

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 Subje	Andrew and Jennifer Keeley Yon								
Address of Owne	r (if different than above):								
Daytime Phone:	608-347-9723	Evening Phone:							
Email Address:	andrewkeeleyyonda@gmail.com	drewkeeleyyonda@gmail.com							
Name of Applicant (Owner's Representative): same Address of Applicant:									
Daytime Phone:		Evening Phone:							
Email Address:									
We would like to div	equested Variance: vide our parcel in half so we can build a health of the second street in the second sec	33'x132' lots.	e middle of the lot.						
We would like to split the lot right down the middle, resulting in two 33'x132' lots, which is the same width as the									
majority of the lots on our block (see attached document). The driveway had a right of way established by 1929,									
(see attached document 511357) but no house was ever built on the left side. (See reverse side for more instructions)									
Amount Paid: Receipt: Filing Date: Received By: Parcel Number: Zoning District: Alder District:	FOR OFFICE \$1200 43661-0016 412618 544 0,709-131-1927-2 TR-CY 2-60011 Fellers	Hearing Date: Published Date: Appeal Number: GQ: Code Section(s):	28.045 (2) 28.131 (1) (e) 2.						

Standards for Variance

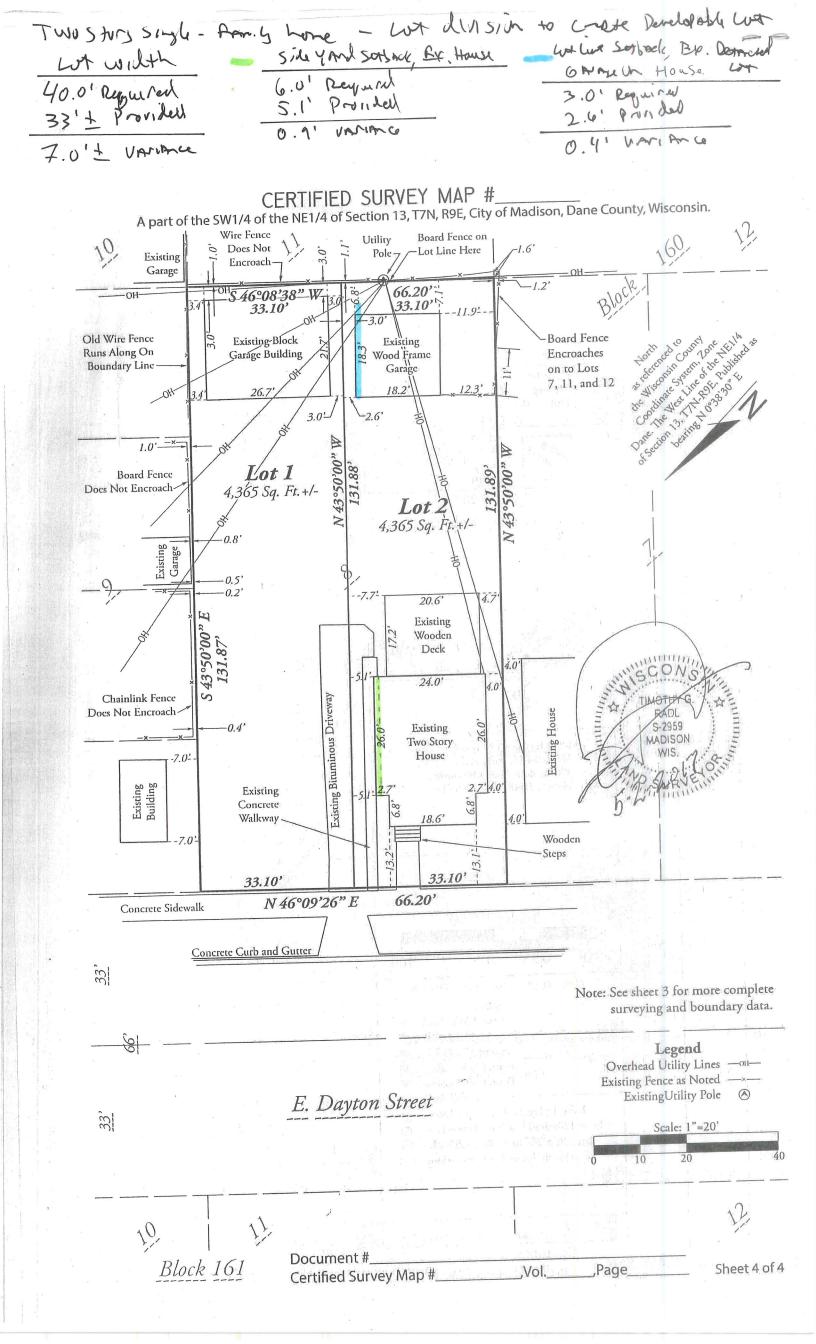
The Zoning Board of Appeals shall not grant a variance unless it finds that the applicant has shown the following standards are met:

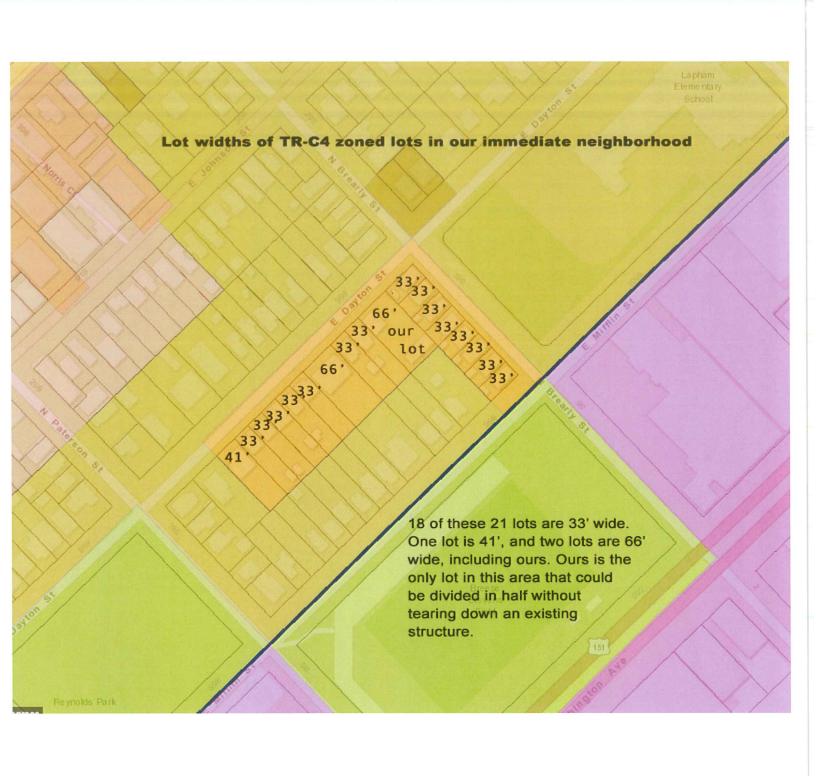
1.	There are conditions unique to the property of the applicant that do not apply generally to other properties in the district. Of the 326 residential lots on Mifflin and Dayton Streets between Blair St. and the Yahara river, ours is the only lot which is prevented by zoning rules from being divided into two 33' lots (see documents attached). Of these 326 lots, 18 are zoned TR-C4 (including ours), and just two of these 18 are wider than 60', one of them being ours and the other one being a multi-unit apartment building which would have to be torn down in order to divide the lot.
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. Current zoning is intended to prevent lots from being too small or inconsistent with the neighborhood, but we ar enot trying to create unusually small lots. This lot division would result in two parcels which are the same exact size (4,356') or larger than the majority of the other parcels in the 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. We might need to tear down structures that are in good condition in order to meet all the setback requirements.
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. For many decades this lot was zoned such that dividing it in half would have been allowed (in fact it may have been two separate lots at one point, see additional documentation). There are several similar lots in our neighborhood (including one across the street and one being our backyard neighbor) which are 66 feet wide and are zoned TR-V1, meaning that they could divide their lots without a variance.
5.	The proposed variance shall not create substantial detriment to adjacent property. The division of the parcel itself should have no direct effect on adjacent properties, though it would allow for the possibility then of a house being built on the property, but that house would of course have to follow all relevant ordinances. The new house would be constructed between our current house and the back yards of several houses on Brearly St., so it should not be a detriment to those houses.
6.	The proposed variance shall be compatible with the character of the immediate neighborhood. Since the majority of the lots in our neighborhood are between 30 and 36 feet wide, this variance will create two 33 foot lots that are compatible with the character of the neighborhood. Additionally, our intention, if this lot division is approved, is to build a single family home, which will also blend with the neighborhood and is in line with the goals of the Tenny-Lapham neighborhood.

