

PLANNING DIVISION STAFF REPORT

July 29, 2019



PREPARED FOR THE PLAN COMMISSION

Project Address: 1210 Troy Drive (District 18 - Ald. Kemble)
Application Type: Conditional Use
Legistar File ID #: [56390](#)
Prepared By: Sydney Prusak and Mai Xue Vang, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

**Applicant, Contact,
& Property Owner:** Gregory Werth; 1210 Troy Drive; Madison, WI 53704

Requested Action: Approval of a conditional use to allow construction of an accessory building exceeding 800 square feet with an accessory dwelling unit at 1210 Troy Drive.

Proposal Summary: The applicant proposes to demolish an existing one-stall detached garage and construct a two-story accessory building. The building includes a one bedroom, two bathroom accessory dwelling unit (ADU) with a 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)], as MGO §28.032(1) lists an *Accessory Dwelling Unit* as a conditional use in all residential districts. Furthermore, accessory buildings exceeding 800 square feet in Suburban Residential districts require conditional use approval. Supplemental Regulations [MGO §28.151] contain further regulations for accessory dwelling units.

Review Required By: 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 construction of an accessory building exceeding 800 square feet, with an accessory dwelling unit, in the SR-C1 (Suburban Residential – Consistent 1) zoning district at 1210 Troy Drive. 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 13,000 square foot (0.30-acre) property is located on the north side of Troy Drive at the Hovde Road intersection. It is located within Aldermanic District 18 (Ald. Kemble) as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The parcel is developed with a 2,450 square-foot, two-story, three-bedroom and one-bathroom single family home and detached single-stall garage.

Surrounding Land Use and Zoning:

North: Single-family residences, zoned SR-C1 (Suburban Residential – Consistent 1);
East: Single-family residences, zoned SR-C1;

South: Single-family residences, zoned SR-C1; and
West: Single-family residences, zoned SR-C1.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) recommends Low Residential (LR) for the subject parcel, defined as less than 15 dwelling units per acre (du/ac). The [Northport-Warner Park-Sherman Neighborhood Plan \(2009\)](#) also calls for low density residential for the subject site and includes the property in a “Primary Housing Rehab Zone.”

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

Requirements	Required	Proposed
Lot Area (sq. ft.)	8,000 sq. ft.	13,000 sq. ft.
Lot Width	60'	100'
Front Yard Setback	30'	Adequate
Side Yard Setback: Accessory Building	3'	6'
Rear Yard Setback: Accessory Building	3'	35'
Usable Open Space	1,300 sq. ft.	Adequate
Maximum Lot Coverage	50%	Less than 50%
Maximum Building Height	25'	22'8"

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Detached garage
Building Forms	Not required	Accessory building

Other Critical Zoning Items	Utility Easements
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Table Prepared by Jenny Kirchgatter, 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, with Madison Metro Route #22 serving the site.

Project Description

The applicant proposes to construct a new 880 square foot accessory building, which will contain a two-stall garage and 700 square foot, two-story accessory dwelling unit (ADU). In total, the proposed building will be 22 feet wide and 40 feet deep, for a total 880 square foot footprint. The front portion of the first floor will be garage space, while the rear space will contain a living and dining area and powder room. The ADU will have a lofted second floor, which will include the master bedroom and bathroom. In order to facilitate this development, the applicant will demolish the existing single-stall garage accessory building and remove a crabapple tree with a 6 inch diameter trunk.

According to the Letter of Intent, the applicant intends to occupy the ADU as his primary residence and rent out the existing single-family home. In terms of exterior materials, the applicant intends to use grey LP Smartside siding. Staff notes that while the proposed structure coloring matches the existing residence, a shed roof is

proposed compared to the home's gabled roof. Lastly, at approximately 22.6 feet, the proposed ADU will be shorter than the principal building.

Analysis and Conclusion

The applicant requests approval of two conditional uses in order to construct a two-story accessory building exceeding 800 square-feet with an accessory dwelling unit (ADU) in the Suburban Residential – Consistent 1 (SR-C1) Zoning District. MGO §28.131(1)(b) states that no individual accessory building shall exceed eight hundred (800) square feet in SR districts at the ground level except by conditional use approval. Furthermore, MGO §28.032(1), lists accessory dwelling units as conditional uses in all residential zoning districts. MGO §28.151 contains Supplemental Regulations for ADUs.

Conditional Use Standards

This request is subject to the Conditional Use standards as well as the Supplemental Regulations for accessory dwelling units (ADUs). In regards to the approval 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.

In considering the adopted plans, the Planning Division believes that the proposed use is generally consistent with the [Comprehensive Plan \(2018\)](#) and [Northport-Warner Park-Sherman Neighborhood Plan \(2009\)](#) low residential land use recommendations. Staff notes that the ADU will be located on a large residential lot and that the addition of one dwelling unit will not significantly raise the density of the low residential neighborhood. Furthermore, the [Northport-Warner Park-Sherman Neighborhood Plan \(2009\)](#) includes this parcel in the "Primary Housing Rehab Zone." Staff believes that providing a new ADU on the site will help encourage reinvestment in the neighborhood's housing stock.

Furthermore, staff believes that all the Conditional Use Standards of Approval can be found met. While the existing residence has a gabled roof, and the proposed ADU has a shed roof, staff notes that the majority of homes on Troy Drive do not have pitched roofs. Therefore, staff believes that the proposed ADU conforms to the development pattern of the block. Given its location in the rear of the lot, replacing an existing detached garage, staff does not anticipate the ADU to impede the normal and orderly development of the neighborhood.

