



**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: 301 Clemons Ave Madison WI 53701

Name of Owner: _____

Address of Owner (if different than above): _____

Daytime Phone: _____ Evening Phone: _____

Email Address: _____

Name of Applicant (Owner's Representative): Jerry Walls

Address of Applicant: 4211 W. Beltline Hwy
Madison WI 53711

Daytime Phone: 608 436 4696 Evening Phone: _____

Email Address: _____

Description of Requested Variance: front and side setbacks

Side of the house has a common to the neighborhood side driveway which makes the 4 foot set back requirement a challenge due to narrow lot. Front setback is because the lot is a pie shape as opposed to a straight line making it difficult to keep a consistent set back average.

(See reverse side for more instructions)

FOR OFFICE USE ONLY

Amount Paid: <u>\$300</u>	Hearing Date: <u>3-17-22</u>
Receipt: <u>115901-0007</u>	Published Date: <u>3-10-22</u>
Filing Date: <u>1/25/22</u>	Appeal Number: <u>LNDYAR-2022-00002</u>
Received By: <u>TWS</u>	GQ: _____
Parcel Number: <u>071007204010</u>	Code Section(s): _____
Zoning District: <u>TR-C4</u>	_____
Alder District: <u>S-Benford</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.

The zoning in the neighborhood is different from other neighborhoods in Madison. The Pie shaped lots make it difficult to keep a setback standard.

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.

No it is not. Every house in this neighborhood has a 2nd story.

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.

Based on code for obstructions, air quality and other zoning requirements we do not believe it will be burdensome to any areas ref. above.

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.

Yes we did not build the home or have anything to do with development lot lines.

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

No it will not, this will be an improvement to the aesthetics of the neighborhood and the property values in the neighborhood.

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

Yes there are a large number of homes that have 2nd stories and livable space above the porch already in this 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"/>	Pre-application meeting with staff: 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"/>	Site plan , drawn to scale. A registered survey is recommended, but not required. Show the following: <ul style="list-style-type: none"> <input type="checkbox"/> Lot lines <input type="checkbox"/> Existing and proposed structures, with dimensions and setback distances to all property lines <input type="checkbox"/> Approximate location of structures on neighboring properties adjacent to variance <input type="checkbox"/> Major landscape elements, fencing, retaining walls or other relevant site features <input type="checkbox"/> Scale (1" = 20' or 1' = 30' preferred) <input type="checkbox"/> North arrow
<input checked="" type="checkbox"/>	Elevations from all relevant directions showing existing and proposed views, with notation showing the existing structure and proposed addition(s).
<input checked="" type="checkbox"/>	Interior floor plan of existing and proposed structure , when relevant to the variance request and required by Zoning Staff (Most additions and expansions will require floor plans).
<input checked="" type="checkbox"/>	Front yard variance requests only. Show the building location (front setback) of adjacent properties on each side of the subject property to determine front setback average.
<input type="checkbox"/>	Lakefront setback variance requests only. Provide a survey prepared by a registered land surveyor showing existing setbacks of buildings on adjacent lots, per MGO 28.138.
<input checked="" type="checkbox"/>	Variance requests specifically involving slope, grade, or trees. Approximate location and amount of slope, direction of drainage, location, species and size of trees.
<input checked="" type="checkbox"/>	Digital copies of all plans and drawings should be emailed to: zoning@cityofmadison.com
<input checked="" type="checkbox"/>	CHECK HERE. 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"/>	CHECK HERE. I acknowledge any statements implied as fact require supporting evidence.
<input checked="" type="checkbox"/>	CHECK HERE. 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: *Elin Moga* **Date:** 1/24/22

-----(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: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Conditionally Approved		
Zoning Board of Appeals Chair:	Date:	

VARIANCE APPLICATION: ADDITIONS/REVISIONS

Description of Requested Variance:

Requesting side yard setback variance on the eastside of the structure in order to build a second floor. Structure will be built on existing foundation and will maintain existing setback from adjacent property and street. The purpose of the addition is to add two bedrooms and one bathroom.

Zoning Ordinance Requirement: 4'

Provided Setback: 2.9' front corner 3.5' back corner

Requested Setback: 1.1' front corner .5' back corner

1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.

The home was built in 1925 and the lot's east side setback is not in compliance with zoning code. The placement of the home in the lot presents a unique situation in that there are limitations in the side yards where one side is occupied by the driveway and garage, and the other side does not provide enough space with the current setback.

2. The variance is not contrary to the spirit; purpose and intent of the regulations in the zoning district and is not contrary to public interest.

There will be no change to the buffer between the subject and adjacent properties and a common development line will be maintained. The proposed property will not change the placement of the home relative to lot lines.

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 ordinance unnecessarily burdensome

Strict compliance with the ordinance would require the structure to be offset from the structural wall. An offset structure would not efficiently carry the load to the bearing wall and foundation and would require substantial engineering and additional cost to ensure structural integrity. In addition, the aesthetics of the structure would be compromised. A common line between first and second floors will maintain a traditional aesthetic.

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

Due to the age of the home and when it was built, it does not meet current zoning codes for setback. This is a condition of the original property and without a variance will make any future additions very difficult to achieve. We purchased the home 09-24-2019 and knew the previous owners, who also wished to add a second floor; however, they were unable to actualize this due to financial and structural/code burdens. The two other homes on this block are two-stories, and the addition of the second floor would enhance this property's likeness to other neighbors.

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

The proposed addition will not adversely impact any access to backyard or side of either home (proposed structure and current neighbor). There are no neighbors on the west side as the current property is adjacent to the bike path. The proposed addition of a second floor does not move the property forward and is in compliance with the front setback codes, ensuring it does not detrimentally impact the neighbor's access to natural.

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

The proposed variance will allow us to more readily align with the character of the existing neighborhood by creating a second story and by enhancing the architectural and aesthetic interest in the home to more readily blend in with the other two story homes in the neighborhood.

Initially, we were pursuing a front variance for the property in order to maximize our space on the proposed second floor. However, after meeting with staff in the Zoning department on multiple occasions to review the zoning code, the standards for variance and intent of zoning codes, we have diligently worked to revise our plan by removing the front variance. By having the proposed second floor setback from the front porch, we are keeping with the aesthetic of our neighbors, as their second floors also are set back from the front porches. The proposed bedrooms on the second floor are also still on the smaller side and are not unusually large compared to the first floor bedrooms, i.e. original character of the house.

