

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
801 S. WHITNEY WAY

Zoning: PR

Owner: City of Madison Water Utility

Technical Information:

Applicant Lot Size: 151' wide x 263' long

Minimum Lot Width: 300'

Applicant Lot Area: 45,999 square feet

Minimum Lot Area: 5 acres

Madison General Ordinance Section Requiring Variance: 28.095 (3)

Project Description: Applicant requests a side yard setback variance to construct a new well house. The property is currently occupied by a Water Utility well house and reservoir. Both are proposed to be removed and replaced. The existing well house has a side yard setback of 12.8'. The proposed well house has a side yard setback of 13.5'.

Side Yard Setback Variance

Zoning Ordinance Requirement: 30'

Provided Setback: 13.5'

Requested Variance: 16.5'

Comments Relative to Standards:

- 1. Conditions unique to the property:** The property is under the minimum lot width and lot area for the zoning district. A condition unique to the property is that the location of the existing well does not allow for enough space to build a well house over it while providing a compliant side yard setback.
- 2. Zoning district's purpose and intent:** The regulation requested to be varied is the *side yard setback*. In consideration of this request, the *side yard setback* is intended to provide minimum buffering between buildings on lots and to align buildings within a common building envelope, common back yards, and generally resulting in space in between the building bulk and commonality of bulk constructed on lots.

In the Parks and Recreation (PR) zoning district, the minimum side yard setback is 30 feet, much larger than the side yard setback typically required in residential districts, five

to 12 feet depending on the specific zoning district and use. The PR district requires a larger side yard setback to ensure adequate space between the more active and intense uses allowed within the PR district and the residential zoning districts which are often adjacent to the PR district.

The subject property is surrounded by the Beltline Highway, a Beltline Highway off-ramp, and S. Whitney Way. There are no other adjacent properties. The proposed side yard setback variance is adjacent to the elevated Beltline Highway, so a side yard setback is not needed to provide buffering between the well house and a residential or other adjacent sensitive use. The proposed setback of 13.5' will still allow plenty of space for access around the well house, and there are no adjacent yards or buildings to align a building envelope with. Therefore, the project appears to result in conditions that are consistent with the purpose and intent of the side yard setback requirement in the PR district.

3. Aspects of the request making compliance with the zoning code burdensome:

Compliance with the strict letter of the ordinance would not allow for a new well house to be constructed above the existing well, preventing use of the property for the purpose it was developed for in 1958, which seems unnecessarily burdensome.

4. Difficulty/hardship: The existing well was established in 1958. See comment #1 and #3 above. Building a well house that meets the side yard setback requirement would not allow for the existing well to continue to be used by the Water Utility. The hardship appears to be created by the terms of the ordinance.

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

The existing well house has a 12.8' side yard setback with no known substantial detriment. Adjacent properties are all right-of-way: the Beltline Highway, a Beltline Highway off-ramp, and S. Whitney Way. There will be no negative impacts to light and air on these adjacent rights-of-way.

6. Characteristics of the neighborhood: The property is not located within a neighborhood due to all adjacent properties being right-of-way. This is an appropriate location for a utility use. It does not appear that the variance would be incompatible with characteristics of the surrounding area.

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.