



**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: 938 Spraight St. Madison WI

Name of Owner: Apex Real Estate Holdings LLC

Address of Owner (if different than above): 1741 Commercial Ave Madison WI 53704

Daytime Phone: 608-255-3753 Evening Phone: \_\_\_\_\_

Email Address: bbosber@apexrents.com

Name of Applicant (Owner's Representative): Aaron Kalvas

Address of Applicant: 8792 Spring Valley Rd Black Earth WI 53515

Daytime Phone: 608-219-0190 Evening Phone: \_\_\_\_\_

Email Address: qtfabricationsllc@gmail.com

**Description of Requested Variance:**

To repair/restore an existing front porch in the side yard setback, and to update an existing rear fire escape in the side yard setback.

See reverse side for more instructions.

**FOR OFFICE USE ONLY**

Amount Paid: \$500.00  
Receipt: 128792-0003  
Filing Date: 7-20-2023  
Received By: NJK  
Parcel Number: 070913405241  
Zoning District: HIS-TL, TR-V2  
Alder District: 6-RUMMEL

Hearing Date: 5-18-23  
Published Date: 5-11-23  
Appeal Number: LNDVAR-2023-00009  
GQ: \_\_\_\_\_  
Code Section(s): 28.078(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"/>	<b>Pre-application meeting with staff.</b> 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"/>	<b>Site plan</b> , 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"> <li><input checked="" type="checkbox"/> Lot lines.</li> <li><input checked="" type="checkbox"/> Existing and proposed structures. Include dimensions and setback distances to all property lines.</li> <li><input checked="" type="checkbox"/> Approximate location of structures on properties next to variance.</li> <li><input checked="" type="checkbox"/> Major landscape elements, fencing, retaining walls or other relevant site features.</li> <li><input checked="" type="checkbox"/> Scale (1" = 20' or 1' = 30' preferred).</li> <li><input checked="" type="checkbox"/> North arrow.</li> </ul>
<input checked="" type="checkbox"/>	<b>Elevations</b> from all directions showing existing and proposed. Show the existing structure and proposed addition(s).
<input type="checkbox"/>	<b>Interior floor plan of existing and proposed structure</b> , if required. Most additions and expansions will require floor plans.
<input type="checkbox"/>	<b>Front yard variance requests.</b> Show the front yard setback of all other properties on the same block face. <i>N/A</i>
<input type="checkbox"/>	<b>Lakefront setback variance requests.</b> Provide a survey prepared by a registered land surveyor. The survey must show existing setbacks of buildings on adjacent lots. <i>N/A</i>
<input type="checkbox"/>	<b>Variance requests involving slope, grade, or trees. Show:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Approximate location and amount of slope.</li> <li><input type="checkbox"/> Direction of drainage.</li> <li><input type="checkbox"/> Location, species and size of trees.</li> </ul> <div style="text-align: right; margin-right: 20px;"><i>N/A</i></div>
<input checked="" type="checkbox"/>	Email <b>digital</b> copies of all plans and drawings to: zoning@cityofmadison.com.
<input type="checkbox"/>	<b>Pay \$500 filing fee on or before submission deadline.</b> 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 checked="" type="checkbox"/>	<b>CHECK HERE.</b> 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"/>	<b>CHECK HERE.</b> 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.

Owner's Signature: *Jesse Boston* Date: 4-19-23

----- (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: \_\_\_\_\_

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

The house at 938 Spaight St. and its front porch date to 1902. The house is classified as historic and the changes proposed have previously been approved by Landmarks Commission. The majority of restoration of the front porch will occur outside of the side yard setback to the north. This work includes extending the porch to the south to its original width, recreating stone piers under new double columns with period detailing, replacing the porch walk surface, and replacing the handrails. The pier in the front corner adjacent to the stair and at the house is in the side yard setback and needs to be replaced for structural reasons but does not increase the area currently in the setback.

The wood-framed fire escape at the rear of the building is also existing and has been in place for several decades, but no longer meets code. In order to bring the rear fire escape to code compliance, the second and third floor landings will need to be expanded, as well as the addition of code-compliant stair runs to grade. As with the front porch, the majority of the work proposed will occur outside of the side yard setback and the area within the setback at ground level will not be increased.