Supplemental Regulations for Accessory Dwelling Units

Accessory dwelling units are also subject to the Supplemental Regulations of MGO §28.151 (Included as Attachment 1), and the Planning Division believes these additional requirements can be found met. 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. As mentioned previously, while the proposed ADU has a different architectural style as the existing residence, staff believes that it is complementary to the varied development pattern of the block.

Supplemental Regulation #7 for ADUs states, "the maximum size of an accessory unit shall be seventy-five (75%) of the principal dwelling's floor area, up to a maximum of seven hundred (700) square feet." While the gross floor area of the entire accessory building is 880 square feet, this requirement is interpreted as "the maximum square footage of *interior heated space* cannot exceed 700 square feet." Therefore, as long as the garage space of the building remains outside of the heated and finished space, this requirement can be found met.

The standards also outline occupancy requirements of the accessory dwelling unit and accompanying single-family residence. In this case, the accessory building will be owner-occupied and therefore meets this standard. As a Condition of Approval, Zoning added a restrictive covenant to ensure that this property remains owner-occupied if there is any transfer of ownership at any point in the future.

Conclusion

The Planning Division believes the Conditional Use Standards of Approval can be found met. As described above, staff believes that the proposed ADU is consistent with the [Comprehensive Plan \(2018\)](#) and [Northport-Warner Park-Sherman Neighborhood Plan \(2009\)](#) low residential land use recommendations. Furthermore, Staff believes the proposal is compliant with the Zoning Code's supplemental regulations for Accessory Dwelling Units. Staff does not anticipate that the proposed ADU will result in negative impacts on the surrounding properties.

At the time of report writing, Staff was not aware of any concerns related to the request.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, (608) 243-0554)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests to allow construction of an accessory building, which exceeds 800 square-feet and contains an accessory dwelling unit in the Suburban Residential – Consistent 1 (SR-C1) Zoning District at 1210 Troy Drive. This recommendation is subject to input at the public hearing and the conditions recommended by reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division (Contact Sydney Prusak, (608) 243-0554)

1. Label dimensions and materials on building elevations.

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

2. The sanitary sewer lateral for proposed Accessory Dwelling Unit, will either need to connect into the existing home's sewer lateral or a separate sewer lateral will need to be installed for the proposed Accessory Dwelling Unit. Revise plans to show sanitary lateral.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

3. The applicant shall remove the westernmost curb cut and replace with curb and gutter and restore the terrace.

Zoning Division (Contact Jenny Kirchgatter, (608) 266-4429)

4. 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.

5. Verify the size of the accessory dwelling unit. The maximum size of an accessory dwelling unit shall be seventy-five percent (75%) of the principal dwelling's floor area, up to a maximum size of seven hundred (700) square feet.
6. On the site plan, show the dimensions of the existing principle residence and the setback distances to the property lines.

Fire Department (Contact William Sullivan, (608) 261-9658)

7. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. A multipurpose plumbing/fire sprinkler system is a viable option.

Fire Sprinklers are Green!

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

8. 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 North Park -Infrastructure Impact Fee district.

Please reference ID# 19035 when contacting Parks about this project

Forestry Division (Contact Bradley Hofmann, (608) 266-4816)

9. The agency reviewed this request and has recommended no conditions of approval.

Water Utility Review (Contact Adam Wiederhoeft, (608) 266-9121)

10. The proposed development shall be connected to the existing water supply system downstream of the existing water meter, otherwise connected with a new lateral off the public water system. If extending existing water supply plumbing, provide Madison Water Utility with the total water supply fixture Unit count for both the existing structure and proposed development to determine if the existing water meter can accommodate total water supply requirements. Contact Adam Wiederhoeft at awiederhoeft@madisonwater.org or 608-266-9121 for verification, otherwise a Water Service Application will be required for a new lateral connection.
11. If a new water lateral is proposed, a Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

Metro Transit (Contact Timothy Sobota, (608) 241-4289)

12. The agency reviewed this request and has recommended no conditions of approval.

Engineering Division – Mapping (Contact Lori Zenchenko, (608) 266-5952)

13. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
14. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
15. Remove the dashed line in the middle of the lot. There is not any kind of underlying lot line within this lot.
16. The address of the ADU is 1212 Troy Dr.
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.

Attachment 1

Madison, WI Code of Ordinances

28.151 - APPLICABILITY.

Accessory Dwelling Unit in Districts Other than the TR-P District.

(a) Required Standards.

1. The principal dwelling or the accessory dwelling unit must be owner-occupied except that a temporary absence of up to six (6) months is allowed.
2. The principal dwelling must be a single-family detached dwelling.
3. No more than one (1) accessory dwelling unit may be located on a lot.
4. The number of occupants of the accessory dwelling unit shall not exceed one (1) family or two (2) unrelated individuals.
5. The accessory dwelling unit shall not be sold separately from the principal dwelling.
6. The maximum height of a detached building containing an accessory dwelling unit, including one built above a garage, shall be twenty-five (25) feet. Height shall be measured as a principal building pursuant to Sec. 28.134(1)(b).
7. The maximum size of an accessory dwelling unit shall be seventy-five percent (75%) of the principal dwelling's floor area, up to a maximum size of seven hundred (700) square feet.
8. The minimum setback requirements shall be those for accessory building or structures of the underlying zoning district.
9. Accessory dwelling unit entry ways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway.
10. The appearance or character of the principal building shall not be significantly altered so that its appearance is no longer that of a single-family dwelling.

(b) Suggested Guidelines.

1. The exterior finish material of an accessory dwelling unit shall match the type, size and placement of exterior finish material of the principal dwelling.
2. The roof pitch shall match the predominant roof pitch of the principal dwelling.
3. Trim and projecting eaves shall match those of the principal dwelling.
4. Windows shall match those in the principal dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical).