

ZONING ADMINISTRATOR'S
REPORT VARIANCE APPLICATION
1233 E Dayton St.

Zoning: TR-V1

Owner: Timothy and Judith Roberts

Technical Information:

Applicant Lot Size: 44' x 132'

Minimum Lot Width: 40'

Applicant Lot Area: 5,808 sq. ft.

Minimum Lot Area: 4000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.41(8(c)1. and 5.; 28.141(9)(b)1.

Project Description: Construct off-street parking space located principally in the required front yard setback area and exceed maximum 40% front yard setback paving allowance for parking and driveway. Additional paving allows for additional off-street parking for the two-family rental property.

Setback:

Zoning Ordinance Requirement:	20.0'
Provided Setback:	2.0'
Requested Variance:	18.0'

Front yard setback paving allowance

Zoning Ordinance Requirement:	40% Maximum
Provided paving:	42%
Requested Variance:	2%

Comments Relative to Standards:

1. Conditions unique to the property: The subject lot exceeds the lot width and lot area minimum requirement and is otherwise a regular and compliant lot. The property has an existing driveway that provides parking for two vehicles (one in the legal parking space, a second in the driveway). The lot is wider than most lots on the block face.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *front yard setback* and *maximum front yard setback area paving allowance for parking and driveway areas*.

Front yard setback

In consideration of this request, the front yard setback is intended to provide buffering between developments and the adjacent streets/sidewalks, resulting in a relatively uniform orientation of buildings to the street. Driveways leading to off-street parking spaces are permitted in the front yard setback area. The requirement for a legal parking space to be located outside of the front setback is intended to *encourage* a vehicle to be parked in the space and not the setback,

however, it is legal to park a vehicle in any legal driveway area. The request simply widens the parking area in front of the structure, to provide a third parking option for occupants of the property. The request appears in conflict with the purpose and intent of the regulation, by sacrificing the front yard setback area for desired off-street parking.

Maximum front yard setback area paving allowance for parking and driveway areas

In consideration of this request, the *maximum front yard setback area paving allowance for parking and driveway areas* is intended to provide a functional width for driveways leading to parking areas, while also limiting the maximum amount of paving to be used for driveway, which in turn may also be used for parking. The regulation limits the driveway paving to an amount that is *necessary* to access a legal parking area, not to allow for the parking area itself. This requirement also includes words referencing the maximum *lot coverage* requirements, which relate to providing on-site stormwater infiltration and less runoff of sites. The request appears in conflict with the purpose and intent of the regulation.

In regard to public interests concerns, there is sidewalk on E Dayton Street, and the parking of an additional vehicle directly adjacent to the sidewalk will negatively affect pedestrians, with the creation of more pedestrian-vehicle conflicts. Although the existing condition allows parking in the existing driveway adjacent to the sidewalk, the requested expansion doubles this conflict and increases the potential for pedestrian-vehicle accidents.

3. Aspects of the request making compliance with the zoning code burdensome: The existing house placement limits the ability to construct expanded parking facilities for the occupants of the structure. However, access to expanded parking opportunities was limited by the current owner, who chose to construct a two-story dwelling addition in 2015, into the area where the driveway could have been extended for additional parking that would not require a zoning variance.
4. Difficulty/hardship: See comments #1 and #3. The property was originally developed in 1900 and purchased by the current owner in July 2010. As noted above, the current owners constructed the addition that limited the ability to expand parking in a code-compliant fashion.
5. The proposed variance shall not create substantial detriment to adjacent property: The introduction of the driveway and parking area will have potential adverse aesthetic impact by expanding the parking area in front of the homes, which is a negative aesthetic condition.
6. Characteristics of the neighborhood: The general area is characterized by homes with driveways to one side or another, typically narrow in width. There are some nearby examples of parking areas in the front yard setback for single-width spaces, not double-width spaces. The resulting expanded parking area appears out-of-character for the broader neighborhood.

Other Comments: The minimum off-street parking requirement for this property is two spaces, which must be located outside of the front yard setback area. This property is nonconforming, in that the property provides only one legal parking space. A second vehicle may legally park in the driveway area (front yard setback) but this is not considered a legal parking space. With this request, the property would have the ability to park three vehicles: two on the existing paving / driveway area and a third in the expanded area.

A legal off-street parking space is 9'w x 18'd. The proposal calls for a space that appears smaller in depth than the minimum and requires a difficult vehicle movement to space to be accessed form the street. If the variance is approved, the applicant will be required to widen the curb-cut to

match the requested parking area. It appears as though this widening would be acceptable by City Engineering and City Forestry. The widening of the curb-cut does reduce existing on-street parking opportunities.

This request was generated as the result of a code enforcement action. The property owner widened the paving area without advanced approvals, and requests to make the existing condition legal with this request.

Staff Recommendation: The burden of meeting the standards is placed upon the applicant, who needs to demonstrate satisfaction of the standards for variance approval. It is not clear that this burden has been met. Since it appears this request is based upon desire of the petitioner to add off-street parking for tenants rather than a definable hardship, at this time staff recommends **denial**, unless further testimony and new information is provided during the public hearing to address the standards of approval.