

# AGENDA FOR THE VILLAGE OF SHOREWOOD HILLS ZONING BOARD OF APPEALS

**Date and Time:** Thursday, August 6, 2020 – 5:00 P.M.

**Location:** Virtual Meeting via Zoom

The public hearing will be livestreaming on the Village’s Facebook Page ([@VillageOfShorewoodHills](https://www.facebook.com/VillageOfShorewoodHills)) or you can listen to the meeting live on Zoom by dialing (312) 626-6799 US (Chicago)

Meeting ID: 890 0437 4010

Passcode: 455269

1. Call to order
2. Note compliance with open meeting law
3. Process and Procedures Orientation
4. Variance request to allow a flat/shed roof to exceed the maximum height by up to 4.5 feet at property located at 2906 Harvard 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
5. Board deliberation and action on variance request
6. Adjourn

*Please Note:*

- *Written comments on the agenda can be sent to [info@shorewood-hills.org](mailto:info@shorewood-hills.org) before 8:00 am on August 6, 2020.*
- *To register to speak on an agenda item, send an email to [info@shorewood-hills.org](mailto:info@shorewood-hills.org) before 8:00 am on August 6, 2020 detailing which item is of interest. Your comments may be limited to 3 minutes.*

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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 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.



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: \$ 250.00  
 Owner's Name: Jeff and Sara Horein Phone No.: 608-516-1439  
 P.O. Address: 208 Lathrop Street Madison WI 53726  
(Street) (City) (State) (Zip)  
 Agent, Architect or Engineering Firm: Kevin Yeska; JSD Engineers  
 P.O. Address: 161 Horizon Drive Verona WI 53593  
(Street) (City) (State) (Zip)  
 Contact Person: Kevin Yeska Plan Number(s): \_\_\_\_\_  
 Firm's Phone No.: 608-609-6794 Firm's Fax No.: \_\_\_\_\_

B. Property Information:

Property Address: 2806 Harvard Drive Occupancy Use.: Residence  
 Parcel Key No.: 0709-163-6465-1 Zoning Classification: R2

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:

N/A

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.10-1-110 (d)(3) Maximum Height in R-1, R-2 and R-3 Districts. Which requires: The vertical distance between any point on the roof and the point of the natural grade directly beneath it shall not exceed the following values: A shed, flat or mansard roof : 22'. This zoning ordinance cannot be entirely satisfied without significant disruption to the lot elevations and blocking the expansive views of the homes beside and above this property. In lieu of complying exactly with the Code, the following variance is requested: Maximum flat/shed roof heights of 26.5" graduating to the east edge of the property as shown on attached elevations.**
2. **The following special conditions exist on the subject property which would present practical difficulty or unnecessary hardship if a variance is not granted:** This is a very unique lot with elevation change west to east, a peak north to south and narrow building space, which makes it infeasible and certainly not neighborly, to follow the existing ordinance. We do not believe the Zoning Ordinance was attempting to force a house to build a peak roof when a flat roof would benefit the neighbors, and the owners have done all they can to reduce the elevation. The building envelope, defined by the setback limitations and the sloping/peaking lot present a unique issue to this property. It has over 31 feet of west/east elevation change as well as north south variances within a reasonable building footprint. Digging down as far as reasonably possible while managing drainage of such a sloped property and adjacent street can only go so far. The hardship to adjacent properties and their views must be considered. The property has a natural kettle on the east edge that manages the drainage of the entire neighborhood and downhill Harvard and Beloit homes.
3. **The proposed variance is not contrary to the public interest, and will not endanger public safety or welfare because:** In fact the proposed variance is as much about eliminating detriment to the public welfare and injury to other property owners as it is to the value of this property. The adjacent properties would be injured if we took the only viable alternative which would be to build a peak roof to 32,' in height which is within the Village Ordinances. There are no safety concerns.
4. **The proposed variance will be in accord with the spirit of the zoning ordinance because:** We recognize that the existing Zoning Ordinance could not and should not have been developed to consider this lot. It has so many unique features sloping east to west and peaking north to south. The right of way and set backs creating a triangular shape and resulting small building envelope are not the norm. It is in the spirit of the general Zoning Ordinance to reduce the

height and obstruction of flat/shed roof homes. We are attempting in every way to meet the spirit and general purpose of this ordinance. The resulting roof which follows the slope within the prescribed setbacks is the marquee example of why this variance should be permitted

