



CITY OF MADISON
ZONING BOARD OF APPEALS
VARIANCE APPLICATION

\$500 Filing Fee

Type or legibly print using blue or black ink.

Address of Subject Property: 1039 Spaight Street, Madison, WI 53703

Name of Owner: Simon and Leah Balto

Address of Owner (if different than above): _____

Daytime Phone: (608) 628-5510

Evening Phone: (608) 628-5510

Email Address: simonbalto@gmail.com

Name of Applicant (Owner's Representative): Chad's Design Build

Address of Applicant: 3212 Commercial Drive

Madison, WI 53714

Daytime Phone: (608) 320-5012

Evening Phone: (608) 320-5012

Email Address: adam@chadsdesignbuild.com

Description of Requested Variance:

Alignment of Screened Porch wall on one side with existing wall below. This encroachment into side set back will be
about 13", or about the height of this paper. This space is needed to build the structure in a conventional manner
and provide the Owner that little amount to make the narrow space more livable.

See reverse side for more instructions.

FOR OFFICE USE ONLY

Amount Paid: \$500.00

Receipt: 131071.0004

Filing Date: 7-13-23

Received By: NJK

Parcel Number: 071007313093

Zoning District: HIS-TL, TR-VI

Alder District: Q-RUNNEL

Hearing Date: 8-10-23

Published Date: 8-3-23

Appeal Number: LNOVAR-2023-00011

GQ: _____

Code Section(s): 28.047(2)

Application Requirements

The Zoning Board of Appeals may refer or deny applicants with incomplete applications. Note, the maximum printed size for drawings is 11" x 17." Please provide the following information:

<input checked="" type="checkbox"/>	Pre-application meeting with staff. Before you submit this application, meet with the Zoning Administrator. Together, you will discuss your proposed project and submission material. Contact Zoning at least one week prior to the application submission deadline to schedule the meeting. Your application will not be accepted unless a pre-application meeting has been held.
<input checked="" type="checkbox"/>	Site plan , drawn to scale. We recommend a registered survey, but it is not required. On the plan, show the following: <ul style="list-style-type: none"> <input type="checkbox"/> Lot lines. <input type="checkbox"/> Existing and proposed structures. Include dimensions and setback distances to all property lines. <input type="checkbox"/> Approximate location of structures on properties next 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"/>	Elevations from all directions showing existing and proposed. Show the existing structure and proposed addition(s).
<input checked="" type="checkbox"/>	Interior floor plan of existing and proposed structure , if required. Most additions and expansions will require floor plans.
<input checked="" type="checkbox"/>	Front yard variance requests. Show the front yard setback of all other properties on the same block face.
<input checked="" type="checkbox"/>	Lakefront setback variance requests. Provide a survey prepared by a registered land surveyor. The survey must show existing setbacks of buildings on adjacent lots.
<input checked="" type="checkbox"/>	Variance requests involving slope, grade, or trees. Show: <ul style="list-style-type: none"> <input type="checkbox"/> Approximate location and amount of slope. <input type="checkbox"/> Direction of drainage. <input type="checkbox"/> Location, species and size of trees.
<input checked="" type="checkbox"/>	Email digital copies of all plans and drawings to: zoning@cityofmadison.com.
<input checked="" type="checkbox"/>	Pay \$500 filing fee on or before submission deadline. Payment may be made in person by appointment at the Zoning counter, by mail to City of Madison Building Inspection, P. O. Box 2984, Madison WI 53701-2984, or placed in the drop box at the Doty Street entrance to the Madison Municipal Building 215 Martin Luther King Jr. Blvd. When mailing or using the drop box, please include a note that payment is for a variance application, state the subject property address and provide your contact information.
<input type="checkbox"/> <input checked="" type="checkbox"/>	CHECK HERE. I understand that as part of my variance request, City of Madison staff will need access to my property. Staff will take photographs and do a pre-hearing inspection of the property. I give City Staff permission to enter my property, inspect the property, and take photographs.
<input checked="" type="checkbox"/>	CHECK HERE. I acknowledge that any statements implied as fact require evidence.



CHECK HERE. City of Madison staff has given me a copy of the standards that the Zoning Board of Appeals will use to review variance applications.

Leah Balto

Leah Balto (Jun 20, 2023 15:28 CDT)

Jun 20, 2023

Owner's Signature:

Simon Balto

Simon Balto (Jun 20, 2023 15:26 CDT)

Date: Jun 20, 2023

----- (For Office Use Only) -----

DECISION

The Board, in accordance with its findings of fact, hereby determines that the requested variance for _____ **(does) (does not)** meet all 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**

oning Board of Appeals Chair:

Date:

Standards for Variance

The Zoning Board of Appeals will only grant a variance if it finds that your proposal meets the following standards. Please explain how your variance request meets these standards.

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

This property's existing & attached garage was already built beyond the side-yard setback prescribed to the lot after construction.

Response from Preservation Planner: "For when you do the submittal to the Landmarks Commission, we would require the skylight be on the back side of the new roof rather than facing towards the front of the property. Otherwise, I think that this would align with our standards."

