

From: porchchat@gmail.com [mailto:porchchat@gmail.com] On Behalf Of Robbie Webber  
Sent: Tuesday, March 30, 2010 10:51 AM  
To: Roll, Rick  
Subject: Re: FW: Zoning Code Rewrite Contact Form

Rick -

Regarding the email below, I do have several questions.

1. Did everyone on your contact list get this email, or did I get it because I live in the general neighborhood?
2. Is it a violation because he called it a "home office," and doing business out of your garage is not allowed? I can't imagine just hanging out in the garage - or using a garage for non-auto purposes that are not related to an actual business - are prohibited.
3. Related to # 2 - Can someone convert a garage to a non-auto purpose, such as a lounge, workshop, or other "accessory" purpose, as long as they aren't actually living there?

Robbie Webber  
Bike Walk Madison Steering Committee  
[www.bikewalkmadison.org](http://www.bikewalkmadison.org)  
Join our group on Facebook!

> From: jack@jackcramer.com [mailto:jack@jackcramer.com]  
> Sent: Tuesday, March 30, 2010 10:30 AM  
> To: Roll, Rick  
> Subject: Zoning Code Rewrite Contact Form  
>  
>  
>  
> General Information  
> Name : Jack Cramer  
> Business :  
> Address : 2237 Rowley Ave  
> City : Madison  
> State : WI  
> ZIP : 53726-0000  
> Email : [jack@jackcramer.com](mailto:jack@jackcramer.com)  
>  
> Message :  
> I have a 100-year-old one-car garage that I use for my home office when I need some peace and quiet when working on my laptop. I just learned that this is in violation of zoning laws. Doesn't make much sense to me. In all candor, as a member of the "creative class" that can live and work wherever I choose, it's got me thinking about leaving Madison for cities with more flexible home/work arrangements.

**From:** Tucker, Matthew  
**Sent:** Tuesday, March 30, 2010 5:28 PM  
**To:** 'Robbie Webber'  
**Cc:** Roll, Rick  
**Subject:** RE: FW: Zoning Code Rewrite Contact Form

Robbie-

Ques #2- the violation relates to a home-based business being run out of a detached accessory structure. You can see what I mean in the clarification email I just wrote that Rick just sent out.

Ques #3- Yes, it is possible. Some moving parts, but possible. For example: we would need to review the conversion for compliance with parking requirements (can't take away required parking w/o "parking reduction"), we want to be

sure the record reflects the space is not set up for human occupancy (sleeping), and we would want to be sure the new parking on a driveway is not illegal parking in the front or street side yard.

Further, here is the definition of a professional office in a home, as found in the current code:

Professional Office In A Home. A professional office in a home shall mean the office or studio in the residence of a person engaged in a recognized professional specialty and including the fields of religion, architecture, engineering, law, medicine, personal health services, and instruction in the liberal or fine arts, provided that such use shall comply with all the conditions of a home occupation, except that mechanical equipment customarily appurtenant to said profession may be used provided no external manifestations thereof are apparent at the property line.

My comment: ...in a home, not in a detached accessory structure.

Matt Tucker

**From:** Edward Woolsey [mailto:e.a.woolsey@mailbag.com]  
**Sent:** Tuesday, March 30, 2010 10:28 PM  
**To:** Roll, Rick  
**Subject:** [Fwd: Fwd: FW: Zoning Code Rewrite Contact Form]

Rick,

I received this forwarded e-mail. My comment is what is it? In what context was it written and what concern in the total scheme of zoning is it suppose to address? All those in our neighborhood association (ECA) are mystified.

Thanks,

Ed

**From:** Mike Slavney [mailto:MSlavney@vandewalle.com]  
**Sent:** Tuesday, March 30, 2010 10:55 AM  
**To:** Roll, Rick  
**Subject:** RE: Zoning Code Rewrite Contact Form

Hi Rick

In my experience with hundreds of zoning ordinances, it is typical that attached or detached garages cannot be used as space for an official Home Occupation. In fact, I cannot recall a zoning ordinance that would allow such use. However, I don't understand why a resident can't use a garage for a home office, potting shed or self-storage facility – at least from a zoning standpoint. Perhaps this is a misunderstanding of some sort.

