

PLANNING DIVISION STAFF REPORT

April 23, 2018



PREPARED FOR THE PLAN COMMISSION

Project Address: 4102 Veith Avenue District 18– Ald. Kemble)
Application Type: Demolition and Conditional Use
Legistar File ID # [50873](#)
Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Robin Lilja; Yahara Construction Co.; 147 S. Butler Street, Fl. 1; Madison, WI 53703

Property Owners: Jodi and Ramzi Shehadi; 822 E Washington Avenue #1415; Madison, WI 53703

Requested Action: The applicant requests a demolition permit and conditional use approval to demolish an existing single-family residence and construct a new single-family residence on a lakefront property at 4102 Veith Avenue.

Proposal Summary: The applicant proposes to demolish an existing, two-story, single-family residence with an attached garage and then construct a two-story, 5,840-square-foot single-family residence with a finished basement and attached two-car garage on the existing foundation on a lakefront parcel.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolition and Removal Permits [MGO §28.185(7)], Lakefront Development [MGO §28.138], and Conditional Uses [MGO §28.183]. MGO §28.138(2)(a) states that all new principal buildings on zoning lots abutting Lake Mendota and associated bays, shall require Conditional Use approval.

Review Required by: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for demolitions, conditional uses, and lakefront development are met and **approve** the demolition and conditional use requests to demolish an existing two-story house and construct a new single-family home in the SR-C2 (Suburban Residential – Consistent 2) zoning district on a lakefront property at 4102 Veith Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 31,926-square-foot (0.73-acre) subject property is located on the west side of Veith Avenue where the street terminates at the Mendota State Hospital property. The site is within Aldermanic District 18 (Ald. Kemble) and is within the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site includes the existing 2,767-square-foot, two-story, single-family home. City Assessor's records indicate the home was constructed in 1994 and has three bedrooms and three-and-one-half bathrooms. The site also contains a detached, two-car garage that is not proposed for demolition. According to the applicant, the property was repossessed in 2015 and has drywall damage in several locations.

Surrounding Land Use and Zoning:

North: Single-family homes zoned Suburban Residential – Consistent 2 (SR-C2)

South: Mendota State Hospital, zoned Campus Institutional (CI);

East: A Single-family home, zoned SR-C2, with Meadow Ridge Park, zoned Conservancy District (CN) beyond;
 and

West: Lake Mendota.

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) recommends low-density residential development for the subject site and surrounding properties.

Zoning Summary: The property is zoned SR-C2 (Suburban Residential-Consistent 2).

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	31,926 sq. ft.
Lot Width	50'	120'
Front Yard Setback	30'	50'5"
Side Yard Setback	Two-story: 7'	31' 7" north 17' 8" south
Lakefront Yard Setback	203.1' Section 28.138(4)(a)3.	126' 11" (5)
Usable Open Space	1,000 sq. ft.	Adequate
Maximum Lot Coverage	50%	More than 50%
Maximum Building Height	2 stories/35'	2 stories/26' 8"

28.138(4)(a)3. Lakefront Yard Setback. The median setback of the principal building on the five (5) developed lots or three hundred (300) feet on either side (whichever is less), or thirty percent (30%) of lot depth, whichever number is greater.

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Existing detached garage to remain Proposed attached garage (6)
Landscaping and Screening	Inventory of shoreline vegetation	Yes
Building Forms	Yes	Single-family detached dwelling

Other Critical Zoning Items	Floodplain; Utility Easements
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Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: While the property is not located in a mapped environmental corridor, portions of the property closest to Lake Mendota are within a flood storage district per the City of Madison Zoning Map.

Public Utilities and Services: This property is served by a full range of urban services.

Project Description

The applicant is seeking demolition and conditional use approvals to allow the demolition of an existing two-story lakefront residence in order to construct a new two-story, 5,840 square-foot, single-family residence with a finished basement and an attached two-car garage. The applicant also intends to keep the existing detached garage on the northwest portion of the property.

