



**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: 401 Morningside Ave Madison, WI 53716

Name of Owner: Margarethe Butzen

Address of Owner (if different than above): N/A

Daytime Phone: 310.902.4064

Evening Phone: 310.902.4064

Email Address: gauxgaux@mac.com

Name of Applicant (Owner's Representative): Margarethe Butzen / RC Butzen

Address of Applicant: 401 Morningside Ave Madison, WI 53716

Daytime Phone: 310.902.4064

Evening Phone: 310.902.4064

Email Address: gauxgaux@mac.com

Description of Requested Variance:

Based on current setbacks and zoning requirements (all older homes on my block don't meet these requirements) it is impossible for me to create a fully functional single car off street parking spot for my property. I am asking for roughly a 4ft variance, on the South side of my property, which would give me about the setback I would have if my property were next to another lot, not a street (that doesn't exist). See detailed drawings for exact measurements. This would not only benefit the unimproved area next to my home where the originally proposed street was never built, but also help during winter with snow removal, eliminating the street parking issue for my property.

(See reverse side for more instructions)

FOR OFFICE USE ONLY

Amount Paid: \$300

Receipt: 157999

Filing Date: 9/9/14

Received By: SLK

Parcel Number: 0710-094-1404-7

Zoning District: SR-C2

Alder District: 15-David Ahrens

Hearing Date: 10/2/14

Published Date: 9/25/14

Appeal Number: 106214-2

GQ: OK

Code Section(s): 28.141(8)(c)

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.

Drexel Ave. was intended to continue through Morningside Ave. to Maher Ave. which never was completed. Although this results in a wonderful green space, it doesn't allow any place for off street parking on my property because of setbacks and topography issues. The original intent, of the builder, was the use of this (non-existent) street for access into a tuck under garage in the back of my property, which is unusable now due to it's location as well as the previous home owners putting in a shed and fencing off the back yard. My neighbors have driveways along the sides of their homes but I am unable to do this because the side that I would need to use has to comply with setbacks as if it were along side of a street not another lot. Also zoning requirement from street to structure is not to code on any house on my block, so the depth required is not possible due to structure/topography.

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.

Currently the area in which I would need the variance is unimproved and looks semi-unsightly due to the unusual slope in topography and sharp drop off. By granting this variance I would not only be able to improve the visual appearance of this area but also it would allow a uniform appearance of all the driveways on the block. The other options for parking would be unsightly and bring down the visual integrity of our neighborhood.

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.

With the current setback I would only be able to put in an 8' wide driveway. Because I have a stoop that is built as part of my foundation structure and is not able to be moved, this would make the 8' driveway impractical and not a free and clear space. By granting the variance I would be able to add 3-4 feet to the width and create not only a visually pleasing upgrade to the property but also create a functional off street parking space. The issue of depth from the street and the required amount of footage from structure back to accommodate a single car is not possible based on steep grade. I am only short a small amount and request this variance to include the approval of requested area on proposal drawings attached. If I were to pour a concrete base to add extra depth it would not only be expensive but create an unsightly 6-8ft dangerous drop off at the end of the new driveway.

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.

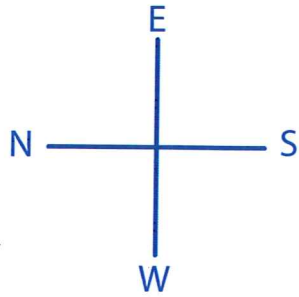
Based on current setbacks and zoning requirements (all of the older homes on my block don't meet these updated zoning requirements) it is impossible for me to create a fully functional single car off street parking spot for my property.

5. THE PROPOSED VARIANCE SHALL NOT CREATE SUBSTANTIAL DETRIMENT TO ADJACENT PROPERTY.

The area in which I am asking for the variance is that of an unused green space where the road was intended to continue. Granting this variance would detour neighbors from driving their cars through parts of my yard to get through to Maher through the grass. By putting in a concrete driveway, the appearance of uniformity throughout the block would be apparent. My house is the only house that doesn't have a driveway or a place to park off of the street.

6. THE PROPOSED VARIANCE SHALL BE COMPATIBLE WITH THE CHARACTER OF THE IMMEDIATE NEIGHBORHOOD.

All other homes in the immediate neighborhood have at least single car driveways. This would again continue uniformity.

