



**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: 206 N. SPOONER ST.

Name of Owner: RAPHAEL KADUSHIN

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

Daytime Phone: 608-263-1062 Evening Phone: 608-233-1165

Email Address: KADUSHIN@WISC.EDU

Name of Applicant (Owner's Representative): JEFF GAARD

Address of Applicant: 1722 SUMMIT AVE. / MADISON, WI 53726

Daytime Phone: 608-445-9165 Evening Phone: 608-445-9165

Email Address: JEFFGAARD@GMAIL.COM

Description of Requested Variance: \_\_\_\_\_

5' SIDE YARD SETBACK (PROPOSED SETBACKS SHOWN ON DRAWINGS)

20' REAR YARD SETBACK " "

HEIGHT OF GARAGE/WORKSPACE ADDITIONS (EXCEEDS 15' FOR  
ACCESSORY BUILDINGS)

(See reverse side for more instructions)

**FOR OFFICE USE ONLY**

Amount Paid:	<u>\$300</u>	Hearing Date:	<u>1/8/15</u>
Receipt:	<u>160188</u>	Published Date:	<u>1/1/15</u>
Filing Date:	<u>12/15/14</u>	Appeal Number:	<u>010815-3</u>
Received By:	<u>SLK</u>	GQ:	
Parcel Number:	<u>0709-222-2011-9</u>	Code Section(s):	<u>28.044(2)</u>
Zoning District:	<u>TR-C3</u>		
Alder District:	<u>5-Bidar-Sielaff</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 LETTER

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.

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.

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.

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

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

December 16, 2014

To:  
Madison Zoning Board of Appeals  
215 Martin Luther King Jr. Blvd.  
Room LL100, P.O. Box 2985  
Madison, WI 53701-2985

Project Name: Kadushin Residence - Garage Addition and Renovations  
Project Location: 206 North Spooner Street; Madison, WI  
Requested Meeting Date: January 8, 2015 (deferral from December 4, 2014)

Members of Zoning Board of Appeals,

Attached to this Letter of Intent are materials for the upcoming January 8, 2015 Meeting Date. Included are drawings, showing demolition of existing garage and proposed new garage; photos of subject house and other properties within University Heights; and Madison Zoning Board of Appeals Variance Application.

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.*

In a neighborhood with many small lots, lot size of subject property is unusually small (under 3,500 SF) as it was subdivided many years ago from a larger lot. The small lot size prevents construction of a detached accessory building.

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.*

Though the proposed addition clearly exceeds current setback requirements, it is not contrary to the public interest. In fact, many properties in the neighborhood have garages or portions of the house itself that are closer to side and rear lot lines than permitted by current zoning rules. Rather than compromising zoning intent, the as-built conditions in the neighborhood are simply part of its eclectic nature. The addition is sited such that it is more than 40' away from neighboring houses.

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.*

As evidenced by the color-coded sketch prepared by City staff, strict compliance would prevent reconstruction of not only the proposed garage, but of the existing garage's current design and footprint. Strict compliance would prevent the homeowner from rebuilding a single car garage that has significant structural deficiencies.

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 terms of the ordinance were written after the subject property was subdivided into its current configuration of under 3,500 SF. Also, the terms of the ordinance were written after the neighborhood was substantially built out. Many properties in the neighborhood have structures, both attached and detached, that if built today would require variances to construct.

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

There is not a detriment to adjacent property. In fact, the neighbor most affected by the proposed addition is in support: *"My garage is located next to theirs. After reviewing the plans, I can strongly affirm that the expansion will enhance both their garage and house. The proposed design certainly works seamlessly with the original architecture of the house and will add curb appeal to the entire block...I urge the Zoning Board of Appeals to approve the proposal for 206 North Spooner."* Kathleen Ricci; 177 N. Prospect Ave.; November 4, 2014

