



CITY OF MADISON ZONING BOARD OF APPEALS VARIANCE APPLICATION

\$500 Filing Fee

Type or legibly print using blue or black ink.

Address of Subject Property: 4025 Birch Ave Madison, WI 53711

Name of Owner: Claire or Adam Frees

Address of Owner (if different than above): _____

Daytime Phone: 608-852-7765 Evening Phone: Same

Email Address: celizabethryan@gmail.com

Name of Applicant (Owner's Representative): Aaron Harrison

Address of Applicant: 221 Business Park Circle Stoughton, WI 53589

Daytime Phone: 608-535-0279 Evening Phone: same

Email Address: aaron@simsincorporated.com

Description of Requested Variance:

We are requesting a variance in the sideyard setback on the east side of the home of one foot six inches to allow for a second story addition to create a third bedroom

See reverse side for more instructions.

FOR OFFICE USE ONLY

Amount Paid: \$500.00

Hearing Date: 12-21-23

Receipt: 134329-0001

Published Date: 12-14-23

Filing Date: 10-31-23

Appeal Number: LNDVAR-2023-00013

Received By: NJK

GQ: _____

Parcel Number: 070928207062

Code Section(s): 28.043(2)

Zoning District: TR-C2

Alder District: 11-TISHLER

Standards for Variance

The Zoning Board of Appeals will only grant a variance if it finds that your proposal meets the following standards. Please explain how your variance request meets these standards.

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

The existing home at 4025 Birch Avenue pre-dates the current zoning codes, and is currently 4.5' from the side property line. The property is a two-story Cape Cod with a single-story addition on the back of the house (also 4.5' from the side property line and built before current zoning codes). The house features 2 usable bedrooms, both on the second floor. There is a third space on the second floor that is being used as a small nursery but is substandard as a bedroom due to its size and layout. Owners Adam and Claire Frees are planning a renovation to expand this area to create a proper sized bedroom to bring it up to current standards by building a second story above an existing portion of the main floor level. Because the pre-existing conditions leave the house 4.5' from the property line, we are requesting a 1.5' variance.

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.

This variance would allow the proposed modest-sized addition to be flush with the side of the existing home. The addition is meant to add a third above-grade bedroom to the property, which is consistent with the neighborhood. Privacy would be maintained; this addition pushes past the adjacent property, with current buffering between the two houses preserved.

3. 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.~~

Compliance with the strict letter of ordinance would cause an unreasonable burden in traditional building practices to create the second story room. Special engineering would be required to comply and would result in an unappealing aesthetic to the house structure not in line with the character of the neighborhood.

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.

The current hardship is due to the size and layout of the third bedroom space, the design of which predates the current owners. The third bedroom space is only 86 square feet, has no closet, and has limited privacy as it must be passed through to get to one of the two standard bedrooms. Additionally, the original structure was built prior to the current setback rules, which adds to the difficulty in adding the proposed addition.

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

The proposed addition has minimal added bulk and will not interfere with the adjacent property's amount of south-facing light. The privacy between the properties would be maintained, as the proposed addition would be the same distance from the property line as the existing structure and would be built past the adjacent property.

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

The proposed variance will add a third above-grade bedroom to the property, which is not ~~unusual for this neighborhood~~. ~~The planned lap siding will look consistent with the rest of the home in color and style as well as with the neighborhood~~. Granting this variance will allow the addition to be harmonious with the pre-existing Cape Cod design, and will not be visible from the road.

Application Requirements

The Zoning Board of Appeals may refer or deny applicants with incomplete applications. Note, the maximum printed size for drawings is 11" x 17." Please provide the following information:

<input checked="" type="checkbox"/>	Pre-application meeting with staff. Before you submit this application, meet with the Zoning Administrator. Together, you will discuss your proposed project and submission material. Contact Zoning at least one week prior to the application submission deadline to schedule the meeting. Your application will not be accepted unless a pre-application meeting has been held.
<input checked="" type="checkbox"/>	Site plan , drawn to scale. We recommend a registered survey, but it is not required. On the plan, show the following: <ul style="list-style-type: none"> <input type="checkbox"/> Lot lines. <input type="checkbox"/> Existing and proposed structures. Include dimensions and setback distances to all property lines. <input type="checkbox"/> Approximate location of structures on properties next 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 directions showing existing and proposed. Show the existing structure and proposed addition(s).
<input checked="" type="checkbox"/>	Interior floor plan of existing and proposed structure , if required. Most additions and expansions will require floor plans.
<input type="checkbox"/>	Front yard variance requests. Show the front yard setback of all other properties on the same block face.
<input type="checkbox"/>	Lakefront setback variance requests. Provide a survey prepared by a registered land surveyor. The survey must show existing setbacks of buildings on adjacent lots.
<input type="checkbox"/>	Variance requests involving slope, grade, or trees. Show: <ul style="list-style-type: none"> <input type="checkbox"/> Approximate location and amount of slope. <input type="checkbox"/> Direction of drainage. <input type="checkbox"/> Location, species and size of trees.
<input checked="" type="checkbox"/>	Email digital copies of all plans and drawings to: zoning@cityofmadison.com .
<input type="checkbox"/>	Pay \$500 filing fee on or before submission deadline. Payment may be made in person by appointment at the Zoning counter, by mail to City of Madison Building Inspection, P. O. Box 2984, Madison WI 53701-2984, or placed in the drop box at the Doty Street entrance to the Madison Municipal Building 215 Martin Luther King Jr. Blvd. When mailing or using the drop box, please include a note that payment is for a variance application, state the subject property address and provide your contact information.
<input checked="" type="checkbox"/>	CHECK HERE. I understand that as part of my variance request, City of Madison staff will need access to my property. Staff will take photographs and do a pre-hearing inspection of the property. I give City Staff permission to enter my property, inspect the property, and take photographs.
<input checked="" type="checkbox"/>	CHECK HERE. I acknowledge that any statements implied as fact require evidence.

CHECK HERE. City of Madison staff has given me a copy of the standards that the Zoning Board of Appeals will use to review variance applications.

Owner's Signature: Chris Fear Date: 9-13-23

-----(For Office Use Only)-----

<u>DECISION</u>		
The Board, in accordance with its findings of fact, hereby determines that the requested variance for _____ (does) (does not) meet all 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:



BIRRENKOTT SURVEYING

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:

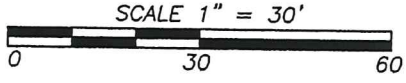
I, Chris K. Casson, hereby certify that this survey is in compliance with the Wisconsin Administrative Code, Chapter A-7. I also certify that I have surveyed and mapped the lands described hereon and that the map is a correct representation in accordance with the information provided and is correct to the best of my knowledge and belief.

Chris K. Casson 5-18-2023

Chris K. Casson
Wisconsin Professional Land Surveyor No. S-3264.

Description:

Lot 9, Block 11, Westmorland, City of Madison, Dane County, Wisconsin.



Prepared For:

Sims Remodeling
221 Business Park Cir.
Stoughton, WI 53589
(608)-825-4500 x103

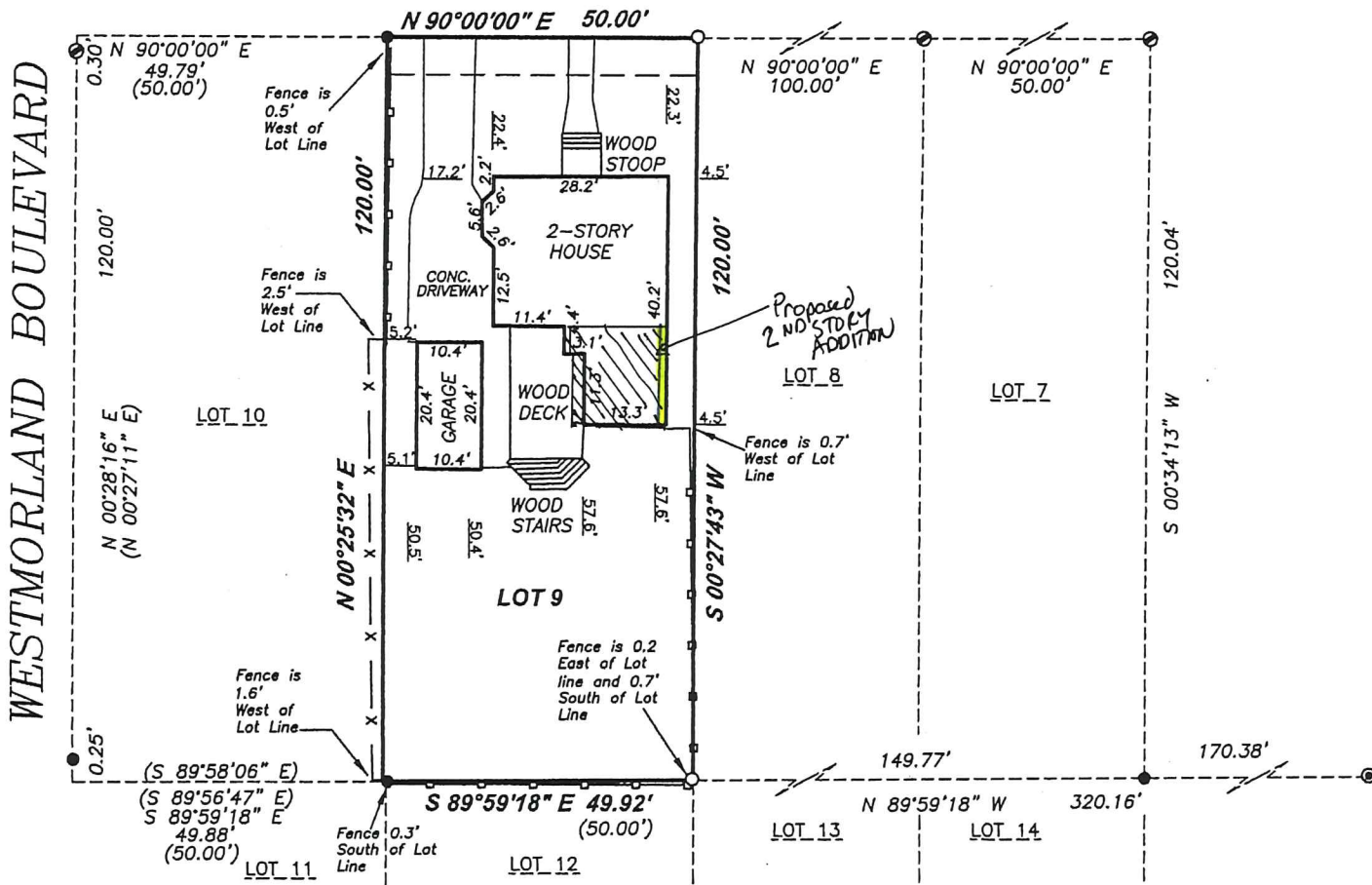


Side Setback Variance for Second Story Addition to Single Family House

*Required 6'
Proposed 4.5'*

Variance 1.5'

BIRCH AVENUE



Legend:

- ⊙ = Found 1" Iron Pipe
- = Found 3/4" Iron Bar
- ⊙ = Found 1 1/4" Iron Pipe
- ⊙ = Found 3/4" Pinch Top Pipe
- = 3/4"x24" Iron Bar set wt.=1.50#/ln.ft.
- = Wood Fence
- x— = Chain Link Fence

Bearings referenced to the North line of Lot 9, platted bearing N90°00'00"E

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.

