



**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: 5454 Lake Mendota Drive, Madison, WI 53705

Name of Owner: Kathleen S. Cox

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

Daytime Phone: 608-848-8422 Evening Phone: 608-848-8422

Email Address: kcox@interspond.com

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

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

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

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

Description of Requested Variance: Lakefront setback variance to construct a new single-family home.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(See reverse side for more instructions)*

FOR OFFICE USE ONLY	
Amount Paid: <u>\$ 300</u>	Hearing Date: <u>3/21/2019</u>
Receipt: <u>088323-0004</u>	Published Date: <u>3/14/2019</u>
Filing Date: <u>2/21/19</u>	Appeal Number: <u>LNDVAR-2019-00006</u>
Received By: <u>JK</u>	GQ: _____
Parcel Number: <u>0709-181-0302-2</u>	Code Section(s): <u>28.138(4)(a)</u>
Zoning District: <u>4R-C1</u>	_____
Alder District: <u>19 Keith Fursman</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.

There is a wet boathouse on the property that was originally built in the 1930s. It is the only residential wet boathouse in the City of Madison. Because the lake water intrudes into the boathouse, the DNR considers this to be an enlargement over a navigable waterway and the Ordinary High Water Mark (OHWM) is the line at which the water comes into the boathouse. Therefore, I am required to measure the OHWM from inside the boathouse instead of measuring from the actual shoreline of my property. Every other property in my neighborhood measures the OHWM from the shoreline.

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 house plans as drawn would not encroach on the lakefront setback were it not for this very unique situation of a wet boathouse. I would not need to request a variance if I were allowed to follow the natural contour of my shoreline and measure the OHWM from there- as all other properties in the neighborhood are able to do. My next door neighbor recently received a CUP to build a single family home on the property, and the City calculated my current lakefront setback from my shoreline, not from inside the boathouse. Likewise, in 2010, the previous owners of the property received a CUP to remodel the boathouse and add an addition to the existing house. Again, the City calculated the existing lakefront setback from the shoreline, not from inside the boathouse. These prior approvals from the City, using the existing shoreline to calculate the setback, prove that this variance is not contrary to the 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.

The majority of my shoreline follows the natural contour of the lake. The wet boathouse, built in the 1930s, is a manmade structure unique to my property that alters the natural OHWM. Having to measure the setback from inside the wet boathouse treats my property differently than every other property in my neighborhood and creates a disadvantage in that I am not able to use my property as other neighbors are able to use theirs. My house location would fit within the ordinary lakefront setback if the OHWM were measured from the lakeshore and not inside the wet boathouse. Using the natural shoreline is consistent with the City's previous CUP approvals for the property.

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 current ordinance requires the lakefront setback to be measured from the OHWM. The unique wet boathouse located on my property, and built in the 1930s, causes the OHWM to artificially intrude into a small section of my property by approximately 18'. This condition was existing when I bought the property. These very unique circumstances create an unusual OHWM setback calculation for the lot, and creates a hardship in that my property is treated differently than every other property in my neighborhood. As a result, I cannot use my property in the same way as every single one of my neighbors.

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

The current shape of the shoreline is concave. Lake Mendota Drive is also concave and follows the natural shape of the shoreline. My neighbors property at 5458 Lake Mendota Drive is located at the furthest point of the curve. Their house, along with mine, was built in 1910. Our two houses currently sit further back from the shoreline than all the houses to the east and all but one to the west. My proposed location will bring my house into alignment with a majority of the current houses on the street and will follow the natural contour of the shoreline.

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

Placing the house in the proposed location will not detract from the character of the neighborhood. My house will be in alignment with a majority of the current houses on the street and, therefore, be in keeping with the character of the neighborhood.

## Application Requirements

**Please provide the following information: Incomplete applications could result in referral or denial by the Zoning Board of Appeals.** (Maximum size for all drawings is 11" x 17".)

<input checked="" type="checkbox"/>	<b>Pre-application meeting with staff:</b> Prior to submittal of this application, the applicant has met to discuss the proposed project and submittal material with the Zoning Administrator.
<input checked="" type="checkbox"/>	<b>Site plan</b> , drawn to scale. A registered survey is recommended, but not required. Show the following: <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).
<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).
<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 checked="" 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>Digital</b> copies of all plans and drawings should be emailed to: zoning@cityofmadison.com
<input checked="" type="checkbox"/>	<b>CHECK HERE.</b> I understand that in order to process my variance application, City Staff will need access to my property so that they can take photographs and conduct a pre-hearing inspection of the property. I therefore give City Staff my permission to enter my property for the purpose of conducting a pre-hearing inspection and taking photographs.
<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:** Kathleen S. Cox **Date:** 2-14-19

