

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
3905 Priscilla Lane

Zoning: TR-C1

Owner: Robert B. and Tammy J. Downing

Technical Information:

Applicant Lot Size: Irregular, 63'w x 131'± d

Minimum Lot Width: 40'

Applicant Lot Area: 8,253 sq. ft.

Minimum Lot Area: 4,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.042(2)

Project Description: Petitioners request side and rear yard setback variances to construct a single story attached garage addition and a single story dwelling addition onto the existing single-story single-family dwelling. Project involves removal of the existing carport and remodeling of some of the existing common area spaces.

	<u>Rear Yard</u>	<u>Side Yard</u>
Zoning Ordinance Requirement:	35'-0"	6'-0"
Provided Setback:	31'-6"	3'-0"
Requested Variance:	3'-6"	3'-0"

Comments Relative to Standards:

1. Conditions unique to the property: The lot is slightly irregular in shape, exceeds lot width and area minimums, and is an otherwise compliant lot. The rear lot line is not parallel to the existing structure or the front lot line, and the lot contains a private easement. Both of these conditions do not appear unusual or unique, or affect the ability for an addition to be constructed to the rear of the home.
2. Zoning district's purpose and intent: The regulations being requested to be varied are the *rear yard setback* and *side yard setback*.

Rear yard setback

In consideration of this request, the *rear yard setback* is intended to provide minimum buffering between principal buildings on lots and to align buildings within a common building envelope, common back yards, and generally resulting in space in between the building bulk and commonality of bulk constructed on lots. The rear addition will push the occupy-able space deeper into the rear yard than neighboring homes and into the rear setback, which can create privacy issues for the occupants of neighboring homes. The request appears in conflict with the intent and purpose of the rear yard setback.

Side yard setback

The *side yard setback* is intended to provide minimum buffering between buildings, generally resulting in space in between the building bulk constructed on lots, to mitigate potential adverse impact and to afford access to the backyard area around the side of a structure. The proposed garage appears to be the minimum necessary to have a functional single-car garage and associated storage for the dwelling. This part of the project appears to result in development consistent with the purpose and intent of the TR-C1 district.

3. Aspects of the request making compliance with the zoning code burdensome:

In regard to the side yard setback request for the garage, it is reasonable for a property to have an attached or otherwise enclosed garage space, the existing building placement and proposed expansion would limit a garage, attached or detached, from being constructed at a functional width without a zoning variance being necessary. The proposed location for the garage matches the existing location of the carport, and this location is the logical place for a garage to be constructed for the home.

For the rear yard setback request for the dwelling addition, the petitioner is using part of the building envelope available to the side and rear of the home, which is the logical location for a dwelling addition to be placed. There appears to be area for a rear part of the addition to be constructed without necessitating a zoning variance, possibly smaller or in a different shape. The petitioner has not presented any information as to why a design necessitates a variance or why an addition could not be designed which complies with the setback requirement.

4. Difficulty/hardship: The home was constructed in 1958 and purchased by the current owner in July 2009. See comment #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: As noted above, the proposed garage addition will be closer to the lot line than required, but not so close as to prevent access to the rear yard. Both requests do not affect the availability of light and air on neighboring properties.
6. Characteristics of the neighborhood: The general area is characterized by homes of similar size and varying architectural sizes. Garages tend to be attached, detached or carports. It is not uncommon to find a 1-car attached garage. The architectural style for the additions appear consistent for the existing home and the general area. The project appears consistent with the neighborhood from a design perspective.

Other Comments: The submission lacks an existing floor plan, so it is unclear exactly what the existing condition is that is being modified. Typical projects of this scale include re-using existing spaces as part of the addition, often resulting in an explanation as to why a variance is necessary. It is not clear this is occurring because there is no existing floor plan submitted.

The submitted plans indicate the rear addition to be either on a crawl space or basement. The application primarily speaks to the addition being the living space only, and no information is

shared about whether or not a basement is proposed, or why a variance should be approved for a possible basement part of this request.

The application includes statements that the request is based upon the architectural design of the project, including maintaining parallel lines and 90° angles for the exterior walls. This project could be designed with these principles and meet the zoning setback requirements. No information, besides a proposed floor plan and elevations, has been presented as to why the addition is proposed at its size and shape.

The project appears to include a number of site changes, including walkways, a new patio and revisions to the driveway area. It is assumed these features will be designed in compliance with ordinance requirements, and no variances are being requested for these features.

The project involves the removal of a shed structure which appears to have been built by a previous owner without obtaining permits, and does not comply with zoning ordinance setback requirements.

The petitioners currently own the property to the east. It is not clear what property they currently occupy. The petitioners have indicated they will be occupying the subject property after the completion of remodeling.

Staff Recommendation, Attached Garage Addition (side yard setback): 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.

Staff Recommendation, Dwelling Addition (rear yard setback): The burden of meeting the standards is placed upon the petitioner, who needs to demonstrate satisfaction of all the standards for variance approval. It is not clear that this burden has been met. Staff recommends that the Zoning Board find that the variance standards are not met and **refer** the case for more information relative to the standards of approval or **deny** the requested variance as submitted, subject to further testimony and new information provided during the public hearing.