

ZONING ADMINISTRATOR'S REPORT VARIANCE APPLICATION

Zoning: CC Commercial Center

Owner: Cardinal Court LLC

Technical Information:

Applicant Lot Size: 260' w, 600'+ d

Minimum Lot Width: N/A

Applicant Lot Area: 4.6 Acres

Minimum Lot Area: N/A

Madison General Ordinance Section Requiring Variance: 28.068(3)(a)

Project Description: Demolish existing retail building, construct new five-story hotel.

Zoning Ordinance Requirement: Maximum 100' setback for (70%) of the street-facing building wall

Provided Setback: 244'-4"

Requested Variance: 144'-4"

Comments Relative to Standards:

1. Conditions unique to the property: The property is a typical large commercial lot for the area, with frontage on East Springs Drive and interstate 39/90/94. This lot is one of a series of lots that slope from north to south, starting at the high point with the lot on the corner at East Springs Blvd. and High Crossing Blvd. (Home Depot). The subject lot has significant slope at the East Springs frontage, and flattens out about 130' to 150' from the front lot line, where the driveway and parking meet. Traversing the slope for vehicles and pedestrians to access the site does affect where the building may be placed, however, the slope appears to significantly decrease just past where the existing driveway and parking meet.
2. Zoning district's purpose and intent: The regulations requested to be varied is the *maximum front yard setback*. In consideration of this request, the *maximum front yard setback* is intended to establish a physical relationship between the building and the street it fronts, which results in quality pedestrian and vehicle connectivity and building form based relationship between buildings and the streets on which they front.

With the existing slope condition and serpentine driveway/walkway necessary to access the site, street connectivity and a physical relationship between the building and the street is difficult. Still, a building more forward on the site than proposed would establish more street presence, which is the purpose of the regulation. The proposal represents a design more in keeping with alignment of current buildings, which is not a zoning requirement.

3. Aspects of the request making compliance with the zoning code burdensome: As noted above, the lot has significant slope towards East Springs, and a maximum front setback variance seems to be appropriate. However, no case has been made for the specific building placement. It appears as though the structure could shift closer toward East Springs and parking could be relocated to and require less variance. No explanation has been provided as to why this is not possible.
4. Difficulty/hardship: The lot was created in 1994 and currently under contract for purchase and redevelopment. See comment #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: There does not appear to be any obvious detriment to adjacent properties with this project or variance request.
6. Characteristics of the neighborhood: The general area is characterized by large-scale auto-oriented commercial development, with some structures meeting maximum setback requirements and others not. A five-story hotel is appropriate for the lot.

Other Comments: A proposed grading plan was not submitted with this application. It is understood by staff the grades at the site are not proposed to be significantly changed.

Typical commercial development for the area would be represented by a building with a parking/drive area that encircles the principal structure. Consideration of the slope as it affects the ability to access the lot, turning radius requirements for commercial vehicles and emergency vehicles and relocating or reducing the number of parking stalls all could allow for the building to shift toward East Springs Drive and be placed as reasonably close to East Springs Dr. as possible. It appears as though the site and building could be designed to be placed closer than proposed.

This application only requests a variance to the maximum front yard setback requirement. All other Zoning Ordinance requirements must be met with this project.

Staff Recommendation: The burden of meeting the standards is placed upon the applicant, who must demonstrate satisfaction of the standards for variance approval. It is not clear that this burden has been met. Clearly a topographical condition exists which affects building placement relative to the maximum 100' front setback, but this hardship does not explain the proposed building setback at 244'-4". It appears the project could be redesigned to provide a closer building placement to the street, and thus less setback variance. Staff recommends that the Zoning Board find that the variance standards are not met and **refer** the case for more information relative to the standards of approval or **deny** the requested variance as submitted, subject to further testimony and new information provided during the public hearing.