



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: 108 N. 4th St./2150 E. Mifflin St. Madison, WI 53704

Name of Owner: Andrew Agnew

Address of Owner (if different than above): 2562 Cty Rd. T
Sun Prairie, WI 53590

Daytime Phone: 608/212-2776 Evening Phone: same

Email Address: agnewvwbus@gmail.com

Name of Applicant (Owner's Representative): Andrew Agnew

Address of Applicant: _____

Daytime Phone: _____ Evening Phone: _____

Email Address: _____

Description of Requested Variance: Seeking a usable open space variance for the property located at
108 N. 4th St in an effort to restore the home to its original historical use. Home was built and used as a
Townhouse/Duplex from the time it was built in 1928 until the time it was purchased in 1974 and converted
to a group home. Home was never materially modified from its intended purpose within the neighborhood.
Not requesting an addition to building or lot.

(See reverse side for more instructions)

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Amount Paid: \$ 300
Receipt: 2116/14 151541
Filing Date: 2/18/14
Received By: JK
Parcel Number: 0710-063-0329-3
Zoning District: TR C4
Alder District: 12-Larry Palmer

Hearing Date: 3/13/14
Published Date: 3/6/14
Appeal Number: 03132014
GQ: OK -
Code Section(s): 28.045 (2)

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 Attachment A

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.

See Attachment A

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.

See Attachment A

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.

See Attachment A

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

See Attachment A

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

See Attachment A

Application Requirements

Please provide the following Information (Please note any boxes left unchecked below could result in a processing delay or the Board's denial of your application):

<input checked="" type="checkbox"/>	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 could result in referral or denial by the Zoning Board of Appeals.
<input checked="" type="checkbox"/>	Site plan , drawn to scale. A registered survey is recommended, but not required. Show the following on the site plan (Maximum size for all drawings is 11" x 17"): <ul style="list-style-type: none"><input type="checkbox"/> Lot lines<input type="checkbox"/> Existing and proposed structures, with dimensions and setback distances to all property lines<input type="checkbox"/> Approximate location of structures on neighboring properties adjacent 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 type="checkbox"/>	Elevations from all relevant directions showing existing and proposed views, with notation showing the existing structure and proposed addition(s). (Maximum size for all drawings is 11" x 17")
<input type="checkbox"/>	Interior floor plan of existing and proposed structure , when relevant to the variance request and required by Zoning Staff (Most additions and expansions will require floor plans). (Maximum size for all drawings is 11" x 17")
<input type="checkbox"/>	Front yard variance requests only. Show the building location (front setback) of adjacent properties on each side of the subject property to determine front setback average.
<input type="checkbox"/>	Lakefront setback variance requests only. Provide a survey prepared by a registered land surveyor showing existing setbacks of buildings on adjacent lots, per MGO 28.138.
<input type="checkbox"/>	Variance requests specifically involving slope, grade, or trees. Approximate location and amount of slope, direction of drainage, location, species and size of trees.
<input checked="" type="checkbox"/>	CHECK HERE. I acknowledge any statements implied as fact require supporting evidence.
<input checked="" type="checkbox"/>	CHECK HERE. I have been given a copy of and have reviewed the standards that the Zoning Board of Appeals will use when reviewing applications for variances.

Owner's Signature: _____

Date: _____

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

DECISION

The Board, in accordance with its findings of fact, hereby determines that the requested variance for _____ **(is) (is not)** in compliance with all of the standards for a variance. Further findings of fact are stated in the minutes of this public hearing.

