

PREPARED FOR THE PLAN COMMISSION



Project Address: 836 Woodrow Street (13th Aldermanic District, Ald. Eskrich)
Application Type: Conditional Use
Legistar File ID #: [51767](#)
Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant, Contact, & Property Owner: Andrew Cusick; 836 Woodrow Street; Madison, WI 53711

Requested Action: There are two Conditional Uses requested: 1) approval of a Conditional Use to allow construction of an accessory dwelling unit (ADU), and 2) approval of a Conditional Use to allow the total area of all accessory buildings on a lot to exceed ten percent (10%) of the lot area in a TR-C2 district, at 836 Woodrow Street.

Proposal Summary: The applicant proposes to construct a two-story, 1-bedroom, 1-bathroom accessory dwelling unit (ADU) measuring 695 square feet in floor area, with a 470-square foot footprint, at the rear (north corner) of the subject property.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses (MGO §28.183(6)), as §28.032(1) of the Zoning Code lists an *Accessory Dwelling Unit* as a conditional use in all residential districts. Furthermore, §28.131(1)(a) also states that the total area of accessory buildings measured at ground floor must be less than ten percent (10%) of the lot area except by conditional use approval. The Supplemental Regulations [MGO §28.151] contain further regulations for an accessory dwelling unit.

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests to allow construction of an accessory dwelling unit, which causes the total area of all accessory buildings on the lot to exceed ten percent (10%) of the lot area in a TR district at 836 Woodrow Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The 5,200-square-foot (0.12-acre) property is located on the west side of Woodrow Street approximately 450 feet south of its intersection with Monroe Street. It is located within Aldermanic District 13 (Ald. Eskrich) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The property is zoned Traditional Residential – Consistent 2 (TR-C2) District and is currently developed with a two-story, two-bedroom, two-bathroom, 1,400-square-foot single-family residence. It was originally constructed in 1923. There is also an existing 275-square-foot, one-stall detached garage behind the house along the south edge of the lot, which will remain.

Surrounding Land Use and Zoning:

- North: Single-family residences zoned Traditional Residential – Consistent 2 (TR-C2) District;
- West: Single-family residences zoned TR-C2;
- South: Single-family residences zoned TR-C2; and
- East: Across Woodrow Street, Edgewood College, zoned College Institutional (CI) District.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2006) recommends low-density residential (LDR) uses for the subject parcel, defined as less than 16 dwelling units per acre, and includes accessory dwelling units as one of the LDR housing types. The [Monroe Street Commercial District Plan](#) (2007) recommends including “residential opportunities featuring a variety of housing types available to a diversity of markets.”

Zoning Summary: The property is in the Traditional Residential – Consistent 2 (TR-C2) District

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,000 sq. ft.	5,200 sq. ft.
Lot Width	40'	40'
Front Yard Setback	20'	Adequate
Max. Front Yard Setback	30' or up to 20% greater than block average	Adequate
Side Yard Setback: Accessory Building	3'	4' 0"
Rear Yard Setback: Accessory Building	3'	3' 0"
Usable Open Space	750 sq. ft.	Adequate
Maximum Lot Coverage	65%	51%
Maximum Building Height: Accessory Dwelling Unit	25'	25'

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only) Accessory dwelling unit: None	Existing detached garage
Building Forms	Not required	Accessory Building

Other Critical Zoning Items	Utility Easements
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Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services.

Project Description

The applicant proposes to build an accessory dwelling unit (ADU) with a 470 square foot footprint. The ADU will have one bathroom and a bedroom/sleeping loft within a total floor area of 695 square feet. With the new structure, approximately 14% of the site’s lot area will be covered by accessory structures. The applicant/owner states that the owner’s intent is to develop the ADU for use by his family and to enable him to retire and age-in-place at this location. The ADU will be two stories, with asphalt shingles and a metal chimney for a woodstove.

