



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: 2013 Rusk Street

Name of Owner: Angela Black

Address of Owner (if different than above): _____

Daytime Phone: 608.213.8832 Evening Phone: same

Email Address: angie.black@carlsonblack.com

Name of Applicant (Owner's Representative): Owner

Address of Applicant: _____

Daytime Phone: _____ Evening Phone: _____

Email Address: _____

Description of Requested Variance:

I am requesting a side yard setback variance to construct an addition on top of the existing attached garage, to
add one bedroom to our home. Please see attached narrative.

See reverse side for more instructions.

FOR OFFICE USE ONLY

Amount Paid: \$500.00
Receipt: 2099
Filing Date: 5/15/2025
Received By: Gabriela Arteaga
Parcel Number: 071006413050
Zoning District: TR-V1
Alder District: 6

Hearing Date: 6/12/2025
Published Date: 6/5/2025
Appeal Number: LNDVAR-2025-00003
GQ: _____
Code Section(s): 28.047 (2)

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.

Please see attached narrative.

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.

Please see attached narrative.

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.

Please see attached narrative.

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.

Please see attached narrative.

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

Please see attached narrative.

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


Please see attached narrative.

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:

X	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.
X	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.
X	Elevations from all directions showing existing and proposed. Show the existing structure and proposed addition(s).
X	Interior floor plan of existing and proposed structure , if required. Most additions and expansions will require floor plans.
<input type="checkbox"/>	Front yard variance requests. Show the front yard setback of all other properties on the same block face.
<input 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 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.
X	Email digital copies of all plans and drawings to: zoning@cityofmadison.com.
X	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.
X	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.
X	CHECK HERE. I acknowledge that any statements implied as fact require evidence.

X **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.

Owner's Signature:  Date: May 15, 2025

------(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

Zoning Board of Appeals Chair:

Date:

Application for Variance: 2013 Rusk Street

Written Summary of Proposed Construction Requiring Variance: We would like to add one bedroom on top of an existing attached garage. Structurally and from a constructability standpoint, the addition needs to match the footprint and structure (and walls) of the existing garage and, therefore, we are requesting a sideyard setback variance. The current sideyard setback for our property is 4.9 feet based on 10% of our 49' foot wide lot in the TR-V1 zoning district. The shape of the garage is generally rectangular but has a slight angle to the sidewall so that it generally tracks with the slight angle of the east property line, with a setback from the property line of one foot (1.0') at the front and one foot two inches (1' 2") at the rear. The addition will add an approximately 400-square-foot bedroom with space for a home office. We have considered any other options that would allow a bedroom addition conforming to the setbacks; however, because of our oddly shaped lot including triangular shaped back yard, and the unique structure and layout of the house, adding on top of the existing garage, and matching its structure and footprint, is the only viable option.

Since buying my home in 2003, my family has grown from just me to a family of 5. Because the house is an old church and schoolhouse, we have maintained much of the character of the church layout but our family – me, my partner and our 3 teenage kids - need more than the current one bedroom and two sleeping areas with shared office space. My bedroom has always been in the sleeping portion of the loft/2nd floor, and since the kids are getting older, it would be nice to have walls and a door on my bedroom with the proposed addition. That will also allow us to create bedroom/sleeping space for each kid to have their own area, and for me to move my home office out of my son's room on the 1st floor. We love our neighborhood and our house, but we do not have enough livable space to accommodate our blended family. We are requesting the variance so that we can continue to restore and preserve our cool house and have enough livable space for our kids (some or all of which we anticipate will continue to live at home while they go to school at UW).

Relevant Property and Neighborhood Information:

The ZBA should note that we have a maintenance easement from the neighbor to the east, the side we are requesting the variance on, which is a 6-unit apartment building located at 2023 Rusk Street, with a 4-car garage in back. The maintenance and use easement allows us ingress and egress between the properties, and access to maintain the side of the proposed addition. There is a copy of the perpetual maintenance and use easement on file with the City zoning department (recorded August 21, 1997 as Document No. 2881755).

The property on the other side of our house is a 2-unit owner occupied property (with an upper flat rental unit). The rest of the 2000 block of Rusk Street is primarily multifamily (of 2 to 6 units), one housing cooperative, 3 other single family homes and an entrance to and parking lot for the Barrymore Theater.