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

In response to concerns expressed at the December 4, 2014 ZBA meeting, height of the proposed garage has been reduced to the fullest extent possible, while still remaining functional for the Owner's intended usage as a painting studio. As evidenced by neighborhood photos or other properties, there are several examples of garages (many within 3' or less from property lines) with occupied space above, including one example of a garage with two stories of occupied space above. (*Note: Sales of paintings are a supplemental source of income for the Owner, and current space within the house is not adequate.*)

In keeping with the character of the house, the proposed garage/workspace:

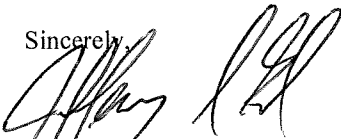
- Will match the wood siding of the house, including lap dimension
- Will have garage door and windows consistent in architectural character with details of the house
- Will match roof pitch with house roof
- Will have asphalt shingles similar to house shingles
- Will have decorative wood rafter tails matching rafter tails of house

Dimensional characteristics:

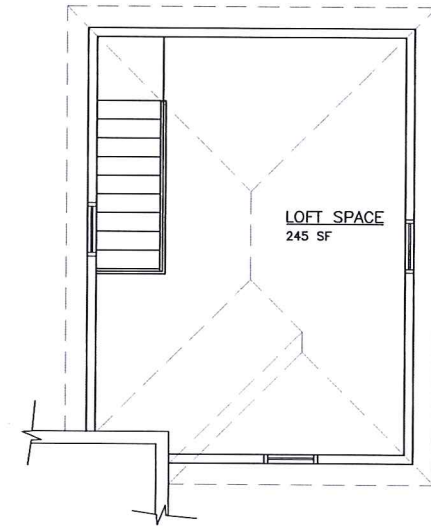
- Including footprint of proposed garage, lot coverage of all built construction will be 40%, well below code maximum lot coverage. (1,380 SF construction / 3,443 SF lot = 40%)
- Proposed rear yard open space will be 752 SF, in excess of code minimum 500 SF open space.
- Footprint of proposed garage is slightly larger than existing garage (to accommodate stair to upper floor), though matches current side and rear yard setbacks to property lines (13" and 12" respectively).

I look forward to meeting with ZBA, with the goal of respecting the intent of the zoning ordinance while meeting the space needs of the property owner. Thank you for your consideration.

