



# 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: 531 NORTH PINCKNEY STREET UNIT B, MADISON, WI 53706

Name of Owner: WILLIAM AND KIM DONOVAN

Address of Owner (if different than above): \_\_\_\_\_

Daytime Phone: 608-692-8747 Evening Phone: 608-692-8747

Email Address: kimdonovan@gmail.com

Name of Applicant (Owner's Representative): SEE ABOVE

Address of Applicant: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

### Description of Requested Variance:

The purpose of this application is to ask for the approval of a plan to build a deck at 531 North Pinckney St. on the east side of the building at ground level adjacent to Unit B. It would be over an existing concrete patio with a small added border of concrete at ground level and an above ground extension of approximately 8'x10' over a steeply sloping hill. This would result in a deck of approximately 300 square feet. The current concrete patio is @220 square feet.

The patio concrete would remain in place and a Timber Tech deck would be built over it so that the walking surface would be level to correct the somewhat extreme slope of the existing concrete. There would be openings between the deck boards so that water will still drain away from the building.

The view of the deck from the adjacent stairway, the lake is limited and from the property to the south, invisible.

The style of the deck is very minimal and simple with a post and cable railing system that is unobtrusive.

**See reverse side for more instructions.**

### FOR OFFICE USE ONLY

Amount Paid: \$500.00  
Receipt: 126358-0010  
Filing Date: 2-3-23  
Received By: NJK  
Parcel Number: 070914402113  
Zoning District: DR-1, HIS-MH  
Alder District: 2-HECK

Hearing Date: 3-16-23  
Published Date: 3-9-23  
Appeal Number: LN0VAR-2023-00003  
GQ: \_\_\_\_\_  
Code Section(s): 28.078(2)

## Standards for Variance

**The Zoning Board of Appeals will only grant 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.**

This is a lakefront owner-occupied 6 unit condominium building at the end of a dead-end street. Surrounding properties are (eastward) a steep hill eroding down from an apartment building, the University of Wisconsin life saving station, and more distant, the Verex office building. Westward the next properties are a parking lot and poorly maintained lake shore of the National Guardian Life Insurance Corporation, the Edgewater Hotel development, then a string sorority and fraternity houses. To the north is the wooded and rocky shore of Lake Mendota. To the south on the 500 block of North Pinckney St. are 7 apartment buildings and a condominium building, none of Pinckney Street properties are on the lakefront or have lake access rights. Finally, none of the occupied properties to the south have visual access or visibility from the projected deck addition.

- 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.**

If one defines public interest as "Anything affecting the rights, health or finances of the public at large" or "appeal or relevance to the general populace", expanding the deck area doesn't affect any of those. Disapproval of this variance for the property interferes with the applicant's reasonable use of the property, considering the unique setting of the property in its environment; No fair and substantial relationship exists between the general purposes of the regulation and the specific restriction on the property; and the variance would not injure the public or private property rights of others.

- 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 unnecessarily burdensome.**

The building is set far below the crest on a steeply sloping property similar to the setting of the Edgewater hotel immediately adjacent. The other adjacent buildings along the lake are at the top of the slope. The deck extension proposed would be at ground level if not for the steep slope and wouldn't need a zoning variance. There is an existing 2 part concrete patio where the deck is proposed. The first part has a slope steeper than normal for water run-off and is 3" below the adjacent condominium door threshold. The other part is one @6" step up from the first part. Both parts are too small or too narrow to comply with the American Disabilities Act. A recent interior renovation and re-construction of a bathroom of our condominium, compliance with the ADA was a requirement and determined the width of the new doorway inside our unit. The existing outdoor patio space would not provide safe or compliant accommodations for a resident or guest that might require a wheelchair or other assistance (walker) to access the current footprint. This expanded footprint would allow continued occupancy for an aging or disabled owner.

## Standards for Variance

**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.**

Referring to the ADA, preventing the owners from adding a nominal additional square footage to the outside patio area prohibits its usefulness for anyone with mobility concerns. The current width of patio isn't sufficient for safe maneuvering and access. Adding a 7'-8" x 10' extension would allow wheelchair access to permitted use of this outdoor living space. The condominium does have a separate outdoor patio space but due to design considerations over 40 years ago, it can only be accessed by a stairway down to a lower level in the unit. The building does have an elevator, but it does not serve this lowest level. The elevator does, however, serve the floor to which we seek this variance.

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

The immediate adjacent property is a unmaintained concrete stairway from Gilman Street down to Lake Mendota. This stairway is intended to provide pier access for a Gilman St property but often serves as a dead end path for wandering or intoxicated souls. Just beyond the stairway is a thinly wooded, similarly unmaintained and eroding hillside to the rocky shore of Lake Mendota. The proposed variance is irrelevant to the adjacent property.

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

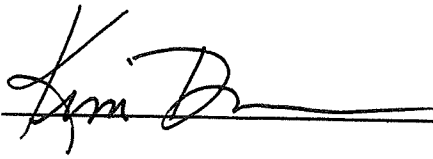
The deck addition has the Certificate of Appropriateness from the Landmarks Commission.

## 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"/>	<b>Pre-application meeting with staff.</b> 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"/>	<b>Site plan</b> , 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"><li><input type="checkbox"/> Lot lines.</li><li><input type="checkbox"/> Existing and proposed structures. Include dimensions and setback distances to all property lines.</li><li><input type="checkbox"/> Approximate location of structures on properties next 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 directions showing existing and proposed. Show the existing structure and proposed addition(s).
<input checked="" type="checkbox"/>	<b>Interior floor plan of existing and proposed structure</b> , if required. Most additions and expansions will require floor plans.
<input type="checkbox"/>	<b>Front yard variance requests.</b> Show the front yard setback of all other properties on the same block face. <i>N/A</i>
<input type="checkbox"/>	<b>Lakefront setback variance requests.</b> Provide a survey prepared by a registered land surveyor. The survey must show existing setbacks of buildings on adjacent lots. <i>N/A</i>
<input type="checkbox"/>	<b>Variance requests involving slope, grade, or trees. Show:</b> <i>N/A</i> <ul style="list-style-type: none"><li><input type="checkbox"/> Approximate location and amount of slope.</li><li><input type="checkbox"/> Direction of drainage.</li><li><input type="checkbox"/> Location, species and size of trees.</li></ul>
<input type="checkbox"/>	Email <b>digital</b> copies of all plans and drawings to: zoning@cityofmadison.com.
<input type="checkbox"/>	<b>Pay \$500 filing fee on or before submission deadline.</b> 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"/>	<b>CHECK HERE.</b> 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"/>	<b>CHECK HERE.</b> 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:  Date: 24 JANUARY 2023

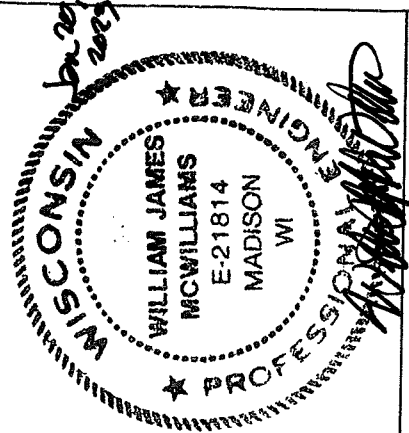
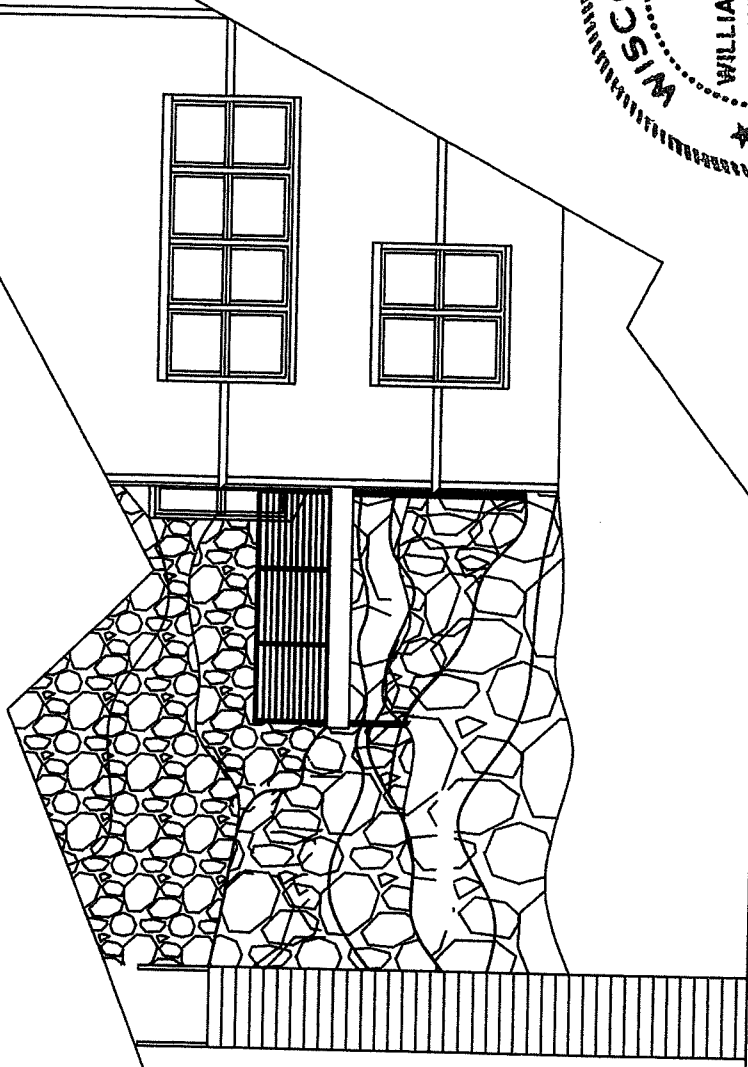
----- (For Office Use Only) -----

