



City of Madison

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

Thursday, November 29, 2018

5:00 PM

215 Martin Luther King, Jr. Blvd.
Room 13 (Madison Municipal 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: 3 - Peter A. Ostlind; Patrick W. Heck and Dina M. Corigliano

Excused: 3 - Agnes (Allie) B. Berenyi; Winn S. Collins and Jessica Klehr

APPROVAL OF MINUTES

A motion was made by Ostlind to approve the September 20, 2018 minutes with amendments, seconded by Heck. The motion passed (2-0) by voice vote with Heck abstaining.

PUBLIC COMMENT

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

PETITION FOR VARIANCE, AREA EXCEPTIONS OR APPEALS

1. [53842](#) Katharine Stanton and Benjamin Parrell, owners of property at 308 S. Few St., request side and rear yard setback variances to construct a two-story addition to the rear of the existing two-story single-family dwelling. Alder District #6

Tucker explained that the property in question is zoned TR-C4 on the east isthmus area a half block off Williamson Street. The project is for a second story addition to the rear of the house with basement stair access. The zoning code requires a setback of 4.2 ft. (10% of the lot width) and 3.1 ft. is provided; for the rear yard setback, 19.3 ft. is required and 17.3 ft. is provided. The applicant requests a 2 ft. rear yard setback variance to help facilitate construction of the addition. Tucker noted the new landing and steps is already code compliant and not to be considered.

Benjamin Parrell, applicant, stated that since the house was built in 1880, it lacks modern amenities common to other neighborhood homes. Katharine Stanton, applicant, stated that adding more space to the 2nd floor with a master bath and expanding the 1st floor will help improve the livability of the house and increase its value in the future. Both applicants noted the addition was designed to be built to match the style of the home and the neighborhood.

The Board questioned the applicant about the necessity of obtaining a variance for this project. The applicants responded that limiting the project to the compliant 8 ft. is too small for a usable addition and with the variance, the addition would maintain continuity with the rest of the structure in size and style. The applicants added that the variance would be most important for the space on the 2nd floor of the addition.

The Board requested clarification about several features of the new basement exit: grade level and extension past current structure. Parrell responded that it would be 3ft. above grade and the 6 in. to the north of the structure would be required to be compliant with the building code for step width and headspace. He added that cutting into the loose stone foundation was not a suitable option.

The Board questioned how the adjacent neighboring properties on Williamson Street (1148 and 1150) would be impacted by the request. Tucker responded with the zoning districts and their conditions and requirements for setbacks and open space for the impacted neighboring properties. Tucker added that it would be unlikely that those properties would go through the lengthy process to amend their zoning districts and be successful, allowing for enough buffering for the privacy of all properties to remain unaffected.

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

Review of Standards:

Standard 1: The Board noted that lot is a substandard width because it was cut from a larger parcel in the past. The property's adjacent neighbors are commercial and mixed-use, which is different from the other single-family homes on that block of S. Few St.

Standard 2: The Board noted again the request would bring the house closer to the intent of the zoning code when compared to other properties in the

neighborhood. In addition, privacy concerns between adjacent properties, would be minimal. The Board noted that the staff report describes the side and rear yard setback requirements well and notes that there would be little measurable impact if the variance is approved for privacy buffering. The Board acknowledged that the impact would be most noticeable for 304 S. Few St., but still minimal.

Standards 3 & 4: The Board noted the placement of the house on the lot is both burdensome and a hardship to the applicants. The house is not an expansive dwelling at present and an 8 ft. addition would not result in a usable size that would be similar to other neighborhood homes.

Standard 5: The Board reiterated that privacy concerns are minimal due to the type of buildings neighboring the property on the Williamson St. side and the lack of major changes to those properties due to the current zoning code.

Standard 6: The Board noted the plans and scope of the proposed addition match the characteristics of similar Victorian homes in the neighborhood.

The Board voted 3-0 to approve the requested variance by voice vote.

DISCUSSION ITEMS

2. [53843](#) Variance Application Process

Tucker explained the processing of case applications and the required public noticing. He noted that the ordinances do not provide much procedural directive beyond requiring public notice to neighbors and the local newspaper a minimum of 10 days before the hearing. Tucker explained the multiple steps associated with processing a case, and that the three-week turn around has been in place for decades. Tucker explained the process provides a reasonable time for review and response from applicants and neighbors, as required by law. To extend or change the timeframe would have impacts on applicants.

The board discussed the Kathleen Fullin comments. The board discussed the process for public notice within the time constraints of the application timeline. The board noted she received her notice 8 days before the hearing, which was reasonable. The board further noted that it would be unreasonable to extend the timeframe for the variety of reasons that one might want more advanced notice of a meeting, such as extended vacations, absence for the winter season, or other personal choices that result in a person not receiving the notice several days prior to the hearing. Tucker explained the process for preparing the staff report, which typically involves historical and legal research, site visits, and consultations with the City's Legal Department. The report often is not ready for publication until the week of the hearing, because staff needs the time to prepare a thorough and detailed report. Tucker further advised the board that it was not within their power to establish a time by which the report is published or set a deadline as to when it must be published. The board found this to be reasonable.

Tucker explained that the 2019 meeting schedule has an additional week added between the submission date and meeting date, primarily to help applicants with their submissions. This change might allow for agendas and notices to be prepared and mailed sooner, but will not require earlier notice.

The board did not recommend any changes to the current process and asked staff to monitor how cases and noticing is working into 2019 and beyond.

3. [08598](#) Communications and Announcements

Tucker announced there were 3 applications submitted for the December, 20 2018 meeting.

ADJOURNMENT

The Board adjourned at 6:09pm.