



City of Madison

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

Thursday, January 16, 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 5:05pm

Staff Present: Matt Tucker and Nancy Kelso

Present: 4 - Allie Berenyi, Winn Collins, Angela Jenkins, and Peter Ostlind

Excused: 1 - David Waugh

APPROVAL OF MINUTES

A motion was made by Ostlind to approve the December 19, 2019 minutes, seconded by Berenyi. The motion passed 3-0 by voice vote.

PUBLIC COMMENT

DISCLOSURES AND RECUSALS

Board member Berenyi disclosed she knows applicant representative Christi Weber from prior professional contact, however this would not impact her decision. There were no recusals.

PETITION FOR VARIANCE, AREA EXCEPTIONS OR APPEALS

1. [58824](#) Robert and Tammy Downing, owners of property at 3905 Priscilla Lane, request side and rear yard setback variances to construct an attached garage addition and a dwelling addition onto the existing single-story single-family dwelling. Alder District #5

Tucker stated that the property, zoned TR-C1, is located on the west side of Madison, south of Hoyt School, west of Speedway Road. Tucker explained the proposed plan is to demolish the existing carport and shed, then construct an enclosed, attached garage on the side of the house and a dwelling addition at the rear of the house. The request is for a 3 foot side yard setback variance and a 3.5 foot rear yard setback variance to accommodate the proposed plan.

Petitioners Robert and Tammy Downing submitted copies of the original house plans dated from 1957. Robert Downing stated their plan is to remove the existing carport and shed structures on the west side of the house to be replaced by a one-car attached garage, continuing along the west side and to the rear (south side) of the house adding an additional 280 square feet of dwelling space, clarifying that the addition will be constructed with a crawl space, no basement.

The Board noted the submitted floor plans did not fully detail all dimensions, which made it difficult to understand the size of the rooms. The petitioners provided further clarification of the current dimensions and the planned expansion. The Board questioned if other options for the dwelling addition that would not require a variance were considered. Tammy Downing explained that the planned expansion had been reduced in size from their original design, by eliminating a request for a side yard setback variance for the dwelling addition. However a variance was still needed for the rear addition as shown in the plans submitted with their application. It was noted that the current layout of the house is the same as depicted in the original plans, no changes have been made since the structure was built. Tucker provided further information regarding the plan revisions, explaining the initial side setback encroachment for the dwelling addition, which is not being requested.

A letter of support from the residents of 3917 Priscilla Lane was submitted to the Board for consideration.

There was mention by the petitioners of structures in the area that appeared to have previously approved variance requests for area properties, because it looks from the aerial photo like they may encroach into setbacks. However there were no documents or other factual evidence presented by the applicants in support of this statement. Tucker was able to recall one specific case in the neighborhood previously presented and approved, noting how that request differed from the request currently under consideration.

Collins closed the public hearing.

Ostlind moved to approve side yard setback variance request; Berenyi seconded.

Review of Standards:

Standard 1: The Board noted the size and shape of the lot is not unique to the

neighborhood as several other area lots are similar in that regard. The Board found that the location of the original carport and its subsequent replacement by the attached garage necessitates the variance.

Standard 2: The Board determined that the variance will lessen the buffering between homes at 3905 and 3909 Priscilla Lane, however effort was made to reduce the impact on that area.

Standards 3 & 4: The Board noted that the original carport placement was compliant at one time, however a functional garage could not be constructed with a compliant setback at this time.

Standard 5: The Board determined that although the additional bulk of the garage could be detrimental to the adjacent property, there would not be a negative change in privacy and the closure of the carport would offer more privacy between the two homes.

Standard 6: The Board found that the proposal is compatible with the immediate neighborhood and the design is in keeping with the current style of the structure.

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

Berenyi moved to approve the rear yard setback; Ostlind seconded.

Review of Standards:

Standard 1: The Board noted the size and shape of the lot is not unique to the neighborhood as several other area lots are similar in that regard. Additionally the placement of the existing residence on the lot does not impact the rear yard setback.

Standard 2: The Board stated the intent is to create a buffer between residences and noted that the proposed addition would not substantially encroach on the buffering zone.

Standard 3 & 4: The Board noted there is no undue hardship to follow the ordinance. The Board determined that the living area is functional and the rear of the house is code compliant in its current state, and that an addition could be constructed there without a variance.

Standard 5: The Board determined the proposal would not present any detriment to adjacent properties.

Standard 6: The Board found that the proposal is compatible with the immediate neighborhood and the design is in keeping with the current style of the structure.

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

2. [58825](#) Christi Weber, representative of the owner of property at 501 Walton Place, requests a reverse-corner side yard setback variance to construct a second story addition atop the existing single-story single-family dwelling. Alder District #6

Tucker stated that the property, zoned TR-C2, is a one story home on a reverse-corner lot located in the Marquette neighborhood at the intersection of Walton Place and Jenifer Street. The request is for a reverse-corner lot side yard setback variance to construct a second story addition atop the existing single story home; also to make modifications to the roof to include changes to the front roof covering the existing front porch and new canopy roof over the existing garage.

Christi Weber, representative for applicants Levi and Erika Hagen, noted the house was built in the 1950s and was placed in the setback when constructed. Weber stated the second story addition is to be built directly on top of the first story, there would be no expansion on the back of the house into the rear yard. Weber provided information on two other properties at this intersection that are on reverse-corner lots where the structures are placed in the setback. Weber stated the design and scale of the proposed addition is reflective of the surrounding neighborhood.

The Board asked for explanation of the design choice of a shed roof. Weber responded that a more modern, contemporary design appealed to the owners and that this style is found within this neighborhood and among other areas in the city.

The Board questioned what the plan is for containing roof run-off. Weber stated that portion of the design had not yet been completed, however was able to detail possible options for gutter and downspout placement.

The Board asked Josh Rice, owner of adjacent property at 505 Walton Place, for his opinion on this proposal. Rice stated that he was supportive of the project and foresees minimal impact to his residence.

Collins closed the public hearing.

Berenyi moved to approve the requested variance; Jenkins seconded.

Review of Standards:

Standard 1: The Board noted the structure is already in the reverse-corner side yard setback which presents a unique pre-existing condition.

Standard 2: The Board determined there is no conflict with the intent and purpose of the zoning code. The proposed plan does not project the structure further in to the rear yard than what already exists.

Standards 3 & 4: The Board noted that it would prove unnecessarily burdensome and difficult to comply with the ordinance due to the placement of the existing structure which cannot feasibly be relocated on the lot.

Standard 5: The Board determined there could some impact to adjacent properties, however buffering between the properties is maintained.

Standard 6: The Board concluded the structure could be compatible with the neighborhood.

The board voted 3-0 to approve the motion by voice vote.

3. [08598](#) Communications and Announcements

Communication: There were no announcements.

ADJOURNMENT

The Board adjourned at 6:28 pm.