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ZONING BOARD OF APPEALS VARIANCE APPLICATION

Madison \$300 Filing Fee

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FOR OFFICEUSE ONLY Amount Paid # 300 Receipt # 12109で
Received by JUL Filing Date 6/6/11 Hearing Date 6-23-/(
Zoning District & I
Parcel # <u>0609-04/-7332-5</u> Published 5 UN & 7, 28/
Ald. District 14-Tinn Bruer Appeal # 062311-3
GQ AV
Code Section # 28.08(2) (f) 3.

•							
Addr	Address of Subject Property: 3017 IRVINGTON WAY						
Name	e & Address of Owner: JAMES D. PETERSON &	SUSA	NL.COLLINS				
Daytin	me Phone: 608, 284, 2618 Evening	<u>, </u>					
		Pnon	e: 608. 239. 7824				
	Jportification & state of the s	11/2					
- Ivairie	e & Address of Applicant (Owner's Representative):	V/A					
Daytin	me Phone: Evening	Phon					
-	I address:	FIIOII	С.				
	Summary of Proposed Construction:						
	THREE-SEASON PORCH ATTACHED TO SO	1774	SIDE (REAR) OF				
	HOME. APPROXIMATELY 4 FEET OF PEL						
	SET-BACK REQUIRED.	ICF	PROW				
	SEE ATTACHMENTS.						
	Jec min Minera (a.						
to c	e-application meeting with staff: Prior to submittal of this a discuss the proposed project and submittal material with Zoning a case being delayed and/or recommended for referral or a provide the following (Maximum size for all drawns and the provide the following)	staf den i	f. Incomplete applications will result in al.				
	Site plan, drawn to scale. A registered survey is recommended site plan: Lot lines Existing and proposed structures, with dimensions and proposition of structures on neighboring proposed Major landscape elements, fencing, retaining walls or of Scale (1" = 20' or 1' = 30' preferred) North arrow	setb	ack distances to all property lines				
	Elevations from all relevant directions showing existing and p structure and proposed addition(s).	ropos	sed views, with notation showing the existing				
X	Interior floor plan of existing and proposed structure, who by Zoning Staff. (Most additions and expansions will require floor	oor p	lans.)				
	Front yard variance requests only. Show the building locat side of the subject property to determine front setback average	ion (1 2.	front setback) of adjacent properties on each				
Constitution of the second	Variance requests specifically involving slope, grade, or slope, direction of drainage, location, species and size of trees.	trees	. Approximate location and amount of				
Ø	CHECK HERE. I have been given a copy of and have reviewed Appeals will use when reviewing applications for variances.	the	standards, which the Zoning Board of				
Owne	er's Signature: All D. Pilla						

Standards for Variance. The Zoning Board of Appeals shall not vary the regulations of this ordinance, as authorized, unless it shall make findings based upon the evidence presented to it in each specific case that <u>all</u> of the following conditions are present:

- 1. The particular physical surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
- 2. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification.
- 3. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner.
- 4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.
- 5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

DECISION		
The Board, in accordance with the findings of fact, lead to compliance with all of the standards for a variance.	nereby determines Further finding o	that the requested variance (is) (is not) in fact is stated in the minutes of this public
hearing.		
The Zoning Board of Appeals: Approved	Denied	Conditionally approved
Zoning Board of Appeals Chair:		Date:

James D. Peterson and Susan L. Collins Variance Application 3017 Irvington Way Madison, Wisconsin

Introduction

We seek relief from the rear set-back requirements to build a three-season porch off our dining room, facing the wooded area owned by the City to the south of our property. A view south from the location of the proposed porch is included as Photo A. A view looking north toward the house is Photo C.

We have owned and resided in the home since 2001, and in the 10 years we have lived there, the lack of a screened-in area has substantially prevented us from making any us of our deck or back yard whenever it is warm enough to enjoy it. Although everyone in Wisconsin must deal with mosquitoes, the mosquito population adjacent to the City's Knollwood Conservancy is so dense that we cannot spend more than a few minutes outside without a heavy application of repellant. It has, therefore, been our ambition to add a screened-in area since we moved into the home.

As part of a larger plan to improve the exterior of our home, we have engaged Udvari-Solner Design Company to prepare a plan for a modestly sized three-season porch. The design is functional, attractive and respectful of our neighbors' privacy and property. The design extends approximately 4 feet beyond a 35-foot rear setback.

