



# City of Madison

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

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Thursday, January 25, 2018

5:00 PM

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

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### 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:** 3 - Patrick W. Heck; Dina M. Corigliano and Winn S. Collins

**Excused:** 2 - Peter A. Ostlind and Agnes (Allie) B. Berenyi

### APPROVAL OF MINUTES

A motion was made by Heck to approve the January 11, 2018 minutes, seconded by Collins, with a revision to the paragraph on the second page starting "Standard 2..." The motion passed (3-0) by voice vote/other.

### DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

### PETITION FOR VARIANCE

1. [50141](#) Chris Neale & Joe Novotnak, owners of property at 533 Miller Ave, request a variance to construct a single-story addition with a porch onto the rear of the existing two-story single-family home.  
Alder District #6

Tucker summarized the variance request in two parts- a conditioned addition to the kitchen and an open covered porch- both partially in the side yard setback. The porch also falls partially in the rear yard setback, which is an allowable encroachment and does not require a variance.

Joe Novotnak, the applicant, and Wynn Davies, general contractor, stated the argument for a variance.

The existing house sits in the side yard setback; the conditioned addition is designed to match the side wall to avoid a jog in the middle of the kitchen. The bilco door placement is designed to use the existing entrance in the basement foundation. The design uses a shed roof over the porch landing. Novotnak stated the alternative would be to use a gabled roof with a gutter system that would add extra expense and maintenance. Davies added that the planned gutter would slope into the property and away from the neighbors. Novotnak also noted that the neighboring house is set back farther than required from the side lot line so that there is roughly 28 feet between the buildings, providing an ample buffer.

Discussion centered around the possibilities for moving either the bilco door or shortening the porch to bring that portion into compliance. Davies and Novotnak clarified that there is no foundation under the existing porch (which will be removed) but the foundation under the house will remain in place. Davies conceded that while the applicant would prefer the porch as submitted, to provide a greater landing and buffer for the entry to the kitchen, it would be feasible to shrink the porch so that it did not intrude into the side yard setback. Tucker noted that the roof is allowed a two-foot overhang so the applicant could continue to use a shed roof design.

Heck moved to approve a variance for the kitchen addition; Collins seconded the motion.

**Review of Standards:**

**Standard 1:** The location of the existing house and kitchen are both unique factors for this property. The Board noted that in the past they have found it unreasonable to require an applicant to move an existing kitchen.

**Standard 2:** The Board noted that, due to the location of the neighbor at 525 Miller Ave and because the addition would be facing a garage rather than a house, ample buffer would still be provided should the variance be granted.

**Standard 3:** The Board found that the proposed design provides for reasonable use of kitchen space and that requiring the side wall to move into compliance would be unnecessarily burdensome.

**Standard 4:** The Board found that the hardship is created by the original construction of the house in the side yard setback.

**Standards 5 & 6:** The Board found that the proposed kitchen addition would not create a significant change from the existing condition and so would not affect the adjacent property nor the character of the neighborhood.

The motion passed by a vote of 3-0.

Heck moved to approve a variance for the covered open porch; Collins seconded the motion.

**Review of Standards:**

**Standard 1:** The existing location of the house on the property is a unique factor.

**Standard 2:** The Board noted that by replacing an enclosed porch with an open porch, the applicant would be reducing the current encroachment.

**Standards 3 & 4:** The Board found that the applicant had reasonable options including a narrower landing or shifting the bilco door, which would be compliant.

**Standards 5 & 6:** The Board found that the proposed porch would not have a substantial impact on the adjacent property nor the character of the neighborhood

After discussion, Heck withdrew his motion to approve the variance for the covered open porch and substituted a motion to refer the request to a meeting no later than April 26, 2018. Collins seconded the motion.

The motion passed by a vote of 3-0.

#### DISCUSSION ITEMS

The Board determined to revise the 2018 schedule to meet on the third Thursday of the month with a submission deadline three weeks prior to the meeting.

2. [08598](#) Communications and Announcements

The next Board meeting will be February 8, 2018.

#### ADJOURNMENT

The meeting adjourned at 6:04 PM.