

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
121 South Owen Drive

Zoning: TR-C1

Owner: Cora Lee Kluge

Technical Information:

Applicant Lot Size: 60' w x 134' d **Minimum Lot Width:** 50'

Applicant Lot Area: 8,040 sq. ft. **Minimum Lot Area:** 6,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.131(2)(c)1

Project Description: Demolish existing dilapidated 12' x 20' 1-car attached garage, construct new 13'w x 28'd d 1-car detached garage.

Zoning Ordinance Requirement:	6' 0"
Provided Setback:	3' 2"
Requested Variance:	2' 10"

Comments Relative to Standards:

1. Conditions unique to the property: The subject property exceeds lot width and area minimums, and contains a detached garage with a nonconforming setback. The logical place on the lot for the garage is alongside the home, in consideration of the existing driveway placement and house placement. Building placement is challenging when required setbacks and building separation requirements are applied to the proposed location. It appears as though some variance might be necessary for a garage to be placed in this area, but not necessarily as proposed.
2. Zoning district's purpose and intent: The side yard setback requirement for detached garages placed alongside homes is established to generally require a setback consistent with what would be required for the home, should a property owner choose to locate the garage in the side yard area.
3. Aspects of the request making compliance with the zoning code burdensome: The relatively narrow area between the side property line (21'-4" at its narrowest point) and the home limits where the building could be placed. It appears as though the placement of the proposed building could change to provide a greater setback and less zoning variance.
4. Difficulty/hardship: see #3 above. Also, the subject lot slopes to the rear, which would require a fair amount of excavation to place the garage behind the rear plane of the home and

would also require extension of the driveway. A small tree also exists generally where the garage could be placed behind the home, but it is not clear that tree impacts the placement of the garage.

5. The proposed variance shall not create substantial detriment to adjacent property: The project replaces an existing garage where the neighbor to the side is uphill from the subject property. Due to its size, the proposed garage is generally larger than the existing garage, and could introduce some adverse impact on the neighbor above/beyond the existing condition. Also, the long wall of the proposed garage generally results in an unattractive façade, unbroken and without articulation. This wall is 4"± below the adjacent property, so its exposure and impact is somewhat lessened.
6. Characteristics of the neighborhood: The general area is characterized by similarly sized homes on similar lots. Most homes have single-car attached or detached garages. The proposed garage appears longer than typical. The design and materials for the garage generally are in keeping with the neighborhood.

Other Comments:

At its November 7th 2013 meeting, the ZBA deferred the decision on this case. The following comments were provided:

- The requested storage space could be built elsewhere on the property not necessitating a variance for that portion of the project,
- A retaining wall or other grade transition solution could be used to manage the stormwater problem, and if this was the basis for the variance, in needed further exploration and explanation as to how this relates to the variance request,
- Desired privacy could be created through fencing and landscaping,
- Concerns were raised about a 28' deep garage being detrimental to the neighboring home, and if this depth was common for the area.

In response, the applicant has provided the following:

- The rear storage area has been removed from the request,
- A retaining wall is shown on the plans between the proposed garage and the adjacent lot line.

The existing house and garage are connected via a small roof connection, which appears original. Because of this connection, the garage is considered attached for zoning purposes. Zoning code allowances for detached garage replacement do not apply to attached garages.

As stated above, the area between the home and the side property line is 21'-4". The minimum side setback is 6' and the minimum building separation between the home and the garage is 3'. For a 13' wide garage to be constructed in this area, if the minimum building separation were provided, the remaining setback is 5'-4" (an 8" variance would be necessary). The applicant has not clearly explained why the proposed setback was selected and defined the lot-based hardship that correlates with why this setback should be approved. It appears as though the requested

setback is driven by a desire of the petitioner to maintain a wider corridor width between the house and garage.

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. The project could be modified to provide a larger setback, as described above, or additional information could be provided relative to the standards for review of variances. At this time, staff recommends that the Zoning Board find that the variance standards are not met and **deny** the requested variance as submitted, but would recommend **approval** of an 8" variance so the building could be placed meeting minimum separation requirements described above, subject to further testimony and new information provided during the public hearing.