

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
**115 Vaughn Court**

**Zoning:** TR-C1

**Owner:** Lucy Brown

**Technical Information:**

**Applicant Lot Size:** 63.4'w x 127'd **Minimum Lot Width:** 50'

**Applicant Lot Area:** 8,051.8 sq. ft. **Minimum Lot Area:** 6,000 sq. ft.

**Madison General Ordinance Section Requiring Variance:** 28.042(2)

**Project Description:** Single-story single-family home. Construct single-story 13'w' x 23.5'd basement-level single-car attached garage addition with first-level kitchen expansion, to the right (south) side of home.

Zoning Ordinance Requirement: 6.0'

Provided Setback: 3.4'

Requested Variance: **2.6'**

**Comments Relative to Standards:**

1. Conditions unique to the property: The lot exceeds ordinance minimum requirements, and has slope from front to rear that affords the construction of a basement-level garage and space behind the home to construct a detached garage. This slope is common on lots found in the general area. The lot abuts a public park to the rear, also common for lots on this side of the block.
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 principal buildings generally resulting in a space between the bulk placed on lots, to mitigate potential adverse impact of buildings being constructed in close proximity, and also affords access to the backyard around a structure. The proposed project pushes about half of the garage space below-grade, minimizing its impact on the neighboring property. The neighboring property has an existing screening fence, but is developed at a lower elevation than the subject property, making the impact of the addition more significant.
3. Aspects of the request making compliance with the zoning code burdensome: Given the 20' required front yard setback, there is space toward the front of the home where the proposed garage could be constructed without necessitating a variance, and the desired short driveway could be built. The kitchen/dining expansion could also be built where proposed, slightly

narrower, without necessitating a variance. Also, a smaller attached garage could be built alongside the home where proposed, but this size is not common for garages commonly found in the area. A detached garage could be built behind the home, but the slope of the lot makes access to such a garage more challenging. This is the only home on this block with a detached garage in the rear yard, most have attached garages.

4. Difficulty/hardship: The home was constructed in 1941 and purchased by the current owner in July 2009. 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 an existing privacy fence on the neighbor's property, with primarily the kitchen addition being exposed above-grade in proximity to the neighboring home. The distance between the two homes will be approximately nine feet. Because this addition is located on the south side of the subject lot, ambient and direct sunlight to the neighboring home on the side where the variance is being requested should not be affected by this project.
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 attached garages or no garages, generally located to the side/rear of the lot. A single-car attached garage constructed at the basement level is common for this type, style and age of home, and it is common to locate living space or useable space directly above a basement-level garage. 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 project replaces a steep driveway, leading to a narrow detached garage in the rear yard. With this project, the driveway is to be reduced in size to serve the new garage; however, the proposed driveway is not shown on the plans. Per the petitioner, the new driveway will be designed to comply with zoning regulations, the existing detached garage will be retained, to be used primarily for shed purposes, and the existing driveway behind the house will be removed.

The submitted plans show a screen porch to be built to the rear, which does not require a zoning variance.

**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. It appears as though a project could be designed that complies with the zoning requirements, but is not being proposed for some reason. Information as to why a compliant alternative would not work has not been included with this application. Staff recommends that the Zoning Board find that the variance standards are not met and **refer** the request for more study and information, or **deny** the requested variance as submitted, subject to further testimony and new information provided during the public hearing.