



City of Madison

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

Meeting Minutes - Approved ZONING BOARD OF APPEALS

*Consider: Who benefits? Who is burdened?
Who does not have a voice at the table?
How can policymakers mitigate unintended consequences?*

Thursday, June 15, 2023

5:00 PM

Virtual

CALL TO ORDER / ROLL CALL

Ostlind called the meeting to order at 5:04 pm.

Staff Present: Katie Bannon, Nancy Kelso, and Cary Olson

Board Members Present: 5 – Peter Ostlind, Angela Jenkins, David Waugh, Craig Brown, and Sam Fritz

Board Members excused: 1 - Allie Berenyi

APPROVAL OF MINUTES

A motion was made by Brown to approve the May 18, 2023 minutes, seconded by Jenkins. The motion passed 4-0 by unanimous vote.

PUBLIC COMMENT

1. [61712](#) Zoning Board of Appeals Public Comment Period

There were no public comments.

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

PETITION FOR VARIANCE, AREA EXCEPTIONS OR APPEALS

2. [78170](#)

Todd Jindra, owner of the property at 4809 Hillview Terrace, requests a setback variance to construct a new detached garage for a single-family dwelling. Alder District #11.

Ostlind noted a similar proposal was presented at the February 16, 2023 meeting where there were two variances requested, both having been denied.

Bannon explained how the existing structure is situated on a reverse corner lot with the front yard facing Hillview Terrace and the side yard facing Edward St. noting the significant grade changes on the lot. Bannon stated the proposal is to remodel the existing attached garage into a finished dwelling space, remove the existing driveway, and then construct a new detached garage with a story above and new driveway. Sharing photos and the submitted plans, Bannon further explained the request for an accessory building placement setback variance, noting the required setback is 30 feet and the proposal provides 20.4 feet, resulting in a request for a variance of 9.6 feet. Additionally, Bannon stated the proposal does not exceed the maximum height restriction. Bannon stated that a 45 degree transition between the width of the driveway approach and driveway is required and is recommended as a condition of approval.

Todd Jindra, owner of the property at 4809 Hillview Terrace, stated the proposed 2 car detached garage is to be built into the hillside along the west side property line fronting Edward St. with a 8'10" single story structure above. Jindra explained what has changed from the previous proposal, noting the submitted arborist report in reference to the Norway maple tree, the elimination of the variance request for eaves and gutters setback encroachment, and the inclusion of structural and landscape renderings of the proposed accessory building. Jindra explained his position regarding how the proposal meets the standards for variance.

Ostlind read into the record e-mails received from John Rudolph, property owner of 4805 Hillside Terrace, in support of the proposal, and from Paul and Joann Minko, property owners of 505 Edward St., in opposition to the proposal. Jindra took the opportunity to respond to the submitted statements.

Bannon clarified for the Board the differences in setback requirements between principal and accessory structures and how those are affected on a reverse corner lot.

Noting the significant size of the requested variance the Board questioned the possibility of reducing size while still maintaining a usable accessory structure. Jindra responded that the preference is to build the upper level on the same footprint as the lower level; however, they would consider some reduction in the size of the upper level portion while keeping the lower level garage space the size as depicted in the submitted plans. Jindra stated that with the need for one foot thick foundation walls, the desire to preserve the tree, and to maintain clearance for vehicles and a stairwell, it would be difficult to reduce the size of the lower level garage space. Bannon noted that a variance would be needed for any style of structure, below or above grade, if it projects into the setback.

The Board noted there was no discernible change in size from the previously denied proposal to what is currently submitted for consideration. Jindra acknowledged no changes were made to the overall footprint of the structure, reiterating the reasons for architectural design, tree preservation and

clearances needed in the garage area.

There was further discussion among Board members, applicant, and Zoning Administrator regarding changes to the submitted proposal, setback requirements, the standards for variances, and parameters for referral to a later meeting.

Ostlind closed the public hearing.

Brown moved to refer the requested variance to a future Zoning Board of Appeals meeting no later than September 21, 2023; Fritz seconded.

Board members discussed options available to the applicant for re-design and resubmittal needed to meet the six standards.

The Board voted 4-0 by unanimous vote to refer the requested variance.

DISCUSSION ITEMS

3. [78171](#) ZBA Board Procedures

Bannon provided an update on the Board Procedures review.

4. [08598](#) Communications and Announcements

Kelso noted the submission deadline for the July 20, 2023 meeting is Thursday June 22nd.

ADJOURNMENT

The Board adjourned at 6:40pm.