Standards for Variance:

1. Conditions unique to the property.

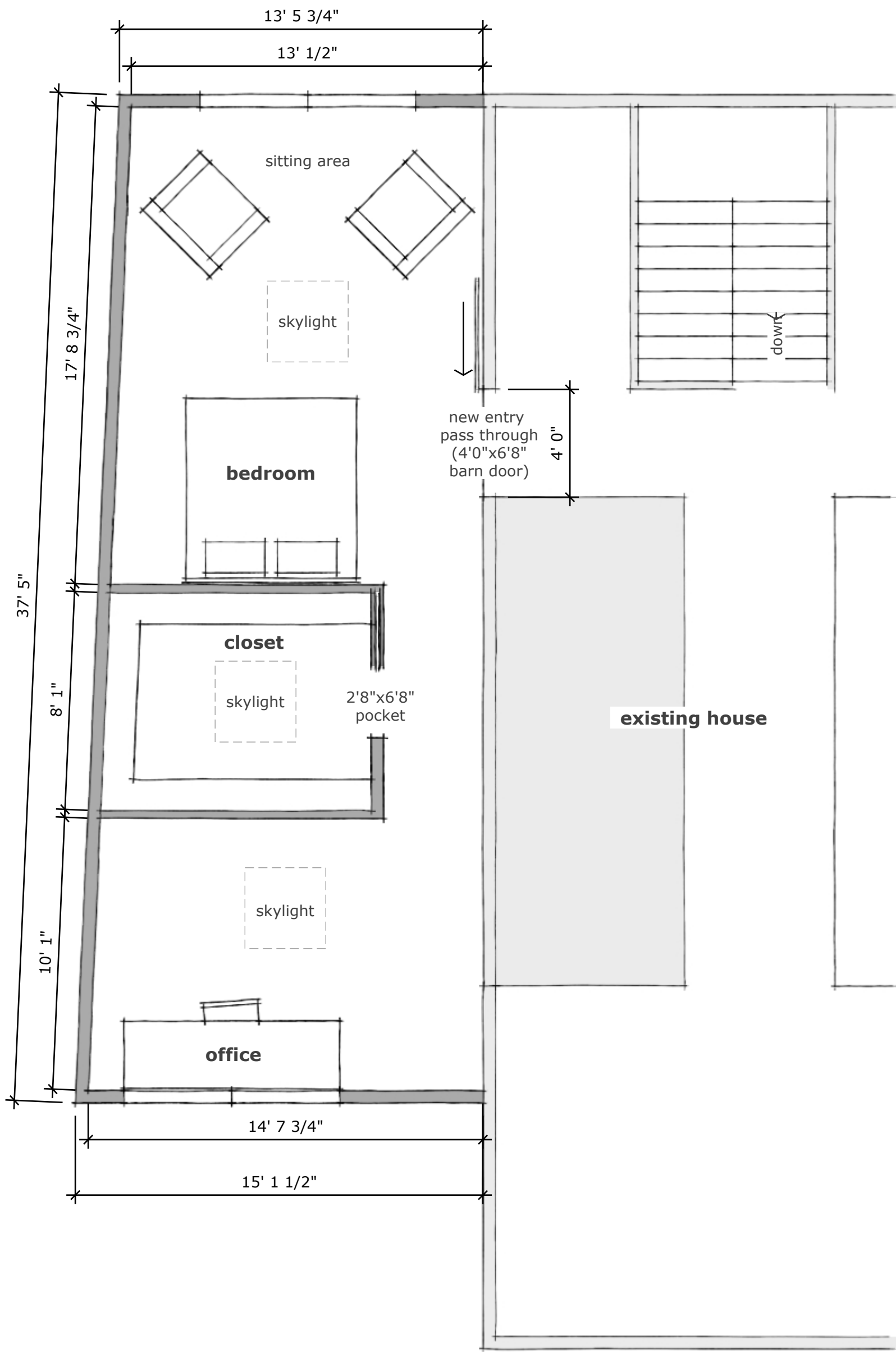
The size and configuration of our lot makes it impossible for us to construct this small addition anywhere else on the lot. In addition, the historical use as a church (and school), and the unique structural configuration of our house, would be further supported by the addition, adding to the longevity of the home. The addition would add more buttressing for the roof and wall structure, and further anchoring the other side wall of our house (the

sidewalls had suffered some “bowing” due to how the prior owner did certain interior renovations, so we have worked to correct and secure that). Finally, our lot is more irregularly shaped than other properties in the TR-V1 zoning district, so adding bulk above the existing garage footprint is the best and only option.

