



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 2302 Willard Avenue (District 15)  
**Legistar File ID #:** [91903](#)  
**Prepared By:** Chris Wells, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant & Contact:** Lucinda Smith; 2302 Willard Ave; Madison, WI 53704

**Property Owner:** Ellie Hutcherson; 2302 Willard Ave; Madison, WI 53704

**Requested Action:** Consideration of a conditional use in the Traditional Residential-Varied 1 (TR-V1) District to allow a home occupation in an accessory building at 2302 Willard Avenue.

**Proposal Summary:** The home occupation, an electrolysis business, for which the applicant is the sole owner/employee, will occur within one of the two bedrooms of a yet-to-be-constructed detached accessory dwelling unit (ADU). The ADU will be located on the second floor of the structure and a two-car garage will occupy the lower (ground) level.

**Applicable Regulations & Standards:** Standards for conditional uses are found in MGO Section 28.183(6). A home occupation is subject to the Supplemental Regulations found in MGO Section 28.151.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the approval standards for conditional uses are met and **approve** the request for a home occupation in an accessory building at 2302 Willard Avenue. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 5,052 square-foot (0.11-acre) parcel is located to the northeast of the intersection of Willard Avenue and Evergreen Avenue. It is located within District 15 (Alder Martinez-Rutherford) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject parcel is occupied by a two-story, 1,478 square foot single family residence built in 1925. The site is zoned Traditional Residential – Varied 1 (TR-V1) District.

### Surrounding Land Use and Zoning:

North: Single family residences and two-units, zoned Traditional Residential – Varied 1 (TR-V1) District;

East: Single family residences and two-units, zoned TR-V1 District;

South: Across Willard Avenue are single family residences and two-units, zoned TR-V1 District; and

West: Across Evergreen Avenue are single family residences and two-units, zoned TR-V1 District.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2023) recommends Low Residential (LR) development for the subject property and adjacent properties.

**Zoning Summary:** The property is zoned Traditional Residential – Varied 1 (TR-V1) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000	5,052
Lot Width	30 ft	44 ft
Front Yard Setback	20 ft	85 ft
Side Yard Setback	3 ft (accessory building)	3 ft
Rear Yard Setback	3 ft (accessory building)	3 ft
Maximum Lot Coverage	70%	45%
Maximum Building Height	25 ft (ADU)	25 ft <i>(See Comment #8)</i>
<b>Other Critical Zoning Items</b>		
Yes:	Transit-Oriented Overlay District	
No:	Urban Design, Barrier Free (ILHR 69), Utility Easements, Historic District; Floodplain, Wetlands, Wellhead Protection, Adjacent to Park	

*Table Prepared by Jacob Moskowitz, Assistant Zoning Administrator*

**Environmental Corridor Status:** The subject site is not within a mapped environmental corridor.

**Public Utilities and Services:** This property is served by a full range of urban services. Metro Transit operates daily all-day transit service along Atwood Avenue near this property - with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays).

## Project Description, Analysis, and Conclusion

The applicant plans to use a portion of a detached accessory building for a home occupation. In the Zoning Code a *home occupation* is defined as “an office or studio, service business or limited production of goods within a dwelling unit by a resident of the dwelling, provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes.” Note, the applicant has indicated that the building is also ultimately planned to be used as an accessory dwelling unit, though that administrative review process for that request has not yet started. If approved as an ADU, the applicant’s materials state that the proposed home occupation will occur in one of the bedrooms.

While a home occupation can be a permitted use in the Traditional Residential – Varied 1 (TR-V1) District, one of the supplemental regulations for the use states that the home occupation “*be conducted within a dwelling and not in an accessory building, unless authorized by the Plan Commission as a conditional use.*” Because this home occupation is proposed within a detached accessory structure, a conditional use is required.

The home occupation, an electrolysis business, for which the applicant is the sole owner/employee, will occur within one of the two bedrooms of a yet-to-be-constructed detached accessory dwelling unit (ADU). The ADU will be located on the second floor of the structure and a two-car garage will occupy the lower (ground) level. The submitted site plan shows that the new structure will replace the existing garage at the north end of the site and like the existing garage, the new garage (with ADU above) will also take access from Evergreen Avenue. The ADU/home occupation space will be accessed via an internal staircase which itself is accessed via an external door located at the southwest corner of the new structure. The hours of operation are 9:00 am to 6:00 p.m., Monday to Friday. In communications with staff, the applicant stated that they typically average five to eight clients per day.