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 planned 2nd floor SCREEN porch is not contrary to the spirit or intent of zoning law, nor public interest, because it poses no new reduction to site lines, no new foundation or impervious structure, and poses no new limitation of movement or access by neighbors, city or utility workers & their equipment.

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.

To build this screen porch in compliance w/ zoning ordinance would require unconventional construction best practice, uncommon & otherwise unnecessary structural changes to the garage below, to support the porch above. These changes would likely impact the functionality of the garage below. Additionally, a compliant porch would reduce the structure's usable footprint to an inaccessible width for the client's and a porch's standard purposes.

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 zoning setback prescribed to the home's lot creates a non-compliant situation for the existing garage wall & it's foundation. It is common, practical best practice to when building any structure above, to utilize the supporting wall & foundation from the structure below. This issue would arise with this or any future owner of this property, and so not directly created by this or any person w/ interest.

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

There will be no detriment to adjacent properties or their views from windows.

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

The proposed variance would allow our porch structure to be built in a conventional manner, that would make "most sense" visually, and allow us to remain consistent with the character of the neighborhood and Landmark's historical district.

From: [Poole, Jordan](#)
To: [Chris Hacker](#)
Cc: [simonbalto@gmail.com](#); [Chad Speight](#); [Kevin](#)
Subject: RE: 1039 Spaight Street Question
Date: Thursday, February 2, 2023 1:29:13 PM
Attachments: [image003.jpg](#)
[image001.png](#)

Hi Chris,

Thanks for the message and details for context.

The permitted encroachment into setbacks for eaves and gutter comes from the encroachment section of [M.G.O. 28.132](#). You will see in the main chart that "eaves and gutters" are allowed to encroach the side yard setback a maximum of 2' and the front and rear setback up to 3'. So, this two story house in the [TR-V1](#) looks like it would have a 4' side yard setback (10% of lot width) so the eave and gutter could be as close as 2' away from the side lot line.

The primary zoning code issue you may have on this one is the side yard setback. It looks like the survey shows the existing side wall of the garage in the 2' range from the side lot line. The porch wall would need a variance if you want to continue the wall line directly up rather than setting it back to meet the current minimum required side setback.

The only other thing, which I'm guessing is already on your radar, is that this property is in a local historic district. You will need to get Landmarks approval on the design before the building permit is issued so I would recommend starting the conversation with Heather Bailey in the Planning Department on that process: hbailey@cityofmadison.com // 608-266-6552.



Jordan Poole

Zoning Code Officer

City of Madison Building Inspection Division
Madison Municipal Building
215 Martin Luther King Jr Blvd
Madison, Wisconsin 53701-2984
Tel: 608-261-9662
www.cityofmadison.com

From: Chris Hacker <chris@chadsdesignbuild.com>
Sent: Wednesday, February 1, 2023 9:33 AM
To: Poole, Jordan <JDPoole@cityofmadison.com>
Cc: [simonbalto@gmail.com](#); Chad Speight <chad@chadsdesignbuild.com>; Kevin <kevin@chadsdesignbuild.com>
Subject: 1039 Spaight Street Question

From: [Bailey, Heather](#)
To: [Chris Hacker](#)
Cc: [Adam Miller](#)
Subject: RE: 1039 Spaight Street
Date: Wednesday, March 1, 2023 8:13:34 AM
Attachments: [image001.png](#)
[image005.png](#)

I apologize for the delay in reply. I think that you can do a screened addition above the garage and meet the historic district standards. See [MGO 41.26](#).

I think that this is definitely a transitional style, but it is not a Foursquare form (the house next door is though). I'd trend towards calling it stripped Tudor, but it is mostly a side-gabled, two-story house with minimal detailing (which was a popular trend in the 30s and 40s).

Look at the standards and if you have questions, I'm happy to do a meeting with you. This will likely need to go to the Landmarks Commission for their approval as it is likely an addition over 100SF. But I think that this will likely be an easy approval. Here's info on the application process:

<https://www.cityofmadison.com/dpced/planning/project-review/1589/>

Let us know if you have questions as you proceed.



Heather L. Bailey, Ph.D. *(she/her)*

Preservation Planner
Neighborhood Planning, Preservation + Design Section

Department of Planning + Community + Economic Development
Planning Division
215 Martin Luther King, Jr. Blvd.; Suite 017
PO Box 2985
Madison WI 53701-2985
Email: hbailey@cityofmadison.com Phone: 608.266.6552

From: Chris Hacker <chris@chadsdesignbuild.com>
Sent: Tuesday, February 28, 2023 2:45 PM
To: Bailey, Heather <HBailey@cityofmadison.com>
Cc: Adam Miller <adam@chadsdesignbuild.com>
Subject: RE: 1039 Spaight Street

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hi Heather,

I wonder if you've had a chance to look over my previous email for

Simon & Leah Balto
1039 Spaight Street
Madison WI 53703

BALTO SCREEN PORCH ADDITION

SCOPE OF WORK:

- REWORK GARAGE CEILING AS NEEDED FOR STRUCTURAL SUPPORT
- BUILD NEW ELEVATED SCREENED PORCH OVER GARAGE

DRAWING SYMBOLS

101A

DOOR NUMBER

A

WINDOW MARKER

1A

WALL TYPE MARKER

ELEVATION MARKER

1

ELEVATION MARKER

ROOM 212

ROOM NAME
ROOM NUMBER

NORTH ARROW

A

B

C

D

INTERIOR ELEVATION
NUMBER & SHEET NUMBER

D1

A-201

DETAIL NUMBER
SHEET NUMBER

A

A

CONSTRUCTION GRID LINES

3

A-202

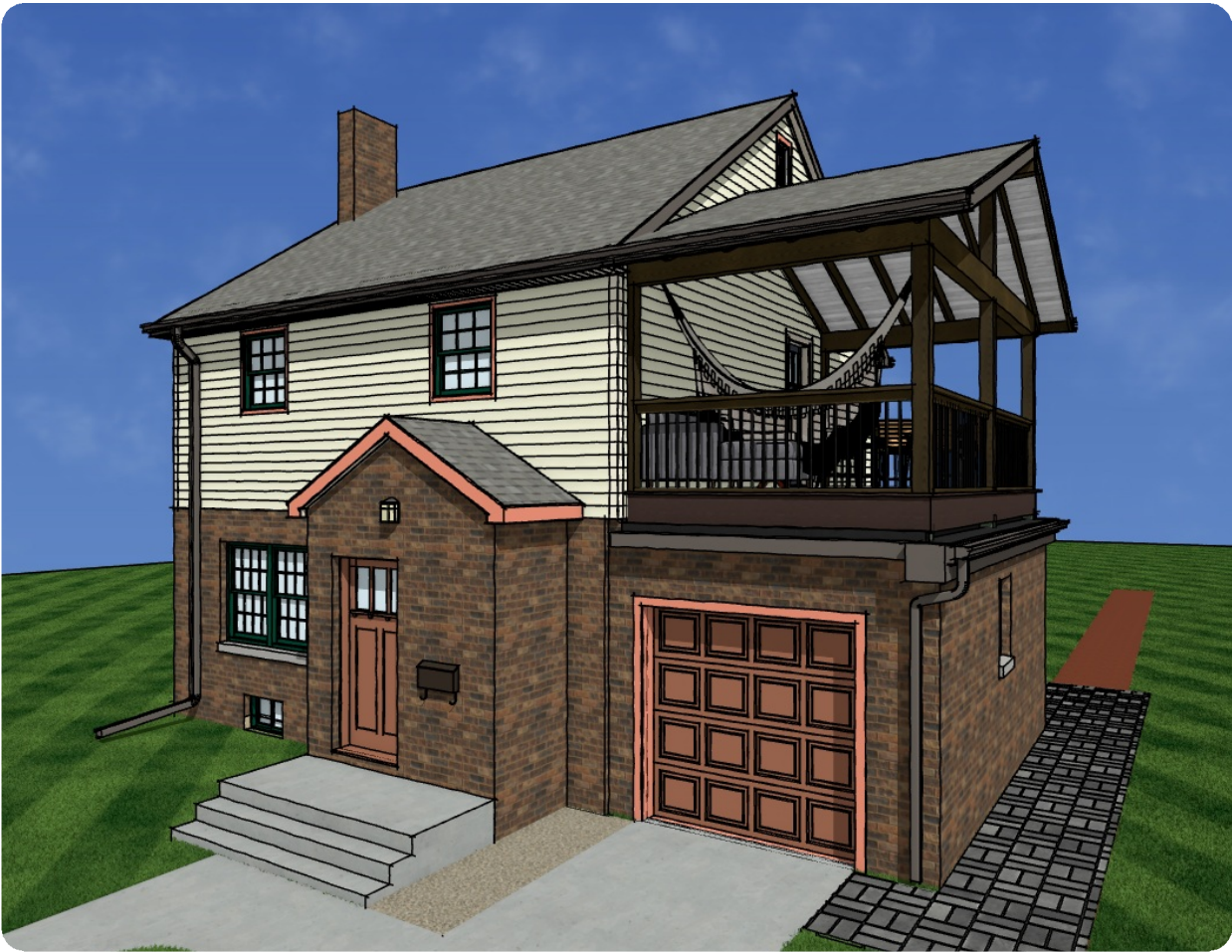
ELEVATION NUMBER
SHEET NUMBER

3

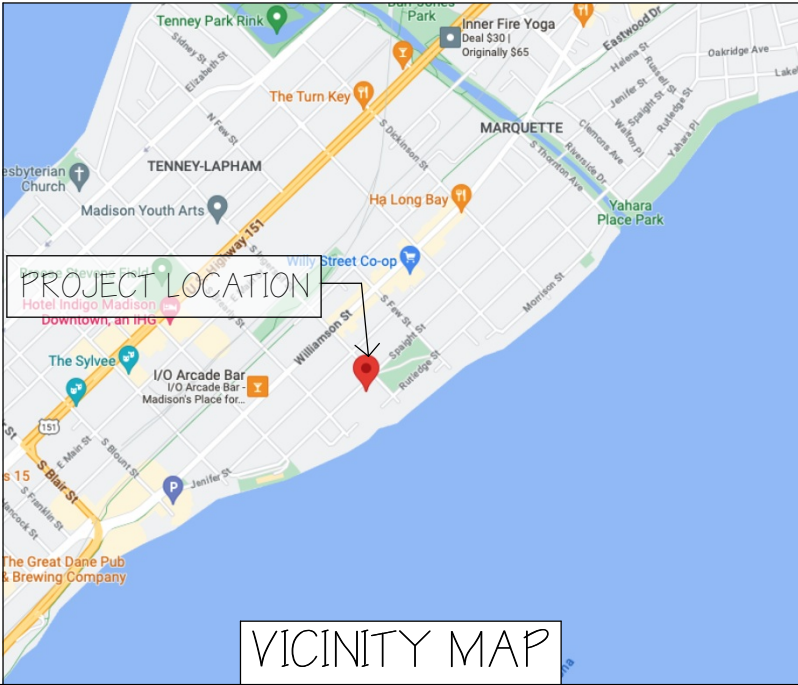
A-301

SECTION NUMBER
SHEET NUMBER

TRADE PARTNER LIST			
DIVISION	COMPANY	CONTACT	PHONE
ELECTRICAL	NICK ELECTRIC	NICK ROSSING	608.574.8769
EXCAVATION	HELLENBRAND	DEAN HELLENBRAND	608.849.8675
GLAZING	HELLENBRAND GLASS	KATHY JOWETT	608.849.8675
HVAC	RG HEATING & AC	BRENT GREIBER	608.849.6728
PAINTING	HARE PAINTING	DAVID HARE	608.332.7408
PAINTING	BRETTINGEN PAINT	AARON BRETTINGEN	608.575.5979
ROOFING	WEATHERTIGHT	KRIS POPKE	608.221-4447



1 OVERVIEW



VICINITY MAP

DRAWING INDEX		
PAGE	ID	TITLE
1	G-001	COVER SHEET
2	C-001	SITE PLAN
3	A-101	AS-BUILT PLAN
4	A-102	AS-BUILT (2ND)
5	A-103	PROPOSED PLAN
6	A-201	ELEVATIONS
7	A-202	ELEVATIONS
8	A-203	ELEVATIONS
9	A-104	FLOOR PLAN
10	S-101	FLOOR FRAMING
11	S-102	ROOF FRAMING
12	E-101	ELECTRICAL PLAN

3212 COMMERCIAL AVE
MADISON, WI 53714
(608) 221-1799
WWW.CHADSDSIGNBUILD.COM
LIC#: 109500230

SIMON & LEAH BALTO
1039 SPAIGHT ST MADISON, WI 53703

REVISIONS	
DATE	DESCRIPTION

PUBLISHED: 7/14/23
SHEET 1 OF 12
COVER SHEET

G-001

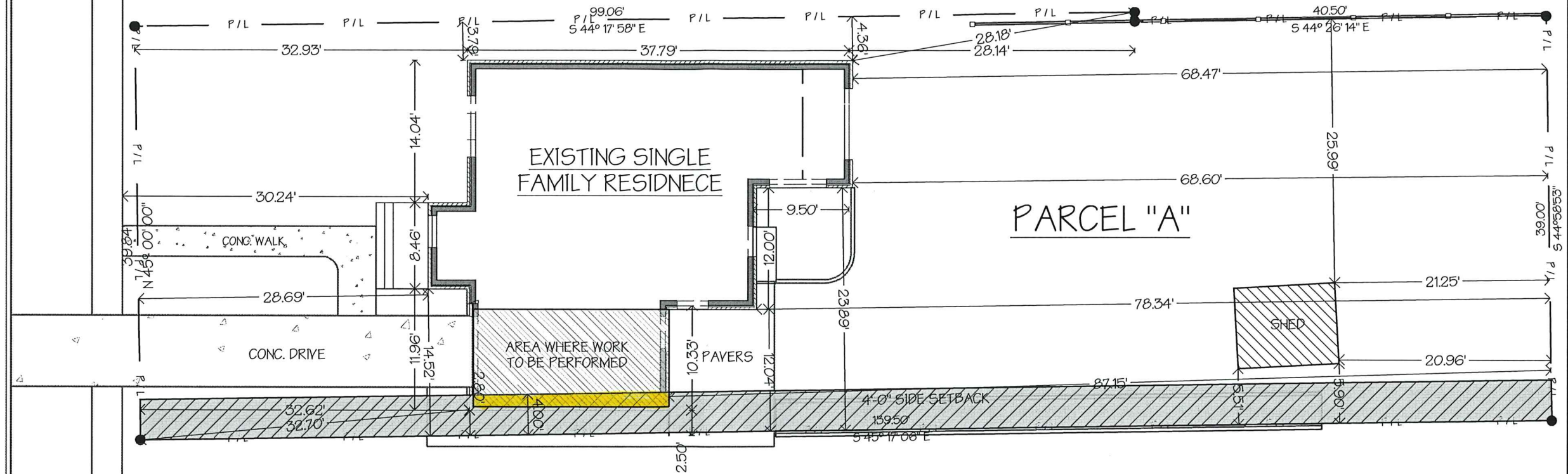
1039 SPAIGHT STREET

Single Detached House
Side Setback Variance for
Second Story Unheated
Screened Porch Addition

