

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
1235 E JOHNSON ST

Zoning: TR-V1

Owner: Angela Terrab & Steven Sanders

Technical Information:

Applicant Lot Size: 33.75' x 126'

Minimum Lot Width: 30'

Applicant Lot Area: 4252.5 sq ft (.10 acres)

Minimum Lot Area: 3000 sq ft

Madison General Ordinance Section Requiring Variance: 28.14 (9) (a)

Project Description: Construct driveway to serve single-family residence.

Zoning Ordinance Requirement: 8' minimum driveway width

Provided Width: 7.7' driveway width

Requested Variance: 0.3' variance

Comments Relative to Standards:

1. Conditions unique to the property: The lot is relatively narrow and the placement of the principal structure on the lot allows for no legal driveway to be placed to either side because of the narrowness of the side setback. The property is also unique in that it is one of few that do not have any off-street parking facilities, which is rare and nonconforming to current code requirements.
2. Zoning district's purpose and intent: The requested regulation to be varied is the *minimum driveway width requirement*. In consideration of this request, the *minimum driveway width requirement* is intended to ensure a driveway that is installed is of an adequate width to allow for access from the street to a legal parking space. This requirement generally ensures that there is adequate room for the wheels of a typical passenger vehicle to maneuver across a driveway and not drive onto the lawn.
3. Aspects of the request making compliance with the zoning code burdensome: The existing house placement limits the ability to construct a driveway at the minimum legal driveway width. Also, zoning code requirements prevent paving only the front yard area (would create illegal front yard parking) so a driveway must be installed to the parking behind the home.
4. Difficulty/hardship: The property was originally developed in 1890 and purchased by the current owner in February 2017. Per the petitioner, the home had been in long-term rental

occupancy, where tenants were knowledgeable that no off-street parking was provided for the home.

5. The proposed variance shall not create substantial detriment to adjacent property: The proposal is only slightly less than otherwise required, so it should be reasonably possible to access the parking area but it will be tight. This is fairly self-regulating as the petitioners understand the driveway will be narrow. Through time, the narrowness of the drive may result in an encroachment onto the neighbors' property but that would be a private matter between the two adjacent property owners.
6. Characteristics of the neighborhood: The general area is characterized by homes with driveways to one side or another, typically narrow in width, but it is not clear just how narrow. It is common to find shared driveways or driveways not leading to legal parking outside of the front yard setback (front yard parking) which was allowed at times in the past. The driveway would not appear out-of-character for the area.

Other Comments: The zoning ordinance allows a driveway to cross the front yard setback in a generally perpendicular fashion when the driveway leads to a code-compliant parking space, either at the surface level or in a garage. A code-compliant parking space has minimum dimensions of 8'w x 18'd. In this case, the petitioner requests to construct a surface-level parking area at the rear of the home for two automobiles, to be accessed by the driveway at the left/north side of the home. Since this home exists at a setback slightly less than 8', there is no way, outside of obtaining an easement from the neighboring property, that a legal driveway could be installed.

As noted above, the narrowness and proximity of the driveway may result in an encroachment onto the neighboring property through time. To ensure the driveway does not encroach onto the neighboring property, the board may want to require a condition of approval to install a fence or acceptable physical barrier (such as a low curb or retaining wall) to ensure the driveway does not creep onto the neighboring property. This condition would make the driveway slightly narrower, but could be the best way to assume responsibility for the driveway entirely on the petitioners' property rather than the adjacent neighbor's property.

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.