

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
627 N. Lake Street

Zoning: DR2

Owner: Sigma Alpha Epsilon Corp.

Technical Information:

Applicant Lot Size: 88' w x 135±d

Minimum Lot Width: 40'

Applicant Lot Area: 12,095 sq. ft.

Minimum Lot Area: 3,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.138(5)(b)

Project Description: Demolish existing three story fraternity house, build new five-story fraternity house. Lakefront yard setback variance requested.

Zoning Ordinance Requirement: 75' 0"

Provided Setback: 53' 9"

Requested Variance: **21' 3"**

Comments Relative to Standards:

1. Conditions unique to the property: The shape of the property is unusual, which results in an unusual building envelope. This lot is also shallower in depth than the neighboring lots to the east. Given the irregular shape of the lot, the resulting building envelope is 41' - 60' deep with a width of 78'. This is approximately 20' shallower in depth than the adjacent lot to the east.
2. Zoning district's purpose and intent: From Sec. 28.138, Lakefront development: *The lakefront standards are established to further the maintenance of safe and healthful conditions by preserving and enhancing water quality, habitats, viewsheds, and other environmental and aesthetic qualities of lakes through the regulation of zoning lots abutting lakes within the City.*

Staff offers the following comments:

- a. Some information has been provided regarding a future trail connection, rain garden, and a plan to connect to storm sewer has been included, but no detailed information has been provided regarding the landscaping, lot coverage and lakefront yard environmental condition or treatment of the property as part of this redevelopment.

- b. The proposed project appears to negatively affect the viewshed of existing adjacent development.
 - c. The existing building is in need of maintenance and is in need of significant resources to be made viable. The proposed new building is of an attractive design and appears to be constructed of quality materials, resulting in a generally aesthetically pleasing building.
3. Aspects of the request making compliance with the zoning code burdensome: The proposed project maximizes the required yard setbacks and building height allowed, but per the applicant, the resulting building envelope does not result in a project that returns on the necessary investment. The zoning code does allow a project to be built, just not a project as large as proposed. Clear information has not been provided regarding the actual impact of the setback requirement on a proposed project and how the project would be changed to meet the setback requirement, so this standard does not appear to be met with the submitted material.
4. Difficulty/hardship: The original building was constructed in 1923, with the eastern addition built in the 1950's. See comments #1 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The proposed building would be placed in a location that would block views of the neighboring two buildings to the east, but those property could be redeveloped nearly in-line with the proposed project without a necessitating a variance.
6. Characteristics of the neighborhood: the general area is characterized by developments of varying sizes on varying lot sizes. There is no specific pattern or scale of development, it varies significantly. The proposed development could be considered to be at a size and scale consistent with other development in the area – both new and existing.

Other Comments: as stated above, this lot is also shallower in depth than the neighboring lots to the east, with each lot to the east being about 20' deeper increments as one moves east. The requested variance would put the development just slightly closer to the lake than what would be allowed by-right for a redevelopment on the adjacent lot to the east.

Many developments in the general area that have lake frontage have existing lakefront yard setbacks less than 75', but the code only requires the 75' for new principal buildings.

The pergola above the patio would require a zoning variance if attached to the building. A variance for the pergola has not been included with this request, as it was not clear the pergola was to be included in the project when the application was being discussed.

Staff Recommendation: The burden of meeting the standards is placed upon the applicant, who needs to demonstrate satisfaction of all the standards for variance approval. It is not clear that this burden has been met. Some necessary information relative to the standards of approval has not been provided. Staff recommends that the Zoning Board find that the variance standards are not met and **refer** the request for more study and information, or **deny** the requested variance as submitted, subject to further testimony and new information provided during the public hearing.