

PLANNING DIVISION STAFF REPORT

September 14, 2020



PREPARED FOR THE PLAN COMMISSION

Project Address: 5120 Spring Court (District 19 – Ald. Furman)
Application Type: Conditional Use
Legistar File ID # [61671](#)
Prepared By: Sydney Prusak, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Merlin Schoenherr; Schoenherr Design & Drafting Services; 6723 Winding Way Court; Deforest, WI 53532

Property Owner: Tim Erdman; 5120 Spring Court; Madison, WI 53705

Requested Action: The applicant requests approval of a conditional use to construct an accessory building on a lakefront property in the Traditional Residential – Consistent 2 (TR-C2) Zoning District at 5120 Spring Court

Proposal Summary: The applicant proposes to demolish two existing accessory buildings and construct a new 480-square-foot detached garage (accessory building). No changes to the primary structure are proposed with this development.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] and Lakefront Development [MGO §28.138]. MGO §28.138(2)(a) states that any accessory building on zoning lots abutting Lake Mendota and associated bays shall require Conditional Use approval.

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for conditional uses and lakefront development are met and **approve** the conditional use request to construct an accessory building on a lakefront property in the Traditional Residential – Consistent 2 (TR-C2) Zoning District at 5120 Spring Court. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 11,338-square-foot (0.26-acre) subject property is located on the northwest side of Spring Court. The site is within Aldermanic District 19 (Ald. Furman) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site includes the existing 1,104 square-foot, two-story single-family home. City Assessor records indicate the home was constructed in 1922 and contains three bedrooms and one bathroom. Currently, the property contains a 504 square-foot detached garage and a 192 square-foot shed, both of which will be demolished as part of this development.

Surrounding Land Use and Zoning:

- North:** Lake Mendota;
- East:** Single-family residences, zoned TR-C2;
- South:** Single-family residences, zoned TR-C2; and
- West:** Single-family residences, zoned TR-C2.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) land uses for subject site and surrounding properties, classified as up to 15 dwelling units per acre (du/ac) and up to two stories in height. The [Spring Harbor Neighborhood Plan](#) (2006) makes no specific land use recommendations for the subject site, but recommends that, “the residential character of the neighborhood should be enhanced and preserved.”

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

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,000 sq. ft.	11,338 sq. ft.
Lot Width	40'	Existing
Front Yard Setback	20'	Adequate
Max. Front Yard Setback	30' or up to 20% greater than block average	Adequate
Side Yard Setback	One-story: 5' Sec. 28.131(1)(g)	1.7'
Lakefront Yard Setback: Accessory Building	3' setback from OHWM	Adequate
Usable Open Space	750 sq. ft.	Adequate
Maximum Lot Coverage	65%	Less than 65%
Maximum Building Height: Accessory Building	15'	15'

(11)

Section 28.131(1)(g) Side and Rear Yard Garage Replacement. A detached garage located in a side or rear yard may be replaced within the existing setbacks provided that:

1. The garage is replaced within one (1) year of demolition.
2. The location and size of the existing or demolished garage shall be verified by the Zoning Administrator.
3. The replaced garage shall not exceed twenty-four (24) feet in length or width.
4. Neither the length, width, or height of the replaced garage shall be more than two (2) feet greater than the length, width, or height of the demolished garage.
5. No side of the enlarged structure is moved closer to any lot line with which there is a non-conforming setback.
6. The replaced garage shall not exceed the maximum size allowed under Sub. (2)(b) above

Information Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor, though a small portion of the property adjacent to the lake is within the flood storage district. The proposed new construction is not located within this area.

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

Project Description, Analysis, and Conclusion

The applicant proposes to demolish an existing 504 square-foot accessory building (garage) and a 192 square-foot shed and construct a new 480-square-foot garage on a lakefront parcel at 5120 Spring Court. The proposed building will be 20 by 24 feet and will be located directly off Spring Court via a shared access drive with the property to the north. The new garage is proposed to occupy the same general footprint as the existing garage, with a slightly deeper front setback.

In terms of building materials, the accessory building will be clad in gray lap siding, with a metal roof. As proposed, the garage will contain a 12 by 9 foot overhead garage door. Standing at 15 feet, the proposed garage will be shorter than the two-story principal building.

This proposal is subject to the standards for Conditional Uses [MGO §28.183] and Lakefront Development [MGO §28.138]. MGO §28.138(2)(a) states that any accessory building on zoning lots abutting Lake Mendota and associated bays shall require Conditional Use approval.

Conditional Use Approval Standards

In regards to the Conditional Use 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. Please note, recent changes to 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 [Comprehensive Plan](#) (2018) recommends Low Residential (LR) land uses for subject site and surrounding properties, classified as up to 15 dwelling units per acre (du/ac) and up to two stories in height. The [Spring Harbor Neighborhood Plan](#) (2006) makes no specific land use recommendations for the subject site, but recommends that, "the residential character of the neighborhood should be enhanced and preserved." Given that this proposed accessory building will replace existing accessory buildings for a single-family residence, staff believes that this proposal conforms to the adopted plan recommendations.

