

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
5042 Lake Mendota Drive

Zoning: TR-C1

Owner: Charles Gates and Candy Schrank

Technical Information:

Applicant Lot Size: 51' wide x 265.5' long

Minimum Lot Width: 45'

Applicant Lot Area: 12,680 square feet

Minimum Lot Area: 5,000 square feet

Madison General Ordinance Section Requiring Variance: 28.138 (4)

Project Description: Applicants request a lakefront yard setback variance for a 247 square foot loft addition to the second story of a single-family house. The lakefront yard setback was determined using the third method in the code, the median setback of the principal buildings on the five developed lots or 300 feet on either side, whichever is less. For the subject property, the minimum lakefront yard setback is 98.5 feet from the Ordinary High Water Mark.

Lakefront Yard Setback for Addition to Single Family House

Zoning Ordinance Requirement: 98.5'

Provided Setback: 35.5'

Requested Variance: 63'

Comments Relative to Standards:

- 1. Conditions unique to the property:** The existing house's location on the property is a unique condition. The house is located significantly closer to the Lake Mendota Ordinary High Water Mark than any other lakefront house in the immediate vicinity. Because lakefront yard setbacks are determined based on the location of nearby houses, the entire house is currently located within the lakefront yard setback. Since the entire house is located within the setback, any bulk changes on top of the house require a variance.

Additional conditions unique to the property are the significant slope of the property and the Native American effigy mound located partially on the property.

2. Zoning district's purpose and intent:

In consideration of this request, the *lakefront yard setback* is intended to establish general uniformity for the setback for abutting properties on the lake, to preserve viewsheds and limit bulk placement that might negatively impact adjacent properties. Compared to other types of setbacks, lakefront yard setbacks are particularly driven by the setbacks of surrounding properties because there is extra sensitivity regarding the placement of structures along lakefronts to prevent a “race to the bottom,” or lakefront in this case.

The proposal is for a relatively small addition of 247 square feet and is placed on the house towards the street side to help mitigate any negative impacts. Nearby houses are located at a higher elevation than this house. Because they are perched closer to Lake Mendota Drive, it does not appear that the proposed addition will negatively affect their views of Lake Mendota or that the requested variance would be contrary to the spirit, purpose, and intent of lakefront yard setbacks.

3. Aspects of the request making compliance with the zoning code burdensome:

The location of the existing house within the lakefront yard setback makes compliance with the zoning code burdensome because any addition on the second story require a variance. An addition to the rear of the house would require significant site work. The substantial slope on the property would make adding livable space in a zoning-code-allowed alternative location overly burdensome. The effigy mound on the property further limits feasible locations for development.

4. Difficulty/hardship: See #1 and #3. According to City of Madison Assessor's Office records, the house was built in 1875, and according to the owners, the house has been in this location since at least 1923. The house was purchased by the current owners in 1984. The zoning code presents a difficulty or hardship by limiting bulk changes on a portion of the house that already exists within the lakefront yard setback. Lakefront yard setbacks are intended to align houses along a lakefront. However, this house existed in this location prior to other nearby houses being built. The difficulty or hardship appears to be created by the terms of the ordinance when applied to this particular property and house.

5. The proposed variance shall not create substantial detriment to adjacent property:

As mentioned above, the existing house and proposed addition are significantly downhill from nearby houses. It appears that the existing house is not visible from the ground level adjacent to neighboring houses. Therefore, it seems that the proposed variance will not have substantial impacts to light and air on adjacent property or cause substantial detriment.

6. **Characteristics of the neighborhood:** The surrounding neighborhood is made up of single-family houses with a mix of architectural styles and ages. The location of the existing house is unusual for the neighborhood. However, the size and architecture of the house and the addition are in keeping with the eclectic character of the immediate area.

Staff Recommendation:

It appears the standards have been met; therefore, staff recommends **approval** of the variance request, subject to further testimony and new information provided during the public hearing.