----- (For Office Use Only) -----

### DECISION

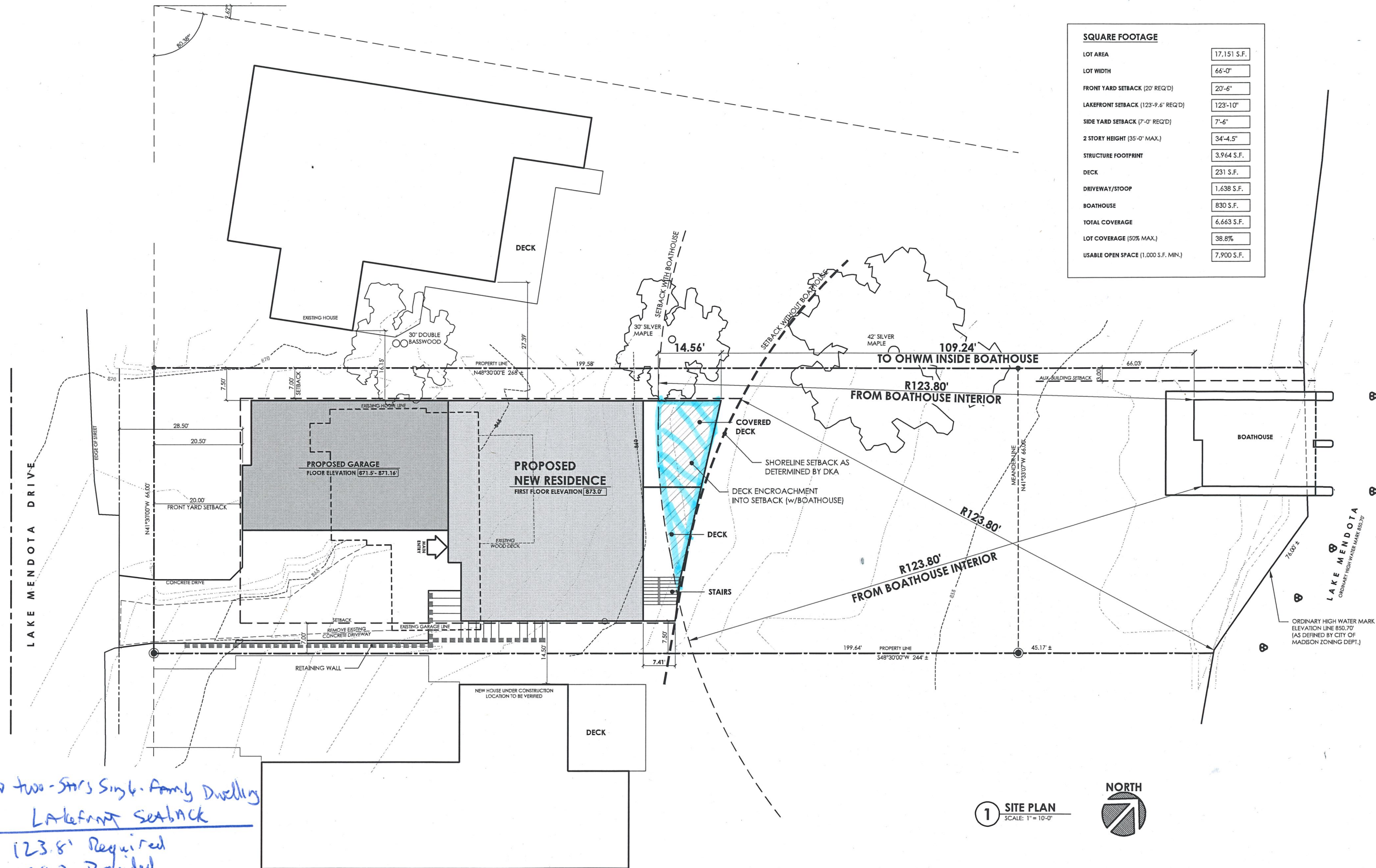
The Board, in accordance with its findings of fact, hereby determines that the requested variance for \_\_\_\_\_ **(is) (is not)** in compliance with all of the standards for a variance. Further findings of fact are stated in the minutes of this public hearing.

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

**Zoning Board of Appeals Chair:** \_\_\_\_\_ **Date:** \_\_\_\_\_



New two-story Single Family Dwelling  
Lakefront Setback  
123.8' Required  
109.2 Provided  
14.6' Variance



#### SQUARE FOOTAGE

LOT AREA	17,151 S.F.
LOT WIDTH	66'-0"
FRONT YARD SETBACK (20' REQ'D)	20'-6"
LAKEFRONT SETBACK (123'-9.6" REQ'D)	123'-10"
SIDE YARD SETBACK (7'-0" REQ'D)	7'-6"
2 STORY HEIGHT (35'-0" MAX.)	34'-4.5"
STRUCTURE FOOTPRINT	3,964 S.F.
DECK	231 S.F.
DRIVEWAY/SLOOP	1,638 S.F.
BOATHOUSE	830 S.F.
TOTAL COVERAGE	6,663 S.F.
LOT COVERAGE (50% MAX.)	38.8%
USABLE OPEN SPACE (1,000 S.F. MIN.)	7,900 S.F.

1 SITE PLAN  
SCALE: 1" = 10'-0"



THIS SITE PLAN WAS GENERATED BASED ON THE ORIGINAL SURVEY PROVIDED BY THE OWNER AND CREATED BY:  
ISTHMUS SURVEYING LLC  
DATE: 08.19.2010  
THE ORIGINAL SURVEY WAS UPDATED AFTER COMPLETION OF BOATHOUSE CONSTRUCTION BY:  
D'ONOFRIO KOTIKE & ASSOCIATES  
DATE: 02.19.2019

udvari solner design company		2631 university ave. madison, wi 608 233 1480 udvari-solner.com copyright © 2017	
COX RESIDENCE		MADISON, WISCONSIN	
SITE PLAN		5454 LAKE MENDOTA DRIVE	
PROJECT NO:		13-17	
CAD TECH:		ERC	
PLAN REVIEWER:		MUS	
DOCUMENT RELEASE DATES:			
PRELIMINARY	PLAN COMMISSION/TONING		
02.21.2019	03.08.2019		
1.0			

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5454 LAKE MENDOTA DRIVE

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CAD TECH:  
AAC

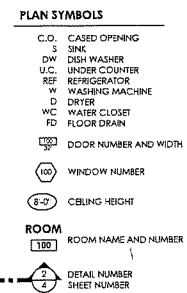
DOCUMENT  
RELEASE DATES:

CONCLUSION

PLAZ	
PREL	
PLAZ	

Q1.0	Q2.0	Q3.0		
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### KEY NOTES

- 1 CABINETRY AND COUNTERTOPS BY OTHERS.  
SEE CABINET SUPPLIER'S DRAWINGS FOR  
DETAILS AND SPECIFICATIONS.
- 2 2 SOLID SHELVES AND POLES.
- 3 5 SOLID SHELVES.
- 4 FIREPLACE SURROUND REQUIRED.  
SEE SPECIFICATIONS.
- 5 CABINETRY AND COUNTERTOPS  
BY GENERAL CONTRACTOR.