2. Spirit, purpose and intent of the zoning district. The space in between our house and the neighboring property on the side of the variance will not change, access to our backyard and their 4-car garage at the rear of their lot will remain the same as it is now. Placement of the addition is within the existing footprint of our garage and has no impact on the structure relative to the lot line. The addition of one bedroom is not a significant increase of bulk on our lot and will be less than the bulk of the neighboring property on the side of the variance, and many other properties on our street. Also, the addition supports the purpose and intent of the district. Specifically, it will help us protect and encourage the essential characteristics of our mature residential area (street), encourage a suitable environment for (our) family life and maintain and improve the viability of (our) existing housing, including updating our older housing in a context-sensitive manner. As noted above, the property is owner occupied, and we have invested significant time and effort (and dollars) to preserve and improve the property since purchasing it in 2003, and desire to continue to do so.
3. Aspects of the request making compliance with the zoning code burdensome. Complying with the strict letter of the required setback would require an inset on the east property line of approximately 3 feet, which would not only be aesthetically awkward and inconsistent with the two story structures all around us, but it would require additional structural engineering and structural modifications to the garage that may render it unusable for car parking in the winter and would likely be cost prohibitive and infeasible.
4. Difficulty/Hardship. The structure on the property was built in 1908 as a church and schoolhouse, well before the current zoning code. In addition, the lot configuration in our block has been divided and redivided over time and a portion of the historical platted lot our house sits on was at some point conveyed to the neighboring property to the west (2011 Rusk), such that they now have two garages, one on either side of their 2-unit house. I have tried to purchase back that portion of the lot but that property owner will not sell it and intends to keep their larger, oversized 1.5 to 2x size lot with two garages. Granting the sideyard variance to allow a 1' setback at the front and 1' 2" at the rear, to match the existing footprint of the garage, allows us to add a modest bedroom for me and my partner with walls and a door, including a small home office area for me to work from home part time so I can be home for kids before and after school. It also allows each of our 3 teenage kids to have a separate bedroom or sleeping space (they are all too big for the bunk beds at this point).
5. The proposed variance will not create a substantial detriment to adjacent property. The addition will not be as tall as our existing house and, therefore, will have no additional impact on light to the 6-unit property or the property on the other side of our house. This addition will be generally the same height as the height of the neighboring property (or not as tall); thus the variance would have a minimal impact on the existing relationship between our house and the adjacent 6-unit apartment building. In addition, the distance between the proposed addition and the apartment building will remain the same as it currently exists - approximately 8½' to 9'. Finally, this distance and proximity between the proposed addition adjacent property is consistent with the close proximity of most of the

structures in our near-eastside neighborhood, including most of the properties on our block.

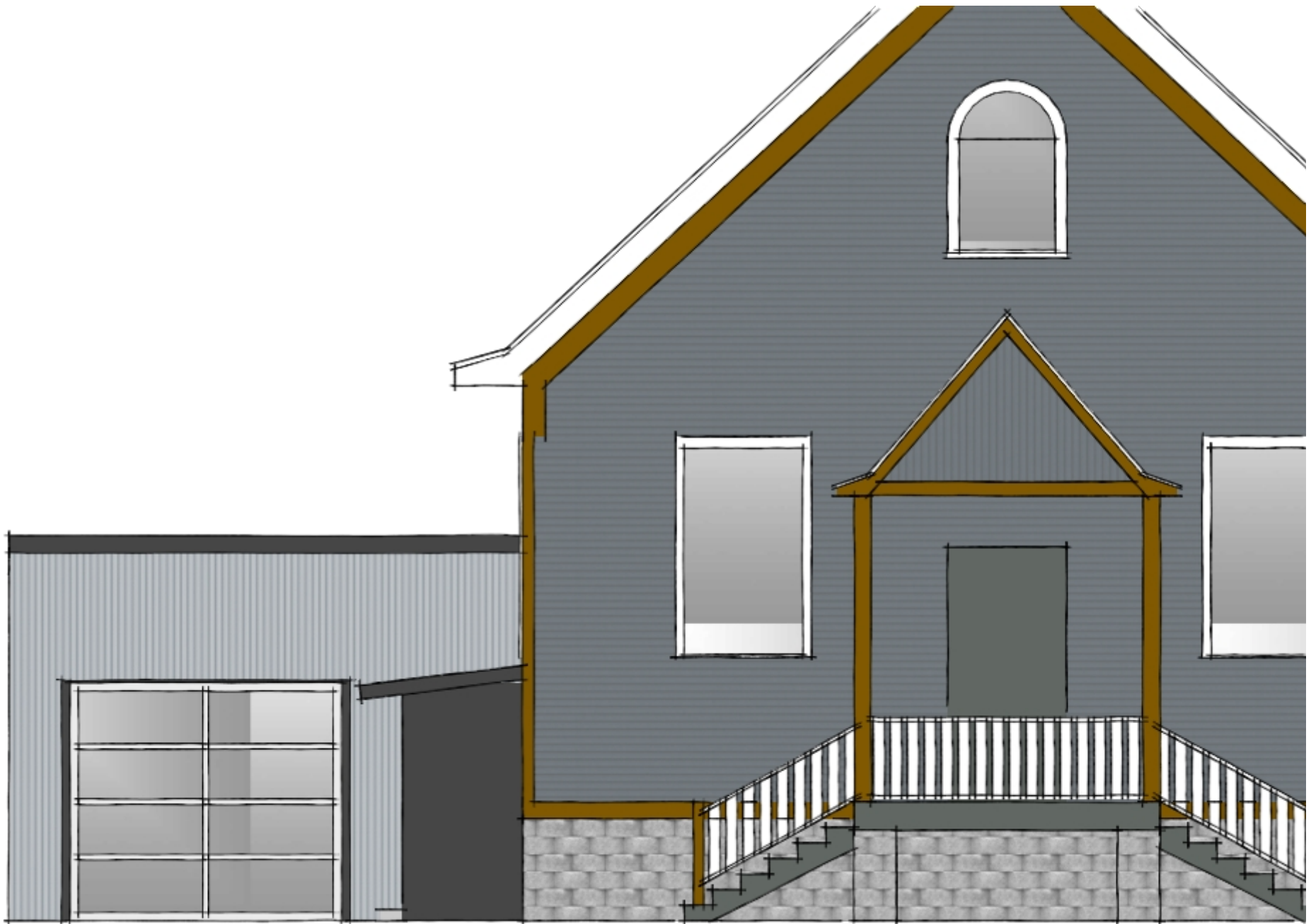
6. Characteristics of Neighborhood. Our house, with this addition, fits well with the eclectic mix of housing types, shapes and forms on our street and in the Atwood/Schenck's Corners neighborhood, and does not negatively impact the houses, apartments and commercial buildings adjacent to our house. The garage and the proposed addition are set back from the front lot line approximately 20 feet, and behind the house approximately 10 feet, so it is not visible from most vantage points along Rusk Street until you are close to being front of our house. With its position, and stepback from the front, the existing garage and proposed addition respects the unique character of the existing house (old church/school) and creates a modern, distinct addition that maintains the history and character of the old while reflecting the modernization of the new, adaptive reuse of the property.