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

We will not be moving any closer to the property line at either the front porch or the rear fire escape. Nor will the area within the side yard setback be increasing at ground level in the front or the rear. The visual mass of the front porch is not changing from its existing volume as it relates to the setback area. The addition to the rear fire escape is an open wood construction consistent with the existing fire escape construction.

3. For an area 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.

The front porch is in need of structural repair to prevent failure and to be brought up to code for the guard rails (IBC Section 1015). The rear fire escape also needs to be brought up to current code for several deficiencies (IBC Sections 1011, 1015, 1024). An addition to the existing fire escape structure rather than its removal is the best way to achieve this. The rear fire escape is required for the following reasons: Section 805 of the IEBC for Means of Egress sends me to the IBC for the minimum number of exits required. Table 1006.3.2(1) Stories with one exit or access to one exit for R-2 occupancies in the IBC allows for one exit in R-2 below the fourth floor, provided the building is sprinklered and provided with emergency escape and rescue openings in accordance with Section 1030 of the IBC. Section 1030 dictates the required openings and locations of exit components, of which the doors on to the rear fire escape exceed the minimums. The size of the rear exit is set in Section 1011 of the IBC. Section 1011.2 Exception 1 requires the stair to have a minimum width of not less than 36" clear. This minimum distance is also required along the entire path of travel, Section 1024.2. The current stairs from 3rd to 2nd do not meet code as they are only 24" wide. Where the stair lands on the 2nd floor, the clear width is also reduced below 36". The 3rd floor landing is roughly at the same elevation as the roof overhang, which means the landing needs to extend further from the rear of the building to maintain the required minimum clear distance, with new code-compliant stairs down to 2nd floor beyond, closer to the rear property line. The increase in landing size for the two upper levels would add a total of 16 square feet of space in the setback at 12' (6 sqft) and 19' (10sqft), but allow for maintaining 90+% of the existing fire escape structure.

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.

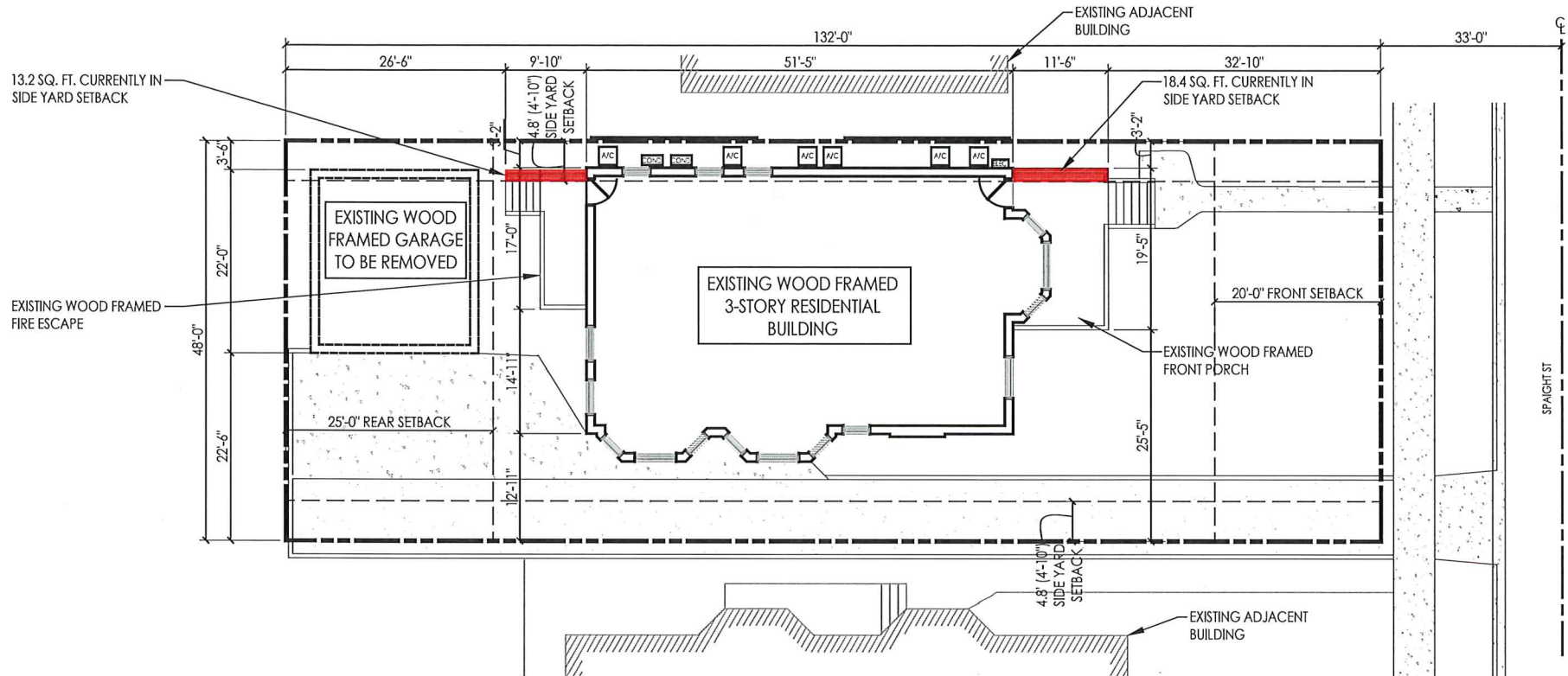
The existing building is located within the side yard setback to the north. The original existing front entry door and rear unit exit door are set close to the north wall of the building and can not be relocated in such a way to remove the encroachment of the existing front porch or rear fire escape.

