



# 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, June 13, 2013

5:00 PM

215 Martin Luther King, Jr. Blvd.  
Room LL-110 (Madison Municipal Building)

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### CALL TO ORDER / ROLL CALL

Basford, chair, called the meeting to order at 5:06 pm and explained the appeals process.

**Staff Present:** Matt Tucker and Chrissy Thiele

**Present:** 4 -

John W. Schlaefler; Susan M. Bulgrin; Dina M. Corigliano and Michael A. Basford

**Excused:** 2 -

Diane L. Milligan and Frederick E. Zimmermann

### APPROVAL OF MINUTES

Schlaefler motioned to approve the minutes, seconded by Corigliano, with the correction of a typing error on the third page. The motion passed by voice vote/other w/ Bulgrin and Corigliano abstaining.

### DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

### PETITION FOR VARIANCE OR APPEALS

1. [30418](#) David Panofsky and Patricia Smith, owners of property located at 448 Jean Street, request a side yard variance and a variance to construct a third story addition onto their two story single family home.  
Ald. District #2 Zellers

**Attachments:** [448 Jean St.pdf](#)

Tucker introduced the project as having a zoning code requirement of 4' side yard setback and two stories are allowed as the maximum, while the proposed project would provide a 3' setback as well as a third story. Therefore, the owners are requesting a 1' side yard variance and a variance to construct a third story.

David Panofsky explained to the board members that his home needs space for books he has acquired over the years as well as a study place for his children. He also needs to replace and re-insulate his roof and would like to add solar panels. He stated he has had a lot of support from the surrounding neighbors for this project. He thought that adding a dormer to just accommodate the stairs wouldn't be cost effective and he wanted to preserve

as much of the roof as possible. Panofsky informed board members that most of the property owners on Jean Street either have a finished basement or a finished attic.

Tom Haver stated that currently there is no head room when you first enter the attic and they were looking for ways to increase the volume in the attic so it could be usable. They thought of removing the roof and adding a steeper pitch, but they thought the current proposal would be better.

Sarah Dunning, a resident of Jean Street, thought the design is attractive and similar to a house on the corner of Elizabeth and Jean. She stated that his neighbor to the North prefers it to a dormer as there wouldn't be any added windows that could look into his house.

Alder Zellers thought the expansion would be good for the neighborhood.

Corigliano motioned to defer the variances to a ZBA meeting no later than August 22nd, seconded by Schlaefer.

Tucker explained why this project is considered an additional story versus being a dormer. He also described other possibilities that the applicant could do to increase the head room and usable space and wouldn't require a variance for a third story.

Board members determined that there were other options the applicant could do to increase the headspace and usable space without needing a third story variance. They also felt the applicant hasn't proven this meets the all the standards for a variance and the reasons they have provided aren't germane to the standards.

The motion to defer the variances to a ZBA meeting no later than August 22nd passed (4-0) by voice vote/other.

2. [30419](#)

Raymond Kacvinsky, owner of property located at 309 Glenway Street, requests a side yard variance to construct a second story addition onto their single story single family home.

Ald. District #5 Bidar-Sielaff

**Attachments:** [309 Glenway St.pdf](#)

Tucker introduced the project as having a zoning code requirement of 6' side yard setback, while the second story addition would provide a 4.6' setback. Therefore, the owners are requesting a 1.4' side yard variance. Property is zoned TR-C2.

Eric Donovan, the owner's representative, stated they are adding the second floor to accommodate the family moving in and tried to design the project so it wouldn't detrimentally impact the surrounding neighbors. He also stated that complying with the ordinance would result in an asymmetrical look that wouldn't fit with the neighborhood, would be difficult to construct, and the existing house would remain in the setback.

Schlaefer motioned to approve the variance, seconded by Bulgrin.

Board members determined that the existing house is already infringing in the

side yard setback and the second floor addition fits with the neighborhood, as there are other homes in the neighborhood with similar designs. They also believed that the proposed addition wouldn't detrimentally affect the surrounding property owners and complying with the zoning code would be burdensome.

The motion to approve the variance passed (4-0) by voice vote/other.

