



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Meeting Minutes - Approved ZONING BOARD OF APPEALS

Thursday, February 13, 2014

5:00 PM

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

CALL TO ORDER / ROLL CALL

Basford called the meeting to order at 5:10 PM and explained the appeals process.

Staff: Matt Tucker and Jenny Kirchgatter

Present: 5 -

John W. Schlaefter; Diane L. Milligan; Dina M. Corigliano; Michael A. Basford and Winn S. Collins

Excused: 2 -

Susan M. Bulgrin and Frederick E. Zimmermann

APPROVAL OF MINUTES

A motion was made by Schlaefter, seconded by Milligan, to Approve the Minutes of January 23, 2014. The motion passed by voice vote/other, with Corigliano abstaining.

DISCLOSURES AND RECUSALS

None

PETITION FOR VARIANCE OR APPEALS

1. [32980](#) Trevor and Jennifer Tomkins owner of property located at 1131 Sherman Avenue, request a side yard variance to construct a second-level dormer addition to their two-story single family home.
Ald. District #2 Zellers

Attachments: [1131 Sherman Ave.pdf](#)
[1131 Sherman Ave Staff Report.pdf](#)

A motion was made by Corigliano, seconded by Milligan, to Approve. The motion passed by voice vote/other.

Tucker introduced the project as being zoned TR-C2. The petitioner is proposing to expand the existing dormer. The project provides a 2.8' side yard setback and 3.3' is required.

Nicholas Tomkins present for the petitioner. There is an existing dormer and they would like to expand it to make room for a second bathroom at the rear portion of the house.

This lot is very narrow and the proposal meets the purpose and intent, and still maintains the same amount of distance between the existing houses. The applicant indicated what would be required accurately and there would be an inconsistent bump if handled in a different manner.

2. [32981](#)

Chris Carpenter, owner of property located at 5006 Lake Mendota Drive, requests a variance to the driveway design and location standards, to construct a second driveway at her single family home.

Ald. District #19 Clear

Attachments: [5006 Lake Mendota Dr.pdf](#)
[5006 Lake Mendota Dr Staff Report.pdf](#)

A motion was made by Collins, seconded by Milligan, to Approve the Variance to allow two driveways, with two separate single car garages, conditioned upon removing the non-conforming apron sections. The motion passed by voice vote/other.

Tucker introduced the project as being different from matters the Board usually handles. The petitioner desires to build a second garage that also has a second driveway. The garage is in a compliant location and is a compliant size, and they would be able to secure a Building Permit. However, it is a waterfront property and waterfront properties require accessory buildings to be approved as Conditional Uses, which is a separate process. The garage is allowed. The request is related to the Section in the City's Zoning Code that establishes rules for how driveways are oriented, how they cross the setbacks and how the openings are located at the streets. In this case, the petitioner is proposing to construct a second new driveway that leads to the new garage. There are a number of Sections in the Code that regulate the number of driveways. You can have two driveways if they are no wider than 11' wide and they meet at a point outside the required setback that is the same point both driveways meet together to a common parking area.

The Conditional Use has not been applied for yet. The adjacent property at 5010 Lake Mendota has two aprons and have a non-compliant condition in that one of the driveways appears to be 11' wide and the second is more like 20' wide. If this was built today, they would have to narrow one driveway to 11' wide.

Amy Hasselman, Architect, and Chris Carpenter, home owner, were present and confirmed that Tucker's description was accurate. She explained there is an existing non-conforming condition which is a single car garage, asphalt along the entire front of the property and a paved parking space that is in the front setback. On the west side of the property, there is only one lot without a garage, with two paved spaces at the street (5034 Lake Mendota Drive). 5030 has a two car attached garage, 5026 has a two car detached garage, 5024 has a two car detached garage, 5010 has a two car detached garage, 5002 has a two car attached garage, 4946 has a three car attached garage, 4942 has a three car attached garage, 4938 is under construction and a two car attached garage is being built, 4934 has a two car attached garage and 4930 has a two car

attached garage. Most of these have existing non-conforming paved spaces along the front.

Ms. Hasselman indicated there were two options considered. One was to add onto the existing garage. However it is in the setback and would affect an existing Oak Tree. The other was to add a single car garage on the other side. However, that results in two driveways that do not meet outside the setback. This property has a very steep drop-off. They will eliminate the non-conforming parking in the front yard. This fits the intent by removing the parking spaces out of the front setback and is an improvement on the existing condition. They are proposing two, 10' driveways. She indicated the Ordinance allows a single 20' driveway.

The Board will approve the Variance to allow two driveways, with two separate single car garages, conditioned upon removing the non-conforming apron and paved parking sections, except for the two 10' wide driveways, as shown on the submitted plan.

3. [31228](#)

Daniel Kruse, owner of property located at 4122 Cherokee Drive, requests a side yard variance for a single story attached garage addition to his two-story single family home.

Ald. District #10 Cheeks

Attachments: [4122 Cherokee Dr.pdf](#)
[4122 Cherokee additional images.pdf](#)
[4122 Cherokee Dr Staff Report.pdf](#)
[4122 Cherokee Dr 2-13-14 Meeting.pdf](#)
[4122 Cherokee Dr Staff Report 2-13-14.pdf](#)

A motion was made by Milligan, seconded by Schlaefer, to Approve the Variance, with the upstairs window remaining a window and not being converted to a door. The motion passed by voice vote/other.

Tucker introduced the project as being before the Board previously. There is a new owner so the case was previously deferred. The petitioner wants to build an addition on the rear of the attached garage. There is a 7' side yard setback required, with 5' being provided, which is a 2' variance being requested.

Dan Kruse acknowledged that Tucker's description was accurate. They had just moved into the house in October and the deferral gave them a better understanding of the house and property. Previously they spoke of the storage needs and the importance of that. However, it is important for them to have a two car garage, especially after this winter's condition. The project does not make sense if they cannot have a two car garage. Two new pieces of information were provided. The first was a rendering of the design and how they were going to tie the back rail in over the porch. Regarding the pitch of the roof, they thought the flat roof made more sense and fit in better with the other properties in the area. There is an e-mail from neighbors on the east side, where the garage addition would be going, and they do not oppose this project.

The Staff Report mentions an easement preventing a wider garage addition. Tucker explained that this lot is narrow and usually when he consults with customers, they talk about reasonable and functional sizes to garages. The

Board sometimes asks if the owner would want a garage which is that narrow, because it limits functionality. He wanted the Board to understand that there was not an option to widen the garage due to a 3' easement. There is a widow's walk architectural railing on the second level, and this level is not a usable or occupiable space.

The lot is narrower than the minimum in this district and there is an easement on the garage side which prevents them from making the garage larger to the side. The platting pre-dates the current Code and the 1966 Code. It was probably platted in the 1930's.

DISCUSSION ITEMS

4. [08598](#) Communications and Announcements

Congratulations to Chrissy Thiele on the birth of her son!

ADJOURNMENT

Matt Tucker
City of Madison
Zoning Board of Appeals, (608)266-4569
Wisconsin State Journal, February 6, 2014

A motion was made by Schlaefer, seconded by Milligan, to Adjourn at 6:05 PM.
The motion passed by voice vote/other.