



City of Madison

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

Thursday, January 8, 2015

5:00 PM

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

CALL TO ORDER / ROLL CALL

Basford, chair, called the meeting to order at 5:04 pm and explained the appeals process.

Staff Present: Matt Tucker and Chrissy Thiele

Present: 5 - Diane L. Milligan; Susan M. Bulgrin; Dina M. Corigliano; Michael A. Basford and Frederick E. Zimmermann

Excused: 2 - John W. Schlaefel and Winn S. Collins

APPROVAL OF MINUTES

A motion was made by Bulgrin to approve the December 4, 2014, minutes, seconded by Milligan. The motion passed by voice vote/other.

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

PETITION FOR VARIANCE OR APPEALS

1. [36633](#) Wisconsin Association of Theta Delta Chi, owner of property located at 144 Langdon Street, requests a rear yard variance to construct a fourth story addition onto a three-story lodging/fraternity house.
Ald. District #2 Zellers

Attachments: [144 Langdon St.pdf](#)
[144 Langdon St. Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 20' rear yard setback, while the construction of a fourth story addition would provide a 9' 5" setback. Therefore, the owners are requesting a 10' 7" rear yard variance. Property is zoned DR2.

Steve Harms, the owner's representative, informed board members that the building was built in 1924 and is a contributing building in the national historic district. The building has been unoccupied for two years as there are many needed updates, including plumbing and adding a sprinkler system. They would really like to keep the building as a fraternity house and are looking to add a number of rooms to the fourth floor to make the remodeling of the building financially feasible. Harms showed how the addition would impact the neighborhood versus the additions already done to other surrounding buildings. He also pointed out that the neighborhood and alder are in support

of the proposed addition.

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

Board members agreed that the lot is oddly configured and the placement and size of the building on the lot create the hardships. Also, the building was built before the code and the dimensions between the buildings won't change with the addition. Board members agreed that the proposed addition wouldn't create any substantial detriment to the surrounding buildings, especially as the addition has been stepped in from 18" from the wall, and that the addition would fit with the surrounding neighborhood characteristics.

The motion to approve the variance request passed (5-0) by voice vote/other.

2. [36634](#)

Richard Gehrke, owner of property located at 2039 Winnebago Street, requests a side yard variance to allow for first level pergola additions on a two-story mixed use building. Ald. District #6 Rummel

Attachments: [2039 Winnebago St.pdf](#)
[2039 Winnebago St. Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 4.4' side yard setback, while the pergola additions didn't provide a setback. Therefore the owner is requesting a 4.4' side yard variance. Property is zoned TSS.

Mark Schmidt, the owner's representative, explained that before the fence was built, pedestrian traffic would cut through the property to get to Atwood Avenue. Gehrke had fences put up to alleviate this problem, which did not need a permit, and signed an easement agreement for light and air with the neighboring property owner. However, he also had pergolas added to the fence, which is not permitted without a permit. He has already received approval from the Building Code, Fire Code, Conveyance Code and Licensing Appeals Board, with the condition to take them down if the neighboring property owner decides to build an addition up to the property line. Schmidt admitted that he could not find a hardship for the property, but thought there were enough existing unique conditions that justify approval for the variance.

Tucker explained to board members that you do not need a permit for a fence, nor do you need to build it directly on the property line.

Rich Gehrke, the owner, provided background information on the building and the surrounding neighborhood. He also explained the benefits the pergolas have had on his property.

Corigliano motioned to approve the variance request, seconded by Milligan.

Board members could not find a condition unique to the property nor could they find any hardships. They also thought that the owner could alter the pergolas, or come up with something else, without needing the variance. Also, the fence would remain and continue to hinder pedestrian traffic.

The motion to approve the variance failed (1-4) by voice vote/other.

3. [36282](#) Raphael Kadushin, owner of property located at 206 N. Spooner Street, requests a side yard variance and rear yard variance to construct an attached garage and second story loft space onto a two-story single family home.
Ald. District #5 Bidar-Sielaff

Attachments: [206 N. Spooner St \(12/4/14\).pdf](#)
[206 N Spooner St \(1/8/15\).pdf](#)
[206 N Spooner St. Staff Report.pdf](#)

The board members did not discuss this item, as the applicant withdrew his application.

DISCUSSION ITEMS

4. [08598](#) Communications and Announcements

Tucker announced the January 22 meeting has been cancelled. Also, Basford reminded board members, that if they have not already done so, to fill out their Statements of Economic Interest and return them to the Clerks Office.

ADJOURNMENT

The meeting adjourned at 6:12 pm.

**Matt Tucker
City of Madison
Zoning Board of Appeals, (608) 266-4569
Wisconsin State Journal, January 1, 2015**