

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
5158 Spring Court

**Zoning:** TR-C2

**Owner:** Alexander Stoick

**Technical Information:**

**Applicant Lot Size:** 35' x 158'

**Minimum Lot Width:** 40'

**Applicant Lot Area:** 5,530 square feet

**Minimum Lot Area:** 4,000 square feet

**Madison General Ordinance Section Requiring Variance:** 28.043(2)

**Project Description:** Petitioner requests a front yard setback variance to construct a detached garage for a single family dwelling. The existing 20' w x 18' d detached garage will be demolished and replaced with the proposed 22' x 22' garage.

Zoning Ordinance Requirement: 20'

Provided Setback: 12.5'

Requested Variance: 7.5'

**Comments Relative to Standards:**

1. Conditions unique to the property: The property's location on a harbor to Lake Mendota is a condition that is unique to the property. Although the zoning code defines the street frontage lot line as the front lot line, lakefront properties often have two lot lines that function like a front yard, the lakefront and the street front. A unique condition for this property is that the existing single family house is oriented towards the lakefront.

The grade change between the street and the lakefront is a unique condition.

The lot being less than the minimum lot width for the zoning district is a unique condition. One platted lot was divided into two developable lots, which appears to have been done at the time of original development.

2. Zoning district's purpose and intent: The front yard setback is intended to provide buffering between buildings and the adjacent streets and sidewalks and to create a relatively uniform orientation of buildings to the street.

The existing detached garage is located within the front setback and partially within the right-of-way. The proposed detached garage provides better buffering from the street. Although there is some variation in the placement of detached garages on this side of Spring Ct, the proposed setback aligns more closely with other detached garages than the existing garage, better meeting the intent of the front yard setback requirements.

The existing garage projects into the driveway vision clearance triangle, obstructing visibility. Limited visibility like this can contribute to vehicle and pedestrian crashes. The proposed garage will be outside the vision clearance triangle, improving existing conditions, which is in the public interest.

The existing garage is not functional as a garage and the driveway in front of it is within the right-of-way. The proposed garage will bring the property into compliance with the zoning district requirement for one required off-street parking space.

3. Aspects of the request making compliance with the zoning code burdensome: Lakefront properties like this one often have two lot lines that function like fronts, the lakefront and the street front. The existing house is oriented towards the lakefront with limited room for a detached garage within the building envelope while still allowing access around and to the house. However, it isn't clear that the garage cannot be shifted back some distance to come closer to the required front setback.
4. Difficulty/hardship: The location of the existing house is an existing condition that makes placement of a detached garage at the required front setback challenging. Access to the house around the garage and some separation between the house and the garage are both necessary. However, the proposed distance of 12.5' between the garage and the house appears to be more than the necessary distance.
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. The proposed garage will be setback further from the front lot line so no substantial detriment to light and air is anticipated.
6. Characteristics of the neighborhood: Detached garages in front of the principal structures are common for lakefront properties in the neighborhood. Many of these detached garages are located within the front setback. The detached garage is of a reasonable size for a two-car garage and its construction would bring the property more in line with other properties in the area. The proposed variance will not be incompatible with the character of the immediate neighborhood.

**Other Comments:** Staff believes that the garage may be able to be setback further from the front lot line than proposed. The applicant explained that a distance between the house and the detached garage of less than 10' would require the garage to be built with a fire rated wall. However, fire rated walls are common and not difficult to build so that building code requirement does not drive the need for this degree of variance. An 11.8' distance between the two structures is proposed. Applicant also stated that placing the garage closer to the house

would block natural light coming into the windows of the house. While some natural light may be blocked by placing the garage closer to the house, staff does not believe that it would be substantial. More information about minimizing the variance request would be helpful.

Only principal structures may use front setback averaging so the placement of other detached accessory structures along this block face does not affect the front setback required by the code.

The application does not clearly indicate the elevation floor level as it relates to the street or surrounding grade. The elevation indicates it could be between 2' and 3'. The applicant should clarify the elevation of the height of the floor level as it relates to the crown of the street.

**Staff Recommendation:** It appears that some variance for a setback could be approvable. However, it is not clear that the proposed placement meets the standards of approval. Therefore, staff recommends **referral** pending additional information and **approval** if gaps in information relative to the standards of approval can be filled, subject to further testimony and new information provided during the public hearing.