

April 26, 2018

City of Monona
Board of Zoning Appeals
5211 Schuler Road
Monona, WI 53716

RE: *Variance Request at 4709 Tonyawatha Trail, Monona, Wisconsin*

Dear Members of the City of Monona Board of Zoning Appeals:

This letter is written to accompany the application of James Gallegos, the owner of the property at 4709 Tonyawatha Trail, Monona, Wisconsin, for a variance to permit the owner to install two decks, a larger deck and a smaller deck, at the rear of the single family residence at 4709 Tonyawatha Trail.

The subject property is located in the Single Family (SF) zoning classification under the City of Monona zoning ordinance, which requires that structures be located beyond a 50 foot setback line from the meander line based on the Lake Monona ordinary high water mark. The proposed decks and related proposed new stairways shown on the accompanying maps will infringe somewhat on this minimum lake shore setback requirement.

The larger of the decks, which will be located to the northeasterly side of the rear of the house will be 20 feet wide and 16 feet deep. It will infringe into the lakeshore setback area by 5.2 to 5.4 feet.

The smaller of the decks, which will be located to the southwesterly side of the rear of the house will be 16 feet wide by 13 feet deep, and will infringe into the lakeshore setback area by 4.2 to 4.4 feet.

As can be seen, these infringements into the lakeshore setback areas are minor and will not adversely affect the scenic lake shore as they are located far back from the shore, and will not affect neighboring houses given the minor encroachment. In fact the house to the west at 4707 Tonyawatha Trail is owned by Mr. Gallegos and is his principal residence, so he has no objection. The house to the east has a deck and we understand that it received a variance from this provision previously.

There is no way to avoid this situation, which was not created by the owner. The setback ordinance presents an unreasonable hardship to the owner in that the decks will not be usable if the portions infringing on the shoreline setback were removed, as the remaining decks will then be unreasonably shallow given the existing location of the house. The

larger deck would be only about 11 feet deep, and the smaller deck would only be about 9 feet deep, if cut off at the 50 foot line.

Our request for the variance also includes a request for approval of the stairs from each of the decks to the ground level toward the lake side of each deck.

There will be no adverse effects on the public safety or general welfare from these small variances. On the other hand, approving the variances will improve the value of the residence, enhance its usefulness, and positively affect the tax base of the City.

In addition to the accompanying drawing which shows the location of the decks and stairs, we have also provided a survey of the property.

In conclusion, we request approval of shoreline setback variance for the two decks and the related stairs.

If you need further information, please let me know.

Sincerely,

BOARDMAN & CLARK LLP



Michael J. Lawton
Attorney for James Gallegos

MJL/ay
Enclosures



City of Monona
5211 Schluter Road
Monona, WI 53716
Phone: (608) 222-2525
Fax: (608) 222-9225
www.mymonona.com

**TO: The Zoning Board of Appeals
City of Monona, Dane County, Wisconsin**

Name and Address of Application: James Gallegos, 4709 Tonyawatha Trail,
Monona, Wisconsin 53716

Phone Numbers:

Home: _____ Work: _____ Cell: 214-923-6449

FAX No. N/A E-Mail Address: jimgallego@aol.com

Address of Property: 4707 Tonyawatha Trail

Lot: 2 Block: 3 Plat: Paul & Meta Wagner's Homewood Addition

Present Use of Property: Single family residence

Proposed Use of Property: Single family residence

Zoning Classification: Single family (SF)

Owner's Name and Address, if other than shown above: _____

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

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.

(over)

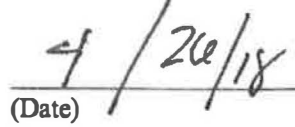
Each application must be accompanied by a copy of plat or plat of survey with the following information:

1. The location, boundaries, dimension, elevations, and size of property;
2. Accessory structures and utility easements;
3. Streets and other public ways;
4. Driveways and existing highway access restrictions;
5. All abutting properties;
6. Proposed detailed building plans and elevations;
7. Requested change or addition;
8. Must accompany nine (9) sets of blue prints and nine (9) copies of the application.

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



(Signature of Applicant)



(Date)

*** A \$250 non-refundable filing fee is required with each application.**



**BIRRENKOTT
SURVEYING, INC.**

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI. 53590
Phone (608) 837-7463
Fax (608) 837-1081

PLAT OF SURVEY

SURVEYOR'S CERTIFICATE:

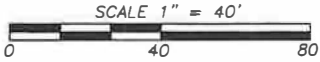
I, Daniel V. Birrenkott, hereby certify that this survey is in compliance with the Wisconsin Administrative Code, Chapter A-E7. I also certify that I have surveyed and mapped the lands described hereon and that the map is a correct representation in accordance with the information provided and is correct to the best of my knowledge and belief.

Daniel V. Birrenkott
Wisconsin Professional Land Surveyor No. S-1531.