## ALL GYM. LEVEL SQUARE FEET

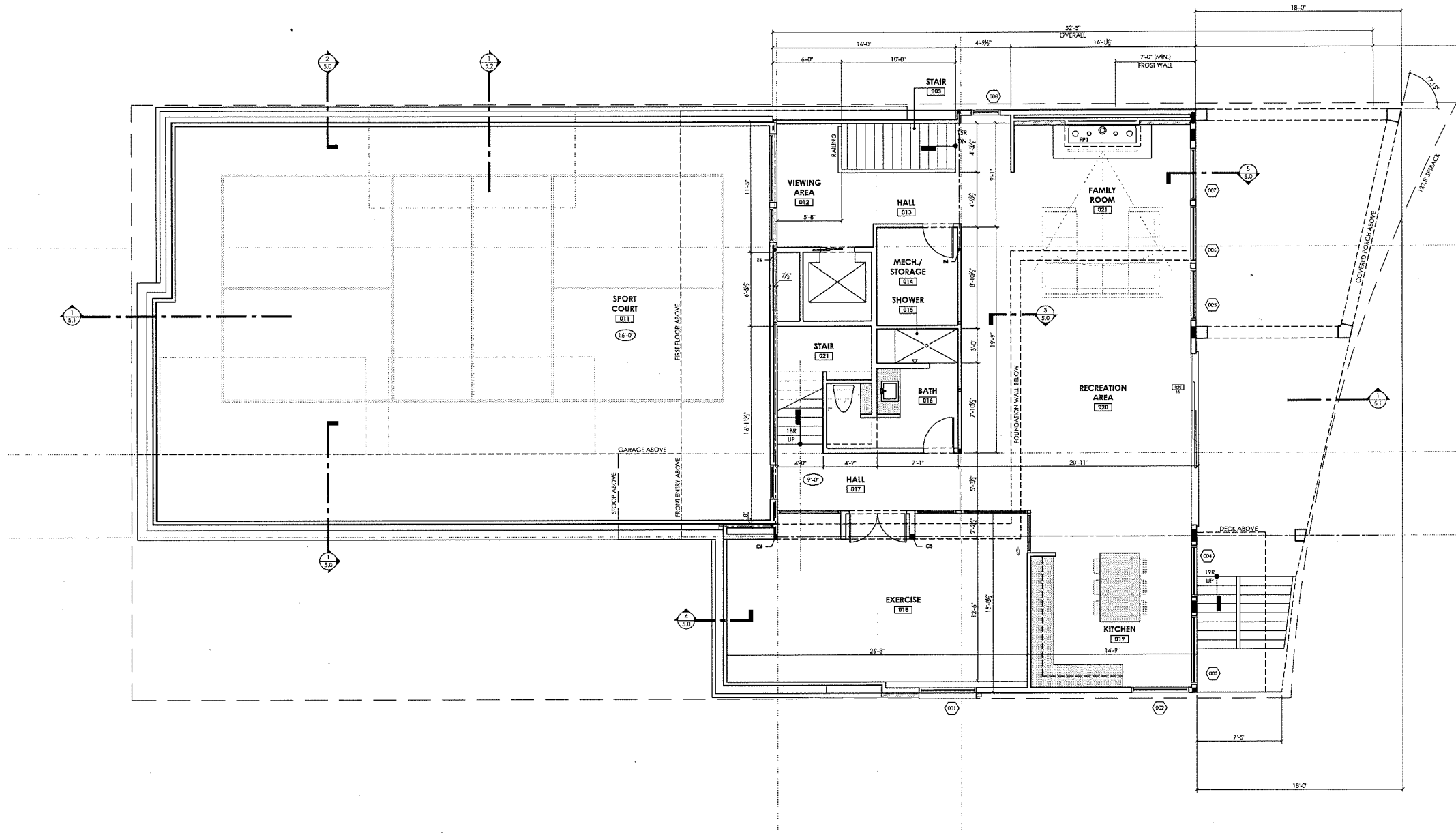
ALL GYM. LEVEL SQUARE FEET

2,606.26
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FINISHED GYM. LEVEL SQUARE FEET  
2,551.49 EXCLUDES MECHANICAL ROOMS 004 & 005

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mason, mo 65623-2150  
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info@udari.com



**PLAN SYMBOLS**

- C.O. CASED OPENING
- S SINK
- DW DISH WASHER
- U.C. UNDER COUNTER
- REF REFRIGERATOR
- W WASHING MACHINE
- D DRYER
- WC WATER CLOSET
- FD FLOOR DRAIN
- DOOR NUMBER AND WIDTH
- WINDOW NUMBER
- CEILING HEIGHT

**ROOM**

- ROOM NAME AND NUMBER
- DETAIL NUMBER
- SHEET NUMBER

**KEY NOTES**

- CABINETRY AND COUNTERTOPS BY OTHERS. SEE CABINET SUPPLIER'S DRAWINGS FOR DETAILS AND SPECIFICATIONS.
- SOLID SHELVES AND POLES.
- SOLID SHELVES.
- FIREPLACE SURROUND REQUIRED. SEE SPECIFICATIONS.
- CABINETRY AND COUNTERTOPS BY GENERAL CONTRACTOR.

