

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
1124 Colby St

Zoning: TR-C2

Owner: Woodland Montessori School

Technical Information:

Applicant Lot Size: 135.8' wide x 159.9' long

Minimum Lot Width: 40'

Applicant Lot Area: 21,714.4 SF

Minimum Lot Area: 4,800 SF

Madison General Ordinance Section Requiring Variance: 28.043(2)

Project Description: Petitioner requests a front yard setback variance to construct a vestibule building addition on a day care center and school.

Woodland Montessori School is a daycare and kindergarten located at 1124 Colby St and 114 Van Deusen St. The applicant plans to demolish the building on 114 Van Deusen St, which is currently used for toddler daycare rooms, and build two additions onto their existing building at 1124 Colby St. One addition is a classroom addition to the north of the existing building. This portion of the building will meet the minimum front setback. A second addition is a vestibule addition which would provide access to the first floor of the existing building and serve as the primary entrance for the building.

One goal with the addition and remodel is to provide accessible routes throughout the building and site. The existing building currently has interior and exterior steps. The vestibule is intended to help meet the applicant's goals for building energy efficiency.

Front Setback Variance

Zoning Ordinance Requirement: 14.39' (front setback averaging)

Provided Setback: 10.1'

Requested Variance: 4.29'

Comments Relative to Standards:

- 1. Conditions unique to the property:** The lot exceeds minimum lot width and area requirements and is an otherwise compliant lot. A unique condition is that the building is not currently accessible and there is some slope on the lot, which combined creates the

need for interior and exterior ramps for accessibility. However, that unique condition does not appear to be driving the need for this variance request.

- 2. Zoning district's purpose and intent:** The regulation being requested to be varied is the *front yard setback*. In consideration of this request, the front yard setback is intended to provide buffering between developments and the adjacent streets/sidewalks, resulting in a relatively uniform orientation of buildings to the street.

No other building on the block face has a lesser front setback than what is proposed so it appears that the variance would be contrary to the purpose of the front yard setback in the zoning code. It also appears that a vestibule could be located wholly or partially within the existing building, eliminating the need for a variance and preserving a more uniform front setback on the block face.

- 3. Aspects of the request making compliance with the zoning code burdensome:** The strict letter of the ordinance does not appear to unreasonably prevent use of the property for a permitted purpose or render compliance with the ordinance unnecessarily burdensome. Neither the energy code nor building code require a vestibule, and the vestibule's proposed depth is larger than required by building code.

Additionally, a vestibule located within the building would still allow for a building code-compliant accessible route because the proposed interior clearances go beyond what the building code requires. A vestibule located fully within the interior of the building would provide a 3'8" clearance width when likely 32" would be sufficient, depending on the number of people exiting. Since it appears that a vestibule could be wholly or partially inset in the existing building, it seems the request is driven by the applicant's interest in providing a vestibule in the proposed location and providing a larger interior lobby than otherwise required.

- 4. Difficulty/hardship:** The existing building was originally a place of worship and later purchased by Woodland Montessori School. The variance request does not seem to be driven by a difficulty or hardship created by the zoning code. It seems to instead be driven by the applicants' desire to have a vestibule with this specific design and location. See #1 and #3 above.

- 5. The proposed variance shall not create substantial detriment to adjacent property:** The vestibule addition is located a substantial distance from the nearest building to the north. It does not seem that the proposed front setback variance would create substantial detriment or impacts on access to light and air.

6. **Characteristics of the neighborhood:** The front setback of the vestibule addition does not align with the setback of the existing open porch on the building, resulting in a slightly awkward design. A vestibule front setback that aligns with the setback of the open porch may be in better keeping with the character of the neighborhood. However, there are few nonresidential buildings in the immediate area for comparison.

Staff Recommendation: The burden of meeting the standards is placed upon the applicants, who needs to demonstrate satisfaction of all the standards for variance approval. It is not clear that this burden has been met. The variance request appears to be driven by the applicant's desire as reflected in the proposed design, rather than a hardship. Staff recommends that the Zoning Board of Appeals find that the variance standards are not met and **deny** the requested variance as submitted, subject to further testimony and new information provided during the public hearing.