

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
18 Chippewa Court

Zoning: TR-C1

Owner: David R. Friedman and Pamela R. Robbins

Technical Information:

Applicant Lot Size: 51' frontage on Chippewa

Minimum Lot Width: 50'

Applicant Lot Area: 10,388 sq. ft.

Minimum Lot Area: 6,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.042(2)

Project Description: Petitioners request a side yard setback variance to construct a second-story addition onto an existing single-story single family dwelling. The addition adds a bonus room and half-bath to the existing three bedroom / two bath dwelling.

Zoning Ordinance Requirement: 7.0'

Provided Setback: 3.1'

Requested Variance: **3.9'**

Comments Relative to Standards:

1. Conditions unique to the property: The lot exceeds minimum lot area and lot width requirements, and is otherwise a code-compliant lot. The lot is irregular in shape, and the lot slopes up and widens from front to rear. The existing principal structure projects into the side and rear yard setbacks areas. The structure is askew to the side lot line, and an angular portion of the existing attached garage projects into the right side yard setback. The balance of the existing structure meets or exceeds the minimum side yard setback requirement.
2. Zoning district's purpose and intent: The regulation requested to be varied is the *side yard setback*. In consideration of this request, the *side yard setback* is intended to provide buffering between developments and establishing common development patterns on lots, to mitigate potential impact on adjacent lots.

The existing building placement and relationship between the existing home and the adjacent side lot line where the variance is being requested appears to be a long-standing condition, original to the development of the lots. There is adequate side yard setback on the side of the home opposite the variance to allow access to the rear yard. The project 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 existing building placement and limitations for construction on the lot due to setback requirements drives this request. The proposed addition matches the existing wall and foundation locations of the existing building, and uses a stacked stair for access, atop an existing stair to the basement. Designing the addition to meet the setback would introduce an unusual look and a complicated/expensive design to transfer the load of the structure to the foundation. An addition to the rear is not practical because of rear yard setback requirement, and could have a greater impact on the privacy of the neighboring property. The addition will result in a useable, functional and otherwise reasonable and common living space within the building.
4. Difficulty/hardship: The home was constructed in 1962 and purchased by the current owner in July 1977. See comment #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: As noted above, the proposed addition sits atop the existing garage, maintaining the existing setback. The roofline of the project utilizes a front-to-rear gable, which minimizes the bulk of the structure in the setback. Adding bulk in the setback could have some impact on the neighboring property, however, the impact is not more significant beyond what could be constructed by-right.
6. Characteristics of the neighborhood: The general area is characterized by similar sized single and two-story homes on similar lot arrangements. The design appears somewhat awkward, with the two-story addition placed at one side of the home, however, there are examples of one-story buildings with 2-story portions to one site/end, most notably the adjacent property to the west. There are other varying examples of 2-story buildings and buildings with 2-story exposure to the street/front in the general area.

Other Comments: The close proximity to the side lot line and the existing condition where the most affected neighbor's lot could affect privacy for that neighbor. The ZBA could explore requiring transom-style high-wall windows on side of the building facing the neighbor to the east, to maintain some level of privacy for the neighbor while also allowing light and air into the new addition.

Staff Recommendation: It appears standards have been met, therefore staff recommends **approval** of the variance requests, subject to further testimony and new information provided during the public hearing.