

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
313 N Livingston St

Zoning: TR-V2

Owner: Livingston Manor LLC

Technical Information:

Applicant Lot Size: 66' x 66'

Minimum Lot Width: 30'

Applicant Lot Area: 4,356 sq ft

Minimum Lot Area: 3000 sq ft

Madison General Ordinance Section Requiring Variance:

Project Description: Two-story single-family home. Construct 4'-10" x 8'-6" rear covered landing and 4'-10" x 13' enclosed stair to basement.

	<u>Rear Yard</u>	<u>Side Yard</u>
Zoning Ordinance Requirement:	16' 6"	6' 0"
Provided Setback:	11' 10"	4' 4"
Requested Variance:	4' 8"	1' 8"

Comments Relative to Standards:

1. Conditions unique to the property: The lot exceeds minimum lot width and lot area minimums, square in shape. The lot is a developed lot, significantly shallower in depth than the neighboring lot with a common rear yard. This lot is part of one originally platted lot that was subdivided into two parcels for development purposes (including the home at 803 W. Gorham). The resulting lot is shallower in depth than the adjacent lot with a common rear yard setback, which limits the availability of constructing an interior access to the basement. The home is placed almost entirely within the 6' side yard setback area, and nearly adjacent to the required minimum 16'-6" rear yard setback area.
2. Zoning district's purpose and intent: The regulations requested to be varied are the *rear yard setback* and *side 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. The *side yard setback* is intended to provide minimum buffering between buildings, generally resulting in space in between the building bulk constructed on lots, to mitigate potential adverse impact and to afford access to the backyard area around the side of a structure.

The existing building placement and relationship between the existing home and the adjacent homes on lots appears to be a long-standing condition, likely original to the development of these lots. The neighboring property to the southeast (lot with similar rear yard) is twice as deep as the subject property. This condition results in no uniformity of rear yard setback between the properties. This home projects approximately 13' past the existing rear wall of the subject property, more than the variance being requested. The adjacent lot to the northeast is a corner lot with its rear yard abutting the side yard of the subject property. The submitted plans show about 40' of side setback, which provides for yard area and will provide for a driveway and parking facility on the subject lot. There is adequate side yard setback on the northeast side of the home opposite the variance to allow access to the rear yard. The project appears to result in development consistent with the purpose and intent of the TR-V2 district.



3. Aspects of the request making compliance with the zoning code burdensome: The placement of the home on the lot and the associated setbacks do not allow for an exterior basement access enclosed stair to be constructed without shifting it to the side, which has significant implications to the side of the home. Also, the interior access to the basement is about 18" wide, which is nonconforming, and difficult to traverse to access the basement, and cannot be expanded without significant impact to the first floor plan. Reasonable access to the basement is accomplished with the proposed stairwell. The proposed stair aligns with an existing basement opening currently accessed by a bilco door and stairs from grade, resulting in the proposed (minimal) side yard setback request.
4. Difficulty/hardship: The home was constructed in 1894 and purchased by the current owner in June 2017. See comments #1 and #3 above. This request is driven by the home placement on the lot and the lack of reasonable basement access, resulting in the most logical placement for the access, which requires zoning variances. There are no other clear options to gain access to the basement from within the dwelling and little options to gain access to the basement from the outside besides as proposed.
5. The proposed variance shall not create substantial detriment to adjacent property: The proposal incorporates a reasonable and necessary landing and is designed with minimal bulk for the enclosed stair. It does not appear as though the minor increase in bulk in the setbacks will result in significant impact on neighboring property.
6. Characteristics of the neighborhood: The general area is characterized by homes of varying sizes and styles, many with additions constructed over time. The proposed design would not appear out-of-place for this neighborhood.

Other Comments: Even with the variance, an occupant still must exit the dwelling and access the basement via the enclosed stair. The home will not have any interior access to the basement, but rather the owner is choosing to have the covered landing and new enclosed stair serve as access to the basement. This is unusual, but generally better than the existing bilco access to the basement.

Staff Recommendation: It appears standards have been met, therefore staff recommends **approval** of the variance requests, subject to further testimony and new information provided during the public hearing.