



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, February 16, 2023

5:00 PM

Virtual

CALL TO ORDER / ROLL CALL

Ostlind called the meeting to order at 5:03 pm.

Staff Present: Katie Bannon, Nancy Kelso, and Cary Olson

Board Members Present: 5 - Peter Ostlind, Allie Berenyi, Angela Jenkins, David Waugh, Craig Brown

APPROVAL OF MINUTES

A motion was made by Berenyi to approve the December 15, 2022 minutes with modifications, seconded by Jenkins. 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. [75984](#)

Todd Jindra, owner of the property at 4809 Hillview Terrace, requests a setback variance to construct a new detached garage for a single-family dwelling. Alder District #11.

Bannon stated the proposal is to remodel the existing attached garage to a finished dwelling space, remove the existing driveway, then construct a new detached garage and new driveway. Bannon shared photos and the submitted plans to clarify the placement of the new garage on the reverse corner lot. Bannon explained there are two variance requests; one for an accessory building placement setback variance, noting the required setback is 30 feet, the proposal provides 20.4 feet, resulting in a request for a variance of 9.6 feet; one for an eaves and gutters setback encroachment variance where the maximum encroachment is 2 feet, the proposal encroaches 4 feet, resulting in a request for a variance of 2 feet.

Todd Jindra, owner of the property at 4809 Hillview Terrace, stated the current configuration of the existing house has limited dwelling space and lacks needed storage space as most of the basement area is taken up by the existing garage and utility room. Jindra explained an addition to the house was considered, however was rejected because it would require a larger variance request than an accessory structure. Jindra noted the proposed detached garage would improve driveway access by decreasing the incline between street level and garage floor.

The Board questioned the need for the 24 foot depth of the garage. Jindra explained that with a garage constructed below grade the foundation wall thickness needs to be 12 inches; in a standard 22 foot deep garage this would result in a loss of 2 feet of interior space, therefore the 24 foot depth recovers that space. Additionally, Jindra stated that the 12 inch foundation walls are needed due to the depth below grade and to support the concrete header for the overhead garage door.

The Board questioned the decision between building an attached addition versus a detached garage. Jindra explained that the proposed detached garage would have less of a variance request, would provide better access to the backyard, preserve a mature shade tree on the lot, and improve driveway access from the street. Bannon noted that an addition would also require a variance and could be more problematic with the significant slope and grading of the lot.

The Board asked for further explanation for the need of the upper floor of the proposed garage. Jindra stated the upper floor will not be used as dwelling space but will remain as unfinished storage space, noting that the existing home has very little space for storage.

Jindra explained to the Board the decision making process for choosing the lot location for the garage placement, the considerations to complement the architecture of the existing structure, and concerns for the impact to the neighboring property. Jindra stated the distance between the existing structure and the proposed garage is needed to maintain code compliance, and further clarified water runoff management.

Ostlind closed the public hearing.

Brown moved to approve the requested variances; Jenkins seconded.

Review of Standards:

Standard 1: The Board found that the changes in elevation on the lot and the design of the existing structure presented unique conditions to this property.

Standard 2: The Board did not think this standard had been met because of the significant amount of variance requested to accommodate the height needed for the second floor and amount of bulk added towards the street.

Standard 3: The Board found the proposed garage and subsequent setback variance request to be of significant size, although noting a smaller sized garage would also require a variance. The Board determined the 4 foot overhang is mainly an aesthetic design and that code compliance for eaves and gutters would not be unnecessarily burdensome.

Standard 4: The Board determined any hardship or difficulty is not created by strict adherence to the terms of the ordinance, noting there has not been any change in zoning ordinance since time of purchase, and there may be other means available to achieve the desired increase of structural space.

Standard 5: The Board stated there was not enough information presented to determine that the proposal met this standard.

Standard 6: The Board found the design of the proposed garage to be compatible with the character of the neighborhood, however the Board determined the lot placement of the structure to be incompatible.

The Board voted 0-4 by roll call vote to deny the requested variances.

DISCUSSION ITEMS

3. [08598](#) Communications and Announcements

Kelso noted there are four cases submitted for the March 16, 2023 meeting.

ADJOURNMENT

The Board adjourned at 6:35pm.