

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
4102 VEITH AVE

**Zoning: SR-C2**

**Owner: Jodi & Ramzi Shehadi**

**Technical Information:**

**Applicant Lot Size:** 120'

**Minimum Lot Width:** 50'

**Applicant Lot Area:** 31,926 sq ft

**Minimum Lot Area:** 6000 sq ft

**Madison General Ordinance Section Requiring Variance:** 28.138(4)(a)3.

**Project Description:** Two-story single-family home. Remove existing home and deck above foundation, reconstruct new two-story home atop existing foundation, and slightly expand elevated deck. Relocate screen porch from north side of home to the south side of home.

Zoning Ordinance Requirement: 203.1'

Provided Setback: 127.0'

Requested Variance: 76.1'

**Comments Relative to Standards:**

1. Conditions unique to the property: The subject lot exceeds lot width and lot area minimums. The development site is comprised of two platted lots, used as a single zoning lot when the home was built. The shoreline and associated OHWM for this lot is highly irregular across the width of the lot, resulting in an irregular setback line on the lot. When the lakefront setback requirements are applied to the lot, the required setback nearly overlaps the minimum front yard setback, resulting in very little buildable area on this lot.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *lakefront yard setback*. In consideration of this request, the *lakefront yard setback* is intended to establish general uniformity for the setback for abutting properties on the lake and to preserve view sheds and limit bulk placement that might negatively impact adjacent properties. The ordinance requires the following method to calculate the required setback:
  - *The median setback of the principal building on the five (5) developed lots or three hundred (300) feet on either side (whichever is less), or thirty percent (30%) of lot depth, whichever number is greater*

This method is intended to consider the varying setback of principal structures on lots as measured from the OHWM, to establish a median setback. Outliers are discarded and the median setback of the qualifying property is used. In theory, a relatively uniform shoreline exists, and homes that are closer or much farther away from the OHWM get discarded from

the calculation, resulting in a setback for homes which are generally aligned parallel to the OHWM. For this portion of Veith Avenue, the provided setback of qualifying lots and structures varies significantly and the shoreline is highly irregular for the lots on this street. Also, the subject lot is significantly shallower in depth than the neighboring lots used to calculate the setback requirement. The result is a setback that nearly consumes the entire buildable area behind the front setback and would require the home be placed behind the neighboring properties to the north.

This case is primarily about the location of the required lakefront setback on the lot, and the desire of the petitioners to reconstruct the home on the existing foundation. Although not meeting the required setback, the existing house foundation generally matches the placement of the principal structures on developed properties to the north. On these lots, the setback is measured to elevated decks or porch-like features. The result of the request would allow this home to generally align with its immediate neighbors, which is consistent with the purpose and intent of the lakefront zoning ordinance.

3. Aspects of the request making compliance with the zoning code burdensome: as noted above, the required setback nearly eliminates the building envelope on this lot, even though the homes appear generally aligned when viewed from the aerial photo. The existing foundation is in place and is viable. Removal and reconstruction of a new foundation at some greater setback would be a significant burden, for little gain in terms of the intent and purpose of the lakefront yard setback. Construction upon the existing foundation appears to be reasonable.
4. Difficulty/hardship: See comments #1 and #3. The existing home was constructed in 1994 and purchased by the current owner in December 2017. Setback calculation requirements at the time the adjacent homes were built allowed for a lesser setback to the OHWM than the subject property, which is why homes to the south are located forward of the home on the subject lot.
5. The proposed variance shall not create substantial detriment to adjacent property: The land to the south is Government property (Mendota Metal Health) and the directly abutting property to the north is a public lake access, approximately 30' in width. The closest neighboring home sits approximately 80' to the north of the home on the subject lot. The home provides ample side setback to these properties. There does not appear to be any detriment introduced with this project.
6. Characteristics of the neighborhood: The general area is characterized by a variety of architectural styles for homes. The proposal will result in a significant departure from the architecture of the existing structure, but the proposed design is not out-of-character for the area.

**Other Comments:** The existing home sat vacant for about ten years, unheated, resulting in deterioration of the condition and some failure and removal of interior features, such as plumbing. Although the exterior of the structure appears to be in good shape, the interior is in poor condition.

The submitted plans show a slightly expanded elevated deck. In addition to relocating the screen porch to the south side of the home, the deck is “squared” at the corners and appears to be a few inches deeper from the wall of the home, but generally retains the location of the steps to grade.

The project will require a redesign of the driveway area, primarily to accommodate the maximum 22’ width at the property line, but to also allow for access to the newly-designed front-loading attached garage. No variance has been requested for exception to the driveway design requirements of the Zoning Ordinance.

At its November 4<sup>th</sup> 1993 meeting, the Madison Zoning Board of Appeals approved zoning variances for the construction of the existing home. The variances allowed for the reconstruction of a home that was destroyed by fire in 1992.

This project will require *Demolition* approval and *Conditional Use* approval from the City’s Plan Commission. Those hearings are scheduled for April 23, 2018.

**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.