



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 1020 Sherman Avenue (District 2 – Ald. Heck)  
**Application Type:** Conditional Use  
**Legistar File ID #** [59927](#)  
**Prepared By:** Sydney Prusak, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant & Contact:** Ryan Schultz; OpeningDesign; 316 W Washington Avenue, Suite 675; Madison, WI 53703

**Property Owner:** Maura & Michael Crooks; 1020 Sherman Avenue; Madison, WI 53703

**Requested Action:** The applicant requests approval of a conditional use to construct an accessory building exceeding 576 square feet with an accessory dwelling unit (ADU) on a lakefront property in the Traditional Residential – Consistent 2 (TR-C2) Zoning District at 1020 Sherman Avenue.

**Proposal Summary:** The applicant proposes to construct a 700-square-foot accessory building containing a one-stall garage, accessory dwelling unit (ADU), and a rooftop patio. No changes to existing structures are proposed with this development.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [MGO §28.183] and Lakefront Development [MGO §28.138]. MGO §28.138(2)(a) states that any accessory building on zoning lots abutting Lake Mendota and associated bays shall require Conditional Use approval. MGO §28.131(1)(b) states that no individual accessory building shall exceed 576-square-feet in Traditional Residential (TR) districts at the ground level except by conditional use approval. Furthermore, MGO §28.032(1), lists accessory dwelling units (ADUs) as conditional uses in all residential zoning districts. MGO §28.151 contains Supplemental Regulations for ADUs.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the standards for conditional uses and lakefront development are met and **approve** the conditional use request to construct an accessory building exceeding 576 square feet with an accessory dwelling unit (ADU) on a lakefront property in the Traditional Residential – Consistent 2 (TR-C2) Zoning District at 1020 Sherman Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 10,044-square-foot (0.23-acre) subject property is located on the west side of Sherman Avenue near the intersection with N Brearly Street. The site is within Aldermanic District 2 (Ald. Heck) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site includes the existing 2,888 square-foot, two-story single-family home. City Assessor's records indicate the home was constructed in 1907 and contains three bedrooms and two bathrooms. Currently, the property does not contain a garage (accessory building).

**Surrounding Land Use and Zoning:**

- North:** Single and two-family residences, zoned Traditional Residential - Consistent 2 (TR-C2) district;  
**East:** Single-family and three-family residences, zoned TR-C2;  
**South:** Single-family residences, zoned TR-C2; and  
**West:** Lake Mendota

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) land uses for subject site and surrounding properties, classified as up to 15 dwelling units per acre (du/ac) and up to two stories in height. The [Tenney-Lapham Neighborhood Plan](#) (2008) recommends Low Density Residential (LDR) for the subject site and surrounding properties, also classified at up to 15 du/ac.

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

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,000 sq. ft.	10,044 sq. ft.
Lot Width	40'	45'
Front Yard Setback	20'	Adequate
Max. Front Yard Setback	30' or up to 20% greater than block average	Adequate
Side Yard Setback: Accessory Building	3'	3' north side Adequate south side
Rear Yard Setback: Accessory Building	3'	Adequate
Usable Open Space	750 sq. ft.	Adequate
Maximum Lot Coverage	65%	Less than 65%
Maximum Building Height: Accessory Dwelling Unit	25'	Less than 25'

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only) Accessory dwelling unit: None	Detached garage
Landscaping and Screening	Inventory of shoreline vegetation	Yes
Building Forms	Not required	Accessory building

<b>Other Critical Zoning Items</b>	Floodplain; Utility Easements
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*Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator*

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor, though a small portion of the property adjacent to the lake is within the flood storage district. The proposed new construction is not located within this area.

**Public Utilities and Services:** This property is served by a full range of urban services.

**Project Description**

The applicant proposes to construct a new 700 square-foot accessory building, which will contain a 280-square-foot one-stall garage and a 420-square-foot one-story accessory dwelling unit (ADU), with a rooftop patio area. The proposed building will be approximately 11.5 feet wide and 58 feet deep, with a 700 square-foot footprint.

The front portion of the first floor will be garage space, while the rear space will contain a bedroom, kitchen area, bathroom, and living room. The ADU will have a 642-square-foot rooftop patio area, with exterior stairs located on the south side of the building. According to the letter of intent, the property owners' family will stay in the ADU when they visit Madison.

In terms of building materials, the ADU will be similar to the existing primary structure, with a gray stucco exterior and decorative corbel accents. Lastly, standing at nine feet tall, the proposed ADU will be significantly shorter than the two-story principal building.

## Project Analysis and Conclusion

This proposal is subject to the standards for Conditional Uses [MGO §28.183], and Lakefront Development [MGO §28.138]. MGO §28.138(2)(a) states that any accessory building on zoning lots abutting Lake Mendota and associated bays shall require Conditional Use approval. MGO §28.131(1)(b) states that no individual accessory building shall exceed 576-square-feet in Traditional Residential (TR) districts at the ground level except by conditional use approval. Furthermore, MGO §28.032(1), lists accessory dwelling units (ADUs) as conditional uses in all residential zoning districts. MGO §28.151 contains Supplemental Regulations for ADUs.

