



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Meeting Minutes - Approved ZONING BOARD OF APPEALS

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Thursday, January 26, 2012

5:00 PM

215 Martin Luther King, Jr. Blvd.  
Room LL-110 (Madison Municipal Building)

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### CALL TO ORDER / ROLL CALL

Pat Anderson and Chris Nelson were present representing the City of Madison.

Present: 5 -

John W. Schlaefter; Diane L. Milligan; Susan M. Bulgrin; Dina M. Corigliano  
and Michael A. Basford

Excused: 2 -

Frederick E. Zimmermann and Mark C. Neidinger

### APPROVAL OF MINUTES

Approval of the minutes was deferred.

### DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

### NEW BUSINESS

1. [25078](#) Brandon Cook, owner of property located at 531 W. Mifflin Street, requests a front yard variance, side yard variances, and a useable open space variance to relocate an existing three-story, three-unit building onto the subject lot.  
Ald. District # 4 Verveer

Attachments: [531 W. Mifflin St..pdf](#)

Mr. Anderson stated that the owner wishes to remove an existing single-family home and relocate an existing three-unit apartment building currently located a few blocks away. Side yard setback, and useable open space variances are requested. Ordinance requires a 9' side yard setback, 10' front yard setback, and 770 sq. ft. of useable open space. Mr. Anderson stated that the land provides a 5' right side, 3'-7" left side, 8'-6" front yard, and 385 sq. ft. of useable open space. The requested variances are for a 4' right side yard, 5'-5" left side yard, a 1'-6" front yard, and 385 sq. ft. of useable open space.

Brandon Cook appeared along with his architect, Matthew Aro. Mr. Aro stated that they sent in revisions to request that two of the variances be modified. These revisions would eliminate the front yard variance and useable open space variance requests. Mr. Aro stated that the revisions of the plan essentially lower the foundation by approximately 12", which would then allow them to have a shorter front to back dimension for their steps, and that would allow them to eliminate the front yard variance request. Mr. Aro also stated that they eliminated two parking stalls in the back to create a useable open space at the rear of the lot, that would eliminate the need for that variance as well. Mr. Aro further stated that, with this request, they need the board to simply look at the side yard variance.

Ms. Milligan stated that the burden is on the applicant to show that the standards have been met, and in the application materials there is no narrative or description, and they haven't addressed anything to support why they think they have met the standards. Ms. Milligan asked the applicant to address the standards, so that the board could address them.

Mr. Cook stated that they eliminated two of the variances, and thus changed the plan, and ultimately made the house fit a little bit better. Mr. Cook also stated that the zoning staff report suggests economic gain by moving the house. Mr. Cook stated that he didn't see it that way, and that this is his home and where he lives, and he would like to move it because the house currently there is beyond its useful life. Mr. Cook also stated that in addition to that, it is not simply moving the house. He has to rip up 50' of the street, bring in a 2 - 3" water line, sprinkler the whole building, and put a commercial foundation underneath it. In addition, since it is not a brand new house, there are things that need to be done; if they run into problems those things need to be fixed, and the electrical system will all need to be upgraded. Mr. Cook stated that the house he would like to move is on an R6 lot, and he is essentially moving it to a larger R6 lot. He is putting it on a bigger lot than what it was on, and is improving the conditions to the lot, in addition to making a significantly safer building on this block than what is there right now. Mr. Cook further stated that the sprinkler system is the gold standard among fire safety.

Ms. Corigliano stated that there needs to be some kind of explanation as to why he needs these setbacks. Mr. Cook responded that if he went by the code, he would have a 17' wide building. Mr. Cook stated that he can't put a 17' wide building on it and keep it the way it was; it would look odd and out of place. The lot is narrow, and this type of lot is pretty common downtown, and there is not a whole lot you can do with it. Mr. Cook stated that building a new house wasn't the route he wanted to go, nor anybody recommended that he go that route. His other option is to keep the house where it currently is, but the foundation leaks like a sieve, it has two bad additions, a horrible remodel to it, the bedrooms are small, and it is just not a good house for that area.