Mike

**From:** Michael Basford [mailto:mabasford@charter.net]  
**Sent:** Tuesday, March 30, 2010 11:13 AM  
**To:** Roll, Rick  
**Subject:** Re: Zoning Code Rewrite Contact Form

Who's telling him he can't use his laptop in his garage?

**From:** Stephen Steinhoff [mailto:stevesc@tds.net]  
**Sent:** Tuesday, March 30, 2010 11:36 AM  
**To:** Roll, Rick  
**Subject:** Re: Zoning Code Rewrite Contact Form

Is this commenter correct? I thought such uses were allowed.  
Steve

Stephen C. Steinhoff, AICP  
Steinhoff Consulting  
development- design - planning  
Madison, WI  
608-843-9089

From: Gari Berliot [mailto:gberliot@ameritech.net]  
Sent: Tuesday, March 30, 2010 2:51 PM  
To: Roll, Rick  
Subject: Re: FW: Zoning Code Rewrite Contact Form

Rick,

Yep, it's started. I agree with Mr. Cramer completely. As in "Get the Hell Out of Our Lives!"  
The old, present, existing zoning laws work quite well. Yes, things change; and there are alterations/modifications needed to SOME regulations, OCCASIONALLY. Wholesale rewrite! Not needed. It really isn't. Sanity has prevailed for generations and now we have a group who thinks that they know far more than all of those that went before them collectively knew. Incredible.

Gari Berliot

**From:** Larry Gleasman [mailto:gleasman@ameritech.net]  
**Sent:** Tuesday, March 30, 2010 4:08 PM  
**To:** Roll, Rick  
**Subject:** Re: Zoning Code Rewrite Contact Form

Rick----Not sure what the zoning violation was. Does this mean if I have a work bench or a desk in my garage to do some work now and then, is that a violation?  
.....Larry Gleasman.....Grampa's Gun Shop

**From:** Tucker, Matthew  
**Sent:** Tuesday, March 30, 2010 5:00 PM  
**To:** 'Larry Gleasman'  
**Cc:** Roll, Rick  
**Subject:** RE: Zoning Code Rewrite Contact Form

Hello Mr. Gleasman- The issue here has to do with the use of a detached accessory structure for purposes of support of a home-based business. The use of the detached garage in support of a home-based business is not allowed per the City's Zoning Code.

If you have a home-based business and you are using a detached accessory structure in support of said business... yes, this is considered a violation of the home-based regulations as found in the Zoning Code.

Here are all of the regulations of the current Zoning Code, with the relevant subsection **underlined and in bold typeset:**

**Sec. 28.04(26) Home Occupations.**

(a) Statement of Purpose. This subsection is established to permit limited work to be carried on in a residence, while protecting the integrity and residential character of neighborhoods.

(b) A home occupation may be a permitted or conditional use in a residence district as set forth in the residence district requirement if it meets all of the following conditions:

- 1. That the occupation is conducted within a dwelling and not in an accessory building;**
2. That the occupation is clearly incidental and secondary to the principal use of the dwelling for dwelling purposes;
3. That only members of the immediate family residing on the premises may be employed, unless authorized by the Plan Commission as a conditional use;
4. That no stock-in-trade is kept or commodities sold, other than those made on the premises, unless authorized by the Plan Commission as a conditional use;

5. That samples may be kept but not sold on the premises;
6. That no mechanical equipment is used except such as may be used for purely domestic or household purposes, unless authorized by the Plan Commission as a conditional use;
7. That such occupation shall not require internal or external alterations, or involve construction features not customary in a dwelling, except for such alterations or construction necessary for a home occupation of an individual with a disability who is incapable of employment outside the home by reason of significant physical or mental disability as verified by a signed physician statement verifying the disability;
8. That not more than twenty-five percent (25%) of the floor area of one story of the dwelling is devoted to such home occupation;
9. That the entrance to the space devoted to such occupation is from within the building;
10. That there is no evidence, other than the identification sign referred to in 11 below that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; and
11. That there is used no sign which is attached to the building, other than a 2<sup>nd</sup> identification sign permitted under Secs. 31.14 and 31.15(4); which sign shall not be illuminated and shall not be more than two (2) square feet in area.
12. Paragraphs 4, 5, 8, and 9 do not apply to the home occupation of an individual with a disability who is incapable of employment outside the home by reason of significant physical or mental disability as verified by a signed physician statement verifying the disability.

