



PREPARED FOR THE PLAN COMMISSION

Project Address: 1934 West Lawn Avenue (District 13 – Ald. Evers)
Application Type: Conditional Use
Legistar File ID #: [60002](#)
Prepared By: Chris Wells, Planner
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: Andrew Foxwell; 1934 West Lawn Avenue; Madison, WI 53711

Requested Action: The applicant requests approval of two conditional uses: 1) for an accessory building exceeding ten percent (10%) of lot area and 2) for an accessory dwelling unit (ADU) in the TR-C3 (Traditional Residential – Consistent District) - in order to construct an accessory building containing a garage and an accessory dwelling unit.

Proposal Summary: The applicant proposes to construct a two-story, roughly 1,150-square-foot accessory building in the rear yard of the subject property. It will include a one bedroom, one bathroom accessory dwelling unit (ADU) (with an office/possible second bedroom) along with roughly 285 square-feet of space to park one automobile.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses [M.G.O. §28.183(6)], as Table 28C-1 in M.G.O. §28.032(1) lists an *Accessory Dwelling Unit* as a conditional use in all residential districts. Furthermore, M.G.O. §28.131(1)(a) states that accessory buildings exceeding 10 percent of lot area on any lot used exclusively for residential purposes require conditional use approval. The Supplemental Regulations [M.G.O. §28.151] contain further regulations for accessory dwelling units.

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests to allow construction of an accessory building that exceeds 10 percent of lot area and contains an accessory dwelling unit (ADU) in the TR-C3 (Traditional Residential – Consistent 3) zoning district at 1934 West Lawn Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The 5,700-square-foot (0.13-acre) property is located on the north side of the intersection of W Lawn Avenue and S Prospect Avenue. It is located within Aldermanic District 13 (Ald. Evers) as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The parcel is within Traditional Residential-Consistent 3 (TR-C3) Zoning District and currently occupied by a 2½-story, single-family home. The principal residence fronts onto W Lawn Avenue while the existing, detached, one-stall garage is located up along the rear property line and is accessed from S Prospect Avenue.

Surrounding Land Use and Zoning:

- Northwest: Single-family residences in the TR-C3 (Traditional Residential- Consistent 3) zoning district;
- Northeast: Single-family residences in the TR-C3 zoning district;
- Southeast: Across W Lawn Avenue are single-family residences in the TR-C3 zoning district.
- Southwest: Across S Prospect Avenue are single-family residences in the TR-C3 zoning district.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) recommends Low Residential (LR) uses for the subject parcel, defined as 0 to 15 dwelling units per acre. While the [Monroe Street Commercial District Plan \(2007\)](#) encompasses the subject property, it does not provide specific recommendations for it.

Zoning Summary: The property is in the Traditional Residential – Consistent 3 (TR-C3) Zoning District

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft.	5,700 sq. ft.
Lot Width	30'	50'
Front Yard Setback	15'	Adequate
Side Yard Setback: Accessory Building	3'	3'
Reverse Corner Side Yard Setback	8' (10' for garage)	23'
Rear Yard Setback: Accessory Building	3'	6'
Usable Open Space	500 sq. ft.	Adequate
Maximum Lot Coverage	75%	Less than 75%
Maximum Building Height: Accessory Building with ADU	25'	Less than 25'

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only) Accessory dwelling unit: None	Detached garage
Building Forms	Not required	Accessory building

Other Critical Zoning Items	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.

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

Project Description

The applicant proposes to construct a detached garage with an accessory dwelling unit (ADU) in the rear yard at 1934 West Lawn Avenue. According to the Letter of Intent, the ADU would be used primarily by friends and family.

The subject property is a corner lot that includes an existing single-family home and detached, one-story accessory building (garage) at the rear of the site, which is accessed from S Prospect Avenue. The applicant proposes to demolish the existing garage and build a new accessory building with a roughly 576-square-foot (24 feet by 24

feet) footprint. The ground floor will contain a single automobile parking stall, as well as a portion of the ADU, namely a 10 ft. x 10 ft. room (for a potential office/storage room/bedroom), mechanical room, and internal stairs leading up to the second story. The second story will contain an open format kitchen/living room/bedroom as well as a bathroom.

On the 5,700-square-foot subject lot, the proposed building would occupy roughly 10.1 percent of the lot, just above the 10-percent threshold of M.G.O. §28.131(1)(a) that requires Conditional Use consideration.

The structure will be roughly 21½ feet tall with a gable roof whose ridge is oriented parallel to West Lawn Avenue. It will have two large, roughly 16-foot-wide, shed dormers - one on the northwest side and the other on the southeast side. Regarding exterior materials, it will be entirely clad with horizontal composite lap siding save for the shed dormers which will be clad with composite shakes. Both will be colored a light beige in order to match the principal residence. Windows will be provided on all elevations. The garage and ADU will each have their own separate human doors, with an additional internal connection also provided. New walkways will be added along both sides of the structure to provide separate pedestrian access to the ADU and garage, with a wooden pergola added above the above the walkway to the ADU. A six-foot tall wooden fence will be added along the portion of the site's property line immediately adjacent to the structure in order to provide additional screening for the neighbors. Finally, a new concrete driveway will also be added in the same location as the existing and still take access from S Prospect Avenue.

