

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
333 E. Sunset Court

Zoning: TR-C1

Owner: Victoria J. Opitz

Technical Information:

Applicant Lot Size: 60' wide x 130' long **Minimum Lot Width:** 50'

Applicant Lot Area: 7,800 square feet **Minimum Lot Area:** 6,000 square feet

Madison General Ordinance Section Requiring Variance: 28.042(2)

Project Description: Applicant requests a side yard setback variance for an attached garage addition on a single family house.

Side Setback Variance

Zoning Ordinance Requirement: 7'

Provided Setback: 5.2'

Requested Variance: 1.8'

Comments Relative to Standards:

- 1. Conditions unique to the property:** The lot exceeds minimum lot width and area requirements and is an otherwise compliant lot. The property has a large mostly open backyard with no significant slope. There does not appear to be a condition unique to the property.
- 2. Zoning district's purpose and intent:** The *side yard setback* is intended to provide minimum buffering between buildings, generally resulting in space 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.

Principal buildings are deliberately treated differently from accessory structures in the zoning code. Principal buildings are heated and conditioned spaces and are generally larger in bulk than accessory structures. They are also allowed to be located closer to the front lot line than accessory structures. The zoning code allows accessory structures to

have smaller side and rear setbacks than principal buildings and sets lower limits for accessory building maximum size and maximum height than for principal buildings.

- 3. Aspects of the request making compliance with the zoning code burdensome:** The strict letter of the ordinance does not unreasonably prevent use of the property for a permitted purpose or render compliance with the ordinance unnecessarily burdensome. The zoning code appears to be functioning as intended by limiting the building envelope for a principal building on a lot that does not have a unique condition. Not allowing an attached garage does not appear to unreasonably prevent use of the property for a permitted purpose.
- 4. Difficulty/hardship:** The house was built in 1940 and was purchased by the current owner in 2022. There does not appear to be a difficulty or hardship created by the terms of the ordinance. Rather, the variance request appears to be driven by the applicant's personal preference to have an attached garage instead of a detached garage.
- 5. The proposed variance shall not create substantial detriment to adjacent property:** It appears the proposed variance will not create substantial detriment or loss of light and air at adjacent property. The single family house and the detached garage on the property adjacent to the side setback variance request have large setbacks from the shared property line.
- 6. Characteristics of the neighborhood:** The surrounding neighborhood of single family houses has a mix of attached and detached garages. The properties on either side of the subject property have detached garages, but the house directly across the street has an attached garage. It appears that the variance would not result in a condition that is uncharacteristic of the surrounding neighborhood.

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 variance request appears to be driven by the applicant's desire as reflected in the proposed design, rather than a 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.