



# City of Madison

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

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Thursday, December 20, 2018

5:00 PM

215 Martin Luther King, Jr. Blvd.  
Room 13 (Madison Municipal Building)

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### CALL TO ORDER / ROLL CALL

Corigliano, chair, called the meeting to order at 5:00pm and explained the appeals process.

**Staff Present:** Matt Tucker and Cary Perzan

**Present:** 4 - Peter A. Ostlind; Patrick W. Heck; Dina M. Corigliano and Winn S. Collins

**Excused:** 2 - Agnes (Allie) B. Berenyi and Jessica Klehr

### APPROVAL OF MINUTES

A motion was made by Ostlind to approve the November 29, 2018 minutes with amendments, seconded by Heck. The motion passed (3-0) by voice vote with Collins abstaining.

### PUBLIC COMMENT

### DISCLOSURES AND RECUSALS

Heck disclosed a conflict with a testifier in Agenda Item #1 and recused himself.

Ostlind disclosed that he was contacted by an acquaintance about Agenda Item #1. Ostlind responded with correct procedure to follow by contacting staff and that this interaction will have no effect on his decision.

### PETITION FOR VARIANCE, AREA EXCEPTIONS OR APPEALS

1. [54076](#)

Timothy and Judith Roberts, owners of property at 1233 E. Dayton St., request a front yard setback variance and a front yard paving variance to construct an off-street parking space. Alder District #2

Tucker explained that the property in question is a two-family dwelling zoned TR-V1 on the east isthmus by Tenney Park. The request is for a front-yard paved parking spot, requiring an 18 ft. front yard setback variance and a maximum front-yard paving variance of 2%. At the time of meeting, the spot had already been created, Tucker noted, but that fact should not be considered by the Board.

Timothy Roberts, applicant, stated he has two tenants in the property and would like to have two side-by-side front yard parking spots to accommodate both tenants. He inquired about needing a building permit at the counter and was told by permitting staff driveways do not require one, so he went ahead with the project. Roberts continued that after completing the work, he received a zoning violation in October, 2018 for the front yard setback and maximum paving. Roberts noted that his driveway is sloped to drain water away from his property. He continued that 12 ft. 9 in. is not enough space for two vehicles and that he applied for a 55 in. variance from Streets, contingent upon receiving approval for the zoning variance. Roberts referenced photos in his application that show similar front yard parking in nearby locations, and noted that having fewer vehicles on the street makes the neighborhood safer.

The Board questioned the applicant about the 2015 addition to the side of the house and its effect on the parking situation in 2018. Tucker noted that no variance was required for the addition and that the option to park stacked in the driveway remains. The Board noted that without the addition, the driveway could have led to a back parking slab for tenant use, but cannot be done now because of the addition, which Tucker confirmed. The applicant stated no garage existed at the time of purchase and he preferred to maintain green space in the rear yard.

Erika Cooper, tenant at the property of 1233 E. Dayton, spoke in favor of the proposed variance. She noted that the back would be too small for parking were it permissible. She added that during the building of the addition, finding street parking was difficult and dangerous with concerns about accidents and theft.

The Board requested clarification from Roberts to provide information for all six standards that must be met; standard 4 had no information at submission. Tucker provided the definition for standard 4 and noted there had been no changes to the zoning code since 2015. Roberts stated it is a hardship to limit parking in the front yard and not provide equal access for all tenants.

The Board questioned Roberts about the photos included in the initial application as no addresses were provided for them. Roberts provided:

- Photo A: 1338 & 1340 E. Mifflin St.
- Photo B: no address provided
- Photo C: 911 E. Johnson St.
- Photo D: 1148 E. Mifflin St.
- Photo E: 1333 E. Dayton St.

- Photo F: 1110 E. Mifflin St.
- Photo G: 1323 E. Mifflin St.

The Board noted that none of the provided addresses and photos are on the same block, many are on different streets and in different areas that may sit in different zoning areas with different requirements. Tucker noted without prior research it is impossible to know if the parking shown is compliant or non-compliant.

The Board requested clarification on Engineering standards and enforcement for the driveway apron. Roberts responded that without apron expansion it would be 20 ft. off an angle. He acknowledged he had not considered parking ramifications when he built the addition. Tucker noted that the Board has no control over the right of way and Engineering will enforce its standards, but stressed if approved, any type and any number of vehicles could be parked in that legal spot. Tucker also provided clarification for an inconsistency of measurements of the driveway.

Carol Weidel, owner of the property at 1237 E. Dayton St. (purchased in 1979), spoke in opposition to the proposed variance. She noted that there had been a building in the back of 1233 E. Dayton that had been torn down and replaced with a concrete patch for parking since she lived there. She stated concerns about water runoff onto her property with more impervious surfaces and the negative impacts on her property value and usability with the ongoing building projects next door and front-yard parking. She added only the larger apartment complex on the block have front parking.

