

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
18 Chippewa Court

**Zoning:** TR-C1

**Owner:** David R. Friedman and Pamela R. Robbins

**Technical Information:**

**Applicant Lot Size:** 51' frontage on Chippewa      **Minimum Lot Width:** 50'

**Applicant Lot Area:** 10,388 sq. ft.      **Minimum Lot Area:** 6,000 sq. ft.

**Madison General Ordinance Section Requiring Variance:** 28.042(2)

**Project Description:** Petitioners request a rear yard setback variance to construct a single-story addition onto an existing single-story single family dwelling.

Zoning Ordinance Requirement: 30.05'

Provided Setback: 17.1'

Requested Variance: 12.95'

**Comments Relative to Standards:**

1. Conditions unique to the property: The lot exceeds minimum lot area and lot width requirements, and is otherwise a code-compliant lot. The lot is irregular in shape, and the lot slopes up and widens from front to rear. The lot has a shallower depth than others on the block face. The existing principal structure projects into the side and rear yard setbacks areas and there is limited area to expand the footprint without requiring a zoning variance. The home on the lot is not parallel to the rear lot line, resulting in an irregular building placement on the lot and an irregular projection into the setback.
2. Zoning district's purpose and intent: The regulation 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.

As noted above, the existing principal structure projects partially into the rear yard setback. The projection into the setback appears to align with the building placement on the lot to the west, resulting in the structures being in a similar plane, and thus appears to provide a similar setback. The addition appears to provide a common rear yard development pattern as compared to the home on the lot to the west, the side where the variance is being requested.

3. Aspects of the request making compliance with the zoning code burdensome: The required yards on this irregularly-shaped lot results in a relatively shallow building envelope and the structure placement on the lot, which is not parallel to the rear lot line, results in the necessity for a zoning variance for a modest structure expansion. The lots were originally platted when the rear yard setback requirement/measurement was calculated differently, and the new rear yard setback requirement (see standard #4) puts the structure in the rear yard setback area, and reduces the available space on the lot for additions to be constructed.
4. Difficulty/hardship: The home was constructed in 1962 and purchased by the current owner in July 1977. See comment #1 and #3 above. The newly adopted rear yard setback requirement (3/21/17) changed the way the rear yard setback is measured on this and other irregular lots in the City. In an irregular lot, this requirement narrows the building envelope (allowable area for the principal structure) as the lot depth becomes shallow. Prior to the adoption of the amendment, this project would not have required a zoning variance.
5. The proposed variance shall not create substantial detriment to adjacent property: The property to the rear is the southwest bike path/transportation corridor. The closest neighboring home to the addition requiring the setback variance is located about 22'± to the west, where minimum cumulative side yard area between the structures could be a minimum of 13'.
6. Characteristics of the neighborhood: The general area is characterized by lots of similar size and homes with similar footprints. The addition is in keeping with the style and design of the neighborhood, and the existing home.

**Other Comments:** This item was deferred from the July 15, 2021 meeting, where the petitioner had requested a side yard setback variance to construct a second-story addition atop the existing attached garage. Zoning Board identified a number of concerns, which follow:

- The proposed addition appeared unusual for the area, being a partial second-story;
- Concerns were expressed about substantial bulk being added along the side lot line which could be mitigated by a more sensitive design to lower side wall height; and
- The board recommended studying alternate locations to accommodate the addition behind the home.

In response, the petitioner has abandoned the 2<sup>nd</sup> story addition and now proposed the single-story rear addition.

**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.