



**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: 3210 CROSS STREET

Name of Owner: Beth Wortzel + Jim Powell

Address of Owner (if different than above): _____

Daytime Phone: 608 333-4449 Evening Phone: 608 233-0241

Email Address: bwortzel@chorus.net

Name of Applicant (Owner's Representative): _____

Address of Applicant: _____

Daytime Phone: 608 333-4449 Evening Phone: 608 233-0241

Email Address: bwortzel@chorus.net

Description of Requested Variance: We are asking for approval to build out into the front of our lot beyond the 15' allowance by 3.9' so that our living room can accommodate seating for 6-7 people. Currently our only living room type space (no family room) holds seating for maximum three or four people.

(See reverse side for more instructions)

| FOR OFFICE USE ONLY | |
|---------------------|--------------------------|
| Amount Paid: | <u>\$ 300</u> |
| Receipt: | <u>103339-0012</u> |
| Filing Date: | <u>7-14-2020</u> |
| Received By: | <u>Jordan Poole</u> |
| Parcel Number: | <u>0709-282-2113-7</u> |
| Zoning District: | <u>TR-C3</u> |
| Alder District: | <u>13, Tag Evers</u> |
| Hearing Date: | <u>August 20, 2020</u> |
| Published Date: | <u>August 13, 2020</u> |
| Appeal Number: | <u>LNDVAR-2020-00005</u> |
| GQ: | <u>OK!</u> |
| Code Section(s): | <u>28.044 (2)</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.

(See attached sheet)

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.

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.

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.

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

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

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 house was designed and placed on the lot such that the natural front is on Cross Street even though, legally, this is the side yard and Western Ave is the front. This layout leaves us with no other options as to where to place additional living 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.

Being on a corner lot gives us two street exposures, making setback rules more complicated given how our house was set on the lot (as explained above). However, our proposed use of the legal front yard as a side yard by adding a room next to the existing deck does not intrude into the line of sight for cars approaching on either street. Nor does it effect pedestrian traffic. We have no sidewalks on either Western or Cross streets.

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.

Because of the layout of the house, there is no where else to put an addition. The deck was put in the front yard because there was no where else to have it built. So the front functions like a side yard. The garage is in the back yard and close to the house. The main entryway, dining room and kitchen occupy the side yard which acts like a front yard. The other side yard abuts the neighboring property with feet to spare.

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 setback rules for a front yard are necessitating this variance request. If the addition we are requesting were subject to a side yard setback rule, the variance would not be needed. And, as I have indicated, our house is laid out such that the front yard functions as a side yard for all practical purposes.

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

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 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 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: Beth Weigel **Date:** 7/12/2020

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

| | |
|--|--------------|
| <u>DECISION</u> | |
| 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: |



COMP. _____ CHK. _____ REV. _____
DATE _____ DATE _____ DATE _____

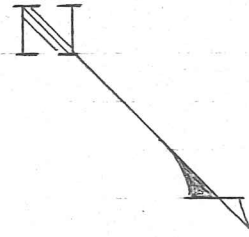
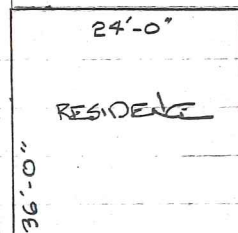
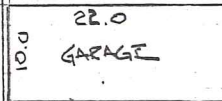
PROJECT _____
FILE NO. _____
PAGE _____ OF _____ PAGES

PROPOSED ADDITION
JIM & BETH WORTZEL
3210 CROSS ST.
MADISON WI 53711

SITE PLAN

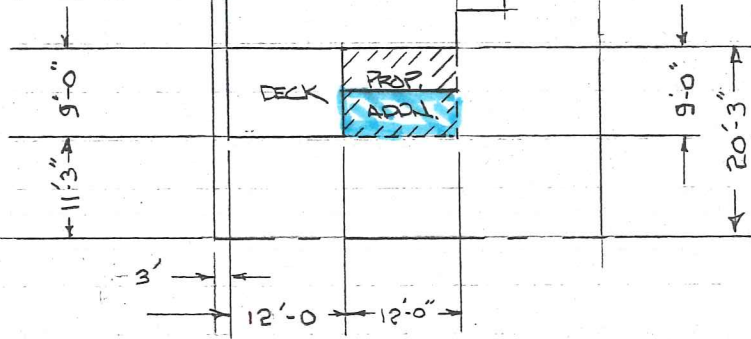
SCALE 1" = 20'-0"

