



City of Madison

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

Thursday, November 21, 2019

5:00 PM

215 Martin Luther King, Jr. Blvd.
Room 013, Madison Municipal Building

CALL TO ORDER / ROLL CALL

Collins, chair, called the meeting to order at 5:05pm

Staff Present: Matt Tucker and Nancy Kelso

Present: 4 - Winn Collins, Peter Ostlind, Angela Jenkins, and David Waugh

Excused: 1 - Allie Berenyi

APPROVAL OF MINUTES

A motion was made by Ostlind to approve with modifications the October 17, 2019 minutes, seconded by Waugh. The motion passed 2-0 (1 abstention) by voice vote.

PUBLIC COMMENT

DISCLOSURES AND RECUSALS

There were no recusals. Board member Waugh re-iterated what was disclosed at the October meeting; that he knows applicant Beth Cannestra through previous City committee work, however this would not impact his decision.

PETITION FOR VARIANCE, AREA EXCEPTIONS OR APPEALS

1. [58148](#) Jorge Benavides Cabrera, property owner of 134 Talmadge St., requests an accessory structure setback variance to construct a new detached garage and shed.

Tucker stated that the property is zoned TR-C4, located on the northwest corner of Talmadge St. and La Follette Ave. Tucker explained the setback requirements and the placement restrictions for an accessory structure as they apply to a reverse corner lot. The request is for a three foot variance to the reverse-corner lot accessory structure setback requirement.

Applicant Jorge Benavides stated the proposal is to build the smallest sized, one car garage available, with the least amount of intrusion into the setback. Benavides noted at one time there was a garage on this site that was razed prior to his purchase of the property. His intent is to construct a garage in the same area, using the existing apron, and re-build the driveway.

The Board questioned Benavides about the existing shed and if vehicles have been traditionally parked on the lot without the garage. Benavides stated that the shed was placed by the previous owner and they would like it to remain on that site; with regard to parking he mentioned that they do use the driveway space, however at times also utilize on street parking.

The Board asked for and was provided with further clarification of the zoning code regarding reverse corner lots relative to adjoining properties. Tucker explained.

The Board questioned Benavides if the proposed distance between the house and garage could be decreased to lessen the extent of the requested variance. Benavides replied that reduction of that space would impact the amount of light and airflow received on that side of the house. Tucker explained that the setback from the neighboring property to the east was not relevant to this request.

An e-mail from a resident at 133 Ohio Avenue in support of the applicant was submitted for consideration.

The Chair noted that Board member Angela Jenkins did arrive after the meeting was called to order. Jenkins stated that she had read all the materials provided for this case and was prepared to take part in discussions and voting. Applicant Benavides had no objection to Ms. Jenkins' participation.

Ostlind moved to approve the variance; Waugh seconded.

Review of Standards:

Standard 1: The Board noted that the reverse corner lot is not unique within this neighborhood, but the lot was relatively small and the setback requirements restrict placement opportunity.

Standard 2: The Board determined that the variance request is not contrary to the intent and purpose of the zoning ordinance; the majority of the proposed structure is code compliant with very minimal impact to the setback given the forward location of the home on the lot to the east.

Standards 3 & 4: The Board noted that installation of an attached garage would not be possible due to window location and strict compliance with the ordinance would prove burdensome and difficult for garage placement. The Board stated that the applicant chose a realistic approach and minimized the variance request as much as possible.

Standard 5: The Board determined that there would not be significant detriment to neighboring properties.

Standard 6: The Board found that the proposal is in keeping with the character of the neighborhood.

The Board voted 3-0 to approve the requested variance by voice vote.

2. [58149](#)

Motion to Reconsider Legistar file #57688, Beth Cannestra, owner of property at 2106 E. Mifflin St., variances request.

A motion was made by Waugh to reconsider the variances request from Beth Cannestra, property owner of 2106 E. Mifflin Street (Legistar file number 57688); Jenkins seconded. The Board voted 3-0 to approve the motion by voice vote.

Tucker reviewed the request for the usable open space, rear and side lot line setback variances and the issues presented by the ordinance. Tucker provided further information on the garage replacement clause in the Zoning Ordinance, which allows for replacement of existing structures built within the lot lines but that do not comply with current setback requirements. Tucker noted that because the original structure was built across the lot line this ordinance cannot be applied and therefore the placement of a new structure within the property necessitates the variance requests.

Applicant Beth Cannestra presented the Board with a scaled diagram depicting placement of the garage within the lot lines incorporating recommended changes from the previous presentation, a to-scale vehicle for modeling vehicle movement on the diagram, and additional photos, she further discussed different variance scenarios to accommodate a small detached garage on the property.

Ostlind moved to approve a 2 foot side yard variance, a 1.5 foot rear yard variance and a usable open space variance sufficient to cover what's required based on the setbacks; with the conditions that drainage from the roof is to be discharged onto the subject property, no portion of the building is to overhang the property line, and maintenance easements from adjoining property owners to the right side and rear are to be recorded with the Dane County Register of Deeds. Jenkins seconded the motion.

The Chair noted that all the Board members present at this hearing were present at the previous hearing for this request. Therefore, the review of standards from the previous hearing were utilized in a general discussion of standards. The Board noted that the updated proposal overcomes previous obstacles, especially relative to standards 2 and 5.

The Board voted 3-0 to approve the requested variances by voice vote.

NEW BUSINESS

DISCUSSION ITEMS

3. [08598](#) Communications and Announcements

Communication: Tucker indicated that cases are scheduled for the December 19, 2019 meeting.

ADJOURNMENT

The Board adjourned at 6:30 pm.