



**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: 202-204 N. Brearly St.  
Name of Owner: Cindy Sullivan - Alan Mross Catalpa Properties  
Address of Owner (if different than above): 3981 Sauk Ct.  
Middleton, WI 53562  
Daytime Phone: 608-444-0111 Evening Phone: \_\_\_\_\_  
Email Address: CSull@chorus.net  
Name of Applicant (Owner's Representative): same as above  
Address of Applicant: \_\_\_\_\_  
Daytime Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Description of Requested Variance: \_\_\_\_\_  
1) 3RD Floor Front Deck - addition, set back  
2) Rear 2ND story porch - size, set back  
3) Rear 3RD story porch - size - set back  
4) Rear - 1st floor exit, deck & steps -

(See reverse side for more instructions)

FOR OFFICE USE ONLY	
Amount Paid: <u>\$300</u>	Hearing Date: <u>12-19-19</u>
Receipt: <u>094469-0015</u>	Published Date: <u>12-12-19</u>
Filing Date: <u>8/22/19</u>	Appeal Number: <u>LNDYAR-2019-00011</u>
Received By: <u>TWS</u>	GQ: <u>OK</u>
Parcel Number: <u>0709-132-0516-2</u>	Code Section(s): <u>28.047 (2)</u>
Zoning District: <u>TR-V1</u>	<u>28.132 (1)</u>
Alder District: <u>2 - Meck</u>	

# Variance applications for 202-204 N Brearly St

## Over view:

- Purchased property in 2012 in very rough condition
- Obtained permits to remodel interior and exterior of the building
- Intentions were to make the building as nice as we could afford to and rent all three units to great tenants
- This was our first big remodel
- Project was finished 7 years ago

Unintended issues that resulted when we went beyond the scope of our building permit and the reason we are applying for 4 Variances:

### **1. Front 3<sup>rd</sup> story deck and railing**

- Addition of the French doors and deck were not approved
- Deck extends into the setback
- Intent was to allow some outside space (similar to open porches below) for third story tenant.
- Our proposal is to bring in the railings and reduce the sides of the deck

### **2. Rear 2<sup>nd</sup> story porch**

- 2<sup>nd</sup> story porch was built larger than the original porch. The intent was to keep it on the same plane as the side of the house itself, and to accommodate a maximum windows.
- Porch extends into the setback on the street side

### **3. Rear 3<sup>rd</sup> story deck**

- 3<sup>rd</sup> story deck built to replace the previous (unsafe) deck
- It was built a little larger
- We would propose bringing the side railings in (see Bouril drawings)

### **4. Rear 1<sup>st</sup> story exit deck and stairs**

- The addition of the back exit and steps were not on the original building permit/plan
- Back exit and steps were built for the convenience of 1<sup>st</sup> floor tenant to exit to driveway
- Currently cover 3 central air condensers

## **Pluses**

- Made closed porches open in front , got rid of the 'roof' in the back 3<sup>rd</sup> story
- Reestablished porches as porches
- Allowed each tenant to have a little quasi green space in a building with no yard space
- Added significant improvements to the neighborhood (submit before and after pictures)
- Made porches safe for tenants

## Standards for Variance

**To obtain a zoning variance, you must establish that to meet the existing zoning requirements would be a hardship or practical difficulty.**

