



Department of Planning and Community and Economic Development
Building Inspection Division

Website: www.cityofmadison.com

Madison Municipal Building
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Dear Applicant:

In this packet you will find an area exception application and the standards and review guidelines by which the Zoning Board of Appeals will base their decision. It is important to meet with Zoning staff prior to submitting your application, complete the application fully, submit all requested material, and, at the meeting, specifically address the standards and review guidelines.

The seven members of the Zoning Board of Appeals are citizens appointed by the Mayor and approved by the City Council, who give their time without compensation. Normally there are five members present and it takes a majority of votes to approve an area exception. 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 in support of your request. Neighboring property owners have been sent notice of your project, and will also be allowed an opportunity to speak.

IMPORTANT – The Zoning Board of Appeals reviews area exception requests against the adopted standards and review guidelines. A quality submittal should specifically address and be prepared in consideration of the area exception standards and review guidelines. The area exception standards and review guidelines may be found on the following pages of this document.

It is strongly encouraged that you contact Zoning Staff to discuss your project before you intend to apply for an area exception. If you desire assistance in the preparation of your presentation, please feel free to contact our office to set up an appointment. A quality submittal and good presentation increases the probability of a favorable decision by the Board.

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

Heidi Conde
Zoning Inspector
266-6554

Andrew Fielding
Zoning Inspector
266-4560

AREA EXCEPTION STANDARDS AND REVIEW GUIDELINES

AREA EXCEPTION STANDARDS No area exception shall be granted by the Zoning Board of Appeals unless the Board shall find that all of the following standards are met:

1. That the area exception will not be detrimental to or endanger the public health, safety, comfort or general welfare.
2. That the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the area exception.
3. That the area exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That the area exception will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire within the neighborhood.

AREA EXCEPTION REVIEW GUIDELINES Project approval is also based on the following set of review guidelines to determine how well the proposal “fits in” with the character of the neighborhood. This determination is based on the project’s context on three levels: relationship to the existing structure(s) and site, relationship to adjacent properties, and relationship to the neighborhood. These guidelines are not intended to dictate architectural style, but rather to contribute to a harmonious result. The focus of these guidelines is compatibility.

The examples given are to illustrate the types of elements that could be considered under each guideline. They are not meant to be all-inclusive or to be absolutes.

A. Relationship of Project to Existing Structure(s) and Site

1. Placement

Intent: The intent of this section is to ensure that the location of the proposed project is compatible with the existing site and the existing structure.

- **Example(s):** The amount of encroachment into the area exception should be minimized; functional, livable outdoor spaces should be maintained or created; the project should relate to the flow of the existing house; the project should not change the orientation of the overall building with respect to the street; provisions should be made for maintenance to all portions of the building.

2. Bulk

Intent: The intent of this section is to ensure that the mass of the proposed project is compatible with the scale of the existing structure and does not dominate it.

- **Example(s):** The size, height and volume of the proposed project should be proportional to the existing structure.

3. Design

Intent: The intent of this section is not to dictate design, but to ensure that the design aspects of the proposed project are compatible with the style of the existing structure.

- **Example(s):** Extremely long building facades should have sufficient building articulation or other “breaks” to avoid a monotonous appearance. More complex rooflines should be incorporated as the size of the building increases. Windows should be proportional to other windows on the building. Attached garages, which protrude from the front facade of the building or have overly wide garage doors, should be discouraged.

4. Other

Intent: The intent of this section is to provide for consideration of issues related to the existing structure(s) and/or site, which may arise during the review process but are not specifically covered above.

- **Example(s):** Landscaping should be provided as a means of integrating the proposed project with the site and the existing structure.

B. Relationship of Project to Adjacent Properties

1. Placement

Intent: The intent of this section is to ensure that the proposed project is sited in a manner that eliminates or minimizes the negative impacts on neighboring properties.

- Example(s): Privacy for the adjacent parcels should be maintained; solar access for adjacent properties should not be lessened; the ability of an adjacent property owner to construct an equivalent project should be considered; views from the adjacent properties should be maintained.

2. Bulk

Intent: The intent of this section is to ensure that the size of the proposed project does not overwhelm adjoining properties.

- Example(s): The size and height of the overall structure once the project is built should be proportional to the adjacent structures.

3. Design

Intent: The intent of this section is not to dictate design, but to ensure that design-related issues are handled in a manner, which minimizes or eliminates the negative impacts of the proposed project on neighboring properties.

- Example(s): Extremely long building facades should be designed with sufficient building articulation, or other “breaks” to avoid a monotonous appearance; glare on adjoining properties should be minimized; windows should be located in a manner which respects the privacy of adjoining properties.

4. Other

Intent: The intent of this section is to provide for the review of the proposed project regarding other potential negative impacts on adjacent properties that were not described above.

C. Relationship of Project to Neighborhood

1. Placement

Intent: The intent of this section is to ensure that the placement of the proposed project is in keeping with the character of the immediate neighborhood.

- Example(s): The resulting setbacks should be consistent with those typically found in the neighborhood.

2. Bulk

Intent: The intent of this section is to ensure that the proposed project, and the resulting overall structure, are consistent with the bulk characteristics of the immediate neighborhood.

- Example(s): The resulting volume, size, lot coverage, height, width, and depth should be consistent with those typically found in the neighborhood.

3. Design

Intent: The intent of this section is not to dictate the design of the proposed project, rather is it to ensure that the design diversity or homogeneity of the immediate neighborhood is considered when assessing the appropriateness of the proposal.

- Example(s): Design features, such as the shape of the roof(s) or the type and amounts of ornamentation, should be consistent with what is typically found in the neighborhood.

4. Other

Intent: The intent of this section is to provide for the consideration of issues not covered above that will assist in the determination of whether the proposed project “fits in” with the immediate neighborhood in which it is located.

- Example(s): The location of proposed accessory structures should be consistent with those of other properties in the neighborhood; the project should not lessen property values in the neighborhood; the project should not negatively impact the streetscape and public spaces; the project should relate to natural features in a positive manner.



ZONING BOARD OF APPEALS

AREA EXCEPTION APPLICATION

\$300 Filing Fee

FOR OFFICE USE ONLY	
Amount Paid _____	Receipt # _____
Received by _____	Filing Date _____
Hearing Date _____	
Zoning District _____	
Parcel # _____	
Published _____	
Ald. District _____	
Appeal # _____	
GQ _____	
Code Section # _____	

Type or print using pen, not pencil.

Address of Subject Property:

Name & Address of Owner:

Daytime Phone: _____ Evening Phone: _____

E-mail address: _____

Name & Address of Applicant (Owner's Representative):

Daytime Phone: _____ Evening Phone: _____

E-mail address: _____

Brief Summary of Proposed Construction:

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 will result in the case being delayed and/or recommended for referral or denial.**

Please provide the following (Maximum size for all drawings is 11" x 17"):

Site plan, drawn to scale. A registered survey is recommended, but not required. Show the following on the site plan:

- Lot lines
- Existing and proposed structures, with dimensions and setback distances to all property lines
- Approximate location of structures on neighboring properties adjacent to required area exception
- 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).

Interior floor plan of existing and proposed structure, when relevant to the area exception request and required by Zoning Staff. (Most additions and expansions will require floor plans.)

Front yard area exceptions only. Show the building location (front setback) of all properties contiguous on both sides and within 200 feet of the subject property to determine front setback average.

Area exception 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 have been given a copy of and have read the standards and review guidelines, which the Zoning Board of Appeals will use when acting on applications for area exceptions.

Owner's Signature:

AREA EXCEPTION STANDARDS. No area exception shall be granted by the Zoning Board of Appeals unless such Board shall find that all of the following conditions are present:

1. That the area exception will not be detrimental to or endanger the public health, safety, comfort or general welfare.
2. That the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the area exception.
3. That the area exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That the area exception will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire within the neighborhood.

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

Eligibility Requirements:

- 1. The lot is less than 50 feet in width.
- 2. The lot is less than or equal to 100 feet in depth.
- 3. The lot is less than 6,000 square feet in area.
- 4. The structure proposed to be altered is nonconforming to current bulk requirements of the district.
- 5. An adjacent lot has a structure that is nonconforming to current bulk requirements of the district on the side towards the lot seeking an area exception.
- 6. The lot is adjacent to public right-of-way, a park, the rear yard of a reversed corner lot, or a railroad right-of-way.
- 7. The lot contains trees of the following minimum sizes that affect compliance within the current bulk requirements of the District:
 - a. Deciduous trees with a trunk caliper measurement of twelve (12) or more inches.
 - b. Evergreen trees 20 or more feet in height.
- 8. The lot contains storm water drainage characteristics or a slope of at least 2 feet over 10 feet that affects compliance with the current bulk requirements of the district.
- 9. The lot has a nonrectangular shape.
- 10. Recorded utility easement(s) on the lot that affect compliance with the current bulk requirements of the district.

The Zoning Administrator has determined that the property (is) (is not) eligible to be considered for an area exception.

DECISION	
The Board, in accordance with the findings of fact, hereby determines that the requested area exception (is) (is not) in compliance with all of the standards for an area exception. Further finding of fact is stated in the minutes of this public hearing.	
The Zoning Board of Appeals: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Conditionally approved	
Zoning Board of Appeals Chair:	Date: