



PREPARED FOR THE PLAN COMMISSION

Project Address: 1429 Vilas Avenue
Application Type: Conditional Use
Legistar File ID # [35637](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant & Property Owner: Chuck Hammer; 1429 Vilas Avenue; Madison.

Requested Action: Approval of a conditional use to allow construction of an accessory dwelling unit at 1429 Vilas Avenue.

Proposal Summary: The applicant and property owner wish to construct an accessory dwelling unit in the basement of an existing single-family residence. Construction will commence in December 2014, with completion anticipated by November 2015.

Applicable Regulations & Standards: Section 28.032(1)–Table C-1 identifies accessory dwelling units as a conditional use in all Residential zoning districts subject to the supplemental regulations for same in Section 28.151. Section 28.183 of the Zoning Code provides the process and standards for the approval of conditional use permits.

Review Required By: Plan Commission.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to allow construction of an accessory dwelling unit at 1429 Vilas Avenue, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: The subject site is an approximately 4,740 square-foot (0.11-acre) parcel located at the southeastern corner of Vilas Avenue and Campbell Street; Aldermanic District 13 (Dailey); Madison Metropolitan School District.

Existing Conditions and Land Use: Single-family residence with attached one-car garage, zoned TR-C2 (Traditional Residential–Consistent 2 District).

Surrounding Land Use and Zoning: The subject site is surrounded on the west, east and south by other single-family residences. Bear Mound Park is located north of the site across Vilas Avenue. All of the surrounding properties including the park are zoned TR-C2.

Adopted Land Use Plan: The [Comprehensive Plan](#) recommends that the subject site and surrounding properties be developed with Low-Density Residential uses.

The subject property is also included within the boundaries of the Greenbush-Vilas Neighborhood Housing Revitalization Plan, which was adopted in 2010 with a number of strategies to increase the affordability and desirability of those neighborhoods for University and hospital employees, graduate students, and young families; introduce a range of housing options; and enhance the qualities that make the neighborhoods unique, including public spaces, tree-lined streets, and variety of established homes. The subject site is located in a portion of the planning area that is recommended to “[m]aintain, protect, and preserve the established housing stock.” The Plan does not make specific recommendations regarding the establishment of accessory dwelling units.

Zoning Summary: The subject property is zoned TR-C2 (Traditional Residential–Consistent 2 District):

Requirements	Required	Proposed
Lot Area	4,000 sq. ft.	4,740 sq. ft. (existing)
Lot Width	40'	52.5'
Front Yard	20' for residence	Less than 10' (existing)
Side Yard	One story - 5' Two-story - 6'	8' on west, 4' on east (existing)
Rear Yard	30% of lot depth but at least 30'	36'
Maximum Lot Coverage	65%	Existing; less than maximum
Usable Open Space (per unit)	750 sq. ft.	Adequate
Maximum Building Height	2 stories, 35'	Existing
Building Form	Single-family detached building	Complies with requirements
Other Critical Zoning Items		
Yes:	Utility Easements	
No:	Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Dev., Barrier Free, Adjacent to Park	
<i>Prepared by: Tim Parks, Planning Division</i>		

Environmental Corridor Status: The property is not located within a mapped environmental corridor (Map D8).

Public Utilities and Services: The site is served by a full range of urban services.

Additional Requirements

Accessory Dwelling Units 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 months is allowed.
2. The principal dwelling must be a single-family detached dwelling.
3. No more than one accessory dwelling unit may be located on a lot.
4. The number of occupants of the accessory dwelling unit shall not exceed one family or two 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 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 75% of the principal dwelling's floor area, up to a maximum size of 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).

