

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
1401 Northern Court

Zoning: TE

Owner: Troy Sedlak

Technical Information:

Applicant Lot Size: 73' x 83.4' **Minimum Lot Width:** 50'

Applicant Lot Area: 6,088 sq. ft. **Minimum Lot Area:** 6,000 Sq. Ft.

Madison General Ordinance Section Requiring Variance: 28.084(3); 28.140(2)1

Project Description: Petitioner requests a Usable Open Space (UOS) variance to construct a new dwelling unit atop existing commercial building.

Zoning Ordinance Requirement:

- Minimum 40 sq. ft. UOS (20 sq. ft. per bedroom)
- Up to 75% of provided UOS may be structured, with the remaining 25% located at-grade.

Provided UOS:

- Approximately 80 sq. ft. of UOS being provided on a balcony of the building.
- No UOS provided at the ground level.

Comments Relative to Standards:

1. Conditions unique to the property: The building on the property covers the entire lot. There is no at-grade space available between the lot lines for any open space to be provided.
2. Zoning district's purpose and intent: The regulation requested to be varied is the requirements for the provision of Usable Open Space (UOS). In consideration of this request, the UOS requirement is intended to provide on-site areas for outdoor recreation of the occupants of the building. A mix of structured and at-grade UOS is required to assure a balance of types of spaces are provided, for buildings that are most-often multi-family and include a mix of uses. Private balconies or common roof decks are acceptable UOS, and at-grade spaces that are common to all occupants of dwelling units are acceptable UOS. For the subject property, a building with a single dwelling unit located above the commercial space, all the provided UOS is located at the second-level of the building, as roof decks open to the sky. Although the UOS requirement is not being met as prescribed by the ordinance, the provided balcony area is a useable, functional and high-quality outdoor recreation space for the occupants of the dwelling unit.

3. Aspects of the request making compliance with the zoning code burdensome: Because the building occupies the entire lot, it is not possible to add UOS at the ground-level. Because of this condition, residential use would not be permissible without a variance.
4. Difficulty/hardship: The home was constructed in 1951 and purchased by the current owner in May 2016. See comment #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The lack of UOS at the ground level will have no impact on adjacent properties.
6. Characteristics of the neighborhood: The general area I comprised by mostly single-story structures with employment type uses. In consideration of this variance request, the project does not appear incompatible with the general area.

Other Comments: The TE district is not a typical district where one may find a mixed-use building with only one dwelling unit, however this use is allowed as a Conditional Use. The Plan Commission will be reviewing the request for Conditional Use approval at an upcoming meeting. Questions about the appropriateness of the use are under the purview of the Plan Commission.

At its October 9, 1962 meeting, the Madison Zoning Board of Appeals approved variance for a nonconforming occupancy and truck loading at the subject site.

Staff Recommendation: It appears the variance standards have been met, therefore staff recommends **approval** of the variance requests, subject to further testimony and new information provided during the public hearing.