



PREPARED FOR THE PLAN COMMISSION

Project Address: 5114 Spring Court (19th Aldermanic District, Alder Clear)
Application Type: Demolition and Conditional Use
Legistar File ID # [48336](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact Scott Johnson; XDEA Architects; 2 Horatio Street., 11L; New York, NY 10014
Property Owner: Jim & Jan Eisner; 5114 Spring Court; Madison, WI 53705

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 5114 Spring Court

Proposal Summary: On June 19, 2017, the Plan Commission approved a conditional use to construct an addition exceeding 500 square feet to the single-family residence on this property. However, when performing soil tests on site, structural engineers subsequently discovered that the existing foundation could not support the addition and would therefore require demolition. The existing structure will be completely demolished, save for the portion of the existing foundation located within the lakefront setback area which will be maintained (it will be bolstered on the inside). The proposed design of the single-family residence is identical to that which was previously approved by the Plan Commission save for reinforced foundation, the removal of the green roof, and the staircase which led from the second floor up to the green roof. Note: this proposal has already received a lakefront setback variance from the Zoning Board of Appeals for both the fireplace as well as the second-story addition.

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 zoning lots abutting Lake Mendota and associated bays, shall require Conditional Use approval.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for demolitions, conditional uses, and lakefront development are met and **approve** the demolition permit as well as conditional use requests to allow a single-family residence to be demolished and a new single-family residence to be constructed on a lakefront property in TR-C2 zoning at 5114 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 11,300-square-foot (0.26-acre) subject property is located near the end of Spring Court, on the northern (lake) side. The site is within Aldermanic District 19 (Ald. Clear) and is within the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site includes the existing 1,750-square-foot, one-story single-family home. City Assessor’s records indicate the home was constructed in 1999 and has two bedrooms and two full bathrooms. The existing home also has a detached two-car garage.

Surrounding Land Use and Zoning:

North: Lake Mendota

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

East: Single-family homes, zoned TR-C2; and

West: Single-family homes, 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.	11,304.9 sq. ft.
Lot Width	40'	53'
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' Two-story: 6'	9.5' east 7.9' west
Lakefront Yard Setback	Sec. 28.138(4)(a)1 (44.1')	40.6' (See Comment #11)
Usable Open Space	750 sq. ft.	Adequate
Maximum Lot Coverage	65%	Less than 65% (See Comment #13)
Maximum Building Height	2 stories/ 35'	2 stories/ 26' 6"

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 twenty (20) feet of one another.

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Existing detached garage
Number Bike Parking Stalls	None	None
Landscaping and Screening	Yes, inventory of shoreline vegetation	Yes (See Comment #15)
Building Forms	Yes	Single-family detached dwelling

Other Critical Zoning Items	Floodplain; Utility Easements
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Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: While the property is not located within a mapped environmental corridor, a small portion of the property adjacent to the lake appears to be located in a flood storage district.

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

Previous Approvals

On May 11, 2017, the Zoning Board of Appeals approved the request by the applicant for a lakefront setback variance to construct a second-story addition and fireplace onto an existing one-story single-family home.

On June 19, 2017, the Plan Commission approved a conditional use (Legistar ID #[47305](#)) to construct an addition exceeding 500 square feet to the single-family residence on this property.

Project Description, Analysis and Conclusion

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

The existing home was constructed in 1999 according to City Assessor's records. It includes 1,750 square feet of living area with two bedrooms and two bathrooms. The site also includes an existing two-car detached garage.

On June 19, 2017, the Plan Commission approved a conditional use to construct an addition exceeding 500 square feet to the single-family residence on this property. However, when performing soil tests on site, structural engineers subsequently discovered that the existing foundation – in some places only consisting of a 6-inch wide foundation wall resting on a 1.5-inch thick ledge 40 inches below the surface of the soil - could not support the addition and would therefore require demolition. The existing structure will be completely demolished, save for the portion of the existing foundation located within the lakefront setback area which will be maintained (it will be bolstered on the inside). As a result, the footprint of the existing foundation will not change.

The proposed design of the single-family residence (i.e. the floor plans, elevations and materials) is identical to that which was previously approved by the Plan Commission save for the redesigned and bolstered foundation, the removal of the green roof, and the staircase which led from the second floor up to the green roof. The end result will be a modern, rectilinear, two-story building with a basement. Exterior materials will consist primarily of stucco for the walls, colored a warm beige. The lower-level of the southern elevation will be clad with walnut wood slats. Walnut will also be used for major horizontal elements on the building (for example the recess right below the roof fascia as well as between the first and second floors on the northern and southern elevations). The roof fascia will be a metal, colored either grey or terra cotta. The ground floor entrance doors and north facing window wall are glass with metal trim. All other doors and windows will have wood stained walnut.

