

## PLANNING DIVISION STAFF REPORT

April 28, 2014



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 1438 Morrison Avenue  
**Application Type:** Conditional Use  
**Legistar File ID #:** [33463](#)  
**Prepared By:** Heather Stouder, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

### Summary

**Applicant/Owner:** Alon Andrews; 1438 Morrison St.; Madison, WI, 53703

**Contact:** Todd Barnett; Barnett Architecture LLC; 118 N. Breese Terrace, Ste. 1; Madison, WI 53726

**Requested Action:** Approval of a conditional use for an accessory dwelling unit in the TR-C4 District, and for an (existing) accessory building exceeding 10% of the lot area and exceeding 576 square feet.

**Proposal Summary:** The applicant proposes to remodel and utilize an existing accessory building as an accessory dwelling unit.

**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 1438 Morrison 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:** 1438 Morrison Street is located on the north side of Morrison Street between South Dickinson Street and Rogers Street; Traditional Residential – Consistent 4 (TR-C4) District; Madison Metropolitan School District.

**Existing Conditions and Land Use:** The 4,300 square foot property is developed with a 1,566 square foot, 2-story single family home and an approximately 820 square foot detached garage.

**Surrounding Land Use and Zoning:** The property is surrounded by single- and two-family homes in the Traditional Residential – Consistent 4 (TR-C4) District.

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

**Zoning Summary:** This property is in the Traditional Residential – Consistent 2 (TR-C2) District.

| Dimensional Requirements | Required      | Proposed                                              |
|--------------------------|---------------|-------------------------------------------------------|
| Lot Area                 | 4,000 sq. ft. | 4,356 sq. ft                                          |
| Lot width                | 40'           | 33' (existing)                                        |
| Lot line Setback         | 3'            | 3.6' RS existing<br>2.1' LS existing<br>2.4' existing |
| Maximum height           | 25'           | 1 story/ 14'8 ¾"                                      |

|                           |                    |               |
|---------------------------|--------------------|---------------|
| Maximum lot coverage      | 65%                | 60%           |
| Maximum building coverage | 50% nonresidential | Less than 50% |
| Usable Open Space         | 750 sq. ft.        | 810 sq. ft.   |

| ADU Zoning Criteria | Required                                  | Proposed                                              |
|---------------------|-------------------------------------------|-------------------------------------------------------|
| ADU Size            | 75% dwelling floor area up to 700 sq. ft. | 700 sq. ft., under 75% principal dwelling floor area  |
| ADU Height          | 25' Maximum                               | 12.9'±                                                |
| Lot line Setback    | 3'                                        | 3.6' RS existing<br>2.1' LS existing<br>2.4' existing |

Table Prepared by Patrick Anderson, 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, Analysis, and Conclusion

The applicant proposes to convert an existing detached accessory building into an accessory dwelling unit (ADU). As indicated in the letter of intent, the flat-roofed structure is 821 square feet, yet the maximum size of an ADU allowable in the code is 700 square feet. Thus, the applicant proposes to create an unconditioned "courtyard" in the front of the unit, such that only 700 square feet are part of the livable area. As proposed, the interior will include a kitchen, bathroom, small living space, and bedroom.

The applicant has also proposed a 400 square foot rooftop deck area for use by the resident in the ADU and the owner of the principal single-family home on the property. This area would be accessed by a new exterior stair on the east side of the building. On April 23, the applicant submitted slight revisions to the plans stipulating that a privacy fence around the roof deck would be a minimum of three feet and a maximum of five feet in height, depending on input from a neighboring property owner. Also, the revision shows that the guard rail along the exterior stairwell accessing the rooftop deck will be either cable railing, steel tubing, or solid panel, subject to neighbor input. At the time of this report, staff has not received input from surrounding property owners, but understands that they may provide comments to the Plan Commission for consideration. Staff does not have a preference on the material used for the privacy fence or guard rail.

Staff believes that the proposal can meet the conditional use standards as summarized below:

- The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.*

Staff believes that this standard can be met.

- The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing these services.*

Staff believes that this standard can be met.

- The uses, values, and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.*

Staff believes that this standard can be met.

4. *The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

Staff believes that this standard can be met.

5. *Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit, and other necessary site improvements have been or are being provided.*

Staff believes that this standard can be met, so long as all conditions of approval are addressed.

6. *Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.*

Staff believes that this standard can be met.

7. *The conditional use conforms to all applicable regulations of the district in which it is located.*

Staff believes that this standard can be met, so long as all conditions of approval are addressed.

[Standards 8-15 do not apply to this request]

Staff believes that this represents an innovative use of an existing accessory building, and that all conditional use standards can be met with the proposal.

## 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 for a new accessory dwelling unit at 1438 Morrison Street. 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 Dailey, 261-9688)

1. The 8' wide Common Driveway Easement per Document No. 603824 (4' on each side of the common line between Lot 13 and Lot 12) shall be added to the existing and proposed site plans and noted.
2. Plans need to show how accessory building will be provided sanitary sewer, water and utility services.
3. Each stand alone occupied building is required to have a separate address. Since there is no room for an address for the accessory dwelling unit; the main house address of will require an address change. The accessory dwelling unit shall use the address of 1438 Morrison St and the house shall use the address of 1440 Morrison St.
4. 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.

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 Management Facilities (including if applicable planting plans)
6. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service (POLICY).

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

7. Proposed accessory building shall meet all building codes as well as accessory dwelling unit complying with supplemental regulations of 28.151 MGO.
8. Proposed roof deck addition must provide a minimum 3' setback from west property line. Show setback for roof deck on final site plans.
9. The number of occupants of the accessory dwelling unit shall not exceed one (1) family or two (2) unrelated individuals.

**Parks Division** (Contact Kay Rutledge, 266-4714)

10. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before signoff on the conditional use. This development is within the Tenney, Law, & James Madison park impact fee district (SI26). Please reference ID# 14117 when contacting Parks about this project.

**New Development:**

|                                                         |                     |
|---------------------------------------------------------|---------------------|
| Fees in lieu of dedication = (1 SF/duplex @ \$2,827.00) | = \$2,827.00        |
| Park development fees = (1 SF/duplex @ \$1,031.27)      | = \$1,031.27        |
| Total fees                                              | = <b>\$3,858.27</b> |

11. Approval of plans for this for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

**Fire Department** (Contact Bill Sullivan, 261-9658)

12. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.30(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website: <http://www.homefiresprinkler.org/Consumer/ConsHome.html>

**No other agencies submitted conditions of approval for this request.**