



# ZONING BOARD OF APPEALS

## AREA EXCEPTION APPLICATION

Madison \$300 Filing Fee

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**FOR OFFICE USE ONLY**

Amount Paid \$300.00 Receipt # 121895  
 Received by JLK Filing Date 6/20/11  
 Hearing Date 7-14-11  
 Zoning District R2  
 Parcel # DW9-213-0303-1  
 Published 7-7-11  
 Ald. District 11 Chris Schmidt  
 Appeal # 071411-4  
 GO ZBA  
 Code Section # 25.08(3)(g)1.

**Address of Subject Property:** 3909 Regent Street, Madison

**Name & Address of Owner:** Deborah A. Hoffman + Mark B. Hazelbaker  
 3909 Regent Street, Madison WI 53705  
 Daytime Phone: 608 663 9770 Evening Phone: 608 231 2123  
 E-mail address: mark@hazelbakerlaw.com

**Name & Address of Applicant (Owner's Representative):**  
 Daytime Phone: Evening Phone:  
 E-mail address:

**Brief Summary of Proposed Construction:**  
 Demolish existing carport and construct an enclosed garage the same distance from the right-of-way, which distance is less than the district setback. Remove concrete turnaround and build new driveway which will reduce impervious surface by 50%. The work will require removal of one (1) mature tree.  
**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 will result in the case being delayed and/or recommended for referral or denial.**

Please provide the following (Maximum size for all drawings is 11" x 17"):

- Site plan**, drawn to scale. A registered survey is recommended, but not required. Show the following on the site plan:
  - Lot lines
  - Existing and proposed structures, with dimensions and setback distances to all property lines
  - Approximate location of structures on neighboring properties adjacent to required area exception
  - 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).
- Interior floor plan of existing and proposed structure**, when relevant to the area exception request and required by Zoning Staff. (Most additions and expansions will require floor plans.)
- Front yard area exceptions only.** Show the building location (front setback) of all properties contiguous on both sides and within 200 feet of the subject property to determine front setback average.
- Area exception 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 have been given a copy of and have read the standards and review guidelines, which the Zoning Board of Appeals will use when acting on applications for area exceptions.

**Owner's Signature:** *Mark B. Hazelbaker*

**AREA EXCEPTION STANDARDS.** No area exception shall be granted by the Zoning Board of Appeals unless such Board shall find that all of the following conditions are present:

1. That the area exception will not be detrimental to or endanger the public health, safety, comfort or general welfare.
2. That the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the area exception.
3. That the area exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That the area exception will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire within the neighborhood.

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

**Eligibility Requirements:**


1. The lot is less than 50 feet in width.
2. The lot is less than or equal to 100 feet in depth.
3. The lot is less than 6,000 square feet in area.
4. The structure proposed to be altered is nonconforming to current bulk requirements of the district.
5. An adjacent lot has a structure that is nonconforming to current bulk requirements of the district on the side towards the lot seeking an area exception.
6. The lot is adjacent to public right-of-way, a park, the rear yard of a reversed corner lot, or a railroad right-of-way.
7. The lot contains trees of the following minimum sizes that affect compliance within the current bulk requirements of the District:
  - a. Deciduous trees with a trunk caliper measurement of twelve (12) or more inches.
  - b. Evergreen trees 20 or more feet in height.
8. The lot contains storm water drainage characteristics or a slope of at least 2 feet over 10 feet that affects compliance with the current bulk requirements of the district.
9. The lot has a nonrectangular shape.
10. Recorded utility easement(s) on the lot that affect compliance with the current bulk requirements of the district.

The Zoning Administrator has determined that the property ( is) ( is not) eligible to be considered for an area exception.

<b>DECISION</b>	
The Board, in accordance with the findings of fact, hereby determines that the requested area exception <b>(is) (is not)</b> in compliance with all of the standards for an area exception. Further finding of fact is stated in the minutes of this public hearing.	
The Zoning Board of Appeals: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Conditionally approved	
Zoning Board of Appeals Chair:	Date:

To: The City of Madison Zoning Board of Appeals

Date: June 24, 2011

From:   
Deb Hoffman and Mark Hazelbaker  
3909 Regent Street  
Madison, WI 53705

Re: Area Exception Request -- 3909 Regent Street, Madison

We ask the Zoning Board of Appeals to grant an area exception to allow us to replace the carport on our house with an enclosed garage to be built the same distance from the right-of-way. The garage and associated storage space will be 596 square feet in area. The existing carport and storage closet is 589 square feet in area. The carport's current front edge is 20 ½ feet from the right of way line, and 49 ½ feet from the pavement of Regent Street. That is less than the applicable setback. The carport appears to have been built in its current location with approval of the City for reasons that are not clear. We will review the house's history to explain the current situation, and then describe our proposal.

#### The Lot and House

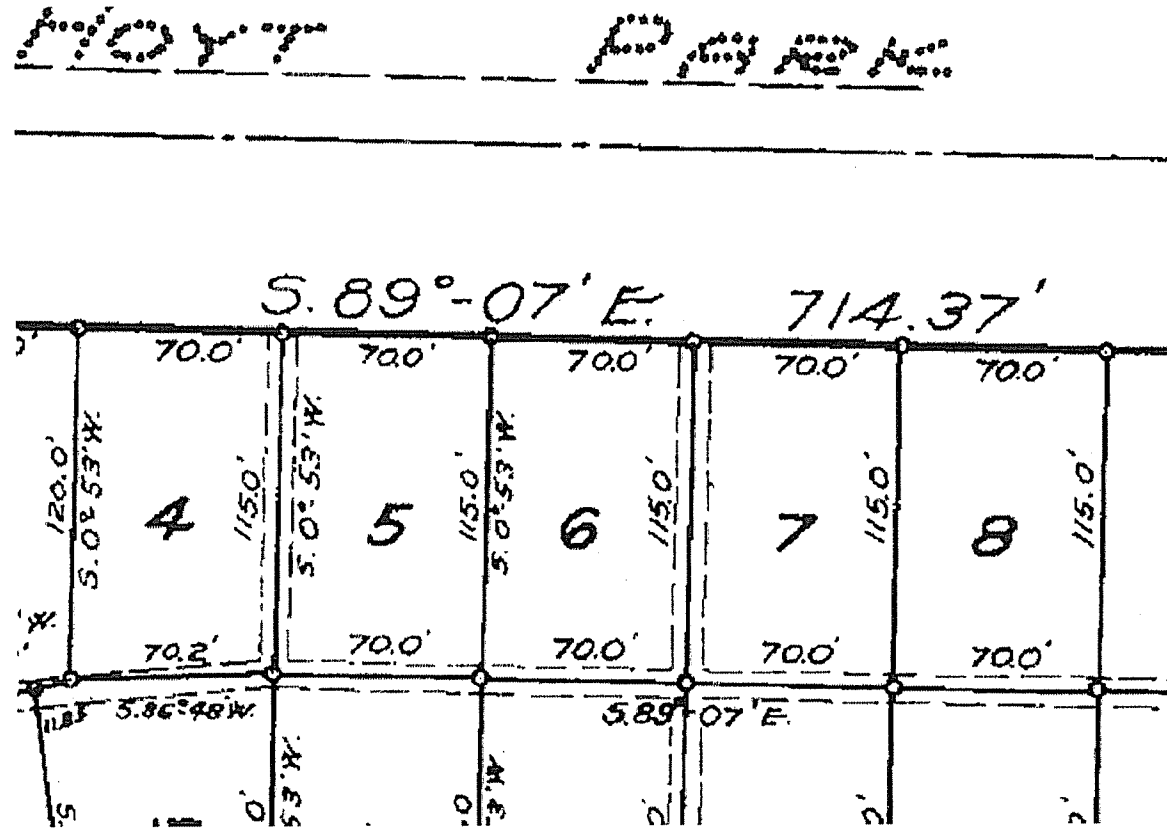
3909 Regent Street is an 8,050 square foot parcel which is Lot 8 of the Sunset Hills plat. The lot lies on the section of Regent Street that originally was part of Owen Parkway. The paved street was laid almost entirely north of the centerline of the right of way, leaving a large terrace to the south. The house was built in 1961 with a carport whose edge was just 20 ½ feet from the right of way. Because the street lies north of the centerline, the small setback is not apparent. The edge of the carport is almost 50 feet from the edge of the pavement. There have been three remodeling projects undertaken with City permits since the original construction, including our 2010 work, none of which raised a setback issue.

