

**CITY OF MADISON  
INTERDEPARTMENTAL  
CORRESPONDENCE**

**Date: July 24, 2019**

**To: Plan Commission**  
**From: Matt Tucker, Zoning Administrator**  
**Subject: 4517 E Buckeye Rd. Garage and Home Occupation Conditional Use Request**

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The Plan Commission will have a request for an oversized accessory structure (garage) and associated home occupation use on its Monday July 29, 2019 agenda. It is not clear that the use of this structure, as requested, is permissible per the Zoning Ordinance requirements.

The City's Zoning Ordinance defines a home occupation, allows the use in certain zoning districts, and includes supplemental regulations for a home occupation. The Zoning Ordinance subsections related to the use *home occupation* may be found on the following page.

When reviewing the submitted plans and letter of intent, staff became aware that the garage structure, in addition to providing storage of the owners' possessions, is intended to support the home occupation for a mobile welding service, which appears to conflict with the Zoning Ordinance allowances for a home occupation. The proposal indicates that the new structure will be used to support a welding business, including overhead cranes, a stock steel rack, welding equipment, and other facilities to support welding activities. Staff believes, as presented, the welding business conflicts with the Zoning Ordinance allowances for a home occupation.

Conditional Use standard No. 7 states that "*The conditional use conforms to all applicable regulations of the district in which it is located.*" As presented, that home occupation appears to violate the Zoning Ordinance allowance for a home occupation. Staff recommends the matter be referred to a future meeting, so that information related to the home occupation use of the structure, and the legality of the home occupant at this address, be confirmed, so the plan Commission may find that Conditional Use standard No. 7 can be met for this request.

As of the date of this memo, attempts to contact the applicant to discuss this matter in advance of the July 29, 2019 Plan Commission Meeting have been unsuccessful.

# City of Madison Zoning Ordinance, Excerpts relating to Home Occupations<sup>1</sup>

## 28.211, Definitions

Home Occupation. An office or studio, service business or limited production of goods within a dwelling unit by a resident of the dwelling, provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes.

## 28.151 Home Occupations. Supplemental Regulations

Home Occupation.

- a) The occupation shall be conducted within a dwelling and not in an accessory building, unless authorized by the Plan Commission as a conditional use.
- b) The occupation shall be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes so as to protect the integrity and residential character of neighborhoods.
- c) Only members of the immediate family residing on the premises or occupants of the dwelling may be employed, unless authorized by the Plan Commission as a conditional use.
- d) A home occupation may include small offices, service establishments or homecrafts which are typically considered accessory to a dwelling unit.
- e) A home occupation shall not involve on-site wholesaling, manufacturing or assembly, a limousine, towing or cartage business or auto service or repair for any vehicles other than those registered to residents of the property.
- f) No mechanical equipment shall be used except that which is used for purely domestic or household purposes, unless authorized by the plan commission as a conditional use.
- g) No products shall be kept or commodities sold, other than those made on the premises, unless authorized by the plan commission as a conditional use.
- h) Samples may be kept but not sold on the premises.
- i) No more than twenty-five percent (25%) of the floor area of one story of the dwelling may devoted to such home occupation.
- j) The entrance to the space devoted to the home occupation shall be from within the building.
- k) No structural alterations or enlargements shall be made to the dwelling for the primary purpose of conducting the home occupation.
- l) The only exterior indication of the home occupation shall be a non-illuminated nameplate a maximum of two (2) square feet in area.
- m) A home occupation of an individual with a disability, who is incapable of employment outside the home by reason of significant physical or mental disability, as verified by a signed physician statement verifying the disability, is exempt from the requirements of subparagraphs (g) through (k).

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<sup>1</sup> New adopted Zoning Ordinance, effective 1-2-13