



Legistar I.D. #23671  
4114 Veith Avenue  
Demolition and Conditional Use Request

Report Prepared By:  
Heather Stouder, AICP  
Planning Division Staff

**Requested Action:** Approval of the demolition of a single-family home and a conditional use for the construction of a new single-family home in the R2 (Single-Family Residence) District on a waterfront parcel.

**Applicable Regulations & Standards:** Section 28.12(12) provides the guidelines and regulations for the approval of demolition permits. Section 28.04(19) requires that new principal buildings or additions to buildings on a waterfront parcel must obtain a conditional use permit. Section 28.12(11) provides the guidelines and regulations for the approval of conditional uses.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the proposal meets all applicable demolition and conditional use standards and **approve** the request for demolition and new construction at 4114 Veith Avenue, subject to the recommended conditions and input provided at the public hearing.

**Background Information**

**Applicant:** Wayne Acker; Acker Builders, Inc.; 101 E. Main St. #2; Waunakee, WI, 53597

**Project Contact:** Matt Acker; Acker Builders, Inc.; 101 E. Main St. #2; Waunakee, WI, 53597

**Property Owner:** David and Heddy Grove; 321 E. Main St.; DeForest, WI, 53532

**Proposal:** The applicant proposes the demolition of an existing 1,300 square-foot single-family home to construct a new 5,000 square foot single-family home on a waterfront lot. The applicant intends to initiate demolition after all approvals are obtained.

**Parcel Location:** 4114 Veith Avenue is located on the west side of Veith Avenue on Lake Mendota, close the southern terminus of the street; Aldermanic District 18 (Weier); Madison Metropolitan School District.

**Existing Conditions:** The existing 1,300 square foot one-story home, constructed in 1910, sits on a relatively narrow, 21,092 square foot lot in the R2 (Single-Family Residence) District. The applicant has provided interior and exterior photographs of the structure.

**Surrounding Land Use and Zoning:** The area surrounding the property is zoned R2 (Single-Family Residence District), and consists of single-family homes on one half acre to one acre lots.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends continued Low Density Residential land use, and there is no adopted neighborhood plan for this area.

**Environmental Corridor Status:** This property is not located within a mapped environmental corridor.

**Public Utilities and Services:** The property is served by basic urban services.

**Zoning Summary:** The property is in the R2 (Single-family Residence) District

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	21,092 sq. ft. existing
Lot width	50'	60'+ existing
Usable open space	1,000 sq. ft.	Adequate
Front yard	30'	Greater than 30'
Side yards	7' plus depth penalty	7'10" LS / 7'4" RS
Lake Setback	178.33'	192.7'
Building height	2 stories / 35' maximum	2 stories / 27'1 1/2"

**Site Design**

No. Parking stalls	1	4
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**Other Critical Zoning Items**

Flood Plain	Yes <i>(See Condition No. 9, p. 5)</i>
Utility Easements	None shown
Waterfront Development	Yes
Landmark Building	No
Historic District	No

*Prepared by: Pat Anderson, Asst. Zoning Administrator*

**Project Description**

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The applicant is requesting approval to demolish a small single-family home for the construction of a new roughly 5,000 square foot single-family home, subject to standards in the Zoning Ordinance for demolitions and conditional uses for development on a waterfront lot. The proposal is consistent with recommendations in the Comprehensive Plan for low-density residential land uses.

**Existing Conditions**

Veith Avenue is an isolated block of single-family homes on a dead end street situated between Lake Mendota to the west and Meadow Ridge Park on the east. As another reference point, the Mendota State Hospital property is located just south of the dead end of Veith Avenue.

The existing single-family home on this property was constructed in 1910, and sits roughly 50 feet from the street on a 58-foot wide, 21,092 square foot lot. The one-story home is small compared to others on this isolated block, with just 740 square feet of livable area, and a total of just over 1,300 square feet counting the unfinished basement. The applicant has provided interior and exterior photographs of the structure, which show that it is in fair condition. A 500 square foot detached garage is located in the southeastern corner of the property, facing north toward the existing gravel driveway. A small wooden boathouse sits on the western edge of the property adjacent to the lake.

The site has a healthy mix of fourteen canopy trees (Maple, Oak, Sycamore, Ash, and Willow) ranging from 8 to 36 inches in diameter. A 30 inch Pin Oak and 15 inch Sugar Maple frame the driveway, a large Willow and a large Sugar Maple sit near the lake, and others are between the lake and the existing house.

**Demolition**

As proposed, the existing house would be deconstructed and removed from the site, but the detached garage and the boathouse would remain on the site for eventual remodeling in place. Three of the existing trees are proposed for removal: a 24 inch Silver Maple within the footprint of the new driveway, an 18 inch Ash within a few feet of the proposed house, and an 18 inch Cherry within the footprint of the new house.

**Building and Site Plans**

After demolition, the applicant proposes to construct a two-story, 5,000 square foot single-family house and a new driveway. The existing detached garage and boathouse will be maintained for remodeling in the near future. The house is approximately 43 feet wide and 49 feet deep at its deepest point. As proposed, it is placed approximately 194 feet from the lake, which is about 15 feet further than the waterfront setback requirement based on the average of the five properties on either side. This places it roughly in line with the house immediately to the south. It sits approximately 100 feet from the street, with adequate side yard setbacks. From existing grade, the home is 28 feet tall (23 feet to the eve, and 33 feet to the peak of the roof).

The first floor includes a two-car attached garage, kitchen, dining, and great room, as well as an office area and half bath. There are covered porches at the main entry and on the lake side. The second floor includes a master suite with a large bathroom and covered porch, two other bedrooms, and another bathroom. Exterior materials include a stone veneer on the base of the front and rear elevation, vinyl siding, and an asphalt roof.

