



**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: 521 N. Blackhawk Ave, Madison WI 53705

Name of Owner: Brian & Sarah Porter

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

Daytime Phone: 1 (414) 628-3716 Evening Phone: same

Email Address: porter.brian.d@gmail.com

Name of Applicant (Owner's Representative): Brian Porter

Address of Applicant: 521 N. Blackhawk Ave  
Madison WI 53705

Daytime Phone: 1 (414) 628-3716 Evening Phone: same

Email Address: same as above

Description of Requested Variance: Requesting a variance to place  
a shed in <sup>the</sup> setback due to the limitations of  
the property. My backyard is considered to be  
a 'front yard' because of street frontage, and because  
of right of way set back, and the building setback,  
it leaves me with no usable space in the back of  
my home. My house is built in the setback already.

(See reverse side for more instructions)

FOR OFFICE USE ONLY	
Amount Paid: <u>\$300</u>	Hearing Date: <u>MARCH 10, 2016</u>
Receipt: <u>13179-0003</u>	Published Date: <u>3/3/16</u>
Filing Date: <u>2/18/16</u>	Appeal Number: _____
Received By: <u>PDA</u>	GQ: <u>NONE</u>
Parcel Number: <u>0709-201-1105-5</u>	Code Section(s): <u>28.043(2)</u>
Zoning District: <u>TR-C2</u>	_____
Alder District: <u>11-</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.

My property is unique along with the rest of my neighbors, due to double frontage. My property has the shallowest depth and has the smallest yard and lot on the block.

2. The variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district Blackhe and is not contrary to the public interest.

All homes on this block treat Eugenia as the rear yard, for all intents and purposes. Placing a shed in the proposed location does not affect the usage, and creates no issues in terms of vision, as it would be set way back from the road.

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.

I don't believe the shed would be allowed in the front yard, and this would undermine the quality of the neighborhood. The back yard is the appropriate place for such a structure. We only have one very small green space that we'd like to keep for our children to play,

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.

Our home was built before current ordinances, and is built in the setback... this is a preexisting issue. The shed is a small conventional size to store garden/maintenance equipment and bikes. We have a very small ~~car~~ car garage which barely houses our car.

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

The shed won't create any detriment to our neighbors property. The neighbor is in support of this proposal.


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

The shed is ~~designed~~ designed to match our home and fits beautifully with the character of our unique neighborhood.

## 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):

<input checked="" type="checkbox"/>	<b>Pre-application meeting with staff:</b> Prior to submittal of this application, the applicant is strongly encouraged to discuss the proposed project and submittal material with Zoning staff. <b>Incomplete applications could result in referral or denial by the Zoning Board of Appeals.</b>
<input checked="" type="checkbox"/>	<b>Site plan</b> , 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"): <input type="checkbox"/> Lot lines <input type="checkbox"/> Existing and proposed structures, with dimensions and setback distances to all property lines <input type="checkbox"/> Approximate location of structures on neighboring properties adjacent to variance <input type="checkbox"/> Major landscape elements, fencing, retaining walls or other relevant site features <input type="checkbox"/> Scale (1" = 20' or 1' = 30' preferred) <input type="checkbox"/> North arrow
<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). (Maximum size for all drawings is 11" x 17")
<input 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). (Maximum size for all drawings is 11" x 17")
<input checked="" 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 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:  Date: 2/17/16

----- (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.

