

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
1791 Thierer Road

Zoning: CC-T

Owner: Avenue Shoppes, LLC

Technical Information:

Applicant Lot Size: Thru-lot Corner	Minimum Lot Width: n/a
Applicant Lot Area: 183,752 sq. ft.	Minimum Lot Area: n/a

Madison General Ordinance Section Requiring Variance: 28.151, Supplemental Regulations for Vehicle Access Sales and Service Windows.

Project Description: Add Vehicle Access Sales and Service Window (VASSW) to existing restaurant, at location between building and adjacent street.

Zoning Ordinance Requirement: In the CC-T Zoning District, Vehicle VASSW facilities may not be located between the building and adjacent street.

Comments Relative to Standards:

1. Conditions unique to the property: The subject property is an existing developed planned multi-use site, where multiple buildings share parking and street access. The subject building is oriented with entrances facing west, with the east side of the building serving as the service corridor for the tenant spaces. The subject building has existing and long-established tenant spaces oriented from east to west.
2. Zoning district's purpose and intent: The regulations requested to be varied are the *supplemental regulations for VASSW facilities*, which particularly prohibit the placement of the service widow, menu board and traffic lane, and other VASSW facilities between the building and the adjacent street. In consideration of this request, the *supplemental regulations for VASSW facilities* are generally intended to improve the urban form, minimize the visual impact, and improve the street-facing façade for buildings with VASSW facilities, by requiring VASSW facilities to be placed at the side and/or rear of buildings.

The general area shows some examples of exiting buildings with VASSW facilities oriented in a similar fashion to the proposal. There are also examples of VASSW facilities that have been incorporated into to recently constructed buildings, with placement to the side and rear of those building sites in consideration of the intended improvement to urban form at the time these buildings were constructed. The existing site is about 80'± from the paved area of East Washington Avenue and is also about 6'-8' below the grade of the road, resulting in the

VASSW facilities being somewhat hidden and out-of-view from the traveled way of East Washington Avenue.

3. Aspects of the request making compliance with the zoning code burdensome: The orientation of the building and the demising of the tenant spaces limit the ability to add a VASSW, which is a permitted accessory use in the zoning that applies to this property. Also, the existing floor plan shows where existing kitchen, bathroom, and service/receiving facilities would otherwise prohibit the placement of the widow without significant remodel of the tenant space.
4. Difficulty/hardship: The building was originally constructed in 1982 and the new requirements for VASSW placement were established upon the adoption of the City's new zoning code in January 2013. See comments #1 and #3.
5. The proposed variance shall not create substantial detriment to adjacent property: It does not appear as though the request would introduce detriment to adjacent property.
6. Characteristics of the neighborhood: The general area shows VASSW facilities as fairly common, with a variety of orientations including examples similar to this request. See comment #2.

Other Comments: The existing planned multi-use site has a VASSW for a bank, located to the west of the subject property. This existing also does not meet VASSW requirements, but is a pre-existing condition.

The Vehicle access sales and service window will require Conditional Use approval from the City's Plan Commission if this variance is approved. The project is also located within Urban Design District No. 5. The Urban Design Commission Secretary has approved initial concepts for this facility, and has indicated final approval will be handled at the staff level, in combination with the Conditional Use review for the project.

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.