



PREPARED FOR THE PLAN COMMISSION

Project Address: 529 Woodward Drive (District 18 – Ald. Kemble)
Application Type: Conditional Use
Legistar File ID # [48971](#)
Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Mark Udvari-Solner; Udvari-Solner Design Co.; 2631 University Ave. #104; Madison, WI 53705

Contact: Ron Callow; Udvari-Solner Design Co.; 2631 University Ave. #104; Madison, WI 53705

Property Owners: Partrick & Heidi Elliot; 529 Woodward Dr.; Madison, WI 53704

Requested Action: The applicant requests approval of a demolition permit and conditional use to allow a single-family residence to be demolished and a new single-family residence and addition to an existing accessory building to be constructed on a lakefront property at 529 Woodward Drive.

Proposal Summary: The applicant proposes to demolish an existing two-story residence and then construct a two-story, 4,110-square-foot single-family residence with an attached garage on lakefront property and replace the existing deck that covers a portion of the existing boathouse with a new deck that covers the entire boathouse.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolition and Removal Permits [M.G.O. §28.185(7)], Conditional Uses [M.G.O. §28.183], and Lakefront Development [M.G.O. §28.138]. 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 demolition and removal, conditional uses, and lakefront development are met and **approve** the demolition and conditional use requests to demolish an existing single-family residence and construct a new single-family home and deck addition to a boathouse in the SR-C1 (Suburban Residential – Consistent 1) zoning district on a lakefront property at **529 Woodward Drive**. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 13,530-square-foot (0.31-acre) subject property is located on the south side of Woodward Drive, near the intersection with Little Fleur Lane. The site is within Aldermanic District 18 (Ald. Kemble) and is within the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site includes the existing 2,360-square-foot, two-story single-family home. The home was constructed in 1938 and has three bedrooms and two full bathrooms. The site also contains a detached two-car garage. Photos of the existing structures have been included in the submission.

Surrounding Land Use and Zoning:

North: Across Woodward Drive are single-family homes, all zoned SR-C1 (Suburban Residential-Consistent 1 District);

South: Lake Mendota;

East: Single-family homes, zoned SR-C1; and

West: Single-family homes, zoned SR-C1, with Mendota Health Institute zone CI (Campus Institutional) beyond.

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) recommends low-density residential development for the subject site and surrounding properties. While the [Northport-Warner Park-Sherman Neighborhood Plan \(2009\)](#) makes no specific recommendations about the subject parcel, it does state that its housing goal is to create “stable, inviting residential areas with preservation of existing single-family, owner-occupied areas and well-kept and rehabilitated housing throughout the Northside.”

Zoning Summary: The property is zoned SR-C1 (Suburban Residential-Consistent 1).

Requirements	Required	Proposed
Lot Area (sq. ft.)	8,000 sq. ft.	13,530 sq. ft.
Lot Width	60'	66'
Front Yard Setback	30'	30'
Side Yard Setback	Two-story: 7'	7'
Lakefront Yard Setback	93.55' Section 28.138(4)(a)1.	93.7'
Lakefront Yard Setback: Accessory Building	3'	8.72'
Usable Open Space	1,300 sq. ft.	Adequate
Maximum Lot Coverage	50%	41.41%
Maximum Building Height	2 stories/35'	2 stories/34'9"
Maximum Building Height: Accessory Building	15'	Less than 15'

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)	Attached garage (13)(14)
Landscaping and screening	Inventory of shoreline vegetation	Yes
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 in a mapped environmental corridor, the abutting shoreline is located within a flood storage district.

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

Project Description

The applicant is seeking demolition and conditional use approvals to allow the demolition of an existing two-story lakefront residence and detached garage in order to construct a two-story, 4,110 square-foot single-family residence, along with replacing the boathouse deck. The new home will be located in the same general area as the existing structure, but the building footprint will extend further east. The existing home was constructed in 1938 and has 2,360 square-feet of living area with three bedrooms and two and a half bathrooms. The property includes an existing detached garaged that would also be demolished. No structural deficiencies of the existing home have been noted in the application.

