

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
909, 911-915 Jenifer Street

Zoning: HIS-TL, TR-V2

Owner: Refine Jenifer, LLC

Technical Information:

Applicant Lot Size: 66'w x 132'd **Minimum Lot Width:** 60'

Applicant Lot Area: 8,712 sq. ft. **Minimum Lot Area:** N/A

Madison General Ordinance Section Requiring Variance: 28.048(2)

Project Description: Petitioner requests a side yard setback variance to construct a 2-story addition with basement level onto an existing residential structure, attaching the structure to the three-story structure to the east the basement-level, to accommodate conversion of the buildings into a new housing cooperative.

Zoning Ordinance Requirement:	10'
Provided Setback:	8'-6"
Requested Variance:	1'-6"

Comments Relative to Standards:

1. Conditions unique to the property: The subject property re-establishes a single original 66'w x 132'd platted lot. This lot meets or exceeds all lot minimums, but has existing structures on it, which are to be converted. The existing building had a compliant setback as a two-family dwelling, however the structure projects into the side setback by being converted into a Housing Cooperative.
2. Zoning district's purpose and intent: The regulation requested to be varied is the *side yard setback*. In consideration of this request, the *side yard setback* is intended to provide buffering between developments and establishing common development patterns on lots, to mitigate potential impact of bulk on adjacent lots.

The existing building placement and relationship between the existing home and the adjacent side lot line where the variance is being requested appears to be a long-standing condition, original to the development of the lots. The addition will have little impact on the neighboring property, and maintains the existing setback. There is adequate side yard setback to allow access to the rear yard area via the existing driveway. The project appears to result in development consistent with the purpose and intent of the TR-V2 district.

3. Aspects of the request making compliance with the zoning code burdensome: The project must include accessible units as part of the conversion and common areas to meet the programming needs of the housing cooperative. It is very difficult to fit space for accessible units in the area available, and result in a cohesive project at the multiple levels of the building without granting the variance.
4. Difficulty/hardship: The building at 909 Jenifer Street was originally constructed in 1850 and purchased by the current owner in January 2019. The building at 915 Jenifer Street was originally constructed in 1910 and purchased by the current owner in January 2019. See comment #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The proposal will introduce little impact on adjacent property. The neighboring dwelling on the side where the variance is being requested is located about 10 feet from the addition, and the majority of the addition being constructed is behind the neighboring building.
6. Characteristics of the neighborhood: Residential buildings on varying lot sizes and with varying densities characterize the general area. The proposal is in keeping with the style and design for the general area.

Other Comments: Housing cooperatives involve the conversion of existing dwelling or lodging house structures. The zoning map amendment to rezone the property to TR-V2 for a housing cooperative created a legal nonconforming side setback for the existing structures. Only new additions or bulk changes would require the 10' side setback, which is why a variance is required.

The housing cooperative will include 25 bedrooms, 11 of which will be Single Room Occupancy (SRO), with the remainder located within two, three, four, and five bedroom suites. According to the applicant, the proposed suites will be configured similarly to traditional apartment units, but will have reduced kitchen and living spaces as all the residents will have full access to the large common spaces including a full commercial style kitchen, great room, shop, and artist studio.

At its May 4, 2020 meeting, the Madison Landmarks Commission approved the lot combination for this project. At its August 17, 2020 meeting, the Landmarks Commission approved a Certificate of Appropriateness for the addition and exterior design changes.

At its September 4, 2020 meeting, the Madison Plan Commission approved the Conditional Use and CSM to join these properties and convert the buildings into a housing cooperative, pending approval of the zoning variance for side setback.

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