



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: 821 Miami Pass

Name of Owner: _____

Address of Owner (if different than above): _____

Daytime Phone: _____ Evening Phone: same

Email Address: _____

Name of Applicant (Owner's Representative): Christi Weber, TDS Custom Construction

Address of Applicant: 1431 Northern Ct. Madison, WI 53403

Daytime Phone: 608-575-8130 Evening Phone: same

Email Address: christi.weber@tdscustomconstruction.com

Description of Requested Variance:
See attached.

(See reverse side for more instructions)

FOR OFFICE USE ONLY

Amount Paid: <u>\$300</u>	Hearing Date: <u>02/21/2019</u>
Receipt: <u>087355-0003</u>	Published Date: <u>02/14/2019</u>
Filing Date: <u>1/24/19</u>	Appeal Number: <u>LNDIARK-2019-00002</u>
Received By: <u>apl</u>	GQ: <u>OK</u>
Parcel Number: <u>0709-283-2208-4</u>	Code Section(s): _____
Zoning District: <u>TR-C1</u>	_____
Alder District: <u>10 - Choecks</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.

See attached.

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.

See attached.

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.

See attached.

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.

See attached.

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

See attached.

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

See attached.

Application Requirements

Please provide the following Information (Please note any boxes left unchecked below could result in a processing delay or the Board's denial of your application):

☒	Pre-application meeting with staff: Prior to submittal of this application, the applicant is strongly encouraged to discuss the proposed project and submittal material with Zoning staff. Incomplete applications could result in referral or denial by the Zoning Board of Appeals.
☐	Site plan , drawn to scale. A registered survey is recommended, but not required. Show the following on the site plan (Maximum size for all drawings is 11" x 17"): ☐ Lot lines ☐ Existing and proposed structures, with dimensions and setback distances to all property lines ☐ Approximate location of structures on neighboring properties adjacent to variance ☐ Major landscape elements, fencing, retaining walls or other relevant site features ☐ Scale (1" = 20' or 1' = 30' preferred) ☐ North arrow
☐	Elevations from all relevant directions showing existing and proposed views, with notation showing the existing structure and proposed addition(s). (Maximum size for all drawings is 11" x 17")
☐	Interior floor plan of existing and proposed structure , when relevant to the variance request and required by Zoning Staff (Most additions and expansions will require floor plans). (Maximum size for all drawings is 11" x 17")
☐	Front yard variance requests only. Show the building location (front setback) of adjacent properties on each side of the subject property to determine front setback average.
☐	Lakefront setback variance requests only. Provide a survey prepared by a registered land surveyor showing existing setbacks of buildings on adjacent lots, per MGO 28.138.
☐	Variance requests specifically involving slope, grade, or trees. Approximate location and amount of slope, direction of drainage, location, species and size of trees.
☒	CHECK HERE. I acknowledge any statements implied as fact require supporting evidence.
☒	CHECK HERE. 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:  **Date:** Jan 23, 2019

----- (Do not write below this line/For Office Use Only) -----

DECISION

The Board, in accordance with its findings of fact, hereby determines that the requested variance for _____ **(is) (is not)** 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: ☐ **Approved** ☐ **Denied** ☐ **Conditionally Approved**

Zoning Board of Appeals Chair:

Date:

Zoning Variance Application

Project: 821 Miami Pass

Date: January 24, 2019

Description of Requested Variance:

The City of Madison Zoning Ordinance dictates that the property located at 821 Miami Pass (TR-C1) should have a side yard setback of 7 feet (for a 2-story, which the existing house is). The property owner is requesting an area variance for an approximate 7 square feet in the side yard as depicted on the attached drawings and described further below.

Standards for Variance:

1. *There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.*

Some decades ago, an addition to the original house was constructed. For reasons unknown, a small portion of the existing house foundation (approximately 7 square feet) was left open to the exterior and an exterior wall was not built upon it. Photos in the attached drawings show how the area was framed with no detectable waterproofing and a concrete sidewalk was poured on top of it. This condition is concerning from a long-term durability perspective as it leaves the building at risk of bulk water intrusion, rot, heat loss and air leakage.

