

# PLANNING DIVISION STAFF REPORT

July 8, 2019



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 1208 Chandler Street (District 13 – Ald. Evers)  
**Application Type:** Conditional Use  
**Legistar File ID #:** [56126](#)  
**Prepared By:** Mai Xue Vang, Planning Division Intern  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

### Applicant &

**Property Owner:** Michael and Laura Monahan; 1208 Chandler Street, Madison, WI 53715

**Contact:** Todd Seiler; 2932 Green Ave, Blue Mounds, WI 53517

**Requested Action:** Approval of a conditional use to allow construction of a detached garage exceeding 10% of lot area with an accessory dwelling unit.

**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 576 square foot, two-stall garage in the rear yard of the subject property.

**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 10% of lot area in Traditional Residential districts require conditional use approval. 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 that exceeds 10% of lot area in the TR-C3 (Traditional Residential – Consistent 3) zoning district with an accessory dwelling unit at 1208 Chandler 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 5,400 square foot (0.12-acre) property is located on the west of South Charter Street and north of Chandler Street. It is located within Aldermanic District 13 (Ald. Evers) as well as the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The parcel is within Traditional Residential-Consistent 3 (TR-C3) Zoning District and currently occupied by a single-family home.

**Surrounding Land Use and Zoning:**

- North:** Across street alleyway, two-unit residences, zoned TR-C3 (Traditional Residential- Consistent 3);
- South:** Across Chandler Street, predominantly single-family and two-unit residences, zoned TR-C3;
- East:** Single-family residences and a five-unit apartment, zoned TR-C3; and
- West:** Single-family and two-unit residences, zoned TR-C3.

**Adopted Land Use Plan:** The [Comprehensive Plan \(2018\)](#) recommends low residential (LR) uses for the subject parcel, defined as 0 to 15 dwelling units per acre. The [Greenbush Neighborhood Plan \(2008\)](#) also recommends for low density residential (LDR) uses for the subject parcel, defined as less than or equal to 15 dwelling units per acre.

**Zoning Summary:** The property is in the Traditional Residential – Consistent 3 (TR-C3) Zoning District

| Requirements                                     | Required   | Proposed                   |
|--|--|----------------------------|
| Lot Area (sq. ft.)                               | 3,000 sq. ft.                                      | 5,400 sq. ft.              |
| Lot Width  | 30'  | 36'                        |
| Front Yard Setback                               | 15'  | Adequate                   |
| Side Yard Setback: Accessory Building            | 3'   | 5.5' east<br>6.5' west     |
| Rear Yard Setback: Accessory Building            | 3'   | 34.3' (6.0'* As Revised)   |
| Usable Open Space                                | 500 sq. ft.  | Adequate                   |
| Maximum Lot Coverage                             | 75%  | Less than 75%              |
| Maximum Building Height: Accessory Dwelling Unit | 25'  | 23' 5" (24'10" As Revised) |
| Number Parking Stalls                            | Single-family detached dwelling: 1 (location only) | Detached garage            |
| Building Forms                                   | Not required                                       | Accessory building         |
| <b>Other Critical Zoning Items</b>               | Utility Easements                                  |                            |

*Table Prepared by Jenny Kirchgatter, 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 applicants propose to construct a detached garage with an accessory dwelling unit (ADU) in the rear yard at 1208 Chandler Street. According to the Letter of Intent, the ADU would initially be used as affordable rental space for the next seven to ten years with the intent to eventually be used as a living quarters for the applicants' extended family members.

The existing site includes a single-family home with a garden shed, gravel driveway, and two concrete sidewalks that have no connection to each other. The applicants propose to demolish the existing garden shed and build new accessory building. The proposed structure is a one bedroom, one bathroom ADU atop a two-stall garage in the rear yard of the subject property. The proposed accessory building is 576 square feet when measured at the ground floor and has satisfied M.G.O. §28.131(1)(b) that no individual building shall exceed 576 square feet in the Traditional Residential district. This exceeds the ten percent (10%) lot coverage requirement M.G.O. §28.131(1)(a).

The proposed accessory structure would cover roughly ten and six tenths percent (10.6%) of the lot area. The structure is just below the maximum allowable height [M.G.O. §28.151(a)(6)] of twenty-five (25) feet.

The ADU will include horizontal vinyl siding, and a 10/12 pitched roof with asphalt shingles. Windows will be provided on all elevations. A new walkway access is proposed to connect the two existing concrete sidewalks with a paver to give access from the rear entryway of the ADU to Chandler Street. The accessory building is placed six feet from the alley to align with the neighbors' detached garages to look consistent.

Based on discussion with staff, the applicant has made modifications to the plans including revising the roof pitch to better match the principal structure. The applicant has also revised the location of the garage, shifting its location closer to the alley. The plans before the Plan Commission reflect the most current updates.

