

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
1039 Spaight Street

**Zoning:** HIS-TL, TR-V1

**Owner:** Simon and Leah Balto

**Technical Information:**

**Applicant Lot Size:** 40' w x 139' l

**Minimum Lot Width:** 30'

**Applicant Lot Area:** 5,560 square feet

**Minimum Lot Area:** 3,000 square feet

**Madison General Ordinance Section Requiring Variance:** 28.047(2)

**Project Description:** Petitioners request a side yard setback variance for a second story screened porch addition above the attached garage of a single family house.

The house currently has a rooftop deck above the garage. A 1938 variance application for this property states that the same house had been built at 516 S. Mills. The house at 516 S. Mills also has a door which leads to a rooftop deck above the attached garage so the rooftop deck on this property, 1039 Spaight, appears to be a feature of the original house.

**Side Setback Variance**

Zoning Ordinance Requirement: 4'

Provided Setback: 2.8'

Requested Variance: 1.2'

**Comments Relative to Standards:**

- 1. Conditions unique to the property:** The lot is compliant with the minimum lot width and lot area for the zoning district. However, a unique condition is the location of the existing attached garage and rooftop deck within the side yard setback.
- 2. Zoning district's purpose and intent:** 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 to afford access to the backyard area around the side of a structure.

The proposed second-story addition above the existing attached garage does not change the placement of the existing house relative to the lot lines. There is currently a rooftop

deck above the garage with no known adverse impacts. The project appears to result in a condition that is consistent with the purpose and intent of the TR-V1 district.

3. **Aspects of the request making compliance with the zoning code burdensome:** The location of the dwelling on the lot restricts the ability to build an addition over the first story because it currently projects into the side setback. To comply with the zoning code, the second-story addition would have to be built with an exterior side wall that is offset from the first story.
4. **Difficulty/hardship:** The house was constructed in 1938 and purchased by the current owners in 2021. See comment #1 and #3 above. Building an addition that is offset from the existing would be structurally difficult and compliance would result in an awkward design.
5. **The proposed variance shall not create substantial detriment to adjacent property:** The variance would introduce minimal impact above the existing bulk relationship between the building on the subject lot and the building on the adjacent lot on the side where the variance is being requested. The proposed screened porch addition preserves sight lines more than a conditioned, fully enclosed addition would. It appears there will be no substantial detriment or loss of light and air at adjacent property.
6. **Characteristics of the neighborhood:** The design of the project appears generally consistent with other similar residential properties found in the immediate area. The property is located within the Third Lake Historic District. The City's Preservation Planner has reviewed the plans and believes that the addition meets the district's standards for a Certificate of Appropriateness.

**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.