The plat was approved by the Town of Madison in 1941 and recorded on August 28, 1941. Nothing much happened with the plat for many years because of the war. Along with other subdivisions in this area, it was annexed into the City of Madison in the 1950's.

Our lot is immediately south of Hoyt Park. Regent Street runs into the Park about two blocks, and then becomes Owen Parkway. As noted, the paved street is not centered in the right-of-way of Regent Street. There is a large concrete turnaround and driveway serving our residence in the southern terrace, which replaced a blacktop turnaround that had been there for decades. The sewer and water lines, and an access hole for sewer also lie in the terrace to the south of the paved street, not under the street.

What is now Regent Street was built originally as Owen Parkway, before the land to the south was developed. This is described in the Nomination of Hoyt Park for

Landmark Status in October 1990, found on the City's website; <http://www.cityofmadison.com/parks/parks/history.cfm?id=1225>; click on the link to the nomination form. When the subdivision was platted, 66 feet of right-of-way was shown in the plat. The street right-of-way was not dedicated or described on the Plat. It appears the right-of-way already existed, as shown on this scan from the Plat:



When the lots were developed, the sewer line was installed on the terrace either to avoid the expense of reconstructing the road, or because there may have been rock under the road which prevented placing the sewer deep enough. Whatever the reason, we have one of the largest terraces I have ever seen.

#### The House And Modifications

The original house was built in 1961. The blueprints called for the carport to be built toward the west side of the house. We do not know whether the carport was built in that location or not, but evidence suggests it was not.

In 1983, the owners at the time, Mr. and Mrs. Joel Pittelman, hired Continental Construction Company to design additions to the house. Those plans also accompany this letter. The plans provide for expansion of the first floor kitchen and addition of a second floor playroom above the kitchen addition. The plans show an existing carport constructed where the carport currently exists. The 1983 plans also show an existing large blacktop drive and a large blacktop turnaround built on

the terrace. These plans were approved by the City. Indeed, the approval stamp on the plans is right next to the portions of the plans which show the carport and blacktop turnaround. The 1983 plans do not identify the carport as part of the proposed new work, but rather, as an existing structure. Based on apparent age of the concrete footings under our carport's posts, and the vintage and style of the light fixtures installed under the carport, it appears the carport was built in 1961, with City approval.

The second remodeling occurred just four years later. Mr. and Mrs. Sheldon Slemrud purchased the house in 1987 and decided to add a sunroom to the rear. These plans are dated October 28, 1987, and were prepared by Castleberry & Thorne. These plans show that the existing storage closet in the front yard is 20 feet 6 inches from the lot edge. There was and is a five foot overhang beyond that edge.

These plans were presented to and considered by the City at length because the Slemruds needed and were granted a variance to add the sunroom. The variance authorized construction of the sunroom just 27 feet 6 inches from the rear lot line, less than the applicable rear yard setback.

The current carport has existed since 1961 in the same location, which is less than the current setback and, we believe, what the setback was in 1961.

#### Our plans

We bought the house in 2010 and remodeled the interior later that year. We updated all the essential elements of the house. We opened up the living room and redid the kitchen and all the bathrooms. This work gave our house another generation of livability. We did it all with an emphasis on accessibility because we want to age in place in this wonderful neighborhood.

We would like to build an enclosed garage for obvious reasons in Wisconsin. Especially as we get older, we don't want to struggle with the elements while getting into our cars. We want to maintain the existing design theme of the house, which has roof overhangs. We believe the plans, which are enclosed, will achieve that goal.

With the improved garage parking, we intend to remove the concrete turnaround and part of the driveway and sidewalk in front of our house to replace it with green space. We will be reducing the concrete pavement in front of our house by almost 50 percent, which will greatly improve the appearance of the house and neighborhood, and allow for infiltration of more storm water. We will reduce the impervious surface from 2017 square feet to 1,118 square feet.

#### Area Exception Criteria

##### A. Relationship To Existing Structure

The plan will enhance the Mid-Century Modern character of the house without increasing its size or mass. The plan shifts a 589 square foot carport to the east and

encloses it. The new garage will have the same design and style as the existing house.

The plan's design opens up the main entrance of the house and exposes its two-story foyer to the street. We do not want to build the garage in the existing carport location because we want to open the view of front entrance from the street. The current house is dominated by the carport. The remodeled version will be more attractive; more of the house will be visible from the street. If we rebuilt the garage on the current location, it would dominate the house's appearance from the street, and block a new window we installed to bring more light into the kitchen.

We emphatically do not want to overpower the house, and the plan does not do so. The mass of the garage will be proportional to the remainder.

The design of the garage will include windows to break up the garage's walls and a garage door with windows. The garage will have a 2 foot overhanging eave to be stylistically consistent with the rest of the front.

The plan allows for a major improvement in the landscape of the lot. The current large concrete turnaround is ugly. We propose removing the turnaround and removing additional excess concrete. These areas of the lot will be landscaped with woodland plants that will be much more attractive than the concrete.

We will move the driveway to the east in order to access the relocated garage. Relocating the garage requires sacrificing an oak tree. However, we will be able to remove concrete paving that encroaches on other trees and should never have been placed. We also will plant other trees on our lot.

#### B. Relationship To Adjacent Properties.

The Birrenkott survey of our lot and those within 200 feet shows that the existing carport and the proposed garage both are closer to the right-of-way than the neighboring houses. The proposed garage, however, would not change the setback pattern. The garage will be no closer to the street than the current carport.

The current carport has a closet on one side which blocks the view of neighboring properties to the same extent that the proposed garage would. In other words, one cannot see through the current carport, so enclosing a garage would not diminish visibility of the adjacent land owners. The view from the house to the west may improve because the garage will be farther east. The house to the east has no windows on its west side, so we believe the impact on views from that house will be minimal.

The improvements we have made to this house and yard have changed it from a property which lagged the neighborhood and held back property values to one which is up to the excellent standard of the vicinity. The garage will finalize that "catch up" process. It is important to us, though, not to overpower the vicinity. We are keeping to the same footprint area for that reason.

C. Relationship To Neighborhood

The plans maintain the Mid Century Modern character of the house. That is the predominant design theme of the Sunset Hills neighborhood. The project will greatly improve the lot and setting by removing the driveway turnaround, updating an obsolete carport and opening up the central foyer of the house.

