

Mifflin West District
Capitol Neighborhoods, Inc

January 13, 2010

Re: Redevelopment proposal at 430 W. Dayton St.

The Mifflin West District members have visited the site and discussed this redevelopment proposal several times with the owner of the property who has provided two series of drawings and attended several meetings.

Based on the plans available on January 13, 2010, the District neighborhood meeting voted to support the redevelopment proposal.

LARRY WANNAN
MIFFLIN WEST DISTRICT CHAIR






Department of Planning and Community and Economic Development
Building Inspection Division

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Madison, Wisconsin 53701-2984
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TO: Al Martin, Urban Design Commission Secretary

FROM: Matt Tucker, Zoning Administrator 

DATE: March 3, 2010

RE: Interpretation of Accessory building for project at 430 W. Dayton St.

I have reviewed the materials submitted by Mr. Cook and his agent, Mr. Aro, for PUD-GDP-SIP zoning to allow for the demolition of an existing building and the construction of a new building to be built at the rear of the lot at the subject property. I have determined that the plans for the new building, along with the supporting zoning text, meet the requirements for an *accessory building*, as outlined in the City's Zoning Ordinance.

Feel free to contact me should you have any further questions regarding this matter.

CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE

Date: April 12, 2010
To: Plan Commission
From: Matt Tucker, Zoning Administrator
Subject: 430 W. Dayton Street

Present Zoning District: PUD(GDP-SIP), Transition Zone – Downtown Design Zone 2

Proposed Use: Demolish existing single-family residence at rear of the lot and construct an accessory building with a five-bedroom dwelling unit.

Requested Zoning District: Amended PUD(GDP-SIP)

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project).

A. Sec. 28.03(2) of the Madison Zoning Ordinance defines an accessory building or use as follows:

Accessory Building Or Use. An accessory building or use is one which:

1. *Is customary and clearly incidental to the principal building or principal use;*
2. *Serves exclusively the principal building or principal use;*
3. *Is subordinate in floor area, extent or purpose to the principal building or principal use served or is a secondary dwelling unit;*
4. *Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and*
5. *Is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot as the building or use served.*

An accessory building or use includes, but is not limited to, the following:

1. *A children's playhouse, garden house or private greenhouse;*
2. *A garage, carport, compost bin, shed or building for storage incidental to a permitted use;*
3. *Incinerators incidental to a permitted use;*
4. *Storage of goods used in or produced by permitted manufacturing activities on the same zoning lot with such activities, unless such storage is excluded by the district regulations;*

5. *The production, processing, cleaning, servicing, testing, repair or storage of merchandise normally incidental to a permitted retail service or business use if conducted by the same ownership as the principal use;*
6. *Off-street motor vehicle parking areas and loading facilities; and*
7. *Signs, as permitted and regulated in each district incorporated in this ordinance.*
8. *Keeping of chickens, as permitted and regulated in each district incorporated in this ordinance.*
9. *Secondary dwelling units.*
10. *Yard sales.*

The proposed structure qualifies as an accessory structure, in consideration of the regulations identified above, and further supported by the submitted zoning text. Although the definition of an accessory building or use appears to be met, the Plan Commission should consider the following plan characteristics of the project:

- The “accessory” use component of the structure is located on the first story (about 690 sq. ft.) of a four level structure (approx. 2,342 gross sq. ft.), which results in about 30% of the gross square footage of the structure devoted to “accessory” use.
- The dwelling unit comprises the majority of the floor area of the structure.
- The structure qualifies as a two story structure, with the dwelling unit spans four levels of the structure:
 - Two bedrooms and a half bath in the basement (1st level),
 - First floor stairwell (2nd level),
 - Three bedrooms, full bath, kitchen in second floor, deck (3rd level),
 - Living room and stair that qualify as a “loft” space in the area above the second story (4th level).

These characteristics of the project call into question if indeed the project is appropriate for approval as an accessory building, which also in turn includes a dwelling unit. The emphasis with this project appears to be based upon adding the dwelling unit first, which also includes some space to be used commonly by all occupants of the property, rather than approaching the project as an accessory building first, that also can include a dwelling unit.

