



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 1710 Rowland Avenue (15<sup>th</sup> Aldermanic District, Alder Ahrens)

**Application Type:** Conditional Use

**Legistar File ID #** [49686](#)

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

**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant and Owner:** Ben Scalissi; Exoticat Jungles; 1710 Rowland Avenue; Madison, WI 53704

**Requested Actions:** The applicant requests conditional use approval to allow a home occupation in an existing accessory building at 1710 Rowland Avenue.

**Proposal Summary:** The applicant seeks to operate a home occupation building cat trees in an existing detached garage in the TR-V1 (Traditional Residential-Varied 1) Zoning District. No exterior changes to the existing residence are proposed as part of this application request.

**Applicable Regulations & Standards:** Home Occupations in an accessory building are identified as a conditional use in the TR-V1 zoning district, as such they are subject to the standards for Conditional Uses pursuant to Section 28.183(6), MGO and the Supplemental Regulations pursuant to Section 28.151, MGO.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the request for a home occupation in an existing accessory building at 1710 Rowland Avenue. This recommendation is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The roughly 5,457-square-foot (0.13-acre) parcel is located on the southwest side of Rowland Avenue, two blocks northeast of East Washington Avenue and a block west of North Stoughton Road, and is within Aldermanic District 15 (Ald. Ahrens).

**Existing Conditions and Land Use:** The subject property contains a one-story 659-square-foot, one-bedroom, one-bathroom single-family house and a detached two stall garage.

### Surrounding Land Use and Zoning:

Northwest: Single family and two-flat house, both zoned TR-V1;

Northeast: across Rowland Avenue, a two-flat house zoned TR-V1 and a large commercial lot zoned PD;

Southeast: vacant lot and a two-flat house, both zoned TR-V1; and

Southwest: single family detached houses, zoned TR-V1.

**Adopted Land Use Plan:** The Plan Commission shall not approve a conditional use without due consideration of the recommendations in the Comprehensive Plan and any applicable neighborhood or special area plans. The [Comprehensive Plan \(2006\)](#) recommends Neighborhood Mixed Use (NMU) uses for this area. Recommended land uses in NMU districts include neighborhood-serving commercial uses as well as housing types similar to Low-Density Residential (LDR) districts, which includes single-family homes. The [Carpenter-Ridgeway-Hawthorne-Truax Neighborhood Plan \(2001\)](#) does not provide specific land use recommendations for this location, but includes general goals for residential areas in the neighborhood and the provision of employment opportunities.

**Zoning Summary:** The property is zoned Traditional Residential-Varied 1 (TR-V1)

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft.	5,457 sq. ft.
Lot Width	30'	51.5'
Front Yard Setback	20'	Adequate
Max. Front Yard Setback	30' or up to 20% greater than block average	Adequate
Side Yard Setback	One-story: 5'	7 ½'
Rear Yard Setback: Accessory Building	3'	5'
Usable Open Space	500 sq. ft.	Adequate
Maximum Lot Coverage	70%	Adequate
Maximum Building Height: Accessory Building	15'	Existing accessory building

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Detached garage and driveway parking spaces
Building Forms	Not required	Existing accessory building

<b>Other Critical Zoning Items</b>	none
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*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

On September 5, 2017, City Zoning received an anonymous complaint from a neighboring property owner regarding the operation of this home occupation without any approvals. The nature of the complaint is not specific; noise or other issues were not specifically mentioned by the complaining party. The homeowner/applicant has thus decided to pursue conditional use approval to continue to operate his home occupation.

Pursuant to Section 28.151, "Supplemental Regulations," MGO, home occupations in an accessory building are identified as conditional uses in the TR-V1 zoning district and are subject to the Conditional Use review criteria found in Section 28.183(6). The intent of the Conditional Use review is to determine if a particular site is an appropriate location for a proposed use, to evaluate the compatibility of that use with surrounding uses and development, and to mitigate potential nuisance impacts to surrounding properties.

The applicant has indicated that he builds cat trees out of reclaimed and recycled materials in the detached garage on the property, which the applicant states is fully insulated. There are no additional employees, and the applicant only works between the hours of 9 a.m. and 4 p.m., which results in the construction of three cat trees per week. The applicant uses power tools similar to those often found in a hobbyist's workshop or garage.

The Planning Division believes that this home occupation in an accessory building can meet the Conditional Use approval standards, including those related to uses, values and enjoyment and normal and orderly development, and the Supplemental Regulations and zoning district standards. Specifically, the Planning Division believes that the proposed home occupation in an accessory building will have minimal negative impacts on nearby properties due to the fact that the applicant is the sole employee working with common power tools in an insulated building, and the proposed hours of operation (9 a.m. to 4 p.m.) are consistent and compatible with those commonly associated with residential uses. If approved, the Plan Commission retains continuing jurisdiction, meaning that should complaints arise the Commission could take further action, requiring additional conditions or possible revocation of the conditional use should it find the approval standards cannot be met.

The applicant also submitted letters of support from eight (8) neighbors indicating they have experience no issues with the applicant's home occupation, a letter of support from the Hawthorne Neighborhood Association, and a letter of thanks from the Dane County Humane Society. Another neighbor has provided a letter just before Plan Commission packet printing regarding the negative impacts of the applicant's home occupation.

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the request for a home occupation in an existing accessory building at 1710 Rowland Avenue. This request is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

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

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

1. That the home occupation operates only during the hours of 9 a.m. to 4 p.m.

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

2. The home occupation shall comply with Supplemental Regulations Section 28.151 for a Home Occupation. 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. The only exterior indication of the home occupation shall be a non-illuminated nameplate a maximum of two (2) square feet in area.