



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Meeting Minutes - Approved ZONING BOARD OF APPEALS

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Thursday, July 28, 2016

5:00 PM

215 Martin Luther King, Jr. Blvd.  
Room LL110 (Madison Municipal Building)

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### CALL TO ORDER / ROLL CALL

Corigliano called the meeting to order at 5:05 pm.

**Present:** 4 - Peter A. Ostlind; Susan M. Bulgrin; Dina M. Corigliano and Winn S. Collins

**Excused:** 2 - Frederick E. Zimmermann and Agnes (Allie) B. Berenyi

Excused: Savion Castro

### APPROVAL OF MINUTES

A motion was made by Ostlind to approve the July 14, 2016, minutes, seconded by Bulgrin. The motion passed by voice vote/other, with Collins abstaining.

### DISCLOSURES AND RECUSALS

Bulgrin recused herself from Agenda item #43348.

### PETITION FOR VARIANCE, AREA EXCEPTIONS OR APPEALS

1. Anthony and Denise Schroeckenthaler owners of property located at 906-908 Laurie Drive, requests a variance to eliminate the code compliant parking area and driveway width variance to construct driveways in the front yard setback area.  
Ald. District # 20

Tucker introduced the project as having a zoning code requirement of a 25' front yard parking setback, while expanding the width of the driveways to create front yard parking areas would provide no setback. Therefore, the owner is requesting a 25' front yard parking setback variance. In addition, the owner's want to eliminate code compliant parking for 906 Laurie Drive by remodeling a portion of the attached garage into living space, resulting in code required parking space forward of home, reduction in required front yard setback for parking space. The zoning code requirement for residential driveway design (width) limitation is 25', while remodeling the portion of the garage would provide 13'. Therefore, the owners are requesting a 12' residential driveway design (width) limitation variance. Tucker stated that the work has already been completed and that modifications were made to the

interior of the garage which eliminated a code compliant parking space.

Anthony Schroeckenthaler, owner of the property, stated that the structure inside of the garage was built by the previous owner. He stated that he would like to keep the parking that he added approximately 20 years ago because the duplex is on an intersection and there is a crosswalk resulting in not enough legal parking. Schroeckenthaler stated that if he had to eliminate the parking his main concern would be the safety and security of his tenants. Schroeckenthaler stated that it would be too expensive to take the legal bedroom out of the garage therefore they kept it in.

Collins asked Tucker if he knew the City of Madison's regulations for parking a vehicle between the crosswalk and driveway. Tucker advised that he did not know the regulation but said if there is any requirement to be away from the curb openings that the property owner would be in violation if a vehicle was parked there.

Corigliano asked if the extra living space in the garage was approved would there need to be updates to bring it up to code. Schroeckenthaler stated that if the living space is approved, he will have the City of Madison inspect it to ensure that it is up to date and code compliant.

Collins asked if there were any considerations of shrinking the extra living space or converting the 14' x 10' shed into a garage. Schroeckenthaler stated that it would not be cost effective and a financial burden to them.

Tucker suggested that the property owners could mirror the driveway additions to the outside instead and create an area along side of the garage.

Ostlind motioned to approve the variance request, seconded by Collins.

Ostlind suggested that they separate the two variance requests and discuss the standards for each one of them individually.

Board members stated that they would discuss the driveway expansion portion of the variance first. Ostlind stated that the property is unique because it is at an intersection with a crosswalk and apron in front of it which might reduce some parking areas. Members stated that the property is wider than what is required. Members agreed that having the property become compliant might disrupt the family life of the current tenants and would not be cost effective but ultimately the burden is on the applicant. Members stated that the applicant could construct code compliant parking which could create one additional parking space than what is currently there.

Ostlind amended his motion to approve the variance request to only apply to the driveway expansion portion, seconded by Collins.

The motion for approval failed (0-3) by voice vote/other.

Collins motioned to approve the variance request to convert the right dwelling unit garage space into habitable living space and create a parking space within the front yard setback, seconded by Ostlind.

Board members discussed that the property has the same layout as the

neighboring property, therefore it is not really unique. Collins stated that this variance request goes against the City Ordinance that is against the concept of parking in areas that don't accompany legal parking spaces. Collins stated that there are various options that the property owners have that would make the property compliant including, generating extra living space in the screened porch area, removal of the 14' x 14' living space or converting the 14' x 10' shed into a garage. Ostlind stated that the burdens on the owner and tenant are not created by the Zoning Ordinance and that the work was done without getting approval. Board members agreed that having a car parked in front of the garage could create a detriment to the adjacent property. Members agreed that the variance request does not affect the characteristics of the neighborhood because the garage still looks like a garage although it is not code compliant and is used as a living space.

The motion for approval failed (0-3) by voice vote/other.