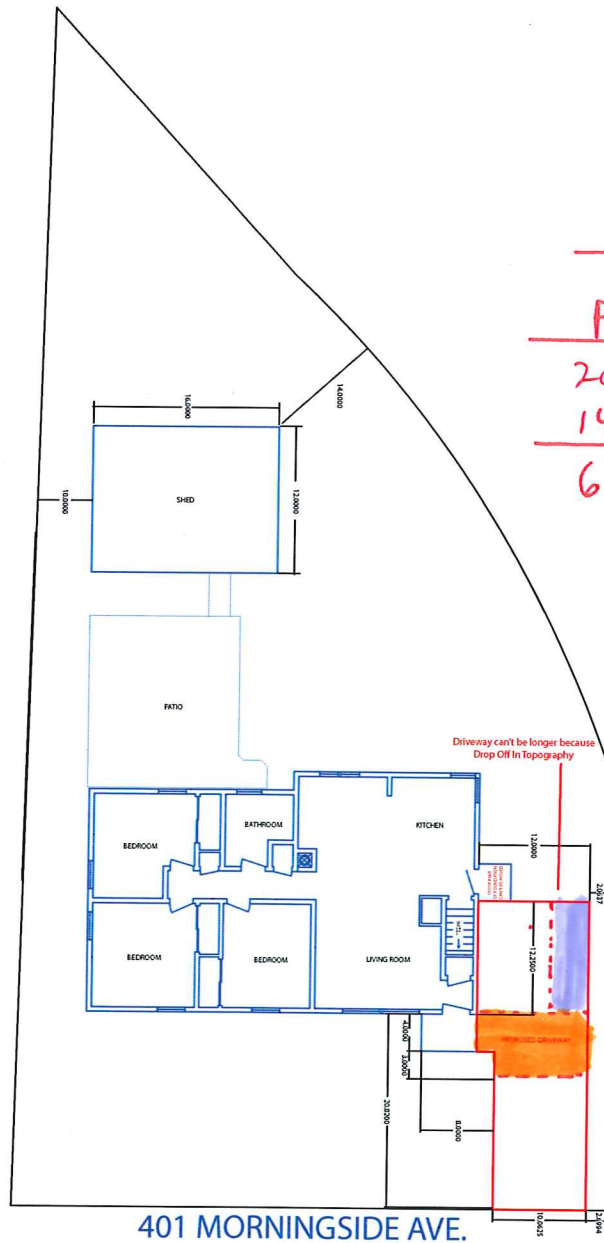


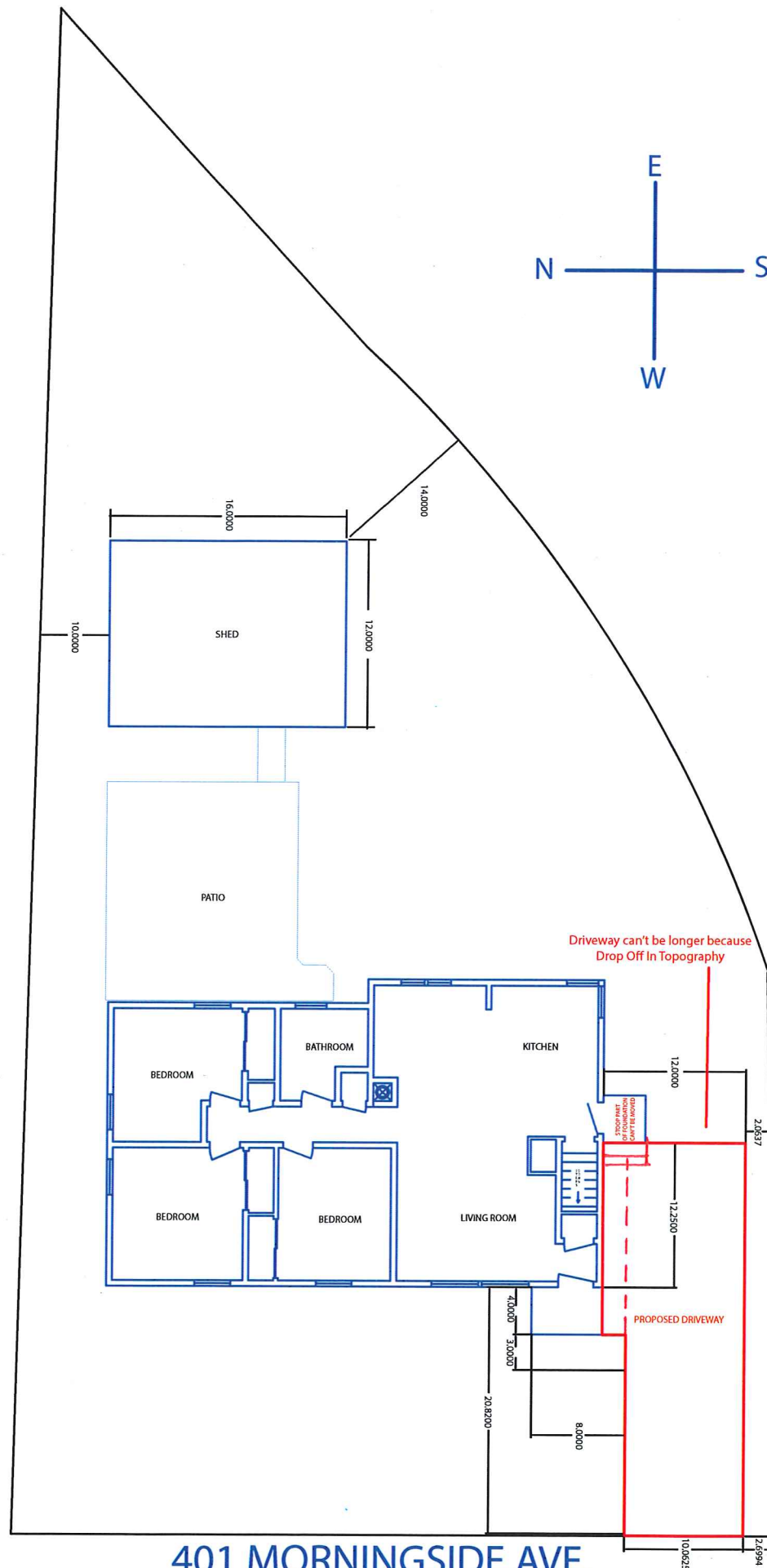
Single-Family home
Front/side yard parking space

Front yard setback
20.25' Required
14.0' ± Provided
6.25' Variance

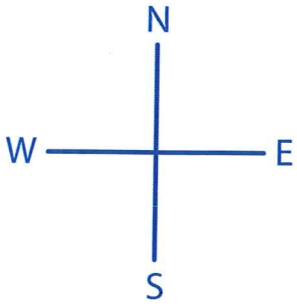
Side yard setback
6.0' Required
2.0' ± Provided
4.0' ± Variance

PROPOSED
DRIVEWAY PLAN
401 MORNINGSIDE AVE.
MADISON, WI
Scale: 1"=20'