As proposed, the new home would be built on the foundation of the existing home. The existing home is within lakefront setback, where any sort of development is traditionally not permitted. As a result of this development constraint, the property owners requested a variance from the Zoning Board of Appeals (ZBA) for permission to build on the existing foundation. The lakefront setback variance was granted by the ZBA at the April 19, 2018 meeting.

The proposed home has an attached front facing two-car garage that sits approximately 23.5 feet in front of the balance of the home. MGO § 28.031(3) requires that the portion of the façade that contains the garage door must be recessed at least two (2) feet behind the remainder of the façade. The Plan Commission may reduce or eliminate this requirement as part of the conditional use process in the case of lakefront lots where physical constraints make compliance infeasible.

Exterior materials for the proposed house consist of a combination of concrete, stucco, and darkfir siding. According to the applicant, no existing trees would be removed as part of the demolition.

Analysis and Conclusion

This proposal is subject to the standards for Demolition and Removal Permits [MGO §28.185(7)], Conditional Uses [MGO §28.183], and Lakefront Development [MGO §28.138].

Demolition Details & Standards

As proposed, the existing home and detached garage would be demolished. In order to approve a demolition, MGO §28.185(7) states that, the Plan Commission must find that the requested demolition and proposed use are compatible with the purpose of the demolition section and the intent and purpose of the SR-C2 (Suburban Residential- Consistent 2) Zoning. The demolition standards state that the Plan Commission shall consider and may give decisive weight to any relevant facts including impacts on the normal and orderly development of surrounding properties and the reasonableness of efforts to relocate the building. Furthermore, the proposal should be compatible with adopted plans. Finally, the demolition standards state that the Plan Commission shall consider the report of the City's Historic Preservation Planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission.

Staff believes that the demolition standards can be met with this proposal. This proposal is consistent with the [Comprehensive Plan \(2006\)](#) recommendations for low-density residential land use. Moreover, the removal of the existing home is not anticipated to have a negative impact on either the normal and orderly development or the improvement of surrounding properties. Lastly, at their March 19, 2018 meeting, the Landmarks Commission found that the building itself was not historically, architecturally, or culturally significant.

Conditional Use Standards

The Planning Division also believes the standards for Conditional Uses can be found met. 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. As stated above, staff believe the proposal is generally consistent with the [Comprehensive Plan \(2006\)](#).

The conditional use standard for lakefront development (Standard 13) states that "when applying the above standards to lakefront development under MGO §28.138, the Plan Commission shall consider the height and bulk of principal buildings on the five (5) developed lots or three hundred (300) feet on either side of the lot with the proposed development." As an estimate of total bulk, staff utilized City Assessor's data to estimate principal

building size for the homes on the five (5) developed lots on the north side of the subject property. There are no homes to the south of the subject property, and therefore could not be included in the calculation. Furthermore, the lot directly to the north of the subject property is vacant and owned State of Wisconsin Department of Natural Resources.

This calculation includes living areas, enclosed porches, total basement areas, and estimated attached garage space. Using this analysis, staff found that the principal building sizes range from approximately 3,398 to 5,615 square feet. The median size of the surrounding homes is approximately 4,622 square feet, compared to the roughly 5,840 square feet for the proposed principal structure (which is 26.35% percent above the median).

The Zoning Code's definition of bulk also includes FAR, or floor area ratio, which compares the total building floor area (on all floors, including the basement) to lot area. (A FAR of 1.0 would indicate that the total building floor area is equal to the lot area.) The calculated FAR for the proposed principal structure is 0.18, which is larger than the estimated median 0.12 FAR for the surrounding homes. In regards to height, the proposed home appears to be under the maximum allowable height of 35 feet, at approximately 26.67 feet as determined by Zoning. Staff notes that the heights of the surrounding homes are varied, consisting of one and two-story structures.

Lakefront Development Standards

The lakefront development standards were established to further the maintenance of safe and healthful conditions by preserving and enhancing water quality, habitats, viewsheds, and other environmental and aesthetic qualities of lakes. This section includes additional regulations including limitations on the clearing of shoreline vegetation, requirements for public sewer, environmental protections, and additional lot coverage standards. This section also includes the methodology to establish the building setback from the lake. MGO §28.138(3)(c) states that "filling, grading, and excavation of the zoning lot may be permitted only where protection against erosion, sedimentation, and impairment of fish and aquatic life has been assured."

