



City of Madison

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

Meeting Minutes - Approved ZONING BOARD OF APPEALS

Thursday, November 21, 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 5:00 pm and explained the appeals process.

Staff Present: Matt Tucker and Chrissy Thiele

Present: 5 -

John W. Schlaefter; Diane L. Milligan; Susan M. Bulgrin; Dina M. Corigliano and Michael A. Basford

Excused: 2 -

Frederick E. Zimmermann and Winn S. Collins

APPROVAL OF MINUTES

Schlaefter motioned to approve the minutes, seconded by Bulgrin, with word changes on page three. The motion passed by voice vote/other.

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

PETITION FOR VARIANCE OR APPEALS

1. [32086](#) DelRobert, LLC, owner of property located on 3538 Heather Crest, requests a side yard variance for a single-story attached garage addition onto a two-story single family home.
Ald. District #11 Schmidt

Attachments: [3538 Heather Crest.pdf](#)
[3538 Heather Crest Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 7' side yard setback while the construction of a new attached garage would provide a 5.8' setback. Therefore, the owner is requesting a 1.2' side yard variance. Property is zoned TR-C1.

Ken Seifert explained to board members that the property slopes significantly on the left side of the house, as well as in the rear yard, making the proposed area for the attached garage one of the only reasonable options available. There is also a public walkway on the left side of his property that leads to the park behind his lot. He informed them that a previous owner was granted a variance for an attached garage similar to his back in 1996, but that owner never followed through with it. Seifert has met with concerned neighbors to explain his plans and is open to their request to move the garage back an

additional 2' on the property, so his garage wouldn't block light to their dining room window.

Marjorie Aiello, property owner adjacent to the applicant's property, informed board members that she had approved the previous variance request back in 1996, and she also received an approved variance to build her garage around that same time. However, she is now unsure if she is okay with the proposed location of the garage, as she feels the light and view would be blocked from her dining room side window. She stated she has met with Seifert about this.

Board members acknowledged an email of support for the project from Jean MacCubbin.

Schlaefer motioned to approve the variance request, amending the variance request from 1.2' to 1.5' in order to shift the garage back 2' on the property so it is in line with the rear plane of the house, if the applicant so desires, seconded by Bulgrin.

Board members agreed that the sloping of the property from front to rear is a hardship and the location of the existing driveway and house drive the location of the proposed garage. The neighborhood also seems to have a pattern of driveways next to driveways, which this would uphold, making it consistent with the neighborhood. They didn't feel that the garage would detrimentally affect the adjacent property owners, as the location for the proposed garage is farther away from the property line than the neighboring garage. They also didn't see how the current location of the garage would block the neighbor's view anymore than the applicant building a narrower garage without a variance. Some board members even thought the proposed plan looked better than moving it back 2'; however they felt that should ultimately be the owner's decision.

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

2. [32087](#)

Delta Upsilon of WI, Inc., owner of property located at 644 North Frances Street, requests a lakefront yard setback to enclose a portion the basement-level porch on a three-story fraternity house.
Ald. District #8 Resnick

Attachments: [644 N Frances St.pdf](#)
 [644 N Frances St. Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 55.9' lakefront yard setback while enclosing the basement level porch would provide a 28' setback. Therefore, the owners are requesting a 27.9' lakefront yard variance. He informed board members that the project has been approved by the Landmarks Commission and received a certificate of appropriateness letter for the renovation of the building.

Mark Bastian explained to board members that they will be renovating the building that was originally constructed over 100 years ago, in order to bring it up to code. However, this will reduce the amount of space available in the basement level where the dining room is located. Therefore, they are requesting to enclose the basement porch in order to increase the space in the basement, particularly for the room for the dining area. The last time the building was renovated was back in the 1960's and codes for heating and toileting facilities have greatly changed since then. Bastian explained that

relocating the dining room to a different location in the building or expanding on the other side wouldn't serve the focus of the fraternity and would be more expensive.

George Austin, representing the Tosa Foundation, stated to board members that the building being next to the lake, the sloping of the property, the topography, and being a landmark building are all conditions unique to the property. He also stated that the enclosure of the basement level porch would not detrimentally affect the neighboring properties nor add any additional bulk, as they are not building beyond what is already there.

Board members noted Jon Callaway's submittal of support for the variance.

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

Board members agreed that the hardships included the building being built before the zoning code was created, the topography, being a historical structure that needed to be brought up to code, and the location of the parking lot, all of which also drive the location of the addition. Also, because the porch already exists, there isn't any additional bulk being added by enclosing the basement level and wouldn't detrimentally affect the surrounding properties. They also agreed that the addition fits with the character of the neighborhood.

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

DISCUSSION ITEMS

3. [08598](#) Communications and Announcements

Board members discussed whether or not the standards needed to be clarified for applicants and their representatives.

ADJOURNMENT

Meeting adjourned at 5:54 pm.

Matt Tucker
City of Madison
Zoning Board of Appeals, (608) 266-4569
Wisconsin State Journal, November 14, 2013