



## Office of the Common Council

Ald. Sara Eskrich, District 13

City-County Building, Room 417  
210 Martin Luther King, Jr. Boulevard  
Madison, Wisconsin 53703-3345  
Phone (608) 266-4071  
Fax (608) 267-8669  
[district13@cityofmadison.com](mailto:district13@cityofmadison.com)  
[www.cityofmadison.com/council/district13](http://www.cityofmadison.com/council/district13)

To: Members of the Plan Commission  
From: Sara Eskrich, District 13 Alder  
RE: Conditional Use at 836 Woodrow Street  
Date: July 2, 2018

---

Thank you in advance for your thorough review of the conditional use proposal before you tonight. I apologize, I am on vacation out of town and unable to join you this evening. Please accept these written comments.

The staff report well-describes the standards for a conditional use and recommended conditions of approval, addressing many of the near-neighbor's concerns with the proposal. Accessory Dwelling Units (ADUs) are becoming more popular in our near-downtown neighborhood and I appreciate the potential they have to allow greater access to affordable housing and multi-generational living ("granny flats") in our desirable location. However, I understand they sometimes cause concern for immediate neighbors, so I want to address some of those concerns and the associated remedy (per city regulations and staff conditions of approval) below.

- Neighbors are often concerned about short-term rentals in ADUs. However, properties with ADUs must be owner-occupied, either in the principle residence or the ADU. This is enforced through property transfers through a deed restriction, as part of the conditions of approval (staff condition 2). Additionally, the city governs Tourist Rooming Houses quite thoroughly, and this would be the governing protocol for short-term rentals for this property.
- Neighbors are sometimes concerned about the proximity of ADUs and privacy in their nearby properties. As noted in the staff report, recent changes to state law require that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation. Any condition applied to a project must be directly related to the conditional use.
  - Also from the staff report: Approval Standard 3 states that "The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner." Most surrounding properties also have detached accessory buildings very near the lot lines. In the proposed ADU, there is only one ground-floor window and no upper-floor windows facing the neighboring lot to the north which are anticipated to help maintain the neighbor's privacy. The upper floor window on the west façade opens onto the area open to below, not the loft; thus this window will be used for lighting and is anticipated to have less overall impact on privacy. Regarding bulk, while the proposed ADU is 25 feet tall, the placement of the building and orientation minimizes visual impact from the street and is located in close proximity to other smaller accessory buildings on neighboring properties.
  - These aspects of the proposal make it consistent with the standards of approval, in my

July 2, 2018

Page 2

opinion.

- For this particular ADU proposal, neighbors have expressed concern about the current upkeep of the applicant's property. **I recommend the Plan Commission place an additional condition of approval on this application, to condition any permit issuance on the resolution of noncompliance matters at the property.**

Overall, I believe the standards of approval require the city to approve the proposal before us. I therefore request you **support** this conditional use, subject to the staff-developed conditions and the additional condition I note above.



## Office of the Common Council

**Ald. Sara Eskrich, District 13**

---

City-County Building, Room 417  
210 Martin Luther King, Jr. Boulevard  
Madison, Wisconsin 53703-3345  
Phone (608) 266-4071  
Fax (608) 267-8669  
[district13@cityofmadison.com](mailto:district13@cityofmadison.com)  
[www.cityofmadison.com/council/district13](http://www.cityofmadison.com/council/district13)

To: Members of the Plan Commission

From: Sara Eskrich, District 13 Alder

RE: Future Land Use Map

Date: July 2, 2018

---

Thank you in advance for your thorough review of the Comprehensive Plan and associated Future Land Use Map. I appreciate the challenging balance you attempt to make between the needs of neighbors and the city as a whole.

Unfortunately, I am on vacation out of town and unable to join you this evening. Please accept these written comments.