1. Unnecessary hardship

Without the variance, we would have to fit any covered and screened-in area in the space of the existing deck, which is on the south-east corner of our home. Building in this space is impractical and ill-advised for several reasons.

- It would require a substantial reconstruction of the roof over the kitchen area, to engineer a proper integration with the roofline over the dining room and the of the rest of the home. See Photos C and E. Placement of the three-season porch adjacent to the dining room, as in the Udvari-Solner design, efficiently integrates with the existing roof.
- Constructing the screened porch at the south-east corner of the home provides much less privacy for us and for the neighbors to the east. See Photos D and E. (Those neighbors have indicated that they approve of our design, and we will supplement this application with documentation of their approval.)

In particular, our application meets the requirement of showing "unnecessary hardship," as that concept was defined by the Wisconsin Supreme Court in *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 676 N.W.2d 401, 269 Wis.2d 549 (Wis. 2004). According to the Wisconsin Supreme Court, when considering an are variance,

"the question of whether unnecessary hardship ... exists is best explained as '[w]hether compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome." Whether this standard is met in individual cases depends upon a consideration of the purpose of the zoning restriction in question, its effect on the property, and the effect of a variance on the neighborhood and the larger public interest. The long-standing requirements that the hardship be unique to the property and not self-created are maintained.

Id. at \P (citations omitted).

Our application shows that compliance with the strict letter of Madison's set-back requirements to our proposed three-season porch would be unnecessarily burdensome, both to us and to our immediately adjacent neighbors. In consideration of the purposes of Madison's zoning ordinance, and the interests of our neighbors and the general public, and the unique circumstances of our property, we respectfully request that the Board grant our application for a variance.

- Any alternative built at ground level is impractical because of the slope of our lot, which gives us a walk-out lower level. But our kitchen is at first-floor level, and it would be awkward and dangerous to carry food and glassware up and down to grade-level structure in the back.
- Constructing a screened-in porch in the area of the existing deck would be architecturally and functionally inferior. The proposed plan matches the current architecture of the home, without eliminating the roofline variation that adds interest to the east end of the structure.

2. Unique conditions

The conditions that require us to seek this variance are not generally applicable to all property in this zoning classification. Rather, the variance is required because of factors unique to our property.

Directly to the south there are no neighbors. Instead, we are on the border of a densely wooded area owned by the City. See Photo A. Because there are no neighbors in that direction, our project would not interfere with any open area between us an adjoining neighbors. Nor would our project interfere with the City's use of the land for park purposes because our property is located a couple of hundred yards from the newly paved bike trail, and we are separated from that trail by the Knollwood Nature Conservancy. Thus, the wooded are to our south prevents our project from interfering with anyone's enjoyment of the bike trail or the wooded Conservancy.

Indeed, our set-back problem is largely an artifact of the peculiar platting of the Irvington Addition to Arbor Hills. (See Exhibit A.) Our property does not abut directly to the Knollwood Conservancy. Instead, directly to the south of our property is an irregularly shaped "Outlot 4," which was deeded to the City for park purposes when the Irvington Addition was platted. This appears to be a somewhat arbitrary decision caused by the way the Irvington Addition abuts the former railroad right-of-way. The platting of Outlot 4 causes our lot to be somewhat less deep than it might have been otherwise. In fact, the property of our neighbors to the east extends an additional 26 feet south. If the back line of our property had been platted as a continuation of that line, we would not need any variance because our building envelope would extend at least 20 feet further toward the rear.

Because we are adjacent to densely wooded City property, and because our rear set-back is determined by a border with an unusual "outlot," the conditions on which we base our request for a variance are unique to our property, and not generally applicable any residence with a 35-foot set-back requirement.

3. Purpose not financial gain

Our purpose in seeking this variance is to build a structure that will allow us to enjoy our back yard. We hope that our exterior renovations will improve the value of our home, but we have no plans to sell or move.

4. Hardship not caused by owners

We have not changed the exterior structure of our home since we purchased it, and we played no role in creating any of the conditions that have led to the unnecessary hardship imposed by the set-back requirement.

5. No detriment to public welfare or other property

Our exterior renovations, including the three-season porch, will not interfere with the public welfare or the property in the neighborhood. Because of the wooded area to the south of our home, the public's enjoyment of the Conservancy will not be affected. For much of the year, our home is invisible to users of the Conservancy or the trails to the south.

