



# City of Madison

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

## Meeting Minutes - Approved ZONING BOARD OF APPEALS

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Thursday, February 26, 2015

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 5:09 pm and explained the appeals process.

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

**Present:** 5 - John W. Schlaefer; Diane L. Milligan; Dina M. Corigliano; Michael A. Basford and Winn S. Collins

**Excused:** 2 - Susan M. Bulgrin and Frederick E. Zimmermann

### APPROVAL OF MINUTES

A motion was made by Milligan to approve the January 8, 2015, minutes, seconded by Corigliano. The motion passed by voice vote/other, with Schlaefer and Collins abstaining.

### DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

### PETITION FOR VARIANCE OR APPEALS

1. [37232](#) Raphael Kadushin, owner of property located at 206 N. Spooner Street, requests a side yard variance and rear yard variance to construct an attached garage onto a two-story single family home.  
Ald. District #5 Bidar-Sielaff

**Attachments:** [206 N Spooner St.pdf](#)  
[Legislative Item 36282](#)  
[206 N Spooner St. Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 5' side yard setback and a 20' rear yard setback, while the construction of an attached garage would provide a 1' 11" side yard setback and a 1' rear yard setback. Therefore, the owners are requesting a 3' 11" side yard variance and a 19' rear yard variance. Property is zoned TR-C3.

Jeff Gaard, the owner's representative, explained to board members that they altered the previous variance request of a two-story garage to just a single-story garage, with a similar footprint of the existing garage. However, they added a request to construct a bay view structure on the rear of the house, which protrudes into the rear yard setback. The proposed garage is slightly larger than the current garage, but is not any closer to the rear and

side lot lines. Instead, it only protrudes into the owners property.

Milligan motioned to approve the variance request for the garage, with the conditions that the side wall and overhang of the garage be constructed in a manner that would allow the gutter to stay on the owner's property and to obtain a maintenance agreement with the adjacent property owner, seconded by Corigliano.

Board members agreed that the placement of the house and the depth of the lot prevent the garage from being built elsewhere, making it both unique to the property and a hardship, and just about any proposed addition would require a variance. Board members acknowledged that the proposed garage will not impede any further into the setbacks and should not detrimentally affect the neighboring properties any more than where the current garage sits. They also agreed that the proposed garage fits in with the neighborhood.

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

Milligan motioned to defer the variance request for the bay view window to a meeting no later than April 9, 2015, seconded by Corigliano.

Board members requested that the applicant bring plans showing how the bay view addition would relate to the floor plan of the first and second floor, as well as an explanation of how the variance request fits the standards.

The motion to defer the bay view window to a meeting no later than April 9, 2015, passed (5-0) by voice vote/other.

2. [37233](#)

Holy Cross Lutheran Church, owner of property located at 734 Holy Cross Way, requests a variance to establish a place of worship and school in a predominantly residential area with vehicle access to a street with a classification lower than Collector.

Ald. District #17 Clausius

**Attachments:** [734 Holy Cross Way.pdf](#)  
[734 Holy Cross Way Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement for vehicular access to a collector or higher classification street, while the proposed location for the church would be located on a "local" classification street. Therefore, the owner is requesting a variance from the street access requirement. Property is zoned SR-C1. Tucker also informed board members that the project will also have to go before the Plan Commission, as well as be reviewed by Traffic Engineering.

David Baum, the applicant's architect, explained to board members that Holy Cross Lutheran Church bought the property in 2005 and worked with the city to have the property properly zoned in preparation for the church and school to be built. However, by the time the Church raised enough money to build, the City Zoning Code changed. Baum informed them that when the development was originally proposed, the street was designed to be a little bit wider to handle the extra traffic and intend for people to use the east side access street instead of driving through the residential area located to the west.

Tucker informed board members that "collector" streets are designed to carry

a higher volume of traffic and move traffic from low density development streets to arterial roads, however collector streets are not required to connect to arterial roads, local streets can connect directly to arterial roads.

Schlaefer motioned to approve the variance request, seconded by Collins.

Board members discussed how the location of the property, which is next to two highways, was unique and found it difficult to comply with the code. They agreed that even though the street isn't classified as a collector it seems to meet the intent of the code. Board members pointed out there was no other convenient way to get to the proposed church and school location. Moreover, the project was compliant with the zoning code until it changed in 2013. Board members also agreed that the proposed development wouldn't detrimentally affect the surrounding properties and was appropriate for the neighborhood.

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

### DISCUSSION ITEMS

3. [08598](#) Communications and Announcements

Tucker announced the March 6th meeting has been cancelled.

### ADJOURNMENT

The meeting adjourned at 5:48 pm.

**Matt Tucker**  
City of Madison  
Zoning Board of Appeals, (608) 266-4569  
Wisconsin State Journal, February 19, 2015