

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
1436 Vilas Avenue

Zoning: TR-C3

Owner: Meredith and Jennifer Bell

Technical Information:

Applicant Lot Size: Irregular 52.5'±w x 110'±d **Minimum Lot Width:** 30'

Applicant Lot Area: 5,776 sq. ft. **Minimum Lot Area:** 3,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.044(2)

Project Description: Two-story single family home. Construct two-story addition with basement to rear of home (alley side) to accommodate: basement level garage/storage expansion; first floor remodeling, kitchen expansion, new laundry room, pantry and revised half-bath; and second floor master bedroom and bath, walk-in closet to replace one bedroom.

Zoning Ordinance Requirement:	20.0'
Provided Setback:	6.0'±
Requested Variance:	14.0'±

Comments Relative to Standards:

1. Conditions unique to the property: The lot is highly irregular and has a relatively small building envelope. The lot is located on a block adjacent to mound park, where the platted lot are oriented and arranged around the mound feature. The existing building is partial constructed into the rear setback and the configuration and arrangement of the rooms in the existing home affords the proposed addition area as about the only logical place where the addition could be built. The lot is similar in irregularity with other homes the mound circle.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *rear yard setback*. In consideration of this request, the rear yard setback is intended to provide buffering between developments, generally resulting in a space between building bulk placed on lots, to mitigate potential adverse impact. The regulation also attempts to establish a common "rear yard" area where principal structures are not constructed, more uniform in regular grid-type lots.

Because of the irregular nature of this lot, and similar to other lots the front the mound on the circle that surrounds the park, existing building placement does not always correlate with required rear yard setbacks. Most rear yard setbacks are irregular, and in some cases very shallow. There is no particular pattern along the lots on the north side of the Vilas Avenue loop that circles the park. The proposed addition appears to result in development consistent with the purpose and intent of the TR-C3 district.

3. Aspects of the request making compliance with the zoning code burdensome: The existing building placement, combined with the irregular shape of the lot and the alley access point for the garage drives this request. Because of the way required rear yards are measured on irregular lots, just about any addition would require some amount of variance.

The project results in useable, functional living spaces within the building. The size of the variance request is driven by the size of the addition being proposed, which is fairly large. The necessity for having spaces as designed has not clearly been articulated by the petitioner, and it appears as though similar amenities could be provided with an addition that was not as large or projected less into the required setback. The proposal will result in a home that is sized somewhat larger than most on the mound, but common and similar to other homes found in the immediate neighborhood, on larger lots, typically with complaint rear yard setbacks.

4. Difficulty/hardship: The home was constructed in 1919 and purchased by the current owner in June 2010. See comment #1 and #3. There is not a clear nexus between the obvious hardship on the lot and the project being requested for a variance.
5. The proposed variance shall not create substantial detriment to adjacent property: This project will introduce some new vertical bulk in close proximity to a side/rear property line on the lot, but this does not appear to be substantial above or beyond what would otherwise be allowed by code. This property is the last property on the improved portion of the alley, where the two other homes on Vilas avenue with alley frontage are built close to the alley. The neighboring principal structure to the rear is over 100 feet away, with the property on the side where the addition is to be built about 35' to the south and east of the center ridge of the existing home.
6. Characteristics of the neighborhood: The general style and character of the home is in keeping with other homes found in the area. The design of the project project appears generally consistent with other similar single-family development found in the immediate area.

Other Comments:

Most homes in the immediate area are two-story, some with attached garages accessed at the basement level, however the large size to the garage is somewhat unusual. The alley access to rear affords this garage space, and it is simply been chosen for garage programming, rather than to choose to use it for storage or finished space.

Staff Recommendation: The burden of meeting the standards is placed upon the applicant, who needs to demonstrate satisfaction of all the standards for variance approval. It is not clear that this burden has been met. It appears the project could be modified to provide a larger setback, as described above, or evidence could be provided to further substantiate the request relative to the standards for approval. Staff recommends that the Zoning Board find that the variance standards are not met and **refer** the request for more study and information, or **deny** the requested variance as submitted, subject to further testimony and new information provided during the public hearing.