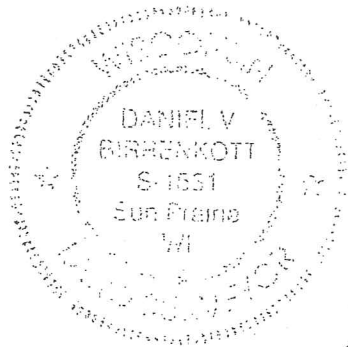
SURVEYOR'S CERTIFICATE:

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.

[Signature]
 Daniel V. Birrenkott
 Wisconsin Professional Land Surveyor No. S-1531. 12-9-2021

Description:

LOTS 1, 2, AND 3, BLOCK 5,
 RIVERSIDE PARK, CITY OF MADISON,
 DANE COUNTY, WISCONSIN.



Bearings referenced to the North Right-of-way line of Clemons Avenue, platted bearing N 52°39'13" W

Notes:

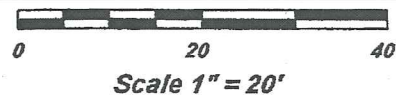
This survey is subject to any and all easements and agreements both recorded and unrecorded.

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.

No title commitment provided at time of survey: Dec. 6, 2021



Legend:

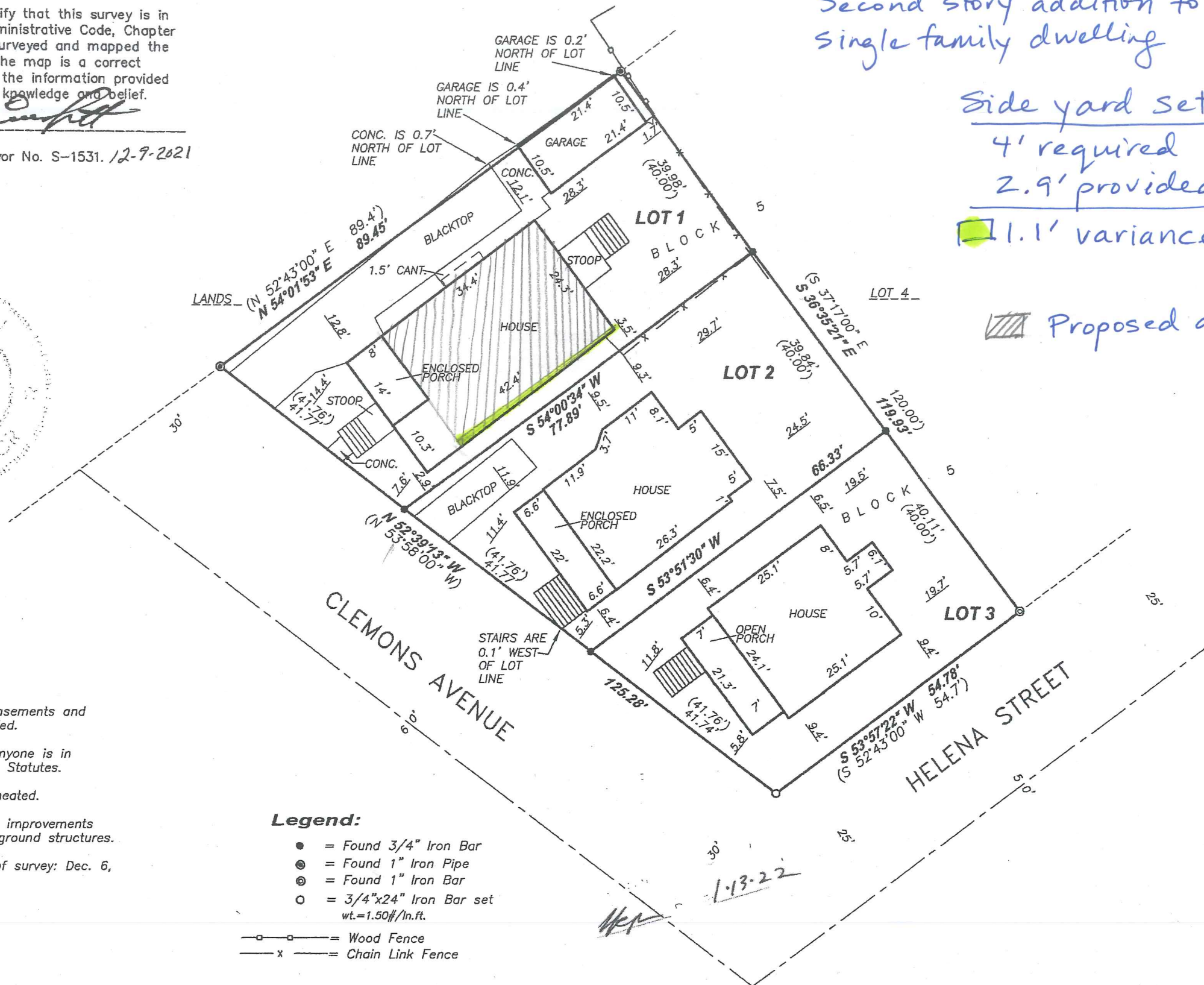
- = Found 3/4" Iron Bar
- ⊙ = Found 1" Iron Pipe
- ⊗ = Found 1" Iron Bar
- = 3/4"x24" Iron Bar set wt.=1.50#/ln.ft.

- = Wood Fence
- x— = Chain Link Fence

Second story addition to single-story, single family dwelling

*Side yard setback
 4' required
 2.9' provided
 1.1' variance*

Proposed addition



1.13-22

BIRRENKOTT SURVEYING
 LAND SURVEYING & PERC TESTING
 BIRRENKOTTSURVEYING.COM
 P.O. BOX 237
 1677 N. BRISTOL ST. SUN PRAIRIE, WIS. 53590
 (608) 837-7463
 FAX (608) 837-1081

