



# CITY OF MADISON ZONING BOARD OF APPEALS VARIANCE APPLICATION

**\$500 Filing Fee**

Type or legibly print using blue or black ink.

Address of Subject Property: 5050 Lake Mendota Drive, Madison, WI 53705

Name of Owner: Kendall and Jessica Harrison

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

Daytime Phone: 608-516-0478 Evening Phone: 608-516-0478

Email Address: kharrison@gklaw.com

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

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

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

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

### Description of Requested Variance:

We are requesting a variance from MGO 28.134 relating to the roof of our garage. We would like to change from a gable roof to a shed roof, and in the process, reduce the garage's building height from 9'2½" to 8'9" and decrease its volume by 13 square feet as viewed from the street.

See Attachment for more details.

See reverse side for more instructions.

#### FOR OFFICE USE ONLY

Amount Paid: \$500.00  
Receipt: 138492-0012  
Filing Date: 03-21-2024  
Received By: NJK  
Parcel Number: 070918401260  
Zoning District: TR-C1  
Alder District: 19-GUEQUIERRE

Hearing Date: 04-18-2024  
Published Date: 04-11-2024  
Appeal Number: LNDVAR-2024-00004  
GQ: \_\_\_\_\_  
Code Section(s): 28.042(2)

# Standards for Variance

**The Zoning Board of Appeals 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.

See Attachment.

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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.

See Attachment.

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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.

See Attachment.

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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.

See Attachment.

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

See Attachment.

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

See Attachment.

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## 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"/>	<b>Pre-application meeting with staff.</b> 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"/>	<b>Site plan</b> , 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"> <li><input type="checkbox"/> Lot lines.</li> <li><input type="checkbox"/> Existing and proposed structures. Include dimensions and setback distances to all property lines.</li> <li><input type="checkbox"/> Approximate location of structures on properties next 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 checked="" type="checkbox"/>	<b>Elevations</b> from all directions showing existing and proposed. Show the existing structure and proposed addition(s).
<input type="checkbox"/>	<b>Interior floor plan of existing and proposed structure</b> , if required. Most additions and expansions will require floor plans.
<input type="checkbox"/>	<b>Front yard variance requests.</b> Show the front yard setback of all other properties on the same block face.
<input type="checkbox"/>	<b>Lakefront setback variance requests.</b> Provide a survey prepared by a registered land surveyor. The survey must show existing setbacks of buildings on adjacent lots.
<input type="checkbox"/>	<b>Variance requests involving slope, grade, or trees. Show:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Approximate location and amount of slope.</li> <li><input type="checkbox"/> Direction of drainage.</li> <li><input type="checkbox"/> Location, species and size of trees.</li> </ul>
<input checked="" type="checkbox"/>	Email <b>digital</b> copies of all plans and drawings to: <a href="mailto:zoning@cityofmadison.com">zoning@cityofmadison.com</a> .
<input checked="" type="checkbox"/>	<b>Pay \$500 filing fee on or before submission deadline.</b> Payment may be made in person by appointment at the Zoning counter, by mail to City of Madison Building Inspection, P. O. Box 2984, Madison WI 53701-2984, or placed in the drop box at the Doty Street entrance to the Madison Municipal Building 215 Martin Luther King Jr. Blvd. When mailing or using the drop box, please include a note that payment is for a variance application, state the subject property address and provide your contact information.
<input checked="" type="checkbox"/>	<b>CHECK HERE.</b> 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"/>	<b>CHECK HERE.</b> I acknowledge that any statements implied as fact require evidence.

**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.

Owner's Signature:  Date: 3/21/24

----- (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 _____ (does) (does not) meet all the standards for a variance. Further findings of fact are stated in the minutes of this public hearing.	
The Zoning Board of Appeals: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Conditionally Approved	
Zoning Board of Appeals Chair:	Date:

Harrison  
5050 Lake Mendota Drive

**City of Madison  
Zoning Board of Appeals  
Variance Application**

Attachment

**INTRODUCTION**

Later this year, we intend to renovate the exterior of our house. The renovations will modernize the house and increase its value. One of the renovations will be a change to the house's roofline. No variance is needed for that project.

We would also like to change the roofline of our detached garage, to mirror the new roofline of the house. In short, we would like the rooflines to complement one another, such that the architecture of the house and the garage are cohesive.

We cannot change the roofline of the garage, however, without a variance. That is because the garage sits within the setback from the road, pursuant to a variance granted when the garage was built over 25 years ago. Further, we understand that because the garage is within the setback, any change to "bulk" requires a variance, even if it is a reduction in bulk and even if the footprint does not change.

We have designed the new roofline of the garage to reduce both height and bulk. We plan to convert the gable roof to a shed roof, and to lower the pitch. The "building height" of the roof will decrease from 9'2½" to 8'9", and the volume will be reduced by 13 square feet as viewed from the street.

We believe this renovation is consistent with the spirit of the bulk regulation, would not harm any adjacent property, and is compatible with the character of the neighborhood. Accordingly, we ask that you grant the variance request.

**BACKGROUND**

Our house was constructed in 1995. A year later, the owners applied for a variance to construct a 20' x 26' garage on the property. The variance was needed because there was not sufficient space to build a garage between the house and the front yard setback from the road. In addition, because of the severe topography of the rear yard, mature oak trees in the front yard, and a City sewer line running behind the house, there was no other available space for a garage.

The Zoning Board of Appeals granted the variance. Thereafter, the owners constructed the garage and it has stood there ever since. *See generally* Exhibit A (1996 variance application materials); *see also* Exhibit B (photo of current house and garage). The garage was originally designed with a hip roof but was built with a gable roof. We moved into the house in April 2020.

Harrison  
5050 Lake Mendota Drive

We have discussed our proposed changes to the garage with City Zoning Administrator Katie Bannon and Building Inspection Director Matt Tucker. They have informed us that because the garage sits within the setback, pursuant to MGO 28.134, any change in “bulk” requires a variance.

Bulk relates to the volume of a building in relation to its surroundings. In relevant part, “bulk” is defined as:

the size and setbacks of buildings or structures and the location of such buildings or structures with respect to one another, and includes the following:

- (a) Size and height of buildings.
- (b) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings. . . .

MGO 28.211.

We plan to leave the footprint and all the exterior walls of the existing garage exactly where they are. (We do intend to add a wider garage door -- within the existing footprint -- to give us better access to the garage, which sits at a 90-degree angle to the narrow driveway.)

The current gable ridge runs north-south, such that the highest point of the garage wall (9’2½”) is readily visible from the street. The side of the roof that slopes to the east is visible from the driveway, and from the street for those heading west. The sloped side of the roof on the west is not readily visible from the street because our neighbor’s garage largely blocks the view. *See Exhibit C* (photo showing street view of garage from the west).

The only change related to the variance would be to remove and replace the garage roof. The new roof would be a shed roof with the ridge located along the west side of the garage. From the house (the north) and the street (the south), the roof structure would be reduced by 13 square feet, as the new shed roof would top out for building height at 8’9” (5.5” lower than the current roof). From the driveway and westbound street traffic (the east), the bulk will also be reduced. Moreover, any increase in bulk to the west would be largely unapparent because of the location of our western neighbor’s garage. Importantly, our neighbor to the west supports the variance request.

In short, the planned renovations will decrease the overall height and bulk of the garage. *See generally Exhibit D* (drawings of planned renovations).

### STANDARDS FOR VARIANCE

- 1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.**

Both our immediate neighbors (to the east and the west) have garages on the right-of-way line. *See Exhibit E* (Site Plan); *see also Exhibit C* (photo showing street view of garage from the west). The garages are placed there because, unlike other properties in the district, our three

Harrison  
5050 Lake Mendota Drive

homes could not have been constructed any farther back from the road, because of a City sewer line that runs behind all three homes. In addition, unlike other properties in the district, our rear yards are severely sloped. Front-yard garages, spaced strategically among mature oak trees, were the only option.

**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.**

MGO 128.32 is intended to make sure that structures do not become disproportionately large. Our proposal will reduce the height and bulk of the garage, making it smaller in proportion to adjacent properties.

More generally, the policies behind the zoning ordinances include, among other goals:

(l) . . . to enhance the aesthetic desirability of the environment as well as the design of buildings.

(m) To encourage reinvestment in established urban neighborhoods while protecting their unique characteristics.

(n) To stabilize, protect, and enhance property values.

MGO 28.002. By replacing the gable roof with a shed roof to complement the new roofline of the main residence, we intend to improve the design of both buildings, to reinvest in our neighborhood, and to enhance property values.

**3. For an area 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.**

We intend to decrease the bulk of our garage from the street-view. That promotes the goals of the bulk regulation as well as the more general goals of zoning ordinances to allow homeowners to improve design and encourage reinvestment. If the strict letter of the ordinance were followed in this instance, we would not be able to take steps to serve the very purpose of the regulation: to limit bulk.

**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 garage and the house were constructed long ago, before we owned the property. Accordingly, we had no control over the location or design of the garage.

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

The only adjacent property potentially affected by the renovated garage roofline is our immediate neighbor to the west. However, as described above, her garage blocks much of the

Harrison  
5050 Lake Mendota Drive

view of our garage from her property. In addition, we have spoken with her and can represent that she supports our variance request.

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

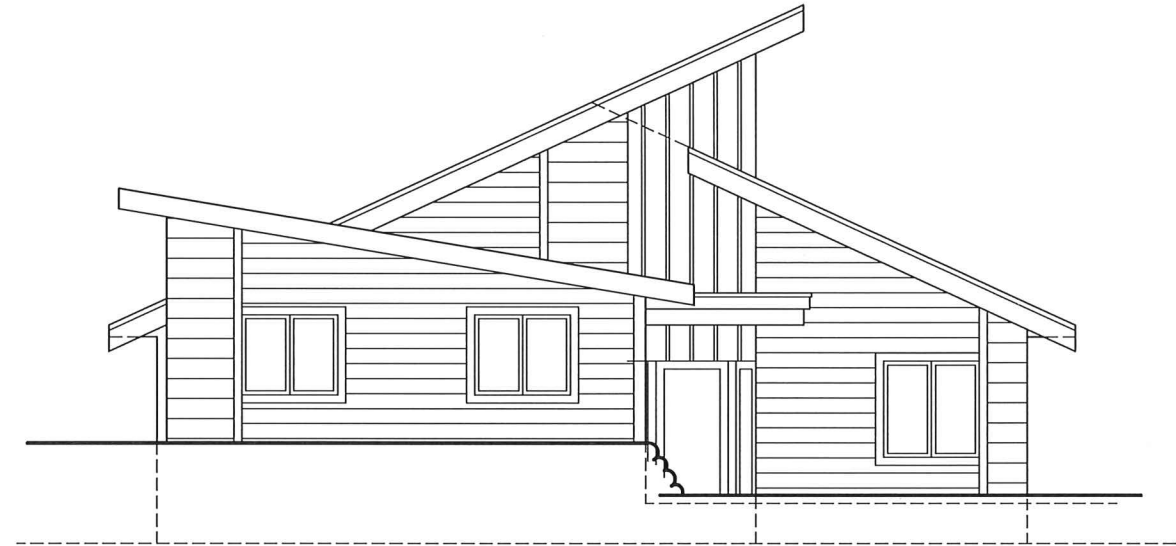
The homes in our neighborhood attempt to achieve architectural consistency. In other words, the design elements of the homes generally match those of auxiliary structures such as garages. That makes for a visually appealing neighborhood. We are trying to maintain that character by renovating the garage roofline at the same time as we renovate the roofline of the house.



