



RE-SUBMITTAL

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: 121 SOUTH OWEN DRIVE

Name of Owner: CORA VEG KLUET

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

Daytime Phone: 608-262-7546 Evening Phone: 608-217-3858 CELL

Email Address: clindollenc@wisc.edu 608-238-5268 HOME

Name of Applicant (Owner's Representative): TODD BARNETT/BARNETT ARCHITECTURE LLC

Address of Applicant: 118 N. PROSS TERRACE SUITE I

MADISON, WI 53726

Daytime Phone: 608-233-4538 Evening Phone: 608-233-4538

Email Address: todd@barnettarchitecture.com

Description of Requested Variance: VARIANCE TO REPLACE AN EXISTING

CRACK IN SIDEWALK

(See reverse side for more instructions)

FOR OFFICE USE ONLY

Amount Paid: \$300  
Receipt: 148291  
Filing Date: 10/21/13  
Received By: JK  
Parcel Number: 0709-204-0705-8  
Zoning District: TR-C1  
Alder District: 11 Chris-Schmidt

Hearing Date: 12/12/13  
Published Date: 12/5/13  
Appeal Number: 12/12/13-3  
GQ: OK  
Code Section(s): 28.131 (2)(c) 1.

## 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.

EXISTING VEGETATION AND DRAINAGE ISSUES CAUSED BY NEIGHBOR TO SOUTH

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.

NO, ALLOWED USE BY ZONING CODE

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.

/

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.

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

CORRECT.

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

CORRECT.

## 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<b>CHECK HERE.</b> I acknowledge any statements implied as fact require supporting evidence.
<input checked="" 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: Carol Lee KMYL Date: 10/20/2013

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

### DECISION

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

The Zoning Board of Appeals: ☐ Approved ☐ Denied ☐ Conditionally Approved

Zoning Board of Appeals Chair:

Date:

## **Standards for Variance**

### **Cora Lee Kluge Residence: 121 South Owen Drive**

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

Cora Lee Kluge desires to construct a new garage in part because of the age and insufficient size of her old one (built in 1936), but to a greater extent because of ongoing water problems coming from the property of her neighbor to the south, who lives at 125 South Owen Drive. The neighbor constructed an addition a few years ago in such a way that drainage was poorly (mis)handled. The applicant first spoke with her neighbor in 2010, proposing the construction of a retaining wall (to help resolve the problem), with costs to be shared; but the neighbor was not interested. When she and I began working on the project in 2011, our immediate goal was to have the neighbor re-route the drainage coming off his house and his lot in a manner that did not create a deluge on the Kluge property. We sought the advice and assistance of Property Code Inspector Scott Kerr of the City of Madison, who issued directives to the neighbor to redesign the drainage to bring it up to city code. Although the neighbor made some adjustments, they did not sufficiently take care of Ms. Kluge's problems, which include undermining of her garage's cement slab/foundation, standing water in her back yard along the north side of the current garage, runoff onto her brick driveway, damage to the driveway, icing problems, and even flooding (and occasionally mud) in her basement. The proposed garage has been designed with taller foundation walls, which will serve as a dam to hold back the water coming off the neighbor's property.

The applicant's proposal is for a garage replacement that is larger than that allowed by the city code. It is slightly wider, as the original garage was for all intents and purposes too narrow to accommodate a standard-size modern car. It is also deeper (from front to back) because it incorporates a storage shed/sitting area. This design is desired to avoid "cluttering" the yard with additional structures. The depth of the new garage will also enable our landscape architect (Andy Albright) to solve problems in her backyard that are caused by water runoff from the neighbor's lot.

Ms. Kluge sought to avoid building the garage further back in her yard because doing so would necessitate removal of a tree she planted in about 1970 (She has lived in this house since June of 1968.) More importantly, locating the garage further to the rear would not solve the water runoff problems that are affecting her driveway and her house.

Ms. Kluge is in touch with her neighbor to the south, whose property is the one that would be most affected. She believes he will support this application, just as she did not object to the construction of the addition to his house several years ago.

- 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.**

Although this would be an exception to the code, the proposed location and use of the building is typical to the neighborhood.

- 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.**

If the variance is not granted, the garage would need to be placed in the rear yard and destroy the existing landscaping. This would also cause greater neighborhood drainage problems, as the driveway would need to be extended another 30' further back—thus creating additional areas with water problems (by adding 300 SF+ of impervious area). South Owen Drive is known to have ongoing storm-water problems.

- 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 difficulty/hardship is created by the terms of the ordinance and not by someone who has an interest in the property.

