



City of Madison

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

Thursday, July 11, 2019

6:00 PM

215 Martin Luther King, Jr. Blvd.
Room 215 Madison Municipal Building

CALL TO ORDER / ROLL CALL

Collins, chair, called the meeting to order at 6:00pm and outlined the appeals process.

Staff Present: Nancy Kelso

Present: 5 - Allie Berenyi, Winn Collins, Angela Jenkins, Jessica Klehr, and Peter Ostlind

DESIGNATION OF CHAIR

APPROVE RULES AND PROCEDURES FOR THIS MEETING

DISCLOSURES AND RECUSALS

There were no recusals. Collins disclosed that he has occasionally attended the Monroe Street Farmer's Market that is held on the grounds of 2219 Monroe Street, but that would not impact his decision.

PUBLIC COMMENT

PETITION FOR VARIANCE, AREA EXCEPTIONS OR APPEALS

1. [56510](#) Hearing On Edgewood High School Appeal

Edgewood High School of the Sacred Heart, Inc. appeals the decision of the Zoning Administrator in regards to Madison General Ordinance section 28.097(10) relevant to a property at 2219 Monroe Street, Madison, Dane County WI. Edgewood appeals the City of Madison's official notices dated April 1, 2019 and May 15, 2019.

Attorney Matthew D. Lee, representative for Edgewood High School, citing the City's actions as contrary to the zoning ordinance and in violation of the Federal Religious Land Use and Institutionalized Persons Act (RLUIPA), stated that the notices are baseless and the Board should rescind them. Lee gave a brief history of Edgewood High School's development of the campus and athletic program from 1927 to present day, noting that the athletic field has been used for competitions consistently throughout that time. Lee stated the opinion that Edgewood's Master Plan does not restrict the athletic field use to only team practices and physical education, but also allows for athletic competitions to take place on the athletic field. Lee submitted a copy of the University of Wisconsin Master Plan as a comparable document to support Edgewood's position.

Attorney Lee presented former student Madeline Cruz, Athletic Director Chris Zwettler, and Edgewood Board of Trustees member Gwendolyn Jones to speak in support of Edgewood's position.

A request was made to the Board to allow audience member Sister Kathleen Phelan to speak at this time. Board member Jenkins moved to amend procedure, Ostlind seconded. The Board voted 4-0 to approve the motion by voice vote.

Attorney John Strange, representative for Zoning Administrator Matthew Tucker, stated the City's position is that the Campus Institutional District Ordinance (M.G.O. 28.097(10)) requires Plan Commission approval to change the proposed use of open space areas and other open space uses identified in a Campus Master Plan. Strange noted the specifications of the ordinance and how it applies to Edgewood's Campus Master Plan. Strange provided a timeline of Edgewood's implementation of their Master Plan, including previous amendments made to the Plan and noting the withdrawal of the most recent amendment application in January of 2019. Strange also refuted the claim of violating a federal civil rights statute (RLUIPA), stating that the statute does not provide a blanket exception and does not prohibit a city from requiring a religious institution to go through a land use approval process.

The Board posed questions to both parties for further explanation and clarification of their respective positions relating to interpretation and application of the city ordinance and the Edgewood Master Plan.

With no further questions from the Board, a motion was made and seconded to take a 10 minute recess, the Board voted 4-0 in approval by voice vote.

Upon reconvening the Board heard public comment from audience members and reviewed submitted written comments.

Board member Berenyi moved to amend procedure that the City has first opportunity to respond to public comment and make their final presentation; Ostlind seconded the motion. The Board voted 4-0 to approve the motion by voice vote.

Attorney Strange stated his closing arguments, Counsel for Edgewood made their final rebuttal. Neither party voiced any objections on the hearing procedure. The Board then progressed to deliberations.

With deliberations completed and no further discussion, Board member Ostlind moved to fully affirm the position of the Zoning Administrator position; Berenyi seconded. The Board voted 4-0 to approve the motion by voice vote. Discussion and reasons for the Board's decision are on the record of the proceeding.

ADJOURNMENT

The Board adjourned at 11:18 pm.