

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
668 State St

Zoning: DC

Owner: 668 State LLC

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

Project Description: Request a variance to the setback requirement at the 5th and 6th story, to construct a four-story residential addition atop the existing two-story commercial building.

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

Provided Setback: 29'

Requested Variance: 1' variance

Comments Relative to Standards:

1. Conditions unique to the property: The property was renovated in 2006 and included a code-compliant elevator core at that time 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, which was sized according to the building codes at that time. The remodeling 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 the future stories were added. The building codes have changed to require a deeper elevator as part of new life-safety requirements to accommodate a stretcher.
2. Zoning district's purpose and intent: 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 the elevations above the fourth story, 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. Aspects of the request making compliance with the zoning code 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 Building Inspection Plan Reviewer Michael VanErem, the proposal is the most simple, most reasonable, cost-effective, least invasive and minimal approach to meet the code requirement.

4. Difficulty/hardship: The property has been owned by the current owner dating to the full remodel of 2006 and that owner authorized the design at that time. However, this is not a self-created hardship. The building code changes create 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, being that the setback is intended to protect the long views and vistas. The encroachment would be only slightly perceptible from the long-view or vista perspective.
6. Characteristics of the neighborhood: The general area is characterized by commercial buildings from two stories to 10 stories. Some newer buildings meet the 30' setback above the 4th story, while others pre-exist into the setback requirement because they pre-date this requirement.

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