



# City of Madison

City of Madison  
Madison, WI 53703  
[www.cityofmadison.com](http://www.cityofmadison.com)

## Meeting Minutes - Approved ZONING BOARD OF APPEALS

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Thursday, May 22, 2014

5:00 PM

215 Martin Luther King, Jr. Blvd.  
Room LL-110 (Madison Municipal Building)

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### CALL TO ORDER / ROLL CALL

Basford, chair, called the meeting to order at 5:06 pm and explained the appeals process.

**Staff Present:** Matt Tucker and Chrissy Thiele

**Present:** 5 -

John W. Schlaefter; Diane L. Milligan; Michael A. Basford; Frederick E. Zimmermann and Winn S. Collins

**Excused:** 2 -

Susan M. Bulgrin and Dina M. Corigliano

### APPROVAL OF MINUTES

Schlaefter motioned to approve the minutes, seconded by Collins. The motion passed by voice vote/other, with Milligan abstaining.

### DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

### PETITION FOR VARIANCE OR APPEALS

1. [33857](#) Lucy Brown, owner of property located at 115 Vaughn Court, requests a side yard variance for an attached garage addition on her single-story single family home. Ald. District #5 Bidar-Sielaff

**Attachments:** [115 Vaughn Ct.pdf](#)  
[115 Vaughn Ct. Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 6' side yard setback, while the construction of the attached single car garage and expansion of the upper level kitchen would provide 3.4' setback. Therefore, the owner is requesting a 2.6' side yard variance. Property is zoned TR-C1.

Lucy Brown explained to board members that she currently has a narrow detached garage with a steep driveway. She would like for a slightly larger single car garage located at the basement level of her house, where the driveway would have less of an incline. She acknowledged that a garage could be built towards the front of the house and not need the side yard variance; however, she pointed out that such a garage would protrude 16' in front of her house and cited a city ordinance that prevents protruding garages. She also thought the protruding garage would negatively impact the neighboring properties, as well as the flow and a pedestrian appearance. Brown pointed out

that almost all of the homes on the street have attached garages and the homes built uphill are either flush or set back from the house. She would be open to reducing the kitchen expansion, but reducing the size of the garage would create difficulties entering and exiting a car. She also pointed out that her proposed placement of the addition would have less impact on the neighboring property to the north, unlike where the Zoning Administrator proposes the garage be built.

Tucker clarified that the ordinance Brown cited is for new home construction only, not for existing homes.

Basford acknowledged letters of support for the variance from R. Alto Charo, Steven Lewis, Linn Roth and Jean Martinelli.

Schlaefer motioned to refer the variance request, seconded by Zimmerman, to a meeting no later than July 24th.

Board members requested that the applicant reconfigure her plan so that either the requested variance is reduced by possibly reducing the size of the kitchen addition or relocating the proposed garage.

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

2. [34124](#)

Shorewood House, LLC, owner of property located at 3009 University Avenue, requests a rear yard variance for new detached accessory structures for their six-story mixed-use building.  
Ald. District #5 Bidar-Sielaff

Attachments:     [3009 University Avenue.pdf](#)  
                             [3009 University Ave. Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 10' rear yard setback, while the construction of the detached accessory structures would not provide any setback. Therefore, the owners are requesting a 10' rear yard variance. Property is zoned CCT. He also informed board members that Zoning Board of Appeals approved a similar project for this property back in 2010; however it was placed on hold when the fire department discovered inadequate space for a fire lane.

Bill Dunlop, the representative for the applicant, explained to board members that the only entrance to the apartment building parking lot is underneath the building and in order to fulfill the fire department's requirement, they plan on creating a gated entrance from 3118 Harvey Street, which the applicant purchased a few years earlier. The parking spaces for 3009 University Avenue already come up to the property line and if they were to comply with the zoning requirements, they would lose up to twenty percent of their parking spaces. Dunlop pointed out that in the proposed plan, they have lost three spaces and are at the minimum amount required. He also explained that the owner wishes to stay competitive in the market for apartments by providing covered stalls for his tenants in order to protect their vehicles from the elements.

Basford acknowledged Duke Dykstra and Russ Owens registered in support of the variance request.

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

Board members determined that the irregular shape of the lot and the building itself are conditions unique to the property, as well as creating a hardship. They pointed out that if the applicant were to comply with the zoning code he would lose a significant amount of parking stalls and affect compliance with the parking stall requirements. Board members also pointed out that any detrimental affects to surrounding properties is negligible and fits with the characteristics of the neighborhood.

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

### DISCUSSION ITEMS

3. [08598](#) Communications and Announcements

Board members expressed concern about properties receiving approval from the Common Council before approval from the Zoning Board of Appeals. Tucker clarified to board members that Common Council's approval does not supersede the Zoning Board of Approval's ruling.

### ADJOURNMENT

Meeting adjourned at 6:16 pm.

Matt Tucker  
City of Madison  
Zoning Board of Appeals, (608) 266-4569  
Wisconsin State Journal, May 15, 2014