

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
442 Toepfer Avenue

Zoning: TR-C1

Owner: George & Barb Perkins

Technical Information:

Applicant Lot Size: 60'w x 120'd **Minimum Lot Width:** 50'

Applicant Lot Area: 7,200 sq. ft. **Minimum Lot Area:** 6,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.042(2)

Project Description: Petitioner requests a side yard setback variance to raise the height of the roof of the existing single story attached garage of the two-story single family dwelling. The project also involves adding eaves around the garage, inclusion of a roof structure over the side landing by the garage, and construction of a screen porch.

Zoning Ordinance Requirement:	7'-0"
Provided Setback:	3'-0"
Requested Variance:	4'-0"

Comments Relative to Standards:

1. Conditions unique to the property: The lot exceeds minimum lot width and area requirements and is an otherwise compliant lot. The lot has some slope up from the street to the dwelling, but this does not affect compliance with setbacks. Principal structure (attached garage) projection into the setback is the unique condition for this property. The existing attached garage placement cannot be reasonably changed without requiring a reduction in the width of the garage, necessitating reconstruction of the side and rear wall and foundation for the garage.
2. Zoning district's purpose and intent: The *side yard setback* is intended to provide minimum buffering between buildings, generally resulting in space in between the building bulk constructed on lots, to mitigate potential adverse impact and to afford access to the backyard area around the side of a structure. The proposed modification to the side walls and roof of the garage does not change the placement of the garage relative to the lot lines. The project appears to result in a condition that is consistent with the purpose and intent of the TR-C1 district.
3. Aspects of the request making compliance with the zoning code burdensome: The location of the dwelling (and garage) on the lot restricts the ability to construct a repair/modification to the entire roof of the garage, because a portion projects into the setback. A modification to the

roof of the garage does not change the usability and may only add limited overhead storage space to the garage.

4. Difficulty/hardship: The home was constructed in 1937 and purchased by the current owner in November 2005. See comment #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The proposal involves raising the wall height about 20 inches to create pitch for drainage and adding overhangs/gutters, not moving the location of the side walls relative to the lot lines. The impact will be slightly longer shadows on the neighboring property (driveway) with an improved drainage scheme.
6. Characteristics of the neighborhood: The neighborhood is comprised of structures with varying architectural styles, some with historic value and character. The subject property is somewhat different than others in the neighborhood due to the low-pitch roof design, which is being maintained with the proposed project. The design characteristics are in keeping with the design of the home and architectural styles vary in this neighborhood.

Other Comments: The application identifies a 2nd story addition constructed in 2009. This addition was located within the building envelope, did not project into any setbacks and did not require variances.

The proposed porch at the rear of the dwelling and inclusion of a roof structure over the side entrance/landing by the garage do not require zoning variances.

The proposal includes information about installing rain barrels to assist in managing stormwater. This mechanism is not a code requirement, and staff expects different future owners to utilize different mechanisms through time, as they choose. For the record, the rain barrel scheme is solely this property owner's decision to address stormwater, and not a requirement for this property. Staff does not recommend the ZBA consider this a requirement or condition of the variance. NOTE: Code for downspout placement requires that downspouts must be oriented to discharge onto one's property.

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.