The proposed building is two-stories above grade with an exposed ground level facing Lake Mendota. The home will also include a finished basement and attached front-facing garage. The proposed structure includes a front loaded garage that sits 28.5 feet in front of the balance of the home. Section 28.031(3) requires that the portion of the façade that contains the garage door must be recessed at least two (2) feet behind the remainder of the façade. 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. The existing boathouse will remain, however the applicant plans to replace the existing deck and extend it to cover the entire top of the structure as part of this conditional use proposal.

The property exhibits considerable slope toward the lake, with an existing elevation of 878 feet at the front property line and dropping to 850.7 feet at the ordinary high water mark. As proposed, the applicant would install two retaining walls in each side yard, as well as erosion control hay bales in the lakeside yard in response to this elevation change. Two large trees would be removed for the construction of the new house – namely a 38” oak and a 24” pine. According to the proposed boathouse site plan, all existing landscaping (including retaining, patio, stairs, fencing shoreline south of sanitary easement) and boathouse foundation would remain as is, ensuring no disturbance within 35 feet of the ordinary high water mark.

No additional landscaping is being proposed at this time.

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 and detached garage would be demolished. In keeping with Section 28.185(7) of the Zoning Code, 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 SR-C1 (Suburban Residential-Consistent 1) Zoning. (A copy of this statement of purpose is provided as Attachment 1). The demolition standards state that the Plan Commission shall consider and may give decisive weight to any relevant facts including impacts on the normal and orderly development of surrounding properties and the reasonableness of efforts to relocate the building. Furthermore, the proposal should be compatible with adopted plans. Finally, the demolition standards state that the Plan Commission shall consider the report of the City’s Historic Preservation Planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission.

Staff believes that the demolition standards can be met with this proposal. 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 [Northport-Warner Park-Sherman Neighborhood Plan \(2009\)](#), adopted to guide redevelopment activities in the neighborhood. While the neighborhood plan does not contain specific

recommendations for lakefront residential areas, it does encourage that existing, owner-occupied, single-family housing be preserved and well-kept. Moreover, the removal of the existing home and garage is not anticipated to have a negative impact on either the normal and orderly development or the improvement of surrounding properties. Lastly, at their October 2, 2017, the Landmarks Commission found that the building itself was not historically, architecturally, or culturally significant.

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. Standard 13 relates exclusively to lakefront development 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 principal building sizes range from approximately 1,858 to 3,397 square-feet. The median size is approximately 2,700 square-feet, compared to roughly 4,110 square-feet for the proposed principal structure (which is 52% **above** the median).

The Zoning Code's definition of bulk also includes the floor area ratio (FAR), which compares the total building floor area (on all floors) to lot area. For example, a FAR of 1.0 indicates that the total building floor area is equal to the lot area. The calculated FAR for the adjacent lots along Woodward Drive range from 0.21 to 0.36. The calculated FAR for the proposed principal structure is 0.37 compared to the 0.29 estimated median for the surrounding homes. In regards to height, the proposed home appears to be under the maximum allowable height of 35 feet, at 34.75 feet when measured from the first floor line. Staff notes that the heights of the surrounding homes are varied, consisting of one to two-story structures.

As noted in the project description, the applicant is requesting that the Plan Commission eliminate the Section 28.031(3) requirement that the portion of the façade that contains the garage door must be recessed at least two (2) feet behind the remainder of the façade. The code allows a reduction or a waiver on lakefront properties where it is found to be infeasible to meet this standard, and such a requirement has been waived in some previous lakefront developments. Additionally, some surrounding lakefront properties include both attached and detached garages that are not recessed behind the balance of the home.

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. In keeping with the Zoning Administrator's findings, Planning Staff believes that the lakefront development standards can be found met.

