



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, December 15, 2022

5:00 PM

Virtual

CALL TO ORDER / ROLL CALL

Ostlind called the meeting to order at 5:05 pm.

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

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

Board Members Excused: 1 - Craig Brown

APPROVAL OF MINUTES

A motion was made by Berenyi to approve the October 20, 2022 minutes, seconded by Waugh. The motion passed 3-0 by unanimous vote.

PUBLIC COMMENT

1. [61712](#) Zoning Board of Appeals Public Comment Period

There were no public comments.

DISCLOSURES AND RECUSALS

Waugh disclosed that he has had past professional contact with Ken Adams, however that would not impact his decision.

PETITION FOR VARIANCE, AREA EXCEPTIONS OR APPEALS

2. [74973](#) Trudy Younger, owner of the property at 2106 E Washington Ave., requests rear and side yard setback variances to construct a new detached three-car garage for a three-family dwelling. Alder District #12.

Bannon explained the proposal is to replace the existing detached 3 car garage with a new detached 3 car garage that serves the 3 unit apartment building. Sharing the submitted plans of the proposed garage, Bannon provided details for the variances requested for side and rear yard setbacks. Bannon noted the required setback for the side yard is 3 feet, the proposal provides 1.5 feet, resulting in a 1.5 foot variance request; the required setback for the rear yard is 3 feet, the proposal provides 1 foot, resulting in a 2 foot variance request.

Trudy Younger, owner of the property at 2106 E. Washington Avenue, stated the new garage is proposed to be built in nearly the same footprint as the existing garage. Younger explained that the garage cannot be placed any further to the east or north as that would impede a vehicle's turning radius into the garage. Younger noted the poor condition of the existing garage and that the current tenants are unable to park any vehicles inside of it. Younger explained the design differences between the existing and proposed garage, noting that the proposed design lowers the roof line by approximately 2 feet.

Younger clarified for the Board that the existing foundation will be removed and a new foundation will be constructed to be code compliant. Additionally, Younger explained for the Board how water runoff will be managed and noted they have initiated maintenance agreements with adjacent property owners.

Ostlind closed the public hearing.

Waugh moved to approve the requested variance with the condition that maintenance easements from adjoining, affected property owners are obtained and recorded; Berenyi seconded.

Review of Standards:

Standard 1: The Board found that the existing garage no longer accommodates standard size vehicles and the 3 unit building on the small lot presented unique conditions to this property.

Standard 2: The Board determined that with the improvements in structure and water management, the proposal is not contrary to the spirit, purpose and intent of the ordinance.

Standard 3: The Board was divided regarding whether strict compliance to the ordinance would be unnecessarily burdensome. The possibility of rotating the placement of the garage to achieve less or no variance was discussed; however that may result in loss of usable open space, difficulty with the practical use of the garage and driveway, and other situations found with a non-conforming lot.

Standard 4: The Board found that with the age and condition of the existing structure a new, updated structure is a reasonable undertaking and any

hardship or difficulty would be created by strict adherence to the terms of the ordinance.

Standard 5: The Board determined the proposal would not cause substantial detriment to adjoining properties and the general situation would be improved.

Standard 6: The Board found the proposed garage to be of a style commonly found in the downtown area and would be compatible with the character of the neighborhood.

The Board voted 2-1 by roll call vote to conditionally approve the requested variance.

4. [74976](#)

Ken Adams of Adams Design Construction, representative for the owners of the property at 2137 Oakridge Ave., requests a side yard setback variance to construct a second story addition on a single family house. Alder District #15.

Bannon explained the proposed two-story addition onto an existing two-story, single family home, stating that it's the second story of the addition that requires a variance to the side yard setback. Bannon shared photos and floor plans of the existing house and proposed addition to further detail the variance request, noting the required side yard setback is 4.4 feet, and the proposal provides 2.7 feet, resulting in the request for a 1.7 foot variance.

Ken Adams of Adams Design Construction, representative for the owner of the property at 2137 Oakridge Ave., stated that the first floor of the proposed addition was designed to avoid a variance request. Noting the house was placed in the setback when originally constructed, Adams further explained that the second floor of the proposed addition adds a minimum of bulk to the structure (approximately 35 square feet), and that is where the variance is required. Adams stated that a code compliant dormer addition would result in a very narrow room and an awkward design. Additionally Adams explained the proposed addition does not create loss of air or light to neighboring properties, there is no increase in height, and the current amount of buffering between adjoining properties remains unchanged.

Walter Lethem, owner of the property at 2133 Oakridge Ave. spoke in support of the proposal, noting his concern that water runoff would be directed away from his property.

Adams clarified for the Board the plans for water runoff management have not yet been finalized, however it will be done in a code compliant manner and they are working with the neighboring property owners, contracted excavator and engineer to implement a design that works best for all.

Ostlind closed the public hearing.

Waugh moved to approve the requested variance; Jenkins seconded.

Review of Standards:

Standard 1: The Board determined that with the house having been built long before the current zoning code was in place presented conditions unique to this property.

Standard 2: The Board found the proposal meets the intent of the ordinance, noting that privacy is maintained with the modest size of the addition and the buffering between adjacent properties is preserved.

Standard 3: The Board stated it is structurally logical to build directly above the existing walls of the first story for a second story addition. Thus, strict compliance to the ordinance would be unnecessarily burdensome.

Standard 4: The Board determined the variance request is necessary; that zoning code compliance would not improve on the overall design of the house and addition and could likely create more unusable living space.

Standard 5: The Board found the minimal added bulk of the addition to the existing home does not create substantial detriment to neighboring properties.

Standard 6: The Board determined that the proposal is designed in a manner that integrates well with the existing structure as well as the surrounding neighborhood.

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

DISCUSSION ITEMS

5. [68259](#) 2023 Meeting Schedule

Noting Madison General Ordinance section 33.01 (10) prohibits scheduling meetings on election days, holidays and during budget deliberations, Kelso explained how this will affect the Zoning Board of Appeals schedule for the month of November in 2023. After discussion, the Board agreed to schedule that meeting for Thursday, November 9, 2023.

6. [69181](#) Statement of Interest Filing

Kelso reminded the Board that the annual statement of interest needs to be filed with the City of Madison by January 3, 2023.

ADJOURNMENT

The Board adjourned at 6:31pm.