

AGENDA FOR THE VILLAGE OF SHOREWOOD HILLS ZONING BOARD OF APPEALS

Date and Time: Wednesday, May 20, 2020 – 5:00 P.M.

Location: Virtual Meeting via GoToMeeting application

You can also dial in to listen using your phone. Call [+1 \(571\) 317-3112](tel:+15713173112)

Access Code: 563-891-893

1. Call to order
2. Note compliance with open meeting law
3. Zoning Administrator overview of new code provisions requiring variances concerning roof height, floor area and lake setback
4. Process and Procedures Orientation
5. Variance request that if granted will allow a building encroachment into the 25' front yard setback and encroachment into the lakeside setback line at property located at 3426 Lake Mendota Drive.
 - a. Call public hearing to order
 - b. Explanation of variance being requested
 - c. Presentation by applicant
 - d. Public invited to speak
 - e. Close public hearing
6. Board deliberation and action on variance request
7. Adjourn

Please Note:

- *Written comments on the agenda can be sent to info@shorewood-hills.org before 8:00 am on May 20, 2020.*
- *To register to speak on an agenda item, send an email to info@shorewood-hills.org before 8:00 am on May 20, 2020 detailing which item is of interest. Your comments may be limited to 3 minutes.*

PLEASE TAKE NOTICE, that any person who has a qualifying disability as defined by the Americans with Disability Act that requires the meeting or materials at the meeting to be in an accessible location or format, should contact the Municipal Clerk, 810 Shorewood Boulevard, or phone 267-2680, during regular business hours at least 48 hours before the meeting so that reasonable arrangements can be made to accommodate each request.

It is possible that members of, and possibly a quorum of members of other governmental bodies of the Village of Shorewood Hills who are not members of the above committee may be in attendance at the above stated meeting to gather information. However, no formal action will be taken by any governmental body at the above meeting other than the committee identified in the caption of this notice.

ORDINANCE NO. L-2020-1

VILLAGE OF SHOREWOOD HILLS
DANE COUNTY, WISCONSIN

AN ORDINANCE AMENDING SECTIONS 10-1-26 REGULATING DEVELOPMENT IN THE R-3 DISTRICT, REPEALING LANGUAGE IN THE CURRENT ORDINANCE THAT REQUIRES CONDITIONAL USE APPROVAL. THE REAR YEARD SETBACK FOR PRINCIPAL STRUCTURES WOULD BE ESTABLISHED AS THE GREATER OF 75 FEET FROM THE ORDINARY HIGHWATER MARK OF LAKE MENDOTA, OR A LINE DESCRIBED IN THE ORDINANCE AS THE LAKE SETBACK LINE. PRINCIPAL STRUCTURES COULD NOT EXTEND BEYOND THE LAKE SETBACK LINE WITHOUT A VARIANCE. AMENDMENTS TO SECTION 10-1-110 WOULD REPEAL THE OPPORTUNITY TO OBTAIN A SPECIAL EXCEPTION TO FLOOR AREA RATIO AND HEIGHT LIMITS, MEANING THAT A VARIANCE WOULD BE REQUIRED TO EXCEED THOSE LIMITS. AMENDMENTS TO SECTION 10-1-41 WOULD CLARIFY HEIGHT LIMITS IN COMMERCIAL DISTRICTS.

The Village Board of the Village of Shorewood Hills, Dane County, Wisconsin, ordains as follows:

1. Section 10-1-24, 10-1-25, 10-1-26 of the Municipal Code of the Village of Shorewood Hills is amended as follows:

SEC. 10-1-24 R-1 SINGLE-FAMILY RESIDENCE DISTRICT.

(a) Description and Purpose. The purpose of this District is to provide for lots primarily intended for single-family structures.

(b) Principal Permitted Uses.

- (1) Single-family dwellings.
- (2) Community living arrangements for not more than eight (8) persons.

[Statutory references: sections 46.03(22) and 62.23(7)(I), Wis. Stats.]

Such community living facilities shall be subject to the following criteria:

- a. The loss of any state license or permit by a community living arrangement shall be an automatic revocation of that facility's zoning permit.
- b. The applicant shall disclose in writing the capacity of the community living arrangement.
- c. No other community living arrangement shall be located within two thousand five hundred (2,500) feet of the proposed facility.
- d. The total capacity of all such facilities located within the Village shall not exceed twenty-five (25) persons or one percent (1%) of the Village's population, whichever is greater.

- e. The Village may make the determination as to the effect of the facility on the Village as provided in section 62.23(7)(i)(9) and (10), Wis. Stats.
- (3) Family day care centers.
 - (4) First Responder Residential Unit
- (c) Conditional Uses. The following uses are allowed in the R-1 Single-Family Residence District only after review and approval of the specific use pursuant to Article E of this Chapter:
- (1) Churches.
 - (2) Public and private elementary and secondary schools.
 - (3) Public libraries.
 - (4) Public parks and playgrounds, including swimming pools and tennis courts.
 - (5) Village buildings and uses.
 - (6) Public utility buildings and uses.
 - (7) Community living arrangements for nine (9) to fifteen (15) persons. The guidelines contained in Section 10-1-24(b)(2) shall apply.
 - (8) Public transit shelters.
- (d) Accessory Uses. Accessory uses shall be permitted as provided in Article K of this Chapter.
- (e) Bulk Regulations.
- (1) Minimum lot area. Nine thousand (9,000) square feet.
 - (2) Maximum height. As provided in Sec. 10-1-110 ~~Thirty-five (35) feet.~~[†]
 - (3) Minimum width of lot at building setback line. Seventy (70) feet.
 - (4) Minimum yard dimensions.
 - a. Front yard. Twenty-five (25) feet except when twenty-five percent (25%) or more of all the frontage on one (1) side of a street between two (2) intersecting streets is built up with buildings having a minimum setback line of more, or of less than twenty-five (25) feet from the street line, no building hereafter erected or altered shall project beyond the minimum setback line so established; provided that this regulation shall not be interpreted so as to reduce the buildable depth of any lot to less than forty (40) feet, or so as to reduce the buildable width of a corner lot facing an intersecting street, held under a separate and distinct ownership from adjacent lots and of record at the time this ordinance is adopted, to less than fifty (50) feet.
 - b. Rear yard. Twenty-five (25) feet.

