

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
2106 E. Washington Avenue

Zoning: TR-V1

Owner: Trudy Younger

Technical Information:

Applicant Lot Size: 44' X 66' **Minimum Lot Width:** 50'

Applicant Lot Area: 2,904 square feet **Minimum Lot Area:** 4,500 square feet

Madison General Ordinance Section Requiring Variance: 28.131(1)(d)

Project Description: Petitioner requests rear and side yard setback variances to construct a new detached three-car garage for a three-family dwelling.

Recognizing that many existing detached garages have nonconforming side and rear setbacks, the zoning code provides an allowance for detached garages in the side or rear yards to be replaced within the existing setbacks if they are no larger than 24' x 24'. However, the code does not adequately address small multi-family, missing middle housing like the three-unit building on this property which have larger garages.

Zoning Ordinance Rear Setback Requirement: 3'

Provided Rear Setback: 1'

Requested Rear Setback Variance: 2'

Zoning Ordinance Side Setback Requirement: 3'

Provided Side Setback: 1.5'

Requested Side Setback Variance: 1.5'

Comments Relative to Standards:

- 1. Conditions unique to the property:** The lot is narrower and smaller than today's zoning code requires for a three-family dwelling. The original platted lots were subdivided at the time of development to allow for additional housing units to be developed. As a result, this lot and others which were also subdivided are smaller and shallower than others on the same block face.

2. **Zoning district's purpose and intent:** The *rear and side yard setbacks* for detached garages are intended to provide minimum buffering between building bulk to mitigate potential adverse impacts and to afford access to maintain structures. Other than the size limitation in the code, this garage meets the detached garage replacement allowances within the code. The variance would not be contrary to the overall purpose and intent of the TR-V1 district.
3. **Aspects of the request making compliance with the zoning code burdensome:** The zoning code addresses the replacement of two-car garages with nonconforming side and rear setbacks, which are common with one or two-family houses. However, it does not adequately address situations where small scale multi-family have a larger garage, sized for small multi-family.

Additionally, the placement of the existing three-family house makes maneuvering a vehicle into a detached garage with compliant rear and side setbacks difficult and potentially dangerous. These aspect of the request makes compliance with the zoning code burdensome.

4. **Difficulty/hardship:** The existing house was constructed in 1927 and purchased by the current owner in 2016. See comment #1 and #3 above. Building a garage that meets the side and rear setbacks would result in difficulty maneuvering around the existing three-family house.
5. **The proposed variance shall not create substantial detriment to adjacent property:** The replacement garage will be shorter than the existing garage so impacts will be decreased. No substantial impacts to light and air are expected beyond the existing three-car garage which has the same setbacks with no known substantial detriment.
6. **Characteristics of the neighborhood:** The design and placement of the garage would be similar to other properties within the neighborhood. The surrounding area has a mix of older structures and detached garages, often with nonconforming setbacks.

Other Comments: The proposed garage placement leaves little room for maintenance of the structure. In situations where less than a 2' setback requested, the ZBA normally requires the following condition of approval: *the petitioner must secure and record a maintenance agreement between the subject property and the properties to the north and west.* A draft of a maintenance agreement has been included with the application.

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.