

PLANNING DIVISION STAFF REPORT

July 10, 2023



PREPARED FOR THE PLAN COMMISSION

Project Address: 5106 Spring Court (19th District, Ald. Slack)
Application Type: Conditional Use
Legistar File ID # [77935](#)
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: Twesme Trust; 5106 Sprint Court, Madison, WI 53705

Applicant & Contact: Catherine Sullivan and James Twesme; 5106 Sprint Court, Madison, WI 53705

Requested Action: Consideration of a conditional use to construct an accessory building on a lakefront parcel at 5106 Spring Court.

Proposal Summary: The applicant is seeking approval to construct a two-story accessory building on a lakefront parcel. The proposed accessory building consists of a garage with an Accessory Dwelling Unit (ADU). While an ADU is a permitted use, all new accessory buildings on lakefront properties require Conditional Use consideration.

Applicable Regulations & Standards: Standards for conditional use approvals are found in §28.183(6) M.G.O. General Regulations for lakefront development are found in §28.138 M.G.O. Supplemental Regulations for Accessory Dwelling Units (ADUs) are found in §28.151 M.G.O.

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 request to construct an accessory building on a lakefront parcel at 5106 Spring Court. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 7,876 square-foot (.18-acre) parcel is located on Spring Court between Minocqua Crescent and its terminus at Merrill Springs Park and a platted extension of Risser Road. It is located within Alder District 19 and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is occupied by a one-story, approximately 2,536 square-foot single family residence with a detached garage which appears to abut the residence. Per records from the Building Inspection Division the structure was built in 1980 and remodeled in 2002. It is zoned Traditional Residential-Consistent 2 (TR-C2) District.

Surrounding Land Use and Zoning:

North: Lake Mendota;

East: Merrill Springs Park; single family residences, zoned Traditional Residential-Consistent 2 (TR-C2) District and Traditional Residential-Consistent 1 (TR-C1) District;

South: Across Spring Court, single family residences, zoned TR-C2 District; and

West: Single family residences, zoned TR-C2 District.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) for the subject site. The [Spring Harbor Neighborhood Plan](#) (2006) does not include specific land use recommendations for the subject site.

Zoning Summary: The property is in the Traditional Residential-Consistent 2 (TR-C2) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,000 sq. ft.	7,876.5 sq. ft.
Lot Width	40'	44.0'
Front Yard Setback	20'	20'0"
Side Yard Setback	One-story: 5' Two-story: 6' Lot width < 50': 10% lot width	9'4" east side 6'1 1/2" west side
Rear Yard Setback: Accessory Building	3' from OHWM	Adequate
Usable Open Space	750 sq. ft.	Adequate
Maximum Lot Coverage	65%	<65% (15)
Maximum Building Height: Accessory ADU	25'	<25' (16)

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only) Accessory dwelling unit: None	Detached garage
Number Bike Parking Stalls	Single-family detached dwelling: None Accessory dwelling unit: None	Detached garage
Building Form and Design	None	Accessory 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 construct a 1,792 square-foot, two-story accessory building on a lakefront parcel. The new accessory structure is proposed to be located on the street-side of the subject property, after the removal of the existing one-story detached garage.

The overall building height is 24 ft. 7 in. measured to the top of the roof. The accessory building consists of a garage and an Accessory Dwelling Unit (ADU). An ADU is a permitted use in the Traditional Residential-Consistent 2 (TR-C2) District. The dwelling unit itself would be 896 square feet in area.

At their June 26th, 2023 meeting the Plan Commission referred the application at the request of the applicant to allow the applicant to address comments from the Engineering Division. Per the Engineering Division the existing house and garage were located in a sanitary sewer easement. New foundations are not permitted within the sanitary sewer easement unless improvements are made to the sanitary sewer. The applicant submitted [revised plans](#) dated June 27, 2023. The accessory building was shifted seven feet towards Spring Court and is not located in the sanitary sewer easement. Staff believes that the revised plans address this comment from Engineering.

Previous Approvals

In 1980 a variance was approved to reduce the lakefront setback. A conditional use was approved in the same year for a lakefront residence.

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. ADUs are allowed on single-family lots in both existing and newly developing LR areas, subject to zoning regulations and approvals. The [Spring Harbor Neighborhood Plan](#) (2006) does not contain specific recommendations for lakefront residential areas, it does encourage that new and redeveloped homes be of a height and scale that is relative to the neighborhood and is sensitive to its natural character. In considering the adopted plan recommendations, the Planning Division believes that the proposed use is consistent with the [Comprehensive Plan](#).

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. 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) accessory buildings on zoning lots abutting Lake Mendota 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 this standard specifically speaks to principal structures, staff notes that the heights of the surrounding homes are varied with half of the homes at two stories. As a further estimate of total bulk of the surrounding principal structures, staff utilized data from the Assessor's Office to estimate principal building size for the homes on the five developed lots to the east and the five developed lots to the west. This calculation includes living areas, enclosed porches, basement areas, and estimated attached garage space. Using this analysis, staff found that the principal building sizes of the applicable homes range from approximately 1,624 to 5,441 square feet. The median size of the homes is 2,853 square feet.

