



Department of Planning and Community and Economic Development  
Building Inspection Division

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2984  
Madison, Wisconsin 53701-2984  
TDD 608 266 4747  
FAX 608 266 6377  
PH 608 266 4551

Dear Applicant:

In this packet you will find the variance application and standards by which the Zoning Board of Appeals will base their decision. You must complete the application fully, submit all materials requested with the application, and specifically address how the project meets all variance standards.

The Zoning Board of Appeals consists of seven citizen members, appointed by the Mayor and approved by the City Council, who give their time without compensation. Normally there are five members present at the hearing and it takes a majority of votes to approve a variance. The meetings are low key and only as formal as is necessary. Cases are generally heard in the order as they appear on the agenda. A member of City staff will explain the details of your case to the Board and present photographs, taken by a staff member during an outside inspection of your property. You will then be invited to present information explaining how your request meets the standards for the granting of a variance. All owners and occupants of neighboring properties within 200 feet will be notified of your project, and any interested party will be allowed an opportunity to speak on your variance request.

It is strongly encouraged that you contact Zoning Staff to discuss your project and the variance process before you submit your application. If you have questions regarding the preparation of your presentation, please feel free to contact our office to set up an appointment. A quality submittal and thoughtful presentation increases the probability of a favorable decision by the Board.

**IMPORTANT** – The Zoning Board of Appeals reviews variance requests using standards adopted by the City Council and provided by law. A complete submittal should specifically address each standard and be prepared in consideration of these standards. Please be aware that any statements made in the application or at the meeting require evidentiary support in order to be considered fact. The variance standards may be found on the following pages of this packet.

Sincerely,

Matt Tucker  
Zoning Administrator  
266-4569

Patrick Anderson  
Assistant Zoning Administrator  
266-5978

Jenny Kirchgatter  
Zoning Inspector  
266-4429

Gregory Patmythes  
Zoning Inspector  
261-9662

Sarah Anderson  
Zoning Inspector  
266-6554

Jacob Moskowitz  
Zoning Inspector  
266-4560

**Standards for Variance: The Zoning Board of Appeals shall not grant a variance unless the applicant shows and the Board finds that the following standards have been met:**

1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.
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.
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.
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.
5. The proposed variance shall not create substantial detriment to adjacent property.
6. The proposed variance shall be compatible with the character of the immediate neighborhood.

**– IMPORTANT –**

Your presentation and submitted materials must address all of the above conditions, as the Zoning Board of Appeals must find that all of the standards are met for a variance to be approved. **Any statements made must be supported by competent evidence in order to be considered as fact.**



**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: 1021 High St. - Madison, WI

Name of Owner: Steven Mckenzie, Vanessa Mckenzie

Address of Owner (if different than above): 4173 County RD P  
Cross Plains, WI 53528

Daytime Phone: (608) 235-2699 Evening Phone: (608) 235-2699

Email Address: stanleymckenzie@gmail.com

Name of Applicant (Owner's Representative): Ryan Schultz - OpeningDesign

Address of Applicant: 316 W. Washington Ave. Suite 675  
Madison, WI 53703

Daytime Phone: 773.425.6456 Evening Phone: 773.425.6456

Email Address: ryan@openingdesign.com

**Description of Requested Variance:**

Through this application, we are requesting a variance on the required 7ft side yard setback (*as outlined in Section 28.042 TR-C1 District*) for a new 2nd floor residential addition. To avoid costly structural work and an oddly shaped home, on the west side of the house, we would like to align the new 2nd floor wall directly above the existing 1st floor wall. Although an official CMS has yet to be drafted at the time of this application, per scaled measurements via the Dane County GIS aerials, we estimate the existing, west facing, 1st floor wall is 5 to 6 from the property line. The proposed 2 story house will be an owner occupied, single family residence.