**1 GROUND FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

FINISHED GROUND FLOOR LIVING SPACE SQUARE FEET  
1,711.02 EXCLUDES GYM, LEVEL, MECH., STORAGE, ELEVATOR & STAIR CASES



**COX RESIDENCE**

**GROUND FLOOR PLAN**

PROJECT NO:  
13-17  
CAD TECH:  
AAC  
PLAN REVIEWER:  
MUS

**DOCUMENT RELEASE DATES:**

PLAN COMMENTS/SUBMITTAL	DATE
PRELIMINARY	01/25/2017
PLAN COMMENTS/REVISION	07/05/2017

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udvarisolner.com

COX RESIDENCE

MADISON, WISCONSIN

545 LAKE MINOCOTA DRIVE

FIRST FLOOR PLAN

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PROJECT NO:  
13-17

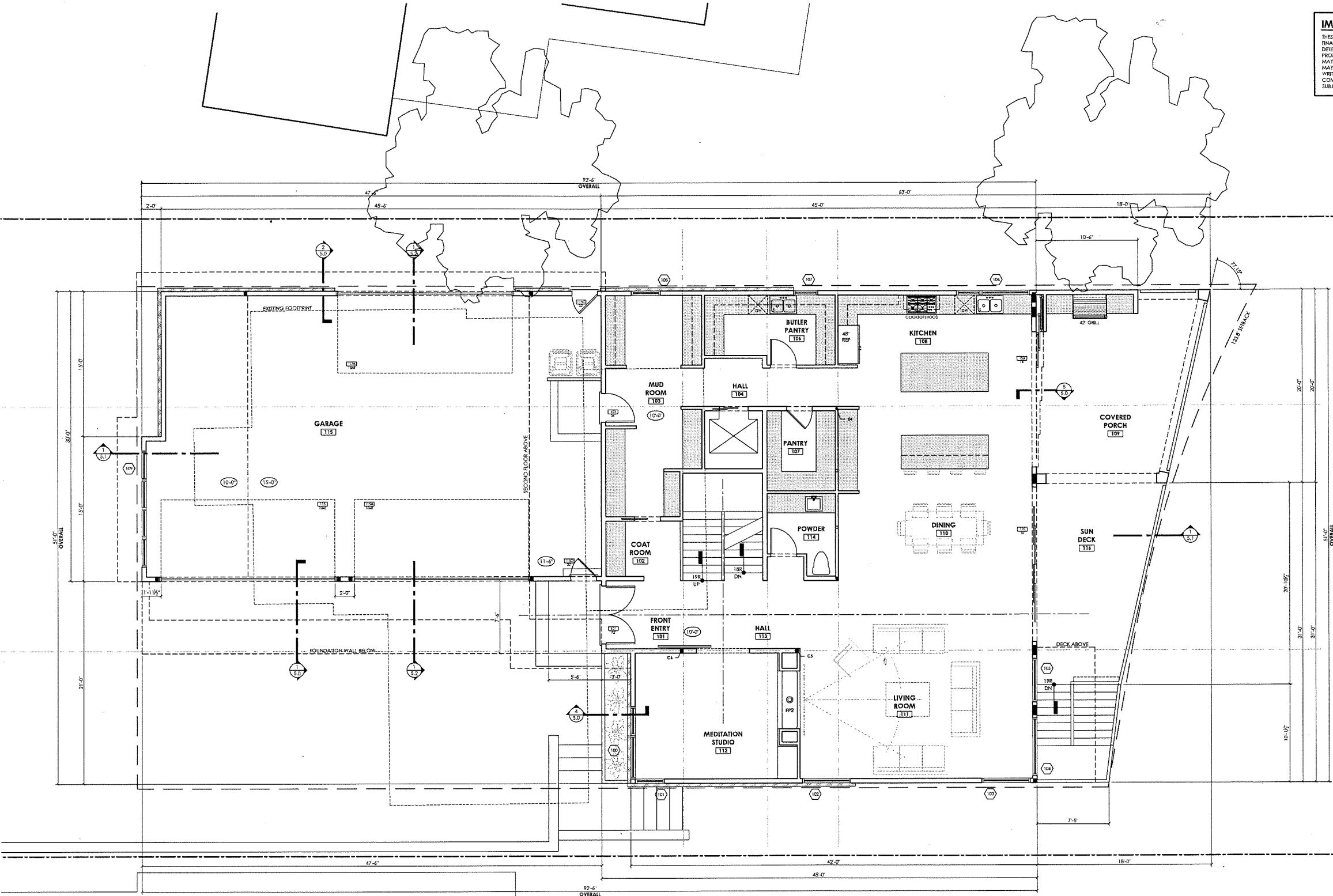
CAD TECH:  
AAC

PLAN REVIEWER:  
MUS

DOCUMENT  
RELEASE DATE:  
01/27/2019

PLAN COMMISSION SUBMITTAL  
PRELIMINARY  
VARIANCE  
PLAN COMMISSION/NOTIFYING  
02/28/2019  
02/21/2019  
03/28/2019

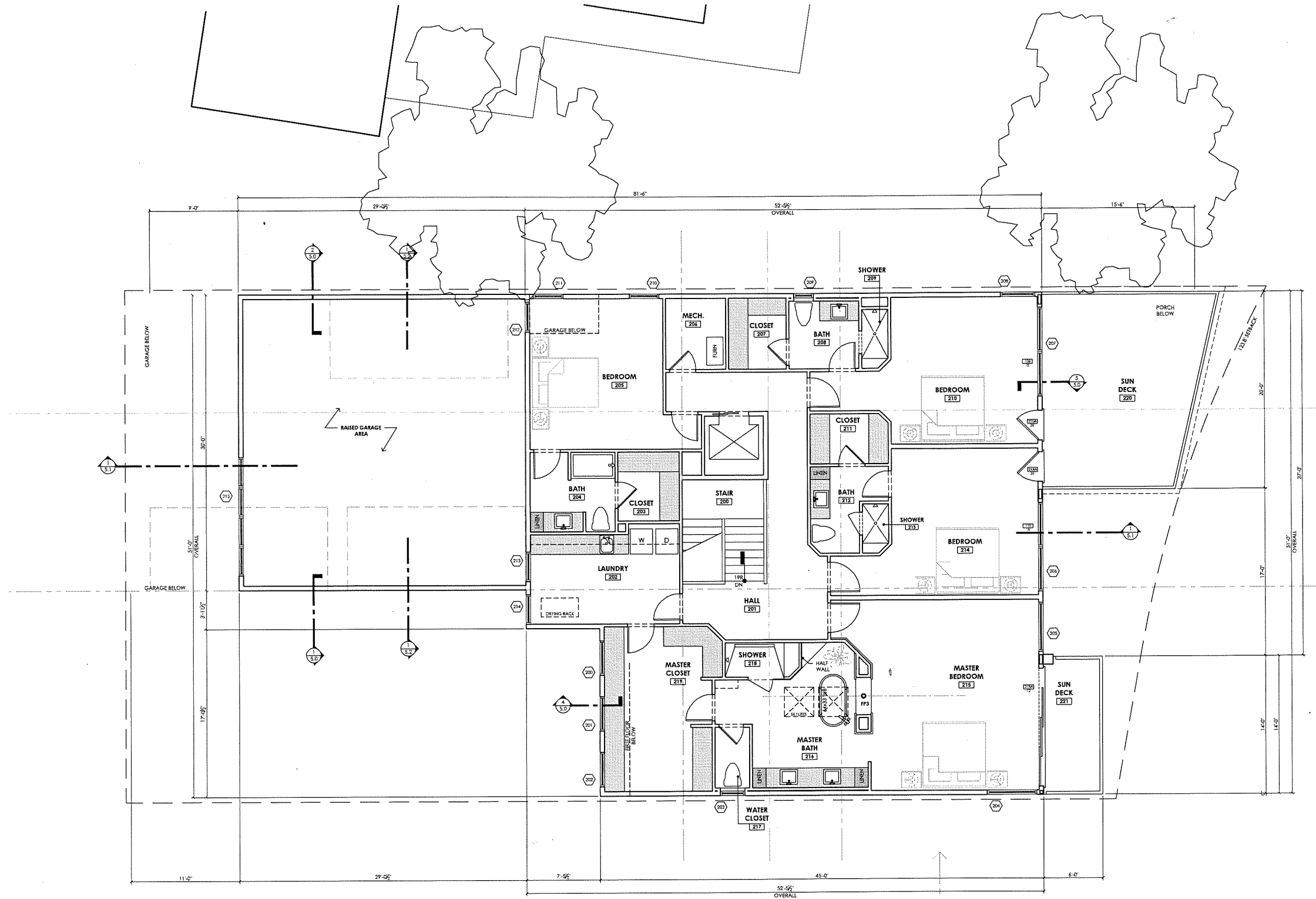
4.2



- PLAN SYMBOLS**
- C.O. CASED OPENING
  - S SINK
  - DW DSH WASHER
  - U.C. UNDER COUNTER
  - REF REFRIGERATOR
  - W PLASTIC MACHINE
  - D DRYER
  - WC WATER CLOSET
  - FD FLOOR DRAIN
  - DOOR NUMBER AND WIDTH