[†] Also see section 10-1-100 Residential Floor Area and Height Limitations

- c. Side yard. Fifteen (15) feet.
- (5) Maximum lot coverage. The principal and accessory structures shall not exceed twenty-five percent (25%) of the lot.[†]
- (6) Off-Street Parking. Off-street parking shall conform, where applicable, with the regulations set forth in Article G of this Chapter.

SEC. 10-1-25 R-2 SINGLE-FAMILY RESIDENCE DISTRICT.

- (a) Description and Purpose. The purpose of this district is to provide for lots primarily intended for single-family structures.
- (b) Principal Permitted Uses. Any permitted use in the R-1 District.
- (c) Conditional Uses. Any conditional use permitted in the R-1 District, and the use of outside storage, rubbish and recycling containers on premises where the principle structure is a church, school or Village building.
- (d) Accessory Uses. Accessory uses shall be permitted as provided in Article K of this Chapter.
- (e) Bulk Regulations.
 - (1) Minimum lot area. Five thousand (5,000) square feet.
 - (2) Maximum height. As provided in Sec. 10-1-110 ~~Thirty five (35) feet.~~
 - (3) Minimum width of lot at building setback line. Fifty (50) feet.
 - (4) Minimum yard dimensions.
 - a. Front yard. Twenty-five (25) feet, except forty-two (42) feet from the right-of-way line of University Avenue and fifty-five (55) feet from the centerline of University Bay Drive between University Avenue and the centerline of Colgate Road and except when twenty-five percent (25%) or more of all the frontage on one (1) side of a street between two (2) intersecting streets is built up with buildings having a minimum setback line of more, or of less than twenty-five (25) feet from the street line, no building hereafter erected or altered shall project beyond the minimum setback line so established; provided that this regulation shall not be interpreted so as to reduce the buildable depth of any lot to less than forty (40) feet or so as to reduce the buildable width of a corner lot facing an intersecting street, held under a separate and distinct ownership from adjacent lots and of record, at the time this ordinance is adopted, to less than seventy (70) feet.
 - b. Rear yard. Twenty-five (25) feet.
 - c. Side yard. Ten (10) feet.
- (5) Maximum lot coverage. The principal and accessory structures shall not exceed twenty-five percent (25%) of the lot.[†]

[†] Also see section 10-1-100 Residential Floor Area and Height Limitations

- (f) Off-Street Parking. Off-street parking areas shall conform, where applicable, with the regulations set forth in Article G of this Chapter.

SEC. 10-1-26 R-3 SINGLE-FAMILY RESIDENCE DISTRICT.

- (a) Description and Purpose. The purpose of this District is to provide for lots primarily intended for single-family structures.
- (b) Principal Permitted Uses. Any permitted use in the R-1 District.
- (c) Conditional Uses. Any conditional use in the R-1 District.
- (d) Accessory Uses. Accessory uses shall be permitted as provided in Article K of this Chapter.
- (e) Bulk Regulations.
- (1) Minimum lot area. Ten thousand (10,000) square feet.
 - (2) Maximum height. As provided in Section 10-1-110~~Thirty five (35) feet.~~[†]
 - (3) Minimum width of lot at building setback line. Fifty (50) feet.
 - (4) Minimum yard dimensions.
 - a. Front yard. Twenty-five (25) feet.
 - b. Rear yards not on lakefront property. Twenty-five (25) feet.
 - c. Rear yards on lakefront property. The greater of seventy-five (75) feet or the distance between the ordinary high water mark ("high water mark") and the special lakefront setback line described in subsection (g), below.~~Seventy five (75) feet~~ for principal structures.
 1. Yard requirements adjacent to the lake shall be determined by measuring to the closest point of the lake's ~~ordinary~~ high water mark (~~"high water mark"~~).
 2. If the adjacent lots on both sides have existing buildings closer to the high water mark than the minimum rear-yard setback~~seventy five (75) feet~~, the minimum distance from the high water mark shall be the larger of the yards of the two adjacent lots.
 3. The yard requirement for lake property shall apply to all new construction, reconstruction or additions to existing construction.
 - d. Side yards. Seven and one-half (7.5) feet.
 - e. Maximum lot coverage. The principal and accessory structures shall not exceed twenty-five percent (25%) of the lot.[†]
- (f) Off-Street Parking. Off-street parking areas shall conform, where applicable, with the regulations set forth in Article G of this Chapter.

~~(g) Special Lakefront Setback Line. A Conditional Use. Any development which results in a change specified in paragraph (1) of this subsection to structures or conditions legally~~

[†] Also see section 10-1-100 Residential Floor Area and Height Limitations

~~existing on February 1, 2002, on properties located north of Lake Mendota Drive, is permitted only as a conditional use pursuant to Article E of this Title 10. In determining whether or not to approve such a conditional use, the standards set forth in paragraph (2) shall be applied in addition to those in Article E, with the following modifications: first, section 10-1-52(b) which specifies notice requirements for hearings, shall be modified to include owners of property who are within 200 feet of the boundary of the property affected; second, section 10-1-52(d) which specifies procedures for referral and recommendation from the Plan Commission to the Board, shall permit the Plan Commission to make reasonable conditions related to the conditions in paragraph (2), however items 1-15 which include a range of conditions not relevant for residential properties such as sureties and hours of operation, and other conditions outside the intent of this ordinance, such as architecture, exterior colors and exterior materials shall not apply.~~

~~(1) The following require a conditional use pursuant to this subsection:~~

- ~~a. Any development in the area between Lake Mendota and the lakefront setback line described in paragraph (3).~~
- ~~b. Any new roof area more than 30 feet above the ground surface immediately beneath it.~~
- ~~c. Any new construction the highest point of which is more than six feet above the highest point of the principal structure on an adjacent lot.~~
- ~~d. Any new structure.~~
- ~~e. Extending a roof more than two feet horizontally in any direction.~~
- ~~f. Any reduction in the distance between any part of a structure and the lake or a side lot line.~~
- ~~g. Any increase in height of any part of a structure.~~
- ~~h. Adding, removing or moving more than 10 cubic yards of soil or other fill to, from, or within any lot.~~
- ~~i. Increasing the amount of area covered by roofs, paving, or other impervious surfaces by more than 200 square feet.~~

~~(2) A conditional use shall be approved under this paragraph only if the applicant demonstrates by clear and convincing evidence the following:~~

