

PLANNING DIVISION STAFF REPORT

August 8, 2022

PREPARED FOR THE PLAN COMMISSION



Project Address: 5158 Spring Court (District 19 – Alder Furman)
Application Type: Conditional Use
Legistar File ID #: [70928](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant & Property Owner: Alex Stoick; 5158 Spring Court; Madison, WI 53705

Contact: Octavio Galvez; 5075 Rocky Lane; Loves Park, IL 61111

Requested Action: Consideration of a conditional use to construct an accessory building on a lakefront parcel at 5158 Spring Court.

Proposal Summary: The applicant proposes to construct an accessory building – a 484-square-foot (22-foot by 22-foot), one-story, two-car garage – near the site’s southeast property line (near Spring Court).

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] and Lakefront Development [MGO §28.138]. MGO §28.138(2)(a) states that any accessory buildings on zoning lots abutting Lake Mendota shall require conditional use approval.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the conditional use request to construct an accessory building on a lakefront parcel at 5158 Spring Court. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The subject property is located on the northwest side of Spring Court, near the intersection with Lake Mendota Drive. The site is located within Alder District 19 (Ald. Furman) and within the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject property is a 5,240-square-foot (0.12-acre) lakefront lot. According to City Assessor’s Office records, the lot contains a two-story, 1,680-square-foot, single-family home which was constructed in 1925. The parcel is zoned Traditional Residential – Consistent 2 (TR-C2).

Surrounding Land Use and Zoning:

Northeast: Lake fronting single-Family homes, zoned Traditional Residential – Consistent 2 (TR-C2);

Northwest: Lake Mendota;

Southeast: Across Spring Court are single-family homes, zoned TR-C2; and

Southwest: Lake fronting single-family homes, zoned TR-C2.

Adopted Land Use Plan: The [2018 Comprehensive Plan](#) recommends Low Residential (LR) uses for the subject site. While the [Spring Harbor Neighborhood Plan](#) (2006) does not provide specific recommendations with regards to the subject site, it states, as one of its land use goals, “*The residential character of the neighborhood should be enhanced and preserved.*”

Zoning Summary: The property is zoned Traditional Residential – Consistent 2 (TR-C2)

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,000	5,243
Lot Width	40 ft	35 ft (Existing)
Front Yard Setback	20 ft	14.3 ft (a)
Side Yard Setback	6 ft	3.6 ft, 8.2 ft
Lakefront Yard Setback	Existing	Sufficient
Usable Open Space	750 sq ft	Sufficient
Maximum Lot Coverage	65%	Sufficient
Maximum Building Height	15 ft (mean roof height)	12 ft

a) A six-foot zoning variance was obtained on July 21, 2022 from the Zoning Board of Appeals

Other Critical Zoning Items	Utility Easements; Floodplain; Wellhead Protection District
------------------------------------	---

Tables prepared by Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor, though portions of the property adjacent to the lake are within the Flood Storage District. The proposed accessory building is on the street-side of the site, well away from the Flood Storage District.

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

Related Approvals

On July 21, 2022, the Zoning Board of Appeals approved the applicant’s request for a variance from M.G.O. 28.043(2) which, for buildings in the Traditional Residential – Consistent 2 (TR-C2) District, sets the front yard setback at 20 feet. The Zoning Board of Appeals approved a 14-foot front yard setback, allowing for a six-foot variance. (Legistar File [72375](#))

Project Description, Analysis, and Conclusion

The applicant requests consideration of a request for a conditional use in order to add an accessory building on a zoning lot abutting Lake Mendota at 5158 Spring Court. 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. Please note, recent changes to 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 applicant proposes to construct a 484-square-foot (22-foot by 22-foot) one-story, two-car garage near the site’s southeast property line. The exterior of the structure will be clad in lap siding to match the adjacent residence.

The garage will be set back 14.3 feet from the southeast (i.e. Spring Court) property line. While a building setback of 20 feet is required for front yards in the Traditional Residential – Consistent 2 (TR-C2) Zoning District, the applicant received approval from the Zoning Board of Appeals for a 14-foot front yard setback (allowing for a six-foot variance) at their meeting on July 21, 2022. Therefore, the proposal is consistent with the TR-C2 District's dimensional requirements in the Zoning Code.

Staff believes the applicable conditional use standards can be found met. Staff does not have concerns with the addition of the 484-square-foot garage as staff do not anticipate it will negatively impact surrounding properties. Staff note that the garage, being set back roughly 14 feet from the southeast property line, brings it roughly in line with the similarly-sized garage on the adjacent site, to the northeast. At the time of report writing, staff was not aware of any neighborhood concerns on this proposal.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the conditional use request to construct an accessory building on a lakefront parcel at 5158 Spring Court. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division (Contact Chris Wells, (608) 261-9135)

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 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.

2. 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

City Engineering Division - Mapping (Contact Julius Smith, (608) 264-9276)

3. Provided a proposed site plan, this shall include all lot/ownership lines, existing building locations, the proposed building locations, demolitions, driveways, and sidewalks. The old plot plan for the previous work on the parcel does not show the location for the proposed, larger garage. Additionally two surveys of record were found for this parcel on file with the Dane County Land Records office specifically showing the location of the existing garage encroaching the public right-of-way by 2 feet. These are records Survey 4-25183 and Survey 79 02 139. Please provide the location of the proposed garage and ensure it will be located outside of the public right-of- way. It would be advised to consult a Wisconsin Professional Land Surveyor for assistance in determining the location of the right-of-way for the planning and construction of your project.

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

4. The building shall be a minimum of 3-ft from the adjacent property line or otherwise fire rated per the applicable building code.

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