

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
4913 Waukesha Street

Zoning: SR-C1

Owner: Louise Goldstein and Bruce Thomadsen

Technical Information:

Applicant Lot Size: Irregular reverse-corner

Minimum Lot Width: 60'

Applicant Lot Area: 9,383 sq. ft.

Minimum Lot Area: 8,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.035(2)

Project Description: Single story single-family home. Construct 14'w x 10'd "four-seasons" room at rear of home.

Zoning Ordinance Requirement: 35.0'

Provided Setback: 32.25'

Requested Variance: **2.75'**

Comments Relative to Standards:

1. Conditions unique to the property: The lot exceeds minimum code requirements in regard to width and lot area and is a reverse-corner lot. The shape is irregular and there is a slight slope from front-to-rear. These aspects do not make this lot unique; all lots in the neighborhood appear irregular in shape and appear to have some slope characteristics. The subject property does have an irregular rear yard measurement, but since all lots in this neighborhood appear to be irregular, all lots also appear to have unique rear yard measurements. It cannot be determined with the information presented whether or not this lot has a smaller rear yard setback, although it appears as though the building envelope is a slightly smaller than the immediately adjacent lots.
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 buffering between developments, generally resulting in a space between building bulk placed on lots, to mitigate potential adverse impact. The regulation also attempts to establish a common "rear yard" area where principal structures are not constructed, more uniform in regular grid-type lots. Further, this project does attempt to take advantage of a projection into the required setback area for unheated porches, open or enclosed, with the sole difference being the option of heating the proposed 4-seasons space (further described below). The existing lot and home placement would allow for the construction of the code-allowed unheated porch at the dimensions of 16'w x 14'd without necessitating a zoning variance, but this would also involve slight downsizing of the proposed open porch. The request is not contrary to the public interest.

3. Aspects of the request making compliance with the zoning code burdensome: There appear to be options at this property where the desired 4-seasons porch and open porch could be constructed, including to the rear of the den space where the existing deck is located. If the desire location is preferable, a smaller open porch (shallower depth) could be built alongside the proposed four-seasons porch, and the four-seasons porch could be changed to a unheated porch, which could be larger and would not require a zoning variance.
4. Difficulty/hardship: The home was constructed in 1959 and purchased by the current owner in September 2004. There does not appear to be a lot-based hardship presented. See comments #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: This project will introduce some new vertical bulk in close proximity to a side/rear property line on the lot, but this does not appear to be substantial above or beyond what would otherwise be allowed by code. The neighboring principal structure to the rear appears to be located about 25'± away from the addition, and about 40'± from the neighboring home to the east. NOTE: the representation of the approximate location of homes on adjacent properties does not appear accurate when comparing the submitted plan with the aerial photo.
6. Characteristics of the neighborhood: The general style and character of the home is in keeping with other homes found in the area. The design of the project appears generally consistent with other similar single-family development found in the immediate area. No information has been provided about the porches and 4-seasons rooms being a common feature on homes in the area, but it is common for the zoning office to approve building permits for sunrooms, 3-seasons porches and screen porches of a smaller width in neighborhoods of this age, utilizing the *unheated porch projection* exception described below.

Other Comments: As submitted, the “open porch” part of this project does not require a zoning exception. This is because the zoning code includes an exception to allow *unheated porches*, screened, enclosed or open, to project into the rear yard setback area, to allow a maximum 14'd x 16'w size room to be constructed.

From a building code perspective, the “four-seasons room” is typically considered a “family room” that has the flexibility of being unheated during some point in time, at the control of the occupant. This appears to be the case with the subject property, since the exterior wall and door between the existing home and the room is being maintained. It is not clear how this room is to be heated, but most commonly they are heated with electric baseboard heat.

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 that this burden has been met. It appears as though a project could be designed that complies with the zoning requirements, but is not being proposed at the desire of the petitioner. Information as to why a compliant alternative would not work has not been included with this application. Staff recommends that the Zoning Board find that the variance standards are not met and **refer** the request for more study and information, or **deny** the requested variance as submitted, subject to further testimony and new information provided during the public hearing.