

Minutes for 1946 Wellesley AVE 9-9-19

Construction of a 2-story addition to an existing single-family dwelling and detached 2-car garage in the rear of the property. The zoning district is R4 and property is located in Planning District 14.

The requested variances are as follows:

The applicant is proposing to construct a 2-story addition to an existing single family dwelling and a detached, two-car garage in the rear yard of the property. The following variances are being requested: 1) In Planning District 14, the maximum building height in the R4 zoning district is 22'; the applicant is proposing a building height of 23'-10", for a variance request of 1'-10". 2) The minimum side yard setback for a single family dwelling in the R4 is 4'; the existing setback is nonconforming at 3.1' and the addition would continue along the existing sidewall for a variance request of .9'. 3) In this district, a sidewall articulation is required on sidewalls that are greater than 35' in length. The existing sidewall is 27' in length and with the addition, the total length would be 50'; the applicant is requesting a variance of this condition.

Jerome - the west side of property has a non-conforming setback.

Hearing:

Jerome- see page 94 of packet - southwest corner have two houses 1946 Goodrich - Westside of property have non-conforming side set back of 3.1 feet. It is shorter than properties around but much larger than surrounding properties with this request. The height maximum height allowed is 22 feet and application wants building to go up higher by 1 foot 10 inches. The construction of a 2 1/2 garage does not need a variance but is a part of the project, which includes, expanding the family room, dining room and kitchen on first floor and creating a master suite with bathroom and bedrooms on second floor.

**Findings:**

1. The existing house length is 27 feet and the addition would increase the length to 50 feet 10 inches.

The east side would be articulated and the west side would not and will have the same setback of 3.1 foot as the existing house. This project would be an improvement to the property that would allow the homeowner and their family to continue to live in their house. This request is consistent with zoning code Sec.60.103 to conserve and improve property values.

2. Improvement supported by strategy 2.1 of the Comprehensive Plan to allow homeowners to reinvest in their properties and maintain its vitality. Practical difficulties are due to the non-conforming setbacks and expand the house almost doubles the length of what it is existing and going up a 1-1/2 foot is a lot for this side setback. The house is extending further to the rear of property. I don't see what practical difficulties prevent the applicant from providing an articulation on the west sidewall and or from building the addition to the max height allowed. I think the size of addition along with a waiver of the articulation requirements and height is not very conducive with the existing context of the neighborhood. This ordinance was created to prevent these types of conditions. I worked with Mr. Nelson, on this project, I felt there were

some things that could have been changed. So, the practical difficulties for the nonconforming side setback is met, but not met for the articulation and height request.

The placement of the house 3.1 feet from the west property line is a circumstance of the property not created by the landowners. Finding 4 is not met for height and the articulation.

Single family dwellings are an allowed use in the R4 district. However, there are "no" circumstances that the property warrant the taller building height and articulation requirement.

The Housing & Land Use committee/ District 14 recommend approval for the nonconforming side yard setback. Also, District 14 sent letter for denial of sidewall articulation variance request. The property owner at 1968 Wellesley sent letter of support. Based on Findings 3 & 4, staff recommends denial of variance request.

Bogen - Did District council go into detail as of why?

Jerome - Important to the HOU's discussion in 3rd resolution was a consideration that at 50-foot 2 story addition proposed would be result in an un-interested sidewall nearly twice the length of the existing 27' sidewall. Committee also concluded that their alternative design options could incorporate a sidewall articulation variance. Speaking with Alexa Como, who is the Executive Director of the council. We had a discussion over the phone trying to see how the board came to that because the house is getting greater in length that they couldn't see how they wouldn't be able to articulate or put a sidewall in. Also based on what applicants described on the report, I too found that to be true. Perhaps with Mr. Nelson, being here today he can explain why it should be warranted.

Bogen - Why are they ok with the height; I get the setback.

Jerome - They didn't say why. The vote was unanimously for height; 6-4 vote for setback and 8-0 for denial of sidewall articulation.

Clarksen - 1 letter of support is in the agenda packet the person is the builder so they have an interest in this. Clarksen, re-read the letter and strikes his conversation regarding builder interest for approval.

Applicants: Dorian Nelson - applicant, 1946 Wellesley  
(Father) David Nelson, 3565 Southpoint Rd, Hastings, Wi

David - I'm the developer for the project and I'm a retired contractor and I'm helping with this project. I was involved with the design of the project.

Saylor- what would they like to add to the report provided by Mr. Benner.

Dorian - We lived in the house for five years - my wife is from the neighborhood; our family is growing so we wanted to add on to the house due to the location and school for our kids to go too. We talked to all the neighbors adjacent to us the neighbors on the east were supportive. Also, we have a letter from the people on the other side that face articulation variance they also

signed and said they are in support of it. Speaking to the actual variance, the height of all the houses on that side of street are two-stories. The one moving towards the direction sits up on a hill- Jerome showed the first picture and the height would not stick out, only a foot and 7 inches above the existing.