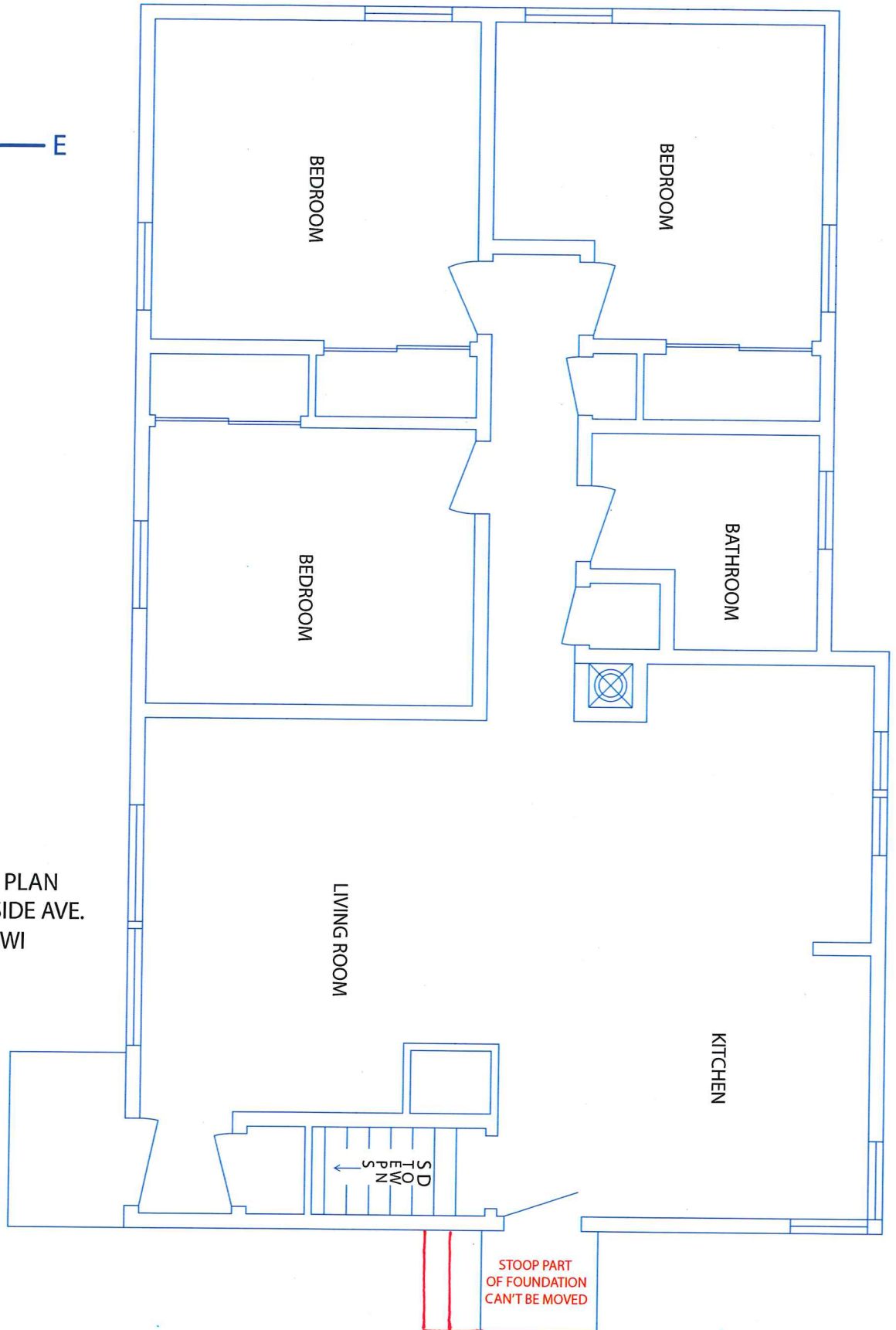


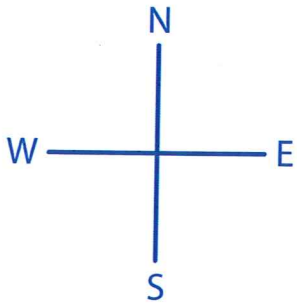
401 MORNINGSIDE AVE.