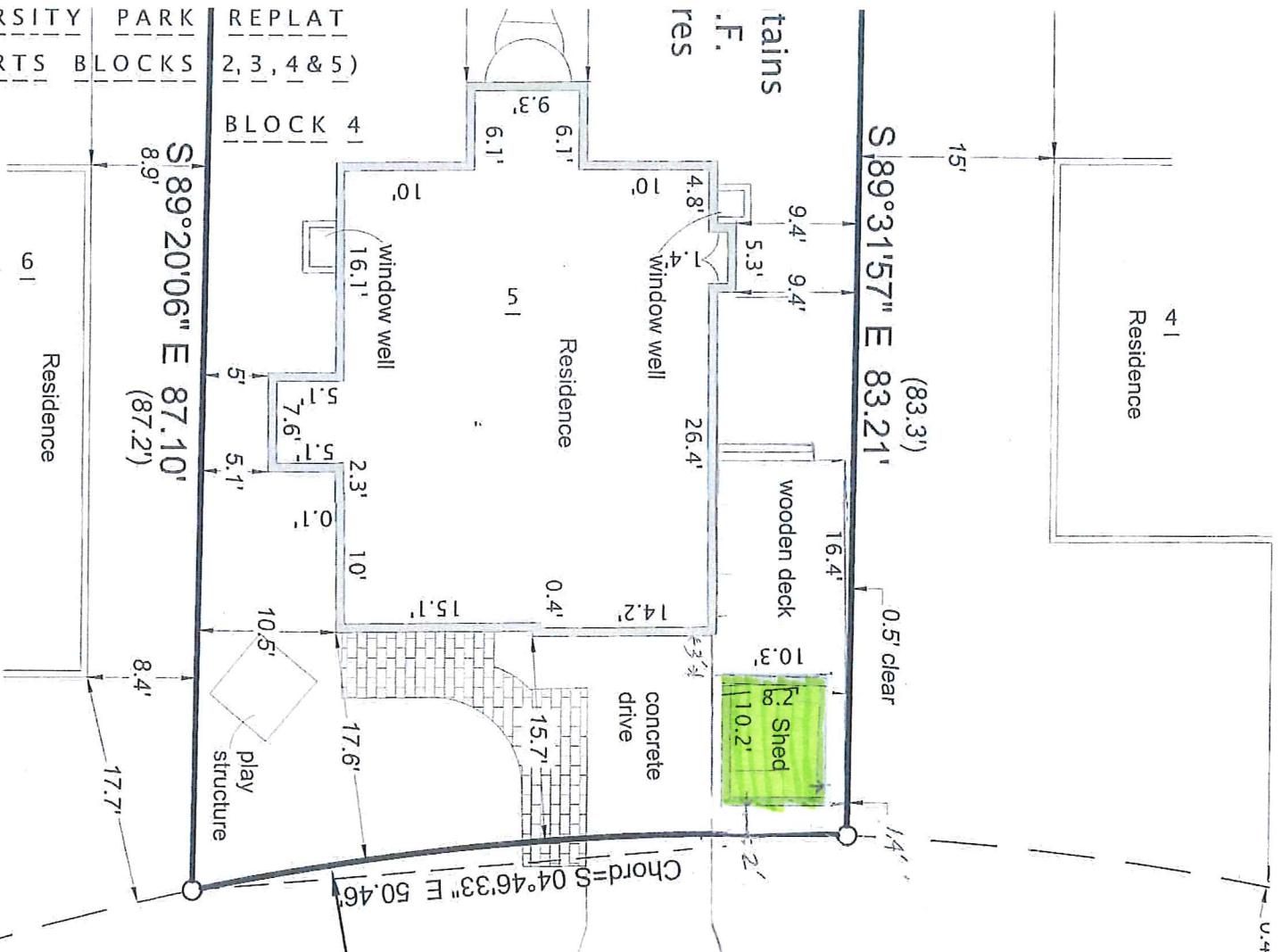
The Zoning Board of Appeals:  Approved  Denied  Conditionally Approved

Zoning Board of Appeals Chair:

Date:

UNIVERSITY PARK REPLAT  
OF PARTS BLOCKS 2, 3, 4 & 5)

BLOCK 4



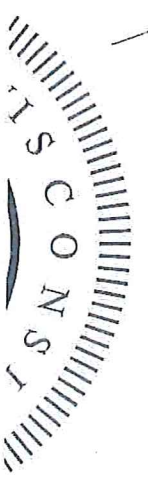
Chord = 50.46' E 50.46' S 04° 46' 33"

