



PREPARED FOR THE PLAN COMMISSION

Project Address: 1127 Merrill Springs Road (District 19 - Ald. Furman)
Application Type: Conditional Use
Legistar File ID #: [60665](#)
Prepared By: Sydney Prusak, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: Julie Foster & Rob Matthew; 1127 Merrill Springs Road; Madison, WI 53705
Contact: Melissa Destree, AIA; Destree Design Architects; 222 W Washington Avenue #310; Madison, WI 53703

Requested Action: Approval of a conditional use to allow construction of an accessory building with an accessory dwelling unit (ADU) at 1127 Merrill Springs Road.

Proposal Summary: The applicant proposes to construct an accessory building containing an Accessory Dwelling Unit (ADU), a two-car garage, and basement space. The ADU portion of the building will contain one bedroom, one bathroom, general living space with a kitchen, and a screen porch. The proposed accessory building will be located in the side yard of the property, directly north of the existing single-family residence.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses [MGO §28.183(6)], as MGO §28.032(1) lists an *Accessory Dwelling Unit* (ADU) as a conditional use in all residential districts. Supplemental Regulations [MGO §28.151] contain further regulations for ADUs.

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 with an accessory dwelling unit (ADU) in the Suburban Residential – Consistent 1 (SR-C1) Zoning District at 1127 Merrill Springs Road. 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 10,139 square-foot (approximately 0.23-acre) property is located on the east side of Merrill Springs Road near the intersection with Lake Mendota Drive. It is located within Aldermanic District 19 (Ald. Kemble) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The parcel is developed with a single-story, 2,550 square-foot, four-bedroom, two-bathroom single-family home.

Surrounding Land Use and Zoning:

North: Single-family residences, zoned Suburban Residential – Consistent 1 (SR-C1);

East: A single-family residence, zoned SR-C1, with Blackhawk Country Club beyond;
South: A vacant residential lot, with single-family residences, zoned SR-C1 beyond; and
West: Single-family residences, zoned SR-C1.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) recommends Low Residential (LR) for the subject parcel, defined as less than 15 dwelling units per acre (du/ac). While the [Spring Harbor Neighborhood Plan \(2006\)](#) makes no specific recommendations about the subject parcel, it does state that its housing goal is to “maintain the existing residential character within the neighborhood.”

Zoning Summary: The property zoned Suburban Residential – Consistent 1 (SR-C1) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	8,000 sq. ft.	10,139 sq. ft.
Lot Width	60'	98.44'
Front Yard Setback	30'	30'1"
Side Yard Setback	One-story: 6' Two-story: 7'	7'1"
Rear Yard Setback: Accessory Building	3'	23'10"
Usable Open Space	1,300 sq. ft.	Adequate
Maximum Lot Coverage	50%	Less than 50%
Maximum Building Height: Accessory Dwelling Unit	25'	Less than 25'

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

Other Critical Zoning Items	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 applicant proposes to construct a 1,598-gross-square-foot accessory building, which will contain a two-stall garage, basement storage space, and an approximately 510-square-foot, two-story accessory dwelling unit (ADU). From the street, the accessory building will appear as a two-stall detached single-story garage. Due to the downward slope towards the rear of the lot, the basement space will not be visible from the street, but will be exposed from the rear lot perspective. Behind the garage will be the living/kitchen space and screen porch, with the storage space and the bedroom and bathroom below. The proposed accessory building will be located in the side yard of the property, directly north of the existing single-family residence. In regards to the building footprint, the proposed accessory building will be 22 feet wide and 36.33 feet deep, for a total of 799-square-feet.

In terms of exterior materials, the applicant intends to use primarily cedar vertical siding, with some white board and batten siding, black trim band accents, and a black colored overhead garage door. The rear elevation will have glass doors, providing direct access to the backyard. The proposed accessory building will have a flat foot and from the street-facing elevation, the building will measure approximately nine (9) feet tall with a total average height of approximately 15 feet when accounting for all four sides.

