

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
5705 Forsythia Place

Zoning: TR-C2

Owner: Eva Ziegelhoffer

Technical Information:

Applicant Lot Size: Irregular, 140' frontage on Forsythia **Minimum Lot Width:** 40'

Applicant Lot Area: 8,800 sq. ft. **Minimum Lot Area:** 4,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.043(2)

Project Description: Single-story single-family home. Construct single-story 22' x 22' two-car attached garage addition with bath and laundry room to rear, on the left (east) side of home.

Zoning Ordinance Requirement:	5.0'
Provided Setback:	1'-7"
Requested Variance:	3'-5"

Comments Relative to Standards:

1. Conditions unique to the property: The lot exceeds ordinance minimum requirements, and has an irregular shape from front to rear, making it challenging to place an attached garage on the home. The lot abuts a private open space use to the side where the addition proposed. A smaller attached garage could be built alongside the home, but this size is not common for garages that are being built in the area. A detached garage could be built behind the home, but because of the irregular shape of the lot it would have to be about center in the rear yard, occupying a large area commonly used for recreation on other similar properties. The general orientation of the building directs the placement of the attached garage to the proposed location.
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 buffering between developments, generally resulting in a space between bulk placed on lots, to mitigate potential adverse impact, and also affords access to the backyard around a structure. The proposed garage appears to result in development consistent with the purpose and intent of the TR-C2 district. Although the proposed setback is small, access is maintained along the west property line to the rear of the property.
3. Aspects of the request making compliance with the zoning code burdensome: See comment #1 above.

4. Difficulty/hardship: The home was constructed in 1959 and purchased by the current owner in October 2013. See comments #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The location of the addition is next to a privately-held and heavily-vegetated greenspace and the closest adjacent home is about 100'± to the southeast of where the garage is to be built. The request does not appear to have discernible adverse impact on the neighboring structures or uses.
6. Characteristics of the neighborhood: The general area is characterized by single and two-story houses of similar size on generally uniform lots. Most of the homes in the area have single or two-car detached garages, to the side/rear of the lot. A two-car attached garage is common for this type, style and age of home. The style and design of the addition is generally in keeping with design of the home, and is typical for the area.

Other Comments: The proposed garage extends the driveway to afford code-compliant parking spaces for the dwelling, eliminating the existing legal nonconforming front yard parking area. This parking area becomes the new driveway to the garage, and it appears as though a new slab was recently poured for this area by a previous owner.

The placement of the garage takes into consideration the existing building and walkway placement, and also balances the code provisions that generally discourage a garage façade to project in front of a home. To that effect, the greatest front yard setback possible is proposed, which results in the proposed side yard setback.

The laundry and bath portion of the project exceed the minimum side yard setback requirement.

By practice, when a proposed addition is located less than 2' from a property line, the ZBA typically requires a condition that a maintenance easement/agreement be recorded with the adjacent property owner. Since the adjacent property is a private park with likely a complex ownership structure, the condition will likely be difficult to obtain. Given this scenario, plus the fact the addition is not parallel to the side property line and it appears as though there is room to build and maintain the structure, staff recommends no maintenance easement/agreement condition be required.

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.