6. No impairment to adjacent property or other negative impact

Only our immediately adjacent neighbors will be able to see our proposed porch. The home of our neighbors to the west is set further to the north because of the curve in Irvington Way, and our proposed porch would be largely invisible to them. See Photo B. Only the neighbors to the east will have a ready view of our proposed porch, and our proposal is better than one built within the set-back requirements. If we were to build a three-season porch in the area of our current deck, it would be significantly closer to our neighbors to the east. Our proposal would be invisible from the street (see Photo F) and would be further from our neighbors, giving both of us more privacy. Our neighbors approve of our project, and they have acknowledged that our project would not interfere with their air, or light, or view of the Conservancy. See Photos D and E.

We see no reason that our three-season porch would impose any risk of fire, congestion or otherwise be detrimental to the neighborhood. To the contrary, we think our proposal to invest in our home will be wholly beneficial not only to our property, but to the neighborhood.

Conclusion

The Zoning Board of Appeals, pursuant to the Zoning Code, Sec. 28.12(9), may grant a variance from area restrictions, including set-back requirements, when strict application of those limits would pose "practical difficulties or unnecessary hardships" on the property owner. Our application meets all the standards for granting a variance set out in Section 28.12(9)(c).

Attachments Variance Application for 3017 Irvington Way

Site Data Information Sheet 1

Site Data Information Sheet 2

Floor Plan

South Elevation

East Elevation

Certified Survey

Exhibit A

Plat of Irvington Addition to Arbor Hills

Photo A

View to the south from the area of the proposed porch

Photo B

View of the backyard to the west

Photo C

View to the north showing the house where porch is proposed

Photo D

View from the backyard to the east

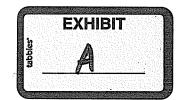
Photo E

View from the neighbor's backyard to the west

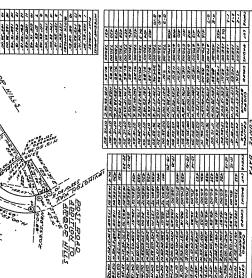
Photo F

View from the street looking generally south

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Legibility Impaired



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6.15.11

To: Matt Tucker

Re: 3017 Irvington Way Application for Variance

Matt, would you please add these two letters of support from our adjacent neighbors to our application file? Thank you.

James D. Peterson



TO: Zoning Board of Appeals

City of Madison

RE: Variance for 3017 Irvington Way

We own the home at 3013 Irvington Way, where we have resided since fall, 2008. Our home is immediately to the east of 3017 Irvington Way.

Jim Peterson has spoken to us about the project and shown us the plans for the proposed addition of a three-season porch to the south side of their home.

We urge approval of the requested variance. The proposed porch would not interfere with our light or air, or our enjoyment of the nature conservancy to the south of our home.

We would prefer the proposed project over a porch built in the area of the existing deck. Building the porch off the dining room, as proposed, would afford greater privacy both to us and to the residents of 3017 Irvington Way.

The proposed improvements to 3017 Irvington Way are attractive, unobtrusive and would be good for the neighborhood.

Ron and Brenda Ulvog 3013 Irvington Way

Madison, WI 53713

TO: Zoning Board of Appeals

City of Madison

RE: Variance for 3017 Irvington Way

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I own the home at 3021 Irvington Way, immediately to the west of 3017 Irvington Way. I have resided here for nearly 15 years, since fall, 1996.