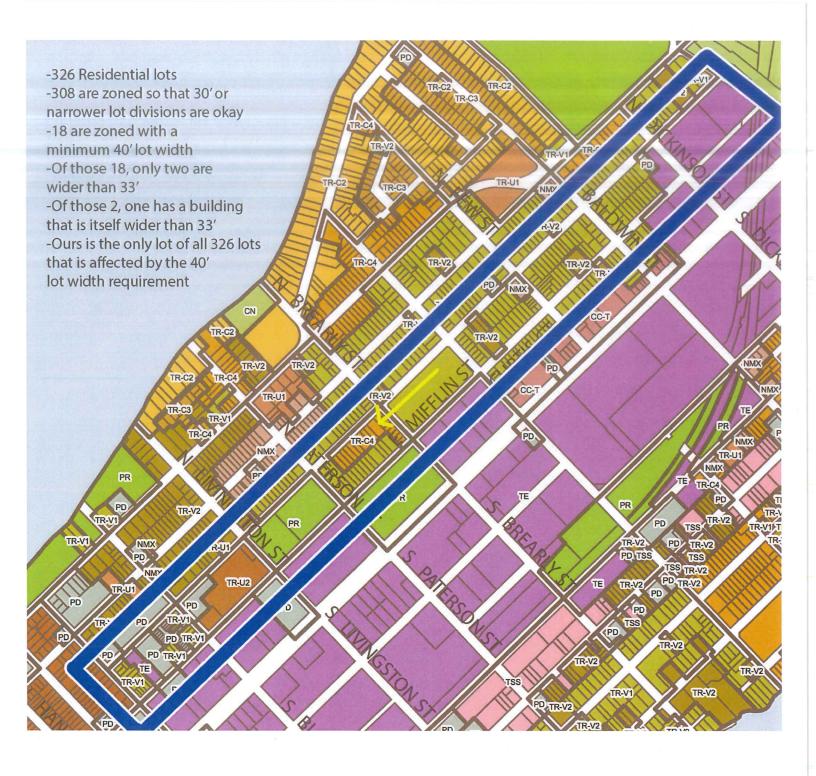
Application Requirements

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

	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.						
	Site plan, drawn to scale. A registered survey is recommended, but not required. Show the following on the sit plan (Maximum size for all drawings is 11" x 17"): □ Lot lines						
	 Existing and proposed structures, with dimensions and setback distances to all property lines Approximate location of structures on neighboring properties adjacent to variance 						
	 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). (Maximum size for all drawings is $11'' \times 17''$)						
	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")						
E,	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.						
	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.						
	Variance 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 acknowledge any statements implied as fact require supporting evidence.						
	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.						
Own	er's Signature: A A Z Date: 4/26/12						
	(Do not write below this line/For Office Use Only)						
The B	DECISION oard, 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.						
Furth	er findings of fact are stated in the minutes of this public hearing.						
The 2	Zoning Board of Appeals: Approved Denied Conditionally Approved						
Zonir	ng Board of Appeals Chair:						
Date							







