



PLANNING DIVISION STAFF REPORT

July 10, 2023

PREPARED FOR THE PLAN COMMISSION

Project Address: 2810 Waunona Way (14th District, Alder Knox)
Application Type: Demolition Permit and Conditional Use
Legistar File ID # [78190](#) & [78191](#)
Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Scott Poulsen; Poulsen Enterprises Inc; 4860 Pine Spring Rd; DeForest, WI 53532

Contact: Mike Monahan; Monahan Building Works; 405 Park Way; Madison, WI 53705

Owner: Greg & Denise Quinn; 535 Linden Ct; Verona, WI 53593

Requested Action: The applicant requests a demolition permit and conditional use approval to demolish an existing single-family residence and construct a new single-family residence with a detached garage on a lakefront property at 2810 Waunona Way. Conditional uses for lakefront development (§28.138(2)(a) MGO) and accessory buildings with a total floor area in excess of 1000 square feet (§28.131(1)(a) MGO) are being requested.

Proposal Summary: The applicant proposes to demolish an existing, one-story, single-family residence and construct a one-story single-family residence with a detached garage on the lakefront parcel.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolition and Removal Permits [§28.185(7) MGO] and Conditional Uses [§28.183 MGO]. §28.138(2)(a) MGO states that all new principal buildings 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 2810 Waunona Way:

- That the Plan Commission find that the standards for demolition permits are met to approve demolition of the building at 2810 Waunona Way; subject to the conditions from reviewing agencies beginning on page 4;
- That the Plan Commission find that the standards for conditional uses are met for lakefront development and accessory buildings totaling greater than 1000 square feet in area, subject to the conditions from reviewing agencies beginning on page 4;

Background Information

Parcel Location: The 12,279-square-foot property is located on the north side of Waunona Way on Lake Monona, between Fayette Avenue and Raywood 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 the existing 1,346-square-foot, one-story, single-family residence. City Assessor’s records indicate the home has three bedrooms and two bathrooms and that it was built in 1954.

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 sq. ft. | 25,615 sq. ft. |
| Lot Width | 50' | 100.0' |
| Front Yard Setback | 20' | 52'0" detached garage 77'0" SF dwelling |
| Max. Front Yard Setback | 30' or up to 20% greater than block average | 52'0" detached garage 77'0" SF dwelling |
| Side Yard Setback | One-story: 6' Two-story: 7' | 14'0" detached garage 11'4" SF dwelling east 9'9" SF dwelling west |
| Lakefront Yard Setback | 76.5' Sec. 28.138(4)(a)3. | 77'0" |
| Usable Open Space | 1,000 sq. ft. | Adequate |
| Maximum Lot Coverage | 50% | <50% (2) |
| Maximum Building Height: SF dwelling | 2 stories/ 35' | 1 story/ <35' |
| Maximum Building Height: Accessory building | 15' | <15' (3) |

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.

| Site Design | Required | Proposed |
|----------------------------|----------------------------------------------------|-------------------------------------|
| Number Parking Stalls | Single-family detached dwelling: 1 (location only) | Attached garage and detached garage |
| Number Bike Parking Stalls | Single-family detached dwelling: None | Attached garage and detached garage |
| Landscaping and Screening | Inventory of shoreline vegetation | Yes |
| Building Form and Design | Yes | Single-family detached dwelling |

| | |
|------------------------------------|-----------------------------------------|
| Other Critical Zoning Items | Floodplain, Utility Easements, Wetlands |
|------------------------------------|-----------------------------------------|

Tables Prepared by Jenny Kirchgatter, 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 demolition permit to remove an existing single-family residence and conditional use approval to construct a new single-family residence with a detached garage on a lakefront property at 2810 Waunona Way. The submitted [demolition photos](#) show an older house without any significant apparent updates or maintenance. The letter of intent indicates there is water damage and mold in the basement, rotting wood, and poor drainage from the driveway. After demolition, the applicant proposes to build a 5,268-square foot, one-story house with walkout lower level and attached two-stall detached garage. The proposed house has three bedrooms and four bathrooms. The house also features a deck facing Lake Monona. The proposed house and garage each feature a gabled roof with composite lap siding and stone accent siding. The house also includes significant glazing on the lake side.

