

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
1017 Lawrence St

Zoning: TR-C2

Owner: Anthony Dreyfuss

Technical Information:

Applicant Lot Size: 40' wide x 110' deep **Minimum Lot Width:** 40'

Applicant Lot Area: 4,400 sq. ft. **Minimum Lot Area:** 4,000 sq. ft.

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

Project Description: Applicant requests front and side yard setback variances for a new 14' wide by 20' long detached garage for a single-family house. An existing shed is proposed to be removed. The subject property is a through lot, which means both the Lawrence Street lot line and the Homer Court lot line are considered front lot lines in the zoning code.

Accessory structures, like detached garages, located on lots used exclusively for residential or mixed-use purposes have a rear yard setback of three feet. If an accessory structure is located behind the rear plane of the principal building, it has a minimum side yard setback of three feet. Because 1017 Lawrence Street is a through lot, there is no rear yard, and therefore there is no rear plane of the principal building. As a result, the accessory structure's minimum setbacks are the building envelope, which are the setbacks that are applied to a principal building in the district. In the TR-C2 district, a principal building has a minimum front setback of 20 feet. For lots of less than 50 feet in width, the minimum side setback is 10% of lot width. The subject property has a lot width of 40 feet so the minimum side setback is four feet.

Front Yard Setback Variance

Zoning Ordinance Requirement: 20'

Provided Setback: 10'

Requested Variance: 10'

Side Yard Setback Variance

Zoning Ordinance Requirement: 4'

Provided Setback: 3'

Requested Variance: 1'

Comments Relative to Standards:

1. Conditions unique to the property:

The lot meets minimum lot width and area requirements and is an otherwise compliant lot in the TR-C2 zoning district. The unique condition for the property is that it is a through lot. Through lots in Madison are rarely lower density single- or two-family residential lots. They are typically larger lots which are developed more intensely. In many ways, properties along Homer Court on the subject property's block face have been developed as though Homer Court is an alley or a rear yard. There is no sidewalk on this side of Homer Court, and other properties on the block face have been developed like 1017 Lawrence, with parking pads and accessory structures close to the Homer Court lot line and to the side lot lines.

2. Zoning district's purpose and intent:

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 *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.

The zoning code defines a through lot as "a lot having a pair of opposite lot lines along, and access to, two (2) more or less parallel public streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines." (MGO 28.211)

The purpose of both lot lines being front lot lines on a through lot is so that building placement and site layout on both street frontages is harmonious with surrounding lots. However, as mentioned in standard one, through lots in Madison are rarely lower density single- or two- family residential lots. They are typically larger lots which are developed more intensely and have more flexibility to meet front setback and other front yard site design requirements while still having sufficient space for buildings, auto parking, and auto maneuvering.

The proposed ten-foot front setback is a greater front setback than other accessory buildings on the block face and meets Traffic Engineering vision clearance triangle requirements. The proposed three-foot side setback is the minimum setback that would be required for an accessory building located behind the rear plane of the principal building. Although the zoning code does not consider any side of the building a rear plane due to the lot being a through lot, the proposed garage is behind the functional rear of the house. The project appears to result in conditions that are consistent with the purpose and intent of the front and side yard setback requirements.

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

Compliance with the strict letter of the ordinance would require that a detached garage with the required 20' front setback be built close to the existing deck and deck stairs on the functional rear of the house. Although an attached garage could be built that meets setbacks, an attached garage would be inconsistent with the prevailing development pattern and location of other garages accessed from Homer Court on this block. Today's zoning code requirements for accessory building setbacks does not work well for this block of houses built before through lot requirements were in place in the code.

4. Difficulty/hardship:

The house was originally constructed in 1916 and purchased by the current owners in 2017. See comment #1 and #3 above. Building a detached garage with a compliant front setback would require that the garage be close to the existing deck and deck stairs. A four-foot side setback appears to be feasible; however, a three-foot side setback seems reasonable for a garage that is located behind the functional rear of the house and on a block where smaller side setbacks for detached garages are typical.

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

The variance will result in a detached garage that has a greater front and side setback than the existing shed which is proposed to be removed. Although the garage will be larger than the shed, it does not appear out of scale with other existing accessory structures on the block face. A ten-foot front setback will result in safer conditions due to meeting the vision clearance triangle. The proposed three-foot side setback will allow sufficient space for maintenance. It appears there will be no substantial detriment or loss of light and air at adjacent property.

6. Characteristics of the neighborhood:

The block face has been developed with many detached accessory structures within the front and side setback. The proposed garage appears to be in keeping with the development pattern of the immediate neighborhood.

Other Comments:

The property has an existing gravel auto parking area in the Homer Court front yard that appears to have been expanded illegally at some point in time beyond the curb cut and beyond the area allowed by the zoning code. If the Zoning Board of Appeals approves a variance, staff requests a condition be placed on the variance: *The petitioner shall work with staff to address the matter of noncompliance with the driveway and parking 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.