



City of Madison

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

Thursday, April 27, 2017

5:00 PM

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

CALL TO ORDER / ROLL CALL

Staff Present: Matt Tucker and Gretel Irving

Corigliano, chair, called the meeting to order at 5:04 pm and explained the appeals process.

Present: 4 - Peter A. Ostlind; Patrick W. Heck; Dina M. Corigliano and Winn S. Collins

Excused: 1 - Agnes (Allie) B. Berenyi

APPROVAL OF MINUTES

A motion was made by Ostlind to approve the April 13, 2017 minutes, seconded by Collins. The motion passed (4-0) by voice vote/other.

DISCLOSURES AND RECUSALS

Ostlind disclosed that he has business relationships with companies in the applicant's family.

1. [46890](#) Daniel Gorman, owner of property at 138 S Franklin St, requests a variance to construct an addition to a residential structure which will result in the structure having two dwelling units.

Tucker introduced the project by reminding board members of the recent appeal of interpretation involving this property. The proposal is to remodel the building, remove a one-story addition in the rear and construct an addition resulting in two dwelling units with one to the front and one to the rear. The requested variance pertains to the arrangement of the two dwelling units.

The applicant read the First Settlement Review Standards which were used by the Landmarks Commission in reviewing the project. He asserted that, as alternate arrangements of the dwelling units were not presented to him by the Landmarks Commission, this indicates that they prefer the proposed arrangement. He also noted that those attending neighborhood meetings preferred that the second unit be hidden to blend into the surrounding neighborhood which the applicant identified as primarily single-family houses.

Ostlind asked the applicant to address standard 1: what makes this property unique? Gorman identified the historic district location. Gorman asserted that the Landmark Commission approval of the proposed design should outweigh zoning code conflicts but agreed that alternate proposals were not presented to nor considered by the Landmarks Commission.

In discussion of the second standard, Corigliano identified the intent of the ordinance as keeping units from being hidden without direct street frontage. Gorman argued that having the building fit the character of the block outweighed this consideration. He agreed that his proposal did not fit the spirit, intent or purpose of the zoning ordinance but reiterated that Landmarks approval should outweigh Zoning considerations. Ostlind mentioned that there are actually both townhouses and apartment buildings in this block. Gorman clarified that his intent was to be consistent with the single-family houses and not the multi-family buildings. Corigliano asked Gorman why he felt the exterior would be required to change in order to have the interior layout comply with the zoning ordinance. Gorman stated he could not as other interior layouts had not been explored. He alleged that conforming to the ordinance by changing the interior may not be a hardship but should not be required of him. Tucker clarified that Landmarks considers exterior design elements but does not consider the interior layout or design elements. In response to questioning, Gorman stated that complying with the ordinance would not be "too hard" but that his design was the "best possible design". Board members emphasized to the applicant that all applicants are required to address the standards and are asked to show that they have made attempts to meet the ordinance but could not reasonably do so. Gorman responded that he had difficulty addressing the standards and repeated his assertion that even though he could potentially comply with the ordinance, he should not be expected to as he had already received approval from Landmarks for this design. Collins responded that when projects are required to be reviewed by multiple bodies, it is specifically to ensure that multiple considerations are addressed.

In public comments, Burt Stitt described the history of the property as a single-family house and asked that the character be preserved as such. He stated that the rear unit would have good sightlines to the street and identified nearby multi-family developments on Hancock Street as lacking street frontage. He stated the property is challenged due to poor treatment by past renters and by its' proximity to a bar and worried that others may not be willing to take on the rehabilitation of the property. Kevin Taylor stated that the proposal is designed to fit the footprint of the existing house which has a narrow and deep lot by removing a late- addition lean-to and extending the building to the rear of the lot. Zane Williams stated his support of keeping the existing street and curb face as it is while renovating a run-down property. Gary Tipler stated that, in older houses like this one, stacked arrangements frequently present sound-proofing issues, making them less desirable. He supported that the proposal maintains the existing side yard. Marsha Rummel is the Alder for this neighborhood and has also served on the Landmarks Commission during the consideration of this property. She argued that the proposal meets a majority of the definition of "two-family dwelling unit" which was discussed during the earlier appeal of interpretation. She confirmed that the Landmarks Commission wanted to avoid changes to the exterior which would be "matchy". She asserted that changing the interior layout to "stacked" would require changes to the windows but agreed that alternate layouts had not been proposed to the Commission.

Board members asked Tucker if other designs could come closer to meeting the Zoning ordinance. Tucker stated he had spoken with Amy Scanlon, staff advisor to Landmarks, as well as the applicant, about multiple possibilities.

Ostlind moved to approve; Collins seconded the motion.

Standard 1: The board agreed that the location in the historic district did not make this property unique and could not identify physical attributes which would necessitate the variance.

2: The board identified the intent of the ordinance as providing street access to both units and expressed concern that this proposal failed this intent.

3. The applicant stated that meeting the ordinance may not be burdensome as is required by this standard and could not explain why a compliant design would be less desirable. While others had raised a possible hardship in sound-proofing an older building, this concern was not expressed by the applicant and alone was insufficient to meet this standard.

4. The hardship identified by the applicant was the time and effort he had expended in getting Landmark Commission approval but this hardship was created by the applicant- not the ordinance.

5. The Board agreed that aesthetically the design is consistent with the neighborhood and the proposal did meet this standard.

6 . Ostlind stated the Landmarks Commission approval convinced him the proposal meets this standard. Other board members expressed concern that while the exterior design was desired by the neighbors, the building form is not typical and would actually be fairly unique to the neighborhood.

The motion failed by a vote of 0-4.

2. [08598](#) Communications and Announcements

Tucker announced the Board would next meet on May 11.

ADJOURNMENT

The meeting adjourned at 6:48 pm.

Matt Tucker
City of Madison
Zoning Board of Appeals, (608) 266-4569