



**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: 1146 E. Mifflin St.

Name of Owner: Michael Kowalkowski and Traci Tucker

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

Daytime Phone: 608-287-8130 Evening Phone: 608-287-8130

Email Address: mike.kowalkowski@gmail.com

Name of Applicant (Owner's Representative): owner - Michael Kowalkowski

Address of Applicant: same as above

Daytime Phone: same as above Evening Phone: \_\_\_\_\_

Email Address: same as above

Description of Requested Variance: Requesting side yard setback variance of 2 ft. to construct second story addition on existing garage built pursuant to side yard variance for two story home (ZBA 8-9-90). Structure will be built on existing foundation for garage and will maintain existing setback from adjacent property and the street. The purpose of the addition is for a master bedroom and bathroom.

*(See reverse side for more instructions)*

**FOR OFFICE USE ONLY**

Amount Paid: \$300.00  
Receipt: 115182-0001  
Filing Date: 12-22-21  
Received By: NJK  
Parcel Number: 0709-131-0914-6  
Zoning District: TR-VI  
Alder District: 6-BENFORD

Hearing Date: 1-20-22  
Published Date: 1-13-22  
Appeal Number: LNDYAR-2021-00013  
GQ: ZBA  
Code Section(s): 28.047 (2)

## 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 building was placed in its present location under a side yard setback variance approved for two stories in 1990.

The permitted second story above the garage was never built, but the garage and foundation to support a structure above, and the two-story residence itself were constructed with a 2' setback pursuant to the variance. The permitted location of the house, garage, and foundation limit options for additions to the space above the garage that was originally intended.

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.

Because the home and garage were previously constructed pursuant to a side yard setback variance, there will be no

change to the approved buffer between the subject and adjacent properties and a common development line will be maintained.

In addition, the proposed project will not be constructed directly adjacent to windows serving living spaces within the adjacent dwelling.

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.

Strict compliance with the ordinance would require the addition to be offset from the structural wall by 2 ft. An offset structure would not efficiently carry the load to the bearing wall and foundation, and would require substantial engineering and additional

cost to ensure structural integrity. In addition, the aesthetics of the structure would be compromised if a 2ft. offset were introduced for a portion of the house. A common line with the house and garage will maintain a traditional aesthetic.

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.

We are the second owners of this home and purchased the property in 2018. The home was constructed in 1992 under an

approved side yard setback variance for two stories throughout the structure. Compliance with the terms of the ordinance would significantly limit opportunities for an addition, since an addition could not utilize the existing foundation efficiently.

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

The proposed addition if constructed under a variance will not block light or air flow to the adjacent property, and would

present no measurable effect on the same as compared to an addition built offset 2 ft. from the existing structure. Windows on the adjacent property most affected by the proposal serve an interior stairway to a second floor apartment and not living spaces.

No windows are proposed for the addition which would create privacy issues with the other windows on the adjacent structure.

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

Many of the homes in the neighborhood were constructed in the 1910's-20's and consist of two stories on the front. Our home was built in 1992 in a style unlike others in the neighborhood, and is clearly out of place. The proposed variance will allow us to more readily align with the character of the existing neighborhood by creating a consistent front facade and by enhancing the architectural and aesthetic interest in the home to more readily blend in with the older homes in the neighborhood. New siding and

## 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"/>	<b>Pre-application meeting with staff:</b> 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"/>	<b>Site plan</b> , drawn to scale. A registered survey is recommended, but not required. Show the following: <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).
<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).
<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 type="checkbox"/>	<b>Digital</b> copies of all plans and drawings should be emailed to: zoning@cityofmadison.com
<input checked="" type="checkbox"/>	<b>CHECK HERE.</b> 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"/>	<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:**  /s/ Michael Kowalkowski **Date:**  12/23/21

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

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

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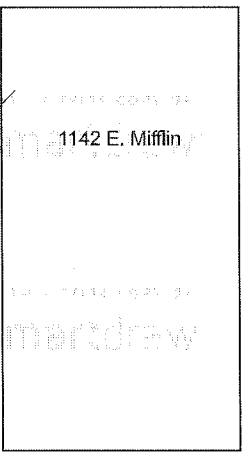
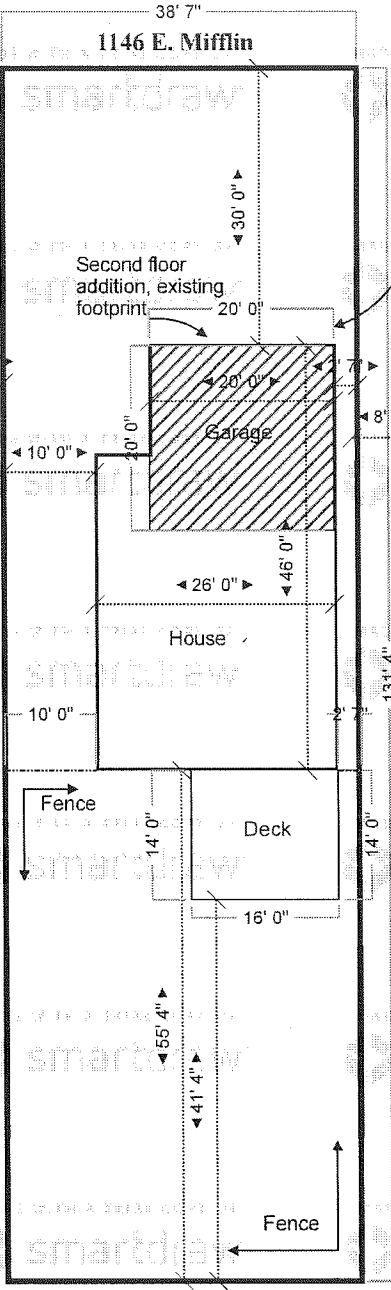
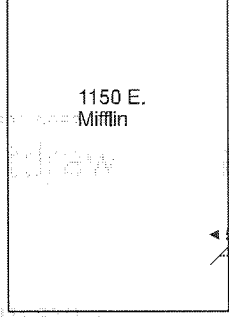
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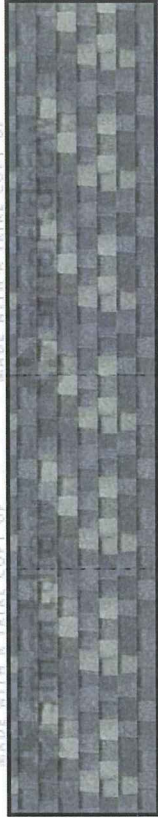


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1146 E. Mifflin Site Plan  
15/16" = 20'



**1146 E. Mifflin  
Existing Elevation  
Left Side**



21'6"

46'0"