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 MGO §28.183(6) are met.

### Adopted Plan Recommendations

The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) land uses for subject site and surrounding properties, classified as up to 15 dwelling units per acre (du/ac) and up to two stories in height. The [Tenney-Lapham Neighborhood Plan](#) (2008) recommends Low Density Residential (LDR) for the subject site and surrounding properties, also classified at up to 15 du/ac. The Neighborhood Plan provides additional recommendations for the specific subject area as well as general recommendations for residential areas throughout the neighborhood. These recommendations include, "providing a range of housing choices" and that "extra care should be given to infill projects within these areas of existing housing." Furthermore, the subject site is included in the Sherman Avenue National Historic District. Heather Bailey, the City's Preservation Planner, provided the following information regarding the Historic District and the proposed accessory building:

"The subject property is located in the Sherman Avenue National Register Historic District. At the time of designation in 1988, there were 76 contributing primary structures and 42 contributing garages and boathouses. The district is significant for its architecture and is representative of the styles of residential architecture of working and middle class neighborhoods in Madison in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. The description of resources includes the following statement: "garages and boathouses are typically of non-descript design and are located toward the rear of the property." The proposed new ADU appears to meet that description for style and placement of an accessory structure in this district.

National Register listing is an honorary designation with financial incentives to encourage property owners to rehabilitate historic structures for new and ongoing uses. The Secretary of the Interior's Standards for Rehabilitation have this to say about new structures:

Standard 9: New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be

compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Standard 10: New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The proposed new structure appears to meet those standards. As such, this proposal would not damage the integrity of the National Register-designated historic district.”

In considering the adopted plans, the Planning Division believes that the proposed use is consistent with the low density land use recommendations and meets the National Register standards.

### **Conditional Use Standards**

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 MGO §28.183(6) are met. The Planning Division believes that the Conditional Use Approval Standards can be found met and provides further discussion on Standards #3, #4, #5, and #13.

Conditional Use Standard #3 states, “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.” Staff advise the Plan Commission that in evaluating this and other conditional use standards, 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.

Conditional Use Standard #4 states, “The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.” Staff also believes that this standard can be found met. The proposed ADU conforms to all Zoning requirements including size, height, and building placement. Given the Plan recommendations for Low Density Residential, which allows up to 15 dwelling units per acre (du/ac), staff does not anticipate that the addition of one accessory dwelling unit will diminish the low density nature and character of the surrounding neighborhood. Staff found that with the additional dwelling unit, the density for the site increases from approximately 4.3 du/ac to approximately 8.7 du/ac. Therefore, the Planning Division does not believe that the uses, values, and enjoyment of other property in the neighborhood will be impaired with the new accessory dwelling unit (ADU). Finally, in keeping with the Preservation Planner’s findings, the proposed new structure appears to meet the National Register’s Standards as the ADU has a non-descript design and is located toward the rear of the property. Planning staff does not believe that the ADU will disrupt the historic integrity of the Sherman Avenue block face.

Conditional Use Standard #5 states, “Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit, and other necessary site improvements have been or are being provided.” Staff notes the existing residence does not have a vehicle garage on the property. The proposed ADU will contain a one-stall garage, which will support the ADU tenant/visitor or property owner. The Planning Division does not believe that the addition of one dwelling unit will result in a significant parking strain on Sherman Avenue.

Lastly, Conditional Use Standard #13 states, “When applying the above standards to lakefront development under Sec. 28.138, the Plan Commission shall consider the height and bulk of principal buildings on the five (5) developed lots or three hundred (300) feet on either side of the lot with the proposed development.” It is important to note

that this standard relates to principal buildings. Given that no changes to the principal structure are proposed with this application, the Zoning Administrator determined that this standard does not apply. Many of the surrounding properties have detached garages and boathouses, and the exact size of each structure is not known. The Planning Division recommends that the Plan Commission consider the other Conditional Use Standards when making their motion and subsequent action.

### **Lakefront Development Standards**

The lakefront development standards were established to further the maintenance of safe and healthful conditions by preserving and enhancing water quality, habitats, viewsheds, and other environmental and aesthetic qualities of lakes. This section includes additional regulations including limitations on the clearing of shoreline vegetation, requirements for public sewer, environmental protections, and additional lot coverage standards. This section also includes the methodology to establish the building setback from the lake. Staff believes the lakefront development standards are met.

Staff notes that the subject site is not located in a mapped environmental corridor, although a narrow area adjacent to the lakefront falls within the flood storage district. No changes are proposed in this area.

