

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
833 Miami Pass

Zoning: TR-C1

Owner: Karl Rosengren and Sarah Mangelsdorf

Technical Information:

Applicant Lot Size: irregular. Approx. 145' x 62.5'

Minimum Lot Width: 50 ft.

Applicant Lot Area: 10,162 sq. ft

Minimum Lot Area: 6,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.042 (2)

Project Description: Two-story single family home. Construct 17'-2"d x 12'w single-story screen porch addition at side/rear, to side of attached garage. Side yard setback variance.

Zoning Ordinance Requirement: 7'
Provided Setback: 4.5'
Requested Variance: 2.5'

Comments Relative to Standards:

1. Conditions unique to the property: The property is a somewhat irregularly shaped corner lot, that exceeds minimum lot width and lot area requirements. About 10' of the original platted lot was transferred to the lot to the east at some time, probably before original construction of the homes on these lots. The existing house placement, as well as the orientation and placement of the attached garage, point to the desired location as the correct placement for a screen porch. There appears to be enough area for a screen porch to be constructed, but without a variance it would not be as large (wide) as desired.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *side yard setback*. In consideration of this request, the *side yard setback* is intended to provide minimum buffering between buildings, generally resulting in space in between the building bulk constructed on lots, to mitigate potential adverse impact and also to afford access to the backyard area, around the side of a structure. The existing building placement and relationship between the existing home and the home adjacent to where the variance is being requested appears to be a long-standing condition, likely original to the development of these lots. However, the existence of the illegal screen porch should not be treated as an "existing condition." The permit record indicates an at-grade deck is approved, open to the sky. There is significant side yard setback on the lot opposite the variance, possibly room for a new house to be constructed at some point in time which could be affected by this setback

variance. A screen porch project in some form would result in development consistent with the purpose and intent of the TR-C1 district, either with a variance or not.

3. Aspects of the request making compliance with the zoning code burdensome: As noted in standard #1, a screen porch could be built without necessitating a zoning variance, but the width of that porch is limited by the existing building placement relative to the side lot line. Also, this porch opens onto a narrow side yard area, not the typical, more open rear yard area. A long and narrow screen porch is reasonable and appropriate facing a side yard such as proposed.
4. Difficulty/hardship: See comments #1 and #3. The existing home was constructed in 1928 and purchased by the current owner in July 2014.
5. The proposed variance shall not create substantial detriment to adjacent property: The addition is located in close proximity to the side to line, but about 70'± from the neighboring homes to the north and east. It appears as though the porch would minimally change that impact. As noted above, the possible future construction of a new home on the land would probably be the most impacted by this porch.
6. Characteristics of the neighborhood: The general area is characterized by one and two-story houses of similar size to the proposal. The size of the addition will result in a home keeping in the size of homes found in the general area. The style and design of the porch is generally in keeping with design of the home, and would be considered typical for the area.

Other Comments:

The existing house is not parallel to the side lot line, resulting in a somewhat irregular space for a screen porch to be built. To meet the required setback, at its narrowest point, the porch would need to be 9.5'± but could grow to about 11'± by the breakfast room. The depth of the porch (17'-1") is not limited by the side setback requirement, but rather appears to be a design solution in consideration of the existing windows on the home.

At its June 12, 1997 and March 26, 1998 meetings, the Madison Zoning Board of Appeals denied a variance request for the construction of a screen porch in the same location. The previous property owner apparently chose to construct the porch without obtaining the necessary permits or zoning approval, likely because obtaining zoning approval would not be possible with the variance being denied, which explains the presence of the existing screen porch.

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 on the desire of the petitioner to replace the existing illegal construction (built by a previous owner) with similar new construction, rather than a definable hardship. 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.