

PLANNING DIVISION STAFF REPORT

July 29, 2016



PREPARED FOR THE PLAN COMMISSION

Project Address: 1402 Vilas Ave. (District 13 - Ald. Eskrich)
Application Type: Conditional Use
Legistar File ID # [43427](#)
Prepared By: Jessica Vaughn, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant & Contact: Eric Donovan; TDS Custom Construction; 1431 Northern Ct.; Madison, WI 53703

Property Owner: Pamela Messina; 1078 Vineyard Dr.; Oregon, WI 53575

Requested Action: The applicant requests approval of a Conditional Use to construct an accessory building in excess of 576 square feet and exceeding the maximum lot area for accessory buildings (ten percent) in the Traditional Residential-Consistent 3 (TR-C3) zoning district.

Proposal Summary: The applicant is seeking approval of a Conditional Use to construct a one-story detached garage to replace the existing dilapidated two-car garage. The proposed three-car garage is 741 square feet in size with a hipped roof configuration. The material palette consists of vinyl siding and trim to match the principal building.

Applicable Regulations & Standards: Pursuant to Section 28.131, MGO, no individual accessory building or structure shall exceed 576 square feet in size, or exceed the maximum area per lot of ten percent of the lot area in the TR zoning district except as approved through Conditional Use. This proposal is 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 buildings and structures.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the Conditional Use standards are met and **approve** the request to construct a 741 square-foot detached accessory building at 1402 Vilas Ave.

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 at the northwest corner of the intersection of S. Randall and Vilas Avenues. The project site is located within the Vilas Neighborhood and is comprised of approximately 5,775 square feet (0.13 acres).

The site is in Aldermanic District 13 (Eskrich), the Madison Metropolitan School District, and within the Brittingham-Vilas Neighborhood Plan planning area.

Existing Conditions and Land Use: Currently the project site is comprised of a 2.5-story, Queen Anne-inspired multi-family residential building with three stacked flats and minimal detailing, including a large front porch and bay windows. Originally, a single-family residence, the existing three-unit residential use is considered a legal

nonconforming use because multi-family uses are not allowed in the TR-C3 zoning district. Since the multi-family use was established prior to the adoption of the City’s current zoning code, prior to 1967 as indicated in the City’s building records, it is considered a legal nonconforming use.

Also present on the project site is a two-car detached garage with a rectangular footprint (approximately 375 square-feet) and barrel roof configuration. The garage is located behind the principal building and takes access from S. Randall Avenue. According to the City’s permit records, the garage was built prior to 1954, when it was resided.

Surrounding Land Use and Zoning: The project site is zoned Traditional Residential-Consistent 3 (TR-C-3). Pursuant to Section 28.044, 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: Single-family Residential; TR-C3 zoning;

South (across Vilas Avenue): Single-family Residential; TR-C3 zoning;

East (across S. Randall Avenue): Single-family Residential; TR-C3 zoning; and

West: Single-family Residential; TR-C3 zoning.

Zoning Summary:

Zoning Criteria		
Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft.	5,775 sq. ft.
Lot Width	30’	52.5’
Side Yard Setback	3’	8’
Rear Yard Setback: Accessory Building	3’	3’
Usable Open Space	500 sq. ft.	1,615 sq. ft.
Maximum Lot Coverage	75%	48%
Maximum Building Height: Accessory Building	15’	12’-5”
Site Design	Required	Proposed
Number Parking Stalls	1 (location only)	3 proposed garage stalls
Number Bike Parking Stalls	None	None
Building Forms	None	Accessory Building

Other Critical Zoning Items	
Yes:	Wellhead Protection District (WP-27, 50 Yr. Capture Zone)
No:	Urban Design, Historic District, Adjacent to Park, Barrier Free (ILHR 69), Wetlands, Floodplain, Utility Easements

Zoning Table prepared by: Jacob Moskowitz, Zoning Code Enforcement Officer

Comprehensive Plan: The Comprehensive Plan recommends Low Density Residential (LDR) development for the project site. As defined in the Comprehensive Plan, LDR development is categorized for its low density (0-15 dwelling units/acre), primarily single-family detached residential development.

