

## PLANNING DIVISION STAFF REPORT

June 9, 2014



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 221 S. Midvale Boulevard  
**Application Type:** Conditional Use  
**Legistar File ID #** [33914](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

### Summary

**Applicant & Property Owner:** Jim & Carole Vincent; 221 S. Midvale Boulevard; Madison.

**Requested Action:** Approval of a conditional use to allow construction of an accessory dwelling unit at 221 S. Midvale Boulevard.

**Proposal Summary:** The applicant and property owner wish to construct an accessory building containing an accessory dwelling unit. They wish to begin construction as soon as all regulatory approvals have been granted, with completion anticipated by October 15, 2014.

**Applicable Regulations & Standards:** Section 28.032(1)–Table C-1 identifies accessory dwelling units as a conditional use in all Residential zoning districts subject to the supplemental regulations for same in Section 28.151. Section 28.131(2)(b) limits the size of a single accessory building to 576 square feet in the TR residential zoning districts unless approved as a conditional use. Section 28.183 of the Zoning Code provides the process and standards for the approval of conditional use permits.

**Review Required By:** Plan Commission.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to allow construction of an accessory dwelling unit at 221 S. Midvale Boulevard, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

### Background Information

**Parcel Location:** The subject site is an approximately 8,418 square-foot (0.19-acre) parcel located on the east side of S. Midvale Boulevard between Hillcrest Drive and Felton Place; Aldermanic District 11 (Schmidt); Madison Metropolitan School District.

**Existing Conditions and Land Use:** Single-family residence, zoned TR-C1 (Traditional Residential–Consistent 1 District).

**Surrounding Land Use and Zoning:** The subject site is surrounded by other single-family residences in the TR-C1 zoning district.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) recommends that the subject site and surrounding properties be developed with Low-Density Residential uses.

The site and surrounding area are also located within the boundaries of the 2013-2014 Hoyt Park Area Joint Neighborhood Plan, which provides a series of land use, infrastructure, housing and neighborhood design recommendations for the area of the City generally bounded by University Avenue on the north, Midvale Boulevard on the west, Mineral Point Road on the south, and Franklin Avenue on the east. Among the goals and recommendations in the adopted Hoyt Park Area plan are the strengthening of existing neighborhoods through the maintenance and renovation of the housing stock; promotion of home ownership; and preservation of the quaint, well-kept, mostly single-family character of the neighborhood. The subject site is located in a Neighborhood Preservation Area that comprises most of the planning area historically developed with single-family residences, which the plan emphasizes preservation of the existing character, land use, and building relationships. (The plan also includes Focus Areas where land use and building form changes are envisioned.) The plan specifically acknowledges that accessory dwelling units may be accommodated within the planning area as a conditional use, per Zoning Code.

**Zoning Summary:** The subject property is zoned TR-C1 (Traditional Residential–Consistent 1 District):

| Requirements  |  | Required  | Proposed                               |
|---|--|---|--|
| Lot Area  |  | 6,000 sq. ft.   | 8,418 sq. ft. (existing)               |
| Lot Width   |  | 50'   | 60'                                    |
| Front Yard  |  | 20' for residence   | 33.5' (existing)                       |
| Side Yard   |  | One story - 6'   Two-story - 7'                               | 8' on north, 17' on south (existing)   |
| Rear Yard   |  | 30% of lot depth but at least 35'                             | 61' 2"                                 |
| Side Yards for Accessory Building                     |  | 3'  | 3' 2" on south                         |
| Rear Yard for Accessory Building                      |  | 3'  | 5' 2"                                  |
| Maximum Lot Coverage                                  |  | 50%   | 42%                                    |
| Usable Open Space (per unit)                          |  | 1,000 sq. ft.   | Adequate                               |
| Maximum Building Height                               |  | 2 stories, 35' principal; 25' accessory                       | Residence: 1 story; ADU: less than 25' |
| Building Form   |  | Single-family detached building;<br>Accessory building w/ ADU | Complies with requirements             |
|   |  |   |  |
| Other Critical Zoning Items                           |  |   |  |
| Yes:  | Utility Easements  |   |  |
| No:   | Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development, Barrier Free |   |  |
| Prepared by: Pat Anderson, Asst. Zoning Administrator |  |   |  |

**Environmental Corridor Status:** The property is not located within a mapped environmental corridor (Map D8).

**Public Utilities and Services:** The site is served by a full range of urban services.

## Additional Requirements

Accessory Dwelling Units in Districts Other than the TR-P District:

(a) Required Standards.

1. The principal dwelling or the accessory dwelling unit must be owner-occupied except that a temporary absence of up to six months is allowed.
2. The principal dwelling must be a single-family detached dwelling.
3. No more than one accessory dwelling unit may be located on a lot.

4. The number of occupants of the accessory dwelling unit shall not exceed one family or two 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 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 75% of the principal dwelling's floor area, up to a maximum size of 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.
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.

(b) Suggested Guidelines.

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.
4. Windows shall match those in the principal dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical).

