13 - ELLINGSON</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.

The Lot is small (3,000 sq. ft), narrow (37.5' wide) and a reversed corner lot.

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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.

If this were an interior lot instead of a reversed corner lot, accessory building placement would be permissible as shown. On a lakefront lot, usable open space on lake-facing porches and decks is more desirable than more backyard, hence the proposed use of the roof deck as real usable open space. Lot coverage is less than allowed.

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.

A detached garage on a reversed corner lot requires a setback equal to the front yard setback of the adjacent yard of 20 feet. Meeting the setback requirements on this lot would leave a maximum garage depth of 14.5', which is not deep enough to park a car. Attaching the garage would unreasonably constrict the house size on an already small lot, in addition to eliminating windows from living space, and a rear yard setback variance would be required. On this narrow lot, not being able to include the reversed corner side yard area in the usable open space eliminates a large percentage of the lot. 1082.5 SF or 36% of this lot is unusable in street setbacks alone.

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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 hardship is caused by restrictions on reversed corner lots having disproportionate impact on a small, narrow lot. The lot was this size long before the present owner bought it.

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

It will be an improvement to the adjacent property on West Shore, as it will remove an encroachment from their property. The adjacent property on Erin St has a fence and a very tall hedge adjacent to the property line, so a garage is unlikely to change their existing situation.

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

It is a two story single-family residence with a reasonable detached garage, which is typical for the area. Lot coverage is less than allowed.

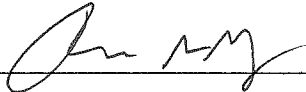
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## Application Requirements

**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 type="checkbox"/>	<b>Pre-application meeting with staff:</b> Prior to submittal of this application, the applicant is strongly encouraged to discuss the proposed project and submittal material with Zoning staff. <b>Incomplete applications could result in referral or denial by the Zoning Board of Appeals.</b>
<input type="checkbox"/>	<b>Site plan</b> , 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"): <ul style="list-style-type: none"> <li><input type="checkbox"/> Lot lines</li> <li><input type="checkbox"/> Existing and proposed structures, with dimensions and setback distances to all property lines</li> <li><input type="checkbox"/> Approximate location of structures on neighboring properties adjacent to variance</li> <li><input type="checkbox"/> Major landscape elements, fencing, retaining walls or other relevant site features</li> <li><input type="checkbox"/> Scale (1" = 20' or 1' = 30' preferred)</li> <li><input type="checkbox"/> North arrow</li> </ul>
<input type="checkbox"/>	<b>Elevations</b> 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 type="checkbox"/>	<b>Interior floor plan of existing and proposed structure</b> , 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"/>	<b>Front yard variance requests only.</b> Show the building location (front setback) of adjacent properties on each side of the subject property to determine front setback average.
<input type="checkbox"/>	<b>Lakefront setback variance requests only.</b> Provide a survey prepared by a registered land surveyor showing existing setbacks of buildings on adjacent lots, per MGO 28.138.
<input type="checkbox"/>	<b>Variance requests specifically involving slope, grade, or trees.</b> Approximate location and amount of slope, direction of drainage, location, species and size of trees.
<input type="checkbox"/>	<b>CHECK HERE.</b> I acknowledge any statements implied as fact require supporting evidence.
<input type="checkbox"/>	<b>CHECK HERE.</b> 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.

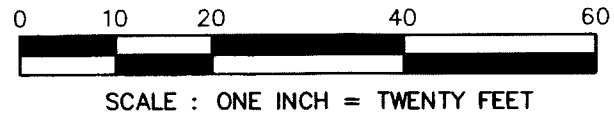
**Owner's Signature:** \_\_\_\_\_  \_\_\_\_\_ **Date:** 8/14/2013

----- (Do not write below this line/For Office Use Only) -----

<b><u>DECISION</u></b>			
The Board, in accordance with its findings of fact, hereby determines that the requested variance for _____ <b>(is) (is not)</b> in compliance with all of the standards for a variance.			
Further findings of fact are stated in the minutes of this public hearing.			
<b>The Zoning Board of Appeals:</b>	<b>Approved</b>	<b>Denied</b>	<b>Conditionally Approved</b>
<b>Zoning Board of Appeals Chair:</b>			
<b>Date:</b>			

# BOUNDARY AND TOPOGRAPHIC SURVEY

ALL OF LOT 1, SPOHN LEVANDER REPLAT, AS RECORDED IN VOLUME 4 OF PLATS, ON PAGE 12A., AS DOCUMENT NUMBER 355968, DANE COUNTY REGISTRY, LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 07 NORTH, RANGE 09 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN.