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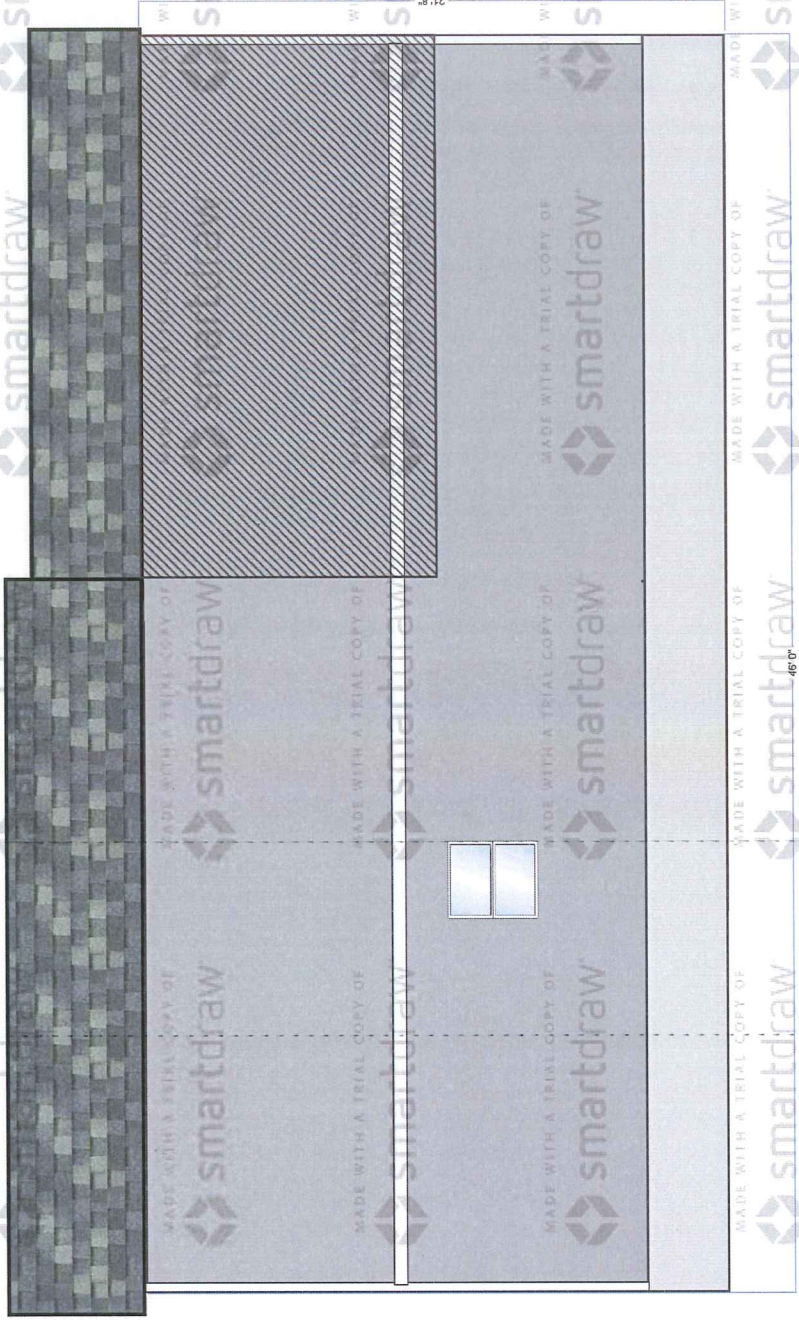
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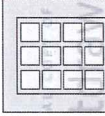
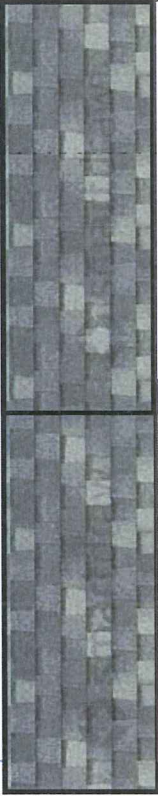
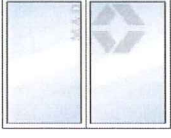
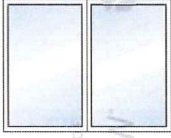
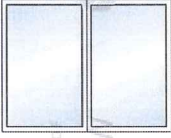
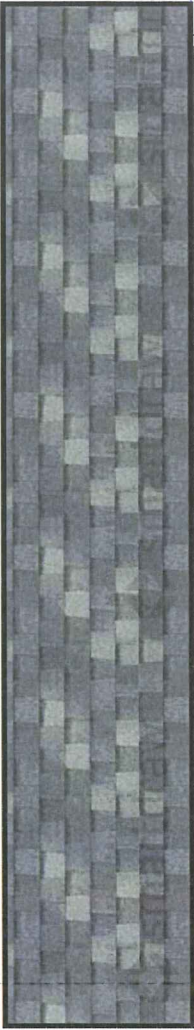
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**1146 E. Mifflin St.  
Proposed Elevation  
Left Side**



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**1146 E. Mifflin St.  
Existing Elevation  
Right Side**

