



City of Madison

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

Thursday, August 24, 2017

5:00 PM

210 Martin Luther King, Jr. Blvd.
Room 103-A (City-County Building)

CALL TO ORDER / ROLL CALL

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

Staff Present: Matt Tucker and Gretel Irving

Present: 5 - Peter A. Ostlind; Agnes (Allie) B. Berenyi; Patrick W. Heck; Dina M. Corigliano and Winn S. Collins

APPROVAL OF MINUTES

A motion was made by Ostlind to approve the August 10, 2017 minutes, seconded by Berenyi. The motion passed (5-0) by voice vote/other.

DISCLOSURES AND RECUSALS

Corigliano disclosed a family member's business relationship with Mr Glueck, applicant for 2048-2100-2114 Winnebago St.

1. [48419](#) Roger Charly, owner of property at 640 W Washington Ave, requests variances to the maximum front yard setback requirement to relocate existing train cars, which are detached principal buildings. Alder District #15

Tucker introduced the project, describing how the train cars in question were defined as principal structures and the maximum front-yard setback requirement for this district.

James McFadden, applicant, disagreed with the categorization of the train cars as principal structures, stating that their use is incidental to the train depot building. Speaking to the standards, he described the Landmark Commission reviews, the uniqueness of both the lot and the structures and the desire to improve light and air for the depot building. He also raised concerns about loss of parking spaces due to Traffic Engineering requirements.

Collins asked the applicant to clarify whether he was requesting an appeal to the Zoning Administrator's interpretation as to whether the train cars are principal or accessory buildings or requesting a variance to the front-yard setback (and so accepting the interpretation).

The Board adjourned for three minutes to allow the applicant to confer with the property owner.

The applicant and owner determined to proceed with the variance application as submitted.

There was discussion of parking requirements. McFadden clarified that an addition to the Baggage House triggered a need to bring the entire site into compliance with current Traffic Engineering requirements for parking stalls, regardless of the outcome of the variance request.

McFadden also confirmed that the train cars had been added to the property in 1988 and relocated on the property under earlier versions of the Zoning ordinance. Rodger Charly, owner of the property, also spoke in response to Board questions.

There was discussion of the Landmarks decision. The Board agreed that any variance would apply only to this move to the locations proposed, not relocations in general. There was discussion of the role of the rear car either as providing definition and clarity to Frances St or appearing as out-of-context and disconnected from the rest of the site. The Board discussed whether to consider the train cars individually or the property as a whole.

Berenyi moved to approve the application as submitted; Ostlind seconded the motion.

Standard 1: The board agreed this property is unique in a variety of ways: the shape of the lot, the landmark status of both the land and the depot building, the number of structures on the lot and the number of principal buildings on the lot.

2: The number of principal buildings on the lot along with the maximum front yard setback requirement render it nearly impossible to bring this property into full compliance. However, the spirit of the ordinance is to orient activity towards the street and prevent back-loading properties.

3. The Board debated whether the ability to relocate the train cars on the property unreasonably prevents use of the property. The Board felt requiring complete removal of the train cars or relocation in full compliance with the front-yard setback would be unreasonably burdensome but did not conclude that this allows the applicant carte blanche in locating the cars on the site. Collins questioned if other design options would bring the site into greater compliance while meeting the stated goal of bringing more air and light circulation to the fixed buildings.

4. The Board debated how narrowly to apply this standard to this site. Ostlind stated the variance seems to be driven by the desired appearance of the property by the present owner and tenants. The train cars accentuate the historical nature of the landmarks but are not themselves landmarks and the owner could give up one or two to gain the desired space.

5. Berenyi objected to the separation of the cars as taking away the context and relationship between the buildings. Collins was concerned about shifting activity to the rear of the property. Corigliano felt the proposal strengthened the connection to the neighboring bike path but that the placement of the rear car off the rail spur seemed unrelated to the rest of the property. However, she stated the shifts in location are not enough to cause substantial detriment to neighbors.

