



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, July 15, 2021

5:00 PM

Virtual

CALL TO ORDER / ROLL CALL

Winn Collins, chair, called the meeting to order at 5:22pm.

Staff Present: Matt Tucker, Nancy Kelso and Cary Olson

Present: 3 - Winn Collins, Peter Ostlind, and David Waugh.

Excused: 2 - Allie Berenyi, Angela Jenkins

APPROVAL OF MINUTES

A motion was made by Ostlind to approve, with modifications, the June 17, 2021 minutes, seconded by Waugh. The motion passed 2-0 by unanimous vote.

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. [66177](#) David Friedman and Pamela Robbins, owners of the property at 18 Chippewa Court, request a side yard setback variance to construct a second-story addition onto an existing single-story single family dwelling. Alder District #10.

Tucker stated the property, zoned TR-C1, is located in the Nakoma neighborhood north of the beltline and southeast of Odana Road, also noting the property's rear yard lot line borders on the southwest commuter path. Tucker explained the existing single-story, single family home is situated 3.1 feet into the side yard setback; the proposal is for a second story addition to be placed atop the existing walls of the structure in the area that projects into the setback. Tucker stated that the required side yard setback for a two-story home is 7 feet, the proposal aims to match up the addition to the existing 3.1 setback therefor requesting a 3.9 foot variance.

Applicant David Friedman stated they had worked extensively with their architect to determine the location for the addition; it was decided that situating it over the garage would utilize the existing footprint of the home in place, would have the least amount of impact to neighboring properties, and would best compliment the design of the current structure. Friedman further detailed how the existing home is skewed in placement on the lot, resulting in a portion of the structure to be situated in the side yard setback.

Utilizing the submitted survey map, Tucker clarified for the Board where the setbacks are measured and how the house is positioned in relation to both side and rear yard setbacks. Tucker further explained the term "bonus room" from a zoning perspective as mentioned in the staff report.

The Board discussed with Friedman the intended use of the addition and if other existing areas of the house could accommodate this use. The board also discussed the adjacent home to the west, which also has a similar second story. They further discussed alternate locations and potential structural changes for accommodating the proposed addition. Friedman noted that the proposed roofline would be 10 feet higher than the current structure, that the choice of a gabled roof and existing landscaping would lessen the impact to the neighboring properties. The board noted the addition appeared somewhat awkward, in comparison to other structures in the immediate area.

Written comments were submitted by the property owner of 22 Chippewa Ct., applicant Friedman responded to those comments.

Collins closed the public hearing.

Ostlind moved to approve the requested variance; Waugh seconded.

Review of Standards:

Standard 1: The Board determined that the shape of the lot along with the placement of the structure and available space in the back yard combined to present unique challenges to construct the proposed addition.

Standard 2: The Board found that the proposal in general met the intent and purpose of the zoning code although the additional bulk and height may be problematic.

Standard 3: The Board determined that strict compliance with the ordinance could prove unnecessarily burdensome with some aspects of the proposal, however other options may exist for further consideration by the applicant which would lessen the impact on neighboring properties and be more in keeping with the existing architecture.

Standard 4: The Board noted that due to the placement of the existing structure on the lot, code compliance would cause difficulty or hardship, stating that a variance would be necessary if a similar addition were to be located elsewhere on the home.

Standard 5: The Board found that proposed location of the addition would add substantial bulk along the lot line and could have a detrimental impact on the neighboring property to the east.

Standard 6: The Board determined the proposal would be somewhat compatible with the character of the neighborhood, noting there weren't many two-story homes in the immediate area and the design resulted in a somewhat awkward look for the home.

Ostlind moved to re-open the public hearing; Waugh seconded.
The public hearing was reopened by unanimous vote.

Tucker mentioned to the Board the procedural option to refer a case to be heard at a future meeting, affording the applicant the opportunity to revise the proposal to better meet the standards for variance.

