

PLANNING DIVISION STAFF REPORT

July 8, 2024



PREPARED FOR THE PLAN COMMISSION

Project Address: 1705 National Avenue (District 16, Alder Currie)
Legistar File ID #: [83753](#)
Prepared By: Lisa McNabola, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant and Owner: Joy Kiesch; Kennedy Building, LLC; 825 Williamson Street, Madison, WI 53703

Requested Action: Consideration of a conditional use for a home occupation with outside employees.

Proposal Summary: The applicant proposes to use two rooms in a single-family residence for office space. The office space would be used by 1-2 interns for administrative tasks related to an off-site counseling business.

Applicable Regulations & Standards: Standards for conditional uses are found in MGO Section 28.183(6). A home occupation is subject to the Supplemental Regulations found in MGO Section 28.151.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the approval standards for conditional uses are met and **approve** the request for a home occupation with outside employees at 1705 National Avenue. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 14,560 square-foot (0.33-acre) parcel is located along National Avenue between East Buckeye Road and Starker Avenue. It is located within District 16 (Alder Currie) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject parcel is occupied by a one-story, 2,472 square foot single family residence built in 1961. The site is zoned Suburban Residential – Consistent 1 (SR-C1) District.

Surrounding Land Use and Zoning:

North: Single family residential, zoned Suburban Residential – Consistent 1 (SR-C1) District; and

East: Single family residential, zoned SR-C1 District; and

South: Single family residential, zoned SR-C1 District; and

West: Single family residential, zoned SR-C1 District.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2023) recommends Low Residential (LR) development for the subject property and adjacent properties.

Zoning Summary: The property is zoned Suburban Residential – Consistent 1 (SR-C1) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	8,000 sq. ft.	14,560 sq. ft.
Lot Width	60'	80.0'
Front Yard Setback	30'	Existing front yard
Side Yard Setback	One-story: 6' Two-story: 7'	Existing side yard
Rear Yard Setback	Lesser of 30% lot depth or 35'	Adequate
Usable Open Space	1,300 sq. ft.	Adequate
Maximum Lot Coverage	50%	<50%
Maximum Building Height	2 stories/35'	1 story existing building

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Attached garage
Number Bike Parking Stalls	Single-family detached dwelling: None	Attached garage

Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not within 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 applicant plans to use a portion of a single-family residence for a home occupation. A home occupation is a permitted use in the Suburban Residential – Consistent 1 (SR-C1) District. In the Zoning Code a home occupation is defined as “an office or studio, service business or limited production of goods within a dwelling unit by a resident of the dwelling, provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes.”

Conditional use approval is required for a home occupation to have employees who are not immediate family residing on the premises or occupants of the dwelling.

The applicant proposes to use two rooms for office space. The space would be used by 1-2 interns for administrative tasks related to an off-site counseling business where the property owner is employed. The administrative tasks would include billing, accounting and marketing. The office space would also be used approximately one time per month for “self-care retreats for mental health professionals”. These retreats would be limited to groups of 4-6 individuals. The office space would be used 2-3 days per week from 9 a.m. to 5 p.m. No interior or exterior modifications are being proposed.

Supplemental Regulations

A home occupation is subject to the following Supplemental Regulations per MGO Section 21.151:

- a) The occupation shall be conducted within a dwelling and not in an accessory building, unless authorized by the Plan Commission as a conditional use.
- b) The occupation shall be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes so as to protect the integrity and residential character of neighborhoods.

- c) Only members of the immediate family residing on the premises or occupants of the dwelling may be employed, unless authorized by the Plan Commission as a conditional use.
- d) A home occupation may include small offices, service establishments or homecrafts which are typically considered accessory to a dwelling unit.
- e) A home occupation shall not involve on-site wholesaling, manufacturing or assembly, a limousine, towing or cartage business or auto service or repair for any vehicles other than those registered to residents of the property.
- f) No mechanical equipment shall be used except that which is used for purely domestic or household purposes, unless authorized by the plan commission as a conditional use.
- g) No products shall be kept or commodities sold, other than those made on the premises, unless authorized by the plan commission as a conditional use.
- h) Samples may be kept but not sold on the premises.
- i) No more than twenty-five percent (25%) of the floor area of one story of the dwelling may devoted to such home occupation.
- j) The entrance to the space devoted to the home occupation shall be from within the building.
- k) No structural alterations or enlargements shall be made to the dwelling for the primary purpose of conducting the home occupation.
- l) The only exterior indication of the home occupation shall be a non-illuminated nameplate a maximum of two (2) square feet in area.
- m) A home occupation of an individual with a disability, who is incapable of employment outside the home by reason of significant physical or mental disability, as verified by a signed physician statement verifying the disability, is exempt from the requirements of subparagraphs (g) through (k).

Staff believe the Supplemental Regulations are met, subject to approval of the conditional use request.

Conditional Use Standards

The conditional use approval standards state that the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, 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.

Staff believe the proposed conditional use would have a minimal impact on surrounding properties due to the limited number of employees and hours of operation. If approved, the Plan Commission retains continuing jurisdiction over this conditional use, meaning that should complaints be filed, the Plan Commission could take further action on this conditional use as allowed in MGO §28.183(9)(d).

In conclusion, staff believe the conditional use approval standards can be found met, subject to the recommended conditions of approval.

Recommendation

Planning Division Recommendation (Contact Lisa McNabola, 243-0554)

The Planning Division recommends that the Plan Commission find the approval standards for conditional uses are met and **approve** the request for a home occupation with outside employees at 1705 National Avenue. All

recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

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

Zoning (Contact Jenny Kirchgatter, 266-4429)

1. The home occupation shall comply with Zoning Code Supplemental Regulations Section 28.151 for a Home Occupation

The following agencies reviewed the request and recommended no conditions of approval: Traffic Engineering, Forestry, Water Utility, Engineering Division, Parking Utility, Fire Department, Engineering Mapping, Parks Division