6. The Board did not feel that relocating the train cars within the property changed the compatibility of the site to its neighbors. The debate centered on whether the relocation changed the compatibility of the cars with the other principal structures.

The motion passed by a vote of 4-1, with Collins voting no.

2. [48423](#) Accipiter Real Estate LLC, owner of property at 2048-2100-2114 Winnebago Street, requests a variance to create a Planned Multi-Use site with multiple principal buildings, where the existing building encroaches into the required rear yard setback area. Alder District # 6

Tucker introduced the property by noting that the properties are currently being rezoned as Planned Multi-Use Development in which there will be three separate lots that are treated as one property for zoning considerations such as setbacks. As the property is on a corner, the applicants and Zoning Administrator may designate which street face is considered the front yard; in this application, Sutherland Court was chosen, placing 2114 along the rear yard. The project was designed to comply with the zoning ordinance, however an amendment to the ordinance in March pushed part of an existing building at 2114 into the newly-redefined rear-yard setback.

James Glueck, architect for the project, described the different spaces and uses within the project and considerations given to access, parking and the nearby residences.

The Board discussed the placement of 2100 and the relationship of the lots. Collins asked if the Board had the authority to amend the designation of the front yard; Tucker stated this is within the power of the Board. Tucker added that the intent of the zoning code in creating Planned Multi-Use Developments is to encourage efficiency and compactness in design.

Collins moved to amend the application to use Winnebago Street as the front yard, shifting the variance request from 2114 to 2100 Winnebago St; Ostlind seconded the motion

Collins explained that he would be more comfortable granting a variance impacting a rail line than one allowing a zero-lot-line abutting a residence. Other Board members concurred, noting that in this case the neighbor most directly affected had written in opposition to the variance request. It was also noted that the orientation of activity and the addressing would point a layperson to view Winnebago Street as the front of the property. Ostlind noted that a variance requested for 2100 Winnebago would have the advantage of reducing the encroachment of the current building. Tucker stated such an amendment would not create problems with setback requirements on the revised side and front-yards.

Corigliano asked the Board to re-open the public hearing to determine if the applicant was amenable to the change. Glueck and Adam Chern, representing the co-housing part of the project, agreed to the change. Board members clarified that the motion was to amend the variance requested and did not require debate of the standards. The Board voted in favor of designating the front yard as Winnebago Street and the rear yard as running adjacent to 2100 Winnebago St (5-0).

Ostlind moved to approve a 17' variance to the rear-yard setback for the building at 2100 Winnebago St; Collins seconded the motion. Tucker stated for the record that staff recommended approval of the requested variance but would not be able to provide a report addressing the standards.

1. Unique aspects of this property include an existing non-compliant building in the setback which would be replaced by a new more-compliant building, the unusual shape of the overall lot and the recent change in the zoning ordinance.

2. The rear yard abuts a rail line which is then separated by a street from the nearest buildings providing ample buffering. The setback for the new building would improve upon the existing situation and allow enough room for maintenance. Pushing the building forward on the lot would have a negative impact on adjacent buildings.

3 & 4. The variance is driven by the redevelopment of the property by the applicant. The Board recognizes the impact of the ordinance amendment along with the desire to maintain the current uses of the site and the effort made by the applicant to balance the needs of a variety of actors. Redesigning the building at 2100 Winnebago to meet the revised code would prevent the current use of the building.

The co-housing use of 2048 Winnebago could also make required redesign of the project burdensome due to the larger number of parties and cooperative decision making process inherent in such uses.

5. The Board agreed that while moving the building at 2100 forward where there is no minimum front-yard setback requirement would lessen the need for a rear-yard variance, it would have a detrimental effect on the properties at 2102-2110 Winnebago. The Board recognized that the proposal would reduce the encroachment of the existing building at 2100.

6. The Board agreed that designating Winnebago Street as the front yard is most compatible with the neighborhood and maintained a more consistent attitude towards the block.

The motion passed 5-0.

3. [08598](#) Communications and Announcements

The next Board meeting will be September 28, 2017.

ADJOURNMENT

The meeting adjourned at 8:14 pm.