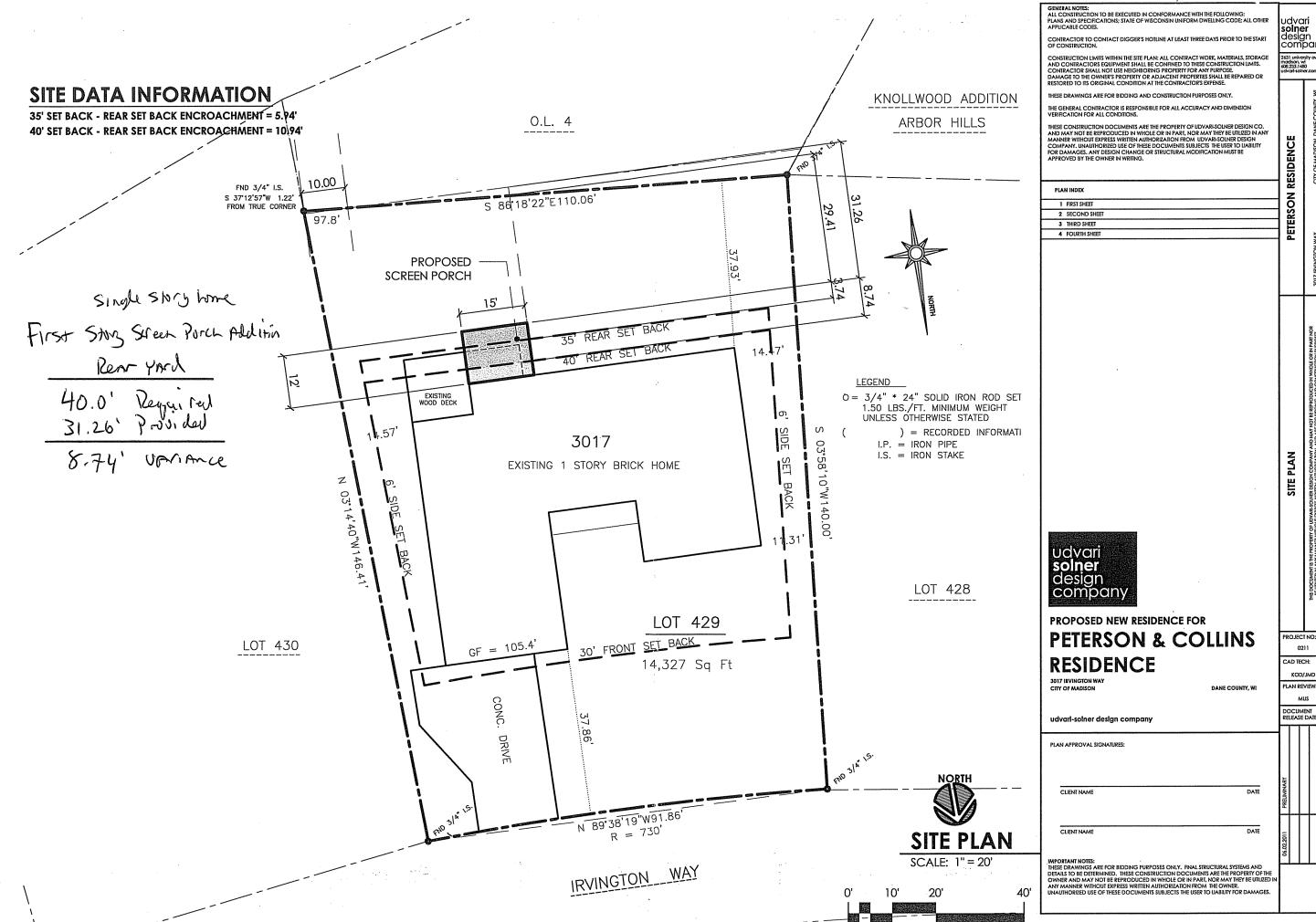
Jim Peterson has spoken to me about the project and shown me the plans for the proposed addition of a three-season porch to the south side of their home.

I urge approval of the requested variance. The proposed porch would not interfere with my light, or air or my enjoyment of the nature conservancy to the south of our homes. In fact, because my home is sited somewhat to the north of the home at 3017 Irvington Way, the proposed porch would be nearly invisible from my home,

I think the proposed improvements to 3017 Irvington Way are attractive, unobtrusive and would be good for the neighborhood.

