

PLANNING DIVISION STAFF REPORT

March 25, 2024



PREPARED FOR THE PLAN COMMISSION

Project Address: 620 Cedar Street (13th District, Alder Evers)
Application Type: Conditional Use
Legistar File ID # [82113](#)
Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Kelly Kozar; 620 Cedar Street; Madison, WI 53715

Contact: Kelly Hensler; knh studio; 4105 Yuma Drive; Madison, WI 53711

Requested Action: The applicant requests conditional use approval for accessory buildings with a total floor area in excess of 1000 square feet (§28.131(1)(a) MGO).

Proposal Summary: The applicant proposes to build a two-story detached garage and accessory dwelling unit with a 1,175 square-foot footprint.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [§28.183 MGO].

Review Required by: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** a conditional use for an accessory buildings totaling greater than 1,000 square feet in area, subject to the conditions from reviewing agencies beginning on page 3.

Background Information

Parcel Location: The 7,500-square-foot property is located on the north side of Cedar Street, between Beld Street and Hickory Street. It is located within Aldermanic District 13 (Ald. Evers) as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is zoned TR-C2 (Traditional Residential – Consistent 2). The site includes an existing 1,000-square-foot, one-story, single-family residence. City Assessor's records indicate the home has two bedrooms and one bathroom and that it was built in 2009.

Surrounding Land Use and Zoning:

North: Across the Spruce Street-Cedar Street alley, single-family residences zoned Traditional Residential – Consistent 2 (TR-C2) district;

East: Single-family residences zoned TR-C2;

South: Across Cedar Street, single-family residences zoned TR-C2; and

West: Single-family residences zoned TR-C2.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) uses for the subject parcel. The [South Madison Neighborhood Plan](#) (2005) does not have any specific land use recommendations for the site.

Zoning Summary: The property is zoned TR-C2 (Traditional Residential-Consistent 2).

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,000	7,500
Lot Width	40 ft	50 ft
Front Yard Setback	20 ft	93 ft
Side Yard Setback	3 ft (accessory building)	3.25 ft, 17.66 ft
Rear Yard Setback	3 ft (accessory building)	4 ft
Usable Open Space	None (TOD overlay)	N/A
Maximum Lot Coverage	65%	63%
Maximum Building Height	25 ft	25 ft (Zoning comment 2)

Other Critical Zoning Items	Utility Easements, TOD Overlay
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Tables Prepared by Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: The property is not located in 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 is requesting conditional use approval to construct an accessory structure exceeding 1,000 square feet in area within a single accessory building at 620 Cedar Street. The accessory building would include detached garage and accessory dwelling unit. While an accessory dwelling unit is a permitted use, the size of the structure necessitates conditional use consideration.

The proposed one-bedroom, one-bathroom, 610-square foot accessory dwelling unit will be attached to the rear a 565-square foot two-vehicle garage with a 575-square foot loft. The ADU is proposed to be at the ground floor, accessed from the exterior of the building, not through the attached garage. The finished loft above the garage includes a half-bath and is accessed from an interior stair within the garage. The new accessory building is proposed for the northwestern (rear) corner of the lot. Because the property slopes down to the north, the ADU floor is approximately four feet below the garage floor and five feet below the lowest grade of the house. An existing one-stall detached garage will be removed and the existing driveway will be reused (and extended) to serve the new garage. The siding, paint, roof pitch and covering, and deck and railings for the proposed accessory building are intended to match those of the existing residence.

If approved, the applicant intends to begin construction in May 2024, with completion by the end of 2024.

Plan Consistency

The [Comprehensive Plan](#) (2023) recommends Low Residential (LR) for this site, a land use designation predominantly made up of single-family and two-unit structures, but that may include smaller two-, three-, and four-unit apartment buildings and rowhouses. The [South Madison Neighborhood Plan](#) (2005) does not have any specific land use recommendations for the site. The site is not within the boundaries of the updated South Madison Neighborhood Plan (2022). In considering the adopted plan recommendations, the Planning Division

believes that the proposed use is generally consistent with the Comprehensive Plan and the South Madison Neighborhood Plan.

Conditional Use 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. Staff notes that 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.

When considering the plan recommendations, the size and design of the proposed accessory building, the reduced height of the ADU portion of the building near the adjacent properties, the use and scale of the surrounding development, and the recommended conditions of approval, staff believes the standards of approval for conditional uses can be found met.

At the time of report writing, staff is unaware of public comment regarding this request.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** a conditional use for an accessory buildings totaling greater than 1,000 square feet in area, subject to the conditions from reviewing agencies beginning on page 3.

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

Zoning Administrator (Contact Jacob Moskowitz, 266-4560)

1. 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.
2. Show the height of the proposed building on the elevations. The maximum height is 25 ft. Height is the average of the height of all building facades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual facade shall be more than fifteen percent (15%) higher than the maximum height of the zoning district.

Engineering Division (Main Office) (Contact Tim Troester, (608) 267-1995)

3. The proposed ADU will require sanitary sewer service. Applicant shall show on the plan how the ADU will be served. Sanitary sewer service for ADU can either connect to the sewer lateral for primary building on the lot or a separate sanitary lateral can be installed into the street. If a new lateral is planned to be installed out to Cedar Street, a permit to excavate in the right of way will be required.

4. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. The Storm Water Management Plan & Report shall include compliance with the following:
Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.
Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))
Volume Control: Provide onsite volumetric control limiting the post construction volumetric discharge to the predevelopment discharge volume as calculated using the 10-year storm event.

5. If utility work is required out into Cedar Street, the applicant's contractor shall obtain a permit to excavated in the public right of way prior to commencing any work within the public right-of-way or before making any connections to City owned utilities. This permit is available online at <https://www.cityofmadison.com/engineering/permits/excavation-in-the-right-of-way-permit>

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

6. Contact the Madison Fire Department for information on if directional signage is needed for wayfinding to the ADU.
7. Identify on the site plan the dimensions, lot and block numbers of recorded Plat of Westlawn Addition to South Madison.
8. The site plan shall include all existing and proposed sewer and water utility locations serving the home and to serve the ADU.
9. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.
10. The ADU requires an address. Since the adjacent property uses 622 Cedar St, the ADU will use an address of 620 Cedar St Apt 2. 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.

Fire Department (Contact Matt Hamilton, (608) 266-4457)

11. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. Additional information is available at the Home Fire Sprinkler Coalition website: <https://homefiresprinkler.org/building-residential-fire-sprinklers>

Parks Division (Contact Ann Freiwald, (608) 243-2848)

12. 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 Central Park-Infrastructure Impact Fee district. Please reference ID# 24012 when contacting Parks about this project.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

13. 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. Update plan to indicate which option will be used to supply the proposed development with water service. Contact Jeff Belshaw at Jbelshaw@madisonwater.org or 608-261-9835 for verification, otherwise a Water Service Application and a Water Meter Application will be required for a new lateral connection. Provide Madison Water Utility with the increased water supply fixture Unit count or flow rate requirements for the proposed development to determine if the existing water meter can accommodate total water supply requirements.

The Planning Division, Traffic Engineering Division, Forestry Section, Metro Transit, and Parking Utility have reviewed this request and have recommended no conditions of approval.