PLAT OF SURVEY

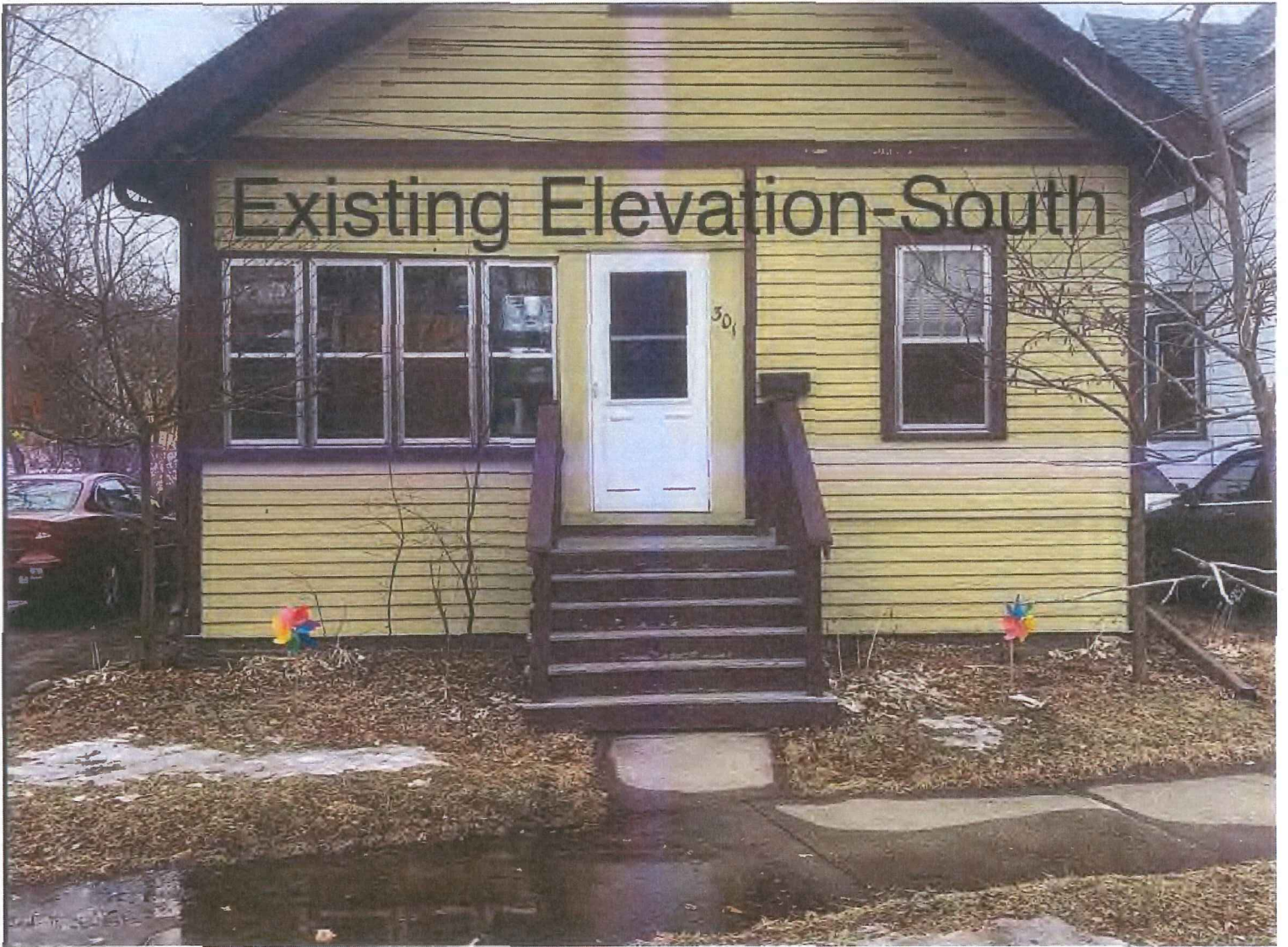
December 8, 2021

SURVEYED BY	T.A.S.
DRAWN BY	B.T.S.
CHECKED BY	C.K.C.
APPR'VD BY	D.V.B.