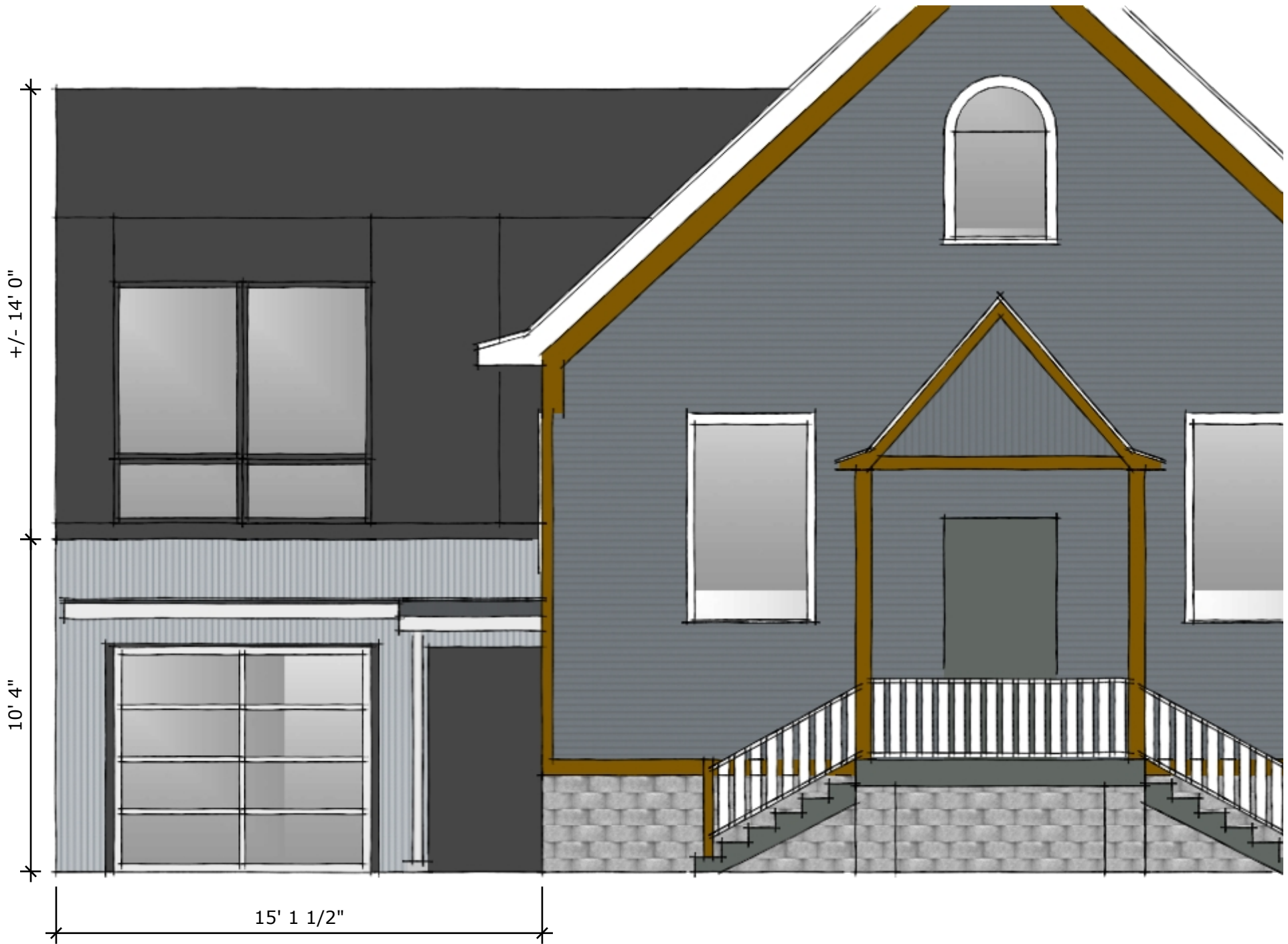
Second Floor Addition Layout

Scale: 1/4" = 1'-0" (11x17)





