



PREPARED FOR THE PLAN COMMISSION

Project Address: 906 E. Mifflin St. (District 2 - Ald. Zellers)
Application Type: Demolition Permit and Conditional Use
Legistar File ID # [42746](#)
Prepared By: Jessica Vaughn, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant & Property Owner: Michael Wittennwyler; 1 E. Main St.; Madison, WI 53703

Contact: Jacob Morrison; Morrison Architecture Studio; 1933 Keyes Avenue; Madison, WI 53711

Requested Action: The applicant requests approval of:

- A Demolition Permit to demolish an existing single-family residence for the purpose of constructing a new single-family residence; and
- A Conditional Use to construct a 600-square-foot, two-story accessory dwelling unit.

Proposal Summary: The applicant is seeking approval of a Demolition Permit to demolish an existing single-family residence for the purpose of constructing a new single-family residence. The applicant's also seeking approval of a Conditional Use to construct a two-story 600 square-foot accessory dwelling unit. The proposed accessory unit is to be located directly behind the proposed primary residence.

Applicable Regulations & Standards: This proposal is subject to the standards for demolition permits pursuant to Section 28.185(7), MGO. Accessory dwelling unit uses are identified as a conditional use in the Traditional Residential-Varied 1 (TR-V1) zoning district. As such, they are subject to the standards for Conditional Uses pursuant to Section 28.183(6), MGO and the supplemental regulations pursuant to Section 28.151, MGO for accessory dwelling unit uses.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that:

- The approval standards for demolition permit are met and **approve** the Demolition Permit to demolish an existing single-family residence for the purpose of constructing a new single-family residence at 906 E. Mifflin St.; and
- The approval standards for Conditional Use are met and **approve** the conditional use request to construct a 600 square-foot, two-story accessory dwelling unit at 906 E. Mifflin St.

This recommendation is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The project site is located just east of the intersection of E. Mifflin and N. Paterson streets, across from Breese Stevens Field, within the Tenney-Lapham Neighborhood. The project site is comprised of approximately 4,356square feet (0.10 acres).

The site is in Aldermanic District 2 (Zellers) and the Madison Metropolitan School District.

Existing Conditions and Land Use: Currently the project site is comprised of a one-story, roughly 685 square-foot single-family residence with a full basement. Parking is provided in a gravel uncovered driveway. According to the City Assessor’s records, the home was constructed in 1901.

No information was submitted to indicate that there are significant structural issues with the residence. Interior and exterior photos of the existing building can be found as the last two pages of the plan set and can also be viewed online at:

https://www.cityofmadison.com/dpced/planning/documents/906ems_photos.pdf

Surrounding Land Use and Zoning: The project site is zoned Traditional Residential-Variied 1. Pursuant to Section 28.041, MGO, the Traditional Residential Consistent zoning districts general purpose and intent statement speaks to:

- Promote the preservation, development and redevelopment of traditional residential neighborhoods in a manner consistent with their distinct form and residential character.
- Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.
- Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

North (E. Dayton Street frontage): Multi-family residential; TR-V1 zoning;

South (across E. Mifflin Street): Breese Stevens Field; Parks and Recreation (PR) zoning;

East: Vacant; TR-V1 zoning; and

West: Single-family Residential; TR-V1 zoning.

Zoning Summary:

Zoning Criteria		
Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft.	4,356 sq. ft.
Lot Width	30'	33.09'
Front Yard Setback	14'11" front yard average	15'10"
Max. Front Yard Setback	30' or up to 20% greater than block average	15'10"
Side Yard Setback	Lot width <50': 10% of lot width (3.3')	3'8" Left 3'6" Right

Rear Yard Setback	Lesser of 25% lot depth or 25'	39'
Usable Open Space	500 sq. ft.	Adequate
Maximum Lot Coverage	70%	70%
Maximum Building Height	2 stories/ 35'	2 stories/ 35'
Site Design	Required	Proposed
Number Parking Stalls	1 (location only)	1 garage stall
Number Bike Parking Stalls	None	None
Building Forms	Yes	Yes, Single-Family Detached Building (5)(6)

a) **Section 28.031 (1) Setback Averaging, Front Setback.** Where at least fifty percent (50%) of the front footage of any block is built up with principal structures, the minimum front yard setback for new structures shall be the average setback of the existing principal structures on the block face or the normal setback requirement in the district whichever is less, but no less than ten (10) feet.

