



Legistar I.D. #16562
2708 Waunona Way
Demolition Request

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of the demolition of a single-family home and construction of a new single-family home in the R1 (Single-Family Residence) District on a waterfront parcel.

Applicable Regulations & Standards: Section 28.04(19) requires that new principal buildings or additions to buildings on a waterfront parcel must obtain a conditional use permit. Section 28.12(11) provides the guidelines and regulations for the approval of conditional uses. Section 28.12(12) provides the guidelines and regulations for the approval of demolition permits.

Summary Recommendation: The Planning Division recommends that the Plan Commission finds the project meets all applicable demolition, waterfront, and conditional use standards and **approve** the proposed request for residence demolition and new construction on a waterfront lot at 2708 Waunona Way, subject to the recommended conditions and input provided at the public hearing.

Background Information

Applicant/Property Owner: Douglass Henderson; 2921 Richardson; Fitchburg

Project Contact: William J. Flanagan; Holtz Buildings Inc. 2560 East Main St.; Reedsburg

Proposal: The applicant proposes the demolition of an existing 972 square-foot single-family home to construct a new single-family home on a waterfront lot. The applicant intends to initiate demolition after all approvals are obtained and complete construction by summer 2010.

Parcel Location: 2708 Waunona Way is located on the north side of Waunona Way on Lake Monona, just east of Woodley Lane, Aldermanic District 14 (Bruer); Madison Metropolitan School District.

Existing Conditions: The existing 972 square foot, one and a half story home, constructed in 1946, sits on a lot nearly 19,000 sq. ft. (0.4 acres) in size in the R1 (Single-Family Residence) District. The applicant has provided interior and exterior photographs of the structure

Surrounding Land Use and Zoning: The area surrounding the property is zoned R1 (Single-Family Residence District), and consists of single family homes on relatively large lots.

Adopted Land Use Plan: Both the Comprehensive Plan (2006) and the Broadway-Simpson-Waunona Neighborhood Plan (1986) recommend continued Low Density Residential land use for the area.

Environmental Corridor Status: This property is not located within a mapped environmental corridor.

Public Utilities and Services: The property is served by a full range of urban services, including Metro Transit Route 12.

Zoning Summary: The property is in the R1 (Single-family Residence) District

Requirements	Required	Proposed
Lot Area	8,000 sq. ft.	18,920 sq. ft.
Lot width	65'	Adequate
Usable open space	1,300 sq. ft.	Adequate
Front yard	30'	Approximately 31' (see Condition No. 9, page 4)
Side yards	7' each side	9' RS, 12'6" LS (see Condition No. 9, page 4)
Rear yard (Lake side)	Average 5 lots each side	100'
Building height	2 stories / 35'	1 story, less than 35'

Site Design

No. Parking stalls	1	2
Landscaping	Yes	Possible removal of one oak tree within 35' of lake

Other Critical Zoning Items

Urban Design	No
Historic District	No
Landmark Building	No
Flood Plain	Yes (see Condition No. 11, page 4)
Utility Easements	Sewer
Waterfront Development	Yes

Prepared by: Pat Anderson, Asst. Zoning Administrator

Evaluation

The applicant is requesting approval to demolish a 972 square foot single family residence for the construction of a new 3,150 square foot single-family home, subject to standards in the Zoning Ordinance for demolition and conditional use for development on a waterfront lot. The proposal is consistent with recommendations in the Comprehensive Plan and the Broadway-Simpson-Waunona Neighborhood Plan for low-density residential land uses.

