



# ZONING BOARD OF APPEALS APPLICATION

CITY OF MIDDLETON • 7426 HUBBARD AVE. • MIDDLETON, WI. 53562 • (608) 821-8370 • FAX (608) 827-1080

The following must be submitted before an application is considered complete and a meeting is scheduled:

1. Zoning Board of Appeals application (this packet).
2. A statement that deals with the purpose of the application and grounds for appeal:
  - If you are requesting a variance, the statement must explain: the variance requested, what special conditions exist which will cause practical difficulty or unnecessary hardship if the variance requested is not granted, why the variance being requested is not contradictory to the public interest and will not endanger public safety and welfare, and why the variance requested will be in accord with the spirit of the zoning ordinance.
  - If you are requesting an interpretation of the zoning ordinance and reversal of an order, requirement, decision or determination of an administrative officer, the statement must include the date the decision being appealed was made and the reasons why it may be erroneous.
3. A scale map showing the location and size of the property, existing improvements, abutting properties and improvements and the requested change or addition. Photos are highly recommended.
4. The \$300 (nonrefundable) application fee.

Address of Property: 6709 Franklin Ave.

Present Use of Property: Single Family Residential

Name of Appellant or Applicant: Craig Burfield

Address of Appellant or Applicant: Same as above

Phone: 608-577-9609 Fax: \_\_\_\_\_ Email: cburf1@gmail.com

Owner's Name and Address (if other than above): \_\_\_\_\_

Has a previous application been made with respect to this property? No If "yes," state the nature of the previous application: \_\_\_\_\_

Disposition of Previous Case: \_\_\_\_\_ Date of Decision in Previous Case: \_\_\_\_\_

I hereby swear that all of the above statements and the information contained in the documents submitted herewith are true to the best of my knowledge and belief: \_\_\_\_\_ Date: 3-26-2023

Owner Signature: Craig Burfield Applicant Signature: \_\_\_\_\_

Staff Contact: Mark Opitz
Assistant Planning Director Zoning Administrator
(608) 821-8394
Email: mopitz@ci.middleton.wi.us
Fax: (608) 827-1080

Please Note:

- The Zoning Board of Appeals meets as needed in City Hall, 7426 Hubbard Avenue.
- Appellant will receive notice of the time and date for the hearing. The public hearing notice will be published in the Middleton Times-Tribune and mailed to all property owners within 200 feet of the subject property.
- Appellant must appear at the time and date set for the hearing to explain the need for the appeal.
- Allow 4 to 5 weeks for notices to be mailed and a hearing date to be set.

**For Staff Use Only:**

Zoning of Property: \_\_\_\_\_

Code Section: \_\_\_\_\_

Notice of Hearing Published: \_\_\_\_\_

Notice of Hearing Mailed: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Fee Paid (\$300): \_\_\_\_\_

Zoning Board of Appeals Findings:

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Subject to: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date Received:

**Rec'd: 3/30/2023 by CW**

**Check #: 2428**

**Amount: \$500.00**

3/26/2023

City of Middleton, WI  
Zoning Variance Application

Craig and Jessica Burfield  
6709 Franklin Avenue  
Middleton, WI 53562

### Zoning Variance Request Summary

We currently have a 16 foot wide by 24 foot deep detached garage located 3 feet from the west lot line. This garage predates current side lot setbacks that would allow the construction of structures this close to the edge of the lot. We would like a variance granted which would allow us to rebuild a similarly sized garage 16 x 30 feet in the same location 3 feet from the lot line but it would extend 6 feet deeper into the lot (see Plat of Survey below). This new construction would meet the rear lot setback.

### Reasons for Variance Request

1. **Unnecessary hardship.** Our current garage is estimated to be original to the property from the 1950s and is in an extensive state of disrepair:
  - a. Our lot is relatively small at approximately 55 feet wide and 130 feet deep. Current R1-Single Family setbacks are 30 ft. from the rear of the lot and 8 ft. from the side (though Chapter 10.136.(6) specifies this would be reduced to 7 ft. 2 in. because our lot is less than 60 ft. wide).
  - b. Abiding by the current setback laws would only allow us to rebuild a garage in the center of our backyard. This would be unusual, unsightly, and inconvenient. It also would not allow us to enjoy our backyard greenspace and would require we pave a driveway covering most of our backyard.
  - c. The garage's concrete foundation is sinking causing water to leak in below the bottom plate. The concrete is also severely cracked.
  - d. The bottom plate is decaying from the leaking described above.
  - e. The garage requires major maintenance including all doors and windows.
  - f. The roof is in need of replacement and missing shingles after a recent storm.
  - g. The entire structure was knocked crooked after a tree struck it during a storm 4 years ago.

The above conditions make repairing the garage impossible and it is in need of replacement. The garage served us and the previous residents well for many years but continuing to use the garage in its current state or remodeling the garage is not feasible.