4' Required
2.8' Proposed

1.2' Variance

LOT #2



LOT #1



SITE PLAN
1 IN = 12 FT

3212 COMMERCIAL AVE
MADISON, WI 53714
(608) 221-1799
WWW.CHADSDSIGNBUILD.COM
LIC#: 109500230

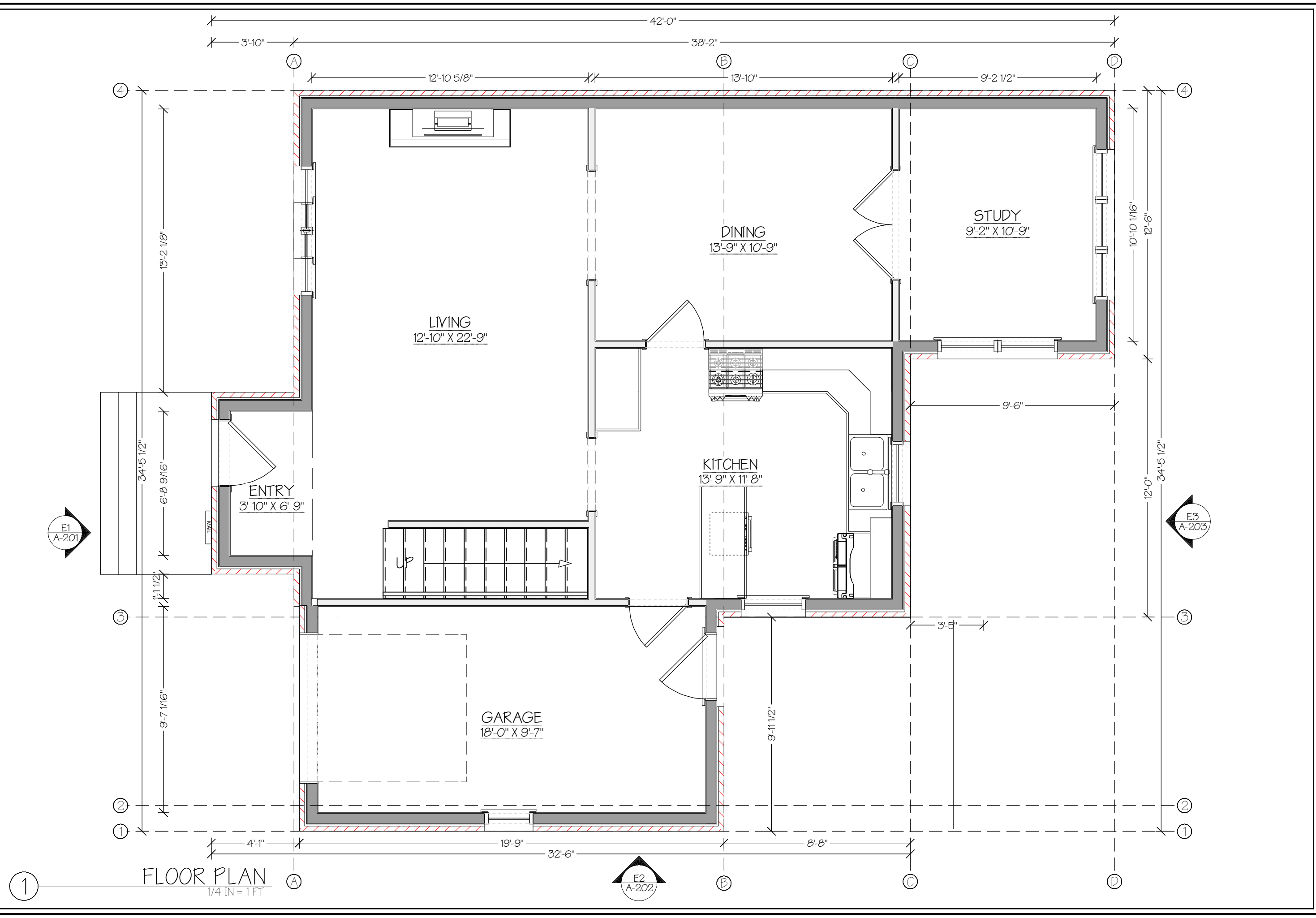


SIMON & LEAH BALTO
1039 SPAIGHT ST MADISON, WI 53703

REVISIONS	
DATE BY	DESCRIPTION

PUBLISHED: 7/14/23
