



PLANNING DIVISION STAFF REPORT

November 23, 2020

PREPARED FOR THE PLAN COMMISSION

Project Address: 803 South Shore Drive (13th Aldermanic District, Alder Evers)

Application Type: Demolition Permit

Legistar File ID # [62599](#)

Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: Justin Beck; 529 South Shore Drive; Madison, WI 53715

Requested Action: The applicant requests approval of a demolition permit to raze the existing single-family home and construct a new single-family residence in the TR-C2 (Traditional Residential – Consistent 2) zoning district at 803 South Shore Drive.

Proposal Summary: The applicant proposes to demolish an existing, two-story, single-family home and construct a three-story, single-family home.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolition and Removal Permits [MGO §28.185(7)]. It is also subject to MGO §28.043, which pertains to development in the TR-C2 (Traditional Residential – Consistent 2) zoning district.

Review Required by: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for demolition permits are met and **approve** the demolition permit request to raze the existing single-family residence and build a new single-family residence in the TR-C2 (Traditional Residential – Consistent 2) zoning district at 803 South Shore Drive. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 6,100-square-foot (0.14-acre) subject property is located to the southwest side of the intersection of South Shore Drive and Lowell Street. The site is within Aldermanic District 13 (Ald. Evers) and is within the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site and the surrounding properties are zoned TR-C2 (Traditional Residential – Consistent 2). The site includes the existing 1,500-square-foot, two-story, single-family home. City Assessor's records indicate the home was constructed in 1930 and has three bedrooms and one-and-a-half bathrooms. The residence also contains an attached, one-car garage.

Surrounding Land Use and Zoning:

North: Across South Shore Drive is South Shore Park, zoned Parks & Recreation (PR), beyond which is Lake Monona;

South: Single-family residences, zoned TR-C2 (Traditional Residential – Consistent 2);

East: Across Lowell Street are single-family residences, zoned TR-C2; and

West: Single-family residences, zoned TR-C2.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends low residential (LR) land uses for the subject site. For the subject property, the [Bay Creek Neighborhood Plan](#) (1991) recommends Low-medium density single unit (RLM-S) uses, which it defines as 8-15 dwelling units per acre. While the subject parcel is located within its geographic area, the [South Madison Neighborhood Plan](#) (2005) makes no specific recommendations regarding the subject parcel.

Zoning Summary: The property is zoned TR-C2 (Traditional Residential-Consistent 2).

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,000 sq. ft.	6,100 sq. ft.
Lot Width	40'	50'
Front Yard Setback	20'	20' <i>(See Comment #16)</i>
Max. Front Yard Setback	30' or up to 20% greater than block average	20'
Side Yard Setback	Two-story: 6'	6'
Reverse Corner Side Yard Setback	12'	12' <i>(See Comment #18)</i>
Rear Yard Setback	Lesser of 30% lot depth or 30'	30'
Usable Open Space	750 sq. ft.	Adequate
Maximum Lot Coverage	65%	Less than 65%
Maximum Building Height	2 stories/35'	34'9"

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Attached garage
Building Forms	Yes	Single-family detached dwelling <i>(See Comment #17)</i>

Other Critical Zoning Items	
Yes:	Utility Easements
No:	Urban Design, Floodplain, Historic District, Wetlands, Adjacent to Park, Wellhead Protection; Barrier Free (ILHR 69)

Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The property 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 requests approval of a demolition permit to raze the existing single-family home and construct a new single-family residence in the TR-C2 (Traditional Residential – Consistent 2) zoning district at 803 South Shore Drive.

The existing residence is a 1,500-square-foot, two-story, three-bedroom and one-and-a-half-bathroom, single-family home which City Assessor's records note was originally constructed in 1930. The submitted [photos](#) of the existing building are linked here and available on the City's Legislative File web page. The application materials state that the structure has not been well-maintained or updated over the years. Furthermore, he notes that the basement has sustained significant flooding over the past few years (due to the high water table nearby) and there is a significant amount of lead paint in the house that would need to be removed (to be safe for the applicant's young family).

In its place, the applicant proposes to build a 4,045-square-foot, three-story home with four bedrooms and four bathrooms on the 6,100-square-foot (0.14-acre) subject property. With a footprint of roughly 1,820 square-feet, it will be roughly 47-percent (590 square-feet) larger than its predecessor. The lowest level (labelled as "basement" in the submitted plans), will contain the front foyer (with front door which faces and is accessed via South Shore Drive), fitness room, workshop, and a two-car garage, which is accessed via Lowell Street. The second level, labelled as "main floor" and 1,918 square-feet in size, will contain the kitchen/dining room, great room, play room, guest bedroom (with full bath), study, laundry and sun room. The third level, labelled as "second floor" and 1,400 square-feet in size, will contain three bedrooms, two bathrooms, a sitting room, and a small office.

