

# Accessory Dwelling Unit Discussion Notes

## Meeting notes from October 1, 2008

Attendees: Barb Koechley, Bob Koechley, John Linck, Steve Steinhoff, Matt Tucker, Rick Roll

Matt Tucker opened the meeting with introductions and an overview of the purpose of the meeting. Matt distributed a handout that included suggested discussion questions, definitions and links to references about accessory dwelling units. Matt also commented that Alder Julia Kerr, Mike Slavney, and Dianne Milligan had conflicts and were unable to attend. They provided written comments, which were discussed (attached).

Bob Koechley indicated that he wants to put an accessory dwelling unit on his property.

Steve Steinhoff wants a zoning code that provides the benefits of accessory dwelling units, including affordability and appropriate density.

John Linck said he wants to build an accessory dwelling unit.

Matt Tucker explained how the zoning code now handles accessory dwelling units and other alternative living spaces, such as secondary dwelling units, temporary accessory apartments and dependency living arrangements.

Bob Koechley asked if existing standards for secondary dwelling units need to be amended to allow them elsewhere.

Matt Tucker explained the dependency caregiver provisions of the zoning code.

### Discussion Questions

1. What type of primary dwellings: Should Accessory dwelling units be permitted only on single-family detached lots, or in conjunction with other dwelling unit types such as duplexes?

Matt Tucker discussed primary/principal dwellings.

John Linck said that accessory dwelling units should be subordinate in size to the primary house. Steve Steinhoff agreed.

John Linck and Bob and Barb Koechley agreed that accessory dwelling units shouldn't be allowed on duplex lots.

Steve Steinhoff suggested that single-family detached, owner occupied structures would be appropriate for accessory dwelling units, by Willy Street type units (condo units above the garage) might also be o.k. Matt Tucker clarified that these are not considered ADU's.

John Linck said owner occupancy is a necessity for either the primary or accessory unit. Bob Koechley agreed.

Barb Koechley said she could see the owner living in the accessory dwelling unit while allowing the primary residence to be rented out. Steve Steinhoff agreed.

Barb Koechley said that either the accessory dwelling unit or the primary residence needs to be owner occupied and should not be sublet but could sit vacant if the owner is out of town for an extended length of time.

Bob Koechley said accessory dwelling units allow children to live in the unit after college. He also said an accessory dwelling unit would help people payoff their mortgage by getting rent from the unit.

Steve Steinhoff Asked if someone with a three unit residential building could have an accessory dwelling unit on the property. He said accessory dwelling units might be o.k. with some multi-family dwellings.

John Linck said allowing accessory dwelling units in multi-family districts might be good because they would trigger an owner-occupied situation to take advantage of the accessory dwelling unit opportunity.

Bob Koechley asked if allowing accessory dwelling units in multi-family districts would just increase density. Matt Tucker said yes.

#### Locations for Accessory Dwelling Units

Bob Koechley would not be in support of code provision that requires accessory dwelling units to be detached from the primary residence.

Matt Tucker described setback issues relative to detached structures with accessory dwelling units, and drew a diagram of a typical residential lot with required yards and a building envelope.

John Linck said he assumed that there would be adequate setbacks between accessory dwelling units and neighboring properties. He wants control of building size, height and location.

John Linck asked if required open space could be used to limit the size of the buildings. He said the total square footage of a home and the accessory dwelling unit and the open space requirement could limit the size of the unit.

Steve Steinhoff said he doesn't see why an accessory dwelling unit can't be located within a home, for example, in an attic.

Steve Steinhoff wants to avoid the requirement that a conditional use permit would be necessary in order to have an accessory dwelling unit.

The group suggested that accessory dwelling units provide life cycle housing options.

John Linck said he supports annual permitting to confirm that the rules for accessory dwelling units are being followed.

John Linck said "subordinate dwelling" should be added to the definition of accessory dwelling unit.

### Ownership

The group agreed that accessory dwelling units should be treated as an inseparable part of the lot- that is, it could not be sold separately.

### Parking

Steve Steinhoff said on-street parking should count toward a home's parking requirement.

Barb Koechley said there should be one space each for the home and accessory dwelling unit.

The group also discussed lower parking requirements for certain transit served areas.

### Size of Accessory Dwelling Units

The group agreed that the size of an accessory dwelling unit should be based on a percentage of the size of the home up to a maximum size.

### Location of Accessory Dwelling Units

Some felt that accessory dwelling units should be allowed in older neighborhoods. There wasn't a position on allowing accessory dwelling units in newer neighborhoods. Privacy issues and allowing dwelling space in areas otherwise not occupied by the principal dwelling (living space in backyard area, behind other houses) was discussed.

### Dimensional Standards

Bob Koechley said the height of an accessory dwelling should be limited to less than the height of the home or the average height of adjacent homes. Taller buildings might be appropriate if a deeper setback is provided.

John Linck said that we should just set a maximum height, e.g. 20 feet.

Barb Koechley said we should require 20% more open space for two story accessory dwelling units to preserve as much greenspace as possible. The technical specifics were not discussed.

### Design Standards

There was no discussion on this item.

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**From:** Diane Milligan [mailto:diane.milligan@gmail.com]  
**Sent:** Tuesday, September 30, 2008 8:30 AM  
**To:** Roll, Rick  
**Cc:** Dave Porterfield; Stephen Steinhoff; barbara@koechley.com; pham@vierbicher.com; john@woodentoy.com; Tucker, Matthew; Joan Laurion; Zellers, Ledell; Kerr, Julia; amy rountree; Lou Host-Jablonski; Jan Reek; onlyseetwo@yahoo.com; services@madisoncommunity.coop; Jeff Bessmer; David Sparer; slhollingsworth@mailas.com; mingwei.huang@gmail.com  
**Subject:** Re: FW: Zoning Code Public Meeting Notices

My father is very sick, so it is likely I won't make it to the accessory dwellings meeting. In the event that I am not there, I wanted to share my thoughts.