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 May 15, 2023 meeting, the Landmarks Commission found that the existing building at 2810 Waunona Way has no known historic value.

Planning Division staff believe all other standards of approval can be met or are not applicable to this request.

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 the standards for Demolition Permits can be met.

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. Thirty percent of the lot depth is 76.5 feet, which is the lakefront yard setback used for the proposed lot. 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 13) 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 west and the one (1) developed lots to the east of the subject property. Only one property to the east was used for this analysis as Esther Beach Park is east of this 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 1,309 to 4,985 square-feet. The median size of the surrounding homes is approximately 2,796 square-feet, compared to the roughly 3,554 square-feet for the proposed principal structure (which is 27% 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, 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 0.139, which is less than the estimated median 0.145 FAR for the surrounding homes. In regards to height, the proposed home appears to be under the maximum allowable height of 35 feet, consisting of a one-story structure with a partially-exposed basement.

While the proposed structure is larger than the median of the surrounding residences, the merits of the new home 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 13 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. Though larger than some surrounding homes, the FAR is less, and Staff does not have evidence that the proposed residence would not meet applicable standards.

As the structure is to be constructed in the general location of the existing structure and in compliance with lakeshore setbacks, the new 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 2810 Waunona Way:

- That the Plan Commission find that the standards for demolition permits are met to approve demolition of the building at 2810 Waunona Way; subject to the conditions from reviewing agencies beginning below;
- That the Plan Commission find that the standards for conditional uses are met for lakefront development and accessory buildings totaling greater than 1000 square feet in area, subject to the conditions from reviewing agencies beginning below;

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

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

1. Many lakefront sites are associated with archeological and historic resources. 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.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

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.
3. Provide a calculation for lot coverage with the final submittal. The lot coverage maximum is 50%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
4. Show the height of the proposed detached garage on the elevations. The maximum height is fifteen (15) feet. Height is measured from the average elevation of the approved grade at the front of the building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the midpoint of the ridge of a gable, hip, or gambrel roof. The average height shall be calculated by using the highest ridge and its attendant eave. The eave point used shall be where the roof line crosses the side wall.
5. 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.

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

6. Existing & Proposed home is located in close proximity to a City sanitary sewer that needs to be maintained by Engineering Operations crews. Applicant will be required to dedicate a sanitary sewer easement and maintain 10' separation with any proposed foundation work from the center of the sanitary sewer main.
7. Applicant will be responsible for any damage to the City sewer throughout demolition and construction of the building. Applicant shall provide or pay the City to televise the City sanitary sewer on the property. Applicant shall submit pre and post home construction CCTV videos of the sewer to Mark Moder mmoder@cityofmadison.com.
8. 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. (MGO 16.23(9)(d)(4))
9. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
10. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)

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

11. There is not an easement of public record for the Public Sanitary Sewer that lies within this parcel. The Owner shall grant a 15' wide Public Sanitary Sewer Easement(s) to the City of Madison centered on the existing sanitary sewer pipe. Additionally, the easement limits shall be a minimum of 10 feet from the center of the southernmost manhole lying near the west side of the lot. The easement document shall also provide an access easement to allow the City adequate access to maintain and clean the sewer. Provide a map exhibit and legal description prepared by a Professional Surveyor of the easement to Jeff Quamme (jrquamme@cityofmadison.com) and he will coordinate a Real Estate project to draft and administer the easement for execution by the Owner.

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

12. 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>
13. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Jeff Larson at jtlarson@cityofmadison.com or (608) 2665946.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

14. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), 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. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

The Traffic Engineering Division, Parks Division, Forestry Section, and Metro Transit have reviewed this request and have recommended no conditions of approval.