



City of Madison

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

Thursday, September 20, 2018

5:00 PM

210 Martin Luther King, Jr. Blvd.
Room 354 (City-County Building)

CALL TO ORDER / ROLL CALL

Corigliano, chair, called the meeting to order at 5:02pm and explained the appeals process.

Staff Present: Matt Tucker and Cary Perzan

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

Excused: 1 - Patrick W. Heck

APPROVAL OF MINUTES

A motion was made by Berenyi to approve the August 16, 2018 minutes, seconded by Collins. The motion passed (2-0) by voice vote with Klehr, Ostlind, and Corigliano abstaining.

PUBLIC COMMENT

Kathleen Fullin, owner of the property at 110 Farley Ave., expressed concerns about the amount of notice time given to neighboring residents of properties going through the Zoning Board of Appeals process. She noted that neighbors often have less than a week to prepare and respond to relevant cases after a postcard arrives through the mail versus weeks of preparation the applicant has. She suggested at least 20 days prior to meeting for postcards and at least 10 days prior for the staff report to be made available would be more appropriate.

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

PETITION FOR VARIANCE

1. [53112](#) Robert Hanson, owner of property at 412 North St., requests a maximum front yard setback variance to construct an addition to the front of the existing single-story single-family house.
Alder District #12

Tucker explained that the property in question is zoned TR-C4 and the applicant filed for a different variance in February, 2018 that was denied. The project is for a second story addition to the front of the house. The applicant requests a 32.5 ft. variance to the maximum front yard setback requirement to help facilitate construction of the addition. Tucker noted the property has an active building permit and the plans are consistent with floor plans and elevation.

Robert Hanson, applicant, stated that the project is for a 10'x20' addition to help accommodate a growing family and the need for a larger second bedroom. The addition was designed to be built to match the style of the home and the neighborhood.

The Board questioned the applicant about the changes in the floor plan and window placement from the February application and now. Tucker noted that the changes to the existing house were already properly permitted, and only the addition is being considered.

The Board requested information about the process the applicant went through to redo the request for variance. The applicant responded the new plans moved the project closer to a compliant location on the property. Joshua Steinhoff, the applicant's contractor, added the addition provides more usable space to the current 570 sq. ft. home, making the property more appealing to future buyers.

The Board requested clarification on the style of siding for the addition and if it would be in keeping with neighboring properties and if the addition could be considered a bedroom. The applicant responded that the siding has not been finalized yet. Tucker confirmed the proposed bedroom would meet standards for the City.

Collins moved to approve the variance as stated; Berenyi seconded the motion.

Review of Standards:

Standard 1: The Board noted that house was built far into the lot, far from maximum front yard setback, so the request for variance would bring the house more in-line with neighboring properties.

Standard 2: The Board noted again the request would bring the house closer to the intent of the zoning code by adding to the front of the house. In addition, privacy concerns between adjacent properties, would be minimal, if made at all worse.

Standards 3 & 4: The Board noted that in order to make the house fully compliant, the entire house would have to be moved forward and with the basement that would be burdensome. The Board acknowledges that building

all the way to required setback would be a hardship and would require the applicant to build over water and sewer lines.

Standard 5: The Board concluded that while having a front-facing bedroom is atypical, the project would not greatly affect adjacent properties because of sufficient buffering to maintain privacy level.

Standard 6: The Board noted the plans match the characteristic of the neighborhood, which has an eclectic mix of some historic and some modern designs.

The Board voted 5-0 to approve the requested variance by voice vote.

2. [53113](#)

David and Kari Gordon, owners of property at 2701 Van Hise Ave., request to modify the zoning lot to separate the rear (west) lot. Rear yard setback variance request to allow the home to be on a lot with a substandard rear yard setback. Alder District #5.

Tucker explained history of the property in the area between University and Regent that resulted in the unusual "L"-shape through its annexation into the City of Madison and changes to the zoning codes through the decades that led to the current request to modify and separate the rear (west) lot of the property and a rear yard setback variance to allow for a new home on the lot. Tucker added that the fence and non-permitted structures erected on the property would be removed in order to move forward with the variance request.

