

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
**4016 Hiawatha Drive**

**Zoning:** TR-C1

**Owner:** Brian Fick and Kristina Stadler

**Technical Information:**

**Applicant Lot Size:** 47.5' W x 131' D

**Minimum Lot Width:** 50'

**Applicant Lot Area:** 6,550 sq. ft.

**Minimum Lot Area:** 6,000 sq. ft.

**Madison General Ordinance Section Requiring Variance:** 28.042(2)

**Project Description:** Two-story single family home. Project involves:

1. Add deck surface atop existing right side 2<sup>nd</sup> level roof deck (4" height increase),
2. Reconstruct chimney at left side,
3. Reconstruct roof and increase height, part of which is located in left side yard setback.

Project also involves the removal of the existing single-story rear screen porch and construction of a two-story rear addition with balcony connected to the right side elevated deck. This part of the project does not require a zoning variance.

	(#1) <u>Right SY</u>	(#2) <u>Left SY Chimney</u>	(#3) <u>Left SY (Roof/Wall)</u>
Zoning Ordinance Requirement:	7' 0"	5' 0"	7' 0"
Provided Setback:	3' 5"	3' 5"	5' 2"
Requested Variance:	<b>1' 7"</b>	<b>1' 7"</b>	<b>1' 10"</b>

**Comments Relative to Standards:**

1. Conditions unique to the property: The lot exceeds lot area minimums, but provides less width than required and has an irregular shape. The irregular shape results in a narrow lot width as compared to the street frontage (50'). The existing building is constructed generally parallel to the side lot lines, and projects into the required side setbacks.
2. Zoning district's purpose and intent: The regulations being requested to be varied are the *side yard setbacks*. In consideration of this request, these setbacks are 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 additions slightly modify the existing bulk into the required setbacks, primarily vertically. The project, as proposed, generally appears to result in development consistent with the purpose and intent of the TR-C1 district.

3. Aspects of the request making compliance with the zoning code burdensome:

The chimney placement and the alteration of the roof and side wall to accommodate the change to the roof are clearly impacted by the existing building placement in proximity to the side lot lines. The placement of the existing building, and what would be an otherwise unreasonable requirement to shift the building walls to comply with the setbacks, is the primary basis for the roof/side wall change and chimney change requests. Also, regarding the roof modifications, the building code requirement for an insulation “energy heel” height increase at the roof explains partly why an increase in the roof height is necessary on the left side.

The second-level roof deck could be modified to provide no bulk change in the setback area, but that would establish an uneven floor level (a step) which would be an unusual/odd arrangement. Typically these decks are built at a single level. As an alternative, the deck could be stepped in to meet the setback, but that is not common for the area, as it is typical to find roof decks placed at the side wall or eave/overhang.

4. Difficulty/hardship: See comment #1 and #3.

5. The proposed variance shall not create substantial detriment to adjacent property: It appears as though the variances will introduce little detriment on the neighboring property, above or beyond what would be otherwise allowed. Particularly related to the 2<sup>nd</sup> level deck request: this area could be occupied without any change and not necessitating a zoning variance, but would require a code-minimum guardrail be installed. The increase in height to the floor area raises the height of the deck surface about 4” to protect the roof membrane, a common construction practice, and thus resulting in a zoning variance. The two-story rear addition is stepped-in beyond the minimum setback, in consideration of the setback requirement.

6. Characteristics of the neighborhood: The general area is characterized by homes of varying architectural styles on lots of varying sizes. The proposed bulk and design would not be considered uncommon.

**Other Comments:** This item was referred from the 8/27/15 ZBA meeting, with the following general concerns:

- Concerns about the opacity and height of the railing on the 2<sup>nd</sup> level deck, and how it could detrimentally affect the neighboring property,
- Difficulty and hardship explanations were not pointed out for the variances,
- The thickened siding and roof line for the proposed water management was one of many alternatives, and there were other water management systems they could implement that did not require a zoning variance.

In response, the petitioner has proposed the following changes:

- The project has been significantly redesigned to eliminate the architectural enhancement-based variance request at the second story left side, front and rear,
- The 2<sup>nd</sup> level railing design is now varied between solid and open, and appears to be about 42”.
- The deck area has been expanded toward the front of the home.

The remaining issue noted by the ZBA relates to the guard rail at the 2<sup>nd</sup> level deck with the deck surface that is proposed to be raised about 4". The guardrail system is proposed as partial solid/partial open, to mitigate its impact on the neighbor while also providing some privacy/screening on the deck. Building code requires a 36" tall guardrail, with no maximum limit because this is not a required second exit. The opacity of the guardrail, particularly one with a solid design, is not prohibited. The ZBA should consider the bulk of this railing design with the request, and if the ZBA determines the guardrail introduces adverse bulk condition, they could apply conditions on the design of the guardrail to further mitigate any adverse impact it creates.

In the submitted materials, the petitioner is intending to purchase land from the neighbor to the rear, to shift the place where the rear setback is measured further back on the property. Although this type of land transfer is legal, it can create future conflicts if the land transfer results in an irregular lot shape, resulting in an unusual and hard to delineate rear property line. With this land transfer, the rear two-story addition does not require a zoning variance.

**Staff Recommendation:**

It appears standards have been met. Noting the suggestion for discussion regarding the guardrail above, staff otherwise recommends **approval** of the variance request, subject to further testimony and new information provided during the public hearing.