- ~~a. Views of Lake Mendota from points off the lot on which the development or excavation is proposed will not be adversely affected.~~
- ~~b. Erosion will not be increased.~~
- ~~c. The flow of surface water will not be changed so as to adversely affect other lots, the lake or other aspects of the natural environment.~~
- ~~d. Infiltration of surface water into the ground will not be adversely affected.~~
- ~~e. Access to properties and structures by firefighters and other emergency personnel will not be adversely affected.~~

a.(g) ~~The purpose of this~~ special lakefront setback line (“the Line”) is established as provided in this section. The purpose of the Line is to preserve the existing open space between Lake Mendota (the “Lake”) and the existing houses in order to maintain the view of the Lake for all the properties, to enhance water quality and preserve the environment. The Line is referenced in places to existing houses. Unless a special surface is mentioned, the Line is drawn as of 2/1/02 to the exterior surface of the house such as the siding, stucco, etc., which is closest to the Lake, and not to the foundation, deck, patio, roof overhangs, or window sills or similar trim protrusions. In the definition, all properties are described by their house numbers as of 2/1/02, and all house numbers are on the north side of Lake Mendota Drive. ~~The character ‘ means feet. The term NHWM means the normal high water mark of the Lake as defined by the Wisconsin Department of Natural Resources.~~

The Line begins at the west property line of the lot at 3696 at a point ~~75-~~75 feet from the ~~NHWM~~high water mark and goes from that point to the NW corner of the house at 3696, follows the back of that to its NE corner, then to the NW corner of the house at 3690, follows the bank of that to its NE corner, then to the NW corner of the house at 3672, then runs directly to the Northernmost point of the house at 3668, then runs directly to the NW corner of the house at 3656, follows the back of that to its NE corner, then runs directly to the NW corner of the northern most portion of the house at 3636, follows the back of that house to its NE corner, then runs directly to the NW corner of the house at 3626, follows the back of that to its NE corner, then runs directly to the NW corner of the house at 3610, then runs directly to the NW corner of the house at 3546, follows the back of that to its NE corner, then runs directly to the NW corner of the house at 3522, follows the back of that to its NE corner, then runs directly to the NW corner of the house at 3514, and follows the back of that to its NE corner.

From there, the line goes to the NW corner, across the back to the NE corner and to the next NW corner and so on for the next 10 houses, specifically, to the NW corner of the house at 3512, follows the back of that to its NE corner, then to the NW corner of the house at 3506, follows the back of that to its NE corner, then to the NW corner of the house at 3448, follows the back of that to its NE corner, then to the NW corner of the house at 3444, follows the back of that to its NE corner, then to the NW corner of the house at 3440, follows the back of that to its NE corner, then to the NW corner of the house at 3434, follows the back of that to its NE corner, then to the

NW corner of the house at 3426, follows the back of that to its NE corner, then to the NW corner of the house at 3422, follows the back of that to its NE corner, then to the NW corner of the house at 3418, follows the back of that to its NE corner, then to the NW corner of the house at 3414, follows the back of that to its NE corner, then to the NW corner of the northernmost portion of the house at 3410, follows the back of that portion to the NE corner of that portion, then runs directly to the NW corner of the northernmost portion of the house at 3334, follows the back of that portion to the NE corner of that portion, then runs directly to the NW corner of the main body of the house at 3310 (not the porch), follows the back of that portion to the NE corner of that portion, then runs directly to the NW corner of the house at 3300, follows the back of that to its NE corner, then runs directly to the NW corner of the top roof of the house at 3226, follows the edge of that roof to the NE corner of that roof, and then continues along the same bearing to the intersection Point on the eastern property line of 3226.

The Line then follows that property line away from the Lake to a Point due west of the NW corner of the house at 3220, then to the NW corner of that house, follows the back of that to its NE corner, then runs directly to the NW corner of the northernmost portion of the house at 3210, follows the back of that portion to the NE corner of that portion, then runs directly to the NW corner of the building south of the house at 3202, then runs directly to the West corner of the house at 3202, then north to a line 75'-75 feet from the NHWM high water mark.

From that intersection the Line runs to the Village boundary staying 75'-75 feet from the NHWM high water mark.

The Line has no meaning as a setback line where it crosses Village property (between the eastern property line of 3534 and the western property line of 3522, and between the eastern property line of 3406 and the western property line of 3334).

~~Pre application process (optional). In preparation for a conditional use application a homeowner or adjacent neighbor may request that the village convene a pre-application meeting. The meeting would be facilitated by the village administrator or a designated member of the Plan Commission. The objectives of the meeting would be as follows:~~

- ~~a. Clarify the conditional use process and criteria;~~
- ~~b. Allow homeowners to share their preliminary goals and plans;~~
- ~~c. Allow neighbors to express their preferences and concerns relating to the criteria;~~
- ~~d. Begin the process of exploring mutually advantageous solutions.~~

2. Section 10-1-110 of the Municipal Code of the Village of Shorewood Hills is amended as follows:

SEC. 10-1-110 RESIDENTIAL FLOOR AREA AND HEIGHT LIMITATION.

- (a) In this section the following words and terms shall have the following meanings:

(1) "Floor Area Ratio" (FAR). The floor area ratio of the building or buildings on any lot is the floor area of the building or buildings on the lot divided by the area of such lot. The floor area requirements as set forth in this section shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the area of the lot. When it is necessary to calculate the area of a lot to evaluate the FAR pursuant to this section, the person seeking a permit or approval shall provide a survey of the lot prepared by a registered land surveyor.

(2) "Floor Area." For the purpose of this ordinance, the floor area of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings. The floor area of a building shall include:

- a. Basement floor area where more than one exterior basement walls are above the finished lot grade. The percentage of the total basement floor area to be included in the adjusted floor area shall be equal to the percentage of the total perimeter of the basement wall that is completely exposed.
- b. Elevator shafts and stairwells at each floor;
- c. Floor space used for mechanical equipment;
- d. Penthouses, attic space used for human occupancy, interior balconies and mezzanines;
- e. Enclosed porches; and
- f. Floor area devoted to accessory uses.

