



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 20, 2023

5:00 PM

Virtual

CALL TO ORDER / ROLL CALL

Ostlind called the meeting to order at 5:03 pm.

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

Board Members Present: 4 - Peter Ostlind, Allie Berenyi, David Waugh, and Craig Brown

Board Members excused: 1 - Angela Jenkins

APPROVAL OF MINUTES

A motion was made by Waugh to approve the April 27, 2023 minutes, seconded by Brown. The motion passed 3-0 by unanimous vote.

A motion was made by Waugh to approve the June 15, 2023 minutes, seconded by Brown. The motion passed 3-0 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. [78170](#)

Todd Jindra, owner of the property at 4809 Hillview Terrace, requests a setback variance to construct a new detached garage for a single-family dwelling. Alder District #11.

Ostlind noted the proposal was presented at the June 15, 2023 meeting and was referred to a meeting no later than September 21, 2023

Bannon explained the existing conditions of the property, noting the proposal is to convert the existing attached garage into a finished dwelling space, remove the existing driveway, and then construct a new detached garage with a story above and new driveway. Bannon stated the proposed lower level of the detached garage has been reduced in size, from the previously proposed 24' x 26' down to 22'x 26', thus reducing the requested variance for accessory building placement setback from 9.6 feet to 7.6 feet. Additionally, Bannon stated the upper level of the proposed structure has been reduced in size so that it no longer is placed in the accessory structure placement setback. Bannon shared the submitted building plans, renderings and photos to further illustrate the changes made to the proposal. Referencing the letter submitted by a neighboring property owner regarding concerns about the retaining wall, Bannon noted that Zoning does not regulate retaining walls; any issues or concerns would be reviewed by the Traffic Engineering Division.

Todd Jindra, owner of the property at 4809 Hillview Terrace, stated the proposed two-car detached garage is to be built into the hillside along the west side property line fronting Edward St. with a story above. Jindra explained that with the revised submission the upper level of the proposed structure complies with the required 30 foot setback; however, the lower level requires a variance in order to preserve the mature Norway maple tree on the lot. Jindra further detailed revisions made from the previous submissions for the proposed detached garage.

Jindra clarified for the Board that the 45 degree transition between the width of the driveway approach and driveway has been incorporated into the submitted proposal.

Ostlind noted the documented e-mail received from Paul and Joann Minko, property owners of 505 Edward St. Jindra took the opportunity to respond to the submitted statement.

Ostlind closed the public hearing.

Waugh moved to approve the requested variance; Berenyi seconded.

Review of Standards:

Standard 1: The Board stated that the desire to maintain the specimen tree affects the placement of the garage, and that, along with the significant slope of the lot, presented conditions unique to the property.

Standard 2: The Board determined that with the revisions to the upper level meeting the required setback and the majority of the lower level placed below grade, the amount of additional bulk is minimal and the proposal meets this standard.

Standard 3: The Board was divided regarding the necessity of a new garage; however, they noted that with the revised submission and attempt to preserve the tree, strict compliance to the ordinance would be unnecessarily burdensome.

Standard 4: The Board found there would be difficulty or hardship to add an accessory structure or an addition to the house in a code compliant manner.

Standard 5: The Board determined that the subterranean garage and the upper level of the structure meeting the setback requirement has minimized the amount of added bulk, the proposal does not present substantial detriment to adjacent properties.

Standard 6: Noting the amount of similarly built homes in the area, the Board found the proposal to be in keeping with the character of the neighborhood

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

DISCUSSION ITEMS

3. [08598](#) Communications and Announcements

Kelso noted there are 2 items for presentation at the August 10th meeting.

ADJOURNMENT

Waugh moved to adjourn the meeting; Brown seconded. By unanimous vote of 3-0 the Board adjourned at 5:38pm.