



PREPARED FOR THE PLAN COMMISSION

Project Address: 4108 Maher Avenue (15th Aldermanic District, Alder Ahrens)
Application Type: Conditional Use
Legistar File ID #: [37224](#)
Prepared By: Heather Stouder, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant/Owner/Contact: George Stulgaitis; 4108 Maher Ave., Madison, WI 53716

Requested Action: Approval of a conditional use for accessory buildings over 1,000 square feet and exceeding 10% of the lot area in the Suburban Residential – Consistent 1 (SR-C1) District.

Proposal Summary: The applicant proposes to relocate an eight-foot by twelve-foot shed to a space just behind the front yard setback line. In total, the accessory buildings on the property comprise an area 1,376 square feet in size, which is 14% of the total lot area. The applicant is requesting conditional use approval for accessory buildings exceeding 1,000 square feet in size and exceeding 10% of the lot area.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses (MGO Section 28.183(6)).

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request at 4108 Maher 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 9,800 square foot property is on east side of Maher Avenue between Lake Edge Boulevard and Monona Court; Suburban Residential – Consistent 1 (SR-C1) District; Aldermanic District 15 (Ahrens); Madison Metropolitan School District.

Existing Conditions and Land Use: The property has a one and a half story single-family home constructed in 1940, a 768 square foot shop building, a 512 square foot accessory building, and the 96 square foot garden shed that would be relocated as part of the proposal.

Surrounding Land Use and Zoning:

North and East: Lake Edge Park, in the SR-C1 District

South and West: Immediately to the south, and across Maher Avenue to the west, single family homes in the SR-C1 District.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends low density residential uses for this area.

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

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: This property is served by a range of urban services, including Metro Transit Routes on nearby Dempsey Road and Cottage Grove Road. The area has no public sidewalks.

Project Description, Analysis, and Conclusion

The applicant proposes to relocate an existing 96 square foot garden shed from the rear yard to an area in front of his single-family home, but still behind the required 30-foot front yard setback line. Three existing accessory buildings on the site combine for a total of 1,376 square feet, which exceeds 1,000 square feet and also exceeds 10% of the lot size on this 9,800 square foot property. The buildings were constructed prior to the adoption of a zoning requirement for conditional use approval when either of these thresholds is met. At this time, the applicant is requesting conditional use approval so that the small shed can be relocated on the property.

Staff notes that the proposed place for relocation is near an existing established garden, and meets all front and side yard setback requirements for accessory buildings. The shed has been built and painted to complement the single-family home on the property, and while there are no other sheds in front of nearby homes, staff believes that it can fit in well at this location due to its small size, its placement, and the relatively large lot sizes in this area.

Conclusion- Staff believes that all of the relevant conditional use standards are met, and supports the proposal for a relocated garden shed, which triggers conditional use review for accessory buildings exceeding 1,000 square feet and 10% of the lot area on this property.

Recommendation

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request at 4108 Maher 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

City Engineering Division (Contact Janet Schmidt, 261-9688)

1. Landscape plantings and flagstone retaining walls currently exist within the terrace of the Maher Avenue public right-of-way. In order for the landscaping or retaining walls to exist within the public right of way, the landscaping must conform to Section 10.25 of the City of Madison General ordinances and the Terrace Treatment Policy and some modifications may be necessary.
2. There appears to be fencing within the public right of way of Maher Drive. Remove that portion from within the public right of way.
3. Revise the plans to provide drainage detail such that adjacent property at 4110 Maher is not adversely affected by the runoff from the proposed building.
4. The site plans shall be revised to show the location of all rain gutter down spout discharges. (POLICY).

5. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:

- a) Building footprints
- b) Internal walkway areas
- c) Internal site parking areas
- d) Lot lines and right-of-way lines
- e) Street names
- f) Stormwater Management Facilities
- g) Detail drawings associated with Stormwater Mgmt Facilities (including if applicable planting plans)

Water Utility (Contact Dennis Cawley, 266-4651)

6. This property is not located in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility

Zoning Administrator (Contact Matt Tucker, 266-4569)

No comments or conditions.