existing



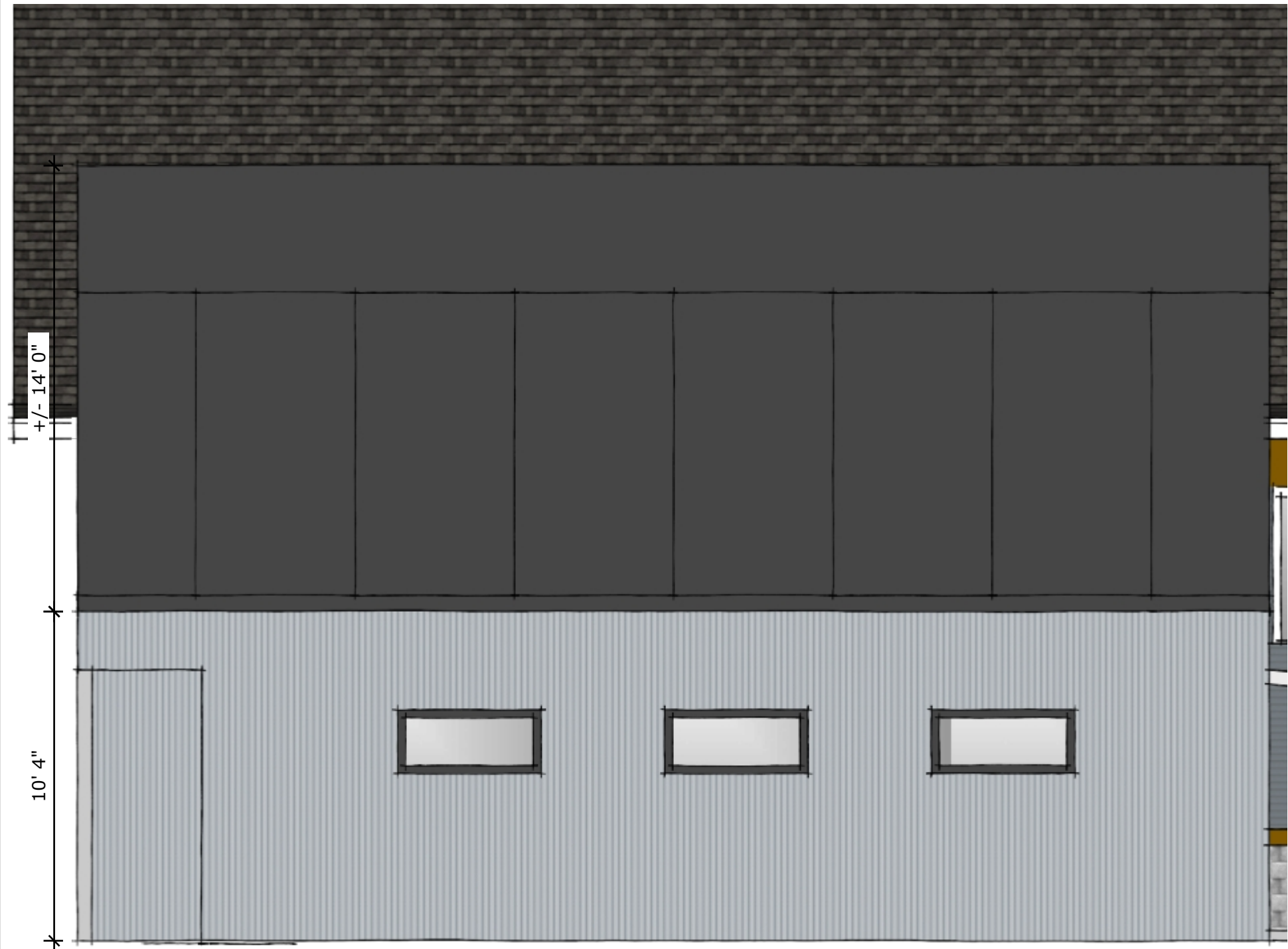
proposed

Second Floor Addition - Front Elevation

Scale: 1/4" = 1'-0" (11x17)



existing



proposed

Second Floor Addition - Side Elevation

Scale: 1/4" = 1'-0" (11x17)

existing



proposed



Second Floor Addition - Rear Elevation

Scale: 1/4" = 1'-0" (11x17)



