

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
2114 Winnebago St

Zoning: TSS/TE (rezone to TE)

Owner: Accipiter Real Estate LLC

Technical Information:

Applicant Lot Size: irregular corner lot

Minimum Lot Width: n/a

Applicant Lot Area: 2.09 Ac.

Minimum Lot Area: 6,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.084 (3)

Project Description: Planned multi-use site with multiple buildings. The project involves merging all lots into a single zoning lot and constructing new buildings. Demolitions include the existing artisans workshop/warehouse, arts school building (currently occupied by Circus Space), and laboratory building (currently occupied by Sector67). Construct three-story mixed-use building (housing cooperative multi-family building with artist studio spaces) and trade school building and associated parking and green space. The arrangement of lots and planned multi-use site results in rear yard setback variance being necessary for existing health club building (Ford's Gym).

Zoning Ordinance Requirement: 20'

Provided Setback: 0'

Requested Variance: 20'

Comments Relative to Standards:

1. Conditions unique to the property: The property is unusual in shape, is assembled from pre-existing platting dating to the late 1900's and contains an existing building placed at the property lines which projects into required setbacks. The property has frontage on Winnebago Street at two disconnected segments and wraps around existing homes on Winnebago Street that are zoned TSS. The assemblage of property results in this being classified as a corner lot, with multiple rear yard setback areas due to the irregular lot shape.
2. Zoning district's purpose and intent: The requested regulation to be varied is the *rear yard setback*. In consideration of this request, the *rear yard setback* is intended to provide minimum buffering between principal buildings and to align buildings within a common building envelope, generally resulting in space in between the building bulk and commonality of bulk constructed on lots, to mitigate potential adverse impact.

Due to the irregular lot shape, providing a common rear yard across the site is not possible on this lot in consideration of the corner lot front yard designation. The building exists at its current location within the existing planned multi-use site with the laboratory use building (sector 67). The existing structure at 2114 is placed partially within the new rear yard setback as a result of the lot assemblage and selection of the required front yard, so meeting the rear yard setback is not possible. The proposed project is the most efficient design to provide necessary space for the new buildings and uses and will provide for compliant setbacks for all buildings except the existing 2114 building (rear yard).

3. Aspects of the request making compliance with the zoning code burdensome: The way the rear yard setback is measured on this corner zoning lot results in the existing building being considered in the setback. Redevelopment of the property in the desired efficient manner may be possible, but with a far less efficient design and otherwise unnecessarily burdensome configuration, thus necessitating the zoning variance.
4. Difficulty/hardship: See comments #1 and #3. Staff, the alder and neighborhood leadership have been working with the property owner for years regarding the project, and the newly adopted rear yard setback requirement (3/21/17) establishes the requirement for the 20' rear yard setback requirement.
5. The proposed variance shall not create substantial detriment to adjacent property: The existing built condition will not change relative to the existing property adjacent to the 2114 building. Approval of the variance simply allows the existing building to maintain zoning compliance and any new change to the building resulting in a bulk change in the rear setback would require a zoning variance and approval of an alteration to the existing Conditional Use.
6. Characteristics of the neighborhood: The general area is characterized by a mix of types of development, from traditional residential and commercial, to historic and adaptive re-use of employment buildings, to large-scale redevelopment. The overall project is in keeping with the general development pattern for the area.

Other Comments: This project also involves the vacation of the right-of-way of Linden Court and the rezoning of a portion of that vacated right-of-way and the rezoning of the Ford's Gym lot. The entire property will be zoned TE. The side and rear yard setbacks for TE and the existing TSS are similar.

The project will require approval of Demolition of Principal Structures and Conditional Uses from the Plan Commission and a recommendation on the rezoning request from the Plan Commission, and the approval of the rezoning and right-of-way vacation by the Madison Common Council.

Being a corner lot, the owner may select which street frontage is to be considered the front yard, with the consent of Zoning Administrator, based on the effects of such choice on development of the lot itself or on adjacent properties. The opposite lot lines must provide the required rear yard setback. The owner has selected Sutherland Court as the front yard for the zoning lot, to which staff has no objection. The proposed orientation allows the new building addressed 2100

Winnebago Street to abut the property line of the rail line as a *side yard* (with no side setback required), which then allows for an efficient layout for necessary off-street parking for 2100 and 2114 Winnebago Street.

This project involves the expansion and assembly of a *Zoning Lot* and *Planned Multi-Use Site*. The following language from the Zoning Ordinance may help the board in its deliberations when discussing the variance request:

A Planned Multi-Use Site and Zoning Lot are defined as follows:

Planned Multi-Use Site. A specified area of land comprised of one or more contiguous ownership parcels or building sites that share access and circulation or off-street parking.

Lot, Zoning. A planned multi-use site or a lot or lots that comprise a single tract of land located within a single block which, at the time of filing for a building permit, is to be used, developed or built upon as a unit. Therefore, a zoning lot or lots may or may not coincide with a lot of record.

Sec. 28.137 provides the regulatory framework for a planned multi-use site. The purpose of the planned multi use site is “...*to allow efficient and economical design and greater coordination and flexibility in the development of a variety of building types and land uses, while ensuring substantial compliance with the basic intent of the Zoning Code and Subdivision Regulations.*”

Staff Recommendation: The necessity of the variance primarily comes from the new way in which the rear yard setback is applied with the revised and expanded planned multi-use site, but also considers the most efficient and orderly pattern of development for the property. 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