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

The proposed variance shall not create substantial detriment to the property of neighbors to the north or south. On the contrary, the garage (and associated site work) will benefit the neighbor in that it has been designed to counteract the drainage problems.

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

The size, massing, and exterior materials are in keeping with the neighborhood.

PROJECT  
NEW GARAGE FOR CORA LEE KLUGE - ZONING BOARD OF APPEALS APPLICATION

121 SOUTH OWEN DRIVE  
MADISON, WI 53705-5034

PROJECT TEAM

OWNER-MAILING ADDRESS  
CORA LEE KLUGE  
121 SOUTH OWEN DRIVE  
MADISON, WI 53705-5034  
Cora Lee email: clnollen@wisc.edu

ARCHITECT

BARNETT ARCHITECTURE LLC  
118 N. BREESE TERRACE, SUITE I  
MADISON, WI 53726  
P. 608-233-4538  
CONTACT: TODD BARNETT, ARCHITECT  
email: todd@barnettarchitecture.com

STRUCTURAL ENGINEER

KILEN ENGINEERING, LLC  
7771 COUNTY ROAD A  
BELLEVILLE, WI 53508  
P. 608-424-1985  
CONTACT: CHRIS KILEN, P.E.  
email: chris@kilenengineering.com

LANDSCAPE ARCHITECT

PLANDESIGN LLC  
480 MAYNARD DRIVE  
SUN PRAIRIE, WI 53590  
P. 608-318-1217  
email: albright@plandesignllc.com

GENERAL CONTRACTOR

MASCOTT BROTHERS  
5601 RIVER ROAD  
WAUNAKEE, WI 53597-9511  
CONTACT: SCOTT KRUPP  
P. 608-219-5180  
email: mascottbrothers@gail.com

SURVEYOR

WILLIAMSON SURVEYING  
101 W. MAIN STREET SUITE A  
WAUNAKEE, WI 53597  
P. 608-255-5705  
CONTACT: NOA PRIEVE  
email: willsurv@tds.net

DRAWING INDEX

- |     |                            |
|-----|----------------------------|
| 1.1 | COVER SHEET/ LOCATION PLAN |
| 2.1 | SITE - EXISTING            |
| 2.2 | SITE - PROPOSED            |
| 3.1 | FLOOR PLAN                 |
| 4.1 | NOTES                      |
| 5.1 | NORTH ELEVATION            |
| 5.2 | SOUTH ELEVATION            |
| 5.3 | EAST AND WEST ELEVATIONS   |
| 6.1 | BUILDING SECTION           |
| 6.2 | BUILDING SECTION           |

CODE REFERENCES

CITY OF MADISON  
COUNTY: DANE  
BUILDING CODE: WISCONSIN RESIDENTIAL BUILDING CODE  
ZONING CODE: CHAPTER 28 CITY OF MADISON ORDINANCES