Mr. Aro stated that there is another building on the block that is three stories in height, and it is just across the street and down by a few addresses, so there is precedence for it in the neighborhood. Mr. Aro also stated that in terms of impacts on the neighbors, it is better for light and air between the neighboring properties. It does also provide an element of life safety for firefighters, where before it was very difficult to see between two houses. Mr. Aro further stated, that with the proposal, they believe an improvement is being made, and they felt a three-story would fit in with the Downtown Plan that is being proposed

for that block.

In response to a question as to why Mr. Cook chose this particular house, he responded that it is a fantastic house, 99% original, and it is better than anything he owns or looked at that was for sale in the neighborhood. Mr. Cook stated that, the other three houses he could move are actually wider than this house, and this is the smallest house.

Mr. Basford stated that it is not entirely unusual to see applications for moving structures like this throughout downtown. Mr. Basford also stated that those are done through the Plan Commission and the PUD process, and asked Mr. Cook why he wasn't doing that. Mr. Cook responded that nobody does what he is trying to do, and stated that when others move a house it is because they have to move the house to do the project, and that is not this situation. Mr. Cook stated that they are building a Hampton Inn in the location where the house is now, and it wasn't required. Mr. Cook further stated that it was a perfect candidate to be moved and nobody had objections to it.

Mr. Basford stated that the PUD process allows someone to go to the Planning Department if it is not conforming to the zoning code, and create their own zoning. Mr. Basford also stated that is how they typically see these things get done, and that this is rather atypical. Mr. Cook responded that it was recommended that he go for a variance by Heather Stouder, from the Planning Department. Mr. Cook stated that he was originally planning to go the PUD route, but it was recommended he go this route because it is a side yard variance that he is requesting. Mr. Aro stated that they were told by the Planning Department, that in their case, it would be very difficult to meet the standards for a PUD.

Larry Warman, 360 W. Washington Avenue, appeared in support of the project. Mr. Warman stated that he is the district chair for CNI, Capitol Neighborhoods. Mr. Warman also stated that, the committee met and they support the move of the house from Johnson Street to Mifflin Street. They believe it is an improvement from the house that is currently there. Mr. Warman stated that, it stays within the context of the Downtown Plan as they understand it, and they are concerned to keep good quality buildings four-stories or less in the neighborhood.

Greg Suddeth, 969 Mesa Drive, Oregon, WI, spoke neither in support or opposition. Mr. Suddeth stated that his family owns 20 houses on the block. Mr. Suddeth wanted to know what the actual setbacks were going to be from the sidewalk, of which he was provided with the plan. Mr. Suddeth stated that if it is not any closer to the street than he is not going to object.

Ms. Milligan moved to approve, seconded by Ms. Corigliano.

Ms. Milligan stated that a lot of the testimony they heard are Planning considerations. Ms. Milligan also stated that, it's a neat building and she likes the idea of wanting to save the building, it makes sense to move it, and it is consistent with the neighborhood. Ms. Milligan stated that she has problems with the zoning variance standards. She isn't concerned about the front foot, but is a little concerned about the useable open space, because it is a big parking lot back there. Her big concern is the bulk, on both sides, and three stories up all the way back. It is closer to the neighbor right now, but it is one-

story, and it is just a third of the depth of the house. Ms. Milligan stated that they have this massive bulk in terms of cubic feet, and it is on a block of 2- 1/2 story houses. Ms. Milligan also stated that it doesn't fit in the Zoning Board's process, doesn't fit with their standards, but maybe it's something that should happen. She cannot see the Zoning Board of Appeals granting a variance, because they have standards as well. Ms. Milligan stated that, if the Plan Commission can give it a PUD based on all these planning considerations, than that is a whole different thing. Ms. Milligan further stated that she did not see a hardship in putting a house that is clearly too big on a lot, and that it doesn't meet their reasonableness standard.