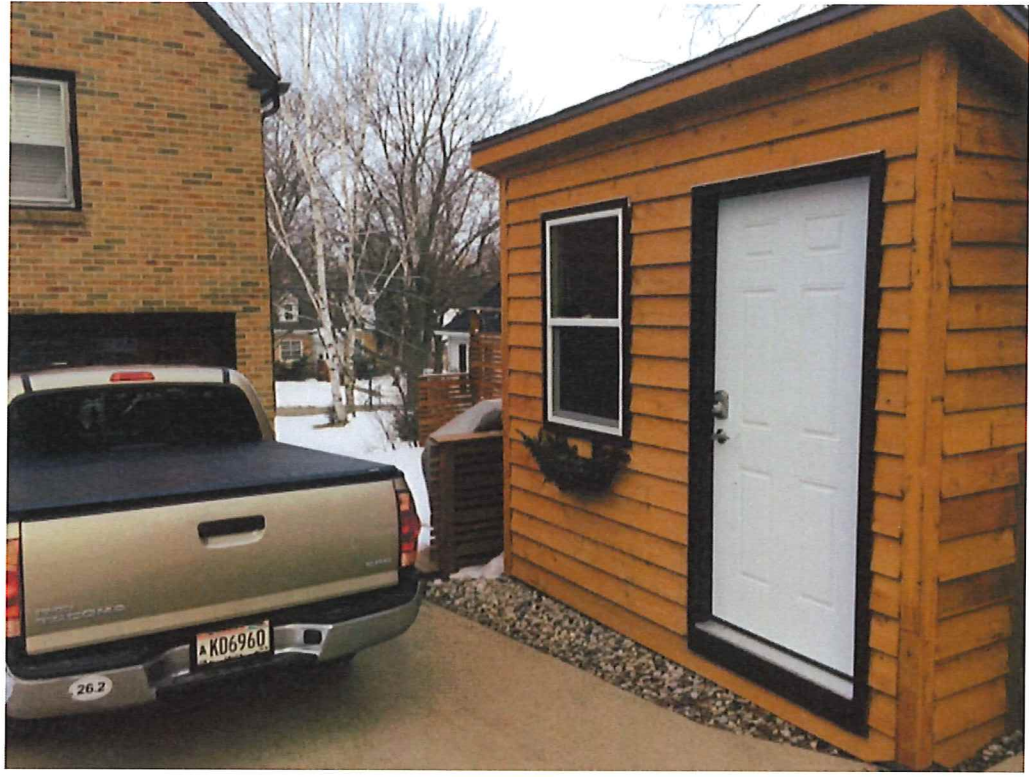
EUGENIA STREET

Radius = 204.20' (206.20')  
Arc = 50.59' (50.5')  
Delta Angle = 14° 11' 37"

18.0' UM Area  
20.0' Radius red  
2.0' provided

Two - Story Single Family Home  
Construct Single - Story Detached Accessory  
Structure Through - Lot Front Yard Setback  
Front Yard



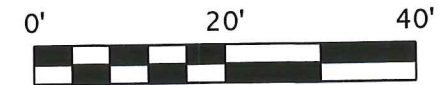
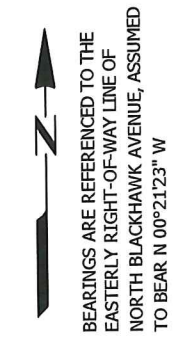




# Plat of Survey

Legal Description of Record: Document No. 5010140

Lot 5, Block 4, Replat of parts of Blocks 2, 3, 4 & 5 - University Park, in the City of Madison, Dane County, Wisconsin



### LEGEND

- SOLID IRON ROD FOUND (0.75" Dia. unless noted)
- ⊙ IRON PIPE FOUND (1.25" Outside Diam. unless Noted)
- 3/4"x18" SOLID IRON ROD SET 1.50lbs./LINEAL FOOT.
- ( ) INDICATES RECORDED AS DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.

