

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
2332 West Lawn Avenue

Zoning: TR-C2

Owner: Asifa Bano Quraishi-Landes

Technical Information:

Applicant Lot Size: 50'w x 115'd **Minimum Lot Width:** 40'

Applicant Lot Area: 5,750 sq. ft. **Minimum Lot Area:** 4,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.043(2)

Project Description: Two-story single family home. Replace existing multi-level patio and steps at rear of home with multiple level elevated deck. Plans show support posts and beams for deck project into the required setback, deck surface has been shifted to provide a 7.5' setback.

Zoning Ordinance Requirement: 6.0'

Provided Setback: 4.5'

Requested Variance: 1.5'

Comments Relative to Standards:

1. Conditions unique to the property: The subject property drops off toward the rear, and has a basement-level attached garage accessed from the rear. The placement of the basement foundation and retaining wall requires the support post for a deck to be placed into the setback, and access to the basement garage also necessitates placement of the support post into the setback. Other homes in the area do not appear to have similar placement of access to basement level garages as this home.
2. Zoning district's purpose and intent: Rear deck outdoor spaces behind homes are commonly found in the area, and are a common amenity of single family homes.
3. Aspects of the request making compliance with the zoning code burdensome: See comment #1.
4. Difficulty/hardship: The home was constructed in 1928 and purchased by the current owner in August 2004. Placement of a compliant deck, with supports, would allow for no deck above the basement access area or would restrict access to the basement-level garage. See comment #1.

5. The proposed variance shall not create substantial detriment to adjacent property: The adjacent homes project deeper into the lot than the subject property, and also have rear decks. It does not appear as though the deck will introduce adverse impact on the neighboring structures or uses.
6. Characteristics of the neighborhood: The deck is fairly large, however, style and design of the deck is complimentary to the existing home, and is in keeping with the style of rear decks found on homes in the general area.

Other Comments:

At its July 25th 2013 meeting, the ZBA deferred the case. The following comments were provided:

- Not enough information had been provided relative to the request, and there appeared to be conflicts between the plans and what was understood to be the final project.
- Information regarding the access, side wall construction material (concrete or wood) and size of the under-building garage had not been provided.
- Concerns about necessity of the size of the deck, including the necessity of an already overly large deck needing to project into the required setback were noted.

In response, the applicant has provided the following:

- A revised plan, correctly showing the deck as it is proposed to be constructed,
- A basement floor plan, showing the location of the garage space and noting the 7.5' wide garage opening in the basement (concrete) wall,
- The revised construction plan and elevation shows the deck surface has been shifted 3' toward the center of the property (away from the side lot line) resulting in no deck surface in the required setback, with only the supporting posts and beams projecting into the required setback area.
- Additional photos of the rear view of the property.

The proposed deck support posts are placed into the basement drive/access area, but have been pushed flush against the existing retaining wall, rather than being placed atop the retaining wall, which would have put the deck structure closer to the lot line. The request appears to be the minimum necessary and an appropriate design, to support a deck on the rear of the home that projects over the garage access drive.

At its June 22nd 1995 meeting, the City of Madison Zoning Board of Appeals approved front and side yard setback variances for the construction of a 2nd story addition to the right (east) side of the subject 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.