



**Project Address:** 1801 Legacy Lane  
**Application Type:** Conditional Use  
**Legistar File ID #** [34636](#)  
**Prepared By:** Kevin Firchow, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant:** Chad Kavon; CJ Kavon Company, LLC; PO Box 930013; Verona, WI 53593  
**Contact:** Chad Kavon; CJ Kavon Company, LLC; PO Box 930013; Verona, WI 53593  
**Property Owner:** Chad Kavon; CJ Kavon Company, LLC; PO Box 930013; Verona, WI 53593

**Requested Actions:** The applicant requests conditional use approval to construct a two-family twin home within 300 feet of another two-family twin home.

**Proposal Summary:** The applicant requests approval to construct a two-family twin home. The proposed plans include a 1,496 square foot three-bedroom unit and a smaller two-bedroom 1,264 unit.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [Section 28.183]

**Review Required By:** Plan Commission (PC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the request to construct a two-family twin home within 300 feet of another two-family twin home at 1801 Legacy Lane. This request is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

## Background Information

**Parcel Location:** The subject site is a 10,992 square foot property located at the intersection of Legacy and Sawtooth lanes, north of Legacy Lane’s intersection with Mid Town Road. The property is within Aldermanic District 1 and within the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is currently undeveloped.

### Surrounding Land Use and Zoning:

**North:** Two-unit home zoned SR-C3 (Suburban Residential-Consistent 3), with single-family homes zoned TR-C3 (Traditional Residential-Consistent 3), beyond;

**South:** Single-family homes, zoned TR-C3;

**East:** Stormwater management facility, zoned CN (Conservancy); and

**West:** Single-family homes, zoned TR-C1 (Traditional Residential-Consistent 1); and undeveloped lots zoned SR-C3.

**Adopted Land Use Plan:** The Comprehensive Plan recommends low density residential development for the subject property.

**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, though Metro Transit service is about ¼ mile from this property.

**Zoning Summary:** The property is zoned SR-C3 (Suburban Residential –Consistent 3).

	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	10,992 sq. ft.
Lot Width	50'	92'
Front Yard Setback	25'	25'
Side Yard Setback	One story - 5' Two-story - 6'	5' – RS 12' - LS
Rear Yard Setback	35'	35'
Maximum height	2 stories/35'	1 story
Maximum lot coverage	60%	TBD (See Conditions 8&9)
Useable Open Space (per DU)	750 sq. ft (x 2 DU)	2625 sq. ft.
Number parking stalls	1 per unit	2 per unit
Bike parking	0	0
Landscaping	No	No
Lighting	No	No
Building forms	Yes	Meets building forms req.
<b>Other Critical Zoning Items</b>	Utility easements	

Table Prepared by Patrick Anderson, Assistant Zoning Administrator

## Project Description, Analysis, and Conclusion

The applicant requests conditional use approval to construct a two-family twin home within 300 feet of another two-family twin home. As a clarifying note, the application materials discuss a “zero-lot line” twin duplex. Please note that a certified survey map (CSM) to divide the property into zero-lot line configuration was not submitted as part of this application. Only the conditional use is before the Plan Commission at this time. This request is subject to the conditional use approval standards.

The subject site is part of the Southern Ridge subdivision, approved in 2004 under the 1966 Zoning Code. At that time, the subject property was among six (6) lots zoned R3 (Single-and Two-Family District) anticipated for two-family twin (side-by-side duplex) development. At this time, three (3) of these sites have been developed with two-family twin homes. When the new Zoning Code took effect in 2013, the sites were zoned TR-C4 (Traditional Residential-Consistent 4). That district does not allow for two-family twins. In order to allow the remaining lots to be developed in a consistent manner, the Common Council rezoned these six lots to the SR-C3 district in April 2014. The previous staff report for that request is attached as a reference. That district allows two-family twin development though includes a “dispersion” requirement that two-family twin homes cannot be within 300 feet of another two-family twin home unless approved as a conditional use.

The proposed development includes a larger 1,496 square foot, three-bedroom unit and a smaller 1,264 square foot, two-bedroom unit. Revised elevation drawings have been provided which include more detail compared to the concept versions originally submitted. Both sets are provided. The building features a stone veneer base, vertical siding, with a shake-siding detail beneath the roof peaks.

Staff believes the conditional use standards can be met. At the time of report writing, staff was not aware of any concerns on this proposal. Considering that this six-lot node was originally approved for two-family twin development in 2004 and that the Common Council's rezoning approval earlier this year re-established the ability to request two-family twin development, there has been acknowledgement that this is generally an acceptable land use at this location. Staff believes that the building will be complementary in character to the surrounding twin and single-family homes in the area.

## Recommendation

### Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the request to construct a two-family twin home within 300 feet of another two-family twin home at 1801 Legacy Lane. This request is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

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

### City Engineering Division (Contact Janet Schmidt, 261-9688)

1. The application has indicated this site is intended to be a zero lot line twin duplex. A Certified Survey Map and required supporting information along with a cross access and maintenance agreement would be required to be submitted to the City of Madison Planning Department in order to permit separate ownership of each individual twin duplex unit. The CSM would be approved by the City, recorded with the Dane County Register of Deeds and all new parcel land records information completed in appropriate City databases prior to any conveyance of any individual unit.
2. The site plan shall show the proposed dividing line for the zero lot line lots to be created.
3. Provide a site plan showing proposed grading and proposed utilities – subject to approval of the City Engineer.
4. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
5. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)
6. All damage to the pavement on Legacy Lane adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)

7. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) lot lines and right-of-way lines, e) Street names, f) Stormwater Management Facilities, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6572)

This agency submitted a report with no recommended conditions of approval.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

8. Final site plan shall show proposed walk ways, driveways and driveway widths at the property line. Pursuant to section 28.141(9)(c) the maximum driveway width at the right-of-way line shall be equal to the width of the garage entrance or legal off-street parking area, not to exceed twenty-two (22) feet.
9. Provide details of lot coverage as defined in section 28.211 on final plan sets. NOTE: maximum lot coverage is 60%.
10. The garage door facing Legacy Lane does not comply with Section 28.03(3). Any street facing wall that that contains an attached garage door must be recessed at least (2) feet behind the remainder of the façade. NOTE: With revised plans submitted 7/28/2014 the proposed development meets the 28.03(3) provisions.

**Fire Department** (Contact Bill Sullivan, 261-9658)

11. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website: <http://www.homefiresprinkler.org/Consumer/ConsHome.html>

**Parks Division** (Contact Kay Rutledge, 266-4714)

12. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before signoff on the conditional use. This development is within the Elver park impact fee district (SI31). Please reference ID# 04122.1 when contacting Parks about this project.
13. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

**Water Utility** (Contact Dennis Cawley, 261-9243)

14. This property is not in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.

**Metro Transit** (Contact Tim Sobota, 261-4289): This agency did not submit a response to this request.