The floor area of a building shall not include:

- a. Unenclosed spaces such as unenclosed decks;
- b. The first 500 square feet of garage space;
- c. Accessory structures having dimensions less than 100 sq ft or 7 1/2 ft inside height;
- d. The first 500 square feet of a detached accessory dwelling structure on a lot larger than 8,000 square feet.

- (b) The floor area ratio of the building or buildings on any lot in the R-1, R-2 or R-3 Residential District shall not exceed the following:

(1) On lots smaller than 8,000 square feet, the floor area ratio shall not exceed 0.35 plus an additional 250 square feet of floor area;

- (2) On lots between 8,000 and 19,999 square feet, the floor area ratio shall not exceed 0.10 plus an additional 2,250 square feet of floor area;
 - (3) On lots larger than 19,999 square feet, the floor area ratio shall not exceed 0.02 plus an additional 3,850 square feet of floor area.
- (c) If the lot is vacant, then these rules shall be interpreted as compared to a building that is the size of the maximum building in the limits provided above.
- (d) Maximum Height. ~~In the R-1, R-2 and R-3 Districts, the~~The vertical distance between any point on the roof and the point on the natural grade directly beneath it shall not exceed the following values.
- (1) A gable or hip roof with a pitch of 12:12 or steeper: 32 feet
 - (2) A gable or hip roof with a pitch of less than 12:12, or a gambrel roof: 30 feet
 - (3) A shed, flat or mansard roof: 22 feet
 - (4) Natural grade is defined as the grade determined by the survey required in section 15.10 of the Village code, titled "Permits and Site Surveys Required" in cases where that code section applies.

~~(e) A special exception to the floor area and height ratio may be granted a follows:~~

~~(1) Applications for special exceptions shall be made and processed using the same procedure that applies to conditional use permits under Article E of this Code.~~

~~(2) A special exception shall not be granted unless the applicant demonstrates that the building or buildings on the lot that exceed the floor area ratio and height limit will meet the conditions set forth in Sec. 10-1-52 of this Code. For purposes of this section, references to "use" or "conditional use" in Sec. 10-1-52 shall be deemed to be references to the building or buildings for which a special exception is requested. In addition, the applicant shall demonstrate compliance with the following additional conditions:~~

~~a. The uses, values, views, vistas and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or be diminished by the special exception.~~

~~b. The special exception will not substantially impair an adequate supply of light and air to adjacent property, or increase the danger of fire within the neighborhood.~~

~~c. The special exception will not substantially increase erosion;~~

~~d. The special exception will not substantially cause the flow of surface water to be changed so as to adversely affect other lots or the natural environment.~~

~~e. The special exception will not substantially adversely affect infiltration of surface water into the ground.~~

~~f. The special exception will not substantially adversely affect access to property or structures by fire fighters and other emergency personnel.~~

~~(3) The Plan Commission may consider the following:~~

- ~~a. If other residences along the same side of the street adjoining the residence have similar FARs.~~
- ~~b. If the lot has large trees and/or mature landscaping which obscures the scale of the residence.~~
- ~~c. If the property has unique topographic features which reduce the scale of the residence.~~
- ~~d. If the residence setback from the public street is significantly greater than minimum requirements.~~
- ~~(e) Any structure that existed lawfully at the time this section was adopted and that exceeds the floor area ratio or height limit shall be deemed to have been granted a special exception to the floor area ratio and height limit. Should any structure as defined above be destroyed through natural or man-made disaster, including fire said structure shall be permitted to be reconstructed on the same footprint and up to the same floor area and height as preexisted.~~
- ~~(d) Pre-application process (optional). In preparation for a special exception application, interested parties may request that the village convene a pre-application meeting. The meeting would be facilitated by the village administrator and staff. The objectives of the meeting would be as follows:~~
 - ~~(1) Clarify the process criteria;~~
 - ~~(2) Allow the homeowners to share their goals and plans;~~
 - ~~(3) Allow neighbors to express their preferences and concerns;~~
 - ~~(4) Begin the process of exploring mutual advantageous solutions.~~

SEC. 10-1-111 THROUGH SEC. 10-1-119 RESERVED FOR FUTURE USE.

- 3. Section 10-1-41 of the Municipal Code of the Village of Shorewood Hills is amended as follows:

SEC. 10-1-41 HEIGHT REGULATIONS. The height of structures shall conform to the requirements below. Height shall be measured as the vertical distance between any point on the roof and the point on the natural grade directly beneath it for the types of roofs described.

(a) C-1: minimum height—30'; maximum—45'

- (1) A gable or hip roof with a pitch of 12:12 or steeper: 40 feet
- (2) A gable or hip roof with a pitch of less than 12:12, or a gambrel roof: 38 feet
- (3) A shed, flat or mansard roof: 30 feet

(b) C-1: maximum height

- (1) A gable or hip roof with pitch of 12:12 or steeper: 54 feet
- (2) A gable or hip roof with pitch of less than 12:12, or a gambrel roof: 52 feet
- (3) A shed, flat or mansard roof: 45 feet

(c) C-2: maximum height—130'

(1) A gable or hip roof with a pitch of 12:12 or steeper: 140 feet

(2) A gable or hip roof with a pitch of less than 12:12, or a gambrel roof; 138 feet

(3) A shed, flat or mansard roof: 130 feet

(d) C-3: maximum height

(1) A gable or hip roof with a pitch of 12:12 or steeper: 45 feet

(2) A gable or hip roof with a pitch of less than 12:12, or a gambrel roof; 43 feet

(3) A shed, flat or mansard roof: 35 feet

(e) CF: maximum height—45', except hospitals, which may have a maximum height of 135'

(1) A gable or hip roof with a pitch of 12:12 or steeper: 55 feet

(2) A gable or hip roof with a pitch of less than 12:12, or a gambrel roof; 53 feet

(3) A shed, flat or mansard roof: 45 feet

Except hospitals, which may have a maximum height

(4) A gable or hip roof with a pitch of 12:12 or steeper: 145 feet

(5) A gable or hip roof with a pitch of less than 12:12, or a gambrel roof; 143 feet

(6) A shed, flat or mansard roof: 135 feet

This Ordinance shall take effect upon passage and publication pursuant to law.

The above and foregoing resolution was duly adopted by the Village Board of the Village of Shorewood Hills at its meeting held on _____.

