



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved ZONING BOARD OF APPEALS

Thursday, November 7, 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 5:04 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 Corigliano, with the addition of a missing word on page five. The motion passed by voice vote/other, with Bulgrin abstaining.

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

PETITION FOR VARIANCE OR APPEALS

1. [31998](#) Cora Lee Kluge, owner of property located at 121 South Owen Drive, requests a side yard variance to construct a new detached accessory structure.
Ald. District # 11 Schmidt

Attachments: [121 S Owen Dr.pdf](#)
[121 S Owen Dr Addendum.pdf](#)
[121 S Owen Dr Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 6' side yard setback while the construction of a new detached garage would provide a 3' 2" setback. Therefore, the owners are requesting a 2' 10" side yard variance. The property is zoned TR-C1.

Cora Lee Kluge informed board members that her main reason for wanting to rebuild her garage is because of water drainage problems created from the neighboring property south of her property. That owner received a variance for an addition which has created a steeper grade change between the two properties. This has caused water to drain into her garage and ruin the foundation, as well as water damage to her basement, and flooding in her back yard. She stated that this neighbor is aware of her plan and supports her

variance request. Kluge would also like to have enough space between her house and the garage to allow gardening services to get their equipment into her back yard, yet have a big enough garage to shelter her car. She added that the storage unit behind the garage would provide screening from her neighbor's addition as well as store her patio furniture. She did not think a privacy fence would provide the same type of coverage.

Todd Barnett, the owner's representative, added that the elevation change between the two properties is about four feet. Also, the owner has lived on that property for almost 45 years and has steadily invested in the landscaping during that time. If she were to move the garage further back in her yard, it would destroy the landscaping developed in the rear yard. This would also create additional impervious surfaces and wouldn't alleviate the water drainage problems that the owner wishes to fix. He explained that the owner did not wish for another accessory structure in her yard, so storage space was added behind the garage. The storage space also acts as a retaining wall to prevent water from draining into her back yard. Barnett added that replacing the storage area with a retaining wall and building an additional accessory structure would cost much more than what they are requesting, creating a financial burden. However, they would be willing to add or modify the plans, if the board requested it, in order to get the variance.

Board members acknowledged a letter of support from Pablo Sanchez.

Tucker informed board members of the variance that was granted by the Zoning Board of Appeals for the neighboring property on 125 South Owen Drive.

Schlaefer motioned to defer the variance request to no later than the Jan. 23, 2014 meeting, seconded by Corigliano.

Board members agreed that the placement of the existing building and the sloping of the property restricted the placement of the garage, however some weren't sure if this also supported the placement of the storage area behind it. Some thought the storage area could be placed elsewhere, and instead the owner could build a retaining wall to restrict the flooding and erosion from the neighbor's property, as well as use a fence or plants for privacy. Board members debated whether or not the proposed length of the garage would detrimentally affect the neighboring property. They agreed there were other options available that would reduce the amount requested for the variance.

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

2. [31999](#)

Alon Andrews, owner of property located at 1438 Morrison Street, requests a variance to exceed the maximum size of an accessory dwelling unit in order to convert an existing detached garage into an accessory dwelling unit.
Ald. District #6 Rummel

Attachments: [1438 Morrison St.pdf](#)
 [1438 Morrison St Addendum.pdf](#)
 [1438 Morrison St Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 700 square feet maximum for an accessory dwelling unit, while the conversion of an existing garage into an accessory dwelling unit would provide 737 square feet. Therefore, the owners are requesting a 37 square foot variance to exceed

the maximum size. He informed board members that the second level patio and storage, as well as open court, are not part of the variance request. Tucker also informed board members that an accessory dwelling unit is a conditional use in the zoning code, so the proposed plan will also have to go before the Plan Commission.

Todd Barnett, the owner's representative, explained that the building needs to be repaired and the owners would like to convert it into an accessory dwelling unit to hopefully shelter relatives when visiting. The building is originally 821 sq. ft., but he has managed to reduce the amount by proposing to convert part of the building into open court. The common roof deck and storage loft on the roof would meet the setback requirements and the design tries to respect neighbor privacy. There would be openings on the side of the building to maintain the open court and would have an open roof. He pointed out that there would be access to the courtyard, without needing to go on neighboring properties, in order to maintain it. Barnett admitted he never considered actually moving one of the exterior walls in, in order to meet the 700 square foot limit, as he felt it would take away from the historic character of the building and would also create additional expenses.

Brett Rusch, a neighboring property owner, had concerns about the addition being added to the roof, making it bigger than it already is, as well as the possibility of the dwelling unit being rented out and other neighbors following the owner's example.

Dede Birrenkott, a representative for John Preston who could not attend tonight's meeting, informed board members that Preston is a neighboring property owner of the applicant. He has concerns about the neighbor going on to his property in order to maintain and access the open court, as he would have to go around the stairs and are currently proposed to be built right against the property line. He is also concerned that the second floor patio would impede on his privacy.

Rob Tanner and Maria Sadowski, property owners behind the applicant, are concerned about maintaining their privacy if the garage would be turned into a dwelling unit and the windows looking into their back yard. They also thought that it wouldn't fit with the neighborhood, as all the living areas are in the front yard and the accessory dwelling unit would be in the back yard.

Tucker explained to board members that the Landmark's Commission would not review this project as this property is not in a local or national historic district and it is not the primary structure. He also explained that the new zoning code allows steps to project into the setback.

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

Board members did not find any conditions unique to the property that pertains to the requested variance for the accessory dwelling unit. They acknowledged that the code does conditionally allow for accessory dwelling units to exist in this area, however they felt that the applicant could meet the maximum square footage allowed and therefore not need the variance for additional square footage. Board members also acknowledged the concerns neighboring property owners voiced and how the second level could detrimentally affect them; however the second level is not part of the variance

request and their arguments pertain more for the Plan Commission.

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

DISCUSSION ITEMS

3. [08598](#) Communications and Announcements

It was determined that there wouldn't be a meeting on December 26 due to a lack of quorum. Board members also requested that Tucker provide more information for item two in his staff report.

ADJOURNMENT

Meeting adjourned at 6:38 pm.

Matt Tucker
City of Madison
Zoning Board of Appeals, (608) 266-4569
Wisconsin State Journal, October 31, 2013