

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
226 Dunning St.

Zoning: TR-V1

Owner: Henry and Martha Detering

Technical Information:

Applicant Lot Size: 40'w x 120'd **Minimum Lot Width:** 30'

Applicant Lot Area: 4,800 sq. ft. **Minimum Lot Area:** 3,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.131(e)(3)

Project Description: Petitioner requests a side lot line accessory building placement variance to construct a 16' x 22' detached garage. Proposed garage replaces an existing 10'-3"w x 20'-3"d dilapidated garage.

Zoning Ordinance Requirement: 3'-0"

Provided Setback: 1'-5"

Requested Variance: 1'-7"

Comments Relative to Standards:

1. Conditions unique to the property: The subject property exceeds minimum lot width and lot area requirements and is otherwise a code-complaint regular lot. The lot contains an existing specimen tree that has established growth in close proximity to the existing driveway and garage, and this placement affects driveway/access to a garage.
2. Zoning district's purpose and intent: The regulations being requested to be varied are the *Lot line setback* requirement. In consideration of this request, the *lot line setback* for detached accessory structures requirement is intended to provide minimum buffering between buildings on a lot, generally located behind the principal structure on a lot. The proposed placement improves the existing condition by providing more setback than what currently exists, but does leave little room for maintenance of the structure (see recommended condition below). A replacement detached garage with the proposed side setback appears to result in development consistent with the purpose and intent of the TR-V1 district.
3. Aspects of the request making compliance with the zoning code burdensome: The provision of a "1-plus" sized garage for the storage of vehicles and property is reasonable/common for a residential property. The existing established specimen tree and

driveway placement makes access to a garage by a vehicle challenging due to the limited maneuvering area for a vehicle to access the garage, with both forward and backwards vehicle movements, if the 3' minimum setback were provided. The code-complaint alternative would require removal of the tree and redesign for the driveway.

4. Difficulty/hardship: The subject property is a non-owner-occupied single-family dwelling which was originally constructed in 1916 and purchased by the current owner in February 2021. See comment #1 and #3 above
5. The proposed variance shall not create substantial detriment to adjacent property: The structure will have little impact or detriment on adjacent property. The adjacent property to the side where the variance is being requested is owned and the place of residence of the petitioner. No information has been provided as to how drainage off the roof will be managed.
6. Characteristics of the neighborhood: The general area is characterized by homes of similar size, most on larger lots than the subject lot, with single or two-car detached garages as a common amenity.

Other Comments: As noted in standard #4 above, no information has been provided as to how drainage would be managed for this garage. The proposal shows an overhang which would allow for one inch to install a gutter. It appears as though water would shed off the roof and fall onto the property line. If a gutter were installed, it would project over the lot line, which is not permissible. Options to resolve this problem can include proving a greater setback for the garage (less variance) or a narrowing the overhang to one foot, which would allow space for a 5" gutter.

The proposed garage provides a very small setback to the property lines. The placement leaves little room for maintenance of the structure. In situations where less than a 2' setback is being requested which would result in challenges in maintaining the structure, the ZBA normally requires the following condition of approval: *the petitioner must secure and record a maintenance agreement between the subject property and the properties to the north and west.*

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.