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

No additional exterior lighting is to be added. The shadows cast by the front porch throughout the morning hours will not substantially change. Given the site's large existing trees to the west and the orientation of Spaight St, the additional shading possible by the fire escape stairs only happens during limited parts of the year, and only for a few hours during those weeks.

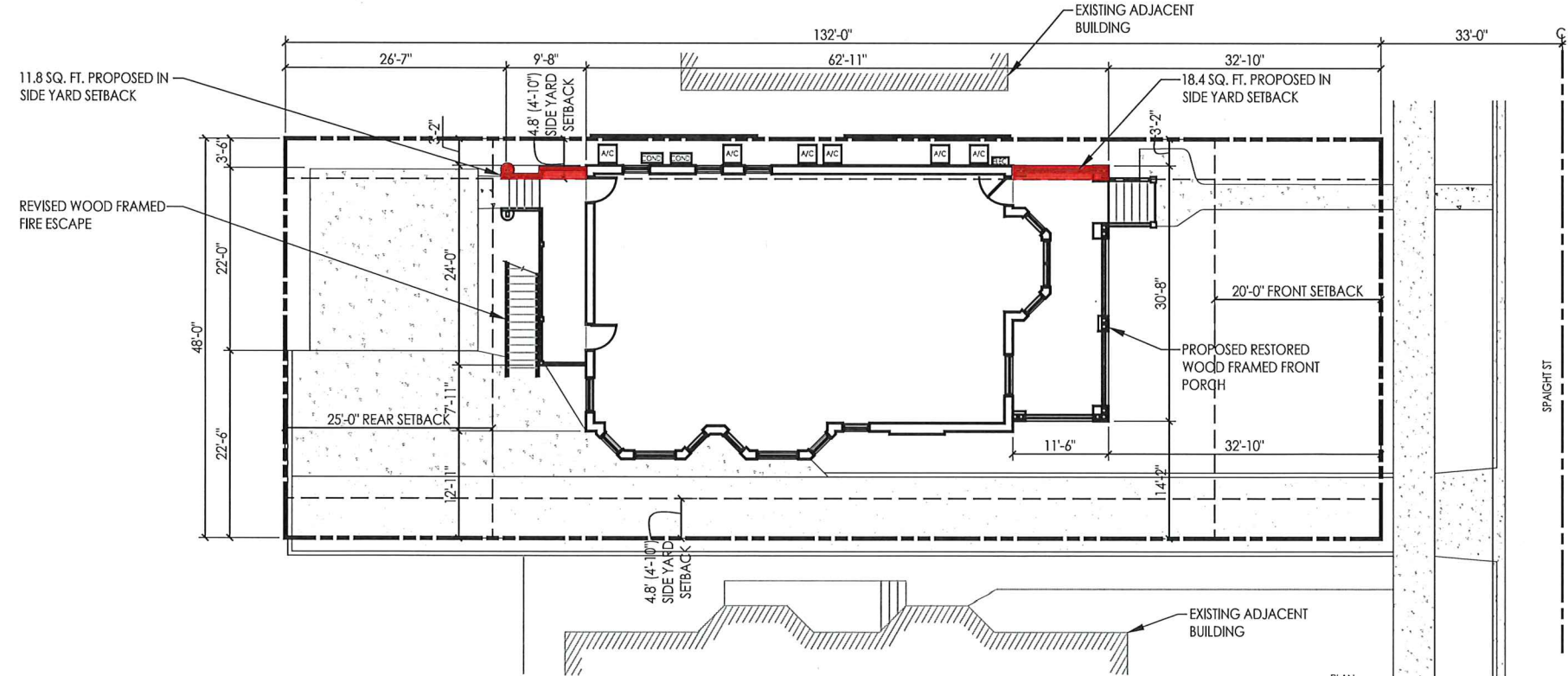
6. The proposed variance shall be compatible with the character of the immediate neighborhood.