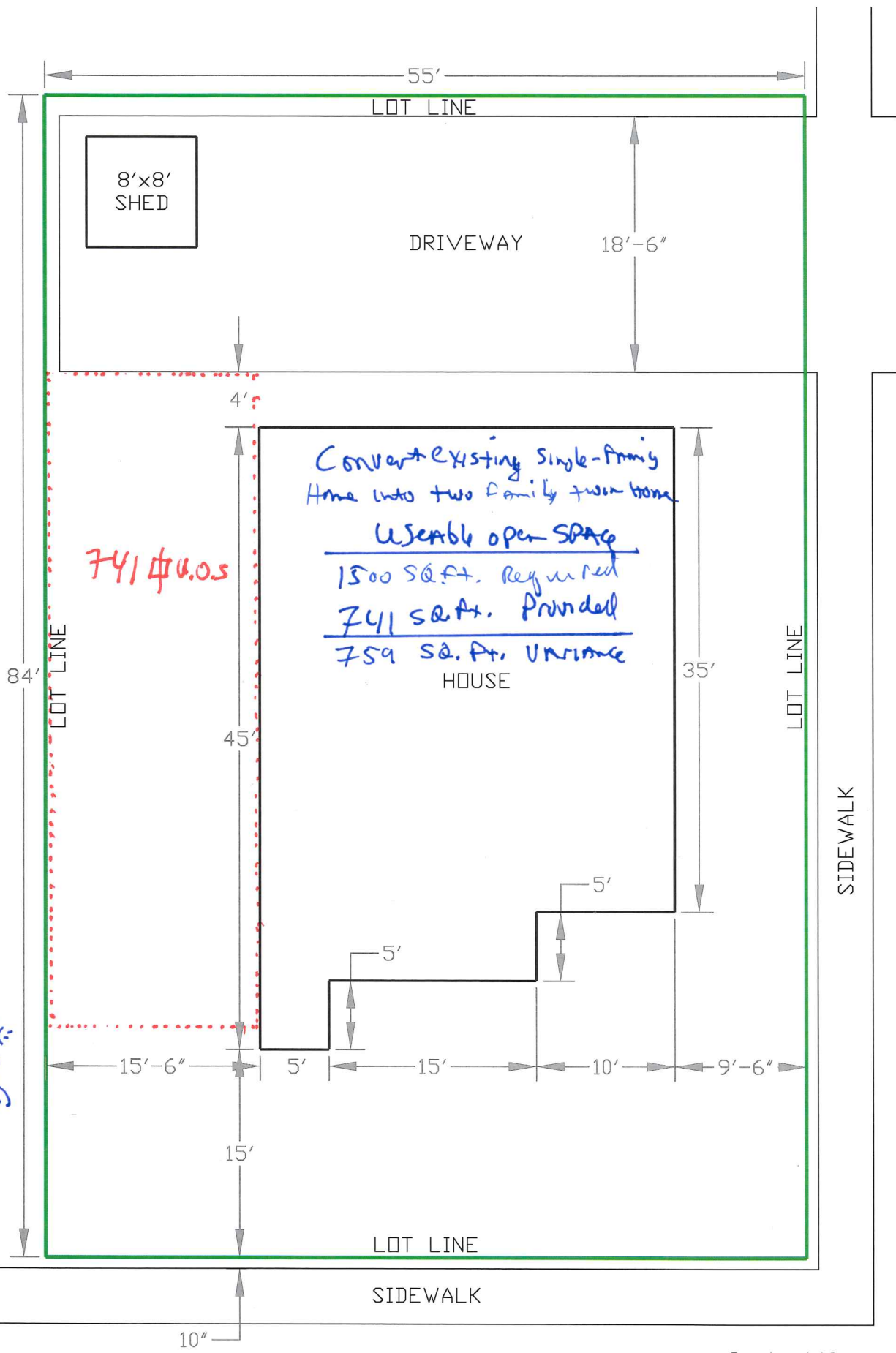
The Zoning Board of Appeals: ☐ Approved ☐ Denied ☐ Conditionally Approved

