



PREPARED FOR THE PLAN COMMISSION

Project Address: 2406 Waunona Way (District 14 – Ald. Carter)
Application Type: Demolition Permit and Conditional Use
Legistar File ID # [52204](#)
Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicants &

Property Owners: Wolfgang Koller and Patricia Gabarra-Koller; 2406 Waunona Way; Madison, WI 53713

Contact: Larry Taff; T/Z of Madison, Inc.; 6 Fuller Drive; Madison, WI 53704

Requested Action: The applicants request approval of a demolition permit, a conditional use for an addition exceeding 500 square feet for a single-family residence on a lakefront property, and a conditional use for an accessory building exceeding 576 square-feet in traditional residential zoning district at 2406 Waunona Way.

Proposal Summary: The applicants propose to remodel a lakefront residence and upgrade the existing exterior walls, add new deck and balcony areas, remodel the kitchen, dining, and living areas, add a first floor bathroom, add a master suite on the upper level of the home, renovate the existing garage area into a mechanical room and sauna, and expand the entry area. The combination of these renovations exceeds 500 square feet and therefore requires conditional use consideration. The applicants have also submitted a request for a demolition permit because the proposed renovation may cause at least fifty percent (50%) of the existing structure to be demolished and is subject to the standards for Demolition and Removal Permits. Furthermore, the applicants are proposing to construct a detached garage that exceeds 576 square-feet, which also requires conditional use approval.

Applicable Regulations & Standards: 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]. MGO §28.138(2)(a) states that additions to a principal building totaling in excess of five hundred (500) square feet during any ten (10) year period on zoning lots abutting Lake Monona and associated bays shall require conditional use approval. MGO §28.131(1)(b) states that no individual structure shall exceed five hundred seventy-six (576) square feet in TR districts at ground level except by conditional use approval. MGO §28.211 states that by definition, any an act or process that during any ten (10) year period, removes, pulls down, tears down, razes, deconstructs or destroys fifty percent (50%) or more of the area of the exterior walls of a building is considered a demolition and requires Plan Commission approval.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for demolition and removal, conditional uses, and lakefront development are met and **approve** the conditional use request to demolish fifty percent (50%) or more of the exterior walls of a single-family residence and construct an addition exceeding five hundred (500) square feet to a principal building in the TR-C1 (Traditional Residential – Consistent 1) zoning district and construct an accessory building exceeding 576 square-feet on a lakefront property at 2702 Waunona Way. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 12,675 square-foot (approximately 0.29-acre) subject property is located on the north side of Waunona Way, near the Fayette Avenue Intersection. The site is within Aldermanic District 14 (Ald. Carter), as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site includes the existing 1,691-square-foot, split-level, single-family home with an attached front-facing garage. The home was constructed in 1942 and has two bedrooms and two bathrooms.

Surrounding Land Use and Zoning:

North: Lake Monona;

South: Single-family homes zoned TR-C1;

East: Single-family homes, zoned TR-C1; and

West: Single-family homes, zoned TR-C1, with Waunona Park beyond.

Adopted Land Use Plan: Both the [Comprehensive Plan \(2006\)](#) and the [Broadway-Simpson-Waunona Neighborhood Plan \(1986\)](#) recommend low-density residential development for the subject site and surrounding properties.

Zoning Summary: The property is zoned TR-C1 (Traditional Residential-Consistent 1).

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	12,675 sq. ft.
Lot Width	50'	60'
Front Yard Setback	20'	25.65'
Max. Front Yard Setback	30' or up to 20% greater than block average	25.65'
Side Yard Setback	One-story: 6' Two-story: 7'	6.19' detached garage 10.0' west side yard 11.1' east side yard
Lakefront Yard Setback	52.35' Section 28.138(4)(a)1.	55.48'
Usable Open Space	1,000 sq. ft.	Adequate
Maximum Lot Coverage	50%	Less than 50%
Maximum Building Height	2 stories/35'	2 stories/less than 35' (7)

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

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Detached garage
Landscaping and screening	Inventory of shoreline vegetation	Yes (11)
Building Forms	Yes	Single-family detached dwelling

Other Critical Zoning Items	Floodplain; Utility Easements; Wetlands
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Environmental Corridor Status: The property is not located in an environmental corridor.