5. **The variance, if granted, will cause substantial justice to be done because:** The neighbors will maintain their existing views as best as we can manage. The economics of this lot require a reasonable sized home with a main floor living area on one floor. The village will gain a balanced tax basis property which meets the spirit of the Zoning Ordinance. The resulting home will be less impactful on the surrounding community.

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).

Village of Shorewood Hills

Zoning Appeal and Petition

I (we), Jeff and Sara Horein 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 July 1, 2020

Day of \_\_\_\_\_, 20\_\_\_\_, in

Columbia County, Wisconsin.

Notary Public: Susan M. Kilen

My Commission expires: Feb 18, 2022



Signature of Owner / Petitioner

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

See attached info:

Additional space (continued):

See attached info:

[Empty rectangular box for additional information]

**Office Use Only**

Date Filed: 7/1/20 Amt. Paid: 250.00 Receipt #: CC Rec'd by: OTS  
(initials)

Notice of Public Hearing posted and mailed on: 7/27/20 by: OTS  
(initials)

Board of Appeals – submitted on: \_\_\_\_\_; approved / denied on: \_\_\_\_\_  
(date) (date)

2906 Harvard Drive  
Village of Shorewood Hills,  
Madison, WI  
Jeff and Sara Horein (Owners)

Sara and Jeff have worked diligently developing a footprint for a house to fit on the challenging building envelope that this property presents. To help you understand some of our challenges here are a few points:

- The lot is a little over  $\frac{1}{4}$  of an acre in size (.279 per tax records)
- This Lot has a right-of-way on Harvard Drive that sets the front lot line back from Harvard Drive around 45 feet. Along Harvard Drive, this is the most effected lot due to this unusual right-of way set back.
- Due to the right-of way and the zoning setback of 25 feet from the front lot line, the house will sit back around 70 feet or more from Harvard Drive and Beloit Ct.
- Within this building envelope (using all zoning setbacks from side and front yards) the building envelope has a total of 36 feet of elevation difference from top to bottom. We will be dealing with about 31 feet of that within our proposed house footprint
- Due to the narrow and tapering lot shape and resulting building envelope the house cannot become deeper and shorter. (triangular shape)
- If you consider this property with the inclusion of the right-of way there is visually, nearly  $\frac{1}{2}$  acre of space here.

We are designing a house to compliment the presence of the homes surrounding this on Hunter Hill and Beloit Cr. Our goal is to have a home that fits the property and is more likely to disappear and not block any views, than a highly visible architectural monument. As you might be aware, the biggest issue we are dealing with is elevations and height. So here are a few things we are tackling to make this a workable project:

- At the rear lot line setback, we have designed a house and driveway that will be dug into the hill to an elevation of 896 feet. As you will see on the attached the existing elevations at this rear line on the house are 906-909 and the driveway retaining wall has an existing max elevation of 912. Therefore, the retainage of soil ranges from 16-10 feet along the back of the house and drive.
- This is the maximum we can dig down; at 896 feet we are at the same level as Harvard Drive at the south west corner (Projected over the right of way)
- This is a significant hardship already incurred of proposed cost to dig down this far and design and develop retaining walls, drainage and terracing to meet this depth and elevation.
- We cannot dig any deeper or the driveway and house will be below the Harvard Drive elevations and would be disastrous/ water and drainage management issues. Something like this would require a retention and/or pumping system at significant cost that would make this property infeasible financially to build and maintain.
- In addition to the driveway and garage being at 896 feet we have lowered the main floor of the house to 895 feet to try and gain every inch we can as we head down the elevation. This is planned as our retirement home and we need to reduce the hardship of excessive multiple

levels on the main floor. Making the main floor have multiple levels would be a significant hardship as Sara and I are building this as our final Madison home and plan our retirement here.

