

PLANNING DIVISION STAFF REPORT

August 23, 2021



PREPARED FOR THE PLAN COMMISSION

Project Address: 1040 Williamson Street (6th Aldermanic District, Ald. Benford)

Application Type: Conditional Use

Legistar File ID #: [66591](#)

Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted

Reviewed By: Heather Stouder, AICP, Planning Division Director

Summary

Applicant: Sarah Clapp & Erik Olsen; 1040 Williamson St.; Madison, WI 53703

Contact: Jim Vincent; 221 S Midvale Blvd; Madison, WI 53705

Requested Action: There are two Conditional Uses requested: 1) approval of a Conditional Use for an accessory dwelling unit [MGO §28.045(1)], 2) approval of a Conditional Use for an accessory building exceeding 10% of lot area in a TR District [MGO §28.131(1)(a)], and 3) approval of a Conditional Use for an accessory building exceeding 576 square feet measured at the ground floor in a TR District [MGO §28.131(1)(b)], at 1040 Williamson Street.

Proposal Summary: The applicant proposes to create a 714-square foot Accessory Dwelling Unit in the second story of a 648-square-foot two-stall garage in the rear yard of the subject property.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses [MGO §28.183(6)]. The Supplemental Regulations [MGO §28.151] contain further regulations for accessory dwelling units.

Review Required By: Landmarks Commission (LC), 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 an accessory dwelling unit, which is also within an accessory building greater than 576 square feet exceeding 10% of lot area in a TR district at 1040 Williamson 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 4,356-square-foot property is located on the northwest side of Williamson Street between S Brearly and S Ingersoll Streets. It is located within Aldermanic District 6 (Ald. Benford) as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The property is zoned Traditional Residential – Varied 2 (TR-V2) District and is developed with a two-and-one-half-story, three-bedroom, one-bathroom, 1,311-square-foot single-family residence built in 1895.

Surrounding Land Use and Zoning:

Northwest: A two-story MG&E facility zoned Traditional Employment (TE) District;

Northeast: Single-family residences zoned Traditional Residential – Varied 2 (TR-V2) District;

Southeast: Across Williamson Street, a three-story multifamily condominium building zoned Planned Development (PD) District; and

Southwest: Two- and three-unit residences, two-family residences, zoned TR-V2.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Low-Medium Residential (LMR) uses for the subject parcel. The [Marquette-Schenk-Atwood Neighborhood Plan](#) (1994) encourages the continued separation of the predominantly commercial cores and predominantly residential areas. The [Williamson Street Build II Plan](#) (2004) recommends that new construction reflect local building traditions without being falsely historic.

Zoning Summary: The property is in the Traditional Residential – Varied 2 (TR-V2) District

| Requirements | Required | Proposed |
|-------------------------|---------------------------------|-------------|
| Lot Area (sq. ft.) | 3,000 | 4,356 |
| Lot Width | 30 ft | 33 ft |
| Front Yard Setback | 20 ft | 101 ft |
| Side Yard Setback | 3 ft (accessory building) | 3 ft, 3 ft |
| Rear Yard Setback | 3 ft (accessory building) | 3 ft |
| Usable Open Space | 500 sq ft | 1,194 sq ft |
| Maximum Lot Coverage | 70% | 48% |
| Maximum Building Height | 25 ft (accessory dwelling unit) | 24 ft |

| | |
|------------------------------------|--------------------------------------|
| Other Critical Zoning Items | Historic District, Utility Easements |
|------------------------------------|--------------------------------------|

Table Prepared by Jacob Moskowitz, 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, Analysis, and Conclusion

The applicants propose to build a 24-foot by 27-foot two-stall garage with a 28-foot by 27-foot Accessory Dwelling Unit (ADU) above. The ADU is cantilevered out over the front of the garage by approximately four feet. Stairs up to the ADU are located within the garage and accessed via a door in the southern corner. Plans currently show the ADU has a floor area of 714 square feet and includes a bedroom, bathroom, kitchen, and living area. The garage is accessed by a driveway that runs to the north of the primary residence along a joint driveway easement with the property to the north out to Williamson Street. The submitted plans include elevation drawings and one colored rendering that appear to show horizontal lap siding and architectural shingles. Primary and secondary colors appear to match those of the primary house. The letter of intent indicates the applicant intends to commence construction in late summer, 2021, with completion by late fall.

