

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
533 Miller Ave

Zoning: TR-C2

Owner: Chris Neale & Joe Novotnak

Technical Information:

Applicant Lot Size: 52.5' x 85'

Minimum Lot Width: 40'

Applicant Lot Area: 4463 sq. ft.

Minimum Lot Area: 4000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.043(2)

Project Description: Two-story single family home. Remove existing dilapidated rear structure/addition that appears to be an enclosed and finished porch, and construct new rear addition across the width of the home, open porch, and bilco door to basement. Project incorporates first-floor kitchen remodel and introduces a first-floor ½ bath and a new room at the rear of the home (not in setback).

Zoning Ordinance Requirement: 6.0'
Provided Setback: 4.6'
Requested Variance: 1.4'

Comments Relative to Standards:

1. Conditions unique to the property: The property meets minimum lot width and area requirements but the existing structure projects into the side setback slightly. The lot width is greater than what is typical: most lots have a lot width less than 50', which allows for a minimum side yard setback of 10% of the lot width. Because this lot and the adjacent lot at 525 Miller were not developed as originally platted, these lots are shallower and wider than is typical for the area, thus requiring a greater minimum side yard setback.
2. Zoning district's purpose and intent: The regulation requested to be varied is the *side yard setback*. In consideration of this request, 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 existing building placement and relationship between the existing home and the home adjacent to where the variance is being requested appears to be a long-standing condition, likely original to the development of these lots. There is adequate side yard setback on the side of the home opposite the variance (driveway side) to allow access to the rear yard. The principal structure on the neighboring property to the north appears to be about 25' from the subject home. The project appears to result in development consistent with the purpose and intent of the TR-C2 district.
3. Aspects of the request making compliance with the zoning code burdensome: This project involves a conditioned space addition (kitchen and room) and an open porch addition. For the conditioned space

addition, the existing structure placement limits opportunities for construction of an addition. Constructing an addition and providing the minimum setback creates interior space challenges in construction, due to the 1.4' shift in the kitchen that would be necessary to meet the setback. Shifting the addition to a compliant location (or greater) affects the interior flow of the spaces and how they connect. Placement of the addition at a setback matching the existing exterior walls eliminates the jog of the addition, and this allows the spaces to connect efficiently and maintains the existing condition that appears to be original. The open porch does not have the same challenge: it could be redesigned to meet the setback requirement.

4. Difficulty/hardship: See comments #1 and #3. The exiting home was constructed in 1910 and purchased by the current owner in October 2003.
5. The proposed variance shall not create substantial detriment to adjacent property: The variance would not introduce minimal impact above or beyond the existing bulk relationship between the home on the subject lot and the home on the adjacent lot to the side where the variance is being requested. The variance for the conditioned space allows the structure to be maintained at its current placement.
6. Characteristics of the neighborhood: The general area is characterized by mostly two-story houses of similar size on generally uniform lots. The style and design of the addition is generally in keeping with design of the home and is typical for the area.

Other Comments: The common pattern of development for homes on lots in the neighborhood is for one side of the home to provide a lesser setback while the other serves for driveway/garage access and is by result greater.

The rear open porch basically functions as a covered landing for the rear of the home. This feature projects into the side and rear yard setback areas. The open porch is a permitted obstruction into the rear yard setback but not the side yard setback. No information has been presented as to how this part of the project addresses the standards of approval for a zoning variance. If the petitioners desired a wider porch, it appears as though they could shift the bilco door south and create a wider space within the building envelope for an open porch.

The bilco door and part of the open porch project into the rear yard setback. These components of the project do not require zoning variances for rear yard setback.

Staff Recommendation, Side Yard Setback Variance for Rear Open Porch: 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. There appear to be options to construct the porch at the minimum setback, which would not require a zoning variance, and those options have not been ruled out as viable. 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.

Staff Recommendation, Dwelling addition: 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