

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
105 Standish Court

Zoning: TR-C1

Owner: Tom and Lori Raife

Technical Information:

Lot Size/shape: Irregular, 85' frontage

Minimum Lot Width: 50'

Lot Area: 8,386 sq. ft.

Minimum Lot Area: 6,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.132(2)(e)

Project Description: Requests a rear yard setback variance to construct a 16' w x 15' d screen porch addition on a two-story, single family home.

Encroachment into rear yards setback allowed: 14'

Encroachment into rear yards setback requested: 16'

Requested Variance: 1'

Comments Relative to Standards:

1. Conditions unique to the property: The subject lot is an irregularly-shaped lot, which exceeds lot minimum width and area requirements. The lot is slightly wider than it is deep, and appears to comply with all setback requirements. The rear yard area contains a number of retaining walls that appear to date to the original construction of the home, with one wall that falls in the same general location as where the rear wall of a 14' deep room would be located.
2. Zoning district's purpose and intent: The requested regulation to be varied is the *encroachment into setbacks, single-story unheated porch*. In consideration of this request, this encroachment is intended to allow an existing single or two-family home, often constructed in close proximity to the rear yard setback area, the ability to construct a 16' x 14' unheated seasonal space into the rear yard setback area. This encroachment allows a varying reduction into the setback, so a 16' wide by 14' deep structure may be placed. There is no specific setback required, the regulation simply allows the 16' x 14' space to be added to the back of a home.

The proposed structure allows for a floor area similar in size to what is allowed with the encroachment. The proposal also allows the structure to be constructed in a fashion which disturbs the existing retaining wall the least. The request appears consistent with the intent and purpose of the zoning ordinance.

3. Aspects of the request making compliance with the zoning code burdensome: The retaining wall sits at a location which conflicts with the allowable 14' deep room. Placing the wall slightly less than 14', up against the retaining wall, would introduce the likelihood of long-term maintenance problems for both the structure wall and the retaining wall, as water could generally be trapped in the space, resulting in early deterioration. Narrowing the room to a depth less than 14' reduces the functionality of the room. Placing the structure wall outside the structure allows for construction of the room in a fashion which will not disturb the existing retaining wall.
4. Difficulty/hardship: The home was constructed in 1961 and purchased by the current owner in April, 2014. See comments #1, #2 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The home to the rear is located approximately 50' from the rear wall of the existing home, and is placed at an elevation a few feet above the subject home. Any porch, even an otherwise code-complaint porch, will have some impact on this neighbor, but the requested variance will have little impact above what would be an otherwise zoning complaint porch addition.
6. Characteristics of the neighborhood: The general area is characterized by similarly sized homes on lots of similar size. The design of the structure is in keeping with the design of the home, and other homes in the neighborhood. There appear to be some homes with rear screen porches, but it is difficult to tell if these project into the rear setback area.

Other Comments: As noted above, the proposal is to place exterior walls outside of the retaining wall, on post footings. This design does not increase the floor area of the structure, it simply allows the walls to be constructed without disturbing the retaining wall. The retaining wall effectively becomes a shelf-level inside of the structure, at the perimeter of part of the structure.

The submitted west and north elevations do not correctly show the retaining wall and the proposed structure. Should a variance be granted, these elevations must be revised.

At its November 24, 1959 meeting, the Madison Zoning Board of Appeals approved front and rear yard setback variances for the existing home to be constructed.

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.