**DECISION**

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:  Approved  Denied  Conditionally Approved

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

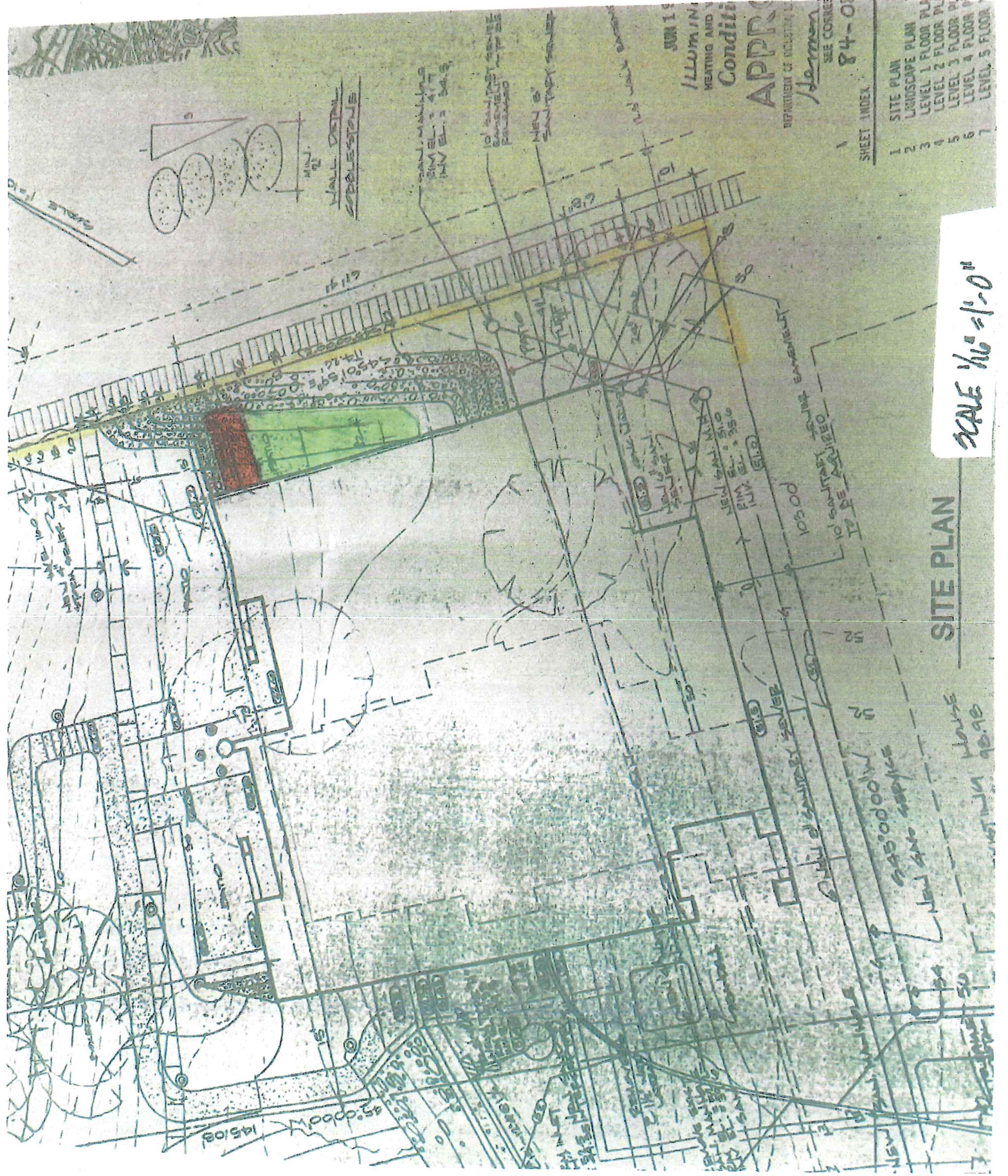


531 N. PINCKNEY ST. DECK ADDITION PLAN SET

- PAGE 0: SITE PLAN
- PAGE 1: EXISTING PATIO PLAN VIEW
- PAGE 2: DECK ADDITION PLAN VIEW FOOTPRINT
- PAGE 3: DECK ADDITION PLAN VIEW: STRUCTURE (DETAIL 1)
- PAGE 4: DECK ADDITION PLAN VIEW: FINISH (DETAIL 2)
- PAGE 5: EAST ELEVATION/ SECTION
- PAGE 6: NORTH ELEVATION/ SECTION
- PAGE 7: SOUTH ELEVATION/ SECTION

PINCKNEY PLACE CONDOMINIUMS  
 531 NORTH PINCKNEY STREET  
 APARTMENT B DECK ADDITION

DESIGNER: KIM DONOVAN, WRID  
 ENGINEER: WILLIAM MCWILLIAMS, PE, LEED AP BD+C  
 CONTRACTOR: QUIGLEY DECKS



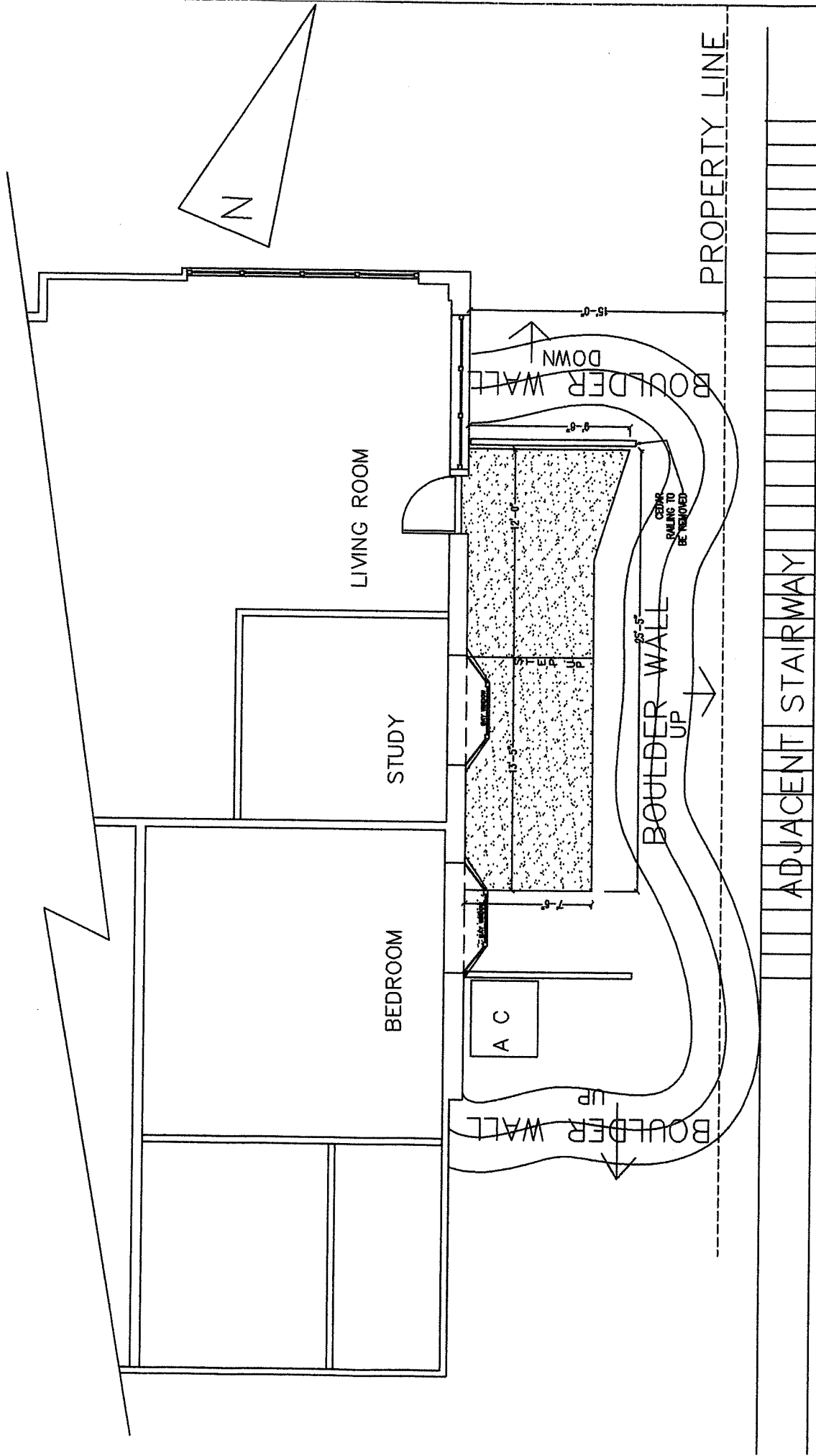
JUN 19  
 ILLUMINATING  
 HEATING AND VENTILATION  
 Condition  
 APPROVED  
 DEPARTMENT OF INDUSTRY  
*Herman*  
 SEE CORRECTIONS  
 84-01

SHEET INDEX

- 1 SITE PLAN
- 2 LANDSCAPE PLAN
- 3 LEVEL 1 FLOOR PLAN
- 4 LEVEL 2 FLOOR PLAN
- 5 LEVEL 3 FLOOR PLAN
- 6 LEVEL 4 FLOOR PLAN
- 7 LEVEL 5 FLOOR PLAN

SCALE 1/16" = 1'-0"

SITE PLAN



531 N. PINCKNEY ST. EXISTING PATIO PLAN VIEW

SCALE 1/8" = 1'-0"

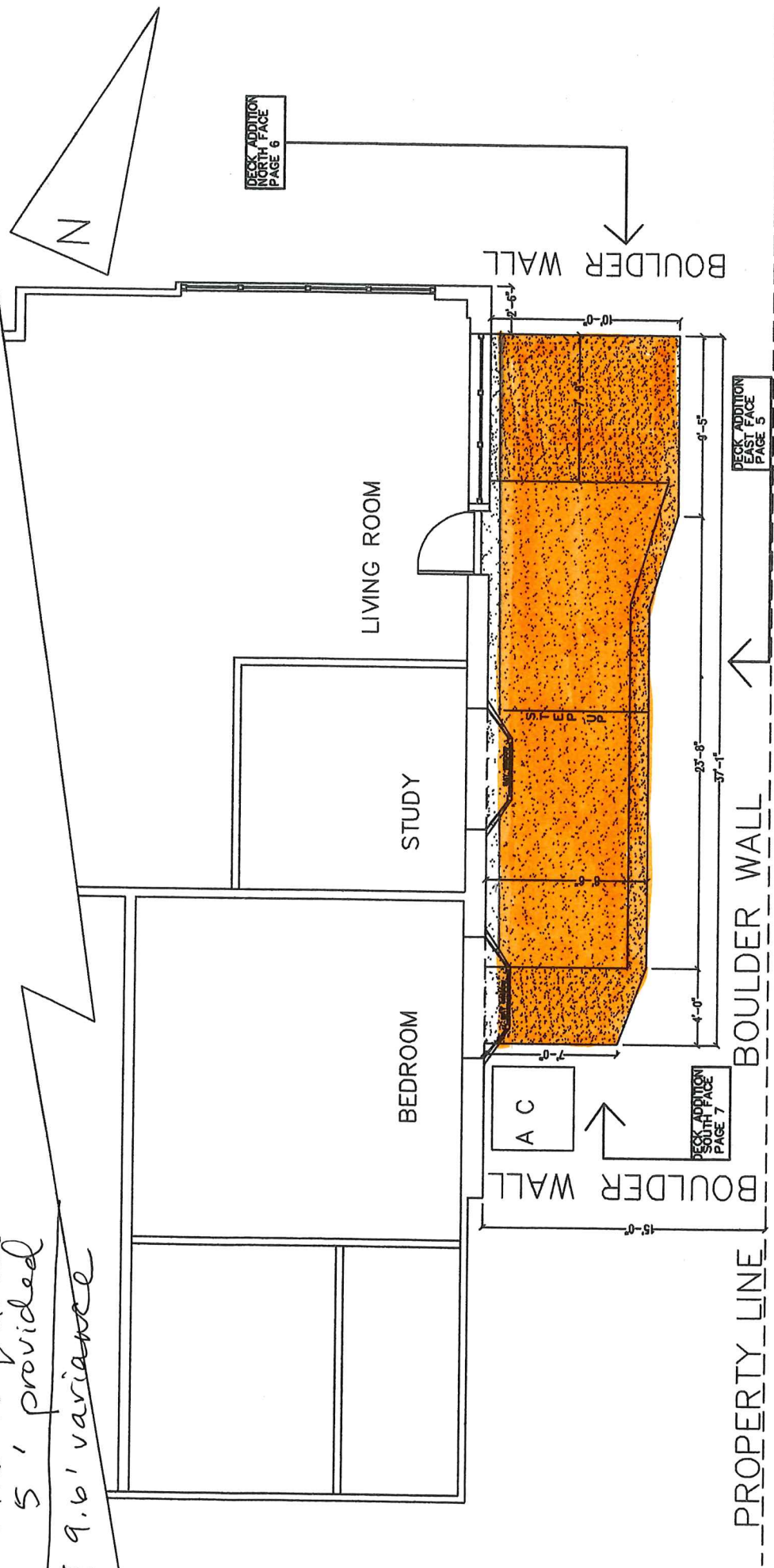


Elevated Deck Addition to Multi-Family Condominium Building