ASSUMED NORTH BEARINGS ARE BASED UPON THE NORTH LINE OF LOT 1 ASSUMED TO BEAR N 89°33'00" W

**LEGEND**

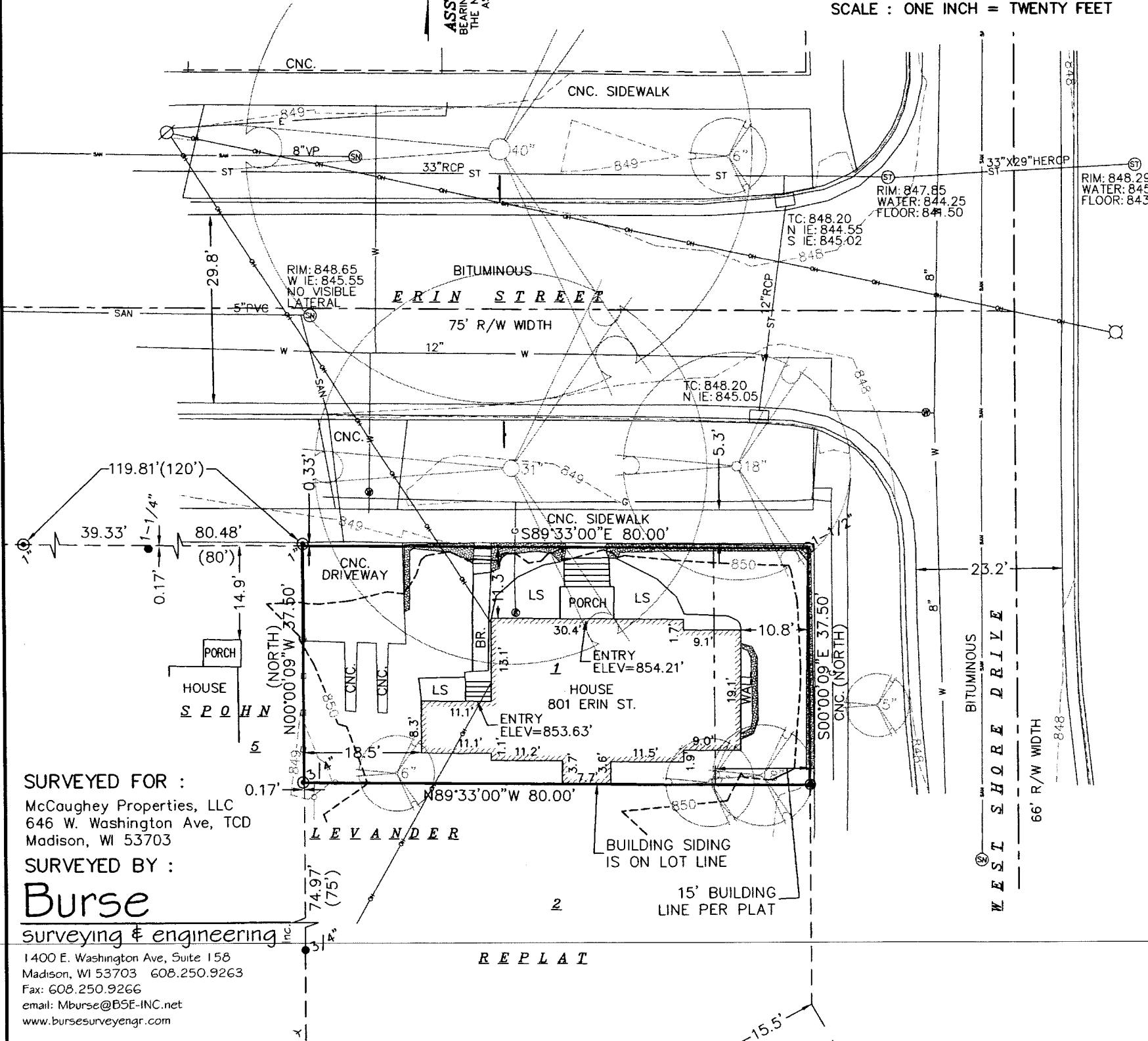
- ⊙ IRON PIPE FOUND (OUTSIDE DIAMETER NOTED)
- SOLID IRON ROD FOUND SIZE NOTED
- ⊙ BIRRENKOTT CAP FOUND PER OFFICE MAP#110517
- ( ) INDICATES RECORDED AS

DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT. BUILDING DIMENSIONS ARE MEASURED TO THE NEAREST TENTH OF A FOOT.

**NOTES:**

- 1) Except as specifically stated or shown on this map, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land use regulations; and any other facts that an accurate and current title search may disclose.
- 2) No attempt has been made as a part of this survey to obtain or show data concerning condition or capacity location of any utility or municipal/public service facility. For information regarding these utilities or facilities, please contact the appropriate agencies.
- 3) Date of field work: June 10 and 12, 2013.
- 4) Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- 5) All surface and subsurface improvements on and adjacent to the site are not necessarily shown hereon.
- 6) All trees, hedges and ground cover on the site may not necessarily be shown hereon.
- 7) Routing of public utilities is based upon drawings obtained from the City of Madison Engineering Department, markings provided by Digger's Hotline Ticket Numbers 20132302767, 20132302799 and 20132302817 and visible above ground structures. Additional buried utilities/structures may be encountered. No excavations were made to located utilities. Before excavations are performed contact Digger's Hotline.
- 8) Elevations are based upon NAVD88 datum. The water level of Lake Monona at the time of survey has an elevation of 845.46 feet based upon the real time lake level data from the Dane County Land and Water Resources website.
- 9) Total parcel area = 3,000 square feet

- OH— OVERHEAD UTILITY
- G— BURIED GAS MAIN
- W— WATER MAIN
- SAN— SANITARY SEWER
- ST— STORM SEWER
- E— BURIED ELECTRIC
- ⊙ WATER VALVE
- ⊙ GAS VALVE
- ⊙ UTILITY POLE
- ⊙ LIGHT POLE
- SIGN
- ⊠ STORM SEWER INLET
- ⊙ DECIDUOUS TREE
- BR. ROCK PAVERS
- CNC. CONCRETE PAVEMENT
- LS LANDSCAPING
- ⊠ ROCK WALL



**SURVEYED FOR :**  
 McCaughey Properties, LLC  
 646 W. Washington Ave, TCD  
 Madison, WI 53703

**SURVEYED BY :**  
**Burse**  
 surveying & engineering inc  
 1400 E. Washington Ave, Suite 158  
 Madison, WI 53703 608.250.9263  
 Fax: 608.250.9266  
 email: Mburse@BSE-INC.net  
 www.bursesurveyengr.com

**DESCRIPTION FURNISHED:**

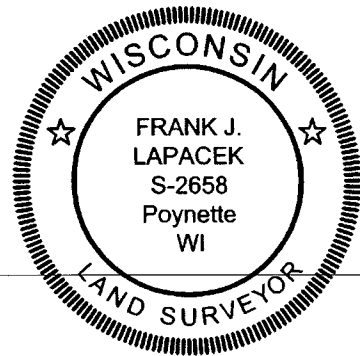
Lot one (1), Spohn Levander Replat of Block 25, Greenbush Addition, in the City of Madison, Dane County, Wisconsin.

**SURVEYOR'S CERTIFICATE:**

I, Frank J. Lapacek, Registered Land Surveyor, No. 2658, hereby certify that the foregoing survey was executed under my direction and control, and that said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (A-E7), and the map hereon is correct to the best of my knowledge and belief.