Conditional Use Standard #3 states, "The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner." The Planning Division believes that this standard can be found met. Staff notes that the proposed 480-square-foot detached garage is of similar size to other accessory buildings on the lakefront block face and will replace an existing accessory buildings located in the same general location. Staff notes that the at least eight (8) properties located on the lakefront block face of Spring Court contain a detached accessory building located in front of the primary structure. Therefore, staff believes that Conditional Use Standard #4 regarding Normal and Orderly Development can also be found met.

Conditional Use Standard #7 states, "The conditional use conforms to all applicable regulations of the district in which it is located." Staff notes that section 28.131(1)(g) the Zoning Code allows a proposed accessory building to be built to the location of the a structure that it is replacing, provided the listed requirements are met. For a reference, these are included on page 2 of this report, under the Zoning Administrator's comments. Staff believes this standard can be found met.

Lastly, Conditional Use Standard #13 states, "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." It is important to note

that this standard relates to principal buildings. Given that no changes to the principal structure are proposed with this application, the Zoning Administrator determined that this standard does not apply.

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 notes 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. No changes are proposed in this area. Therefore, staff believes the lakefront development standards are met.

Public Input

At the time of report writing, staff did not receive any public comments for this proposal.

Conclusion

The Planning Division believes that the standards for Lakefront Development and Conditional Uses can be found met. The proposal is believed to be consistent with the [Comprehensive Plan](#) (2018) and the [Spring Harbor Neighborhood Plan](#) (2006) residential recommendations for the subject site. Furthermore, the Planning Division believes that this proposal is in keeping with the surrounding pattern of development.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, sprusak@cityofmadison.com)

The Planning Division recommends that the Plan Commission find that the standards for conditional uses and lakefront development are met and **approve** the conditional use request construct an accessory building on a lakefront property in the Traditional Residential – Consistent 2 (TR-C2) Zoning District at 5120 Spring 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

Planning Division (Contact Sydney Prusak, sprusak@cityofmadison.com)

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 cataloged land contiguous to a cataloged 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 (Contact Tim Troester, (608) 267-1995)

2. The City has a sanitary sewer main in close proximity to garage. Applicant shall confirm with survey of manholes that the proposed garage is not closer than 7.5' to the center of the existing sewer main. If it is closer than 7.5', applicant will need to request a consent to occupy easement. Improving the sewer (replacement with PVC, or installing a liner inside of the sewer) may be conditions of the consent to occupy sewer agreement. The City contact to coordinate the easement document is Jeff Quamme (jrquamme@cityofmadison.com)

3. Current plan shows less than 4,000 sf disturbed area. If plans are not revised, no Erosion Control or Storm Water Management Permits will be required.
4. Revise plan to show the location of all rain gutter down spout discharge locations, if any are proposed. All drainage should be directed to the rear of the lot and not to the adjacent property. (POLICY)
5. Revise plan set to show more information on proposed drainage for the site. Use either spot elevations and drainage arrows or proposed contours to show the required drainage information. 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)
6. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
7. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

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

8. Developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

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

9. Update the site plan to accurately show the lot lines per Engineering Mapping comments.
10. The applicant proposes a detached garage complying with the Zoning Code requirements of Section 28.131(1)(g) Side and Rear Yard Garage Replacement.
11. Verify the height of the existing garage. The height of the proposed replacement garage shall not be more than two (2) feet greater than the height of the existing garage to be demolished.

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

12. Provide fire separation distance/rating from property line as required.

City Engineering – Mapping Section (Contact Jeff Quamme, (608) 266-4097)

13. Owner shall grant a 15' Wide Public Sanitary Sewer Easement centered on the two existing public sanitary sewers that run southwesterly across this site and also in a northerly - southerly direction within the 16' wide portion of the parcel that connects to Spring Court. The easement shall permit the existing pavements to remain and the City would replace in the event of excavation to replace or maintain the sewer.
14. The new garage shall be constructed outside of the easement. If the Owner would like to pursue construction of a portion of the garage within the easement to be granted, the easement document shall include terms for a Consent to Occupy Agreement allowing the garage to be within the easement. Terms would include, but not be limited any required removal of any part of the garage required for the City to maintain or replace the sewer in the future would be at the owner's expense.
15. Standard easement conditions would include:

- a. No new above-ground improvements shall be allowed other than sanitary sewer related improvements shall be allowed in the Public Sanitary Sewer Easement Area(s) by the City or the property owner. (pavement and/or concrete for driveway or sidewalk purposes shall be permitted.)
- b. Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall be permitted with conditions.
- c. The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.

Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com) for the required map exhibits and descriptions to allow the set up of a City of Madison Real Estate Project to administer the easement.

16. Show and label the Ingress Egress Easement per Doc No 3240924 that exists over the 16' Wide portion of Lot 29 out to Spring Court that is shared with the parcel at 5122 Spring Court.
17. The site plan shall be revised to acknowledge the ownership of a 16' wide part of Lot 29 out to Spring Court conveyed to the owners of this site per Document No 3240923.