

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
668 State Street

Zoning: DC

Owner: 668 State, LLC

Madison General Ordinance Section Requiring Variance: 28.071(2)(c)

Project Description: Petitioner requests a variance to the setback requirement to construct a four-story residential addition atop an existing two-story commercial building.

Zoning Ordinance Requirement: 30' setback of the building face above the 4th story.

Provided Setback: 29'

Requested Variance: 1'

Comments Relative to Standards:

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

The property was renovated in 2006 to include a code-compliant elevator core that met the 30' setback. The remodeling contemplated the 4-story addition in the future, and the building was built with a foundation and elevator core to allow for the addition. The remodel also included the required exit stair, which is located adjacent and directly behind the elevator core. It was intended for the elevator core and stair to be extended vertically when future stories were added. However, the building codes have since changed to require a deeper elevator as part of new life-safety requirements to accommodate a stretcher.

- 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.**

The regulation requested to be varied is the 30' setback above the 4th story on State Street. This setback was established to preserve the vistas or long views of State Street both to and from the State Capitol at elevations above the fourth story and at a width that is wider than the right-of-way of State Street. This setback was calculated by using the approximate distance between the two buildings on the corner of State Street, E. Mifflin Street and Carroll Street at the square (the State Historical Society at 30 N. Carroll Street and the Veterans Museum at 30 W. Mifflin Street).

The proposal only slightly reduces the setback, the necessary amount for the elevator core element only, which is a life-safety requirement of the building code that applies to the existing structure and proposed addition.

3. For an area 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.

The placement of the existing elevator core and stair drive the request. The elevator core can only be widened toward the front because of the location of the stair behind the elevator core. Both would have to be moved which would have significant impacts on the existing commercial spaces in the building and would be unnecessarily expensive to relocate. Per former Building Inspection Plan Reviewer Michael VanErem, the proposal is the simplest, most reasonable, cost-effective, least invasive, and minimal approach to meet the code requirement.

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.

The property has been owned by the current owner dating to the full remodel in 2006, and the owner authorized the design at that time. However, this is not a self-created hardship. The building code changes created the requirement for the deeper elevator core.

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

The 1' reduction in the setback for only a portion of the building will have little impact on adjacent property. The setback is intended to protect the long views and vistas, and the encroachment would be only slightly perceptible from the long view or vista perspective.

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

The general area is characterized by commercial buildings from two stories to ten stories. Some newer buildings meet the 30' setback above the 4th story, while others exist within the setback area because they pre-date this requirement.

Other Comments:

At its June 22, 2017 meeting, the Zoning Board of Appeals approved a request for the same variance. This variance request is before the Zoning Board Appeals again because the previous variance approval expired before a building permit was pulled. The variance request is the same

as the variance request approved by the ZBA at its June 22, 2017 meeting. Minutes from the June 2017 meeting are included with your meeting packet.

As noted above, Building Code SPS 362.3002(2) is a new requirement of the building code that requires fire department emergency access as part of the elevator, which must accommodate a 24”w x 84”d stretcher.

This project will require design approval by the City’s Urban Design Commission and Conditional Use approval by the City’s Plan Commission as a major alteration to a building in the DC Downtown Core District.

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