



City of Madison

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

Thursday, December 4, 2014

5:00 PM

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

CALL TO ORDER / ROLL CALL

Basford, chair, called the meeting to order at 5:04 pm and explained the appeals process.

Staff Present: Matt Tucker and Chrissy Thiele

Present: 5 - John W. Schlaefter; Diane L. Milligan; Susan M. Bulgrin; Michael A. Basford and Winn S. Collins

Excused: 2 - Dina M. Corigliano and Frederick E. Zimmermann

APPROVAL OF MINUTES

A motion was made by Schlaefter to approve the November 6, 2014, minutes, seconded by Bulgrin. The motion passed by voice vote/other.

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

PETITION FOR VARIANCE OR APPEALS

1. [36282](#) Raphael Kadushin, owner of property located at 206 N. Spooner Street, requests a side yard variance and rear yard variance to construct an attached garage and second story loft space onto a two-story single family home.
Ald. District #5 Bidar-Sielaff

Attachments: [206 N. Spooner St \(12/4/14\).pdf](#)
[206 N Spooner St \(1/8/15\).pdf](#)
[206 N Spooner St. Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 5' side yard setback and 20' rear yard setback, while the construction of an attached garage and second story lot would provide a 1' 1" side yard setback and a 1' rear yard setback. Therefore, the owners are requesting a 3' 11" side yard variance and a 19' rear yard variance. Property is zoned TR-C3.

Jeff Gaard, the owner's representative, explained to board members the current garage is starting to deteriorate and has moisture problems. The owners would like to replace the garage, as well as add a second story for work space. He pointed out that though the proposed garage is considered an attached garage, it has been designed to be like an accessory structure, by separating the second story on the garage from the second story of the house. Gaard pointed out that if they were to move the garage forward to reduce the

rear yard variance request, they would reduce the amount of space available in the garage. He provided a photo of an addition on another house fashioned similar to what they are proposing, as well as a letter from the neighboring property to the north in support of the variance request.

Schlaefer motioned to defer the variance requests, seconded by Bulgrin, to a meeting no later than February 26, 2015.

Board members agreed that the lot isn't as deep as other lots in the surrounding area and any addition to the house would need a variance. Some questioned whether it was reasonable to have a two story garage versus a one story garage. Some board members thought the request for the two story garage is based on the desire for a studio, instead of an actual hardship. Board members requested that the applicants provide more information to how the variance request met the standards.

The motion to defer the variance requests passed (5-0) by voice vote/other.

2. [36283](#)

Core Campus, LLC., owner of property located at 437 N. Frances Street, requests rooftop level variances, for a mechanical screening wall placed at a location less than 1.5 times its height from the primary facade and a for the screening to match the height of the equipment.
Ald. District #4 Verveer

Attachments: [437 N Frances St.pdf](#)
[437 N Frances St. Staff Report.pdf](#)

Tucker introduced the project as having a zoning code requirement of 30' setback of screening from the primary façade, as well as the screening be a minimum of 1' above the height of the equipment. The applicant is requesting a variance of 11' 11" for the setback from the primary facade and a variance for the height of the screening to be 5.5" below the height of the equipment. Property is zoned DC.

Brian Munson, the applicant's representative, explained to board members that this is the first large scale compound building that was built under the new zoning code, instead of being rezoned as a Planned Development. He explained that they worked with city staff to make sure everything conformed to code. However, this variance request is for something both the developers and city staff missed during the planning stages. They have agreed with the staff report to have the screening height be the same height as the mechanical equipment, but they cannot increase the height any more without it significantly impacting the functional requirements for the unit and affecting airflow. Also, the building was designed so that all the bedrooms in the units have a window, making the building narrower than typical building width, and left a point on the building where they could put the mechanicals in concert with the stair and elevator overruns that minimizes the effect of the placement of the mechanicals. This, however, is in violation of the setback requirement. Munson pointed out, though, that the intent of the code is being met, as you cannot see the mechanics from the street, and you have to be a good distance away before you even see the screening for the mechanics. This is the only mechanical point for the building and the only chiller that serves the entire building.

Jeremiah Diamond, one of the architects, explained to board members how the addition to the screening would be made and fastened to increase the height

5.5”.

Collins motioned to approve the variance request with an amendment to reduce the screening height variance request to 1’, seconded by Milligan.

Board members agreed that the lot was irregularly shaped, and the layout of the building is also unique, with all the angles and layers, as well as all the bedrooms designed to have a window. They pointed out how the applicants have complied with the code up until this point and it would be unreasonable to require them to comply with this too, especially when it seems they are still meeting the purpose and intent of the zoning code. Board members agreed that this wouldn’t detrimentally affect the surrounding properties and would be fit in the neighborhood.

The motion to approve the variance, with the amendment to reduce the screening height variance to 1’, passed (5-0) by voice vote/other.

Collins left during the meeting, at 5:53.

Present: 4 - John W. Schlaefer; Diane L. Milligan; Susan M. Bulgrin and Michael A. Basford

Excused: 3 - Dina M. Corigliano; Frederick E. Zimmermann and Winn S. Collins

3. [36284](#)

Park Hotel, Inc., owner of property located at 22 S. Carroll Street, requests a variance to construct a building addition at the ninth-story of the existing building, within the six-story maximum building height limit area.

Ald. District #4 Verveer

Attachments: [22 S Carroll St.pdf](#)
[22 S Carroll St. Staff Report.pdf](#)

Tucker introduced the project as having a zoning code story height limitation of 6 stories, while the applicant would like to add on to the 9th floor as part of a major exterior renovation. Therefore, the applicant is requesting a variance to build in part of the 6 story height limit in order for the façade to match and have a uniform elevation. Property is zoned DC. Tucker also informed board members that the applicant will have to also apply to the Urban Design Commission and the Plan Commission for this project.

Melissa Destree, the applicant’s representative, explained to board members that the building has multiple masses and the idea of the façade renovation is for the 9th floor to have a nice uniform line and curve off the pointed corner, providing a better view of the capital, which is the purpose and intent of the code. They showed their other plan to have a balcony instead of another room, where the 6th story limitation intersects the building, however the neighborhood and the Urban Design Commission prefers that the building be more cohesive. There would also be many structural modifications which would have to be performed to actually create a notch. They would also have to add water drainage for rain and snow. Destree pointed out that the 9th floor addition was added before there was height limit in the zoning code.

Brian Mullins, whose family owns the property, pointed out to board members that when they renovate the façade of the building, they will be removing more square footage from the six story limitation area than they are looking to add on the side of the building.

Basford noted that Jeff Vercauteren and Tyler Smith registered in support for the variance request.

Schlaefer motioned to approve the variance request, seconded by Bulgrin.

Board members agreed the structure and load bearing walls were built before the code limiting building height. They also felt that the intent of the code was being met as they plan on reducing the number of total square footage in the view corridor and to curve the story that currently juts out is a benefit for the capital view. Board members also understood complicated structural modifications would be needed in order to not build in the requested area. They didn't believe the variance request would create substantial detriment to surrounding properties and they believed this to be orderly development consistent with the neighborhood.

The motion to approve the variance passed (4-0) by voice vote/other.

DISCUSSION ITEMS

4. [08598](#) Communications and Announcements

Tucker announced the December 18 meeting has been cancelled and that the applicants of 1130 Chandler Street have appealed the Circuit Court decision to the Court of Appeals.

ADJOURNMENT

Meeting adjourned at 6:04 pm.

Matt Tucker
City of Madison
Zoning Board of Appeals, (608) 266-4569
Wisconsin State Journal, November 27, 2014