

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
943 E Dayton St

Zoning: TR-C4

Owner: Andrew & Jennifer Keeley Yonda

Technical Information:

Applicant Lot Size: 66' x 132'

Minimum Lot Width: 40'

Applicant Lot Area: 8712 sq. ft.

Minimum Lot Area: 4000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.045(2); 28.131(1)(e)(2)

Project Description: Subdivide 66' x 132' lot into two developable lots of record, so vacant lot may be developed for new single-family home. Proposed lot widths less than minimum and proposed lot containing existing structures provides less setback than required.

	<u>Lot Width</u>	<u>Side Yard Setback</u>	<u>Lot Line Setback</u>
Zoning Ordinance Requirement:	40.0'	6.0'	3.0'
Provided Setback:	33'±	5.1'	2.6'
Requested Variance:	7.0'±	0.9'	0.4'

Comments Relative to Standards:

1. Conditions unique to the property: The lot exceeds minimum lot area and width requirements and contains a single-family home with two detached accessory structures. The home as constructed to the west side and a shared driveway easement was recorded to set up a scenario for a home to be constructed to the east side. The house/detached garage placement to one side, lot development pattern for the area and the fact this lot was never split are unique.
2. Zoning district's purpose and intent: The regulation requested to be varied is the *lot width minimum, side yard setback and accessory building setback*.

Lot width minimum: In consideration of this request, the *lot width minimum* is intended to provide a minimum common standard for lot width for lots. The majority of the City with this zoning has lot widths at or above 40', which is because platting at the time these neighborhoods were built provided a 40' minimum or greater lot width. This property is part of the "original plat" of Madison, where platted lots are typically 66' x 132' and the majority

of platted lots were split into smaller development lots for home site development. TR-C4 zoning is uncommon for lands that are part of the “original plat” of Madison. If approved, the lots would be common to other single-family lots on the block and in the neighborhood.

Side yard setback (principal structure): In consideration of this request, 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 existing building placement and relationship between the existing home and the proposed side lot line is where the variance is necessary. No home exists at this time to the east, and any home that exists must provide the minimum 5’ - 6’ side setback and not violate the shared driveway easement, which will result in adequate buffering between the homes. There will be adequate side yard setback to allow access to the rear yard.

Accessory building setback: In consideration of this request, the *accessory building setback* is intended to provide minimum buffering between accessory buildings placed behind principal buildings, generally resulting in space in between the building bulk constructed on lots, to mitigate potential adverse impact on neighboring property. The existing building placement appears common for the area, where original building construction provided less than the required 3’ side yard setback. The two accessory buildings appear to be in decent condition, and have existed since 1929 or earlier. This condition will not change as a result of this variance.

Overall, the variance requests appears to result in development consistent with the purpose and intent of the TR-C4 district and common for the neighborhood and block.

3. Aspects of the request making compliance with the zoning code burdensome: The common development pattern for the area is single-family lots on portions of original platted lots. This appears to be the only single-family structure in the general area that has not been split from the original platted lot, although it was set up at the time of original development for that purpose.
4. Difficulty/hardship: See comments #1 and #3. Without a variance, the obvious space for a new single-family home cannot be developed.
5. The proposed variance shall not create substantial detriment to adjacent property: The proposed variances will result in no adverse impact above or beyond what would otherwise be permitted, should the lots be subdivided and a new home constructed on the new developable lot.
6. Characteristics of the neighborhood: The proposal will result in a pattern of development that is more characteristic for the area and infill what appears to be a currently vacant space in the block. Principal structures often provide side setbacks consistent with the proposed setback and it is common to find accessory structures with substandard setbacks in this

neighborhood, generally consistent with the request. There is no proposal to modify the existing structure at this time and no new house being proposed for the new vacant lot. The lot has zoning, so setback, height, lot coverage and Usable Open Space requirements will result in a home on the lot in consistency with TR-C4 zoning requirements.

Other Comments: This property appears to have original intent in 1929 to allow for development of a home on the vacant space to the east, which is evident by the original home being placed to the west side of the lot and the easement for shared driveway. The original permit for the home shows a 33' lot width. However, the lot was never subdivided or conveyed in part, only in full, which is why a variance is required to split the lot.

The zoning requirement for the area is somewhat unique as the majority of the lots in the immediate vicinity are either TR-C4 or TR-V1. The TR-V1 district would allow for the lot size as proposed but setback variances would still be necessary.

If approved, the two lots will remain as a “zoning lot” until one lot is sold to a new owner or a new single-family structure is constructed. This means the two lots will be basically used as a single lot, continuing the use pattern since 1929, and the lot line subdividing them will not be used for setback purposes. At the time of sale or construction of a new home, the setback variances would be necessary.

The Certified Survey Map to subdivide the lot has been submitted and conditionally approved by the City. This matter has been discussed with City staff and the alder for the district, and no objections to the split have been raised. Final conditions of approval include obtaining variances for the subdivision.

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