

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
5050 Lake Mendota Dr.

**Zoning:** TR-C1

**Owner:** Kendall and Jessica Harrison

**Technical Information:**

**Applicant Lot Size:** 50.36' x 275'    **Minimum Lot Width:** 50'

**Applicant Lot Area:** 10,082 sq. ft.    **Minimum Lot Area:** 6,000 sq. ft.

**Madison General Ordinance Section Requiring Variance:** 28.042(2)

**Project Description:** Applicants request a front yard setback variance to modify an existing detached garage for a single-family house.

A variance for a detached 20' x 26' garage with a 4' setback was conditionally approved in 1996. The proposed detached garage at the variance hearing had a hip roof; however, a detached garage with a gable roof was ultimately built. The proposal is to modify the roofline of the existing detached garage to match similar proposed architectural changes to the existing single-family house. Variances are specific to the approved structures so changes like the proposed that modify the bulk of a structure that have received a variance require a new variance.

While the peak of the new roof would be no taller than the peak of the existing detached garage, due to the difference in how height is measured in the zoning code, the new roof would measure as slightly taller than the existing roof. For a flat roof like the proposed shed roof, the height is measured at the highest point of the roof as described in the below code section:

For accessory buildings and structures, height is measured from the average elevation of the approved grade at the front of the building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the midpoint of the ridge of a gable, hip, or gambrel roof. The average height shall be calculated by using the highest ridge and its attendant eave. The eave point used shall be where the roof line crosses the side wall. (MGO 28.134 (1)(a))

**Front Yard Setback**

Zoning Ordinance Requirement: 20'

Provided Setback: 1.1'

Requested Variance: 18.9'

### **Comments Relative to Standards:**

1. **Conditions unique to the property:** The existing detached garage's location on the property is a unique condition. Because the garage is located within the front setback and received a variance, changes to its bulk at its current location require a variance.

The property abuts Lake Mendota. Although the zoning code defines the street frontage lot line as the front lot line, lakefront properties and properties with views of the lake often have two lot lines that function like a front yard, the lakefront lot line and the street lot line. A unique condition for this property is that the existing single-family house is primarily oriented towards the lakefront rather than the street.

2. **Zoning district's purpose and intent:** The front yard setback is intended to provide buffering between buildings and adjacent streets and sidewalks and to create a relatively uniform orientation of buildings to the street. It is common for lakefront properties in the surrounding neighborhood to have detached garages located within the front setback. The two properties immediately to the west and the two properties immediately to the east of the subject property all have detached garages located within the front setback. The proposed variance to modify the existing garage located within the front setback appears to meet the zoning district's purpose and intent.

3. **Aspects of the request making compliance with the zoning code burdensome:** The location of the existing garage within the front setback makes compliance with the zoning code burdensome because changes to its bulk require a variance. Modification of the roofline of the existing garage would change the bulk but not substantially. The variance would allow a reasonable modification to accommodate a primarily aesthetic change to the garage.

4. **Difficulty/hardship:** The existing house was originally constructed in 1995. The detached garage received a variance in 1996 and was constructed not long after. The current owners purchased the property in 2020. The difficulty or hardship is created by the location of the existing detached garage and the desire to modify it in its existing location. Also, see comments under standards #1 and #3 above.

5. **The proposed variance shall not create substantial detriment to adjacent property:** The existing detached garage is within the front yard setback with no known substantial detriment to light and air for adjacent properties. While there would be some change to the location of bulk, no substantial detriment to adjacent property is anticipated.

6. **Characteristics of the neighborhood:** Detached garages in front of principal structures are common for lakefront properties in the neighborhood. Many of these detached garages are located within the front setback. The modifications to the roofline would be

in keeping with the proposed architectural changes to the house. It appears that the proposed variance would not be incompatible with the character of the immediate neighborhood.

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