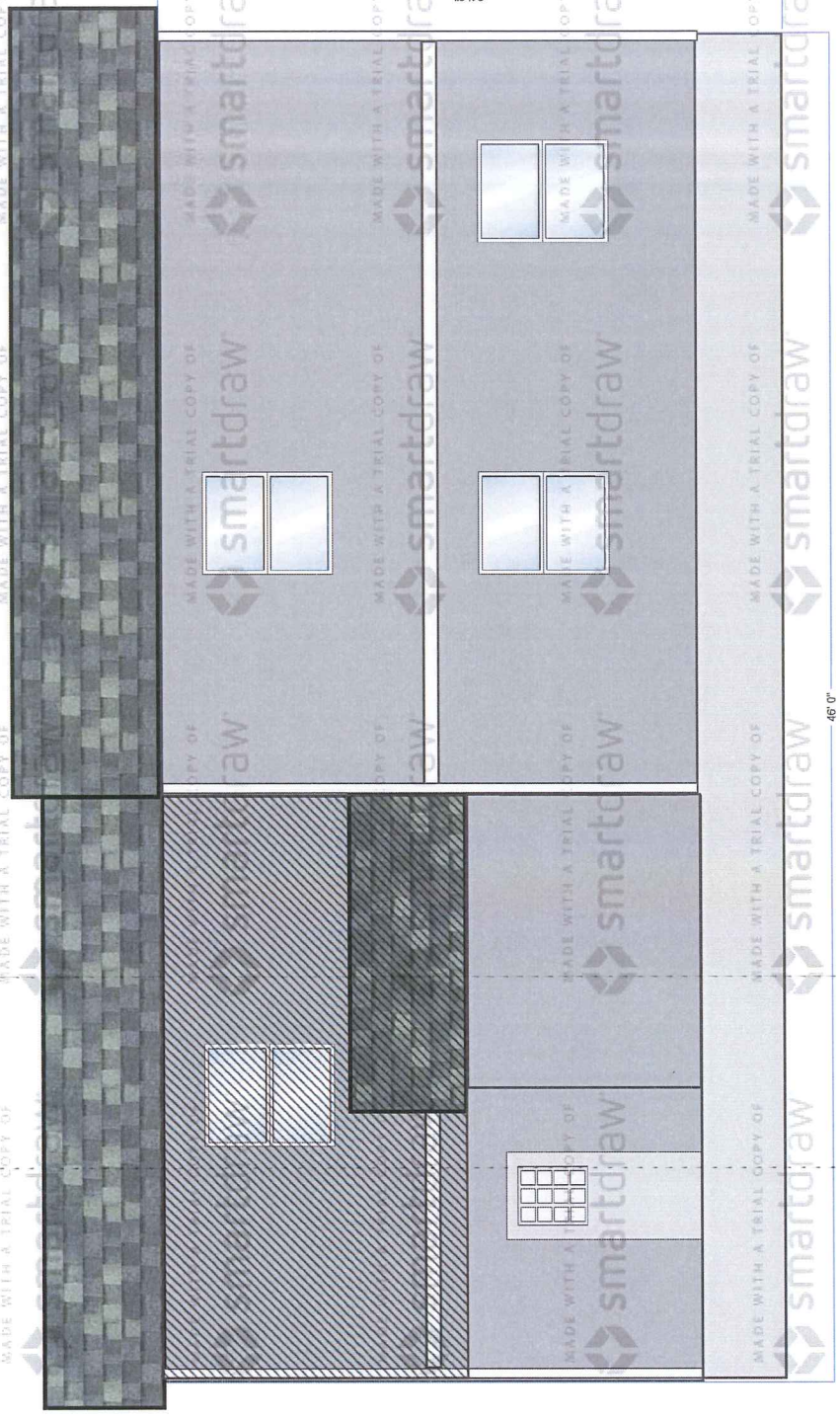


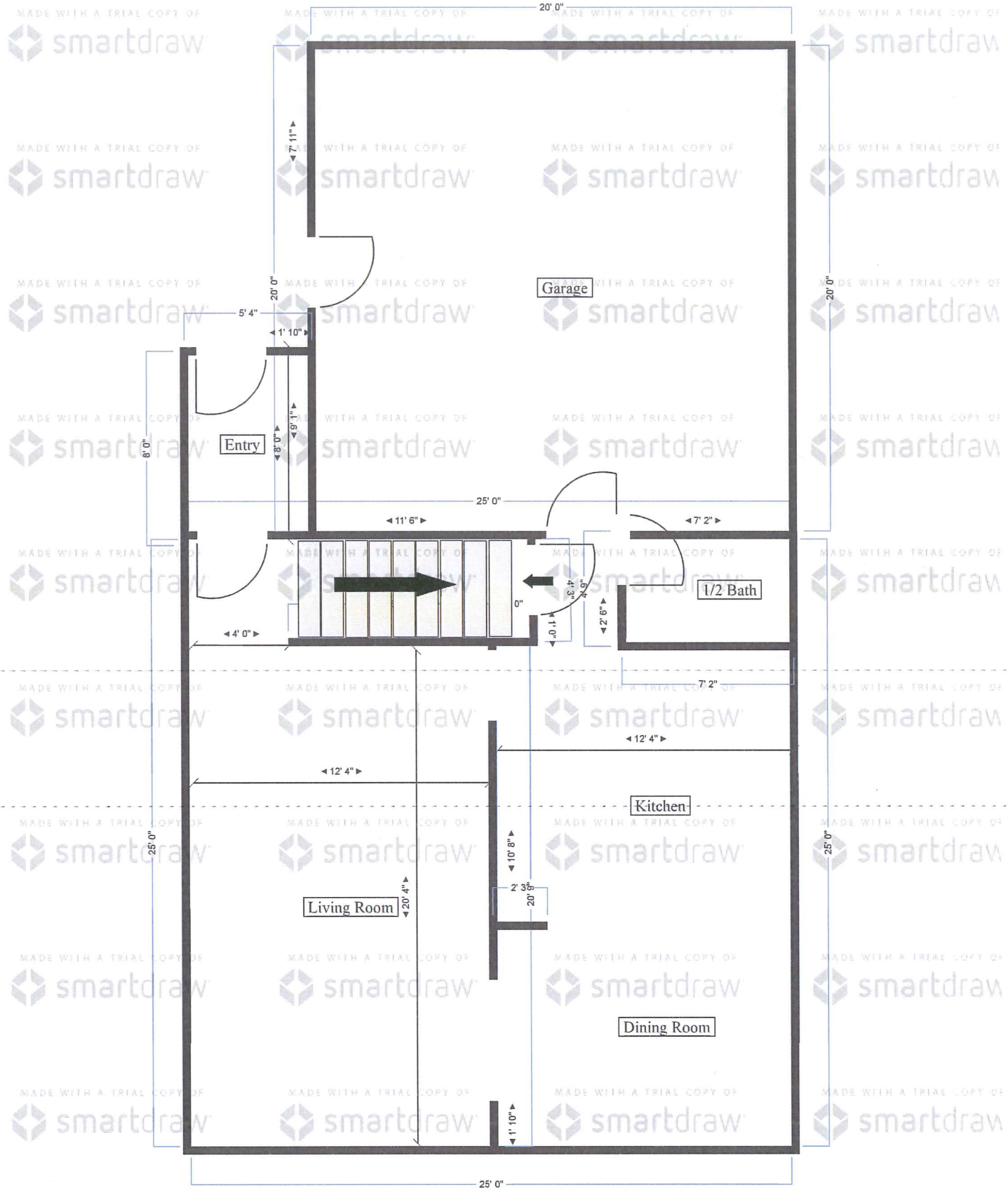


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