

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
2434 Vondron Road

Zoning: IL

Owner: Beth Whitaker

Technical Information:

Applicant Lot Size: 217' long x 375' wide

Minimum Lot Width: 75'

Applicant Lot Area: 77,192 square feet

Minimum Lot Area: 20,000 square feet

Madison General Ordinance Section Requiring Variance: 28.151

Project Description:

Applicant requests a variance for the location of outdoor storage on an industrial property. The zoning code states that outdoor storage shall not be placed between the principal building and the abutting street. The proposal is for a 98' x 115.9' outdoor storage area between the building and street.

Based on aerial photographs, an outdoor storage area was located in front of the building from 1987 to 2005. A 1994 Traffic Engineering site plan created during the Vondron and Pflaum road realignment also shows this outdoor storage area. The outdoor storage area was never approved by Zoning. The front setback of this outdoor storage area aligned with the front setback of the building on the property to the north.

In 2007, the outdoor storage area was enlarged and expanded out further towards the street, increasing the area in depth by about 25'. This change was also never approved by Zoning. The limitation that outdoor storage could not be located between a principal building and the street was added to the zoning code as part of the major code rewrite in 2013.

This variance application originated from an enforcement case for outdoor storage that was not fully screened and visible above the fence. The property remains in noncompliance with that enforcement case. This variance addresses the violation of outdoor storage in a location on the lot where it is not allowed. The existing fencing is not an acceptable outdoor storage area screening fence. If a variance is granted, the fence will still need to be replaced with a solid commercial-grade fence or equivalent. Additionally, the materials behind the fence must be moved so that they are no longer visible.

Outdoor Storage Between Principal Building and Street

Zoning Ordinance Limit: No outdoor storage between the principal building and street

Proposed Outdoor Storage Area: 98' x 115.9'

Requested Variance: 98' x 115.9'

Comments Relative to Standards:

1. **Conditions unique to the property:** A condition unique to the property is that it is a corner lot and the existing building is located in the opposite corner of the lot, away from both streets. There is no place on the lot where a compliant outdoor storage area can be located.
2. **Zoning district's purpose and intent:** The purpose and intent of the prohibition of outdoor storage between a principal building and the street is to make outdoor storage less prominent and to protect overall aesthetics from the street. Outdoor storage is not typically built up to the property line. The proximity of the outdoor storage area to the street appears to be potentially contrary to the spirit, purpose, and intent of the ordinance.
3. **Aspects of the request making compliance with the zoning code burdensome:** Outdoor storage areas are common on industrial properties. Compliance with the zoning code would require removal of all outdoor storage, which is unnecessarily burdensome when outdoor storage is a common and expected feature of industrial properties.
4. **Difficulty/hardship:** An outdoor storage area has existed on the property since at least 1987. The first part of the building was built in 1972 in the corner of the lot with later building additions in 1978 and 1982. The property owner purchased the property in 2016. See #1 and #3 above.
5. **The proposed variance shall not create substantial detriment to adjacent property:** It seems that the variance will not create substantial impacts to light and air on adjacent property. The outdoor storage area has existed in some form between the building and the street for many years. However, there could be some detriment in the location being so close to the street.
6. **Characteristics of the neighborhood:** The property is located in an industrial area where some properties have outdoor storage. Outdoor storage between the building and the street is less common. With a compliant screening fence and an outdoor storage area pulled back some from the street, it appears it would be relatively consistent with the character of the area.

Other Comments:

Staff recommends that if a variance is approved, the ZBA include the following condition of approval:

- *Screening fence must be approved by the Zoning Administrator.*

Staff Recommendation: It seems that some variance for outdoor storage between the principal building and street is warranted. However, it appears that pulling back the setback of the outdoor storage area to its historic location, matching the front setback of the building to the north, would be more consistent with the purpose and intent of the ordinance.

Therefore, staff recommends **approval** of a modified outdoor storage area consistent with the historic size and location of the outdoor storage area that existed from 1987 to 2055. subject to further testimony and new information provided during the public hearing.