David- No 1foot 10 inches above the variance requirements, it moved to the left of house the neighborhood council passed unanimously the height restriction. The other variances are tied together, the articulation and the setbacks the way the discussion went with the neighborhood council was, if you look at the plans from the side it's a long wall why can't you do that? We argued that the flow of the interior of the house would be affected. They kind of said maybe you can put the articulation here or there and we talked through that. But we did state from the view (Maxine) go down one or two to photos on power point, straight down you can see the articulation is not visible or that visible it's not like it's a corner house where it's exposed to the streets. But as Jerome said they supported the first one/passed the second one/ but this one they did vote it down.

Bogen- Do you have the letter from your neighbor at 1950 Wellesley?

Saylor - Additional questions anybody.

Miller- if you were to add the articulation to the outside - is this the side that would then encroach into that sub-standard setback.

David- Yes, we could articulate it the opposite way so it wouldn't.

Saylor- If you articulate then it's only the height variance left; we are pretty much denying the other two. That's kind of where we sat with the neighborhood council.

David- At the time I guess we were trying to maximize the use of the house for the added family that they had and we thought that the articulation on that side which would be the west side would not be visible to anybody other than to the people who live next door and I guess that house to the right does not have an articulation in it and you can't even see it from the street. So, I guess that's why we did that all along because it was already non-conforming because it was 3.12 feet from the property line. At the time we didn't think it was a big issue but obviously the committee thought it was a big issue.

Dorian- We initially had a two-car garage and we took it down and now it's going to be a 1 1/2 car garage to get under the 40%.

Bogen- Isn't the idea of the articulation for the neighbors not just for people in the streets to see it? So, it's important not only on a corner but when a neighbor is looking at it.

Jerome- Yes, this information is correct - to prevent long sidewalls with no architectural breaks and design elements.

Dorian- We have a letter of support from neighbors facing that articulation

Clarksen- Jerome you just spoke something I was thinking about. They can either articulate the façade by some kind of variation in the elevation or they can do some type of architectural element that takes a flat plain but breaks it up with some type of material transitions. Is there opportunity for that?

Jerome- I think that would be a reasonable alternative to meeting the requirements, however that's not what's required of the Code. The code is very clear that articulation must be 1 foot in depth and 6 feet wide extended grade to eave.

Miller- What's the overhang on the proposed plan (1 foot 6 inches). You could put an articulation on there but it wouldn't serve any function other than (aesthetics) but you would be encroaching further; you would be making the variance for the side setback worse.

Jerome- or you can articulate (inward) the code allows for an articulation (outward) however that would not be to the benefit of the applicant. However, bringing it in would help.

Clarksen- I think Commissioner Miller, is on to something. I don't think anybody would come in here and propose to articulate inward and remove floor space from their house and change up the nature of the way a wall is supported on the exterior of a house. Architecturally that's just asking for lots of trouble. I'm kind of swayed if they are creating another variance by solving the first problem-what have we gained. We've done an exercise in moving our boxes around in a shell game. I don't think a real purpose is served by that. I am conflicted about this cause when I look at the west elevation it's pretty blend, that's why I came up with the comment I had moments ago which is; if there is some way to make that look a little more attractive, I would be intrigued by that and unfortunately, I don't have that in front of me. So, we can't vote on it. I'm not sure where that leaves us, the public hearing is still open.

Dorian- We created Plan B articulation after the Neighborhood Council. We did bring of plans today to show that option.

Clarksen- Of an actual articulation?

Dorian- Yes, on that side.

Saylor- Mr. Benner, did you know about this? Mr. Benner replied I did not.

Dorian- Sorry the meeting was last week (it's not relevant at the end of day only the first variance would come up for vote today). It wouldn't become relevant if we were to go with it.

Saylor- If you are going to introduce something that is showing that you can do what you are asking for a variance for; that's probably not in your best interest right now.

Dorian- Okay, that was more in response to the neighborhood meeting.

Bogen- Was that an inward articulation?

Dorian- Yes

Bogen- Between what section of that side of the house?

David- it would be from the pantry to the south.

Bogen- is there a window in pantry?

David- No, but on the second floor, the articulation would be from between the tub & shower and the wall right below would be the pantry wall. It would be the least intrusive to the master bedroom. I guess we were concerned about the upper level than we were the lower level. Yes, the lower level does have lot of open areas. We just didn't want to shrink the master bedroom down.

Trout-Oertel- So at the second level, I can see it's easy to deal with the pantry on the first level. On the second level you got the tub; would you be flipping the tub and whatever that is next to it?

David- that would be the shower; the shower has less depth than the tub does, so we would move the shower and doorway.

Trout-Oertel- it's pretty easy to achieve this articulation and you would not be sacrificing much. My question is: Is there some way we can deal with this today or not? We don't really have plans before us although you have figured out how to do this. So, would this be a case where we would perhaps continue with until we can look at something next week?

