

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
102 N. Brearly St.

Zoning: TR-C4

Owner: Tosha Kowalski

Technical Information:

Applicant Lot Size: 31' N Brearly) x 66' (E Mifflin)

Minimum Lot Width: 40'

Applicant Lot Area: 2,046 sq. ft.

Minimum Lot Area: 4,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.131(e)(5); 28.045(2)

Project Description: Petitioner requests accessory building placement, setback and Usable Open Space variances to construct a 12' x 22' detached garage. Proposed garage replaces an existing 10.2' x 18.2' dilapidated garage.

Usable Open Space (UOS)

750 sq. ft. required

300 sq. ft. provision

450 sq. ft. variance

Lot Line Setbacks

3.0' required

1.0' provided

2.0' variance

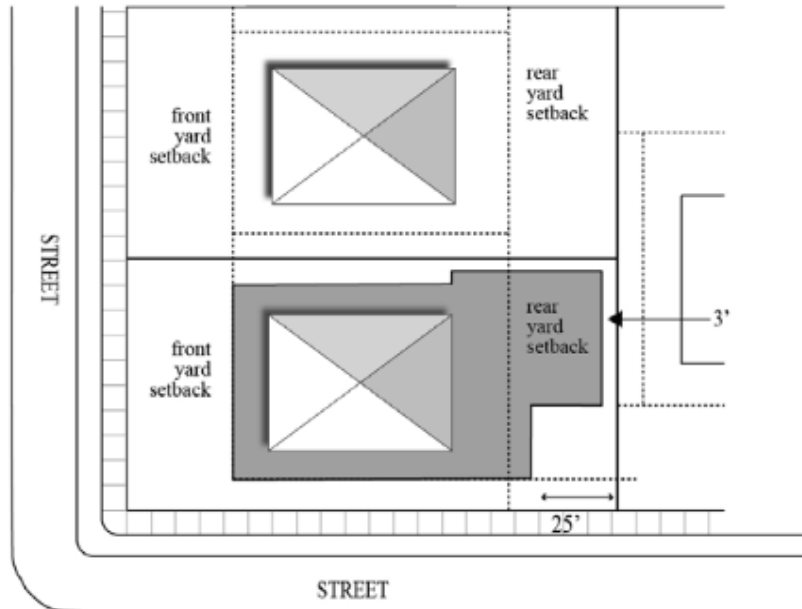
Accessory Building Placement

20.0'* required

7.9' provided

12.1' variance

*Placement requirement: In the rear yard setback of a reversed corner lot, no closer to the street side lot line than the front yard setback of the adjacent property (*in this case 20 feet*), for the first twenty-five (25) feet from the common property line.



Comments Relative to Standards:

1. Conditions unique to the property: The subject property is a reverse-corner lot, part of an original platted lot that was split into four development sites at the time of original development. The lot provides a quarter less the lot width and about half the lot area required by the ordinance. The existing detached garage could be replaced with the garage replacement rule, however the garage cannot be expanded as allowed because open space would be further reduced and the projection into the reverse-corner placement restriction area would be increased. The UOS, size and setback requirements makes placement of a detached garage of any size not possible without variances.
2. Zoning district's purpose and intent: The regulations being requested to be varied are the *Usable Open Space*, *lot line setback*, and *accessory building placement requirement on reverse-corner lots*.

Usable Open Space

In consideration of this request, the UOS requirement is intended to provide the occupants of the building with on-site areas at the ground-level for outdoor recreation and use. The new garage reduces the UOS provision through the expanded garage width, a reduction of about 60 sq. ft. Consuming a small amount of UOS for a slightly larger footprint weighs the balance between needs of parking and storage, and the provision of UOS on a lot.

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 very close to the north 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. The proposal matches the existing setback to the west and increases to 1' on the north, but generally maintains the status quo and is consistent with what the City has found for detached garages on the end-blocks lots in this area.

Accessory building placement

In consideration of this request, this restriction is intended to ensure that a detached accessory structure does not get placed in front of the adjacent home, for the first 25' of the rear yard area and building envelope of the subject lot, or, at a minimum, will be placed at the minimum front setback required for the home to the rear, if the home is placed behind the minimum front setback. The home to the rear, the home which the reverse-corner setback is intended to protect, provides a similar front yard setback as the proposed garage. The proposed placement of the detached garage is about 38' from the home to the rear (west) and would have little impact on the neighboring home. However, the property to the rear appears to have a space open for a future new home, and this garage could be as close as 4.3' or so from the new home.

A replacement detached garage 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 lot size and setbacks requirements limit the ability to construct any garage structure. The only area available for placement of a detached garage is the area to the west of the home, and much of this area is impacted by the reverse-corner accessory building placement regulation. Also, the property is required to provide one off-street parking space, which could only be provided if zoning variances were approved.
4. Difficulty/hardship: The home was constructed in 1910 and purchased by the current owner in September 2011. See comment #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: The proposed garage is located next to an open area on a lot, which appears to be a possible future home site. A typical garage would be common for the area, and would not have significant impact on the neighboring property. The flat roof design minimizes the bulk of the garage, and lessens the impact on the neighboring property. In regard to drainage, the proposal shows a relatively flat roof pitched towards the principal structure on the lot, with downspouts discharging into the yard.
6. Characteristics of the neighborhood: the general area is comprised of lots with varying sizes, but with similarly sized homes and typically smaller one-car detached garages. The garage design and placement appears compatible with the characteristics of the general area.

Other Comments: As noted above, 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 property to the south.*

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.