



**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: 2332 West Lawn Avenue, Madison, WI 53711

Name of Owner: Asifa Quraishi-Landes

Address of Owner (if different than above): _____

Daytime Phone: 608-358-4173 Evening Phone: _____

Email Address: asifa@me.com

Name of Applicant (Owner's Representative): Asifa Quraishi-Landes

Address of Applicant: 2332 West Lawn Avenue, Madison, WI 53711

Daytime Phone: 608-358-4173 Evening Phone: _____

Email Address: asifa@me.com

Description of Requested Variance: _____

To allow a parking pad paved area in front of the house.

(See reverse side for more instructions)

FOR OFFICE USE ONLY

Amount Paid: \$ 300-
Receipt: 085960-0003
Filing Date: 12-12-18 / 12-27-18
Received By: MWT DJM
Parcel Number: 0709-281-0248-6
Zoning District: TR-C2
Alder District: 13

Hearing Date: 01/17/2019
Published Date: 01/10/2019
Appeal Number: LNDVAR-2019-00001
GQ: ZBA
Code Section(s): 28.141(8)(c)1.

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.

~~Our property and that of our next-door neighbor (2334 West Lawn Ave.) are unique in the neighborhood, and somewhat generally in the district, in that we share a driveway to our respective garages. The driveway between our houses is an easment, and thus neither of us can park on it at any time~~ +

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.

~~I have been told that the purpose of the regulation is to encourage residents to park in their garages, away from the setback area of their property. The regulation does not actually accomplish this purpose, however, because many residents routinely park in their driveways rather than their garages, and usually quite close to the sidewalk. Therefore, the regulation actually accomplishes the purpose of pushing residents without~~ (continued in Attachment A) +

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.

~~Compliance with the strict letter is an unnecessary burden because parking in our garage during wintertime has been extremely hazardous, especially for small children and the elderly. Our driveway easment is on a steep slope (our backyard is one floor below the ground level of our front door), and thus too slick to walk on when icy.~~

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.

~~Enforcement of the ordinance requires us to either park on the street, or in our garage (the driveway to our garage is not an option because it is an easement shared with our neighbor), which is dangerous to access during winter. The ordinance as currently enforced allows neighbors to park in their driveways, causing an unfair difficulty to our unique situation of our driveway being an easement.~~ +

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

~~No restriction in light or visibility will result to any adjacent properties as a result of the proposed variance.~~ +

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

~~The proposed variance does not change the aesthetic, architectural or otherwise, of the immediate neighborhood.~~

ATTACHMENT A

Continuation of answer to Question #2:

... accomplishes the purpose of pushing residents without accessible garages to park on the street.

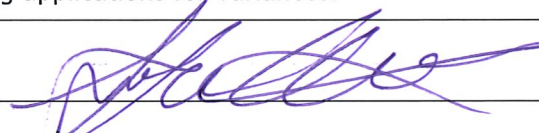
If, on the other hand, the deeper spirit of the regulation is to reduce street parking (by encouraging garage parking), then the proposed variance is not contrary to that spirit. By providing an off-street parking space for these two houses whose garages are not easily accessible (and sometimes dangerous during winter months), the proposed variance takes a car off the street. If the variance is denied and the ordinance enforced, this will result in an additional car parking on the street, rather than into our difficult-to-access garage, since the easement shared-driveway is not an option.

Alternatively, if the purpose of the regulation is to encourage garage parking, but nevertheless allow driveway parking only if in front of a garage, then the regulation is discriminatory to homes like ours, with easement-only driveway access to the garage. To allow our neighbors to choose not to use their accessible garages, yet deny us the ability to park in a similar manner to them seems unfair.

Application Requirements

Please provide the following information (Please note any boxes left unchecked below could result in a processing delay or the Board's denial of your application):

<input checked="" type="checkbox"/>	Pre-application meeting with staff: Prior to submittal of this application, the applicant is strongly encouraged to discuss the proposed project and submittal material with Zoning staff. Incomplete applications could result in referral or denial by the Zoning Board of Appeals.
<input checked="" type="checkbox"/>	Site plan , drawn to scale. A registered survey is recommended, but not required. Show the following on the site plan (Maximum size for all drawings is 11" x 17"): <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 type="checkbox"/>	Elevations from all relevant directions showing existing and proposed views, with notation showing the existing structure and proposed addition(s). (Maximum size for all drawings is 11" x 17")
<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). (Maximum size for all drawings is 11" x 17")
<input 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 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"/>	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:  **Date:** 12-27-18

----- (Do not write below this line/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:

