

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
2224 Waunona Way

Zoning: TR-C1

Owner: Brian and Annette Hellmer

Technical Information:

Applicant Lot Size: Irregular, 65' x 250'±

Minimum Lot Width: 50'

Applicant Lot Area: 13,594 sq. ft. ±

Minimum Lot Area: 6,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.138(4)(a)

Project Description: Single-story single family home. Remove existing 13'±d x 22'±w elevated deck and replace with 12'±d x 32'±d elevated deck on lake-side of home.

Zoning Ordinance Requirement: 63.0'

Provided Setback: 54.5'

Requested Variance: 8.5'

Comments Relative to Standards:

1. Conditions unique to the property: The lot exceeds lot width and lot area minimums. The lot has slope to the lake, but this slope does not affect zoning compliance. The lakefront setback requirement results in the existing deck being within the setback area.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *lakefront yard setback*. In consideration of this request, the *lakefront yard setback* is intended to establish general uniformity for the setback for abutting properties on the lake and to preserve view sheds and limit bulk placement that might negatively impact adjacent properties. The ordinance requires two methods to calculate the required lakefront yard setback:
 1. *If the subject property only abuts one developed lot, the setback of the existing principal residential structure on that abutting lot; or*
 2. *The median setback of the principal building on the five (5) developed lots or three hundred (300) feet on either side (whichever is less), or thirty percent (30%) of lot depth, whichever number is greater*

In this case, the subject property abuts a public right-of-way to the west. When considering the two options, the first option applies, using the setback of the neighboring property to the east. This method is intended to align homes on a block, where the last home has but one

property to match setback. The shoreline to the east shifts to the north, and homes to the north are not affected by this deck. Homes to the west are generally aligned or behind the plane of the proposed deck.

The deck replaces an existing deck, with a new design that is one foot shallower into the setback and about ten feet wider. Per the applicant, this design mitigates the pinch-point on the deck introduced by the hoe design, which comes to a point facing the lake. The deck also extends past sliding doors, allowing for placement of tables, chairs and similar features to the sides, which is currently not possible with the existing deck placement.

This case is primarily about the construction of a functional and reasonable sized deck on the lake-side of the home, while maintaining minimal projecting into the setback and protecting associated views from neighbors. The project appears generally consistent with the purpose and intent of the ordinance.

3. Aspects of the request making compliance with the zoning code burdensome: As noted above, the OHWM setback results in no fictional elevated deck being buildable on this home.
4. Difficulty/hardship: The home was constructed in 2002 and purchased by the current owner in March, 2015. See comments #1, #2 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The proposed home will be in general alignment with the (new) home to the east, where the shoreline generally shifts toward the north. The property abuts a right-of-way to the west, which contains a sanitary sewer lift station. Past the right-of-way is the next block of homes. The proposed deck is designed with minimal bulk, and will not block views of the lake from the home to the west. The structure has seasonal and weather dependent use, and will have less impact as compared to a roofed or enclosed structure.
6. Characteristics of the neighborhood: The general development pattern on the lake-side of the street is characterized by large principal structures on varying lot sizes. Elevated decks are common on the lake-side of homes in this area.

Other Comments: As noted above, the project replaces an existing elevated deck, is deeper (projects more into the setback) but not as wide. The proposal will allow for a deck to the width of the home, by adding width away from the center pinch-point and to the sides of the sliding doors.

This project will require approval of an alteration to the approved Conditional Use, most likely approved administratively by the Planning Director should this request be approved.

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