

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
56 Corry St

Zoning: TE Traditional Employment

Owner: Krupp-Grove Family Ltd PRT (applicant, Sector67)

Technical Information:

Applicant Lot Size: 100.5' x 197.6;

Minimum Lot Width: 50'

Applicant Lot Area: 19,858 sq ft (.45 acres)

Minimum Lot Area: 6000 sq ft

Madison General Ordinance Section Requiring Variance: 28.084(3)

Project Description: Single-story warehouse/industrial building. Raise side wall atop existing foundation approximately 10'-7" to allow for necessary first-level floor-to-ceiling height and construction of second-story or mezzanine level inside building. Building is to be remodeled to accommodate laboratory use and prototype development, including various accessory uses.

| | <u>Rear Yard</u> |
|-------------------------------|------------------|
| Zoning Ordinance Requirement: | 20.0' |
| Provided Setback: | 13.3' |
| Requested Variance: | 6.7' |

Comments Relative to Standards:

1. Conditions unique to the property: The subject property exceeds lot minimum and is a developed lot. The existing placement of the building projects into the rear yard setback area approximately 6.7', so a bulk change to the structure in the setback will require a zoning variance. The issue primarily is the placement of the existing building, including foundation, in the setback area.
2. Zoning district's purpose and intent: The requested regulation to be varied is the *rear yard setback*. In consideration of this request, the *rear yard setback* is intended to provide minimum buffering between principal buildings on lots and to align buildings within a common building envelope, generally resulting in space in between the building bulk and commonality of bulk constructed on lots, to mitigate potential adverse impact. The existing structure is a corner lot and projects partially into the rear yard setback so meeting the rear yard setback is not possible without reducing the size of the building and constructing a new foundation for the building within the building envelope or shifting the entire building east and constructing two new end-wall foundations. There is no adjacent or commonly zoned property with structures so there is no general alignment of bulk relative to the rear yard setback on this lot.

3. Aspects of the request making compliance with the zoning code burdensome: The zoning district for this property allows for multi-story buildings as an allowed use and a minimum height is also required. This building could be vertically expanded relatively easily if not for the setback encroachment. Per the petitioner, the foundation and slab exist and are in adequate shape to support the proposed changes to the building. To shift the building 6.7' to meet the setback would require new front and rear (east and west) foundation walls and a slab addition, along with underpinning or other engineered measures to connect to the existing slab and foundation to a new slab and foundation. This would be a significant amount of work to result in the minor bulk change for the structure to meet the setback. Madison Building Inspection Plan Review staff have reviewed the request and advise that new foundation elements would require re-engineering and potentially significant changes to accommodate the new construction, which would be compounded by requiring the building to be shifted out of the setback, rather than build on the existing foundation/slab at its current location. To require the shift to the building and subsequent foundation to meet the setback would be significant.
4. Difficulty/hardship: See comments #1 and #3. The structure was originally built in 1949 and is under contract for purchase by the petitioner.
5. The proposed variance shall not create substantial detriment to adjacent property: The adjacent property to the west (the side where the variance is being requested) is zoned residential and contains a telecommunications switching station designed to look similar to a residential structure. The variance results in a project that has little adverse impact on this structure or lot.
6. Characteristics of the neighborhood: The general area is characterized primarily by lower-density residential structures with some industrial structures to the south and east along the rail corridor. This project, relative to the setback requirement and resulting structure, will have little effect on the character of the area. The structure is in need of cosmetic repairs and the project will address those matters.

Other Comments: The project includes an elevated deck structure to the side opposite South Court, which must provide a 14' rear yard setback. The project also includes a greenhouse addition by Corry Street and the submitted plans show a mechanical space at the southwest corner, which is basically a fence enclosing the mechanical equipment, with no roof. No variance is required for these features.

The zoning ordinance requires a minimum 22' height. The existing building has a nonconforming height of 13'-10", which is under the 22' height minimum for the TE district. The project will result in a compliant minimum height for the structure.

Regardless of the outcome of the zoning variance, the change to extend the walls and raise the roof will require examination of the existing foundation to determine adequacy relative to the proposed vertical expansion. At the time of the preparation of this report, the petitioner has not provided detail relative to this matter. It is possible, but not likely, that the project could require an entirely new foundation. If it is determined that a new foundation will be required, the issue of meeting the setback should be re-examined.

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

1. This variance is valid only if the existing foundation is to be retained.