



City of Madison

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

Meeting Minutes - Approved ZONING BOARD OF APPEALS

Thursday, October 10, 2013

5:00 PM

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

CALL TO ORDER / ROLL CALL

Basford, chair, called the meeting to order at 5:02 pm and explained the appeals process.

Staff Present: Matt Tucker and Chrissy Thiele

Present: 5 -

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

Excused: 2 -

Diane L. Milligan and Frederick E. Zimmermann

APPROVAL OF MINUTES

Schlaefler motioned to approve the minutes, seconded by Bulgrin. The motion passed by voice vote/other, with Collins abstaining.

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

PETITION FOR VARIANCE OR APPEALS

1. [31755](#) JCH Properties, owner of property located at 140 Iota Court, requests a lakefront yard setback for new balconies on a 38 unit apartment building.
Ald. District #2 Zellers

Attachments: [140 Iota Ct.pdf](#)
[Link to 140 Iota Court ZBA meeting 12/13/12](#)
[140 Iota Ct Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 45.7' lakefront yard setback, while replacing the French balconies with walk-out balconies would provide a 33.4' setback. Therefore, the owners are requesting a 12.3' lakefront yard variance. He also informed board members that this property came before them for a variance in December of 2012, and has since been rezoned a PD.

Randy Bruce, the applicant's representative, reminded board members that they had approved the enclosure of the balconies of the original building back in December of 2012, to provide more living space to the rental units, as well as install French balconies on the lake side of the building. They have now decided that the French balconies do not provide enough utility for the residents and are looking to replace them with walk-out balconies, yet still be

small enough that they don't encroach too far into the setback. The balconies will only exist on the floors above the first floor and will be cantilevered off the face of the building. Bruce also explained that their property is unique as the building was built before the lakefront setback requirement was created.

Tucker explained to board members how the lakefront setback is determined in the zoning code.

Schlaefer motioned to approve the variance, seconded by Corigliano.

Board members determined that the location of the building on the property creates the hardship, as the setback is created by neighboring buildings located further back on their properties. They agreed that the proposed balconies wouldn't detrimentally impact the surrounding properties and found it to be a common amenity for buildings in this area to have this feature.

The motion to approve the variances passed (5-0) by voice vote/other.

2. [30942](#)

Asifa Bano Quraishi-Landes, owner of property located at 2332 West Lawn Avenue, requests a side yard variance to construct an elevated deck addition onto a two story single family home.

Ald. District #13 Ellingson

Attachments: [2332 West Lawn Ave Original.pdf](#)
[2332 West Lawn Ave Revised.pdf](#)
[2332 West Lawn Ave Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 6' side yard setback, while the construction of the deck would provide a 4.5' setback. Therefore, the owners are requesting a 1.5' side yard variance. Tucker pointed out that the applicant has revised her plans so only the supporting posts for the deck would be in the setback.

Asifa Quarishi-Landes explained that she revised the plans so only the posts would be in the setback and the living area of the deck would be built within the setback area. She pointed out that she provided support showing how the deck would block the garage if they moved the deck in, preventing her from parking in there. She also provided images that she could fit a car below the deck.

Corigliano motioned to approve the variance, seconded by Bulgrin.

Board members agreed that the sloping of the lot created a topographical hardship, and the location of the garage as well as the placement of the basement foundation and retaining wall create a hardship. They also agreed that the proposed deck would not detrimentally impact the neighboring properties. Board members debated whether or not the deck was too big, as some thought the applicant should reduce the size while others pointed out that without the noted hardships, the applicant would be allowed to build it without needing a variance. They also debated whether or not the proposed deck would fit with the neighborhood.

The motion to approve the variances passed (3-2) by voice vote/other.

3. [31436](#)

Patrick McCaughey, owner of property located at 801 Erin Street, requests a reverse-corner side yard variance and a Useable Open Space for a new home and detached accessory structure.

Ald. District #13 Ellingson

Attachments: [801 Erin St Original.pdf](#)
[801 Erin St Revised.pdf](#)
[801 Erin St Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 500 square feet usable open space and a 20' reverse-corner side yard setback, while the construction of the new home and detached garage would provide 362 sq. ft. usable open space and a 10' setback. Therefore, the owners are requesting a 138 square foot usable open space variance and a 10' reverse-corner side yard variance.

Patrick McCaughey explained to board members that he used to live on West Shore Drive when he was younger and would like to return to the area. He pointed out that this home has been vacant for awhile due to the difficulty of adding a garage. He also pointed out that the foundation and layout of the house is bad and has received a lot of support for demolishing and building a new residence. He also pointed out that the height of the house is due to having the basement built higher because of the water table.

