



CITY OF MADISON
ZONING BOARD OF APPEALS
APPEAL APPLICATION

\$200 Filing Fee

Ensure all information is **typed** or legibly **printed** using blue or black ink.

Notices are sent to the District Alderperson and to owners of record as listed in the Office of the City Assessor. Maximum size for all drawings is 11" x 17".

Name of Applicant: Patrick McCaughey

Address: ~~914 West Shore Drive~~ 646 West Washington Ave A D
53703

Daytime Phone: (608) 516-9497 Evening Phone: (608) 516-9497

Email: info@mccaugheyproperties.com

1. The undersigned hereby appeals the decision of the Zoning Administrator in regard to
Madison General Ordinance Section No. 28.211, definition of story (b)

2. When relevant to a specific property, fill out below:
Street Address: 801 Erin Street/ 702 West Shore Drive

3. List of grounds for the appeal, statements, evidence of fact, and any additional information associated with the appeal are provided on a separate attachment.

Applicant Signature: *Patrick McCaughey*

FOR OFFICE USE ONLY	
Amount Paid: <u>200-</u>	Zoning District: <u>TR-C2</u>
Receipt: <u>146089</u>	Hearing Date: <u>9/12/13</u>
Filing Date: <u>8/14/13</u>	Published Date: <u>9/5/13</u>
Received By: <u>MP</u>	Appeal Number: _____
Parcel Number: <u>0709-262-0123-0</u>	GQ: <u>Noise Poll'n</u>
Alder District: <u>13- ELLINGSON</u>	_____

DECISION

The Board, in accordance with the findings of fact, hereby determines that the requested appeal for _____ is

Approved **Denied** **Conditionally Approved**

Zoning Board of Appeals Chair: _____

Date: _____



architecture
network, inc.

116 E. Dayton St.
Madison, WI 53703

608.251.7515
608.251.7566 FAX

13 August 2013

City of Madison
Planning and Development
Zoning Board of Appeals
215 Martin Luther King Jr. Blvd.
Room LL-100
Madison, WI 53701-2985

RE: 801 ERIN STREET/702 WEST SHORE DRIVE
APPEAL THE INTERPRETATION OF THE ZONING ADMINISTRATOR
28.211 DEFINITION OF A STORY VS. USE OF ROOF AS AN OPEN DECK

28.211

Story. A story is that portion of a building, other than a basement or mezzanine, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

(a) For the purposes of this ordinance, there shall be only one basement which shall be counted as a story when the front exterior wall of the basement level is exposed more than fifty percent (50%).

(b) Any part of a building that is above the second story and between the eaves and the ridge line of pitched roofs with a slope of 8:12 (33.7 degrees) or greater, is not a story, but may be occupied as long as the requirements for human occupancy are met.

Mr. Tucker has interpreted this to mean that space above a second story may be occupied in a district that allows only two story occupancies as long as it is under a sloping roof. The sloping roof cannot be supported by vertical exterior walls except gable ends. In addition, the use must meet the requirements for human occupancy defined in the Building Code. Open decks with no roof are not allowed.

We disagree with that interpretation and request the Zoning Board of Appeals to approve the use of an open roof deck. We also argue the interpretation is in conflict with the Building Code.

What the interpretation means:

- 1) A two story flat roofed building, well within the height limitations of a zoning district, cannot have a roof deck.
- 2) That same roof deck would be allowed if it were completely covered with a roof with a slope greater than 8:12 that had open gable ends.
- 3) The sloped roof and the roof deck under could be extended seven (7) feet into the front yard setback as an open front porch.

Contradictions with the Building Code:

- 4) The Building Code does allow a habitable room on the level above second floor of no more than 400 SF as long as it is not used for sleeping unless the home has a sprinkler system.
- 5) The space above the second floor can be used as a storage attic covering all or part of the second floor.
- 6) The Building Code allows space above the second floor can be used partially for an attic, up to 400 SF for enclosed occupied space plus the open roof deck.
- 7) The covering of the open deck with a roof becomes problematic to the Building Code enforcers. It can be easily enclosed, creating a larger than 400 SF of enclosed space above the second floor.
- 8) The definition of a porch in the Zoning Code, is in 28.211, Porch, A floor-like platform structure with a roof-like covering, attached to the exterior walls of the building and extending from the structure and which may be enclosed by screen, latticework, windows or other similar materials.

Creative Homeowners:---(and their agents)

- 9) We have all seen front porches become enclosed, heated and used as bedrooms and extensions of enclosed habitable space. Since porches can be enclosed with screens or windows, they will, with or without review by Zoning and Building Inspection.
- 10) It would be better to have a design that cannot be easily modified without review and approval by the City such as an open deck on the space over the second floor structure. That would allow the roof to be used as an open deck. This is a simple way to "Murphy-proof" the design and use of an upper level space that would be compliant with the codes.

If you have any questions, please do not hesitate to call.

Arlan Kay, AIA
Architect



BOUNDARY AND TOPOGRAPHIC SURVEY

ALL OF LOT 1, SPOHN LEVANDER REPLAT, AS RECORDED IN VOLUME 4 OF PLATS, ON PAGE 12A., AS DOCUMENT NUMBER 355968, DANE COUNTY REGISTRY, LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 07 NORTH, RANGE 09 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN.

0 10 20 40 60



SCALE : ONE INCH = TWENTY FEET

ASSUMED NORTH BEARINGS ARE BASED UPON THE NORTH LINE OF LOT 1 ASSUMED TO BEAR N 89°33'00" W

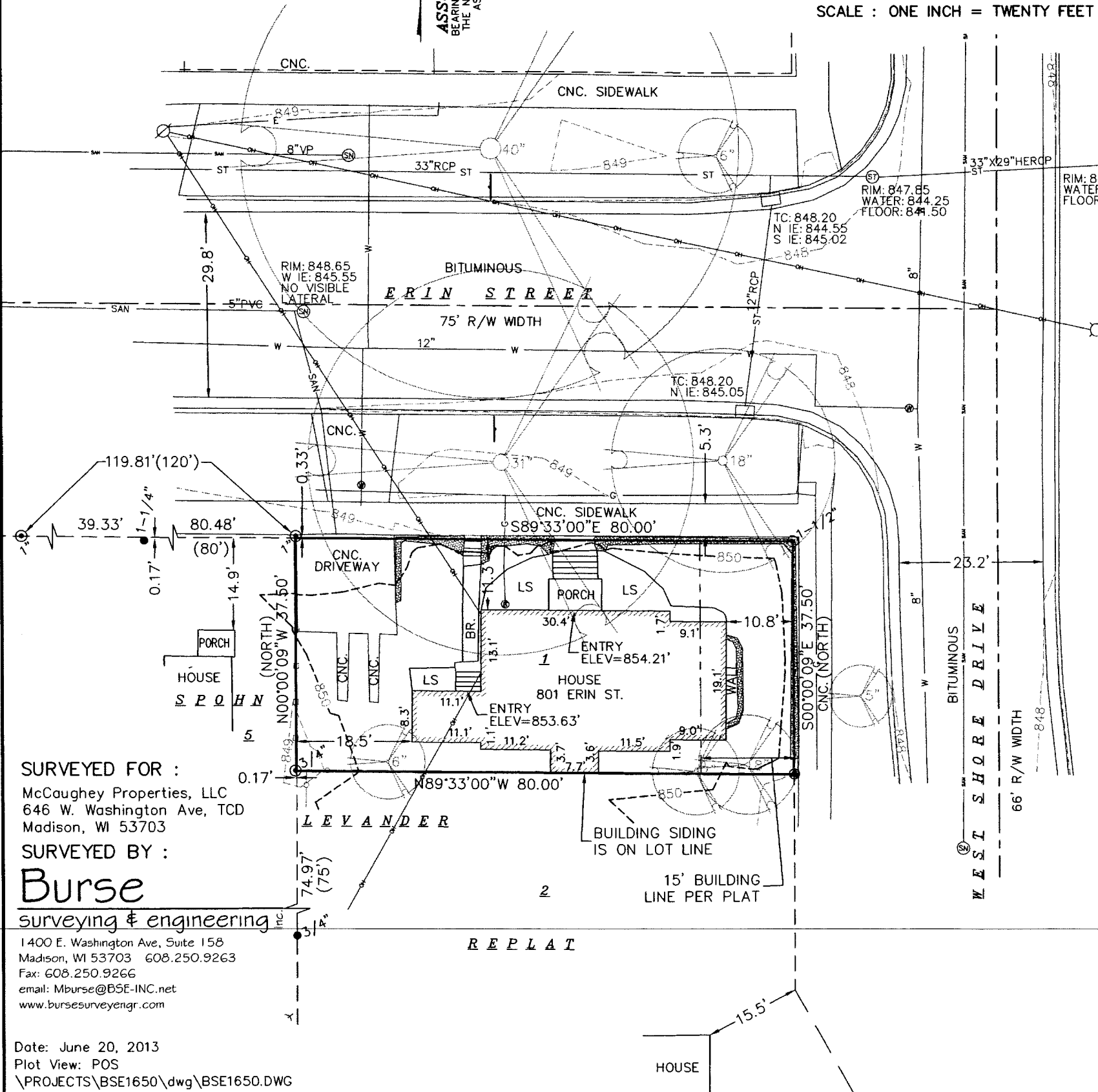
LEGEND

- ⊙ IRON PIPE FOUND (OUTSIDE DIAMETER NOTED)
- SOLID IRON ROD FOUND SIZE NOTED
- ⊙ BIRRENKOTT CAP FOUND PER OFFICE MAP#110517
- () INDICATES RECORDED AS
- DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT. BUILDING DIMENSIONS ARE MEASURED TO THE NEAREST TENTH OF A FOOT.

NOTES:

- 1) Except as specifically stated or shown on this map, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land use regulations; and any other facts that an accurate and current title search may disclose.
- 2) No attempt has been made as a part of this survey to obtain or show data concerning condition or capacity location of any utility or municipal/public service facility. For information regarding these utilities or facilities, please contact the appropriate agencies.
- 3) Date of field work: June 10 and 12, 2013.
- 4) Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- 5) All surface and subsurface improvements on and adjacent to the site are not necessarily shown hereon.
- 6) All trees, hedges and ground cover on the site may not necessarily be shown hereon.
- 7) Routing of public utilities is based upon drawings obtained from the City of Madison Engineering Department, markings provided by Digger's Hotline Ticket Numbers 20132302767, 20132302799 and 20132302817 and visible above ground structures. Additional buried utilities/structures may be encountered. No excavations were made to located utilities. Before excavations are performed contact Digger's Hotline.
- 8) Elevations are based upon NAVD88 datum. The water level of Lake Monona at the time of survey has an elevation of 845.46 feet based upon the real time lake level data from the Dane County Land and Water Resources website.
- 9) Total parcel area = 3,000 square feet

- OH— OVERHEAD UTILITY
- G— BURIED GAS MAIN
- W— WATER MAIN
- SAN— SANITARY SEWER
- ST— STORM SEWER
- E— BURIED ELECTRIC
- ⊙ WATER VALVE
- ⊙ GAS VALVE
- ⊙ UTILITY POLE
- ⊙ LIGHT POLE
- SIGN
- ▭ STORM SEWER INLET
- ⊙ DECIDUOUS TREE
- BR. ROCK PAVERS
- CNC. CONCRETE PAVEMENT
- LS LANDSCAPING
- ⊙ ROCK WALL



SURVEYED FOR :
 McCaughey Properties, LLC
 646 W. Washington Ave, TCD
 Madison, WI 53703

SURVEYED BY :

Burse
 surveying & engineering inc

1400 E. Washington Ave, Suite 158
 Madison, WI 53703 608.250.9263
 Fax: 608.250.9266
 email: mburse@BSE-INC.net
 www.bursesurveyengr.com

Date: June 20, 2013
 Plot View: POS
 \PROJECTS\BSE1650\dwg\BSE1650.DWG

DESCRIPTION FURNISHED:

Lot one (1), Spohn Levander Replat of Block 25, Greenbush Addition, in the City of Madison, Dane County, Wisconsin.