401 MORNINGSIDE AVE.

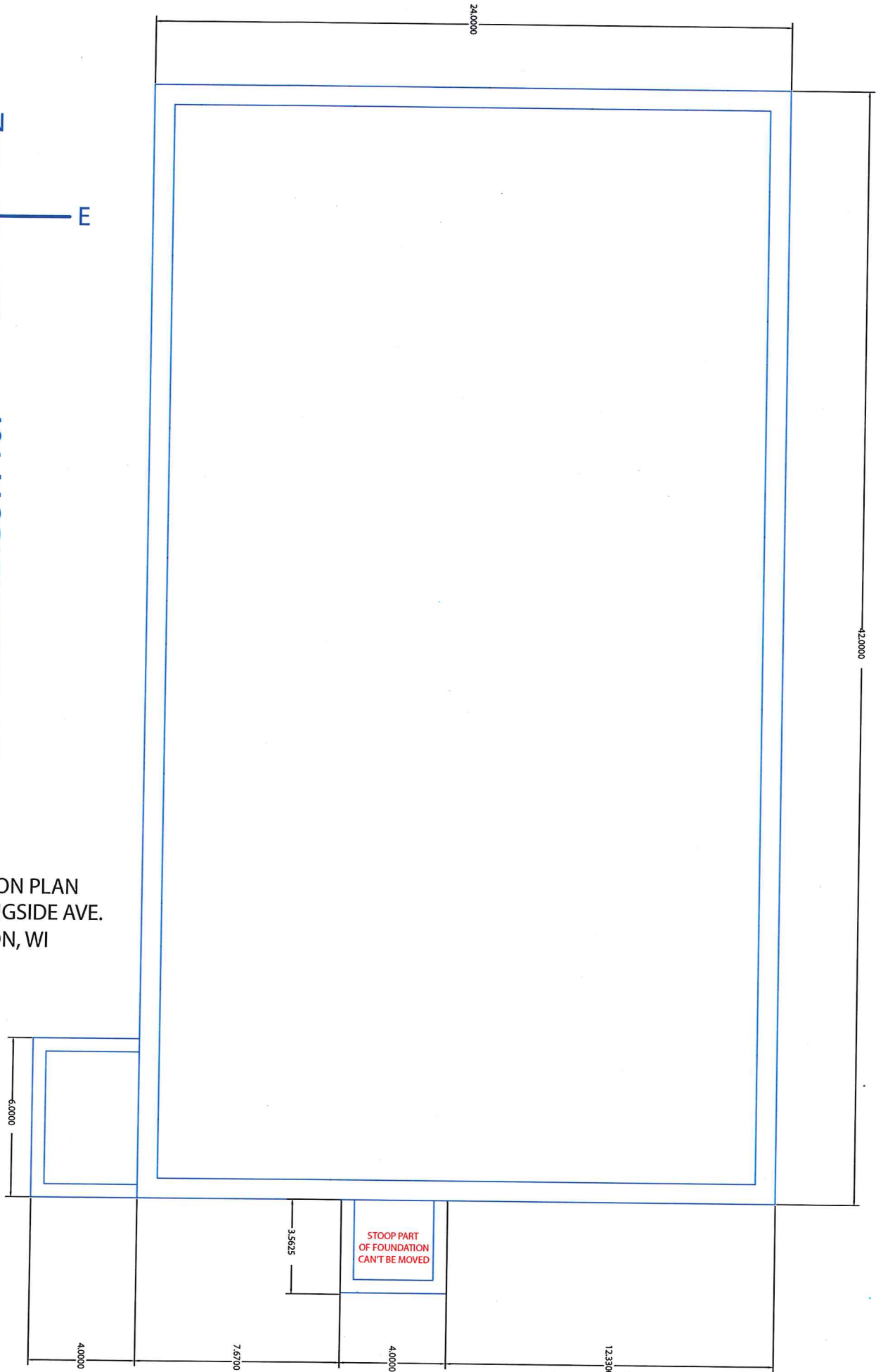
FOUNDATION PLAN
401 MORNINGSIDE AVE.
MADISON, WI





401 MORNINGSIDE AVE.

FOUNDATION PLAN
401 MORNINGSIDE AVE.
MADISON, WI



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 checked="" 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") (Proposed Driveway/1st Floor Plan/Foundation Plan Submitted)
<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

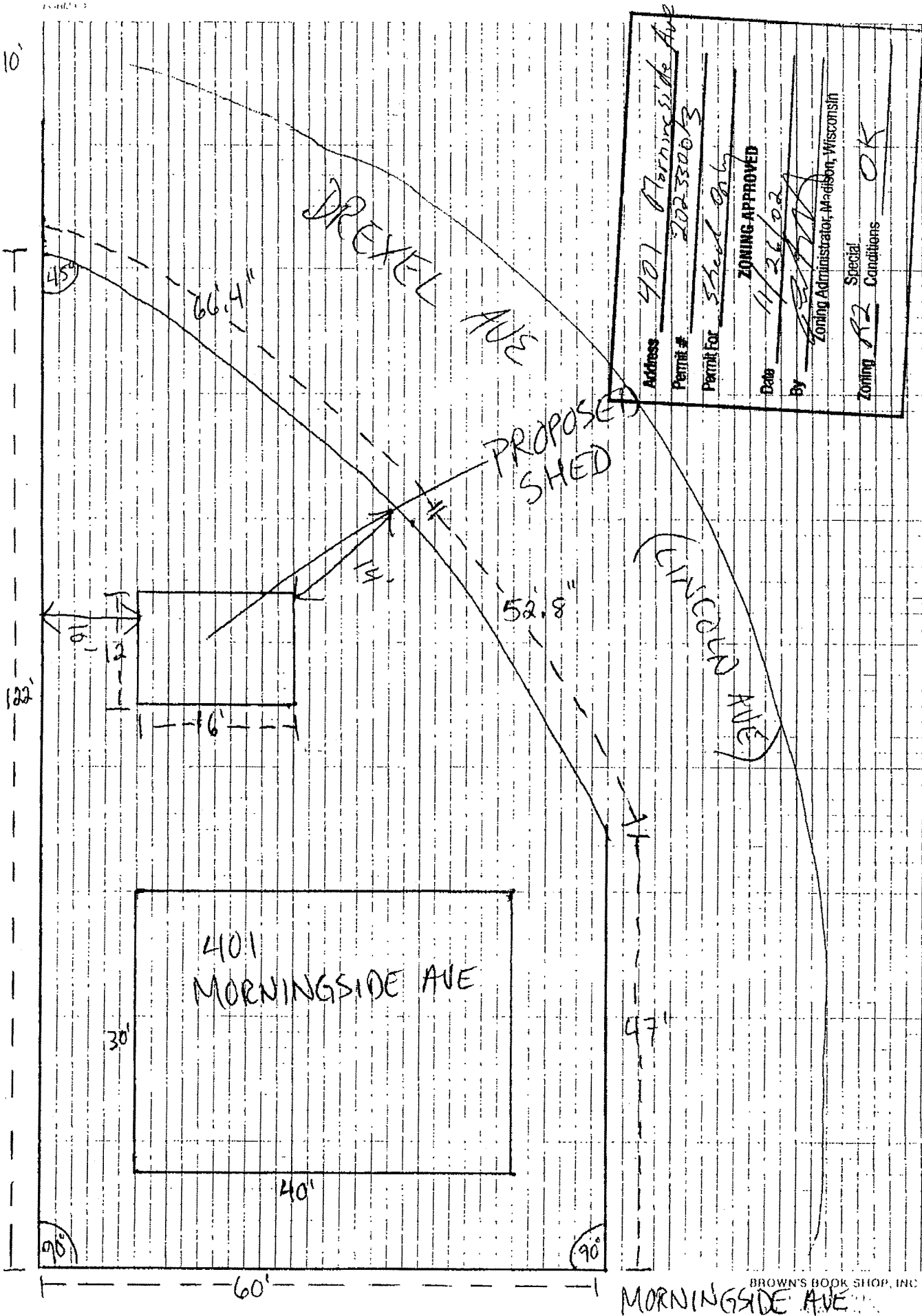
The Board, in accordance with its findings of fact, hereby determines that the requested variance for _____ **(is) (is not)** in compliance with all of the standards for a variance. Further findings of fact are stated in the minutes of this public hearing.

