



PREPARED FOR THE PLAN COMMISSION

Project Address: 815 Oakland Avenue (13th Aldermanic District, Ald. Arntsen)
Application Type: Conditional Use
Legistar File ID #: [54481](#)
Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: & Property Owner: Sam Liedtke; 815 Oakland Avenue; Madison, WI 53711

Requested Action: There are two Conditional Uses requested: 1) approval of a Conditional Use for an accessory dwelling unit [MGO §28.032(1)], and 2) approval of a Conditional Use for an accessory building exceeding 576 square feet measured at the ground floor in a TR District [MGO §28.131(1)(b)], at 815 Oakland Avenue.

Proposal Summary: The applicant proposes to use an Accessory Dwelling Unit in the second story of a 672-square-foot, two-stall garage next to the primary residence on the subject property.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses [MGO §28.183(6)]. The Supplemental Regulations [MGO §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 an accessory dwelling unit, which is also an accessory building greater than 576 square feet in a TR district at 815 Oakland 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 4,800-square-foot (0.11-acre) property is located on the north corner of Oakland Avenue and Madison Street. It is located within Aldermanic District 13 (Ald. Arntsen) as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The property is zoned Traditional Residential – Consistent 4 (TR-C4) District and is developed with a 2½-story, four-bedroom, four-bathroom, 2,355-square-foot single-family residence built in 2003. An existing 836-square-foot two-story detached garage at the northeastern lot line is accessed via a driveway on Madison Street.

Surrounding Land Use and Zoning:

Northwest: Single-family residence, zoned Traditional Residential – Consistent 4 (TR-C4) District, with a Monroe Street commercial node beyond, zoned Traditional Shopping Street (TSS) District;

Northeast: Two-unit residences, zoned TR-C4;

Southeast: Across Madison Street, single-family residences, zoned TR-C4; and

Southwest: Across Oakland Avenue, single-family residences, zoned TR-C4.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Low-Medium Residential (LMR) uses for the subject parcel. The [Brittingham-Vilas Neighborhood Plan](#) (1989) recommends retaining the neighborhood’s current density levels and to encourage owner-occupied housing.

Zoning Summary: The property is in the Traditional Residential – Consistent 4 (TR-C4) District

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,000	4,800
Lot Width	40 ft	60 ft
Front Yard Setback	20 ft	49 ft
Side Yard Setback	3 ft	15 ft
Reverse Corner Side Yard Setback	12 ft	16 ft
Rear Yard Setback	3 ft	3 ft
Usable Open Space	750 sq ft	570 sq ft (existing, no change)
Maximum Lot Coverage	65%	Existing, no change
Maximum Building Height	25 ft	21 ft

Other Critical Zoning Items	Utility Easements, Wellhead Protection District
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Table Prepared by Jacob Moskowitz, Assistant Zoning Administrator

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 conditional use approval to legally establish an accessory dwelling unit (ADU), that was previously built in an existing oversized accessory building. The existing house and detached garage were built in 2003 as a permitted use. As early as 2005, the single-family home had been illegally occupied as a multi-unit building and was subject to several official notices and citations. The detached garage had been previously finished by the previous owner to include a second-floor ADU. Since the property was acquired in 2017, the applicant and current owner has begun work with Building Inspection and Zoning to address the outstanding issues with the property, such as the ADU and additional dwelling units in the primary residence.

The existing accessory building has a 647-square-foot footprint at the ground, but due to “cutouts” below the roofline, the bulk of the building is considerably larger, measuring 836 feet square feet (approximately 29’ x 29’) at the eaves. The accessory building is lap-sided and roofed with composite shingles, matching the primary residence. The garage also has overhead doors at both the front and rear, as well as large sheltered overhangs

at the front and rear, used for parking and storage. The accessory structure is tightly placed on the site, with only three feet between itself and both the principal structure and the side lot line. The building is side-gabled with dormers at the front and rear. The ADU is accessed via a stairway within the garage, which itself is accessed via the rear.

As noted above, the second floor of the accessory building was previously finished, and only minor physical alterations are proposed to bring the accessory dwelling unit into a code compliant state. These include alterations to the stairwell leading up to the ADU, installing protective rails on the windows, and obtaining proper plumbing and HVAC permits for work already performed, and some additional minor construction. The ADU, which is 677 square feet (including access stair; 617 square feet without), is a studio with one bathroom.

Please note that the attached site plan is from the original single-family residence permitting in 2003. The plans for the ADU are new and created for this request.

Analysis and Conclusion

The applicant requests approval of a conditional use to allow the construction of an accessory dwelling unit at 815 Oakland Avenue. This request is subject to the Conditional Use standards as well as the Supplemental Regulations for accessory dwelling units. This analysis begins with a summary of adopted plan recommendations, and then analyzes conditional use approval standards and supplemental regulations for ADUs.

