

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
2615 Stevens Street

**Zoning:** TR-C4

**Owner:** Tom & Dino Christ

**Technical Information:**

**Applicant Lot Size:** 44' w x 120' d **Minimum Lot Width:** 40'

**Applicant Lot Area:** 5,280 sq. ft. **Minimum Lot Area:** 6,000 sq. ft.

**Madison General Ordinance Section Requiring Variance:** 28.045(2)

**Project Description:** Convert former nonconforming four-unit building into a 3-unit building. Resulting dwelling will remain generally as currently constructed, 1-bedroom apartments in the upper level and a two-bedroom apartment on the first level. The project involves elimination of the basement-level fourth unit.

	<u>Useable Open Space</u>	<u>Lot Area</u>
Zoning Ordinance Requirement:	2,250 sq. ft. (750 sf /unit)	6,000 sq. ft.
Provided Setback:	2,057 sq. ft.	5,280 sq. ft.
Requested Variance:	<b>193 sq. ft.</b>	<b>720 sq. ft.</b>

**Comments Relative to Standards:**

1. Conditions unique to the property: The subject property is a developed lot, placed among mostly single-family lots of similar size, shape, and development pattern. The building was originally built as a four-unit, at a time when the zoning in place allowed for said construction. Because the building was constructed for the intended use, it cannot be easily remodeled into a single-family home or two-family home. Significant construction would be required, involving moving, removing or relocating load bearing and non-load bearing walls, moving stairwells, eliminating kitchens and significant redesigning the orientation and layout of the 2<sup>nd</sup> level space.
2. Zoning district's purpose and intent: The regulations being requested to be varied are the *Useable Open Space (UOS)* and minimum lot area requirement.

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. Although the UOS requirement is not being met as prescribed, the provided qualifying open space on-site (located in the most

private area of the lot to the rear of the dwelling, and the rear deck area) create useable, functional and quality recreation spaces on the lot. Additional open space could be provided by eliminating some of the off-street parking, however, the on-street parking condition in the neighborhood is under significant pressure, and providing off-street parking facilities appears to take priority. Also, other recreation opportunities located in close proximity to the property, such as Sevens Street Playground Park, located half a block to the west, provide other recreation opportunities in close proximity to the property.

### Lot Area

In consideration of this request, the lot area is intended to ensure appropriate density for a development. No additional lot area can be acquired, the lot size is fixed. Also, the proposed building has a low occupancy, a “family” plus one roomer or no more than two unrelated individuals. In contrast, units with up to five bedrooms have a more tangible relationship to lot area, and in this case the smaller units should be a factor in considering the lot area reduction request. The highest and best use of the building is as a three-unit, with the requested unit mix.

3. Aspects of the request making compliance with the zoning code burdensome: See comment #1. To comply, the density must be reduced to two units.
4. Difficulty/hardship: The building was originally built in 1940. The current owners were raised in this property, and are handling the estate of their deceased parents.
5. The proposed variance shall not create substantial detriment to adjacent property: The variance introduces no bulk change to the property, and allows it to continue as a multi-family property, as it had for decades.
6. Characteristics of the neighborhood: The general area is characterized by a mix of residential buildings, some single family some multi-family, and the proposed density and provision of open space would be considered common with other properties in the immediate neighborhood.

**Other Comments:** This property was a legal nonconforming use. The past owners let the legal nonconforming occupancy lapse (did not occupy or rent upper units for more than 12 months), resulting in the inability to use the property as a four unit apartment building. The current owners (children of the past owners) have been working with the immediate neighbors and alder to have the property rezoned to allow for a conversion to a three-unit use, as permitted in the TR-C4 zoning district.

At its May 19, 2015 meeting, the Madison Common Council approved rezoning of this property, from TR-C2 to TR-C4, to accommodate the conversion of the building to a three-unit. One condition of approval requires the owner obtain zoning variances for lot area and UOS.

**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.