SURVEYOR'S CERTIFICATE:

I, Frank J. Lapacek, Registered Land Surveyor, No. 2658, hereby certify that the foregoing survey was executed under my direction and control, and that said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (A-E7), and the map hereon is correct to the best of my knowledge and belief.

Dated this 20th day of JUNE, 2013

Signed: Frank J. Lapacek
 Frank J. Lapacek, R.L.S. No. 2658



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

McCaughey RESIDENCE

702 West Shore Drive
Madison, Wisconsin

REVISIONS:

NO.	DESCRIPTION

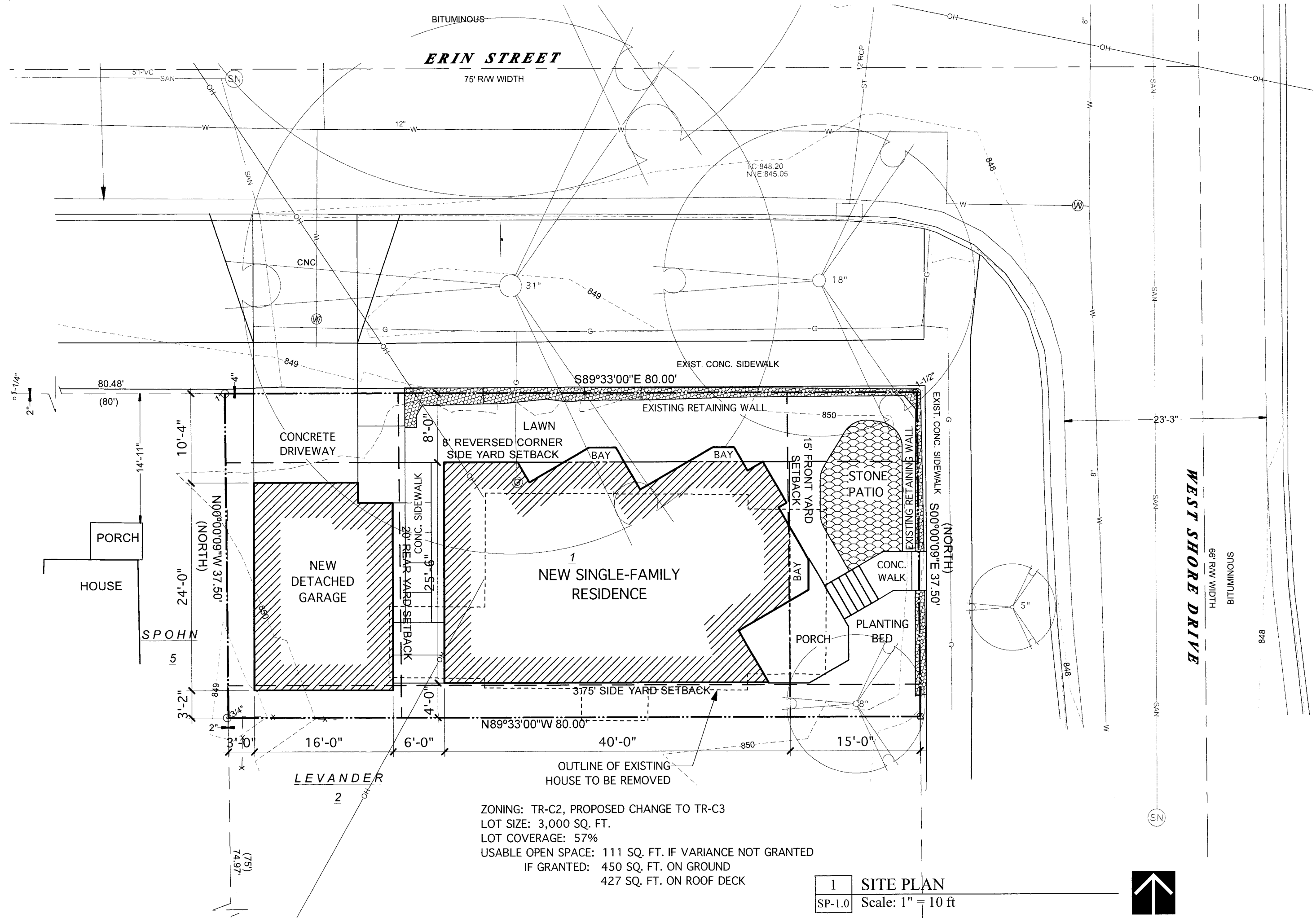
DATE: 14 Aug 2013
SCALE: AS SHOWN
PROJECT: K1304
DRAWN BY: DTZ

DRAWING NAME:

SITE PLAN

DRAWING NUMBER:

SP-1.0



ZONING: TR-C2, PROPOSED CHANGE TO TR-C3
LOT SIZE: 3,000 SQ. FT.
LOT COVERAGE: 57%
USABLE OPEN SPACE: 111 SQ. FT. IF VARIANCE NOT GRANTED
IF GRANTED: 450 SQ. FT. ON GROUND
427 SQ. FT. ON ROOF DECK

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





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NOT FOR CONSTRUCTION
 - ◇ **PROGRESS SET**
NOT FOR CONSTRUCTION
- PROJECT:

McCaughey RESIDENCE

801 Erin Street
 Madison, Wisconsin

REVISIONS:

DATE: 31 JULY 2013
 SCALE: NO SCALE
 PROJECT: K1304
 DRAWN BY: DTZ

DRAWING NAME:
 EXISTING EXTERIOR PHOTOS

DRAWING NUMBER:
X-2.0



- ISSUE:
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NOT FOR CONSTRUCTION
 - ◇ **PROGRESS SET**
NOT FOR CONSTRUCTION
- PROJECT:

**McCaughey
RESIDENCE**

801 Erin Street
Madison, Wisconsin

REVISIONS:

DATE: 31 JULY 2013
SCALE: NO SCALE
PROJECT: K1304
DRAWN BY: DTZ

DRAWING NAME:
EXISTING INTERIOR
PHOTOS

DRAWING NUMBER:
X-1.0



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 ◆ **PRELIMINARY**
 NOT FOR CONSTRUCTION
 ◆ **PROGRESS SET**
 NOT FOR CONSTRUCTION
 PROJECT:

**McCaughey
RESIDENCE**

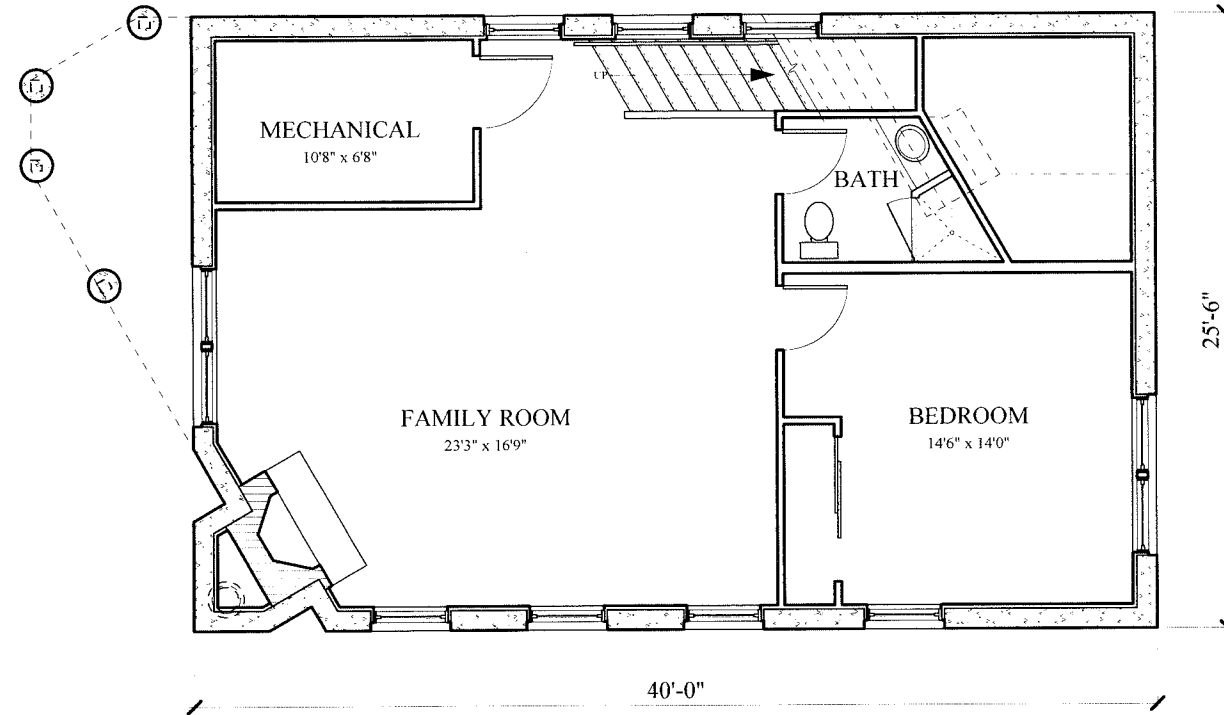
801 Erin Street
Madison, Wisconsin

REVISIONS:

DATE: 31 JULY 2013
 SCALE: NO SCALE
 PROJECT: K1304
 DRAWN BY: DTZ

DRAWING NAME:
 EXISTING INTERIOR
 PHOTOS

DRAWING NUMBER:
X-1.1



1 BASEMENT PLAN
A-1.0 Scale: 1/8" = 1'-0"

- ISSUE:
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**McCaughey
RESIDENCE**

