



**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: 2012 Fisher Street, Madison, WI 53713

Name of Owner: Salli Martyniak

Address of Owner (if different than above): 2045 Atwood Ave. Suite 101A, Madison, WI 53704

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

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

Name of Applicant (Owner's Representative): Kaleem Caire

Address of Applicant: 2012 Fisher Street, Madison, WI 53713

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

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

**Description of Requested Variance:**

The One City Early Learning Center currently has an existing uncoated chain link fence ranging from around 4-5' high. The facility is proposing to remove the existing fence and replace it with a vinyl coated chain link fence. The new fence would follow the same path as the existing one. In the back and side yard the fence will meet all the zoning code requirements. In the front yard the facility is proposing to install a 6' fence on all three sides of the front yard. In the front yard the grade of the existing playground has been built up to be at the same grade as the building. Around the playground space the grade of the site naturally increases from the sidewalk up to the face of the building with a total grade increase of about 4'. The facility is proposing to have a 6' tall fence wrap around the front yard, measured from the building grade. As the new fence follows the path of the existing one, at the most extreme instance it would be mounted on top of a 48" retain wall that is next to the side walk. One City Early Learning center would like to request permission to install this 6' high fence for the front yard.

*(See reverse side for more instructions)*

FOR OFFICE USE ONLY	
Amount Paid: <u>\$300</u>	Hearing Date: <u>6/23/16</u>
Receipt: <u>017063-0003</u>	Published Date: <u>6/16/16</u>
Filing Date: <u>6/2/16</u>	Appeal Number: <u>LVNDIAR-2016-00011</u>
Received By: <u>[Signature]</u>	GQ: <u>WP-18, Ex. CW</u>
Parcel Number: <u>0709-351-0616-6</u>	Code Section(s): <u>28.142(1)(a)5</u>
Zoning District: <u>TR-VI</u>	
Alder District: <u>14-Center</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.

This property is unique for a few different reasons. This is an existing daycare facility that has been renovated for the One City Early Learning Center. The front yard is an existing playground area, that has a grade separation between the sidewalk and the play area. Since this is a early learning facility the playground is a required space, and it is a necessary that it be fenced in. The facility is located on a multi-use, through-lot site with parking in the back. The parking is shared by the neighboring Boys and Girls Club. All these factors contribute to making 2012 Fisher Street a unique property.

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.

The new fence is proposed to be a black vinyl coated chain link fence with no slats. According to the zoning code it would place this type of fence withing the ornamental fence category. With a high transparency percentage, the fence is not a safety hazard, nor would it block air or light from it surroundings. This fence replacement would be in the publics' best 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.

Compliance with the ordinance would be a burden for the facility. To install a 6' fence based on the zoning code requirements the fence would then need to be inset 4' from the retaining wall in the front yard. The playground area would then be significantly reduced and it would be difficult for the facility to retain the required square footage of outdoor play space per child. If the 6' fence is to remain on the indicated path and comply with the zoning code then the retaining wall would have to be removed and the front yard would need to be regraded. This would cause a significant slope in the front yard rendering the space nonfunctional.

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.

This is a new operation that has renovated an existing facility originally built in 1969. The existing site has unique topography that is one of the challenges One City has had to deal with. The existing fence is in obvious need of replacement. The facility is proposing the new fence to be at 6' high, measuring from the building's grade at the first floor. This would keep the fence at a consistent height around the front yard and the best solution to dealing with the unique topography of the site, the requirements of the zoning code, all while maintaining a safe area for children to play.

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

The proposed fence will be following the same path as the existing fence and its material is compliant with the zoning code. The adjacent properties are Boys and Girls Club to North and Quaker Housing Apartment Complex to the South; on both sides there will only be 25' adjusted fence height. The fence in the back yard is zoning compliant and the acceptable fence material will retain its existing transparency percentage. This fence not be a detriment to the adjacent properties.

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

The functionality of the building and the front yard space requires an installation of a fence. It is visually apparent that the existing uncoated chain link fence is in need of replacement. The new fence material will be compliant with the zoning code and will improve the aesthetics of the site. This fence is also compatible with character of the neighborhood. Along Fisher street, it is not uncommon to see a chain link fence on a residential property, commercial property or park. The fence has a high transparency percentage and will retain its visual connection with the neighborhood as well.