## Supplemental Regulations

A home occupation is subject to the following Supplemental Regulations per MGO Section 21.151:

- a) The occupation shall be conducted within a dwelling and not in an accessory building, unless authorized by the Plan Commission as a conditional use.
- b) The occupation shall be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes so as to protect the integrity and residential character of neighborhoods.
- c) Only members of the immediate family residing on the premises or occupants of the dwelling may be employed, unless authorized by the Plan Commission as a conditional use.
- d) A home occupation may include small offices, service establishments or homecrafts which are typically considered accessory to a dwelling unit.
- e) A home occupation shall not involve on-site wholesaling, manufacturing or assembly, a limousine, towing or cartage business or auto service or repair for any vehicles other than those registered to residents of the property.
- f) No mechanical equipment shall be used except that which is used for purely domestic or household purposes, unless authorized by the plan commission as a conditional use.
- g) No products shall be kept or commodities sold, other than those made on the premises, unless authorized by the plan commission as a conditional use.
- h) Samples may be kept but not sold on the premises.
- i) No more than twenty-five percent (25%) of the floor area of one story of the dwelling may devoted to such home occupation.
- j) The entrance to the space devoted to the home occupation shall be from within the building.
- k) No structural alterations or enlargements shall be made to the dwelling for the primary purpose of conducting the home occupation.
- l) The only exterior indication of the home occupation shall be a non-illuminated nameplate a maximum of two (2) square feet in area.
- m) A home occupation of an individual with a disability, who is incapable of employment outside the home by reason of significant physical or mental disability, as verified by a signed physician statement verifying the disability, is exempt from the requirements of subparagraphs (g) through (k).

Staff believe the Supplemental Regulations are met, subject to approval of the conditional use request.

## Conditional Use Standards

The conditional use approval standards state that the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to 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.

Based on the provided information, staff do not have evidence indicating that the proposed home occupation would result in significantly different impacts on surrounding properties and believe the proposed conditional use would have a minimal impacts due to the limited size of the operation and the hours of operation. If approved, the Plan Commission retains continuing jurisdiction over this conditional use, meaning that should complaints be filed, the Plan Commission could take further action on this conditional use as allowed in MGO §28.183(9)(d).

In conclusion, staff believe the conditional use approval standards can be found met, subject to the recommended conditions of approval.

### Public Input

At time of writing, Staff have not received any public comments regarding this proposal.

## Recommendation

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

The Planning Division recommends that the Plan Commission find the approval standards for conditional uses are met and **approve** the request for a home occupation in an accessory building at 2302 Willard Avenue. All recommendations are 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

### City Engineering Division (Contact Gretchen Aviles Pineiro, (608) 266-4089)

1. Applicant shall provide a plan on how the proposed Accessory Dwelling Unity (ADU) will be provided sanitary sewer service. 1) Is the intent to install a separate sanitary sewer lateral or 2) will the proposed ADU connect to the sewer lateral on the sideyard lateral connecting to Evergreen Ave., or 3) will the lateral for the ADU connect to the existing home. Applicant at a minimum will need to provide a note on the plan if the intent is to connect the existing building. Otherwise a plan will be required as condition for plan approval.
2. The plans provided as part of this application does not show any impacts or work in the public Right-of-Way. If work in the Right-of-Way is expected, then the applicant shall obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at [www.cityofmadison.com/engineering/permits/excavation-in-the-right-of-way-permit](http://www.cityofmadison.com/engineering/permits/excavation-in-the-right-of-way-permit) . As a condition of the permit, a deposit to cover estimated City expenses will be required.

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

3. Identify on a site plan the lot and block numbers of the recorded Plat.
4. Provide a site plan including all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks existing and proposed sewer and water connection locations.
5. Provide a full and complete legal description of the property being subjected to this application on a site plan.
6. The address of the ADU is 513 Evergreen 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.

**Fire Department** (Contact Matt Hamilton, (608) 266-4457)

7. SPS 321.02 Note that home occupation limits the number of unrelated people to one. Electrolysis customers would be limited to one in the building at a time.

**Zoning Administrator** (Contact Jacob Moskowitz, (608) 266-4560)

8. Show the height measurement on the final plans. The maximum height shall be twenty-five (25) feet, measured from the midpoint of grade to the highest point on the roof on all four sides averaged together.

**Parks Division** (Contact Brian Kowalski, (608) 243-2848)

9. 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(6)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the East Park-Infrastructure Impact Fee district. The Park Impact Fee ID# for this project is 26011. Visit <https://www.cityofmadison.com/parks/about/impactFees.cfm> for information about Park Impact Fee rates, calculations, and payment process.

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

10. The proposed development shall be connected to the existing water supply system downstream of the existing water meter, otherwise connected with a new lateral off the public water system. If extending existing water supply plumbing, provide Madison Water Utility with the total water supply fixture Unit count and flow rate for both the existing structure and proposed development to determine if the existing water meter can accommodate total water supply requirements. See City of Madison Water Utility Standard Detail Drawing 7.42 for meter installation options. Update plan to indicate which option will be used to supply the proposed development with water service. Contact Nick Westphal at [nwestphal@madisonwater.org](mailto:nwestphal@madisonwater.org) or 608-261-9820 for verification, otherwise a Water Service Application and a Water Meter Application will be required for a new lateral connection.

Provide Madison Water Utility with the increased water supply fixture Unit count and flow rate requirements for the proposed development to determine if the existing water meter can accommodate total water supply requirements.

Refer to SPS 382.40(7) of the Wisconsin State Plumbing Code to determine if the existing water service size will be adequate for the proposed development.

The following agencies reviewed the request and recommended no conditions of approval: Planning Division, Traffic Engineering, Forestry, Parking Utility, Assessor's Office, and Metro