  - WINDOW NUMBER
  - CEILING HEIGHT
  - ROOM
  - ROOM NAME AND NUMBER
  - DETAIL NUMBER
  - SHEET NUMBER
- KEY NOTES**
- CABINETRY AND COUNTERTOPS BY OTHERS. SEE CABINET SUPPLIER'S DRAWINGS FOR DETAILS AND SPECIFICATIONS.
  - 2 SOLID SHELVES AND POLES.
  - 5 SOLID SHELVES.
  - FIREPLACE SURROUND REQUIRED. SEE SPECIFICATIONS.
  - CABINETRY AND COUNTERTOPS BY GENERAL CONTRACTOR.

**1 FIRST FLOOR PLAN**  
SCALE: 1/4" = 1'-0"  
FINISHED FIRST FLOOR LIVING SPACE SQUARE FEET  
2,111.96  
COVERED PORCH SQUARE FEET  
315.50





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COX RESIDENCE

544 LAKE MINNETONKA DRIVE  
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SECOND FLOOR PLAN

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PROJECT NO:

13-17

CAD TECH:

AAC

PLAN REVIEWER:

MUS

DOCUMENT  
RELEASE DATES:

PLAN COMMISSION SUBMITTAL	01.29.2019
PRELIMINARY	02.08.2019
PLAN COMMISSION/CONTR	02.08.2019

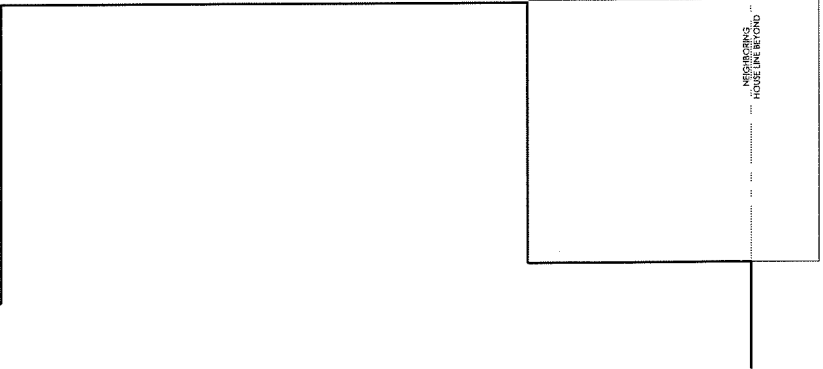
1 SECOND FLOOR PLAN

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

FINISHED SECOND FLOOR LIVING SPACE SQUARE FEET  
2,406.73 EXCLUDES ELEVATOR & MECH.