The proposed project includes a single, large dwelling unit. Typically, the dwelling unit would be found on the level above a garage or storage area, with a stair for access. The size of the dwelling unit is typically limited by the size of the floor plate below. Past approval history for this type of building has shown that accessory buildings that contain dwelling units typically are comprised of first story garage/accessory space, with dwelling space added to the second level of the structure, either under gabled roof or as a full second story.

It is not clear that the project represents consistency with the purpose and intent of the zoning code, and what was intended for allowing accessory buildings to be built in this circumstance, which may in turn include dwelling units. Through all phases of pre-planning between the applicant and staff, these concerns have been raised, and the applicant was made aware of the unusual nature of the proposal should they choose to move ahead with the project as the submitted plans reflect.

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GENERAL OR STANDARD REVIEW COMMENTS

1. Bike parking shall comply with City of Madison General Ordinances Section 28.11. Provide five bike parking stalls (one per dwelling unit) in a safe and convenient location on an impervious surface to be shown on the final plan. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices. Moped parking must also be shown, if provided.
2. Parking requirements for persons with disabilities must comply with City of Madison General Ordinances Section 28.11 (3) 6.(m) which includes all applicable State accessible requirements, including but not limited to:
 - a. Provide a minimum of one accessible stalls striped per State requirements. This stall shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
 - b. Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
 - c. Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
3. Provide a detailed landscape plan and identify Useable Open Space areas and area calculations when SIP is submitted for final sign-off.
4. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued for the rear house.
5. Sec 28.12(12)(e) of the Madison Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
6. The zoning text needs to be clarified, bullet A., to clarify the building as an *accessory structure* that contains a *dwelling unit*. Contact zoning staff to clarify this comment.

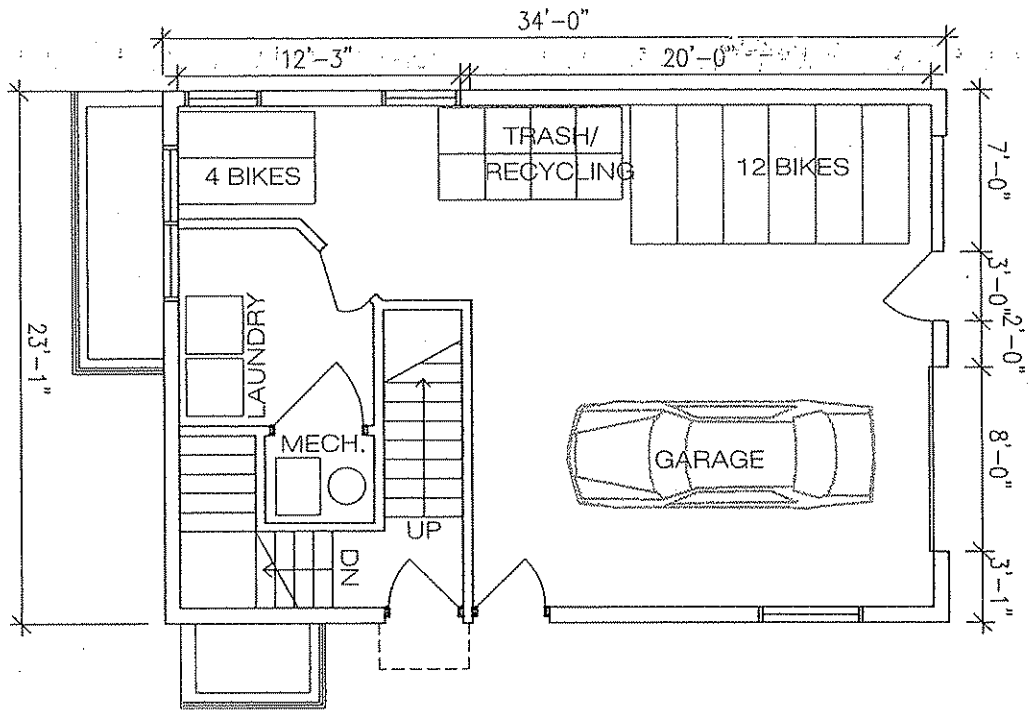
R6 ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	4,356 sq. ft. (existing)
Lot area for all D.U.'s	8,600 sq. ft.	4,356 sq. ft. (existing)
Lot width	50'	33' (existing)
Usable open space	2720 sq. ft.	Not clear on plans (3)
Front yard	20'	7.3 (existing)
Side yards	9'	5' (DDZ consistent)
Rear yard	30'	10' (DDZ consistent)
Floor area ratio	2.0	1.38±
Building height	3 stories/40'	3 stories