This lakefront development required a variance from the Zoning Board of Appeals (ZBA). According to the ZBA application, the existing home is closer to the high water mark than other properties in the district because of the meandering shoreline and contrasting angle of Veith Avenue. Given that the applicant intends to build on the existing foundation, which is currently located in the lakefront setback, a variance was granted. The Planning Division believes that these standards can be found met.

Conclusion

In conclusion, the Planning Division believes that the standards for Demolition and Removal, Lakefront Development, and Conditional Uses can be found met. The new home is believed to be compatible with the varied development pattern along Veith Avenue. This proposal is also believed to be consistent with the [Comprehensive Plan](#). While larger than the adjacent homes on Veith Avenue, Staff believes the proposal can still be found to meet the applicable standards, and the merits of the new home should not be based solely on size. The conditional use approval must be made only with due consideration of the standards of MGO §28.183, especially standard 13 regarding the bulk of this lakefront development.

At the time of report writing, staff was not aware of additional concerns regarding this proposal.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, (608) 243-0554)

The Planning Division recommends that the Plan Commission find that the standards for demolitions, conditional uses, and lakefront development are met and **approve** the demolition and conditional use requests to demolish an existing two-story house and construct a single-family home the SR-C2 (Suburban Residential – Consistent 2) zoning district on a lakefront property at 4102 Veith Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Planning Division (Contact Sydney Prusak, (608) 243-0554)

1. The following information is provided for the reference of the applicant as many lakefront properties are associated with locations of Native effigy mounds and archaeological sites.

Burial Sites Preservation (§ 157.70):

(2r) Site Disturbance Prohibited. Except as provided under subs (4) and (5) and State Statute 157.111 and 157.112, no person may intentionally cause or permit the disturbance of a burial site or catalogued land contiguous to a cataloged burial site.

(3) Report of Disturbed Burial Sites. (a) Except as provided under s. 979.01, a person shall immediately notify the Wisconsin Historical Society (608-264-6502) if the person knows or has reasonable grounds to believe that a burial site or the cataloged land contiguous to a cataloged burial site is being disturbed or may be disturbed contrary to the requirements of subs. (4) and (5).

Many lakefront properties are associated with locations of Native American effigy mounds and archeological sites. This site is known to be associated with archeological and historic resources. The Burial Sites Preservation statute requires that the property owner contact the Wisconsin Historical Society to discuss the location of the proposed project and any possible disturbance of an archaeological or historic resource before the work commences. During the construction work, if a burial site disturbance occurs, the work shall stop immediately until the Wisconsin Historical Society is able to assess the site.

Engineering Division (Main Office) (Contact Brenda Stanley, (608) 261-9127)

2. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. The permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
3. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. The permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
4. The Applicant shall obtain a Street Excavation Permit for the work in the Right of Way, which is available from the City Engineering Division.

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

5. The lakefront yard setback is a minimum of 203.1'. The proposed lakefront yard setback is 126' 11". A variance is required from the Zoning Board of Appeals for a lakefront yard setback that is less than 203.1'.
6. The existing and new driveway as currently proposed do not meet the residential driveway design and location requirements Section 28.141(9). A single driveway with a maximum width of 22 feet at the property line may be constructed within the front yard setback. Alternatively, two driveways may be constructed within the front yard setback provided they meet the requirements of Section 28.141(9)(c).
7. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682).
8. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
9. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
10. Filling, grading and excavation of the zoning lot may be permitted only where protection against erosion, sedimentation and impairment of fish and aquatic life has been assured. Obtain necessary erosion control permits.
11. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

12. 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/Forestry Division (Contact Kathleen Kane, (608) 261-9671)

13. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2018/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

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

14. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.
15. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.
16. 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/plumberscontractors>), 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.