



City of Madison

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

Thursday, July 27, 2017

5:00 PM

210 Martin Luther King, Jr. Blvd.
Room 103A (City County Building)

CALL TO ORDER / ROLL CALL

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

Staff Present: Jenny Kirchgatter and Gretel Irving

Present: 4 - Peter A. Ostlind; Agnes (Allie) B. Berenyi; Dina M. Corigliano and Winn S. Collins

Excused: 1 - Patrick W. Heck

APPROVAL OF MINUTES

A motion was made by Ostlind to approve the July 13, 2017 minutes, seconded by Berenyi. The motion passed (4-0) by voice vote/other.

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

PETITION FOR VARIANCE OR APPEALS

1. [48092](#)

Joseph F Martino, owner of property at 26 N Hancock St, requests variances to construct a third story atop the existing two-story single-family home. Alder District 2 - Zellers

Kirchgatter introduced the project as a request to construct a third story atop an existing two story dwelling on an irregularly-shaped lot with both right and left side-yard variances and a rear-yard variance. Kirchgatter noted a change to the calculations in the staff report had been sent in a memo earlier today and has been provided to board members.

Joe Martino, homeowner, stated the goal of the project is to replace the roof and expand the living space underneath it. He disagreed with the description of variances provided, stating that the drawing used to calculate variances was drawn by his contractor and was not entirely accurate. Using the certified survey map from the application, he does not believe that a rear-yard variance is required to complete the proposed project.

Collins asked whether the applicant was withdrawing his request for a variance. Marino stated he did not believe a variance was required; Board members agreed those were not equivalent statements. There was debate as to whether the applicant would withdraw his request, refer the request to a later date or proceed with the variance request.

A motion was made by Corigliano to adjourn until 5:20 pm to provide staff time to review the applicant's statements.

The meeting re-opened at 5:20 pm. Kirchgatter determined that the proposed remodel would require a rear-yard setback variance of 0.8', noting that the rear property line has a jog so that part of the project would be compliant and part would extend into the rear setback. The applicant agreed with the 14.2' rear-yard setback calculation and the 0.8' variance as described by Kirchgatter. The applicant stated he could redesign the building outside of the rear-yard setback however the side-yard variance requests are necessitated by the need to replace the roof on the existing building and a stair landing that doesn't meet building code. He's been told by contractors that the entire roof, including trusses, needs to be replaced and would like to add extra living space at the same time but will need side-yard variances to complete any repairs.

Kirchgatter stated it may be possible to improve the roof without a variance but side-yard variances would be required in order to change the style of roof, assuming the survey is done to the foundation of the house (rather than the roof eaves). A variance would be required to extend the outer stair from the second floor to the attic with the requested enlarged landing. Collins noted that some of the drawings submitted are not dimensioned, making it difficult to verify the applicant's statements that the landings are not code-compliant. Ostlind noted that the drawings which are dimensioned appear to show adequate room for code-compliant landings without going into the setback. He added that the applicant would need a variance to build the plans submitted but not for the purpose of bringing the landings to code. The applicant rescinded his request for a variance on the northwest side.

Addressing the southeast variance request, Corigliano asked the applicant to address the hardship standard, as replacing the roof wouldn't require adding

additional living space. The applicant explained that his neighbors have attic living space but his existing hip-style roof doesn't provide living space. Changing the style and pitch of the roof would provide an additional floor of living space while only raising the total height 5'. Ostlind noted that if the hardship is not being able to utilize the attic space fully, there are other options with less impact on the setback, such as gables. The applicant stated any improvements to the roof would make it heavier and shifting the load-bearing walls outside of the setback would be cost-prohibitive.

Collins questioned whether the applicant would be open to a referral as there seemed to be "a lot of unknowns and moving parts". The applicant asked to proceed on the southeast side-yard variance only, with the stated hardship being the difficulty and expense of shifting the load-bearing walls. He would change the design of the rear and northwest portions. The Board was reluctant to vote on building plans that had not yet been designed.

Corigliano outlined the options:

- Proceed with a vote on the southeast variance. If the revised plans were found to require any other variances, the applicant would need to submit a new application and pay a new fee.
- Refer the application. If revised plans require a variance, the applicant would appear at a future meeting but without a second fee.
- Refer the application. If the revised plans do not require a variance, the applicant could proceed to obtain a building permit without appearing before the Board again.

She further cautioned that she could not support the request as presented because there were too many unknowns.

Additional comments from the Board:

- Consider a gabled roof with greater pitch to gain the desired living space while reducing the requested variance and fitting the neighborhood
- Appreciate that the side-wall design takes into account the visual impact of the increased bulk as well as the physical impact
- Dimensions and documentation of code requirements for the landings would bolster the case
- Elevations, dimensions and context photos would have been useful
- Address the six standards in greater detail.

There was brief discussion of a letter received in opposition to the project.

Berenyi moved to refer the application to a meeting no later than September 14, 2017; Collins seconded. The Board voted in favor of referral (4-0).

2. [08598](#)

Communications and Announcements

There were no announcements.

ADJOURNMENT

The meeting adjourned at 6:15pm.