Adopted Neighborhood Plan: The project site is located within the planning area boundary of the Brittingham-Vilas Neighborhood Plan (the “Plan”) in an area designated as the Vilas Area. The Plan identifies housing and property maintenance as one of the most important issues within the planning area. The Housing recommendations identified in the Plan generally speak to the rehabilitation of both rental and owner-occupied properties. The Plan does not offer any specific language that pertains to accessory structures.

Environmental Corridor Status: The subject site not within 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 a Conditional Use to construct a one-story detached accessory building that exceeds 576 square feet and the ten percent maximum lot area permitted for accessory buildings in a TR zoning district at 741 square feet in size. The proposed three-car garage will be a replacement structure for the existing dilapidated two-car garage currently on site. The new garage will provide one covered parking space for each of the three dwelling units along with additional storage or bike parking. Access to the garage will be maintained from S. Randall Avenue.

The architecture of the proposed garage is simple with a rectangular building footprint measuring 28’-6” by 26’ feet and minimal detailing, including vinyl trim and siding, and aluminum soffit and fascia, similar in appearance to the primary residence.

Analysis and Conclusion

Pursuant to Section 28.131, “*General Regulations,*” MGO, no individual accessory structure shall exceed 576 square feet in the TR districts or exceed the maximum area per lot of ten percent except as approved through Conditional Use. This proposal is 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 buildings and structures.

The applicable Supplemental Regulations pursuant to Section 28.151, MGO identify the parameters for determining when Conditional Use approval is required for accessory buildings and structures, including those in excess of 576 square-feet of floor area in the TR zoning district and lot coverage in excess of ten percent of the lot area, 577 square feet in this case. The Conditional Use application satisfies the supplemental regulations.

Generally, the intent of a Conditional Use review is to determine if a particular site is an appropriate location for a proposed use, to evaluate the compatibility of that use with surrounding uses and development, and to mitigate potential nuisance impacts to surrounding properties. In order to approve the Conditional Use request, Plan Commission must find that the proposed Conditional Use approval standards pursuant to Section 28.183(6), MGO, including those related to normal and orderly development, mitigating nuisance impacts, and consistency and compatibility with the existing development have been met.

Planning Division staff believes that the proposed Conditional Use meets the Conditional Use approval standards.

- The area is characterized by its predominantly residential character. The existing neighborhood character will not be significantly impacted given that the principal single-family residential land use will remain. In addition, the proposed accessory building, being a garage an accessory building and use that is commonly associated with residential uses and that is incidental, and subordinate to the principal use (Standards #1-7).
- The proposed accessory building is located on the site in a manner that is sensitive to existing building relationships, including maintaining the historic driveway access from S. Randall Avenue. Recognizing that the proposed accessory building is a larger replacement building, there will be a slight increase in the overall building to lot ratio (a four percent increase in lot coverage from 44 percent to 48 percent), a resulting number that is significantly below the maximum (75 percent). The historic building placement on the project site will be maintained as well as the general development patterns that are present in the area along Vilas Avenue, with garages often times being located behind principal buildings (Standard #4).
- The proposed building material palette consists of more modern traditional materials, including vinyl siding and aluminum soffit and fascia to match the house, which maintains a similar design aesthetic that is already present on the project site (Standard #9).

At the time of report writing, 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 Conditional Use standards are met and **approve** the request to construct a 741 square-foot detached accessory building at 1402 Vilas Ave.

This recommendation is subject to the 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. That prior to final sign-off and any excavating in this area, the applicant shall obtain all necessary approvals under Wis. Stat. 157.70 from the Wisconsin State Historical Society, and provide the City with proof of all such approvals.

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

1. Drainage moves through this site from west to east. The Applicant shall provide City Engineering with a more detailed plan showing how this shall be accommodated.
2. 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).
3. All work in the public right-of-way shall be performed by a City licensed contractor pursuant to Sections 16.23(9)(c)(5) and 23.01, MGO).
4. All damage to the pavement on Vilas & Randall Avenues 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)

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

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

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

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

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

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

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

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

1. 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.

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

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

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

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