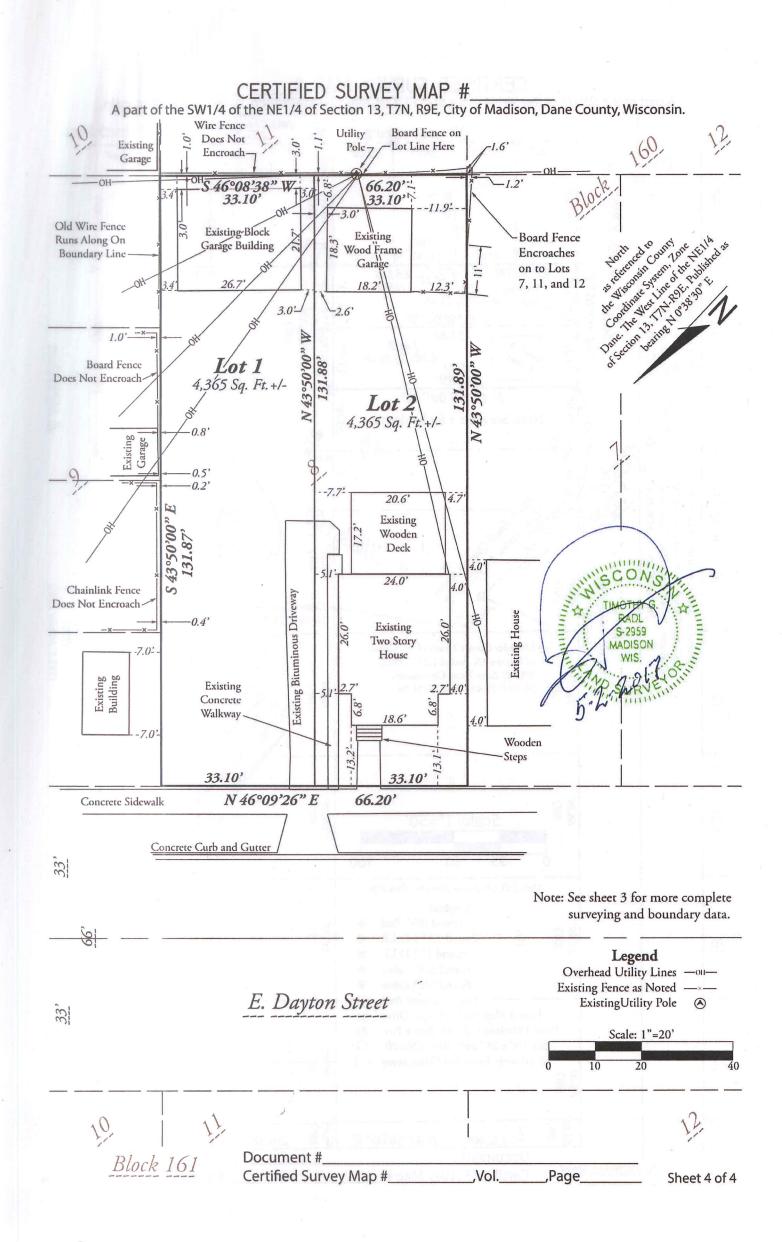
- Shows driveway right of way in 1929

This Indenture, Made this 2 day of May A.D. 10.29, between John G. McKenna, Selina McKenna, his wife; Clarence McKenna and May Hamm McKenna, his wife; Agnes Hurst, Jennie Connell, and Josephene Forster, husbandarties of the first part, and wife and to the Survivors of the Mitnesseth, That the said partles of the first part, for and in consideration of the sum of Eleven Hundred Bollars (\$1,100.00) to them in band paid by the said partles of the second part, the receipt whereof is hereby confessed and acknowledged, have given, granted, bargained, sold, remised, released, aliened, conveyed and confirmed, and by these presents do give, grant, bargain, sell, remise, release, alien, convey and confirm unto the said partles of the second part, their heirs and assigns forever, the following described real estate, situated in the County of Dane and State of Wisconsin, to-wit: The Southwest one-half (SWE) of Lot Hight (8), Block One Hundred Sixty (160) according to the recorded plat
hetween John G. McKenne, Selina McKenne, his wife; Clarence McKenne and With Hattie McKenna, his wife; Agnes Hurst, Jennie Connelland part les of the first part, and Intinie Hamm. Antone Forster and Josephene Forster, husbandarties of the second part, Witnesseth, That the said partles of the first part, for and in consideration of the sum of Fleven Hundred Dollars (\$1,100.00) to them in hand paid by the said partles of the second part, the receipt whereof is hereby confessed and acknowledged, have given, granted, bargained, sold, remised, released, aliened, conveyed and confirmed, and by these presents do give, grant, bargain, sell, remise, release, alien, convey and confirm unto the said partles of the second part, their heirs and assigns forever, the following described real estate, situated in the County of Dane and State of Wisconsin, to-wit. The Southwest one-half (SWg) of Lot Eight (8), Block One Hundred Sixty (160) according to the recorded plat
between John G. McKenne, Selina McKenne, his wife; Clarence McKenna and With Hattie McKenna, his wife; Agnes Burst, Jennie Connelland part les of the first part, and hard of the Survivors of them with eard to the Survivors of them Witnesseth, That the said partless of the first part, for and in consideration of the sum of Fleven Hundred Dollars (\$1,100.00) to them in band paid by the said partless of the second part, the receipt whereof is hereby confessed and acknowledged, have given, granted, bargained, sold, remised, released, aliened, conveyed and confirmed, and by these presents do give, grant, bargain, sell, remise, release, alien, convey and confirm unto the said partless of the second part, their heirs and assigns forever, the following described real estate, situated in the County of Dane and State of Wisconsin, to-wit. The Southwest one-half (SW2) of Lot Eight (8), Block