I appreciate the changes you made in the Monona Bay Neighborhood Association (MBNA), after our comments at your May review meeting. The May 1st draft, prior to our feedback, had MBNA as High Residential and Medium Residential. The July 2nd draft now has MBNA as Medium Residential, Low-Medium Residential, and Low Residential, which is consistent with current land use, but did not yet change the area between W. Wash/Proudfit/W. Main to Medium Residential (which is consistent with current use).

We believe this change allows for redevelopment and appropriate transition in the short distance between the corridor streets and single family homes. Thank you for your consideration and final update to the Future Land Use Map.

## Firchow, Kevin

---

**From:** DMNA President <president@dmna.org>  
**Sent:** Monday, July 02, 2018 8:21 AM  
**To:** Fruhling, William  
**Cc:** DMNA President; Eskrich, Sara; Firchow, Kevin  
**Subject:** Re: DMNA Feedback on 836 Woodrow ADU Proposal

Thanks, Bill. Kevin—the comments from the Dudgeon Monroe Neighborhood Association are buried deep in this e-mail thread, but here they are again for easy reference.

To Whom It May Concern:

Due to the short timeframe between DMNA's receipt of the formal materials describing the ADU proposal at 836 Woodrow and the date of the Plan Commission meeting, DMNA was unable to conduct a formal evaluation of the proposal and officially takes no position on it. We would be interested in starting a discussion with the relevant parties about how these notification processes work and whether any tweaks could be made that might allow an organization like DMNA to offer more meaningful feedback on proposals such as this one. Unlike many other neighborhood associations, DMNA has a robust committee structure that allows us to make well-vetted decisions but also requires more time to work through the process.

Thank you,  
David Hoffert  
President, Dudgeon Monroe Neighborhood Association

On Mon, Jul 2, 2018 at 8:17 AM Fruhling, William <[WFruhling@cityofmadison.com](mailto:WFruhling@cityofmadison.com)> wrote:

Kevin Firchow is staffing the Plan Commission meeting this evening. I am cc'ing Kevin on this email and any communications can be sent to him (the sooner the better). Thank you,

-Bill



William A. Fruhling, AICP

Principal Planner

Neighborhood Planning, Preservation + Design Section

---

Department of Planning + Community + Economic Development

Planning Division

126 S. Hamilton St.

PO Box 2985

Madison WI 53701-2985

Email: [bfruhling@cityofmadison.com](mailto:bfruhling@cityofmadison.com) Phone: 608.267.8736

**EFFECTIVE NOVEMBER 7, 2016, THE PLANNING DIVISION WILL BE LOCATED AT 126 SOUTH HAMILTON ST DURING THE REHABILITATION OF THE MADISON MUNICIPAL BUILDING**

---

**From:** Eskrich, Sara  
**Sent:** Monday, July 02, 2018 8:02 AM  
**To:** AutoLogon  
**Cc:** AutoLogon  
**Subject:** Re: DMNA Feedback on 836 Woodrow ADU Proposal

Hmm. Colin is out too. Let's try Bill.

Sent from my iPhone

On Jul 2, 2018, at 8:58 AM, Eskrich, Sara <[district13@cityofmadison.com](mailto:district13@cityofmadison.com)> wrote:

Hi David,

Sorry for the delay. Colin Punt is the planner on this. I'm CC'ing him so it goes into the record and shared with plan commissioners.

President, Dudgeon Monroe Neighborhood Association

--  
Sent from my mobile device, which likely means I typed this out with one thumb while holding my infant son in the other arm. Please excuse any resulting typos.

--  
Sent from my mobile device, which likely means I typed this out with one thumb while holding my infant son in the other arm. Please excuse any resulting typos.

Thanks,

Sara

Sent from my iPhone

On Jun 29, 2018, at 11:19 AM, DMNA President <[president@dmna.org](mailto:president@dmna.org)> wrote:

Hi Sara,

Looks like both Matt and Heather are out. Do you know who is staffing the plan commission meeting on Monday, i.e. who should be receiving this feedback and compiling it for them?

