



# City of Madison

City of Madison  
Madison, WI 53703  
[www.cityofmadison.com](http://www.cityofmadison.com)

## Meeting Minutes - Approved ZONING BOARD OF APPEALS

---

Thursday, August 25, 2011

5:00 PM

215 Martin Luther King, Jr. Blvd.  
Room LL-110 (Madison Municipal Building)

---

### CALL TO ORDER / ROLL CALL

Matt Tucker and Chris Nelson present for City of Madison.

Present: 4 -

Diane L. Milligan; Mark C. Neidinger; Michael A. Basford and Susan M. Bulgrin

### APPROVAL OF MINUTES

The minutes were approved from the meetings of June 23, 2011 and July 14, 2011. Motion by Ms. Milligan, seconded by Ms. Bulgrin. 4-0 (approved)

### DISCLOSURES AND RECUSALS

### NEW BUSINESS

1. [23306](#) Cherie St. Cyr, owner of property located at 1331 Dewey Court, requests a front yard variance to enclose a portion of the front porch onto a two-story three-family home. Ald. District #6 Rummel

Attachments: [1331 Dewey Ct..pdf](#)  
[1331 Dewey Ct REVISED.pdf](#)

Mr. Tucker stated that the petitioner has an existing open porch and they would like to enclose a portion of it. Mr. Tucker also stated that a previous map sent out showed some side set back, and held up an illustration showing the correct setback which is only now a front yard. Mr. Tucker stated that, 13' - 6" plus or minus is the required setback with 6'10" at its closest point being provided, which is a 6'8" plus or minus variance.

In response to a question from Mr. Basford and if there were going to be any issues with this being part of the NCD project. Mr. Tucker responded, that yes this property is part of the Neighborhood Conservation District, and at this time there are no firm recommendations one way or the other. Mr. Tucker stated that he spoke to City of Madison Planner, Heather Stouder, and she affirmed that they are looking at the relationships of porches, open and closed or otherwise, and the placement of buildings relative to the property lines and the placement of all the bulk on the lots.

Michael DesBarres appeared before the board. Mr. DesBarres stated that he is the architectural designer. The project is to enclose a small part of the porch. Mr. DesBarres stated that Dewey Court is a very narrow street with extremely narrow lots. It is very eclectic, and many of the houses on the street have enclosed porches to create a little bit more of a buffer between the street and the house. Mr. DesBarres stated that there is really no room to expand on either side or in back, so many of the houses have chosen to enclose the front portion, while some have enclosed the entire porch. In keeping with the character of the neighborhood they have chosen to not enclose the entire porch. They have checked with all of the neighbors directly adjacent and several that are in the general neighborhood. Mr. DesBarres submitted 4 letters of support from the neighbors to the board. Mr. DesBarres stated that the home is one of the only commercial properties on the street. It is a 3-unit building and the applicant occupies the first flat, which is a 700 sq.ft. apartment, and they are proposing to add about 80 sq. ft. of enclosed porch area.

In response to questions, Mr. DesBarres responded that it is about twice the size of many of the neighboring houses, and that this is a three-story unit where most of the other houses are two-story. They did not think of reconfiguring it to two-units to allow more space in the inside of the structure rather than adding into the setback. Mr. DesBarres stated that from the get-go it has just been a simple expansion of Ms. St. Cyr's unit only. The petitioner has lived there for ten years and purchased it as a 3-unit building wanting to scale down and use it as a rental property. Mr. DesBarres was not sure how long it has been a rental property.

Sarah Daines, 1329 Dewey Court, appeared in support. Ms. Daines stated she lives on the west side of 1331 Dewey Court. Ms. Daines stated that the plans won't affect her house and will not change the character of the neighborhood.

Mr. Neidinger moved to approve, seconded by Ms. Bulgrin.

Ms. Milligan stated that the last time this was before the board her concern was that although the lot is small and that the applicant can't do anything in the front without a variance, she was looking at what does smallness of a lot justify. Here they have the biggest house on the street that already has a two-story porch. Ms. Milligan stated that the size of the lot doesn't justify the board to pretend that the applicants request has no kind of setback. They are expanding the living space for the first unit into the setback instead of using the rest of what is a pretty large structure. She doesn't feel like it is justified. Most houses are 1- 1/2 stories and this is 2- 1/2 stories with a 2-story front porch. Ms. Milligan stated that the board talked the last time this was before them, that if the concern is mosquitoes, about possibly screening it. Enclosing it just adds more bulk on what is already a crowded and bulky street. Ms. Milligan stated that she did not believe that the variance is warranted.

Mr. Neidinger stated that the lot seems a third of the size of a normal lot. Mr. Neidinger stated that he didn't think it changes the bulk of the house given that there is an existing 2-story porch already. Mr. Neidinger also stated that, looking at the standards for a variance, he didn't see any that are not met.

