

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
2806 Sommers Avenue

Zoning: TR-V1

Owner: Tracey Powers & Susan Ferguson

Technical Information:

Applicant Lot Size: 43'

Minimum Lot Width: 50'

Applicant Lot Area: 5074 sq. ft.

Minimum Lot Area: 6000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.047(2)

Project Description: Three-story three unit apartment building. Remove existing third story / attic level and reconstruct as attic with dormers. Project appears to include a major remodel of existing three-family dwelling, including a room redistribution of the two units that comprise the second and third level of the building.

Zoning Ordinance Requirement: 4.3'

Provided Setback: 3.5'

Requested Variance: 0.8'

Comments Relative to Standards:

1. Conditions unique to the property: The lot provides less lot width and lot area than required. The lot is similarly sized to other lots in the immediate neighborhood. The existing principal structure provides a pre-existing substandard side setback to one side (opposite driveway), which appears similar to other dwellings in the neighborhood. The existing structure projects into the side setbacks slightly, necessitating the variance where the roof and east-side dormers are to be constructed.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *side yard setback*. In consideration of this request, 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 also to afford access to the backyard area, around the side of a structure. The existing building placement and relationship between the existing home and the home adjacent to where the variance is being requested appears to be a long-standing condition, likely original to the development of these lots. There is adequate side yard setback on the side of the home opposite the variance (driveway side) to allow access to the rear yard, and the neighboring property to the southwest also has rear yard access due to its driveway on the west side of the home. The

project appears to result in development consistent with the purpose and intent of the TR-V1 district.

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. Designing the roof and dormers to meet the setback would introduce an unusual look and a complicated/expensive design to transfer the load of the structure to the foundation. The 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 distribution of living spaces within the building.
4. Difficulty/hardship: The home was constructed in 1926 and purchased by the current owner in October 2017. See comment #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The project is designed to add the functional space while also being sensitive to bulk, by minimizing the size of the attic alterations, including dormers. The new roof is also steeper, however it is not clear exactly how much steeper it is from the existing roof. The placement and structure height appear necessary to accommodate the living space while maintaining an attractive, complimentary look for the home. It does not appear as though the increase in bulk in the setback area will result in significant impact above/beyond what would be otherwise allowed by-right.
6. Characteristics of the neighborhood: The general area is comprised of mostly full two-story homes with what appear to be finished/occupied attic areas, reflecting similar house size to lot relationships. The proposed addition eliminates an awkward feature at the right-rear of the dwelling which results in the structure being classified as a three-story building per the Zoning Ordinance, and results in a design that is more common for homes found in the general area.

Other Comments: The third-level living area to the right-rear of the home appears to have been originally constructed in 1983.

At the site visit, staff noticed the home is in a state of deferred property maintenance and up-keeping, and is currently being renovated by the (new) property owner.

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.