



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, December 21, 2023

5:00 PM

Virtual

CALL TO ORDER / ROLL CALL

Ostlind called the meeting to order at 5:00pm.

Staff Present: Katie Bannon, Nancy Kelso, and Amanda Hoadley

Board Members Present: 5 – Peter Ostlind, Allie Berenyi, Angela Jenkins, Craig Brown, and Sam Fritz

Board Members excused: 1 - David Waugh

APPROVAL OF MINUTES

A motion was made by Brown to approve the September 21, 2023 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. [81234](#)

Aaron Harrison, representative for the owners of the property at 4025 Birch Ave, requests a side yard setback variance to construct a building addition on a single family dwelling. Alder District #11.

Bannon explained the request is for a side yard setback variance to construct a second story addition on a two-story, single family house. Bannon stated zoning ordinance requires a 6 foot side yard setback, the proposal provides a 4.5 foot setback, resulting in a 1.5 foot variance request. Bannon noted the second story addition would be constructed atop the first story, on a portion of the existing structure which is already placed in the setback. Bannon utilized the submitted plans and photos of the property to further explain the proposed addition and variance request.

Aaron Harrison, representative for the owners of the property at 4025 Birch Ave, stated the proposed addition will expand the second floor to accommodate a third full bedroom. Harrison explained that to reduce the variance request the proposed construction will align with existing exterior walls and the roof pitch will be kept to a minimum height to ensure there's no further encroachment into the setback than what already exists. Harrison noted that the style, materials, and color of the addition are designed to fit in and maintain the character of the existing structure and surrounding neighborhood.

The Board asked for further explanation of how compliance to zoning code would necessitate special engineering to construct the addition. Harrison stated that maintaining the required 6' setback would create difficulty in engineering the load bearing points and roof support, would require installation of a large supporting beam along the full length of the addition, and result in an awkward looking structure.

Noting the comments submitted by area residents, the Board questioned if the property owners had discussed the proposal with the immediate neighbors who would be most impacted by the addition. Claire Frees, owner of the property, confirmed that they had spoken with the next-door neighbors who had voiced their approval of the project to her.

Ostlind closed the public hearing.

Berenyi moved to approve the requested variance; Fritz seconded.

Review of Standards:

Standard 1: The Board determined that the positioning of the existing structure in the setback, the close proximity to the neighboring house, and the minimum lot width presented conditions unique to this property.

Standard 2: The Board found this standard was met as the proposal does not increase the area of the current footprint and the addition is appropriate in scale to the existing home.

Standards 3 & 4: Noting the engineering complications to maintain code compliance, along with the existing site conditions, the Board determined that strict adherence to the ordinance would cause hardship and would be unnecessarily burdensome.

Standard 5: The Board found no substantial detriment to neighboring properties, noting the proposed addition adds very minimal bulk to the existing structure and the distance between properties is unchanged, maintaining privacy.

Standard 6: The Board stated the addition is proposed to match exactly with the current house, which would be compatible with the character of the immediate neighborhood.

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

3. [81235](#) Willie Dean, representative for the owners of the property at 2114 West Lawn Ave, requests a side yard setback variance to construct a building addition on a single family dwelling. Alder District #13.

Bannon stated the request is for a side yard setback variance to construct an addition to a single-family house; the ordinance requires a 6 foot side yard setback, and the proposal provides a 4 foot setback, resulting in a 2 foot variance request. Bannon explained the proposal is to remodel an existing two-story bump, which consists out of a covered entry and bathroom with an open porch above. The remodel would convert the open porch into an enclosed dwelling space. Utilizing the submitted plans, Bannon detailed the changes from the existing to the proposed floorplans. Additionally, Bannon shared photos to further clarify the area of the variance request.

Willie Dean of Ground Up Design Works, representative for the owners of the property at 2114 West Lawn Ave., stated that the existing entryway and open porch are original to the house situated 2 feet into the side yard setback, constructed prior to the current zoning code. Dean explained the current porch roof is flat and in need of replacement; noting that a flat roof would not accommodate the proposed enclosure, Dean stated a pitched roof is needed to allow for reasonable interior headspace and insulation. Dean explained the roof is designed to minimize added bulk, improve water drainage, and presents no new obstacles to existing sightlines.

Bannon clarified for the Board that the side yard setback requirement is the same for an open porch as it is for an enclosed dwelling space, noting that the roofline change in the proposed addition will add some bulk in the setback which creates the need for a variance.

Dean further explained for the Board the layout of the proposed addition, providing details of dimensions and construction materials.

Ostlind closed the public hearing.

Fritz moved to approve the requested variance; Jenkins seconded.

Review of Standards:

Standard 1: The Board determined that the positioning of the existing structure in the setback presents conditions unique to this property.

Standard 2: Noting the minimal addition of bulk to be of minor impact, the Board found the proposal is in keeping with the intent of the ordinance.

Standard 3: The Board stated that in order to comply with the building code any design to enclose the space would add bulk to the roof; therefore, strict compliance to the zoning code would be unnecessarily burdensome.

Standard 4: The Board noted that any improvements to the roof would likely require a variance and with the existing structure having been built prior to current code, any hardship or difficulty is created by the terms of the ordinance.

Standard 5: The Board found no substantial detriment to neighboring properties, noting the proposed addition adds very minimal bulk to the existing structure and buffering between properties is maintained.

Standard 6: The Board stated the proposed addition is designed in a manner to look like it has always been part of the existing house and is in keeping with the character of the immediate neighborhood.

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

4. [81236](#) By mutual request between the applicant and City Attorney this agenda item has been referred to a future meeting of the Zoning Board of Appeals.
Ron Enterprises Wisconsin LLC, owner of the property at 2906 Landmark PI, requests an appeal of the Zoning Administrator's determination as it pertains to an application for a certificate of occupancy for a nonconforming use. Alder District #10.
- Prior to the meeting the applicant requested this agenda item to be referred to the Zoning Board of Appeals meeting scheduled for January 18, 2024**

DISCUSSION ITEMS

5. [69181](#) Statement of Interest Filing
- Kelso reminded the Board that the annual statement of interest needs to be filed with the City of Madison by January 2, 2024.**
6. [08598](#) Communications and Announcements
- Kelso noted cases have been submitted for the January 18, 2024 meeting.**

ADJOURNMENT

Brown moved to adjourn the meeting; Fritz seconded. By unanimous vote of 4-0 the Board adjourned at 5:55pm.