APPROVED:

David J. Benforado, Village President

ATTEST:

Karla Endres, Village Clerk



VILLAGE OF SHOREWOOD HILLS
810 Shorewood Boulevard
Madison, WI 53705-2115

Office Use Only
 Variance Petition
 No. ____ - ____

Zoning Appeal and Petition for Review

A. Owner and Agent Information Application fee: \$ _____
 Owner's Name: Mark and Yolanda Staff Phone No.: (608) 658-1275
 P.O. Address: 3426 Lake Mendota Drive Madison WI 53705
(Street) (City) (State) (Zip)
 Agent, Architect or Engineering Firm: Hart DeNoble Builders
 P.O. Address: 7923 Airport Road Middleton WI 53562
(Street) (City) (State) (Zip)
 Contact Person: Jason Franzen Plan Number(s): _____
 Firm's Phone No.: (608) 831-4422 Firm's Fax No.: _____

B. Property Information:
 Property Address: 3426 Lake Mendota Drive Occupancy Use.: Residential
 Parcel Key No.: 0709-171-4121-8 Zoning Classification: R-3

1. Has a previous appeal or petition been made with respect to this property?
 Yes: _____ No: X If Yes, state the nature of the appeal: _____

Check the appeal's disposition: Granted Denied Disposition date: _____

2. Identify all non-conforming structural and / or land uses existing on the property:
The current home is legal non-conforming on the western side yard setback.

3. Each petition or appeal must be accompanied by an accurate, detailed scale drawing indicating the location of the property, showing the dimensions and existing improvements on the property, including dimensions (of existing and proposed improvements) in relation to all lot lines, topographical features (if appropriate) and abutting properties and existing improvements, and clearly indicating the area(s) affected by the proposed variance.

C. Petition for Variance: The undersigned petitioner(s) acknowledge(s) (s)he has read the following Standards for Variances which the Zoning Board of Appeals shall employ to make its findings

based on evidence presented to it, and, further, (s)he understands all of the following conditions must be present:

- a. Literal enforcement of the Zoning Ordinance would result in unnecessary hardship or practical difficulty.
- b. Granting a variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.
- c. The proposed variance will not be contrary to the spirit and general purposes of the Zoning Ordinance.

The undersigned petitioner(s) request(s) a variance from the standards and requirements of the Zoning Ordinances as follows:

1. The standard(s) established by Sec., which requires: streetside/lakefront setback cannot be entirely satisfied. In lieu of complying exactly with the Code, the following variance is requested: A 23.17' front setback variance. Lakefront setback variance to be even with the
he neighboring house at 3422 Lake Mendota Dr. and no closer than 3434 Lake Mendota Dr.

2. The following special conditions exist on the subject property which would present practical difficulty or unnecessary hardship if a variance is not granted: The lakefront setback line
location on the property makes it practically impossible/creates an unnecessary hardship to
build a house without a front setback variance approval.

3. The proposed variance is not contrary to the public interest, and will not endanger public safety or welfare because: The variance request would put the new house even on the street side and
the lakeside with the home nextdoor at 3422 LMD. It wouldn't impact lake views for any
neighboring property. We have support from both neighboring and other nearby properties

4. The requested variance will be in accord with the spirit of the zoning ordinance because: By approving the variance and allowing us to build closer to the street, it would allow us to not
build closer to the lake than our neighbors and protect the lake views.

5. The variance, if granted, will cause substantial justice to be done because: It will provide the
same building area as the house to the east while protecting the lake views as intended by the
lakefront setback.

Verification – Petition is Valid Only if Notarized

Note: Petitioner(s) must be the property owner(s) or an agent authorized by the owner(s) to act on behalf of the owners(s).

I (we), Mark and Yolanda Staff being duly sworn, state as
(Print / Type Names)

petitioner(s) I (we) have read the foregoing petition, and I (we) believe it to be true and I (we) have significant ownership rights in the subject property or have been authorized by the owner(s) to file this petition.

Subscribe and sworn to me this 22nd

Day of January, 20 20, in
Ozaukee County, Wisconsin

Notary Public: David Sykes

My Commission expires: 01/30/2021

[Signature]
Signature of Owner / Petitioner

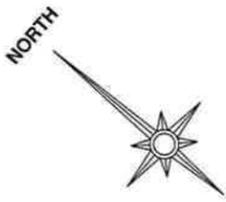
[Signature]
Signature of Owner / Petitioner

