



City of Madison

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

Thursday, November 9, 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 5:03 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 Heck to approve the October 12, 2017 minutes, seconded by Berenyi, with a correction to the sixth paragraph on page 2. The motion passed (4-0) by voice vote/other.

DISCLOSURES AND RECUSALS

PETITION FOR VARIANCE

1. [49372](#) Dan Holvick and Stephanie Mader, owners of property at 4146 Veith Ave, request a lakefront setback variance to construct a two-story addition to the rear of the existing single-story single-family dwelling.
Alder District 18

Tucker introduced the project as a two-story addition to the existing house with an exposed basement. He noted that corrections had been made to the setbacks listed on the application, reducing the requested variance from 15.1' to 8.9'.

Steve Shulfer, architect for the project, described the main challenge for this property as the inlet on the adjacent property, which is used to determine the lakefront setback. Shulfer showed a map of the shoreline and argued the proposed project, while sitting in the legal setback, would actually bring the property more into alignment with its neighbors.

Tucker affirmed to the Board that the setback is measured to the closest point of the shoreline whether or not that point is on the subject property. However, he stated this is not a unique condition as it would also affect the neighboring properties. Tucker added the intention is to generally align properties with varying shorelines to preserve the viewshed of each but also to protect the most vulnerable parts of the shoreline itself.

Board members asked Shulfer to address the third and fourth standards- that compliance would be unnecessarily burdensome and that the alleged hardship is created by the ordinance rather than the present owner's desires. Shulfer described the current house as small for a lakefront property. The placement of rooms in the proposed addition is designed to allow for expansion of the garage and to avoid blocking views of the lake from the house. The section labeled "phase 2 expansion" is intended for a three-season porch, similar in style to the neighbors and designed to protect the lake view of adjacent properties.

Board members discussed whether expectations of a lakefront house rose to the level of hardship and whether a reasonable addition could be added within the setbacks.

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

Review of Standards:

Standard 1: Board members concluded that the size and shape of the lot were not unique and that the irregular shoreline and methods of measuring used by the City were also not unique to this property.

Standard 2: Board members accepted the applicant's argument that the proposed addition would not be out of line with the neighboring properties but were concerned that the use of the new space was not clearly indicated on the plans. Members also expressed concern about setting a precedent of alignment with other properties as a justification for creeping ever closer to the lakeshore.

Standards 3 & 4: Board members agreed that the applicant had options for expanding the house within the setback and had not provided clear evidence that compliance would be burdensome or prevent reasonable use of the property.

Standard 5: Board members concurred that the proposal had only a slight impact on the neighboring properties.

Standard 6: Board members agreed that as this neighborhood was already quite varied in architecture, the design and scale of the proposal would be in keeping with the character of the neighborhood.

There was discussion about whether a revised proposal which reduced the encroachment would be acceptable to the Board; several members stated that they would need to see new evidence that a hardship existed rather than a reduced encroachment to reconsider this case.

The motion failed by a vote of 0-4.

DISCUSSION ITEMS

The Board discussed an amendment made in March 2017 to the zoning chapter of the Madison General Ordinances with regard to the calculation of rear-yard setbacks. The Board discussed with staff the purpose and intent of this section of the ordinance, the purpose and intent of the amendment and potential impacts on existing properties.

2. [08598](#) Communications and Announcements

The Board will not meet on November 30, 2017.

ADJOURNMENT

The meeting adjourned at 6:45 pm.