

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
437 N. Frances Street

**Zoning:** DC

**Owner:** Core Campus, LLC

**Technical Information:**

**Applicant Lot Size:** Irregular      **Minimum Lot Width:** No minimum

**Applicant Lot Area:** 70,702 sq. ft.      **Minimum Lot Area:** No minimum

**Madison General Ordinance Section Requiring Variance:** 28.071(3)(h)2

**Project Description:** Twelve-story mixed-use development. Rooftop mechanical equipment screening height and setback variance.

Zoning Ordinance Requirement: setback of screen from primary facade equal to 1.5 times screening height, screening a minimum 1' above height of equipment.

Provided setback from primary façade: 11'-11" (required is 30', 1.5x screening height)

Provide height of screening: 5.5" below height of equipment (1'-5.5" below requirement)

**Comments Relative to Standards:**

1. Conditions unique to the property: The subject property an irregular lot that fronts on three streets but is not a corner lot, and is required to be oriented to all three streets. The development has two main residential towers wrapping around a common central courtyard. The project is cooled with a single chiller atop one tower. The residential tower is a double-loaded corridor designed in a relatively narrow fashion to prevent the introduction of interior bedrooms without windows, which is a highly-desired feature by the City.
2. Zoning district's purpose and intent: The regulations being requested to be varied are the *rooftop equipment screening requirements*. In consideration of this request, the *rooftop equipment screening requirements* are intended to screen the view of equipment from adjacent properties, an aesthetic treatment to improve the "fifth façade" of a building: its rooftop. The screening requirements need to work in tandem with other permissible and common rooftop elements, such as elevator over-runs, code-required emergency stair exits, and rooftop recreational amenities. On large buildings with relatively narrow towers such as the subject development, the process for approval requires centralization/corralling and minimizing of these features, to limit bulk to only what is necessary.

3. Aspects of the request making compliance with the zoning code burdensome: This is a very large development, one of the largest in the City. The design includes two double-loaded-corridor residential towers, both of which need cooling elements, along with the base of the building, and the common placement for this type of equipment is on the rooftop. Because of the elevator placement and the double-loaded residential corridor that minimizes interior bedrooms, the building is relatively narrow, and this does not have an opportunity to set the screening back from the primary façade. The building has multiple facades, and the screening provides a setback of about 29' from the ground-floor façade at Gillman Street (however, this facade is not considered the façade wall the required setback must be measured from).
4. Difficulty/hardship: As demonstrated in the HVAC engineering material submitted, the required height of the screening limits the functionality of the unit, which is a clear conflict and a hardship for the petitioner. In regard to the screening requirement, the size of the unit and the necessity for placement to allow airflow around/below the unit results in taller screening being necessary, and a greater setback required for said screening.

As indicated in the materials from the petitioner, the screening is built and the unit is in place, but staff advises the board to consider this request as if the screening and unit was not in place. The hardship with this particular project relates primarily with the planning and design goals that result in a high-quality design for the project, by minimizing and corralling rooftop equipment and penetrations.

5. The proposed variance shall not create substantial detriment to adjacent property: to minimize the view of the screening, the project includes a 6'-7" tall parapet wall and a 4'-9" cornice-type horizontal projection from the top of the parapet, to further limit the view of the screening element above the primary facade. Since the building is constructed to about the maximum height allowable for the area, no adjacent development will be able to build above the development and "look down" at the project to see an unattractive piece of mechanical equipment. If the screening were raised an additional 5.5" the equipment would be "screened from adjacent buildings to the extent possible" per Sec. 28.071(3)(h)1.
6. Characteristics of the neighborhood: The general area is characterized with development of varying sizes and scales. Most similar development the area has little or no mechanical equipment screening and little setback of equipment from primary facades. All this development was constructed prior to code requirement for screening and setback. It is common to find other similar large-scale development in the City providing screening and/or equipment placement with little or no setback from primary facades.

**Other Comments:** The proposed mechanical screen is integrated into the elevator over-run and mechanicals room that extends over a large portion of the top floor of this tower. The integration of design for these features was required as part of the UDC (design) and Plan Commission (Conditional Use) review for this new building. Minimizing the number and scale of mechanical equipment areas on the roof was a significant aspect of the project, along with maintaining useable and functional rooftop recreation spaces.

At the time of final sign-off and building permit issuance, the proposed mechanical equipment screening did not meet the screening setback requirements, which was apparently missed during the final sign-off. The screening in the original plans was lower than as requested with this variance, however, as it appears a larger/taller unit was deemed necessary when the building was engineered, resulting in a taller screen being necessary.

As noted in the application, this is one of the first developments constructed in the downtown area under the City's new zoning code. The mechanical equipment screening requirements are new to the city, as part of the new zoning code. Particularly in regard to the "screening a minimum 1' above the equipment" requirement, this clearly is a case where the screening requirement conflicts with operational requirements for this equipment. Staff intends to share this issue with the Plan Commission at an upcoming zoning code work session, for consideration of a calibration of the code relative to this issue.

**Staff Recommendations:**

**Screening setback:** 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.

**Screening height:** The petitioner has presented a case that screening height conflicts with functional requirements relative to airflow for the unit. However, those requirements show the screening should be placed at or below the height of the unit, where the variance asks for the screening to be 5.5" below the height of the unit. Staff recommends approval of a 1' variance, which will require the petitioner construct an additional 5.5" of screening to match the height of the unit, subject to further testimony and new information provided during the public hearing.