



City of Madison

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

Thursday, December 14, 2017

5:00 PM

210 Martin Luther King, Jr. Blvd.
Room 103A (City County Building)

CALL TO ORDER / ROLL CALL

Corigliano, chair, called the meeting to order at 5:00 pm and explained the appeals process.

Staff Present: Matt Tucker and Gretel Irving

Present: 5 - Peter A. Ostlind; Agnes (Allie) B. Berenyi; Patrick W. Heck; Dina M. Corigliano and Winn S. Collins

APPROVAL OF MINUTES

A motion was made by Ostlind to approve the November 9, 2017 minutes, seconded by Heck. The motion passed (4-0) by voice vote/other, with Collins abstaining.

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

PETITION FOR VARIANCE

[49727](#)

Daniel G Cottam, owner of property at 4257 Doncaster Dr, requests a front-yard setback variance to construct an off-street parking space. Alder District 10

Tucker introduced the request for a front-yard setback to construct an off-street parking space. This lot is too narrow to allow for a driveway leading to a permitted parking space outside of the front yard so that the only parking currently available is on-street.

The applicant, Daniel Cottam, spoke of safety concerns with on-street parking and noted that several other properties on the block already have parking in front of the house.

Discussion with the applicant included:

- the possibility of a shared driveway with a neighbor; the applicant was not interested.
- the status of the existing front-yard parking in the neighborhood; these are legal, non-conforming uses established during an earlier iteration of the ordinance.
- the placement of the proposed parking area; placement was determined through conversations with City Zoning staff and affected by an existing fence and large tree on one lot line and another large tree in the front yard. The proposed space is designed to provide a buffer from the house, to allow people to exit the car onto pavement and to provide a buffer from the front walkway.
- the side-yard setback; the proposal does not enter into the required 4' setback for this lot.

Berenyi moved to approve the application; Collins seconded the motion.

Review of Standards:

Standard 1: The Board noted the narrowness of the lot as a unique factor (10 lots on the applicant's block vs 8 on the facing side). It was also noted that the lack of off-street parking is itself non-conforming for this district.

Standard 2: The Board found that one intent of not allowing front-yard parking is to provide a buffer from a sidewalk; since this lot does not have a front sidewalk, the proposed parking would not violate that intent.

Standard 3. The Board agreed the lot size prevented the applicant from constructing a conforming parking space and so prevented a reasonable use of the property.

Standard 4. The Board noted that the applicant would have been able to legally construct the proposed parking when the house was originally purchased and thus the hardship was caused by the change in the ordinance rather than the personal interest of the applicant.

Standard 5: The Board found that the applicant had made efforts to minimize the impact on the adjacent properties thru the placement of the driveway and parking space and by limiting the size of the parking pad.

Standard 6: Board members agreed that as there were already several similar

parking spaces on the block, this proposal would be in keeping with the neighborhood.

The motion passed by a vote of 5-0.

49728

Jesse & Kathleen Cooper, owners of property at 621 North St, request front and reverse-corner side yard setback variances to construct a second-story addition with elevated deck.

Alder District 12

Tucker introduced the request. Set-back averaging was used to calculate the front-yard setback requirement.

The applicants, Jesse & Kathleen Cooper, explained that they are converting an attic space to living space but that the stairway would be too narrow to move furniture between floors. They would like to include an open second-story deck to move furniture into the second story. The deck could also be used as additional open space. They noted that several homes in the area have second-story decks and that they would be keeping the existing footprint of the home.

Board members discussed the placement of the deck with the applicant. A narrower deck could be built in the rear-yard without a variance; however, the applicants and staff argued that this would both limit the use of the deck and create a greater, more detrimental impact on the adjacent property than a front-yard deck. Tucker argued that a strict application of the reverse-corner side-yard setback would go against the intent of the ordinance to create a buffer and protect the privacy of adjoining properties.

Collins moved to approve the front-yard setback variance; Ostlind seconded the motion.

Review of Standards:

Standard 1: The Board noted the small size of the lot and the placement of the house as unique, limiting factors.