Witnesseth, That the said partles of the first part, for and in consideration of the sum of Eleven Hundred Bollars (\$1,100.00) to them in band paid by the said partles of the second part, the receipt whereof is hereby confessed and acknowledged, have given, granted, bargained, sold, remised, released, aliened, conveyed and confirmed, and by these presents do given, grant, bargain, sell, remise, release, alien, convey and confirm unto the said partles of the second part, their heir and assigns forever, the following described real estate, situated in the County of Dane and State of Wisconsin, to-wit. The Southwest one-half (SW2) of Lot Eight (8), Block One Hundred Sixty (160) according to the recorded plat
and acknowledged, have given, granted, bargained, sold, remised, released, aliened, conveyed and confirmed, and by these presents do give, grant, bargain, sell, remise, release, alien, convey and confirm unto the said parties of the second part their heirs and assigns forever, the following described real estate, situated in the County of Dane and State of Wisconsin, to-wit: The Southwest one-half (SW) of Lot Hight (8), Block One Hundred Sixty (160) according to the recorded plat
The Southwest one-half (SWg) of Lot Eight (8), Block One Hundred Sixty (160) according to the recorded plat
thereof; together with a right of way over a strip of land four (4) feet wide off the northeast half (NE)
of said lot running back one hundred (100) feet from
the inside of the sidewalk. Second parties agree that first parties shall have a right of way the same width
and depth over the Southwest half (SW2) of said lot, said drive so established to be used in common by the
owners of each half of said lot. All in the city.
Together with all and singular the hereditaments and appurtenances thereunto belonging or in any wise appertaining; and all the estate, right, title, interest, claim or demand whatsoever, of the said part in items of the first part, either in law or equity, either in possession or expectancy of, in and to the above bargained premises, and their hereditaments and appurtenances.
To Have and to Hold the said premises as above described with the hereditaments and appurtenances, unto the said part 195 of the second part, and to their heirs and assigns FOREVER. And the said John G. McKenna and Selena McKenna, his wife; Clarence McKenna
and Hattie, his wife: Agnes Hurst, Jennie Connell and Minnie Hamm. for themselves and their heirs, executors and administrators, docovenant, grant, bargain, and agree to and with the said part 25 for the second part, their heirs and assigns, that at the time of the ensealing
and delivery of these presents
and that the above bargained premises in the quiet and peaceable possession of the said part 168 of the second part. their and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, will forever WARRANT AND DEFEND.
In Witness Whereof, the said part 105 of the first part have hereuntoset their hands and seal this day of May A.D., 19.29 W. W. K. L. L.
SIGNED AND SEALED BY PRESENCE OF SEAL) SIGNED AND SEALED BY PRESENCE OF SEAL) SEAL) SEAL)
Bessie J. Tiere Just Janet Concell (SEAL)
Levei m I fund agnes Hurst (Seal)
State of Wisconsin,
Personally came before me, this day of May A. D. 1929
Personally came before me, this day of A.D., 1929 the above named John G. McKenna and Selena McLenna, his wife; Clarence
McKenna and Hattle McKenna, his wife
to me known to be the personswho executed the foregoing instrument and acknowledged the same.
Notary Public County, Wis.
My commission expires A. D.
00000
Mindire County
Personally came before me, this 15 day of Mayul

