

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
**1130 Chandler Street**

**Zoning:** TR-C3

**Owner:** Leah Johnson and Mitch

**Technical Information:**

**Applicant Lot Size:** 38'w x 110'd    **Minimum Lot Width:** 30'

**Applicant Lot Area:** 4,180 sq. ft.    **Minimum Lot Area:** 3,000 sq. ft.

**Madison General Ordinance Section Requiring Variance:** 28.131(2)(c)5

**Project Description:** Three-story Two-family home. Raze existing 12'w x 20'-6"d detached garage with rear bump-out and paved parking area, construct new 22'w x 30'd two-car garage with storage area. Proposed garage projects into the reverse-corner side yard setback area.

Zoning Ordinance Requirement:    10.0'

Provided Setback:    5.0'

Requested Variance:    **5.0'**

**Comments Relative to Standards:**

1. Conditions unique to the property: The subject lot is a reverse-corner lot that exceeds the minimum lot area and lot width. Reverse-corner lots are common in the area, often with multiple development sites subdivided from larger platted lots, as is the case with the subject property. There does not appear to be a lot-based condition unique to the property relative to the request.
2. Zoning district's purpose and intent: The intent of the reverse-corner building setback is to establish a sensitive regulation for the placement of accessory buildings on a reverse corner lot, which will be in close proximity to the front of the adjacent building to the rear, typically a home. This request appears to be primarily based upon the desire to build a larger garage with the minimum rear lot line setback, which results in the building projecting forward into the reverse-corner side yard. A building with 5' less depth would not require a variance.
3. Aspects of the request making compliance with the zoning code burdensome: The zoning ordinance allows for a detached garage with a depth of 25'. As stated in comment #2, this appears to be a desire-based request.
4. Difficulty/hardship: The home was constructed in 1904 and purchased by the current owner in June 2010. See comment #2 and 3.

5. The proposed variance shall not create substantial detriment to adjacent property: The proposed detached garage does place building bulk in close proximity/in front of the front façade and porch of the adjacent building, which could be considered detrimental to the adjacent home.
6. Characteristics of the neighborhood: The general area is characterized by homes on varying lot sizes, some with detached garages and some without. The building also appears generally larger than other common detached garages found in the area, but there are probably some exceptions to this.

**Other Comments:** The property contains a nonconforming use, a two-family dwelling, where only a single family dwelling is permitted. This project to add an accessory building does not affect the status of the nonconforming use. In the materials submitted by the applicant, it is noted there are not bulk standards for two family dwellings. This is true, because two family dwellings (and other dwellings such as three units- multi-family buildings, etc.) are not allowed.

The petitioner has provided a number of pages from City-adopted neighborhood plans with the submittal, that he believes support the request. These plans recommend policy changes when policy decisions are being made, and do not have effect on the current zoning code nor the scope of the ZBA in this case.

The petitioner has submitted a number of photographs of similarly placed garages. Some of these photos accurately represent existing nonconforming reverse-corner garage placement situations, however, others do not. Also, the setbacks of the garages in these examples have not been provided, but it appears the setbacks are greater than 5' in some of these cases. Also, these photographs represent some examples of what the regulation is intended to prevent.

The principal structure has a large deck constructed on the rear, which does not appear to have been authorized with a building permit and appears to have support posts that project into the required side setback area. This deck does not affect the accessory building variance request, but does affect the areas that qualify as Useable Open Space. This issue will be addressed as a separate matter.

At its June 10<sup>th</sup> 1999 meeting, the City of Madison Zoning Board of Appeals approved a variance to occupy the 3<sup>rd</sup> level of the two-family home.

The 660 sq. ft. garage exceeds the maximum size permitted of as a *permitted use* (418 sq. ft.) so this project will require Conditional Use approval from the City's Plan Commission, for a detached garage exceeding the permitted size.

**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 applicant 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.