

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
**3134 Hermina Street**

**Zoning:** TR-C4

**Owner:** Michael Bergin

**Technical Information:**

**Applicant Lot Size:** 42.63'w x 120'd

**Minimum Lot Width:** 40'

**Applicant Lot Area:** 5,115.6 sq. ft.

**Minimum Lot Area:** 4,000 sq. ft.

**Madison General Ordinance Section Requiring Variance:** 28.045(2)

**Project Description:** Two story two-family two-flat dwelling. Demolish existing dilapidated and noncompliant single-car detached garage behind home, construct single car attached garage to right side and new stair to 1<sup>st</sup> floor unit at right-rear. Project also includes removal of the rear open stair that is the current access point for the 2<sup>nd</sup> level unit, a new stair to 2<sup>nd</sup> floor unit at right-front, 2<sup>nd</sup> floor addition and remodeling to accommodate new floor plan for 2<sup>nd</sup> floor unit, and complete remodeling and a rear dwelling addition with deck for the 1<sup>st</sup> floor unit.

Zoning Ordinance Requirement: 4.26'

Provided Setback: 3.0'

Requested Variance: **1.26'**

**Comments Relative to Standards:**

1. Conditions unique to the property: The lot is relatively narrow in width but generally common to other lots in the block. The lot is relatively level where the home sits, but has a substantial grade drop at the rear the home and garage. The existing garage is built above a retaining wall system, with a rear addition placed right at the edge of the grade drop-off. The existing house and lot slope limit placement options for typical amenities, such as a garage (attached or detached), and other required housing elements, such as the required rear stair. Most of the lots in the immediate area do not have the slope condition of the subject lot.
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 structures on lots, 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 and stair appears to be the minimum necessary to have such features be functional, and result in development consistent with the purpose and intent of the TR-C4 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 1930 and purchased by the current owner in June 2004. See comments #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The portion of the project that encroaches into the setback would have little impact above or beyond what would otherwise be allowed. The addition is not typical occupiable living space; it is auto/possessions storage space and a stairwell, and the distance to the side wall of the neighboring home on the side where the variance is being requested is about 11'.
6. Characteristics of the neighborhood: The general area is characterized by single and two-story houses of generally similar size on generally uniform lot sizes. The architectural styles for houses in the neighborhood vary significantly. Most of the homes in the area have single or two-car detached garages, to the side/rear of the lot, and there are just a few attached garage examples in the general area. The resulting home will be slightly larger than others in the immediate area, but not necessarily out-of-place. The style and design of the addition is generally in keeping with design of the home, and is typical for the area.

**Other Comments:** There are currently orders to replace the roof on the home and repair the garage. This variance request appears to address the wholesale condition and improvement of the two-family two-flat on the property, which currently is in need of significant renovation and improvement. The new entrance at the front solves a current access problem for the 2<sup>nd</sup> level tenant, who now must go to the rear of the home to access the unit. The 2<sup>nd</sup> floor addition and remodeling also makes the unit more viable and creates a much better living space for occupants. The addition to the rear and the attached garage add elements for the 1<sup>st</sup> floor unit that also improves the flow, access and living condition for that unit.

The garage, either attached or detached, would require a side yard variance due to the placement of the structure alongside part of the home. The 4.26' minimum side yard setback would be required for a garage in either configuration.

**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