Comparison with Original Proposal

The applicant requested previous referrals of this proposal to allow time for further exploration of the site, especially with regard to the impact of high lake levels and site drainage on the plans. While the proposal has not changed drastically, revisions necessitated an update rather than an addendum to the November 2009 staff report. The following notes provide a quick summary comparison to the original proposal:

- The area of the building footprint is essentially the same, at 3,100 square feet.
- Subsequent to soil testing, the height of the basement floor has been raised by approximately 3 feet so as to avoid the 100-year High Water Line.
- The upper level of the house, which had included over 700 square feet of living space, has been eliminated.
- The highest ridge, still located on the eastern portion of the structure, is 1 foot lower.
- The basement is now a walkout basement, with access to an outdoor patio on the north side of the home.
- The garage, originally a 3-car garage taking access from Woodley Lane, has been divided and reoriented so that a 2-car garage takes access from Waunona Way. A lower level garage space on the basement level faces the west side of the home. This serves as additional storage space *without* paved access from Woodley Lane, and is not meant for automobile parking.
- An exterior stairway has been incorporated off of a deck off of the main level on the lake side of the property.
- The tree inventory has been updated by the applicant following consultation with a tree care professional.

Demolition of Existing Home

According to assessor's records, the existing one story structure was built in 1946, and has two bedrooms, one bathroom, an unfinished basement, and a detached 2-car garage behind the home, with access from Woodley Lane from the west. Photos submitted with the application show some deterioration on the exterior and interior walls of the home, but it appears that it is structurally sound. The assessed value of the improvements on the property is 27,300 (6% of the total property value). The

City's Acting Preservation Planner and the Landmarks Commission have reviewed the request with no objections.

Plan Review

The proposed home sits in the center of this irregularly shaped lot, with an attached 2+ car garage taking access from Waunona Way. All required setbacks appear to have been met and exceeded with this proposal. The 100' minimum setback on the waterfront side was determined by taking the average of the five developed sites on either side of the property. Each of these distances was provided on the survey submitted, although zoning staff has requested as a condition of approval a surveyor's verification of these prior to any issuance of demolition or building permits, which is consistent with practice.

The house reads as a one and one-half story ranch from Waunona Way and a two story structure from Lake Monona to the north. The home is well-oriented to the street, with the main entrance and a large front porch as its most prominent features. The attached garage extends toward Waunona Way, but is oriented diagonally, which minimizes its presence as viewed from the street, unlike many attached and detached garages on lakefront properties. The highest ridge on the rooftop is approximately 25 feet above grade as measured from the main entrance facing Waunona Way, and 32 feet above grade on the lake side of the home.

The home has just over 2,200 square feet on the main level, approximately 950 square feet of finished space and 400 feet of unfinished living space in the walkout basement for a total of 3,550 square feet of potential livable area. This is larger than the approximately 2,000 square foot average size of the five homes on either side of this property, but not out of character with recent lakefront development and additions in this part of the City.

Plans show three bedrooms (including one space designated as a "future bedroom"), three full bathrooms, common spaces and storage spaces. The basement level functions as a first floor on the lake side to the north, with access from a large recreation room to an outdoor patio approximately 175 square feet. The basement level also includes an additional "garage-style" storage area with a single overhead door facing Woodley Lane to the west. The applicant has indicated that this space will be used for the storage of recreational equipment and yard maintenance equipment. Thus, it will not require access from a paved surface, and the immediately outside the garage will be grass.

With the exception of the southern elevation facing Waunona Way, the exterior is primarily covered with fiber cement siding. The southern elevation includes stone and EIFS. All materials should be clearly labeled on final plans for staff approval, and staff recommends that the applicant consider using stone, rather than EIFS, along the base of the building on the southern elevation. An approximately 215 square foot deck is proposed on the north side of the home, with an exterior stairway leading down to the grass below.

Landscaping

Following consultation with a tree care professional, the applicant prepared and has included three maps and a letter dated December 23 regarding planned tree removal on the property. As described in the letter and depicted in Figure 1, there are no definite plans for removal of the existing six oak trees or other ground level vegetation within 35' of the shoreline, an area regulated by MGO 28.04(19). However, one of the oaks within this area and the maple on the western side of the property may be removed if deemed necessary after pruning.

Elsewhere on the property as depicted in Figure 2, trees to be removed because they are currently diseased or in poor condition include eight small cedar trees, one small pine, one larger pine, and one oak tree on the eastern side of the property.