Additionally, the layout of the existing building together with the jog in the wall required for the rear addition to comply with the side yard setback creates an awkward space with limited usability.

The area described above is currently non-compliant with the required setback.

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 property owner would like to correct the above described conditions by building a new wall on top of the existing foundation and properly enclosing the space. This will not only ensure long-term durability of the home, but will increase the usability of the space in question and the functionality of the kitchen floor plan.

The variance, if approved, would not significantly increase the mass of the existing building, especially considering there is already a roof over the area in question (as shown in the photos attached). The newly enclosed area would be a small extension of an existing

condition and would not be any closer to the lot line than it already is.

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.*

The alternative to the above proposed solution would be to cut away the existing foundation and pour a new foundation. This solution would be unnecessarily invasive as well as cost prohibitive, diverting valuable funds away from the larger project goal of rehabilitating the existing house which is currently in a severe state of disrepair. Also, this alternate would not improve the usability of the existing space and the functionality of the new kitchen layout.

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.*

The existing condition was not created by the existing owner, but rather by an addition to the house that was constructed some decades ago.

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

The variance, if approved, will not negatively affect any views from or encroach on the usability of the adjacent property. As noted above, the variance would not significantly increase the mass of the existing building, especially considering there is already a roof over the area in question. Also, the extension of the existing massing would be no closer to the property line than it is now.

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

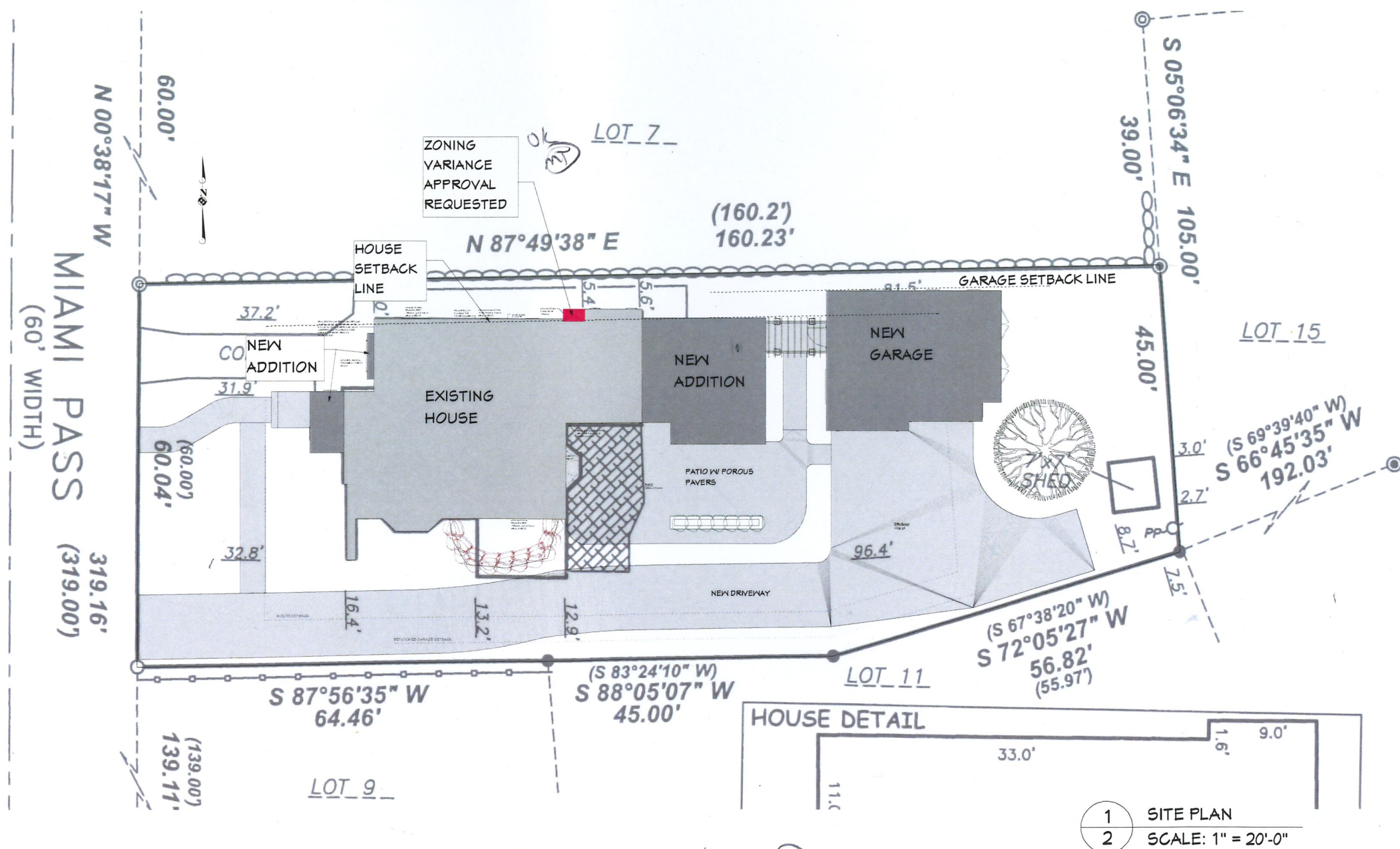
All of the new additions to the existing house, including the one for which this variance request applies, have been designed with sensitivity to the existing style of the house, which is representative of the character of the immediate neighborhood.