Additionally, a roughly 170-square-foot porch is proposed on the north side of the house, at the second floor level, and a roughly 160-square-foot deck, also at the second floor level, is proposed on the south side of the house. While the rear deck does not project into the rear yard setback, the front patio does appear to encroach roughly nine feet into the front yard setback. (The applicant will need to verify this dimension and, accordingly, reduce it before final sign off as the maximum encroachment into the front yard setback allowed by Section 28.132 for open porches is seven feet).

Regarding building materials, while LP SmartSide lap siding will be the primary exterior materials, stone will be used on portions of the lower level, and LP staggered shake siding will be used on portions of the roof's gable ends.

Of note, Planning Division Staff understand that the property is one of several located within the boundary of the Lakeside Street Camps, a prehistoric Ho-Chunk village or campsite. As a result, because all known burial sites in Wisconsin are protected under State Statute 157.70, the applicant will need to submit plans and obtain a Request to Disturb from the State Historic Preservation Office for authorization to undertake any ground-disturbing work.

Analysis

This proposal is subject to the standards for Demolition and Removal Permits [MGO §28.185(7)]. It is also subject to MGO §28.043, which pertains to development in the TR-C2 (Traditional Residential – Consistent 2) zoning district.

Conformance with Adopted Plans

The Planning Division believes the proposed building could be considered compatible with the 2018 [Comprehensive Plan](#) (2018), which recommends low residential (LR) land uses for the subject site. The Plan states that LR areas are predominantly made up of single-family and two-unit structures. Regarding the number of stories and general density range, for LR, the plan recommends 1-2 stories (but notes that "*dormers or partial third floors are permitted*"), and a density of up to and including 15 dwelling units per acre. Regarding the proposed third level, Staff believe the 1,400-square-foot third level could be considered a *partial* floor given that, due to the losses caused by the sloping gable roofs, it is approximately 72-percent as large as the second level.

Staff also believe the proposal to be consistent with the [Bay Creek Neighborhood Plan](#) (1991) which recommends Low-medium density single unit (RLM-S) uses (defined as 8-15 dwelling units per acre.) While the subject parcel is located within its geographic area, the [South Madison Neighborhood Plan](#) (2005) makes no specific recommendations regarding the subject parcel.

Demolition and Removal Standards

As noted in MGO Section 28.185(7), in order to approve a demolition request, the Plan Commission must find that the requested demolition and proposed use meet the standards of that subsection, including a finding that they are compatible with the purpose of the demolition section and the intent and purpose of the Traditional Residential – Consistent (TR-C) zoning district. The Statement of Purpose for the TR-C District says, in part:

The TR-C Districts are intended to 1) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features; and 2) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.

Furthermore, the Plan Commission shall consider and give decisive weight to any relevant facts, including but not limited to impacts on normal and orderly development, efforts to relocate the existing building(s), and the limits that the location of the building(s) would place on efforts to relocate it/them. The Plan Commission shall also consider any reports from the Landmark Commission and Historic Preservation Planner when determining whether the demolition standards are met.

Regarding compliance of the proposal with the provisions of the Zoning Code, the table prepared by Zoning staff in this report indicates that the proposal appears to be consistent with Section 28.043 of the Zoning Code, which pertains to the TR-C2 District. For height, Section 28.043 allows buildings up to two stories OR 35 feet. At 34 feet-9 inches tall, the proposal appears to be just under the maximum allowable height. While Zoning staff is requesting additional information to verify how far some of the building's elements are projecting into the front and side yard setbacks, Section 28.132 (which outlines allowed encroachments into building setback areas), will need to be deemed satisfied by Zoning Staff before final sign off.

