

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
134 Talmadge Street

Zoning: TR-V1

Owner: Jorge Benavides Cabrera

Technical Information:

Applicant Lot Size: 40' x 80'

Minimum Lot Width: 30'

Applicant Lot Area: 3,200 sq. ft.

Minimum Lot Area: 3,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.131(e)(5)

Project Description: Requests an accessory structure setback variance to construct a new detached garage and shed.

Zoning Ordinance Requirement: 20'*

Provided Setback: 17'

Requested Variance: 3'

*Placement requirement: In the rear yard setback of a reversed corner lot, no closer to the street side lot line than the front yard setback of the adjacent property (*in this case 20 feet*), for the first twenty-five (25) feet from the common property line. Beyond this distance, the minimum setback shall be equal to the setback required for a principal building in the district (*in this case 12 feet*).

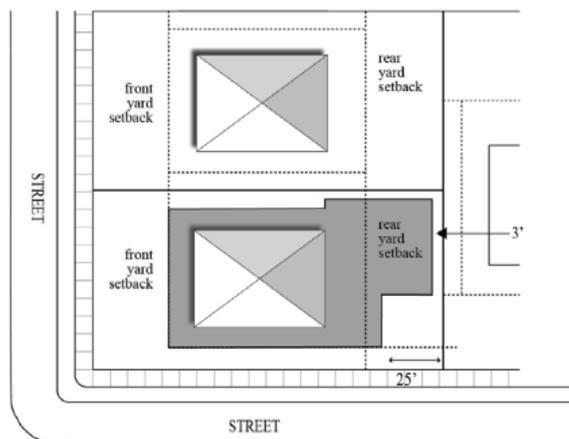


Figure 13: Accessory Building Placement for Reverse Corner Lots. Accessory buildings may be located in shaded areas.

Comments Relative to Standards:

1. Conditions unique to the property: The lot exceeds minimum lot area and width requirements, and is a reverse-corner lot. The lot is part of three development sites which were split from two originally platted lots at the time of original development, resulting in a shallow lot depth for all three lots and the reverse-corner condition applying to the subject lot. (NOTE: the 80' lot depth is substandard per MGO 16, the Subdivision Ordinance).
2. Zoning district's purpose and intent: The regulations being requested to be varied is the *accessory building placement requirement on reverse-corner lots*. In consideration of this request, this restriction is intended to ensure that a detached accessory structure does not get placed in front of the adjacent home, for the first 25' of the rear yard area and building envelope of the subject lot, or, at a minimum, will be placed at the minimum front setback required for the home to the rear, if the home is placed behind the minimum front setback.

The minimum front setback for this district is 20'. The home to the rear, the home which the reverse-corner setback is intended to protect, provides an 11'-6" front yard setback. The proposed placement of the detached garage with a 17' front yard setback, placed about 38' from the home to the rear (west) would have little impact on the neighboring home.

3. Aspects of the request making compliance with the zoning code burdensome: The lot being a reverse-corner lot, 40' wide, and the 3' minimum setback to a property line (north lot line) makes placement of a detached garage of a functional depth challenging. The only area available for placement of a detached garage is the area to the west of the home, and much of this area is impacted by the reverse-corner accessory building placement regulation. The existing principal structure on the adjacent lot is placed forward of the required 20' setback by 8.5' but the zoning ordinance does not allow for any reduction in the accessory placement restriction in this case. The only option would be a less-deep detached garage, with a depth of 17' instead of 20'. The function of this garage would be diminished because interior dimensions would limit or prohibit the parking of a vehicle inside. An angled or side-loaded detached garage and associated driveway would consume required Usable Open Space.
4. Difficulty/hardship: The home was constructed in 1927 and purchased by the current owner in September, 2019. See comments #1, #2 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: As noted above, the home that is being "protected" by the garage placement requirement is actually forward of the setback requirement by 8.5'. The variance would not introduce impact above or beyond what would otherwise be permitted.
6. Characteristics of the neighborhood: The general area is characterized by homes with detached garages, similar to the request. The proposed structure is in keeping with the design of similar structures in the area. It is somewhat unusual to have an attached shed, and this structure does not improve the design, but this structure is fairly common (as a detached/separate structure).

Other Comments: The petitioner requests to place the shed 6' from the existing home, to preserve light and air into existing windows at the rear of the home and to accommodate an air conditioning compressor. The zoning ordinance requires a minimum 3' separation between the home and the proposed detached garage/shed. Thus placement also allows the use of the existing curb-cut from LaFollette Avenue, to maintain the existing access drive to the new garage.

The shed exists at the site currently, and was placed by a previous owner without obtaining the necessary permit and Zoning approval. The petitioner desired to keep the shed, and due to the placement being less than 3' from the proposed garage structure, the garage and shed structure are treated as "attached" from a zoning ordinance perspective.

The subject property previously had a detached garage, which was razed in 1975.

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.