

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
555 W. Washington Avenue

**Zoning:** UMX

**Owner:** Gregory C. Norman

**Technical Information:**

**Applicant Lot Size:** 99'w x 165'd   **Minimum Lot Width:** 30'

**Applicant Lot Area:** 16,665 sq. ft.   **Minimum Lot Area:** 3,000 sq. ft.

**Madison General Ordinance Section Requiring Variance:** 28.044(2)

**Project Description:** Petitioner requests a zoning variance to allow for the use of Vehicle Access Sales and Service Window (VASSW) facility in proximity to a property with a residential use.

**Zoning Ordinance Requirement:** vehicle access sales and services windows shall be at least sixty (60) feet from the closest point of a property with a residential building.

**Comments Relative to Standards:**

1. Conditions unique to the property: The property was originally developed as a bank / office building with a VASSW at the time of construction. The existing residential property adjacent to the VASSW facilities existed at the time the VASSW was originally built.
2. Zoning district's purpose and intent: The regulations requested to be varied is a requirement that facilities associated with a VASSW must be located a minimum 60' from a property in residential use. In consideration of this request, this requirement is established to minimize the impacts of a VASSW on neighboring residential property. The petitioner proposes to only use the lane closest to the building, to minimize impacts while still meeting the needs of customers.
3. Aspects of the request making compliance with the zoning code burdensome: Although the use is allowed in the zoning district, there is no way for such a facility to be introduced without significant impacts to the existing parking arrangement.
4. Difficulty/hardship: The existing building and VASSW facilities were originally constructed in 1984. The bank use has ceased and is now being used as a multi-tenant retail/office building. See comment #1 and #3 above.

5. The proposed variance shall not create substantial detriment to adjacent property: The proposal to use the leftmost lane will introduce some impacts on the adjacent residential building, but due to the limited nature of the use, the impacts should be minimal. An existing screening fence will further mitigate impacts of the VASSW on the residential property.
6. Characteristics of the neighborhood: The general area is characterized by older residential property and a mix of older and redeveloped commercial property. A VASSW is not out of character for the area.

**Other Comments:** As noted above, per the petitioner, the facility is to be used in a limited capacity, as a pickup window or materials ordered on-line. The City has no experience with these types of retail uses having VASW facilities, but it is expected the use will be light. It is estimated the window would be used a dozen or so times a day, at most.

A VASSW is a Conditional Use, approved by the City's Plan Commission. A Conditional Use request for this property is pending, should a variance be approved.

At its March 26 1992 meeting, the Madison Zoning Board of Appeals approved a setback variance to allow for accessory off-street parking to be constructed in the rear yard setback area.

**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.