



PREPARED FOR THE PLAN COMMISSION

Project Address: 4146 Veith Avenue (District 18 – Ald. Kemble)
Application Type: Conditional Use
Legistar File ID # [49921](#)
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: Steve Shulfer; Sketchworks Architecture, LLC; 7780 Elmwood Avenue #208; Middleton, WI 53562

Property Owner: Dan Holvick and Stephanie Mader; 4146 Veith Avenue; Madison, WI 53704

Requested Action: The applicant requests approval of a demolition permit and conditional use for an addition exceeding 500 square-feet for a single-family residence on a lakefront property at 4146 Veith Avenue.

Proposal Summary: The applicant proposes to renovate the lakefront home and construct a second-floor with a new two-level deck and three-season porch. The combination of these renovations exceeds five hundred (500) square-feet and therefore requires conditional use review. The applicant has also submitted a request for demolition approval because the proposed renovation may cause at least fifty percent (50%) of the existing structure to be demolished which is subject to the standards for Demolition and Removal Permits.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolition and Removal Permits [M.G.O. §28.185(7)], Conditional Uses [M.G.O. §28.183] and Lakefront Development [M.G.O. §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 Mendota and associated bays shall require conditional use approval. M.G.O. §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 SR-C2 (Suburban Residential – Consistent 2) zoning district on a lakefront property at 4146 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 23,114 square-foot (approximately 0.53-acre) subject property is located on the west side of Veith Avenue, near Cherokee Marsh parklands. The site is within Aldermanic District 18 (Ald. Kemble) and is within the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site includes the existing 3,355-square-foot, one-story single-family home. The home was constructed in 1957 and has four bedrooms and two bathrooms. The home is currently undergoing renovations which include a new garage and front building expansion.

Surrounding Land Use and Zoning:

North: Single-family homes zoned SR-C2 (Suburban Residential-Consistent 2), with the Cherokee Marsh-Mendota Unit, zoned CN (Conservancy District) beyond;

South: Single-family homes zoned SR-C2;

East: Single-family homes, zoned SR-C2, with Meadow Ridge Park, zoned 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.	11,129 sq. ft.
Lot Width	50'	62'
Front Yard Setback	30'	28.7' existing front setback
Side Yard Setback	Two-story: 7'	3.7' existing east side setback 10.0' east side setback to addition 12.0' existing west site setback
Lakefront Yard Setback	239.4' Section 28.138(4)(a)3.	Adequate
Usable Open Space	1,000 sq. ft.	Adequate
Maximum Lot Coverage	50%	Less than 50%
Maximum Building Height	2 stories/35'	2 stories/26'

Section 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 (see illustration).

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Existing driveway and parking space
Landscaping and screening	Inventory of shoreline vegetation	None

Other Critical Zoning Items	Floodplain; Wetlands
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Tables Prepared by Jacob Moskowitz, Zoning Code Officer II

Environmental Corridor Status: While the property is not located in a mapped environmental corridor, portions of the property closest to the lake are located within a designated wetland and 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 approval to allow an addition in excess of five hundred (500) square-feet to a single-family residence on a lakefront property. As part of the renovation process, the applicant proposes to demolish 50 percent (50%) or more of the existing walls of the existing one-story house, which requires a demolition permit. The remodel includes an addition of a second floor, a two-level deck, and three-season porch on the lakeside facing portion of the home. In the letter of intent, the applicant indicated that the remodel of the home will include new siding, roofing, windows, and trims. In total, these renovations would result in 1,857 square-feet of additional living space.

The home is currently under construction for a new one-stall attached garage and front entry expansion. This addition did not require conditional use approval because the changes to the structure totaled 465 square-feet, which is under the 500 square-foot requirement.

Staff notes that in November 2017, the applicants presented an application to the Zoning Board of Appeals requesting a variance to extend their home into the lakefront setback. That application was denied, resulting in this conditional use application. No variance was needed for this conditional use request.

Analysis and Conclusion

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

Demolition Details & Standards

In order to approve a Demolition Permit, M.G.O §28.185(7) requires 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.

The applicant does not intend to demolish the entire structure, however M.G.O. §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. This proposal requires significant renovations to the existing structure and thus meets the qualifications for a technical demolition.

Staff believes that the demolition standards can be met with this proposal. This proposal is consistent with the [Comprehensive Plan's \(2006\)](#) recommendation for low-density residential land use. Moreover, the partial removal of the existing home is not anticipated to negatively impact the surrounding properties nor the normal and orderly development of the neighborhood. Lastly, at their January 29, 2018 meeting, the Landmarks Commission found that the 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 exceeds 500 square-feet on a lakefront parcel.

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 south side of the subject property and the four (4) developed lots on the north side of the subject property. Beyond these four (4) lots are Cherokee Marsh parklands, zoned Conservancy District (CN), and could not be included in the calculation. The 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 3,150 to 5,727 square-feet, compared to roughly 5,522 square-feet for the proposed principal structure (which is 34.75% **above** the 4,098 square-foot median).

The Zoning Code's definition of bulk also includes the Floor Area Ratio (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 Veith Avenue range from 0.12 to 0.22. The calculated FAR for the proposed principal structure is **0.24** compared to the 0.15 estimated median for the surrounding homes. While there are larger homes compared to this proposal on nearby lots, these existing houses occupy double lots, resulting in a smaller FAR. In regards to height, the proposed home appears to be below the maximum 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 only slightly above the FAR calculation in relation to the 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 table provided, 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, 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 SR-C2 zoning district on a lakefront property at 4146 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 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. The applicant's final sign-off plans shall include a grading plan that labels the finished-grade elevations at the building corners for approval by Planning Division staff.
3. The applicant shall submit more detailed and legible building elevations for final sign-off.

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

4. 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))
5. All outstanding 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. (MGO16.23(9)(d)(4))

6. 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)
7. All damage to the pavement on Veith Ave, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm>. (POLICY)

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

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

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

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

Zoning (Contact Jacob Moskowitz, (608) 266-4560)

8. Verify whether trees or vegetation will be removed to accommodate the proposed addition. The development plan shall show 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.
9. 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.
10. 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.
11. Provide lot coverage information for the area within thirty-five (35) feet of the Ordinary High Water Mark (OHWM). Lot coverage within thirty-five (35) feet of the OHWM shall not exceed twenty percent (20%). Public paths within this area shall not be included in the lot coverage limit.
12. Provide lot coverage information for the area within thirty-five (35) feet of the Ordinary High Water Mark (OHWM). Lot coverage within thirty-five (35) feet of the OHWM shall not exceed twenty percent (20%). Public paths within this area shall not be included in the lot coverage limit.
13. 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).
14. 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.
15. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

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

16. 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>

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

17. A private well may have served this parcel prior to the municipal water service connection. Any remaining unused/unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR 812 and Madison General Ordinance 13.21 prior to the demolition of the property. Please contact water utility staff at (608) 266-4654 to schedule an on-site private well survey prior to demolition, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs.
18. 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
19. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.