



City of Madison

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

*Consider: Who benefits? Who is burdened?
Who does not have a voice at the table?
How can policymakers mitigate unintended consequences?*

Thursday, November 18, 2021

5:00 PM

Virtual Meeting

CALL TO ORDER / ROLL CALL

Winn Collins, chair, called the meeting to order at 5:09pm.

Staff Present: Matt Tucker, Nancy Kelso and Cary Olson

Present: 5 - Winn Collins, Allie Berenyi, Angela Jenkins, Peter Ostlind, and David Waugh. Craig Brown, recently appointed as second alternate, in attendance as an observer.

APPROVAL OF MINUTES

A motion was made by Ostlind to approve the July 15, 2021 minutes, seconded by Waugh. The motion passed 3-0 by unanimous vote with one abstention.

PUBLIC COMMENT

1. [61712](#) Zoning Board of Appeals Public Comment Period

There were no public comments

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

PETITION FOR VARIANCE, AREA EXCEPTIONS OR APPEALS

2. [68257](#)

Rachel Bergh, owner of the property at 226 Jackson Street, requests a front yard variance to construct a first-story dwelling addition with an open porch onto a two-story single family dwelling. Alder District #15.

Tucker stated the property is zoned TR-V1, located in the area north of Atwood Ave., east of Winnebago St., west of Fair Oaks Ave., south of Milwaukee St.. Tucker noted the front yard setback variance request is to accommodate the reconstruction and expansion of the existing front porch into a partially finished, conditioned area and a remaining open porch/entrance area. Tucker further explained the front yard setback requirement for this property, calculated by setback averaging, is 12'9"; the petitioner's placement of the structure provides for a 9'6" setback resulting in the request for a 3'3" variance.

Applicant Rachel Bergh stated the existing front porch needs to be replaced as it is structurally failing and potentially hazardous to anyone using the entryway. Bergh noted that the home is small in size and the proposal would provide more living space which she would use as a home office. Bergh explained the original plan has been through several revisions, with changes to the style and reducing the size of the conditioned area. Bergh stated the windows and siding to be installed with the new construction will be similar in style to match the existing structure.

The Board questioned if there were other locations within the structure that could be converted to home office space or if an addition could be constructed at the back of the home. Bergh stated it was not possible to convert any current space in the home. Bergh mentioned that the structure was previously expanded in the back to enlarge the kitchen and create a family room area and add a backyard deck. Bergh noted that with placement of the front door, windows and stairs there wasn't room to include office space. Bergh noted that any further expansion to the rear would decrease the useable open space (UOS) on the lot and may require a variance as well. Bergh stated that with the current proposal there would be a small increase to the footprint of this structure, noting that there are other properties along this block face of comparable style that have less setbacks than what is being proposed.

Tucker stated that the applicant could rebuild the porch in kind without the need for a variance, however, to enclose a portion of the porch as conditioned living space is what presents the need for the variance. Tucker clarified that an addition at the rear of the structure would not require a variance nor affect the required amount of UOS, however it would result in an unusually long structure. Tucker also noted that there are many homes of similar style with enclosed porches on this street.

The Board asked for the specific dimensions for the windows and their placement in the addition. Bergh stated that she did not have the exact dimensions on hand; further explaining the elevations of the structure, noting that the new windows will align with the existing windows along the lower sills.

The Board asked what the minimum depth of the proposed enclosed space would be in order for it to be functional as office space. Bergh stated that the minimum needed would be 8 feet to accommodate for an in-swing doorway and office type furniture. Bergh further clarified for the Board the plans for the addition's foundation, coverings and landscaping.

Collins closed the public hearing.

Jenkins moved to approve the requested variance; Berenyi seconded.

Review of Standards:

Standard 1: The Board noted the placement of the structure on the lot presents a unique situation in that there are limitations in regard to the side yards where one side is occupied by the driveway and garage, and the other side does not provide enough space with the current setback. Referencing the first floor plan it was noted the front of the structure would be a reasonable location to add space, however the rear of the structure could provide space as well.

Standard 2: The Board found that while it is clear that this proposal moves the structure forward towards the sidewalk it still remains behind other structures on the block face and is in keeping with the intent of the zoning code.

Standards 3 & 4: The Board was divided on whether code compliance would prove burdensome as to the functionality of a smaller room and if other options have been fully explored.

Standard 5: The Board found that although the proposed addition moves the structure forward in to the setback, there is less projection compared to neighboring structures and therefore no substantial detriment to those properties.

Standard 6: Noting the applicant had made a clear and conscientious effort with the design and materials, the Board determined the proposal maintains the character of the neighborhood.

After further discussion reference standards 3 & 4, along with referring the case to a future meeting, Berenyi moved to re-open the public hearing, Jenkins seconded. The public hearing was re-opened by unanimous vote.

Bergh described the difficulty of constructing an addition at the back of the house. The Board explained the referral process and the opportunity it would give for the applicant to present additional information.

Collins closed the public hearing.

Board members Jenkins and Berenyi elected to keep the motion to approve in place.

The Board voted 2-2 by roll call vote.

Prior to casting the deciding vote, Board chair Collins stated his position regarding the proposal and its meeting the six standards. After further deliberation Jenkins rescinded the original motion to approve the requested variance. Berenyi then moved for referral of the case to a future meeting no later than March 17, 2022; Ostlind seconded.

The Board voted 4-0 by unanimous vote for referral.

DISCUSSION ITEMS

3. [66179](#) Status of Virtual Meetings

As directed by the City's Mayoral Administration, the Board discussed whether to continue with the current virtual format or to resume in-person meetings for the 2022 schedule. Ostlind moved to continue with the virtual format; Waugh seconded. The Board voted 4-0 by unanimous vote to approve the motion.

4. [68259](#) 2022 Meeting Schedule.

Noting Madison General Ordinance section 33.01 (10) prohibits scheduling meetings on election days, holidays and during budget deliberations, Kelso explained how this will affect the Zoning Board of Appeals schedule for the months of April and November in 2022. The Board discussed their options and preferences for setting the meeting dates. Waugh moved to schedule eleven meetings, one per month on the third Thursday of the month, with the exception to shift the April meeting to the second Thursday and schedule the November meeting only if needed as a special session; Berenyi seconded. The Board voted 4-0 by unanimous vote to approve the motion.

5. [08598](#) Communications and Announcements

Tucker stated the representative for the property owners of 18 Chippewa Court (the case referred at the July 15th meeting), had requested and was given an extension for the referral hearing date. This case will come before the Board at the January 20, 2022 meeting. Tucker noted there were no cases submitted by today's deadline for the December meeting, therefor the meeting scheduled for December 16, 2021 is cancelled.

ADJOURNMENT

The Board adjourned at 7:08pm.