BUILDING DATA

- |   |                   |
|---|-------------------|
| 1 | NUMBER OF STORIES |
| 1 | NUMBER OF LEVELS  |

AREAS - gross square footage; informational only

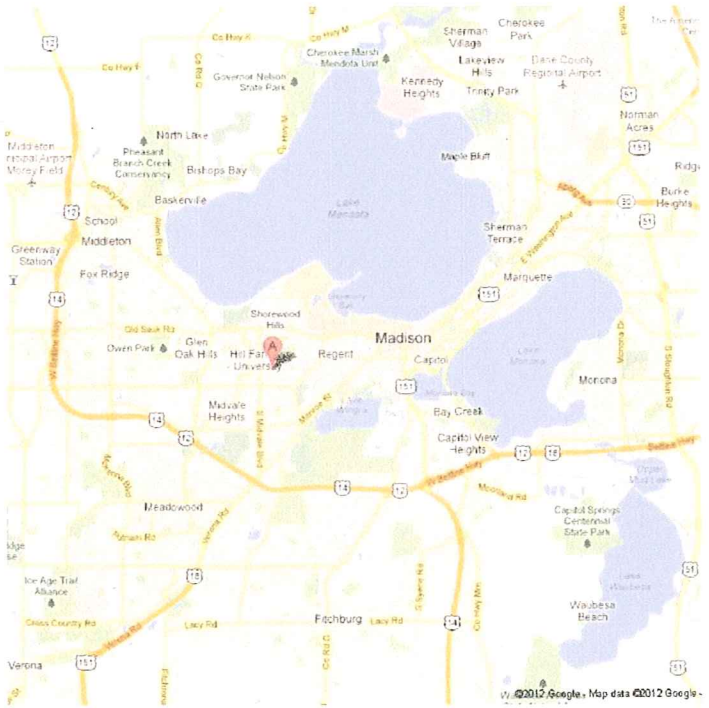
LEVEL	PROPOSED
GARAGE	
SITTING PORCH	
STORAGE CLOSET	

PROPERTY INFORMATION

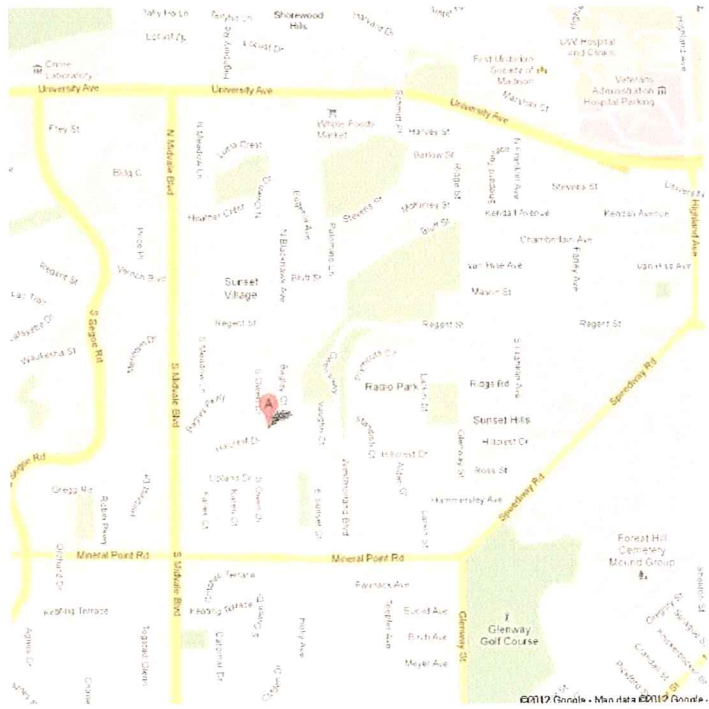
070920407058 PARCEL NUMBER

ZONING CODE INFORMATION

TR-C1	ZONING CLASSIFICATION
YES	PERMITTED USE
8040 SF	SITE AREA - SQUARE FEET - CITY OF MADISON RECORDS
8016 SF	SITE AREA - OWNER FURNISHED SURVEY
3'-2"	GARAGE SETBACK: PROVIDED - TO FOUNDATION WALL



