

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
1806 Chadbourne Ave

Zoning: TR-C3, HIS-UH

Owner: Jennifer Higgins & Robert Gillespie

Technical Information:

Applicant Lot Size: 40'w x 60'd **Minimum Lot Width:** 30'
Applicant Lot Area: 2,400 sq. ft. **Minimum Lot Area:** 3,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.131(e)

Project Description: construct a detached shed.

	Side lot line	Rear lot line
Zoning Ordinance Requirement:	4.0'	3.0'
Provided Setback:	1.5'	1.5'
Requested Variance:	2.5'	1.5'

Comments Relative to Standards:

1. Conditions unique to the property: The property is shallow in depth and thus has a small lot area. The lot was split from two larger originally platted lots into three building sites, with the subject lot being the smallest of the three. The lot is smaller than most of the lots in the neighborhood and is a non-conforming lot. The existing principal structure extends to near the rear lot line at the east side, resulting in any accessory structure being located alongside the principal structure rather than behind the rear plane of the principal structure. This condition requires a greater setback to the side lot line for a detached accessory structure.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *lot line setback for detached accessory structures*. In consideration of this request, the *lot line setback for detached accessory structures* is intended to provide minimum buffering between buildings on a lot, to mitigate potential bulk impact and to allow room for drainage around the structure.

This lot is small and the yards do not align or match up with the required yards on the adjacent properties. The shed location is below the grades of the adjacent property and there appears to be adequate room for drainage around the shed. The placement of the shed at a lesser setback will have minimal impact on adjacent property. The setback placement and design of the structure appears common for the area, reasonable in

consideration of the smallness of the back yard, and generally consistent with similar very small backyards that also have sheds.

3. Aspects of the request making compliance with the zoning code burdensome: The useable backyard area is very small on this lot. Placing the shed at the required setbacks would further diminish the functionality of the area for outdoor recreation purposes. The property has no options for storage except for the principal structure itself. It is reasonable and common for homeowners to have attached or detached structures for incidental storage.
4. Difficulty/hardship: The home was constructed in 1914 and purchased by the current owner in November 2011. See comments #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The shed employs a lower height and is placed next to the driveway of the property to the west and the rear yard of the property to the north. The shed is below the elevation of these two properties, and will not affect drainage on those lots.
6. Characteristics of the neighborhood: The property is located in the University Heights Historic District. The design of the structure requires approval of the Landmarks Commission and the shed project has received a certificate of appropriateness from the City's Preservation Planner. There appear to be many cases where detached accessory structures provide substandard setbacks in this neighborhood.

Other Comments: The proposed setback leaves little room for maintenance of the structure. By practice, when a proposed structure is located less than 2' from a property line, the ZBA typically requires a condition that a maintenance easement/agreement be recorded with the adjacent property owners where the setback is less than 2', in this case the property owners at 1810 Chadbourne Ave. and 30 N. Spooner St.

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.