



# City of Madison

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

## Meeting Minutes - Draft 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?*

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Thursday, April 18, 2024

5:00 PM

Virtual

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### CALL TO ORDER / ROLL CALL

Ostlind called the meeting to order at 5:06pm.

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

Board Members Present: 4 – Peter Ostlind, Angela Jenkins, Craig Brown, and David Waugh (Waugh had technical difficulties and joined the meeting later).

Board Members Excused: 2- Allie Berenyi

### APPROVAL OF MINUTES

A motion was made by Jenkins to approve the March 21, 2024 minutes; seconded by Brown. The motion passed 2-0 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. [82817](#)**

Kendall and Jessica Harrison, owners of the property at 5050 Lake Mendota Drive, request a front yard setback variance to modify an existing detached garage. Alder District #19.

**Bannon stated the request is for a front yard setback variance for an existing detached garage. Utilizing the submitted plans and photos, Bannon explained the proposed changes to the bulk of the existing structure, noting the shed roof is designed to match the architectural changes planned for the principal single family dwelling. Bannon stated the required setback is 20 feet, the proposal provides a 1.1 foot setback, resulting in an 18.9 foot variance request. Bannon noted a variance was granted for the garage in 1996. However, when there is a change in bulk to the structure, a new variance is required. Bannon shared photos to further explain where the variance is needed and to show the commonality of placement of detached garages in the surrounding neighborhood.**

**Jessica Harrison, owner of the property at 5050 Lake Mendota Dr., stated they have planned for an exterior remodel of their house and want to remodel the garage in a similar architectural style. Harrison explained the change in roof style from a gabled roof to a shed roof will be made in the same footprint of the existing garage structure, noting the proposed shed roof will reduce bulk from the street view and give the structure a smaller appearance. Harrison stated they have discussed the plans with their immediate neighbors, with both neighbors having voiced their support of the proposal.**

**Steve Connor, project designer, provided further information on the proposal, noting the unique, severely sloping, lakefront lot has limited options for placement of the garage. Connor stated the current condition of the structures is aesthetically sub-standard for the neighborhood and this proposal is intended to modernize the structures and reduce volume from the street view.**

**Connor clarified for the Board that the roof on the proposed garage will be reduced from the existing 5-12 pitch down to a 2-12 pitch and will be a metal roof rather than shingled.**

**The Board questioned if there is a plan for water runoff on the proposed garage. Connor stated most of the runoff will be directed to the east of the garage similar to what is currently in place, along with utilizing the existing landscaping drain, noting the reduction in volume for drainage to the west.**

**Ostlind closed the public hearing.**

**Jenkins moved to approve the requested variance; Brown seconded.**

**Review of Standards:**

**Standard 1: The Board stated that location of a detached garage in the front yard, placed in the setback, present conditions unique to this property, not commonly found outside of the immediate area.**

**Standard 2: The Board found the proposal is not contrary to the intent and purpose of the zoning code as uniformity among neighboring properties is maintained.**

**Standard 3:** The Board determined that strict code compliance would result in eliminating the garage from the property, which would be unnecessarily burdensome.

**Standard 4:** Noting the previously approved variance for construction of the existing garage, the limited options for compliant placement and the reduction of bulk of the proposed garage, the Board found that any hardship or difficulty for zoning code compliance is created by the terms of the ordinance.

**Standard 5:** Mentioning the support from neighboring property owners along with the overall improved street view, the Board determined the proposal would not cause substantial detriment to adjacent properties.

**Standard 6:** The Board determined the proposal would be compatible with the character of the neighborhood as the overall design and layout changes are consistent with properties within the immediate area.

The Board voted 2-0 by unanimous vote to approve the variance request.

**3. [82818](#)**

Matt Franzini, representative of the owner of the property at 1434 Northport Drive, requests a variance from the Transit Oriented Development Overlay Site Standards for Automobile Infrastructure to construct a gas station canopy at a convenience store. Alder District #18

**Bannon explained the Transit Oriented Development (TOD) Overlay District took effect in January 2023, noting that an overlay district will impose additional restrictions on top of an existing zoning district. Bannon stated the purpose of the TOD is to create transit supportive site design. Bannon further explained the proposal is to demolish the existing canopy, remove the present gas pumps and rebuild new canopy & pumps in the same location. Noting that the canopy and pumps are located between the building and the street, Bannon stated TOD regulations prohibit new construction in that area and that the setback for new structures is to be as far back as the principal building. Bannon shared the submitted plans and photos to further illustrate the variance request for the location, indicating the required setback is 65.2', the proposal provides 17.3', resulting in the request for a 47.9' variance.**

**Matt Franzini, representative from Kwik Trip, Inc., stated the existing 36-year-old canopy and underground infrastructure is needing to be replaced. Franzini explained that the conditions of the lot and placement of the building are prohibitive to meeting code compliance with the new structures.**

**Alex Muhl, representative from Excel Engineering, explained that reducing the amount of requested variance would result in a reduction of fuel stations and impede the maneuvering of fuel trucks. Muhl stated that the proposal would have less direct impact to pedestrian access as the construction area is in the space used mainly for automobile refueling.**

**Franzini clarified for the Board that regulations state that underground storage tanks cannot be covered by the canopy.**

**Bannon provided additional information regarding the purpose of the TOD Overlay for the Board.**

**Ostlind closed the public hearing.**

**Waugh moved to approve the requested variance; Jenkins seconded.**

**Review of Standards:**

**Standard 1: The Board found that the gas station operation, with buried fuel tanks, and the placement of the existing structures, presented conditions unique to this property.**

**Standard 2: Noting that the building and business therein have been fully established for a substantial period of time prior to the TOD standards taking effect, and with the access and layout remaining the same, the Board found this standard was met.**

**Standard 3: The Board determined that code compliance would be extremely burdensome as that would require a redesign and rebuild of the entire site.**

**Standard 4: The Board stated that any hardship or difficulty is caused by the**

terms of the newly implemented TOD ordinance.

**Standard 5:** The Board noted that although the proposal cannot comply to the TOD Overlay, as is common with other sites in the immediate area, the proposed structure itself does not create substantial detriment to adjacent properties.

**Standard 6:** Noting that the proposal is needed maintenance to replace the existing, aging structure, along with the commercial nature of the street corridor, the Board determined this standard was met.

The Board voted 3-0 by unanimous vote to approve the variance request.

#### DISCUSSION ITEMS

4. [08598](#) Communications and Announcements

There was further discussion between Board members and Zoning Administrator Bannon regarding the impact of the TOD Overlay implementation.

Kelso noted there were no cases submitted for the May 16, 2024 meeting, therefore that meeting is cancelled.

#### ADJOURNMENT

The Board adjourned at 6:10pm.