4-23-2018

Description:

LOT 3, BLOCK 2, PAUL & META WAGNER'S HOMEWOOD ADDITION, LOCATED IN PART OF THE NW1/4 OF THE SW 1/4 AND PART OF THE NE1/4 OF THE SW 1/4 (PART OF U.S. GOVT. LOTS 3 & 4) OF SECTION 17, T7N, R10E, CITY OF MONONA, DANE COUNTY, WISCONSIN.



Notes:

This survey is subject to any and all easements and agreements both recorded and unrecorded.

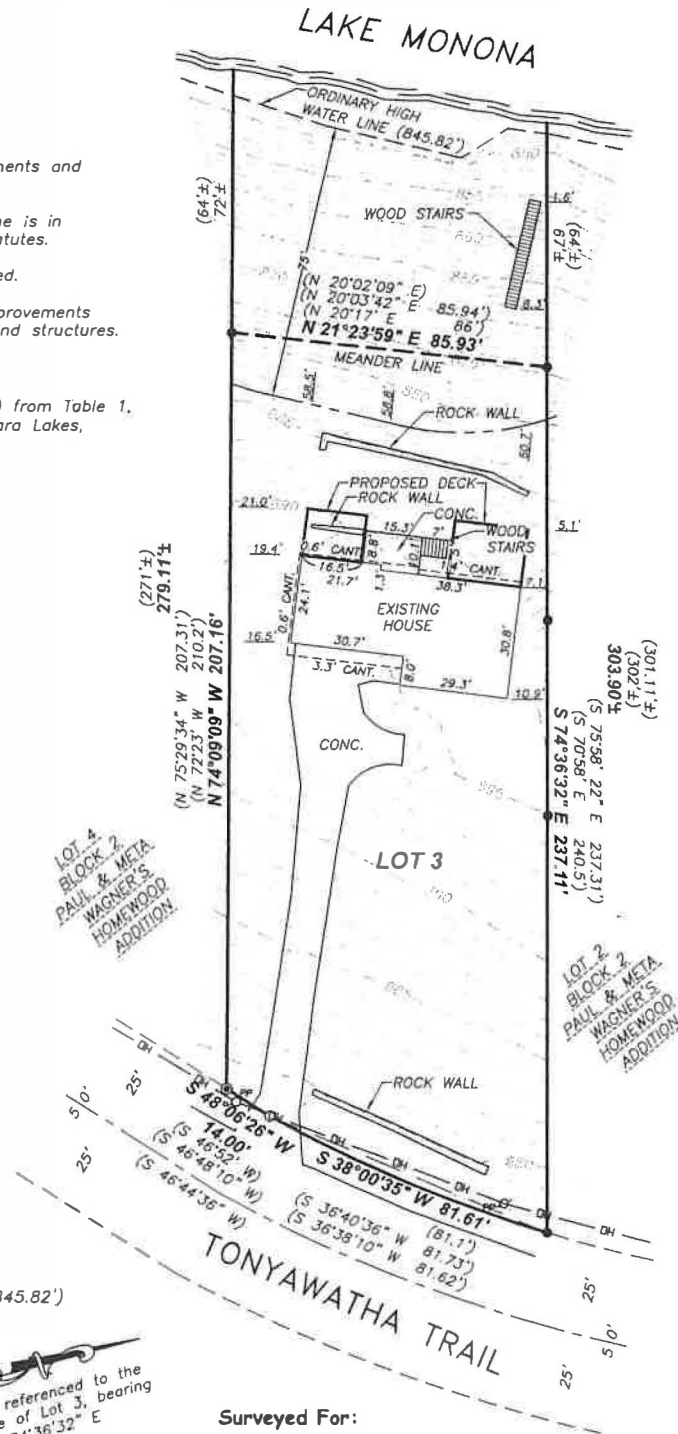
The disturbance of a survey stake by anyone is in violation of Section 236.32 of Wisconsin Statutes.

Wetlands, if present have not been delineated.

This survey shows visible, above-ground improvements only. No guarantee is made for below-ground structures.

Elevations Referenced To: ASSUMED DATUM.

Ordinary High Water Line Elevation (845.82') from Table 1, WI DNR Lake Level Order Summary for Yahara Lakes, issued in 1979.



Legend:

- = Found 3/4" Iron Bar
- ⊙ = Found 1" Iron Pipe
- = 1"x24" iron pipe set min.wt.=1.13#/in.ft.
- PP/C = Power Pole
- DH — = Overhead Utilities
- () = Recorded as data
- - - - - = Ordinary High Water Line (845.82')

Dated: April 23, 2018
Surveyed: T.A.S.
Drawn: B.S.S.
Checked: D.V.B.
Approved: D.V.B.
Field book: 369-55/56
Comp. File: J:\2018\CARLSON
Office Map No. 180237

Bearings referenced to the North line of Lot 3, bearing S 74°36'32" E

Surveyed For:

Jim Gallegos
4709 Tonyawatha Trail
Monona, WI 53716



BIRRENKOTT SURVEYING, INC.