702 West Shore Drive
Madison, Wisconsin

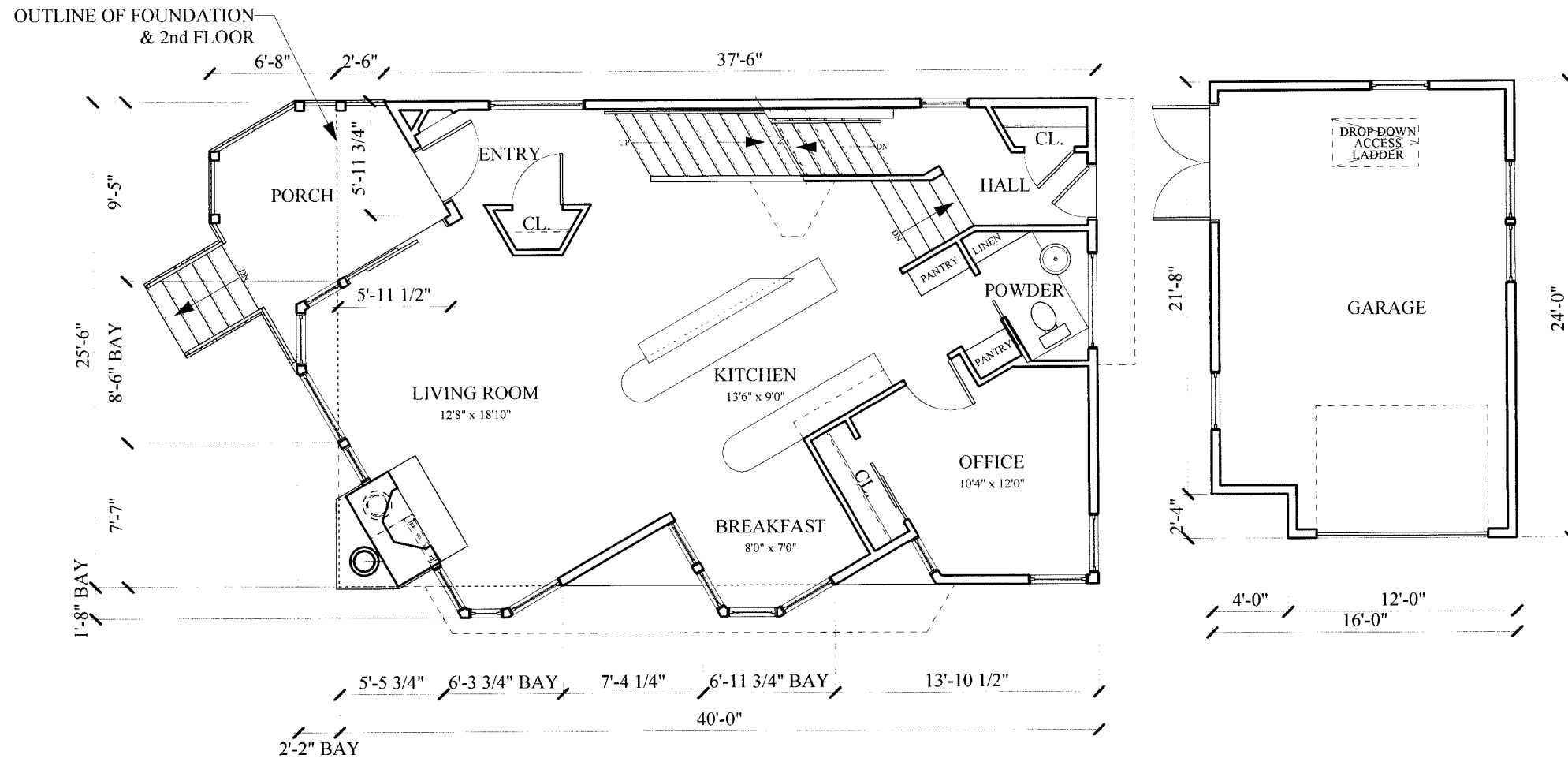
REVISIONS:

DATE: 14 Aug 2013
SCALE: AS SHOWN
PROJECT: K1304
DRAWN BY: DTZ

DRAWING NAME:
BASEMENT
PLAN

DRAWING NUMBER:

A-1.0



1 FIRST FLOOR PLAN
A-1.1 Scale: 1/8" = 1'-0"

- ISSUE:
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NOT FOR CONSTRUCTION
 - ◇ PROGRESS SET
NOT FOR CONSTRUCTION
- PROJECT:

McCaughey RESIDENCE

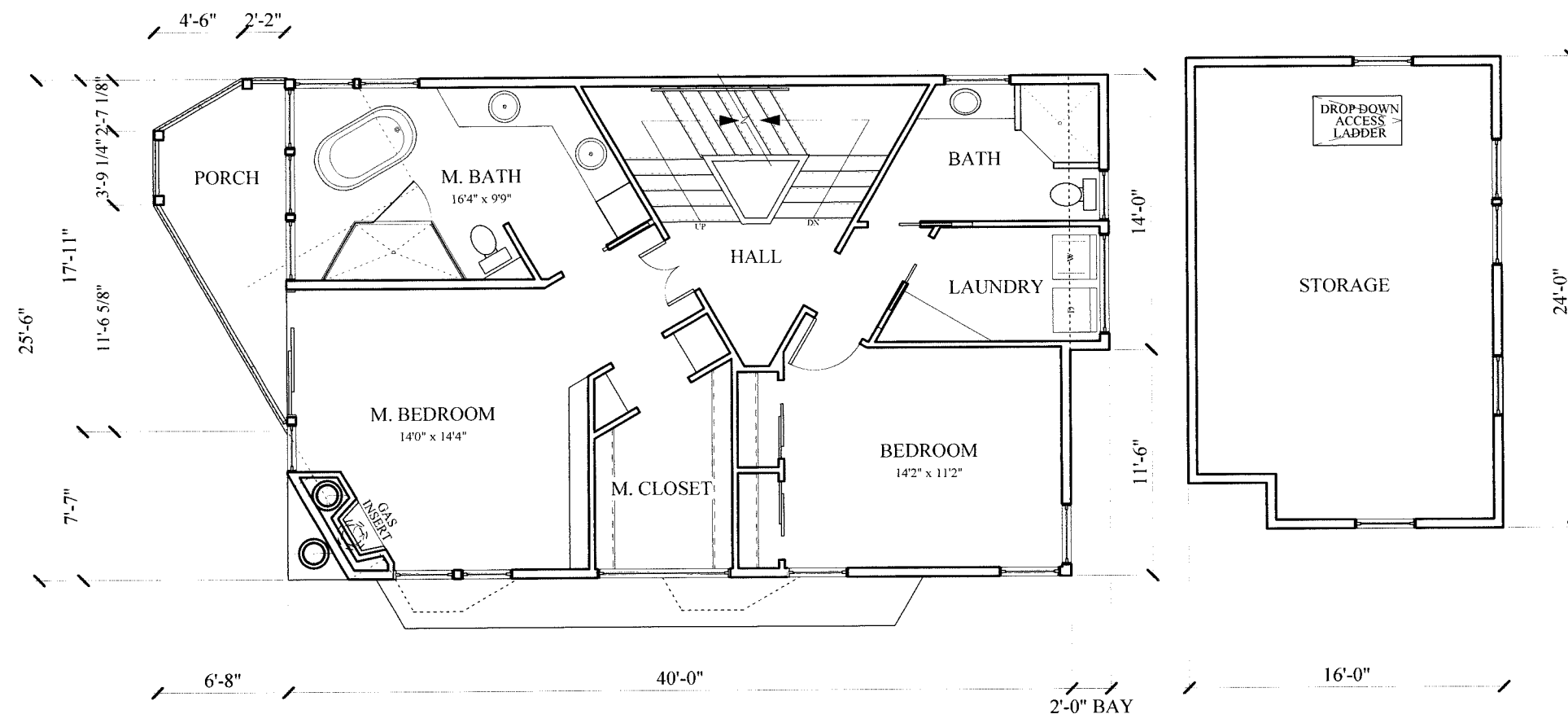
702 West Shore Drive
Madison, Wisconsin

REVISIONS:

DATE: 14 Aug 2013
SCALE: AS SHOWN
PROJECT: K1304
DRAWN BY: DTZ

DRAWING NAME:
FIRST FLOOR PLAN

DRAWING NUMBER:
A-1.1



1 SECOND FLOOR PLAN
A-1.2 Scale: 1/8" = 1'-0"

- ISSUE:
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NOT FOR CONSTRUCTION
 - ◇ PROGRESS SET
NOT FOR CONSTRUCTION
- PROJECT:

McCaughy RESIDENCE

702 West Shore Drive
Madison, Wisconsin

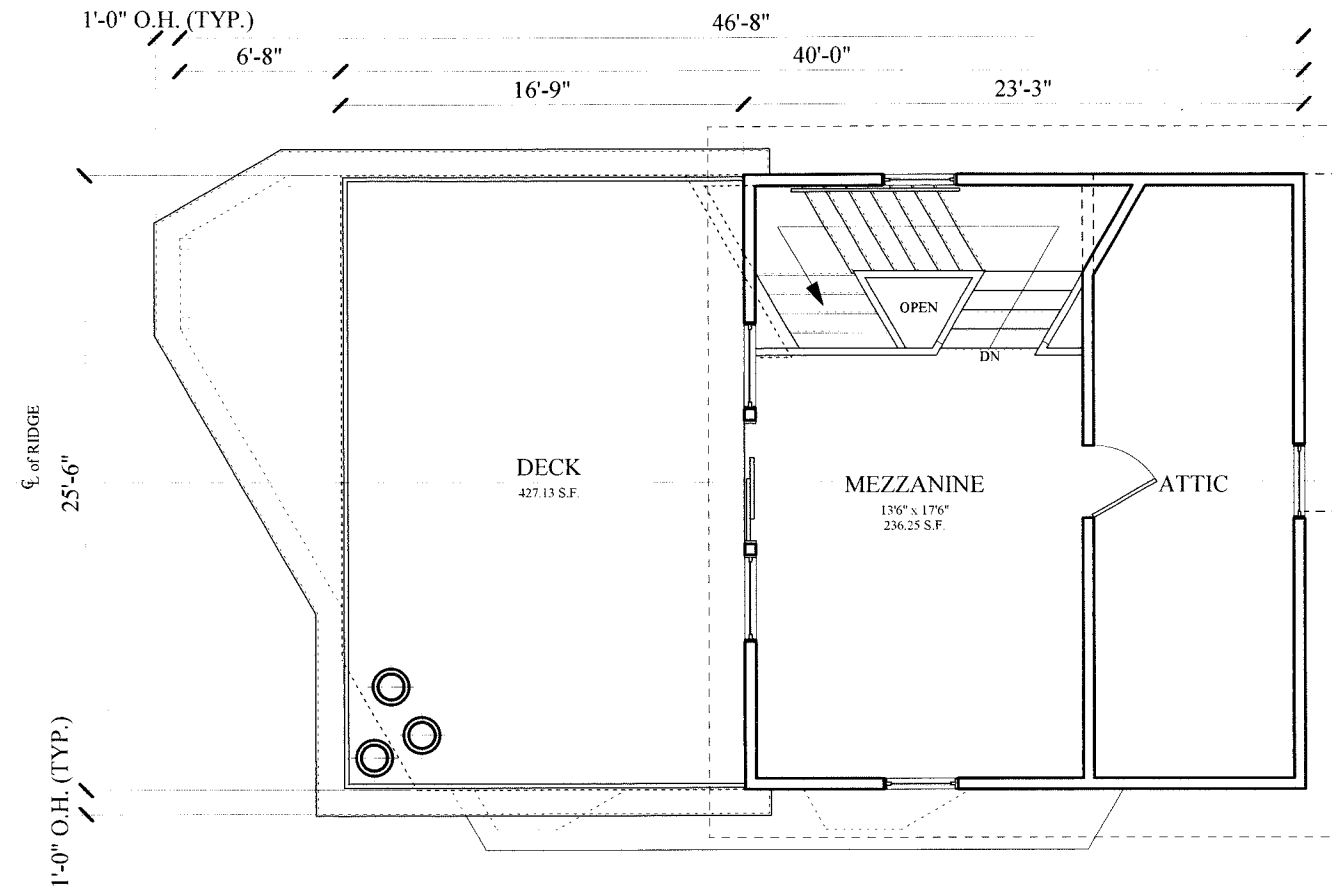
REVISIONS:

DATE: 14 Aug 2013
SCALE: AS SHOWN
PROJECT: K1304
DRAWN BY: DTZ

DRAWING NAME:
SECOND FLOOR PLAN

DRAWING NUMBER:

A-1.2



1 MEZZANINE/ATTIC FLOOR PLAN
A-1.3 Scale: 1/8" = 1'-0"

- ISSUE:
- ◇ CONSTRUCTION SET
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 - ◇ PROGRESS SET
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- PROJECT:

**McCaughey
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702 West Shore Drive
Madison, Wisconsin

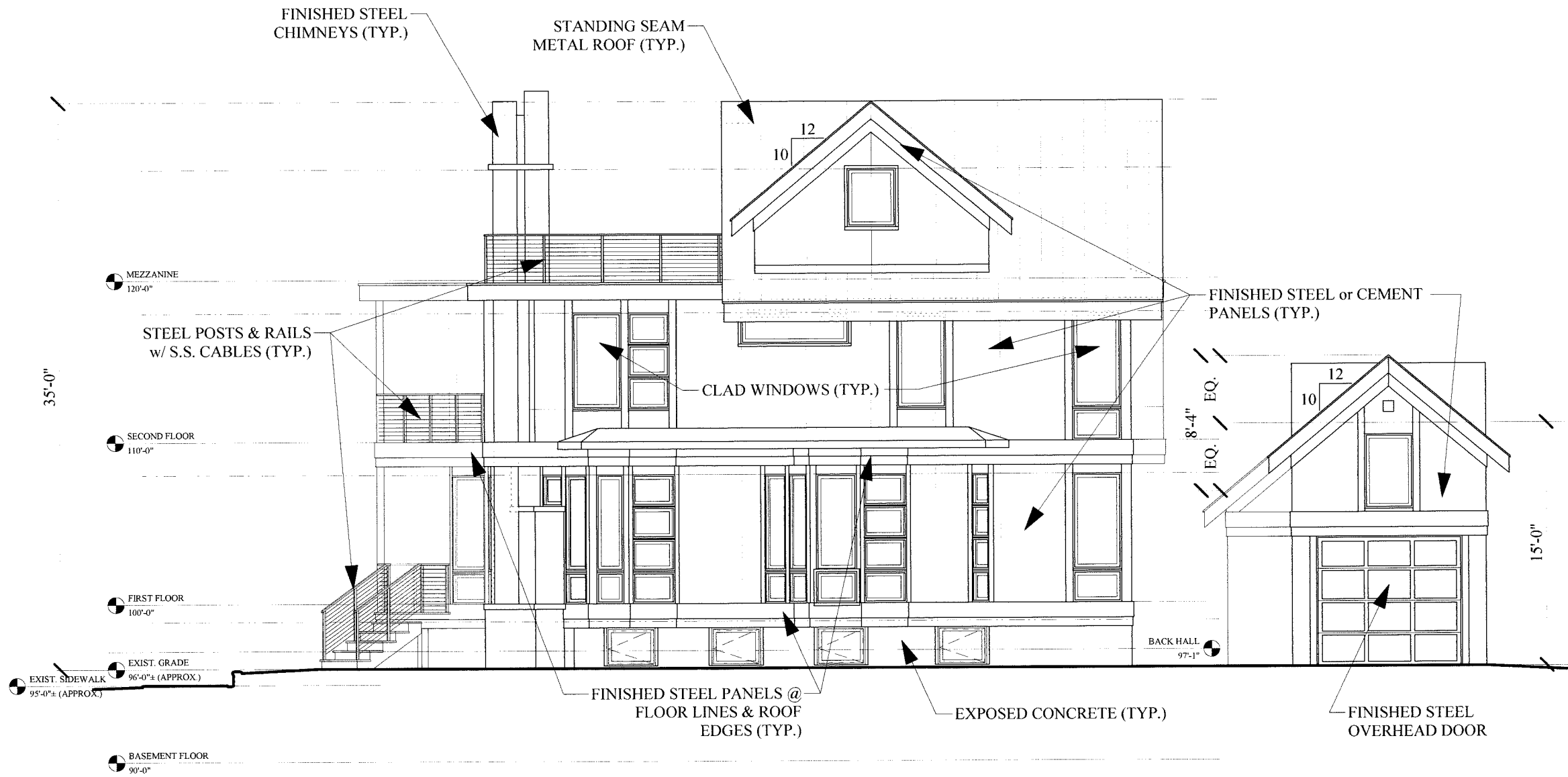
REVISIONS:

DATE: 14 Aug 2013
SCALE: AS SHOWN
PROJECT: K1304
DRAWN BY: DTZ

DRAWING NAME:
MEZZANINE /
ATTIC FLOOR
PLAN

DRAWING NUMBER:

A-1.3



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PROJECT:
McCaughey RESIDENCE

702 West Shore Drive
Madison, Wisconsin

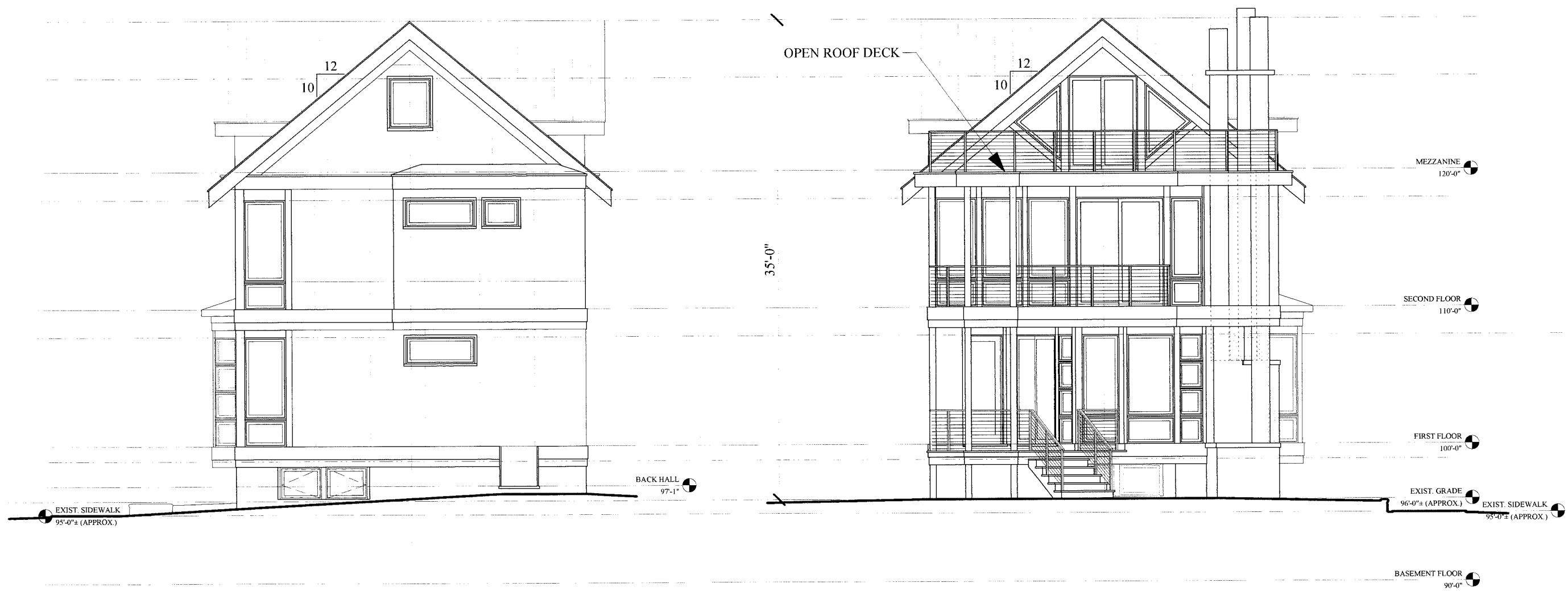
REVISIONS:

DATE: 14 Aug 2013
SCALE: AS SHOWN
PROJECT: K1304
DRAWN BY: DTZ

DRAWING NAME:
EXTERIOR ELEVATIONS

1 NORTH ELEVATION
A-2.0 Scale: 1/8" = 1'-0"

DRAWING NUMBER:
A-2.0



2 WEST ELEVATION
A-2.1 Scale: 1/8" = 1'-0"

1 EAST ELEVATION
A-2.1 Scale: 1/8" = 1'-0"

- ISSUE:
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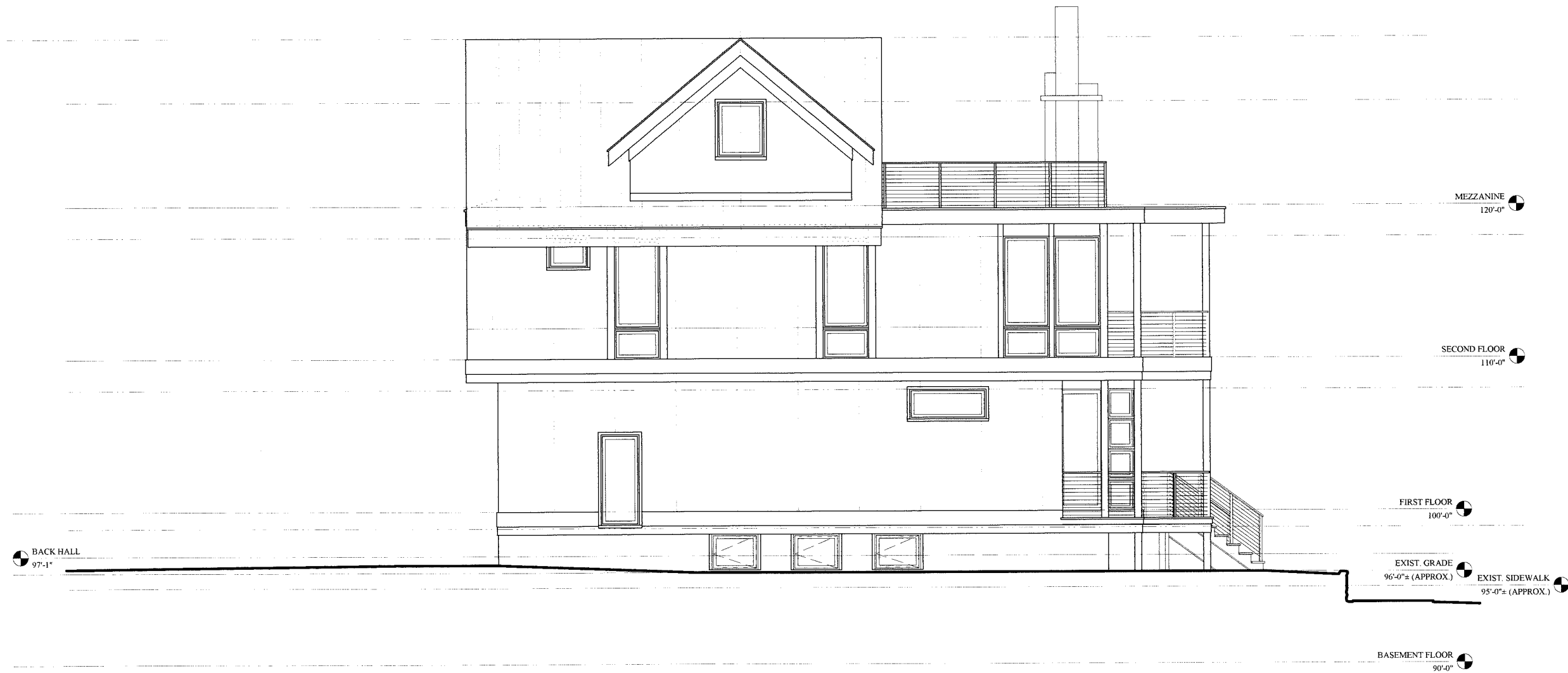
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DATE: 14 Aug 2013
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DRAWING NAME:

EXTERIOR ELEVATIONS

DRAWING NUMBER:

A-2.1



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DRAWING NAME:

**EXTERIOR
ELEVATIONS**

DRAWING NUMBER:

A-2.2

1 SOUTH ELEVATION
A-2.2 Scale: 1/8" = 1'-0"