



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 26 N. Baldwin Street (District 2 - Ald. Zellers)  
**Application Type:** Conditional Use  
**Legistar File ID #:** [50226](#)  
**Prepared By:** Sydney Prusak, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

### Applicant &

**Property Owner:** Richard and Bethany Radloff; 258 Division Street #1; Madison, WI 53704

**Contact:** Chris Cook; Chris Cook Homes; 1235 Hanover Trail; Waunakee, WI 53597

**Requested Action:** Approval of a conditional use to allow construction of an accessory building exceeding 576 square feet and 10% of the lot area with an accessory dwelling unit at 26 N. Baldwin Street.

**Proposal Summary:** The applicants propose to construct a two-story accessory building. The building includes a one bedroom, one bathroom accessory dwelling unit (ADU) atop a 728 square foot, two-stall garage in the rear yard of the subject property. The applicants are also proposing to construct a new single-family home on the vacant property, which is a permitted use.

**Applicable Regulations & Standards:** This proposal is subject to the standards for conditional uses [M.G.O. §28.183(6)], as M.G.O. §28.032(1) lists an *Accessory Dwelling Unit* as a conditional use in all residential districts. Furthermore, accessory buildings exceeding 576 square feet or 10% of lot area in Traditional Residential districts require conditional use approval. This proposal exceeds both of these thresholds. 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 exceeding 576 square feet and 10% of lot area, with an accessory dwelling unit, in the TR-V1 (Traditional Residential – Varied 1) zoning district at 26 N. Baldwin Street. 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 5,022 square foot (0.12-acre) property is located on the west side of N. Baldwin Street near the Mifflin Street intersection. It is located within Aldermanic District 2 (Ald. Zellers) as well as the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The vacant parcel is within Traditional Residential – Varied 1 (TR-V1) district zoning.

**Surrounding Land Use and Zoning:**

- Northeast: Single-family and two-family residences, zoned TR-V1;
- Northwest: Single-family and multi-family residences, zoned TR-V1 and TR-V2;
- Southeast: Single-family and two-family residences, zoned TR-V1 and residential and commercial uses along E. Washington Avenue zoned Commercial Corridor Transitional (CC-T) District beyond; and
- Southwest: Single-family and two-family residences, zoned TR-V1 and residential and commercial uses along E. Washington Avenue zoned CC-T District beyond.

**Adopted Land Use Plan:** The [Comprehensive Plan \(2006\)](#) recommends medium-density residential (MDR) uses for the subject parcel, defined as 16 to 40 dwelling units per acre. The [Tenney-Lapham Neighborhood Plan \(2008\)](#) also recommends MDR uses, however this neighborhood plan defines MDR as 16 to 25 units per acre for the subject parcel.

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

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft.	5,022 sq. ft.
Lot Width	30'	38'
Side Yard Setback	House: 3.8' ADU: 3'	House: 4', 8' ADU: 3', 6.7'
Rear Yard Setback	House: 25' ADU: 3'	House: 69' ADU: 6'
Usable Open Space	500 sq. ft.	1,482 sq. ft.
Maximum Lot Coverage	70%	37%(a)
Maximum Building Height	House: 35 ft. ADU: 25 ft.	House: 28' ADU: 23.1'

(a) Lot coverage could not be calculated without the driveway shown on the plans.

*Table Prepared by Jacob Moskowitz, Zoning Code Officer II*

**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. All day Metro service is located at the intersection of E. Washington Avenue and N. Baldwin Street.

**Project Description**

The applicants propose to construct a new 728 square foot two-car garage with a 610 square foot one-bedroom second-floor accessory dwelling unit (ADU) in the rear yard at 26 N. Baldwin Street. According to the Letter of Intent, the ADU would initially be used as a long term rental with the intent to eventually be used as a living quarters for the applicants' parents. The subject site is currently vacant, and it is the applicants' intent to construct a two-story, single-family owner-occupied residence concurrently with the detached garage and ADU. Like the proposed principal structure, the ADU will have matching colors and materials for the siding, windows, trim, and shingles. Both structures will have pitched roofs, with the principal structure standing ten (10) feet taller.

