



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 827 E Gorham Street (District 2 – Ald. Zellers)  
**Application Type:** Conditional Use  
**Legistar File ID #** [50431](#)  
**Prepared By:** Sydney Prusak, Planning Division  
Report includes comments from other City agencies, as noted.  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant & Property Owner:** Chris Houden; 700 East LLC; 6417 N Normandy Lane; Madison, WI 53719

**Contact:** Thomas Miller; Kahler Slater Architects; 44 East Mifflin; Madison, WI 53703

**Requested Action:** Approval of a conditional use for a residential building complex with two relocated two-family two-unit buildings at 827 E Gorham Street.

**Proposal Summary:** The applicant is requesting approval of a residential building complex for two relocated two-family two-unit buildings at 827 E Gorham Street. The two buildings proposed for relocation are currently located at 725 and 737 E Johnson Street. These two buildings are slated for relocation due to the proposed development on the 700 block of E Johnson Street (Legistar File ID #[50430](#)).

**Applicable Regulations & Standards** Table 28C-1 in M.G.O. §28.032(1) of the Zoning Code identifies residential building complexes as a conditional use in TR-V2 (Traditional Residential – Varied 2) district zoning, subject to the Supplemental Regulations in M.G.O. §28.151. Review by the Urban Design Commission of any residential building complex is required per M.G.O. §33.24(4)(c) of the Urban Design Commission Ordinance.

**Review Required By:** Urban Design Commission and Plan Commission.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use for a residential building complex to allow the relocation of two two-family two-unit buildings at 827 E Gorham Street. This recommendation is subject to Urban Design Commission review, input at the public hearing, and conditions recommended by other reviewing agencies.

## Background Information

**Parcel Location:** The subject parcel is located on the south side of E Gorham Street between N Livingston Street and N Paterson Street. It is within Aldermanic District 2 (Ald. Zellers) as well as the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The 8,779-square-foot (approximately .20 acre) subject site is currently vacant and zoned TR-V2 (Traditional Residential – Varied 2).

### Surrounding Land Uses and Zoning:

North: Two-family and multi-family residences, zoned TR-V2 (Traditional Residential – Varied 2);

South: Two-family and multi-family residences and commercial uses along E Johnson Street, zoned NMX (Neighborhood Mixed Use);

**West:** Two-family and single-family residences zoned, TR-V2; and

**East:** Two-family and single-family residences, zoned TR-V2.

**Adopted Land Use Plans:** The [Comprehensive Plan \(2006\)](#) recommends the subject site for Medium-Density Residential uses at a density of 16-40 units per acre. The [Tenney-Lapham Neighborhood Plan \(2008\)](#) also recommends Medium-Density Residential at a density of 16 -25 units per acre.

**Zoning Summary:** The subject property is zoned TR-V2 (Traditional Residential – Varied 2).

| Requirements  | Required   | Proposed                     |
|---|--|------------------------------|
| Lot Area  | 4,000 sq. ft.<br>(8,000 sq. ft.)   | 8,712 sq. ft.                |
| Lot Width   | 40'  | 66.13'                       |
| Front Yard Setback  | 20'  | 12.0' (15)                   |
| Maximum Front Yard Setback  | 30' or up to 20% greater than block average  | 12.0'                        |
| Side Yard Setback   | Two-story: 6'  | 6.0' East<br>10.4' West (16) |
| Rear Yard Setback   | Lesser of 25% lot depth or 25'   | Adequate                     |
| Maximum Lot Coverage  | 70%  | Less than 70%                |
| Usable Open Space   | 500 sq. ft. per d.u.<br>(2,000 sq. ft.)  | 4,371 sq. ft.                |
| Maximum Building Height   | 2 stories/ 35'   | 2 story existing buildings   |
| Building Forms  | Not required   | Existing buildings           |
| Number Parking Stalls   | Two-family dwelling, two-unit: 1<br>(location only) (2)  | 2 (17)                       |
| Accessible Stalls   | Not required   | None                         |
| Number Bike Parking Stalls  | None   | None                         |
| Loading   | None   | None                         |
| Landscaping   | Not required   | Yes                          |
| Lighting  | Not required   | Yes (19)                     |
| Building Forms  | Not required   | Existing buildings           |
| <b>Other Critical Zoning Items</b>                                    |  |                              |
| Yes:  | Urban Design (Residential Building Complex), Utility Easements, Wellhead Protection District (WP-24) |                              |
| No:   | Floodplain, Historic District, Barrier Free (ILHR 69) , Adjacent to Park, Wetlands                   |                              |
| <i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i> |  |                              |

**Environmental Corridor Status:** The property is not located in a mapped environmental corridor.

**Public Utilities and Services:** The subject site is served by a full range of urban services, with multiple weekday and weekend Metro Transit routes along E Gorham Street and E Johnson Street.

**Previous Approvals:** This proposal received final approval from the Urban Design Commission (UDC) on April 11, 2018.

## Project Description

The applicant is requesting approval of a conditional use for a residential building complex with two relocated buildings currently located at 725 and 737 E Johnson Street. Residential building complexes are defined as, “a group of two or more residential buildings on a single parcel or tract of land, developed under single ownership and common management.” The buildings proposed for relocation are currently two separate multi-unit homes, but will be relocated under single ownership and common management and will occupy a single parcel.

The 8,712-square-foot (0.20 acre) subject site is currently vacant. The Plan Commission approved a Demolition request for this site on August 25, 2014. According to the Staff Report from that meeting, the applicant requested demolition for a single-family home constructed in 1874 and proposed to construct a new two-family home. The older home was demolished, however the proposed two-family home was never built.

The first building proposed for relocation is located at 725 E Johnson Street with TR-V2 (Traditional Residential – Varied 2) district zoning. This building was constructed in 1905, and in its current form is a two-story three-unit apartment. The submitted floor plans show a first-floor two-bedroom unit, a second-floor one-bedroom unit, and a second-floor studio unit. Despite this depiction, the applicant refers to this building as a two-unit property. As a Condition of Approval, Staff recommends updated floor plans that represent the remodeled *two-unit* home. This relocated building will sit on the western portion of the site.

The second building proposed for relocation is located at 737 E Johnson Street and also has TR-V2 district zoning. This building was constructed in 1892, and in its current form is a two-story two-unit apartment. The submitted floor plans show a first-floor one-bedroom unit and a second-floor four-bedroom unit. As a Condition of Approval, Staff recommends confirmation that the submitted floor plans accurately represent the proposed remodel. This relocated building will sit on the eastern portion of the site. The applicant is proposing to construct a gravel driveway along the west side of the property with two gravel parking stalls in the rear of eastern building (currently addressed 725 Johnson Street). As a Condition of Approval, Zoning and Traffic Engineering recommends that this driveway shall have paved or approved surfaces per M.G.O §10.08.

## Analysis and Conclusion

This proposal is subject to the approval standards for conditional uses. 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 M.G.O. §28.183(6) are met. The Planning Division believes that the proposed residential use is consistent with the medium density residential recommendations in both the [Comprehensive Plan \(2006\)](#) and the [Tenney-Lapham Neighborhood Plan \(2008\)](#).

According to Table 28C-1 in M.G.O. §28.032(1), residential building complexes are conditional uses in the TR-V2 (Traditional Residential – Varied 2) zoning district. Residential building complexes are defined as, “a group of two or more residential buildings on a single parcel or tract of land, developed under single ownership and common management” and are subject to the following supplemental regulations in M.G.O. §28.151 (as applicable in the TR-V2 zoning district):

- (a) Recreational areas may be required to serve the needs of the anticipated population.
- (b) Setback requirements may be reduced as part of the conditional use approval, provided that equivalent open space areas are provided.

- (c) Minimum distances between buildings shall equal the combination of the required side yards for each building, unless reduced by the Plan Commission as part of the conditional use approval.
- (d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (g) Shall be reviewed by the UDC pursuant to Sec. 33.24(4)(c), MGO.
- (h) All Residential Building Complexes shall be submitted with a plan for building placement, circulation, access and parking, and information on the architectural design of the development.
- (i) Each building in a Residential Building Complex shall provide the lot area and usable open space required for the building type by the zoning district.

As proposed, the relocated buildings have a 12 foot front yard setback. In keeping with the Zoning Administrator's findings, the required front yard setback for TR-V2 zoning is 20 feet. Conforming to the Supplemental Regulations, setback requirements for a residential building complex may be reduced as part of the conditional use approval, provided that equivalent open space areas are provided. According to the submitted plans, the site would have 4,371 square-feet of usable open space. 500 square-feet of usable open space per unit is required in TR-V2 zoning, which would be 2,000 square-feet for this proposed four-unit complex. Staff notes that the proposed front yard setback is consistent with the surrounding properties on the block, with a many that are less than 12 feet. Considering the prevailing setbacks and amount of open space provided, Staff believes reducing this setback could be found consistent with the Conditional Use Standards.

Furthermore, per TR-V2 zoning, the minimum distance required between the two (2) two-family, two-units is 12 feet. The proposed distance between the two buildings has been reduced to five (5) feet. In keeping with the Supplemental Regulations, the minimum distance between the buildings shall equal the combination of the required side yards for each building (6-foot side yard), unless reduced by the Plan Commission as part of the conditional use approval. This proposed residential complex is seeking a seven (7) foot reduction between the buildings. Planning Staff believes that the relocation of the structures is preferable to their outright demolition and notes that the prevailing setback between buildings varies in the surrounding blocks. However, City Building Inspection has noted that in order for the new residential building complex to meet Building Code requirements, the relocated buildings must be at a least 10 feet apart or have fire rated walls and openings if this minimum distance between buildings cannot be met. Therefore, as a condition of approval the applicant shall replace the walls and openings of the eastern elevation of the relocated "725 E Johnson house" and the western elevation of the relocated "737 E Johnson house" with fire rated walls and openings to comply with the necessary Building Code requirements.

