



# 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?*

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Thursday, August 20, 2020

5:00 PM

Virtual Meeting

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### CALL TO ORDER / ROLL CALL

Collins, chair, called the meeting to order at 5:05pm.

Staff Present: Matt Tucker, Nancy Kelso and Cary Olson

Present: 5 - Allie Berenyi, Winn Collins, Angela Jenkins, Peter Ostlind, and David Waugh

Excused: 1 - Jessica Klehr

### APPROVAL OF MINUTES

A motion was made by Berenyi to approve the May 21, 2020 minutes, seconded by Ostlind. The motion passed 4-0 by voice vote.

### PUBLIC COMMENT

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

### DISCLOSURES AND RECUSALS

There were no disclosures or recusals. Berenyi noted that, if not yet adjourned, she would need to leave the meeting at 7:30pm.

### PETITION FOR VARIANCE, AREA EXCEPTIONS OR APPEALS

2. [61608](#) Meri Tepper, representative of the owner of the property at 4321 Upland Dr., requests a rear yard setback variance to construct a single story dining room addition onto the rear of the existing two-story single-family dwelling. Alder District #11.

**Petitioner withdrew request for variance prior to meeting date.**

3. [61609](#)

John Mulligan, representative for the owner of the property at 18 Dorfmeister Court, requests a rear yard setback variance to construct a single-story screen porch addition onto the rear of the existing single-story single family dwelling. Alder District #3.

Tucker stated the property is zoned SR-C1 and is on a cul-de-sac situated in the area north of Cottage Grove Rd., south of Milwaukee St., east of Stoughton Rd., and west of the Interstate. Tucker noted that the ordinance requires a 35 foot rear yard setback; the proposal is for an 18 foot setback for a screened porch, requesting a 17 foot variance.

John Mulligan, representative for applicants Stephen and Sherrie Sasso, stated that the proposed screened porch is to replace an existing room; that the dimensions of the existing room extend 16 feet by 18 feet out from the house, the proposed porch will extend out 14 feet by 18 feet. Mulligan mentioned that the zoning ordinance relative to the rear lot line measurement had changed since the structure was originally built and therefore created the hardship to this proposal. Stephen Sasso noted that the reducing size of the porch presented additional challenges to a residing project which has already begun.

The Board questioned if there were other obstacles to reducing the requested variance. Mulligan stated that with the current proposal the original room area has been reduced by 12.5 percent, and to stay within the required setback an additional 10 percent of area would be lost.

The Board questioned if the policy of rebuilding a legally existing structure in the original manner applied in this instance. Tucker provided detail on the policy and explained that because there was no original permit for the structure the policy did not apply to this situation.

Tucker further clarified for the Board the functional size provision for unheated, enclosed, screened or open porches as covered by City ordinance.

Collins closed the public hearing.

Ostlind moved to approve the requested variance; Berenyi seconded.

**Review of Standards:**

**Standard 1:** The Board noted the lot is irregularly shaped with a portion of the house situated in the rear yard setback. However lot irregularity is not necessarily unique as this is a similar feature of other lots on the cul-de-sac and in the surrounding neighborhood.

**Standard 2:** The Board determined that the proposal does not conflict with the intent of the code.

**Standard 3:** The Board noted that compliance with the ordinance would not be burdensome as the structure could be built on a smaller scale, in compliance with the code, and still be functional.

**Standard 4:** The Board found that any difficulty or hardship is not caused by adhering to the ordinance but rather from the petitioners' interests in the

property.

**Standard 5:** The Board found that there would be no detriment to adjacent properties.

**Standard 6:** The Board concluded the structure would be in keeping with the character of the neighborhood.

The Board voted 0-4 to deny the requested variance by roll call vote.

4. [61610](#) Beth Wortzel and Jim Powell, owners of property at 3210 Cross St., request a front yard setback variance to construct a one-story living room addition onto the front of the existing two-story single-family dwelling. Alder District #13.