The setback of the garage will be the same as that of the existing carport. The small setback is not as apparent because of the off-center location of the street. It helps to make the current carport blend with the neighborhood. The neighborhood will be enhanced by the project.

If anything, the change will make our house blend in better to the neighborhood. It will result in our house having a green front yard similar to the neighboring houses rather than standing out with the large concrete driveway and turnaround.

It is important that long-standing neighborhoods like ours remain vital through periodic renovation of the housing stock. It is equally important that renovation retain the essential qualities of the neighborhood. Sunset Hills is a neighborhood of modest houses. We do not want to change that. We are proposing to update a nice house rather than turn it into a mansion.

Area Exception Standards

The plan completes the updating of the house without necessitating any greater encroachment on the setback. The encroachment is shifted nine feet eastward. Because there is no reduction in the setback, the remodeling will not change the character of the neighborhood or diminish the view, air flow, or aesthetics of adjacent properties. It will improve the infiltration of rain water.

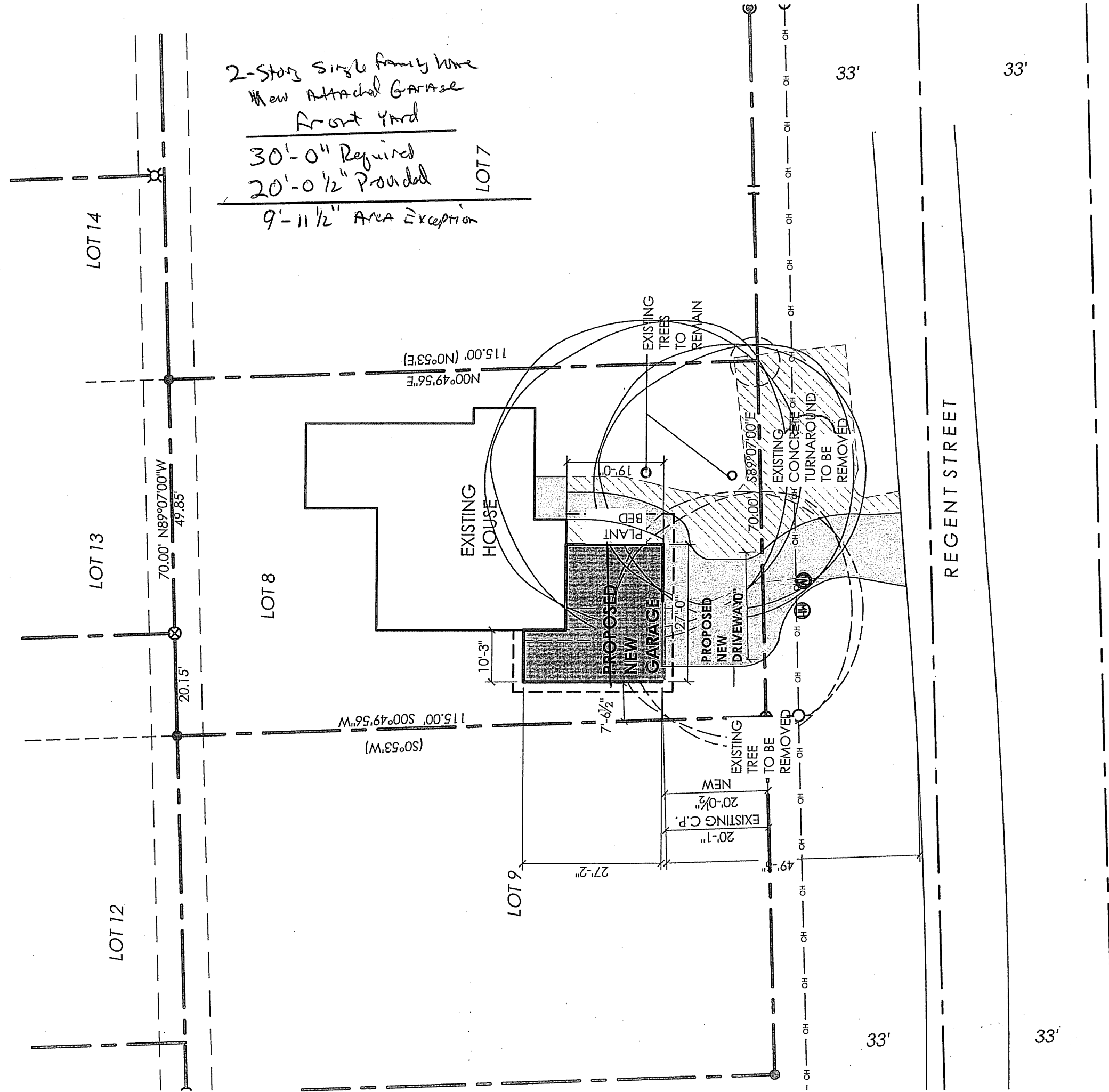
The plan will contribute to maintaining property values in the neighborhood by bringing this house up to the standards of its vicinity. It maintains the style and character of the house in a manner that contributes to stability of the neighborhood. It is important that housing in existing neighborhoods meet the evolving needs of residents. If living in Sunset Hills meant living without an enclosed garage, the result would be to disadvantage this neighborhood by comparison to neighborhoods at the edge of the city and in the suburbs. It is important to the City that existing neighborhoods remain attractive to purchasers willing to invest in updating housing. Housing preferences change over time. In today's world, homeowners reasonably desire an enclosed garage

The garage will have no impact on development of the adjacent lots or limit their future potential.

The garage will not create any fire danger, will make no addition to traffic, and will affect neither airflow nor light of the neighbors.

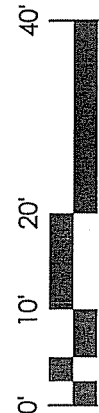
We love this neighborhood and this house. We want to grow old in this house. Having an enclosed garage is an essential part of those aspirations. We thank you for your attention to this request.



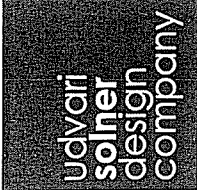


**PROPOSED SITE PLAN**

SCALE: 1" = 20'



NORTH



PRELIMINARY DESIGN CONCEPTS FOR

**HOFFMAN-HAZELBAKER**

3909 REGENT STREET  
CITY OF MADISON, DANE COUNTY, WI

3909 Regent St

①



**BIRRENKOTT  
SURVEYING, INC.**

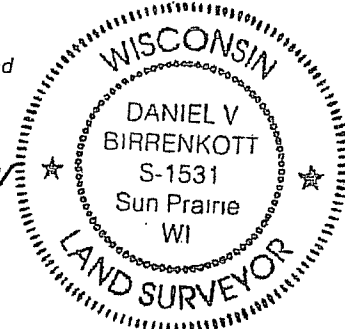
P.O. Box 237  
1677 N. Bristol Street  
Sun Prairie, WI. 53590  
Phone (608) 837-7463  
Fax (608) 837-1081

## PLAT OF SURVEY

### SURVEYOR'S CERTIFICATE:

I, Daniel V. Birrenkott, hereby certify that this survey is in compliance with the Wisconsin Administrative Code. 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.