The applicant has stated that the ADU's materials and color will be similar to those of the principal structure. To that end, lap siding will be painted a darker color, similar to the dark brown principal home and garage. The ADU will also have a 263-square foot wood deck 24 inches above grade and a narrow 78-square foot canopy with aluminum fascia. The ADU will be accessed via a walkway that connects to the existing driveway, which in turn gives access to the primary dwelling and Woodward Street. The existing one-stall garage, whose architecture mimics that of the principal house, is served via a driveway to Woodward Street and will remain. It appears that there is a mature tree located near the northeast corner of the proposed ADU, but it is not indicated if that tree will be removed or preserved.

Analysis and Conclusion

The applicant requests approval of two conditional uses: one to allow the construction of an accessory dwelling unit, and the other to allow the total area of all accessory buildings at 836 Woodrow Street to exceed ten percent (10%) of the total lot area. This request is subject to the Conditional Use standards as well as the Supplemental Regulations for accessory dwelling units.

Conformance with Adopted Plans

The Plan Commission shall not approve a Conditional Use without due consideration of the City's adopted plan recommendations. In considering conformance with the adopted plan recommendations, the Planning Division believes that the proposed use is generally consistent with the [Comprehensive Plan](#) (2006) as well as the [Monroe Street Commercial District Plan](#) (2007). The [Comprehensive Plan](#) recommends low-density residential (LDR) uses for the subject parcel, defined as less than 16 dwelling units per acre. The density of this lot alone with an ADU would be 16.7 dwelling units/acre. This calculation does not consider any rights of way, nearby open space, or any other contextual surroundings. The addition of an ADU would increase the density of this block of Woodrow Street from 6.9 units/acre to 7.1 units/acre. Additionally, the [Comprehensive Plan](#) includes accessory dwelling units on the list of recommended housing types in the LDR District. The proposal also meets the [Comprehensive Plan's](#) "Established Neighborhoods" objective to provide a range of housing opportunities, including affordable housing, that will be attractive to both owner and renter households of different sizes, lifestyles, incomes and tastes and the policy to explore alternative and non-traditional housing solutions that will provide greater choice in affordable dwelling units. Most of the [Monroe Street Commercial District Plan](#) relates to the commercial areas of Monroe Street and does not offer many residential recommendations. The Plan does, however, recommend a variety of housing types and housing opportunities available to a diverse market.

Conditional Use Standards

In addition to due consideration of the City's adopted plan recommendations, the Plan Commission shall not approve a Conditional Use without finding that all of the conditional use standards of MGO §28.183(6) are met. While ADUs and two-story accessory structures are somewhat uncommon in the surrounding blocks, the Planning Division believes that the proposal can be found to meet the Conditional Use standards. Recent changes to state law require that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation. Any condition applied to a project must be directly related to the conditional use. On balance, the Planning Division believes Standards 1, 2, 4, 5, 6, 7, and 9 can be found met with the recommended conditions. Standards 8 and 10-15 would not apply to the conditional uses requested. Standard 3 is discussed in more detail below.

Approval Standard 3 states that "The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner." This is

an older, established single-family neighborhood and the subject property is surrounded by other homes, most of which also have detached accessory buildings. There are several important points to consider regarding this standard. Regarding placement on the subject site, the properties to the north and west, adjacent to the corner of the subject property where the ADU is planned, already have accessory buildings very near the lot lines. There is only one ground-floor window and no upper-floor windows facing the neighboring lot to the north which are anticipated to help maintain the neighbor's privacy. The upper floor window on the west façade opens onto the area open to below, not the loft; thus this window will be used for lighting and is anticipated to have less overall impact on privacy (see massing diagrams). Regarding bulk, while the proposed ADU is 25 feet tall, the placement of the building and orientation minimizes visual impact from the street and is located in close proximity to other smaller accessory buildings on neighboring properties. Additionally, the neighborhood has a significant tree canopy, and the proposed ADU is placed between a large existing evergreen tree to the southwest and an existing deciduous tree to the northeast. Regarding use, the applicant has indicated the ADU will be used by family and enable the applicant to "age in place," though it is able to be rented (but not as a tourist rooming house).

