



# City of Madison

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

## Meeting Minutes - Approved ZONING BOARD OF APPEALS

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Thursday, July 14, 2011

5:00 PM

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

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Building Inspection Division at 608-266-4551, 608-266-4556.

### CALL TO ORDER / ROLL CALL

**Matt Tucker and Chris Nelson were present representing the City of Madison.**

**Present:** 5 -

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

**Excused:** 2 -

Mark C. Neidinger and Tina L. Warner-Hutchinson

### APPROVAL OF MINUTES

The minutes were deferred.

### DISCLOSURES AND RECUSALS

**Ms. Milligan stated that she worked with Mark Hazelbaker professionally, (item #4)but it would not affect her vote. Ms. Milligan also stated that she thought**

she played frisbee with Marcia Bosscher, (item #2) possibly confusing her with someone else, although she did not see her present at the meeting. If it is the same Marcia she is thinking of it would not affect her deliberations.

Mr. Basford stated that he has been at a couple of fund raisers with Mr. Hazelbaker, and has met him a couple of times, but it is hazy and he wouldn't even know if he was present although his name is very familiar.

## NEW BUSINESS

1. [23033](#) Ed Tallard, owner of property located at 5718 Lake Mendota Drive, requests a side yard variance to construct a single-story addition with a porch and basement area onto a two-story single-family home.  
Ald. District # 19 Clear

**Attachments:** [5718 Lake Mendota Dr.-1.pdf](#)

Applicant not present. Item placed on the table at the beginning of the meeting.

Ms. Milligan moved to take the item off the table, seconded by Ms. Corigliano.

5-0 (taken off the table)

Ms. Milligan moved to defer to a meeting no later than September 8, 2011, seconded by Ms. Corigliano.

5-0 (deferred)

2. [23036](#) Marcia Bosscher, owner of property located at 105 Vaughn Court, requests a front yard area exception to construct an elevated deck with stairs to grade onto a two-story single-family home.  
Ald. District # 11 Schmidt

**Attachments:** [105 Vaughn Ct..pdf](#)

Mr. Tucker stated that the petitioner is proposing to construct a curved elevated deck at the front of the home with steps to grade. The required setback is 30', 20'-6" provided, and requesting a 9'-6" front yard area exception.

Tom McHugh appeared before the board as the owner's representative. Mr. McHugh stated that the applicant is looking for a quiet outdoor space, even though she does have a large outdoor back yard, the back yard is busy. Mr. McHugh stated that the applicant is concerned about the 300 year old trees, and they are trying to keep the structure as far away as possible from the trees. If the deck went straight across, it would impinge on the trees. Mr. McHugh stated that the applicant sent emails to all the neighbors, and the responses were all favorable. Mr. McHugh also stated that it was his understanding that the front yard setback is one that will possibly be changed with the new code, although it hasn't yet. In response to a question, Mr. McHugh stated that the reason for the location is that it is the only quiet area outside the applicant's house.

Ms. Milligan moved to approve, seconded by Ms. Corigliano.

Ms. Milligan stated that it seems like a classic situation that if the applicant was asking for a variance, they would be looking at the back yard and thinking it should go back there. Given the standards of an area exception, it seems like it will have a minimal impact on the neighbors, and it seems consistent with the style of the house and is unobtrusive.

Mr. Basford stated that he agreed.

Ms. Corigliano stated that it goes with what Madison tries to promote with people interacting on the front side of their house. Ms. Corigliano also stated that even though it is not designed as a porch, it is a similar space.

Mr. Basford stated that this deck is more suitable in the front of the house rather than the rear of the house and it makes a lot of sense knowing Owen Parkway, and especially with all of the traffic.

5-0 (approved)

Mr. Basford stated that the finding is it meets the standards for an area exception.

3. [23037](#)

Jay Roberts, owner of property located at 3014 Fairview Street, requests a rear yard variance to construct a two-story rear addition and dormer onto a two-story single-family home.

Ald. District # 6 Rummel

Attachments: [3014 Fairview St..pdf](#)

Mr. Tucker stated that the petitioner is proposing to remove an existing addition and construct a new addition. There is also a cantilevered bump-out and a roof pitch change for headroom on the second floor. All areas of bulk change are entirely located within the required rear yard. The required rear yard in the R4 zoning district is 35', providing 24'-3", and they are requesting a 10'-9" rear yard variance.

Jay Roberts appeared before the board. Mr. Roberts stated that his home is older, and he has lived there for about 15 years. Mr. Roberts stated that due to an expanding family, he would like to add a bedroom and a bathroom. He would also like to tear off the mudroom, and put a foundation down. The extra width for the back of the house will give him room to put in a bathroom off the back and off the kitchen. He will be removing some interior walls to open things up, and will be putting a tiny bedroom in the upstairs. The upstairs bathroom roof pitch will be raised a couple of feet. They will remain on the same footprint, and are retaining the back yard.

Ms. Corigliano moved to approve, seconded by Ms. Bulgrin.

Ms. Milligan stated that she agreed with the staff report about the hardship. If you only have 20' to build you can't put a reasonable house on the property, and it seems like they have minimized what they are asking for by going over the footprint of what they have. The additional impact on the neighbors seems

negligible. There is a garage between the closest neighbor and the other person, so there is quite a distance.

Ms. Corigliano stated that they are not asking for anything that is excessive in any way.

Mr. Basford stated that they are not moving further out. If they built in the side yard it would create an oddity.

Mr. Zimmermann stated that what they are doing is a better use of the land.

5-0 (approved)

Mr. Basford stated that the finding is it meets the standards for a variance.