Rear Setback

14.6' required  
5' provided

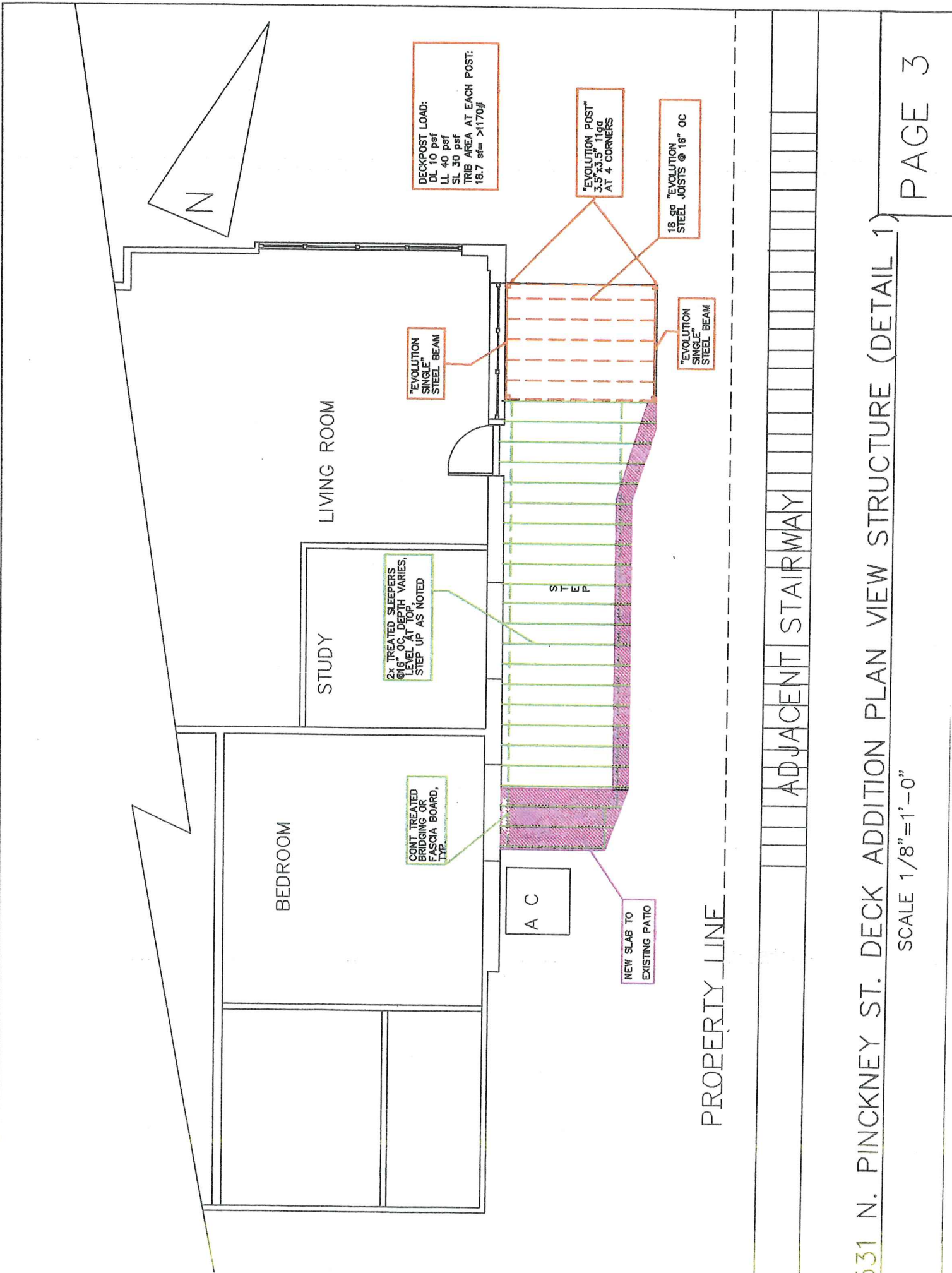
9.6' variance



ADJACENT STAIRWAY

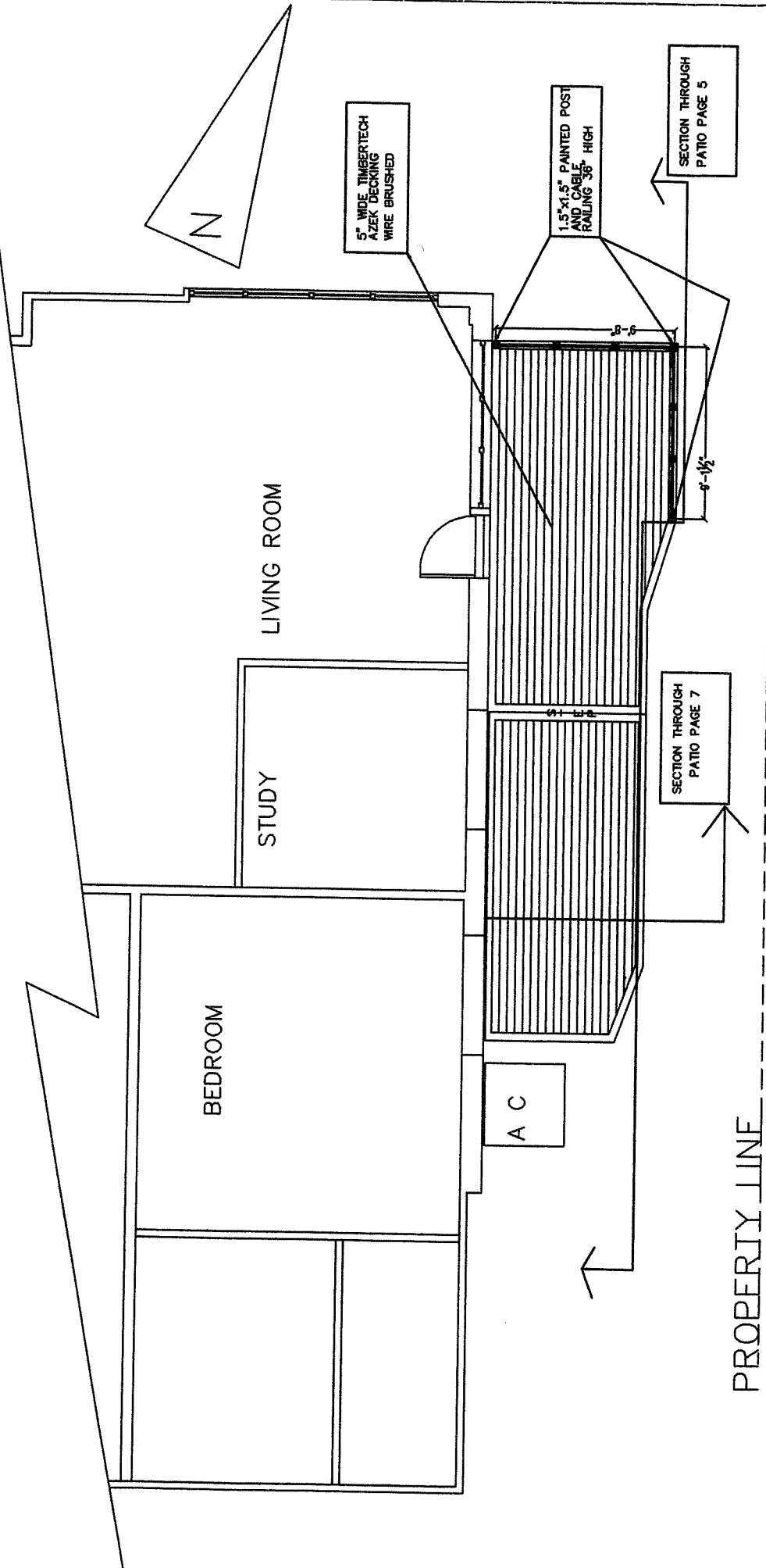
531 N. PINCKNEY ST. DECK ADDITION PLAN VIEW FOOTPRINT

SCALE 1/8" = 1'-0"



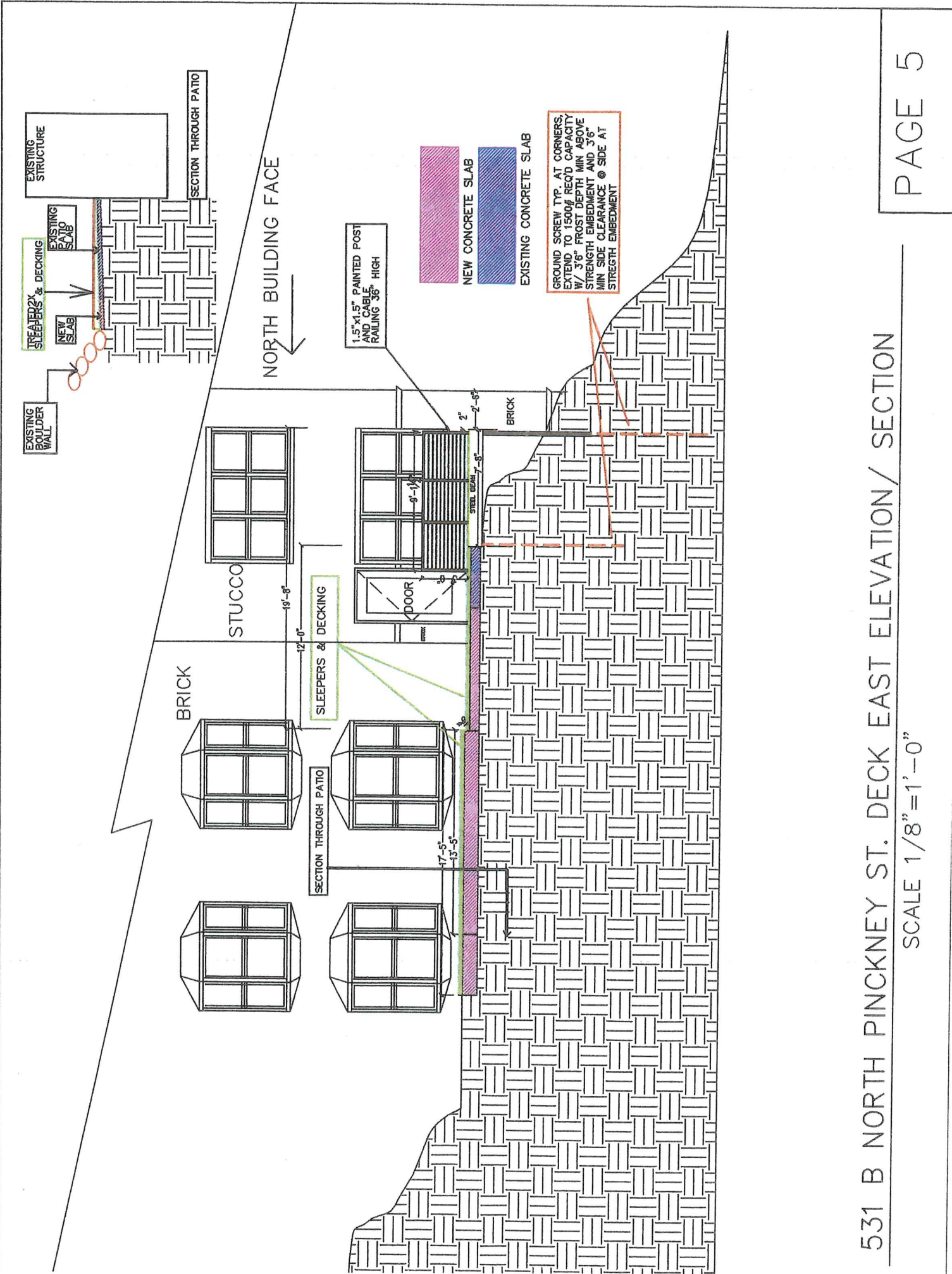
531 N. PINCKNEY ST. DECK ADDITION PLAN VIEW STRUCTURE (DETAIL 1)