This request is subject to the Conditional Use standards as well as the Supplemental Regulations for accessory dwelling units. This analysis begins with a summary of adopted plan recommendations, and then analyzes conditional use approval standards and supplemental regulations for ADUs.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Low-Medium Residential (LMR) uses for the subject parcel. LMR areas include a mix of single-family homes, two-, three- and four-unit buildings, with townhouses, and small apartment buildings. Building heights are generally one- to three-stories with residential densities of up to 30 units per acre. The [Marquette-Schenk-Atwood Neighborhood Plan](#) (1994) encourages the continued separation of the predominantly commercial cores and predominantly residential areas. It also recommends that new construction and exterior remodeling on Williamson Street should reflect the aesthetic, overall character, and scale of existing buildings. The [Williamson Street Build II Plan](#) (2004) recommends that new construction reflect local building traditions without being falsely historic. The plan also provides additional design guidelines and criteria for new construction, as well as guidelines for small-scale infill projects.

In considering the adopted plan recommendations, the Planning Division believes that the proposed use is generally consistent with the [Comprehensive Plan](#) and the recommendations of the [Marquette-Schenk-Atwood Neighborhood Plan](#) and [Williamson Street Build II Plan](#).

Conditional Use Standards

The Plan Commission shall not approve a Conditional Use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of MGO §28.183(6) are met. Staff notes that recent changes to state law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation. In considering the surrounding context, ADUs and two-story accessory structures are somewhat uncommon in the surrounding blocks, but the residences to the north and south both include detached garages in the rear yard, accessed by a driveway along the edge of the lot. The residence to the south has a two-stall detached garage, while the residence to the north retains an older barn-like structure with a lofted second-story space. The proposed accessory building does not appear to be out of scale with the surrounding uses. Further, there is no residential use to the rear of the site; an MG&E facility dominates the area to the west of the block.

Supplemental Regulations for Accessory Dwelling Units

Accessory dwelling units are also subject to the Supplemental Regulations of §28.151. These include regulatory standards and suggested guidelines. 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. Staff believe all the supplemental regulations for ADUs can be found to be met, once small revisions are made to reduce the size of the ADU from 714 square feet to 700 square feet, which is the maximum permitted by §28.151.

Related Approvals

The subject property lies within the Third Lake Ridge Local Historic District, and the proposal was reviewed and approved by the City's Landmarks Commission on August 16, 2021. Notably, the Landmarks Commission application for this proposal shows a design one foot less deep, which brings the ADU size under 700 square feet, as is required. If approved by Plan Commission, the design will need to be changed to be consistent with the design presented to and approved by the Landmarks Commission.

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 adopted plans as described above. Further, staff believes the proposal can be compliant with the Zoning Code's supplemental regulations for Accessory Dwelling Units.

At the time of report writing, staff is unaware of any public comment.

Recommendation

Planning Division Recommendation

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the requests to allow an accessory dwelling unit, which is also within an accessory building greater than 576 square feet exceeding 10% of lot area in a TR district at 1040 Williamson 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. Provide documentation confirming the Accessory Dwelling Unit is not more than 700 square feet in floor area, consistent with the plans reviewed and approved by the Landmarks Commission on August 16, 2021.
2. Per the Landmarks Commission approval dated August 16, 2021, clapboard siding shall be extended to the first floor of the structure in place of the EIFS cladding shown on submitted plans.

Office of the Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4560)

3. 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.
4. Show the height of the proposed building on the elevations. The maximum height is 25 ft. Height is the average of the height of all building facades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure.
5. Conditional use approval is for the accessory dwelling unit only. Additional approvals are required for the alterations shown to the main building.

City Engineering Division - Main Office (Contact Brenda Stanley, (608) 261-9127)

6. This property discharges primarily to lands to the rear or North where there is very little grade or ability to accept additional runoff. The developed property shall match the current total volume discharging from the property in the existing condition during a 10-year event via a stormwater management practice (such as a rain garden) and a recorded maintenance agreement shall be required.

7. Sanitary sewer service to the proposed Accessory Dwelling Unit (ADU), can either be connected to the plumbing in the primary building or have a separate sanitary sewer lateral provided to the lot. Applicant shall either provide a utility plan for a second lateral or provide a note that the sewer lateral for the ADU will connect to the lateral or plumbing of the primary dwelling.

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

8. Provide a copy of a recorded Joint Driveway Easement / Agreement between this property and the property to the northeast at 1042 Williamson Street.

9. A boundary survey of the subject property by a Professional Surveyor is recommended prior to the commencement of construction of the proposed garage / ADU.

10. There is no addressing room to have the ADU assigned a separate address as the adjacent houses are using 1038 & 1042. The address of the ADU is 1040 Williamson St # 2. 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.

Parks Division (Contact Kathleen Kane, (608) 261-9671)

11. 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 East Park-Infrastructure Impact Fee district. Please reference ID# 21027 when contacting Parks about this project.