The Board discussed with the applicant possible alternate locations for the proposed addition.

Collins closed the public hearing.

Ostlind rescinded the original motion to approve the variance. Ostlind moved for referral of the case to a future meeting no later than November 18, 2021; Waugh seconded.

The Board voted 2-0 by unanimous vote for referral.

3. [66178](#) Peter Rott, representative for the owner of the property at 909 and 911-915 Jenifer Street, requests a side yard setback variance to construct a 2-story addition onto an existing residential structure, to accommodate conversion into a new housing cooperative. Alder District #6.

Tucker stated the proposal is to join the two properties, zoned TR-V2, into one single property connecting with a basement-level addition. Proposed is a 2-story addition with basement level, to be constructed on to 909-911 Jenifer. Tucker noted the addition will provide required ADA accessible units at the first level with additional living spaces on the second level. Tucker stated the properties are being converted to an owner-occupied housing cooperative. Utilizing the submitted plans and photographs, Tucker explained in further detail how the proposed addition is to be constructed and how it results in the need for the variance.

Peter Rott, representative for Refine Jenifer, LLC, owner of the properties at 909-911 and 915 Jenifer St., noted the properties are in an historic district but are not individually identified as historic buildings. Rott stated that in the course of utilizing the historic tax credit, the project has been reviewed by the National Park Service, Wisconsin State Historical Preservation Office, and City Landmarks. Rott explained that in forming the housing cooperative by joining the two properties, the lot and structure at 909 Jenifer provides the area needed for the addition to meet all ADA requirements.

The Board questioned if the addition could be smaller to minimize the variance request. Rott explained that any reduction in dimensions would not maintain ADA compliance. Rott further clarified for the Board how the proposal has integrated the shared common areas with individual ADA units and how changes in either area affect ADA code compliance.

Tucker clarified information from the staff report regarding the existing structure relative to the construction of the proposed addition. Tucker further explained that current zoning ordinance for housing cooperatives is a permitted use in all residential categories, however a housing cooperative cannot be built from scratch but instead is created through modification of existing structures. Additionally Tucker explained the differing setback requirements for the various types of dwelling structures, noting that due to the recently amended zoning map this existing structure is now situated in the side yard setback.

Collins closed the public hearing.

Waugh moved to approve the requested variance; Ostlind seconded.

Review of Standards:

Standard 1: The Board noted that combining the two properties to create a singular housing cooperative within an historic district presents a unique challenge.

Standard 2: The Board found that the proposal was not contrary to the zoning code, that existing space between the neighboring properties was to be

maintained.

Standards 3 & 4: The Board noted that the applicant has done as much as possible to be code compliant and has demonstrated that any changes to the proposal to be fully code compliant without needing a variance would be unnecessarily burdensome. Additionally the Board determined that any difficulty or hardship would be caused by meeting the terms of the ordinance as the applicant not only has to comply with City ordinance but also needs to meet ADA compliance as well.

Standard 5: The Board found that with maintaining required buffering and placement of the addition at the rear of the existing structure, there would be no detrimental impact to the neighboring properties.

Standard 6: The Board determined the proposal to be compatible with the character of neighborhood, citing the support of other agency reviews.

The Board voted 2-0 by voice vote to approve the variance request.

DISCUSSION ITEMS

4. [66179](#) Status of Virtual Meetings

To provide all board members the opportunity to participate, the Board opted to keep the discussion of whether to continue meeting virtually or return to in-person format on future agendas.

5. [08598](#) Communications and Announcements

Tucker noted that Assistant City Attorney John Strange will be leaving City employment and joining the teaching staff at the University of Wisconsin – Madison; Assistant City Attorney Kate Smith will assume ZBA duties from Atty. Strange. Tucker announced his promotion to Director of Building Inspection, noting that he will be serving in tandem as Zoning Administrator until that position is filled.

ADJOURNMENT

The Board adjourned at 7:35 pm.