SCALE 1/8"=1'-0"



531 N. PINCKNEY ST. DECK ADDITION PLAN VIEW FINISH (DETAIL 2)

SCALE 1/8" = 1'-0"



531 B NORTH PINCKNEY ST. DECK EAST ELEVATION / SECTION

SCALE 1/8" = 1'-0"

BRICK

STUCCO

BRICK

STUCCO

CABLE RAILING  
METAL POSTS

10'-0"

BOULDER WALL

BOULDER WALL

BOULDER WALL



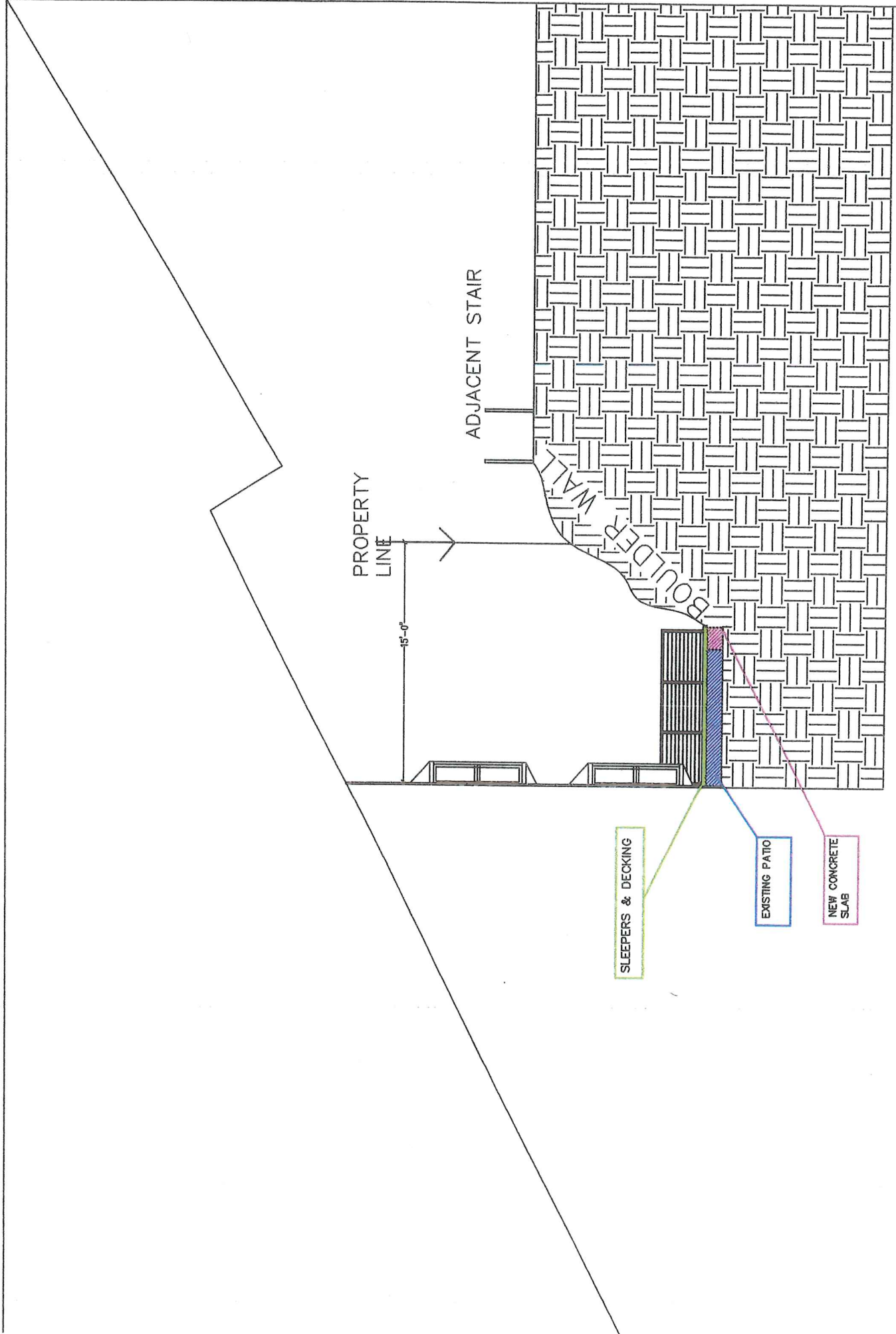
EARTH (APPROX.)

3 1/2" X 3 1/2"  
SUPPORT POSTS  
UNDER DECK

GROUND SCREW TYP. AT CORNERS,  
EXTEND TO 1500# REQ'D CAPACITY  
W/ 3/8" FROST DEPTH MIN ABOVE  
STRENGTH EMBEDMENT AND 3/8"  
MIN SIDE CLEARANCE @ SIDE AT  
STRENGTH EMBEDMENT

531 B NORTH PINCKNEY ST. DECK NORTH ELEVATION / SECTION

SCALE 1/8" = 1'-0"



531 B NORTH PINCKNEY ST. DECK SOUTH ELEVATION / SECTION

SCALE 1/8" = 1'-0"

MADISON LANDMARKS COMMISSION

# CERTIFICATE OF APPROPRIATENESS

**NOTICE OF NON-COMPLIANCE**

Failure to comply with the conditions of this approval is subject to a forfeiture of up to \$500 for each day during which a violation of the Landmarks Commission ordinance (MGO 41) continues.

**SITE ADDRESS**

531 Pinckney Unit B

**PROJECT**

Construct a deck over the top of an existing patio using smooth or wire brush composite decking and painted metal cable railings, as proposed.