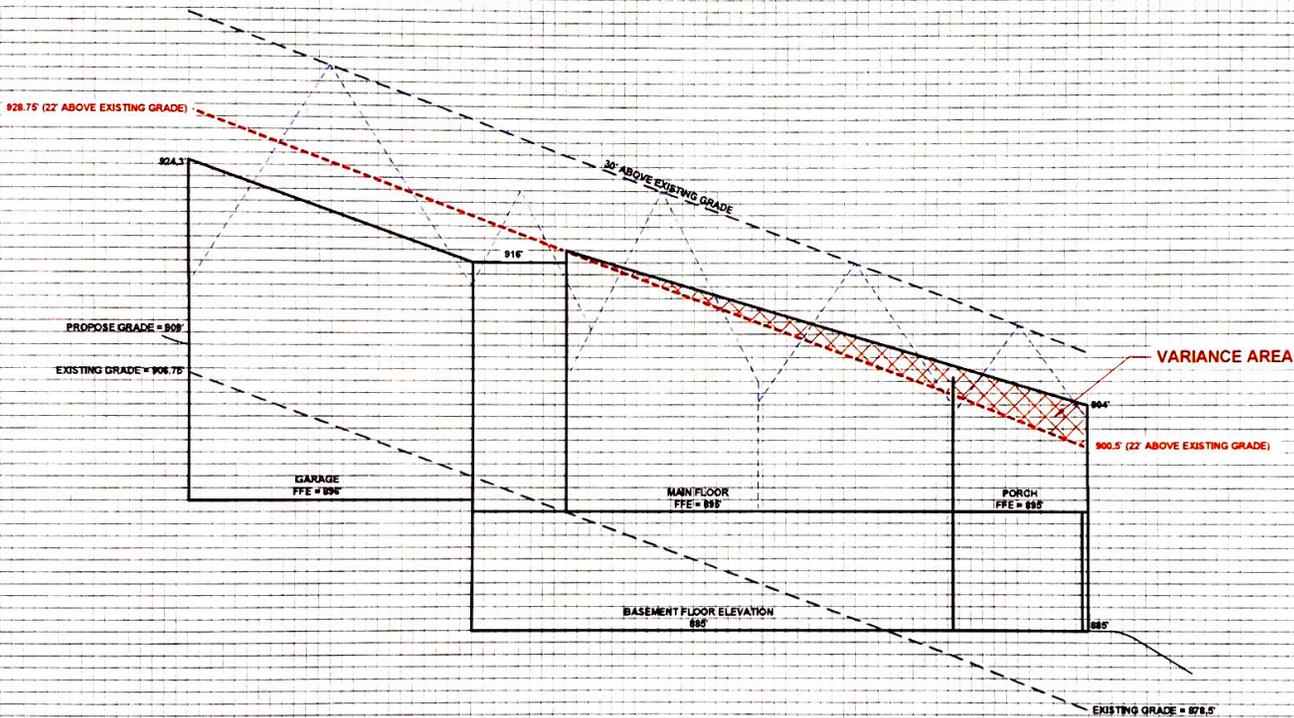
- The least disruption to this property and the reduction of hardship on the neighbor's view corridor has driven us to try and build a flat roof line. (Actually, a Shed roof) We have designed a roof line which follows the hill and elevations. The highest point would be at the West house line and would traverse the lot staying as close to the natural elevations as reasonable.
- This presentation of a flat roof line will minimize any impact and reduce the hardship to the Hunter Hill Properties at 2900 and 2909 Hunter Hill by setting the highest roof elevation at approx.: 924' feet. That is slightly below the existing elevation of the first floor of the Bohochik House at 2900 Hunter Hill and less than 5 feet above the Highest point on this 2906 Harvard Lot. Making this house as unimpactful as we can.
- To span a 2 car wide garage plus a main floor 1050ish sq/ft footprint and a screened porch the roofline would drop from the west at 924 feet to east at 904 foot at the bottom of the hill.
- The natural elevation at the top is 906.75 to 903.5'. Here at the West setback the proposed roof is 16.65' to 19.9' above existing grade and in compliance with the 22' zoning code.
- The natural elevation at the bottom of the footprint is 878.5' to 877.5'. Here at the East setback the proposed roof is 904 or 25.5-26.5' above the existing grade. This represents 3.5-4.5 feet of variance needed above the existing natural elevations.
- Our proposed finished grading elevation at the bottom of the footprint will be 880ish feet making the final appearance at this point only 24-foot above grade at the East edge. Most of the remainder of the house will have a final grade being within the 22 feet.
- As a point of reference our final grade from the Harvard Drive view, will have the roof line above final grade by 15-16 foot at the top (west) and 24 foot at the (east) bottom edge. Most of the time the house will be at or under the 22' zoning code until the last third of the house and then starting at zero and growing to 2 feet.
- The proposed roof will cause less potential burden on the neighboring properties by draining all the water downhill towards the rain barrels/rain garden and the natural kettle.

