

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
1724 Madison Street

Zoning: TR-C4

Owner: Timothy J. and Mary Ellen Schmit

Technical Information:

Applicant Lot Size: 59.90' long x 60' wide

Minimum Lot Width: 40'

Applicant Lot Area: 3,594 square feet

Minimum Lot Area: 4,000 square feet

Madison General Ordinance Section Requiring Variance: 28.045(2)

Project Description:

Applicants request variances for the placement of a new detached garage for a single family house. The proposal requires variances for the rear and side yard setbacks and for the distance between the detached garage and the single family house.

There is an existing 16.3' long x 10' wide dilapidated detached garage on the property, which is original to the construction of the house in 1917. The proposal is to replace the existing garage with a new 19.3' long x 11.5' wide detached garage.

The zoning code allows replacement of detached garages with nonconforming side and rear setbacks within the existing setbacks as long as no side of the enlarged structure is moved closer to any lot line with which there is a non-conforming setback. In this proposal, the existing garage has a 2.5' rear setback and a 2.7' side setback. The new garage is proposed to have a 1' rear setback and a 1' side setback so it does not meet the replacement garage criteria.

The minimum side setback for a detached garage is 3' if the garage is located behind the rear plane of the principal building at the time of construction. A small portion of the proposed garage will be forward of the rear plane of the existing house so the required side setback is instead 6'.

Lastly, the code requires that any accessory building be a minimum of three feet from any principal building. The existing garage is 15" from the existing single family house. The new detached garage is proposed to have the same distance between the garage and the house, 15".

Side Setback

Zoning Ordinance Requirement: 6'

Provided Setback: 1'

Requested Variance: 5'

Rear Setback

Zoning Ordinance Requirement: 3'

Provided Setback: 1'

Requested Variance: 2'

Distance from Principal Building

Zoning Ordinance Requirement: 3'

Provided Setback: 1.25'

Requested Variance: 1.75'

Comments Relative to Standards:

- 1. Conditions unique to the property:** The subject property is half of an originally platted lot and shallower than most in the area. While most lots are 60' wide x 120' long, this lot is 60' wide and just under 60' long. The placement of the house on the existing lot is another unique condition. Its current location makes locating a functional garage 3' away difficult.
- 2. Zoning district's purpose and intent:** The regulation requested to be varied is the *rear and side yard setback*. In consideration of this request, the *rear and side yard setbacks* are intended to provide minimum buffering between 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 proposed garage appears to be of a minimum necessary size to allow for a functional single-car garage, and the neighboring property owners have executed maintenance agreements with the applicants to allow maintenance of the proposed garage.

The purpose of the *distance from principal building* regulation is to allow adequate room to maneuver between the principal structure and the garage. The existing garage is less than 3' and has been that way since the house and garage were constructed in 1917. Providing 3' between the house and the garage would not allow for a wide enough garage to be functional for parking a car. Due to the distance between the buildings, building code will have additional requirements for fire separation, but those fire separation measures are common and feasible.

The project appears to result in conditions that are consistent with the purpose and intent of the TR-C4 district.

3. **Aspects of the request making compliance with the zoning code burdensome:** One-car detached garages are a common feature for single family houses in the area. The smaller, shallow lot, the location of the existing house on the lot, and the minimum garage size needed to be functional for modern cars make compliance with the zoning code burdensome.
4. **Difficulty/hardship:** The existing house and existing detached garage were built in 1917, and the current owners purchased the house in 1993. See comments #1 and #3 above. The request seems to be driven by the lot size and location of the existing house on the lot. Building a garage that meets the side and rear setbacks and minimum distance from a principal building would result in a garage that would not be functional for parking a car.
5. **The proposed variance shall not create substantial detriment to adjacent property:** While the proposed garage will be closer to the rear and side lot lines, it does not appear that it will cause substantial detriment to light and air for adjacent properties. The applicants have secured executed maintenance agreements with the adjacent properties to allow maintenance of the garage.
6. **Characteristics of the neighborhood:** Without elevations, it is difficult to determine if the garage will be in keeping with the character of the immediate neighborhood, but it appears that the footprint and placement would be relatively consistent with other detached garages in the area. Straight drive in garages are also common for the area.

Other Comments:

The application lacks detail and full information about the proposed garage. It does not include accurate elevations of all four sides of the garage and does not include information about roof overhangs and gutters. It is difficult to consider a setback variance without a clear understanding of the bulk of the proposed structure. Staff recommends that if variances are approved, the ZBA include the following conditions of approval:

- *The Zoning Administrator must approve that the garage is a typical one-car residential garage with a maximum 9' side wall height and a maximum 4/12 roof pitch.*
- *No element of the garage may overhang onto neighboring properties.*
- *Garage gutters must discharge onto the applicant's property.*

Additionally, the proposed garage placement leaves little room for maintenance of the structure. In situations where less than a 2' setback is requested, the ZBA normally requires the following condition of approval:

- *The applicant must record maintenance agreements between the subject property and the adjacent properties at 813 Grant St and 809 Grant St.*

The executed maintenance agreements have been included with the application.

The property is located within the Transit-Oriented Development Overlay District so usable open space is not required.

Staff Recommendation: It appears that variances could be approvable. However, there are some gaps in information in the application regarding the proposed garage. Therefore, staff recommends **referral** pending additional information and **approval with conditions** if gaps in information relative to the standards of approval can be filled, subject to further testimony and new information provided during the public hearing.