NORTH

4.3





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PROJECT NO:  
13-17

CAD TECH:  
AAC

PLAN REVIEWER:  
MUS

DOCUMENT  
RELEASE DATES:

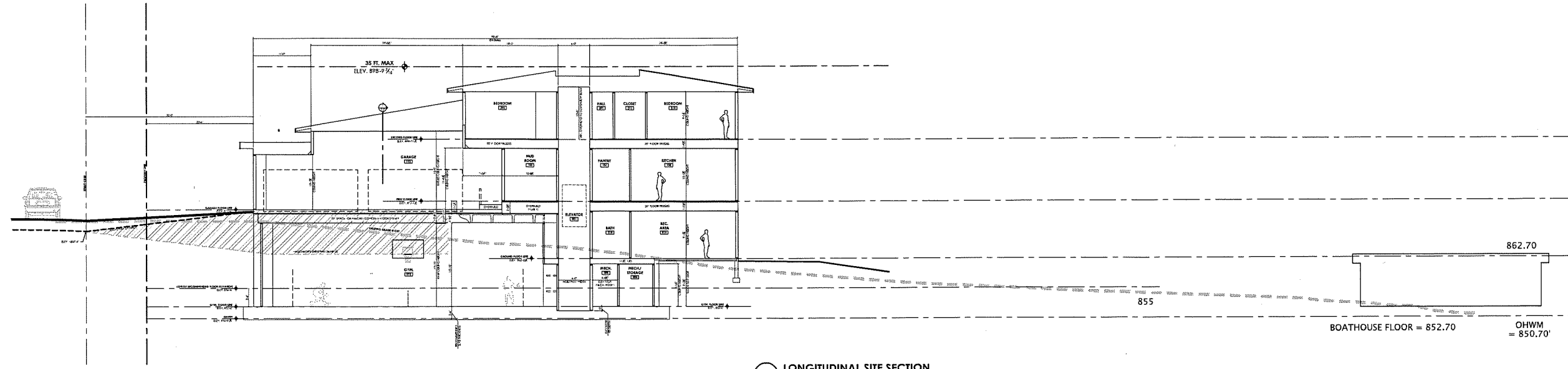
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01.09.2019  
02.08.2019  
03.08.2019

