



PREPARED FOR THE PLAN COMMISSION

Project Address: 2412 Waunona Way (14th District, Alder Carter)
Application Type: Demolition Permit and Conditional Use
Legistar File ID # [74898](#) & [74899](#)
Prepared By: Lisa McNabola, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Property Owner: Stacey Rogers and Scott Rogers; 2419 Parmenter Street, Middleton, WI 53562

Applicant: Melissa Destree, Destree Architects; 222 West Washington Avenue; Madison, WI 53703

Requested Action: Consideration of a demolition permit to demolish an existing single family residence, and consideration of a conditional use to construct a new single-family residence on a lakefront parcel at 2412 Waunona Way.

Proposal Summary: The applicant is seeking approval to demolish an existing two-story single family residence and construct a new two-story single family residence.

Applicable Regulations & Standards: Standards of approval for demolition permits are found in §28.185(6) M.G.O. Standards for conditional use approvals are found in §28.183(6) M.G.O. General Regulations for lakefront developments are found in §28.128 M.G.O.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends the following to the Plan Commission regarding the applications for 2412 Waunona Way. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the request to demolish a single family residence at 2412 Waunona Way.
- The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to construct a single-family residence on a lakefront parcel at 2412 Waunona Way.

Background Information

Parcel Location: The 11,994 square-foot (.27-acre) parcel is located on Waunona Way between Fayette Avenue and Raywood Road. It is located within Alder District 14 and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is occupied by a two-story, approximately 2,101 square-foot single family residence and a detached garage. Per data from the Assessor's Office the structure was built in 1903 and contains four bedrooms and two bathrooms. It is zoned Traditional Residential-Consistent 1 (TR-C1) District.

Surrounding Land Use and Zoning:

North: Lake Mendota;

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

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

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

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 in the Traditional Residential-Consistent 1 (TR-C1) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	11,994 sq. ft.
Lot Width	50'	60.0'
Front Yard Setback	20'	55'7"
Max. Front Yard Setback	30' or up to 20% greater than block average	55'7"
Side Yard Setback	One-story: 6' Two-story: 7'	7'1" west side 8'5" east side
Lakefront Yard Setback	42.7' 28.138(4)(a)1	43'0"
Usable Open Space	1,000 sq. ft.	Adequate
Maximum Lot Coverage	50%	49%
Maximum Building Height	2 stories/ 35'	2 stories/ <35' (5)

28.138(4)(a) Lakefront Yard Setback. 1. 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)	Attached garage
Number Bike Parking Stalls	Single-family detached dwelling: None	Attached garage
Landscaping and Screening	Inventory of shoreline vegetation	Yes
Building Forms	Yes	Single-family detached building

Table 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 approval to demolish an existing two-story single family residence and construct a new two-story single family residence.

Per data from the Assessor's Office, the 2,101 square-foot structure was built in 1903. The submitted [building condition assessment](#) notes there is foundation settling and roof sway/sagging, and that the photos show plaster cracking and roof structure deformation.

The applicant proposes to construct a two-story, 6,463 square-foot single family residence, which includes a 1,154 square-foot attached garage and 418 square-foot covered porch. The plans appear to show the building will be less than 35 feet in height. Zoning staff have requested additional information in the recommended conditions of approval to confirm the structure will comply with the 2 story/35-foot maximum building height.

Conformance with Adopted Plans

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 row houses. 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](#).

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.

Regarding standard 4, "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 August 15, 2022 meeting, the Landmarks Commission found that the building at 2412 Waunona Way has no known historic value, but it is within a known archaeological and burial site that is historically and culturally significant to our tribal partners. Staff note the site is within the boundary of a known burial site, the Waunona mound grouping (DA-1403, BDA-0609). The applicant is required to obtain a Request-to-Disturb permit from the Wisconsin Historical Society. This is addressed in the recommended conditions of approval at the end of the report.

Lakefront Development Regulations

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. The proposed structure complies with the lakefront yard setback. The landscape plan shows three existing oak trees along the shoreline will be preserved. Staff believes the lakefront development standards are met.

Conditional Use 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.

