

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
2013 Rusk St

Zoning: TR-V1

Owner: Angela Black

Technical Information:

Applicant Lot Size: 49' wide x 78' deep **Minimum Lot Width:** 30'

Applicant Lot Area: 3,777 sq. ft. **Minimum Lot Area:** 3,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.047 (2)

Project Description: Petitioners request a side yard setback variance for a second story addition to a single-family house over the attached garage. The variance will allow a second-story expansion to the house.

The house was originally constructed in 1908 as a place of worship; a parsonage was constructed within the first floor around 1980. It was converted into a single-family house in the 1990s. The Zoning Board of Appeals granted a side yard setback variance for an attached garage in 1996, but it appears the garage was never built. In 2010, the Zoning Board of Appeals granted the current owner a side yard setback variance for the attached garage that exists currently and that the applicants would like to build above.

In June 2025, the property owner received a variance to build a second-story addition to the existing house with a height of 24.3'. The proposed plans have since changed so that the height of the addition is 26.5'. Because the bulk in the side yard setback has changed from the previously approved variance, a new variance is required. The property owner notes in their application that the design was modified to provide snow retention and better stormwater flow from the existing house onto the addition. A green roof and solar panels could potentially also later be installed at a later date (not currently proposed).

Side Yard Setback Variance

Zoning Ordinance Requirement: 4.9'

Provided Setback: 1.0'

Requested Variance: 3.9'

Comments Relative to Standards:

1. Conditions unique to the property:

The lot exceeds minimum lot width and area requirements and is an otherwise compliant lot in the TR-V1 zoning district. The existing attached garage's projection into the side setback is a unique condition for this property. The angled rear lot line is another unique condition.

2. Zoning district's purpose and intent:

The *side yard setback* is intended to provide minimum buffering between buildings, generally resulting in space in between the building bulk constructed on lots, to mitigate potential adverse impact and to afford access to the backyard area around the side of a structure.

The proposed addition above the existing first story attached garage does not change the placement of the existing house relative to the lot lines. This side setback has existed since the side yard setback variance was granted in 2010, and it appears there has been adequate buffering and sufficient access around the house to the backyard. The subject property has an access and maintenance agreement with the neighboring property to the north, along this side of the house. The project appears to result in a condition that is consistent with the purpose and intent of the TR-V1 district.

3. Aspects of the request making compliance with the zoning code burdensome:

The location of the dwelling on the lot restricts the ability to build an addition over the first floor because it currently projects into the side setback. To comply with the zoning code, the second-story addition would have to be built with an exterior side wall that is offset from the first story, which would be difficult to construct and aesthetically unpleasing. Additionally, the required 19.5' rear yard setback and triangular rear lot line leave little room for a first-floor addition in an alternative location.

4. Difficulty/hardship:

The house was originally constructed in 1908 as a place of worship. The current owner purchased the house in 2003. Building a second-story addition that is offset from the existing house would be structurally difficult, and compliance would result in an awkward design. The rear yard setback would not allow for an addition of any significant size to the rear of the house. See comment #1 and #3 above.

5. The proposed variance shall not create substantial detriment to adjacent property:

The variance would introduce little impact above the existing bulk relationship between the building on the subject lot and the building on the adjacent lot on the side where the

side yard setback variance is being requested. It appears there will be no substantial detriment or loss of light and air at adjacent property.

6. Characteristics of the neighborhood:

The neighborhood has a mix of single family, two family, and missing middle homes, often with nonconforming side setbacks. The properties to the rear of the subject property are commercial and mixed use. With historic buildings, newer additions are encouraged not to mimic historic portions of the building but instead be of their era. The proposed second story addition seems to be in keeping with the general style and character of the 2010 attached garage addition and with the immediate neighborhood.

Other Comments:

There is an existing accessory structure and hot tub in the rear yard that do appear to have received zoning approval. Compliance with the zoning code will be determined prior to site plan approval for the proposed addition. The accessory structure and hot tub are not included in this variance request.

Staff Recommendation:

It appears the standards have been met; therefore, staff recommends **approval** of the variance request, subject to further testimony and new information provided during the public hearing.