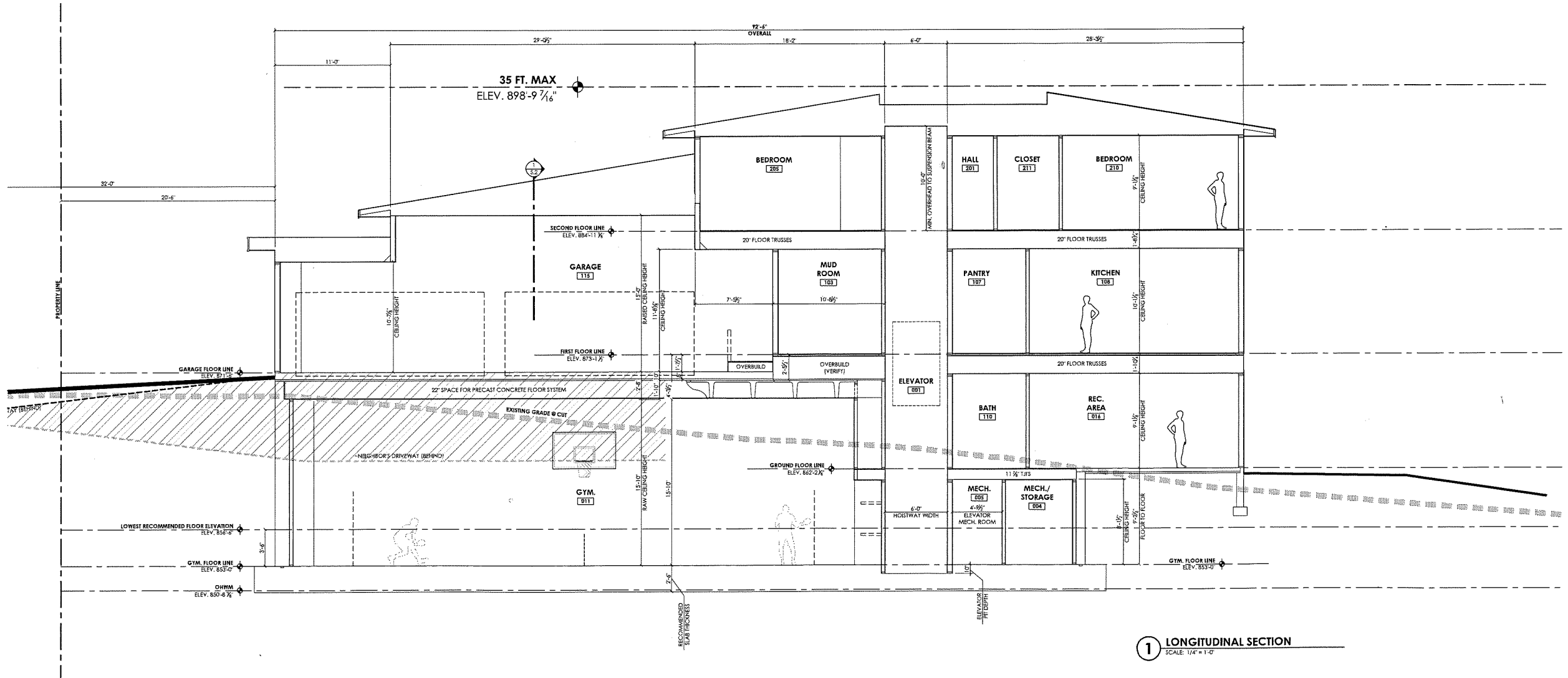
PRELIMINARY  
FOR REVIEW  
FOR APPROVAL

FOR REVIEW  
FOR APPROVAL

5.1



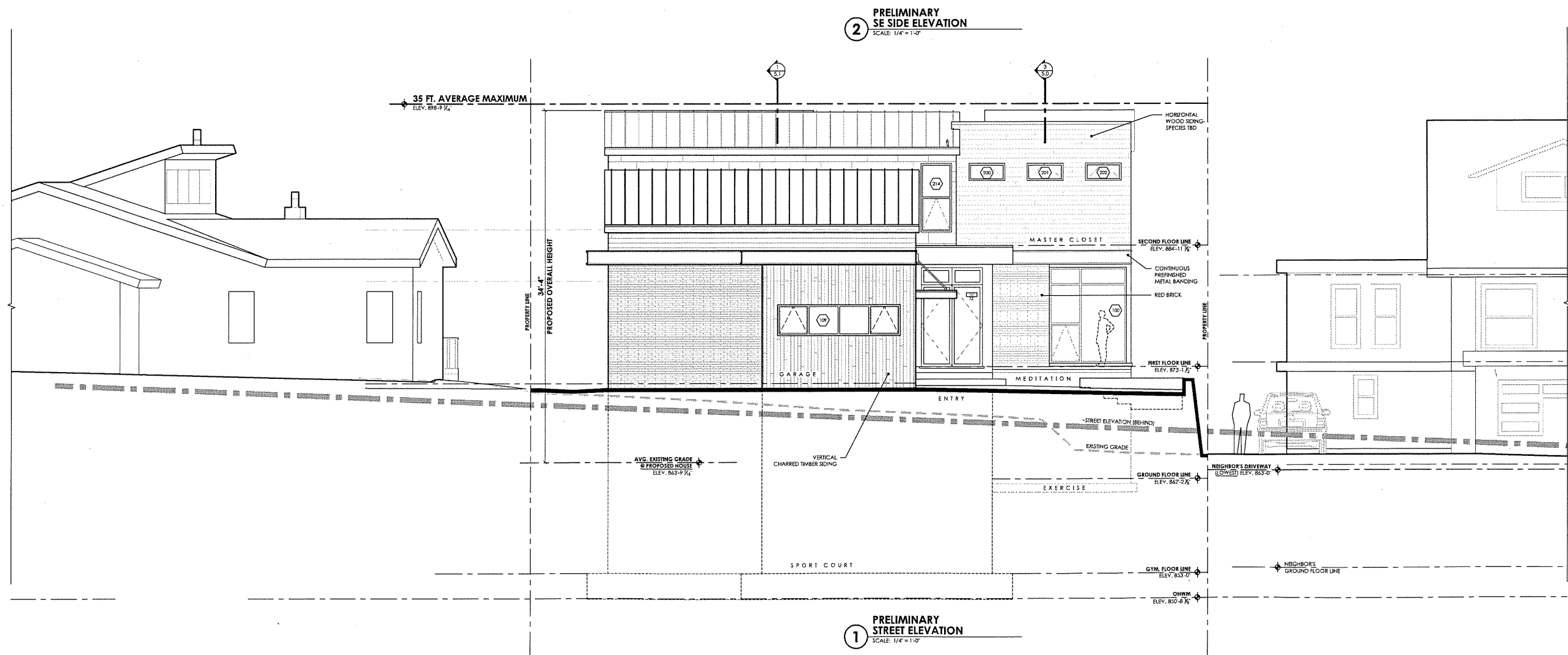
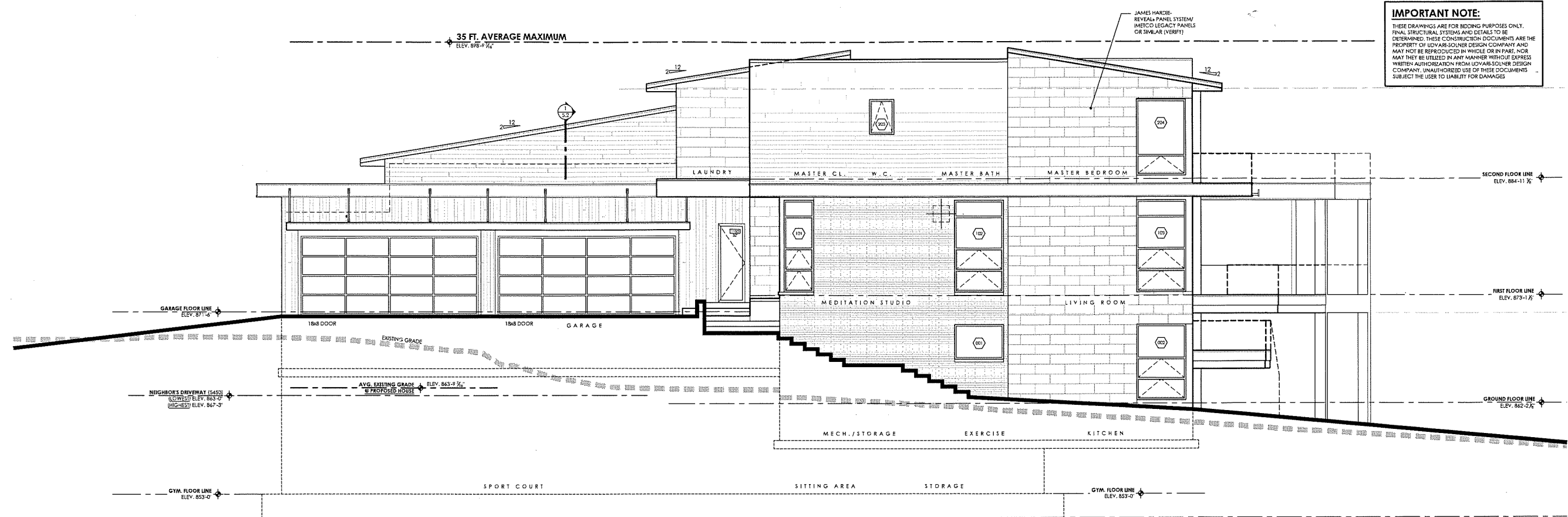
1 LONGITUDINAL SITE SECTION  
SCALE: 1/8" = 1'-0"



