

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
116 E Dayton St

Zoning: UOR

Owner: Dewey & Sandy Bredeson

Technical Information:

Applicant Lot Size: 44' wide

Minimum Lot Width: N/A

Applicant Lot Area: 5808 sq. ft.

Minimum Lot Area: N/A

Madison General Ordinance Section Requiring Variance: 28.075(3)

Project Description: Three-story four-unit apartment building. Remove existing 16'w x 8x-11'd rear three-story addition and fire escape, including first floor open porch, second level bedroom and third level deck. Construct 18'-4" x 8-11'd three-story addition with enclosed first story (entry and closet space) and second story (bedroom) and new deck railing at third level. Relocate third level access door from bedroom to common hallway in third level unit.

	<u>Side Yard</u>
Zoning Ordinance Requirement:	10.0'
Provided Setback:	5.0'
Requested Variance:	5.0'

Comments Relative to Standards:

1. Conditions unique to the property: The lot is in a zoning district that does not require a minimum lot area or lot width, and is somewhat common in development pattern to the existing UOR-zoned property in the greater downtown area. The lot is similarly sized to other lots in the immediate neighborhood. The existing principal structure provides a pre-existing substandard side setback to one side (opposite driveway), which appears similar to other dwellings in the neighborhood when driveways are present. Otherwise, structures on lots with no driveways provide very small setbacks to side property lines. The existing principal structure and addition proposed for reconstruction project into the required side setback, necessitating the variance.
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. In the UOR District, since commercial uses are possible, the greater setback allows for more setback between the principal structure and the side lot line, resulting in greater setbacks to adjacent structures on adjacent lots, which are often residential structures in residential zoning districts. 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, provides what appears to be a similar side setback to the proposed variance, and projects deeper into the lot than the proposed addition. These buildings appear to be the original to the development of these lots.

The existing addition is to be removed and a similar addition is to be constructed in its place. This addition provides more setback than the existing side wall of the existing principal structure. There is adequate side yard setback on the side of the home opposite the variance (driveway side) to allow access to the rear yard. The project appears to result in development generally consistent with the purpose and intent of the UOR district.

3. Aspects of the request making compliance with the zoning code burdensome: The placement of the structure on the lot pre-dates current zoning setback requirements. The existing building placement and necessary placement for the addition drives this request: the proposal matches the existing side wall/porch location of the existing building. Submitted floor plans show how the addition matches existing living space in the dwelling units to which it connects. The addition will result in a principal structure that appears common and similar to other principal structures found in the immediate area, and results in useable, functional and otherwise reasonable and common distribution of living spaces within the building.
4. Difficulty/hardship: The home was constructed in 1926 and purchased by the current owner in October 2017. See comment #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The project is designed to add functional space while also being sensitive to bulk, by generally maintaining the location of the exterior wall relative to the side setback. The proposed first-floor space is not a bedroom or sleeping area but is a closet, which will have little impact on the adjacent structure if approved to convert from an open porch. The placement and structure height appear necessary to accommodate the living space while maintaining an attractive, complimentary look for the dwelling. It does not appear as though maintaining the existing setback and the increase the addition in width in the setback area will result in significant impact above/beyond what would be otherwise allowed by-right.
6. Characteristics of the neighborhood: The general area is comprised of multi-story multi-unit residential buildings. The proposed addition is in keeping with the conversion of the building to entirely residential and results in a design that could be considered common for residential buildings found in the general area.

Other Comments: The principal structure was recently approved for remodel into a four-unit dwelling and is currently being remodeled.

As noted above, the addition is to be widened 2'-4" with this project. This addition is proposed to be placed at the same location relative to the lot line and the expansion is proposed within the building envelope, and not in a required setback area. The addition is also placed to maintain accesses to the rear basement (two) door(s), to maintain a reasonable size of the second-level bedroom and closet, and to not obstruct the second-floor rear bedroom window.

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.