

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
622 & 632 Howard Place

Zoning: DR2

Owner: Lake Towne Apartments LLC

Technical Information:

Applicant Lot Size: Irregular

Minimum Lot Width: 40'

Applicant Lot Area Combined: 7,538 sq. ft.

Minimum Lot Area: 3,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.079(2)

Project Description: Demolish existing apartment buildings, combine the lots, and construct a 33-unit five-story apartment building. Rear yard setback variance requested.

Zoning Ordinance Requirement: 20.0'

Provided Setback: 14.0'±

Requested Variance: **6.0'±**

Comments Relative to Standards:

1. Conditions unique to the property: The shape of the property is significantly irregular, and the lot is wider than it is deep. The resulting building envelope is an unusual shape. This lot is among a block of irregularly-shaped lots, impacted by the shift of Langdon Street to the south, resulting in few regularly-shaped lots, and many examples of buildings with bulk constructed within the required rear yard setback area.
2. Zoning district's purpose and intent: The zoning variance will result in bulk permissible and generally consistent with some buildings found in the general area. There is no discernible pattern of rear yards in the general area that the proposed variance would disrupt.
3. Aspects of the request making compliance with the zoning code burdensome: The proposed project maximizes the required yard setbacks and building height allowed. The project is oriented to the frontage of Howard Place, which is also irregular, resulting in building placement that appears generally appropriate for the site, but is placed into the rear setback. The project utilizes a relatively small site, so when the required rear yard is applied, the resulting building bulk for a multi-family development is impacted by the setback. A required exit and a small part of units is affected by the setback, a relatively small area. The functional "rear yard" space is a landscaped area behind the "studio B" dwellings, at the south/east of the site.

4. Difficulty/hardship: 622 Howard Place was originally constructed in 1909 and purchased by the current owner in June 2006. 632 Howard Place was originally constructed in 1906 and appears to have been purchased by the current owner in May 2001. See comments #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The proposed building would be placed in a location that would likely block some views of the neighboring four-story apartment building to the east (the side yard on that property), but not obstruct light and air.
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 generally consisted size and scale for the area, but is a story greater than other developments in the immediate area – both new and existing.

Other Comments:

At its August 22nd 2013 meeting, the ZBA deferred the case. The following comments were provided:

- The board offered concern about the request minimizing its impact on the rear yard setback, and that more setback could be provided if the design were revised.
- Additional information was requested as to how the proposed structure would impact adjacent structures if the project was designed to meet all the required setbacks.

In response, the applicant has provided the following:

- The building has been modified to provide a greater rear yard setback,
 - The unit types have changed within the floors of the building, while still meeting minimum unit mix requirement (residential point system).
 - The resulting project provides a 14' setback, which is an 11' increase from the original proposal.
 - The change in plans affords a qualifying Useable Open Space at ground-level in the rear yard setback area,
 - The building footprint has been enlarged on the area to the northeast to accommodate part of the space change, with said footprint changes being in compliance with code requirements.
- Revised floor plans and some elevation drawings have been provided.

There are balconies shown on some of the street-facing walls of the building, but detail in the submitted plans does not clearly show these features. Balconies are not a permitted obstruction into the front yard setback or side yard area. The balconies may be acceptable, but their projection relative to the required setback has not been provided. Also a balcony setback variance request has not identified in the submitted application as a variance request, so these features are not being considered with this request, and may need to be removed or redesigned with the final approved building plans.

The two-unit dwelling unit arrangement type is relatively unusual to this market, where each bedroom has a private bath, with a shared kitchen connection. This further adaption of the “Jack and Jill” layout of dwelling unit is being noted for informational purposes only, and does not appear to have any practical impact on the variance request.

The development will also require approval from the City’s Plan Commission for *demolition* and *Conditional Use*.

At its March 11th 1982 meeting, the Madison Zoning Board of Appeals approved a Useable Open Space variance, and a lot area variance, and a variance to allow dwelling units below-grade at 632 Howard Place.

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.