



# City of Madison

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

## Meeting Minutes - Approved ZONING BOARD OF APPEALS

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Thursday, June 23, 2016

5:00 PM

215 Martin Luther King, Jr. Blvd.  
Room LL110 (Madison Municipal Building)

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### CALL TO ORDER / ROLL CALL

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

**Staff Present:** Matt Tucker and Katrina Barger

Bulgrin explained the appeals process.

**Present:** 4 - Peter A. Ostlind; Susan M. Bulgrin; Winn S. Collins and Frederick E. Zimmermann

**Excused:** 2 - Dina M. Corigliano and Agnes (Allie) B. Berenyi

Excused: Savion Castro

### APPROVAL OF MINUTES

A motion was made by Collins to approve the May 26, 2016, minutes, seconded by Zimmermann. The motion passed by voice vote/other, with Ostlind abstaining.

### DISCLOSURES AND RECUSALS

Ostlind disclosed that he had done pro bono consulting work on 2012 Fisher Street and the adjacent parcel. He also disclosed that he provided consulting services to the apartment complex near the property. Ostlind stated that none of the prior work will affect his actions at this meeting.

### PETITION FOR VARIANCE, AREA EXCEPTIONS OR APPEALS

1. Chauncey Hunker and Mike Schmitke owners of property located at 3030 Waunona Way, requests a lakefront setback variance to construct a roof over an existing deck at first floor level.

Ald. District #14

Tucker introduced the project as having a zoning code requirement of 95' lakefront setback, while constructing a roof over a portion of the existing first-floor deck on the lake-side of the home would provide a 51.5' setback. Therefore, the owners are requesting a 43.5' lakefront setback variance.

Robert Lackore, the owner's representative, stated that he thought the variance was closer to 33' with his measurements. Tucker stated that Lackore measured from within the lot to get that measurement and that the setbacks for that property have to be measured from the Ordinary High Water Mark (OHWM).

Chauncey Hunker and Mike Schmitke, owners of the property, stated that they would like to resurface the existing deck and rail system and extend the existing roofline over the existing patio. Hunker expressed that there are maintenance issues caused by the current flat roof design and the way that the weather hits the existing structure. Hunker stated that they will not be changing the footprint or size of the existing patio. Hunker stated that they lost an Elm tree that served as natural protection from the wind, rain and sun and that they have had significant leakage issues that caused them to replace windows. He said that the patio is unusable on sunny days and that they have looked into umbrellas, awnings and shades but none have been a good option for them due to the wind.

Hunker introduced pictures taken from the neighbor's deck. He stated that they will leave the existing trees to maintain the screening and privacy per the neighbor's located at 3032 Waunona Way. He said that they did plant 2 Hybrid Maple trees.

Collins asked Tucker if the intent was just to resurface the deck and railing would a variance be needed and Tucker advised that it would not need a variance. Collins suggested that changing the color and adding trees could help minimize the impact of the heat and weather issues. Lackore stated that they would need mature trees to provide significant shade and that the roof is designed to provide additional living space.

Ostlind stated that the property owners could address the leakage and weather issues without adding the roof with different materials that are less heat absorbing. Lackore stated that adding the roof will lower the maintenance and make the outdoor living space more hospitable. Ostlind asked Lackore if there was an evaluation of the proposed roof structure completed to see if it would minimize the effects of the weather and Lackore said that they are not capable of performing an evaluation.

Bulgrin asked Lackore if there is a Structural Engineer within their firm and Lackore said there is not a licensed Structural Engineer but that this proposed project is basic and is covered by the Principal Architect.

Ostlind motioned to approve the variance request, seconded by Zimmermann.

Board members discussed that the property is unique since it is a shoreline property and that the shoreline dips at the neighbor's house. Board members were concerned that the property owners are adding vertical bulk with the roof and not maintaining the shoreline setback. They stated that resurfacing the deck and railing would not require a variance. Board members agreed that the design of the proposed project does keep in line with the characteristics of the house and neighborhood. Board members discussed that uncovered decks do exist in the neighborhood and that it seems that the variance request is driven by the desire for a roof not necessarily a hardship.

The motion to approve the variance request failed (0-4) by voice vote/other.

2. Salli Martyniak owner of property located at 2012 Fisher Street, requests a variance to allow for a 8' tall ornamental fence in the front yard setback area at an existing daycare center.

Ald. District # 14

Tucker introduced the project as having a zoning code requirement of 6' maximum height for an ornamental fence in the front yard setback area, while constructing an ornamental fence in the front yard area of the property atop an existing retaining wall, would measure 8' tall at its highest point. Therefore, the owner is requesting a 2' variance.

Tucker stated that this property is a double frontage lot.

Elizabeth Avenius and Melissa Huggins, the owner's representatives, stated that this property is unique because of the retaining wall and the slope of the land. To construct a 6' fence without a variance, they would need to bring the fence in 4' and would lose a significant amount of square footage of the children's play area and as a result would not meet the minimum square footage needed for Early Childhood requirements. Avenius stated that they would be replacing the fence with a vinyl coated fence which would bring it up to a code compliant material.

Tucker stated that he discussed with the owner of the property that their main priority is to make sure the fence provides a safe and secure area for children.

Collins motioned to approve the variance request, seconded by Zimmermann.

Board members discussed that the property is unique in many aspects including it being a double frontage lot, the slope of the lot and trying to maintain the existing use of a daycare center. They agreed that the proposed project is a standard design for daycare centers. Board members stated that the property owner does have a hardship because they have two regulations they need to follow, the Zoning Code and daycare requirements. Board members stated that the neighborhood is mixed with the Boys & Girls Club, apartments and single-family dwellings and this would not significantly impact the neighboring properties.

The motion to approve the variance request passed (4-0) by voice vote/other.

### DISCUSSION ITEMS

3. Communications and Announcements

Tucker announced that there will be a July 14, 2016 meeting.

### ADJOURNMENT

The meeting adjourned at 6:13 pm.

Matt Tucker  
City of Madison  
Zoning Board of Appeals, (608) 266-4569  
Wisconsin State Journal, June 16, 2016