2. Tania Thousand owner of property located at 4305 Hillcrest Circle, requests a reverse-corner side yard variance to construct an attached garage addition onto a two-story single family home.  
Ald. District #11

Tucker introduced the project as having a zoning code requirement of 15' reverse-corner side yard setback, while constructing a 5' wide addition to the existing attached garage/storage shed would provide a 10' setback. Therefore, the owner is requesting a 5' reverse-corner side yard setback variance. Tucker explained the reverse corner lot with a diagram. Tucker also noted that there is an illegal shed on the property but the proposed variance request will replace that.

Tania Thousand, owner of the property, stated that the garage is very small and difficult to access.

Corigliano asked what impact the City of Madison redoing the road had on Thousand's driveway. Thousand stated that the City of Madison curved her driveway more and moved it closer into Hillcrest Circle and took the island out. Thousand said that it is even harder to access her driveway now.

Collins asked Tucker what the distance from the curb to the start of the setback is. Tucker stated that typically it is 15' which includes 5' for the sidewalk and 10' for the terrace. Tucker stated that there will be no sidewalk on this side of the road.

Corigliano asked if the proposed shed is going to look different than the garage. Tucker clarified that the white shed that is currently there will be removed and that the shed in the proposed project is just the storage portion of the garage. Thousand stated that the shed will have the same siding as the garage and that the windows will match the existing windows and the rest of the house.

Collins motioned to approve the variance request, seconded by Bulgrin.

Board members discussed that the property is unique in many aspects including the layout of the lot, the large tree and that the City of Madison made changes to the access of the driveway. Corigliano was concerned that the

proposed project might affect the neighbors view corridor. She asked Tucker to verify what direction 4322 Hillcrest Circle's door faces. Tucker stated that the door to 4322 Hillcrest Circle faces Hillcrest Drive. Corigliano stated that the most affected property is next door and the proposed project would be facing the rear of the house, which would not greatly impact the neighbor. Board members agreed that not being able to easily access the garage is a burden. They stated that removing the large tree would negatively impact the neighborhood. Board members agreed that the proposed project would have minimal impact on the neighborhood.

The motion for approval passed (4-0) by voice vote/other.

3. David Provencher and Mary Murphey owners of property located at 2213 Fox Avenue, requests a side yard variance to construct a two-story addition onto a two-story single family home.  
Ald. District # 13

Tucker introduced the project as having a zoning code requirement of a 6' side yard setback, while constructing an addition atop the existing single story portion of the home and a second story addition would provide a 5.3' setback. Therefore, the owner is requesting a .7' side yard setback variance.

Mark Smith, the owner's representative, stated that the neighbors to the northeast complained about the windows on the proposed addition. He stated that the windows have been reduced to help lessen the impact on the neighbors. Smith stated that the function of the space changed from an occupied den into a closet and bathroom, which reduces the occupancy of the space. The addition does not further intrude into the side yard setback than the existing condition. He stated that the detailing will match the existing structure.

Collins addressed his concerns on the window privacy issue and stated that the windows will be 10' closer to the neighboring property.

Corigliano asked why the second story addition couldn't be compliant and what type of structural issues would be involved if they were to move it in .7' to become code compliant. Smith stated that making it code compliant would be more complex and it would be more expensive. He stated that they would have to add another joint and that it would look odd.

Collins asked if the intent was to use the preexisting footing. Smith stated that they will be using the existing footing, which is concrete. Smith said that they will have to add a small additional footing to get to the corner but that part would not be basement depth.

Jeff Horvath, owner of property located at 2215 Fox Avenue, stated that he supports the proposed variance request. Horvath stated that his only concerns were the construction noise and parking issues but from what he understands that impact has been reduced.

Corigliano introduced an email from Janet and Pete Niewold, owners of property located at 2209 Fox Avenue. They stated that their main concern was that the proposed addition will reduce the privacy between the two houses and yards due to adding windows that face their property.

Ostlind motioned to approve the variance request, seconded by Bulgrin.

Board members discussed that the property is unique because the house was built into the setbacks and the location of the existing home drives the variance request. Members agreed that making the second addition compliant would make the house look odd and would not fit in with the rest of the neighborhood. Ostlind mentioned that the property owners could construct the addition .7' further away from the setback and be code compliant but it would not change the impact a lot. Board members agreed that the owner's made an effort to reduce bulk and decrease the overall openness of the space and reduced the windows. Corigliano stated that they did reduce the potential of direct contact with the proposed project. Members stated that the proposed project would blend in with the neighborhood.

The motion for approval passed (4-0) by voice vote/other.

#### **DISCUSSION ITEMS**

4. Communications and Announcements

Tucker announced that there will not be an August 11, 2016 meeting.

#### **ADJOURNMENT**

The meeting adjourned at 6:57 pm.

Matt Tucker  
City of Madison  
Zoning Board of Appeals, (608) 266-4569  
Wisconsin State Journal, July 21, 2016