SHEET 2 OF 12
SITE PLAN

C-001



3212 COMMERCIAL AVE
MADISON, WI 53714
(608) 221-1799
WWW.CHADSDSIGNBUILD.COM
LIC#: 109500230

CHADS

DESIGN BUILD

SIMON & LEAH BALTO

1039 SPAIGHT ST MADISON, WI 53703

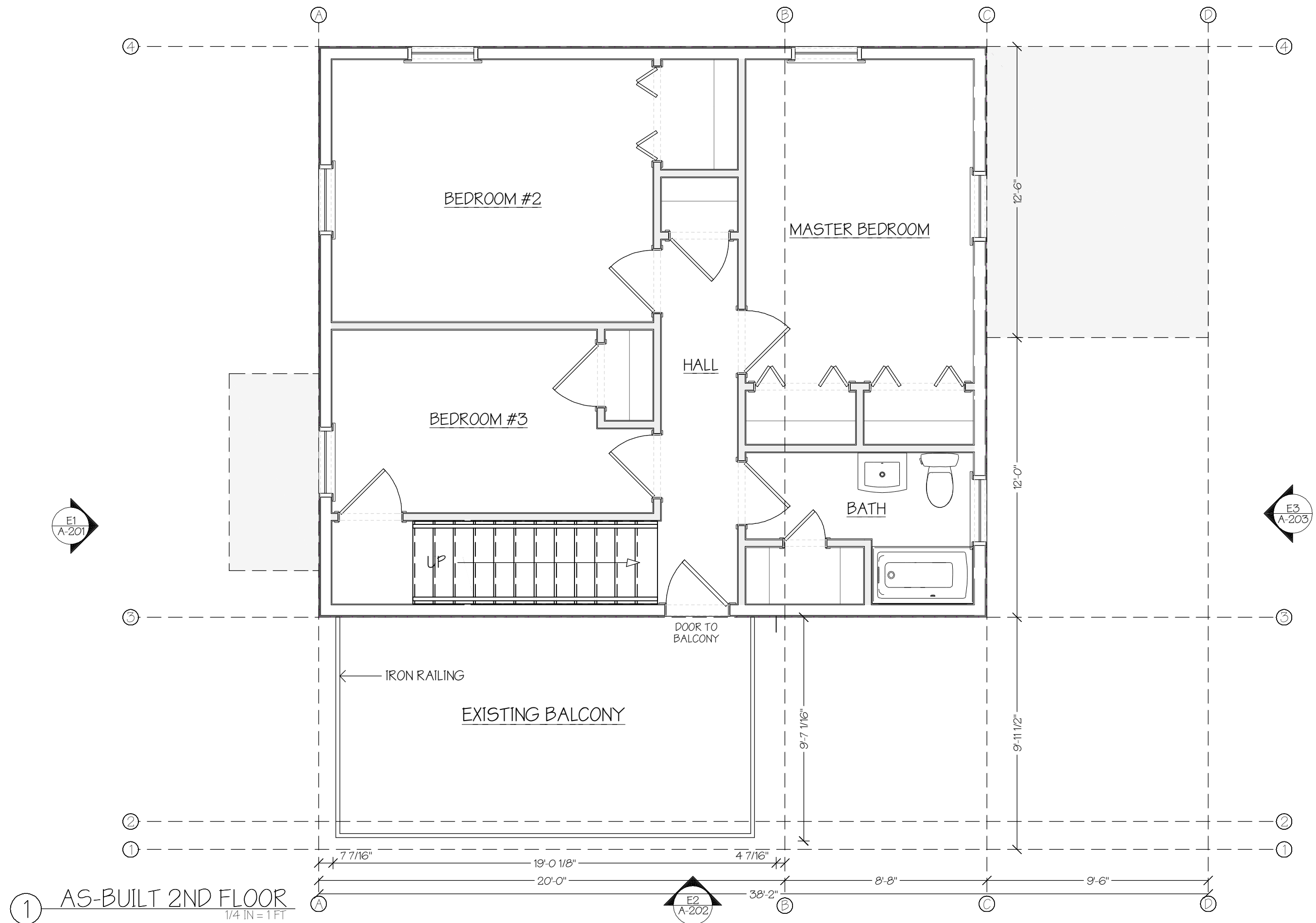
REVISIONS	
DATE	DESCRIPTION

PUBLISHED: 7/14/23

SHEET 3 OF 12

A5-BUILT PLAN

A-101



