



PREPARED FOR THE PLAN COMMISSION

Project Address: 822 Miami Pass
Application Type: Conditional Use
Legistar File ID # [66976](#)
Prepared By: Timothy M. Parks, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant & Property Owner: Alexa & Nathan Wautier/ The Shadow Trust; 822 Miami Pass; Madison.

Requested Action: Consideration of a conditional use in the Traditional Residential-Consistent 1 (TR-C1) District for an accessory building exceeding 1,000 square feet of area; consideration of a conditional use in the TR-C1 district for an accessory building exceeding 576 square feet; and consideration of a conditional use in the TR-C1 district for an accessory dwelling unit, to allow an existing accessory building to be expanded to include an accessory dwelling unit.

Proposal Summary: The applicants have an existing two-story tall, 626 square-foot detached garage adjacent to their single-family residence, which they propose to expand to a 1,045 square-foot garage that will include a 685 square-foot accessory dwelling unit on the second floor. The applicant proposes to commence construction in November 2021, with completion anticipated in September 2022.

Applicable Regulations & Standards: Section 28.131(1) of the Zoning Code states that all accessory buildings and structures on lots in any district used exclusively for residential and mixed-use purposes shall not have a ground floor area exceeding ten percent (10%) of lot area but no more than 1,000 square feet unless approved as a conditional use. In the TR-C1 (Traditional Residential-Consistent 1) district, no individual structure shall exceed 576 square feet at ground level except by conditional use approval. Table C-1 in Section 28.032(1) identifies accessory dwelling units as a conditional use in the TR-C1 district subject to the supplemental regulations in Section 28.151 of the Zoning Code. Section 28.183 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 that the standards met to **approve** conditional uses for 822 Miami Pass to allow a detached garage exceeding 1,000 square feet with an accessory dwelling unit, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: An approximately 16,173 square-foot (0.37-acre) parcel located on the west side of Miami Pass, north of Naheda Trail and Cherokee Drive; Aldermanic District 10 (Figueroa Cole); Madison Metropolitan School District.

Existing Conditions and Land Use: The site is developed with a two-story single-family residence and detached two-car garage, zoned TR-C1 (Traditional Residential-Consistent 1 District).

Surrounding Land Use and Zoning: The subject property is surrounded by single-family residences in TR-C1 (Traditional Residential-Consistent 1 District) zoning.

Adopted Land Use Plans: The 2018 [Comprehensive Plan](#) recommends the subject site and surrounding properties for Low Residential (LR). There are no adopted neighborhood or sub-area plans that include the subject site or surrounding area.

Zoning Summary: The subject site is zoned TR-C1 (Traditional Residential-Consistent 1 District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	6000 – Single-family detached dwlg.	16,434 (per City records)
Lot Width	50'	105' (Existing)
Minimum Front Yard Setback	20'	Adequate, existing
Maximum Front Yard Setback	30' or up to 20% greater than block average	Adequate, existing
Side Yard Setbacks	3' (Accessory buildings)	3'
Rear Yard		
Usable Open Space (sq. ft.)	1,000	Adequate
Maximum Lot Coverage	50%	Less than 50%
Maximum Building Height	25'	25'
Automobile Parking	Primary residence: 1; ADU: 0	2 in garage
Other Critical Zoning Items: U		
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>		

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

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

Supplemental Regulations

Section 28.151 of the Zoning Code includes the following supplemental regulations for an Accessory Dwelling Unit in Districts Other than the TR-P District [including TR-C1 zoning]:

(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 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 75% of the principal dwelling's floor area, up to a maximum size of 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).

Project Description, Analysis & Conclusion

The applicant is seeking approval of conditional uses in TR-C1 zoning to expand an existing 626 square-foot detached garage to accommodate a second story accessory dwelling unit (ADU). The accessory building is located in the rear yard of a two-story single-family residence located at 822 Miami Pass. The subject site also includes a 120 square-foot shed in the rear yard.

The approximately 24.0- by 26.1-foot garage is located along the northern, side property line to the northwest of the residence, with an existing concrete driveway that connects it to Miami Pass. The applicants are requesting to add a 14-foot addition off the rear wall of the garage and an approximately four-foot addition off a portion of the southern wall to create a 1,045 square-foot footprint for the garage. The smaller addition to the side wall will include a stair leading up to a 685 square-foot, one-bedroom and one bath accessory dwelling unit on the second floor. The expanded garage will be designed to match the Tudor style of the primary residence and existing garage. A site plan, floorplans, elevations, and renderings of the proposed accessory building are included in the project plans attached to the legislative file for this request.

The combined ground level square-footage of accessory buildings to be located on the subject property will be 1,165 square feet (1,045 square-foot garage and 120 square-foot shed). Section 28.131(1) of the Zoning Code states that all accessory buildings and structures on lots in any district used exclusively for residential and mixed-use purposes shall not have a ground floor area exceeding ten percent of lot area but no more than 1,000 square feet unless approved as a conditional use. In the TR-C1 district, no accessory building may exceed 576 square feet unless approved as a conditional use. Finally, accessory dwelling units are conditional uses in all residential zoning districts except the TR-P (Traditional Residential–Planned) district, including the TR-C1 zoning of the subject site.

The Planning Division believes that the conditional use standards and supplemental regulations can be met for this request. Staff does not believe that the expanded garage or proposed accessory dwelling unit will have an adverse impact on the uses, values and enjoyment or normal and orderly development of surrounding properties, which include a variety of single-family residences of similar size and character as the primary residence on the subject site. Staff likewise does not believe that the expanded garage will be out of scale or character with other accessory buildings in the surrounding area. No alder, public, or neighborhood association comments have been received as of the writing of this report that would suggest that the Plan Commission could not approve the request as submitted subject to the conditions in the following section.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the standards met to **approve** conditional uses for 822 Miami Pass to allow a detached garage exceeding 1,000 square feet with an accessory dwelling unit, subject to input at the public hearing, and the following conditions:

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

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

1. Sanitary sewer service to the proposed accessory dwelling unit (ADU) can either be provided by connecting to the plumbing in the primary building or by having a separate sewer lateral extended to the lot. If applicant intends to connect to the plumbing in the primary building, the applicant may add a note to plan that indicates that this is how the ADU will be served. If a separate lateral is to be installed, the applicant shall include a utility plan showing how the ADU will be served.

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

2. Provide a PDF of the Plat of Survey completed by Isthmus Surveying to Jeff Quamme at jrquamme@cityofmadison.com.
3. The address of the proposed accessory dwelling unit is 820 Miami Pass. 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.

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

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

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

4. The Accessory Dwelling Unit shall comply with the supplemental regulations in 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.

Fire Department (Contact Bill Sullivan, 261-9658)

5. The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D.

Parks Division (Contact Ann Freiwald, 243-2878)

6. 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 the proposed accessory dwelling unit. This development is within the Central Park-Infrastructure Impact Fee district.

Forestry Division (Contact Bradley Hofmann, 267-4908)

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

Water Utility (Contact Jeff Belshaw, 261-9835)

7. Water service to the ADU can utilize existing service or install a new water service.
8. If a new water service is needed, 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/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Avenue. 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 and 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 266-4646.

Metro Transit (Contact Tim Sobota, 261-4289)

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