1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.
  1. Corner lot with building consuming most of the lot. Tenants have no outside space except the porches and decks (which they consistently use)
  2. Corner lot, which does not interfere with neighbors view or space
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.
  1. The variance(s) applied for, add to the character of the original house.
  2. Does not impinge on neighboring houses
  3. Samples of other properties in the close proximity that have 3 floor decks or porches
3. For a use variance, compliance with the strict letter of the ordinance will result in no reasonable use of the property.
  1. Strict compliance to the ordinance would significantly reduce the value and use of the building
  2. Strict compliance would cause extreme cost and hardship for the properties owners.
4. For an area 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.
  1. Project was completed 7 years ago with integrity and the best intentions
  2. Front deck and railing
    1. Moving railings under the fascia and making the useable deck smaller would involve removing decking and moving blocking to secure railing.
  3. Rear 2<sup>nd</sup> story porch
    1. Changing this would be extremely burdensome, as it would involve changing window layout and openings, reframing the roof and cutting into the rubber roofing under the 3<sup>rd</sup> story deck. Residing, cutting gutters and gutter guards.
  4. Rear 3<sup>rd</sup> story deck
    1. Moving the railings under the fascia, resulting in a smaller usable deck
    2. To accomplish this removing decking, changing blocking for railing posts.
  5. Rear 1<sup>st</sup> floor exit with deck and steps
    1. Currently this deck covers 3 air conditioning condenser units. If the deck is moved, the units would have to be relocated
    2. Floor joist framing does not allow for changes due to the cantilevered framing
5. 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.
  1. The difficulty is changing these items that have been complete for 7 years without issue. However, we understand that we built these items without proper permit, and did so naively. Changing them now will be extremely difficult and costly.
6. The proposed variance shall not create substantial detriment to adjacent property.
  1. The remodel of this building to its former character and charm helps the neighborhood and the adjacent properties.
7. The proposed variance shall be compatible with the character of the immediate neighborhood.
  1. See examples of similarly build buildings in 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 checked="" type="checkbox"/> Lot lines</li><li><input checked="" type="checkbox"/> Existing and proposed structures, with dimensions and setback distances to all property lines</li><li><input checked="" 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).
<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).
<input checked="" 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.
NA <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.
NA <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: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(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: \_\_\_\_\_



From: Building Inspection Division  
215 Martin Luther King Jr. Blvd.  
P.O. Box 2984  
Madison, Wisconsin 53701-2984

**City of Madison**  
**OFFICIAL NOTICE**

Notice: An inspection discloses that  
certain sections of the City  
Ordinances are being violated.

**Property Located At:**  
202 NORTH BREARLY STREET

**OWNER:**  
CATALPA PROPERTIES LLC  
3981 SAUK CT  
MIDDLETON WI 53562

Item  
No. Violating  
Section No.

CORRECTIONS REQUIRED

**202 NORTH BREARLY STREET**

**COMPLAINT INSPECTION**

**NOTE:** All directions on the following notice (left or right) are as viewed from the public street looking at the building unless otherwise specified.

1. 28.184  
29.05(1)  
29.08

Obtain a permit, perform the work, and pass the required inspection to remove the unapproved alterations and restore the front and back porches to a previously approved condition. This shall include the following unapproved alterations:

- The replacement of the two double hung windows on the front of the third floor with the unapproved door and sidelight.
- The installations of the unapproved railing and any floor decking on the roof of the second floor porch on the front of the building.
- The unapproved expansion of the roof of the second floor rear porch from 2.5 feet from the left wall of the house to within six inches of the left wall of the house.
- The unapproved expansion of the roof of the second floor rear porch previously extending one foot beyond the edge of the approved porch and now extending about 2 feet beyond the expanded porch.
- The unapproved expansion of the railing on the roof of the second floor rear porch previously even with the approved second floor porch walls and now extending to the outer edge of the unapproved roof.
- The addition of the unapproved exterior door, deck, and stairs on the first floor rear porch.

Alternatively, obtain the required approvals for the unapproved alterations.

3RD floor front porch

shorten top front railing

[  
- insulation  
- elect permit  
]

# Plat of Survey

CURRENT LEGAL DESCRIPTION OF RECORD: Doc. No. 4881863

The Southeast 1/4 of Lot 10, Block 161, Original Plat of Madison, being 33 feet in width on North Brearly Street by 66 feet in depth on East Dayton Street, in the City of Madison, Dane County, Wisconsin.

## Notes:

1. Building dimensions and associated offset distances were measured along the outside of the siding.
2. This parcel may be subject to, or benefit from, Easements or agreements, written or otherwise, not shown hereon.

## LEGEND

- IRON PIPE FOUND (1" Outside Diam. unless Noted)
- 3/4"x18" SOLID IRON ROD SET
- 1.50lbs./LINEAL FOOT.

( ) INDICATES RECORDED AS DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.