1 AS-BUILT 2ND FLOOR
1/4" IN = 1 FT



CHADS
DESIGN BUILD

3212 COMMERCIAL AVE
MADISON, WI 53714
(608) 221-1799
WWW.CHADSDSIGNBUILD.COM
LIC#: 109500230

SIMON & LEAH BALTO
1039 SPAIGHT ST MADISON, WI 53703

REVISIONS	
DATE	DESCRIPTION

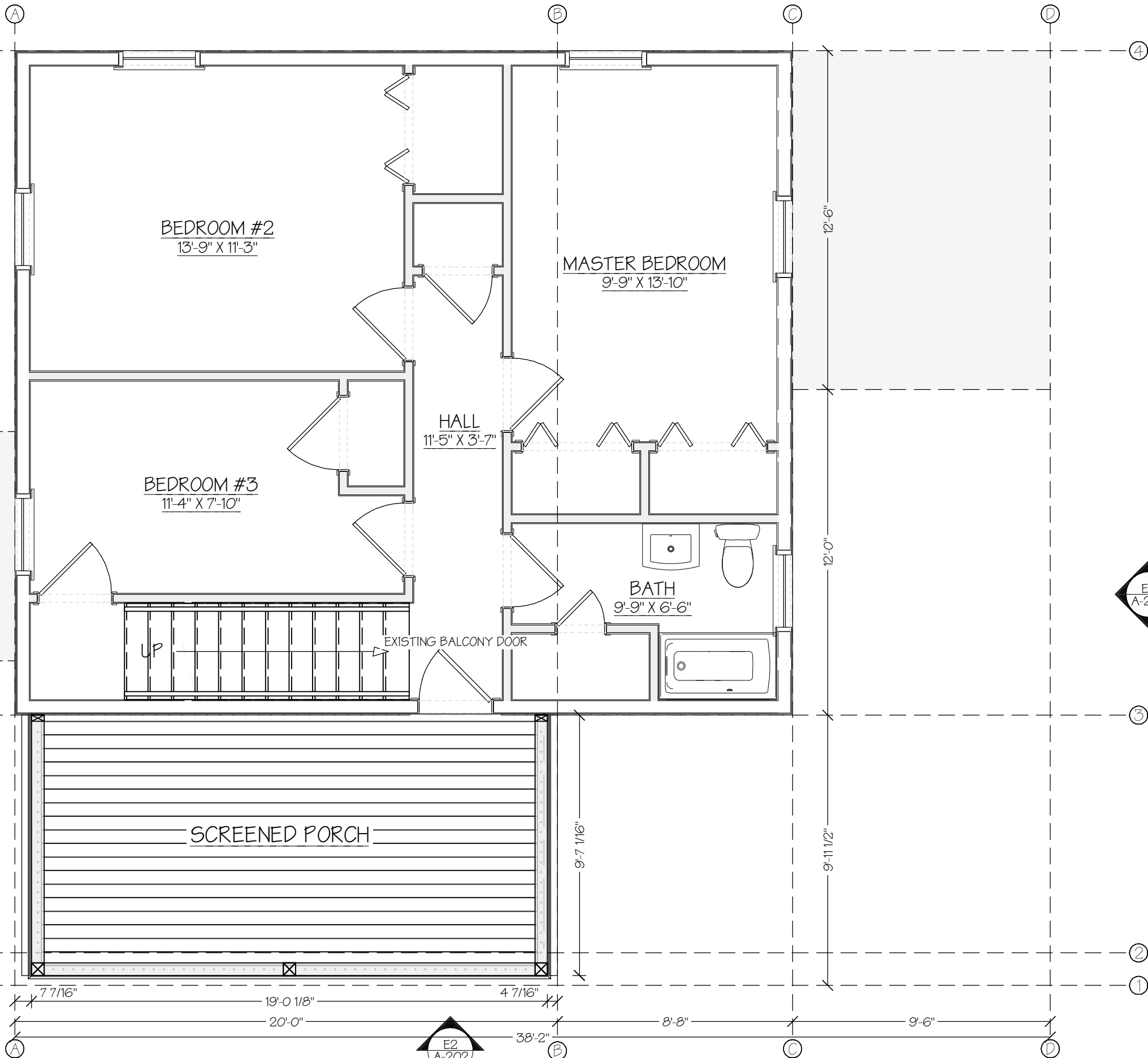
PUBLISHED: 7/14/23
SHEET 4 OF 12
AS-BUILT (2ND)