Ronald F. Miller

3021 Irvington Way Madison, WI 53713



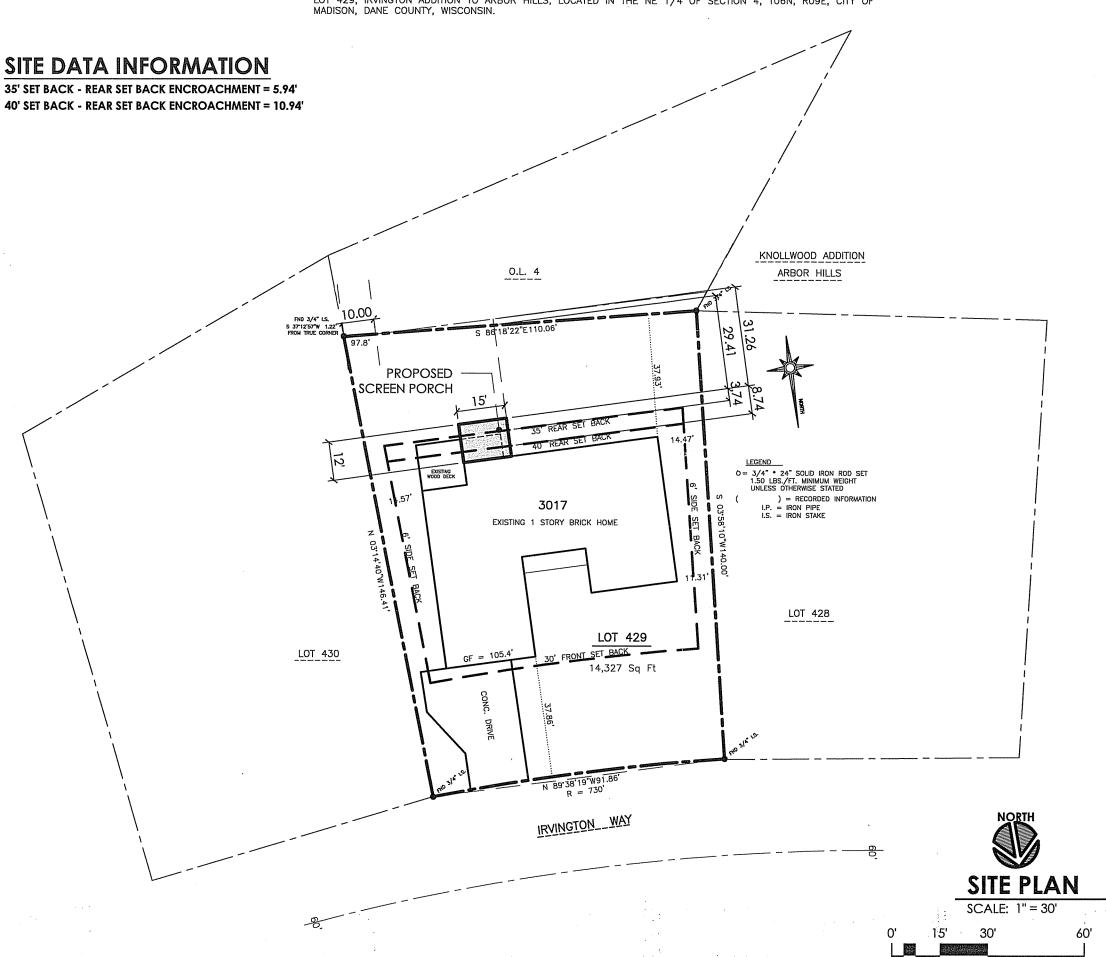
udvari **solner** design company

KOD/JMD

LAN REVIEWER