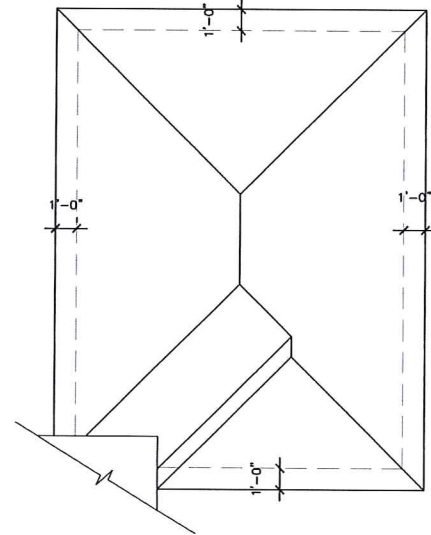
Sincerely,



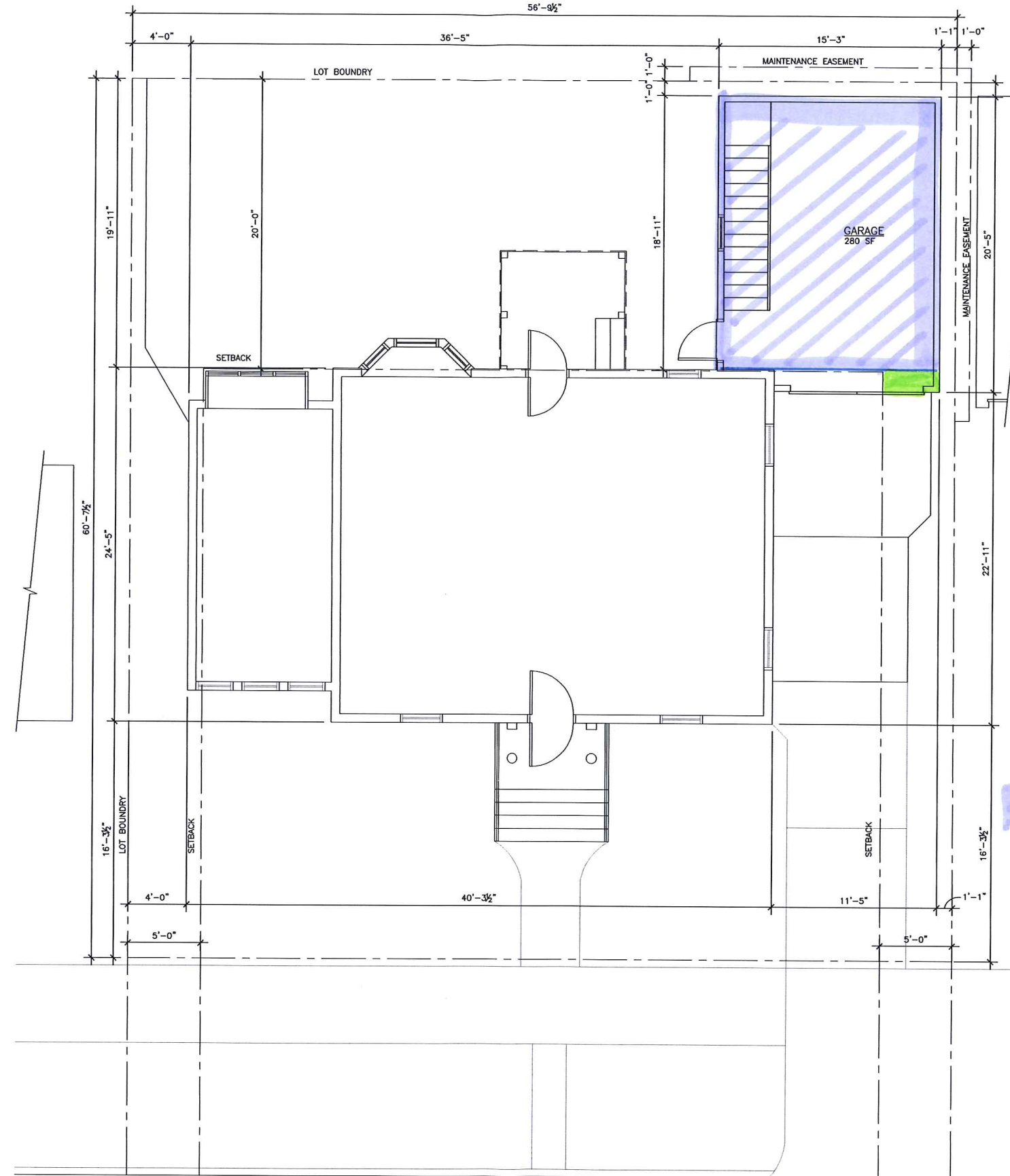
Jeff Gaard, AIA  
[jeffgaard@gmail.com](mailto:jeffgaard@gmail.com)  
(608) 445-9165



**2 SECOND FLOOR PLAN**  
1/4"=1'-0"



**3 ROOF PLAN**  
1/4"=1'-0"



**1 FIRST FLOOR PLAN**  
1/4"=1'-0"

**ZONING INFORMATION**

TRC3 ZONING AREA  
3,443 SF LOT  
752 SF BACK YARD  
1380 SF NEW BUILT  
COVERAGE = 40%

TYPICAL WALL  
CONSTRUCTION (MEETS  
3/4 HOUR FIRE RATING):  
2x6 WD STUD WALL W/  
P.T. LAP WD SIDING, TYVEK  
HOUSEWRAP, 7/16" O.S.B.  
SHEATHING, R-19 BATT  
INSULATION, 4 MIL VAPOR  
BARRIER, 1/2" GYP BD