PREPARED FOR:
 PROPERTY REVIVAL
 4211 W BELTLINE HWY
 MADISON, WI 53711
 608-436-4696

JOB NO.	211184
SHEET	1 OF 1
FB384/24-25	

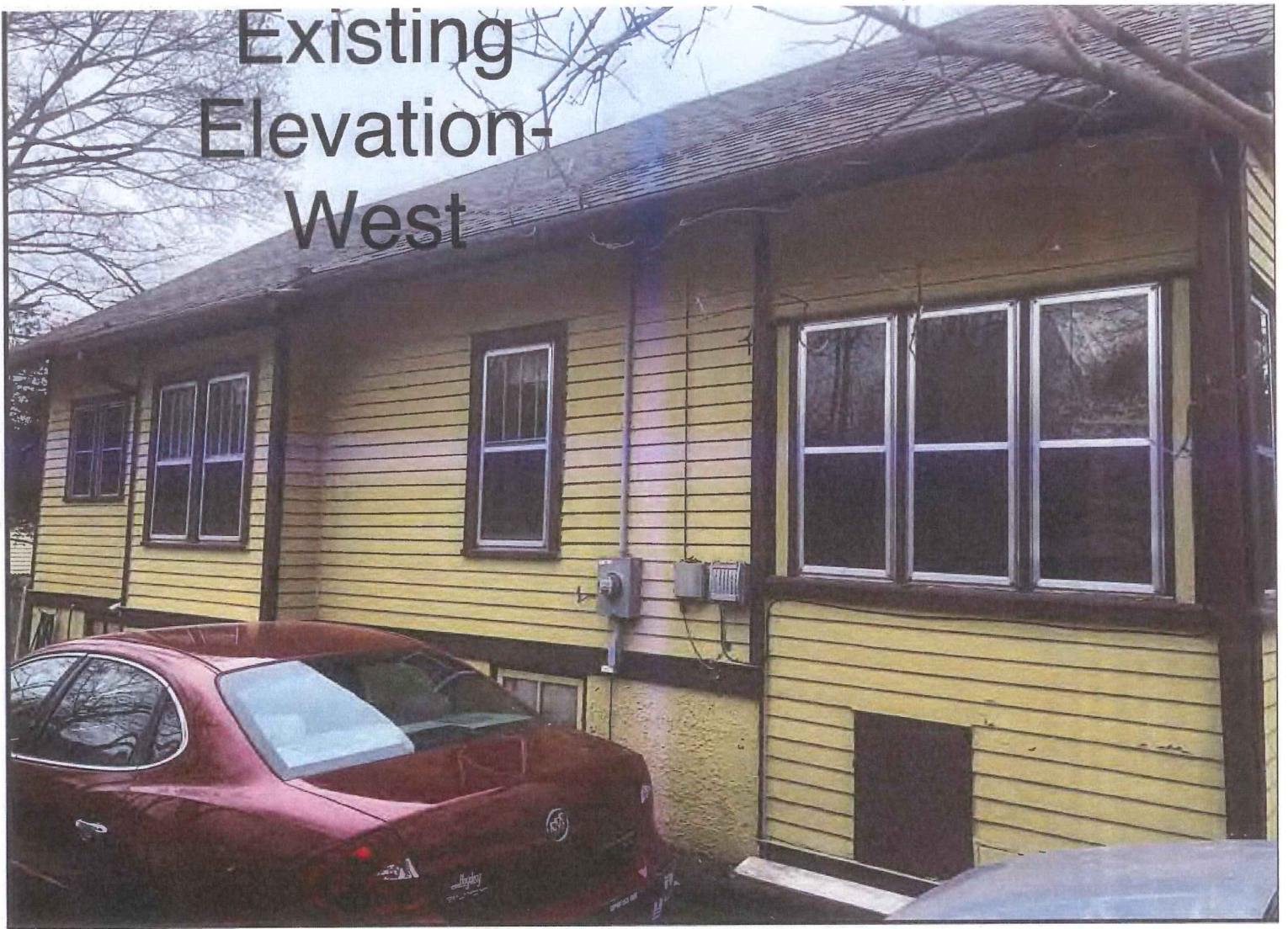
Existing Elevation-South

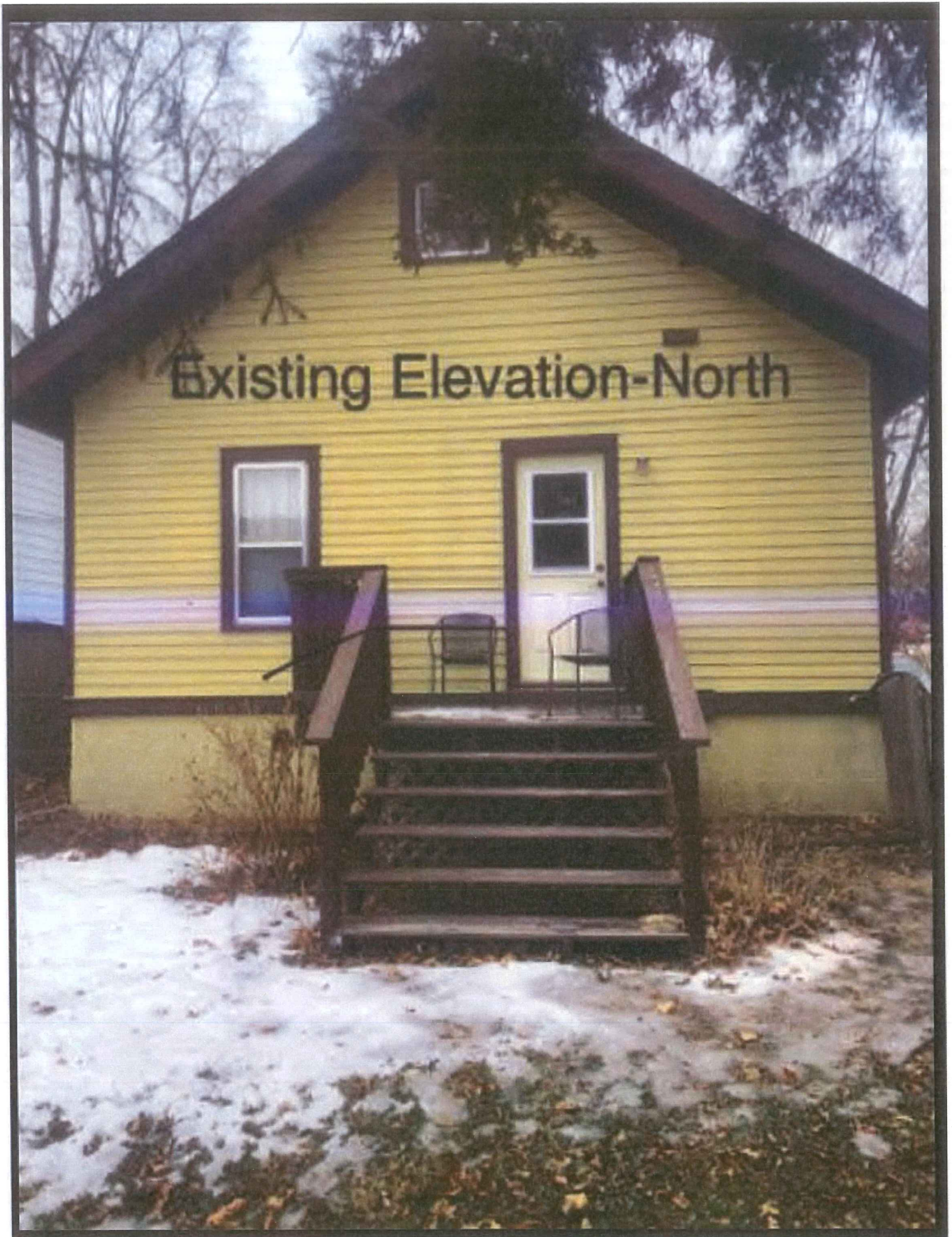


Existing Elevation-East

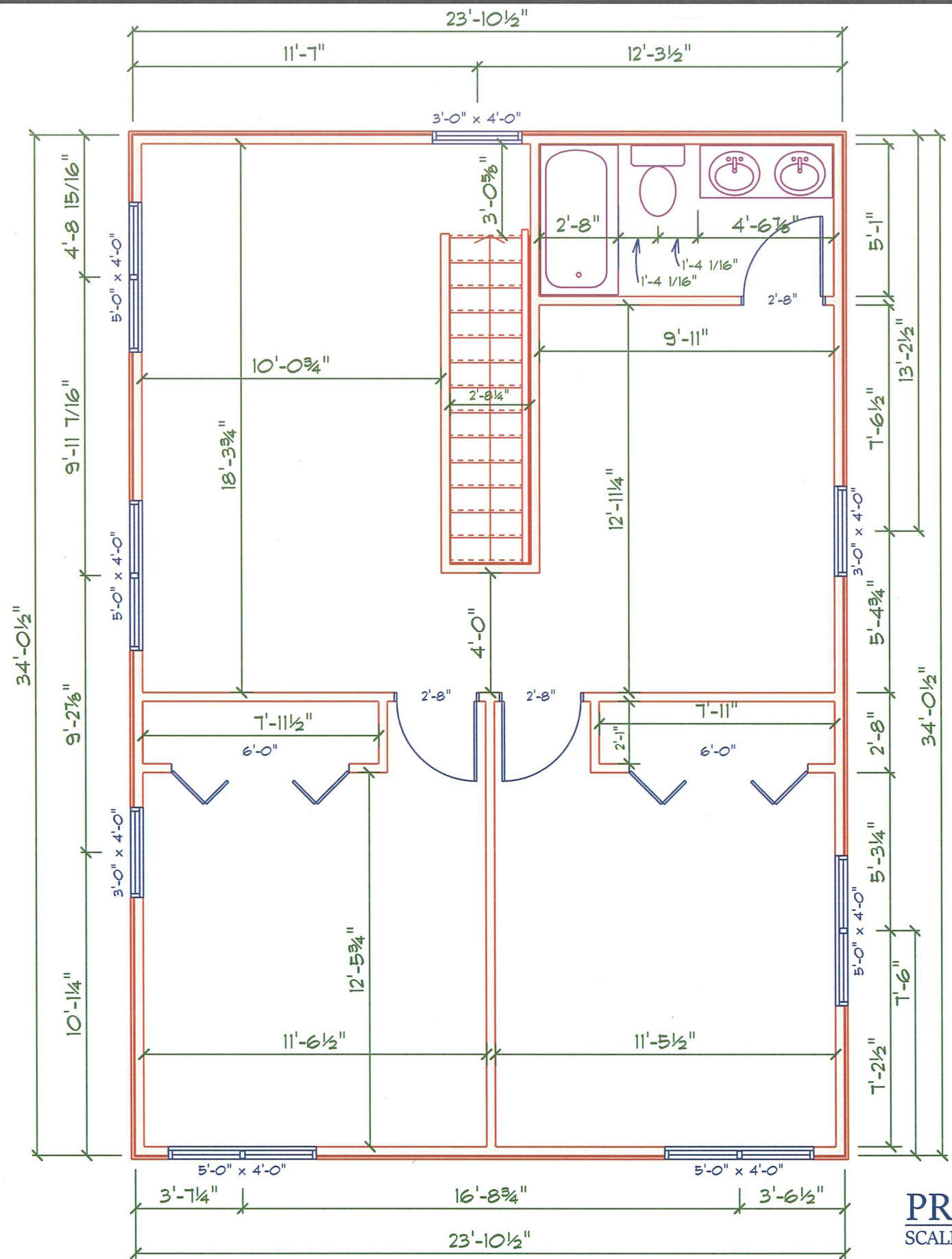