SITED

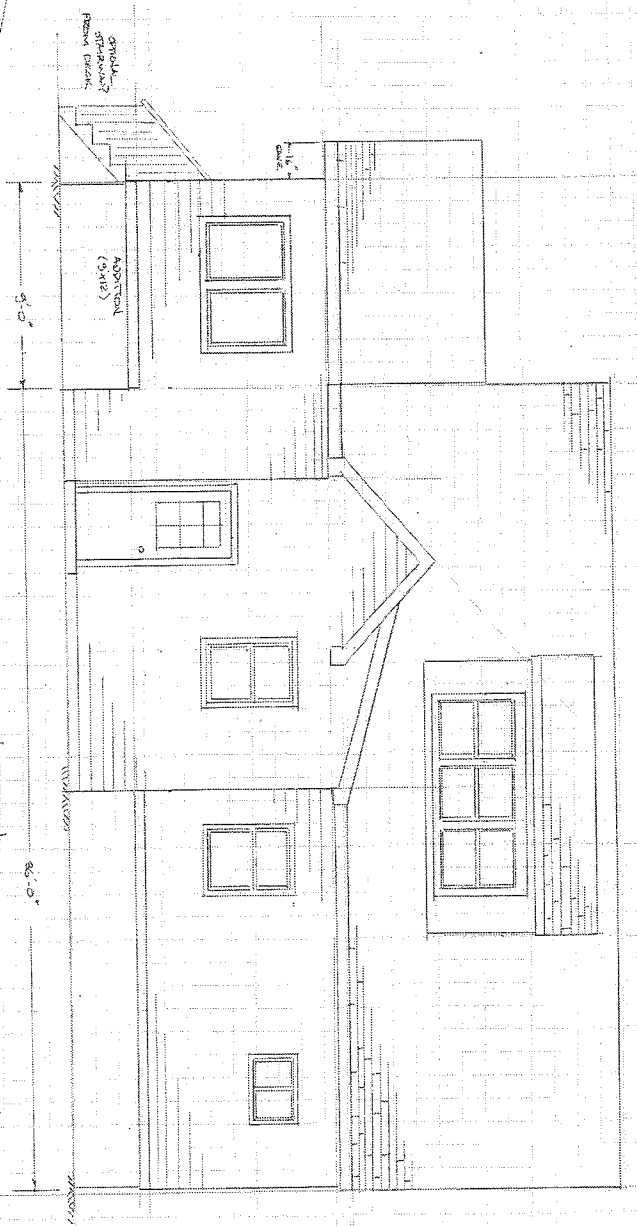
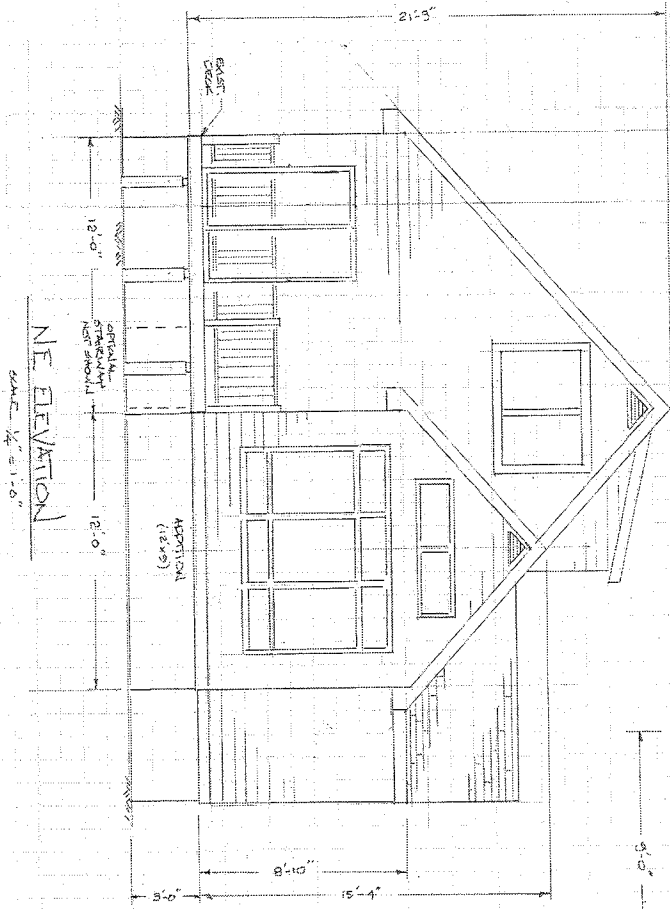


