



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved ZONING BOARD OF APPEALS

Thursday, February 20, 2020

5:00 PM

215 Martin Luther King, Jr. Blvd.
Room 013 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Collins, chair, called the meeting to order at 5:00pm

Staff Present: Matt Tucker and Nancy Kelso

Present: 4 - Allie Berenyi, Winn Collins, Peter Ostlind, and David Waugh

Excused: 2 - Angela Jenkins, Jessica Klehr

APPROVAL OF MINUTES

A motion was made by Ostlind to approve the January 16, 2020 minutes, seconded by Berenyi. The motion passed 3-0 by voice vote.

PUBLIC COMMENT

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

PETITION FOR VARIANCE, AREA EXCEPTIONS OR APPEALS

1. [59347](#)

Jay and Janet Loewi, owners of property at 5642 Lake Mendota Drive, request a lakefront setback variance to construct an elevated deck addition at the rear of the existing two-story single-family home. Alder District #19

Tucker stated that the property, zoned TR-C1, is located in the Spring Harbor Neighborhood on Madison's west side. Tucker explained the project is to construct an elevated deck addition at the rear of the existing home; noting the lakefront setback requirement as currently calculated places the exiting deck in the setback. Tucker provided further details on the methods of calculating setbacks along lakefront property and explained how the ordinary high water mark (OHWM) is determined. Tucker stated that the setback requirement for this property is 68.3 feet, the provided setback is 65.8 feet, resulting in a variance request of 2.5 feet.

Applicant Janet Loewi provided details of their project from the time they began in August of 2019 to when they discovered they would need a variance in order to complete the proposed deck, to presenting their case to the Board. Tucker noted a correction to the staff report, stating that the corner of the deck will change the setback for this property by two tenths of a foot. Loewi mentioned her conversations with adjoining neighbors and having heard no opposition to this project.

A letter of support from the resident of 5632 Lake Mendota Drive was submitted for the Board's consideration.

There was further clarification of the dimensions of the proposed addition. Tucker stated that there was less of a lakefront and side yard setback when the house was originally built in the 1950s and expanded in the 1990's, and provided information on zoning code changes relative to lakefront and side-yard setback.

The Board noted that in the application, a survey of 5646 Lake Mendota Drive was included however no written reference was made to that survey. Loewi explained that the survey of 5646 was taken in 2010, whereas the survey of 5642 was taken in 2020, highlighting the discrepancy in setbacks for the two homes. Tucker explained how lakefront setbacks change each time a new home is built, however the OHWM remains unchanged.

Tucker reviewed and responded to comments submitted from the resident of 5646 Lake Mendota Drive in response to the petitioner's application and the staff report.

Collins closed the public hearing.

Berenyi moved to approve the lakefront variance request; Waugh seconded.

Review of Standards:

Standard 1: The Board noted that the change in setback when new construction is undertaken, along with the sharply uneven shoreline present unique conditions to this property.

Standard 2: The Board determined that this project does not conflict with the intent of the code.

Standard 3: The Board noted that compliance with the ordinance would not be burdensome with the deck in its original state, however the proposed addition does provide improved functionality.

Standard 4: The Board found that the shoreline features and changes to calculating setbacks create a hardship to compliance.

Standard 5: The Board found that there is no detriment to adjoining properties.

Standard 6: The Board concluded the structure would be in keeping with the character of the neighborhood.

The Board voted 3-0 to approve the requested lakefront variance by voice vote.

DISCUSSION ITEMS

2. [08598](#) Communications and Announcements

Tucker indicated a case is scheduled for the March 19, 2020 meeting, and that staff member Nancy Kelso will be absent from that meeting. Tucker provided an update on the status of a case that was appealed to the Dane County Circuit Court.

ADJOURNMENT

The Board adjourned at 6:12 pm.