Amy Hasselman, the owner's representative, added that if they were to keep the original house and instead just build the detached garage, they would still need a reverse-corner and a useable open space variance. She pointed out issues with current house, such as a sagging appendage off the back of the house which is used as a bedroom, only one bathroom, and how it doesn't fit standard development anymore, while the new home and detached garage would conform to the current housing market. She handed out a survey compiling various measurements of the surrounding homes. Hasselman also pointed out that they were going with a detached garage instead of an attached garage in order to reduce the amount of bulk and to keep light and air available to the side of the house.

Arlan Kay, who is also a representative for the owner, added that the size of the lot and the reverse-corner setback requirement make it difficult to build on this lot, whereas if the lot were an interior lot they would be able to count more land as usable open space.

Tucker clarified that there would most likely be a problem with the usable open space, even if the lot were interior, as the driveway would not count. He also clarified what was considered bulk.

Board members acknowledged Diane McCaughey registered in support of the variance requests, as well Doug Bingenheimer and Sheri and Scott Rose sending in letters of support.

Corigliano motioned to approve the variance requests, with the condition that the garage be shifted to the minimum setback from the side lot line, decreasing the setback to a 7' variance, seconded by Bulgrin.

Board members debated whether the size of the lot as well as the reverse-corner setback requirement were hardships, especially since the

owner plans on demolishing the original home to build a new residence. Board members agreed that it would be difficult to build a properly sized garage without needing a variance, but felt the applicant could modify the house plans to meet the usable open space requirement. They also pointed out that, with the new information the applicant's representatives handed out at the meeting, the size of the house didn't adequately fit the size of the lot, in comparison to the other homes in the area. They agreed that with the garage shifted three feet from the side lot line, there wouldn't be any detrimental impact to the surrounding properties. They also agreed that the design of the house and garage fit in with the neighborhood, but some felt the size of the house was too big for the lot.

The motion to approve the variance requests failed (2-3) by voice vote/other.

4. [31230](#)

Lake Towne Apartments, LLC, owner of property located at 622 & 632 Howard Place, requests a rear yard variance to construct a new five-story apartment building. Ald. District #2 Zellers

Attachments: [622 & 632 Howard Pl Original.pdf](#)
[622 & 632 Howard Pl Revised.pdf](#)
[622 & 632 Howard Pl Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 20' rear yard setback, while the construction of the five-story apartment building would provide a 14' setback. Therefore, the owners are requesting a 6' rear yard variance.

Mark Smith, the applicant's representative, explained to board members that he reduced the variance request, as desired by the board members, by rotating the stairway and replacing the one bedroom units with studio units. This created more space between their building and the neighboring building on 613 N. Frances Street. He also pointed out that the wall of 613 N. Frances that is adjacent to their proposed building is a blank concrete wall.

Schlaefer motioned to approve the variance, seconded by Corigliano.

Board members determined that the irregular shape of the lot creates a hardship and the applicant has minimized the protrusion of building into the setback. The applicant has also mitigated any detrimental impact their proposed building would have on the surrounding properties. Board members agreed that the proposed building is consistent with other buildings in the area and therefore compatible with the characteristics of the neighborhood.

The motion to approve the variance passed (5-0) by voice vote/other.

DISCUSSION ITEMS

5. [31818](#)

The Zoning Board of Appeals may go into closed session pursuant to Wis. Stat. Sec. 19.85(1)(g) for the purpose of conferring with legal counsel for the Board who is rendering oral or written advice concerning strategy to be adopted by the Board with respect to litigation in which the Board is or is likely to become involved.

Corigliano motioned to go into closed session pursuant to Wis. Stat. Sec. 19.85(1)(g) for the purpose of conferring with legal counsel for the Board who is rendering oral or written advice concerning strategy to be adopted by the Board with respect to litigation in which the Board is or is likely to become

involved, seconded by Bulgrin.

Ayes: Schlaefer, Bulgrin, Corigliano, Basford, Collins

Bulgrin motioned to come out of closed session, seconded by Schlaefer.

Ayes: Schlaefer, Bulgrin, Corigliano, Basford, Collins

6. [08598](#) Communications and Announcements

Winn Collins introduced himself to the board members.

ADJOURNMENT

Meeting adjourned at 7:17 pm.

**Matt Tucker
City of Madison
Zoning Board of Appeals, (608) 266-4569
Wisconsin State Journal, October 3, 2013**