

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
831 S. Brooks Street

Zoning: TR-C3 (currently TR-V1)

Owner: Jacob Klein

Technical Information:

Applicant Lot Size: 45' w x 132' d **Minimum Lot Width:** 30'

Applicant Lot Area: 5,940 sq. ft. **Minimum Lot Area:** 3,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.44(2)

Project Description: As part of a partial redevelopment the block, the petitioner will be re-platting and rezoning the majority of the block, to accommodate the construction of a 103 unit mixed-use building and the preservation of five single family homes. Three of the homes will be relocated onto re-platted lots and the subject property will remain in its current location, along with the neighboring home to the south (on the side where the variance is being requested).

Re-platting proposes to widen the subject lot by 5', resulting in it being the largest of the single-family lots in the re-plat. The remaining single family lots are proposed for a lot width of about 40'. The existing sunroom and wood deck on the home extends across the existing lot line. The sunroom appears to be an original porch for the home, which was enclosed at some point in time, likely many years ago. The proposed new lot line location maintains a complaint side yard setback for the neighboring property to the south, but provides a 2' setback for the subject property. Because this is a new subdivision plat, a nonconforming side yard setback cannot be created as a result of the re-platting. A variance is necessary for the lots to be re-platted with the side lot line placed at a substandard setback. The subdivision re-plat can only be approved if a variance is approved or the sunroom (and deck) is removed.

Zoning Ordinance Requirement:	5' 0"
Provided Setback:	2' 2"
Requested Variance:	2' 10"

Comments Relative to Standards:

1. Conditions unique to the property: The affected lot and its neighboring lot on the side of the property have an existing encroachment problem, which would be resolved with the variance.
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 existing building placement and relationship between the existing home and the home adjacent to where the variance is being requested (an 8.3' separation between buildings) appears to be a long-standing condition, likely original to the development of these lots, and is not proposed to be changed. There is adequate side yard setback on the side of the home opposite the variance to allow access to the rear yard, and the neighboring property to the south also has rear yard access due to its corner lot status. The final platting and pattern of development 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: Compliance would require removal or significant alteration to the sun porch, rendering it less functional and usable and detracting from the value of the home.
4. Difficulty/hardship: See comments #1 and #3. The exiting home and porch was constructed in 1920, and the petitioner intends to either rent or sell the homes upon completion of the broader redevelopment project.
5. The proposed variance shall not create substantial detriment to adjacent property: The variance would not introduce any impact above or beyond the existing bulk relationship between home on the subject lot and the home on the adjacent lot.
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 front, side, or rear porches similar to the proposal. The subject property is similar in size, scale, and design with other similar homes found in the general area.

Other Comments: The existing at-grade deck does not require any minimum side yard setback, so no variance is necessary for that 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.