

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
425 Woodward Drive

Zoning: SR-C1

Owner: Cathy Slichter & Nicholas Auito

Technical Information:

Applicant Lot Size: 165'w x 209'd

Minimum Lot Width: 60'

Applicant Lot Area: 34,485 sq. ft.

Minimum Lot Area: 8,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.035(2)

Project Description: Modify existing detached accessory structure (garage and workshop) to construct Accessory Dwelling Unit space and expand garage space.

Zoning Ordinance Requirement: 30' 0"

Provided Setback: 24' 6"

Requested Variance: **5' 6"**

Comments Relative to Standards:

1. Conditions unique to the property: The subject property is an oversized lot, with a terraced slope toward the lake, a protected Indian mound, and a mature oak and maple woods. The lot is terraced just south the proposed location. The existing detached garage/workshop has a legal-nonconforming substandard front setback, but appears to be in salvageable condition.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *front yard setback*. Typically, the front yard setback requirement establishes building placement for a principal structure, resulting in a relatively uniform setback for structures from the street. With lakefront lots, often the garage is placed toward the street, either attached or detached, at or near the minimum front yard setback. In consideration of this request, the front yard setback is intended to provide buffering between developments; generally resulting in a space between bulk placed on lots, to mitigate potential adverse impact. This site is large, wooded, with an unimproved street. The street has many large lots, with varying setbacks for buildings along the street. There is no discernible pattern of structures in regard to front yard setback. The proposed construction will not change the existing front yard setback of the garage (8'7") and would likely not be noticeable relative to the purpose and intent of a *front yard setback*.
3. Aspects of the request making compliance with the zoning code burdensome: Noting the factors described above in comment #1, it appears as though the variance results in the least

disruption to the existing mature trees at the site, by using the existing structure placement and part of a gravel parking area as the location for the construction. To place the construction at other possible sites would likely disturb existing trees and be further limited by the terraced topography of the lot and the Indian mound.

4. Difficulty/hardship: See comment #1 and #3 above. The garage was originally constructed in 1915. The property appears to have been originally developed when in the town of Westport, by descendants of the current owner, with the property staying in the hands of different family members over the years.
5. The proposed variance shall not create substantial detriment to adjacent property: Principal structures on the adjacent properties are located 140' ± from the proposed construction, further buffered by the existing dense deciduous trees on the lot. The property directly across the street from the subject site (a vacant lot) is owned by the petitioner. The proposed construction would have little adverse impact upon future construction on that lot, above/beyond what would otherwise be permissible.
6. Characteristics of the neighborhood: For the lakefront lots, the general area is comprised of accessory buildings of varying sizes and designs, with several examples of nonconforming garages present. This would be the first ADU for the area, as the zoning code language allowing for the construction of an ADU became law upon adoption of the new zoning code in 2013.

Other Comments: An accessory dwelling unit is a Conditional Use, requiring Plan Commission approval. Also, the existing structure exceeds the maximum size allowed for an accessory building, and will require a Conditional Use approval from the Plan Commission for the proposed alterations. No application has been made to date for the Conditional Use reviews.

Per the architect, the basement area will not be constructed with a ceiling height that could allow future finishing of the space (approx 5'-6').

At its October 25th 1955 meeting, the Madison Zoning Board of Appeals approved a variance to allow for "substantial improvements" to the existing principal nonconforming structure, which would otherwise be limited to 50% of the assessed value of the structure.

At its April 30th 1992 meeting, the Madison Zoning Board of Appeals approved a variance to allow for the expansion of an existing deck and the construction of stairwells to an existing lower deck, on the lakefront side of the principal structure.

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.