



PREPARED FOR THE PLAN COMMISSION

Project Address: 2313 Center Avenue (6th Aldermanic District, Ald. Rummel)
Application Type: Conditional Use
Legistar File ID #: [45000](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant/Property Owner: Daniel Bauknecht; 2313 Center Avenue; Madison, WI 53704

Requested Action: Approval of a conditional use to allow construction of an accessory building with an accessory dwelling unit at 2313 Center Avenue.

Proposal Summary: The applicant proposes to demolish the existing garage and then construct a new garage with a second floor accessory dwelling unit.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses (MGO §28.183(6)), as §28.032(1) of the Zoning Code lists an *Accessory Dwelling Unit* as a conditional use in all residential districts. The Supplemental Regulations [MGO §28.151] contain further regulations for an accessory dwelling unit.

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 request to allow construction of an accessory building with an accessory dwelling unit at 2313 Center 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 5,055-square-foot (0.17-acre) property is located on the south side of Center Avenue between Evergreen Avenue and Ohio Avenue; Aldermanic District 6 (Ald. Rummel); Madison Metropolitan School District.

Existing Conditions and Land Use: The property is zoned TR-V1 (Traditional Residential – Varied 1) District and is developed with a two-story, four-bedroom, 1,813-square-foot single-family residence, originally constructed in 1904. A small one-car detached garage is located along the eastern lot line near the southeast corner of the lot. It is accessed via a driveway which is shared with the residence to the east (at 2317 Center Avenue).

Surrounding Land Use and Zoning:

North: Single-family residences, zoned Traditional Residential – Varied 1 (TR-V1) District;

South: Single-family residences, zoned TR-V1;

East: Single-family residences, zoned TR-V1; and

West: Single-family residences, zoned TR-V1.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2006) recommends low-density residential (0-15 dwelling units per acre) while the [Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan \(2000\)](#) does not provide specific recommendations for the subject property.

Zoning Summary: The property is in the Traditional Residential – Varied 1 (TR-V1) District

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000	5,067
Lot Width	30	44
Side Yard Setback	3	3
Rear Yard Setback	3	8
Usable Open Space	500	1,144
Maximum Lot Coverage	70%	38%
Maximum Building Height	25	20
Other Critical Zoning Items	None	

Table Prepared by Jacob Moscovitz, Zoning Code Officer

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, Analysis, and Conclusion

The applicant requests approval of a conditional use to construct an accessory building with an accessory dwelling unit (ADU) at 2313 Center Avenue. This request is subject to the conditional use standards.

The detached one-car garage with ADU is proposed near the southeastern corner of the subject site. It will replace the existing 170-square-foot (10-foot by 17-foot) detached one-car garage located near the same area of the site. While the location is similar and the proposed building will maintain the three-foot setback from the eastern lot line, at 464 square feet (16 feet by 29 feet), it will be larger than its predecessor and will extend roughly an additional seven feet to the west, three feet to the north, and eight feet to the south. While ADUs or two-story garages are unusual in the neighborhood, the proposed size of the garage’s footprint is similar as several others on the same block range from roughly 500 to 575 square feet.

The proposed structure will be approximately 930 total square feet: 464 square feet on the ground level for the one car stall and 464 square feet on the second level for the ADU. The ADU will consist of a living room, kitchen, bedroom, and bathroom and will be accessed via an external door on the eastern façade which will lead to an internal stairwell located along the southern façade. Like the principal structure, the garage will have a gable roof facing the street. Regarding materials, selections have been made specifically to match the house – horizontal aluminum siding, architectural shingles, vinyl windows, and a steel carriage-house door. It will be accessed via a driveway which is shared with the residence to the east (at 2317 Center Avenue).