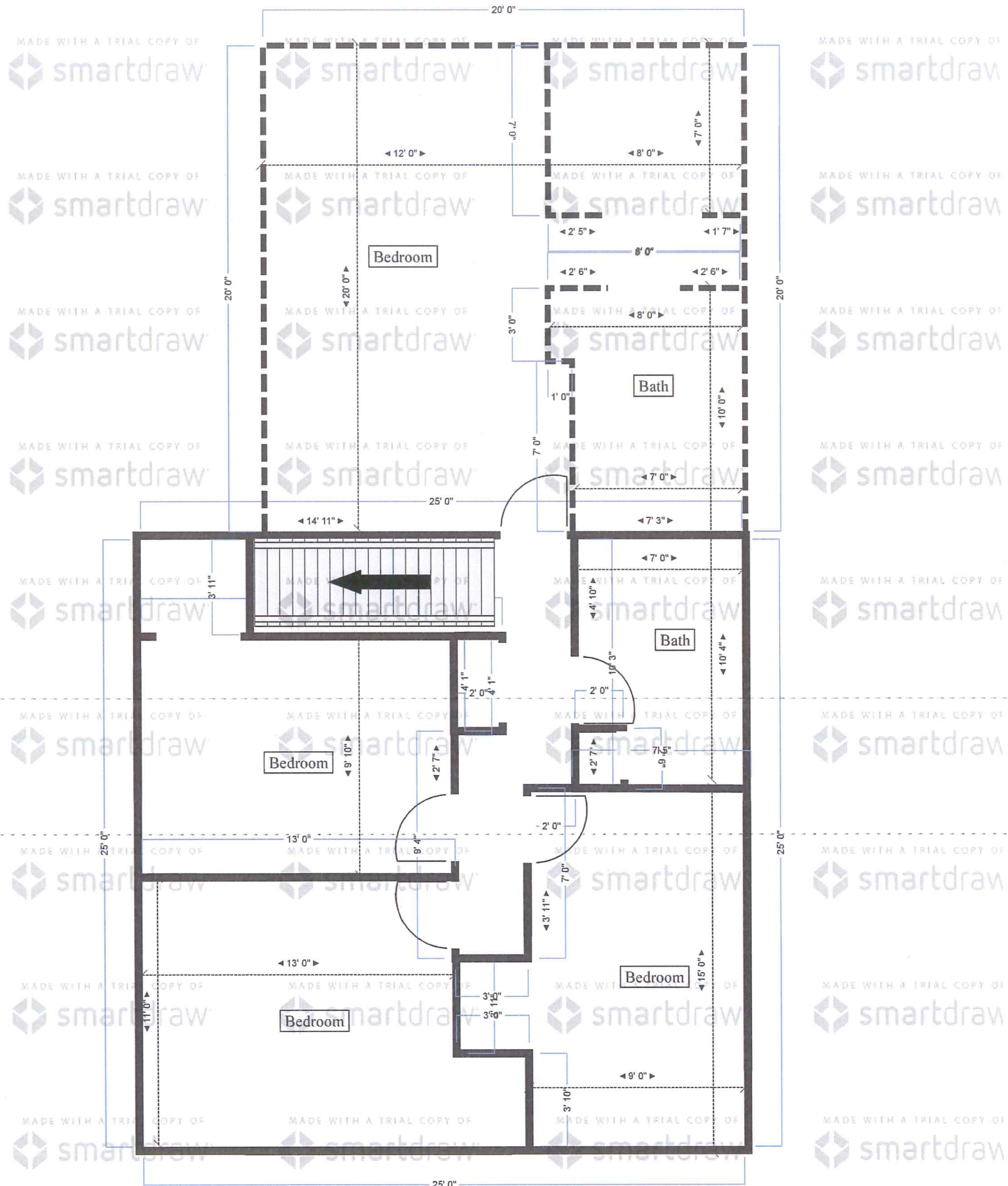
**1146 E. Mifflin St.  
Proposed Elevation  
Right Side**