All of the exterior renovations have been geared toward restoring the original look and character of the building as it was in 1902, while maintaining current life safety requirements. From removing the metal fire escapes on the front and side of the building, to restoring the original lap board siding and window trim, to returning the front porch to its original size, the Landmarks Commission have deemed the exterior updates to be appropriate and an improvement to the overall look of the building. While the rear fire escape is not original to the building, it is a requirement of the current codes.



**1 EXISTING SITE PLAN**  
 A1 SCALE: 1" = 20' - 0"

NOTES:  
 1. ALL SITE INFORMATION AND DIMENSIONS FROM DOCUMENT PREPARED BY LICENSED LAND SURVEYOR DATED MAY 21 2007.



**2 PROPOSED SITE PLAN**  
 A1 SCALE: 1" = 20' - 0"

NOTES:  
 1. ALL SITE INFORMATION AND DIMENSIONS FROM DOCUMENT PREPARED BY LICENSED LAND SURVEYOR DATED MAY 21 2007.

EXISTING LOT AREA CALCULATIONS:

TOTAL LOT SIZE	6,336 SQ. FT.	
IMPERVIOUS SURFACE	4,314 SQ. FT.	68.09%
PERVIOUS SURFACE	2,022 SQ. FT.	31.91%

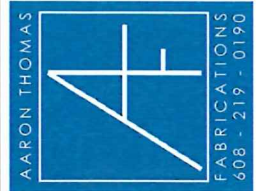
*Multi-Family Building  
 Side Yard Setback Variance  
 for Stairs and Open Porch*

*4.8' Required  
 3.2' Proposed*

*1.6' Variance*

PROPOSED LOT AREA CALCULATIONS:

TOTAL LOT SIZE	6,336 SQ. FT.	
IMPERVIOUS SURFACE	4,426 SQ. FT.	69.85%
PERVIOUS SURFACE	1,910 SQ. FT.	30.15%



Cold Spring Design



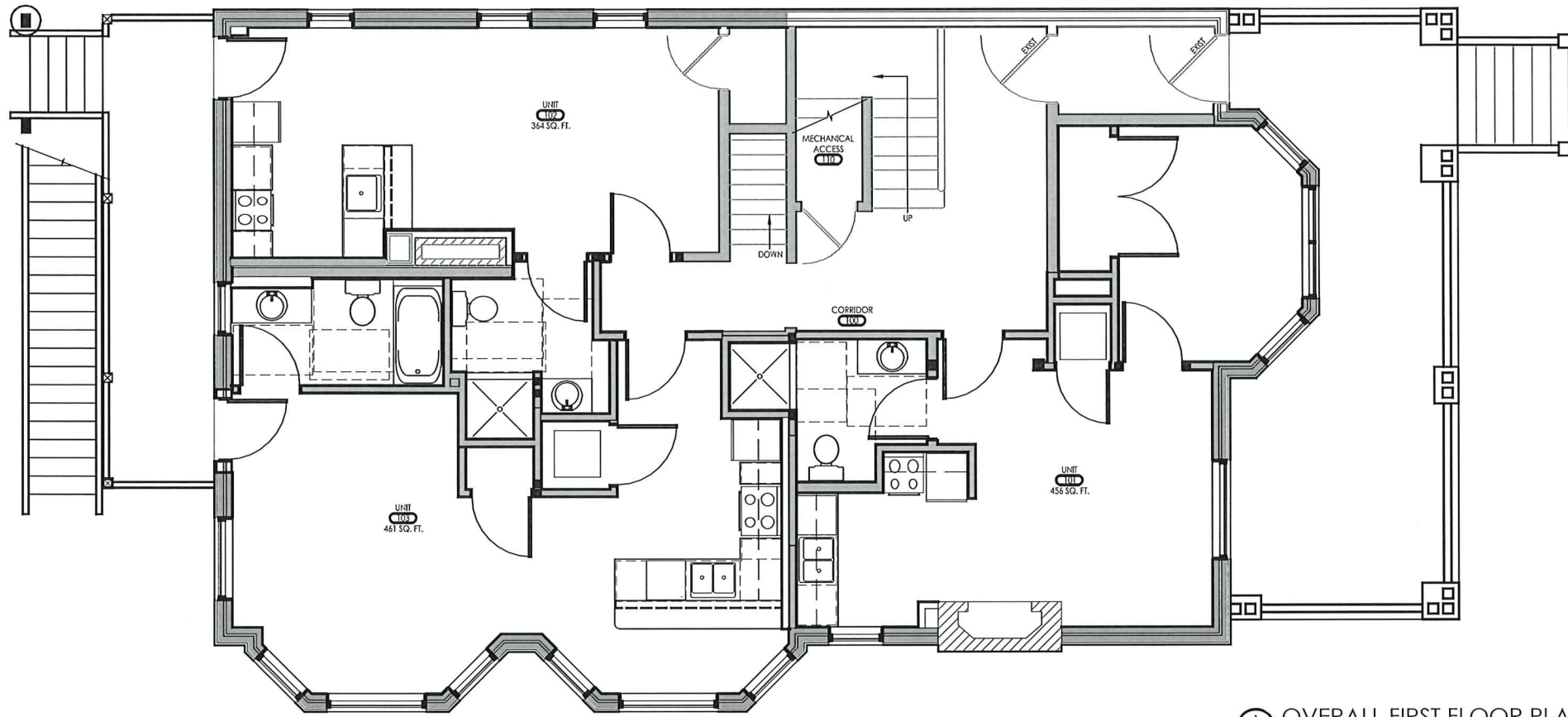