1 AREA MAP  
NOT TO SCALE



2 SITE LOCATION MAP  
NOT TO SCALE



118 NORTH BREESE TERRACE  
SUITE I  
MADISON, WISCONSIN 53726  
608.233.4538

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Barnett Architecture

NEW GARAGE FOR:  
CORA LEE KLUGE

SOUTH OWEN DRIVE  
MADISON, WI 53705-5032

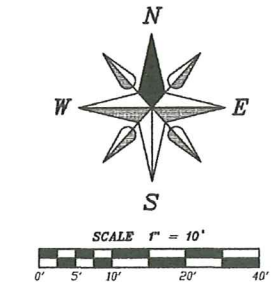
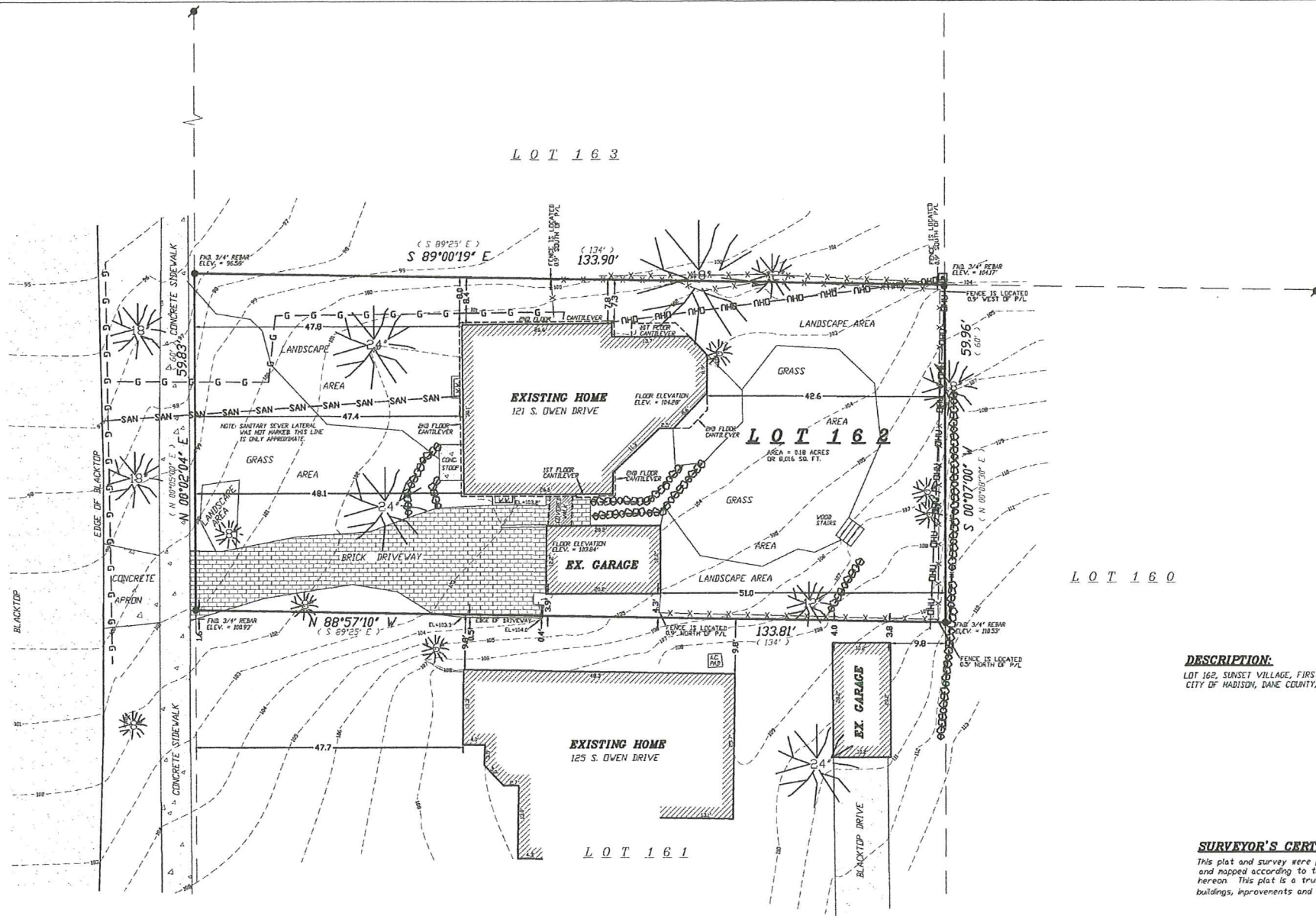
DRAWING ISSUE DATES

10-10-2012  
8-13-2013  
10-16-2013  
10-17-2013  
11-25-2013

1.1

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- LEGEND**
- = FOUND 1" PIPE
  - ⦿ = FOUND 3/4" REBAR
  - (##) = RECORDED AS
  - = UTILITY POLE
  - SAN— = SANITARY SEWER
  - W— = WATER MAIN
  - T— = UNDERGROUND TELEPHONE
  - DU— = OVERHEAD UTILITIES
  - G— = UNDERGROUND GAS MAIN
  - X— = FENCE
  - = RETAINING WALL
  - WV = WINDOW WELL

**DESCRIPTION:**

LOT 162, SUNSET VILLAGE, FIRST ADDITION BEING LOCATED IN THE SE 1/4 OF THE SE 1/4 OF SECTION 20, T7N, R9E, CITY OF MADISON, DANE COUNTY, WISCONSIN.

**SURVEYOR'S CERTIFICATE:**

This plat and survey were performed under my supervision, and was surveyed, divided, and mapped according to the official records of the property described and pictured herein. This plat is a true scaled and dimensioned representation of the boundaries, buildings, improvements and all visible encroachments if any.

Williamson Surveying and Associates, LLC  
by Noa T. Prieve & Chris V. Adams

Date \_\_\_\_\_

Noa T. Prieve S-2499  
Registered Land Surveyor - Owner

**GENERAL NOTES:**

ALL OVERHEAD AND UNDERGROUND UTILITIES SHOWN ON THE MAP ARE APPROXIMATE AND WERE FIELD LOCATED FROM GROUND MARKINGS PLACED BY THE UTILITY COMPANIES OR THEIR AGENTS OR ESTABLISHED FROM PLANS PROVIDED BY UTILITY COMPANIES OR CITY ENGINEERS. THE SURVEYOR CAN CERTIFY ONLY TO THE LOCATION OF UTILITIES AS PROVIDED BY OTHERS, EXCEPT WHERE SHOWN AND OTHER OBSTACLES MAY HAVE OBSCURED THE LOCATION OF THE UTILITIES. CONTRACTOR TO FIELD VERIFY.

