

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
640 W Washington Ave

**Zoning:** UMX, HIS-L

**Owner:** Roger Charly

**Technical Information:**

**Applicant Lot Size:** 137' (W. Washington)

**Minimum Lot Width:** 30'

**Applicant Lot Area:** 72,686 sq. ft.

**Minimum Lot Area:** 3000 sq. ft.

**Madison General Ordinance Section Requiring Variance:** 28.076 (3)

**Project Description:** Planned multi-use site with multiple principal use buildings. Move existing train cars (buildings) to new locations at site to expand glass enclosure of the loading platform for future tenant.

Zoning Ordinance Requirement:	10' Maximum front yard setback for principal buildings
Provided Setback:	Greater than maximum
Requested Variance:	<b>Locations as shown on submitted plans</b>

**Comments Relative to Standards:**

1. Conditions unique to the property: The subject property is narrow in frontage and deep in depth parallel to the adjacent railroad tracks. The main building is a renovated historic train depot, a City Landmark, and the property is a landmark site. The depot building and rail cars house a variety of uses that are not related in any way to the historic train depot use. The site abuts an active rail line and multi-use trail to the south, The Kohl Center athletic facility to the west, institutional uses and residential/commercial uses to the north. The train cars are currently located on a rail spur at the site, and are approved as occupiable separate commercial buildings/spaces. The train car placement currently does not meet maximum front yard setback requirements for the MXC district. The property is quite unique and in consideration of the aesthetic relationship between the rail cars and the landmark depot site.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *maximum front yard setback*. In consideration of this request, the *maximum front yard setback* is intended to place principal buildings in close proximity to the front lot line, to ensure a spatial relationship between the building and the uses occupying the building, and the streets/sidewalks, resulting in a relatively uniform orientation of buildings to the street.

The existing depot building is placed in close proximity to the street, in compliance with the maximum front yard setback. Arguably, it is the main building on the site, and the rail cars are aesthetically pleasing and complimentary features that point to the past use of the site, but

do not and are not practically possible to meet the setback or its purpose and intent. The cars themselves lack typical windows and doors or similar features with orientation to any street, which lends to the uniqueness of the site. The rail spur is the most appropriate placement for the rail cars, as has been the case for the past thirty years. The cars being on site help tell the story of the history of the site, which would not be possible without a zoning variance. However, the placement of one car off the spur could be considered inconsistent with the historic pattern of use for the property.

3. Aspects of the request making compliance with the zoning code burdensome: The existing rail cars cannot be moved without a zoning variance to the maximum setback, except for if the engine car was pulled forward to within 10' of the West Washington property line. Otherwise, the zoning ordinance would require their removal. This would be inconsistent with the intent and design of the approvals that allow for cars to exist at the site. The cars are most appropriate on the rail spur because that location sustains the appearance of the site from when it was actively used as a railroad depot. Placement off the spur is completely random, based on where they might fit or where the property owner may want them located. The placement off the spur also makes for an unusual relationship and space between the two cars, which lacks design per the submitted plans.
4. Difficulty/hardship: See #1 and #3 above. The request to relocate the case creates a benefit of opening up the loading platform to south views, a benefit to the owner. The placement of the cars on the rail spur seems appropriate, even with some spacing to expose the platform. The placement of the last car to the west, off the rail spur, seems random and does not seem to be in keeping with the orderly nature of the site. This desire to retain the car appears to be the preference of the owner as distinguished from a hardship.
5. The proposed variance shall not create substantial detriment to adjacent property: The request will have little effect on surrounding properties, given the adjacent institutional uses to the west/north and the active rail corridor/multi-modal transportation path to the south.
6. Characteristics of the neighborhood: The character of the area varies greatly, from historic renovations of buildings from a time when the corridor was actively industrial and in rail usage to the current more modern and institutional uses. The car placement on the spur would not be out-of-character for this property or the general area.

**Other Comments:** The submitted plans do not show in detail how each train car will be modified to comply with building code accessibility requirements. Per the petitioner, the cars will comply, using a combination of ramps or lifts to provide required accessibility. Staff has no objection to the final details being reviewed and approved at a later date.

The application includes a statement referencing definition and interpretation of the train cars as “accessory” to the main depot building. Staff would disagree with this statement. The main building is a depot building that has no current use associated with its historic use. The cars have no relationship by use to the use of the main building. They contain stand-alone uses with no association with the depot building.

The west end of the site contains the vacated terminus of Frances Street, which currently serves as parking and access between the Kohl Center and UW Arts lofts. The petitioner has indicated the project creates a “visual edge” to vacated Frances Street, but since this right-of-way is vacated and is partially developed, it is not understood what is meant by this statement. The proposed westernmost car on the spur seems adequate to establish whatever solution is being sought after by this comment. The petitioner also provides evidence that the site is under-parked for the proposed uses, and that “no parking can be sacrificed for a new building or addition”, where the proposal to relocate the car off the spur reduces the number of off-street parking spaces provided. Relocating this car is the equivalent of a new building or addition, and additional parking could be provided if the relocated car were not on-site where proposed.

The depot building is a City landmark and the site is a City landmark site. City’s Landmarks Commission has reviewed the proposed building/site modifications and issued a Certificate of Appropriateness for a similar project. The Landmarks Commission approved a relocation of one of the cars to the parking lot by West Washington, which is not requested at this time. It appears as though the proposal to relocate a car to that location has been abandoned, as that car is shown on the spur.

The City’s Urban Design Commission (UDC) is charged with reviewing and approving major changes to UMX zoned sites. The UDC has reviewed the project and approved only the exterior changes to the depot building. The UDC referred action in the train cars pending the outcome of this Zoning Board of Appeals request.

**Staff Recommendation:** The fundamental aspect of this case relates to appropriateness of a varying location for the train cars at the site. The train cars have been deemed appropriate for the site, but would not be possible to place and meet the UMX maximum setback requirement, which is a significant hardship for the property. The placement of rail cars on the spur seems appropriate, and it also appears reasonable, orderly and appropriate for the cars to be spaced or dispersed to allow for the desired visibility to the loading platform. The placement of one car randomly at the west end of the site, off the spur, does not seem orderly or uniform, and appears to be based upon the desire to find a place on site to keep all the existing cars only. This is basically treated as a new building, and there does not appear to be context, either historical or from a present-day perspective, for the placement at this location.

**Cars on spur:** This request appears to balance the historic character of the unique property and maintain the same general location for the train cars, while offering an open view to/from the new adaptive re-use of the loading platform. 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

**Car off spur at west end of site:** 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. This request appears to be primarily based upon the desire to find a place to keep the train car on-site, in direct conflict with the provision of necessary off-street parking. Staff recommends that the Zoning Board find that the variance standards are not met and **refer** the case for more information relative to the standards of approval or **deny** the requested variance as submitted, subject to further testimony and new information provided during the public hearing.