Project Analysis and Conclusion

This request is subject to the Conditional Use standards as well as the Supplemental Regulations for accessory dwelling units (ADUs). 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 MGO §28.183(6) are met.

In considering the adopted plans, the Planning Division believes that the proposed use is generally consistent with the [Comprehensive Plan](#) (2018) Low Residential (LR) recommendation for the subject site. Staff also believes that the proposal is also in keeping with the [Spring Harbor Neighborhood Plan](#) (2006) housing goal to "maintain the existing residential character within the neighborhood."

Furthermore, staff believes that all the Conditional Use Approval Standards can be found met. The Planning Division believes that the architectural character of the proposed accessory building will complement the existing single-family home. While proposed accessory building is larger in total area than many accessory buildings, given its two-level element, staff notes that it will appear as a single-story detached two-car garage from the street level, which is in keeping with other accessory buildings in the area. Therefore, staff does not believe that the construction of the proposed accessory building with an ADU will impede the normal and orderly development of the neighborhood.

Supplemental Regulations for Accessory Dwelling Units

Accessory dwelling units are also subject to the Supplemental Regulations of MGO §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 proposed accessory dwelling unit with the principal residence, including overall size, design/appearance and placement. As mentioned previously, staff believes the proposed accessory building is complementary to the existing single-family residence on the subject property.

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 1,598-square feet, this requirement is interpreted as "the maximum square footage of *interior heated space* cannot exceed 700 square feet." Therefore, as long as the garage, storage, and mechanical space of the building remains outside of the heated space, this requirement can be found met.

The standards also outline occupancy requirements of the accessory dwelling unit and accompanying single-family residence. In this case, the existing single-family residence will remain owner-occupied and therefore meets this standard. As a recommended Condition of Approval, Zoning staff have 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.

Conclusion

The Planning Division believes the Conditional Use Standards of Approval can be found met. As described above, staff believes that the proposed accessory dwelling unit (ADU) is consistent with the [Comprehensive Plan](#) (2018) and [Spring Harbor Neighborhood Plan](#) (2006) land use and housing recommendations. Furthermore, Staff believes the proposal is compliant with the Zoning Code's supplemental regulations for ADUS. 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.

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 building that contains an accessory dwelling unit in the Suburban Residential – Consistent 1 (SR-C1) Zoning District at 1127 Merrill Springs Road. 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

Engineering Division (Contact Tim Troester, (608) 266-1995)

1. Applicant shall either provide a separate sanitary sewer lateral for the accessory dwelling building or connect to the lateral already serving the existing building. Applicant shall provide a plan for how the accessory dwelling will be provided sanitary sewer service. If the accessory dwelling will connect the existing home's lateral, a note will need to be added to the plan.
2. Applicant shall provide a site plan showing how drainage from the new imperious area will be directed to the edge of the lot line so that it does not negatively affect downstream property owners structures.
3. 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>.

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

4. Items in the Right-of-Way are not approvable though site plan approval, work with City Real Estate to start the 'Privilege in Streets' process to obtain an Encroachment Agreement for items in the Right-of-Way (bicycle racks, planters, etc.) or work with Traffic Engineering to alter the path to the front door so that it does not encroach on the Right of Way.

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

5. 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)

6. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D.

Parks Division (Contact Sarah Lerner, (608) 261-4281)

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 West Park-Infrastructure Impact Fee district. Please reference ID# 20020 when contacting Parks about this project.

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

8. 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.
9. 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.
10. 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.

Water Utility Review (Contact Jeff Belshaw, (608) 266-9121)

11. Revise site plan to indicate how the Accessory Dwelling Unit will be provided with a water service.
12. If a connection to the public water main is proposed, 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.

13. If a connection to the private water service is proposed, 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.

Engineering Division – Mapping (Contact Jeff Quamme, (608) 266-4097)

14. The site plans shall show, dimension and label the existing Public Sanitary Sewer Easement per 975455 over the southeast 5 feet of this Lot.
15. The address of the ADU is 1129 Merrill Springs Rd. 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.