



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?*

Thursday, April 15, 2021

5:00 PM

Virtual Meeting

CALL TO ORDER / ROLL CALL

Winn Collins, chair, called the meeting to order at 5:04pm.

Staff Present: Jacob Moskowitz, Nancy Kelso and Cary Olson

Present: 5 - Winn Collins, Allie Berenyi, Angela Jenkins, Peter Ostlind, and David Waugh.

APPROVAL OF MINUTES

A motion was made by Ostlind to approve the March 18, 2021 minutes, seconded by Waugh. 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

There were no disclosures or recusals.

PETITION FOR VARIANCE, AREA EXCEPTIONS OR APPEALS

2. [64847](#) Devin Coogan, owner of the property at 302 Van Deusen Street, requests a rear yard variance to increase the height of the existing two-story two-unit dwelling. Alder District #13.

Moskowitz stated the property is located on the south side of the city in an area bounded by Monona Bay, Olin Ave., John Nolen Dr. and Park St. Moskowitz noted the proposal is to increase the foundation height of the existing two-story, two-unit building that is situated in the rear yard setback, resulting in a bulk change in the setback, necessitating a variance. Moskowitz explained that the proposed height increase of 36 inches is to provide for positive drainage and for more habitable space in the basement level.

Applicant Devin Coogan stated the primary reason for raising the height is to replace the failing foundation and maintain the gravity drained sewer lateral. Coogan explained the additional lift of the foundation would provide for positive drainage on the west side of the house, the basement walls would be 8 feet in height, and an ejection pit for the sewer would not need to be installed.

The Board asked for clarification of information from documents that Coogan submitted prior to the meeting. Coogan confirmed that with the proposed elevation of the foundation the basement floor to ceiling height would be 8 feet. The Board asked what would be the minimum height needed in the basement for maintaining a gravity drained sewer system, Coogan estimated the minimum height to be approximately 5 feet. Coogan provided further clarification of the submitted plans for the garage, explained where the foundation would rise to 36 inches along the perimeter of the house and where positive grading/drainage would occur.

The Board inquired about the current state of the basement, Coogan stated it is mainly utilized for the home's mechanical units and it's difficult to walk around that area due to the low ceiling.

The Board discussed with Coogan the estimated costs of the proposal and of an alternative sewer system. Moskowitz further explained the cost limitations placed on a nonconforming structure as referenced in the staff report.

The Board questioned if there had been any engineering done to determine the depth and location of the sewer line and if it had been considered to place the sewer lateral deeper than its current position. Coogan stated a company was hired and determined the lateral was at a 4 foot depth. Coogan noted it was more cost prohibitive to re-trench the lateral than to install an ejection pit although his preference is to raise the foundation by 36 inches and maintain the gravity drain sewer system.

Collins closed the public hearing.

Waugh moved to approve the requested variance; Ostlind seconded.

Review of Standards:

Standard 1: The Board noted that the original lot was divided into two lots, which are smaller than most in the neighboring areas, with structures built on each lot. This particular structure fills a large percentage of the lot area with

approximately one third of structure situated in the setback. The board determined that any structural change would require a variance and this presented conditions unique to the property.

Standard 2: The Board found that with the structures on this lot and the immediate neighboring lot having been in place for a significant length of time and which cannot be moved, the proposal does not conflict with the intent of the code.

Standards 3 & 4: The Board determined that it would be burdensome to be code compliant and some difficulty and hardship is caused by the ordinance as there is a clear need to raise the foundation and the structure cannot be relocated within the lot. However the Board found the foundation repairs could be done with less variance than requested.

Standard 5: The Board found there would not be any detrimental impact to the properties to the east and west, there could potentially be some impact to the property to the north of this site.

Standard 6: The Board determined the proposal would be compatible with the character of the neighborhood.

After further discussion the motion to approve the requested variance was amended to limit the height increase to twenty four (24) inches.

The Board voted 4-0 by roll call vote to approve the amended variance.

3. [64848](#) David Ferch, representative for the owners of the property at 1704 Roberts Court, requests side and rear yard variances to construct a single-story addition to the existing place of worship, and an elevated landing/deck. Alder District #13.

Moskowitz noted the property is on the west side of the City located between Regent St., Monroe St., Breese Terrace and Spooner St. Moskowitz stated the proposal is to construct a basement and first floor addition to an existing place of worship. Moskowitz explained the variances requested are for side and rear yard setbacks to accommodate an elevated stair landing which leads down to the exposed lower level addition.

David Ferch, architect and representative for the Madison Monthly Meeting of the Religious Society of Friends, explained the Congregation's need to expand and improve on areas of the current structure. Ferch noted that the side and rear areas were selected for the addition as any expansion to the front of the building would encroach into the parking lot, reducing the already limited amount of available parking spots.

Richard Pifer, member of the Madison Monthly Meeting of the Religious Society of Friends and one of the volunteer Project Managers, noted the building has been in place for quite some time and recently the congregation debated building a new structure at an alternate site, however it was decided to remain at and improve upon the existing location. Pifer stated the main goal of the project is to bring the structure into compliance with ADA requirements.

Moskowitz clarified for the Board that this property was once two lots that were previously combined into one parcel and that there is one owner for this parcel and all structures on this parcel.

Pifer explained to the Board the decision not to move the addition further eastward was due to the impact that would have on both indoor and outdoor environments. Pifer noted that relocating the elevator to that area would also not be practical and have a negative impact during the time of worship services. Ferch stated the structure was built in in the 1920s, noting the preference is to keep the original masonry intact as much as possible.

Collins closed the public hearing.

Jenkins moved to approve the requested variance; Ostlind seconded.

Review of Standards:

Standard 1: The Board noted there is a unique shape to the lot which is uncommon in this neighborhood. Additionally the placement of the structure and the necessity for a parking lot present unique challenges.

Standard 2: The Board found that the proposal meets the intent and purpose of the zoning code as the increase in bulk in the rear setback would not encroach on the adjacent property as the bike path provides additional buffering between the properties.

Standard 3: The Board determined that compliance with the ordinance would be quite burdensome due to the placement of the existing structure and

parking lot which limits the possibilities of where to place the addition. The Board noted the proposal minimized the impact of the requested variance.

Standard 4: The Board found that although a portion of the proposal appeared to serve the applicant's interests, the change in zoning ordinance in 2017 affects the rear lot line requirement for this site and the proposal is reasonable to keep the building useful and to comply with ADA requirements.

Standard 5: The Board determined there would not be substantial detriment to adjacent properties and that appropriate buffering between properties will be maintained.

Standard 6: The Board noted that the proposed addition is in keeping with the character of the neighborhood.

The Board voted 4-0 by roll call vote to approve the requested variance.

DISCUSSION ITEMS

4. [08598](#) Communications and Announcements

Kelso noted that no new cases have yet to be filed, however the filing deadline for the next meeting was still a week away.

ADJOURNMENT

The Board adjourned at 6:55 pm.