

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
109 E. Gorham Street

Zoning: DR-1, HIS-MH

Owner: Eric Helt and Chris Heck

Technical Information:

Applicant Lot Size: 40' wide x 97' long **Minimum Lot Width:** 40'

Applicant Lot Area: 4,080 square feet **Minimum Lot Area:** 3,000 square feet

Madison General Ordinance Section Requiring Variance: 28.078(2)

Project Description: Applicants request a side yard setback variance for new decks and stairs on a multi-family building.

Side Setback Variance

Zoning Ordinance Requirement: 5'

Provided Setback: 1.8'

Requested Variance: 3.2'

Comments Relative to Standards:

- 1. Conditions unique to the property:** A unique condition is that the original platted lot was a 60' x 130' rectangle. Portions of the lot were divided and split between three neighboring properties, resulting in today's lot which is narrower (40') and has an irregular rear lot line. Additional unique conditions are the location of the existing decks and stairs on the building and on the lot and the existing stairs' noncompliance with the building code. The existing building has stairs and decks that have a 0.6' side setback.
- 2. Zoning district's purpose and intent:** The *side yard setback* is intended to provide minimum buffering between buildings, generally resulting in space 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.

While the proposed decks and stairs still encroach into the side setback, they are an improvement upon existing conditions. The existing stair landing has almost no setback from the detached garage on the adjacent property. The proposed stairs will result in residents exiting the stairs towards the middle of the property, rather than close to the side lot line. The proposal appears to result in conditions consistent with the purpose and intent of the side yard setback in the ordinance.

- 3. Aspects of the request making compliance with the zoning code burdensome:** The existing stairs are too steep, which does not comply with the building code. The new stairs and decks would be code compliant. The proposal seeks to reuse existing structural posts and other load bearing elements. Completely rebuilding the decks and stairs with a zoning code compliant setback would require work within the building interior to structurally support the new decks and stairs, and it would not allow the reuse of components of the existing decks and stairs. For these reasons, compliance with the zoning code appears to be unnecessarily burdensome.

- 4. Difficulty/hardship:** The building was built in 1912 and purchased by the current owners in 2023. The difficulty or hardship appears to be created by the terms of the ordinance as applied to the existing building and lot. See #1 and #3 above.

- 5. The proposed variance shall not create substantial detriment to adjacent property:** The existing stairs have a smaller side setback with no known substantial detriment to adjacent property. It does not appear that the variance would have substantial impacts on access to light and air.

- 6. Characteristics of the neighborhood:** The neighborhood is primarily a mix of small multi-family buildings and single family houses. Rear stairs like the proposed are common within the surrounding neighborhood and many have nonconforming setbacks. The proposal received a Certificate of Appropriateness from the Landmarks Commission, and the variance appears to be compatible with the character of the immediate neighborhood.

Other Comments:

On September 6, 2022, a Landmarks Certificate of Appropriateness (COA) was issued for the project. An amended COA was approved on November 17, 2022.

Staff Recommendation:

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