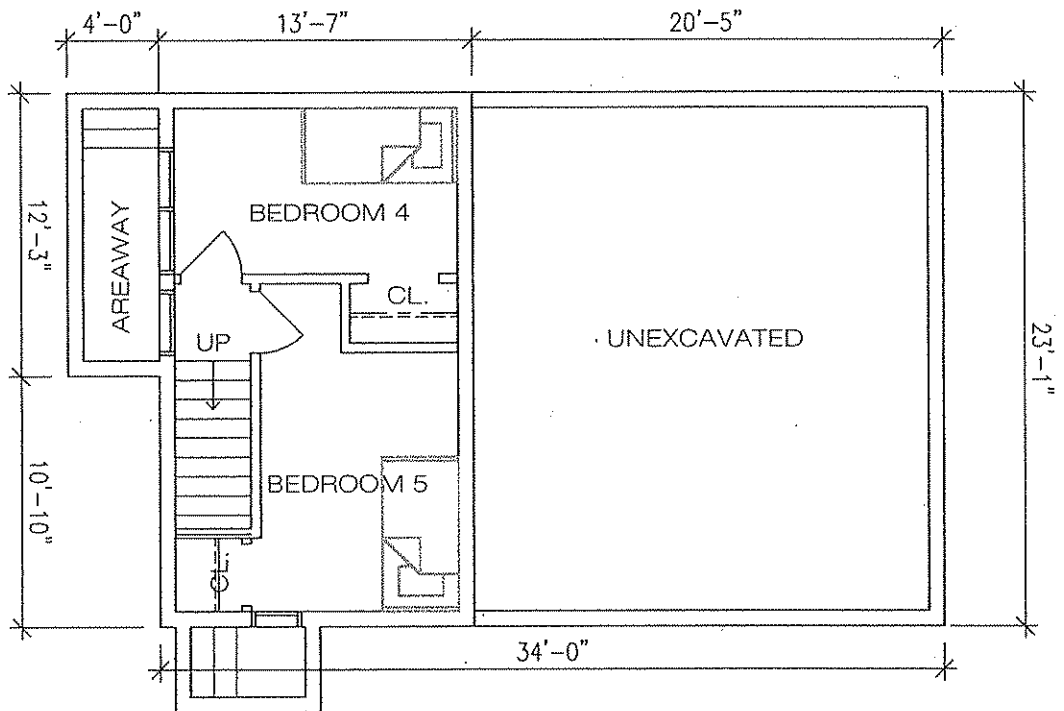
Site Design	Required	Proposed
Number parking stalls	0 stalls	1 stalls
Accessible stalls	1 stall	0 stall (2)
Loading	n/a	n/a
Bicycle parking stalls	5	18 (1)
Moped parking	0	2
Landscaping	As shown	Adequate (3)

Other Critical Zoning Items	
Urban Design	Yes (PUD)
Historic District	No
Landmark building	No
Flood plain	No
Barrier free (ILHR 69)	Yes (2)