### **Supplemental Regulations**

Accessory dwelling units (ADUs) are also subject to the Supplemental Regulations of MGO §28.151. Generally, the Supplemental Regulations speak to consistency and compatibility of the proposed ADU with the principal residence, including overall size, design/appearance and placement. Staff believes that the design and placement of proposed ADU is compatible with the existing residence and does not conflict with the Sherman Avenue National Register Standards.

Supplemental Regulation #7 for ADUs states that, “the maximum size of an accessory unit shall be seventy-five (75%) of the principal dwelling’s floor area, up to a maximum of seven hundred (700) square feet.” Given that the ADU portion of the accessory building is 420 square-feet, Staff notes that this requirement is met.

The standards also outline occupancy requirements of the accessory dwelling unit and accompanying single-family residence. In this case, the primary structure will be owner-occupied and therefore meets this standard. As a Condition of Approval, Zoning added a restrictive covenant to ensure that this property remains owner-occupied if there is any transfer of ownership at any point in the future.

### **Public Input**

At their April 9, 2020 meeting, the Tenney-Lapham Neighborhood Association (TLNA) voted to support this proposal. At the time of report writing, staff received emails in opposition from the neighbor immediately to the south of the subject property with concerns over building placement, design, noise from the rooftop patio, and lack of available parking. Those comments are included in the Plan Commission materials.

### **Conclusion**

The Planning Division believes that the standards for Lakefront Development and Conditional Uses can be found met. The proposal is believed to be consistent with the [Comprehensive Plan](#) (2018) and the [Tenney-Lapham Neighborhood Plan](#) (2008) Low Density recommendations. Furthermore, given the placement of the structure in the rear of the site, staff does not believe that the Accessory Dwelling Unit (ADU) will diminish the integrity or character of the Sherman Avenue National Historic District. The Planning Division believes that this proposal is in keeping with the surrounding pattern of development.

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the standards for conditional uses and lakefront development are met and **approve** the conditional use request construct an accessory building exceeding 576 square feet with an accessory dwelling unit (ADU) on a lakefront property in the Traditional Residential – Consistent 2 (TR-C2) Zoning District at 1020 Sherman Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

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

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

1. The following information is provided for the reference of the applicant as many lakefront properties are associated with locations of Native effigy mounds and archaeological sites.

Burial Sites Preservation (§ 157.70):

(2r) Site Disturbance Prohibited. Except as provided under subs (4) and (5) and State Statute 157.111 and 157.112, no person may intentionally cause or permit the disturbance of a burial site or cataloged land contiguous to a cataloged burial site.

(3) Report of Disturbed Burial Sites. (a) Except as provided under s. 979.01, a person shall immediately notify the Wisconsin Historical Society (608-264-6502) if the person knows or has reasonable grounds to believe that a burial site or the cataloged land contiguous to a cataloged burial site is being disturbed or may be disturbed contrary to the requirements of subs. (4) and (5).

Many lakefront properties are associated with locations of Native American effigy mounds and archeological sites. This site is known to be associated with archeological and historic resources. The Burial Sites Preservation statute requires that the property owner contact the Wisconsin Historical Society to discuss the location of the proposed project and any possible disturbance of an archaeological or historic resource before the work commences. During the construction work, if a burial site disturbance occurs, the work shall stop immediately until the Wisconsin Historical Society is able to assess the site.

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

2. Plan does not indicate how the Accessory Dwelling Unit will be provided sanitary sewer service. Applicant shall 1) provide a sanitary sewer plan if a separate lateral is to be installed or 2) provide note on the plan that the proposed ADU will connect to the sewer lateral inside the existing home.

3. 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. (MGO 16.23(9)(d)(4))

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

4. MFD recommends the installation of a multipurpose piping system (plumbing/residential fire sprinkler) 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)

5. 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 North Park-Infrastructure Impact Fee district. Please reference ID# 20008 when contacting Parks about this project.

**Forestry** (Contact Brad Hofmann, (608) 266-4816)

6. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – [bhofmann@cityofmadison.com](mailto:bhofmann@cityofmadison.com) or 266-4816. All proposed street tree 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 prior to the approval of the site plan.
7. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2018/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

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

8. Plan does not show how Accessory Dwelling unit will be provided with a water service. Update plan to show water service.

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

9. If the sewer or water lateral serving this ADU do not connect directly to the existing home on this parcel and either cross an adjacent property, a recorded copy of the easement/agreement with the adjacent property shall be provided prior to final sign off.
10. The plat of survey completed by Paul Spetz in 2011 shall also be attached to the final site plan set when submitted in the future for final approval.
11. The existing house has an address of 1020 Sherman Ave. The adjacent house has an address of 1022 Sherman

Ave. Since the ADU is located between 1020 and 1022, in order to keep address numbers sequential, the house address shall be changed to 1018 Sherman Ave. The ADU will use the address of 1020 Sherman Ave. 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.