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

Previous Approvals

The applicants received conditional use approval in 2015 to construct an addition to the existing single-family residence and construct a new detached accessory building exceeding 576 square-feet on a lakefront property. In total, these renovations would have resulted in a 2,883 square-foot single-family home. The addition and new accessory building were never constructed. While the plans submitted for review and approval at this meeting have an overall similar style and bulk to what was originally approved, the new home has slightly larger footprint and different window and door openings.

Project Description

The applicants are seeking approval of a demolition permit and two conditional uses. The first conditional use is to allow an addition in excess of 500 square-feet to a single-family residence on a lakefront property. The second is to allow an accessory building exceeding 576 square-feet in a Traditional Residential zoning district. Furthermore, the applicants propose to demolish 50-percent or more of the existing walls of a two-story house as part of the renovation process, which requires a demolition permit. Photos of the existing residence have been included in this application and are available at:

<https://madison.legistar.com/View.ashx?M=F&ID=6391697&GUID=88E5DDBE-31BE-4B40-919D-EB7E3399FFA3>.

The remodel includes renovating the existing exterior walls, adding new deck and balcony areas, renovating the kitchen, dining, and living areas, adding a first floor bathroom, adding a master suite on the upper level of the home, renovating the existing garage area into a mechanical room and sauna, and expanding the entry area. Together, these renovations result in approximately 1,189 additional square-feet of living space.

Analysis and Conclusion

This proposal is subject to the approval standards for Demolition and Removal, Conditional Uses, and Lakefront Development.

Demolition Details & Standards

Per MGO §28.185(7), in order to approve a demolition request, the Plan Commission must find that both the requested demolition and the proposed future use are compatible with the purpose of the demolition section and the intent and purpose expressed in the TR-C1 (Traditional Residential – Consistent 1) Zoning District. A copy of this Statement of Purpose has been included as Attachment 1. 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 \(2006\)](#) and [Broadway-Simpson-Waunona Neighborhood Plan \(1986\)](#) recommendations for low-density residential land use. Moreover, the partial 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 June 18th meeting, the Landmarks Commission found that building itself was not historically, architecturally, or culturally significant.

Conditional Use Standards

The Planning Division believes that the standards for Conditional Uses can be found met. This proposal requires conditional use approval because the total renovation to the lakefront residence exceeds 500 square-feet and the proposed accessory structure exceeds 576 square-feet.

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. Standard 13 relates exclusively to lakefront development which states that "when applying the above standards to lakefront development under Sec. 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 east and west sides of the subject property. This calculation for bulk includes living areas, enclosed porches, finished and unfinished basement areas, and estimated attached garage space. Using this analysis, staff found that the principal building sizes range from approximately 1,346 to 6,224 square-feet, compared to roughly 3,251 square-feet for the proposed principal structure (which is approximately 21 square-feet **below** the median of 3,272 square-feet).

The Zoning Code's definition of bulk also includes the FAR, which compares the total building floor area (on all floors) to lot area. For example, a FAR of 1.0 indicates that the total building floor area is equal to the lot area. The calculated FAR for the adjacent lots along Waunona Way range from 0.11 to 0.34. The calculated FAR for the proposed principal structure is 0.26 compared to the 0.25 estimated median for the surrounding homes. In regards to height, the proposed home appears to be under allowable height of 35 feet.

Staff believes Conditional Use Standard #4 which states that, "The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district" can be found met. This home is within the range of the bulk and FAR calculations in relation to the surrounding properties. The Planning Division believes that the Conditional Use Standards for this request can be found met.

The applicants are also requesting conditional use approval to construct a detached garage that exceeds 576 square-feet. According to MGO §28.131(1)(b), the maximum size of an accessory building shall not exceed 576 square-feet in TR districts at ground level except by conditional use approval. The proposed three-stall detached garage is 880 square-feet. The maximum area per lot for accessory buildings in residential areas is ten percent (10%) of the lot area but no more than one thousand (1,000) square feet. As proposed, the accessory building would cover 6.9% of the lot. In considering the surrounding context, a majority of the neighboring lakefront residences have detached garages in the front yard. While the proposed accessory building is larger than the other garages on Waunona Way, it will be side-loaded which Staff anticipates will help scale the building with the remodeled home and maintain the character with surrounding properties.

