

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
**140 Iota Court**

**Zoning: PD**

**Owner: JCH Properties**

**Technical Information:**

**Lot Size:** irregular, 10' frontage on Iota Ct.,  
60'± frontage on Lake Mendota

**Minimum Lot Width: 50'**

**Lot Area:** 6,445 sq. ft.

**Minimum Lot Area:** 6,000 sq. ft.

**Madison General Ordinance Section Requiring Variance:** 28.138(5)(b)1

**Project Description:** PD Zoned multi-lot/building project currently under construction. North (lake) side, replace 24 1'd x 7'w "french balconies" with 4'd x 7'w balconies.

Zoning Ordinance Requirement: 45.7'  
Provided Setback: 33.4'  
Requested Variance: **12.3**

**Comments Relative to Standards:**

1. Conditions unique to the property: The existing location of the building is fixed, and cannot be reasonably modified to accommodate a common amenity feature found on other developments in the general area. Because of existing building placement relative to neighboring structures that establish the required lakefront yard setback for the development, the existing building currently projects into the required lakefront yard setback.
2. Zoning district's purpose and intent: The PD zoning that applies to this development reflects dwelling units with balcony features as a common element for the buildings in the project. The proposed balconies result in a useable outdoor recreation space for the residents of the development, typically accommodated as balconies, patios, and on-ground open spaces on a zoning lot.
3. Aspects of the request making compliance with the zoning code burdensome: For this development, the lakefront setback requirement is generated by the development on adjacent lots.
4. Difficulty/hardship: See comment #1 and #3 above.

5. The proposed variance shall not create substantial detriment to adjacent property: Since the building is generally closer to the water than neighboring buildings, neighboring views of the balconies is somewhat diminished; one would need to observe the property from the lake or some other long-view type perspective in order to view the full extent of the balconies. There would be little impact beyond the existing condition.
6. Characteristics of the neighborhood: Similar developments in the area have balconies similar to the proposal. This project would be considered orderly development.

**Other Comments:** The lakefront yard setback is established per Sec. 28.28(4). The PD process cannot approve a reduction to the lakefront yard setback.

At its May 14<sup>th</sup> 1981 meeting, the City of Madison Zoning Board of Appeals approved a lot area variance to create two additional dwelling units within the confines of the existing building, replacing an apartment office space.

At its December 13<sup>th</sup> 2012 meeting, the City of Madison Zoning Board of Appeals approved a waterfront setback variance for the balconies on the building to be enclosed as part of a remodel of the building. This approval also allowed for the 1' "french balconies."

A PD alteration has been submitted for this project, currently scheduled for review by the City's Plan Commission on November 19<sup>th</sup> 2013.

The proposed balconies allow for limited, seasonal use by occupants of the dwelling units. The design of the balconies could be considered minimal, as the balconies do not meet the minimum 4.5' dimensional requirement to qualify as Useable Open Spaces per Sec. 28.140.

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