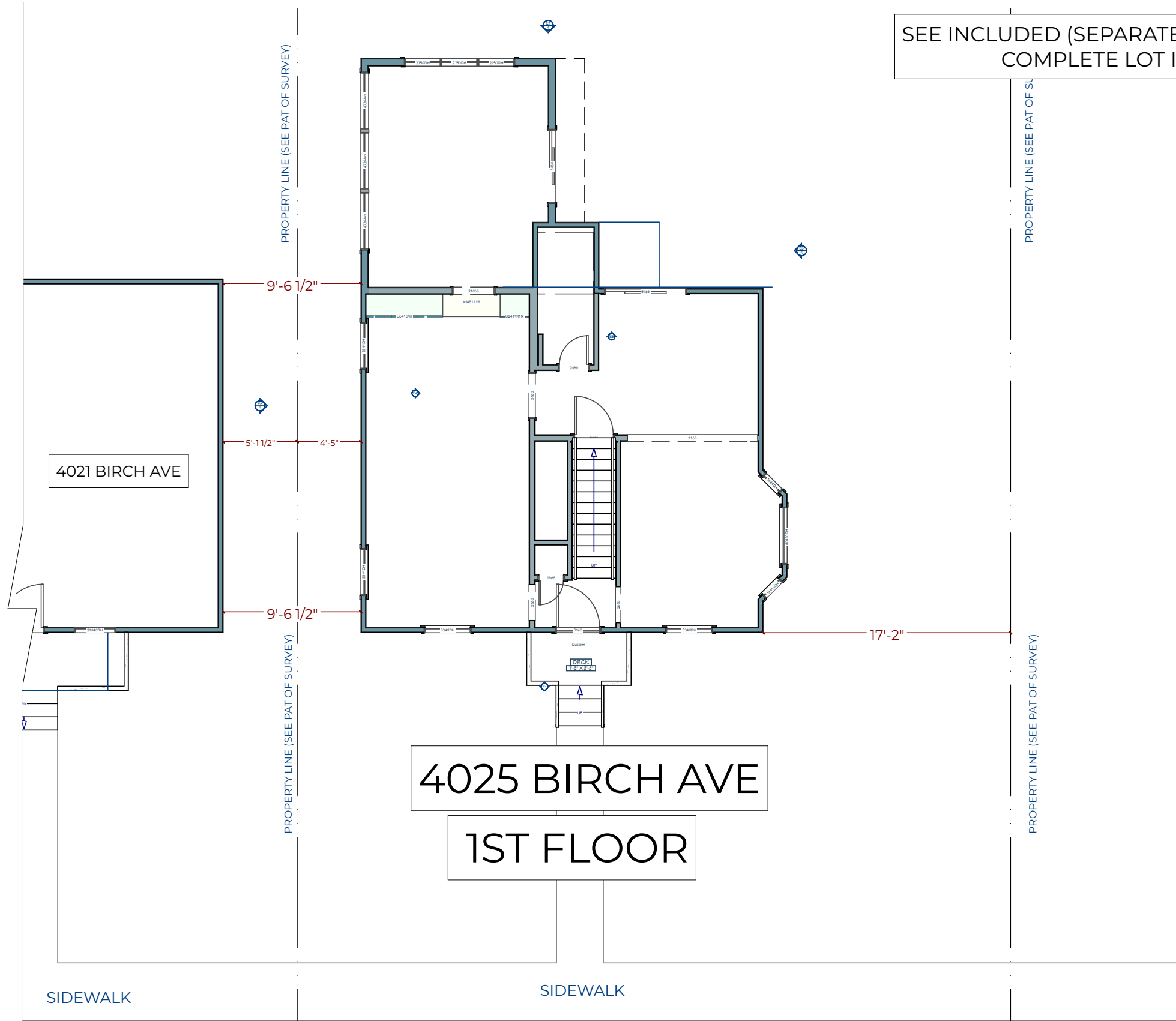
Wetlands, if present have not been delineated.

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

No title commitment provided at time of survey: April 19, 2023.

Dated: May 12, 2023
Surveyed: T.A.S.
Drawn: J.M.H.
Checked: C.K.C.
Approved: C.K.C.
Field book: 393/4-5
Comp. File: J:\2023\CARLSON
Office Map No. 230287

SEE INCLUDED (SEPARATE) PLAT OF SURVEY FOR COMPLETE LOT INFORMATION



NOTICE: It is understood that the plans, details, designs, and specifications combined herein were generated for the Owner(s) as noted and are the sole property of Sims Interiors. Any other use of these drawings without the written permission of Sims Interiors constitutes fraud. These documents are for the sole use of Sims Interiors in the construction of the noted project. Use of these plans by any other party voids any and all liability and responsibility of Sims Interiors for accuracy of dimensions, existing conditions, calculations, structural detail, and general representation, etc. Contract is to void all extras shown here in these drawings. All renderings and electrical plans are subject to change based on job site conditions.
Copyright Sims Interiors 2021



Sims
INTERIORS

PROPOSED KITCHEN REMODEL FOR THE:

**FREES
RESIDENCE**

4025 BIRCH AVE
MADISON, WI 53711

REVISIONS

DATE	BY	DATE	BY

DATE: 10/31/2023

SALESPERSON:

SCALE: AS NOTED

SHEET: **A-1**
OF 5 SHEETS

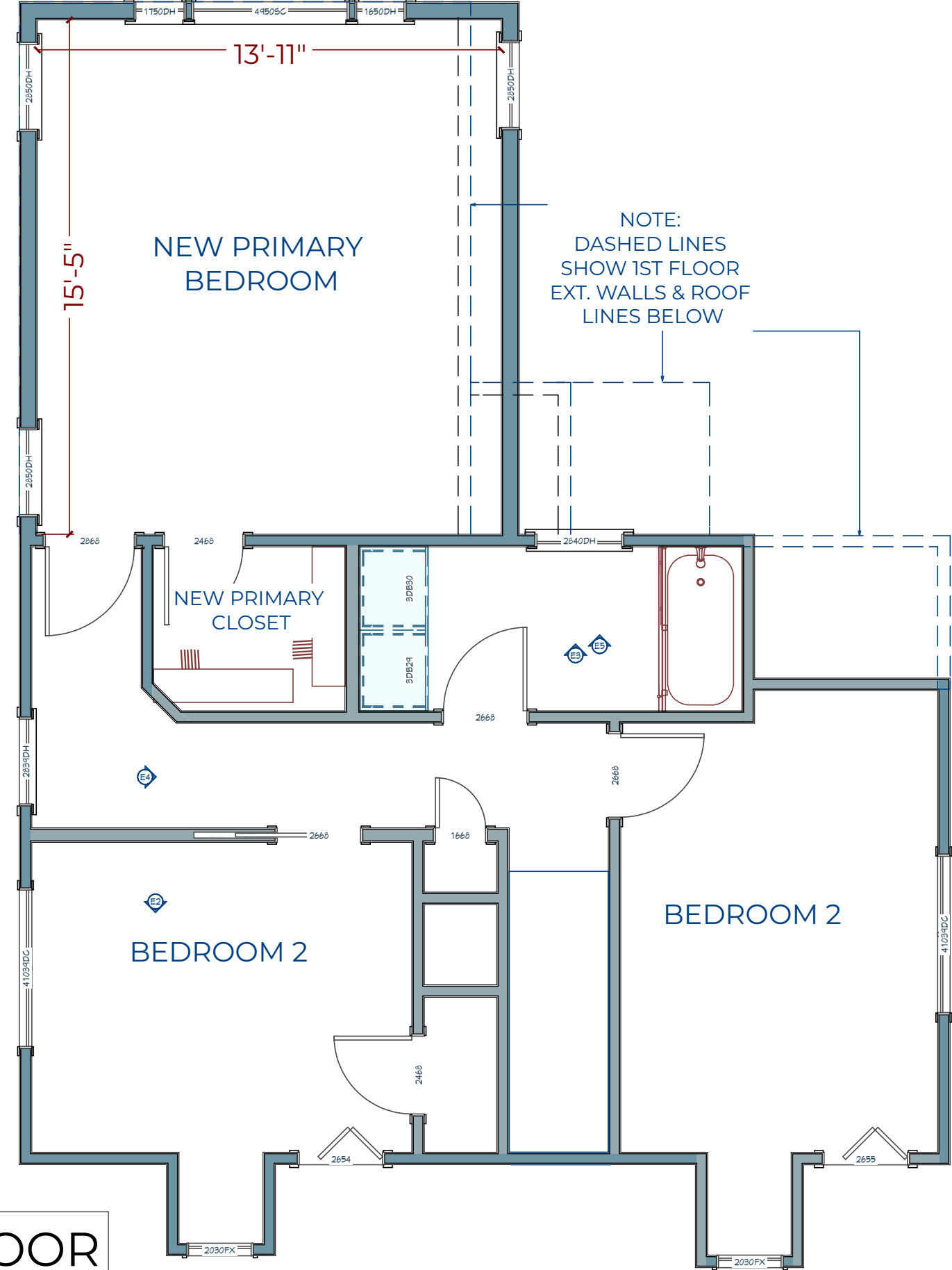