Project Description, Analysis and Conclusion

The applicant and property owner proposes to convert existing finished space in the basement of a two-story single-family residence located on a 4,740 square-foot parcel at the southeastern corner of Vilas Avenue and Campbell Street into an accessory dwelling unit (ADU). The residence is served by an attached one-car basement garage accessed from a driveway from Campbell Street that includes a parking pad located beside the garage access. The proposed ADU will occupy 475 feet of the approximately 1,000 square-foot basement; a detailed floorplan of the basement with the proposed ADU is included with the application materials. The applicant indicates that the only exterior alteration to the existing residence to accommodate the ADU will be the addition of a separate entry door to the accessory unit along the southern wall facing the rear yard.

Accessory dwelling units are conditional uses in all Residential zoning districts. The Planning Division believes that the proposed ADU generally conforms to the relevant supplemental design requirements and guidelines in MGO Section 28.151 and that the proposal can meet the conditional use standards. Specifically, the proposed 475 square-foot accessory unit complies with the restriction that an ADU not exceed 75% of the principal dwelling's floor area (approximately 1,820 square feet per City records). Staff also does not believe that the appearance or character of the principal single-family dwelling will be significantly altered by the addition of a rear door to provide access to the accessory unit. However, prior to the issuance of building permits for the conversion of the basement space into the proposed ADU, the applicant will be required to revise the site plan to provide a connection from the ADU to a street frontage by a paved walkway.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to allow construction of an accessory dwelling unit at 1429 Vilas Avenue, subject to input at the public hearing and the following conditions:

Recommended Planning Division Conditions of Approval Major/Non-Standard Conditions are Shaded

1. The site plan shall be revised to show the record boundaries of the property. The setback dimensions on the final plan shall be revised to reflect the correct property lines.
2. Based on available City records, it appears that the parking pad adjacent to the garage access from Campbell Street is located in the public right of way. As a result, the final site plan shall not include a label for the parking pad, as it is not a legal off-street parking stall.

The following conditions have been submitted by reviewing agencies:

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

3. The applicant is strongly recommended to draft and record a private sanitary sewer lateral easement for the lateral crossing property benefitting 1427 Vilas Avenue.
4. A wooden fence and concrete block retaining wall currently encroach into the Campbell Street right of way. The applicant shall remove the improvements from the right of way or make an application with required fees to the City's Office of Real Estate Services for a privilege in streets permit administered by that agency. An approval of the conditional use does not constitute or guarantee approval of any encroachments within a public right of way.
5. The site plan shall show the boundary of the parcel. In particular, the location of the right of ways of Vilas Avenue and Campbell Street shall be shown correctly. The width of the lot shown on the south line of the site plan is incorrect. The width of record is 52.5 feet.
6. The accessory dwelling unit shall have a separate address of 401 Campbell Street.
7. The site plan shall identify lot and block numbers of recorded Certified Survey Map or plat.
8. The site plan shall reflect a proper street address of the property as reflected by official City Assessor's and Engineering Division records.
9. The site plan shall include a full and complete legal description of the site or property subject to this application.
10. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

This agency submitted a response with no comments or conditions of approval for this request.

Zoning Administrator (Contact Pat Anderson, 266-5978)

11. The proposed accessory building shall meet all building codes as well as the Supplemental Regulations in Section 28.151 MGO for accessory dwelling units.
12. The number of occupants of the accessory dwelling unit shall not exceed one (1) family or two (2) unrelated individuals.
13. Provide connection to street frontage by a paved walkway on final plans.

Fire Department (Contact Bill Sullivan, 261-9658)

14. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. The Madison Fire Department recommends the installation of a residential fire sprinkler system for the ADU in accordance with NFPA 13D and SPS 382.40(3)(e).

Water Utility (Contact Dennis Cawley, 261-9243)

15. Note: All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility in accordance with MGO Section 13.21.

Parks Division (Contact Kay Rutledge, 266-4714)

16. 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 Vilas-Brittingham park impact fee district (SI27). Please reference ID# 14147 when contacting Parks Division staff about this project. Note: Accessory dwelling units are charged at the single- and two-family dwelling unit rate, which for 2014 is a total of \$3,858.27.

17. 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.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.