Standard 2: In regards to the intent of the ordinance, the Board noted that the project would not extend closer to the street than the existing structure. It was also noted that, in this instance, the ordinance designates the space as a front yard, however, it functions as a side yard.

Standard 3. Board members expressed that a compliant second-story deck would be oddly-dimensional and not of great use to residents.

Standard 4. The Board felt it was reasonable to expect living space in the second story and that the hardship in this instance was caused by the lot size.

Standard 5: The Board found the proposed variance would not change the relationship with the adjacent properties. Board members also noted that the choice of a hip roof design minimized the impact of the addition.

Standard 6: Board members agreed that this proposal would be in keeping with the neighborhood.

The motion passed by a vote of 5-0.

The Board discussed whether to refer the reverse-corner side yard variance request to a future meeting for the applicants to pursue a rear deck rather than

a front deck, however, it was determined to proceed with the application as presented.

Heck moved to approve the reverse-corner side yard variance; Ostlind seconded the motion.

Standard 1. The Board noted the designation of a reverse-corner side yard is itself a unique factor.

Standard 2. The Board agreed the intent of the ordinance is to create a buffer between each property, it's neighbors and the streetscape. The Board debated whether a non-compliant front-facing deck would be more in keeping with the intent and spirit of the ordinance than a compliant deck in the rear of the house. The proposal adds bulk close to the lot line but is an open deck with an open rail, minimizing the bulk. The Board weighed the expectations of privacy and buffering in the rear of a house versus along the street frontage and whether enforcing the word of the ordinance would go against the spirit of the ordinance.

Standard 3. Collins noted that the applicants have a viable option in moving the deck to the rear without needing a variance. This standard does not consider potential impacts on neighboring properties only whether compliance would unreasonably restrict the owners' use of the property so this case does not meet this standard. Corigliano argued that strict enforcement of the ordinance would create such an adverse effect on the neighboring properties that it would effectively prevent the owners' reasonable use.

Standard 4. The Board agreed that the hardship was created by the division of the lots creating the reverse-corner side yard and the placement of the house on the lot. If the area was designated a side yard rather than a reverse-corner side yard, a variance would not be required.

Standards 5 & 6: Board members referred to the discussion of the second standard.

The motion passed by a vote of 4-1 with Collins objecting.

[49729](#)

Andrew Voxman, owner of property at 2562 Hoard St, requests a lot area variance to convert an existing lodging room into a third dwelling unit.
Alder District 12

Tucker introduced the petition to allow the conversion of a lodging room to an efficiency apartment thru the addition of a kitchen.

Jim Voxman, representing the applicant, noted that the variance would not change either the exterior of the building or the current use of the space. The current owner purchased the property with a kitchenette in place and later discovered that the kitchenette is illegal. Based on City of Madison Building Inspection records, the kitchenette has been removed several times only to reappear again.

Ostlind moved to approve the variance; Collins seconded the motion.

Standard 1: The Board agreed that lodging rooms are unusual in general and in this neighborhood in particular.

Standard 2: The Board noted that the overall use of the lot would not change as the number of occupants would remain the same. They also noted that the amount of space (192 sq ft) is fairly minimal relative to the overall lot size.

Standards 3 & 4: It was noted that the applicant has the option of converting the building to a 2-unit or keeping the current non-conforming 2 apartments plus lodging room arrangement without requiring a variance. The Board felt giving up the rental income for the third unit would be burdensome to the owner and that a larger 2-unit would likely mean the same number of occupants overall and the same impact of the neighborhood. The Board agreed changes to the ordinance regarding lodging rooms reflected the lack of desirability of such living arrangements and that lack of kitchen access would be burdensome to any occupant.

Standards 5 & 6: The Board agreed the variance would be unlikely to impact the character and well-being of the neighborhood.

The motion passed by a vote of 5-0.

1. [08598](#) Communications and Announcements

There were no announcements.

ADJOURNMENT

The meeting adjourned at 6:36 pm.