

PLANNING DIVISION STAFF REPORT

August 28, 2017

PREPARED FOR THE PLAN COMMISSION



Project Address: 1222 E. Mifflin Street (2nd Aldermanic District, Ald. Zellers)
Application Type: Conditional Use
Legistar File ID #: [48151](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: Eric Udelhofen; 1222 E. Mifflin Street; Madison, WI 53703

Contact: Adam Helt-Baldwin; Spirit Level Construction; 4132 Pikes Peak Road; Ridgeway, WI 53582

Requested Action: Approval of a Conditional Use to allow construction of an accessory dwelling unit at 1222 E. Mifflin Street.

Proposal Summary: The applicant proposes to construct a two-story, two bedroom, one bath, roughly 700-square-foot accessory dwelling unit (ADU) at the rear (northwest corner) of the subject property.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses (MGO §28.183(6)), as §28.032(1) of the Zoning Code lists an *Accessory Dwelling Unit* as a conditional use in all residential districts. The Supplemental Regulations [MGO §28.151] contain further regulations for an accessory dwelling unit.

Review Required By: Plan Commission (PC).

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests to allow construction of an accessory dwelling unit at 1222 E. Mifflin Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The 4,350-square-foot (0.10-acre) property is located on the north side of E. Mifflin Street between N. Few Street and N. Baldwin Street. It is located within Aldermanic District 2 (Ald. Zellers) as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The property is zoned Traditional Residential – Varied 1 (TR-V1) District and is developed with a 1½-story, two-bedroom, 1-bathroom, roughly 1,080-square-foot single-family residence. It was originally constructed in 1927. A shared, gravel driveway runs along the southwestern property line to a roughly a 330-square-foot (18 feet by 18 feet) concrete pad located at the rear of the site.

Surrounding Land Use and Zoning:

Northwest: Single-family, two-unit, and three-unit residences, all zoned Traditional Residential – Varied 1 (TR-V1) District;

Northeast: A 24-unit apartment building, zoned Traditional Residential – Varied 2 (TR-V2) District beyond which are single-family residences, zoned TR-V1;

Southwest: Single-family residences, zoned TR-V1; and

Southeast: Across E. Mifflin Street are single-family residences, zoned TR-V1.

Adopted Land Use Plan: Both the [Comprehensive Plan \(2006\)](#) and the [Tenney-Lapham Neighborhood Plan \(2008\)](#) recommend medium-density residential (MDR) uses for the subject parcel. The [Comprehensive Plan](#) defines medium density as 16 to 40 dwelling units per acre, while the [Tenney-Lapham Neighborhood Plan](#) defines it as 16 to 25 units per acre.

Zoning Summary: The property is in the Traditional Residential – Varied 1 (TR-V1) District

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000	4,356
Lot Width	30'	30'
Side Yard Setback	3'	5', 6'
Rear Yard Setback	3'	5'
Usable Open Space	500 sqft.	1000+ sq ft.
Maximum Lot Coverage	70%	26%
Maximum Building Height	25 ft.	22 ft.

Table Prepared by Jacob Moskowitz, Zoning Code Officer

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. Add day Metro service is located 0.2 miles to the east at the intersection of E. Washington Avenue and N. Baldwin Street.

Project Description

The applicant proposes to construct a two-story, roughly 700-square-foot accessory dwelling unit (ADU) at the rear (i.e. northwest corner) of the subject property. Its footprint, as measured at grade, will be roughly 352 square feet, or 22 feet by 16 feet. The bottom floor will contain a kitchen/dining area, a living room, and a bathroom. The equally-sized second floor will contain two bedrooms. The ADU will be accessed via a short walkway leading from a parking area which will be constructed with pervious pavers and located in between the ADU and principal residence.

Like the principal structure, the ADU will have a gable roof with a covered entry. However, while the principal structure and garage both have their gable ends facing the street (i.e. northwest/southeast), the ADU's will be oriented southwest/northeast. This is to provide the ADU's roof a better solar angle to accommodate the planned installation of a 4 kilowatt (kW) solar array on the roof. Two other sustainable features of the proposed construction will be the addition of rain barrels located along the northeastern corner of the ADU and a large rain garden. Regarding materials, the applicant has stated an interest to have the ADU's match those of the principal structure. To that end, composite horizontal lap siding, colored a bluish-purple, and aluminum trim, colored white, will be used to match the principal residence. Similarly, it will have double-hung windows and a standing-seam metal roof.

Analysis and Conclusion

The applicant requests approval of a conditional use to allow the construction of an accessory dwelling unit at 1222 E. Mifflin Street. This request is subject to the Conditional Use standards as well as the Supplemental Regulations for accessory dwelling units. This analysis begins with a summary of adopted plan recommendations.

