



**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: 40 N Roby Road

Name of Owner: Matt & Katrina Kelly

Address of Owner (if different than above): 137 E Wilson St, Unit 1312  
Madison, WI 53703

Daytime Phone: 608-239-6830, 857-919-2586 Evening Phone: same

Email Address: katrina.r.kelly@gmail.com, matt.t.kelly@gmail.com

Name of Applicant (Owner's Representative): Amy Hasselman, Architecture Network Inc

Address of Applicant: 116 E Dayton St  
Madison, WI 53703

Daytime Phone: 608-251-7515 x33 Evening Phone: 608-698-0715

Email Address: amy\_hasselmann@architecture-network.net

Description of Requested Variance: variance to dormer roof pitch requirement to allow two existing dormers to be combined & expanded to provide adequate stair headroom to existing occupied attic level. Variance to allow existing kitchen "bump out" to be demolished & rebuilt in the same location (projecting into side yard setback) to allow for construction of adequate foundation. Variance to allow rebuilt "bump out" to have a low-pitch roof instead of the existing flat roof which leaks.

*(See reverse side for more instructions)*

**FOR OFFICE USE ONLY**

Amount Paid: <u>\$300-</u>	Hearing Date: <u>7-11-13</u>
Receipt: <u>144145</u>	Published Date: <u>7/4/13</u>
Filing Date: <u>6/24/13</u>	Appeal Number: <u>071113-1</u>
Received By: <u>ESK</u>	GQ: <u>University Heights Historic District</u>
Parcel Number: <u>0709-222-3001-9</u>	Code Section(s): <u>28.0430(2)</u>
Zoning District: <u>TR-C2, HIS-UH</u>	<u>28.211 - Story Regs.</u>
Alder District: <u>5</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 existing dormer being expanded is over the existing stair which has insufficient headroom. The side "bump-out" on the kitchen has an inadequate foundation and is located partially in the setback. I hope this is not generally true.

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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.

The intent of the dormer roof pitch requirement is to not allow third floor "flip-ups" that make the mass of the roof the same as the lower floors. This is a small, limited area to allow stair headroom, which is part of the intent of dormers. Variance for the side "bump out" is to allow for repairs, which is in the public interest.

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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.

It would prevent a best practice repair of the foundation issues. Also, keeping the flat roof would require keeping a situation that is prone to leaking.

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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 variance requests are intended to correct problems in an existing house, that were part of the original construction 91 years ago. Newer zoning codes have made the original construction not allowable.

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

The requested changes are not substantially different from the existing condition to neighboring properties.

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

Yes, and since it is in the University Heights Historic District, Landmarks Commission also reviews to ensure that.

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# 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"/>	<b>Pre-application meeting with staff:</b> Prior to submittal of this application, the applicant is strongly encouraged to discuss the proposed project and submittal material with Zoning staff. <b>Incomplete applications could result in referral or denial by the Zoning Board of Appeals.</b>
<input checked="" type="checkbox"/>	<b>Site plan</b> , 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"> <li><input type="checkbox"/> Lot lines</li> <li><input type="checkbox"/> Existing and proposed structures, with dimensions and setback distances to all property lines</li> <li><input 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). (Maximum size for all drawings is 11" x 17")
<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). (Maximum size for all drawings is 11" x 17")
<input 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.
<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.
<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>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:** 6/24/13  
 -----(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**

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**Zoning Board of Appeals Chair:** \_\_\_\_\_

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

ZONING NOTES:  
DISTRICT: HIS-UH TR-C2  
LOT AREA: 8,171 SF  
LOT FRONTAGE: 182.9'  
LOT COVERAGE: 44%

2-Story Single-family home  
First-story kitchen addition (recast)  
Roof Dormer modification

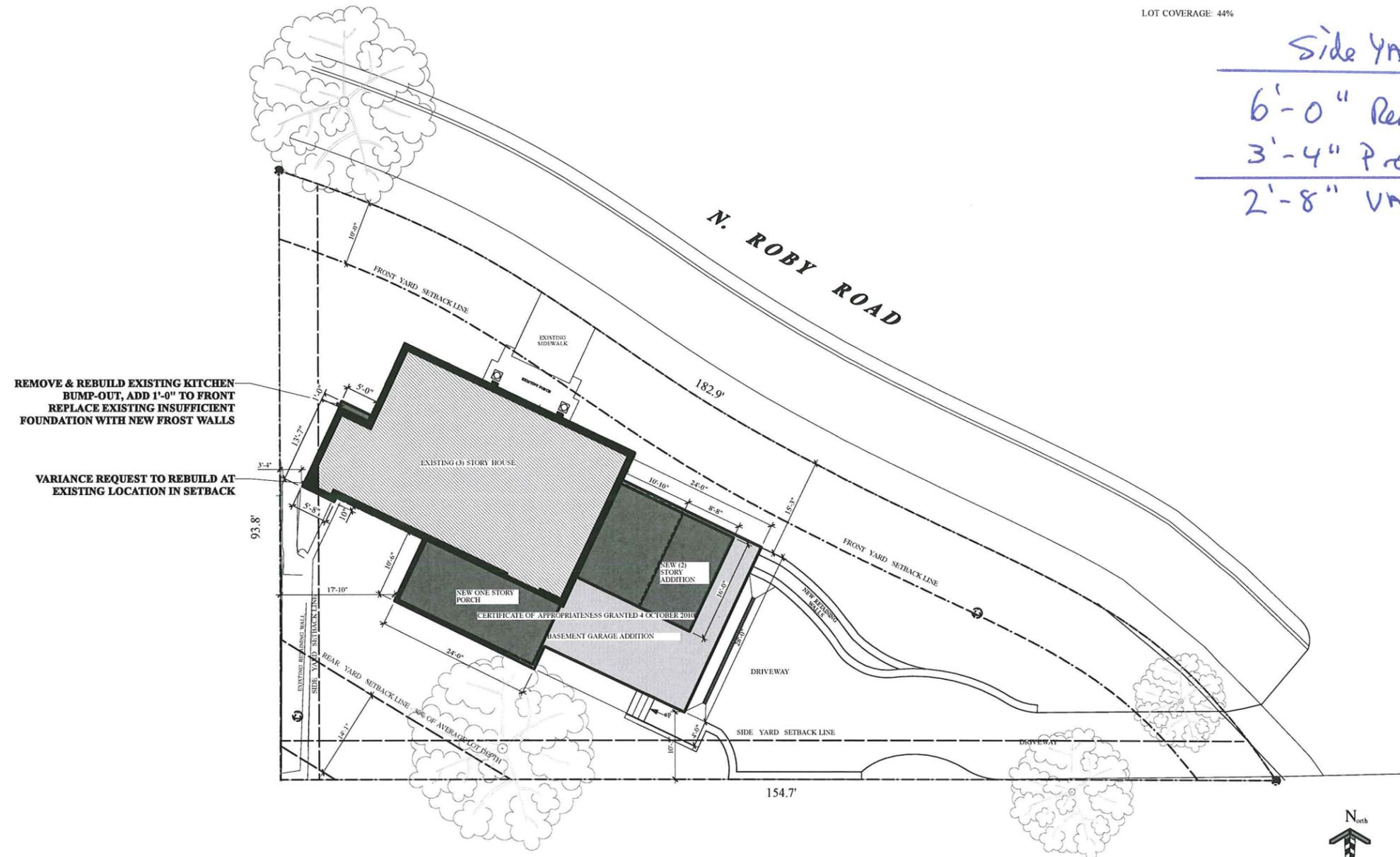
Side Yard

6'-0" Required  
3'-4" Provided  
2'-8" Variance

Story/Dormer Regulations

8:12 Pitch minimum required  
for area above 2<sup>nd</sup> story to  
be occupiable  
Combine dormers, resulting  
in 3:12 Pitch on Dormer