**2-Story Singlefamily Home**  
**New Attached 2-story Addition**  
**Garage/Loft Space**

**Side Yard**  
**5'-0" Required**  
**1'-1" Provided**  
**3'-11" Variance**

**Rear Yard**  
**20'-0" Required**  
**1'-0" Provided**  
**19'-0" Variance**

**REVISIONS**

**KADUSHIN GARAGE ADDITION**

206 North Spooner Street  
Madison, WI 53726

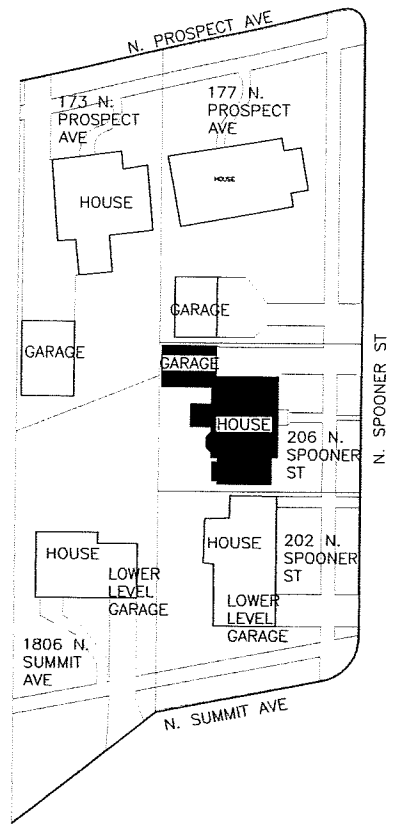
Jeff Gaard - SZK Designs

1/4"=1'-0"

