



City of Madison

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

Thursday, May 16, 2019

5:00 PM

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

CALL TO ORDER / ROLL CALL

Allie Berenyi motioned to appoint Winn Collins as chair, Jessica Klehr seconded.

Collins, chair, called the meeting to order at 5:00pm and explained the appeals process.

Staff Present: Matt Tucker, Cary Perzan, Nancy Kelso

Present: 3 - Agnes (Allie) B. Berenyi; Winn S. Collins and Jessica Klehr

Excused: 1 - Peter A. Ostlind

APPROVAL OF MINUTES

A motion was made by Berenyi to approve the April 18, 2019 minutes, seconded by Klehr. The motion passed (3-0) by voice vote.

PUBLIC COMMENT

DISCLOSURES AND RECUSALS

No disclosures and/or recusals

PETITION FOR VARIANCE, AREA EXCEPTIONS OR APPEALS

1. [55739](#) Jim Johnson, representative of the owner of the property at 105 Standish Ct, requests a rear yard setback variance to construct a single-story screen porch on to a two-story, single-family home. Alder District #5

Tucker explained that the property in question is a single-family dwelling zoned TR-C1 in the Sunset Hills neighborhood. The request is for a variance to the ordinance encroachment allowance for unheated porches projected to rear yard setback.

Thomas Raife, applicant, stated that the design plan for the screen porch is intended to maintain the architectural integrity of the property, and preserve the historically complimentary retaining walls. When originally developed, the property included a number of retaining walls designed with material consistent with the home, including an L-shaped retaining wall in the rear yard. The constraint encountered with the design of the porch is that the retaining wall is located where the wall of the new porch would be placed if built at the 14 foot limit. Raife explained that the new wall is not able to be constructed on top of the existing wall due to structural reasons, and removal of the retaining wall is not a viable option. Raife said that if the porch wall was built inside of the retaining wall, the result would be a narrower and less functional room. Additionally this placement would leave a gap between the porch and retaining wall that would create home and yard maintenance problems. The proposed design is to build the porch wall just to the outside of the retaining wall, incorporating the retaining wall in the overall design of the inside of the room, which necessitates the request for the variance.

The Board stated that the current plans did not appear to be accurately detailed and asked if new plans would be required to be submitted. Because the elevation drawing were not accurate, the Board questioned how the flooring and screening will incorporate the stone wall, and how the footings would be set. Raife responded that they did not have revised plans to present, but that their contractor/representative would be able to provide those for permitting. The Board noted that the illustrations depicting elevations and roof lines did not appear accurate. Tucker stated that the east elevation diagram was the most accurate. Raife and Tucker were able to further explain and clarify the construction process, and the requirement to submit accurate plans for a building permit.

The Board questioned why the plans were made for a 14' x 15' room which would require a variance as opposed to a 10' x 14' that would not require a variance. Raife replied that they did consider other plans that would not need a variance. However those plans would result in creating less functionality in both the screen porch and the yard. The available floor area for the room generally matches the 14' allowance, because the retaining wall is part of the inside of the room. Additionally, the placement of existing structures dictate the size and layout for the best practical use. The Board asked if there was consideration of moving the retaining wall. Raife stated it was considered, but that would increase the scope of the project significantly, affecting the old growth vegetation, increasing the cost, possibly damaging the wall and reducing the historic value of the property.

Collins closed the public hearing, Berenyi moved to approve the variance as stated; Klehr seconded the motion.

Review of Standards:

Standard 1: The Board noted the uniqueness of maintaining the original/historic stone wall in relation to the house is the primary factor for the variance request.

Standard 2: The Board noted the zoning district intent is to limit the size of a screen room into the setback. This particular home is centered on the lot, resulting in a smaller than neighborhood average backyard space to work with.

Standard 3: The Board noted aspects of the zoning could be burdensome in that moving the wall is not feasible, reconfiguration of the screen porch creates oddities to the overall layout of the house and yard, and the cost of the project would be increased to accommodate a smaller space.

Standard 4: The Board noted that in regard to difficulty or hardships created by the ordinance that there are options for a different sized porch and that a portion of the current plan doesn't need the variance. However, the placement of the house on the lot and an existing door and wall relative to the location of the screen porch contribute to the difficulty of the plans meeting compliance with the zoning code.

Standard 5: The Board noted that the existing vegetation provides a buffer on all sides of the property and impact to the neighboring properties would be minimal.

Standard 6: The Board noted that the project keeps the architectural integrity of the home in style and design. Many homes in the area are of similar style and this plan does not detract from the overall neighborhood design.

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

DISCUSSION ITEMS

2. [08598](#) Communications and Announcements
- No additional announcements

ADJOURNMENT

The Board adjourned at 5:49 pm.