

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
3210 Cross Street

Zoning: TR-C3

Owner: Beth Wortzel and Jim Powell

Technical Information:

Applicant Lot Size: 40' (Western) x 120' (Cross)

Minimum Lot Width: 30'

Applicant Lot Area: 4,800 sq. ft.

Minimum Lot Area: 3,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.044(2)

Project Description: Petitioner proposes to construct 1-story living room addition onto the front of the existing two-story single-family dwelling.

Zoning Ordinance Requirement: 15'-0"

Provided Setback: 11'-3"

Requested Variance: 3'-9"

Comments Relative to Standards:

1. Conditions unique to the property: The subject lot exceeds lot width and area minimums, and is an otherwise compliant lot. The home on the lot orients to the side street (Cross Street) with the current occupants using the Western frontage as a side yard area.
2. Zoning district's purpose and intent: The regulation 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.

Homes on Western Ave. have Western as a front yard and are generally aligned, at about a 20' setback. Per the applicant, the area where the addition is used is used as a *side yard*. This is likely because the entrance to the home is from Cross Street, not Western. This area is a front yard setback area for this lot, part of the common development pattern with the homes on Western Ave. To allow the addition to project into the setback furthers the disruption of the common setback for the block. The project does not appear 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: The placement of the home on the lot, particularly the side entrance, combined with the placement of the detached garage near the home results in little area for an addition to be constructed. A portion of the side yard area towards Cross Street is available and could accommodate an equal to or larger expansion of the living room, but the existing entrance placement causes

problems. An addition in this area could connect oddly to the interior spaces of home, in the kitchen or dining room area. It might be possible to move the entrance to the front of the home, but that alternative does not appear to have been investigated. The proposed location is the only remaining place where an addition could be constructed if the entrance were not moved. The depth of the addition appears to be based upon the depth of the existing deck. It is not clear that justification for the size (and the variance) has been provided.

4. Difficulty/hardship: The home was constructed in 1929 and purchased by the current owner in October 1986. See comment #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: As noted in Standard #2, Projecting into the front setback will affect the streetscape of the block (Western). It does not appear as though the addition will affect light and air on adjacent property.
6. Characteristics of the neighborhood: The general area is comprised of similarly sized homes on similar sized lots or smaller lots. Typically front doors are at the front of the structure, not the side. The design and materials of the addition appear consistent and complimentary to the home and general area.

Other Comments: The existing home as an at-grade deck (within 36” of the grade below) that projects into the front yard setback area. At-grade decks open to the sky are allowed by right in the front, side or rear yard setback areas.

This project involves the demolition of an exterior wall, with the addition functioning as an expansion of the living room. The submitted floor plan shows the living room is not very large, but it is not unusably small either. The ordinance would allow a 5’-3” deep addition without requiring a zoning variance. The request for a 9’ deep addition appears to be the personal preference of the petitioner. Further information or justification for the projection into the setback has not been provided.

Photos from the site visit show shrubbery placed at the intersection corner, near where the addition is proposed. This shrubbery does not comply with intersection vision clearance requirements. The Traffic Engineer has indicated trimming or removal will likely be required between 30” above-grade and 10 feet above grade, resulting the addition being visibly open to the corner. The proposed addition does not project into the intersection vision clearance area.

Staff Recommendation: The burden of meeting the standards is placed upon the petitioner, who needs to demonstrate satisfaction of all the standards for variance approval. It is not clear that all standards have been met. There appear to be options which could net an increase to the living room area and also compliance with the ordinance.

Staff recommends that the Zoning Board find that the variance standards are not met and **refer** the case for more information relative to the standards of approval or **deny** the requested variance as submitted, subject to further testimony and new information provided during the public hearing.