# Exhibit D


## SHEET INDEX

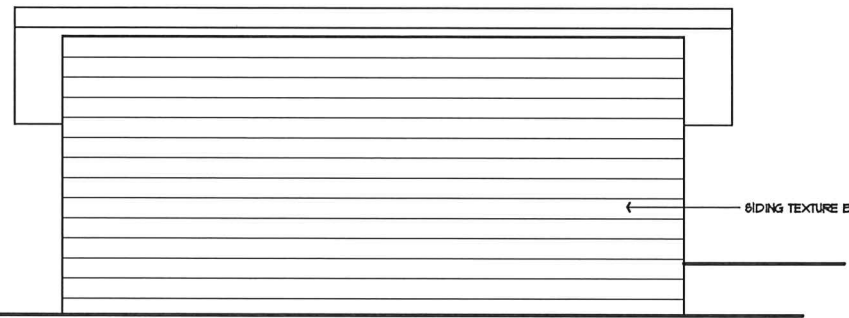
CS	COVER SHEET
C1	SITE PLAN
A1	EXISTING GARAGE & PROPOSED GARAGE ELEVATIONS
A2	REFERENCE DRAWINGS FOR ARCHITECTURAL DESIGN INTENT



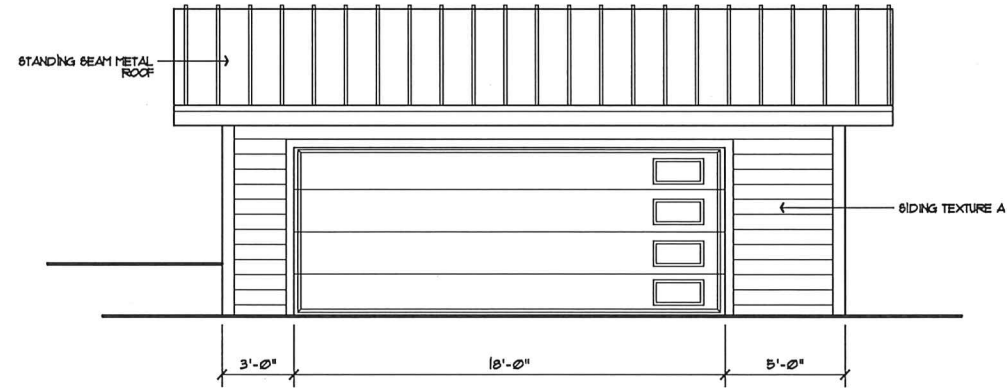
# THE HARRISON RESIDENCE

This design is copyrighted © 03-19-24

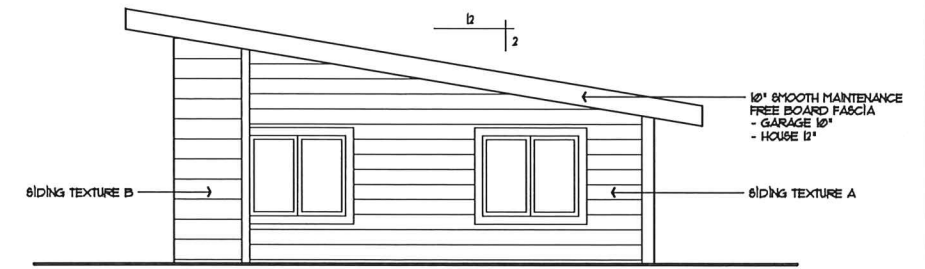
 <p><b>Drafting Your Dreams, LLC</b></p> <p>EXCEPTIONALLY CRAFTED DESIGNS SINCE 1989 www.draftingyourdreams.com</p>	<p>THESE DRAWINGS ARE FOR DESIGN INTENT PURPOSES ONLY AND DO NOT INCLUDE SOIL OR STRUCTURAL ANALYSIS.</p> <p>DRAWINGS ARE NOT FOR CONSTRUCTION. DRAWINGS ONLY FOR ZONING VARIANCE PURPOSES.</p>	<p>OWNER <b>HARRISON</b></p>
	<p>DATE <b>03-19-2024</b></p> <p>DESIGN BY: <b>STEVEN M. CONNOR</b> 608-444-4315</p>	<p>PROJECT <b>GARAGE RENOVATION</b></p> <p>LOCATION 5050 LAKE MENDOTA DR. MADISON, WI</p> <p>SHEET NO. <b>CS of CS</b></p>



1 GARAGE WEST ELEVATION  
AI SCALE: 1/8" = 1'-0"

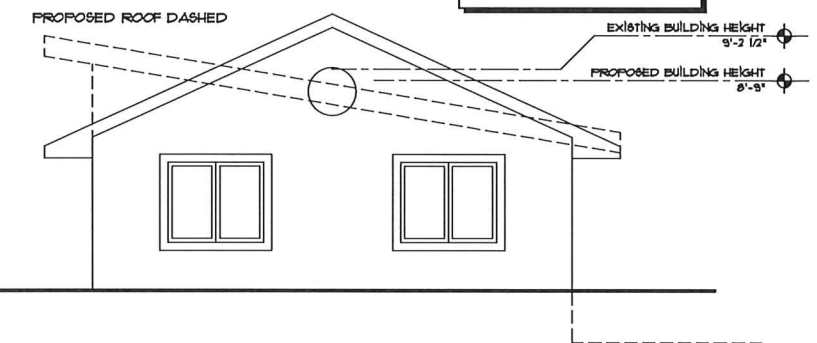


2 GARAGE EAST ELEVATION  
AI SCALE: 1/8" = 1'-0"

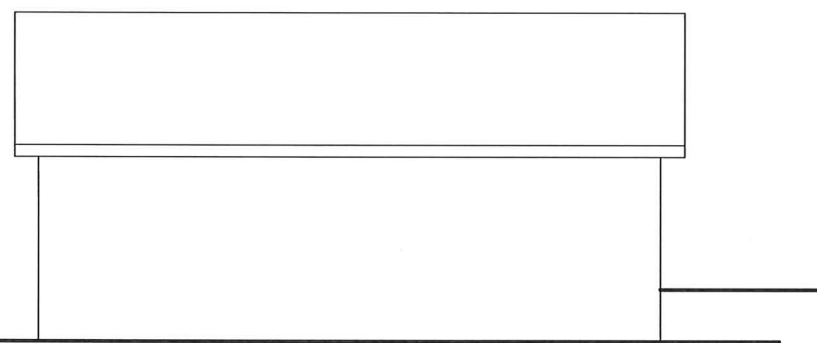


3 GARAGE SOUTH ELEVATION  
AI SCALE: 1/8" = 1'-0"

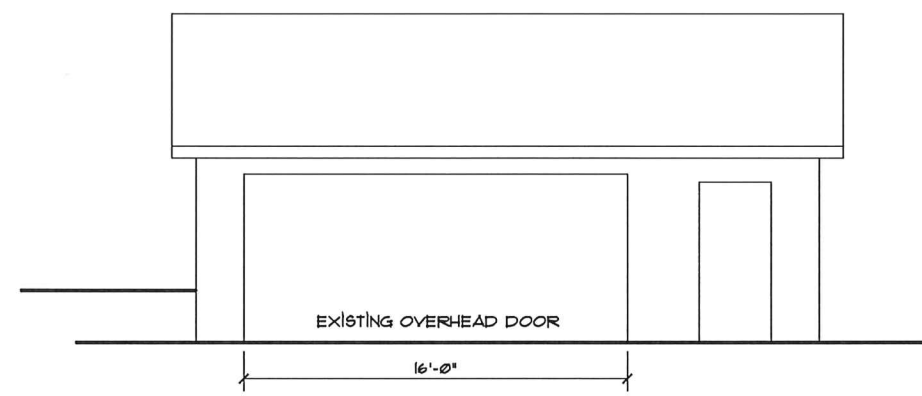
VOLUME REDUCTION OF 13 SQUARE FEET ON THIS STREET ELEVATION  
EXISTING 100 SQUARE FEET  
PROPOSED 115 SQUARE FEET  
BULK REDUCTION OF BUILDING HEIGHT 16 5/12"



