

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
906 Laurie Drive

Zoning: SR-C3

Owner: Anthony and Denise Schroeckenthaler

Technical Information:

Applicant Lot Size: 87' w x 130' d

Minimum Lot Width: 50 ft.

Applicant Lot Area: 11,310 sq. ft.

Minimum Lot Area: 8,000 sq. ft.

Madison General Ordinance Sections Requiring Variance: 28.141 (8) (c) 1 ; 28.141 (9) (b) 1

Project Description: Two-story two-family twin home.

Request #1: Expand width of driveways to create front yard parking areas.

Zoning Ordinance Requirement: 25'

Requested Variance: **25'**

Request #2: Eliminate code-compliant parking for unit 906 by remodeling a portion of the attached garage into living space, resulting in code-required parking space forward of home, reduction in required front yard setback for parking space.

Zoning Ordinance Requirement: 25'

Provided Setback: 13'

Requested Variance: **12'**

Comments Relative to Standards:

1. Conditions unique to the property: The lot exceeds minimum lot width and lot area requirements and is otherwise a compliant lot. There does not appear to be a lot-based condition unique about the lot that would warrant approval of a zoning variance.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *residential driveway design (width) limitation* and the *front yard parking setback*.

In consideration of this request, the *residential driveway design (width) limitation* is intended to allow a vehicle path (driveway) from the public right-of-way to the legal parking area on a property. Once the driveway that leads to a legal parking area is established, vehicles may park on that driveway. Typically, vehicles will park in the legal parking area, and then use the driveway for extra parking if they choose, but this is not a requirement. The *front yard parking setback* ensures that the legal parking area for a home is established uniformly across the lots on the block, so legal parking areas do not encroach into the setback for providing the required parking space.

The proposal appears to be at conflict with both of these provisions, and provides parking above/beyond what is required. The parking setback variance for 906 also affords that property the ability to provide additional finished space at the expense of allowing the legal parking into the required front yard setback area.

3. Aspects of the request making compliance with the zoning code burdensome: The Zoning ordinance requires one parking space per dwelling unit for this property, which is provided in the garage space (or was, at the time of original construction). The Zoning ordinance also allows for a driveway to be installed, which can clearly be installed in a compliant fashion. The wider driveway accommodates the ability to park more vehicles in the front setback, which may be the desire of the current owner or a future owner, but is not a requirement. The primary burden would be to remove the illegal construction and re-establish the legal condition.
4. Difficulty/hardship: See Comments #1 and #3. The principal structure was originally built in 1964 and purchased by the current owners in 1996. The internal remodeling appears to have been conducted by a previous owner but the driveways were widened by the petitioner in the 1990's, without obtaining necessary approvals. Also, the additional bedroom and parking areas allows for a greater return on investment for the owner, at the expense of the illegal parking area impact on neighboring properties. There does not appear to be a hardship with this case, beyond the extra amenity and living space that results in zoning code violations.
5. The proposed variance shall not create substantial detriment to adjacent property: The addition of the bedroom and resulting loss of code-compliant parking and the widening of the driveways themselves adds little direct detriment to the neighboring property, however the expansion of the driveway to accommodate the storage of more vehicles in the front yard area and the loss of on-street parking could be seen as a potential negative impact to the neighboring property.
6. Characteristics of the neighborhood: The general area is characterized by two-family twin homes with legal driveways, installed at the width of the parking area that the driveways lead to. There does not appear to be other cases where garages have been converted to living space, forcing parking into the front yard setback.

Other Comments: This request comes forth as the result of code enforcement action by the City's Housing Inspectors. The inspectors discovered construction without permits in the garage of 906, and have pending orders to have the bedroom removed pending the outcome of this variance request. Regardless of the outcome of this request, the alterations to the building must be approved by the building inspector, either to legalize the bedroom or remove and re-establish the garage. The illegal widened driveways were discovered when the case was referred to zoning, and appear to have been installed by the current owner in the late 1990's.

For unit 906, a portion of the garage was retained for storage. If a variance were approved, it is possible that an occupant of that unit could use part of the garage for partial vehicle storage and have the vehicle projecting partly outside of the garage, which would be very unusual. The necessary storage needs for the tenant in 906 could be satisfied with the garage being re-

established or the construction of a detached accessory structure behind the rear plane of the home, which would not require a zoning variance.

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. The basis for this request appears to be for the illegal construction to be made legal, rather than a definable hardship. 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.