938 SPAIGHT ST.  
 MADISON WI. 53703

4.19.2023

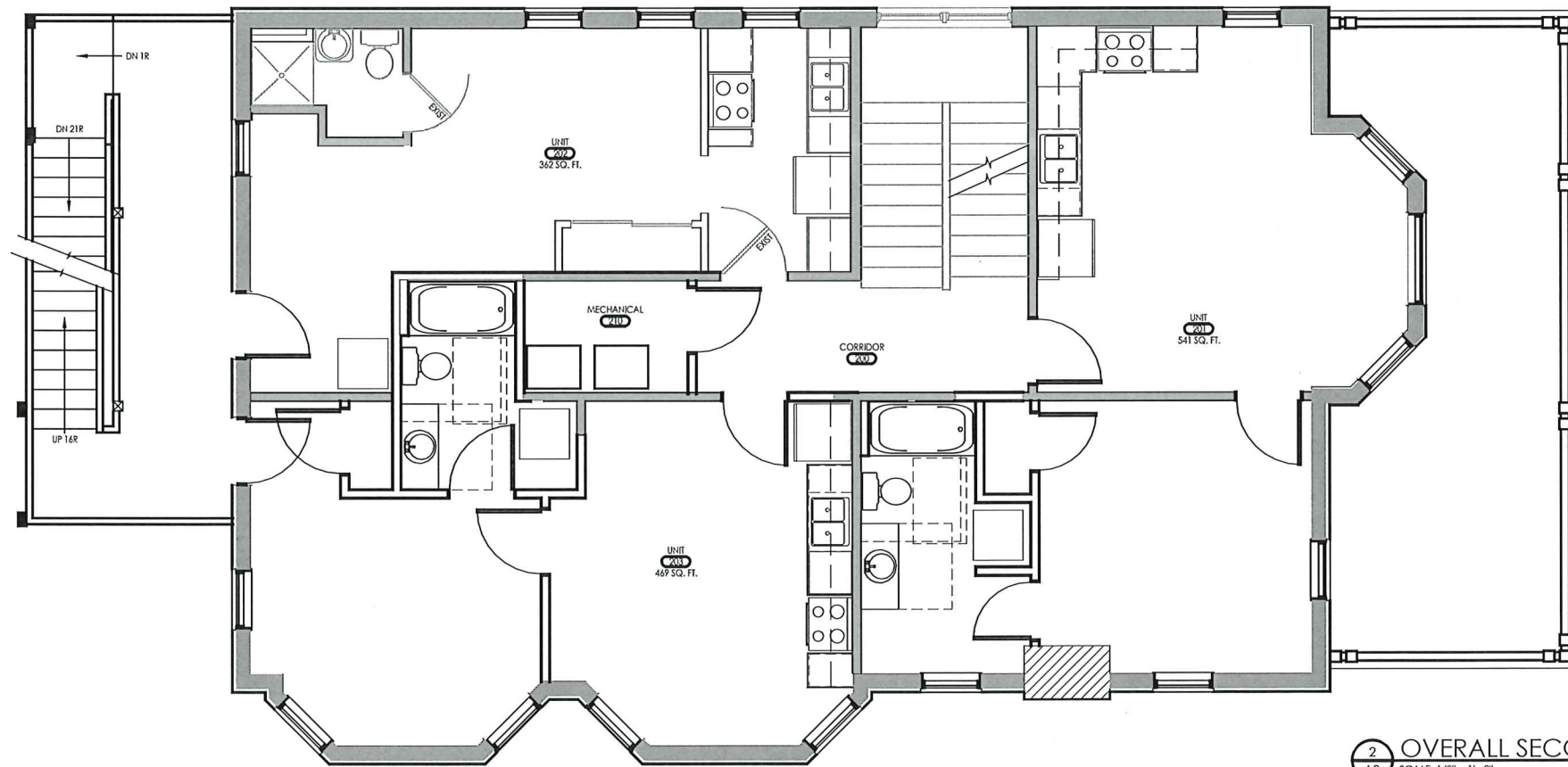
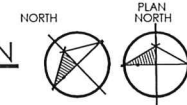
EXISTING AND PROPOSED SITE PLANS

