

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
5209 Harbor Ct

Zoning: TR-C2

Owner: Jon Grefsheim

Technical Information:

Applicant Lot Size: irregular, 85'± frontage on Harbor Ct. **Minimum Lot Width: 40'**
Applicant Lot Area: 7257 sq. ft. **Minimum Lot Area: 4000 sq. ft.**

Madison General Ordinance Section Requiring Variance: 28.043(2)

Project Description: Requests a front-yard setback variance to construct a two-story single-family dwelling.

Zoning Ordinance Requirement: 10' (front yard setback average minimum)

Provided Setback: 5.1'

Requested Variance: 4.9'

Comments Relative to Standards:

1. Conditions unique to the property: The lot is irregular in shape that narrows from west-to-east. The property also has a lakefront setback, which results in an irregular and shallow building envelope on the lot due to the setback requirement, relative to other lots in the immediate area. The property is located on a 40' right-of-way with no sidewalk and a very narrow terrace area. The common setback of most of the homes on the block face is less than required.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *front yard setback*. In consideration of this request, the front yard setback is intended to provide buffering between developments and the adjacent streets/sidewalks, resulting in a relatively uniform orientation of buildings to the street. The zoning code allows setback averaging to reduce the required setback area, where homes on the block face have less front yard setback than required. The setback average tool is designed to generally align homes on a block face, but does not allow for a setback less than 10'. In the case of the subject property, setback averaging does not allow enough of a reduction to align the homes on the block face, resulting in a greater setback requirement for the new home.

In regard to the public interest, the driveway vision triangle requirements are not met with the proposed attached garage placement (this is not a zoning requirement). The Traffic Engineer has reviewed this request and determined the design provides adequate vision clearance and

has granted an exception to the driveway vision clearance requirements. Further, it appears the placement of the house at the requested setback will not interfere with public interest.

The project results in useable, functional and common design for a typical new home in the area. The proposed home generally appears to result in development consistent with the orientation and placement of homes on lots in the block face and the purpose and intent of the TR-C2 district.

3. Aspects of the request making compliance with the zoning code burdensome: The required front setback places the building further behind the building placement of other homes on the block face. The shape of the lot and lakefront setback also results in a shallow building envelope to place the new home.
4. Difficulty/hardship: See comments #1 and #3. The existing home was constructed in 1925 and appears to have not changed ownership since 1976.
5. The proposed variance shall not create substantial detriment to adjacent property: The project with the setback variance will introduce little change on adjacent properties from the existing condition or what would be otherwise permissible.
6. Characteristics of the neighborhood: The general area is comprised of homes with varying bulk and structure size, but with similar lot size to the subject property. Most new home construction in the general area involves the demolition of smaller homes/cottages followed up with construction of new, larger homes. The proposed setbacks appear generally consistent with what one would expect to see at homes found in the general area. The design of the home appears consistent with the area.

Other Comments: The new home includes a front porch/entry feature which projects into the setback but does not require a zoning variance.

At its July 22, 2010 meeting, the Madison Zoning Board of Appeals approved a front yard setback variance for a similar new single-family home project, which did not proceed at that time.

This project will require Plan Commission approval for the new lakefront home and boathouse, as a *Conditional Use*. Also, the Plan Commission must approve the demolition of the existing principal 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.