*Daniel V. Birrenkott* 6-17-2011  
Daniel V. Birrenkott  
Wisconsin Registered Land Surveyor No. S-1531



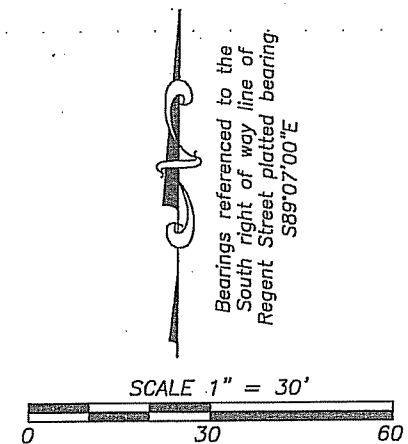
### Notes:

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.



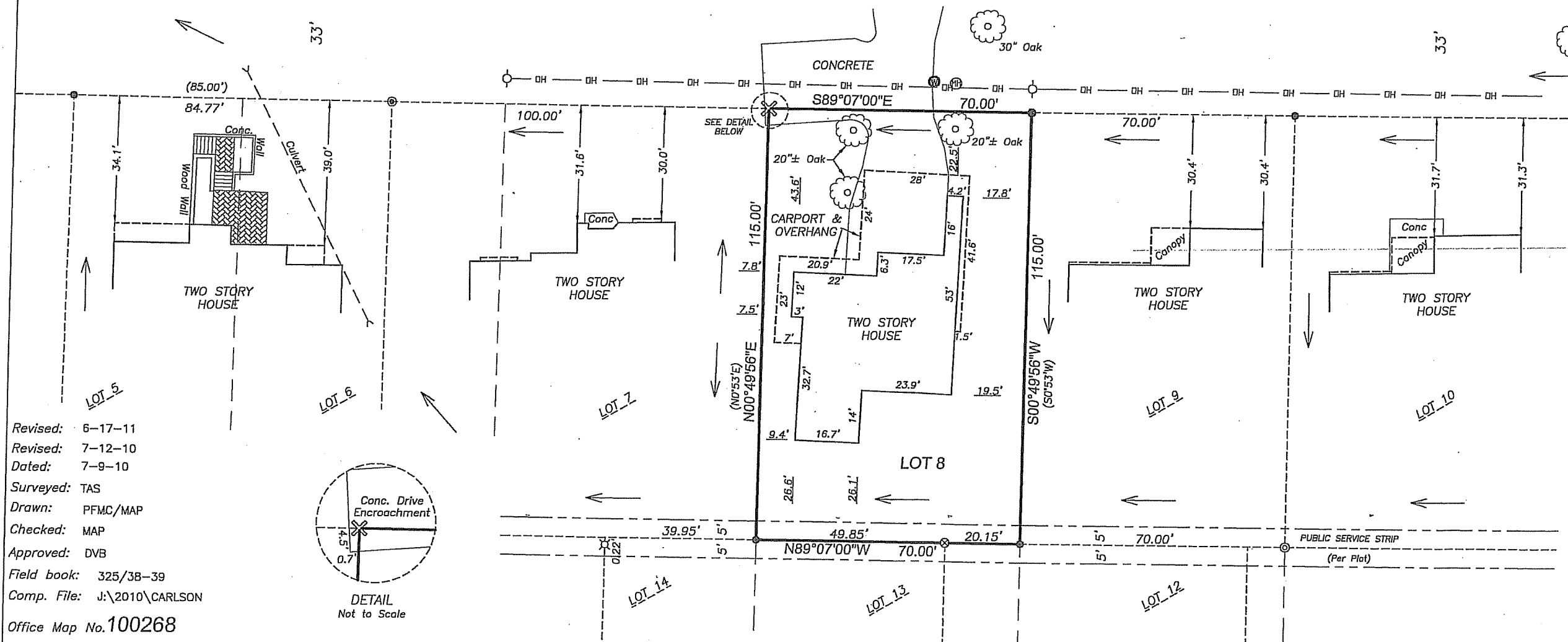
- Legend:**
- = Found 1" Iron Pipe
  - ⊙ = Found 1" Pinch Top Pipe
  - ⊗ = Found 1/2" Iron Pipe
  - ⊘ = Found 3/4" Iron Rebar
  - ⊚ = Found 3/4" Iron Pipe
  - ⊗ = Found "X" in Concrete
  - ⊕ = Manhole
  - ⊙ = Water Box
  - = Utility Pole
  - ⊙ = Large Oak Trees

**Description:**  
LOT 8, SUNSET HILLS, CITY OF MADISON,  
DANE COUNTY, WISCONSIN.

**Surveyed For:**  
Hazelbaker & Associates  
Mark Hazelbaker  
3909 Regent St.  
Madison, WI 53705

## REGENT STREET

## LARKIN ROAD

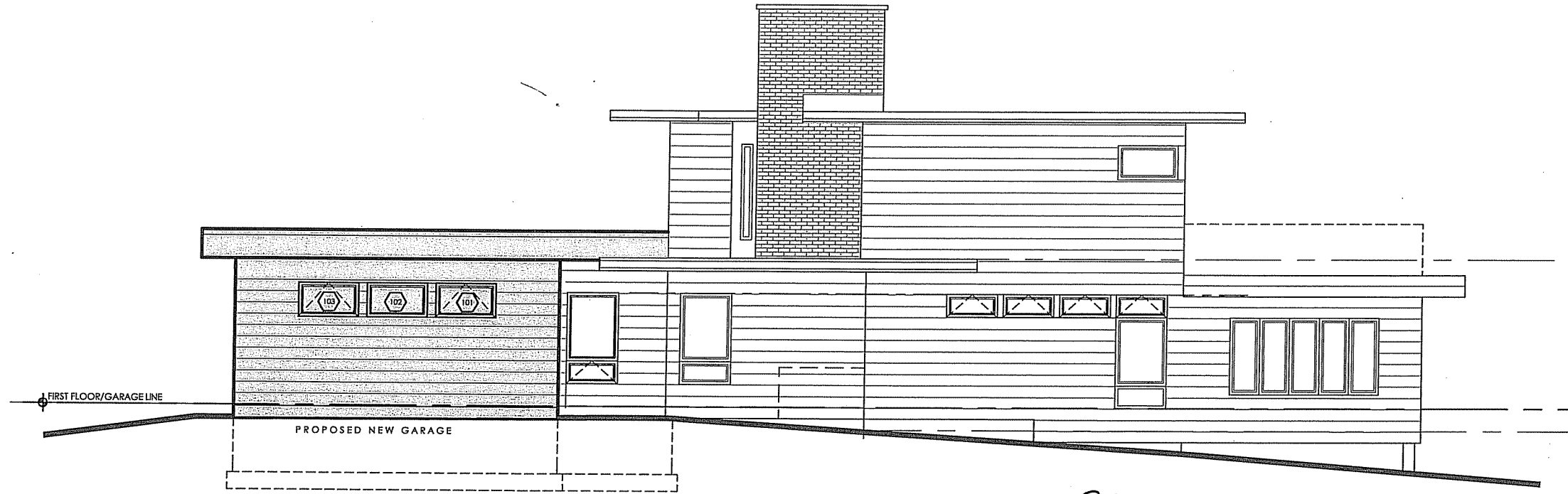


Revised: 6-17-11  
Revised: 7-12-10  
Dated: 7-9-10  
Surveyed: TAS  
Drawn: PFMC/MAP  
Checked: MAP  
Approved: DVB  
Field book: 325/38-39  
Comp. File: J:\2010\CARLSON  
Office Map No. 100268

