



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

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, October 17, 2024

5:00 PM

Virtual

CALL TO ORDER / ROLL CALL

Ostlind called the meeting to order at 5:04pm.

Staff Present: Katie Bannon, Assistant City Attorney Amber McReynolds, Nancy Kelso, and Cary Olson

Board Members Present: 5 – Peter Ostlind, Allie Berenyi, Angela Jenkins, David Waugh, and Sam Fritz.

APPROVAL OF MINUTES

A motion was made by Waugh to approve the August 15, 2024, minutes; seconded by Berenyi. 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. [85434](#)

Spencer Luedtke, representative for the owners of 1348 Spaight St., requests a rear yard setback variance for an enclosure/addition on a single family house. Alder District #6.

Bannon explained the proposal is to enclose an existing open porch at the rear of a single-family house to construct a half-bath on the first floor of the home, and to reposition the rear entryway landing and stairs down to grade. Bannon noted that a portion of the existing structure is situated within the required rear yard setback; the required setback is 19.8', the proposal provides an 18.25' setback, resulting in a variance request of 1.55'. Bannon stated that the original platted lot had been split into four smaller lots which today are smaller than the zoning code requires.

Spencer Luedtke of Luedtke Design Build, representative for the property owners of 1348 Spaight St., addressed the standards of variance for this proposal. Luedtke noted the existing structure is situated in the rear yard setback, explaining the proposed addition will be constructed within the existing footprint of the home.

Connor Marks, owner of the property at 1348 Spaight St., explained the need for the proposed addition and the steps taken to minimize the amount of requested variance. Marks noted the nearly identical modifications previously made to neighboring properties.

The Board questioned if other areas within the existing structure were considered to accommodate construction of the half-bath. Luedtke and Marks noted the various locations that had been considered and stated the reasons those locations were unsuitable for the project.

Ostlind closed the public hearing.

Fritz moved to approve the requested variance; Berenyi seconded.

Review of Standards:

Standard 1: The Board determined that the subdivision of the original lot into 4 smaller lots that do not meet minimum lot size requirements presents a condition unique to his property.

Standard 2: The Board found that keeping the proposed structure within the framework of the existing house, buffering between properties is maintained and meets this standard.

Standard 3: Noting that alternate locations for the bath could still be explored, the Board found the zoning code is restrictive when modernizing an older home on an under-sized lot, and any alteration to the rear porch area would require a variance.

Standard 4: The Board stated that due to the size of the lot resulting from the prior subdivision, either present or future property owners would have the same difficulties with code compliance. It was also noted that trying to locate the bath within the existing home to meet code compliance could create additional complications and difficulties.

Standard 5: The Board determined the proposal would not cause substantial detriment to neighboring properties as the amount of variance is minimal and does not extend beyond what currently exists.

Standard 6: The Board found this standard was met, noting other nonconforming properties in the neighboring area and that the two adjacent properties have had similar alterations.

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

DISCUSSION ITEMS

3. [85124](#) Board Procedures Update

Board Procedures. Ostlind stated that updating the Board procedures manual has been an ongoing process for many years. Ostlind noted that members were provided with copies of the current procedure manual, the document of proposed changes along with a summary of the proposed changes. Assistant City Attorney Amber McReynolds stated that a significant change was the separation and clarification of procedures for variance requests and appeals of the Zoning Administrator's determinations. McReynolds stated that Wisconsin State Statutes and Madison General Ordinances that are specific to the Zoning Board of Appeals and general to all Boards, Commissions and Committees were consulted during the process of updating the manual. Discussion continued among all Board members, ACA McReynolds, and Zoning Administrator Katie Bannon covering several areas of procedures. The Board gave suggestions for some edits and requested that ACA McReynolds incorporate those into an amended draft.

Fritz moved for a draft of the procedural modifications and amendments to be presented by ACA McReynolds at the November 21, 2024 meeting; Berenyi seconded. The Board voted 4-0 by roll call vote to approve the motion.

4. [08598](#) Communications and Announcements

There was a brief discussion regarding open positions for additional Board members.

Kelso noted the submission deadline for the November 21, 2024 meeting is Thursday October 24, 2024.

ADJOURNMENT

Fritz moved to adjourn the meeting; Waugh seconded. By unanimous vote of 4-0 the Board adjourned at 6:52pm.