Conformance with Adopted Plans

In considering the adopted plan recommendation, the Planning Division believes that the proposed use is generally consistent with the [Comprehensive Plan \(2006\)](#) as well as the [Tenney-Lapham Neighborhood Plan \(2008\)](#) which both recommend medium-density residential (MDR) uses for the subject parcel. The [Comprehensive Plan](#) defines medium density as 16 to 40 dwelling units per acre, while the [Tenney-Lapham Neighborhood Plan](#) defines it as 16 to 25 units per acre. Additionally, the [Comprehensive Plan](#) includes accessory dwelling units on the list of recommended housing types in the MDR District. It also notes that the MDR can contain a large number of houses that subsequently have been converted to contain several dwelling units. In these situations, the Plan recommends that these areas continue to maintain the “house-like” character.

The [Tenney-Lapham Neighborhood Plan](#) more specifically recommends Medium-Density Residential 1 (MDR 1) with a general density between 16 to 25 units per acre. The Plan states that new principal structures must be consistent with the established architectural context (which includes maintaining a neighborhood average height of 2 stories and setting the maximum height of 3 stories). While the plan recommends backyard areas be preserved, it does note that a preferred location for accessory buildings (specifically garages) is the rear yard. No specific guidance is provided on the siting of Accessory Dwelling units in Medium Density areas. The Plan also states that one of its goals is to increase owner-occupied housing. As owner occupancy on the subject property is required for an accessory dwelling unit, this proposal helps implement that goal.

With a density currently at 10 dwelling units per acre, even with the additional proposed dwelling unit, the density with the ADU would be 20 dwelling units per acre, which is consistent with the density recommendations of both plans.

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. While ADUs and two-story accessory structures are somewhat uncommon, the Planning Division believes that the proposal can likely be found to meet the Conditional Use standards.

In considering the surrounding context, there is a two-story garage/accessory building located immediately to the southeast. As a measure of compatibility, staff have analyzed the FAR, or floor area ratio, which compares the total building floor area (on all floors) to the lot area. (An FAR of 1.0 would indicate that the total building floor area is equal to the lot area.) The calculated FAR for the subject site is 0.28 (existing) and 0.43 (with the proposed ADU). Even with the ADU, the subject site would still be 11 percent below the estimated median FAR of 0.48 for the rest of the neighboring parcels located along the north side of 1200 block of E. Mifflin Street. Lastly, the perceived height of the ADU may be somewhat diminished as viewed from the parcels from the northwest and northeast given the fact that the grade for those parcels is roughly 4 feet higher than the subject site.

Supplemental Regulations for Accessory Dwelling Units

Accessory dwelling units are also subject to the Supplemental Regulations of Section 28.151. These include regulatory standards and suggested guidelines. A copy of these supplemental regulations is attached. Generally, the Supplemental Regulations speak to consistency and compatibility of the proposed accessory dwelling unit with the principal residence, including overall size, design/appearance and placement. Furthermore, the standards outline occupancy requirements of the accessory dwelling unit and accompanying single-family residence.

While the Planning Division believes the standards can be met, staff notes that the suggested guidelines recommend that the roof pitch and window proportions of the ADU match the principal structure. In this case, such details are somewhat different. Staff believes such differences may be somewhat mitigated by the gable orientation of the ADU and the anticipated limited visibility of the ADU from the street. As noted above, the applicant plans to match the exterior materials and color.

Conclusion

The Planning Division believes the conditional use standards can be found met. As described above, staff believes that the proposed accessory dwelling unit is generally consistent with the Comprehensive Plan and the Tenney-Lapham Neighborhood Plan. At the time of report writing, staff was not aware of any concerns related to this request and the applicant's letter of intent references general neighborhood support.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests to allow construction of an accessory dwelling unit at 1222 E. Mifflin Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded
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City Engineering Division - Main Office (Contact Brenda Stanley, (608) 261-9127)

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| <ol style="list-style-type: none">1. Applicant shall provide clarification on the plan of how the proposed building will be provided sanitary sewer service- second lateral, shared lateral, or will the building connect into the existing home's plumbing? |
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2. Direct drainage along west property to the south to E Mifflin St. Direct drainage along north property line to the west. Show lot drainage pattern using contours, spot elevations &/or drainage arrows. Include location of any roof drainage downspouts. Contact Jeff Benedict.
 3. Current plan shows less than 4,000 sf disturbed area. If plans are not revised, no Erosion Control or Storm Water Management Permits will be required.

