



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 5609 Taychopera Road  
**Application Type:** Conditional Use  
**Legistar File ID #** [46627](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

**Summary**

**Applicant & Property Owner:** Jussi & Rosemary Snellman; 5609 Taychopera Road; Madison.

**Requested Action:** Approval of a conditional use to allow construction of an accessory building exceeding 576 square feet of floor area in TR-C1 (Traditional Residential–Consistent 1 District) zoning and 1,000 square feet of floor area at 5609 Taychopera Road.

**Proposal Summary:** The applicants wish to construct a 576 square-foot addition to an existing 430 square-foot detached garage located in the southwesterly portion of the subject property. The applicants wish to begin construction of the garage addition this summer, with completion scheduled this fall.

**Applicable Regulations & Standards:** Section 28.131(1)(a) limits the total area of accessory buildings measured at ground floor to ten percent of lot area but no more than 1,000 square feet unless approved by conditional use. Section 28.131(1)(b) limits the accessory buildings in the “Traditional” (TR) residential zoning districts to 576 square feet unless approved by conditional use. Section 28.183 of the Zoning Code provides the process and standards for the approval of conditional use permits.

**Review Required By:** Plan Commission.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to allow construction of an accessory building exceeding 1,000 square feet on a lot and 576 square feet in TR-C1 zoning at 5609 Taychopera Road subject to input at the public hearing and the conditions from reviewing agencies beginning on page 3 of this report.

**Background Information**

**Parcel Location:** A 10,890 square-foot (0.25-acre) parcel located on the south side of Taychopera Road, between Laurel Crest and Capital Avenue; Aldermanic District 19 (Clear); Madison Metropolitan School District.

**Existing Conditions and Land Use:** Single-family residence and detached garage, zoned TR-C1 (Traditional Residential–Consistent 1 District).

**Surrounding Land Use and Zoning:** The subject site is surrounded by other single-family dwellings in the TR-C1 (Traditional Residential–Consistent 1) zoning district.

**Adopted Land Use Plans:** The Comprehensive Plan recommends the subject site and surrounding properties for Low-Density Residential development.

**Zoning Summary:** The property is zoned TR-C1 (Traditional Residential–Consistent 1 District):

| Requirements  | Required   | Proposed                   |
|---|--|----------------------------|
| Lot Area  | 6,000 sq. ft.  | 10,890 sq. ft., existing   |
| Lot Width   | 50'  | 66', existing              |
| Minimum Front Yard  | 20' for residence  | 39', existing              |
| Maximum Front Yard  | Not more than 20% of block average up to 30'   | Adequate, existing         |
| Side Yard for Accessory Building Add.                                 | 3'   | 3'                         |
| Rear Yard for Accessory Building                                      | 3'   | 13.83'                     |
| Building Height for Acc. Building                                     | 15 feet  | 12.67'                     |
| Maximum Lot Coverage (all bldgs.)                                     | 50%  | See Zoning condition       |
| Usable Open Space   | 1,000 sq. ft.  | Adequate                   |
| Building Form (Principal Use)   | Single-family detached building  | Complies with requirements |
| <b>Other Critical Zoning Items</b>                                    |  |                            |
| Yes:  | Utility Easements  |                            |
| No:   | Wellhead Protection, Barrier Free, Urban Design, Floodplain, Landmarks, Waterfront Development |                            |
| <i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i> |  |                            |

**Environmental Corridor Status:** The property is not located within a mapped environmental corridor.

**Public Utilities and Services:** The site is served by a full range of urban services.

## Project Description

The applicants are seeking conditional use approval to allow construction of a 576 square-foot addition to an existing 430 square-foot detached garage located in the rear yard of their single-family residence. The existing accessory building is a 20-foot wide and 21.5-foot deep two-car garage located approximately 21 feet from the southwestern corner of the one-story, 1,005 square-foot residence. The addition will measure 24 feet wide and 24 feet deep and will be constructed off of the southerly rear wall of the garage, approximately 17.67 feet from the rear lot line. The resulting garage will have 1,006 square feet of floor area. The proposed addition will observe the three-foot required minimum side yard setback required for new accessory buildings, while the 2.75-foot side yard of the existing garage will remain as an existing nonconforming condition as allowed by the Zoning Code.