 Proposed Addition

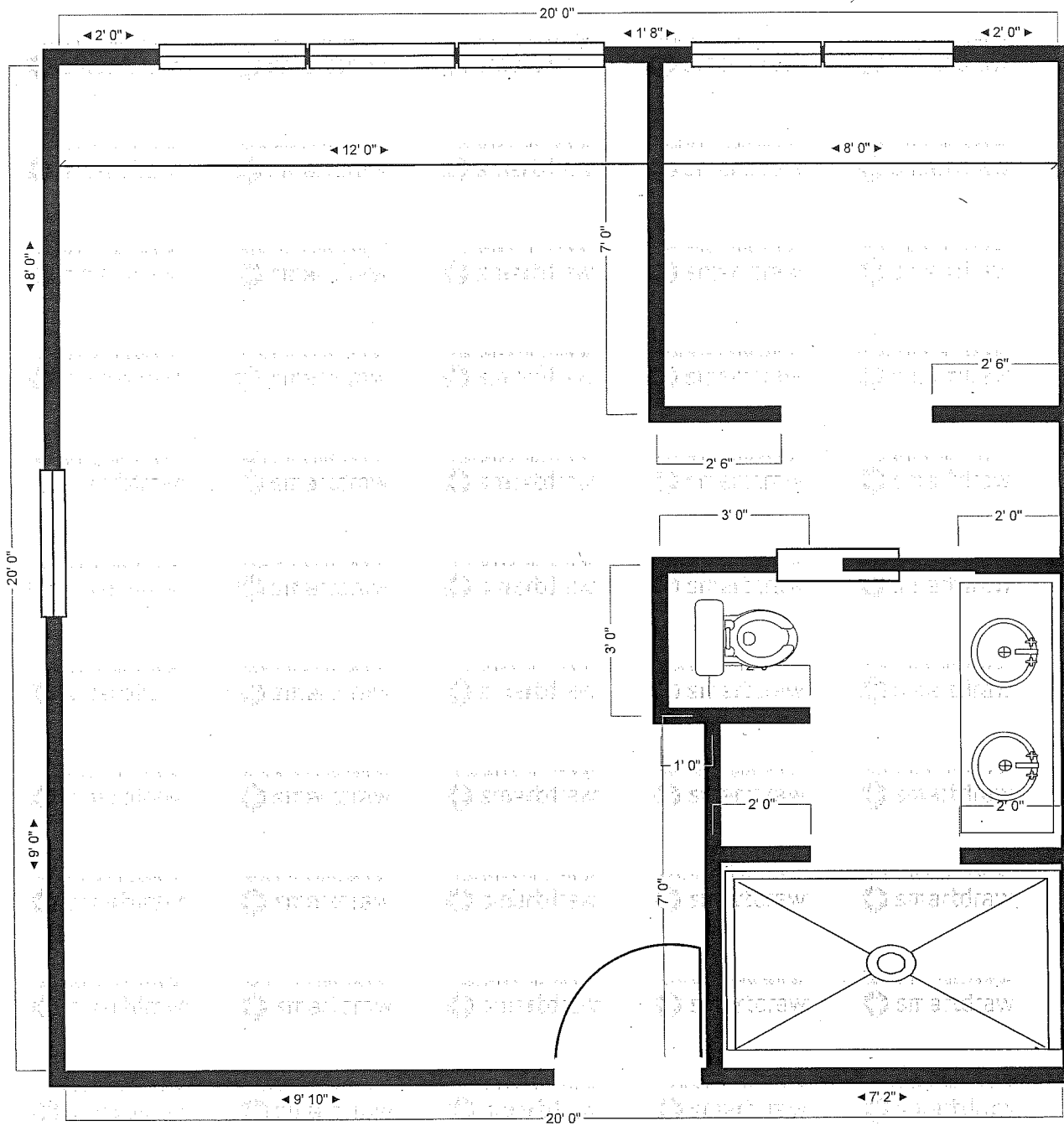


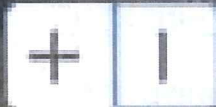


1146 E. Mifflin 1st Floor Plan (no change)



**1146 E. Mifflin - 2nd Floor Plan with Proposed Addition**





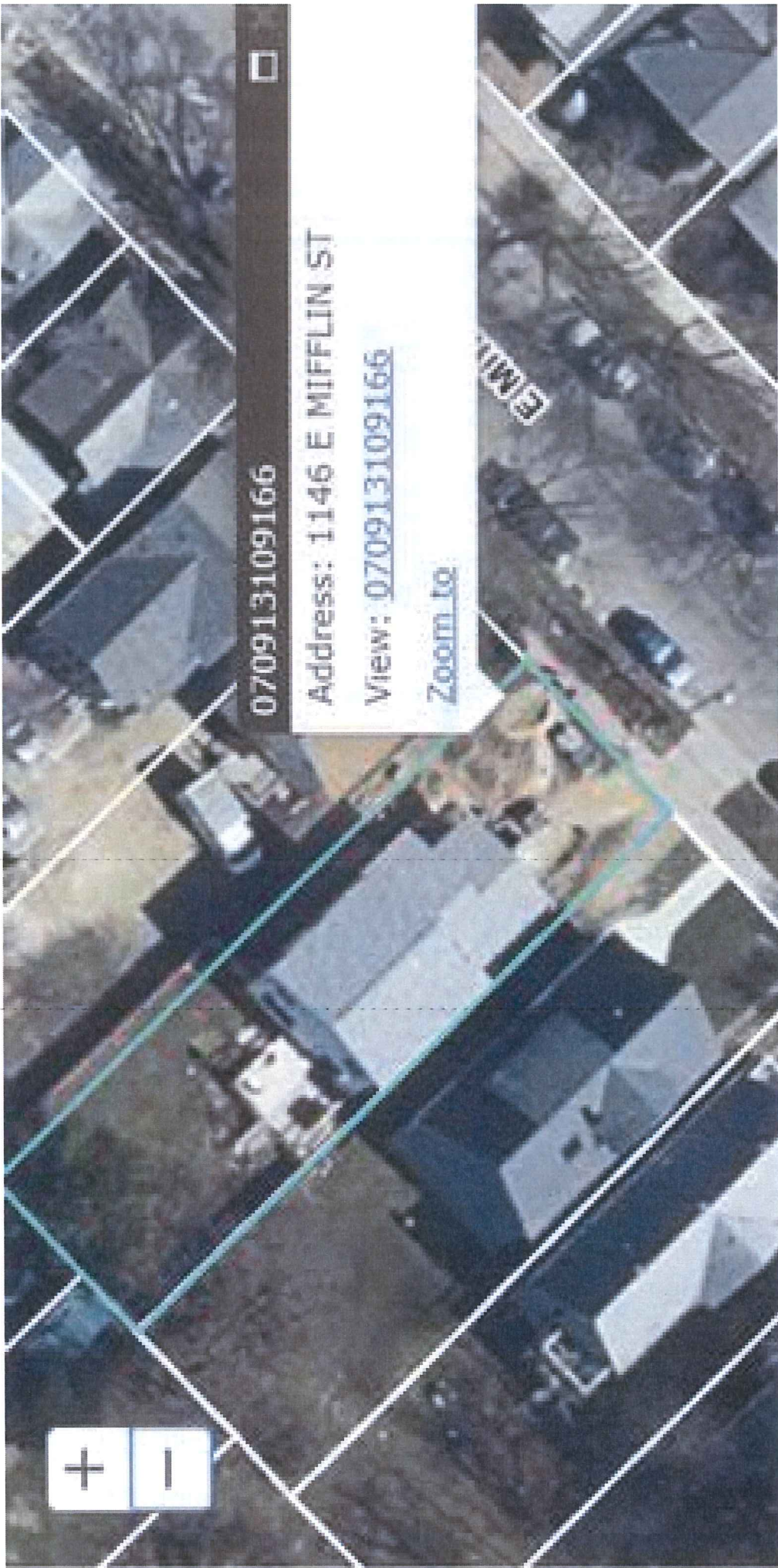
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Address: 1146 E MIFFLIN ST

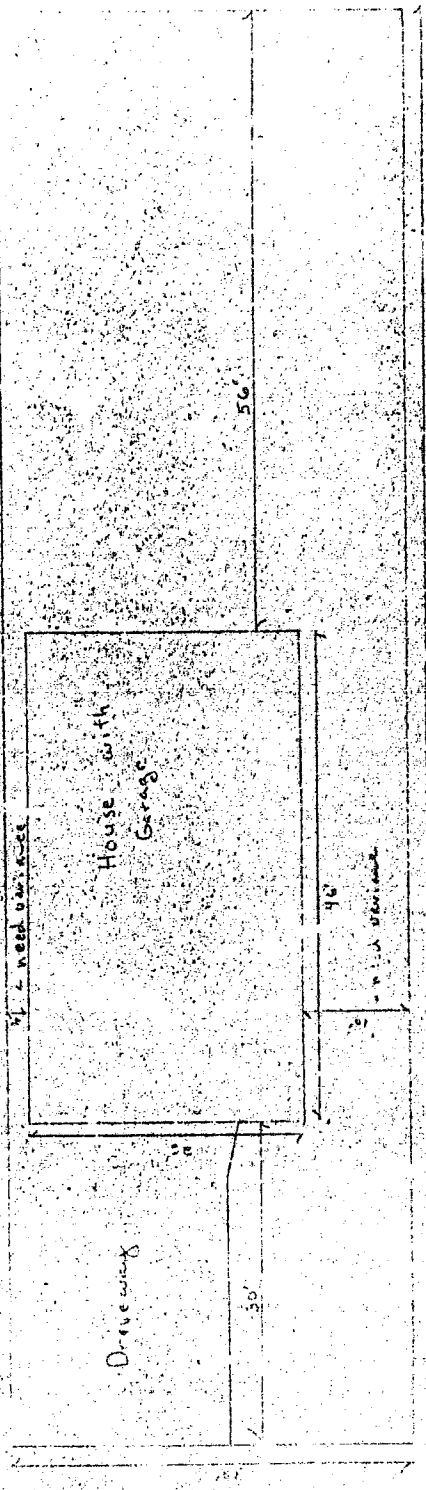
View: [070913109166](#)

[Zoom to](#)



Minimum Side Ypr.      Total Side of rd  
 6' Required      15' Required  
 2' Provided      12' Provided  
 3' Variance

The subject house is approx 10' from the lot line. 4' Variance



The subject house is approx 10' from the lot line. 4' Variance

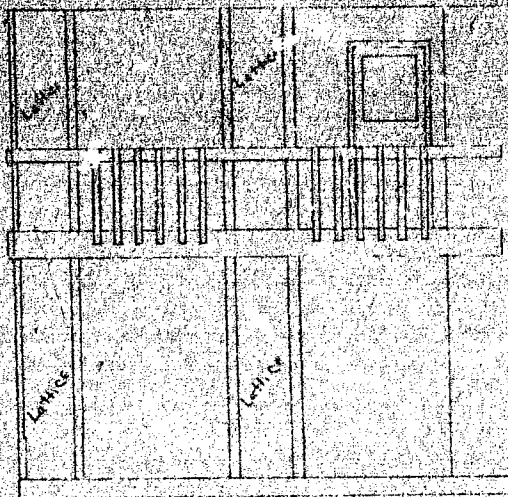
Plot Plan      Scale 1/8" = 1'  
 1146 E. Mifflin St.