Zoning Board of Appeals Chair: _____

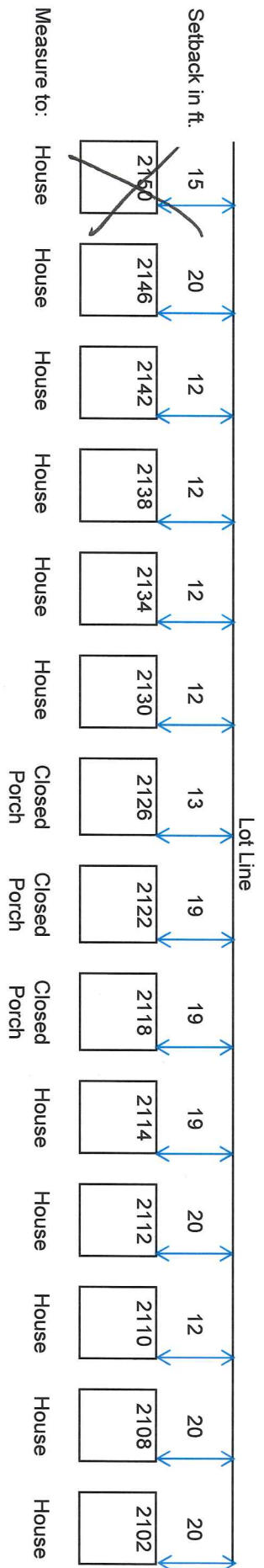
Date: _____

1. There are conditions unique to the property of the applicant that do not apply generally to the other properties in the district.
 - Home was built and used as a Townhouse/Duplex from the time it was built in 1928 until the time it was purchased in 1974 and converted to a group home. An assessment field card from the 1960s shows that the home was assessed as a Townhouse/Duplex. This is as far back as the assessor's office zoning references go.
 - Home is a side by side with mirror image floor plans. This includes duplicate
 - Utility meters and services
 - Electrical boxes and wiring
 - Furnaces/AC units and duct work
 - Living and dining rooms
 - Kitchens and baths
 - Basements
 - 4 separate entrances
 - Stairwells
 - Original milk delivery doors leading to separate kitchens
 - Per the attached floor plans the home would have to be taken down to the studs and completely remodeled to accommodate a single family dwelling.
2. Variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to public interest.
 - Property was built and designed as a duplex and never materially modified even when used as a group home; Only a rough opening to join the dining rooms
 - From a utility perspective, the utility companies have and continue to maintain the 2150 E. Mifflin service address. The group home and the utility companies never decommissioned this address. They simply changed the billing address
 - Multi-family homes are not uncommon in the area
 - Requesting permission to restore property to its original and historic use
 - Remodeling the home for another purpose would produce an awkward and unattractive floor plan
 - Previous owners of the group home, like me, had little reason to think the property was anything but a duplex
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 home has never been materially converted to anything other than a duplex as stated above
 - Per the letter of support from the Neighborhood Association it would "necessitate burdensome modifications to the property" to convert the home from its original and historic use as a pre-existing non-conforming structure built ahead of its time
 - The separation of living spaces, utilities and the features within the home were not an obstacle for the group home arrangement however, this would have no appeal to anyone interested in a single family home
 - Multi-family homes are not uncommon in the area

4. The alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has present interest in the property.
 - Per the letter of support from the Neighborhood Association it would “necessitate burdensome modifications to the property” to convert the home from its original and historic use as a pre-existing non-conforming structure built ahead of its time
 - Unlike many older homes that have been “chopped up” to provide multi-unit housing, the floor plans of 108 N. 4th St show a layout that beautifully accommodates residential living with separate spacious kitchens, dining rooms and living rooms. I believe it would be unreasonable to modify the home from its original historical structure/purpose
 - Any efforts to modify the home would result in an awkward and unattractive floor plan
5. The proposed variance shall not create substantial detriment to the adjacent property.
 - As there will not be any addition to the building or lot, the effect on the adjacent properties will be negligible.
 - Simply restoring home from its original and historic use as a pre-existing non-conforming structure built ahead of its time
6. The proposed variance shall be compatible with the character of the immediate neighborhood.
 - Multi-family homes are not uncommon in the area
 - Requesting permission to restore property to its original and historic use