3909 Regent Street  
Huffman/Hazelbaker

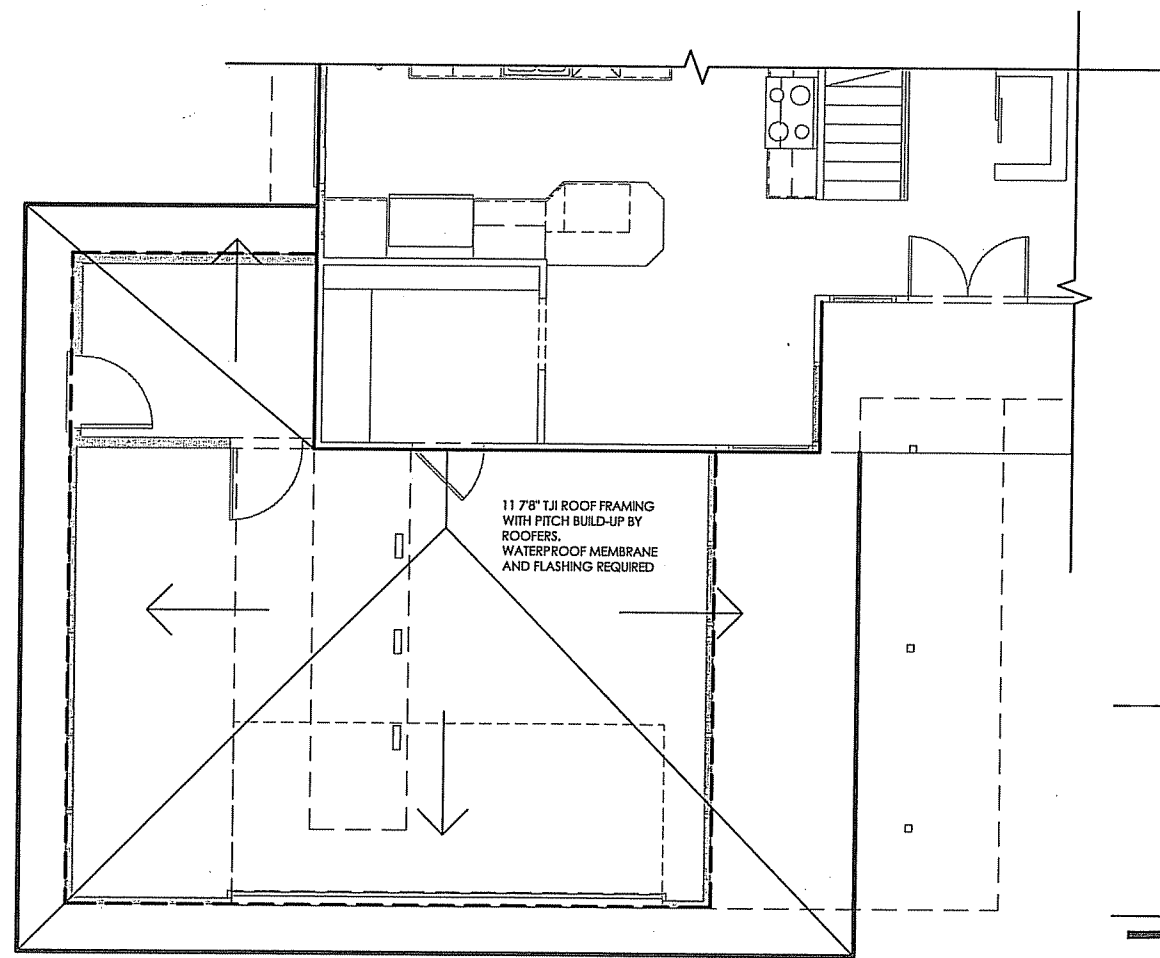




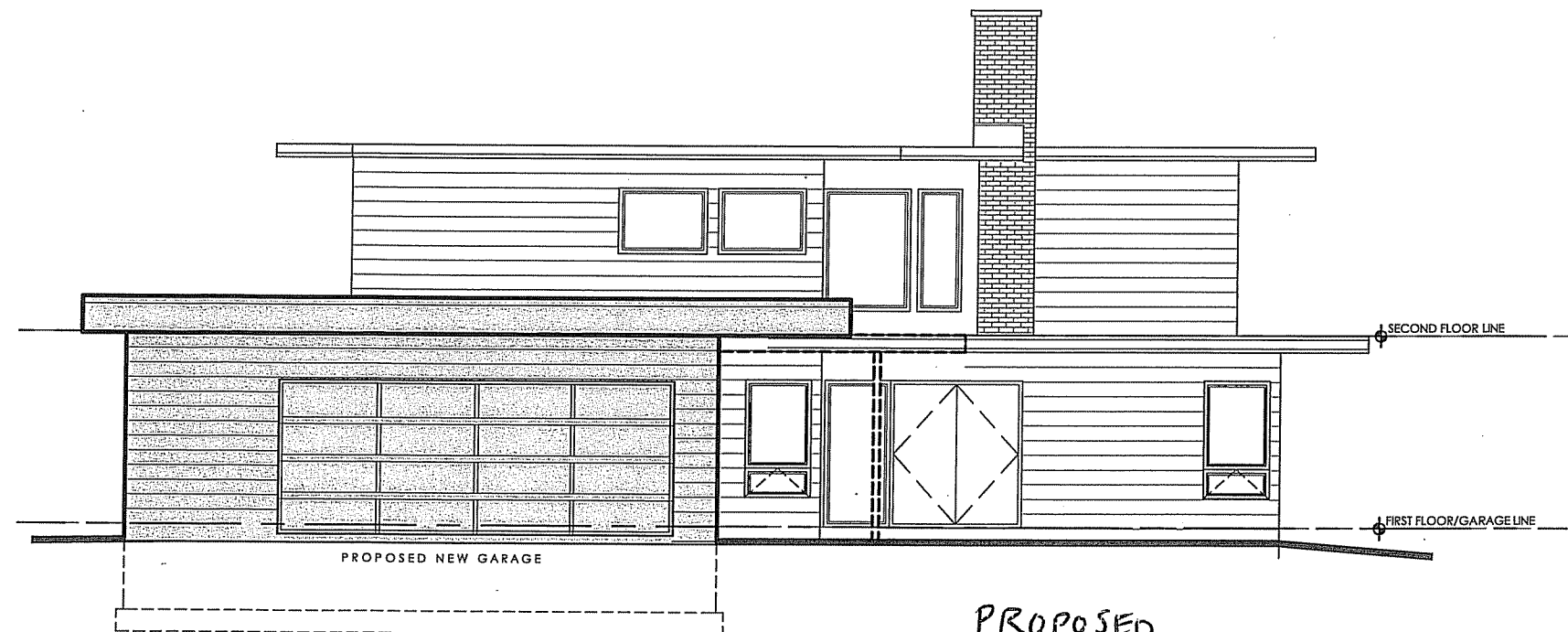


PROPOSED  
**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"

