

challenging to design, but not impossible. The proposal reflects an effort toward creating UOS spaces, while also constructing a new single family home.

The intent of the reverse-corner building setback is to establish a sensitive regulation for the placement of accessory buildings on a reverse corner lot, which will be in close proximity to the front of the adjacent building to the rear, typically a home. The proposed building appears to meet what one would need for parking of a typical automobile. The proposed placement, increases potential adverse impact on the neighboring home, but this placement competes with spaces intended to meet UOS requirements.

3. Aspects of the request making compliance with the zoning code burdensome: As this house will be a new development, there does not appear to be a limitation in the code that would otherwise prevent a home from being constructed. A garage, attached or detached, is difficult to place on this lot, given the size and setback restrictions. A reasonably sized and appropriately placed garage could not be constructed without a variance.
4. Difficulty/hardship: See comments #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The placement of the garage will likely have adverse impact on the home to the rear. The further the building is placed toward Erin Street, the greater the potential adverse impact is created.
6. Characteristics of the neighborhood: The general area is comprised mostly two-story homes on varying lot sizes. It appears as this will be the tallest home in the immediate area, will have the greatest amount of bulk, and what appears to be the largest floor-area ratio, while providing limited qualifying useable open space. Detached garages are common, with size and placement generally relating to availability on the lot.

Other Comments: The development meets lot coverage limitations in the code, with the understanding that the front patio is to be constructed with permeable materials, as the applicant has indicated to staff.

In consideration of the lot width, minimum accessory building setback from the side property line and the reverse-corner setback requirement, the resulting allowable depth for a detached garage is 14.5". This is not an adequate depth to park a car. A code-complaint garage is 18' deep, and most garages attempting the minimum shallow depth use a minimum dimension of a 20' to park a typical vehicle inside a garage.

At its September 12th 2013 meeting, the City of Madison Zoning Board of Appeals denied a variance to allow the open deck above the 2nd level of the home. At this meeting, the ZBA referred the UOS request and detached accessory building reverse-corner setback request. The following comments were provided:

- It appeared as though the garage could be reduced in size to result in the creation of a useable open space.

In response, the applicant has resized the garage, resulting in a building appropriate in size for the lot, which no longer will require Conditional Use for approval (size). The building maintains the originally-proposed setback, with the new area behind the garage designed to serve as an open space for the property. This proposed setback directly competes with the amount of qualifying UOS provided on the property, as the area would not qualify if the building were shifted back on the lot. If the accessory building were to be shifted south to the minimum setback, 94 sq. ft. of UOS would be eliminated, resulting in a remaining 268 sq. ft. of area. Staff recommends this change, as the building will be a permanent placement, not easily changed, and the use of the open space is depended on the way an individual occupant chooses to use the space: some may use it actively for open space activities, others may choose not use the space at all.

An application for Demolition and Rezoning is currently being processed for this site, pending approvals from Plan Commission (*Demolition*) and Common Council (*Rezoning*).

Staff Recommendations: The UOS request is generally driven by the size of the home that is proposed to be placed on the lot. As stated above, the proposed project does represent a large floor area ration and a relatively large building on the lot, however, the project does accommodate a contemporary redevelopment of the lot and places a home on the lot of similar footprint to the existing home. If the ZBA determines the bulk of the home to be in keeping with the standards for approval, the remaining UOS should be considered acceptable in consideration of the lot size and required setbacks, and be approved for a zoning variance. If the ZBA finds the home on the lot is simply too large, the hardship would generally be created by the applicant and their design, and the UOS variance should be denied.

For the detached garage setback request, staff recommends the building be shifted to the minimum setback from the side lot line (opposite Erin Street) to increate the provided setback from Erin Street, and lessen the required amount of variance being requested. In consideration of this change, 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.