

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
5006 Lake Mendota Drive

Zoning: TR-C1

Owner: Chris Carpenter

Technical Information:

Applicant Lot Size: 50'w x 202.5'±d

Minimum Lot Width: 50'

Applicant Lot Area: 10,125 sq. ft.

Minimum Lot Area: 6,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.141(9)(c)

Project Description: Modify existing driveways as part of construction of second detached accessory structure at front of lot. Project results in two driveways that do not meet at a point outside of the front setback or the same garage area.

Zoning Ordinance Requirement: one driveway, as proposed

Provided Condition: two driveways, as shown on submitted plans

Requested Variance: **second driveway**

Comments Relative to Standards:

1. Conditions unique to the property: The subject property is oversized in lot area and meets minimum lot width requirements, but is smaller in width and area than most common lots found on the lakeside in this neighborhood. The lot has significant slope toward the lake that starts at about the line of the required front setback, and a mature oak tree that exists just behind the existing detached garage. The existing detached garage has a legal-nonconforming substandard front setback, and the property has an overly-wide (legal nonconforming) driveway and a front yard parking space in the front yard, at the west lot line.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *residential driveway design and location* standards that would only allow a single driveway per the submitted site plan. Particularly, in this case, the petitioner would like to establish a second garage space which would rectify current legal nonconforming driveway width, percentage of paving, and a front yard parking condition. This is accomplished by constructing a new garage in a location that meets setback requirements, but requires a second separate driveway. The proposed driveway modifications show two separate driveways that do not meet outside the setback and meet at the same parking area.

Typically, the purpose of requiring the two driveways to meet outside the setback is to ensure the driveways lead to a single legal parking area, to further diminish the likelihood of front yard parking at a property. Because the driveways are required to be narrowed and lead to a parking area outside of the setback, a vehicle will more than likely be parked outside of the

setback (in the legal parking area) rather than in the driveway in the required front yard setback. NOTE: parking a vehicle on a legal driveway in a required front yard setback is permissible. The two driveways as proposed, leading to two legal parking areas, function and appear generally similar to the regulations for residential driveways, and in consideration of other practical factors affecting development on the lot, appear to meet the purpose and intent of a *residential driveway design and location* standards.

3. Aspects of the request making compliance with the zoning code burdensome: Noting the factors described above in comment #1, it appears as though the variance results in the least disruption to the existing mature tree at the site and would result in a parking condition generally consistent with the area (2 cars in garage stalls). To place the construction at other possible sites would likely disturb existing trees and be further limited by the terraced topography of the lot.
4. Difficulty/hardship: See comment #1 and #3 above. The existing garage appears to be original to the home, dating back around the 1930's. The tree placement impacts the building of a second garage stall with a legal driveway.
5. The proposed variance shall not create substantial detriment to adjacent property: The proposed driveway would have little adverse impact upon neighboring properties, above/beyond what would otherwise be permissible.
6. Characteristics of the neighborhood: For the lakefront lots, the general area is comprised of houses with attached or detached garages of varying sizes and designs, with several examples of nonconforming garages present. Most of the homes in the area have two-car (or more) garages. Driveways vary, but there are several nonconforming driveway conditions present in the immediate area. This project will result in a different driveway condition, but this condition is not obviously discernible to the eye, as parking and driveways are usually not as noticeable as buildings.

Other Comments: As stated above, the existing parking and driveway does not conform the zoning code requirements. The driveway opening at the street exceeds the maximum 22' width, front yard paving exceeds the maximum 40% restriction, and there is a partial front yard parking space present. With this project, the driveway opening width, percentage of paving will become conforming and the partial front yard parking space is eliminated.

The new detached garage is a Conditional Use for Lakefront property, requiring Plan Commission approval. No application has been made to date for the Conditional Use.

At its May 22nd 1980 meeting, the Madison Zoning Board of Appeals approved a variance to construct an elevated deck on the lake-side of the existing principal structure.

At its July 24th 1986 meeting, the Madison Zoning Board of Appeals approved a variance to construct an addition on the right side of the existing principal structure.

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.