



# City of Madison

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

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Thursday, July 14, 2016

5:00 PM

215 Martin Luther King, Jr. Blvd.  
Room LL110 (Madison Municipal Building)

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### CALL TO ORDER / ROLL CALL

Corigliano called the meeting to order at 5:03 pm. The meeting took a brief break due to the incorrect room number being printed on the Agenda. The meeting resumed at 5:12 pm.

**Staff Present:** Matt Tucker and Katrina Barger

Corigliano explained the appeals process.

**Present:** 4 - Peter A. Ostlind; Susan M. Bulgrin; Dina M. Corigliano and Frederick E. Zimmermann

**Excused:** 2 - Winn S. Collins and Agnes (Allie) B. Berenyi

Excused: Savion Castro

### APPROVAL OF MINUTES

A motion was made by Bulgrin to approve the June 23, 2016, minutes, seconded by Zimmermann. The motion passed by voice vote/other, with Corigliano abstaining.

### DISCLOSURES AND RECUSALS

Ostlind stated that he is an acquaintance of Elena Duncan's because they attend the same class but that it will not affect his actions on the 1011 Sherman Avenue variance request.

### PETITION FOR VARIANCE, AREA EXCEPTIONS OR APPEALS

1. Brett Gann owner of property located at 2817 Kendall Avenue, requests a driveway width variance to construct a driveway in the front yard setback area.

Ald. District #5

Tucker introduced the project as having a zoning code requirement of a garage space width that equals 10' ±, while constructing the new driveway wider than the legal parking area it leads to, resulting in the creation of a front yard parking area would provide a 15' setback. Therefore, the owner is requesting a 5' ± wider driveway in a portion of the front yard setback. Tucker stated that this project has already been built.

Joe Hanauer, the owner's representative, stated that the property is unique

because the garage is in the basement and the driveway is hidden. Hanauer stated that prior to the project being completed, the car doors would hit the retaining walls. Hanauer said that the intent of the proposed project is to fit one car and have a 5' walkway adjacent to the driveway. He advised that redoing the driveway was not in the original plan but replacing the retaining walls turned into a bigger project and ruined parts of the driveway.

Brett Gann, the owner of the property, stated that the retaining walls were the original walls and needed to be replaced. Gann stated that it was very difficult to get into and out of a car and that the intent was to fit one car and have a 5' walkway adjacent to the driveway.

Ostlind confirmed that all of the retaining walls were removed and replaced. Hanauer stated that the right retaining wall had to stay in the same position to maintain access to get into the backyard and that there is a walkway with a large drop off that would make moving it to a different location difficult.

Corigliano asked the applicant why he had requested to widen the curb cut. Gann stated that it would make it easier getting in and out of the driveway with the intersection and traffic.

Bulgrin asked the applicant if the size of the driveway addition could accommodate a second vehicle. Hanauer stated that it is 15' wide and could not fit two vehicles.

Ostlind stated that the City of Madison allows 7.5' wide parking stalls but that it is too shallow to be a legal parking spot. Ostlind suggested that per the Staff Report recommendation, they could lengthen the driveway slab to ensure a car would not hang over the sidewalk for safety purposes. Hanauer stated that he thinks that would be difficult since he would have to move the retaining walls and that it might affect the stairs.

Ostlind then suggested that the applicant could separate the walkway and driveway. Hanauer introduced two drawings with ideas on how to separate the two spaces. Tucker stated that this is the first time that he has seen these two drawings and that they would not be acceptable to the City of Madison. Tucker advised that there would need to be a raised level or physical barrier that clearly separates the driveway from the walkway. Gann stated that although they could create the separation, it would affect their main hardship of getting around a vehicle.

Corigliano introduced an email that was written by Jennifer Smith and Brian Erskine, who own a home on Kendall Avenue. They are in favor of the proposed variance request.

Bulgrin motioned to approve the variance request, seconded by Ostlind.

Board members discussed that the property is unique because of the slope and the limited amount of space. Board members stated that they did not believe that the intent of the proposed variance request was keeping with the City of Madison Zoning Ordinance because it was creating front yard parking. Board members stated that the project was already built without obtaining the necessary approvals and permits. Board members were concerned that having a vehicle parked in the driveway addition could negatively impact the

sidewalk. Board members agreed that driveway widths vary throughout the neighborhood. Board members were concerned that if this variance request was approved that it could possibly lead to similar variance requests throughout the neighborhood, creating more front yard parking.

The motion for approval failed (0-4) by voice vote/other.

2. Robert and Margaret Foulks owners of property located at 2802-2804 Monroe Street, requests a useable open space variance to construct a single-story rear open porch addition.

