



City of Madison

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

Thursday, April 19, 2018

5:00 PM

210 Martin Luther King, Jr. Blvd.
Room 357 (City-County Building)

CALL TO ORDER / ROLL CALL

Collins, acting chair, called the meeting to order at 5:01 pm and explained the appeals process.

Staff Present: Matt Tucker and Gretel Irving

Present: 4 - Patrick Heck, Allie Berenyi, Peter Ostlind, Winn Collins

APPROVAL OF MINUTES

A motion was made by Ostlind to approve the February 8, 2018 minutes, seconded by Berenyi. The motion passed (4-0) by voice vote/other with a correction to the final sentence on agenda item 2.

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

PETITION FOR VARIANCE

51133

Livingston Manor, LLC, owners of property at 313 N Livingston St, request side and rear yard variances to construct a covered landing and enclosed stair addition to the basement at the rear of the two-story single-family house. Alder District 2

A motion was made by Ostlind to change the order of the agenda items, seconded by Heck. With the consent of each of the applicants, the Board approved the motion by a unanimous vote.

Tucker described the request for rear and side yard setback variances. The existing house provides access to the basement through a bilco door leading to stairs that do not meet current building code requirements. The proposal would construct a covered landing with an exterior door leading to code-compliant stairs.

James Owen, applicant, stated that the interior basement stairs had already been removed due to structural repairs including adding floor supports. He argued that the proposed addition would be less obtrusive than the existing bilco door. Carol Owen, applicant, stated that there were no options to add interior stairs within the current footprint of the home. The existing stairs are 18" wide, which is inadequate per current building code. She stated that the current entrance and stairs present safety and security concerns, particularly if someone needed to access the basement due to a power outage or poor weather. Ms. Owen noted that the addition abuts a shared driveway.

In response to questions from the Board, the applicants argued that they were unable to extend the second floor stairway into the basement from the interior of the house due to the location of the foundation on one side and structural supports on the other. The proposal would have a step down from the rear covered porch to a landing, then a door opening to stairs down to the basement. The applicants had discussed a fully enclosed path to the basement stairs but chose this proposal to minimize the requested variance. Tucker noted that bilco doors are an allowed projection into the setback because they are typically a secondary entrance to a basement and are assumed to have minimal use and minimal bulk. He stated that this property is unique in that the bilco door is the only entrance to the basement.

Ostlind moved to approve a variance; Heck seconded the motion.

Review of Standards:

Standard 1: The Board found that unique conditions included the placement of the house relative to the side yard, an unusually small rear yard relative to the neighborhood and the inadequate existing basement stairs.

Standard 2: The Board found that the applicants had successfully minimized the impact of the proposed variance on the adjoining properties and that the design was consistent in placement and depth with the rest of the block.

Standard 3: The Board recognized the need for building code-compliant access to the basement. Berenyi argued that while substantial work would be needed to widen the existing stairs from the interior of the house, it would not be significantly more burdensome work than the proposed variance. Ostlind argued that the burden would be the reduction in habitable space and

changes to the interior layout of the home.

Standard 4: The Board found that the hardship was due to the existing location of the house on the lot and the original construction of the house.

Standards 5: The Board found that the variance would not create a detriment to the adjacent properties as the building would still generally align with the neighboring properties and only one window would overlook the addition from the immediate neighbor.

Standard 6: The Board found the variance would be in keeping with the general character of the neighborhood which already has a variety of additions and this project would not be visible from the street.

The motion passed by a vote of 4-0.

1. [51137](#) Jodi & Ramzi Shehadi, owners of property at 4102 Veith Avenue, request a lakefront setback variance to reconstruct a two-story single-family house atop the existing foundation.
Alder District 18

Tucker introduced the proposal for a lakefront setback variance. He noted that architect on the project had died a short time after submitting the variance request; while the property owner was present to address the Board, he (Tucker) would also be available to answer Board questions based on the information provided by the architect in conversation, in addition to providing the City's perspective.

Jody Shehadi, property owner, noted that the property had been vacant for ten years before she and her husband purchased it. During that time, it had been occupied by squatters and heavily vandalized. They plan to demolish the existing structure and rebuild on the existing foundation with an emphasis on ecologically-friendly construction. The only significant change to the footprint of the building would be to move a screened porch from the north to the south.

Berenyi questioned, since the applicant noted ecological concerns, whether it wouldn't be more "eco-friendly" to preserve the exterior walls. The applicant stated that vandalism had left the house open to the elements, resulting in mold. Tucker added that per the builder, the structural integrity of the building had been heavily compromised by the damage done to the HVAC systems. The prior owner had maintained the outward appearance of the building under pressure from the City and the foundation is solid but the structure itself is heavily damaged. He also noted that the porch would be moved further away from the public easement. In response to questions from the Board, Shehadi explained that they had only limited access to the building prior to the sale and had not been aware of the full extent of the damage. The applicants would be making changes to the existing interior design of the house. Ostlind noted that the change in the roofline would reduce the bulk of the structure. Tucker noted that the decks are elevated (> 36" above grade) and so do count towards the variance. He emphasized the irregularity of the shoreline in this area but the relative consistency of the alignment of the structures along the lakefront.

Ostlind asked Tucker to clarify comments on Standard 4 in the Staff Report.

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

Review of Standards:

Standard 1: The Board noted that between the lakefront setback and front yard setback, there is extremely limited buildable area on this lot. It was also noted that the existing structure had received several zoning variances.

Standard 2: The Board noted that the proposal maintains the alignment with the neighboring properties. It was also noted that the proposed porch relocation reduces the impact on adjacent property.

Standard 3: The Board noted again the lack of buildable space and the reuse of the existing foundation.

Standard 4: The Board noted that the application would not have been necessary had the prior owner provided basic maintenance. However this standard specifies parties “who have a current interest” only and the current owner was not responsible for the neglect.

Standard 5: The Board agreed the proposal would not be detrimental to the neighborhood.

Standard 6: The Board noted a wide variety of architectural design in the existing neighborhood and that the placement of the building was consistent with the adjacent properties. The Board noted that the proposed driveway may need alterations to meet City regulations but is not a part of the variances being reviewed by this Board.

The Board voted 4-0 in favor of granting the variance.

DISCUSSION ITEMS

3. [08598](#) Communications and Announcements

There were no announcements.

ADJOURNMENT

The meeting adjourned at 6:10 pm.