The Planning Division believes that the Conditional Use Standards and Supplemental Regulations can be found met for the proposed residential building complex with two, two-unit relocated buildings. Conditional Use Approval Standard #3 states that the Plan Commission must find that the uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner. The proposed site is currently vacant, and Staff believes that this new residential building complex made up of two, two-unit buildings would improve the overall site.

According to Approval Standard #4, the Plan Commission must find that the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses in the district. The two buildings proposed for relocation have a similar architectural style to the surrounding properties on E Gorham Street. Furthermore, in keeping with the Supplemental Regulations for residential building complexes, this proposal required review from the Urban Design Commission (UDC). The UDC granted final approval, with no conditions, at their April 11, 2018 meeting.

At the time of report writing, Staff received one comment from a neighbor opposing this proposal. Those comments are attached.

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the standards met and **approve** a conditional use for a residential building complex with two relocated two-unit buildings at 827 E Gorham Street following a recommendation by the Urban Design Commission, and subject to input at the public hearing and the conditions recommended by other reviewing agencies.

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

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

1. This approval is subject to the related rezoning, demolition, and conditional use approval at 717-753 E Johnson Street.
2. The applicant shall submit updated floor plans that represent the remodeled two-unit home currently located at 725 E Johnson Street.
3. Prior to the final sign-off this conditional use, the applicant shall demonstrate that all requirements regarding distance between structures can be met, as determined by the Director of Building Inspection or his designee. This may include that the eastern wall of the relocated "725 E Johnson House" and the western wall of the "737 E Johnson House" include fire rated walls and openings to comply with necessary code requirements.
4. The applicant shall submit color elevation drawings that include labeled dimensions, heights, and material callouts for final Staff review.

#### Engineering Division – Main Office (Contact Brenda Stanley, (608) 261-9127)

5. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO16.23(9)(d)(4))
6. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
7. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
8. The Applicant shall obtain a Street Excavation Permit for the work in the Right of Way. Work anticipated is sidewalk replacement, terrace restoration, curb & gutter replacement and pavement replacement.

**Engineering Division – Mapping Section** (Contact Jeff Quamme, (608) 266-4097)

9. As noted on the plans the non-exclusive access easement for a joint driveway shall be amended/replaced and a recorded copy of the agreement provided.
10. The moving of two houses to this vacant parcel will necessitate the change of address for the adjacent property. The address numbers on the street are consecutive and there isn't any room to fit an additional address for the second house. 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.
11. Submit a Floor Plan for each separate building in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan for each floor on a separate sheet for the development of a complete building and interior addressing plan. Please include entry doors and stairwells. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) prior to the submittal of the final Site Plan Approval application with Zoning. The approved Addressing Plan shall be included in the final application.
12. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.
13. The letter of intent reads that 725 E Johnson St is a 2 unit. The land use summary and various sheets show 2 units. However, The floor plans and our records indicate that this as a 3 unit. One first floor unit and 2 units on the second floor. Reconcile plans to the correct the number and configuration of units.

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

14. Obtain approval for the two proposed gravel parking stalls or install parking per MGO Section 10.08. All parking lots and driveways shall have paved or approved surfaces, as required in MGO Section 10.08.

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

15. The required front yard setback is 20 feet. The applicant proposes a reduced front yard setback of 12 feet with equivalent open space areas provided on the property. Setback requirements for a residential building complex may be reduced as part of the conditional use approval, provided that equivalent open space areas are provided.
16. The minimum distance required between the two (2) two-family, two-unit dwellings is 12 feet. The proposed distance between the two buildings is reduced to 5 feet. The minimum distance between the buildings within a residential building complex shall equal the combination of the required side yards for each building (6-foot side yard), unless reduced by the Plan Commission as part of the conditional use approval.
17. Obtain approval for the two proposed gravel parking stalls or install parking per MGO Section 10.08. All parking lots and driveways shall have paved or approved surfaces, as required in MGO Section 10.08.

18. Provide an updated floor plan for the relocated 725 E Johnson St building. Show the stairways and entrance/exit locations. The submitted floor plan shows three (3) kitchens. A two-family, two-unit dwelling may only have one kitchen per dwelling unit.
19. Exterior lighting provided shall be in accordance with MGO Section 10.085. If exterior lighting is provided, submit an exterior lighting plan and fixture cut sheets with the final plan submittal.
20. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

**Parks/Forestry Division** (Contact Sarah Lerner, (608) 261-4281)

21. The house move route shall be submitted to Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree pruning and removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester and/or Habitat Stewardship Committee prior to the approval of the site plan.

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

22. 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.
23. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. 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. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.