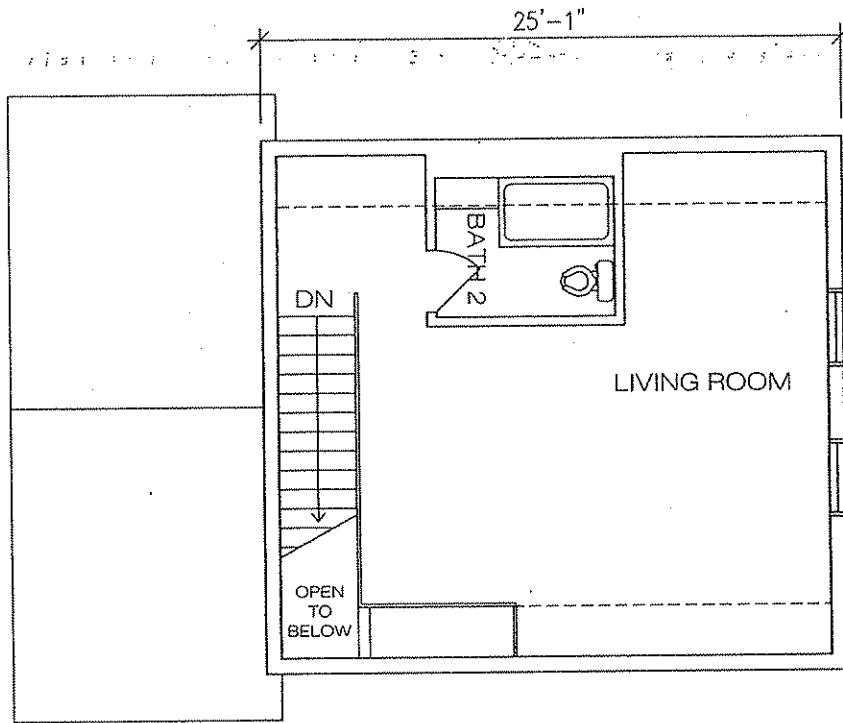
With the above conditions, the proposed project **does** comply with all of the above requirements.
 *Since this project is rezoned to the **PUD** district, and there are no predetermined bulk requirements, Staff has reviewed the project based on the criteria for the R-6 district, because of the surrounding land uses.



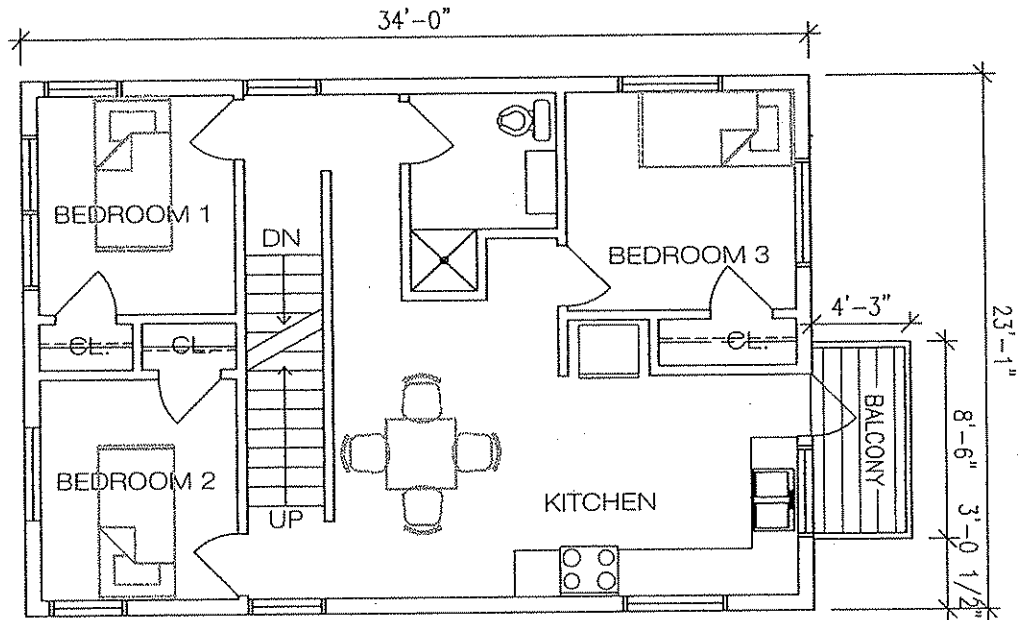
First Floor Plan - 784 GSF



Lower Level Plan - 235 NSF



Loft Plan - 369 NSF



Second Level Plan - 784 GSF