The height, bulk, open space, massing and setback provisions of the ordinance presently (and hopefully in the future will continue to) provide space between structures. The space generally allows for light, sunlight, privacy, mental space, etc. between neighbors. While I believe that the code should seek to accommodate multigenerational families, I think that accommodation should be within the bulk, area, height, setback, etc., provisions of the ordinance.

When I asked what setbacks should apply, one speaker said that the current setbacks for an accessory building should apply, but I believe she also suggested accessory building should be allowed to be larger. I visualized a garage with a dwelling unit above, and a pitched roof.

Garages can presently be three feet from each lot line in the back corner of a lot. If a garage were two stories high, and had people living in it instead of being used for relatively quiet storage, that seems too massive, too close, to be neighborly. One purpose of zoning is to prevent negative externalities. I think a change in use and too much mass too near neighbors places a burden on those neighbors.

Thinking of the two-story garage as a "granny flat" also makes me think of its eventual conversion to a student rental. The elders in my family would need an elevator to use a second-story space. The investment in creating a space would likely make someone want to continue to use it. I think this kind of space in University Heights would be a great place to live during graduate school. How close is too close for an apartment?

While I would be interested in having a discussion about whether the code could allow two kitchens in a single-family residence district without requiring a rezone to duplex, I'd want to talk about whether the code should prevent the silent conversion of the house to a duplex shared by strangers. I imagine people want a separate entrance, kitchen, bath and living quarters; at the same time, the object of sharing space with family also implies some sharing. If it doesn't, we're really talking about the creation of small apartments. I think this would be OK if the home and lot were big enough to accommodate them and still meet the required setbacks. If people don't have the room to accommodate increased density of dwelling units in their house, on their lot, using residential/principal structure setbacks, then maybe that means they can create the unit. If they don't have enough space to create a unit without encroaching into the setbacks, then they likely can't do it without negatively impacting the neighbors, and should not be allowed to do it. And I am thinking they should not be eligible for a variance or a special exception permit.

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**From:** Mike Slavney [mailto:MSlavney@vandewalle.com]  
**Sent:** Wednesday, September 17, 2008 11:17 AM  
**To:** Roll, Rick  
**Cc:** Suzanne Rhees  
**Subject:** RE: Focus Group Meeting- Accessory Dwelling Units

Hi Rick

I will be out of town on the 29<sup>th</sup> and 30<sup>th</sup>, and undergoing sinus surgery on the 1<sup>st</sup>.

Here are my thoughts on the issue – please share them with the focus group if you think they are helpful.

1. I think that many, if not most, ADUs would involve building additions or new buildings – a neighborhood character impact – should an ADU allow more FAR or impervious surface coverage or increase permitted heights or reduced setbacks?
2. I think generally that we would also experience an increase in parking demand – say about 1 vehicle per ADU (perhaps there is valid data about this) – another neighborhood character issue. Should an ADU be required to provide its own on-site parking space and should the primary dwelling then also be required a certain number of on-site parking spaces?
3. If city-wide, ADUs could be a key element of meeting affordable housing demand – perhaps more than mandatory inclusionary zoning would – and perhaps could eliminate the need for mandatory inclusionary zoning and thereby make the City more competitive for annexation with our surrounding and competing cities and villages
4. I have no problem with a distinct address for an ADU – I like the “1/2” suggestion
5. I strongly support the requirement that property owner must live on-site (if this requirement can be legally defended)
6. To reinforce the tie to an owner occupant, I would prefer that the ADU not have distinct utility metering
7. The other requirements suggested by Laurion sounded “in the ballpark”
8. I do not think that ADUs should be permitted for two-family or multi-family dwellings – only single family
9. I think ADUs should be clearly limited to just one “family” as defined by the city
10. The key issues, in my mind are: Where and how should these be allowed?
  - a. In all single-family zoning districts? If acceptable in one, why not all?
  - b. By right or by conditional use? By conditional use would be just asking for a lot of neighbor versus neighbor heartache, plus too much time commitment for staff, Plan Commission and Council
  - c. By right as permitted by Neighborhood Conservation Overlay Zoning consistent with areas identified as appropriate in adopted Neighborhood Plans – perhaps this provides a good blend of the ability to precisely control location, a neighborhood by neighborhood solution and the advantages of “by right” review and approval

I know many others have spent time considering the possibilities – I am very interested in learning their perspectives

Thanks

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**From:** Kerr, Julia  
**Sent:** Wednesday, October 01, 2008 3:43 PM  
**To:** Roll, Rick  
**Subject:** Tonight

Rick: Many apologies, but my daughter is sick and my husband is working late....which means that I am staying home and will not make it to the accessory dwelling unit meeting tonight.

I appreciate that accessory dwelling units can be an effective affordable housing strategy, I have reservations as the application here is Madison. Specifically, many parts of my district have formerly single-family homes that have been converted to student housing. Many of them are well-maintained and are asset to our neighborhoods in many ways.

Others are not well-maintained and are over-occupied. Over-occupancy often results in yards completely consumed by parking. A walk through many parts of Greenbush provides a good snapshot of this. Enforcement is generally done a complaint basis, which is a huge burden (generally on nearby owner occupants). I am concerned that allowing accessory dwelling units by-right throughout the city is likely to become a license for some landlords near the university to add additional units to already over-crowded lots.

Again very, very sorry not to be able to come tonight, but am certainly willing to work with the group as we move forward.