



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 1933 Keyes Avenue (District 13 – Ald. Evers)  
**Application Type:** Conditional Use  
**Legistar File ID #:** [60346](#)  
**Prepared By:** Chris Wells, Planner  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant & Property Owner:** Jacob Morrison; 193 Keyes Avenue; Madison, WI 53711

**Requested Action:** The applicant requests approval of a conditional use to construct an accessory building containing an accessory dwelling unit (ADU) in the TR-C3 (Traditional Residential – Consistent District).

**Proposal Summary:** The applicant proposes to construct a two-story, roughly 800-square-foot accessory building on the eastern portion of the property. It will include a one bedroom, one bathroom accessory dwelling unit (ADU) above space to park one automobile.

**Applicable Regulations & Standards:** This proposal is subject to the standards for conditional uses [M.G.O. §28.183(6)], as Table 28C-1 in M.G.O. §28.032(1) lists an *Accessory Dwelling Unit* as a conditional use in all residential districts. 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 request to allow construction of an accessory building that contains an accessory dwelling unit (ADU) in the TR-C3 (Traditional Residential – Consistent 3) zoning district at 1933 Keyes 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 3,952-square-foot (0.09-acre) property is located on the east side of the intersection of Keyes Avenue and S Prospect Avenue. 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 the Traditional Residential-Consistent 3 (TR-C3) Zoning District and is currently occupied by a 2½-story, single-family home which sits on the western portion of the site. Both the principal residence and the existing, detached, two-car garage, located to the east, front onto Keyes Avenue

**Surrounding Land Use and Zoning:**

- Northwest:** Across Keyes Avenue are single-family residences in the TR-C2 (Traditional Residential- Consistent 2) zoning district;
- Northeast:** Single-family residences in the TR-C3 (Traditional Residential- Consistent 3) zoning district;
- Southeast:** Single-family residences in the TR-C3 zoning district; and
- Southwest:** Across S Prospect Avenue are single-family residences in the TR-C2 zoning district.

**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. While the [Monroe Street Commercial District Plan \(2007\)](#) encompasses the subject property, it does not provide specific recommendations for this site.

**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.	3,952 sq. ft.
Lot Width	30'	40.0'
Front Yard Setback	15'	Adequate
Max. Front Yard Setback	30' or up to 20% greater than block average	Adequate
Side Yard Setback: Accessory Building	3'	4' 2"
Reverse Corner Side Yard Setback: Accessory Building	11' 10" Sec. 28.131(1)(e)5.	14' 0"
Rear Yard Setback: Accessory Building	3'	3' 0"
Usable Open Space	500 sq. ft.	504 sq. ft.
Maximum Lot Coverage	75%	Less than 75%

Section 28.131(1)(e)5. In the rear yard setback of a reversed corner lot, no closer to the street side lot line than the front yard setback of the adjacent property, for the first twenty-five (25) feet from the common property line. Beyond this distance, the minimum setback shall be equal to the setback required for a principal building in the district.

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only) Accessory dwelling unit: None	Detached garage
Building Forms	Not required	Accessory building

<b>Other Critical Zoning Items</b>	Utility Easements
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*Tables 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 applicant proposes to construct a detached garage with an accessory dwelling unit (ADU) on the eastern portion of the property at 1933 Keyes Avenue.

The subject property is a reverse corner lot that includes an existing single-family home located at the corner (to the west) and a detached, one-story, two-car, accessory building (garage), located to the east. Both front onto Keyes Avenue. The applicant proposes to demolish the existing garage and build a new accessory building with a roughly 370-square-foot (18.5 feet by 19.5 feet) footprint in roughly the same place. The ground floor will contain a single automobile parking stall, sauna (accessed externally), and internal stairs leading up to the second story. The second story will contain the ADU – consisting of an open format kitchen/living room/bedroom as well as a full bathroom.