BEFORE CONSTRUCTION CALL DIGGERS HOTLINE FOR EXACT LOCATION OF UNDERGROUND UTILITIES: 1-800-242-8511

DIGGERS HOTLINE TICKET # 2014803248

DIGGERS HOTLINE TICKET # 2014803256

**NOTES:**

- 1.) THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT FOR THE SUBJECT TRACT OR ADJACENTS AND IS THEREFORE SUBJECT TO ANY EASEMENTS, AGREEMENTS, RESTRICTIONS AND STATEMENT OF FACTS REVEALED BY EXAMINATION OF SUCH DOCUMENTS.
- 2.) WETLANDS, IF PRESENT, HAVE NOT BEEN DELINEATED OR SHOWN.
- 3.) FLOOD PLAIN, IF PRESENT, HAS NOT BEEN LOCATED OR SHOWN.
- 4.) ELEVATIONS ARE BASED ON AN ASSUMED DATUM.
- 5.) BEARINGS REFERENCED TO THE NORTH LINE OF LOT 162 ASSUMED TO BEAR S 89°00'19" E PER MAP BY ROYAL OAK & ASSOCIATES INC.
- 6.) ELEVATION REFERENCE SHOWN ON ALL PROPERTY CORNERS. ELEVATIONS ARE FROM TOP OF 3/4" REBAR.

# 1 EXISTING SITE PLAN

NOT TO SCALE

SURVEYOR'S SEAL			
		WILLIAMSON SURVEYING & ASSOCIATES, LLC 104 A WEST MAIN STREET, MADISON, WISCONSIN 53703 NOA T. PRIEVE & CHRIS V. ADAMS REGISTERED LAND SURVEYORS PHONE: 608-255-5705 FAX: 608-849-9760 WEB: WILLIAMSONSURVEYING.COM	
TOPOGRAPHIC SURVEY			
LOT 162, SUNSET VILLAGE, FIRST ADDITION BEING LOCATED IN THE SE 1/4 OF THE SE 1/4 OF SECTION 20, T7N, R9E, CITY OF MADISON, DANE COUNTY, WISCONSIN			
DATE	DECEMBER 5, 2011	REVISION DATE	
SCALE	1" = 10'	DRAWING NO.	11V-311
DRAWN BY	NOA PRIEVE	CHECK BY	NTA
		SHEET	1 OF 1



118 NORTH BREESE TERRACE  
SUITE 1  
MADISON, WISCONSIN 53726  
608.233.4538

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NEW GARAGE FOR:  
**CORA LEE KLUGE**

121 SOUTH OWEN DRIVE  
MADISON, WI 53705-5032

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11-25-2013

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# GENERAL NOTES

1. REFER TO FULL SET OF PLANS FOR ADDITIONAL INFORMATION.
2. DIMENSIONS FROM PROPERTY LINE TO BUILDING FACE MARKS FOUNDATION WALL FACE.
3. REPAIR/REPLACE EXISTING SITE AS REQUIRED DUE TO DAMAGE AND CONSTRUCTION OPERATIONS.

# KEYED NOTES

1. EXISTING HOUSE.
2. EXISTING DECK.
3. EXISTING DRIVE. ALTERNATE BASE BIDS AS FOLLOWS:  
1A. PROTECT DRIVEWAY AND REPAIR AS REQUIRED.  
1B. REBUILD DRIVEWAY.
4. LINE OF EXISTING GARAGE TO BE REMOVED.
5. GARAGE.
6. RETAINING WALL/CURB BY LANDSCAPE CONTRACTOR.
7. EXISTING AREAWAY.
8. EXISTING PAVERS.
9. NOTE NOT USED.
10. EXISTING LAWN.
11. EXISTING FRONT STOOP.
12. SETBACK DIMENSION TO FACE OF FOUNDATION WALL FROM PROPERTY LINE..