Ms. Corigliano stated that she agreed. Ms. Corigliano stated that this is a new house going on an existing lot. Ms. Corigliano also stated that, granted the house has already been built, but it is not like the house is existing. If this was a stick-built house, and they were pouring the foundation, the board would have serious problems with these kind of setback violations without much more elaborate detail on why the house couldn't fit into the allowable footprint. Ms. Corigliano stated that at least they would request that the house be minimized as much as possible. This house doesn't fit that description, because it is definitely bigger than almost every single other house on the block, so it certainly hasn't been minimized. Ms. Corigliano stated that, granted 17' would be a very narrow house, the setbacks that they are asking for are really quite large. If the house were a little narrower, maybe she would have less of a problem. The house is really big, and she doesn't believe they should give it special consideration, or that they can, just because it is an existing house that is being moved from somewhere else.

Mr. Basford stated that if this was something like they typically look at, such as somebody taking a current structure and making an addition to it, the argument about topographical hardship of the width of the lot would make a lot more sense. Mr. Basford also stated that gets obliterated when you take out the house, and you are putting in something new. Mr. Basford further stated that he cannot see how they get around it.

Ms. Milligan stated that there is not a nexus between the size of the setback that they want and the hardship caused by wanting three-stories straight up. Ms. Milligan also stated that it is a square peg round- hole situation.

Ms. Corigliano stated that it is a good idea to move an existing house. Ms. Corigliano also stated that for the variance standards they have to look at, she can't make it work for the hardship or for any other reason.

Mr. Basford stated that he has seen these at the Plan Commission level, but to his memory has never seen a structure being moved onto another lot requiring a variance and an application like this.

0-5 (denied)

Mr. Basford stated that the finding is it doesn't meet the standards.

2. [25080](#)

Allene Hager, owner of property located at 1713 Helena Street, requests a side yard variance to construct a second story dormer addition onto a two-story single-family home.

Ald. District # 6 Rummel

Attachments: [1713 Helena St..pdf](#)

Mr. Anderson stated that the applicant would like to construct a dormer addition to the second level to accommodate a second floor bathroom remodel. The ordinance requires 7'-6" including a 6" right side depth penalty. They are providing a 3'-7" setback, and are requesting an area exception of 3'-11".

Mick Klein-Kennedy appeared before the board as owner's representative. Mr. Klein Kennedy stated that Alleen Hager wishes to put a second-story bathroom in. They are going to create a dormer on the east side of the house that reflects the same dormer on the other side of the home. Mr. Klein-Kennedy stated that the actual vertical element is in line with that side of the home, and is not bumped out at all.

In response to a question about the staircase from the second floor, Mr. Klein-Kennedy responded that the owner wanted a way to get out of the second floor. They took out a window and put in a door, which actually adds to the variance request. Mr. Klein-Kennedy stated that anything over 40' adds to the request.

Ms. Corigliano moved to approve, seconded by Mr. Schlaefer.

Ms. Corigliano stated that she believed the hardship is the location of the house. Ms. Corigliano also stated that it is hard to add on a bathroom in that location or anything in that location without bumping the roof up, and they would have to move pretty far back in order to avoid the variance. Ms. Corigliano stated that considering the circulation of the upstairs, it would be pretty difficult to have a bathroom, and that you can't put a bathroom in the middle of the upstairs, which would be the only other logical place to put it where they wouldn't have to bump up the roof. She didn't see that it was impacting the neighbor very much, and it fits in with what is going on in the neighborhood.

Mr. Basford stated that he did not believe the addition would impact the air or light.

Ms. Milligan stated that it is very minimal.

5-0 (approved)

Mr. Basford stated that the finding is it meets the standards for a variance.

## DISCUSSION ITEMS

3. [08598](#) Communications and Announcements

There were not communications or announcements.

**ADJOURNMENT**

**Matt Tucker**  
**City of Madison**  
**Zoning Board of Appeals, 266-4569**  
**wisconsin State Journal, January 19, 2012**