



PREPARED FOR THE COMMON COUNCIL

**Project Address:** 2022 Monroe St. (District 13 - Ald. Eskrich)  
**Application Type:** Conditional Use  
**Legistar File ID #** [44170](#)  
**Prepared By:** Jessica Vaughn, AICP, Planning Division  
Matt Tucker, Zoning Administrator  
Report Includes Comments from other City Agencies, as noted

**Summary**

**Property Owner:** Joel Bodilly; 2022 Monroe St.; Madison, WI 53711

**Applicant & Contact:** Eric Nelson; Great American Home Improvement; 1417 Kings Lynn Rd.; Stoughton, WI 53589

**Requested Action:** The applicant requests approval of a Conditional Use for an accessory dwelling unit (ADU).

**Proposal Summary:** The applicant is seeking approval of a Conditional Use to construct a 1,152 square-foot detached, two-story accessory building that will be utilized as a two-car garage on the ground floor (576 square feet) and a one-bedroom ADU on the second floor (576 square feet). The material palette consists of wood siding.

At its September 19, 2016 meeting, the Plan Commission approved the request to construct a 1,152 square-foot detached, two-story accessory building with an accessory dwelling unit at 2022 Monroe St. An appeal was filed with the secretary of the Plan Commission by 20 percent of the property owners entitled to notice (those owning property within 200 feet of the subject property) on Wednesday, September 28, 2016, which is within ten days of the final action by the Plan Commission.

**Applicable Regulations & Standards:** Pursuant to Section 28.183(5)(b)(5), MGO, the action of the Plan Commission shall be upheld unless it is reversed or modified by a favorable vote of two-thirds of the member of the Common Council.

**Review Required By:** Common Council

**Background Information**

Please refer to **Attachment A** for a copy of the Staff Report Dated September 19, 2016.

**Project Description**

The applicant is requesting approval of two Conditional Use requests to construct a two-story, 1,152 square-foot accessory building (“garage”) with an ADU. The proposed garage will be comprised of a two vehicle parking spaces on the ground floor (576 square feet) and a 576 square-foot accessory dwelling unit on the second floor.

The proposed garage addition is simple in design, with a square building footprint measuring 24'-by-24' feet with a gable roof configuration. The proposed material palette includes wood siding and trim.

## Analysis and Conclusion

An appeal was filed by 20 percent of the property owners entitled to notice on Wednesday, September 28, 2016, appealing the Plan Commission's approval of two Conditional Use requests for the construction of a 1,152 square-foot detached, two-story accessory structure and an accessory dwelling unit at 2022 Monroe St. The appeal was filed within ten days of the final action by the Plan Commission.

Within the appeal several conditions are identified that would provide relief, should the Plan Commission decision be upheld, including those identified below and for which clarifying information is provided for the Common Council consideration in their consideration of the item:

- The ADU may not be used for temporary lodging or a "tourist rooming unit;" and

*Staff Comment: Pursuant to Section 28.032, "Residential District Uses," MGO, a Tourist Rooming House (TRH) use is a permitted use in any dwelling unit in a residential zoning district in the City, under certain circumstances. TRH uses must occur within dwelling units where the operator of the TRH is an occupant of the dwelling unit where the TRH use is to occur. An ADU cannot be utilized as a TRH use only; by definition it must be occupied by a permanent resident.*

*In this case, the applicant may operate a TRH in either the principal dwelling or the ADU, whichever unit they occupy. At the subject property, the applicant will either be the occupant of the principal dwelling or the occupant of the ADU, but cannot be the occupant of both. The applicant may not utilize the ADU as a TRH only, because the dwelling unit must be occupied by the "operator" of the TRH. That said, it is possible, however that the occupant of the ADU, whoever that may be, could operate a TRH in compliance with the regulations thereto.*

*Staff does not support this condition.*

- Any use of the ADU must be limited to family members or care givers of the family member of the principal structure, and not roomer.

*Staff Comment: Per the supplemental regulations for an ADU, the maximum zoning occupancy for the ADU is a family of related individuals or two unrelated individuals. This condition seeks to limit occupancy in conflict with the supplemental regulations that apply to any ADU in the City ADU's and treat this ADU differently than others for some unclear reason.*

*Staff does not support this condition.*