Lab. Treatment - Plywood Siding Throughout



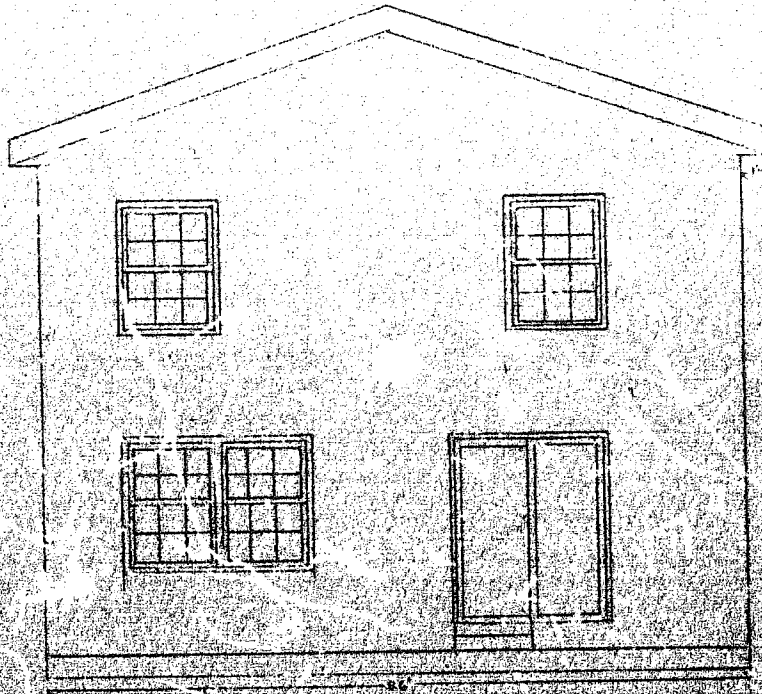
Left Elevation

Fiber glass Shingles

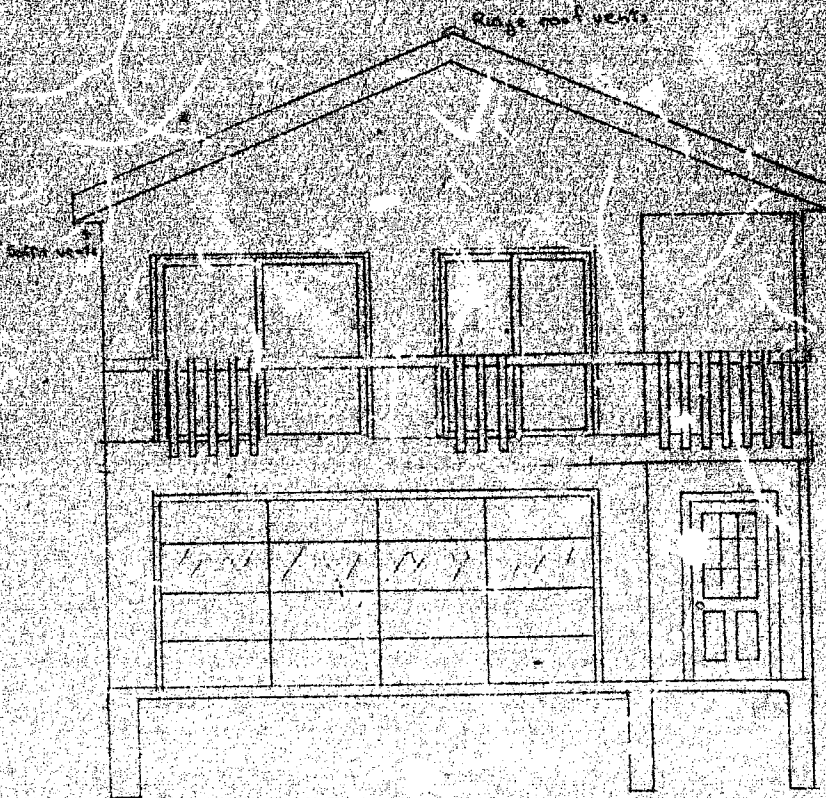


Right Elevation

1146 E. 4th St  
Madison, W. 53703 June 25, 1990



Rear Elevation



Front  
Elevation  
Scale 1/4" = 1'-0"



State of Wisconsin  
 Department of Industry,  
 Labor & Human Relations  
 Division of Safety, & Buildings  
 201 E. Washington Ave.  
 Box 7969  
 Madison, WI 53707  
 Wisconsin Statute 101.53

**13-251**  
**Wisconsin Uniform**  
**Building Permit Application**

PERMIT NO.  
**B 15554**  
 PARCEL NO.

PROJECT LOCATION  CONSTRUCTION  HVAC  MELEC  PLUMB

Building Address: **1146 E. Mifflin St** Phone: **257-3393** Lot No. Block No.  
 Zoning District: **R5** Lot Area: **5,016** sq.ft. Front Setbacks: **30** ft. Rear: **52** ft. Left: **2** ft. Right: **10** ft.

PERMIT REQUESTED \_\_\_\_\_ % Section \_\_\_\_\_, T. \_\_\_\_\_ N, R. \_\_\_\_\_ E (or) W

Contractor's Name: **Drew Foudrak** Mailing Address: **1150 E. Mifflin St** Phone: **257-3393** Identification No.: **10300**  
 Owner's Name: **Drew Foudrak** Mailing Address: **1150 E. Mifflin St**

<b>1. PROJECT</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Alteration <input type="checkbox"/> Addition <input type="checkbox"/> Combination (Alt. & Add'n.) <input type="checkbox"/> Non-Permanent (Tents, etc.) <input type="checkbox"/> Repair <input type="checkbox"/> Raze <input type="checkbox"/> Move <input type="checkbox"/> Foundation <input type="checkbox"/> Zoning Only <input type="checkbox"/> Change of Use	<b>2. USE:</b> <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Non-Residential	<b>3. ELECTRICAL</b> Entrance Panel Size: <b>100</b> amp <input type="checkbox"/> Service: <input checked="" type="checkbox"/> Underground <input type="checkbox"/> Overhead	<b>4. HVAC</b> <input checked="" type="checkbox"/> Forced Air <input type="checkbox"/> Hot Water <input type="checkbox"/> Heat Pump <input type="checkbox"/> Steam or Vapor <input type="checkbox"/> Central Air Conditioning <input type="checkbox"/> Other	<b>5. ENERGY SOURCES</b> <table border="1"> <tr> <th>Fuel</th> <th>Spa</th> <th>Htg.</th> <th>Water Htg.</th> </tr> <tr> <td>LP Gas</td> <td></td> <td></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Nat. Gas</td> <td></td> <td></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Fuel Oil</td> <td><input checked="" type="checkbox"/></td> <td></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Electric</td> <td></td> <td></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Wood</td> <td></td> <td></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Solar</td> <td></td> <td></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Coal</td> <td></td> <td></td> <td><input type="checkbox"/></td> </tr> </table>	Fuel	Spa	Htg.	Water Htg.	LP Gas			<input type="checkbox"/>	Nat. Gas			<input type="checkbox"/>	Fuel Oil	<input checked="" type="checkbox"/>		<input type="checkbox"/>	Electric			<input type="checkbox"/>	Wood			<input type="checkbox"/>	Solar			<input type="checkbox"/>	Coal			<input type="checkbox"/>
Fuel	Spa	Htg.	Water Htg.																																	
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Fuel Oil	<input checked="" type="checkbox"/>		<input type="checkbox"/>																																	
Electric			<input type="checkbox"/>																																	
Wood			<input type="checkbox"/>																																	
Solar			<input type="checkbox"/>																																	
Coal			<input type="checkbox"/>																																	
<b>9. AREA (Outside Dimension)</b> Basements <b>676</b> sq.ft. (below grade floors) Usable Area <b>1500</b> sq.ft. (grade floor and above) Garage <b>400</b> sq.ft. <b>TOTAL 2576</b> sq.ft.	<b>6. CONST. TYPE</b> <input checked="" type="checkbox"/> Site constructed <input type="checkbox"/> Manufactured	<b>7. FOUNDATION</b> <input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Masonry <input type="checkbox"/> Treated Wood <input type="checkbox"/> Other	<b>8. PLUMBING</b> Sewer <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> Septic - Permit No. _____	<b>12. WATER</b> <input type="checkbox"/> Private Utility <input checked="" type="checkbox"/> Municipal Utility <input type="checkbox"/> On-site Well & Pump																																
	<b>10. STORIES</b> (Above Grade) <input type="checkbox"/> 1-Story <input checked="" type="checkbox"/> 2-Story <input type="checkbox"/> Other	<b>11. USE (Res.)</b> <input type="checkbox"/> Seasonal <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Other	<b>13. RES. UNITS Added or Deleted</b> Family(s) <b>1</b> Condominium(s) _____ Hotel, Motel, Dcrrn. _____	<b>14. HEAT LOSS (Calculated)</b> Envelope <b>10,002.63</b> BTU/HR Infiltration <b>14,827.60</b> BTU/HR																																

