

**NOTE TO LANDMARKS COMMISSION**  
**July 19, 2010**

**Legistar ID #19275 – INFORMATIONAL PRESENTATION**  
**40 N. Roby Road – University Heights Historic District – Proposed Addition and Renovation with discussion on potential variance request to reconstruct roof structure.**

Representatives of the owner requested an informational appearance before the Landmarks Commission to discuss the following:

1. A new 2-story side addition, including a partially exposed lower level garage/workroom
2. Extending the roof slope to increase its height by 4'-9"
3. Other minor exterior alterations to the existing house

**Below are the relevant sections of Madison City Ordinance 33.19(12) University Heights Historic District – (d) Criteria for the Review of Additions, Exterior Alterations and Repairs in R2 and R4A Zoning District**

**33.19(12)(d)(1) Height.** All additions shall be no higher than the existing building; however, if the existing building is already a nonconforming one, no addition shall be made thereto except in accordance with Section 28.05(3)(c) of the Madison General Ordinances. Roof additions resulting in an increased building volume are prohibited unless they meet the standards in Section 33.19(12)(d)6. and are permitted under Chapter 28 of the Madison General Ordinances, or approved as a variance pursuant to Section 28.08(2)(e) and 28.12(8)(d) or approved as a conditional use or as part of a planned residential development in accordance with Section 28.085(e).

Please note:

Chapter 28 is the Zoning Code.

Section 28.05(3)(c) relates to Non-conforming Buildings and Uses, Additions and Enlargements. Section 28.08 (2)(e) Height Regulations. In the R1 district, no building or structure shall exceed two (2) stories nor thirty-five (35) feet in height (Am. by Ord. 12,381, 6-3-99; Ord. 12,599, 3-3-00; Ord. 13,040, 4-9-02)

28.12(8)(d) relates to Administration and Enforcement, Area Exceptions, Application for Area Exceptions.

***Staff Notes:** The proposed side addition is not higher than the existing roof. The slope of the existing roof is proposed to be extended, resulting in an increase in height (by 4'-9") and in building volume. The increased height will require a variance.*

**33.19(12)(d)(6) Additions Visible from the Street and Alterations to Street Facades.** Additions visible from the street, including additions to the top of buildings or structures, and alterations to street facades shall be compatible with the existing building in architectural design, scale, color, texture, proportion of solids to voids and proportion of widths to heights of doors and windows. Materials used in such alterations and additions shall duplicate in texture and

appearance, and architectural details used therein shall duplicate in design, the materials and details used in the original construction of the existing building or of other buildings in University Heights of similar materials, age and architectural style, unless the Landmarks Commission approves duplication of the texture and appearance of materials and the design of architectural details used in the existing building where the existing building materials and architectural details differ from the original. Additions and exterior alterations that exactly duplicate the original materials in composition are encouraged. Additions or exterior alterations that destroy significant architectural features are prohibited. Side additions shall not detract from the design composition of the original facade. (Renum. by ORD-08-00122, 11-22-08)

**33.19(12)(d)(8) Roof Shape.** The roof shape of the front of a building or structure shall not be altered except to restore it to the original documentable appearance or to add a dormer or dormers in a location and shape compatible with the architectural design of the building and similar in location and shape to original dormers on buildings of the same vintage and style within the district. Alterations of the roof shape of the sides or back of a building or structure shall be visually compatible with the architectural design of the existing building. (Renum. by ORD-08-00122, 11-22-08)

*Staff Notes: The proposed roof extension will alter the roof shape which will require a variance.*

**Below are the relevant sections of Madison City Ordinance 33.19(15) Variances.**

**33.19 (15)(c) Standards.** The Landmarks Commission shall not vary the regulations of this ordinance unless it makes findings of fact based upon the evidence presented to it in each specific case that one or more of the following conditions is present:

1. The particular physical characteristics of the specific building or site involved would result in a substantial hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out, provided that the alleged difficulty or hardship is created by this ordinance and has not been created by any person presently having an interest in the property.
2. In the case of the alteration of an existing building, the proposed design would incorporate materials, details, or other elements not permitted by the ordinance but which can be documented by photographs, architectural or archaeological research or other suitable evidence to have been used on other buildings of a similar vintage and style in the Historic District in which the building is located, provided that the project will not destroy significant architectural features on the building.
3. In the case of new construction, the proposed design incorporates materials, details, setbacks, massing or other elements that are not permitted by the ordinance but which would enhance the quality of the design for the new building or structure, provided that said new building or structure otherwise complies with the criteria for new construction in the Historic District in which the building or structure is proposed to be located and provided further that it would also have a beneficial effect on the historic character of the visually related area.