*(See reverse side for more instructions)*

**FOR OFFICE USE ONLY**

|                        |                        |
|------------------------|------------------------|
| Amount Paid: _____     | Hearing Date: _____    |
| Receipt: _____         | Published Date: _____  |
| Filing Date: _____     | Appeal Number: _____   |
| Received By: _____     | GQ: _____              |
| Parcel Number: _____   | Code Section(s): _____ |
| Zoning District: _____ | _____                  |
| Alder District: _____  | _____                  |

# 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.

This existing 55ft wide lot is relatively narrow compared to the majority of lots in the surrounding Bay Creek neighborhood.

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With an existing driveway along the sideyard, for access to the backyard garage, the remaining space for a house has resulted in an existing home where the west wall is relatively close to the lot line.

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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.

Considering, within a 1 block radius from the property about half of the lots in the area are dedicated to 2 story duplexes and quadplexes that have similar side yard setback conditions, we anticipate the proposed variance will not be contrary to the public's interest. See attached photos of few typical residential structures in the immediate neighborhood.

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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.

Compared to the structural gymnastics necessary to bear a wall and beam above the current kitchen and dining room, significant construction costs will be saved by aligning this 2nd floor west wall directly above the 1st floor wall. In addition, there is more precedence, design-wise in the neighborhood, for aligning the 1st and 2nd floors.

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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.

When the width of the vast majority of residential lots in the Madison area are greater than 55feet, a 7 feet second floor setback is not necessarily burdensome. With these older, narrows lots, however, there is a relative hardship in accommodating a modest 2 story residence within the required setbacks.

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

Although we hope to have an official CMS by the scheduled ZBA meeting, we guesstimate the current setback is between 5 or 6 feet. With an anticipated variance of 1 or 2 feet, and considering the narrow 55ft lot and other neighborhood precedents for narrower side yard setbacks, we do not anticipate an unusual or substantial detriment to the adjacent property.

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

Compared to the design topologies of the surrounding homes, the flat roof design of the existing 1-story residence is relative oddity, design-wise. There is more precedence, within the immediate neighborhood, where the roof ridge runs parallel with the street, and the gable ends face the side yards.

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## **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 type="checkbox"/> | <b>Pre-application meeting with staff:</b> Prior to submittal of this application, the applicant is strongly encouraged to discuss the proposed project and submittal material with Zoning staff. <b>Incomplete applications could result in referral or denial by the Zoning Board of Appeals.</b>  |
| <input type="checkbox"/> | <b>Site plan</b> , 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"><li><input type="checkbox"/> Lot lines</li><li><input type="checkbox"/> Existing and proposed structures, with dimensions and setback distances to all property lines</li><li><input type="checkbox"/> Approximate location of structures on neighboring properties adjacent to variance</li><li><input type="checkbox"/> Major landscape elements, fencing, retaining walls or other relevant site features</li><li><input type="checkbox"/> Scale (1" = 20' or 1' = 30' preferred)</li><li><input type="checkbox"/> North arrow</li></ul> |
| <input type="checkbox"/> | <b>Elevations</b> 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"/> | <b>Interior floor plan of existing and proposed structure</b> , 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"/> | <b>Front yard variance requests only.</b> Show the building location (front setback) of adjacent properties on each side of the subject property to determine front setback average.   |
| <input type="checkbox"/> | <b>Lakefront setback variance requests only.</b> Provide a survey prepared by a registered land surveyor showing existing setbacks of buildings on adjacent lots, per MGO 28.138.  |
| <input type="checkbox"/> | <b>Variance requests specifically involving slope, grade, or trees.</b> Approximate location and amount of slope, direction of drainage, location, species and size of trees.  |
| <input type="checkbox"/> | <b>CHECK HERE.</b> I acknowledge any statements implied as fact require supporting evidence.   |
| <input type="checkbox"/> | <b>CHECK HERE.</b> 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:**

*Steve McKeen*

**Date:** 09/27/2018

------(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:**