4



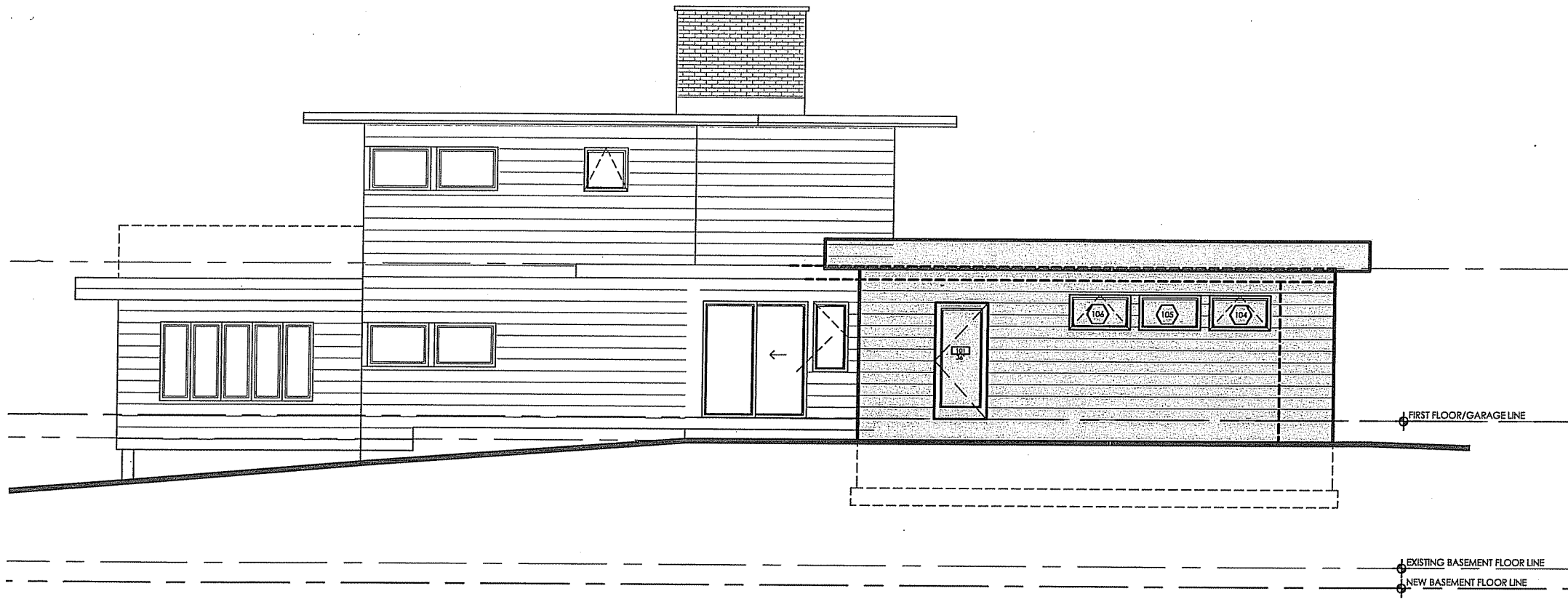
**CONCEPTUAL GARAGE ROOF PLAN**  
SCALE: 1/8" = 1'-0"



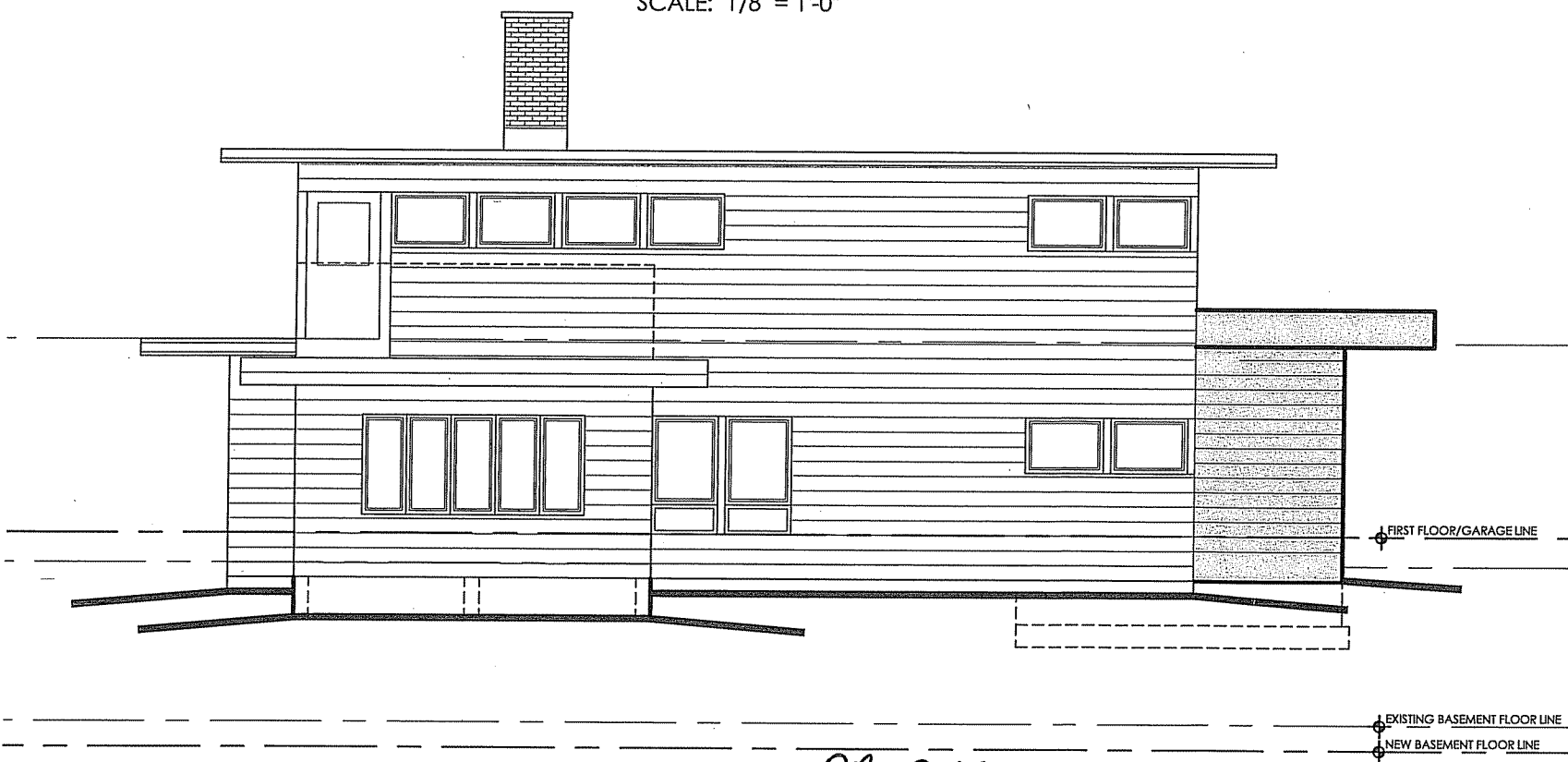
PROPOSED  
**NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"