6 EXISTING GARAGE SOUTH ELEVATION  
AI SCALE: 1/8" = 1'-0"

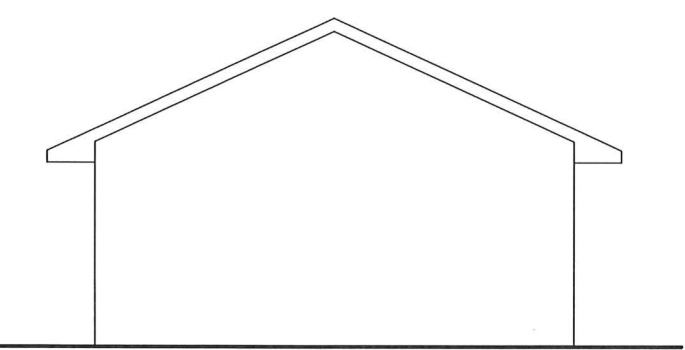


4 EXISTING GARAGE WEST ELEVATION  
AI SCALE: 1/8" = 1'-0"

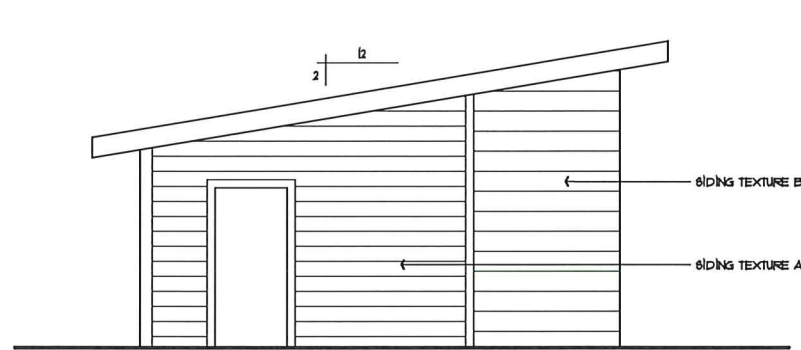


5 EXISTING GARAGE EAST ELEVATION  
AI SCALE: 1/8" = 1'-0"

6 EXISTING GARAGE SOUTH ELEVATION  
AI SCALE: 1/8" = 1'-0"




7 EXISTING GARAGE NORTH ELEVATION  
AI SCALE: 1/8" = 1'-0"



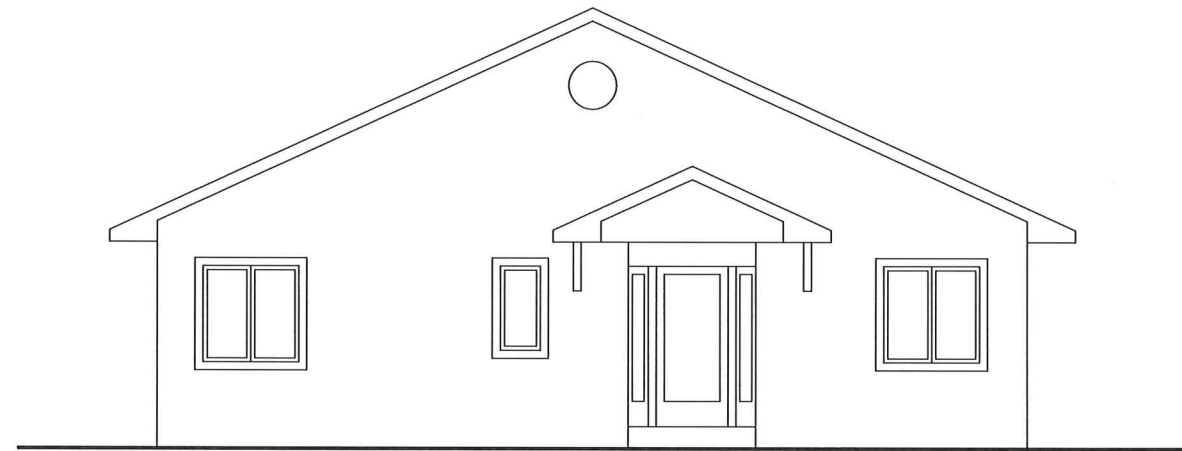
8 GARAGE NORTH ELEVATION  
AI SCALE: 1/8" = 1'-0"

ALL ROOF EAVES AND GABLES TO HAVE 2'-0" OVERHANGS

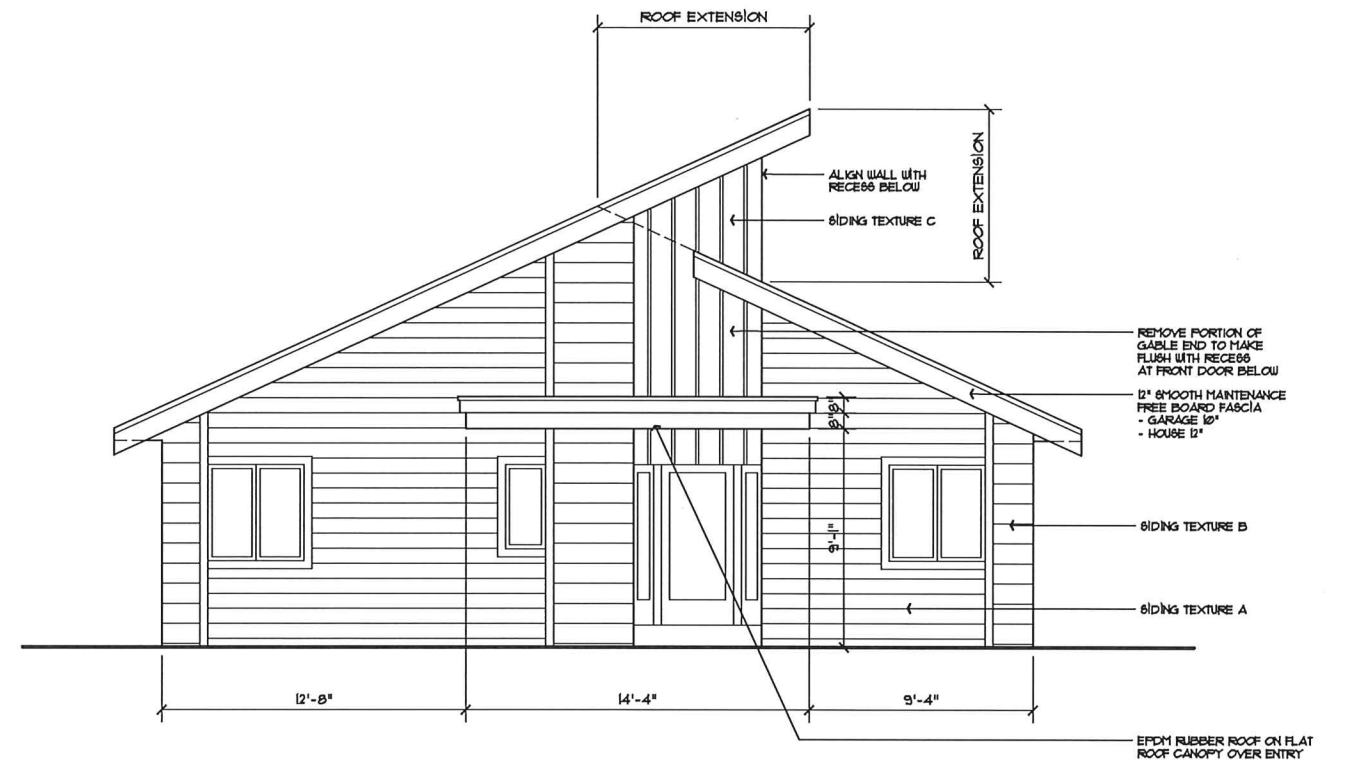
This design is copyrighted © 03-19-24

 <p><b>Drafting Your Dreams, LLC</b></p> <p>EXCEPTIONALLY CRAFTED DESIGNS SINCE 1989 www.draftingyourdreams.com</p>	<p>THESE DRAWINGS ARE FOR DESIGN INTENT PURPOSES ONLY AND DO NOT INCLUDE SOIL OR STRUCTURAL ANALYSIS.</p> <p>DRAWINGS ARE NOT FOR CONSTRUCTION. DRAWINGS ONLY FOR ZONING VARIANCE PURPOSES.</p>	<p>OWNER <b>HARRISON</b></p>
	<p>DATE 03-19-2024</p> <p>DESIGN BY: STEVEN M. CONNOR 608-444-4315</p>	<p>PROJECT <b>GARAGE RENOVATION</b></p>
<p>LOCATION 5050 LAKE MENDOTA DR. MADISON, WI</p>	<p>SHEET NO. <b>A1 of A2</b></p>	

PRIMARY RESIDENCE DRAWINGS INCLUDED FOR REFERENCE TO GARAGE ARCHITECTURAL CHANGE




1 EXISTING SOUTH ELEVATION - PRIMARY RESIDENCE  
A2 SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION - PRIMARY RESIDENCE  
A2 SCALE: 1/8" = 1'-0"

ALL ROOF EAVES AND GABLES  
TO HAVE 2'-0" OVERHANGS

This design is copyrighted © 03-19-24

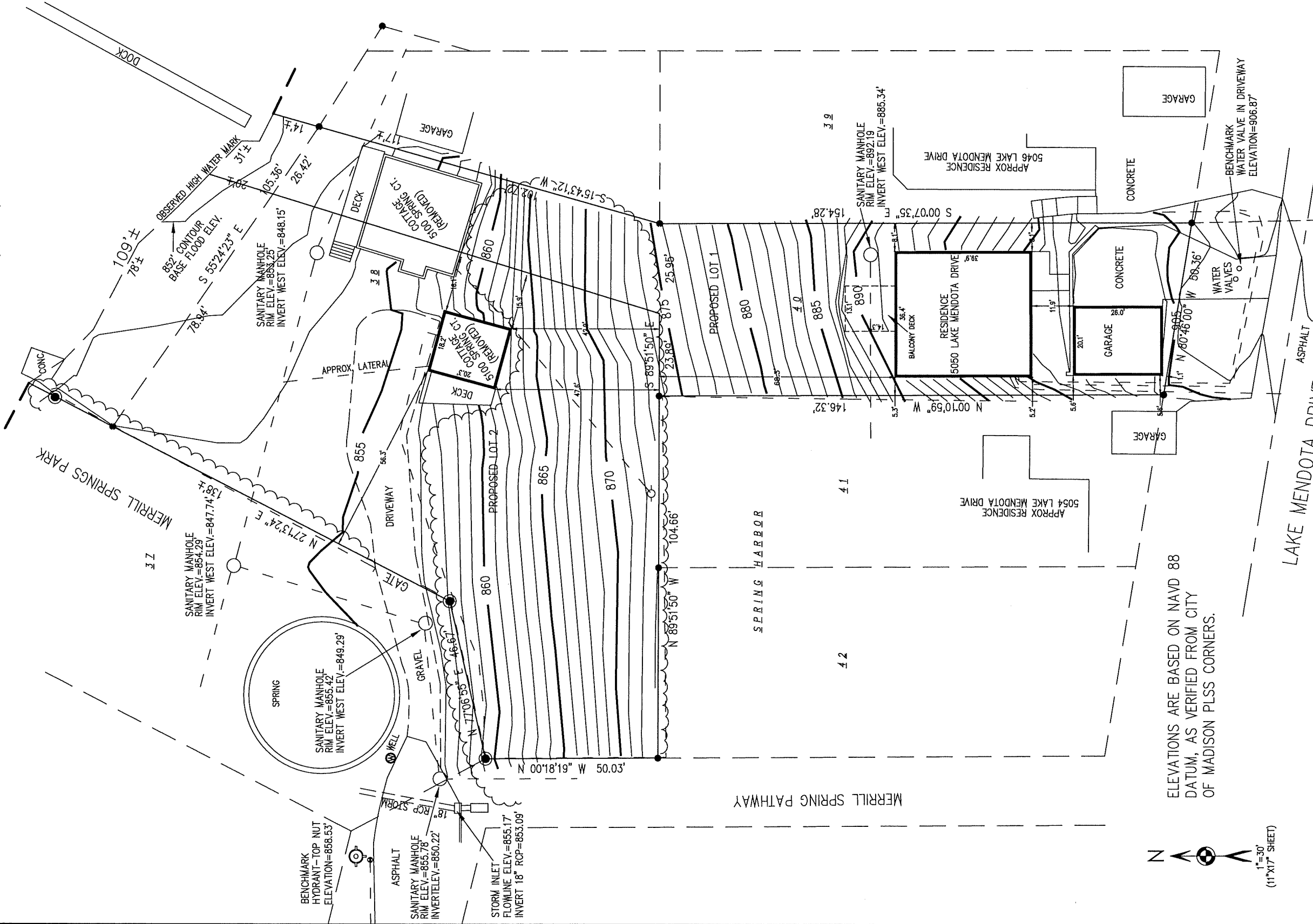
 <p><b>Drafting Your Dreams, LLC</b></p> <p>EXCEPTIONALLY CRAFTED DESIGNS SINCE 1989 www.draftingyourdreams.com</p>	<p>THESE DRAWINGS ARE FOR DESIGN INTENT PURPOSES ONLY AND DO NOT INCLUDE SOIL OR STRUCTURAL ANALYSIS.</p> <p>DRAWINGS ARE NOT FOR CONSTRUCTION. DRAWINGS ONLY FOR ZONING VARIANCE PURPOSES.</p>	<p>OWNER <b>HARRISON</b></p>
	<p>DATE 03-19-2024</p> <p>DESIGN BY: STEVEN M. CONNOR 608-444-4375</p>	<p>PROJECT <b>GARAGE RENOVATION</b></p> <p>LOCATION 5050 LAKE MENDOTA DR. MADISON, WI</p>
		<p>SHEET NO. <b>A2 of A2</b></p>

