

Zoning Board of Appeals April 22, 2026, Regular Meeting

STAFF REPORT

Subject: ZBA 26-0006 – 558 S. Fifth Ave.

Location: North side of East Madison Street between South Fourth and South Fifth Avenues

Lot Area (approx.): 62,000 square feet

Neighborhood: Downtown

Parcel Identification Number: 09-09-29-438-023 – 543 S Fourth Ave
09-09-29-438-024 – 547 S Fourth Ave
09-09-29-438-025 – 551 S Fourth Ave
09-09-29-438-026 – 553 S Fourth Ave
09-09-29-438-027 – 201 E Madison St
09-09-29-438-028 – 211 E Madison St
09-09-29-438-029 – 215 E Madison St
09-09-29-438-001 – 558 S Fifth Ave
09-09-29-438-002 – 554 S Fifth Ave

Property Owner/Applicant: Midwestern Consulting, Inc. applying on behalf of owner GMH Communities

Zoning District: D1 Downtown Core, Midtown Character Overlay, Secondary Street Frontage

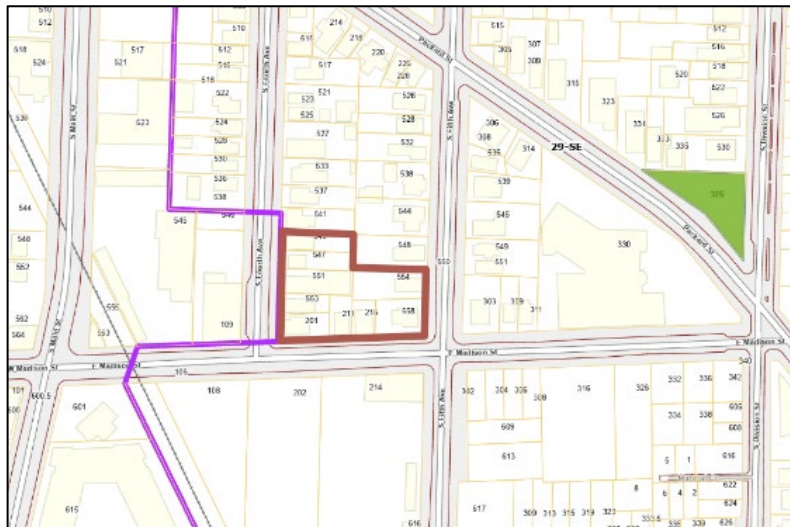


Figure 1: Location Map; ZBA26-0006; 558 S Fifth Ave; The Dean

Description:

A variance from the maximum number of openings permitted in Section 5.21.2.B is requested to allow one more curb cut to a proposed redevelopment of a 62,000-square foot site on the north side of East Madison Street between South Fourth and Fifth Avenues with a 14-story residential building with below-grade parking. The site was recently rezoned from R4C (Multiple-Family Dwelling) and M1 (Limited Industrial) to D1 (Downtown Core) With Conditions, Midtown Character (overlay), and Secondary Street frontage designation. Condition is that a 10-foot setback shall be provided from lot lines adjacent to residential zoning districts. It is also in the Floodplain Management overlay district. A site plan application is under review.

Requests:

- (1) A variance from Chapter 55 Unified Development Code, Section 5.21.2.B, Table 5.21-1 as follows: (1) A variance to reduce the total street frontage requirement in Table 5.21-1 for the number street openings after the first 200 feet from 600 feet to 300 feet to allow 3 openings for a site with 579 feet of total street frontage.

UDC Standards:

- (1) Per Section 5.21.2.B, Table 5.21-1, when total street frontage is 201 feet or more, number of openings is 2 for the first 200 feet plus 1 for each additional 600 feet of total street frontage after the first 200 feet.

B. Number of Openings

The number of *openings* listed in Table 5.21-1 shall be the maximum for any *site, lot* or parcel.

TABLE 5.21-1: MAXIMUM NUMBER OF OPENINGS			
Number of Openings	TOTAL STREET FRONTAGE		
	UP TO 100 FT.	101 FT. TO 200 FT.	201 FT. OR MORE
	1	2	2 for the first 200 ft. plus 1 for each additional 600 ft. of total <i>street frontage</i> after the first 200 ft.