Thanks,

David

On Fri, Jun 29, 2018 at 8:21 AM DMNA President <[president@dmna.org](mailto:president@dmna.org)> wrote:

To Whom It May Concern:

Due to the short timeframe between DMNA's receipt of the formal materials describing the ADU proposal at 836 Woodrow and the date of the Plan Commission meeting, DMNA was unable to conduct a formal evaluation of the proposal and officially takes no position on it. We would be interested in starting a discussion with the relevant parties about how these notification processes work and whether any tweaks could be made that might allow an organization like DMNA to offer more meaningful feedback on proposals such as this one. Unlike many other neighborhood associations, DMNA has a robust committee structure that allows us to make more robust decisions but also requires more time to work through the process.

Thank you,

David Hoffert

**Firchow, Kevin**

---

**From:** Punt, Colin  
**Sent:** Monday, July 02, 2018 1:08 PM  
**To:** Firchow, Kevin  
**Cc:** Eskrich, Sara  
**Subject:** Fw: Planning Commission Meeting on 7/2/18. Opposition to proposed permit - 836 Woodrow Street

Late item for PC

---

**From:** Lynn Aspinwall [REDACTED]  
**Sent:** Monday, July 2, 2018 10:42:40 AM  
**To:** Punt, Colin  
**Subject:** FW: Planning Commission Meeting on 7/2/18. Opposition to proposed permit - 836 Woodrow Street

Good Morning Sara,

It was recently brought to my attention that one of our neighbors intends to build an additional structure on his property that is intended to be a separate dwelling on his property. The notice indicates application for a "Conditional/Use for an Accessory Dwelling Unit", to which I am completely opposed. How can you possibly authorize the building of another "Dwelling" in his property? I suggest that you address Mr. Cusick's primary dwelling and the current state that it is in, as it reflects on our neighborhood. I appreciate that Mrs. Gilles made me aware of this issue and unfortunately I am out of town this week and unable to attend the meeting this evening to support them in opposition of this permit.

Best regards,

Lynn Aspinwall  
[REDACTED] Woodrow Street  
[REDACTED]

Begin forwarded message:

**From:** Caroline Gilles [REDACTED]  
**Subject:** Planning Commission Meeting on 7/2/18. Opposition to proposed permit - 836 Woodrow Street  
**Date:** June 21, 2018 at 2:42:24 PM CDT  
**To:** Sara Eskrich <district13@cityofmadison.com>  
**Cc:** Greg Gilles [REDACTED]

Dear Sara-

We are writing to you in advance of the Planning Commission meeting on July 2, 2018 at 5:45pm where our neighbor, Andrew Cusick (836 Woodrow St., 53711), has applied for a "conditional use for an accessory dwelling unit." We are extremely concerned about the unintended consequences that may occur should he be given permission to build such a structure. In addition to our grave concerns about devaluing our property, we do not think granting this accessory dwelling unit is permissible within TRC 2. Specifically, zoning ordinance 28.043 states:



Except in the case of multifamily complexes and planned multi-use sites within the Mixed-Use Center District, **no more than one (1) principal detached** residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the same zoning lot with any other nonresidential principal building or use.

Mr. Cusick's application for a conditional use accessory dwelling unit is in clear violation of this zoning ordinance. Pursuant to 28.137, **which we understand that to allow only one residential building in the zone in which we inhabit, our neighbor is deciding to build an additional, if not third, residential dwelling, in a TC 2 zoned lot.** Mr. Cusick already has a detached accessory unit that he uses as a living room, complete with couches, lamps, and tables. He also uses the roof as a patio. This third proposed accessory dwelling is to also include full sewage hook up along with gas, electric, water and other utilities, and we are concerned that this will negatively impact the enjoyment of our property, specifically our backyard. Additionally, there may be unintended environmental consequences given the size and density of our residential lots.