A-102

1

PROPOSED PLAN

1/4 IN = 1 FT



3212 COMMERCIAL AVE
MADISON, WI 53714
(608) 221-1799
WWW.CHADSDSIGNBUILD.COM
LIC#: 109500230

SIMON & LEAH BALTO
1039 SPAIGHT ST MADISON, WI 53703

REVISIONS
DATE BY DESCRIPTION

PUBLISHED: 7/14/23
SHEET 5 OF 12
PROPOSED PLAN

A-103



1 PROPOSED FRONT ELEVATION
1/4 IN = 1 FT

3212 COMMERCIAL AVE
MADISON, WI 53714
(608) 221-1799
WWW.CHADSDSIGNBUILD.COM
LIC#: 109500230

CHADS

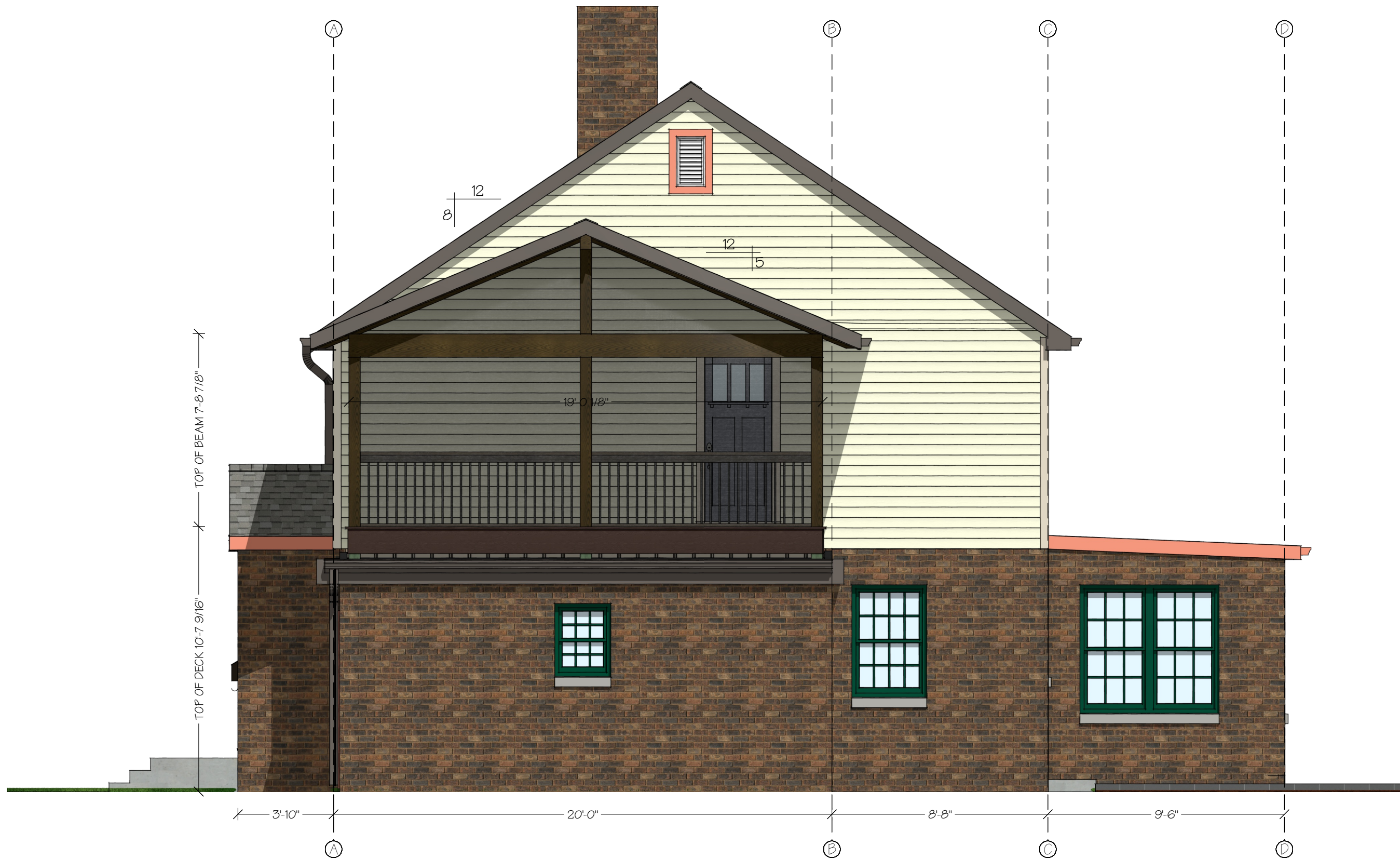
DESIGN BUILD

SIMON & LEAH BALTO
1039 SPAIGHT ST MADISON, WI 53703

REVISIONS	
DATE	DESCRIPTION

PUBLISHED: 7/14/23
SHEET 6 OF 12
ELEVATIONS

A-201



① PROPOSED SIDE ELEVATION
1/4 IN = 1 FT

CHADS
DESIGN BUILD

3212 COMMERCIAL AVE
MADISON, WI 53714
(608) 221-1799
WWW.CHADSDSIGNBUILD.COM
LIC#: 109500230

SIMON & LEAH BALTO
1039 SPAIGHT ST MADISON, WI 53703

REVISIONS	
DATE	DESCRIPTION

PUBLISHED: 7/14/23
SHEET 7 OF 12
ELEVATIONS
A-202



1 PROPOSED REAR ELEVATION
1/4 IN = 1 FT



3212 COMMERCIAL AVE
MADISON, WI 53714
(608) 221-1799
WWW.CHADSDSIGNBUILD.COM
LIC#: 109500230

SIMON & LEAH BALTO
1039 SPAIGHT ST MADISON, WI 53703

REVISIONS	
DATE	DESCRIPTION

PUBLISHED: 7/14/23
SHEET 8 OF 12
ELEVATIONS

A-203