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

4. The site plan shall show and label the 3.7-foot Common Driveway Easement per Document No. 1448420 over the southwest side of this parcel and also over the northeast 5.3 feet of the parcel adjacent to the southwest of this site (1220 E Mifflin).
5. The added stand-alone building necessitates an address change due to the sequential numbering policy. The rear new ADU shall have the address of 1222 E Mifflin St and the existing house shall change to 1224 E Mifflin St. 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.

Zoning (Contact Jacob Moskowitz, (608) 266-4429)

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

Fire Department (Contact Bill Sullivan, (608) 261-9658)

6. 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>
7. As required by MGO 10.34 and IFC 505.1, all residential and commercial buildings must have the approved address posted. The address numbers shall be 4 inches in height, numbers shall be in contrast to the background and visible from the street.

Parks/Forestry Division (Contact Janet Schmidt, (608) 261-9688)

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| <ol style="list-style-type: none">8. 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(6) will be required for all new residential development associated with this project. This development is within the North Park -Infrastructure Impact Fee district. Please reference ID# 17138 when contacting Parks about this project. |
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Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

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

Metro Transit (Contact Tim Sobota, (608) 261-4289)

The agency reviewed this request and has recommended no conditions or approval.

SUBCHAPTER 28J: SUPPLEMENTAL REGULATIONS

28.151 APPLICABILITY.

Supplemental regulations are established to address the unique characteristics of certain land uses. The standards and conditions listed for land uses in this chapter are applicable to both permitted uses and uses permitted by conditional use permit, as specified for each zoning district, unless otherwise noted.

Accessory Buildings and Structures.

- (a) Accessory buildings and structures shall not occupy more than the lesser of ten percent (10%) of the lot area or one thousand (1,000) square feet, unless approved as a conditional use.
- (b) No individual accessory building or structure shall exceed five hundred seventy-six (576) square feet in the TR districts or eight hundred (800) square feet in the other residential districts, unless approved as a conditional use.

Accessory Dwelling Unit in the TR-P District.

- (a) No more than one (1) accessory dwelling unit may be located on a lot.
- (b) The lot shall be a corner lot or abut an alley.
- (c) The lot shall have a minimum area of five thousand (5,000) square feet.
- (d) The lot shall have a minimum width of fifty (50) feet for corner lots and sixty (60) feet for interior lots.
- (e) An attached accessory dwelling unit shall be part of the single family dwelling on the same lot for the purpose of the bulk requirements of the district. Any secondary dwelling unit connected to the single-family dwelling is considered attached.
- (f) A detached accessory dwelling unit shall be located only above a detached garage of the single-family dwelling on the same lot.
- (g) A detached accessory dwelling unit shall be located a minimum of five (5) feet from a side or rear lot line, unless the lot is adjacent to an alley, in which case it shall be located a minimum of two (2) feet from the rear lot line.
- (h) The height, lot area per dwelling unit, and usable open space requirements for detached accessory dwelling units shall be as specified for the district.
- (i) The usable open space requirements for a detached accessory dwelling unit shall be fifty percent (50%) of the usable open space requirement in the district.
- (j) The single-family dwelling on the lot shall be owner-occupied.
- (k) The entryway to the accessory dwelling unit shall be connected to a street frontage with a paved walkway.
- (l) The accessory dwelling unit shall have a separate entrance from the single-family dwelling.

Accessory Dwelling Unit in Districts Other than the TR-P District.(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 twenty-five (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 seventy-five percent (75%) of the principal dwelling's floor area, up to a maximum size of seven hundred (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).

Accessory Use: General Retail, Service Business, Restaurant, Coffee Shop, Tea House, Office, professional and general. In the DR2 and UOR Districts, must be accessory to a multi-family residential use or a permitted commercial use, accessible to the public only through a lobby, and shall not exceed three thousand (3,000) square feet of floor area. (Cr. by ORD-13-00007, 1-15-13)

Adaptive Reuse of Buildings Originally Constructed as Public Schools, Municipal Buildings, or Places of Worship.

- (a) Buildings originally constructed for use as public schools, municipal buildings, or places of worship in residential and special districts may be adapted for the following uses with the approval of the Director of Planning and Community and Economic Development:
1. Day care centers.
 2. Elementary and secondary schools.
 3. Arts, technical or trade schools.
 4. Colleges and universities.
 5. Other public educational facilities.
 6. Recreational buildings and community centers, nonprofit.
 7. State or municipal offices.
 8. Offices for health, medical, welfare and other institutions or organizations qualifying as nonprofit under the laws of the State of Wisconsin.
- (b) Buildings originally constructed for use as public schools, municipal buildings, or places of worship in residential and special districts may be adapted as business and professional offices with conditional use approval.

(Am. by ORD-15-00079, 8-12-15)