



City of Madison

City of Madison
Madison, WI 53703
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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, January 18, 2024

5:00 PM

Virtual

CALL TO ORDER / ROLL CALL

Ostlind called the meeting to order at 5:15pm.

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

Board Members Present: 4 – Peter Ostlind, Allie Berenyi, Angela Jenkins, and Sam Fritz

Board Members excused: 2 - Craig Brown and David Waugh

APPROVAL OF MINUTES

A motion was made by Fritz to approve the December 21, 2023 minutes; seconded by Berenyi. The motion passed 3-0 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. [81397](#)

John P. Ellis and Jan K. Miyasaki, owners of the property at 2830 Stevens St, request a front yard setback variance to construct a building addition on a single family dwelling. Alder District #5.

Bannon explained the proposal is to remove the existing enclosed front porch and replace it with a dwelling space addition. Bannon stated the proposed addition would be slightly wider so as to align with the existing walls of the house on the side setback, and be placed in the front yard setback area similar to the current porch structure. Utilizing the submitted plans and photos of the property to further explain the proposal, Bannon explained the zoning ordinance requires a 15 foot front yard setback, the proposal provides a 13.2 foot setback, resulting in a 1.8 foot variance request. Bannon clarified the property at 2830 Stevens St. is zoned TR-C3 with a required front yard setback of 15 feet, while the remainder of the properties to the east on Stevens St. are zoned TR-C2 with a required front yard setback of 20 feet; therefore, the difference in zoning classification helps this property in that it has a smaller required front setback. Front setback averaging does not reduce the required front setback for this house.

Jan Miyasaki, co-owner of the property at 2830 Stevens St., stated the house was built in 1929, prior to current zoning code, and believed the porch was part of the original construction. Miyasaki explained that when built, standard construction measurements were used and are proposed to be used for the addition as they are universal, practical and less burdensome for construction purposes.

John Ellis, co-owner of the property at 2830 Stevens St., re-iterated the use of standard construction measurements, adding that they are also planning to install new windows and siding to the house.

The Board questioned if the current footings used to support the existing porch will be used for the addition. Robert Anderson of RLA Construction explained the existing footings would not be used and provided details on the assembly of the footings and support for the addition.

The Board asked if there was a compelling reason for the addition to be of the same footprint as the existing porch if not using the existing footing or supports. Miyasaki stated that they wish to retain the use of standard construction measurements as any non-standard construction would encounter more hardship and difficulty.

Bannon explained for the Board the variations of front yard setbacks for properties in the neighborhood, noting the age of the homes and their zoning classifications.

The Board questioned if consideration was given to build an addition of a size that wouldn't require a variance. Miyasaki responded that a reduction in size would be odd looking to the house and be less practical than what is proposed.

The Board discussed with Bannon various construction scenarios for this type of addition that would or would not require a variance.

A Board member commented that the submitted plans did not provide sufficient dimensions, and after doing their own calculations, observed that as

drawn the proposal appears unable to meet building code requirements.

Ostlind closed the public hearing.

Jenkins moved to approve the requested variance; Berenyi seconded.

Review of Standards:

Standard 1: It was stated the placement of the structure on the lot is unique within this block and that may be somewhat limiting for constructing an addition, however there could be alternate locations for an addition that had not been discussed. Additionally, it was noted that this property has a smaller required setback than other adjacent properties which presents a unique condition, but makes it harder to justify the variance which pushes the house closer to the street relative to the neighbors.

Standard 2: The Board found that as presented, the proposal to fully convert the porch to an enclosed living space does not meet this standard.

Standard 3: The Board determined that although strict adherence to the ordinance could discourage investment in renovation to the front porch area, there was not sufficient information presented to indicate that compliance would be unnecessarily burdensome or prevent use of the property for a permitted purpose.

Standard 4: The Board noted that the position of the house relative to the lot lines does create some hardship, however it could be possible to construct a code compliant addition.

Standard 5: The Board determined the proposal does add bulk to the existing structure, it does not create substantial detriment to the adjacent property.

Standard 6: The Board stated that as proposed and keeping within the existing footprint of the home, the addition would be compatible with the character of the immediate neighborhood.

The Board voted 0-3 by roll call vote to deny the requested variance.

DISCUSSION ITEMS

5. [08598](#) Communications and Announcements

Kelso noted cases have been submitted for the February 15, 2024 meeting.

ADJOURNMENT

Fritz moved to adjourn the meeting; Jenkins seconded. By unanimous vote of 3-0 the Board adjourned at 6:23pm.