

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
5125 Lake Mendota Drive

Zoning: SR-C1

Owner: Phillip Simon and Sandra Larson

Technical Information:

Applicant Lot Size: 118' wide x 128.6' long

Minimum Lot Width: 55'

Applicant Lot Area: 14,127 square feet

Minimum Lot Area: 6,000 square feet

Madison General Ordinance Section Requiring Variance: 28.131 (1)(b)

Project Description: Applicants request a variance to maximum accessory building height to add a usable and occupiable space above the first story of an existing detached garage for a single-family house.

Maximum Height Variance for Detached Garage

Zoning Ordinance Maximum: 15'

Proposed Height: 23.7'

Requested Variance: 8.7'

Comments Relative to Standards:

- 1. Conditions unique to the property:** The lot meets minimum lot width and lot area requirements and is an otherwise compliant lot in the SR-C1 zoning district. A condition unique to the property is the significant slope on the property. The grade at the house's front stoop is 15.3' above the curb level of Lake Mendota Drive. Another unique condition is that the existing detached garage is built into grade, with three sides fully below grade.
- 2. Zoning district's purpose and intent:**
Maximum accessory building height is intended to require a common maximum building height in similar areas. Here is how height is measured for accessory buildings: "...height is measured from the average elevation of the approved grade at the front of the building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the midpoint of the ridge of a gable, hip, or gambrel roof. The average height

shall be calculated by using the highest ridge and its attendant eave. The eave point used shall be where the roof line crosses the side wall.” (MGO 28.134 (1)(a))

Measuring height from grade at only the front of an accessory building provides for some simplicity in our code and is consistent with where height was measured from in our pre-2013 zoning code. Measuring height to the midpoint of the ridge of a gable roof is intended to allow for the possibility of a usable and occupiable space above a first level in an accessory structure while minimizing the bulk of the accessory structure.

The proposed variance does not seem contrary to the spirit, purpose, and intent of the maximum accessory building height because the bulk of the garage is minimized with much of the first story below grade, a gable roof design, the upper addition area pushed back from the street towards the higher slope behind, and the upper floor level designed so that the door opens at grade. Adjacent houses are also located at higher elevations than the street so the garage bulk will appear more minimal from their properties.

3. Aspects of the request making compliance with the zoning code burdensome:

Compliance with the strict letter of the ordinance would not allow an occupiable level above the first story to be built on the existing garage or would require that the grade at the upper level be dug out to allow for a door opening. This seems to be unnecessarily burdensome.

4. Difficulty/hardship: See #1 and #3. The difficulty seems to be driven by how accessory building height is measured from grade only at the front of the building and not from the grade at the midpoint of all sides, like it is measured for a principal building. That combined with the significant slope and the existing garage being built below grade on three sides creates an unnecessary hardship in being able to create occupiable space above the first story of the garage while still meeting the height limit.

5. The proposed variance shall not create substantial detriment to adjacent property:

The proposed garage will be mostly below grade and is down slope from adjacent houses. Therefore, it seems that the proposed variance will not have substantial impacts to light and air on adjacent property or cause substantial detriment.

6. Characteristics of the neighborhood: The surrounding neighborhood is made up of single-family houses with a mix of architectural styles and ages. An adjacent property also has a garage built into a front yard embankment. The proposed garage is a little more unusual in character due to the tall first floor. However, it does not seem wholly inconsistent with the character of the immediate area.

Staff Recommendation:

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