As part of the Zoning code rewrite, provisions are included in the draft that would allow limited use of an accessory building in support of a home-based business, along with continuing the ability to have employees that do not live at the residence approved as a Conditional Use. Here are the home occupation provisions as found in the draft ordinance, with the relevant subsection **underlined and in bold typeset**:

(1) Home occupation.

This subsection is established to permit work to be carried on in a residence, by an occupant of that residence, while protecting the integrity and residential character of neighborhoods.

(a) A home occupation may include small offices, service establishments or homecrafts which are typically considered accessory to a dwelling unit.

(b) A home occupation shall not involve on-site wholesaling, manufacturing or assembly, a limousine, towing or cartage business or auto service or repair for any vehicles other than those registered to residents of the property.

**(c) The occupation must be conducted within a dwelling and not in an accessory building, unless authorized by the plan commission as a conditional use.**

(d) The occupation must be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes.

(e) Only members of the immediate family residing on the premises or occupants of the dwelling may be employed, unless authorized by the Plan Commission as a conditional use.

(f) No mechanical equipment shall be used except that which is used for purely domestic or household purposes, unless authorized by the plan commission as a conditional use;

(g) No products shall be kept or commodities sold, other than those made on the premises, unless authorized by the plan commission as a conditional use;

(h) Samples may be kept but not sold on the premises;

(i) No more than twenty-five percent (25%) of the floor area of one story of the dwelling may be devoted to such home occupation;

(j) The entrance to the space devoted to the home occupation must be from within the building.

(k) No structural alterations or enlargements shall be made to the dwelling for the primary purpose of conducting the home occupation.

(l) The only exterior indication of the home occupation shall be a non-illuminated nameplate a maximum of two (2) square feet in area.

(m) Exception: A home occupation of an individual with a disability who is incapable of employment outside the home by reason of significant physical or mental disability, as verified by a signed physician statement verifying the disability, is exempt from the requirements of subparagraphs (g) through (k).

So, the draft ordinance would allow an individual to ask for Conditional Use approval to use the accessory building in support of a home occupation, which is not allowed in the current code.

This issue did come up when the Madison Arts Commission was reviewing the ordinance on referral, specifically where the Commission recommended the ordinance include provisions to allow art production (as part of a home-based business) to be conducted in an accessory building.

This ordinance is still in draft form. The City's Plan Commission has not completed their review of them ( and the many other aspects of the draft ordinance) but will, and will then forward a recommendation on to the City Council, with the rest of the ordinance. New ordinance language would become effective upon final adoption by the Common Council of the zoning text and zoning map, which likely will not be until late fall-early winter 2010.

Matt Tucker  
Zoning Administrator

**From:** Mary Polancih [mailto:mpolancih@sbcglobal.net]  
**Sent:** Tuesday, March 30, 2010 4:32 PM  
**To:** Roll, Rick  
**Subject:** Re: Zoning Code Rewrite Contact Form

Rezoning Committee needs to clearly address this issue in zone R1&2 areas so as not to make such folks (working from the garage) feel unwanted or over burdened with regulations. Yet I know we all want protection from negative effects of creative work uses of residences and garages that could, and surely, do arise. I am aware of an individual who uses his garage as a wood shop. Has done it for maybe 2-3 decades, without apparent complaint. Know of another individual (a shaman) who may occasionally use his garage for religious rites. Again, no complaints from the neighbors. In fact, I doubt if anyone else even knows about it. And what about all those people who fix cars for friends from their garage? So how do the current and proposed codes address these types of uses. Respectfully and with sensitivity I hope.

Mary Polancih, President  
Rolling Meadows Neighborhood Association

**From:** Rummel, Marsha  
**Sent:** Tuesday, March 30, 2010 6:55 PM  
**To:** Roll, Rick  
**Subject:** RE: Clarification of use of an Accessory Structure in support of a home-based business

You know...the phrase 'home occupation' sounds slightly dangerous...