At least three healthy trees will be removed due to the placement of the home on the site, and six others surrounding the proposed home may be at risk for future removal if their root systems are

damaged by the new foundation. The applicant indicates intent to replace some of the trees to be removed with newly planted trees, although these are not shown on a submitted landscape plan.

Based on a careful read of the letter and maps, it appears that a total of five large and nine small trees are proposed for removal, and that eight others may be removed in the future if deemed necessary after pruning, or if their health suffers due to the placement of the home.

Staff recommends that the three large trees planned for removal due to the placement of the home are replaced elsewhere on the lot by trees with a similar mature size, and that suitable locations are identified for other replacement trees, should root system damage due to the proposal necessitate removal of other trees in the future. In order to clarify records in the final plan set for staff approval, a single landscape plan should be included which clearly indicates the footprint of the home and surrounding paved surfaces, existing trees, trees to be removed, and the placement of proposed replacement trees.

Public Input

November 11 comments received from the Waunona Neighborhood Association (WNA) indicated overall support for the proposal, with some concerns about drainage, tree removal, and the potential for basement flooding. Staff believes that drainage issues related to the proposal can be sufficiently addressed by the fulfillment of Engineering Condition Nos. 7 and 11. With regard to trees on the lot, staff believes that the requirement that the replacement of trees to be removed due to the placement of the home would be adequate for this residential property (see Condition No. 1). The concern regarding a proposed basement slab lower than occasional lake levels was verified by City Engineering staff, and has been addressed in revised plans which adequately raised the basement floor.

Subsequent comments from the Waunona Neighborhood Association dated November 23 indicate a withdrawal of support for the project in order to seek more input from neighbors. This was based on new concerns raised by residents living across Waunona Way to the south regarding the impact of the proposed home on views of the lake, as well as broader stormwater management challenges. Since then, the height has been very slightly reduced by one foot at its highest point. While this does little to reduce the impact on views when compared to the original proposal, staff believes that it is difficult to utilize the conditional use standards to require the preservation of lake views from property across the street. Importantly, Woodley Lane immediately adjacent to this property provides lasting public access to the lake. While broader stormwater management issues have not been addressed, it is important to note that the paving of Woodley Lane, an issue of concern to some neighbors, is not part of the proposed conditional use.

At the time of this report, revised plans have been forwarded to the WNA Board and neighbors, and the Plan Commission can anticipate further comments from the WNA at or shortly before the January 11 Plan Commission meeting.

Conclusion

The proposed home is large when compared to properties on either side, but sits on a lot larger than most in the area, appears as a one and one-half story home from the street, and is smaller than other homes along Waunona Way. Concerns regarding the cumulative impacts of lakefront development on area stormwater management are valid. Regulations at the municipal and county levels may be changing in the future with regard to limits on development, but at present, staff and the Plan Commission must review the proposal based on current conditional use standards. The proposal meets basic zoning requirements for the R1 District, has a minimal impact on adjacent properties, and unlike many homes in the area, maintains a strong orientation to the street with a large front porch and prominent entrance. There is a strong precedent for approval of similar proposals and others with more significant impacts on immediately neighboring properties.

After careful review, the Planning Division believes that the demolition and conditional use standards can be met with this proposal, and recommends that the Plan Commission **approve** the request subject to input at the public hearing and comments and conditions from reviewing agencies.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the demolition and conditional use standards can be met and **approve** the request subject to input at the public hearing and the following conditions:

Planning Division (Contact Heather Stouder, 266-5874)