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. In keeping with the Zoning Administrator’s findings, Planning Staff believes that the lakefront development standards can be found met.

At the time of report writing, staff was not aware of 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 demolition and removal, conditional uses, and lakefront development are met and **approve** the conditional use request to construct an addition exceeding 500 square-feet to an existing residence in the TR-C1 zoning district on a lakefront property and construct a garages exceeding 576-square-feet at 2406 Waunona Way. 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 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.

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

2. Applicant shall revise plan to show the City sanitary sewer location on the plan as well as the sewer easement (DOC.0861679). The sewer does not appear to be correctly shown on the plans. The City will assist in locating the existing sanitary sewer. Please contact Mark Moder at 261-9250, mmoder@cityofmadison.com 24 hours in advance of when you would like to have sewer marked for your surveyor and Mark will have an operations

crew mark the location of the sanitary sewer. If the sanitary is not located in the existing recorded easement, applicant shall dedicate a 15' wide easement with the sewer centered in the easement.

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 site plans shall be revised to show the location of all rain gutter down spout discharges. (POLICY)
5. 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)

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

6. If an amended easement location is necessary per the Engineering comment above, contact Jeff Quamme (jrquamme@cityofmadison.com) to coordinate the required easement document.

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

7. Revise the plans to show that the basement level is not exposed more than 50% as measured from the surface of the floor to the surface of the floor next above it. The proposed single-family detached dwelling is limited in height to two (2) stories. The basement level will count as a story if the front exterior wall of the basement level is exposed more than 50%.
8. 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).
9. 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.
10. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
11. Provide a complete inventory of shoreline vegetation in any area proposed for building, filling, grading or excavating. In addition, the development plan shall indicate those trees and shrubbery which will be removed as a result of the proposed development. The cutting of trees and shrubbery shall be limited in the strip thirty-five (35) feet inland from the normal waterline. On any zoning lot not more than thirty percent (30%) of the frontage shall be cleared of trees and shrubbery.
12. 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.
13. 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)

14. 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/>

* Attachment #1 *

28.040(2)

ZONING CODE

SR-V2 District: Permitted Uses						
	Single-family detached	Two-family Two unit	Two-family - Twin	Three unit	Single-family attached (8 units max.)	Multi-family
Rear Yard	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 30				
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/40	3 stories/40	3 stories/40
Maximum lot coverage	60%	60%	60%	60%	60%	60%
Usable open space (sq. ft. per d.u.)	500	500	500	500	500	500

(ORD-17-00127, 12-18-17)

SR-V2 District: Conditional and Nonresidential Uses			
	Single-family attached	Multi-family	Nonresidential
Lot Area (sq. ft.)	2,000/d.u.	2,000/d.u.	6,000
Lot Width	20/d.u.	60	50
Front Yard Setback	25	25	25
Side Yard Setback	6 (end units)	10	One-story: 6 Two-story or more: 7
Reversed Corner Side Yard Setback	12	12	25
Rear Yard	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 30	Equal to building height but at least 30
Maximum height	3 stories/40	4 stories/52	35
Maximum lot coverage	60%	60%	60%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	500	500	n/a

28.041 TRADITIONAL RESIDENTIAL - CONSISTENT DISTRICTS.

(1) Statement of Purpose.

The TR-C Districts are established to stabilize, protect and encourage throughout the City the essential characteristics of the residential areas typically located on the Isthmus, near East and near West portions of the City, and to promote and encourage a suitable environment for family life while accommodating a full range of life-cycle housing. The districts are also intended to:

- (a) Promote the preservation, development and redevelopment of traditional residential neighborhoods in a manner consistent with their distinct form and residential character.
- (b) 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.
- (c) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.
- (d) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.
- (e) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

28.042 TR-C1 DISTRICT.

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.