# MARGETIS TOPOGRAPHIC SITE PLAN

LOT 40 AND PART OF LOT 38, BLOCK 1, SPRING HARBOR SUBDIVISION

DATE 03-18-2024

SHEET NO



ELEVATIONS ARE BASED ON NAVD 88 DATUM, AS VERIFIED FROM CITY OF MADISON PLSS CORNERS.



1"=30'  
(11"x17" SHEET)

- LEGEND**
- 3/4" SOLID IRON ROD FOUND
  - ⊙ IRON PIPE FOUND
  - ( ) INDICATES RECORDED AS
- DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.

SOUTH 1/4 CORNER  
SECTION 18, T7N, R9E  
CITY OF MADISON BRASS CAP  
N: 483057.33  
E: 797293.26

SOUTHEAST 1/4 CORNER  
SECTION 18, T7N, R9E  
CITY OF MADISON BRASS CAP  
N: 483119.29  
E: 799941.86

N 88°39'36" E 2649.32'  
616.80'

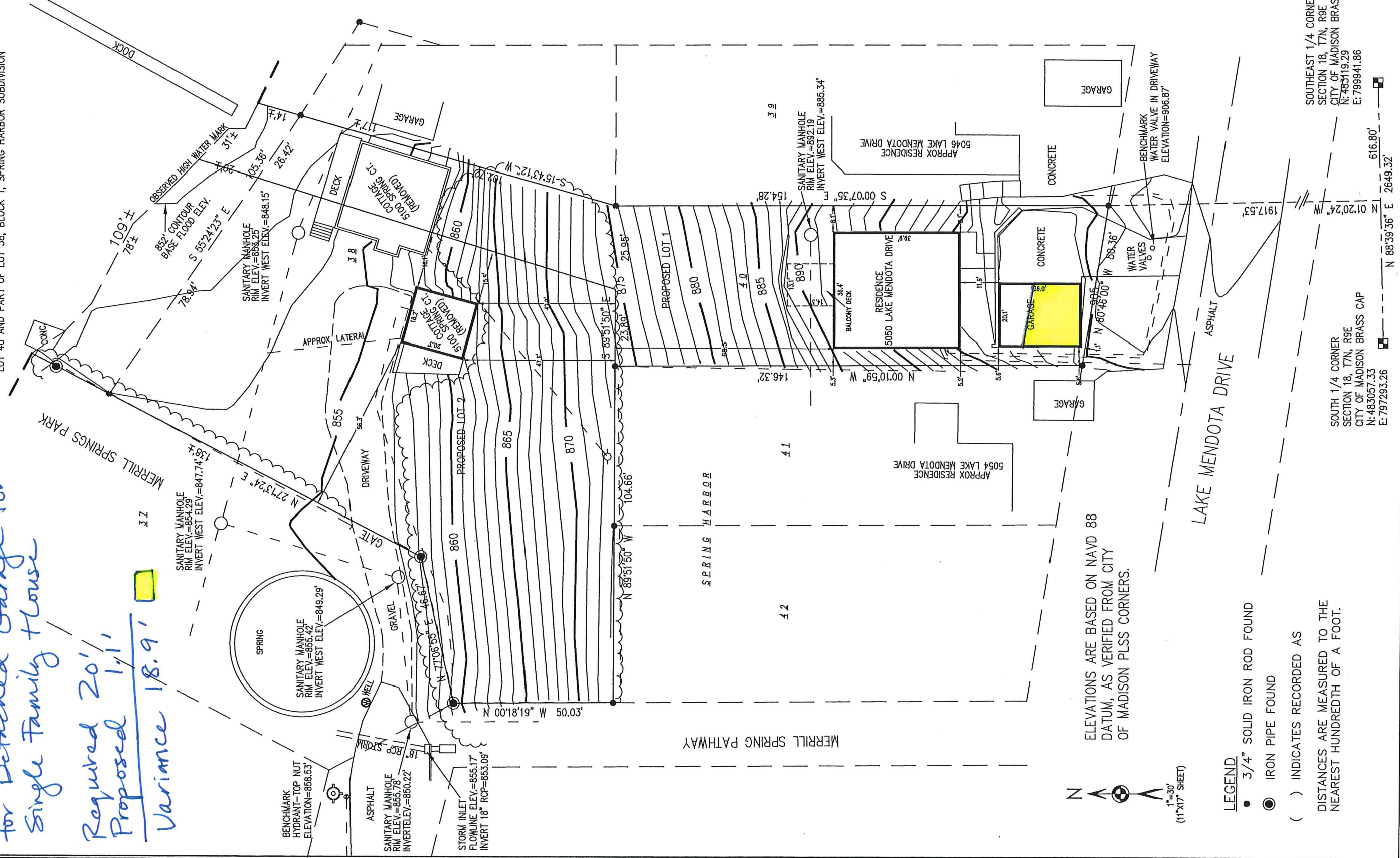
N 01°20'24" W 1917.53'

# MARGETIS TOPOGRAPHIC SITE PLAN

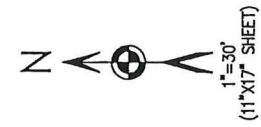
LOT 40 AND PART OF LOT 38, BLOCK 1, SPRING HARBOR SUBDIVISION

DATE 03-18-2024  
SHEET 3

*Front Setback Variance for Detached Garage for Single Family House*  
*Required 20'*  
*Proposed 1.1'*  
*Variance 18.9'*



ELEVATIONS ARE BASED ON NAVD 88 DATUM, AS VERIFIED FROM CITY OF MADISON PLSS CORNERS.



- LEGEND**
- 3/4" SOLID IRON ROD FOUND
  - IRON PIPE FOUND
  - ( ) INDICATES RECORDED AS
- DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.

SOUTH 1/4 CORNER  
SECTION 18, T7N, R9E  
CITY OF MADISON BRASS CAP  
N: 483057.35  
E: 797293.26

SOUTHEAST 1/4 CORNER  
SECTION 18, T7N, R9E  
CITY OF MADISON BRASS CAP  
N: 483119.29  
E: 799941.86

N 01°20'24" W 1917.53'  
N 88°39'36" E 2649.32'  
616.80'

# **Exhibit A**





Standards for Variance. The Zoning Board of Appeals shall not vary the regulations of this ordinance, as authorized, unless it shall make findings based upon the evidence presented to it in each specific case that all of the following conditions are present:

1. The particular physical surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification.
3. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner.
4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.
5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than one (1) year from the date of such order unless a building permit is obtained within such period, and the erection or alteration of a building is started, or the use is commenced within such period.

This order shall be deemed revoked whenever any conditions or limitations hereby imposed upon the granting of the variance shall be violated.

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Standards for Variance. The Zoning Board of Appeals shall not vary the regulations of this ordinance, as authorized, unless it shall make findings based upon the evidence presented to it in each specific case that all of the following conditions are present:

1. The particular physical surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification.
3. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner.
4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.
5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than one (1) year from the date of such order unless a building permit is obtained within such period, and the erection or alteration of a building is started, or the use is commenced within such period.

This order shall be deemed revoked whenever any conditions or limitations hereby imposed upon the granting of the variance shall be violated.

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LAW OFFICES OF

**BAKKEN, FEIFAREK & TAYLOR**

A. J. FEIFAREK  
JAMES F. BAKKEN  
PAUL S. TAYLOR

UNIVERSITY STATION  
2828 MARSHALL COURT  
P.O. BOX 5546  
MADISON, WISCONSIN 53705  
FAX 608/231-3519  
608/231-3401

April 23, 1996

City of Madison  
Zoning Board of Appeals  
City-County Building  
210 Martin Luther King, Jr. Blvd.  
Madison, WI 53709

Re: Set Back Variance  
5050 Lake Mendota Drive, Madison, Dane County

To the Zoning Board of Appeals:

My clients have made an application for a set back variance of the 30 feet requirement in order to build a garage on their property.

The applicants purchased Lot 40, commonly known as 5050 Lake Mendota Drive, Madison, Dane County, Wisconsin, on 07/23/68 with the intent to build on it at some time in the future.

The lot is 50.6 feet wide and approximately 155 feet deep. However, when planning the building of their house it was discovered the buildable portion of the lot is limited by a city sewer line that crosses the property. The man hole cover on the sewer line is 94 feet from the right-of-way, making it impossible to build over it.

In addition, the 30 feet of the rear portion of the lot has an extreme slope, making it impossible to build in the rear portion of the lot and avoid the sewer line.

The applicants have built a house within 5.5 feet of the man hole. This was as close to the sewer line as was allowed. This created a problem for a garage placement.

There is no place to put a garage that complies with the set back requirements. Therefore, the zoning code has caused a legal hardship, and the variance is not requested because of expense to cure, as there is no way to cure.

The majority of the garages in the neighborhood are on the street

City of Madison  
Zoning Board of Appeals  
Page 2  
April 23, 1996

right-of-way line without any set back. This is true of the garages on both sides of the subject property.

Historically, this was done because of the topographical conditions of the lots.

The purpose of the variance is to have a garage, as do all of the neighbors. The problem has been caused by the sewer line and the topography of the lot.

The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, as the majority of garages and the garages on both sides of this lot are on the right-of-way line.

