

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
1414 Jennifer St.

Zoning: HIS-TL, TR-C4

Owner: Mark Kunkel and Peggy Hurley

Technical Information:

Applicant Lot Size: 33' w x 132' l

Minimum Lot Width: 40'

Applicant Lot Area: 4,356 square feet

Minimum Lot Area: 4,000 square feet

Madison General Ordinance Section Requiring Variance: 28.045(2)

Project Description: Applicants request a side yard setback variance to construct a building addition on a single-family dwelling.

The existing house has a 14.4' wide x 10.5' long (151.2 square foot) addition on the rear, which has a 0.8' side setback. The addition's foundation has deteriorated over time. The applicants propose to remove the addition and replace it with a new 13.3' wide x 13' long (172.9 square foot) addition, which would have a 2.2' side setback.

Side Yard Setback Variance

Zoning Ordinance Requirement: 3.3'

Provided Setback: 2.2'

Requested Variance: 1.1'

Comments Relative to Standards:

- 1. Conditions unique to the property:** There are several conditions unique to the property. The lot is narrower than the required lot width in the TR-C4 zoning district, and the existing house has a side setback of 0.8'. The location of the interior pocket door between the existing kitchen and existing addition is another unique condition. Building a rear addition of this size on this portion of the house with a compliant side yard setback would require that the door between the kitchen and addition be relocated. It would also require reconfiguration of the existing kitchen, including moving cabinets and appliances.
- 2. Zoning district's purpose and intent:** The regulation requested to be varied is the *side yard setback*. In consideration of this request, the *side yard setback* is intended to provide

minimum buffering between 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 existing house has a 0.8' side setback. The addition will have a 2.2' setback, allowing for more space between the two houses and sufficient space for maintenance of the addition. However, the length of the proposed addition within the side setback will be more than the existing, which could be contrary to the purpose and intent.

3. **Aspects of the request making compliance with the zoning code burdensome:** The location of the existing house and existing addition on the lot, the interior door location, and the layout of the existing kitchen along the shared wall between the kitchen and addition make compliance with the side yard setback burdensome. However, the addition is proposed to have a noncompliant side setback along a longer portion of the lot than the existing. It does not appear that it would be unnecessarily burdensome to replace the addition with a new addition of the same square footage as the existing.
4. **Difficulty/hardship:** The existing house was built in 1902, and the current owners purchased the house in 2006. See comments #1 and #3 above. The request seems to be primarily driven by the location of the existing house on the lot and its interior layout. However, it seems a smaller addition could be built that replaces the square footage of the existing, leading to less bulk in the setback.
5. **The proposed variance shall not create substantial detriment to adjacent property:** The house has had a 0.8' side setback for many years with no known substantial detriment. The proposed addition will have a 2.2' side setback, providing more light and air between buildings so it does not appear that the variance would have negative impacts on access to light and air for adjacent property.
6. **Characteristics of the neighborhood:** The neighborhood is comprised of mostly two-story, older dwellings, many with noncompliant side setbacks. The side setback will not be uncharacteristic for the surrounding neighborhood. The property is located within the Third Lake local historic district, and the Preservation Planner will approve the final plans for consistency with historic district standards before a building permit is issued.

Staff Recommendation: It appears that a variance could be approvable. However, there are some gaps in information in the application regarding the additional length of the addition within the side setback. Therefore, staff recommends **referral** pending additional information and **approval with conditions** if gaps in information relative to the standards of approval can be filled, subject to further testimony and new information provided during the public hearing.