Two-story Single-Family Dwelling
Single-story Addition
Side Yard

7.0' Required
5.4' provided

1.6' Variance



FOR ZONING VARIANCE ONLY - NOT FOR CONSTRUCTION

* TR-Cl maximum Seobred ok. (mT)



TIS Custom
CONSTRUCTION INC

1431 NORTHERN CT
MADISON, WI 53703
P 608.251.1814

WHOLE HOUSE REMODEL

Rebecca & Greg Robinson
821 Miami Pass
Madison, WI, 53711

SITE PLAN

OWNER APPROVAL

DRAWN BY:
CLW & NLK

DATE: 1/24/2019

SHEET NO.

2

OF 5

**BIRRENKOTT
SURVEYING, INC.**

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI 53590
Phone (608) 837-7463
Fax (608) 837-1081

PLAT OF SURVEY

SURVEYOR'S CERTIFICATE:

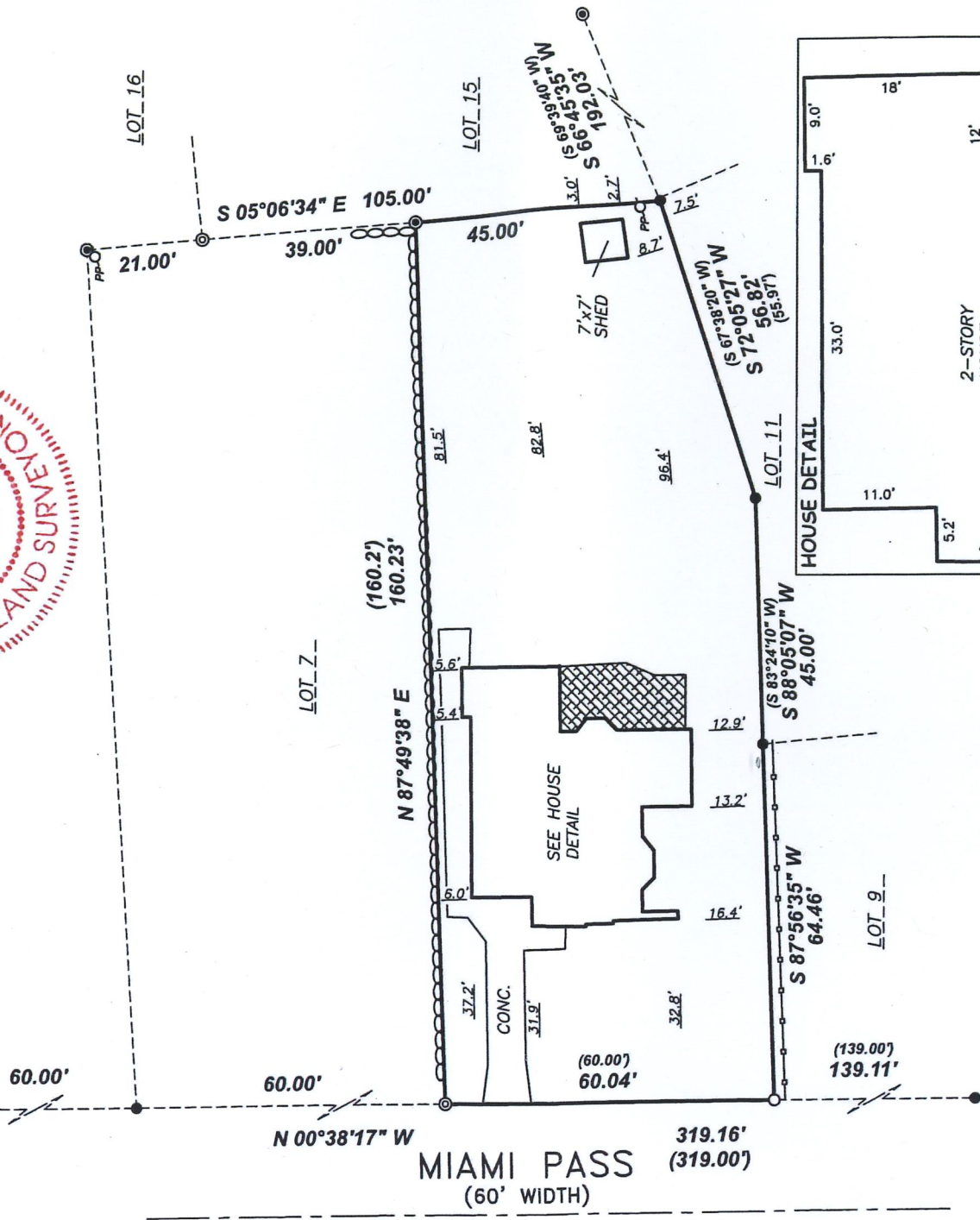
I, Daniel V. Birrenkott, hereby certify that this survey is in compliance with the Wisconsin Administrative Code, Chapter A-E7. I also certify that I have surveyed and mapped the lands described hereon and that the map is a correct representation in accordance with the information provided and is correct to the best of my knowledge and belief.

Description per Title Commitment:

All of Lot Eight (8), Block Nine (9), Madison Realty Company's Replat of Part of Blocks 6, 7, 9, Nakoma, in the City of Madison, Dane County, Wisconsin; EXCEPT that part described as follows: That portion of Lot 8, lying Southerly of a line drawn from the Northwest corner of Lot 12, said Block 9, where it intersects the rear lot line of Lot 8, to the Northwest corner of Lot 11, said Block 9, where it intersects with the South line of Lot 8.

Daniel V. Birrenkott
Wisconsin Professional Land Surveyor No. S-1531.

