

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
**1949 E. Main Street**

**Zoning:** TR-V1

**Owner:** Patricia Brown

**Technical Information:**

**Applicant Lot Size:** 100'w x 49'd    **Minimum Lot Width:** 30'

**Applicant Lot Area:** 4,900 sq. ft.    **Minimum Lot Area:** 3,000 sq. ft.

**Madison General Ordinance Section Requiring Variance:** 28.047(2)

**Project Description:** Two-story single family home. Construct three-season room atop existing rear single-story portion of building. The first-story side screen porch does not require a zoning variance.

Zoning Ordinance Requirement:    12.29'

Provided Setback:    0.4'

Requested Variance:    **11.89'**

**Comments Relative to Standards:**

1. Conditions unique to the property: The property is slightly more than twice as wide as it is deep, and has an existing house oriented from front to rear on the lot. The lot backs up to railroad property, and the two adjacent lots to either side are deeper, 18' deeper for the lot to the northeast and about 30' deeper for the lot to the southwest. This irregular pattern of lot arrangement results in an unusual setback condition on the subject lot.
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 building placement on other, deeper lots adjacent to this site, the existing building placement does not correlate with a common pattern of provided rear yard setbacks. However, the proposed addition appears to result in development consistent with the orientation of homes on adjacent lots and the purpose and intent of the TR-V1 district.

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

The project results in useable, functional and common type of living space within the building. The size of the variance request is driven by the size of the available space to logically place the three season room, directly above the first-story.

4. Difficulty/hardship: This home appears to have been moved to this location in 1952 and purchased by the current owner in May 2009. See comment #1 and #3.
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. The neighboring principal structure to the northeast is about 85' away, with the principal structure to the southwest about 50'. Directly adjacent to the southwest is a detached garage, and to the rear is the railroad property.
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 appears generally consistent with other similar single or two family properties found in the immediate area.

**Other Comments:** This property appears to have historically had a useable and occupiable space atop the rear first story, evident by the existing door to the space from the second story of the home. This feature, along with the rear addition, appears to have been originally constructed in 1965.

The petitioner has indicated a desire to acquire the portion of the rear of the property from the railroad, but has advised that a sale may not happen, and probably would not happen in a timeframe to accommodate construction of the addition this year.

The proposed construction will require a building code exception, which is being considered by the Building Code, Fire Code, Conveyance Code and Licensing Appeals Board at its July 15<sup>th</sup> 2014 meeting.

There are existing noncompliant structures to the rear of the home, on the railroad property. These appear to have been constructed by a responsible party from the subject lot, and will be required to be removed with this project.

**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