



City of Madison

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

Thursday, October 12, 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 5:12 pm and explained the appeals process.

Staff Present: Matt Tucker and Gretel Irving

Present: 4 - Peter A. Ostlind; Agnes (Allie) B. Berenyi; Patrick W. Heck and Dina M. Corigliano

Excused: 1 - Winn S. Collins

APPROVAL OF MINUTES

A motion was made by Ostlind to approve the August 24, 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

1. [49073](#) Angela Terrab and Steven Sanders, owners of property at 1235 E Johnson St, request a variance to construct a 7.7' wide driveway for the single-family property. Alder District #2

Tucker introduced the project as a request for a narrower than standard driveway. The actual measurement will vary from 7.7' -7.9' as the existing house is not plumb with the lot line. The measurements include an existing fence along part of the lot line which will need to be replaced due to poor condition.

Angela Terrab, one of the applicants, explained that they had considered requesting a variance from front yard parking but opted for a driveway to a conforming rear yard parking space. Ostlind questioned whether the applicants also intend to build a garage. Terrab stated they do not plan one at this time; Tucker clarified that there is sufficient space to construct a conforming garage in the rear of the house without additional variances.

Ostlind moved to approve the application; Heck seconded the motion.

Standard 1: This property is unique in the placement of the house on the property which does not allow for any conforming off-street parking. The Board agreed that a narrower drive leading to rear-yard parking was preferable to a front-yard parking variance.

2: The intent of the driveway width requirement is to ensure that a vehicle can travel the driveway without going off of the drive. In this instance, the owners acknowledge that it will be narrower.

The Board debated the impact of the driveway on the adjacent property at 1237 E Johnson and re-opened the public hearing to question the applicant. Terrab was amenable to some form of barrier between the driveway and the adjacent property provided such a barrier did not make the resulting driveway too narrow to be functional. Tucker affirmed that a condition of approval would not need to specify the exact form of barrier but could leave that to be determined by the applicant and Zoning Administrator. Edward Kuharski, member of the public, stated driveways narrow than now permitted are common in this neighborhood and still functional. The public hearing was again closed.

3 & 4. The Board agreed there were no other options for off-street parking on this property and that off-street parking was a reasonable expectation for a single-family home.

5 & 6. The Board agreed that a narrow drive would have relatively the same impact on the neighboring properties as a conforming driveway but continued to discuss concerns about whether future owners would encroach on the neighboring property, whether intentionally or unintentionally.

Ostlind amended his original motion to include a condition that the applicants work with the Zoning Administrator to include a physical barrier to prevent vehicles from leaving the drive and encroaching upon the neighboring property. Berenyi seconded the motion.

The motion passed by a vote of 4-0.

2. [49075](#)

Thomas Woody, owner of property at 3902 Fern Ct, requests a rear-yard variance to construct an attached garage addition. Alder District # 11

Tucker introduced the request as a garage addition to an existing house on a highly irregular lot- essentially a corner lot in the middle of the block. This project was affected by an amendment to the zoning ordinance in the spring of 2017 which changed the way that rear yard setbacks are measured. The intent of the ordinance change was to prevent artificial manipulation of lot lines; however, it can have a negative impact on oddly-shaped lots such as this one.

The property owners and their builder appeared. The addition will provide the minimum space needed for a two-car garage and will not affect views of the neighboring properties. The project had been designed to conform with the zoning ordinance but they have not been able to make it work with the amended version.

Ostlind asked Tucker whether this would be an appropriate case for re-designating the front yard of the property. Tucker replied that the front yard had been consistent since the property was originally developed in the 1960s. Ostlind asked for confirmation that the existing shed would be removed and that the applicants understood that they would not be able to add a new shed. Tucker confirmed that this property could not expand more than 20% of the lot coverage without requiring new variances. The applicants indicated their understanding.

Ostlind moved to approve the requested variance; Heck seconded the motion.

1. The unique aspect of this property is the highly-unusual lot shape which has the designated rear yard perpendicular to the neighboring rear yards.

2. The intent of the rear-yard setback requirement is to create a common buffer between adjacent properties, however, in this instance, the rear yard functions as a side yard. The proposed setback is consistent with a typical side yard setback of 5-6 ft.

3 & 4. The Board agreed that the applicants presented the minimum functional size for a two-car garage and acknowledged the hardship of the zoning ordinance changing mid-project. It was noted that the applicants could build two separate one-car garages which would both be in compliance but that this would be more detrimental than the proposed addition.

5. The Board agreed that the proposal would not create a detriment.

6. The Board agreed the proposal was in keeping with the neighborhood and that the scale and design blended well with the existing home.

The motion passed 4-0.

3. [48092](#)

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

This petition was referred from the July 27, 2017 meeting. Tucker explained that the revised plans would require only a side-yard variance for a part of the proposed third-story addition. The existing house sits slightly into the side-yard setback. The construction method chosen by the applicant would set the new floor on top of the existing trusses, resulting in an increase of the bulk in the setback.

Joseph Martino, the applicant, stated that the existing roof needs to be replaced due to dry rot, presenting an opportunity to expand the living space available to his multi-generational family. Martino stated that the project had been re-designed to address concerns from the board and neighbors about the bulk and design of the project. A staircase had been re-designed to eliminate the need for a second side-yard variance, gables had been added to the front elevation to break up the bulk of the building and the new windows were re-sized to match the existing windows. The building method was chosen to reduce the impact on the neighborhood by having the majority of construction take place off-site.

Edward Kuharski, member of the public, addressed the Board, noting inconsistencies within the building plans including asymmetrical dormers and non-matching soffits. He suggested an alternate construction method could avoid encroaching into the side-yard setback.

Ostlind asked Martino about the soffits and siding choices for the addition. Martino noted that the plans had been revised multiple times and may have slight inconsistencies. The soffits would be horizontal and the addition would use fiber-cement siding. He stated that the existing house has a thick stucco exterior and he'd been unable to find a contractor who could replicate it. Lap siding is common on the block and would be more attractive than mismatched and inconsistent layers of stucco.

Ostlind moved that the variance be granted with the conditions that the applicant use horizontal soffits and fiber-cement siding on the third-floor addition. Heck seconded the motion.

1. The existing house sits in the side-yard setback. Staff has confirmed that, accepting the applicant's assertion that the existing roof needs to be replaced, the applicant would require a variance irregardless of whether they add on to the height of the building.

2. The proposal is a modest encroachment relative to the existing house. The proposal would have a minimal impact on neighboring properties relative to the existing house.

3 & 4. Ostlind noted that the Board has a history of allowing property owners to build walls above existing walls when those properties were built under earlier iterations of the zoning ordinance. Corigliano noted that the applicant had made significant changes to the project in order to minimize the requested variance. The Board discussed alternative methods of construction and

whether the alleged hardship was truly driven by the existing conditions rather than a present owner's desire for additional living space.

5. Corigliano noted that the height of the building could increase several stories by right and questioned whether moving the side wall into conformity would improve the appearance of the building or its impact on neighboring properties. While acknowledging slight asymmetries in the presented plans, the Board concluded that the average viewer would not perceive the difference.

6. The design changes including the gables and resized windows are more compatible with the neighborhood. After discussion, Ostlind amended his original motion to include either fiber-cement siding or hard-coat stucco for the third-story addition exterior. Heck agreed to second the amended motion.

The amended motion was approved (4-0).

4. [08598](#) Communications and Announcements

The Board will not meet on October 26.

ADJOURNMENT

The meeting adjourned at 6:59 pm.