

PLANNING DIVISION STAFF REPORT

July 8, 2024



PREPARED FOR THE PLAN COMMISSION

Project Address: 2008 Waunona Way (14th District, Alder Knox)
Application Type: Demolition Permit and Conditional Use
Legistar File ID # [83271](#) & [83735](#)
Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Jerry Walls; Property Revival; 4211 West Beltline Hwy; Madison, WI 53711

Owner: Corey Olson; 2008 Waunona Way; Madison, WI 53713

Requested Action: The applicant requests approval of a demolition permit to remove a street-facing façade and a conditional use for lakefront development.

Proposal Summary: The applicant proposes to construct a two-story, 650-square-foot addition on the street-facing side of an existing residence on a lakefront parcel.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolition Permits [§28.185 MGO] and Conditional Uses [§28.183 MGO]. §28.138(2)(a) MGO states that additions exceeding 500 square feet on zoning lots abutting Lake Monona and associated bays require Conditional Use approval.

Review Required by: Plan Commission

Summary Recommendation: The Planning Division recommends the following to the Plan Commission regarding the applications for 2008 Waunona Way. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission find that the standards for demolition permits are met and **approve** demolition permit for a technical demolition at 2008 Waunona Way subject to the conditions from reviewing agencies beginning on page 4; and
- That the Plan Commission find that standards of approval are met and **approve** the conditional use for lakefront development at 2008 Waunona Way subject to the conditions from reviewing agencies beginning on page 4.

Background Information

Parcel Location: The 12,747-square-foot property is located on the north side of Waunona Way on Lake Monona at its intersection with Hoboken Road. It is located within Aldermanic District 14 (Ald. Knox) as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is a lakefront parcel zoned TR-C1 (Traditional Residential – Consistent 1). The site includes an existing 1917-square-foot, one-and-one-half-story, single-family residence. City Assessor’s records indicate the home has three bedrooms and one-and-one-half bathrooms and that it was built in 1906.

Surrounding Land Use and Zoning:

North: Lake Monona;

East: Single-family residences, zoned Traditional Residential – Consistent 1 (TR-C1) district;

South: Across Waunona Way, single-family residences, zoned TR-C1; and

West: Single-family residences, zoned TR-C1.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) uses for the subject parcel. The [Broadway/Simpson/Waunona Neighborhood Plan](#) (1986) does not have specific land use recommendations for the site.

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

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000	12,746
Lot Width	50 ft	60 ft
Front Yard Setback	20 ft	94 ft
Side Yard Setback	7 ft	12 ft, 16 ft
Lakefront Yard Setback	61.66 ft	94 ft
Usable Open Space	1,000 sq ft	3,000 sq ft
Maximum Lot Coverage	50%	30%
Maximum Building Height	2 stories/35 ft	2 stories/26 ft

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.

Other Critical Zoning Items	Floodplains, Utility Easements, Wetlands
------------------------------------	--

Tables Prepared by Jacob Moskowitz, 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 a conditional use approval to construct a 650-square foot two-story addition to an existing single-family residence on a lakefront property at 2008 Waunona Way. The applicant proposes to remove the street-facing (south) facade and build the two-story, 650-square foot addition on the street-facing side of the existing house. The addition would include three bathrooms, two bedrooms, a play room, laundry room, and mudroom. The addition follows the same general existing roofline and architectural design of the house. An existing detached garage will remain. If approved, the applicant plans to begin construction in August 2024, with completion by the end of 2024.

Plan Consistency

The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) for this site, a land use designation predominantly made up of single-family and two-unit structures, but that may include smaller two-, three-, and four-unit apartment buildings and rowhouses. The [Broadway/Simpson/Waunona Neighborhood Plan](#) (1986) does

not have specific land use recommendations for the site. In considering the adopted plan recommendations, the Planning Division believes that the proposed use is generally consistent with the Comprehensive Plan and the Broadway/Simpson/Waunona Neighborhood Plan.

Demolition Permit Standards

At its October 5, 2021 meeting, the Common Council adopted Ordinance 21-00065 (ID [67074](#)) to revise the standards and process for demolition and removal permits in Section 28.185 of the Zoning Code to remove consideration of proposed future use as a factor in approving demolition requests. In order to approve a demolition request under the revised standards, the Plan Commission shall consider the seven approval standards in §28.185(9)(c) M.G.O. when making a determination regarding demolition requests. The factors include a finding that the proposed demolition or removal is consistent with the statement of purpose of the demolition permits section and with the health, prosperity, safety, and welfare of the City of Madison.

The Planning Division believes that the standards for Demolition Permits can be met, but provides the following comments regarding standard 4, which states *“That the Plan Commission has received and considered the report of the City’s Historic Preservation Planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission.”* At its June 3, 2024 meeting, the Landmarks Commission found that the existing building at 2008 Waunona Way has no known historic value, but the site is significant for the human burial site associated with the Ho-Chunk people.

When considering the adopted plans, the proposed new residence, the surrounding development pattern, and the recommendation of the Landmarks Commission, the Planning Division believes that all standards of approval for Demolition Permits can be met or are not applicable to this request.

Conditional Use & Lakefront Development 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.