Ald. District #13

Tucker introduced the project as having a zoning code requirement of 1,000 sq. ft. of Useable Open Space (UOS), while constructing the rear facing 12'w x 10'd open porch from the owner's dwelling unit would provide 770 ± sq. ft. of UOS. Therefore, the owner is requesting 230 ± sq. ft. loss of UOS. Tucker stated that the work has already been started.

Margaret Foulks, owner of the property stated that this is their retirement home. She wanted to add a porch with covered access for shelter and to have outdoor living space. Foulks stated that this property is unique because it is the only side by side duplex in the neighborhood and that the backyard is actually considered their side yard.

Corigliano asked Tucker if this was considered two separate buildings. Tucker stated that it is considered a single-story two-family twin. Corigliano asked the applicant if the intention was to keep the porch open. Foulks stated that they will keep it open.

Tucker stated that the property contains a legal non-conforming parking condition that creates a potential safety hazard between pedestrians and vehicles. Tucker said that the Board members should consider a further reduction of the UOS requirement, to modify the parking area to a compliant condition. The compliant condition would be to extend the parking area 4' deeper into the lot. Foulks stated that she would not be opposed to the further reduction of UOS to make the parking area code compliant.

Foulks said that giving up one parking space is not an option. Tucker advised that the parking requirement is at a direct competition with the UOS requirement but that two parking spaces are needed.

Zimmermann motioned to approve the variance request, seconded by Bulgrin.

Board members discussed that the property is very unique because it is a two-family twin in this neighborhood, the size of the lot and how narrow it is. Board members agreed that the applicant does have a hardship trying to accommodate parking and having the required amount of UOS. Corigliano stated that she believes the current parking condition poses safety issues and that she thinks that is more important than having the required amount of UOS. Board members agreed that the proposed project should have no impact on neighbors.

Peter suggested that they add two amendments onto the motion to approve. The first amendment is that the covered porch remains open. The second amendment is to extend the parking area 4' deeper into the lot (to the north),

resulting in two 9' x 18' stalls (an 18' x 18' square) with a 4' driveway, which would result in an additional Useable Open Space (UOS) reduction.

Zimmermann accepts the two amendments added to the motion to approve the variance request, seconded by Bulgrin.

The motion for approval passed (4-0) by voice vote/other.

3. Elena and Thomas Duncan owners of property located at 1011 Sherman Avenue, requests a useable open space variance to construct a detached accessory structure.  
Ald. District #2

Tucker introduced the project as having a zoning code requirement of 750 sq. ft. Useable Open Space (UOS), while constructing a new 15' -3"w x 22'd detached garage with upper storage area would provide 625 ± sq. ft. of UOS. Therefore, the owners are requesting a 125 ± sq. ft. variance. Tucker stated that the current garage setbacks are non-compliant and the proposed project will move them to a location that is code compliant.

Jim Glueck, the owner's representative stated that the lot is undersized for being in a TR-C2 district and that it is very narrow. The house is situated on an angle with a shared drive.

Corigliano asked if a single car garage would meet the UOS requirement and Glueck stated that it would still need a variance.

Ostlind suggested that the stairs could be on the outside but Glueck said that if you have a finished space you would want to be able to access it all year and it would be easier to access if they were interior stairs. Tucker stated that adding exterior stairs would consume Useable Open Space.

Tucker stated that any functional garage would require a UOS variance. He said that the applicants are lacking storage and in order to remain functional, the proposed project of 15' wide would be the smallest they could go.

Ostlind motioned to approve the variance request, seconded by Bulgrin.

Board members discussed that the property is very unique because of the size and shape of the lot and the shared driveway. Board members agreed that any functional garage would require a UOS variance. Board members said that the backyard will remain functional. Board members discussed that the current garage is non-compliant with the side and rear yard setbacks and that the proposed garage will have code compliant setbacks. They agreed that the proposed project will improve the setbacks for two neighboring properties.

The motion for approval passed (4-0) by voice vote/other.

4. Anthony and Denise Schroeckenthaler owners of property located at 906-908 Laurie Drive, requests a variance to eliminate the code compliant parking area and driveway width variance to construct driveways in the front yard setback area.  
Ald. District # 20

Corigliano stated that the Zoning Board of Appeals variance request for 906-908 Laurie Drive has been deferred until the next meeting.

5. Timothy and Anna Stieve owners of property located at 1829 Spaight Street, requests a front yard setback variance to reconstruct an existing unheated front porch into heated spaces.  
Ald. District #6

Tucker introduced the project as having a zoning code requirement of 15.88' front yard setback, while removing the enclosed unheated front porch atop existing basement area and reconstructing as a conditioned space for the home would provide a 14.0' setback. Therefore, the owner's are requesting a 1.88' front yard setback variance.