New Detached Accessory  
Structure (garage)  
Side yard  
6'-0" Required  
3'-2" provided  
2'-10" variance

# 1 PROPOSED SITE PLAN - DEVELOPMENT

SCALE: 1"=10'-0"



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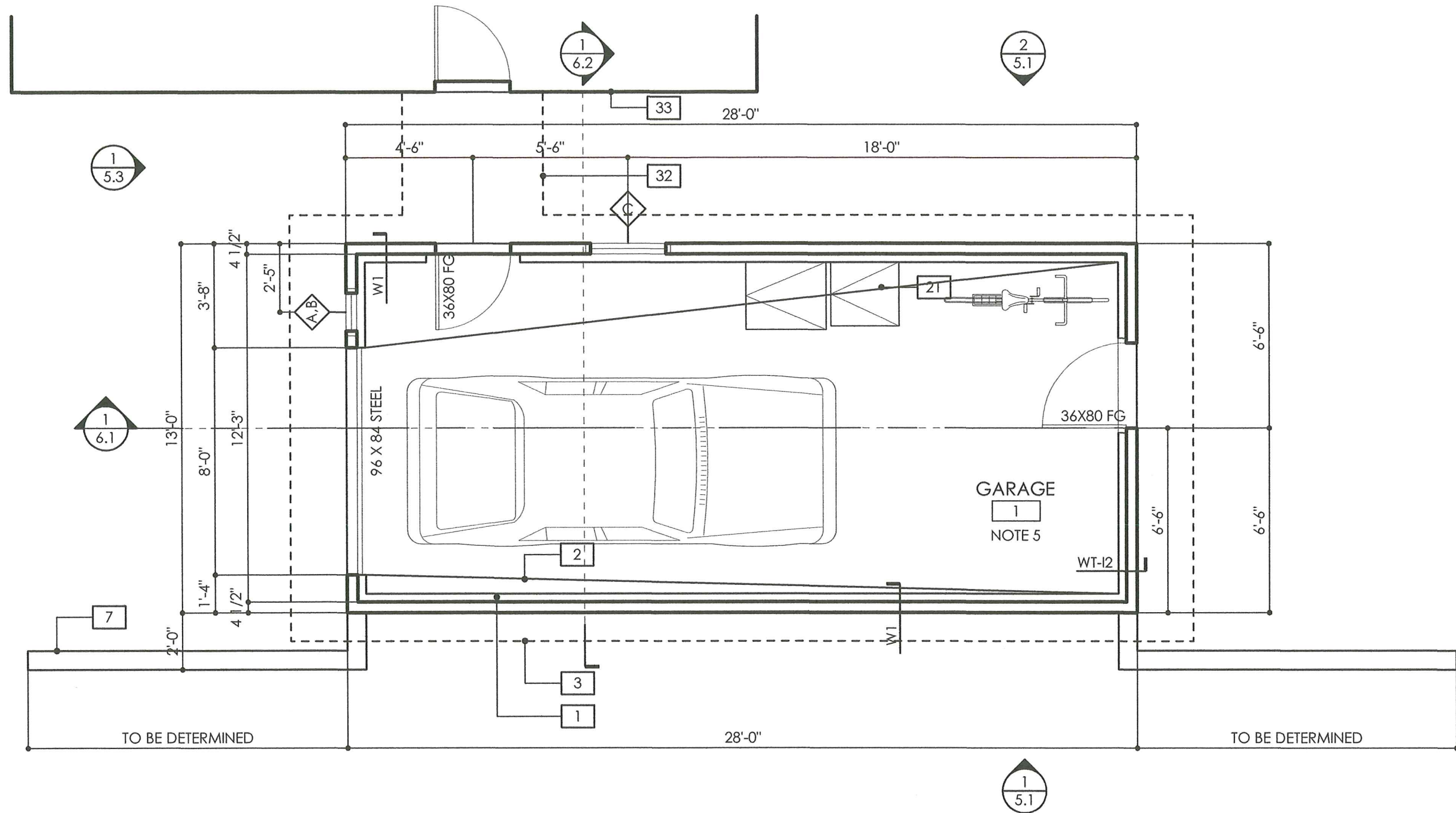
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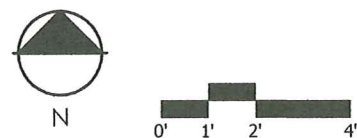
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# 1 FLOOR PLAN

SCALE: 1/4"=1'-0"



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**DEMOLITION - GENERAL NOTES**

- D1. REMOVE EXISTING GARAGE FROM ROOF TO FOUNDATION.
- D2. NO MATERIALS ARE SCHEDULED TO BE SALVAGED.