Accessory Dwelling Units are permitted as a conditional use in the TR-V1 zoning district. As such, they are subject to the Conditional Use review criteria pursuant to MGO §28.183(6). Generally, the intent of Conditional Use review is to determine if a site is an appropriate location for a particular use and to evaluate the compatibility of that use with surrounding uses and development as well as for consistency with the provisions within the Zoning Code, goals and policies identified in the [Comprehensive Plan](#) and the adopted neighborhood or special area plans.

Accessory dwelling units are also subject to the Supplemental Regulations pursuant to Section 28.151. Generally, the Supplemental Regulations speak to consistency and compatibility of the proposed accessory dwelling unit with the principal residence, including overall size, design/appearance and placement. Furthermore, they outline occupancy requirements of the accessory dwelling unit and accompanying single-family residence.

Land Use and Plan Consistency – The Planning Division believes the proposed use is consistent with the [Comprehensive Plan \(2006\)](#) and the [Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan \(2000\)](#). For the subject parcel, the [Comprehensive Plan](#) recommends low-density residential (LDR) uses which it defines as an average net density range of 0 to 15 dwelling units per net acre for the area as a whole. Currently at 5.88 dwelling units per acre, with the additional proposed dwelling unit, the site would still be well under the recommended density. Additionally, the [Comprehensive Plan](#) includes accessory dwelling units on the list of allowable housing types in the LDR District.

Regarding the [Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan](#), while the plan includes goals as preserving the existing land use pattern in the neighborhood [around the subject property], it does not provide specific recommendations for the subject property itself. That said, as the neighborhood has a predominantly residential character, because the proposed accessory dwelling unit is also a residential use that is subordinate to the principal use, staff believes that the residential character will be maintained.

Conditional Use Standards – The Planning Division believes the conditional use standards are met. As described above, staff believe the proposed accessory dwelling unit is consistent with the [Comprehensive Plan](#) and [Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan](#). Furthermore, staff also believes that the proposed structure is generally consistent with and maintains the neighborhood’s residential character. Lastly, staff believe that the proposal is compliant with the Zoning Code’s various requirements for Accessory Dwelling Units. As a result, staff does not anticipate that the proposed accessory dwelling unit will result in negative impacts on the surrounding development.

At the time of report writing, staff was not aware of any concerns related to this request.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to allow construction of an accessory building with an accessory dwelling unit at 2313 Center 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

City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

1. Applicant shall show on plan how accessory dwelling unit will be provided sanitary sewer- separate lateral or connect to the existing sewer lateral to the home.
2. 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)
3. 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)
4. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5)and MGO 23.01)
5. All damage to the pavement on Center Ave, 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)

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

6. The address of the ADU is 2315 Center Ave. 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.
7. The label for the Joint Concrete Driveway shall reference the Joint Driveway Agreement per Document No. 5199809.
8. Show all proposed pavements and sidewalks for this project on the site plan.

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

9. The proposed accessory dwelling unit shall comply with the supplemental regulations of Section 28.151 for an Accessory Dwelling Unit in Districts Other than the TR-P District.

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

10. 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>

Parks/Forestry Division (Contact Janet Schmidt, (608) 261-9688)

11. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before signoff on the conditional use. This development is within the Olbrich impact fee district (SI25). Please reference ID#16160 when contacting Parks about this project.

12. 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 Adam Wiederhoeft, (608) 266-9121)

13. Applicant shall show on plan how accessory dwelling unit will be provided water service - separate lateral or connect to the existing water lateral to the home.

14. If the accessory dwelling unit is anticipated to have a separate water meter/water service account, applicant or plumbing contractor must submit an application to Madison Water Utility. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave.

SUBCHAPTER 28J: SUPPLEMENTAL REGULATIONS**28.151 APPLICABILITY.**

Supplemental regulations are established to address the unique characteristics of certain land uses. The standards and conditions listed for land uses in this chapter are applicable to both permitted uses and uses permitted by conditional use permit, as specified for each zoning district, unless otherwise noted.

Accessory Dwelling Unit 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 (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.
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).