



City of Madison

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

Thursday, August 22, 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 5:05 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: 1 -

Frederick E. Zimmermann

APPROVAL OF MINUTES

Schlaefter motioned to approve the minutes, seconded by Milligan. 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. [30944](#) Leah Johnson and Mitch, owners of property located at 1130 Chandler Street, request a reverse-corner side yard variance to construct a new detached accessory structure.

Ald. District #13 Ellingson

Attachments: [1130 Chandler St.pdf](#)
[1130 Chandler St. Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 10' reverse-corner side yard setback, while the construction of the detached garage would provide a 5' setback. Therefore, the owners are requesting a 5' reverse-corner side yard variance. Property is zoned TR-C3.

Mitch explained to board members that their current garage needs to be replaced and they would like to build a larger garage that would fit two cars, as well as allow for storage space in the back. His home has a dirt floor in part of their basement and isn't suitable for storage. Also, the building is a two family home and requires extra storage space. He does not wish for the larger garage to take up anymore green space, so the proposed garage would be built closer to the street, covering current paved space that would otherwise be unusable. He pointed out that they could not build a shed and making the proposed

garage smaller, as they are currently at the minimum amount for usable open space. He also pointed out that he has his neighbor's support and the alder's support to build the proposed garage.

Tucker informed board members about the usable open space for this property and the maximum size allowed for a detached garage without needing a conditional use.

Milligan motioned to approve the variance, seconded by Schlaefer.

Board members found that the applicant's lot width and size exceeded the required minimum size for this zoning district and did not see any topographical issues. They also did not see the lot being a reverse-corner as a hardship and while it is consistent for residential districts to have garages, they don't believe such a large garage would fit. Also, if the garage were to be built as proposed, it would block the view corridor of the neighboring home, which goes against the purpose and intent of the zoning code. They also felt that a well functioning garage could be built without needing the variance and this was more of a personal desire than a hardship.

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

2. [31228](#)

Andrew Fieber, owner of property located at 4122 Cherokee Drive, requests a side yard variance for a single story attached garage addition to his two-story single family home.

Ald. District #10 Cheeks

Attachments: [4122 Cherokee Dr.pdf](#)
 [4122 Cherokee Dr. Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 7' side yard setback, while the addition of the attached garage would provide a 5' setback. Therefore, the owner is requesting a 2' side yard variance. Property is zoned TR-C1.

Andy Fieber, owner, told board members that he would like to expand his garage to the rear of the house for storage purposes and the possibility to park tandem. The lot is an existing nonconforming site on the side of the garage by building into the side yard setback. The same side yard also has an electrical easement of 5'. He looked into building the addition in front of the garage, but that wouldn't have worked with the electrical easement and building the addition in the back would be less disruptive to the neighborhood. He stated he had not thought to build a shed instead of building this addition because he likes the option of parking tandem. Fieber submitted additional documents to show the elevations of the proposed addition and how it would fit with the rest of the house. His explanation for the design was to maintain the 3:12 pitch of the garage roof in the front and keep the second-story hallway window in the back. His neighborhood has a mixture of single car and two car garages, as well as the garages being detached and attached. He explained his reasons for wanting to build the addition as part of his efforts to completely renovate the house, and then sell it to an interested buyer.

Milligan motioned to defer the variance request to a meeting no later than October 24, seconded by Bulgrin.

Board members would like for the applicant to address the hardships for this

property at the next meeting, as the surrounding homes only have a one car garage. They indicated that it isn't a hardship to not have a two car garage. They also wished for the applicant to consider other roof designs for the garage.

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

3. [31229](#)

Stephanie Miller and James Stelhorn, owners of property located at 2101 Chamberlain Avenue, request a variance to increase the allowed amount of paving coverage of the rear yard for a driveway and parking.
Ald. District #5 Bidar-Sielaff

Attachments: [2101 Chamberlain Ave.pdf](#)
 [2101 Chamberlain Ave. Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 40% maximum paving coverage in the rear yard, while the proposed driveway would have 51% coverage. Therefore, the owners are requesting an 11% increase above the amount of coverage allowed as a variance. Property is zoned TR-C2.