Tucker stated the property is zoned TR-C3 and is located in the Dudgeon-Monroe neighborhood on Cross Street which runs parallel with Monroe and Gregory Streets. Tucker explained that on this corner lot the front yard faces Western Avenue, where as the side yard faces Cross Street. Tucker noted the proposed addition, a 9 foot by 12 foot area to expand the living room, would project into the front yard setback. Tucker noted the required setback is 15 feet, the proposal provides an 11 foot 3 inch setback, resulting in the request for a 3 foot 9 inch variance.

Applicant Beth Wortzel stated that while technically the front yard faces Western Ave. and the side yard faces Cross St. the house is laid out and utilized to the side yard. Wortzel provided further details on the interior layout of the property noting that to increase their living space, this design was the best option to consider. Additionally, Wortzel submitted a written statement and photographs to further define the proposal. Wortzel noted that an alternate design plan had been considered but stated it would place the structure too close to the street, would be out of character with the neighborhood and be cost prohibitive.

Tucker clarified for the Board the required setbacks and provided information regarding the addition of the entry way to the side yard in 1968.

The Board further discussed with the petitioner alternate plan configurations for the proposed addition.

Collins closed the public hearing.

Waugh moved to approve the requested variance; Berenyi seconded.

Standard 1: The Board determined there were no unique conditions to this property.

Standard 2: The Board found that the proposed changes conflict with the intent of the code.

Standards 3 & 4: The Board noted that compliance with the ordinance would not be burdensome and that any difficulty or hardship is not caused by adhering to the ordinance but rather from the desire to change the structure.

Standards 5 & 6: The Board concluded that the added bulk of the addition projecting into the front yard setback would be detrimental to the neighboring homes and would not be in keeping with the character of the neighborhood.

The Board voted 0-4 to deny the requested variance by voice vote.

5. [61611](#) Jason Smith, representative for the owner of the property at 7 Chippewa Ct., requests a rear yard setback variance to construct a single-story screen porch addition onto the rear of the existing single-story single family dwelling. Alder District #10

Tucker stated the property is zoned TR-C1, located on the near west side between Midvale Blvd. and Glenway St. in the Nakoma neighborhood. Tucker noted the proposal is to construct a 19 foot wide by 16 foot deep screen porch, a portion of which will project into the rear yard setback. Tucker explained the required setback is 35 feet, the proposal provides a 28.61 rear yard setback, resulting in a request for a 6.39 foot variance.

Applicant Ed Corcoran stated the location of the porch was determined by where it fits best with the house, the proposed size ties in with the existing roof line, and the 19 foot width covers the back of the house without interruption. Corcoran noted that the proposed 16 foot depth would provide for more functional use. Corcoran also noted the porch is a low profile structure and with existing privacy fences and vegetation there would be no impact to neighboring properties.

The Board questioned if other options were considered for placement and size of the screen porch that would not require a variance. Jason Smith, representative for Corcoran, stated that an alternate location was considered, however locating in that area would require a flat roof to be constructed, which is less desirable for winter weather. Corcoran noted that other locations would take away from the open space in the rear yard and a smaller sized porch would be less accommodating for usage.

Collins closed the public hearing.

Berenyi moved to approve the requested variance; Ostlind seconded.

Standard 1: The Board noted that although the lot is of an irregular shape, other lots in the surrounding area are irregular as well, therefore it is not unique to this neighborhood.

Standard 2: The Board found that the proposed changes conflict with the intent of the code that is meant to keep a buffer between properties.

Standards 3 & 4: The Board determined that a smaller sized porch could be constructed to be code compliant and that any difficulty or hardship is resulting from the petitioner's interests rather than from the ordinance.

Standards 5 & 6: The Board concluded that while the proposed addition would be in the character of the neighborhood, the existing structure extends into the rear yard beyond the neighboring properties and the proposed addition would have further detrimental impact on these properties.

The Board voted 0-4 to deny the requested variance by voice vote.

**DISCUSSION ITEMS**

6. [08598](#) Communications and Announcements

**Communication:** Tucker noted that this was the first virtual meeting since moving to this format for the May 21, 2020 meeting. Tucker stated that the regular schedule for submission deadlines and meetings will be resumed however there are no new cases for the September 17, 2020 meeting so that will be cancelled.

**ADJOURNMENT**

The Board adjourned at 7:07 pm.