Dated this 20<sup>th</sup> day of JUNE, 2013

Signed: Frank J. Lapacek  
 Frank J. Lapacek, R.L.S. No. 2658



New 3-story single family home  
with detached garage

usable open space  
500 sq. ft. Required  
0 sq. ft. Provided

500 sq. ft. U.O.S. variance

Reverse corner setback, GARAGE

20'-0" Required  
10'-4" Provided  
9'-8" VARIANCE

Reverse-corner Setback  
Additions

5'-0" Required  
6'-4" Provided  
1'-8" VARIANCE

Front Yard Addition

15'-0" Required  
12'-10" Provided  
2'-2" VARIANCE

variance to allow 3rd story  
(Deck area)

2-stories maximum allowed  
3 stories proposed

Additional story variance

- ISSUE:
- ◇ CONSTRUCTION SET
  - ◇ PLAN REVIEW SET
  - ◇ BID SET  
NOT FOR CONSTRUCTION
  - ◇ PRELIMINARY  
NOT FOR CONSTRUCTION
  - ◇ PROGRESS SET  
NOT FOR CONSTRUCTION

PROJECT:

McCaughy  
RESIDENCE

700 West Shore Drive  
Madison, Wisconsin

REVISIONS:

NO.	DATE	DESCRIPTION

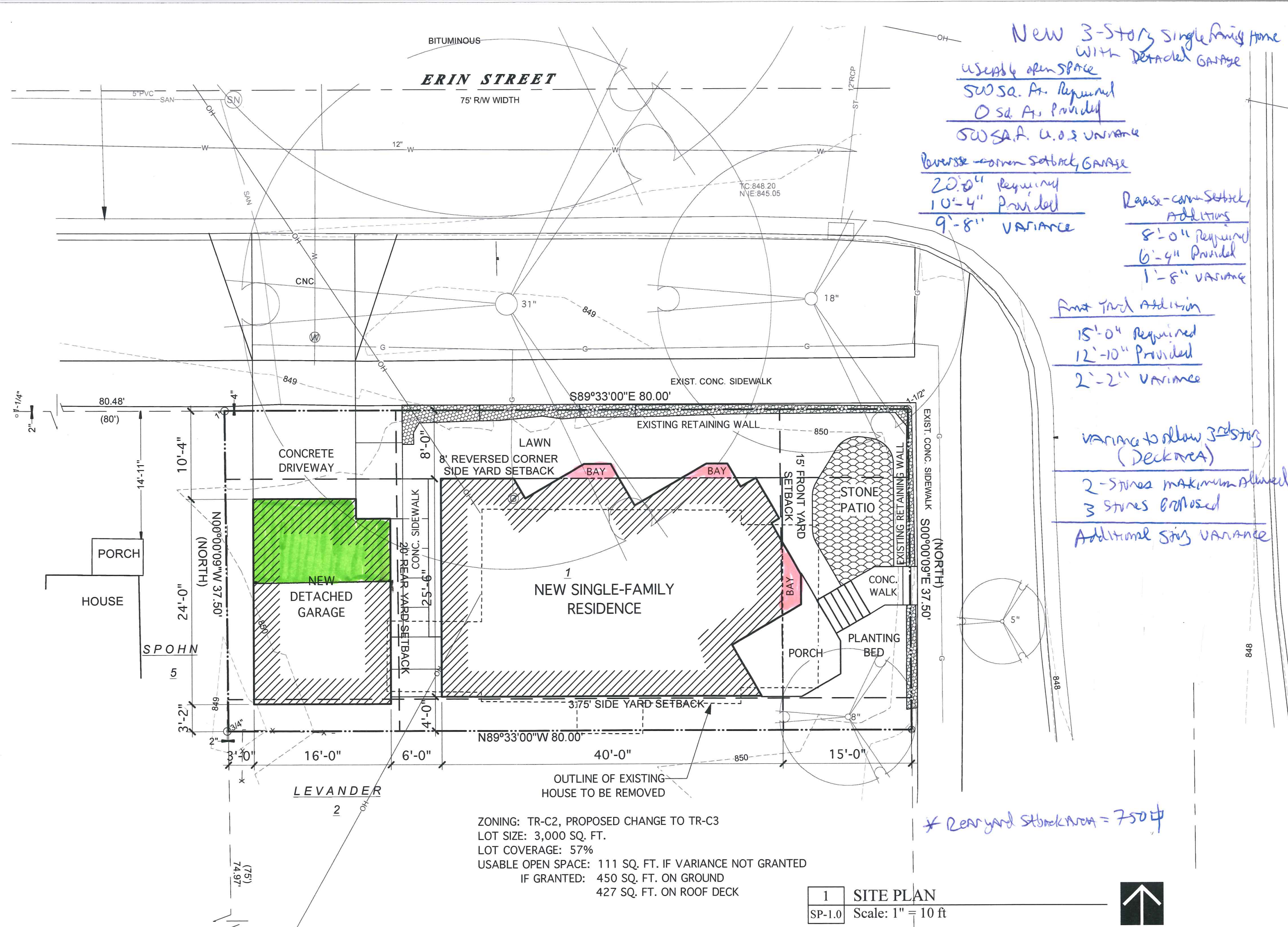
DATE: 14 Aug 2013  
SCALE: AS SHOWN  
PROJECT: K1304  
DRAWN BY: DTZ

DRAWING NAME:

SITE PLAN

DRAWING NUMBER:

SP-1.0



ZONING: TR-C2, PROPOSED CHANGE TO TR-C3  
LOT SIZE: 3,000 SQ. FT.  
LOT COVERAGE: 57%  
USABLE OPEN SPACE: 111 SQ. FT. IF VARIANCE NOT GRANTED  
IF GRANTED: 450 SQ. FT. ON GROUND  
427 SQ. FT. ON ROOF DECK

\* Rear yard setback area = 750 sq ft

1 SITE PLAN  
SP-1.0 Scale: 1" = 10 ft





- ISSUE:
- ◇ **CONSTRUCTION SET**
  - ◇ **PLAN REVIEW SET**
  - ◇ **BID SET**  
NOT FOR CONSTRUCTION
  - ◇ **PRELIMINARY**  
NOT FOR CONSTRUCTION
  - ◇ **PROGRESS SET**  
NOT FOR CONSTRUCTION

PROJECT:

**McCaughey RESIDENCE**

801 Erin Street  
Madison, Wisconsin

REVISIONS:


DATE: 31 JULY 2013

SCALE: NO SCALE

PROJECT: K1304

DRAWN BY: DTZ

**DRAWING NAME:**

EXISTING EXTERIOR PHOTOS

**DRAWING NUMBER:**

**X-2.0**



ISSUE:  
 ◆ **CONSTRUCTION SET**  
 ◆ **PLAN REVIEW SET**  
 ◆ **BID SET**  
 NOT FOR CONSTRUCTION  
 ◆ **PRELIMINARY**  
 NOT FOR CONSTRUCTION  
 ◆ **PROGRESS SET**  
 NOT FOR CONSTRUCTION  
 PROJECT:

**McCaughey  
RESIDENCE**

801 Erin Street  
Madison, Wisconsin

REVISIONS:


DATE: 31 JULY 2013  
 SCALE: NO SCALE  
 PROJECT: K1304  
 DRAWN BY: DTZ  
**DRAWING NAME:**

EXISTING INTERIOR  
PHOTOS

**DRAWING NUMBER:**

**X-1.0**



- ISSUE:
- ◇ **CONSTRUCTION SET**
  - ◇ **PLAN REVIEW SET**
  - ◇ **BID SET**  
NOT FOR CONSTRUCTION
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NOT FOR CONSTRUCTION
  - ◇ **PROGRESS SET**  
NOT FOR CONSTRUCTION

PROJECT:

**McCaughey RESIDENCE**

801 Erin Street  
Madison, Wisconsin

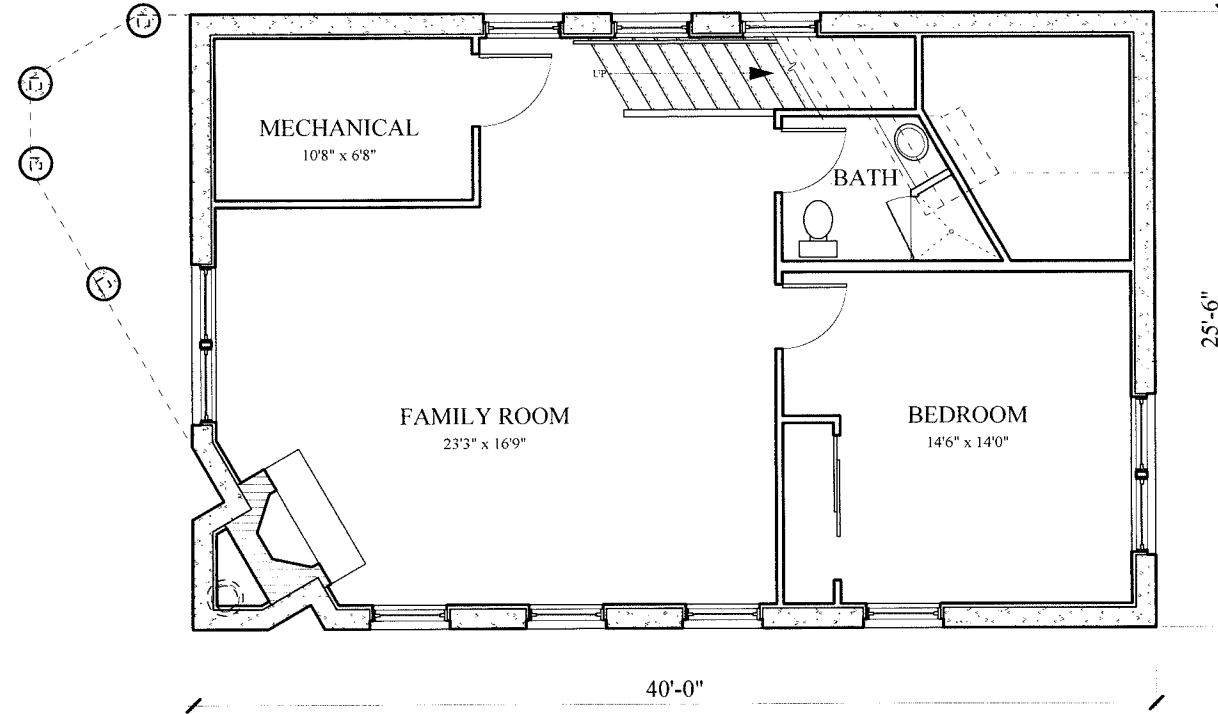
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DATE: 31 JULY 2013  
SCALE: NO SCALE  
PROJECT: K1304  
DRAWN BY: DTZ

**DRAWING NAME:**  
EXISTING INTERIOR PHOTOS

**DRAWING NUMBER:**  
**X-1.1**





1	<b>BASEMENT PLAN</b>
A-1.0	Scale: 1/8" = 1'-0"

- ISSUE:
- ◇ **CONSTRUCTION SET**
  - ◇ **PLAN REVIEW SET**
  - ◇ **BID SET**  
NOT FOR CONSTRUCTION
  - ◇ **PRELIMINARY**  
NOT FOR CONSTRUCTION
  - ◇ **PROGRESS SET**  
NOT FOR CONSTRUCTION

PROJECT:

