

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
3030 Waunona Way

Zoning: TR-C1

Owner: Chauncey Hunker & Mike Schmidtke

Technical Information:

Applicant Lot Size: 83.8' w x 177' d **Minimum Lot Width:** 50'
Applicant Lot Area: 14,832.6 sq. ft. **Minimum Lot Area:** 6,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.138(4)(a)

Project Description: Two-story single family home. Construct roof over a portion of the existing first-floor deck on lake-side of home, to create porch feature.

Zoning Ordinance Requirement: 95.00'
Provided Setback: 51.5'
Requested Variance: **43.5'**

Comments Relative to Standards:

1. Conditions unique to the property: The property is a lakefront lot, where due to the irregular shoreline, the measured minimum lakefront setback varies by code-defined calculation. The lakefront setback is irregular to the house placement, resulting in an irregular building envelope. Also, the closest point to the ordinary High Water Mark (OHWM) is measured across the neighboring lot to the west.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *lakefront yard setback*. In consideration of this request, the *lakefront yard setback* is intended to establish general uniformity for the setback for abutting properties on the lake, and to preserve view sheds and limit bulk placement that might negatively impact adjacent properties.

This case is not about the placement of a new house on the lot, but is about extending the bulk on a home that is already significantly into the required setback. The actual placement of the existing home is forward of the home on the lot to the west, primarily because the subject lot is deeper and the lot has an angular shoreline, from southwest to northeast. The setback of this home and the home to the west to the OHWM appears to be similar (within 6'±). This addition increases the bulk on the subject home significantly in the required setback, and because it is further forward (to the north) on this lot, it will affect the view

corridor of the neighboring home to the west. Measures have been incorporated to minimize the columns supporting the roof, but the project still adds significant bulk in the setback.

3. Aspects of the request making compliance with the zoning code burdensome: The applicant suggests conditions that appear mostly subjective in nature, including the dislike of direct sun exposure on the deck, materials of the deck surface that cause enjoyment problems, the choice of window installations that add light/views from the inside of the home, but require more energy to cool the home, and the loss of a tree that previously shaded the area. There are many options available to address these subjective problems that do not require a zoning variance, or are controlled by the property owner, such as preserving or choosing to cut down trees.

Open (uncovered) decks are exposed to the elements, and that is why they are allowed in certain circumstances above/beyond a porch or dwelling addition. By covering the deck, the space becomes more useable with protection from the elements to extend its usability, which is a plus for the owner but a negative in terms of increase of bulk on the property in the setback. The applicant also suggests maintenance and repair of the deck and associated rooms below cannot happen unless the variance is approved, but only part of this deck and the rooms below is covered by the roof, which makes this comment appear inconsistent. Further, they suggest this limitation on repairs renders these spaces unusable, which is not true. Ordinary repairs of a maintenance nature are allowed and commonly approved by the City.

4. Difficulty/hardship: See comments #1 and #3. The existing home was constructed in 1952 and purchased by the current owner in August 2003. The fact that the home itself is in the setback does not necessarily correlate with a satisfactory argument that the bulk may be changed to increase the usability of an existing feature in the required setback.
5. The proposed variance shall not create substantial detriment to adjacent property: The project will not create direct negative impacts on the light and air of the adjacent property, but does impact the view corridor of the property to the west, as noted above. The porch is located behind an existing finished room on the east side of the home, and this will have no practical impact on the home to the east.
6. Characteristics of the neighborhood: The general area appears to be characterized by homes of varying sizes on lots of varying sizes, where lake-side open decks and patios appear to be common. The porch-type feature on the lake side does not appear to be a common amenity on other homes in the immediate area. Open decks, both elevated and at-grade, and in some cases decks atop finished spaces appear to be common in the general area.

Other Comments: Although not how the setback is measured, the distance from the porch roof to the OHWM, as measured from within the boundaries of the lot, is about 62’.

At its December 18th, 2003 meeting, the Madison Zoning Board of Appeals approved a variance for a two-story addition on the street-side of the subject property.

Staff Recommendation: The burden of meeting the standards is placed upon the applicant, who needs to demonstrate satisfaction of all the standards for variance approval. It is not clear that this burden has been met. This request appears to be primarily based upon the desire to cover the existing open deck space, expanding the usability of this space that is already in the setback. Staff recommends that the Zoning Board find that the variance standards are not met and **refer** the case for more information relative to the standards of approval, or **deny** the requested variance as submitted, subject to further testimony and new information provided during the public hearing.