



# City of Madison

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

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Thursday, May 17, 2018

5:00 PM

210 Martin Luther King, Jr. Blvd.  
Room 354 (City-County Building)

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### CALL TO ORDER / ROLL CALL

Corigliano, chair, called the meeting to order at 5:05 pm and explained the appeals process.

**Staff Present:** Matt Tucker and Gretel Irving

**Present:** 3 - Agnes (Allie) B. Berenyi; Dina M. Corigliano and Winn S. Collins

**Excused:** 2 - Peter A. Ostlind and Patrick W. Heck

### APPROVAL OF MINUTES

A motion was made by Collins to approve the April 19, 2018 minutes, seconded by Berenyi. The motion passed (2-0) by voice vote/other with Corigliano abstaining.

### DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

### PETITION FOR VARIANCE

1. [51603](#) Andrew and Jennifer Keeley Yonda, owners of property at 943 E Dayton St, request lot width, side yard setback and accessory building lot line setback variances to split a lot, resulting in two developable lots.  
Alder District #2

Tucker explained that the 66' x 132' lot was originally platted in the 1800s. The proposal would split an existing parcel into two lots. Most of the original parcels in this area were developed at a time when formal land division was not required to split lots and were grandfathered under the most recent zoning code change. Since this proposal would create new lots, the lots would be required to meet current code. Tucker noted that since the side yard setback between the existing house and its neighbor is an existing condition that would not be changed by the replatting, no variance is required on that side. The existing garage to the west would sit too close to the newly created property line so it would require a variance. Collins questioned whether the newly created lot would have enough room to build a code-compliant building. Tucker replied that similar lots had been developed in the past but that the Board was not being asked to pre-approve any development at this time.

Andrew and Jennifer Keeley Yonda, the applicants, described their intention to build a home on the new easterly lot and maintain the existing home on the western lot. Reducing the requested variance on one lot would only increase the required variance on the other lot. Jennifer Keeley Yonda explained that as most of the surrounding parcels had already been subdivided, this parcel appears to be a double lot in comparison. The applicants provided historical records and surveys to argue that the parcel had been treated as two separate lots in practice and owned separately at various times.

Corigliano asked the applicants about plans for driveway access to the new lots. Andrew Keeley Yonda stated an easement had been recorded for a shared driveway. Jennifer Keeley Yonda added that this is common to the neighborhood and further demonstrates a historical intent to develop the property as two lots. Tucker confirmed that the Plan Commission had approved the new Certified Survey Map, conditioned on modernizing the easement recording. The Zoning Board would thus not need to address the matter.

Berenyi questioned why this parcel had been designated TR-C4 when many of the surrounding parcels were TR-V1. Tucker explained that the designations were based on previous designations, the lot size, existing land uses (including occupancy) and adopted neighborhood plans. If it had been designated TR-V1, the proposed land division would have been allowed by right.

Collins moved to approve a variance; Berenyi seconded the motion.

#### Review of Standards:

**Standard 1:** The Board noted that the historical documents show a long-term intent and sometime practice of treating the parcel as two lots, including descriptions of "the north half" etc.

**Standard 2:** Collins noted that the driveway serves as a natural buffer between the new side yards, honoring the intent of the ordinance. Berenyi

noted that strict observance of the current code would impose a stricter standard on this parcel than the surrounding lots. Corigliano added that the resulting lots would have lot widths consistent with the neighborhood, honoring the intent of that requirement.

**Standard 3:** The Board determined that the burden in this case would be preventing the historical intent and use of this property. In general, an inability to subdivide a lot is not burdensome; however in this particular instance, the variance is formalizing an already longstanding condition. The burden is the failure of previous owners to formally establish the lot lines.

**Standard 4:** The Board noted that the placement of the two existing garages on the property argue for the intent of development as two separate lots; if historically the land were intended as a single lot, the existing buildings would have been placed differently. Corigliano noted that if the Board granted a variance to the lot width, the setback variances for the existing buildings would naturally follow; it would be unreasonable for the Board to grant one without the other.

**Standard 5:** The Board concluded that as the new lots would be each other's adjacent property, one could not be construed as detrimental to the other. The relationship with the neighbor at 936 E Dayton St would not change.

**Standard 6:** The Board concluded that the variance would be consistent with the character of the neighborhood.

The Board cautioned that one of the primary justifications for granting the requested variances is the historical use and record of the land; the decision is rooted in formalizing a longstanding informal intent as well as the location of the existing buildings. Any construction on the newly created vacant lot would be expected to comply with the current ordinance as the lot configuration would be a self-created hardship rather than a burden created by the terms of the ordinance.

The motion passed by a vote of 3-0.

2. [51604](#) Dewey and Sandy Bredeson, owners of property at 116 E Dayton St, request a side-yard variance to remove and reconstruct a two-story addition with a third-level deck.  
Alder District #2

Per request of the applicant, this item will be deferred to a later meeting.

3. [08598](#) Communications and Announcements

There were no announcements.

## ADJOURNMENT

The meeting adjourned at 5:49 pm.