

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
126 N. Spooner Street

**Zoning:** HIS-UH, TR-C3

**Owner:** Jeremy Foltz

**Technical Information:**

**Applicant Lot Size:** 66.8' x 60'      **Minimum Lot Width:** 30'

**Applicant Lot Area:** 4,231 square feet      **Minimum Lot Area:** 3,000 square feet

**Madison General Ordinance Section Requiring Variance:** 28.44(2)

**Project Description:** Petitioner requests a reverse corner side yard setback variance and a rear yard setback variance to construct an addition onto an existing two-story, single family house.

*Rear Yard Setback*

Zoning Ordinance Requirement: 20'

Provided Setback: 18'

Requested Variance: 2'

*Reversed Corner Side Yard Setback for House*

Zoning Ordinance Requirement: 8'

Provided Setback: 6.75'

Requested Variance: 1.25'

*Reversed Corner Side Yard Setback for Garage*

Zoning Ordinance Requirement: 10'

Provided Setback: 6.75'

Requested Variance: 3.25'

**Comments Relative to Standards:**

1. Conditions unique to the property: The lot is wider than it is deep with a triangular shape. The existing house projects into the rear yard setback, including the sunroom and attached garage which will be replaced with the proposed four-season room and attached garage addition.

The property is a reversed corner lot with a significant slope. The existing attached garage is at ground level on the front at Spooner Street but mostly below grade at the

reversed corner side yard and completely below grade at the rear. The existing attached garage is too narrow to adequately fit a car. The existing sunroom and attached garage are within the reversed corner side yard setback.

Additionally, the property is within the University Heights Historic District.

2. Zoning district's purpose and intent: The *rear yard setback* is intended to provide minimum buffering between principal buildings on lots and to align buildings within a common building envelope, common back yards, and generally resulting in space in between the building bulk and commonality of bulk constructed on lots.

As noted above, the existing principal structure projects into the rear yard setback. The projection into the setback appears to align with the building placement on the lot to the south, resulting in the structures being in a similar plane, and thus appears to provide a similar setback.

The *reversed corner side yard setback for the house* is intended to provide minimum buffering between principal buildings on lots and to better align reversed corner side setbacks with the front setback of adjacent principal buildings. Although the reversed corner side yard setbacks does not align with the front of the houses to the west, the significant slope, which falls from west to east, reduces the bulk's impact on the structures to the west.

The required *reversed corner side yard setback for the garage* is more than the setback for the house because the intention is to discourage a "snout house" development pattern with street views dominated by protruding garages. The requested variance is not contrary to the intent because the garage is almost entirely below grade on the reversed corner side, with the garage door facing Spooner Street.

This project appears to result in development consistent with the purpose and intent of the zoning code.

3. Aspects of the request making compliance with the zoning code burdensome:  
The existing house, sunroom, and attached garage are within the rear building setback. The existing house has an interior doorway between the house and the existing sunroom addition. A compliant *rear yard setback* would require the interior historic French doors to be removed. If the addition were moved forward, the front setback would not be compliant.

A compliant *reversed corner side yard setback* would not allow an attached garage of the minimum width necessary to be functional as a one-car garage. Although the four-season room above the garage could be inset to meet the reversed corner side yard setback, according to the City's Preservation Planner, it would create an awkward addition that would not be appropriate in the historic district.

The existing placement of the principal structure into the rear setback area, combined with the limited locations where an attached garage of a functional width may be placed, create challenges in locating a compliant room addition and attached garage.

4. Difficulty/hardship: The principal structure was constructed in 1923 and purchased by the current owner in 2002. See #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The proposed addition will introduce little additional impact on adjacent property.

The proposed four-season room and attached garage will have the same rear setback as the existing sunroom and attached garage that they will replace, and there has been no known negative impact to light and air to adjacent properties with their placement. Although the proposed reversed corner side yard setback is slightly less than currently provided with the existing sunroom and garage, it does not appear that it will have a negative impact on light and air.

6. Characteristics of the neighborhood: The design characteristics of the addition are in keeping with the design of the home, and the Landmarks Commission has approved the design. Attached garages built into the existing slope are a common development feature within the neighborhood. The adjacent houses to the north and to the east both have this feature.

**Other Comments:** As noted above, at its July 25, 2022 meeting, the Madison Landmarks Commission approved a Certificate of Appropriateness for the project.

**Staff Recommendation:** It appears the variance standards have been met. Therefore, staff recommends **approval** of the variance requests, subject to further testimony and new information provided during the public hearing.