Variance to maintain occupancy



REMOVE & REBUILD EXISTING KITCHEN  
BUMP-OUT, ADD 1'-0" TO FRONT  
REPLACE EXISTING INSUFFICIENT  
FOUNDATION WITH NEW FROST WALLS

VARIANCE REQUEST TO REBUILD AT  
EXISTING LOCATION IN SETBACK

1 SITE PLAN  
SP-1.0 Scale: 1" = 10'ft

- ISSUE:
- ◇ CONSTRUCTION SET
  - ◆ PLAN REVIEW SET
  - ◇ BID SET  
NOT FOR CONSTRUCTION
  - ◇ PRELIMINARY  
NOT FOR CONSTRUCTION
  - ◇ PROGRESS SET  
NOT FOR CONSTRUCTION

PROJECT:  
**Addition & Alterations  
to create the  
KELLY RESIDENCE**

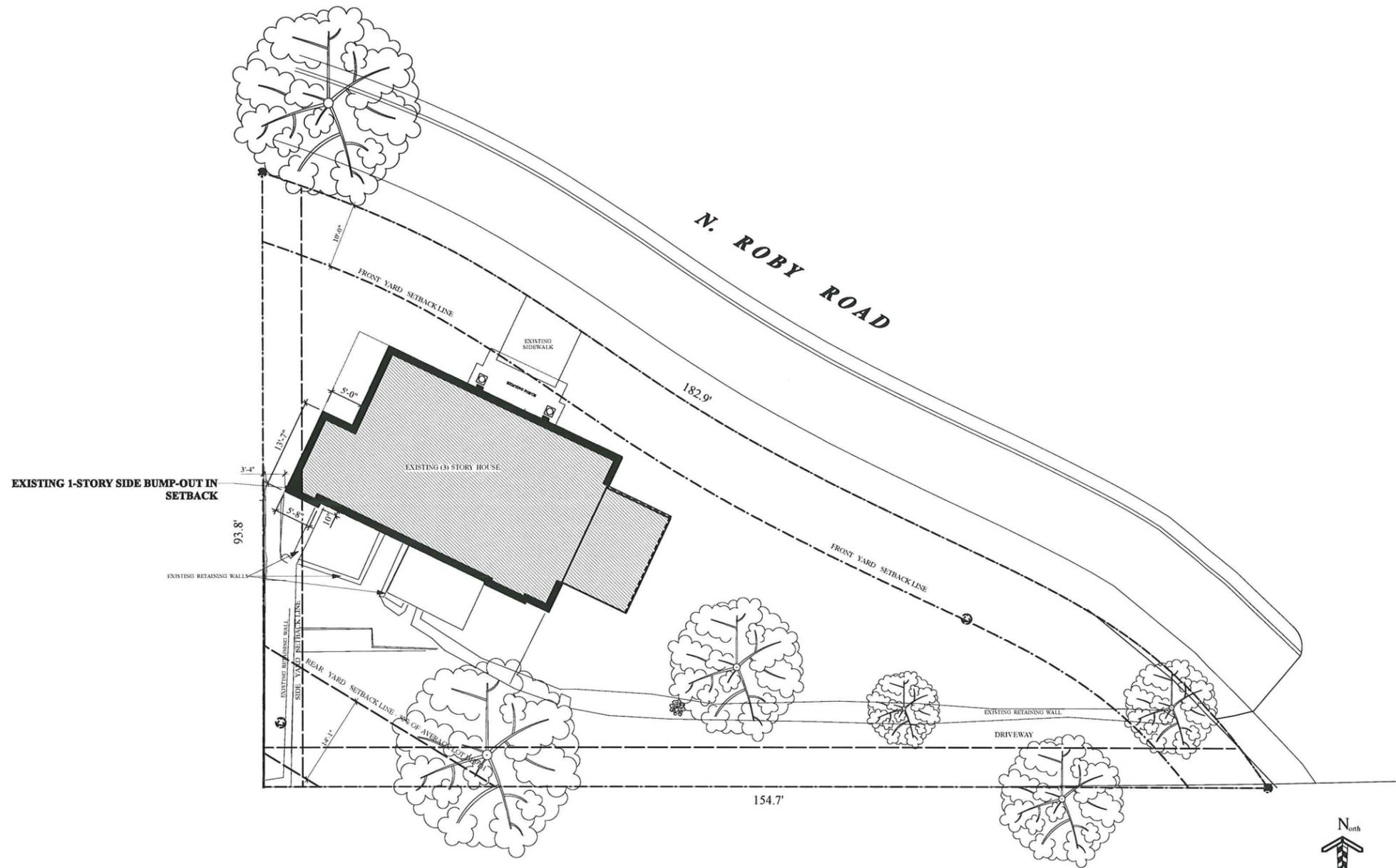
40 N ROBY RD  
Madison, Wisconsin

REVISIONS:


DATE: 10 JUNE 2013  
SCALE: As noted; 50% @ 11x17  
PROJECT: K1302  
DRAWN BY: AKK

DRAWING NAME:  
**SITE PLAN**

DRAWING NUMBER:  
**SP-1.0**



**1** EXISTING SITE PLAN  
SP-1.0 Scale: 1" = 10'ft

- ISSUE:
- ◇ **CONSTRUCTION SET**
  - ◇ **PLAN REVIEW SET**
  - ◇ **BID SET**  
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  - ◇ **PRELIMINARY**  
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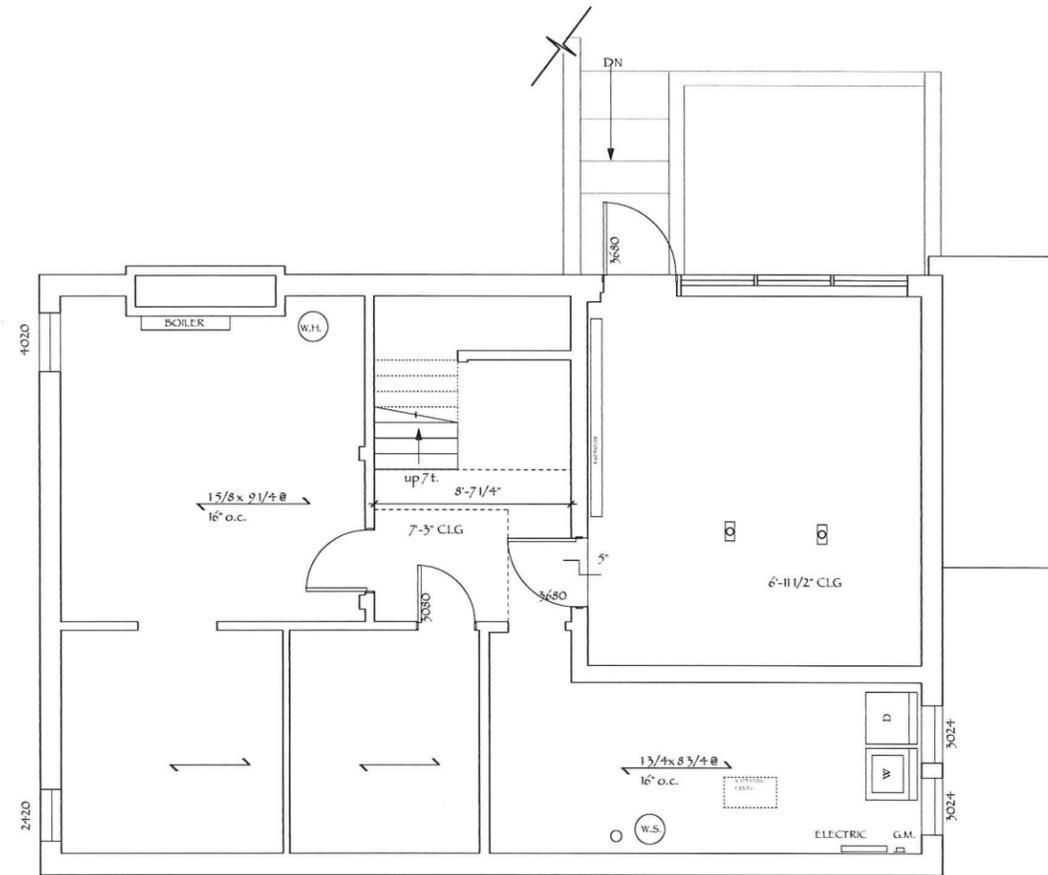
**40 N. ROBY RD  
Madison, Wisconsin**

