



City of Madison

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

*Consider: Who benefits? Who is burdened?
Who does not have a voice at the table?
How can policymakers mitigate unintended consequences?*

Thursday, July 21, 2022

5:00 PM

Virtual Meeting

CALL TO ORDER / ROLL CALL

Winn Collins, chair, called the meeting to order at 5:07pm

Staff Present: Matt Tucker, Katie Bannon, Nancy Kelso, and Cary Olson

Board Members Present: 5 - Winn Collins, Craig Brown, Angela Jenkins, Peter Ostlind, and David Waugh.

Board Members Excused: 1 - Allie Berenyi

APPROVAL OF MINUTES

A motion was made by Ostlind to approve the June 16, 2022 minutes, seconded by Brown. The motion passed 4-0 by unanimous vote.

PUBLIC COMMENT

1. [61712](#) Zoning Board of Appeals Public Comment Period

There were no public comments.

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

PETITION FOR VARIANCE, AREA EXCEPTIONS OR APPEALS

2. [72375](#) Octavio Galvez, representative for the owner of the property at 5158 Spring Ct, requests a front yard setback variance to construct a detached garage for a single family dwelling. Alder District # 19.

Bannon explained the proposal is for a 22 foot x 22 foot detached garage placed in the front yard setback. Bannon stated that the required setback is 20 feet, the proposal provides 12.5 feet resulting in the request for a 7.5 feet variance. Referencing the submitted site plan, Bannon stated the property has frontage on Lake Mendota on one side, bordered by Spring Court on the opposite side. Bannon noted the placement of the existing 20' x 18' garage on the lot, explaining how that will be demolished and replaced with the new 22' x 22' garage and an 18' wide driveway. Bannon utilized the submitted elevation diagram along with photos to further describe the proposal and how it relates to the neighboring properties.

Alexander Stoick, owner of the property at 5158 Spring Ct., stated the existing garage is situated partially in the right of way without a driveway and is unusable to park a vehicle inside. Stoick explained that due to the placement of the house on the lot, the proposed 22' x 22' garage along with a driveway of 29' in length would not fit within the 20' setback. Stoick noted that the dimensions of both the garage and driveway have been reduced from the original plan in order to lessen the amount of the requested variance. Additionally Stoick stated the garage design and placement are comparable to neighboring properties.

The Board questioned how the existing garage is deemed unusable. Stoick explained the current height is insufficient to contain an SUV type vehicle and a smaller vehicle will bottom out on the current grade of the driveway.

The Board questioned how the placement of the proposed garage on the site was determined, establishing the requested setback variance, as opposed to positioning it to conform to the ordinance. Stoick noted the distance between the house and existing garage is 11'8", stating that building closer to the house would block natural light, overall impede on the front of the house, and potentially impact future improvements to the house.

The Board questioned if the existing garage could be replaced in kind, building on the same footprint. Bannon explained that would not be permitted as the existing garage sits in the right of way. Bannon further explained that the zoning code allows detached garages in side and rear yards to be replaced in the same location, but that does not apply to front yards.

The Board questioned if setback averaging would apply to this proposal. Bannon explained that setback averaging only applies to principal structures, and a detached garage is considered as an accessory structure.

Stoick clarified for the board which trees were to be removed to accommodate construction of the new garage and explained that the dining room windows look out to the yard between the house and garage.

Octavio Galvez, representative for Alexander Stoick, noted the unique conditions of the lot, stating the placement of the house and siting of the new garage and driveway on the lot will be more compatible with the neighboring

properties.

The Board questioned what would restrict matching the setback of the neighboring property and if the applicant would consider either siting the garage 1 foot further back towards the house or reducing the size of the garage. Galvez stated a smaller garage would limit the amount of storage and workspace desired by his client. Additionally, Galvez noted the depth of the driveway would allow for off-street parking and improve traffic flow on the narrow lanes of Spring Ct. Bannon noted that from a zoning perspective, the 22' x 22' garage dimension is a standard and reasonable size.

Collins closed the public hearing.

Ostlind moved to approve the requested variance; Brown seconded.

Review of Standards:

Standard 1: The Board noted that the lake front lot presents a unique condition in that what is defined by zoning ordinance as the front yard (that which is bordered by the street) is commonly utilized as a rear yard where a garage is often situated. Additionally, the existing garage's placement in the right of way presents a unique challenge to relocate a new garage.

Standard 2: The Board found that the proposal is not contrary to the intent of the ordinance in that buffering between properties and towards the street is improved and that some improvement to general traffic safety may be gained.

Standard 3: The Board was divided on whether compliance with the ordinance would be unnecessarily burdensome. It was stated that the justification for placement of the garage was not made clear and there may be a possibility for a smaller garage or to have placement closer to the house in order to meet the required setback. It was also noted that the garage is not excessive in size and if placed within the 20 foot setback, the distance between the house and garage is significantly reduced which could be burdensome for routine maintenance and/or future improvement.

Standard 4: The Board found that any hardship was not necessarily due to the terms of the ordinance as much as the proposed placement and desired amount of distance between the garage and house. However, the Board noted there was perhaps not enough information provided by the petitioners to meet this standard.

Standards 5 & 6: The Board determined there would be no substantial detriment to neighboring properties as the proposal fits in the pattern of and would be compatible to the character of the neighborhood.

Prior to voting and after further discussion, Ostlind moved to re-open the public hearing; Brown seconded. The Board approved the motion by unanimous vote.

The Board questioned the zoning requirement for off-street parking. Bannon explained the minimum requirement is one parking stall, either within a garage or driveway.

After further discussion between the Board and applicant Stoick, the applicant

agreed to revise the proposal to provide a 14 foot front yard setback, resulting in a request for a 6 foot variance.

Collins closed the public hearing.

Ostlind moved to amend the motion from approving the initial requested variance to approving a 6' variance; Brown seconded. By unanimous vote the Board accepted the amended motion.

Prior to voting on the amended motion the Board had further discussion regarding standards three and four.

The Board voted 3-1 to approve the amended variance request.

3. [72376](#) Ruby Marie Ltd Partnership, JDJ Import Company, LLC, and Prosit to You Inc. and their attorney Robert C. Proctor request an appeal to the Zoning Administrator's determination as it pertains to the approved site plan and uses at a Planned Development located at 138-148 S Blair St. and 506-522 E Wilson St. Alder District # 6.

Petitioner withdrew request for appeal prior to meeting date.

DISCUSSION ITEMS

4. [66179](#) Status of Virtual Meetings

The Board discussed the option to resume in-person meetings for the remainder of the 2022 schedule. Kelso provided information on the status of meetings for other City Boards, Commissions and Committees for comparison. Ostlind moved to continue with the virtual format; Brown seconded. The Board voted 4-0 by unanimous vote to approve the motion.

5. [08598](#) Communications and Announcements

Collins announced that he is voluntarily stepping down from the Board and has submitted his resignation to the Mayor's office. Board members and staff expressed their appreciation and thanked him for his nine years of service on the Zoning Board of Appeals.

Kelso stated there is a case submitted for the August 18, 2022 meeting.

ADJOURNMENT

The Board adjourned at 6:49pm.