

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
4025 Birch Avenue

**Zoning:** TR-C2

**Owner:** Claire and Adam Frees

**Technical Information:**

**Applicant Lot Size:** 50' x 120'

**Minimum Lot Width:** 40'

**Applicant Lot Area:** 6,000 square feet

**Minimum Lot Area:** 4,000 square feet

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

**Project Description:** Petitioners request a side yard setback variance to construct a second story building addition over the first story of a single-family dwelling.

**Side Setback Variance**

Zoning Ordinance Requirement: 6'

Provided Setback: 4.5'

Requested Variance: 1.5'

**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. The existing principal structure's projection into the side setback is the unique condition for this property.
- 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 addition above the existing first story does not change the placement of the existing house relative to the lot lines and is a minimal addition of bulk. The project appears to result in a condition that is consistent with the purpose and intent of the TR-C2 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 floor 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 originally constructed in 1939 with a one-story rear addition built at some later time. The current owners purchased the house in 2020. See comment #1 and #3 above. Building a second-story addition that is offset from the existing house would be structurally difficult, and compliance would result in an awkward design. The proposed second story addition on the existing side setback will result in a bedroom of a reasonable and not atypical size.
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. It appears there will be no substantial detriment or loss of light and air at adjacent property.
6. **Characteristics of the neighborhood:** The general style and character of the addition is in keeping with other homes found in the area. The design of the project appears generally consistent with other similar residential properties found in the immediate area.

**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.