OCUMENT ELEASE DATES:

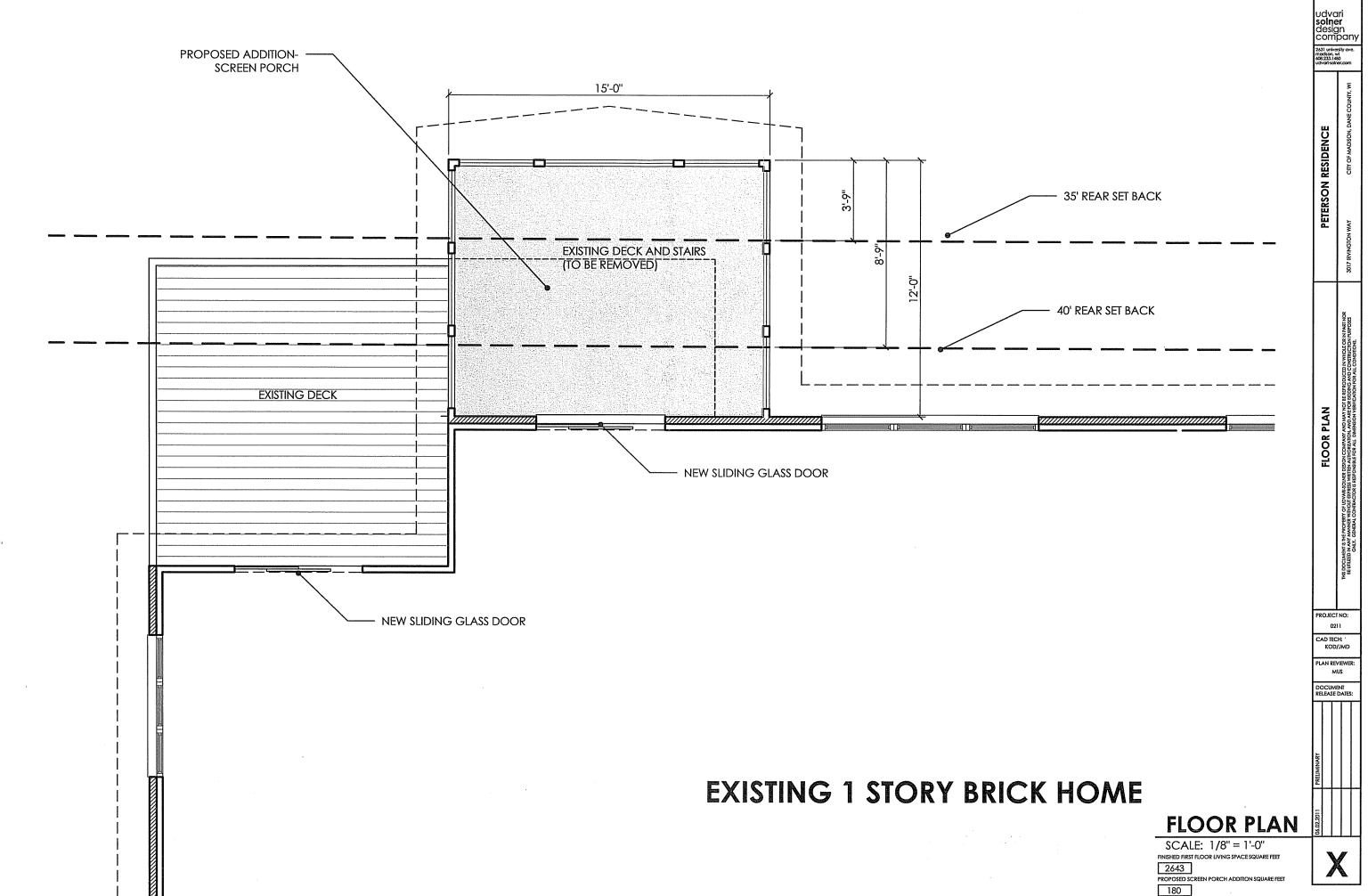
LOT 429, IRVINGTON ADDITION TO ARBOR HILLS, LOCATED IN THE NE 1/4 OF SECTION 4, TO6N, R09E, CITY OF

