

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
212 N. Allen Street

Zoning: TR-C2

Owner: Jason and Shannon Lessner

Technical Information:

Applicant Lot Size: 60' irregular

Minimum Lot Width: 40 ft.

Applicant Lot Area: 6,134 sq. ft.

Minimum Lot Area: 4,000 sq. ft.

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

Project Description: Demolish existing 12'w x 22'd single car detached garage, construct 24'w x 22'd detached garage.

Zoning Ordinance Requirement: 3' minimum setback to property lines

Provided Setback: 1'rear; 1'-1"side

Requested Variance: **2'rear; 1'-9" side**

Comments Relative to Standards:

1. Conditions unique to the property: The lot exceeds zoning minimums. The home is shifted to the north side of the lot, leaving room for a narrow but code-compliant driveway accessing the rear yard area. The south side of the lot provides plenty of room for a new driveway, but existing mature specimen trees obstruct a potential driveway. This area acts as the open space/yard for the lot. The mature trees on the lot minimally impact the ability of a new detached garage in a different location. The placement of the house relative to the rear lot line and the existing stair at the rear of the home makes for a somewhat tight maneuvering area to access the garage/parking area, but not impossible.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *lot line setback for detached accessory structures*. In consideration of this request, the *lot line setback for detached accessory structures* is intended to provide minimum buffering between buildings on a lot, generally located behind the principal structure on a lot. The proposed placement matches the existing placement, but the structure is twice the width and much taller, increasing the impact of the structure on the neighboring lots.
3. Aspects of the request making compliance with the zoning code burdensome: The zoning ordinance requires a single parking space for the single-family dwelling, which is satisfied with the current driveway alongside the home, or garage. A two-car garage is desirable and common for the area, but not required by the zoning ordinance. As noted above, the access to

the garage is fairly tight and the space between the home and garage is fairly narrow. By meeting the setback and maintaining the 22' depth, the space for maneuvering is narrowed by 2'. This brings the home closer to the garage, narrowing the area available for vehicle maneuvering. Alternatively, having one large door in a new garage makes access to the two parking spaces easier than swinging past the existing garage corner to the second parking space. Also, the garage depth could be reduced to 20' which would accommodate parking of an automobile and maintain the required setback and existing maneuvering area. Regarding the side lot line setback, allowing for a lesser side (north) property line setback allows for ease of access around the home to the garage. Also, changing the orientation and placement of the garage is an option (described below).

4. Difficulty/hardship: See comments #1 and #3. The existing home was constructed in 1918 and purchased by the current owner in May 2014.
5. The proposed variance shall not create substantial detriment to adjacent property: Although there is an existing garage at the requested setbacks, that garage is smaller in both height and footprint. The new garage does introduce more bulk in a small setback area, and could impact use and development on those adjacent lots.
6. Characteristics of the neighborhood: The general area is characterized by a mix of attached and detached garages of varying size. There are some garages of the size proposed, but it is not clear these garages encroach into setbacks.

Other Comments: There appears to be adequate space to construct the garage and meet setback minimums in the existing backyard area, either with a new garage using the current configuration or by rotating the garage door 90° so it may be accessed from the side. The petitioner has submitted a tree report from an arborist, which appears to indicate the garage, could be placed in this fashion without harming the tree.

At its September 12, 1967 meeting, the Madison Zoning Board of Appeals approved a variance to expand the existing detached garage, to accommodate the parking of a vehicle.

This case was deferred at the April 28, 2016 meeting, with the ZBA noting the following concerns:

- The size and placement of the garage could be modified to require only one or perhaps no variances.
- The lot appears to have space outside of areas that might affect trees, to construct the garage in a compliant location.
- The case for a hardship did not appear to be met with the facts presented, and it appears as though a similar garage could be constructed without necessitating zoning variances.

No new materials were submitted prior to the drafting of this staff report.

The garage provides a very small setback to the property lines. 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 subject property and the properties to the north and west.***

Staff Recommendation: The burden of meeting the standards is placed upon the applicant, who needs to demonstrate satisfaction of all the standards for variance approval. It is not clear that this burden has been met. There appears to be options that might not require both variances, or no variance at all. The Zoning Board needs to carefully examine the conditions of the property and the potential alternatives to construct a garage without necessitating a zoning variance when deliberating this request. Staff recommends that the Zoning Board find that the variance standards are not met and **deny** the requested variance as submitted, subject to further testimony and new information provided during the public hearing.