**DAVID SYKES
NOTARY PUBLIC
STATE OF WISCONSIN**

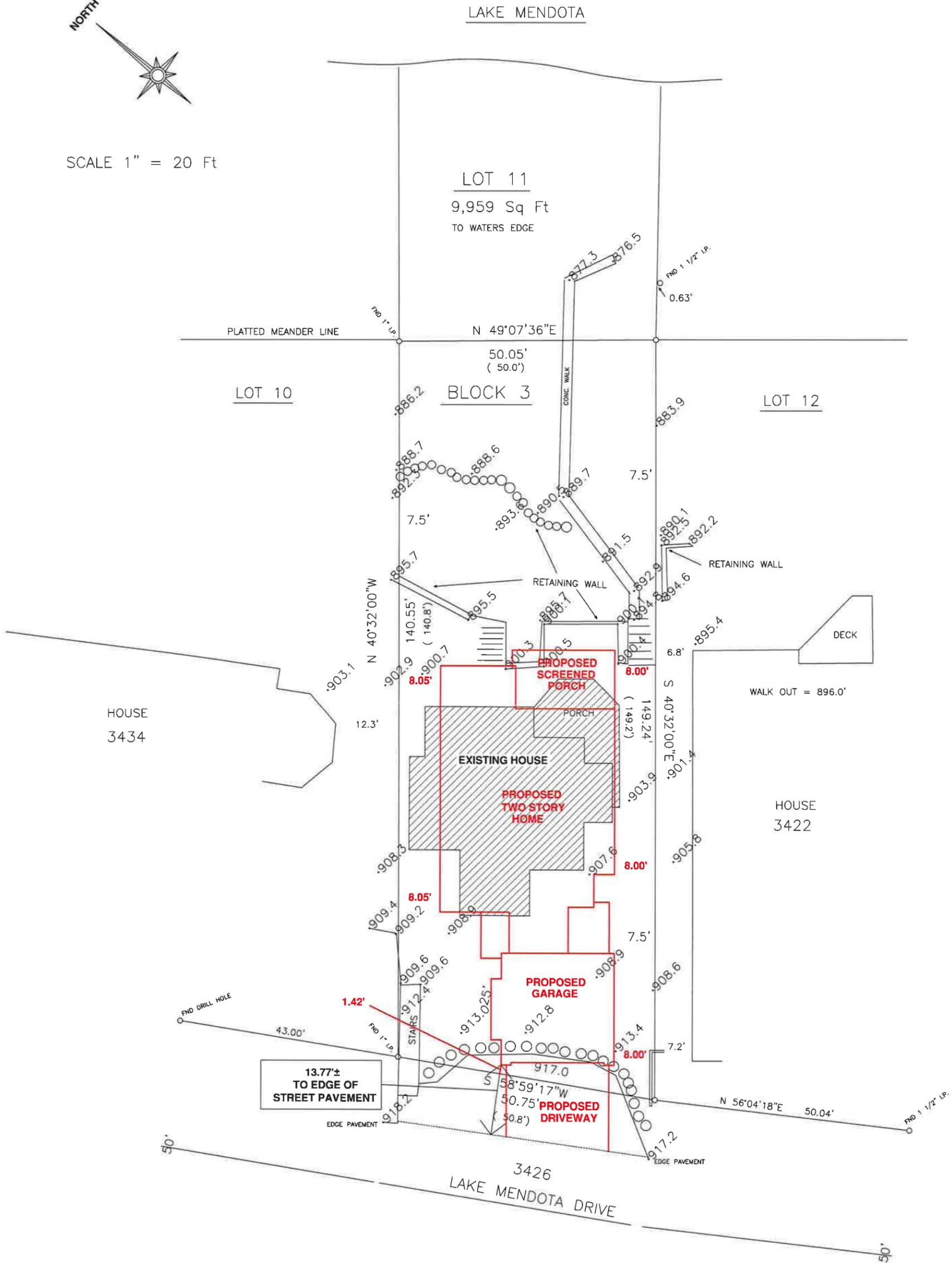
Additional space is provided here for more narrative – kindly reference the section to which the narrative applies:

[Empty rectangular box for narrative text]

LOT 11, BLOCK 3, PLAT OF SHOREWOOD, LOCATED IN THE SW 1/4 OF THE NE 1/4, SECTION 17, T07N, R09E, VILLAGE OF SHOREWOOD HILLS, DANE COUNTY, WISCONSIN.



SCALE 1" = 20 Ft



**PROPOSED FRONT SETBACK
1.42' FRONT SETBACK VARIANCE OVERLAY
WITH EXISTING HOME SITE PLAN**



SITE PLAN	
DATE	REV 4/7/2020
SCALE	1/4" = 1'-0"
REVISION	SHEET
VER. 7	1

**PROPOSED
SINGLE
FAMILY HOME**

PLANS DRAWN BY
STEVEN T. HUNTER
THIS DOCUMENT IS THE EXCLUSIVE
PROPERTY OF:
Hart DeNoble Builders, Inc.
NO PART OF THIS DOCUMENT SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF
Hart DeNoble Builders, Inc.
ANY VIOLATIONS WILL BE PROSECUTED BY LAW

Property Of:

7923 Airport Road
Middleton, WI 53562
Office (608) 831-4422
Fax (608) 831-8272
www.denoblebuilders.com

**NEW HOME FOR:
MARK AND YOLANDA STAFF
3426 LAKE MENDOTA DRIVE
LOT 11, BLOCK 3, PLAT OF SHOREWOOD
VILLAGE OF SHOREWOOD, DANE COUNTY, WISCONSIN**

March 16, 2020

Zoning Board of Appeals
c/o Mr. Karl Frantz
Village of Shorewood Hills
810 Shorewood Boulevard
Madison, WI 53705

Subject: Zoning Constraints for Residential Home Reconstruction at 3426 Lake Mendota Drive

Dear Karl:

We have completed a zoning review of potential residential home reconstruction at 3426 Lake Mendota Drive. The current residents are proposing to tear down and reconstruct a home at the address, but have encountered several challenges in designing a home that can take best advantage of the site layout.

The Village has several independent requirements governing home construction that are sometimes competing and mutually exclusive of each other:

- Roof height: A standard gabled roof shallower than 12:12 pitch must not exceed more than 30 feet in height, when compared to natural grade. On lakefront lots this becomes a challenge as the natural grade slopes off quite steeply from the street towards the lake edge.
- Maximum floor area: Floor area is counted by measuring the footprint of the exterior edge of the outside walls for all exposed floors. For basements, the prorated full exposure of the basement wall perimeter is applied to the entire basement floor. Many lakefront homes have some exposure due to the previously mentioned slopes, which requires counting of at least a portion of the basement in the site's floor area.
- Lot coverage: A maximum of 25% of the overall property area is allowed to be covered by the principal and the accessory structures. In this case it would include the home and the garage. In other cases, where applicable, it would also include garden sheds, gazebos, boat houses, etc.
- Setbacks: Like all other properties in the Village, this location is subject to front, side and rear setback dimensions. In addition, lakefront homes are subject to the lakefront setback, which in this case, is much further from the back lot line due to the locations of existing adjacent homes.

For this exercise, I presumed that the side (7.5 ft) and lakefront setbacks must be kept as specified in code, but allowed for encroachment on the front setback to equal that of the adjacent house at 3422 Lake Mendota Drive. That home was previously allowed a front yard encroachment for its garage because of the significant slopes that would be needed to move the garage further away from the road. I also assumed that ceiling heights would be such that a full three-story lakeside facade (exposed basement, first story and second story), would not be practical. This assumes that either the basement is entirely subterranean, or at least has no full exposure.

Under these assumptions, a home of approximately 3,200 square feet is possible. This assumes a 1,600 square foot basement with no exposure, a 1,600 square foot first floor, and a 2,100 square

foot second floor which incorporates a 500 square foot garage. This hypothetical home is shown in blue on the attached survey, with another conceptual home proposed by the residents shown in orange. I should point out that the blue outline assumes that a front yard setback encroachment identical to the neighboring house would be considered by the Village. Such a setback encroachment would at least still allow for a car to be parked in the existing driveway without extending the bumper out too far towards, and into, the pavement for Lake Mendota Drive. The residents would like to explore further encroachments, though I would advise that even more encroachment would preclude larger vehicles from parking in the driveway.