3909 Regent Street

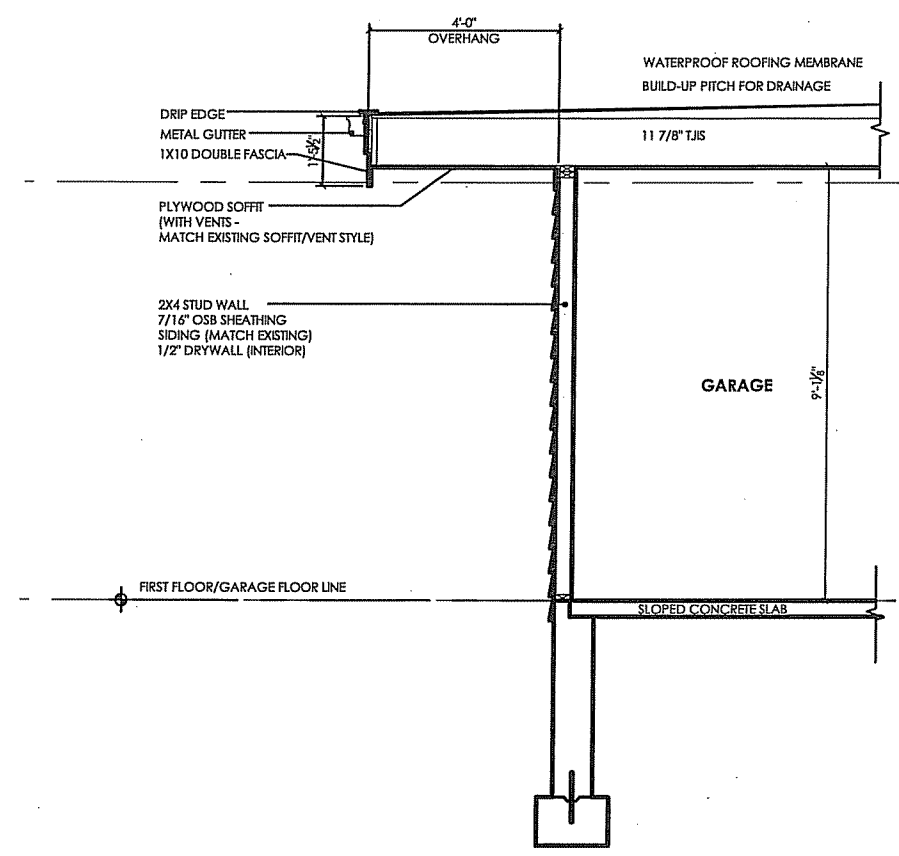
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**PROPOSED  
EAST ELEVATION**  
SCALE: 1/8" = 1'-0"



**PROPOSED  
SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



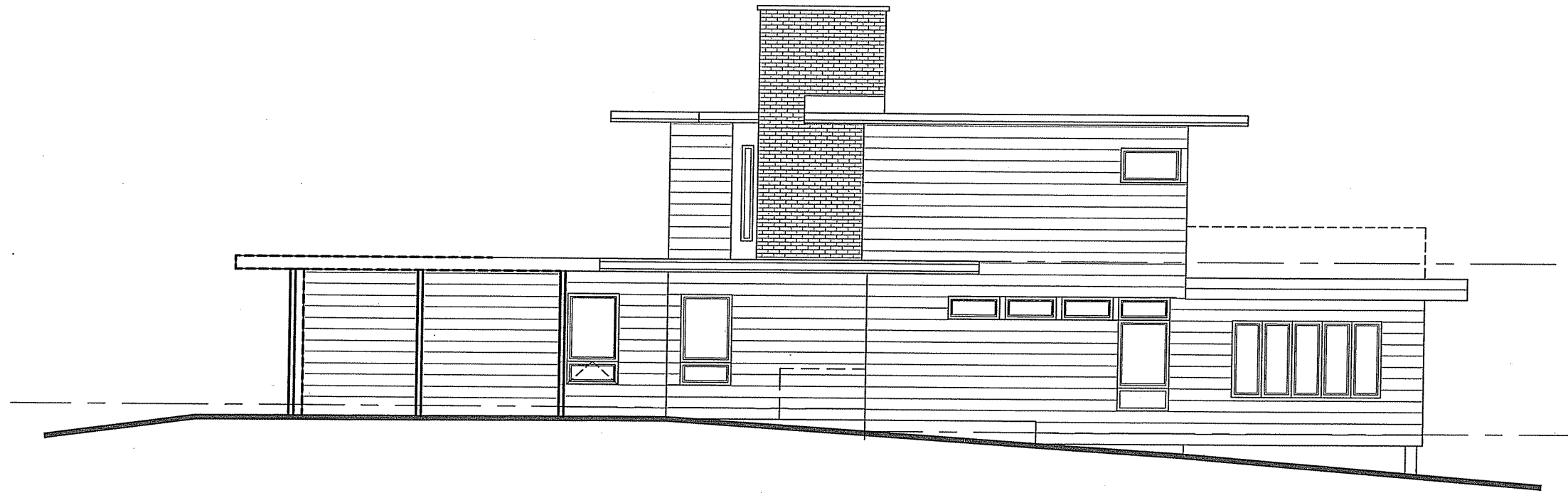
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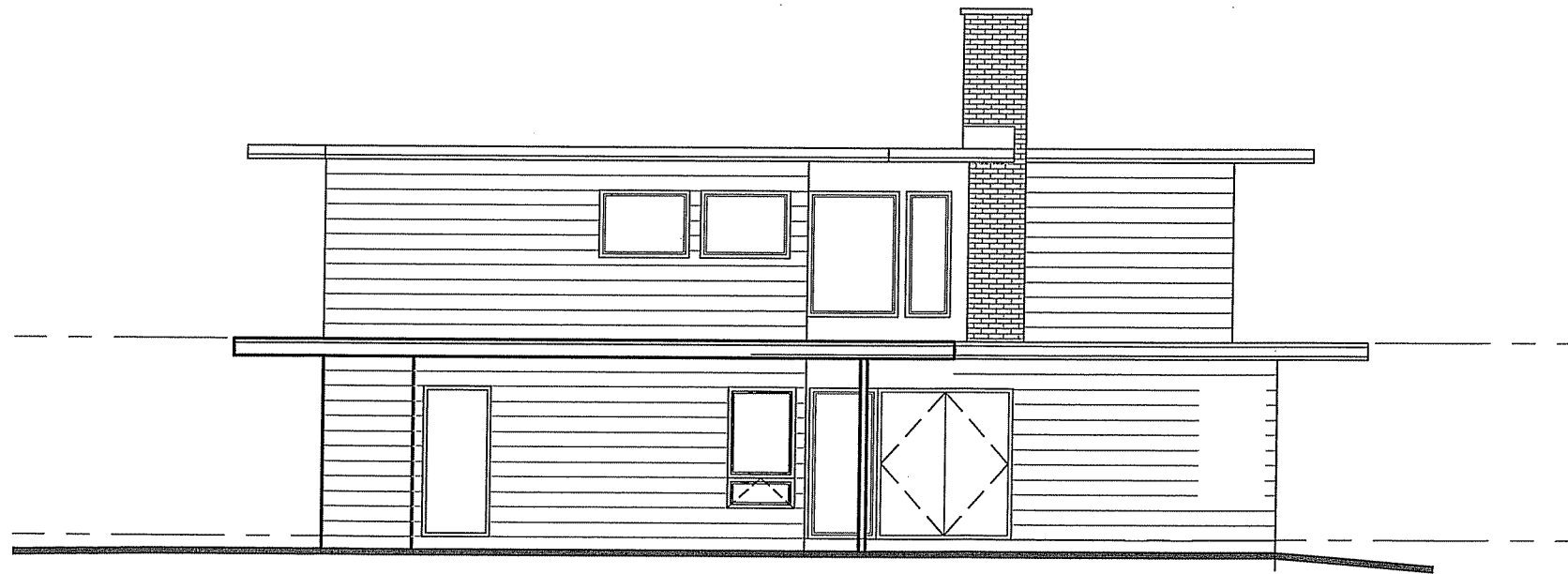
5

