

ZONING ADMINISTRATOR’S REPORT  
VARIANCE APPLICATION  
**40 North Roby Road**

**Zoning:** TR-C2

**Owner:** Matt & Katrina Kelly

**Technical Information:**

<b>Applicant Lot Size:</b> Irregular Corner	<b>Minimum Lot Width:</b> 40’
<b>Applicant Lot Area:</b> 7,686 sq. ft.	<b>Minimum Lot Area:</b> 4,000 sq. ft.

**Madison General Ordinance Section Requiring Variance:** 28.043(2) and 28.211

**Project Description:** 2-story single family home. Remove existing 1<sup>st</sup> story kitchen addition on west side of home and reconstruct, slightly larger, with pitched roof. Also, roof dormer modifications in existing finished space under roof, to combine dormers above stairwell, resulting in roof pitch on dormer that is less than 8:12 required. Interior home remodeling, a 2-story addition with habitable attic space, and a basement-level garage are also being constructed with this project.

	<u>Side Yard</u>	<u>Story/Dormer Regulations</u>
Zoning Ordinance Requirement:	6’ 0”	8:12 pitch min. required to allow occupancy above 2 <sup>nd</sup> sty
Provided Setback:	3’ 4”	Combine dormers, resulting in 3:12 pitch on dormer
Requested Variance:	<b>2’ 8”</b>	<b>Variance to maintain occupancy</b>

**Comments Relative to Standards:**

1. Conditions unique to the property: The lot exceeds lot area minimums, but is irregularly shaped and built into a hillside. The property is also located within the University Heights Historic District, which further establishes regulation and review for exterior changes to buildings, including partial demolition/removal requests.
2. Zoning district’s purpose and intent: The setback request appears necessary to maintain the existing footprint for the existing building, as required by the Landmarks Commission. The dormer request appears necessary to provide the required head height across the stacked stairwell that leads to the finished attic space.
3. Aspects of the request making compliance with the zoning code burdensome: For the first-story addition, the existing addition needs to be removed because of deterioration, and must be replaced at its existing footprint per the Landmarks Commission. Also, the interior layout of the kitchen space drives the location of the exterior walls, and new sloped roof (exists as a flat roof). For the dormer, the existing structure would require significant structural changes to accommodate the code-required roof pitch, as the stair is stacked through the levels of the home.
4. Difficulty/hardship: The home was constructed in 1922 and purchased by the current owner in March 2013. The request corrects problems with the existing structure while also

accommodating an otherwise-allowable expansion of the existing finished attic space. See comments #1 and #3 above.

5. The proposed variance shall not create substantial detriment to adjacent property: The location of the addition and dormer generally will maintain the status quo for these features on the building, and do not appear to have discernable adverse impact on the neighboring structures or uses.
6. Characteristics of the neighborhood: The general area is comprised of similarly sized houses on lots of varying size. The style and design of the project is in keeping with the character of the area.

**Other Comments:** The two-story addition with habitable attic and basement level garage does not require a zoning variance.

At its September 12<sup>th</sup> 1967 meeting, the City of Madison Zoning Board of Appeals approved side yard setback variances for the construction of a detached garage at the subject property. This garage was not constructed.

At its June 26<sup>th</sup> meeting, the Madison Landmarks Commission approved the construction of the project, specifically denying approval of a dormer design that met the 8:12 pitch requirement, because this dormer projected above the roofline, affecting the appearance of the home. A memo from the Landmarks Commission, prepared by City Preservation Planner Amy Scanlon, is included with the materials for this case.

**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.