

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
2302 University Ave

Zoning: TSS

Owner: Casablanca, LLC

Technical Information:

Applicant Lot Size: Thru-lot Corner

Minimum Lot Width: N/A

Applicant Lot Area: 64,047 sq. ft.

Minimum Lot Area: 302,000 sq. ft. (2,000 sq. ft./d.u.)

Madison General Ordinance Section Requiring Variance: 28.065(3)(b)

Project Description: Existing 150 unit apartment building. Convert vacant office space into two efficiency dwelling units.

Zoning Ordinance Requirement: 304,000 sq. ft.

Provided Setback: 64,047 sq. ft.

Requested Variance: **239,953 sq. ft.***

*existing variances approved for 150 unit residential building.

Comments Relative to Standards:

1. Conditions unique to the property: The subject property is an existing building/development, originally built in the late 1960's as a mixed-use building, which had the commercial use space converted into dwelling units in 1989. This site is one of the high density apartment buildings on the corridor, but was developed earlier than most others. The development met zoning requirements in place at the time of original construction, but has evolved through time as the market has shifted. The codes in place to execute the City's plans for the area have also changed, resulting in some different development conditions for other similar projects in the area.
2. Zoning district's purpose and intent: The regulation requested to be varied is the *Lot Area* requirement. The TSS is generally intended to be a mixed-use district and there is no minimum lot area for a mixed-use building, but there is for exclusive residential use buildings. In the TSS district, exclusive residential uses must use the lot area requirements of the TR-V2 district, which is 2,000 sq. ft. per dwelling unit. This regulation is generally intended to encourage a mixed-use building, while allowing a residential building where the lot area supports the number of dwelling units. Since TSS lots tend to be smaller in size (due to being located on older commercial corridors), lot area is relatively small and thus a small number of units are permissible for an exclusive residential use building. In consideration of this request, the lot area provided is fixed, while the existing building is also fixed as it was built prior to the current zoning code being in place. The existing accessory office space, common for developments of this size, is no longer necessary due to the office function

being moved to another location, so the space sits empty and unused. Although the lot area requirement is not being met as prescribed, the existing building remains a healthy and marketable residential building, located where higher-density residential uses are intended.

3. Aspects of the request making compliance with the zoning code burdensome: The development is an income property. The proposed units will result in a return on the investment of the owner, but the request is not based solely on a desire to gain additional income via a zoning variance. The existing office spaces is vacant, unused, and this not adding to the use and value of the property. These types of spaces often flex between dwelling units and office spaces, depending on the needs of the development and the owner of the property. It is not uncommon for similar developments to convert dwelling units to offices and back, but most often, lot area is not limiting this conversion because most developments of similar size, scale, and density have adequate lot area.
4. Difficulty/hardship: Per the petitioner, the unnecessary office space would not be used for any purpose and would remain vacant. The facility has adequate amenities for the tenants (described below), and the best use of the space is for dwelling units or on-site office.
5. The proposed variance shall not create substantial detriment to adjacent property: The proposed dwelling units will have no visual impact on any adjacent property, as the units are located to the rear of the University Avenue side of the building, facing a courtyard toward campus Drive.
6. Characteristics of the neighborhood: The general area is characterized by a mix of commercial and residential development, with higher-density student-oriented apartments commonly found.

Other Comments: The existing development is geared toward undergraduate student housing and provides the following amenities: a workout facility, a swimming pool with large patio/lounge area, two saunas, and outdoor recreation facilities toward the front of the building.

At its June 9th, 1983 meeting, the Madison Zoning Board of Appeals approved a lot area and useable open space variance to convert a storage space into a three-bedroom dwelling unit at the subject property.

At its October 6th, 1988 meeting, the Madison Zoning Board of Appeals approved a lot area and useable open space variance to convert a vacant commercial space into nine dwelling units at the subject property.

The existing development has been approved as a Conditional Use. The addition of the dwelling units will require approval of an *alteration to the approved Conditional Use*, which is recommended for approval by the District alderperson and will be approved by the Planning Director pending the outcome of the zoning variance request.

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.