The granting of the variance will not endanger the public safety, as it will not create traffic congestion, nor will it substantially diminish or impair property values in the neighborhood. Rather, it will improve the area by allowing vehicles to be in the garage rather than in front of the house or within the right-of-way.

My clients therefore allege that the hardship is not self created and the request is due to a very unusual circumstance of a city sewer line running through the middle of the lot with the man hole in the way of any building.

Sincerely,

BAKKEN, FEIFAREK & TAYLOR

By:

A. J. Feifarek

AJF/cls

# Madison Survey Associates, Inc.

101 Nob Hill Road, Suite 104  
Madison, WI 53713

608-276-8886

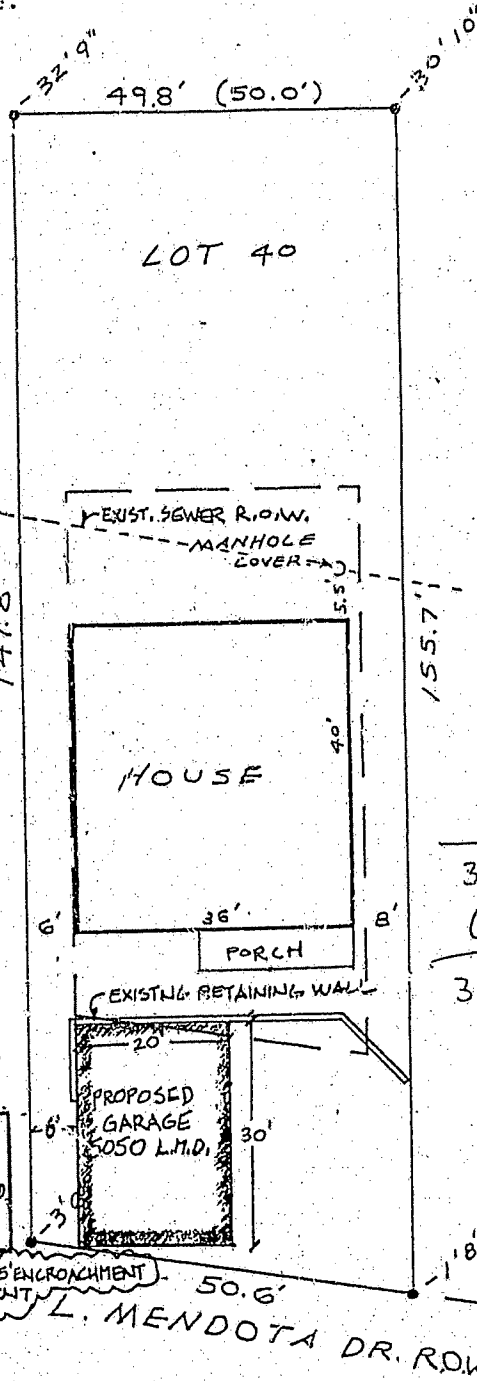
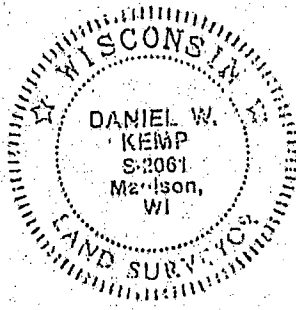
Fax 276-8883  
Mobile 575-6553

Residential and Commercial Mortgage Inspection and Survey  
Registered Surveyors & Expeditors

5050 LAKE MENDOTA DR.  
Lot 40, Block 1, Spring Harbor,  
City of Madison,  
Dane County, WI

FILE #: 95-02-0082-M

OWNER: Nick Margetis  
5046 L. Mendota Dr., Madison  
REQUESTED BY: Fehrman Homes, Inc.



Front Yard  
30' Required  
0 Provided  
30' Variances

SCALE: 1" = 20'  
● - FOUND I.P.  
--- BUILDING ENVELOPE

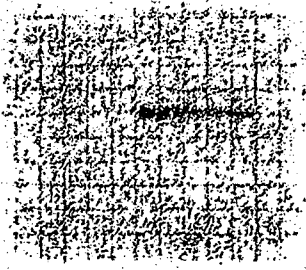
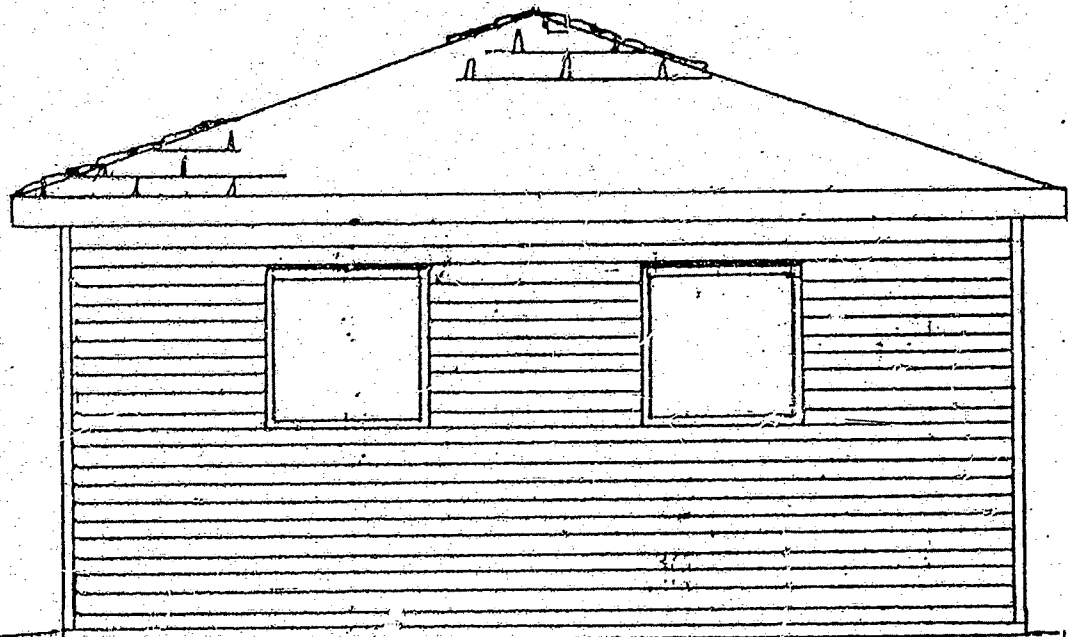
MINIMUM SETBACKS:  
FRONT 30.0'  
SIDES 6.0' each 14.0' total  
REAR 50.0'

NOTE: Elevations are based on a street elevation of 0' 00"

PLAT NORTH

I, Daniel W. Kemp, Wisconsin Registered Land Surveyor Number S-2061, hereby certify that I have surveyed the above described property and that the above map is a true and correct representation thereof and shows the location of the improvements and the exterior boundaries. This survey is made for the exclusive use of the present owners of the property and also those who purchase, mortgage or guarantee the title thereto within one year from date hereof and to them we certify the accuracy of said survey and map.

Dated this 8 Day of Feb, 19 95 Surveyor Daniel W Kemp



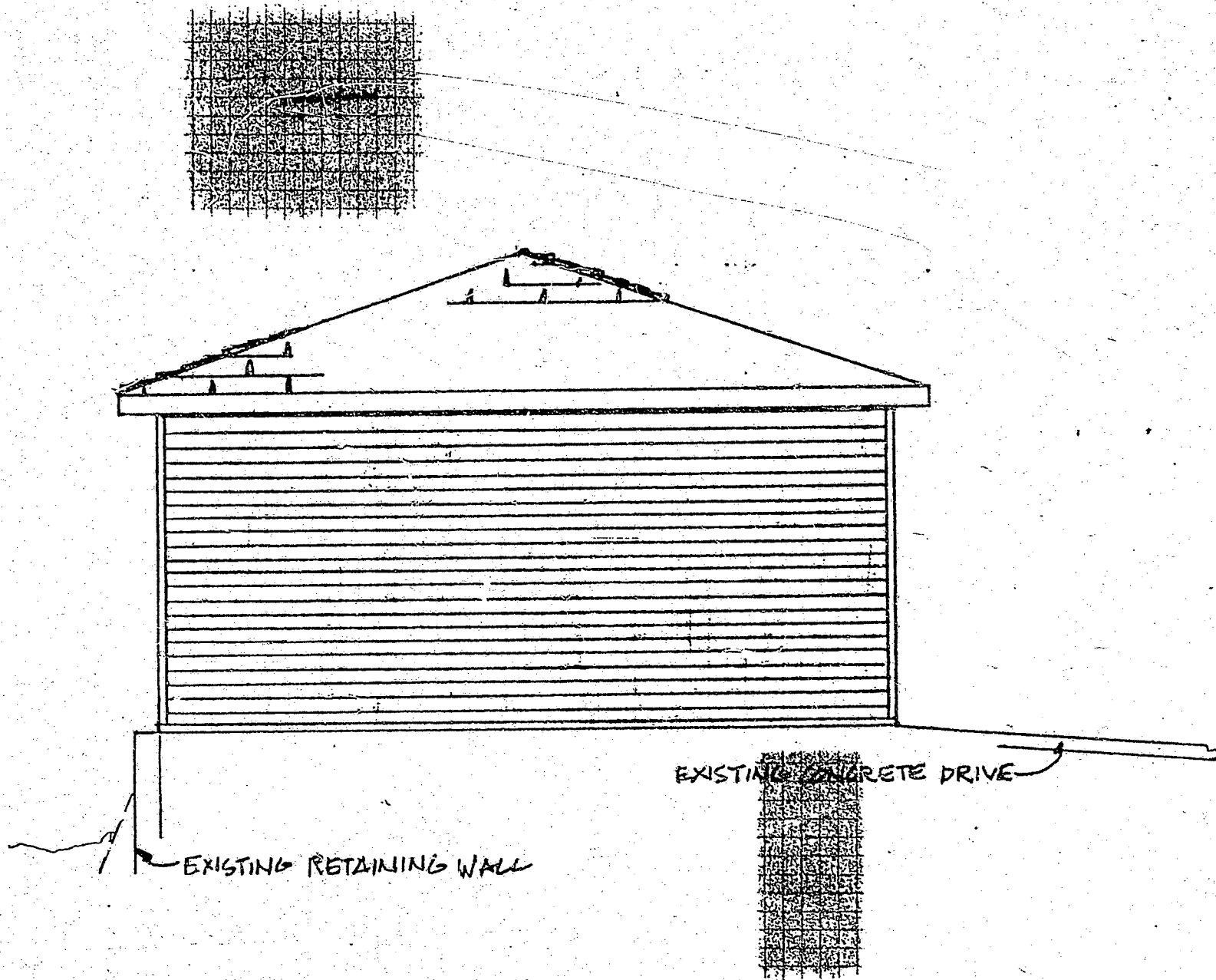
EXISTING CONCRETE DRIVE

EXISTING RETAINING WALL

NORTH ELEVATION

1/4" = 1'