**KEYED NOTES - BUILDING-PLANS- ELEVATIONS-SECTIONS**

- 1. TOP OF FOUNDATION WALL.
- 2. VALLEY LINE OF SLOPED CONCRETE SLAB.
- 3. LINE OF ROOF OVERHANG ABOVE.
- 4. SHELIVING BY OWNER.
- 5. SEALED CONCRETE SLAB.
- 6. SEE LANDSCAPE DRAWINGS FOR GRADING INFORMATION.
- 7. RETAINING WALL BY LANDSCAPE CONTRACTOR.
- 8. FOUNDATION WALL.
- 9. FOOTING.
- 10. 5/16" T. SMOOTH FACE 8" EXPOSURE HORIZONTAL FIBER CEMENT SIDING.
- 11. 5/16" T. SMOOTH FACE FIBER CEMENT PANEL SIDING. ATTACH WITH EXPOSED SCREWS WITH NEOPRENE WASHERS. SET SIDING OVER ICE AND WATER GUARD TABS AND PROVIDE BRAKE-METAL FLASHING.
- 12. GARAGE DOOR.
- 13. DRIP EDGE.
- 14. FG SHINGLES.
- 15. GRADE - SEE 2.3.
- 16. PRE-ENGINEERED WOOD TRUSSES.
- 17. FOUNDATION WALL STEP.
- 18. CONCRETE CURB/TOP OF FOUNDATION WALL.
- 19. TONGUE AND GROOVE WOOD CEILING.
- 20. SOFFIT.
- 21. RECYCLING BINS BY OWNER.
- 22. PROVIDE RIDGE VENT AT ALTERNATE BID NO. 2.
- 23. PROPERTY LINE.
- 24. BRAKE-FORMED METAL CORNER/TRIM.
- 25. FACTORY-MADE DOOR/WINDOW.
- 26. WALL BEYOND/BEHIND.
- 27. WOOD FRAME WALL.
- 28. FOUNDATION WALL DROP AT DOORS.
- 29. RIDGE VENT AS ALTERNATE BID NO. 1.
- 30. FOUNDATION WALL DROP TO SUIT GRADES.
- 31. EAST AND WEST OVERHANG.
- 32. ROOFLET TO EXISTING HOUSE.
- 33. EXISTING HOUSE WALL.



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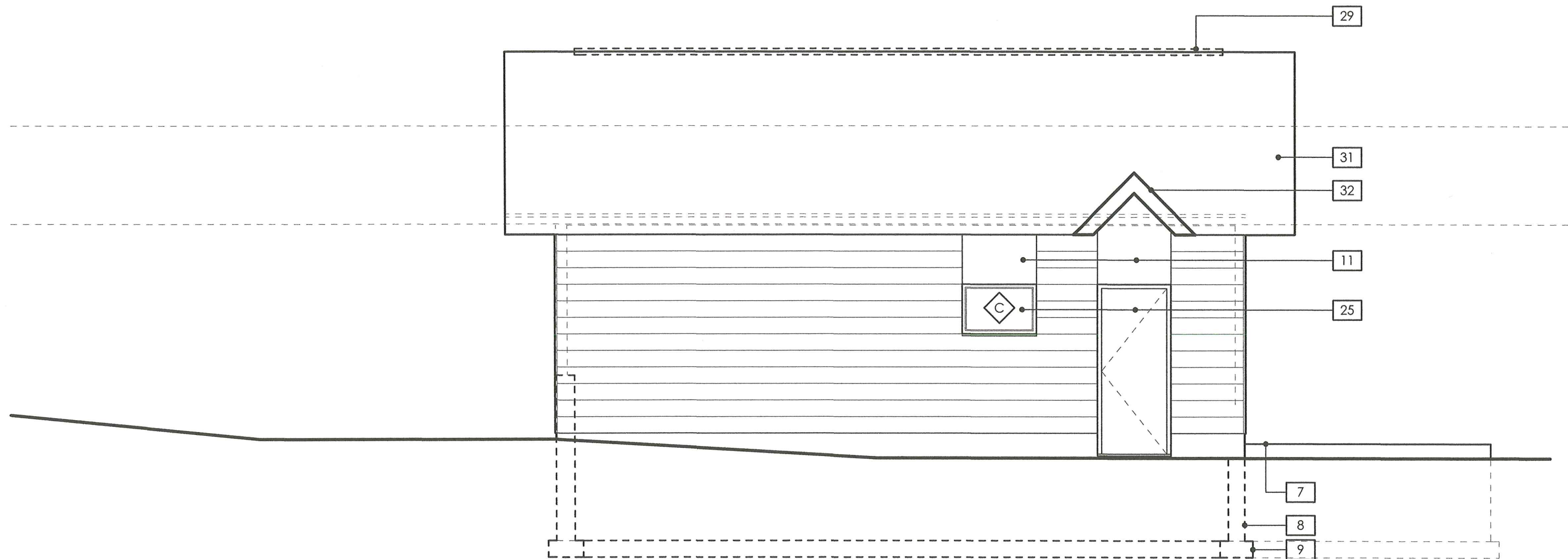
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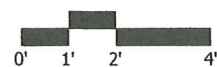
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**4.1**