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

Zoning Board of Appeals Chair: _____

Date: _____

75" = 10'



Address	401 Morningside Ave
Permit #	202-330013
Permit For	Shed only
Date	11/26/02
By	<i>[Signature]</i>
Zoning Administrator, Madison, Wisconsin	
Zoning	R2
Special Conditions	OK
ZONING APPROVED	

M
S
A

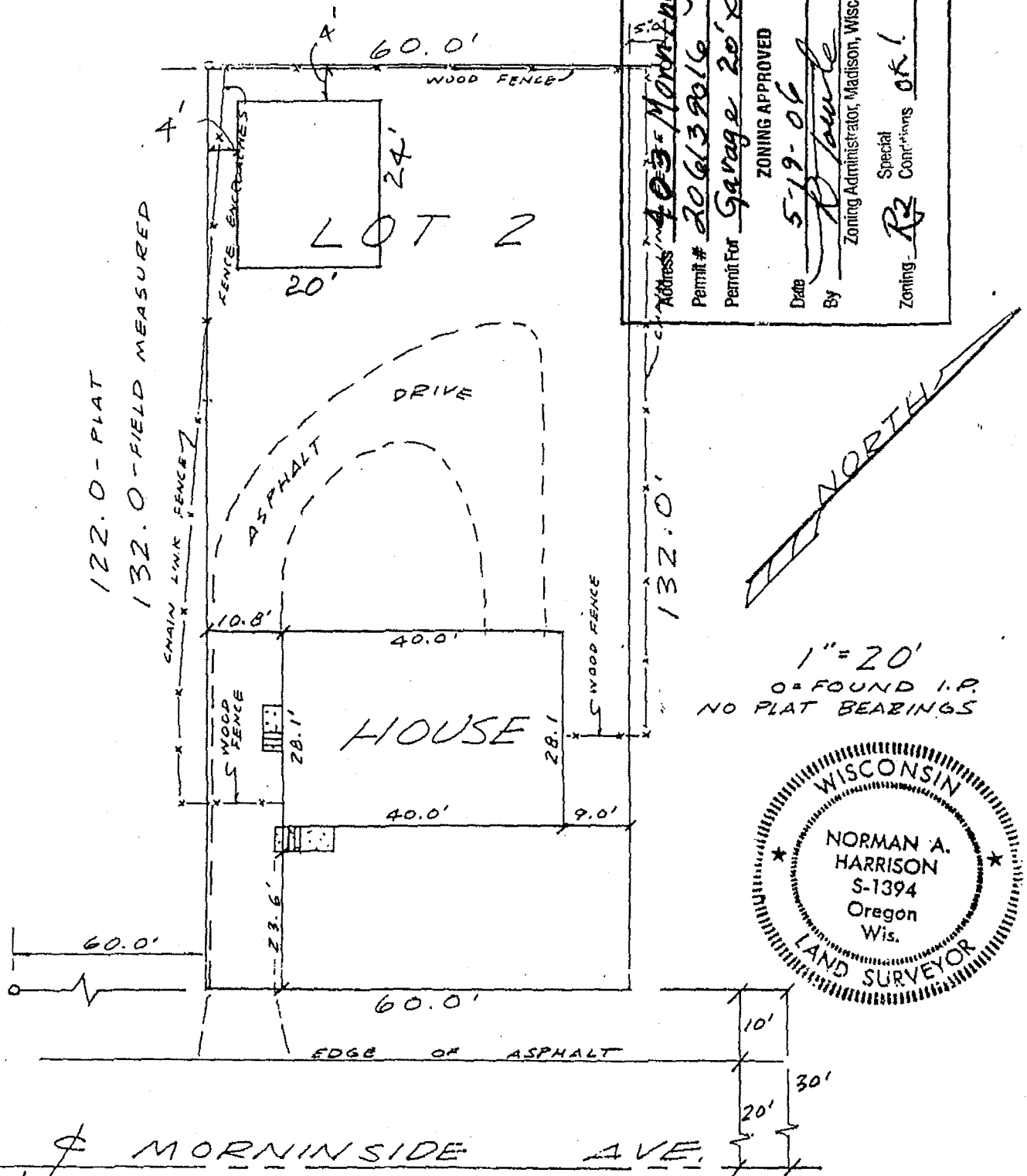
MORTGAGE INSPECTION DESCRIPTION:

Lot 2, Block 11, Morningside Heights, City
of Madison, Dane County, Wisconsin.