<b>15. CLASS OF CONSTRUCTION</b> <input type="checkbox"/> 1. Fire Resistive Type A <input type="checkbox"/> 2. Fire Resistive Type B <input type="checkbox"/> 3. Metal Frame - Protected <input type="checkbox"/> 4. Heavy Timber <input type="checkbox"/> 5a. Ext. Masonry - Protected <input type="checkbox"/> 5b. Ext. Masonry - Unprotected <input checked="" type="checkbox"/> 6. Wood Frame - Protected <input type="checkbox"/> 7. Wood Frame - Unprotected	<b>16. TYPE OF USE (Non-Residential)</b> <input type="checkbox"/> Amusement, Recr. <input type="checkbox"/> Church, Religious <input type="checkbox"/> Industrial <input type="checkbox"/> Parking/Garage, Lots <input type="checkbox"/> Service Station, Repair Garage <input type="checkbox"/> Hospital, Instl. <input type="checkbox"/> Office, Bank, Prof. <input type="checkbox"/> Stores, Mercantile <input type="checkbox"/> Warehouse <input type="checkbox"/> Restaurant/Tavern <input type="checkbox"/> Educational <input type="checkbox"/> Public Utility <input type="checkbox"/> Other Non-Res. Buildings <input type="checkbox"/> Non-Buildings (Tanks, Swimming Pools, etc.) <input type="checkbox"/> Attached Garage <input type="checkbox"/> Detached Garage	<b>17. BRIEFLY DESCRIBE PROJECT:</b> <b>S.F. Home</b>
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NOTICE: Mechanical Supplement sheets provided with this application must be completed and returned to the Inspection Unit by the appropriate Plumbing, HVAC, and Electrical contractors prior to start of work. No inspections will be made until received.  
 18. ESTIMATED COST: **\$ 85,000.00**

The applicant agrees to comply with the Wisconsin Uniform Dwelling Code and other Municipal Ordinances and with the conditions of this permit; understands that the issuance of the permit creates no legal liability, express or implied, on the Department or Municipality; and certifies that information is accurate.

19. SIGNATURE OF APPLICANT: *[Signature]* DATE: **4-9-91**

20. FEES

Plan Review	\$ 50
Inspection	\$ 258
c/o	\$ 10
Erosion	\$ 5
Wis. Permit Seal	\$ 22
Parking	\$
Start Work	\$
Sewer	\$ 5
Wrecking	\$
Tent/Awning	\$
Other	\$
<b>TOTAL</b>	<b>\$ 350</b>
Voucher No.	

21. CONDITIONS OF APPROVAL: This permit is issued pursuant to the following conditions. Failure to comply may result in suspension or revocation of this permit or other penalty.  
**60 - ZBA Cond.**  
**NQLO OK**  
**Per ZBA 8-9-90**  
*[Signature]*

APPROVALS BY: Zoning  Yes  No Landmarks Commission  Yes  No  
 Architect or Professional Engineer  Yes  No C-4 Exterior Approval  Yes  No  
 State of Wisconsin Plan No. \_\_\_\_\_