Existing
Elevation-
West





Existing Elevation-North

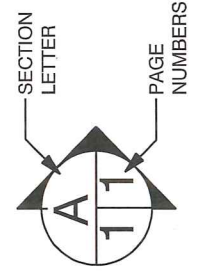


PROPOSED ATTIC EXPANSION

SCALE: 0.2344" = 1'-0"



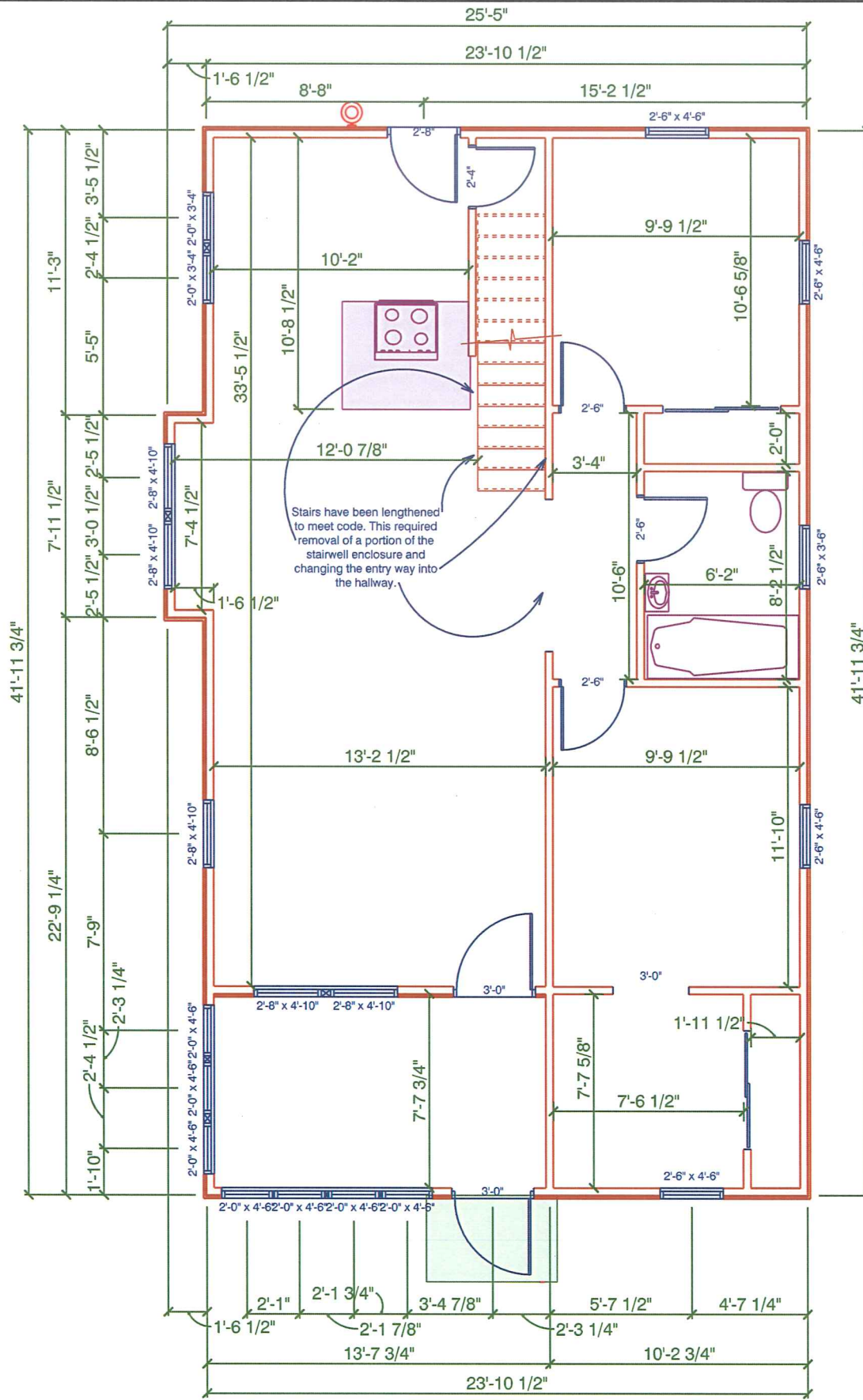
Property Revival
 4211 W Beltline Hwy
 Madison, WI 53711
 info@propertyrevival.net
 Tel 608-838-4457



301 Clemons
 301 Clemons Ave
 Madison, WI 53704
 Tel (608) 239-7763
 elizmorgan33@gmail.com

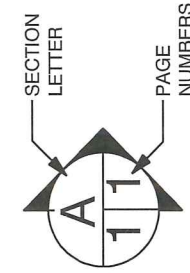
DRAWN BY: GRANT KRULL
 SCALE: 0.2344" = 1'-0"
 DATE: Tuesday, February 22, 2011

PAGE: **1/5**
 Proposed Vertical Addition



Main Floor After
 SCALE: 0.1719" = 1'-0"

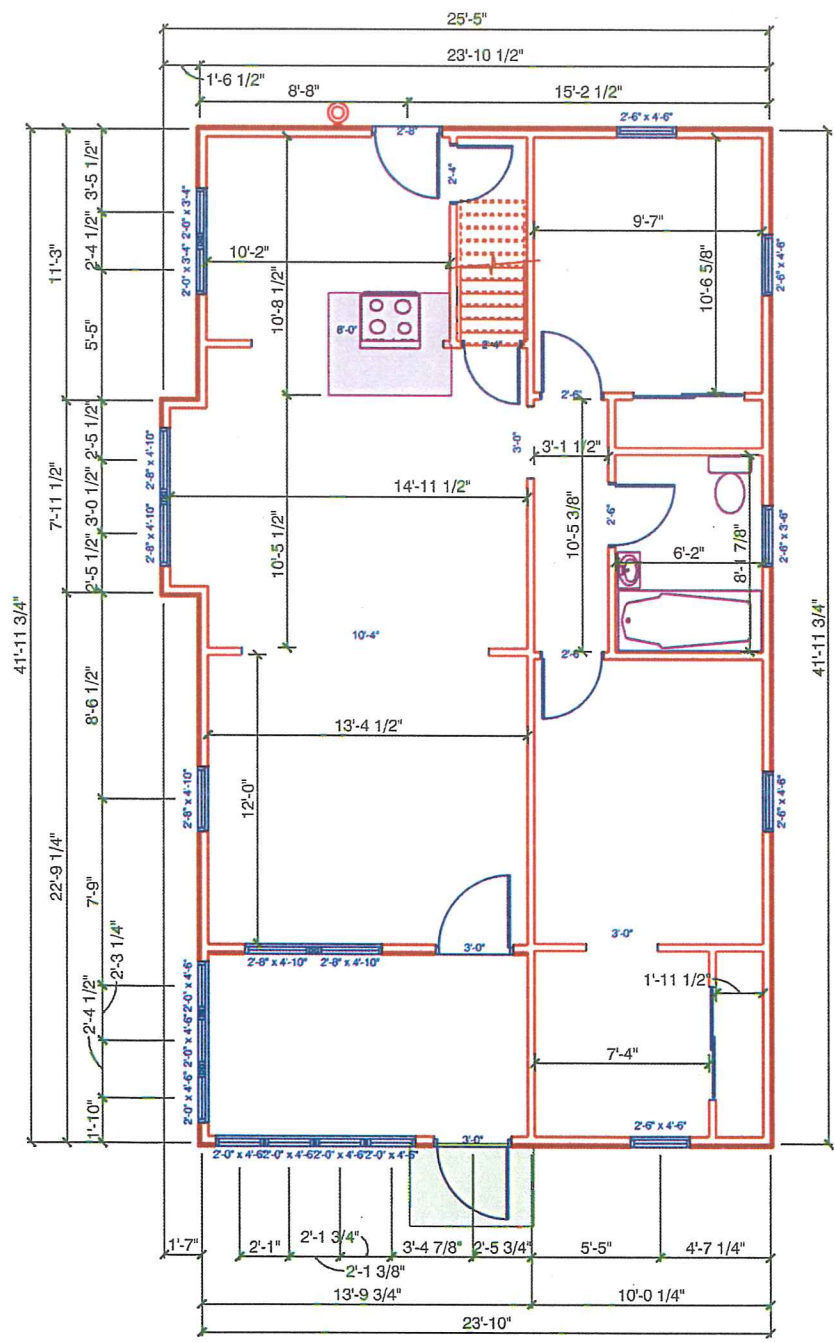
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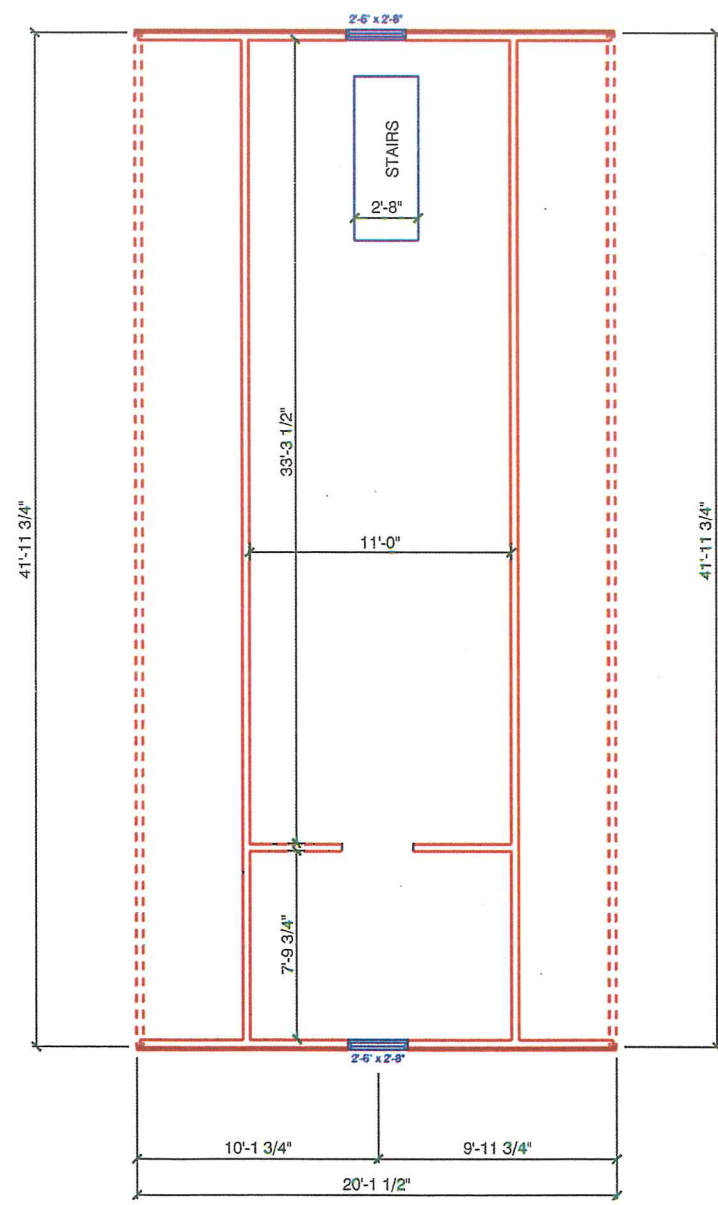
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 elizmorgan33@gmail.com