According to written comments from neighbors, and evidenced by the applicant's submitted photos, the existing garage is not used for vehicle storage, but as an additional living space. Commenters have raised concerns about parking, which some commenters noted will be exacerbated by the additional person or persons living in the ADU and their vehicle(s), and will be added to those originating at 836 Woodrow and parked on Woodrow Street. There are no parking restrictions on northernmost 700 feet of the west side of Woodrow Street. Woodrow Street is within Residential Permit Parking Area 22, which has a supply of almost two spaces for each issued permit (0.52 permits/RP3 space in 2017, most recent data).

Supplemental Regulations for Accessory Dwelling Units

Accessory dwelling units are also subject to the Supplemental Regulations of MGO Section 28.151. These include regulatory standards and suggested guidelines. A copy of these supplemental regulations is attached. Generally, the Supplemental Regulations speak to consistency and compatibility of the proposed accessory dwelling unit with the principal residence, including overall size, design/appearance and placement. Furthermore, the standards outline occupancy requirements of the accessory dwelling unit and accompanying single-family residence.

Conclusion

The Planning Division believes the conditional use standards can be found met. As described above, staff believes that the proposed accessory dwelling unit is generally consistent with the Comprehensive Plan and the Monroe Street Neighborhood Plan. Further, staff believes the proposal can be compliant with the Zoning Code's supplemental regulations for Accessory Dwelling Units in addition to other conditions recommended below.

At the time of report writing, staff has received public comment noting concerns from two neighbors on Woodrow Street. These written comments have been included in the Plan Commission packet.

Recommendation

Planning Division Recommendation (Contact Colin Punt, (608) 243-0455)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests to allow construction of an accessory dwelling unit and to construct accessory buildings totaling greater than 10% of the lot area at 836 Woodrow Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning (Contact Colin Punt, (608) 243-0455)

1. Paint colors shall be shown on the building elevations.

Zoning (Contact Jenny Kirchgatter, (608) 266-4429)

2. The accessory dwelling unit shall comply with the supplemental regulations Section 28.151. Prior to issuance of a building permit for the Accessory Dwelling Unit, the property owner shall execute a restrictive covenant providing that the Accessory Dwelling Unit may only be used when the property is owner-occupied. The form of the restrictive covenant shall be approved by the Zoning Administrator and City Attorney's Office and shall be recorded with the Dane County Register of Deeds.
3. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

City Engineering Division - Main Office (Contact Tim Troester, (608) 267-1995)

4. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. Additionally, there is a large draw through the rear of this property. The developer shall show how this drainage pattern will continue to be accommodated. It may be necessary to provide information off the site to fully meet this requirement.

5. Applicant shall either connect to sanitary sewer lateral of the primary residence or build a separate sewer lateral into Woodrow Street.
6. The site plans shall be revised to show the location of all rain gutter down spout discharges.

City Engineering Division - Mapping (Contact Jeffrey Quamme, (608) 266-4097)

7. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records. Due to lack of address numbers, the address of the existing house will need to be changed in order to keep the address numbers in sequence. The existing house will become 834 Woodrow St so that the ADU may use the 836 Woodrow St address.

Parks/Forestry Division (Contact Kathleen Kane, (608) 261-9688)

8. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the Central Park -Infrastructure Impact Fee district. Please reference ID# 18134 when contacting Parks about this project.
9. Pursuant to MGO 20.08 (2)(c)2.d. the park impact fee may be reduced for multi-family dwelling units

(accessory dwelling units fall into this category) that are limited to occupancy by persons fifty-five (55) years of age or older by appropriated recorded restriction for a period of not less than thirty (30) years.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

10. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. Additional information is available at the Home Fire Sprinkler Coalition website: <https://homefiresprinkler.org/building-residential-fire-sprinklers> A multi-purpose plumbing/fire sprinkler system is a great asset to enhance the safety of aging in place.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

11. Connect to existing water service downstream of existing water meter. Otherwise, if a new water service connection is proposed, a Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.