



# City of Madison

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

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Thursday, June 22, 2017

5:00 PM

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

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### CALL TO ORDER / ROLL CALL

Ostlind moved to appoint Collins as acting chair for the meeting. Berenyi seconded. The motion passed (3-0). Collins, acting chair, called the meeting to order at 5:02 pm and explained the appeals process.

**Staff Present:** Matt Tucker and Gretel Irving

**Present:** 4 - Peter A. Ostlind; Agnes (Allie) B. Berenyi; Patrick W. Heck and Winn S. Collins

**Excused:** 1 - Dina M. Corigliano

### APPROVAL OF MINUTES

A motion was made by Ostlind to approve the May 25, 2017 minutes, seconded by Heck. The motion passed (4-0) by voice vote/other.

### DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

### PETITION FOR VARIANCE OR APPEALS

1. 47644 668 State, LLC, owners of property located at 668 State St, request a variance to the setback requirement to construct a four-story addition atop an existing two-story commercial building.

Alder District 8

Tucker introduced the project as a continuation of a building project originally planned in 2006. At that time, preparations were made for a four story residential addition above the existing two story commercial building. The plans were prepared in compliance with the 30' setback requirement above the fourth story. However, building codes have since changed to require a larger elevator shaft, prompting the requested variance in the setback requirement for the elevator portion of the 5th and 6th stories.

Randy Bruce, Knothe & Bruce, spoke on behalf of the applicants. He explained that the inside wall of the elevator core is a shear wall, providing structural support. Enlarging the elevator to the inside of the building would be prohibitively expensive.

The applicants have minimized the requested variance by only altering the setback for the elevator, rather than the entire front façade. They have eliminated the masonry on that portion of the face and will be using a double-stud shaft wall with a metal skin instead.

Clarifying remarks in the staff report, Bruce explained that the existing stairs run between the basement and first floor and between the first and second floor. The addition would include constructing stairs behind the elevator but the stair placement is not driving the variance request.

Tucker explained that the 30' setback for the downtown is intended to protect the view corridor. The buildings on either end of this block pre-date the requirement and do not provide a setback, limiting the impact of the proposed addition. However, the 30' setback has been enforced by the Planning Commission for decades and was written into the latest Zoning code for consistency.

Ostlind moved to approve; Heck seconded the motion.

The Board reviewed the Standards for Approval:

1) Ostlind noted the uniqueness of the situation i.e. the long delay between when the project was conceived and initial construction until today. Collins noted the similarity to residential projects frequently presented to the Board where a home was code-compliant at the time it was built but now requires a variance for vertical additions.

2) Berenyi noted the proposal would have a minimal effect on the view corridor and considerably less impact than the neighboring buildings. The applicants have applied for the minimal variance to comply with building code.

3) The Board noted that the required expansion of the elevator core was already burdensome and that it would be especially burdensome to require the elevator be expanded to the inside of the building.

4) Berenyi noted that the burden was created by the owners' decision to pause their project for 10 years. Ostlind concurred while noting this decision was at least partially due to economic conditions and code changes outside of the owners' control. Collins argued that doing the preliminary construction in anticipation of a later addition was a reasonable risk to take.

5) As stated in standard 2, the proposed variance would not create a substantial detriment to adjacent properties.

6) As discussed in standards 2 & 5, the proposal is compatible with the neighborhood.

The motion passed by a vote of 4-0.

2. 08598

Communications and Announcements

The next Board meeting will be July 13, 2017.

#### ADJOURNMENT

The meeting adjourned at 5:36 pm.