3909 Regent Street

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**EXISTING WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**EXISTING NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"

3909 Regent Street

6

udvari solner design company  
2431 university ave  
madison, wi  
608.233.1400  
udvari-solner.com

**HAZELBAKER - HOFFMAN RESIDENCE**  
CITY OF MADISON, WI  
3909 REGENT STREET

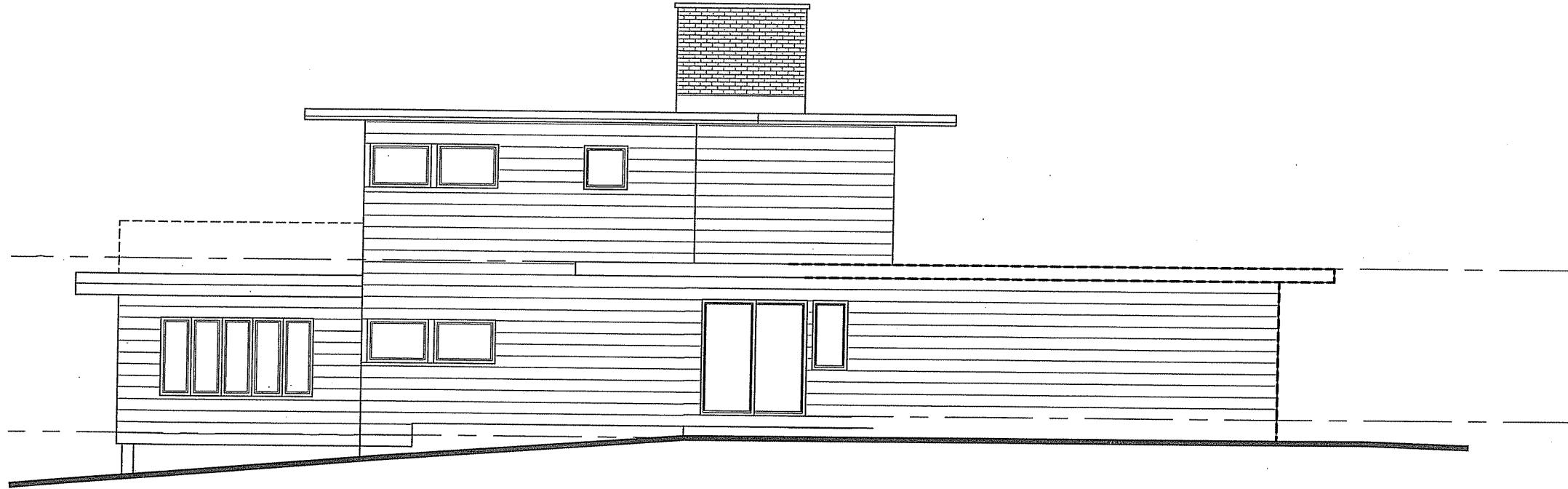
**EXISTING ELEVATIONS**  
THIS DOCUMENT IS THE PROPERTY OF UDVARI-SOLNER DESIGN COMPANY AND MAY NOT BE REPRODUCED IN WHOLE OR IN PART, OR BE UTILIZED IN ANY MANNER WITHOUT EXPRESS WRITTEN AUTHORIZATION, AND ARE FOR BIDDING AND CONSTRUCTION PURPOSES ONLY.

PROJECT NO: 1010  
CAD TECH: KOD/JMD  
PLAN REVIEWER: MUS  
DOCUMENT RELEASE DATES:

06.21.2011	PRELIMINARY

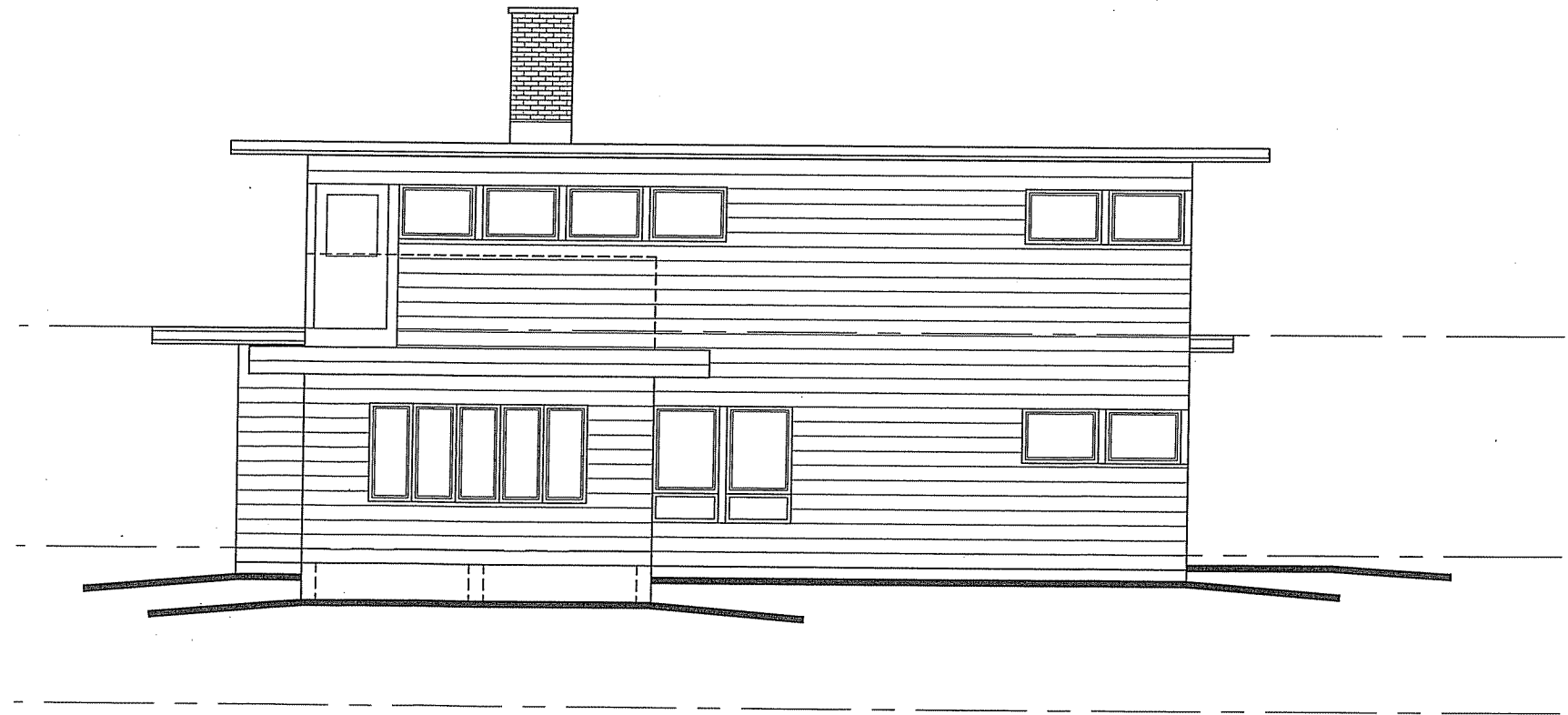
**7**

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**EXISTING EAST ELEVATION**

SCALE: 1/8" = 1'-0"



**SOUTH ELEVATION**

SCALE: 1/8" = 1'-0"

7

3909 Regent Street