

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
26 N Hancock St

Zoning: DR-1

Owner: Joseph F Martino

Technical Information:

Applicant Lot Size: 33'w x 77.4' (irregular)

Minimum Lot Width: 30'

Applicant Lot Area: 2574 sq ft

Minimum Lot Area: 3000 sq ft

Madison General Ordinance Section Requiring Variance: 28.078(2)

Project Description: Construct third story addition atop existing two-story single family home.

	<u>Side (L)</u>
Zoning Ordinance Requirements:	3.3'
Provided Setback:	2.7'±
Requested Variance:	0.6'

Comments Relative to Standards:

1. Conditions unique to the property: The subject lot provides less lot area then required and has an unusual lot shape. The property was originally part of a 66' x 132' platted lot that was subsequently split into three development sites, probably at the time of early 1900's construction and development. The resulting lot provides non-compliant rear and side yard setbacks for the existing home.
2. Zoning district's purpose and intent: The regulations requested to be varied are the *side yard setbacks*. In consideration of this request, the *side yard setback* is intended to provide minimum buffering between buildings and generally common yards among lots on a block, resulting in space in-between the building bulk constructed on lots to mitigate potential adverse impact and also to afford access to the backyard area around the side of a structure.

The addition replaces an existing attic (unheated) and constructs a new third story gable end style living level with vaulted roof, including side walls under-roof. There is a four-story multi-family structure to the southwest (side of variance being requested) and a three-story multi-family structure to the southeast, with a similarly sized two-story single-family structure adjacent to the northeast. All of these structures have side setbacks abutting the subject property. The addition does not affect this condition. The third-story addition project would result in setbacks consistent with the existing building and not uncommon for similar structures found in the DR1 district on small lots.

3. Aspects of the request making compliance with the zoning code burdensome: The existing building placement into the setback and the desire to have a nearly full floor plate of living area at the third level appear to drive this request. A more sensitive design could result in useable space that is common for similar types of wood-framed buildings with living space above the second level under roof, while also limiting bulk in the setback. Just about any expansion of living area above the second-level would change or increase the bulk in the setback due to likely inadequate floor joists at the third level.
4. Difficulty/hardship: See standard #1. The property was originally built in 1910 and purchased by the current owner in July 1996. It is possible to add living area without necessitating the bulk increase as proposed, or a lesser bulk expansion could be possible with a different construction method. The difference as could be perceived is fairly minor and the way to construct would be a fairly major undertaking (see below).
5. The proposed variance shall not create substantial detriment to adjacent property: The addition will have some impact on adjacent property, however, it generally matches the setback of the existing second level of the building, adds a story of bulk, but does not include an attic area above the new third level.
6. Characteristics of the neighborhood: The general area is characterized by homes of varying designs and styles. Many homes have finished third-levels, most often under the roof but between the roof and eaves of the building, and commonly utilizing dormers or gable ends to get useable/occupyable space. The proposal is not a dormer, but has some architectural elements included to make it appear less massive. The current home matches the adjacent home in bulk and design, and the addition will change the character of the home. Some design characteristics of the addition seem in conflict with the existing home and appear inconsistent with how upper-levels of homes of this type are designed, particularly the lap siding (house is stucco) and double-hung windows that are of a different shape than windows in the existing home.

Other Comments: This item was referred from the July 27, 2017 Zoning Board of Appeals meeting. The plans have been modified to clarify the request and it has been determined that only a side yard variance on the left side is necessary. Changes include modifications of the architecture to a gable-style addition with shed roof and the elimination of the right side stair from the second level that projected into the right side setback.

The addition is of modular construction. The addition is to be built off-site, brought to the site and placed atop the existing home at the roof-level. The side wall of the addition is in-set to meet the minimum setback requirement. The addition has its own floor joist system, that is to be placed directly atop the existing attic floor joists, which is a major reason why the design increases the bulk in the setback. It is possible to construct the addition without resulting in an increase of bulk in the setback, however, this would require removal of the attic floor joists, second-floor ceiling and partial wall removal (cutting the wall down to meet the existing bulk).

Building height limitations are regulated by the downtown height map, part of the zoning ordinance and map that cover the general downtown area. For this property, the height map permits up to six stories. No variance is required for the proposed height.

The project includes a design that adds a kitchen to the home in the new third level, which is permissive in a single-family dwelling. With an additional kitchen, the family of occupants may not have any roomers or other unrelated individuals occupy the dwelling.

The petitioner has indicated he will modify the rear-facing third-level landing and stair to comply with provisions of Sec. 28.132(1) *Permitted Encroachments into Setbacks*.

At its July 19, 1999 meeting, the Madison Zoning Board of Appeals granted a 3' rear yard setback variance for construction of a one-story attached garage.

Staff Recommendation: The burden of meeting the standards is placed upon the applicant, who needs to demonstrate satisfaction of all the standards for variance approval. It is not clear this burden has been met. There appear to be options that might not require significant variances to create a typical attic-level living area for the home, however, such modifications might have little effect on the final outcome of the project relative to what could be otherwise approved without requiring a zoning variance. More information and testimony will be necessary to understand the scope of the project relative to the standards of approval. If the board agrees that a balance has been struck between the standards for approval and adequate use of the building envelope and associated required yards, and the construction method for this structure, staff would recommend that the Board find that the variance standards are met and **approve** the request, subject to further testimony and new information provided during the public hearing.