

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
448 Jean Street

Zoning: TR-C3

Owner: David Panofsky & Patricia Smith

Technical Information:

Applicant Lot Size: 40' w x 74.05' d

Minimum Lot Width: 30'

Applicant Lot Area: 2,962 sq. ft.

Minimum Lot Area: 3,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.044(2)

Project Description: Two-story single family home. Modify roof structure and add dormer to make attic area habitable.

Zoning Ordinance Requirement: 4' 0"

Provided Setback: 3' 0"

Requested Variance: **1' 0"**

Comments Relative to Standards:

1. Conditions unique to the property: The lot is relatively small, slightly under the lot area minimum but greater than the lot width minimum, where the existing principal structure was built many years ago. The lot is similarly sized to other lots on Jean Street, and proves a pre-existing substandard side setback to one side (opposite driveway), which appears similar to other homes in the neighborhood. The attic cannot be finished without code-complaint stairwell and headroom, both items satisfied by the proposed construction.
2. Zoning district's purpose and intent: The zoning regulations that generally apply to this area intend to allow a single family home to be constructed to a maximum of two-stories, but to also allow the area above as habitable space when completely under roof. This regulation allows a property owner to finish the level above the 2nd floor, but retain a two-story appearance for the home, by placing the habitable area entirely under-roof. The current project maintains the appearance of the home as a two-story building and meets the bulk limitations for district within which the property is located.
3. Aspects of the request making compliance with the zoning code burdensome: The existing building placement drives this request. The proposal matches and extends the existing side wall location of the existing building. The roof modification and dormer addition will result in a home that appears common and similar to other homes found in the immediate area, and results in useable, functional, and otherwise reasonable and common spaces within the

building. Most homes in the immediate area are two-story, and an occupiable attic space above the second story appears normal.

4. Difficulty/hardship: The home was constructed in 1922 and purchased by the current owner in November 1990. See comment #1 and #3.
5. The proposed variance shall not create substantial detriment to adjacent property: This project will introduce some new vertical bulk in close proximity to a side property line on a small lot, but this does not appear to be substantial above or beyond what would otherwise be allowed by code.
6. Characteristics of the neighborhood: The single family homes found in the general area are mainly two-story, with some appearing to have finished attic space, utilizing pitched roofs and dormers. The project appears consistent with other similar single-family development found in the immediate area.

Other Comments:

At its June 13th 2013 meeting, the ZBA deferred the case. The previous project was designed with a third story. The following comments were provided:

- Testimony and information provided by the petitioner has not demonstrated satisfaction of all standards for variance approval,
- The petitioner provided comment and reasoning that were not germane to the standards of approval for a zoning variance and the particular request,
- It appeared as though a finished attic could be approved without requiring a variance for a third story, or the resulting bulk as proposed with the third-story project.

In response, the applicant has provided the following:

- A revised plan utilizing a roof pitch change and dormer addition, no longer qualifying as a third story,
- The revised plan appears to be the minimum necessary to establish a finished attic area with stairwell for access.

At its October 25th 2007 meeting, the Madison Zoning Board of Appeals approved a Useable Open Space variance and a rear yard setback variance to construct a rear porch addition with upper deck area.

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.