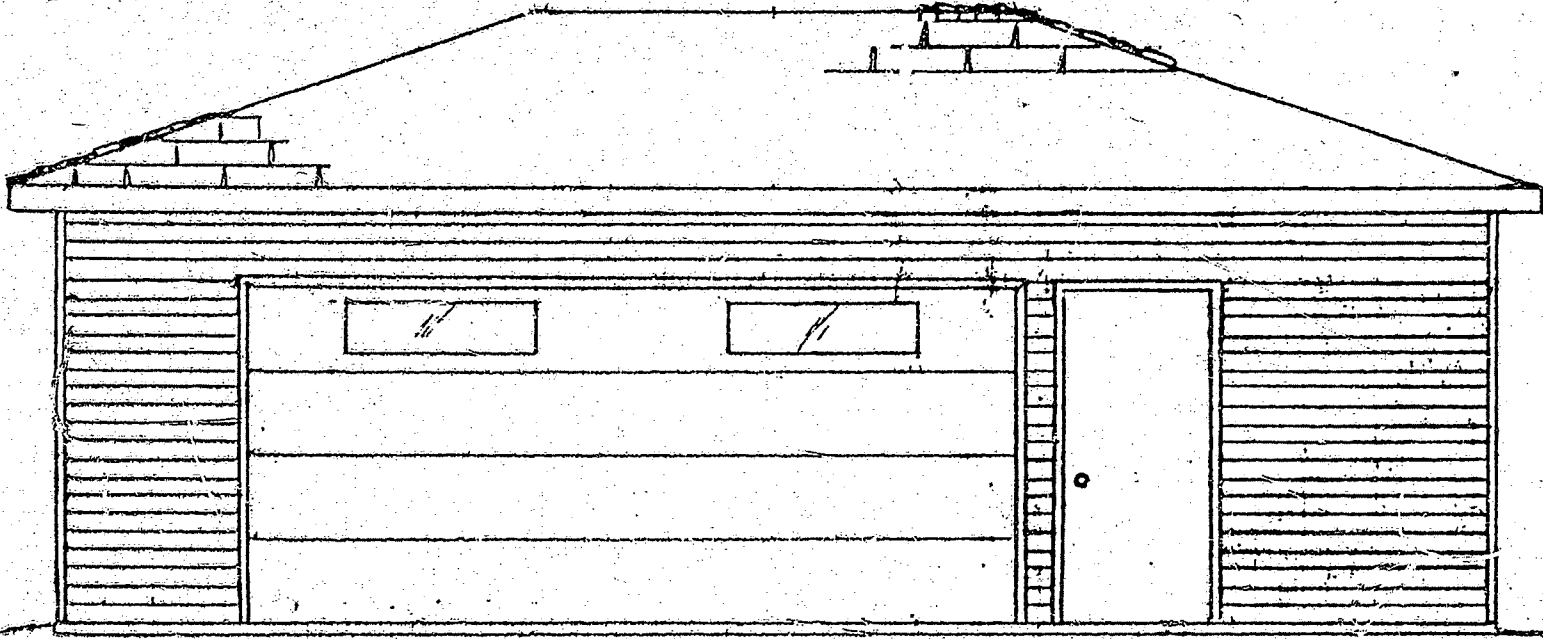
MARLETIS RESIDENCE  
1000 LANE MOUNTAIN RD



MARGETIS RESIDENCE  
5050 LAKE MENNOTA DR

SOUTH ELEVATION

$\frac{1}{4}'' = 1'$



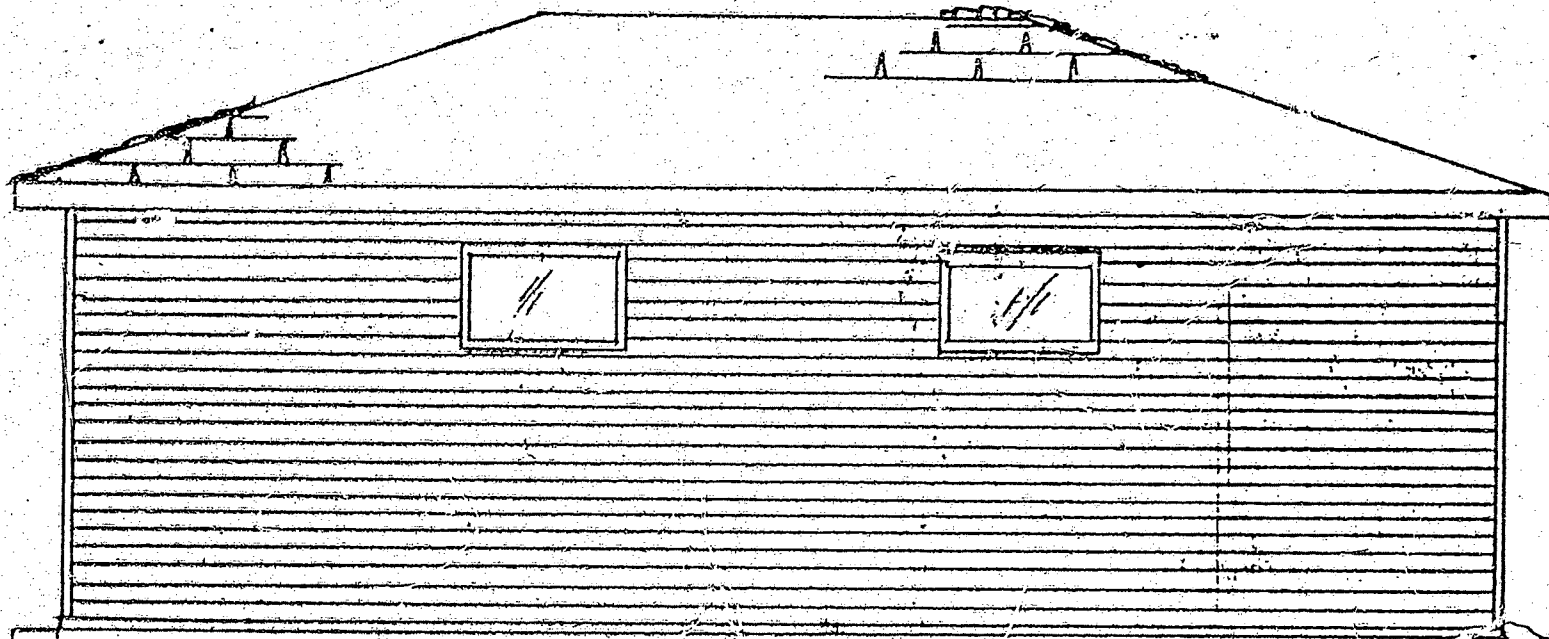
EXISTING RETAINING WALL

EAST ELEVATION

1/4" = 1'

MARGETIS RESIDENCE  
5050 LAKE MENDOTA DR.





EXISTING RETAINING WALL

WEST ELEVATION

$\frac{1}{4}'' = 1'$

MARGETIS RESIDENCE

5050 LAKE MEADOW DR



**ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
5050 Lake Mendota Drive**

**Zoning:** R2

**Owner:** Nicholas M. and Mary Margetis

**Technical Information:**

**Lot Size:** 50' x 151.75' **Minimum R2 Lot Width:** 50'

**Lot Area:** 7,587.50 sq. ft. **Minimum R2 Lot Area:** 6,000 sq. ft.

**M.G.O. Section Requiring Variance:** 28.08(2)(f)1.

**Analysis:**

The applicant wishes to construct a 20' x 30' detached garage on the front property line. This is not a lakefront home, but has an extreme grade difference from front to back. The garages on both sides of the applicant are on or over the front property line. The 20' x 30' garage could be excessive, but hardships exist for a front yard variance.

**Comments Relative to Standards:**

1. **Topographical hardship:** Topography is severe. There is absolutely no access to the side or rear yard.
2. **Similarity with other properties:** This property is slightly larger than the R2 minimums, but smaller than the surrounding neighborhood lots.
3. **Economic or material gain:** The owner currently lives next door at 5046. Does he intend to move and owner occupy?
4. **Hardship caused by current owner:** The house was constructed by Margetis in 1995.
5. **Detrimental to public welfare or other properties:** Since the terrace area appears to be quite extensive, the garage placement should not be a vision or a safety hazard, and not be detrimental to public welfare.
6. **Impairment of light or air or endangerment of public safety:** It should not impair light or air or endanger public safety.

**Section Number Which Authorizes the Variance:** 28.12(8)(d)1.

**Other Comments:** A drive area (parking) appears to be constructed immediately to the east of the garage location.

A variance request to build a new house and garage was denied in August 1994. (Attached)

Chuck Gates  
5050 Lake Mendota Drive  
Madison, WI 53705  
Tel - (608) 233-6106  
W - (608) 221-4499  
Fax - (608) 221-2824

October 20, 1996

Zoning Board of Appeals  
P.O. Box 2984  
Madison, WI 53701-2984

Re: Zoning setback variance for 5050 Lake Mendota Drive

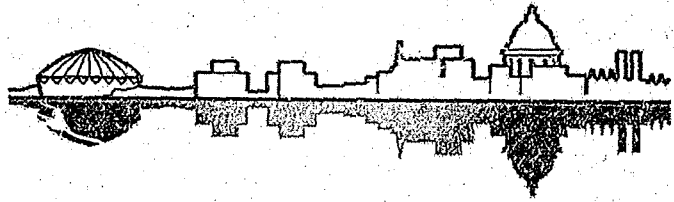
Dear Sir/Ms,

We have no objections to the proposed variance. Please feel free to contact me if I can be of any service to you.

Sincerely,



Exhibit One  
102496-3



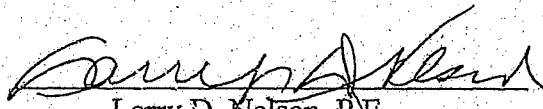
**CITY OF MADISON  
ENGINEERING DIVISION  
210 Martin Luther King Jr. Blvd., Rm. 115  
Madison, WI 53710 (608) 266-4751**

**FAX (608) 264-9275  
TDD (608) 267-8677**

**Date:** October 21, 1996  
**To:** George Carran, City Zoning Board of Appeals  
**From:** Larry D. Nelson, P.E., City Engineer  
**Subject:** 5050 Lake Mendota Drive

City Engineering Comments are as follows for the Zoning variance at 5050 Lake Mendota Drive:

The owner shall modify drainage of side lot lines and rear lot lines as necessary to accommodate additional runoff and/or change in direction of runoff discharge.