Variance Standards:

Under State law and the City Charter and Code, the Zoning Board of Appeals (ZBA) has the authority to grant nonuse variances. In considering a variance request, the ZBA shall consider the following criteria in Section 5.29.13.C of the UDC:

A variance may be allowed by the ZBA only in cases involving practical difficulties after the ZBA makes an affirmative finding that each of these criteria are met:

- 1. That the alleged practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City.**

APPLICANT RESPONSE:

There are many situations unique to our site compared to other properties in the area:

- 1. There is a steep slope, rising from Madison Street to the north. The location of the driveways works within the existing grade to accommodate 'below surface' parking on-site without having to build an entirely below ground parking structure.*
- 2. Efficient structured parking and its access drives are typically laid out on 90-degree portions of a site. Our site though is complicated by the angled frontage along Madison Street and the shape of our northern border. The shape of the combined lots requires the structured parking be separated onto two floors, each with a separate access system. The driveways proposed, and their locations, compensate for the lack of a fully rectilinear site.*
- 3. A floodplain crosses the site. The building design and its three access points allow all of the residences to be constructed above the floodplain elevation.*
- 4. The Dean combines nine small lots, each with its own driveway, into a single lot with just three driveways.*
- 5. The combined lot will have transit routes along three sides, which is unusual for properties outside of the downtown and University campus.*

- 2. That the alleged practical difficulties that will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.**

APPLICANT RESPONSE:

The layout optimizes the property size, topography, floodplain elevation, and takes advantage of the one-way street system along 4th and 5th Avenues. The proposed design separates vehicles turning into and from the development. A single two-way driveway and two 16 foot wide one-way driveways help separate the conflicts with people driving, walking or bicycling along 4th and 5th Avenues. This is a safer system than two full-movement driveways or less likely for periodic congestion if there was just one driveway.

If the variance is not granted, the internal loading would need to occur on the streets disrupting the flow of vehicles and nonmotorized travelers. In addition, a redesign may require a driveway along Madison Street, which would add conflicts along this busier street and conflict with operations of the bike lanes.

- 3. That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.**

APPLICANT RESPONSE:

Any driveway disrupts walking, bicycling and vehicular travel along the streets. Allowing this requested variance allows for the conversion of nine lots and driveways into one unified development with just three driveways/curb cuts. It makes the development on these lots more conforming than the current condition. There will be just one full movement driveway along 4th Avenue, a more narrow, one-way access points along 4 th Avenue with a ramp to the 2nd parking level, and an exit-only driveway along 5 th Avenue. No driveway access is proposed along Madison Street, thereby eliminating four existing drives that conflict with traffic, walking and cycling.

- 4. That the conditions and circumstances on which the variance request is based are not a self-imposed practical difficulty.**

APPLICANT RESPONSE:

There are many features of this property that are peculiar. The “practical difficulty” is based on the grade differences amongst the lots, the floodplain elevation, the skewed shape along Madison Street, and the City’s bike lane and on-street parking along Madison Street. The existing typography rises from Madison Street to the north. This feature means that the driveways need to be thoughtfully placed to ensure adequate sight distance, and to reduce conflicts with access points across the street. The floodplain elevation also affects the design and placement of parking and residential units. The site’s southern border along Madison Street is angled, with frontage along 4th Street extending about 10 feet farther south than the frontage along 5th Ave. Finally, operations of the bike lanes and on-street parking along Madison Street will not be impacted since all of the access will be along 4th and 5th Avenues.

- 5. The variance to be approved is the minimum variance that will make possible a reasonable use of the land or structure.**

APPLICANT RESPONSE:

The proposed three driveway locations allow for efficient access, internal loading zones, and parking to be arranged on two levels. One full movement driveway serves the lower level of parking and provides an internal loading zone. The entry-only access along 4th with a ramp up to the 2nd level of parking, with an exit-only driveway along 5 th Avenue optimizes traffic flow. The two one-way driveways also allows separation of the inbound and outbound traffic movements. If there were only two driveways, both would need to

ZBA26-0005
April 22, 2026
Page 5

be wider to accommodate full movements, and we could not accommodate an internal loading within the site. Therefore, this is the minimum variance possible.

Prepared by Alexis DiLeo, AICP, Principal Planner