

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
2122 Kendall Avenue

Zoning: HIS-UH, TR-C4

Owner: Debra Shapiro

Technical Information:

Applicant Lot Size: 60' w x 111' l

Minimum Lot Width: 40'

Applicant Lot Area: 6,600 square feet

Minimum Lot Area: 4,000 square feet

Madison General Ordinance Section Requiring Variance: 28.131(1)(d)

Project Description: Petitioner requests a rear yard setback variance for a second story addition on a two-family house.

Zoning Ordinance Requirement: 30'

Provided Setback: 29'

Requested Variance: 1'

Comments Relative to Standards:

- 1. Conditions unique to the property:** The existing location of the two-family house is a unique condition. The addition is proposed to be built over a one-story portion of the existing house, which encroaches 1' into the rear setback.
- 2. Zoning district's purpose and intent:** The regulation requested to be varied is the *rear setback*. In consideration of this request, the *rear yard setback* is intended to provide minimum buffering between 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 proposed addition above the existing dwelling does not change the placement of the dwelling relative to the lot lines. The project appears to result in a condition that is consistent with the purpose and intent of the TR-C4 district.
- 3. Aspects of the request making compliance with the zoning code burdensome:** The location of the dwelling on the lot restricts the ability to build an addition over the first floor because a portion currently projects into the setback. To comply with the zoning

code, the second-story addition would have to be built with an exterior side wall that is offset from the first story.

4. **Difficulty/hardship:** The house was constructed in 1923 and purchased by the current owner in 1999. See comment #1 and #3 above. Building an addition that is offset from the existing house would be structurally difficult and would result in an awkward design.
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 to adjacent property. It appears the addition will not have substantial impact on access to light and air.
6. **Characteristics of the neighborhood:** The neighborhood is a mix of small multi-family and single family houses, which were built at different times and in a variety of architectural styles. The subject property is within a local historic district. The City's Preservation Planner has reviewed the project and shared that staff will be recommending approval to the Landmarks Commission. The addition appears to be consistent with the character of the area.

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.