9-21-2018



Legend:

- ⊙ = Found 1/2" Iron Bar
- = Found 3/4" Iron Bar
- ⊙ = Found 1" Iron Pipe
- ⊙ = Found 1" Pinch Top
- = 1"x24" Iron pipe set min.wt.=1.13#/ln.ft.
- PP-O = Power Pole

- = Wood Fence
- = Rock Wall (1 ft. Wide)
- = Brick Patio

Prepared For:
Rebecca Robinson
5310 Whalen Road
Fitchburg, WI 53575
(650)-387-2511

Bearings referenced to the
East line of Lot 8, platted
bearing S 05°06'34" E

Dated: September 21, 2018
Surveyed: T.A.S.
Drawn: B.T.S.
Checked: D.V.B.
Field book: 371/24-25
Comp. File: J:\2018\CARLSON
Office Map No. 180795

Notes:

This survey is subject to any and all easements and agreements both recorded and unrecorded.

The disturbance of a survey stake by anyone is in violation of Section 236.32 of Wisconsin Statutes.

Wetlands, if present have not been delineated.

This survey shows visible, above-ground improvements only. No guarantee is made for below-ground structures.

Date of Survey: September 11, 2018

SHEET 1 OF 1

SURVEY

SHEET NO.

1

OF 5

WHOLE HOUSE REMODEL

Rebecca & Greg Robinson
821 Miami Pass
Madison, WI, 53711

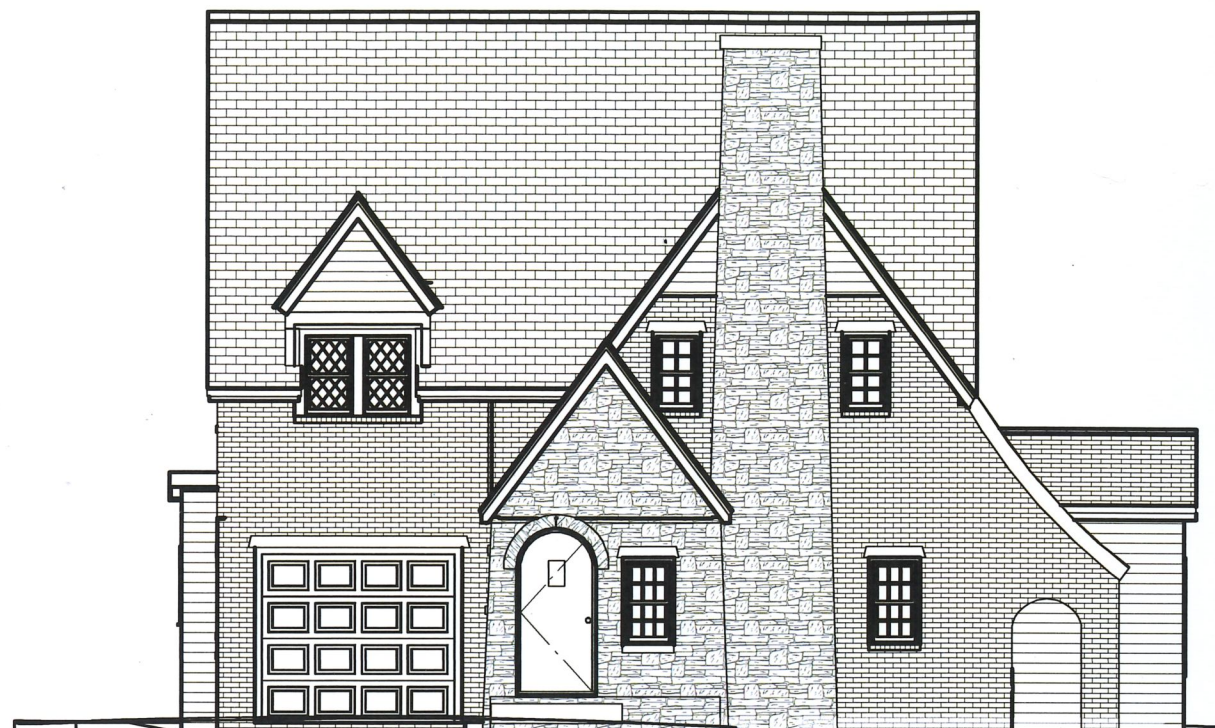
DRAWN BY:
CLW & NLK

OWNER APPROVAL

DATE: 1/24/2019

**Custom
CONSTRUCTION**

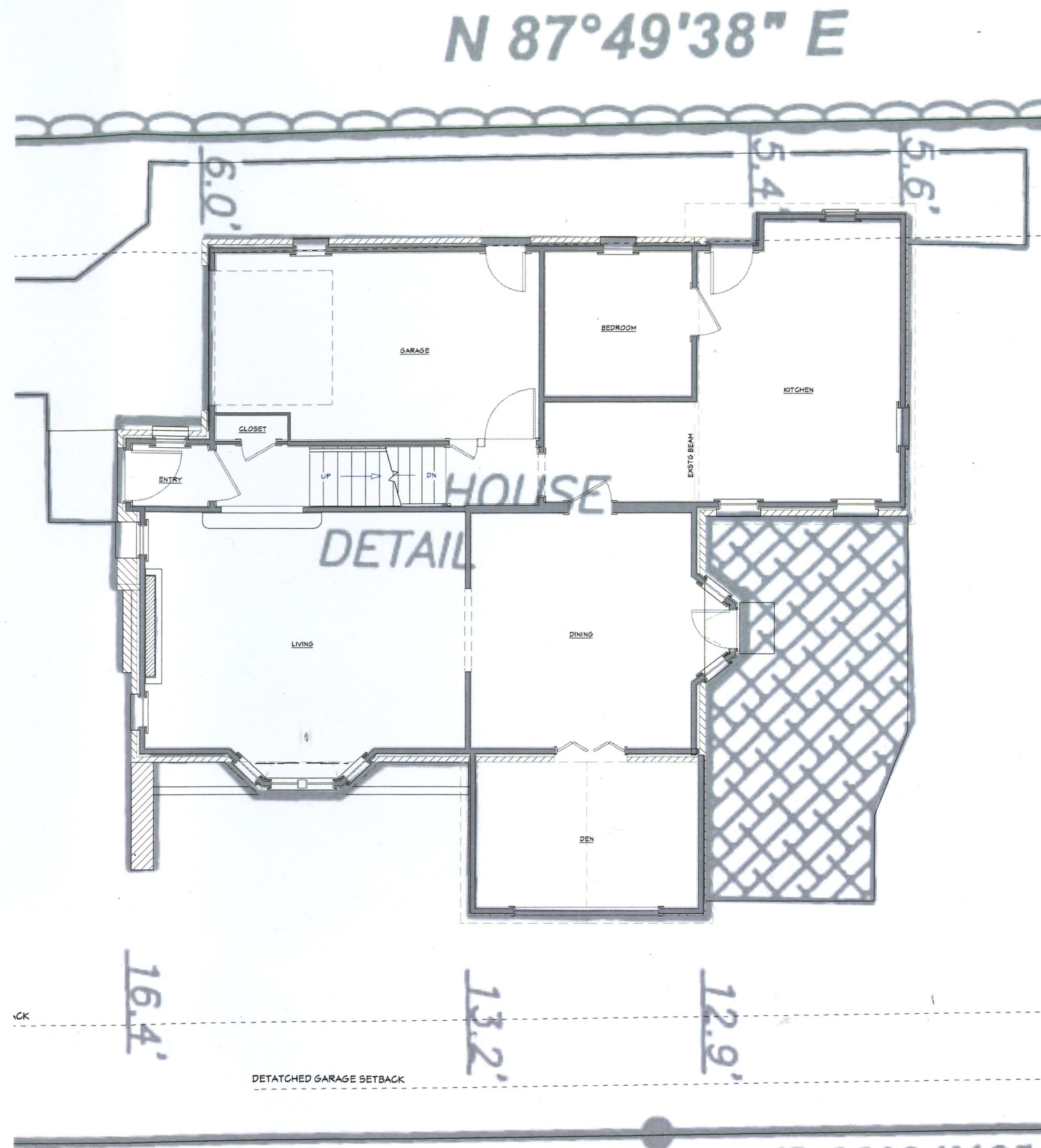
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3 WEST ELEVATION (EXISTING)
3 SCALE: 1/8" = 1'-0"