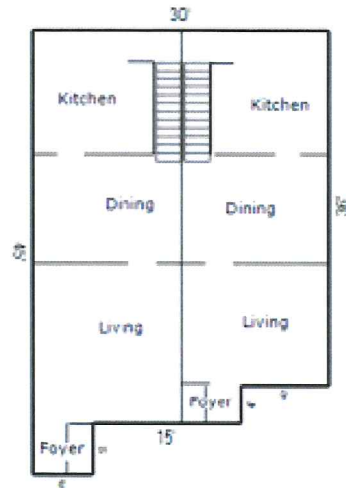
Miffline St. Setback Average



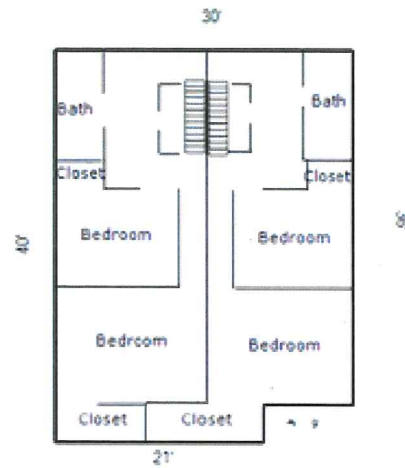
Avg
16.07
16.2
(m7)

Floor Plan

First Floor
[Area: 1134 ft²]



Second Floor
[Area: 1164 ft²]



14 ft

Living Area		Area Calculation			
First Floor	1134 ft ²	First Floor			
		30' x	36' x	1.00 =	1080 ft ²
		15' x	4' x	1.00 =	60 ft ²
		6' x	9' x	1.00 =	54 ft ²
Second Floor	1164 ft ²	Second Floor			
		30' x	36' x	1.00 =	1080 ft ²
		4' x	21' x	1.00 =	84 ft ²
Total Living Area (rounded):		2358 ft ²			

Emerson East Neighborhood Association
108 N 4th St. Rezoning Request

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

- Home was built and used as a Townhouse/Duplex from time it was built in 1928 until the time it was purchased in 1974 and converted to a group home. The attached assessment field card, is the oldest zoning reference

Assessment Field Card (1960s)

RESIDENTIAL APPRAISAL CARD - BUILDING DATA 550-16 Street Address of this Property 108 N. 4th St.