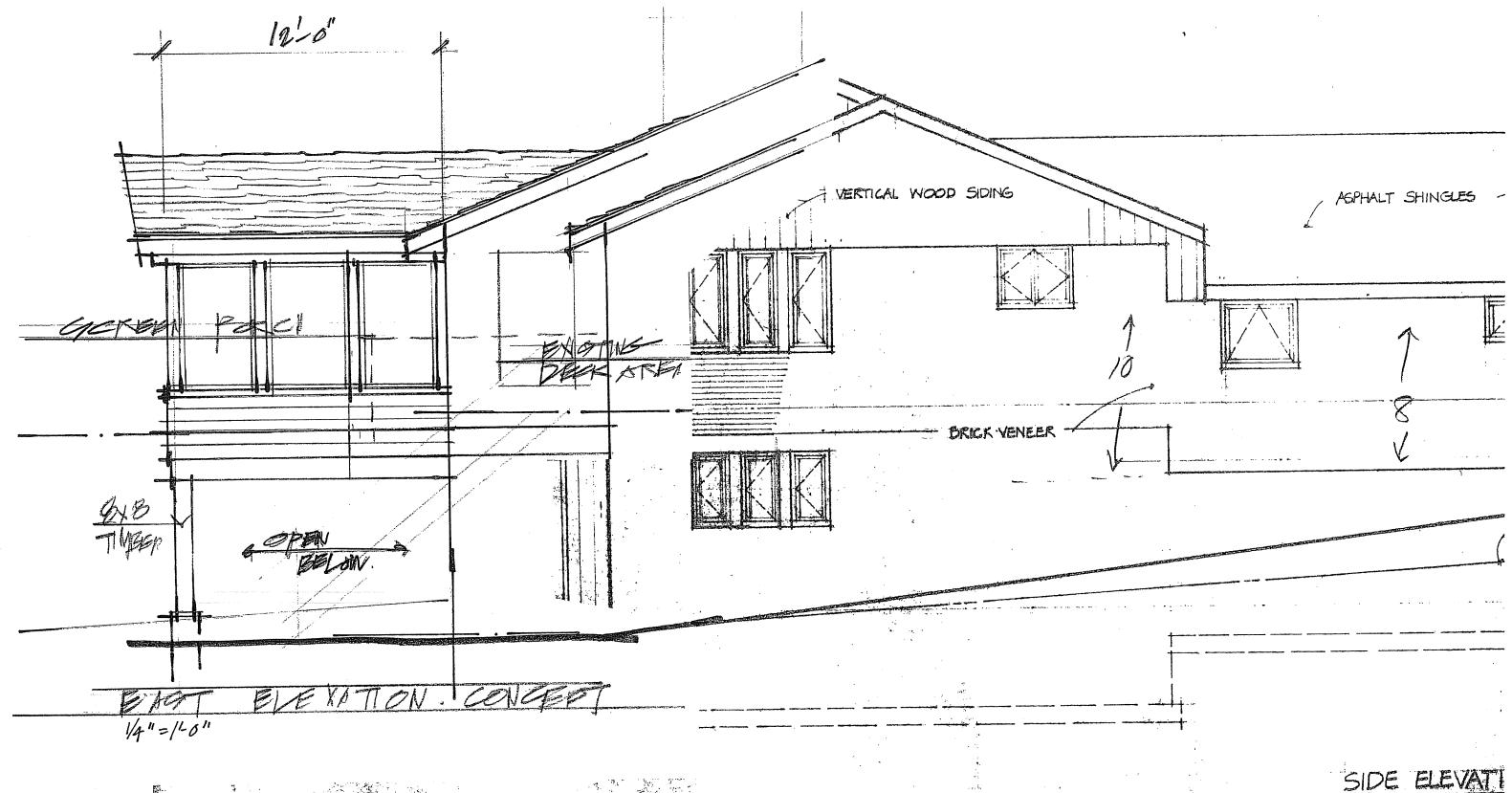


GENERAL NOTES:
ALL CONSTRUCTION TO BE EXECUTED IN CONFORMANCE WITH THE FOLLOWING:
PLANS AND SPECIFICATIONS; STATE OF WISCONSIN UNIFORM DWELLING CODE: ALL OTHER
APPLICABLE CODES. udvari **solner** design company CONTRACTOR TO CONTACT DIGGER'S HOTLINE AT LEAST THREE DAYS PRIOR TO THE START OF CONSTRUCTION. CONSTRUCTION LIMITS WITHIN THE SITE PLAN: ALL CONTRACT WORK, MATERIALS, STORAGE AND CONTRACTORS EQUIPMENT SHALL BE CONFINED TO THESE CONSTRUCTION LIMITS. CONTRACTOR SHALL NOT USE NEIGHBORING PROPERTY FOR ANY PURPOSE. DAMAGE TO THE OWNERS PROPERTY OR ADJACENT PROPERTIES SHALL BE REPAIRED OR RESTORED TO ITS ORIGINAL CONDITION AT THE CONTRACTORS EXPENSE. THESE DRAWINGS ARE FOR BIDDING AND CONSTRUCTION PURPOSES ONLY. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL ACCURACY AND DIMENSION VERIFICATION FOR ALL CONDITIONS. THESE CONSTRUCTION DOCUMENTS ARE THE PROPERTY OF UDVARISOLNER DESIGN CO. AND MAY NOT BE REPRODUCED IN WHOLE OR IN PART, NOR MAY THEY BE UTILIZED IN ANY MANNER WITHOUT EXPRESS WRITEN AUTHORIZATION FROM UDVARISOLNER DESIGN COMPANY, UNAUTHORIZED USE OF THESE DOCUMENTS SUBJECTS THE USER TO LABILITY FOR DAMAGES, ANY DESIGN CHANGE OR STRUCTURAL MODIFICATION MUST BE APPROVED BY THE OWNER IN WRITING. RESIDENCE CITY OF MADISON PLAN INDEX 1 FIRST SHEET 2 SECOND SHEET SITE PLAN udvari **solner** design company PROPOSED NEW RESIDENCE FOR **PETERSON & COLLINS** PROJECT NO: 0211 RESIDENCE CAD TECH: KOD/JMD 3017 IRVINGTON WAY CITY OF MADISON PLAN REVIEWER DANE COUNTY, WI MUS DOCUMENT RELEASE DATES: udvarl-solner design company PLAN APPROVAL SIGNATURES CLIENT NAME IMPORTANT NOTES:

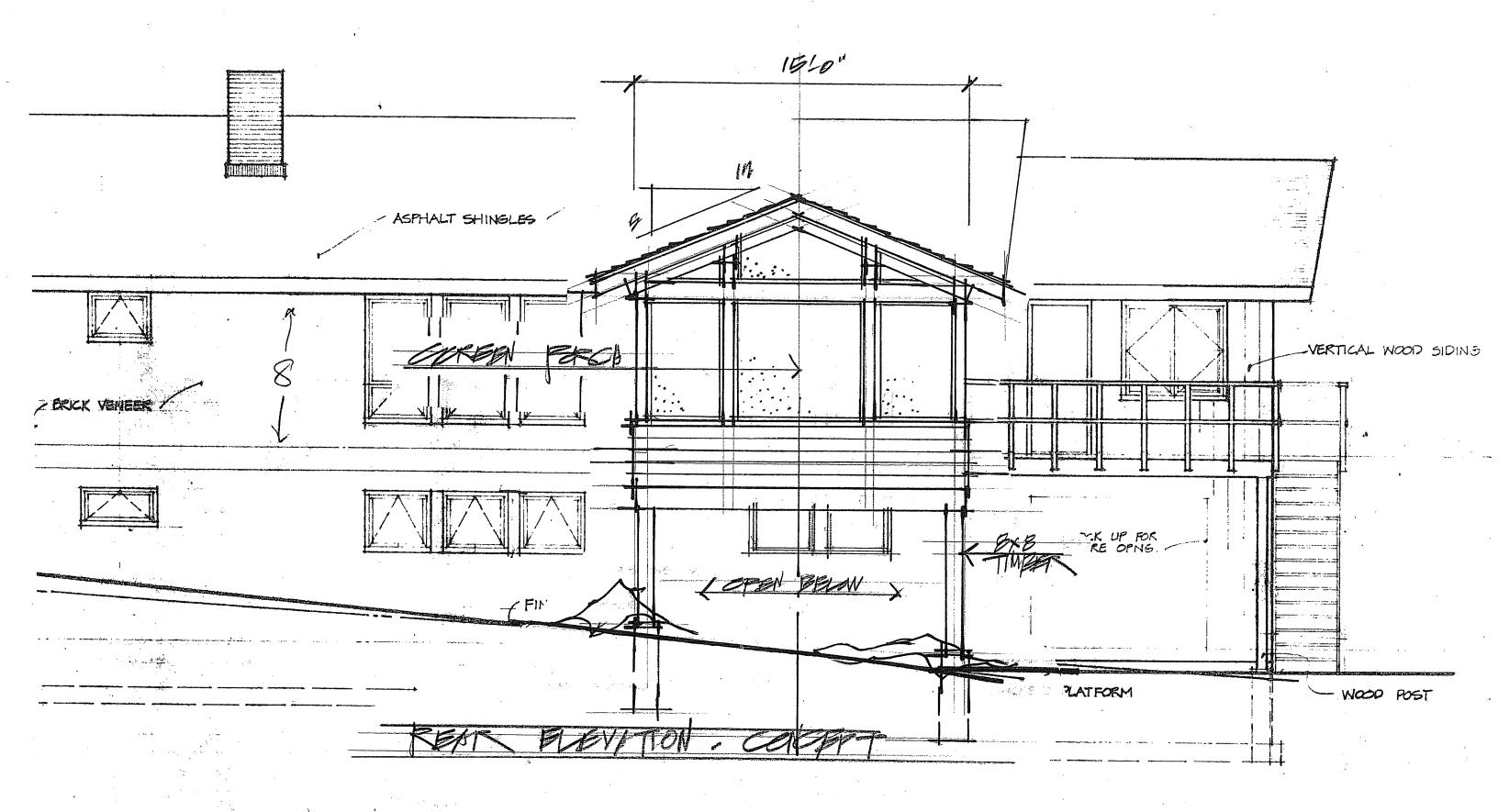
THESE DRAWINGS ARE FOR BIDDING PURPOSES ONLY. FINAL STRUCTURAL SYSTEMS AND DEFAILS TO BE DETERMINED. THESE CONSTRUCTION DOCUMENTS ARE THE PROPERTY OF THE OWNER AND MAY NOT BE REPRODUCED IN WHOLE OR IN PART, NOR MAY THEY BE UTILIZED IN ANY MANIER WITHOUT EXPRESS WRITTEN AUTHORIZATION FROM THE OWNER.

UNAUTHORIZED USE OF THESE DOCUMENTS SUBJECTS THE USER TO LIABILITY FOR DAMAGES.





SIDE ELEVATI



REAR ELEVATION

PLAT OF SURVEY WALKER SURVEYING INC. 5964 LINDA CT. MAZOMANIE WI. 53560

LOT 429, IRVINGTON ADDITION TO ARBOR HILLS, LOCATED IN THE NE 1/4 OF SECTION 4, TOBN, ROBE, CITY OF MADISON, DANE COUNTY, WISCONSIN.