The structure will be roughly 21½ feet tall with a gable roof whose ridge is oriented perpendicular to Keyes Avenue. Regarding exterior materials, it will be entirely clad with horizontal composite lap siding, colored to match the house. Windows will be provided on all elevations. The garage and ADU will each be accessed via the same door, located on the street-facing façade. A six-foot tall wooden fence will be added along the rear portions of the site's property line immediately adjacent to the structure in order to provide additional screening.

## Analysis and Conclusion

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

### 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 \(2018\)](#) which recommends Low Residential (LR) uses for the subject parcel, defined as 0 to 15 dwelling units per acre. With the ADU, the lot has a calculated density of roughly 22 dwelling units per acre. While slightly above the recommended density, staff notes that 1) the [Comprehensive Plan](#) includes accessory dwelling units within the recommended housing types in the LR areas, and 2) there is local precedence for two-story accessory buildings as there are three other such structures within two blocks of the subject site and another that was recently approved by the Plan Commission just to the south along S. Prospect Avenue.

While the [Monroe Street Commercial District Plan \(2007\)](#) encompasses the subject property, it does not provide specific recommendations related to this request.

### 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. Please note, recent changes to state law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation. Staff believes that the Conditional Use Standards can be found met.

Staff note that the height is roughly 3½ feet under the 25-foot maximum in addition to the fact that there is a local precedence of two-story ADUs in the immediate area (noted above). Additionally, staff note the six-foot tall wooden fence proposed to be added along the portion of the site's property lines immediately adjacent to the structure which will help mitigate impacts on the neighbors to the northeast and northwest.

### **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.

## Public Input

At the time of report writing, staff had not received any public comment on this proposal.

## 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. While slightly above the Comprehensive Plan's recommended net density for Low Residential (LR) uses, staff notes that 1) the Comprehensive Plan includes accessory dwelling units within the recommended housing types in the LR areas, and 2) there is local precedence for two-story accessory buildings given the three other such structures within two blocks of the subject site and another that was recently approved by the Plan Commission just to the south along S. Prospect Avenue. Staff also believes the proposal is compliant with the Zoning Code's supplemental regulations for Accessory Dwelling Units, with the recommended conditions.

## Recommendation

### Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

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 contains an accessory dwelling unit (ADU) in the TR-C3 (Traditional Residential – Consistent 3) zoning district at 1933 Keyes 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

1. The City has televised a portion of the 78" public storm sewer that is located beneath the existing building. After the building is constructed the applicant shall televise the storm sewer main to determine if any damage or failures resulted from the building construction. If repairs are necessary the applicant shall be responsible for making all the necessary improvements.
2. 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. (M.G.O. 16.23(9)(d)(4))

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

3. Applicant shall either provide a separate sewer lateral to the proposed accessory dwelling unit (A.D.U.) or connect into the sewer lateral serving the primary residence. Applicant shall 1) revise plan to either note that the lateral for the A.D.U. will be connected to the existing lateral serving the existing home or 2) provide a plan to install a separate sanitary sewer lateral for the A.D.U.

4. If a new lateral is chosen, obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

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

5. Identify on the plans the lot and block numbers of recorded Certified Survey Map or Plat.
6. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.
7. The address of the ADU is 1931 Keyes 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.

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

8. 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.

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

9. 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 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(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# 20015 when contacting Parks about this project.

**Forestry** (Contact Bread Hofmann, (608) 267-4908)

11. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.
12. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the plan set.

13. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry (266-4816) prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the plan set.
14. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.
15. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on the plan set.
16. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the plan set.
17. Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.

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

18. Applicant shall either provide a separate water lateral to the proposed accessory dwelling unit(A.D.U.) or connect into the water lateral serving the primary residence. Applicant shall revise the plan to indicate how the A.D.U. will be served with a water service.
19. 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/plumbers-contractors>), 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.

20. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), 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. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

**The following City Agencies reviewed the submitted plans and reviewed this request and had recommended no conditions of approval:**

Traffic Engineering and Metro Transit