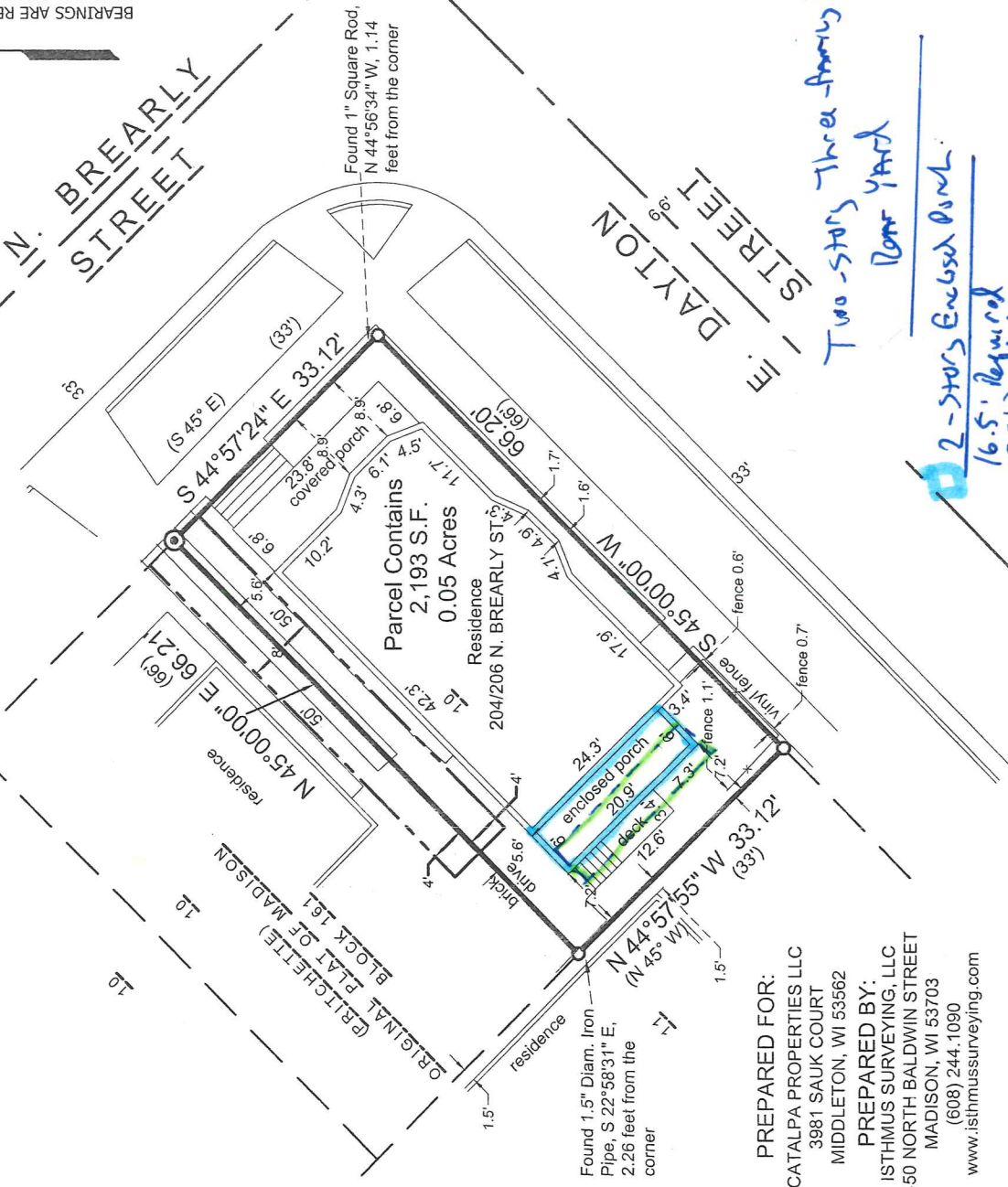


BEARINGS ARE REFERENCED TO THE ORIGINAL (PRITCHETT) PLAT OF MADISON  
THE SOUTHEASTERLY PLATTED LINE  
OF LOT 10, BLOCK 161, ASSUMED TO  
BEAR S 45° 00'00" W, AS PLATTED



N. BREARLY STREET

E. DAYTON STREET



PREPARED FOR:  
CATALPA PROPERTIES LLC  
3981 SAUK COURT  
MIDDLETON, WI 53562

PREPARED BY:  
ISTHMUS SURVEYING, LLC  
450 NORTH BALDWIN STREET  
MADISON, WI 53703  
(608) 244,1090  
www.isthmussurveying.com

Two-story Three-family Dwellings  
Rear Yard

2-story Enclosed Porch  
16.5' Required  
7.2' Provided  
9.3' Variance

3rd Level Enclosed Deck  
10.5' Required  
5.2' Provided

5.3' Variance

## SURVEYOR'S CERTIFICATE

I, Paul A. Spetz, registered land surveyor for Isthmus Surveying LLC, hereby certify that we surveyed the property described above and that the map is a true representation thereof and shows the size and location of the property, visible improvements, potential encroachments and it's exterior boundary. Said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (A-E7) and the map hereon is correct to the best of my knowledge and belief. This Survey is solely for the use of the present owners of the property at the date below.

