



# City of Madison

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

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Thursday, August 14, 2014

5:00 PM

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

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### CALL TO ORDER / ROLL CALL

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

**Staff Present:** Matt Tucker and Chrissy Thiele

**Present:** 5 - John W. Schlaefer; Diane L. Milligan; Susan M. Bulgrin; Dina M. Corigliano and Michael A. Basford

**Excused:** 2 - Frederick E. Zimmermann and Winn S. Collins

### APPROVAL OF MINUTES

A motion was made by Schlaefer to approve the July 24, 2014, minutes, seconded by Milligan. The motion passed by voice vote/other.

### DISCLOSURES AND RECUSALS

Schlaefer disclosed that he and Attorney Dan O'Callaghan serve on the Regent Neighborhood Association Board, but that would not affect his decision.

### PETITION FOR VARIANCE OR APPEALS

Schlaefer motioned to review item two, Legistar number 35068, first, seconded by Bulgrin.

2. [35068](#)

Josh Wilcox, representative of Palladia, LLC, requests an appeal to the Zoning Administrator's interpretation in regard to design standards for parking and building downtown, Zoning Code Ordinance 28.071(3)(a)(1).  
Ald. District #6 Rummel

**Attachments:** [330 E Wilson St.pdf](#)

Tucker explained to board members that there are three options of creating parking in the downtown UMX district: parking structures, underground, or surface parking behind principle buildings.

AJ Robitschek, the architect, explained the layout of the proposed building, and pointed out the community display space, which takes up about 30% of the building footprint. This display case would provide a museum type feel for people walking down the street. They have discussed the project with the neighborhood and they would like the display space to be continuously changing and possibly have control over what is displayed, however nothing has been finalized yet.

Attorney Dan O'Callaghan handed out highlighted sections of the zoning code related to what they were appealing. They understood the intent of the design standard required in the zoning code, which is to provide activation for the street so you don't have dead space such as parking along the street frontage. Their proposed building has a market store on one side of the building and a community display space to block the view of parking spaces behind it. They believe that their provided parking would fit with the surface parking definition that has been appropriately screened from the street frontage. Attorney O'Callaghan stated that the community expressed concern of limited parking if their proposed building were to be built, so they are trying to ease concerns.

Tucker reviewed the definitions of a parking structure and surface parking and explained how the proposed parking does not fit with any of the allowed parking options for a UMX district.

Basford acknowledged Aimee Bauman, representing Bob Rubin, registered in support of the appeal.

Corigliano motioned to approve the appeal, seconded by Milligan.

Board members discussed how the proposed parking plan fits closest to a parking structure; however it does not completely fit the definition. They agreed that the code is clear in giving three options of parking, and if it cannot be met, then it should not be approved. Some board members wondered why the underground parking wasn't tried.

The motion to approve the appeal failed (0-5) by voice vote/other.

1. [35067](#)

Palladia, LLC, owner of property located at 330 E. Wilson Street, request a rear yard variance and design standard variance for ground floor parking for their six-story mixed use residential/commercial building.

Ald. District #6 Rummel

**Attachments:** [330 E Wilson St.pdf](#)  
[330 E. Wilson St. Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 10' rear yard setback, while the construction of the mixed-use building would provide a 6' setback. Therefore, the owner is requesting a 4' rear yard variance. The owner is also requesting a design standard variance to provide ground floor parking where no office or retail use is located between the parking and street façade.

Attorney Dan O'Callaghan explained to board members that the shape and size of their lot creates the hardship. They understand that parking is not a requirement, but they believe it to be a necessity in order to attach a retail tenant that might need employee parking, as well as neighboring property owners requesting it. He also explained that the width of the lot is not big enough to build a liner building as it is required in the zoning code for a parking structure. As for the rear yard variance request, Attorney O'Callaghan stated that property owners on Hancock Street expressed concern about losing their current view down the street with the construction of the new building. So, they are proposing to shift the building over in order to preserve that view.

AJ Robitschek added that they are unable to provide underground parking because the lot isn't deep and wide enough to create a usable slope, as well as the necessary turning radius for maneuvering vehicles. He also added that the request for the rear yard variance is needed in order to preserve the unit mix and keep the number of units proposed for their building. If they were to instead cut out four feet in the foot print, they could lose units, as well as the variety. Robitschek pointed out that the buildings further up Hancock have 5-10' front yard setbacks, so if they were to shift their building 4', they would be more in line with those buildings.

Basford acknowledged Aimee Bauman, representing Bob Rubin, registered in support of the appeal, as well as letters of support from First Settlement Neighborhood and the Hancock Court Home/Condo Owners Association for the variance, but opposition for the design standard variance.

Corigliano motioned to approve the design standard variance request, seconded by Schlaefer.

Board members Pointed out that the lot size was larger than the minimum requirements in the zoning ordinance. Also, the proposed screening of the community display space goes against the purpose and intent of the zoning code, which is to have an active space. They noted that parking is a permitted use, but it is an option, not a requirement; thus the desire for parking creates the hardship, not the zoning code. They did agree that the proposed building would be an improvement to what is currently there.

The motion to approve the variance failed (0-5) by voice vote/other.

Corigliano motioned to approve the rear yard variance request, seconded by Milligan.

Board members again noted that the lot size was larger than minimum requirements in the zoning ordinance. Some board members thought other options were available in the design of the building, instead of just shifting the building to the side to accommodate neighboring property owners' request. They did agree that the proposed building wouldn't detrimentally affect the surround properties and would fit in with the neighborhood.

The motion to approve the variance failed (0-5) by voice vote/other.

### DISCUSSION ITEMS

3. [08598](#) Communications and Announcements

Tucker announced the August 28 meeting has been cancelled.

### ADJOURNMENT

Meeting adjourned at 6:44 pm.

**Matt Tucker**  
**City of Madison**  
**Zoning Board of Appeals, (608) 266-4569**  
**Wisconsin State Journal, August 7, 2014**