Analysis and Conclusion

This request is subject to the Conditional Use standards as well as the Supplemental Regulations for accessory dwelling units.

Conformance with Adopted Plans

In considering a conditional use, the Plan Commission must give due consideration to the City's adopted plan recommendations. The Planning Division believes that the proposed use is generally consistent with the [Comprehensive Plan \(2018\)](#) which recommends Low Residential (LR) uses for the subject parcel, defined as 0 to 15 dwelling units per acre. With the ADU, the lot has a calculated density of 15 dwelling units per acre. Staff also notes that the [Comprehensive Plan](#) includes accessory dwelling units within the recommended housing types in the LR areas.

While the [Monroe Street Commercial District Plan \(2007\)](#) encompasses the subject property, it does not provide specific recommendations related to this request.

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 M.G.O. §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. Staff believes that the Conditional Use Standards can be found met.

Staff note that on a 5,700-square-foot lot, the proposed 576-square-foot building would occupy roughly 10.1 percent of the lot, thus triggering the 10-percent lot coverage [Conditional Use] threshold of M.G.O. §28.131(1)(a) by six square feet. The height is roughly 3½ feet under the 25-foot maximum. Staff note that there is local precedence for two-story accessory buildings as there are three other such structures within two blocks of the subject site.

Staff also note that in order to help mitigate impacts on the neighbor to the northwest, the applicant has set the entire building back an additional three feet (in addition to what is required by the Zoning Code) and is installing a six-foot tall wooden fence along the portion of the site's property line immediately adjacent to the structure.

Supplemental Regulations for Accessory Dwelling Units

Accessory dwelling units are also subject to the Supplemental Regulations of M.G.O. §28.151 and the Planning Division believes these additional requirements can be found met. Generally, the Supplemental Regulations speak to consistency and compatibility of the principal residence, including overall size, design/appearance and placement.

The Required Standards, found in the Supplemental Regulations 28.151(a)(1-9) for ADUs state:

1. The principal dwelling or the accessory dwelling unit must be owner-occupied except that a temporary absence of up to six (6) months is allowed;
2. The principal dwelling must be a single-family detached dwelling;
3. No more than one (1) accessory dwelling unit may be located on a lot;
4. The number of occupants of the accessory dwelling unit shall not exceed one (1) family or two (2) 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 twenty-five (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 seventy-five percent (75%) of the principal dwelling's floor area, up to a maximum size of seven hundred (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; and
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.

The Suggested Guidelines, found in the Supplemental Regulations 28.151(b)(1-4) for ADU state:

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; and
4. Windows shall match those in the principal dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical).

The standards also outline occupancy requirements of the accessory dwelling unit and accompany single-family residence. The principal building would be owner-occupied and therefore meets this standard. As a Conditional of Approval, Zoning has 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. With the recommended conditions of approval, staff believes that these regulations can be found met.

Public Input

At the time of report writing, Staff had not received any public comment on this proposal.

Conclusion

The Planning Division believes the conditional use standards can be found met. As described above, staff believes that the proposed accessory dwelling unit is consistent with adopted plans. Furthermore, staff believes the proposal is compliant with the Zoning Code’s supplemental regulations for Accessory Dwelling Units, with the recommended conditions. Staff does not anticipate that the proposed ADU will result in negative impacts on the surrounding properties.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests to allow construction of an accessory building that exceeds 10 percent of lot area and contains an accessory dwelling unit (ADU) in the TR-C3 (Traditional Residential – Consistent 3) zoning district at 1934 West Lawn Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Engineering Division (Contact Timothy Troester, (608) 267-1995)

1. 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 if lateral is to connect to home’s lateral in front yard or 2) provide note on the plan that the proposed ADU will connect to the sewer lateral inside the existing home.
2. Rooftop runoff from the proposed development shall be directed to the public ROW, the plan shall be revised to show additional information on how this will be completed.

Engineering Division - Mapping (Contact Jeffrey Quamme, (608) 266-4097)

4. Provide the total dimensions of each Lot line on the site plan.

5. The address of the ADU is 1210 Chandler St. 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.

Zoning Review (Contact Jenny Kirchgatter, (608) 266-4429)

6. The Accessory Dwelling Unit shall comply with the supplemental regulations Section 28.151. Prior to issuance of a building permit for the Accessory Dwelling Unit, the property owner shall execute a restrictive covenant providing that the Accessory Dwelling Unit may only be used when the property is owner-occupied. The form of the restrictive covenant shall be approved by the Zoning Administrator and City Attorney's Office and shall be recorded with the Dane County Register of Deeds.
7. Provide details for the pergola. The supports for the pergola must be setback a minimum of three (3) feet from the rear property line. The pergola may not be connected to the wood privacy fence.
8. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

Fire Department (Contact William Sullivan, (608) 261-9658)

9. Madison Fire Department recommends the installation of a residential fire sprinkler system 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 Sarah Lerner, (608) 261-4281)

10. 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 Central Park-Infrastructure Impact Fee district. Please reference ID# 20011 when contacting Parks about this project.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

11. Plans do not show how the Accessory Dwelling Unit will be provided water service. Revise plans showing water service location, size and connection point to the public water main.

The following City Agencies reviewed the submitted plans and reviewed this request and had recommended no conditions of approval:

Traffic Engineering, Metro Transit, and Forestry