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

Planning Division Recommendation (Contact Sydney Prusak, 243-0554)

The Planning Division recommends that the Plan Commission find that the standards for demolition and removal, conditional uses, and lakefront development are met and **approve** the demolition and conditional use requests to demolish an existing 2-story house and construct a new single-family residence in the SR-C1 zoning district on a lakefront property at 529 Woodward Drive. 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, 243-0554)

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 catalogued land contiguous to a catalogued 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.

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 Brenda Stanley, 261-9127)

3. This lot appears to take drainage down both side property lines based on remote sensing data available. The applicant proposes both retaining walls and exposures on the side of the property. The retaining walls go right to the property line. The applicant shall provide detailed plans showing how the existing water is to be accommodated and shared on this lot as well as the neighboring lot while allowing the proposed construction.

4. Applicant shall remove all retaining walls/fences located in the ROW

5. 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))

6. 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. 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) Specifically, provide more grade information along both the east & west property lines to ensure positive drainage will occur around the proposed retaining walls without flooding walkouts. Show more grades on the driveway to ensure positive drainage around the house.
7. 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)
8. The Applicant shall obtain a Street Terrace permit to close the existing driveway and for the installation of the new driveway apron required to serve this project. The Applicant shall pay the permit fee as applicable and shall comply with all the conditions of the permit. (MGO 10.08) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>

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

9. The Ordinary High Water Elevation is 850.7. It shall be noted on the site plan and shown if and where it deviates substantially from the water's edge shown on the plan.

Traffic Engineering (Contact Sean Malloy, 266-5987)

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

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

10. 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).
11. 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.
12. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
13. Eliminate the driveway bump-out and back-up area from the required front yard. Per Section 28.141(9)(b)1, within a front yard setback, the driveway must lead only from a street to the nearest garage or to a compliant parking area.
14. Reduce the width of the driveway as measured at the front property line to a maximum of 22' wide. Per Section 28.141(9)(b)1, the maximum driveway width is the width of the garage entrance or parking area, up to a maximum of twenty-two (22) feet.
15. 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.

Fire Department (Contact Bill Sullivan, 261-9658)

16. 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>.
17. 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 or (608)516- 9195.

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

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

Water Utility (Contact Adam Wiederhoeft, 266-9121)

18. 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.
19. Note that water service to this parcel crosses through the neighboring parcel (525 Woodward Drive) and does not appear to exist within an easement.
20. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.

Metro Transit (Contact Tim Sobota, 261-4289)

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



28.033 RESIDENTIAL DISTRICT BUILDING FORMS.

Building Form	SR-C1	SR-C2	SR-C3	SR-V1	SR-V2	TR-C1	TR-C2	TR-C3	TR-C4	TR-V1	TR-V2	TR-U1	TR-U2	TR-R	TR-P
Single-Family Detached Building	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Civic/Institutional Building	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Two-Family, Two-Unit			✓	✓	✓				✓	✓	✓	✓	✓		✓
Two-Family – Twin			✓	✓	✓				✓	✓	✓	✓	✓		✓
Three-Unit Building				✓	✓				✓	✓	✓				
Single-Family Attached				✓	✓						✓	✓	✓		✓
Small Multi-Family Building				✓	✓						✓	✓	✓		✓
Large Multi-family Building					✓						✓	✓	✓		✓
Courtyard Multi-Family Building					✓						✓	✓	✓		✓
Podium Building												✓	✓		✓

(Am. by ORD-14-00028, 2-18-14)

28.034 SUBURBAN RESIDENTIAL - CONSISTENT DISTRICTS.

(1) Statement of Purpose.

The SR-C Districts are established to stabilize and protect the essential characteristics of low- to moderate-density residential areas typically located in the outlying parts of the City, and to promote and encourage a suitable environment for family life while accommodating a full range of life cycle housing. The districts are also intended to:

- (a) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.
- (b) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.
- (c) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.
- (d) Facilitate the preservation, development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.
- (e) In new development, use of the SR-C1 District, in conjunction with other residential districts, should be limited to insuring a mix of housing types, or for reasons related to topography, stormwater management, or other environmental considerations.