



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 5209 Harbor Court (District 19 – Ald. Clear)  
**Application Type:** Demolition and Conditional Use  
**Legistar File ID #** [48473](#)  
**Prepared By:** Chris Wells, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant & Property Owner:** John Grefsheim; 5290 Harbor Court; Madison, WI 53705  
**Contact:** Chris Miller; Chris Miller Construction; 3186 Kinney Road; Cottage Grove, WI 53527

**Requested Action:** The applicant requests a demolition permit and conditional use to allow a single-family residence to be demolished and a new single-family residence to be constructed on a lakefront property at 5209 Harbor Court.

**Proposal Summary:** The applicant proposes to demolish an existing 1½-story residence and then construct a two-story, 2,940-square-foot single-family residence on a lakefront parcel.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Demolition and Removal permits [MGO §28.185(7)], Lakefront Development [MGO §28.138] and Conditional Uses [MGO §28.183]. MGO §28.138(2)(a) of the Zoning Code states that all new principal buildings on a lakefront lot is a Conditional Use.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the standards for demolition and removal, lakefront development, and conditional uses are met and **approve** the demolition as well as conditional use request to demolish an existing 1½-story house and construct a new single-family residence in TR-C2 zoning on a lakefront lot at 5209 Harbor Court. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 7,257-square-foot (0.17-acre) subject property is located at the end of Harbor Court, on the southern (inlet) side. The site is within Aldermanic District 19 (Ald. Clear) as well as the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site includes the existing 1,188-square-foot, 1½-story single-family home. City Assessor’s records indicate the home was constructed in 1925 and has three bedrooms and one full bathroom. The existing home also has a detached 1½-car garage. The property is zoned TR-C2 (Traditional Residential-Consistent 2).

**Surrounding Land Use and Zoning:**

North: Across Harbor Court are single-family homes, zoned TR-C2 (Traditional Residential - Consistent 2 District);

South: Lake Mendota Inlet;

East: Lake Mendota; and

West: Single-family residences, zoned TR-C2.

**Adopted Land Use Plan:** The [Comprehensive Plan \(2006\)](#) recommends low-density residential development for the subject site and surrounding properties. The [Spring Harbor Neighborhood Plan \(2006\)](#), while making no specific recommendation about the subject parcel, does state that a plan goal is to “maintain the existing residential character within the neighborhood.”

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

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,000 sq. ft.	7,257 sq. ft.
Lot Width	40'	85'
Front Yard Setback	20' (10' front yard setback average minimum) Sec. 28.031(1)	5.1' <i>(See Comment #12)</i>
Max. Front Yard Setback	30' or up to 20% greater than block average	5.1'
Side Yard Setback	One-story: 5' Two-story: 6'	6.2' west Adequate east
Lakefront Yard Setback	41.2' Sec. 28.138(4)(a)2.	41.7' <i>(See Comment #17)</i>
Usable Open Space	750 sq. ft.	Adequate
Maximum Lot Coverage	65%	Less than 65%
Maximum Building Height	2 stories/ 35'	2 stories <i>(See Comment #16)</i>

**Section 28.031(1):** Where at least fifty percent (50%) of the front footage of any block is built up with principal structures, the minimum front yard setback for new structures shall be the average setback of the existing principal structures on the block face or the normal setback requirement in the district whichever is less, but no less than ten (10) feet.

**Section 28.138(4)(a)2:** Lakefront Yard Setback. If the subject property only abuts one developed lot, the setback of the existing principal residential structure on that abutting lot.

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Attached garage <i>(See Comment #18)</i>
Number Bike Parking Stalls	None	None
Landscaping and Screening	Inventory of shoreline vegetation	No <i>(See Comment #13)</i>
Building Forms	Yes	Single-family detached dwelling

<b>Other Critical Zoning Items</b>	Floodplain; Utility Easements
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*Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator*

**Environmental Corridor Status:** The subject site appears to be located in a mapped environmental corridor, with the roughly 15-foot strip of land adjacent to the lake falling within this area. This strip of land also falls within the flood storage district. Prior to final sign off, the applicant shall work with the Planning Division and Capital Area Regional Planning Commission to confirm that proposed development will not be located within the mapped environmental corridor.