North Elevation entering the back yard



South Elevation





South Elevation



West Elevation





Fisher Street Elevation



Front Play Area

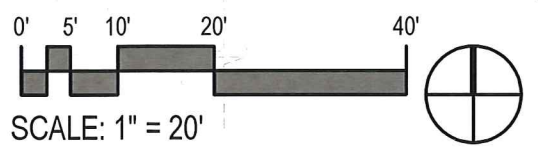
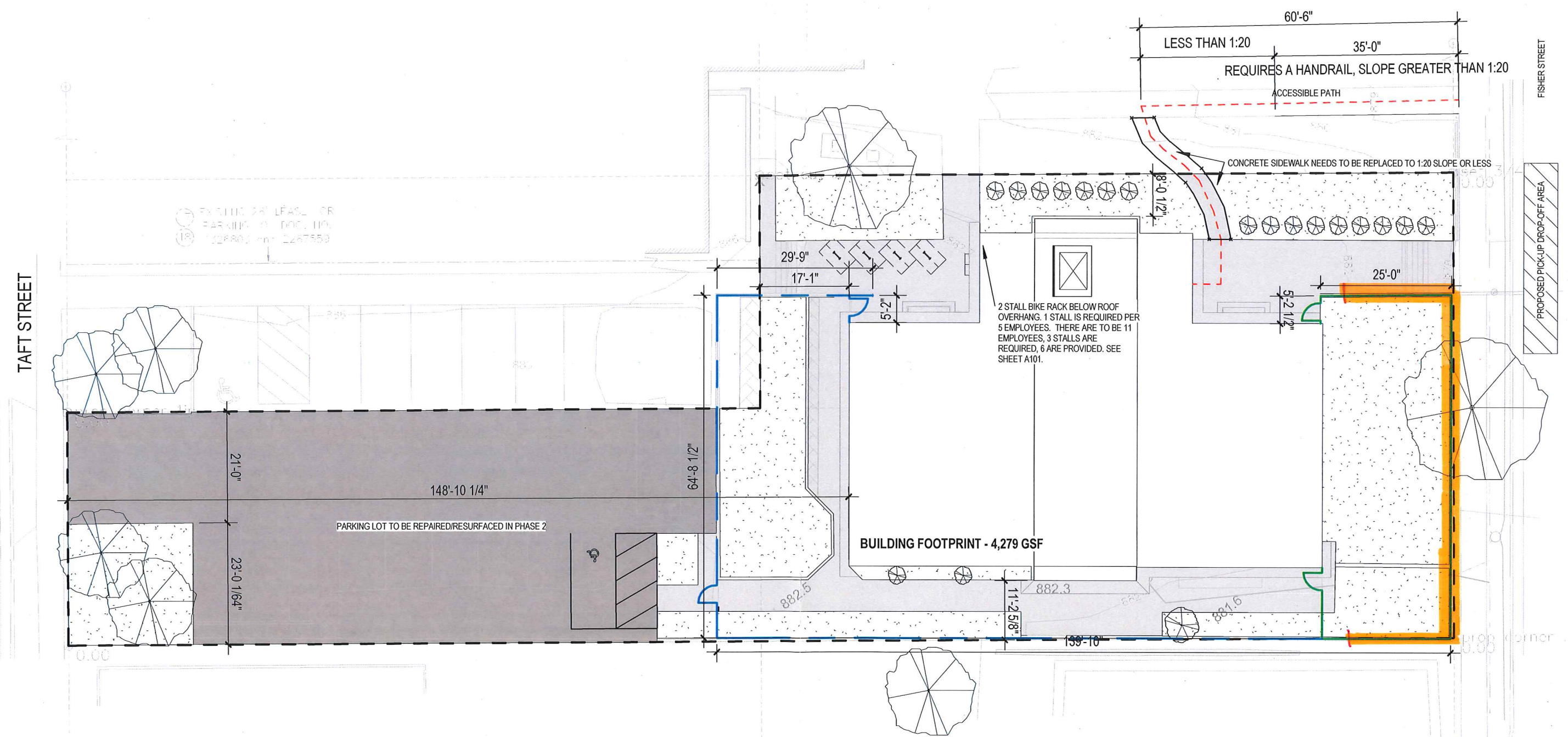


Day Care Center in Residential District

6' Maximum Height allowed  
8' Height provided  
 2' Height Variance

GRAPHICS KEY	
PERVIOUS SURFACE	
IMPERVIOUS SURFACE	

FENCING KEY	
ZONING COMPLIANT FENCE	
PROPOSED 6' TALL FENCE	



**ONE CITY EARLY LEARNING CENTER**

SITE PLAN



eppstein uhen : architects

10/03/14 714349-01  
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