



Project Address: 939 E. Dayton Street
Application Type: Conditional Use
Legistar File ID # [30131](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant: Aaron Martinek, A-Team Construction Unlimited, Inc.; 5555 Odana Road; Madison.

Property Owner: Maria Stephan; 939 E. Dayton Street; Madison.

Requested Action: Approval of a conditional use to allow construction of an accessory dwelling unit at 939 E. Dayton Street.

Proposal Summary: The applicant and property owner wish to demolish an existing detached garage to allow construction of an accessory building containing an accessory dwelling unit. The applicant wishes to begin construction in mid-August, with completion anticipated in approximately 2 months.

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 28.131(2)(b) limits the size of a single accessory building to 576 square feet in the TR residential zoning districts unless approved as a conditional use. 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 939 E. Dayton Street, 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 4,356 square-foot (0.1-acre) parcel located approximately 200 feet west of N. Brearly Street on the southerly side of E. Dayton Street; Aldermanic District 2 (Zellers); Madison Metropolitan School District.

Existing Conditions and Land Use: Single-family residence and detached one-car garage, zoned TR-C4 (Traditional Residential–Consistent 4 District).

Surrounding Land Use and Zoning: The subject site is surrounded by a variety of single-, two- and small multi-family dwellings in TR-C4 (Traditional Residential–Consistent 4 District) and TR-V1 (Traditional Residential–Varied 1 District) zoning.

Adopted Land Use Plan: The Comprehensive Plan recommends the subject site and surrounding properties for Medium-Density Residential development.

The property is also located within the boundaries of the Tenney-Lapham Neighborhood Plan, which recommends that the subject site and surrounding residential block be developed with medium-density residential uses in single-family, two- and three-flat structures, rowhouses and small apartment buildings at a density of 16-25 units an acre.

Zoning Summary: The property is zoned TR-C4 (Traditional Residential–Consistent 4 District):

Requirements	Required	Proposed
Lot Area	4,000 sq. ft.	4,356 sq. ft., existing
Lot Width	40'	33.1', existing
Minimum Front Yard	20' for residence	Less than 20' for residence, existing
Maximum Front Yard	Not more than 20% of block average up to 30'	Adequate, existing
Side Yards for Accessory Building	3'	3.5' on both sides of proposed
Rear Yard for Accessory Building	3'	5'
Building Height for Acc. Building	2 stories and 25 feet	25'
Maximum Lot Coverage (all bldgs.)	75%	Less than 75%
Usable Open Space	500 sq. ft.	Adequate
Building Form	Single-family detached building; Accessory building w/ ADU	Complies with requirements
Other Critical Zoning Items		
Yes:	Wellhead Protection (Zone A, WP-24), Utility Easements	
No:	Barrier Free, Urban Design, Floodplain, Landmarks, Waterfront Development	
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

Environmental Corridor Status: The property is not located within a mapped environmental corridor (Map E8).

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

The applicant and property owner propose to construct a detached one-car garage that will also contain a two-story accessory dwelling unit (ADU) in the rear yard of the subject property. The property is currently developed with a single-family residence and an existing detached one-car garage, which will be removed to accommodate the new accessory building. The proposed accessory building will contain 702 square feet of ground floor area (26 feet wide, 27 feet deep) including an approximately 20.33-foot deep parking stall on the side of the building closest to an existing driveway shared with the residence to the east. The remainder of the first floor of the accessory building will contain 477 square feet of living space for the ADU, including space behind the parking stall. The new building will include 223 square feet of living space on a partial second floor and an unfinished basement, with a finished floor area of 700 square feet.

The proposed accessory building will be exactly 25 feet tall to the peak of the roof. The accessory building is designed to complement the bungalow-style single-family residence and includes a front porch and a small balcony off the front of the second floor. Double-hung windows are provided on all four elevations of the accessory building, and the four-inch and six-inch siding on the new building matches the patterning of the siding on the principal residence. The applicant also verbally indicated to staff that the accessory building has been designed to limit shading impacts on the property to the east.

Analysis and Conclusion

The proposal requires conditional use review for two reasons: first, the new accessory building exceeds the 576 square feet that would be permitted in the TR-C4 zoning district; and second, accessory dwelling units are conditional uses in all Residential zoning districts.

Staff believes that the proposal meets conditional use standards. The proposed accessory building with the ADU fits well with the existing 1,300 square-foot single-family residence on the property. While the accessory building is larger than what would be permitted by right in the TR-C4 District, and the ADU itself is the maximum 700 square feet permitted, staff believes its relationship to the principal residence is appropriate, and the proposed exterior materials appear to complement the home. The garage meets all general requirements for

accessory buildings, and the ADU generally conforms to the relevant supplemental design requirements and guidelines in MGO Section 28.151.

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 939 E. Dayton Street, subject to input at the public hearing and the following conditions:

The following conditions of approval have been submitted by reviewing agencies:

Major/Non-Standard Conditions are Shaded

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

1. Coordinate an address plan with Engineering-Mapping. In accordance with 10.34 MGO, Street Numbers, submit a PDF of each floorplan to Lori Zenchenko (lzenchenko@cityofmadison.com) at Engineering-Mapping so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
2. This lot appears to discharge stormwater to an enclosed depression area. Provide additional information on the amount of fill to this area, drainage plans, and means of mitigating the new impervious areas.
3. The applicant shall replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
4. All work in the public right of way shall be performed by a City-licensed contractor.
5. All damage to the pavement on E. Dayton Street adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
6. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
7. 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).

8. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.

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

This agency did not provide comments for this request.

Zoning Administrator (Contact Pat Anderson, 266-5978)

9. The proposed accessory building shall meet all building codes as well as maintain compliance with the requirements for accessory dwelling units in Section 28.151 of the Zoning Code.

Fire Department (Contact Bill Sullivan, 261-9658)

10. Due to the limited access to the structure for fire ground operations, the Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e).

Water Utility (Contact Dennis Cawley, 261-9243)

11. This property is located in Wellhead Protection District WP-24. The proposed use is permitted in this district. Any proposed change in use shall be reviewed by the Water Utility General Manager or his designee.
12. All operating private wells shall be identified and permitted and all unused private wells shall be abandoned by the Water Utility in accordance with MGO Section 13.21.

Parks Division (Contact Kay Rutledge, 266-4714)

13. The developer shall pay \$2,353.40 in park impact fees for the new multi-family unit proposed. The fee is based on 2013 impact fee rates of \$1,708.00 per multi-family unit in lieu of parkland dedication, and \$645.40 per multi-family unit for park development fees. The developer must select a method for payment of the park fees due before signoff on the plans and pay the fee prior to issuance of building permits. This development is within the Tenney-Law-James Madison park impact fee district (SI26).

14. Approval of plans for this 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.