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

## Previous Approvals

On August 10, 2017, the Zoning Board of Appeals approved the request by the applicant for a front-yard setback variance to construct a new two-story single-family dwelling.

## Project Description

The applicant first proposes to demolish an existing 1½-story lakefront residence. This will require a demolition permit. The applicant then proposes to construct a two-story, roughly 2,100-square-foot, single-family residence. The new structure will require conditional use review.

The existing home was constructed in 1925 according to City Assessor's records. It includes 1,188 square feet of living area with three bedrooms and one bathroom. The site also includes an existing 1½-car detached garage.

The proposed building will be two-stories above grade. The structure will be located in the same general area as its predecessor but will be moved slightly to the northwest (i.e. away from the lake) in order to conform to the Zoning requirements for lakefront setbacks. The proposed front yard setback of 5.1 feet however does not conform to the Zoning Code, which according to M.G.O. §28.031(1), requires: *"the minimum front yard setback for new structures shall be the average setback of the existing principal structures on the block face or the normal setback requirement in the district whichever is less, but no less than ten (10) feet."* As the average front yard setback for the block is indeed less than 10 feet, the applicant applied for a front yard setback variance, and on August 10, 2017, the Zoning Board of Appeals approved a variance allowing a 5.1-foot front yard setback.

Exterior materials will consist of a light-grey, horizontal cement board siding, a white cement board for the trim, and a cultured stone veneer on the base. The shingles will be asphalt, the windows will be vinyl, and the doors will be wood.

The deck proposed on the lakefront side and within the lakefront setback has a depicted height of 2 feet-2 inches which conforms to the Zoning Code's standards for height of structures in the lakefront setback area. Regarding landscaping, the applicant has confirmed that no vegetation or landscaping is being disturbed within the area 35 feet back from the Ordinary High Water Mark (OHWM). The only tree which will be removed on the rest of the site is an old fruit tree near the southeast corner of the existing residence.

## Analysis and Conclusion

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

### Demolition Details & Standards

As proposed, the existing home would be demolished (or possibly relocated from the site). As noted in M.G.O. §28.185(7), 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 zoning districts. Furthermore, the proposal should be compatible with adopted plans. The Plan Commission shall consider and give decisive weight to any relevant facts, including but not limited to impacts on normal and orderly development, efforts to relocate the existing building(s), and the limits that the location of the building(s) would place on efforts to relocate it/them. While the subject building is not a landmark building, nor does it lie within a local historic district, the Plan Commission shall consider any reports from the Landmark Commission and Historic Preservation Planner when determining whether the demolition standards are met.

Staff believes that the demolition standards are met with this proposal. The removal of the building and construction of the proposed residence are not anticipated to have a negative impact on either the normal and orderly development or the improvement of surrounding properties. The proposed building is generally consistent with the [Comprehensive Plan \(2006\)](#) which recommends low-density residential for this site as well as the [Spring Harbor Neighborhood Plan \(2006\)](#), which recommends "maintaining the existing residential character within the neighborhood." (Spring Harbor Neighborhood Plan, Pg. 43). Finally, at their May 4, 2017 meeting, the Landmarks Commission found that the building slated for demolition had no known historic value.

### **Conditional Use Standards**

The Planning Division also believes the standards for Conditional Uses can be found met. 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. These standards include one related exclusively to lakefront development (Standard 13) which states that "when applying the above standards to lakefront development under §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 either side of the subject property. This calculation includes living areas, enclosed porches, basement areas, and estimated attached garage space. Using this analysis, staff found that the principal building sizes range from approximately 1,602 to 4,106 square feet. The median size is approximately 2,398 square feet, compared to roughly 2,941 square feet for the proposed principal structure (which is 23 percent above the median).