## Analysis and Conclusion

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

The applicants request approval of a conditional use for an accessory building that exceeds 576 square-feet and 10% of the lot area. According to M.G.O. §28.032(1), accessory dwelling units are a conditional use in TR-V1 (Traditional Residential – Varied 1) zoning. Furthermore, M.G.O. §28.131(1)(a) states that the maximum area per lot for accessory buildings for residential purposes is ten percent (10%) of lot area, though a larger total building area may be allowed by conditional use approval. Additionally, M.G.O. §28.131(1)(b) states that no individual accessory building shall exceed five hundred seventy-six (576) square feet in TR districts at the ground level except by conditional use approval.

### 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.

In considering the adopted plan recommendations, the Planning Division believes that the proposed use is generally consistent with the [Comprehensive Plan \(2006\)](#) as well as the [Tenney-Lapham Neighborhood Plan \(2008\)](#). The [Comprehensive Plan \(2006\)](#) recommends medium-density residential (MDR) uses for the subject parcel, defined as 16 to 40 units per acre. With a current density at twenty two (22) units per acre, the proposed ADU and single-family home would raise the density to twenty four (24) units per acre which is still well within the recommended density range for the surrounding area. Additionally, the [Comprehensive Plan \(2006\)](#) includes accessory dwelling units in the list of recommended housing types in the MDR District. The proposal also meets the "Established Neighborhoods" objective to provide a range of housing opportunities, including affordable housing, that will be attractive to both owner and renter households of different sizes, lifestyles, incomes and tastes and the policy to explore alternative and non-traditional housing solutions that will provide greater choice in affordable dwelling units.

The [Tenney-Lapham Neighborhood Plan \(2008\)](#) also recommends MDR uses for the subject parcel. However, this neighborhood plan defines MDR as 16 to 25 units per acre. While on the higher side, this proposal still fits within the recommended density range. While the [Plan](#) recommends backyard areas be preserved, it does note that a preferred location for accessory buildings (specifically garages) is the rear yard. No specific guidance is provided on the siting of Accessory Dwelling units in MDR areas.

Furthermore, the [Tenney-Lapham Neighborhood Plan \(2008\)](#) strives to ensure that affordable, quality housing opportunities continue throughout the neighborhood. It is a goal of the neighborhood to continue to provide a range of housing choices. The Plan also states that one of its goals is to increase owner-occupied housing. As owner occupancy on the subject property is required for an accessory dwelling unit, this proposal helps implement that goal. Given these attributes, the Planning Division believes that this ADU proposal meets these goals and objectives found in the neighborhood plan.

The proposed accessory building is seven hundred and twenty-eight (728) square feet when measured at the ground floor. This exceeds both the five hundred seventy-six (576) square foot maximum size and the ten percent (10%) lot coverage requirements per M.G.O. §28.131. The proposed accessory structure would cover roughly fourteen and one half percent (14.5%) of the lot area. As a measure of compatibility with the surrounding

neighborhood context, Staff has analyzed the FAR, or floor area ratio, which compares the total building floor area (on all floors) to the lot area. (An FAR of 1.0 would indicate that the total building floor area is equal to the lot area.) The calculated FAR for the subject site would be 0.57 (with just the new home) and 0.84 (with both the new home and proposed ADU). While a FAR of 0.84 is higher than the estimated median FAR of 0.68 for the rest of the study area, it is not the highest. Two properties on East Mifflin have an FAR greater than 0.90. Staff acknowledges that this property occupies a smaller and narrower lot. However, Staff believes that the larger FAR and lot coverage percentage can be found to meet Approval Standard #4 which states, "The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district."

### **Supplemental Regulations for Accessory Dwelling Units**

Accessory dwelling units are also subject to the Supplemental Regulations of M.G.O. §28.151 (Included as Attachment 1), and the Planning Division believes these additional requirements can be found met. 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.

Supplemental Regulation #7 for ADUs states, "the maximum size of an accessory unit shall be seventy-five (75%) of the principal dwelling's floor area, up to a maximum of seven hundred (700) square feet." While the gross floor area of the entire accessory building is 728 square feet, City Zoning interprets this requirement as "the maximum square footage of *interior heated space* cannot exceed 700 square feet." Therefore, as long as the stair and utility area of the building remains outside of the heated and finished space, this requirement can be found met.

The standards also outline occupancy requirements of the accessory dwelling unit and accompanying single-family residence. The principal building would be owner-occupied and therefore meets this standard. As a Condition 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.

The site plan submitted with this application does not accurately depict the proposed driveway. As a condition of approval, the applicant must resubmit plans with a clearly labeled driveway that complies with Zoning Requirements and the Supplemental Regulations for ADUs.