As mentioned above, the proposal would necessitate the removal of three existing trees. However, the applicant has indicated the intent to plant three new trees on the site, a line of arbor vitae on the left side for a privacy screen, and perennial plantings near the foundation. As proposed, the proportion of impervious surface on the site would increase from about 12% to 32% due to the footprint of the larger home, driveway, and future patio. As noted in Condition Nos. 3 and 6, City Engineering staff has requested additional information regarding the proposed drainage for the site to ensure its adequacy.

### **Public Input**

At the time of this report, staff has received no written public input on the proposal, but did receive a phone call prior to the proposal from a neighbor expressing concerns about how close the house might end up being to Lake Mendota. Staff understands that the applicant has worked closely with both immediate neighbors, and that they support the proposal.

## **Evaluation**

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### **Demolition of Existing Home**

The existing structure is in fair condition, but it would likely be uneconomical for the applicant to renovate and add to it to serve their needs. Unless there was a receiving property on the block, relocation of the home would be very difficult due to the narrow, meandering street. The applicant has completed a reuse and recycling plan, which has been approved by the City's Recycling Coordinator. Planning staff is unaware of any opposition to the demolition, and notes that no comments have been received from the Landmarks Commission or the Historic Preservation Planner. Staff believes that the standards for approval of demolitions can be met.

### **Proposed Building and Site Changes**

On balance, staff believes that the proposal can meet the standards for conditional use approval. The proposed home meets all of the requirements of the R2 District, and exceeds the required waterfront setback by approximately 15 feet.

Although the new zoning code is not yet effective, staff calculated the maximum Floor Area Ratio (FAR) that would be allowed under the new code as a reference. Under the new code, lakefront homes may be proposed at a maximum of 125% of the median FAR of the residential properties within 1,000 feet on either side. This involves a calculation of the interior square footage (including finished attic space, attached garages, and basements) of homes within 1,000 feet on either side of the property, based on the assessor's records. The interior square footage is then divided by the lot area to derive the FAR for each property.

In this particular case, the FAR for homes on the 13 other residential properties along the west side of Veith Avenue was determined. Their median interior square footage is 4,119 square feet, and the median FAR is 0.15. If the new code were effective today, a new home at this location would need to have a FAR of 0.18 or less (125% x 0.15). The proposed home has an interior square footage 5,027 square feet, and a FAR of 0.24, which is much greater than what would be permitted in the future. The home would need to be 1,170 square feet smaller than what is proposed in order to be permitted under the new code.

Although larger than what would be permitted under the new code, there are three larger homes built since the mid-1990's on the block, and staff does not believe that the proposed home will be out of place. Staff is unaware of opposition to the home, and notes that in this case, the applicant agreed to place the home further back from the lake than what would have been required in order to better relate

to adjacent properties. With the understanding that the Plan Commission is reviewing the proposal based on conditional use standards in the *current* zoning code, which do not include specific size limitations, staff believes that the demolition and conditional use standards can be met with this proposal.

## **Conclusion**

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The proposed demolition and new home will generally fit in well with others along this block. The Planning Division believes that the demolition and conditional use standards can be met with this proposal, and recommends that the Plan Commission **approve** the request subject to input at the public hearing and comments and conditions from reviewing agencies.

## **Recommendations and Proposed Conditions of Approval**

Major/Non-Standard Conditions are shaded

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### **Planning Division Recommendation** (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the demolition and conditional use standards can be met and **approve** the request subject to input at the public hearing and the following conditions:

### **Planning Division** (Contact Heather Stouder, 266-5874)

1. Final plans submitted for review and approval by staff shall include dimensioned elevations with the exterior materials labeled.
2. Final plans submitted for review and approval by staff shall include a landscape plan showing the intended location of three new trees and arbor vitae.

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

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

3. Provide a site plan showing the existing property lines, right of way and utilities to serve the lot. Provide proposed contours for review to confirm that there will be adequate drainage.
4. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5) and MGO 23.01).
5. All damage to the pavement on Veith Avenue, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see this link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).
6. 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 (POLICY).
7. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved

by the City Engineer, the \$900 fee shall be refunded to the owner (POLICY). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

8. 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 Matt Tucker, 266-4569)

9. The final site plan should show designated floodplain area on the site plan. Given the topography of the site, constructing in the floodplain does not appear likely. Please note, any construction within a floodplain shall meet flood proofing protection measures and such design shall comply with requirements of MGO 28.04(20)(b). Remodeling renovation of boathouse may require the structure to be flood-proofed.
10. The cutting of trees and shrubbery shall be limited in the strip of land 35' inland from the normal waterline. Provide a landscape plan to show landscape elements to be removed and show a detailed plan showing sizes and number of landscape elements to be added to the site. In addition, not more than 30% of the frontage of the lot shall be cleared of trees and shrubbery. One dead tree within 35' of the waterline to be removed.  
  
NOTE: Within the waterfront setback requirements, tree and shrub cutting shall be limited to consideration of the effect on water quality, protection and scenic beauty, erosion control, and reduction of the effluents and nutrients from the shoreland.
11. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued (*Fulfilled by applicant*).
12. MGO Section 28.12(12)(e) requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.

**Fire Department** (Contact Bill Sullivan, 266-4420)

13. Note: A residential fire sprinkler system may be installed in accordance with NFPA 13D and Comm 82.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website: <http://www.homefiresprinkler.org/Consumer/ConsHome.html>

**Traffic Engineering** (Contact Bryan Walker, 267-8754)

This agency submitted a report with no conditions of approval for this proposal.

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

This agency did not submit a response for this request.

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

This agency did not submit a response for this request.