2. **No harm to public interest.** It is very common in our neighborhood to have garages in locations predating the 8 foot side lot setback. Our request is only to reconstruct a garage in the same location as our current garage. There would be no change to the aesthetics of our lot or the neighborhood compared to what is currently present. The garage will be of similar look and size as to what is already there.

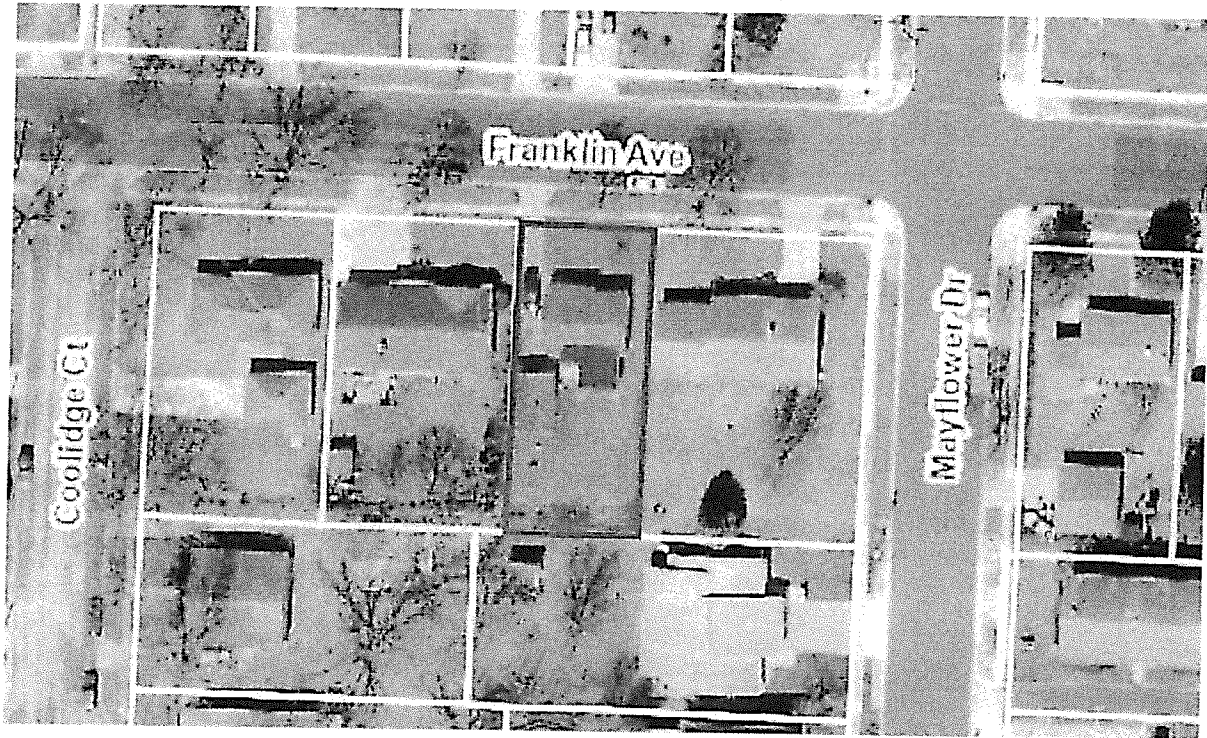




Figure 1: Aerial view of 6709 Franklin Avenue.