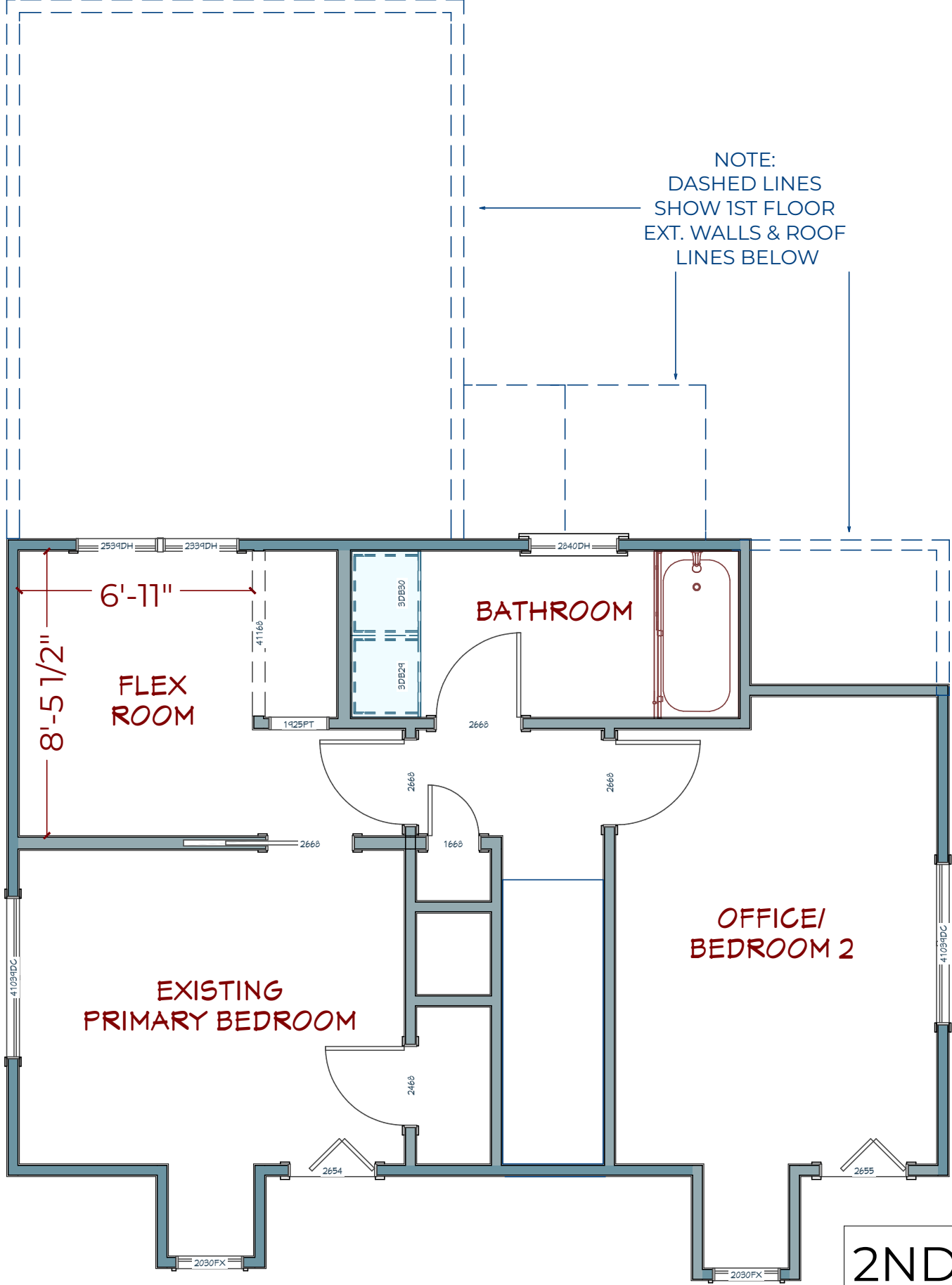
BIRCH AVE