Dated this 30th Day of June, 2019: Paul A. Spetz, S 2525



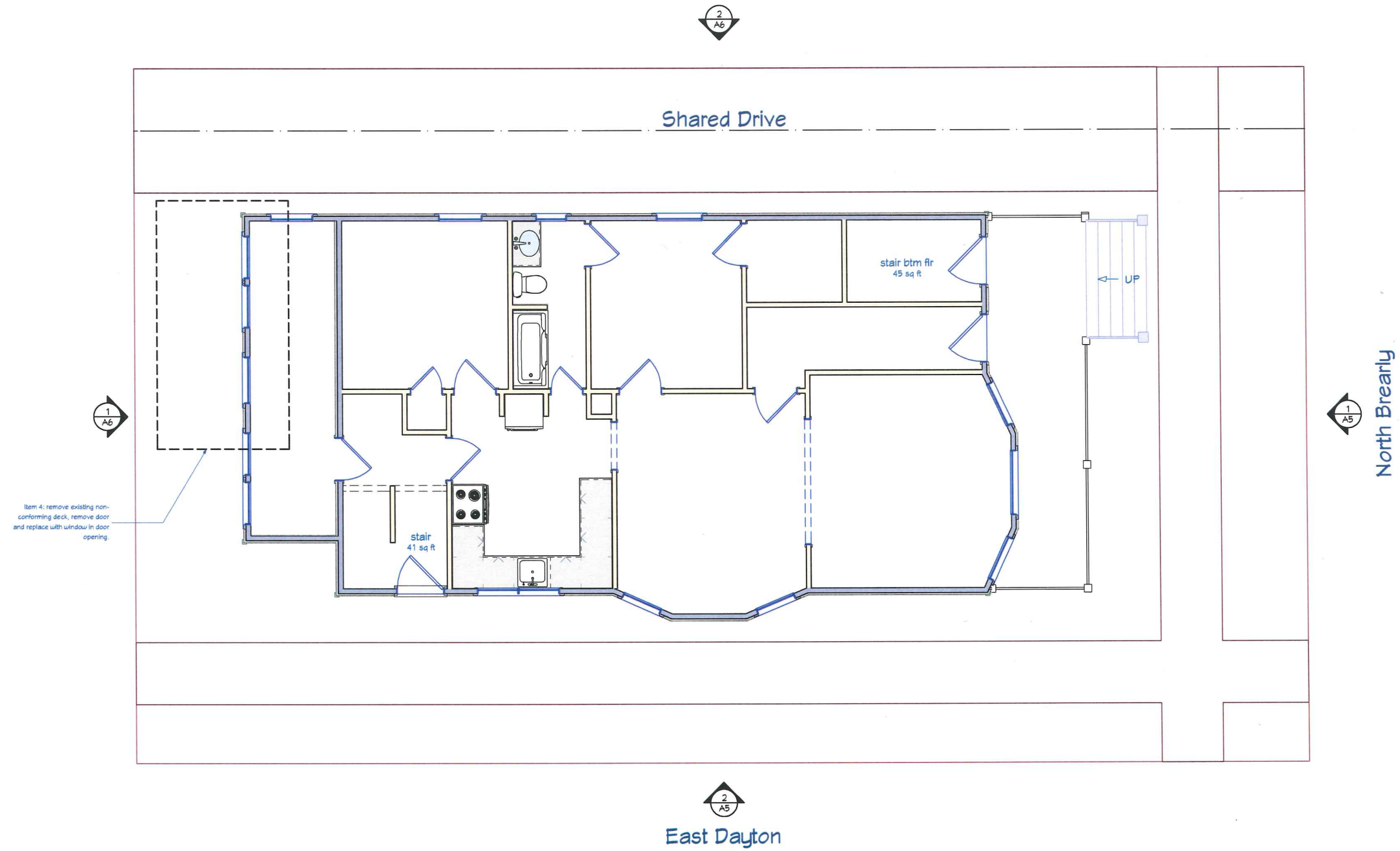




revision index		
#	date	reference

project:	19036
date:	11/22/2019
drawn by:	ggw



**1 Proposed First Floor Plan**  
SCALE: 1/8" = 1'-0" on 11x17

**Zoning Review Set**  
**Not for Construction**

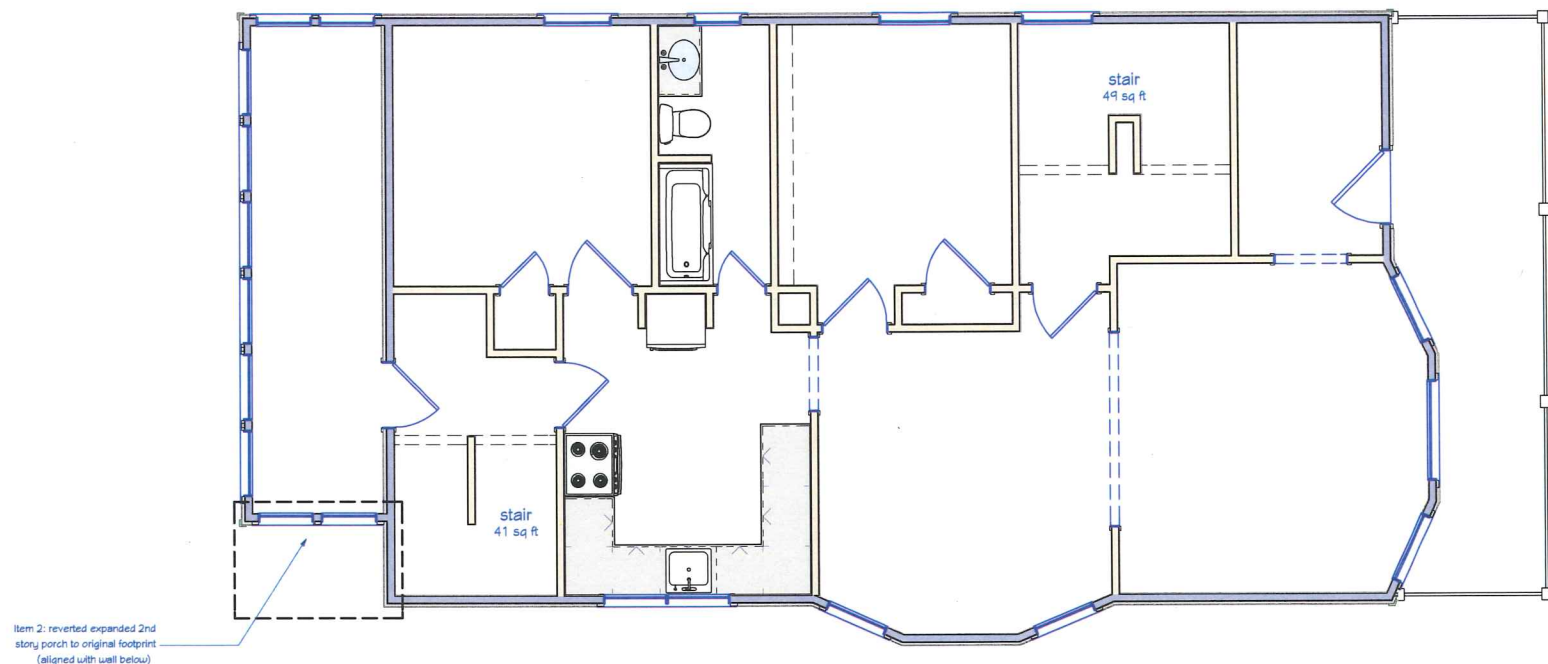
Bouril Design Studio, LLC



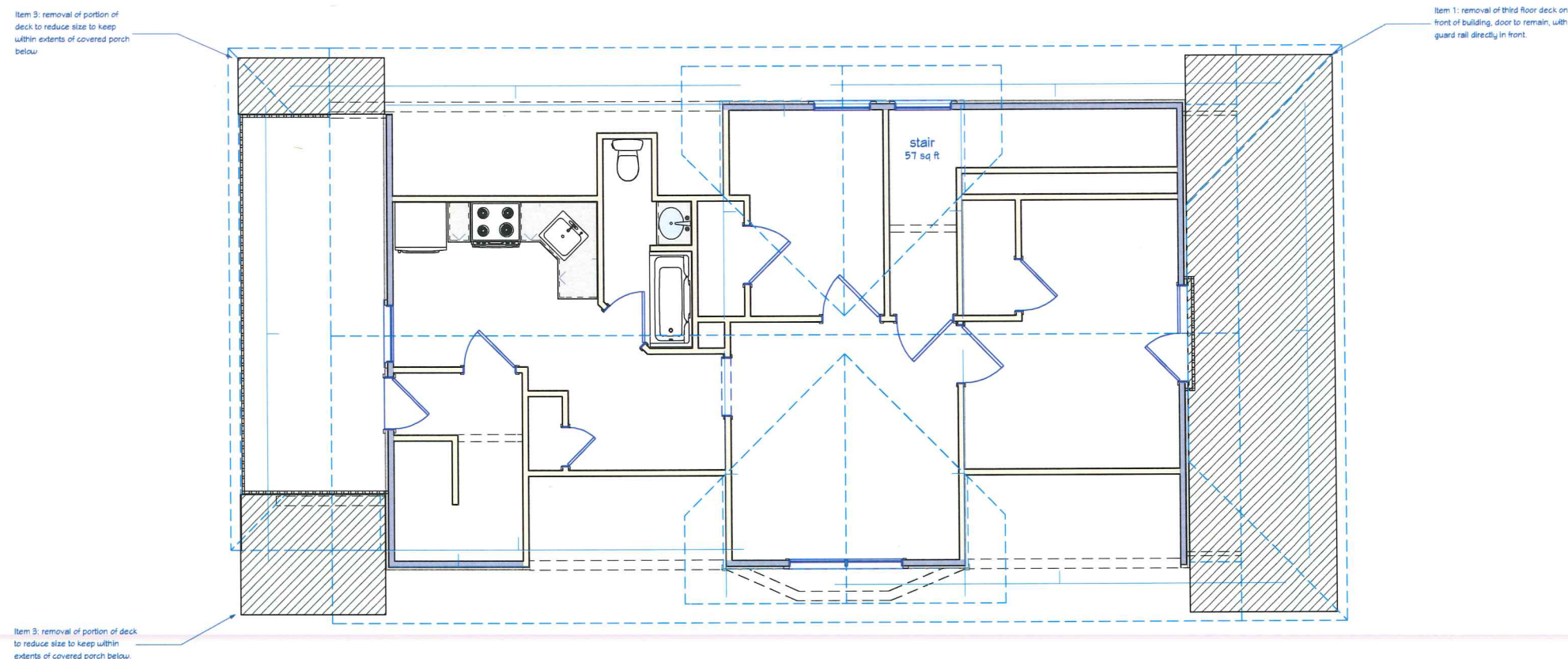
Cindy Sullivan & Alan Gross  
Catalpa Properties  
202 N. Brearly, Madison, WI, 53703

#	date	reference
project:	19036	
date:	11/22/2019	
drawn by:	ggw	

# A3



**1 Proposed Second Floor Plan**  
SCALE: 1/8" = 1'-0" on 11x17



## 2 Proposed Third Floor Plan

SCALE: 1/8" = 1'-0" on 11x17





**Zoning Review Set**  
**Not for Construction**

*Bouril Design Studio, LLC*



Cindy Sullivan & Alan Moss  
**Catalpa Properties**  
202 N. Breatly, Madison, WI, 53703

[illegible]

project: 19036  
date: 11/22/2019  
drawn by: ggw

A5





**Zoning Review Set**  
**Not for Construction**

Not for Construction



*Bouril Design Studio, LLC*

**Catalpa Properties**  
202 N. Breatly, Madison, WI, 53703

# Catalpa Properties

202 N. Brearley, Madison, WI, 53103

[illegible]