## Analysis and Conclusion

Accessory buildings exceeding 576 square feet in the “Traditional” residential zoning districts, including the TR-C1 zoning of the subject site, require conditional use approval (the threshold in the “Suburban” residential (SR) districts is 800 square feet before conditional use approval is required). Further, any accessory building exceeding 1,000 square feet of floor area also requires conditional use approval.

The Planning Division generally believes that the standards can be met to allow construction of the proposed garage addition. However, as noted in the conditions recommended by the Zoning Administrator, the size of the garage will need to be reduced so as not to exceed the size of the principal residence it will serve, which is 1,005 square feet per available City records. By definition, an accessory building or structure is required to be “clearly

incidental to that of the main building” on the same lot as the principal building, and shall be “subordinate to the principal building in height and floor area.”

Additionally, an accessory use by definition shall be located on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, and serving the occupants of the principal use or structure. In addition to owning 5609 Taychopera Road, the applicants also own the adjacent residence at 5613 Taychopera, and at the time of application, 5613 – not 5609 – was the applicants’ primary residence. The applicants have shared with staff that they are currently storing a boat in the existing garage on the subject property despite not residing on the property. As a result, Planning and Zoning staff are recommending that the applicant acknowledge in writing that any goods stored in the expanded garage only be for the residents of 5609 Taychopera Road. No items from any other property, including 5613, shall be stored at 5609 Taychopera.

With the above clarification regarding use of the garage and the subordination of area of the accessory building to the principal residence, staff believes that the Zoning Code requirements for the expanded garage and conditional use standards can be met. Staff is unaware of any concerns about the expanded garage as of the writing of this report.

## Recommendation

### Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to allow construction of an accessory building exceeding 1,000 square feet on a lot and 576 square feet in TR-C1 zoning at 5609 Taychopera Road subject to input at the public hearing, the following Planning Division condition(s) and the conditions from reviewing agencies:

**Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

### Planning Division

1. Prior to the issuance of building permits, the applicants shall acknowledge that the use of the detached garage at 5609 Taychopera Road shall only be for the occupants of the principal use or structure at 5609 Taychopera.
2. The applicant shall reduce the size of the detached garage to not exceed the size of the principal building. The revised garage plans shall be approved by the Planning Division prior to the issuance of building permits for the garage.

**The following conditions of approval have been submitted by reviewing agencies:**

### City Engineering Division (Contact Tim Troester, 267-1995)

This agency submitted a response with no comments or conditions for this request.

### City Engineering Division – Mapping Section (Contact Jeff Quamme, 266-4097)

3. The site plan shall be revised to accurately show and label the locations of the parcel boundary, property line dimensions, existing improvements and the proposed addition in relation to the property boundaries. A

survey by a Professional Land Surveyor to accomplish this is recommended. The note on the current plan states the plan may not reflect site conditions.

4. The site plan shall identify lot and block numbers of recorded a Certified Survey Map or plat.
5. The site plan shall include a full and complete legal description of the site or property being subjected to this application.

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6527)

This agency submitted a response with no comments or conditions for this request.

**Zoning Administrator** (Contact Matt Tucker, 266-4569)

6. Reduce the size of the detached garage to not more than 1,005 square feet measured at the ground floor. Accessory buildings shall not exceed the size of the principal building (1,005 square feet per City Assessor).

7. Per Section 28.186(4)(b) of the Zoning Code, 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.

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

This agency submitted a response with no comments or conditions for this request.

**Water Utility** (Contact Dennis Cawley, 261-9243)

This agency submitted a response with no comments or conditions for this request.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency submitted a response with no comments or conditions for this request.

**Parks Division** (Contact Kay Rutledge, 266-4714)

This agency submitted a response with no comments or conditions for this request.