The lakefront development standards found in §28.138 MGO 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. §28.138(4)(a) includes the methodology to establish the building setback from the lake. As the addition is proposed for the street side of the house, no changes to the lakefront setback are considered here. Staff also note that the subject site is not located in a mapped environmental corridor, although a narrow area adjacent to the lakefront falls within the flood storage district.

The conditional use standard for lakefront development (Standard 12) 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.” 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 to the east and west of the subject property. This calculation includes aboveground living areas, enclosed porches, and estimated attached garage space. Using this analysis, Staff found that the principal building sizes range from approximately 1,888 to 4,245 square-feet. The median size of the surrounding homes is approximately 3,025 square-feet, compared to the roughly 2,759 square-feet for the proposed principal structure. 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 0.216, which is higher than the estimated median 0.190 FAR for the surrounding homes, but well within the range of nearby homes (0.149 to 0.269). While the proposed structure is larger than the median of the surrounding residences, the merits of the residence should not be based solely on size. The conditional use approval must be made only with due consideration of the standards in MGO §28.183, especially Standard 12 regarding the height and bulk of this lakefront development. 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 does not have evidence that the proposed residence would not meet applicable standards.

As the addition is to be constructed on the street side of the existing structure and in compliance with lakeshore setbacks, the house is generally of a compatible scale as surrounding development, and the vegetation along the shoreline will remain unchanged, staff believes the standards for conditional use approval and lakefront development can be found met.

At the time of report writing, staff is unaware of public comment regarding this request.

Recommendation

Planning Division Recommendation (Contact Colin Punt, (608) 243-0455)

The Planning Division recommends the following to the Plan Commission regarding the applications for 2008 Waunona Way. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission find that the standards for demolition permits are met and **approve** demolition permit for a technical demolition at 2008 Waunona Way subject to the conditions from reviewing agencies below; and
- That the Plan Commission find that standards of approval are met and **approve** the conditional use for lakefront development at 2008 Waunona Way subject to the conditions from reviewing agencies below.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Planning Division (Contact Colin Punt, (608) 243-0455)

1. The property at 2008 Waunona Drive is located within the boundary of a human burial site (Icaria, DA-1404, BDA-0610). As such, any ground-disturbing work will need to secure a Request to Disturb permit from the Wisconsin Historical Society. <https://www.wisconsinhistory.org/Records/Article/CS3129>. 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. Email: bill.quackenbush@ho-chunk.com.

Zoning Administrator (Contact Jacob Moskowitz, 266-4560)

2. Section 28.185(9)(b) requires that every applicant for a demolition or removal approval that requires approval by the Plan Commission is required to get a Reuse and Recycling Plan approved by the City Recycling

Coordinator, Bryan Johnson at streets@cityofmadison.com prior to receiving a raze permit. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(9)(b) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for two (2) years from the date of the Plan Commission approval.

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

3. Proposed deck appears to be encroaching on 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 upon digger's hotline markings. Applicant shall maintain 10 ft horizontal clearance with any improvements encroaching the City sanitary sewer. If applicant is unable to maintain 10 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.

Engineering Division (Mapping) (Contact Jule Smith, (608) 264-9276)

4. Applicant shall officially confirm the location of the City sanitary sewer that is located across the lot between the proposed house additions and the existing garage and update the plans with this location. The sewer line and shall be located and shown on a survey provided by a Wisconsin Professional Land Surveyor performed in the Wisconsin County Coordinate System, Dane Zone. A new 20' Wide Public Sanitary Sewer Easement centered on the existing sanitary sewer line as located and approved by City Engineering will be required. Coordinate with Julius Smith with Engineering Mapping to setup a Real Estate Project with the necessary requirements and exhibits. (jsmith4@cityofmadison.com)
5. No part of the proposed addition will be allowed with the limits of the 20' wide Sanitary Sewer Easement to be granted to the City of Madison as located centered on the existing sanitary sewer line. The addition shall be shortened where appropriate to remain outside the proposed easement limits or no closer than 10' to the existing sanitary sewer main.
6. Any portion(s) of a public easement that is intended to be released shall be released by separate document prepared by City Office of Real Estate Services. Contact Jule Smith of Engineering Mapping (jsmith4@cityofmadison.com, 608-264-9276) to coordinate the Real Estate project, and associated information and fees required. Applicant shall provide any necessary exhibits or descriptions required to release the existing 10' wide Sanitary Sewer Easement per Document No.861661
7. The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping. Provide a complete site plan. It appears walkways, wood platforms, pavers, concrete and asphalt pavement have not been shown along with fences, and utilities, especially sanitary and water. Explain what is to demo'd and what is to remain in new site plan do to expanded footprint.

Fire Department (Contact Matt Hamilton, (608) 266-4457)

8. 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>

Forestry Section (Contact Brad Hofmann, (608) 267-4908)

9. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apparatus and street tree plan sets. 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.
10. 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 street tree plan set.
11. 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 (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.
12. 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 at (608) 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 site, grading, utility, demolition and street tree plan sets.
13. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.
14. 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 both the site and street tree plan sets.
15. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608)266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.

2008 Waunona Way
Legistar File ID# 83271 & 83735
July 8, 2024
Page 7

The Traffic Engineering Division, Water Utility, Metro Transit, and Parking Utility have reviewed this request and have recommended no conditions of approval.