

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
3902 Fern Ct

**Zoning: TR-C1**

**Owner:** Thomas Woody

**Technical Information:**

**Applicant Lot Size:** irregular

**Minimum Lot Width:** 50'

**Applicant Lot Area:** 10,229 sq. ft.

**Minimum Lot Area:** 6000 sq. ft.

**Madison General Ordinance Section Requiring Variance:** 28.042(2)

**Project Description:** Remove existing pergola, patio and parking area alongside existing 1-car attached garage, construct single story addition for garage, storage and kitchen expansion/remodel.

Z. O. Requirement: 18.4'

Provided Setback: 8.2'

Requested Variance: **10.2'**

**Comments Relative to Standards:**

1. Conditions unique to the property: The subject lot is an irregularly-shaped corner lot with the existing principal structure that projects into the rear yard setback. The block that this lot is located in has four corner lots, with this lot being the very odd corner lot of the block, being that the lot is located mid-block. This results in the irregular lot shape, which then results in an irregular rear yard area relative to other nearby lots in the block.
2. Zoning district's purpose and intent: The requested regulation to be varied is the *rear yard setback*. In consideration of this request, the *rear yard setback* is intended to provide minimum buffering between principal buildings on lots and to align buildings within a common building envelope, common back yards, and generally resulting in space in between the building bulk and commonality of bulk constructed on lots.

The existing structure is a corner lot and projects partially into the rear yard setback. Due to the irregular shape of this lot, the required rear yard setback does not align with any of the similar rear yards on the neighboring properties.



The pink area shows the rear yard on the subject lot and the orange shows the rear yards on neighboring lots. These yards are not common as they exist and do not result in the rear yard typical for lots on blocks.

3. Aspects of the request making compliance with the zoning code burdensome: The request primarily involves adding a second garage stall and storage area to the existing 12' w garage space, in conjunction with expansion of the existing galley kitchen. The way that required yards are measured on this irregularly-shaped lot results in the necessity for a zoning variance. The lots were originally platted when the rear yard measurement was different than currently required.
4. Difficulty/hardship: The property was originally developed in 1950 and purchased by the current owner in December 2016. The newly adopted rear yard setback requirement (3/21/17) changed the way the rear yard is measured on this lot. Prior to the adoption of the amendment, this project would not have required a zoning variance.
5. The proposed variance shall not create substantial detriment to adjacent property: The neighboring home is located about 30'± to the northwest. This garage space addition does not add living space in the setback and will have little impact on the neighboring structure. Also, the widening of the garage creates more space for legal parking and vision clearance when backing out. With the existing garage, parking in the driveway would result in a car likely overhanging the sidewalk, and backing out of the existing relatively narrow garage door limits vision along the sidewalk and street.
6. Characteristics of the neighborhood: The general area is characterized by single family homes, one to two stories, with most homes having single-car attached or 1+ detached garages. The trend for the area has been for expanding garages and there are examples of two-car attached garages in the area. The existing garage space is undersized and the proposal is a logical and reasonable expansion, given the investment involved in constructing an attached garage addition to the home. This project would not be out of keeping with the character of the area.

**Other Comments:** The project includes a request to take advantage of a code section that allows for a 1-story attached garage projection into the rear yard area. For this provision to be exercised, the balance of the rear yard must remain unoccupied by structures - permanently. Most of this area is already encumbered by a sewer easement. The petitioner has indicated the detached shed will be removed from the rear yard area or will be relocated to a code-complaint location with a building permit.

**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.