REVISIONS:


DATE: 10 NOV. 2008  
SCALE: AS NOTED  
PROJECT: K1302  
DRAWN BY: EJE

**DRAWING NAME:**  
  
EXISTING SITE PLAN

**DRAWING NUMBER:**  
  
**SP-1.0**



1 EXISTING BASEMENT FLOOR PLAN  
A.1.0 Scale: 1/4" = 1'-0"

- ISSUE:
- ◇ **CONSTRUCTION SET**
  - ◇ **PLAN REVIEW SET**
  - ◇ **BID SET**  
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**40 N. ROBYRD**  
Madison, Wisconsin

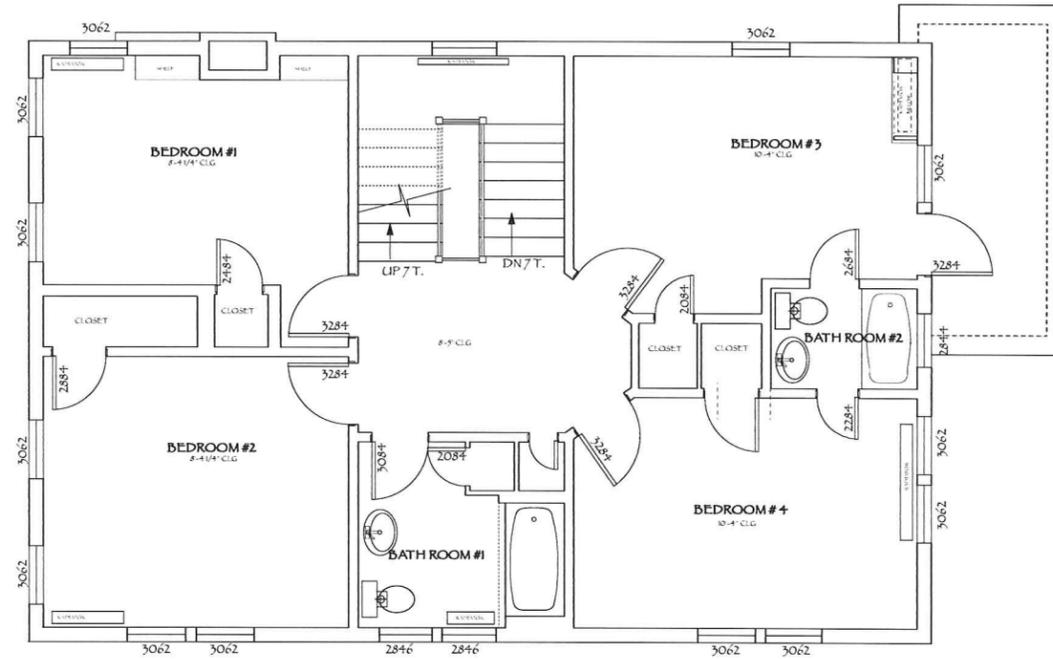
REVISIONS:


DATE: 10 NOV. 2008  
SCALE: AS NOTED  
PROJECT: K1302  
DRAWN BY: E J E

**DRAWING NAME:**  
EXISTING BASEMENT  
PLAN

**DRAWING NUMBER:**  
**A-1.0**





1 EXISTING SECOND FLOOR PLAN  
A.1.2 Scale: 1/4" = 1'-0"

- ISSUE:
- ◇ **CONSTRUCTION SET**
  - ◇ **PLAN REVIEW SET**
  - ◇ **BID SET**  
NOT FOR CONSTRUCTION
  - ◇ **PRELIMINARY**  
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  - ◇ **PROGRESS SET**  
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PROJECT:  
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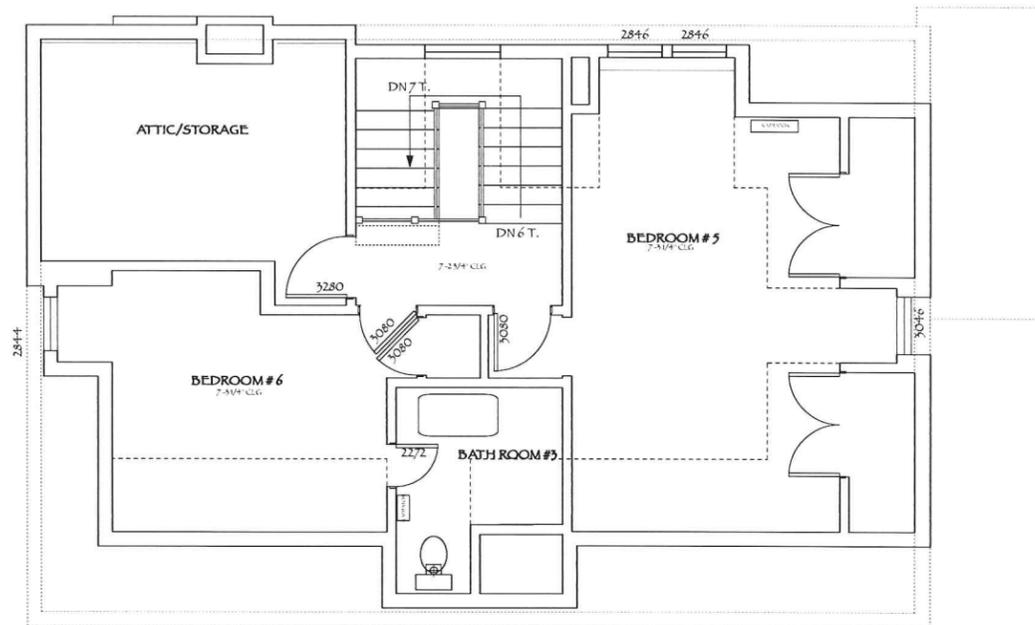
**40 N. ROBYRD**  
Madison, Wisconsin

REVISIONS:


DATE: 10 NOV. 2008  
SCALE: AS NOTED  
PROJECT: K1302  
DRAWN BY: E J E

**DRAWING NAME:**  
EXISTING SECOND  
FLOOR PLAN

**DRAWING NUMBER:**  
**A-1.2**



1 EXISTING THIRD FLOOR PLAN  
A-1.3 Scale: 1/4" = 1'-0"

- ISSUE:
- ◇ **CONSTRUCTION SET**
  - ◇ **PLAN REVIEW SET**
  - ◇ **BID SET**  
NOT FOR CONSTRUCTION
  - ◇ **PRELIMINARY**  
NOT FOR CONSTRUCTION
  - ◇ **PROGRESS SET**  
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REVISIONS:

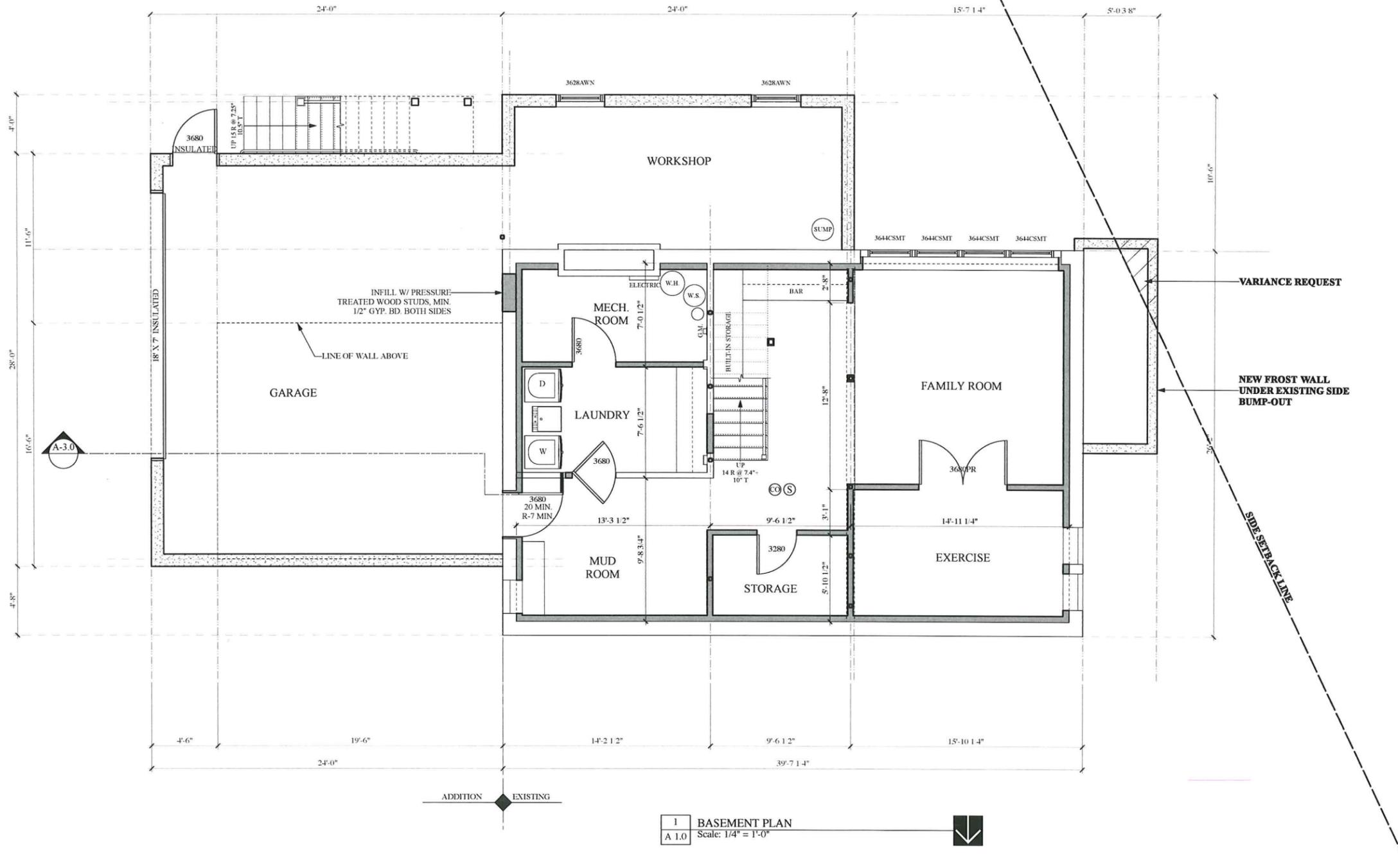

DATE: 10 NOV. 2008  
SCALE: AS NOTED  
PROJECT: K1302  
DRAWN BY: E J E

**DRAWING NAME:**  
EXISTING THIRD  
FLOOR PLAN

**DRAWING NUMBER:**  
**A-1.3**

**LEGEND**

-  EXISTING WALL TO REMAIN
-  EXISTING MASONRY WALL TO REMAIN
-  NEW WALLS
-  WOOD STUD WALLS w/ MASONRY VENEER
-  CONCRETE WALLS
-  CONCRETE WALLS w/ INTERIOR 2x FURRING
-  CONCRETE WALLS w/ MASONRY VENEER
-  EXISTING DOOR TO REMAIN
-  EXISTING WINDOW TO REMAIN
-  DOOR:  
TAG FORMAT: " <Size> <Notes> "  
Size = Width x Height (in inches)
-  3680  
NEW WINDOW:  
WIDTH X HEIGHT, TYPE
-  CARBON MONOXIDE DETECTOR
-  SMOKE DETECTOR



- ISSUE:
-  **CONSTRUCTION SET**
  -  **PLAN REVIEW SET**
  -  **BID SET**  
NOT FOR CONSTRUCTION
  -  **PRELIMINARY**  
NOT FOR CONSTRUCTION
  -  **PROGRESS SET**  
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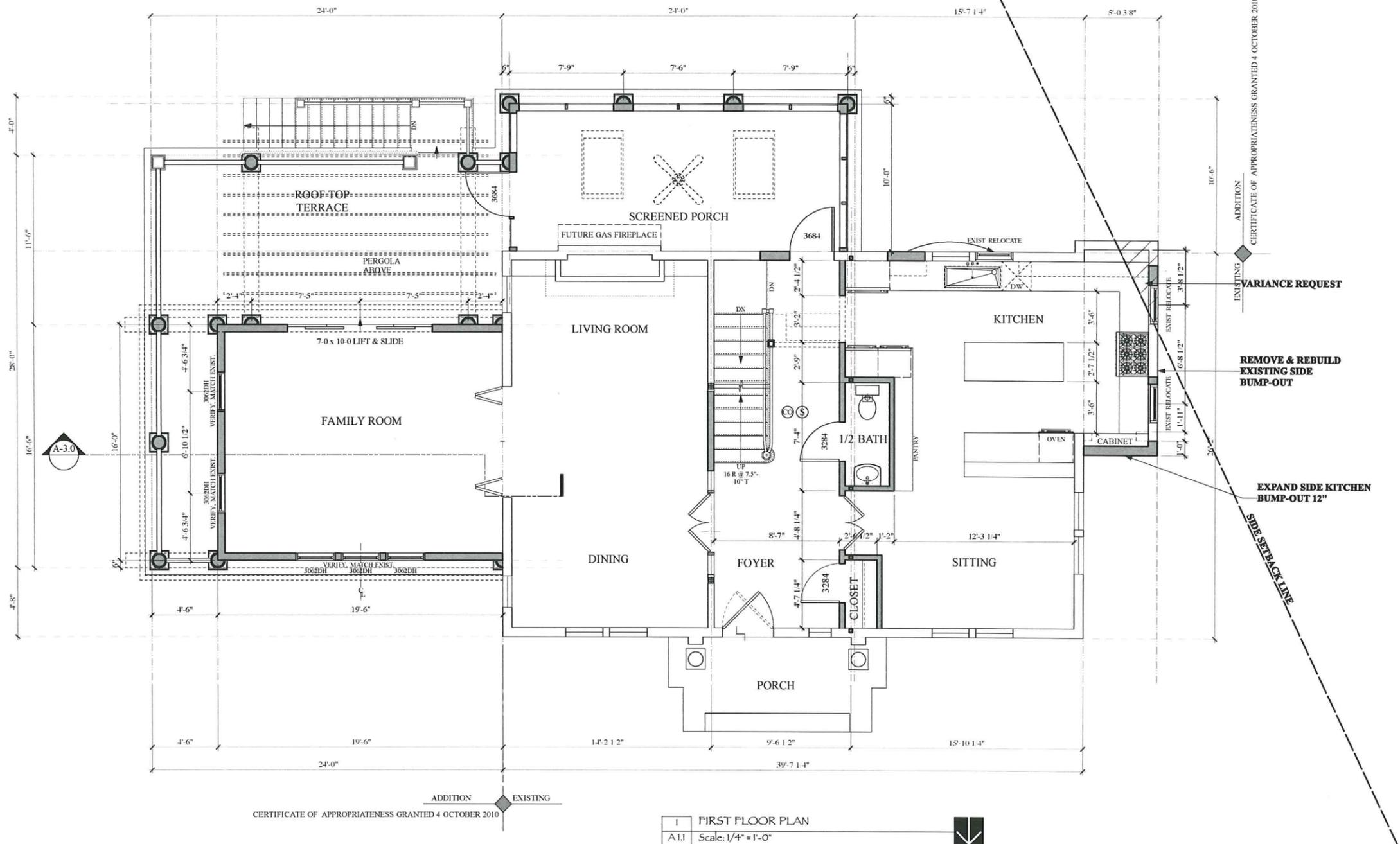
REVISIONS:


DATE: 10 JUNE 2013  
SCALE: As noted; 50% @ 11x17  
PROJECT: K1302  
DRAWN BY: AKK

**DRAWING NAME:**  
  
**BASEMENT PLAN**

**DRAWING NUMBER:**  
  
**A-1.0**

1 BASEMENT PLAN  
A 1.0 Scale: 1/4" = 1'-0"



- LEGEND**
- EXISTING WALL TO REMAIN
  - EXISTING MASONRY WALL TO REMAIN
  - NEW WALLS
  - WOOD STUD WALLS w/ MASONRY VENEER
  - CONCRETE WALLS
  - CONCRETE WALLS w/ INTERIOR 2x FURRING
  - CONCRETE WALLS w/ MASONRY VENEER
  - EXISTING DOOR TO REMAIN
  - EXISTING WINDOW TO REMAIN
  - DOOR: TAG FORMAT: " <Size> <Notes> " Size = Width x Height (in Inches)
  - 3680
  - 3628 AWN
  - NEW WINDOW: WIDTH X HEIGHT, TYPE
  - CARBON MONOXIDE DETECTOR
  - SMOKE DETECTOR

- ISSUE:
- CONSTRUCTION SET**
  - PLAN REVIEW SET**
  - BID SET**  
NOT FOR CONSTRUCTION
  - PRELIMINARY**  
NOT FOR CONSTRUCTION
  - PROGRESS SET**  
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**40 N ROBY RD**  
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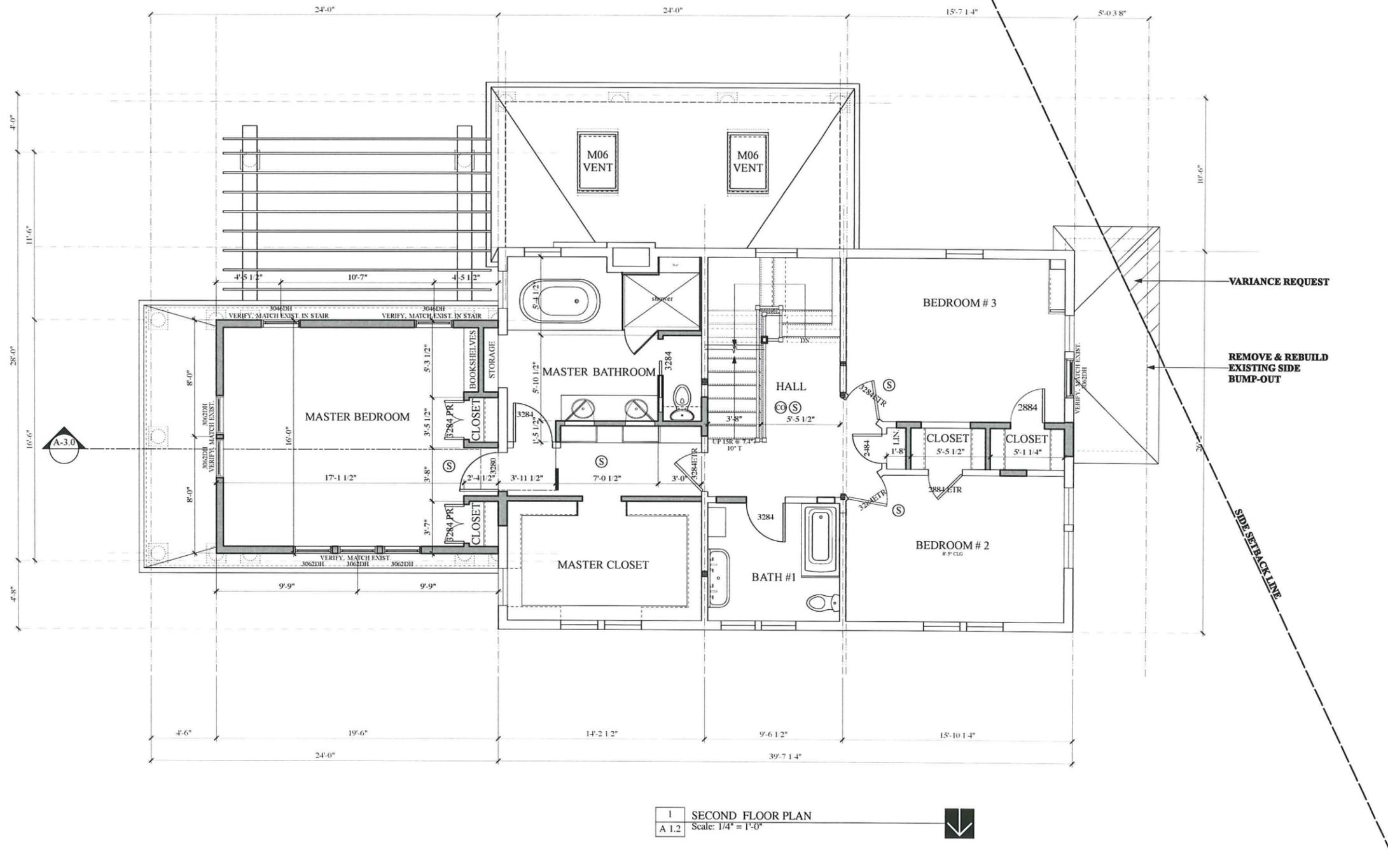
**DRAWING NAME:**  
FIRST FLOOR PLAN

**DRAWING NUMBER:**

**A-1.1**

**LEGEND**

-  EXISTING WALL TO REMAIN
-  EXISTING MASONRY WALL TO REMAIN
-  NEW WALLS
-  WOOD STUD WALLS w/ MASONRY VENEER
-  CONCRETE WALLS
-  CONCRETE WALLS w/ INTERIOR 2x FURRING
-  CONCRETE WALLS w/ MASONRY VENEER
-  EXISTING DOOR TO REMAIN
-  EXISTING WINDOW TO REMAIN
-  DOOR:  
TAG FORMAT: " <Size> - <Notes> "  
Size = Width x Height (in inches)
-  3680  
NEW WINDOW:  
WIDTH X HEIGHT, TYPE
-  CARBON MONOXIDE DETECTOR
-  SMOKE DETECTOR