**APPLICANT**

Kim Donovan

**APPROVED**



**ISSUED**

12/16/2022

**EXPIRATION** 12/16/2024

**1 YR**

**PRESERVATION PLANNER:**

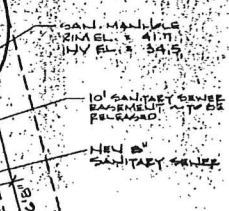
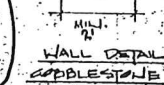
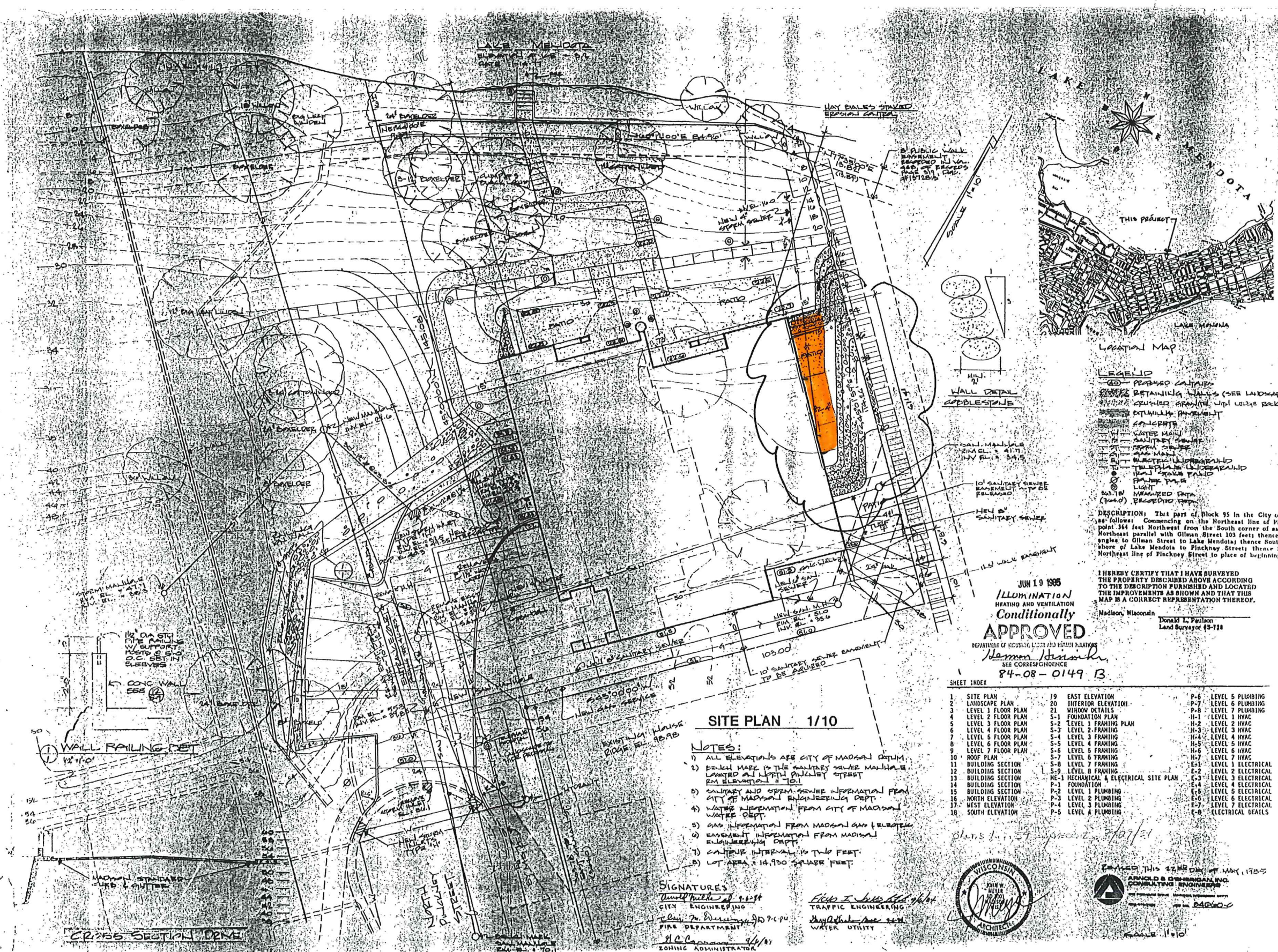
**EXTENSION**

**(608) 266-6552**

**This permit card must be displayed in a conspicuous location unobstructed from public view.**

# Elevated Deck Addition to Multi-Family Condominium Building Rear Setback

14.6' required  
5' proposed  
9.6' variance



JUN 18 1985  
**ILLUMINATION**  
HEATING AND VENTILATION  
Conditionally  
**APPROVED**  
DEPARTMENT OF REVENUE, LABOR AND HUMAN RELATIONS  
Herman Horvath  
84-08-0149 B

**SHEET INDEX**

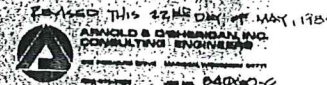
1 SITE PLAN	19 EAST ELEVATION	P-6 LEVEL 5 PLUMBING
2 LANDSCAPE PLAN	20 INTERIOR ELEVATION	P-7 LEVEL 6 PLUMBING
3 LEVEL 1 FLOOR PLAN	21 WINDOW DETAILS	P-8 LEVEL 7 PLUMBING
4 LEVEL 2 FLOOR PLAN	S-1 FOUNDATION PLAN	H-1 LEVEL 1 HVAC
5 LEVEL 3 FLOOR PLAN	S-2 LEVEL 1 FRAMING PLAN	H-2 LEVEL 2 HVAC
6 LEVEL 4 FLOOR PLAN	S-3 LEVEL 2 FRAMING	H-3 LEVEL 3 HVAC
7 LEVEL 5 FLOOR PLAN	S-4 LEVEL 3 FRAMING	H-4 LEVEL 4 HVAC
8 LEVEL 6 FLOOR PLAN	S-5 LEVEL 4 FRAMING	H-5 LEVEL 5 HVAC
9 LEVEL 7 FLOOR PLAN	S-6 LEVEL 5 FRAMING	H-6 LEVEL 6 HVAC
10 ROOF PLAN	S-7 LEVEL 6 FRAMING	H-7 LEVEL 7 HVAC
11 BUILDING SECTION	S-8 LEVEL 7 FRAMING	E-1 LEVEL 1 ELECTRICAL
12 BUILDING SECTION	S-9 LEVEL 8 FRAMING	E-2 LEVEL 2 ELECTRICAL
13 BUILDING SECTION	ME-1 MECHANICAL & ELECTRICAL SITE PLAN	E-3 LEVEL 3 ELECTRICAL
14 BUILDING SECTION	P-1 FOUNDATION	E-4 LEVEL 4 ELECTRICAL
15 BUILDING SECTION	P-2 LEVEL 1 PLUMBING	E-5 LEVEL 5 ELECTRICAL
16 NORTH ELEVATION	P-3 LEVEL 2 PLUMBING	E-6 LEVEL 6 ELECTRICAL
17 WEST ELEVATION	P-4 LEVEL 3 PLUMBING	E-7 LEVEL 7 ELECTRICAL
18 SOUTH ELEVATION	P-5 LEVEL 4 PLUMBING	E-8 ELECTRICAL DETAILS

## SITE PLAN 1/10

- NOTES:**
- 1) ALL ELEVATIONS ARE CITY OF MADISON DATUM.
  - 2) BACKYARD IS THE SANITARY SEWER MANHOLE LOCATED AT LOT 10 PINCKNEY STREET RM ELEVATION 31.11.
  - 3) SANITARY AND SEWER INFORMATION FROM CITY OF MADISON ENGINEERING DEPT.
  - 4) WATER INFORMATION FROM CITY OF MADISON WATER DEPT.
  - 5) GAS INFORMATION FROM MADISON GAS & ELECTRIC UTILITIES DEPT.
  - 6) EASEMENT INFORMATION FROM MADISON ENGINEERING DEPT.
  - 7) CALIBRE INTERVAL IS TWO FEET.
  - 8) LOT AREA = 14,930 SQUARE FEET.

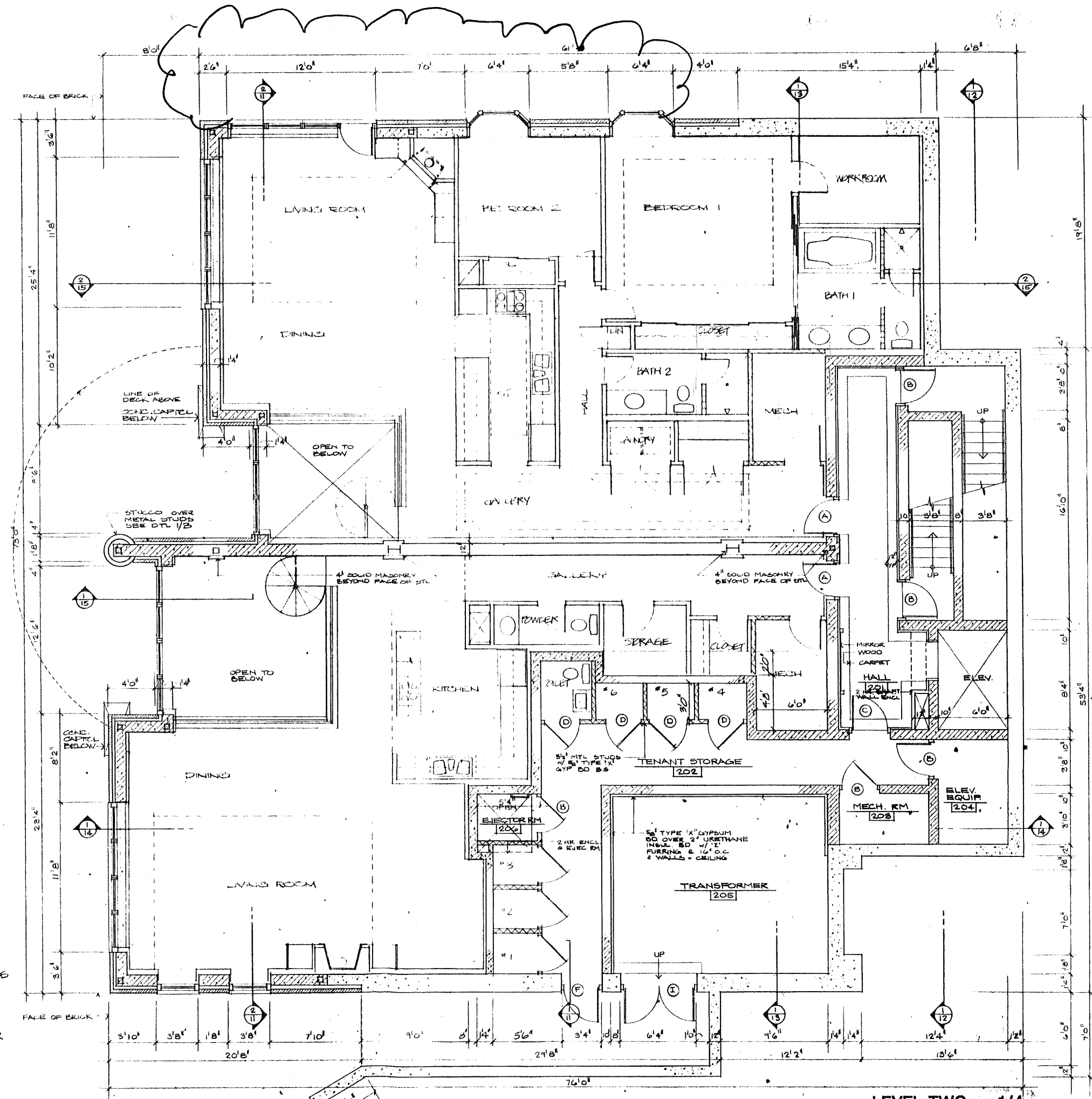
**SIGNATURES**  
Donald L. Paulson  
CITY ENGINEER  
John W. ...  
FIRE DEPARTMENT  
H.C. ...  
ZONING ADMINISTRATOR

TRAFFIC ENGINEERING  
WATER UTILITY



PINCKNEY PLACE CONDOMINIUMS  
531 N. PINCKNEY  
MADISON, WI



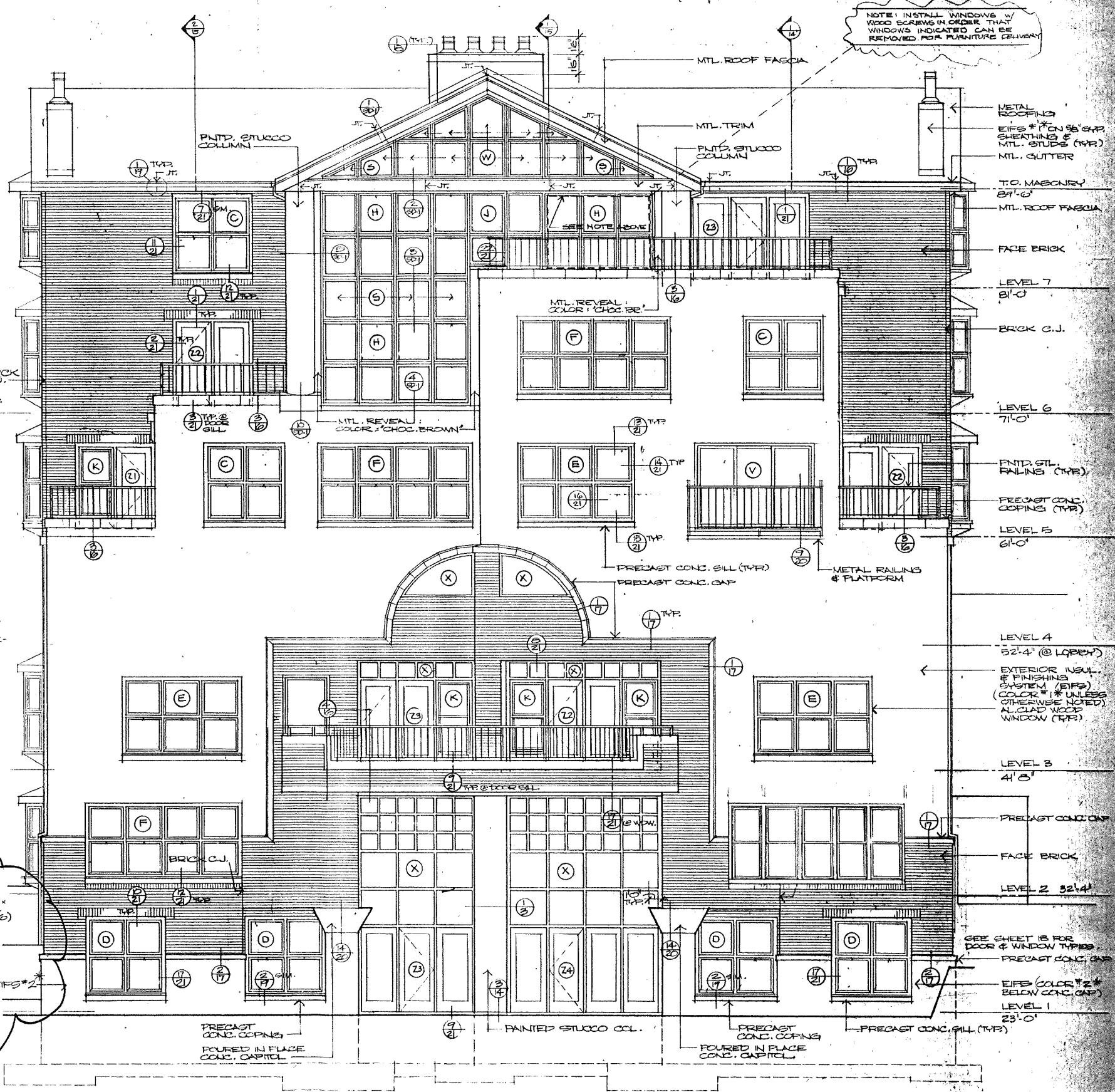
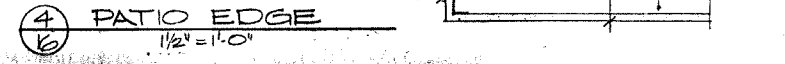
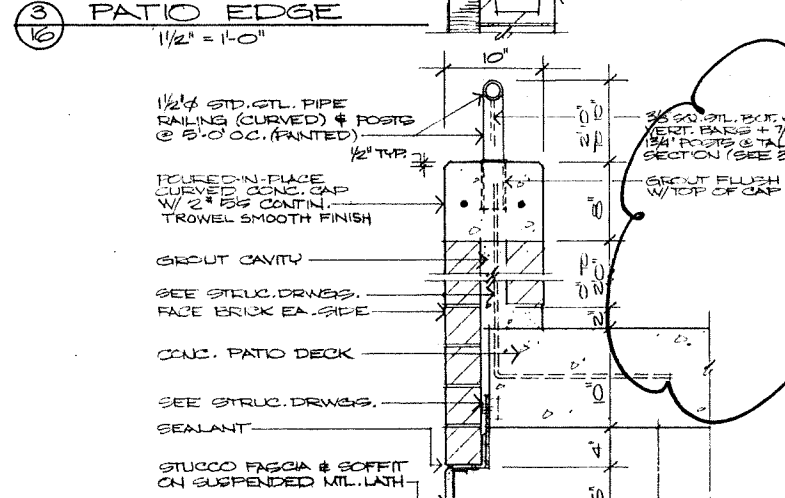
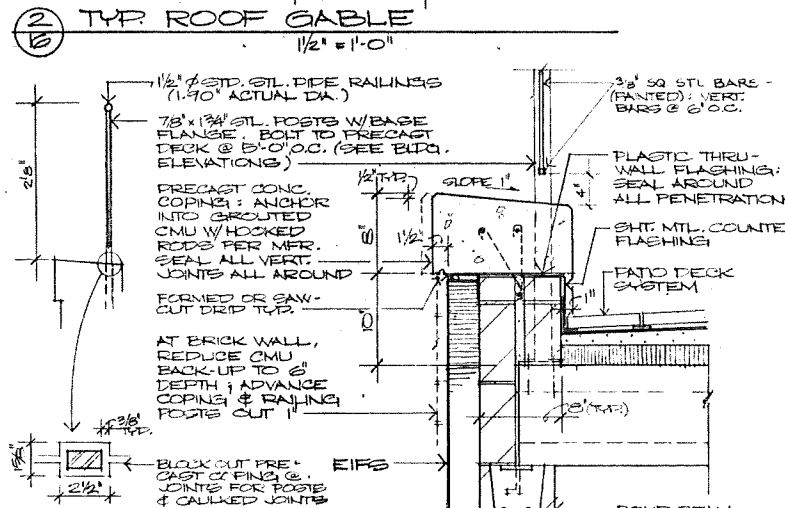
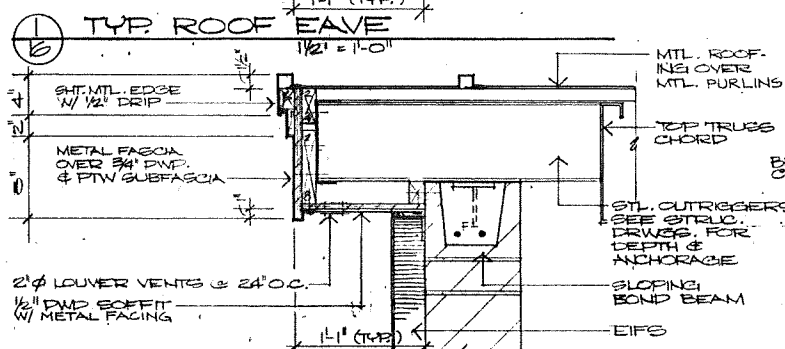
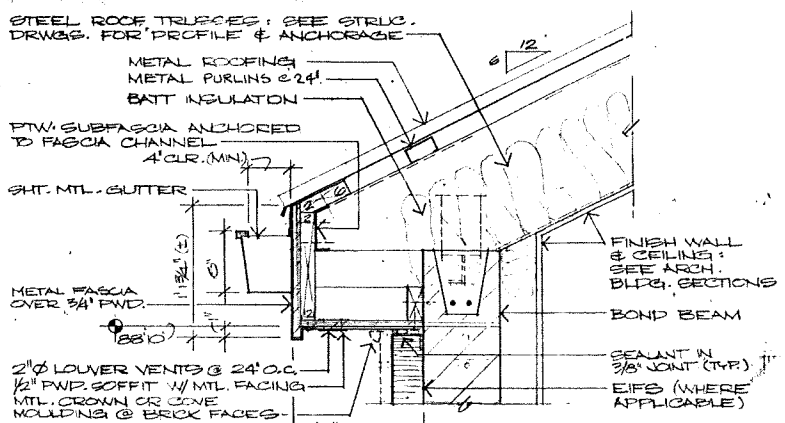