Not only do we think he would be in clear violation of zoning ordinance 28.137, but we also think zoning ordinance 27.02 applies as well. Instead of repairing and preserving his historic early 1900s bungalow, he is considering building an accessory dwelling unit in his backyard so as to avoid preserving and promoting the general welfare of our neighborhood environment. Quite honestly, his main dwelling is in need of serious repair and is quickly becoming an eye sore. We are concerned that should this permit go through, no one will be enforcing the minimum housing and property maintenance standards necessary to preserve and promote private and public interest.

We pay an inordinate amount of taxes to live in the neighborhood we do. If for some reason, the planning commission feels he meets the zoning requirements, my question would be, "Just because he might meet the basic zoning requirements, **does that mean granting a permit is the right thing to do?**" He is a recent addition to the neighborhood....Most of our neighbors have been here for 10+ years, how can one person move into a neighborhood and single-handedly change the spirit of the neighborhood – not to mention reduce property values. We have other concerns that come with renting out one of his units – the need for increased security and parking. Parking is at a premium on our street, and Mr. Cusick has 3 cars, none of which are ever parked in his driveway or garage due to the fact that he inhabits the "garage" as an accessory dwelling unit. This already means there is a lack of parking on our street. With renting to others and possible use of AirBnB (which the city has already told us they would not enforce even though it is not permitted in TRC2), we will have to significantly monitor our safety due to unknown inhabitants.

We urge you, as our city alder representative, to advocate for our neighborhood, and ensure that **this permit not be granted.**

Please let us know if you have any questions or concerns.

Caroline and Greg Gilles

~~1234~~ Woodrow Street

[REDACTED]

**Firchow, Kevin**

---

**From:** Fiona McTavish - [REDACTED]  
**Sent:** Monday, July 02, 2018 2:03 PM  
**To:** Punt, Colin; Firchow, Kevin; Stouder, Heather; Eskrich, Sara  
**Subject:** Cusick Application - 836 Woodrow St - Legistar File ID #: 51767

Regarding the addition at 836 Woodrow St:

I own and live at the house on [REDACTED] Woodrow St and am opposed to the addition submitted by Andrew Cusick. My reasons are as follows:

Any additional building on the Cusick lot diminishes the amount of permeable ground (and open green space). The city has done a lot to try to improve the water quality at Lake Wingra. Additional buildings means more run off which eventually goes to the lakes, circumventing the natural water filtration that happens on undeveloped ground.

Parking is already very limited on Woodrow St. Having a unit that could potentially be rented adds the potential for additional vehicles without adequate parking spaces. Home owners already have difficulty finding parking during the school years due to the Edgewood campuses.

I would not object to more living space being added to the house or over the existing garage, but this addition of over 700 sq. feet is not in line with the neighborhood. Additionally it certainly reduces the enjoyment and privacy of the neighbors on either side.

Lastly, I question how an upstairs loft is helpful for aging in place for elderly parents or for oneself eventually. I have elderly parents and a loft would not be appropriate. No elderly housing that I have been to with my parents has stairs up to the bedroom. The reality is that this will become a rental unit at some point and not used in the manner that is stated in the proposal I have seen.

Sincerely,

Fiona McTavish  
[REDACTED] Woodrow St

Firchow, Kevin

---

**From:** Caroline Gilles [REDACTED]  
**Sent:** Monday, July 02, 2018 3:02 PM  
**To:** Punt, Colin; Firchow, Kevin; Stouder, Heather  
**Cc:** district13@cityofmadison.co; gilles Greg  
**Subject:** Plan Commission Meeting on 7/2/18 Opposition to proposed permit for conditional use of an ADU on 836 Woodrow Street

We wanted to send you this letter in advance of the meeting tonight (7/2/18 at 5:45) as we will likely not have time to go into all the details of why we oppose this permit application. We appreciate your thoughtful consideration of our opposition as this will negatively impact the use, value, and enjoyment of our property.