This is certainly a challenging site with some previously unseen geometric conditions. I will plan on attending Tuesday night's Board of Appeals meeting to further discuss these issues and answer any questions that you may have.

Very truly yours,
TOWN & COUNTRY ENGINEERING, INC.

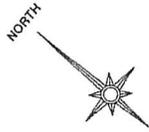


Brian R. Berquist, P.E.
President

BRB:sai

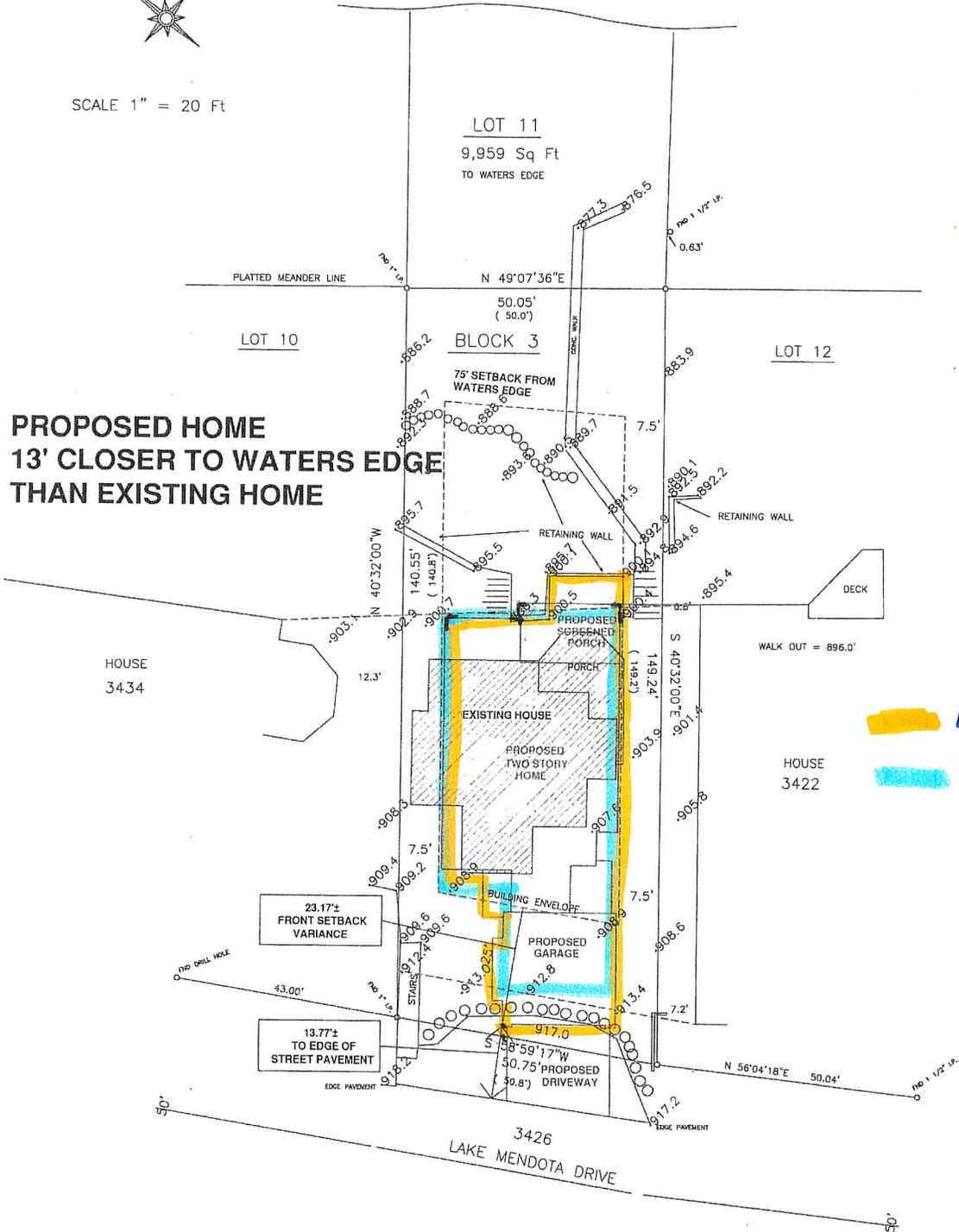
J:\JOB#S\Shorewood Hills\SH-94-M9 2020 Miscellaneous\3426 Lake Mendota Drive\Zoning Ltr..docx

LOT 11, BLOCK 3, PLAT OF SHOREWOOD, LOCATED IN THE SW 1/4 OF THE NE 1/4, SECTION 17, T07N, R09E, VILLAGE OF SHOREWOOD HILLS, DANE COUNTY, WISCONSIN.



SCALE 1" = 20 Ft

LAKE MENDOTA



Proposed Home
Hypothetical Home

SITE PLAN	
DATE REV 1/7/2020	
SCALE 1/4" = 1'-0"	
VERSION	SHEET
VER. 6	1

PROPOSED SINGLE FAMILY HOME

PLANNED BY:
STILES & HENNER
THEY OWNERS OF THE L.S. LENSEL
PROPERTIES, LP
Hart DeNoble Builders, Inc.
1000 W. WISCONSIN AVENUE, SUITE 200
MILWAUKEE, WI 53233
Hart DeNoble Builders, Inc.
1000 W. WISCONSIN AVENUE, SUITE 200
MILWAUKEE, WI 53233

DESIGNED BY:
HART
DENOBLE
3922 SHILOH ROAD
MILWAUKEE, WI 53234
018.1.0009.931.4422
FAX: 01800.931.4422
WWW.DENOBLEBUILDERS.COM

NEW HOME FOR:
MARK AND YOLANDA STAFF
3426 LAKE MENDOTA DRIVE
LOT 11, BLOCK 3, PLAT OF SHOREWOOD
VILLAGE OF SHOREWOOD, DANE COUNTY, WISCONSIN

VILLAGE OF SHOREWOOD HILLS
1008 Shorewood Boulevard
Madison, Wisconsin 53705

February 13, 1985

O F F I C I A L N O T I C E

PLEASE TAKE NOTICE that the Board of Zoning Appeals of the Village of Shorewood Hills will hold a public meeting on Monday, March 4th, 1985 at 5:00 P.M. at the Village Hall to consider the request of Mr. & Mrs. Thomas Woodward for a variance in the front yard requirements to construct an addition to the front and back of their residence.

