

Standards for Variance

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To: City of Madison
Zoning Board of Appeals
126 S. Hamilton
Madison, Wisconsin 53701

Date: August 12, 2017

Property: 640 West Washington

1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.

The former Milwaukee Depot is an historic landmark on the National Register. This imposes strict restrictions on the development of the property. In particular no development that would impede the view of the front of building from West Washington Avenue would be allowed.

The property is unusually irregular in shape and particularly narrow (138'-8" frontage on West Washington and only 39'-7" across the rear) and deep (629'-8").

100'-4" of the West Washington frontage is occupied by the train tracks, the Depot itself and emergency vehicle and shared drive easements leaving 38'-4" of frontage for possible future development.

Access to two of the three streets that historically served the site has been eliminated. West Mifflin and North Frances streets have both been vacated to the north of the property reducing the number of street frontages and front yards from three to one. While Frances is no longer technically a street immediately adjacent to the property due to the vacation relocating the train car as proposed does provide the visual closure to Frances street from the North fulfilling the intent and spirit animating the maximum front yard setback requirement.

There are four easements totaling 22,720 SF in place in which the construction of any structure is not allowed. See Exhibit I.

The parking layout is of necessity inefficient due to the property's particularly irregular shape (refer to Exhibit 4 to see stark contrast with the Madison School District and City Station lots) and consequently the number of parking stalls provided (65) is barely sufficient to meet the number required by zoning (63). No parking stalls can be sacrificed for a new building or addition. See Existing & Proposed Site Plan.

2. The variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to the public interest

28.071 General Provisions for Downtown and Urban Districts.

(a) Recognize and enhance Downtown as the civic and cultural center of the City and region; the seat of state, county, and city government, and a significant retail, entertainment, and employment center;

The relocation of the railroad cars is being undertaken to allow the enclosure of the Depot's existing canopied platform and the development of an inviting space for a new food market (retail) and restaurant (entertainment).

(b) Recognize and enhance the unique characteristics of Downtown neighborhoods;

The train cars have been a unique characteristic of the neighborhood and the downtown for nearly thirty years. Their relocation on site is being undertaken is being as the only alternative to have them removed and scraped.

(c) Recognize the architectural heritage and cultural resources of Downtown neighborhoods;

The history of Madison and the railroad is intertwined and the Depot and the train cars are clearly part of the City's architectural and cultural heritage. The retention of the train cars and their relocation as proposed have been reviewed and approved by the Landmarks Commission.

(d) Facilitate context-sensitive development;

Retaining the train cars that have been on site for nearly 30 years at the train Depot is if nothing else context-sensitive

(e) Foster development with high-quality architecture and urban design;

We all recognize that the property is an historical and cultural treasure that is being held in trust. The improvements proposed are in accordance with the National Park Service's recommendations for historic structures and have been developed in concert with the Landmarks Commission to appropriately compliment the historic Milwaukee Road Depot

(f) Protect important views as identified in the Downtown Plan

None of the views identified in the Downtown Plan are affected.

3. For a setback variance, compliance with the strict letter of the ordinance would unreasonably prevent use of the property for a permitted purpose or would render compliance with the ordinance unnecessarily burdensome.

MGO 28.076 establishes a maximum front yard setback of ten feet.

It is unclear if front yard setback requirement applies to the Principal Building only (A building in which the principal use of a lot is conducted) or also to Accessory Buildings (A subordinate building or structure, the use of which is clearly incidental (in 'ci den 'tal accompanying but not a major part of something) to that of the main building and which is located on the same lot as the principal building, and is subordinate to the principal building in height and floor area)

The train cars are buildings and have served variously as shops, studios and offices. Currently two are being used as offices and two are vacant. They are clearly accessory in that they are subordinate buildings, their uses of which is clearly incidental to that of the main building,, they are located on the same lot as the principal building, and are subordinate to the principal building in height and floor area.

Interpreting MGO 28.076 to require both principal and accessory buildings be set back no more than ten feet from West Washington would certainly unreasonably prevent use of the 629'-8" deep property for permitted purposes. With this interpretation the train cars that have been in place for the last 29 years would be considered nonconforming.

4. The alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property.

As illustrated on Exhibit 4 there were nineteen buildings in place on the super block formed by West Washington, Regent, South Campus Drive, West Dayton and Bedford at the time the current zoning ordinance was enacted. Of these only the South East corner of the Depot and the School District's auditorium are within ten feet of street side property line. All of the other buildings are non-conforming.

5. The proposed variance shall not create substantial detriment to adjacent property.

The market and restaurant are being created for and will be supported by the neighboring residents, workers in nearby offices, students and staff at the Art Lofts and the Kohl Center's many visitors.

The moving of the train cars necessary to allow this to proceed will have an imperceptible impact on the adjacent properties but overall the development will only benefit the users of and by extension the attractiveness and value of the neighboring properties.

6. The proposed variance shall be compatible with the character of the immediate neighborhood.

What is proposed is the moving of elements already on site. The train cars have been, are and will continue to be compatible with the UW's Glass Lab & Metals Foundry, the Kohl Center and the Wisconsin Southern RR.

There will be one small change and it will be an improvement. The rear passenger car will be moved so that it sits perpendicular to and ten feet back from what was technically and still is visually the terminus of North Frances Street (the street end has been vacated). This particular orientation was chosen purposefully to provide the definition to street edge called for in MGO 28.076's 10' Maximum Front Yard Setback requirement.