Saylor- That's a possibility, Yes

Bogen- If we deny their variance for the articulation, they have to do the articulation.

Saylor- So it doesn't become a variance anymore.

Trout-Oertel- so would be still be able to approve the project?

Bogen- I will assume if we deny their variance for articulation then they will go and articulate and then after they take care of that. Then if we approve or deny the other variances they will have to take care of that. I'm not sure where everybody is at with the variances. I assume the setback variance will be fine because it usually is. It would be the height. If those are approved and the articulation isn't, they articulate and that would be fine.

Trout-Oertel- Okay, and they would not have to come back to us?

Saylor- Do we vote on these separately or together as a group.

Bogen- we can do it different ways.

Saylor- Yes, we can vote on them separately.

Miller- or if they choose to articulate outward they could come back for variance for setback with neighbor's approval.

Saylor-So the board can vote on these separately

Bogen- Yes

Saylor- Any additional questions for the applicants. I will close the public portion of the public hearing. We are done talking and will enter into vote.

Bogen- All variances were denied?

Benner- Yes, side setback was denied.

Bogen- Based on Findings 1-6 with change on #3; just make new approval amendment of side yard setback variance 1.9 feet on westside of house and for the addition to match the house.

Bogen- motioned to Move and Clarksen Seconded; Roll call vote- All approved

Height and Articulation-

Trout-Oertel- Striking height that meet requirements- we could deny variance for height articulation. We could vote on the articulation.

Bogen- Not sure how we can change Findings #4 on the height there is not a circumstance unique, the property warrants a taller building height.

Bogen- Based on Findings 3 & 4, I Move denial of the articulation variance. Seconded by Clarksen. Roll call vote- All approved.

Saylor- Vote on height request.

Saylor- Vote on Height Variance Request next

Trout-Oertel- I know the reason for the height request is something we have heard from other applicants previously they want to span the entire width of the second story and that requires some trusses at the roof level and that's why they feel they need this additional height. They would not be able to execute these plans without a variance in height.

Saylor- architectural you mean?

Trout-Oertel- Yes architectural

Bogen- There wasn't any testimony as to that as an issue. All they gave us written is the height of the current home is 22 feet 3 inches. For the addition design to work the addition design need to be 23 feet 10 inches. So, I don't think we can make findings that the trusses need to be a certain thing or anything when we don't have testimony of that.

Saylor- Mr. Benner, would you like to add any additional information about the height requirement.

Benner- No, not at this time.

Bogen- That was another reason why I asked what the District Council had done perhaps they made some findings based on what they were told at that meeting.

Saylor- Information was minimal.

Bogen- Right, so we got minimal information.

Clarksen- Perhaps we can refer back to the applicant at this time to get clarification to the nature of the height of the trusses to Commissioner Oertel's question. And perhaps they can lend some insight as to the height of that part of the building. If not, that's fine too.

Bogen- We did close the public hearing and they were given the opportunity to reply and give their side on the variances that were being denied. I don't even think I heard them talk about the height it was all the sidewall. So, I don't know how you re-open the Public Hearing. So, I guess somebody would have to Move to do that.

Saylor- I will get clarification from our City Attorney Peter Warner,

City Attorney Peter Warner- Sure you are always able to Move to re-open. Someone Moved in favor to close can Move to re-open. You will need a Second. But I'm not really sure what they are going to testify to. Other than this is their plan and this is how high they would like it to be. They really haven't commented beyond that other than it's an architectural desire. I don't know what's unique about the land. But that's up to the board members to decide to re-open.

Miller- I vote to re-open. No, I withdraw that suggestion.

Saylor- We still have the matter of the Height variance request.

Miller- if we Move to approve it do we have to find language because the height was denied.

Saylor- Yes, that's correct.

Miller- Can we use the language the applicants provided in addition the height of the current house is 22 feet.3 inches for the addition design to work it needs to be 23 feet 10 inches.

Clarksen- If you go one step further in the sentence they do say the building height would still be "no" higher than the adjacent houses which may suggest something about the character of the neighborhood and the height requirement.

Bogen- we are not looking at the neighborhood at this point. What we are looking at whether the private land owners due to circumstances unique to the properties not created by the land owners and what's unique to the property that requires a variance about the height. It was unique about the property to give the sidewall variance because the house is already stuck at 3.1 feet away from property line. But I don't know what's unique in the property he's creating a need for it the way he's planning the addition.

Saylor - well said.

Clarksen Motion to deny the Height variance based on findings 3 & 4 as laid out by Mr. Benner in the Staff Report. Seconded by Bogen, I don't see how it matches.

Saylor- If you are voting yes; you are voting to *deny* the height variance. Roll call vote - all approved for *denial* of the height variance.

Saylor -Applicants, you can appeal either of those the Articulation or Height variance request which were *denied* today. To the City Council within ten days. Mr. Benner, can you help with the specifics of those. Thank you very much.

Saylor- that's the last case on our agenda today. I don't think we have any additional business.  
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