Ms. Bulgrin stated that looking at the rest of the neighborhood, and seeing that they have enclosed porches, she didn't believe that this was an unreasonable

request.

Mr. Basford asked Mr. DesBarres to come back to the table for some clarification on who would be using the porch. Mr. DesBarres stated that it is intended for Ms. St. Cyr, but it is part of a commercial building, so in the future it is going to be a space that is open to any of the units. Mr. DesBarres stated that the entrances are off of the shared open porch area, so that in the future whoever lives there can use it as well. If they were to expand up into the other units, that is really not the type or quality of space that they want. Mr. DesBarres stated that it is a little more transitional, and they want something that gets them out by the street. Mr. DesBarres further stated that even if they wanted to screen it they would still have to get a variance for it.

2-2 denied (ayes, Bulgrin, Neidinger) (noes, Milligan, Basford)

**2.      [23308](#)**

Linda Bernhardt, owner of property located at 613 Crandall Street, requests a side lot line variance to construct a detached accessory building (garage).  
Ald. District # 10 Solomon

**Attachments:**      [613 Crandall St..pdf](#)

Mr. Tucker stated that the petitioner would like to replace an existing garage that is falling apart with a similarly sized a little bit narrower and deeper, detached garage in a similar location. A portion of it has a 6' setback and another portion has a 3' setback. A maximum of 6' is required, the setback proposed is 1', and they are requesting a 5' variance.

Milt Arendt, of Badger Garage, appeared as the owner's representative. Mr. Arendt stated that he didn't have anything to add, and that it was pretty much self-explanatory.

In response to a question about the maintenance agreement and if it was recorded, Mr. Arendt responded that they decided to wait until everything had passed the Zoning Board, and that it has not been recorded yet.

Mr. Arendt stated that the reason the garage is located where it is, is so that it lines up with the driveway and they can get a car into it. Mr. Arendt stated that they are 36" out of the ground if they want to maintain the driveway level all the way back, so there is a slope consideration.

Ms. Milligan moved to conditionally approve provided they record the maintenance agreement in the Register of Deeds office. Seconded by Ms. Bulgrin.

Ms. Milligan stated that the slope poses a lot based hardship and their request is relatively minimal. With the maintenance agreement they are addressing neighbor issues and it is consistent with the neighbor right next door and the other neighbor.

Mr. Basford stated that it is a side yard variance. Mr. Basford also stated that it is worth noting the lot width is below the minimum for R2.

4-0 conditionally approved (Conditions: maintenance agreement needs to be recorded in the Register of Deeds office and the overhang needs to be shortened to 6" to allow for a future gutter)

Mr. Basford stated that the finding is it meets the standards for a variance.

**3.      [23033](#)**

Ed Tallard, owner of property located at 5718 Lake Mendota Drive, requests a side yard variance to construct a single-story addition with a porch and basement area onto a two-story single- family home.  
Ald. District # 19 Clear

**Attachments:**      [5718 Lake Mendota Dr.-1.pdf](#)

Mr. Tucker stated that this case is similar to a case that came to the board earlier this year. A larger addition was proposed and it was a demolition of the

existing garage and construction of a new garage with a full basement and an upper story that was occupiable. With this plan they will be demolishing the existing connection point between the house and the garage, and building a new connection point with a basement and also including a covered porch. The required setback is 12'-8", the proposed setback is 10' and they are requesting a 2'8" variance.

Ed Tallard, appeared before the board. Mr. Tallard stated that he has two little boys, and needs a basement for both safety and storage needs. He is looking to add the basement without going any farther into the setback than his house is already is.

Ms. Bulgrin moved to approve, seconded by Ms. Milligan

Ms. Milligan stated that the encroachment into the setback posed by this addition above ground is small, and it's not practical to move it over any farther. It is not going to have an additional impact on the most affected neighbor and it is farther away from the neighbor than the garage is. Ms. Milligan stated that it is reasonable.

Mr. Basford stated that anything that the applicant is going to build is going to have to go into the setback. The addition is reasonable and the position of the house and the garage on the lot in relation to the proposed addition is the hardship.

4-0 (approved)

Mr. Basford stated that the finding is it meets the standards.

4. [23589](#)

Todd Belden and Tanya Falbel, owners of property located at 213/215 Jackson Street, request a side yard variance for dormer additions onto a two-story, two-family home.

Ald. District #6 Rummel

Attachments: [213 and 215 Jackson St..pdf](#)

Mr. Tucker stated that the petitioners have a two-family dwelling and they would like to do some remodeling to make the upper level of the second floor more accessible, functional, and usable as part of one of the units. They are going to add dormers on to two sides of the building. On the left side, the dormers project a little bit into the required setback. The required setback is 7'-3", with a 15" depth penalty. The proposed setback of the dormer addition is at the side wall, which is 6'-4". The required setback is 6' plus an additional 15" with the depth penalty. They are asking for an 11" variance.