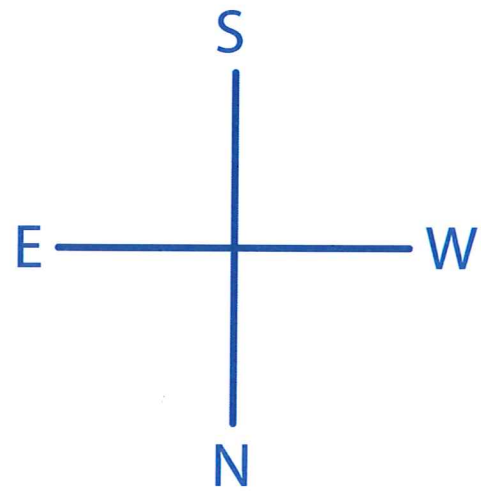
OWNER: CHRISTOPHER

403 Morningside Avenue, Madison, WI.

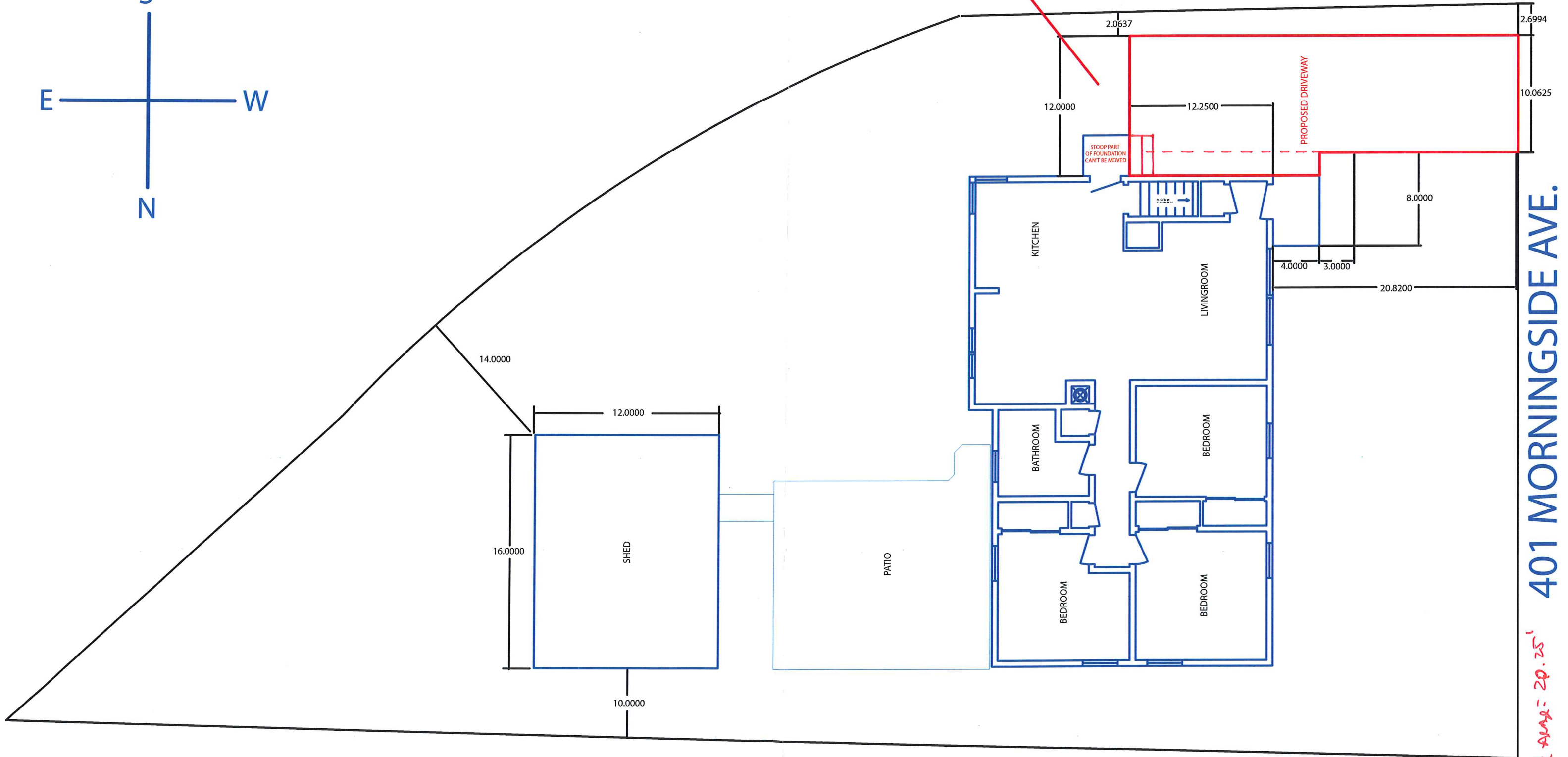
REQUESTED BY: ANCHOR SAVINGS & LOAN



I have surveyed the above described property and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, fences,



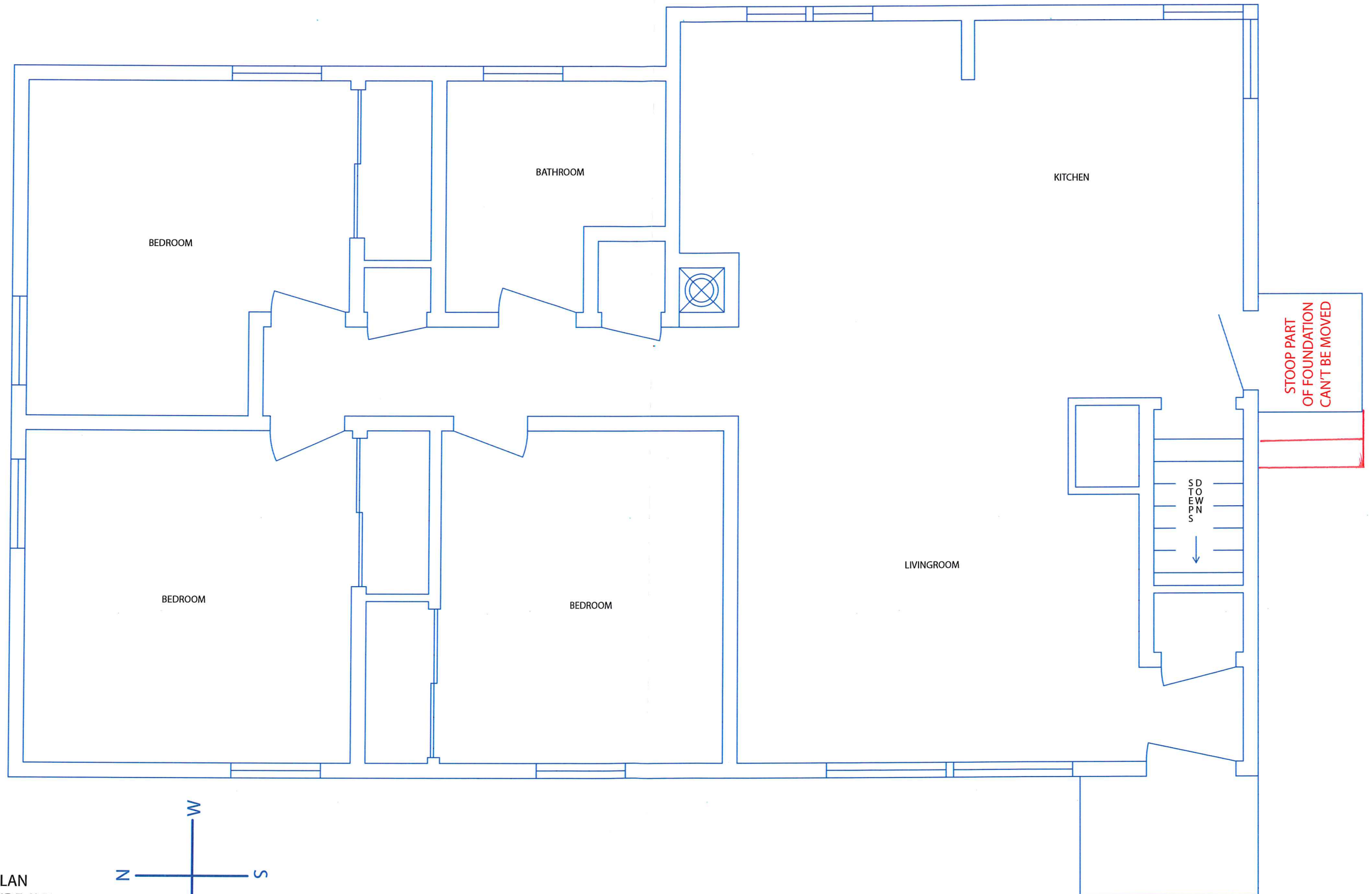
Driveway can't be longer because
Drop Off In Topography