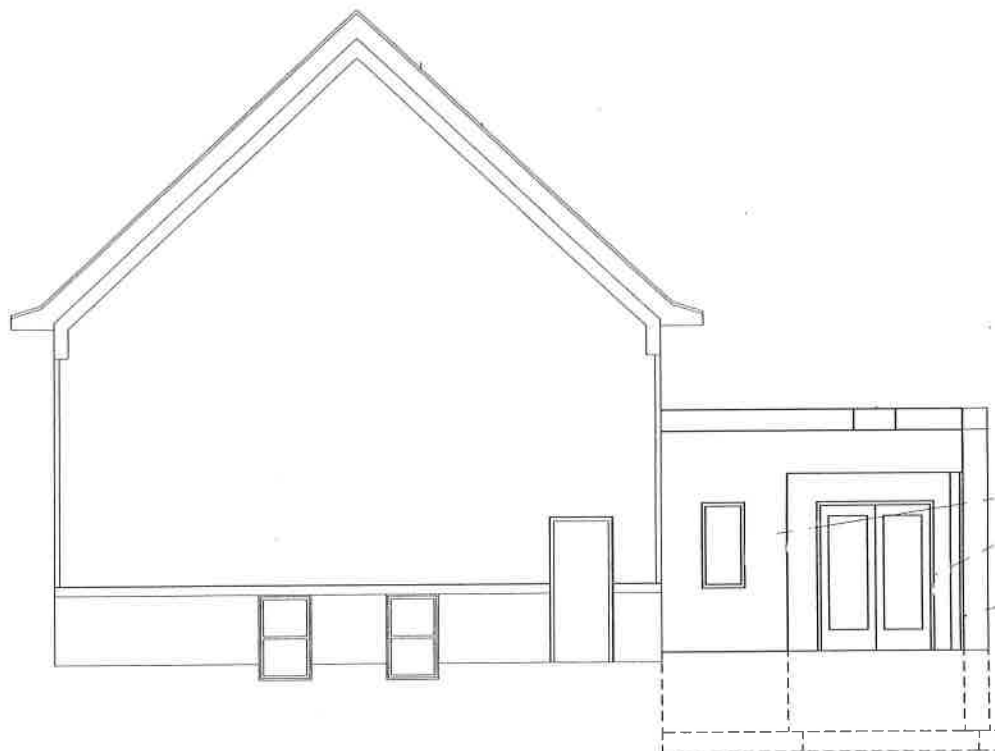
Perspectives

Scale: NTS



NORTH ELEVATION

SCALE: 1/4" = 1'-0"