3. [30421](#)

Kathryn and Aaron Steffenhagen, owners of property located at 2209 Regent Street, request a front yard variance and a third story variance to construct a basement-level attached garage addition to their two story single family home.  
Ald. District #5 Bidar-Sielaff

Attachments: [2209 Regent St.pdf](#)

Tucker introduced the project as having a zoning code requirement of 16' 3" front yard setback and two stories are allowed as the maximum, while the construction of the basement level attached garage addition would provide a 12' 4" setback. Therefore, the owners are requesting a 3' 11" front yard variance and a 3rd story variance, as over 50% of the basement addition would be exposed.

Aaron Steffenhagen explained that one of the main reasons for this variance is for the safety of his family and Regent Street pedestrians. The site topography is very steep and is the primary hardship. His current driveway is steeper than what would be allowed today and becomes unsafe in the winter. He described other possible options besides this proposed addition, but they didn't alleviate much of the safety concerns that they had. Steffenhagen stated this addition would also improve the useable space in the front yard. He also stated that he talked to the surrounding neighbors of the proposed addition and pointed out letters of support from a few of them. The existing garage in the rear yard will be demolished, but the concrete foundation will remain, and the driveway will be torn out.

Schaefer motioned to approve the variance, seconded by Corigliano.

Board members found the topography to be a hardship and the proposed garage addition is safer than what the owners currently have. The proposed addition is also similar to what many other homes in the area have and therefore fits with the neighborhood.

The motion to approve the variance passed (4-0) by voice vote/other.

4. [30417](#)

Harold & Charlette DeVoss, owners of property located at 1029 Troy Drive, request a side yard variance to expand and enclose the existing carport on their two story single family home.  
Ald. District #18 Weier

Attachments: [1029 Troy Dr Amended.pdf](#)

This item has been referred to the June 27th meeting.

5. [30422](#) Nolen Hotel Investment, LLC, owner of property located at 610 John Nolen Drive, requests a setback variance for the front parking and drive aisle of a new hotel development.  
Ald. District #14 Strasser

**Attachments:** [610 John Nolen Dr.pdf](#)

Tucker introduced the project as having a zoning code requirement of 25' setback for parking and a drive aisle, while the construction of a new hotel and office building would provide a 10' setback. Therefore, the owners are requesting a 15' setback variance. Property is zoned SE.

Josh Wilcox, the owner's representative, informed board members that the irregular shape of the lot and limited access to the site from the cul-de-sac make it difficult to comply with the ordinances. He pointed out that the owner of the office building next to their site does support their project, and there is an easement agreement for the office drive aisle, but it wouldn't work to make that the hotel's access point as well. Wilcox also pointed out that if they were to comply with the setback requirements, they would have to push the hotel further back and would then lose a fair number of parking stalls. He explained that with the setback variance, it creates efficient traffic flow and fire access and they are able to keep the appropriate amount of parking spaces. To compensate for the 15' setback loss, they will make sure the front area is heavily landscaped to hide the cars. He added that the request includes a future office building that hasn't been developed yet.

Tucker informed board members that the distance from the hotel property line to the bike path is about 42' and the distance from the hotel property line to John Nolen is about 75'.

Alder Strasser expressed his support for the variance.

Corigliano motioned to approve the variance, seconded by Bulgrin.

Board members agreed the irregular shape of the lot is a hardship and there are many other things this development has to be compliant with which drives the need for this variance. They also stated the development wouldn't create substantial detriment to the surrounding properties, it fits in with the neighborhood, and the way the lot is laid out as well as the distances from the bikepath and the street meet with the spirit of the code.

The motion to approve the variance passed (4-0) by voice vote/other.

6. [30423](#) Rich Klinke, owner of property located at 6698 Odana Road, requests a front yard variance to construct a new retail building.  
Ald. District #19 Clear

**Attachments:** [6698 Odana Rd.pdf](#)

Applicant requested to refer the hearing to the July 25th meeting.

**DISCUSSION ITEMS**

7. [08598](#) Communications and Announcements

**There were no communications or announcements.**

**ADJOURNMENT**

**Meeting adjourned at 6:10 pm.**

**Matt Tucker  
City of Madison  
Zoning Board of Appeals, (608) 266-4569  
Wisconsin State Journal, June 6, 2013**