  
Larry D. Nelson, P.E.  
City Engineer

LDN:JS:mjb

cc: Alderperson Steve Holtzman 19th Aldermanic District

Exhibit Two  
102496-3

James P. Dillard  
5054 Lake Mendota Drive  
Madison, WI 53706

October 22, 1996

Members of the Zoning Board  
Department of Planning & Inspection  
Madison Municipal Building

Board Members,

I have examined the plans for a garage at 5050 Lake Mendota Drive. I have no objections.

Sincerely

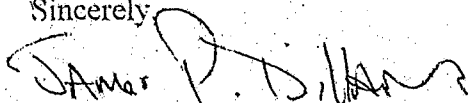
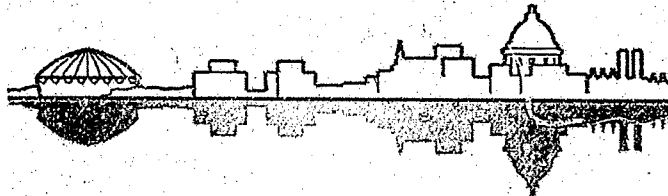
  
James P. Dillard

Exhibit Three  
102496-3



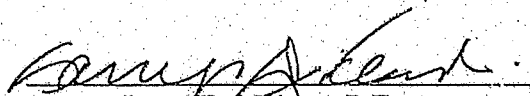
**CITY OF MADISON  
ENGINEERING DIVISION  
210 Martin Luther King Jr. Blvd., Rm. 115  
Madison, WI 53710 (608) 266-4751**

**FAX (608) 264-9275  
TDD (608) 267-8677**

**Date:** November 14, 1996  
**To:** George Carran, City Zoning Board of Appeals  
**From:** Larry D. Nelson, P.E., City Engineer  
**Subject:** 5050 Lake Mendota Drive

City Engineering Comments are as follows for the Zoning variance at 5050 Lake Mendota Drive:

The owner shall modify drainage of side lot lines and rear lot lines as necessary to accommodate additional runoff and/or change in direction of runoff discharge.

  
Larry D. Nelson, P.E.  
City Engineer

LDN:JS:mjb

cc: Alderperson Steve Holtzman, 19th Aldermanic District

CITY OF MADISON  
 BUILDING INSPECTION  
 215 Martin Luther King, Jr. Boulevard  
 P.O. Box 2984  
 Madison, WI 53701-2984

# Madison Uniform Building Permit Application

Permit No. **3197267028** **RMT**  
 Parcel No. **0709-184-0126-0**

**PROJECT LOCATION** **Construction**

Building Address: **5050 Lake Mendota Dr** Phone: \_\_\_\_\_ Lot No: **40** Block No: **1**

Zoning District: **R2** Lot Area: **7,388.00** sq. ft. Subdivision: **SPRING HARBOR**

**PERMIT REQUESTED**

Contractor's Name: **OWNER** Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_ Project Owner: \_\_\_\_\_  
 Fax: \_\_\_\_\_

Owner's Name: **MARGETIS, NICHOLAS M & MARY MARGETIS** Mailing Address: **5046 LAKE MENDOTA DR  
 MADISON, WI 53705** Phone: \_\_\_\_\_ Building Inspector Assigned: **BILL W KORSGARD  
 (608)266-4504**

**PROJECT**  
**NEW BUILDING**

USE	PROPERTY USE	CONST. TYPE
Residential	GARAGE/RESIDENTIAL (DETACHED)	Not entered

CONST. CLASS	FOUNDATION	STORIES	USE (Res.)	UNITS Added or Deleted
8 WOOD FRAME UNPROTECTED	Not entered	1	Permanent	Not applicable

AREA	ELECTRICAL	SEWER	WATER
520 sq. ft.	Entrance Panel Size: Not entered Service: Not entered	Municipal	Municipal

HVAC EQUIPMENT LIST				
Make	Model	Type	Fuel	BTU

**BRIEFLY DESCRIBE PROJECT**  
 20x26 detached garage

NOTE: Mechanical Sub Inspection Unit by _____ with this application must be completed and returned to the _____ (AC, and Electrical contractors prior to start of work. No	ESTIMATED COST: \$ 5,000.00
--	--------------------------------

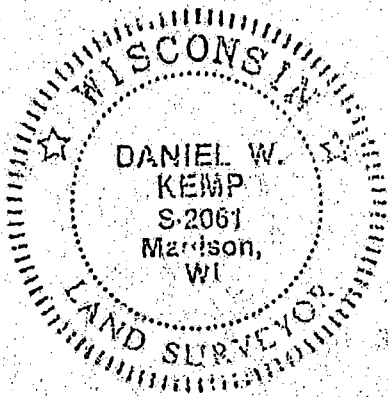
**FEES** **CONDITIONS OF APPROVAL** This permit is issued to the following conditions. Failure to comply may result in suspension of revocation of this permit or other penalty.

**DETACHED GARAGES** **NOT IN A DESIGNATED FLOOD PLAIN**  
**ZONING BOARD OF APPEALS**

<b>PERMIT ISSUED BY:</b> rmt	<b>DATE:</b> 09/24/1997	<b>ZONING APPROVAL:</b> GCC PER ZB
<b>TOTAL FEE:</b> \$ 31.00	<b>STATE SEAL NO.</b>	



OWNER: Nick Margetis  
 5046 L. Mendota Dr., Madison  
 REQUESTED BY: Mehrman Homes, Inc.



49.8' (50.0')  
 32.9"  
 30.10"

LOT 40

**ZONING APPROVED**  
 DATE 9-24-97  
 BY *[Signature]*  
 ZONING ADMINISTRATOR-MADISON, WISCONSIN  
 P02284 12-5-96

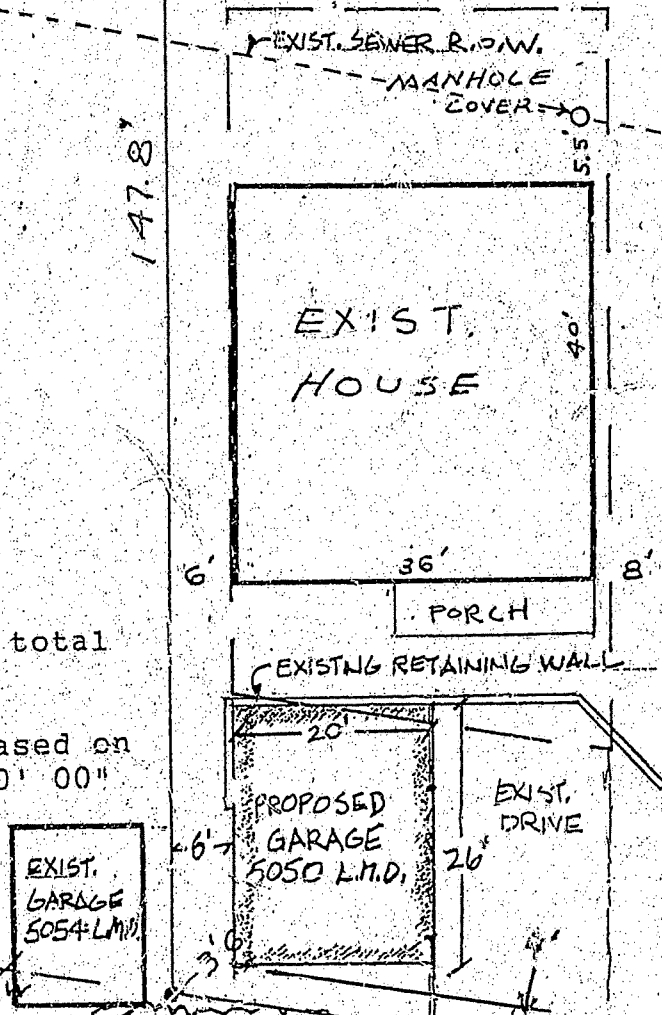


SCALE: 1" = 20'  
 • - FOUND I.P.  
 --- BUILDING ENVELOPE

MINIMUM SETBACKS:  
 FRONT 30.0'  
 SIDES 6.0' each 14.0' total  
 REAR 50.0'

NOTE: Elevations are based on a street elevation of 0' 00"

PLAT NORTH



EXIST GARAGE 5046

50.6'  
 L. MENDOTA DR. RDW.

I, Daniel W. Kemp, Wisconsin Registered Land Surveyor Number S-2061, hereby certify that I have surveyed the above described property and that the above map is a true and correct representation thereof and shows the location of the improvements and the exterior boundaries. This survey is made for the exclusive use of the present owners of the property and I do not warrant the title thereto within one year from date hereof and to them we certify

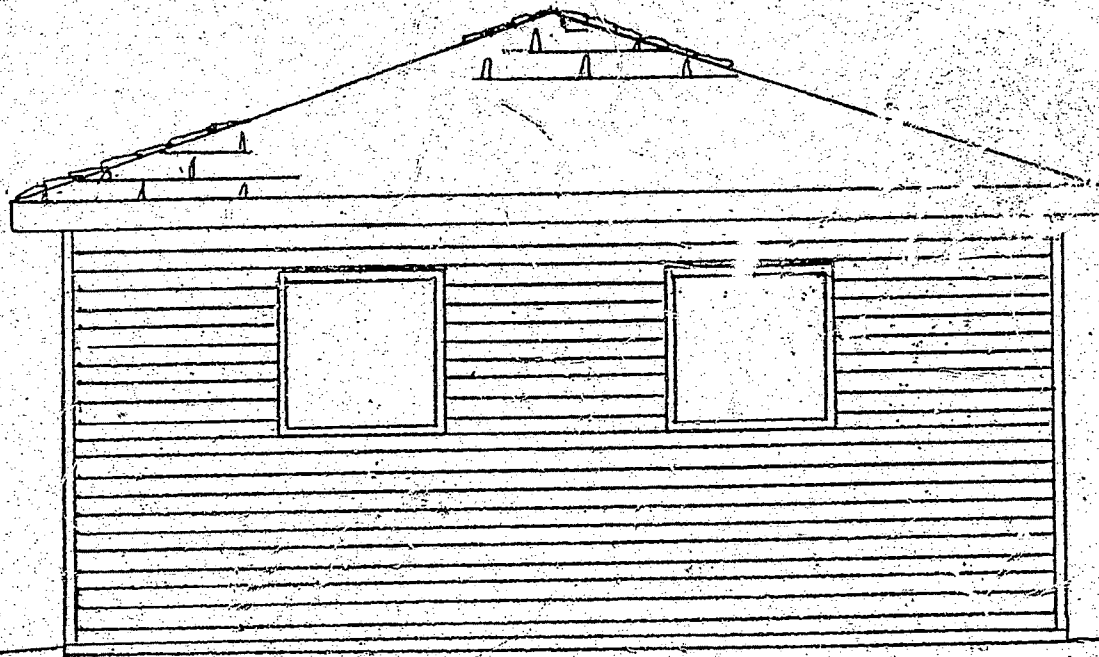


EXISTING CONCRETE DRIVE

EXISTING RETAINING WALL

MARGETIS RESIDENCE  
5050 LAKE MENDOTA DR.