I'll take a look, thanks  
Marsha

**From:** Mary Polancih [mailto:mpolancih@sbcglobal.net]  
**Sent:** Wednesday, March 31, 2010 11:17 AM  
**To:** Roll, Rick  
**Subject:** Re: Zoning Code Rewrite Contact Form

Mr Roll,

The proposed zoning rewrite of Sec. 28.04(26) Home Occupations looks much more reasonable for the 21st century. However, I would appreciate a NOISE level, in decibels, included in the ordinance. This seems to be a real concern to neighbors, but hard to enforce without specific measurable criteria.

Thanks for allowing the dialog.

Mary Polancih, President  
Rolling Meadows Neighborhood Assn.  
4921 Goldfinch Drive  
Madison WI 53714-3333  
[mpolancih@sbcglobal.net](mailto:mpolancih@sbcglobal.net)

**From:** KG & The Ranger (Karen Gogolick) [mailto:kgandrr@BasicISP.net]  
**Sent:** Friday, April 02, 2010 7:26 PM  
**To:** Roll, Rick  
**Subject:** Home Occupations zoning rewrite

I would like to voice my objection to the proposed zoning rewrite Sec. 28.04(26) Home Occupations. I think it is backward looking and totally unnecessary. If a home business does not generate traffic or noise problems and does not display any external sign of the business, why should anyone care how much floor space of the home is involved or what equipment is in use? Home businesses are very good for Madison's economy. These zoning changes will be onerous for lots of productive and desirable people. I hope you will reconsider this regressive proposal.

Thank you.  
Karen Gogolick

From: Karl Lang [mailto:karl@lumita.com]  
Sent: Friday, April 02, 2010 1:36 PM  
To: Roll, Rick; Bruer, Tim  
Cc: Ethington, Ruth; Tucker, Matthew; Mary Caulfield  
Subject: Zoning Code (Home Occupations)

Hi Rick,

Below is a letter I sent out to you and others yesterday but there seems to have been some problem with the delivery so I am resending it. I have today found out that 3 home businesses within 500 ft of my house would also be illegal under this ordinance. I would like to have a meeting with you at your earliest convenience as I think the goal statement for this section not to mention the details is completely off-base considering the future of technology and home business.

Sincerely,

Karl Lang

Sec. 28.04(26) Home Occupations is VERY DISTURBING new language in the proposed zoning rewrite.

I want to provide clear feedback that these new rules are outdated and extremely onerous for any Madisonian with a small hi-tech home businesses. In this day and age where we are trying to reduce our carbon footprint, and do our part to reduce the use of fossil fuels running a small business from a home is both logical and environmentally sound, not to mention a national trend. My home business is not "Incidental" to my home it is integral. I live in Madison to enjoy a view of the lake while I work.

If the size of the house supports it, no on-street parking is used up, no additional traffic is created or any noise created, then the use should be allowed by default, not conditional use.

A small business of any kind may require part time clerical or accounting help or even a full time assistant. What about web based businesses that might employ a single programmer or designer.

I have a whole floor of my house dedicated to my business which has an optics lab, storage and computers in it. I work for companies in Silicon Valley and do most of my meetings by video conference. I have a room custom built for video conferencing.

Many of my neighbors do not know I run my business from my home, I don't see clients there, I am following the spirit of this proposed ordinance but I would be in clear Violation of Items;

3 -- my part time assistant and part time accounting and clerical person

6 -- what's "Mechanical equipment" this is overly broad and a crazy requirement, what about my 60 inch inkjet printer - it's a large 250 lb mechanical device, any architect or engineer might have one.

7 -- My video conference facility is built in and not a part of a "normal" dwelling, nor is my lab "normal." I know 2 photographers that have custom studios built-in with tracks for studio lighting and other purpose built structures.

For those of us who have Hi-Tech consulting businesses this is just crazy, I work all hours of the day and night and I need the freedom to roll out of bed and get to work. This proposed rewrite is out dated and does not look towards the future of technology, work habits or home businesses at all. All of California is rewriting it's zoning to encourage home businesses to save energy and reduce emissions, what is Madison thinking?