# 1 SOUTH ELEVATION

SCALE: 1/4"=1'-0"



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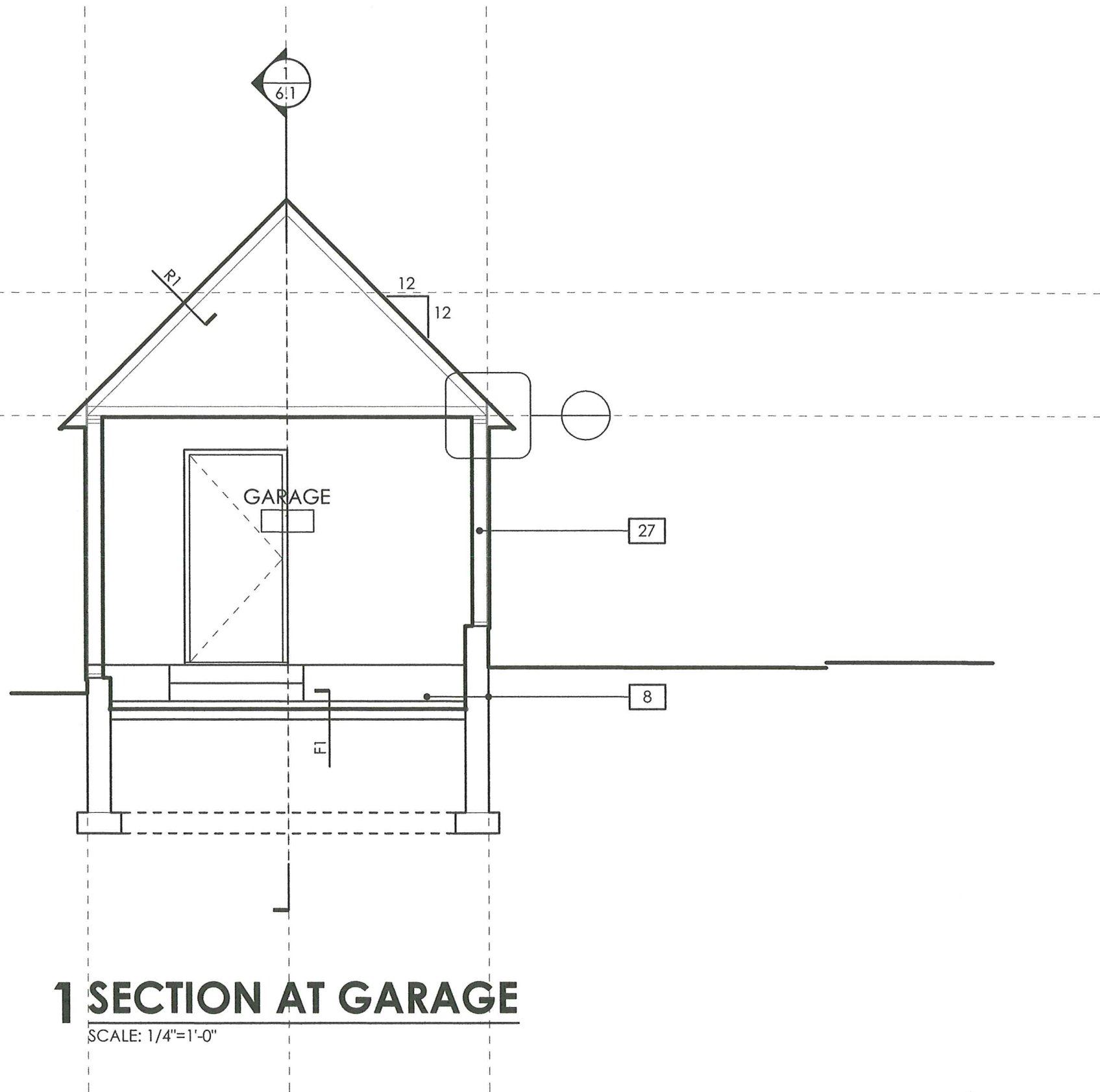
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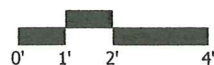
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# 1 SECTION AT GARAGE

SCALE: 1/4"=1'-0"



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