

FEBRUARY 28, 2019 BOA PUBLIC HEARING STAFF REPORT

Appeal 3698. Appeal by Reggie Lund for a variance from minimum required setback from a Class E highway as provided by Section 10.17(5)(b) , Dane County Code of Ordinances, to permit a proposed garage addition at 2777 Marshall Pkwy being Lot 2 Sawyer Addition, Section 27, Town of Madison.

OWNER: Reggie Lund

LOCATION: 2777 Marshall Pkwy

ZONING DISTRICT: R-2 Residential

COMMUNICATIONS: Town of Madison: 1/9/2019, no objection as long as garage and driveway does not cross neighboring property lines.

Facts of the Case:

Existing:

- Single family residence built between 1955 and 1957 on an unplatted lot.
- In 1965 Sawyer Addition was recorded creating 6 platted lots, 2 of which already had residences constructed, lot 2, the Lund residence, and lot 1, the residence immediately to the west. The remaining 4 lots of the subdivision are to the east and abut unplatted lands.
- The opposite side of Marshall Pkwy, north of Carver Street was platted as Forest Park in 1934.

Proposed

- Two car attached garage addition to front of existing residence.

Zoning Notes:

- Access to this property when constructed would have been provided via an unplatted town road, or Class C Highway. The requested setback from a Class C highway when the residence was constructed would have been 63 feet from the centerline of the right-of-way which is usually equal to 30 feet of setback from the front property line.
- In 1965, the Sawyer Addition plat was recorded and identified 60 feet of right-of-way which continued Marshall Parkway to the west, including access to the Lund property, from the Forest Park platting. At this time the required County zoning front setback for the Sawyer Addition became 30 feet from the front property line, as the roadway was now a Class E highway.
- The Sawyer Addition plat, as recorded shows a 50 foot front setback line for lots 3,4, and 5 of the plat.
- The portion of Marshall Parkway that is included in the Forest Park plat is defined as a Class D highway and requires a 20 foot front setback from the right-of-way line.

History

- In 1990 zoning permit 1616 was issued for a covered porch addition to the residence.
- In 2018 zoning permit 604 was issued for a second story addition to the residence.
- The only other variance request within the Sawyer Addition plat was variance 1067 requested in 1982 for a reduced side yard setback, however the Board of Adjustment denied the request after determining that a hardship did not exist.
- Violation History: No violation history found on the property.

VARIANCES REQUESTED: Purpose: Allow encroachment of attached garage into required front setback

Minimum setback from right-of-way required: 30 feet.

Actual Setback: From front lot line: 23.4 feet.

VARIANCE NEEDED: 6.6 feet.