SHEET NUMBER

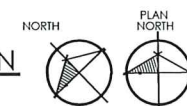
**A1**



1 OVERALL FIRST FLOOR PLAN  
A2 SCALE: 1/8" = 1'-0"



2 OVERALL SECOND FLOOR PLAN  
A2 SCALE: 1/8" = 1'-0"



OVERALL FIRST AND SECOND FLOOR PLANS

SHEET NUMBER

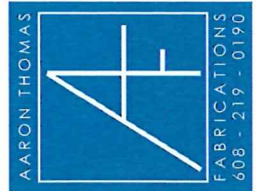
A2

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MADISON WI. 53703

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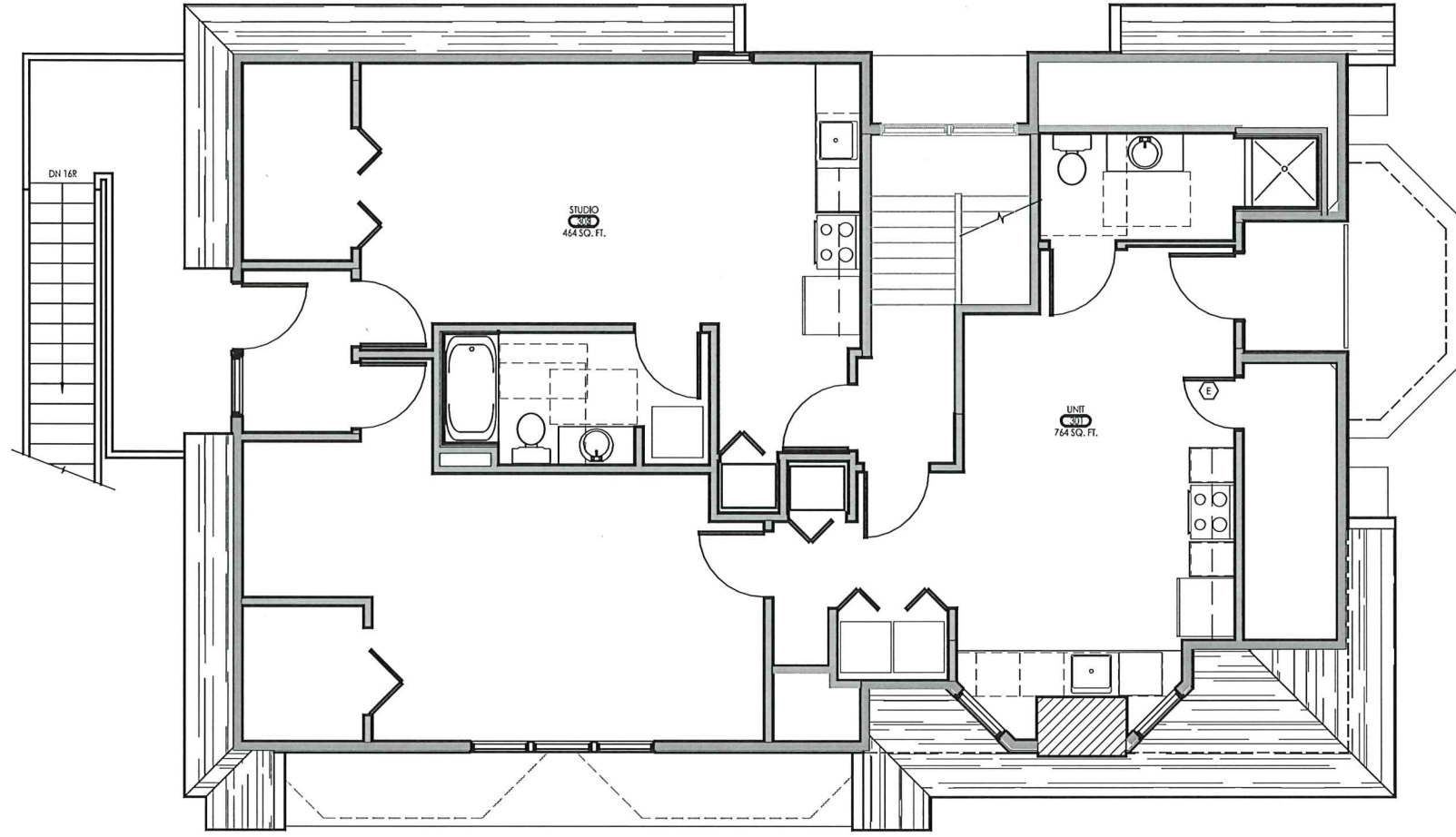


4.19.2023



608 - 219 - 0190

www.apextents.com



1 OVERALL THIRD FLOOR PLAN  
 A3 SCALE: 1/8" = 1' - 0"

NORTH PLAN NORTH

OVERALL THIRD FLOOR PLAN

SHEET NUMBER

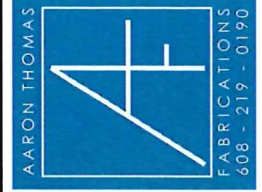
A3

938 SPAIGHT ST.  
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EXISTING EXTERIOR PHOTOS

SHEET NUMBER

A4

938 SPAIGHT ST.  
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**APEX**  
PROPERTY MANAGEMENT, INC.  
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4.19.2023

