

## FINAL HEARING PLAN Introduction to PC

As you know, there is some controversy to this proposal. Contrary to what Mike Crooks has said, I have not taken a position on this issue.

When projects come up for a hearing, the nearby neighbors are contacted. In some cases the impact of a project is more than a simple garage or a house addition. In this case the issue of an "ADU" will affect the entire neighborhood and may change the character of the neighborhood.

This project has the potential to radically change the neighborhood. This is a special subset of neighborhoods that is unlike most neighborhoods. It is special due to the lake Mendota frontage, the lake view, the lake related activities, the beautiful and well kept properties and the quite and peaceful historic district.

I feel that any project that has the possibility of affecting an entire neighborhood requires notification of the entire neighborhood. This neighborhood consists of all the Lake homes from Brearly St to Tenney Park. Yes, other properties in the area may also be affected but the greatest impact will be on all the Lake homes. I

The TR-C Districts are established to stabilize, protect and encourage the essential characteristics of the residential areas typically located in the neighborhood.

### Introduction

I purchased my home in 2005 located at 1022-24 Sherman Av, which is adjacent to the proposed ADU. My home was originally constructed in 1899 as a two family home having one unit on the first floor and one on the second floor. It is legally nonconforming and is the only two family Lake home on Sherman Av from Tenney Park to Brearly St (Christ Presbyterian Church & Brearly St)

I am 77 years old and am a retired real estate expert with an MBA in Finance. I started investing in residential income properties in 1972. My current home is the last property I have to sell before I retire.

### Mkt value

There is an appraisal concept called "highest and best use" which briefly stated is the use that yields the highest market value of a property. If this proposed ADU existed when I was looking to buy, I never would have purchased my present home. I would not have even made a low ball offer. None of the Sherman Av lots have a neighboring lot obstructing the lake view, except for a few with small buildings constructed before zoning and obstructing very little lake view. If this proposed ADU is built, I estimate the decreased market value of my property is about \$200,000.

You have undoubtedly heard many people cite a lost in value when opposing a proposal. It seems that almost everyone says that. But this is a unique situation. Most lot lines in this area are perpendicular to the street. But the properties from 1000 to 1026 Sherman Av are in block 365 of the original plat in which lot lines are slanted to Sherman Av, but these properties have the houses

perpendicular to Sherman Av. Thus the proposed AUD would block about 2/3s of my lake view but will not block the Crooks lake view. It is obvious that the Crooks value their lake front views, but are not concerned about anyone else's lake view.

The crooks have previously stated that the ADU will add value and the garage would add a parking space. The AUD will not add a parking space (1street-1off street=0). The AUD will not increase Crooks market value. It is a common belief that a two unit property will have a greater value than a one unit property on a similar lot with similar size. The notable exception is for lake property. The typical lake property buyer does not want to deal with the management challenges, including the expertness to properly screen tenants. It is simple economics that a reduction in buyers results in a reduction in market value.

## MISC

the applicant has the burden to demonstrate that the standards for a conditional use can be met.

although PC decision on conditional uses may be appealed to the Common Council

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solution to adding more housing without changing the look and feel of neighborhoods, or upsetting people who do not want taller or bigger houses near their own homes.

Q19: Question: How much will an ADU add to my property tax assessment?

A: In most cases the ADU will be evaluated as if it is an addition to the primary house.

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It does not meet typical expectations for an ADU (list?)

Can this be an attempt to rezone from single family zoning to two families while attempting to pass it off as an ADU?

If approved, it is an unintentional consequent of the AUD ordinance

Zoning and set backs?

Flood plain & 2008 flood?

Possible alternatives?

Future possibilities?

It will not add low and moderate housing due to high rents for lakefront properties

They bought their house to meet their needs, what has changed (add family information)?

There are no other known ADUs on the Lake from Brearly St to Tenney Park. 1028 Sherman Av is not a ADU, it is a garage with an artist studio. 2011 Sherman Av is not an ADU, it is a garage with a music practice room above.

This proposed ADU is inconsistent with the area.

Upper deck yields noise that will be louder and travel further (they are already loud with guest)

ADU size and shape 12 ft by 58 ft looks like it should be in a mobile home park. The provided plans do not appear to have a stucco finish. The lot of the proposed AUD is can not be considered as a large lot due to its irregular shape that narrows down to 32.6 feet at the lakefront. (Fence required for Jan, avoid trespassing)

Mike and I have agreed that the cement of my driveway has gone along the side of the old garage and has been there for a very long time and the setback should be from that cement line. The cement has been there for at least 68 years. But sometimes he might forget about our agreement.

The flood zones only allow living areas raised above the ground level (or flood plain level). I don't know what the height might be or if it is different for the 100 year and 500 year flood plain.

Flood plain maps are not accurate; the most accurate flood plain maps are from the city or maybe the County.

I assume that Jan has told you about the ADU across the street that was turned down. Its design and placement appear to be more in line with ADU than Crooks.

Crooks design is very different than his house and this neighborhood; it doesn't fit in.

Lake home properties are very different than other neighborhoods, usually cost more than \$1,000,000 and are typically bought for lake activities and lake views.

Crooks plan appears to be an extra long mobile home. It does not appear to restrict rentals of the "living unit" which seems to be in conflict with zoning. If that is allowed, then what would stop from creating a lake side ghetto?

Would it have an impact on parking which is already difficult with parking allowed only on one side of the street?

He purchased this property last year. If his plan is to provide housing for family, then instead of spending \$200,000+/- on this project, then he could have purchased property with a larger building and yard.

#### Setback

I did an internet search “ADU Madison WI” and found ADU questions and answers from the Design Coalition Institute and Facebook. I found important questions and answers that referenced City of Madison Zoning Code Chapter 28, Section 131. I attempted to verify with zoning ordinances, but could not Here is what I found “Accessory Dwelling Units (ADUs)n the City of Madison Frequently Asked Questions”

“As of January 2013, the City of Madison zoning code allows “Accessory Dwelling Units” (ADUs) as a “Conditional Use” on all owner-occupied single-family detached homes in the City of Madison.

A professional survey is not required to determine property line setbacks for an ADU. The requirements for a Conditional Use application includes an accurate map of the lot, with the locations and dimensions of lot lines, setbacks, driveways, patios/decks, parking areas, and buildings accurately noted.” As of Wednesday 4/22/2020 an accurate map has not been submitted. In some cases getting a survey may be advisable if the proposed ADU is to be located very close to a property line.

If the Crooks get approval, that will create a problem with setbacks. I spoke briefly about this when you were viewing the site.

For several decades my fence and part of my cement driveway have been on the property that the Crooks recently purchased. I discovered this when Mike staked out the footprint of an older garage that was removed a few years ago. The old garage was adjacent to the existing cement driveway without an apparent setback. The old garage may or may not have been within side setbacks. But since the garage was removed more than two years ago, its footprint is not relevant for any future building locations. I pointed this out to Mr. Crooks last year and we agreed not to use the property lot line as the starting point for a setback but to use the edge of the cement driveway as the line to establish a boundary to set back from. At that time he was only interested in constructing a garage. We do not have a written agreement to this effect, but agreed on a two foot setback from my cement driveway/parking area. We did not talk about the fence, but the fence was documented in its current location by a City engineer in 1942.

The problem with the old garage was that the driveway was narrow and a car would sometimes hit the garage. I am wondering if a three foot set back from the driveway and the fence would be more appropriate since the setback space would be available for fence and building maintenance, as well as the building construction. The assumed lot line was the old garage side and the old fence. I appreciated Mike’s cooperation on this issue

I thought the proposed building would be just for the garage, but now I realize that it will be a very long building. Does not require a survey, while the ADU application requires an accurate map of the lot, with the locations and dimensions of lot lines, setbacks, driveways, patios/decks, parking areas, and buildings accurately noted. As of last Wednesday an accurate map was not submitted.

## FLOOD PLAIN

Flood plain maps are not always accurate; the most accurate flood plain maps are from the City or maybe the County. This parcel has two flood plains, often referred to as a 100 year flood plain and the 500 year flood plain. Living units may be built in a flood plain, but the living area must be above the flood plain high water level. The flood high water level is expected to be low. But the climate change is uncertain and there have been two floods in the last ten years at or near the end of the 100 year flood plain. The 100 year flood plain has a high risk for flooding, considered to be 1 in a 100 years and the 500 flood plain a moderate risk considered to be 1 in 500 years.

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Mr. Crook stated that the PDU will increase property value. If it does, it will increase his tax bill. But that increase will not make a noticeable decrease in any one's property tax bill. Most people don't understand how the property tax system works, that includes a lot of journalist and politicians who don't understand it. Most assessors will value the ADU as an addition to the primary house or add the cost of construction to the house. But that is in conflict with State Statutes that require assessments at market value.

There are some places where an ADU is appropriate and there are places where an ADU is not appropriate. This one is not appropriate.

Based upon the above considerations and comments from other neighbors the proposed ADU is not an appropriate place for an ADU and should not be approved.