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SCALE: 0.1719" = 1'-0"
DATE: Tuesday, February 22, 2022

PAGE: 4/5
 Main Floor After



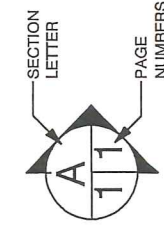
EXISTING MAIN FLOOR
SCALE: 0.1563" = 1'-0"



EXISTING ATTIC
SCALE: 0.1563" = 1'-0"

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PROPERTY REVIVAL
REAL ESTATE, L.L.C.
REAL ESTATE CONSTRUCTION DESIGN

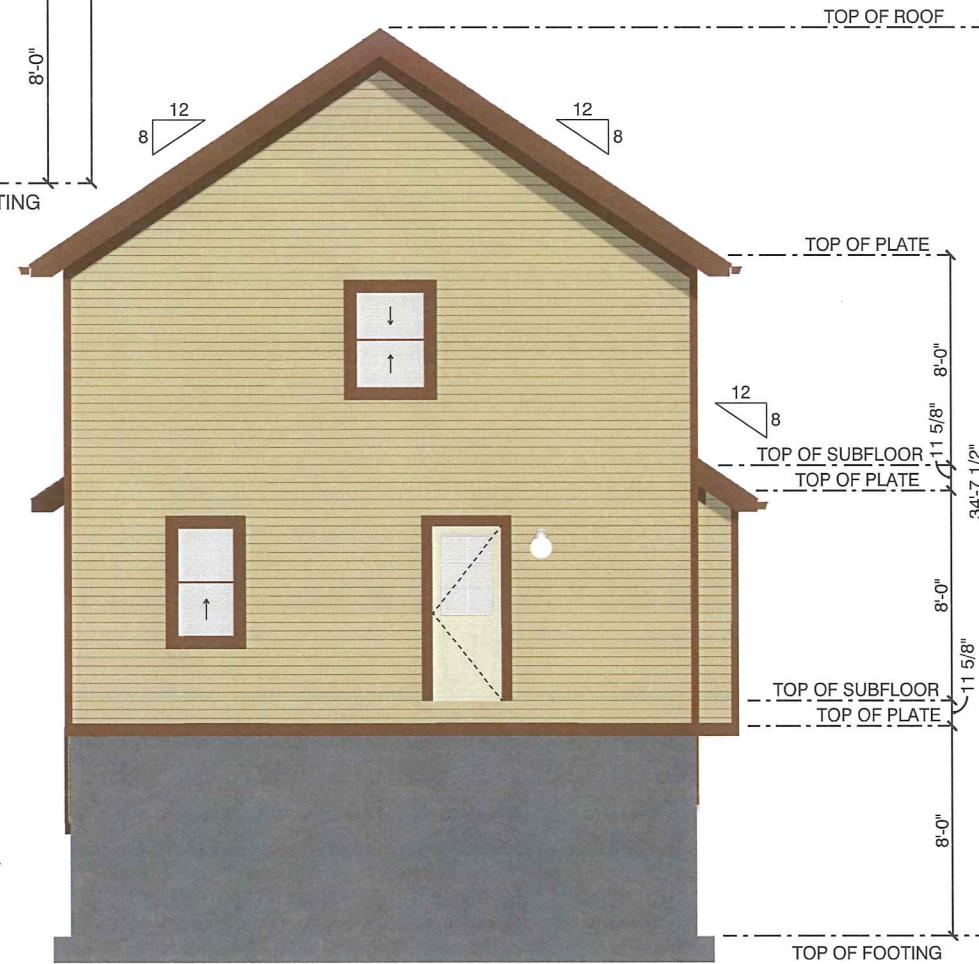


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SCALE: 0.1563" = 1'-0"
DATE: Tuesday, February 22, 2022



WEST ELEVATION
SCALE: 0.1563" = 1'-0"



NORTH ELEVATION
SCALE: 0.1406" = 1'-0"