12/16/14

**A1**

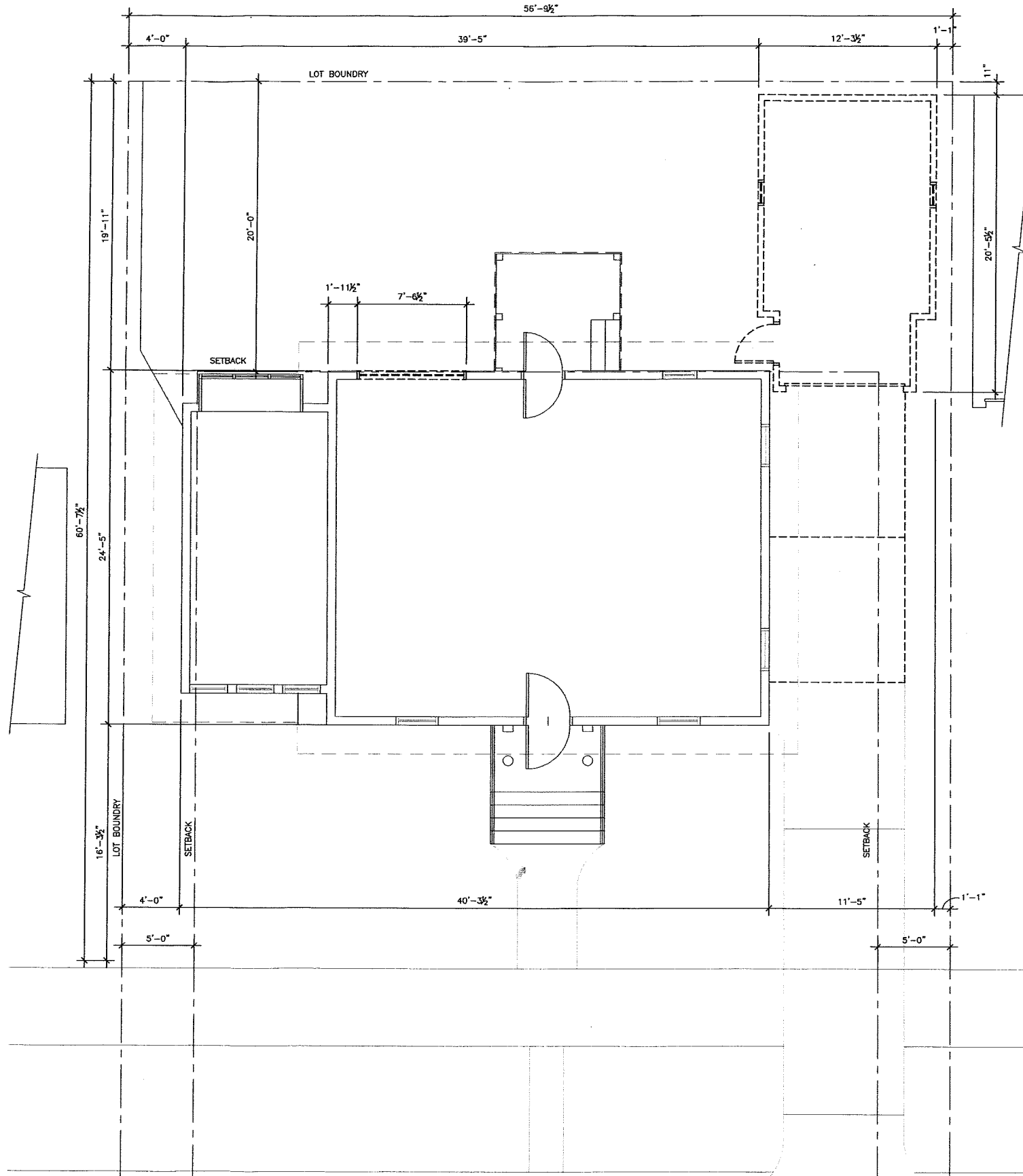
00101



**2** NEIGHBORHOOD BLOCK PLAN  
NTS



**3** NEIGHBORHOOD SITE PLAN  
NTS



**1** FIRST FLOOR DEMO PLAN  
1/4"=1'-0"

REVISIONS

**KADUSHIN GARAGE ADDITION**

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Madison, WI 53726

Jeff Gaard - SZK Designs

1/4"=1'-0"

12/16/14

**D1**

00101

REVISIONS

**KADUSHIN GARAGE ADDITION**

206 North Spooner Street  
Madison, WI 53726

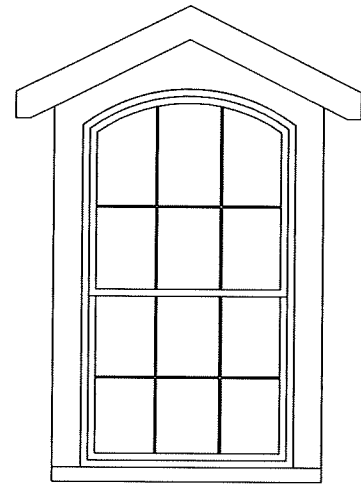
Jeff Gaard - SZK Designs

1/4"=1'-0"

12/16/14

**A2**

00101



MARVIN CLAD ULTIMATE DOUBLE HUNG -  
LOW ARCH TOP W/ SIMULATED DIVIDED  
LITE WITH SPACER BAR (SDLS)