SOUTH ELEVATION  
1/4" = 1'



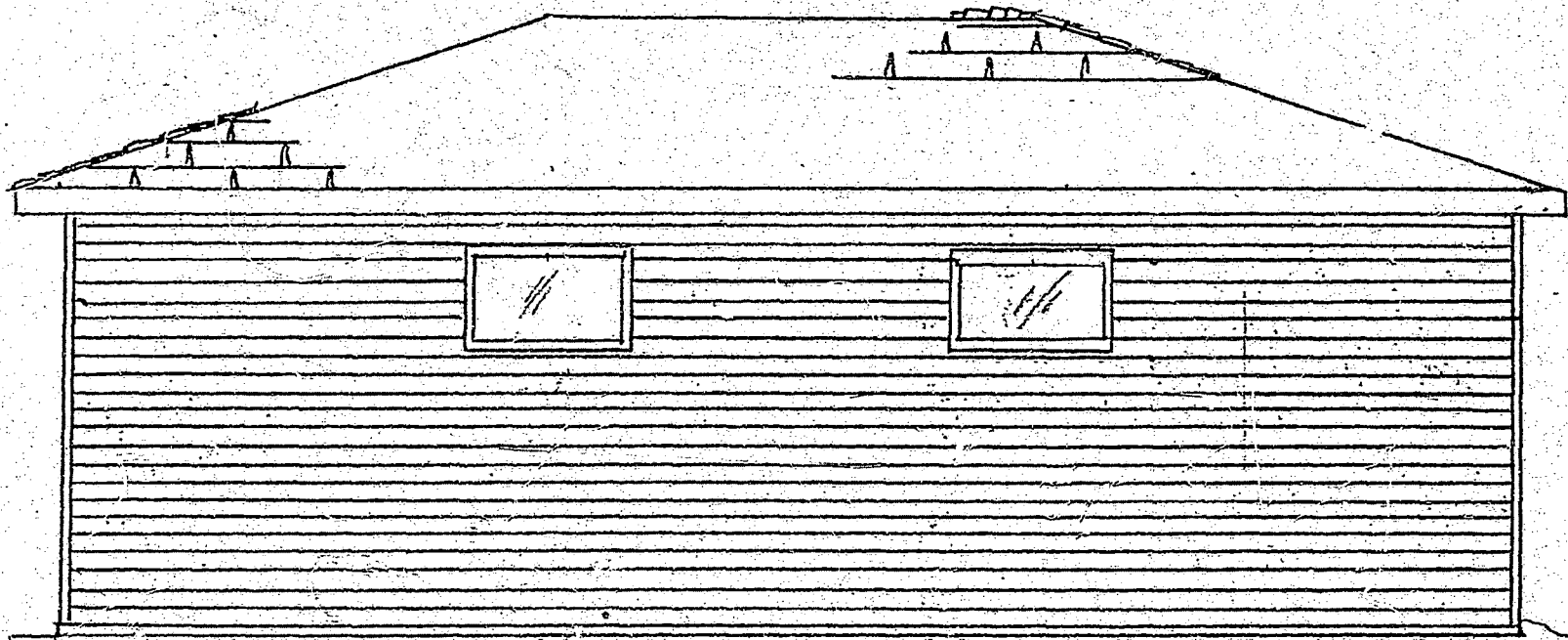
EXISTING CONCRETE DRIVE

EXISTING RETAINING WALL

NORTH ELEVATION

$\frac{1}{4}'' = 1'$

MARLETIS RESIDENCE  
5050 LAKE MENAOTA DR.



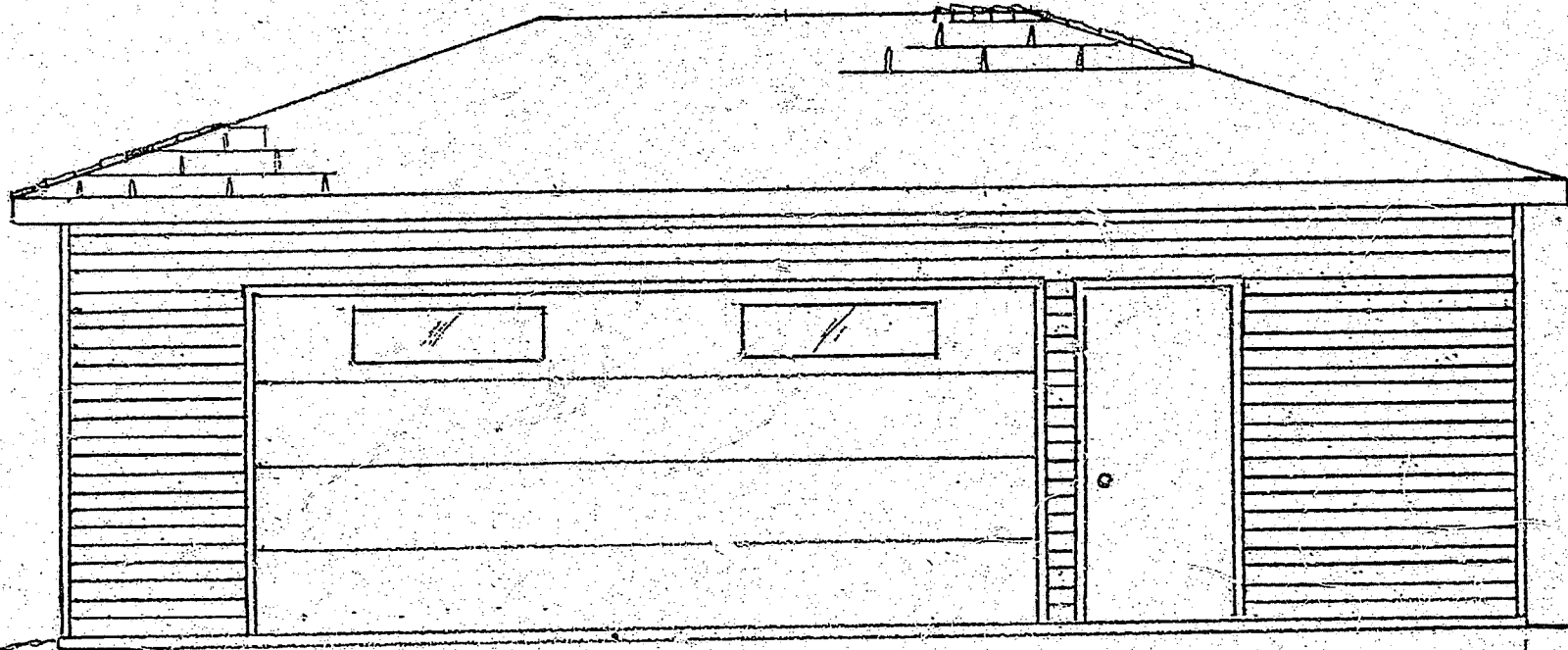
EXISTING RETAINING WALL

WEST ELEVATION

1/4" = 1'

MARGETIS RESIDENCE

5050 LAKE MEADOW DR.

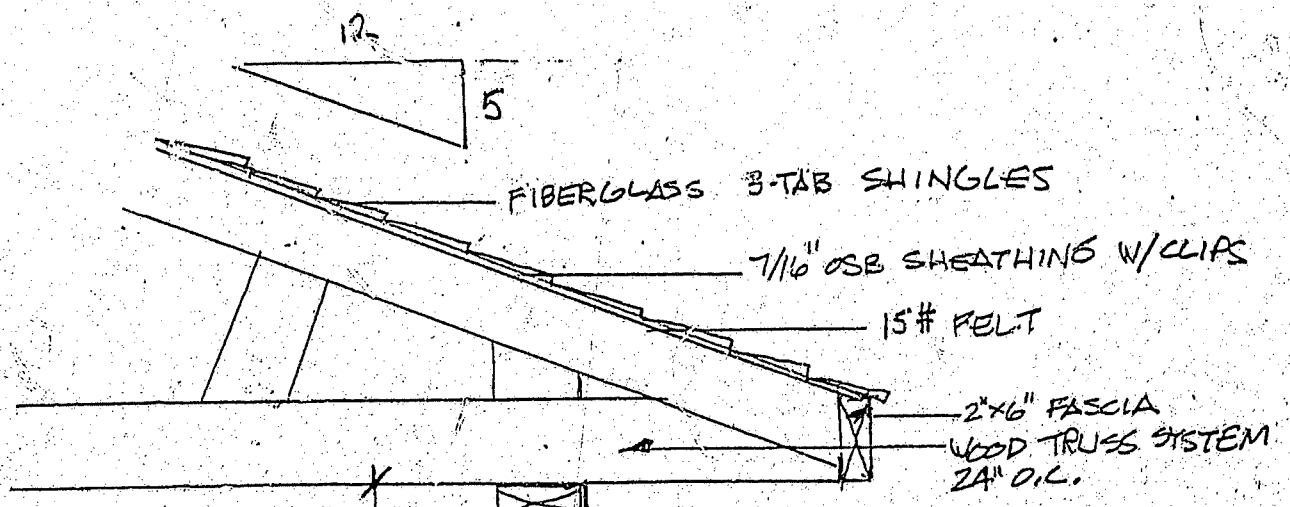


EXISTING RETAINING WALL

EAST ELEVATION

1/4" = 1'

MARGETIS RESIDENCE  
5050 1<sup>ST</sup> MENDOTA DR.



5/8" 2"x10" HEADER W/1/2" PLYWOOD  
OR MICROLAM (LARGE OPENING)

2 @ 3/4" x 1 7/8" MICROLAM  
OVER GARAGE CYCLEHEAD  
DOOR

GARAGE SECTION  
5050 LAKE MENESTA DR.  
MADISON, WI, 53705

8'-1/8"

VINYL SIDING

7/16" OSB SHEATHING

2"x4" STUD WALL

2"x4" TREATED SILL PLATE W/SILL SEAL

1/2" x 8" ANCHOR BOLTS

3000 PSI CONCRETE  
W/ FIBERGLASS

CUSHION SAND

GRADE

2 REBAR

UNDISTURBED SOIL

12" MIN

# **Exhibit B**





# Exhibit C

