

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
412 North Street

Zoning: TR-C4

Owner: Robert "Andy" Hanson

Technical Information:

Applicant Lot Size: 44' x 132'

Minimum Lot Width: 40'

Applicant Lot Area: 5,808 sq ft

Minimum Lot Area: 4,000 sq ft

Madison General Ordinance Section Requiring Variance:

Project Description: Single-story Single-family home. Remove existing 6'-9"d x 20'w portion of home, remodel existing building on existing foundation, install new window openings in walls, install new roof/floor system for second story addition, construct a second story addition.

Zoning Ordinance Requirement: 30' Maximum setback

Provided Setback: 78.5'

Requested Variance: **48.5'**

Comments Relative to Standards:

1. Conditions unique to the property: The lot exceeds minimum lot width and lot area requirements and is a regular (interior) lot. The lot has some slope but this condition does not appear to limit otherwise compliant structure placement options. The existing principal structure is located toward the rear of the lot in a noncompliant location, which is somewhat unique. The driveway opening is located to the left side of the home and crosses the lot to the carport at the right-rear. This placement is somewhat inefficient but can be reasonably changed.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *maximum front yard*. The regulation requires a portion of the principal structure be located at the maximum setback line. In consideration of this request, the *maximum front yard setback* is intended to establish a relative uniform pattern of development for homes in a block face relative to the front lot line and street, so homes are not placed significantly behind each other. This also ensures that homes are not placed behind adjacent homes, which can impact privacy.

The existing building placement is nonconforming and dates to when the structure was originally constructed. The placement does allow for a more private condition on this lot but not necessarily for the adjacent properties. The proposal also maintains a relative gap in the

block face for this lot. The second story expansion increases the potential adverse impact of this home on the adjacent homes at this location on the lot. All of these factors directly conflict with the intent and purpose of the zoning requirement.

3. Aspects of the request making compliance with the zoning code burdensome: The changes proposed for this home are significant, not only repairing and modifying the existing first-story but expanding the living space to a second story. The zoning code requirement does not prevent the existing structure from being rehabilitated, rather it limits the bulk expansion of the structure. The desire of the petitioner to maintain and expand upon the existing noncompliant condition primarily drives this request. Information has not been provided as to why the foundation cannot be rebuilt at a code-compliant location.
4. Difficulty/hardship: See Comments #1 and #3. The existing home was constructed in 1930 and purchased by the current owner in October 2016.
5. The proposed variance shall not create substantial detriment to adjacent property: As noted above, the project expands upon the existing noncompliant condition, which does not necessarily block the light and air on adjacent property, but does have some impact on the privacy of the neighboring property.
6. Characteristics of the neighborhood: The general area is characterized by principal structures on relatively uniform lots, of vernacular design. The placement and design of the structure is not generally in keeping with the predominate design for homes in the area. There are a few examples of homes toward the rear of lots (one block in particular was identified by the petitioner) but this is a relatively rare condition and not indicative of the normal pattern of house placement for the area.

Other Comments: In discussing the project with the Building Inspection Plan Review Staff, the construction for this project is viewed as a new home. Very little of the original home will remain as a result of this project. The following improvements will be required:

- The foundation must be insulated (from the inside is acceptable),
- The plans show all new windows and new openings, so existing windows and openings must be closed and new openings created, including headers and wall removal,
- The existing ceiling/attic structure and existing roof of the home will be removed and replaced with a new floor/ceiling system for the new second floor.
- When walls are opened up, new wall studs will be sistered in to support the existing walls and the new load of the second story.
- New mechanicals (plumbing, electric, HVAC).

About all that will remain of the existing home is the concrete for the basement and the original wall studs, wall sheathing and sill plate, first-floor joist system (if they are not deteriorated beyond re-use). The foundation does have an existing sanitary and water connection also. Moving the driveway to the side and relocating the foundation to a code-compliant location is not a significant effort considering the scope of the project being proposed. The primary motivation of the petitioner appears to be a desire to save costs associated with a new foundation located in a code-compliant location.

The law that applies to nonconforming structures would allow for reconstruction of the existing structure at its current location. No expansion would be permitted without variance approval. NO information has been provided regarding the construction of the existing walls and foundation as to whether or not they can be re-used.

This project will require Plan Commission approval for the demolition of the existing principal structure, due to the removal of the front (street facing) wall/addition and (potentially) the wall removal to accommodate new window and door openings. Detailed information regarding the condition of the existing structure has not been provided.

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. This request appears to primarily be based upon the desire of the petitioner to minimize costs by retaining the existing foundation and preserving the noncompliant building location, rather than a clear topographical hardship. The proposed construction results in a basically new house and a zoning variance would let the noncompliant condition be sustained for the next 50-100 years. 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.