PROPERTY AFFECTED BY THIS PETITION: Parcel No. 54-01-41
Owner: Mr. and Mrs. Thomas Woodward Address: 3422 Lake Mendota Drive

The Woodwards propose to construct an addition to the front and rear of the house. The rear yard addition will not require a variance. The front yard addition will extend into the required 25' front yard setback by 10' to 17'.

Plans for the addition, Notice of Appeal and Application for Review have been filed in my office and may be reviewed during the hours of 8 A.M. to 5 P.M. daily prior to the hearing. All persons, or their representatives, desiring to be heard on this appeal are requested to be present at the hearing or written comments may be addressed to the Board of Appeals, Village of Shorewood Hills, 1008 Shorewood Boulevard, Madison, Wisconsin 53705 for the presentation at the hearing.

VILLAGE OF SHOREWOOD HILLS


Dick Vander Zanden
Village Administrator

DVZ:elc

NOTICE OF APPEAL AND APPLICATION FOR REVIEW

TO: The Board of Zoning Appeals
Village of Shorewood Hills
1008 Shorewood Boulevard
Madison, Wisconsin 53705

1. Name of Appellant or Applicant Tom Woodward

P.O. Address 3422 Lake Mendota Dr.

2. Address of property 3422 Lake Mendota Dr. Parcel # 54-01-41

Lot 12, Block 3, Subdivision ADDN. TO SHOREWOOD

Present use of property Residence

Zoning classification _____

3. Has a previous appeal or application been made with respect to this property? Yes () , No (). If "yes" state nature of previous appeal or application _____

Disposition of previous appeal N/A

Date of decision in previous case N/A, 19 .

4. Date of decision or order of administrative official from which appeal is taken _____

Date of notice of such decision received by applicant _____

5. Purpose and grounds of appeal or application.

() A. Request for interpretation of zoning ordinance and reversal of order, requirement, decision or determination of administrative official. Attach separate sheet giving reasons why you claim this order, requirement, decision or determination is erroneous.

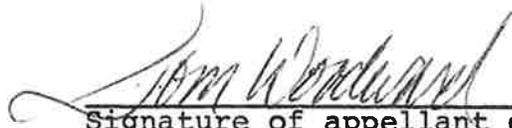
() B. Request for variance. Attach separate sheet explaining:
(1) variance requested
(2) what special conditions exist which will cause practical difficulty or unnecessary hardship if the variance requested is not granted
(3) why variance requested is not contrary to the public interest and will not endanger public safety and welfare
(4) why variance requested will be in accord with the spirit of the zoning ordinance
(5) how the variance, if granted will cause substantial justice to be done.

Page 2
Notice of Appeal and
Application for Review

() C. Other: _____ . State relief requested and attach separate sheet, giving reasons why appellant is entitled to such relief.

6. Each appeal or application must be accompanied by a scale drawing showing the location and size of property, existing improvements, all abutting properties and improvements thereon and the requested change or addition.

"I certify that the above statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief."



Signature of appellant or applicant
2/27/85

Date

February 27, 1985

Village of Shorewood Hills
1008 Shorewood Blvd.
Madison, Wis. 53705

Dear Sir/Madam;

We herewith request a variance in the required 25 foot front yard setback at 3422 Lake Mendota Drive.

The purpose of this request is to allow the construction of a new garage at road level, in order to obtain year round use. Currently, during winter months, the existing driveway and garage is unuseable due to the severe incline. This results in our cars being parked on the roadside all winter. Not only is this inconvenient, it also interferes with winter snow plowing activities.

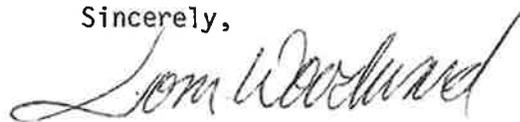
Removing our cars from the roadside would allow easier, more expedient, and better snow plowing. The addition does not interfere or obstruct the line of sight for automobiles coming from either direction.

The garage addition is neither economically feasible if constructed above the existing garage, nor safe to have inflammable or toxic items above enclosed living space. The only acceptable location is directly in front of the existing garage.

If this variance is allowed, this construction would have a positive impact on both our property values and the surrounding neighborhood. Additionally, our personal environment during harsh winter months will be more easily tolerated.

We thank you all for your consideration on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Tom Woodward". The signature is written in dark ink and is positioned above the printed name.

Tom and Debbie Woodward

VILLAGE OF SHOREWOOD HILLS

MINUTES OF THE BOARD OF APPEALS, MONDAY, MARCH 4th, 1985 - VILLAGE HALL - 5 P.M.

PRESENT: Chairman Hart, Mrs. JoAnn Stein, Messrs. Robert Roden and James Potter

ALSO PRESENT: Mr. George Burrill, Mr. & Mrs. Woodward, Architect James Gempler
and Administrator Vander Zanden

Mr. Hart opened the meeting and verified with Administrator Vander Zanden that proper posting and notice to neighbors within 300 feet had been made.

Motion by Mr. Potter, seconded by Mrs. Stein, "to reserve the right to go into closed session at the end of the meeting". Motion carried unanimously.

*Amended 4/29/85

Mr. and Mrs. Woodward and Architect Gempler reviewed plans for an addition to the lake side of the house of 16', plus porch, leaving 120'6" to the water line or 67'6" to the lake meander line and a 22' garage addition to the front of the house requiring a front yard variance of 10' to 17' extension into the required 25' front yard setback. The variance is required in order to build a garage at the proper level to eliminate the 18° slope in the existing driveway * which prohibits use of driveway and garage during winter months.

No written comments were received from neighbors and there were no appearances at the meeting.

Mrs. Stein MOVED, seconded by Mr. Potter "to go into closed session". Motion carried with all present voting aye.

CLOSED SESSION: The Board determined that the 18° slope of the driveway created a hardship and that the design of the new garage was carefully blended with the existing house.

Mrs. Stein MOVED, seconded by Mr. Potter, "that the front yard variance be granted". Motion carried unanimously.

There being no further business before the Board, the meeting was adjourned.


Dick Vander Zanden
Village Administrator/Clerk

DVZ:elc