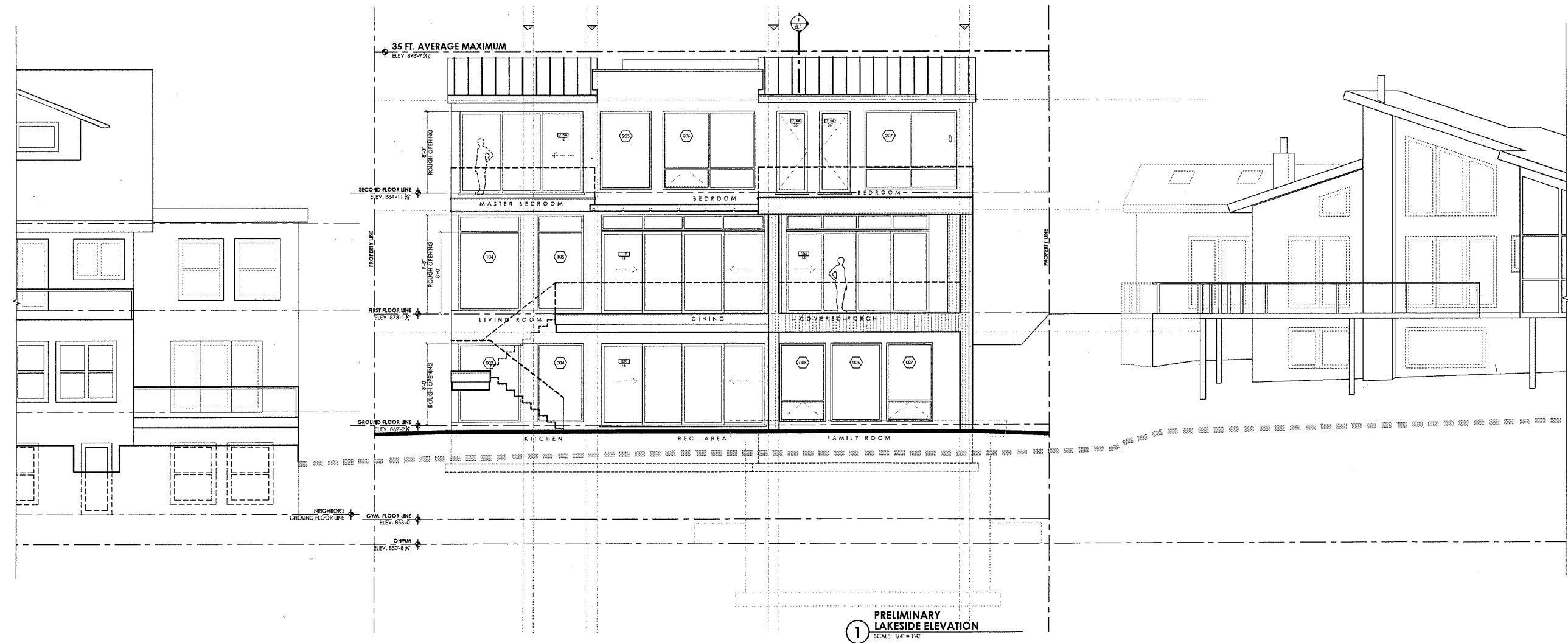
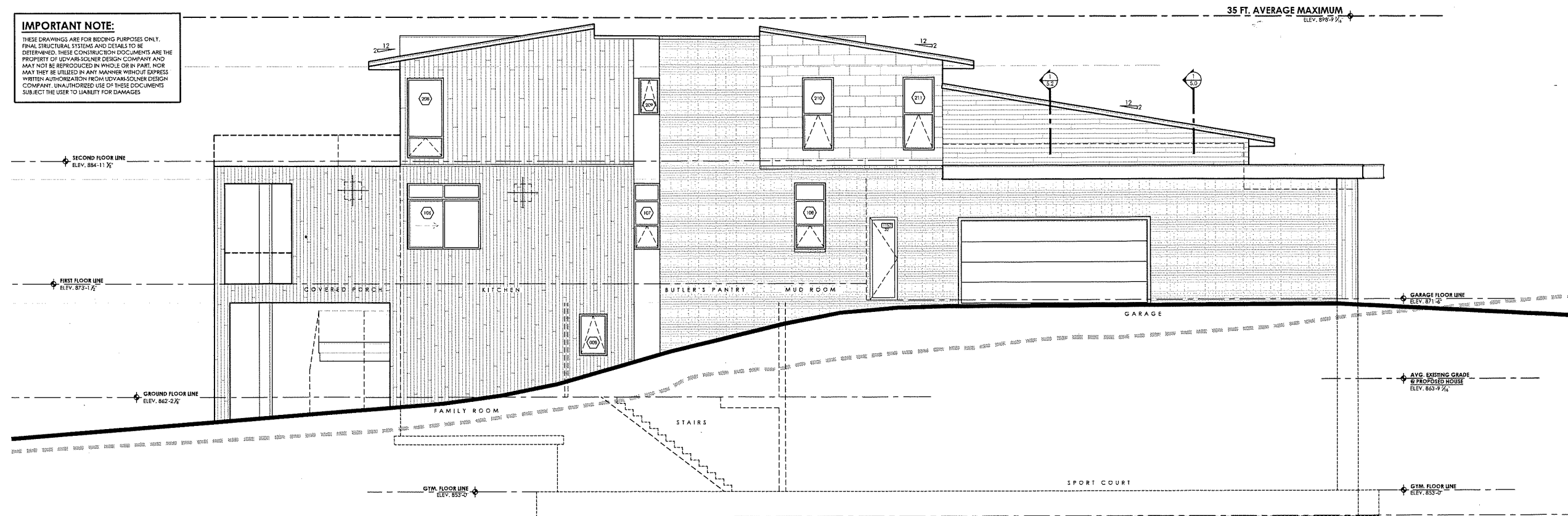
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SCALE: 1/4" = 1'-0"

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COX RESIDENCE		MADISON, WISCONSIN	
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PROJECT NO:		13-17	
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PLAN REVIEWER:		MUS	
DOCUMENT RELEASE DATES:			
PLAN COMMENTS SUBMITAL			
PRELIMINARY		ZONING/PLAN COMMISSION	
01/25/2018			
02/28/2018			
03/28/2018			
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PROJECT NO:  
13-17

CAD TECH:  
AAC

PLAN REVIEWER:  
MUS

DOCUMENT  
RELEASE DATES:

PLAN COMMENTS SUBMITTAL	
PRELIMINARY	
PLAN COMMENTS/REVISIONS	
01/28/2013	
01/31/2013	
02/05/2013	

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