## 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 10% of the lot area and for an accessory dwelling unit (ADU). According to M.G.O. §28.032(1), accessory dwelling units are a conditional use in TR-C3 (Traditional Residential – Consistent 3) Zoning District. Furthermore, M.G.O. §28.131(1)(a) states that the maximum area per lot for accessory buildings for residential purposes is 10% of lot area, though a larger total building area may be allowed by conditional use approval.

### Conformance with Adopted Plans

In considering a conditional use, the Plan Commission must give due consideration to the City's adopted plan recommendations. The Planning Division believes that the proposed use is generally consistent with the [Comprehensive Plan \(2018\)](#) as well as the [Greenbush Neighborhood \(2016\)](#). Both plans recommend low (or low-density) residential development, which include a generally density range of 0 to 15 dwelling units per acre (du/ac). While the calculated density is just over this range at 16.7 du/ac, staff notes that the [Comprehensive Plan](#) includes accessory dwelling units within the recommended housing types in the LR areas. Further, 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 [Greenbush-Vilas Neighborhood Revitalization Strategy \(2010\)](#), a supplement to the Greenbush Neighborhood Plan, focus on strategies to 1) increase the affordability and desirability for University and hospital employees, graduate students, and young families; 2) introduce a range of housing options that allow residents to live responsibly and simply; and 3) enhance the qualities that make the neighborhood unique.

### 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. Staff believes that the Conditional Use Standards can be found met. While larger than other accessory buildings in the subject block, staff notes there is some precedent for two-story accessory structures and many other one-story structures have two-stalls. Since the original submittal, the applicants have made modifications to the plan to better align the proposal with the conditional

use standards and supplemental regulations. The roof pitch has been revised to better match that of the house and the proportion of several windows is more in keeping with proposed design. The proposed detached garage with an accessory dwelling unit shares a similar design to the principal building.

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

Accessory dwelling units are also subject to the Supplemental Regulations of M.G.O. §28.151 and the Planning Division believes these additional requirements can be found met. Generally, the Supplemental Regulations speak to consistency and compatibility of the principal residence, including overall size, design/appearance and placement.

The Required Standards, found in the Supplemental Regulations 28.151(a)(1-9) for ADUs state:

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; and
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.

The Suggested Guidelines, found in the Supplemental Regulations 28.151(b)(1-4) for ADU state:

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; and
4. Windows shall match those in the principal dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical).

The standards also outline occupancy requirements of the accessory dwelling unit and accompany single-family residence. The principal building would be owner-occupied and therefore meets this standard. As a Conditional 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. With the recommended conditions of approval, staff believes that these regulations can be found met.

## 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 adopted plans. Furthermore, staff believes the proposal is compliant with the Zoning Code's supplemental regulations for Accessory Dwelling Units, with the recommended conditions. Staff does not anticipate that the proposed ADU will result in negative impacts on the surrounding properties.

## Recommendation

**Planning Division Recommendation** (Contact Mai Xue Vang, (608) 267-8732 or 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 10% of the lot area in Traditional Residential-Consistent 3 (TR-C3) district zoning at 1208 Chandler 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 Mai Xue Vang, (608) 267-8732 or Sydney Prusak (608) 243-0554)

1. The plans before the Plan Commission include revisions that have not been reviewed by city agencies. This request may be subject to additional agency comments that may apply and this will be noted when this project goes through final site plan review prior to permitting.

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

2. The sanitary sewer service for this new accessory dwelling unit will either need to be connected to the sewer lateral serving the existing house or the applicant will need to build a separate lateral to Chandler Street.

**Traffic Engineering Division** (Contact Sean Malloy (608) 266-5987)

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

**Zoning Review** (Contact Jenny Kirchgatter, (608) 266-4429)

4. 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.

5. Provide a walkway from the accessory dwelling unit connecting to the Chandler Street frontage. Accessory dwelling unit entryways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway.

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

6. 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>

**Parks Division** (Contact Kate Kane, (261-9671))

7. 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# 19034 when contacting Parks about this project.

**Forestry Division** (Contact Bradley Hofmann, (608) 266-4816)

8. 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.
9. 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 (2664816) 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/2018/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.

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

10. The proposed development shall be connected to the existing water supply system downstream of the existing water meter, otherwise connected with a new lateral off the public water system. If extending existing water supply plumbing, provide Madison Water Utility with the total water supply fixture Unit count for both the existing structure and proposed development to determine if the existing water meter can accommodate total water supply requirements. Contact Adam Wiederhoeft at [awiederhoeft@madisonwater.org](mailto:awiederhoeft@madisonwater.org) or 608-266-9121.
11. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.

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

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

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

13. The address of the ADU is 1210 Chandler 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.