Timothy Stieve, owner of the property stated that they are not moving the front wall, just enclosing it. Stieve said that the basement fully extends to the front of the house and the front wall sits on it. He said the main intent is to create a new living space that they could take advantage of because they have a large hallway that does not have a good purpose.

Corigliano stated that the exterior of the proposed project and the existing are very similar except the windows will now match the rest of the house.

Ostlind brought up his concerns of the proposed project not looking like a porch. He stated that the windows don't wrap around the sides. Stieve advised that it would be difficult to have windows wrap around the sides because of the wind brace requirements. Stieve also stated that the house does not have a lot of wall space.

Stieve stated that the roof structure and the foundation will stay the same. The floors will need to be reconstructed.

Bulgrin asked if the steps to the street would be code compliant. Tucker stated that the steps are allowed as a projection into the setback. Stieve stated that they will be doing a reconstruction of the landing and steps to make code complaint, since there is currently no landing.

Zimmermann motioned to approve the variance request, seconded by Ostlind.

Board members discussed that this property is unique because there is an existing foundation beneath the porch and the placement of the house. Board members stated that the foundation is an existing condition that can't easily be changed. They agreed that this proposed project does not change the bulk and that the applicant is changing the front of the house to look more like the rest of the house as is consistent with the rest of the neighborhood.

The motion for approval passed (4-0) by voice vote/other.

6. Jeff Skaife, owner of property located at 3522 Dennett Drive, requests a front

yard variance to construct a new single-story addition onto their single-story single family home.

Ald. District #15 Ahrens

Tucker introduced the project as having a zoning code requirement of 16' 8" setback, while constructing the single story conditioned and heated space for the home, matching the front yard setback, side walls and roof of existing home would provide a 11' 7" setback. Therefore, the owner is request a 5' 1" variance. This case was deferred from the April 28, 2016 meeting.

Dan Baldrige, the owner's representative, stated that the applicant took the Board members suggestions to make it look like an actual porch not an addition to the house. Baldrige stated that they dropped the roofline of the proposed porch to have separation between the house and the porch. They added a vertical strip between the house and porch to give visual separation. They modified the plans to have double hung windows on the sides of the porch to match the rest of the house and returned the stone around the bottom of the porch up to the house.

Bulgrin wanted to clarify that there were no safety issues with the proposed design. Tucker advised that no portion of this project goes into the vision triangle and that the existing steps will be taken out of part of the vision triangle.

Zimmermann motioned to approve the variance request, seconded by Ostlind.

Board members discussed that the homeowner did incorporate the Board members suggestions from the previous meeting on April 28, 2016. They felt that the new proposed design does look like a porch, not just an addition to the house. Board members agreed that the new porch does fit the characteristics of the neighborhood.

The motion for approval passed (4-0) by voice vote/other.

7.

Jason and Shannon Lessner, owners of property located at 212 N. Allen Street, request a variance for the placement of a detached accessory structure less than three feet from rear and side lot lines.

Ald. District #5 Bidar-Sielaff

Tucker introduced the project as having a zoning code requirement of 3' minimum setback to property lines, while demolishing the existing 12'W x 22'D single car detached garage and constructing a 24' W x 22' D detached garage would provide a 1' rear and 1' -1" side setback. Therefore, the owners are requesting a 2' rear and 1' 11" side variance. This case was a referral from the April 28, 2016 meeting.

The owners nor the representative were present at the meeting. No new materials were submitted prior to this meeting.

Corigliano stated that the applicants currently have a single car garage with a paved parking space next to it and want to make that into a bigger garage utilizing the paved space. Corigliano said that the applicant said that it would be difficult to get a car into a smaller garage. Corigliano said that the applicant stated at the last meeting that the garage would be within the drip line of the tree if you orientate it differently.

Zimmermann suggested that the applicant could use pull down stairs.

Corigliano stated that there is no maintenance agreement with the neighboring properties.

Tucker stated that no new materials were submitted and that there was no further communication after the last email with the applicant stating their disappointment with the outcome of the April 28, 2016 meeting. There was multiple attempts to try and reach the applicants prior to this meeting.

Ostlind motioned to approve the variance request, seconded by Bulgrin.

Board members discussed that there is no maintenance agreement with the neighboring properties. Board members were concerned that the proposed project would negatively impact adjacent neighbors with the added bulk and the garage being right on the lot line. Board members stated that a two car garage with a second story is not common in the neighborhood. Board members believed that they could build a garage that doesn't need a variance.

The motion for approval failed (0-4) by voice vote/other.

#### DISCUSSION ITEMS

8. Communications and Announcements

Tucker announced that there will be a July 28, 2016 meeting.

#### ADJOURNMENT

The meeting adjourned at 7:40 pm.

Matt Tucker  
City of Madison  
Zoning Board of Appeals, (608) 266-4569  
Wisconsin State Journal, July 7, 2016