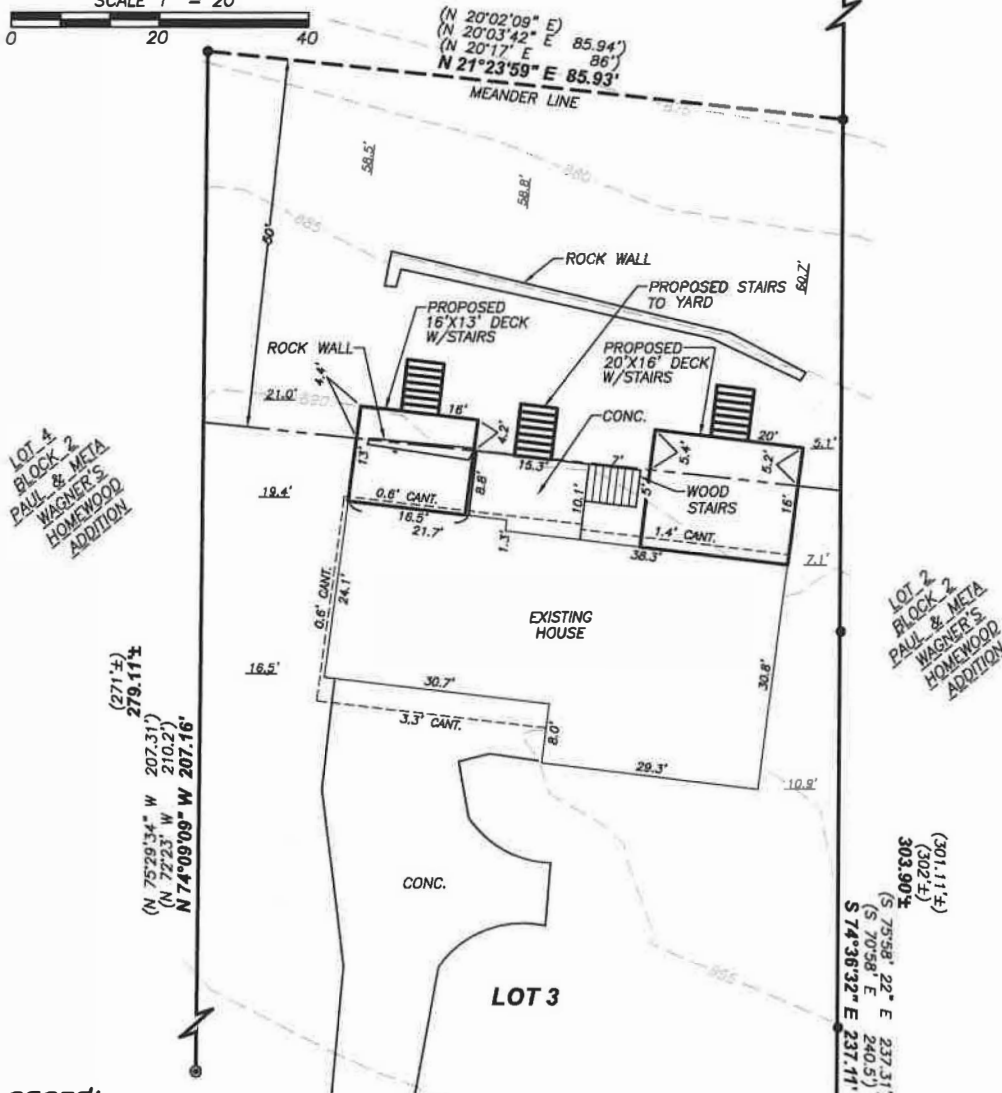
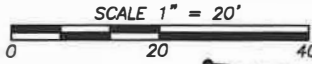
P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI. 53590
Phone (608) 837-7463
Fax (608) 837-1081

PLOT PLAN

Description:

LOT 3, BLOCK 2, PAUL & META WAGNER'S HOMEWOOD ADDITION. LOCATED IN PART OF THE NW1/4 OF THE SW 1/4 AND PART OF THE NE1/4 OF THE SW 1/4 (PART OF U.S. GOVT. LOTS 3 & 4) OF SECTION 17, T7N, R10E, CITY OF MONONA, DANE COUNTY, WISCONSIN.

LAKE MONONA



Legend:

- = Building Setback Line
50' from Meander Line
(City of Monona Ordinance)
- = Found 3/4" Iron Bar
- ⊙ = Found 1" Iron Pipe
- () = Recorded as data

Dated: April 23, 2018
Surveyed: T.A.S.
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