

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
5122 Spring Court

Zoning: TR-C2

Owner: Lisa Andrews and Eric Gaumnitz

Technical Information:

Applicant Lot Size: 162' x 53' **Minimum Lot Width:** 40'

Applicant Lot Area: 11,235 sq. ft. **Minimum Lot Area:** 4,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.043 (2)

Project Description: Petitioners request a lakefront yard setback variance to construct a one-story addition onto an existing one-story single family house.

Zoning Ordinance Requirement: 46.35'

Provided Setback: 33.5'

Requested Variance: 12.85'

Comments Relative to Standards:

- 1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.**

The property is irregularly shaped with three side yards, one rear yard, and one front yard. The property effectively has two lot lines that make up the one lakefront yard. A side yard on Spring Harbor and the rear yard on Lake Mendota together make up the lakefront yard. Because there is only one harbor/inlet on the Madison lakes, only this lot and the lot across the harbor on Harbor Court have this unique setback condition.

Another unique condition is that the property does not have street frontage. Access to the street is by an ingress/egress easement. The property's front lot line is 16' wide and not on a street, but is the only lot line that can be considered a front lot line.

Lastly, the lakefront setbacks of neighboring properties on Spring Harbor are closer to the lake than the lakefront setbacks of neighboring properties on Lake Mendota as shown below. This results in a unique condition for the property in considering a lakefront setback that is consistent with neighboring properties.

Lakefront Setback	Lakefront Setback on
19'	Spring Harbor
30.9'	Spring Harbor
31.2'	Spring Harbor
32.6'	Spring Harbor
34.1'	Spring Harbor
43'	Lake Mendota
45.3'	Lake Mendota
47.7'	Lake Mendota
51.2'	Lake Mendota
62.9'	Lake Mendota

2. The variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to the public interest.

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 viewsheds and limit bulk placement that might negatively impact adjacent properties. The ordinance includes three methods to calculate the required setback for a home, as measured from the Ordinary High Water Mark (OHWM):

1. 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
2. If the subject property only abuts one developed lot, the setback of the existing principal residential structure on that abutting lot; or
3. 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

As stated in standard #1 above, the lakefront setbacks of principal buildings on Spring Harbor are closer than the lakefront setbacks of principal buildings on Lake Mendota. The adjoining property to the west's lakefront setback is 32.6', and the adjoining property to the east's lakefront setback is 62.9'. Because the difference between them is more than 20', method 1 cannot be used to determine the lakefront setback for this property.

Method 2 may be used if the property only abuts one developed lot. That is not the case with this property so method 2 is not available.

Because methods 1 and 2 cannot be used, method 3 applies. Method 3 requires us to determine the median setback of principal buildings on the five developed lots/300 feet on either side and to determine 30% of lot depth and then use whichever of the two

numbers is greater. The median setback is 38.55', and 30% of lot depth is 46.35'. Because the greater number applies, the code would require a lakefront setback of 46.35'.

The proposed addition would have a lakefront setback of 33.5'. This setback would be consistent with the lakefront setbacks of principal structures along Spring Harbor. Of the five principal structures west of the property and on the Spring Harbor side, only one structure has a larger lakefront setback with 34.1'. The addition will not impact viewsheds of principal structures with lakefront setbacks on Lake Mendota because the proposed addition will be behind the lakefront setback of the existing house. The request appears consistent with the intent and purpose of the lakefront setback requirement.

3. For an area variance, compliance with the strict letter of the ordinance would unreasonably prevent use of the property for a permitted purpose or would render compliance with the ordinance unnecessarily burdensome.

As noted above, the irregular lot shape and the varying lakefront setbacks on each side of the property result in a required lakefront setback that is larger than required for abutting neighbors on the west Spring Harbor side where the addition is to be placed. Compliance with the ordinance becomes unnecessarily burdensome when applied to this property.

Code requires that lot depth be measured from the front lot line to the rear lot line. The rear lot line is on Lake Mendota. This code requirement is not able to take into consideration that the measurement of the lot from the Spring Harbor side lot line to the opposite side lot line to the east is considerably less than the measurement of the lot from the Lake Mendota rear lot line to the opposite front lot line. Thus, the 30% of lot depth requirement does not relevantly address Spring Harbor.

The proposed building addition will face the Spring Harbor side, but the ordinance has difficulty addressing a property that effectively has two different lakefronts with two different contexts for lakefront setbacks of properties on either side. The median of lakefront setbacks of the five neighboring properties on Spring Harbor is 31.2' while the median lakefront setback on Lake Mendota is 47.7'.

4. The alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property.

The house was constructed in 1956 and purchased by the current owners in November 2016. See comments #1, #2, and #3 above.

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

The proposed addition is located on the west side of the lot and is behind the lakefront setback of the existing house. The project will have little impact to light and air for adjacent properties.

6. The proposed variance shall be compatible with the character of the immediate neighborhood.

The general development pattern on the lakefront is characterized by single family houses on varying lot sizes with various architectural designs. The proposed addition is single-story and in keeping with the architectural design of the house. The proposed addition is not out of character for the area and would be consistent with lakefront setbacks on the Spring Harbor lakefront area, which would be most affected by the variance.

Other Comments:

This project will require Plan Commission approval for an addition to a lakefront home as a *Conditional Use*. Also, the Plan Commission must approve the demolition of the street-facing wall of the building (technical demolition).

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.