

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
**5646 Lake Mendota Dr**

**Zoning:** TR-C1

**Owner:** Tanya Cunningham & Neil Robinson

**Technical Information:**

**Applicant Lot Size:** 50' x 296.21'

**Minimum Lot Width:** 50'

**Applicant Lot Area:** 14,811 sq. ft.

**Minimum Lot Area:** 6000 sq. ft.

**Madison General Ordinance Section Requiring Variance: 28.042**

**Project Description:** Three-story single-family home. The project involves modifications to the home to eliminate the third-story level and some dilapidated additions, to construct two-story additions and to change the roof type. The project also includes extensive interior remodeling. The project reduces the amount of bulk that currently exists in the setback but since some of the construction is new, a zoning variance is required. An existing three-story part of the home sits in the setback with other parts of the home out of the setback. The basement and first story are to remain in their current location, except for the removal of a dilapidated part of the first story serving as an entryway (it will be removed). The proposed second story will provide a 3.5'± side-yard setback. All other construction appears to comply with setback requirements, including lakefront setback requirements.

	<u>Side-Yard</u>
Zoning Ordinance Requirement:	7.0'
Provided Setback:	0.6'
Requested Variance:	6.4'

**Comments Relative to Standards:**

1. Conditions unique to the property: The lot meets the minimum lot width and exceeds minimum lot area. The lot is smaller/narrower than most in the area. It is somewhat unusual in that the side yard to the side where the variance is being requested is an unimproved right-of-way. The home (foundation and side walls) is placed on the lot directly adjacent to the right-of-way of Laurel Crest, which is a side lot line with a coinciding 7' side-yard setback required. Per the architect, the home is of "balloon frame" construction at the first level, where the walls are "hung" off the side walls of the building, rather than of typical platform construction, where walls sit on the floor level beneath.
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 right-of-way appears to be a long-standing condition likely original to the development of the lot. There is adequate side-yard setback on the side of the home opposite the variance (east side) and with the right-of-way of Laurel Crest to allow access to the rear yard. The project appears to result in development consistent with the purpose and intent of the TR-C1 district, lakefront development.

3. Aspects of the request making compliance with the zoning code burdensome: The existing building placement and the interior layout of rooms on the second floor drive this request. Per the applicant, most of the existing building is to be retained, if possible. The proposal matches and extends the existing side wall and foundation location of the existing building. The second-level setback takes into consideration the existing wall placement and enables a small but reasonable bedroom size (labeled “guest bedroom”) and an open lounge/flex space. The third-story portion of the building is to be removed. 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 living spaces within the building.
4. Difficulty/hardship: The home was constructed in 1925 and purchased by the current owner in August 1990. See comments #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The project will have little adverse impact on the neighboring properties. The removal of the third story could be seen as a reduction of existing adverse impact. The home does sit close to the public right-of-way of Laurel Crest, but it is doubtful the City would ever improve this as a typical city street. Rather, it is likely the area could be improved to some lesser standard to improve public access to the lake and afford the two homes with access from the court a driveway-type path.
6. Characteristics of the neighborhood: The modifications to the home will result in a home that is more in the style and design of other homes found in the general area.

**Other Comments:** The home is under orders for exterior repairs. An extension to these orders has been granted in consideration of this renovation project.

Per the applicant, the foundation and first-story side walls can be re-used and construction will try to use as much of the walls as can be re-used. However, this project likely will require a fair amount of wall removal, which may result in the construction meeting the zoning code definition of *demolition*:

*Sec 28.211 Demolition. An act or process that removes, pulls down, tears down, razes, deconstructs, or destroys an existing building wall facing a public street or, during any ten (10) year period, removes, pulls down, tears down, razes, deconstructs or destroys fifty percent (50%) or more of the area of the exterior walls of a building. This provision does not apply to the repair or replacement of windows, doors, or siding.*

The project eliminates the existing non-conforming third story of the building, and reduces the second-story bulk of the existing building by 3.5'.

The applicant will be applying for Demolition approval from the City's Plan Commission. The project will also require Conditional Use approval from the City's Plan Commission for additions to a home on a lakefront lot.

The submission does not include details relative to why the existing wall placement and foundation should be retained or why the second-level wall is placed where proposed. Staff has discussed this with the applicant and the applicant is prepared to explain this to the ZBA at the hearing for this case. The variance should only be allowed if the existing side walls and foundation in the setback are to be retained. Should a decision be made by the applicant to pursue full demolition and reconstruct the home in its entirety, construction of a home in compliance with the setbacks should be pursued. The ZBA may want to consider applying a condition to this effect.

**Staff Recommendation:** This project involves a significant amount of new construction and remodeling. The critical issue per the applicant is retaining the existing foundation and walls where they are placed currently. The ZBA should carefully consider the testimony of the applicant and the submitted plans and understand how the building is engineered to work with the retained portions of the building in the setback, in consideration of whether or not the variance should be granted. Staff believes standards can be met, therefore staff recommends **approval** of the variance request, subject to further testimony and new information provided during the public hearing.