22. FEE GROUP: **1**

23. PERMIT FEES PAID:  Construction and Other  HVAC  Electrical  Plumbing  Certificate of Occupancy. Amount: **97532**

24. PERMIT ISSUED BY: NAME: **W.S. (M.V.)** DATE ISSUED: **4/18/91** Year: **1991**

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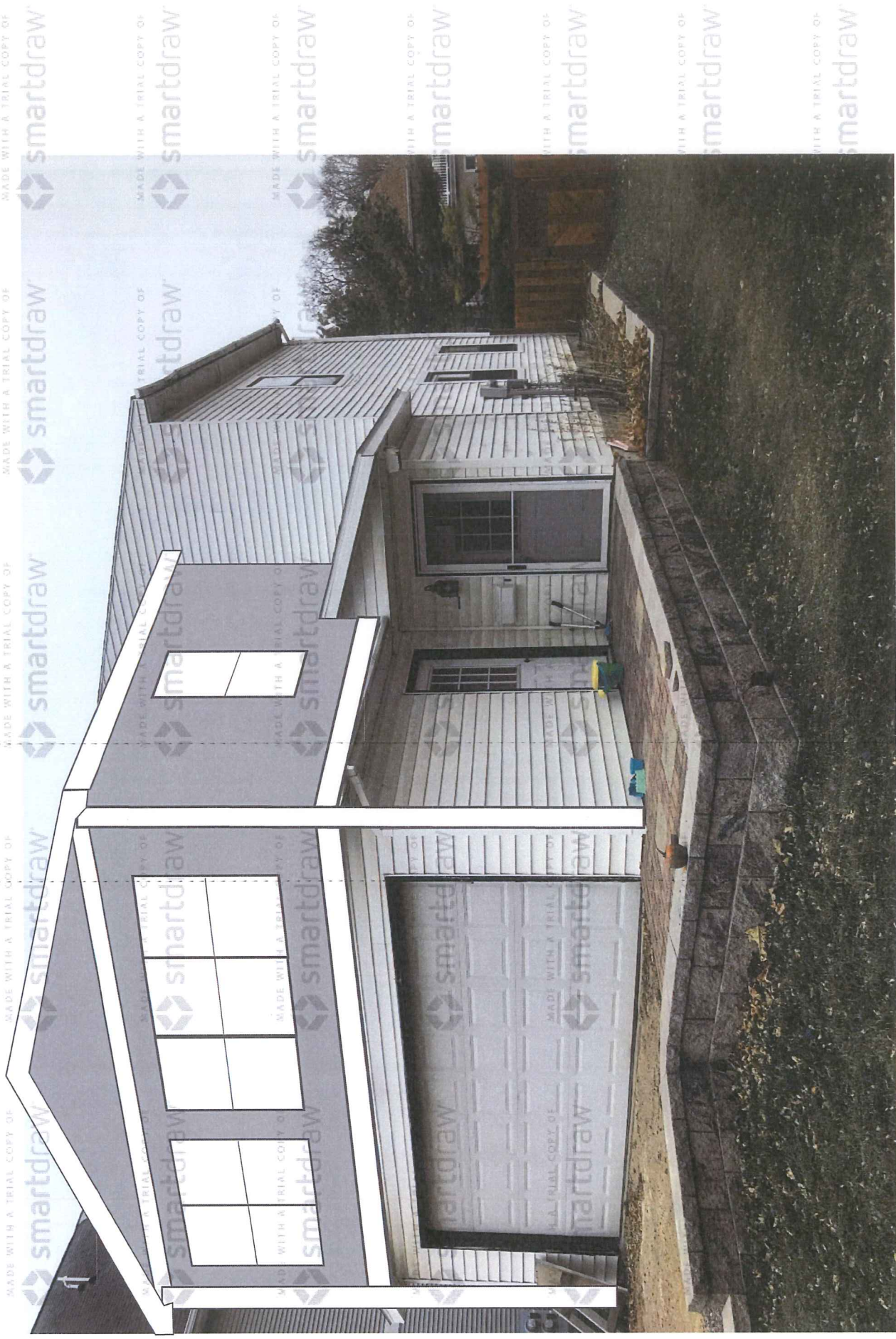
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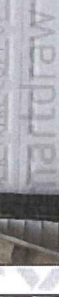
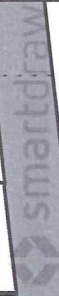
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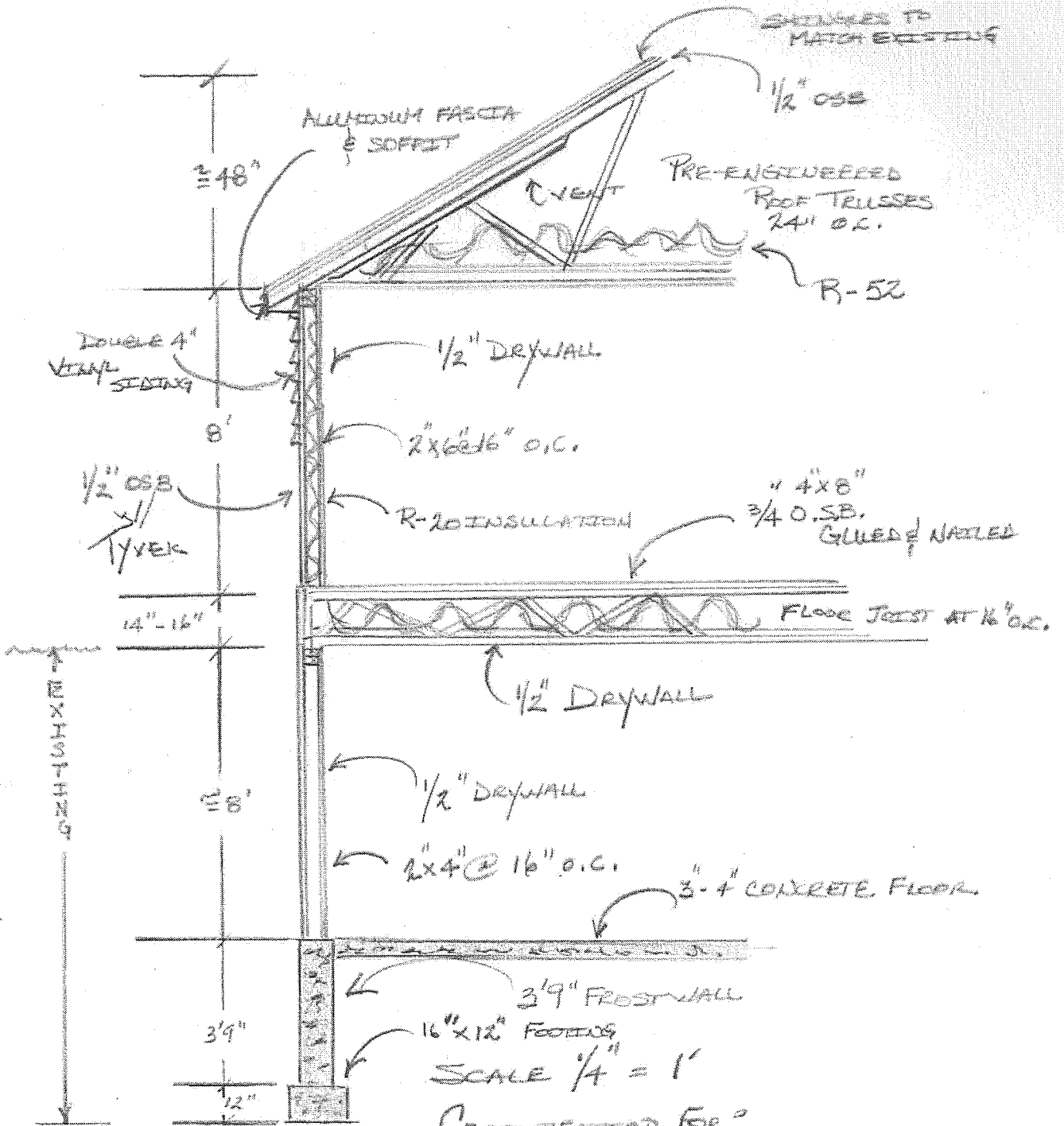
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CROSS SECTION FOR  
 1146 E. MIFFLED ST.  
 MADISON, WISCONSIN

*[Signature]*  
 12/12/2021

12/13/2021

Michael Kowasaki  
1146 E. Mifflin Street  
Madison, Wisconsin

RE: Second story addition over the existing garage at 1146 E. Mifflin Street

Hello Michael;

In accordance with zoning rules regarding setbacks, it appears that the side lot dimension that is required for the addition to be built as is designed in your plans is 10% of the width of your property.

In your case since you have 40 feet it is required that the side lot setback be at a minimum of 4 feet.

From the information I have you do not have quite enough footage for the required setback.

One would have to build in from the existing side wall on top of the garage approximately 1'4" inward to be in compliance with the code requirements.

If this is to be done the setback issue will not allow you to build the second story over your garage with a well-balanced design.

For some buildings it is very difficult if not impossible to design past the lack of balances that your building should have in a fine City like Madison.

In addition the weak design issue, the pressure from the zoning law makes for a more expensive and structurally complicated project to build.

In order to meet the zoning requirement, the floor joists system would need to be larger to carry the roof load that would be added and it appears that the floor joist system at that point would be too large for the project to fit the building effectively.

Building the full width of the garage would be the most efficient way aesthetically and structurally build this addition this would allow with all aspects to be neatly integrated.

Zoning does not get involved with the citizen's budgets for projects of this nature but it would be more expensive to build the addition as would be necessary to meet the side lot code requirement.

I trust this explains my concerns for building the second story over your garage to meet the code requirement as written and I trust better minds than mine will see fit for this project to go forward as it is designed i.e. over the entire garage.

Thank you,  
Sincerely,  
G.W. Andrie and Assoc.

Gerald Andrie  
General Contractor