### Notes:

1. Building dimensions and associated offset distances were measured along the outside of the siding.
2. This parcel may be subject to, or benefit from, Easements or agreements, written or otherwise, not shown hereon.
3. This survey is based on Map #99-00084, by Weir, S-0843, dated January 15, 1999.
4. Encroachments exist regarding the shed shown hereon, involving the Right-of-way of Eugenia Avenue.

### SURVEYOR'S CERTIFICATE

I, Paul A. Spetz, registered land surveyor for Isthmus Surveying LLC, hereby certify that we surveyed the property described above and that the map is a true representation thereof and shows the size and location of the property, it's exterior boundaries. 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. This Survey is solely for the use of the present owners of the property at the date below.

Dated this 29th Day of January, 2016: Paul A. Spetz, S 2525



NORTH BLACKHAWK AVENUE

EUGENIA STREET

1.25" Outside Diam. Pinched Top Iron Pipe

1" Outside Diam. Pinched Top Iron Pipe

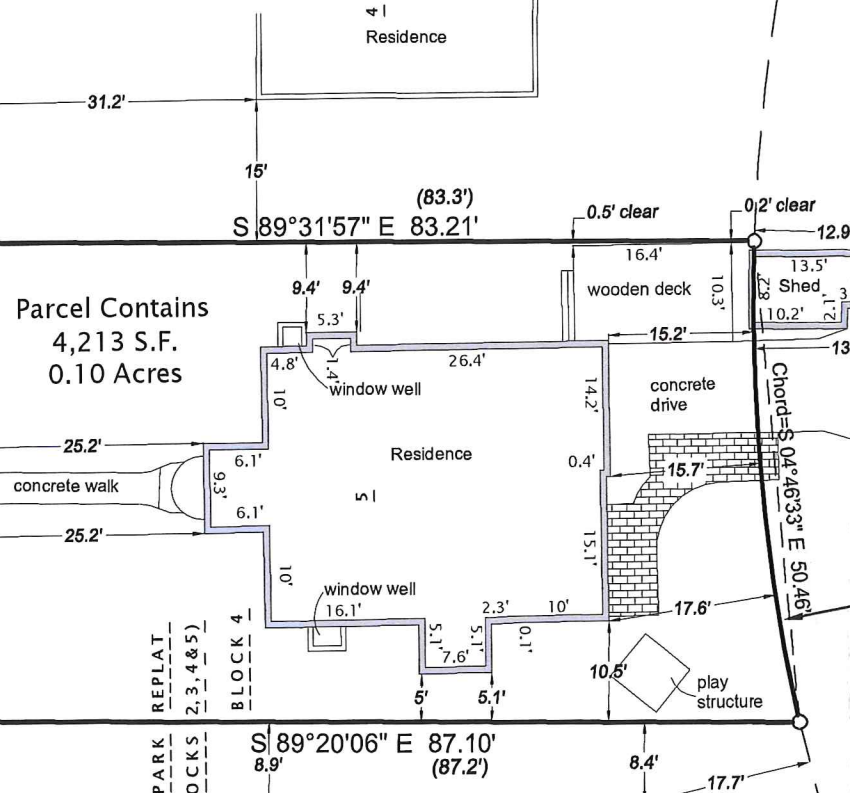
N 00°21'23" W 129.87'

(50')  
N 00°21'23" W 49.95'

S 00°21'23" E 48.66'

S 00°21'23" E 48.66'

Parcel Contains  
4,213 S.F.  
0.10 Acres



(50.5')  
Arc=50.59'  
Radius=204.20'  
(206.20')  
Delta Angle=14°11'37"

**SURVEYED FOR:**  
BRIAN PORTER  
521 NORTH BLACKHAWK AVENUE  
MADISON, WI 53705

**SURVEYED BY:**  
ISTHMUS SURVEYING, LLC  
450 NORTH BALDWIN STREET  
MADISON, WI 53703  
(608) 244.1090  
www.isthmussurveying.com