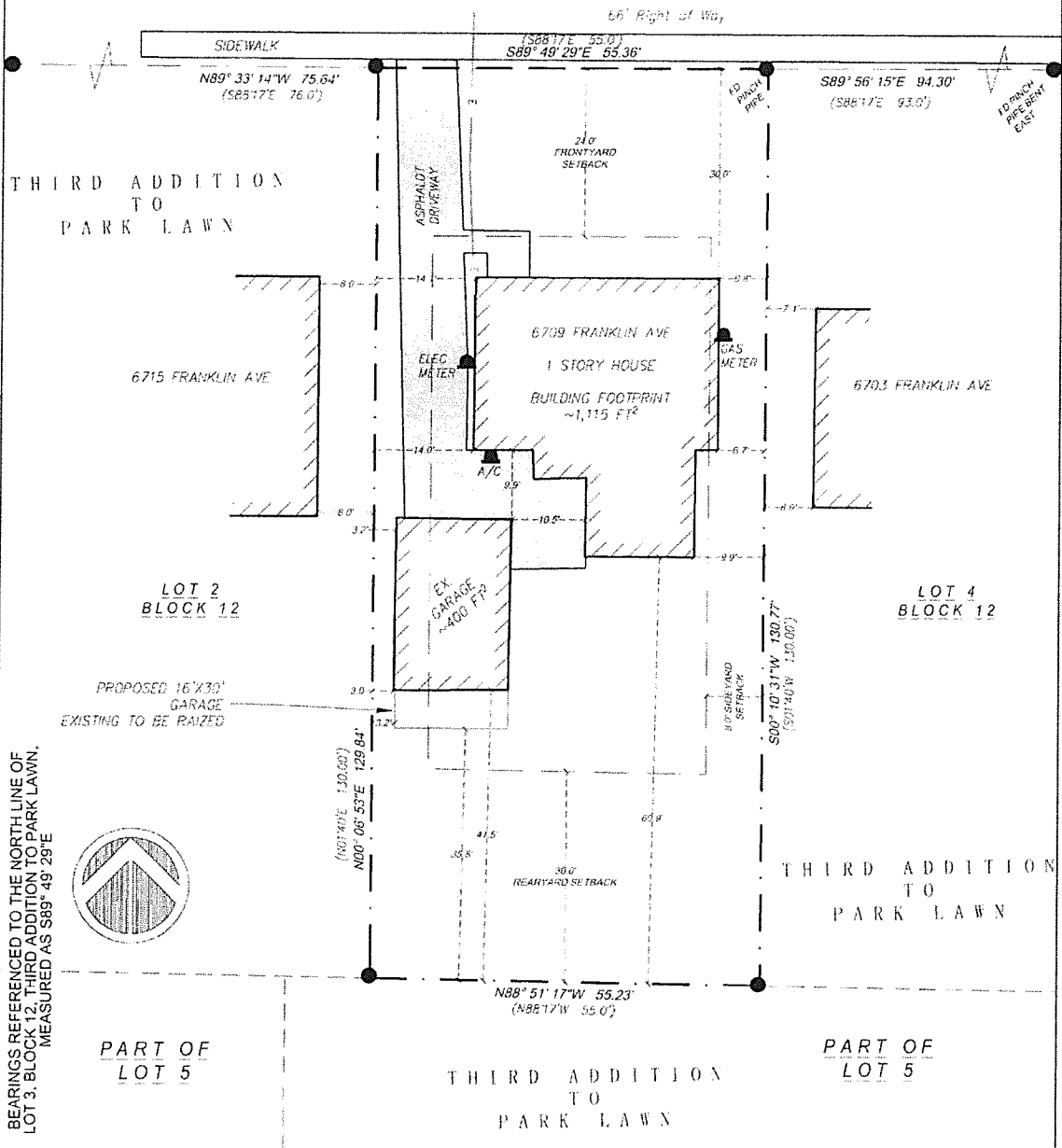


Figure 2: Street view of 6709 Franklin Avenue.

# PLAT OF SURVEY

LOT 3, BLOCK 12, THIRD ADDITION TO PARK LAWN, SECTION 12, TOWNSHIP 7 NORTH, RANGE 8 EAST,  
CITY OF MIDDLETON, DANE COUNTY WISCONSIN

FRANKLIN AVE



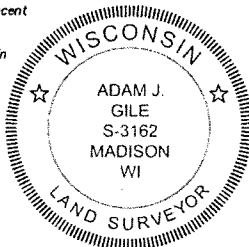
BEARINGS REFERENCED TO THE NORTH LINE OF LOT 3, BLOCK 12, THIRD ADDITION TO PARK LAWN, MEASURED AS  $S89^{\circ}49'29''E$



**NOTES:**

- 1) All structures measured to facade.
- 2) All trees, hedges, and ground cover are not necessarily shown hereon.
- 3) All surface and subsurface improvements on and adjacent to the site are not necessarily shown hereon.
- 4) Found no record of flood plain on parcel.
- 5) The disturbance of a Survey Monument by anyone is in violation of Section 236.32 of the Wisconsin State Statutes.

- FOUND SURVEY MONUMENT (3/4" IRON PIPE UNLESS OTHERWISE NOTED)
- — — — — PROPERTY LINE
- - - - - R-1 SETBACKS
- - - - - ADJACENT LOT LINES
- - - - - RIGHT OF WAY

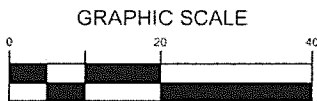


**SURVEYOR'S CERTIFICATE:**

I, Adam Gile, Professional Land Surveyor S-3162, do hereby certify to the best of my knowledge and belief, that I have, by the direction of Craig Burfield, fully complied with the provisions of 236.34 and 4E-1 of the Statutes of Wisconsin. I further certify that the lands described hereon were surveyed and mapped under my control and direction and that this map is a correct and accurate representation of the described lands.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023

Adam Gile, P.L.S. No. S-3162, CFedS



1 inch = 20 ft

**SURVEYED FOR:**

Craig Burfield  
Jessica Burfield  
6709 Franklin Ave  
Middleton, WI 53562

**SURVEYED BY:**

Gile Land Surveying  
1870 Paddock Place  
Fitchburg, WI 53575

**DATE OF FIELD WORK:**

3/24/2023



608-338-6850