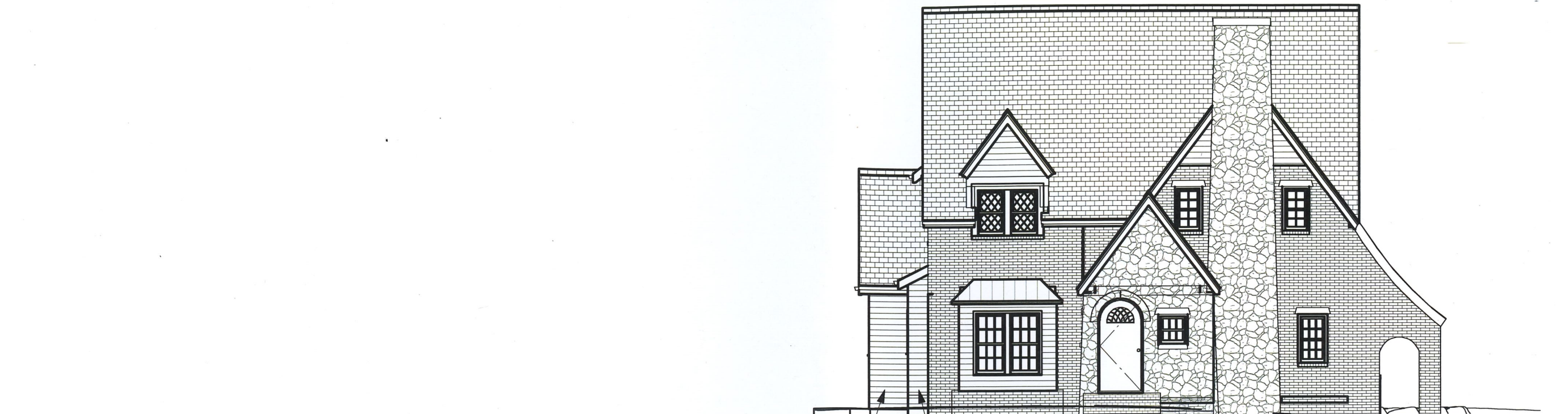


2 NORTH ELEVATION (EXISTING)
3 SCALE: 1/8" = 1'-0"



1 FIRST FLOOR PLAN (EXISTING)
3 SCALE: 1/8" = 1'-0"

FOR ZONING VARIANCE ONLY - NOT FOR CONSTRUCTION



NEW GARAGE
BEYOND

VARIANCE
REQUEST

2 WEST ELEVATION (PROPOSED)
5 SCALE: 1/8" = 1'-0"



VARIANCE
REQUEST

1 NORTH ELEVATION (PROPOSED)
5 SCALE: 1/8" = 1'-0"

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WHOLE HOUSE REMODEL

Rebecca & Greg Robinson
821 Miami Pass
Madison, WI, 53711

PROPOSED ELEVATIONS

OWNER APPROVAL

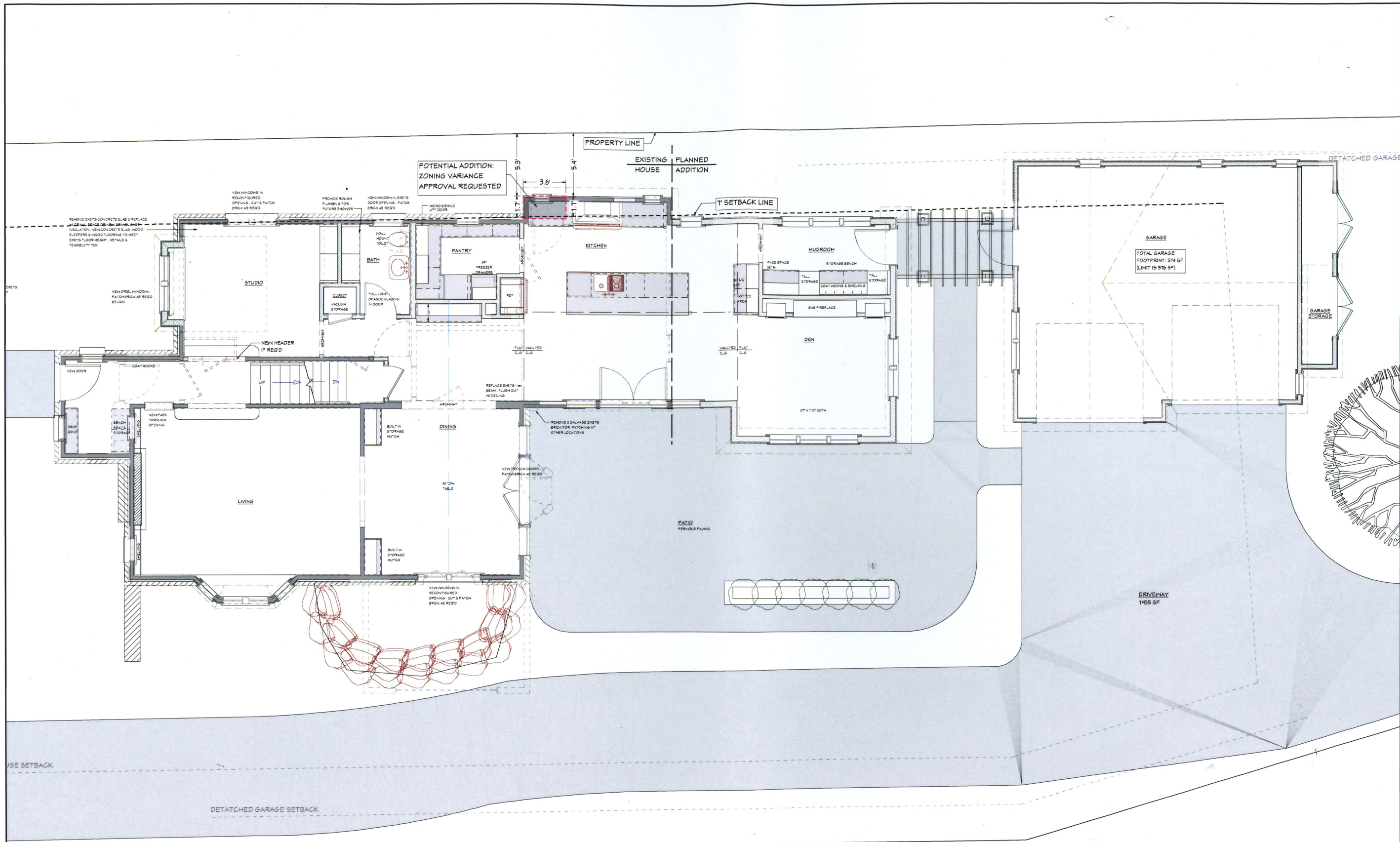
DRAWN BY:
CLW & NLK

DATE: 1/24/2019

SHEET NO.

5

OF 5



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WHOLE HOUSE REMODEL

Rebecca & Greg Robinson
821 Miami Pass
Madison, WI, 53711

PROPOSED FLOOR PLAN

DATE: 1/24/2019

DRAWN BY:
CLW & NLK

OWNER APPROVAL

SHEET NO.
4
OF 5

1 FIRST FLOOR PLAN (PROPOSED)
4 SCALE: 1/8" = 1'-0"

FOR ZONING VARIANCE ONLY - NOT FOR CONSTRUCTION