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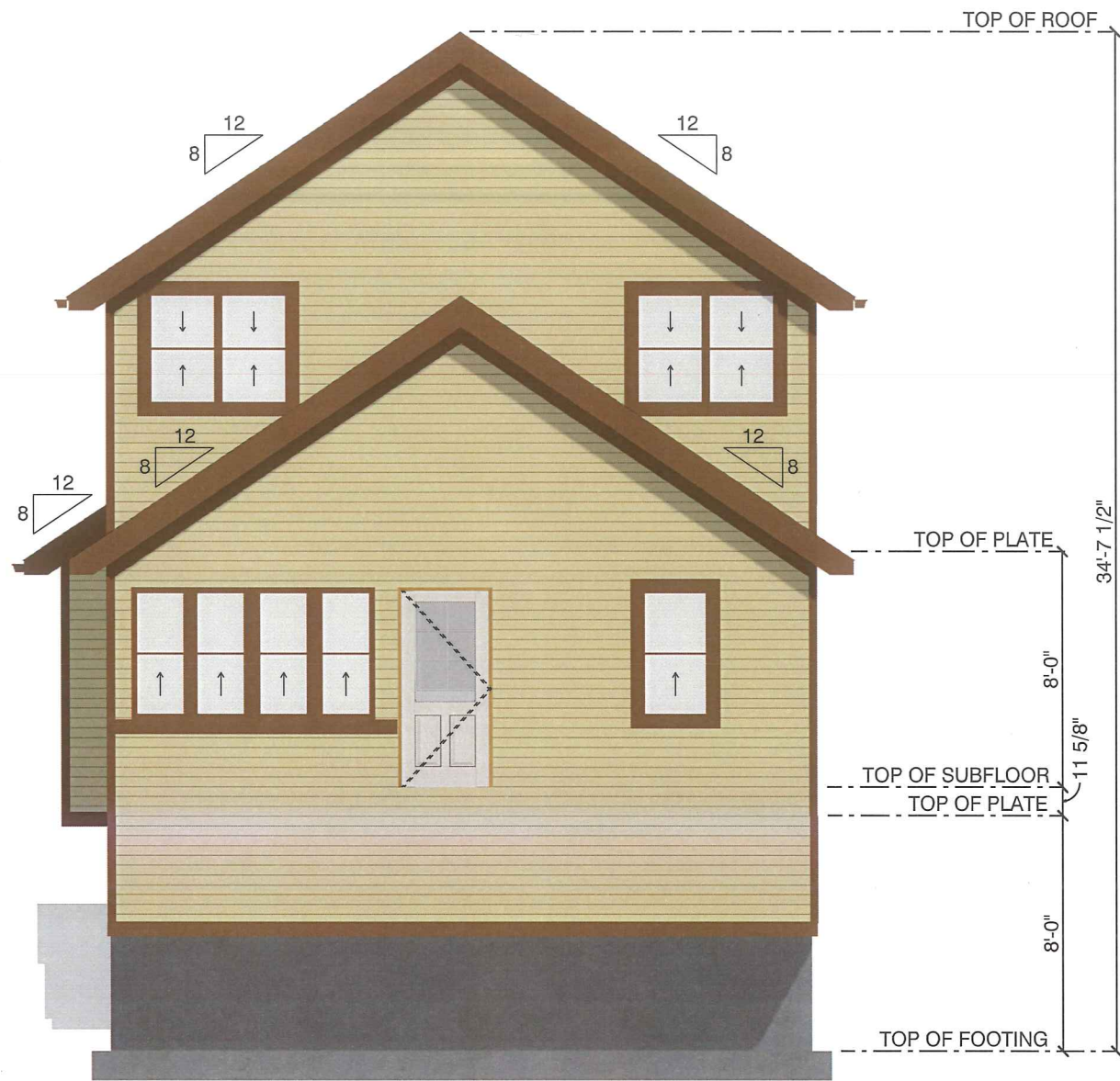
PROPERTY REVIVAL
REAL ESTATE • CONSTRUCTION • DESIGN

SECTION LETTER: **A**
PAGE NUMBERS: **1/1**

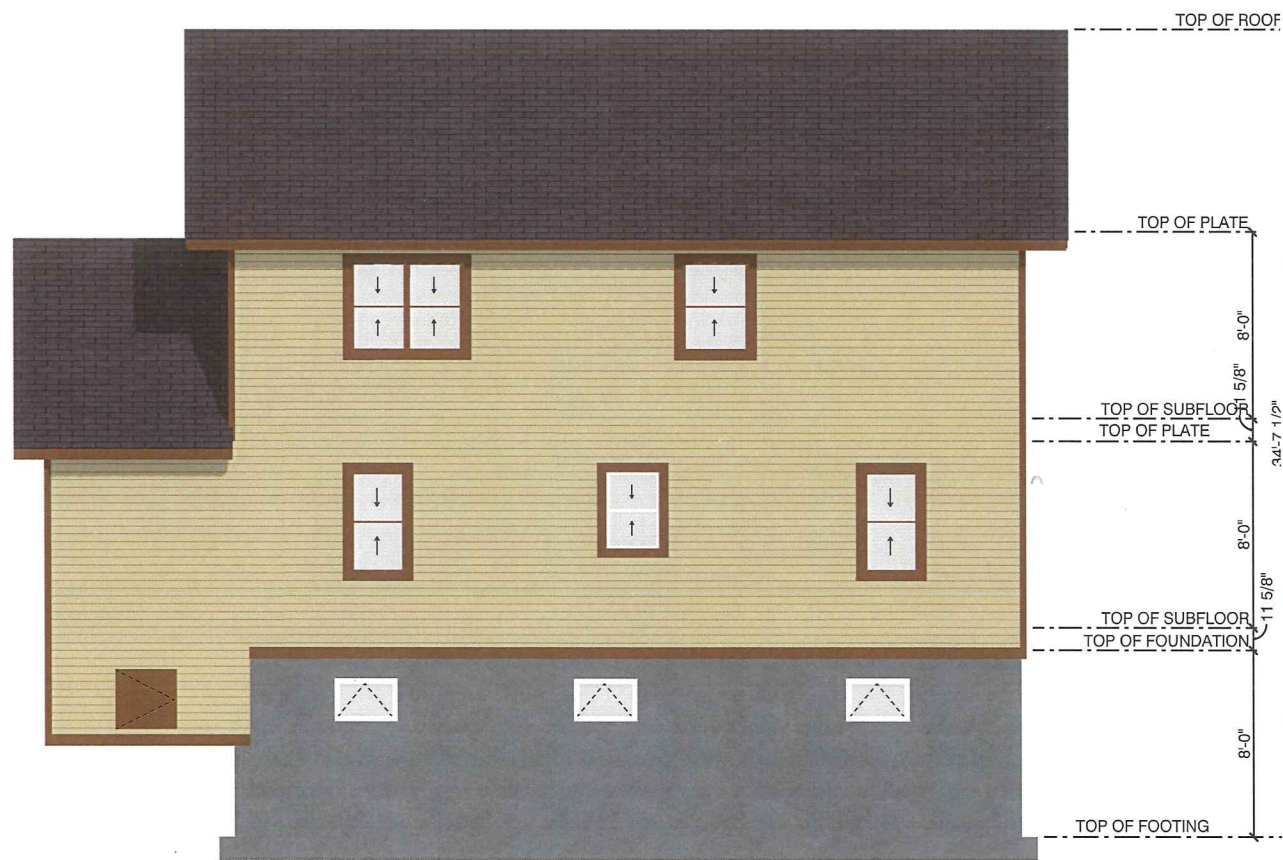
301 Clemons
301 Clemons Ave
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Tel (608) 239-7763
elizmorgan33@gmail.com

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SCALE: As Noted
DATE: Tuesday, February 22, 2022

PAGE: **2/5**
N & W Elevations



SOUTH ELEVATION
SCALE: 0.1719" = 1'-0"



EAST ELEVATION
SCALE: 1/8" = 1'-0"

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PROPERTY REVIVAL
R. E. A. L. T. Y.
REAL ESTATE CONSTRUCTION DESIGN

SECTION LETTER: **A**
PAGE NUMBERS: **111**

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DRAWN BY: GRANT KRULL
SCALE: As Noted
DATE: Tuesday, February 22, 2022

PAGE: **3/5**
S & E Elevations