### **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 the [Comprehensive Plan \(2006\)](#) and the [Tenney-Lapham Neighborhood Plan \(2008\)](#). Furthermore, Staff believes the proposal is compliant with the Zoning Code's supplemental regulations for Accessory Dwelling Units. Staff does not anticipate that the proposed ADU will result in negative impacts on the surrounding properties.

At the time of report writing, Staff was not aware of any concerns related to the request. The applicants included a letter of support from the Tenney-Lapham Neighborhood Association President in their application.

## Recommendation

### Planning Division Recommendation (Contact Sydney Prusak, (608) 243-0554)

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 dwelling unit, which is also an accessory building that exceeds 576 square feet and 10% of the lot area in Traditional Residential – Varied 1 (TR-V1) district zoning at 26 N. Baldwin Street. This recommendation is subject to input at the public hearing and the conditions recommended by reviewing agencies.

### **Recommended Conditions of Approval**

Major/Non-Standard Conditions are Shaded

### Planning Division (Contact Sydney Prusak)

1. The applicant shall revise the site plan showing the location of the driveway, demonstrating compliance with the Zoning Code and other applicable requirements.

### Engineering Division - Main Office (Contact Brenda Stanley, (608) 261-1927)

2. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to either show that runoff can be directed from this property to the public ROW or if discharge is to adjacent private property then prior to that discharge the property shall be designed to provide onsite volumetric control limiting the post construction volumetric discharge to the predevelopment discharge volume as calculated using the 10-year storm event.
3. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO16.23(9)(d)(4))
4. The site plans shall be revised to show the location of all rain gutter down spout discharges. (POLICY)
5. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)

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

6. The address of the garage ADU is 26 N Baldwin St. The future single family house will have an address of 28 Baldwin 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.
7. The site plan shall show the proposed driveway. Also, confirm the removal of the portion of the encroaching garage and driveway along the southerly side of this lot.

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

8. 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.
9. Show the location of the driveway on the site plan.

**Parks/Forestry 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(6) 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# 18103 when contacting Parks about this project.
11. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – [bhofmann@cityofmadison.com](mailto:bhofmann@cityofmadison.com) or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
12. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

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

13. 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>

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

14. An existing water service lateral to 26 N Baldwin St does not exist so a new service lateral must be installed to serve the parcel. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days' notice between the application submittal and the requested installation or inspection appointment. 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. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

**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 Buildings and Structures. Shall comply with Sec. 28.131, MGO. (Am. by ORD-17-00024, 2-20-17)

Accessory Dwelling Unit in the TR-P District.

- (a) No more than one (1) accessory dwelling unit may be located on a lot.
- (b) The lot shall be a corner lot or abut an alley.
- (c) The lot shall have a minimum area of five thousand (5,000) square feet.
- (d) The lot shall have a minimum width of fifty (50) feet for corner lots and sixty (60) feet for interior lots.
- (e) An attached accessory dwelling unit shall be part of the single family dwelling on the same lot for the purpose of the bulk requirements of the district. Any secondary dwelling unit connected to the single-family dwelling is considered attached.
- (f) A detached accessory dwelling unit shall be located only above a detached garage of the single-family dwelling on the same lot.
- (g) A detached accessory dwelling unit shall be located a minimum of five (5) feet from a side or rear lot line, unless the lot is adjacent to an alley, in which case it shall be located a minimum of two (2) feet from the rear lot line.
- (h) The height, lot area per dwelling unit, and usable open space requirements for detached accessory dwelling units shall be as specified for the district.
- (i) The usable open space requirements for a detached accessory dwelling unit shall be fifty percent (50%) of the usable open space requirement in the district.
- (j) The single-family dwelling on the lot shall be owner-occupied.
- (k) The entryway to the accessory dwelling unit shall be connected to a street frontage with a paved walkway.
- (l) The accessory dwelling unit shall have a separate entrance from the single-family dwelling.

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).



**\* ATTACHMENT # 1 \***

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).

Accessory Use: General Retail, Service Business, Restaurant, Coffee Shop, Tea House, Office, Professional and General. In the DR2 and UOR Districts, must be accessory to a multi-family residential use or a permitted commercial use, accessible to the public only through a lobby, and shall not exceed three thousand (3,000) square feet of floor area. (Cr. by ORD-13-00007, 1-15-13)