

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
1146 E. Mifflin Street

Zoning: TR-V1

Owner: Michael Kowalkowski and Traci Tucker

Technical Information:

Applicant Lot Size: 38.59' frontage on Mifflin

Minimum Lot Width: 30'

Applicant Lot Area: 5,067 sq. ft.

Minimum Lot Area: 3,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.047(2)

Project Description: Petitioners request a side yard variance to construct a second-story addition on top of the existing attached garage.

Zoning Ordinance Requirement: 3.86'

Provided Setback: 2.58'

Requested Variance: 1.28'

Comments Relative to Standards:

1. Conditions unique to the property: The lot exceeds minimum lot width and area requirements and is an otherwise compliant lot. The principal structure and attached garage's projection into the side setback is the unique condition for this property.
2. Zoning district's purpose and intent: 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 to afford access to the backyard area around the side of a structure. The proposed addition above the existing attached garage does not change the placement of the garage relative to the lot lines. The project appears to result in a condition that is consistent with the purpose and intent of the TR-V1 district.
3. Aspects of the request making compliance with the zoning code burdensome: The location of the dwelling on the lot restricts the ability to build an addition over the garage because a portion currently projects into the setback. To comply with the zoning code, the second-story addition would have to be built with an exterior side wall that is offset from the first story.

4. Difficulty/hardship: The house was constructed in 1992 and purchased by the current owners in 2018. See comment #1 and #3 above. Building an addition that is offset from the existing would be structurally difficult and compliance would result in an awkward design.
5. The proposed variance shall not create substantial detriment to adjacent property: The variance would introduce minimal impact above the existing bulk relationship between the building on the subject lot and the building on the adjacent lot on the side where the variance is being requested.

However, while the proposed horizontal banding along the addition does provide some articulation, the large blank wall proposed on the west elevation could be improved by adding a window.

6. Characteristics of the neighborhood: The neighborhood is comprised of mostly two-story, older houses and small apartment buildings. The attached front-loading garage is unusual for the neighborhood. New construction homes are required to place the street-facing garage wall behind the balance of the front façade. Adding living space over the garage will allow the structure to come closer to compliance with current attached garage placement requirements, and an improvement of the design of the structure.

Other Comments: At its August 6, 1990 meeting, the Madison Zoning Board of Appeals approved setback variances for a new two-story home to be constructed on this lot. The approval included living space above the attached garage. However, when the house was built in 1992, that living space was never built.

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.