

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
237 Westmorland Blvd.

Zoning: TR-C1

Owner: Eric Swenson and Marta McRae

Technical Information:

Applicant Lot Size: 91.5' w x 85.6'd

Minimum Lot Width: 50'

Applicant Lot Area: 8,049 square feet

Minimum Lot Area: 6,000 square feet

Madison General Ordinance Section Requiring Variance: 28.042(2)

Project Description: Applicants request a rear yard setback variance for an addition to a single family house.

Rear Setback

Zoning Ordinance Requirement: 25.69'

Provided Setback: 25.1'

Requested Variance: 0.59'

The subject property is a corner lot, with the front on Westmorland Blvd. and corner side yard on Hammersley Ave. The existing single family house encroaches into the rear setback. The proposed addition includes a small encroachment into the rear setback where the proposed addition meets the existing house.

Comments Relative to Standards:

- 1. Conditions unique to the property:** The property meets minimum lot width and lot area requirements for the TR-C1 zoning district. A unique condition is that almost half of the existing house is located within the rear setback.
- 2. Zoning district's purpose and intent:** The regulation requested to be varied is the *rear yard setback*. In consideration of this request, 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.

The existing principal structure projects substantially into the rear yard setback. Due to the location of the existing house, the proposed addition will not lead to the appearance of any additional bulk within the rear yard setback. The addition has a 25.1' rear setback while the existing structure has an 8.9' rear setback. An addition with a conforming rear setback would not create a more usable backyard than exists today. The project appears to result in a condition that is consistent with the purpose and intent of the TR-C2 district.

3. **Aspects of the request making compliance with the zoning code burdensome:** To build an addition in this area of the lot and comply with the zoning code, the addition would need to be inset and have a different exterior wall than the existing sunroom turned bedroom.
4. **Difficulty/hardship:** The existing house was built in 1941, and the current owners purchased the house in 2021. See comments #1 and #3 above. The request seems to be driven by the location of the existing house on the lot.
5. **The proposed variance shall not create substantial detriment to adjacent property:** The existing house is within the rear setback with no known substantial detriment or impacts to light and air to adjacent property.
6. **Characteristics of the neighborhood:** The surrounding neighborhood is primarily made up of single family houses, many of them one-story with similar architecture to the existing house and proposed addition. Several other houses on corner lots in the neighborhood appear to have also been developed with what are now nonconforming rear setbacks. The variance does not appear to be incompatible with the character of the immediate area.

Other Comments: In 2010, the Zoning Board of Appeals approved an area exception to allow a 3-seasons porch addition within the rear setback. After the area exception was approved and shortly after the building permit was issued, an HVAC permit was applied for and issued to condition the room. Contractors pulling permits to add heating and cooling to additions after zoning approvals were already granted was identified as an issue several years ago. Now, these HVAC permits are routed to Zoning for their sign-off before being issued. However, that was not the process in 2010. The 2010 addition is now used as a bedroom.

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.