

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
521 N. Blackhawk Avenue

Zoning: TR-C2

Owner: Brian & Sarah Porter

Technical Information:

Applicant Lot Size: 50' w x 84.2' d

Minimum Lot Width: 40 ft.

Applicant Lot Area: 4,210 sq. ft

Minimum Lot Area: 4,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.043 (2)

Project Description: Two-story single-family home. Construct detached accessory structure (shed) in front yard of through lot.

Zoning Ordinance Requirement: 20'

Provided Setback: 2'

Requested Variance: **18'**

Comments Relative to Standards:

1. Conditions unique to the property: The subject lot is a through-lot, which must provide a front yard setback from both street frontages. The homes on the block are all oriented toward N. Blackhawk Avenue, and generally use the Eugenia Avenue frontage as a "back yard." Eugenia Avenue curves through this block, creating uneven lot depths for all lots on the block. The subject lot is the shallowest of all lots on the block, resulting in the existing home being located in the required front yard setback from Eugenia Avenue, and thus offers little placement opportunities for accessory structures.
2. Zoning district's purpose and intent and public interest: The requested regulation to be varied is the *front yard setback*. In consideration of this request, the *front yard setback* is intended to provide a common setback for principal or accessory structures from the public street, to mitigate potential adverse impact. Most of the homes on this side of the block use the Eugenia Avenue frontage yard as a "back yard", and many of these same homes have sheds and garages placed in this area. The placement of an accessory structure in this area is reasonable and appropriate.

In regard to the public interest, the driveway vision triangle requirements are not met with the proposed shed placement. The Traffic Engineer has reviewed this request, and determined the design provides adequate vision clearance due to the lack of any public sidewalk present, and has granted an exception to the driveway vision clearance requirements.

3. Aspects of the request making compliance with the zoning code burdensome: As noted above, the existing home is placed partially within the through-lot front yard setback from Eugenia Avenue, so nearly any structure placed in this area would require a zoning variance. The shed is placed at the minimum separation required by code between the home and the shed (3') resulting in the proposed 2' setback. This placement will not interfere with road or right-of-way activity, because it is located entirely on its lot. The shed is placed by the driveway and garage because this placement is the most logical for access and use of the property, and also maintains some functional yard space opposite the shed (south of the driveway). However, the setback of the shed to the north property line is quite small, (1.4') less than the typical 3' required when a shed is placed in a typical rear yard area. This setback appears necessary for a reasonably sized shed to be placed, and not have it interfere with vehicles likely parked the driveway area. Placement on the N. Blackhawk Avenue side of the home might be possible, but such placement would be fairly unusual for the area and would likely require a zoning variance.
4. Difficulty/hardship: See comments #1 and #3. The existing home was constructed in 1936 and purchased by the current owner in July 2013.
5. The proposed variance shall not create substantial detriment to adjacent property: The placement of the shed in close proximity to the north property line could adversely impact the property to the north, although the adjacent yard on that lot is also a through-lot front yard, allowing little to no use beyond open space and recreation without zoning variances.
6. Characteristics of the neighborhood: The general area shows similar lots with similar accessory structures placed in the Eugenia Avenue "front yard." The proposed shed placement would not be unusual for the area.

Other Comments: As the photos show, a shed was built without obtaining a permit. In turn, the shed was mistakenly constructed in the street right-of-way. Also, the submitted site plan shows an illegal driveway widening (paving), creating a "front yard parking area" to the south (left) next to the driveway, curving along the rear of the home. This shows up as a brick pattern on the submitted site plan. No variance has been requested for this condition, and staff will require removal of the illegal paving as a separate matter.

The project appears to involve removal of an existing deck area to accommodate moving of the shed, and the *open porch* appendage constructed to the front of the shed will be removed.

The shed provides a very small setback to the property line to the north (1.4'). No variance is necessary for this setback because the shed is placed entirely in the front yard area. This close placement, however, should be addressed by the ZBA. The placement leaves little room for maintenance of the structure. **In situations such as this, the ZBA normally requires the following condition of approval: the petitioner must secure and record a maintenance agreement between the two adjacent properties.**

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