BUILDING CLASS <u>9</u> OCCUPANCY Families: Rental Rooms: Other		PLAN OF HOUSE		
EXTERIOR DETAILS Design <u>Brick</u> NO. OF STORIES <u>2</u> Average Height <u>24</u> Width <u>35.5</u> Depth <u>30</u> FOUNDATION Concrete <u>12 in.</u> Con. Blk. <u>in.</u> Stone <u>in.</u> Brick <u>in.</u> BASEMENT Whole <u>in.</u> Part <u>in.</u> None <u>in.</u> Finished Area <u>in.</u> EXTERIOR WALLS Wood Sd. <u>3/4 in.</u> Stucco on Frame <u>in.</u> Asbestos <u>in.</u> Aluminum <u>in.</u> Insulated <u>in.</u> Wood Shingle <u>in.</u> Face Brk. on Frame <u>in.</u> Face Brk. on Masonry <u>in.</u> Face Brk. - Solid <u>in.</u> Common Brk. - Solid <u>in.</u> Cut Stone on Frame <u>in.</u> ROOF TYPE Gable <u>in.</u> Hip <u>in.</u> Flat <u>in.</u> Gambrel <u>in.</u> Mansard <u>in.</u> Roof Overhang <u>12 in.</u> Closed Cornice <u>in.</u> Open Cornice <u>in.</u> Dormers - No. <u>1</u> Width <u>18</u> Height <u>4</u> ROOF MATERIAL Asphalt Shingle <u>in.</u> Wood Shingle <u>in.</u> Tar & Gravel <u>in.</u> INSULATION Windows: Double hung <u>in.</u> Sliding <u>in.</u> Old <u>in.</u> Storm Sash and Screens <u>in.</u> Old <u>in.</u>		INTERIOR DETAILS NO. OF ROOMS <u>10</u> Bath <u>in.</u> Living Room <u>in.</u> Dining Room <u>in.</u> Kitchen <u>in.</u> Bedrooms <u>in.</u> Bath <u>in.</u> Living Room <u>in.</u> Bedrooms <u>in.</u> Bath <u>in.</u> FLOORS No. of Closets <u>in.</u> Oak <u>in.</u> Maple <u>in.</u> Fir or Pine <u>in.</u> Tile <u>in.</u> Linoleum <u>in.</u> Carpet on Physique <u>in.</u> Concrete <u>in.</u> WALLS Plaster <u>in.</u> Sheetrock <u>in.</u> Panel <u>in.</u> Painted <u>in.</u> CEILINGS Plaster <u>in.</u> Sheetrock <u>in.</u> Fiberglass <u>in.</u> Acoustic Tile <u>in.</u> TRIM Pine <u>in.</u> Oak <u>in.</u> Birch <u>in.</u> Varnish <u>in.</u> Paint <u>in.</u> DOORS Pine or Fir <u>in.</u> Birch <u>in.</u> Oak <u>in.</u> Flush Type <u>in.</u> HARDWARE Fireplace <u>in.</u> Width <u>in.</u> Height <u>in.</u> Stone <u>in.</u> Brick <u>in.</u> Chim. Ins. <u>in.</u>		MECHANICAL DETAILS Plumbing <u>in.</u> Toilets <u>in.</u> Lavatories <u>in.</u> Bathrooms <u>in.</u> Shower - O.T. <u>in.</u> Shower - Stall <u>in.</u> Kitchen Sinks <u>in.</u> Disposal <u>in.</u> Dishwasher <u>in.</u> Modern <u>in.</u> Medium Age <u>in.</u> Old Style <u>in.</u> White <u>in.</u> Colored <u>in.</u> Laundry Tub: Single <u>in.</u> Double <u>in.</u> Cement <u>in.</u> Porcelain <u>in.</u> Hot Water Heater: Gal. Cap. <u>in.</u> Gas <u>in.</u> Electric <u>in.</u> Sidearm <u>in.</u> Water Softener: Owned <u>in.</u> Rented <u>in.</u> Automatic <u>in.</u> Semi-Auto. <u>in.</u> Manual <u>in.</u> Rating <u>in.</u> HEATING Ht. Air - Gravity <u>in.</u> Ht. Air - Forced <u>in.</u> Steam - 1 Pipe <u>in.</u> Steam - 2 Pipe <u>in.</u> H. W. - Gravity <u>in.</u> H. W. - Forced <u>in.</u> Old Radiators <u>in.</u> Mod. Radiators <u>in.</u> Tube & Fin B.B. <u>in.</u> Cast Iron B.B. <u>in.</u> Radiant <u>in.</u> Air Conditioning <u>in.</u> Furnace or Boiler: <u>in.</u> Modern <u>in.</u> Old <u>in.</u> Gas <u>in.</u> Oil <u>in.</u> Conversion Burner <u>in.</u> Blower Added <u>in.</u> Add. Force Pump <u>in.</u> ELECTRIC <u>in.</u> Fixtures: Modern <u>in.</u> Mod. <u>in.</u> Old <u>in.</u> Exc. <u>in.</u> Good <u>in.</u> Ave. <u>in.</u> L.C. <u>in.</u> Cheap <u>in.</u> Wiring: Cond. <u>in.</u> EX <u>in.</u> RX <u>in.</u> K&T <u>in.</u>
COMPUTATION OF FINAL ASSESSE Net Additions or Deductions and Forfeitures <u>in.</u> Total Replacement Cost <u>in.</u> Percent Condition <u>in.</u> SOUND VALUE MAIN BUILDING <u>in.</u> Add other structures <u>in.</u> SOUND VALUE ALL BUILDINGS <u>in.</u> Deduct for functional obsolescence <u>in.</u> FINAL NET ASSESSED VALUE <u>in.</u>				

Home is a side by side with mirror image floor plans. This includes duplicate

- Utility meters and services
- Electrical boxes and wiring
- Furnaces/AC units and duct work
- Living and dining rooms
- Kitchens and baths
- Basements
- Stairwells

Exterior from 4th St - Symmetrical, identical sides with 4 separate entrances and original milk delivery doors leading to separate kitchens



Interior 4th St Kitchen



Interior Mifflin St Kitchen



Interior 4th St Living Room –Before finished floors

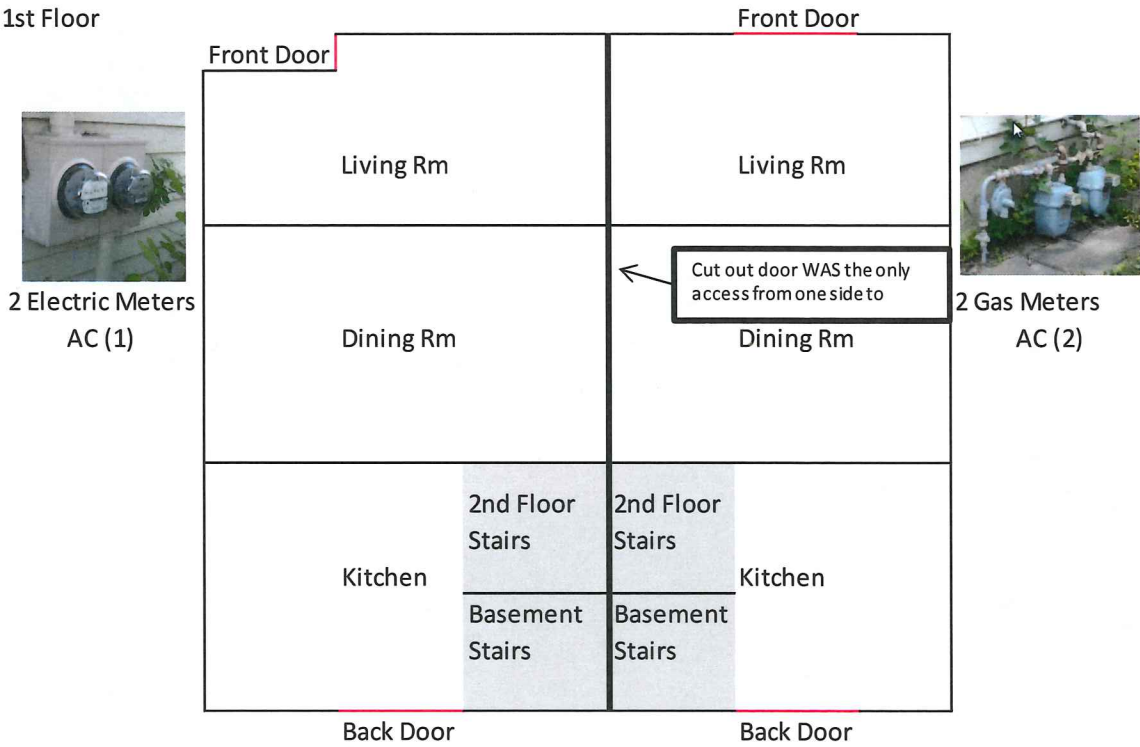


Interior Mifflin St Living Room



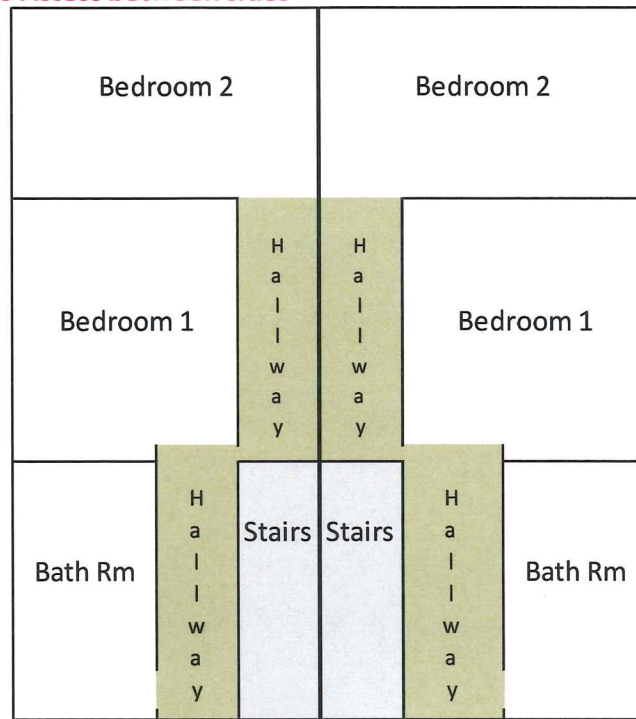
Floor Plans

1st Floor



2nd Floor - **No Access between sides**

Door w/Deck



Door w/Deck

Basement - **No Access between sides**

