

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
7 Chippewa Court

Zoning: TR-C1

Owner: Ed Corcoran

Technical Information:

Applicant Lot Size: irregular, 106.9' on Chippewa, tapering to 47.5' at the rear lot line

Minimum Lot Width: 50'

Applicant Lot Area: 10,660 sq. ft.

Minimum Lot Area: 6,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.042(2)

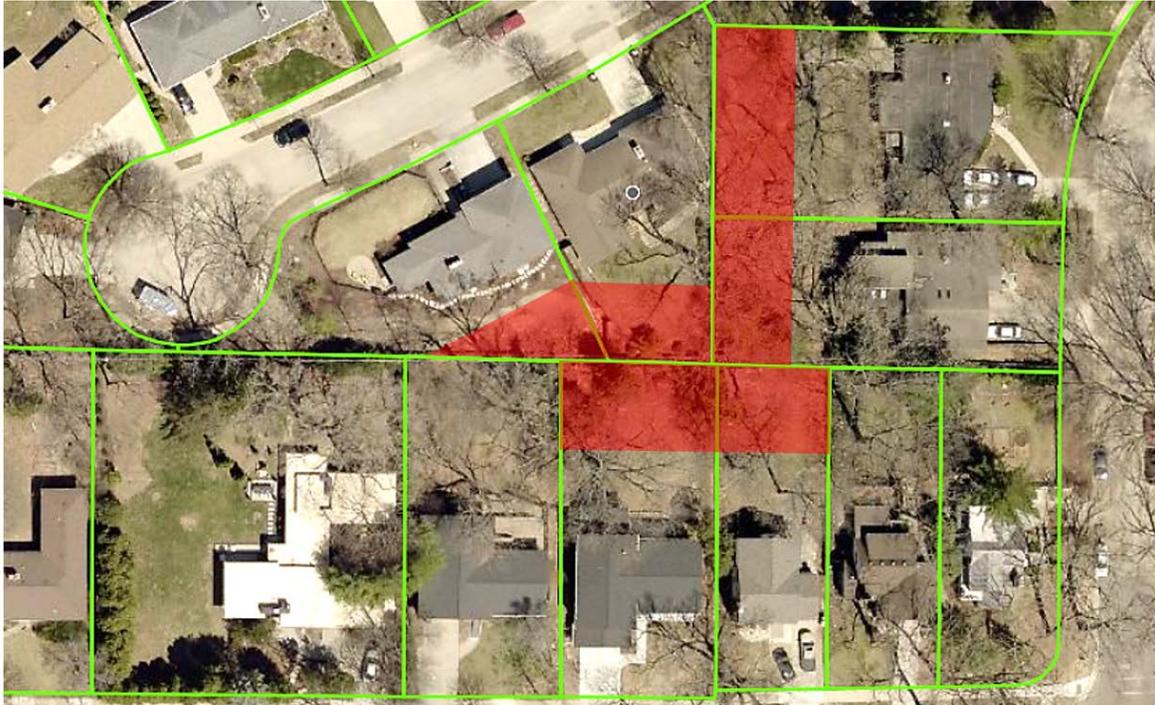
Project Description: Petitioner requests a rear yard setback variance to construct a single-story 16'd x 19'w screen porch addition onto the rear of the existing single-story single family dwelling.

Zoning Ordinance Requirement:	35.0'
Provided Setback:	28.61'±
Requested Variance:	6.39'±

Comments Relative to Standards:

1. Conditions unique to the property: The lot exceeds minimum lot area and lot width requirements, and is otherwise a compliant lot. The lot slopes and narrows from front to rear, but this condition does not affect the ability to construct a code compliant (14'd x 16'w) unheated porch, which would not require a zoning variance.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *rear yard setback*. In consideration of this request, the *rear yard setback* is intended to provide minimum buffering between principal buildings on lots and to align buildings within a common building envelope, common back yards, and generally resulting in space in between the building bulk and commonality of bulk constructed on lots.

Map with adjoining rear yard setbacks:



The code specifically allows a projection in the rear setback so a 14'd x 16'w unheated porch can be constructed. The size was specifically allowed because it was determined to be the appropriate functional size. A larger porch dimension could potentially have greater impacts on neighbors. The request does not appear consistent with the intent and purpose of the zoning ordinance.

3. Aspects of the request making compliance with the zoning code burdensome: The zoning ordinance specifically allows unheated porches, open or enclosed, to project into any rear yard setback area, to allow for a 14'd x 16'w room to be constructed. See Comment #2 above.
4. Difficulty/hardship: The home was constructed in 1958 and purchased by the current owner in September 2019. See comment #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The neighboring home on the side where the porch is to be placed is on a shallower lot and is placed more forward than the subject property. The porch will introduce little detriment on adjacent property.
6. Characteristics of the neighborhood: The general area is characterized by similar sized home on similar lot arrangements. Screen porches or enclosed unheated porches can be commonly found at the rear of homes.

Other Comments: Typically, screen porches take access from a common area of a home, such as kitchen, dining room. The proposed porch takes access from a bedroom, through the installation of a new patio door. The deck is also proposed to be expanded, to provide an exterior access to the porch without having to walk through a bedroom.

As noted above, Sec. 28.132(2)(e) *Projections into setbacks*, specifically allows for the construction of a 14'd x 16'w unheated porch, open or enclosed, by-right. Since this porch exceeds the allowable dimensions, it is ineligible for the allowed projection into the setback.

The submitted application states that three of the four adjoining properties have screen porches or porch additions. These properties have not been identified, nor has the size of the porches on these properties, or if the porches project into the rear yard setback.

Staff Recommendation: The burden of meeting the standards is placed upon the petitioner, who needs to demonstrate satisfaction of all the standards for variance approval. It is not clear that this burden has been met. As noted above, the zoning ordinance includes a provision to allow for a 14'd x 16'w screen porch by-right (no variance required).

This request appears to be driven by the petitioner's desire for a larger sized screen porch than allowed by code, rather than a hardship. Staff recommends the Zoning Board find the standard of approval have not been met, and **denial** of the variance requests, subject to further testimony and new information provided during the public hearing.