Hamm, to me known to be the persons who executed the foregoing in 345 past 449 strument and acknowledged the same. RESORDED JAN 10 1930 Motary Public, Milwaukee County, Wis. My commission expires / A. D., 193/.

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- Showing that



CERTIFIED SURVEY MAP # A part of the SW1/4 of the NE1/4 of Section 13, T7N, R9E, City of Madison, Dane County, Wisconsin.

(264)

(263.7' Mabbit 1946)
(263.7' Mabbit 1946)
(263.7' Mabbit 1946)
(263.7' Mabbit 1946) N. Brearly Street 33.22 32.82" 33.00 33.00 33.19 32.68 33" <u>33</u> (132') (132') 131.86 131.86 10 66.20 (66') (,99) (66') E. Dayton Street (99) 0.37 0.66 0.35 33.15 S 43°50'00 S 43°50'00" E 40.12 H Set Mag N .. 88,80.97 S Lot 1 (132')N 46°09'26" Sec. 13, T7N-R9E (66') 4,365 Sq.Ft.+/-North 1/4 Corner (131.78' Mabbit 1946) N=488,355.29 N 43°50'00" W E=823883.37 (66') 131.88 Existing 33.10' 33.10 House 365 Sq.Ft.+/-(132') 131.89 N 43°50'00"W 131.89 N 43°50'00" W 33.10' Note: See sheet 4 for lot details. 12 33.10' Meander Corner South of the North 1/4 Corner Section 13, Found Brass Cap in Concrete, WCCS Zone Dane Coordnates: N=487727.95 E=823876.33 160 Block 66.20 (99) (595.8' Mabbit 1946) (,99) (595.8' Mabbit 1946) Center Corner, Sec. 13, T7N-R9E 595.80 N=488,355.29 E=823883.37 Meander Corner North of the Center of Section 13, Found 1.25" Rebar, WCCS Zone Dane Coordnates: N=485775.48 E=823854.39 14 The Suns Cooldinate Steen, Sone Dane Soling No. Section 13. (66') (66') (66') 14 0.30 (66') (66') (66) Scale: 1"=50" 15 100 50 Note: I.D.I.P.=Inside Diameter Iron Pipe Legend Found 3/8" Rod (66') Found 1.5" I.D.I.P. Found 1" I.D.I.P. 3 16 Found 3/4" Rebar Found 5/8" Rebar Found Geared Axel 1 Found Mag Nail in Conc. Drive 0 33.10' Found Sheared Off Steel Fence Post Set 3/4"x 24" Steel Rod 1.5lbs/ft. 17 Previously Recorded Dimensions 66.20 (99) 2 66.20 (66) 99) 18 N 43°50'00" W 264.00 132.00 Document # N. Patterson Street Certified Survey Map # Vol. ,Page Sheet 3 of 4

Consent of Mortgagee

CERTIFIED SURVEY MAP #______All of Lot 8, Block 160, Original (Pritchette) Plat of Madison, being a part of the SW1/4 of the NE1/4 of Section 13, T7N, R9E, City of Madison, Dane County, Wisconsin.