Detached ADU Criteria		
Requirements	Required	Proposed
Side Yard Setback	3'	3'3" Left 5'5" Right
Rear Yard Setback	3'	3'
Maximum Size	700 sq. ft.	580 sq. ft.
Maximum Building Height	25'	21'1"

Other Critical Zoning Items	Y/N
Urban Design	No
Historic District	No
Floodplain	No
Adjacent to Park	No
Barrier Free (ILHR 69)	No
Utility Easements	Yes
Wetlands	No
Wellhead Protection District	Yes, WP-24

Zoning Table prepared by: Jenny Kirchgatter, Assistant Zoning Administrator

Comprehensive Plan: The Comprehensive Plan recommends Medium Density Residential (MDR) development for the project site and its surrounding neighborhood. MDR development is characterized as primarily dense multi-family housing types, including larger apartment buildings and complexes. The MDR recommendation is mainly applied to portions of some established neighborhoods that are composed of primarily “house-like” residential buildings. The Comprehensive Plan identifies an average density of 16-40 units per acre for the MDR area as a whole. Within the MDR area, the Comprehensive Plan recognizes accessory dwelling units as a housing type in MDR districts (Pages 2-82 through 2-83).

Adopted Neighborhood Plan: The project site is located within the Tenney-Lapham Neighborhood Plan planning area, within an area designated as Medium Density Residential-1 (MDR 1). The MDR 1 designation is anticipated to have densities ranging from 16-40 dwelling units per acre. The Plan also states that, “While the density is slightly higher than LDR (less than 16 dwelling units/acre), acceptable housing types and design standards are the same as LDR” (Map 3, Tenney-Lapham Neighborhood Plan).

While the Plan does not specifically speak to accessory dwelling units, it does speak to restoration and preservation of the residential character and increasing owner-occupancy. As stated in the Neighborhood Goals identified in the Land Use Section of the Plan, “*Goal 1: Restore and preserve the residential character of the*

Tenney-Lapham neighborhood; and Goal 2: Encourage the increase of owner-occupied housing and decrease the number of properties with absentee landlords and short-term rentals” (Pg. 12). The Plan recognizes design standards to further the identified goal of preserving the residential character of the neighborhood that specifically speak to teardown replacements, including: maintaining comparable building footprint-to-lot size ratios; encouraging front porches; and maintain consistency with the surrounding scale, spacing and general architecture. In addition, the Plan identifies general design guidelines that speak to allowing small front yards and setback averaging; limiting height at three stories, but also maintaining a neighborhood average of 2 stories; and setting garages back from or flush with main structures.

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 requests approval of both a:

- **Demolition Permit** to demolish an existing single-family home for the purpose of constructing a new, larger single-family home. This request is subject to the approval standards for Demolition Permits pursuant to Section 28.185(7), MGO; and
- **Conditional Use** for the construction of a 600 square-foot, two-story accessory dwelling unit. Accessory dwelling unit uses are identified as a conditional use in the Traditional Residential-Varied 1 (TR-V1) zoning district. As such, they are subject to the standards for Conditional Uses pursuant to Section 28.183(6), MGO and the supplemental regulations pursuant to Section 28.151, MGO for accessory dwelling unit uses.

The applicant is proposing the demolition of a roughly 685 square-foot, one-story, single-family detached home for the purpose of constructing a new, larger single-family detached home. The proposed construction is comprised of roughly 4,060 square feet with an attached one-car garage (410 square feet), full basement (1,250 square feet) and finished, livable attic space (1,250 square feet). Although the proposed new home is only two stories, it will read as three given the steepness of the roof pitch and use of dormers in the attic space. The material palette is comprised of primarily stucco with stone accents.

The applicant is also requesting approval of a Conditional Use for the construction of a 600 square-foot, two-story detached accessory dwelling unit. The accessory dwelling unit, as proposed, will be located directly behind the principal dwelling unit in the rear yard. The unit will have access to the E. Mifflin Street via a paver pathway that runs from the unit, along the south property line to the sidewalk.

Conclusion and Analysis

Demolition Permit: In order to approve the Demolition Permit, Plan Commission must find that the proposed demolition and future use meet the Demolition Permit approval standards pursuant to Section 28.185(7), MGO, including:

- The applicable zoning district provisions for the TR-V1 zoning district;
- The adopted neighborhood plan;
- The city’s Comprehensive Plan; and

- The report from the City's Historic Preservation Planner.

Planning Division staff believes that the proposed demolition and future use is consistent with the Zoning Code, Comprehensive Plan and adopted neighborhood plan in that:

- By maintaining the single-family residential land use and development pattern that is prevalent in the area, the existing neighborhood character is preserved.
- The placement of the proposed building maintains the existing relationships between buildings, including driveways, home orientation, and general footprint location.

The proposed new home maintains the historic driveway location. Although the main building entry is located on the side building, the building is designed in a manner that will address Mifflin Street and maintain historic access/orientation with a patio and French doors, similar to the other houses on the same block. In addition, the proposed new home is located within the building envelope permitted by the underlying zoning district setbacks.

- The proposed design is complementary to that of the existing surrounding development.

The majority of the properties within close proximity to project site are 1-2 story structures, including colonial, split-level and several single-family conversions to multi-family units and small apartment buildings.