Related to other standards, staff notes that the prevailing development pattern include garages located towards Spring Court, with the residence behind. The majority of these homes have detached garages. Using aerial imagery to estimate the size of the detached garages and accessory buildings, staff found that the sizes range from 300 feet to 930 feet. The median size of the garages is 642.50 square feet. Along the street frontage, the width of these structures generally range from approximately 20-34 feet. The current structure is 28 feet in width. While the height complies with zoning standards for accessory and principal buildings, staff acknowledge that this is the first two story accessory building with ADU proposed in this study area. The structure is also placed in-line with the residence and maintains side yard setback of just over eight feet.

Supplemental Regulations

With the conditions of approval staff believes the Supplemental Regulations for Accessory Dwelling Units are met.

Public Input

At the time of report writing, staff has received comments from neighboring property owners both in support and opposition to this request. This information is available on Legistar.

Conclusion

While the proposed structure is taller than other accessory buildings in the immediate area, it is within the range of widths for similarly placed structures and complies with zoning standards for height and bulk. Planning Division believes that the approval standards for Conditional Uses can be found met.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and approve the request to construct an accessory building on a lakefront parcel at 5106 Spring Court. All recommendations are 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

Engineering Division (Tim Troester, 267-1995)

1. There is an existing Public sanitary sewer located below the building being demolished and replaced with an Accessory Dwelling Unit. Applicant shall revise plan show the surveyed location the sewer and the sanitary sewer easement.
2. Applicant shall provide survey of sewer located in Spring Court (RIM/Invert elevation, horizontal location) to confirm whether property can be provided sanitary sewer service off of Spring Court. Due to the City sewer being located below homes, the City intends to build a new sewer in Spring Court and require all property owners to relocate laterals to connect to the City sewer in Spring Ct. The City cannot repair a sewer located below a home. If sewer in Spring Court will work, it is recommended (not required) to connect to that sanitary sewer located in Spring Court or set up the property for future connection to Spring Court. The lateral will otherwise be rerouted in the future with the City offering partially reimburse for the sewer lateral rerouting work (plumbing conversion policy reimburses up to \$14,125(2023 rate))

3. No proposed foundation work will be permitted within the sanitary sewer easement without making improvements to the City sewer in the easement with a developer agreement with the City.
4. Applicant may build 10' tall bridge (walkway over limits of the easement between ADU and house) or Build detached ADU building.
5. If applicant determines that foundation for ADU garage needs to occupy the easement, if lateral to Spring Court by gravity is feasible, installation of lateral connecting to the sewer in Spring Court will be required and applicant will be required to enter into a developer agreement to replace the sewer below the foundation inside of a steel casing pipe.
6. If applicant determines that foundation for ADU garage needs to occupy the easement and if lateral to Spring Court by gravity is not feasible, applicant will be required to enter into a developer agreement to replace the sewer below the foundation with a AWWA C900 sewer pipe. It is also recommended to install a future lateral up to the property line if applicant does not want reroute lateral in the future when the City builds sewer lower in Spring Court.

7. If lateral is rerouted to Spring Court, applicant shall 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))
8. 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)

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

9. The applicant shall have a property survey by a Professional Surveyor completed to accurately locate show the boundary and easements relative to the existing and proposed site improvements.

10. Identify on the plans the lot and block numbers of recorded Plat.
11. The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, driveways, sidewalks and proposed utility locations (sewer and water connections for the ADU) and landscaping.
12. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.
13. Due limited availability of addressing numbers, the address of the ADU is 5106 Spring Ct # 2. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

Zoning (Jenny Kirchgatter, 266-4429)

14. Provide a calculation for lot coverage with the final submittal. The lot coverage maximum is 65%. 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.
15. Show the height of the proposed detached garage and accessory dwelling unit on the elevations. The maximum height is 25 feet. 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.
16. The Accessory Dwelling Unit shall comply with the supplemental regulations Section 28.151. The property owner shall execute a restrictive covenant providing that the principal dwelling or the accessory dwelling unit must be owner-occupied, except that a temporary absence of up to six (6) months is allowed. The form of the restrictive covenant shall be approved by the Zoning Administrator and shall be recorded with the Dane County Register of Deeds.
17. 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 (William Sullivan, 886-4691)

18. 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>

Parks Division (Ann Friewald, 243-2848)

19. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the Park-Infrastructure Impact Fee district. Please reference ID# 23021 when contacting Parks about this project.

Water Utility (Jeff Belshaw, 261-9835)

20. The proposed development shall be connected to the existing water supply system downstream of the existing water meter, otherwise connected with a new lateral off the public water system. If extending existing water supply plumbing, provide Madison Water Utility with the total water supply fixture Unit count for both the existing structure and proposed development to determine if the existing water meter can accommodate total water supply requirements. Update plan to indicate which option will be used to supply the proposed development with water service. Contact Jeff Belshaw at Jbelshaw@madisonwater.org or 608-261-9835 for verification, otherwise a Water Service Application and a Water Meter Application will be required for a new lateral connection.
21. 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.

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