

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
1348 Spaight Street

Zoning: TR-C4

Owner: Conner and Ellen Marks

Technical Information:

Applicant Lot Size: 33' w x 66' l

Minimum Lot Width: 40'

Applicant Lot Area: 2,178 square feet

Minimum Lot Area: 4,000 square feet

Madison General Ordinance Section Requiring Variance: 28.045(2)

Project Description: Applicants request a rear yard setback variance to enclose an open porch and convert it into conditioned space for a single-family house.

The zoning code allows single-story unheated open or enclosed porches attached to single-family or two-family dwellings to encroach into the rear yard setback if the porch extends no more than 14 feet from the exterior wall of the building and is no more than 16 feet wide.

The applicants propose to enclose and condition the space to create a bathroom, which requires a rear yard setback variance.

Rear Yard Setback

Zoning Ordinance Requirement: 19.8'

Provided Setback: 18.25'

Requested Variance: 1.55'

Comments Relative to Standards:

- 1. Conditions unique to the property:** Most original platted lots in this area were divided into two lots. However, some corner lots, like this lot, were split into more lots. This property was originally part of Lot 10, which was later split into four separate lots. A unique condition is that the property does not meet the minimum lot area and minimum lot width for the zoning district.
- 2. Zoning district's purpose and intent:** The regulation requested to be varied is the *rear setback*. In consideration of this request, the *rear 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. Several neighboring properties have similar conditions, and the enclosed area will align with a conditioned space on the property next door, which is located within the rear yard setback. The footprint and roofline of this portion of the house will not be changing. It does not appear that the variance would be contrary to the purpose and intent of the zoning ordinance.

- 3. Aspects of the request making compliance with the zoning code burdensome:** The house has one existing bathroom on the second floor. The variance will allow a half bathroom to be added to the first floor using the foundation and roof of the existing open porch. The zoning code appears to make compliance burdensome by not allowing a minor modification to condition this space, which will allow a first-floor bathroom, common in modern houses.
- 4. Difficulty/hardship:** The house was constructed in 1914, and the current owners purchased it in 2018. See comments #1 and #3 above. Adding a first-floor bathroom when one does not exist is a common project to modernize an older house. There does not appear to be another location where a code compliant bathroom addition could be reasonably created for this house. The zoning code seems to create the difficulty and hardship by not allowing conditioning of this space.
- 5. The proposed variance shall not create substantial detriment to adjacent property:** The house has had a 18.25' rear yard setback for a conditioned space and for the open porch for many years with no known substantial detriment. The variance would introduce minimal impact beyond the existing bulk of the open porch. It appears there would be no substantial impacts on access to light and air for adjacent property.
- 6. Characteristics of the neighborhood:** The neighborhood is comprised of a mix of small multi-family, two-family, and single-family houses, many with noncompliant setbacks and on smaller lots than the code currently requires. The proposed rear yard setback will not be uncharacteristic for the surrounding neighborhood.

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.