



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Meeting Minutes - Approved ZONING BOARD OF APPEALS

Thursday, May 11, 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: Matt Tucker and Gretel Irving

Present: 4 - Peter A. Ostlind; Patrick W. Heck; Dina M. Corigliano and Winn S. Collins

Excused: 1 - Agnes (Allie) B. Berenyi

APPROVAL OF MINUTES

A motion was made by Heck to approve the April 27, 2017 minutes, seconded by Ostlind, with correction of two typos. The motion passed (4-0) by voice vote/other.

DISCLOSURES AND RECUSALS

There were no recusals or disclosures.

PETITION FOR VARIANCE OR APPEALS

1. [47110](#) Mandy Varda and Chris Wolfe, owners of property at 42 Corry St, request a front-yard variance to enclose a portion of the existing first-story-level front porch.

Tucker introduced the project. The applicant wishes to enclose a portion of the front porch to create a mudroom/entry. The applicant explained that there is insufficient space on the sides of the house to allow expansion there. The interior layout of the house limits creation of an entry room on the interior. The applicant reported that his immediate neighbor also has an enclosed porch so this project would fit in with the rest of the neighborhood.

Collins moved to approve; Ostlind seconded the motion.

Standard 1: The board agreed that the placement of the existing house on the lot limited the homeowners' options and that an entryway is a commonly expected feature in residential housing.

2: The applicant has met this standard by keeping part of the porch open, maintaining the interaction with the street. There are several other enclosed porches on this block; the design blends in well.

3 & 4. While a mudroom/entryway is not strictly needed, it is a reasonable expectation and the scale of the request is appropriate to the neighborhood. The Board agreed with the applicant that it would be difficult to add this use to a different area of the house or lot.

5. The Board noted that the neighbor most affected by this change had also enclosed their porch.

6. The Board found the design was typical of the neighborhood.

The motion passed by a vote of 4-0.

2. [47111](#)

Rae Kaiser and John Ganahl, owners of property at 1509 Morrison St, request a rear-yard variance to construct a second-story screen porch atop an existing second-floor deck.

Tucker introduced the property as a staggered three-unit residential building. The applicant is proposing to add a screen porch on the second story. As noted in the staff report, while the property is on the lake-front, the requested variance is for the rear-yard setback.

John Mulligan, speaking on behalf of the applicants, explained that the flat roof on this portion of the existing first story has been a source of constant water leaks. The screen porch is intended to prevent future water damage by replacing the existing rubber membrane roof, adding a second roof above that and adding screens to limit snow and ice buildup. The Board questioned what other options the applicants had explored, including replacing the roof 'as-is' and raising the pitch of the roof. The applicant wasn't sure whether the roof had been fully replaced but stated the roofers she had met with did not think it was feasible to increase the pitch of the roof enough to prevent future water problems. The adjoining condos have had similar problems and already completed remodeling projects. Adding the porch would match the existing design and style of the building more than changing the pitch of the roof.

Ostlind moved to approve; Collins seconded the motion.

1. This property is unique to this neighborhood in having three units. The variance is caused by the location of the existing building on the lot as the proposed addition would not extend past the existing footprint.

2. Collins noted that as the setback faces the lake, in practical terms, no neighbors would be affected. Ostlind argued that the increased bulk would affect the side neighbors' sightlines.

3 & 4. Several board members felt the unique design of the building combined with the hardship of the water damage created by the flat roof/deck design met these standards. While the applicant could create a smaller porch without a variance, that design would not match the rest of the building. Ostlind stated that a screen porch was unnecessary to prevent water damage and that the applicant had not identified other reasons for needing this variance. Corigliano stated that the applicants' motives were less important than the actual impact of the variance.

Upon a motion by Collins, seconded by Ostlind and approved 4-0, the Board

reopened the public discussion in order to obtain additional information from staff about the history of the roof. The Board then voted (4-0) to reclose the public part of the hearing.

5. The Board concurred that while the variance would cause some detriment to the neighbors, it was not a substantial detriment.

6. The design would maintain the architectural style of the building.

The motion passed 3-1, with Ostlind voting against the variance.

3. [47112](#)

Jan and Jim Eisner, owners of property at 5114 Spring Ct, request a lakefront setback variance to construct a second-story addition and fireplace onto an existing single-story single-family home.

Tucker introduced the request by explaining how the Ordinary High Water mark (OHW) is used to determine the lakefront setback. Due to an existing sea wall, the OHW juts in at this property. With the requested additions, this building would still be located further from the shoreline than either neighbor. The DNR has confirmed that no alterations are permitted to the seawall or the OHW.

Scott Johnson, representing the applicants, noted that the expansion of the house is limited by a sewer easement in addition to the seawall and the majority of the addition will use the existing foundation. The applicants are requesting to expand two feet farther towards the lakefront for a fireplace and chimney. The location of the fireplace reflects the interior floor plan and is intended to avoid a parapet and maximize the amount of windows facing the lake. Tucker noted that the ordinance does allow a two foot intrusion for fireplaces into the rear-yard and side-yard setbacks; it is only the lakefront setback that requires a variance. Johnson acknowledged that the fireplace could be located on either side without the variance but argued that this would not make sense from the perspective of room layout and traffic flow.

Alice Erickson, owner of property at 5109 Spring Ct, appeared in support of the variance.

Collins requested that the variance be divided into the second story addition and the fireplace addition.

Collins moved to approve a variance for the second story addition; Ostlind seconded the motion.

1. The notch in the Ordinary High Water Mark separating this lot from the adjoining lots as well as the location of the neighboring houses closer to the shoreline are both unique factors for this property.

2. While the goal of this regulation is to create uniformity, the unique conditions of this lot limit that possibility.

3 & 4. The proposed second story uses the existing foundation and requiring conformity would create a financial burden as well as an undesirable living space.

5. The Board agreed that adding a second story would have the same impact regardless of whether it was in the setback or outside of it.

6. The scale and design of the request are in keeping with the character of the neighborhood.

The motion passed by a vote of 4-0.

Ostlind moved to approve the requested two foot variance for a fireplace; Collins seconded the motion.

The Board agreed that the earlier discussion of standards 1, 2, 5 and 6 applied to this motion. The Board disagreed about whether standards 3 and 4 had been met. Collins argued that the applicants could build a fireplace without a variance by revising the interior designs and had not shown that compliance would “unreasonably prevent use” or would be “unnecessarily burdensome”. Corigliano countered that while the fireplace may not be necessary, it was not unreasonable for the neighborhood, was a minimal intrusion and that the applicants had shown the location made the most sense for the use of the home.

The motion passed by a vote of 3-1 with Collins voting against the variance.

4. [08598](#) Communications and Announcements

Tucker announced the Board would next meet on May 25.

ADJOURNMENT

The meeting adjourned at 7:45 pm.