

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
4146 Veith Ave

Zoning: SR-C2

Owner: Stephanie Mader and Dan Holvick

Technical Information:

Applicant Lot Size: 60' x 400' (irregular)

Minimum Lot Width: 50'

Applicant Lot Area: 23,114 sq. ft.

Minimum Lot Area: 6000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.138(4)(a)

Project Description: Additions and remodeling. Petitioners request a lakefront setback variance to construct rear two-story home addition with exposed basement. The addition includes conditioned living space and porches. Existing portions of the home will be extensively remodeled as part of this project. Two of the three addition components of this project do not require variances.

Zoning Ordinance Requirement: 239.4'

Provided Setback: 230'

Requested Variance: 9.4'

Comments Relative to Standards:

1. Conditions unique to the property: The subject lot exceeds lot width and lot area minimums and has slope to the lake by the home which exposes the basement-level at the rear. The shoreline at the subject property jogs in towards the home on this lot, resulting in an irregular setback as measured from the Ordinary High Water Mark (OHWM). The measurement to the OHWM crosses onto the lot to the north, because that is the closest point of the OHWM to the building envelope on this lot. The shoreline and associated OHWM in proximity to this lot is also highly irregular, where inlets that had been excavated at some time in the past are used for the calculation of the required setback for this and surrounding lots. However, the calculated setback requirement per the ordinance generally aligns this home with the two on either side.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *lakefront yard setback*. In consideration of this request, the *lakefront yard setback* is intended to establish general uniformity for the setback for abutting properties on the lake and to preserve view sheds and limit bulk placement that might negatively impact adjacent properties. The ordinance requires two methods to calculate the required setback:

- a. *The average setback of the principal building on the two (2) adjoining lots, provided that the setbacks of those buildings are within twenty (20) feet of one another; or*
- b. *The median setback of the principal building on the five (5) developed lots or three hundred (300) feet on either side (whichever is less), or thirty percent (30%) of lot depth, whichever number is greater*

In this case, the second option applies, using the median setback calculator method. This method is intended to consider the varying setback of properties in a proximate distance from the subject lot and their setback to establish a median setback. Outliers are discarded and the median setback of the qualifying properties is used. This is why the homes that are much closer or much farther away from the OHWM get discarded from the calculation.

This case is primarily about the location of the required lakefront setback on the lot, and the desire of the petitioners to construct the addition. The required setback generally matches the placement of the principal structures on directly abutting neighbors. On these lots, the setback is measured to elevated decks or porch-like features. The result of the request would allow this home to project in front of its immediate neighbors, which is in conflict with the purpose and intent of the ordinance.

3. Aspects of the request making compliance with the zoning code burdensome: The required setback does limit the building envelope in terms of the size of an addition that could be constructed, however, a viable building envelope exists on the lot. It does not appear that construction within the building envelope would be overly-burdensome.
4. Difficulty/hardship: See comments #1 and #3. The existing home was constructed in 1957 and purchased by the current owner in July 2017. Setback calculation requirements at the time the adjacent homes were built allowed for a lesser setback to the OHWM than the subject property, which is why homes to the south are located forward of the home on the subject lot.
5. The proposed variance shall not create substantial detriment to adjacent property: Although the home will be behind *some* of the nearby properties on the lake, the proposal would result in the home being located forward of the directly-abutting neighbors, which would impact their view shed.
6. Characteristics of the neighborhood: The general area is characterized by a variety of architectural styles for homes. The proposal will result in a significant change to the existing architecture, but with a design that is not out-of-character for the area.

Other Comments: The project appears to involve the addition of another garage stall but no driveway expansion is shown. Zoning ordinance limitations on driveways will likely prohibit the expansion of the driveway to access this garage space.

As noted above, there are homes to the south that provide a lesser setback and are located closer to the lake than the subject property or its immediate adjacent neighbors. The submission includes a line on the plans called the “alignment of all neighboring properties” which does not represent any code-related measurement, just the opinion of the petitioner as to how the homes appear to be aligned. This line is generally parallel to the right-of-way of Veith Avenue but is

not consistent with the irregular OHWM. No line could be consistent because the OHWM varies significantly in this area. This line also only includes some of the homes on the block, not all, so it is not clear what it is intended to convey. The most forward-placed homes block the view shed of several homes, and their location pre-dates current code requirements. The request appears to emphasize this forward placement as a reason to allow the requested addition to be constructed and does not take into context the effect of the addition on the directly-adjoining lots.

The project will also require Conditional Use approval from the City's Plan Commission for additions to a home on a lakefront lot and may also trigger a requirement to obtain demolition approval, depending on the percentage of exterior walls being removed with this project.

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. 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.