

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
2232 Keyes Avenue

Zoning: TR-C2

Owner: Katherine Magnuson

Technical Information:

Applicant Lot Size: 50'w x 120'd **Minimum Lot Width:** 40 ft.

Applicant Lot Area: 6,000 sq. ft. **Minimum Lot Area:** 4,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.043 (2)

Project Description: Two story Single Family home. Demolish existing single car detached garage and construct two-story side/rear attached garage and dwelling addition, with rear screen porch. Side yard variance.

Zoning Ordinance Requirement: 6' – 0"

Provided Setback: 5' – 5"

Requested Variance: 0' – 7"

Comments Relative to Standards:

1. Conditions unique to the property: The property exceeds lot minimums and is otherwise a compliant lot. The lot has a slight slope in grade from front to rear, but that does not affect the ability to construct this addition. The placement of the house and the desired width of the addition, primarily the desired width for the garage space and stacked living space above appears to be the reason for the request.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *side yard setback*. In consideration of this request, the *side yard setback* is intended to provide minimum buffering between buildings, generally resulting in space in between the building bulk constructed on lots, to mitigate potential adverse impact and also to afford access to the backyard area, around the side of a structure.

The addition does not limit access to the back yard, since an approximate 8' wide access exists on the west side of the home. The two-story addition project including an attached garage would result in development generally consistent with the purpose and intent of the TR-C2 district, either with a variance or not.

3. Aspects of the request making compliance with the zoning code burdensome: As noted above, the primary reason for the variance is the desire to provide a garage at a 12' width.

The existence of a utility pole in the right-of-way is mentioned in the application, but its location does not affect the ability to construct this addition. These types of features can and commonly are moved by the applicant if they do affect access.

The garage is overly deep (28') to accommodate storage for the occupants. A garage 7" (slightly) narrower width would be allowed by-right and could be as deep as desired. Although a garage of this width is perhaps not desirable, it is reasonably functional and this does not create a hardship.

4. Difficulty/hardship: See comments #1 and #3. The existing home was constructed in 1922 and purchased by the current owner in June 2011. There does not appear to be a lot-based hardship to support this request, and an otherwise compliant and functional addition could be constructed without necessitating a zoning variance.
5. The proposed variance shall not create substantial detriment to adjacent property: The addition is fairly large and in close proximity to the adjacent property. The neighboring property appears to have an illegal driveway/parking area on the side where the variance is being requested. Either parking or lawn on the neighboring property, the impact of this project, either with a variance or 7" narrower and not requiring a variance would likely be minimal above/beyond what would otherwise be allowed.
6. Characteristics of the neighborhood: The general area is characterized by mostly single-family homes of varying size, with mostly detached garages. The project would be similar with others in the area in terms of mass and scale, but it is not clear that other similar property obtained zoning variances for similar construction.

Other Comments: In reviewing the Sanborn map, the home appeared to be originally constructed with a small 1-car garage and a 2-car shared garage with the property to the east (2230 Keyes Ave). Both of these structures appear to be replaced by the existing detached garage, constructed in 1954.

The rear portion of the addition and the single-story rear screen porch do not require zoning variances.

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. This request appears to be primarily based on the desire of the petitioner to construct the garage and dwelling addition with the desired width and placement on the lot, rather than a definable hardship. Staff recommends that the Zoning Board find that the variance standards are not met and **refer** the case for more information relative to the standards of approval, or **deny** the requested variance as submitted, subject to further testimony and new information provided during the public hearing.