1 SECOND FLOOR PLAN  
A 1.2 Scale: 1/4" = 1'-0"

- ISSUE:
-  **CONSTRUCTION SET**
  -  **PLAN REVIEW SET**
  -  **BID SET**  
NOT FOR CONSTRUCTION
  -  **PRELIMINARY**  
NOT FOR CONSTRUCTION
  -  **PROGRESS SET**  
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40 N ROBYRD  
Madison, Wisconsin

REVISIONS:


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SCALE: As noted; 50% @ 11x17  
PROJECT: K1302  
DRAWN BY: AKK

**DRAWING NAME:**  
SECOND FLOOR PLAN  
**DRAWING NUMBER:**

**A-1.2**

**LEGEND**

-  EXISTING WALL TO REMAIN
-  EXISTING MASONRY WALL TO REMAIN
-  NEW WALLS
-  WOOD STUD WALLS w/ MASONRY VENEER
-  CONCRETE WALLS
-  CONCRETE WALLS w/ INTERIOR 2x FURRING
-  CONCRETE WALLS w/ MASONRY VENEER
-  EXISTING DOOR TO REMAIN
-  EXISTING WINDOW TO REMAIN
-  DOOR: TAG FORMAT: " <Size> - <Notes> " Size = Width x Height (in Inches)
-  3680 NEW WINDOW: WIDTH X HEIGHT, TYPE
-  CARBON MONOXIDE DETECTOR
-  SMOKE DETECTOR

- ISSUE:
-  **CONSTRUCTION SET**
  -  **PLAN REVIEW SET**
  -  **BID SET**  
NOT FOR CONSTRUCTION
  -  **PRELIMINARY**  
NOT FOR CONSTRUCTION
  -  **PROGRESS SET**  
NOT FOR CONSTRUCTION

PROJECT:  
**Addition & Alterations**  
*to create the*  
**KELLY RESIDENCE**

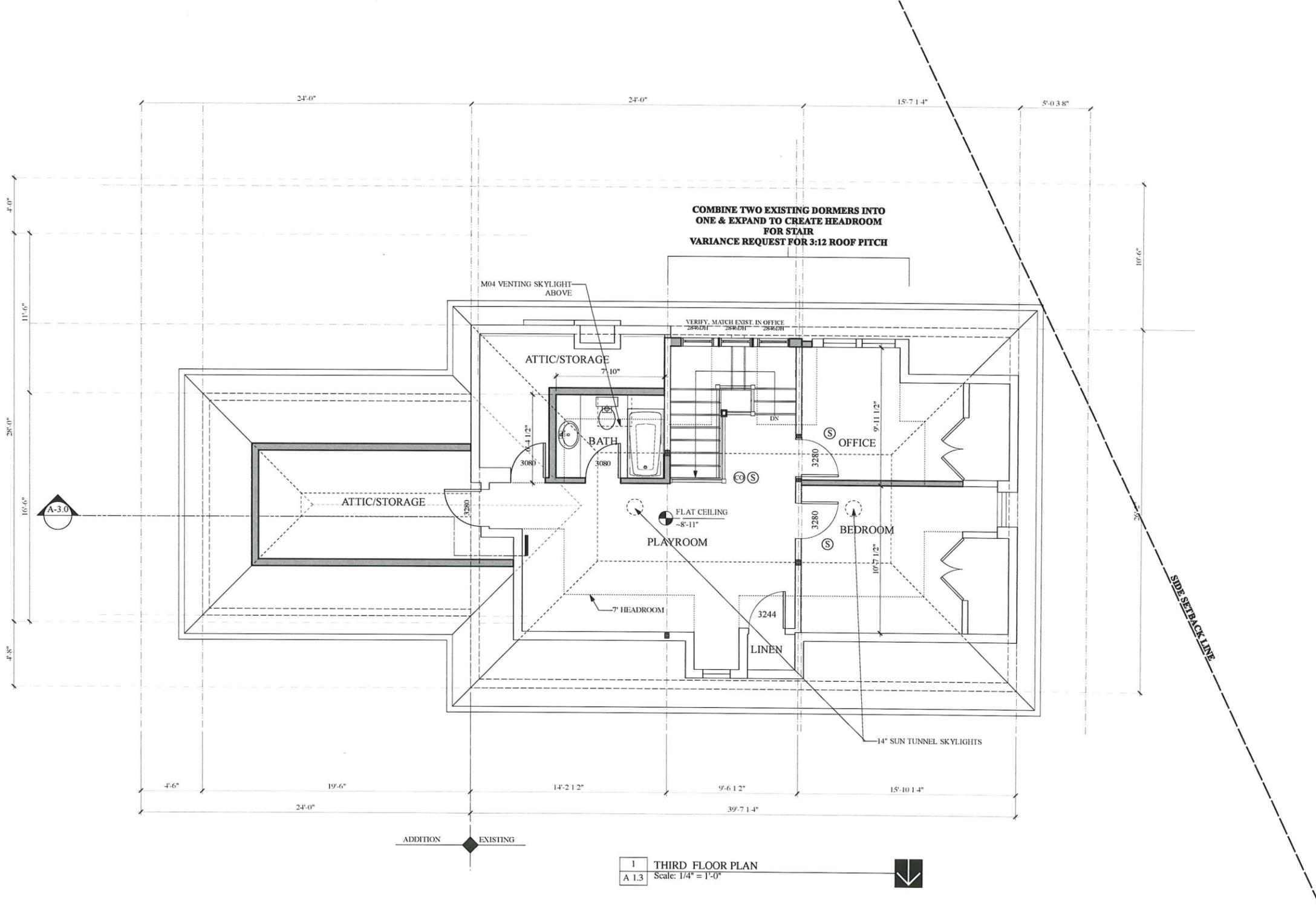
40 N ROBYRD  
Madison, Wisconsin

REVISIONS:	

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SCALE: As noted; 50% @ 11x17  
PROJECT: K1302  
DRAWN BY: AKK

**DRAWING NAME:**  
THIRD FLOOR PLAN

**DRAWING NUMBER:**  
**A-1.3**



1 THIRD FLOOR PLAN  
A 1.3 Scale: 1/4" = 1'-0"

ADDITION  EXISTING



- ISSUE:
- ◇ **CONSTRUCTION SET**
  - ◇ **PLAN REVIEW SET**
  - ◇ **BID SET**  
NOT FOR CONSTRUCTION
  - ◇ **PRELIMINARY**  
NOT FOR CONSTRUCTION
  - ◇ **PROGRESS SET**  
NOT FOR CONSTRUCTION

PROJECT:  
**Additions & Alterations**  
*to create the*  
**KELLY RESIDENCE**

**40 N. ROBYRD**  
Madison, Wisconsin

REVISIONS:


DATE: 10 NOV. 2008  
SCALE: AS NOTED  
PROJECT: K1302  
DRAWN BY: E J E

**DRAWING NAME:**  
EXISTING EXTERIOR  
ELEVATIONS

**DRAWING NUMBER:**  
**A-2.0**



- ISSUE:
- ◇ **CONSTRUCTION SET**
  - ◇ **PLAN REVIEW SET**
  - ◇ **BID SET**  
NOT FOR CONSTRUCTION
  - ◇ **PRELIMINARY**  
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  - ◇ **PROGRESS SET**  
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PROJECT:  
**Additions & Alterations**  
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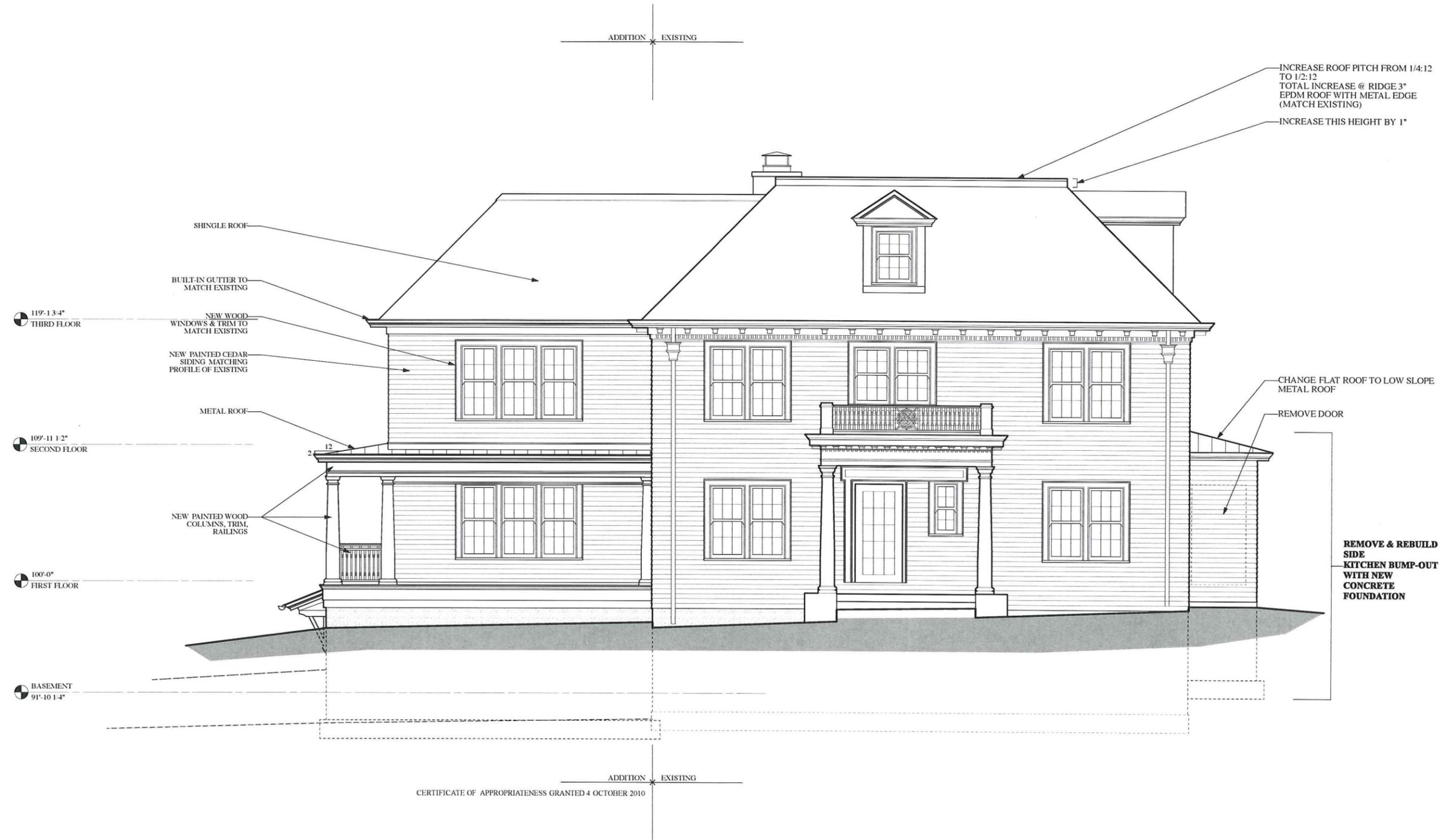
**40 N. ROBY RD**  
Madison, Wisconsin

REVISIONS:


DATE: 10 NOV. 2008  
SCALE: AS NOTED  
PROJECT: K1302  
DRAWN BY: XY

**DRAWING NAME:**  
EXISTING EXTERIOR  
ELEVATIONS

**DRAWING NUMBER:**  
**A-2.1**



ISSUE:  
 ◆ **CONSTRUCTION SET**  
 ◆ **PLAN REVIEW SET**  
 ◆ **BID SET**  
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 ◆ **PRELIMINARY**  
 NOT FOR CONSTRUCTION  
 ◆ **PROGRESS SET**  
 NOT FOR CONSTRUCTION

PROJECT:  
**Addition & Alterations**  
*to create the*  
**KELLY RESIDENCE**

**REMOVE & REBUILD  
SIDE  
KITCHEN BUMP-OUT  
WITH NEW  
CONCRETE  
FOUNDATION**

40 N ROBYRD  
Madison, Wisconsin

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 DRAWN BY: AKK

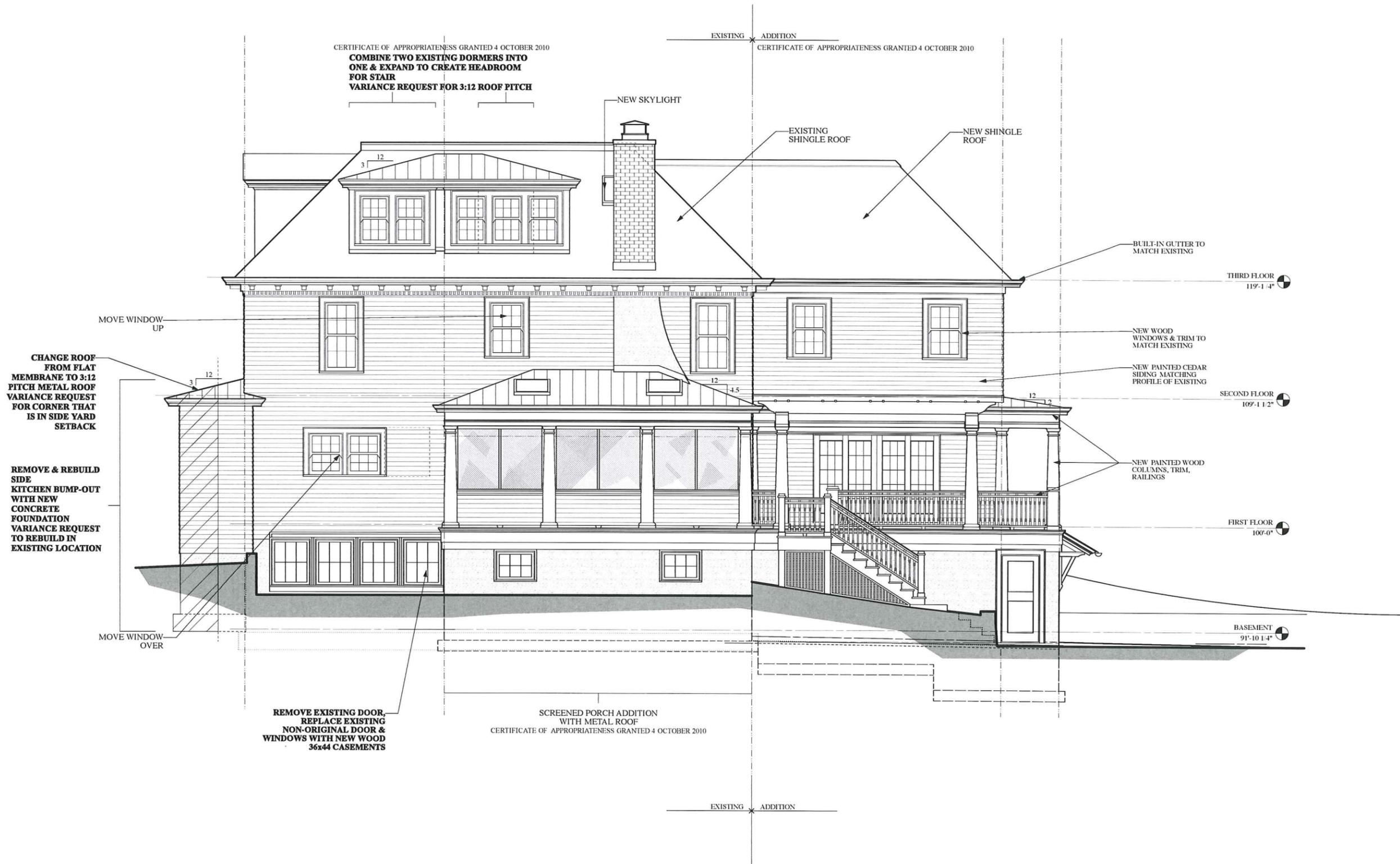
**DRAWING NAME:**  
 EXTERIOR  
 ELEVATIONS

