

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
2210 Fox Avenue

Zoning: TR-C2

Owner: Harlan Kuehling & Janet O'Neill

Technical Information:

Applicant Lot Size: 50' W x 143' D

Minimum Lot Width: 40'

Applicant Lot Area: 7,150 sq. ft.

Minimum Lot Area: 4,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.043(2)

Project Description: Reconstruct rear screen porch at first level atop existing deck, add gabled roof. Project encroaches into required side setback.

Zoning Ordinance Requirement: 6' 0"

Provided Setback: 5' 6"

Requested Variance: **0' 6"**

Comments Relative to Standards:

1. Conditions unique to the property: The lot exceeds minimum lot area and lot width, and width otherwise similar in size to other lots in the area. The development pattern, generally with driveway and greater setback to one side and with the home closer to other side (smaller setback on opposite side) is the common pattern for the area. The lots tend to be on the deeper side, which often results in long/deep homes in narrow lots. The general orientation of the building directs the placement of the addition to the proposed location. There is a slope from front-to-rear, resulting in basement exposure to the rear.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *side yard setback*. In consideration of this request, the *side yard setback* is intended to provide minimum buffering between buildings, generally resulting in space in between the building bulk constructed on lots, to mitigate potential adverse impact and also to afford access to the backyard area, around the side of a structure. The proposed addition appears to result in development consistent with the purpose and intent of the TR-C2 district.
3. Aspects of the request making compliance with the zoning code burdensome: See comment #1 above. The existing structure sits on a larger deck structure with supports to grade below, where about half the deck structure is open to the sky. To require a step in for the building to comply with the setback will require some unusual construction measures to transfer the weight load of the structure to the ground below, and the resulting jog introduces a look that

appears to the eye as though “a mistake” was made during construction. The alternative is to completely remove 6” of the side of the deck and associated posts and footings that are built into the foundation wall below. This would be a significant alteration to the project, increasing the complexity of construction greatly for an otherwise simple project. Also, the existing window placement at the rear of the home limits the ability to shift the porch addition toward the center of the home and maintain the otherwise reasonable width of the structure while not obstructing the window.

4. Difficulty/hardship: The home was constructed in 1927 and purchased by the current owner in December 1996. See comments #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The proposed addition maintains the status quo relative to the existing setback of the existing structure; however, the proposed addition does include a roof design more in keeping with the existing home and is therefore slightly taller (bulk increase). The request does not appear to have discernible adverse impact on the neighboring structures or uses beyond what currently exists.
6. Characteristics of the neighborhood: The general area is characterized by two-story houses of similar size on generally uniform/similar lots. Most homes appear similarly sized to the subject property and several have rear screen porches similar to the proposal. The style and design of the addition is generally in keeping with design of the home, and is typical for the area.

Other Comments: Past ZBA activity:

- At its April 27, 1965 meeting, the Madison Zoning Board of Appeals approved a variance request for the construction of a rear porch.
- At its September 14, 1976 meeting, Madison Zoning Board of Appeals approved a variance to enclose the porch for a kitchen expansion and add a deck.
- At its September 28, 2000 meeting, Madison Zoning Board of Appeals approved a variance to construct a second-story addition to the rear of the home, where the existing screen porch was shown on plans.

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.