While a portion of the proposed house lies within the lakefront setback, it should be noted that the proposal has already received a lakefront setback variance from the Zoning Board of Appeals for both the fireplace as well as the second-story addition located within this setback area.

Other site plan details are not changing from what was previously approved in June. There will still be the wooden walkway with metal trellis spanning from the detached garage to the house, along the east side of the property. Two stone decks are still being proposed: one an 8-foot by 28-foot deck along the southern façade of the residence and the other, a 10-foot by 30-foot deck with bench along the northern façade. Regarding the detached garage, while no bulk changes are being proposed to the structure, the applicant is still proposing to reclad it with the same stucco as the residence. Solar shingles (colored smokey grey) will be added on the roof.

The proposed landscaping will still consist of relocating a number of the existing trees and shrubs around the site and bolstering the design with a number of new plants. The existing rain garden, located in the inner courtyard (i.e. the space between the garage and residence), will also still be enlarged and redesigned.

Demolition Details & Standards

As noted in MGO Section 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 the existing building is 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 July 12, 2017 meeting, the Landmarks Commission found that the building slated for demolition had no known historic value.

Conditional Use Standards

The Planning Division believes that 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 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 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 surrounding principal building sizes range from approximately 1,104 to 5,947 square feet. The median size is approximately 2,528 square feet, compared to roughly 2,670 square feet for the proposed principal structure (which is 5½-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 0.10 to 0.52. The calculated FAR for the proposed principal structure is 0.24, which is 18-percent below the estimated median 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 26.5 feet. Staff notes that the heights of the surrounding homes are varied, consisting of one and two-story structures.

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 believe the lakefront development standards are met as long as the applicant work's with City staff to resolve any issues related to the placement of the proposed stone deck in relation to the public sanitary sewer easement which runs through the property's lakefront area.

Staff also note that while a small portion of the property adjacent to the lake appears to be located within the flood storage district, it is not however, located within a mapped environmental corridor.

Conclusion

In conclusion, the Planning Division believes that the standards for Demolitions, Lakefront Development, and Conditional Uses can be met. The new home is believed to be compatible with the varied development pattern along Spring Court. This proposal is consistent with the Comprehensive Plan's recommendation for low-density residential land use as well as the Spring Harbor Neighborhood Plan's general recommendation that new and redeveloped homes be of a height and scale that is relative to the neighborhood and is sensitive to its natural character. The footprint of the proposed structure will not change and the design, save for a few minor changes, is identical to the proposal which received Plan Commission approval back in June of this year.

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

Recommendation

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

The Planning Division recommends that the Plan Commission find that the standards for demolitions, conditional uses, and lakefront development are met and **approve** the demolition permit as well as conditional use requests to allow a single-family residence to be demolished and a new single-family residence to be constructed on a lakefront property in TR-C2 zoning at 5114 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

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

1. The property owner shall be responsible for any damages caused to the public sanitary that is located in the easement between the proposed house and garage that is a result of the private construction activities. The City televised this public sanitary line in March 2017. The property owner shall televise this public sanitary line upon completion of the private construction activities and submit it to City Engineering for review and determination if repairs are required. Alternately, the property owner can request the City to re-televise the sanitary sewer upon completion of construction and reimburse the City for the televising costs.
2. Consent to occupy easement agreement shall be completed per Engineering Mapping comment of the same. The agreement shall contain language specific to the private improvements being constructed in the easement and that if the City requires access to the public sanitary sewer in the future that said private improvements must be removed and replaced at the sole cost of the property owner.

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 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)
5. 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)
6. All damage to the pavement on Spring 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)

7. A Consent to Occupy Easement document shall be drafted and recorded to define responsibilities, restrictions and requirements in conjunction with the proposed building foundation, stone deck, metal trellis and balcony that will lie within or over the existing Public Sanitary Sewer Easement per Doc. No. 3111465. A City of Madison Real Estate project will be required along with a \$500 for administrative fee to create the document, obtain required approval(s) and record with the Register of Deeds. Coordinate with and provide legal descriptions and map exhibits along with the \$500 for administrative fees to Jeff Quamme at jquamme@cityofmadison.com or 1600 Emil Street, Madison, WI 53703 (Ph. 608-266-4097).

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

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. The Zoning Board of Appeals, at its meeting of May 11, 2017, approved the request for a lakefront setback variance.
12. Include a copy of the topographic survey dated April 4, 2017 with the final plan set.
13. 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.

14. Submit details of the trellis covered walkway extending between the house and the detached garage. The trellis must maintain a 3-foot minimum separation distance from the garage.
15. Submit details of the proposed landscape features such as the freestanding limestone wall and wood wall.
16. 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.

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

17. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website: <https://homefiresprinkler.org/fire-sprinkler-guide/>

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

18. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.
19. 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.
20. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days' notice between the application submittal and the scheduled lateral connection/extension. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.