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

BARRYMORE
THEATER

NUT
CRACK

ATWOOD

PARKING
LOT

4 UNIT

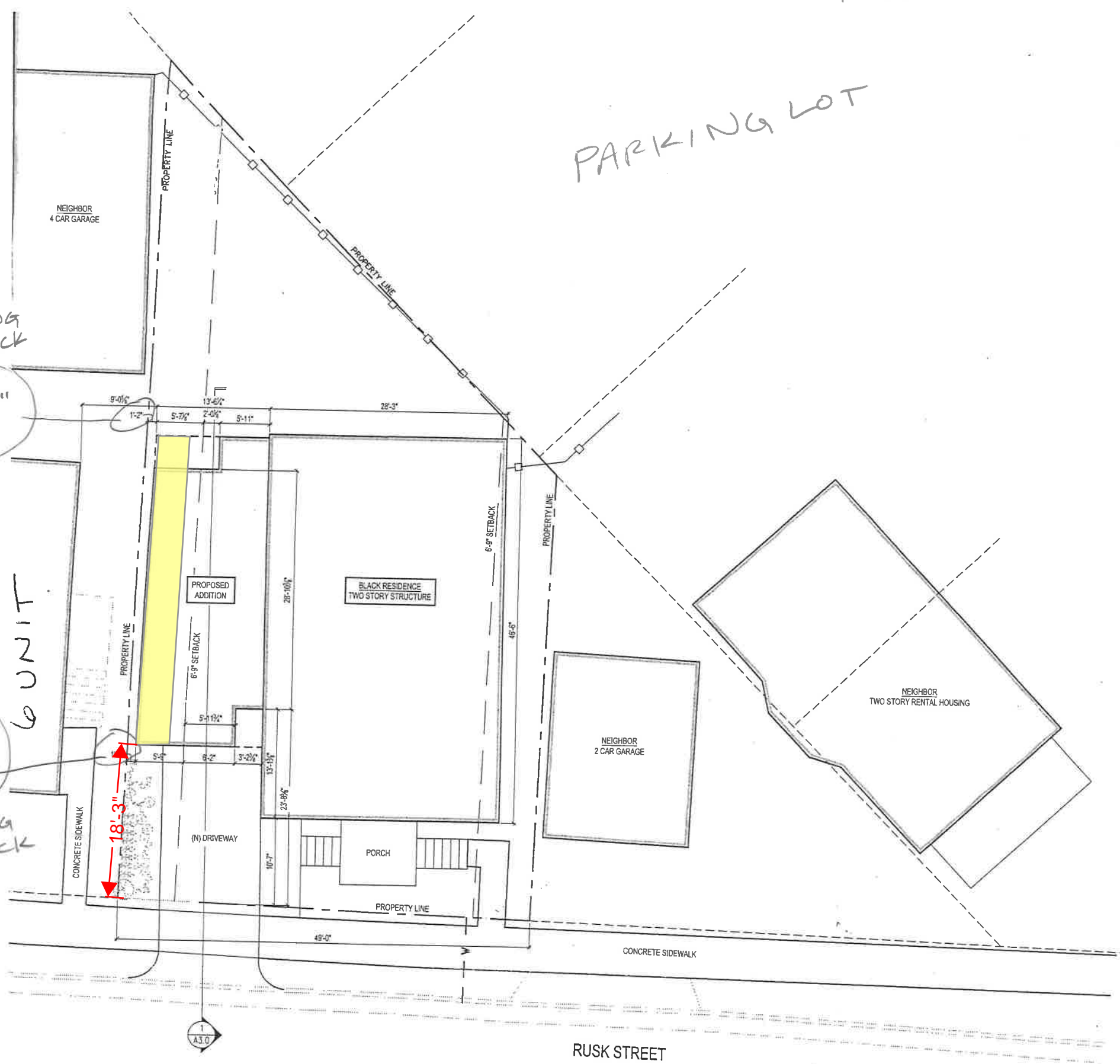
PARKING LOT

EXISTING
SETBACK

1'2"

EXISTING
SETBACK

1'0"



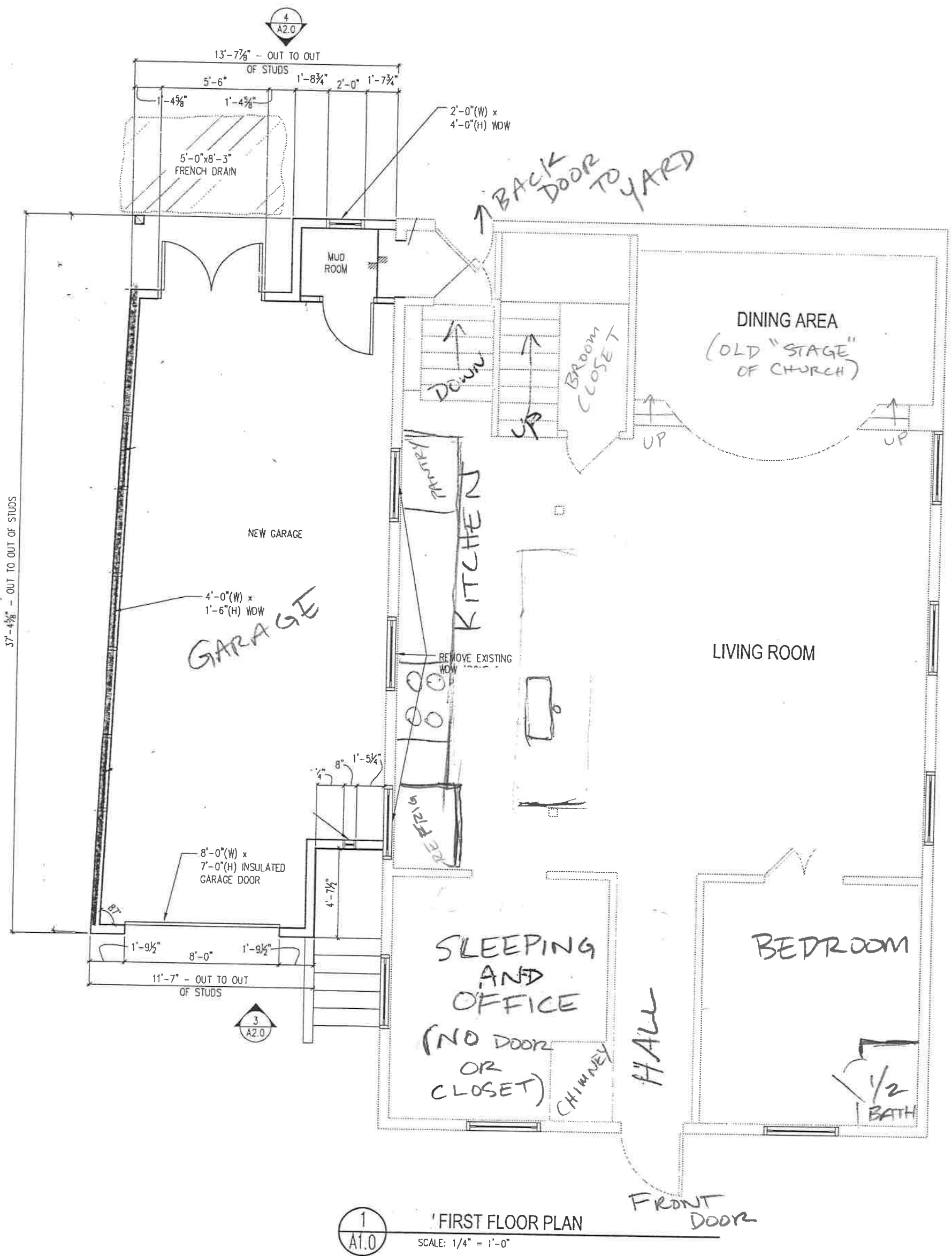
Side yard setback variance for second-story
addition on single family house