Conformance with Adopted Plans

In considering the adopted plan recommendation, the Planning Division believes that the proposed use is generally consistent with the [Comprehensive Plan](#) (2006) as well as the [Brittingham-Vilas Neighborhood Plan](#) (1989). The [Comprehensive Plan](#) recommends Low-Medium Residential (LMR) uses for the subject parcel, which includes a combination of one-, two-, three-unit residences, rowhouses, and some small multifamily buildings. The Low-Medium Residential land use designation generally allows between seven and 30 dwelling units per acre. With the addition of the proposed accessory dwelling unit, the density of the parcel would be about 18.2 dwelling units per acre. The proposal also meets the [Comprehensive Plan's](#) Neighborhoods and Housing Strategy 3 to "Increase the amount of available housing," doing so in an incremental and what staff believes to be a scale-appropriate manner for the neighborhood. The [Brittingham-Vilas Neighborhood Plan](#) does not offer specific density or land use recommendations, but does recommend retaining the neighborhood's current density levels and to encourage the provision of a variety of housing choices to attract a diverse population to the neighborhood by providing affordable housing opportunities.

Conditional Use 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 MGO §28.183(6) are met. While ADUs and two-story accessory structures are somewhat uncommon, the Planning Division believes that the proposal can be found to meet the Conditional Use standards.

Because of the height and mass of both the principal structure and the accessory building, staff has considered the bulk of the development on the subject property in context of its surroundings. In considering the surrounding context, most nearby houses on Oakland Avenue and Madison Street are at least two stories and

on smaller lots, similar to the subject property. However, only one of the nearest nine houses has a two-stall garage, which is smaller than the oversized accessory building at 815 Oakland Avenue. As a measure of compatibility, staff have analyzed the floor area ratio (FAR), which compares the estimated total building floor area (on all floors) to the lot area. The calculated FAR for the subject site is 0.77, which is the second highest of the 10 properties in the study area, above the study area median and mean. However, there are several two-unit dwellings within close proximity to the subject site, which is near transit and bike system access and various amenities for residents. Additionally, the principal structure and accessory building are existing and no new construction is proposed. As such, Staff believes that the establishment of an ADU in this location can be found to meet the Conditional Use approval standards.

Supplemental Regulations for Accessory Dwelling Units

Accessory dwelling units are also subject to the Supplemental Regulations of MGO Section 28.151. These include regulatory standards and suggested guidelines. A copy of these supplemental regulations is attached. 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. The accessory building is slightly under 21 feet tall overall, as measured per standard six. Furthermore, the standards outline occupancy requirements of the accessory dwelling unit and accompanying single-family residence. As noted previously, the primary residence on the property had been illegally occupied as a multi-unit dwelling. Standard 2 requires that the principal dwelling must be a single-family detached dwelling. The current owner and applicant is in the process of remedying zoning and occupancy issues to bring the property into conformance. Staff believe all the standards can be met with the zoning and occupancy conformance for the primary residence as a condition of approval.

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 generally consistent with the Comprehensive Plan and the Brittingham-Vilas Neighborhood Plan. Further, staff believes the proposal can be compliant with the Zoning Code's supplemental regulations for Accessory Dwelling Units. As no additional construction is proposed, staff does not anticipate that the use of the proposed ADU will result in negative impacts on the surrounding properties.

At the time of report writing, staff is unaware of any written public comment.

Recommendation

Planning Division Recommendation

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests to allow an accessory dwelling unit, which is also an accessory building greater than 576 square feet in a TR district at 815 Oakland 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

Planning (Contact Colin Punt, (608) 243-0455)

1. The primary residence shall be brought into conformance with all applicable zoning regulations, including those regarding occupancy, as determined by the zoning administrator.
2. Material and paint colors shall be shown on the building elevations.

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

3. The Accessory Dwelling Unit shall comply with the supplemental regulations Section 28.151. 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.

City Engineering Division - Main Office (Contact Tim Troester, (608) 267-1995)

4. Sanitary sewer for accessory dwelling will either need to connect to the lateral serving the home or there will need to be a separate sewer lateral.
5. All damage to the pavement on Madison Street, 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)
6. The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. (MGO 16.23(9)(d)(6)) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

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

7. The site plan shall include a full and complete legal description of the site or property being subjected to this application.

8. The site plan shall identify lot and block numbers of recorded plat and the exterior dimensions of the property.
9. The front door and access to the house is from Madison St. The address of the house is 1528 Madison St. The address of the ADU is 1524 Madison 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.

Parks/Forestry Division (Contact Kathleen Kane, (608) 261-9671)

10. 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 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.

11. 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(2) 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# 19014 when contacting Parks about this project.

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

12. 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>.