Jesse Miller, the owner's representative, explained he is trying to resolve the illegal concrete pad that was installed almost two years ago and to create accessibility into the garage. The driveway before the alteration with the concrete pad was extremely difficult to use and the past tenants had never bothered to park in the garage. He plans on taking out most of the previously installed concrete pad, but wishes to adjust the angle of the driveway to the garage in order to make it more accessible. He pointed out that if the plans submitted are not approved and he removes the concrete pad to what it was before, the percentage of paving coverage would still exceed the standards. Miller did acknowledge that the percentage would be less than what he is requesting, but he is requesting for the 11% in order to provide easier accessibility to the garage. He also plans on removing the patio in the rear yard to reduce the percentage of paved coverage. He added that there is a driveway easement with the two neighboring properties for access to their garages.

Allen McMillian informed board members he has an accepted an offer to purchase the home and will be closing in two weeks. He stated that the percentage of paving coverage and the illegal concrete pad are outstanding issues with the home and the current code violations would prevent him from obtaining a mortgage. He was concerned about the variance not being granted and what would have to be done in order to bring the percentage of paving coverage into compliance and possibly prevent him from buying the home.

Barbara Klein, owner of a neighboring property, stated she only registered to get a clear understanding of what the variance was for and liked that some quality of the property would be restored to before the concrete pad was installed.

Corigliano motioned to approve the variance, seconded by Milligan.

Board members determined that the existing location and angle of the garage, as well as the topography, made access to the garage difficult. They also didn't see how altering the driveway any other way would improve access to the garage, as well as reduce the percentage requested, without creating other problems. They understood the applicant is limited with the amount of space

they're allowed to pave while also having easy access to the garage. They thought the design was an improvement over what is currently there and more consistent with the neighborhood.

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

4. [31230](#)

Lake Towne Apartments, LLC, owner of property located at 622 & 632 Howard Place, requests a rear yard variance to construct a new five-story apartment building. Ald. District #2 Zellers

Attachments: [622 & 632 Howard Pl.pdf](#)
 [622 & 632 Howard Pl. Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 20' rear yard setback, while the construction of the five-story apartment building would provide a 3' setback. Therefore, the owners are requesting a 17' rear yard variance.

Mark Smith, the applicant's architect, explained to board members that they have tried to stay within the setbacks for the proposed new apartment building, but it would result in an oddly shaped and inefficient building. They are requesting a rear yard setback for one part of the building to make it more efficient. He addressed concerns about impacting the adjacent structures, but he felt the proposed plans have minimized the impact. He stated that the building will not block any of the east and northeast windows of the neighboring building on 613 North Frances Street. Smith also explained that if they were to pull the protruding stairs in and square the building on the side needing the variance, they would lose at least one unit per floor, which could affect the ratio of mixed units required in the zoning code. They had the option to build closer to the neighboring building on 612 Howard Place, but they thought it would be better to have more space in-between the two. He went on to describe how the façade of the building would fit with the character of the neighborhood and would be further away from the street than what is currently there.

Rebecca Anderson, owner, informed board members that she also owns 612 Howard Place and would not like to build any closer to that building as it could impact the dumpsters. She also stated she owned a number of other buildings in the neighborhood, some of which she is trying to preserve. However, the two buildings currently located on the lot are sinking and falling into disrepair, and she would not be able to generate the money need to repair the buildings from the rent since they are small.

Tucker informed board members that this project will also need the approval from the Plan Commission.

Fred Mohs, representing the neighborhood association, didn't support their rear yard variance request just so the applicants could get the desired number of rooms they wanted, which he thought went against standard number three. He thought the applicant could design the building while meeting the setback requirements, even if the lot size is irregular.

Corigliano motioned to defer the variance request to a meeting no later than October 24, seconded by Bulgrin.

Board members understood that the lot is irregularly shaped and if the

applicants were to follow the code, the building would then be irregular in shape and take out a large portion of the building; however they didn't feel that the applicants had minimized the impact in the rear yard setback. They would also like to see how the proposed building would impact the surrounding buildings if it were built to meet all the setbacks.

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

DISCUSSION ITEMS

5. [08598](#) Communications and Announcements

Board members discussed having a possible period of time to review information and gather thoughts before making a motion on an item.

ADJOURNMENT

Meeting adjourned at 7:07 pm.

Matt Tucker
City of Madison
Zoning Board of Appeals, (608) 266-4569
Wisconsin State Journal, August 15, 2013