

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
5114 Spring Ct

**Zoning:** TR-C2

**Owner:** Jan & John Eisner

**Technical Information:**

**Applicant Lot Size:** 54' x 209.35'

**Minimum Lot Width:** 40'

**Applicant Lot Area:** 11304.9 sq ft

**Minimum Lot Area:** 4000 sq ft

**Madison General Ordinance Section Requiring Variance:** 28.138 (4) (a)

**Project Description:** Request a lakefront setback variance to construct a second-story addition and fireplace onto an existing single-story single-family home. Existing portions of the home will be extensively remodeled as part of this project.

Zoning Ordinance Requirement: 44.1'

Provided Setback: 40.6'

Requested Variance: 3.5'

**Comments Relative to Standards:**

1. Conditions unique to the property: The subject lot exceeds lot width and area minimums, has gentle slope to the lake, contains a utility easement that bisects the lot and is otherwise a developable lot. The shoreline at the subject property jogs in towards the home on this lot, resulting in a lesser setback to the Ordinary High Water Mark (OHWM) than the neighboring property on either side. This condition results in a situation where the principal structure on the subject lot must be placed behind the principal structures on the neighboring lots, which is unique.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *lakefront yard setback*. In consideration of this request, the *lakefront yard setback* is intended to establish general uniformity for the setback for abutting properties on the lake and to preserve view sheds and limit bulk placement that might negatively impact adjacent properties.

This case is primarily about the location of the lakefront setback on the lot, which appears to be artificially closer than the abutting neighbors due to the irregular shoreland and OHWM location. The result of the project will be a pattern where the adjacent homes and the subject property will be generally in line, even though the OHWM setback is technically less on the subject lot.

3. Aspects of the request making compliance with the zoning code burdensome: The setback calculation would require the addition to be placed behind the existing first-floor wall location and also behind homes on either side. This likely would require removal of existing building and a new partial foundation or a complicated/technical engineering solution to transfer the load of the new second-floor to the foundation. Even as proposed, the principal structure and fireplace will be slightly behind the homes on either side.
4. Difficulty/hardship: See comments #1 and #3. The existing home was constructed in 1999 and purchased by the current owner in October 2010. Setback calculation requirements at the time the adjacent homes were built allowed a lesser setback to the OHWM than the subject property, which is why the neighboring homes are located forward of the home on the subject lot.
5. The proposed variance shall not create substantial detriment to adjacent property: The project results in a home placed in alignment with the homes on either side, generally where one would expect the home/fireplace to be placed. No detriment is created above or beyond what would be otherwise permissible for bulk in the TR-C2 District.
6. Characteristics of the neighborhood: The home is of a modern architectural design, which would not be out-of-place for this neighborhood. The placement of the home and fireplace is common/normal in consideration of the placement of the lakefront homes on adjacent and nearby property.

**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