

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
229 Van Deusen St

Zoning: TR-C2

Owner: Ian Lowe and Soumya Palreddy

Technical Information:

Applicant Lot Size: 60' wide x 89' long **Minimum Lot Width:** 40'

Applicant Lot Area: 5,458 square feet **Minimum Lot Area:** 4,000 square feet

Madison General Ordinance Section Requiring Variance: 28.043 (2)

Project Description: Applicants request a rear yard setback variance for a two-story addition to a single-family house. The existing 13' wide by 9' long two-story open porch on the rear of the house is proposed to be removed. Then, a 13' wide by 13' long two-story addition is proposed to be added to the rear of the house. A portion of the first story is proposed to be an open porch.

The required rear yard setback in the TR-C2 district is the lesser of 30% lot depth or 30'. On this property, 30% of lot depth is 26.7', making 26.7' the required minimum rear yard setback.

Rear Yard Setback Variance

Zoning Ordinance Requirement: 26.7'

Provided Setback: 15'

Requested Variance: 11.7'

Comments Relative to Standards:

- 1. Conditions unique to the property:** The lot is less deep and wider than other properties on the same block face. However, the property meets minimum lot width and lot area requirements for the TR-C2 zoning district. The detached garage is located in the rear yard, but this is common with properties in the district. The existing two-story open porch is located within the rear yard setback, but it is proposed to be removed. There does not appear to be a condition unique to the property that does not generally apply to other properties in the 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. The other properties on the block meet required rear yard setbacks and have a common backyard. The existing two-story open porch is proposed to be removed and replaced with an addition which will encroach 4' further into the rear yard setback than the existing. The variance request appears to be contrary to the intent of the rear yard setback in the zoning code.

3. Aspects of the request making compliance with the zoning code burdensome:

The property is wider than most other properties in the immediate area offering opportunities to expand into the side yard in a way that would be compliant with the zoning code. The TR-C2 district requires a side yard setback of 5' and the existing house is 23' from the eastern side property line. However, it is unclear if compliant options were considered. The strict letter of the ordinance does not appear to unreasonably prevent use of the property for a permitted purpose or render compliance with the ordinance unnecessarily burdensome.

4. Difficulty/hardship: The house was built in 1910 and purchased by the owners in 2017.

The house is currently a four-bedroom, two-bathroom house. The addition will allow for a five-bedroom, three-bathroom house. The variance request does not seem to be driven by a difficulty or hardship created by the zoning code. It seems to instead be driven by the applicants' personal preference to use the side yard as the primary outdoor space rather than the rear yard.

5. The proposed variance shall not create substantial detriment to adjacent property:

The proposed variance could cause some detriment to adjacent property because it will be substantially closer to the rear property line than other properties on the same block. As mentioned in #2 above, the purpose of the rear yard setback is to have a common back yard and common building envelope. However, the detriment is unlikely to be substantial because it will not impact access to light or air.

6. Characteristics of the neighborhood: The existing house already has a smaller rear yard than the other properties on this block face. With the proposed addition, the house will have a smaller rear yard setback than today and be further misaligned with other backyards on the block. It seems that this variance would not be compatible with the surrounding neighborhood.

Staff Recommendation: The burden of meeting the standards is placed upon the applicants, who need to demonstrate satisfaction of all the standards for variance approval. It is not clear that this burden has been met. Staff recommends that the Zoning Board of Appeals find that the variance standards are not met and **deny** the requested variance as submitted, subject to further testimony and new information provided during the public hearing.