**GENERAL NOTE**

THE BUILDING IS CLASSIFIED AS "EXT. MASONRY-PROT. TYPE SA." BUILDING COMPONENTS ARE RATED AS FOLLOWS:

- INTERIOR COLUMNS, BRG WALLS FLOOR SYSTEM : 1 HR.
- EXTERIOR WALLS : 2 HR.
- ROOF FRAMING : 1 HR.
- OCCUPANCY SEPARATION (PARKING & LEVEL 4) 3 HR.





\* SEE SHEET 18 FOR EXTERIOR COLOR SCHEDULE.

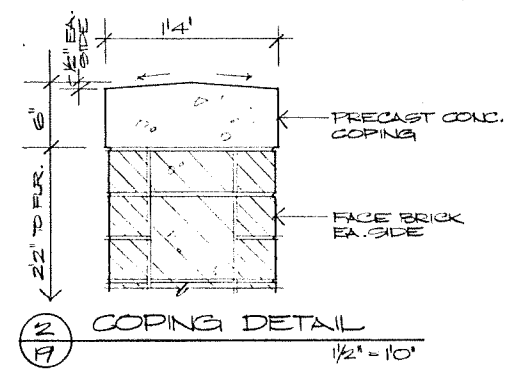
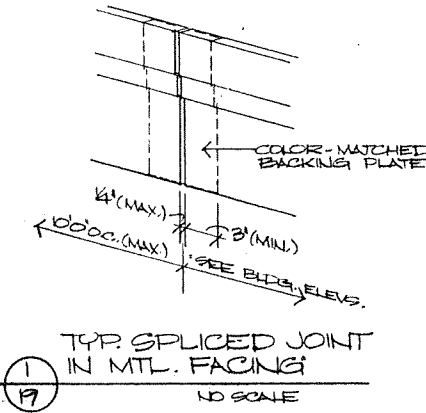
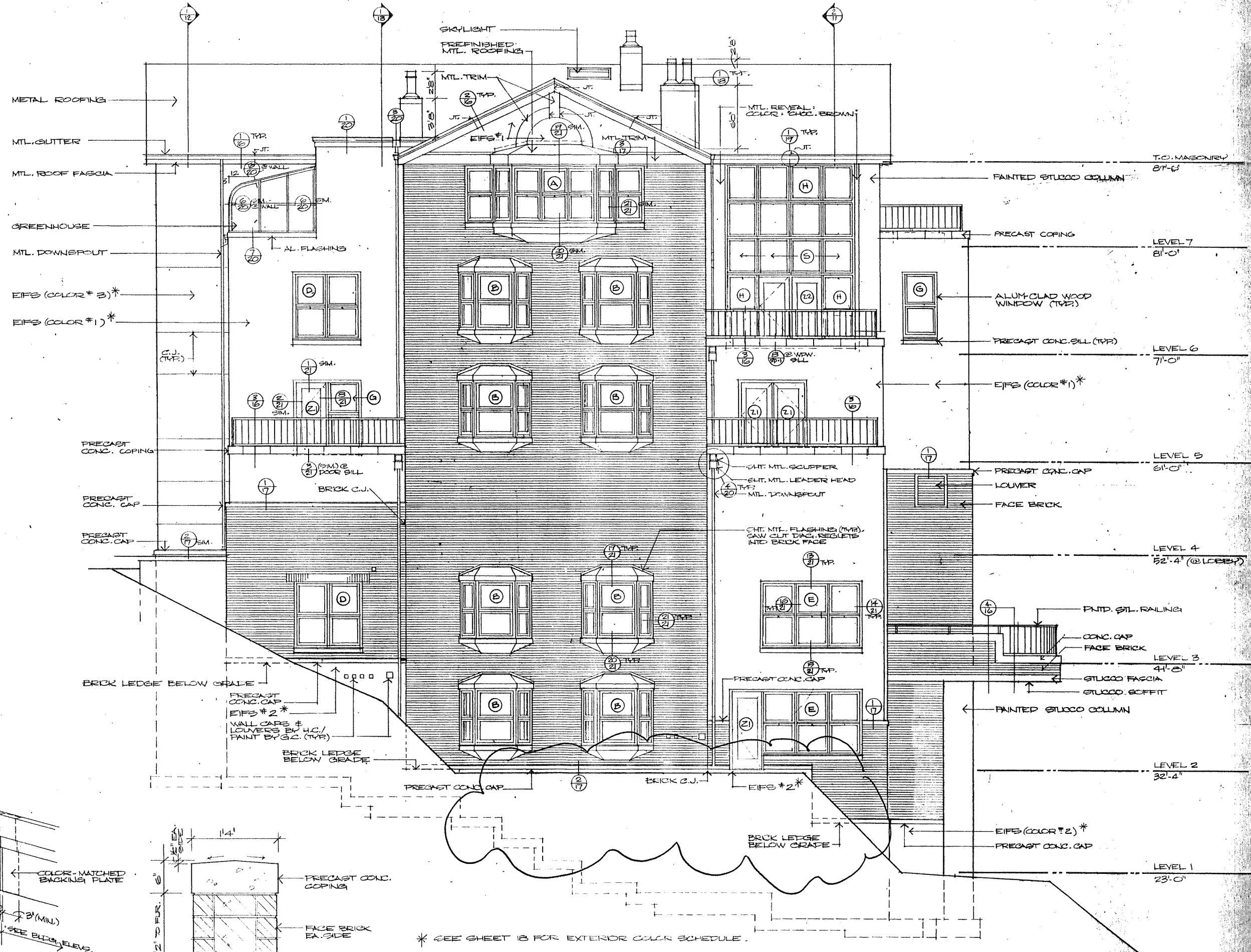
**NORTH ELEVATION 1/4**

**MZM**  
 Matthews / Zeck / Meyer  
 Registered Architectural Engineers  
 605 West Washington Avenue  
 Madison, Wisconsin 53703

PROJECT NUMBER 610  
 DATE 11.18.04  
 DRAWING NUMBER 1.20.04

**PINKNEY PLACE CONDOMINIUMS**  
 531 N. PINKNEY  
 MADISON, WI

**16**



\* SEE SHEET 13 FOR EXTERIOR COLOR SCHEDULE.

EAST ELEVATION 1/4