7/2/18

Members of the Plan Commission-

We live directly north of the proposed permit for a conditional use Accessory Dwelling Unit at 836 Woodrow Street. We have lived at our current residence for over 20 years.

**We have read the Planning Staff Report. We do not agree with their assessment that it meets all Standards for Conditional Uses, in particular, Standard #3. The proposed conditional use ADU will have an effect on our "uses, values, and enjoyment" of our property at [REDACTED] Woodrow Street.**

1. The typical condition on Woodrow Street is that each property has two buildings per site: 1) a primary residence, and 2) an accessory building such as a garage. What Mr. Cusick is proposing is a situation where there are 3 buildings on his property, **which is one too many buildings on the site**. The conditional use application is triggered by the fact that the proposed project is larger than what is allowed in the code. For a conditional use to be approved, the applicant needs to prove that the design successfully mitigates the negative impacts of exceeding the constraints of the code. **The proposed design fails to do this**. Expanding his second floor to include a third bedroom in his primary dwelling is a better way of achieving Mr. Cusick's goal of creating more square feet and aging in place. The bedroom in his ADU is on the second floor, as is the idea of adding a 3rd bedroom on the 2nd floor of the primary dwelling.

2. Adding a third building on the site will add more impervious area to the site, negatively impacting the hydrology of the neighborhood by increasing stormwater runoff. **This is unacceptable (and quite honestly, environmentally unsound and short-sighted)**, especially given our proximity to Lake Wingra, which already is experiencing water quality problems due to excessive stormwater runoff from its watershed.

3. The parking situation on our street is already problematic due to our adjacency to the Edgewood campus, and the fact that parking is only on one side of the street. Adding a dwelling unit to Mr. Cusick's property will further exacerbate the parking problem, **which is not acceptable**.

4. The height and location of the proposed accessory dwelling unit (and the fact that they are proposing 3 buildings on the site) would block sunlight to our backyard as well as limit air flow, decrease air quality, and minimize use of our backyard in general. We use our backyard often, and the proposed structure will be unsightly and detract from our enjoyment of our property. We have purposely made the decision to keep a lower chain link fence to be able to see the green space

beyond our property, adding the proposed structure will remove our psychological backyard thus affecting our enjoyment of our property (See below picture). The architectural drawings also indicate that the northeast tree is absent and a wood fence is present. Are we to assume that he intends to remove the tree and build a fence?

In addition to not meeting Standard 3, the staff report reads, "Regarding use, the applicant has indicated the ADU will be used by family and enable the applicant to "age in place," though it is able to be rented (but not as a tourist rooming house)." This intent is suspicious given that accessibility hasn't been accounted for in the lofted two story ADU. This leads us to conclude that there is the intention for rental, and the recommended conditions of approval don't mention any restrictions on its use as a rooming house. In order to enforce any promises that the applicant has made regarding the use of the project, that commitment needs to be included in the conditions of approval of this Conditional Use Application. Also, other conditions such as maintenance and upkeep of the primary dwelling must be specified. Mr. Cusick has said repeatedly that it is just too expensive to keep up the current house. This idea of "age in place" is a real concern for us. If he chooses to live in his modern ADU and neglects maintenance on his main dwelling, then our property value declines. This was confirmed by Alvarado Real Estate Group, located in the neighborhood, on 6/29/18, personal communication.

Given that this application lacks sufficient evidence to meet Standard #3 and lacks specification in his proposed conditional use(s), **we oppose this project, and would like the Plan Commission to reject a permit for conditional use of an accessory dwelling at 836 Woodrow Street.**

Thank you in advance for your thoughtful consideration.

Respectfully submitted,  
Caroline and Greg Gilles  
The Gilles Living Trust  
[REDACTED] Woodrow Street  
Madison, WI 53711  
[REDACTED]

Attachment: Picture of backyard, taken from [REDACTED] Woodrow Street. 25 ft tall structure will be built between tree (not shown in drawings) and extend beyond the right side of the photo.

