

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
2830 Stevens St.

Zoning: TR-C3, WP-06

Owner: John P. Ellis and Jan K. Miyasaki

Technical Information:

Applicant Lot Size: 36.2' x 108.4'

Minimum Lot Width: 30'

Applicant Lot Area: 3,924 SF

Minimum Lot Area: 3,000 SF

Madison General Ordinance Section Requiring Variance: 28.044(2)

Project Description: Applicants request a front yard setback variance to construct a building addition on a single-family dwelling. The existing enclosed front porch is proposed to be removed. Then, a living room addition is proposed to be built with the same front setback as the removed porch.

Front Yard Setback Variances

Zoning Ordinance Requirement: 15'

Provided Setback: 13.2'

Requested Variance: 1.8'

Comments Relative to Standards:

- 1. Conditions unique to the property:** The lot exceeds minimum lot width and area requirements and is an otherwise compliant lot. No unique condition is found for the property.
- 2. Zoning district's purpose and intent:** The regulation being requested to be varied is the *front yard setback*. In consideration of this request, the front yard setback is intended to provide buffering between developments and the adjacent streets/sidewalks, resulting in a relatively uniform orientation of buildings to the street.

The zoning code requires that new construction meet current code standards, including setbacks. The variance request seems contrary to the purpose and intent of the code because it would perpetuate a nonconforming front setback at a time when it appears the house could become compliant with relative ease.

3. **Aspects of the request making compliance with the zoning code burdensome:** The strict letter of the ordinance does not appear to unreasonably prevent use of the property for a permitted purpose or render compliance with the ordinance unnecessarily burdensome. The zoning code is working as intended, requiring full compliance for an addition when there are no unique conditions which prevent compliance.
4. **Difficulty/hardship:** The house was built in 1926 and purchased by one of the owners in 1991. The variance request does not seem to be driven by a difficulty or hardship created by the zoning code. It seems to instead be driven by the applicants' desire to extend their living room out to the same setback as the existing enclosed porch which will be removed.
5. **The proposed variance shall not create substantial detriment to adjacent property:** This project advances bulk toward the front lot line beyond all but one house on the same block face. The next-door neighbor to the west has a 26.1' front yard setback (20' required by zoning code) so the proposed addition would be substantially forward of that house. This project may have some adverse impact on neighboring dwellings, but it is likely not substantial.
6. **Characteristics of the neighborhood:** With the proposed addition, the house will have a smaller front yard setback than six of the seven houses on the same block face, and it will be 12.9' closer to the street than the adjacent house to the west. It seems that this variance would not be compatible with the surrounding neighborhood.

Staff Recommendation: The burden of meeting the standards is placed upon the applicants, who needs to demonstrate satisfaction of all the standards for variance approval. It is not clear that this burden has been met. The variance request appears to be driven by the applicants' desire as reflected in the proposed design, rather than a hardship. Staff recommends that the Zoning Board of Appeals find that the variance standards are not met and **deny** the requested variance as submitted, subject to further testimony and new information provided during the public hearing.