two-story single family home
single-story addition
front yard

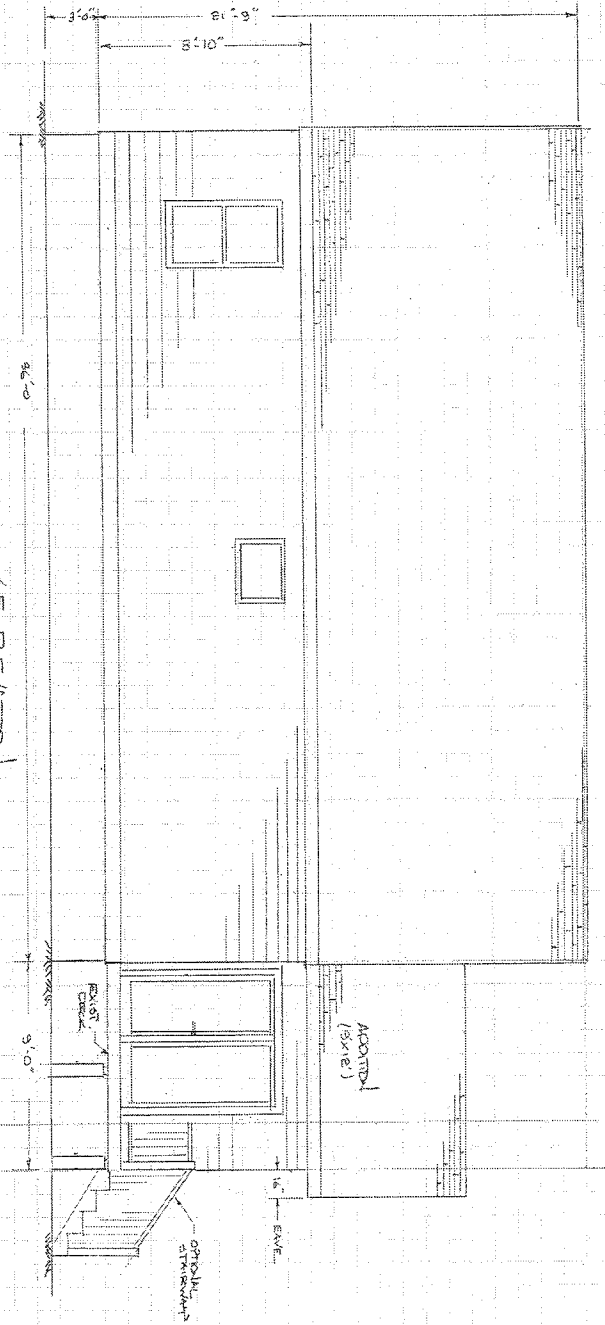
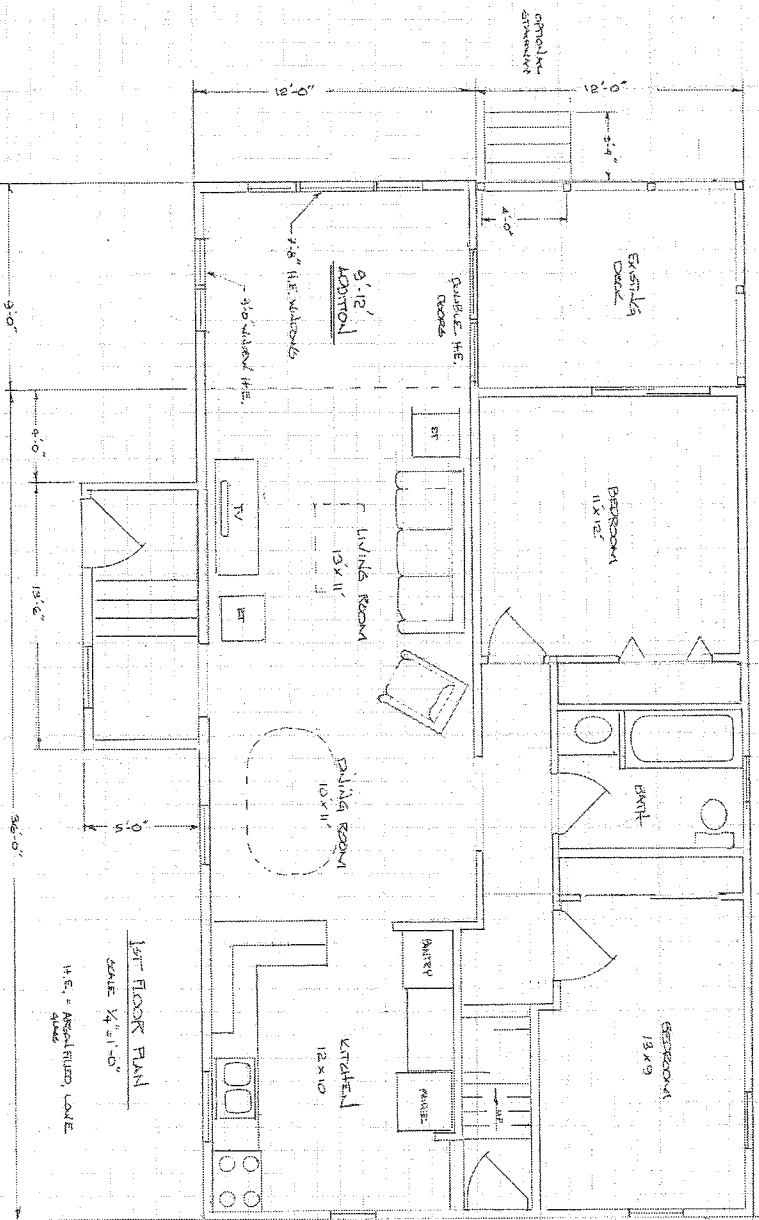
CROSS ST.
15'-0" Required
11'-3" Provided
3'-9" VARIANCE



