

James Madison Surplus Committee

19 December 2011

Dear Committee Members:

Matt Tucker has clarified our zoning situation. We will pursue a 5-room "Bed and Breakfast" under the transient-guest lodging house use. This is similar to how the Pratzel's operated the Collins house from 1991 until 2005 and was documented in the Planning Unit Report from 25 Feb 2991 that I submitted to the Committee on Thursday. Our separate dwelling unit will be established in the lower level.

Because of the history of a B&B on site, demonstrated neighborhood support for a B&B and sufficient dwelling unit separation, we will be in full compliance with allowed use.

I am including my recent email exchange with Matt Tucker below.

Sincerely,

Bob Klebba

From: Tucker, Matthew [mailto:MTucker@cityofmadison.com]

Sent: Sunday, December 18, 2011 05:33 PM

To: 'Bob Klebba'

Cc: 'David Waugh'; Rolfs, Daniel

Subject: RE: Collins House

Bob- The assemblage of uses as you describe appears do-able, but you would need to establish the zoning approval free-and-clear of land use that is consistent with the definition of a "bread and breakfast Establishment." For reference, here is the definition, as found in the Zoning Code:

Bed and Breakfast Establishments means any place of temporary lodging that provides four (4) or fewer rooms for rent for a length of stay not to exceed three weeks, is the owner's personal residence, is occupied by the owner at the time of rental and while renters are on the premises, and in which the only meal served is breakfast.

In response to your description of building utilization below, this seems to be fine from a zoning perspective. Here is how I would further describe the use:

- Sec. 28.08(5)(c) 4. q. allows... *Renting not more than six (6) lodging rooms to transient guests as a Conditional Use* (this is the transient guest-lodging house part). Seems like the service of

breakfast would be accessory to the transient use (that is how my predecessors apparently dealt with the service of breakfast to guests, and I would honor such interpretation today).

- A separated single-family dwelling unit within the building (this would be your separate dwelling unit).

I am aware of a few cases in your immediate neighborhood of buildings with individual apartments that also have separate lodging house spaces. I do not believe any of these are Landmark sites, but at least I can say I have encountered this type of mix of housing within a single building.

Any questions about how to separate the spaces in the building into separate living/lodging quarters, including bedrooms, bathrooms, kitchens, exiting and other building-code related questions are left to be determined, as the building code regulations pertain specifically to those questions.

Also, I have attached an explanation and flow chart for the Conditional Use Review process, for reference.

Matt Tucker

Zoning Administrator

From: Bob Klebba [mailto:klebba@tds.net]
Sent: Friday, December 16, 2011 4:41 PM
To: Tucker, Matthew
Cc: 'David Waugh'
Subject: Collins House

Hi Matt,

Thanks for taking the time to work through this zoning issue.

I understand that we could do a B&B-like business as a lodging house. Here is what I propose we do:

- Rent out all 5 bedrooms in the house
- Offer breakfast only to guests
- Set up our dwelling in the basement

The basement is a totally separate space in that building with 2 separate egresses. There is an area in the west corner of the building that would work very well for a living space. There is also a bathroom in the basement.

Can you please verify that this is an allowed use?

Thanks much, Bob

Bob Klebba

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