Project: 19036  
Date: 11/22/2019  
Drawn by: ggw

ate: 11/22/2019  
rawn by: ggw

ate: 11/22/2019  
rawn by: ggw

A6





**Zoning Review Set**  
**Not for Construction**

Bouril Design Studio, LLC



Cindy Sullivan & Alan Mross  
**Catalpa Properties**  
202 N. Breatly, Madison, WI, 53703

[illegible]

project: 19036  
date: 11/22/2019  
drawn by: ggw

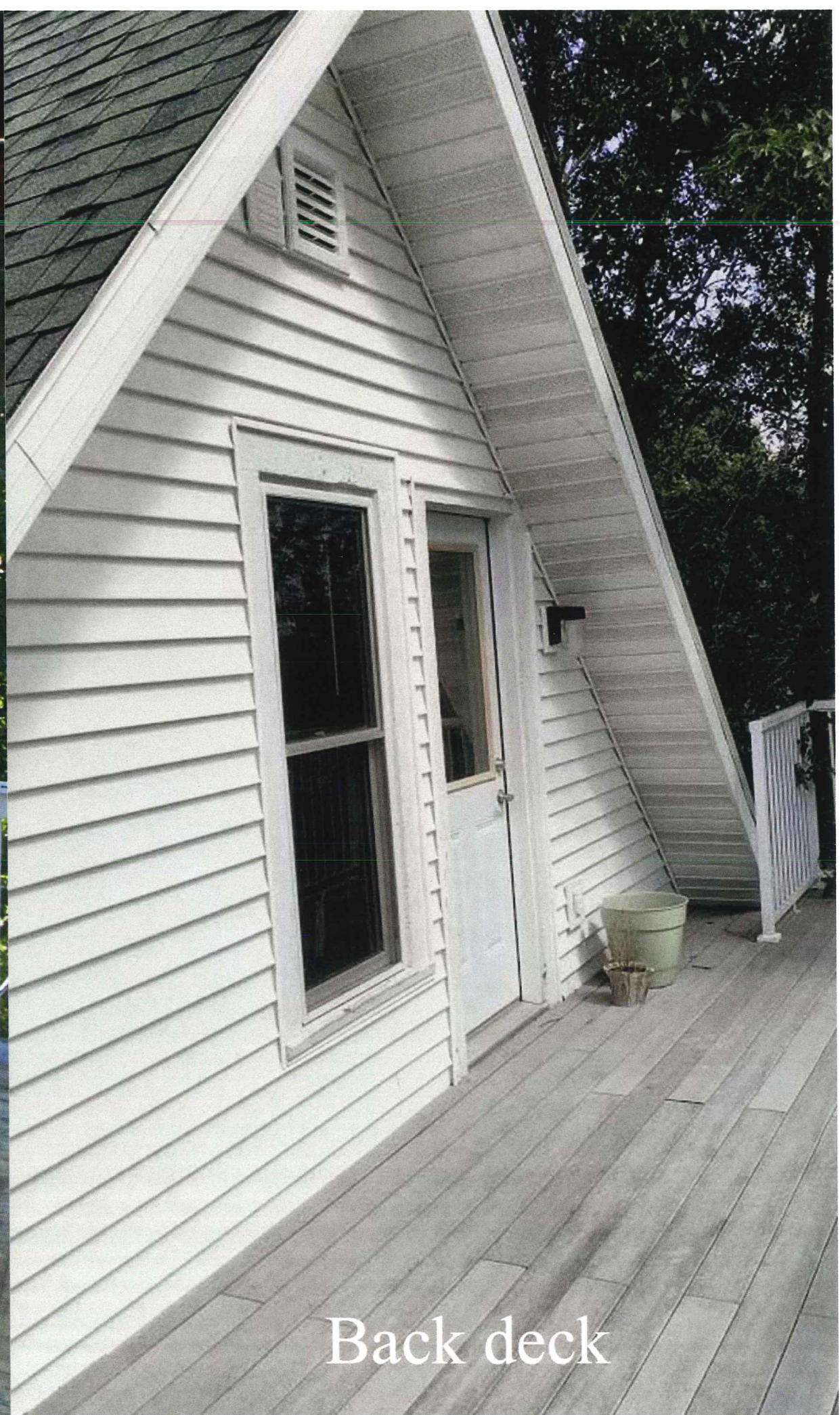
A7

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Back deck