David and Kari Gordon, owners of 2701 Van Hise Ave., stated the property in its current state has no curb appeal with the fence lining the street and makes the lot feel separated from the neighborhood. They intend to build a new house on the separated lot for themselves if approved.

The Board requested clarification on the existing cabin in the side lot. Tucker explained the cabin would not impact new construction because it is already compliant as an Accessory Dwelling Structure. He added that the separated lot would remain as reverse corner lot if approved.

Kathleen Fullin, owner of the property at 110 Farley Ave., spoke in opposition to the requested variance. She stated that additions to 2701 Van Hise Ave. over the years has led to creating a crowded urban atmosphere in the neighborhood. She also expressed concerns that the new house will impact her privacy and create increased flooding issues due to the higher elevation and reduced green space.

David and Kari Gordon, owners of 2701 Van Hise Ave., rebutted Fullin's concerns of the reduced green space with their own concerns for children around a pond and stream that exist in the lot. They also stated that the lot is only 0.14 acres in terms of available green space.

The Board asked if the applicants considered changing the dimensions of the lot to add the required 10 ft. with a notch in the lot. Gordon responded that would create an abnormal lot shape. Tucker added that doing this would require the applicants to redivide, replat, and resurvey the lot and could affect neighboring properties especially in terms of future projects such as fences.

The Board questioned Tucker about the placement of the deck in regards to open space on the lot. Tucker responded it counts toward the open space requirement because it is at grade and permeable. He also mentioned a 1987 variance request for a similar proposal to divide the lot to build a house that failed due to different zoning requirements at the time.

Ostlind moved to approve the variance as stated; Winn seconded the motion.

Review of Standards:

Standard 1: The Board noted the lot has a unique "L"-shape due to its history during annexation and that the original placement in the 1940s was not governed by City zoning standards, which is now creating issues.

Standard 2: The Board stated that the purpose of the rear yard setback is to provide privacy buffering for adjacent properties and this property makes that tricky regardless because it is a reverse corner lot. The Board noted that the other purpose is to provide open usable space and that a new structure on the separated lot would provide suitable space to the east and west. Members of the Board noted that in the future, different owners might not find the buffering between 2701 and the house on the lot sufficient due to lack of space between the houses. The Board reiterated that current non-compliant structures on the property would have to be removed.

Standard 3: The Board concluded that creating a notched lot would be burdensome to the applicants due to the effort that process would require and may create unforeseen burdens on neighboring residents. However, members of the Board noted it would not be impossible and that the Planning Division has approved other irregular lot shapes in the same area. The Board also concluded that the current lot has excessive land compared to neighboring lots and without the variance, the applicants could not develop on it. Redesigning the house to comply would be difficult and would create a less desirable living space for the applicants and future owners of the proposed house.

Standard 4: The Board determined that hardship in the zoning standards were not created by the current owners and had to work with approvals made in different decades under different standards. However, the Board noted that the applicants were aware of current zoning standards when they purchased the property as it stands and no changes have been made since that time to those standards.

Standards 5: The Board determined that the development of the lot would lead to reduced privacy buffering to adjacent properties. However, the Board noted that the lot has been available to build on since the 1940s subject to zoning standards at the time. Water runoff is not a major issue and would not require special conditions if approved. Finally, the Board concluded that dividing the lot would make it more similar to neighboring properties in terms of size and buffering.

Standard 6: The Board concluded that the proposal would bring the property more in keeping with the characteristics of the street without the empty lot and with a house in its place. Berenyi expressed concern for the effect on 110 Farley Ave., but noted that had there already been a house on the lot, there would be no issue.

The Board voted 4-1 to approve the requested variance by voice vote.

DISCUSSION ITEMS

3. [08598](#) Communications and Announcements

Winn requested the Board to discuss the timeline for notification of affected neighbors and the completion of staff reports as part of October's agenda.

ADJOURNMENT

The Board adjourned at 6:39 pm.