

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
226 Jackson Street

Zoning: TR-V1

Owner: Rachel Bergh

Technical Information:

Applicant Lot Size: 40' **Minimum Lot Width:** 30'

Applicant Lot Area: 4,800 sq. ft. **Minimum Lot Area:** 3,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.0472(2)

Project Description: Petitioner requests a front yard variance to remove existing 18'w x 7'd open porch and construct an 18'w x 8'6" first-story dwelling addition with an open entrance/porch onto a two-story single family dwelling.

Zoning Ordinance Requirement: 12'-9"±

Provided Setback: 9'-6"

Requested Variance: 3'-3"±

Comments Relative to Standards:

1. Conditions unique to the property: The lot exceeds minimum lot width and lot area requirements. This lot arrangement and building placement is common for the area, and often results in homes with little opportunity for front or side expansion without necessitating zoning variances. The general orientation of the building directs the placement of the addition to the proposed location.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *front yard setback*. In consideration of this request, the front yard setback is intended to provide buffering between developments and the adjacent streets/sidewalks, resulting in a relatively uniform orientation of buildings to the street.

The zoning code allows setback averaging to reduce the required front setback to a block average, but not less than 10', and also allows "open" porches to project into the required setback area. On this block, there is a mix of structures with open and enclosed porches and varying setback for the homes, resulting in a varying development pattern for the block from a setback calculation perspective. However, there is similarity in consideration of where the forward most feature of the home sits on the lot. The proposal does advance the setback forward about 1.5' from the location of the existing open porch. The project does result in a useable and functional type of interior living space within the building, particularly in this

block face. The proposed addition, in general, appears to result in development consistent with the orientation of homes on lots in the block faces, and the purpose and intent of the TR-V1 district.

The project does not project into any driveway vision clearance area, so the project should not create pedestrian-vehicle conflicts, and thus not contrary to the public interest.

3. Aspects of the request making compliance with the zoning code burdensome: The size of the variance request is driven by both the location of the existing porch and the size of the proposed small “office” room (8’d x 10’w interior dimensions) being constructed with this request. Less depth to the room makes it practically nonfunctional. Because of the way required front yards are measured on this and neighboring lots in the block face, any addition towards the front of the lot would require some amount of variance. To step the addition back to meet the setback would limit the usability of this space and set the structure slightly behind other porches, both open and enclosed, on the block face.
4. Difficulty/hardship: The home was constructed in 1916 and purchased by the current owner in November 2005. See comments #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: This project does advance bulk toward the front lot line above the existing open porch projection. The neighbor to the south has an open porch generally aligned with the proposed office room and the neighboring property to the north has an open entrance feature with a two-story living space on the opposite side. This project may have some adverse impact on neighboring dwellings.
6. Characteristics of the neighborhood: The general style and character of the addition is in keeping with other homes found in the area. The majority of homes on the block face have open, enclosed or partially enclosed porches or open and covered entrance features. The design of the project appears generally consistent with other similar residential properties found in the immediate area.

Other Comments: This item was deferred from the July 15, 2021 meeting. The ZBA identified a number of concerns and requests for further information, which follow:

- The projection of the finished space showing a layout with a desk and chair/furniture;
- Concerns were expressed about the ability of constructing a similar addition at the rear of the home; and
- Details of the space, including window sizes and the justification for the size of a room that is deeper than the existing open porch, and why a lesser variance or utilizing the existing space allowed by code would not work.

In response, the petitioner has provided additional photographs of enclosed porches on the block, a clearer and more detailed site plan, pictures of the rear of the home showing the built condition at the rear of the home and a floor plan showing a desk/chair in the proposed interior space.

The open porch / front entrance feature of the project does not require a zoning variance.

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.