**DRAWING NUMBER:**

**A-2.0**

1 FRONT ELEVATION  
 A 2.0 Scale: 1/4" = 1'-0"

CERTIFICATE OF APPROPRIATENESS GRANTED 4 OCTOBER 2010



ISSUE:  
 ◆ **CONSTRUCTION SET**  
 ◆ **PLAN REVIEW SET**  
 ◆ **BID SET**  
 NOT FOR CONSTRUCTION  
 ◆ **PRELIMINARY**  
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REVISIONS:


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 DRAWN BY: AKK

DRAWING NAME:

EXTERIOR ELEVATIONS

DRAWING NUMBER:

A-2.1

1 REAR ELEVATION  
 A.2.1 Scale: 1/4" = 1'-0"



THIRD FLOOR  
119'-13 3/4"

SECOND FLOOR  
109'-11 1/2"

FIRST FLOOR  
100'-0"

BASEMENT  
91'-10 1/4"

GARAGE ADDITION BELOW STREET GRADE  
CERTIFICATE OF APPROPRIATENESS GRANTED 4 OCTOBER 2010

2 LEFT ELEVATION  
A 2.2 Scale: 1/4" = 1'-0"

- ISSUE:
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  - ◇ BID SET  
NOT FOR CONSTRUCTION
  - ◇ PRELIMINARY  
NOT FOR CONSTRUCTION
  - ◇ PROGRESS SET  
NOT FOR CONSTRUCTION

PROJECT  
**Addition & Alterations**  
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REVISIONS:

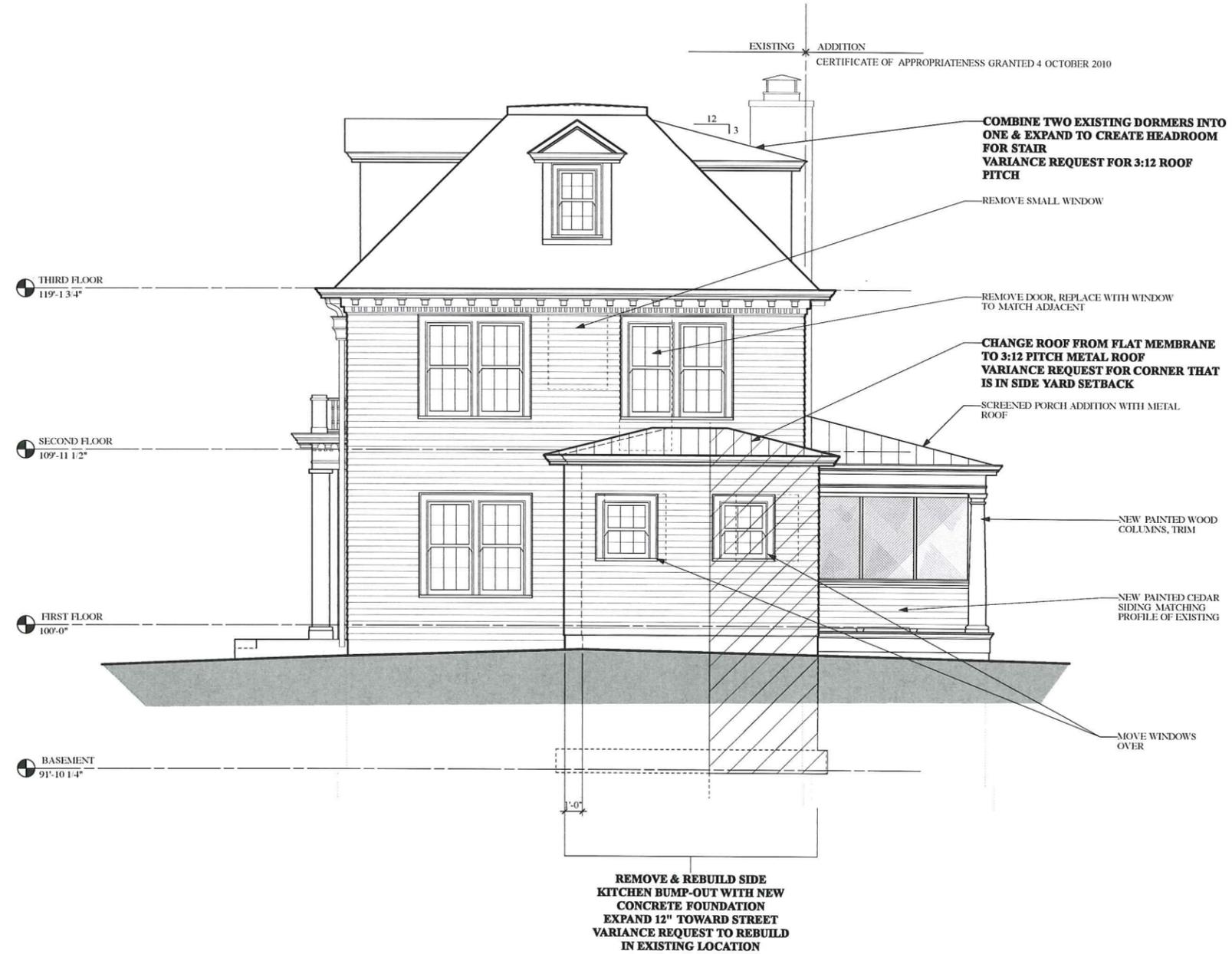

DATE: 10 JUNE 2013  
SCALE: AS NOTED  
PROJECT: K1302  
DRAWN BY: AKK

DRAWING NAME:

EXTERIOR  
ELEVATIONS

DRAWING NUMBER:

**A-2.2**



2 RIGHT ELEVATION  
A 2.3 Scale: 1/4" = 1'-0"

- ISSUE:
- ◇ CONSTRUCTION SET
  - ◆ PLAN REVIEW SET
  - ◇ BID SET  
NOT FOR CONSTRUCTION
  - ◇ PRELIMINARY  
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DRAWING NAME:

EXTERIOR ELEVATIONS

DRAWING NUMBER:

**A-2.3**