4. [23038](#)

Deborah Hoffman and Mark Hazelbaker, owners of property located at 3909 Regent Street, request a front yard area exception to construct a new attached garage onto a two-story single-family home.  
Ald. District # 11 Schmidt

Attachments: [3909 Regent St..pdf](#)

Mr. Tucker stated that the petitioner is proposing to take down an existing carport and replace it with a new attached garage. The setback requirement for a front yard is 30', providing 20' -1/2", and they are requesting a 9'-11- 1/2" front yard area exception.

Mark Hazelbaker and Deborah Hoffman appeared before the board. Mr. Hazelbaker stated that what they are requesting is to tear down their carport and build a new garage, which will be about 9' further east than where the carport is. The reason for moving it further to the east is for the functionality of having a garage instead of a carport, and for use and view out of a window they added onto the house. If they replaced the carport as it sits with the garage, a window would open into the garage. Mr. Hazelbaker also stated that the situation is unusual because they have 50' between the edge of their house and the edge of the pavement, and the pavement is almost entirely in the northern half of the right of way of Regent Street. Mr. Hazelbaker stated that when the parkway was developed it was put there, and they have a 35' terrace, which is very wide. The sewer access hole is actually in what they thought was their front yard when they bought the house. Mr. Hazelbaker stated that they are not asking to encroach upon the setback anymore than they currently are. It is non-conforming, because it is less than the applicable setback, so they need an area exception. They believe that the change will not only maintain the functionality of the house, but it will end up looking better.

Ms. Corigliano moved to approve, seconded by Mr. Zimmermann.

Ms. Corigliano stated that she agrees with the applicant, and believes that this looks much better than the carport, and the location of the garage looks much better than where the carport was before. Ms. Corigliano also stated that where the garage is located, they really don't have any alternatives. There is no other place to put it unless they put it in front of the front door, which is unreasonable. The depth of the garage is as small as it can be, and the width of the garage you could argue is maybe 4' wider than a minimum standard

garage would be, but they're not impinging on the side yard setback, so there is really only a 4' x 9' area that you might call excessive. Ms. Corigliano further stated that, if you took that out it would just be ridiculous, so she believes it is totally reasonable, and they have minimized what they are asking for.

Ms. Milligan stated that they could have asked for 6 -1/2" more in the side yard, but they didn't. Ms. Milligan also stated that she really liked that it is a net loss of paved area. It currently appears very car dominated, and now that they are getting rid of the turnaround, and making the carport smaller, it just won't be about cars anymore, and she believes that would fit better.

Mr. Basford stated that the proposed addition does harmonize with the existing structure, which is not as easy to do when you're talking about adding on an attached garage, so it is a very nice design.

5-0 (approved)

Mr. Basford stated that the standards for the area exception are met.

The applicants were called back to the table.

Mr. Basford stated that the board received an email from City Engineering telling them that there is an existing sanitary sewer force main by the front lot line and that City Engineering will want to review the site plan prior to final approval.

Mr. Hazelbaker, responded "absolutely". Mr. Hazelbaker also stated that removing the turnaround will remove concrete that is currently over the force main.

Mr. Basford responded that review by City Engineering will be added as a condition to this approval.

5-0 (approval, amended to conditional approval contingent on approval by City Engineering)

5. [23039](#)

Hugh Wing and Maj Fischer, owners of property located at 530 Maple Avenue, request a side yard area exception to construct a rear addition with an upper deck area onto a two-story single-family home.  
Ald. District #6 Rummel

Attachments: [530 Maple Ave..pdf](#)

Mr. Tucker stated that the petitioner is proposing to remove an existing single-story addition at the rear of the home that has a porch and construct a new single-story addition. They will be flipping the porch to the other side, and will also build a deck up above. The idea is to demolish the whole thing and tear it down, but if they can dig down and salvage the concrete footings they plan to do that. Mr. Tucker stated that it was noticed as a full tear-off and replace, but the goal is not to if it is possible. The side yard setback is 7'-8", which includes an 8" depth penalty, providing 5', which is a 2'-8" right side area exception.

Hugh Wing and Maj Fischer appeared along with their architect, Mark Smith.

Mr. Wing stated that they are avid gardeners and currently their view of the back yard is a view out a bathroom window, which sits over an old system and is the coldest part of the house. They would like to remove the bathroom and push the kitchen back, so the kitchen looks over the garden. They would like to change the slightly pitched roof to a flat roof and move the covered porch to the other side. They also would like to make a flat porch on the second-story, so they can walk out to utilize it. They plan to keep the architectural integrity and match the back porch to the front porch using a lot of the similar features of the woodwork. Mr. Wing provided the board members with additional pictures of the property.

Mr. Zimmermann moved to approve, seconded by Ms. Corigliano.

Ms. Milligan stated that they are building where they already have structure, and the only additional impact in this that they need an area exception for is a railing. The whole impact of what they are doing is minimized by having empty space beneath, where there is nothing now. It is entirely reasonable.

Mr. Zimmermann stated that he appreciated the fact they are keeping with using elements of existing architecture.

Mr. Basford stated that not only does it harmonize with it, but it actually makes a nice improvement to what is there, so it is nicely done.

Ms. Corigliano stated that it is a kitchen, and they really need that continuity, rather than asking them to bump it in. Ms. Corigliano also stated that to extend the side of the house out totally makes sense, and it would be ridiculous to bump it in.

5-0 (approved)

Mr. Basford stated that the finding is it meets the standards for an area exception.

## DISCUSSION ITEMS

6. [08598](#) Communications and Announcements

## ADJOURNMENT

Matt Tucker, Zoning Administrator  
City of Madison  
Zoning Board of Appeals, 266-4569  
Wisconsin State Journal, July 7, 2011