

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
2221 Lakeland Avenue

Zoning: TR-C2

Owner: Matthew & Nicole Booher

Technical Information:

Applicant Lot Size: 50'

Minimum Lot Width: 40'

Applicant Lot Area: 8650 sq. ft.

Minimum Lot Area: 4000 sq. ft.

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

Project Description: Two-story single family dwelling. Construct 38'w x 12'd uncovered elevated deck addition to rear (lake side) of existing two-story single family home.

Zoning Ordinance Requirement: 88.1'
Provided Setback: 77.6'
Requested Variance: 10.6' ±

Comments Relative to Standards:

1. Conditions unique to the property: The subject lot exceeds lot width and lot area minimums and has slope to the lake by the home which exposes the basement level at the rear. The result is a first-level walk-out deck that qualifies as an elevated deck. The shoreline and associated OHWM in proximity to this lot is fairly regular, however, the homes used to calculate the required setback requirement per the ordinance do not generally align, particularly the two on either side of this home. The result is a setback for this home that would place the elevated deck behind a point where the two homes on either side generally align.
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. The ordinance requires two methods to calculate the required setback:
 - a. *The average setback of the principal building on the two (2) adjoining lots, provided that the setbacks of those buildings are within twenty (20) feet of one another; or*
 - b. *The median setback of the principal building on the five (5) developed lots or three hundred (300) feet on either side (whichever is less), or thirty percent (30%) of lot depth, whichever number is greater*

In this case, the second option applies, using the median setback calculator method. This method is intended to consider the varying setback of properties in a proximate distance from the subject lot and their setback to establish a median setback. Outliers are discarded and the median setback of the qualifying properties is used. This is why the homes that are much closer or much farther away from the OHWM get discarded from the calculation.

This case is primarily about the location of the required lakefront setback on the lot and the desire of the petitioners to construct the deck. The required setback does not generally match the placement of the principal structures on directly abutting neighbors. On these lots, the setback is measured to elevated decks, which project in front of the principal structure on the subject lot. The result of the request would allow this deck to be placed generally in line with its immediate neighbors, which appears to meet the purpose and intent of the ordinance.

3. Aspects of the request making compliance with the zoning code burdensome: The required setback limits the building envelope in terms of the size of deck that could be constructed, requiring the deck to be constructed generally behind a common setback line between the two adjacent homes with decks, which would be overly burdensome.
4. Difficulty/hardship: See comments #1 and #3. The existing home was constructed in 1927 and purchased by the current owner in November 2010.
5. The proposed variance shall not create substantial detriment to adjacent property: The deck will affect the view shed of the home to the direct west, but the home to the east is forward of both the subject property and the home to the west and creates a greater view shed impact than the proposed deck. Although the proposed deck will be lake-side forward of a similar deck on the home to the west, the proposal shows a stairwell at the west side of the deck, further reducing the bulk of the deck to that side. This aspect of the project minimizes the impact of the view shed for that neighbor.
6. Characteristics of the neighborhood: The general area is characterized by a variety of architectural styles for homes, most with deck features. The design of the supporting posts, deck trusses or railing has not been shared, so it is not clear how the design relates to other similar structures in the immediate neighborhood. In general, a deck of this type would not be out-of-character for the area.

Other Comments: The proposed deck is irregularly shaped, and appears to attach to the home over the top of the existing masonry stairwell. The deck appears to cover the existing doorway at basement level access to the rear yard.

At its August 8 1961 meeting, the Madison Zoning Board of Appeals approved a variance request for third-floor/attic living space at the property.

As noted above, design details for the structure have not been included with the submission. It is not clear this is a critical matter, as the ZBA could discuss this as part of the hearing to gain details of the proposed design, and the resulting impacts of the design, when testimony is taken. The ZBA should look to get clarification on these details as part of the public hearing, and if the ZBA is comfortable proceeding without design details being submitted, staff recommends a

condition of approval requiring design review be approved by the Zoning Administrator consistent with the design discussed as part of the public hearing.

Staff Recommendation: It appears standards have been met, noting the recommended condition above, and therefore staff recommends **approval** of the variance request, subject to further testimony and new information provided during the public hearing.