AARON THOMAS  
FABRICATIONS  
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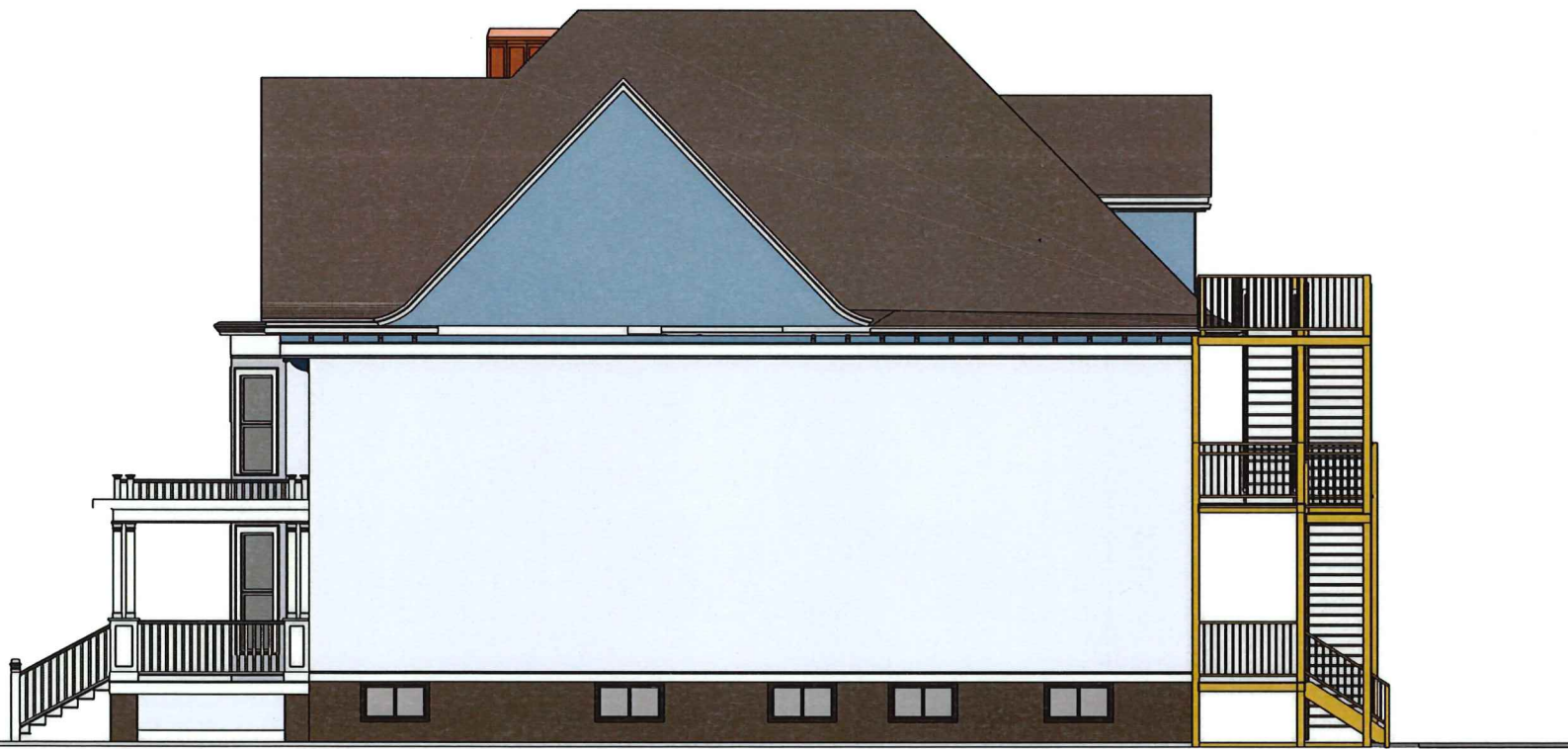




1 PROPOSED EAST ELEVATION  
A5 SCALE: 3/16" = 1' - 0"



2 PROPOSED SOUTH ELEVATION  
A5 SCALE: 3/16" = 1' - 0"



3 PROPOSED NORTH ELEVATION  
A5 SCALE: 3/16" = 1' - 0"



4 PROPOSED WEST ELEVATION  
A5 SCALE: 3/16" = 1' - 0"

PROPOSED EXTERIOR ELEVATIONS

SHEET NUMBER

A5

938 SPAIGHT ST.  
MADISON WI. 53703

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**APEX**  
PROPERTY MANAGEMENT, INC.  
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4.19.2023

AARON THOMAS  
FABRICATIONS  
608 - 219 - 0190



1 EXISTING REAR FIRE ESCAPE STAIR ISOMETRIC  
A6 SCALE: N.T.S.



2 PROPOSED REAR FIRE ESCAPE STAIR ISOMETRIC  
A6 SCALE: N.T.S.

EXISTING AND PROPOSED REAR FIRE ESCAPE STAIR  
ISOMETRICS

SHEET NUMBER

A6

938 SPAIGHT ST.  
MADISON WI. 53703

Cold Spring Design



4.19.2023