1. The applicant shall provide a revised landscape plan and inventory for approval by Planning Division staff. This landscape plan shall include all existing and proposed trees for the entire lot (designating on the plan sheet existing trees, those proposed for removal, and the placement of new trees), and an inventory of any other existing vegetation within 35 feet of the waterline. At a minimum, the landscape plan shall identify the location of replacement trees for the three mature trees proposed for removal due to the placement of the home, and suitable locations for future replacement trees, should others require removal in the future due to damage from proximity to the home. Replacement trees need not be of the same species as those removed, but should have a similar size at maturity.
2. Final plans submitted by the applicant for review by Planning Division staff shall include elevations specifying exterior materials. On the final plans, the replacement of EIFS on the south façade with stone or fiber cement is encouraged.
3. The final demolition plan shall indicate the removal of the existing gravel driveway off of Woodley Lane, and the existing asphalt drive on the east side of the property off of Waunona Way. These areas shall remain covered with grass, groundcover, or other landscaping materials as approved by staff on final plans.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Dailey, 261-9688)

4. Revise the plan to include the location of the existing public sanitary sewer and public easement (per recorded easement document 0861675). Although the site plan appears to identify plenty of setback and separation between the proposed dwelling unit and city record sewer facility locations, the facilities and easements shall be field located and shown on the plan. This will confirm city record locations and also provide assurance that no other proposed site plan amenities (landscaping, accessory buildings, etc.) will encroach upon these facilities.
5. Any damaged pavement shall be restored in accordance with the City's Pavement Patching Criteria.
6. Contact Dean Kahl of City Forestry at dkahl@cityofmadison.com or 266-4816 to coordinate any tree removal or replacement (if necessary) for the proposed drive location on Waunona Way. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry.
7. Applicant shall revise proposed contours on east side of lot to construct a defined swale to convey drainage to lake. Applicant shall provide locations of proposed downspouts.

8. The Applicant shall close all abandoned driveways by restoring the terrace with grass.
9. Value of restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation. The Applicant's project requires the minor restoration of the street. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees.
10. All work in the public right-of-way shall be performed by a City licensed contractor.
11. 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.
12. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
13. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.
14. The site plan shall be revised 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.

NOTE: Permit applications for Nos. 9, 12, and 13 are available on line at:
<http://www.cityofmadison.com/engineering/permits.cfm>

Zoning Administrator (Contact Pat Anderson, 266-5978)

15. Provide surveyors verification pursuant to Section 28.04(19)(b)1. Establishing the existing development pattern, setback from the normal high water mark. For purposes of this section, the existing development pattern shall mean the average setback of the five (5) developed lots to each side of the proposed development. For all zoning lots, the principal, building setback shall be not less than the existing development pattern. Please work with zoning staff to establish said setback, which is measured to the principal building on the lot and includes all decks three feet or more above normal grade and measured to the nearest tenth of a foot. Survey shall be submitted with plans for final signoff, showing an accurate existing development pattern prior to a building permit being issued.
16. Lake front development shall comply with City of Madison General Ordinances Section 28.04(19). The cutting of trees and shrubbery shall be limited in the strip of land 35' inland from the normal waterline. Provide a landscape plan to show landscape elements to be removed and show a detailed plan showing sizes and number of landscape elements to be added to the site. In addition, not more than 30% of the frontage of the lot shall be cleared of trees and shrubbery.

NOTE: Within the waterfront setback requirements, tree and shrub cutting shall be limited to consideration of the effect on water quality, protection, and scenic beauty, erosion control, and reduction of the effluents and nutrients from the shoreland.)

17. Show designated flood plain area on the site plan. Any construction within a flood plain shall meet flood proofing protection measures and such design shall be certified by a registered professional engineer or architect per 28.04(20)(b) of the Madison General Ordinances.
18. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued.
19. Section 28.12(12)(e) of the Madison Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.

Water Utility (Contact Dennis Cawley, 261-9243)

20. Although not required, the property owner may wish to consider increasing the size of the existing $\frac{3}{4}$ " water service lateral.
21. This property is not in a Wellhead Protection District. The Madison Water Utility shall be notified to remove the water meter prior to demolition. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Traffic Engineering Division (Contact John Leach, 267-8755)

This agency did not submit a response for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.

Fire Department (Contact Scott Strassburg, 261-9843)

This agency did not submit a response for this request.