Tanya Falbel appeared before the board, along with her designer, Tom Haver. Mr. Haver stated that the applicants have owned the house for about 10 years and have done a number of improvements. They have always looked at the attic as a nice volume of space that could be taken advantage of. The thinking was accelerated by the fact that the garage roof is in dire need of being replaced, and the petitioners came to him with their ideas about how they could make the space useable. The variance is required partly due to the requirement of needing 2 exits from a third floor. In order to create a second exit from the third floor, the logical place for the exit would be directly over the

stairs to the first and second floor. Mr. Haver stated that in order to do that, they had to create a dormer above the stairwell to the third floor. According to Mr. Tucker's calculations they are 11 inches into the required setback, considering the fact that they have a depth penalty, given the depth of the building.

In regard to a question about why the dormers had to be where they are and not a foot smaller, Mr. Haver responded that one of them encloses the stairs, and the other one is just an attempt to create some more volume. Mr. Haver stated that it would be quite difficult to create the stairs if they didn't stack them over the existing stairs. Mr. Haver stated that he made the dormer over the stairs smaller, because he made it only as large as he needed to, to enclose the stairs, and the other one he made big enough to enclose a bathroom. He did not want to create any more volume than what was necessary.

In response to a question about the neighbor's house and the impact or lack of impact and how tall the house is, Ms. Falbel responded that there is a second-story on the house but it is not as tall. On the side where the dormers are, the neighbor's driveway is on that side, and the rest of their property is farther to the left. Ms. Falbel stated that this doesn't increase the height at all. Mr. Haver stated that the house to the south side is quite small.

Mr. Neidinger moved to approve, seconded by Ms. Bulgrin

Mr. Neidinger stated that it seems to be minimized as to what they are doing. The dormer over the stairs is as small as it can be to get the necessary landing and the 7' shoulder to head space that is required. Mr. Neidinger also stated that there is a driveway between the houses which won't affect the light and the bulk. The big issue is the existing shape of the house and the existing shape of the roof which dictates what can be done with the dormers. Mr. Neidinger further stated that it seems to meet all the requirements for the variance.

Mr. Basford stated that for something like this, a big consideration is the air and light effect, especially since the variance is going to be happening on the north side of the building. It may potentially have a light effect on the neighbor on that side, however, based on the drawings, plans, and his best guess, he would say that the air and light impacts would be negligible on the neighbor if any.

Ms. Milligan stated that they are making the biggest house on the block bigger, but at the same time, this doesn't set a precedent. Ms. Milligan also stated that it is 11".

Mr. Basford stated that if they were talking about higher and further out, they would certainly have some issues. The applicant's agent has demonstrated that they have done their best to minimize the impact and make the variance that is requested as small as possible.

Ms. Milligan stated that if it were for a third unit, she would be thinking about material and economic gain. If it were an area exception she would be concerned, because it looks unbalanced.

Ms. Bulgrin stated that in regard to the design, she would almost consider

having 2 windows in the back dormer.

Mr. Basford stated that if it were an area exception, they would certainly look at that.

4-0 (approved)

Mr. Basford stated that the finding is it meets the standards.

5. [22794](#)

Christine White and Ed Ryan, owners of property located at 405 Elmside Boulevard, request a side yard variance to construct a first-story screen porch addition to a two-story, single family home.  
Ald. District # 6 Rummel

Attachments:     [405 Elmside Blvd..pdf](#)  
                             [405 Elmside Blvd REVISED.pdf](#)

Mr. Tucker stated that the variance request is a deferral that first came to the board on the 23rd of June. Mr. Tucker also stated that the petitioner is proposing to build a screen porch to the rear of the home. In the previous proposal the request was much closer. With this project it has been moved to 4'. The requirement for the project is a 7' setback, providing a 4' setback, and requesting a 3' variance.

James Westring, of Westring Construction LLC, appeared as owner's representative before the board. Mr. Westring stated that the first proposal clearly did not meet the requirements. Per the recommendation of the board they revisited their original plan and came up with a couple of different solutions from which they picked one, which is the one on the table. The submittal they are proposing is in level with the first floor and is modifying the existing deck. Mr. Westring stated that they went from a rectangular deck to more of an L-shaped deck.

Ms. Milligan moved to approve, seconded by Ms. Bulgrin.

Ms. Milligan stated that this is what she was hoping they would come back with. The house is at 4' and it is reasonable to have this go back 4'.

Mr. Basford stated that the applicant did a very good job following their observations from the last time.

4-0 approved

Mr. Basford stated that the finding is it meets the standards.

## DISCUSSION ITEMS

6. [08598](#)

Communications and Announcements

**ADJOURNMENT**

**Matt Tucker, Zoning Administrator  
City of Madison  
Zoning Board of Appeals, 266-4569  
Wisconsin State Journal, August 11, 2011**