## Project Description

The applicant and property owner propose to construct a detached two-story, two-car garage in the rear yard of the subject property, which will contain a second-story accessory dwelling unit (ADU). The property is currently developed with a single-family residence and an existing detached one-car garage, which will be removed to accommodate the new accessory building. The new building will be located in the southeastern corner of the property and will be accessed from an existing driveway that extends along the southern property line.

The proposed accessory building will contain 576 square feet of ground floor area (24 feet wide, 24 feet deep) with parking for 2 cars and a ground floor entry for the garage and ADU via an internal spiral staircase. The second floor will include 544.4 square feet of living space for the ADU, including the kitchen and bath. A second entrance is proposed along the north side of the accessory unit, which will be accessed from an exterior stair. A deck is shown extending along the full western wall off the ADU living space, which will wrap around the building to the exterior stair. A 144.76 square-foot sleeping loft is proposed under the gable roof that will be accessed from a second internal spiral staircase. A deck is shown off the north wall of the sleeping loft. The ADU has a finished floor area of 689.5 square feet.

The proposed accessory building will be 24.4 feet tall to the peak of the roof. The property features approximately 10 feet of grade change from a high point in the southeastern corner toward the north and west, with the proposed accessory building to be set into the grade as depicted on the elevations. The accessory building has been designed to complement the 1.5-story bungalow-style single-family residence, with a roof

pitch and siding and trim colors that will match the principal structure. The accessory building features prominent windows on the western and southern walls that are similar in design to the windows on the 1953 residence. The applicant has included a partial perspective of the west-facing walls of the existing house and proposed accessory building, which depicts the similarities in the appearance of the buildings; though a portion of perspective depicting the front of the house is obstructed by the graphic representation of the existing mature conifers located adjacent to the principal building.

## Analysis and Conclusion

Accessory dwelling units are conditional uses in all Residential zoning districts. The Planning Division believes that the proposal can meet the conditional use standards despite some concerns about privacy expressed verbally to staff by the neighboring property on the south and a written comment received questioning the appropriateness of ADUs in the Sunset Village neighborhood. Staff feels that the proposed accessory building complements the existing 1,696 square-foot principal single-family residence well, in particular the emphasis on matching the architectural style of the principal and accessory buildings and their building materials. The garage appears to meet all general requirements for accessory buildings, and the ADU generally conforms to the relevant supplemental design requirements and guidelines in MGO Section 28.151.

## Recommendation

### Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to allow construction of an accessory dwelling unit at 221 S. Midvale Boulevard, subject to input at the public hearing and the following conditions:

#### **Recommended Planning Division Conditions of Approval**

Major/Non-Standard Conditions are Shaded

1. The elevations of the proposed accessory building shall be dimensioned (width and height) on all four sides.

**The following conditions have been submitted by reviewing agencies:**

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

2. Use restrictions on the plat of Sunset Village, Third Addition prohibit a garage or outbuilding to be used as a residence temporarily or permanently.
3. The address of the accessory dwelling unit will be 223 S. Midvale Boulevard.
4. The applicant's drainage plan shall show how off-site water shall be allowed through the site to S. Midvale Boulevard.
5. The accessory building is connecting to a public sanitary sewer main that is a 6-inch diameter cured in place clay tile pipe. The clay sewer has a continuous HDPE liner inside. The connection will need to be made by cutting in a wye connection. The City sewer main will need to be saw-cut to install the wye. The applicant's contractor shall take out a Permit to Excavate in the Right of Way for this work.

6. The site plan shall identify lot and block numbers of recorded Certified Survey Map or plat.
7. The applicant shall replace all sidewalk and curb and gutter that abuts the property that is damaged by the construction, or any sidewalk and curb and gutter, which the City Engineer determines needs to be replaced because it is not at a desirable grade, regardless of whether the condition existed prior to beginning construction.
8. All work in the public right of way shall be performed by a City-licensed contractor.
9. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right of way. It may be necessary to provide information off the site to fully meet this requirement
10. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6527)

This agency submitted a response with no comments or conditions of approval for this request.

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

11. The proposed accessory building shall meet all building codes as well as the Supplemental Regulations in Section 28.151 MGO for accessory dwelling units.
12. The number of occupants of the accessory dwelling unit shall not exceed one (1) family or two (2) unrelated individuals.
13. Provide usable open space calculations on final plans pursuant to MGO Sections 28.042(2), 28.140 and 28.211.

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

14. The Madison Fire Department recommends the installation of a residential fire sprinkler system for the ADU in accordance with NFPA 13D and SPS 382.40(3)(e).

**Water Utility** (Contact Dennis Cawley, 261-9243)

15. Note: All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility in accordance with MGO Section 13.21.

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

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| <ol style="list-style-type: none"><li>16. 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</li></ol> |
|---|

residential development. The developer must select a method for payment of park fees before signoff on the conditional use. This development is within the Garner park impact fee district (SI29). Please reference ID# 14125 when contacting Parks Division staff about this project. Note: Accessory dwelling units are charged at the single- and two-family dwelling unit rate, which for 2014 is a total of \$3,858.27.

17. Approval of plans 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.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.