

# PLANNING DIVISION STAFF REPORT

July 8, 2024



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 5152 Spring Court (District 19, Alder Guequierre)  
**Application Type:** Conditional Use  
**Legistar File ID #** [83738](#)  
**Prepared By:** Lisa McNabola, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Property Owner:** Robert Przybelski; Jones Przybelski Living Trust; 5152 Spring Court, Madison, WI 53705

**Applicant:** Gary Auerswald; 4009 Curry Lane, Janesville, WI 53546

**Requested Action:** Consideration of a conditional use to construct an addition on a single-family residence located on a lakefront parcel at 5152 Spring Court.

**Proposal Summary:** The applicant is seeking approval to construct an addition on the first story and add a second story with a deck on an existing building located on a lakefront parcel.

**Applicable Regulations & Standards:** Standards for conditional use approvals are found in MGO Section 28.183(6). General Regulations for lakefront development are found in MGO Section 28.138.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to construct an addition to a single-family residence on a lakefront parcel at 5152 Spring Court, subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 11,045 square-foot (.25-acre) parcel is located on Spring Court. It is located within Alder District 19 and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site is occupied by a one-story, 1,780 square foot single family residence built in 1930. It is zoned Traditional Residential-Consistent 2 (TR-C2) District.

### **Surrounding Land Use and Zoning:**

North: Single family residential, zoned Traditional Residential-Consistent 2 (TR-C2) District; Lake Mendota;

East: Across Spring Court, single family residential, zoned TR-C2 District;

South: Single family residential, zoned TR-C2 District; across Lake Mendota Drive, Spring Harbor Park; and

West: Spring Harbor; across Spring Harbor, single family residential, zoned TR-C2 District.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) for the subject site. The [Spring Harbor Neighborhood Plan](#) (2006) does not include specific land use recommendations for the subject site.

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

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,000 sq. ft.	11,045.37 sq. ft.
Lot Width	40'	70.0'
Front Yard Setback	20'	11.5' existing front setback (1)
Max. Front Yard Setback	30' or up to 20% greater than block average	11.5' existing front setback (1)
Side Yard Setback	One-story: 5' Two-story: 6'	7.0' south side 18.4' north side (1)
Lakefront Yard Setback	37.5' Sec. 28.138(4)(a)1	73'4" (1)
Usable Open Space	750 sq. ft.	Adequate
Maximum Lot Coverage	65%	<65%
Maximum Building Height	2 stories/35'	<35' (2)

Section 28.138(4)(a)1. The lakefront yard setback is the average setback of the principal building on the two (2) adjoining lots, provided that the setbacks of those buildings are within twenty (20) feet of one another.

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Attached garage
Number Bike Parking Stalls	Single-family detached dwelling: None	Attached garage
Landscaping and Screening	Inventory of shoreline vegetation	Description of landscape removals (3)
Building Form and Design	Yes	Single-family detached building

*Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator*

**Environmental Corridor Status:** While the property is not located in a mapped environmental corridor, a small area near the shoreline is partially located within the flood storage district.

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

## Project Description, Analysis, and Conclusion

The applicant is requesting approval to construct an addition on an existing one-story single-family residence on a lakefront parcel. Additions to principal building totaling in excess of five hundred (500) square feet require conditional use consideration.

The addition would include a 608 square-foot addition to the first floor and a 1,280 square-foot second story with an attached deck. With the additions the building would be 3,668 square feet. The second story deck would be 240 square feet and have a 10-foot clearance. The building height measured at the front elevation is approximately 29 feet. The lakefront setback would be 71.2 feet, which is a larger lakefront setback than the two neighboring properties.

## **Lakefront Development Regulations**

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.

Staff believe the lakefront development regulations are met.

## **Conditional Use 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. Staff notes that state law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation.

Per Section 28.138(2)(a) accessory buildings on zoning lots abutting Lake Monona shall require conditional use approval. 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." The heights of the surrounding homes are predominantly two stories. As a further estimate of total bulk of the surrounding principal structures, staff utilized data from the Assessor's Office to estimate principal building size for the homes on the five developed lots to the north and the four developed lots to the south. This calculation includes living areas, enclosed porches, basement areas, and estimated attached garage space. Using this analysis, staff found that the principal building sizes of the applicable homes range from approximately 1,814 to 4,987 square feet. The median size of the homes is approximately 2,640 square feet.

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 0.33, which is lower than the estimated median 0.40 FAR for the surrounding homes, and well within the range of nearby homes (0.17 to 0.57). Staff notes that this is not the largest home in the surrounding area in terms of bulk and FAR. Furthermore, in keeping with the Zoning Administrators findings, this proposal is in compliance with lot coverage and open space requirements per MGO §28.042. Staff believe the house is generally compatible with surrounding development.

## **Public Input**

At the time of report writing, staff have not received public comments regarding this request.

## **Conclusion**

Staff believe the conditional use approval standards can be found met, subject to the recommended conditions of approval.

## Recommendation

### Planning Division Recommendation (Contact Lisa McNabola, 243-0554)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to construct an addition to a single-family residence on a lakefront parcel at 5152 Spring Court, 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

### Engineering Division (Tim Troester, 267-1995)

1. The Proposed deck appears to be encroaching upon a City sanitary sewer. Applicant shall confirm the location of the City sewer with survey of the upstream and downstream sanitary sewer and not rely on diggers hotline markings. Applicant shall maintain 7.5' horizontal clearance with any improvements encroaching the City sanitary sewer. If applicant is unable to maintain 7.5 ft of horizontal separation, applicant shall enter into a developer's agreement with the City to relocate the City Sewer. Questions related to this plan review comment can be directed to Mark Moder, [mmoder@cityofmadison.com](mailto:mmoder@cityofmadison.com).
2. The backyard sewer that is being encroached will eventually be taken out of service and the sewer serving this the homes in this area will be located in Spring Court. Properties will be required to relocate sanitary sewer lateral to Spring Court. It is not a requirement to relocate the sewer lateral as a condition for this plan approval but we want bring this to your attention. The new sewer is built up to 5152 Spring Court if applicant would like to connect at this time with the home addition. It is not required at this time.

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

3. Update the existing and proposed building setbacks on the proposed site plan per the survey. The lakefront setback distance shall be measured from the ordinary high water mark to the proposed elevated deck.
4. Show the height of the house on the elevations. The maximum height is 35 feet. Height is the average of the height of all building facades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual facade shall be more than fifteen percent (15%) higher than the maximum height of the zoning district.
5. On the final site plan, label the existing trees and shrubs that will be removed for the proposed house addition.

### Fire Department (Matt Hamilton, 266-4457)

6. 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>

### City Engineering Division – Mapping Section (Jeffrey Quamme, 266-4097)

7. Grant a 15' Wide Public Sanitary Sewer Easement to the City centered on the existing sanitary sewer crossing the parcel. Provide a map exhibit and legal description provided by a professional land surveyor to Jeff Quamme (jrquamme@cityofmadison.com) A Real Estate project will then be set up to administer and record the final easement. Note that City Engineering Sanitary Sewer Engineering will not allow a deck within the easement area.

The following agencies reviewed the request and recommended no conditions of approval: Traffic Engineering Division, Parks Division, Forestry Division, Metro Transit, Water Utility