

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
18 Dorfmeister Court

Zoning: SR-C1

Owner: Steve and Sherie Sasso

Technical Information:

Applicant Lot Size: 60'+ at front setback

Minimum Lot Width: 60'

Applicant Lot Area: 13,157 sq. ft.

Minimum Lot Area: 8,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.035(2)

Project Description: Petitioners request a rear yard setback variance to construct a single-story 14'd x 18'w screen porch addition onto the rear of the existing single-story single family dwelling.

Zoning Ordinance Requirement: 35'

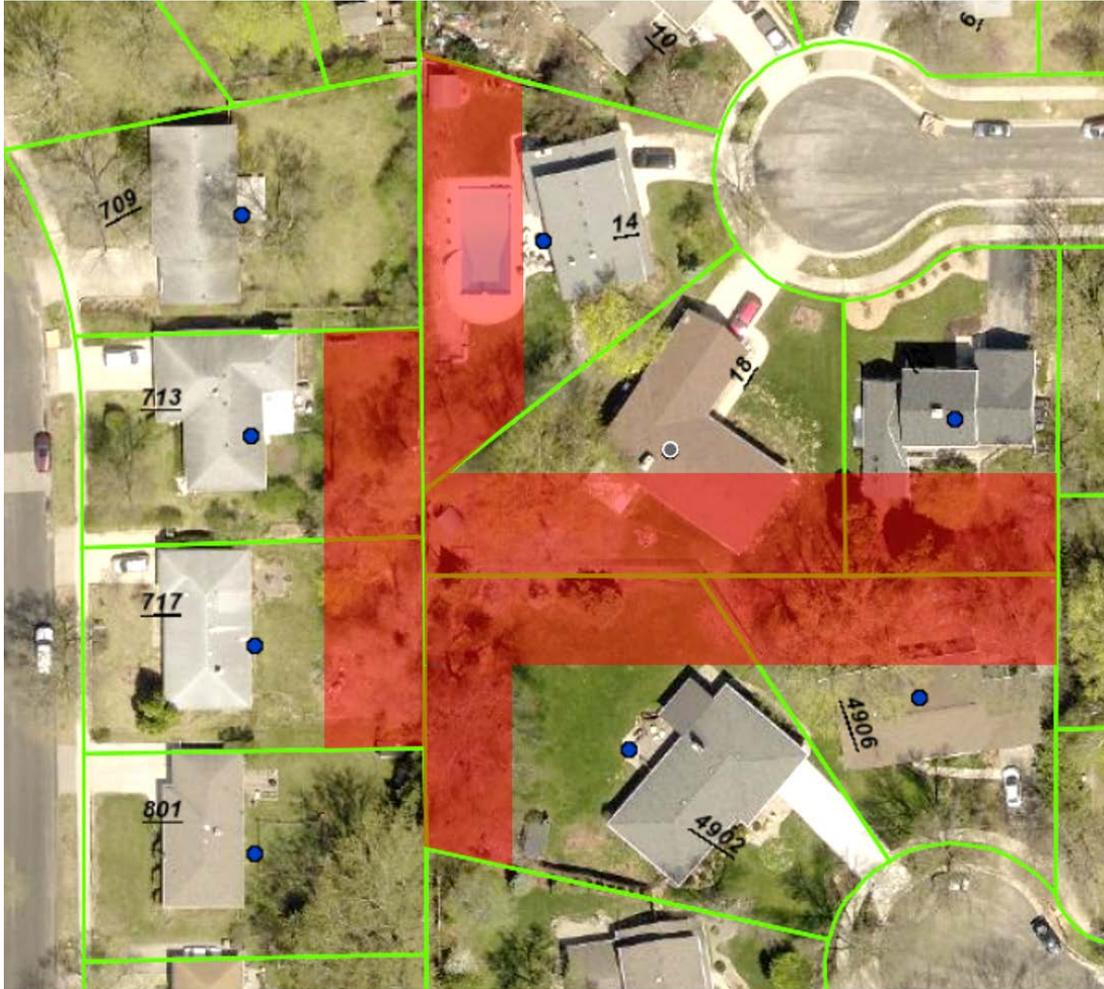
Provided Setback: 18'

Requested Variance: 17'

Comments Relative to Standards:

1. Conditions unique to the property: The lot exceeds minimum lot area and lot width requirements, and is otherwise a compliant lot. The existing home projects into the rear yard setback area, but this projection does not affect the ability to construct a code compliant (14'd x 16'w) unheated porch, which would not require a zoning variance.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *rear yard setback*. In consideration of this request, the *rear yard setback* is intended to provide minimum buffering between principal buildings on lots and to align buildings within a common building envelope, common back yards, and generally resulting in space in between the building bulk and commonality of bulk constructed on lots.

Map with adjoining rear yard setbacks:



The code specifically allows a projection in the rear setback so a 14'd x 16'w unheated porch can be constructed. The size was specifically allowed because it was determined to be the appropriate functional size. A larger porch dimension could potentially have greater impacts on neighbors. The request does not appear consistent with the intent and purpose of the zoning ordinance.

3. Aspects of the request making compliance with the zoning code burdensome: The zoning ordinance specifically allows unheated porches, open or enclosed to project into any rear yard setback area, to allow for a 14'd x 16'w room to be constructed. See Comment #2 above.
4. Difficulty/hardship: The home was constructed in 1969 and purchased by the current owner in September 2010. This case appears to be based upon the petitioner's desire to allow for/maintain the 18' width for the porch. See comment #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The porch will be about 30' from the lot line shared with neighbor to the north, and the porch is

centrally placed between the neighbors to the north and south. A porch in this location will introduce little detriment on adjacent property.

6. Characteristics of the neighborhood: The general area is characterized by similar sized home on similar lot arrangements. Screen porches or enclosed unheated porches can be commonly found at the rear of homes.

Other Comments: The existing screen porch does not appear original to the construction of the home and appears to have been constructed with the obtaining of a building permit, is not code-complaint from a construction standpoint, and is in very poor condition. The proposed porch matches the floor level of the home, eliminating the current steps down to the patio area.

As noted above, Sec. 28.132(2)(e) *Projections into setbacks*, specifically allows for the construction of a 14'd x 16'w unheated porch, open or enclosed, by-right. Since this porch exceeds the allowable dimensions, it is ineligible for the allowed projection into the setback.

With the irregularly-shaped lots in this neighborhood, it is common to find portions of existing principal structures in the rear yard setback. This is primarily because irregularly-shaped lots have houses placed irregular to the lot lines, and rear setback areas, as currently measured, result in some of the principal structure in the setback. Even though such projections exist, that does not necessarily mean the rear yard setback is not relevant and should subsequently be varied.

Staff Recommendation: The burden of meeting the standards is placed upon the petitioner, who needs to demonstrate satisfaction of all the standards for variance approval. It is not clear that this burden has been met. As noted above, the zoning ordinance includes a provision to allow for a 14' d x 16' w screen porch by-right (no variance required).

This request appears to be driven by the petitioner's desire to allow for/retain a larger sized screen porch than allowed by code, rather than a hardship. Staff recommends the Zoning Board find the standard of approval have not been met, and **denial** of the variance requests, subject to further testimony and new information provided during the public hearing.