

# PLANNING DIVISION STAFF REPORT

November 7, 2022



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 5122 Spring Court (19<sup>th</sup> Aldermanic District)  
**Application Type:** Demolition Permit. Conditional Use  
**Legistar File ID #** [74295](#) & [74048](#)  
**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 & Applicant:** Lisa Andrews and Eric Gaumnitz; 2246 Hollister Avenue, Madison, WI 53726

**Requested Action:** Consideration of a demolition permit to demolish a street-facing wall of a single family residence, and consideration of a conditional use to construct an addition to a single-family residence on a lakefront parcel at 5122 Spring Court.

**Proposal Summary:** The applicant is seeking approval to demolish a street-facing wall of a single family residence to construct an approximately 900 square-foot addition.

**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.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends the following to the Plan Commission regarding the applications for 5122 Spring Court. 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 street-facing wall of a single family residence at 5122 Spring Court Road.
- The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to construct an addition to a single-family residence on a lakefront parcel at 5122 Spring Court.

## Background Information

**Parcel Location:** The 11,235 square-foot (.25-acre) parcel is located on Spring Court. 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, single family residence built in 1956. It is zoned Traditional Residential-Consistent 2 (TR-C2) District.

**Surrounding Land Use and Zoning:**

North: Lake Mendota;

East: Single family residence, zoned Traditional Residential-Consistent 2 (TR-C2) District;

South: Single family residence, zoned TR-C2 District; and

West: Spring Harbor.

**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.	11,235 sq. ft.
Lot Width	40'	>40'
Front Yard Setback	20'	35'10"
Max. Front Yard Setback	30' or up to 20% greater than block average	35'10"
Side Yard Setback	One-story: 5' Two-story: 6'	6'2" east side 6'2" south side
Lakefront Yard Setback	46.35' Section 28.138(4)(a)3.	33'6" (1)
Usable Open Space	750 sq. ft.	Adequate
Maximum Lot Coverage	65%	<65% (3)
Maximum Lot Coverage: Lakefront yard	20% within 35' of OHWM	<20% (4)
Maximum Building Height	2 stories/ 35'	1 story

*Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator*

Section 28.138(4)(a)3. The median setback of the principal building on the five (5) developed lots or three hundred (300) feet on either side (whichever is less), or thirty percent (30%) of lot depth, whichever number is greater.

**Environmental Corridor Status:** The site is not within a mapped environmental corridor.

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

## Project Description, Analysis, and Conclusion

The owner applicant is requesting approval to demolish an attached garage and street-facing wall to construct an approximately 900 square-foot addition.

### Conformance with Adopted Plans

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.

### Variance Approval

Per the Zoning Ordinance the required lakefront yard setback is 46.35 feet. The applicant is proposing a 33.5-foot setback. The proposed addition does not comply with the lakefront yard setback requirement in the Zoning Ordinance, therefore approval of a Variance is required (ID [74186](#)). At its October 20, 2022 meeting, the Zoning Board of Appeals found the variance standards met and approved the lakefront yard setback variance.

## 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.

The Planning Division believes that the standards for Demolition Permits can be met, but provides the following comments 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 5122 Spring Court has no known historic value.

## 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 5122 Spring Court. 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 street-facing wall of a single family residence at 5122 Spring Court Road.
- The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to construct an addition to a single-family residence on a lakefront parcel at 5122 Spring Court.

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

### Zoning (Contact Jenny Kirchgatter, 266-4429)

1. The Zoning Board of Appeals, at its meeting of October 20, 2022, approved the request for a lakefront yard setback variance to construct a one-story addition onto the existing one-story single family house.

2. 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](mailto: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.

3. 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.
4. Provide a calculation for lot coverage within thirty-five (35) feet of the Ordinary High Water Mark. Lot coverage within 35 feet of the Ordinary High Water Mark shall not exceed twenty percent (20%).

**Engineering Division** (Tim Troester, 267-1995)

5. The plan set shall be revised to show the FEMA floodplain boundary on it.

**Fire Department** (William Sullivan, 886-4691)

6. Due to the limited access, 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>

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

7. The ordinary high water mark noted on the plans would be to the NAVD 88 Datum 1991 adjustment. This needs to be clarified on the plans, the reference benchmark noted and a site benchmark noted and shown on the site plan.

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