Roberts rebutted Carol that his intention for an additional spot was not intended to create an eye-sore in the neighborhood. He suggested that the amount of paving could be reduced. The Board discussed options for the case if the amount of paving would be reduced, eliminating the need for the maximum front yard paving with Tucker. The Board decided to proceed with the variance as stated.

The Board acknowledged an email sent by Alder Zellers in opposition to the variance and an email sent by Sophie Colleau in opposition to the variance.

Collins moved to approve the variance as stated; Ostlind seconded the motion.

#### Review of Standards:

**Standard 1:** The Board noted the lot is standard and the narrowness of the driveway is not unique to the neighborhood, as outlined in the staff report, and that stacked parking in the driveway is a viable option.

**Standard 2:** The Board noted that the intent of the zoning code is to provide uniformity and green space across front yards in the neighborhood rather than provide parking.

**Standards 3 & 4:** The Board noted the current driveway does offer two legal parking spots, albeit stacked, and that adding another side-by-side legal spot is a bonus, not a burden, especially in a neighborhood where narrow lots and driveways are common. The Board also noted that with the addition the option for side-by-side parking was removed, but that hardship was not created by the

zoning code, but the applicant.

**Standard 5:** The Board acknowledged the concerns about runoff from neighboring property at 1237 E. Dayton, but had no details about actual impact. The Board noted that the reduction of buffering and green space could impact the privacy and aesthetics of the neighborhood, and could lead to more owners looking to add front yard parking.

**Standard 6:** The Board noted there is some diversity in the types of buildings and lots on the street, including a code-compliant large apartment with front parking, but a majority of buildings have stacked parking or rely on street parking in the high-density urban neighborhood. The Board also stated its concern for pedestrian safety if the right of way is extended.

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

2. [54088](#) James Widder, representative of the owner of the property at 2926 Lakeland Ave., requests a front yard setback variance to construct first-story dwelling additions and an open front porch onto the existing two-story single family home. Alder District #6

Tucker explained that the property in question is a single-family dwelling zoned TR-C2 that runs parallel to a park on Lake Monona near Olbrich Gardens. The request is move the main entrance to the front of the building with a vestibule and open porch and add a first floor bathroom where the original entrance was. Tucker added that the original entrance is already in the setback area. The project would require a front yard setback variance of 5.17 ft. for the bathroom addition and a front yard setback variance of 6.67 ft. for the open front porch.

Sabina Droste, applicant, reiterated that the existing entrance is already non-compliant, as is the screen porch. She stated that she and her husband have been looking for a way to add a first floor bathroom since purchasing the house without having to add on to the rear of the home, which would be incongruent with the first floor layout, and while maintaining the historic design. Architect James Widder proposed this idea to accomplish both needs. Droste added that having a first floor bathroom would reduce trips on stairs to either the second floor or the basement for an older couple.

The Board requested clarification about the current floorplan of the building, focusing on the vestibule, roof, and screen porch. Droste responded that the vestibule was maintained despite going into the setback because of its historic nature that is in keeping with other homes in the neighborhood. The roof design with the columns could be modified, but would make the porch much narrower to the point of losing functionality; the screen porch would be modified to allow access. Tucker added that the porch is already in the setback regardless of the columns moving in, it would just be moved closer to compliance.

Ostlind moved to approve the variance as stated; Heck seconded the motion.

**Review of Standards:**

**Standard 1:** The Board noted the lot is a unique triangular shape comprised of two plotted lots (seen as one zoning lot) with the house positioned so that many features (vestibule and porch) are already non-conforming. The orientation of the house on a curved street also limits other potential options.

**Standard 2:** The Board noted that due to the curve of the street, the house does not align with neighboring properties, but moving front door to actual front of house will appear more standard. The overhead view shows that addition will not stick out so much as to not meet the intent of the zoning code, and the openness of column design proposed lessens impact on space.

**Standards 3 & 4:** The Board discussed the implications of the screen porch. They concluded that any modification to the front of the house would require a variance and a first floor bathroom is a reasonable request for a three bedroom dwelling and the design presented tries to minimize impact to the

front. The Board acknowledged that there is no other logical place for the bathroom elsewhere on first floor layout.

**Standard 5:** The Board noted that every adjacent property is unique so buffering is not an issue for neighboring 2922 Lakeland Ave. with the distinct street curve.

**Standard 6:** The Board noted again the uniqueness of the lot in shape and reiterated that the request is reasonable and makes every attempt to preserve the footprint of the home. Porches with a similar design are common in the neighborhood.

The Board voted 4-0 to approve the requested variance by voice vote.

### DISCUSSION ITEMS

3. [08598](#) Communications and Announcements

Tucker stated there is likely to be one case for the January 17, 2019 meeting.

### ADJOURNMENT

The Board adjourned at 6:56pm.