

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
**108 N. 4<sup>th</sup> Street**

**Zoning:** TR-C4

**Owner:** Andrew Agnew

**Technical Information:**

**Applicant Lot Size:** 55' x 84'      **Minimum Lot Width:** 40'  
**Applicant Lot Area:** 4,620 sq. ft.      **Minimum Lot Area:** 4,000 sq. ft.

**Madison General Ordinance Section Requiring Variance:** 28.045(2)

**Project Description:** Convert existing two-story single family home into Two Family-Twin home. Building to contain two 2-bedroom apartments.

Zoning Ordinance Requirement:	1,500 sq. ft. Useable Open Space
Provided Useable Open Space:	741 sq. ft.
Requested Variance:	<b>759 sq. ft.</b>

**Comments Relative to Standards:**

1. Conditions unique to the property: The subject lot is a reverse-corner lot, and is part of an original platted lot that was split into two development sites prior to construction of the homes on the original lot. The home was originally constructed as a two family twin dwelling, but was converted into a single dwelling unit to accommodate a community living arrangement facility in the 1970's.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *Useable Open Space (UOS)* requirement. In consideration of this request, the UOS requirement is intended to provide on-site areas for outdoor recreation of the occupants of the building. Although the UOS requirement is not being met as prescribed, the provided qualifying open space on-site (located in the most private area of the lot), combined with the existing front yard areas that do not count toward qualifying UOS, do create useable, functional and quality recreation spaces on the lot. Also, other recreation opportunities located in close proximity to the property, such as East High School recreation fields, do provide other recreation opportunities in close proximity to the property.
3. Aspects of the request making compliance with the zoning code burdensome: The property has historic record and an established floor plan to be used as a two family twin dwelling, which is not permissible without the variance being granted. The interior spaces are demised

with a floor plan that clearly shows efficient and appropriate use as a two-family twin, and the layout is not conducive to the dwelling being used for a single family residence.

There is no way to provide additional UOS on the lot without removal of the driveway. Being in close proximity to East High school, on-street parking is extremely limited and the need for off-street parking is significant. It would be generally in conflict to eliminate needed parking by removing part of the parking area to accommodate more open space.

4. Difficulty/hardship: The UOS requirements for the dwelling were established long after the building was originally built. Very limited construction change is required to re-establish the dwelling units (seal up common wall opening hook up kitchen fixtures), only the UOS requirement prevents the otherwise permissible and historical use of the dwelling.
5. The proposed variance shall not create substantial detriment to adjacent property: The variance would only authorize a use change, similar to several other two-family dwellings found in the immediate vicinity, and likely would not be noticeable to adjacent property.
6. Characteristics of the neighborhood: The existing building will be unchanged with the project. There is no apparent change to the building that would be noticeable with a new foundation.

**Other Comments:** As noted above, the building was originally built in 1928 as a two family-twin home. A 1970's conversion removed one of the kitchens, and connected the interior spaces through a new opening in the common center wall. This alteration was performed so the building could be used as a Community Living Arrangement (CLA), in this case, apparently as a home for pregnant teens. The CLA was managed and operated by Dane County Social Services until a few years ago. For an unknown reason the use of the facility as a CLA was no longer desired, so the property was put on the market for sale.

The current owner purchased the property with the intent of using the building as a two-family twin dwelling, and only learned later about the zoning problem when he attempted to re-establish the Mifflin Street address for one of the dwelling units.

**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.