

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
2402 Commonwealth Ave

Zoning: TR-C3 Traditional-Residential-Consistent

Owner: Kendra Kreutz Living Trust

Technical Information:

Applicant Lot Size: 48' x 43' x 64'(irr)

Minimum Lot Width: 30'

Applicant Lot Area: 2,126 sq ft

Minimum Lot Area: 3000 sq ft

Madison General Ordinance Section Requiring Variance: 28.044(2)

Project Description: Two-story single family home. Construct first-level kitchen addition, entry vestibule and porch addition and office addition. Setback variances for the kitchen addition and Usable Open Space (UOS) variance for the porch/vestibule and home office addition.

| | <u>RC Side</u> | <u>Rear</u> | <u>Useable Open Space</u> |
|-------------------------------|----------------|--------------|---------------------------|
| Zoning Ordinance Requirement: | 8'-0" | 20'-0" | 500 sq ft |
| Provided Setback: | 7'-9" | 12'-3" | 300 sq ft |
| Requested Variance: | 0'-3" | 7'-9" | 200 sq ft |

Comments Relative to Standards:

1. Conditions unique to the property: The subject lot is an undersized lot that is irregular in shape, fronts on two streets along the majority of the lot perimeter and contains a home that currently projects into the required rear and front side setback. The lot abuts a *through lot* to the rear, resulting in the two side yard setbacks being considered reverse-corner setbacks, which has a greater side setback than a normal corner lot.
2. Zoning district's purpose and intent: The regulations being requested to be varied are the *rear yard setback, reverse-corner side yard setback and Usable Open Space requirement.*

Reverse-corner Side yard setback (Fox Ave.)

In consideration of this request, the *reverse-corner side yard setback* is intended to provide buffering between developments and the adjacent streets/sidewalks but paying particular sensitivity to the home to the rear, as to not negatively impact the home on that lot. The setback is intended to result in a relatively uniform orientation of buildings to the street where the building on the reverse-corner lot is not significantly closer than the buildings to the rear, effectively in front of the buildings to the rear. A larger side setback is required on a reverse-corner lot to allow for a sensitive transition to the front yard of the home on the adjacent lot. In this case, the lot to the rear is a through-lot with the structure oriented to

Commonwealth Ave., not Fox Ave. The project will have little impact relative to the reverse-corner setback requirement.

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, generally resulting in a minimum space in between the building bulk and commonality of bulk constructed on lots to mitigate potential adverse impact. The existing structure is a corner lot and projects partially into the rear yard setback with both stories of the home. The existing kitchen location is in part of the building that projects into the rear yard setback. The neighboring property to the rear is a *through-lot* with a side yard setback to the side where the variance is being requested. The project will have little impact relative to the rear yard setback requirement.

Usable Open Space

In consideration of this request, the UOS requirement is intended to provide on-site areas for outdoor recreation of the occupants of the building. For the subject property, most of the qualifying UOS is located between the building and the street on the Commonwealth Ave. side of the lot. The proposed porch/vestibule addition bisects existing qualifying UOS on the lot. The office addition also consumes some of the required UOS. The result is a 175 sq. ft. area of UOS, which is not a qualifying UOS. Although the UOS requirement is not being met as prescribed by the ordinance, the provided combination of the open porch and the existing remaining open space on-site could maintain a useable and functional balance of recreation spaces on the lot.

The project appears to result in development consistent with the purpose and intent of the TR-C3 district.

3. Aspects of the request making compliance with the zoning code burdensome: As noted in Standard #1, the lot is undersized and has significant setback requirements, resulting in limited ability to construct additions that would be otherwise common for homes found in the area. In regard to the provision of UOS on this lot, the requirement for UOS and how such space is found on the lot competes with the desire to have the porch/vestibule and office addition. The proposed front office addition is not a common feature and this addition does disqualify an area that would be otherwise a qualifying useable open space. If the office addition was not approved, no UOS variance would be required.
4. Difficulty/hardship: The home was constructed in 1927 and purchased by the current owner in July 2013. See comment #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The placement of the additions appears necessary to accommodate the space while maintaining an attractive, complimentary look for the home. It does not appear as though the increase in bulk will result in significant impact above/beyond what would be otherwise allowed by-right.
6. Characteristics of the neighborhood: The general area is comprised of mostly two-story homes on varying lot sizes. The proposed kitchen and porch/vestibule addition appear

consistent with what one may find in the general area. The office addition does not appear as consistent with the area and seems out-of-place and prominent in the lot given the orientation of the house on the lot.

Other Comments: As noted above, the project includes an expansion to what is labeled as an existing office in the home. This feature appears to have been an original porch that was enclosed or finished/heated at some point in the past.

The project is designed to add some functional space common to similar homes in the area while also attempting to be sensitive to bulk. The kitchen addition and porch/vestibule addition appear to be designed in this fashion. The office addition does not necessarily appear to be designed in a similar fashion. Enclosed porches are common but it is not clear that enclosed porches that have been turned into living space extending past the side plane of the house are common.

Should the office addition not be approved, the porch/vestibule addition could still be constructed because the zoning ordinance allows these features as a permitted project into the rear yard setback area and adequate useable open space would exist, given the area where the office addition is proposed would qualify toward the UOS requirement. The resulting provision of UOS would exceed the minimum requirement.

Staff Recommendation: Setback variances for kitchen 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.

Staff Recommendation: Usable Open Space reduction to accommodate porch/vestibule addition and office addition: 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. This request appears to be primarily based upon the desire to expand the home office for the current occupants in lieu of providing the required Usable Open Space. 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.