Is the intention of this zoning rewrite to get those of us with larger incomes, due to low overhead, to move off the cities tax roles? Under this law I would leave the city.

I would not be able to afford a separate facility for my business, the profit would not be there so you would be forcing me to move. I like to work at home, and enjoy my view of the lake when I write an email.

Are you telling me through this law that after 40 years Madison no longer wants me or my taxes?

The basic flaw that runs throughout this ordinance is the idea that a "business" is manufacturing. Most businesses in technology are services, and it's exactly this type of business that works best as a home business. Madison says it want's Google fiber but that would encourage home business, which is it?

Karl Lang

VP Waunona Neighborhood Association

>

> Sec. 28.04(26) Home Occupations.

> (a) Statement of Purpose. This subsection is established to permit limited work to be carried on in a residence, while protecting the integrity and residential character of neighborhoods.

> (b) A home occupation may be a permitted or conditional use in a residence district as set forth in the residence district requirement if it meets all of the following conditions: 1. That the occupation is conducted within a dwelling and not in an accessory building; 2. That the occupation is clearly incidental and secondary to the principal use of the dwelling for dwelling purposes; 3. That only members of the immediate family residing on the premises may be employed, unless authorized by the Plan Commission as a conditional use; 4. That no stock-in-trade is kept or commodities sold, other than those made on the premises, unless authorized by the Plan Commission as a conditional use; 5. That samples may be kept but not sold on the premises; 6. That no mechanical equipment is used except such as may be used for purely domestic or household purposes, unless authorized by the Plan Commission as a conditional use; 7. That such occupation shall not require internal or external alterations, or involve construction features not customary in a dwelling, except for such alterations or construction necessary for a home occupation of an individual with a disability who is incapable of employment outside the home by reason of significant physical or mental disability as verified by a signed physician statement verifying the disability; 8. That not more than twenty-five percent (25%) of the floor area of one story of the dwelling is devoted to such home occupation; 9. That the entrance to the space devoted to such occupation is from within the building; 10. That there is no evidence, other than the identification sign referred to in 11 below that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; and 11. That there is used no sign which is attached to the building, other than a 2" identification sign permitted under Secs. 31.14 and 31.15(4); which sign shall not be illuminated and shall

not be more than two (2) square feet in area. 12. Paragraphs 4, 5, 8, and 9 do not apply to the home occupation of an individual with a disability who is incapable of employment outside the home by reason of significant physical or mental disability as verified by a signed physician statement verifying the disability.

>

**From:** Bill Scanlon [mailto:wscanlon@tds.net]

**Sent:** Sunday, April 04, 2010 10:23 PM

**To:** MarqNA@yahoogroups.com

**Cc:** sasyna-discussions@yahoogroups.com; einpc@yahoogroups.com; Wolf, Karin; Tucker, Matthew; Roll, Rick

**Subject:** Re: [MarqNA] FW: Clarification of use of an Accessory Structure in support of a home-based business

Concerning use of a "detached accessory structure" (e.g., garage, shed, etc.) for a home-based business, the current draft revised zoning code is a slight but still woefully inadequate improvement over the ridiculous restriction in place in the current code. In the current code, such uses are outright prohibited.

The current code, completely barring use of detached accessory structures for home-based businesses, was born two generations ago when even in Madison rich white folk got their way in wanting to keep creativity suppressed as much as possible and the white and non-white rabble under strict control. (Most of you are too young to remember the demise of Madison's Greenbush Neighborhood in the early 60's, just before the current zoning code was devised.) I think now maybe we've moved slightly beyond that, except possibly inside some parts of City Hall.

The current draft revised zoning code is unacceptable because its basic premise is that a home-based business's use of a "detached accessory structure" will be unacceptable. This premise, besides being false in almost all cases, is dangerous. So the draft revised zoning code would still require, before a home-based business could lawfully start using a "detached accessory structure," the home/business owner to engage in an expensive, time-consuming, frustrating tangle with the Plan Commission and its associated, burdensome bureaucracy to get approval of a "conditional use permit" to allow such use. It is unacceptable that an artist, writer, dancer, dance instructor, massuer/se, lawyer, woodworker, musician, palm reader, hairdresser, graphic designer, poet, mushroom cultivator, screen printer, small-scale egg producer, paper maker, kite maker, photographer, etc., or any other "home-based" business person intending to engage in a peaceable business in a garage, shed or similar structure associated with her or his residence, be required before starting up to deal with this useless, creativity-suppressing, costly (for business people and taxpayers), time-consuming, bureaucratic nonsense.