The proposed new residence is a two-story Queen Anne-style home with attached garage. The home has a rectangular footprint and steeply pitched gable roof configuration. The proposed building material palette takes cues from the surroundings and incorporates materials and detailing that are found throughout the area, including multi-paned/divided light windows, recessed garage and stone detailing.

Although the proposed home is two stories as defined by the Zoning Code, an attic space is being incorporated into the steeply pitched roof. Dormers are being utilized to create livable space in the attic which will give the building the appearance of a third story. In order to verify that the attic space is not effectively a story as a result of the proposed dormers, Zoning staff has included a condition of approval. Pursuant to Section 28.172, (1), MGO, "*Dormers may be added to the roof of a building provided that the dormer width does not exceed fifty percent (50%) of the lineal width of the floor immediately below the roof, and may not extend the ridge of the roof in which the dormer is placed.*"

While the neighborhood plan limits height to three stories, it also seeks to maintain a neighborhood average of two stories. Although the proposed building will also likely be the tallest building at 35 feet in height, as well as one of the more massive buildings in appearance along the 900 block of E. Mifflin Street, it will not be within the surrounding neighborhood context given the larger multi-family residential complexes.

Of the properties in close proximity to the project site, the lots range in size from roughly 2,600 square feet to 8,700 square feet, with the project site falling within the range at 4,356 square feet. The building sizes range from under 1,000 square feet up to roughly 6,050 square feet. The proposed residence at 4,060 square feet is larger than all other buildings located along the same block face along E. Mifflin Street, with the largest building being comprised of 3,279 square feet (according to Assessor's records). It is important to note that there are other buildings that are comparable in size and scale, including

several multi-family apartment buildings comprised of six or more units within the surrounding neighborhood context (along E. Dayton Street).

- The proposed demolition was reviewed by the Landmarks Commission at its September 21, 2015 meeting, and Historic Preservation Planner. The existing structure was found to have no known historic value.

Conditional Use: In order to approve the Conditional Use, Plan Commission must find that the proposed accessory dwelling unit meets the Conditional Use approval standards pursuant to Section 28.183(6), MGO and the supplemental regulations pursuant to Section 28.151, MGO for accessory dwelling unit uses.

Planning Division staff believes that the proposed Accessory Dwelling Unit meets all of the approval standards as noted above, including:

- The goals and policies identified in the city's Comprehensive Plan, especially those that speak to providing alternative housing options and those that speak to accessory dwelling units being a recognized housing type within the areas recommended for LDR development;
- The development standards and intent statement for the TR-V1 zoning district and the supplemental regulations for accessory dwelling units pursuant to Section 28.151, MGO, including those related to neighborhood character, building design, size and location as discussed below;
- The goals identified in the Tenney-Lapham Neighborhood Plan that speak to the preservation of the existing neighborhood character and encouraging of owner-occupancy. Given that the single-family residential land use is the principal use on the project site, and that the immediately surrounding land uses are primarily residential, with an array of unit types, including both rental and owner occupied units, and densities, the proposed ADU will not change the character of the area. The proposed accessory dwelling unit is also a residential use that is incidental, and subordinate to the principal use.

In addition, owner occupancy of the primary dwelling unit is required in order to maintain the ADU, pursuant to Section 28.151, "*Supplemental Regulations*," MGO.

- The proposed ADU is consistent with all of the supplemental regulations, including those relating to size and height as well as the general zoning requirements for lot coverage.

Building Size and Scale. The immediately surrounding properties are comprised of single-family residential development. The existing residences are all 1-2 stories and range in size from under 1,000 square feet to over 6,050 square feet in size. Lot sizes range from roughly 2,600 square feet to over 8,700 square feet. The size of the proposed accessory dwelling unit at 600 square feet is smaller than the average home size in the immediately surrounding area. Given, the proposed accessory dwelling unit is significantly smaller in size and scale than principal dwelling units within the area, the accessory dwelling unit is clearly ancillary to the primary unit.

- The proposed design is complementary to that of the existing surrounding development and principal dwelling unit. The existing identifiable character of the neighborhood is primarily residential, comprised of single-family detached residences, multi-family apartment complexes and single-family conversions to multi-family flats.

The architectural style of the proposed accessory dwelling unit is in like and kind as the principal dwelling unit located on the project site being:

- A simple square building footprint, with a steeply pitched roof configuration;
- Minimalistic in detail, including primarily stucco and stone detailing; and
- Consistent with the primarily vertical fenestration orientation and standard sizing.

The proposed accessory dwelling unit is located directly behind the principal dwelling unit. Given the location of the proposed accessory dwelling unit and proposed building height (21'-2" feet), staff believes that the unit will have limited, if any, visibility from E. Mifflin Street.