Per Section 28.138(2)(a) all new principal buildings abutting Lake Monona shall require conditional use approval. 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 data from the Assessor’s Office to estimate principal building size for the homes on the four developed lots to the east and the four developed lots to the west. This calculation includes living areas, enclosed porches, basement areas, and estimated attached garage space. Please note 2410 Waunona Way is currently under construction and calculations are based on approved plans. Using this analysis, Staff found that the principal building sizes of the applicable homes range from approximately 2,640 to 5,973 square-feet. The median size of the homes is 4,228 square-feet. More than half of the houses had detached garages. The heights of the surrounding homes are varied and consist of one to two-and-a-half story structures.

Conclusion

The Planning Division believes that the standards for Demolition Permits and Conditional Uses can be found met.

Recommendation

Planning Division Recommendation (Contact Lisa McNabola, 243-0554)

The Planning Division recommends the following to the Plan Commission regarding the applications for 2412 Waunona Way. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the request to demolish a single family residence at 2412 Waunona Way.
- The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to construct a single-family residence on a lakefront parcel at 2412 Waunona Way.

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

Planning Division (Contact Lisa McNabola, 243-0554)

1. The property at 2412 Waunona Way is located within the boundary of the Waunona mound grouping (DA-1403, BDA-0609). 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/CS15239>. Contact Kim Cook at the Wisconsin Historical Society to secure the Request to Disturb permit. 608-264-6493 \ kimberly.cook@wisconsinhistory.org
2. 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 cataloged 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 very close to those 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.

3. 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 ext. 1121. Email: bill.quackenbush@ho-chunk.com

Zoning (Contact Jenny Kirchgatter, 266-4429)

4. Section 28.185(9) 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) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
5. Show the height of the proposed single-family residence on the elevations. The maximum height is 35'. 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.
6. 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.

Water Utility (Contact Jeff Belshaw, 261-9835)

7. A private well may have served this parcel prior to the municipal water service connection. Any remaining unused/unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR 812 and Madison General Ordinance 13.21 prior to the demolition of the property. Please contact water utility staff at (608) 266-4654 to schedule an on-site private well survey prior to demolition, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs. 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.

8. 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/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. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

City Engineering Division – Mapping Section (Julius Smith, 264-9276)

9. The Sanitary Sewer through this lot has been located by City of Madison Survey Staff on the Dane County Coordinate System Datum. The confirmed sewer location shall be shown on the site plan to confirm its position within the easement. Additional easement area may be required based upon the actual location of the pipe. Contact Julius Smith for the electronic Data of the pipe location. This will also require that proposed project's Site Plan data be actual survey data and on Dane County Coordinates. This may require applicant to have the site located by a Professional Land Surveyor if not already done so.

10. Upon approval of the proposed landscaping patio and walkways lying within the City of Madison Easement for Sanitary Sewer Main per Doc No. 861687, a Consent to Occupy Easement document shall be drafted and recorded by City of Madison Office of Real Estate Services defining responsibilities and requirements in conjunction with the proposed improvements. Coordinate with Julius Smith at jsmith4@cityofmadison.com

A consent to occupy agreement will be required for all lateral paved/paver walkways, patio, and possible walls/boarder around patio shown.

No consent to occupy for walkways crossing the easement will be necessary. Note the City will not be responsible to replace any walkway that may be damaged in the process of exercising the City's easement rights. Any portion of a crossing walkway removed would still not be replaced at the City's expense.

11. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.
12. The proposed firepit should not be located within the limits of the Sanitary Sewer Easement Document No. 0861687. Show this easement's limits on Landscape plan Sheet L100 over the hatching and locate the proposed firepit outside of this easement.

Engineering Division (Tim Troester, 267-1995)

13. 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))
14. 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))

15. 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)
16. The existing sanitary sewer lateral shall be permanently plugged at the time of demolition. A new sanitary lateral location shall be installed that is contained entirely within the limits of this developments own parcel. The contractor/owner/developer is responsible to obtain any permissions/agreements necessary for any work that may be required to accomplish the plugging of the existing lateral that would happen to extend over into the adjacent lot.

Fire Department (William Sullivan, 886-4691)

17. 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>. Obtain a price for a multipurpose sprinkler/domestic plumbing system from the project plumbing contractor, or a standalone sprinkler system from a fire sprinkler contractor.

The following agencies reviewed the request and recommended no conditions of approval: Traffic Engineering Division, Parks Division, Forestry Division, and Metro Transit