

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
**206 N. Spooner Street**

**Zoning:** TR-C3

**Owner:** Raphael Kadushin

**Technical Information:**

**Applicant Lot Size:** 57' w x 60' d    **Minimum Lot Width:** 30'

**Applicant Lot Area:** 3,420 sq. ft.    **Minimum Lot Area:** 3,000

**Madison General Ordinance Section Requiring Variance:** 28.044(2)

**Project Description:** Two-story single family home. Demolish existing dilapidated attached single-story garage, construct new single-story, 15'-3"w x 20'-5"d attached garage addition.

	<u>Side Yard</u>	<u>Rear Yard</u>
Zoning Ordinance Requirement:	5' 0"	20' 0"
Provided Setback:	1' 1"	1' 0"
Requested Variance:	<b>3' 11"</b>	<b>19' 0"</b>

**Comments Relative to Standards:**

1. Conditions unique to the property: The subject lot is small in size and shallow in depth, one of the smaller lots in the neighborhood. This lot and the lot to the south were split and adjusted from primarily one single platted lot prior to initial development, resulting in small lot size and shallow lot depth. The size of the lot itself is not necessarily unique, as lots in this neighborhood vary in size. The side setback is also relatively shallow, limiting the ability to attach the addition alongside the home while retaining functionality of a garage space. Just about any addition would necessitate a zoning variance.
2. Zoning district's purpose and intent: The regulations being requested to be varied are the *side yard and rear yard setbacks*. In consideration of this request, the *side yard and rear yard setback* are 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 also to afford access to the backyard area, around the side of a structure. The proposed addition is a single-story addition, sized to fit an automobile and some of the occupants' typical possessions, generally in the range of what is typically being built. It is placed nearly entirely behind the home, not uncommon from other single-story detached garage structures, found typically alongside or behind the home in the neighborhood. This project appears to result in development that is consistent with the purpose and intent of the TR-C3 district and/or code requirements for detached accessory structures.

3. Aspects of the request making compliance with the zoning code burdensome: Garages in the neighborhood tend to be placed on one of two configurations: an attached garage to the home, generally alongside or below the home, integral and connected to the home with an interior connection point, or as detached garages behind the home. A setback variance will be required for any construction that could afford function as garage space, alongside or behind the home, so some variance appears necessary.
4. Difficulty/hardship: As noted above, just about any addition that resulted in a useable garage space would require a zoning variance. To maintain the status quo for the property, variances for the replacement of the existing 1-story garage with a similar new garage would address the hardship of placing a garage on this lot.
5. The proposed variance shall not create substantial detriment to adjacent property: The placement of the addition in close proximity to the neighboring lots appears as though it could have some adverse impact on those lots. Future construction on those lots could feel adversely impacted by the proposed building, however the proposed garage generally maintains the status quo at in regard to building bulk at a similar setback.
6. Characteristics of the neighborhood: The proposed structure appears generally common with other similar buildings found in the general area. The proposed materials and general design for the building appear to be common for similar buildings in the neighborhood.

**Other Comments:**

The existing single-story garage is attached to the home solely because it is placed at the location necessary for the building to serve as a garage. There is no interior connection between the existing garage and the home. The proposed placement generally matches the current placement of the detached garage on the corner lot to the north. The placement of a garage is most appropriate as proposed.

At its December 10<sup>th</sup>, 1968 meeting, the Madison Zoning Board of Appeals granted side and rear yard variances for a two-story addition to the south side of the home.

As this property is located within the University Heights Historic District, the Madison Landmarks Commission must issue a *Certificate of Appropriateness* for this project. No application has been made for Landmarks Commission review to date. The Landmarks Commission review process will commence pending the outcome of the zoning variance requests.

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