



Department of Planning and Community and Economic Development  
Building Inspection Division

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

215 Martin Luther King Jr Blvd, Suite 017  
P.O. Box 2984  
Madison, Wisconsin 53701-2984  
Phone 608 266 4551  
TDD 608 266 4747

Dear Applicant:

Zoning laws govern how you can develop your property. Variances are exceptions to those laws. The Zoning Board of Appeals (ZBA) hears variance requests at its monthly meetings. Before you submit your variance application, please contact the Zoning Administrator, [kbannon@cityofmadison.com](mailto:kbannon@cityofmadison.com), at least one week prior to the application submission deadline to schedule a pre-application meeting. At the meeting, we will discuss your project and the variance process.

In this packet, you will find the variance application and the six standards which the ZBA uses to approve or deny a variance request. To apply for a variance, you must:

1. Complete the application.
2. Submit all required materials.
3. Specifically outline how the project meets all six variance standards.

You can improve your odds of approval with a quality submission.

The ZBA consists of seven volunteer members. The Mayor appoints members, and the City Council approves them. At ZBA hearings, there are typically five members present. It takes a majority of votes to approve a variance. During the hearing, City staff will explain the details of your case to the Board. We will also show photographs taken by staff at an outside inspection of your property. The Board will then invite you to present information. You will explain how your request meets the six standards for the approval of a variance. We will send notice of your application to owners and occupants of properties within 200 feet. Any interested party will be able to speak on your variance request.

**IMPORTANT –**

The ZBA reviews requests using the six standards adopted by the City Council and outlined by law. You can find the variance standards on the following page of this packet. We require evidence for facts you provide in the application and in ZBA hearings.

Sincerely,

Katie Bannon, AICP  
Zoning Administrator  
[kbannon@cityofmadison.com](mailto:kbannon@cityofmadison.com)

Jenny Kirchgatter  
Assistant Zoning Administrator  
(608) 266-4429

Jacob Moskowitz  
Assistant Zoning Administrator  
(608) 266-4560

## **Standards for Variances:**

**The Zoning Board of Appeals shall not grant a variance unless you show, and the Board finds, that your proposed variance meets all the following standards:**

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.



# CITY OF MADISON ZONING BOARD OF APPEALS VARIANCE APPLICATION

**\$500 Filing Fee**

Type or legibly print using blue or black ink.

Address of Subject Property: \_\_\_\_\_

Name of Owner: \_\_\_\_\_

Address of Owner (if different than above): \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Name of Applicant (Owner's Representative): \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Description of Requested Variance:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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 will only grant a variance if it finds that your proposal meets the following standards. Please explain how your variance request meets these standards.**

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

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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.

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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.

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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.

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

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

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## **Application Requirements**

The Zoning Board of Appeals may refer or deny applicants with incomplete applications. Note, the maximum printed size for drawings is 11” x 17.” Please provide the following information:

<input type="checkbox"/>	<b>Pre-application meeting with staff.</b> Before you submit this application, meet with the Zoning Administrator. Together, you will discuss your proposed project and submission material. Contact Zoning at least one week prior to the application submission deadline to schedule the meeting. Your application will not be accepted unless a pre-application meeting has been held.
<input type="checkbox"/>	<b>Site plan</b> , drawn to scale. We recommend a registered survey, but it is not required. On the plan, show the following: <ul style="list-style-type: none"><li><input type="checkbox"/> Lot lines.</li><li><input type="checkbox"/> Existing and proposed structures. Include dimensions and setback distances to all property lines.</li><li><input type="checkbox"/> Approximate location of structures on properties next 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 directions showing existing and proposed. Show the existing structure and proposed addition(s).
<input type="checkbox"/>	<b>Interior floor plan of existing and proposed structure</b> , if required. Most additions and expansions will require floor plans.
<input type="checkbox"/>	<b>Front yard variance requests.</b> Show the front yard setback of all other properties on the same block face.
<input type="checkbox"/>	<b>Lakefront setback variance requests.</b> Provide a survey prepared by a registered land surveyor. The survey must show existing setbacks of buildings on adjacent lots.
<input type="checkbox"/>	<b>Variance requests involving slope, grade, or trees. Show:</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Approximate location and amount of slope.</li><li><input type="checkbox"/> Direction of drainage.</li><li><input type="checkbox"/> Location, species and size of trees.</li></ul>
<input type="checkbox"/>	Email <b>digital</b> copies of all plans and drawings to: zoning@cityofmadison.com.
<input type="checkbox"/>	<b>Pay \$500 filing fee on or before submission deadline.</b> Payment may be made in person by appointment at the Zoning counter, by mail to City of Madison Building Inspection, P. O. Box 2984, Madison WI 53701-2984, or placed in the drop box at the Doty Street entrance to the Madison Municipal Building 215 Martin Luther King Jr. Blvd. When mailing or using the drop box, please include a note that payment is for a variance application, state the subject property address and provide your contact information.
<input type="checkbox"/>	<b>CHECK HERE.</b> I understand that as part of my variance request, City of Madison staff will need access to my property. Staff will take photographs and do a pre-hearing inspection of the property. I give City Staff permission to enter my property, inspect the property, and take photographs.
<input type="checkbox"/>	<b>CHECK HERE.</b> I acknowledge that any statements implied as fact require evidence.

**CHECK HERE.** City of Madison staff has given me a copy of the standards that the Zoning Board of Appeals will use to review variance applications.

**Owner's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

------(For Office Use Only)-----

**DECISION**

The Board, in accordance with its findings of fact, hereby determines that the requested variance for \_\_\_\_\_ **(does) (does not)** meet all 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:** \_\_\_\_\_

# Notice of Public Hearing Signs

The City of Madison zoning ordinance requires applicants to post signs for public hearings of the Board of Zoning Appeals (ZBA) on the properties requesting a variance or appeal.

## Sign Pickup

- Signs must be picked up at the Building Inspection Zoning Counter, which is open by appointment only. Schedule an appointment at: <https://www.cityofmadison.com/dpced/bi/schedule-a-counter-appointment/3423/>. The Zoning Counter is located in the Madison Municipal Building at 215 Martin Luther King, Jr. Blvd., Ste. 017, Madison, WI 53701.
- Signs will include a short description of the request, the address of the property subject to the hearing, applicant name, phone number, and email, and the date and time of the ZBA hearing. You may receive phone calls or emails regarding your request from people who see the signs.

## Sign Posting

- Signs must be posted at least 21 days prior to the ZBA meeting date.
- Signs must be on the property which is the subject of the public hearing.
- If the property has frontage on more than street, a sign shall be placed facing each street.
- Signs must be posted on private property. Signs may not be in the City right-of-way, public terrace, on a public tree or on a street sign. It is recommended that the signs be placed not more than five feet behind the property line.
- Signs and the information on the signs must face the street so that they are visible to pedestrians and vehicles from the street and the public walkway.
- When there is no front yard to post signs, you may post signs on the outside of the building, in a ground floor window or glass door. Signs should not be displayed more than six feet above the ground or sidewalk. The intent is for signs to be visible to the public.
- Signs shall not be posted in a location that would obstruct the views of any traffic or entrances or exits to the property.
- Signs must be removed no more than seven days after the hearing.

If you have any questions, please call our office at 608-266-4551.