PROPOSED
DRIVEWAY PLAN
401 MORNINGSIDE AVE.
MADISON, WI

* setback avg = 20.25'

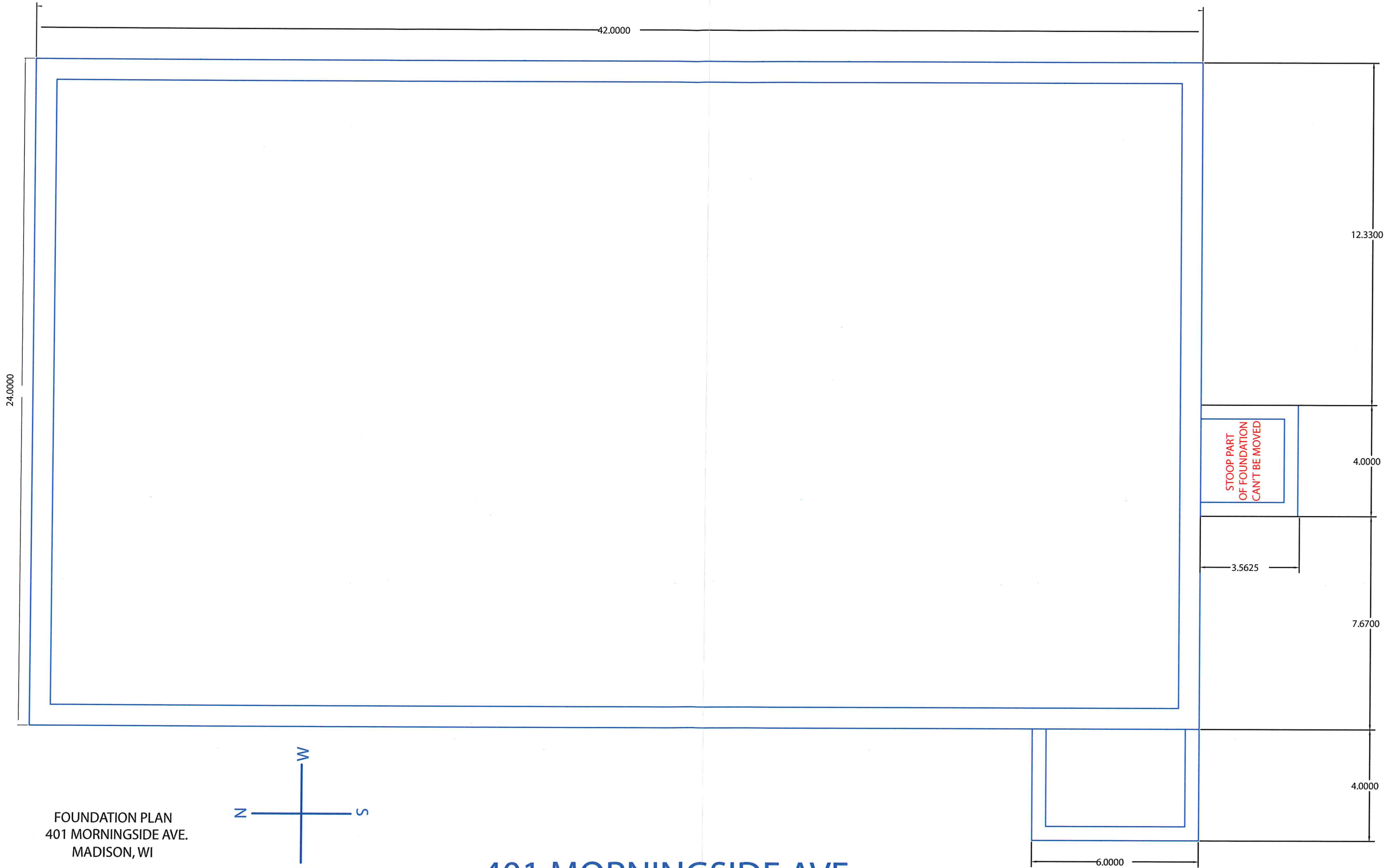
Margarethe Butzen-(P)310.902.4064



1st FLOOR PLAN
401 MORNINGSIDE AVE.
MADISON, WI

401 MORNINGSIDE AVE.

Margarethe Butzen-(P)310.902.4064



FOUNDATION PLAN
401 MORNINGSIDE AVE.
MADISON, WI

401 MORNINGSIDE AVE.

Margarethe Butzen-(P)310.902.4064

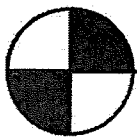
PLAT OF SURVEY

PREPARED BY

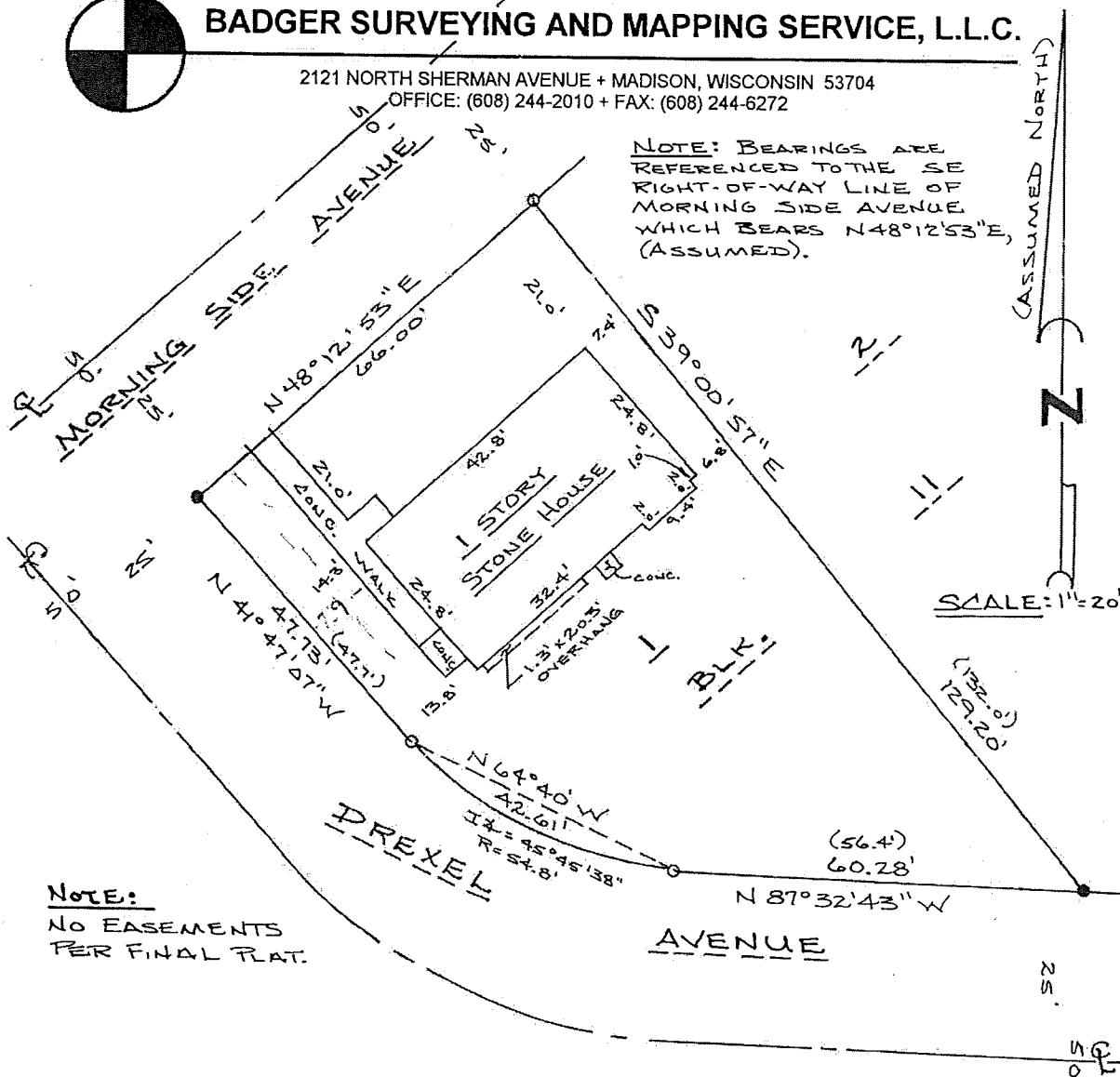
BADGER SURVEYING AND MAPPING SERVICE, L.L.C.

2121 NORTH SHERMAN AVENUE + MADISON, WISCONSIN 53704

OFFICE: (608) 244-2010 + FAX: (608) 244-6272



NOTE: BEARINGS ARE REFERENCED TO THE SE RIGHT-OF-WAY LINE OF MORNING SIDE AVENUE, WHICH BEARS $N48^{\circ}12'53''E$, (ASSUMED).



NOTE:

NO EASEMENTS
PER FINAL PLAT.

LEGAL DESCRIPTION: LOT 1, BLOCK 11, MORNINGSIDE
HEIGHTS, CITY OF MADISON, DANE
COUNTY, WISCONSIN.

PREPARED FOR: KEITH A. SORENSON
210 CENTURY 21 AFFILIATED
1938 S. STOUGHTON ROAD
MADISON WI 53716

PROPERTY ADDRESS: 401 MORNINGSIDE AVE.
MADISON WI 53716

LEGEND

- IRON STAKE FOUND, SIZE NOTED
- IRON STAKE SET, $3/4 \times 24$ REROD
- () RECORDED AS

NOTE: SEE PAGE 2 FOR
REVISED SURVEYOR'S CERTIFICATE

SURVEYOR'S CERTIFICATE:

I, Mark Steven Gerhardt, Wisconsin Land Surveyor, S-1983, do hereby certify that I have surveyed the property shown on this plat in accordance with the descriptions and instructions furnished by the persons who caused this survey to be made and that this plat is a correct and accurate representation of said survey.

Date: JULY 20, 1999

Mark Steven Gerhardt
Mark Steven Gerhardt,
Wisconsin Land Surveyor, S-1983

JOB NO. 996-121 PAGE 1 OF 2