To require such pre-start-up screening is so dark-ages yesterday! Do we live in supposedly progressive Madison trying to entice Google to give us adequate internet service or in some Taliban-controlled region of Afghanistan?

The basic premise of the draft revised zoning code concerning use of a "detached accessory structure" for a home-based business needs to be changed to a presumption that such a use is a peaceable and so permissible one and so do away with requirements to register such uses or apply for permission from City Hall to carry them out.

The draft needs to be changed to put the burden on the Plan Commission and its bureaucracy to establish that a use in a particular case is not peaceable and so impermissible. Further, the Commission should never be permitted to reach such a conclusion on its own initiative. The Commission should be permitted to do so only after nearby property owner(s) file sworn complaint(s) based on specific facts indicating a non-peaceable use is occurring in order to initiate an investigation, then an investigation by the Commission's bureaucracy, and finally a hearing by the Commission.

Bill Scanlon

**From:** Joan Laurion [mailto:joan.laurion@gmail.com]

**Sent:** Sunday, April 04, 2010 3:59 PM

**To:** Jack Cramer

**Cc:** Roll, Rick

**Subject:** Re: Zoning Code Rewrite Contact Form

Hi Jack,

To answer your question--I would check with Rick Roll (copied to him above) about where they are in the process and how to give input at this time. Eventually, we could attend the public hearings together--a group might be more impactful than one or two people. Contacting your alder now and often is probably a good idea. He/she will eventually

be voting on the new zoning rules and it would be good for him/her to know of your interests/concerns beforehand--at least I think so. Your point about working anywhere certainly dovetails with the mayor's and other's wish to get Google's high speed internet service here. Allowing people to retrofit their properties in ways that facilitate working at home/ in their neighborhood fits right into that. Here's a website about ADU's compiled by one of the others interested in this issue. There is tons on the web about ADU's--they are gaining legitimacy in modern urban planning for just the reasons you are touching on.

<http://www.woodentoy.com/ADU/Adu.html>

Yours, Joan

On Sun, Apr 4, 2010 at 3:13 PM, Jack Cramer <[jack@jackcramer.com](mailto:jack@jackcramer.com)> wrote:

Joan

I concur, obviously, in all ways.

With limited time to devote to this, how best to proceed?

Jack

Sent from my iPad

On Apr 3, 2010, at 9:25 AM, Joan Laurion <[joan.laurion@gmail.com](mailto:joan.laurion@gmail.com)> wrote:

Greetings,

Joan Laurion  
2525 Chamberlain Ave  
Madison, WI 255-1922  
[joan.laurion@gmail.com](mailto:joan.laurion@gmail.com)

I agree with Jack Cramer about the unfortunate lack of flexibility in the City's approach to the building and use of an accessory dwelling unit (or in Jack's case, his garage) on one's property and in the flow of one's life. I'm certain that we can come up with rules that let people use an ADU for their home office.

I have been advocating for more leeway as well as careful new guidelines in these rules for months and have yet to hear the reason for the hesitancy to make meaningful changes in these restrictions. I imagine they have to do with fear-- loss of revenue for the City from feared decreases in property assessments?! Fear of controversy? Fear of losing elections? I can't think of other reasons to be so restrictive and unwilling to keep up with the changing landscape of work and life. None of these reasons have to do with the issues that Jack raises or with the changing lifestyle, income and health needs people have over time that a carefully constructed ADU could address nicely. Am I missing something?

So let me be sure of what I am hearing....in Madison, tax revenue and keeping the masses quiet are more important than creative, solid urban, real life-oriented public policies that encourage infill, cohesive neighborhoods and acknowledge new ways of working and making a living closer to home and public transportation?

Please pass this response on to the list of folks working on the zoning rewrite and those interested in this topic.

Thanks, Joan