EXISTING LAYOUT

PROPOSED LAYOUT

NOTE:
DASHED LINES
SHOW 1ST FLOOR
EXT. WALLS & ROOF
LINES BELOW

NOTE:
DASHED LINES
SHOW 1ST FLOOR
EXT. WALLS & ROOF
LINES BELOW



2ND FLOOR

NOTICE: It is understood that the plans, details, designs, and specifications contained herein were generated for the Owner(s) as noted and are the sole property of Sims Interiors. Any other use of these drawings without the written permission of Sims Interiors constitutes fraud. These documents are for the sole use of Sims Interiors in the construction of the noted project. Use of these plans by any other party voids any and all liability and responsibility of Sims Interiors for accuracy of dimensions, existing conditions, calculations, structural detail, and general representation, etc. Contract is to void all extras shown here in these drawings. All renderings and electrical plans are subject to change based on job site conditions.
Copyright Sims Interiors 2021



Sims

INTERIORS

PROPOSED KITCHEN REMODEL FOR THE:

**FREES
RESIDENCE**
4025 BIRCH AVE
MADISON, WI 53711

REVISIONS			
DATE	BY	DATE	BY

DATE: **10/31/2023**
SALESPERSON:
SCALE: **AS NOTED**
SHEET:

A-2
OF 5 SHEETS

PROPOSED EAST ELEVATION

SCALE 1/4" = 1'

NOTICE: It is understood that the plans, details, designs, and specifications combined herein were generated for the Owner(s) as noted and are the sole property of Sims Interiors. Any other use of these drawings without the written permission of Sims Interiors constitutes fraud. These documents are for the sole use of Sims Interiors in the construction of the noted project. Use of these plans by any other party voids any and all liability and responsibility of Sims Interiors for accuracy of dimensions, existing conditions, calculations, structural detail, and general representation, etc. Contract is to void all extras shown here in these drawings. All renderings and electrical plans are subject to change based on job site conditions.
Copyright Sims Interiors 2021



Sims
INTERIORS

PROPOSED KITCHEN REMODEL FOR THE:

**FREES
RESIDENCE**

4025 BIRCH AVE
MADISON, WI 53711

REVISIONS

DATE	BY	DATE	BY

DRAWN:

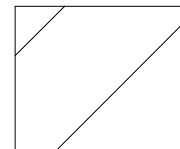
DATE: 10/31/2023

SALESPERSON:

SCALE: AS NOTED

SHEET:

A-3
OF 5 SHEETS



- ANGLED HATCH AREA SHOWS PROPOSED ADDITION



EXISTING PHOTOS

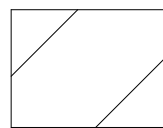
PROPOSED SOUTH (REAR) ELEVATION

SCALE 3/16" = 1'



GRADE

GRADE



- ANGLED HATCH AREA SHOWS PROPOSED ADDITION



EXISTING PHOTO

NOTICE: It is understood that the plans, details, designs, and specifications combined herein were generated for the Owner(s) as noted and are the sole property of Sims Interiors. Any other use of these drawings without the written permission of Sims Interiors constitutes fraud. These documents are for the sole use of Sims Interiors in the construction of the noted project. Use of these plans by any other party voids any and all liability and responsibility of Sims Interiors for accuracy of dimensions, existing conditions, calculations, structural detail, and general representation, etc. Contract is to void all extras shown here in these drawings. All renderings and electrical plans are subject to change based on job site conditions.
Copyright Sims Interiors 2021



Sims
INTERIORS

PROPOSED KITCHEN REMODEL FOR THE:

**FREES
RESIDENCE**

4025 BIRCH AVE
MADISON, WI 53711

REVISIONS

DATE	BY	DATE	BY

DRAWN:

DATE: 10/31/2023

SALESPERSON:

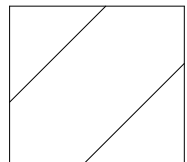
SCALE: AS NOTED

SHEET:

A-4
OF 5 SHEETS

PROPOSED WEST (DRIVEWAY) ELEVATION

SCALE 3/16" = 1'



- ANGLED HATCH AREA SHOWS PROPOSED ADDITION



EXISTING PHOTOS

NOTICE: It is understood that the plans, details, designs, and specifications combined herein were generated for the Owner(s) as noted and are the sole property of Sims Interiors. Any other use of these drawings without the written permission of Sims Interiors constitutes fraud. These documents are for the sole use of Sims Interiors in the construction of the noted project. Use of these plans by any other party voids any and all liability and responsibility of Sims Interiors for accuracy of dimensions, existing conditions, calculations, structural detail, and general representation, etc. Contract is to void all extras shown here in these drawings. All renderings and electrical plans are subject to change based on job site conditions.
Copyright Sims Interiors 2021



Sims
INTERIORS

PROPOSED KITCHEN REMODEL FOR THE:

**FREES
RESIDENCE**

4025 BIRCH AVE
MADISON, WI 53711

REVISIONS

DATE	BY	DATE	BY

DRAWN:

DATE: 10/31/2023

SALESPERSON:

SCALE: AS NOTED

SHEET:

A-5
OF 5 SHEETS