**McCaughey  
RESIDENCE**

702 West Shore Drive  
Madison, Wisconsin

REVISIONS	

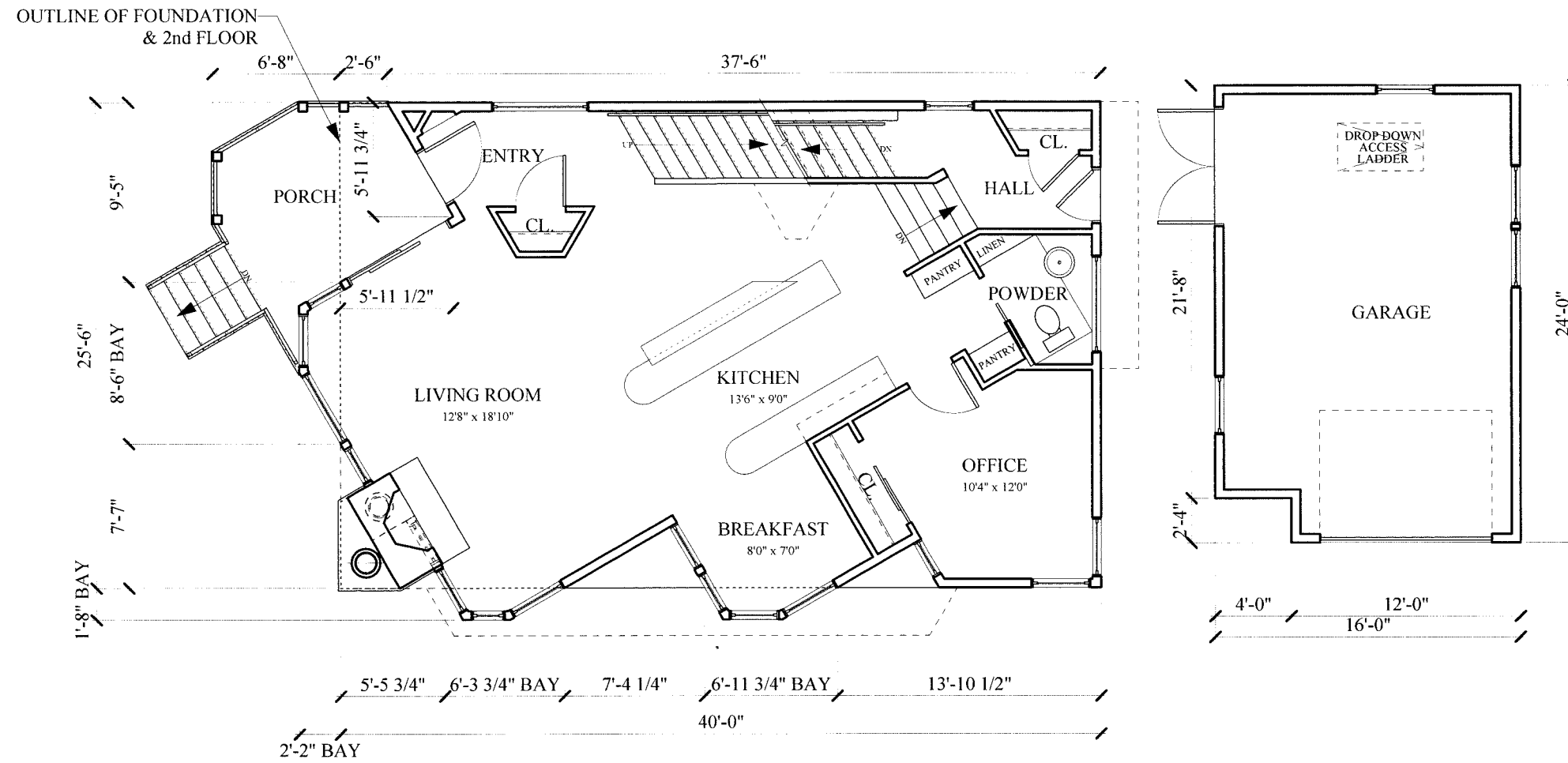
DATE: 14 Aug 2013  
SCALE: AS SHOWN  
PROJECT: K1304  
DRAWN BY: DTZ

**DRAWING NAME:**

**BASEMENT  
PLAN**

**DRAWING NUMBER:**

**A-1.0**



- ISSUE:
- ◇ CONSTRUCTION SET
  - ◇ PLAN REVIEW SET
  - ◇ BID SET  
NOT FOR CONSTRUCTION
  - ◇ PRELIMINARY  
NOT FOR CONSTRUCTION
  - ◇ PROGRESS SET  
NOT FOR CONSTRUCTION
- PROJECT:

**McCaughey  
RESIDENCE**

702 West Shore Drive  
Madison, Wisconsin

REVISIONS:

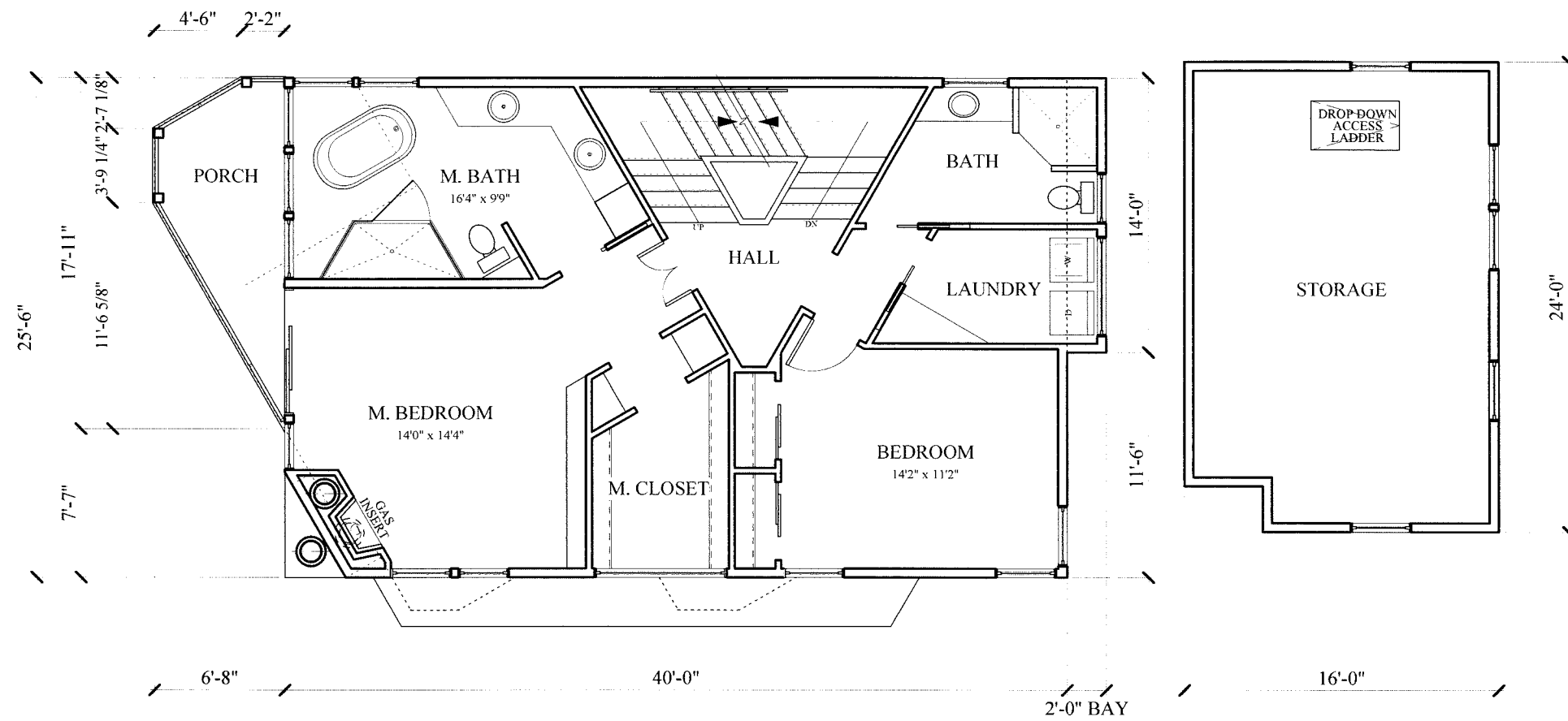

DATE: 14 Aug 2013  
SCALE: AS SHOWN  
PROJECT: K1304  
DRAWN BY: DTZ

**DRAWING NAME:**  
FIRST FLOOR  
PLAN

**DRAWING NUMBER:**

**A-1.1**

**1** FIRST FLOOR PLAN  
A-1.1 Scale: 1/8" = 1'-0"



- ISSUE:
- ◇ CONSTRUCTION SET
  - ◇ PLAN REVIEW SET
  - ◇ BID SET  
NOT FOR CONSTRUCTION
  - ◇ PRELIMINARY  
NOT FOR CONSTRUCTION
  - ◇ PROGRESS SET  
NOT FOR CONSTRUCTION
- PROJECT:

**McCaughey  
RESIDENCE**

702 West Shore Drive  
Madison, Wisconsin

REVISIONS:

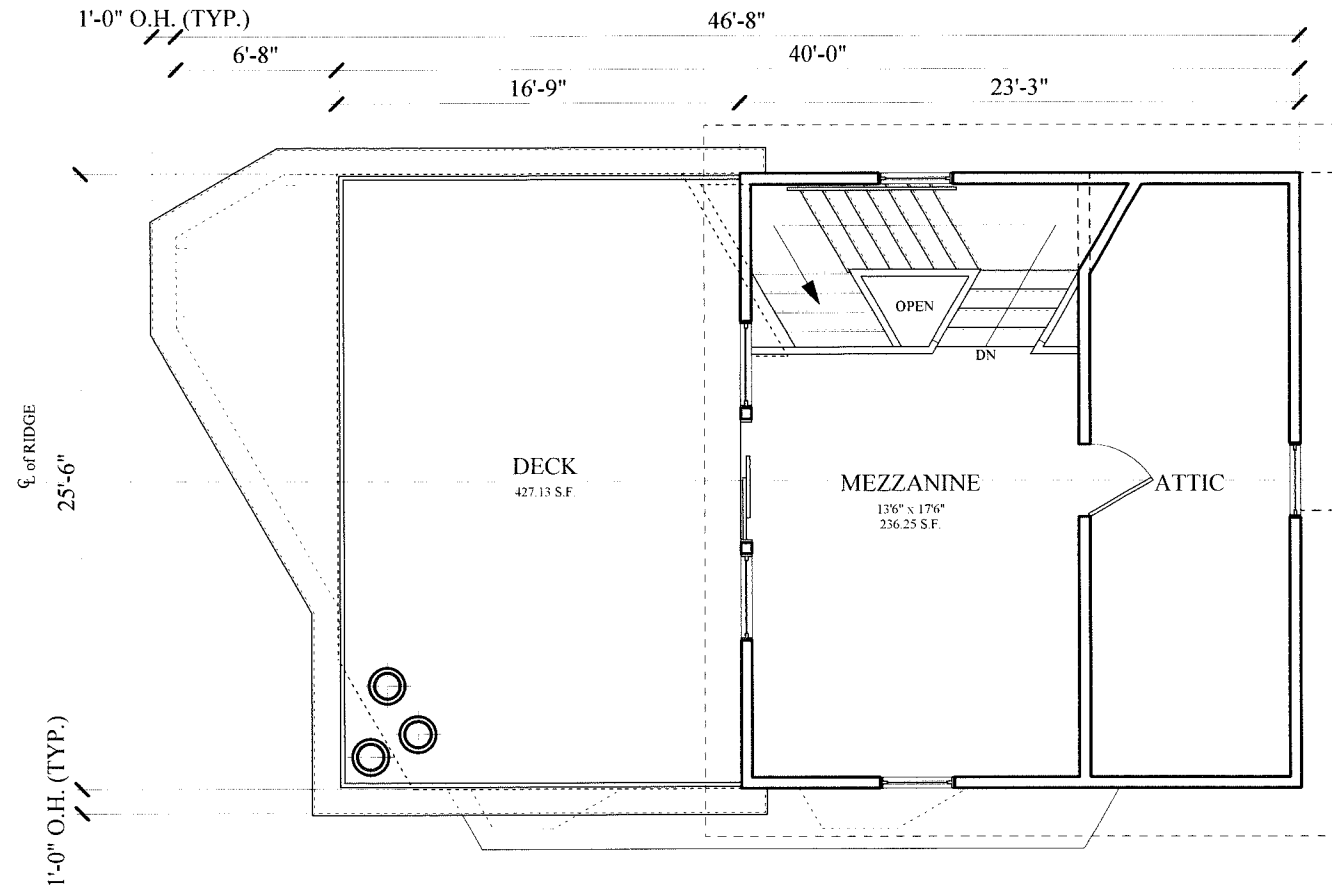

DATE: 14 Aug 2013  
SCALE: AS SHOWN  
PROJECT: K1304  
DRAWN BY: DTZ

**DRAWING NAME:**  
SECOND FLOOR  
PLAN

**DRAWING NUMBER:**

**A-1.2**

1 SECOND FLOOR PLAN  
A-1.2 Scale: 1/8" = 1'-0"



1	<b>MEZZANINE/ATTIC FLOOR PLAN</b>
A-1.3	Scale: 1/8" = 1'-0"

- ISSUE:
- ◇ **CONSTRUCTION SET**
  - ◇ **PLAN REVIEW SET**
  - ◇ **BID SET**  
NOT FOR CONSTRUCTION
  - ◇ **PRELIMINARY**  
NOT FOR CONSTRUCTION
  - ◇ **PROGRESS SET**  
NOT FOR CONSTRUCTION

PROJECT:

**McCaughey RESIDENCE**

702 West Shore Drive  
Madison, Wisconsin

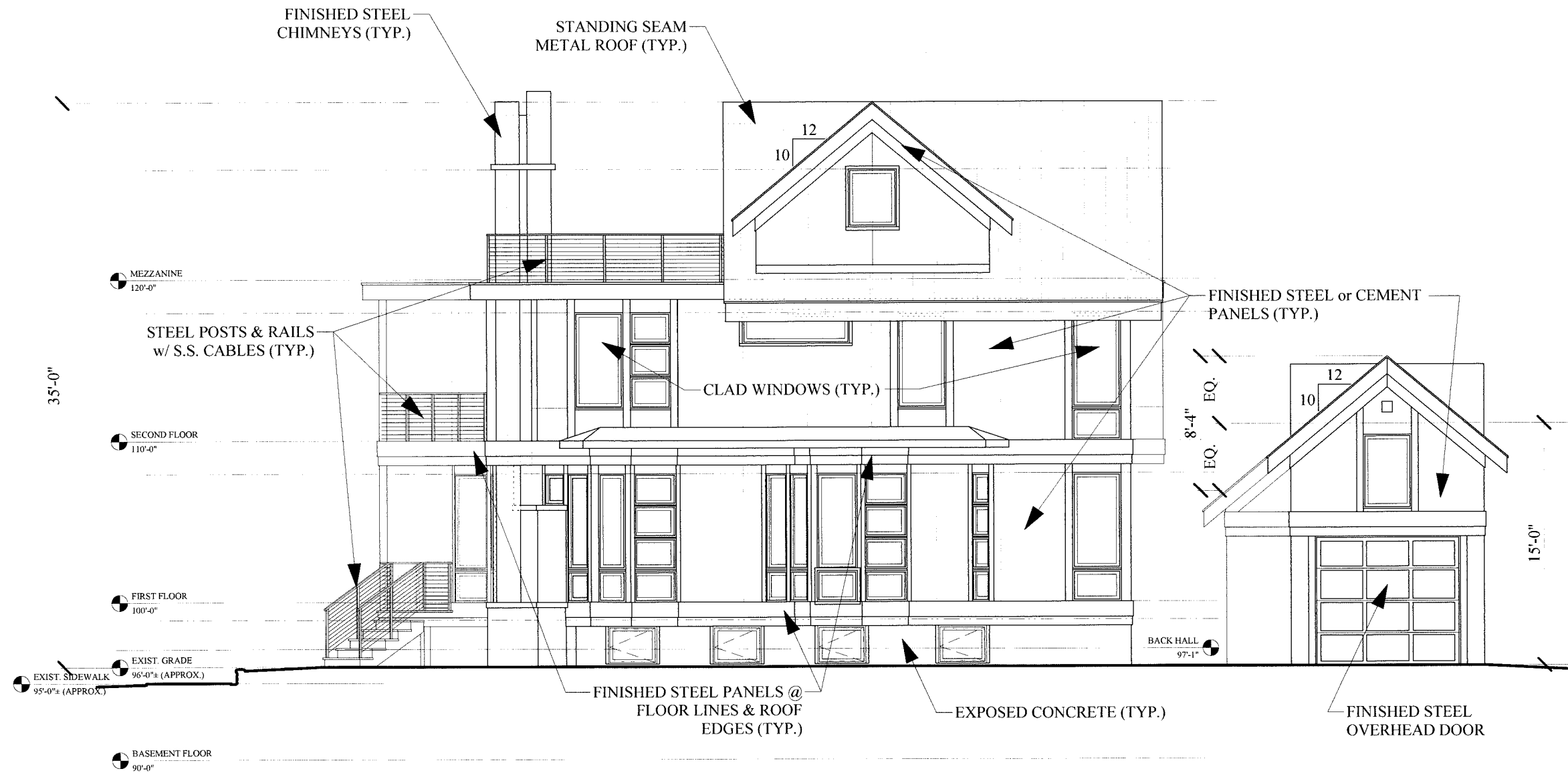
REVISIONS:


DATE: 14 Aug 2013  
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PROJECT: K1304  
DRAWN BY: DTZ

**DRAWING NAME:**  
MEZZANINE /  
ATTIC FLOOR  
PLAN

**DRAWING NUMBER:**

**A-1.3**



- ISSUE:
- ◇ CONSTRUCTION SET
  - ◇ PLAN REVIEW SET
  - ◇ BID SET  
NOT FOR CONSTRUCTION
  - ◇ PRELIMINARY  
NOT FOR CONSTRUCTION
  - ◇ PROGRESS SET  
NOT FOR CONSTRUCTION
- PROJECT:

**McCaughy  
RESIDENCE**

702 West Shore Drive  
Madison, Wisconsin

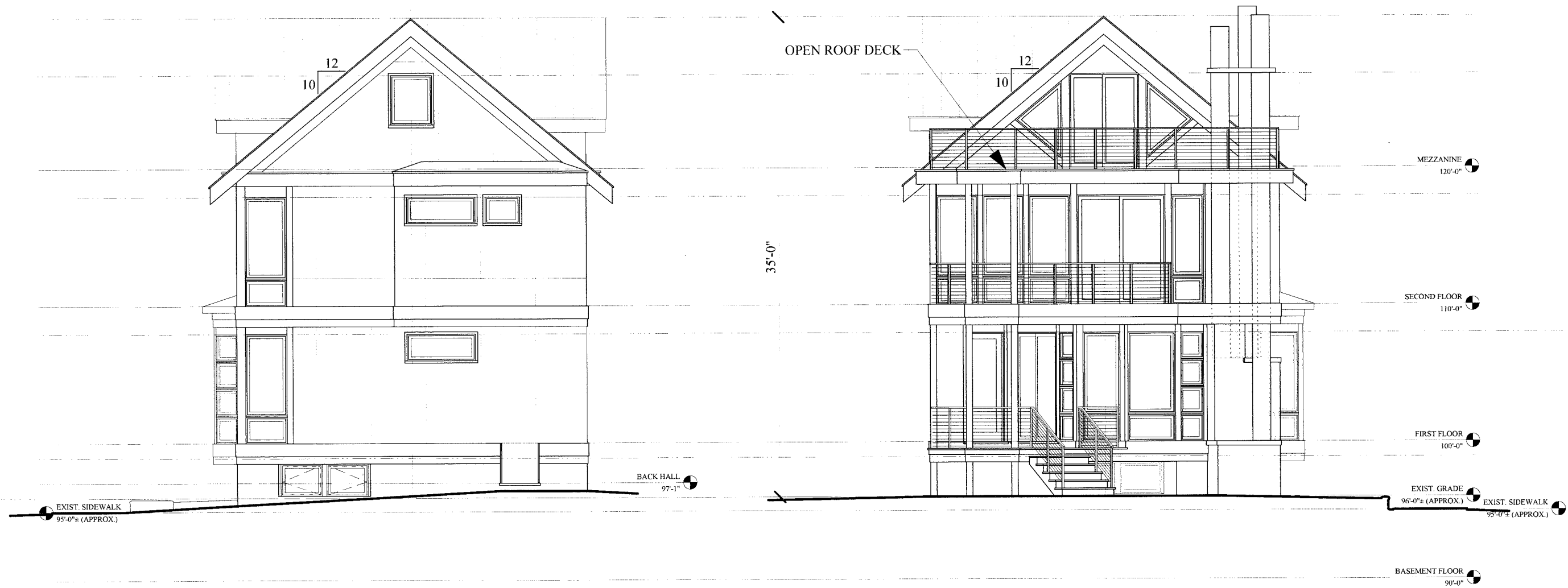
REVISIONS:


DATE: 14 Aug 2013  
SCALE: AS SHOWN  
PROJECT: K1304  
DRAWN BY: DTZ

**DRAWING NAME:**  
EXTERIOR  
ELEVATIONS

**1 NORTH ELEVATION**  
A-2.0 Scale: 1/8" = 1'-0"

**DRAWING NUMBER:**  
**A-2.0**



**2 WEST ELEVATION**  
A-2.1 Scale: 1/8" = 1'-0"

**1 EAST ELEVATION**  
A-2.1 Scale: 1/8" = 1'-0"

- ISSUE:
- ◇ CONSTRUCTION SET
  - ◇ PLAN REVIEW SET
  - ◇ BID SET  
NOT FOR CONSTRUCTION
  - ◇ PRELIMINARY  
NOT FOR CONSTRUCTION
  - ◇ PROGRESS SET  
NOT FOR CONSTRUCTION
- PROJECT:

**McCaughey RESIDENCE**

701 West Shore Drive  
Madison, Wisconsin

REVISIONS:

NO.	DATE	DESCRIPTION

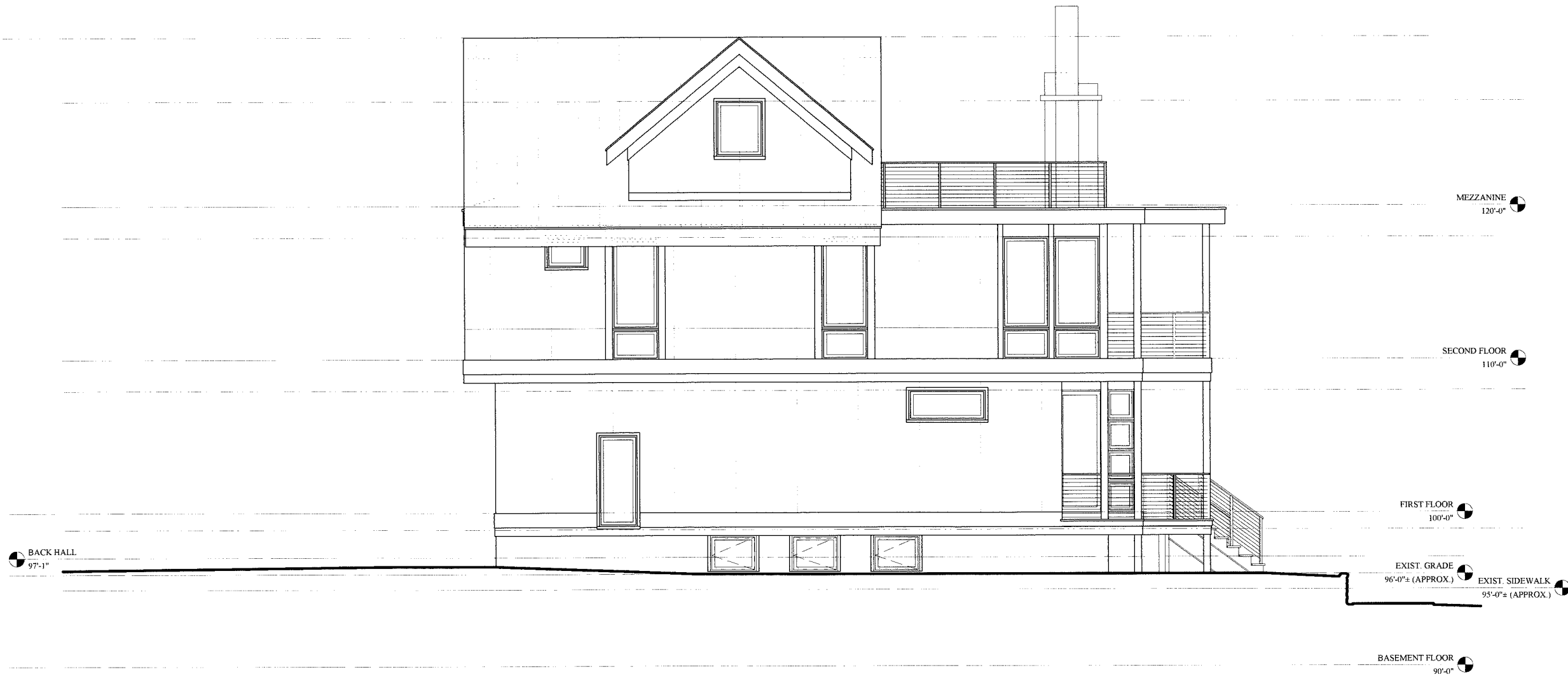
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PROJECT: K1304  
DRAWN BY: DTZ

DRAWING NAME:

**EXTERIOR ELEVATIONS**

DRAWING NUMBER:

**A-2.1**



- ISSUE:
- ◇ CONSTRUCTION SET
  - ◇ PLAN REVIEW SET
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  - ◇ PROGRESS SET  
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PROJECT:

**McCaughey RESIDENCE**

702 West Shore Drive  
Madison, Wisconsin

REVISIONS:

NO.	DESCRIPTION

DATE: 14 Aug 2013  
SCALE: AS SHOWN  
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DRAWN BY: DTZ

DRAWING NAME:

**EXTERIOR ELEVATIONS**

DRAWING NUMBER:

**A-2.2**

1 SOUTH ELEVATION  
A-2.2 Scale: 1/8" = 1'-0"