In contrast to this we would design a roof line that would have a compliant peaked roof at 32ft. This 32ft peak will take this house from a natural grade house built to disappear into the hill and change it to a multi peaked roof multiple peaks that would add 10-14 feet of blocked view at the top of the property and a difficult to manage drainage and water control plans. The view hardship on the neighboring properties would be significant.

- We have worked hard to meet all existing and proposed codes, including the 3' setback for all retainage and driveways.
- We will meet all the Residential Floor Area requirements.
- We have designed a home to fit the neighboring homes respectfully and in a complimentary way.
- We have designed a relatively small footprint for the house at just over 1050 feet plus a garage area and porch.
- We have dug the house into the ground at significant costs and will incur estimated \$60,000-80,000 of excessive site work to build retaining walls to get as close to the code as reasonably possible.

- We would like to have a home that does minimize the imposition and hardship to the view of the neighboring properties; including extra costs to design the driveway with a curved wall to reduce its views from Harvard drive as much as we can.

Our request is for a zoning variance which would allow the house to have a flat (shed) roof that does not exceed 26.5' above existing grade or 4.5' variance as shown in the proposed elevations.



**SOUTH ELEVATION**



CLIENT  
**JEFF & SARA  
 HOREIN**

CLIENT ADDRESS

PROJECT  
**2906 HARVARD DRIVE  
 LOT 2 RESIDENCE**

PROJECT LOCATION  
**VILLAGE OF SHOREWOOD HILLS  
 MADISON, WI 53705**

**PLAN INCORPORATIONS**

#	Sheet	Description
1	GENERAL	VILLAGE SUBMITTAL
2		
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Design/Drawn:  R.J.  
 Approvals:  R.J.

SHEET TITLE  
**SOUTH CONCEPTUAL  
 ELEVATION**

SHEET NUMBER  
**EXHIBIT**









2909 HUNTER HILL

Andrea Arpaci-Dusseau  
Remzi Arpaci-Dusseau  
2909 Hunter HL  
Madison, WI 53705  
(608) 236-1393

To whom it may concern,

We have recently been asked to provide comment, and possible support, for a new housing project at **2906 Harvard Drive** (owners Jeff and Sara Horein).

If such a project were to move forward, we would naturally prefer the house be as low as possible, to reduce impact on sightline and visibility from our home at 2909 Hunter Hill.

Sincerely,

Andrea Arpaci-Dusseau

A handwritten signature in black ink that reads "Andrea Arpaci-Dusseau". The signature is fluid and cursive.

Remzi Arpaci-Dusseau

A handwritten signature in black ink that reads "Remzi Arpaci-Dusseau". The signature is fluid and cursive.