



# City of Madison

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

*Consider: Who benefits? Who is burdened?  
Who does not have a voice at the table?  
How can policymakers mitigate unintended consequences?*

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Thursday, September 15, 2022

5:00 PM

Virtual

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### CALL TO ORDER / ROLL CALL

Ostlind called the meeting to order at 5:06 pm.

Staff Present: Matt Tucker, Katie Bannon, Nancy Kelso, and Cary Olson

Board Members Present: 5 - Peter Ostlind, Allie Berenyi, Angela Jenkins, David Waugh, and Craig Brown

### APPROVAL OF MINUTES

A motion was made by Brown to approve the August 18, 2022 minutes, seconded by Berenyi. The motion passed 4-0 by unanimous vote.

### PUBLIC COMMENT

1. [61712](#) Zoning Board of Appeals Public Comment Period

There were no public comments.

### DISCLOSURES AND RECUSALS

Brown disclosed that he has had past professional contact with Associated Housewrights, however that would not impact his decision.

### PETITION FOR VARIANCE, AREA EXCEPTIONS OR APPEALS

2. [73521](#) Meri Tepper, Associated Housewrights, representative of the owner of the property at 126 N. Spooner St., requests a reverse corner side yard setback variance and a rear yard setback variance to construct an addition onto an existing two-story, single family house. Alder District #5.

**Bannon explained the proposed addition for a new garage with a sunroom above would necessitate both a rear yard setback variance and a reverse corner side yard setback variance, noting that the required reverse corner side yard setback differs between what is needed for a garage and for the dwelling area of a house. Bannon noted the existing condition of the property, stating that the existing property is situated in both rear and side yard setbacks and the garage is not wide enough to accommodate any vehicle. Bannon shared photos and floor plans of the existing house and proposed addition to further clarify the variance requests.**

**Meri Tepper of Associated Housewrights, representative for applicant Jeremy Foltz, owner of the property at 126 N. Spooner St., stated that having worked with the property owner and the Landmarks staff, considering several alternatives for the addition, the submitted proposal offered the least amount of variance needed to construct the addition. Tepper noted the proposed width of the garage (increased from 8 feet to 10 feet) is smaller than an average standard garage. Additionally, Tepper explained the rear yard variance request does not exceed the structural dimensions that already exist. Tepper stated that any attempt to reduce the amount of requested variance would not comply with the historical preservation requirements. Tepper noted the house was built in 1923, positioned very oddly on the triangular lot resulting in significant disparities between the side, front and rear yard setbacks, thus causing hardship to meet code compliance.**

**Tepper provided the Board with further details relative to achieving symmetry and balance in the proposed design to meet the criteria for the Certificate of Appropriateness from the Landmarks Commission.**

**Ostlind closed the public hearing.**

**Berenyi moved to approve the three requested variances; Jenkins seconded.**

**Review of Standards:**

**Standard 1: The Board noted that the placement of the house on an irregularly shaped lot and the restrictions imposed by local historic district requirements present unique conditions to the property.**

**Standard 2: The Board determined the proposed addition maintains adequate buffering between properties and is similar to other properties in the immediate area, finding that it is not contrary to the spirit, purpose and intent of the ordinance.**

**Standard 3: The Board found that compliance with the ordinance would be unnecessarily burdensome to effect any changes due to the age of the house, its placement on the oddly shaped lot and the need to comply with the historic district requirements.**

**Standard 4:** The Board determined code compliance would create hardship, noting the lack of functionality of the existing garage for many years.

**Standards 5:** The Board determined that with no further encroachment than what already exists in the rear yard setback and very minimal encroachment into the reverse corner side yard setback, there would be no substantial detriment to neighboring properties.

**Standard 6:** The Board found that with the proposed addition receiving the Landmarks Commission Certificate of Appropriateness, there would be no deviation from the character of the immediate neighborhood.

The Board voted 4-0 by unanimous vote to approve the requested variances.

**3. [73522](#)**

Jay Patel, representative of the owner of the property at 2403 East Springs Dr., requests a maximum building placement variance to construct a new five-story hotel. Alder District #17.

**Bannon explained that the current request for a maximum building placement variance to construct a five-story hotel was previously approved in 2019, however that approval had expired because a building permit had not been issued within the required time limit. Bannon noted that other than a change to the street address, there have been no changes to the site condition since the previous hearing. Bannon provided further details of the proposal regarding elevations and site plans relative to the arrangement of the lot, neighboring properties, and traffic configuration.**

**Jill Rubin of Design Cell Architecture, representative for Badger Lodging LLC, owner of the property at 2403 East Springs Dr., detailed the changes made to the original proposal to reduce the amount of requested variance, noting the revised proposal was what had been previously approved. Rubin explained the difficulty encountered when designing the property due to the grading and slope of the lot, along with having to preserve the existing driveway, retaining wall, and allow for emergency vehicle access.**

**It was clarified that although the proposal is essentially unchanged and findings may be similar, with new members on the Board since the prior approval and with the subsequent expiration of the requested variance, the Board would need to look at this anew, state their findings and vote on a motion.**

**Ostlind closed the public hearing.**

**Berenyi moved to approve the requested variance; Waugh seconded.**

**Review of Standards:**

**Standard 1: The Board found that the placement of the driveway, retaining wall and the slope of the lot create unique conditions for the property.**

**Standard 2: The Board noted that the intent of the zoning code is to have buildings shift toward the front property line. The submitted proposal shows clear effort made to meet the building placement requirement given the site constraints.**

**Standards 3 & 4: The Board determined that along with the physical terrain of the lot, changes made to the zoning code since the original structure was built, present significant hardship and create difficulty in redeveloping this lot.**

**Standards 5 & 6: The Board found the proposal to be of similar size and scope to neighboring properties and noted that the commercial business character of the vicinity would be maintained while moving more towards code compliance.**

**The Board voted 4-0 by unanimous vote to approve the requested variance.**

**DISCUSSION ITEMS**

4. [08598](#) Communications and Announcements

**Kelso stated with the filing deadline of September 22, 2022, there are cases pending for the October 20, 2022 meeting.**

**Kelso noted the Mayor's office has confirmed Peter Ostlind as Chair for the Zoning Board of Appeals.**

**ADJOURNMENT**

**The Board adjourned at 6:13pm.**