At the time of report writing, staff has been made aware that the applicant has worked with the Tenney-Lapham Neighborhood Association Council to coordinate their review and consideration of the development proposal. To date, no public comment has been received.

Recommendation

Planning Division Recommendation (Contact Jessica Vaughn, (608) 267-8733)

The Planning Division recommends that the Plan Commission find that:

- The approval standards for demolition permit are met and **approve** the Demolition Permit to demolish an existing single-family residence for the purpose of constructing a new single-family residence at 906 E. Mifflin St.; and
- The approval standards for Conditional Use are met and **approve** the conditional use request to construct a 600 square-foot, two-story accessory dwelling unit at 906 E. Mifflin St.

This recommendation is 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

Planning Division (Contact Jessica Vaughn, (608) 267-8733)

1. The agency reviewed this request and has recommended no conditions of approval.

City Engineering Division (Contact Brenda Stanley, (608) 267-9127)

2. Each building shall have a separate sanitary sewer lateral. Applicant shall provide the proposed lateral information on the plans
3. Applicant shall submit a drainage plan to City Engineering for review and approval. This plan shall include topographic information showing drainage onto the property and how that water shall be moved to the public ROW. The applicant shall propose a private drainage system on the site connecting directly to the storm sewer available in Mifflin Street immediately in front of this address.

4. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised

fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm> (Ch. 35.02(14), MGO).

5. 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 (POLICY).
6. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used (POLICY and Section 10.29, MGO).
7. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which 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 (POLICY).
8. All work in the public right-of-way shall be performed by a City licensed contractor (sections 16.23(9)(c)(5) and 23.01, MGO).
9. All damage to the pavement on E Mifflin St, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).

Traffic Engineering Division (Contact Eric Halvorson, (608) 266-6527)

10. The agency reviewed this request and has recommended no conditions of approval.

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

11. Section 28.185(7)(a)(5), MGO requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682).
12. Pursuant to Section 28.185(10), MGO, every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
13. Pursuant to Section 28.185(9)(a), MGO, a demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
14. The accessory dwelling unit shall comply with Section 28.151, *"Supplemental Regulations for an Accessory Dwelling Unit,"* MGO, including but not limited to, maintaining owner-occupancy of either the principal or accessory dwelling unit; adhering occupancy requirements of one (1) family or two (2) unrelated individuals; and noting that the accessory unit shall not be sold separately.
15. Provide dimensions on the ground floor plan showing that the attached garage complies with Section 28.031(3), *"Attached Garage Setback,"* MGO. Any street-facing wall that contains an attached garage door may occupy no more than fifty percent (50%) of the width of that building facade, measured at grade. That portion of the façade that contains the garage door must be recessed at least two (2) feet behind the remainder of the facade.
16. Provide plan details showing that the dormers of the principal residence do not exceed fifty percent (50%) of the lineal width of the floor immediately below the roof. Dormers may be added to the roof of a two-story

building, provided that the dormer width does not exceed fifty percent (50%) of the lineal width of the floor immediately below the roof, and may not extend above the ridge of the roof in which the dormer is placed. A dormer is a structure projecting through a sloping roof that contains a window or opening.

17. Per Section 28.186(4)(b), MGO, 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 Bill Sullivan, (608) 261-9658)

18. For the Accessory Dwelling Unit, Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website: <http://www.homefiresprinkler.org/Consumer/ConsHome.html>
19. In order to comply with SPS 321.03(3) Exiting Above the Second Floor, provide an NFPA 13D sprinkler system throughout the main residence.

20. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Captain Jerry Buechner (608)516-9195.

Parks Division (Contact Janet Schmidt, (608) 266-4714)

21. Park impact fees (comprised of the Park Development Impact Fee per Sec. 20.08(2), MGO and the Parkland Impact Fee in-lieu of land dedication per Secs. 16.23(8)(f), MGO and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before sign-off on the Conditional Use. This development is within the Tenney/Law park impact fee district (SI26). Please reference ID#16119 when contacting Parks about this project.

22. Approval of plans 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

Water Utility (Contact Dennis Cawley, (608) 261-9243)

23. All operating private wells shall be identified and permitted by the Water Utility in accordance with Section 13.21, MGO. All unused private wells shall be abandoned in accordance with Section 13.21, MGO.
24. The Madison Water Utility shall be notified to remove the water meter prior to demolition.
25. This property is in a Wellhead Protection District–Zone (24). This use is permitted in this district.

Metro Transit (Contact Timothy Sobota, (608) 261-4289)

26. The agency reviewed this request and has recommended no conditions of approval.

City Engineering Review Mapping (Contact Jeff Quamme, (608) 266-4097)

27. Provide an electronic copy (pdf) of the survey of the property to Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com).
28. The replaced house shall retain the address of 906 E. Mifflin St. The ADU is assigned an address of 904 E. Mifflin 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.