The Zoning Code's definition of bulk also includes FAR, or floor area ratio, which compares the total building floor area (on all floors) to lot area. (An FAR of 1.0 would indicate that the total building floor area is equal to the lot area.) The calculated FAR for the adjacent lots along Spring Court range from 0.35 to 0.71. The calculated FAR for the proposed principal structure is 0.41, compared to a median FAR of 0.51 for the surrounding homes. In regards to height, the proposed home appears to be well under the maximum allowable height of 35 feet, with a depicted height of approximately 30.5 feet. Staff notes that the heights of the surrounding homes are varied, consisting of 1½- and two-story structures.

Lastly concerning the requirement in residential districts that the portion of the façade that contains the garage door must be recessed at least two feet behind the remainder of the façade (per MGO §28.031(3)), the ordinance further states that the Plan Commission may reduce or eliminate this requirement as part of the conditional use process in the case of lakefront lots where physical constraints make compliance infeasible. Given the unique shape of the subject site, the fact that all of the adjacent houses on the south side of Harbor Court also have attached garages which project out towards the road (if not located entirely between the road and the rest of the house), and the fact that the applicant has already been granted a variance by the Zoning Board of Appeals allowing a 5.1-foot front yard setback, the Planning Division believes this Plan Commission may eliminate this requirement.

### **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. Staff believes the lakefront development standards are met.

Staff also note that the subject site appears to be located in a mapped environmental corridor, with the roughly 15-foot strip of land adjacent to the lake falling within this area. This strip of land also falls within the flood storage district. Prior to final sign off, the applicant shall work with the Planning Division and Capital Area Regional Planning Commission to confirm that proposed development will not be located within the mapped environmental corridor.

## Conclusion

The Planning Division believes that the standards for Lakefront Development and Conditional Uses can be met. The new home is believed to be compatible with the varied development pattern along Lake Mendota Drive. This proposal is consistent with the [Comprehensive Plan's \(2006\)](#) recommendation for low-density residential land use. The subject property is also within the planning area for the [Spring Harbor Neighborhood Plan \(2006\)](#), adopted to guide redevelopment activities in the Spring Harbor neighborhood. While the neighborhood plan does not contain specific recommendations for lakefront residential areas, it does encourage that new and redeveloped homes be of a height and scale that is relative to the neighborhood and is sensitive to its natural character.

At the time of report writing, staff was not aware of concerns regarding this proposal.

## Recommendation

### Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the standards for demolition and removal; lakefront development; and conditional uses are met and **approve** the demolition as well as conditional use request to demolish an existing 1½-story house and construct a new single-family residence in TR-C2 zoning on a lakefront lot at 5209 Harbor Court. 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

1. That prior to final sign off, the applicant shall work with the Planning Division and Capital Area Regional Planning Commission to confirm that proposed development will not be located within the mapped environmental corridor.
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.

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

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 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. Provide first floor & lowest entry/exposure foundation elevations. Maintain side yard drainage pattern. 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)
5. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)
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 Harbor Ct, 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)

8. The plot plan indicates a property survey has been completed by Birrenkott Surveying. A copy has not been located in Dane County Surveying records. Applicant shall coordinate and provide a signed and sealed copy of the boundary survey for City of Madison records.

**Traffic Engineering** (Contact Eric Halvorson, (608) 266-6527)

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

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

9. 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).
10. 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.
11. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
12. The Zoning Board of Appeals, at its meeting of August 10, 2017, approved the request for a front yard setback variance to construct the single-family residence.
13. 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.

14. Show the designated flood plain area on the site plan. Any construction within a flood plain shall meet floodproofing protection measures and such design shall be certified by a registered professional engineer or architect per Section 28.121(12) of the Madison General Ordinances.
15. 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.
16. Show the height of the proposed residence 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.
17. Show the height of the lakefront deck on the building elevations. The deck may not exceed three (3) feet in height above the adjacent ground level.
18. Show the width of the driveway at the front property line on the site plan. The maximum driveway width measured at the front property line is 22 feet wide.

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

19. 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>
20. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Captain Jerry Buechner at [jbuechner@cityofmadison.com](mailto:jbuechner@cityofmadison.com) or (608) 516-9195.

**Parks/Forestry Review** (Contact Janet Schmidt, (608) 261-9688)

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

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

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

**Metro Transit** (Contact Tim Sobota, (608) 261-4289)

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