Side Yard Setback

Required 4.9'

Proposed 1.0'

Variance 3.9'

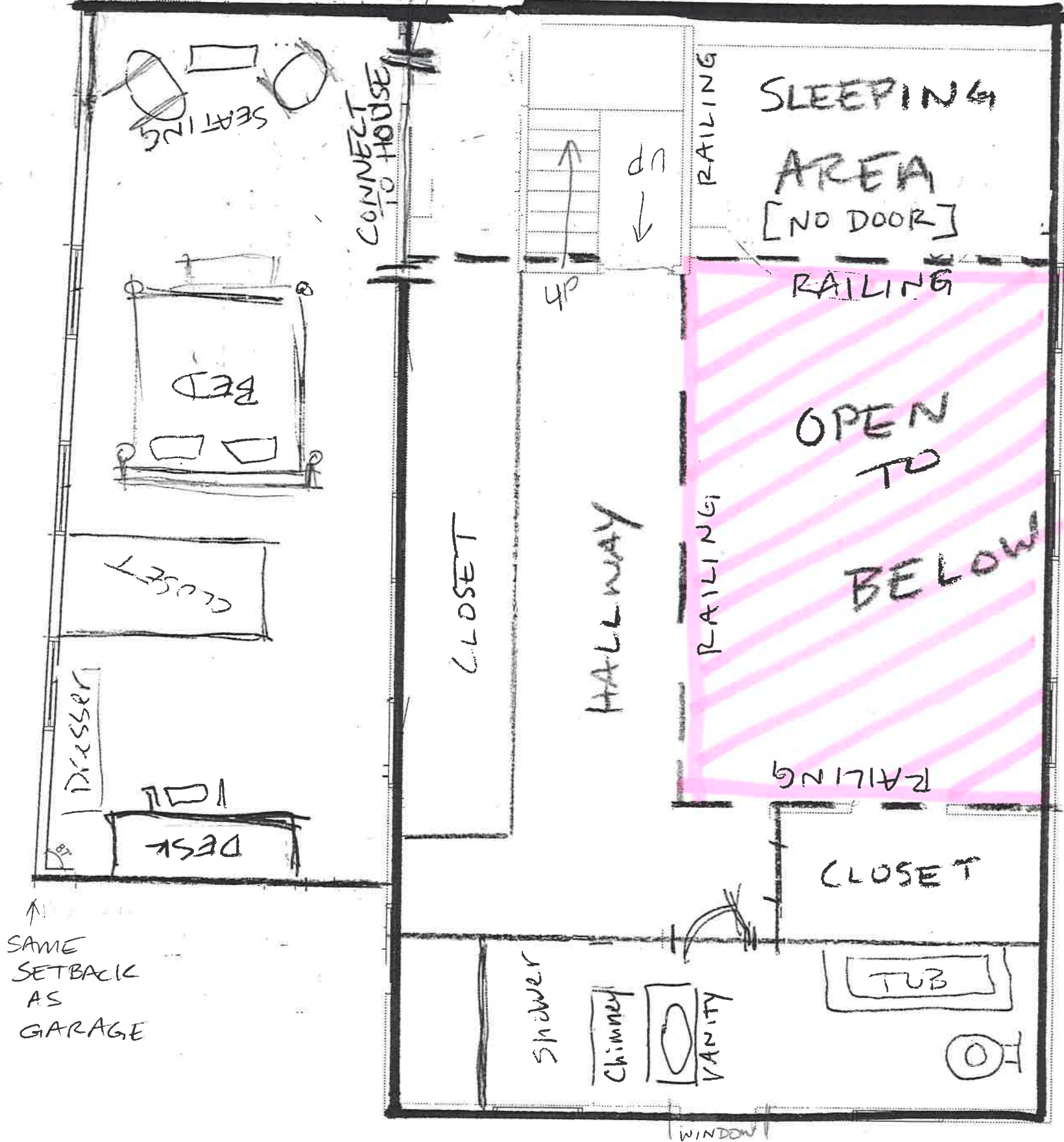


37'-4 1/8" - OUT TO OUT OF STUDS

13'-7 1/8" - OUT TO OUT OF STUDS

SAME SETBACK AS GARAGE

12:12 PITCH ROOF



1
A1.0

LOFT AREA + NEW BEDROOM ADDITION

SCALE: 1/4" = 1'-0"