The Landmarks Commission reviewed the demolition of the subject structure at its September 14, 2020 meeting and found that although the building “has no known historic value, the site is culturally significant and warrant careful consideration during redevelopment. The Landmarks Commission strongly recommends consultation with the Ho-Chunk Nation Tribal Preservation Office.” (The meeting report for proposed demolitions from the Landmarks Commission’s September 14, 2020 meeting can be found [here](#)). Staff note that the [Demolition Staff Report](#) prepared for the meeting by City Preservation Planner Heather Bailey, noted that, regarding the proposed demolition at 803 South Shore Drive, “A preservation file for this property does not exist. There is no WHS site file, but the property is located within the boundary of a previously identified prehistoric village or campsite, known as the Lakeside Street Camps, so the property owner will need to work with the WHS to determine if they need to secure a Request to Disturb before engaging in ground disturbing activities.” Staff note that a condition of approval, related to the Preservation Planner’s comment, has been added to the list at the back of this report.

Conclusion

The Planning Division believes that the Plan commission can find the standards for demolition permits met to allow the demolition and construction of a new single-family residence. The applicant has provided their justifications for the request including the dated interior as well as building mechanicals (HVAC, plumbing, etc.), lack of adequate

upkeep over the years, large amount lead paint that would need to be remediated, and the exiting damage due to flooding in the basement. Regarding the proposed residence, while the proposed new home is larger, it appears that it can meet the underlying zoning regulations for the TR-C2 District, subject to the comments recommended by Zoning staff. The proposal is compatible with the Comprehensive Plan as well as other Adopted Plans; and believe it to be compatible with both the intent and purpose of the TR-C District’s Statement of Purpose.

At the time of report writing, Staff received public comment from one person who was in support of the house and its proposed bulk, so long as it met the Zoning Code requirements for the district.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the standards for demolition permits are met and **approve** the demolition permit request to raze the existing single-family residence and build a new single-family residence in the TR-C2 (Traditional Residential – Consistent 2) zoning district at 803 South Shore Drive. 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 Chris Wells, (608) 261-9135)

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 catalogued 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 catalogued land contiguous to a catalogued 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.

2. As part of securing the required Request to Disturb from the Wisconsin Historical Society, also copy the submittal to the Ho-Chunk National Tribal Historic Preservation Office. Contact at The Ho-Chunk Nation’s National Tribal Historic Preservation Office: William Quackenbush. P. O. Box 667, Black River Falls, WI 54615. Phone: 715-284-7181 ext. 1121. Email: bill.quackenbush@ho-chunk.com

Engineering Division (Main Office) (Contact Tim Troester, (608) 267-1995)

3. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
4. Obtain a permit to Excavate in the Right-of-Way for the connection and/or installation of utilities required to serve this project and shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO 10.05(6)), MGO 35.02(4)(c)(2)), and MGO 37.05(7)
5. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
6. Current plan shows less than 4,000 sf disturbed area. If plans are not revised, no Erosion Control or Storm Water Management Permits will be required.
7. Revise plan to show the location of all rain gutter down spout discharge locations. (POLICY)
8. Revise plan set to show more information on proposed drainage for the site. Use either spot elevations and drainage arrows or proposed contours to show the required drainage information. 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. (POLICY)
9. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
10. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).
11. The lowest minimum building opening elevation shall be 852.0. The stated elevation is intended to be protective but does not guarantee a flood proof structure. The Developer/Owner are strongly encouraged to complete their own calculations and determine an elevation that protects their property to a level of service that they are comfortable with.

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

12. Identify on the plans the lot and block numbers of the recorded Plat.
13. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.

14. A survey of the lot is recommended by a Professional land surveyor prior to beginning construction of the new home to confirm the location of the property lines.

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

The agency reviewed this request and has recommended no conditions of approval.

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

15. 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 at streets@cityofmadison.com. 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. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
16. Show the distance that the open front porch encroaches into the 20-foot front yard setback. An open front porch may extend a maximum of 7 feet into the front yard setback.
17. On the building elevations, show the width of the dormers as compared to the width of the floor below. The width of the dormers shall not exceed fifty percent (50%) of the lineal width of the floor immediately below the roof and may not extend above the ridge of the roof in which the dormer is placed.
18. Show the bay window encroachment into the street side yard setback on the site plan. A bay window may encroach a maximum of two feet into a side yard setback.

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

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| 19. Provide a fire sprinkler system in accordance with NFPA 13D per SPS 321.03(3)(c) |
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Forestry Division (Contact Brad Hofmann, (608) 267-4908)

20. City Forestry will issue a street tree removal permit for 21" diameter Ash tree due to driveway installation at the 2nd tree on Lowell St.
21. Damaging Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.

22. Excavation 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.
23. Protection 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.
24. Pruning Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.
25. Street All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the plan set.
26. 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.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

27. 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.
28. 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.

Agencies that reviewed this request and recommended no conditions of approval:

The Parks Division, Metro Transit