

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
26 N Hancock St

Zoning: DR-1

Owner: Joseph F Martino

Technical Information:

Applicant Lot Size: 33'w x 77.4' (irregular)

Minimum Lot Width: 30'

Applicant Lot Area: 2574 sq ft

Minimum Lot Area: 3000 sq ft

Madison General Ordinance Section Requiring Variance: 28.078(2)

Project Description: Construct third story atop existing two-story single family home.

	<u>Side (R)</u>	<u>Side (L)</u>	<u>Rear</u>
Zoning Ordinance Requirements:	3.3'	3.3'	21.3'
Provided Setback:	2.66'	2.7'±	8.8'
Requested Variance:	0.64'	0.6'	12.5'

Comments Relative to Standards:

1. Conditions unique to the property: The subject lot provides less lot area then required and has an unusual lot shape. The property was originally part of a 66' x 132' platted lot that was subsequently split into three development sites, probably at the time of early 1900's construction and development. The resulting lot provides non-compliant rear and side yard setbacks for the existing home.
2. Zoning district's purpose and intent: The regulations requested to be varied are the *side and rear yard setbacks*. In consideration of this request, the *side and rear yard setbacks* are intended to provide minimum buffering between buildings and generally common yards among lots on a block, resulting in space in-between the building bulk constructed on lots to mitigate potential adverse impact and also to afford access to the backyard area around the side of a structure.

The addition replaces an existing attic (unheated) and constructs a new third living level and vaulted roof, including 8' tall side walls. There is a four-story multi-family structure to the southwest and a three-story multi-family structure to the southeast, with a similarly sized two-story single-family structure adjacent to the northeast. All of these structures have side setbacks abutting the subject property. The addition does not affect this condition. The single-story addition project would result in setbacks consistent with the existing building and not uncommon for similar structures found in the DR1 district on small lots.

3. Aspects of the request making compliance with the zoning code burdensome: The existing building placement into the setback and the necessity to gain access to the 3rd level, and the desire to have a full floor plate of living area at the third level appear to drive this request. The design does look to maximize the floorplate of the third level, at the expense of adding bulk, particularly in the rear yard setback with the gable-end design. A more sensitive design could result in useable space that is common for similar types of wood-framed buildings with living space above the second level under roof, while also limiting bulk in the setback. Just about any expansion of living area above the second-level would require a stair access, necessitating the right-side variance for stair access only.
4. Difficulty/hardship: See standard #1. The property was originally built in 1910 and purchased by the current owner in July 1996. It is possible to add living area without necessitating the bulk increase as proposed; this standard does not appear to be met.
5. The proposed variance shall not create substantial detriment to adjacent property: The addition will have some impact on adjacent property, however, it generally matches the setback of the existing second level of the building and adds a full-story of bulk (including the exception of the rear roof gable end, as a deviation from the existing hip roof and dormer design).
6. Characteristics of the neighborhood: The general area is characterized by homes of varying designs and styles. Many homes have finished third-levels, most often under the roof but between the roof and eaves of the building, and commonly utilizing dormers or gable ends to get useable/occupiable space. The current home matches the adjacent home in bulk and design, and the addition will change the character of the home. Some design characteristics of the addition seem in conflict with the existing home and appear inconsistent with how upper-levels of homes of this type are designed, particularly the lap vinyl siding (house is stucco) and double-hung windows that are of a different shape than windows in the existing home.

Other Comments: Building height limitations are regulated by the downtown height map, part of the zoning ordinance and map that cover the general downtown area. For this property, the height map permits up to six stories. No variance is required for the proposed height.

The project includes a design that adds a kitchen to the home in the new third level, which is permissive in a single-family dwelling. With an additional kitchen, the family of occupants may not have any roomers or other unrelated individuals occupy the dwelling, including tourists or transients, as allowed in a *Tourist Rooming House*.

The petitioner has indicated he will modify the third-level landing and stair to comply with provisions of Sec. 28.132(1) *Permitted Encroachments into Setbacks*.

At its July 19, 1999 meeting, the Madison Zoning Board of Appeals granted a 3' rear yard setback variance for construction of a one-story attached garage.

Staff Recommendation: 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 that might not require significant variances to create a typical attic-level living area for the home. 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.