

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
2106 E. Mifflin Street

**Zoning:** TR-C4

**Owner:** Beth Cannestra

**Technical Information:**

**Applicant Lot Size:**

**Minimum Lot Width:**

**Applicant Lot Area:** 3,267 sq. ft.

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

**Madison General Ordinance Section Requiring Variance:** 28.131(e)(2), 28.045(2)

**Project Description:** Remove existing dilapidated detached garage and construct new 12'w x 20'd detached accessory structure (garage). Requests lot line setback and Usable Open Space (UOS) variances for the placement of a detached accessory structure less than three feet from the rear and side lot lines.

Zoning Ord. Requirement: 3' setback from side and rear property line

Provided Setback: 0'-6" setback from property lines

Requested Variance: **2'-6" variances**

Zoning Ord. Requirement: 1,500 sq. ft. UOS

Provided UOS: 580 sq. ft. ±

Requested Variance: **920 sq. ft. variance**

*(Note: property currently provides about 715 sq. ft. of UOS)*

**Comments Relative to Standards:**

1. Conditions unique to the property: The lot is narrower than ordinance minimums and provides less lot area than required. The subject property is part of four developed *lots of record* that were split from two original platted lots at the time of original construction, resulting in the small lot size. The neighboring property to the northeast has an old detached garage which is built across the lot line, 2.3' into the subject lot.
2. Zoning district's purpose and intent: The regulations being requested to be varied are the *Lot line setback and Usable Open Space requirement*.

**Lot Line Setback**

In consideration of this request, the *lot line setback for detached accessory structures* is intended to provide minimum buffering between buildings on a lot, generally located behind the principal structure on a lot. The proposed placement improves the existing condition, where the structure is actually across the lot line, but does leave little room for maintenance of the structure (see recommended condition below). The placement also maintains access to the garage by a vehicle and minimizes the loss of UOS by shifting the garage less into the yard.

#### Usable Open Space

In consideration of this request, the UOS requirement is intended to provide on-site areas for outdoor recreation of the occupants of the building. The new garage reduces the UOS provision slightly, but maintains the existing UOS spaces which have served the property for decades.

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

3. Aspects of the request making compliance with the zoning code burdensome: The provision of a single-car garage for the storage of vehicles and property is reasonable/common for a residential property. In this case, the lot line setback requirement competes with the UOS requirement, in that the setback requirement lowers the amount of qualifying UOS the property can provide. Any structure of a size that could fit a typical automobile and provide required setbacks would reduce qualifying UOS, either necessitating a variance or prohibiting the construction of the accessory structure. In regard to the setback, the existing principal structure placement makes access to a garage by a vehicle challenging due to the limited maneuvering area for a vehicle to travel, if the 3' minimum setback were provided.
4. Difficulty/hardship: The subject property is a renter-occupied two-family dwelling – Two Unit (stacked flats), which was originally constructed in 1908 and purchased by the current owner in 2000. See comment #1, #2, and #3 above
5. The proposed variance shall not create substantial detriment to adjacent property: The structure will have little impact or detriment on adjacent property.
6. Characteristics of the neighborhood: the general area is characterized by homes of similar size, most on larger lots than the subject lot, with single or two-car detached garages as a common amenity.

**Other Comments:** The existing detached garage structure was built across lot lines. The loss of UOS directly relates to the shifting of the structure to the lot and the provision of a minimal setback for the structure. The proposed garage placement reduces provided UOS on the lot by 135± sq. ft.

The garage provides a very small setback to the property lines. The placement leaves little room for maintenance of the structure. In situations where less than a 2' setback is being requested which would result in challenges in maintaining the structure, the ZBA normally requires the

following condition of approval: *the petitioner must secure and record a maintenance agreement between the subject property and the properties to the north and west.*

**Staff Recommendation:** It appears standards have been met, therefore staff recommends **approval** of the variance requests, subject to further testimony and new information provided during the public hearing.