**5** TYP WINDOW  
1"=1'-0"



**4** SOUTH EXTERIOR ELEVATION  
1/4"=1'-0"



**3** WEST EXTERIOR ELEVATION  
1/4"=1'-0"



**2** NORTH EXTERIOR ELEVATION  
1/4"=1'-0"



**1** EAST EXTERIOR ELEVATION  
1/4"=1'-0"





202 N SPOONER ST



126 N SPOONER ST  
(ROOM ABOVE GARAGE)



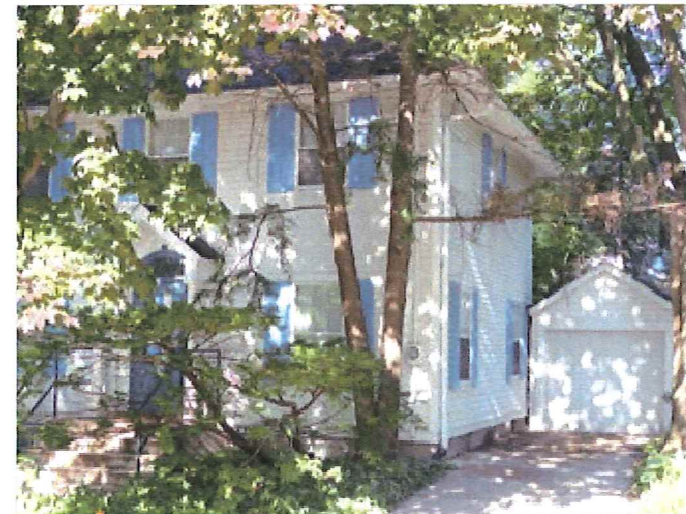
FRONT ELEVATION



207 N SPOONER ST



177 N PROSPECT



HOUSE GARAGE VIEW



211 N SPOONER ST



ARLINGTON PLACE  
(ROOM ABOVE GARAGE)



REAR ELEVATION

**2** NEIGHBORHOOD (ADJACENT HOUSE) PHOTOS

**1** SUBJECT HOUSE PHOTOS

REVISIONS

**KADUSHIN GARAGE ADDITION**  
206 North Spooner Street  
Madison, WI 53726

Jeff Gaard - SZK Designs

1/4"=1'-0"

12/16/14

**G1**

00101





NEIGHBORING HOUSE TO NORTH, VIEWS TO AND FROM SUBJECT PROPERTY

**4** 177 N PROSPECT



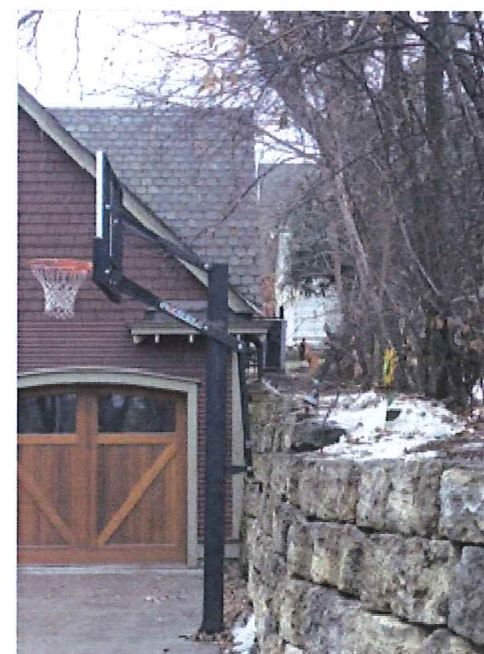
2-CAR GARAGE, VERY CLOSE TO SIDEWALK AND 36" TO PROPERTY LINE

**3** 1718 SUMMIT



LARGE 2-STORY ADDITION, NEARLY FLUSH WITH FRONT FACADE, BUILT RECENTLY (LAST 2 OR 3 YEARS)

**2** 40 N RUBY



LARGE GARAGE AND UPPER FLOOR, BUILT RECENTLY, WITHIN LAST 3 YEARS (VERY CLOSE TO PROPERTY LINE)

**1** 234 LATHROP

REVISIONS

**KADUSHIN GARAGE ADDITION**

206 North Spooner Street  
Madison, WI 53726

Jeff Gaard - SZK Designs

1/4"=1'-0"

12/16/14

**G2**

00101





ORIGINAL CONSTRUCTION OF GARAGE AND UPPER FLOOR, APPROX. 3' TO PROPERTY LINE



**2** 1806 SUMMIT



GARAGE WITH 2 UPPER FLOORS, NEARLY FLUSH WITH FRONT FACADE, APPROX. 3' TO PROPERTY LINE

**3** 1820 VAN HISE



ORIGINAL CONSTRUCTION OF GARAGE AND UPPER FLOOR, APPROX. 3' TO PROPERTY LINE

**1** 1900 ARLINGTON

REVISIONS

KADUSHIN GARAGE ADDITION

206 North Spooner Street  
Madison, WI 53726

Jeff Gaard - SZK Designs

1/4"=1'-0"

12/16/14

G3

00101