above described land, does hereby consent to the	nder and by virtue of the laws of the State of Wisconsin, mortgagee of the surveying, dividing, and mapping of the land described on this plat, and drew J. Keeley Yonda, and Jennifer A. Keeley Yonda, owners
	, River Valley Bank.
Name Title	, River valley balls.
State of Wisconsin)	
County of Dane) ss Personally came before me	
above named officer of River Valley Bank,as the person who executed the foregoing instrum	
	_ Notery Public,,WI
	notely rubits, and the known to be able to the contract of the agent will the
My Commission Expires:	the state of the second of the formation of the second of
Madison Common Council Certificate	in the City of Madison, was hereby approved by Enactment
	, adopted on theday of, 2017,
and that said enactment further provided for the a	acceptance of those lands dedicated and rights conveyed by said Certified
Survey Map to the city of Madison for public use.	
Dated this day of	, 2017.
	SCON STATE
	TIMOTHY G.
E MARKET,	
Maribeth Witzel-Behl, City Clerk	WIS NO TO
City of Madison, Dane County, Wisconsin	5. W. S.
	SURVENIN
Surveyed for: Mr. Andrew J. Yonda	
943 E. Dayton St.	
Madison, WI 53703	City of Madison Plan Commission Certificate
Surveyed by Red Oak Land Surveying LLC	Approved for recording per the Secretary of the City of Madison Plan Comission.
313 Waverly Pl.	S November 19 Comment of the Comment
Madison, WI 53705	
Red Oak	
	Sold Oak Total
Land Surveying LLC	, Secretary, Plan Commission
(608)233-3142	TVAILE STATE STATE STATE
redoakls.com	
redoakls@redoakls.com Serving southern Wisconsin Document	####

Certified Survey Map #_

from Madison's near west side.

,Vol.

,Page_

Sheet 2 of 4

CERTIFIED SURVEY MAP #

All of Lot 8, Block 160, Original (Pritchette) Plat of Madison, being a part of the SW1/4 of the NE1/4 of Section 13, T7N, R9E, City of Madison, Dane County, Wisconsin.

Surveyor's Certificate

I, Timothy G. Radl, Professional Surveyor, hereby certify:

I have surveyed, divided and mapped a part of the Southwest 1/4 of the Northeast 1/4 of Section 13, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin, more fully described as follows:

All of Lot 8, Block 160, Original Plat (Pritchette) of Madison, containing 8,730 square feet of land more or less.

That I have made such survey, land division, and map by the direction of Andrew J. Keeley Yonda and Jennifer A. Keeley Yonda, owners of said land.

That such map is a correct representation of the exterior boundaries of the land surveyed and the division thereof.

That I have fully complied with provisions of s. 236.34 of the Wisconsin Statutes and the subdivision regulations of the City of Madison in surveying and mapping the same.

Timothy G. Radl PLS S-2959

Dated this 2 day of MAY, 2017



Owner's Certificate

As owners, we, Andrew J. Keeley Yonda and Jennifer A. Keeley Yonda, do hereby certify that we caused the land described on this map to be surveyed, divided, and mapped as shown,

We also certify that the map is required to be submitted to the City of Madison for approval.

	Dated this	day of	, 2017			
Andrew J. Keeley Yong		mkriffle mD-	d dw. ing Cerified Survey Ivlan in and in al-			
Mark	Dated this	day of	, 2017			
Jennifer A. Keeley Yon		,	THE THE COURT OF COURT OF COURT OF COURT			
State of Wisconsin)						
	Personally came before me th	isday of	,2017 the			
	and					
	cuted the foregoing instrumer					
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My Commission Expir			, v. -			
			N			
Surveyed for: Mr. And	rew J. Yonda		Notes:			
943 E. Dayton St.			Fieldwork performed on April 19, 2017			
Madison, WI 53703			This survey subject to all easements and			
Surveyed by Red Oak 313 Waverly Pl.	Land Surveying LLC		agreement recorded and unrecorded.			

Red Oak
Land Surveying LLC

(608)233-3142 redoakls.com redoakls@redoakls.com Serving southern Wisconsin from Madison's near west side.

Madison, WI 53705

Received for recording this ____day of ______,2017, at _____o'clock ___.M. and recorded in Volume ____of Certified Survey Maps of Dane County on pages _____&___

Kristi Chlebowski, Register of Deeds Dane County, Wisconsin

Register of Deeds Certificate

Sheet 1 of 4