WESTERN AVE.



PROPOSED ADDITION
 JIM & BETH NORRIS
 3210 CROSS ST
 MADISON, WI 53711

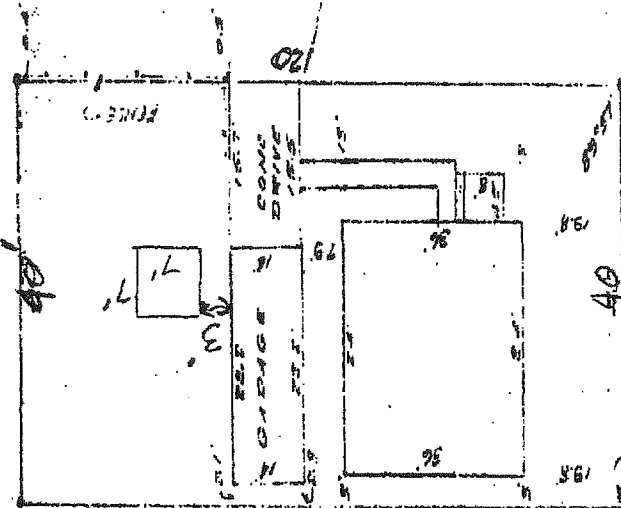


PROPOSED ADDITION
 3x12' LIVING ROOM EXTENSION (SUN ROOM)
 ON SW CORNER OF EXISTING HOME
 JIM & BETH WORTZEL
 3210 CROSS ST.
 MADISON WI 53711

- NOTES:
- 1) SINKS, RESINKS & TIE TO EXIST. BATHING HOME.
 - 2) REMOVE WALKERS, OPTIONAL STAIRS/STEP FROM EXISTING DECK TO GRASS IN 3'
 - 3) ADDITIONAL W/LS. INTERIOR STRUCTURES & ROOF REPAIRS.
 - 4) EXISTENTIAL OR OPTIONAL TO BE CON. FRONT W/LS W/ WALKERS FROM EXIST. BATHING.

LAND SURVEYOR

R-2



CROSS STREET (40 WIDE)

WESTERN STREET (60 WIDE)

Address 3210 Cross St
 Permit # BDNKC 2012-03730
 Permit For shed 7x7'
 ZONING APPROVED
 Date 4/16/12
 By [Signature]
 Zoning Administrator, Madison, Wisconsin
 Special Conditions OK

SCALE: 1" = 50'
 DATE: 5-8-12
 IRON STAKE FOUND
 IRON STAKES PLACED
 NO. 2

238-5391

ART DUDAL

I HEREBY CERTIFY THAT I HAVE MADE A SURVEY ACCORDING TO THE DESCRIPTION FURNISHED TO ME AND THAT THE PLAN DRAWN ABOVE IS A TRUE REPRESENTATION OF THAT SURVEY.
 [Signature]
 HON. THOUSAND MADISON, WISCONSIN